

Priest Members of Secular Institutes

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(The question of the juridical status of priests who are members of Secular Institutes was raised some time ago in our "Questions Answered" department. Since it was felt that a fuller exposition of the subject would be of interest to readers of HPR, a priest of the Secular Institute, Opus Dei, was contacted. In the following article Father Ignatius Segarra presents an admirably clear explanation of the juridical status of the priest-member of Secular Institutes. He makes precise distinction between priests who are members in the strict sense and priests who are members in the wide sense. Canon 542, 2°, applies to diocesan priests who seek membership in the strict sense, but not to those who become members in the wide sense.—

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AS REGARDS the members of Secular Institutes, it is to be noted that the juridical figure of a Secular Institute admits of two different types of members: those who are members in the *strict* (or proper) sense, and those who are members in the *wide* (or less proper) sense.

This twofold membership is a juridical feature of these Institutes; and, at the same time, it is a manifestation of the Church's desire to spread the life of perfection in the world. Living a life of perfection in the middle of the world is precisely the *raison d'être* for Secular Institutes.

By the Apostolic Constitution *Provida Mater Ecclesia*, His Holiness Pope Pius XII granted official recognition to Secular Institutes and laid down the fundamental laws to govern them in the



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lex peculiaris, which is the legislative part of the Constitution. This *lex peculiaris* expressly speaks of the members in the strict sense although it assumes that there are other members, too.¹ The prescriptions of the *lex peculiaris* are applied only to the former.

SECULAR INSTITUTES AND MEMBERS IN THE WIDE SENSE

On March 19, 1948, a week after the

¹ "Sodales, qui ut membra strictiore sumpta, Institutis adscribi cupiunt . . ." Art. III, § 2.

promulgation of the *Motu Proprio Primo Feliciter*, in praise and confirmation of Secular Institutes, the Sacred Congregation of Religious published the Instruction *Cum Sanctissimus*. In this Instruction, in n. 7, members in the wide sense (*latiore sensu*) are expressly mentioned. This document can be rightly considered the Magna Carta for these members, for in it is established the degree of union which they must have with the Institute and the manner in which they are to pursue evangelical perfection.

The text just mentioned, which offers the starting point for the present brief study, reads as follows:

7. In order to safeguard a sure and practical judgment regarding any Association having the true nature of a Secular Institute, in other words to ascertain whether it effectively draws its members, in a secular state and condition, to that full consecration and dedication which even in *foro externo* bears the mark of the complete state of perfection, in substance true religious, the following points must be accurately weighed:

a) Whether the members, insofar as they are inscribed in the Association as members in the *strict sense*, seriously profess "in addition to those exercises of devotion and self-denial," without which the life of perfection would be a vain illusion, the three evangelic counsels according to one of the forms recognized by the Apostolic Constitution (Art. III, 2). *However, members in the wide sense may be admitted, who are incorporated in the Association to a greater or less degree, provided that they aspire to evangelical perfection and try to live it in their own state, even though they do not or cannot embrace each evangelic counsel in the highest degree.*

From the simple reading of the text it is easy to see that members in the wide sense, who, as their name indicates,

are true members, are not to be confused with the simple cooperators or those who merely help in some way toward the work of the Institute. The latter are not united to the Institute by any internal bond of a juridical nature.

Another conclusion, which just as clearly follows from the attentive reading of the text of the Instruction, is that no Secular Institute composed *exclusively* of members *in the wide sense* can exist. The existence of a Secular Institute in the eyes of the law (and the existence in it of members in the wide sense) depends on the very existence of members *in the strict sense*. This results not only from the legislative text, but also from the consideration of the very nature of a Secular Institute, in which the Church has recognized a complete state of perfection. The same conclusion can be reached from the fact that these Institutes are societies—moral or juridical ecclesiastical persons—who could neither govern themselves in the different levels of government nor fulfill their specific aim without an adequate number of persons fully dedicated to the necessary activities proper to this specific type of society.

These considerations help to explain perfectly well how the bond, which unites the members in the strict sense to the Institute, must be stable (*stabile*), mutual and comprehensive (*mutuum ac plenum*), according to the precise norm of Art. III of the *lex peculiaris*.

Once these principles are stated, we should realize that the legal figure of a member *in the wide sense* demands of the persons who belong to that category: (1) a certain degree of incorporation in the Institute; (2) the practice of the three evangelic counsels to a greater or lesser degree.

The consecration to God through the stable obligation in conscience of prac-

ting the evangelical counsels runs parallel to the incorporation in the Institute. This is because of the exacting demands of the state of perfection as organized by the Church. We can say that to a greater consecration to God corresponds a more intimate incorporation into the Institute, and *vice versa*.

SACERDOTAL SECULAR INSTITUTES

The distinction between members in the strict sense and members in the wide sense could be less marked, at least in appearance, when dealing with *priestly* Secular Institutes; especially in the case that all members of the Institute are diocesan priests, i.e., priests incardinated in the diocese.

In the case of an Institute made up entirely of diocesan priests, it could easily happen that someone might venture the hypothesis that all members of the Institute are members in the wide sense. However, such a hypothesis cannot be held. The reason is because it clashes with one of the principles established above: no Secular Institute composed exclusively of members in the wide sense can exist. The contrary would be against not only n. 7 of the Instruction *Cum Sanctissimus*, but also against the very nature of Secular Institutes as states in which the Church has recognized a true state of perfection. They are societies—moral ecclesiastical persons—endowed with an internal and external life of their own with specific and various requirements.

INCARDINATION, MEMBERSHIP, AND THE ORDINARY'S PERMISSION

If the Institute is specifically for the diocesan clergy, the distinction to which we have been referring in this study between both classes of members must

be based upon the degree of their dependence *de facto* on the Institute.

Just as a bishop can leave a priest of his diocese in another diocese, with the required consent of those concerned, without the priest losing incardination in his own diocese, so also a bishop can leave one of his priests in complete dependence on a Secular Institute for purposes of government and spiritual formation. The priest will be a member of the Institute in the strict sense even though he retains *de iure* his incardination in his diocese. In other cases, when this special dependence of the priest on the Institute does not exist, the diocesan priest will be a member of the Institute in the wide sense. In this way the Institute can exist and perform its legal functions, meeting all the demands of internal and external order. At the same time, the distinction between both categories of membership is kept, without any conflict either in theory or in practice with the principle that there cannot be a Secular Institute exclusively formed by members in the wide sense.

All we have said permits us to understand clearly the *praxis* of the Sacred Congregation of Religious to which the law has given jurisdiction over Secular Institutes. According to this *praxis*, the prohibitive norm of Canon 542, n. 2,² should not be applied to diocesan priests who desire to join a Secular Institute, since one's becoming a member of a Secular Institute does not change his canonical status as a priest in the diocese, unlike what happens when one enters a religious community. But, on the other hand, this prohibitive norm does apply when dealing with a priest

² "*Illicite, sed valide admittuntur (ad novitiatum): Clerici in sacris constituti, inconsulto loci Ordinarii aut eodem contradicente ex eo quod eorum discessus in grave animarum detrimentum cedat quod aliter vitari minime possit.*"

who would want to enter a Secular Institute as a member in the *strict sense*.

If the sacerdotal Secular Institute is not exclusively for the diocesan clergy and, therefore, has both secular and diocesan priests, a solution to the problem of the distinction between the two classes of members can be found in the fact of the incardination in the diocese. In this case the distinction between members in the strict sense and the wide sense can be made to coincide with the distinction between members who are ascribed to the Institute and members who are incardinated in the diocese.

THE SACERDOTAL SOCIETY OF THE HOLY CROSS AND OPUS DEI

A particular case. The position of the diocesan priests belonging to the Sacerdotal Society of the Holy Cross and Opus Dei—a Secular Institute which has both secular and diocesan priests—is very clearly stated. This clearness is based on the juridical solution given to this problem by its Founder.³

This Institute is of a hierarchical and universal nature and has a special section within the Institute itself for the diocesan clergy. In the particular law of the Sacerdotal Society of the Holy Cross and Opus Dei the distinction between both classes of members has its juridical foundation on the incardination. Therefore, *secular* priests of the

Institute are members in the strict sense and are ascribed to the Institute. Following the norm of the Constitutions, *diocesan* priests who form part of the Sacerdotal Society of the Holy Cross and Opus Dei are members in the wide sense and preserve their incardination in their diocese as well as their complete dependence on the Ordinary.

Because the spirit of the Institute requires that its members do not leave the place or position that they hold in society or in the Church and that they carry out their apostolic activity precisely in that position, diocesan priests cannot be admitted in the Institute as members in the strict sense. In this way the diocesan priests continue to serve the diocese in which they are incardinated and, at the same time, through belonging to the Institute, they are in a juridical way of perfection and receive the formation and spiritual help which they need for their apostolic life.

According to the *praxis* of the Sacred Congregation of Religious, in the case of members in the wide sense, it is not necessary to obtain the *licentia* of the Ordinary to be accepted into the Institute. Nevertheless, the Constitutions of the Sacerdotal Society of the Holy Cross and Opus Dei establish a stricter *praxis* and by its particular law the Ordinary's permission is required for admission of the candidate.

A great delicacy toward the Most Reverend Ordinaries should be noted in this legal disposition. This delicacy derives from the spirit proper to this Institute which is prompted by a *nihil sine Episcopo* attitude.

³ For a commentary on this Institute and on Secular Institutes in general, the reader is referred to Salvador Canals' *Secular Institutes and the State of Perfection* (Scepter Press, Chicago, 1959).