

found it hard to worship Christ as less than God. Grace and the irresistible personality of the Saviour have been stronger than their tottering beliefs or agnostic philosophies.

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THE NEW LAW FOR SECULAR INSTITUTES¹

CANON LAW is usually to be found lagging a step behind the fertile zeal of the faithful; for, no matter how much the legislator may strive to keep abreast, their inventive genius sooner or later enables them to outpace him. The Church, needless to say, takes the initiative in preaching the Gospel. From age to age she keeps pointing to the goal of perfection in Christ to which all Christians, in varying degrees, are called. But, as a rule, it is only when the faithful, in response to her earnest summons and prudent guidance, have themselves evolved new methods of advancing in perfection that she intervenes with her laws to commend what is good, prune what is bad, and incorporate all that is of lasting value into the unity of that living and growing organism, which is the Mystical Body of Christ.

That, roughly speaking, is how the existing canonical system of the State of Perfection has come into being. From the very first, the Church has given the fullest encouragement to all endeavours to follow Christ in the way of the evangelical counsels, both individual and collective. Her commendation of individual efforts was manifested in the primitive liturgical consecration of virgins; but, in recognition of the social instinct of mankind, it has always been to public and collective efforts that she has given her principal attention and support. Realizing that the public and collective profession of the State of Per-

¹ *Constitutio apostolica* (2 Feb., 1947): *De Statibus Canonicis Institutisque Saecularibus Christianae Perfectionis Adquirendae* (A.A.S., 1947, XXXIX, p. 114). Full text see below, pp. 196-207.

fection was indispensable to her full organic growth, she added it, at a very early date, to the twofold social order established by Christ, as a third estate to which clergy and laity could equally belong.¹

In view of the social consequences of this amendment to the constitution of the Church, collective efforts in pursuit of perfection have always been a matter of immediate concern to the ecclesiastical legislator. While respecting the freedom of the individual to follow the counsels in any naturally legitimate way, he has necessarily sought to ensure that only those organizations should be incorporated into the structure of the Church which give promise of fitting harmoniously into its framework, and enabling it the more effectively to achieve its divine purpose. It has therefore been the constant practice of the Holy See to give canonical recognition to the profession of perfection only when it is made in societies whose general form and method have been duly examined and approved by the proper authority, and whose object has been adequately tested in the hard school of experience.

In the course of time, four constitutive elements came to be considered essential to the Religious State, either from the nature of things, or by positive ecclesiastical ordinance; namely, common life under the rule of a superior; self-dedication by vow to the three evangelical counsels of poverty, chastity and obedience; public acceptance of these vows in the name of the Church; and finally, positive and formal approbation of the institute by competent ecclesiastical authority, in such manner as to give it moral personality and juridical status in the Church.

For many centuries all the many and varied organizations which satisfied this fourfold requirement were alike in that their vows were not only "public",² but "solemn"³; so that, when

¹ Canon 107.

² "A vow is public, if it be accepted in the name of the Church by the legitimate ecclesiastical superior; otherwise it is private" (Canon 1308, §1).

³ The Code avoids defining the distinction between solemn and simple vows. Canon 1308, §2, simply says that a vow is solemn, "if it be acknowledged as such by the Church; otherwise, it is simple". The simplest practical distinction is that made by the juridical effect: solemn vows render contrary acts null and void; simple vows make contrary acts unlawful, but do not *per se* deprive the vower of his natural capacity to do them validly.

St Ignatius of Loyola introduced a distinction between simple and solemn vows in his society, there were some who doubted whether these simple vows were sufficient to the Religious State. Gregory XIII settled the point, at least for the Society of Jesus, by declaring that all its professed members were "really and truly Religious",¹ and it became normal in subsequent foundations, such as the Passionists, Redemptorists, etc., to prescribe simple vows for all the members. Finally, in 1900, Leo XIII regulated the canonical status of Congregations of Simple Vows by a formal constitution,² and the Code of Canon Law, completing his work, included them expressly among "Religions", strictly so called.

Meanwhile, side by side with this twofold development of the Religious State, in the proper sense of the word, there had come into being a number of societies which, while imitating the Religious State in so far as they observed community life under the rule of a superior, lacked certain of the juridical elements essential to that state.³ They are of considerable variety. Some, e.g. the Vincentians, take all the three essential vows.⁴ Others take only one vow, e.g. the Belgian Beguines, who are bound simply by a temporary vow of chastity. Others, e.g. the Oratorians, take no vows at all. Others are bound merely by an oath or promise, e.g. the White Fathers, who limit themselves to an oath of obedience, and the Pallottini, who make a promise of stability, common life, poverty, chastity and obedience. But whether or not they approximate to Religious in their external way of life (and some, indeed, are externally indistinguishable), *canonically* they are all clearly distinguished from Religious by the fact that their vows, if any, are not "public", i.e. not authoritatively accepted in the name of the Church.

¹ Const. *Quanto fructuosius*, 1 Feb., 1583; Gasparri, *Fontes*, n. 150.

² Const. *Conditae a Christo*, 8 Dec., 1900; Gasparri, *Fontes*, n. 644.

³ They originated in the Low Countries in the early Middle Ages, the first recorded examples being the Beguines (12th century), and the Brothers of the Common Life, founded by Gerard de Groot (14th century). Since the 17th century, their number has greatly increased with the addition of such well-known societies as the Vincentians, the Daughters of Charity, the Oblates of St Charles, the Oratorians, the Sulpicians, the Holy Ghost Congregation, the Paulists, the Eudists, the Josephites, the Pallottini, the White Fathers, etc.

⁴ The Vincentians add a fourth vow, of stability; but though all their vows are reserved to the Holy See, they remain canonically private vows.

The Code regulated the canonical status of these societies which have common life but private vows, in a special appendix to the Law of Religious,¹ which, while declaring that they were not, properly speaking, "Religions", nor their members rightly called "Religious", nevertheless equated them in most respects to the canonical State of Perfection. By sanctioning this development of her law, the Church could fairly claim to have made adequate provision for all who wished to leave the world in order to follow Christ.

In the peculiar circumstances of our age, however, there are many generous souls who, though they desire to follow Christ in the way of perfection, find that they cannot simultaneously fulfil their special apostolate or vocation of charity except by retaining their direct contact with the world. The result has been that, since the early part of the last century, "more and more pious societies of the faithful have been formed, which seek both to follow the counsels and to fulfil, with greater liberty, duties of charity from which the religious communities, owing to the perversity of the times, are mainly or entirely barred."² The Church was impressed from the first by the good showing of these "secular institutes", as they came to be called, and by their latent potentialities. Not only might they be used as a vehicle for the life of perfection in every walk of life, often in circumstances in which the canonical religious state would be incongruous or impossible, but they could also serve as a new instrument of the Church's apostolate, capable of penetrating spheres of life inaccessible to the cleric and the religious,³ and of reviving the Christian spirit in the home, in the trades and professions, and in social life generally. The Holy See, therefore, did not hesitate to give these new societies approval and encouragement. On the other hand, when the canonical effect of this approval became a subject of dispute, the Holy See hastened to point out that they were not approved as Religious congregations in any juridical sense, because,

¹ Lib. II, tit. XVII: *De societatis sive virorum sive mulierum in communi viventium sine votis* (sc. publicis).

² S.C.Ep. et Reg., decr. *Ecclesia Catholica*, 11 Aug., 1889; *A.S.S.*, XXIII, p. 634.

³ Creusen refers to "interesting examples of this apostolate in the theatre and in places of amusement run on very profane lines".—*Ephemerides Theologicae Lovanienses*, Oct. 1934, p. 784.

apart from other missing requisites, their vows, if any, were private. They were approved simply as pious sodalities,¹ and moreover, only on the condition that they revealed themselves fully to the local Ordinary and submitted entirely to his jurisdiction.

Guided by this simple rule of thumb, the secular institutes have continued to multiply and develop in many and varied forms, some of them being linked to existing religious orders and congregations, others remaining completely distinct. It would be rash to quote concrete instances as belonging definitely to this category without first making a detailed study of their history and constitutions; but we have heard, for example, of a society whose members wear no habit and keep their very existence unpublicized, largely in order to survive the next civil suppression of religious organizations. Some of its members live in community, others in their homes, but all alike exercise their apostolate while gaining their living in the ordinary civilian way, e.g. as typists, clerks, etc.

The legislative system of the Church had hitherto made no specific provision for these highly organized and full-time religious "commandos", other than that contained in the altogether comprehensive section of the Code which deals with "Associations of the Faithful in General", in which company, if they were to be included, they would rub shoulders juridically with the most elementary types of pious association. Evidently something more closely adapted to their special needs was called for. Indeed, it was imperative, because their flexible manner of life, without the safeguard of a religious habit and a common dwelling, possibly without even the vigilance of the Ordinary, who might easily be unaware of their existence, had proved to be not without its dangers and difficulties. Moreover, if the clear-cut distinction between the various groups which make up the Church's social structure was to be maintained, it was desirable that a special status should be given to institutes of this kind, which, by their internal constitution, hierarchical government, total dedication to the evangelical counsels, and method of exercising their ministry and apostolate, approached closely to the canonical State of Perfection, at least as practised

¹ Decr. *Ecclesia Catholica*, loc. cit. p. 635.

in the Societies of Common Life without vows. In other words, a constitution was required which would do for secular institutes what Leo XIII had done for Congregations of Simple Vows, and what the Code had done for Societies of Common Life without vows. That need has now been met by the *Lex Peculiaris Institutorum Saecularium* promulgated with apostolic authority in the recent Constitution.

The Constitution begins by settling the question of their name and status. In order to distinguish societies whose members, while remaining in the world, profess the evangelical counsels, from the ordinary Associations of the Faithful, dealt with in the Code (Book II, part III), they are henceforth to be known as "Secular Institutes". Since they do not take *public* vows, nor require community life, at least of the strictly canonical type, they cannot be classed either as "Religions" or as Societies of Common Life without vows. They are therefore not bound by the special law proper to such bodies, nor may they normally even use it. Instead, they are to be governed by the general norms of this Constitution, by such rules as the Sacred Congregation of Religious (on which they depend) may hereafter issue for them, and by their own duly approved statutes.

In order that a pious association may be formally erected as a Secular Institute, those who aspire to membership in the strict sense must, in addition to the other requisites of the State of Perfection, fulfil the following conditions: first, they must make a profession before God of celibacy and perfect chastity, confirmed by vow, oath, or consecration binding in conscience; secondly, they must dedicate themselves wholly to God and to works of charity or of the apostolate, by a vow or promise of obedience which puts them permanently under the constitutional control of their superiors; and thirdly, they must make a vow or promise of poverty, restricting their free use of temporal goods in the manner described in their constitutions. Moreover, their incorporation in the Institute must be stable, so that, if their profession is temporary, provision must be made for its renewal in due course; and it must also be mutual and complete, in the sense that the members must give themselves entirely to the Institute, and the Institute must assume full care

and responsibility for its members. Even though they do not observe canonical community of life, they should have one or more community houses, where the superiors may reside, where the members may come for their spiritual formation and periodical exercises, and where those among them may be received for whom residence in private houses is impossible or inexpedient.

Secular Institutes can be canonically erected by the Bishop, but he must consult the Sacred Congregation of Religious beforehand, and notify it afterwards. Like Religious foundations, they are *iuris dioecesani* until they obtain either formal approbation or a *laudis decretum* from the Holy See; thereafter, they are *iuris pontificii*, and subject to the local Ordinary only in the same degree as non-exempt Religious.

Once again, therefore, the legislator has caught up with the inventive zeal of the faithful, and re-established that tidiness of classification so dear to the heart of canonists and curial officials. For the moment, the system looks compact and shipshape enough; but past experience leads one to expect that, before very long, something will begin to slip. It is true that the Constitution seeks to provide for institutes that tend to defy classification, by declaring that those which lack the character or do not fully pursue the end described in Article I, and those also which lack any of the elements enumerated in Articles I and III, are to be governed by the ordinary law of Associations of the Faithful¹; but even this comprehensive provision cannot be guaranteed to prevent "escapees". In what category, for example, are we to place the "Friends of Jesus", an association of priests in the archdiocese of Malines, who, without living community life, bind themselves by the three vows of poverty, chastity and obedience? At first sight they would seem to fit neatly enough into this new category of Secular Institutes. But then we learn that the Sacred Congregation of the Council has recognized the public character of their vows²; and, as we have

¹ Article IV, §2.

² Mercier, *Priestervereeniging de Vrienden van Jesus*, Turnhout, 1932, quoted by Creusen, loc. cit., p. 781.

seen, public vows are more characteristic of Religious than of members of Secular Institutes.

However, the Sacred Congregation has already made provision for dealing with doubts and anomalies by setting up a special commission of experts to advise it in the interpretation and application of the new law, and in questions affecting the evolution and approval of individual Institutes.¹ We can therefore leave it to these experts to attach the right label to new foundations, when the local Ordinary consults the Sacred Congregation, as he is instructed to do, before proceeding to the act of formal erection. In any case, no reasonable person would want to see every generous collective endeavour clipped and curbed, simply in order to make it slide neatly into its appropriate category and spare the canonists a headache. Canon Law exists, not just for administrative convenience, but primarily for the general good of the Church.

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A HAMMER OF THE WYCLIFFITES

WILLIAM OF RYMYNGTON

IN the turbulent state of Oxford and of the country in the days succeeding the Peasants' Revolt, when the murder of the Archbishop of Canterbury was still fresh in men's minds, and when the nations of Europe were divided between Pope and Antipope, ecclesiastical and civil authority must have been at a low ebb indeed. Wyclif and his new sect were provoking temporal lords and subject people to persecute the Supreme Pontiff himself, attacks had been made on the doctrines of the Real Presence and Transubstantiation, and the sacrament of Penance had been pronounced useless to anyone duly contrite for sins committed; the cloistered monk and the mendicant

¹ S. Cong. de Rel., decr. 25 Mar., 1947; *A.A.S.*, 1947, XXXIX, p. 131. See below, p. 207.