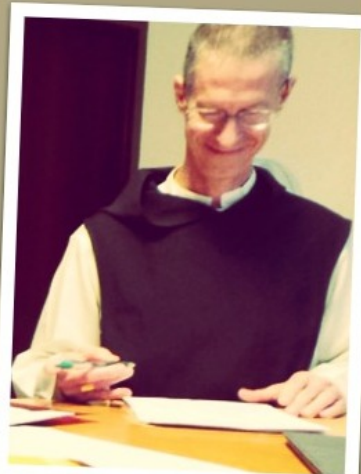
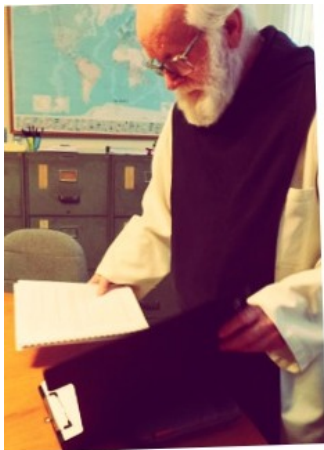


Law Commission
ROME
Generalate
October 3 - 5 2016



MEETING OF THE LAW COMMISSION

OCTOBER 03 - 05 2016

GENERALATE

ROME

All members were present:

Dom Armand VEILLEUX (Scourmont), President
Mother Danièle LEVRARD (Councillor of the Abbot General), Vice President
Dom Elias DIETZ (Gethsemani)
Mother Marion RISSETTO (Crozet)
Father Germain-MBIDA MBIDA (Koutaba)

Sister Claire Boutin, secretary of the Generalate, was secretary for the meeting.

The Commission carried out the work entrusted to it by **the Central Commission - Roscrea 2016:**

- 1 - Preparation of a working paper concerning a review of votes 47-50 of the 2014 GC
- 2 - Preparation of a working paper on the revision of the C. 67

Secondly, the Commission (in accordance with its Statute, cf. III 11.c) updated the text of the Constitutions of the monks and of the nuns.

In addition, the Commission had the benefit of an interesting exchange with Father Sebastiano PACIOLLA, O. Cist., Undersecretary of the C.I.V.C.S.V.A.

1 - PREPARATION OF A WORKING PAPER CONCERNING A REVIEW OF VOTES 47-50 OF THE 2014 GC

The Law Commission was mandated by the 2016 CC to prepare a working paper for the 2017 GC to deal with the question of a review of votes 47-50 taken at the 2014 GC (See vote 34, minutes of the Roscrea CC, p. 23). This question will be handled by ordinary procedure (4 Commissions).

This review was requested by two Regions (USA and CAN).

It is unusual and rather exceptional for a Chapter to go back on decisions from a previous Chapter. It should be noted that since 2011 we no longer confirm the decisions of the previous Chapter at the beginning of each Chapter. These decisions are taken for granted. It nevertheless remains possible that a Chapter may question one or the other decision of the previous Chapter.

The 4 Commissions entrusted with the question of a review of votes 47-50 will first of all have to raise questions about the review itself. Does the Chapter wish to re-open the questions? Is it a review of all four votes or of a particular detail? The term “review” of the votes, in any case, is a vague term that requires specification. Does this work involve clarification, specification, or modification?

The Law Commission noted that it would be difficult to call into question the logic of these votes, and that the presentation made in the working paper in the General Booklet for the 2014 General Chapter (p. 30-32) is still worthwhile.

At the 2014 Chapter the question was dealt with during the final sessions, leaving some members of the Chapter feeling ill-prepared. Was there a clear understanding of what was at stake in these votes?

In order to improve people’s understanding of these votes, the Law Commission made the following suggestions: that a member of the Law Commission present this document in a plenary session before it is studied in the commissions; or that each Commission have the possibility of calling on a member of the Law Commission to present the document.

The Law Commission drew up the following document, which will also be included in the General Booklet for the 2017 GC.

**WORKING PAPER
CONCERNING A REVIEW
OF VOTES 47-50 OF THE 2014 GENERAL CHAPTER
ON THE AGE LIMIT OF 75
FOR THE EXERCISE OF THE ABBATIAL FUNCTION**

(Working paper requested of the Law Commission by the Central Commission – Roscrea 2016 – votes 31-34, p. 23). At the 2017 General Chapter, 4 commissions will deal with this question (vote 44, p. 29)

The USA and CAN Regional Meetings requested a review of the votes taken at the 2014 Chapter:

USA Regional Meeting, 2016:

- We recommend a review of the votes 47-50 of the 2014 General Chapter (vote 19).
- In the review of votes 47-50 we recommend that if a person is postulated who is over 75 years of age that he/she automatically be given a three year term (vote 20).

CAN Regional Meeting, 2016:

- We wish to reconsider the decisions made at the 2014 General Chapter on the question of the postulation of a person over 75 years of age as abbot or abbess (vote 4).

These two Regions are referring to the following votes:

ELECTION OF THE ABBOT/ABBESS

Vote 47:

A monk or nun having attained 75 years of age can neither be elected nor postulated.
WE APPROVE STATUTE 39.3.A: YES 69, NO 76, ABS 9. Proposition rejected.

Vote 48:

The candidate must be at least thirty-five years of age and less than 75 years of age.
WE APPROVE THE COMPLETED STATUTE 39.3.A: YES 128, NO 28, ABS 8. **Proposition accepted.**

RESIGNATION OF THE ABBOT/ABBESS

Vote 49:

The abbot/abbess having been postulated at an age beyond 75 and whose postulation has been confirmed shall spontaneously offer his/her resignation at the next General Chapter :
WE APPROVE STATUTE 40.A bis: YES 146, NO 9, ABS 10. **Proposition accepted.**

Vote 50:

The abbot/abbess whose resignation at age 75 had not been accepted will present it again at the next General Chapter:
WE APPROVE THE NEW STATUTE 40.A ter: YES 155, NO 4, ABS 6. **Proposition Accepted.**

In the document it prepared for the 2014 General Chapter, the Law Commission gave a state of the question. No new elements have emerged since then.

Since the 2014 Chapter, two abbots, having reached the age of 75, were postulated according to the possibility offered by ST 39.3.A, modified by vote 48 of the 2014 Chapter.

In order for the 2017 Chapter to reflect on this question again following the Central Commission's vote 30 (*We wish to place on the agenda of the General Chapter 2017 the revision of votes 47-50 taken during the General Chapter of 2014. Yes 15, No 2, Abs 6*), and either confirm or modify the votes taken in 2014, the working paper drawn up for the 2014 Chapter is here repeated, with the addition of the USA Region's vote 20.

The first questions to ask, therefore, are the following:

- 1) Do we want to re-take votes 47-50 of the 2014 General Chapter?
- 2) Do we want to study the possibility offered by vote 4 presented below (which is a limitation of option B)?

STATE OF THE QUESTION (FROM THE WORKING PAPER FOR THE 2014 CHAPTER):

According to the current legislation, an abbot or an abbess must spontaneously offer his/her resignation when he/she reaches the age of 75. But what happens if a person who has reached that age is elected?

There is no doubt that, according to the current legislation, a person who is over 75 years of age can be validly elected as abbot or abbess (titular prior or prioress). In fact, the conditions for being elected include a minimum age but do not include a maximum age.

However, if a person who is over 75 years of age is elected, some questions, not foreseen by our legislation, present themselves.

Can the Abbot General refuse to confirm such an election?

If the election has been carried out according to all the canonical norms, we cannot see how he could refuse to confirm it. To refuse because of the age of the person elected would be to prefer his own judgment to that of the community, which with full knowledge of the situation, elected a person over 75 years of age.

Is the person elected obliged to resign as soon as he is elected?

This is very doubtful. A restrictive law must be interpreted in a restrictive way. The law states what a person in office must do when he/she reaches 75. In itself, this law does not apply to a person elected at a more advanced age. It can be said that it would all the same be "normal" to resign in this case; but it can just as well be said that it would hardly be "logical" to resign immediately after having been validly elected and confirmed.

In view of this ensemble of complex and somewhat confused situations, the Central Commission of 2013 (vote 38) requested that our legislation on this point be more clearly "defined". What is requested is not an "interpretation" of the law, but its adaptation to situations not foreseen by the legislator.

A very simple solution would be to modify the conditions for a valid election by stating, in Statute 39.3.A, that to be validly elected a person must be “at least 35 years of age and must not have reached 75 years of age”.

However, we should be aware that, as someone can be postulated before attaining 35 years of age, someone who has attained 75 years of age could also be postulated, unless we prohibit this possibility in our legislation (cf. CIC 180.1). In fact, we cannot exclude that a community, whose abbot/abbess has offered his/her resignation upon reaching 75 years of age, would want to postulate him/her so that he/she can continue his/her service, nor that it would want to postulate someone who is more than 75 years of age.

We can, in a statute, stipulate that a person who has attained the age of 75 can neither be elected nor postulated. If, on the other hand, we accept the possibility of a postulation, we could stipulate that the person over 75 years of age, who would have been postulated and confirmed, must offer his/her resignation at the next General Chapter, or that the person over 75 who has been postulated serve for a three-year mandate.

This obligation that a person over 75 years of age would have to present his/her resignation at the next General Chapter could be extended to the abbot or abbess who had presented his/her resignation at the age of 75 and whose resignation had not been accepted.

We therefore have a choice between three options :

- either we reject any possibility of election or postulation for an abbot or abbess who is over 75 years of age (**option A**);

- or we accept the possibility of postulation (**option B**), with or without the obligation of a resignation at the next General Chapter

- or we accept the possibility of a postulation for a three-year mandate

A vote could be added regarding the obligation to resign at the next General Chapter for an abbot or abbess whose resignation, offered at the age of 75, had not been accepted.

Vote 1 (option A)

☞ A new statute is added to C. 39.3 (ST 39.3.A remains unchanged)

St 39.3.A bis:

A monk or nun having attained 75 years of age can neither be elected nor postulated

We approve Statute 39.3.A bis.

YES – NO -- ABS

If this vote is accepted we do not take vote 2

Vote 2 (option B)

☞ **ST 39.3.A** is completed leaving the possibility of the postulation of a candidate over 75 years of age:

The candidate must be at least thirty-five years of age and less than 75 years of age.

We approve the completed Statute 39.3.A

YES – NO -- ABS

If this vote is accepted, we take vote 3

Vote 3 (limitation of option B)

☞ The following Statute is added to C.40

ST 40.A bis

The abbot/abbess having been postulated at an age beyond 75 and whose postulation has been confirmed shall spontaneously offer his/her resignation at the next General Chapter.

We approve Statute 40.A bis.

YES – NO – ABS

If this vote is accepted, we do not take vote 4.

Vote 4 (limitation of Option B)

NEW: this proposal was not part of the votes taken at the 2014 Chapter

ST 40.A bis:

The candidate having been postulated at an age beyond 75 and whose postulation has been confirmed, serves a three-year term.

We approve Statute 40.A bis.

YES – NO – ABS

If this vote is not accepted, the postulated abbot/abbess remains in charge for the duration of his/her mandate, whether for a fixed term or for an indefinite term, according to the option taken by the community, and that he/she will present his/her resignation at each Chapter.

Vote 5 (related question)

☞ A new **ST 40.A ter** (or 40.A.bis, if the result of vote 3 was negative) is added, introducing into the Constitutions what has been up to now the general practice.

ST 40.A ter (or 40.A bis).

The abbot/abbess whose resignation at age 75 had not been accepted will present it again at the next General Chapter.

We approve the new Statute 40.A ter (or 40.A bis).

YES – NO – ABS

2 - PREPARATION OF A WORKING PAPER CONCERNING THE REVISION OF C. 67

The Law Commission was mandated by the 2016 Central Commission to prepare a working paper for the 2017 GC to deal with the question of revising C. 67 (See vote 15, minutes of the Roscrea CC, p. 16). This question will be handled by extraordinary procedure.

We first listed the difficulties encountered in the application of the current C. 67, along with the various suggestions made by the Regional Meetings in recent years.

It seemed that the best solution would be to reduce this Constitution to the essentials and to deal with all the concrete details of such a procedure in a separate document entitled *Statute on the Closing of a Monastery*.

Such a Statute, which the General Chapter would be able to adapt later on in response to evolving situations, would deal not only with closure strictly speaking (which is the object of C. 67) but also with the stages that lead to it and with the carrying out of the decision.

The working paper of the Commission presented here will be included in the General Booklet for the 2017 GC. It consists of three parts: 1) a history of C. 67, which repeats the main points of the working paper drawn up for the 2011 GC; 2) the difficulties encountered in the application of this Constitution; 3) the proposal of a new formulation of C. 67 and of a *Statute on the Suppression of a Monastery*.

**WORKING PAPER
ON THE REVISION OF C.67
Requested of the Law Commission
by the Central Commission, Roscrea 2016, vote 14**

**PART I
Historical Overview of C. 67**

In order to place this question within the context of its recent history, it seems good to reproduce here the historical introduction to the 2011 working paper on the same topic, and then to provide an update on developments since 2011.

The General Chapter of 1953 wrote a first statute on the foundation, the transfer and the suppression of a monastery of monks of our Order:

Statutum Iuridicum erectionis, translationis et suppressionis monasterii virorum Ordinis Cisterciensium S.O. (C.G. of 1953, Acts, Annex III, pp.39-42).

The following Chapter published a similar statute for nuns (C.G. of 1954, Acts, Annex IV, pp. 24-26). These two Statutes do no more essentially that group together various decisions made by the General Chapters since 1982, the Constitutions of 1895 and of 1926 do not treat explicitly that question, referring simply to the Common Law and the tradition of the Order. Here is what the Statute of 1953 says concerning the suppression of house of monks. That of 1954, about the suppression of a house of nun, indicates simply, on this point, that which had been for the monks:

27. The suppression of a house of the Order, whether it be *sui iuris* or not, will not be done without serious reasons.

28. The suppression of a *sui iuris* monastery will be done in the following manner:

- 1) The decision will not be made without the deliberative votes of the conventual chapter and of the General Chapter, the Ordinary of the place having been consulted and the thing having been perfectly explained before the two councils. In addition, the General Chapter will not act without the Father Immediate having given his advice in writing.
- 2) The affair having thus been treated prudently, the request will be transmitted to the Holy See.
- 3) The religious of the suppressed house rejoin the Mother House and are thus *ipso facto* stabilized there. As for the temporal goods, they normally go to the Mother House. If the suppressed house has no Mother House, the General Chapter takes care of all.

29. The suppression of a monastery that is not yet *sui iuris* is done as follows:

- 1) The suppression will not be done unless the following conditions are achieved: the Ordinary of the place will be consulted; the Abbot will consult the members of the foundation which, according to the norms of the Constitutions have the right to vote; he will consult his own counsel by communicating to it the result of the consultation of the members of the foundation; he will take a deliberative vote of the conventual chapter after having explained perfectly to it the situation; he will propose the affair to the deliberation of the General Chapter with the written opinion of the Father Immediate.
- 2) If the indult of the Holy See approving the foundation has already been obtained, the request will be transmitted to the Holy See.
- 3) The religious of the suppressed house will return to the Founding House, to whom will go as well the temporal goods.

The *Statutes of Foundations* of 1974 do not include any section on the suppression of a community, nor that of 1987, often amended since then.

The various projects of Constitutions elaborated from 1967 on do not treat this question, nor the texts of the Constitutions votes by the monks of Holyoke in 1984 and by the nuns of El Escorial in 1985. On the basis of suggestions made by various Regional Conferences, the Law Commission, at its reunion of Campeneac, in June 1987, proposed the text of a new Constitution on the suppression of a house, which served as a base for the study of that question at the MGM of 1987 and led to the writing of the actual Constitution 67. A Statute (67.2.A) was added to the General Chapters of 2002, concerning the rights of stability of the members of a dissolved house.

C. 67 The suppression of a monastery

1

When, following many particular and enduring circumstances, there is no more reasonable hope for the growth of a monastery, it should be carefully examined whether it should be closed. Only the General Chapter can, at a voice of two-thirds, decree the suppression of an autonomous monastery. However, to this end, it must also have a majority of two-thirds of the voices of the conventual chapter. A written report and the agreement of the Father Immediate are equally required; the local bishop must be consulted as well.

2

When the General Chapter decides on the suppression of a monastery, it names a special commission of at least five people to watch over the process of suppression. Care will be taken, with a very particular pastoral vigilance, of the monks of the suppressed house, above all in that which concerns their right to a stability in a community of the Order. Attention must be given to the rights and obligations of all the concerned persons and communities, as well as the founders and benefactors. In the liquidation of the property, the civil law of the area is to be observed.

ST 67.2.A

The stability of the members of a dissolved community is normally made in the Mother House, and, in this case, the conventual chapter of that house does not make a vote to accept them. (Ch. GI 2002, vote 94).

The legislation of the Constitutions of nuns is the same as that of the Constitutions of monks, except that the dissolution must be decided by the Holy See and that the vote of the General Chapter is then necessary so that the petition of this may be presented to the Holy See.

The 2010 Central Commissions made the following request in Vote 59: *We wish to put the study of C. 67 on the program of the next MGM.* At the Central Commissions' request a working paper was drawn up by the Law Commission for the 2011 MGM, where the matter was treated by extraordinary procedure in separate commissions of abbots and abbesses. Among the commissions of abbots, several expressed dissatisfaction with the current legislation and suggested various revisions to C. 67, notably regarding the requirement of a 2/3 vote on the part the community. One commission of abbots suggested a statute that gives criteria for when it is time to consider closing a house. One commission of abbots suggested that the General

Chapter appoint a special commission to determine whether a given house should be closed. As for the commissions of abbesses, one commission found the current C. 67 unclear, whereas all the others found the current legislation satisfactory. In summary, nine of the fifteen commissions were in agreement with the conclusion of the Law Commission's working paper: "If all the concerned persons – General Chapter, Father Immediate, Visitor and, obviously the local community with its superior – are conscious of their responsibilities, we do not much see what there would be to add to the Constitution such as it is found to be in our Constitutions." The 2011 MGM, without arriving at any specific conclusions, took the following votes (76 and 77):

- *WE ENTRUST TO THE REGIONS TO STUDY C.67 "ON THE SUPPRESSION OF A MONASTERY" IN THE LIGHT OF THE WORK DONE BY THE COMMISSIONS OF THE GENERAL CHAPTER 2011.*

- *WE DESIRE THAT THE WORK DONE BY THE COMMISSIONS OF THE GENERAL CHAPTER 2011 ON C.67 "ON THE SUPPRESSION OF A MONASTERY" BE REVIEWED AT THE GENERAL CHAPTER OF 2014 IN VIEW OF POSSIBLE LEGISLATION.*

The 2013 Central Commissions requested in vote 78: *We wish to consider a revision of C. 67 in so far as it concerns the necessity of obtaining a 2/3 majority vote of the conventual chapter in order to proceed to the suppression of the monastery.* The same Central Commissions also suggested the formulation of a statute on declining communities. At the 2014 Chapter, however, there was insufficient time to treat both questions separately. The commissions of the Chapter presented short reports, mixing the two topics. These commissions showed more interest in the topic of the autonomy of declining communities than in the specific question of the 2/3 vote of the conventual chapter required by Cst 67. Towards the end of the Chapter the following requests were made in votes 59 and 60:

- *WE DESIRE TO CREATE A COMMISSION TO GATHER ALL THE MATERIAL ON DECLINING COMMUNITIES AND CST 67 THAT EMERGED DURING THIS GENERAL CHAPTER AS WELL AS CORRESPONDING MATERIAL FROM OTHERS MONASTIC ORDERS.*

- *WE WISH THAT THIS COMMISSION, BASED ON THE MATERIAL THEY HAVE GATHERED, OFFER SUGGESTIONS AND PROPOSALS TO THE REGIONS.*

The 2016 Central Commission requested in vote 14: *We wish to put on the agenda of the General Chapter of 2017 a revision of C. 67.* The Law Commission was requested to prepare the present working paper on this topic.

PART II

The Difficulties Encountered Regarding C. 67 and Its Implementation

1. It is often remarked that the current formulation of C. 67 does not provide enough clarity about who initiates the processes of the closure/suppression of a monastery.
2. Many find it unclear how the various elements of C. 67 are to be applied in practice.
3. The requirement of a 2/3 majority vote by the conventual chapter of the community in question greatly restricts the General Chapter's ability to proceed to suppression.

PART III

Suggestions toward a Revision of C. 67

A. Suggestions from Recent General Chapters and Regional Meetings

1. Various suggestions have been made regarding the placement of C. 67 within the Constitutions. No doubt a more satisfactory placement can be found, but at present it seems important first to work on the content of the Constitution and the Statutes related to it. Once the General Chapter arrives at a satisfactory revision of the text it can then deal with the question of where to place it in the Constitutions.
2. Within the framework of the general topic of fragile or declining communities, it has been suggested that a list of criteria be drawn up to determine when a given house requires special attention. Dom Bernardo Olivera's conference at the 2002 MGM is often cited as a starting point.
3. It has been pointed out that some religious orders reduce the rank of monasteries that no longer meet the requirements of their given status. For example, an abbey with declining membership becomes a priory, a priory becomes a dependent priory, and so forth. The application of such a system in our Order does not seem possible, since simple priories, priories, and abbeys are all by definition autonomous houses.
4. A related approach would be to withdraw the autonomy of a community in view of closing it in the near future. In this case, our legislation would need to provide the possibility of a new kind of dependent house. Some houses closed in recent years became annex houses for a time. However, according to our current legislation the General Chapter must first suppress the house, and then, if the motherhouse wishes, it may allow the suppressed house to continue as an annex house. An alternative approach would be for the General Chapter to limit the exercise of certain aspects of a community's autonomy.
5. One of most frequently mentioned dissatisfactions with C. 67 is the question of who initiates the processes that leads to the closure of a house. In principle, according to our

current legislation, only the General Chapter can take this initiative. One proposal is for the General Chapter to appoint a special commission to determine whether a house should be closed. Another proposal is that the Father Immediate take the initiative by informing the General Chapter of the state of a community and requesting that the process of closure begin. Other proposals suggest the involvement of Regions or Commissions of Aid in initiating the process.

6. The requirement of a 2/3 vote by the conventual chapter of the community has frequently been called into question. Some suggest reducing the requirement to an absolute majority vote. Others propose that the community be consulted without requiring a vote.

B. Proposal of the Law Commission

1. Given the seriousness and complexity of the question, it does not seem realistic to arrive at a reformulation of C. 67 that would take into account all these suggestions and the various situations currently arising within the life of the Order. A more realistic possibility would be to reduce C. 67 to the essentials, and then refer to a separate *Statute on the Suppression of a Monastery*. A Statute of this kind could integrate recent work toward pastoral guidelines for helping increasingly fragile communities. Such a Statute would also give the General Chapter greater flexibility in adjusting its legislation in this area to actual practice, as has been the case with other documents like the *Statute on Foundations* and the *Ratio institutionis*.

2. **C. 67** could be reduced to the following:

Cst 67 Suppression of a Monastery

1/for the monks:

When due to particular and long-standing circumstances a monastery no longer offers any basis for hope of growth, careful consideration should be given to whether it is to be closed. Only the General Chapter, by a two-thirds majority can decide on the suppression of an autonomous monastery.

1/for the nuns:

When due to particular and long-standing circumstances a monastery no longer offers any basis for hope of growth, careful consideration should be given to whether it is to be closed. Only the General Chapter, by a two-thirds majority, can petition the Holy See to suppress an autonomous monastery.

2/for both monks and nuns:

The process of suppression of a monastery is described in a special *Statute on Suppression of a Monastery* approved by the General Chapter.

3. A proposed **STATUTE ON THE SUPPRESSION OF A MONASTERY** could contain the following elements:

INTRODUCTION:

When due to particular and long-standing circumstances a monastery no longer offers any basis for hope of growth, careful consideration should be given to whether it should be closed (from C. 67.1)

I. PROCESS

Stage 1: Initial awareness of serious fragility.

Some communities arrive at this awareness on their own. Others need the help of the Father Immediate, the Region, or the General Chapter.

- Some basic criteria of evaluation and discernment could be based on *Vultum Dei Quaerere* (Art. 8 §1): a certain, even minimal, number of monks or nuns, provided that the majority are not elderly; the vitality needed to live the monastic life; a real capacity to provide for formation and governance; dignity and quality of liturgical, fraternal, and spiritual life; sign value and participation in the life of the local church; self-sufficiency and a suitably appointed monastery building. These criteria ought to be considered comprehensively and in an overall perspective.
- At the same time, other factors like the quality of community life can be more important for discernment than objective criteria.

Stage 2: Attempts to re-vivify the community (on its own initiative or with outside help):

- Adaptations of buildings, liturgy, work, economy, etc., to the size and capabilities of the community.
- Changes of key personnel or perhaps help in personnel from other communities.
- Work to promote better communication in the community or to promote reconciliation among its members.
- Creation of a special commission (e.g., Commission for the Future).
- Other forms of help from the Region.

Stage 3: Continuing decline:

- The Father Immediate and perhaps a special commission continue to accompany the community.
- The Region continues to show special solicitude for the house in question.
- Consideration of alternative plans:
 - Merger with another community or group of communities?
 - Collaboration with another Religious Order?
- During this and the following stage it is particularly important to assure that adequate health care is provided for the community.

Stage 4: Toward closure:

- Longer or shorter period of stagnation during which the community is perhaps in a state of denial.
- The community is clearly unable to receive and form novices. (In some cases the right to receive novices is suspended by the General Chapter.)
- Need for intervention on the part of the Father Immediate (perhaps with help of a special commission or the Region).
- Concrete discernment and planning toward closing the monastery:
 - About the future of the members of the community: Staying together? Relocating? Dispersing?
 - About the property and goods of the monastery.

II. SUPPRESSION

The Father Immediate, with the agreement of the community and in consultation with the Region and the bishop of the place, proposes to the General Chapter that it suppress the monastery. An ad hoc commission is formed at the Chapter to study the proposal and to give its conclusions. For the monks, only the General Chapter by a two-thirds majority vote can decide on the suppression of an autonomous monastery. For the nuns, only the General Chapter by a two-thirds majority can petition the Holy See to suppress an autonomous monastery.

(The requirement of a vote by the conventual chapter has been a major point of discussion. If such a requirement is maintained it would be placed here, along with the majority required, i.e. 2/3 or absolute majority.)

In the case of a community whose condition is extreme but whose members do not agree that the Father Immediate should propose its suppression, the Father Immediate can bring the matter to the attention of the General Chapter, which will decide how to proceed.

III. AFTER THE SUPPRESSION

Here the second part of Constitution 67 could be adopted (perhaps with modifications):

When the General Chapter decides on the suppression of a monastery it names a special commission composed of at least five persons to supervise the process of suppression. Great pastoral care is to be given to the monks or nuns of the suppressed house, especially regarding their right to stability in another community of the Order. Attention is to be paid to the rights and obligations of all persons and communities involved and to the rights of founders and donors. The civil law of the place will be observed with regard to the disposal of property.

The stability of members of a suppressed community is normally made to the mother house and in this case, the conventual chapter of this house does not need to vote to accept it.

3 - UPDATE OF THE TEXT OF THE CONSTITUTIONS

The Commission (in accordance with its Statute, cf. III 11.c) updated the text of the Constitutions of the monks and of the nuns and established this list:

UPDATE of the TEXT of the CONSTITUTIONS by the Law Commission, October 2016

MONKS' CONSTITUTIONS

C. 36.2

[...] When the consent of the abbot's council or the conventual chapter is required for the performance of an action, the abbot, to act validly, must obtain this consent either by an absolute majority or by a two-thirds majority, as the case may be. [...]

ST 36.2.A

Votes are not taken unless the matter to be voted upon has been clearly presented and some interval allowed for reflection and prayer.

Add a ST clarifying:

ST 36.2.A bis

When consent is required, it means a vote by absolute majority, unless a two-thirds majority vote is explicitly requested.

ST 38.A

The abbot's council is composed of at least three brothers of whom at least one is elected by the conventual chapter with an absolute majority.

(Whenever an election is required by law, canon 119, § 1 in the Code of Canon Law must be followed.)

ST 39.3.A

The one who is elected should be at least 35 years old *and less than 75 years of age*. (Decision of the 2014 General Chapter, vote 48)

ST 39.3.B

Any brother who has made profession in the Order can be elected abbot, including the abbot of a daughter-house if this is necessary, but neither the abbot nor the titular prior nor the superior ad nutum of any other monastery nor, unless he is a member of the community, a councilor of the Abbot General can be elected.

ST 40.A.bis

The abbot/abbess having been postulated at an age beyond 75 and whose postulation has been confirmed shall spontaneously offer his/her resignation at the next General Chapter. (Decision of the 2014 General Chapter, vote 49.)

ST 40.A.ter

The abbot/abbess whose resignation at age 75 had not been accepted will present it again at the next General Chapter. (Decision of the 2014 General Chapter, vote 50.)

C. 46.2

A religious in perpetual vows coming from another institute [...]. Universal law also defines his canonical status during the time of probation (canon 685, § 1).

C. 46.3

For the admission of clerics, can. 644 CIC is followed, which requires that their Ordinary be consulted.

C. 48 Admission to the Novitiate

The abbot is to observe all that is required by law for admission into the novitiate (canons 641-645).

C. 50

[...] First profession can be anticipated but not by more than fifteen days (canon 649, § 2).

C. 57 The Ordination of Monks

If an abbot requests that one of his monks be ordained priest or deacon for his monastery . . . [Ratio Institutionis, n. 60-62].

ST 75.2.C

After the visitation the visitor is to send a copy of the visitation card to the Abbot General within two months. A delegated visitor is also to send one to the Father Immediate.

ST 84.1.F

The Abbot General is to communicate the visitation cards from regular visitations to the members of his council.

Statute on the Regular Visitation, n. 26

The Visitor is to send a copy of the Visitation Card along with a report giving additional information on the Visitation to the Abbot General within two months. A delegated Visitor is also to send these documents to the Father Immediate. In the report he may invite him [...].

The 2011 General Chapter, with vote 17, modified n. 9 of the Statue on Foundations, specifying that permission for a foundation can be requested of the Abbot General, who may grant it with the consent of the Central Commission when it acts as plenary Council of the Abbot General.

For this reason, ST 84.1.B and 84.1.C.a. must be modified:

ST 84.1.B

The members of the Abbot General's council are also members of the Central Commission that, in session, acts as the plenary council of the Abbot General.

a. In order to approve a foundation, the Abbot General needs the consent of the Central Commission, acting as plenary Council of the Abbot General (cf. Statute on Foundations, n. 9).

ST 84.1.C

The Abbot General requires the consent of his council for the juridical validity of his acts in the following cases:

a. the authorization to open a novitiate in a foundation (Statute on Foundations, n. 14.a).

b. [...]

NUNS' CONSTITUTION

C. 36.2

ST 36.2.A

ST 39.3.A

ST 39.3.B

ST 40.A bis

ST 40.A.ter

C. 46.2

C. 48

C. 50

C. 75.2.C

ST 84.1.B

ST 84.1.C

ST 84.1.F

*For these numbers, same remarks as for the monks.
The text must simply be changed to the feminine.*

TABLE OF CONTENTS

| | |
|---------------------------------------------------------------------------------------------------------------------------------------------|------|
| Participants..... | p. 2 |
| Program of the meeting | p. 2 |
| 1 - Preparation of a working paper concerning a review of votes 47-50 of the 2014 GC | p. 3 |
| - Working paper concerning a review of votes 47-50 of the 2014 GC on the age limit of 75 for the exercise of the abbatial function | p. 4 |
| 2 - Preparation of a working paper on the revision of the C. 67 | p. 8 |
| - Working paper on the revision of the C. 67 | p. 9 |
| 3 - Update of the text of the Constitutions | p.16 |