



DECREE

Prot. n. 00246/01

LETTERS OF OBEDIENCE

Letters of obedience have a long history and a profound spiritual meaning in our Franciscan tradition, going back to St. Francis himself, a history and meaning clearly linked to the vow of obedience. But, beyond this, they have a practical value, serving as letters of introduction or presentation whenever a Capuchin finds himself at a friary that does not belong to his own circumscription and where he is not known personally. They act, therefore, as a form of corroboration for those who present them and as a form of certification for those receiving the guest.

The Constitutions speak about letters of obedience in number 91, 3 in the context of traveling and in numbers 136, 5 and 176, 2 which treat of missionary service.

According to Constitutions 91, 3, "...it is the responsibility of the general minister with the consent of the definitory to issue norms regarding permission to travel for the whole Order; and of the provincial minister with the consent of the definitory for his province." On September 29, 1985, then-general minister, Br. Flavio Roberto Carraro issued a decree with regard to letters of obedience which was published in *Analecta* (see *AOFMCap.* 101 [1985] 529f).

The situation in the Order with regard to traveling has changed considerably since 1985. At the same time there has been a noteworthy increase in terms of various forms of interprovincial collaboration in formation as well as an increase in the number of friars sent to minister in circumscriptions other than their own. All of which is in accord with our legislation. In fact, the Constitutions encourage mutual fraternal assistance between circumscriptions (see. 39, 5, 113, etc.) and Ordinance 14 of the 1988 General Chapter gives the major superior the faculty of sending friars temporarily to another circumscription without needing to have recourse to the general minister. For these reasons, during the past sexennium some thought was given to reformulating the policy with regard to letters of obedience, which subsequently was presented to the General Chapter of 2000 for input and proposals from the capitulars. The same chapter then approved a motion more clearly delineating Ordinance 14.

In light of Constitutions 91, 3, and bearing in mind both our changed circumstances as well as what was expressed by General Chapter 2000, the general minister, with the consent of his definitory, during their meeting of April 4, 2001, establish the following with regard to Letters of Obedience:

1. **For Traveling**

Letters of obedience for all continental and intercontinental trips which do not extend beyond three months are issued by the **major superior**. (In the case of a friar going on vacation to his province of origin, the major superior may issue a letter of obedience for a period of time even beyond three months.) In all other cases letters of obedience are issued by the **general minister**.

2. **For Studies and Formation**

- 2.1 Letters of obedience are issued by the **major superior** when they pertain to:
- a. the brothers in initial formation and their formation personnel for interprovincial formation houses or programs;
 - b. periods of study and programs of special formation (except for what is mentioned below at 2.2.b);
 - c. those participating in conventions and formation meetings.

2.2 Letters of obedience are issued by the **general minister** when they pertain to:

- a. pursuing studies with residence at our International College of St. Lawrence of Brindisi in Rome;
- b. periods of study or programs of special formation which take place on a continent other than one's own, when they extend beyond three months.

3. For Ministry (Service)

No brother may reside within the territory of a circumscription other than his own without having first received a letter of obedience and the "placet" of the major superior of that territory, including an assignment to a local fraternity. The following norms apply to the letters of obedience:

3.1. Letters of obedience are issued by the **major superior** when they pertain to:

- a. service being given in a vice province, custody, delegation or house of presence dependent upon the same major superior;
- b. service being given in another circumscription for up to three years (see Constitutions 113, 4 and General Ordinance 14).

3.2. Letters of obedience are issued by the **general minister** when they pertain to:

- a. any type of service or ministry given in another circumscription (with the exception of what is mentioned above at 3.1.a) for a period beyond three years or for which, upon the completion of three years, a continuation is desired;
- b. service to be rendered at the international friaries of the Order;
- c. returning to own's home circumscription at the termination of the services mentioned in 3.2. a and b.

Please keep in mind the following:

1. Requests for letters of obedience from the general minister must specify the following details:
 - c. the name and surname of the friar for whom the request is being made;
 - d. the name of his home circumscription;
 - e. the reason for the move and/or type of service to be rendered;
 - f. the place and/or circumscription within which the service is to be rendered;
 - g. the date on which the letter of obedience becomes valid or takes effect.
2. The request is to be signed by the respective major superior, not by the secretary.

Note well:

In accord with Constitutions 113, 5 and the ordinances passed at General Chapter 2000, the following norms apply to the exercise of one's rights:

1. Brothers who are sent to another circumscription for reasons of ministry or service exercise their voting rights in their home circumscription for the first year, after which they exercise their voting rights in the circumscription where they serve.
2. Brothers who are sent to another circumscription for reasons other than ministry or service (e.g., for studies, for reasons of health, or to work in interprovincial collaborative situations) exercise their rights in their home circumscription.
3. **With regard to those brothers who reside within the territory of a circumscription not their own and for whom until now the norms of Constitutions 113, 5 have not been applied, we ask that the respective major superiors, in dialogue with the individual brother, bring those situations into conformity with the current norms by December 31, 2001. In cases of doubt please refer the matter to the general minister.**

The present decree comes into full effect on the day of its promulgation.

Given at Rome on May 1, 2001

Br. John Corriveau, OFM Cap
General Minister

Br. Gandolf Wild, OFM Cap
General Secretary