

CHAPTERS AND OTHER ASSEMBLIES

Marjory Gallagher, SC

INTRODUCTION

1) Overview of presentation

- a) Brief history
- b) Basic canonical principles
- c) General chapters according to universal law
 - i) their nature, purpose and role
 - ii) representative body
- d) Proper law
- e) Provincial/regional chapters and other assemblies
- f) Participatory and consultative bodies
- g) Other issues
- h) Conclusion

2) Brief history

- a) Monastic roots
- b) Lateran Council IV, 1215 – Legislation

3) Basic principles: cc. 578, 586, 119

Can. 578 - The mind of the founders, and their dispositions concerning the nature, purpose, spirit and character of the institute which have been approved by the competent ecclesiastical authority, together with its sound traditions, all of which comprise the patrimony of the institute itself, are to be faithfully observed by all.

Can. 586 - §1. A true autonomy of life, especially of governance, is recognised for each institute. This autonomy means that each institute has its own discipline in the Church and can preserve whole and entire the patrimony described in can. 578.

§2. Local Ordinaries have the responsibility of preserving and safeguarding this autonomy.

Can. 119 - In regard to collegial acts, unless the law or the statutes provide otherwise:

1 in regard to elections, provided a majority of those who must be summoned are present, what is decided by an absolute majority of those present has the force of law. If there have been two inconclusive scrutinies, a vote is to be taken between the two candidates with the greatest number of votes or, if there are more than two, between the two senior by age. After a third inconclusive scrutiny, that person is deemed elected who is senior by age;

2 in regard to other matters, provided a majority of those who must be summoned are present, what is decided by an absolute majority of those present has the force of law. If the votes are equal after two scrutinies, the person presiding can break the tie with a casting vote;

3 that which affects all as individuals must be approved by all.

I. CHAPTERS ACCORDING TO THE UNIVERSAL LAW

- General chapters: c. 631
- Other chapters and assemblies: c. 632
- Other mechanisms of participation: c. 633

A General Chapters:

Universal Law – analysis:

Can. 631 - §1. In an institute the general chapter has supreme authority in accordance with the constitutions. It is to be composed in such a way that it represents the whole institute and becomes a true sign of its unity in charity. Its principal functions are to protect the patrimony of the institute mentioned in canon 578 and to foster appropriate renewal in accord with that patrimony. It also elects the supreme Moderator, deals with matters of greater importance, and issues norms which all are bound to obey.

§2. The composition of the general chapter and the limits of its powers are to be defined in the constitutions. The institute's own law is to determine in further detail the order to be observed in the celebration of the chapter, especially regarding elections and the matters to be treated.

§3. According to the norms determined in the institute's own law, not only provinces and local communities, but also any individual member may freely submit wishes and suggestions to the general chapter.

i) Role of General Chapter – what it is and what it is not:

- 1) Collegial group: equality of participants (N.B. supreme moderator)
- 2) Supreme authority according to the constitutions
 - a) Matters of major importance concerning mission, government, the life of the whole institute, changes to the proper law (first two books)
 - b) Election of the general superior and usually members of the general council
 - c) Orientations for the next x years (term of office of leadership)
 - d) Establishing of major norms
 - e) Fostering of the patrimony (c. 578) and necessary adaptations to the living out of that patrimony or charism
 - f) Updating on the life of the congregation: reports etc
 - g) Rights of a person, a community, a recognized group, a province or region to submit proposals, wishes etc to the chapter
- 3) **Danger:** confusion between the role of the chapter and that of the general council
- 4) **General Council**
 - a) Ordinary business necessary to good order and to the life of the members
 - b) Rules, customs, orientations more particular to a part of the institute, to a province/region, or house
 - c) Establishing of houses, new missions, new apostolic involvements
- 5) **Danger:** temptation to use chapter to correct abuses

ii) Representation – “the institute in its entirety”

- 1) Participants in chapter
 - a) *Ex officio* members, i.e. leadership, formation personnel
 - b) Elected delegates – ratio

- 2) Means of ensuring that representation
 - a) Age, ministries, according to geographic or cultural areas
 - a) Participation of entire institute – open chapter
- 3) Methods of selecting participants according to proper law
 - a) Acquired rights of each member (c. 119); attention mental health
 - b) Members in temporary vows, on exclaustation

Can. 171 - §1. The following are legally incapable of casting a vote:

- 1° one incapable of a human act;
- 2° one lacking active voice;
- 3° one who is excommunicated, whether by judgement of a court or by a decree whereby this penalty is imposed or declared;
- 4° one who notoriously defected from communion with the Church.

§ 2. If any of the above persons is admitted, the vote cast is invalid. The election, however, is valid, unless it is established that, without this vote, the person elected would not have gained the requisite number of votes.

iii) Law of the Institute – proper law c. 587

Can. 587 - §1. To protect more faithfully the vocation and identity of each institute, the fundamental code or constitutions of the institute are to contain, in addition to those elements which are to be preserved in accordance with can. 578, basic norms about the governance of the institute, the discipline of the members, the admission and formation of members, and the proper object of their sacred bonds.

§2. This code is approved by the competent ecclesiastical authority, and can be changed only with the consent of the same.

§3. In the constitutions, the spiritual and juridical elements are to be aptly harmonised. Norms, however, are not to be multiplied without necessity.

§4. Other norms which are established by the competent authority of the institute are to be properly collected in other codes, but these can be conveniently reviewed and adapted according to the needs of time and place.

- 1) Constitutions (what is stable / permanent)
 - a) Election of the general superior (see below)
 - b) Scope of authority of chapter
 - c) Composition: ratio of elected members to *ex officio* ones
 - d) Other elections if relevant: council members – majority, number of rounds of balloting, tied votes
 - e) Intervals between chapters
 - f) Extraordinary chapters
 - g) Vacancy of office of supreme moderator
- 2) Proper law (what can and should be modified – broad outlines)
 - a) See elections (below)
 - b) Selection of participants: methods
 - c) Convocation: when, by whom, how
 - d) Planning committee: composition – council? committee with council representative?
 - e) Procedures for the good order and functioning of the chapter: opening and closing formalities; discussions, facilitation, reports, drafting of texts; committees, minutes, proposals and desires received from the members etc
- 3) Lack of provision in proper law: universal law must be adhered to, i.e., required majority, see cc. 119, 164-179.

iv) Election of the General Superior

- 1) Canonical election according to the constitutions and proper law

Can. 625 - §1. The supreme Moderator of the institute is to be designated by canonical election, in accordance with the constitutions.

§2. The Bishop of the principal house of the institute presides at the election of the Superior of the autonomous monastery mentioned in can. 615, and at the election of the supreme Moderator of an institute of diocesan right.

§3. Other Superiors are to be constituted in accordance with the constitutions, but in such a way that if they are elected, they require the confirmation of the competent major Superior; if they are appointed by the Superior, the appointment is to be preceded by suitable consultation.

- 2) In the constitutions
 - a) number of rounds of balloting
 - b) majority
 - c) tied votes – resolution
- 3) In other proper law (i.e. chapter procedural handbook)
 - a) Selection of scrutineers and their role
 - b) Processes for the presentation of candidates
 - c) Discernment processes
 - d) President of elections in institutes of pontifical right and in other monasteries
- 4) Attitudes in terms of elections
 - a) Openness of mind and heart
 - b) Concern for the good of the institute
 - c) Spirit of detachment (not: I'm not voting for her/him because she/he did not speak to me 20 years ago)
 - d) Interior freedom and on-going conversion

Can. 626 - Superiors in conferring offices, and members in electing to office, are to observe the norms of the universal law and the institute's own law, avoiding any abuse or preference of persons. They are to have nothing but God and the good of the institute before their eyes, and appoint or elect those whom, in the Lord, they know to be worthy and fitting. In elections, besides, they are to avoid directly or indirectly lobbying for votes, either for themselves or for others.
- 5) How to determine who is “worthy and fitting”: universal law is silent on this matter – thus some freedom

- a) Use of processes in order to know one another better
 - b) Open and honest exchanges
 - c) Discernment processes
 - d) Open conversation rather than gossip
- 6) Criteria in determining qualities, talents, gifts, capabilities, etc
- a) To be taken for granted: person of faith, of prayer, with a love for the institute
 - b) To be taken into serious consideration: the needs of the institute during the next few years (term of office); challenges to be faced
 - c) Determine the qualities, gifts, capabilities, talents necessary in such cases
- 7) **IMPOSSIBLE: one person cannot possess them all**; importance of sharing tasks, team; especially with aging members

v) Validity – conditions:

Can. 172 - §1. For a vote to be valid, it must be:

- 1° free; a vote is therefore invalid if, through grave fear or deceit, someone was directly or indirectly made to choose a certain person or several persons separately;
- 2° secret, certain, absolute and determinate.

§ 2. Conditions attached to a vote before an election are to be considered non-existent.

- 1) Meaning of grave fear or deceit
- 2) Secret: particularly in relation to scrutineers and to others' ballots
- 3) Certain: no ambiguity regarding the name, e.g., Mary A. Brown and Mary C. Brown (in such cases a printed ballot may be more secure)
- 4) No promises nor conditions, i.e., if you vote for me I promise to name you superior of the motherhouse

B. Provincial/regional chapters and other assemblies:

The universal law does not provide any norms for such gatherings: the matter is referred to the proper law of the institute. The norms of the universal law, cc. 119, 164-179 must be followed if the proper law does not provide.

Can. 632 - The institute's own law is to determine in greater detail matters concerning other chapters and other similar assemblies of the institute, that is, concerning their nature, authority, composition, procedure and time of celebration.

- 1) Proper law: content
 - a) Mature (deliberative or consultative), authority
 - b) Role, function: preparation for general chapter or other
 - c) Composition
 - d) Procedures
- 2) Possibilities in institutes with provinces/regions
 - a) Proper law for entire institute: broad outline
 - b) Provincial/regional proper law: more detailed

II. PARTICIPATORY AND CONSULTATIVE BODIES:

Perfectae caritatis and other documents promulgated at the time of the Council encouraged the participation of the members in the decisions which concerned them: subsidiarity etc. See also canon 119, 3. The Code foresees the establishing of various mechanisms which make such participation possible.

Can. 633 - §1. Participatory and consultative bodies are faithfully to carry out the task entrusted to them, in accordance with the universal law and the institute's own law. In their own way they are to express the care and participation of all the members for the good of the whole institute or community.

§2. In establishing and utilising these means of participation and consultation, a wise discernment is to be observed, and the way in which they operate is to be in conformity with the character and purpose of the institute.

- 1) Bodies conducive to participation: canon not related exclusively to chapters
 - a) Respect for the principles of subsidiarity, co-responsibility, democracy
 - b) Stable forms: permanent committees, commissions for congregation as a whole, for province or region
 - c) *Ad hoc* groups: committees or commissions formed to address specific questions, i.e., restructuring, future of the motherhouse, revision of constitutions, a major celebration, preparation of chapter manual
 - d) Congregation-wide surveys or questionnaires or consultation with those affected
 - e) Delegation of certain tasks to those who have the required expertise
- 2) **NB. Council does not have to do everything even though they and the General Superior are ultimately responsible ... same applies at provincial and regional levels; they have to “know”**

III OTHER ISSUES AROUND CHAPTERS:

- 1) Associates
 - a) Possible participation (not by right) in celebrations, discussions which concern them or which interest them, i.e., social justice, certain works
 - b) To be avoided: use of associate “**members**”
- 2) Use of technology
 - a) In preparation of and in follow-up to chapter
 - b) During chapter
 - " videoconferencing
 - " website – open access and members-only sites
 - " e-mails, faxes, 1-800 number
 - " electronic voting

3) Preparation:

- a) Participation of entire institute as much as possible: choice of theme, discussions, discernment of challenges, needs; discernment of gifts and talents needed, surfacing of names for leadership
- b) Broad participation in preparation fosters ownership of outcome of chapter
- c) Communications to entire congregation, i.e., reports, questionnaires
- d) Secrecy to be avoided

Canonical principle: What is favourable is to be extended, what is odious is to be restricted. (The *Regulae iuris* of *Liber Sextus* of Boniface VIII, 1298, n. 15)

4) Follow-up

- a) Difficulty: members have not experienced the chapter
- b) Possibility: share some events, prayer experiences , topics for reflection, etc

5) Consensus

- a) What it is
- b) What it is not: uniformity
- c) In using consensus: foresee alternative methods

CONCLUSION

A) A celebration of the life of the institute

- 1) A moment to pause, to re-examine the life of the institute in the light of the charism, the signs of the times, the needs of the world and of the Church
- 2) To provide orientations
- 3) to celebrate, to give thanks

B) Not an interruption or a starting over

- 1) An event that belongs to the flow of life

- 2) Not an upheaval
- 3) Not an interruption that stops all activity in a congregation
- 4) Not a starting over: i.e., an re-examination of every facet of life as per chapters of renewal

C) According to Cardinal Pironio

- 1) A pascal event: one of major importance for the institute, for the Church and for the world

Marjory Gallagher, SC
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