

PROPOSAL TO MODIFY THE TEXT OF THE CONSTITUTIONS
THE LENGTH OF THE PRIOR GENERAL'S MANDATE
THE FREQUENCY OF GENERAL CHAPTERS OF ELECTION

1. The 2007 General Chapter, no. 73 decreed: "In derogation of articles 204/a, 225/a, 232, 241, 249/c and 245/b of the Constitutions [...] provincial and vicarial chapters of the Order's jurisdictions will be celebrated every four years; consequently the terms of the Priors/Vicars Provincial and all associated offices (priors, pastors, officials) will be prolonged."¹

As is known the Congregation for Institutes of Consecrated Life and Societies of Apostolic Life did not agree with this decision because "the article in question did not receive the required two-thirds vote." The Congregation suggested that the proposal "be presented again in the next General Chapter and if it received the required majority of votes it can be presented to the Holy See for definitive approval."²

2. During the six-year term that is now coming to a close the General Council has noted growing approval for this proposal in its meetings with Priors, Vicars and Delegates Provincial at Rome, Fátima (Argentina) and Trois-Rivières (Canada).

3. In the light of this development the General Council has opened a discussion on the length of the Prior General's term of office and what is happening in other mendicant orders.

This discussion will bear in mind that several things are linked to the Prior General's term of office: the frequency with which General Chapters of Election are held, the length of mandate for the Procurator of the Order, the General Councilors, the Secretary of the Order and general Secretariats and Offices.

4. Throughout the history of the Order the length of a prior's mandate on all levels (General, Provincial, conventual) has varied.

This has especially been the case with regard to the Prior General's term and the frequency with which General Chapters have been celebrated. Over the centuries because of changing circumstances within and outside the Order, the frequency of General Chapters has gone from annual to every three years and then every six years: in the first century of the Order's life General Chapters were celebrated annually and the Prior General's term was almost life-long.³ From 1346 the General Chapter was celebrated every three years (Clement VI Bull *Regimini*

¹ *Acta Ordinis Servorum beatae Mariae Virginis, Atti del Capitolo generale. Ariccia (Rome), October 8-30, 2007*, N.S. a. II (2007), vol. 12, Rome, Curia Generalis O.S.M., 2007: first presentation: pp. 183-184 – ballot p. 189 (voting 59; *placet*: 37; *placet juxta modum*: 2; *non placet*: 20; *abstaining* 0); second presentation: p. 240 and relative ballot p. 242 (voting 57, *placet* 36, *non placet*: 21, *abstaining* 0).

² Letter from the Congregation for Institutes of Consecrated Life and Societies of Apostolic Life sent to the Procurator of the Order: Prot. N.S. 48-1/2008 (General Archives of the Order, Prot. 554/2011) December 16, 2011.

³ V.BENASSI, O.J. DIAS, FAUSTINO M. FAUSTINI, *I Servi di Maria. Breve storia dell'Ordine*, Rome 1984, p.49 "Up to that time (1346) the Prior General remained in office practically until death [...]."

universalis Ecclesiae).⁴ Finally the frequency of the General Chapter became every six years (Paul V, *Cum sicut electi*).⁵

5. The General Council:

- recognizing the Order's changed situation and especially its geographical extension;
- bearing in mind the link with the four-year term of Priors, Vicars and Delegates Provincial;
- and realizing that over the centuries the Order has changed its rules to meet internal and external needs (both of the Church and society),

has drawn up a proposal for modifying article **270** of our present Constitutions which speaks of the length of mandate for the Prior General and the offices linked to him and of article **254** which determines the frequency of General Chapters of Election.

The proposed modifications of the articles in the Constitutions are the following:

art. 254

*The Order celebrates a chapter every **eight** years, or sooner in accord with article 272, for the election of the prior general, the procurator of the Order, the general councilors and the secretary of the Order; for the protection of its spiritual patrimony and for appropriate renewal in accord with that patrimony; for fostering unity within the Order; and for updating its legislation, for planning and pother business.*

art. 270

*The Prior General is elected for **eight** years. Postulation is excluded. Five years of solemn profession are required for the validity of his election.*

As a necessary consequence the articles about the mandate of the Procurator of the Order and the General Councilors will have to change as well.

art. 276

*The Procurator of the Order remains in office for **eight** years and may be reelected.*

art. 280.

*General Councilor remain in office for **eight** years and may not be elected to a third consecutive term. Postulation is excluded.*

⁴ On March 23, 1346 Clement VI issued a Bull (perpetually valid) *Regimini universalis Ecclesie* that included the following provisions: the General Chapter was to be celebrated every three years; the number of those attending was reduced; in the Chapter the current Prior General would renounce his office but he could be reconfirmed; provincial chapters would be annual [...]; the conventual prior would be elected by his community if there were at least twelve friars in the community and his term should not be longer than two consecutive years." F.A. DAL PINO, *I primi due secoli di storia costitutente dei frati Servi di santa Maria e dell'Ordine di sant'Agostino (1245/47 – 1431)*, in *Spazi e figure lungo la storia dei Servi di santa Maria (secoli XIII-XX)*, Rome, Herder editrice e libreria, 1997, p. 61.

⁵ "Acceding to the request of the Definitors and Servite General Chapter held the previous year in Bologna, Paul V decreed that the General Chapter and the election of the Prior and Procurator General would be every six years. Prior General Baldassarre Bolognetti and Procurator General Aurelio Raffaelli would remain in office for six years." *Fonti storico-spirituali dei Servi di santa Maria 1496-1623*, Padua, Edizioni Messaggero,[2008], tomo *, p. 712.

6. With regard to this modification the General Council proposes a vote on Decree 73 of the 2007 General Chapter which read as follows:

LENGTH OF MANDATE FOR PRIORS AND VICARS PROVINCIAL (CF. ARTICLES 225/A, 245B, 232, 249/C) AND ASSOCIATED OFFICES (PRIORS, PASTORS, OFFICIALS)

73. In derogation of articles 204a, 225a, 232, 241, 249c, 254b of the *Constitutions*, the General Chapter decrees that the provincial and vicarial chapters of the Order's jurisdictions will be celebrated every four years; consequently the terms of Priors and Vicars Provincial and all associated offices (priors, pastors, officials) will be prolonged.

The Prior or Vicar Provincial will be elected for a four-year term and can be re-elected for one consecutive four-year term. Postulation is excluded.

[The General Chapter has decided that this derogation will enter into effect with the provincial and vicarial chapters of election to be celebrated in 2012].

7. The General Council proposes a discussion of and vote on these two proposals for modifying the *Constitutions* at the beginning of the General Chapter. *If they are approved with the required two-thirds' majority of votes* they can be sent immediately to the Congregation for Institutes of Consecrated Life and Societies of Apostolic Life. Once they are approved by the Holy See they can take effect immediately in our next election of a Prior General.