

Canonical Regulations and Pastoral Guidelines on the Selection and Appointment of Spiritual Assistants

Conference of National Spiritual Assistants to the Secular Franciscan Order (CNSA)
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Numerous questions arise during the search for suitable and well prepared spiritual assistants, and sometimes appointments are made in good faith but apart from the structure set out in our laws and regulations. We intend this brief guide to assist in the process of the canonically valid appointment of spiritual assistants, as well as to explain the mind of the Church in how this is done.

The Secular Franciscan Order is subject to legitimate ecclesiastical authority in many respects. For example, a new fraternity must be approved by the ordinary of the diocese in which it is being established. The Church desires that each association of the Christian faithful (of any type) be connected with some competent group that will regularly examine the integrity of faith and morals. With this in mind, the Church has entrusted the care of the Secular Franciscan Order jointly to the various obediences of Franciscan Friars: OFM, OFM Conventual, OFM Capuchin, and TOR (see *Code of Canon Law* 303, 305.1). This relationship, called the *altius moderamen*, is a bond between the friars and the seculars to ensure fidelity to the Franciscan charism, communion with the Church, and union with the Franciscan family (*General Constitutions OFS*, 85.2). **This document is intended to help us reflect on how we in the Franciscan family talk about and live out this relationship, this bond.**

Provincial Ministers are the major superior of their provinces. Each provincial minister may appoint a delegate for some or all of his canonically designated responsibilities to the Secular Franciscan Order, both for the fraternities bonded to the province and for his responsibilities with regard to the relevant higher level fraternities (regional and national). Such a delegate is commonly called the *Provincial Spiritual Assistant*, although some friar provinces or obediences simply call that friar the *delegate of the provincial* (for work with the OFS). These terms should be considered synonyms.

The OFS Constitutions describe the appointment of spiritual assistants at each level. This is done collegially by the relevant groups of friars. For example, at the regional level, there is a conference of regional spiritual assistants comprised of members appointed by the obediences bonded to fraternities in the region. In the event that more than one province of an obedience is bonded to fraternities in the region, then the provincial ministers (or their delegates) jointly appoint their representative on the conference.

Example: Example: In St Paschal Baylon Region, there are fraternities bonded to the OFM Conventual, OFM Capuchin, and the OFM. More than one province of OFM friars is bonded to fraternities in that region, so the provincial ministers of those provinces should collaborate in some fashion to jointly appoint the OFM regional spiritual assistant. It is helpful when requesting an appointment that the regional executive council notify each relevant provincial minister (or provincial spiritual assistant) from the OFM of their shared responsibility.

Example: In St Anthony of Padua Region, at a certain point there were no friars available to serve as regional spiritual assistant, but there were two Secular Franciscans prepared to serve in this capacity. Neither was able to do the entire job. One was appointed to the conference by the OFM Capuchin PSA; the other, by the OFM. The two RSA's chose to divide their responsibilities geographically for visitations, which could also be a reasonable division of labor for friars serving a region.

At the national level, the provinces of various obediences usually appoint their respective national spiritual assistants during their national meetings. The OFM provincials of the USA, for example, select their representative on the Conference of National Spiritual Assistants at one of their regular meetings near the end of the term of the previous national spiritual assistant. However, there are other ways this appointment can be made that still respect the collegiality of the appointment.

Example: In Blessed Giles Region, one OFM province put forward a candidate for regional spiritual assistant. The Regional Minister consulted the provincial spiritual assistant of the other OFM province(s), and all provinces agreed in the appointment of the friar to serve as the OFM member of the Conference of Regional Spiritual Assistants.

Both regional and local fraternities do well to seek out possible candidates, even providing training programs for prospective spiritual assistants. However, both in law and in order to maintain our relationships within the Franciscan Family, the friars are responsible for the appointment of spiritual assistants. The provincial minister (our friar term for the major superior) often delegates some or all of his responsibilities for the appointment and preparation of spiritual assistants to another friar. The Constitutions of each obedience either directly state or strongly imply that this person must be a friar. In any event, the term of the provincial spiritual assistant ends with the term of the provincial administration; that friar must either be reappointed, or another friar appointed to replace him. If there is no friar appointed to this role, the provincial minister is directly responsible for fulfilling these duties.

However, in our Franciscan family we do not live in a vacuum. It is helpful – for the PSA, for the local fraternity, and for our witness as Franciscans – to work together. Often the Regional Executive Council or Regional Spiritual Assistant can serve as a clearinghouse to recommend Seculars or Franciscan Religious or others suitable and well prepared to serve as spiritual assistants. Naturally, the local fraternity may have a recommendation, knowing the people available. We recommend that the PSA speak with both the person recommended and the person recommending them.

Example: In response to a lack of friars available to provide spiritual assistance, St Felix of Cantalice Region developed a spiritual assistant formation program. As Secular Franciscans completed the program, they were available for assignments. None of the regional spiritual assistants were friars. The conference of regional spiritual assistants recommended a Secular Franciscan (suitable and well prepared) as local spiritual assistant for All Franciscan Saints fraternity to the provincial spiritual assistant of the friar province bonded to that fraternity. On the recommendation of the CRSA, the provincial spiritual assistant appointed this person as spiritual assistant for All Franciscan Saints fraternity.

Example: The regional spiritual assistant appointed by the OFM to serve St Felix of Cantalice Region was nearing the end of his term. There was no OFM friar in that region or living within a reasonable distance to serve in this capacity, so the CRSA decided to prepare for another Secular Franciscan to

serve in this capacity. A suitable and well-prepared Secular Franciscan was presented to the provincial ministers of the three OFM provinces bonded to fraternities in St Felix Region. At the next gathering of the OFM provincial ministers of the USA, these three provincials approved the recommended Secular Franciscan to serve as regional spiritual assistant for a three year term. At the end of the term, the recently appointed regional spiritual assistant reminded one of the provincial ministers, and the three provincial ministers reappointed this person to serve on the CRSA, this time for a six year term.

We recall from the *Manual of the General Spiritual Assistants* (IV.2.1):

Recognition of the responsibility of the seculars must not be transformed into a passive attitude of “leave it to them,” but must be an active attitude of promotion and collaboration so that the seculars might realize their vocation and proper mission.

The kind of collaboration displayed in the examples above shows that it is possible for the friars to have a positive role in the oversight and care of the local fraternities and of the OFS, while still allowing the Secular Franciscans to have a voice or share in the process of appointing spiritual assistants. This is true even in situations where there are no Secular Franciscans who would be suitable to serve as spiritual assistants.

In the history of the friars, there came a point where many of the friars did not want the responsibility of serving as chaplain to the Poor Clares. The Church insisted on maintaining this relationship anyhow, correcting those friars who thought it unimportant. The same could happen now with regard to the Secular Franciscans, given the lack of friars in many areas—and in some places, the lack of friars who are both suitable and willing to become well prepared.

This brings us to some of the pastoral considerations in the appointment of spiritual assistants—not merely pastoral approach to the Seculars, but within and among all the members of our Franciscan Family. There will inevitably be times when the weight of other ministries distracts the friars from their responsibilities toward and fraternity with the Secular Franciscans. Maintaining communication is one way to remind, encourage, and facilitate the relationship we are called to live as witnesses to the Franciscan charism—even when communications seem not to receive timely action or reply.

Example: Sr. Martha, OSF, was appointed to serve as a local spiritual assistant to a fraternity bonded to the OFM Province of St Remigius. The provincial spiritual assistant gave her contact information to the communications director of his province, so she now receives regular email bulletins about the friars in the province bonded to the fraternity she serves. Some of the fraternity members remember when there were friars from St Remigius Province serving in their city, so they appreciate hearing about their ongoing work, while they still pray for their eventual return. Sr. Martha knows that the fraternity sends the provincial spiritual assistant their monthly newsletter, but every so often, she sends word to the PSA about important events (professions etc) months in advance, in case the PSA is able to join them. Sr. Martha knows a couple friars from that province from a time they lived in the same city. She also writes them about something going on in the fraternity every once in a while.

Indeed, the OFS Constitutions note that the bond between the friars and the local community (*altius moderamen*, including the appointment of spiritual assistants) is to be “a witness of Franciscan

spirituality and of the fraternal affection of the religious towards the Secular Franciscans, and to be a bond of communion between his Order and the OFS.” (*General Constitutions*, 89.3; see also 90.1)

Example: The Regional Secretary of St Agnes Region has been sending the visitation reports for fraternities bonded to the OFM Province of St Remigius to Fr Aelred, the provincial spiritual assistant from that province. Even though she has not had any bounced emails, she decided to call Fr Aelred because he has not replied even simply to acknowledge receipt of any of the last five reports she sent. Fr Aelred informed her that he is no longer the provincial spiritual assistant, and that due to problems with his vision has no longer been reading his emails. He asked one of the other friars to give her the contact information for the new provincial spiritual assistant for St Remigius Province.

Communication is not the only dimension of our family relationship. There is a style of ministry that marks most Franciscans, but as in any family, it can be more difficult to apply that gentle and fraternal in some of the situations that are important and heartfelt, close to our lives. That is, sharing this close-knit family life can make some personality clashes more intense.

Reflection: Martin had appeared to be an ideal local SA in Blessed Giles Region, a quiet, diligent manager of the local food pantry. After his strident advocacy for a particular solution that was not well received by anyone in the fraternity, their ongoing relationship suffered in a way that no one involved could describe clearly or find a way through.

Question: You are a Regional Spiritual Assistant for Blessed Giles Region. The struggles – between Martin, who is well intentioned, and his fraternity struggling with his style of spiritual assistance – has come to your attention. What might you do about this? What resources are available for you?

Appendix

... the general ministers ... say that “the work of spiritual assistance, less far-reaching today in the area of direction and organization, can and must be more profound, as spiritual accompaniment and help in the formation of brothers and sisters.”

Handbook of Spiritual Assistance

regulations regarding the appointment of spiritual assistants

Code of Canon Law

Can. 303 Associations whose members share in the spirit of some religious institute while in secular life, lead an apostolic life, and strive for Christian perfection under the higher direction of the same institute are called third orders or some other appropriate name.

Can. 305 §1. All associations of the Christian faithful are subject to the vigilance of competent ecclesiastical authority which is to take care that the integrity of faith and morals is preserved in them and is to watch so that abuse does not creep into ecclesiastical discipline. This authority therefore has the duty and right to inspect them according to the norm of law and the statutes. These associations are also subject to the governance of this same authority according to the prescripts of the canons which follow.

§2. Associations of any kind are subject to the vigilance of the Holy See; diocesan associations and other associations to the extent that they work in the diocese are subject to the vigilance of the local ordinary.

General Constitutions of the OFS

1.4. The Holy See has entrusted the pastoral care and spiritual assistance of the Secular Franciscan Order (OFS), because it belongs to the same spiritual family, to the Franciscan First Order and Third Order Regular (TOR). These are the "Institutes" who are responsible for the *altius moderamen*, referred to by Canon 303 of the Code of Canon Law.¹

61.1. The regional fraternity is the organic union of all the local fraternities existing in a territory or which can be integrated into a natural unity, either by geographic proximity, or by common problems and pastoral circumstances. It assures the link between the local fraternities and the national fraternity in respect to the unity of the OFS and in accord with the cooperative efforts of the Franciscan religious orders to provide spiritual assistance within the area.

¹ See *General Constitutions OFS* 85,2. When the Constitutions are cited without any other specification, the reference is to the present text.

61.2. It is for the national council to compose the regional fraternity according to the Constitutions and to the national statutes. The competent religious superiors, from whom spiritual assistance must be sought, should be informed of it.

65.1. The national fraternity is the organic union of the local fraternities existing within the territory of one or more states which are joined and co-ordinated among themselves through regional fraternities, wherever they exist.

65.2. It is the duty of the Presidency of the International Council of the OFS to provide for the establishment of new national fraternities upon request and in dialogue with the councils of the fraternities concerned. The competent religious superiors of the nation, of whom spiritual assistance will be requested, should be informed.

85.1. As an integral part of the Franciscan family and called to live the charism of Francis within the secular dimension, the OFS has particular and close relations to the First Order and the TOR².

85.2. The spiritual and pastoral care of the OFS, entrusted by the Church to the Franciscan First Order and the TOR, is the duty, above all, of their general and provincial ministers. The *altius moderamen*, of which Canon 303 speaks, belongs to them. The purpose of the *altius moderamen* is to guarantee the fidelity of the OFS to the Franciscan charism, communion with the Church and union with the Franciscan family, values which represent a vital commitment for the Secular Franciscans.

86.1. The general and provincial ministers exercise their office with respect to the OFS through:

- the establishment of fraternities;
 - the pastoral visits;
 - the spiritual assistance to the fraternities at the various levels.
- They may exercise this office personally or through a delegate.

86.2. This service of the religious ministers completes but does not substitute for the secular councils and ministers to whom belong the guidance, co-ordination, and animation of the fraternities at the various levels.

87.1. For all that concerns the OFS as a whole, the *altius moderamen* must be exercised by the general ministers collegially.

87.2. It belongs to the Conference of General Ministers of the First Order and the TOR:

- a) to take care of the relations with the Holy See concerning the approval of the legislative or liturgical documents, which need to be approved by the Holy See;
- b) to visit the Presidency of the International Council of the OFS;
- c) to confirm the election of the Presidency of the International Council of the OFS.

² From Franciscan history and from the Constitutions of the First Order and the TOR, it is clearly evident that these Orders recognize that they are committed to the spiritual and pastoral assistance of the OFS in virtue of their common origin and charism and by the will of the Church. See Constitutions OFM, 60; Constitutions OFM Conv., 116; Constitutions OFM Cap., 95; Constitutions TOR, 157; Rule of the Third Order of Pope Leo XIII, 3,3; Rule approved by Paul VI, 26.

87.3. Each general minister, for his own Order, sees to the interest of the religious for the OFS and to their preparation for service to it according to the respective Constitutions and the Constitutions of the OFS.

88.1. The provincial ministers and the other major superiors, in the area of their own jurisdiction, guarantee the spiritual assistance to the local fraternities entrusted to the jurisdiction. They see to it that their own religious are interested in the OFS and that capable and well-prepared persons are appointed for the service of spiritual assistance.

88.2. It is the specific competence of the major superiors, in name of their jurisdiction:

- a) to establish, canonically, new local fraternities and guarantee them spiritual assistance;
- b) to animate spiritually and visit the local fraternities assisted by their own jurisdiction;
- c) to keep themselves informed on the spiritual assistance given to the OFS.

88.3. The major superiors are responsible for the spiritual assistance to the local fraternities which they have established.

88.4. The major superiors with jurisdiction in the same territory, are to establish together the most adequate means to guarantee spiritual assistance to local fraternities which, because of causes beyond their control, could remain without such assistance.

88.5. The major superiors with jurisdiction in the same territory, are to establish together the most adequate means for carrying out collegially their mission with respect to the regional and national fraternities of the OFS.

89.1. By virtue of the vital reciprocity between the religious and the secular members of the Franciscan Family and in regard to the responsibilities of major superiors, spiritual assistance to the fraternities of the OFS at all levels must be assured as a fundamental element of communion.

89.2. The spiritual assistant is the person designated by the competent major superior to carry out this service for a specific fraternity of the OFS.

89.3. To be a witness of Franciscan spirituality and of the fraternal affection of the religious towards the Secular Franciscans, and to be a bond of communion between his Order and the OFS, the spiritual assistant should be a Franciscan religious, member of the First Order or the TOR.

89.4. When it is not possible to give such a spiritual assistant to the fraternity, the competent major superior can entrust the service of spiritual assistance to:

- a. religious brothers or sisters of other Franciscan institutes;
- b. diocesan clerics or other persons, specially prepared for such service, who are members of the OFS;
- c. other diocesan clerics or non-Franciscan religious.

89.5. The previous authorization of the superior or the local ordinary, when needed, does not exempt the Franciscan major superior of the responsibility for the quality of the pastoral service and of the spiritual assistance given.

90.1. The principal task of the assistant is to communicate Franciscan spirituality and to co-operate in the initial and continuing formation of the brothers and sisters.

90.2. The spiritual assistant is by right, with vote, a member of the council of the fraternity to which he or she gives assistance and collaborates with it in all activities. The spiritual assistant does not exercise the right to vote in financial questions.

90.3. Specifically:

- a. the general assistants give their service to the Presidency of the International Council of the OFS, form a conference, and collegially see to the spiritual assistance to the OFS as a whole;
- b. the national assistants give their service to the national council, see to the spiritual assistance to the OFS in the whole territory of the national fraternity and, at the national level, to the co-ordination of the regional assistants. If they are more than one, they form a conference and give their service collegially;
- c. the regional assistants give their service to the regional council and see to the spiritual assistance to the regional fraternity. If they are more than one, they form a conference and give their service collegially;
- d. the local assistants give their service to the local fraternity and its council.

91.1. The council of the fraternity at each level requests suitable and prepared assistants from the competent superiors of the First Order and the TOR.

91.2. Specifically:

- a. the Presidency of the International Council of the OFS requests the general assistant from the respective general minister;
- b. the national council requests the national assistant from the major superior, indicated collegially by the major superiors with jurisdiction in the territory of the national fraternity;
- c. the regional council requests the assistant from the major superior, indicated collegially by the major superiors with jurisdiction in the territory of the regional fraternity;
- d. the local council requests the assistant from the major superior of the jurisdiction responsible for the assistance.

91.3. The competent major superior, having heard the council of the fraternity concerned, appoints the assistant according to the norms of these Constitutions and of the *Statutes for Spiritual and Pastoral Assistance to the Secular Franciscan Order*.