

QUESTIONS IN THE TIME OF THE PANDEMIC

CHAPTERS= deadline local, regional, national Councils: what to do?

The OFS Rule provides for the temporary nature of the service of the members of the Council (art.21 Rule) and the GGCC establish the duration of the same for the local, regional and national levels in three years, providing that the offices that compose it are conferred by election with confirmation (article 49.2; 79.1 and 3 GGCC).

The three-year period is counted from the day of the election: for example, a Council elected on August 20, 2020 will end its service on August 20, 2023.

If the national Statutes provides it, the elective Chapter can be held in advance.

The elective Chapter can be postponed up to three months (even if not provided for by the national Statutes) by reason of the Code of Canon Law (CIC), canon 165 since the OFS is governed by the universal law of the Church (which also includes the canon law) as well as from "his own" (art. 4.1 GGCC). This means that the Council can continue its activity with full powers and the Minister can convoke the elective Chapter of the Fraternity no later than three months from the expiration date (according to example: by November 20, 2023).

What happens if even three months pass without the elective Chapter having been celebrated?

According to the Code of Canon Law, canon no. 165 << *the ecclesiastical authority who has the right of confirming the election or the right of providing for the office successively is to make provision freely for the vacant office.*>>. This canon, read jointly with the art. 31.1 last part of the GGCC, indicates that the higher level Council, through a formal act of the Minister, can:

- a) appoint a Council, identifying the members that compose it (free provision of office, final part can. 165 CIC);
- b) arrange and convene the celebration of the elective Chapter (art.31.1 last part of the GGCC)
- c) in extraordinary cases, such as total lockdown and home restrictions for all, to extend the duration of the Council for a fixed time (can. 201 §2 CIC)

Since we are in a pandemic time, can the elective chapter be celebrated online?

NO, this is not possible.

Art. 76.1 GGCC clearly speaks of the place, day and time of the election to be indicated in the convocation. This specific norm for our Order must be read in conjunction with canons 119-1 ° (of general nature for all collegial acts), 167 and 173§2 (specific for the provision of the ecclesiastical office with elections). These norms make us understand very well how the physical presence of the capitulars, in a specific place, is essential for the validity of the election. This means that you CANNOT celebrate an elective chapter online.

ADMISSIONS AND PROFESSIONS: modalities at the time of Covid

Both admissions and professions can be celebrated in compliance with the provisions of the various governments and health and hygiene regulations, as well as social distancing.

It is good to remember that if the lockdown did not allow to make the formation even online, the Council of the local Fraternity has two possibilities:

- a) (in case the Government prohibited to leave the house and hold meetings) it may not consider "useful" (canon 201 §2 CIC) that time established because the aspirants and/or admitted could not objectively exercise their right to receive a formation: consequently the days of the impediment for "closure" are not counted, for example for the formation year, but are added to the expiry of this year. Example: the formation year ends on September 15, 2020 but in the country there were 60 days of "closure" for Covid 19, so the formation time will actually end on November 14, 2020;
- b) may extend the duration of the initiation or admission time according to art. 41.3 GGCC, even if the national Statutes do not provide for it.

If the local Council decides that admissions and/or professions will be held, it must remember that:

- 1) Profession is a public and solemn ecclesial act, which incardicates the person in the Order and commits him/her to put into practice the "*plan of Secular Franciscan life*" (art. 9.1 GGCC) to "*pass from the Gospel to life and from life to the Gospel*" (Rule 4): it is not a pious devotion nor does it earn holiness for the simple fact of having professed! (the opposite is true because that demands more than a normal faithful);
- 2) the Church (building) is NOT necessary for the rites of admission and/or profession. The OFS Ritual, Part I, Preliminary Notes is very clear:
 - a) n. 10 = **initiation rite**: "[...] *it is convenient that the admission take place during the celebration of the Gospel and inside the Fraternity*". In this case, the Ritual is clearly about the usual meeting place of the Fraternity.
 - b) n. 13 = **profession**: "[...] *It is convenient that the profession take place during the Eucharistic celebration or at least of an appropriate liturgy of the Gospel*". Holy Mass can be celebrated in a suitable and decent place, at the discretion of the celebrant, both outdoors (in the woods, by the sea, on the snow, etc.) and indoors (chapel, meeting room, conference room, etc.);
- 3) It is preferable the rite of Profession be done during a Eucharistic celebration, but the Ritual itself provides a valid alternative: the Liturgy of the Word (following the specific parts of the Ritual, you can have excellent suggestions for the preparation of this alternative to the Holy Mass) and also indicates who is to preside over the rite. OFS Ritual, Preliminary Notes at n. 17: "*In exceptional circumstances, when a lack of priests calls for it or makes it necessary, the candidates pronounce their profession before the Fraternity; **the Minister of the fraternity presides at the celebration of the Word (or another preside, if the circumstances require it)**. The Minister receives the profession, and the professed members of the fraternity act as witnesses.*" If the Council decides that the Minister concentrates only on the rite of profession, by "*other brother*" we mean the person

responsible for the liturgical acts of the Fraternity, or another professed identified by the local Council.

- 4) For these rites the presence of the Fraternity is important (for the purposes of their validity). Since we are in a time of pandemic, not the whole Fraternity can be present, especially if it is formed by many professed: in these cases the Council will identify an appropriate number of participants, representing the whole Fraternity, also in consideration of the maximum capacity (according to the law regulations for Covid 19) of the place where the rite is celebrated.

DIFFERENCE BETWEEN PUBLIC ACT AND PRIVATE ACT

Very often we make confusion between public and private acts, that is, between a public commitment and a private commitment ("vow").

Canon 1192 CIC helps us for a better understanding:

Private act or vow = it is done "*coram Deo*" i.e. "before God". It is the commitment that the person assumes directly with Christ; there is no ecclesiastical Authority that listens to him/her.

Public act or vow = it is made "*coram Ecclesia*" i.e. before the Church. This means that the commitment is accepted by the legitimate Superior (ecclesiastical authority) in the name of the Church: as regards the OFS, the Minister. The central function of the representative of the Order means that, for its validity, it is necessary that the Profession be received by a Secular Franciscan (Minister or his/her delegate), NEVER by a religious.

Solemn act or vow = the commitment is recognized by the Church.

Profession in the OFS is simultaneously an action of Christ and of the Church, it is a salvific event and for this reason it is a **public, ecclesial and solemn act**. The Church, a concrete liturgical assembly made up of the people of God and the community of brothers and sisters, is identified by the Ritual in the **local OFS Fraternity** (Ritual, II, Preliminary Notes n.13) which is << *a visible sign of the Church, community of love* >> (Rule art. 22).

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CIOFS Presidency