

*The Evolution of the Secular Institutes**

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SECULAR Institutes are currently a focus of special attention : not only because they are associated with some of the most important problems in the life of the Church, but also because, since its juridical formulation by the Apostolic Constitution *Provida Mater Ecclesia* (2 February, 1947), the notion of the Secular Institute has undergone a profound evolution—a process of diversification and differentiation which is of absorbing interest.

One significant fact will show what is meant. Immediately after its promulgation, the *Provida Mater Ecclesia* was applied to Opus Dei, which Pius XII described as 'the model of Secular Institutes.' But to-day, less than twenty years later, this Association is commonly acknowledged to be quite different from the other Secular Institutes, so much so that only juridically is it correct to call it a Secular Institute ; it is not a Secular Institute in fact.

To describe adequately the sociological and scientific evolution of Secular Institutes, it is necessary first to study the legal texts themselves. Accordingly this survey is divided into the following sections :

- I. Origin and approval
- II. The original features of the Secular Institutes.
- III. The evolution of the Secular Institutes.
- IV. Supplementary information.

I. ORIGIN AND APPROVAL

On 2 February, 1947, Pope Pius XII promulgated the Apostolic Constitution *Provida Mater Ecclesia* ;¹ he thus gave official recognition to the Secular Institutes and—in the legislative section of that Constitution—laid down the *lex peculiaris* or basic legislation governing these Institutes. In ten articles, the following aspects were dealt with : the juridical position of the Secular Institutes, their essential elements, the norms for their erection and approval,

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¹ *A.A.S.*, xxxix (1947), pp. 114-24.

their organization and internal government and their relations with the ecclesiastical authority.

In this way, without upsetting the general lines of the current canonical legislation on associations of the faithful or on the state of perfection, the Apostolic Constitution *Provida Mater Ecclesia* introduced a profound juridical innovation: the recognition and approval by the Church of associations which aim to have their members live fully the life of Christian perfection and apostolate in the midst of the world. This juridical innovation went hand in hand with a significant doctrinal development, for it underlined clearly and decisively the vocation of the layman to sanctity. With good reason, an authoritative commentator described the Constitution as 'an historical document for the internal life of the Church.'²

One year after the promulgation of the *Provida Mater Ecclesia*, on 12 March, 1948, Pius XII completed and perfected the Constitution with his *Motu proprio Primo Feliciter*.³ And a week later, on 19 March, 1948, the Sacred Congregation of Religious, exercising the power which these documents had given it, published the Instruction *Cum Sanctissimus*.⁴

This new institution in the law of the Church gave form and structure to a vigorous movement of spirituality which had been developing for a number of years. Since the Church is a society which is both charismatic and juridical, it is natural that this should be the order of events; the juridical norms are always determined by earlier social realities. In this case the social reality began to manifest itself some twenty years before the *Provida Mater Ecclesia* in the appearance of some associations which aspired, with more or less precision, to live a life of perfection and carry out apostolate, but without cutting themselves off from the world. The existence of these associations moved the Roman Curia to study the question of their juridical position. Pius XI put the problem in the hands of the Sacred Congregation of the Council and in 1938 in St. Gall, under the presidency of Father Gemelli of Milan, a meeting was held of twenty-five of these Associations from France, Hungary, Italy, Spain, Switzerland and other countries.

² *L'Osservatore Romano*, 14 March, 1947.

³ *A.A.S.* xl (1948), pp. 223-6.

⁴ *A.A.S.* xl (1948), pp. 293-7.

The studies made by the Sacred Congregation of the Council and the difficulties it met (it was at that time considered the only body competent to deal with the ordinary associations of the faithful, of a strictly diocesan character⁵) moved the Sacred Congregation of Religious to take more decisive action on this question. It took over the study of the juridical position of these new associations, in spite of the fact that some of them did not have, and did not wish to have, common life (for an institution to come within the scope of that Congregation, common life was at that time an indispensable requirement). We have now reached the phase which immediately preceded and prepared the ground for the promulgation of the *Provida Mater Ecclesia*.

During this period (1942-46) the work of the Holy See was concentrated in three successive commissions (1944; '45; '46). Consultors of three Congregations took part in these commissions: the Holy Office, the Council and Religious. Once questions of principle were resolved and clarified, the Sacred Congregation of Religious tackled the problem directly and dealt with all its legal aspects; it did so by means of commissions with a Plenary Congress, i.e. with the attendance and aid of technical advisors.

Pope Pius XII referred to all these investigations in the following words of the preamble to the *Provida Mater Ecclesia*: 'after diligent examination by the Supreme Sacred Congregation of the Holy Office on all that fell within its jurisdiction, a general Statute for Secular Institutes was drawn up and revised by the Sacred Congregation of Religious.'

This brings us up to the beginning of 1946. Until then, the different commissions of the Sacred Congregation of Religious, acting mainly on directives given by the Holy Office, had been preparing a draft text for an Instruction or Decree to be issued by the former Congregation which would give a juridical position to these new social forms. At that time the Sacred Congregation of Religious was intending to broaden the concept of the religious state, interpreting *lato sensu* title XVII of the second part of Book II of the Code of Canon Law in such a way

⁵ Canons 684-725 of the C.I.C. The opinion is growing that inter-diocesan and international associations of the faithful come also within the competence of the Sacred Congregation of the Council, as the revision of the current canonical norms on the ever more vigorous lay apostolate seems to require (cf. W. Onclín, 'Principia generalia de fidelium Associationibus' in *Apollinaris*, 1963, pp. 68-109; S. Canals, *Los Institutos Seculares*, Madrid, 1960, p. 170).

that the new societies could be included in the framework of the second part of Book II, *De Religiosis*.⁶ In intending to approve the new associations as constituting just one more type of the religious state of perfection, the Congregation was not a little influenced by the fact that the greater number of these societies had not really sufficient characteristic elements to warrant the creation of a new juridical form distinct from the concept of *status religiosus*. Some had intimated that they would favour a possible public profession of the bond or consecration (the taking of public or semi-public vows); others had stated that they wished to use some uniform or external mark along the lines of the religious habit; others had, in effect, canonical common life and were ready to accept approval as societies of common life without vows.⁷

One of these associations, however—the most clearly defined and the largest—had such special ascetical, apostolic and organizational characteristics that it could in no way be included in any social pattern *ad instar religiosorum*. This was Opus Dei, whose special nature was to have a determining influence in the preparation of the *Provida Mater Ecclesia* (as was expressly stated in the *Decretum laudis* granted to that Association). Opus Dei's petition for approval, made by its Founder to the Holy See, had the effect of changing the direction of the preparatory studies referred to. The evidence submitted by Opus Dei provoked a fuller examination of the problem which clearly showed the need for creating a separate juridical framework for the new associations. It was then a question, not of broadening the scope of the religious state, thus straining the norms of the existing law, but rather of recognizing the existence of a *species qualificata* within the genus or category of associations of the faithful (the final resolution of the Sacred Congregation of Religious itself stated this). The result was the definitive text of the Apostolic Constitution promulgated on 2 February, 1947. At that time the Founder of Opus Dei wrote :

There springs up now in the House of the Father where 'there are many mansions'⁸ a new form of life of perfection, in which the members are not religious and do not cut themselves off from the world.

⁶ Cf. S. Canals, 'Los Institutos Seculares de perfeccion y apostolado' in *Revista Española de Derecho Canonico*, 1947, pp. 821-62.

⁷ Cf. N. Girao Ferreira, 'Itinerario Jurídico de los Institutos Seculares' in *Nuestro Tiempo*, ix (1958), pp. 3-19.

⁸ John xiv, 2.

And he went on to emphasize after describing the evolution of the types of life of perfection, that the members of all these earlier societies of perfection, from the time of monasticism up to 1947,

were always religious, cut off and foreign to the world. Now it is from the world itself that these apostles rise up, who dare to sanctify all the everyday activities of men.⁹

The new juridical entity thus created led to the pontifical approval of Opus Dei only twenty-two days later, on 24 February. At the same time it also offered to those other associations to which we have referred the possibility of being erected by the Holy See after accommodating themselves, wherever necessary, to the juridical structure of the Secular Institutes. The Holy See itself expressly insisted on the need for this previous stage of adaptation :

Associations which previous to the Constitution *Provida Mater Ecclesia* were legitimately erected or approved by Bishops according to the norms of older laws, or which had obtained some pontifical approval as lay associations, must submit the following to this Sacred Congregation in order to be recognized by it as Secular Institutes—of either diocesan or pontifical right: documents of erection or approval, the Constitutions by which they have hitherto been governed, a brief history of the Association, of its discipline and apostolate, and also, particularly if it be only of diocesan right, evidence from the Ordinaries in whose diocese they reside. Once all these have been thoroughly and carefully examined under the regulations of Articles VI and VII of *Provida Mater Ecclesia*, a permission for erection or a Decree of praise may be granted according to the nature of the case.¹⁰

Regarding possible new associations which might be founded in the future and might seek approval as Secular Institutes, the same Instruction established that

even though they may have every hope that, if things continue as they are, well established and genuine Secular Institutes may arise out of them . . . as a general rule, admitting exceptions only for serious and clearly proven reasons, these new associations should be retained and tested under the immediate and watchful care of the diocesan authority.¹¹

⁹ J. M. Escrivá de Balaguer, *La Constitución Apostólica*, 'Provida Mater Ecclesia' y *el Opus Dei*, Madrid, 1947, pp. 16-17.

¹⁰ Instruction *Cum Sanctissimus*, already cited, of the Sacred Congregation of Religious, n. 4 in S. Canals, *Secular Institutes and the State of Perfection*, Dublin, 1959.

¹¹ *Ibid.*, n. 5.

These norms recommending adaptation or prior prudent probation, as the case may be, show a desire to avoid possible inexact theoretical interpretations, or practical applications, of this new juridical concept that was only sketched in its broad general lines. Hence the call to prudence on the part of the diocesan authorities and of the associations aspiring to be approved as Secular Institutes. But before going on to discuss this aspect of the evolution of the Secular Institutes (1949-64), it seems necessary to examine the basic characteristics of the type of association instituted by the *Provida Mater Ecclesia*, and perfected by the other documents already referred to: the *Motu proprio Primo Feliciter* and the Instruction *Cum Sanctissimus*.

II. THE ORIGINAL FEATURES OF THE SECULAR INSTITUTES

1. Essential Characteristics

Article I of the Apostolic Constitution *Provida Mater Ecclesia* defines the Secular Institutes as 'Societies, whether clerical or lay, whose members profess the evangelical counsels in the world as their aim, to attain Christian perfection and the full exercise of the apostolate.' These Institutes have therefore three essential characteristics: (1) life of consecration; (2) full exercise of the apostolate; (3) secular nature.

(1) *Life of consecration*: In addition to those exercises of piety and self-denial which create the climate necessary for the life of perfection,¹² those who are members in the strict sense of Secular Institutes are required to practise the three main evangelical counsels: perfect chastity confirmed by vow, oath or promise; obedience to the Superiors of the Institute; and a poverty which limits, in a well defined and strict manner, the free use of material goods.¹³

This full consecration also entails incorporation in the Institute and commitment to the carrying out of its aims, by means of a mutual, complete and stable bond (perpetual or temporal *suo tempore renovando*) in such a way that the member gives himself completely to the Institute and the Institute looks after and cares for the member in all his needs, material as well as spiritual.¹⁴

¹² Cf. *Provida Mater Ecclesia*, art. III, 2, and the Instruction *Cum Sanctissimus*, n. 7, a.

¹³ Cf. *Provida Mater Ecclesia*, art. III, 2.

¹⁴ Cf. *Provida Mater Ecclesia*, art. III, 3.

This consecration does not effect any change in the person's canonical state, which continues to be secular, lay or clerical, depending on what it was before membership in the Institute. The practical consequences of this fact do not imply a possible relaxation of the rigour with which the evangelical counsels are practised.¹⁵ True, the self-surrender to God is made without common life, the habit, the cloister and the other juridical elements which go to make up the canonical state of perfection; but the absence or exclusion of these elements does not diminish the fulness of the consecration: they are excluded because 'this perfection is to be exercised and professed in the world (*in saeculo*) and consequently it must be adapted to secular life.'¹⁶

The *lex peculiaris* of the Secular Institutes leaves it to the internal law of each Institute to decide the specific form in which the consecration is to be made (vow, oath, consecration or promise), but, whatever form be chosen, the obligation which derives from it is in conscience grave *ex genere suo*, and permanent.

Regarding chastity the *lex peculiaris* permits a vow, oath or consecration: that is to say, the offering of one's self; any breach of this obligation constitutes a sin against chastity and, at the same time, one against the virtue of religion, but since this bond, which is not public, does not make the members sacred persons, sacrilege is not committed.¹⁷ For obedience and poverty it admits both a vow to God and a promise to the Superior: the vow obliges *ex religione*, the promise *ex iustitia* or *ex fidelitate*. A promissory oath is also allowed, but not a simple resolution, in itself changeable.

In any case, no matter what is the specific kind of bond, in each case it will always¹⁸ be a question of vows, oaths or promises which are not public but private, i.e., not received by the Superior in the name of the Church.¹⁹

This is why, in spite of the fact that there is a full and stable consecration of the person, he does not acquire a new juridical

¹⁵ A. del Portillo, 'Constitutio, formae diversae, institutio, regimen, apostolatus Institutorum Saecularium,' in *Acta et documenta Congressus Generalis de Statibus perfectionis*, Vol. II, Rome, 1950, pp. 289-303.

¹⁶ *Motu proprio Primo feliciter*, n. ii.

¹⁷ Cf. Declaration of the Sacred Congregation of Religious, 15 May, 1949; A. Larraona, C.M.F., 'Commentarium in legem peculiarem' in *De Institutis saecularibus*, Vol. I, Rome, 1951, p. 90.

¹⁸ *Provida Mater Ecclesia*, art. iii, 2.

¹⁹ Cf. C.I.C., canons 488, 1, and 1308, 1.

personality *coram Ecclesia*. And we have already stated that incorporation in the Institute does not change the canonical state of the person: the Church does not regard the members as religious, but as secular clergy or lay people who consecrate themselves to God fully and stably in a private way. That is to say, they are not persons in a canonical state of perfection.²⁰

(2) *Full apostolate*: In the very definition of the Secular Institutes it is stated that the profession of the evangelical counsels is made *apostolatum plene exercendi causa*, in order to carry out the apostolate fully. This full apostolate ought, therefore, to be a requirement which is essential and necessary *quoad substantiam*.²¹ The Church's desire to emphasize this aspect is very significant. Comparing the definition of the Religious Institute—in Canon 488, 1 of the Code of Canon Law—with the legal definition of Secular Institute, one notices how the former lacks this explicit union between the profession of the evangelical counsels and the exercise of the apostolate (understood as a specific, organized and external activity) whereas in the Secular Institutes this intimate and intrinsic union is expressly stated.

The *Motu proprio Primo Feliciter* points out that in the Secular Institutes the apostolate 'seems to have happily provided the opportunity for a life of consecration'; 'has called for and created that end which is called specific or even generic'; moves the members of the Secular Institutes to give themselves to it 'always and everywhere'; 'has imposed its own essence and form on this life of consecration,' and turns the entire life of the members into apostolate.²² But, in addition to this apostolate being fully exercised, it should also be clearly secular.

This apostolate of the Secular Institutes is to be faithfully exercised

²⁰ J. M. Escrivá de Balaguer, *La Constitución Apostólica*, 'Provida Mater Ecclesia' y el *Opus Dei*, Madrid, 1947, pp. 16–20; A. del Portillo, 'Constitutio, formae . . .', op cit.; *Institutos seculares*, Rome, 1949, pp. 22–75; 'Naturaleza de los Institutos Seculares' in *Actas del Congreso Nacional de perfección y apostolado*, Madrid, 1957, pp. 445–50; 'The present position of Secular Institutes on the XIIIth anniversary of *Provida Mater Ecclesia*' in *THE I. E. RECORD*, 1959, pp. 29–40; S. Canals, *Los Institutos Seculares . . .*, op cit.; 'De natura iuridica Status perfectionis' in *Commentarium pro Religiosis*, 1956, pp. 57–72.

²¹ 'Comparación ascética jurídica y apostólica de los Inst. Sec. con las Religiones, las Sociedades de vida común y las Asociaciones Seculares' in *Actas del Congreso Nacional de perfección y apostolado*, Vol. I, Madrid, 1957, pp. 488–91.

²² Cf. *Primo feliciter*, I and II.

not only in the world (*in saeculo*) but as originating from the world (*veluti ex saeculo*) and, consequently, through those professions, occupations, jobs and in places and circumstances corresponding to this secular condition.²³

The basic reason why this secular character was required and recommended so clearly and energetically, was the consideration that the nearer these Institutes approached religious forms of apostolate, the more their strength and ability to penetrate all environments would diminish.²⁴

These two characteristics—full apostolate and complete secularity—were thus clearly established in the constitutive documents, with the real desire of ensuring that the Secular Institutes would be apostolic instruments capable of working in all social milieux so as to bring the life of perfection to all places ('ad vitam perfectionis semper et ubique serio ducendam'); to bring about a deep Christian renewal in the spheres of family, work and civil society ('ad impensam familiarum, professionum ac civilis societatis christianam renovationem'); to carry out a manifold apostolate ('ad multiformem apostolatum'); and to carry out these apostolic tasks in places, at times, and in circumstances in which priests or religious were forbidden to work or could make no headway ('ad ministeria exercenda locis, temporibus et rerum adiunctis sacerdotibus religiosisque vetitis, vel imperviis').²⁵

(3) *Secularity*: The three documents of the Holy See which we have been studying constantly state that secularity should be an essential characteristic of a Secular Institute (to such an extent that it distinguishes or should distinguish the Secular Institutes from the canonical states of perfection).

Indeed, this secularity is proclaimed in the very title 'Secular Institutes.' The legal definition of Article I of the *lex peculiaris* establishes secularity, not only as one of the three substantial juridical elements of these Institutes, but as the element which determines and conditions the manner in which the other two are to be lived: the life of consecration, and the apostolate. The preamble of the *Provida Mater Ecclesia* in a fundamental

²³ *Primo feliciter*, II in finem.

²⁴ A del Portillo, *Los Institutos Seculares*, Rome, 1949, pp. 101–16; 'Les Professions et les Instituts Séculars,' in the Supplement of *La Vie Spirituelle*, 1959, pp. 440–9.

²⁵ Cf. *Provida Mater Ecclesia*, introduction; as regards the prohibitions referred to, see C.I.C., canons 139, 141, 142 and 592.

paragraph—on which to date perhaps no satisfactory commentary has appeared from the viewpoint of the theology of vocation—speaks of perfection practised in the world, not only as the individual initiative of a few people, but by means of societies formed for that purpose. In numerous other passages—already cited when discussing the manner of consecration and apostolate—both the *Provida Mater Ecclesia* and the *Primo Feliciter* refer to the concrete manifestations which this secularity should have, concluding that always and in all Secular Institutes care should be taken to stress clearly their proper and particular character, that is, ‘that they are secular—and in this lies the whole reason for the existence of such Institutes.’²⁶

It should be noted that the concept of secularity does not coincide with that of laity, for in the canonical division of persons²⁷ secular is opposed to religious, not to clerical, whereas layman or lay is opposed to cleric or clerical. Therefore both priests and lay people may belong to Secular Institutes; and there are actually Secular Institutes for priests.²⁸ Secularity is common to those lay people who are consecrated to God and to those who are not, as also to secular priests, since all of these persons, irrespective of their different positions from the hierarchical point of view, are *de iure et de facto* in the world, that is, in the middle of the ordinary and everyday life²⁹ of men. On the other hand, for the religious, for the person who lives in the canonical state of perfection, it is essential to be separated from the world, to live the *contemptus saeculi*,³⁰—so much so, that if a religious later leaves the religious state, he is said to have been ‘secularized’³¹ or to have been ‘sent back to the world.’³²

Secularity, therefore, excludes everything which in the religious state symbolizes or represents in any way this cutting one’s self off from the world—in particular, the taking of public vows, and canonical common life.³³ This is laid down in Article II of the *lex peculiaris*. For the same reason—and especially if one takes

²⁶ *Primo feliciter*, n. ii.

²⁷ Cf. C.I.C., canon 107.

²⁸ Cf. *Provida Mater Ecclesia*, art. i.

²⁹ A. del Portillo, ‘Les professions . . .,’ op. cit., S. Canals, ‘Secularidad y profesiones en los Institutos Seculares’ in *Nuestro Tiempo* viii (1959), pp. 131–41.

³⁰ C.I.C., canon 585.

³¹ C.I.C., canons 638; 640, 1; 641, 1; 643.

³² C.I.C., canons 642, 1; 653; 668; 704, 2.

³³ C.I.C., canons 487 ff. and 673 ff.

into account the fact that the whole life and apostolate of the members of Secular Institutes must be developed, not only *in saeculo*, but also *ex saeculo*—it is obvious that they should be completely secular both as regards manner of dress (thus excluding the use of a habit, uniform, or external sign symbolizing their dedication) and as regards the use of special forms of address or titles and, in general, any social manifestation not in keeping with secular life, both in the ecclesiastical sphere and in the context of civil society.³⁴

But secularity is above all a positive juridical requisite and a consequence also of a positive theological fact, a specific vocation, since the members of Secular Institutes should stay and work in the middle of the world *ex divina dispositione*.³⁵ Therefore, the presence of these consecrated persons in the middle of the world is a requirement of their vocation and a full right. Theirs is an apostolic presence which, precisely to be *plena*, demands complete juridical non-differentiation with respect to other lay people (or with respect to other priests, if the member is a priest). That is to say, it requires, *coram Ecclesia*, the strict retention, in all its practical consequences, of the same canonical personality which they had before their consecration; *coram Statu*, it demands the same juridical qualification, with all the ensuing rights and duties, that corresponds in each country to their condition of citizenship and to the peculiarities of their civil status, in the family as well as in the professional, social or political sphere. As well as all of these more or less juridical specifications, secularity—this secular consecration or consecrated secularity—also demands a special asceticism and a well defined outlook on all human realities and activities and the evaluation of the same with respect to the plans of God; it requires the openness and involvement of these persons in the life and problems of the contemporary world, of the men and women with whom they live, with no limits other than those imposed by what is unlawful or in opposition to their condition of consecrated souls.³⁶

2. *The internal law, dependency and classes of Institutes.*

The notion of the Secular Institute (defined by the three

³⁴ Cf. A. del Portillo, ‘Constitutio . . . Institutorum Saecularium’ in *Acta et documenta Congressus Generalis de Statibus perfectionis*, Vol. II, Rome, 1950, p. 230.

³⁵ *Primo feliciter*, preface.

³⁶ Cf. *Primo feliciter*, n. ii.

fundamental characteristics which we have outlined) may be summed up, therefore, in these words: Secular Institutes are, or should be, juridically regarded as clerical or lay societies, essentially secular, which are not religious and cannot be put on a par with religious. Since they are secular societies, these Institutes belong to the category of secular associations or associations of the faithful,³⁷ but within this class they have a defined personality which requires a name and law of their own, corresponding to their specific characteristics and needs.

Article II of the *lex peculiaris*, indicating the norms by which these Institutes are to be regulated, first sets forth a negative principle: the law specific to Religious Institutes (Orders and Congregations) and that of Societies of common life without vows does not bind the Secular Institutes nor should they use it. This principle is quite universal and extends both to the *ius conditum* and to the *ius condendum*, which will be applied to them only when, having studied the special circumstances of each case, it is expressly laid down. Initially the law for religious was under no circumstances thought of as supplementary law for Secular Institutes. (We remind the reader that, as previously noted, we are referring always to the Secular Institute prototype of the years 1947-8.)³⁸

The ordinary norms of Canon Law are a general source of law for the Secular Institutes, always provided they do not conflict with their own special law. These norms bind the Institutes in so far as they are collegiate moral persons and they bind the members directly in so far as they are physical persons, clerical or lay, as the case may be.

There are, then, three special sources of the law proper to Secular Institutes:

- (a) the Apostolic Constitution *Provida Mater Ecclesia* (2 February, 1947); the Motu Proprio *Primo Feliciter* (12 March, 1948) and the Instruction *Cum Sanctissimus* (19 March, 1948);
- (b) the norms given by the Sacred Congregation of Religious, to which the legislator delegated the task of interpreting,

applying and completing the pontifical norms governing these Institutes;

- (c) the Constitutions or constitutional Regulations of each Institute, which express its own particular law and which are different for each Institute in the accidental details concerning the apostolate and the evangelical counsels, while they always preserve with care the substantial elements of the new juridical entity.

Taking into account that neither the laws proper to Religious Institutes are applied to them, nor, in the case of lay people, the obligations and rights of clerics, nor even *in genere* the laws by which the associations of the faithful are regulated, the law proper to the Secular Institutes was to be definitively decided in the future by the way in which the numerous Institutions, approved as Secular Institutes from 1948 on, would develop and interpret the norms of the *Provida Mater Ecclesia*.

As regards the dependency of these Institutes, Article IV of the *lex peculiaris* establishes the jurisdiction over them of the Sacred Congregation of Religious, always excepting the rights of the Sacred Congregation for the Propagation of the Faith, as laid down in canon 279, 3 of the C.I.C. in reference to those Societies and Seminaries set up for the missions.³⁹

However, it should be noted that it is not obligatory nor strictly necessary for all the institutions of an interdiocesan and universal character, whose members seek Christian perfection, to take or exhibit the form of a Secular Institute, and so be under the Sacred Congregation of Religious: these would depend on the Sacred Congregation of the Council.⁴⁰

Regarding the erection and approval of the Secular Institutes, Articles V and VI of the *lex peculiaris* contain the norms for the Institutes of diocesan right; while Article VII discusses their elevation to the category of Secular Institutes of pontifical right. Only bishops—not Vicars-Capitular nor Vicars-General—may erect Institutes, but they must previously have obtained the *nihil obstat* of the Sacred Congregation of Religious, and this only after the Society which aspires to be erected as a Secular Institute has conscientiously undergone the indispensable period

³⁷ Cf. A. del Portillo, *Los Institutos Seculares*, Rome, 1949, pp. 32-8.

³⁸ Cf. J. M. Escrivá de Balaguer, op. cit., Madrid, 1947, p. 17; A. del Portillo, op. cit., Rome, 1949, pp. 170-91; S. Canals, 'Los Institutos Seculares de perfeccion y apostolado' in the *Revista Española de Derecho Canónico*, 1947, pp. 821-6; 'De Institutis Saecularibus doctrina et praxis' in *Monitor Ecclesiasticus*, 1949, pp. 151-63.

³⁹ Cf. *Primo feliciter*, n. v., and the Instruction *Cum Sanctissimus*, n. ii.

⁴⁰ Cf. S. Canals, *Los Institutos Seculares*, Madrid, 1960, p. 170.

of probation,⁴¹ as some form of ordinary association of the faithful: i.e. as a Pious Union, Sodality, Third Order or Confraternity, as the case may be. This period of probation is of special importance because it must provide the certainty that the associations possess—not only apparently, but substantially, in the theological and ascetical orders—all the notes which are required to constitute a true Secular Institute.

If the Secular Institute becomes of pontifical right (through the *Decretum Laudis* of the Holy See and the corresponding erection as an Institute with a universal juridical structure), it does not become an Institute exempt from the jurisdiction of the Ordinary, with exemption in the proper sense of the term, but rather, like a Congregation and Society of common life, it is subject to the jurisdiction of the Ordinary, though not to his dominative power. That is to say, if it is a clerical Institute, it is exempt as regards its government and internal economy, as is laid down in canon 618 of the C.I.C.

From what has just been said, one can now distinguish a first division of Secular Institutes, on the basis of their government and the nature of their erection, into Secular Institutes of diocesan right and Secular Institutes of pontifical right, even though the Institute of diocesan right can spread to other dioceses. Alongside this division, there is another, which is obvious from the very definition of these Institutes as *societates clericales vel laicales*. The adjective—*clericales vel laicales*—does not refer to the nature of these societies, which are always ecclesiastical moral persons, but to the members who belong to them. To determine the clerical or lay character of each Institute, one must understand the traditional criterion given in canon 488, 4 of the C.I.C.: therefore, those Institutes are clerical in which *plerique sodales sacerdotio augentur*. The term *plerique*, however, should not be interpreted in a strict sense, since the circumstances and specific aim of the Institute should also be taken into account. *Plerique* does not necessarily mean the majority but, rather, a relatively high number (following the rule that *plerique uni et paucis opponitur*). Therefore an Institute will be clerical when a considerable part of its membership consists of clerics or when the most important positions of government are reserved for clerics; similarly, it will be clerical if its aim refers

⁴¹ Cf. the Instruction *Cum Sanctissimus*, n. v.

also to the priestly ministry, even if not all the members do become clerics.

Finally, it is necessary to emphasize that the incorporation of a diocesan priest in a Secular Institute can be done without impairing in any way the divine law in virtue of which the priest should obey his bishop, or any of the canonical prescriptions regulating the juridical life of the diocesan priest.⁴²

III. THE EVOLUTION OF THE SECULAR INSTITUTES

So far, we have outlined the substantial and formal elements of the Secular Institute as it was, or appeared to be, delineated by the three pontifical documents. Since then (1947 and 1948) the very concept of Secular Institute, both in its theoretical development and in its practical expression, has been progressively evolving to the extent that the current concept is *proxime accedens* or *vere acquipollens* to the figure of the Religious Institute.⁴³

This evolution became noticeable scarcely two years after the promulgation of the *Provida Mater Ecclesia* and already in 1950 one could find an authoritative publication on Canon Law⁴⁴ comparing the then initial evolution of Secular Institutes with the evolution of religious Congregations whose members, after being kept for centuries as *pii laici*, were at last recognized as religious *pleno iure*, when they were given full canonical inclusion within the religious state.

But in the case of the Secular Institutes, this evolution has been much more rapid, since only seventeen years after their approval it has already been proposed—with an eye to the forthcoming revision of the Code of Canon Law—that the existing title XVII of 'de Religiosis' be expanded in such a way that it will include both Societies of common life without vows and Secular Institutes.⁴⁵ It must be borne in mind, moreover, that the similarities and relationship between Secular Institutes and Societies of common life (or even between Secular Institutes

⁴² Cf. Pius XII, 'Discourse to the delegates of the General Congress of States of Perfection, 8 December, 1950': *A.A.S.* xliii (1951), pp. 26–36.

⁴³ 'Instituta Saecularia' in the *Dictionary Canonican et Morale*, Vol. II, Rome, 1964; R. Gutiérrez, 'Institutos Seculares' in the *Enciclopedia de la cultura española*, Madrid; I. R. Segarra, 'Secular Institutes' in the *Homiletic and Pastoral Review* 5 (1963), pp. 726–32.

⁴⁴ Cf. *Commentarium pro Religiosis*, 1950, pp. 273 and 279.

⁴⁵ Cf. R. Carpentier, S.J., *Vida y estados de perfeccion; ¿Que piensa la Iglesia?* Spanish trans., Santander, 1961, p. 16.

and Religious Congregations) appear as not just a possibility *de iure condendo* but as a *de facto* reality. Even in 1952 Father Jean Béyer, S.J., could write :

If our information is correct, certain Secular Institutes have public vows, and there is no impediment either to others having common life and a uniform of some type, very similar to that of nurses. It is therefore very difficult to distinguish clearly between Societies of common life and Secular Institutes.⁴⁶

Indeed someone has perhaps exaggeratedly suggested that when studying the life of Secular Institutes

we shall inevitably have to cut across canonical distinctions, for already the anomaly has arisen that of two societies leading much the same life, one has been placed in the first category and the other in the second. . . . Thus the Daughters of Mary, founded at the time of the French Revolution, are religious, but the Carmelite Tertiaries of Notre Dame de Vie, who have in their central house more monastic observances, are classed as members of a Secular Institute.⁴⁷

It is difficult to give exact information as to how much, and in what way, the evolution of the concept of Secular Institutes has influenced its practical realization, or vice versa. But it is quite clear that the two factors have simultaneously contributed to the shaping of the Secular Institute as we know it. We must now deal with these, if only briefly.

A. *A new form or adaptation of the religious state.*

The very title of the *Provida Mater Ecclesia* ('De statibus canonicis Institutisque saecularibus christianae perfectionis adquirendae') suggested the existence of a real distinction between the two canonical states of perfection—i.e. Religious Institutes and Societies of common life—and the state proper to the Secular Institutes. The *lex peculiaris* explicitly included this distinction in Article II, and the other articles carefully avoided describing the new Institutes as a special 'species,' 'grade' or 'type' of religious state, just as they avoided applying to them the common law and a series of characteristics of that state (canonical common life, public vows, etc.), even though at the same time they affirmed the existence in the Secular Institute of the true practice of the life of perfection.

⁴⁶ *Les Instituts Seculiers*, Louvain, 1953, p. 213.

⁴⁷ M. O'Leary, *Our Time is Now*, London, 1955, pp. 8-9.

These reasons—and those others arising from the nature of their apostolate, theological considerations, etc., which we have already touched on when describing the original concept of the Secular Institute—made one think that the characteristic and distinctive feature of the new Institutes — *saecularitas* — had moulded a new form of state of perfection in ecclesiastical law, a special social form of apostolic consecration, clearly distinct from the religious state, which was called a 'secular state of perfection'⁴⁸ in order to stress the existence of a genuine secular consecration or consecrated secularity.

In other words, secularity was not only of first importance for distinguishing and qualifying the juridical entity created by the *Provida Mater Ecclesia*, but it determined how the corporate life of these Institutes and the personal life of each member should be expressed and manifested. Thus, for example, secularity ought to have given its colouring to the practice of the evangelical counsels and of the virtues proper to the life of perfection; it should have specified the manner and, in good part, the means of apostolate; it entailed precise requirements as to the means of formation and the ascetical struggle; it ought to have safeguarded the canonical personality—be it clerical or lay—of the members of these Institutes; it could and should have increased the possibilities of their apostolic influence in civil society, etc.

This interpretation, which the members of the first Association approved under the *Provida Mater Ecclesia*⁴⁹ held with particular firmness, seemed to be confirmed by the *Motu proprio Primo Feliciter* and the Instruction *Cum Sanctissimus*: these documents, as well as insisting on the existence of a *specialis vocatio* (distinct from the religious vocation), referred to secularity as the *ratio essendi* of the new Institutes.

As against this interpretation of the juridical and theological

⁴⁸ See the bibliography cited in footnote 20.

⁴⁹ We should refer in the first place to a document which is of exceptional interest since it was the first to be published about the *Provida Mater Ecclesia* and is a commentary by one who most influenced the preparation of that Constitution: *La Constitución Apostólica Provida Mater Ecclesia y el Opus Dei* by the Founder of that Association, Monsignor Escrivá de Balaguer (Madrid, 1947).

We may also add the studies cited in footnote 38. It was to be expected that these writers would agree; for, although this Association does not impose on its members any particular opinion in debatable theological, juridical and other matters, in this case the very nature of the vocation which they shared led them to coincide in the same norms for interpretation of the Pontifical document referred to.

personality of the new Institutes, a different position was gradually being defined which regarded them merely as a further stage, though an important one, in the evolution of the religious state of perfection: a new form and therefore one with some special juridical norms—through which the religious vocation expressed itself.⁵⁰ The supporters of this standard of interpretation held that the two basic affirmations of the pontifical documents on Secular Institutes are: that these Institutes constitute a true *status perfectionis* and that the consecration which they require is *quoad substantiam vere religiosa*.⁵¹

The distinction between 'secular state of perfection' and '*status canonicus perfectionis, seu status religiosus*' began to be viewed as a mere terminological nuance or 'grammatical subtlety.'⁵² As regards secularity, it was, at most, granted a relative or merely functional importance; it broadens the possible manifestations of the religious state, in the sense of giving a greater latitude to the juridical norm as far as the bond and the type of life are concerned. But secularity was thus deprived of its basic and determining positive juridical quality and of the deep content which others gave it in terms of theological significance and apostolic effectiveness.

Father Creusen, S.J.,⁵³ and Father Bergh, S.J.,⁵⁴ were the first to reject, as far back as 1948, the consideration of Secular Institutes as a special type within the general category of associations of the faithful. Bergh denied that the members of Secular Institutes could be termed 'consecrated lay people'; they were, rather, religious; and he went on:

The pontifical documents of 1947 and 1948, as also the jurisprudence of the Commission for Secular Institutes, wish them to be considered first and foremost as *adhering to the canonical states of perfection* which are dealt with (and will in future be more elaborately dealt with) in the second part of book II of the Code. For this reason, one should probably avoid the term 'consecrated layman'—for this would tend to have the effect of relating them to the faithful and the Associations of the faithful which are dealt with in the third part of book II.⁵⁵

⁵⁰ G. M. Benucci, *Gli Istituti Secolari nella nuova legislazione canonica*, Rome, 1955, p. 9.

⁵¹ Cf. *Primo feliciter*, n. ii; the Instruction *Cum Sanctissimus*, n. vii.

⁵² J. Beyer, S.J., *Les Instituts Séculars*, Louvain, 1953, p. 297.

⁵³ Cf. 'Adnotationes ad documenta pontificia de Institutis Saecularibus' in *Periodica de re morali, canonica et liturgica*, 1948, pp. 255-71.

⁵⁴ Cf. 'Les Instituts Séculars' in *Nouvelle Revue Théologique*, 1948, pp. 1052-62.

⁵⁵ Op. cit., p. 1057.

Once the Secular Institute was refused inclusion among associations of the faithful—as a distinctive species with a name and a law of its own—then secularity necessarily began to lose strength and meaning. Instead, the characteristic of being a *status perfectionis* became the decisive factor for the understanding and explanation of the juridical position of Secular Institutes. And so, Lauwers,⁵⁶ Toni, S.J.,⁵⁷ Beyer, S.J.,⁵⁸ Fogliasso, S.D.B.,⁵⁹ Carpentier, S.J.,⁶⁰ Jombart, S.J.,⁶¹ Goyeneche, C.M.F.,⁶² Gutierrez, C.M.F.,⁶³ Setien,⁶⁴ Benucci,⁶⁵ Escudero, C.M.F.,⁶⁶ Alberione, S.S.P.,⁶⁷ among many others, established the following theses:

- (a) The essential and primary element of Secular Institutes, is the fact that they constitute a state of perfection, i.e. they have as their aim the acquiring of Christian perfection through the practice of the evangelical counsels, which each member is obliged to observe by virtue of a complete and stable bond.

⁵⁶ 'Societates sine votis et status canonicus perfectionis' in *Ephemerides Theologicae Lovanienses*, 1952, pp. 59-89 and 215-37.

⁵⁷ *Los Institutos Seculares*, Saragossa, 1952, cf. pp. 56 ff.

⁵⁸ *Les Instituts Séculars*, Louvain, 1954; cf. pp. 289-96.

⁵⁹ 'De iuridicis relationibus inter status perfectionis et ordinarium loci' in *Salesianum*, 1960, pp. 507-67.

⁶⁰ Op. cit., Santander, 1961, p. 16.

⁶¹ 'Un nouvel état de perfection: Les Instituts Séculars' in *Revue d'ascétique et de mystique*, 1948, pp. 269-81; 'Fondation d'un Institut Sécular' in *Revue des Communautés Religieuses*, 1948, pp. 11-113; 'Status perfectionis in mundo ex accommodatione circumstantiis' in *Miscellanea Comillas*, 1951, pp. 151-7; 'Un état de perfection au milieu du monde' in *Revue de Droit Canonique*, 1952, pp. 57-77.

⁶² 'Adnotationes ad Const. Ap. *Provida Mater Ecclesia*' in *Apollinaris*, 1947, pp. 15-41; 'Constitutio Apostolica de Statibus Canonicis Institutisque Saecularibus Christianae perfectionis acquirendae, *Provida Mater Ecclesia*' in *Commentarium pro Religiosis*, 1948, pp. 1-17; 'Consultationes de Institutorum saecularium definitione et de differentia a Religionibus' in *Commentarium pro Religiosis*, 1951, pp. 32-39.

⁶³ 'Commentarium in Motu proprio *Primo feliciter*, Pii Pp. XII et Instructionem S. C. de Religiosis *Cum Sanctissimus*' in *Commentarium pro Religiosis*, 1949, pp. 259-91; 'Doctrina generalis de statu perfectionis et comparatio inter diversos gradus ab Ecclesia iuridice ordinatos' in *Commentarium pro Religiosis*, 1950, pp. 61-126; 'Instituta Saecularia ut status recognitus perfectionis' in *Acta et documenta Congressus Generalis de Statibus Perfectionis*, Vol. II, Rome, 1952, pp. 234-79; 'De natura Institutorum Saecularium' in *Commentarium pro Religiosis*, 1953, pp. 72-93; 'De natura voti publici et voti privati, status publici et status privati perfectionis' in *Commentarium pro Religiosis*, 1959, pp. 277-329.

⁶⁴ *Institutos seculares para el clero diocesano*, Vitoria, 1957: cf. pp. 24 ff.

⁶⁵ *Gli Istituti Secolari nella nuova legislazione canonica*, Rome, 1955: cf. p. 60.

⁶⁶ *Los Institutos seculares, su naturaleza y su derecho*, Madrid, 1954: cf. p. 67.

⁶⁷ 'Instituti Secolari,' in *Vita pastorale*, 1958, p. 81.

- (b) There is no state of perfection other than the canonically regulated state of perfection ; but over the centuries this has admitted of different degrees in the measure in which the legislation of the Church has ceased to insist on certain of the requirements which went to make up the religious life, considering them secondary and inessential.
- (c) Thus, by ceasing to require solemn vows as essential requisites, the religious Congregations were admitted, alongside the Orders ; by ceasing to require public vows, either solemn or simple, the Societies of common life were approved ; and by ceasing to require either public vows or common life, the Secular Institutes have also been admitted to the religious state.
- (d) Therefore, Secular Institutes are within the religious state *quoad substantiam*—as regards its essential and primary element ; they constitute the third degree in the evolution of that state, the lowest form or species of it.
- (e) Therefore, the members of the Secular Institutes are truly religious, though they, or the Institutes to which they belong, are not required to keep certain public or external manifestations of this religious character or condition.
- (f) Furthermore, the fact that the *lex peculiaris* does not prescribe these requisites for Secular Institutes considered collectively, does not mean that the individual Secular Institute may not, by way of exception, include some of these requisites in its private law (constitutions, regulations).

The juridical position of the Secular Institutes came to be so defined in many publications of religious, whose special outlook made it difficult for them to understand the juridical-ascetical 'lay' phenomenon of the primitive concept of the Secular Institute ; and on the basis of the traditional theory of *status perfectionis* (which ecclesiastical law took from the concept of *status* in Roman law) the equating or identification of these Institutes with Religious Institutes became complete, not only

as regards their theological and ascetical substance,⁶⁸ but also from the juridical and normative point of view. And this process was, in fact, to be confirmed by the application to the Secular Institutes of the greater part of the *de religiosis* common law.⁶⁹

To-day, therefore, definitive statements of the following type are generally accepted and found in the extensive bibliography available on this subject :

- (a) the social phenomenon which gave rise to the idea of the Secular Institute did not appear after the promulgation of the Code of Canon Law, but at the time of the French Revolution and the early years of the nineteenth century, in associations which did not require either habit or common life—owing to special political and social circumstances—but which did already aspire to be recognized as religious Institutes ;⁷⁰
- (b) Secular Institutes should be defined as a modern expression of the religious vocation ;⁷¹
- (c) the closer they are identified with the religious state⁷² and the more they depend on the spirituality of the religious orders for their spirit and asceticism, the richer will be their theological content and the greater their effectiveness ;⁷³

⁶⁸ For some authors have allowed that Secular Institutes may be called Religious, but only *quoad substantiam theologiam* : cf. A. Larraona, C.M.F., 'Constitutionis Apostolicae pars altera, seu Legis peculiaris Institutorum saecularium exegetica, dogmatica, practica illustratio' in *De Institutis Saecularibus*, Vol. I, Rome, 1951, p. 62 ; G. Escudero, C.M.F., 'De natura Institutorum Saecularium' in *Commentarium pro Religiosis* 1953, pp. 72-93 ; A. Gutierrez, C.M.F., 'Instituta Saecularia ut status recognitus perfectionis' in *Acta et documenta Congressus Generalis de Statibus perfectionis*, Vol. II, Rome, 1952, pp. 234-79 ; G. M. Bennucci, op. cit., pp. 56 ff.

⁶⁹ Cf. A. Larraona, C.M.F., 'Iurisprudentiae pro Institutis Saecularibus huiusque conditae summa lineamenta' in *Commentarium pro Religiosis*, 28 (1949), pp. 308-45.

⁷⁰ Cf. J. Beyer, S.J., op. cit., p. 35 ; G. M. Bennucci, op. cit., pp. 38-9 ; G. Reidy, O.F.M., 'Secular Institutes' in the *Twentieth Century Encyclopaedia of Catholicism*, New York, 1962, p. 124 ; J. L. de Urrutia, S.J., 'Evolucion de la vida religiosa' in *Confer*, 1963, pp. 77-80.

⁷¹ Cf. G. M. Bennucci, op. cit., p. 9.

⁷² Cf. O'Leary, op. cit., p. 96.

⁷³ A. Gutierrez, C.M.F., 'Commentarium in Motu proprio Primo feliciter Pii Pp. XII et Instructionem S. C. de Religiosis Cum Sanctissimus' in *Commentarium pro Religiosis*, 1949, p. 278.

- (d) the vows taken by the members of Secular Institutes are not *stricto sensu* public vows, but *lato sensu* they are, and should be considered as such, in that they are recognized by the Church and have juridical effects in her eyes;⁷⁴
- (e) such vows place the members of Secular Institutes *in statu publico perfectionis*;⁷⁵
- (f) there are certain secular professions and activities which, though they are in themselves honourable, are prohibited to members of Secular Institutes; for example, business;⁷⁶
- (g) it is quite understandable, though it need not be a general rule, that some Institutes prescribe the wearing of a habit, uniform or special dress;⁷⁷
- (h) there is no objection to their having canonical common life, provided no form of enclosure is imposed;⁷⁸
- (i) it is normal for the Secular Institute to use even the same terminology as Religious Institutes, both for titles of persons and for the rest of the nomenclature;⁷⁹
- (j) some authors maintain that—in order to facilitate the apostolic action among the faithful of these ‘religious without a habit’—it is necessary or at least desirable that the Constitutions require secrecy; or rather they say that the very absence of a habit or uniform already entails this secret character;⁸⁰
- (k) finally, some consider the very name ‘Secular Institute’ to be ambiguous or confusing.⁸¹

⁷⁴ Cf. A. Larraona, C.M.F., ‘Constitutionis Apostolicae . . .’, cit., p. 167; E. Fogliasso, S.D.B., op. cit., p. 525.

⁷⁵ Cf. E. Regatillo, S.J., and M. Zalba, S.J., *De statibus particularibus tractatus*, Santander, 1954, p. 252.

⁷⁶ Cf. G. Escudero, C.M.F., *Los Institutos Seculares*, op. cit., pp. 244–5.

⁷⁷ Cf. G. Reidy, O.F.M., ‘The Secular Institutes: their universal relevance’ in the *Clergy Review*, 1951, p. 276, footnote 4; J. Beyer, S.J., op. cit., p. 213.

⁷⁸ Cf. J. Beyer, S.J., op. cit., p. 213.

⁷⁹ Cf. G. Escudero, *Los Institutos Seculares*, op. cit., pp. 153 ff; G. Reidy, O.F.M., ‘Secular Institutes . . .’ op. cit., pp. 15, 99 ff.

⁸⁰ Cf. A. Larraona, C.M.F., ‘Constitutionis Apostolicae . . .’, cit., p. 299; G. Escudero, *Los Institutos Seculares*, pp. 77 ff; G. Alberione, ‘Instituti Secolari’ in *Vita pastorale*, 1958, p. 81.

⁸¹ Cf. J. Beyer, S.J., op. cit., p. 295.

There is a further point which, since it is formulated as a matter of principle, falls outside the concrete question of Secular Institutes. Nevertheless we feel some reference must be made to it in passing. It is the view that ‘consecrated persons can never be secular.’⁸² To our mind this categorical affirmation is theologically untenable, since by virtue of the sacrament of baptism itself all Christians are fundamentally consecrated persons.⁸³ Even if one refers concretely to the special consecration conferred by the practice of the evangelical counsels, it would then be necessary to make a distinction, since the whole question depends on the specific vocation of each person: if the vocation is to the religious state—that is to say, to public consecration, with the breaking of family, social, professional links—then that consecrated person has ceased to be secular; if on the other hand, the vocation respects these human connections and supports them—indeed, encourages them, precisely because it wishes to consecrate them through the individual—then that man or woman will continue to be secular, though there will be nothing profane in his or her consecrated life. In effect, ‘sacred’ is opposed to ‘profane’: not to ‘secular.’ If it were otherwise, the *consecratio mundi* would amount to disfiguring the creative work of God.

B. Jurisprudence and development.

It seems logical to suppose that concrete facts and situations would also have a profound effect on this evolution of the practical doctrine on Secular Institutes to the point of their being placed within the framework of the religious state.

The first and perhaps most significant fact was the application to Secular Institutes, in 1949, of a considerable number of the canonical norms contained in the second part of Book II of the Code (‘De Religiosis’). This detailed application (either semi-official, in articles by authoritative persons within the Sacred Congregation of Religious, or official, in the developing jurisprudence of the same Congregation)⁸⁴ was intended to complete the

⁸² J. Beyer, S.J., op. cit., p. 297; cf. also his contribution to *Etudes sur les Instituts Séculars*, Bruges, 1963, p. 191.

⁸³ St. Thomas, *Summa Theologica*, iii, q. 66, a. 9.

⁸⁴ Cf. especially, A. Larraona, C.M.F., ‘Iurisprudentiae . . .’, cit.; A. Larraona, C.M.F., and J. B. Fuertes, C.M.F., ‘Adnotaciones in decreta rescripta, formulas S. C. de Religiosis pro Institutis Saecularibus’ in *Commentarium pro Religiosis*, 1949, pp. 292–307; A. Gutiérrez, C.M.F., ‘Commentarium in Motu proprio,’ cit.

general norms contained in the *lex peculiaris* of these Institutes. It was not a matter of an integral application *en bloc* of all the canonical legislation referred to above, but, despite the effort to proceed *congrua congruis referendo*, the result was in fact to equate the new Institutes with Religious Institutes.

Bearing in mind what was laid down by the Apostolic Constitution *Provida Mater Ecclesia* (Article II) which forbade that the legislation proper to religious be applied to the new Institutes, unless by exception, it is remarkable how such application could have taken place, thus putting the Secular on a par with Religious Institutes. The explanation of this fact lies undoubtedly in the *Provida Mater* itself, which conferred on the Sacred Congregation of Religious the faculty of interpreting authentically and applying the norms of that pontifical document. Using this faculty in the way it considered best, the Sacred Congregation of Religious applied to the Secular Institutes a series of norms which were not secular, but religious. If one takes into account that hardly two Secular Institutes⁸⁵ had been approved before this process of equation began to be evident, one can readily understand the influence of this fact on the character and features of all the other Institutes later approved, and it is these which were 'incarnating' and demarcating, little by little, the concept of the Secular Institute, such as it appears to-day.

This specific factor (the appearance in increasing numbers of Secular Institutes *ad instar religiosorum*) has also, because of its exemplar value, conditioned the doctrinal interpretations previously referred to. Without trying to give an exhaustive list—which would anyway be difficult, owing to the natural reserve of the possible sources of information—it is worthwhile to give examples of Secular Institutes whose members :

- (a) take public vows (such as 'Notre-Dame du Travail') or semi-public vows professed in a public and solemn manner ('Hijas de la Natividad de Maria,' 'Istituto Santa Maria Annunziata,' 'Operarias Parroquiales,' etc.).

⁸⁵ These were Opus Dei and the 'Filiae Reginae Apostolorum.' It may be pointed out that whereas Opus Dei, as we have already said, was approved twenty-two days after the promulgation of the *Provida Mater Ecclesia*, the approval of the Institute of the 'Filiae Reginae Apostolorum'—which, incidentally, requires secrecy of its members—was given some months later and not as of Pontifical right, but as of diocesan right.

- (b) live canonical common life, such as the 'Ancillae Ecclesiae' or the 'Institut Carmelitin de Notre-Dame-de-Vie,' etc. ;
- (c) wear a habit or special uniform, always or on certain occasions ('Hermandades Marianas,' 'Hermandades de la Sagrada Familia,' 'Operarias Parroquiales,' 'Familia Beato Angélico,' the 'Missionaries of the Kingship of Our Lord Jesus Christ,' 'Hijas de la Natividad de Maria,' 'Obra del Espíritu Santo,' etc.) ;
- (d) use, unaltered, the training programmes ('Postulancy,' 'Novitiate,' 'Profession') or terminology ('Religious' as a noun, 'Sister,' 'Reverend Mother,' etc.) proper to religious : such as the 'Fieles Siervas de Jesus,' the 'Misioneras de los Enfermos,' the 'Opera del Divino Amore,' the 'Sociedad del Corazón de Jesus,' the 'Compagnia della Sacra Famiglia,' the 'Compagnia di S. Paolo,' 'Le Petit Group Dominicain de Jesus Crucifié,' the 'Institut Carmelitin de Notre-Dame-de-Vie,' the 'Institut Seculier Dominicain d'Orleans,' the 'Apostolos del Sagrado Corazón,' the 'Institut Seculier Dominicain du Saint-Nom de Jesus,' the 'Missionnaires de Notre-Dame du Mont Carmel,' and many others.
- (e) are obliged to secrecy, such as the 'Filiae Reginae Apostolorum,' founded by Elena Persico (of pontifical right), the Institute of 'Notre-Dame du Travail' (of pontifical right), the 'Missionarie della Regalità di N.S. Gesù Cristo' founded by Armida Barelli and Father Gemelli (of pontifical right), 'Les Equipières Sociales,' the 'Milites Christi,' founded by the Italian deputy Sig. Lazzati, and probably other Secular Institutes of diocesan right which are difficult to know about because sometimes secrecy is imposed even as regards the very existence of the Association.⁸⁶

⁸⁶ A typical case is that of the two societies founded by the Jesuit, Father de Clorivière, during the period of the French Revolution, one of which later succeeded in being recognized as a Secular Institute : both had secrecy as a constitutional regulation. One could quote other examples like this of similar societies founded by Jesuits or by other religious, which accord with a manner of acting which led to the founding of secret societies in order to extend their own apostolates.

Moreover, it should be noted that most Secular Institutes do not live *secularly*, because they devote themselves to apostolates which entail the abandonment of the positions in the world which the members had, instead of seeking sanctification through the exercise of one's profession: for example, they may consecrate themselves to give missions, to adore the Blessed Sacrament, etc.

Many other constitutional norms more or less along the same lines could be instanced, but what we have shown will probably be sufficient to illustrate how much all these *de facto* circumstances (which correspond to an equal number of jurisprudential decisions) have contributed to the progressive development and evolution of the juridical doctrine on the Secular Institute, to the extent of moulding its definitive features as an Institute *proxime accedens* (in some cases) or totally equated to the juridical figure of the Religious Institute (as in most cases).

IV. SUPPLEMENTARY INFORMATION

The *Annuario Pontificio* for 1964 lists the existence of five Secular Institutes for men⁸⁷ and eleven for women,⁸⁸ i.e. a total of sixteen Secular Institutes of pontifical right.

It is not possible to give the exact number of Secular Institutes of diocesan right, since no recent statistics are available. The latest published statistics⁸⁹ gave thirty-seven Secular Institutes of diocesan right as existing at the end of 1957, but one must suppose that this figure has greatly increased over the intervening seven years, since in December, 1957, the number of petitions made to the Sacred Congregation of Religious by Associations aspiring to recognition as Secular Institutes had risen to 197.

As regards the place of origin of the Secular Institutes approved between 1947 and 1957, the same statistics gave: Italy 21; Spain 7; France 7; Germany, Colombia, Switzerland and Austria: 2 each; Belgium, Canada, England, Yugoslavia, Mexico and Uruguay: 1 each.

⁸⁷ Cf. pp. 870-1.

⁸⁸ Cf. p. 1403.

⁸⁹ Cf. A. del Portillo, 'Lo Stato attuale degli Istituti Secolari' in *Studi Cattolici*, I (1958), pp. 4-14.

Both the number and geographical spread of the Secular Institutes lead one to suppose that, although these figures are significant, in time they will be much greater, owing to the fact that this new form of the religious state offers, as has frequently been said,⁹⁰ an opportunity of following a religious vocation to many people who—for family, health and other reasons—would otherwise have found it impossible to ask for admission to an Order, Congregation or Society of common life.

Furthermore, the fact of the juridical and theological evolution which we have referred to in the previous section does not seem to represent any obstacle for the numerical growth of these Institutes or of their membership. It should be taken into account that the immense majority of the Secular Institutes existing to-day sought approval as such after the juridical trend to equate the Secular Institutes with the other forms of the religious state had already begun (from 1949 on) or had been completed. Therefore, the letter and spirit of their respective constitutional regulations fitted in very satisfactorily with this juridical and theological development. This holds true also for secret Institutes which, precisely owing to this characteristic, do not feel in their apostolate the practical consequences of this assimilation to the Religious Institutes.

The present position of Opus Dei—To conclude this study, we consider it necessary to refer to the widely known fact that the Founder of Opus Dei, Monsignor Escrivá de Balaguer, on seeing how the primitive concept of Secular Institute was being changed, made respectful protests, from 1948 on, to the Sacred Roman Congregations, in order to defend that juridical entity in all its integrity.

As we have said, Opus Dei was the only Association granted the *Decretum laudis* before the equation of Secular with Religious Institutes began. Furthermore, it may be affirmed that the legislation of the *Provida Mater Ecclesia* was applied in all its extension and integrity, without the addition of norms taken from the law of religious, to Opus Dei alone.

Opus Dei constitutes an association of the faithful, of universal

⁹⁰ The same idea is also found in books and information pamphlets published by some Secular Institutes: cf., for example, those published by the Secular Institute 'Maria Santissima Annunziata' on the occasion of the 'Church Exhibition' held in 1962.

scope and government,⁹¹ whose members—ordinary lay people and secular priests—devote themselves, in virtue of a well defined vocation, to the secular apostolate and to the pursuit of Christian perfection in their own state, each through the practice of his profession or trade. In its triple theological (or ascetical), juridical and apostolic aspect, secularity is the principal characteristic of the spirit and organization of Opus Dei. These are the features which have defined the association since its beginnings, and which its founder has emphasized on numerous occasions. The text to which we have already made reference reads :

Opus Dei embraces Christians of all walks of life, men and women, celibate and married, who, being in the middle of the world, or, rather, being of the world—since they are ordinary secular people—aspire, by divine vocation, to Christian perfection and to bringing the light of Christ to others within their environment, through the sanctification of their ordinary work.

And, further on, he adds :

Anyone unable to see beyond the classical moulds of the life of perfection will not understand the structure of Opus Dei. The members of Opus Dei are not religious who, full of holy zeal, work as lawyers, doctors, engineers, manual labourers, etc. ; they are simply lawyers, doctors, engineers, manual labourers, etc., who have a great interest in their profession and the outlook characteristic of it, for whom this profession, and naturally their whole life, acquires a fuller meaning when it is directed completely to God and to the salvation of souls.⁹²

Despite the social and juridical evolution which has affected the Secular Institutes, Opus Dei has firmly kept the characteristics of its spirit and spirituality. 'The other Secular Institutes,' a Spanish commentator wrote lately,⁹³ 'have veered towards the concept of Religious Institute, whereas Opus Dei has maintained the straight line of secularity, the essential and fundamental

⁹¹ Opus Dei, then, is not an ordinary association of the faithful, nor can it be compared with so-called 'apostolic movements.' It is distinguished from these other associations of the faithful by the special dedication to God lived by the greater part of its members, by the complete and mutual bond which unites the members and the Association, by the continuous ascetical formation which the members receive, etc.

⁹² J. M. Escrivá de Balaguer, op. cit., pp. 18-20.

⁹³ V. M. Encinas, 'Una asociación llamada Opus Dei,' in *Colligite* (León), Vol. X, 1964, p. 67.

characteristic of its spirit.' Hence Opus Dei can no longer be considered a Secular Institute, because *de facto* it is not one ; and, in fact, one will not find it any longer classified as such.⁹⁴

The nature of Opus Dei should be borne very much in mind when assessing the legal texts and the facts about Secular Institutes : an attempt has been made to do this throughout this study. For the existence of this association, founded in 1928 with such a clearly defined personality, could not but have a decisive influence on the process of preparation of the *Provida Mater Ecclesia*⁹⁵ and even on the interpretation of that Constitution immediately after its promulgation.⁹⁶ For the same reasons, in giving the normative development of the Secular Institute which took place in later years, the characteristics *ad instar religiosorum* of the hundreds of associations which have already been approved or wish to be approved as Secular Institutes, have also had to be considered (in a selective way, given their greater number). From these, Opus Dei is clearly distinct, because, among other points (such as the basic one of secularity) it is not a secret association, nor do its members live *ad instar religiosorum*—after the manner of religious. It is no exaggeration to say that these years have witnessed a process of differentiation which has contributed to emphasize more clearly than ever the special features of Opus Dei and its position in the life of the Church.

⁹⁴ Cf. R. Gutiérrez, 'Opus Dei' in the *Enciclopedia de la Cultura Española*, Madrid ; A. de Fuenmayor, 'Opus Dei,' in the *Diccionario de Historia Eclesiástica de España*, Madrid ; V. M. Encinas, 'Una asociación llamada Opus Dei,' cit., pp. 61-68.

⁹⁵ See section I of this article.

⁹⁶ See footnote 49.