

A Practical Guide for the Visitor (Rome 2005)

Separation from the Congregation:
By Joining Another Society of Apostolic Life (n. 137-144);
Or by Incardination into a Diocese (n. 145-154)

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Premises

1. In Chapter 2 of the *Guide* titled “The Visitor and the Members of the Province,” article 9 deals with members of the province in difficulty. Obviously, not all difficulties are of the same importance, nature and complexity. It is one thing for a confrere in difficulty to commit an offense or behave in ways clearly in conflict with the very identity of consecrated life and, by doing so, have to face disciplinary procedures that may have external consequences (even expulsion); and quite another for him to experience difficulty in living the charism, or in his ministry, or in community life, for which he does not seek to leave the state of consecrated life or the priestly ministry, but instead asks to join another Institute (of Consecrated Life or another Apostolic Society) or to be incardinated in a particular diocese. The problems here are as different as are the measures to be taken and the procedures to be followed. Tomorrow we will look at the canonical process of expulsion; here today we will take up the theme of separation from the Congregation through two different means, as they are similar:

- Transfer to an Apostolic Society or an Institute of Consecrated Life,
- Incardination into a diocese.

2. However, before going into the details of these two tracks, it seems important to me to call your attention to some observations made in articles 135, 140, 146, 154 of the *Guide*.

a) Above all, it is the task of the Visitor to help the confrere in difficulty through a real, honest process of accompanying him and to assist him to discern seriously his situation. In fact the *Guide* says, “only a good process of discernment will make it clear if the desire to

move to another Institute is worthy to be attended to or not." Along these lines, the Visitor is to help the confrere to:

- Avoid making precipitous decisions, perhaps prompted by his emotive and immediate reactions to specific situations that are causing him discomfort.
- Take into account all of the elements so as to reflect carefully, remembering the importance of the commitments he made to God and to the Congregation, in particular the vow of stability.
- Perhaps take advantage of an appropriate opportunity for spiritual growth, through ongoing formation or perhaps another environment to help him alleviate the causes of the problems.

b) Transfer to another Society of Apostolic Life or to an Institute of Consecrated Life, or to seek incardination into a diocese does not constitute in itself a right of the confrere. For this reason, on the one hand, the petition should not be granted easily. But, on the other hand, it should not be denied excessively.

c) In the case that the petition of the confrere is accepted, the Visitor is called to actively collaborate with the Superior General in correctly following the prescribed steps so that the undertaken process would achieve the intended results. It is necessary to proceed according to the Code of Canon Law (as the *Guide* reminds us in art. 146).

d) Although the *Guide* speaks of the proposed procedures of incardination of the confrere into a diocese, I believe that what is stated in art. 154 applies to both cases, as in other such circumstances. The need to pay close attention to all of the necessary steps cannot be overemphasized, as well as the need to keep scrupulous, written, documentation in the provincial and general files.

The two tracks

1. Joining another Society of Apostolic Life or Institute of Consecrated Life

a) In the case of an incorporated confrere, be he cleric or lay, who wants to leave the Congregation, which is a Society of Apostolic Life, to join another Institute of Consecrated life, permission is required of the Apostolic See and it is necessary to comply with its prescribed orders.

b) On the contrary, in the case of an incorporated confrere going to another Society, according to Canon 744 §1, the Supreme

Moderator, with the consent of his Council, may grant such permission. However, two observations are noted.

- The rights and obligations that the confrere has with and to the Congregation are suspended.
- The right to return to the Congregation is maintained until definitive incorporation into the new Society as precisely stated in Canon 744 §2 of the Code of Canon Law, as in the *Guide*, art. 147. As such, as long as the confrere is not incorporated in the new Society, he remains a member of the Congregation. The Visitor, then, should take an interest in him and care for him, keeping the Superior General apprised of his progress.

c) It is clear that moving from one Society to another happens gradually and not suddenly. For this it is foreseen:

- That the Visitor should grant permission for a one-year leave in the other Institute the confrere desires to enter (C 67, §2).
- That the Superior General grants permission for any longer duration (cf. C 70).

This is all clearly indicated in the *Guide* art. 141.

d) So that the Superior General can study the petition of the confrere to leave the CM and join another Society or Institute the following are necessary:

- A petition in writing by the confrere, that is, a letter in which the confrere explains his reasons for the petition.
- A letter in which the Visitor of the confrere offers his opinion and that of his Council.
- A letter of the Major Superior of the Institute which the confrere wishes to join manifesting a clear intention to receive the confrere definitively and immediately or at least “ad experimentum.”

Also this procedure is found clearly described in the *Guide* (art. 141). These three letters are indispensable in order for the Superior General to be able to proceed to dispense a confrere from vows.

e) Another possibility is that a confrere from another Institute desires to enter our Congregation. In this case, if the Superior General admits him, he may require him, as well as the Apostolic See may require him, to make the normal Internal Seminary (novitiate) (C 54; S 20 and S 43) or a special Novitiate, as the Statutes permit the Visitor to do (*Guide* 143).

For the emission of Good Purposes and vows we must comply with the Constitutions and Statutes, unless the Apostolic See says that the vows must be taken immediately after finishing the Internal Seminary.

2. Incardination into a Diocese

a) Above all, we must be clear on terminology. One thing is incorporation into the Congregation and another is incardination into the Congregation. According to Canon 265 of the Code of Canon Law, "Every cleric must be incardinated into some particular church or personal prelature or into an institute of consecrated life or society endowed with this faculty, so that unattached or transient clerics are not allowed at all." To be more precise:

- Incardination affects all clerics and normally occurs with reception to Sacred Orders of the Diaconate. A cleric not incardinated can not exist.
- Incorporation affects all members of Institutes and Societies and occurs with the emission of vows.

b) An example is the case of an incorporated confrere, who is incardinated in the Congregation and who asks to join a diocese. This is possible in the same way that a cleric can transfer from one diocese to another (cf., Code of Canon Law, canon 267).

c) The procedures to follow are correctly laid out in and described in the *Guide* (143-154).

In practice the confrere relates his problem to the Visitor. If he persists in his decision, he also speaks to the bishop of the diocese in which he seeks incardination, who then writes the Superior General manifesting his willingness to incardinate him "ad experimentum" or in a definitive manner.

The Superior General, foreseeing the future incardination of the confrere, should dispense him from his vows. To do so he must have three letters in hand:

- A letter from the confrere manifesting his desire to join the diocese;
- A letter from the Visitor indicating his view and that of his council in relation to dispensing the confrere from his vows;
- A letter from the bishop who will receive the confrere. Naturally, in order to dispense him from vows, the bishop should express his desire to incardinate the confrere immediately and definitively (art 149). The dispensation

from vows only takes effect at the moment of incardination (art. 153).

It is possible that the bishop decides to incardinate the confrere immediately into his diocese. In such case, the Superior General grants the excardination from the Congregation and notifies the bishop (art. 150).

But it is more common that incardination into a diocese is achieved gradually over a period of time “ad experimentum.” Canon 268 § 1 is applied. This period of time can be extended up to five years. The Superior General grants the confrere permission to work in the diocese in which he desires incardination until incardination is definitive.

Once the five years is up, incardination is automatic, unless the bishop or Superior General takes a contrary position (art. 152).

Up to now we have been talking of cases in which a good relationship exists between the confrere, his superiors and the bishop; our discussion would not apply to those cases where the presence of a confrere in the territory of a diocese is against the will of his superiors or of the bishop.

Conclusion

The separation of a confrere from the Congregation is an event that is always sad and painful for the confrere as well as for the Congregation. Through the process of discernment and separation, it is necessary to keep in mind not only the good and interest of the Congregation, but over all, the true good of the confrere, whose good should be at the center of all the decisions and deliberations.