

# RESOURCES FOR THE STUDY OF THE CONSTITUTIONS OF THE CAPUCHIN LESSER BROTHERS

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## THE MORAL PERSPECTIVE OF THE CONSTITUTIONS OF THE CAPUCHIN LESSER BROTHERS

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### **Introduction**

Moral theology is the science that reflects on a Christian's behaviour, in order to ensure that his conduct is more and more shaped by the image of Christ, with which he has been sealed by the Father and raised up by the grace of the Holy Spirit. If we were able to divide theological disciplines into those that are theoretical and those that are practical, we would have to place among the latter spiritual theology, moral theology and canon law.

In the Foreword to our Constitutions, we are reminded of the need for a “necessary fusion of spiritual, juridical and exhortatory elements”, so that the Constitutions do not become a merely juridical text, nor simply exhortative. Between the spiritual and juridical elements stands moral theology, as an amalgam enabling us to move from one to the other without difficulty.

In this reflexion we will approach our Constitutions from the standpoint of moral theology. In order to be able to do this, we will rely on the insights of axiology - looking at the principles and values underlying them - as the best way of discovering the values that help us to embody the Capuchin-Franciscan *forma vitae*.

This perspective is new, given that it is little studied and that there were few specialists in moral theology on the commissions that prepared the constitutional text. For many brothers, moral theology was left behind as part of their studies during the postnovitiate years or in preparation for ordination. Others have never even heard of “axiology”. This is why in this article we shall focus, in the most didactic way possible, on some elements of moral theology as a basis for the deeper study of the Constitutions we have been asked to conduct. At the same time, this may be a moment of “ongoing formation” or updating on the new moral perspectives.

We have divided the study into five parts, starting with the more theoretical and concluding with a few practical proposals.

In the first point, we start by explaining that morality in a religious community begins with the experience of a call that requires a response. In other words, morality is based on a covenant with God, which a portion of his people are invited to live out in a particular way.

In point two, we will deal with the relation between law and morality, between values, norms and laws. Here we will spend some time explaining at length the concept of a value, which will underlie our whole way of reading the Constitutions. On this point I will be more didactic, almost as if we were teaching a class in fundamental theology.

In the central segment, which is the third chapter, we will delve into an axiological reading of the Constitutions, discovering their values and suggesting ways of rising towards them, as these emerge from the text, as well as looking at the step-by-step nature of growth in the way we understand and live the values that emerge from the Constitutions.

The last two points refer to the different degrees of ethical normativity that we find in the Constitutions, and how they relate to sin.

Finally, we end with the formation of conscience and the ways of discernment in Franciscan spirituality.

## **1. The call of God and the human response**

The post-synodal Exhortation *Vita Consecrata* of Pope St. John Paul II in n. 41 begins with the words: “During his earthly life, the Lord Jesus called those whom he wished in order to have them at his side and to train them to live, according to his example, for the Father and for the mission which he had received from the Father (cf. *Mk* 3:13-15). He thus inaugurated the new family which down the centuries would include all those ready to “do the will of God” (cf. *Mk* 3:32-35) After the Ascension, as a result of the gift of the Spirit, a fraternal community formed around the Apostles, gathered in the praise of God and in a concrete experience of communion (cf. *Acts* 2:42-47; 4:32-35)”. This is the bedrock of the life of all those who are consecrated to the Lord: God calls the person who is “ready to do the will of God”, and the person responds by following the life-plan that is revealed.

In this first section we shall unpack those elements that constitute the foundation of a lifestyle, a particular code of conduct, proposed to a particular section of the People of God, in our case, the form of life of the Capuchin Lesser Brothers. Three points will guide us in this reflection: God's call; our obedient response, and the need for grace.

### 1.1- God is the One who calls

The Father "chose us in Christ, before the world was made to be holy and faultless before him in love," (Eph. 1,4). This is the premise that grounds our calling to be consecrated to God. God loved us first, and we responded to that love by the total gift of our lives (EG 12 and 24) (\*). Our Constitutions lay that calling, that fundamental consecration, as the foundation of our "form of life", in other words, it is the basis of the way we live and behave for the world (Const. 16 and 33).

In the life of the Christian, God is the one who has the initiative. We have been chosen, we have been called. It is a free and gratuitous initiative on the part of the One who has loved us from all eternity. This is a "privilege" that is totally unmerited on our part: we are invited to share in the very same vocation of the Lord Jesus and the apostles (Const. 15,3; 16,1-3; 17,5;44,1). To this free call by God the believer responds by freely consecrating his entire life (Const. 16,2.4; 59,2). God does the calling, and we respond by accepting the call, saying yes to it, and remaining faithful to it.

This perspective of being called and giving our personal response is framed within the entire great history of the Covenant between God and humanity, between God and his People, God and each one of us. Bernard Häring, halfway through the twentieth century, had already based his work *The Law of Christ* on the biblical concept of the covenant,<sup>1</sup> laying the foundations of a morality<sup>2</sup> of interpersonal dialogue, because to God's call

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(\*) EG 12: The life of the Church should always reveal clearly that God takes the initiative, that "he has loved us first" (*I Jn* 4:19) and that he alone "gives the growth" (*I Cor* 3:7). This conviction enables us to maintain a spirit of joy in the midst of a task so demanding and challenging that it engages our entire life. God asks everything of us, yet at the same time he offers everything to us.

<sup>1</sup> HÄRING, BERNHARD, *La ley de Cristo* I, Ed. Herder, Barcelona 1961, 82-100. Cf. LAGE, FRANCIS, *Alianza y ley*, en Vidal, Marciano (ed.), *Conceptos fundamentales de ética teológica*, Trotta, Valladolid 1992, 37-51; OSPINA ARIAS, DIEGO FERNANDO, OFM, *La moral cristiana como seguimiento de Jesús*. Reflexiones Teológicas 7 (2011) 95-122.

<sup>2</sup> Some authors make a distinction between "ethics", "morals", "deontology". The first two words come from Greek and Latin respectively, and both basically mean "custom" or "manner of being". Deontology comes from Greek and means necessity, law, principle. "Both in ordinary language and in philosophy there is no unanimously agreed principle among the authors when it comes to distinguishing the concepts of ethics and morals.... Among those that do make the distinction, some maintain that "ethics" is that philosophical discipline which deals with the rational foundations of human moral behaviour, while "morals" is everything that refers to values in so far that they are accepted and lived by people, in other words, to the subjective dimension, or morality as it is actually lived by particular individuals or groups. ... Others have preferred to distinguish between terms, saying that ethics deals with that set of unalterable principles (e.g. the defense of life, the search for the relief of suffering, respect for the human person, confidentiality, etc.), whilst morals would be the subjective dimension of those who accept those principles. On the other hand, for the latter authors the concept of "deontology" would correspond to an "adaptable liturgy" that can be modified by changing circumstances, more akin to modifiable regulations than principles". FRANÇA, O., GALDONA, J., *Introducción a la ética (profesional)*, Montevideo 1992, 21. While other authors would reserve the word "ethics" for philosophy and "morals" for theology, we, for methodological and practical reasons, will use these two terms indistinguishably.

comes the corresponding free and responsible response of the human person, and this gives rise to the morality of his actions. Hortelano puts it beautifully:

“Morality is a pivotal relationship between the human person and God. It is a relationship that exists between me, John Doe, and my heavenly Father. God has wished to love me, and out of love has addressed his word to me, that eternal and substantial word who is the Word, and I must respond to that Word from the depths of my personality. The moral life consists precisely in that response, or rather, in that responsibility. [...]. We must think of human existence as a responsibility in the face of the divine call, as a ‘yes’ to God, which commits us totally, for life [...] every human person is known and loved personally by God. The human being is not only an object of God’s love, but finds himself rather a living person. Therefore he cannot remain neutral before him, but can and must give his response to God’s call [...]. The capacity to respond becomes responsibility”<sup>3</sup>.

This is the foundational experience Francis had and which he shares with us in his Testament, when he tells us five times that “God gave me” (Test 1, 4, 6, 14, 39), and then “The Lord led me” (2) and “The Lord, the Most High, revealed to me” (14, 23). The initiative begins with the Most High, recognising that infinite distance between God and his creature, from which is born a relationship of admiration, reverence and worship (5). But this Lord is one who humbles himself to dialogue with his beloved creature, who returns love for love, and this is why he showed mercy. (2). It was from this experience of a personal encounter with God that the Rule was born, which the Lord “granted me to speak and write simply and plainly” (39), that we may “observe [it] to the end”.

This means that our form of life is born of a personal experience between the “I” of the founder and the divine “You”, from which arises a way of life which is shaped into a Rule of life for his followers. Followers who in their turn have their own experience of God calling them personally to live according to the foundational insight of Saint Francis. This experience is always unique and personal, and it leads a person, in one way or another, to make profession, to “embody, as an act of worship on this day, a new foundation of gospel Brotherhood, in other words, of that form of life which the Lord revealed to Saint Francis” (*Roman-Seraphic Rite of Religious Profession*, n. 10). So we have novelty and continuity, the call and the response; the foundational experience of Saint Francis and its personal re-creation in following the divine will, blending into a new and tangible synthesis of life and vocation. In this consists my here and now response to the divine call.

God’s dialogue with humanity, which began with Adam and continued with Abraham and the people of Israel, reached its peak in the new and eternal Covenant of God in Jesus Christ. This dialogue continues in the Church, and it is here that the Holy Spirit inspired the form of gospel life of a lesser brother, through Francis of Assisi. Finally, it is in this long history of dialogue that our personal vocation finds its place, and with it our responsibility to be faithful in our response to it.

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<sup>3</sup> HORTELANO, ANTONIO, *Problemas actuales de moral I. Introducción a la teología moral la conciencia moral*. Ed. Sígueme, Salamanca 1991, 71 y 81.

However, we must always be careful not to understand this call as “superiority” or as a “privilege” which leaves others excluded or outside of God’s love. This is still a danger today for the so-called “religions of the Book”<sup>4</sup>, which consider themselves as a chosen people. Instead, the call entails a responsibility rather than a privilege, a responsibility to fidelity in responding to the call, which is required by the total surrender of self, to the point of mirroring the obedience of Christ on the cross.

## 1.2- Obedience to God

God’s call has its counterpart in the obedience of faith (CCE 142-149), a faith that shows itself in deeds (Jm 2,18). “Called to salvation through faith in Jesus Christ, “the true light that enlightens everyone” (*Jn* 1:9), people become “light in the Lord” and “children of light” (*Eph* 5:8), and are made holy by “obedience to the truth” (*1 Pet* 1:22)”, as St. John Paul II tells us *Veritatis Splendor* 1. In other words, holiness is the fruit of obedience to a God who never ceases to call us.

This conviction clearly emerges as one reads and immerses oneself in the Word of God. Paul tells us that if we have faith and believe in God, then we must act in God’s way (Rm 2,13). Abraham is the example of a man of faith, because he believed and obeyed God. (Heb 11,8-12), alongside the testimony left to us by the patriarchs according to the reflections contained throughout chapter 11 of Hebrews. In these stories we clearly see that God’s will is constantly being revealed gradually as the history of each personage unfolds. This is why to obey God means constantly seeking his will, it is a never-ending task throughout the course of life. The story of Joseph, too, can be read from this perspective, since he was just, not because he kept the letter of the law but because he fulfilled God’s will when he allowed himself to be guided by the voice of the angel (Mt 1,18-24; 2,13-14.19-21). Obedience to the divine will is what constitutes the morality of the life of a believer, since “we must obey God rather than men” (Ac 5,29). It is obedience to the divine will that justifies a person and makes him holy.

Conversely, to work against the will of God (especially when we justify it by our ability as intellectuals!) is to live according to one’s own law, and that is sin. (Gn 3). Anyone who works according to his own law, creates his own law, occupies the place of God and sets himself up as judge over the Law of God (Jm 4,1-12). The bible also calls this attitude idolatry or infidelity.

The earliest Franciscan community was also very conscious of the importance of obedience to the divine will in the life of faith. K. Esser tells us that

“it is very surprising that Francis should have resolved the question of how one enters the brotherhood by saying: “let them be admitted to obedience” (1 R 2,9; 2 R 2,11) or “let them promise obedience”, since both these texts from the two Rules make it clear that one is admitted to profession once the probationary year is finished. Both Francis and Clare say the same: “and the year of probation being

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<sup>4</sup> Fr. LAGE, FRANCIS, *Las Religiones del libro, ¿escuela de violencia?:* Moralia 93 (2002) 5-26.

finished, let them be received to obedience” Obedience” becomes, in a certain way, the “space” into which the one making profession will be received. Profession does not mean admission into a friary or convent, nor does it mean submitting oneself to the rule of a particular community. Rather, it signifies entry into a relationship of obedience. Therefore we can say: just as the monastery was the “living space” of ancient monasticism, so is *obedience the living space* in which the Franciscan lives”<sup>5</sup>.

Even the theological order in which Francis lists the vows speaks to us of this same reality: obedience is the foundation and synthesis of the other two vows, since it is obedience to God who calls us to live without anything of our own, like the Son of Man, that makes us poor in every single area of our life<sup>6</sup>. It is because we are obedient to a God who calls us to live in brotherhood with a virginal love, that we respond with our option of chastity. Only one who places his own will into the will of the superior is really living without anything of his own, and only one who places his own will into the love of God and his brother is truly chaste.

Our Constitutions in n. 117,1 tell us that “Our brotherhood, led by the Holy Spirit, is an integral part of the Mystical Body of Christ. It is a communion of consecrated persons who, following the Master, seek to accomplish together the Father’s will, and contribute to building up the Church in love”. This number concentrates the essence of religious profession in the Order (a solemn promise made to God before the Church) as “seeking” and “accomplishing” the divine will. The first verb puts us in discernment mode, seeking the Face of God, seeking his presence and his concrete word, which we are to discern amid the bewildering babble of words that surround us. A Franciscan will engage in this discernment in the local chapter (Const. 141,2), for “since the Lord gave me brothers, no man showed me what I ought to do” (Test 14). The second verb is the one that carries all the moral weight, because we are to “do” the “word”. It is when the Word becomes a task that the verb is enfolded and we give birth to the Son of God by putting his will into practice (1EF 1; 2EF 2). It is not sufficient to seek his will; to know his will is not enough. We must put into practice what God wishes in our lives. This way of being builds up the Church and makes us holy.

Also the whole of n. 158 of the Constitutions, the first part of which (1-4) is nearly all new, is an excellent meditation on the foundations of our life from the perspective of obedience to the will of God.

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<sup>5</sup> ESSER, KAJETAN, *Obediencia y autoridad en la primitiva familia franciscana*: Selecciones de Franciscanismo 1/3 (1972) 17-30, 18. Texto original: *Gehorsam und Autorität in der frühfranziskanischen Gemeinschaft* L: *Wissenschaft und Weisheit* 34 (1971) 1-18.

<sup>6</sup> “According to Francis, obedience is an important part of what poverty is. For him, that most sublime expression, “*expropriatio*”, or human detachment, is rooted in obedience; just as “appropriation”, the selfish tendency of the will to take everything to itself, shows itself precisely in disobedience. Consequently, obedience is constructed in that mystery of poverty, “*mysterium paupertatis*”, that mysterious reality and efficacy of poverty, in which the human person achieves the freedom and openness which prepare him in the totality of his being to grasp the loving will of God. Obedience and poverty predispose a person for the Kingdom of God”. *Ibid*, 29.

The number opens with contemplation of Christ obedient on the cross. Christ himself learned obedience through suffering (Heb 5,8, cf. Const. 165,5). We are sons to the extent that we are obedient, on an arduous journey of growth in fidelity which does not take away the sufferings involved in surrendering self out of love for the Father. In this way we become what we already are: sons in the Son. (cf. Eph 1,5). Only in true obedience do we become sons of our Father in heaven. Therefore, we are able to live in the freedom of the children of God, no longer slaves to sin or to the flesh, but possessing the liberty that brings with it the joy of remaining in his love. Only obedience to God causes us to live in freedom, and any other obedience (for example to superiors) is liberating to the degree that it is a channelling of the divine will.

No. 158,2 shows us the Trinitarian and ecclesiological dimension of obedience, which leads us to freedom. The Instruction *Faciem tuam*<sup>7</sup> states: “the status of creature in itself implies being dependent on an Other and, therefore, as a being in relation, dependent on others. The believer seeks the living and true God, the Beginning and the End of all things, the God not made in his or her image and likeness but the God who made us in his image and likeness, the God who makes known his will, who indicated the ways to reach him” (FT 4). Historically these ways are revealed to us through the Church (which lives by obedience to its founder), and in this way we become more and more reflections of the free relationships at the heart of the Trinity, through communion in mutual obedience. Thus our testimony becomes a sign of the Kingdom of Heaven.

The Commission that prepared the final draft of the constitutional text explained to us that the third paragraph

“highlights the fact that all the Lord’s disciples are called to live in obedience, and places this obedience in the context of a filial relationship with the Father. This is why it alludes to the example of Christ (cf. Jn 4, 34). In him everything is a listening to and acceptance of the Father (cf. Jn 8:28-29); all of his earthly life is an expression and continuation of what the Word does from eternity: letting himself be loved by the Father, accepting his love in an unconditional way, to the point of deciding to do nothing by himself (cf. Jn 8:28) but to do always what is pleasing to the Father. The will of the Father is the food which sustains Jesus in his work (cf. Jn 4:34) and which merits for Him and for us the superabundance of the resurrection, the luminous joy of entering into the very heart of God, into the blessed company of his children (cf. Jn 1:12)”<sup>8</sup>.

The fourth paragraph puts before us the teaching of Saint Francis in the form of a summary of the prologue and first chapter of the Rule. For him, the life of the Lesser Brothers consists in obeying Jesus Christ, who speaks in the Gospel as it is lived in the Church.

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<sup>7</sup> CONGREGATION FOR INSTITUTES OF CONSECRATED LIFE AND SOCIETIES OF APOSTOLIC LIFE, *The service of authority and obedience*, Rome, 11 May 2008.

<sup>8</sup> COMMISSIO CONSTITUTIONUM OFMCAP, *Esquema de nuestras Constituciones para el LXXXIV Capítulo General, Segunda propuesta de revisión. Introducciones, cuadros sinópticos y notas explicativas*. Roma, Curia General 2012, 519.

The next three paragraphs of this number bring out the concrete consequences of these basic assumptions.

In short, the life of the lesser brother can be identified, in its essence, as being obedient to the will of God made manifest in the Gospel of our Lord Jesus (Rnb 1).

### **1.3- The necessity of grace**

God calls us, makes his will known to us and waits for our free and conscious response. But at the same time we recognise that we are simple creatures, and we respond like Jeremiah: “Ah, Lord, I do not know how to speak, I am too young” (Jer. 1,6). And he replies to us, as he did to Saint Paul: “My grace is enough for you, for power is at full strength in weakness” (2 Cor 12,9).

The fact is that the human will alone is unable to give a total response to God’s will revealed in the Gospel. Saint John Paul II says in *Veritatis splendor* 22 that “To imitate and live out the love of Christ is not possible for man by his own strength alone. He becomes capable of this love only by virtue of a gift received”. This is why we need the action of the Spirit in us, to raise our will by his grace so that it is able to carry out totally that which by our reason we understand to be the plan of God. To live the Gospel, to reach salvation, “is impossible for man, but for God, everything is possible” (Mt 9,26). In other words, God is suggesting that we put into practice something that exceeds our human capacities, but gives us, through his holy Spirit, the necessary means to achieve it.

This is the reason why we say in the profession formula: “Moved by divine inspiration to follow more closely the Gospel and the footprints of our Lord Jesus Christ” (Const 21,4), because without him, without that grace which is his gift, nothing is possible. Saint John Paul II goes into the subject at length, and states that “Following Christ is not an outward imitation, since it touches man at the very depths of his being. Being a follower of Christ means becoming conformed to him who became a servant even to giving himself on the Cross (cf. *Phil* 2:5-8). Christ dwells by faith in the heart of the believer (cf. *Eph* 3:17), and thus the disciple is conformed to the Lord. This is the effect of grace, of the active presence of the Holy Spirit in us.” (VS 21).

God, on the other hand, does not act in us without us. “All of us, therefore, shall strive to maintain and strengthen for ourselves and for others the gift of a religious vocation and perseverance by faithful cooperation with divine grace, prudent watchfulness, and constant prayer. (Const. 44,2). This means that we have to ask for this grace, we must take care of it and enrich it, willing to increase and strengthen it. The primitive fraternity too, in the specific case of work, in their discussions about the expression “the grace of working”, when some maintained that they had “received no such grace”, Saint Francis replied in his Testament: Let those who do not know how to work, learn”.

The theological axiom: “grace builds on nature” applies in a particular way to the grace of a vocation, which must be cared for through ongoing formation and constant prayer. The Constitutions warn us that we are not to “claim the gifts of nature and grace as our own as if they were given only for ourselves, but strive to place them entirely at the service



of the People of God.” (61,4), because whenever God calls someone and gives his gifts, they are not given for vainglory or” self-fulfilment”, but rather to make the Reign of God present and to place those gifts at the service of the Church and the world. And the more we give back those gifts, the more they grow in us.

Finally, God’s action in us is shown in the disproportion that exists between human possibilities and the results obtained. It is here that the action of God, in all its magnificence, is revealed in us. We call it holiness, which is the ultimate aim of our moral life.

This sanctifying grace of the Holy Spirit in us has to be a gift of God, undeserved and freely given, which calls for constant thanksgiving from us for our vocation, (Const. 16,3), since all of this is possible for us thanks to the working of the Holy Spirit in our lives (Const. 158,2). By living a holy life, we give back to the Lord God all that is his (10).

## **2. Morality and law**

After having laid the theological foundations from which our moral choices derive, in this next point we will be more didactic and present the necessary theoretical elements by which to approach the values contained in our Constitutions. Here we will deal with the relationship that exists between values, norms and law, and then go on to consider at some length what exactly we understand by a value, what are its characteristics and particular features. We will then go on to tackle what is specific to moral values, and the necessity of norms and their function in the Christian life. All of this will help us to understand better the place of the principles, values and norms contained in our fundamental legislative text.

### **2.1- Values, norms, law**

The relationship between morals and positive law, in our case the Constitutions, has a long history in the Church’s theological reflection. Christian morals began to develop within the framework of sacramental preaching, especially in the baptismal preparation of catechumens. It was thus fully integrated into theological reflection, and formed a coherent whole between faith and action.

It was in the high middle ages that law began to develop as an important discipline in the life of the Church, and the universities began to have chairs of canon law. There, moral theology began to be understood and reflected upon from that legal perspective. And the XVI century saw the beginnings of a development of moral thinking independently of law and theology, as a discipline in its own right. However, we would have to wait until the Second Vatican Council for moral theology and dogmatics to once again become a fully consistent search between faith and Christian action.

Today the relationship between law and morals is widely discussed in church circles, as it is in the lay academies. (11) In our reflection, because of the particular character of the text we are analysing, and the perspective we wish to develop, we shall study the relation between axiology (principles and values) and positive law.

In other words, our starting point will be a morality founded on ethical values, which are those realities that we can all perceive as good things, such as love, justice, peace, forgiveness and mercy among the most important. They have a certain weight in our thinking, since, as we shall see in the next point, they impose themselves on our perception because we live them every day as part of our human existence.

On the other hand, we could define a moral norm as the logical, obligatory formulation of a moral value, so that a moral norm is valid to the extent that it expresses a value, does so in a fitting manner and becomes obligatory for those who share the same regulatory system.

Any moral construct (whether philosophical or theological) that does not arrive at a concrete normative formulation turns into an anthropological reflection with no relevance in reality. This is why moral norms are important, because they clearly set out the ethically binding nature of a coherent world of values.

Values and norms are the subject-matter of the moral sciences, both philosophical and theological, and they oblige in conscience. But these norms, in order to be obligatory and binding in the external forum, must necessarily be expressed as laws. Law is the formulation of a precept, enacted by the legislator and sanctioned by the competent authority, which in case of non-compliance carries a penalty laid down in the law itself. Laws are the subject of the legal sciences and are binding in the external forum. For this reason, laws are typically drafted in a clear and precise way that tries to include the greatest number of cases, thereby contributing to the common good of a society and of each person in particular. This precision means that each law will concern only one small aspect of the breadth of meaning that a moral norm would usually have.

From the social perspective, laws can also be defined as instances of consensus in a given society that allows it to develop its goals according to shared cultural values. In this way, human societies form legal bodies that express their axiological worldview at a given moment in history.

Having briefly defined the concepts of value, norm and law, we can establish the relationship between them.

The law reveals and at the same time conceals from us a moral norm, since the formulation of a law expresses the content of a moral norm and, at the same time, by the very fact that the legal formulation is limited, it hides from us the breadth of the content of the moral norm. The same happens with moral norms: they reveal and at the same time hide the value. The formulation of the moral norm is also limited in its capacity to conceptualize the value, which does not encompass the full richness of the value it seeks to express, but at the same time points us to it and refers to it.

Two examples can help us understand this relationship between value, norm, and law. One is taken from civil law and the other from our Constitutions.

When a child is born, the law obliges us to record the birth in a civil registry and to give the child a name by giving it an identity document. Generally this rule is accompanied by a penalty for parents who do not do so.

This law reveals to us the moral norm that is formulated in articles 3 and 6 of the Universal Declaration of Human Rights (which is a document containing ethical norms, but it does not have the force of law). It states in art. 3: Every human being has the right to life, liberty and personal security, and in art. 6: Every human being has the right, everywhere, to recognition as a person before the law. In other words, the law that requires the registration and naming of a child reveals its right to life, liberty, security and recognition as a legally protected individual, but at the same time, by limiting itself to registration and naming, it conceals from us the full richness of the moral norm. But this moral norm also arises from the perception of the dignity of the human individual as a unique person and valuable for society as a whole. The value of the individual dignity of the human person is revealed to us by these two articles of the Declaration, but at the same time its formulation limits it to life, liberty, and personal and legal security, whereas human dignity is much more than this.

We can find also in our Constitutions, which have a great normative richness, the same dynamic of revelation and concealment that occurs between the law, the norm, and the value.

The simple law that we find in Const. 97,1: “Before leaving the house, the brothers are to ask permission of the guardian, according to the custom of the circumscription”, both reveals and hides the moral norm that we find explicit in 89:3: In order to learn how to be brothers, we walk in humility, always imbued with a spirit of mutual understanding and sincere esteem. Let us cultivate dialogue among ourselves, confidently sharing experiences and manifesting our needs to one another”. In other words, being obliged to the simple gesture of asking permission reminds us that the Capuchin brotherhood is founded on humility, mutual appreciation and dialogue, something that is not totally expressed in the phrase “let them ask permission”, which can also be perceived as a measure of “control”. At the same time, the normative formulation of 89.3 does not show all the richness of the value of brotherhood as it was lived by Saint Francis and revealed to him in the Gospel, yet somehow it leads us to it.

## **2.2- The world of values**

We have sketched a few lines about what moral values are in order to understand their relationship with laws and norms. But because of the importance of principles and values (axiology) in the moral discourse we are developing, it is necessary to delve more deeply into the concept in order to know what those principles are and what characteristics they have.

So let us go slowly as we try to unravel the reality of values<sup>9</sup> by means of some statements which we will explain as we go along. In order to understand that discourse on values is broader than the moral sphere, we shall refer to various types of values and then conclude with moral ones.

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<sup>9</sup> In our reflection we depend on the concept of value developed by MAX SCHELER in his book *Ética*, Caparrós Editores, Madrid 2001.

- *In reality there exist real objects, ideal objects and values.*

When we approach reality, the most evident elements are the real, concrete objects we encounter every day, things we we can see, measure, touch... This is the world of real things. They are there and they are evident to us. But there are also other objects that are ideal, that have no real existence, and that have a foundation. For example a ghost: I can imagine it, draw it, describe it, but it has no real existence. Numbers too are ideal, because 4 does not exist. Four things may exist, but the number 4 as a “number” is an ideal, abstract object. So are geometric shapes. The circle does not exist, a pure circle is an abstract reality, but circular things do exist.

Going a little deeper, we perceive that real objects have qualities that are proper to them and that do not subsist by themselves. Colours, for example: they are in the things, but do not subsist in themselves. A brown table exists, but one cannot perceive brown without anything real to “sustain” it. These qualities are real, because somehow they are objectively contained in the thing. Most of these qualities are measurable and can be perceived by the senses.

Among these qualities, there are some that are particularly so, and these are values. Thus we can say that a flower is beautiful or a person is just, where beauty and justice are two values that are somehow “carried” by reality, and are not measurable or perceived by the senses.

Our first statement is that values are special (*sui generis*) qualities of things, that is to say, they are neither real nor abstract “things”. Values do not “exist”, they are simply valuable.

- *Values are grasped by abstraction*

We can ask ourselves how do we come to know values, and this will help us to follow our path of understanding. As with most knowledge, we do so through an intellectual process called *abstraction*.

To understand what abstraction is let us begin with a very simple example. When we are little they tell us that in the dining room there is a table, in the kitchen there is a table, in the school there is a table... etc. The tables are all different, made of wood, metal, marble, with four legs, with three legs, with one leg. But the intellect gradually *draws out* (=abstracts) from each of these experiences the essential features that make a table a table, so that when I am presented with an object that I have never seen but which contains those essential features, I apply to it the concept of a table.

The same happens with values, but this time, with their positive and negative experiences. Throughout life a person is confronted with beautiful objects and ugly objects, thus drawing out through a cognitive process the concept of beauty as a value. Then he can apply it to such different realities as a beautiful sunrise, a beautiful woman or a beautiful painting as an aesthetic value. From the experience of situations lived as just or unjust, the value of justice is also drawn out or abstracted, and then applied to the most diverse situations This is an example of a moral value. It is through abstraction that values are apprehended and conceptualized.

Specifically, moral values are internalized through experience and reflection on what has been lived. At the same time, as a result of this reflection, new experiences are perceived in a different way, which leads to a new reflection, in a dialectic process of understanding and interiorization of the value that goes on for an entire lifetime.

- *A value is a relational reality. It is a relationship of meaning between things and persons*

Now we come to a more difficult issue: Are values objective or subjective? In other words, are the values in the things, or is it people who somehow create them? Is the beauty in the rose or do I put the beauty in the rose? (We are purposely taking aesthetic values to make things easier to understand).

In this case we have to say: both! The beauty is in the rose, but that beauty would not exist without a subject capable of perceiving it. To put it negatively, the person would not be able to perceive the beauty if the beauty did not already exist in the rose, nor could the rose be beautiful unless there were a subject capable of perceiving that beauty.

The value then resides in the relationship of meaning established between the object that carries the value and the subject capable of perceiving the value. What do we mean by a relationship of meaning? If we could imagine the appearance of a rainbow without any intelligence contemplating it, we would say that its being and existence is independent of whether it is contemplated or not. Now, to be able to say that this rainbow is beautiful, we necessarily need an intelligence that contemplates it and appreciates its beauty. Without a relation to an intelligence the rainbow is neither beautiful nor ugly; it simply is. This does not mean that beauty is granted by the intelligence that contemplates it. Beauty belongs to it; it is a quality of its own. But it is a relational quality, that is, it exists only in relation to someone. That someone, in the case of beauty, is the aesthetic sense of human beings, our capacity for admiration and psychic satisfaction when faced with realities which possess qualities that are perceivable by the senses and structurally harmonious.

In short, a relationship of meaning is any reference between a being and a field of human interest or satisfaction. Saving is a value because a relationship of meaning is established between the qualities of things (they are limited in number and time-bound) and the usefulness they have for human beings. We do not say that saving is beautiful, because it has no aesthetic meaning, but we do say it is useful, because it has an instrumental meaning. If necessary things were unlimited and imperishable, savings would no longer be a value, because they would serve no purpose. That quality of things would have disappeared which, when related to a field of human interest, generates meaning.

- *A first approach to the concept*

Having come this far we can now propose a number of definitions, or approximate descriptions, of the concept of a *value* which we may also find useful<sup>10</sup>.

The broadest definition is: “A *value* is anything that takes me out of indifference”. That is to say, anything that in some way moves my intelligence and/or will.

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<sup>10</sup> Taken from Mifsud, T., *Moral del discernimiento I*, Santiago de Chile 1994, 214-215.

From this starting point we can indicate some other definitions and approximate descriptions.

\* Values are *a particular bloodline of unreal objects that reside in real objects as sui generis qualities*. They are not visible to the eyes, like colours, nor even understandable, like numbers. They can only be felt, or better, esteemed or disregarded. To esteem something is a real function of the mind, like seeing and understanding, by which values become evident to us. And vice versa, values exist only for subjects endowed with the faculty of esteeming them, just as equality and difference exist only for beings capable of making comparisons. In this sense, and only in this sense, can one speak of a certain subjectivity in a value.

\* A value is also defined as *that which is (or makes an object) desirable, kind, worthy of approval, of admiration; that which provokes feelings, judgments, or attitudes of esteem and recommendation; that which is useful for a particular purpose*.

Values speak to a relationship with the human person insofar as they refer to his condition of being needy (desires, aspirations, needs): the human experience of having to satisfy a number of needs (biological, psychological, social, spiritual).

The characteristic limitation of the human being and his radical sense of deficiency make him needy and destitute on every level of his personality. Any reality, then, that satisfies those demands or aspirations becomes valuable; in other words, it constitutes a value towards which he experiences a natural and spontaneous inclination. The value comes to fill an absence, to satisfy a need, to supply exactly what is lacking.

\*Value designates something that points to perfection or goodness; therefore, what is appreciable, preferable or desirable, the object of anticipation or necessary expectation. At the same time, on an objective level, it says something about the intrinsic quality of the object that provokes admiration, esteem, respect, affection, seeking and pleasure.

Having arrived at this description of a value, let us now take a look at some of its characteristics or qualities.

- *Values are ambivalent and allow for a gradual approach*

The relationship of meaning that establishes a value is obtained by conceptualizing it in its highest degree of perfection<sup>11</sup>. Beauty comprises all the perfection of what is beautiful. Every beautiful being possesses “something” of beauty. That is why we can inquire into the degree of beauty of something. The same happens with the other values.

Now, since it indicates meaning, this can be either positive or negative, depending on the vital dimension affected by the value. This generates in the opposite pole of each value the corresponding counter-value, which is the relationship of negative meaning that is established between a thing and a certain zone of human fulfilment. Facing beauty there

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<sup>11</sup> We follow some ideas contained in the summary by GONZÁLEZ ÁLVAREZ, L. J., *Filosofía a distancia. Ética Latinoamericana*, Bogotá 1991, 135-137.

is ugliness, facing love there is hatred, facing the sacred there is profanity, facing usefulness there is uselessness, etc.

The values are thus structured on a scale of perfection between two opposite poles, the positive and the negative. The positive pole is at the furthest point from the level of indifference in the line of perfection. And the negative pole, or maximum point of the countervalue, is situated at the opposite end of the scale as the highest imperfection. Between the two is a zero point, which indicates the degree of absolute indifference of a thing for a given value.

- *Values are permeable by culture*

Being values, there is a relationship of meaning between an object and an *evaluating subject*<sup>12</sup>.

This evaluation is constantly changing according to cultures and times. The values themselves remain the same; what varies is the subject's perception of the worth of certain values. An obvious example can help us to better understand the objectivity of value and its cultural appreciation: slavery. Today we can affirm that slavery is a counter-value, it is morally reprehensible. But until the 19th century slavery was seen as a socially acceptable value. Was it a value before and not now? No, slavery has always been a counter-value, what has changed is the sensitivity to the appreciation (evaluation) of the universal value of the freedom of every human person. In the opposite sense, the value of the family was until recently held in high esteem; however, in the present cultural moment the family is a value that is becoming obscured. But this does not mean that it has ceased to be objectively a positive moral value.

In other words, the values are there, they have an objective existence in a certain sense; what varies is the relationship of meaning and the esteem that is established with the *evaluating subject*.

Human beings do not invent values, they discover them, and having discovered them we can say that in a certain way they create them and give them existence.

- *Values are qualitative, not quantitative realities*

A value is a qualitative reality, a quality that is not a thing, and therefore not quantifiable. This characteristic introduces a fair amount of subjectivity into the process of appreciating how much value a given reality possesses. There are no objective standards for evaluating anything, in any field. It depends on how good each person is at estimating the value of a particular thing. A sculpture can appear beautiful to some people, and ugly to others, depending on how well-formed their ethical sense or taste happens to be.

To understand that values cannot simply be added up, take the example of very many beautiful flowers “quantitatively” piled up in a room, and yet the total effect is undeniably horrible. On the other hand, a single rose could adorn the same room and be sublimely beautiful.

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<sup>12</sup> Although in Spanish the active participle is no longer in use, in this context we have chosen the term *valorante* (*evaluating*) because of its expressive force.

- *Values can be arranged on a scale*

As we have just seen, this property that values have of being classifiable into different kinds allows us to order them hierarchically, from the most to the least valuable.

We must say first of all that values, being many and particular, can be grouped into “spheres of values”. Thus we have aesthetic values (which refer to the world of the beautiful and the ugly), logical (referring to truth or error), useful (referring to the practicality or uselessness of things), ethical (concerning good or evil actions), religious (concerning the sacred or the profane) ...and we could add other spheres of values.

These spheres can be arranged into more important and less important. And within each sphere some values are more concrete, and can in turn can also be put in order, from more valuable to less valuable.

One fairly typical classification groups them together and arranges them into useful, vital, logical, aesthetic, ethical and religious values. Any grouping obeys some particular criterion. Our interest in principles and values should not so much aim at achieving an acceptable hierarchy, but rather a harmonious understanding of all values that does not over-emphasise some at the expense of others. Any hierarchical order can be good, as long as it enables human beings to realise their potential in a balanced way in every dimension of their being.

### **2.3. Moral values**

Among all possible values, what interests us here are those that are called ethical or moral. It is easy to understand what they consist of after having studied the concept of values in general. Put simply, we can say that *moral values refer to human moral activity*. But we wish to unpack that statement a little more.

If every value expresses a relationship of meaning, our task is to define the terms of that relationship when moral values are involved. For a subject, to have moral meaning means that there is a reference to what a person can become, in other words, to the ever-increasing possibility of their fulfilment, since it always involves a project of humanisation. When we compare what a person is with what they can be, we may then worry about how he or she will actually become what they can and should become. It is in that field of the conscience, concerned about its own human growth to fulfilment, that the evaluating function of morality operates.

On the subject’s side we have already specified the term of the relationship of meaning that generates the moral value. We have yet to determine what the relationship is based on in the things themselves. What quality of real things acquires meaning as a value when related to the possibility of human perfection? Moral value as a quality does not reside in particular objects, but in actual human behaviour. Behavior, understood as the set of movements by which a person reacts consciously to the stimuli of the environment, is the reality that takes on a meaningful moral hue when the subject feels concerned about his human perfection.



Human conduct or behaviour<sup>13</sup> is an extremely complex reality. Its complexity is due to the wealth of the mechanisms, resources, manifestations, institutional structures, etc., that make up the movement of human response to the environment. The whole life of the person, at every moment, is his behaviour. This means that all expressions of human vitality are realities that can contribute to a relationship of moral meaning. Moreover, external realities themselves, inanimate things, other living beings, events and ideal objects can receive improper moral connotations, that is, ones that do not belong to their own being, when they are an integral part of a certain conduct.

Let us explain all these ideas a little more with an example. Peace is a universally recognised moral value, consisting in a state of tranquillity, order and harmony in social relationships between the members of a group, a nation or humanity as a whole. With reference to people, peace has a moral meaning because it contributes positively to their greater fulfilment in more fields of human life, for longer periods and more rapidly and efficiently. The person himself proclaims the meaning of conduct that expresses itself in reality: we speak of a nation that is at peace, of a man at peace, of peaceful international relations, of a peace treaty, of the inner peace of conscience, of pacifism as a political attitude, etc. In all these expressions we find that quality of order which makes sense for our human fulfilment. This is how we conceptualize the value of peace. But we then also perceive objects that, because of their immediate relationship to manifestations of qualitatively peaceful behavior, seem to possess the value of peace. The value of a Treaty (understood as the drafting of a pact between Powers) is manifest as a positive value for peace, while a weapon has a negative connotation with regard to that value. On what does this depend? On the fact that one object is associated with peaceful behaviour, while the other is associated with violent behaviour.

Everything that is appreciated as having meaning in relation to a certain project or positive human possibility has moral value. Moral evaluation is the engine of moral activity and ethical reflection. To construct moral principles and values is nothing other than to construct a code of ethics.

#### **2.4- The law as teacher**

Sacred Scripture, too, helps us to understand the relationship between moral values and the law. For the people of Israel, the law is God's great gift with which he blesses his people and whose fulfilment means their full realization and happiness and their harmonious insertion into the whole of creation. It is the great sign of the covenant, which is the religious framework in which revelation is received, as God's free offering to man. Through it, God accompanied the journey of his people in the desert along an arduous path of growth and liberation marked at the same time by fidelity and infidelity. The law was God's instrument to guide his people from slavery to freedom, from Egypt to the Promised Land.

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<sup>13</sup> We use the terms "conduct" and "behaviour" as synonymous, to express external personal actions, although we know that in psychology, "conduct", as a fact, is certainly a state of mind, but it is conditioned by external or internal actions or factors, while "behaviour" is rather a fact essentially produced by the mind (consciously or unconsciously), but carried out with a rigorous intention and free of all conditioning.

This law is not perceived as an external command, but as the revelation of God's plan for humanity, accepted in the framework of faith. The law is the place of the revelation of God's will. For this reason, the prophets foretell a messianic time in which the law will no longer be carved in tablets but in the human heart by the working of the Spirit who animates and illuminates the very letter of the law (Cf. Jer 31:31-34, Ezek 36:26-27).

This prepares the great revelation of the new covenant in Jesus Christ. He is the Word, the new Law revealed in the beatitudes which are the moral proposal whose model, value and norm is the Lord himself, through his being and acting. When Jesus tells us in the Sermon on the Mount that He did not come to abolish the law but to bring it to fulfilment (Cf. Mt 5:17), he goes on to present the six antitheses as examples of what He meant (5:21-48): to look at the spirit behind the letter and to propose the radicality of love above every other law. In addition to his statements about the sabbath, this is a clear example of how Jesus proposes that we do not stay with the letter of the law, but discover the underlying value, the value that both hides and reveals, as we explained above.

Saint Paul would use the metaphor of a guardian or schoolmaster to tell us about this educational function of the law: "So the law was serving as a guardian (*paidagōgós*) to look after us until Christ came"; (Gal 3:24), because through it we are led to the Saviour. The law played the role of a schoolmaster, a teacher who guides and facilitates the education of people. For Paul, another function of the law is to make people aware of sin. The law confronts us, at the same time revealing the value of human fulfillment, and we understand our limitations and our powerlessness, which leads us to cry out: "when I want to do good, I find evil fatally close at hand". Through failure, experienced as disregard for the law, we discover our need for a Saviour. We recognize just how needy we are, and that opens us to the possibility of grace.

The stage of the law is a transitional time, a stage in life, which should lead us to the fullness of identification with Christ, who is the value, norm and energy of Christian action. Positive ecclesiastical law is also the educational tool that must lead us to the central value of our life, which in Baptism and Religious Profession we have made our fundamental option – namely, the person of Jesus Christ revealed in the Gospel as rule and life.

### **3. Values in the Constitutions**

One characteristic of our Constitutions is that they contain a minimum of laws, and many of these are found today in the Ordinances of the General Chapters (most of them around topics relating to formation, organization and the economy). Their distinguishing mark, from the Constitutions of Saint Eufemia onwards, is that they are exhortations, that is to say, they are ethical norms, rather than laws in the strict sense. Many of these exhortations refer directly to the Code of Canon Law, giving it its Franciscan character. For this reason, the Constitutions, though a legislative document, do not cease to be an "updated spiritual commentary" on the Rule, with its own binding force.

The Constitutions are so rich, both theologically and in terms of norms, that by reading them meditatively we arrive at a complete perception of the values that the Lord proposes

to us for the fulfilment of our vocation. Of course, we will not find those values reduced to a single norm, but we will be able to draw them out from the text as a whole, together with the Rule, the Testament, the tradition of the Order, and the writings and lives of Saint Francis and the Capuchin saints<sup>14</sup>.

In this section we first of all try to find the fundamental value of Capuchin life, the one for which we have made our radical choice. Next, we will draw out from the same text the scale of values, in a shared axiological order, that we Capuchins must live. Then we will spend some time on the dynamic nature of the perception of values from the perspective of inculturation and growth. Finally, we will underline holiness, proposed to us as the final objective of our vocation as brothers.

### **3.1- The central value**

We have already seen that values can be arranged as a scale. This means that at the top of the scale we have the value capable of articulating the meaning and central direction of life. Because we consider it as our highest value, it enables us to make a fundamental option for that value in our lives (the final object of the moral action of the lesser brother).

Our Constitutions begin with the words: “The holy Gospel of our Lord Jesus Christ is in every age the source of the entire life of the Church and the message of salvation for the whole world” (1, 1). In other words, as the Rule states, the Gospel is the first norm of our life, because the Gospel itself is the means and the bearer of true values. At the centre of the Gospel, of the life of the Christian and therefore of the lesser brother, is the very person of Jesus Christ: he is the value, the true way that leads to Life. He is the beginning, the means and the end of the activity of a man of faith. This is why, in n. 2,1 the text categorically states: Saint Francis, a true disciple of Christ and an outstanding example of Christian life, taught his brothers to walk joyfully in the footprints of the poor, humble and crucified Christ, so that through him, in the Holy Spirit, they might be led to the Father”.

The following of Christ is the heart of the life of the Capuchin lesser brother (in addition to 2:1, Cf. 3:1; 16:3; 102:6; 60:4; 165:1; 173:6). The centrality of the following of Christ is also expressed in the formula of profession itself 21:4, which begins, after the acclamation to the Most Holy Trinity, with this gift which the Lord himself gave us. Christ is the ultimate revelation of God’s will for our journey of moral perfection.

Now, this Christ is seen from a particular perspective, from the gaze of the poor: “Christ, poor, humble and crucified”. This is the Lord we follow, and he is the model of life for the Capuchin. It was not for nothing that, for centuries, brothers who were illiterate had no other book than the cross, where they could contemplate the infinite love of God and conform their lives to the life of the Crucified<sup>15</sup>.

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<sup>14</sup> Moral theology, in addition to the sources that are common to all of theology (Scripture, Tradition and the Magisterium) has its own source in the illustrious life of the saints, which the Church puts forward as models of Christian life.

<sup>15</sup> The Constitutions of Santa Eufemia (1536) already said: “As mentioned above, it is enjoined on preachers not to carry with them any books, so that they may attentively study that most excellent book, the Cross.” (358); and again “our habit shall be in the form of a cross, to remind us that we are crucified to the world

All the other values emerge from the centrality of Christ. The recently published *Ratio Formationis* sums them up in n. 135: “In the light of our Capuchin tradition, of our Constitutions, and of the recent documents of the Order, we can present the central values of our charismatic identity: brotherhood lived in minority, contemplative prayer, the care and celebration of creation, attentive reading of the Word, and presence and service among the poor and suffering (Const 4,2; 5,3-5) [...]). The implications that flow from these values are: the search for essentials, the renunciation of self (Const 109,2), simplicity of life, the cultivation of love, itinerancy and total availability. We are called to creative fidelity and to find ways of witnessing to these values in the different cultures. To transmit these values in their entirety and with passion is one of our major challenges”.

It is here that the value of religious consecration finds its ultimate meaning (31:1) It is the total giving of one’s life for a value that is worthwhile and superior to it. Faith and love for Christ are superior to life itself. This consecrated life is revealed to the world in a clearer way through the vow of chastity (169.6). But this consecration is realized in the Church through the three vows of obedience, with nothing of one’s own and in chastity (45.6), which express the radical option for Christ in brotherhood.

### 3.2- A scale of values

From this point onwards, to construct the scale of values is a very personal challenge. However, we have a scale that we share in brotherhood and it is clearly delineated by our Constitutions. This basic scale of values can be found in n. 4,2 and 5,3-5, as the *Ratio Formationis* in the number we have quoted rightly points out.

In the following of Christ, the first value that we all share is *brotherhood* (4,2), which in the Constitutions is particularly developed in the chapter six, but for a full understanding we need to read the entire text<sup>16</sup>. To be brothers and sisters to one another, to other people, especially the poor, and to the whole of creation, is our hallmark as Christians in the Church.

The second value to appear in the same number is *minority*<sup>17</sup>. However, while it does have this priority as a value, no chapter of the Constitutions deals with the subject. So much so, that the Chapter discussion questioned this omission, and the commission replied that minority did not need a separate chapter because it is a theme that runs through the entire constitutional text.

We are brothers, but this value always has an adjective attached to it, derived from its distinctive characteristic, minority. Not simply brothers, but brothers who seek the lowest

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as the world is to us.” (260); “Let them be content with one spiritual book, especially dealing with Christ crucified, and with two small handkerchiefs and underwear. Let them remember that, as the Seraphic Father said, a lesser brother must be a mirror of all the virtues, especially poverty” (264); as well as exhorting preachers that Christ crucified be the heart of their preaching, both in word and style (cf. 349; 350; 354). The numbering corresponds to CRISCUOLO VINCENZO (ed), *I Cappuccini. Fonti documentarie e narrative del primo secolo (1525-1619)*, Curia Generale dei Cappuccini, Roma 1994.

<sup>16</sup> In the Italian text of the Constitutions and Ordinances of the General Chapters, the Word brotherhood/fraternity appears 192 times, in addition to its many variants: fraternal [a], fraternally, and the whole family of words related to “brother”.

<sup>17</sup> In the constitutional text the word minor(s) appears 30 times, and minority 23.

place, “generously undertaking even tasks and services regarded as lowly or difficult, without taking any pride” (147,7).

Next, the same number 4,2 puts before us the two following values, in order of principle: *contemplation* and the *apostolate*. In this way it completes the second cluster of key values in our life: in the centre is the poor and crucified Christ, and then comes brotherhood, minority, contemplation and the apostolate.

Of these last two values, contemplation has the priority, since nothing should be an obstacle to the “spirit of holy prayer and devotion, to which all else must be subservient” (cf. Const. 80,1). This priority is more than evident in the Constitutions of 1536 and was later transmitted unchanged in all subsequent revisions, as Const. 5:3 reminds us when it refers to Capuchin traditions. Our Constitutions devote a beautiful chapter to this subject, chapter III, which was greatly enriched at the General Chapter of 2012. And most of all, throughout the text, there are several occasions when we are asked to take care of the prayer times of the brothers and to ensure their place in formation and mission.

The fourth value is the apostolate. Since the beginning the Capuchin reform has understood that its vocation is apostolic. This aspect is developed in the ninth and twelfth chapters. However, throughout the Constitutions we constantly speak of our being in the world, at the service of the Church and living among the poor. Our vocation is to serve the proclamation of the Gospel, which is the mission of the Church.

So ends the first chapter with no. 15, where it develops the necessary dialectic relationship between prayer and the apostolate, a text that was slightly changed with the addition of paragraph 4 in the General Chapter of 2012. Even though these two values must always be present, in real life they are usually in constant tension, so the Constitutions suggest the way of wisdom to know how to alternate time between apostolic commitment and contemplation (15,3). In this way, the text masterfully concludes by stating that “in this way, our whole life of prayer will be entirely imbued with an apostolic spirit, and our apostolic life will be shaped by the spirit of prayer”.

Then follow other important values of the Reform such as poverty, itinerancy, austerity and joyful penance (5:3), fraternal spontaneity, living among the poor and sharing with them, together with closeness to the people (5:4). These topics are developed especially in the fourth and seventh chapters. The emphasis placed on these values is what shapes the particular Capuchin identity within the great Franciscan family.

Finally, the principles and values underlying the vows de los votos that shape our religious consecration are presented in the framework of the following of Christ and obedience to the Father, which each have their own dedicated chapters in the Constitutions.

These are the fundamental values that appear in our Constitutions, which all the brothers share, and the order in which they appear.

From this point on, all the other values fall into place, such as ecclesiality, devotion, courtesy, simplicity, availability, equity, justice, industriousness, domestic work, study, purity, self-control, meditation, friendship, administration of goods, solidarity, silence, recollection, mutual dependence, liturgical prayer... and we could go on. By the way, I

mixed and arranged this list randomly. The point is that all these values and many more that we could continue to list, will be placed in a different order depending on your own scale of values, which will give structure to your particular way of living as a Capuchin lesser brother. However, with respect to the ones listed above (the centrality of Christ, brotherhood, minority, etc.), it will be our formed conscience that will have to adapt to the objective order proposed in the constitutional text, out of fidelity to the profession we have made.

We could summarise the principles and values of the Constitutions in the following table:

| Fundamental value    | First sphere                  | Second sphere                                 | Third sphere  | Fourth sphere (the order can vary)...   |
|----------------------|-------------------------------|---|---|---|
| Christ<br>The Gospel | 1. brotherhood<br>2. minority | 1. prayer -<br>contemplation<br>2. apostolate | 1. poverty<br>2. itinerancy<br>3. austerity<br>4. joyful penance<br>5. fraternal<br>spontaneity<br>6. living among<br>the poor<br>7. closeness to<br>people | Other values:<br>- ecclesial sense<br>- devotion<br>- simplicity<br>- courtesy<br>- industriousness<br>- study<br>- meditation<br>- domestic work<br>- availability<br>- solidarity<br>- silence<br>- ... |

### 3.3- The perception of values – pluriformity and inculturation

We have seen that values are permeable by culture. Values that at one time are crystal-clear, at others go unnoticed by people of another age. Therefore, when studying the values of our identity, we would need to look at what was being lived in the Europe of the 16th century, and at the life that the first Capuchin brothers proposed to live, to see what those same values mean today. Some remain unchanged, others are observed in different ways, some disappear as others emerge. The various editions of the Constitutions over five centuries testify to the fact that times and seasons affect values.

Thus, the central value of the poor and crucified Christ remains unchangeable, even though today the paschal perspective of the Risen One prevails over the traditional spirituality of the crucifixion. Prayer continues to be the central pivot of our vocation, even though superiors often draw attention to “regular discipline.”<sup>18</sup>

However, other values such as austerity have changed throughout history. What does austerity mean today in a consumer society? And what meaning does it have in Europe, in Africa, in North America, in South America or in various parts of Asia? How is this

<sup>18</sup> Cf. Letter of Br. MAURO JÖHRI entitled *Saint Francis of Assisi. A man transformed in prayer*. Rome, 4 October 2016.

value, so dear to our tradition, expressed in concrete terms? It is, without a doubt, a value that has to be perceived and embodied in different ways in each culture, although for many it no longer seems to be a value to be promoted or lived, its value obscured by the dominant consumerism. Similarly, the value of manual and domestic work in daily life, at one time reserved only for lay brothers, is today proposed for all without distinction.

Some are becoming obscured. The value of silence or of obedience to the superior, who at times is considered a mere “co-ordinator” or “animator” of fraternal life, but without the real authority which our Constitutions and common law confer upon him. Or the value of external works of penance such as fasting and other practices which are in the tradition of the Order. Are we to limit ourselves to fasting on Ash Wednesday and Good Friday? Are the setbacks of life and our own living of the consecrated life sufficient for men of penance? Why have communal forms of penance and what purpose do they serve? Do the Lenten seasons of which the Rule and Constitutions speak have any meaning today? All this without downgrading the penitential meaning of continuous conversion, which we will talk about in a moment.

Finally, new values are emerging, such as ecology (105,2) or those belonging to social justice (107,4), although at times we find it difficult to enter into these new fields of values, and the JPIC secretariats are surprising in their efforts to raise the awareness of the brothers.

The appreciation of values shapes our concrete daily choices, and the place they occupy in our own consciences gives us life in one way or another. This is verified both at the individual and community level. The Constitutions are an objective reminder, a constant point of reference in our individual evaluations and communal choices, both in the fraternities and in the circumscriptions. The values are still there, and the journey of daily conversion consists in restoring the brightness of those that have become obscured, and rediscovering in one’s own culture what it means to live out those that are fundamental.

### **3.4- “Gradualness” as an educational tool**

I want to finish this section with something that runs through the entire constitutional text: the law of growth.

The Constitutions contain many concepts that have to do with growth, including: “advance in holiness” (16,1); “growth in our vocation” (38,5); “ongoing formation” (41,1); “continuous renewal” (41,3; 56,1); “grow more and more in Christ” (52,4); “always advancing to greater perfection” (89,2); “constant effort” (109,2); “continually renewed in fidelity” (157,2); “called to grow in freedom” (158,3); “a path of gradual conversion” (172,1); “to acquire gospel perfection” (188,1).

These expressions speak to us of a journey of permanent conversion, they say that in some way we *are* not Capuchin lesser brothers, but we are *becoming* more and more like Capuchin lesser brothers. Our moral praxis is that of men who are on the way towards perfection in Christ.

*At the personal level: conversion-penance*

There has been much debate in recent times about the law of gradualness. It was St. John Paul II who introduced the concept into the Magisterium (*Familiaris consortio* 34) in the context of the observance of *Humanae Vitae*. From that moment this perspective began to develop, which does not imply that the law or the moral norm itself gradually comes into force, but rather that the moral growth of the person is gradual, his capacity to interiorize a value at a particular moment of his life and, therefore, his ability to fulfil it<sup>19</sup>, involve a process of gradual growth. This is why I prefer to call it “the law of growth”. Although at first the concept of graduality was studied in terms of the reality of an objective sin, it is logical to apply it to the whole moral life of a person, because even in the absence of sin, to attain a value in the fullest degree is always a personal achievement, the fruit of a victory over self, elevated by grace.

In this way one passes from an essentialist concept of the moral norm, which envisaged an ideal human being who fulfils an objective law, to a closer look at the real human person as he actually is, with own set of conditioning factors, his process of psychological maturity and his progressive understanding of moral realities.

This perspective is the foundation of the stages of growth in initial formation, and then of the need to continue our formation, living out in our own lives the Capuchin-Franciscan values at an ever-deepening level. N. 144 of the *Ratio Formationis* says that “To be formed means gradually acquiring the ‘form’ of a lesser brother, receiving it *from and in* the brotherhood”.

On the personal level, as a lesser brother, this journey of growth is called penance. The purpose of this penitential journey is “to work unceasingly at our own conversion and that of others, so that we may be moulded into the likeness of the crucified and risen Christ”. (Const. 109,7).

This involves an interior journey that begins with the knowledge and appreciation of the beauty of the values proper to our life, so that the desire to embody them in our lives comes to birth within us. To this inner work corresponds the external living of the values, the repetition of acts that make the desired value a reality in daily life. Knowing it, desiring it and realizing it are three moments that feed each other. Our Constitutions say as much in n. 110,1: “Penance, being an exodus and a conversion, is a propensity of the heart that demands in everyday life exterior manifestations matched by a true interior transformation”.

Having a good spiritual companion (Const. 114.5) is a fitting help to establish a journey of growth in the values proper to our way of life. This can help us to mark the intermediate stages of attaining the values in our actual life, so that they can fully blossom in us. In this way, once the stages have been clarified, we can indicate the attitudes and concrete exterior acts that need to be practised in order to progressively acquire the virtue that carries the desired value. We have received the vocation to be Capuchins, and it is our moral

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<sup>19</sup> On the law graduality see the excellent and clear article by IRRAZABAL, GUSTAVO, *La ley de gradualidad como cambio de paradigma*: *Moralia* 27 (2004) 167-190.



obligation to gradually fulfil this project in our lives, and give back to God the image of a Capuchin lesser brother that he expects from us.

It is important to emphasize the necessity of exterior acts of penance to acquire the attitudes that express our way of life, because we are not angels, but corporeal beings who need to give bodily expression to the process we are living internally. It is not possible to be good without concrete acts of goodness. Fasting, prayer, and mercy (Mt 6:1-18; *Paenitemini*; Const. 111:3) remain the means that lead us to lordship over ourselves, to an encounter with God, and to open ourselves to our neighbors, who are always in need. However, according to the ancient biblical accounts, it is fasting which, allied to self-control, prepares us for prayer and leads us to share what we do not eat with those who are most in need (Cf. Const. 111:6).

But our lives are also marked by sin. Many times sin obscures our conscience and does not allow us to perceive the beauty of a certain value in our life (*Gaudium et spes* 17). Not only must we grow in values that we live in a partial or mediocre way, but also in those that we do not live at all or that we even experience as counter-values. Here it is the confessor who must, mercifully and truthfully, help us to discover the beauty of the value and give us the penitential tools of progressive growth in it.

Finally, the personal and communal reading of the Gospel, the Rule and the life of Saint Francis (Const.6:2; 53:3-5; 150:5) is an excellent penitential way of rekindling the fire of love for God and our way of life, revealing to us the beauty of the values proclaimed and lived by Christ and Saint Francis.

The penitential way is the arduous (Mt 7:13-14) and joyful path that leads to the fullness of Christ. That is why our Constitutions encourage us to be “joyful singers of repentance”; (173.2), being demanding with ourselves and merciful towards others (cf. 110.2).

*At the institutional level: always in need of reform*

The most difficult road to travel is that of structural or institutional conversion. Structures tend to become inflexible and resist big changes. As for the Order, we can say by analogy what Pope Francis says of the Church: The Second Vatican Council presented ecclesial conversion as openness to a constant self-renewal born of fidelity to Jesus Christ: “Every renewal of the Church essentially consists in an increase of fidelity to her own calling... Christ summons the Church as she goes her pilgrim way... to that continual reformation of which she always has need, in so far as she is a human institution here on earth [...]”. There are ecclesial structures which can hamper efforts at evangelization, yet even good structures are only helpful when there is a life constantly driving, sustaining and assessing them. Without new life and an authentic evangelical spirit, without the Church’s “fidelity to her own calling”, any new structure will soon prove ineffective.” (*Evangelii Gaudium* 26). This is why we, as an institution, whether as a fraternity, province or Order, must be constantly vigilant, to make sure that our structures correspond to our calling to be a brotherhood that is truly evangelical and ‘minor’.

In his letter “Identity and Belonging”, Br. Mauro Jöhri often refers to the Order as “the Reform”<sup>20</sup>. In fact, our Order of Capuchin lesser brothers defines itself as a reform in the history of the First Order, and it is part of its genetic makeup to be in a permanent state of reform: *semper reformanda*. This means that to be in a state of constant transformation, in fidelity to the Rule, the Testament and the gospel insights of the life of Saint Francis ought to be an essential part of our identity.

The *Ratio Formationis* also places reform among the central values of our life when it says in n. 73: “The Capuchin reform is not a past historical event; it is an attitude to life that forms part of our charismatic identity. The desire to be constantly renewed invites us to look within, while avoiding nostalgia for the past, and to take on the risks involved in our journey towards an unwritten future (Const 125,1). Faced with profound social change, the Christian response is not one of fear, enclosing us within the false security of traditionalism. On the contrary, only faith and trust can help us discern the road ahead. We are called to get up and walk, to start again, with the Gospel and the insights of Francis and Clare in our hearts”.

In this case, the way to discern change, according to the Constitutions, starts with the local chapter, where we are asked to “question ourselves, both individually and as a brotherhood, about our way of life and our options; let (this) always be the expression of a communal journey of conversion” (113,2).

Constant appraisal of our institutional options is one of the most difficult tasks of chapters at the three levels of brotherhood: local, provincial and worldwide, because it is always difficult to make concrete, achievable decisions that change structures. The temptation is to make an exhortatory document that ends with a list of “what we ought to do”, which Pope Francis questions (cf. EG 96) and which in the end changes nothing. Only concrete action effects real change.

As a simple example, we could ask ourselves: How can we return to simplicity and genuine poverty, not that of the “false poor”; (Cf. Const. 77,2; 65:1); how can we sincerely and boldly decide on new significant expressions of penance (Cf. OCG 7/1,2)?; how can we take a step towards living among the poor (Cf. Const. 14:3)?; how can we do without hired staff and do our own domestic work? (Cf. 83:1.4); do our apostolic activities really express our identity as lesser brothers?

Ongoing formation is the other means that must assist us in the process of community renewal, by which we are able to consistently update our structures and activities so that

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<sup>20</sup> Our Constitutions have chosen to avoid “the use of the noun “Reform”, continuing the choice made at the General Chapter of 1982 and in line with the growing sensitivity even prior to that chapter, which led the Order to distance itself from the reforming terminology of the XIV and XV centuries, and to prefer to stress the concern to “return” to Saint Francis and his genuine spirit, as the first Capuchins understood and practised using the documents they had available”. COMMISSIO CONSTITUTIONUM OFMCAP, *Schema...*, 15, note 7. However, the same preparatory Commission, referring to structures and commenting on the new text of 4/9 of the General Ordinances, said: “In particular, the complementary Code aims to encourage the resizing of structures and works, which is urgent in various parts of the Order and is always topical for us, out of fidelity to our fundamental charism as a “Reform”. This makes the noun “Reform” an expression of a fundamental aspect of our charism, *Ibid.* 216.

we can better live out our vocation according to the Gospel in actual everyday situations (Cf. Const. 41:2).

The conversion of structures (Cf. GC 4/7) is also a challenge for our life as penitents and is always a gradual path of existential change, so that our form of life will need no explanations but will be a luminous beacon of Gospel life.

### **3.5- To be holy as He is holy**

To end with a final word about values and principles: the value that expresses the final cause of our whole life is holiness. Our Order is a quarry of saints, because fidelity to the Rule and Constitutions makes us truly holy. The fact is that, when we are called to this life, we are called to holiness, and in it we must make our own journey of holiness a reality. As the poet León Felipe says in “Verses and Prayers of the Wayfarer”:

“Tomorrow, yesterday, today,  
not one shall find his way  
to God by the same path  
as that which now I trace.  
On every human face  
a ray of sunlit grace  
shall light the single way  
to God’s embrace.

The constitutional text asks us that “the brothers, while acquiring manual skills and a sound education, should seek to become holy”; (Const. 38:2). We *are* not saints, we *are becoming* saints.

Therefore, we must support each other on this path to holiness (94,4). And if zeal for God’s holiness is to shine in us (152,2) we must follow the example of our saints (110,2).

To do this we are asked constantly to nourish in our hearts the desire for holiness (44:4, Cf. *Gaudete et exultate* 83-86), which is the internal engine that drives us to be ever more faithful to our vocation.

For this reason, the ministers and guardians are asked to “do their best to ensure that our fraternities are places where God is sought and loved in all things and above all things. Being the first to cultivate the spiritual life themselves, let them sustain the brothers on their journey towards holiness by providing the brothers and fraternities with quality time for prayer and ensuring their daily fidelity to it.” (161.1), always remembering that for this we must have a radical openness to the action of the Holy Spirit in us, which is what makes us truly holy as He is Holy.

### **4. What kind of norms?**

Moral reflection that does not become normative ends up being innocuous or at least insignificant.

Therefore, we will take a moment to reflect on the normativity in our Constitutions. We will begin with the Rule and the vows of the evangelical counsels as the object of

consecration, and then go on to analyze the obligatory nature of the norms that emerge from the Constitutions. We will end with a difficult first approach to the question of the degrees of obligation in conscience of the norms contained in the constitutional text.

#### **4.1- The vows and the Rule**

Certainly in religious profession we come face to face with a vow made to God, a commitment that obliges us in conscience to live according to a particular rule, while calling on God himself as witness.

The present formula of profession divides the expression of the promise made to God into two categories. On the one hand, it says "I vow to God the Father, holy and all-powerful, to live for ...my entire life in obedience, without anything of my own, and in chastity". On the other hand, it also says: "At the same time, I profess the life and *Rule of the Friars Minor*, confirmed by Pope Honorius, promising to observe it faithfully in accordance with the *Constitutions of the Order of the Capuchin Friars Minor*" (Cf. Const. 21,4). That is to say, we vow the three evangelical counsels and profess to observe the Rule and Constitutions. The verbs are different, and the obligations they generate in conscience are different. It is one thing to make a vow, which is an act of worship (*latria*), and another to profess a Rule, which is a juridical bond.

To take a vow is to make oneself available for God, in the sense of an oblation and a total consecration of self (cf. *Lumen Gentium* 44) which engages the present and the future, and therefore contains within it the concept of "stability" of the will. In religious life it is an act of worship by which, with the greatest possible freedom, one sacrifices to God one's own will, one's own desires, and the exclusivity of love.

Vows made to God in a solemn and public way before the Church are an expression of the virtue of religion and they are kept in obedience to the first commandment (*Catechism of the Catholic Church*, 1235). Therefore, fidelity to the vows is a very serious obligation, because of the Person to whom the promise is made.

Because of the way the formula of profession is worded, distinguishing between vow and profession, the latter seems to be less important as a principle or value, and therefore to have less normative force. However, since it is part of one and the same act of consecration to God, its fulfillment seriously obliges in conscience the one who pronounces it.

The obligatory force of this norm derives not from revelation nor from natural law, but is grounded in a free response to a free call from God and in the obedience of faith, which translates into the profession of a Rule, by which we coimmit ourselves to live according to the form of life established by St. Francis and by the Constitutions of the Capuchin lesser brothers. Therefore, the Rule and Constitutions are the visible sign of the covenant between God and each of the professed brothers, endorsed and confirmed by the authority of the Church.

#### **4.2- How normative are the Constitutions?**

The constitutional text is a wonderful fabric where spiritual motivations, moral norms and positive laws are inseparably interwoven. This makes it very difficult to list the norms that appear in it. It is a task that goes beyond the limits of this article.

But we can distinguish between norms on the basis of their breadth of content, how they are formulated, and the use of exhortation. When the content is concrete, then we are certainly dealing with a positive law. For example:

In 33.2 we find theological and spiritual motivation regarding the greatness of religious profession:

“In religious consecration, the Holy Spirit unites us to Christ by a special covenant, makes us sharers in the reality of the mystery of Christ Who is united by an indissoluble bond to the Church, His Spouse, and places us in a state of life that heralds the future resurrection and the glory of the heavenly Kingdom”.

There is no norm or law contained in this text; it does not oblige us to anything concrete, other than the statement that profession binds the religious perpetuity. However, one of its consequences is found in the normative expression of 33:6:

“We therefore exhort the brothers to prepare themselves for profession with great care by means of an intense sacramental life centred above all on the Eucharist, by fervent prayer, and by a spiritual retreat. This shall be done more intensely and in a special way before perpetual profession.”

This text is general and we can easily understand that one ought to make a spiritual retreat, but it does not say what kind of retreat or how long it should last. Similarly, an intense sacramental and Eucharistic life and fervent prayer are ordinary practices of every religious, and the text asks us in a generic way to make these more intense. In other words, there is a moral obligation to intensify the spiritual life in order to prepare for a moment that changes a person's life and places him or her in a new way before God and in the Church.

Finally, in 34, 2 we find a clear positive law that refers to a specific aspect of religious profession that must be fulfilled in an obligatory way, since it affects its validity:

“The time of this profession shall not be shorter than three years nor longer than six, though it may be extended if it seems appropriate, but in such a way that the entire period during which the brother is bound by temporary vows does not exceed nine years”.

Here we are talking of times and extensions, beyond which the brother has to make a decision or must be dismissed.

A moral precept obliges us in conscience, that is to say, it affects the internal forum, and if we do not fulfil it we commit sin. On the other hand, if we do not comply with a positive

law, in addition to sinning we commit an offence, since ecclesiastical laws oblige us in both the internal and external forums by virtue of the profession we have made.

In the Constitutions we find a particular precept that is drawn from the Rule, namely concerning conscientious objection. In no. 22.2 we are told: “The gospel counsel of obedience, promised in a spirit of faith and love in order to follow Christ who was obedient even to death, obliges us to submit our will, for God’s sake, to legitimate superiors whenever they command according to Constitutions<sup>21</sup> in anything that is not contrary to conscience and the Rule.”

The constitutional text interprets the expression “soul”, used in 10, 1.3 of the Later Rule, as the moral concept of “conscience” which we have today in moral theology.

As far as conscientious objection is concerned, this is a delicate subject in religious life, because to force someone to act against conscience is to force him to sin, since we are all obliged to follow the dictates of our conscience as far as it is right, true and certain<sup>22</sup>. This means that it is not enough to reply lightly that “it goes against my conscience”. We must verify that there is rightness of conscience, in other words, that a person is acting with freedom and without ulterior motives; that the conscience is “true” in relation to the objective moral norm, and that there is no doubt about the decision to be taken, in addition to having weighed the possible consequences and probable evils caused by such a decision. Later we will further develop a method of discernment. For now, it is enough for us to know that before saying that such an order goes against conscience, a long analysis must be made, both by the one giving the order and the one who obeys, because whoever goes against his conscience commits sin.

In this area, the Catechism of the Catholic Church in n. 1783 speaks to us of the necessity to form a moral conscience, and this necessity becomes an obligation when it comes to making decisions about the concrete things of life. Hence we have a moral obligation to study the Constitutions, which oblige us in conscience and for us are the source of morally good works as Capuchins. On this aspect, n. 12,3 of the Constitutions of the Conventual Friars Minor, talking about conscientious objection, concludes: "for this reason it is the duty of all the friars to know the Constitutions in depth".

#### **4.3- Sin: serious and light, mortal and venial**

But are all the precepts of the Constitutions seriously binding? Certainly not. Moral theology has always taken into account a sliding scale in the obligatory nature of the norms, as well as in the corresponding gravity of the sin for not fulfilling them. Everything depends on the importance of the object to which the norm refers, and on the value it seeks to express. Moreover, attitudes that for a Christian would normally have no moral relevance, may be a serious obligation for us because they involve an important value in our choice of life.

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<sup>21</sup> This precept, which is in the Rule, is also found in the OFMConv Constitutions at 12,3. However, curiously the Constitutions omit it altogether.

<sup>22</sup> *Gaudium et spes* 16 gives a clear exposition of this topic.

Thus, it is one thing to be told to ask permission from the guardian before leaving the house (97,1) and another to be obliged to hand over to the fraternity all assets, including salaries, pensions, grants and insurance policies that come to us in any way (64,2).

In the first case, it is one thing to go out for several days of vacation or apostolate and not to let the superior know. That would be really serious, because it complicates the life of the fraternity and shows a disregard for obedience to superiors. In this situation the norm is seriously binding. Whereas, if a religious goes out without warning for a few minutes to buy something that is needed for the kitchen, the “offense” is almost irrelevant because there is “parvity of matter”.

However, in the second case, the norm directly affects the vow of non-ownership and in the Franciscan tradition, and much more so in the Capuchin reform, the appropriation of goods received for any reason is always a very serious fault. Furthermore, due to its importance, this issue was explicitly dealt with and reaffirmed in PCO VIII, 46. In the same way, the gravity varies depending on the amount involved: there is a difference between a pension or salary and a small alms that someone gives you in passing, even if he said “this is for your expenses, brother”.

It would be impossible and anachronistic to indulge in casuistry about every single norm in our Constitutions. Our moral judgement of a norm can be deduced from the context and its importance in our way of life. Today, in order to weigh the gravity of a norm and of non-compliance according to the objectivity that emerges from the constitutional text, we need more than casuistry. It is a question of training ourselves to appraise the values we have espoused.

St. John Paul II, both in the Post-Synodal Apostolic Exhortation *Reconciliatio et paenitentia* 17 and in the Encyclical *Veritatis Splendor* 70, reaffirms the doctrine on grave and light, mortal and venial sins. It is good to recall here that a grave sin is one which violates a norm which is seriously binding, and a light sin is one which contradicts a norm that binds in a light matter. This is the level of objective sin. But, on a subjective level it can happen that the lack of freedom, awareness or knowledge about a serious sin which is in itself mortal, is simply venial: in such a case it can be said that the subjective level of sin can change its gravity<sup>23</sup>.

In this aspect too, the formation of conscience is important. In this area one must avoid the two extremes that constitute true pathologies of the conscience: scruples and laxity. The first is the fear of committing sin in everything one does, which leads a person to dissect every norm, and every detail becomes serious. On the other hand, laxity of conscience is a moral negligence that takes away the true importance and value of the moral norm. In the middle stands the delicate conscience, which tries to live the values hidden in every rule, going beyond the letter of the law and living the spirit of each, seeking perfection in holiness.

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<sup>23</sup> In this connection, the criteria proposed by Pope Francis in *Amoris Letitia* 301-306 can also be applied, *mutatis mutandis*.

To do this, once again, our conscience has to be formed through careful reading of the Constitutions, so that we know and live them more and more. For this reason, the Constitutions wisely ask us in n. 26,5: “During the time of initiation the brothers shall acquire a thorough knowledge of the Capuchin Franciscan spirit and its practice by studying the life of Saint Francis, his mind concerning the observance of the Rule, the history and sound traditions of our Order, and, most of all, by assimilating internally and practically the life to which they are called”. The text wisely invites us to absorb the text, inwardly and in practice, through knowledge and experience (interiorization) of values, and this not only by keeping the rules but also by studying the life and thought of Saint Francis. Only by understanding the spirit of the norms can they be observed with an upright conscience.

## **5. Formation in Capuchin ethics**

The transmission of values has always been a difficult subject in the formation of young people. The same is true in religious life, because it is not a matter of adding one more course to the syllabus, although the theoretical elements are fundamental. It is life itself, the positive experience of values, which helps us to interiorize them. To live the values and to reflect on them, helped by the grace and the conviction of having been called to live them, is the first way of formation in values.

On this last point we will propose a path of moral discernment and spiritual discernment as the first places of communal and individual formation.

### **5.1- The local chapter, place of moral discernment**

At every moment of life we are making decisions. That is why morality distinguishes two means of discernment: on the one hand the virtue of prudence, and on the other, discernment in conscience.

The virtue of prudence enables us to act rightly in all our daily actions; we make a quick discernment and choose the value that corresponds to the general direction of our life. In a Christian perspective, prudence enables every action to be directed toward fidelity to God, as revealed in Jesus Christ and the Spirit, in the here and now, in order to be faithful to the Gospel<sup>24</sup>. That is to say, without needing to think about it too much, we perform a good action well because of the habit we have acquired of doing good.

But there are situations where more thought is needed, cases that require discernment. This takes more time and requires a suitable method. Discernment in conscience can be individual, but when it concerns matters that involve everyone, its proper place is the chapter, both local and that of the circumscription as the case may be.

So, the Constitutions tell us in n. 113,3: “In the light of the Gospel, let us question ourselves, both individually and as a brotherhood, particularly in the local, about our way of life and our options; let them always be the expression of a communal journey of

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<sup>24</sup> Cf. MONGILLO, DALMAZIO, Prudencia, en COMPAGNONI, FRANCESCO, PIANA, GIANNINO, PRIVITERA, SALVATORE (Ed.), *Nuevo diccionario de teología moral*, Ed. Paulinas, Madrid 1992, 1551-1570.



conversion.”. And in 141,2: “It is the task of the local chapter, under the guidance of the guardian, to strengthen the spirit of brotherhood, to promote an awareness of the common good among all the brothers and conduct a dialogue about every aspect of fraternal life, especially with regard to fostering prayer, observing poverty, promoting formation and supporting apostolic activity, in a common search for the will of God”. In other words, the local chapter is the place where we resolve questions about our lifestyle and take suitable decisions. How do we do this? From the point of view of values and principles, which is the context in which we are studying this topic, we might take the following steps:

1. *Look*. Start by analyzing the situation as objectively as possible: who are the persons and institutions involved, the things and the material and economic resources that come into play, the appropriate time to act within the time available? Have decisions already been made that could influence the discernment? etc. So that the decision can be made with the necessary upright conscience, it is also appropriate to be explicit about any individual or group interests, as well as the emotions that can subjectively influence one’s judgement of the reality under review. In other words, look at the totality of the situation as objectively as possible.
2. *Illuminate*. Search for the values that come into play in the situation we are looking at. Then, place them in hierarchical order. Consider the values of the common good and of the good of individuals, placing each in order of importance. Then, compare those values with the objective norms of morality (ethical norms, Sacred Scripture, Tradition and the Magisterium, the Rule and the Constitutions) that manifest the values we have chosen to live, and assess whether or not they apply to the case under study. Finally, if necessary, apply the reflex principles (double effect, totality, autonomy, benefit, etc.). Keep in mind the proposed ideal and the compromises with reality which in many cases make it difficult to live the ethical ideal in a concrete way.
3. *Decide*. This is the moment to define the end we are aiming for, that is to say, the fundamental value we want to promote, among the various values that come into play. What is our objective in taking this action? Later on, it will be necessary to discern the various ways or means that can lead to this end. For this we have to assess the morality of each of the means and the positive and negative consequences that may arise from the choice of each. Correctly evaluating the consequences - direct or indirect, probable, bearable, or unwanted - and their effects on persons and institutions, is as important as discerning the good end we wish to promote. We need a good end and good means with as few unwanted effects as possible, so that we finally make the right decision in conscience.

The Constitutions ask us to discern some specific matters in our chapters, such as handing over superfluous goods to the poor (71.4); the right use of goods, food, clothing, gifts, the use of media and technology, and travel (71.5); the manner and place of work of the brothers (79.3); the use of the means of social communication (96.2); sending brothers on mission (178.2); the manner of the apostolate (7.4); the omissions and shortcomings of

the fraternity (163.4). In addition, life is much richer in challenges to the fraternity, since it continually presents us with situations that require serious moral discernment.

## **5.2- Spiritual direction as the place of spiritual discernment**

Without wishing to tackle a subject here that would need a separate study<sup>25</sup>, there is one important aspect involving the moral life, and that is spiritual discernment. It is much more personal, but in Franciscan life everything personal involves fraternal life. The Constitutions, in numbers 160.2 and 161.1, speak of the discernment of the will of God, which can be understood both morally and spiritually.

Franciscan spiritual discernment certainly begins with prayer and contemplation (cf. VII CPO 31). In his exemplary discernment of the will of God to discern his vocation and that of the brotherhood, Francis of Assisi starts from prayer<sup>26</sup>. In LM 1,4 Francis, still living the hectic turmoil of commercial life, begs God to reveal to him what he should do: “When the flame of heavenly desire intensified in him by the practice of frequent prayer, and already, out of his love for a heavenly home, he despised all earthly things as nothing, he realised that he had found a hidden treasure”. It was while at prayer, contemplating the crucified Christ<sup>27</sup>, that God revealed to him and gave him the grace to live in penance (Test 1) and led him among lepers (Test 2, LM 1,5). In other words, prayer, contemplation of the crucified One, penance and sharing with the poor are the environment, the space, or we might say the theological and spiritual place, where real discernment is made.

It is in this theological place that the Lord reveals his will, symbolized in the revelation of San Damiano (LM 2,1). That will must first be confronted with Scripture, and so, he and his first companion, Bernard, go to the church of St. Nicholas, where they open the bible three times (LM 2,3). Then, he measures that will against the test of brotherhood, for “since the Lord gave me brothers, no-one showed me what I ought to do” (Test 14). And finally the mediation of the Church is necessary: “our Lord the Pope confirmed it for me” (Test 15, LM 10,3).

This means that for us, spiritual discernment takes place in the framework of prayer, penance and life among the poor. The spiritual insight we have is verified in the Scriptures, the Rule and the Constitutions, and finally confronted objectively by the fraternity and the Church.

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<sup>25</sup> Suffice it to quote the studies by HUBAUT, MICHEL, *Cómo discierne Francisco la voluntad de Dios: Selecciones de Franciscanismo*, 28 (1981) 67-74 y URIBE, FERNANDO, *Presupuestos y principios básicos del discernimiento según san Francis de Asís: Selecciones de Franciscanismo*, 84 (1999) 337-356.

<sup>26</sup> Along with the very personal testimony of the Testament, we quote the *Legenda Major* of Saint Bonaventure simply because of the mystical stature of its author, who places the vocation of San Francis and the first community in the purgative way, according to the scheme outlined in the work.

<sup>27</sup> LM 1,5: “Withdrawn in solitude, while he was praying and all of his fervour was totally absorbed in God, Christ Jesus appeared to him as fastened to a cross. His soul melted at the sight, and the memory of Christ’s passion was so impressed on the innermost recesses of his heart that, from that hour, whenever Christ’s passion came to mind, he could scarcely restrain his tears and sighs, as he later revealed to his companions when he was approaching the end of his life”.

This journey and apprenticeship is very difficult to do alone, which is why the Constitutions in nos. 114,5 and 7 advise us to have spiritual direction in order to strengthen us in our commitment to be faithful to our form of life (cf. 114,3) and to live in the living space of continuous obedience to the will of God. For this reason, in 160:2 we are asked, “through intense prayer and prudent discernment, to persevere in seeking the will of God and faithfully put it into practice”.

### **5.3. Formation in the moral life**

Nothing is said directly in the Constitutions about the moral formation of the Capuchin brothers. And in the *Ratio Formationis* it is barely mentioned as part of the curriculum of being formed as postulants (Appendix II.2.1). However, in Appendix II on Ongoing Formation, it speaks of Christian formation in the following of Christ and of moral and of learning pastoral theology from the signs of the times, without going deeper into these topics (II.1.1).

Formation in the moral life, as we have seen, implies the interiorization of the values proper to our life and learning how to discern God's will in order to put it into practice.

With regard to formation in values, we have to turn to where the *Ratio Formationis* talks about formators. There, it proposes the fraternity and daily life (162) as the place where we gradually begin to detach those values that are unbecoming to our form of life and to assimilate those that are proper to us (139). It is important to be able to experience how beautiful and demanding the values are (160), to see them reflected in the older brothers and sisters (162) and to evaluate the experience of them each time we review our life and enjoy the personalized accompaniment of the formator (163). The communication of values is always difficult, but we must never forget that mutual example is the best of methods.

According to the Constitutions of 1925, in no. 200, as some elderly confreres will recall, there had to be a monthly chapter for the solving of “cases of conscience”. Certainly, today it would be somewhat anachronistic to propose this type of intellectual exercise along the lines of the old cases, which were geared to the sacrament of reconciliation and penance. However, today we have ended up without any forum where we can “train ourselves” in moral discernment and learn the practice of taking into account all its elements. It would be a moment of growth in the virtue of prudence and would remind us of many values which, for various reasons, we often ignore in everyday life, a moment of ongoing formation in our moral life.

It would be appropriate to have an opportunity to resolve at least the concrete situations that life puts before us through serious moral and spiritual discernment as proposed above.

### **Conclusion**

To have a clear scale of values is to have chosen a way of living that makes the person consistent in all that he is, says and does. Sharing a scale of values is what makes it possible to build brotherhood.

Many times, because we have so many documents, we assume that we share a scale of values, an ethos of Capuchin lesser brothers. However, it is not so clear that we all regard the values that make up our life in the same way. Sitting down in the local chapter and together reading the Constitutions and their implications in real life, making the effort to discuss which value has priority over another, would help us build and strengthen fraternal life and the mission of the community.

The exercise of serious discernment would shed light on our journey of growth, in the awareness that each of us has to become, through a vital process of growth, that Capuchin which was God's dream when he called us to the consecrated life.

**For individual and communal reflection:**

How do we update ourselves in morality today? Do we do it only for the purpose of confession or also for our personal life?

Are we aware of our own scale of values, and do we allow it to be challenged in our search for God's will?

For how long do we meditate on the moral content of our Constitutions with the aim of forming our conscience? Do we have a spiritual director?

On a personal and structural level, how do we adapt our scale of values to what the Lord proposes to us in our legislation and in our sound traditions?

How can we exercise the difficult art of moral and spiritual discernment?

**Bibliography** (if you want to go deeper)

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