

REVISING THE EASTERN CANONS ON THE CONSECRATED LIFE

Jobe Abbass*

Dr. Jobe Abbass with a prospective revision of the Title XII of CCEO discusses the following points: 1. Female Representation in the Study Group for Revision, 2. Defining the Proper Law of a Institute of Consecrated Life (CIC c. 587), 3. Impediments (CCEO c. 450, 2° and 3°), 4. The Apostolate (CIC cc. 673-680), 5. Permission to be Absent from a Religious House (CIC c. 665 §1), 6. Exclaustration (CCEO cc. 489 §1/548 §1; CIC c. 686 §1), 7) The Effects of Dismissal (CCEO c. 502; CIC c. 701), and 8) Readmission to a Religious Institute (CCEO c. 493 §2; CIC c. 690 §1).

Introduction

After more than twenty years since the promulgation of the *Codex Canonum Ecclesiarum Orientalium* (CCEO), it is perhaps time to make

***Error! Main Document Only.** Friar Jobe ABBASS, OFM Conv. Born in Sydney, NS, on 27 January 1952. Member of the Conventual Franciscans' Immaculate Conception Province (USA), was ordained to the priesthood in 1985. University studies: Carleton University, Ottawa, ON (B.A., 1972); Dalhousie University, Halifax, NS (LL.B., 1975); St. Anthony-on-Hudson Theologate, Rensselaer, NY (M.Div., 1985); Pontifical Oriental Institute, Rome (Licentiate (1989) and Doctorate in Canon Law (1992). Admitted to the Bar of NS in 1975 and practised as sole practitioner in Sydney, NS, 1975-1979. Attorney-at-law in the State of New York, was admitted to the New York Bar in 1984. From 1992-2004, professor (*ordinarius* from 1998), faculty of canon law, PIO, Rome. From 2004- present, full tenured professor on the faculty of canon law, of St. Paul University, Ottawa, Canada and visiting professor on the faculties of canon law of the PIO, Rome. The article represents the public lecture the author gave in December 2011, at the Dharmaram Vidya Kshetram, Bangalore, India.

some assessment of the Code's effectiveness and success to date. Regarding the consecrated life, title XII of the Eastern Code certainly has the merit of highlighting and fostering the monastic life which, indeed, began in the East.¹ Besides focusing on monastic life, the legislator has intended that the consecrated life again flourish in the East by recognizing and promoting five other institutional forms as well as three individual forms of consecrated life. This recognition of a wider variety of forms of consecrated life distinguishes the 1990 Eastern Code from the 1983 *Codex Iuris Canonici* (*CIC*), where the legislator only recognizes institutes of consecrated life as either religious or secular.

While in the present reality of each of the Eastern Catholic Churches there are few, if any, monasteries as envisaged by *CCEO*, the vast majority of consecrated persons in the East belong to orders, congregations and the other institutional forms of consecrated life. They may well have encountered their first difficulty with the application of the Eastern Code's title XII (*CCEO* cc. 410-572) regarding the consecrated life. While some canons apply generally to religious and others regarding monasteries are also common to other institutes, still others are proper only to specific institutes. Apart from this question of the very layout and structure of title XII, there are evidently other observations that can be made with respect to an eventual revision of the Eastern canons on consecrated life. Some *CCEO* norms could be reformulated or changed while other canons could be added to a new and updated Eastern Code so as to regulate better the consecrated life.

The purpose of this study, then, is to offer only some suggestions for revising title XII of the Eastern Code regarding the consecrated life. In particular, the suggested changes are made from the perspective of the Latin Code and the canons already present in *CIC*. Of course, there is nothing novel about this approach since the Eastern experts who were entrusted with the review of the proposed *CCEO* norms on the consecrated life also had the schemata of the Latin Code

¹Regarding the historical importance of Eastern monasticism for the universal Church, John Paul II stated: "Monasticism has always been the very soul of the Eastern Churches: the first Christian monks were born in the East and monastic life was an integral part of the Eastern *lumen* transmitted to the West by the great Fathers of the undivided Church." See Apostolic Letter, *Oriente lumen* (May 2, 1995), in *AAS* 87 (May 2, 1995) 755. Note: Unless otherwise indicated, foreign language translations are the writer's own.

before them at least during the *denua recognitio* of the 1980 *Schema canonum de monachis ceterisque religiosis necnon de sodalibus aliorum institutorum vitae consecratae* (1980 Schema).² Accordingly, in view of a revised title XII of CCEO, this paper takes up eight specific questions.

1. Female Representation in the Study Group for Revision

Within the Latin *Pontificia Commissio Codici Iuris Canonici Recognoscendo* (PCCICR), the study group charged with drafting the new norms on consecrated life was headed by Mark Said, O.P. This group produced the 1977 *Schema Canonum de Institutis Vita Consecratae per Professionem Consiliorum Evangeliorum* (1977 Schema). It does not appear from PCCICR's official organ, *Communicationes*, that women were among the group's members.³ However, during the first session of the *denua recognitio* regarding the 1977 Schema, two sisters were among the special group of experts who reviewed the observations and proposals in relation to the schema.⁴ During the second session, another sister also participated in the reported deliberations of the special study group.⁵ At this stage in the *iter* of the Latin canons on the consecrated life, the sisters' interventions were frequent and undoubtedly contributed significantly to the final result.

Within the Eastern *Pontificia Commissio Codici Iuris Canonici Orientalis Recognoscendo* (PCCICOR), the *Coetus de monachis ceterisque religiosis* (*Coetus de monachis*) was composed of only men. These men drafted the norms of the 1980 Schema. Although the *denua recognitio* of the 1980 Schema was entrusted to a group of twenty canonical experts, there is nothing in PCCICOR's official organ, *Nuntia*, to indicate that any of these experts were also consecrated women. In any event, to have the perspective and input of consecrated women would be an invaluable asset to any future revision of Eastern title XII.

²See *Nuntia* 16 (1983) 5. In the general observations made regarding the *denua recognitio* of the 1980 Schema, the expert study group reported that it "had before itself the numbers of the canons contained in the schemas elaborated for CIC."

³See *Communicationes* I (1969), p. 31 and V(2) (1973), pp. 190-191.

⁴See *Communicationes* X (2) (1978), p. 160. The two sisters were: Sr. Agnes Sauvage, Sister of Charity and Sr. Jeanne de Charry, Sister of the Sacred Heart.

⁵See *Communicationes* XI (1) (1979), p. 22. The sister was Sr. Mary Linscott of the Congregation of our Lady of Namur.

Furthermore, given that consecrated women far outnumber the men in the East, their membership in any study group for the revision of the Eastern norms on the consecrated life would make eminent sense.

2. Defining the Proper Law of a Institute of Consecrated Life (CIC c. 587)

As a general rule, the Eastern Code has tended to avoid definitions. To take a specific example, the absence of an Eastern norm that clearly defines and distinguishes between an institute's foundational rule and its more particular law has led to some confusion among Eastern institutes. On the other hand, *CIC* canon 587 clearly defines and distinguishes the constitutions from the statutes of an institute of consecrated life. Latin canon 587 states:

§1. To protect more faithfully the proper vocation and identity of each institute, the fundamental code or constitutions of every institute must contain, besides those things which are to be observed as stated in can. 578, fundamental norms regarding governance of the institute, the discipline of members, incorporation and formation of members, and the proper object of the sacred bonds.

§2. A code of this type is approved by competent authority of the Church and can be changed only with its consent.

§3. In this code spiritual and juridic elements are to be joined together suitably; nevertheless, norms are not to be multiplied without necessity.

§4. Other norms established by competent authority of an institute are to be collected suitably in other codes and, moreover, can be reviewed appropriately and adapted according to the needs of places and times.

Therefore, by definition, a Latin institute's foundational charter or code is called its constitutions. On the other hand, in Eastern religious institutes, this code is called the typicon in monasteries, while it corresponds to the statutes of orders and congregations. *CIC* canon 587 §1 prescribes that constitutions must contain fundamental rules generally outlining the institute's charism, governance and internal discipline. According to the same canon, the constitutions, which are to join spiritual and juridical elements in an appropriate manner (§3), are approved by ecclesiastical authority and changed only with its consent (§2). In the case of a Latin institute of diocesan

right, the ecclesiastical authority is the bishop who erected the institute whereas, in the case of an institute of pontifical right, the Holy See alone is the competent authority. *CIC* c. 587 §4 effectively provides that other norms (usually called statutes, bylaws or regulations) are to be established by the institute and that this proper law can be modified or reviewed without the consent of the hierarchical authority upon which it depends.

CIC c. 587 is significantly helpful since it draws an indispensable distinction between an institute's constitutions and statutes. While changes to the constitution require the consent of the ecclesiastical authority to which the institute is subject, amendments to its statutes can be made by the institute's general chapter. The absence of a parallel Eastern norm to *CIC* c. 587 is unfortunate and has led to some confusion since the promulgation of *CCEO*. In some cases, Eastern religious institutes, following the Latin model and nomenclature, have called their foundational charter "constitutions" and their more particular law "statutes". In fact, the statutes of Eastern orders and congregations correspond to Latin constitutions and can only be changed by the ecclesiastical authority upon which they depend. Instead of "statutes", other terms such as "bylaws" or "regulations" should be used to refer to an institute's more particular law, which can usually be changed at the institute's general synaxis (chapter). In any event and perhaps more importantly, the lack of an Eastern norm distinguishing between what an institute's statutes include and what its more particular law contains ultimately makes it unclear which laws can be changed or amended at a general synaxis and which cannot.

The definition of an institute's "constitutions", as set out in *CIC* c. 587 §1, cannot simply be applied to fill the lacuna in *CCEO*. By virtue of *CIC* c. 19, in individual cases, *CCEO* norms made in similar matters (*legibus latis in similibus*) can fill legislative gaps in *CIC* but no such interrelationship of the Codes is set up by the parallel *CCEO* c. 1501. Without any reference to laws enacted in similar circumstances, Eastern canon 1501 states:

If an express prescript of law is lacking in a certain matter, a case, unless it is penal, must be resolved according to the canons of the synods and the holy fathers, legitimate custom, the general principles of canon law applied with equity, ecclesiastical jurisprudence, and the common and constant canonical doctrine.

Whether or not the definition in *CIC* c. 587 §1 can be applied in Eastern religious institutes, therefore, could be decided by way of an authoritative intervention on the part of the legislator or the one dicastery (Pontifical Council for Legislative Texts) to whom he has conferred the power of authentically interpreting laws (see *CIC* c. 16 §1; *CCEO* c. 1498 §1). Of course, in any future revision of the Eastern Code, a canon similar to *CIC* c. 587 might also be added to the Eastern legislation so as to provide a clear and much-needed distinction between an institute's fundamental code (typicon or statutes) and its more particular law (by-laws, regulations).

3. Impediments (*CCEO* c. 450, 2° and 3°)

When *CCEO* c. 450 and *CIC* c. 643 are compared regarding valid admission to a religious institute's novitiate, there are effectively two impediments that are unique to the Eastern legislation.⁶ *CCEO* c. 450, 2° and 3° state:

Can. 450 - With due regard for the prescripts of the typicon that require more, the following cannot be admitted validly to the novitiate:

2° those who have been punished with canonical penalties, except those mentioned in can. 1426;

3° those threatened by a grave penalty on account of a delict for which they have been legitimately accused.

CCEO c. 450, 2° invalidates admission to the novitiate of those who have been punished with a canonical penalty, except for the penances mentioned in *CCEO* c. 1426 §1. Prior Eastern (*Postquam apostolicis litteris* [PA] c. 74, §1, 2°) as well as Latin (1917 *CIC* c. 542, 1°) norms invalidated the admission to novitiate of "those who are under imminent threat of a penalty because of a committed crime for which they have been, or can be, accused." That impediment could have involved either canonical or civil penalties and referred to a crime for which the novitiate candidate was not yet punished or even accused. Unlike the Latin Code, the Eastern Code has retained this norm but, in its reformulation, has more specifically established two separate impediments, one here and the other in the following

⁶*CCEO* c. 450, which establishes impediments for valid admission to the novitiate of a monastery, is also normative for orders and congregations (see *CCEO* c. 517 §1) as well as societies of common life according to the manner of religious (see *CCEO* c. 559 §1).

number of canon 450. The canonical penalties intended by the Eastern norm to constitute the first impediment are outlined in *CCEO* cc. 1436-1467 and include suspension, deposition, minor and major excommunication. The penalties which do not come within the purview of the norm include "certain prayers, a pious pilgrimage, a special fast, alms, spiritual retreats", mentioned in canon 1426 §1.⁷ As opposed to the broader scope of the previous norm, the new Eastern norm only invalidates admission to the novitiate if the candidate has actually been punished with a canonical penalty.⁸

CCEO c. 450, 3° also invalidates admission to the novitiate of those who have been legitimately accused of a serious ecclesiastical or civil crime. The crime can either be canonical or civil since "delict" is unqualified but, since the impediment only arises when a candidate is threatened by a grave penalty, the crime for which he or she is accused would, correspondingly, have to be serious. Although the impediment does not define which canonical or civil penalties are to be considered "grave", it is obvious that, regarding canonical penalties, they would include major excommunication for crimes such as heresy (c. 1436 §1), simulating the celebration of the Divine Liturgy (c. 1443) or procuring a completed abortion (c. 1450 §2). As for identifying which are the serious civil penalties, it is perhaps easier to define since criminal law basically divides penalties and their corresponding crimes into two categories. Less serious penalties, usually punished by a fine, are attached to offences called misdemeanors or summary conviction offences. Serious penalties more likely connote prison sentences that are imposed for crimes called felonies or indictable offences. Felony crimes would not only include homicide or armed robbery but, also, child molestation, tax fraud, and insider trading. Given that more novitiate aspirants these days are "mature" candidates and have had some previous work experience, a consideration of their past is certainly warranted and intended by the scope of this Eastern impediment. For the impediment to be constituted, however, the candidate must already have been formally charged. While the former norm (*PA* c. 74 §1, 2°)

⁷The penalties referred to in *CCEO* c. 1426 §1 can be compared to the penances mentioned in *CIC* c. 1340 §1.

⁸An initial formulation of the norm, though, had intended to include "those who are subject to canonical penalties" [see *Nuntia* 8 (1979) 45 (c. 39)]. The amendment to indicate "those who are punished by canonical penalties" was only proposed and made at the Second Plenary Assembly of *PCCICOR* [see *Nuntia* 27 (1988) 50 (c. 448)].

referred to crimes for which the candidate “can be” accused, the new norm establishes that the candidate must be legitimately accused of the serious delicts. In a penal trial, which is required for a crime punishable by a serious penalty (see *CCEO* c. 1402 §1), the impediment would arise when the candidate has been served a *libellus* of accusation by the promoter of justice (see *CCEO* c. 1472 §1). In civil law criminal proceedings, the lawful accusation is constituted when the prosecuting officer issues an indictment and warrant for the candidate’s arrest. Given these things, even widespread rumors that a criminal negligence case, for example, is pending against a novitiate candidate who had been a practicing doctor, lawyer or professional consultant would be insufficient to constitute an impediment to his or her admission to the novitiate.

In an eventual revision of the Eastern Code, there are four reasons that tend to argue in favour of a change to *CCEO* c. 450 by omitting the two characteristic impediments described here. First, even though the canonical penalties referred to in the first impediment (*CCEO* c. 450, 2°) are more readily identifiable, the grave canonical or civil delicts intended by the second impediment (*CCEO* c. 450, 3°) are less easily determined. Secondly, since both Codes already have norms that already require an investigation of a candidate’s suitability (see *CCEO* c. 453 and *CIC* c. 645), it is most probable that evidence shown in the process that a person has been punished by a canonical penalty or that he or she has been legitimately accused of a serious canonical or civil delict will almost certainly exclude admission to the novitiate.⁹ Thirdly, rather than including the two impediments in the law common to all the Eastern Catholic Churches, *CCEO* c. 450 does allow the particular law of an Eastern institute to include the same two impediments in its particular law (typicon or statutes). Finally, the omission of the two impediments from the Eastern legislation would promote a uniformity of the Codes in this matter and prevent a possible “conflict” of law. If, for example, an Eastern Catholic candidate to the novitiate of a Latin religious institute has received the permission of the Holy See to enter that institute and accommodate himself/herself to the Latin

⁹In particular, *CCEO* c. 453 §§2 and 3 state: “§2. The suitability and full freedom of a candidate in choosing the monastic state must be evident to the superior himself or herself, after having used appropriate means. §3. Regarding the documents to be presented by the candidates and the various proofs to be gathered of their good conduct and suitability, the prescripts of the typicon are observed.”

rite *in omnibus*, is that person governed by the impediments outlined in *CIC* c. 643 or is that candidate, not yet incorporated into the Latin institute, still subject to the broader list of impediments in *CCEO* c. 450? A uniformity of the Codes regarding the impediments for valid admission to the novitiate would forestall this type of question concerning the choice of which law to apply in the circumstances.

4. The Apostolate (*CIC* cc. 673-680)

Apart from *CIC* c. 678 §1, which finds expression in *CCEO* c. 415 §1, *CIC* cc. 673-680 on the apostolate of religious institutes basically have no Eastern counterparts.¹⁰ Eastern canon 415 §1 states:

All religious are subject to the power of the local hierarch in matters that pertain to the public celebration of divine worship, to the preaching of the word of God to the people, to the religious and moral education of the Christian faithful, especially of children, to catechetical and liturgical instruction, to the decorum of the clerical state, as well as to various works that regard the apostolate.¹¹

Several reasons might explain the absence of more detailed Eastern norms on the apostolate. From the beginning of its deliberations, the *Coetus de monachis* stated what seems to be one reason by “limiting to what is absolutely necessary the common law that each institute has to receive and by leaving ample space for particular law, thereby also applying the principle of subsidiarity.”¹² When the 1986 *Schema Codicis Iuris Canonici Orientalis* was subsequently reviewed, a proposal was made to incorporate *CIC* cc. 673 and 675 into the Eastern Code but the relevant expert study group responded that “it

¹⁰Some elements of *CIC* c. 678 §§2 and 3 are found in *CCEO* c. 415 §3 while *CIC* c. 680 has a slight resemblance to both *CCEO* cc. 415 §3 and 416 but, on comparison, these canons are really not similar.

¹¹The parallel Latin c. 678 §1 states: “Religious are subject to the power of bishops whom they are bound to follow with devoted submission and reverence in those matters which regard the care of souls, the public exercise of divine worship, and other works of the apostolate.”

¹²*Nuntia* 4 (1977) 3. At its first plenary assembly (March 18-23, 1974), *PCCICOR* had adopted this principle of subsidiarity as one of the main guidelines for the revision of the Eastern Code [see *Nuntia* 3 (1976) 21-22]. For the revision of the Latin Code, *PCCICR* had similarly established subsidiarity as one of its principal guidelines [see *Communicationes* 1 (1969) 80-82].

is inappropriate for the *ius commune* to enter into such details.”¹³ In addition, rather than formulating legislation for just one Church, to which the Latin Code applies, Eastern draftsmen had to allow for the wide variety of traditions and rites to which religious institutes of the twenty-two Eastern Catholic Churches belong. Consequently, the legislator ultimately left certain matters to be defined more precisely by particular law, as the case may be, of the individual Eastern Catholic Church *sui iuris* or the specific institute of consecrated life.

Still, in a future revision of the Eastern legislation regarding religious life, it might be advantageous to consider establishing some general norms on the apostolate. Given the power of the local hierarch in CCEO c. 415 §1, for example, how is that power to be understood vis-à-vis the right of a religious house, according to CCEO c. 437 §1, to have a church and perform sacred ministries there?¹⁴ Eastern canon 437 §1 states:

The permission to erect a monastery, even a dependent one, entails the right to have a church and to perform sacred ministries as well as exercise pious works that are proper to the monastery in accord with the norm of the typicon, without prejudice to the clauses legitimately attached.

In the hypothetical case of an erected religious house, whose institute is known for its devotion to the Sacred Heart, can the faithful continue to celebrate Mass on Sundays there despite the insistence of the local hierarch that they attend their own parishes? Is the power of the local hierarch also absolute vis-à-vis the right of the Christian faithful described in CCEO c. 17? That Eastern canon states: “The Christian faithful have the right to worship God according to the prescriptions of their own Church *sui iuris* and to follow their own form of spiritual life in accord with the teaching of the Church.” Whether or not the local hierarch can stop such a religious house from celebrating Sunday Mass for the faithful is currently a hotly debated issue among some religious institutes. Certainly, a norm that clearly defines the limits of a religious institute’s participation in the apostolate would be helpful in a revised Eastern Code.

¹³See *Nuntia* 28 (1989) 73 (c. 540 bis e ter).

¹⁴By virtue of CCEO c. 509 §2, CCEO c. 437 §1 also applies in orders and congregations. CCEO c. 509 §2 states: “That which is stated in can. 437 is also valid regarding houses of orders and congregations.”

Among the other unique Latin canons on the apostolate, a norm like *CIC* canon 680 might also be useful in future Eastern legislation to set the parameters for religious institutes to cooperate in apostolic works under the coordinated direction of the diocesan bishop. *CIC* c. 680 states:

Among the various institutes and also between them and the secular clergy, there is to be fostered an ordered cooperation and a coordination under the direction of the diocesan bishop of all the works and apostolic activities, without prejudice to the character and purpose of individual institutes and the laws of the foundation.

More spiritual than juridical in nature, *CIC* cc. 673-675 emphasize the fundamental contemplative dimension which must characterize life in religious institutes so that, at the heart of the Church, their members' lives and, consequently, their apostolic works are imbued with a religious spirit. While the Eastern Code is more juridical than spiritual, nothing precludes the inclusion of more spiritual norms in the formulation of a religious institute's particular law or, for that matter, in a code of law common to all Eastern religious institutes. *CIC* cc. 673-675 prescribe:

Can. 673 - The apostolate of all religious consists first of all in the witness of their consecrated life, which they are bound to foster by prayer and penance.

Can. 674 - Institutes which are entirely ordered to contemplation always hold a distinguished place in the mystical Body of Christ: for they offer an extraordinary sacrifice of praise to God, illumine the people of God with the richest fruits of holiness, move it by their example, and extend it with hidden apostolic fruitfulness. For this reason, members of these institutes cannot be summoned to furnish assistance in the various pastoral ministries however much the need of the active apostolate urges it.

Can. 675 - §1. Apostolic action belongs to the very nature of institutes dedicated to works of the apostolate. Accordingly, the whole life of the members is to be imbued with an apostolic spirit; indeed the whole apostolic action is to be informed by a religious spirit.

§2. Apostolic action is to proceed always from an intimate union with God and is to confirm and foster this union.

§3. Apostolic action, to be exercised in the name and by the mandate of the Church, is to be carried out in the communion of the Church.

Two other characteristic Latin norms on the apostolate could also be added to an updated Eastern Code so as to regulate better the consecrated life. *CIC* c. 677 establishes a wise, timely guide for updating an institute's apostolic mission and works while, at the same time, spiritually assisting those associations of the Christian faithful associated with them. Then, *CIC* c. 679 establishes that, when a very serious reason demands it, a bishop can prohibit a religious from living in his diocese if that religious' major superior, having been informed, has failed to take care of the matter. *CIC* cc. 677 and 679 state:

Can. 677 - §1. Superiors and members are to retain faithfully the mission and works proper to the institute. Nevertheless, attentive to the necessities of times and places, they are to accommodate them prudently, even employing new and opportune means.

§2. Moreover, if they have associations of the Christian faithful joined to them, institutes are to assist them with special care so that they are imbued with the genuine spirit of their family.

Can. 679 - When a most grave cause demands it, a diocesan bishop can prohibit a member of a religious institute from residing in the diocese if his or her major superior, after having been informed, has neglected to make provision; moreover, the matter is to be referred immediately to the Holy See.

5. Permission to be Absent from a Religious House (CIC c. 665 §1)

In Latin religious houses, professed members can request permission of their superiors to be absent. *CIC* c. 665 §1 states:

Observing common life, religious are to live in their own religious house and are not to be absent from it except with the permission of their superior. If it concerns a lengthy absence from the house, however, the major superior, with the consent of the council and for a just cause, can permit a member to live outside a house of the institute, but not for more than a year, except for the purpose of caring for ill

health, of studies, or of exercising an apostolate in the name of the institute.

Ordinarily, observing the common life intends that religious are to live in their own religious houses and not be absent from them without the permission of their superior. However, Latin canon 665 §1 does provide that, for a just cause, the major superior, with the consent of the council, can permit a religious to live outside his or her house for up to one year. The permission to be absent can only be extended in the cases of ill health, studies, or when the member is exercising an apostolate in the name of the institute. Otherwise, extensions can only be granted by the Holy See.

Like *CIC* c. 665 §1, *CCEO* c. 478 establishes similar rules regarding the permission to be absent from monasteries. *CCEO* c. 478 states:

The superior of a monastery *sui iuris* can permit members to live outside the monastery for a time determined in the typicon. However, for an absence which exceeds one year, unless it is for the purpose of studies or ill health, the permission of the authority to which the monastery is subject is required.

According to the terms of the typicon, the superior of an Eastern monastery *sui iuris* can permit a member to be absent for a period of up to one year. Although the norm does not require a just cause, one assumes that a superior would not grant such a permission without a justifiable reason. As in the Latin norm, by way of exception, the Eastern rule states that the time a member lives outside the monastery can extend beyond a year on account of ill health or studies. Otherwise, to live outside a monastery for longer than one year, the member must seek the permission of the eparchial bishop, patriarch or the Roman See, depending on whether or not the monastery is of eparchial, patriarchal or pontifical right.

Although *CIC* canon 665 §1 applies to all religious institutes, *CCEO* c. 478 establishes a similar rule only for Eastern monasteries. In highlighting the monastic life, Title XII of the Eastern Code has separately treated monasteries (article II) and orders and congregations (article III). While, in many cases, the canons regarding monasteries also apply in orders and congregations, no canon similar to *CCEO* c. 478 appears in article III on orders and congregations and no canon applies it by cross-reference. Consequently, one has to presume that lengthy absences from religious houses of Eastern orders and congregations cannot be

granted by their major superiors. In these cases, it would seem that the Holy See must be approached since there is no norm analogous to *CCEO* c. 478 that would exceptionally allow another authority (patriarch or eparchial bishop) to grant a religious permission to be absent. This result was undoubtedly caused by an unfortunate oversight on the part of the Eastern draftsmen. If lengthy absences from Eastern monasteries and the monastic life are allowed, then there is no less reason to permit such absences in the more apostolic houses of Eastern orders and congregations. Consistent with *CCEO* c. 478, an Eastern norm similar to *CIC* c. 665 §1 should eventually be added to a revised Eastern Code.

6. Exclaustration (*CCEO* cc. 489 §1/548 §1; *CIC* c. 686 §1)

Regarding exclaustration, the former Latin and Eastern norms (1917 *CIC* c. 638; *PA* c. 188¹⁵) generally followed the rule that the Holy See granted the indult of exclaustration in institutes of pontifical right while the local ordinary (hierarchy) granted it in institutes of diocesan (eparchial) right. In the present Codes, exclaustration in Latin religious institutes is regulated by *CIC* cc. 686-687 while, in Eastern monasteries *sui iuris*, the matter is governed by *CCEO* cc. 489-491. In accord with *CCEO* c. 548, the same *CCEO* norms also apply in Eastern orders and congregations.¹⁶ Both Codes foresee that an indult of exclaustration can either be granted by way of the petition of a member with perpetual vows or imposed on that member following

¹⁵1917 *CIC* c. 638 stated: "In institutes of pontifical right, only the Apostolic See can give an indult to remain outside the cloister, whether temporary, that is the indult of exclaustration, or perpetual, that is the indult of secularization; in institutes of diocesan right, local ordinary can also give it."

PA c. 188 stated: "§1. 1° The Apostolic See grants the indult of exclaustration; 2° In patriarchates, the patriarch grants the same indult to religious who do not belong to an institute which enjoys pontifical exemption, except for the prescript in §2.

§2. In an institute of eparchial right, the indult of exclaustration is also granted by the hierarchy of the place where the house to which the religious is ascribed is situated."

¹⁶*CCEO* c. 548 states: "§1. An indult of exclaustration can be conceded by the authority to which the order or congregation is subject, having heard the superior general along with his or her council; the imposition of exclaustration is made by the same authority, at the petition of the superior general with the consent of his or her council. §2. In other respects, cann. 489-491 are to be observed regarding exclaustration."

the petition of the superior (supreme moderator/superior general) of that religious institute. With respect to imposed exclaustation, both Codes establish that the indult can be granted by the authority to which the religious institute is subject, upon the petition of the competent superior with the consent of the council. However, regarding voluntary exclaustation, the Codes establish comparatively different norms.

As a general rule, in Latin religious institutes, *CIC* c. 686 §1 provides that the indult of exclaustation is granted by the supreme moderator with the consent of the council. Latin canon 686 states:

With the consent of the council, the supreme moderator for a grave cause can grant an indult of exclaustation to a member professed by perpetual vows, but not for more than three years, and if it concerns a cleric, with the prior consent of the ordinary of the place in which he must reside. To extend an indult or to grant it for more than three years is reserved to the Holy See, or to the diocesan bishop if it concerns institutes of diocesan right.

Likewise, the initial formulation of the new Eastern norm no longer reserved the granting of the indult of exclaustation to hierarchical authority.¹⁷ The same provisional norm subsequently became canon 76 §1 of the 1980 Schema.¹⁸ Entrusted with the *denua recognitio* of the 1980 Schema, the special study group of Eastern experts, aware of the draft canons to the Latin Code, nevertheless viewed granting an indult of exclaustation as an act of governance that required the power of orders. In deciding to return to the former rule expressed in *PA* canon 188, the group of experts reported:

Ex officio it is also noted that both the granting of the “*indultum exclaustationis*” and the decree by which the *exclaustatio* is imposed on a member of a monastery are administrative acts in the strict sense of the word, and

¹⁷*Nuntia* 6 (1978) 52 (can. 2 §1).

¹⁸Canon 76 §1 of the 1980 Schema stated: “The president of the confederation, having heard the council and for a grave reason, can grant a definitively professed monk, who petitions, the permission to live outside the monastery, but not for more than three years, and with due regard for the vows and other obligations of profession that can be compatible with his state. However, the monk lacks active and passive voice and is subject, also in virtue of the vow of obedience, to the hierarch of the territory, where he is living with that hierarch's consent.” See *Nuntia* 11 (1980) 34 (c. 76 §1).

therefore can only be carried out by those who have *potestas regiminis*. In short, the study group decides to return to the *ius vigens* where the granting of this indult is reserved to the Holy See, the patriarch or the local hierarch (in PA can. 188, while, in another canon, that is in PA can. 189, its juridical effects are treated).¹⁹

As subsequently promulgated, then, the new Eastern norm does not permit the superiors general of religious institutes to grant the indult of exclaustation. *CCEO* c. 489 applies to monasteries *sui iuris* and, by virtue of *CCEO* c. 548, also to orders and congregations. The Eastern rule establishes once again that the indult of exclaustation is granted by the authority to whom the monastery (order or congregation) is subject after hearing the superior of the monastery (superior general) along with the council. *CCEO* c. 489 states:

§1. The indult of exclaustation can be granted only to a member of a monastery *sui iuris* who is in perpetual vows. When the member himself or herself petitions, the indult can be granted by the authority to whom the monastery is subject, after having heard the superior of the monastery *sui iuris* along with the council.

§2. The eparchial bishop can grant this indult only for up to three years.

Therefore, depending on whether the member petitioning for exclaustation belongs to a religious institute of eparchial, patriarchal or pontifical right, the indult will be granted by the bishop, patriarch or Holy See, respectively.

When the current Latin and Eastern norms on exclaustation are compared, it appears quite evident that *CIC* c. 686 §1 reflects more the spirit of subsidiarity. Inasmuch as the supreme moderator of a Latin religious institute was surely determined competent to grant an indult of exclaustation, there was no need to revert to the former rule in 1917 *CIC* c. 638 requiring that such indult be granted by the hierarchical authority to which the institute is subject. However, the former rule, generally followed by *PA* can. 188, is still applied in the new *CCEO* cc. 489 §1 and 548 §1. Apart from a consideration of the principle of subsidiarity, it would also seem that the Latin rule is more practical in the circumstances. Regarding the crisis or vocational doubts that have provoked a petition for exclaustation,

¹⁹*Nuntia* 16 (1983) 64 (c. 76).

the supreme moderator of a Latin religious institute of pontifical right, for example, is probably closer and more familiar with the member's history than the competent Roman dicastery and can make a concrete assessment of the member's situation and possible options. The moderator's consideration of the matter, also in the light of the institute's gifts and founding charisms, is aided by the deliberations of council members, whose consent is necessary if, after a review of all the options, exclaustation appears to be the most appropriate. If these observations are valid for Latin religious institutes of pontifical right, they would seem to be especially true in their Eastern counterparts, which are most often comparatively smaller and often governed by the superior general directly. In such cases, the general is more likely to know the religious personally and have first-hand knowledge of the circumstances that led to the petition for exclaustation. Moreover, the general and council are most often geographically, as well as culturally, closer to the member's situation which now requires an equitable and just solution. Given all these things, it would seem logical to suggest that a future revision of *CCEO* c. 489 and 548 allow the indult in cases of voluntary exclaustation to be granted by the superior of the monastery *sui iuris* or the superior general of an order or congregation.

Such a revision of *CCEO* c. 489 and 548 might well be modeled after the *CIC* c. 686 §1 since the Latin rule allowing the supreme moderator to grant an indult of exclaustation is nevertheless conditioned by four factors. First, the requirement that the superior general obtain the consent of his or her council before granting the indult works to assure a correct application of the norm. Secondly, *CIC* c. 686 §1 stipulates that the supreme moderator, with the consent of the council, can grant the indult of exclaustation only for a grave reason. The requirement ("*gravi de causa*") was not expressed in 1917 *CIC* c. 638 or *PA* canon 188, nor is it specified in *CCEO* cc. 489 §1 or 548 §1. Such a stated criterion makes clear the basis upon which the competent superiors are to grant the indult. Thirdly, Latin canon 686 §1 states that supreme moderators of religious institutes can only grant indults of exclaustation for up to three years. Granting indults for periods longer than three years is reserved to the Holy See or to the diocesan bishop in institutes of diocesan right. While respecting the principle of subsidiarity, this condition appropriately limits the power of the religious superiors. Finally, *CIC* c. 686 §1 establishes that the supreme moderator can grant an indult of exclaustation to a clerical member of the religious institute only with the prior consent

of the ordinary of the place where the cleric must reside. This rule is only consistent with the effects the indult will have since *CIC* c. 687 states that the member “remains dependent upon and under the care of superiors and also of the local ordinary.”

7) *The Effects of Dismissal (CCEO c. 502; CIC c. 701)*

Regarding the effects of a lawful dismissal, the former norms in 1917 *CIC* c. 669 §1 and *PA* c. 220 §1 stated that a dismissed religious in perpetual vows nevertheless remained bound by those vows unless the constitutions (statutes) or the indult of the Holy See established otherwise. The current *CIC* c. 701 has changed this rule by establishing that, as a result of lawful dismissal, all bonds as well as obligations arising from religious profession cease. Latin canon 701 states:

By legitimate dismissal, vows as well as the rights and obligations deriving from profession cease *ipso facto*. Nevertheless, if the member is a cleric, he cannot exercise sacred orders until he finds a bishop who receives him into the diocese after an appropriate probation according to the norm of can. 693 or at least permits him to exercise sacred orders.

With respect to the formulation of the parallel Eastern norm regarding the effects of dismissal, canon 85 §1 of the 1980 Schema established, like its Latin counterpart, that the vows and the obligations arising from them would cease *ipso facto*.²⁰ As well, in the case of a dismissed cleric, canon 85 §2 effectively indicated that the exercise of sacred orders was conditioned upon his finding a benevolent bishop to receive him. According to the revised rule proposed in canon 85 §1 of the 1980 Schema, religious vows and the obligations arising from them would cease *ipso facto* in all cases of legitimate dismissal. However, during the *denua recognitio* of canon 85 §1, the Eastern study group decided that this rule would not apply in cases of *ipso iure* dismissal, an exception that would remain in the promulgated *CCEO* c. 502. The reported proceedings state: “Ex officio, the study group inserts in §1, after the words ‘Legitima dimissione’, the clause ‘ea exclusa de qua in cann. 82 (*CCEO* c. 497)”²¹

²⁰See *Nuntia* 11 (1980) 37 (c. 85).

²¹Parallel to *CIC* c. 694 §1, *CCEO* c. 497 §1 states: “A member must be held dismissed from a monastery by the law itself, who: 1° has publicly

et 82 bis (CCEO c. 498),²² so as not to permit that, by way of a *delictum*, one arrives at being freed of every bond deriving from monastic profession."²³ Therefore, unlike CIC c. 701, CCEO c. 502 states that its provisions do not apply to those religious who have been dismissed *ipso iure* (c. 497). By virtue of CCEO c. 553, the promulgated Eastern norm governs monasteries as well as orders and congregations.²⁴ Eastern canon 502 states:

By legitimate dismissal, excluding the dismissal mentioned in can. 497, all bonds as well as obligations arising from monastic profession cease by the law itself, and, if the member has been constituted in a sacred order, can. 494 must be observed.²⁵

Commenting on CCEO c. 502 and the Eastern study group's decision to except cases of *ipso iure* dismissal from the usual effects of an indult of excommunication, D. Jaeger stated:

This is all very well but it does nothing to clarify the situation in which the religious so dismissed now finds himself, or how these conditions might be considered to accord with the demands of justice and good sense. Also it betrays a poor view of the religious life to assume that having one's links to it totally severed is somehow a sort of coveted prize. No doubt the matter will have to be looked at again at some point.²⁶

rejected the Catholic faith; 2° has celebrated marriage or attempted it, even only civilly."

²²The reference to CCEO c. 498 governing expulsions was subsequently omitted since expulsion, which may eventually lead to dismissal proceedings, does not constitute dismissal.

²³*Nuntia* 16 (1983) 70 (c. 85).

²⁴CCEO c. 553 states: "The dismissal of a member in perpetual vows is within the competence of the superior general; in other respects, cann. 500-503 are to be observed."

²⁵Parallel to CIC c. 693, CCEO c. 494 §1 states: "If a monk who is in perpetual vows and sacred orders has obtained the indult to leave the monastery and return to the world, he cannot exercise sacred orders until he has found a benevolent eparchial bishop to receive him."

²⁶D.A. Jaeger, "Observations on Religious in the Oriental Code," in J. Chiramel et al. (eds.), *The Code of Canons of the Eastern Churches: A Study and Interpretation*, Alwaye, India, 1992, 178-179, footnote 48.

Perhaps the issue of excepting cases of *ipso iure* dismissal in Eastern canon 502 might also be addressed in terms of the witness to service and love which both Codes are to manifest by their very nature.²⁷ Indeed, when John Paul II presented the Eastern Code to the twenty-eighth General Congregation of the Synod of Bishops, he expressed the wish that the new legislation “might truly be a *vehiculum caritatis* at the service of the Church” and, in that context, added that both the Eastern and Latin Codes “are to be considered as a particular expression of the rule of love (*praecepti caritatis*) left to us by Our Lord Jesus.”²⁸ From this perspective, one might question how the exception made to the general rule in CCEO c. 502 can be squared with the rule of love, of which all the norms of canon law ought to be considered a particular expression. CCEO c. 497, regarding *ipso iure* dismissal, already seems to represent an exceptional situation in the East since, in order to protect fundamental human rights like self-defense, automatic penalties are generally not imposed. Apart from the debated question of whether or not *ipso iure* dismissals are truly penalties, the punitive effect of the norm is undoubtable. That effect seems only to be exacerbated in Eastern canon 502 by excluding the case of *ipso iure* dismissal from the general rule that, upon dismissal, a religious’ vows and the bonds arising from profession cease. All things considered, in a future revision of the Eastern norms on religious life, a suggested change would be to formulate CCEO c. 502 along the lines of CIC c. 701 by omitting the exclusionary reference to *ipso iure* dismissals.

8) Readmission to a Religious Institute (CCEO c. 493 §2; CIC c. 690 §1)

Regarding readmission to a religious institute, the former norms in 1917 CIC c. 640 §2 as well as PA canon 191 §2 established that a religious who had received an indult of secularization and subsequently was readmitted to the institute had to repeat the

²⁷For a study of this question with respect to corresponding Eastern and Latin norms on departure, dismissal and their effects, see J. Abbass, “The Consecrated Life: *Donum caritatis* in the East and the West,” in *Ius Ecclesiarum Vehiculum Caritatis: Atti del simposio internazionale per il decennale dell'entrata in vigore del Codex Canonum Ecclesiarum Orientalium* (Rome, 2004) 342-361.

²⁸AAS 83 (October 25, 1991) 488-489.

novitiate.²⁹ In the Latin as well as the Eastern Catholic Churches, this rule was changed when, in the light of Vatican II, guidelines were issued by the Roman Curia for the renewal of religious life. First, *Renovationis causam* (n.38),³⁰ in Latin religious institutes and, then, *Orientalium religiosorum* (n. 13),³¹ in Eastern institutes, basically directed that a superior general, with the consent of the council, could readmit members who had legitimately left, either after the expiration of temporary vows or after a dispensation from vows, without the obligation of repeating novitiate, even though some period of probation had to be prescribed.

Within the Latin Commission, the expert study group reviewing a draft of Latin canon 690 §1 considered the proposal of the Sacred Congregation for Religious and Secular Institutes to add a norm analogous to *Renovationis causam* (n. 38).³² After a few changes were

²⁹For all intents and purposes identical to 1917 CIC c. 640 §2, PA c. 191 §2 stated: "If by indult one is received once again into the religious institute, he/she is to repeat the novitiate and profession and receive his/her place among the professed members from the date of the new profession."

³⁰A guideline in the decree of the Sacred Congregation for Religious and Secular Institutes, *Renovationis causam* (n. 38) established: "(1) When a member has left his (her) Institute legitimately, either at the expiration of his (her) temporary profession or commitment or after dispensation from these obligations, and later requests readmission, the Superior General, with the consent of his (her) council, may grant this readmission without the obligation of prescribing the repetition of the novitiate. (2) The Superior General must, nonetheless, impose on him (her) a certain period of probation, upon the completion of which the candidate may be admitted to temporary vows or commitment for a period of no less than one year, or no less than the period of temporary probation which he (she) would have had to complete before profession at the time he (she) left the Institute. The Superior may also demand a longer period of trial." See AAS 61 (1969) 119. Translation from A. Flannery, ed., *Vatican Council II: The Conciliar and Post-Conciliar Documents*, Northport, N.Y., 1975, 654.

³¹A guideline in the decree of the Sacred Congregation for the Eastern Churches, *Orientalium religiosorum* (n. 13) stated: "The supreme moderator of a religious institute, with the consent of the council, can readmit a member, who has left the institute legitimately either after the expiration of temporary vows or a dispensation from vows, even without the obligation of repeating the novitiate, having prescribed, however, some period of probation." See AAS 64 (1972) 742.

³²See *Communicationes* 13 (1981) 336.

made, the group approved the norm, which remained practically unchanged as *CIC* c. 690 §1. It states:

The supreme moderator with the consent of the council can readmit without the burden of repeating the novitiate one who had legitimately left the institute after completing the novitiate or after profession. Moreover, it will be for the same moderator to determine an appropriate probation prior to temporary profession and the time of vows to precede perpetual profession, according to the norm of *cann.* 655 and 657.

According to the new Latin norm, the supreme moderator, with the consent of the council, can readmit a member, who left after completing novitiate or after profession, without the burden of repeating the novitiate. However, the new norm is not identical to *Renovationis causam* (n. 38), which had allowed a superior general to shorten even the time of temporary profession to a minimum of one year. Since *CIC* can. 690 §1 further states that the period of temporary profession is to be determined in accord with *CIC* c. 655,³³ the temporary profession must last at least three years.³⁴ Still, the Latin norm has been welcomed by commentators as a flexible rule that facilitates a member's return to the religious institute. In this regard, J. Beyer stated: "This manner of readmission allows a candidate to pursue his or her vocation, if its fulfillment was interrupted, whether because of sickness, or quite another personal reason of a spiritual nature: doubts, scruples, anxiety, a family problem, or help or support of parents."³⁵

Within the context of *PCCICOR*, the *Coetus de monachis* reworked §1 of *PA* c. 191, concerning the effects of an indult of secularization, but essentially repropounded §2, regarding the necessity of repeating the

³³*CIC* c. 655 states: "Temporary profession is to be made for a period defined in proper law; it is not to be less than three years nor longer than six."

³⁴See also Holland, *Separation of Members*, in J.P. Beal et al. (eds.), *New Commentary on the Code of Canon Law*, New York/Mahwah, N.J., 2000, 855.

³⁵J. Beyer, *Le droit de la vie consacrée: instituts et sociétés*, Paris, 1988, 193. For a similar view, see also M. Brogi, "La normativa del Codex Canonum Ecclesiarum Orientalium sulla vita consacrata," *Quaderni di Diritto Ecclesiale* 8 (1995) 135.

novitiate if the member were to be readmitted.³⁶ When this revised norm became canon 78 of the 1980 Schema, three consultors observed that the norm was ambiguous and lacked precision. During the *denua recognitio* of the 1980 Schema, the reported proceedings indicate that the expert study group reformulated the canon "conforming both to PA can. 191 and, in §1, to the new *CIC* c. 692."³⁷ While it is clear, then, that the experts were willing to model §1 of the norm after *CIC* c. 692 regarding the effects of secularization, they still opted to retain *PA* c. 191 §2 over *CIC* c. 690 §1 and to require that the readmitted member repeat novitiate. What is even more surprising is that this decision effectively reversed the rule set by the Sacred Congregation for Eastern Churches in *Orientalium religiosorum* (n. 13).³⁸ In any event, the requirement that a readmitted member of a religious institute repeat the novitiate as if he or she had never been in religious life subsequently went unchallenged within *PCCICOR* and was promulgated as *CCEO* c. 493 §2. It states:

If a member who left the monastery and returned to secular life is again received into the monastery, he or she is to go through the novitiate and make profession again as if he or she had never been in religious life.

When the parallel norms of the Codes are compared, it is evident that the Latin rule, which leaves much discretion with the supreme moderator regarding the readmitted member's period of probation, is quite flexible and open while the Eastern norm, which requires the same member to repeat the novitiate in any case, is rather categorical and closed. The Eastern mentality reflected by *CCEO* c. 493 §2 is rather reminiscent of *CCEO* c. 491 concerning the effects of

³⁶See *Nuntia* 6 (1978) 52-53 (c. 4 §2).

³⁷*Nuntia* 16 (1983) 66 (c. 78). Like *CCEO* c. 493 §1, *CIC* c. 692 states: "Unless it has been rejected by the member in the act of notification, an indult of departure granted legitimately and made known to the member entails by the law itself dispensation from the vows and from all the obligations arising from profession."

³⁸Nor was this the only time that the Eastern norms would reverse the guidelines in *Orientalium religiosorum*. For example, regarding canonical novitiate time, while *Orientalium religiosorum* (n. 11a) referred to a novitiate comprised of "12 months, not necessarily continuous," the proposed Eastern norm (now *CCEO* c. 523 §1) speaks of "one full and continuous year" (*PA* c. 88 §1, 3°). For this and other examples, see J. Abbass, *Two Codes in Comparison* (2nd ed.), Rome, 2007, 82-84.

exclaustration.³⁹ If, as Eastern canon 491 seems to imply, exclaustration causes a certain estrangement between the member and the superiors of the religious institute since he or she is subject to the eparchial bishop in place of the religious superior, then it should not be surprising that leaving the institute entirely would provoke a certain disavowal on the part of the institute's superiors vis-à-vis the religious who has left. Still, from the perspective of the Father's unflinching love bestowed in a religious calling, could the Eastern norm not admit of exceptions? After all, the Latin and Eastern norms concerning readmission do not regard dismissed religious and may not even involve religious who have found themselves in a situation of sin either before or after receiving their indult to leave. In fact, the parallel norms may well deal with a situation where the religious, having had to interrupt his or her commitment because of some serious personal or family matter, is once again drawn by the Father's call to the same religious vocation. While Latin canon 690 §1 effectively aids this readmission process through the possibility of a reduced period of probation, Eastern canon 493 §2 seems to close the door on any exceptions to the rule in these cases that the novitiate be repeated in its entirety. A future revision of *CCEO* c. 493 §2 might well consider adopting the more flexible rule in *CIC* c. 690 §1.

Conclusion

To suggest changes to the current norms of the Eastern Code in no way intends any lack of respect for the *CCEO* canons which proceed in line with canonical tradition from the code of sacred canons that governed the undivided Church of the first millennium. However, just as the legislator chose to promulgate 1983 Latin Code and the 1990 Eastern Code to revise and update the prior Latin and Eastern legislation, he may eventually also decide to undertake a revision of the latest *CIC* and *CCEO* norms in a rapidly changing world. From this perspective, with specific regard to the *CCEO* canons on the consecrated life, it could be argued that some Eastern norms need a second look and possibly some changes to produce a more satisfactory result.

³⁹*CCEO* c. 491 states: "The exclaustrated member remains bound by the vows and the other obligations of monastic profession which can be reconciled with his or her state; the member must put off the monastic habit; during the time of the exclaustration he or she lacks active and passive voice and is subject to the eparchial bishop of the place where he or she resides in place of the superior of his or her own monastery also in virtue of the vow of obedience."

The purpose of this study was simply to offer eight suggestions for an eventual revision of title XII of the Eastern Code concerning the consecrated life. In particular, the suggested changes were made chiefly on the basis of canons the same legislator already promulgated for the Latin Church in the 1983 *CIC*. While these changes would promote a conformity of discipline among the various Latin and Eastern institutes of consecrated life, they would not seem to compromise the legitimate variety of the Eastern Catholic Churches and the abundantly rich forms of consecrated life celebrated in them. Indeed, safeguarding the *varietas Ecclesiarum orientalium* has been a priority of the Church and, particularly, the popes of the recent past.