

# **GENERAL CONSTITUTIONS**

## **OF THE SECULAR FRANCISCAN ORDER**



# CONGREGATION FOR THE INSTITUTES OF CONSECRATED LIFE AND SOCIETIES OF APOSTOLIC LIFE

Prot. N. T. 144-1/2000

## DECREE

The Conference of General Ministers of the Franciscan First Order and Third Order Regular has presented to the Apostolic See for approval, the text of the Constitution of the Secular Franciscan Order, previously approved by the General Chapter of the same Secular Franciscan Order, held in the month of October 1999.

After careful examination of the above-mentioned text of the Constitutions, the Congregation for the Institutes of Consecrated Life and Societies of Apostolic Life, by this present Decree approves and confirms the text, according to the copy written in Italian, conserved in its Archives, all requirements of law being observed.

Anything to the contrary notwithstanding.

From the Vatican, December 8, 2000,  
Solemnity of the Immaculate Conception of the Blessed Virgin Mary.

## **Eduardo Card. Martínez Somalo** Prefect

**† Piergiorgio Silvano Nesti, C.P.**  
Secretary



## LETTER OF THE CONFERENCE OF GENERAL MINISTERS OF THE FIRST ORDER AND THE TOR

Rome, January 1, 2001  
Feast of Mary, Mother of God

Dear Sister Emanuela,  
The Lord give you peace!

The Congregation for the Institutes of Consecrated Life and Societies of Apostolic Life has on December 8, 2000, issued the Decree (Prot. N. T. 144-1/2000) of approval of the General Constitutions of the Secular Franciscan Order, as revised by the General Chapter of the OFS at Madrid in October 1999 and subsequently submitted by the President of the Conference of the General Ministers of the First Order and the TOR.

Now, also in the name of the other General Ministers, I am entrusting the approved text of the Constitutions to You, to all the brothers and sisters of the OFS. The common vocation of the whole Franciscan family, from its very beginning in the powerful spiritual experience of Francis and Clare, is “to live according to the form of the Holy Gospel”. The Constitutions prove to be an ever more important resource to embody this one vocation in the rich variety of its many expressions, wherever and whenever the Lord sends us. They are not just “one more document” nor the final stage of a journey, but an essential, dynamic tool to help us define our identity and step by step to structure our life and vocation as Franciscans. The work of reflection and revision by so many brothers and sisters all over the world and the approval by Holy Mother Church, commit us to make these Constitutions the standard around which we build our lives in accord with the gospel.

In the name of the Church and of the General Ministers, I express the wish to all Secular Franciscans: that you may be convincing witnesses of that gospel fire which burned so brightly in the lives of Francis and Clare of Assisi and made them models of a life of total self-giving and of complete fulfilment.

Your brother,

**Fr. Giacomo Bini, OFM**  
President of the Conference of General Ministers  
of the First Order and the TOR



# PROMULGATION OF THE GENERAL CONSTITUTIONS



Circ. 21/96-02

Rome, 6<sup>th</sup> February 2001

To the National Councils of the OFS  
To the International Councillors of the OFS

*Subject:* Promulgation of the amended General Constitutions approved by the Decree of the Congregation for ICLSAL of the 8<sup>th</sup> December 2000

Dear brothers and sisters,

The General Constitutions of the Secular Franciscan Order, intended to apply the renewed Rule of 1978, were approved by the Congregation for the Institutes of Consecrated Life and Societies of Apostolic Life through the Decree of 8th September 1990 for a six-year trial period. Before the end of this period, the Presidency of the International Council of the OFS, through the Conference of General Ministers and TOR, asked for the trial period to be extended, taking into account the time necessary to translate the Constitutions into the other official languages of the International Fraternity and, then, into the languages of each country. The Congregation granted a three-year extension.

During this period of time, the Constitutions have been studied and put into practice by OFS Fraternities at all levels and, little by little, have marked them with the characteristics of the Secularity, unity and autonomy of our Order. It has not all been easy and some aspects have still to be assimilated fully so that, at the dawn of the third Millennium, "the OFS should truly become a front-line force in the Church and in the world to build a more human and Christian society" as Cardinal Hamer, Prefect of the Congregation for ICLSAL, anticipated in 1990.

What emerged from the trial period was the substantial validity of the General Constitution of 1990, and only some aspects required revision. The necessary work was begun by the Presidency and developed through extensive consultation involving all the Fraternities and International Councillors as well as the Presidency and some experts belonging to the OFS or assigned by the Franciscan General Ministers.

In the General Chapter of Madrid (23-31<sup>st</sup> October 1999), a text was presented which brought together the suggestions and proposals received and also made alternative proposals when it was impossible to agree on a single formulation from among those put forward by the National Fraternities. The text presented to the Chapter was inspired by the following criteria:



- Observance of common law and the law proper to the OFS
- Due regard for the text already approved
- Flexibility of governance
- Adaptability in terms of culture and language.

The General Chapter carefully examined the text in depth, and took into account the oral and written interventions made during the Chapter sessions.

The results of the discussions and the votes, cast on each of the amendments, was presented on 21<sup>st</sup> December 1999 to the Conference of the Franciscan General Ministers who, after it had been further reviewed by canonists of the four Curias, forwarded the text to the Congregation for ICLSAL for approval. The Congregation approved the text by the Decree dated 8<sup>th</sup> December 2000, the Feast of the Immaculate Conception of the Blessed Virgin Mary.

And now, brothers and sisters of the OFS, on the 6<sup>th</sup> of February 2001, the approved General Constitutions were approved and consequently will have to be observed from 6th March 2001. It is up to each of us to make sure that they become spirit and life, a tool by which our Order will grow and be strengthened so that it casts out into the deep and goes forward with hope according to the exhortation given by the Holy Father to all Christians with the Apostolic Letter “*Novo millennio inuente*” at the end of the great Jubilee of 2000. We, Secular Franciscans, are also called to be witnesses of Christ, in other words martyrs, in the original sense of the word, in the new millennium.

It is not by chance that we chose 6<sup>th</sup> February as the date on which to promulgate the amended General Constitutions. On this date we commemorate the Proto-Martyrs of Japan, witnesses *par excellence*: 17 Franciscan Tertiaries crucified in Nagasaki, along with Peter Baptist, Paul Miki and their other companions. We know very little about these distant brothers of ours, apart from their unwavering will to remain firm in faith, to continue witnessing to the gospel by their very lives, whatever the cost.

During the past century there have also been Secular Franciscans who have manifested fidelity to baptism and resistance to evil, even to the point of sacrificing their lives. We remember our brother Ceferino Giménez Malla, victim of the religious persecution during the Spanish Civil War (1936-9), who was beatified on 4<sup>th</sup> May 1997. We remember the servant of God Frantisek Nosek, a politician from Bohemia and a Secular Franciscan. We also remember Juvénal Kabera, minister of the OFS Fraternity in Kigali who was murdered during the massacres of the tribal war in Rwanda. These are only some examples but above all for them the recent words of the Holy Father remain true: “It has been thanks especially to the courageous witness of lay faithful, often to the point of martyrdom that the faith was not wiped out from the lives of entire peoples”.

We may not be asked to give witness by shedding our blood, but we will certainly be asked to give witness by being consistent and steadfast in fulfilling our baptismal promises, renewed and affirmed through profession in the OFS. By virtue of our Profession, the Rule and its application as found in the General Constitutions must represent for each of us a point of reference in our daily lives, beginning with our specific **calling** and our clear **identity**. On this foundation, we must build our lives anew and find a life plan (Franciscan radicalism, based on the gospel) and a place of ecclesial communion (the Fraternity) in which it should be possible for us to “learn the purpose and the way in which they are to live, love and suffer” (GC, art. 10).



This is the hope with which the Presidency of the International Council of the OFS, having received the approved General Constitutions, sends them out to the whole Order so that, like the Rule, they may be studied, loved and lived.

*Emanuela De Nunzio*

**Emanuela De Nunzio**  
Minister General of the OFS



## Chapter I\* SECULAR FRANCISCAN ORDER (OFS)

### Article 1

1. All the faithful are called to holiness and have a right to follow their own spiritual way in communion with the Church<sup>1</sup>.
2. *Rule 1.* There are many spiritual families in the Church with different charisms. Among these families, the Franciscan Family, which in its various branches recognises St. Francis of Assisi as its father, inspiration, and model, must be included.
3. *Rule 2.* From the beginning, the Secular Franciscan Order<sup>2</sup> has had its own proper place in the Franciscan Family. It is formed by the organic union of all the Catholic fraternities whose members, moved by the Holy Spirit, commit themselves through profession to live the Gospel in the manner of St. Francis, in their secular state, following the Rule approved by the Church<sup>3</sup>.
4. The Holy See has entrusted the pastoral care and spiritual assistance of the OFS, because it belongs to the same spiritual family, to the Franciscan First Order<sup>i</sup> and Third Order Regular (TOR). These are the “Institutes” who are responsible for the *altius moderamen*, referred to by Canon 303 of the Code of Canon Law<sup>4</sup>.
5. The OFS is a public association<sup>5</sup> in the Church. It is divided into fraternities at various levels: local, regional, national, and international. Each one has its own juridical personality<sup>ii</sup> within the Church.

### Article 2

1. The vocation to the OFS is a specific vocation that gives form to the life and apostolic activity of its members. Therefore, those who are bound by a perpetual commitment to another religious family or institute of consecrated life cannot belong to the OFS.
2. The OFS is open to the faithful of every state of life. The following may belong to it:
  - the laity (men and women);
  - the secular clergy (deacons, priests, bishops).

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\* This revised 2020 translation of the General Constitutions is recommended to all members of the Secular Franciscan Order. Footnotes maintain integrity with the original version but, where these provide reference to Franciscan Sources, the translators have added abbreviations with page references, that are used in the most recent English revision of the sources, *Francis of Assisi: Early Documents*. In addition, the Omnibus page references have been provided. This will enable the reader to locate the source. The endnotes are highly recommended for clarity and better comprehension, and because they take into account variations in commonly used OFS terms by different countries.

<sup>1</sup> See Can. 210; 214; *Lumen Gentium* 40.

<sup>2</sup> It is also called “Secular Franciscan Fraternity”, or “Franciscan Third Order” (TOF). See *Rule 2*, footnote 5. Canon 303 of the CCL defines third orders: “Associations whose members live in the world, but share in the spirit of some religious institute, under the overall direction (*altius moderamen*) of the same institute, and who lead an apostolic life and strive for Christian perfection, are known as third orders, or are called by some other suitable title.”

<sup>3</sup> After the Rules approved by Pope Nicholas IV in 1289 and by Pope Leo XIII in 1883, the present Rule was approved by Pope Paul VI, June 24, 1978.

<sup>4</sup> See General Constitutions OFS 85:2. When the Constitutions are cited without any other specification, the reference is to the present text.

<sup>5</sup> See Can. 116; 301:3; 312; 313.



### Article 3

1. The secular state characterises the spirituality and the apostolic life of those belonging to the OFS.
2. Their secularity, with respect to vocation and to apostolic life, expresses itself according to the respective state, that is:
  - for the laity, contributing to building up the Kingdom of God by their presence in their life-situations and in their temporal activities<sup>6</sup>;
  - for the secular clergy, by offering to the People of God the service which is properly theirs, in communion with the bishop and the clergy<sup>7</sup>.

Both are inspired by the gospel options of Saint Francis of Assisi, committing themselves to continue his mission with the other branches of the Franciscan Family.

3. The vocation to the OFS is a vocation to live the Gospel in fraternal communion. For this purpose, the members of the OFS gather in ecclesial communities which are called fraternities.

### Article 4

1. The OFS is governed by the universal law of the Church, and by its own: Rule, Constitutions, Ritual, and particular Statutes.<sup>iii</sup>
2. The Rule establishes the nature, purpose, and spirit of the OFS.
3. *Rule 3.* The Constitutions have as their purpose:
  - to apply the Rule;
  - to indicate concretely the conditions for belonging to the OFS, its government, the organisation of life in fraternity, and its seat<sup>8</sup>.<sup>iv</sup>

### Article 5

1. *Rule 3.* The authentic interpretation of the Rule and of the Constitutions belongs to the Holy See.
2. The practical interpretation of the Constitutions, with the purpose of harmonising its application in different areas and at the various levels of the Order, belongs to the General Chapter of the OFS.
3. The clarification of specific points which require a timely decision is the competence<sup>v</sup> of the Presidency of CIOFS. Such a clarification is valid until the next General Chapter.

### Article 6

1. The International Fraternity of the OFS has its own Statutes approved by the General Chapter.
2. National Fraternities have their own Statutes approved by the Presidency of CIOFS.
3. The regional and the local Fraternities may have their own Statutes approved by the Council of the higher level.

### Article 7

All regulations not in accordance with the present Constitutions are abrogated.

<sup>6</sup> See Can. 225, and the Discourse of Pope John Paul II to the OFS, September 27, 1982 in *L’Osservatore Romano*, September 28, 1982.

<sup>7</sup> See Can. 275 ff, *Presbyterorum ordinis* 12; 14; 15 ff.

<sup>8</sup> See Can. 304.



## Chapter II

### FORM OF LIFE AND APOSTOLIC ACTIVITY

#### Title I

##### THE WAY OF LIFE

###### Article 8

1. Secular Franciscans commit themselves by their profession to live the Gospel according to Franciscan spirituality in their secular condition.
2. They seek to deepen, in the light of faith, the values and choices of the evangelical life according to the Rule of the OFS:
  - *Rule 7.* in a continually renewed journey of conversion and of formation;
  - *Rule 4.* open to the challenges that come from society and from the Church's life situation, "going from Gospel to life and from life to Gospel";
  - in the personal and communal dimensions of this journey.

###### Article 9

1. *Rule 5.* The spirituality of the Secular Franciscan is a plan of life centred on the person and on the following of Christ<sup>9</sup>, rather than a detailed programme to be put into practice.
2. *Rule 4.* The Secular Franciscan, committed to following the example and the teachings of Christ, must personally and assiduously study the Gospel and Sacred Scripture. The fraternity and those responsible for it should foster love for the word of the Gospel and help the brothers and sisters to know and understand it as it is proclaimed by the Church with the assistance of the Spirit<sup>10</sup>.

###### Article 10

*Rule 10.* "Christ, poor and crucified", victor over death and risen, the greatest manifestation of the love of God for humanity, is the "book" in which the brothers and sisters, in imitation of Francis, learn the purpose and the way of living, loving, and suffering. They discover in Him the value of contradictions for the sake of justice and the meaning of the difficulties and the crosses of daily life. With Him they can accept the will of the Father even under the most difficult circumstances and live the Franciscan spirit of peace, rejecting every doctrine contrary to human dignity.

###### Article 11

Mindful that the Holy Spirit is the source of their vocation and the animator of fraternal life and mission, Secular Franciscans should seek to imitate the faithfulness of Francis to His inspiration. They should listen to the exhortation of the Saint to desire above all things 'the Spirit of the Lord and Its holy activity'<sup>11</sup>.

<sup>9</sup> See *Rule* of 1221, Ch. 22:41, *Omn*, p. 49 (1 FA:ED, *ER*); *Second Letter to All the Faithful* 51, *Omn* p. 96 (1 FA:ED, 2 *LtF* 51).

<sup>10</sup> See *Dei Verbum* 10.

<sup>11</sup> 2 *Reg Ch.* 10:8, *Omn* p. 63 (1 FA:ED, *LR*).



## Article 12

1. Gaining inspiration from the example and the writings of Francis and, above all, filled with the grace of the Holy Spirit, each day the brothers and sisters faithfully live the great gift which Christ has given: the revelation of the Father. They should bear witness to this faith before all:
  - in their family life;
  - in their work;
  - in their joys and sufferings;
  - in their associations with all men and women, brothers and sisters of the same Father;
  - in their presence and participation in the life of society;
  - in their fraternal relationships with all creatures.
2. *Rule 10.* With Jesus, obedient even to death, they should seek to know and do the will of the Father. They should give thanks to God for the gift of freedom and for the revelation of the law of love. In order to carry out the will of the Father, they should accept the help which is offered to them through the mediation of the Church by those who are given authority in her and by their confreres. They should take on the risk of courageous choices in their life in society with decisiveness and serenity.
3. *Rule 8.* The brothers and sisters should love meeting God as His children and they should let prayer and contemplation be the soul of all they are and do. They should seek to discover the presence of the Father in their own heart, in nature, and in the history of humanity in which His plan of salvation is fulfilled. The contemplation of this mystery will prepare them to collaborate in this loving plan.

## Article 13

1. *Rule 7.* Secular Franciscans, called in earlier times “the brothers and sisters of penance”, propose to live in the spirit of continual conversion. Some means to cultivate this characteristic of the Franciscan vocation, individually, and in fraternity, are: listening to and celebrating the Word of God; review of life; spiritual retreats; the help of a spiritual adviser, and penitential celebrations. They should approach the Sacrament of Reconciliation frequently and participate in the communal celebration of it, whether in the Fraternity, or with the whole people of God<sup>12</sup>.
2. In this spirit of conversion, they should live out their love for the renewal of the Church, which should be accompanied by personal and communal renewal. The fruits of conversion, which is a response to the love of God, are the works of charity in the interactions with the brothers and sisters<sup>13</sup>.
3. Traditional among Franciscan penitents, penitential practices such as fasting and abstinence should be known, appreciated, and lived out according to the general guidelines of the Church.

## Article 14

1. Aware that God wanted to make of us all a single people and that he made his Church the universal sacrament of salvation, the brothers and sisters should commit themselves to a faith-inspired reflection on the Church, its mission in today’s world and the role of the Franciscan laity within it. They should take up the challenges and accept the responsibilities that this reflection will lead them to discover.

<sup>12</sup> *Ordo Poenitentiae, Praenotanda* 22 ff.

<sup>13</sup> See *Second Letter to all the Faithful* 25 ff., *Omn* p. 95 (1 FA:ED, 2 LtF).



2. *Rule 8.* The Eucharist is the centre of the life of the Church. Christ unites us to himself and to one another as a single body in it. Therefore, the Eucharist should be the centre of the life of the fraternity. The brothers and sisters should participate in the Eucharist as frequently as possible, being mindful of the respect and love shown by Francis, who, in the Eucharist, lived all the mysteries of the life of Christ.
3. They should participate in the sacraments of the Church, attentive not only to personal sanctification, but also to fostering the growth of the Church and the spreading of the Kingdom. They should collaborate in life-giving and meaningful celebrations in their own parishes, particularly in the celebrations of Baptism, Confirmation, Marriage, and the Anointing of the Sick.
4. The brothers and sisters as well as the fraternities should adhere to the guidelines of the Ritual with respect to the different forms of participating in the liturgical prayer of the Church, giving priority to the celebration of the Liturgy of the Hours<sup>14</sup>.
5. In all places and at all times, it is possible for true worshippers of the Father to give him adoration and to pray to him. Nevertheless, the brothers and sisters should try to find times of silence and recollection dedicated exclusively to prayer.

## Article 15

1. *Rule 11.* Secular Franciscans are committed to live the spirit of the Beatitudes and, in a special way, the spirit of poverty. Evangelical poverty demonstrates confidence in the Father, creates interior freedom, and disposes them to promote a more just distribution of wealth.
2. Secular Franciscans, who must provide for their own families and serve society by means of their work and material goods, have a particular manner of living evangelical poverty. To understand and achieve it requires a strong personal commitment and the encouragement of the Fraternity in prayer and dialogue, communal review of life, and attentiveness to the instructions of the Church, and the demands of society.
3. Secular Franciscans should commit themselves to reduce their own personal needs so as to be better able to share spiritual and material goods with their brothers and sisters, especially those most in need. They should give thanks to God for the goods they have received, using them as good stewards and not as owners. They should take a firm position against consumerism and against ideologies and practices which prefer riches over human and religious values, and which permit the exploitation of the human person.
4. They should love and practice purity of heart, the source of true fraternity.

## Article 16

1. *Rule 9.* Mary, Mother of Jesus, is the model of listening to the Word and of faithfulness to vocation; we, like Francis, see all the gospel virtues realised in her<sup>15</sup>. The brothers and sisters should cultivate intense love for the Most Holy Virgin, imitation, prayer, and childlike surrender. They should manifest their own devotion with expressions of genuine faith, in forms accepted by the Church.

<sup>14</sup> *Ritual OFS*, Appendix 26, 27.

<sup>15</sup> *Salutation to the Blessed Virgin Mary*, *Omn* p. 135 *SBV*(1 FA:ED, *Sal BVM*, p. 163).



2. Mary is the model of fruitful and faithful love for the entire ecclesial community. Secular Franciscans and their fraternities should seek to live the experience of Francis, who made the Virgin the guide of his activity. With her, like the disciples at Pentecost, they should welcome the Spirit to create a community of love<sup>16</sup>.

## Title II

### ACTIVE PRESENCE IN THE CHURCH AND IN THE WORLD

#### Article 17

1. *Rule 6.* Called to work together in building up the Church as the sacrament of salvation for all and, through their baptism and profession, made “witnesses and instruments of her mission”, Secular Franciscans proclaim Christ by their life and words. Their preferred apostolate is personal witness<sup>17</sup> in the environment in which they live and service for building up the Kingdom of God within the situations of this world.
2. The preparation of the brothers and sisters for spreading the Gospel message “in the ordinary circumstances of the world”<sup>18</sup> and for collaborating in the catechesis within the ecclesial communities should be promoted in the fraternities.
3. Those who are called to carry out the mission of catechists, presiders of ecclesial communities, or other ministries, as well as the sacred ministers, should make the love of Francis for the word of God their own, as well as his faith in those who announce it, and the great fervour with which he received the mission of preaching penance from the Pope.
4. Participation in the service of sanctification, which the Church carries out through the liturgy, prayer, and works of penance and charity, is put into practice by the brothers and sisters above all in their own family, then in the fraternity and finally through their active presence in the local Church and in society.

#### For a Just and Fraternal Society

#### Article 18

1. Secular Franciscans are called to make their own contribution, inspired by the person and message of Saint Francis of Assisi, towards a civilisation in which the dignity of the human person, shared responsibility, and love may be living realities<sup>19</sup>.
2. *Rule 13.* They should deepen the true foundations of universal kinship and create a spirit of welcome and an atmosphere of fraternity everywhere. They should firmly commit themselves to oppose every form of exploitation, discrimination, and marginalisation and against every attitude of indifference in relation to others.
3. *Rule 13.* They should work together with movements which promote the building of fraternity among peoples. They should commit themselves to “create worthy conditions of life” for all and to work for the freedom of all people.

<sup>16</sup> Cf. 2 *Celano* 198, *Omn* p. 521 (2 FA:ED, 2 *Cel*, p. 374).

<sup>17</sup> See *Rule* 1221, 17:3, *Omn* p. 44 (1 FA:ED, *ER*, p. 75); *Legend of the Three Companions* 36, *Omn* p. 925 (2 FA:ED, p. 89f); *Second Letter to All the Faithful* 53, *Omn* p. 96 (1 FA:ED, 2 *LtF*, p. 49).

<sup>18</sup> *Lumen Gentium* 35.

<sup>19</sup> See *Gaudium et Spes* 31 ff.



4. Following the example of Francis, patron of ecologists, they should actively promote initiatives that care for creation and should work with others in efforts that both put a stop to polluting and degrading nature and also establish circumstances of living and environment which would not be a threat to the human person.

## Article 19

1. *Rule 14.* Secular Franciscans should always act as a leaven in the environment in which they live through the witness of their fraternal love and clear Christian motivations.
2. In the spirit of minority, they should choose relationships which give preference to the poor and to those on the fringe of society, whether these be individuals or categories of persons or an entire people; they should collaborate in overcoming the marginalisation of others and those forms of poverty that are the fruit of inefficiency and injustice.

## Article 20

1. *Rule 14.* Secular Franciscans, committed by their vocation to build the Kingdom of God in present situations and activities, live their membership both in the Church and in society as an inseparable reality.
2. As the primary and fundamental contribution to building a more just and fraternal world, they should commit themselves both to the fulfilment of the duties proper to their occupation and to the professional training that pertains to it. With the same spirit of service, they should assume their social and civil responsibilities.

## Article 21

1. *Rule 16.* For Francis, work is a gift and to work is a grace. Daily work is not only the means of livelihood, but the opportunity to serve God and neighbour as well as a way to develop one's own personality. In the conviction that work is a right and a duty and that every form of occupation deserves respect, the brothers and sisters should commit themselves to collaborate so that all persons may have the possibility to work and so that working conditions may always be more humane.
2. Leisure and recreation have their own value and are necessary for personal development. Secular Franciscans should maintain a balance between work and rest and should strive to create meaningful forms of using leisure time<sup>20</sup>.

## Article 22

1. *Rule 15.* Secular Franciscans should “be in the forefront ... in the field of public life.” They should collaborate as much as possible for the passing of just laws and regulations.
2. Fraternities should commit themselves through courageous initiatives, consistent with their Franciscan vocation and with the directives of the Church, in the field of human development and justice. They should take clear positions whenever human dignity is attacked by any form of oppression or indifference. They should offer their fraternal service to the victims of injustice.

<sup>20</sup> See *Gaudium et Spes* 67; *Laborem exercens* 16 ff.

3. The renunciation of the use of violence, characteristic of the followers of Francis, does not mean the renunciation of action. However, the brothers and sisters should take care that their interventions are always inspired by Christian love.

## Article 23

1. *Rule 19.* Peace is the work of justice and the fruit of reconciliation and of fraternal love<sup>21</sup>. Secular Franciscans are called to be bearers of peace in their families and in society:
  - they should see to the proposal and spreading of peaceful ideas and attitudes;
  - they should develop their own initiatives and should collaborate, individually and as a fraternity, with initiatives of the Pope, the local Churches, and the Franciscan Family;
  - they should collaborate with those movements and institutions which promote peace while respecting its authentic foundations.
2. While acknowledging both the personal and national right to legitimate defence, they should respect the choice of those who refuse to bear arms because of conscientious objection.
3. To preserve peace in the family, the brothers and sisters should, in due time, make a last will and testament concerning their goods.

## In the Family

### Article 24

1. *Rule 17.* Secular Franciscans should consider their own family to be the first place in which to live their Christian commitment and Franciscan vocation. They should make space within it for prayer, for the Word of God, and for Christian catechesis. They should concern themselves with respect for all life in every situation from conception until death.  
Married couples find in the Rule of the OFS an effective aid in their own journey of Christian life, aware that, in the sacrament of matrimony, their love shares in the love that Christ has for his Church. The way spouses love each other and affirm the value of fidelity is a profound witness for their own family, the Church, and the world.
2. In the fraternity:
  - The spirituality of the family and of marriage and the Christian attitude towards family problems should be a theme for dialogue and for the sharing of experiences;
  - They should share the important moments of the family life of their brothers and sisters and they should give fraternal attention to those — single or married, widowed, single parents, separated, divorced — who are living in difficult situations and conditions;
  - *Rule 19.* They should create conditions suitable for dialogue between generations;
  - Formation of group for married couples and for families should be fostered.
3. The brothers and sisters should collaborate with the efforts undertaken in the Church and in society to affirm both the value of fidelity and respect for life and to provide answers to the social problems of the family.

<sup>21</sup> See *Gaudium et Spes* 78.

## Article 25

Convinced of the need to educate children to take an interest in community, “bringing them the awareness of being living, active members of the People of God”<sup>22</sup> and because of the appeal which Francis can exercise on them, the formation of groups of children should be encouraged. With the help of instruction and organisation suitable to their age, these children should be initiated into an awareness and a love of the Franciscan life. The National Statutes will give appropriate guidelines for the organisation of these groups and their relationship with the fraternity and with Franciscan youth groups.

## Messengers of Joy and Hope

### Article 26

1. Even in suffering, Francis experienced confidence and joy from:
  - his experience of the fatherhood of God;
  - his steadfast faith that he would rise with Christ to eternal life;
  - his experience of being able to meet and praise the Creator in universal fraternity with all creatures<sup>23</sup>.

*Rule 19.* Following the Gospel, secular Franciscans therefore affirm their hope and their joy in living. They make a contribution to counter widespread distress and pessimism, preparing a better future.

2. In the fraternity, the brothers and sisters should promote mutual understanding and they should ensure that the atmosphere of their meetings be welcoming and that it reflects joy. They should encourage one another for the good.

### Article 27

1. *Rule 19.* The brothers and sisters, who are getting older, should learn to accept illness and increasing difficulties and to give a deeper sense to their life. This should be undertaken with increasing detachment as they set out for the promised Land. They should be firmly convinced that the community of those who believe in Christ and who love one another in him will go forward into eternal life as the “communion of saints”.
2. Secular Franciscans should commit themselves to create in their environment and, above all, in their fraternities, a climate of faith and hope so that “Sister Death” may be regarded as a passage to the Father, and all may prepare themselves with serenity.

<sup>22</sup> *Apostolicam Actuositatem* 30.

<sup>23</sup> See 2 Celano 125, *Omn* p. 465 (2 FA:ED, 2C 125, p. 329); *Legend of Perugia* 43, *Omn* p. 1020 [2 FA:ED, found within AC, *Assisi Compilation*, p. 185]; *Major Life* 9, *Omn* p. 698 (2 FA:ED, *ML* 9.1, p. 596).



## Chapter III

### LIFE IN FRATERNITY

#### Title I

#### GENERAL GUIDELINES

##### Article 28

1. The Fraternity of the OFS finds its origin in the inspiration of Saint Francis of Assisi to whom the Most High revealed that the Gospel is essential to life in fraternal communion<sup>24</sup>.
2. *Rule 20.* “The OFS is divided into fraternities of various levels.” Its purpose is to promote, in an orderly form, union and mutual collaboration among the brothers and sisters and their active and communal presence in both the local and the universal Church. The OFS shall also support the commitment of the fraternities in their service to the world, and specifically to the life of society.
3. The brothers and sisters gather in local fraternities erected<sup>vi</sup> in connection with a church or a religious house, or in personal fraternities, constituted for specific and valid reasons recognised in the decree of erection<sup>25</sup>.

##### Article 29

1. Local fraternities are grouped into fraternities at various levels: regional, national and international according to criteria that are ecclesial, territorial, or of another nature. They are coordinated and connected according to the norm of the Rule and the Constitutions. This is a requirement in order to have communion among the fraternities, for orderly collaboration among them, and for the unity of the OFS.
2. *Rule 20.* These fraternities, that have their own individual juridical personality in the Church, should acquire, if possible, a civil juridical personality for the better fulfilment of their mission. It is the responsibility of the National Councils to give guidelines concerning the justifications and the procedures to be followed.
3. National Statutes should indicate the criteria for the organization of the OFS in the nation. The application of these criteria is left to the prudent judgement of those responsible for the Fraternities concerned and of the National Council.

##### Article 30

1. The brothers and sisters are co-responsible for the life of the Fraternity to which they belong and for the OFS as the organic union of all Fraternities throughout the world.
2. The sense of co-responsibility of the members requires personal presence, witness, prayer, and active collaboration, in accordance with each one’s situation and possible obligations for the animation of the Fraternity.
3. *Rule 25.* In a family spirit, each brother and sister should make a contribution to the Fraternity fund, according to each one’s means, to provide the financial means needed for the life of the Fraternity and for its religious, apostolic, and charitable works. The brothers and sisters will also provide the means necessary for supporting the activities and the operations of the Fraternities at higher levels, both by their financial assistance and by their contributions in other areas as well.

<sup>24</sup> See *Constitutions* 3:3; *Testament* 14, *Omn* p. 67 (1 FA:ED, p. 125).

<sup>25</sup> See Can. 518.



## Article 31

1. *Rule 21.* “On various levels, each Fraternity is animated and guided by a Council and Minister (or President).” These offices are conferred through elections, in accordance with the Rule, the Constitutions, and their own Statutes. Only by way of exception or in the first phase of their establishment may fraternities exist without a regular Council. Under these circumstances, the Council of the higher level will make the arrangements necessary in order to give its leaders the proper formation and to carry out elections. This could be to get a Fraternity back on sure footing or to erect a new Fraternity, and only for a strictly limited amount of time.
2. The office of Minister or Councillor is a fraternal service, a commitment to hold oneself available and responsible in relation to each brother and sister and to the Fraternity so that each one may realize his or her own vocation and each Fraternity may be a true community, ecclesial and Franciscan, actively present in the Church and in society.
3. The leaders of the OFS at every level must<sup>vii</sup> be perpetually<sup>viii</sup> professed, convinced of the validity of the Franciscan evangelical way of life, attentive to the life of the Church and of society with a broad and encompassing vision, open to dialogue, and ready to give and receive help and collaboration.
4. The leaders should see to the preparation, details and spiritual animation of the meetings both of the Fraternities and of the Councils. They should seek to inspire life and soul into the Fraternity by their own witness, suggesting appropriate means for the development of the life of the Fraternity and of apostolic activities in the light of the fundamental Franciscan options. They should ensure that the decisions made are carried out and that they promote collaboration among the brothers and sisters.

## Article 32

1. The Ministers and Councillors should live and foster the spirit and reality of communion among the brothers and sisters, among the various fraternities, and between them and the Franciscan family. They should, above all, cherish peace and reconciliation in and around the fraternity.
2. *Rule 21.* The Ministers’ and Councillors’ task to lead is temporary. The brothers and sisters, resisting all ambition, should show love for the Fraternity with a spirit of service, prepared both to accept and to relinquish the office.

## Article 33

1. In the guidance and co-ordination of the Fraternities and of the Order, the personality and capacity of the individual brothers and sisters and of the individual Fraternities should be promoted. Numerous ways of expressions of the Franciscan ideal and cultural diversity must be respected.
2. The Councils of higher levels should not intervene in what can be satisfactorily dealt with by a local Fraternity or by a Council of a lower level. They should respect and promote their vitality so that they fulfil their duties properly. The local Fraternities and Councils concerned should commit themselves to carry out the decisions of the International Council and of the other Councils of higher levels, and to implement their programs, adapting them when necessary to their own situation.



## **Article 34**

Where the local situation and the needs of the members require it, sections or groups which gather together members sharing particular needs, common interests, or who have made the same choices, may be established within the Fraternity under the guidance of the one Council.

Such groups can give themselves specific norms relative to their meetings and activities, firmly remaining faithful, however, to the requirements which arise from membership in the one Fraternity. National statutes may establish criteria suitable for the formation and functioning of these sections or groups.

## **Article 35**

1. Secular priests who recognise that they are called by the Spirit to participate in the charism of Saint Francis of Assisi within the Secular Fraternity should find in it those aspects of the life that relate closely to their mission among the People of God.
2. Secular Franciscan priests may also gather in personal Fraternities in order to pursue the ascetical and pastoral incentives which the life and doctrine of Francis and the Rule of the OFS offer them to live their vocation in the Church better. It is proper that these Fraternities have their own statutes which envision concrete forms for their composition, their fraternal meetings and for spiritual formation as well as for making their communion with the whole Order living and functional.

## **Article 36**

1. The brothers and sisters who commit themselves with private vows to live in the spirit of the Beatitudes and to devote themselves more to contemplation and to the service of the Fraternities, can be a great help in the spiritual and apostolic development of the OFS.
2. These brothers and sisters may gather in groups according to Statutes approved by the National Council, or when these groups spread beyond the borders of a nation, by the Presidency of CIOFS.
3. Such statutes should be in harmony with the present Constitutions.

# **Title II**

## **ENTRANCE INTO THE ORDER AND FORMATION**

## **Article 37**

1. *Rule 23.* Membership in the Order is attained through a time of initiation, a time of formation, and the Profession of the Rule.
2. The journey of formation, which should develop throughout life, begins with entrance into the fraternity. Mindful that the Holy Spirit is the principal agent of formation and always attentive to collaboration with Him, those responsible for formation are: the candidate, the entire Fraternity, the Council with the Minister, the Teacher of Formation<sup>ix</sup>, and the Spiritual Assistant.
3. The brothers and sisters are responsible for their own formation, developing in an ever more perfect way the vocation received from the Lord. The Fraternity is called to help the brothers and sisters on this journey by means of a warm welcome, prayer, and example.
4. The National and Regional Councils, by common agreement are expected to develop and adopt means of formation, adapted to the local situations and offered as a help to those responsible for formation in the individual Fraternities.



## The Time of Initiation<sup>x</sup>

### Article 38

1. *Rule 23.* The time of initiation is a period of preparation for the true and proper time of formation and is intended for the discernment of the vocation and for the reciprocal acquaintance between the Fraternity and the aspiring member<sup>xi</sup>. It should guarantee the freedom and the seriousness of entrance into the OFS.
2. The duration of the time of initiation and the forms employed in its development are established by the National Statutes.
3. It belongs to the fraternity council to decide possible exemptions to this time of initiation, keeping in mind the guidelines of the National Council.

## Admission to the Order

### Article 39

1. *Rule 23.* The request for admission to the Order is presented by the aspiring member to the Minister of a local or personal Fraternity by a formal act, in writing if possible.
2. Conditions for admission are: to profess the Catholic faith, to live in communion with the Church, to be of good moral standing, and to show clear signs of a vocation<sup>26</sup>.
3. The Council of the Fraternity decides collegially on the request, gives a formal answer to the aspiring member, and communicates this to the Fraternity.
4. The rite of admission is performed according to the Ritual<sup>27</sup>. The act is to be registered and preserved in the records of the Fraternity.

## The Time of Initial Formation<sup>xii</sup>

### Article 40

1. *Rule 23.* The time of initial formation lasts at least one year. The National Statutes can establish a longer period. The purpose of this period is the maturation of the vocation, the experience of the evangelical life in Fraternity, and a better knowledge of the Order. This formation should consist of frequent meetings for study and prayer and with concrete experiences of service and of apostolate. These meetings should be held, as far as possible and feasible, in common with the candidates of other Fraternities.
2. The candidates are guided to read and meditate on Sacred Scripture, to come to know the person and writings of Francis and of Franciscan spirituality, and to study the Rule and Constitutions. They are trained in a love for the Church and acceptance of her Teaching. The laity practice living their earthly commitment in the world in an evangelical way.
3. Participation in the meetings of the local Fraternity is absolutely essential for initiation into community prayer and into Fraternity life.
4. A style of teaching which is Franciscan in character, and which fits individual needs should be adopted.



<sup>26</sup> See Can. 316.

<sup>27</sup> See *Ritual OFS*, Preface n. 10 ff., Ch. I.

## The Profession or Promise of Gospel Life

### Article 41

1. *Rule 23.* Having completed the time of initial formation, the candidate submits to the Minister of the local Fraternity a request to make his or her profession. Having heard the Teacher of Formation and the Spiritual Assistant, the Fraternity Council decides by secret ballot on the admission to profession, and gives its reply to the candidate, and informs the Fraternity.
2. The conditions for Profession or Promise to live the Gospel life are:
  - attainment of the age established by the National Statutes;
  - active participation during the time of initial formation for at least one year;
  - the consent of the Council of the local Fraternity.
3. Where it is considered necessary to lengthen the time of Initial Formation, it must not be extended to more than a year beyond the time established by the National Statutes.

### Article 42

1. Profession is the solemn ecclesial act by which the candidate, remembering the call received from Christ, renews the baptismal promises and publicly affirms his or her personal commitment to live the Gospel in the world according to the example of Francis and following the Rule of the OFS.
2. *Rule 23.* Profession incorporates the candidate into the Order and is by its nature a perpetual commitment. Perpetual profession<sup>xiii</sup>, because of objective and specific pedagogical reasons, may be preceded by a temporary profession, renewable annually. The total time of temporary Profession may not be longer than three years<sup>28</sup>.
3. Profession is received by the Minister of the local Fraternity or by his or her delegate in the name of the Church and of the OFS. The rite is carried out according to the norms of the Ritual<sup>29</sup>.
4. Profession does not only commit those professed to the Fraternity, but also, at the same time, it commits the Fraternity to take care of the human and religious well-being of the professed.
5. The act of Profession is registered and preserved in the records of the Fraternity.

### Article 43

The National Statutes establish:

- *Rule 23.* The minimum age for Profession which, however, may not be less than eighteen years completed.<sup>xiv</sup>
- The distinctive sign of belonging to the Order (the “TAU” or other Franciscan symbol).

<sup>28</sup> See *Ritual OFS*, Preface n. 18.

<sup>29</sup> See *Ritual OFS*, Preface n. 13 ff.; Part I, Ch. II.



## Permanent Formation<sup>xv</sup>

### Article 44

1. Begun by the preceding stages, the formation of the brothers and sisters takes place in a permanent and continuous way. It should be understood as an aid in the conversion of each<sup>30</sup> and everyone, and in the fulfilment of their proper mission in the Church and in society.
2. The Fraternity has the duty to give special attention to the formation of the newly professed and of the temporarily professed, to help them become more mature in their vocation and develop a true sense of belonging.
3. Permanent formation – accomplished by means of courses, gatherings, and the sharing of experience – aims to assist the brothers and sisters:
  - *Rule 4.* in listening to and meditating on the Word of God, “going from Gospel to life and from life to Gospel”;
  - in reflecting on events in the Church and in society in the light of faith and with the help of the documents of the Magisterium<sup>xvi</sup> consequently taking consistent positions;
  - in updating and deepening their Franciscan vocation by studying the writings of Saint Francis, Saint Clare and Franciscan authors.

## Promotion of Vocations

### Article 45

1. The promotion of vocations to the Order is a duty of all the brothers and sisters and is a sign of the vitality of the Fraternities themselves.  
The brothers and sisters, convinced of the validity of the Franciscan way of life, should pray that God may give the grace of the Franciscan vocation to new members.
2. Although nothing can substitute for the witness of each member and of the Fraternity, the councils must adopt appropriate means to promote the Secular Franciscan vocation.

## Title III THE FRATERNITY AT THE VARIOUS LEVELS

### The Local Fraternity

#### Article 46

1. *Rule 22.* The canonical erection of the local Fraternity belongs to the competent religious Major Superior at the request of the brothers and sisters concerned and with the prior consultation and collaboration of the council of the higher level to which the new Fraternity will be affiliated according to the National Statutes.  
The written consent of the local Ordinary is necessary for the canonical erection of a Fraternity outside the houses or churches of the Franciscan religious of the First Order or the TOR.<sup>31</sup>

<sup>30</sup> See *Constitutions 8; 1 Celano 103, Omn p. 317 (1 FA:ED, 1C 103, p. 272).*

<sup>31</sup> See Can. 312.

2. For the valid establishment of a local Fraternity, at least five perpetually professed members are required. The admission and profession of these first brothers and sisters will be received by the Council of another local Fraternity or by the Council of a higher level which will have provided for their formation in appropriate ways. The acts of admission and Profession and the Decree of Erection are preserved in the records of the Fraternity. Copies are sent to the Council of the higher level.
3. If there is not yet a Fraternity of the OFS in a nation, it belongs to the Presidency of the CIOFS to make provision in this regard.

### **Article 47**

1. *Rule 22.* Each local Fraternity, the primary cell of the one OFS, is entrusted to the pastoral care of the religious Franciscan Order that canonically erected it.
2. A local Fraternity may pass to the pastoral care of another religious Franciscan Order in the ways determined by the National Statutes.

### **Article 48**

1. In the case of cessation of a Fraternity, the patrimonial goods of the same, the library and the records are acquired by the Fraternity of the immediately higher level.
2. In the case of revival according to the canonical laws, the Fraternity will repossess any remaining goods, its own library, and records.

## **The Fraternity Council**

### **Article 49**

1. The Council of the local Fraternity is composed of the following offices: Minister, Vice-Minister, Secretary, Treasurer, and Teacher of Formation. Other offices may be added according to the needs of each Fraternity. The Spiritual Assistant of the Fraternity forms part of the Council by right<sup>32</sup>.
2. The Fraternity, meeting in an Assembly or Chapter, discusses questions regarding its own life and organization. Every three years, in an Elective Assembly or Chapter, the Fraternity elects the Minister and the Council in the way established by the Constitutions and Statutes.

### **Article 50**

1. It is the duty of the Council of the local Fraternity:
  - to promote the initiatives necessary for fostering fraternal life, for improving the human, Christian, and Franciscan formation of its members and for sustaining them in their witness and commitment in the world;
  - to make concrete and courageous choices, appropriate for the situation of the Fraternity, from among the numerous activities possible in the field of the apostolate.
2. The duties of the Council are also:
  - a) to decide on the acceptance and admission to Profession of new brothers and sisters<sup>33</sup>;
  - b) to establish a fraternal dialogue with members in particular difficulties and to adopt subsequent measures;
  - c) to receive the request for withdrawal and to decide on the suspension of a member from the Fraternity;

<sup>32</sup> See *Constitutions* 90.2.

<sup>33</sup> See *Constitutions* 39.3; 41.1.



- d) to decide on the establishment of sections or groups in conformity with the Constitutions and the Statutes;
- e) to decide on the use of available funds and, in general, to deliberate on matters concerning financial management and economic affairs of the Fraternity;
- f) to assign duties to the Councillors and to the other professed members;
- g) to request from the competent Superiors of the First Order and the TOR suitable and prepared religious as Assistants;
- h) to perform such other duties as are required by these Constitutions or which are necessary to carry out its proper purposes.

## The Offices in the Fraternity

### Article 51

1. While firmly upholding the co-responsibility of the Council to animate and guide the Fraternity, the Minister, as the primary person responsible for the Fraternity, is expected to make sure that the directions and the decisions of the Fraternity and of the Council are put into practice and that he or she will keep the Council informed about the work being done.
2. The Minister also has the following duties:
  - a) to call, to preside at, and to direct the meetings of the Fraternity and Council; to convoke every three years the Elective Chapter of the Fraternity, having complied with the requests of the Council on the formalities of the convocation;
  - b) to prepare the annual report to be sent to the Council of the higher level after it has been approved by the Council of the Fraternity;
  - c) to represent the Fraternity in all its relations with ecclesiastical and civil authorities. When, and if, the Fraternity acquires a juridical personality in the civil order, the Minister becomes, when possible, its legal representative;
  - d) to request, with the consent of the Council, pastoral and fraternal visits, at least once every three years.
  - e) to put into effect those acts which the Constitutions refer to his or her competence as Minister.

### Article 52

1. The Vice-Minister has the following duties:
  - a) to collaborate in a fraternal spirit and to support the Minister in carrying out his or her specific duties;
  - b) to exercise the functions entrusted to him or her by the Council and/or by the Assembly or Chapter;
  - c) to substitute for the Minister in both duties and responsibilities in case of absence or temporary impediment;
  - d) to assume the functions of the Minister when the office remains vacant<sup>34</sup>.

<sup>34</sup> See *Constitutions* 81.1.

2. The secretary has the following duties:
  - a) to compile the official acts of the Fraternity and of the Council and to assure that they are sent to their respective proper recipients;
  - b) to keep the records and the registers up to date and file them, noting admissions, professions, deaths, withdrawals, and transfers from the fraternity <sup>35</sup>;
  - c) to provide any communication of relevant facts to the various levels and, if appropriate, to disseminate through the mass media.
3. The Teacher of Formation has the following duties:
  - a) to co-ordinate, with the help of the other members of the Council, the Formation activities of the fraternity;
  - b) to instruct and animate the aspiring members during the time of initiation (before admission), the candidates during the period of initial formation, and the newly professed;
  - c) to inform the Council of the Fraternity prior to Profession, concerning the suitability of the candidate for a commitment to live according to the Rule.
4. The Treasurer, or Bursar, has the following duties:
  - a) to guard diligently the contributions received, recording each receipt in the appropriate register, with the date on which it was given, the name of the contributor, or the person who collected it.
  - b) to record in the same register the items of expense, specifying the date and the purpose, in conformity with the directions of the Fraternity Council;
  - c) to render an account of his or her administration to the Assembly and to the Council of the Fraternity according to the norms of the National Statutes.
5. The provisions regarding the rights and duties of the Vice-Minister, the Secretary and the Treasurer apply, with the appropriate adaptations, at all levels.

## Participation in the Life of the Fraternity

### Article 53

1. *Rule 24.* The Fraternity must offer to its members opportunities for coming together and collaborating through meetings to be held with as great a frequency as allowed by the situation and, with the involvement of all its members.
2. *Rule 6; 8.* The fraternity should come together periodically, also as a Church community to celebrate the Eucharist in a climate which strengthens the fraternal bond and characterises the identity of the Franciscan family. Where, for whatever reason, this particular celebration may not be possible, they should participate in the celebration of the larger Church community.
3. To belong to the OFS, it is essential to be attached to a local Fraternity and be actively involved in the life of that Fraternity. Appropriate initiatives should be adopted according to the directives of the National Statutes, to keep those brothers and sisters united to the Fraternity who — for valid reasons of health, family, work, or distance — cannot actively participate in community life.
4. The Fraternity remembers with gratitude its brothers and sisters who have passed away and continues its communion with them by prayer and in the Eucharist.

<sup>35</sup> Each local fraternity is to have at least a register of enrolments (admissions, professions, transfers, deaths, and every other important annotation relative to the individual members), the register of minutes of the council and the register of administration.



5. The National Statutes can provide special ways of associating with the Fraternity for those who, without becoming a member of the OFS, want to participate in its life and activities.

## **Article 54**

1. In cases where the Fraternity of whatever level has property or real estate at its disposal, the procedures necessary for that Fraternity to acquire a juridical personality under civil law must be followed in conformity with the National Statutes.
2. Based on the respective civil legislation, the National Statutes must establish precise criteria regarding the purpose of the juridical person, the administration of its material goods and the relevant internal controls. They must also contain instructions so that the establishing document may provide for the disposal of its property in case the juridical person ceases to exist.
3. The National Statutes must also set up precise criteria for local fraternities that possess or administer property or real estate, so that the respective council, before its term of office is finished, has the fraternity's financial and real estate situation audited either by an expert who is not a member of the council or by the fraternity's board of examiners<sup>xvii</sup>.

## **Transfer**

### **Article 55**

If a brother or sister, for any reasonable cause, desires transfer to another Fraternity, he or she first informs the Council of the Fraternity to which he or she belongs and then makes the request, including the reasons for the transfer, to the Minister of the Fraternity to which he or she wishes to belong. The Council makes its decision after having received the necessary information in writing from the Fraternity of origin.



## **Temporary Provisions**

### **Article 56**

1. *Rule 23.* Brothers and sisters who find themselves in difficulty may ask, with a formal act, temporary withdrawal from the Fraternity. The Council will evaluate the request with love and prudence, after a fraternal dialogue between the Minister and the Spiritual Assistant with the person concerned. If the reasons appear to be well founded, after the brother or sister in difficulty has been given time to reconsider, the Council agrees to the request.
2. Repeated and prolonged failure to fulfil the obligations required for the life of the Fraternity and other conduct in serious conflict with the Rule have to be discussed by the Council in dialogue with the person at fault. Only in the case of obstinacy or relapse may the Council decide, with a secret vote, to suspend someone. It communicates its decision in writing to the person concerned.
3. Voluntary withdrawal or the provision for suspension must be noted in the registers of the Fraternity. It involves exclusion from the meetings and activities of the fraternity, including the right of active and passive voice, but membership in the Order itself is not affected.

## Article 57

1. In the case of voluntary withdrawal or of suspension from the Fraternity, the Secular Franciscan may ask to be readmitted by submitting an appropriate written request to the Minister.
2. After examining the reasons offered by the person involved, the Council evaluates whether the causes which led to the withdrawal or suspension can be considered resolved. If the conclusion is affirmative, the Council readmits him or her and the decision is recorded in the proceedings of the Fraternity.

## Definitive<sup>xviii</sup> Provisions

### Article 58

1. The brother or sister who intends to withdraw definitively from the Order, communicates his/her intention in writing to the Minister of the Fraternity. The Minister and the Spiritual Assistant of the local Fraternity, with charity and prudence, will initiate a dialogue with the person concerned and keep the Council informed. If the brother or sister confirms the decision in writing, the Council will act upon it and communicates it in writing to the person concerned. The definitive withdrawal is recorded in the register of the Fraternity and communicated to the Council of the higher level.
2. For grave reasons, that are external<sup>ix</sup>, imputable and juridically proven, the Minister and the Spiritual Assistant of the local Fraternity, with charity and prudence, initiate a dialogue with the brother or sister concerned and keep the Council informed. The brother or sister is given time to reflect and to discern, and eventually, if necessary, may be offered help from an external and competent expert. If the time set aside for reflection passes without any resolution, the Council of the Fraternity makes a request to the Council of the higher level to dismiss the brother or sister from the Order. The request must be accompanied by all the documentation relative to the case.

After having collegially examined the request with the relative documentation and having verified that the guidelines of the Law and of the Constitutions have been observed, the Council of the higher level will issue a decree of dismissal.

3. The brother or sister who publicly renounces the faith, or is no longer in communion with the Church, or upon whom an excommunication is imposed or declared, by virtue of the very fact, ceases to be a member of the Order. This does not exonerate the Council of the local Fraternity from initiating a dialogue with the person concerned and offering fraternal help. The Council of a higher level, upon request of the Council of the local Fraternity, collects the evidence and officially declares that the person has ceased to be a member of the Order.
4. The Decree of Dismissal or the declaration that the person has ceased to be a member of the Order, in order to become effective, must be confirmed by the National Council to whom all the documentation will be sent.

### Article 59

If anyone is convinced that he or she has been wronged by a decision reached by the Council, that person may appeal within three months to the Council of the higher level to the one that reached the decision, and continue to make successive appeals to other levels up to the Presidency of CIOFS and, in the final instance, to the Holy See<sup>36</sup>.

<sup>36</sup> Cf. Can. 1732-9. In this case the responsible body is Congregation for the Institutes of Consecrated Life and Societies of Apostolic Life.

## **Article 60**

What is said in these Constitutions with respect to the local Fraternities is valid, to the extent that it is applicable, for the Personal Fraternities also.

## **The Regional Fraternity**

### **Article 61**

1. The Regional Fraternity is the organic union of all the local Fraternities existing in a territory or which can be integrated into a natural unity, either by geographic proximity, or by common problems and pastoral circumstances. It assures the bond between the Local Fraternities and the National Fraternity so that the unity of the OFS is maintained and assures collegial participation of the Franciscan religious orders who ultimately provide spiritual assistance within the area.
2. The composition of the Regional Fraternity is the responsibility of the National Council in accordance with the Constitutions and the National Statutes. The competent religious superiors, from whom spiritual assistance must be sought, should be informed of it.
3. The Regional Fraternity:
  - is animated and guided by Council and a Minister;
  - is ruled by the National Statutes and by its own Statutes;
  - has its own seat.

### **Article 62**

1. The Regional Council is composed according to the provisions of the National Statutes and of its own Regional Statutes. Within the Regional Council there can be set up an executive council (or board) whose duties are determined by those same Statutes.
2. The Regional Council has the following duties:
  - a) to prepare the celebration of the Elective Chapter;
  - b) to promote, animate, and co-ordinate the life and activities of the OFS within the regional area and its involvement in the local Church;
  - c) to develop the action plan of the OFS within the region according to the directives of the National Council and in collaboration with it, and to publicize that program to the Local Fraternities;
  - d) to communicate the directives of the National Council and of the local Church to the Local Fraternities;
  - e) to provide for the formation of those responsible for animation;
  - f) to offer to Local Fraternities activities which support their formative and operative needs;
  - g) to discuss and approve the annual report to the National Council;
  - h) to schedule a fraternal visit to Local Fraternities, when circumstances require it, even if it is not requested;
  - i) to make decisions regarding the use of available funds and, in general, to deliberate on matters regarding the financial management and the economic affairs of the Regional Fraternity;
  - j) before its term of office is finished, the Regional Fraternity's situation relative to finances and assets should be audited either, by an expert who is not a member of the Council, or by the Fraternity's board of examiners;
  - k) to perform such other duties as are indicated by the Constitutions or necessary to achieve its own aims.



## **Article 63**

1. While firmly preserving the co-responsibility of the Council for the animation and guidance of the Regional Fraternity it is the duty of the Minister, who has the primary responsibility, to see that the directions and decisions of the Council are put into practice. He or she will keep the Council informed concerning his or her activities.
2. In addition, the Regional Minister has the duty:
  - a) to convoke and preside at the meetings of the Regional Council; to convoke every three years the Elective Chapter of the Fraternity after having complied with the request of the Council on the formalities of the convocation;
  - b) to preside at and to confirm the elections of the Local Fraternities either in person or through a delegated member of the Regional Council, with the exception of the Spiritual Assistant;
  - c) to make fraternal visits to the local Fraternities, personally or through a delegate who is a member of the Council<sup>xx</sup>;
  - d) to participate in meetings called by the National Council;
  - e) to represent the Fraternity if it has acquired a juridical personality in the civil order;
  - f) to prepare the annual report to the National Council;
  - g) with the consent of the Council, to request a pastoral and fraternal visit, at least once every three years.

## **Article 64**

The Regional Chapter is the representative organ of all the Fraternities existing within the confines of a Regional Fraternity. It has the power to elect and to deliberate<sup>xxi</sup>.

The National Statutes provide for the formalities of convocation, its composition, frequency and powers.



## **The National Fraternity**

### **Article 65**

1. The National Fraternity is the organic union of the Local Fraternities existing within the territory of one or more states which are joined and coordinated among themselves through Regional Fraternities, wherever they exist.
2. It is the duty of the Presidency of CIOFS to provide for the establishment of new National Fraternities upon request and in dialogue with the Councils of the Fraternities concerned. The competent religious Superiors, from whom spiritual assistance will be requested, should be informed.
3. The National Fraternity:
  - is animated and guided by a Council and a Minister;
  - is governed by its own Statutes;
  - has its own seat.

### **Article 66**

1. The National Council is composed according to the provisions of the National Statutes. Within the National Council there can be set up an executive council<sup>xxii</sup> whose duties are determined by those same Statutes.

2. The National Council has the duty:
  - a) to prepare the celebration of the National Elective Chapter, according to its own Statutes;
  - b) to make known and to promote the Secular Franciscan spirituality throughout the area covered by the National Fraternity;
  - c) to decide upon programs of annual activities true to its national character;
  - d) to research, recommend, publish, and distribute the necessary resources for the formation of the Secular Franciscans;
  - e) to animate and coordinate the activities of the Regional Councils;
  - f) to maintain the connection with the Presidency of CIOFS;
  - g) to make sure that the National Fraternity be represented in the International Council and to assume the responsibility for the expenses involved;
  - h) to discuss and approve the annual report to Presidency of CIOFS;
  - i) to ensure that there is a presence of the OFS in ecclesial bodies at the national level;
  - j) to schedule, when circumstances recommend so, the fraternal visit to the Regional and Local Fraternities, even if it is not requested;
  - k) to make decisions regarding the management of available funds and, in general, the economic affairs of the Fraternity;
  - l) Before its term of office is finished, to the National Fraternity's situation relative to finances and assets should be audited either, by an expert who is not a member of the Council, or by the Fraternity's board of examiners;
  - m) to perform such other duties as are specified by the Constitutions or which are necessary to achieve its objectives.

## Article 67

1. While firmly preserving the co-responsibility of the Council for the animation and guidance of the National Fraternity it is the duty of the minister, who has the primary responsibility, to see that the directions and decisions of the Council are put into practice. He or she will keep the Council informed concerning his or her activities.
2. In addition, the National Minister has the following duties:
  - a) to convoke and preside at the meetings of the National Council; to convoke every three years the Elective Chapter of the National Fraternity, according to the National Statutes, after having complied with the requests of the Council on the formalities of the convocation;
  - b) to direct and co-ordinate with the national leaders the activities at the national level;
  - c) to give a report to the National Council and Chapter on the life and activity of the OFS in its country;
  - d) to represent the National Fraternity in contacts with ecclesiastical and civil authorities. When the National Fraternity has a civil juridical personality, its legal representation belongs to the Minister;
  - e) to preside at and to confirm the elections of the Regional Councils either in person or through a delegated member of the National Council, who is not the Spiritual Assistant;
  - f) to make fraternal visits to the Regional Councils, personally or through a delegate who is a member of the National Council;
  - g) to request the fraternal and pastoral visits, with the consent of the Council, at least once every six years.



## Article 68

1. The National Chapter is the representative organ of the Fraternities existing within the confines of a National Fraternity. It has legislative, deliberative, and elective powers. In conformity with the Rule and the Constitutions, it may make legislative decisions and give norms valid within its national confines. The National Statutes determine the composition of the National Chapter, its frequency, its powers, and how to convocate it.
2. National Statutes may consider other forms of meetings and assemblies to promote the life and apostolate at the National level.

## The International Fraternity

### Article 69

1. The International Fraternity is constituted by the organic union of all the Catholic Secular Franciscan Fraternities in the world. It identifies itself all together as OFS. It has its own juridical personality within the Church. It is organized and it functions in conformity with the Constitutions and its own Statutes.
2. The International Fraternity is guided and animated by CIOFS, with its seat in Rome (Italy), by its Presidency and by the General Minister or International President.

### Article 70

1. The International Council is composed of the following members, elected according to the norms of the Constitutions and its own Statutes:
  - professed brothers and sisters of the OFS;
  - representatives of the Franciscan Youth.In addition, the four General Assistants to the OFS form part of the International Council.
2. The Presidency of CIOFS is constituted within the International Council of which it forms an integral part.
3. The International Council, convened in General Chapter, is the highest governing body of the OFS with legislative, deliberative, and elective powers. It can make legislative decisions and issue regulations in conformity with the Rule and the Constitutions.
4. The International Council meets every six years at the Elective General Chapter, and at least once between two consecutive Elective General Chapters, according to the regulations established by the Constitutions and by the International Statutes.

### Article 71

1. The purposes and duties of CIOFS are:
  - a) to promote and sustain the Gospel life according to the spirit of Saint Francis of Assisi in their condition as Secular members of the faithful, living throughout the world.
  - b) to reinforce the sense of unity of the OFS while respecting the diversity of the persons and groups, and to strengthen the bond of communion, collaboration, and sharing among the National Fraternities;
  - c) to be true to the original character of the OFS and its traditions, harmonising them with advances in the theological, pastoral and legislative fields, leading to a specific gospel-based Franciscan formation.
  - d) to contribute, in line with the tradition of the OFS, to the spreading of ideas and initiatives which are valuable and that will encourage Secular Franciscans to make themselves available in the life of the Church and of society;



- e) to determine guidelines and to establish priorities for the actions of its Presidency;
- f) to interpret the Constitutions according to article 5.2.

2. The International Statutes specify the composition of the International Council and how to convoke its meetings.

### **Article 72**

1. The Presidency of CIOFS is composed of:
  - the General Minister;
  - the Vice-Minister;
  - the Presidency Councillors;
  - a member of Franciscan Youth;
  - The General Assistants of the OFS.
2. The Presidency Councillors are elected according to the International Statutes, which determine their number and the areas represented.

### **Article 73**

The duties and tasks of the CIOFS Presidency are:

- a) to ensure that the decisions and guidelines of the General Chapter are carried out;
- b) to co-ordinate, animate, and guide the OFS at the international level, in order to make the interdependence and reciprocity of the OFS a reality at the various levels of fraternity;
- c) to intervene in a spirit of service, according to circumstances, providing fraternal aid in the clarification and resolution of grave and urgent problems of the OFS, informing the National Council concerned and the next General Chapter;
- d) to strengthen reciprocal relationships of collaboration between the OFS and the other components of the Franciscan family at the world level;
- e) to organise meetings or assemblies, according to the regulations of the International Statutes, to promote the life and the apostolate of the OFS at the international level;
- f) to collaborate with organizations and associations which defend the same values;
- g) to fulfil the other duties indicated in the Constitutions or needed, in order to achieve its own objectives.

### **Article 74**

1. While firmly preserving the co-responsibility of the Presidency of CIOFS, it is the duty of the General Minister, who has the primary responsibility, to ensure that the directions and decisions of the General Chapter and of the Presidency are put into practice and to inform them concerning his or her activities.
2. In addition, the General Minister has the duty:
  - a) to convoke and preside at the meetings of the Presidency according to its own Statutes;
  - b) to convoke the meetings of the General Chapter, with the consent of the Presidency, and to preside at them;
  - c) to be a visible and effective sign of the communion and life-giving reciprocity between the OFS and the General Ministers of the Franciscan First Order and the TOR, where he or she represents the OFS, and to preserve the bond with the Conference of General Assistants;



- d) to represent the OFS at the world level before ecclesiastical and civil authorities. When the International Fraternity has a civil juridical personality, the legal representative is the Minister;
- e) to make the fraternal visit to the National Councils, personally or through a delegate;
- f) to preside at, and confirm, the elections of the National Councils, personally or through a delegate;
- g) to request, with the consent of the Presidency, the pastoral visit by the Conference of the General Ministers of the First Order and the TOR;
- h) to intervene in urgent cases, informing the Presidency of them;
- i) to sign the official documents of the International Fraternity;
- j) to exercise, with the consent of the Presidency, the property rights of the International Fraternity together with another councillor of the Presidency designated by that same body;
- k) before every General Chapter, the International Fraternity's situation relative to finances and assets should be audited by a qualified accountant who is not involved in the economic and financial management of the Presidency.

## **Article 75**

The specific duties of the International Councillors are determined by the International Statutes.

## **Title IV** **ELECTION TO AND TERMINATION OF OFFICES**

### **Elections**

#### **Article 76**

1. Elections at the various levels will take place according to the norms of the law of the Church<sup>37</sup> and of the Constitutions.  
The convocation should be carried out at least one month in advance, indicating the place, the day, and the time of the election.
2. The Elective Assembly, or Chapter, will be presided over by the Minister of the immediately higher level, or by his or her delegate, who confirms the election.  
The Minister, or whoever is the delegate, cannot preside over the elections in his or her local Fraternity, nor the elections of the Council of a higher level, of which he or she is a member.  
The Spiritual Assistant of the immediately higher level or his (her) delegate is to be present as a witness of the communion with the First Order and the TOR.  
A representative of the Conference of General Ministers of the First Order and the TOR presides at and confirms the elections of the Presidency of CIOFS.
3. The President<sup>xxiii</sup> of the Chapter and the Assistant of the higher level do not have the right to vote.
4. The President of the Chapter designates a secretary and two tellers (from) among the members of that Chapter.

<sup>37</sup> Cf. Can. 164 ff.

## Article 77

1. In the local Fraternity the perpetually professed of the same Fraternity have active voice, that is, they can elect, and passive voice, that is, they can be elected. The temporarily professed have only active voice.
2. At the other levels, the following have active voice: the secular members of the outgoing Council, the representatives of the immediately lower level and of the Franciscan Youth, if professed. It belongs to the particular Statutes to establish more concrete norms in application of the preceding norm, taking care to assure the broadest elective base. The perpetually professed Secular Franciscans of that specific area have passive voice.
3. Both the National and the International Statutes – each for its own area – can establish specific requirements regarding who can be elected to the various offices.
4. The presence of more than half of the number of those having the right to vote is required for the valid celebration of an Elective Chapter. For the local level, the National Statutes can establish a different norm.

## Article 78

1. An absolute majority of the votes of those present, cast in secret, is required for the elections of the Minister. After two inconclusive ballots, the voting continues between the two candidates who have obtained the largest number of votes or, in case there are more than two, between the two candidates who are oldest by profession. If there is still a tie after the third ballot, the older by profession will be considered elected.
2. The election of the Vice-Minister proceeds in the same manner.
3. For the election of the Councillors, after a first ballot without an absolute majority, a relative majority of the votes of those present, cast in secret, is sufficient, unless the particular Statutes require a greater majority.
4. The Secretary announces the result of the elections; the President confirms the election according to the Ritual<sup>38</sup> if all has been carried out properly and those elected have accepted their office.

## Article 79

1. The Minister and Vice-Minister may be elected for two consecutive terms of three years each. For a third and final successive election to the office of Minister or Vice-Minister, a majority of two-thirds of the votes of those present, which must be obtained on the first ballot, will be necessary.
2. The out-going Minister cannot be elected Vice-Minister.
3. The Councillors may be elected for additional successive terms of three years. Beginning with the third successive election, a majority of two-thirds of the votes of those present, which must be obtained on the first ballot, will be necessary.
4. The General Minister, Vice-Minister and Presidency Councillors can only be elected for two consecutive terms of six years.
5. The Council of the higher level has the right and duty to invalidate the elections and to call them anew in all cases where the preceding regulations have not been observed.

## Article 80

The particular Statutes may include further directives concerning elections, as long as they are not contrary to the Constitutions.

<sup>38</sup> See *Ritual OFS*, Part II, Ch. II.

## **Vacant Offices**

### **Article 81**

1. When the office of Minister becomes vacant as a result of death, resignation or other impediment of a definitive character, the Vice-Minister assumes the office until the end of the term for which the Minister was originally elected.
2. If the office of Vice-Minister becomes vacant, one of the Councillors is elected to the office of Vice-Minister by the Council of the Fraternity, to serve until the next Elective Chapter.
3. When the office of Councillor becomes vacant, the Council will proceed to substitute for him or her in conformity with its own Statutes, to serve until the next Elective Chapter.

## **Incompatible Offices**

### **Article 82**

The following are incompatible:

- a) the office of Minister at two different levels;
- b) the offices of Minister, Vice-Minister, Secretary and Treasurer at the same level.

## **Resignation of Office**

### **Article 83**

1. When a Minister, at whatever level, resigns during a Chapter, that same Chapter can accept the resignation.  
When a Minister resigns outside the time of Chapter, that resignation must be presented to the Council. If the resignation is accepted, it must be confirmed by the Minister of the higher level; if the General Minister is resigning, the confirmation comes from the Conference of General Ministers of the First Order and the TOR.
2. The resignation of other offices is presented to the Minister and to his or her Council, who are competent to accept the resignation.

## **Removal**

### **Article 84**

1. In the case in which the Minister does not fulfil his or her duties, the Council involved shares its concerns in a fraternal dialogue with the Minister. If this does not produce positive results, the Council should inform the Council of the higher level whose competence it is to examine the case and, if needed, by secret ballot, decide to remove the Minister.
2. For a serious, public and proven reason, the Council of a higher level, after a fraternal dialogue with the person concerned, may, by a secret ballot, order the removal of a Minister of a lower level.
3. In the case of other offices, when there is a serious reason to remove a person from office, it is the responsibility of the Council to which he/she belongs to reach a decision. It is made by a secret ballot after there has been a fraternal dialogue with the person involved.
4. An appeal, which suspends the action to remove someone from office, can be presented within thirty days to the Council of the level immediately higher than the one which imposed the sanction.<sup>39</sup>
5. The removal of the General Minister is in the jurisdiction of the Conference of the General Ministers of the First Order and the TOR.

<sup>39</sup> Cf. Can. 1736.2.

- In the case of grave negligence or irregularity on the part of a Minister or a Council, the Council of the next higher level conducts a fraternal visit of the Council in question and, if necessary, requests a pastoral visit. With charity and prudence, it will evaluate the circumstances uncovered and decide on the best way to proceed. This can include the possibility of removal of the Council or leaders involved.

## Title V

### SPIRITUAL AND PASTORAL ASSISTANCE OF THE OFS

#### Article 85

- As an integral part of the Franciscan Family and called to live the charism of Francis within the secular dimension, the OFS has particular and close relations to the First Order and the TOR<sup>40</sup>.
- The spiritual and pastoral care of the OFS, entrusted by the Church to the Franciscan First Order and the TOR, is the duty, first and foremost, of their General and Provincial Ministers. The *altius moderamen*, of which canon 303 speaks, belongs to them. The purpose of the *altius moderamen* is to guarantee the fidelity of the OFS to the Franciscan charism, communion with the Church and union with the Franciscan Family, values which represent a vital commitment for the Secular Franciscans.

#### Article 86

- The General and Provincial Ministers exercise their office with respect to the OFS through:
  - the erection of local Fraternities;
  - the pastoral visits;
  - the spiritual assistance to the Fraternities at the various levels.
 They may exercise this office personally or through a delegate.
- This service of the religious Ministers completes but does not substitute for the secular Councils and Ministers to whom belong the guidance, co-ordination, and animation of the Fraternities at the various levels.

#### Article 87

- For all that concerns the OFS as a whole, the “*altius moderamen*” must be exercised by the General Ministers collegially.
- It belongs to the Conference of General Ministers of the First Order and the TOR:
  - to take care of the relations with the Holy See concerning the approval of the legislative or liturgical documents, which need to be approved by the Holy See;
  - to visit the Presidency of CIOFS;
  - to confirm the election of the Presidency of CIOFS.
- Each General Minister, for his own Order, sees to the interest of the religious for the OFS and to their preparation for service to it, according to their respective Constitutions and the Constitutions of the OFS.

<sup>40</sup> From Franciscan history and from the Constitutions of the First Order and the TOR, it is clearly evident that these Orders recognize that they are committed to the spiritual and pastoral assistance of the OFS in virtue of their common origin and charism and by the will of the Church. See *Constitutions OFM* 60; *Constitutions OFM Conv.* 75; *Constitutions OFM Cap.* 102; *Constitutions TOR* 157-159; *Rule of the Third Order of Pope Leo XIII* 3:3; *Rule* approved by Paul VI 26.



## **Article 88**

1. The Provincial Ministers and the other Major Superiors, each within the area of their own jurisdiction, guarantee the spiritual assistance to the local Fraternities entrusted to their jurisdiction. They foster the interest of their own religious in the OFS and ensure that suitable and well-prepared persons are appointed for the service of spiritual assistance.
2. It is the specific competence of the Major Superiors, in name of their jurisdiction:
  - a) to erect canonically new local Fraternities and guarantee them spiritual assistance;
  - b) to animate spiritually and visit the local Fraternities which are within their own jurisdiction;
  - c) to keep themselves informed about the spiritual assistance given to the OFS.
3. The Major Superiors are responsible for the spiritual assistance to the local Fraternities which they have erected.
4. The Major Superiors with jurisdiction in the same territory, will agree to establish together the most adequate means to guarantee spiritual assistance to local Fraternities which, because of causes beyond their control, could remain without such assistance.
5. The Major Superiors with jurisdiction in the same territory, agree to establish together the most adequate means for carrying out collegially their mission with respect to the Regional and National Fraternities of the OFS.

## **Article 89**

1. By virtue of the vital reciprocity between the religious and the secular members of the Franciscan Family and the responsibilities of Major Superiors, spiritual assistance to the Fraternities of the OFS at all levels must be assured as a fundamental element of communion.
2. The Spiritual Assistant is the person designated by the competent Major Superior to carry out this service for a specific Fraternity of the OFS.
3. To be a witness of Franciscan spirituality and of the fraternal affection of the religious towards the Secular Franciscans, and to be a bond of communion between his Order and the OFS, the Spiritual Assistant should be a Franciscan religious, member of the First Order or the TOR.
4. When it is not possible to give such a Spiritual Assistant to the Fraternity, the competent Major Superior can entrust the service of spiritual assistance to:
  - a) religious brothers or sisters of other Franciscan institutes;
  - b) diocesan clerics or other persons, specially prepared for such service who are members of the OFS;
  - c) other diocesan clerics or religious who are not Franciscan.
5. Prior authorisation of the Superior or the local Ordinary, when needed, does not exempt the Franciscan Major Superior of the responsibility for the quality of pastoral service and of spiritual assistance given.

## **Article 90**

1. The principal task of the Assistant is to communicate Franciscan spirituality and to co-operate in the initial and continuing formation of the brothers and sisters.
2. The Spiritual Assistant is by right, a voting member of the Council of the Fraternity to which he or she gives assistance and collaborates with it in all activities. However, the Spiritual Assistant does not exercise the right to vote in financial questions.<sup>xxiv</sup>



3. Specifically:
  - a) General Assistants give their service to the Presidency of CIOFS, form a conference, and collegially see to the spiritual assistance to the OFS as a whole;
  - b) National Assistants give their service to the National Council and attend to the spiritual assistance to the OFS in the whole territory of the National Fraternity. At the national level, they coordinate the Regional Assistants. If they are more than one, they form a conference and give their service collegially;
  - c) Regional Assistants give their service to the Regional Council and attend to the spiritual assistance of the Regional Fraternity. If they are more than one, they form a conference and give their service collegially;
  - d) Local Assistants give their service to the Local Fraternity and its Council.

### **Article 91**

1. The Council of the Fraternity at each level requests suitable and prepared Assistants from the competent Superiors of the First Order and the TOR.
2. Specifically:
  - a) the Presidency of CIOFS requests a General Assistant from the respective General Minister;
  - b) the National Council requests a National Assistant from the Major Superior, chosen collegially by the Major Superiors who have jurisdiction in the territory of the National Fraternity;
  - c) the Regional Council requests an Assistant from the Major Superior, chosen collegially by the Major Superiors who have jurisdiction in the territory of the Regional Fraternity;
  - d) the Local Council requests an Assistant from the Major Superior of the jurisdiction responsible for the assistance.
3. The competent Major Superior, having received a request from the Council of the Fraternity concerned, appoints an Assistant according to the norms of these Constitutions and of the *Statutes for Spiritual and Pastoral Assistance to the Secular Franciscan Order*.

## **Title VI** **THE FRATERNAL VISIT AND THE PASTORAL VISIT**

### **Article 92**

1. *Rule 26.* The purpose of both the pastoral and fraternal visits is to revive the evangelical Franciscan spirit, to assure fidelity to the charism and to the Rule, to offer help to fraternity life, to reinforce the bond of the unity of the Order, and to promote its most effective integration into the Franciscan family and the Church.
2. With the consent of the appropriate Council, the request for the fraternal visit, as well as for the pastoral visit is made:
  - a) by the Minister of the local and<sup>xxv</sup> regional Fraternity, at least every three years, to the Council of the immediately higher level and to the respective Conference of Spiritual Assistants;
  - b) by the National Minister, at least every six years, to the Presidency of CIOFS and to the Conference of General Assistants;
  - c) by the General Minister, at least every six years, to the Conference of General Ministers.



3. For urgent and serious reasons, or in case of failure on the part of the Minister or the Council to request it, the fraternal and pastoral visit may be carried out upon the initiative of the respective competent Council or Conference of Spiritual Assistants.

### **Article 93**

1. During the visits to the Local Fraternities and to the Councils at the various levels, the visitor will verify the evangelical and apostolic vitality, the observance of the Rule and Constitutions, and the integration of the Fraternities into the Order and into the Church.
2. Concerning the visits to the Local Fraternities and to the Councils at the various levels, the visitor will in a timely manner communicate the purpose and the programme of the visit to the relevant Council. He or she will examine the registers and the records, including those relative to the preceding visits, to the election of the Council and to the administration of goods.  
The visitor will draw up a report of the visit carried out, appending it to the records in the appropriate register of the Fraternity visited, and will inform the Council of the level which has carried out the visit.
3. During the visit to the Local Fraternity, the visitor will meet with the entire Fraternity and with the groups and sections organized within the Fraternity. He or she will give special attention to the brothers and sisters in formation and to those brothers and sisters who may request a personal meeting. Where necessary, if any shortcomings are encountered, he or she will proceed to fraternal correction.
4. If it benefits the service of the Fraternity, the two visitors, secular and religious, may make the visit at the same time, agreeing beforehand on the program, in a way most consistent with the mission of each of them.
5. The fraternal and pastoral visits, carried out by the immediately higher level, do not prevent the visited Fraternity from having the right to appeal to the Council or to the Conference of Spiritual Assistants of a higher level.

## **The Fraternal Visit**

### **Article 94**

1. The fraternal visit is a time of communion, an expression of the service and genuine interest of the secular leaders at the various levels, so that the Fraternity may grow and be faithful to its vocation<sup>41</sup>.
2. Among the various initiatives to achieve the purpose of the visit, the Visitor will give special attention:
  - to the validity<sup>xxvi</sup> of the formation, both initial and permanent;
  - to the relations maintained with other Fraternities at the different levels, with Franciscan Youth, and with the entire Franciscan Family.
  - to the observance of directives and of the guidelines of the CIOFS and of the other Councils;
  - to presence in the local Church.

<sup>41</sup> Cf. *Constitutions* 51.1c; 63.2g; 67.2g.

3. The Visitor will check the report of the latest audit or verification of the financial and asset management of the Council, the register of the accounts and every document pertaining to the assets of the Fraternity and, if applicable, the status of the juridical personality in the civil order, including the fiscal aspects. In the absence of the required audit of the financial and asset management of the Council, the Visitor can commission such an audit, by a professional who is not a member of the Council concerned, the cost of which will be borne by the Fraternity visited. Wherever he or she deems it opportune, the Visitor will obtain the assistance of a person competent in these matters.
4. The Visitor will check the records of the election of the Council. He or she will evaluate the quality of the service offered to the Fraternity by the Minister, and by the other leaders, and will explore with them the solution to problems which may arise.  
If, for whatever reason, he or she should find that their service does not meet the needs of the Fraternity, the Visitor will recommend appropriate actions to take. If circumstances require it, he or she can consider also provisions concerning resignation and removal from office<sup>42</sup>.
5. The Visitor may not carry out the visit of his or her own Local Fraternity, nor of the Council of another level of which he or she is a member.

## The Pastoral Visit

### Article 95

1. The pastoral visit is a privileged moment of communion with the First Order and the TOR. It is carried out also in the name of the Church<sup>43</sup> and serves to guarantee and promote the observance of the Rule and the Constitutions and fidelity to the Franciscan charism. The visit is carried out with respect to the organization and the law proper to the OFS itself.
2. Having verified that the Fraternity was canonically erected, the Visitor will give attention to the relations between the Fraternity and its Spiritual Assistant and the local Church. The Visitor will meet the pastors (Bishop or parish priest) when this is opportune for fostering communion and service for building up the Church.
3. The Visitor will promote collaboration and a sense of co-responsibility among the secular leaders and the Spiritual Assistants. The Visitor is to confirm the quality of spiritual assistance given to the visited Fraternity, encourage the Spiritual Assistants in their service and promote their continuing spiritual and pastoral formation.
4. The Visitor will give special attention to programmes, methods and experiences of formation, to liturgical and prayer life, and to the apostolic activities of the Fraternity.

<sup>42</sup> Cf. *Constitutions* 83; 84.

<sup>43</sup> Cf. Can. 305.1.

## Title VII

### FRANCISCAN YOUTH

#### **Article 96**

1. The OFS, by virtue of its very vocation, ought to be ready to share its experience of gospel life with youth who feel attracted to Saint Francis of Assisi and to seek the means of adequately presenting it to them.
2. Franciscan Youth (YouFra), as understood by these Constitutions and in so far as the OFS considers itself to be particularly responsible for it, is formed by those young people who feel called by the Holy Spirit to share the experience of the Christian life in fraternity, in the light of the message of Saint Francis of Assisi, deepening their own vocation within the context of the Secular Franciscan Order.
3. The members of Franciscan Youth consider the Rule of the OFS as an inspirational document for the growth of their own Christian and Franciscan vocation either individually or in a group. After a suitable period of formation, of at least one year, they confirm this option with a personal pledge before God and in the presence of the brothers and sisters.
4. Members of Franciscan Youth who wish to belong to the OFS should satisfy the requirements of the Rule, the Constitutions, and the Ritual of the OFS.
5. Franciscan Youth has its own distinct organisation, methods of formation, and methods of instruction adequate for the needs of the world of youth, according to the existing realities in the various countries. The National Statutes of Franciscan Youth should be approved by the respective National Council of the OFS, or in its absence, by the Presidency of CIOFS.
6. Franciscan Youth, as a component of the Franciscan family, requests from the competent secular leaders and religious superiors, respectively, fraternal animation and spiritual assistance.

#### **Article 97**

1. The OFS fraternities will promote vocation to Franciscan Youth by means of appropriate and dynamic initiatives. They should ensure the vitality and the expansion of Franciscan Youth fraternities and accompany the youth on their journey of human and spiritual growth with proposals for relevant activities and contents.
2. OFS Fraternities should commit themselves to giving Franciscan Youth fraternities a fraternal animator, who together with the Spiritual Assistant and the Council of the Franciscan Youth guarantee an adequate Secular Franciscan formation.
3. To promote a close communion with the OFS, all leaders of Franciscan Youth at the international level and at least two members of the National Council of Franciscan Youth should be professed Secular Franciscans youth.
4. A representative of Franciscan Youth is to be designated by his or her council to form part of the OFS Council of the corresponding level; a representative of the OFS, designated by his or her own Council, forms part of the Council of the Franciscan Youth of the same level. The representative of Franciscan Youth has a vote in the OFS Council only if he or she is a professed Secular Franciscan.
5. Representatives of Franciscan Youth on CIOFS are elected according to the International Statutes which also determine how many there are, what Fraternities they represent, and what their responsibilities are supposed to be.



## Title VIII

# IN COMMUNION WITH THE FRANCISCAN FAMILY AND THE CHURCH

### Article 98

1. *Rule 1.* Secular Franciscans should seek to live in life-giving reciprocal communion with all the members of the Franciscan family. They should be ready to promote common initiatives or participate in them with the religious of the First, Second and Third Orders, with Secular institutes, and with other lay ecclesial groups that recognize Francis as a model and inspiration in order to work together to spread the Gospel, remove the causes of marginalization, and serve the cause of peace.
2. They must nurture a special affection towards the sisters of contemplative life, which expresses itself in concrete initiatives of fraternal communion. These sisters, like Saint Clare of Assisi, bear witness in the Church and in the world and through whose mediation they expect the abundance of grace for the Fraternity and for the works of the apostolate.

### Article 99

1. *Rule 6.* As a living part of the people of God and inspired by the Seraphic Father, Secular Franciscans, “living in full communion with the Pope and the bishops”, should seek to know, and deepen the knowledge of, the doctrine proposed by the teaching Magisterium of the Church through its more important documents, and they should be attentive to the presence of the Holy Spirit who gives life to the faith and charity of the people of God<sup>44</sup>. They should collaborate in the initiatives promoted by the Holy See, in a particular way in those areas in which they are called to work by virtue of their Secular Franciscan vocation.
2. The OFS, as an international public association, is bonded in a unique way to the Roman Pontiff from whom it has received the approval of its Rule and the confirmation of its mission in the Church and in the world.

### Article 100

1. The vocation to “rebuild” the Church should encourage the brothers and sisters to authentically love and live the union with the local Church in which they develop their own vocation and realise their apostolic commitment, aware that in the diocese, the Church of Christ is truly at work<sup>45</sup>.
2. Secular Franciscans should fulfil with dedication the duties for which they have accepted responsibility at their local Church. They should offer their support to apostolic activities as well as social activities existing in the diocese<sup>46</sup>. In the spirit of service, they should make themselves present, as a Fraternity of the OFS, within the life of the diocese. They should be ready to collaborate with other ecclesial groups and to participate on Pastoral Councils.
3. Their principal service to the Church, which is a community of love, is to be faithful to their own Franciscan and Secular charism, and to give witness to fraternal sincerity and openness. They should be recognised in the Church by their “being”, from which their mission springs.

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<sup>44</sup> *Lumen Gentium* 12.

<sup>45</sup> *Christus Dominus* 11; Can. 396; See 2 *Celano* 10, *Omn* p. 370 (2 FA:ED 2C 10); 1 *Celano* 18, *Omn* p. 243 (1 FA:ED 1C, p. 196).

<sup>46</sup> See Can. 311.



## **Article 101**

1. Secular Franciscans should collaborate with the Bishops, and follow their directions in so far as they, the Bishops are the moderators of the ministry of the Word and of the Liturgy and the coordinators of the various forms of apostolate in the local Church<sup>47</sup>.
2. Fraternities are subject to the vigilance of the Ordinary in so far as they perform their activities within the local Churches<sup>48</sup>.

## **Article 102**

1. Fraternities erected in a parish church should seek to co-operate in the animation of the parochial community, in the liturgy and in fraternal relations. They should integrate themselves into the pastoral apostolate as a whole, with preference for those activities more consistent with the Secular Franciscan tradition and spirituality.
2. In the parishes entrusted to Franciscan religious, the Fraternities, through their practice of fruitful life-giving reciprocity, represent a model for mediation and provide a secular witness of the Franciscan charism in the parish community. Therefore, united with the religious, they attend to the spreading of the gospel message and of the Franciscan way of life.

## **Article 103**

1. Remaining faithful to their own identity, Fraternities will take care to make the most of each occasion for prayer, formation, and active collaboration with other ecclesial groups. They should welcome with pleasure those who, without belonging to the OFS, wish to share its experiences and activities.
2. Fraternities will promote, wherever possible, fraternal relations with non-Catholic<sup>xxvii</sup> associations inspired by Francis.



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<sup>47</sup> See Can. 394; 756; 775 ss.

<sup>48</sup> See Can. 305; 392.

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## ENDNOTES

(*Endnotes are notes that have been added and are not found in the official text. They have been added in the revised translation: for clarity, or so that the reader can have a better understanding or to take account of variations in the terms commonly used in different countries.*)

<sup>i</sup> Franciscan First Order (OFM, OFM Cap, OFM Conv).

<sup>ii</sup> A **juridical personality** is a non-human **legal** entity, in other words any organization that is not a single natural **person** but is authorized by law with duties and rights and is recognized as a **legal person** and as having a distinct identity. (Wikipedia.com)

<sup>iii</sup> This English version of the Constitutions tries to maintain consistency with the capitalisation used in the original Italian which by its capitalisation of certain words emphasises the fact that we, as an Order, consider these words key and important to the Order.

<sup>iv</sup> The word “seat” refers to the headquarters of the organisation.

<sup>v</sup> “Competence” may not be clearly understood in all languages: responsibility might be an alternative translation.

<sup>vi</sup> Some countries use the term “erected, the erection of” when a new fraternity follows the constitutional guidelines and is formed; other countries use the term “established, the establishment of”. The Italian version of the Constitutions OFS use the term “erected/the erection of”. This update of the English version has reverted back to the use of “erected/erection of”.

<sup>vii</sup> The original Italian uses the subjunctive “siano” which translates into “should” or “let them be”. For purposes of clarity, the translators used the word “must” to ensure the understanding that permanent profession is required.

<sup>viii</sup> Depending on culture, the term “perpetually professed” is substituted by “permanently professed”.

<sup>ix</sup> In some countries, the term used for “teacher of formation” is “formator”.

<sup>x</sup> In some countries, the time of “initiation” is called “orientation and enquiry”.

<sup>xi</sup> In some countries, the aspiring member or aspirant is called “enquirer.”

<sup>xii</sup> This time of “initial formation” is the time after the aspiring member has been admitted, called Admission.

<sup>xiii</sup> In some countries, “perpetual profession” is called “permanent profession”.

<sup>xiv</sup> In some countries, age is counted as years “completed” starting at birth (the person states he/she is 18 during his/her 17<sup>th</sup> year); however, in other countries, the person says he/she is 17 or 17 ½ throughout that year. This could become a problem in accepting an aspiring member who has just reached his/her 18<sup>th</sup> year.

<sup>xv</sup> In some countries, “permanent formation” is called “continuing” or “ongoing” formation.

<sup>xvi</sup> The Magisterium is another way of saying the official Teachings of the Church.

<sup>xvii</sup> Another way of saying “board of examiners” may be “auditors” in some countries.

<sup>xviii</sup> “Definitive provisions” are decisions made that are irrevocable and final.

<sup>xix</sup> In these cases, the grave issue is **external to the Order**.

<sup>xx</sup> The Council of the higher level that typically makes visitations may invite someone else who is experienced and not a member of the same fraternity being visited to make the visitation as a designated delegate of the Minister of the higher level.

<sup>xxi</sup> To “deliberate” also suggests the fact that the Council has the right to make decisions.

<sup>xxii</sup> In some countries, the “executive council” is called the “board”.

<sup>xxiii</sup> In some countries, the person who presides at an election is called “president,” in others, he/she is called the “presider”.

<sup>xxiv</sup> Article 12.3 of the *Statutes for Spiritual and Pastoral Assistance* also dictates that Spiritual Assistants cannot vote in elections at any level.

<sup>xxv</sup> As a point of clarification: the Minister at any level will make the request for a pastoral or fraternal visit to the Council of his/her higher level.

<sup>xxvi</sup> The “validity” of formation should also include appropriateness and completeness of the programme to ensure that candidates are properly formed and that professed members continue to deepen their understanding of the Order and their place in the Order.

