

**Administrative
Handbook**

of the

Society of the Divine Savior

June 1, 1999

Government, Leadership, Administration

1. The exercise of government within the Society involves both leadership and administration. Chapters legislate (statutes and ordinances) and formulate policy (recommendations) and the appropriate authorities administer or execute them. But the exercise of leadership is a more important function than the execution of policy, and superiors and all those in authority in the Society have the responsibility to lead. The leader need not be charismatic or do everything himself, but rather enables things to happen, animates and helps others to develop responsibility and act personally. His leadership has spiritual, pastoral, and intellectual aspects but will be all the more effective when combined with good administration. This directory provides guidelines from the Generalate to appropriate administrative procedures and traditions in the Society.

The spirit of government in the Society is outlined in chapters seven and eight of the Constitution and General Directory. The guiding principles of shared responsibility, subsidiarity, solidarity and accountability are elaborated in GD 7.1 and these permeate the whole approach to government in our Society.

Major Superiors

2. In the Society of the Divine Savior, major superiors in the sense used in canon law are: the superior general, the vicar general, provincial superiors, and vicar provincials when acting in the place of the provincial.
3. The above-mentioned major superiors are personal Ordinaries of the members of their respective communities (Canon 134) and, as such, exercise ecclesiastical jurisdiction. Jurisdiction is a participation in the authority of the Church (Canon 129, 596).
4. As Ordinaries with jurisdiction, major superiors have both the *executive* and the *judicial* power conferred by universal Church law and our own Salvatorian legislation. Whenever the word *Ordinary* without the specification 'local' used in the Code or other norms, our major superiors are included unless they are specifically excluded. This Directory explains the exercise of executive authority. Because a provincial will have very little occasion to exercise judicial authority, expert advice must be sought in adjudicating controversies (Canon 1427 §1) and crimes (Canon 1717-1731). Provincials are expected to establish an ongoing relationship with an experienced canon lawyer and other special advisors.
5. Where circumstances warrant it, major superiors may impose or declare to have been incurred *ipso facto* ecclesiastical penalties (e.g. excommunication, suspension, etc.). They may do so through a regular penal process (Canon 1717-1728) or in certain cases by administrative decree (Canon 1341-1342). The relevant canonical norms must in all cases be accurately observed and expert advice must be sought.
6. So that the observance of a law, which by its nature is general, might not be oppressive in its particular application, provision is made for dispensation from ecclesiastical laws. For the validity of the dispensation by anyone except the legislator or his superior, there must be a just and reasonable cause, taking into consideration the circumstances and the gravity of the law in question. In case the sufficiency of the cause is doubtful, the dispensation is still both licit and valid (Canon 90).

Major superiors, as Ordinaries, have the authority to dispense:

- a. *from a law*, in the case of a doubt of fact; however, in the case of a reserved dispensation, the authority to dispense exists only if the dispensation is ordinarily granted by the one to whom it is reserved (Canon 14);
- b. *from all disciplinary laws*, but not procedural and penal laws, when it is difficult to have recourse to the Holy See and at the same time there is danger of grave harm in delay (Canon 87);

- c. *from the required age* for ordination to the priesthood or diaconate, up to one year (Canon 87, Canon 1031 §4);
 - d. *from irregularities and impediments* to ordination and the exercise of holy orders that are not reserved to the Holy See. Canon 1047 lists those reserved to the Holy See;
 - e. *from the obligation* of the liturgy of the hours (Divine Office) (*Sacrosanctam Concilium*, no. 97).
7. *The superior general*, by virtue of a perpetual indult of 20th of August 1854, has the authority to dispense from the prescribed interval of six months between the reception of the ministry of acolyte and ordination to diaconate (Canon 1035 §2), and between diaconate and priesthood (Canon 1031 §1).

Provincial Superiors

8. The general lines of procedure for the election of a provincial superior are given in Article 737 of the Constitution.

The Provincial Statutes specify the procedures for the actual election of the provincial superior and the consultors.

If an initial poll of members to surface names for approval by the Superior General is taken the full results of this poll including the number of votes cast for all candidates must be submitted to the Generalate.

9. Confirmation by the superior general is a juridical act (Canon 179) Procedure and canonical norms for confirmation are as follows:

The one elected, personally or through another, will ask the superior general for confirmation, giving details of the election: lawful procedure, dates, number of votes received, acceptance of office.

The request must be made within eight days from the date of acceptance of the office. Otherwise, the elected superior loses all right to the office, unless there was some impediment beyond his control.

The confirmation by the superior general must be given in writing.

The superior general cannot refuse confirmation if the elected superior is suitable and the election was carried out in accordance with law.

The elected superior may not carry out any act of his office until he receives notification of the confirmation.

Councils of the Superior

10. Chapter Seven of the Constitution explains the nature and importance of provincial councils, and they specify the cases in which superiors need the *consent* or the *advice* of their councillors for certain juridical acts. The following explanations are intended to clarify the procedure. The terms *deliberative vote* and *consultative vote* have been avoided here in favor of the simpler terminology of *consent* and *advice*.

11. When *consent* is required: the council must be convoked and the superior must obtain the *consent* of the *absolute majority* (more than half of the councillors present).

When *advice* is required: the superior must convoke the council and must ask the opinion of *all the councillors present*, or of all the members of the council if their *advice* is sought without holding a meeting.

12. *Consent*: This means that the superior is bound by the vote of the council. A decision contrary to the majority of the council is juridically invalid (Canon 127 §2, 1°).

13. *Advice*: The decision taken will be valid if all the councillors have expressed their views. Juridically the superior is not bound by the vote of the council but would need an overriding reason to act against their *advice* (see Canon 127 §2, 2°).
14. Because of the responsibilities entrusted to him, the superior is a physical and individual person, independent of the council. The function of the council is to help the superior in the exercise of his office. Therefore, although he works with his council, he is not a member of it and does not vote when the *consent* or *advice* of the council is required, nor can he add his vote to resolve a tie (*Communicationes*, vol. xvi, 2, 1985, p. 262).

The only case in the Society of the Divine Savior in which the superior must vote in council is when the superior general and council are obliged to act as a collegial body in deciding to dismiss a professed religious (Canon 699 §1).
15. In doubtful cases or when there seems to be a lacuna in the law, the presumption is towards *advice* rather than *consent* of the council, unless the contrary can be established.
16. When *consent* or *advice* of a council is required before presenting matters to higher superiors (provincial or general), the local or provincial superior should indicate both his own personal judgment and the precise vote of the council consulted. In formation matters (recommendations for profession or ordination), the written judgment of the formation staff should also be indicated.
17. *Convocation of Meetings*: This is governed by Canon 166. Salvatorian legislation does not specify how councils are to be convoked. It may be done by various means: letter, fax, telephone, decision at previous meeting, etc. Be careful that all are actually called.

Membership of Province

Living outside one's province

18. Before a Salvatorian is assigned to an apostolate of another province or undertakes a special ministry in the territory of another province, a written agreement, or contract, between the two provincials and the Salvatorian concerned is required. This contract includes the length of the transfer, the exact job to be performed, provisions for termination and any other pertinent information (GD 7.69). A sample contract is provided in Appendix ??.
19. If a Salvatorian is to reside for a period of more than a few months in the territory of another province for studies, ongoing formation, old age, ill health or similar reason, his provincial will notify the other provincial.
20. A Salvatorian residing in a province other than the one to which he belongs juridically, is dependent on his own provincial superior in matters concerning admission to vows (both temporary and perpetual); separation from the Society in any form; the ministries of lector and acolyte; and sacred orders.
21. Salvatorians will have active and passive voice in the province in which they reside and work as long as they are under contract. No Salvatorian may have active voice in more than one province. He retains passive voice in his home province unless the contract specifies otherwise. (GD 7.2 b)

Incardination

22. The Generalate recognizes incardinations (i.e. permanent incorporation) from one province to another according to the terms of Resolution 20 of the VIII General Synod:
'A provincial superior can incardinate a member from another province into the province over which he has jurisdiction. The agreement of the member concerned and of

the provincial superior of his home province are required. The member must have worked in the receiving province for a reasonable period of time. The deliberative votes of both provincial councils are required. The member and both provincial superiors sign the document of incardination. Copies are kept by all the parties concerned, and one copy is sent to the generalate.'

Formation

23. The reception of candidates and the formation of religious are covered by canons 641-661, and by the Instruction from the Holy See, *Potissimum Institutionis*, 1990, which clarifies and further explicates existing norms. For Salvatorian legislation see chapter six of the Constitution and the General Directory.

Postulancy or Candidacy

24. The universal law of the Church does not mention postulancy or candidacy, but lists the requirements for admission to novitiate: age, health, suitable disposition, maturity, sufficient qualities, all of which imply a knowledge of the candidate and suitable preparation (Canon 642).

The General Directory requires norms for the preparation of candidates for the novitiate. Each province is to establish the details of this preparation (GD 6.3).

It is the provincial who calls the candidates to the pre-novitiate preparation. There are no fixed procedures, but it should be done in writing so that there will be an official record of the fact.

Novitiate

25. The provincial admits to novitiate, with the *consent* of his council. The candidate's request and his admission by the provincial superior should be in writing (Const. 612).

Candidates should be suitable; see Canon 642 for the requirements laid down by universal law. The impediments to validity are listed in Canon 643, prohibitions are listed in Canon 644 and the documentation required in Canon 645.

26. The superior general with *consent* of his councillors establishes, transfers or suppresses a novitiate house at the request of the provincial superior (Const. 723 j).

The superior general with the *consent* of his councillors may authorize a novice to make his novitiate in another house of the Society at the request of the provincial superior (Canon 647 §2).

The provincial superior may allow a group of novices to reside for a specified time in a Salvatorian house other than the novitiate house (Canon 647 §3).

27. For validity, the novitiate must last for twelve months, to be spent in the novitiate community. One or more periods of apostolic activity to be performed outside the novitiate community may be added to this (Canon 648).

A novitiate is invalidated by an absence from the novitiate house of more than three months, continuous or broken. Any absence of more than fifteen days must be added on (Canon 649).

The provincial superior may prolong the novitiate for a period not exceeding six months in the case of a novice whose suitability is doubtful (Canon 653 §2). There is a conflict between Canon 653 §2 that allows for a six-month extension and Const. 609 that allows for a years' extension –Canon Law takes precedence.

28. The Novice Master is appointed by the provincial with the *consent* of his council (Const. 614, 615, 616 & 734 a. 2.).

Religious profession

First profession

29. The provincial superior with the *consent* of his council admits to profession (Const. 734 a. 1.).

Before the novice is admitted to first profession, he must write to the provincial superior requesting profession.

The provincial superior and his council consider the request together with the recommendation of the novice master and, if applicable, the recommendation of the superior of the novitiate house and that of his councillors.

The provincial superior may allow first profession to be anticipated, though not by more than 15 days (Canon 649 §2).

Conditions for the validity of the novitiate are listed in Canon 649 and 656.

The profession is received by the provincial superior or his delegate.

First profession should be a very simple ceremony, with little publicity (*Ordo Professionis*, no. 5).

Renewal of vows

30. The total period of temporary profession may be no less than three years and no more than six years. For sufficient reason a further extension may be granted by the provincial superior, but not beyond a total of nine years (Canon 657, GD 6.10).

The renewal is to take place on the day that terminates the period for which the previous profession was made. There may be no interval. However, it may be anticipated by up to three months, with the permission of the provincial superior.

The provincial superior, with the *consent* of his council, admits to renewal of vows (Constitution 734 a. 1.).

Before the temporary professed member is admitted to renewal of vows, he must write to the provincial superior requesting renewal.

The provincial superior and his council consider the request together with the recommendation of the rector of scholastics, together with the judgment of the formation staff and, if applicable, the recommendation of the superior of the house and that of his councillors.

Perpetual profession

31. The provincial superior, with the *consent* of his council, admits to perpetual profession those Salvatorians who have completed the period of temporary profession, have freely requested it and have been judged suitable (Canon 657, Const. 734 a. 1., GD 6.11).

Before the temporary professed member is admitted to perpetual profession of vows, he must write to the provincial superior with his request.

The provincial superior and his council consider the request together with the recommendation of the rector of scholastics, together with the judgment of the formation staff and, if applicable, the recommendation of the superior of the house and that of his councillors.

Perpetual profession may be anticipated by up to three months with the permission of the provincial (Canon 657 §3).

The conditions for validity are listed in Canon 658.

Other general norms

32. Whenever there is a *first profession, renewal of profession, or perpetual profession*, the official record should be drawn up in duplicate and separately signed: one for the provincial archives and one to be sent to the secretary general.
- The official record is signed by the member receiving the vows and the member making profession.
- The provincial superior or the person responsible will send to the church where the professed was baptized all the information necessary for the *perpetual profession* of the individual to be recorded in the baptismal register (Canon 535 §2).
33. A Salvatorian residing in a province other than the one to which he belongs juridically, is dependent on his own provincial superior in matters concerning admission to vows (both temporary and perpetual), the ministries of lector and acolyte and sacred orders. In such matters, his provincial should seek the necessary information from the province where the confrere is living.
34. Before first profession the novice must cede administration of his present or future property and make arrangements for its use and usufruct (Const. 317). Before perpetual profession he must make a will valid in civil law (Const. 318).
35. A candidate who wishes to change his status, from lay to clerical or vice versa, must make the request in writing to his provincial superior. For such a decision, the provincial requires the *consent* of his council (no legislation).

Ministries and Holy Orders

Ministries: lector and acolyte

36. The provincial superior admits to the ministries of lector and acolyte. He needs the *advice* of his council (no legislation).
- The requests to be admitted to the ministries of lector and acolyte are made by the member to the provincial superior in writing.
- The provincial superior and his council consider the request together with the recommendation of the rector of scholastics together with the judgment of the formation staff.
- These ministries may be conferred by the provincial superior or by the bishop, according to the rite of *De Institutione Lectorum et Acolytorum*. The provincial superior may delegate another priest to perform the ceremony (Private reply of Congregation for Divine Worship and Discipline of the Sacraments, 15 Nov. 1979).

Holy Orders: diaconate and priesthood

37. General requirements:
- a) The provincial superior admits to diaconate and priesthood (Const. 734, a. 1). He needs the *consent* of his council.
 - b) Dimissorial letters must be issued by the provincial superior. They must contain the details required by law in Canon 1052 §2. (Samples in Appendix 7 & 8)
 - c) Before the candidate is admitted to either diaconate or priestly ordination, he must write in his own hand to the provincial superior with his request. It must contain an explicit declaration that he freely, spontaneously and permanently commits himself to ecclesiastical ministry (Canon 1036).

- d) The provincial superior and his council consider the request together with the recommendation of the rector of scholastics, together with the judgment of the formation staff and, if applicable, the recommendation of the superior of the house and that of his councillors.
- e) The certificate from the one in charge of the candidate's formation referred to in Canon 1051 on the candidate's character and qualities may be given by the rector of scholastics or the rector of the seminary in which the candidate has studied.
- f) For Irregularities and impediments see canons 1041 and 1042.
- g) After the ordination ceremony, two copies of the official record (the certificate of ordination) are to be made, signed separately: one for the provincial archives and one for the secretary general. The provincial superior or the person responsible must also inform the parish where the newly ordained was baptized of the fact of ordination, to be recorded in the baptismal register.

38. Particular requirements:

In addition to the requirements listed above (no. 37), *ordination to the diaconate* requires:

- a) Certificates of studies indicating completion of the fifth year or of the second-last year of combined philosophical-theological studies (Canon 250, 1032 §1).
- b) Certificates of baptism, confirmation and reception of ministries of lector and acolyte (Canon 1050).
- c) 23 years of age completed, for those aspiring to priesthood, or 25 years for those choosing permanent diaconate. Dispensation from the age requirement is reserved to the Holy See when there is question of anticipating the ordination by more than a year (Canon 1031). For less than a year it may be granted by the provincial superior.
- d) The exercise of ministries for an appropriate period of time (to be decided by the provincial superior), keeping an interval of six months between the conferring of the ministry of acolyte and the diaconate. In special cases the superior general may grant a dispensation to shorten the interval (No. 7 above).
- e) A pre-ordination retreat of at least five days (Canon 1039).

39. In addition to the requirements listed above (No. 37), *ordination to the priesthood* requires:

- a) Certificate of studies stating that the curriculum has been completed (Canon 1050).
- b) Certificate of ordination to diaconate.
- c) 25 years of age completed, or at the age specified by the episcopal conference. Dispensation of less than a year may be granted by the provincial superior, for more than a year it is reserved to the Holy See (Canon 1031).
- d) The exercise of diaconate ministry for at least six months (Canon 1031), but in special cases the superior general may shorten this period (no. 6 c above).
- e) A pre-ordination retreat of at least five days (Canon 1039).

Appointments

- 40.** All appointments must be made in writing and must be preceded by appropriate consultation.
- 41.** **Local Superior:** The provincial superior, with the *consent* of his council, appoints or approves the election of the local superior, who must be a perpetually professed Salvatorian priest. His term of office is three years. He may be appointed for a second

term of three years. Appointment for a third period needs the permission of the superior general with the *consent* of his council. The written request to the superior general should state the serious reasons for the request and give the result of the consultation carried out in the community (Const. 738 & 723 k).

When the provincial superior wishes to appoint a brother as local superior, a request for permission must be made by the superior general to the Holy See.

42. Pastors and assistant pastors: The provincial superior, with the *advice* of his council, selects the pastors and assistant pastors. These are then presented to the bishop for appointment (Canon 682 §1). For removal, see Canon 682 §2.

43. Vicar superiors, local consultors and local treasurers are appointed or elected according to the terms of the provincial statutes. The term of office is three years, renewable every three years but if the superior is removed their office falls (no legislation).

Ordinarily the offices of superior and treasurer are not to be combined (GD 7.75).

44. Novice master and member responsible for initial formation: The provincial superior, with the *consent* of his council, appoints the novice master and the members responsible for initial formation. (Const. 614, 616, 734 a. 2)

NB There is a conflict between 616 which states *consent* is required for the appointment of [all] those responsible for formation and 734 a. 2 which states that *consent* is required for the appointment of [only] the novice master and the member responsible for initial formation.

45. Each province is recommended to have a **provincial finance commission** appointed or elected according to the terms of the provincial statutes (no legislation).

46. Transfer from one house to another: The provincial superior, with the *advice* of his council, transfers the religious of his province from one house to another. In exceptional cases he may omit consultation with his council (Const. 735,b,1).

47. Substitutes: The proper and immediate superior appoints a substitute for officials who are absent or impeded.

A higher superior, for a serious reason and with the *advice* of his council, may designate the substitute for a superior or other official, especially if it is foreseen that the absence or impediment will be lengthy.

Appeals

48. An appeal should be made in the first instance to one's immediate higher superior. If an intermediate superior has been passed over, the higher superior should send the appeal back to him. (GD 7.42)

Faculties

49. The code of canon law must be consulted for a complete treatment of faculties for sacramental absolution. The following are the main points that concern Salvatorian provincials.

Faculties in dioceses

50. The provincial will request faculties for the sacrament of reconciliation for his priests from the local Ordinary of their place of residence. This would be done implicitly when a priest is presented to the local Ordinary for a position that includes faculties by virtue of the office, e.g. that of pastor. This is necessary because the local Ordinary should not grant habitual faculties to a priest without previously consulting the latter's Ordi-

nary, and a religious should not use the faculties without permission, at least presumed, of his superior (Canon 971).

Domicile for religious is acquired in the place where the house to which they are officially assigned is situated (Canon 103). As long as a priest has faculties in his place of domicile, he has faculties everywhere, for all the faithful, unless a local Ordinary in a particular case withholds faculties for his territory (Canon 967 §2). 103). Another local Ordinary in a particular case may withdraw faculties for his territory (Canon 974 §2). In either case the local Ordinary is to inform the religious superior (Canon 974 §3).

The superior of a religious priest may forbid him to use the faculties that he has received from a local Ordinary (Canon 969 §1).

Faculties in the Society

51. All Salvatorian superiors (major and local) have by virtue of their office faculties for their subjects and for those who dwell day and night (i.e. at least one day and night) in their house, for as long as they dwell there (Canon 968 §2). For their own subjects, all our superiors can grant this faculty to any priest.

All who have this faculty either by virtue of their office or by special commission, *ipso jure* have it everywhere for all Salvatorians and for all who live day and night in our houses or residences. It may be used licitly unless a provincial superior in a particular case forbids its use for his subjects (Canon 967 §3).

Faculties for preaching

52. Priests and deacons have faculties to preach everywhere with at least the presumed permission of the rector of the church, unless they have been revoked or restricted by a competent Ordinary, or particular law requires express permission for preaching (Canon 764).

To preach to religious in their own churches and oratories, permission from the competent religious superior is required (Canon 765).

Permissions

Patrimony

53. The only property that belongs to a Salvatorian personally consists in what he owned prior to his first profession, what is his by inheritance or legal gift. All other property belongs to the Society (Canon 668 §3, Const. 316).

Canon law and our constitution require that a Salvatorian should have nothing to do with the *administration* of property that may belong to him. Before first profession, therefore, he must make dispositions concerning the administration, use and usufruct of his personal goods. This is part of the freedom gained by the vow of poverty. Any change in these dispositions requires permission from the provincial superior, who may grant it on his own authority (Const. 317).

Wills

54. Before perpetual profession each Salvatorian must make a will valid in civil law to dispose of his present or future property (Canon 107).

The provincial superior on his own authority may grant permission to change a will (Const. 318).

Publishing and broadcasting

55. The code of canon law contains eleven canons on the use of the mass media in the apostolate (Canon 822-832). All Salvatorians are encouraged to use the media, when opportune, in their apostolate, and to co-operate with the laity in trying to bring a Christian spirit to the media.

The approval of the provincial superior is required for publications on matters of religion morals and the Society (Const. 734 c).

Communications

56. All confreres are reminded of the importance of written communication. It is not only a matter of courtesy, but often of justice. When important business matters are conducted by telephone, an account of the conversation should be committed to writing for future reference. Urgent permissions may be granted, or decisions communicated, by telephone, but confirmation should follow by mail or fax.
57. In keeping with the principle of subsidiarity outlined in GD 7.1, confreres are asked to respect the various levels of responsibility, e.g. not to approach the provincial superior for a permission that is the responsibility of the local superior.
58. Provincial superiors are asked to be prompt in replying to the general administration's requests for information and reports.
59. Certificates of first and perpetual professions, renewal of vows, and of ordination to diaconate and priesthood should be sent to the secretary general, as well as to the provincial archives.
60. Official correspondence to the superior general should state clearly what is requested, the reasons for the request, information necessary or useful for making the decision, and the vote of the local or provincial council (if required). In financial matters, the opinion of the provincial treasurer should be reported. The letter should contain a list of any documents enclosed with the petition.
61. Confreres are expected to send three copies of books, booklets, tapes, cassettes, music, etc published by them to the general secretary.
62. Five copies of provincial statutes (in its final, approved form) and provincial personnel and address books should be sent to the general secretary.

Liturgical feasts, Masses

63. The following feasts and anniversaries are celebrated in the Society in a special manner:

	Pentecost
5th September	Blessed Mary of the Apostles
8th September	Birthday of Our Lady, Anniversary of the Founders death
11th October	Mother of the Savior
8th December	Immaculate Conception, Foundation Day
25th December	Nativity of our Savior, Titular Feast of the Society

We also observe the feast of Mary, Queen of Apostles on the Saturday before Pentecost and the feasts of the Apostles, St. Michael and St. Joseph.

64. Provincial statutes are to specify intentions for personal and communal prayer (Const. 409, GD 4.5).
65. The Society has permission from the Holy See to accept stipends for second and third Masses offered by a priest on the same day when these were required by pastoral necessity, provided these offerings were given to the formation houses. Canon 951 states that these offerings are to be transmitted to the purposes prescribed by the Or-

dinary. Hence Salvatorians may accept offerings for binated or trinated Masses and pass them on to the provincialate for formation expenses. The same canon also states that a priest who on the same day *concelebrates* a second Mass may not under any title accept an offering for that Mass.

Deceased confreres

Notification of death

66. The death of a professed Salvatorian or of a novice will be announced in the following manner:

The local superior will notify the deceased's provincial by telephone or fax, and also the family of the deceased by the most convenient means.

The provincial will announce the death:

- a) by fax to the generalate, giving the name of the deceased and the date of death;
- b) by the most convenient means to all confreres of the province.

It is important that each local superior have an updated list of the next-of-kin of the members of his community who are to be notified immediately of the serious illness or death of their Salvatorian relative.

Necrologies

67. Without undue delay the provincial should ensure that a photograph and a necrology of the deceased member are sent to the general secretary for inclusion in *Annales*.

The necrology is to give a brief survey of the members life including information about his formation, the various apostolates he has been engaged in during his time in the Society, something about his personality and manner of death. Such necrologies are our traditional way of paying tribute to the member who gave his life in service to God within the Society and to edify and inspire the membership.

Personal Papers

68. Great care is to be taken with the personal papers of deceased members, they should not be destroyed but be preserved in the house or province archives. They may contain valuable information concerning the history of the individual and the Society.

Prayer for Deceased Members

69. Provincial statutes prescribe prayers and masses to be offered for deceased members.
70. Local superiors ensure that a list of the anniversaries of deceased confreres is made available to the members.

Provincial Chapters

71. The convocation, date and place of the provincial chapter are decided by the provincial superior. Provincial statutes contain specifications. (Const. 733)
72. All capitulars are obliged to attend the chapter. Provincial statutes make provision for substitutes to be elected in case of necessity.

Elections

73. General principles of Church law governing elections are listed in canons 164-179, 626. Consultations, straw ballots and test votes prior to an appointment are not to be confused with elections.

Elections referred to in Salvatorian legislation are: a) those within general and provincial chapters and meetings of the Council of the Society, b) elections of delegates to provincial and general chapters, c) elections of provincial superiors.

74. For a vote to be valid, it must be free, secret, certain, absolute and determinate (Canon 172). Where a ballot asks for a number of names together, a vote containing a higher number is invalid, but one containing a lesser number is valid.

Communities

75. Provinces are divided into communities of six or more members. If it is envisaged that a community will fall below six members for an extended period of time it must be joined to another community (Const. 738). The permission of the superior general with the *consent* of his council is required (GD 7.38 k). If he considers it desirable the provincial may appoint a co-coordinator for this house.

76. A house of the Society may be established by the provincial superior with the *consent* of his council (no specific legislation) after consultation with the Generalate (GD 7.61 d). The prior written *consent* of the local Ordinary is required for the establishment of a house of the Society.

For a pro-province the permission of the superior general with the *consent* of his council is required for the establishment and suppression of houses (GD 7.62).

Absence from community

77. The term 'absent from the community' is used to describe the status of a religious who has been given permission to reside outside a house of the Society for a prolonged period (Canon 665 §1). An absence exceeding six months is normally considered a prolonged absence.

Permission to be absent from the community in no way places the religious in a special category or implies an absence from the Society, as does an exclaustation. It may be granted to those in both temporary and perpetual vows, whereas exclaustation is not granted to religious in temporary vows.

78. Reasons for requesting and granting this permission are:

- a) personal reasons, left to the prudent judgment of the superior;
- b) health reasons, physical or mental, of the religious;
- c) reasons of study;
- d) reasons of apostolate carried out in the name of the Society.

If the reasons for granting this permission are not one of the above, then the provincial superior might consider whether or not an indult of exclaustation is justifiable (Canon 686). Exclaustation constitutes a separate status, with different effects (see below).

79. The religious will personally request the permission in writing, giving the reasons for his request.

The provincial superior, with the *consent* of his council, may grant the permission: *for one year* when it is a question of personal reasons, for *more than a year*, for an indef-

inite period, or for whatever time is necessary, when it is for reasons of health, studies or apostolate carried out in the name of the Society (Canon 665 §1).

80. At the end of the period for which the permission was granted, or when decided by the competent superior, the absent religious is obliged to return to community.
81. The religious who has been granted this permission retains all the rights and obligations of a member of the Society. The permission may by its nature imply a relaxation of some norms incompatible with the situation of the absent religious.

The right to active and passive voice remains intact. In exceptional cases, and only when the absence is for personal reasons, this right may be limited. In this case, the limitation and the reasons for it may be stated in the decree granting the permission.

Temporary Departure

Simple exclaustation

82. This is a temporary departure by a religious in perpetual vows, requested by him, for a serious reason. The superior general with the consent of his council may grant an indult of exclaustation for a period of not more than three years. The Holy See may prolong the indult granted by the superior general or grant one initially for a period of more than three years (Canon 686 §1).
83. Documentation to be sent to the superior general by the provincial:
- a) the request of the religious, outlining the reasons;
 - b) the individual's *curriculum vitae*;
 - c) the recommendation of the provincial superior, and *consent* of his council;
 - d) where the petitioner is a priest or deacon, a letter from the Ordinary who receives him into his diocese, as a simple resident or with some pastoral responsibilities.
84. The exclaustated religious is freed from all obligations incompatible with his situation, e.g. requirements of community life, daily timetable, asking for permissions, etc.
- He remains subject to and dependent on the care of his superiors. If he is a priest or deacon, he is also subject to the local Ordinary with regard to pastoral ministry.
- He does not have active or passive voice in the Society (Canon 687).

Imposed exclaustation (ad nutum Sanctae Sedis)

85. This is not willed or requested by the exclaustated religious, but imposed as a 'medicinal remedy' when there are grave reasons connected with the personal or community demands of religious life.
- The documentation is prepared by the provincial superior, as in no. 83 above, with the exception of the request from the religious himself. When the provincial superior has received the *consent* of his council, he sends the documentation to the superior general
- The superior general, with the *consent* of his council, presents the case to the Holy See, asking that exclaustation be imposed. The indult has the same effects as simple exclaustation, to which others may be added in the indult (Canon 686 §3).

Definitive departure

General norm

86. The departure is definitive when the religious, personally and freely, requests permission to leave religious life and this is granted with the appropriate dispensation.
- 'Serious reasons' are required for dispensation from temporary vows, and 'very serious reasons' for dispensation from perpetual vows (Canon 688 §2, 691 §1).

Dispensation from temporary vows

87. The superior general with the *consent* of his council grants the indult of dispensation from temporary vows (Const. 723 e). The documents to be sent to the superior general are: a) the written request of the religious concerned, with a detailed explanation of the reasons for it, b) the recommendation of the provincial superior and the *consent* of his council (no legislation).

Dispensation from Perpetual vows

88. The Holy See grants the indult of dispensation from perpetual vows of religious, through the superior general (Canon 691). In order to present the petition to the Holy See the superior general requires the *consent* of his council (Const 723 e).
89. Documents to be sent to the Superior General by the provincial:
- a) The written request of the religious concerned, addressed to the Holy Father, setting out the very serious reasons for this request. It is not enough to give general reasons like 'I don't feel called to religious life.' Real and detailed reasons must be presented.
 - b) *Curriculum vitae* of the religious up to the date of the request.
 - c) Any other useful documents such as the views of formators, medical or psychological reports, etc.

90. Priests

When the petitioner is a priest, to the above documents should be added a *written statement from the bishop* who accepts him into his diocese, whether incardinating him immediately or *ad experimentum* (Canon 693). In the case of *ad experimentum* acceptance, the religious priest will become automatically (*ipso iure*) be incardinated into the diocese after five years. If, during, or at the end of those five years, the bishop refuses to keep him, the religious must return to the Society or find another bishop who will accept him, in which case a new request must be made as outlined above.

91. Deacons

When the petitioner is a deacon, this fact should be mentioned in the documents listed in no. 118 above, and as much detail as possible is to be given concerning the reasons for the request. If the request is only for dispensation from religious vows, and not from the diaconate, it becomes a case of incardination into a diocese, and the procedure given in no. 119 is followed.

Transfer from one religious institute to another

92. When a religious in perpetual vows wishes to transfer from one congregation to another, the superiors general of the congregations concerned may grant permission for the transfer (Canon 684 §1).
93. The provincial superior will send to the superior general:
- a) the individual's curriculum vitae;

- b) other opportune information for a better understanding of the case;
- c) the recommendation of the provincial superior and council of the religious concerned, together with the judgment of the provincial superior of the congregation where the individual wishes to try his vocation.

94. There will be a trial period (not a novitiate) of not less than three years. For a religious entering the Society, the conditions of the trial period will be specified by the provincial superior, with the *advice* of his council (Canon 684 §2).

During the trial period, the religious is obliged to follow the law of the new institute. Except for the vows, his previous rights and obligations are suspended.

At the end of the trial period the religious is admitted to perpetual profession by the provincial superior. If he is not admitted, or does not wish to make profession, he must return to his own institute.

The trial period is interrupted: when the individual concerned returns to his own institute, or when he requests secularization, through the intermediary of his original institute.

Transfer from a religious congregation to a secular institute or to a society of apostolic life, and vice versa

95. This requires the permission of the Holy See (Canon 684 §5).

96. The provincial will prepare and send the appropriate documentation, following the pattern of no. 93 above. The Holy See will then give the instructions to be followed.

Dispensation from priestly celibacy

97. This dispensation is granted only by the Holy See, through the Congregation for Divine Worship and Discipline of the Sacraments. Before presenting the request to the Holy See, the superiors should use every means possible to persuade the priest to return to the active exercise of the ministry.

The Church does not regard this dispensation a right automatically available to everyone, nor as the all-but-automatic result of a summary administrative process.

Although the pastoral aspects have to be taken into consideration, the formalities of the procedure stress the juridical aspect, and the grounds for the dispensation must be supported by solid arguments.

98. The Holy See considers only two reasons for such dispensations:

- a) those who should never have been ordained to the priesthood, because the necessary freedom or responsibility were lacking, or because competent superiors were unable, at a proper time, to make a prudent and appropriate judgment as to whether the candidate was qualified to lead a life of perpetual celibacy consecrated to God;
- b) those who have long since left the priestly life and now greatly desire to remedy a situation from which they cannot withdraw.

No other reasons for dispensation will be accepted by the Holy See. Due freedom or responsibility seem to be lacking when: i) there is pressure (not only physical) from individual people or from family, or formators, etc. ii) a person has hidden roots in his personality that explain or cause the present difficulties. iii) he approached ordination against the advice of his spiritual director, in a state of moral crisis, in difficulties of faith, etc.

The time of 'abandonment of priestly ministry' (not mere departure from the community or civil marriage) is judged to be about 15 years. Quite often a shorter period is accepted, depending on the age and circumstances of the petitioner.

When the petitioner is under 40 years of age his request will not even be considered unless in very exceptional circumstances (e.g. homosexuality, impending court case or imprisonment). It is not rejected, but postponed, and it can be presented again when the petitioner has reached 40 years of age; in which case he must make a new written request. There is no need to repeat the dossier of documentation, since it is already on file with the Congregation for Divine Worship. Simply refer to it.

If the case is rejected because of insufficient proof, and it is not possible to find new arguments, after a sufficient period of time the case could be presented again under item b) mentioned above.

99. The *Instructor* is the person who prepares the case to be sent to the superior general and then presented to the Congregation for Divine Worship and Discipline of the Sacraments. Normally he is the provincial superior, but he may delegate another person, in writing.
100. The member seeking a dispensation from priestly celibacy first contacts the provincial superior. It is he who directs the formal written request for a dispensation. If a petitioner cannot deal directly with his provincial superior, he may ask the Ordinary of his place of residence to consider and process his case.

The provincial superior, with the *consent* of his council, will judge whether there are good grounds for proceeding and forwarding the request to the Holy See (no legislation).

If his judgment is affirmative, he should suspend the religious from the exercise of holy orders, unless the good of the priest or of the community requires otherwise.
101. The provincial superior sees to it that the case is prepared as soon as possible, either by himself or by a capable priest, duly delegated in writing. He is the *Instructor* (Appendix 10).
102. The provincial superior then appoints a *Notary*, whose task will be:
 - a) to certify all the minutes of the process (delegations, oath, questioning of the petitioner, interrogation of witnesses or experts, vote of the instructor or provincial superior and of the bishop);
 - b) to attest all documents which may be produced and especially the fidelity of translation and transcripts. He attests all this by his own signature at the end of each document and by the words 'true copy of the original' when there is question of translations or transcriptions.
103. The *Instructor* then, in the presence of the *Notary*, will put to the petitioner all the pertinent questions of the *Interrogation* (Appendix 11). This *Interrogation* will contain:
 - a) the oath of the petitioner to tell the truth;
 - b) general information about the petitioner: date and place of birth, information on his personal and family circumstances, habits and manner of life, studies, date and place of ordination, curriculum of priestly ministry, present juridical status (ecclesiastical and civil), etc;
 - c) reasons for, and circumstances of leaving the priestly life, as well as factors which could have invalidated the understanding of priestly obligations.
104. When the case is presented under item a) the lack of necessary freedom, etc., the interrogation should elicit all the elements necessary or useful to complete the investigation and to clarify the reasons for the dispensation. It will not be necessary to ask all the questions listed in the model, but only those that apply to the particular case. Avoid unnecessary detail. Other questions may be added according to the needs of the case.
105. When the request is presented under item b), namely on the grounds of the petitioner's having abandoned priestly ministry for a considerable period of time and now wishes to remedy a situation from which he cannot withdraw (civil marriage, children); there is no need for an investigation about his formation or state of mind at ordination.

All that is required is his personally signed request for dispensation, expressing his loyalty to the Church and his desire to have his marriage sacramentalized, documents to prove his present circumstances, the recommendation of the provincial superior, a declaration from the local bishop that there is no danger of scandal, and a testimony to the fact that the petitioner and his family are living good Catholic lives. Also needed is a document to declare that the petitioner's civil law wife is canonically free to marry in the Catholic Church. If she is divorced or bound by another marriage, the dispensation will not be granted.

- 106.** The *Instructor*, knowing the arguments and facts presented by the petitioner, will question the witnesses called either by himself or by the petitioner: relatives, friends, fellow-religious, superiors, experts, etc. It is very important to have the testimony of superiors at the time of the petitioner's formation and training and of experts in the fields of medicine, psychology, etc. The purpose of these depositions is to confirm or not the reasons for dispensation presented by the petitioner.
- 107.** Finally, the *Instructor* prepares his own judgment. With all the documents available, the Instructor formulates his vote on the truth of the matter, indicating:
- a) what superiors have done for the petitioner;
 - b) a judgment on the truth of the facts and the force of the arguments for the dispensation;
 - c) a judgment as to whether or not scandal is likely to arise from granting the dispensation.

Should the *Instructor* be a person other than the provincial superior, the latter must make his own judgment on these questions and record it.

- 108.** On the completion of the process, all the acts of the case are sent to the Generalate for presentation to the Holy See. Four copies of the dossier must be sent (one for the general archives and three for the Holy See). A copy is also kept in the provincial archives.
- 109.** The dossier should contain:
- a) The formal request of the petitioner. It is addressed to the Holy Father and should contain the identity and particulars of the petitioner and, at least in general terms, the facts and reasons on which he bases his request (Appendix 9), usually an appendix, also signed, is added to the petition, giving a more developed explanation of the facts and reasons he mentioned in the petition;
 - b) The *Interrogation* of the petitioner (see nn. 132, 133 and Appendix 11);
 - c) The *Interrogations* or depositions of witnesses and experts (no. 135);
 - d) The vote of the *Instructor* and of the provincial superior, if he is not the Instructor (no. 136);
 - e) The vote of the local Ordinary of the petitioner's place of residence on the fear of scandal;
 - f) The 'information' concerning the petitioner taken before he pronounced his perpetual vows and before he received Holy Orders;
 - g) The documents indicating the delegation of the Instructor and the appointment of the *Notary* (nn. 128, 131, Appendix 10);
 - h) Any other documents relevant to the case: certificate of civil marriage, 'Declaration of the fact' in the case of *ipso facto* dismissal, or the 'Decree of expulsion' if legitimately dismissed, etc.

If some of the original documents are hand-written, a typewritten transcript is to be attached.

110. When the dossier of documents reaches the Generalate, the superior general, who has ultimate responsibility for those leaving the Society, will study them with his council and give his own judgment. The acts are then presented to the Holy See.

111. The Roman Congregation will discuss the case and decide:

- a) whether the process needs to be completed by further information;
- b) whether the petition is to be rejected as lacking grounds;
- c) or whether the petition can be granted.

The Congregation notifies the superior general of its decision, and he communicates it to the provincial superior. In practice, notification of the decision, even when the dispensation has been granted, may be delayed, depending on the age of the petitioner.

If further documentation is requested, this should be provided as soon and as fully as possible.

112. If the Holy Father grants the dispensation, a rescript is issued and sent to the superior general.

The Generalate sends the original to the provincial superior and the rescript is kept in the files of the province.

The provincial superior informs the petitioner and may give him a document testifying to the granting of the rescript, giving the date of granting and the date of notification, with its protocol number.

He also informs the following of the time and place of the rescript's concession and notification: a) the diocesan curia of the place where the petitioner at present resides, and b) the petitioner's baptismal parish.

Dismissal

Ipsa facto dismissal

113. Automatic dismissal occurs in the cases mentioned in Canon 694 §1: a) 'he who has notoriously defected from the Catholic faith,' and b) 'he who has contracted marriage or attempted to do so, even civilly.'

In these cases the provincial superior with his council, after collecting the evidence, will issue a 'Declaration of the Fact' and inform the superior general (Canon 694 §2), to whom he will send a copy of the marriage certificate for inclusion in the individual's personal dossier.

Unless there is a probable danger of scandal, the provincial will notify his province that the confrere has left the Society.

Dismissal by decree of the superior general

114. This requires the *collegial* vote of the superior general and council and the confirmation of the Holy See (Canon 699 §1, 700).

115. A Salvatorian shall be dismissed in the cases mentioned in Canon 695 §1:

- a) one who commits murder, or who by force or by fraud abducts, imprisons, mutilates or gravely wounds a person;
- b) a person who actually procures an abortion;
- c) a cleric living in concubinage or who continues in some external sin against the sixth commandment of the Decalogue which causes scandal;
- d) a cleric who has offended in other ways against the sixth commandment of the Decalogue, if the crime was committed by force, or by threats, or with a minor un-

der the age of sixteen years. (In this case the superior may judge that the dismissal is not necessary, but recourse can be had to other remedies, Canon 695 §1).

These causes have to be grave, external, imputable and juridically proven.

- 116.** A Salvatorian may be dismissed in the cases mentioned in Canon 696 §1:
- a) habitual neglect of the obligations of consecrated life;
 - b) repeated violation of the vows;
 - c) obstinate disobedience to the lawful orders of superiors in serious matters;
 - d) grave scandal arising from the culpable behavior of the member;
 - e) obstinate attachment to, or diffusion of, teachings condemned by the magisterium of the Church;
 - f) unlawful absence (with the intention of withdrawing from the authority of superiors) if it extends for a period of six months;

These causes have to be grave, external, imputable and juridically proven.

If the grounds for dismissal as presented are insufficient, it may be possible to find further grounds for another attempt.

If the case is not rejected, but a decision delayed, the petitioner should present the case again after a suitable lapse of time.

- 117.** In all these cases the norms established by Canon 695 §2 and canons 697-700 must be carefully followed.

Help for those who have left

- 118.** Although the Society is not bound in justice to give financial help to its former members, the provincial will be guided by equity and Christian charity in dealing with those who have left and may be in need (Canon 702, Const. 724, Directives of the Congregation for the Institutes of Consecrated Life, 25/1/1974).

Provincials will be particularly attentive to the possibility of discreetly offering whatever personal or pastoral support a former Salvatorian might find necessary (Const. 320).

Marginal cases

- 119.** Sometimes Salvatorians distance themselves more and more from the Society; both spiritually and juridically. The most frequent cases are:
- a) a Salvatorian leaves his community without permission to live and work elsewhere. He asks for no dispensation and avoids doing anything (e.g. contracting civil marriage) that would automatically separate him from the Society. This situation can go on for months, even years;
 - b) a Salvatorian leaves his community with a 'leave of absence' or with a temporary exclaustation. The permission runs out, but he does not contact the provincial nor ask for any extension. This situation goes on from year to year without his ever indicating that he wants to return to community;
 - c) a Salvatorian is sent outside his province for studies or for some particular apostolic work. Once his studies or work come to an end, he does not return to his province. Either he finds ministry where he is or goes from province to province, removing himself from the authority of his own provincial.
- 120.** To avoid these cases, or others like them, the provincial is asked:
- a) to keep frequent contact, through letters or other means, with Salvatorians living outside community;

- b) not to ask permission from the Holy See to extend 'leave of absence' without very serious reasons, and to do so always respecting the nature of this permission (Canon 665);
 - c) to intervene without delay to help a Salvatorian who is unlawfully distancing himself from his community (Canon 665 §2);
 - d) not to let irregular situations drag on indefinitely.
- 121.** Those who have left without permission should be reminded of their irregular situation and a) encouraged to return, or b) be granted the permission or exclaustation which their circumstances require (within specific limits), or c) be helped to request 'incardination' into a diocese and lawful departure from the Society. If they are in priestly ministry, the bishop should be informed of their irregular situation and reminded of his responsibility to help rectify it.
- 122.** Those who left with permission or exclaustation but did not obtain an extension when these lapsed should likewise be reminded of their irregular situation. The provincial should decide with them whether an extension is possible or appropriate. If there is no reason to justify extension, they should be helped to return to community life.
- 123.** Those who without permission are outside the Society for a long period of time are canonically members of the Society until they are formally dismissed or do something involving automatic dismissal (e.g. civil marriage). The Society bears some responsibility for them and may even be financially liable in civil law for their actions. The Holy See encourages religious institutes to rectify these situations, by reminding the individuals concerned that unlawful absence from their community for more than six months can be a sufficient reason for formal dismissal from the Society.

The provincial should encourage and help the individual to rectify his situation by returning to community or by obtaining the necessary exclaustation or permission to live outside, when this is possible.

Should the individual refuse or fail to respond, the provincial, after consulting his council, should inform him in writing that his lack of co-operation can be presumed to be a wish to leave the Society, and that he is liable to dismissal from the Society unless he returns within a specific time. He should be asked to reply within a month of receiving the letter.

If there is no response, a further letter should be written to him. If this has no effect, after at least one month of waiting, the provincial should, after consulting his council, send a formal request for dismissal to the superior general, together with copies of the correspondence and the recommendation of his council.

Re-admission

- 124.** A person can be re-admitted to the Society of the Divine Savior who had: a) completed his novitiate and made no profession, or b) lawfully left the Society after profession at the expiration of his temporary vows or by legal dispensation (Canon 690 §1).

The superior general re-admits to the Society. He will establish the conditions for an appropriate probation before allowing the candidate to make temporary vows and decide how long a period of temporary vows is necessary before allowing perpetual profession (Const. 724).

The provincial superior will forward the request for re-admission to the superior general, explaining the reasons of the case, and submit his own judgment and that of his council.

Relations with local Ordinaries

- 125.** The Society of the Divine Savior is an apostolic clerical religious institute with papal approbation (Const. 106)

Since the Society is of pontifical right, it is subject to its own superiors and immediately and exclusively to the authority of the Holy See in all that concerns internal government and discipline (Canon 593).

Since our congregation is a clerical one, our superiors enjoy ecclesiastical jurisdiction (Canon 596 §2) and Salvatorian provincial superiors are Ordinaries for those subject to them (Canon 134; nn. 2-12 above).

Where matters concerning internal government or discipline exceed the authority granted by the universal law of the Church or by our Constitutions and General Directory to our superiors, we have recourse to the Holy See and not to the local Ordinary (e.g. for certain dispensations, etc.).

External apostolate

- 126.** Vatican Council II insisted that all religious, even of pontifical right, are subject to the authority of the local Ordinary (and of the Episcopal Conference) in matters concerning the external apostolate (*Christus Dominus*, no. 35, *Ecclesiae sanctae*, nn. 22-40). Hence 'religious are subject to the authority of bishops in those matters which involve the care of souls, the public exercise of divine worship and her works of the apostolate' (canon 678 §1).

The laws concerning preaching (Canon 772 §1) and catechizing (Canon 775 §1) laid down by the diocesan bishops are obligatory for all. The episcopal conference may establish conditions for clerics or members of religious institutes to speak on radio or television about Catholic teaching or morals (Canon 772 §2).

The bishop may make a visitation of the churches of religious or of their oratories frequented by the faithful, their schools (except those which are open only to their own students) and other works of religion and charity (Canon 397 §2, 683, 806).

While religious are subject to the diocesan bishop in the exercise of the external apostolate, they are also subject to their own superiors and must remain faithful to the discipline of the Society, which obligations bishops themselves should not fail to insist upon in cases which warrant it (Canon 678 §2).

Contracts

- 127.** A bilateral contract is by its nature a mutual agreement, and agreement is ordinarily reached only by a process of negotiation between the parties. In such a process each side comes from its own perspective and sees more clearly its own legitimate rights and concerns. Such a process is an excellent occasion for both parties to come to a better understanding of each other and of their respective roles in the Church's pastoral mission and government. There should be a real meeting of minds that will promote evangelization. A good contract, signed with mutual understanding and respect is a firm foundation for joyful co-operation and fruitful ministry.

- 128.** Whenever the works of a diocese are entrusted to the Society or when Salvatorians are assigned by the provincial superior to diocesan works or ministry, the details of the work and our way of relating to the bishop should be regulated by a contract.

A *general contract* is one that covers the relationship between the bishop and the Society where a sizeable number of Salvatorians are involved in diocesan ministry or a number of diocesan works are entrusted to the Society. Such contracts are negotiated, concluded and signed on the local level by the provincial superior, with the *consent* of his council. It is necessary to consult the Generalate before a house is established (GD 7.61 d). Permission is needed from the superior general when there is

question of closing a house of the Society (GD 7.61 d) or expenses are likely to be incurred beyond the financial competence of the provincial superior (GD 7.82).

Particular contracts spell out the relationship for particular situations or works, e.g. one or several parishes, or an individual Salvatorian assigned by his provincial to the diocese for a special ministry. A contract with an institution, e.g. a hospital or a religious community, is also a particular contract. The negotiation and signing of particular contracts is reserved to the provincial superior (not the individual Salvatorian), even if it involves the ministry of only one Salvatorian.'

- 129.** The advantage of having contracts for a short duration (5 years or less) is that the opportunity is given to modify the contract as the situation evolves and changes with time. A clause could state that the contract is automatically renewed for a like period of time if neither party requests re-negotiation or modification within six months prior to the date of expiration.

Since the financial arrangements, because of inflation, are often the part of the contract that needs most frequent updating, a clause could be included to the effect that the financial arrangements are specified in an appendix to the contract that can be changed without re-negotiating the contract as such.

The Holy See's document, *Mutuae relationes*, could be usefully studied as regards the relationships between the bishops and a religious institute.

Parishes

- 130.** A parish is normally entrusted to the Society of the Divine Savior as a religious congregation, in keeping with Canon 520. The following are the items to be considered in the written agreement drawn up between the bishop of the diocese and the provincial or regional superior or their delegates:
- a) the period of time for which the parish is being entrusted to the Society. Parishes 'in perpetuity' should not be considered;
 - b) the appointment of the pastor, as an individual person or an office to be held jointly, according to the mind of Canon 517 §1, which governs this possibility;
 - c) the minimum number of persons to be assigned to the parish;
 - d) the financial payment to Salvatorian personnel working in the parish;
 - e) a clear list of priorities in the work to be done and provision for evaluation;
 - f) other items such as, renewal clauses, mutual notice of contract termination, etc.

Administration of temporal goods

General principles

- 131.** Constitutions 311-320 and 741-745 indicate the basic principles of administration of temporal goods in the context of our vow of poverty. Commitment to this vow must be reflected both in our simple style of life and in the responsible way we administer the material goods of the Society for the sake of its mission. (see also GD 7.72-7.82)
- 132.** Subject to the superior general and his council, provincial superiors are responsible for the administration of the temporal goods of their province. They are assisted by the provincial treasurer, who is in charge of the actual administration, and guided by the *advice* of their council and of the provincial finance committee.
- 133.** Ordinary administration covers the day to day running of the provinces and the houses of the Society, and requires no special permission for individual acts beyond the ordinary authority of the person responsible.

134. Extraordinary administration is that which changes or in some way reduces the stable patrimony of the Society, the province or a house. This includes buying, selling or leasing property, building or major repairs that exceed the financial competence fixed for a particular level of authority (provincial. local superior). Lending or borrowing, and contracts having financial implications.
135. All actions of extraordinary administration require permission from the appropriate superior. It is for provincial chapters, with the approval of the superior general and council, to determine the limits of competence of local and provincial superiors, specifying what they may do on their own authority and what amounts require the *advice* or *consent* of their councils. There are limits beyond which the superior general needs to apply to the Holy See and which vary for different countries.
136. When financial matters are considered by the provincial council, the provincial treasurer must be invited to take part and customarily he has a vote in the decision (Const. 744).
137. Provincial treasurers shall prepare regular financial reports for the provincial and council and for the provincial chapter. They shall send an annual financial report on the province to the general treasurer after it has been approved by the provincial and council. For this report they shall follow the guidelines provided by the general treasurer and the international finance commission.

Libraries

138. Each house has a library for the use of the community, containing especially books and periodicals on the Society, religious life and on topics that concern the apostolates of the house.
139. The superior will appoint a member of the community to act as librarian, whose task it will be to supervise purchases and to maintain the library.

Archives

140. The archives of the Society of the Divine Savior comprise all the documents of whatever date, form or material, produced or received by the Society at the various levels of administration and in the course of its legitimate activities, both spiritual and temporal.
141. The general administration and each province and house is to maintain its own archives. Treasurers and other administrators are also to have their archives.
142. The archives of the Society are to be kept separate from those of schools, parishes, and other works undertaken by the Society.
143. An archivist is to be appointed in each province and house of the Society. However, in a house the archivist may be the superior himself. In each house a chronicler is to be appointed.
144. The principal duties of the archivist are to preserve, classify, and make an inventory of all the documents committed to his care; he should also actively seek out documents that have been lost or gone astray.
145. The general archivist and the provincial archivist shall exercise in addition a broad superintendence over all archives in the Society or the province, and advise on these. (GD 7.51)
146. Working archives contain all documents concerning personnel, current administration and affairs. Superiors, treasurers and other administrators should maintain working archives, which they keep under lock and key. Documents that cease to be of current concern should be transferred to the ordinary archives as soon as convenient.

- 147.** Ordinary archives contain all documents of historical interest to the Society that are not included in the working archives. The archivist has responsibility for maintaining these archives. They are to be kept locked, and only the appropriate superior and archivist should have the key. (GD 7.51)
- 148.** It is strictly forbidden to destroy documents in the archives, or alienate them in any way from the Society's possession without the written permission of the appropriate superior.
- 149.** Prudence is exercised in the release of information contained in the archives. Superiors will draw up guidelines for the archivist to follow.
- 150.** Three copies of all books, periodicals, articles, musical scores, films and videotapes published by Salvatorians must be sent to the general archives.

APPENDICES

The following are samples of documents. In the case of professions (first vows, renewal, and perpetual), ordinations and reception of ministries, after each ceremony, one copy of each certificate is to be preserved in the provincial archives, and one to be sent to the secretary general.

The certificate-samples presented here may be photocopied or copied to computers for easier use as needed.

Appendix 1

FIRST PROFESSION

Society of the Divine Savior

Province: _____

House: _____

Name: _____

born, date: _____

born, place: _____ diocese: _____

father: _____

mother: _____

made first religious profession in the Society of the Divine Savior by taking the three vows of celibate chastity, poverty and obedience, for one year

on (date): _____ at (house) _____

Vows received by: _____ (Provincial/local superior or delegate)

Signatures:

_____ who received the vows

Professed: _____

Circle one: cleric or brother

Copies to:

Provincial Archives

General Archives

Appendix 2

RENEWAL of TEMPORARY VOWS

Society of the Divine Savior

Province: _____

House: _____

Name: _____

born, date: _____

renewed his temporary vows of celibate chastity, poverty and obedience in the Society of the Divine Savior, for one year

on (date): _____ at (house) _____

Vows received by: _____ (Provincial/local superior or delegate)

Signatures:

_____ who received the vows

Professed: _____

Circle one: cleric or brother

Copies to:

Provincial Archives

General Archives

Appendix 3

PERPETUAL PROFESSION VOWS

Society of the Divine Savior

Province: _____

House: _____

Name: _____

born, date: _____

made perpetual profession in the Society of the Divine Savior by taking the perpetual vows of celibate chastity, poverty and obedience.

on (date): _____ at (house) _____

Vows received by: _____ (Provincial/local superior or delegate)

Signatures:

_____ who received the vows

Professed: _____

Circle one: cleric or brother

Copies to:

Provincial Archives

General Archives

Notification to:

Church of Baptism

Appendix 4

RECEPTION OF MINISTRY

Society of the Divine Savior

Province: _____

House: _____

Name: _____

born, date: _____

I hereby certify that that the above named member

received the ministry of LECTOR/ACOLYTE [circle appropriate]

from _____ officiating minister

on _____ at (place): _____

Signature _____

date _____

Copies to:

Provincial Archives

Appendix 5

ORDINATION TO THE DIACONATE

Society of the Divine Savior

Province: _____

House: _____

Name: _____

born, date: _____

I hereby certify that the above named perpetually professed member of the Society of the Divine Savior **was ordained deacon**

by _____

Archbishop/Bishop of _____

on (date) _____ at (place) _____

Ordination witnessed by _____

Provincial/Local Superior

Signatures: _____ witness

_____ ordained

date _____

Copies to:

Provincial Archives

General Archives

Notification to:

Church of Baptism

Appendix 6

ORDINATION TO THE PRIESTHOOD

Society of the Divine Savior

Province: _____

House: _____

Name: _____

born, date: _____

I hereby certify that the above named perpetually professed member of the Society of the Divine Savior **was ordained priest**

by _____

Archbishop/Bishop of _____

on (date) _____ at (place) _____

Ordination witnessed by _____

Provincial/Local Superior

Signatures: _____ witness

_____ ordained

date _____

Copies to:

Provincial Archives

General Archives

Notification to:

Church of Baptism

Appendix 7

DIMISSORIAL LETTER for DIACONATE

Society of the Divine Savior

Province: _____

Dear Bishop _____,

The undersigned _____, provincial superior of the above named province of the Society of the Divine Savior, hereby grants permission to _____, perpetually professed member of this province, to be ordained deacon by _____, Archbishop/Bishop of _____

He declares that the candidate is not subject to any impediment or irregularity and has provided the documents required by law (Canon 1050, 1051): certificates of studies, baptism, confirmation, reception of ministries, and the declaration of freedom and commitment to the ministry.

He has also examined the testimony of those who vouch for the candidate's fitness to exercise this ministry: qualities, aptitudes, physical and psychological health.

Given at (place) _____

on (date) _____

Signed: _____ Provincial Superior

Seal:

Copy to:

Provincial Archives

Appendix 8

DIMISSORIAL LETTER for PRIESTHOOD

Society of the Divine Savior

Province: _____

Dear Bishop _____,

The undersigned _____, provincial superior of the above named province of the Society of the Divine Savior, hereby grants permission to _____, deacon and perpetually professed member of this province, to be ordained to the priesthood by _____, Archbishop/Bishop of _____

He declares that the candidate is not subject to any impediment or irregularity and has provided the documents required by law (Canon 1050, 1051): certificates of studies completed, and of reception of the order of deacon.

He has also examined the testimony of those who vouch for the candidate's fitness to exercise the priestly ministry: qualities, aptitudes, physical and psychological health.

Given at (place): _____

on (date): _____

Signed: _____ Provincial Superior

Seal:

Copy to:

Provincial Archives

Appendix 9

REQUEST FOR DISPENSATION FROM PRIESTLY CELIBACY

Most Holy Father,

I _____ (name), a priest perpetually professed in the province of _____ of the Society of the Divine Savior, respectfully ask from Your Holiness the favor of **dispensation from priestly celibacy**.

Born in (place) _____ and having entered the Society on (date) _____ I was ordained priest in (place) _____ on (date) _____

The motives that prompt me to make this request (and which are set out more extensively in the accompanying documents) are:

1. _____
2. _____
3. _____

And may God, etc.

Place, date

Signature of petitioner

Place, date

Signature of Notary.

Appendix 10

REQUEST FOR DISPENSATION FROM PRIESTLY CELIBACY

Model of document initiating the process and of nomination of Notary, and if necessary, of the delegation of Instructor.

I (name) _____ Provincial Superior of the province of _____ of the Society of the Divine Savior, after mature consideration of the circumstances and motives adduced in the petition, and after acknowledging my own competence to accept the case, in conformity with article 4 of the Procedural Norms of the Sacred Congregation for the Doctrine of the Faith (14 October 1980) do hereby:

1. delegate Father _____ to prepare the present case of dispensation from priestly celibacy.

2. appoint Father _____ Notary to record the *acta* of the case and to attest the acts and documents of the process.

Place, date

Signature of Provincial Superior

Signature of Notary

Appendix 11

REQUEST FOR DISPENSATION FROM PRIESTLY CELIBACY

This is only a suggested form for interrogation of the petitioner. Questions should be omitted, adapted, or others added, according to the needs of the case. Both questions and answers have to be recorded in writing.

ACCOUNT OF THE INTERROGATION

Today, (date) _____, I the undersigned _____ provincial superior of the petitioner (or: duly delegated by NN, provincial superior) after the petitioner had sworn, before me and the notary, to tell the truth, put the following questions to the petitioner, to which he replied as follows:

1. Please give your name, surname, place and date of birth, and the mailing address of your present residence.
2. What was the civil, economic, religious condition of your family? What sort of family life did you experience? What education did you receive?
3. Where and when:
 - did you receive your education as a youth?
 - did you enter the novitiate of the Society?
 - did you make your first profession?
 - did you study philosophy?
 - were you engaged in special studies?
 - did you have pastoral experience as a student?
 - did you study theology?
 - were you ordained priest?
 - did you do further studies?
 - were awarded academic degrees? Which ones?
 - did you make perpetual profession?
4. After ordination, which offices and ministries did you exercise? When and where?
5. Did you suffer from any serious physical or mental disease before you entered the Society? During your years of formation? After ordination? Did you take proper care regarding it? With what result? Is there anyone in your family who suffers from the same disease?
6. What is your present juridical status, both ecclesiastical and civil?
7. In your youth, at home, at school and in general before entry into the Society was there anything that disturbed your equilibrium (physical, mental, religious) and the proper development of your character? Any indications contrary to your priestly vocation?
8. Was your decision to enter the Society mature, freely made, with no undue influence from parents, relatives or others?
9. Was your decision to take first vows mature, free, responsible and not superficial, emotional, almost passive?
10. During the time of formation or before ordination, did you ever have serious doubts about your calling to religious and priestly life?

11. During the time of formation or before ordination, was there any weakening of your sense of dedication, of religious observance in prayer, reception of the sacraments, community life, observance of vows and roles?
12. As you approached theological studies, what ideas and judgments did you have concerning the priesthood, its perpetual dedication, and its responsibility? Were the burdens inherent in the priesthood well known to you and appreciated by you?
13. Before ordination to priesthood, did you have any serious lapses in the matter of poverty, chastity, obedience? Any psychic immaturity, especially affective? Any difficulties concerning the doctrines of the Church or any crisis of faith?
14. In the time of formation and before ordination, did you have open and sincere dialogue with your spiritual directors and superior concerning your difficulties, so that they might be able to judge whether you were really suited to lead a life of perpetual celibacy?
15. Is there anything else, from the years before ordination, which you judge helpful for the understanding of your present difficulties?
16. Did you ever seriously think, spontaneously or prompted by counsel of superiors or others, of deferring ordination to the priesthood, or not receiving it at all?
17. When you signed a declaration, confirmed by oath, that you were receiving sacred orders with full knowledge and freedom, did you in fact do so in full freedom, responsibility, sincerity, and not moved by emotion, human respect, fear, or the influence of others?
18. Was your formation for the affective life sufficiently balanced with regard to celibacy? Were you fully conscious of the significance and gravity of the obligation of celibacy? Did you freely accept this obligation?
19. Did you accept priestly ordination, with its obligations, freely and joyfully, as a positive act of perpetual dedication, and not passively, simply passing from one stage of formation to another?
20. Did you pronounce your final vows with the same sense of commitment?
21. What are the causes and circumstances that have led you to the decision to ask for dispensation from priestly celibacy? Is there question of a crisis of faith? Of an affective crisis? Of a lack of real adaptation to the sacred ministry? Of difficulties with community life? Do you experience frustrations and anxiety? A sense of emptiness, loneliness? Are there moral problems?
22. What have you done to overcome these difficulties? How long have you had them?
23. Whom (superiors, spiritual directors, fellow religious, physicians, others) have you consulted about your difficulties? What advice did they give you?
24. Through the course of your religious and priestly life, do you believe that superiors, spiritual directors or others were mistaken in their judgment of your vocation, in the direction or counsel they gave you? If so, how?
25. Are you living at present outside religious houses? Have you already abandoned the exercise of the priesthood? If so, when?
26. Is your decision to ask for dispensation from celibacy finale Do you think you can consider the matter once more, in a better way and more deeply?
27. In making your decision have you had psychiatric or psychological consultation or care? With whom? With what result?
28. Do you foresee a real possibility of providing for your fitting support after you have returned to the lay state?
29. If dispensation is granted, do you intend to marry? Just a general intention? A specific person? When? A woman who is canonically free to marry? If so, was she a religious?

30. In the place where you are living, do people know that you are a priest?
31. Are there any persons who could give testimony, to be kept secret, concerning your difficulties and the motives you are now presenting to obtain dispensation? Could you give their names in order that they may be questioned?
32. Have you contracted a civil or religious marriage? When? With a Catholic woman? If so, what is her juridical position (free to marry, civilly divorced, legitimately freed from the bond of a previous marriage by the definitive sentence of a competent ecclesiastical tribunal)? Was she a religious? Do you have children? Why do you wish to remedy this situation?
33. Do you wish to add anything to the above answers?
34. Do you *consent* that the above information may be used as far as is necessary, so that your case may be dealt with by the Superior General and Council and by the Holy See?

Place, date.

Signature of petitioner

Signature of Instructor

Signature of Notary