

ETHICAL AND LEGAL ISSUES IN FORMATION

Antony Puthenangady CMI

Abstract: Antony Puthenangady CMI considers the ethical and legal issues involved in formation. He considers formation as a walk with Jesus who had, in spite of all the failures of the disciples, a place for them in his heart – he travelled with them, ate with them, prayed with them, discussed with them and commissioned and sent them as his ambassadors. Jesus was with them to save them whereas today, formators tend to eliminate people to avoid trouble, thus, often, going away from the way of Jesus. Considering the ethical responsibilities of a formator, Puthenangady calls the competence of the formator in general into question. He takes into account the psychological health of the formator, his/her spiritual maturity that enables him/her to make formative interventions. Equally important to him are the rights of the formees such as confidentiality, intimacy, right of informed consent and the use of diagnostic tools. He concludes the discussion looking at the possible legal issues in formation, especially at the time of the recruitment of the candidates and admission to novitiate.

Keywords: seminary, relationships, competitions, elimination, colour, power, language, state, influence, wealth, health, sex, formation, religious, service, transformation attitudes, values, behaviour, responsibility, vocation, personalism, dependability, emotions, evangelical counsels, candidates, perceptions, bonding, community, personality, competence, formator, maturity, institution, values, ideals, spirituality, charism, congregation, animation, interventions, psychology, community, insensitivity, inferiority, vocation, vulnerability, confidentiality, intimacy, consent, rights, duties, responsibilities, relationship, trust, information, tools, Superior, psychologist, legal issues, recruitment, authorities, consecrated life, novitiate, clerics, monastery, testimonials, typicon.

"Jesus did not send out any one from his seminary"¹ says Fr Sebastian Vadakkumpadan. He notes that we are living in a world of elimination rounds. We eliminate people, we eliminate relationships and we eliminate things from our life. Just as in competitions, there are elimination rounds in life too. We eliminate people on the basis of colour, power, language, state, influence, wealth, health, talents, sex, age, and so on. Jesus had Judas as his disciple who betrayed him. He did not eliminate him although he had plenty of premonitions about his character. Jesus walked along with him to the last moment to save him. Even at the last moment of his life, he did not evade the kiss of betrayal from Judas. There is no elimination round in the formation programme of Jesus. He had Peter who denied him thrice and there were James and John, sons of Zebedee who demanded the right to sit at his right and left in his kingdom. In spite of all these, he travelled with them, ate with them, prayed with them, discussed with them and commissioned and sent them to the towns, which he had to visit himself later. Jesus was with them to save them whereas we eliminate the people to avoid problems and to be more comfortable. Often, formators today, are going away from the way of Jesus.

1. Formation

"Formation is a path of gradual identification with the attitude of Christ towards the Father" (VC 65). The formation process must help the formee to be identified with Christ in mind, attitudes and values. Unless one is identified with Christ, the formative process remains futile and meaningless.

The formation of candidates, which has as its immediate end that of introducing them to religious life and making them aware of its specific character within the Church, will primarily aim at assisting men and women religious realize their unity of life in Christ through the Spirit, by means of the harmonious fusion of its spiritual, apostolic, doctrinal and practical elements.²

Religious formation is a life-long process in which the candidate acquires the capacity to discern for himself/herself and to advance towards wholeness in the Spirit of God. Religious formation is a process that is intended to transform the person, who is drawn to the

¹Sebastian Vadakkumpadan, "Jesus did not send out any one from his seminary" in *Prison Voice*; January 2013.

²Congregation for Institutes of Consecrated Life and Societies of Apostolic Life, *Directives on Formation in Religious Life* no.1.

service of God and his people. The process of formation brings about a transformation that affects the individual's entire mode of existence. It is not simply a matter of training to fulfil certain apostolic functions, but involves an inner transformation of attitudes, values, patterns of behaviour tendencies and dispositions. The primary objective of a formation programme is to prepare the candidate for a total commitment to God through the radical entering into Christ's mystery. To say "yes" to the Lord's call by bearing personal responsibility for growing in one's vocation is the duty of all who have been called."³ Religious formation seeks to help a candidate to develop an authentic personality inspired by the Holy Spirit. The salient features of such a personality include: a) the capacity to face reality, b) the capacity to face tensions and still function normally, c) an inclination towards unselfishness, which transcends personalism, d) being free in giving and receiving, e) open and friendly relationship with superiors, peers and inferiors which is not characterized by over-dependence or independence but by dependability, f) stability in attitudes, values, emotions and behaviour. Another goal of formation is to prepare the candidate to witness to Christ in the world. A radical living of evangelical counsels reminds the world that God is all important in life and only he can fully satisfy the aspirations of human heart.

Formation in Christ is a gradual and gentle unfolding of the baptismal grace. To be formed in Christ opens up new horizons. To accept one's baptismal call to formation in Christ is only a point of departure. The Holy Spirit inspires us to grow in life of grace. Formation is a complex process. The new generation candidates are the children of media revolution. The youngsters have developed their own unique perceptions, behavioural patterns and problems. Because of this, formators struggle to understand and guide them in an appropriate manner.

2. Formator's Ethical Responsibilities

There are several ethical responsibilities that the formator takes upon him/herself.

³Mathew Anatharackal, *Psycho-Spiritual Dimensions of Formation for Priests and Religious*, Dharmaram Publications, Bangalore, 2001, p. 221.

2.1. The Bonding

Formator has the responsibility primarily to the formee because the formee is the one who is going to be affected positively or negatively by this formator-formee relationship. Leaving one's own family and all what he/she has, the formee is totally dependent upon the formator alone. The formator is now in the role of a parental figure. There happens a bonding – a trust relationship - between the formator and the formee at this level. The formee surrenders his or her total self in total trust. This trust relationship is the basis of the whole spiritual, psychological, intellectual, social and physical growth. This bonding slowly broadens up to the formation team, to the community in which the candidate is living and to the formation house, and later to the surroundings. If a crack appears in this bonding, it negatively affects the personality growth, resulting in psychosomatic illness and emotional disturbances.

2.2. The Competence of the Formator

As a basic ethical principle, the formator must be a qualified person who is competent in the field of formation. The research done by Paul Parathazham indicates that only 13% of the formators have some form of training in the field. This is a serious issue. An untrained, inexperienced formator may destroy the life and personality of the candidate. Formation is a specific professional help for which the formator has to be trained. In order to make the formation effective, every congregation must have a guideline with regard to the qualification and competence of the formator.

2.3. The Psychological Health of the Formator

A formator must be psychologically a well-integrated person who is very well aware of one's own strengths and limitations. He/she must be intellectually competent, spiritually mature, morally upright, psychologically integrated, physically healthy and socially acceptable who is ready to sacrifice his life for the formees. If the formator is psychologically immature, emotionally imbalanced, morally disturbed, the inadequacy affects the life of the candidate and the whole formation system.

2.4. Spiritual Maturity of the Formator

A formator must be a person who is spiritually grown and is growing. He/she must be aware of his/her own value system and ideals, must

be a person who finds joy in his/her vocation to religious or priestly life. In this discussion, it is highly relevant to refer to the research of Paul Parathazham, titled "Vocation and Formation of Priests and Religious in India, an Empirical Study." The study, which was done among the religious reveals that 50% of the respondents (including the unsure category) confessed that when they joined their respective communities, they were too young to make a mature decision. 55% of the respondents have stated that there have been times when they seriously thought about quitting religious life. Furthermore, one out of every six respondents categorically stated that if there is a chance to make a decision all over again, they would not opt for religious life. Including the unsure category this comes up to 33%. For the religious Brothers this figure is as high as 38%. Including the silent category (16%) 35% of the respondents said that they would not encourage their relatives and friends to become a priest or religious.⁴ A study conducted among the seminarians – both philosophers and theologians – titled "Healing the Inner Child," revealed that 22% of the seminarians have not grown up to the state of maturity required to take up the responsibilities of priesthood. Out of 22%, seven percent of them are immature and are not fit for priestly and religious life!⁵

A formator is the leader of the group. The leader's role is to animate and help the formees to sort out their own values in reference to the charism of the founder of the institution. If the formator himself/herself is not acquainted with the values, ideals and spirituality of the congregation and not living the charism of the congregation, the animation becomes non-effective.

2.5. Formative Interventions

A formator is invited to ensure that the formative interventions that he/she makes in the field of formation are appropriate to the physical, intellectual, psychological and spiritual maturity of the candidate. The formator must have some knowledge of developmental psychology so that the formator is aware of the challenges or crises of the developmental phase the candidate is passing through. This ability in the formator enables him/her to guide the formee to get better integrated in the community.

⁴P. Parathazham, *Jnanadeepa*, Vol 3, No. 1 (January 2000).

⁵A. Puthenangady, *The Effects of Healing the Inner Child*, unpublished doctoral dissertation, De La Salle University, Manila, 1999, p. 4.

2.6. Cross-Cultural Group

The formator does well when he/she is aware of the ethical implications of a community where the members are from different cultures. Every candidate's cultural, ethnic identity has to be preserved and respected. Forming candidates from culturally diverse backgrounds is a difficult job. It is possible that a formator is culturally biased. The formator must have some basic knowledge and background of the cultural setting of the formee in order to guide the candidate properly. Inappropriate dealings on the part of the formator can adversely affect the genuine vocation of a candidate and sometimes, insensitivity on the part of the formator can create strong inferiority feelings leading to crisis in vocation.

2.7. Vulnerability of the Formator

Ethically sensitive formators recognize the supreme importance of becoming aware of their own conflictual needs, areas of unfinished business, potential personal conflicts, and defense mechanisms, and their own personality types. If they are not aware of these, consciously or unconsciously they might project them on to the candidates and make the candidates vulnerable. The formator might also end up using the formees to satisfy his/her own needs. Hence, it is necessary that the formator has a spiritual director and undergo spiritual direction regularly for his/her personal growth.

3. The Rights of the Formee

3.1. Confidentiality

Every formator must be aware of the thorny issue of confidentiality of information where majority of our formators and spiritual directors fail. No genuine formation can occur unless the formees trust the privacy of their revelations to their formators and spiritual directors. A formator must be a person who can keep things confidential.

3.2. Intimacy with the Formee

It is unethical and professionally inappropriate to have any form of sexual intimacy with the formee. It is harmful to express affection or compassion in a physical way. Your look, your expressions of love and compassion could be misinterpreted by the formee. Formators who cross the boundary might endanger his/her own life and the life of the formee.

3.3. The Right of Informed Consent

By educating the formees about their rights, duties and responsibilities, you are both empowering them and building a relationship of trust with them. Assisting the formees to make informed choices consists of providing them with the information they need to become active participants in the formative process. The process of the informed consent includes the knowledge of general goals of formation, responsibilities of the formator towards the formee, responsibilities of the formee, the manual of formation, the helping services like spiritual guidance, counselling offered for the growth of the formee, the time period of that stage of formation, the level of academic/social, spiritual maturity the formee has to make within that period of time etc. Provision for informed consent tends to promote the active cooperation of formees in their formative plan.

3.4. Use of Diagnostic Tools

The Church has approved the use of psychological tools in the area of formation. "Instructions on the Renewal of Religious life" (*Renovationis Causam*), the decree published on 6 January 1969, reads as follows: "If in certain more difficult cases, the Superior feels, with the free agreement of the subject, that he should have recourse to the services of a prudent and qualified, psychologist known for his moral principles, it is desirable, in order that this examination may be fully effective, that it should take place after an extended period of probation, so as to enable the specialist to formulate a diagnosis based on experience."⁶ A diagnostic work will explain the formee's present behaviour difficulties, its background history, how these problems developed over a period of time, and how to help the formee, the type of psychological help and prognosis.

4. Legal Issues in Formation

The very word "legal" takes care of what is externally verifiable. However, the validity of this verification is called into question. Even a morally wrong act can be legally valid; for instance, abortion is legal in India. In the area of formation we are able to take into account what is externally visible.

⁶Vatican Council II: *The Conciliar and Post Conciliar Documents*, Austin Flannery OP (ed.), Bombay: St Paul Publications 1975, p. 583.

4.1. Recruitment of the Candidates

Canon 22 reads: All the Christian faithful have the right to be free from any kind of coercion in choosing a state in life. However, there are reported cases of interference. It is reported that some of the ecclesiastical authorities strongly object to their entry into certain religious congregations. It is also reported that the parish priests deny the letter of their consent for the candidate if the candidate is not following their guidance. The Institutes of Consecrated Life can stipulate the norms of selection of the candidates according to their charism and apostolates.

4.2. Admission to Novitiate

The Canons 448-461 speak of the legal norms of Novitiate Formation. Canon 448: For one to be admitted into a monastery *sui iuris* it is required that the person is moved by the right intention, is suited for leading a monastic life and is not prevented by any impediment established by the law.

The canon 450 speaks of the following candidates who cannot be admitted: (1) Non Catholics, (2) those who have been punished with canonical penalties except those mentioned in canon 1426.1. (Unless another penalty is provided in the law, according to the ancient traditions of the Eastern Churches, penalties can be imposed which require some serious work of religion or piety or charity, such as certain prayers, a pious pilgrimage, a special fast, alms, spiritual retreats.), (3) those who are under imminent threat of a serious penalty on account of a crime of which they are legitimately accused, (4) those who are under 18 years of age, except if it is the case of monastery which has temporary profession, in which instance 17 years of age is sufficient; (5) those who are entering the monastery induced by force, grave fear or by fraud or those, who are admitted by a superior induced in the same way; (6) spouses, during a marriage, (7) those who are held by the bond of religious profession or any other sacred bond to an institute of consecrated life, unless it is a case of lawful transfer.

Canon 451 speaks of admitting members of other *sui iuris* church. No one can be admitted licitly to the novitiate of a monastery of another Church *sui iuris* without the permission of the Apostolic See, unless it is the case of candidates who are destined for a dependent monastery of their own Church as mentioned in can. 432.

Canon 452: (1) Clerics enrolled in an eparchy cannot be licitly admitted to the novitiate without consulting their own eparchial bishop nor can they be admitted licitly, if the eparchial bishop objects to it because their departure will result in grave harm to souls which cannot be prevented otherwise; or if it concerns those who are destined to the priesthood in a monastery but are restrained by some impediment established in law. (2) Likewise, parents whose help is necessary in raising and educating children cannot be licitly admitted to the monastery, as well as children who are obliged to assist a father or mother, a grandfather or grandmother who are in great need, unless the monastery has provided otherwise for this.

Canon 453: (1) It is the superior of a monastery *sui iuris* who admits to the novitiate after having consulted the council. (2) Superiors themselves must make certain of the suitability and the full freedom of a candidate in choosing the monastic state by using appropriate means. (3) In respect to the submission of documents as well as the various testimonials concerning their good conduct and suitability, the prescriptions of the typicon shall be followed.

Canon 455: The novitiate begins with the reception of the monastic habit or in any other manner prescribed in the typicon.

Canon 456: (1) A monastery *sui iuris* can have its own novices who shall be initiated into monastic life in the same monastery under the direction of a suitable member. (2) In order that the novitiate be valid, it must be performed in the monastery *sui iuris* itself, or, by a decision of the superior, after consulting the council, in another monastery *sui iuris* of the same confederation.

Canon 457: (1) In order that the novitiate be valid, it must last for three full and continuous years, but in monasteries, in which a temporary profession precedes final profession, one year is sufficient.

Canon 462: (1) The monastic state is definitively assumed with perpetual profession, which includes the three perpetual vows of obedience, chastity and poverty. (2) In the making of profession the prescription of the typicon and the liturgical books shall be observed.

Canon 464: For the validity of perpetual monastic profession it is required: (1) that the novitiate has been validly completed; (2) novice be admitted to profession by the superior of the proper monastery *sui iuris* with the consent of the council, and that the profession be received by the same superior in person or by another; (3) that the profession be expressed and made without force, grave fear or fraud; (4) that other requirements in the typicon for the validity of the profession be fulfilled.

Canon 471: (1) The manner of formation of members is to be determined in the typicon in such a way that they be permanently motivated to aim more fully toward holiness of life as well as that their abilities be developed through the study of sacred doctrine and the acquisition of human culture in accordance with the needs of the time, and that they thereby become more adept in the arts and tasks which are legitimately undertaken by the monastery.

Bibliography

Cencini, A., A. Manentini, *Psychology and Formation: Structure and Dynamics*, Bombay: St Paul Publications, 1992.

Puthenangady, Antony, *Everyone's Inner Child Inner Child*, Bangalore: Dharmaram Publications, 2004.

Code of Canons of the Eastern Churches, Latin-English Edition; Oriental Institute of Religious Studies, 1992.

Ridick, Joyce, *Treasure in Earthen Vessels: The Vows*, New York: Alba House, 1984.

Rulla, Luigi M., *Depth Psychology and Vocation: A Psycho-Social Perspective*, Rome: Gregorian University Press, 1971.

Rulla, Luigi M., Franco Imoda, and Joice Ridick, *Psychological Structure and Vocation*, Dublin: Villa Books, 1979.

Rulla, Luigi M., Joice Ridick, and Franco Imoda, *Entering and Leaving Vocation: Intra-psychic Dynamics*, Rome: Gregorian University Press, 1976.

Parathazham, Paul, *Jnanadeepa*, Vol 3, No. 1 (January 2000).

Vatican Council II, *The Conciliar and Post Conciliar Documents*, General Editor, Austin Flannery OP, Bombay: St Paul Publications, 1975.