

7-2001

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Recommended Citation

Quintano, Fernando C.M. (2001) "The Provincial Director According to the Constitutions and Statutes of the Company and the Directory for Provincial Directors: Some Clarifications and Points of Emphasis," *Vincentiana*: Vol. 45 : No. 4 , Article 10.
Available at: <https://via.library.depaul.edu/vincentiana/vol45/iss4/10>

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The Provincial Director According to the Constitutions and Statutes of the Company and the Directory for Provincial Directors

Some Clarifications and Points of Emphasis

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Director General of the Daughters of Charity

9-VII-2001

Introduction

The Statutes of the Company of the Daughters of Charity, when listing the various functions which are the responsibility of the Director General, indicate the following: “*coordinates and guides the work of the Provincial Directors.*”¹ During the seven years which have passed since the Superior General named me as his permanent representative to the Company,² I have had meetings with several groups of Provincial Directors, specifically with those of countries where there are several provinces of Daughters of Charity; jointly with those of Latin America and the Caribbean, and with those of the Slavic languages of Europe. I have also met individually with others while visiting their respective provinces. This extraordinary meeting permits us to meet all together. For me, it is a special opportunity to fulfill this task of coordination and guidance which has been entrusted to me, and we must thank the two Superiors General who have convoked it.

In September 1996, I wrote an article in the Echoes of the Company on the same theme which I have been asked to develop today. That was the only time that I preferred that our Superior General read an article before it was published. I am aware that, for the Director General as well as for the Provincial Directors, we have to carry out this office in agreement with the one who has named us to be his representatives to the Daughters of Charity at both of these levels. So, in this conference I could limit myself to repeating what I wrote five years ago, resting on this assurance. But life goes on and situations are different now, as much in the Congregation of the Mission as in the Company of the Daughters of Charity.

In the meetings with Directors to which I have alluded previously, the questions they asked usually dominated the agenda, especially the ones coming from those who had been more recently appointed. Several of you have been named during this year, and others have been in this office for only a short time. It is likely, then, that you also will want to find answers to many questions. Doubtless, when you were named to this office you read carefully the

¹ S. 36.

² Cf. C. 28.

Constitutions and Statutes of the Daughters of Charity and the Directory for Provincial Directors. But since what has been asked of me is a presentation about the office of the Provincial Director based on these three documents that is what I am going to try to do. I will endeavor not to repeat literally what you already know, nor dwell on long explanations of the texts. Rather, I am going to try to clarify some points which might cause doubts. I will also respond to questions which some of you have asked when sending the copy of the Annual Report or in your own private correspondence. And there will be time throughout the month to continue clarifying things for each other.

1. The Provincial Director according to the Constitutions of the Company

The office of Director, whether General or Provincial, dates from the origins of the Company. St. Vincent was the Superior General of the Congregation of the Mission and of the Daughters of Charity. His many responsibilities did not permit him to attend to the needs of the sisters in the way he wished and they needed. To help him in this service, he sought the collaboration of some of the missionaries, for example: Fr. Portail, first Director General, and Frs. Desdames and Bertoldi, superiors of Warsaw and Turin respectively, who could be considered the first Provincial Directors of Poland and Italy. They acted with the powers St. Vincent delegated to them, although the office was not juridically well defined. Successive Superiors General continued to give norms and guidelines which extended or limited the powers of these offices. The first Constitutions of the Company (1954) gave a juridical stamp to the role of Provincial Director, and Fr. Slattery promulgated the first guidelines in 1965, which were renewed by Fr. Richardson in 1976.

In 1967, the Sacred Congregation for Religious granted the Company the authority to hold General Assemblies as its supreme legislative body. Since that time, the Daughters of Charity have had the ability to decide how they would like the role of Provincial Director to be defined, and this is what has been done in successive General Assemblies. Through the years, not only has the language evolved, but responsibilities have been clarified and limited. The office of Visitatrix has been established as having the ultimate responsibility for governance in the province, and the pastoral and collaborative nature of the role of Director has been emphasized, especially in spiritual and Vincentian formation. In fact, to know what a Provincial Director is, what are his responsibilities, and how they are exercised, it is necessary to have recourse to the Constitutions and Statutes of the Company, besides what may be occasionally or permanently assigned to him by the Superior General.

The Constitutions and Statutes currently in effect preferred to use language accessible to the sisters rather than technical and juridical terms, which are always more precise but less understandable. Perhaps it is for this reason that

some think that the role of the Director does not appear to be clearly delineated in the particular law of the Company. I believe that the Directory for the Provincial Directors, approved by Fr. McCullen in 1985, clarifies these functions and explains how to exercise them. The rapid evolution of history, the change in mentality of the sisters, the realities of the Congregation of the Mission and other circumstances recommend revision of this Directory.

In the current particular law of the Company, the Provincial Director is a priest of the Congregation of the Mission whom the Superior General of the two Companies has named, after the prescribed consultations, as his representative in each province of the Daughters of Charity. And, as the Superior General has as his mission to help the Company remain faithful to its spirit and mission, the mission of the Provincial Director has the same goal.

Among what is said in the Constitutions, I will spend time only on three points which might raise some questions, and so, it is suitable to give an explanation of them.

1. *“He shares with the Visitatrix and her Council the responsibility of promoting the Vincentian spirit in the province.”*³

A first clarification is in relation to the authority of the Provincial Director. Among other possible definitions, Fr. Flores defines authority as *“the legal faculty, legitimately held, to be able to direct the members of a society or community, so that they may achieve the ends which have been proposed within the society or community.”*

The Provincial Director legitimately possesses such authority, as much as by being the representative of the Superior General as through the particular law of the Company.

“To share” implies a convergence of tasks, in this case with the Visitatrix, to whom the Constitutions confide the task of the direction and immediate governance of the Province.⁴ This does not mean a double authority (Director and Visitatrix), but a shared authority (Director with the Visitatrix). She is the person ultimately responsible in governance and in the decisions which are made. Fr. Flores cites this “comment” of Fr. Contassot: *“in the same way as the immediate governance of the Company belongs to the Mother General and not to the Superior General ... the governance of the province belongs to the Visitatrix”* (and not to the Director). So that the exercise of this shared authority does not produce conflicts, each party will have to exercise its authority in harmony and

³ C. 3.38.

⁴ Cf. C. 36.

complementarity, and never as a competition of powers. However, each must know, accept and mutually respect the authority proper to the other.

2. *“... he collaborates in the organization of all that concerns the spiritual formation of the sisters, particularly that of the Sister Servants.”*⁵

“To collaborate” means to work with others. If the Visitatrix, aided by her Council, has the obligation of promoting the spiritual and apostolic vitality of the Province, the Director, who shares this same mission, offers his complete collaboration so that this mission may be made a reality in the province.

The collaboration of the Director in establishing a well-organized General Formation Plan and specialized Commissions, who plan and carry out appropriate activities in the province, is one of the best ways to contribute to the spiritual and apostolic vitality of the province. The Constitutions emphasize collaboration in spiritual formation, but later we will see the explanation of this in the Directory. And in the face of the importance, and also the difficulty, of the office of Sister Servant, it is not surprising that the Constitutions also highlight the collaboration of the Director in their formation.

3. *“He makes the visitation of the local communities which is required by the Church.”*⁶

This refers to what is prescribed in Canon 628 §1: *“Superiors who are designated for this function by the proper law of the institute are to visit the houses and members entrusted to them at the times designated by the norms of this same proper law.”* The Statutes enumerate some of the powers which the Superior General has, among others, *“...to make personally or by delegation, the visitation of the provinces and local communities required by the Church.”*⁷ The Statutes also specify that this visit *“concerns the spiritual and Vincentian aspects of the sisters’ lives.”*⁸ This, then, is about the canonical visitation. In religious communities, the bishop, or his vicar named for this purpose, makes this visitation. In the Company, as the large Society of Apostolic Life that it is, this visit is made by the Provincial Director.

Among all the topics that the Directory deals with, the most space is given to the canonical visitation.⁹ This is one way of emphasizing its importance. And rightly so, since this is asked for by Canon Law. The bishop could require the Directors to make this visit to the communities of sisters in his diocese, and if

⁵ C. 3.38.

⁶ C. 3.38.

⁷ S. 35.

⁸ S. 46.

⁹ Directory for the Provincial Directors, pp. 20-22.

they do not do it, send the Vicar for Religious. It would not be the first time that this has happened. Therefore, let me insist on this point.

The Constitutions ask the Director to be available to the sisters so that they may go to him with complete liberty. They demand personal attention more and more. The Provincial Director is not the same as a spiritual director, but in fact, there are many sisters who regularly or occasionally go to him as if he were. The canonical visitation is a special time to promote the Vincentian spirit and apostolic vitality, on both the personal and communal levels. The Directory indicates in detail how to carry this out.

I realize that this will take a lot of your time, above all in provinces with many local communities. In this case, the Director is usually freed from other ministries. But when he shares his time with other duties, the priority must be, in fact and by law, the office of Director.¹⁰ The Superior General resolves exceptional cases by mutual agreement with the Visitatrix, Visitor, and Director.

The petition to name a Sister Servant for a third three-year term or beyond is presented to the General Council. This petition is accompanied by a series of data, among which is the date of the evaluation made by the Director at the last canonical visitation. The Mother General, the Council, and I regret the delays or omissions we note in the making of these visitations. When this happens, we believe it deprives the sisters and communities of an important source of energy and this can also contribute to a certain lack of appreciation of the office of Director for some sisters. The Annual Report of the Province, which the Director sends to the Superior General, must include references to canonical visits.¹¹

2. The Provincial Director according to the Statutes of the Company

I will also limit myself to explaining some points referring to the Provincial Director, which perhaps are not well defined.

1. Appointment

This rests with the Superior General, and is done after consultation with the Visitatrix, Councillors, the Visitor and the previous Director. The reason that this consultation is limited is due to the fact that very frequently the sisters do not know the priests well, and the information that they might contribute would not be very enlightening. This appointment is for six years, and can be renewed.¹² For a second term, the Superior General has decided that the consultation be directed to all the sisters of the province, since after six years the sisters have

¹⁰ Cf. Directory p. 24, #65.

¹¹ Cf. Directory, p. 23, #61.

¹² Cf. S. 46.

some opinions about the Director to contribute to the discernment and decision of the Superior General. This new appointment is usually for three or six years, according to the decision of the Superior General.

2. *Duties*

- The Statutes, when listing the various duties of the Provincial Director, state: “He *presides at* the Provincial Assembly and *attends* the Council meetings.” The Company considers that the Provincial Assembly is one of the times when the Director must appear more clearly as the personal representative of the Superior General. Therefore the presidency is confided to him. The Directory for the Directors and Rules of the Assembly specify his functions and how he exercises them.

The Visitatrix presides at and directs the council meetings. The Director *attends*, which must not be interpreted as a passive presence. He participates and expresses his opinion freely, if he judges it suitable, in order to collaborate in a better study and discernment of the business proposed and in decision-making. It often happens that the council meetings focus on day-to-day affairs, and this is necessary. But there is also a time and place for reflection and discernment on the broader themes with which the government of the province must be concerned: fidelity to the spirit and purpose of the Company, evangelical reading of the signs of the times, a response to new calls of the Church and the poor, what formation should be like today, vocation ministry, the revision of works, the situation of local communities, etc. The Director, with a broader vision and a point of view which is not taken up with immediate affairs and problems, can collaborate so that these broader themes are dealt with by the Council and dealt with in depth, calmly, and with foresight.

The Constitutions also state that the Director presides at the Provincial Assembly¹³ and attends meetings of the Council.¹⁴ As president of the Assembly, both Canon Law¹⁵ and the Directory for the Assembly¹⁶ itself grant him the power to decide the vote in case of a tie. In practice, it would be more prudent to ask for another ballot so that the Assembly might decide the question. Granting him the power does not mean that he has an obligation to exercise it. According to C. 3.42, the Director is not a member of the Council. He attends and participates in its meetings, but he does not vote and his contrary opinion does not have veto power.¹⁷

¹³ Cf. C. 3.39.

¹⁴ Cf. C. 3.42.

¹⁵ Cf. Canon 119, 2°.

¹⁶ # 72.5.

¹⁷ Cf. Directory #20.

The Statutes list some matters for which the Director “gives his opinion” and others for which he “gives his approbation”¹⁸ during Council meetings. He can give his opinion freely in all matters dealt with by the Council, but in the four instances listed in Statute 46 he is requested expressly to do this. To give his approval means taking a clear and definite position about matters related to the vows, to living outside a house of the Company and the dismissal or readmission of a sister. The approval or refusal of the Director does not change or annul the decision of the Council.¹⁹ The Constitutions, as a general principle, give primacy to the Visitatrix and her Council. If the Director were to be the one who decides the matter that would not respect this general principle.²⁰ And as these are important matters whose resolution lies with the General Council, they are interested in knowing the opinion of the Director. From personal knowledge, I can tell you that the General Council values the opinion of the Director, and when it is not given, he is asked to express it. The same applies to consultations. (This interpretation of “give his opinion” or “give his approbation” is probably not convincing to everyone. Fr. Flores also thinks that the editing of the Statutes is unclear and would need to be improved in the next revision.)

The Director must be aware of what is going on in the province, and one of the best ways of doing this is by participating in Council meetings. Therefore, it would not be suitable for him to attend only the meetings which deal with matters needing his opinion or approval. He would be detached from what is going on in the province. When he cannot attend, the Directives for the Visitatrix indicate that he must be informed immediately about the topics discussed and the decisions taken.²¹

The Director is asked to give his opinion regarding the “*disposal of the goods of the province in important matters.*”²² “Important matters” can be understood as an amount above that for which the province has authorization from the General Council.²³ The Director’s opinion will be a help in making just use of goods.

Sisters who have personal goods ask permission of the Director to use them in “good works.”²⁴ In order not to produce differences in the lifestyle of the sisters, the Director helps them to discern how to use the interest produced by their personal goods, and he cannot authorize their use for other than “good

¹⁸ S. 46.

¹⁹ Cf. Directory, p. 13, # 20.

²⁰ Cf. Glossary: Approbation of the Provincial Director.

²¹ Cf. *Directives for the Visitatrix and Her Council*, p. 21.

²² S. 46.

²³ Cf. C. 3.55 §3.

²⁴ Cf. C. 2.7; S. 46.

works.”²⁵ Fidelity to the vow of poverty goes beyond simply asking for and granting permissions.

3. The Provincial Director according to the Directory

Some judge that the Constitutions and Statutes present an unclear picture of the office and duties of the Provincial Director. I do not think the same can be said of the Directory. In it the features that perhaps might be somewhat nebulous in the other two documents are clarified and, above all, his duties and how to carry them out are explained clearly and in detail.

This afternoon, some time has been set aside for personal reading of this document, and so I will not stop now to present what is said in it. Besides, there is still the possibility that the Company might introduce changes which affect the Director, when the Constitutions are revised during the next General Assembly. Along the same lines I have followed until now, I am only going to dwell on the (two) points contained in the Directory, and on which it is suitable to reflect due to their importance and the difficulties which they can present in actual practice.

- The Constitutions and Statutes determine the authority of the Visitatrix and the Director in the Province. It is not always easy to exercise authority that is shared and complementary. Therefore, the Director makes the effort to demonstrate the spirit that should animate relations between the two superiors.²⁶ This involves collaboration and complementarity, and never a power struggle. Both exercise authority as a service so that the province might live in fidelity to the spirit and end of the Company. Humility, simplicity, and charity are the virtues which best contribute to the good exercise of authority and overcome any conflicts which might arise. Mutual esteem and trust, and frequent and congenial dealings between the Visitatrix and Director does not mean that they must agree on everything. Possible differences of opinion can help illuminate reality by different, but never antagonistic, insights.

It is rare when the Visitatrix and Council do not have to face difficult situations, for example in the revision of works, acute conflicts within local communities, dealings with external organizations, etc. The proximity of the Director at these times, his advice and support, are more than just duties of his office; they are signs of solidarity and brotherly affection.

There is one aspect to be especially careful of in the relationship between the Visitatrix and Director, and that is to avoid giving the sisters any reason to

²⁵ Cf. Directory p. 19, # 46.

²⁶ Cf. Directory, p. 9-10.

think that the Visitatrix and Director speak with the same voice. It is possible that a sister might have a falling out with the Visitatrix or Director, and become alienated from him/her. If the sisters see them as too closely identified with each other, they will not feel they can call on one or the other with the hope of being welcomed and heard.

- The Constitutions entrust to the Director as a special responsibility the spiritual formation of the sisters. The Directory amplifies and specifies this responsibility: “*As far as possible, he takes an interest in all stages of formation: aspirants, postulants, seminary sisters, young sisters who are preparing for vows, and those who have made vows. He takes part in choosing the topics, in planning the programs, in the schedule of meetings, and in the selection of the speakers, especially by participating in the Formation Commission.*”²⁷ This expresses the importance of the Director’s collaboration in regard to all that relates to formation. The spiritual solidity of the sisters and the quality of service to the poor are in play here. Naturally, the Director cannot be asked to be an expert in the different fields included in formation, but he can take an interest in encouraging it. The *Guide for Initial Formation*, published two months ago with the approval of both Superiors General, repeatedly asks for the collaboration of the Director, and that document was written by a commission of sisters involved in formation.

The Director’s concern will be centered in advancing the General Formation Plan, developed by the Provincial Council with the assistance of the Formation Commission and the technical Commission. (It is anticipated that, during this month, a Commission formed of Directors and a General Councillor will present to us the broad outlines of a Provincial Formation Plan.)

The annual retreat has special importance in the spiritual animation of the sisters, and the Directory entrusts its planning to the Provincial Director and the Visitatrix.²⁸ If, in practice, another sister plans and contacts retreat directors, it is desirable that there be dialogue with the Director about this. The General Assembly of 1997 approved a proposition in which each province was urged to seek the most appropriate means for revitalizing these eight days of the annual retreat. The Directory emphasizes how important it is that the Director be present and available to the sisters during this very important time in their spiritual life.

Conclusion

The Congregation of the Mission and the Daughters of Charity have written a history of union and collaboration for almost four centuries. The

²⁷ Directory, p. 14, # 26.

²⁸ Cf. Directory, p. 13-14, # 23-25.

founders began it, and we are their heirs. The Provincial Director has been and continues to be the figure who best incarnates this union and collaboration in practice. The way of perceiving and exercising this office or ministry has continued to change throughout history, at times due to the evolution of Canon Law and at other times because of the evolution of the particular law of the Company. This shows us how the Daughters of Charity perceive the role of the Provincial Director. It is up to them to say what it will be in the future. It is completely justifiable that, due to the increasing maturity of the sisters and the present cultural sensitivity to equality and feminism, the role of the Provincial Director might be more and more shifted toward the spiritual and pastoral plane. In essence, that is the collaboration which the founders intended, although, at that time and since then, the role has also been expressed by juridical bonds of authority.

Both the Constitutions and Statutes of the Company and the Directory recognize the authority proper to the Provincial Director. He exercises this authority in collaboration with the Visitatrix, who is primarily responsible for the government of the province. Both must envision their office as a service of complementarity, aimed at encouraging the sisters' dynamic fidelity to the spirit of the Company and its purpose in the Church.

The Constitutions and Statutes present the picture of the Provincial Director. The Directory for Provincial Directors describes in further detail his duties and the way they are carried out. But we must recognize that the current context, the reality of both the priests and the sisters, the qualities or limitations of the Director, the Visitatrixes and the sisters also influence the manner in which this office is carried out. This afternoon several sisters will tell us about this, and tomorrow some of the Directors will present to us their experiences of how they carry out this service.

There has been an undeniable evolution in the office of the Provincial Director, in the sense of a movement from a decision-making role to that of spiritual and apostolic animation. Be that as it may, the following words were addressed by Fr. McCullen to the Directors and sisters at the time of presenting the Directory for Directors: *"There has been a certain evolution in the office of Director. However, let no one underestimate the importance of the Director as spiritual animator and guide in the life of the sisters and the activities of the province: to do so would not only be unfaithful to the deepest intentions of St. Vincent and St. Louise, but would definitely weaken the apostolic vitality of the sisters in their service to the poor."*

(Translation: Translation Center – Daughters of Charity, Paris)