

CONSTITUTIONS AND CHARISMATIC IDENTITY

“The law, in the long run, determines the moral quality of the society that it governs” (F. MAYANDIA, *Orientaciones*, 1926, p. 62).

Introduction

All through the four centuries of its existence, the Order has known five constitutional texts: the *Forma de Vivir* (the Way of Life), approved in September 1589, the Constitutions of Fr. Pedro de Santiago of the year 1637, those of Fr. Pedro de San Pablo of the year 1664, those of 1928, prepared by Fr. Eugenio Cantera after the promulgation of the Code of Canon Law in 1917 (re-edited in 1937), and the post-Conciliar ones published between 1969 and 1987. There had been other editions, but were of little importance. Of these, those of 1745 and 1912 are of interest. The first, because they introduced novelties in the Section on Governance; those of 1912 because they were the first attempt of the Order to adapt the Constitutions to the real life of the Order, surpassing the dangerous dichotomy between legislation and life that had taken place all through the XIX century. The 1860 text was a simple re-edition of that of 1745. The same can be said of those of 1966, which is a literal repetition of those of 1937. From the point of view of matter or content, this text does not present great novelties either. Its novelty was of formal nature. Whereas the 1928 text only had a temporary approval of the Holy See for seven years, this had obtained a definite approval.

We could add to these the Constitutions that governed the life of the Augustinians since its foundation in the XIII century until the birth of the Recollection. There were only two. The first were known by the name of Constitutions of Ratisbon, for the city where they received their definite approval in the year 1920. They were in force, with some changes introduced throughout the ages, until 1581, during which they were substituted by others adapted to the ordinances of the Council of Trent. These were the new Constitutions about which the *Forma de Vivir* talks about (3,2;14,5). They governed the life of the Recollects until 1637 in everything that is not prescribed by the *Forma de Vivir*.

Constitutions of the Recollection

1. Forma de vivir de los frailes agustinos descalzos, ordenada por el provincial y definidores de la provincia de Castilla 1589 (2 ed., Madrid 1596). (Way of Life of the Augustinian Descalzed Friars, ordered by the Provincial and Councilors of the Province of Castille 1589 (2 ed. Madrid, 1596))
2. Regla y Constituciones de los Frayles Descalzos de nuestro Padre san Agustín, de la Congregación de España y Indias, Madrid 1637. (Rule and Constitutions of Descalzed Friars of our Father St. Augustine of the Congregation of Spain and Indies, Madrid, 1637)
3. Regula et Constitutiones Fratrum Discalceatorum Ordinis Eremitarum Sancti

- Patris 'ostri Augustini Congregationis Hispaniae, et Indiarum, Madrid 1664. (Rule and Constitutions of the Descalzed Friars of the Order of Hermits of our Father St. Augustine of the Congregations of Spain and Indies, Madrid 1664.)
4. Regula et Constitutiones Fratrum Discalceatorum Ordinis Eremitarum Sancti Patris 'ostri Augustini Congregationis Hispaniae, et Indiarum, Zaragoza 1745. (Rule and Constitutions of the Descalzed Friars of the Order of Hermits of Our Father St. Augustine of the Congregation of Spain and Indies, Zaragoza, 1745)
 5. Regula et Constitutiones Fratrum Discalceatorum Ordinis Eremitarum Sancti Patris 'ostri Augustini Congregationis Hispaniae et Indiarum, Madrid 1860 (reedición de la edición de 1745). (Rule and Constitutions of the Descalzed Friars of the Order of the Hermits of our Father St. Augustine of the Congregation of Spain and Indies, Madrid 1860).
 6. Regula et Constitutiones Fratrum Discalceatorum, seu Recollectorum Ordinis Eremitarum Sancti Patris 'ostri Augustini Congregationis Hispaniae et Indiarum, Madrid 1912 (no llegaron a recibir la sanción legal definitiva). (Rule and Constitutions of the Descalzed Friars of the Order of Hermits of our Father St. Augustine of the Congregation of Spain and Indies, Madrid 1912 (did not receive the final legal permission).
 7. Constitutiones Ordinis Recollectorum Sancti Augustini, accurate recognitæ et 'ovo Codici Juris Canonici aptatæ. Regula S.P. Augustini præmissa, Monachil 1928 (a septennium). (Constitutions of the Order of the Recollects of St. Augustine carefully considered and adapted to the new Code of Canon Law. Rule of St. Augustine forwarded, Monachil 1928 (has validity for seven years).
 8. Constitutiones Ordinis Recollectorum Sancti Augustini, auctoritate Pii XI recognitæ et approbatæ. Regula S.P. Augustini præmissa, Roma 1937. (Constitutions of the Order of the Recollects of St. Augustine, recognized and approved by the the authority of Pius XI. Rule of St. Augustine Forwarded, Roma 1937)
 9. Constitutiones Ordinis Recollectorum Sancti Augustini, auctoritate Pii XI recognitæ et approbatæ. Regula S.P. Augustini præmissa, Madrid 1966 (reedición de la de 1937). (Constitutions of the Order of the Recollects of St. Augustine, recognized and approved by authority of Pius XI. Rule of St. Augustine Forwarded, Madrid 1966 (re-edition of those of 1937).
 10. Constitutiones Ordinis Augustinianorum Recollectorum. Textus confectus a Capitulo Generali Speciali Ordinario XLVII, Roma 1968. (Constitutions of the Order of the Recollects of St. Augustine. Text produced by the XLVII General Chapter Special Ordinary, Rome, 1968).
 11. Constituciones de la Orden de agustinos recoletos. (Traducción española del texto

- oficial elaborado por el XLVII Capítulo General Especial Ordinario) Roma 1969. (Constitutions of the Order of the Augustinian Recollects. (Spanish translation of the official text elaborated by XLVII General Chapter Special Ordinary), Rome 1969.
12. Constituciones de la Orden de agustinos recoletos. (Texto oficial elaborado por el XLVIII Capítulo General Especial Ordinario), Roma 1975.(Constitutions of the Order of Augustinian Recollects. (Official text elaborated by the XLVIII General Chapter Special Ordinary), Rome 1975.
 13. Regla, Constituciones y Código Adicional de la Orden de agustinos recoletos, Madrid 1983. (Rule, Constitutions and Additional Code of the Order of Augustinian Recollects, Madrid 1983).
 14. Regla, Constituciones y Código Adicional de la Orden de agustinos recoletos, Madrid 1987. (Rule, Constitutions and Additional Code of the Order of the Augustinian Recollects, Madrid 1987).

Constituciones agustinas (Augustinian Constitutions)

1. Las primitivas constituciones de los agustinos (Ratisbonenses) de 1290, ed. de Ignacio Aramburu, Valladolid 1966. (The Primitive Constitutions of the Augustinian (Ratisbonenses) of 1290, edition of Fr. Ignacio Aramburu, Valladolid 1966).
2. Constitutiones Ordinis Fratrum Eremitarum sancti Augustini, Roma 1581.(Constitutions of the Order of Friars Hermits of St. Augustine, Rome 1581).

In this conference I shall limit myself to some ideas about the first five principal texts. But before entering into the matter, it is convenient to anticipate some concepts about Constitutions in general. Their history is very complex, since both the meaning of the term and its content have not always been clearly defined. Because of time constraint and afraid of deforming even just a little the reality, I will just repeat the words with which Fr. Jesus Alvarez starts his article that the *Diccionario Teológico de la Vida Consagrada* (Madrid 1989) dedicates to the Constitutions (444-453): “The proper laws by which the institutes of consecrated life are governed have received different names throughout the history of religious life: rule, constitutions, statutes, form of life, formula of the institute, customs or practices, ordinances, observances, uses, directory, etc. each of which has no fixed or definite meaning, but enjoys certain relativity. However, the words *rule* and *constitutions* are the most common. Until the XI century, when the monastic reforms, particularly that of Cluny, gave way to federations of autonomous monasteries, the term *rule* was exclusively in use. From that time on, the customs proper to each reform are added to it.¹ The rule was the fundamental law of monastic orders, of the ca-

¹ Jesús ÁLVAREZ, «Constituciones»: *Diccionario Teológico de la Vida consagrada*, Madrid 1989, 444-453. Información más precisa y detallada: Ph. MAROTO, «*Regulæ et Constitutiones usque ad codicem*»: *Acta Congressus Juridici Internationalis* 4 (Roma 1937) 205-299; y las voces *Costituzioni*, *Direttorio* y

nons regular and of the mendicant friars. The Constitutions, on their part, contained the norms added to the traditional rule of St. Augustine or St. Benedict, in which the different orders expressed and codified their purpose and specific spirituality. The use of the term became very common among the mendicant orders and later among the modern congregations, although among them its meaning was not always the same. The regular clerics of XVI century prefer other terms.

“From the XIX century the Roman jurisprudence started to establish the terminology, reserving for the fundamental law of the new congregations the name of *Constitutions*, and that of *rule* (in singular), for the monastic orders, canonical and mendicant orders.”² This process culminated in 1901 with some ‘normae’ promulgated by the Congregation of Bishops and Regulars and basically confirmed by the Code of Canon Law of 1917, and later by the Congregation of Religious in 1921.³ Those norms put an end to terminological ambiguity, but gave to Constitutions an excessively juridical and uniform configuration that is difficult to reconcile with its primitive history. They were like a juridical *vade mecum* that would like to enclose religious life within well-defined boundaries, in which nothing could escape the control of the law. They are, therefore, another sign of the centralism that was imposed in the Church in the middle of the XIX century. They scrupulously and minutely indicated the path that every approval of any new constitutional text must follow and also the aspects that they must contain and those that they must omit. All types of introductions, historical and new, exhortations and praises were removed; there was no place for dogmatic and moral questions nor for biblical, conciliar or patristic quotations, and much less particular theologians or authors; they must not contain directories, ceremonials, methodical arrangement of studies, practices and different uses either; words, such as monastery, nun or rule that could not be applied to congregations, must be carefully avoided. On the contrary, all should contain concepts and dispositions about the nature of vows, the members and their way of life; about governance, the administration and offices of the congregation; and everything should be explained briefly and clearly. The text should be perfectly divided into parts, chapters, articles, paragraphs and progressive numbers.

The Constitutions of the XX century and, logically ours too, were adapted to this model. With the coming of the II Vatican Council this method became unsustainable and was immediately forgotten. The documents of the Council – *Lumen Gentium* and *Perfectae Caritatis*, and the repeated interventions of Rome- *Ecclesiae Sanctae* (1966), *Renovationis Causam* (1969), *Mutuae Relationis* (1978), *Vita Consecrata* (1996) – besides showing a renewed interest of the Church in religious life, offer a very different concept of it. Logically that different conception must be reflected in the Constitutions. I shall put aside all those documents to focus my attention only on the new code of Canon Law published in 1983. This code dedicates to the religious life an entire section (canons 573-746) of part II of book II, dedicated to the People of God. Canon 587 wishes that Constitutions be a code in miniature, a text that reflects its own characteristics of balance between the ca-

«Regola» del *Dizionario degli Istituti di Perfezione* 3, Roma 1976, 183-204, 524-530, y 7, Roma 1983, 1410-1452.

² *Ibid.* 445

³ *Normae*, Aas 13, (1921), 312-319.

non law and theology, between spirituality and doctrine, that is, they do not want a text that is exclusively juridical and normative, but should not be exclusively doctrinal and spiritual either. They should be a text of stable reference of the being and doing of the institute and for the institute as such and for each of its members. With greater or lesser success it is what the authors of our post-conciliar Constitutions wanted to achieve.

II. La Forma de vivir (The Way of Life)

a) A capital text of our history.

The *Forma de vivir*, “the booklet that taught our reformed descalzed to despise material things and love their origin and author,” in the words of our first chronicler,⁴ is the first specific form of our Recollect charism. It is the text that collects the aspirations of the promoters of the Recollection, that transmits to us their goals and ideals, that is, that which connects us with our origin and beginning. And, if what Heidegger says that “the origin of something is the source of its essence,”⁵ and, therefore, also of its actions, is true, then, the *Forma de vivir* is for us a capital text, that we can never ignore without being unfaithful to our nature. Several times I have asked myself if our deficient charismatic identity may not be due to it being dormant for almost two centuries. It is certain that the post –conciliar Constitutions have rescued it from the depths of our memory and have even given it a pre-eminent place by stating in one of its first numbers that the Augustinian Recollects “strive to achieve perfection of charity according to the charism of St. Augustine and the spirit of the first legislation and, very particularly, the so-called *Forma de vivir*.”⁶

This means that we cannot prescind from it in our search for criteria of action, that we cannot ignore it when the time for judging events and choosing among different options comes. Otherwise, our choices will be in danger of becoming anti-natural, of going against the demands of our nature and, consequently, will always have negative influence on our presence in the world. Our apostolic work and even our capacity to insert ourselves into the different realities of the local church and of attracting new candidates depend greatly on the strength of our identity and, therefore, also on our identification with our origin.

The Church’s documents have insisted on these ideas. The Church does not only trusts the particular charisms of each congregation, as could be suspected during the past, but never tires of encouraging the religious to preserve them and cultivate them with care, because she believes that they redound to the benefit of the entire Church. Chrism is not the property of the interested institute, but of the Church. I limit myself to quoting a text

⁴ Andrés DE SAN NICOLÁS, *Historia general de los agustinos descalzos*, Madrid 1664, 149.

⁵ M. HEIDEGGER, *Caminos del Bosque*, Madrid 1995, 11.

⁶ *Constitutions* 1987, n. 6. The Chapter of 1980 approves the inclusion of almost the entire fifth definition of Toledo in the Constitutions in its 31st session by 24 against 12 votes: Acts of XLIX General Chapter, 247. Some capitular Fathers were not happy. When the Chapter was coming to an end their works (session 39), they presented a motion signed by 14 delegates advocating for its abolishment. The motion caused an animated discussion. It was repelled by 23 votes against 15: *Actas*, 341-343

that is already old. “At this time of cultural evolution and ecclesial renewal,” the document *Mutuae Relationis* stated on the 4th of May 1978, addressed conjointly to bishops and religious, “it is necessary [...] to preserve the identity of each institute in order to avoid every danger that these may introduce themselves in the society in an indefinite manner and without clarity. If no sufficient attention is given to the way of acting proper to each institute, these will become part of the Church in a vague and ambiguous manner.”⁷ At more recent times there are many similar pronouncements. I cite the most authoritative of all of them: the post-synodal *Vita Consecrata*. In one of its first numbers it affirms that

*“the communion in the Church is not [...] uniformity but a gift of the Spirit which also passes through the variety of charisms and the states of life. The more they respect their identity, the more they will be useful to the Church and her mission.”*⁸

A look at our recent history or a summary analysis of our present situation are enough to confirm the exactitude of the diagnosis.

Maybe at present we may be experiencing moments of dryness. New contributions can hardly be seen⁹ that complete and update the investigations done during the past ten decades, and these are becoming antiquated and daily are more difficult to have access to. If this perception corresponds to reality, the information would assume a special seriousness. The increasing geographical difference of our young religious and their formation in centers that do not belong to the Order demands a more precise knowledge, expression and clearer life experience of our charism. This is an idea that is not only mine. After having written it, I have realized later that Fr. General expressed it before and in a clearer way in his information to the last General Chapter:

*“With regards to the formands who study outside of our center of formation, they need to complete their studies with a progressive program on matters that are related to St. Augustine, our charism and our history. In general, this aspect is very deficient in the Order.”*¹⁰

Almost 25 years ago I wrote: “the explicit and decisive knowledge of the importance of the *Forma de vivir* in the observance of our life constitutes one of the capital

⁷ MR 2, 11. The actual Constitutions repeat this doctrine in num. 283: “The style of sanctification and apostolate proper to the Order demands a specific insertion into the life of the Church. For this reason our communities can and must be centers of prayer, recollection, and personal and communitarian dialogue with God, generously offering concrete initiatives and services along the lines of the communitarian and contemplative aspect, so that the people of God will find in us true teachers of prayer and ministers of communion and peace in the Church and in the world..

⁸ *Vita Consecrata*, 4.

⁹ Among these the ones worth mentioning are the studies published in a miscellanea *Las Constituciones Nuestro Libro de Oro*, Madrid 1996, and the work of Miguel Miró Miró “*Identidad agustino-recoleta. Retos contemporáneos:*” *Mayéutica* 31 (2005) 35-75.

¹⁰ «*General Chapter 2004. Report of the Prior General to the Order, on the State of the Order,*” Rome, 2004, 31-32; Also: *AO* (2005)

achievements of the new Constitutions.¹¹ It is a decisive agreement that renews our link with our origin, assuring with it our corporative identity and freeing us from ambiguity and lack of determination. Since the middle of XIX century this connection was not very clear. It can even be said that it had disappeared from the consciousness of many religious. The Constitutions of 1928 and 1937 have marginalized it totally. Now it resurfaces in both individual and collective conscience, reminding us that in the centennial history of the Order there was a collective charismatic moment that gave origin to a new way of understanding and living the religious ideal of St. Augustine, of which the Order feels being a legitimate heiress, and declares herself ready to assume its values, that are expressed in the *Forma de vivir*.

Certainly it does not mean assuming totally and indiscriminately all its norms, and not even their underlying philosophy. The Order is interested in the spirit not in the letter of the *Forma de vivir*; in its perennial charism, not in its cultural and temporal alliances. But it is not easy to identify and isolate this perennial or essential charism. Ignorance, lack of seriousness, and preventions can easily lead to false or hasty conclusions, which make us confuse our charism with our personal preferences. Only our effort to free ourselves of our prejudices and a careful and serious study of the social, cultural and religious circumstance in which the *Forma de vivir* was written can guarantee the validity of a specific interpretation or critical reading.

The actual Constitutions presuppose the existence of previous task and already offer an interpretation or critical reading that we can call authentic. According to them, the elements of the *Forma de vivir* that are actually valid circle around the following points:

1. The idea or concept of recollection, that includes the spirit and practice of prayer [...] penance and continual conversion” and is shown in external actions, even in the external organization of the Order.¹²
2. The value of peace and harmony among brothers as a “clear sign that the Holy Spirit lives in it.”¹³
3. Effective and affective poverty both individual and communitarian.¹⁴
4. Dignity and interest in divine worship.¹⁵
5. Esteem for penance as an indispensable pre-requisite of the life of prayer.

¹¹ Angel Martínez Cuesta, “*En torno al carisma agustino recoleto*”: *Recollectio* 7 (1948), 48. The next paragraphs have drawn much from that study, 48-54.

¹² *Constitutions* 1987, nn. 12-13; FV, proemio, 1 y 3.

¹³ *Constitutions* 1987, n. 21; FV 2,1.

¹⁴ *Constitutions* 1987, nn. 49, 51 y 55, repeat FV 4,1.5: The poverty of the religious is not only not having something as one’s own, but principally, in having a mind that is neither fixed or attached to something, which is the purpose for which the exterior poverty is ordained [...] may be resplendent always and in everything [...] we also command that in these monasteries no sumptuous and attractive edifices be built...”

¹⁵ *Constitutions* 1987, n. 66, that quotes chapter 1 of FV.

- “Just as prayer serves charity in order to inflame the love for God in the soul, so fasting and rigors serve prayer, mitigating the passions which with their power impede the elevation of the spirit.”¹⁶
6. Attention and care of the sick: “considering that they are cherishing and waiting upon God in them.”¹⁷
 7. The spiritual formation of the religious: “The formators, above all, the Master of Novices, should carefully instruct the candidates “principally in the love and charity of God and neighbor, and in its sure path, which is the mortification of the senses and the detachment from all things.”¹⁸

It seems evident that the criterion that has preceded this interpretation has been the conformity or, at least, the compatibility of a concrete idea or attitude with the thought of St. Augustine and the demands of modern thinking. The first criterion seems clear in the selection of the themes adopted. Number 3 of the same Constitutions presupposes it by affirming that the fourteen chapters of the *Forma de vivir* gathered and transmitted to us “the collective charism” that have impelled “some Augustinian religious of the Province of Castille” to live with “renewed fervor and new norms the consecrated life that St. Augustine showed with his doctrine and example and ordered in his Rule.”¹⁹

Said criterion finds justification in the guides or directions of *Perfectae Caritatis* 2, b-c and in the intention of the reformers of XVI Century, who did not wish to establish a new Order, but only to “up-date the ideal and the spirit of St. Augustine.”²⁰

The criterion that appears to be valid and prudent, reveals a certain fear in facing the evangelical radicalism of the *Forma de vivir* and falls into reductionism.

There is a need for a clearer assumption of the demands that go with sobriety and recollection, two attitudes that filled its pages, crossing it from the beginning to the end. Two attitudes that are in addition profoundly Augustinian and, at the same time, denounce two of the evils that today afflict more our Western world. Sobriety could be the actual name of penance and a Christian antidote against consumerism that is strongly disapproved, but is being sought after with eagerness. It must not be forgotten that sobriety tempers character and disposes the soul to prayer and struggle. It was not without reason that Augustine affirmed that he who does not abstain from licit things is in danger of falling into illicit ones: *qui enim a nullis refrenat licitis, vicinus est et illicitis* (De ut. iei. 3,5,6). One of the most authorized interpreters of Augustinian thoughts, in spite of being very conscious of the dangers that it entails, wrote several years ago that religious life-including the Augustinian- requires asceticism. He even sees in asceticism the characte-

¹⁶ *Constitutions* 1987, n. 84; FV 5,1.

¹⁷ *Constitutions* 1987, n. 91; FV 2,3.

¹⁸ *Constitutions* 1987, n. 209; FV 2,1.

¹⁹ *Constitutions* 1987, n. 3.

²⁰ Tirso Alesanco, “*El carisma agustiniano*” *Recollection* (1980) 5; *Constitutions* 1987, 3.

ristic that better identifies the religious of the modern world.²¹ John Paul II believed that asceticism purifies and transfigures the existence of “consecrated persons” and of religious communities. It liberates them of “egocentrism and of sensuality” and enables them to bear witness to the true nature of the search for God, warning against confusing that search with a subtle search for self or a flight into Gnosticism.²²

More Augustinian, and I would also say, more necessary for our world is silence, recollection. It is one of the essential presuppositions and manifestations of the Augustinian interiority. Along with reflection, contemplation, investigation, searching and other related manners of acting, it forms the sheaf of habits that best define his life and thought. In addition, it is an indispensable attitude for someone who aspires to be master of his own life and destinies.

“Every book is a child of silence,” I read several years ago in a book review. And it could be added that without silence there is no technological progress, no human maturity, no authentic religion. Without interiority man is pure superficiality, without internal consistency, and, therefore, a being that is always in ruin, victim of the emotion of the moment, of fashion, of the voice that shouts the louder, of the wind that blows stronger or of a mask that is more attractive

Already Seneca had said that the first sign of a well-balanced mind is the capacity to stop and remain peaceful in the company of oneself: “*primum argumentum compositae mentis existimo posse esse consistere et secum morari.*”²³ Augustine made this thought his own and enriched it with the famous formula that summed up his theory on interiority: “*Noli foras ire, in te ipsum redi, in interiore homine habitat veritas [...] transcendere teipsum.*”²⁴

Only in our interior chamber – to use the favorite terminology among the recollected of the XVI century, so imbued with Augustinian doctrine and unconscious origina-

²¹ T.J. Van Bavel, *The Basic Inspiration of Religious Life*, Villanova 1996, 123-25: “A religious interpretation of asceticism is not only possible, but, indeed, religion calls for asceticism. [...] Asceticism and the service of God are closely linked to one another [...] Wherein does the difference between the usual Christian mode of living and that religious life? As I see it, in this: that religious try to make the eschatological and ascetic aspect of Christian existence to be the predominant aspect of their lifestyle”.

In the same book, pp. 49-64, he explains the meaning of Christian asceticism. It is not merely a renunciation, privation, doubt and suspicion before earthly things. It is also a necessary instrument in the task of auto-formation and development of the total man. Democritus, the Greek philosopher, believed that more people become more human by exerting effort than by natural aptitude. Asceticism is a help to being more free, in overcoming tensions or, at least, to live with them. This concept, common among the ancient philosophers, is tainted with egocentrism, because it seeks, above all, the development of one’s own personality. It is, therefore, ambiguous and not satisfactory for a Christians. But it is not totally negative. Many Christians in their desire to discipline their character, to attain virtue and arrive at perfection, use it. But Christianity values more its eschatological dimension – if this world is transitory, if it is not our definitive dwelling place, it must be used with discretion (1 Cor 7:29-31), the doctrine of original sin and the example of Christ and of the first Christians. Today many psychologists and sociologists stress its social values: it frees precious energies for the construction of a society that is more just and human.

²² *VC*, 103

²³ *Ad Lucillum* 1, 2.

²⁴ *De vera religione*, 39, 72: *PL* 34, 134.

tors of the Recollection – we encounter ourselves and we come to know the truth. Therefore, it is necessary, to stop and think, to distance ourselves from what surrounds and stuns us, if we wish to re-encounter ourselves with ourselves and with God who dwells in us: “Return first to your heart, you who are in exile and are lost, Where? To God. [...]. Return to your heart and contemplate there what you may feel about God, the image of God is there. Christ dwells in the interior of man.”²⁵ In his Confessions Augustine invites us to interiority in words that seem to be written in our days, in which we live crowding toward the exterior, hanging on to the latest news and desirous of knowing and traveling to the last paradise of the tourist package deals: “Men travel in order to admire the peaks of the mountains, the huge waves of the sea, the broad flow of the rivers, the extent of the ocean, and the course of the ocean, and omit to wonder at themselves.”²⁶ For Paul VI silence was “a demand of a divine love.”²⁷

Because of the II Vatican Council the Order has turned her eyes with more frequency to the *Forma de vivir* (The Way of Life). The preparation of the General Plan of Formation, the celebration of Renewal Courses, of the Months of Preparation for Solemn Profession and other similar activities, and above all, the editing of the Constitutions have obliged her to take it in her hands and reflect on it. Since 1975 its text became a part of the Constitutions as an appendix, then a series of study were dedicated to it,²⁸ and later its reading was made easy with an edition that was divided into paragraphs and enriched with a vocabulary that explains words that, for being technical or antiquated, are difficult to understand.²⁹ Perhaps at present we are passing through a moment of torpor, as I have said before.

At any rate, today our most serious lack is not the ignorance of the text. The Order already has sufficiently clear ideas about its origin, content and meaning. What is lacking is the understanding, the appreciation, of its value, and the courage to face it with sincerity and with calm spirit. That fear is responsible, at least in part, for the lack of more detailed and pragmatic analyses, of scarcity of works of discernment that sift, that separate the straw from the wheat, the marshy pools from the fountains of living water. Only when such work is done can we have recourse to it in search of inspiration in order to direct our present life. Not that we are going to find in it concrete prescriptions which, having in mind the extreme mobility of the world, that we have the good or bad fortune of living in, would hardly be useful to us. We have to search, above all, light, criteria that can help us discern the present and plan the future without losing sight of the guidelines, the great principles that were resplendent at that charismatic moment of which, according the expression of the Constitutions, we feel being heirs and promoters (Const. 6). In order to be meaningful men and societies should be what they are, according to the famous statement

²⁵ *Tract. in Ioannem* 18, 10: PL 35, 1541-1542.

²⁶ *Conf.* X, 8, 15. This text, a favorite of Petrarch, had inspired him to write beautiful commentaries in one of his family letters: Evelyne LUCIANI, *Les Confessions de saint Augustin dans les lettres de Pétraque*, Paris 1982, 115-117, 1124, 243. in his famous *The Ascent to the Mountain Mount Ventoux*

²⁷ *Evangelica Testificatio*, 46: AAS 63 (1971) 520

²⁸ The congress was held in Salamanca on the summer of 1989. Majority of the interventions were published in the volume: *Forma de vivir de los frailes agustinos recoletos descalzos, de fray Luis de León*. Edición y estudios, Madrid 1989.

²⁹ *Ibid.* 31-54.

of Pindaro.³⁰ Rizal wrote once that “he who does not know where he comes from will not arrive where he is going.” But it is also true that every society that remained anchored in the past, refusing to see the horizon and impervious to change, separated from all living being, is destined to disappear from the face of the earth.³¹ It will fall to insignificance and sterility: to the net in which every narcissism is entrapped at the end. Rahner has stressed the connection and interdependence of the past and the future: We can conserve the past intact only if we feel urged by the future and if, at the same time that we conserve we conquer.³²

It is necessary to combine the three dimensions that constitute the total man. A contemporary theologian, Olegario González de Cardedal, has written that “man truly exists when he combines the past, the present and the future, without cutting anything and with nothing dominating over the other two.” He even compares the role of these three categories in human life with the role of “faith, hope and charity” in the supernatural life, which would be “the theological expression of temporal structure of human life. Long before Augustine had written that “man lives and acts in time guided by the memory of the past, by the understanding of the present, and by the demand of the future.”³³

b. *Some data on its composition, inspiration and influence*

I leave that topic which perhaps has taken much time, and I return now to the text of the *Forma de vivir*, even just to recall some essential data about its author, composition, content and its juridical and spiritual observance.

It is known that it is a document signed by five persons, the Provincial and the four Councilors of the Province of Castille. They are, therefore, the ones responsible for the text, the rightful authors. But it is also well known that moral beings or groups are very rarely real authors and editors of a text. They use to entrust it to an individual who can be a member of the group or outside of it. This is what happened in this case.

³⁰ Paolo MICCOLI, “*Diventa cio che sei*”: L’ *Observatore Romano*, 3 marzo 2006, p. 3. Leo the Great applied the phrase to the Christian formation of the baptized, exhorting him to be aware of his dignity as a new creature and to act in accordance with it.

³¹ DIOCESI DE ROMA, *Ho creduto per queso ho parlato*, Roma 2004, 29: “Una religione che rimanesse ferma al suo passato originario senza ascettare lo sviluppo che, creando tradizione, permette anche il suo progresso, sarebbe facilmente destinata a scomparire presto o tardi dalla faccia della terra. Dall’altra parte il declino sarebbe inarrestabile se una religione si trasformasse a tal punto da perdere il riferimento alla dimensione spirituale ed etica.”

³² *Escritos de teología*, quoted by E. AYAPE, “Quinto reportaje de la Recolección”: BPSN 59 (1969) 62. Juan Pablo II to the Gregorian University on its 450 anniversary, “Dinanzi alle slide dell’odierna società, questo è il momento per un coraggioso rilancio della vostra Istituzione. È l’occasione per ribadire una totale fedeltà all’intuizione ignaciana e porre in alto un rinnovamento coraggioso, perchè la memoria del passato non si esaurisca nella contemplazione del già fatto, ma diventi impegno del presente e profezia per il futuro: L’*Observatore Romano*, 7 aprile 2001.

³³ Quoted by Paulo Miccoli, “*Diventa cio che sei*”: St. Augustine «ha insegnato che l’uomo vive ed opera nel tempo, orientato dalla memoria del passato, dalla percezione del presente e dalla tensione verso il futuro, convogliando le forze spirituali o nella dissipazione mondana o nell’orientamento a Dio, fonte suprema de felicità».

The Provincial Chapter recommended the editing to the Provincial Council, who, in turn, delegated the commission to Fray Luis de León and Jerónimo de Guevara, who, in the words of Juan Quijano (+ approximately 1635), had been “the first mover” of the Recollection. Guevara died early, during Easter of 1589, before the norms were completed. Therefore, it was Luis de León who “perfected and presented them to the Intermediate Chapter which was celebrated in 1589 in the Convent of Our Lady of the Pine.”³⁴

Andres de san Nicolás, the first chronicler of the Augustinian Recollection, minimizes the contribution of Guevara to the redaction of the norms or *Forma de vivir* and attributes its authorship to Fray Luis de León (Crón 1, 134, 136). The testimonies of the Carmelite Valerio Ximénez (1604), of the Franciscan Diego Murillo (1616) and of the historian Vicencio Blasco de Lanuza (1622) are more ancient. I quote only the words of the first:

“It seemed to the three [Councilors] that the Master Fray Luis de León was the one who could best give shape to the new reform that had been proposed in the Chapter, for being very religious and learned. He took it to his care with the desire that he had of seeing in his Order what had already taken place in other distinguished Orders, and which not all desired to happen in their own Order. Who, having first observed all ways of living that are now practiced by the descalced, composed Constitutions as prudent as were expected of his great talents and natural abilities.”

Among the Recollects the authorship of Luis de Leon of the *Forma de vivir* has not been challenged. Perhaps only Fr. Mayandía, in a book that is scholarly but controversial and very tendentious, doubted it and was inclined to the negative side: “I find it very difficult to convince myself that such work of little value and of very limited consistency could come out of a pen that produced magnificent structures of his works that triumphantly resist the action of centuries...”³⁵ On the contrary, the Augustinians, particularly the modern ones, who have talked about Fray Luis de León, have either omitted or minimized any reference to his intervention in the Recollection. Almost all reject Fray Luis de León as the origin of the *Forma de vivir*.³⁶

The connection of Fray Luis with the Recollection and his interventions in her favor during the years 1588-1591 are abundant and sufficiently documented. In September of 1589 the Provincial Council entrusts to him the establishment of a Recollect house in Salamanca; in 1590 he helps in the installation of the Recollects in Portillo and in 1591 he authorizes the foundation of Nava del Rey. In 1591 Nicolás Doria, General of the Descalced Carmelites, does not admit him as executor of a brief in favor of disalced Carmelites nuns, because “the said Ana de Jesus boasts that she has taken advantage of the said Fray Luis de León and that the reform of the Augustinians has resulted from his

³⁴ Tomás DE HERRERA, *Historia del convento de san Agustín de Salamanca*, Madrid 1652, 389-390, 392.

³⁵ Agustín Nobody de la Madre de Dios [Fernando MAYANDÍA], *Orientaciones Tomnes. Algunas observaciones sobre el pasado y presente de la orden de agustinos recoletos españoles*, [Zaragoza 1925], 66.

³⁶ Ángel Martínez Cuesta, *Historia de los agustinos recoletos 1*, Madrid 1996, 182.

communication with her.³⁷ During the year 1589 he reports to the University of Salamanca several instances of absence, ratified by Philip II, because “he is engaged in a business that is of great service to God, which is about some establishments of Recollect monasteries that his Majesty has commanded be done of his Order in this province.”³⁸ A simple comparison of the *Forma de vivir* with the writings of Fray Luis at that time reveals surprising literary and doctrinal similarities. Even the expression *Forma de vivir* appears in them as applied to a constitutional text. Juan Quijano himself writes toward the year 1630 that Fray Luis was “the one who inspired most” the foundation of the recollect houses.

The *Forma de vivir* has 14 chapters and was approved by the intermediate General Chapter of the Province on September 17, 1589. Eight years later it was ratified by Clement VIII. It was in force until the year 1637, during which it was substituted by more extensive Constitutions, but its influence on the spiritual, juridical and cultural organization of the Order was decisive until the War of Independence (1808-1814), even until the desamortization of Mendizabal (1835). However, some of its demands, especially on matters of poverty and exemptions, immediately fell into disuse. The apostolic and cultural life of the congregation did not faithfully follow its directives either.³⁹

Its spiritual orientation is very clear. It expresses the desire for greater perfection of which the fifth chapter of Toledo talked about, by intensifying life in community and contemplation and by stressing the ascetical aspects of religious life. Prayer must permeate the whole life of the Recollects. They will devote two hours to daily mental prayer; they must limit to the maximum their going out of the convent and should strive to create in it an atmosphere of silence and peace that is conducive to contemplation. They are at times to intensify their solitude and recollection by living as recluses in hermitages that must be made available in the convents. The noviciate must be for two years and at the end of the ecclesiastical studies they are again to temper their spirit with a new year of recollection.

The love for a perfect life in common stands out all throughout the document. A communitarian atmosphere permeates it from start to finish. The convent equalizes all its dwellers. In it all enjoy the same rights and are subject to the same obligations, not allowing space for any privilege, allowance or special treatment. No one can claim exclusive use of something, however small, and the treatment with regards to food, dress and cell and any other thing is the same for all. Only the sick have the right to special attentions. Honorary titles are to be put away completely. All these dispositions are anchored on the doctrine of love and are required because “they favor peace among the religious, [which] is a sure sign [that] the Holy Spirit dwells among them.” The number of friars in each convent should not exceed 20, because love is better maintained among the few.

³⁷ G. DE S. VELA, «La Universidad de Salamanca y fray Luis de León»: Archivo Agustiniiano 12 (1919) 73.

³⁸ *Ibid* 14 (1920) 17.

³⁹ Ángel Martínex Cuesta, «La Forma de vivir en las Constituciones y en la vida diaria del siglo XVII»: *Forma de vivir de los frailes agustinos descalzos, de fray Luis de León*. Edición y estudios, 359-395.

Another of its characteristic elements is asceticism. Asceticism flows from evangelical radicalism, from an idealized remembrance of the first communities of the Order and from an anthropology that is infected by pessimism and is broken down into a thousand of manifestations that affect the friar's entire life. The crudeness of the building its smallness and untidiness, the inferior quality of the dress and shoes, the abundance of fasting and Lenten food, the frequency of disciplines, silence, and retreat, everything reminded the Recollect friar of his commitment to follow Christ poor through deprivations, renuncements and difficulties that poverty always entails. But asceticism was not an end for which one had to aspire for itself. In accordance with the teachings of St. Augustine and the traditional asceticism, it is simply a means that mitigates the passions, appeases the heart, humbles the spirit, and prepares it for the practice of prayer.

At times the *Forma de vivir* has been accused of having very little of what is Augustinian. Concretely, it has been blamed for its too much emphasis on asceticism and its reluctance to the apostolate. Certainly, none of these two ideas comes from St. Augustine, who, we know, opened the doors of the monasteries to the apostolate and rarely insisted on asceticism. They come, rather, from the encounter of a supposed hermitism of the saint with the ascetical ideas of the Spanish XVI century, codified in the Constitutions of many recollect and descalzed communities. The promoters of the Recollection had their eyes fixed on St. Augustine and his communities. But their information about them was very inadequate. They shared the common belief at that time that immediately after his baptism the Saint and Doctor of the Church had established communities that were more or less of hermitical nature. Consequently, they associated his religious message with practices that were typical of hermitism: silence, solitude, austerity, limited apostolate, reluctance to studies. On the other hand, those where also the practices more highly esteemed by the reformist movement of the time, imbibed as it was with the spirituality of Franciscan observances.

The supposed incompatibility between the pastoral activity of the original Augustinian communities and the apostolic mistrust of the *Forma de vivir* has no solid basis either. Augustine was never an unconditional partisan of the apostolate of the monks. Rather, he was averse to monks dedicating themselves to pastoral activities and only the urgent needs of the African Church moved him to break his reservations. The *Forma de vivir* seems to restrict the apostolic activity of the friars, when it prohibits that the "friars go out to burials" and hear confessions "only of the sick." It is clear that it tends to create a lifestyle that is of strongly contemplative character, in which silence, solitude and prayer prevail over the apostolate. But he never reached the point of completely excluding it. The assistance in group at burials, was frequently more an act of courtesy or a way of gaining daily sustenance. Confessions outside the convents offer pretexts to quash the law of cloister and of going out to the streets longer than what is permissible. Similar norms appear in Acts of Chapters, decrees of visit and other precepts of the authorities of that time. Petrocchini himself in his acts of visit tried to limit the going out of the friars, their dealing with women, and even fixed the time for going out for confessions.

However, there are in *Forma de vivir* other ideas that are profoundly Augustinian in origin and, which, perhaps were greatly weakened by the Augustinians of that time: the

primacy of charity in its two dimensions, the inclination to interiority and a great appreciation for a perfect life in community. Interiority and perfect life in common, together with poverty or detachment of each religious, which is its condition and material expression, belong to very authentic Augustinian tradition.

2. Constitutions of XVII – XIX Centuries

a) The Juridical Deficiencies of *Forma de vivir*

The juridical deficiencies of *Forma de vivir* were evident. Fray Luis elaborated a text that is spiritual and charismatic in character, but almost without any regard for legal aspects. He proposed a series of general principles and a large number of practical norms on prayer, silence, life in common, cloister, penance, formation of religious and the quality of vestments, of the cells and convent, but disregarded elections, penalties, regulation of studies, the apostolate, etc.

During the first decades, the Recollects filled those lacunas by constantly turning to the “New Constitutions” of the Order (1581), in accordance with the explicit order of the legislator: “we order and command that in everything that does or does not contradict these laws or is not found in them, let the new Constitutions of the Order be fulfilled in these monasteries.”⁴⁰ But the spiritual orientation of both texts was very heterogeneous. Therefore, their consolidation was not easy and frequently left the Recollects dissatisfied.

It was unavoidable that very soon (1601) there arose among them the desire to elaborate a proper legislation, the entire legislation was inspired by the charism expressed in *Forma de vivir*. The Chapter of 1605 entrusted its redaction to the Provincial Council. But perhaps the times were not yet ripe and, certainly, they were not the most appropriate to perform a task that would require serenity and, above all, warranties of survival. In 1613 the need was already more urgent. Neither the Chapter nor the new Provincial could no longer avoid it and they decided to start the simultaneous preparation of the Constitutions and the Ritual. Gregorio Alarcón and Jerónimo de la Resurrección would be in charge of the constitutional text. But Gregorio Alarcón left immediately for Rome and, therefore, could contribute only very little; while Agustín de san Gabriel, prior of Madrid, was tasked with the preparation of the Ritual. In 1615 both texts should have been at an advanced stage, since the intermediate Chapter of that year entrusted its revision and perfection to some religious:

“Furthermore, in this intermediate Chapter which was celebrated in this convent of Madrid, it was consulted to whom would be given to review the Constitutions that the Provincial Chapter had given to Fr. Councilor Fray Jerónimo de la Resurrección to do and the ceremonials that the Father Prior of this convent would do. All the Fathers of the Chapter had agreed that the Constitutions be examined by Father Fray Juan de Vera with Fr. Councilor Fray Jerónimo de la Resurrección and Fr. Alonso Navarro, visitor; so that from now until the Provincial

⁴⁰ *Forma de vivir*, 14,5.

*Chapter they might polish them and make a copy of them; and the Ceremonial be given for examination to the Fathers Councilors Fray Gregorio de Santa María, Fray Gabriel de la Concepción, and Fray Juan Coronas, Master of Novices of Zaragoza, so that they might also examine it and, and having polished and made a clean copy of it, might bring it to the coming Provincial Chapter so that through it may gain admission and acceptance.*⁴¹

Nothing is known about the activities of these commissions. Only one thing is clear that even at that time neither the Constitutions nor the Ceremonial were published. The next Chapters (1621 and 1627) continue to insist on the urgency of their promulgation.⁴² But one had to wait until the year 1631, during which the Vicar General, Fray Gabriel de la Concepción (1630-34), was able to edit in Madrid the first text with the title of *Constituciones fratrum eremitarum exalceatorum sancti Augustini Hispaniarum et Indiarum*. Even then it was a matter of frustrated hope, because the General of the Order ordered them removed from circulation because he considered them prejudicial to his authority (*Bull 2*, 186-89). Until now no known copy of this exists.⁴³

b. Constitutions of 1637

Finally, the first valid edition came out in 1637 under the auspices of Fr. Pedro de Santiago. It was a volume printed on a sheet folded into 16 leaves of 428 pages, written in Spanish. With it the author wanted to adapt himself to the model of Fray Luis de Leon and to please the lay religious who do not know Latin language” (f. 17rv).

These Constitutions reproduce the pattern that was classical among the Augustinians and many other Orders of that time. But instead of the usual six sections, they only have five. They omit the fourth, which was usually dedicated to the governance of female religious, because since the year 1600 the Recollects had renounced the governance and pastoral care of them. The first section (ff. 19r-31v) is dedicated to divine office, which is the ultimate goal of all religious life. It proposes concrete norms about celebrating the Eucharist, of the liturgy of the hours and mental prayer, and about some traditional devotions in the Augustinian Order or proper to the Recollection: *processio defunctorum*, the praying or singing of ‘*nativitas tua*, *Salve* and *Joseph*, etc.

The second section (ff 32r-72v) has a rather strange heading “*About Our Constitutions*.” It translates the Latin title “*De observantiis nostrae sacrae religionis*,” which was the title of the Augustinian Constitutions of that time and of the immediately posterior Recollects. It is the section that is most helpful in a deeper understanding of the real life of those communities, since it describes in detail the practices and customs that set in a framework the flow of their existence: admission, formation and profession of novices,

⁴¹ *AHN, Consejos*, leg. 51.666, n. 2 (copy).

⁴² In 1627 the Constitutions must have already been published, since the General Chapter of this year decided to send them to some religious “so they might examine them and, having seen and examined them, might give to each province a copy to be kept.” *Bull 4*, 484.

⁴³ G. de S. Vela, *Ensayo de una biblioteca ibero-americana de la Orden de san Agustín 2*, Madrid 1915, 48-49.

dress, food, recreation, and penances of the religious, the quality of the cells and buildings, care for the sick and visitors, the regulation of collection for charity, the farewell ceremony for the dead, etc.

The third section, the longest (73r-147v) organizes the governance of the congregation: the celebration of the General, Provincial and Local Chapters, the qualities of the superiors and how to exercise their authority, etc. And includes everybody who has a special function in the community: the sacristan, porter, infirmarian, cook, gardener, refectorian. The last three chapters present the peculiarities of the Provinces overseas, of the “deserts” and the hospice in Rome.

The fourth section (148r-159r) regulates the regimen of the colleges, that is, the centers destined for the academic formation of the religious, with some general principles and practical norms on matters and length of studies, the qualities and duties of the professors and students, the libraries and requirements for obtaining the title of preacher.

The fifth and last section (159v-83v) specifies the penalties that must be applied to violators of the laws. It closely follows the Augustinian Constitutions of 1581 and 1625. But introduces some changes that are very significant. It is more severe with those who sin against the vow of poverty and less tolerant to gamblers and players and the use of torture.

The *Forma de vivir* and the Augustinian Constitutions of 1581, re-edited in 1625, are its principal sources. *La forma de vivir* provides the basic religious inspiration with the practices that are derived from it: a prolonged mental prayers, silence, poverty, austerity and equality. From the Augustinian Constitutions comes the juridical formulation of many of these practices and the majority of these norms relative to governance and penal code, as well as great part of its literary framework. The presence of some pontifical briefs is also noticed and many Chapter minutes, the influence of which is decisive in the third part. The author’s own contribution is little. He was not an original legislator, but only a codifier of existing laws. In general, he uses impartial expressions proper juridical texts. But sometimes he does not disdain tones that are more properly ascetical (parenética) literature. As is common in constitutional texts of that period, it gives little attention to the theological, spiritual and Augustinian bases of life in community.

The juridical values of these Constitutions is not sufficiently clear. Jenaro Fernández doubts its public juridical value, because it is not clear that the author acted as delegate of the General Chapter. The almost total loss of the proceedings of the Chapters during these years deprives this argument of persuasive power. Besides, Fr. Jenaro did not pay enough attention to a proceeding of the General Chapter of 1634 that ordered that out of the Augustinian Constitutions “and ours in intimate union a corpus may be formed for the governance of our congregation.”⁴⁴ Pedro de Santiago wrote his constitutional text by virtue of this precept. Perhaps this precept could not be other than a reiteration of others previous to the publication of the Constitutions of 1630. Besides, it availed of the colla-

⁴⁴ 44 *AO 2* (1952-1953), 211.

boration of the general councilors and of the three Spanish Provincials and had the expressed authorization of all the convents of the congregation (16v).

c. Constitutions of 1664

However, something must have gone wrong with them because they failed to meet the demands of the religious. In 1651 Gabriel de Santiago, an ex-Vicar General highly respected for his religiosity and an expert in legal matters, defended before the Nuncio his right to participate in the Provincial Chapters with arguments taken from the Augustinian Constitutions, unmindful that the Recollect Constitutions of 1637 proposed clearly distinct norms (Bull 2, 380-406). Already on that same year there was an attempt to publish a new constitutional text.⁴⁵ The concern of the General Chapters of 1648, 1654 and 1666 for the immediate publication of this text suggests a certain lack of esteem for the anterior, which was certainly not very old. Finally, it was published in Madrid in the year 1664. The author of the prologue exults with joy and sees in it the fulfillment of a desire that had long and profoundly been felt in the congregation. *"Illuxit jam tandem dies quam multorum annorum decursu sperabamus."*

A very careful comparison of the new text with the old does not reveal changes that justify such enthusiasm. Changes that are of certain transcendence are scarce. Changes that are truly significant can be found only in the regulation of governance, of studies and penal code. And the new norm is not always superior to the old. With regard to studies, an anti-academic mistrust increases in the congregation and definitively withdraws it from the academic world. In penal code, it reproduces the general legislation of the Order and re-introduces chapters and paragraphs that Fr. Santiago had purposely and rightfully omitted. One of it re-admits torture as a means of investigating the truth, although it must be applied with moderation and only in extraordinary cases (p. 331).

Despite every thing, it is evident that the Constitutions of 1664 are superior to those of 1637. They constitute a more homogeneous and complete legal code. Repetitions have diminished, practical norms on some minor offices have been transferred to the Ritual, the arrangement of topics in each section is more rational, and the terminology used is more technical and precise. Everything redounds to greater clarity that is beneficial in a special way to the sections dedicated to divine worship and governance. This last section was particularly delicate during that period that was sensitive to personal rights and juridical subtleties.

d. Constitutions of 1745

During almost two centuries the juridical structure of the Congregation remained practically intact. Neither the Ceremonial of 1697 nor the Constitutions of 1745 introduced relevant changes, in spite of the fact that the talk about their revision had been

⁴⁵ Diego de Santa Teresa, *Historia general de los religiosos descalzos del orden de los hermitanos del gran padre y doctor de la Iglesia san Agustín, de la congregación de España y de las Indias* 3, Barcelona 1743, 134 y 182.

going on for several decades. The General Chapter of 1700 authorized the Provincials to prepare for the next intermediate Chapter of 1703 a general plan of amendments that had to be made in both the Constitutions and the Ritual.⁴⁶

The Ritual of 1697 was only a re-edition of that of 1664 and continued in force until 1938. The Constitutions reproduced almost with absolute fidelity the legal structure, religious inspiration and even the language of those of 1664. Even the prologue that bothered Fr. Mayandia so much for its insistence on omitting the pontifical confirmation,⁴⁷ was, in most part, a literal copy of what Pedro de San Pablo had inserted in the edition of 1664. Only the section on governance, that included several pontifical decrees already in effect and minutes approved in the three General Chapters, offered notable changes. The principal novelty had reference to the naming of the successor to the Vicar General in case of natural death during his reign. The Constitutions of 1664 called to substitute him one of his antecessors –one who was immediately available – or in the absence of all of them, the Provincial of the Province to which he belonged to substitute him. His reign would last only until the next Feast of the Pentecost, in which the General Chapter necessarily had to be convoked. Those of 1745 transfer the right of succession to the Provincial of the Province of origin of the dead and extend his reign until the end of the current six-year term. Other provisions raised to four the number of the General Councilors, and limited the right to take turns in the election of the Vicar General to the three Peninsular Provinces and described with greater precision the figure and attributions of the Provincial Rector. The other changes affected the arrangement of the topic, the redaction or typographical presentation. Some improved the text and others made its reading easy. Quotations from recent papal documents were included and some odd addition about secondary topics that frequently had something to do with the progressive consolidation of the Provinces. The legislation on the prayers for dead religious can serve as an example. The Constitutions of 1664 did not make any distinction among Provinces (p. 6). However, those of 1745 regulated three Masses for religious of the same Province and only one for the religious of other Provinces (p.6.).

3. XX Century, A Constituent Century

a. Adaptation to the new purpose of the Order: Constitutions of 1912

During the second half of the XVIII century and the entire XIX century there were no constitutional changes, in spite of the fact that during this time the Order had undergone great changes in her structure and her activities. She lacked tranquility and freedom to bravely confront them. The hostility of the Bourbon rulers, the War for Indepen-

⁴⁶ *Capitulum generale XVI*. Año 1700, acta 24: “It was decided that in as much as there are in our Constitutions some doubts caused by deficiency or lack of proper expressions, this present Chapter empowered the venerable Fathers Provincial mentioned above each accompanied by religious or religious whom they consider competent, formalize, explain and sorteen our Constitutions, without altering their substance, but only composing them in the best possible way, and they will also do the same thing with the Rituals....”: AO 4 (1956-1957) 201-302.

⁴⁷ MAYANDÍA], *Orientaciones*, 72-80.

dence and the persecution of the liberal government, which would end in the disintegration of Provinces in Spain, created an atmosphere of insecurity in which the Friars could hardly think of anything but to survive. It was only during the last lustrums of the XIX century when some religious of the Province of the Philippines, the only survivor, worried by the existing dichotomy between the legal life and actual life of the religious, started to advocate for a change of Constitutions. They were in existence already for two centuries and were meant for a conventual type of life, while the members were all-out for apostolate. Many of the norms had fallen into disuse and others ignored and even contradicted the directives of the Roman Curia. This dichotomy had pernicious effects in the Order. The principal was the disrespect for the law. A law that follows paths that are very distant from life, that does not guide daily task nor responds to the much felt needs falls into disgrace and oblivion. It also favored subjectivism of the Superiors and sometimes led to arbitrariness and authoritarianism.

One of the first religious who noticed the urgency of submitting the Constitutions to a profound revision was Fr. Leandro Arrué, Provincial of the Philippines from 1879 to 1882. In December of 1881, in a kind of pre-capitular list of topics sent to all voters, he suggested the need to tackle the topic in the next Chapter.⁴⁸ But his motion must not have found sympathetic response. It was only in the midst of the confusion that followed the Philippine revolution, when everything passed through the sieve of criticism, that the urgency of submitting the Constitutions to substantial change was clearly seen. In 1900 the Apostolic Commissary and the General Procurator touched on the topic in letters to the Cardinal Protector and to some competent religious of the Order⁴⁹. The idea was gradually gaining ground. In September of 1903 the Provincial of St. Nicholas again lamented the lack of an appropriate legislation.⁵⁰ In winter of 1904, the General Secretary, on his own, started their systematic revision. But it seems that he was not the person fitted for the case. Neither his meticulousness, his inadequate canonical preparation nor his arc-

⁴⁸ 48 «Would it be convenient, after having obtain the permission of Our Father Apostolic Commissary, to form a committee of four or more Fathers, the most fitting, so that, with sufficient time, study and prayer, they may revise our Constitutions and, if possible, change them and adapt them to the special way be being and living of our corporation in the country, and propose it later for approval by those concerned?» cited by M. CARCELLER, *Historia genral de la orden de agustinos recoletos* 12, Madrid 1974, 407. It seems that the question was profoundly treated. The Provincial Chapter limited itself to recommending the frequent reading of the Constitutions that were in force. *Ibid*, 410.

⁴⁹ I. Narro, Carta a M. Rampolla, 26 abril 1900; E. PÉREZ, Carta a M. Bernad, 8 junio1900: RAMPOLLA, *Correspondencia*, 129, 150.

⁵⁰ Explanation of the counsel of the Province of St. Nicholas to the Apostolic Commissary, Marcilla, September 4, 1903: “The primary cause and the most principally felt and which is as the cause of the lack of concerted efforts of the organisms and all individuals of the Province, of the inefficacy of the determinations of the Superiors of the same Province and of the efforts of the subjects is the absence of corpus that contains provisions that bind all in conscience, because doubts about the force of many of the actual norms, the non-observance of many of them, particularly the first and second parts and the entire section number 5, which, being a penal section, contains something that is of great transcendence for the observance of regular life, the lack of clarity about the attributions of each governing entity and the certitude that our code is not adapted to the needs of the present times are causes that make the Superior hesitate, how would the formal defiance to authority be...” *Libro de resoluciones, determinaciones y acuerdos del definitorio provincial 1902-1923*, 8r-9r: AM libro 24.

haism allowed us to hope for positive result. The Apostolic Commissary did not have confidence in him and in October of the same year he commented with Fr. Enrique Pérez the convenience that he assumed the responsibility of doing the task. In the Order he could not find one in a position to undertake it with assurances of success. His intellectual capacity, his knowledge of the more recent laws of the Church and his long experience in the curia appeared to have predestined him for the task. On the 20th of February of 1905, after having surpassed a weak resistance of Fr. Enrique, he officially entrusted it to him.

Father Enrique bowed his head and got down to work. Immediately a plan of work was drawn, and he remained faithful to it until the task was accomplished. Despite everything, the elaboration of these Constitutions was extended for four lustrums and at the end they did not enjoy total juridical validity, because the General Chapter of 1920 did not believe it timely to give them the third and last approval “because it is necessary to insert in them variations and additions in accordance with the mandate of canon 489.”⁵¹ Too many opinions and, above all, the Code of Canon Law of 1917 with its new demands have crossed their way. However, they had practical validity, since the intermediate Chapter of 1911, with authority received from the General Chapter of 1908, gave them the first approval, ordered to print them and declared them obligatory “until the next General Chapter.”

At the beginning of the following year they appeared in public and were placed on the hands of all the religious. It was a volume of almost 400 pages in print. Besides the Constitutions, it also contains the Rule of St. Augustine, a series of 18 pontifical documents and of Roman congregations that had reference to religious state and some rules. The Constitutional text, edited in juridical and clear language, scrupulously adhered to the prescribed order and was arranged into parts, sections, chapters, articles and numbers.

In addition to a preface or prologue that specified the purpose of the Congregation and the means to attain it, the constitutional text had seven parts. The first was about admission, profession and formation of the novices and professed. The second explained the obligations of the religious state, that is, the vows, the acts of worship, the divine office, conventual Mass, mental prayer, confession, etc. Under the heading of “regular observances,” the third part gathered together norms on very different aspects, such as the material structure of the houses, common recreation, the care for the sick, the exemptions and privileges, the solution of matters of conscience, silence, the cloister even the hermitages and houses of stricter observance, *strictioris observantiae*.⁵² The fourth section contained the penal code, that is, the violations and penalties or punishments. The fifth, one of the most novel, regulated the studies, class and administration of colleges, obligations of rectors, preparation and appointment of lecturers, subject matters, duration of school year, libraries, proper studies, etc. Most of it was written by Fr. Fernando Mayandía. The sixth section, a totally new one, indicated the apostolic activities and areas: confession, preaching, mission among the faithful and infidels, parishes, which

⁵¹ «The Rules and Constitutions of each Religious Institute that are not contrary to the canons of the present code remain in force, but those that are against the same are abrogated.”

⁵² *Regula, et Constitutiones Fratrum Discalceatorum, seu Recollectorum Ordinis Eremitarum Sancti Patris Nostri Augustini Congregationis Hispaniæ et Indiarum*, Madrid 1912, 89-93.

could be accepted only in extraordinary cases, with the permission of the Vicar General and applying the necessary precautions;⁵³ attention to the confraternities, catechesis, establishment and direction of schools, particularly in mission lands, labor organizations, prisons and hospitals. The last and the longest – it occupied 38 % of the text – was devoted to the governance of the congregation, that is, to elections, general, provincial, and local governance, and to the possession and administration of material goods.

The novelties were numerous and relevant, but, perhaps, not the saturation that a superficial reading of both would suggest. As was expected, the most significant had reference to apostolate and governance, two aspects in which the Congregation had experienced notable changes. They would also differ in the distribution of topic and language. Less differences are observed in spiritual direction, and it is because Fr. Enrique was faithful to his intention of always preserving, as much as possible, not only the spirit, but also the distinctive quality and words of the old editions. “I have tried,” he wrote to Father Mayandia in February 1908, “to adapt the Constitutions to the first ideals of our being disclaled monks and to the way of life that we have adopted, so that neither those may be an obstacle to this, nor this may make us forget those.”⁵⁴

The publication of these Constitutions did not put an end to the constituent process, because they never went beyond being a project, a provisional text subject to improvement. The Councilors and General Chapters continued focusing their attention on them, naming commissions, proposing changes and asking suggestions from the religious. I believe this procedure is harmful. It did not improve the text, but weakened its authority and encouraged differences, envies and confrontations that did not favor fraternal life in community.

Many religious saw them as a very personal work of Fr. Enrique, who was considered with mistrust by some circles of the Order. But the hardest criticism came from the pen of his friend, Father Fernando Mayandía, an influential person in the Order, a man of keen judgment, educated, but also controversial and wounded by a series of events that had kept him behind the scenes. In a remarkable book, in which perhaps with sincerity and courage he probed deeper into the life and tradition of the Order, he branded them as long-winded and meticulous, and condemned its taste – very peculiar, on the other hand, to the juridical style of that era-, for their divisions and subdivisions, that makes the reading of it tiresome, and, above all, he deplored the use and abuse of the prohibitions and the excessive importance given to authority to the detriment of the interest of the members. He believed the privileges of the former superiors as worthy of a prince and those of lecturers or professors as despicable. Besides, privileges should never be automatic, but

⁵³ Ex ordinaria regula fratres nostri curam animarum exercere, vel alicuius paroeciæ administrationem accipere minime oportet. Poterit tamen P.N. Vicarius Generalis ad provincialis petitionem, id permittere, dummodo in Ordinis bonum sit cessurum: servatis omnibus quæ de jure sunt servanda: adhibitis etiam cautelis, ne disciplina regularis aliquid exinde accipiat detrimenti. Tunc enim parochiale munus præcipuo nostro ministerio minime opponitur: immo nostris missionibus est fere assimilandum, iisdemque regulis moderandum»: p. 156.

⁵⁴ José Javier Lizarraga, *El padre Enrique Pérez, último vicario y primer general de la orden de agustinos recoletos*, Roma 1989, 399-429

should always depend on the good performance of their offices.⁵⁵ He likewise observed in it a disturbing deficiency in Mariology.⁵⁶

b. Adaptation to the Code of Canon Law (1917): Constitutions of 1928-1937

The Code of Canon Law of 1917 ordered the adaptation of the Constitutions of the religious Orders to its norms. The General Chapter of 1920, taking note of the instruction, set aside all works accomplished until then and gave them new direction. The Constitutions of Father Enrique will be in force only until the promulgation of the definitive ones, and recommended their elaboration to a new commission of three religious who were not members of the council and given very broad faculties “so that it can fulfill its task with total freedom and can dedicate to it all the time necessary, and finish it at the shortest possible time.” In order to make their task easier all existing materials be given them and be allowed to consult canonists.⁵⁷

The urgent tone of the proceeding of the Chapter revealed the desire to do away with delays and doubts and immediately obtain the promulgation of a definitive text. However, neither the General Council nor the intermediate Chapter of 1926 had taken steps towards that direction. Very different was the conduct of the General Chapter of 1926 and of the Superiors elected in it. The Chapter ordered the continuation of the works with maximum urgency and utilized all the necessary means. The revision of the Constitutions had to be accomplished within the period of one year only “starting from the end of this Chapter,” and it would immediately be presented to the Holy See. Both the preparation of the text and its defense before the Holy See had fallen upon the commission of the three religious provided with broader powers. The minutes did not differ in anything from the previous Chapter. But it changed the determination of those responsible for their execution. As soon as the Chapter had concluded, the General made public the names of the members of the Commission. They were Eugenio Cantera, who acted as the President, Pedro López and Manuel Fernández. Towards the end of the month of June the three were already in Villaviciosa de Odón and did not come out from there until they had finished their task.

“The commission,” wrote its president, “worked continually and tirelessly in order to satisfactorily fulfill its delicate mission. It studied, compared, and thoroughly ex-

⁵⁵ *Orientaciones*, 170-196. At the end of this chapter (194-96) he advocated for the creation of periods of bonding and enjoyment that are very necessary for both the individual religious and the community itself. He proposed the festive celebration of the entrance to noviciate, of the profession, and of senior citizenship... In order to combat the increasing isolation of the Provinces opportunities for reunion, such as the feast of the patron of the Province, invitations to preachers, educational trips... must be created.

⁵⁶ *Ibid.* 196-209.

⁵⁷ *General Chapter of 1920, session on May 21*, cfr. *Actas de los capítulos generales* 1, 111-112: *AGOAR*. The members of the commission which was set up on 24th of May, during the first session of the plenary counsel, were Fathers Enrique Pérez, Francisco Bergasa and Manuel Fernández de San José, *Ibid.*, 130. On the 20th of July of the same year the General Counsel decided that they would have their sessions in the Convent of San Millán: *Actas del Venrable Definitorio General* 1 1901-1925, 339-340: *AGOAR*.

amined documents and papers, papal state or historical documents and ecclesiastical laws, Chapter minutes, special reports, ancient and modern regular observances, drew new regulations and adopted new plan in the distribution of parts and chapters of the future Constitutions, it did what it could to draw up a legal corpus, juridical system, of our Constitutions, adapting them to the Code of Canon Law actually in force in the Church. In a short period of six months it carefully worked out an entirely new plan having a form that was more logical and canonical than that of the previous ones.⁵⁸ It could or could not be correct in everything, but no one can label it as not having used all the means and resources that were within its reach to be able to accomplish in the most proper way possible the mission entrusted to it by the last General Chapter.”⁵⁹

On March 27, 1927 the commission finished its tasks, and several days later, Cantera went to Rome to present them to the Congregation of the Religious and to push for their approval. In Rome he could choose between two possibilities: he could do without the pontifical approval, following its normal procedure, which was, in addition, the one that corresponded better to the norms prescribed by the Congregation of Religious in 1921,⁶⁰ or explicitly ask for it, as desired by many religious, among them Cantera himself. In this case, he was afraid that he had to bear the long and tedious process that is applied to the congregations of simple vows. That was actually the first response of the Congregation, but later it accepted the reasons of Cantera and limited itself only to one demand: the vote of only one consultor. The consultor started revising the text in the middle of the month of March and did not cast his vote until January 31 of the following year. His vote did not please Cantera and the Congregation which decided to ignore it and assumed responsibility of revising it itself through its officials. Cantera sums up those weeks filled with anxieties and fears in the following words:

“The Congregation examined point by point all our Constitutions. It asked us to explain several points, it put forward numerous difficulties, made countless number of objections. To everything we responded, either with written information, or with oral defenses. Phrases were analyzed, the value of the laws were examined, the new part was contrasted with the old of the Constitutions in order to find out what needed to be revised, added or taken away. There were some points that were difficult to solve, which gave rise not only to discussion, but also to discrepancy and difference of opinions between them and us. In such cases, the debate was put off for the following days in search for light and juridical formula that would express the proper meaning of the constitutional laws [...] It was during this examination and discussions that the Congregation came to realize the need of revising various points of transcendental importance in traditional laws. Such

⁵⁸ The Commission started its works on the 1st of July 1926 and finished them on the 27th of January of 1927, but because of the absence of one of its members, sessions could not be held in the month of September.

⁵⁹ Eugenio Cantera,, *Comentarios a las nuevas constituciones de los agustinos recoletos*, Monachil (Granada 1929), 24.

⁶⁰ «Ad hanc sacram congregationem mittendæ sunt tantummodo Constitutiones, statute aut quocumque alio nomine appellentur, quibus regitur Religio, quorum textus a Sede Apostolica approbatus fuisse constat»: *AAS* 13 (1921) 358.

*are those which refer to the re-election of offices, the succession in the Generalship or Provincialship, the new canonical procedure of election of General or Provincial functions, the manner of conducting elections or nominations in the plenary assembly intra capitulum, suppression of alternates, nominations of spiritual directors, etc, etc, all these things the Congregation ordered to be inserted into the new Constitutions. Finally, after intense work and profound study the Congregation finished its examination and revision towards the end of March of last year.”*⁶¹

The joy of Father Cantera did not last long. When he believed that he had the decree of approval in his hands, there arose an opposition from the Augustinians, which was about to throw overboard all his efforts. During the entire debate they had been maneuvering behind the scene and had gained support which they now try to utilize to their advantage not only to block the approval of the Constitutions, but also to deprive the Apostolic brief *Religiosas Familias* of any validity, and in that way put an end to the juridical autonomy of the Recollection. Fortunately, Father Cantera was able to stop the blow by refuting the charges of the Augustinians based, as he says:

*“on legal texts that are impossible to apply to us; it was proven that the bulls of Julius II and Leo X, which the Augustinian had been alleging since three centuries ago, did not affect us in any way; ⁶² their falsifications of many facts of recent date, which we do not want to remember were discovered; in a word, there was no point or doubt left which was not made clear so that truth and justice might prevail [...] Pius XI recognized our total right, our total independence, in fact and by right, from the shod Fathers, the validity of the Pontifical Brief **Religiosas Familias** obstinately denied by the Augustinian Fathers, declared that the turbulent Bulls of Julius II and Leo X proved nothing in the dispute caused by the Augustinian Fathers; in a word, confirmed all our rights as a religious Order, without limitations and reservations of any kind. If, the 12th of June of 1928 will always be memorable for all the Augustinian Recollects and we should write it in letters of gold in the annals of our history, it would not only be for the fact that the new Constitutions of the Order have been approved, but even more for having resolved once and for all the dispute between us and the Augustinians publicly and solemnly admitting our rights and juridical and historical personality on the same level that all the other religious Orders have.”*⁶³

In these statements of Cantera some novelties of these Constitutions are clearly seen: the possibility of re-election, suppression of alternate in the election of Generalship, the presentation of the figure of the spiritual director – one of the first would be Fr. Pedro Corro-. But there are many more. The seven parts of the previous were reduced to four and ordered in a more logical manner. Repetitions disappeared and the plan suggested by the code in part II and book II was closely followed.

⁶¹ CANTERA, *Comentarios*, 28.

⁶² Still they would again give it as a reason or proof in a recent conflict on the Recollect Nuns.

⁶³ *Comentarios*, 29-30.

The text started with a very extensive first part dedicated to the government of the Order, that is, to the rights and duties of the Superiors, which for Cantera, constituted the primordial element of every society.⁶⁴ For the first time in our constitutional history the residence of the Councilors was fixed at the General House and the distinction between extraordinary and ordinary assembly was cancelled. The General could convoke an assembly whenever he deemed it necessary or convenient, without the old temporal limitations; the Commissaries or Vicar Generals would have the same faculties. The Councilors, on their part, could suggest themes to the assembly for consideration without the need of putting them in writing.

Part II, subdivided into three sections, regulated the life of the subjects: admission, novitiate and profession, obligations derived from the vows, about ecclesiastical law and particular rights, and regular observances. This last section was very similar to Part III of the Constitutions of 1912.

Part III defined in detail the means conducive to the attainment of the special purpose of the Order, which was no other than ministerial, missionary and educational apostolate, and gathered into one part the material that the previous Constitutions had distributed into two parts: one dedicated to studies and another to the exercise of ministry. No greater novelties can be observed in this part either. Both the specific norms and the spirit that animates them are very similar in both Constitutions.

Part IV, which is the last, was dedicated to penal code according to traditional practice of the Order and of the new canonical discipline. Father Enrique had preferred to place it at the center of the constitutional texts, immediately after the part reserved for governance.

Cantera insistently repeats in his *Commentaries* that the plan was rational and canonical – that is, more rational and canonical than the previous ones –, and that, consequently, gave origin to a more technical *corpus juris*, better structured and more similar to those of the other Orders. Its principal merit was the pontifical approval. Although it was not necessary and it moved away from the Augustinian tradition that since the middle age had opted to do without,⁶⁵ it was a guarantee of sound judgment and, in our case, a life insurance. The recent disputes with the Augustinians had made clear the usefulness of having an explicit approval of the Pope.

⁶⁴ *Ibid.*, 79.

⁶⁵ Jordán de Sajonia, *Liber Vitasfratrum*, II, 14, ed. de R. Arbesmann y W. Hümpfner, New York, 1943, 175: «Quæ Constitutiones postmodum exhibitæ et præsentatæ fuerunt D Clementi Papæ V per V.P.M. Alexandrum de Sancto Elpidio Generalem, et ab ipso summo Pontifice fuerunt collaudatæ, non tamen confirmatæ, quod pro bono Ordinis est omissum. Non enim Ordini expediret Constitutiones nostras per sedem Apostolicam confirmari quia nonnumquam ex causa expedit, pro temporis varietate, aliquid immutare; quod fieri non possset, si essent per Sedem Apostolicam confirmatæ. Statuta enim per ipsam Sedem ex certa scientia confirmata, nequaquam infringi possunt, nisi de mandato, et voluntate Summi Pontificis speciali [...] Quare multum expediens esse pro Ordine dignoscitur, quod statuta et acta capitulorum generalium, quando opus fuerit, ita Domino papæ exhibeantur ut per ipsum approbentur, et collaudentur, non autem confirmentur»: approbentur, et collaudentur, non autem confirmentur»:

But not everything is perfect in them. They had their limitations, even if Cantera, very justly proud of his work, did not notice. They were excessively aseptic, attentive, above all, that nothing in the life of the Order remain without its proper direction. And, above all, they showed very little respect for proper tradition which was completely ignored, thus widening the ditch that separated us from our origins. The old vocation to interiority and life in community became blurred. Their decidedly vertical concept of community – “in every society the principal element is the authority or the superiors, after come the subjects”⁶⁶ has very little in common with the rather horizontal community delineated by the *Rule*. Augustine talks first about the members and later about the authority, reduced, moreover, to the rank of its member, even though he is absolutely necessary and pre-eminent. The damage was not greater because the religious thought of that time, imbibed with asceticism, was going towards the same direction as the old Recollection.

These Constitutions had seven years of novitiate, during which they showed very capable of safeguarding life in common – “apertissimae habitae sunt ad regularem disciplinam servandam” - . Consequently, having been submitted to the final approval of the Holy See, there was scarcely any need to modify them. On the 9th of May of 1936 Pius XI approved them “cum quibusdam mutationibus et additamentis.”⁶⁷

A synoptic view of both texts reveals that the changes were very slight. Some affect only the terminology. For example, the provincial delegates came to be known as superiors of the missions; preparatory colleges became apostolic colleges; colleges of philosophy and theology became convents. Other articles simplified the previous norms in matters like novitiate, the promotion to sacred orders, the appointment of lecturers, the public exercises of the students, the matter and form of dress and shoes. The prohibition of wearing shoes disappears, the wearing of white collar when traveling is allowed, there is no more reference to inventory of the libraries... However, the section dedicated to confraternities and religious associations connected with the Order is enriched. In conclusion, the final text was shorter than the provisional. Of the 590 numbers that this last text had, 40 were suppressed or, more frequently, re-elaborated and integrated into other numbers.

These changes gathered the proposals of the General Council and also of the General Chapter of 1932, which examined the whole text with greater attention. The task of systematizing and presenting them to the Congregation of Religious was again entrusted to Father Cantera to whom the General Chapter of 1938 solemnly expressed its gratitude: “The present General Chapter knowing about the lengthy and difficult task accomplished by Rev. Father General Councilor Fray Eugenio Cantera de la Sagrada Familia until the approval and printing of our new Constitutions and of the Ritual, agreed to officially

⁶⁶ CANTERA, *Comentarios*, 79-80.

⁶⁷ *The Decree of the Congregation of Religious definitely approving the Constitutions*, Rome, May 19, 1936: *Constitutiones Ordinis Recollectorum Sancti Augustini, auctoritate Pii XI recognitæ et approbatæ. Regula S.P. Augustini præmissa*, Roma 1937, 3.

show to the mentioned Father the gratitude of the Chapter, at the same time applauding his very meritorious and very commendable task.”⁶⁸

C. Adaptation to the II Vatican Council: Constitutions of 1969, 1974, 1983.

The Constitutions of Father Cantera were very well accepted. For several decennials nobody thought of their revision. The first project started with the General Council, which in 1962 included it in the list of topics for the next General Chapter and recommended its study to Father Feliciano de Ocio, former Prior General and an expert in law. He recommended the revision or, at least, the explanation of certain points. He did not like, for example, “the exaggerated dryness in the formulation of laws.” But he believed that the Chapter could not undertake the revision. It would be preferable “to convoke an extraordinary Chapter or, at least, a special delegation of the Provinces in order to approve the text once it is adapted.” The nearness of the Council dissuaded some Capitular Fathers to force the march. It would be convenient to wait for the decisions of the Council and, meanwhile, to be content with some light adaptations that would not greatly alter the actual text and would only be in force until the next General Chapter.⁶⁹

The vocals of that Chapter could imagine only with difficulty the task that awaited their successors in the Chapter of 1968. The II Vatican Council was held within the period of time that separated the two Chapters, and in it were heard loud voices calling for a profound renewal of the Church, both in her internal constitution and in her relations with the world. Many of those voices came out from the hall of the council to the newspapers, to books, and, above all, to the Council documents. In them the Church gave, or at least, wanted to give answers to the problems, old and new, that were boiling inside her and in the entire society, and wished to do it in a new way. She renounced censorship and confrontation in favor of moderation, of respect and of cultural dialogue, and approached this dialogue with ideas that are partially new and, above all, with conciliatory attitudes. The faithful were invited to take note of this new plan of action and to adapt to it their worldview. The religious, in particular, we were urged to examine our life in the light of the Gospel, of its primitive inspiration and of the demands of the present society. In the following years all institutes must revise their legislation.

Our Order immediately responded to the mandate of the Council. On the very same day of its conclusion, on the 8th of December 1965, the Prior General addressed a circular to all the religious. In it he commented on the fruits already reaped by the Council and referred to others that would be gathered, which, without doubt would be abundant and would produce more seeds. Among us he made them dependent on our fidelity to its teachings and the generosity of our response to its urgent invitation to personal and communitarian renewal:

⁶⁸ *General Chapter of 1938, session of 4th of July: Liber I Capitulum Generalium Ordinis Recollectorum S. Augustini (1908-1956), : AGOAR*

⁶⁹ *Liber II Capitulum Generalium Ordinis Recollectorum S. Augustini (1962-68), 21-22: AGOAR.*

“On the bases of this spiritual renewal, the Council likewise wishes that Constitutions, ritual, books of practices, etc., etc., etc., conforming them to the documents of the Council, removing what is antiquated and be sufficiently revised. Adapting them to the conditions of these times, very different from the previous ones (n. 3). All institutes need this updating of their legislation. We, too, need it. A summary study of the Constitutions and of the Ritual is enough to make us aware, for example, that they are intended for a small Order, without any other activities than the houses of formation, missions and parishes. The conditions of the Order are very different today and requires the adaptation of its legislation to actual needs, with one’s vision directed to the future.[...] It is something that is of greatest importance and demands a deeper examination of the motives that inspired the foundation of the Order, of the goals that were being sought to achieve, of the spirit of our founder and its orientation and of everything that constitutes the patrimony of the institute, so that they may serve as guide and the adaptation of the laws may be brought to completion without losing anything of the peculiar spirit of the Order, but rather strengthen it (PC 2b and d). Only the General Chapter with its supreme authority can perform this delicate mission of revising our legislation, having in mind the decrees of the Council. Meanwhile, nobody can introduce changes in our actual legislation by his own initiative or whim. Our only obligation is to observe our laws with greater fidelity, “the hope of renewal must be placed not so much in the multiplicity of laws, but in a more faithful observance of the Rule and the Constitutions.”⁷⁰

The General Council did not waste time. On August 6, the 6th 1966, on the day that Paul VI made public his *motu proprio Ecclesiae Sanctae* with the concrete norms on the application of the guidelines of the Council, it was already at the stage of approving the questionnaire that must serve as the groundwork for the revision of the Constitutions in the next chapter.⁷¹ The following day it sent it to all solemnly professed religious with the instructions on how to answer it and a circular that explained its scope and its content. The questionnaire, divided into twelve sections,⁷² covered the entire Constitutions. The answers, individual or collective, must reach Rome “in duplicate [...] and duly signed, [...] within three months from the time the questionnaire is received.”⁷³ The reply of the

⁷⁰ AO 9 (1965) 143-156; the quotation in 146-147.

⁷¹ *Session of 6th of August of 1966*: «Finally, they deemed it convenient to initiate at this time the works for the adaptation of the Constitutions, according to the orders of the II Vatican Council, starting with the consultation of the opinion of the religious, as it is mandated in the Decree *Perfectae Caritatis*, and the questionnaire to be sent to them was very carefully examined and studied and was unanimously approved. It was also agreed that said questionnaire be edited in Spain and a copy of it be sent to all the solemnly professed religious both priest and brothers, who should reply within three month starting from the time of their reception of the questionnaire, and send signed two copies their answers to the curia:” General Councils, Libro Quinto (1960-68), 243.

⁷² They were the following: 1. Purpose and Nature of the Order; 2. Governance of the Order ; 3.The Brothers; 4. Religious Observance; 5. Exemptions; 6. Formations; 7. Interprovincial Colleges; 8, Colleges for Externs’ 9. Apostolate; 10. The Missions; 11. Penal Code; 12. Constitutions in General: AO 10 (1967-68) 44-45.

⁷³ AO 10 (1967-68) 20-31.

friars was satisfactory. Four hundred fifty (450) religious responded individually or in group, that is 37 % of the religious polled.⁷⁴

Seven commissions were appointed in February of 1967, they would be in charge of studying, classifying and systematizing the answers. They must give special attention to mental prayer, mortification, poverty, life in common and the formation of the religious. By way of conclusion, they would prepare in writing two plans of action. In the first they would include “*ea quae sunt maioris momenti per se stabilia, non mutanda sine maioritate qualificata duarum et tertiis partibus votorum et sine Sanctae Sedis approbatione;*” in the second, “*«ea quae sunt minoris momenti, mutabilia sola maioritate simplici ad tenorem c[anonis] 101, p. 1»*”. Both plans must be in Rome by the end of September, so that the General Council could send it on time to the Provincial Councils. All previous materials could be archived in Rome where it could serve both the central commission and the members of the Chapter and even the post-capitular investigations.⁷⁵ In December 2 the seven plans of action prepared by the commissions, bound into one fascicle, were sent to the vocals of the chapter and to the Provincial Councils.

The Central or Coordinating Commission was composed of seven members under the direction of Fr. José Abel Salazar.⁷⁶ It was formed on December 4, 1967 and was given the task of putting into one the plans of action prepared by the other commissions and to carefully work out with them a constitutional plan that would facilitate and expedite the deliberations of the Chapter.⁷⁷ It started the elaboration of the plan on January 15, 1968; in April 4 it finished it and immediately sent it to the vocals of the Chapter. The plan was widely debated at the start of the Chapter. After seven days of debate the vocals voted for its acceptance or rejection as a basis or point of departure of the Chapter’s deliberations. The result was positive. 34 vocals voted in favor, 3 against and 1 conditional. From that time on, the Chapter had a guide that would direct the debate and would help them save time. But this did not mean that it stopped submitting it to implacable analysis. Its doctrinal and spiritual orientation, its juridical structure, its language, its concrete norms, everything was very carefully examined and from very different angles. In four months of discussions there appeared an indefinitely large number of opinions and there were also moments of tension. The debate became particularly passionate on matters related to the nature and purpose of the Order, the practices of piety, the demands of common life, the formation of young religious, and brothers of obedience, and, above all, on the governance of the Order. Some wanted to form Vice-Provinces, restore the Interme-

⁷⁴ [Francisco Lozano], «*Synopsis Responsionum ad quæstionem “De accomodata renovatione”*»: AO 9 (1965-66) 362-364.

⁷⁵ «*Litteræ quibus Vicarius Generalis, absente Rev.mo, nuntiat commissiones esse constitutas*» y «*Normæ a Definitorio Generali emanatæ præ oculis habendæ in studio Quæstionarii et responsionum*»: AO 10 (1967-68) 32-44. Numbers 214-216 and 219-275 of the Constitutions, pertinent to noviciate and profession, were not assigned. In November 14, 1967 the oversight was remedied with the appointment of a new commission, that would submit their conclusions to the General Curia in the first half of the month of January of 1968: *Ibid.* 180-181

⁷⁶ The other members were Victor Hermosilla, José Alesón, Serafin Prado, Rubén Buitrago, Jesús Legaz y Lauro Borges Carvalho. All of them belonged to one of the previous commissions: *Ibid.* 181.

⁷⁷ AO 10 (1967-68) 181.

diate Chapters and, above all, reduce the authority of the Prior General and of all the other Superiors in favor of their councilors.

Of lesser importance were the differences that resulted from certain concrete moments as in the well-known debate on the acceptance of the plan of the Coordinating Commission, on the date of the election of the General, which a significant group of vocals wanted moved forward so that it could attend the audience of the Holy Father,⁷⁸ on the possible suspension of the Chapter;⁷⁹ on the type of document that must gather its conclusions. A triple possibility was considered. Some were satisfied with simple decree preceded by a doctrinal introduction. Others advocated for delegating the revision of the Constitutions to a Post-Conciliar Commission and limit the action of the Chapter to formulation of principles that must direct the work. Others believed that an authentic constitutional text must be drawn up. Finally, the capitulars decided in favor of the last option, in spite of being the most laborious,⁸⁰ and they produced a constitutional text that seemed to completely respond to the norms of the Holy See. It had in mind the demands of the Gospel, the original inspiration of the Order and that of the modern society that the Decree *Perfectae Caritatis* talked about, it judiciously blended juridical, doctrinal, and matters pertaining to exhortations or admonitions which, according to pontifical regulations of those years, must be present, in one way or another, in every constitutional text. The very little attention given to formation could be surprising. But it was a conscious and prudent decision. It seemed to them not the proper time to make pronouncement on matters that were being discussed in the Roman Curia:

The Father General in his Decree of Promulgation admitted that “the new text does not claim to be complete” “It has its lacunas that need to be filled up gradually following the norms established by the Chapter itself. It presupposes, complements, corrects and substitutes the Constitutions officially approved by the Holy See, but does not completely repeal them, rather these maintain their importance in everything that the new text does not repeal or does not oppose it or has not foreseen, or is not completely re-laborated in it. For example, in the new text we do not find either the formula of profession or anything that has to do with the admission of postulant, novitiate, profession, etc., continuing in force what was prescribed in the previous Constitutions.”⁸¹

⁷⁸ The question was discussed by the Chapter during the whole morning of September. The motion was rejected by 22 votes against 19. The audience of the Pope took place in Castelgandolfo on September 14 and went on in an atmosphere of unusual sincerity. In his discourse – the one delivered, not the one published in *L'Osservatore Romano* the following day – the Pope talked with great sincerity. He stressed the importance of spiritual life, the dangers of neglecting traditions and of the need of looking forward and adopting new forms that the society and the Church demand in unison.

⁷⁹ The motu proprio *Ecclesiae Sanctae* (6 agosto 1966), II, 3, foresaw the possibility of celebrating the Chapter in two periods: AAS 58 (1966) 776.

⁸⁰ «*Summariaria capituli relatio*»: AO 10 (1967-68) 357-370; la cita en p. 365.

⁸¹ The omission was intentional. In the session of the 2nd of August, Jenaro Fernández, after giving the information on the works being done in the Roman Curia on the formation, expressed his opinion about the convenience of the Chapter limiting their intervention in that matter only to the exposition of some general principles. After a relatively long debate, in the session the next day, the Chapter approved a double motion of Father Jenaro. The first proposed that the Chapter would limit itself to general principles (35 placet; 4 non placet); and the second, that the redaction of the future *Ratio Institutionis* be entrusted to a post-conciliar commission (placet: 27; non placet: 8; juxta modum: 4): Actas del capitulo general de 1968, p. 81.

Their spiritual orientation and juridical structure are clear and precise, and would not undergo substantial changes in successive revisions. Even the distribution of the material into 10 chapters, with their respective titles and division into articles, was completely carried over to the redactions of 1975 and 1983. Two of their principal good points were the clearness with which they expressed the Augustinian inspiration of the Order and its relationship with the Fathers of Toledo. Today they are realities that have become natural parts of our lives, but before they were true acts of triumph, a novelty that only years of study and investigation had made possible. The presence in the Chapter of vocals, such as Eugenio Ayape, Jenaro Fernández, José Abel Salazar, Tirso Alesanco and Serafín Prado explain both its profound harmony with the conciliar orientations and its unmistakable Augustinian and Recollect flavor. The reading of the acts shows that it was not easy for them to impose their criteria.

Perhaps the Chapter had gone too far in its revision of the Ceremonial. It did away with practices which, since time immemorial, formed part the spiritual fabric of our community and in their desire “to rationalize” their life of piety and asceticism, forgot the dictates of the heart, leaving both in the open air. In their necessary task of sifting, it did not always rightly separate what was dead from what, although sick, was curable.⁸² It did not notice that, as John Paul II would write several years later, that asceticism forms part of the entire religious charism.⁸³ With this choice it contributed to the undermining of the foundations of the optimism that permeated its final message and that experience seems to have proven wrong: “This Chapter has inaugurated a new era of the Order, more rooted in Christ and in the Gospel, more concerned with the needs of the Church and of mankind,”⁸⁴

In addition to being incomplete, it was also provisional, its binding force is limited until the next General Chapter, in which, in conformity with the norms of the Holy See, it must be examined, corrected and completed according to lessons derived from experience. This was how the General announced it in his Letter of Promulgation:

“The Holy See has granted us permission to experiment and test our new laws, that receive their importance from the prescriptions of the Chapter and which can be corrected again in the next Chapter before receiving the definitive sanction.

Therefore, these six years are occasion for study and reflection for all and each one of us. We must start writing down what seems less fitting in the text or less applicable to the actual circumstances, we must examine what is seen as non-

In its second ordinance the Chapter ordered the General Counsel to appoint a commission in order to adapt the *Ratio Institutionis* to the new discipline: *AO 10 (1967-1968) 345.*

⁸² Ordinance no. 9 of the Chapter gives the list of the abolished practices: *Ibid.* 347.

⁸³ «Finally, all these elements are united in the dimension of the charism proper to each Institute, as it were in a synthesis that calls for a constant deepening of one’s own special consecration in all its aspects, not only apostolic but also ascetical and mystical.” *Vita Consecrata*, 71.

⁸⁴ «Message of the Chapter to all the brothers:”: *Ibid.* 353.

viable; to study the way of perfecting the very text itself, in such a way that all of us may contribute with our own observations and reflections to their improvement in the next Chapter. However, I wish to remind everybody that 'the hope of renewal must be placed more in the better observance of the Rule and Constitutions than in the multiplication of laws.' (PC 4).”⁸⁵

These words indicate that neither the closing of the Chapter nor the publication of the constitutional text put an end to the constituent process. The Chapter had excluded it when it ordered the General Council to promote encounters on the application of the constitutional text, the evaluation of the possible experiences and the solution to eventual difficulties.⁸⁶

It does not appear that the Order has accepted these Constitutions with special enthusiasm. At the end of the sexennium the General was forced to admit that there were many religious who were completely ignorant of them or had not paid any attention to them. “It is hard to have to denounce it; but it is the fact. There are many religious who are ignorant of the Constitutions. There are those who are not only ignorant of them but also despise them even without taking the trouble of reading them. Very frequently I have seen that proposals are made and solutions are suggested that were already foreseen in the Constitutions. And when I requested the one who proposed it to read the Constitutions in order to verify that what he was proposing was already said and resolved, has candidly admitted that he had not read them...[...] To this ignorance, which is more extended than one could imagine, I would add another negative aspect: the sense of being provisional that many had given to them. With the pretext that we are experimenting them, that they were not definitive, that the Council allows that we make experiences against the ordinary norm, or other similar excuses, the Constitutions had been consciously dispensed with, or violation against the Constitutions had been committed without any sense of guilt. Neither were they given normative importance sometimes. And at times it had gone so far: they had been considered as outmoded or not responding to the actual demands of the times and ... they had been discarded, organizing their life according to their own criterion.”⁸⁷

The General Chapter of 1974, held in the Monastery of Valle de los Caidos from September to November 15 of 1974, again dedicated most of its time to the Constitutions.

“A very remarkable portion of the time and effort,” admitted the capitulars in their final message, *“was spent... in the revision and adaptation of the constitutional text [...] we have been very aware of the directives of the Church for the renewal of religious*

⁸⁵ The Latin text, the work of Fr. Gregorio Armas, was promulgated towards the end of March of 1969. Towards the end of the same year, a Spanish version prepared by Fr. Francisco Garralda, was made public.

⁸⁶ Capítulo General, acta 2: «Prior generalis cum suo consilio exsequi curet n. 205 textus approbati, et congressus et colloquia inter superiores maiores, cum vel sine Consilio Generali, promoveat, præsertim ad conferendum de meliori modo Constitutiones in vigorem mittendi, de experimentis factis vel faciendis, de difficultatibus forsitan obvientibus, ad renovationem Ordinis et cooperationem fraternam favendam»: AO 10 (1967-1968) 344.

⁸⁷ «The State of the Order,” Rome, September of 1974: AO 14 (1974) 399-429; the quotation in 415.

*life and its fitting adaptation to the present times. We, the vocals, aware of our responsibility and anxiously searching for what is best for our Recollection, reaffirmed with emphasis what is essential in it, its proper nature, and have introduced the changes that have been judged opportune. All religious will study their content and must strive to assimilate and fulfill it, and thus we are confident that they will convert the Constitutions into an effective instrument of personal and collective renewal. The three distinctive characteristics of the Order have been given importance, namely, contemplation, community life and apostolate. The religious will notice this in the first and fundamental chapter of the Constitutions and all throughout the text.”*⁸⁸

That was, in effect, their main novelty. None of those three characteristics was absent in the previous text. But now the three appeared more clearly explained and better woven together. In addition, chapter VII dedicated to formation was practically new. Whereas the text of 1968 had barely 26 numbers (155-193) with 17 pages (84-101). Thus, it filled the lacunas that the previous Chapter had left in its desire not to expose the constitutional text to an immediate revision. In effect, between January of 1969 and June of 1974 the Roman Curia published several documents with the ideas, suggestions and new norms that need be adapted. The most significant were the exhortations *Evangelica Testificatio* of Paul VI (June 29, 1971) and *Renovationis Causam* of the Congregation of Religious (January 6, 1969) on the renewal of religious life according the teaching of Council; the *Ratio Formationis Fundamental* (January 6, 1970) and *Coelibatus Sacerdotalis* (April 11, 1974) of the Congregation of Catholic Education. The Capitulars of 1974, made extensive use of all of them in the redaction of this part.

The remaining chapters also introduce several changes. The sixth dedicates an article with three numbers to special apostolates, but its content was already partly expressed in the previous text (nn. 123 and 143). In the one dedicated to mission it adds an exhortation to foster “among the indigenous the religious life, including the contemplative” (n. 133). The other changes were merely literary style.

These can be seen in abundance in the last three chapters. In general, they have the tendency to make terminology uniform or correct words and obscure, verbose and vague expressions. With particular care they avoid expressions that can limit the authority of the General Chapters or put condition to the exercise of their function; define the organisms before pointing out their functions; they draw better the attributions of the Superiors, Chapters and Procurators; they describe with exactitude the electoral processes, etc... Everything presupposes a careful review of the preceding text and maybe also an experience that had revealed the snare of general or insufficiently defined expressions. With those it gained its juridical structure and also its logical sequence and literary expression. Despite all, there were still many things to be improved in both aspects.

The publication of the *Forma de Vivir* as appendix is worth stressing.

⁸⁸ «Message of the Chapter to all the brothers,» November 15, 1974: AO 15 [1974] 388.

The constituent process, initiated in the Chapter of 1968, concluded, as stipulated by the pontifical instructions,⁸⁹ held in Valle de los Caídos from September 1 to October 15. The preparation of the definitive constitutional text was its main task.

*“The General Chapter, having in mind what was done in the preceding Chapters, has examined, revised and updated the text of the Constitutions, in this way, concluding the task which, with respect to the same, the motu proprio Ecclesiae Sanctae has entrusted to the Chapters of the religious Institutes.”*⁹⁰

A commission which must be appointed “as soon as possible,” would be in charge of editing them prior to their presentation to the Holy See. That commission “could, respecting the mind and the spirit of the approved text, adapt divisions, eliminate possible repetitions, clarify any point that may not have been expressed as it should.”⁹¹

In November 25 the General Council established the Commission and appointed its five members.⁹² This started to work immediately. Towards the middle of January of 1981 it had almost finished its task. It still had one task to do: the revision of chapter VI, dedicated to formation, in which they encountered great difficulties. In June 30 the General Council finished its task after having reviewed four times the text of the editing commission. In July 4 it handed the copy to the Congregation of Religious, which entrusted its study to three consultors.⁹³ Towards the middle of November the Congregation sent its votes to the Generalate. These recognized some values in the text, but, in general, their judgment was very negative. It branded it as excessively spiritual and denounced important juridical limitations that had to be corrected. On November 21 the Council took note of the situation and took the first steps.

“The Council, after having received the “votes” or judgment of the Consultors on our Constitutions presented to the Holy See, makes the first evaluation of the same and sets its plan of work. [...] At the first reading of the “votes” Father General discovers the following:

1. Positive aspects: sound and sensible doctrine, carefully done text, good and, in general, precise; a return to the fountains and to St. Augustine; abundance of spiritual texts.

⁸⁹ *Ecclesiae Sanctae*, II, 3 y 6: AAS 58 (1966) 776.

⁹⁰ «*Ordinances of XLIX General Chapter*,” 1: AO 18 (1980) 249. In the XV session (September 9) the Chapter accepted with unanimous votes the Constitutions of 1975 as bases for debate. Then it devoted to its study 28 (15-42) of its 47 sessions: *Actas*, 120-401.

⁹¹ Acta 17, *Ibid.* 256.

⁹² Manuel Larrínaga, president; Tirso Alesanco, José Alesón, Manuel Gutiérrez y Ángel Pérez Garrido, members: *Ibid.* 286.

⁹³ On July 14 the Congregation acknowledged receipt and allowed their temporary observance, on condition that inserted changes respect faithfully the purpose, nature and the proper character of the Institute and are not contrary to the common law”: AO 19 (1981-1983) 101-102.

2. Negative aspects: lack of juridico-spiritual balance; confusion between fundamental text and the additional code; great portion of the juridical texts are erroneously found in the additional code; chapter VI should be part of the Ratio Institutionis; the absence of norms on the binding force of the Constitutions; doctrinal deficiency on the “separation from the Order,” article III, chapter X does not include all possibilities. Next, each Councilor casts his judgment on the “votes” The Council, profoundly aware of the arduousness, length and importance of the work, adopts the method of gradually studying each one of the observations of the Consultors and have the material prepared or very advanced that final decisions may be made when Father General returns from America. The suggestion that the evaluative and critical study of the “votes” be entrusted to Fathers Luis Garayoa and Eusebio Hernández was unanimously accepted. That they will hand in their work within the period of fifteen to twenty days.”⁹⁴

During the next two months no public measure had been taken, as if the problem had been shelved. But that was not the truth. On the 18th of January of 1982 the Council already had a copy of a synoptic presentation of the votes prepared by the Vicar General on his hands a synoptic vision of the votes elaborated by the Vicar General the opinions of the two experts who had been consulted, and so a plan of work was drawn up.

“The Council [...] accepts as instrument of work the re-compilation prepared by Father Javier Pipaón, which presents the “votes” of the Consultors together with the judgments or deliberations on the same given by Fathers Luis Garayoa and Eusebio Hernández, experts on religious law, entrusted with the task by this General Council. Every week, during the sessions of Tuesday and Friday, the Father Councilors will be reviewing the points of the constitutional text affected by the “votes” of the Consultors and will determine which ones are accepted and which are not.”⁹⁵

On February 13 it finished the review of the votes of the Congregation.⁹⁶ But some details were still missing. One of them was the response to the observation of the Congregation on “the absence of norms on the binding force of the Constitutions.” The deficiency was remedied on March 20 with the text prepared by Fr, Luis Garayoa, which, with slight modifications, became the chapter XI of the actual Constitutions.⁹⁷ Finally, on April 25 “the document that the Council has elaborated to give answer to the observations made by the Consultors” was submitted to the Congregation.⁹⁸ In the following months new difficulties arose. All had to do with the governance of the Order and were caused by difference of judgment between the Order and the Congregation. The Congregation advocated for the inclusion of certain electoral norms into the Constitutional text, while the Order, on the other hand, would prefer to include them as part of the Additional Code. In October 5 the General Council gave in to the criterion of the Congregation in almost all

⁹⁴ Session of November 21, 1981 21 *Actas del Consejo general*, 1980-1986, 119.

⁹⁵ Session of January 18 1982: *Ibid.* 133.

⁹⁶ *Ibid.* 143.

⁹⁷ *Ibid.* 165 y 168-169.

⁹⁸ *Ibid.* 173-174, 192.

points.⁹⁹ The next day the General informed the Council about the result of his interview with the official of the Congregation. This had accepted the determinations of the Counsel it had even fixed the date both for the handing over the Constitutions and the Decree of Approval:

*“Everything has taken place in conformity with the submitted work on the Constitutions revised by this Council during its 96th session. The Decree of Approval, which, through our request, will bear the date the Feast of All the Saints of the Order, will not be given to us until that day. On the contrary, the constitutional text can be taken from the Congregation on the following week and their printing may follow.”*¹⁰⁰

However, there were still minor matters to be taken care of. In November 11, two days before the date fixed for the approval of the Constitutions, the Congregation demanded the modification of the numbers that regulated the content and validity of the Provincial Directories.¹⁰¹ On the 18th day, five days after the approval, the General Counsel decided to include in them the doctrine of the Code of Canon Law (C. 616, 1) on the supposed rights the religious who left the Order.¹⁰² On the 27th of the same month it still reviewed several numbers of the Constitutions “in order to eliminate every possibility of error in what is constitutional and what is of Additional Code,” adjusted its numbering to the introduced changes and decided to abolish the text that would serve as a gateway to the edition of 1975:

*In the same way the non-inclusion of the 1st paragraph of the Sermon 356 of our Father St. Augustine nor the 5th definition of the Chapter of Toledo is unanimously approved. For lack of a written evidence in the Acts of the General Chapter, there is recourse to the personal testimony of Father General, Father Javier Pipaón, A, Martín and J. Alvero, who attended the Chapter and reassure that it was the will of the capitular Fathers not to include said texts for being unnecessary, in order not to repeat them. In effect, the fundamental content of the paragraph of the Sermon 356 is already contained in num. 15 of the Constitutions, and the 5th Definition, almost in its entirety, is in number 6 of the same Constitutions.”*¹⁰³

Finally, on December 4, the Council specified the title and content of the volume and entrusted their edition to Father José Oroz:

In the face of the impending publication of the Constitutions, the following measures were approved with a show of hands:

⁹⁹ *Ibid.* 225-226

¹⁰⁰ *Ibid.* 229. El decreto puede verse en AO 19 (1981-1982) 182, y en Constituciones 1983, 7-8.

¹⁰¹ Numbers 330 and 365 of the Constitutions of 1983: *Ibid.* 237.

¹⁰² N. 498: *Ibid.* 238-39.

¹⁰³ *Ibid.* 242.

1. The entire books of the Constitution will consist of: 1) Title: Rule, Constitutions and Additional Code of the Order of the Augustinian Recollects;” 2) Decree of Approval; 3) Decree of Promulgation; 4) Remarks [...]; Abbreviations and Sources; 6) Rule without chapter heading, in Latin and Spanish; 7) Constitutions and Additional Code; 8) Appendix: num. 1 – Forma de Vivir; 2 – Historical Summary; 10) Notes; 11) Alphabetical Index of Topics; 12) General Index
2. The immediate communication to the Order of the Decree of Approval of the Constitutions.
3. Postponement of the Decree of Promulgation, dated December 5, Anniversary of the Recollection, until the printing of the Constitutions.
4. The edition of the Constitutions will be similar to that of the year 1975 in its format and binding. It must be seen to it that they are flexible, consistent and practical. The Father President must remember that the Council recommended the mission of preparing the edition in Spain to Fr. Jose Oroz.”¹⁰⁴

Father Oroz fulfilled his obligation the fastness that characterized him. On March 18 he already finished the edition. It was a volume of 350 pages that followed the norms of the General Counsel in everything. The last differences with the Congregation of the Religious would make one suspect that the text would notably differ from the previous one. But, as the General already noted in the Decree of Promulgation, that was not true:

*“As the brothers already know, the Constitutions of the General Chapter of 1980 do not notably differ from the Constitutions of the General Chapter of 1974. The widespread conviction, both inside and outside the Chapter of 1980, that the text of 1974 had proven to be a very valid body of teaching and laws, was precisely the criterion followed that it was not necessary to make a substantial change in them. [...]. As expression of the spirit and charism of the Order, they ought to be obligatory reference of reflection and must be made an ever evocative and inexhaustible source of enlightening inspiration for our spiritual and communitarian life, and have to be the fundamental book of formation for our candidates and religious.”*¹⁰⁵

Perhaps a careful comparison of both texts will not fully confirm this diagnosis. This is not the proper place for a detailed exposition of the differences in opinions, and, therefore, I will limit myself to some very important ones. The most notorious ones the chapter 11 on the observance of the Constitutions, added at the last hour by express mandate of the Congregation, the massive transfer of numbers constitutional text to the Additional Code and vice-versa, and the several changes introduced into the chapter dedicate to formation. Already its length enables one to see the magnitude of the differences between one and the other. Whereas in the Constitutions of 1975 the chapter covered 210

¹⁰⁴ *Ibid.* 243-244.

¹⁰⁵ *Decreto-promulgación del texto oficial, Roma 5 de diciembre de 1982: (AO 19 (1982) 183-184); also in Regla, Constituciones y Código adicional de la orden de agustinosrecoletos, Madrid 1983, 8-10.*

numbers (155-364) and 81 pages (130-210), in this it covers 158 numbers (117-154) and 62 pages (117-178). Many topics, particularly, those related to study, were suppressed or reduced to the minimum. The 39 numbers of the previous text were reduced to 13. The others must be transferred to the *Ratio Institutionis*. The structure of the chapter also varied considerably. The contents did not change very much.

Important changes are also observed in the first chapter, although they do not change either its orientation or structure. Numbers one and two which formed as a general introduction, were incorporated to the first article of the chapter, which required a slight modification of its title. In the next numbers, that describe the contemplative character of the Order, additions and suppressions are noticed, and, above all, an effort to simplify the language and to arrange the subject in a more logical manner. The twelve numbers of the text of 1975 (5-16) were reduced to nine (5-13). The next article makes a clearer reference to the Holy Spirit (n. 14) and to the sacramentality of the community (n. 19). In article 4, dedicated to the apostolate, it is explicitly stated that the service of the community to the Church must be fulfilled “according to the charism of the Order” (n. 23) and, with the help of a well-known text of St. Augustine,¹⁰⁶ the relation between active and contemplative life is established (n. 24).

The changes introduced into the three next chapters (II-V) were very similar. The three maintained the titles of the previous text, their arrangement and their fundamental doctrine. But in all of them mutual exchanges between the constitutional text and the Additional Code are noticeable. In the second chapter a more concrete description of vows is seen. Putting aside all generalities of the previous text, the articles always begin with a description of their respective requirements, which was not always sufficiently outlined in the previous one. The stress the supernatural character of chastity “an eminent gift of the grace of God” (n. 38), they recall its intimate relationship with humility and fraternity (n. 43) and they add prayer among the necessary means for preserving chastity (n. 44). In the article dedicated to poverty the changes affect more the arrangement than the substance. The extent of the vows in their two dimensions of simple and solemn is better explained (n. 50) In talking about obedience, they add a reference to the Augustinian doctrine on authority and obedience as “service for peace and common good” and remind the Superior his obligation to exercise his authority: “he should not be remiss in the exercise of his office” (n. 63).

In the third chapter several numbers are enriched with more precise doctrinal references (66, 67, 84, 85, 93), a complete number on public prayer of the Church is included (n. 71) and in others indications on time for recitation of hours are added (72), their recitation with the people (73), the use of the calendar (74) and the administration of the Sacrament of the Sick (92). The close “link” of mental prayer with the “tradition of the Order,” as well as its influence on the attainment of psychological and spiritual balance and on “the more intimate and fruitful participation in the public prayer of the Church and in the mystery of the Eucharist (76).

¹⁰⁶ The City of God, XIX,19: PL 41, 647-648.

In the fourth chapter the solemn celebration of the ‘Anniversary of the Recollection,’ “on the 5th of December is mandated (97), and the laws of the Church on the use of habit is recalled (99). The 1975 text allowed “the use of ecclesiastical garb of each region” (97). The chapters dedicated to the Augustinian family and the apostolic activity respect almost with total fidelity the structure of the previous text. The second text departs from the previous when it relegates the special apostolates to the last article, when the 1975 text included them in the second. The principal changes appear in the first article, which stresses the evangelizing efficacy of the community (276) and points out some distinctive notes of the Augustinian Recollect apostolate (278).

The chapter on the governance was, in conformity with the constitutional tradition of the Order, the most extensive of all (66 pages). Its structure is identical with the previous one. Its content was not so different either. In the articles on the general governance it affirms the clerical nature of the Order (317), shortens some attributions of General Council (319), mentions the divine origin of the authority and connects it with hierarchical structure of the Church (321). It adds to the domains of General Chapter to examine the situation the actuation of the Prior General and revise the situation of the formation (327) and to those of the General’s the prerogative of making persons sharers in the spiritual benefits of the Order who are worthy of it (347) or any other reason (359). As far as the administration of the Province is concerned, the changes are limited to clarify some competencies both of the plenary council (385,5) and that of the Provincial (397) and his Council (403) and of the Vicar Provincial and his (415). Number 410 fixes the seat of the Vicar. Of more importance than those attributions are the changes that concern the juridical value of the intervention of the council in each of them. In local governance only changes that pertain to promoting religious observance are noticed (425, 2; 434, 3).

suyo (415). El número 410 fija la sede el vicario. De más relieve que esas atribuciones son los cambios que atañen al valor jurídico de la intervención del consejo en cada una de ellas. En el régimen local sólo se advierten cambios tendentes a fomentar la observancia religiosa (425,2; 434,3).

In the last chapter, dedicated to economic administration, the arrangement of the articles was modified and new norms on the preparation of budgets (469, 476) and the administration of superfluous goods of the house (475) were included.

In compliance with the mandate of the Chapter the texts that opened the Constitutions of 1975 were removed and a very brief historical summary of the Order is included in appendix.¹⁰⁷

En acatamiento al mandato del capítulo se suprimieron los textos que abrían las Constituciones de 1975 y se incluyó, en apéndice, un brevísimo «resumen histórico de la Orden»¹⁰⁷.

d. Adaptation to the new Code of Canon Law (1983): Constitutions of 1987

¹⁰⁷ Session 42, October 13: Actas del consejo general, 428.

After years of hard work and debate the Order believed that the time had come to put an end to so much experimentation and temporariness. She anxiously desired for a period of serenity that will help to assimilate the new texts. But her dream suddenly faded away with the coming into force, on the first Sunday of Advent of 1983, of the new Code Canon Law, which in one of its first numbers abolished all general and particular laws contrary to the text.¹⁰⁸ Therefore, there was a need to immediately start the work all over again. On the 2nd of February of 1984 the Congregation of the Religious authorized the Superiors of the Religious Institutes to distinguish the laws that are contrary to the new juridical discipline and to inform the Institute of it. They must also formulate norms that would cover the new competencies that the code had granted them and all that would appear necessary in order to fill up the lacunas of their legislation. Those norms would immediately be in force and they would remain in force until the next General Chapter, on which, according to the Canon Law (canons 587, 2 and 595, 1), resided the power to rule.¹⁰⁹

The news came to the ears of Father General before their publication. Already on the 26th of January he commented on them during the Council and proposed to entrust the task to a commission that would submit their conclusions on the first days of the month of July. At the same time it could prepare “a complete work of adaptation of our laws to the new Code, to be presented to the next General Chapter.”¹¹⁰

Days later he appointed a commission of six experts in Canon Law.¹¹¹ On June 9 and 10¹¹² the Council could already study the observations of the Commission. There were in our Constitutions norms that differed and even against those of the new Code of Canon Law and that, therefore, must be corrected. Almost all had reference to the additional text and to the chapters on formation, governance and separation from the Order: admission to the novitiate (216) and to profession (221), duration and extension of simple vows (225), 226, 397), electoral right (442), expulsion of simple professed (495), solemn professed (496) and fugitives (497).

“With this work what was stipulated in number 1 of the Decree of the SRIS.” But, the second part that appeared to be laborious, still remained to be done: “to fill the lacu-

¹⁰⁸ CDC 6,&1,2.

¹⁰⁹ Decreto Iuris Canonici: AAS 76 (1984) 498-499

¹¹⁰ Session of January 1984: Actas del consejo general, 320.

¹¹¹ Session February 14, 1984: «The Father General, having in mind what was discussed in the previous session of the General Council on the Decree of February 2, of the Sacred Congregation of the Religious in order to adapt the Constitutions and Additional Code to the provisions of the New Code of Canon Law, solicits suggestions of names of experts who can be consulted on the matter. The following names are included in the list: Fathers Luis Garayoa, Eusebio Hernández, Romualdo Rodrigo, José Alesón, Santiago Marcilla, James McGuire, Teodoro Calvo y Silvino Miguel. It is agreed to write them, giving them the Decree of the Holy See and asking them to prepare their reply in time for the General Council, in July. Encouraging them also to prepare an in-depth work on the Constitutions with the purpose of presenting it to the General Chapter.» Actas del Consejo, 323-324.

¹¹² In March 9 Fr. José Alerón had already submitted his works: Actas del consejo, 326.

nas of our Constitutions and the Additional Code.”¹¹³ In that very same session the Council resolved to make use of its new competencies that the Code grants it on the duration and seat of the novitiate (647 and 157), and the absence (665, 1) and exclaustation (686, 1) of the religious. In the next session, “the examination of the points contrary to the canons” was continued.¹¹⁴

Shortly after the Council interrupted its work. In May 6, 1985 a commission of four members was named with a definite task of preparing the constitutional project that must be presented to the next General Chapter.¹¹⁵ This time the work of the Commission did not please the Council, who decided to do without it and postponed the planned work until the next chapter.¹¹⁶

The Chapter convened in the Convent of Monteagudo from September 1 to October 5, 1986, carried out the task with meticulousness, examining the entire text. In the IV session, of September 3, appointed a commission tasked with the adaptation of the text – Manuel Larrinaga, Joaquin Uriz, Javier Ruiz, James McGuire, Pedro Merino, Silvino Miguel¹¹⁷ - and later it dedicated thirteen sessions¹¹⁸ to consider its proposals. The modifications were particularly notable in the chapters dedicated to the formation, governance and temporal goods. In the first for new numbers were introduced – 173, 208m 228 and 231 – and many others were reformulated. In the second six new numbers were added – 310, 323, 334, 371, 400 and 430 -, and two numbers were abolished – 329 and 330 – and many more were modified; and four new numbers were added: 478, 481, 488 and 490. Another news numbers were 103 and 512. The first pertained to chapter 4 of the Constitutions – particular observances – and offered some orientation on the use of means of communication. Number 512 belonged to chapter 10 – the protection of the common life, which was also submitted to very detailed examination, Number 494, which some would like to preserve because of its Augustinian resonances, was removed,¹¹⁹ and a new formulation was given to almost the entire article three. The changes affected more than 200 numbers of the Constitutions and the Additional Code. In accordance with the Decree of the Congregation, they immediately came into force, “although they must be first submitted to the Holy See for approval according to Canon 587, 2”¹²⁰

Apparently, the majority were very minor changes, only changes in expressions or words. But if it is observed that clarity, precision and sometimes even the use of technical terms should prevail in the juridical text, perhaps they do not deserve such epithet. In this revision a very copious flow of constitutional texts to the Additional Code and from this to the Constitutions.

¹¹³ Actas del consejo, 335-337.

¹¹⁴ Session of July 17, 1984: Actas del consejo, 344.

¹¹⁵ Actas del Consejo: 395. Its members were Santiago Marcilla, Luis Garayoa, Eusebio Hernández y Romualdo Rodrigo: AO 20 (1985) 160.

¹¹⁶ Session of March 26, 1986: Actas del consejo, 441

¹¹⁷ Actas del capítulo general de 1886, 23.

¹¹⁸ Sessions 34 and 35 of September 24 and 37-47 of September 26 to October 3: Actas del capítulo general de 1986: 214-221 y 225-300.

¹¹⁹ Ibid. 279.

¹²⁰ Ordinances of 50th General Chapter, (introduction): AO 21 (1986) 329.

Before publishing these changes they had to be standardized and presented in good literary style. That was the first task of the General Council. In sessions 19 and 25 of November the plan of work was finalized, and in December 5 it submitted to the Congregation of Religious the modified points. In his letter of presentation Father General requested the Cardinal Prefect “to expedite the paperwork” The Order, which was celebrating the XVI Centenary of the Conversion of St. Augustine and was preparing to start the IV Centenary of its foundation, wished to make use of it for a more fruitful celebration¹²¹.

The Congregation heeded the request, studied with unusual speed the text, against which it raised certain objections. Specifically, it was of the opinion that it was convenient to maintain the constitutional texts the numbers 171 a (173 of the new edition), to add a reference to the Holy See in number 328 (337), and the passing remark “as juridical persons with their own right” to 461 (471) and the quotation of canon 624 in 492 (506). In addition, it advised “to incorporate in an adequate place what canons 665, & 1 (absence from religious house) and 666 (prudence and discretion in the use of means of social communication).”¹²²

On the 23rd of the same month the General Council accepted these observations. It transferred to the constitutional text number 103 which was about the means of social communication and approved in the chapter during the session of September 24,¹²³ it introduced the recommended additions in numbers 173, 337 and 492, and included in number 406 an entire paragraph on absence from religious house.¹²⁴

In December 28 the General entrusted the edition of the new text to Father Pedro Merino, who immediately initiated to the work. In the 22nd of January of 1987 he had already drawn up the principal details and was only waiting for some clarifications from the Generalate before proceeding to its publication. On 30th day Father General sent the the plan of the book and fixed the number of copies to be printed to 400.¹²⁵ It was a volume of 366 pages made exactly in the same way as that of 1983.

Ángel MARTÍNEZ CUESTA

¹²¹ Letter of Presentation to the Congregation of Religious and Secular Institutes: AO 21 (1986) 346-347.

¹²² «Observaciones a las modificaciones en el texto de Constituciones de la Orden de agustinos recoletos», Roma, 20 diciembre 1986: AO (1986) 348.

¹²³ Actas del capítulo general de 1986, 218.

¹²⁴ Actas del consejo general 1986-92, 23-24.

¹²⁵ Correspondencia cruzada entre el padre general y el p. Pedro Merino: 28 diciembre 1986-30 enero 1987: AGOAR, Correspondencia del Reverendísimo padre Javier Pipaón, provincia de San José.