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THE EVOLUTION OF SECULAR INSTITUTES*

THE subject of secular institutes is currently a focus of special attention, not only because it relates to some of the most important problems in the life of the Church but also because the figure of secular institute has undergone a profound evolution—a process of diversification and differentiation, which is of absorbing interest—since it was first juridically formulated in the apostolic constitution *Provida Mater Ecclesia* on February 2, 1947.

One significant example will show what we mean. Immediately after its promulgation, the *Provida Mater Ecclesia* was applied to Opus Dei, which Pope Pius XII described as “the model of secular institutes.” Today, less than twenty years later, all specialists recognize that that association is quite different from the other secular institutes: so much so that it is only juridically correct to call it a secular institute; it is not so in fact.

To describe adequately the figure of a secular institute, a reference to its sociological and scientific evolution must necessarily accompany the study of the legal texts themselves. Accordingly, we have divided our study into the following sections:

I. Origin and Approval

II. The Original Features of Secular Institutes

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III. The Evolution of Secular Institutes

IV. Supplementary Information

I. ORIGIN AND APPROVAL

On February 2, 1947, Pius XII promulgated the apostolic constitution *Provida Mater Ecclesia*.¹ He thus granted official recognition to secular institutes and laid down the fundamental laws to govern them in the *lex peculiaris*, which is the legislative part of the constitution. In ten articles the following aspects were dealt with clearly: the juridical position of secular institutes, their essential elements, the norms for their erection and approval, 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 *Provida Mater Ecclesia* introduced a profound juridical innovation: the recognition and approval by the Church of associations whose aim is that their members live fully the life of Christian perfection and apostolate in the middle of the world. This was a juridical innovation with a significant doctrinal development, for it underlined clearly and decisively the call of the layman to sanctity. With good reason, an authoritative commentator described the Constitution as "a historical document for the internal life of the Church."²

On March 12, 1948, one year after the promulgation of the *Provida Mater Ecclesia*, Pius XII perfected and completed the norms of the constitution with his *motu proprio Primo Feliciter*.³ A week later, on March 19, 1948, the Congregation of Religious, exercising the power which these documents had granted it, published the instruction *Cum Sanctissimus*.⁴

¹ AAS, XXXIX (1947), 114-124.

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

³ AAS, XL (1948), 283-286.

⁴ AAS, XL (1948), 293-297.

This new figure in the law of the Church gave juridical structure to a vigorous movement of spirituality which had been developing for a number of years. It is natural that in the Church—a society which is at once charismatic and juridical—this should be the order of events: the legal 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 the 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. His Holiness, Pius XI, put the problem in the hands of the Congregation of the Council, and under the presidency of Father Gemelli of Milan, a meeting of twenty-five representatives of these Associations from France, Hungary, Italy, Spain, Switzerland, and other countries took place at St. Gall in 1938.

The studies made by the Congregation of the Council and the difficulties it met (it was this time considered the body exclusively competent in dealing with the ordinary associations of the faithful of a strictly diocesan character⁵) moved the Congregation of Religious to take more decisive action in this matter. This Congregation took over the juridical study of these new associations, in spite of the fact that some of them did not have, or wished to have, common life—an indispensable requirement, at that time, to come within the scope of the Congregation's competence. We have now reached the phase that immediately preceded and prepared the ground for the promulgation of the *Provida Mater Ecclesia*.

⁵ Canons 684-725. The opinion is frequently heard that interdiocesan and international associations of the faithful come also under the competence of the Congregation of the Council, as the revision of the present canonical norms referring to the ever more vigorous lay apostolate seems to demand. (See W. Onclin, "Principia generalia de fidelium Associationibus," *Apollinaris* [1963], pp. 68-109; S. Canals, "Los Institutos Seculares," [Madrid, 1960], p. 170.)

The Holy See worked for a four year period (1941-1946) in three successive commissions (1944-45-46) at the corresponding *positio*. Consultors of the Holy Office and of the Congregations of Religious and of the Council took part in these commissions. When the questions of principle were resolved and made clear, the Congregation of Religious tackled the problem directly and investigated all the questions relating to juridical practice; it acted by means of commissions, and by means of the so-called "plenary congress," i.e., with the assistance and help of consultors.

Pope Pius XII referred to all these investigations in the preamble to *Provida Mater Ecclesia* with these words: "After diligent examination by the Supreme Sacred Congregation of the Holy Office on all that falls within its jurisdiction, a general statute for secular institutes was drawn up and revised by the Sacred Congregation of Religious."

So we come to the beginning of 1946. Up to then, the various commissions of the Congregation of Religious, acting mainly on directives given by the Holy Office, were preparing a draft text of an instruction or a decree of the Congregation of Religious to make possible a juridical positioning of the new social forms. The mind of the Congregation of Religious at that time was to amplify the concept of the religious state, interpreting *lato sensu* Title XVII of Part II of Book II of the Code of Canon Law, in such a way that the new societies could be included in the framework of Part II of Book II, *De Religiosis*.⁶ In its intention to approve the new associations as constituting one more variety of the religious state of perfection, the Congregation was not a little influenced by the fact that the greater number of these new 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 favor a possible public profession of the bond or consecration (the taking of public

⁶ Cf. S. Canals, *Secular Institutes and the State of Perfection* (Chicago-Dublin: Scepter Publishers, 1959), pp. 51-67.

or semi-public vows); others had stated that they wished to use some uniform or external mark in the manner of a religious habit; others, finally, had canonical common life and were ready to accept approval as societies of common life without vows.⁷

One of these associations—the most clearly defined and the largest—had such special ascetic, 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 this association. The petition for approval of the Opus Dei, made by its founder to the Holy See, had the effect of changing the direction of the preparatory studies we have 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 a question, then, 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 of associations of the faithful, as the final resolution of the Congregation of Religious stated.

The result was the definitive text of the apostolic constitution promulgated on February 2, 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' (John 14:2), a new form of life of perfection, in which the members are not religious and do not, therefore, cut themselves off from the world." And he went on to emphasize, after describing the evolution of the types of life of perfection in the Church, that the members of all these earlier societies of perfection, from the time of monasticism up to 1947 "were always religious, cut off from and foreign to the world. Now it is from

⁷ Cf. N. Girao Ferreira, "Itinerario Jurídico de los Institutos Seculares," *Nuestro Tiempo*, IX (1958), 3-19.

the world itself that these apostles rise up, who dare to sanctify all of the everyday activities of men."⁸

The new juridical figure thus created led to the pontifical approval of *Opus Dei* on February 24, only twenty-two days after the promulgation of the *Provida*. At the same time, those other associations to which we have referred, were also offered the possibility of being erected by the Holy See as secular institutes, after accommodating themselves, wherever it was necessary, to the new juridical figure. The Holy See itself expressly insisted on this previous process 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.⁹

With regard to 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

⁸ J. M. Escrivá de Balaguer, *La Constitución Apostólica "Provida Mater Ecclesia" y el Opus Dei* (Madrid, 1947), pp. 16-17.

⁹ Instruction *Cum Sanctissimus* of the S.C. of Religious, n. 4.

new associations should be retained and tested under the immediate and watchful care of the diocesan authority.¹⁰

These norms, recommending adaptation of prior prudent probation, as the case may be, show a desire to avoid possible inexact theoretical interpretations or practical applications of this new juridical figure that had been sketched only 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. In fact, the subsequent years did prove how fragile this figure was.

But before the discussion of the evolution of secular institutes (1949-1964), 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 SECULAR INSTITUTES

A. Essential characteristics

Article I of the apostolic constitution *Provida Mater Ecclesia* defines secular institutes as "societies, whether clerical or lay, whose members profess the evangelical counsels in the world as their aim, in order 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,¹¹ the *stricto sensu* members of secular institutes are required to practice the three main evangelical counsels: perfect chastity, confirmed by vow, oath or promise; obedience to the superiors of the institute; and a poverty

¹⁰ *Ibid.*, n. 5.

¹¹ Cf. *Provida Mater Ecclesia*, art. III, § 2, and the instruction *Cum Sanctissimus*, n. 7 a.

which limits, in a well-defined and strict manner, the free use of material goods.¹²

This full consecration also entails incorporation in the institute and commitment to carrying out 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.¹³

This consecration is done without any change in the canonical state of the person—who continues being secular, layman or clerical, as he was before entering the institute. The practical consequences of this fact do not signify a possible relaxation of the rigor with which the evangelical counsels are practiced.¹⁴ True, the self-surrender to God is lived without the common life, the habit, the cloister, and the other juridical elements which go to make up the canonical “state of perfection.” But the exclusion of these elements does not diminish the fullness 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.”¹⁵

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 deriving from it is grave in conscience *ex genere suo* and permanent.

Regarding chastity, the *lex peculiaris* permits a vow, oath, or consecration, i.e., the offering of one’s self. Any breach of

¹² Cf. *Provida Mater Ecclesia*, art. III, § 2.

¹³ Cf. *Provida Mater Ecclesia*, art. III, § 3.

¹⁴ A. del Portillo, “Constitutio, formae diversae, institutio, regimen, apostolatus Institutorum Saecularium,” *Acta et documenta Congressus Generalis de Statibus perfectionis*, II (Rome, 1950), 289-303.

¹⁵ *Motu proprio Primo Feliciter*, n. II.

this obligation constitutes a sin against chastity and, at the same time, a sin against the virtue of religion. But since this bond—which is not public—does not make the member a sacred person, sacrilege is not committed.¹⁶ As far as obedience and poverty are concerned, it admits a vow to God or 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 the specific nature of the bond, it will always¹⁷ 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.¹⁸

This is why, in spite of the fact that there is a full and stable consecration, the person does not acquire a new juridical personality *coram Ecclesia*. As we have already stated, the 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 secular lay people who have consecrated themselves to God fully and stably in a private way. That is to say, they are not persons in a canonical “state of perfection.”¹⁹

2. *Full apostolate*. In the very definition of secular institute it is stated that the profession of the evangelical counsels is made *apostolatum plene exercendi causa*—in order to exercise the apostolate fully. This full apostolate will have to be,

¹⁶ *S.C. de Religiosis*, declaration of May 15, 1949; A. Larraona, C.M.F., “Commentarium in Legem Peculiarem,” *De Institutis Saecularibus*, I (Rome, 1951), p. 90.

¹⁷ *Provida Mater Ecclesia*, art. III, § 2.

¹⁸ Canons 488, 1°; 1308, § 1.

¹⁹ J.M. Escrivá de Balaguer, *op. cit.*, pp. 16-20; A. del Portillo, *loc. cit.*; *Los Institutos Seculares* (Rome, 1949), pp. 22-75; “Naturaleza de los Institutos Seculares,” *Actas del Congreso Nacional de perfección y apostolado* (Madrid, 1957), pp. 445-450; “The Present Position of Secular Institutes on the XIIIth Anniversary of *Provida Mater Ecclesia*,” *Irish Ecclesiastical Record*, XCII (1959), 29-40; S. Canals, *op. cit.*; “De Natura Iuridica Status Perfectionis,” *Commentarium pro Religiosis* (1956), pp. 57-72.

therefore, a requirement that is essential and necessary *quoad substantiam*.²⁰ The Church's desire to emphasize this aspect is very significant. In comparing the definition of a religious institute—given in canon 488, 1°, of the Code of Canon Law—with the definition, also legal, of a 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). In the case of 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 makes the entire life of the members to be turned into apostolate.²¹ But, in addition, this apostolate, which is to be fully exercised, must also be clearly secular:

This apostolate of the secular institutes is to be faithfully exercised not only in the world [*in saeculo*] but also as originating from the world [*veluti ex saeculo*] and, consequently, through those professions, occupations, and jobs, and in places and circumstances, corresponding to this secular condition.²²

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.²³

²⁰ “Comparación ascética, jurídica y apostólica de los Institutos Seculares con las Religiones, las Sociedades de vida común y las Asociaciones,” *Actas del Congreso Nacional de perfeccion y apostolado*, I (Madrid, 1957), pp. 488-491.

²¹ Cf. *Primo Feliciter*, n. I and II.

²² *Ibid.*, II *in finem*.

²³ A. del Portillo, *Los Institutos Seculares*, pp. 101-116; “Les Professions et les Institus Sèculiers,” Supplement of *La Vie Spirituelle* (1959), pp. 440-449.

These two characteristics—full and integrally secular apostolate—were thus clearly established in the constitutive documents, with a real desire of ensuring that secular institutes would be apostolic instruments of social penetration capable of bringing the life of perfection to all places (“*ad vitam perfectionis semper et ubique serio ducendam*”); to bring about a deep Christian renewal in the sphere of the families, in the professions and civil society (“*ad impensam familiarum, professionum ac civilis societatis christianam renovationem*”); to carry out a manifold apostolate (“*ad multiformem apostolatum*”); and to exercise these apostolic tasks in places, times, and circumstances in which priests or religious are forbidden to work or can make no headway (“*ad ministeria exercenda locis, temporibus et rerum adiunctis sacerdotibus religiosisque vetitis, vel imperviis*”).²⁴

3. *Secularity*. The three documents of the Holy See, which we have been studying, insistently proclaim that secularity must be an essential characteristic of a secular institute—to such an extent that it distinguishes, or should distinguish, secular institutes from the canonical “states of perfection.”

Indeed, this secularity is proclaimed in the very title of secular institutes. The definition which the legislator has given us in Article I of the *lex peculiaris*, establishes that secularity is not only one of the three substantial juridical elements of these Institutes but also the determining and conditioning element of the mode in which the other two—life of consecration and apostolate—are to be realized. The preamble to the *Provida Mater Ecclesia* in a fundamental paragraph—of which to date perhaps no satisfactory commentary has been made from the viewpoint of the theology of vocation—speaks of perfection practiced in the world, not only as an individual initiative of a few people, but also 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* and *Primo Feliciter* refer to

²⁴ Cf. *Provida Mater Ecclesia*, introduction; as regards the prohibitions referred to, see canons 139, 141, 142, and 592.

the concrete manifestations which this secularity should have, concluding that always and in all secular institutes the proper and particular character of this new juridical figure must shine, i.e., "that they are secular—and in this lies the whole reason for the existence of such institutes."²⁵

It is to be noted that the concept of secularity does not coincide with that of laity, for, in the canonical division of persons,²⁶ secular is opposed to religious—not to clerical—whereas lay or laymen is opposed to clerical or cleric. Therefore, both priests and lay people may belong to secular institutes; there are, in fact, secular institutes for priests.²⁷ Secularity is common to lay people consecrated to God and to lay people not consecrated, as well as to secular priests; for all 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 life of men.²⁸ On the contrary, it is essential to the religious, who lives in the canonical "state of perfection," to be separated from the world²⁹—*contemptus saeculi*—so much so that if he later on abandons the religious state, he is said to have been "secularized"³⁰ or to have been "sent back to the world."³¹

Secularity, therefore, must exclude everything which in the religious state symbolizes or represents in any way this cutting oneself off from the world, in particular the taking of public vows and the canonical common life.³² This is laid down in Article II of the *lex peculiaris*. For the same reason—espe-

²⁵ *Primo Feliciter*, n. II.

²⁶ Canon 107.

²⁷ Cf. *Provida Mater Ecclesia*, art. I.

²⁸ A. del Portillo, "Les professions . . .," *op. cit.*; S. Canals, "Secularidad y profesiones en los Institutos Seculares," *Nuestro Tiempo*, VIII (1959), 131-141.

²⁹ Canon 585.

³⁰ Canons 638; 640, § 1; 641, § 1; 643.

³¹ Canons 642, § 1; 653; 668; 704, § 2.

³² Canons 487 ff.; 673 ff.

cially if one takes 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, not only regarding the manner of dress (thus excluding the use of habit, uniform, or external sign symbolizing their dedication), but also regarding 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 midst of civil society.³³

But secularity is above all a positive juridical requisite, the consequence of a theological fact that is also positive: a specific vocation, since the members of secular institutes must remain and work in the middle of the world *ex divina dispositione*.³⁴ The presence of these consecrated persons in the midst of the world manifests, therefore, a demand of their vocation and a perfect right. So that their presence may be fully apostolic, it also demands that they be in no way distinguished juridically from other lay people, in the case of lay people, or from other priests, in the case of priests. That is to say, *coram Ecclesia* they must retain the same canonical personality which they had before their consecration, with all the practical consequences arising from it. *Coram Statu*, they are to have the same juridical position which corresponds to ordinary citizens of the same civil status, with all its accompanying rights and duties in the family, social, professional, or political sphere.

Besides all of these specifications pertaining more particularly to the juridical order, secularity—a secular consecration or a consecrated secularity—also requires a special asceticism and a special mentality. This mentality will guide the member's evaluation of all worthy human realities and their value with respect to God's plan. Secularity also requires that the

³³ A. del Portillo, "Constitutio, formae . . .," *Acta et documenta Congressus Generalis de Statibus perfectionis*, II Rome, 1950), 230.

³⁴ *Primo Feliciter*, preface.

members of secular institutes be open to and involve themselves in the life and problems of the contemporary world, especially those problems that are common to the people with whom they live and work. The only limits to this involvement would be what is illicit or what could be unbecoming to their condition as consecrated souls.³⁵

B. The proper law, competence, and kinds of secular institutes

The figure of secular institutes—defined by the three fundamental characteristics we have outlined—may be summed up in these words: Secular institutes are or should be considered juridically as clerical or lay societies, essentially secular, which neither are religious nor can be equated to religious. As secular societies, these institutes fall under the category of secular associations or associations of the faithful,³⁶ but within this genus they have a defined personality that requires a name and a law of their own, corresponding to their specific characteristics and needs.

Article II of the *lex peculiaris* determines the norms which are to be applied to these institutes. It gives first a negative criterion: the law proper to religious institutes (orders or congregations) and to the societies of common life without vows, does not bind secular institutes, nor can it be invoked by them. This principle is most general and extends both to *ius conditum* and to *ius condendum*, which will be applied to them only when it is expressly established, after the circumstances of each case have been pondered. The law of religious was initially under no circumstances thought of as a supplementary law for secular institutes.³⁷ (We must remind the reader that, as we have noted previously, we are referring here to the type of secular institute of the years 1947-1948).

The common laws of Canon Law constitute the general

³⁵ Cf. *Primo Feliciter*, n. II.

³⁶ Cf. A. del Portillo, *Los Institutos Seculares* (Rome, 1949), pp. 32-38.

³⁷ Cf. J. M. Escrivá de Balaguer, *op. cit.*, p. 17; A. del Portillo, *Los Institutos . . . , op. cit.*, pp. 170-191; S. Canals, "Secular Institutes and the State of Perfection," *op. cit.*, p. 73 ff.; "De Institutibus Saecularibus doctrina et praxis," *Monitor Ecclesiasticus* (1949), pp. 151-163.

source of law for secular institutes, provided they have not been derogated by a particular law of their own. These laws bind the institutes in so far as they are collegiate moral persons, and the members in so far as they are physical persons: clerical or lay, according to the case.

The special sources of the law proper to Secular Institutes are three:

(a) the apostolic constitution *Provida Mater Ecclesia* (February 2, 1947); the motu proprio *Primo Feliciter* (March 12, 1948); and the instruction *Cum Sanctissimus* (March 19, 1948);

(b) the norms given by the Congregation of Religious, to which the legislator delegated the power to interpret, apply, and complete the pontifical laws governing these institutes; and

(c) the constitutions or constitutional regulations of each institute. These are an expression of their own particular law. They make one institute different from another in the accidental ways of carrying out their apostolate and of living the evangelical counsels. Nevertheless the substantial elements of this new juridical figure, the secular institute, must always be carefully preserved.

Thus the laws proper to religious are not applied to them, nor the duties or rights of clerics, in the case of lay people. Not even *in genere* are the laws of associations of the faithful applied. The law proper to them was to be decided definitively, after the passage of time, by the development and interpretation which the numerous institutions, approved as such since 1948, would make of the norms of the *Provida Mater Ecclesia*.

Article IV of the *lex peculiaris* outlines the competence of the Congregation of Religious over these institutes, without prejudice to the rights of the Congregation for the Propagation of the Faith (can. 252, § 3) concerning societies of priests and seminaries for the foreign missions.³⁸

It should be noted, however, that it is not obligatory or

³⁸ Cf. *Primo Feliciter*, n. V, and the instruction *Cum Sanctissimus*, n. 2.

strictly necessary for all the institutions of an inter-diocesan and universal character, whose members seek Christian perfection, to take or exhibit the form of secular institutes, and thus to be under the competence of the Congregation of Religious: in such a case they would be under the congregation of the Council.³⁹

Articles V and VI of the *lex peculiaris* contain the norms regarding the erection and approval of secular institutes of diocesan right, while Article VII discusses their elevation to the category of secular institutes of pontifical right. Only bishops, but not vicars capitular or vicars general can erect them, after having obtained the *nihil obstat* of the Congregation of Religious. This erection is given only after the society aspiring to become a secular institute has undergone conscientiously the indispensable period of probation⁴⁰ under some special form of association of the faithful, as 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 also substantially, in the theological and ascetical orders—all the notes which are required to constitute a true secular institute.

If a secular institute obtains the *decretum laudis* from the Holy See it becomes an institute of pontifical right; it is erected as an institute with a universal juridical structure. But it does not become exempt from the jurisdiction of the ordinary, in the proper sense of the term. The secular institutes of pontifical right, like the congregations and the societies of common life, are subject to the jurisdiction of the ordinary, but not to his dominative power. That is to say, in the case of clerical institutes, they are exempt as regards government and internal affairs, according to the rule of canon 618 of the Code.

From what we have already said, we can establish a first

³⁹ Cf. S. Canals, *Los Institutos Seculares* (Madrid, 1960), p. 170.

⁴⁰ Cf. *Cum Sanctissimus*, n. 5.

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. The institutes of diocesan right are considered as virtually universal and can spread to other dioceses. A second division originates with the definition itself of these Institutes as *Societates clericales vel laicales*. The adjectives, *clericales vel laicales*, do not refer to the nature of the societies, which are always ecclesiastical moral persons, but to the members who belong to them. The clerical or lay character of a given institute is determined by the traditional criterion laid down in canon 488, 4°. Those institutes are clerical, therefore, in which *plerique sodales sacerdotio augentur*. The term *plerique*, however, should not be interpreted in the strict sense, but the circumstances and specific aim of the institute should be taken into account. *Plerique* does not necessarily mean the majority but, rather, a relatively high number (following the rule, *plerique uni et paucis opponitur*). Therefore, an institute will be clerical when a considerable part of its membership is made up of clerics or when the most important positions of government are reserved to clerics. Similarly, it will be clerical if its aim refers also to the priestly ministry, even if not all the members become clerics.

Finally, it is also necessary to say that when a diocesan priest is incorporated into a secular institute, no harm is done to the divine law commanding a priest to obey his bishop, or to any of the canonical laws governing the juridical life of the diocesan priest.⁴¹

III. THE EVOLUTION OF SECULAR INSTITUTES

We have explained, thus far, the substantial and formal elements of the juridical figure of secular institute as it was, or appeared to be, outlined by the three pontifical documents. Since then (1947 and 1948) the very concept of secular in-

⁴¹ Cf. Pius XII, "Discourse to the delegates of the General Congress of the States of Perfection," December 8, 1950: AAS, XLIII (1951), 26-36.

stitute has been progressively evolving, both in its theoretical development and in its practical materialization, to the extent that the present concept is *proxime accedens* or *vere aequipollens* to the figure of the religious institute.⁴²

Scarcely two years after the promulgation of the *Provida Mater Ecclesia*, the evolution of secular institutes became noticeable. Already in 1950, one could find an authoritative canonical publication⁴³ comparing the then incipient evolution of secular institutes with the evolution of religious congregations whose members, after having been tolerated for centuries as *pii laici*, were at last recognized as religious *pleno iure* when they were canonically incorporated into the religious state.

But in the case of secular institutes the evolution has been much more rapid. Only seventeen years after their approval, it is already being proposed—with an eye to the forthcoming revision of the Code—that the existing title XVII of the part *De Religiosis*, be expanded so that it may include both societies of common life without vows and secular institutes.⁴⁴ This is not just a mere possibility *de iure condendo*, but a *de facto* reality, especially if we take into account the similarities and relationship that exist between secular institutes and societies of common life (or even between secular institutes and religious congregations). “If our information is correct,” Father Jean Béyer, S.J., wrote already in 1953, “certain Secular Institutes have public vows. There is no impediment either to others having common life and a uniform of some sort, very similar to that of nurses. It is, therefore, very difficult to distinguish clearly between societies of common life

⁴² “*Instituta Saecularia*,” *Dictionarium Canonicum et Morale*, Vol. II, (Rome, 1964); R. Gutierrez, “*Institutos Seculares*,” *Enciclopedia de la cultura española* (Madrid); I. R. Segarra, “*Secular Institutes*,” *Homiletic and Pastoral Review*, V (1963), 726-732.

⁴³ Cf. *Commentarium pro Religiosis* (1950), pp. 273 and 279.

⁴⁴ Cf. R. Carpentier, S.J., *Vida y estados de perfección. Qué piensa la Iglesia?* (Spanish trans., Santander, 1961), p. 16.

and secular institutes.”⁴⁵ Indeed, someone has suggested, perhaps with exaggeration, 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, while the Carmelite Tertiaries of *Notre-Dame-de-Vie*, who have more monastic observances in their central house are classed as members of a secular institute.”⁴⁶

It is very difficult to determine with precision how much, or in what way, the evolution of the concept of secular institute 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 present-day figure of secular institute. We must now deal with these factors, if only briefly.

A. A new form or an adaptation of the religious state?

The title itself 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 secular institutes. The *lex peculiaris* explicitly recorded this distinction in Article II. The rest of the articles carefully avoided describing the new Institutes as a “species,” “grade,” or “type” of the religious state, and applying to it the common law and the characteristics of this state (canonical common life, public vows, etc.). They affirm, however, the existence of an authentic practice of the life of perfection in the secular institute.

These reasons—and those arising from the nature of their apostolate, from theological considerations, etc., which we have already touched on when describing the initial figure of a

⁴⁵ *Les Instituts Sèculiers* (Louvain, 1953), p. 213.

⁴⁶ M. O’Leary, *Our Time is Now* (London, 1955), pp. 8-9.

secular institute, made one think that the proper and peculiar character of the secular institutes, *saecularitas*, had molded a new form of "state of perfection" in ecclesiastical law, clearly distinct from the religious state, and which was called "a secular state of perfection"⁴⁷ in order to stress the existence of a true secular consecration or consecrated secularity.

Secularity, therefore, was not only of first importance for distinguishing and qualifying the juridical figure created by the *Provida*, but it also determined how the corporate life of these institutes and the personal life of each member was to be expressed. Thus, for example, secularity was to color the practice of the evangelical counsels and the virtues proper to the life of perfection; it was to specify the manner and, in good part, the means of apostolate; it also made precise demands as to the means of formation and ascetical struggle; it was to safeguard the canonical personality, clerical or lay, of the members; and finally it could and should have increased the possibilities of their apostolic penetration in civil society.

This was the interpretation which the members of the first association approved under the *Provida Mater Ecclesia*⁴⁸ held with particular firmness. It seemed, besides, to have been confirmed by the motu proprio *Primo Feliciter* and the instruction *Cum Sanctissimus*. These documents not only insisted on the existence of a *special vocation* (distinct from the religious vocation), but also referred to secularity as the *ratio essendi* of the new institutes.

⁴⁷ See the bibliography of footnote 19.

⁴⁸ We should cite in the first place a document of exceptional interest, since it was the first publication on the *Provida Mater Ecclesia*, and since it is a commentary by one of the persons who most influenced the preparation of the Apostolic Constitution: *La Constitución Apostólica "Provida Mater Ecclesia" y el Opus Dei*, by Msgr. Josemaría Escrivá de Balaguer, founder of that association (Madrid, 1947).

We could also add the studies cited in footnote 37. It was to be expected that these writers would agree; although this association does not impose on its members any particular opinion on debatable theological, juridical, or other matters, in this case the very nature of the vocation which they share led them to the same criterion of interpretation of the pontifical constitution.

As against this interpretation of the juridical and theological personality of the new institutes, a different position was gradually being defined which saw them as merely a further stage, though an important one, in the evolution of the religious state of perfection: as a new form—and therefore with some special juridical norms—through which the religious vocation expressed itself.⁴⁹ The supporters of this interpretation held that the two basic statements of the pontifical documents were: that these Institutes constitute a true *status perfectionis* and that the consecration required by them is *quoad substantiam vere religiosa*.⁵⁰

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."⁵¹ At most, they granted that secularity was of a relative or merely functional importance, namely, broadening 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 were concerned. But they deprived secularity of its being a basic and determining positive juridical quality and of its deep content, something which others had given it on account of its theological significance and its connection with apostolic effectiveness.

Fr. Creusen, S.J.,⁵² and Fr. Bergh, S.J.,⁵³ were the first to reject, already in 1948, the consideration of secular institutes as a qualified species within the genus of associations of the faithful. Bergh denied that the members of secular institutes could be termed "consecrated lay people"; there were, rather, religious. And he went on to say:

⁴⁹ G. M. Benucci, *Gli Istituti Secolari nella nuova legislazione canonica* (Rome, 1955), p. 9.

⁵⁰ Cf. *Primo Feliciter*, n. II; *Cum Sanctissimus*, n. 7.

⁵¹ J. Beyer, S.J., *Les Institutes Sèculiers*, p. 297.

⁵² Cf. "Adnotationes ad documenta pontificia de Institutis Saecularibus," *Periodica de re morali, canonica et liturgica* (1948), pp. 255-271.

⁵³ Cf. "Les Instituts Sèculiers," *Nouvelle Revue Theologique* (1948), pp. 1052-1062.

The pontifical documents of 1947 and 1948, as well as the jurisprudence from the Commission for Secular Institutes, desire that they be considered first and foremost as *adhering to the canonical states of perfection*, which are dealt with (and will be more explicitly dealt with in the future) in the second part of book II of the Code. For this reason, one should probably avoid the term "consecrated layman," which would relate them to the faithful and the associations of the faithful, dealt with in the third part of book II.⁵⁴

By this refusal to the secular institutes of membership among the associations of the faithful, as a particular species with a name and law of their own, secularity was forced to lose its strength and meaning. Instead, the characteristic of being a *status perfectionis* was what determined decisively the way of understanding and explaining the juridical position of secular institutes. Thus, Lauwers,⁵⁵ Toni, S.J.,⁵⁶ Beyer, S.J.,⁵⁷ Fogliasso, S.D.B.,⁵⁸ Carpentier, S.J.,⁵⁹ Jombart, S.J.,⁶⁰ Goyeneche, C.M.F.,⁶¹ Guitierrez, C.M.F.,⁶² Setien,⁶³ Benucci,⁶⁴ Escu-

⁵⁴ *Op. cit.*, p. 1057.

⁵⁵ "Societates sine votis et status canonicus perfectionis," *Ephemerides Theologicae Lovanienses* (1952), pp. 59-89 and 215-237.

⁵⁶ *Los Institutos Seculares* (Saragossa, 1952), pp. 56 ff.

⁵⁷ Cf. *Les Institutes Séculars*, pp. 289-296.

⁵⁸ "De iuridicis relationibus inter status perfectionis et ordinarium loci," *Salesianum* (1960), pp. 507-567.

⁵⁹ *Vida y estados de perfección* (Santander, 1961), p. 16.

⁶⁰ "Un novel état de perfection: Les Instituts Séculars," *Revue d'ascétique et mystique* (1948), pp. 269-281; "Fondation d'un Institute Sécular," *Revue des Communautés Religieuses* (1948), pp. 11-113; "Status perfectionis in mundo ex accomodatione circumstantiis," *Miscellanea Comillas* (1951), pp. 151-157; "Un état de perfection au milieu du monde," *Revue de Droit Canonique* (1952), pp. 57-77.

⁶¹ "Adnotationes ad Cons. Ap. 'Provida Mater Ecclesia,'" *Apollinaris* (1947), pp. 15-41; "Constitutio Apostolica de Statibus canonicis Institutisque Saecularibus christianae perfectionis acquirendae, 'Provida Mater Ecclesia,'" *Commentarium pro Religiosis* (1947), pp. 1-17; "Consultationes de Institutum saecularium definitione et de eorum differentia a Religiosis," *Commentarium pro Religiosis* (1951), pp. 32-39.

⁶² "Commentarium in Motu Proprio 'Primo Feliciter' Pii Pp. XII et In-

tero, C.M.F.,⁶⁵ Alberione, S.S.P.,⁶⁶ among many others, elaborated the following statements:

(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.

(b) There is no "state of perfection" other than the canonically regulated state of perfection. But over the centuries, as the legislation of the Church has done away with certain requirements that went into making the religious life, because they were considered secondary and inessential, the canonical state of perfection has admitted of different degrees.

(c) Thus, by ceasing to demand solemn vows as essential requirements, the religious congregations were admitted into the religious state alongside the orders; by ceasing to require public vows, either solemn or simple, the societies of common life were also admitted; and finally, by ceasing to demand either public vows or common life, the secular institutes have also been admitted into the religious state.

(d) Therefore, secular institutes are *quoad substantiam* within the religious state—as regards its essential and primary element. They constitute the third degree in the evolution of that state, its lowest form or species.

structionem S.C. de Religiosis 'Cum Sanctissimus,' *Commentarium pro Religiosis* (1949), pp. 259-291; "Doctrina generalis de statu perfectionis et comparatio inter varios gradus ab Ecclesia iuridice ordinatos," *Commentarium pro Religiosis* (1950), pp. 61-126; "Instituta Saecularia ut status recognitus perfectionis," *Acta et documenta Congressus Generalis de Statibus perfectionis*, II (Rome, 1952), pp. 234-279; "De natura Institutum Saecularium," *Commentarium pro Religiosis* (1953), pp. 72-93; "De natura voti publici et voti privati, status publici et status privati perfectionis," *Commentarium pro Religiosis* (1959), pp. 277-329.

⁶³ *Institutos seculares para el clero diocesano* (Vitoria, 1957); cf. pp. 24 ff.

⁶⁴ *Gli Istituti Secolari nella nuova legislazione canonica* (Rome, 1955); cf. p. 60.

⁶⁵ *Los Institutos Seculares, su naturaleza y su derecho* (Madrid, 1954); cf. p. 67.

⁶⁶ "Istituti Secolari," *Vita Pastorale* (1958), p. 81.

(e) Furthermore, the members of the Secular Institutes are truly religious, even though they are not required to keep certain public or external manifestations of their religious character or condition, as the Institutes themselves to which they belong are not required.

(f) Even more, the fact that the *lex peculiaris* does not impose those requirements on the institutes considered collectively does not mean that the individual secular institute may not, exceptionally, include them in its particular law (constitutions, or regulations).

The juridical condition of secular institutes having been defined in this fashion in many publications by religious (whose special mentality made it difficult for them to understand the juridico-ascetical "lay" phenomenon of the primitive figure of secular institute), and the traditional theory of *status perfectionis* (which the ecclesiastical law took from the Roman Law concept of *status*) having been taken into consideration, the identification of these institutes with religious institutes was now complete. It was so, not only as regards their theological and ascetical nature,⁶⁷ but also from the legal point of view. This was, in fact, confirmed by the application to secular institutes of the greater part of the common law *De Religiosis*.⁶⁸

Today, therefore, concrete statements of the following type are generally accepted and found in the extensive bibliography available on this subject:

⁶⁷ Some authors had indeed allowed that secular institutes could be called religious, but only *quoad substantiam theologicam*: cf. A. Larraona, C.M.F., "Constitutionis Apostolicae pars altera, seu Legis peculiaris Institutorum saecularium exegetica, dogmatica, practica illustratio," *De Institutis Saecularibus*, I (Rome, 1951), 62; G. Escudero, C.M.F., "De natura Institutorum Saecularium," *Commentarium pro Religiosis*, 1953, pp. 72-93; A. Gutiérrez, C.M.F., "Institutia saecularia ut status recognitus perfectionis," *Acta et documenta congressus Generalis de Statibus perfectionis*, II (Rome, 1952), 234-279; G. M. Bennuci, *op. cit.*, p. 56 ff.

⁶⁸ Cf. A. Larraona, C.M.F., "Iurisprudentiae pro Institutis Saecularibus hucusque conditae summa lineamenta," *Commentarium pro Religiosis*, XXVIII (1949), 308-345.

(a) The social phenomenon that originated the figure of secular institute did not appear after the promulgation of the Code of Canon Law, but at the time of the French Revolution and the beginning of the nineteenth century. It originated with associations that did not require either habit or common life due to special political and social circumstances, but which did already aspire to be recognized as religious institutes.⁶⁹

(b) Secular institutes should be defined as a present-day manifestation of the religious vocation.⁷⁰

(c) The closer these are identified with the religious state,⁷¹ and the more they depend on the spirituality of religious orders for their own spirituality, the richer and greater their theological content and their efficacy will be.⁷²

(d) Even though the vows taken by the members of secular institutes are not *stricto sensu* public vows, nevertheless they are public, and should be so considered, *lato sensu*, inasmuch as they are recognized by the Church and have juridical effects in her eyes.⁷³

(e) Such vows place the members of secular institutes in *statu publico perfectionis*.⁷⁴

(f) There are certain secular professions and activities which, though in themselves honorable, are prohibited to members of secular institutes, for example, commerce.⁷⁵

⁶⁹ Cf. J. Beyer, *op. cit.*, p. 35; G. M. Bennucci, *op. cit.*, pp. 38-39; S. Reidy, O.F.M., "Secular Institutes," *Twentieth Century Encyclopedia of Catholicism* (New York, 1962), p. 124; J. L. de Urrutia, S.J., "Evolucion de la vida Religiosa," *Confer* (1963), pp. 77-80.

⁷⁰ Cf. G. M. Bennucci, *op. cit.*, p. 9.

⁷¹ Cf. M. O'Leary, *op. cit.*, p. 96.

⁷² A. Gutierrez, C.M.F., "Commentarium in Motu Proprio 'Primo Felicitatis' Pii Pp. XII et Instructionem S.C. de Religiosis 'Cum Sanctissimus,'" *Commentarium pro Religiosis* (1949), p. 278.

⁷³ Cf. A. Larraona, C.M.F., "Constitutionis Apostolicae . . .," *op. cit.*, p. 167; E. Fogliasso, S.D.B., *op. cit.*, p. 525.

⁷⁴ Cf. E. Regatillo, S.J., and M. Zalba, S.J., *De statibus particularibus tractatus* (Santander, 1954), p. 252.

⁷⁵ Cf. G. Escudero, C.M.F., "Los Institutos Seculares," *op. cit.*, pp. 244-245.

(g) It is quite understandable—though it need not be the general rule—that some institutes prescribe the wearing of a habit, uniform or special dress.⁷⁶

(h) There is no objection to their having canonical common life, provided no form of enclosure is imposed.⁷⁷

(i) It is normal for secular institutes to make use of even the terminology of religious institutes, not only for the titles of the persons but also for the rest of the nomenclature.⁷⁸

(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. Others say that the very absence of a habit or uniform already amounts to this secret character.⁷⁹

(k) Finally, some consider the very name of “secular institute” to be equivocal and confusing.⁸⁰

We feel that we should also refer here to a point of view according to which “consecrated persons can never be secular.”⁸¹ Although this view is of course outside the limits of the concrete problem of secular institutes, since its view is presented as a question of principle, we think we should discuss it here. To our mind, this blunt affirmation is theologically untenable, since, by virtue of the sacrament of baptism itself, all Christians are fundamentally consecrated persons.⁸² Even if the author refers concretely to the particular consecration

⁷⁶ Cf. G. Reidy, O.F.M., “The Secular Institutes: Their Universal Relevance,” *The Clergy Review* (1951), p. 276, note 4; M. O’Leary, *op. cit.*, p. 168 (in the Spanish translation); J. Beyer, S.J., *op. cit.*, p. 213.

⁷⁷ Cf. J. Beyer, S.J., *op. cit.*, p. 213.

⁷⁸ Cf. G. Escudero, *Los Institutos Seculares* pp. 153 ff.; G. Reidy, O.F.M., “Secular Institutes,” *op. cit.*, pp. 15, 99 ff.

⁷⁹ Cf. A. Larraona, C.M.F., “Constitutionis Apostolicae . . .,” *op. cit.*, p. 299; G. Escudero, *Los Institutos Seculares*, pp. 77 ff.; G. Alberione, “Istituti Secolari,” *Vita Pastorale* (1958), p. 81.

⁸⁰ Cf. J. Beyer, S.J., *op. cit.*, p. 295.

⁸¹ J. Beyer, S.J., *op. cit.*, p. 297; cf. also his contribution to *Etudes sur les Instituts Séculars* (Bruges, 1963), p. 191.

⁸² St. Thomas, *Summa Theologica*, III, q.66, a.9.

conferred by the practice of the evangelical counsels, a distinction should be made, 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 a public consecration, with the breaking of familial, social, professional bonds—then the consecrated person has ceased to be secular. But if, on the other hand, the vocation respects those human bonds and even encourages them—precisely because it wishes to consecrate them through the person—then the man or woman will continue to be secular, though there will be nothing *profane* in his or her consecrated life. In effect, the sacred is opposed to the profane: not to the secular. If it were otherwise, the *consecratio mundi* would amount to the *denaturalization* of the creative work of God.

B. Jurisprudence and development

It seems logical to think that in the evolution of the juridical doctrine of secular institutes, from their early concept to the present position within the religious state, *de facto* situations must have had a powerful influence.

The first, and perhaps the most significant fact, was the application to secular institutes, in 1949, of an important number of norms from the second part of Book II of the Code, *De Religiosis*. This application, which was detailed in a non-official way in publications by persons in authority within the Congregation of Religious,⁸³ and in an official way in the growing jurisprudence of the same Congregation, was intended to complete the general norms contained in the *lex peculiaris*. It was not a matter of an application *in toto* of the canonical legislation referred to above. Nevertheless, even though an attempt was made to proceed *congrua congruis referendo*, the

⁸³ Cf. especially A. Larraona, C.M.F., “Iurisprudentiae . . .,” *loc. cit.*, A. Larraona, C.M.F., and J. B. Fuertes, C.M.F., “Adnotationes in decreta rescripta, formulas S.C. de Religiosis pro Institutis Saecularibus,” *Commentarium pro Religiosis* (1949), pp. 292-307; A. Gutierrez, C.M.F., “Commentarium in Motu Proprio . . .,” *loc. cit.*

end result was a real equating of the new institutes to religious institutes.

It is remarkable how such an application, which placed secular institutes on a par with religious institutes, could have taken place. For this was contrary to what was laid down by the apostolic constitution *Provida Mater Ecclesia*, which in Article II forbade that the laws proper to religious be applied to the new institutes, except by way of exception. And yet, the explanation of this fact must be found, undoubtedly, in the *Provida Mater* itself, which conferred on the Congregation of Religious the power of interpreting authentically and applying the laws of that pontifical document. Using this power in the way it considered most opportune, the Congregation of Religious applied to secular institutes a series of norms which were not secular but religious. If one considers that hardly two secular institutes had been approved before this process of equalization began to be evident,⁸⁴ one can readily understand the influence that this fact must have had on the character and features of all other secular institutes approved later on. These institutes were "incarnating" and outlining, little by little, the figure of secular institute as it appears today.

We believe that the appearance in increasing numbers of new secular institutes *ad instar religiosorum*, must have had its influence, because of its exemplary value, in conditioning the doctrinal interpretations previously referred to. Without trying to give an exhaustive list—which would be difficult in any case due to the natural reserve of the possible sources of information—it is worthwhile to give some examples of secular institutes whose members:

(a) take public vows (such as Notre-Dame du Travail), or semi-public vows which they profess in a public and solemn

⁸⁴ These associations were Opus Dei and the Filiae Reginae Apostolorum. It may be pointed out that, while Opus Dei 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.

manner (Hijas de la Natividad de Maria, Istituto Santa Maria Annunziata, Operarias Parroquiales, etc.);

(b) live a canonical common life, such as the Ancillae Ecclesiae or the Institut Carmelitin de Notre-Dame-de-Vie;

(c) wear a habit or special uniform, always or on certain occasions (Sisters of Mary, Hermanas de la Sagrada Familia, Operarias Parroquiales, Familia Beato Angelico, Missionaries of the Kinship of Christ, Hijas de la Natividad de Maria, Obra del Espiritu Santo, etc.);

(d) use, unaltered, the training structure ("postulancy," "novitiate," "profession") or terminology ("religious," "sister," "reverend mother," etc.) proper to religious (such as Fieles Siervas de Jesus, Misioneras de los enfermos, Opera del Divino Amore, Society of the Heart of Jesus, Compagnia della Sacra Famiglia, Company of St. Paul, Le Petit Group Dominicain de Jésus Crucifié, Institut Carmelitin de Notre-Dame-de-Vie, Institut Sèculier Dominican d'Orleans, Apostoles del Sagrado Corazon, Institut Sèculier Dominicain du Saint-Nom de Jésus, Missionaires de Notre-Dame du Mont Carmel, and many others);

(e) are obligated to secrecy, such as Filiae Reginae Apostolorum, founded by Elena Persico (of pontifical right), Institute of Notre-Dame du Travail (of pontifical right), Missionaries of the Kingship of Christ, founded by Armida Barelli and Fr. Gemelli (of pontifical right), Equipières Sociales, Milites Christi, founded by the Italian deputy Signor 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.⁸⁵

Moreover, we should also note that most secular institutes

⁸⁵ 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 these later succeeded in being recognized as a secular institute; both had secrecy as a constitutional norm. One could easily cite other examples of similar societies founded by Jesuits or by other religious, in accordance with a manner of acting that led to the founding of secret societies to extend their own apostolates.

do not live *secularity* because they devote themselves to apostolates which entail that their members abandon the positions they had in the world, instead of seeking their sanctification through the exercise of one's profession; e.g., they may dedicate themselves to give missions or to adoration of the Blessed Sacrament.

Although we could mention other constitutional norms on more or less the same lines, we think that what we have already mentioned will suffice to show how all those *de facto* situations and circumstances (with their parallel 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 institute *proxime accedens* (in some cases) or totally equated to (in most cases) the juridical figure of the religious institute.

IV. SUPPLEMENTARY INFORMATION

The *Annuario Pontificio* of 1964 lists five secular institutes for men⁸⁶ and eleven for women,⁸⁷ 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 statistics⁸⁸ gave thirty-seven institutes of diocesan right at the end of 1957. One must suppose that this figure has greatly increased over the past seven years, since by December 1957 the number of applications for recognition before the Congregation of Religious had risen to 197.

The institutes approved from 1947 to 1957 had been founded in the following countries: Italy, 21; Spain, 7; France, 7; Germany, Colombia, Switzerland and Austria, 2 each; Belgium, Canada, England, Yugoslavia, Mexico and Uruguay, 1 each.

⁸⁶ Cf. pp. 870-871.

⁸⁷ Cf. p. 1403.

⁸⁸ Cf. A. del Portillo, "Lo Stato attuale degli Istituti Secolari," *Studi Cattolici*, I (1958), 4-14.

Both the number and geographical extension of secular institutes lead one to suppose that these figures, already significant, will be much greater in time, due to the fact that this new form of the religious state offers, as it has been frequently said,⁸⁹ an opportunity of following a religious vocation to many people who otherwise could not do it. Due to family, health, or other reasons, they were prevented from asking admission to an order, congregation, or society of common life.

Furthermore, the fact that the process of juridical and theological evolution has taken place does not seem to present any obstacle to the numerical growth of secular institutes or of their membership. The immense majority of the secular institutes existing today had sought approval as such institutes when the juridical trend of equating secular institutes to the other forms of the religious state had already begun (from 1949) or had already been completed. They accommodated satisfactorily the letter and spirit of their constitutional regulations to the juridical and theological reality. This holds true also for secret institutes, which, precisely because of this characteristic, do not feel in their apostolate the practical consequences of the assimilation to the religious institutes.

The present position of Opus Dei. At the conclusion of this study, we consider it necessary to refer to the fact, already well known, that the founder of Opus Dei, Msgr. Escrivá de Balaguer, on seeing how the primitive concept of secular institute was being changed, made respectful protests to the Roman Congregations, from 1948 on, so as to defend that juridical figure in all its integrity.

As we have said, Opus Dei was the only association granted the *decretum laudis* before the equation of Secular Institutes with religious began. Furthermore, it may be affirmed that the legislation of the *Provida Mater Ecclesia* has been applied

⁸⁹ This idea is also found in books and information pamphlets published by some secular institutes: cf., e.g., those published by the secular institute Maria Santissima Annunziata on the occasion of the "Church Exhibit" held in 1962.

in all its extension and integrity, without the addition of norms taken from the law proper to religious, only and exclusively to Opus Dei.

Opus Dei constitutes an association of the faithful, of universal government and extension,⁹⁰ whose members—ordinary lay people and secular clerics—devote themselves, in virtue of a well-defined vocation, to a secular apostolate and to seeking Christian perfection in their own state, each through the practice of his own profession or trade. In its triple aspect— theological or ascetical, juridical and apostolic—secularity manifests the main characteristic of the spirit and organization of Opus Dei. These are the features which have defined this association since its beginnings, and which its founder has clearly defined on numerous occasions. The text written by him, which we have already cited, states:

Opus Dei embraces Christians from all walks of life, men and women, celibate and married, who, being in the middle of the world, or better, 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 further than the classical moulds of the life of perfection will not understand the structure of Opus Dei. Opus Dei members are not religious—to give an example—who, full of holy zeal, work as lawyers, doctors, engineers, or workers. They are simply lawyers, doctors, engineers, workers, who have a great interest in their profession and

⁹⁰ Opus Dei, then, is not a common association of the faithful, nor can it be compared with the so-called “apostolic movements.” It is distinguished from these other associations of the faithful by the special dedication to God that is lived by the greater part of its members, by the complete and mutual bond that unites the members to the Association, by the continuous ascetical formation which the members receive, etc.

have their characteristic mentality, for whom their profession, and naturally their whole life, acquires a fuller meaning when it is directed completely to God and to the salvation of souls.⁹¹

Despite the social and juridical evolution affecting the secular institutes, Opus Dei has firmly kept the characteristics of its spirit and asceticism. “The other secular institutes,” a Spanish author wrote lately,⁹² “have veered toward the concept of religious institute, while Opus Dei has maintained the straight line of secularity, the essential and fundamental characteristic of its spirit.” Hence, Opus Dei can no longer be considered a secular institute because it is not so *de facto*; indeed, no one considers it as such any more.⁹³

The existence of this association, founded in 1928 with a clearly defined personality, could not but have had a decisive influence on the process of preparation of the *Provida Mater Ecclesia*⁹⁴ and even on the interpretation of that constitution immediately after its promulgation.⁹⁵ This is a fact to be borne in mind when studying the legal texts and facts on secular institutes: we have tried to do it throughout this study. And, for the same reasons, in outlining the figure of the secular institute in the following years, we also have had to consider the characteristics *ad instar religiosorum* of the hundreds of associations which have already been approved, or desire to be approved in the future, as secular institutes. Those characteristics distinguish these associations clearly from Opus Dei. Besides the fundamental note of secularity, Opus Dei, among

⁹¹ J. M. Escrivá de Balaguer, *op. cit.*, pp. 18-20.

⁹² V. M. Encinas, “Una asociación llamada Opus Dei,” *Colligite*, X (1964), 67.

⁹³ Cf. R. Gutierrez, “Opus Dei,” *Enciclopedia de la Cultura Española* (Madrid); A. de Fuenmayor, “Opus Dei,” *Diccionario de Historia Ecclesiástica de España* (Madrid); V. M. Encinas, “Una asociación llamada Opus Dei,” *op. cit.*, pp. 61-68.

⁹⁴ See section I of this study.

⁹⁵ See footnote 48.

other characteristics, is neither a secret association, nor do its members live *ad instar religiosorum*—after the manner of religious. We can truly say that during these years we have witnessed a process of differentiation that has contributed to emphasize even more clearly the special features of Opus Dei and its position in the life of the Church.

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