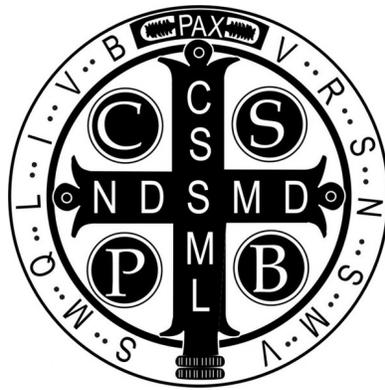


THE CONSTITUTION
AND STATUTES



OF THE
SWISS-AMERICAN
BENEDICTINE
CONGREGATION

MMXXII



**CONGREGATIO
PRO INSTITUTIS VITAE CONSECRATAE
ET SOCIETATIBUS VITAE APOSTOLICAE**

Prot. n. B. 109-1/2008

MOST HOLY FATHER

The Procurator General of the Swiss-American Congregation,
of the Order of Saint Benedict, having obtained the consent of the General Chapter,
asks Your Holiness
to approve the modifications made in the Constitutions and Statues
of the above mentioned Congregation, approved in 1988,
for the reasons presented.

The Congregation for Institutes of Consecrated Life and Societies of Apostolic Life, having
considered attentively the matter, approves the requested modifications.

Anything to the contrary notwithstanding.

Vatican City, 7 February 2022.

✠ José Rodríguez Carballo, OFM
Archbishop Secretary

Carmen Ros
Sr. Carmen Ros Nortés, N.S.C.
Undersecretary

THE CONSTITUTION AND STATUTES

of the Swiss-American Benedictine Congregation

Established by the General Chapter

Changes Approved by CIVC

September 21, 2005, Summer 2008, and September 27, 2021

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ABBREVIATIONS

- C A clause of the Constitution of the Congregation
- CIC The *Codex Iuris Canonici* of 1983
- GC Acts of the General Chapter of the Congregation
- LP The *Lex propria Confoederationis Benedictinae* of 1985
- PC The Second Vatican Council's Decree *Perfectae caritatis*
- S A statute of the Congregation

PREFACE

The Swiss Benedictine Congregation, in the first decades after its founding in 1602, had no legal code. Everything was done according to general and special ecclesiastical law or according to established custom. From the very beginning, however, the abbots in formal assembly issued numerous decrees, disciplinary and later also ritual, with the explicit purpose of achieving both reform and uniformity throughout the Swiss Congregation. Eventually, the abbots saw a need to have these decrees codified and to have some congregational norms of observance established. The Dean of St. Gall produced a text in which each chapter heading of St. Benedict's Rule for Monasteries was followed not only by those congregational decrees which were pertinent to the chapter but also by statements of customs in the more observant houses which seemed to be worth making norms for all houses. This text, entitled *Notae et observationes in Regulam Ss. P. N. Benedicti*, was formally accepted by an assembly of both the abbots and, extraordinarily, their deans or priors on the 7th of September 1636. New decrees were issued, and supplementary collections of them appeared in 1655 and 1702.

In the middle of the eighteenth century there appeared the two documents which, with occasional minor revision, still constituted the proper law of the Swiss Congregation when the first American monasteries were founded: a new edition of the *Notae et observationes*, confirmed by the abbots in 1748, and the *Constitutiones et Statuta*, confirmed in 1757. The copious *Notae et observationes* were arranged according to the form of the first edition. The *Constitutiones et Statuta* consisted of a first part, *De forma et ordinatione Congregationis Helveto-Benedictinae in communi*, with sections on the general assemblies (our general chapters), on visitations, and on the relations rising from the union of the monasteries, and a second part, *De gubernatione monasteriorum in particulari*, consisting of nineteen long sections, each addressed to one of the officials, major or minor, of every monastery, with the intention of ensuring uniformity of principles and procedures throughout the congregation.

The detachment of the Swiss monasteries in America from the Swiss Congregation in 1881 made it necessary for the newly erected Swiss-American Congregation to produce its own proper law. The result, the *Constitutiones et Sacrae Regulae Declarationes*, was published in 1894 and, with some revisions, in 1897, each time with approval of Pope Leo XIII for three years, then in 1901 with definitive approval. The document took the basic form of the Swiss *Notae et Observationes*,

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in the sense that all the ordinances and regulations of observance were given as appendages to particular chapters of St. Benedict's Rule. This was an arrangement proper for declarations on the Rule but not for the constitutional statements of the congregation's origins and purpose or for the constitutional ordinances regulating its regimen, its general chapters, its visitations, and the relations of the houses to one another, which the Swiss abbots had separated from their *Notae et observationes* and placed in the first part of their *Constitutiones et Statuta* of 1757. In presenting both types of material in the form of declarations on the Rule, the early Swiss-American legislators had as their model the Beuronese Congregation's *Regula S. P. Benedicti cum Constitutionibus Congregationis Beuronensis* of 1884. Although many of the Swiss-American provisions were based on the practice of the Swiss monasteries, their succinct formulation was new, very little attempt having been made to use the lengthy Swiss documents as textual sources. The early Swiss-American code did, however, incorporate several paragraphs of the Beuronese Constitutions, with little or no change.

In the *Declarationes in Sacram Regulam et Constitutiones Congregationis Helveto-Americanae* of 1925, the properly constitutional material was separated from the Declarations, and the work of two general chapters bringing both parts into conformity with the *Codex Iuris Canonici* of 1917 was incorporated into the text, approved and confirmed by Pope Pius XI on the 9th of September 1924. Subsequent modifications were evident in the new edition of 1950.

After the Second Vatican Council, all religious institutes were expected to produce new constitutions and to observe them provisionally, until the new *Codex Iuris Canonici* would be completed and constitutions could be adjusted to it. The Swiss-American Congregation, in its general chapter of 1969, produced a text which was innovative in many ways, not only in its provisions but also in its form. The ordering of articles as declarations on individual parts of the Rule was abandoned. The idea of reckoning three documents: St. Benedict's Rule, a new Declaration of ideals but not of specific points of observance, and a Constitution in the proper sense of the word, as the component parts of a congregational *Covenant of Peace* was adopted. Specific regulation of matters of monastic observance was left largely to the customary which each monastery was to draw up for itself; the uniformity of discipline which, in the Swiss tradition, had been a primary end of congregational legislation was thus replaced by the principle that individual houses should determine their own practices and their own standard of observance, within limits set by the Church or by the congregation. The provisional state of the

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new Constitution made it possible for the general chapters of 1972, 1975, and 1978 to introduce changes based on fresh experience.

The appearance of the new *Codex Iuris Canonici*, to have the force of law from the first day of Advent, 1983, made possible the new Constitution's co-ordination with it. The general chapters of 1984 and 1987 did this, revising still other details as they did so. Just as the congregation's legislation had left many things to be determined by the individual monasteries, so the new Code left many things to be determined by each religious institute. For our congregation, they were determined by those two general chapters, with attention to our customs, to our previous legislation, and to prudence. The new Code also made it necessary for the general chapter to determine which articles should remain articles of constitution, as fundamental norms which cannot be changed without approval of the Apostolic See, and which articles should become what in our congregation are now called statutes, which the general chapter may revise by its own authority as conditions change and new experience is had. This was done by the general chapter of 1987.

The final text of *The Constitution and the Statutes of the Swiss-American Benedictine Congregation* was approved and confirmed by Pope John Paul II on the 8th of December 1988. Rapidly made copies of it were immediately distributed. Having ascertained the wishes of the general chapter of 1990, I now direct that it be printed in a form appropriate to its importance.

+ Patrick Regan, O.S.B.

President of the Swiss-American Benedictine Congregation

Saint Joseph Abbey

The eighth day of December 1990

TITLE I.

OF THE NATURE AND PURPOSE OF THE CONGREGATION (C 1-5)

- C 1 The Swiss-American Benedictine Congregation is an association of autonomous Benedictine monasteries forming a monastic congregation (CIC 620), moderated federally by its general chapter and presidentially by its abbot president with his council, according to the norms set down in the Constitution and the Statutes of the Congregation. The Congregation is an integral part of the Benedictine Confederation, to whose laws it is subject.
- C 2 Though the monastic life is neither clerical nor lay, the Swiss-American Benedictine Congregation, by legitimate tradition, is numbered among the clerical institutes and enjoys all the privileges of the same.
- C 3 §1. The purpose of the Congregation is that of promoting its constituent autonomous monasteries' disciplined growth in their ancient traditions, with adaptation of those traditions to modern needs, so that the monasteries will be places in which the things which build up the people of Christ will be cultivated (PC 9). The Congregation, impelled by the Holy Spirit and led by the Church, is to serve and strengthen each of its autonomous monasteries so that the monastic life according to the Gospel, Saint Benedict's Rule for Monasteries, and the sound traditions of each monastery itself will be protected, so also that among the monasteries fraternal help, in persons, goods, and work, will in every way be encouraged.
- §2. The norms by which the Congregation aims at fulfilling this purpose, and by which all monks of the Congregation are expected, accordingly, to regulate their lives (CIC 598.2), are, after the evangelic norm of following Christ:
- 1/ the Rule of Saint Benedict;
 - 2/ the Constitution of the Congregation as approved by the Apostolic See;
 - 3/ the Declaration, the Statutes, and the decrees and decisions of the general chapter of the Congregation;
 - 4/ the proper laws, contrary neither to the universal law of the Church nor to the Constitution and the Statutes of the Congregation, which each autonomous house has enacted for itself and which have been set down in the Customary of each house, drawn up by the abbot in collaboration with his monks.
- C 4 The Congregation has no particular work or activity which is incumbent upon all of its monasteries or which gives a particular character to the Congregation. Like all monks, the monks of the monasteries of the Swiss-American Congregation have as their main

TITLE I

task that of rendering to God a service both simple and noble, within the monastic confines; at the same time, they are among those monks who lawfully take up some apostolate or works of Christian charity (PC 9).

C 5 §1. As public juridic persons, the Congregation itself and each of its constituent monasteries are capable of acquiring, possessing, administering, and alienating temporal goods, in accordance with universal and proper ecclesiastical law, and with civil law considered (see CIC 634.1).

§2. The juridic and administrative autonomy of each monastery is such that the Congregation bears no liability for the debts or actions or omissions of the monastery, or of any monk belonging to any monastery. An autonomous monastery of the Congregation bears no liability for the debts or actions or omissions of the Congregation or of any other autonomous monastery with its dependencies or of any monk of any other monastery.

TITLE II.

NORMS FOR THE INDIVIDUAL MONASTERIES (C 6-63)

CHAPTER I.

OF THE ORGANS OF GOVERNMENT OF THE MONASTERY

ARTICLE 1.

OF THE STRUCTURE OF BENEDICTINE AUTHORITY AND GOVERNMENT

- C 6 The structure of Benedictine authority is neither purely monarchic nor purely democratic; it is a particular blend of both. The authority of the cenobitic fraternity is received from God through the Church, and it is exercised principally through the abbot.
- C 7 Each autonomous monastery has two deliberative and consultative assemblies: the chapter and the council. The chapter is made up of the perpetually professed monks of the community. The membership of the council is determined by C 21-22.
- S 7 Monks who were perpetually professed originally without capitular responsibilities are not required to assume them now.
- C 8 The universal law of the Church (CIC 119, 127) shall be followed in all voting procedures of chapter and of council, unless this Constitution provides otherwise.
- S 8.1 In elections, the seniority of age prescribed as a deciding factor by CIC 119.1° is replaced in the Swiss-American Congregation by seniority of profession.
- S 8.2 The decisions of the chapter and of the council shall be committed to writing and preserved.
- S 8.3 In the proper law of the Swiss-American Congregation the word “shall” indicates obligation, while the word “should” indicates exhortation or recommendation.
- S 8.4 Since the principle of shared responsibility is rooted in the Rule, the abbot should refer certain questions to other members of the community and should share his responsibilities. He must refer to the chapter or to the council certain matters requiring either their consent or the expression of their opinions, or his acting collegially with the council, as prescribed by proper or universal law, before action may be taken (S 10.2, 23.3).

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ARTICLE 2. OF THE CHAPTER

- C 9 It is the abbot who convokes the chapter and presides at its meetings; at the abbot's discretion, the prior or another capitular may do so in his place. A chapter meeting is lawfully convoked when all of the qualified capitulars who live in the monastery have been properly summoned. Provision in the Customary of an individual monastery may be made for capitulars legitimately absent from the meeting to participate in decisions of the chapter.
- S 9.1 When a majority of the capitulars who must be convoked is assembled, the one legitimately presiding proposes the matters on the agenda, opening the discussion so that each capitular may freely express his opinion. Each voting capitular casts a secret vote. If the chapter gives its unanimous consent, the balloting need not be secret.
- S 9.2 Matters for the agenda of the monastic chapter may be introduced either by the abbot or by a majority vote of the council on a matter proposed by any capitular (see S 23.3, §2, n. 1).
- S 9.3 The agenda for a meeting of the chapter is normally communicated to the capitulars, with pertinent information made accessible to them, in advance of the meeting.
- C 10 §1. All capitulars have active voice (the right to vote) and passive voice (are eligible for office), to the extent permitted by law.
- §2. The abbot is himself a capitular, and hence he may vote with the other capitulars in any election, and on any matter in which neither universal law nor the proper law of the Swiss-American Congregation requires him to have the chapter's consent.
- S 10.1 The abbot, or the council with permission of the abbot, may invite to chapter meetings for consultation persons who are not capitulars.
- S 10.2 §1. The following acts require the previous consent of the chapter for them to be valid (see CIC 127):
- 1/ admission of candidates to the novitiate;
 - 2/ permission for a novice to continue when half of his novitiate has elapsed, unless the chapter has assigned its responsibility in this matter to the council according to the provision of S 29, §2;
 - 3/ admission of a novice to temporary profession;

TITLE II

- 4/ admission of a temporarily professed monk to solemn profession;
- 5/ readmission of one who has legitimately left the community (CIC 690.2);
- 6/ admission of claustral oblates to novitiate and to oblation;
- 7/ admission of a monk of another monastery of the Benedictine Confederation to a transfer of stability (C 41, §1);
- 8/ admission of a religious of another religious institute to his period of probation for transferring to a monastery of this Congregation, and his admission to solemn profession at the end of his probationary period(C 41, §2);
- 9/ reception of persons, other than candidates, to live at the monastery more than three months;
- 10/ foundation or closing of a dependent house, and its erection as an autonomous monastery (C 58, 60);
- 11/ acts of extraordinary administration in which alienation, or purchase, or exchange, or going security for another, or contracting a debt, or an onerous contract to continue over three years is involved, and any other business transaction in which the patrimonial condition of the monastery can be affected adversely, according to the norms of financial responsibility determined by the general chapter and by the Apostolic See (S 57.4; C 69; CIC 638.3);
- 12/ construction of new buildings according to the aforementioned norms of financial responsibility;
- 13/ acceptance or relinquishment of a parish (see CIC 681);
- 14/ founding or relinquishing a school or accepting the administration of a school; accepting or relinquishing any other institutional work for which the community is responsible;

§2. The chapter has the exclusive right to elect in the following obligatory elections, according to the norms of CIC 164-179 and the provisions of the Constitution and Statutes of this Congregation and the Customary of each house:

- 1/ election of at least half of the councilors of the house (C 21-22);
- 2/ election of the delegate and alternate delegate to the general chapter (C 67);

CHAPTER I: OF THE ORGANS OF GOVERNMENT OF THE MONASTERY

3/ election of the abbot (C 13-18; S 13-18).

ARTICLE 3. OF THE ABBOT

- C 11 The Abbot, in the governance of his house and its monks, has all the powers and faculties granted by the universal law to major superiors of clerical religious institutes of pontifical right; he is thus an ordinary according to the norms of universal law.
- S 11 As father of the community and president of the chapter, the abbot of each autonomous house of this Congregation exercises a function of service to his community, as he governs and teaches.
- C 12 All that is said in the Rule and in the proper law of this Congregation about the abbot applies also to a conventual prior, that is to say: the major superior of an autonomous nonabbatial monastery properly called a conventual priory, unless that is excluded by a contrary provision or by the nature of the case.
- S 12 When a conventual priory becomes an abbey, the chapter of that house has the right to proceed to the election of an abbot according to the norms of C 13-18; S 13-18; the last conventual prior remains the major superior with jurisdiction, as administrator, until the abbot has been elected and confirmed, or until his postulation has been admitted, or until the abbot president has appointed an administrator according to the norms of C 15 and S 15.1 or those of S 17.1.
- C 13 When the abbatial office becomes vacant, ordinary jurisdiction passes to the claustral prior as administrator. If there is no claustral prior, the ordinary jurisdiction passes to an administrator to be elected by the capitulars present in the monastery, convoked by the councilor senior in rank or profession among those present, who also presides at the election. For such an election the ordinary electoral procedures determined by the Customary of the house are to be followed. The administrator governs the community until a new abbot has been elected and confirmed.
- S 13 The administrator of an abbey according to the provisions of C 13 shall at once send notice of the abbatial vacancy to absent capitulars and to the abbot president. The diocesan bishop and the abbot primate shall also be notified.
- C 14 §1. Upon the death or resignation of the abbot, an election shall be held as soon as possible, in no case later than three months from the beginning of the vacancy of the abbatial office.
- §2. The electors of an abbot are all the capitulars of the monastery who, at the time of the election, are not deprived of their active voice (C 55) and are not otherwise disqualified for voting by CIC 171.1.

TITLE II

- S 14 All the electors shall be notified of the time and place of the abbatial election, which is to be determined by the abbot president in consultation with the administrator. Each elector shall signify that he has been notified.
- C 15 If the abbot president, having heard the views of the electors, decides with the agreement of the absolute majority of the electors that neither election nor postulation of an abbot is opportune at the time when an abbatial election should be held, it shall be within his power to postpone the election beyond the statutory three months, and to choose an administrator, after consultation with the electors.
- S 15.1 In appointing an administrator according to the provisions of C 15, the abbot president shall indicate the maximum duration of the administrator's term, without prejudice to the possibility of an election before the end of that term.
- S 15.2 An elector who is unable to be present at an abbatial election may vote by absentee ballot, or through a proxy to whom he may give a mandate using any suitable means of modern communication. The Customary of the individual monastery shall determine the procedure for absentee balloting and for balloting by proxy.
- S 15.3 Before the election of an abbot begins, the electors are to be assembled in a preliminary meeting in which proxies and absentee voters are identified and other preparatory matters are settled. At this meeting a declaration is made of the fact of any capitular's being deprived of his active or passive voice or of both (C 55), or of his being disqualified for voting for any of the reasons given in CIC 171.1. The person presiding at the election is competent to resolve doubts about any capitular's eligibility or about his right to vote.
- C 16 To be eligible as abbot, the religious must be a monk of the electing monastery who is not deprived of his passive voice; he must be a priest, perpetually professed for five years, and thirty-five years of age.
- C 17 §1. The abbot president or his delegate shall preside at the election, without the right to vote.
- §2. The abbot shall be elected by secret ballot. In an abbatial election a two-thirds majority is required on the first three ballots, and an absolute majority on the next six.
- §3. If nine ballots have been completed with no one elected, the abbot president, after consultation with the electors, must choose and appoint an administrator.
- S 17.1 When an administrator is appointed after nine inconclusive ballots in an abbatial election, it is the right and the duty of the abbot president to indicate the length of time in which the monk appointed will function as administrator.

CHAPTER I: OF THE ORGANS OF GOVERNMENT OF THE MONASTERY

S 17.2 When a monk has been elected abbot, his consent shall be asked by the president of the election. If the elected monk accepts, the president declares him elected and immediately confirms the election orally and in writing, according to the norms of CIC 179. Otherwise, the balloting begins again with a new first ballot from which the procedure described in C 17 continues.

C 18 If the electors wish to elect as abbot a monk who is legally ineligible, postulation is made according to the norms or CIC 180-183.

S 18 §1. Voting procedure in postulation of an abbot is that followed in election of an abbot by ballot, but the monk postulated must obtain two-thirds of the votes.

§2. The abbot president has the faculty to admit a postulation when the impediment to eligibility rises from the proper law of this Congregation. If a monk of another monastery of the Swiss-American Congregation is postulated, the abbot president has the faculty to dispense from the impediment, but the monk may not accept the office without the permission of his own abbot. If a monk of another congregation within the Benedictine Confederation is postulated, the abbot primate has the faculty to dispense from the impediment (LP 45). Other cases of postulation must be referred to the Apostolic See.

§3. If the postulation is rejected, the right of election returns to the electors.

C 19 §1. When an abbot has been duly elected and has been confirmed by the president of the election, he immediately assumes full jurisdiction and all powers of government of the monastery.

§2. An abbot must receive the abbatial blessing within three months after his election.

S 19.1 The rite of abbatial blessing is usually celebrated by the bishop of the diocese in which the monastery is situated. For a good reason, and with the consent of the diocesan bishop, the abbot-elect may receive the blessing from another bishop or abbot.

S 19.2 The acts of the election shall be accurately recorded by the secretary, and they shall be signed by at least the secretary, the president of the election, and the tellers, and shall be kept in the archives of the monastery.

C 20 The abbot is elected for an indefinite period.

S 20.1 The election of an abbot for an indefinite period is not the same as the former election of an abbot for life (GC 1969).

TITLE II

S 20.2 When an abbot thinks that the needs of his community or of himself call for his resignation from office, he should consult his chapter and seek the advice of the abbot president and the abbot president's council.

S 20.3 §1. If circumstances arise which seriously and perdurably hinder the abbot in the proper discharge of his responsibilities, he should submit his resignation to the abbot president. If he is unwilling to do this, the council of the house, in a session which the prior convokes at the request of any two councilors and at which the prior presides, has the right to request an extraordinary visitation by the abbot president.

§2. If the abbot president and his council, having consulted the community concerned, judge that the welfare of the community requires the termination of an abbot's tenure, the abbot president, with his council's consent (C 72, n. 19), may exercise his authority to remove the abbot from office.

S 20.4 §1. When an abbot relinquishes his office, he may retain the title of abbot and assume second place in rank in the community, after the ruling abbot; or, with the consent of the abbot president, he may return to his rank according to profession.

§2. The practice of electing coadjutor abbots in this Congregation is abolished.

ARTICLE 4. OF THE COUNCIL

C 21 The council of a monastery consists of the prior, the subprior if the monastery has one, and other councilors whose number is to be determined by the chapter.

C 22 At least one half of the councilors must be elected by the chapter, for terms whose length shall be determined by the Customary of the monastery. The other councilors may be appointed by the abbot. The number of councilors to be, respectively, elected by the chapter and appointed by the abbot is to be placed in the Customary of the house after it has been determined by the Chapter.

C 23 The abbot or his delegate convokes the council and presides at its meetings. Beyond those occasions when the abbot must convoke the council (S 23.3) or should convoke it (S 23.2), the council is convoked at the abbot's discretion or at the request of at least one half of the councilors.

S 23.1 To the council's discussion of a particular matter the abbot may call other persons whom he judges especially competent in that matter, for their advice.

S 23.2 At least semiannually the abbot with his council should examine the life of the community, particularly its prayer and work.

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S 23.3 §1. The consent of the council, given by an absolute majority of voices in secret ballot, is required in order for the following acts to be valid:

- 1/ financial acts, according to the norms of financial responsibility determined by the general chapter (S 57.4; C 69);
- 2/ continuation in the novitiate, if the chapter has assigned this to the council according to the provision in S 29, §1;
- 3/ permission for a monk to live outside a Benedictine house for a just cause, for not more than a year (CIC 665.1).

§2. The abbot must consult his council:

- 1/ on all matters to be proposed to the chapter;
- 2/ on important matters which do not require the consent of the chapter;
- 3/ on beginning a process of dismissal (CIC 697);
- 4/ on excluding a temporarily professed monk from admission to a subsequent profession (CIC 689.1);
- 5/ on presenting a novice to the chapter for admission to first profession (CIC 656.3);
- 6/ on presenting a temporarily professed monk to the chapter for admission to solemn profession (CIC 658 with 656.3).

§3. The abbot and his council must act together collegially in performing the following acts:

- 1/ in issuing the declaration of fact in a case of *ipso facto* dismissal (CIC 694), it being required that the abbot present evidence of the fact to the council, and that the declaration of fact then be officially recorded in the minutes of the council;
- 2/ in evaluating incorrigibility and inadequacy of defense after the canonical warnings have been given in a process of dismissal (CIC 697);
- 3/ in depriving a capitular of his active or passive voice, or of both, in chapter, and in restoring them to him (C 55).

TITLE II

ARTICLE 5.

OF DELEGATED AUTHORITY AND OF ORDER IN THE COMMUNITY

- C 24 The abbot shall appoint the officials deemed necessary for the administration of the monastery.
- S 24 Before the abbot appoints the officials of the monastery he should seek the advice of his council. The duties of each official shall be clearly defined, so that the official and all concerned know the extent and limitations of that official's duties and authority. Officials are responsible to the abbot, and they retain their offices at his discretion. They shall regularly confer with the abbot and, as the case may be, report to the council.
- C 25 §1. The abbot, having sought counsel, shall appoint a prior, who will assist the abbot and who will serve the community as superior when the abbot is hindered or is absent. A subprior may also be appointed.
- §2. The abbot shall appoint a cellarer as the chief financial officer of the monastery (see CIC 636).
- S 25.1 In a conventual priory, the subprior is the equivalent of the claustral prior of an abbey.
- S 25.2 In each monastery the following order of seniority is observed: the abbot, the prior, the subprior, the members of the community according to the time of their profession or oblation. For a special reason the abbot may alter the order in the community.
- S 25.3 If the abbot and community wish, deaneries or subgroupings may be set up.

CHAPTER II.

OF NOVITIATE AND PROFESSION, OF THE JUNIORS, AND OF CLAUSTRAL OBLATES

ARTICLE 1.

OF THE LENGTH AND CHARACTER OF MONASTIC FORMATION

- C 26 The length and character of the period of monastic formation shall be the same for all the monks of a house, without neglect of the needs of the individual or of the special training needed by those destined for the clerical state, in accordance with the universal law of the Church.
- S 26 The extent of the responsibility of a novice or of a temporarily professed monk for expenses incurred on his behalf during the novitiate and period of temporary profession shall be determined by the Customary of each house.

ARTICLE 2.

OF THE NOVITIATE AND OF CLAUSTRAL OBLATES

- C 27 Each autonomous monastery has the right to have its own novitiate, provided that it can guarantee an adequate formation. An abbot, with the consent of his council, has the right to erect a canonical novitiate also in a dependent monastery which is under his jurisdiction (see CIC 647.1).
- S 27.1 The abbots or superiors of monasteries in which, for any reason, novices cannot be adequately formed shall, with the consent of the council, send their novices to any novitiate of our Congregation or of the Benedictine Confederation.
- S 27.2 Before admission to the novitiate, applicants are to be received as postulants for a period of time to be determined by the abbot.
- S 27.3 A claustral oblate candidate may be received into the novitiate by the abbot with the consent of the chapter. After a year of novitiate he may be admitted to oblation with the consent of the chapter. He makes his oblation by promising obedience to the abbot.
- C 28 Before a postulant is received into the novitiate, the superiors shall inquire, even by seeking confidential information, whether the requisites of universal law have been duly met.
- S 28 When the postulancy has been completed, the postulant, after making a retreat whose length shall be determined by the Customary of each house, may begin his novitiate, if the chapter has given its consent.

TITLE II

- C 29 §1. During the novitiate the novices shall live under the care of the master of novices in the monastery as the abbot shall determine.
- §2. The master of novices shall direct the novices according to the spirit of the Rule, the Declaration, the Constitution, and the Statutes of this Congregation, and the instructions of the abbot. The abbot himself should take some direct role in the formation of the novices. The way of life in the novitiate and its regulations should approximate that of the professed community (CIC 650-562).
- §3. For the novitiate to be valid it must last at least twelve full months, to be spent in the monastery where the novitiate is being made (see CIC 648).
- §4. An absence from the novitiate which lasts for a period of more than three months, whether continuous or interrupted, renders the novitiate invalid; an absence lasting more than fifteen days but less than three months must be made up (CIC 649.1).
- §5. With the permission of the abbot, to be noted in the register of professions, a first profession may be anticipated by no more than fifteen days (see CIC 649.2).
- S 29 §1. When half the time of novitiate has elapsed, the suitability of a novice for continuing the novitiate and his fitness for the work of the monastery shall be deliberated in chapter. If the chapter then gives its consent, the novice may continue his novitiate.
- §2. The chapter of a monastery may assign the midyear deliberation on novices to the council. If it does so, this should be set down in the Customary of the house.
- C 30 The abbot may dismiss a novice at any time during the novitiate. The novice himself is free to withdraw during the novitiate or at its completion.
- S 30 The bond of oblation of a claustral oblate may be terminated at any time, either by the claustral oblate himself, or by the abbot, who may dismiss him for a just reason. The monastery is to show equity and evangelical charity towards a claustral oblate whose oblation is terminated and who leaves the monastery (see CIC 702.2).
- C 31 When a novice has completed his novitiate, the abbot may admit him to temporary profession if the novice himself so requests, if he is again judged suitable, and if the chapter has given its consent. If doubt still remains about his suitability or his readiness, the abbot can extend his novitiate by as long as six months.
- S 31 A novice shall make a retreat of at least five full days before his temporary profession.

CHAPTER II: OF NOVITIATE AND PROFESSION,
OF THE JUNIORS, AND OF CLAUSTRAL OBLATES

ARTICLE 3.

OF PROFESSION AND OF THE TEMPORARILY PROFESSED

C 32 There are two stages of public monastic profession: a first stage entered by the profession of temporary vows, and a final stage entered by the profession of perpetual vows. In both stages the professed monk responds to God's call by following the evangelic counsels in fidelity to the monastic observance. Both the temporary and the perpetual vows are public; all temporary vows are simple, while all perpetual vows are solemn (see CIC 1192).

S 32 Although all perpetual professions in the Swiss-American congregation since the 18th of October 1969 are solemn, simple perpetual vows professed before that date remain simple, unless they have been changed to solemn vows by a written act signed by a monk desiring that juridic change.

C 33 The purpose of the period entered by temporary profession at the completion of the novitiate is that of providing the temporarily professed monk with the opportunity to enter further into the monastic life and work of his community, so that both he and the community can see better, as he continues to live the life of his house, whether he is likely to succeed as a well-integrated monk of that community, ready, after some years of experience, to be solemnly professed with mature deliberation on his part.

C 34 §1. When a novice has completed his novitiate, and the requirements of CIC 656 for the validity of a novitiate have been fulfilled in his case, he may be admitted to temporary profession for a period of not less than three years and not more than six years. If it seems opportune, the period of time spent in temporary profession can be extended by the abbot, but only to such an extent that the entire time in which the monk is bound by temporary vows does not exceed nine years (CIC 657.2).

§2. When the time for which a temporary profession was made has elapsed, the temporarily professed monk who freely requests it and is judged suitable may be admitted to a renewal of temporary profession, or, if the chapter gives its consent, to solemn profession; otherwise, he is to leave.

§3. If there are just reasons for considering unfit a temporarily professed monk who has arrived at the end of a period of temporary profession but who refuses to leave, the abbot, having heard the opinions of his council, may exclude the monk both from the renewal of his temporary profession and from solemn profession (CIC 689.1).

§4. With the consent of the council, the abbot, having obtained the opinion of medical doctors or other experts, may exclude a temporarily professed monk from renewing his temporary profession, or from making his solemn profession, because of a physical or mental illness which renders the temporarily professed monk unfit for religious life, unless the infirmity has been incurred through the community's negligence or through work performed within the community. The requirements of charity and equity are to be satisfied according to the circumstances of each individual case (CIC 689).

TITLE II

§5. A temporarily professed monk's dispensation from his vows is reserved to the abbot president with the consent of the monk's abbot and that abbot's council (see CIC 688.2).

§6. The procedure for dismissal of a temporarily professed monk is the one followed in the dismissal of a solemnly professed monk.

S 34 A temporarily professed monk, under the care of the master of novices or master of juniors, should be given continuing systematic monastic training while he is integrated into the common activities of the house and given appropriate responsibility.

C 35 The abbot may permit a temporarily professed monk to live outside the monastery to pursue academic or professional studies or technical training. The abbot may grant a temporarily professed monk permission to engage in a limited and appropriate apostolate outside the monastery. It is fitting that the monk in question not be admitted to solemn profession until he has lived in the monastery a sufficient length of time after his return. Such a length of time is to be decided by the abbot and his council.

C 36 §1. Perpetual commitment to God in the monastic life is made by solemn profession. A temporarily professed monk shall be admitted to solemn profession only when the community and the temporarily professed monk agree to bind themselves in a lifelong covenant.

§2. A temporarily professed monk may not be solemnly professed until three years have elapsed after his first profession. For a just reason final profession can be anticipated, but not by more than three months (CIC 657, 3). If his time in temporary profession has been extended beyond six years with his abbot's approval (C 34 §1), and he, having reached the completion of his ninth year of temporary profession, does not ask to be admitted to solemn profession, or is excluded from solemn profession, he must leave the monastery.

C 37 §1. The formula used for profession in this Congregation shall be:

In the name of our Lord Jesus Christ.

I, Brother N.N., promise for ____ years (or perpetually) stability in this community, fidelity to the monastic way of life, and obedience, according to the Rule of Saint Benedict and the Constitution and Statutes of the Swiss-American Congregation; this before God and his Saints whose relics are here, and in the presence of the Right Reverend N.N., abbot of this monastery, and of its monks.

In witness thereof I have written this document with my own hand and signed it here at ____ Abbey in _____, on this ____ day of the month of _____, in the year of our Lord ____.

CHAPTER III: OF THE EFFECTS AND CONSEQUENCES OF THE VOWS

§2. It is understood that the very “promise” as used in this formula signifies the profession of public vows. Although by immemorial Benedictine custom, based on the Rule itself, the monks of our Congregation expressly mention in their formula of profession only the three vows of stability, fidelity to the monastic way of life (*conversatio morum*), and obedience, they are by the very nature of the monastic way of life bound also to chaste and consecrated celibacy and to perfect community of goods (see C 39, §3). When a monk of our Congregation signs the document bearing his formula of profession, he by that act assumes the obligations which are understood in the universal law of the Church as assumed by expressed vows of chastity and poverty.

C 38 §1. The document bearing a monk’s formula of solemn profession, written and signed by him, and signed by the person before whom he made his profession, shall be kept in the archives of the monastery.

§2. When a monk has been solemnly professed, his superior must send notification of the fact of his solemn profession to the pastor of the place where the newly professed was baptized. In addition, if the monk so professed came to the monastery as a secular deacon or priest, the bishop of his former diocese of incardination should be notified; if he transferred from another religious institute, the appropriate major superior of that institute should be notified.

CHAPTER III.

OF THE EFFECTS AND CONSEQUENCES OF THE VOWS

ARTICLE 1.

OF STABILITY AND CONVERSATIO MORUM, OF SECULAR OBLATES, AND OF HERMITS

C 39 §1. The vow of stability and the vow of fidelity to the monastic way of life (*conversatio morum*) are related to one another and to the vow of obedience.

§2. By the vow of stability a monk promises persevering fidelity to the community of the autonomous house of his profession, with its abbots under whom he will live, faithful the rest of his days to the monastic way of life in that particular community.

§3. By the vow of fidelity to the monastic way of life (*conversatio morum*) a monk promises fidelity to the whole complex of cenobitic monastic asceticism, which includes the sharing of goods, consecrated celibacy, common prayer, *lectio divina*, silence, and a moderate degree of solitude.

S 39 Each monastery may enroll secular oblates. These oblates promise conversion of life in keeping with the spirit of the Rule and according to the statutes approved for oblates.

TITLE II

- C 40 A cenobitic monk, with the consent of his abbot and of the bishop of the diocese in which he wishes to live, may become a hermit for a time to be determined by his abbot. The hermit remains under obedience to his abbot.
- C 41 §1. For a serious reason a monk may transfer his stability from one monastery of the Benedictine Confederation to another. It is required and is sufficient to have the consent of the abbots of both monasteries and the consent of the chapter of the receiving monastery. A probation period of one year is required, and the consent of the abbot and chapter of the receiving monastery is required at least at the end of the year. A new profession is not required (CIC 684.3).
- §2. For a serious reason a member of another religious institute in perpetual vows may transfer to a monastery of our Congregation. This is granted by the supreme moderator of that institute with the consent of his council and by the abbot president of this Congregation with the consent of the abbot of the receiving monastery and his council and of the chapter of the receiving monastery. After completing a probationary period of three years, the transferring religious may be admitted to solemn profession as a monk of the receiving monastery. Consent of the chapter of the receiving monastery is again necessary at least at the end of the probationary period (CIC 684.1-2).
- §3. Any further regulations for these types of transfer are to be determined in the Customary for each autonomous monastery.
- C 42 A monk may ask to transfer for a time to another monastery of the Congregation when, in his prudent judgment, this might be to his spiritual or moral or psychological advantage or might contribute to the good of the respective communities.

ARTICLE 2.

OF OBEDIENCE, OF CONSECRATED CELIBACY, AND OF POVERTY

- C 43 By the vow of obedience a monk subordinates his own will to the authority of his abbot, to the service of his community, and to the service of the entire Church. Monks are bound to obey the Supreme Pontiff as their highest superior, by reason also of their vow of obedience (see CIC 590.2).
- C 44 By his monastic profession a monk embraces consecrated celibate chastity for the sake of the kingdom of God (see CIC 599). Like all perpetually professed religious in the Church, a solemnly professed monk invalidly attempts marriage (CIC 1088).
- C 45 §1. By temporary profession a monk surrenders his right to administer his goods (that is to say, here and elsewhere in the proper law of the Swiss-American Congregation: all of his wealth and property, personal and real), or to use revenues coming to him in any way, without the permission of his competent superiors, as shall be determined by the proper law of the autonomous house. The temporarily professed monk nevertheless retains the right of ownership of his goods actually possessed and of those which accrue to him during the time of his temporary profession.

CHAPTER IV: OF THE COMPONENT ELEMENTS OF MONASTIC LIFE

§2. By solemn profession, an act including the assumption of all the canonical effects of a perpetual vow of poverty, which is in the Swiss-American Congregation a solemn vow of poverty, a monk commits himself to total community of goods with the other brethren of his monastery, as that is regulated by the universal law of the Church, by the proper law of this Congregation, and by the proper law of each autonomous house of the Congregation. Consequently:

- 1/ since, in accordance with the monastic nature of the Swiss-American Congregation, a monk fully incorporated into his community by solemn profession must abandon all possessions of his own, he must, before his solemn profession, make a full and complete renunciation of his goods actually held or yet to accrue to him in the future. This renunciation is to take effect from the day of his solemn profession, and it should be made in a form which, if possible, is also valid in civil law (CIC 668.4).
- 2/ a monk, thus renouncing fully all of his goods, present and future, by the act of his solemn profession, which includes the canonical effects of a solemn vow of poverty, loses the capacity of acquiring and possessing. As a consequence thereof, any act of personal and private disposition of goods, or use of goods or of the revenue therefrom, which he makes after his solemn profession is invalid.
- 3/ anything which accrues to a monk, by inheritance or gift or as revenue or in any way whatsoever, after his act of renunciation effective from the day of his solemn profession, belongs to the monastery of his profession and must be turned over to the monastery (CIC 668.5). He remains empowered to perform any and all acts which, by civil law, are necessary in order for him to receive as a private person goods conveyed to him by inheritance or gift or revenue or in any other way, but the goods thus conveyed to him and received by him as a private person in civil law then become the property of his monastery. If, by reason of civil law, the title to certain sources of money (for example: Social Security, insurance payments, trust funds, royalties) cannot be relinquished by the individual monk, the income from these sources must be turned over by him to the community.

CHAPTER IV.

OF THE COMPONENT ELEMENTS OF MONASTIC LIFE

ARTICLE 1.

OF COMMON PRAYER, OF SUFFRAGES, AND OF THE COMMON LIFE

C 46 §1. Each monastic community is obligated to celebrate in common the Eucharist daily and the Liturgy of the Hours at least three times a day. All members of the community who are not legitimately excused shall be present.

S46.1 Once a month, or twelve times a year, every monk shall offer the holy sacrifice of the Mass, according to his own participation in the one priesthood of Christ, for

TITLE II

the monks recently deceased, as well as for all the departed of the Congregation. Each monastery may determine additional suffrages for its own members.

S 46.2 When a monk dies, his superior shall notify the abbey and conventual priories and the dependent priories of the Congregation as soon as possible.

§2. The order, schedule, texts, and ceremonies of the Eucharist and of the Liturgy of the Hours shall conform to the directives issued by competent authority.

C 47 To favor silent recollection, prayer, and privacy, to promote cohesion of the monastic community as a family, and to manifest more clearly the monastic character of our life in the Church, each monastery shall have a monastic cloister. The limits of the cloister shall be determined by the abbot, and they are to be marked. For a just and serious reason, the abbot may give permission for a person who is not a monk to enter the cloister.

C 48 In our Congregation the monastic habit is to be worn, according to the customary of each house.

S 48.1 In the use of media of information or entertainment, discretion should be observed, and what is inappropriate in them for religious or for any person who should live chastely should be avoided (CIC 666).

S 48.2 Each monastery should make some definite provision enabling the monks living outside the house to enjoy a stay of several days periodically in the monastery.

ARTICLE 2.

OF PRIVATE PRAYER AND MONASTIC ASCETICISM

C 49 §1. Each monk must have the opportunity for private prayer, *lectio divina*, and daily examen. Each monk is encouraged to make the best possible use of these in order to deepen and advance his own spiritual life.

§2. As is traditional in our Congregation, devotion to the Immaculate Virgin Mary, Patroness of the Congregation, is to be esteemed.

C 50 In Each monastery there shall be an annual retreat.

S 50 Each monk has the right to make a day of recollection every quarter, and he is encouraged to do so. He should arrange with his superiors for a suitable day, so that he can be excused from his regular assignments.

C 51 The practice of penance is an essential part of monastic asceticism. The monk is to esteem the practice of private acknowledgement of his faults. Communal expressions of

CHAPTER IV: OF THE COMPONENT ELEMENTS OF MONASTIC LIFE

penance and mutual forgiveness, as in a chapter of faults, are to be arranged in each monastery. The monks should approach the sacrament of Penance frequently (CIC 644).

ARTICLE 3. OF WORK AND STUDY

C 52 All communities participate in the apostolic life of the Church according to their individual character. In exercising an external apostolate, monks are subject to the authority of the diocesan bishop (see CIC 678). Each monk's work, assigned under obedience by his superior, is an integral part of his monastic life.

S 52.1 All who ask to be admitted to monastic life in a monastery of this Congregation, and others who wish to remain for a time in a monastery of the Congregation, shall bind themselves by a formal written agreement to waive all claim to remuneration for their work, to the extent that is allowed by the regulations or laws of the place. Such an agreement is to be drawn up in such a way that it conforms to the laws and customs of the place.

S 52.2 §1. If a monk does not return to his monastery at the end of a period of exclaustation or of other lawful absence, or if he is unlawfully absent from the monastery, the monastery is not liable for any of his debts or actions or omissions whatsoever, or for any obligations whatsoever incurred by him.

§2. Neither the place of residence of an exclaustated monk nor his work is assigned to him by his abbot.

§3. An exclaustated monk, or a monk who, with his abbot's permission, lives outside his monastery and its dependencies for work not related to the activities of the monastery and not directed by its superiors, does not act as an agent of his monastery, and his services are performed neither for his monastery nor for his superiors.

C 53 Each monastery should provide a program of continuing formation and education for all of its monks.

ARTICLE 4. OF PENALTIES AND APPEALS

C 54 If, after receiving correction, a monk thinks that the penances imposed on him are unjust, and that he cannot obtain from his superiors a proper mitigation thereof although he has humbly asked for such a mitigation, he may have recourse to higher authority (CIC 698).

TITLE II

C 55 For a grave offense, the abbot with his council may temporarily deprive a capitular of his active or passive voice in chapter, or of both. Any capitular is *ipso iure* deprived of both his active and his passive voice:

- 1/ while he is living outside the monastery without canonical permission;
- 2/ while he is on leave of absence for the purpose of testing his vocation;
- 3/ from the date on which he signed a petition for an indult of exclaustation or of secularization or of laicization;
- 4/ while he is living in another monastery with a view towards transferring his stability.

C 56 In the dismissal of a monk, whether he is temporarily or perpetually professed, the universal law must be observed (CIC 694-704).

S 56.1 §1. Because of the intensity of common life in monasteries, grounds for dismissal are, in addition to the typical grounds given in CIC 696.1:

- 1/ habitual hostility manifested in a vicious or vindictive manner towards another person or persons;
- 2/ repeated manifestations of contempt for his house or its forms of life or its superiors;
- 3/ other transgressions of similar gravity.

§2. Grounds of less gravity, sufficient for the dismissal of a temporarily professed monk, include:

- 1/ disobedience to the legitimate directive of a superior in less grave matters, when such disobedience is pertinacious or obstinate;
- 2/ repeated unlawful absences lasting overnight;
- 3/ other transgressions of similar gravity.

S 56.2 In the cases of *ipso facto* dismissal specified in CIC 694, it suffices that the abbot present evidence of the fact to his council and that the declaration of the fact be officially recorded in the minutes of the council and kept in the archives (S 23, §3, n. 1).

CHAPTER IV: OF THE COMPONENT ELEMENTS OF MONASTIC LIFE

ARTICLE 5.

OF THE SHARING OF GOODS AND FINANCIAL ADMINISTRATION

C 57 §1. A novice, before his first profession, must cede to whomever he wishes the administration of his goods, making disposition for their use and for the revenue coming from any of them.

§2. Sometime before his solemn profession, a monk must draw up, in form valid in civil law, a last will and testament which is to be valid from the day of his solemn profession. In this last will and testament he shall designate as his beneficiary the monastery of his stability, since the purpose of a will valid after his solemn profession is that of safeguarding in civil law his total community of goods with the other monks of that monastery.

§3. If a professed monk has reason to change any provision he has already made for the administration or management of his temporal goods, or to place any act whatsoever in matters of temporal goods, he must first have the permission of his own abbot, according to the customs and proper law of his monastery (CIC 668.1,2).

S 57.1 Communities and individual monks shall exercise a responsible stewardship in their use of material things. The judgment of the individual monk in these matters is subject to the abbot's approval. The detailed discipline for the handling of money, gifts, clothing, and furnishings shall be determined by the local Customary.

S 57.2 §1. Communities should seek expert financial advice on a continuing basis.

§2. The financial records of the monastery should be audited or reviewed every year by professionally competent persons. At least every fourth year, in relation to a visitation, the monastery must have either an audit or a professional financial review.

§3. An annual financial report shall be made to the chapter for a comprehensive exposition of the finances of the monastery, including its investments, and of expert financial advice sought and received.

S 57.3 Every monastery is urged to prepare an annual fiscal budget whereby the activities of the monastery can be guided.

TITLE II

- S 57.4 Because of the changing worth of money, each ordinary general chapter shall review the scale of monetary sums or values above which a debt to be contracted for a certain sum, or an act of extraordinary administration involving a certain sum or value, requires the previous consent of a particular organ of government (C 69). The table thus determined shall be recorded in the minutes of the General Chapter. If the sum or value involved in the transaction exceeds the amount determined for the region by the Apostolic See, the permission of the Apostolic See itself is required (see CIC 638.3).
- S 57.5 The current expenditures for the proper sustenance of the household and for the maintenance and repair of the buildings may be made without asking the consent of the council or of the chapter.
- S 57.6 §1. A monk assigned to the pastoral ministry is to follow the diocesan regulations in the management of property and funds.
- §2. A monk living outside his monastery must give to his abbot an accurate account of his personal income and what he has done with it, and of his personal expenditures.
- S 57.7 If a monk is transferred for a time to another monastery, donations, legacies, benefits, royalties, and other goods coming to him in ways not dependent on his work in the monastery in which he is temporarily resident accrue to the monastery in which he has capitular rights, unless the will of a donor or testator is to be interpreted otherwise from the circumstances. The disposition of income from his work done while he is in the other monastery shall be determined by agreement between the abbots of that house and of the house of his profession, according to the circumstances.

CHAPTER V.

OF THE FOUNDING AND SUPPRESSION OF MONASTERIES

ARTICLE 1.

OF THE ESTABLISHMENT OF A DEPENDENT MONASTERY

- C 58 §1. Before a dependent monastery is established, the consent of the chapter of the founding monastery and the written consent of the bishop in whose diocese the monastery is to be founded are required. When such a foundation is being made, the abbot president is to be notified.
- §2. A legitimately established monastery, whether autonomous or dependent, has the right to have a church or public oratory attached to the house, and its monks have the right to exercise the sacred ministry and charitable works (CIC 609, 673, 678, 1214-1215).

CHAPTER V: OF THE FOUNDING AND SUPPRESSION OF MONASTERIES

- C 59 No monastery shall be founded unless it can be prudently judged that the support of the monks will be properly assured, either from its own revenues or from some other source, and unless there is realistic hope that through an increase in the number of monks coming from the founding monastery or through a sufficient number of persevering and suitable novices entering the foundation itself, it can in due course of time become an autonomous monastery (CIC 610).
- S 59.1 §1. When the conditions set down in C 58, §1 and C 59 have been satisfied, the abbot of the founding monastery should select suitable and willing monks, appoint their superior, and send them to establish the dependent monastery. These monks must learn about conditions peculiar to the region and must investigate the laws and customs of the people. While they adapt themselves to the situation there, they shall live the common life and observe regular discipline.
- §2. The prior of a dependent house, by virtue of his appointment, receives from the abbot the delegated jurisdiction necessary to serve that house. The monks of such a house retain the right of recourse to their abbot, but the command of the prior is not suspended in the meantime.
- §3. The monks of a dependent house retain their capitular rights in the monastery of their profession until the foundation has been erected as an autonomous monastery and they have transferred their stability to it.
- S 59.2 §1. In a dependent house, consent to admit candidates to the novitiate, to authorize their continuing in the novitiate, to admit novices to temporary profession and temporarily professed monks to solemn profession is expressed first by the vote of the capitulars residing there (the quasi chapter). If the capitulars in the dependent house have given their consent, the matter may then be submitted to the chapter of the founding house, whose consent must be obtained unless the following provision of S 59.2, §2 obtains.
- §2. If the chapter of the founding monastery has given its consent by so voting with a two-thirds majority, the quasi chapter of its dependent house may legitimately function as the chapter whose consent the abbot must have in order to admit candidates to the novitiate, to authorize their continuing in the novitiate, to admit novices to temporary profession and temporarily professed monks to solemn profession in the dependent house.
- S 59.3 Because of the diversity of local conditions, cultural, religious, and social, the monks of a new foundation shall draw up their own Customary, which must be approved by the abbot of the founding monastery. In addition to the specific norms prescribed by the abbot for all the monks of the founding monastery wherever they may be, the monks of the new foundation shall follow their own Customary.

TITLE II

ARTICLE 2.

OF THE ERECTION OF AN AUTONOMOUS MONASTERY

- C 60 When it is reasonably sure that a dependent house is capable of independent existence, the abbot of the founding monastery, if he has the consent of his chapter and of the abbot president and his council, as well as the written consent of the bishop of the diocese in which the dependent house is situated, may establish that house as an autonomous monastery.
- S 60 When a monastery becomes autonomous, it may be erected either as a conventual priory, if it has at least nine solemnly professed monks, or as an abbey, if it has at least twelve solemnly professed monks.
- C 61 The chapter of a newly autonomous monastery has the right to elect its major superior. The abbot of the founding monastery has the right of presiding at the first such election and of confirming it; any postulation is to be made according to the norms of CIC 180-183 and S 18.
- S 61.1 A founding monastery has no right, on grounds either of justice or of charity, to demand from a monastery which it has established repayment of any money spent in making the foundation, unless the chapter of the founding monastery voted to give the money under such a condition and the quasi chapter of the new monastery voted to accept the money on those terms.
- S 61.2 If the number of perpetually professed monks becomes fewer than nine in a conventual priory, or fewer than twelve in an abbey, the title, rights, and privileges of the conventual priory or abbey as an autonomous house do not cease; nor are they suspended.
- S 61.3 §1. For the welfare of an autonomous monastery that is unable to sustain its internal structure in monastic observance, membership, leadership, formation or finances, the abbot president with the consent of his council may, after consultation with the monastic chapter modify or suspend the regular governance of the monastery and make other provisions for governance.
- §2. When such a determination is being made, the abbot president is to notify the bishop in whose diocese the monastery is located.

ARTICLE 3.

OF THE SUPPRESSION OF AN AUTONOMOUS MONASTERY

- C 62 If it becomes necessary to suppress a conventual priory or an abbey, the suppression is legitimately effected by decree of the abbot president with his council's consent, after he has consulted the chapter of the autonomous house in question and the bishop of the diocese in which it is located. (CIC 616)

CHAPTER V: OF THE FOUNDING AND SUPPRESSION OF MONASTERIES

S 62 The monks of a suppressed house and its goods may be incorporated into some other autonomous monastery. Otherwise, after just debts have been paid, the goods of the suppressed monastery shall, by determination of the president and his council, with due regard for the wishes of the founders or donors and for legitimately acquired rights, be distributed equitably among the monasteries receiving the surviving monks of the suppressed monastery. An equitable share shall also be provided to any surviving member who leaves the monastic state at the time of his monastery's suppression.

ARTICLE 4. OF MISSION PRIORIES

C 63 Wherever several monks live together away from the monastery, they constitute a mission priory or fraternity and are obligated to some degree of common life and common prayer, to be determined by their abbot in consultation with them.

TITLE III.

NORMS FOR THE CONGREGATION (C 64-75)

CHAPTER I.

OF THE STRUCTURE OF THE CONGREGATIONAL GOVERNMENT

ARTICLE 1.

OF THE ORGANS OF THE CONGREGATIONAL GOVERNMENT

C 64 In the Swiss-American Benedictine Congregation the congregational organs of government are:

- 1/ the general chapter;
- 2/ the abbot president;
- 3/ the abbot president's council.

ARTICLE 2.

OF THE GENERAL CHAPTER

C 65 The officers of this Congregation are elected by the general chapter. In its exercise of the right to legislate for the entire Congregation, the general chapter must safeguard the autonomy of the individual monasteries.

C 66 The general chapter is composed of:

- 1/ the members with the right to vote, who are: the abbot president while in office, the governing abbots, the governing conventual priors, administrators in the sense of C 13, 15, 17 §3, proxies of abbots and conventual priors legitimately impeded from attending the general chapter, and one delegate from each autonomous monastery elected by the chapter of the monastery, and members of the president's council who are not abbots;
- 2/ the members without the right to vote, who are: the priors of dependent houses having at least five monks.

S 66 §1. The abbot president, on his own initiative, or at the request of his council, may invite experts to the general chapter, without the right to vote.

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§2. The ordinary general chapter shall be convoked every three years by the abbot president, who presides over it.

§3. The abbot president, with the consent of his council, may convoke an extraordinary general chapter whenever one is necessary.

§4. The place in which a general chapter meets is to be selected by the abbot president and his council.

C 67 The capitulars of each autonomous monastery shall elect from among their number both a delegate to the next general chapter and an alternate delegate who will replace the delegate in that chapter if he is impeded from attending it. The delegations expire at the moment of the adjournment of the general chapter for which they were valid.

S 67.1 Individual monks of a community may submit to their abbot or to their delegate matters for presentation to the general chapter.

S 67.2 §1. At least six months before the opening of an ordinary general chapter the abbot president shall send a letter of convocation to all the monasteries. In it he shall indicate the time and place of the chapter, urge the election of the delegate and the alternate delegate at once, and ask that proposals for the agenda of the chapter be submitted to him within two months.

§2. All monks of the Congregation have the right to submit proposals for the agenda of the general chapter to the abbot president or to any member of his council.

§3. The abbot president, with the aid of his council, shall study the proposals for the agenda of the general chapter which have been submitted, and shall then prepare a list of the matters which will constitute the agenda. This list is to be sent to all the general capitulars two months before the chapter is to convene.

S 67.3 The abbot president shall appoint a monk of the Congregation as secretary of the general chapter.

C 68 §1. The universal law of the Church (CIC 119, 127) shall be followed in all voting procedures of general chapter, unless the proper law of the Congregation provides otherwise.

§2. The adoption of an amendment either of the Constitution or of the Statutes of this Congregation, or of new enactments for the Constitution or for the Statutes, requires the affirmative vote of two-thirds of the general capitulars present with the right to vote.

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§3. An amendment of the Constitution also requires the approval of the Apostolic See. The authentic interpretation of a provision in the Constitution appertains to the same Apostolic See.

§4. A decree of a general chapter remains in force until it is amended or abrogated by a subsequent general chapter, or unless it is issued only for a specified length of time.

C 69 It shall be the duty of the general chapter to establish for the monasteries of this Congregation the norms which determine the extent of the respective powers of the abbot, of the council, and of the chapter to dispose of temporal goods of the monastery whether permanently or only temporarily, to contract debts, to make extraordinary expenditures, to borrow, lend, or invest money (S 57.4).

ARTICLE 3.

OF THE ABBOT PRESIDENT AND OF HIS COUNCIL

C 70 §1. Every six years the general chapter shall elect a president from any monk of the Congregation who possesses the qualifications for the office of abbot specified in C16. The election of the abbot president does not require confirmation.

§2. The abbot president's tenure of office is limited to two successive terms of six years each.

S 70 If the monk elected is not an abbot, he receives the abbatial blessing.

S 71 The abbot president is to be concerned primarily with the welfare of the whole Congregation, but he is also to interest himself in its relation with the Benedictine Confederation (LP 32-35) and with other monastic congregations.

C 71 §1. The abbot president has all the powers, faculties, and duties which, by universal law, are those of the supreme moderators of clerical religious institutes of pontifical right, without prejudice to the right of the other abbots to exercise those of the powers, faculties, and duties aforementioned which by the proper law of the Congregation or by universal law are assigned to the abbot of each autonomous house.

§2. The abbot president is also, as president, a major superior (CIC 620) and ordinary of the Congregation. Over the autonomous houses of the Congregation, their abbots, and the individual monks subject to those abbots his ordinary executive power as major superior is limited, however, to that required for the performance of his chief duties as president.

C 72 The chief duties of the abbot president of this Congregation are:

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- 1/ to convoke the general chapter, both ordinary and extraordinary, and to preside at it; to propose what is to be acted upon in general chapter, after previous deliberation with his council, and to publish the decrees of the chapter;
- 2/ to see that the decrees and decisions of the general chapter are implemented;
- 3/ to convoke meetings of his council and to preside over them;
- 4/ to decide with his council all matters which can neither be settled properly by the individual abbots nor be postponed until the next general chapter;
- 5/ to act as judge of first instance in a dispute between two autonomous houses of the Congregation (CIC 1427.2), unless one of the parties to the dispute is the monastery of the president, in which case the judge of first instance is the abbot senior by election to the council;
- 6/ to submit petitions to the Apostolic See in the name of the Congregation and for the Congregation;
- 7/ having heard his council, to appoint a procurator general who will care for the Congregation's affairs with the Apostolic See;
- 8/ to appoint an archivist for the Congregation;
- 9/ to keep in his custody the seal of the Congregation, which he will affix to documents of major importance;
- 10/ to maintain a file of all documents and correspondence pertaining to the Congregation; at the end of his term of office to send the current papers to his successor, and the papers related to past transactions to the archives of the Congregation through his successor;
- 11/ to take care that all noteworthy matters affecting the entire Congregation be recorded, and be reported to the general chapter, if need be;
- 12/ to send to the Apostolic See a documentary report, signed by himself and by his council, on the state of the monasteries of the Congregation, whenever that is required (CIC 592.1);
- 13/ to collect the required subsidies from the monasteries of the Congregation, to administer the funds of the Congregation, and in each general chapter to present a financial statement of that administration;

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- 14/ to make the ordinary visitations of the autonomous monasteries and, having heard his council, to make an extraordinary visitation of any of them; to delegate the powers of a canonical visitor, by the very act of appointing an abbot or a monk to that duty;
 - 15/ to receive recourses and appeals, which may be addressed to him freely by monks of the Congregation (C 75; S 75.1);
 - 16/ to correct serious abuses and grave faults which the superior of a monastery fails to amend;
 - 17/ to exempt a community temporarily from observing a particular disciplinary provision of the Constitution or of the Statutes;
 - 18/ to preside at the election of an abbot or a conventual prior and to confirm it, except in the case for which provision is made in C 61; to admit or reject a postulation if the impediment to election is one from which he can dispense (S 18); to choose and appoint an administrator according to the norms of C 15 and S 15.1 or of C 17, §3 and S 17.1 when it is expedient to prolong a vacancy of abbatial office;
 - 19/ with the consent of his council, to accept the resignation of an abbot or of a conventual prior, or to remove an abbot or a conventual prior from office, if the welfare of the abbot or prior's community requires such an intervention (S 20.3);
 - 20/ to dispense a temporarily professed monk from his vows (CIC 688.2), with the consent of the monk's abbot and that abbot's council;
 - 21/ to grant an indult of excommunication to a perpetually professed monk, with the consent of the monk's abbot and that abbot's council, for a first period, which may not exceed three years (CIC 686.1);
 - 22/ having heard his council, to interpret a doubtful point in the Constitution or in the Statutes, the interpretation being valid until the next general chapter;
 - 23/ to reduce Mass obligations according to the norms of CIC 1308.3-5.
- S 72.1 §1. The expenses which the abbot president incurs in the name of the Congregation are to be met from a fund sustained by a tax upon all the monasteries of the Congregation. This tax is to be proportionate to the number of perpetually professed monks of each monastery.
- §2. The abbot president shall present annually to his council, and triennially to the general chapter, an account of the Congregation's revenues and expenditures.

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§3. Since the Congregation as such possess no goods other than the congregational fund which is at the abbot president's disposal, the abbot president himself may function as the financial officer of the Congregation.

§4. The abbot president may engage a secretary.

S 72.2 §1. The council of the abbot president is composed of two governing abbots of the Congregation and two monks of the Congregation who are not abbots.

§2. Councilors of the abbot president have terms of six years each, and each member is limited to two successive terms. In order to provide continuity, one abbot and one monk are elected to their six-year terms in one general chapter, the other abbot and the other monk in the subsequent general chapter.

§3. If any councilor of the abbot president is incapacitated during his term of six year, the abbot president, having heard the other councilors, shall appoint a substitute to take his place until the next general chapter, in which, if necessary, someone will be elected as substitute to complete the unexpired term of the incapacitated councilor.

S 72.3 Unless there is urgent necessity, the abbot president should not make a decision in any important matter without the approval of his council.

S 72.4 §1. The abbot president and his council shall meet at least once a year to conduct their regular business together.

§2. In individual matters which cannot prudently be postponed until a meeting, the abbot president may consult his council, or seek the consent of his council, by letter, or by telephone, or by other private means of communication.

C 73 §1. If the abbot president resigns his office, or is canonically impeded from functioning any longer as abbot president, or dies, all of his duties and rights, until the next general chapter, pass to the abbot senior by election to the abbot president's council.

§2. If the abbot president wishes to resign, his resignation shall be tendered to the abbot senior by election to the abbot president's council who, having heard the other councilors, will accept or reject the resignation.

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CHAPTER II.

OF VISITATIONS AND OF THE RIGHT AND EXERCISE OF RECOURSE AND APPEAL

ARTICLE 1.

OF THE MANNER OF VISITATION

C74 Ordinary visitations of each autonomous monastery of the Congregation shall be held every four years. The abbot president has the responsibility of providing for these visitations, according to the norms established by the proper law of this Congregation.

S74.1 At the request of an abbot or of the majority of a monastery's council, the abbot president, having heard his council, may institute an extraordinary visitation.

S74.2 The visitation of a monastery is a periodic assessment of the way the community of the monastery is achieving its professed purpose. The visitators are to encourage the abbot and the monks in their faithfulness to the Rule of Saint Benedict, the Constitution and Statutes of the Congregation, and the Customary of the house, and to correct prudently any abuse which may have arisen either in the spiritual order or in the temporal order.

S74.3 The expenses of an ordinary visitation shall be paid by the Congregation. The expenses of an extraordinary visitation shall be paid by the monastery visited.

S74.4 §1. The board of visitators is to be selected from:

1/ the abbots of the Congregation;

2/ a list of those monks of the Congregation whom general capitulars have proposed as competent, a new list being compiled every three years, when each capitular of the general chapter may submit to the abbot president names of monks of the capitular's community whom he judges qualified to serve as visitators.

§2. From the board of visitators the abbot president, with the consent of his council, will designate for each visitation two or three visitators, at least one of whom shall be an abbot, and will then send to the abbot of the house to be visited the names of the visitators designated.

§3. The abbots of the council will provide for the visitation of the monastery of the abbot president.

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AND OF THE RIGHT AND EXERCISE OF RECOURSE AND APPEAL

- S 74.5 §1. Before a visitation, the abbot of the monastery to be visited shall send to the designated visitators a copy of the reports of the preceding visitation and other pertinent information, including a copy of the current Customary of the house.
- §2. In preparation for the visitation of a monastery, the council of that monastery or a committee of its chapter shall draw up, and shall send to the designated visitators at least one month before the date on which the visitation is to begin, a report on the state of the monastery, in which, after reviewing the previous visitation report to the community, they assess monastic observance, leadership, morale, formation and education, work and apostolates, liturgy, maintenance of the physical plant, the financial condition of the monastery, and its future.
- §3. The community as a whole should be invited to contribute to the pre-visitiation report. All capitulars shall receive a copy and have an opportunity to comment on it at a meeting before it is sent to the visitators.
- S 74.6 §1. During a visitation, the visitators shall confer with the abbot, the officials of the monastery, and each capitular. Each of the temporarily professed and each of the novices should present himself to the visitators.
- §2. The Customary of each house shall provide for the representation of the dependent priories of that house at its visitation.
- S 74.7 At the close of a visitation, the visitators shall present a report privately to the abbot and a report to the community with opportunity given the community for discussion.
- S 74.8 §1. After a visitation has been closed, the visitators shall submit to the abbot president a copy both of the report given to the abbot and of the report given to the community, along with comments on any discussion which followed the latter. The abbot president may send to the members of his council a copy of the report given to the community, as well as a copy of the report given to the abbot.
- §2. Shortly after the visitation the abbot shall discuss with his council and the community the report given to the community and consider what action might be taken on issues contained in it. Ongoing reflection on the report to the community should be a part of the examination of the life of the community recommended by S 23.3.
- §3. Within three months after the close of the visitation a response to the report of the community shall be written, reviewed by the community, and sent to the abbot president, indicating the steps being considered to address the concerns contained in the report to the community. Within the same period the abbot shall submit to the abbot president a written response to the report to the abbot. The

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abbot president may send to the members of his council a copy of these responses.

S74.9 If the visitators of a monastery prudently judge that there is a serious abuse to be corrected in that monastery, they will notify both the abbot of the monastery and the abbot president, who will then confer with the abbot of the monastery on action to be taken.

ARTICLE 2.

OF RIGHT OF RECOURSE AND APPEAL, AND OF PROCEDURE IN EXERCISING IT

C75 Every monk of the Congregation has the right to refer a case in which he feels that he has suffered injustice, from the lower to a higher superior or tribunal, according to the norms of law (see C 54, 56; CIC 1427, 1428.3, 1644).

S75.1 §1. Recourse from an administrative decision, or appeal from a judicial sentence, must be made in writing.

§2. The order of recourse from an administrative decision, or of appeal from judicial sentence, is from the monk's abbot to the abbot president, then to the abbot primate, and then to the Apostolic See.

§3. For a monk of the abbot president's monastery, recourse or appeal is first made to the abbot senior by election to the president's council.

S75.2 If a monk seems unable to live in peace in his own monastery, the abbot president may transfer him to another place for a suitable period.

S75.3 §1. In order to help conciliate a grievance according to the principles of charity and justice, particularly when a case is complex or has obtained notoriety, the abbot president, with the consent of his council, shall establish a board of conciliation which will have no jurisdiction of its own but which will advise the abbot president in the case for which it has been established. Such a board is to consist of five members.

§2. Any monk of this Congregation may request the services of a board of conciliation for which S75.3, §1 provides, if the principle of subsidiarity has been respected.

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