



CASA GENERALIZIA CARMELITANI SCALZI
CORSO D'ITALIA, 38
00198 ROMA

To OCD Major Superiors

OCDS Delegates

OCDS Assistants

OCDS National Councils

OCDS Brothers and Sisters

Subject: *Sanatio in radice*

Dear Brothers and Sisters,

We are aware of the great effort being made in all the Order's circumscriptions to gather the information that is needed to present to the *Dicastery for Institutes of Consecrated Life and Societies of Apostolic Life* in order to resolve the irregular situations of many OCDS members from around the world.

Recently, we had a meeting at the Dicastery to address some additional concerns that have come to light regarding these irregular situations. This meeting highlighted the seriousness of the phenomenon of irregular situations that have been uncovered. We beseech both the friars and the laity of the Order to take seriously the commitment that the Order and each person called to the OCDS has made to the Church.

Reference has been made to the urgent need for the formation of OCDS Assistants as well as the laity themselves. As mentioned in previous letters the OCDS is not a devotional group within the Order, but rather a branch of the Order with privileges and responsibilities to the Order and the Church, which requires them to live according to the OCDS Constitutions approved in 2003. These Constitutions include not only the spiritual and organizational aspects, but also the legal requirements that each OCDS member with a promise commits to live. This is an opportune moment to rectify what, for various reasons and without blame, has not been done in accordance with the provisions of the OCDS Constitutions. We have been given more specific instructions how to prepare the information that must be submitted to the Dicastery along with the request for *sanatio in radice*.

The following documents need to be sent to the OCDS Secretariat in Rome by **May 15, 2025** at the latest:

- **A letter from the Major Superior or the Delegate for the Secular Order** addressed to Father General Miguel Márquez Calle, OCD, requesting that he submit to the Dicastery the request for *sanatio in radice* for persons in an irregular situation in his circumscription.
- **A letter from the OCDS National Council** addressed to Father General Miguel Márquez Calle, OCD, requesting that he submit to the Dicastery the request for *sanatio in radice* for persons in an irregular situation in its circumscription.

• **Detailed and personal information** of the reasons for requesting *sanatio in radice* must also be presented including the names and dates of the temporary and definitive promises where the irregularity is clearly evident and the signatures of those requesting it. This request can be in the form of a single document submitted for the entire circumscription or the information can be compiled by the various communities within the same circumscription, sending everything together. The lists of individuals, with their names, dates of promises, and signatures will be grouped according to the different types of irregular situation:

- one for definitive promises made after the temporary promise had expired;
- another for definitive promises made more than three months before the expiration date of the temporary promise;
- another for temporary promises that have expired without having made the definitive promise;
- and another for the individuals who made their definitive promise after the expiration date of the temporary promise due to COVID.

For any other case not included in those already mentioned, please contact the OCDS Secretariat in Rome. Once we have all this information, we will present the request for *sanatio in radice* to the Dicastery. We will know the decision after the Dicastery's deliberations.

In the circumscriptions that have informed us that **there are no irregular situations in their territory**, the Major Superior is asked to send a letter addressed to Father General Miguel Márquez Calle, OCD, declaring that there are no irregular situations in his circumscription. We need the letter for the OCDS archives in Rome. In OCDS communities where there are no Carmelite friars and/or do not belong to any circumscription of the Order, the president of the community can send this letter.

Once again, I ask Major Superiors, OCDS Delegates, OCDS Assistants, OCDS National Councils, and every OCDS brother and sister to treat this situation with the seriousness it deserves, and I invite you to pay close attention so that irregular situations do not happen in your circumscriptions again.

I hope that this season of Lent will help you to be even closer to Jesus, Our Lord, and that it will be a time of grace for all.

Rome, March 14, 2025

Fraternally,

Fr. Miguel Márquez Calle, OCD

General Superior



Fr. Ramiro Casale, OCD

OCDS General Delegate

OCDS
Sanatio in radice
Updated March 14, 2025

Clarification:

The *sanatio in radice* is not a punishment or an accusation, but a legal option that allows for the regularization of situations that, through no one's malicious intent, are irregular because established procedures were not followed at the time. At the same time, it is a way of reminding everyone that membership in the OCDS is a serious life commitment and is subject to specific conditions that must be respected.

Common cases of irregular situations that require *sanatio in radice*:

1. The temporary promise is valid for exactly three years (OCDS Constitution 36c). If this promise is not formally renewed by the expiration date of these three years, or if the definitive promise is made after the expiration date, the person's situation becomes irregular. It should be remembered that the annual renewal of the promise at Easter during the period of the temporary promise is devotional (OCDS Constitution 12) and has no legal value. Only the temporary and definitive promises have it.
2. When people make the definitive promise after the temporary promise has expired, they find themselves in an irregular situation.
3. People who, due to the COVID-19 pandemic, find themselves in an irregular situation must also request *sanatio in radice*.
4. If the OCDS statutes approved by the General Definitory do not mention the time allowed for anticipating the promise, it will be regular if the definitive promise was anticipated no more than three months before the expiration date of the temporary promise. If the OCDS statutes approved by the General Definitory in Rome allow the promise to be anticipated by a specific time, and this has been respected, the situation is regular.

Clarification: The OCDS Constitutions do not mention that the definitive promise can be anticipated. Obviously, this must be done so that the temporary promise does not expire, but not for more than three months. The OCDS Constitutions do not mention these three months, but the Codex of Canon Law states:

657 § 3. Perpetual profession may be anticipated for just cause, but not more than three months.

This canon applies to religious, but since nothing appears on the subject in the OCDS Constitutions, this same canon applies to lay people, and in this case, perpetual profession for religious would correspond to definitive promise for lay people. This is known in canon law as a **parallel position** which “is one that refers to a similar situation; but that has the same characteristics; it must be resorted to when particular or universal law does not prescribe anything about a specific situation” (see article 19 of the Codex of Canon Law).

5. In the case of irregular situations involving inactive members (i.e., those unable to attend community meetings in person), elderly, and/or sick people who cannot be physically located, how can one proceed to request *sanatio in radice*? Of course, one only does what is possible. People in these categories, if they cannot be located, will not be included on the list. However, if the community can contact them, they can be asked, if they are able to respond, if they wish to request *sanatio in radice*. If they wish, they can be included in the request. The community president can sign for them.

6. If individuals who made their definitive promise before the approval of the OCDS Constitutions in 2003 realize that they have not respected the three-year period for their temporary promise, or if they made their definitive promise after their temporary promise had expired, they must request *sanatio in radice* since the *Rule of Life* approved in 1979 established the same time periods required by the current OCDS Constitutions.

Clarification: The *Rule of Life* of the Third Order of Carmel was approved *Ad experimentum* on October 26, 1970, with a text that only considered the definitive promise. This text was modified, and in its final approval on May 10, 1979, both the temporary and definitive promises appear, which also correspond to the requirements of the OCDS Constitutions approved in 2003. Therefore, anyone who made their definitive promise before May 10, 1979, is in a regular situation and does not need to request *sanatio in radice*.

7. Individuals whose temporary promise has expired and who have not made a definitive promise must wait for the Holy See to decide on their situation.

8. In the case of individuals in an irregular situation for whom the Community council has found sufficient grounds for dismissal from the OCDS, there is no point in requesting the *sanatio in radice* for them. These individuals must be dismissed with charity and in accordance with the OCDS Constitutions and its own statutes. The *sanatio in radice* is only for individuals who will continue to be part of the community.