

THE NEW CODE AND THE DEVELOPMENT OF RELIGIOUS LIFE

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RELIGIOUS LIFE is at a crossroads in time, under pressure from without as well as within. There is, of course, some comfort in the fact that every other human institution is being buffeted as well. Role definitions in marriage are in flux; the scope and authority of government is in question; the boundaries of life are being breached; the very fabric of human and political relations are in tension; the human intelligence has been outraced by its own technology; the very existence of the planet is in danger. The only conclusion is that the world has reached another breakpoint in history. When all institutions at one time are straining to deal with a situation that is impervious to past answers and brimming with new questions, then one era has shifted to another no matter how regretful the passing. In just such moments of history have whole new models of religious life emerged: the eremitical, the cenobitic, the mendicant, the apostolic and the social service orders.

Past paradigms of religious life

With the legitimization of christianity by Constantine, the fathers and mothers of the desert emerged as strong contrasts to the political Christians of the cities who took on the religious practices of their rulers, but not always the depth of the faith. To the politicization of the faith, the eremitical life offered a clear call to radical christian commitment.

Then, with the decline of the roman Empire, cenobitic communities rose up to give focus and stability to the tottering social organization of western Europe. The eremitical life continued to be revered but ceased to be the prime model for religious life. In the face of social chaos, the religious communities of this time gave to the people of surrounding areas a witness of God's loving care and presence through institutional stability.

When the poor flooded the developing cities in the thirteenth century, mendicant religious followed them, living rootless and poor like the people they served. They challenged with new values an uncaring urban culture as well as the wealthy establishment Church

of that period. Monasticism continued to be gift in the Church, but the central paradigm of religious life was altered once more.

As the political and religious unity of Europe was shattered by the emergence of nation states and the protestant schism, new groups of religious now concentrated on the studied articulation and defence of the faith in a divided world. A different form of community life-style and organization, not monastic and not local, arose to support this new kind of missionary activity or catechesis and, though each of the other forms remained, soon became the basic pattern of religious life because of its concentrated focus on the major issues of the time.

Finally, with the massive emigration of Europeans to the United States and the world-wide influence of the french revolution on the pressure for equal rights, six hundred new religious congregations arose in the eighteenth century to soften the effects of an enslaving industrialization by acts of mercy, and to insert ghetto outsiders into a strange culture by educating the outcast Catholic for public service in a white, anglo-saxon, protestant culture. Religious became identified by the institutionalized services they gave to such an extent that vocation and work began to be seen as identical.

The point is that religious communities have always been, fundamentally, signs of God's loving concern. Not in a passive way, not by running away from the issues or problems of the period, but by confronting them directly. Though the commitment to the Christ of the gospel remained always the same, in moments of major upheaval as universal issues changed, so did the style or focus of religious life in order to deal with these issues, despite the fact that in many instances these very changes invariably caused conflict in the Church.

The problem is that we face new issues now. The massive destruction of peoples, the exploitation of the poor, the oppression of women, the breakdown of community, the control of the world and its resources, the diminishment of the intrinsic value of the human being, the global struggle for equality and systemic participation are all questions that cry to the gospel for judgment.

Religious of this generation stand half-way between two eras. On the one hand dependence, conformity and institutionalized functionalism were both the norm and the pattern of religious commitment. On the other responsibility, community and discernment of gifts are the emerging ideals. On the one hand there is a new gospel agenda in our time for which old institutions are largely insufficient. On the other there are the expectations and responsibilities that are the price of past success. The questions are: (1) what does the future look like? (2) what model of religious life is needed to address it? and (3) does the new Code of Canon Law enable or obstruct the attempt?

Present pressures on the future of religious life

If the function of religious life is to give witness to the gospel in the present age, it is important to reflect on the characteristics of the present social situation that call for gospel witness.

In the first place science, not industry, has become the great high priest of the time. Its motto is not 'the greatest number of desirable goods for the maximum number of people at the cheapest possible cost' but 'what can be done should be done, must be done, and will be done', whether it ought to be done or not. Not the limits of the market-place, but only the limits of the mind, will determine which products control our environment. Out of this philosophy have come weapons designed to destroy the planet; *amniocentesis*, the ability to reject life before it has even been given, and genetic manipulation, a passport to the super-race.

At the same time the world has brought itself to a point of globalism that has no historical parallel. Technology has not made the world smaller; it has made the world one. As a result, world relationships are shifting: war in the East stops production in the West. Scenes of famine in Africa play on the television sets in american restaurants. Scenes of american two — and three — car homes play on television in mexican *barrios*. Decisions which enhance the corporations of one country imbalance employment and development in another. In this environment the moral life cannot possibly be a very private thing and the definition of local community blurs.

Furthermore autonomy has become one of the most pressing issues of the time. Colonialism and protectionism have been cast aside. In 1945, half of the human race was still controlled by outside forces. By 1977, less than one per cent of the human race was still subject to colonial governance. These days people expect to be self-directing and equal. It is not that they do not want government; they want government of their own making. Independence, interdependence and equality have become the fragile touchstones of a developing world, sparing no persons and no institutions.

Finally, in the midst of all these social realities, the Church has come to define itself as part of, rather than separate from, the culture around it. Consequently it is rediscovering its role as leaven and salt rather than as city of God under siege. The theology of transcendence has given way to a theology of transformation that has touched religious communities deeply. Above and beyond cosmetic changes, whole charisms are still in the process of being traced and tested because life has changed around, as well as within, religious institutions. At this crossover point in history, it is once again the very focus of religious life that is at issue. The basic church question has become whether or not by religious renewal is meant a modified version of the past, or a largely new kind of commitment

within past principles. The question is not academic; many fundamental shifts have already occurred within communities and been approved by their own chapter bodies on the basis of their evaluation of the signs of the times.

The relation of the signs of the times to the model of religious life

In a culture where science is not only value-free but often valueless, the world may not so much need those who give standard educational answers as it needs someone to rely on to press hard philosophical questions. To teach science is one thing. To ask whether that which is scientifically, socially, or economically possible is also morally appropriate is entirely another. But with this realization comes an even clearer one: religious must confront the notion of institutionalism-for-its-own-sake. It is not enough simply to run alternative organizations in a world where social services have in most places become part of the fabric of society. The great religious founders created systems for the Church that were sorely needed. They did not duplicate old models; they gave the society new ones. In our own times, the same thing may be happening; but the greatest difficulty facing this generation of religious in their attempt to relate to these times may well be the success of the last generation.

With operational costs rising and population and personnel declining, some previously flourishing institutions are clearly not viable. In fact, a proper stewardship of resources indicates that some of these must be and need to be closed, or the energy and vision of communities may well be poured out on the tasks of the past rather than the challenges of the present. Just because a community has always had a school or a hospital is no sign that it should have one now, even if it can afford to. The function of the religious institution is not to be viable; it is to be prophetic.

The implications are obvious. In the future, all religious will not be in institutionalized ministries. In some instances, the institutions themselves will disappear; in others, religious will have to choose to minister in those public arenas where national, social, economic and legislative agendas can be subject to the moral critique of the gospel and where the voice of the voiceless can be heard through them.

Moreover in a culture where globalism is a fact of daily life, religious institutions, it seems, must be centres devoted to world peace, to equality, to social justice, and to christian reflection on these issues, or our only sign may well be the sign of failure to attend to the contemporary human agenda from a christian perspective.

Finally, in the surging search for human rights and equality as gospel standards, religious communities themselves must be signs of full life in Christ or the Good News itself will come into question. The Church cannot call others to what it does not model or practise itself.

The question is whether or not the new Code sustains these efforts by religious to attend to the new needs of the time while dealing with the attendant reality of the ageing of their membership, the decline of their institutions, and the authenticity of their charisms.

The new Code of Canon Law and religious life

The new Code of Canon Law for religious is a rare blend of past and future, many times in contention, often in synergy. The model of community, authority, ministry and Church that emerges in the canons seems to recognize the possibility that new needs might emerge, that authority is to be shared, that community is essential and that the Church is a body of adult believers with gifts. At the same time, there is an underlying sense that vision is not in vogue. At the level of principle, the Code is expansive. At the level of practice, the new Code often sets perimeters from the past; the effects of the new law on emerging models of authority, ministry, community and Church are mixed.

Authority. On the questions of responsibility in the Church, the Code takes two positions: decentralization and clericalism. One advances the quest for autonomy and participation considerably; the other may well serve to keep it in check. Over and over again, the new Code sets universal norms but explicitly states that the constitutions of a congregation can decree otherwise, or at least modify the norms according to what is 'proper to the institute'. More than that, processes once controlled precisely by Rome — exclaustation, election procedures, organizational structures, enclosure, terms of office, visitation, the use and administration of goods — have been ceded to local community authority. In other words, subsidiarity is a very real dimension of a law framed in the spirit of Vatican II.

The new Code, for instance, gives to religious institutes themselves the right to suppress or divide sections or units of the congregation or federation or order. This right of local authorities to move quickly to authenticate or absorb parts of the congregational structure can have at least two effects. In the first place the group itself, who can best recognize not only a geographical shift in ministry, but also the psychological value of its validation, will enjoy the flexibility of group development. In the second place long-range planning, to avoid the impression of the deterioration of religious life, will become both easier and imperative. In the United States, where the total number of religious has declined from 176,000 in 1962 to 96,000 in 1983, this local control may well be the key to the continued revitalization of religious life. The image of half-empty monasteries is, it seems, no sign of religious vitality and ought to be avoided like the plague. Commitment, not numbers, is the key to religious witness, and as ministries and membership profiles change,

congregations must move quickly to become disengaged from past institutions which are a drain on the resources and energy of a community.

The fact that leaves of absence, exlaustrations, transfers and even dispensations to a certain degree are also now given to the local level to grant gives a clearer picture of the nature of the relationships involved. Religious professions have never been registered in Rome, only dispensations. There is something wrong with a system that recognizes people only when they leave it. The new Code reflects the realization that bonds forged in the community ought to be dissolved there so that everyone concerned realizes that the rupture is personal rather than simply legal. In this capacity then, the new law is indeed a truer and clearer image of the theology of community life itself.

At the same time that the Code shifts this locus of responsibility, however, it does not do much to alter the hierarchical theology of obedience and authority. The model of a Church of believing but ordered adults waits in the wings of this document. Neither the language of obedience nor the mode of authority, as they are expressed in the Code, suggest much development. 'Superiors' are to govern their 'subjects' as 'children' of God, though in the spirit of service and for voluntary obedience (c. 618). 'Consultative and participatory bodies' are assumed — an advance in structure indeed — but 'wise discernment' is to be used to their establishment and use (c. 633,2). The feeling is that such groups are normative but suspect, rather than necessary, or even of the essence of christian leadership. The strong call for participation and personal responsibility, that might be expected both from the Acts of the Apostles as well as Vatican II and contemporary culture, is absent from any discussion of authority in this Code. As a result, the emergence of team governments in religious institutes is denied, by virtue of the fact that authority is presumed to reside in a single person, a notion foreign both to the history of the early Church and the present culture.

Most limiting of all is the continued insistence on priestly ordination, and therefore maleness, as the basis for church governance (c. 129,1). Decision-making in church governance is simply denied to the non-ordained, though participation in church ministry is encouraged (c. 394,2; 511). Certainly, the failure to see this call to contribute to the apostolate of the Church as a breakthrough, however limited, is to ignore history. Nevertheless, the reality remains that though lay people and women may work in the Church, the Church clearly belongs to someone else. In every human institution people seek civil rights and the Church speaks in their support. In divine institutions it seems, basic rights do not apply. In the Church men write all the policies, men define all the positions, and men elect only other men to continue the system. The

effect of this exclusion on religious life itself, on women, on people looking for signs of human dignity in Christianity, and on the credibility of the Church's definition of itself is yet to be seen in a world where autonomy, equality and human rights have the highest priority.

Ministry. Some of the most impelling sections of the Code deal with ministry. Lay institutes of men and women 'participate in the pastoral mission of the Church through the spiritual and corporal works of mercy, performing very many different services for people' (c. 676). Women religious, of course, are in a no-choice situation. Ordination, and its basis for full ministry in the Church, is closed to them, including the diaconal state for which there is precedent in history. Women and their communities have no direct access to God, but must have the eucharist mediated to them by males who have no identity with a particular ecclesial community other than as ritual functionaries. The liturgical theology of that is, of course, obscure. On the other hand, male religious may have just as much of a struggle with what it means to be both clerical and religious. Which call has priority, and what effect that duality has on both their personal identity and their fundamental option for religious life, have very real meaning for the development of male communities of religious. If community life itself is a valuable witness in the Church, then what is the reason for the clericalization of male communities? And if the reason is to make full christian community possible, then what does that say for the spiritual quality of women's communities?

At the same time, there are hopeful signs in the new Code for the developing role of the laity, and therefore many religious, in the ministry of the Church. Multiple avenues of new ministry for lay religious — spiritual direction, retreat work, parish administration, preaching and liturgical service — become possible at least by implication as a result of this Code (cc. 230,2; 517,2; 758; 766; 861,2; 910,2; 943; 1112,1,2). With the decline in the number of priests, these opportunities may well become the basis for an entirely different type of participation by religious in the ministry of the Church.

Clearly, the Code is also in creative tension with itself. The bishop is told quite clearly to foster various forms of the apostolate, 'according to the needs of the place or time' (c. 394,2) and even to collaborate with religious in the discernment of these services (c. 678,2). Religious, however, are to 'hold fast to the mission and works which are proper to their institute' and 'prudently to adapt them' (c. 677,1). Only creative interpretation in a period of great change will protect this canon from itself. At the same time, the key to the reconciliation of these two positions — to provide for new needs but not to depart from past services — may well be the call to consultation, rather than direction, between bishops and religious

about the works to be done (c. 678,3). Where adaptation of ministry also involves the alienation of property, however, the rights of bishops to deter diocesan communities in this regard are a potential source of additional tension and control (c. 1292,1). The subject is crucial to the ongoing development of religious life. It is exactly the standardization and ossification of the religious works of the immediate past that have made both renewal and relevance the difficult tasks they are. So wedded have we become to our traditional works that adaptation has been often unthinkable.

The exclusion of religious from participation in civil authority (cc. 672; 285,3) limits for this period what had been a common practice in the history of western Europe before this century. The important thing to remember is that this restriction of religious from the exercise of civil authority or power ought not to be read to mean that religious are excluded from exerting influence on public or political issues. Holding political office, and functioning in the political arena, are two entirely different things; the distinction is crucial in a period where legislative reform may be essential to the on-going existence of the human race. If the two are confused then we may well be abandoning the public forum at a moment in history when it has never needed the critique of the gospel more. In fact one of the more exciting calls of the Code to religious is its injunction for communities, as communities, to 'donate something from their own resources to help the needs of the Church and the support of the poor' (c. 640). 'Witness' and prayer and concern it seems, are not enough in a day when the foundations of society are under stress.

Community. It is in the area of community life itself that the new Code is most regressive and contradictory; where breakthroughs are lacking, and where, therefore, the future of religious life may well be most endangered.

The concept of unique charisms is affirmed in the Code time after time (cc. 577; 578). Nevertheless, one mode of life is required of all traditions, both monastic and apostolic. In each, community is clearly defined as the common life, the liturgy of the hours as the standard prayer form, a uniform as the essential sign of commitment and poverty (cc. 607,2; 665,1; 663,3; 669,1).

The specifications present multiple problems for the development of a religious life for this time. In the first place, since the law is careful to record that everything stated applies equally to both men and women, unless otherwise indicated, the assumption is that male clerical religious, who for long years have lived alone for parish work, special ministries or missionary activities, will also now be collected into living groups. Otherwise someone is going to have to answer why women religious from the same spiritual traditions cannot do the same.

Secondly, the liturgy of the hours, a choral prayer, necessarily

limits if not the prayer quality of non-monastic communities at least their form, size and ministries. The idea that all religious must pray a choral office may be not only impossible but also undesirable for apostolic orders, for whom a monastic prayer life could be a dis-service to the full emergence of their unique charism.

Finally, the requirement of a uniform habit raises not only the whole issue of the social-psychological effects of uniforms but also, especially in protestant countries or in nations where the separation of Church and state has high priority, the ability of religious to leaven the public sector, or to earn the monies necessary to maintain themselves and expand their services to the poor. The Church after all has come to define itself as part of, rather than separate from, the culture around it. Given that perspective, many groups have relinquished a uniform or traditional religious habit in order to walk among people in a manner more like the Christ of Emmaus than the Christ of the Transfiguration. They have opened their communities to non-members, become part of people's lives and made others part of theirs. They have found ministry outside their own institutions and often outside the catholic structure itself. All of those things are not just departures from the past; they are also shapers of the future.

The homogenization of religious institutes is not totally without merit, however, if the elimination of 'higher' and 'lower' orders — a recognition of the 'religious' character of congregations devoted to apostolic work — does not also suppress the full development of the apostolic spirituality of these groups. The concern of Vincent de Paul echoes ominously: he warned against practices and life-style that would make ministry impossible. The realization that apostolic spirituality is unique is long overdue.

Obstacles and invitations to the development of religious life

Dependence, conformity and institutionalized functionalism were hallmarks of pre-Vatican II religious life. The new Code, at least in embryo if not with enthusiasm, can enable us to go beyond that level of human development and service, a development sorely needed if the tide and tempo of these times are to take seriously the presence of the Church. Responsibility, community-building and discernment of gifts are the emerging ideals. The new Code may not make a clarion call for these qualities. But the seeds are there for those who have the courage to use the authority given them to shape for the Church the new models of community, prayer and ministry that can speak to the modern world. The clear feeling is that the present Code is not enough for this time, but it certainly gives broader, deeper scope than ever before. Within it is at least the outline of a new kind of authority and ministry. For those for whom charism and contemporary service are imperatives, that in itself is a promising beginning.