

# On the Implementation of IS 78.2

From the USA Conference of National Spiritual Assistants to the Secular Franciscan Order (CNSA)

15 March 2025

The increasing spread of Secular Franciscans across the USA, in many places spurred on by the natural movement of members and their families, and the decline in the presence of Franciscan friars of all obediences in the USA, has made the assignment of spiritual assistants increasingly difficult.

The Secular Franciscan Order (OFS) has clarified some aspects of spiritual assistance in its recent promulgation (November 2024) of International Statutes:

78.1: Although the spiritual and pastoral care of the OFS has been entrusted to the Franciscan First Order and the TOR, the responsible Major Superior may entrust this service of spiritual and pastoral assistance to men and women religious belonging to other Franciscan institutes, to Secular Franciscans, clerics or lay people, and other diocesan clerics or non-Franciscan religious.

78.2: A Secular Franciscan cannot be appointed Spiritual Assistant to his/her own Fraternity at any level.

Note that **IS 78.1 makes clear that it is appropriate to assign “suitable and well-prepared” Secular Franciscans as spiritual assistants for local and regional fraternities** (see Rule 26).

Indeed, on behalf of all of our Provincial Ministers and Provinces, we friars are grateful for all of those who are providing spiritual assistance, including many Secular Franciscans. Next, **IS 78.2 makes explicit what is implicit in canon law: the *altius moderamen* cannot be exercised by a member of the group that is being moderated**; that is, those OFS members who are otherwise suitable and well-prepared to serve as spiritual assistants are ineligible to serve their own local or regional fraternities (CIC 303). The required “higher” or “outside moderation” cannot be fulfilled by self-moderation.

On behalf of all of the friars who have allowed these appointments to be made in the past, we want to apologize to our brothers and sisters in the Secular Franciscan Order for appointing them to serve their own local or regional fraternities. We recognize that some people have undergone spiritual assistance formation only in order to serve their own fraternities, especially in cases where their fraternity is remote from both friars and other secular fraternities.

Most importantly, we apologize **because such appointments disenfranchise members—spiritual assistants cannot vote in elections**—and also make them ineligible for elective office, depriving their fraternities of leadership; that is, for setting aside **the important relationship of the individual member with their fraternity**. However, we also apologize for setting up a system

that suggested something not compatible with the concept of **the *altius moderamen* and the relationship between friars and seculars** which is enshrined in and guaranteed by this canonical bond.

Nonetheless, this formation is still beneficial, promoting a deeper perspective on the spiritual life of the fraternity, with a positive effect seen in any fervorinos or other presentations they might make, as well as in their exercise of leadership in fraternity.

Above all, whatever disruption may be experienced by those who have been serving their own fraternities, we remind you of the general principle that we should not hold onto titles but instead cooperate and facilitate a healthy spiritual life to the best of our abilities, with or without a title and position (Adm 4). We trust that even with heavy hearts about relinquishing these appointments, those who have been serving their own fraternities will continue to assist in a canonically appropriate way.

We emphasize the following:

- **Being canonically ineligible to serve a particular fraternity does not impute that the person is in any other way unsuitable to serve as a spiritual assistant for another fraternity.** Rather, the Church desires to respect all relevant relationships in the exercise of the *altius moderamen*.
- In recent times, **we have been increasingly aware of the importance of regulating or excluding various types of dual relationships** in many areas of life, in some instances with difficult consequences. The member serving their own fraternity as spiritual assistant is excluded from voting and from elected leadership, depriving the fraternity of the opportunity to elect them; but such appointments have at times also made other aspects of fraternal life and discord difficult to resolve.
- Most importantly, **providing spiritual assistance to a fraternity is the responsibility of the First Order and TOR.** The ordinary choice for a spiritual assistant should be a friar of the First Order or TOR. While we are blessed with many others helping us provide spiritual assistance, including Secular Franciscans, this gift that we are to each other in the Franciscan Family creates a “life-giving union” which fosters a “vital reciprocity” between the friars and the seculars (Rule 1, GC 89; see also the footnote to GC 85). The friars also lose part of who they are when friars and seculars are not present with each other.
- **The Provincial Minister or his delegate** (in some provinces called *OFS Animator* or *Provincial Spiritual Assistant*) **is responsible for providing spiritual assistance. If there is no spiritual assistant appointed, then this delegate is responsible for assisting the fraternity.** The local minister should not hesitate to request the delegate’s assistance to obtain the proper assistance for the fraternity—whether it is a specific task such as interviewing candidates before profession, or a request for advice.

## Implementation of IS 78.2

There are 31 local spiritual assistants appointed to serve their own fraternities, according to our national database (out of 570 fraternities across the USA). There are eleven regional fraternities at this time with one or more regional spiritual assistants who are Secular Franciscans and members of the same regional fraternity; in three of these regional fraternities, these are the only persons serving as regional spiritual assistants.

Recognizing both the canonical difficulty of these appointments as well as the need for time to arrange for an alternative, especially in the case of regional spiritual assistants who may have already scheduled elections and pastoral visitations, **we declare that all appointments for a Secular Franciscan to serve their own local or regional fraternity will expire on 15 June 2025.**

We encourage the responsible friars to make alternate arrangements more quickly if possible, but we also give a few suggestions below for providing spiritual assistance in difficult situations. We are grateful for those regional fraternities that have already made the necessary adjustments.

If a Secular Franciscan appointed to serve their own regional fraternity as spiritual assistant is needed for a specific task after 15 June 2025, then those responsible (other regional spiritual assistants, or relevant provincial OFS delegate) may write a letter of delegation for that person to witness elections or perform a pastoral visitation. Indeed, these people may continue to assist by delegation.

## Local Fraternities

Each local fraternity is bonded to a province of the First Order or TOR. The Provincial Minister is responsible for providing spiritual assistance, and he typically appoints a delegate (identified below as “PD”) to attend to this.

When no spiritual assistant is appointed, PD is still responsible for providing spiritual assistance. In many cases, a local minister has expressed concern that PD is very busy, and the minister hesitates to “bother” PD. However, it cannot be emphasized too strongly that this is PD’s responsibility. A polite request is not a “bother” but an opportunity to exercise our ministry and care for our brothers and sisters.

Nonetheless, it is more helpful if there is someone canonically eligible to serve as spiritual assistant. If there are no nearby friars of the province bonded to the fraternity, but there are friars of another obedience, then one of those friars may be appointed.

*Example:* A fraternity without spiritual assistant has five candidates preparing for profession. The minister calls PD to ask about the required interview from the spiritual assistant. PD

arranges to do the interviews by phone and report back to the council by video conference. Or a regional spiritual assistant might do the interviews.

*Example:* A fraternity council is frequently disrupted by a councilor who insists on pushing an agenda that the council has already decided not to discuss. The minister is sympathetic to this agenda and does nothing to intervene. Another member of the council calls PD, noting that they have no spiritual assistant and no local friars to consult for advice. PD speaks with the council member about some choices that person might take in the situation. With the council member's approval, PD follows up with the local minister and continues to provide more assistance over time.

### **Spiritual Liaisons for Local Fraternities with Remote Spiritual Assistants**

When the spiritual assistant is not able to be present in person most of the time, it may be helpful to a fraternity to have someone who is aware of the perspective and responsibilities of spiritual assistance to remind the fraternity of its obligations and needs as well as to facilitate communication with the spiritual assistant. This becomes even more important in a situation where the fraternity relies on PD [the provincial minister or his delegate], in the absence of an appointed spiritual assistant.

We propose that a spiritual liaison (SL) could be appointed from within the fraternity to facilitate this communication.

*Formation/Preparation:* The spiritual liaison must understand the role (responsibilities and perspective) of the spiritual assistant and thus should have **completed the spiritual assistance formation** appropriate to the role of spiritual assistant.

*Duties:* Aware of the perspective and responsibilities of the spiritual assistant, the SL would keep the spiritual assistant (or PD) informed and relay the spiritual assistant's messages. The SL would also ensure that the fraternity and its council are aware of the things they need to request from the spiritual assistant and the spiritual and liturgical needs of the fraternity.

*Dual Relationships:* Since the liaison is not a spiritual *assistant*—does not fulfill the *altius moderamen*—**the liaison retains all the rights of membership in the fraternity** and may even serve on the fraternity council. However, since the fraternity minister already has the right and responsibility to speak with the spiritual assistant or with PD on behalf of the fraternity, an appointed spiritual liaison should relinquish that title if elected minister, and **a fraternity minister should not be appointed to serve in this capacity.**

*Example:* There is someone suitable and well-prepared, canonically eligible, and willing to serve as a spiritual assistant for a fraternity, but this person is only able to attend three times a year in person, living four hours away from their meeting location. Video conferencing is not available for this fraternity in their location. A spiritual liaison, in conjunction with regular communication

with the local minister, can help the spiritual assistant to remain informed and assured of help conveying their messages to and receiving feedback from the fraternity and its council.

## **Regional Fraternities**

Effective 15 June 2025, the term of any Secular Franciscan serving their own regional fraternity as regional spiritual assistant (RSA) will expire. This affects eleven of our thirty regional fraternities. However, some of the suggestions here may be helpful for other regional fraternities as well.

After 15 June 2025, those Secular Franciscans who had served as regional spiritual assistants until that date may serve for any previously scheduled elections or visitations by delegation from an RSA who is still eligible or, absent any RSA, from the friar PD [provincial minister or his delegate] for the province bonded to the relevant fraternity.

As IS 78.1 makes clear, when there is no Franciscan religious available, **it is possible for a Secular Franciscan from a different regional fraternity to serve**; a Secular might be willing to assist at least for some of the responsibilities in a portion of a nearby region. The friar province also has some options when they are not able to find one person who is eligible to serve the regional fraternity on their behalf.

Typically, the regional spiritual assistants serve collegially when there is more than one. However, it sometimes happens that **several persons share one appointment**, or that a suitable person is only available for particular tasks. This may be delineated in their appointment letter as a regional spiritual assistant. There are several cases where one province has appointed two or more persons to serve as regional spiritual assistant; sometimes there are several friars who are appointed so that they may perform pastoral visitations without requiring a delegation letter, since they will help regularly over a period of time. This can be a good ministry for a friar with an irregular schedule or responsibilities that require travel to a certain region even if he does not reside in the geographical territory of the region.

Sometimes **a friar with flexible ministry might be willing to serve as RSA for a region where he does not live**. There is currently a friar who is serving as RSA for a region where his province has no friars who are available to serve. While this generosity is rare, it is helpful to know that sometimes when we ask for a little, we might receive much more than we expect.

Those provinces or groups of provinces which are responsible for providing a regional spiritual assistant but do not have any available option may appoint a contact friar for the regional executive council to receive the friars' perspective, someone who can give the friar perspective and be a reliable source of advice to the REC. If no particular friar is appointed, the PD is the person canonically responsible to provide this contact.

*Example:* A Secular Franciscan has extensive experience as a local spiritual assistant, has completed formation to serve as a regional spiritual assistant, and lives near the western boundary of another regional fraternity. A friar province bonded to several fraternities in the western edge of this region but with no friars in either region appoints this Secular Franciscan as a regional spiritual assistant with the understanding that they are only expected to perform duties within the western half of the region closest to their home.

*Example:* Two friars are appointed as regional spiritual assistants for a given region. One will serve fully, and the second will assist with pastoral visitations and elections as they fit with his schedule, planned in advance.

### **Assisting the RSAs**

The primary tasks of the RSA include witnessing elections, performing pastoral visitations, and participation in the regional executive council (REC). While participation in the REC cannot be delegated, the other responsibilities may be delegated to someone who has been properly formed and does not have any conflict of relationship. However, the General Spiritual Assistants have requested that **Franciscan religious would do pastoral visitations when possible**. There are other tasks often administered by the RSA which may be assigned to others because they are not canonically the responsibility of the RSA.

*Example:* A friar with proper preparation could be delegated to visit a region for pastoral visitations, even though he lives in a different part of the country. If he makes several pastoral visitations in a given area, that might lessen the total cost of travel.

In general, the **ecclesial witness for local elections** may be delegated to a Secular Franciscan who has completed proper formation to serve as a spiritual assistant, or to any Franciscan religious, diocesan clergy, or member of a different religious institute. The one delegating them should ensure they are prepared to serve as an ecclesial witness. For a Secular Franciscan, this is more than the usual formation to serve as a local spiritual assistant. But it can often be helpful to recruit local clergy when available, for what is usually a positive experience of OFS fraternity life. If there is a difficult situation in the fraternity which may affect the election, it is important for the RSA to attend the election or to give special instructions to their delegate.

The practice of **delegating some local pastoral visitations** is common in some of the regional fraternities. It is possible to delegate Franciscan religious who have not served as spiritual assistants if they have relevant experience and are deemed “suitable and well-prepared” for this service; religious have a regular experience of visitations as part of their life which in some cases can simplify their preparation for pastoral visitation of an OFS fraternity. It is good to consult the relevant PD before making any such delegation. While the General Spiritual Assistants have asked for Franciscan religious to perform pastoral visitations when possible, they have not

excluded properly formed Secular Franciscans from doing these visitations. Again, the typical formation for serving as a local spiritual assistant is not sufficient preparation for this.

There are several significant relationships that would make a Secular Franciscan ineligible to perform a pastoral visitation, including if their fraternity is sharing a formation program with the fraternity to be visited. This gives an example of a dual relationship that might arise, but there are other relationships among members across fraternities in a given area which suggests that these assignments should be carefully assessed on an individual basis.

Further, the importance of a truly outside perspective for the *altius moderamen* suggests that we should hesitate to delegate pastoral visits to OFS members within the same regional fraternity, at least if someone else might be available.

Any PD can appoint himself to serve as a regional spiritual assistant and therefore may perform pastoral visitations. Coordination with the REC and any RSAs is sufficient for this to take place, and it can help bolster awareness of the friars among the Secular Franciscans in the region.

### **Future Considerations**

The General Spiritual Assistants have suggested that the Provincial Ministers of the First Order and TOR in the USA, their delegates, the CNSA, and other relevant friars and Secular Franciscans should explore possibilities for providing spiritual assistance in our particular situation. The CNSA would like to facilitate this conversation.

It is the duty and obligation of the First Order and TOR to care for the Secular Franciscan Order. We hope that many of you will contribute to a future conversation on creative ways of fulfilling the *altius moderamen* when it appears difficult to find a suitable person, especially in light of IS 78.2.

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