

RELIGIOUS AND THE LOCAL CHURCH

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THESE WORDS OF John Paul II '*studium codicis, schola Concilii*,¹ express clearly the importance of the new Code and the spirit in which it has been drawn up and must be studied and applied. Did not the Pope call the Code 'the last conciliar document'?² The subject which we are dealing with here has already been treated in a previous study.³ We willingly take it up again in the light of the new Code which is now in force. Indeed, the Code in its canons treats the question with remarkable clarity. We must also note some important modifications, if not always happy ones, brought to the text by the draft of 1980.⁴

The term *local Church* is not used in the Code. Although it is current among commentators, it should be avoided. The Code speaks of the 'particular Church', and this is not necessarily territorial.⁵ Next, a word about the part of the Code concerning Institutes of Consecrated Life. At the Council opposition to religious had already caused difficulties. For a considerable period opponents prevented a special chapter of the Constitution *Lumen gentium* from setting out teaching on the consecrated life. It was not possible to change the title '*De religiosis*' given to chapter VI. It is only later, in the decree *Perfectae caritatis*, that 'consecrated life' is used.⁶

Lastly, it is important to notice that consecrated life and, more particularly, religious life, have been made the object of important declarations by the Holy See, specifically related to the subject we are dealing with here. They are *Ecclesiae sanctae* in 1966,⁷ *Evangelica testificatio* in 1971,⁸ *Evangelii nuntiandi* in 1975,⁹ *Mutuae relationes* of 1978,¹⁰ and recently the text of the Sacred Congregation of Religious and Secular Institutes.¹¹ Other documents are worth mentioning, like *Renovationis causam* of 1969,¹² *Venite seorsum* of 1969,¹³ and finally the text on the contemplative dimension of religious life¹⁴ and that on religious and human promotion.¹⁵ The numerous nuanced speeches of John Paul II are of particular importance. We will necessarily have to refer to them.¹⁶ Moreover, we cannot forget the speech of Paul VI '*Magno gaudio*', delivered in 1964 during the Council, and which could have strongly influenced the conciliar debates if it had not been opposed.¹⁷

The problem which concerns us is of capital importance for religious life and the Church's life. John Paul II sums it up in the

formula *a universal service in the local Church*.¹⁸ Indeed, religious life is based on a gift of the Lord to his Church.¹⁹ This gift is made to the whole Church to help her to live and bear witness to the gospel.²⁰ Thus the initial question concerning charism is raised: its nature, specificity, spirit, structures and identity.²¹ All these aspects are important and must be underlined. But this gift to the Church is revealed in a given place. It must be received, discerned,²² expressed,²³ promoted,²⁴ its expansion should be accepted, and it should be inserted into the life of particular Churches,²⁵ and be called on for the good of the universal Church.²⁶

A second aspect must be underlined which is not opposed to the charismatic aspect: religious life belongs to the Church.²⁷ It is essential to its life;²⁸ it relies on acceptance by the People of God; it is subject to the supreme authority of the Church,²⁹ and to the authorities in charge of the particular Churches.³⁰ Religious Institutes, by gift of the Spirit, have their own identity, their autonomy and their mission.³¹ They have a right to be recognized and admitted as they are, because of what they do for the Church's life.³² We want to tackle these questions briefly, so as to conclude with certain norms which the new Code presents and which we want to place in their doctrinal context and its development in the Church.

Charism and autonomy

Every Institute of Consecrated Life, religious or secular, is founded on a gift of the Lord,³³ a gift of the Spirit which allows it to follow Christ more closely,³⁴ to imitate him more faithfully,³⁵ and so to exercise, by its life, witness and apostolic action, a vivifying influence in the Church and the world.³⁶

This gift of the spirit is a charism. It belongs to the prophetic function of the Church by a living witness and a life of faith and charity.³⁷ It belongs to the priestly function of the Church. Indeed the charism presupposes a sacrifice of praise offered to God, essential to every Christian and which in consecrated life aims to be total.³⁸ It belongs to the kingly function of the People of God, ordering all things to God by prayer, witness and apostolic action,³⁹ by making the offering of the world in the eucharist where every consecrated life is a sacrifice and offering to the Father in Jesus Christ, through the power of the Spirit.⁴⁰

It is then possible to apply to consecrated life, religious or secular, the teaching of Vatican II on charisms, which is still perhaps expressed too individualistically.

It is not only through the sacraments and Church ministries that the . . . Holy Spirit sanctifies and leads the People of God and enriches it with virtues. Allotting his gifts 'to everyone according as he will'

(1 Cor 12,11), he distributes special graces among the faithful of every rank. By these gifts he makes them fit and ready to undertake the various tasks or offices advantageous for the renewal and upbuilding of the Church, according to the words of the Apostle 'the manifestation of the Spirit is given to everyone for profit' (1 Cor 12,7). These charismatic gifts, whether they be the most outstanding or the more simple and widely diffused, are to be received with thanksgiving and consolation, for they are exceedingly suitable and useful for the needs of the Church. Still, extraordinary gifts are not to be rashly sought after, nor are the fruits of apostolic labour to be presumptuously expected from them. In any case, judgment as to their genuineness and proper use belongs to those who preside over the Church.⁴¹

This text is of vital importance for the Church's life. The Lord may be thanked for having given it to the Church, the People of God. It applies very specially to consecrated life.⁴² Indeed, this vocation is a gift of God. In each of the faithful who is called to it, the Lord makes a gift of this divine vocation which inserts the individual into the founder's charism, while still allowing each member of the Institute to live this collective charism according to his or her particular gift and thus to show forth its wealth and depth.⁴³

As we said, this charism is collective. One is a Benedictine in St Benedict, a Dominican in St Dominic, a Franciscan in St Francis. Each Institute of Consecrated Life has its founder, whether known or not, whether an individual person or a group. Certain Institutes have experienced an evolution in their very foundation, having had at first an initiator, then a founder. They have been founded slowly in other words, by a spiritual growth which gradually comes to maturity.

As a collective charism, a gift of the Spirit to the Church, this will be lived out in a group and as such takes on the dimensions of the mystery of the Church. This charism is not only a spiritual gift in the sense that it gives only an inspiration or a particular spirit. As an ecclesial group, an Institute is not simply a spiritual communion but also a hierarchically organized society. It has its officials and leaders, even if all its members are responsible for the gift by living it, and must safeguard it by sharing in the life and government of the Institute. This aspect of sharing in the government of the Institute is to be underlined.⁴⁴ It takes various forms according to the charism of the founders, and the Church herself, recognizing in each Christian someone who shares in the kingly function of Christ, must gradually become more aware of the concrete and important contribution of each Christian to the care of the People of God, and to its life and action.⁴⁵

The special contribution of the document *Mutuae relationes* is that it set out explicitly for the first time a fairly structured teaching on the charism of founders. Thus this teaching is still progressing. It will undergo important developments in the light of the actual experience of the different founders of groups of consecrated life. There are numerous contemporary examples.⁴⁶

For *Mutuae relationes*, the founder's charism is an experience of the Spirit, which he or she is commissioned to communicate to others so that they might live by it and so keep and deepen it, in this way continually strengthening the actual life of the Church.⁴⁷

Vatican II has very happily related this 'foundational experience' to Christ and it is lived out by following him.⁴⁸ This is most especially true for persons of consecrated life who are called to follow Christ more closely.⁴⁹ A charism of consecrated life, rooted in Jesus Christ, claims to be an imitation of his life in the Church in order to show his presence to the world, his prayer, his action — in everything doing the will of his Father.⁵⁰ From this flows a certain typology — sketchy at first, gradually better understood,⁵² but always needing to be more clearly expressed.⁵³ It is fundamental to an understanding of consecrated life, in order to protect it and to foster and promote it.⁵⁴

It is as the Lord's gift, the presence of Christ to the world, that the Church has the duty of protecting the growth of such gifts.⁵⁵ To do this she must recognize the special identity of each Institute, its life-style, its way to holiness and its style of apostolate. The life-style is expressed in, and maintained by, a tradition which allows for the handing on of those elements which are essential to its charism. This reappraisal, as we will soon see, is vital today as the safeguard for all consecrated life.⁵⁷

Again, it is *Mutuae relationes* which tries to define the characteristics of a true charism both in the founder and in those who follow: faithfulness to Christ, docility to the Spirit, attentiveness to the concrete demands of the Church's life and the needs of the times, willingness to become part of the Church's life, obedience to the hierarchy, courage and boldness in apostolic initiatives, constancy in self-giving and humility in hardship.⁵⁸ The founding charism leads one to share in the Lord's cross; the charism often stands out by its novelty; it is not understood and sometimes fought against; it experiences opposition even from the Church and its hierarchy.⁵⁹ This opposition is regrettable and, as *Mutuae relationes* says, 'not to be excused'.⁶⁰ The remark carries some weight, but it is too discreet. It must be hoped that it will not be imposed by ecclesiastical authority which ought to be able to discern better and to accept submissively the working of the Spirit.

What *Mutuae relationes* has not examined is the deeply ecclesial

character of the collective charism of every Institute of Consecrated Life, religious or secular institutes, or indeed any other form of evangelical life dedicated to God, even if the latter does not want to define, maintain or emphasize its 'consecrated life' by the evangelical counsels.⁶¹

In giving a founding charism the Spirit seeks to raise up in the Church not only a particular spirit or spirituality, but a community of organized, unified life which is directed and recognized as such. It is no surprise to see certain great religious orders emphasizing this ecclesial spirit of community and coming gradually to see themselves as a 'Church cell'⁶² or a 'little Church within the great Church'.⁶³ Some speak of a 'cistercian Church', a 'carthusian Church', others of a family, a brotherhood or a Church. Each Institute will express this idea according to its position in the Church, the authority its superiors possess, and the way the Institute is structured within the Church. If we are to talk about insertion into the Church's life, we must acknowledge not only a spiritual dimension but also a structural one. To appreciate this it must be said that a collective charism is both *spirit and structure together, communion and organization, community of faith, hope and charity, community in the Spirit and a society ordered and organized hierarchically in the image of the Church herself*.⁶⁴ These two elements are not distinct and separable; they are two aspects of one and the same reality. This ecclesial life is not without analogy in the mystery of the Incarnate Word. Indeed, in this analogy, on a reduced scale of course, are reunited in the image of the Church a society hierarchically organized on the one hand and on the other the Mystical Body, the visible assembly and the spiritual community, the earthly Church and the heavenly gifts which enrich it, a human and a divine element.⁶⁵ From this comes the resemblance underlined by Vatican II:

For this reason, by an excellent analogy, this reality is compared to the mystery of the Incarnate Word. Just as the assumed nature inseparably united to the Divine Word serves him as a living instrument of salvation, so, in a similar way, do the communal structures of the Church serve Christ's Spirit who vivifies it by way of building up the body (cf Eph 4,16).⁶⁶

If Institutes of Consecrated Life are church institutions which gather into one and the same charism those Christians whom God calls and unites to himself by a divine vocation, and if they exist to show Christ to believers and non-believers, the two essential aspects of every institute cannot be passed over in silence. One must consider its spirit and its externals, its spirituality and its work, its spiritual life and the authority of the Church in which it shares in

order to live truly as a cell of the Church. It is not just a 'domestic sanctuary of the Church' to quote a conciliar text that applied to the christian family,⁶⁷ but a particular Church which has had its own territory, prelates, people and mission. These facts should not be forgotten for this is how the Church has lived under the working of the Spirit.⁶⁸

What may we conclude? The awareness sparked off by the Council must bring a new understanding in the Church that a charism of consecrated life is a consecration by God, through the divine vocation of the founder and his or her followers, and a total consecration to God in Jesus Christ by those who, like him in the spirit of sons and daughters, give themselves to the Father as a sacrifice for the salvation of the world. This sacrifice becomes a continual inner worship; a worship in charity and love.⁶⁹ This choice of life is to be renewed and better understood both by those who have received it, and by those for whom it has been a gift from the Lord — that is to say by the whole Church.

Every Institute is therefore founded and willed by God for the Church, which must recognize and accept this gift, inserting it into her life without, however, deforming, changing or opposing it.⁷⁰ Each Institute has its particular spirit and its special mission.⁷¹ To be unfaithful to it amounts to denying it, or refusing the gift made by God to his Church.⁷² The Church, which has received this gift, has the right to see it preserved and bear fruit.⁷³ Indeed she is obliged to preserve and protect it.⁷⁴ Those who are the chief authorities of an Institute, as their first and principal duty must ensure fidelity to the founder's charism, foster the faithful renewal of the charism (thus assuring the formation of its members⁷⁵ and fidelity to its proper apostolate),⁷⁶ and yet adapt to the needs of the times, that is to the needs of men and women, to the requirements of the People of God and of all who are seeking that charism.⁷⁷

For this to be so, it must be acknowledged that a true understanding of a gift of the Spirit demands contemplation of God,⁷⁸ and meditation on scripture⁷⁹ which reveals the depth and wealth of a charism lived in conformity with the gospel.⁸⁰ The word of God is essential for understanding a charism of consecrated life.⁸¹

Charism and hierarchy

If the charism of Institutes of Consecrated Life — religious or secular — is the Lord's gift to the Church, and if she must acknowledge it, if Church authority must discern its worth, its demands, the type of evangelical life it seeks to follow, and the mission entrusted to it by the Spirit, then we must, in the light of the charism, consider further the responsibilities of the hierarchy and the rights and duties of Institutes and their members. Here the new

Code is valuable for it reflects the Vatican Council by summarizing and clarifying its demands. In doing so the Code has remained calm and open-minded; it does not insist on the claims; it is compelling simply because it exhorts.⁸²

First of all we must look at the Church's role in the actual foundation of an Institute and therefore the relationship of the hierarchy to an Institute seeking its own identity. The present practice of the Church is to reserve the first discernment of the charism to the diocesan bishop.⁸³ It is his duty to receive it as a gift for the universal Church, to understand and investigate its spirit, to recognize its structures and to ensure that everything is expressed as well as possible in its statutes.⁸⁴ The founding bishop remains responsible for the Institute he has established; it will always be attached to him. His successors cannot disclaim this first link, this first spiritual dependence, this paternity.⁸⁵

How does one discern the seriousness of a founding charism? *Mutuae relationes* gives us some valuable signposts which deserve further study. The bishop will try to recognize, in all humility and patience and with a view to the future, all the signs which make the presence and working of the Spirit credible, ready to accept his gifts with thanksgiving and consolation,⁸⁶ while always avoiding the formation of useless or feeble Institutes.⁸⁷ However, an Institute which will prove to have an effective role in a more or less distant future might appear at first sight as useless or feeble. The foundation cannot be merely the effect of an individual's talent nor should it be associated with a doubtful devotion.⁸⁸ On the contrary, the charism, to be recognized as such, must be truly a gift of the Spirit, while acknowledging that God can use natural talents or the acquired qualities of the person who emerges as founder. It is also necessary (and this is a notable sign) that there be a deep desire to conform to Christ and bear witness to one of his mysteries. Finally, in the founder there must be present a generous love of the Church which avoids all that could cause division and dissent. The person who seems to be called to found an Institute will be of proven virtue, obedient to the Church and her leaders, and to what the latter acknowledge as a gift of the Spirit. Also it must be admitted that in the beginning this inspiration is neither complete nor in depth.⁸⁹

It is desirable that prudence and moderation and seriousness characterize the work of the bishop and those who advise him.⁹⁰ The profound spiritual value of those preliminary requirements for the decision which the bishop will take cannot be denied, as he must acknowledge the founding charism, receive it and give it stability and canonical status in the Church's life.⁹¹

The Code has taken up these requirements concerning a preliminary discernment (on this point canon 605 is particularly

valuable and of spiritual benefit) but it has also recognized the bishop's right to establish the Institute⁹² as an Institute of diocesan right.⁹³ This does not prevent the Holy See from intervening directly in a foundation.⁹⁴ It is not impossible for the latter to establish it, as it has done for many religious orders. Normally, however, even when the Holy See encourages a foundation, it lets it be established firstly as an Institute of diocesan right.⁹⁵ It is the same diocesan bishop who will approve the constitutions of the Institute he establishes. He will not necessarily do this immediately. Nonetheless, an act of establishment which is not based on lines and structures essential for the Institute would compromise its future or make its growth difficult.⁹⁶

We must now see how charism and mission enter into the Church's life. Once approved, fidelity to the gift received is essential. This applies as much to the bishop as to the Institute he has approved. The bishop will respect the purpose and proper works of the Institute by allowing the foundation of a house of the Institute. He will let it live out its charism and exercise its apostolate there,⁹⁷ unless the bishop limits this activity.⁹⁸ But should he do this? Would it not be acting against the work of the Spirit? Finally, a religious house should be centred on the eucharist, which should be celebrated there.⁹⁹ The sacramental presence of the Lord will be the centre of fraternal and community life¹⁰⁰ and the wellspring of the apostolate.¹⁰¹ These norms hold good for any new foundation of houses or centres of the Institute, even in other dioceses, and for eventual approval as an Institute of pontifical right.¹⁰²

The Code has underlined the bishop's role at the place of foundation. It is, however, admitted that the 'mother-house', the founding house, does not always remain the 'principal house' of the Institute.¹⁰³ This may be in another diocese, or installed in Rome. The bishop of the place where this principal house is situated will approve not only the constitutions but also their modification. He is to deal with major concerns which relate to the whole Institute, and lie outside the authority of its superiors, while consulting the other bishops beforehand if the Institute has spread to several dioceses.¹⁰⁴ The sometimes speedy extension of a new Institute often demands its approval by the Holy See, because consultation between several bishops becomes too difficult and sometimes dangerous in cases where they disagree.¹⁰⁵

Once the Institute has been approved, its superiors obtain *ipso iure* the ecclesial authority necessary for directing the Institute.¹⁰⁶ This authority is given by the Church as a share in its own authority.¹⁰⁷ It is an authority for government, but all the same it presumes a sharing in the triple function of Christ and the Church, a sharing which was defined at the Council and applied to the task of

superiors, lay as much as clerical, in the document *Mutuae relationes*.¹⁰⁸ To specify the obligations highlights their spiritual value which must be foremost. The true superior exercises a spiritual parenthood; he or she is not in the first place an administrator or bursar¹⁰⁹ but a 'father' or 'mother': an *abba*.¹¹⁰

This mission of the Church, which in the person of the founder is really a mission of the Spirit, must be acknowledged and respected even by the founding bishop.¹¹¹ In the Church it is not authority which ensures personal sanctity or creates charisms. Over and above the charism of office, a grace assured to those who govern the Church,¹¹² we must recognize in the Church's leaders personal gifts of grace which are the true charisms of the Spirit, and which have a profound impact on the communities entrusted to them.¹¹³

The relationship of a religious Institute and its superiors to the diocesan bishop, the local ordinary, is just as delicate.¹¹⁴ The Council, while strongly reaffirming the principle of exemption, has also clearly affirmed the primary and principal role of the episcopate in the government of the Church, and hence in its apostolate.¹¹⁵ We already know how at the Council of Trent the Fathers opposed exemption for religious orders without much success. It is true that times were hard and that bishops were not in a fit state to respond to the real pastoral needs of their flocks. Many bishops were not resident in their dioceses. The Council insisted vigorously on this first duty to the point of calling diocesan bishops 'residential' bishops.¹¹⁶ This was to inculcate in them a serious, often neglected, obligation.¹¹⁷ As much in christian countries as in mission territories, fully active religious were sent with special authority and faculties so that they were sometimes considered as papal legates. The work of religious was strengthened at the time of the Reformation, and often contributed towards keeping several areas faithful to the catholic faith. These facts are known. They have had a profound impact on the Church's life.

When the question was asked whether the principle of exemption should be included in the new Code, as it is affirmed by the constitution *Lumen gentium*, it was quite rightly pointed out that though it was not as complete nor as necessary as before, exemption could be revitalized as a principle of free and vigorous apostolic work, given the difficulties certain areas experience from the point of view of the faith and ministries. And so the text was kept. It is canon 591.¹¹⁸

Thus *Mutuae relationes* is to be read in this context. The document recognizes exemption.¹¹⁹ It is more than simply the autonomy granted to each Institute (even diocesan)¹²⁰ for, quite rightly, the same document speaks of a new understanding of exemption.¹²¹ However, it needs to be asked which Institutes are exempt and what

their exemption means today, given that the autonomy granted to Institutes by the Code and by the Council, in virtue of their very identity due to their particular charism, comes close to it without, however, covering it.¹²² Exemption cannot be said to have been suppressed; still less is there only an internal autonomy granted to approved Institutes.¹²³

While remaining what they are, religious institutes with solemn vows (religious orders), and some religious congregations with simple vows have been recognized as 'exempt'.¹²⁴ Exemption entails the superiors having the full authority of an ordinary.¹²⁵ It withdraws the Institute and its members from the authority of local ordinaries and makes them directly subject to the pope and the Apostolic See.¹²⁶ This exemption of governing power has reinforced the proper role of abbots and religious superiors. It has reinforced, by that very fact, the identity of Institutes and has fostered a greater awareness of their charism. It has produced a greater unity among the members of an Institute and has allowed the growth of a specific spirit in accord with the founder's own views.

Mutuae relationes, while recognizing the principle of exemption, necessarily states that it cannot be applied to the apostolate. The Second Vatican Council has underlined very clearly the mission and responsibilities of the catholic episcopate,¹²⁷ and of the diocesan bishop.¹²⁸ What then will a renewed appraisal of exemption produce? The document suggests a greater concern for each Institute's specific identity, a greater fidelity to its origins and specific mission, a return to the thought and vision of the founder and a greater degree of fraternal unity in each exempt Institute¹²⁹ — that is already a fairly comprehensive programme. Here we see a pressing call for increased fidelity. Too many Institutes have experienced or still experience tensions, unease and conflicting understandings about their life-style and work.

According to *Mutuae relationes*, exemption was meant to show forth in those Institutes a special attachment to the pope. Bishops, it was hoped, would co-operate as they form to an eminent degree the supreme authority of the Church.¹³⁰ However, it is obvious that exemption presupposes a special link and dependence on the pope's directives, on the missions he gives and the apostolic work he entrusts to each Institute.¹³¹

None of this prevents these Institutes from being fully engaged in diocesan life, or bringing to it their specific witness, mission, apostolic creativity, and proper zeal.¹³² Addressing the bishops, the document asks them to recognize and esteem this presence of exempt religious in their particular Churches and to see in them a sign and a reminder of their universal pastoral concern which unites them with the pope in the universal care for all people of the world.¹³³ This

cannot remain simply on the level of feelings. Indeed, the universal mobility of these Institutes has real consequences in the life of a particular Church which always runs the danger of limiting itself to a particular territory and of closing in on itself.¹³⁴

Here the Code follows the conciliar line. Apostolic activity depends on the bishop,¹³⁵ and presupposes the frank and open collaboration of religious. It maintains particular charisms and missions, specific works and recognized specialization.¹³⁶ Apostolic work should not harm regular life, religious observance and discipline.¹³⁷ The relations between bishop and religious presuppose in the latter respect and obedience, charity and communion.¹³⁸

This relationship will certainly depend, in many ways, on the attitude of the pastor with whom the Institute and its members collaborate. This collaboration needs to be explicit according to precise, written agreements.¹³⁹ All of this is possible only with informed dialogue, a knowledge of the Institute, a true esteem for religious life as lived in each Institute, and in complete fidelity to its charism and to the views of its founders.¹⁴⁰ Is there still exemption or autonomy in apostolic works? This is an important question. Exterior autonomy exists in having a particular spirit, in universality of action, in being open to all,¹⁴¹ with a specific method determined by the Spirit and the founder's initiatives.¹⁴² Exemption still maintains its privileges today, in so far as they can be applied in pastoral work, except where (for example in the removal of penalties) these privileges have been considerably reduced in the present Code, to the detriment, we believe, of christian life properly understood.¹⁴³

We must still determine the diocesan bishop's pastoral responsibilities with respect to religious Institutes: a concern for religious vocations, especially missionary ones. The orders and other exempt Institutes have always been missionary,¹⁴⁴ even monks through their foundations in mission countries.¹⁴⁵ It is also the bishop's duty to inculcate fidelity in religious observance and in dependence on superiors.¹⁴⁶ Finally, while ensuring the co-ordination of apostolic works and tasks, he will underline and maintain the specific features of a particular vocation, the various charisms of the Institute and their particular mission.¹⁴⁷ There is a danger here of an excessively rigid pastoral policy. An overall policy should not, as Paul VI said, become a straightjacket.¹⁴⁸ To co-ordinate does not mean to unify or to level out. True unity lies in the union of different charisms, existing in one and the same Spirit. Finally we should note a particular concern expressed in *Mutuae relationes*: that of respect for the consecrated woman, for the religious sister, for her identity and specific mission, for the charism of her Institute, for her femininity, her initiatives and her particular creativity.¹⁴⁹

Conclusion

The broad area which we have traced out and delimited will require renewed reflection and mutual relationships between Institutes and clergy, between bishops and religious.¹⁵⁰ It should not be forgotten that together all form only one holy Church and that all must live in an ecclesial communion based on hierarchical union. This unites Peter to the other apostles, and the Roman Pontiff, Peter's successor, to the other bishops, the apostles' successors.¹⁵¹ The vocation to universality, which is proper to the Church and her leaders, is brought into focus by the actual gift by the Lord to his Church, of each Institute. Each Institute is willed by God, and founded on its own charism which enables it to live out the mystery of Jesus and to display it publicly to the world. Consecrated life, and hence religious life, has its place at the very heart of the Church, by the fact of its consecration to God, its evangelical life, separation from the world proper to each institute,¹⁵² and its sacrifice expressed by its profession of consecrated life according to the founder's charism. This sacrifice is an offering to God in love and charity.¹⁵³ The witness of religious life consists before all else in its consecrated life, its prayer, its life-style as best expressed in a presence of solitude and silence,¹⁵⁵ or in apostolic activity which is the fruit of contemplation seen as union with God.¹⁵⁶

Three dangers threaten consecrated religious life: filling pastoral gaps coupled with new needs facing the Church; secularization which destroys public witness and simplicity of life, and finally a dangerous levelling which is often promoted by the kinds of contacts Institutes and superiors experience in their councils and conferences.¹⁵⁷

Filling gaps: while inviting religious to return to their sources and to be faithful to their founder, the pastoral concern of the Vatican Council Fathers invited them to a better grasp of pastoral tasks. Only enclosed religious wholly directed to contemplation have been excluded from this invitation. There are many religious who have abandoned more appropriate tasks to take on parish work or some other social work. Some have thus changed the shape of their Institute and this can only harm its life.¹⁵⁸ Such an approach can contradict charism and can be an obstacle to true vocations. Many religious are threatened by this tendency to go beyond the goals of their Institute. They risk losing their identity. Some lose the distinctive features of their vocation and their apostolic mobility. Diocesan bishops ought to protect religious men and women in the true nature of their particular vocation.¹⁵⁹

But the bishops are confronted with *new needs*. The lack of priests and even the contribution of a permanent diaconate are not sufficient to cope with these new demands. The true solution of the problem is not to be found in deputizing by religious. On the contrary, new

generosity is called for. It is not impossible, it is even probable, that the bishops' call may allow the Lord to make new gifts to his Church. These gifts prepare for a fruitful and relevant apostolate. They demand special formation. Gradually they will become an apostolic patrimony, a new tradition among the Institutes of apostolic life.

There remains the danger of secularization. This quite marked tendency has caused several groups to lose the distinctive features of their religious life. If at first religious Institutes often had scant regard for Secular Institutes, doubting the value of their consecrated life, the opposite reaction appeared after the Council. Some religious have tried to do as they did without being called to it. Thus some groups have been turned into 'poor Secular Institutes'! Secular Institutes react sharply against these inappropriate changes. Nothing is less well adapted to consecrated secular life than a religious formation. It is understandable that these changes have had some unfortunate results: a totally free life-style, absence of community, disaffection for the Institute and a solitary life. The public witness; the separation from the world proper to each Institute, has been diminished or suppressed.¹⁶⁰

Finally, attention must be drawn to a certain levelling caused by contact between Institutes and between major superiors. It is true that such contacts are useful and even necessary. Yet councils or conferences of major superiors create problems. Not everyone participates or is interested in them. An understanding between Institutes and superiors is desirable and often common interests can be affirmed or defended.¹⁶¹ But there remains the danger of practical egalitarianism which gives rise to the comment 'We are all religious: why have specific rights?' Even worse, by acting in the name of all, abuses of authority and indiscreet requests for information creep in, such that councils of superiors imagine themselves to be some kind of superior general. This is a real danger. Certain superiors react against it. Those who represent the councils or conferences in no way express everyone's thoughts. Pressure groups are not will-o-the-wisps, and in several countries these situations have been and often remain secularizing forces. It is not for nothing that the new Code asks these councils and conferences to respect the charism of each Institute.¹⁶²

This rapid overview reveals the extent of the problems posed by relations between the episcopate and religious Institutes. *Mutuae relationes* has certainly provided some guidelines. This collaboration needs to be continued in the light of the new Code, as an expression of ecclesial communion with respect to charisms and gifts.

NOTES

¹ Address of 21 November 1983 to bishops who took part in an introductory course in Rome on the new Code. See *L'Osservatore Romano*, 21 November.

² *Ibid.*

³ 'Religious in the new Code and their place in the local Church' in *Canon Law Society of Great Britain and Ireland Newsletter*, September 1982, pp 119-32.

⁴ The suppression of the term 'charism' used eight times in the new legislation is regrettable. It has been replaced by a terminology used in this same edition as an explanation of 'charism'. See canon 578 (507 in the 1980 draft). The term charism was used in canons 577 (506); 588,3 (516,3); 631,1 (557,1); 708 (634); 716,1 (642,1); 717,3 (643,3); 722,1-2 (648,1-2).

⁵ Cf canons 368-71 and 372 on territory. Compare with 518.

⁶ On these conciliar debates, see Schoenmackers, M.: *La genèse du c. VI 'De religiosis' de la constitution dogmatique sur l'Eglise 'Lumen gentium'* (Rome, 1983). On the evolution that religious life underwent at the Council see Jelich, G.: *Kirchliches Ordensverständnis im Wandel* (Leipzig, 1983). Jelich did not have access to the documentation used in the former book.

⁷ *Acta Apostolicae Sedis*, 58 (1966), 757-87 (hereafter cited as *AAS*).

⁸ *AAS* 63 (1971), 497-535.

⁹ *AAS* 68 (1976), 1-78.

¹⁰ *AAS* 70 (1978), 473-506.

¹¹ Text of 31 May 1983. *L'Osservatore Romano* published the original text in English, 25 June 1983, pp 5-6.

¹² *AAS* 61 (1969), 103-20.

¹³ *Ibid.*, 674-90.

¹⁴ '*Dimensio contemplativa*', 12 August 1980, has not been published in *AAS*. A draft appears in *Informations* of *SCRIS*, 5 (1979), 243-54; 6 (1980), 141-52.

¹⁵ *Optiones evangelicae* is also available only in draft in *Informations* 6 (1980) supplement pp 5-32.

¹⁶ *John Paul II speaks to religious*. Allocutions with synopsis by J. Beyer. Vol 1, 1978-80; Vol 2, 1981-82 (cited as *JP*). Obtainable from the Little Sisters of the Poor.

¹⁷ *AAS* 56 (1964), 5-12.

¹⁸ See *JP* n 40.

¹⁹ *Lumen gentium* (*LG*) 43. Cf canon 547,2.

²⁰ *LG* 46a. Cf canon 577. *LG* in describing the typology of consecrated life did not take account of Secular Institutes. Canon 577 completes this teaching by explicitly mentioning the life of Christ *in saeculo*.

²¹ *LG* 43, 45; *Perfectae caritatis* (*PC*), 1a, 2. See canons 576; 605; also 577.

²² *LG* 45, 12b. See canons 576; 578.

²³ *PC* 2b. See canon 605. Canons 579; 587; 595,1 are also important.

²⁴ *LG* 45a. See canons 574,1; 586,2; 385.

²⁵ *LG* 44b,c. See canons 673; 676; 677,1; 680. In the last canon final remarks should be underlined: *salvis indole, fine singulorum Institutorum et legibus fundationis*.

²⁶ *LG* 45b. Cf canon 591 which synthesizes the two positions on exemption: that of *LG* and that of *Christus dominus* (35,3).

²⁷ Cf *LG* 44, taken up in canon 207, 2. If the parish belongs to the hierarchical structure of the Church it is not clear why religious Institutes do not belong to it. This controversial text has been omitted deliberately in canon 574,1.

²⁸ *LG* 44b; *PC* 1c. Cf canon 574,1.

²⁹ See canon 590,1 where *suprema potestas* is to be understood in the sense of canons 530ff.

³⁰ Cf canons 594-95; 589; 678,1; 681-83.

³¹ *LG* 44b, 46b. Cf canons 677,1; 678,2; 671; 680.

³² Note that autonomy is not only internal. The influence of the charism necessarily spreads to the Church's life. It is expressed especially by the exemption of many Institutes. It cannot be denied for the apostolate of each Institute.

³³ LG 43a. Cf canon 575.

³⁴ LG 44c. Cf canon 573,1.

³⁵ LG 46c. Cf canons 652,3; 662.

³⁶ LG 46a. Cf canons 577; 607,3; 673; 713,1-3.

³⁷ LG 12b.

³⁸ LG 11a. Cf canons 573,1; 607,1.

³⁹ LG 13b. Cf canons 640; 710; 713,2.

⁴⁰ LG 34b. Cf canon 607. Cf PC 13c.

⁴¹ LG 12.

⁴² LG 43. Cf canons 574,2; 577; 605.

⁴³ PC 2. Canon 578. The distinctive elements of the charism are its nature, its purpose, spirit and the specific character of the Institute.

⁴⁴ PC 14d. Cf canon 633 — very balanced and respectful of the specific law of individual Institutes.

⁴⁵ This aspect has not been sufficiently highlighted. It is not correct to say that one must have 'deliberative voice' to participate in the government of church institutions. Reasoned advice and well-founded desires can carry weight. Cf canons 212; 213; 228,2.

⁴⁶ Cf canon 605 and also 215; 278,1; 298,1; 327.

⁴⁷ *Mutuae relationes* (MR) 11b.

⁴⁸ LG 40b.

⁴⁹ LG 44b, 46b.

⁵⁰ MR 51b.

⁵¹ PC 7; 8,11.

⁵² See the first draft of the law for Institutes of Consecrated Life commented on in my book *Vers un nouveau droit des instituts de vie consacrée* (Paris, 1978), pp 103-261; 333-45.

⁵³ It is regrettable that the second version and definitive text did not take up and clarify the typology of Institutes of Consecrated Life. However, see the canons not accepted by the commission in *Communicationes* 13 (1981), 401-03. If monks have been the first to ask for such a typology (cf Beyer, *op. cit.*, pp 149-55) they were the first to refuse it. This is symptomatic of the particular difficulties of monastic life today. See my study 'Valori monastici e mondo di oggi' in *Vita Consacrata*, 10 (1974), 129-43.

⁵⁴ See, however, canons 674; 676; 677.

⁵⁵ LG 44. CD 33; 35,1-2. MR 11b.

⁵⁶ According to the requirements of PC 2b this presupposes a *sound* tradition. 'Sound traditions' have never been defined. A definition would have helped renewal chapters, some of which have undertaken revolutionary change contrary to the spirit of an Institute, its particular charism and special characteristics by abandoning characteristic apostolates. 'Filling gaps', even if this has become habitual cannot be considered sound tradition if it is contrary to the original charism. See 'Premier bilan des chapitres de renouveau' in *Nouvelle Revue Théologique*, 105 (1973), 60-86, and 'Istituti religiosi dediti all'apostolato: nuovi orientamenti' in *Spiritualità dell'azione* (Rome, 1977), pp 139-75.

⁵⁷ See the insistence of canon 708 where the word charism has disappeared to be translated now by 'while respecting the autonomy, nature and spirit of each'.

⁵⁸ MR 12b.

⁵⁹ *Ibid.*

⁶⁰ MR 12b: *absque ulla repulsarum excusatione.*

⁶¹ Cf Ghirlanda, G.: 'Ecclesialità della vita consacrata' in *Il codice del Vaticano II*, Vol III (Bologna, 1983), pp 13-51.

⁶² The term is often used in ancient texts on monastic and conventual religious life.

⁶³ The formula is current in the cistercian family.

⁶⁴ Each Institute must be able to express its spirit in its own structures and particular law. Structures include life-style, government, the organization of external works, hospitality, preaching, specific works, associations of the faithful. For the latter, cf canons 303; 677,2.

⁶⁵ LG 8a,b.

⁶⁶ *Ibid.*

⁶⁷ *LG* 11b. Cf *Apostolicam actuositatem (AA)* 11d: *tamquam domesticum sanctuarium Ecclesiae se exhibeat.*

⁶⁸ For this reason abbots as church leaders were members of the Council. See the 1917 Code, canon 223,1.3.4. Cf the new Code, canon 339,2.

⁶⁹ See canons 607,1; 719,2.

⁷⁰ *MR* 51-52; cf canons 586-87.

⁷¹ Cf *PC* 8b, 10 and especially 20. At issue is the preservation of specific works. Adaptation is concerned with the traditional means of renewal or with introducing others without harming the essential matter, characteristic works. Notice also the wish of the Council to abandon works which today correspond less to the spirit and original character of the Institute. The first version of canon 100,2 expressly applies this option by the Council to monastic life.

⁷² *LG* 43: a divine gift which the Church has received from the Lord and which she ever preserves with the help of his grace.

⁷³ *LG* 45: the Church approves and protects Institutes so that they can grow and flourish in accordance with the spirit of their founders.

⁷⁴ Canon 586,2.

⁷⁵ *MR* 11a,b. The specific character of each Institute comprises a way to holiness and a type of apostolate which thus constitutes its definitive tradition so that these objective elements can be sufficiently recognized.

⁷⁶ *PC* 20,1. *CD* 35,1. *MR* 19-20. It is certain that *CD* was more concerned to find a broader and more structured collaboration among religious because of the lack of diocesan priests. Hence less concern with the specific character of each Institute. With this in view *CD* even wanted a modification of constitutions. Given the depth of the teachings on charism and the autonomy of Institutes of Consecrated Life, this seems extremely dangerous. How often 'filling pastoral gaps' has harmed fidelity to a specific charism. It is surely better that the Spirit should raise up new gifts in response to new needs.

⁷⁷ *PC* 2; 20,1. See also 20,2. Even missionary activity must respect the specific charism of an Institute.

⁷⁸ *PC* 5. *MR* 16; 20. Canons 619; 652,2; 663,1; 673; 675,2; 719,1.

⁷⁹ Cf canon 663,3. It is desirable that in accord with the teaching of the Fathers, *lectio divina* be taken up again according to its traditional rhythm. A simple reading of scripture, especially a short one, cannot be considered true *lectio*.

⁸⁰ If a charism is essentially imitation and a manifestation of Christ, it must find its food and discernment in the gospel.

⁸¹ See canons 575; 662. Canon 662 is excellent in rectifying *PC* 2,1. Too often the gospel has been called on as a means of escape from the rule or constitutions.

⁸² Canons 576; 579; 586; 590; 591; 593-95; 671; 678; 680-82.

⁸³ Canon 579. Cf 576; 605.

⁸⁴ Canon 595. Cf 605.

⁸⁵ This is why the Code has changed previous law where a diocesan Institute was equally dependent on each diocesan bishop in areas where it existed.

⁸⁶ *MR* 51 which quotes *LG* 12.

⁸⁷ *MR* 51 which refers to *PC* 19.

⁸⁸ *MR* 51. See the requirements concerning the founder and the founding charism. This text is one of the most important in the document.

⁸⁹ This point ought to be studied still further. Indeed, sometimes a long time elapses before even the founder comes to discern and understand the gift received. This awareness most often comes with writing constitutions. It would be rash and dangerous to distinguish or oppose the two aspects of founder and legislator. The distinction can open the way to equivocal or dangerous renewal.

⁹⁰ *MR* 51, last paragraph. This ought to have been developed further.

⁹¹ This stability demands a written expression of the founder's spirit concerning the spiritual structures of the Institute.

⁹² Canon 579, cf 605. Canon 576 speaks explicitly of stability. See also canon 573,1: *stabilis vivendi forma*.

⁹³ It should be noted that once approved at diocesan level, an Institute is approved for the whole Church as the charism is the Lord's gift to the Church.

⁹⁴ This has happened in recent years when groups have sought to secede and establish a distinct Institute for those who wanted to remain faithful to the spirit and work of the founder and to the tradition of the Institute as they understood it.

⁹⁵ This seems to be a common norm today which has the advantage of fostering a progressive maturity.

⁹⁶ If many fairly recent Institutes have shown signs of faltering this seems to be due to a lack of specific character or well-defined identity. One can only regret the imposition on so many Institutes recently founded in developing countries of a 'model' constitution text. This can only be harmful. It is to be hoped that such a 'levelling-out' will be speedily remedied.

⁹⁷ Canons 609; 611. The conditions laid down by the diocesan bishop according to canon 611,2 can in no way restrain the vigour and development of the charism.

⁹⁸ Cf canon 611,2. This restriction will involve, before all else, an agreement with other Institutes or pastoral groupings, collaboration with parishes, time-tables and zones of activity. But note that a Church run by religious, even if it is a parish, is still open to the specific appeal of the Institute's charism, allows the organization of associations proper to the Institute (canons 303; 677,2) and so becomes a place of worship and meeting for people who are not parishioners.

⁹⁹ Canon 608.

¹⁰⁰ Canons 608; 663,2

¹⁰¹ Cf canons 602; 574,2.

¹⁰² Canon 589. Pontifical approval quickly becomes a necessity imposed by the universality of the mission and by the development of the Institute. The commission considered defining more rigorous norms. Once present in more than three dioceses or the equivalent, the Institute would have become *ipso iure* of pontifical right. This was not retained. The fact that it was suppressed underlines the need for autonomy and freedom of action, greater unity and better co-ordination.

¹⁰³ The distinction is rightly made in canon 595,1. It was already in the 1917 Code (canon 495,1) but was not highlighted as in the new Code.

¹⁰⁴ Canon 595,1.

¹⁰⁵ The importance of canon 595 is precisely that it reinforces the influence of the bishop of the diocese where the generalate is.

¹⁰⁶ Canons 617; 618. This is Church authority even if it is not full jurisdiction proper to ordinaries.

¹⁰⁷ Cf Canon 129,2. The wording of this paragraph has been modified and so is less clear. Its application is reinforced by canons 618; 1421,2; 135,1. One can only collaborate in authority by sharing in it!

¹⁰⁸ *MR* 13. The whole of this text is important. The *munus sanctificandi* by lay superiors is not the exercise of sacramental powers but a ministry of spiritual guidance and 'parenthood'.

¹⁰⁹ Canon 530 of the 1917 Code has had unpleasant consequences and has made the superior's role overly administrative. It sought to avoid the abuses condemned by Leo XIII. See the decree *Quemadmodum* (17 December 1890). The new Code, while seeking to avoid these abuses, gives to superiors and religious a greater freedom of openness. See canon 630,5.

¹¹⁰ See the role of the abbot in the Rule of St Benedict, chapters 2 and 3.

¹¹¹ It is not really the bishop who gives a 'mission'. He receives the Lord's gift, the founding charism, which is the mission. In apostolic Institutes, however, it would be false to say that mission is first. In consecrated life, consecration is fundamental and first.

¹¹² *LG* 12b. All bishops do not have the same personal gift of discernment.

¹¹³ One could speak of a gift or charism of 'office'.

¹¹⁴ See *CD* 35 while keeping in mind what we said in note 76.

¹¹⁵ *MR* 8 which takes up the directives of *LG* 45b and of *CD* 35.

¹¹⁶ A group of the fathers of the Council of Trent wanted to define the duty of residence as being of divine law.

¹¹⁷ See the 1917 Code where the bishops were still called residential (canon 334,1; 338,1).

¹¹⁸ Canon 591 is a synthesis of *LG* 45 and *CD* 35,3. *MR* 8 is a similar synthesis but less precise. Exemption is not only seen to be for the good of the universal Church but also to enable the pope to respond better to the needs of all the Lord's flock. His intervention may be limited to one or several dioceses.

¹¹⁹ *MR* 8; 22c,e.

¹²⁰ It would be a mistake to say that exemption is suppressed and that now we must speak of autonomy. Such a statement is based on an analysis of concepts but does not take account of what exemption is, of the extent of the authority of exempt superiors, of the chapters of Institutes, of the immunity granted to them in matters of ecclesiastical penalties imposed by an authority inferior to the pope. One can and must say that exemption of Institutes is defined not only by their constitutions but by the pontifical documents of approval and mission.

¹²¹ A new appraisal is needed. It is work for the whole Church and is not limited to the points treated by *MR* 22c,e.

¹²² It is a serious mistake to say that solemn vows are suppressed. They no longer figure in the *common* law of Institutes of Consecrated Life but they are retained in the law proper to exempt Institutes and acknowledged in canon 1192,2.

¹²³ Autonomy cannot be limited to the internal life of the Institute. That would amount to imprisoning the charism within the Institute.

¹²⁴ The congregations are as follows: Priests of Christian Doctrine (founded 1592, now numbering 95); the Passionists (1720: 3,052); the Redemptorists (1732: 6,593); the Oblates of the BVM (1815: 218); the Salesians (1859: 16,915); the Divine Word Missionaries (1875: 5,290).

¹²⁵ See the 1917 Code, canon 198. The new Code recognizes as ordinaries all superiors of clerical and religious Institutes, and societies of apostolic life of pontifical right.

¹²⁶ See canons 589; 591; 593 which apply to fully exempt Institutes. *MR* has not studied important aspects of exemption. See also what we said in note 120.

¹²⁷ See canons 330; 336-37; 333,2; 392.

¹²⁸ *LG* 27a. Cf canons 375,1; 381,1; 394; 577; 678,1; 681-82.

¹²⁹ *MR* 22c.

¹³⁰ See *LG* 22. Cf canon 336. *MR* 9c avoids any opposition between the pope and other bishops.

¹³¹ On this last point it is appropriate to consult the law proper to each Institute, the papal documents and the founder's intentions.

¹³² *MR* 14a,b; 26; 28a; 30a.

¹³³ *MR* 22d.

¹³⁴ This mark of universality in the priesthood must be underlined. Cf *Presbyterorum ordinis* 8a; 10a. Cf canons 245,2; 257; 268,1; 270-71.

¹³⁵ See *CD* 11b; 35,1.3. Important here is *ordinem institutorum internum potissimum respicit*. *Potissimum* does not rule out some freedom of action, respect for particular characteristics and the outreach of a charism in apostolic works.

¹³⁶ Canons 610; 676; 677. *MR* 9c. *CD* 33b.

¹³⁷ Canon 678,2. *MR* 46.

¹³⁸ Canon 678,1:

¹³⁹ The new Code insists on these written agreements (canons 609,1; 681,2). To be of use they must be made for a specific period and always be renewable.

¹⁴⁰ *MR* 47a. One would like bishops and their close advisers to know the particular identity of religious Institutes in their dioceses.

¹⁴¹ Cf *supra*, note 76.

¹⁴² *MR* 14b; 28a; 26; 49b.

- ¹⁴³ Faculties granted to exempt religious remain in force but hardly apply, given the lessening of penalties *latae sententiae*.
- ¹⁴⁴ This missionary activity has been the 'mission of the pope' and has doubtless gained from the exemption of those orders which dedicate themselves to evangelization. See *LG* 45b.
- ¹⁴⁵ Monastic foundations in mission countries are called to a stricter contemplative monastic life without apostolic works which *Ad gentes* 40b does not mention. See also *AG* 18d.
- ¹⁴⁶ Canons 678,2; 677,1.
- ¹⁴⁷ *MR* 41 *semper agendo . . . iuxta proprii instituti indolem*. See also *MR* 46; 47 and canon 610,1.
- ¹⁴⁸ Address of 8 February 1973 in *AAS* 65 (1973), 95-103.
- ¹⁴⁹ *MR* 49-50.
- ¹⁵⁰ Cf canons 678,1 and 680 which cover all that *MR* has expounded on these relationships. See *MR* 33-48.
- ¹⁵¹ Cf canon 330 which refers to the text of *LG* 22a.
- ¹⁵² This separation should be established by the norms of an Institute's own law. On this, see canon 667,1.
- ¹⁵³ Canon 607,1 is very rich doctrinally. Showing forth the link which God wishes to have with his Church, religious life is also a sign of the union of Christ and his Church.
- ¹⁵⁴ Cf canon 673.
- ¹⁵⁵ Cf canon 603,1. Eremitical features make known the depth of a genuine monastic life.
- ¹⁵⁶ *MR* 16. Canon 673.
- ¹⁵⁷ Cf canons 708-09.
- ¹⁵⁸ Cf canon 676. *PC* 10.
- ¹⁵⁹ Cf canons 678,2; 586,1-2.
- ¹⁶⁰ Cf canons 607,3; 640; 669-70.
- ¹⁶¹ Cf canons 680; 678,2.
- ¹⁶² Canon 708. Instead of the term 'charism' the promulgated text says: 'while respecting the autonomy, nature and spirit of each'.