



K O I N Ō N I A

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CONFERENCE OF GENERAL ASSISTANTS TO THE SFO

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COMMENTARY ON THE STATUTES FOR ASSISTANCE

As a result of the questions which various Ministers Provincial and Assistants of different parts of the world have made to us - and seeing the need for greater knowledge of *The Statutes for Spiritual and Pastoral Assistance to the Secular Franciscan Order* on the part of all the Friars - the members of the Conference of General Spiritual Assistants to the SFO¹ have decided that the main articles of *Koinonia* for 2006 would be dedicated entirely to the said *Statutes* (which were approved by the Conference of Ministers General of the First Order and TOR on March 25, 2002).

The text of the *Statutes* is available on the following web pages:

Español:	http://www.ciofs.org/doc/saa2esos.htm
English:	http://www.ciofs.org/doc/saa2enos.htm
Italiano:	http://www.ciofs.org/doc/saa2itos.htm
Français:	http://www.ciofs.org/doc/saa2fros.htm

As the title indicates, we propose to make a *commentary on the Statutes*. To do this we have divided the material into four parts, according to the four numbers of *Koinonia* which are usually published each year. The projected titles for this year include: *K. 2006-1: The role of the Major Superiors*; *K. 2006-2: The role of the Spiritual Assistants*; *K. 2006-3: The role of the Spiritual Assistants in the celebration of the Chapter and Pastoral Visitation*; *K. 2006-4: Indications for the formation of the Friars in the knowledge of and assistance to the SFO and YouFra*.

THE ROLE OF THE MAJOR SUPERIORS

Br. Martín Pablo Bitzer, OFMConv

Introduction

Before going directly into the topic itself, it would seem opportune to me to present, however briefly, the text that we are about to comment on.

1. The Letter of Approval

The *Statutes for the Spiritual and Pastoral Assistance to the Secular Franciscan Order* open with the *Letter of Approval* by the Conference of Ministers General². It reminds us that the revision and

¹ Conference of General Spiritual Assistants General (CAS).

² Dated in Rome, the March 28, 2002.

up-dating of the present *Statutes* was carried out on the basis of “The *General Constitutions* of the SFO, **definitively approved** by the CIVCSVA, on the December 8, 2000”. In addition, we are asked to have the *Statutes* made available “to all the Friars” of our respective Orders, “promoting its knowledge and study, so that this instrument can be the basis **of our fraternal service** to the SFO and guide all in their relationships with the Order itself in conformity with our vocation and the specific nature of the SFO”.

2. The text: structure, content and purpose

It is a matter of a relatively short text, which is important to read carefully. It contains a total of 24 articles and is divided into **three parts** or titles: *I. General Principles*; *II. The Role of the Major Superiors*; *III. The Role of the Spiritual Assistants*. The **purpose** of the *Statutes* is “to define, in a unified and concrete way, the service of the spiritual and pastoral care of the SFO, taking into account the unity of that same Order”³.

In the *General Principles*⁴ we are told that it was the **Church** that has entrusted the “spiritual and pastoral care of the SFO” to the First Order and TOR. In addition, it points out the **basis** and the **motive** for why the choice is made, the **kind of relationship** which it implies, and the **mission** which each have “in the Church and in society”.

3. The basis

There are three elements at the basis of the spiritual and pastoral assistance to the SFO. First, it is based on “**belonging** to the same spiritual family”, on the basis of their common **origin** and charism⁵. Secondly, the **mission** which all are called to carry out, although “in different ways and forms”, that is, “to make present the charism of their common Seraphic Father in the life and mission of the Church and of society”⁶. Thirdly, the **kind of relationship** which must characterise them, because everything has to be lived and carried out “in life-giving union with each other”⁷ since “the SFO has particular and close relations to the First Order and the TOR”⁸.

These three elements are the basis on which the Church has entrusted the “spiritual and pastoral care of the SFO” to the First Order and TOR. This care is carried out in a **double service**:

- the fraternal office of the *altius moderamen* on the part of the major Superiors;
- and the spiritual assistance to the Fraternities and their Councils.

4. The *altius moderamen* and its purpose

What is the *altius moderamen*? *Altius moderamen* is a Latin juridical expression⁹ found in **canon 303** of the *Code of Canon Law* (CIC): “Associations whose members live in the world but share in the spirit of some religious institute, under the overall direction of the same institute, and who lead

³ *Statutes* 4.1.

⁴ *Statutes* 1-3.

⁵ Cf. *Statutes* 1.1.

⁶ *Statutes* 1.2.

⁷ *Ibid.*

⁸ *Const.* 85.1.

⁹ *Altius* is the neuter comparative adjective of *altus*, ‘high’. *Moderamen* is a neuter noun, the main meaning of which is ‘means of guiding, helm (of a ship)’; it also means: “guide, direction, government”. *Altius moderamen*, literally means “a higher direction”. The official editions of the CIC, which correspond to the four official languages of the SFO, translate the Latin expression “sub altiore eiusdem instituti moderamine” in this way: “bajo la alta dirección de ese instituto” (Spanish), “sotto l’alta direzione dell’istituto stesso” (Italian), “under the higher direction of that same institute” (English), and “sous la haute direction de cet institut” (French).

an apostolic life and strive for Christian perfection, are known as third orders, or are called by some other suitable title”¹⁰.

The *juridical relationship* between a religious institute and the association of faithful called a third order (or other suitable title) with which it shares a spirituality is called *altius moderamen* or “higher direction”¹¹. The juridical relationship of the *altius moderamen* existing between the First Order, TOR and SFO, in contrast to other associations of faithful and of other religious institutes, has its own characteristics (because of what we have already said)¹² in virtue of the *apostolic privilege* granted by the Church to the SFO¹³. This *privilege* directly commits the First Order and the TOR. In what way? Let us go from the general to the particular. **Can. 305** submits all the Associations of faithful to the “**supervision** of the competent ecclesiastical authority, which is to ensure that integrity of **faith** and **morals** is maintained in them and that abuses in ecclesiastical discipline do not creep in. The competent authority, therefore, has the duty and the right **to visit** these associations...” **Can. 312 § 1** defines who the **competent ecclesiastical authority is**: for the SFO, as an “international public association in the Church”¹⁴, it is the **Holy See**. For the *apostolic privilege*, the competence, to which **can. 305** refers, is exercised by the **Major Superiors** of the First Order and TOR. What does the particular legislation say? The SFO General Constitutions, corresponding exactly to the CIC, say:

The **purpose** of the *altius moderamen* is to guarantee the fidelity of the SFO to the Franciscan charism, communion with the Church and union with the Franciscan family¹⁵.

It is a question of a triple fidelity¹⁶ which is important not to ignore. On the other hand, it must not be forgotten that the *altius moderamen* is “a fraternal service”, which, together with *spiritual assistance* to the fraternities and their Councils, constitutes a *double service* which “completes but does not substitute for the secular councils and ministers whose responsibility it is to guide, coordinate, and animate the fraternities at the various levels”¹⁷.

Here I would like to recall that all the associations of faithful have a right to self-government as is established by the CIC in **can. 215**: “Christ’s faithful may freely **establish** and **direct** [moderentur] associations which serve charitable or pious purposes or which foster the Christian vocation in the world...”. In the SFO also, governance is not the competence of others but of its own moderators, legitimately elected. So, for example, no. 21 of the *Rule*, says: “On various levels, each fraternity is **animated and guided** [*animatur ac ducitur*] by a council and minister (or president) who are elected by the professed according to the Constitutions”. Further on the same no. 21 says: “Within themselves the fraternities are structured in different ways according to the norm of the constitutions, according to the various needs of their members and their regions, and **under the**

¹⁰ The Code of 1917, can. 702.1, simply said *sub moderatione*, ‘under the moderation’. Through the expression *sub altiore moderamine*, the present Code has determined, with greater precision, the *juridical relationship* which is established between an association of faithful and a religious institute, through which two important elements are preserved: a) the “supervision of the competent ecclesiastical authority” in matters of faith and morals (can. 305), on the one hand, and b) the identity, unity and autonomy of the association of faithful, on the basis of which these have the right to self-government (can. 215), on the other (Cf. J. ZUDAIRE, *En seguimiento de Cristo con Francisco de Asís. Introducción a la Forma de Vida y Organización de la Orden Franciscana Seglar* [Madrid 1995] 230).

¹¹ Cf. F. QUIROZ C., OFM, *L’Altius Moderamen Colegial (of the Ministers General of the First Order and Third Order Regular) in relation to the Secular Franciscan Order*, in *Cuadernos Franciscanos* (Cefepal - Chile, January-March 2002 – n. 137) 14.

¹² In point 3, on the three elements which constitute the basis of the spiritual and pastoral assistance.

¹³ Cf. F. CANGELOSI – B. LINO, *L’Assistenza spirituale e pastorale all’Ordine Francescano Secolare*, in *Francesco, il volto secolare* (Padua, n.1- January 2006) 19.

¹⁴ Cf. *Const.* 1.5; 99.2.

¹⁵ *Const.* 85.2; *Statutes* 2.2.

¹⁶ Cf. F. CANGELOSI – B. LINO, *L’Assistenza spirituale*, 21.

¹⁷ *Statutes* 3.1.

guidance [*sub moderamine*] of their respective council”. It is a question of the autonomy of the SFO which has always to be lived in “a life-giving union” with the First Order and TOR.

5. The Role of the Major Superiors

After presenting the *General Principles*, the *Statutes* immediately pass on to deal with the topic of the *role of the Major Superiors*¹⁸.

The first affirmation we find is this:

The spiritual and pastoral care of the SFO, is the duty above all of the Major Superiors of the First Order and TOR¹⁹.

5.1. The care is “spiritual and pastoral”. It is “spiritual” in so far as it deals with the *Holy Spirit*, who gave rise to the Franciscan Family in the Church (among the “spiritual families” in its bosom)²⁰. It therefore deals with *Franciscan spirituality*: “The purpose of spiritual assistance is to foster communion with the Church and with the Franciscan Family through witness and sharing of Franciscan spirituality, to cooperate in initial and on-going formation of secular Franciscans and to express the fraternal affection of the religious towards the SFO”²¹. It is a question, then, of fostering “a deeper insight into Franciscan spirituality”²², of “animating spiritually”²³ and of offering suitable spiritual reflection²⁴. The care is also “pastoral”, in that it deals with the office of pastor as it is understood and exercised in the Catholic Church. It could happen that on some occasions it is not so easy to distinguish the “spiritual” from the strictly “pastoral. In that case it will be the context which will allow us to distinguish one from the other.

5.2. It is a matter of a “duty”²⁵. It is nothing optional: “The Franciscan major superiors remain responsible for the quality of spiritual assistance and pastoral care”²⁶. “Therefore, as a concrete sign of communion and co-responsibility, religious superiors must assure spiritual assistance to all the fraternities of the SFO”²⁷. “They should also foster the formation and the interest of their own religious in the SFO and ensure a specific preparation for the Assistants so that they will be suitable and well-prepared”²⁸. “They may exercise this office personally or through a delegate”²⁹.

Today, many Franciscan religious are attracted by other church groups or movements, without being aware that the Secular Franciscans are companions in life and mission within the secular scene, called, like them, by vocation to live the same “gospel charism”³⁰.

5.3. How do the Major Superiors exercise their office? The *Statutes* say that they “exercise their office through:

- the establishment of local fraternities;

¹⁸ Articles 5 to 11. Can. 620 says: “Major Superiors are those who govern an entire institute, or a province or a part equivalent to a province, or an autonomous house; the vicars of the above are also Major Superiors”.

¹⁹ *Statutes* 5.1.

²⁰ *Rule* 1.

²¹ *Statutes* 2.3.

²² *Statutes* 13.1.

²³ *Statutes* 11.2; 17.3; 19.3; 21.3.

²⁴ *Statutes* 13.3.

²⁵ Cf. F. CANGELOSI – B. LINO, *L'Assistenza spirituale*, 21.

²⁶ *Statutes* 5.3.

²⁷ *Statutes* 1.3.

²⁸ *Statutes* 5.4.

²⁹ *Statutes* 5.2.

³⁰ CONFERENCE OF ASSISTANTS GENERAL SFO, *Manual for Assistance to SFO and You.Fra* (Rome 2006) 182.

- pastoral visits;
- spiritual assistance³¹. The appointment of spiritual assistants forms part of this third duty of the Major Superiors.

The three are essential elements of the *altius moderamen*³² which will find greater practical expression in the articles 6 and 7.

6. The Ministers General

With regard to the specific role of the Ministers General, there are two articles of the *Statutes* which are important to read carefully: **8** and **9**.

The general Ministers exercise collegially the *altius moderamen* and the pastoral assistance in regard to the SFO as a whole³³.

The theme of “collegiality” is here added to the theme of the *altius moderamen*. The *Statutes of the Conference of the Ministers General of the Franciscan First Order and TOR*³⁴, in **art. 6**, will confirm once more that, among the purposes which the Conference of the MM.GG propose there is this: “To fulfil, regarding the Secular Franciscan Order, the collegial service of *altius moderamen*, entrusted by the Church to the four Orders”³⁵.

Of what does the “collegial exercise” of the *altius moderamen* on the part of the Ministers General consist?

Before responding to this question, it is important to remember that **art. 8.1**, on which we are commenting, concludes by saying: “... in regard to the SFO as a whole”. This expression alludes to the present configuration of the SFO, “not so much as a spiritual confederation or of communion”³⁶, or of a “federal union”, but as “an organic union of all Catholic fraternities scattered throughout the world”³⁷. Secondly, the Fraternities on all levels, local, regional, national and international, which make up the SFO, are coordinated and united among themselves³⁸. Thirdly, “the councils on various levels shall ask for suitable and well-prepared religious for spiritual assistance of the superiors of the four religious Franciscan families, to whom the Secular Fraternity has been united for centuries”³⁹. “The union, therefore, is established by the Supreme Pontiff, not with one or other Order, but with the entire Franciscan Family, through an implicit abolition of the prescription in **can. 702 § 1** of the CIC17, where a union was foreseen only with a concrete religious Order”⁴⁰.

Now we can read, in **art. 8.2**, what “belongs specifically to the Conference of General Ministers of the First Order and the TOR”. **Art. 9**, does not have any major problem of understanding, as it refers to the role which each Minister General has within his own Order with regard to the service of the SFO.

³¹ *Statutes* 5.2.

³² Cf. F. QUIROZ C., OFM, *L'Altius Moderamen Colegial*, 26.

³³ *Statutes* 8.1.

³⁴ Approved by the CIVCSVA with Decree of the 17th February 2003 (Prot. N. 3805/2003).

³⁵ The original Italian says: “Adempiere verso l’Ordine Franciscano Secolare il servizio collegiale dell’*altius moderamen*, affidato dalla Chiesa ai quattro Ordini”.

³⁶ *Decision of the Signatura Apostolica*, Prot. N. 31858/00 CA, of the 28th June 2003, n. 14. We follow the juridical reasoning of the decision. The complete text in the original Latin can be found at <http://www.ciofs.org/doc/fnititst.htm> - For the Italian translation see: <http://www.ciofs.org/doc/fnititsi.htm>

³⁷ *Rule* 2.

³⁸ *Rule* 20.

³⁹ *Rule* 26.

⁴⁰ *Sentencia*, n.14.

7. The Ministers Provincial

The other two articles (10 and 11) are dedicated to “Ministers Provincial and other Major Superiors”, who “exercise their responsibilities towards the SFO in the territory of their own jurisdiction”⁴¹.

Art. 10.2 talks about the “jurisdiction” of various Major Superiors “in the same territory”, but not of the jurisdiction over the SFO⁴². Here again the theme of collegiality appears: the Major Superiors “are to establish together the most adequate means for carrying out collegially their mission with respect to the regional and national fraternities of the SFO”. The *Statutes* do not establish specific norms in this respect, nor there could be. The Major Superiors themselves, guided by common sense and the desire to optimise the service to the SFO, should agree collegially about this service, keeping in mind the concrete context where they are found. With regard to **art. 10.3** it is important to clarify that “to jointly draw up procedures for the appointment of the national and regional Assistants” is not the same as appointing the assistants collegially. The appointment of the Assistants, which is an act exclusively of personal competency, is reserved to the “competent major superior”. Therefore collegiality here has an organisational value that affirms fraternal collaboration between the Ministers provincial. In case of necessity, what is laid down in art. 9.2b can be followed.

Art. 11 does not require any great comment. It is important to note, however, that it refers to the YouFra for the first time. This will be mentioned a further 14 times⁴³ in the third part of the *Statutes* dedicated entirely to the *Role of the Spiritual Assistants*. This will be the subject of the commentary of *K. 2006-2*, as we have announced at the beginning.

Chapters and Meetings

Korea – Elective National Chapter

From February 13 – 15, 2006, An elective national chapter was held at Seoul of the SFO of Korea. There were 70 capitulars, representing 12 regional fraternities of more than 10,000 professed members, and the National Assistants: Tobia Kim OFMConv and Damian Kim OFM. At the chapter the Minister General of the SFO, Encarnación del Pozo, and Friar Ivan Matić, the OFM General Spiritual Assistant to the SFO, were present. During the chapter the Minister General and the General Spiritual Assistant met the Junior Franciscans of Seoul, some of whom had participated at the international meeting of the Junior Franciscans during the GMG 2005 in German. On January, 14 the elections were held. The following were elected: Augustin Cho as National Minister, Hyacynta Kwon as International Councillor.

Japan – Elective National Chapter and the Meeting with SFO

From January 20 – 22, 2006 at Yokohama, near Tokyo, an elective national chapter was celebrated, in which 18 capitulars representing 8 regional fraternities participated along with three of the National Assistants: Friar Luis Chiusano OFMCap, Friar Ludovico Furikawa OFMConv, and Friar Philip Hamada OFM. On the 22nd January Francis Fumihiko Takeda was re-elected as National Minister and International Councillor. During the chapter Encarnación del Pozo and Ivan Matić, General Spiritual Assistant of the SFO, at the invitation of the national executive, met from January 16 – 19, 2006, with the secular Franciscans of the various zones of Japan. The first meeting with the secular Franciscans of the various zones of the region of Kiushu east and west, took place at

⁴¹ *Statute* 10.1.

⁴² Cf. F. CANGELOSI – B. LINO, *L'Assistenza spirituale*, 23. What follows in the paragraph is taken from this article.

⁴³ *Statutes* 12.1; 16.1; 17.3 (twice); 18.1 and 2; 19.1 and 3; 20.1 and 2; 21.1 and 3; 22.1 and 2.

Nakasaki. The most significant moment was that of the celebration of the Eucharist in the cathedral, which was followed by the beautiful fraternal gathering. There were 120 Secular Franciscans with some of the Spiritual Assistants (OFM and OFMConv). Encarnación and Ivan then visited the place where 26 Japanese martyrs were killed, the museum of the atomic bomb and the friary founded by St. Maximilian Kolbe. In the afternoon of January 22nd in the friary of the friars Minor in Tokyo there was the second fraternal chapter with hundreds of the secular Franciscans who came from various fraternities of that area of Tokyo. The last meeting was held in the city of Kyoto with the Secular Franciscans of that area where the first Japanese martyrs also lived and where they left for the place of their martyrdom.

Assisi – The Course for Assistants to the SFO and YouFra of Italy

Emanuela De Nunzio, ex minister General of the SFO and Friar Martin Bitzer OFMConv, General Spiritual Assistant of the SFO, were Invited by the conference of the National Spiritual Assistants to the SFO of Italy to a meeting of Spiritual Assistants held on January 26, 2006. They participated in the round table discussions of the theme: *The Manual for Assistants and those responsible for SFO [pre-announced]*. In the presence of many participants - more than hundred friars who belong to the first Order (OFM, OFMConv, OFMConv) and TOR - Emanuela began with the general presentation of the manual: how the idea come about?, the goal of the manual, the structure and content, and the sources used. Fr Martin then commented on chapter IV, dedicated mainly to the spiritual and pastoral assistance to the SFO. Afterwards, there was a presentation of Salvatore Giuliano, the National President of the YouFra in Italy entitled: *the journey of Franciscan formation*. The magazine of the YouFra, there was a live debate centred on the themes that were brought out by the YouFra.

Spain – The Meeting with Vocation Promoters

On February 4, 2006, in Madrid Friar Ivan Matić, General Spiritual Assistant of the SFO and Xavi Ramos, the International Councillor for the YouFra participated at the meeting of those responsible for the pastoral care of vocations of the Friars Minor in Spain and Portugal, presenting in those circumstances the Franciscan Youth and its document: *YouFra: the journey of Franciscan vocation*. After the presentation of the document and the present situation of the YouFra in Spain and Portugal, there was a dialogue of what needs to be done to promote the YouFra in the various youth groups and in what way the YouFra can be present at the different meetings that are held at different levels. There was also pointed out that certain fraternities of the SFO find it hard to open up to the young people and their needs. Such a closed attitude makes it difficult for the constitution of the new fraternities of the YouFra or the journey of Franciscan formation in those fraternities of the SFO. At the end of the meeting, it was agreed that first of all it is necessary to let the youth know about the reality of the YouFra and for this. For this reason, it is of great importance that reciprocal exchanges of ideas about YouFra take place in the meetings of the SFO whenever it is possible to do so.

Switzerland – The visit to Franciscan International

On February 25, 2006, the members of the YouFra commission of the CIOFS executive, Xavi Ramos the executive councillor for the YouFra and Ivan Matić OFM, General Spiritual Assistant for the SFO, visited the offices of Franciscan International (FI) in Geneva where they had a meeting with the members of staff, Friar John Quigley OFM, the Executive Director and his collaborators Julia Lacey and Ferhad Pocha. Present also was Attilio Gamberti a secular Franciscan from Italy and member of the Board of Director of FI. The aim of this meeting was to allow for greater participation of the Franciscan Youth in the projects of Franciscan International.

After the brief presentation of the organisation and the services that FI offers towards United Nations, Xavi and Ivan presented the reality of Franciscan Youth and its function and organisation within the SFO. There was a reciprocal interest for collaboration and during the dialogue the

principle points were highlighted that could be followed up to develop a project that can be common to the CIOFS executive and FI.

During the stay at Geneva Xavi, Attilio and Friar Ivan stayed with Friar John Quigley and Friar Jean-Luis Brusset at their apartment.

The Manual for Assisting SFO and YouFra

After four years of work, on the February 22, 2006, the *Manual for Assisting the SFO and YouFra* was finally published by the Conference of the General Spiritual Assistants. The text which has 400 pages was published in Italian. In the not too distant future it will be translated in Spanish, English and French. With this publication CAS tries to respond to the real necessity already expressed on different occasions by the Ministers Provincial, Spiritual Assistants and lay people responsible for SFO and YouFra in the different parts of the work.

“The aim of the manual is to help the Spiritual Assistants in their service of spiritual accompaniment of the fraternities of the SFO-YouFra, with a clear and synthetic instrument about SFO-YouFra, spelling out the role and responsibility of the Spiritual Assistants”⁴⁴. It contains a large amount of articles, research projects, presentations, and discussions that were done by various General Spiritual Assistants who worked in the last four years at the international level and who wanted to close certain loopholes, uncertainties - and to meet the need for an updated manual. “The main themes treated in the manual are the following: the history of the SFO (chapt. I), the identity and mission of the secular Franciscans (ch. II & ch. III), the Franciscans Youth (YouFra), heralds great and small (ch. V) and collaboration of the SFO with other groups (ch. VI). Chapter VII contains the *Rule and Statute for the spiritual and pastoral assistance of the SFO* which are applicable today, while the appendix contains the old *Rule* that the SFO had in its eight centuries of history.”⁴⁵

To all the brothers and sisters who collaborated with the Conference of the General Spiritual Assistants in the realisation of this manual, go our sincere gratitude. Our gratitude also to Emanuela De Nunzio the ex minister general of the SFO, Friar Valentin Redondo, OFM Conv., and Friar Ben Brevoort, OFM Cap., who were both General Spiritual Assistants to the SFO, for their great contribution.

If anyone is interested in acquiring a copy you can contact one of the four General Spiritual Assistants.

⁴⁴Cas, *Manuale per l'assistenza alloFS e Gifra (Roma 2006)* 5 (*Manual for Assisting the SFO and JouFra(Rome 2006)* 5

⁴⁵ Ibid