

## **THÉOTOKOS AND RELIGIOUS LIFE IN CCEO**

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The author makes an attempt to expose the place and role of Bl. V. Mary in the canons of CCEO. She treats 1) The Marian Note of the Canonical Legislation, 2) «Status quaestionis» of the Canonical Legislation on Marian Cult, 3) The *Christifideles* and the Marian Cult in CCEO can. 884, and 4) *Théotokos* and Religious Life according to CCEO under the following subtitles: 4.1) *Théotokos, Regina Monachorum* and *Mater religiosorum*, 4.2) *Théotokos* and Consecrated Life: Specific and Non-Specific Reference, 4.3) the “marianity” of CCEO can. 410 and finally 4. 4) *Théotokos* and the Liturgical Norms.

### **1. The Marian Note of the Canonical Legislation**

In the Apostolic constitution *Sacri canones* (18 October 1990) promulgating the *Codex Canonum Ecclesiarum Orientalium*,<sup>1</sup> the

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<sup>1</sup>*Codex Canonum Ecclesiarum Orientalium*, auctoritate Ioannis Pauli PP. II promulgatus, Typis Polyglottis Vaticanis 1990: AAS 82 (1990) 1033-

Roman Pontiff John Paul II recommended to all the observance of this Code so that by the united strength of all the members, the mission of the entire Church might be expanded and the Kingdom of Christ, the “Pantocrator,” might be more fully established.<sup>2</sup>

Imploring, then, the Holy Mary ever Virgin, he reminded us that the preparation of the Code had been repeatedly entrusted to her *benignissimo presidio*<sup>3</sup> and that she entreated her Son with maternal prayer that the Code might become a vehicle of His love; therefore, at the end of its *iter*, with his apostolic magnanimity, the Pontiff exhorted all the faithful to carry out the proposed precepts, expressing his full conviction that “the present discipline would help the Oriental Churches to flourish more and more and to carry out the duty entrusted to them under the patronage of the glorious and blessed Mary ever Virgin, who is most truly called *Théotokos* and stands out as the exalted Mother of the entire Church.”<sup>4</sup>

In this sense, the late Ivan Žužek, commenting on the *Sacri canones*, revealed that the entire *iter* of the CCEO had been entrusted to the benevolent watchfulness of the Blessed Virgin,

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1363. [Henceforth *Codex Canonum Ecclesiarum Orientalium* = CCEO]; The English translation used: *Code of Canons of the Eastern Churches: Latin – English Edition*, Translation prepared under the auspices of the Canon Law Society of America, Washington, D.C., 1992.

<sup>2</sup>Ioannes Paulus PP. II, “Allocutio in Petriana Basilica ad eos qui in Romana Curia ministerium suum implent coram admissos”, 28 iunii 1986: AAS 78 (1987) 196; Ioannes Paulus PP. II, “Const. ap. ‘Sacri canones’ qua Codex canonum ecclesiarum orientalium promulgator”, 18 octobris 1990, in AAS 82 (1990) 1033 -1044. For the English translation see: John Paul II, Apostolic Constitution ‘Sacri canones’, in *Code of Canons of the Eastern Churches: Latin-English Edition*, Translation prepared under the auspices of the Canon Law Society of America, Washington, D.C., 1992, xviii.

<sup>3</sup>Idem, Constitutio apostolica *Sacri canones* qua Codex Canonum Ecclesiarum Orientalium promulgatur, 18 octobris 1990: AAS 82 (1990) 1043; John Paul II, Apostolic Constitution ‘Sacri canones’, in *Code of Canons of the Eastern Churches: Latin-English Edition*, xviii.

<sup>4</sup>Cf. *Ibid.*, 1044.

and mentioned the existence of a “Marian note” and a “Marian light”<sup>5</sup> over the CCEO which began to have the force of law from 1 October 1991, the Feast of the Protection of the Blessed Virgin Mary in the Eastern Churches.

On the basis of these reflections and on the recommendation given by the Roman Pontiff to the members of the Commission: “Do everything under her maternal watch, under her guidance and protection,”<sup>6</sup> it is obvious that it was the *mens legislatoris* itself willing to imprint the Marian note to the CCEO, therefore, it is our duty to embark upon such a task and to analyze the canonical legislation concerning the Marian cult. Obviously, such a research is also an imperative after the teaching of Vatican II on the Marian cult (*Lumen gentium*, chapter VIII)<sup>7</sup> and on the Oriental Churches (*Orientalium Ecclesiarum*),<sup>8</sup> both important *fontes iuris* for the CCEO. The juridical *vultus* of the Mother of God in the *ius vigens* is the purpose of this article, including comparative observations with the CIC<sup>9</sup> in order to better circumscribe the oriental specificity and the proper *vultus* of both Orient and Occident. From such a perspective, the two normatives could be considered an important mariological syntheses of different

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<sup>5</sup>I. Žuzek, “Riflessioni circa la costituzione apostolica “Sacri canones” (18 ottobre 1990),” in Idem, *Understanding the Eastern Code*, KANONIKA 8, Pontificio Istituto Orientale, Roma 1997, 149.

<sup>6</sup>Ioannes Paulus PP. II, “Allocutio ad eos qui plenario coetui interfuerunt Pontificiae Commissionis Codici Iuris Canonici Orientalis recognoscendo, coram admissos” in AAS 81 (1989) 652.

<sup>7</sup>CONCILIUM OECUMENICUM VATICANUM II, *Lumen gentium*, Constitutio dogmatica de Ecclesia, 21 nov. 1964: AAS 57 (1965) 5-71. [Henceforth *Lumen gentium* = LG].

<sup>8</sup>CONCILIUM OECUMENICUM VATICANUM II, *Orientalium Ecclesiarum*, Decretum de Ecclesiis Orientalibus Catholicis, 21 nov. 1964: AAS 57 (1965) 76-89. [Henceforth *Orientalium Ecclesiarum* = OE].

<sup>9</sup>*Codex Iuris Canonici* in AAS 75 (1983) 1-301. [Henceforth *Codex Iuris Canonici* = CIC].

juridical tenors for the three categories of *christifideles*: clerics, lay Christian faithful and religious.

To increment the sanctification of *christifideles*, the Church, in the canonical legislation, recommends to the Christian faithful a special veneration of the Mother of God,<sup>10</sup> thus transforming the Marian cult, if properly understood and practiced, into a great spiritual itinerary since, according to Pope Paul VI, “if we want to be Christians, we have to be Marian,”<sup>11</sup> a rule valid for everybody everywhere, for the Orient and the Occident as well, just because the name of *Théotokos* contains the entire divine economy in this world.<sup>12</sup> As previously mentioned, it is also our duty to investigate the *mens legislatoris* concerning the Marian note of the CCEO, since the legislator himself, the

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<sup>10</sup>This cult is rooted into the fundamental mariological principle, the divine maternity. Infatti, nella terminologia mariana stessa dei due Codici (CCEO e CIC) primeggia il titolo di *Madre di Dio*, che assume l'intera tradizione ecclesiale in merito, soprattutto l'insegnamento dei Padri della Chiesa per i quali “il solo nome di *Théotokos* contiene tutto il mistero dell'economia”. Da questo promanano e si sviluppano gli altri dogmi che, nella vita culturale e liturgica dell'Oriente e dell'Occidente, vengono vissuti diversamente, essendo molto diversificate e differenti le forme di espressione del culto mariano. Il diritto comune rispetta questa diversità e la specificità stessa del patrimonio mariano prettamente liturgico delle Chiese *sui iuris* orientali, perciò il can. 3 del CCEO afferma che «anche se il Codice si riferisce spesso alle prescrizioni dei libri liturgici, per lo più non decide in materia liturgica». Così si spiega anche il carattere generico della normativa, la quale, avvalendosi del principio della sussidiarietà, lascia spazio allo *ius particulare* per regolarizzare tale culto *praesertim liturgicum*, proprio perché l'Oriente contempla Maria alla luce del Verbo incarnato, e perciò nell'intera liturgia la Chiesa, celebrando il Figlio, celebra ed incontra anche la Madre, anzi, si celebra interiormente identificati con Maria “modello dell'atteggiamento spirituale con cui la Chiesa celebra e vive i divini misteri”: Paulus PP. VI, Adhort. ap.: *Marialis cultus*, 1974 feb. 2, Romae apud S. Petrum: de Beatae Mariae Virginis cultu recte instituendo et augendo, 16.

<sup>11</sup>Paolo VI, «Omelia nel santuario di N.S. di Bonaria in Cagliari,» 24 apr. 1970: AAS 62 (1970) 301.

<sup>12</sup>Damascenus J., *De orthodoxa fide in Patrologiae cursus completus. Series Graeca*, a cura di J.P. Migne (ed.), 94, 1029.

Blessed John Paul II, in his *TOTUS TUUS ego sum et omnia mea tua sunt*, for sure meant to seal and to include everything in his apostolic motto. Besides, it is, nonetheless, very important that the Marian cult is inserted into the canonical normative since the Marian phenomenon is so diffused and complex and the Church is called to regulate rightly the life of faith and prayer of the people of God. The mariologists are analyzing also the various “mariofonie” taking into consideration the praxis and directives of the Church in this field.<sup>13</sup>

## 2. «Status quaestionis» of the Canonical Legislation on Marian Cult

It is really surprising that systematic studies on the canonical normative concerning the Marian cult are scarce, nonetheless this normative has a fundamental value by offering an authentic orientation and directive to the Marian cult, itself an intrinsic element of the Christian cult (MC 56), a valid witness of the norm of Church’s faith and prayer (cf. MC 56). Our analysis is theological-juridical avoiding an excessive juridism which would not fit the present topic.

Thus, statistically speaking, there are only four canons in the CCEO making explicit reference to the Mother of God:

- can. 884: *Ecclesia eam speciali et filiali christifidelium venerationi commendat;*
- can. 880.§3: *dies Dormitionis eius est festum de praecepto;*
- can. 346.§2.5°: *alumni seminarii eam filiali pietate prosequantur;*
- can. 369.§1: *clerici eam colant.*<sup>14</sup>

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<sup>13</sup>S. Perella, «Le ‘mariofanie’: presenza segno e impegno della Vergine glorificata nella storia. «Dono» per la fede e «sfida» per la ragione. Alcune annotazioni,» in *Marianum* 167-168 (2005) 51-153.

<sup>14</sup>I. Žuzek, «Maria semper Virgo SS.ma,» in *Idem, Index Analyticus Codicis Canonum Ecclesiarum Orientalium*, KANONIKA 2, Pontificium Institutum Orientalium Studiorum, Roma 1992, 190.

As we can see, can. 884 is meant for all *christifideles*, recommending a special veneration towards the Holy Mother of God; can. 346 §1, 5° and can. 369 §1 are specific for clerics; can. 880. §3 makes reference to the most important Marian feast. The Holy Mother of God, being the most resembling to the incarnate Logos, is proposed to all *christifideles* as the perfect type of *sequela Christi* irrespective of the category they are belonging to: to all, clerics, religious, lay Christian faithful it is given the grace to generate Christ in their own heart and to identify themselves to *Théotokos*.<sup>15</sup> “Therefore, no state of life in the Church, no group or individual may say that Mary is theirs in such a privileged way to monopolize her for themselves. Mary is of all, her person, her work, the example of her life belong to the whole Church. That is, Mary is so highly of all that every state of life, every group, every Christian can feel she is his or hers, and yet in a non-exclusive, non-exclusionary mode.”<sup>16</sup>

Therefore, the *imitatio Mariae* is possible and proposable to all *christifideles* with due respect for their proper vocation. *Ius commune* protects this vocation and call to sanctity and provides adequately for every category the rights and obligations concerning Marian cult. We briefly analyze the provisions for the three categories of *christifideles* insisting particularly on those of the religious.

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<sup>15</sup>Cf. B. Petraá, “La spiritualità mariana nella chiesa d’Oriente: alcune testimonianze,” in E. Peretto E., (a cura di), *La spiritualità Mariana: legittimità, natura, articolazione*. Atti del 9° Simposio Internazionale Mariologico (Roma, 3-6 novembre 1992), Edizioni Marianum, Roma 1994, 224-225.

<sup>16</sup>M.G. Masciarelli, «Laici,» in *Nuovo Dizionario di Mariologia*, a cura di S. De Fopres - S. Meo, 4ª ed., San Paolo, Cinisello Balsamo 1996, 656.

### 3. The *christifideles* and the Marian Cult in the CCEO can. 884

The cult objects in can. 884 of the CCEO (cf. *CIC* can. 1186)<sup>17</sup> are the Holy Mother of God and the Saints. The subjects are the *christifideles* in general, invited to a special and filial veneration toward the Mother of God.

CCEO, can. 884 – To foster the sanctification of the people of God the Church recommends to the special and filial veneration of the Christian faithful the Holy Mary ever Virgin, the Mother of God, whom Christ established as the Mother of the human race; it also promotes true and authentic devotion to the other saints by whose example the Christian faithful are edified and through whose intercession they are sustained.<sup>18</sup>

The recommendation of “a special and filial veneration” is for all those “who, incorporated in Christ through baptism, have been constituted as the people of God; for this reason, since they have become sharers in Christ’s priestly, prophetic and royal functions in their own manner, they are called, in accordance with the condition proper to each, to exercise the mission which God has entrusted to the Church to fulfill in the world” (CCEO, can. 7). The source of such a definition is LG 31 and the expression *suo modo participes* underlines the three-

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<sup>17</sup>CIC, can. 1186: “To foster the sanctification of the people of God, the Church commends to the special and filial reverence of the Christian faithful the Blessed Mary ever Virgin, Mother of God, whom Christ established as the mother of all people, and promotes the true and authentic veneration of the other saints whose example instructs the Christian faithful and whose intercession sustains them.”

<sup>18</sup>CCEO, can. 884: “To foster the sanctification of the people of God the Church recommends to the special and filial veneration of the Christian faithful the Holy Mary ever Virgin, the Mother of God, whom Christ established as the Mother of the human race; it also promotes true and authentic devotion to the other saints by whose example the Christian faithful are edified and through whose intercession they are sustained.”

folded division of *christifideles*:<sup>19</sup> 1) lay Christian faithful; 2) clerics; 3) religious.

The subjects of the other two canons with a specific Marian address are the clerics: their formation should have a Marian dimension (cf. CCEO can. 346 § 2, 5<sup>o</sup><sup>20</sup>; cf. CIC can. 246 § 3<sup>21</sup>) and they should honor her and conform themselves to her Son Jesus Christ (CCEO can. 369 §1<sup>22</sup>; cf. CIC can. 276 § 2<sup>23</sup>).

All these *tres ordines* of 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 consonant with the teaching of the Church (CCEO can. 17). To the above mentioned right corresponds, for all these *tres ordines* serious obligations concerning the liturgical cult, therefore implicitly the one to the Mother of God. In this sense, very significant are the following canons of CCEO: 880 §3, 881, 882 and 883. It is beyond our task here the analysis of these canons, therefore we limit ourselves to some examples: considering

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<sup>19</sup>For the concept of *christifideles* see I. Žuzek, “Bipartizione o tripartizione dei “christifideles” nel CCEO e nel CIC,” Idem, *Understanding the Eastern Code*, 328-353.

<sup>20</sup>CCEO, can. 346 §2, 5<sup>o</sup>: “they ought to pursue a filial piety to Holy Mary ever Virgin, Mother of God, whom Christ established as mother of all people.”

<sup>21</sup>CIC, can. 246.§3: “The veneration of the Blessed Virgin Mary, including the Marian rosary, mental prayer, and other exercises of piety are to be fostered; through these, students are to acquire a spirit of prayer and gain strength in their vocation.”

<sup>22</sup>CCEO, can. 369 § 1: “They are to honor St. Mary, the ever Virgin Mother of God, and implore from her the grace of conforming themselves to her Son; they are to carry out the other pious exercises of their own Church *sui iuris*.”

<sup>23</sup>CIC, can. 276 §2 5<sup>o</sup>: “ they are urged to engage in mental prayer regularly, to approach the sacrament of penance frequently, to honor the Virgin Mother of God with particular veneration, and to use other common and particular means of sanctification.

can. 880 §3<sup>24</sup>, we have chosen from the Marian Calendar the main Marian feast common to all the Oriental Catholic Churches (*The Dormition of the Mother of God*). For this feast the provisions of can. 881<sup>25</sup> are a binding imperative to which the Code adds the obligation provided by can. 882<sup>26</sup> concerning the days of penance. The Oriental Catholic Churches provide for this feast from 5 to 15 days of fast and specific celebrations. A special regime provided by the *ius particulare* has also the Feast of the Annunciation since – even if it falls during Lent- the *christifideles* must celebrate honoring thus the One who has been the beginning of our salvation.<sup>27</sup> From these brief canonical-Marian reflections we may conclude the following:

- a) The canonical normative of the CCEO concerning the cult to the Mother of God by the Christian faithful is highly generic, therefore the *ius particulare* has to clearly delineate, in the liturgical texts and in the books of

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<sup>24</sup>CCEO, can. 880. §3: “Holy days of obligation common to all the Eastern Churches, beyond Sundays, are the Nativity of our Lord Jesus Christ, the Epiphany, the Ascension, the Dormition of the Holy Mary Mother of God and the Holy Apostles Peter and Paul except for the particular law of a Church *sui iuris* approved by the Apostolic See which suppresses a holy days of obligation or transfers them to a Sunday.”

<sup>25</sup>CCEO, can. 881 - §1. “The Christian faithful are bound by the obligation to participate on Sundays and feast days in the Divine Liturgy, or according to the prescriptions or legitimate customs of their own Church *sui iuris*, in the celebration of the divine praises. §2. In order for the Christian faithful to fulfill this obligation more easily, the available time runs from the evening of the vigil until the end of the Sunday or feast day. §3. The Christian faithful are strongly recommended to receive the Divine Eucharist on these days and indeed more frequently, even daily. §4. The Christian faithful should abstain from those labors or business matters which impede the worship to be rendered to God, the joy which is proper to the Lord’s day, or to the proper relaxation of mind and body.”

<sup>26</sup>CCEO, can. 882: “On the days of penance the Christian faithful are obliged to observe fast or abstinence in the manner established by the particular law of their Church *sui iuris*.”

<sup>27</sup>Cf. D. Salachas, *L’iniziazione cristiana nei Codici orientale e latino*, EDB/ED, Roma 1991, 174.

public and private prayer the right forms of Marian piety consonant with the proper tradition and the culture of the respective nation.<sup>28</sup> In this sense, all the *tres ordines* are asked to be faithful to their shepherds' indications and to strive to understand their directives, to examine them and to accomplish them (*Instruction* 23). The Latin homologue of can. 884 is can. 1186 of CIC with the same generic recommendation without any specific directive concerning the forms of expression of Marian cult, leaving thus ample space to the *ius particulare* of a nation or the *ius particulare* of a particular church (diocese) to regulate it.

- b) The juridical tenor of can. 884, the degree of compulsoriness is pointed out by the verb *commendare* = to recommend: so the canon does not impose to *christifideles* this cult but recommends it. The canons on clerics and their Marian piety do have a stronger juridical force, therefore the normative is binding even if, juridically, not clearly definable because of its terminology. For the Marian cult of clerics the two legislations (CIC and CCEO) have specific directives. In the case of religious the CCEO provides no formulation, not even a generic one, leaving thus everything to the *ius particulare* of every monastery, order or congregation. The CIC has specific provisions mentioning the Marian rosary (cf. CIC, can. 663).

There are yet many more canons treating matters connected to the Christian cult in general, therefore, to the cult of the Mother of God as well, and they may be submitted to a lecture from a mariological perspective, for instance, can. 886: the cult of the icons (ex. the numberless icons of the Mother of God); can. 871: the dedication of churches / shrines (eg., the great number of Marian shrines); can. 506: the erection of an Order or

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<sup>28</sup>Cf. CCEO can. 40; cf. CONGREGAZIONE PER LE CHIESE ORIENTALI, *Istruzione per l'applicazione delle prescrizioni liturgiche del Codice dei Canoni delle Chiese Orientali*, 6 gennaio 1966, Libreria Editrice Vaticana, Città del Vaticano 1996, passim cap. I-IV. [Henceforth = *Istruzione*].

Congregation (there are so many Marian Congregations recognized by the competent ecclesiastical authority, which have a major contribution to the diffusion of the Marian devotion by means of their charism, spirituality and apostolate); can. 882: the observance of the days of penance according to the prescriptions of the *ius particulare ecclesiae sui iuris* (eg., the *Dormition of the Mother of God*, a feast preceded by 14 day of fasting; can. 473 §1; §2,1°; can. 538 §1: the liturgical life of Monasteries, Orders and Congregations (the Marian piety has always had a privilege place in consecrated life and religious and monastic spirituality); cann. 40 and 41: the observance of one's own rite, therefore the specific Marian patrimony has to be respected .

We stop here with this quick and global display of the "marianity" of the canonical normative of the CCEO. This is only the general framework of our topic, just to give a hint of its complexity, connections and ramifications within the general matters of the Code. In front of such a variety, we have decided to limit our research to religious life and its Marian dimension.

#### **4. Théotokos and Religious Life according to the CCEO**

##### **4.1. Théotokos, Regina Monachorum and Mater religiosorum**

The Holy Mother of God is the *Regina Monachorum* and *Mater religiosorum* since she is the Mother of Christ, of the Son of God consecrated and sent by the Father. In her *fiat* and *magnificat* religious life finds the totality of her surrender to and the thrill of its joy in the consecratory action of God.<sup>29</sup> The evangelical counsels, by which Christ invites religious to share his experience as the chaste, poor and obedient One, call for a

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<sup>29</sup>SACRA CONGREGAZIONE PER I RELIGIOSI E GLI ISTITUTI SECOLARI, *Elementi essenziali dell'insegnamento della Chiesa sulla vita religiosa negli istituti dediti alle opere di apostolato* (31 maggio 1983), versione italiana SCRIS, Città del Vaticano 1983, 53. English version: *Essential Elements in the Church's Teaching on Religious Life as Applied to Institutes Dedicated to Works of the Apostolate*. [Henceforth = EE].

radical desire to be totally conformed to him. Christ is the model in whom every virtue comes to perfection, and Mary of Nazareth is the first disciple who willingly put herself at the service of God's plan by the total gift of self. Any type of mission and apostolate, the consecration itself begins with the attitude of the Virgin of the Annunciation: "Behold, I am the handmaid of the Lord; let it be done to me according to your word" (*Lk* 1:38).<sup>30</sup>

Mary in fact is the *sublime example of perfect consecration*, since she belongs completely to God and is totally devoted to him. Chosen by the Lord, who wished to accomplish in her the mystery of the Incarnation, she reminds consecrated persons of *the primacy of God's initiative*. At the same time, having given her assent to the divine Word, made flesh in her, Mary is the *model of the acceptance of grace* by human creatures. Having lived with Jesus and Joseph in the hidden years of Nazareth, and present at her Son's side at crucial moments of his public life, the Blessed Virgin teaches unconditional discipleship and diligent service. In Mary, "the temple of the Holy Spirit," all the splendour of the new creation shines forth. Consecrated life looks to her as the sublime model of consecration to the Father, union with the Son and openness to the Spirit, in the knowledge that acceptance of the "virginal and humble life" of Christ also means imitation of Mary's way of life. In the Blessed Virgin Mary, consecrated persons also find a Mother who is altogether unique.<sup>31</sup>

Exactly for this, the Holy Mother of God is herself a synthesis of all those values which religious consecration is directed to and, as the pontifical document stresses, following in the footsteps of Mary, the New Eve, consecrated persons express their spiritual fruitfulness by becoming receptive to the Word,

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<sup>30</sup>Cf. Ioannes Paulus PP. II, *Vita Consecrata*, 18.

<sup>31</sup>Ioannes Paulus PP. II, *Vita Consecrata*, 28.

in order to contribute to the growth of a new humanity by their unconditional dedication and their living witness.<sup>32</sup> In Mary the Church sees the prototype of religious consecration<sup>33</sup> and entrusts to her the future and renewal of religious life.

#### **4.2. *Théotokos* and Consecrated Life: Specific and Non-Specific Reference**

The canonical normative has assimilated this Marian theology of consecrated life and listed among the obligations of religious the special veneration of the Virgin Mother of God, recognizing her as the model and patron of religious life.

CIC can. 663 §4. With special veneration, they are to honor the Virgin Mother of God, the example and protector of all consecrated life, also through the Marian rosary.<sup>34</sup>

This is the case of the Latin Code (CIC, 1983), whereas no specific mention of the Marian devotion of religious is to be found in the CCEO, and neither does the former normative *Postquam Apostolicis Litteris* (PAL) mention it. This missing reference is not to be considered a shortcoming since – keeping in mind the highly liturgical character of the Marian cult in Orient – the Mother of God is omnipresent in religious life whose column is exactly the Liturgy, lived and celebrated according to the prescriptions of the Typicon and the legitimate customs.<sup>35</sup> On the basis of this “omnipresence” of the *Théotokos*, we could assert that the entire normative on religious could be submitted to a lecture from a mariological view point, especially the canons on the obligations of monks and religious (cann. 473 and 538, the homologues of the Latin

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<sup>32</sup>Ioannes Paulus PP. II, *Vita Consecrata*, 34.

<sup>33</sup>SINODO DEI VESCOVI, *Messaggio del IX Sinodo ordinario* (28 novembre 1994), in *Documenti sulla vita consacrata*, raccolti da G. F. POLI e P. CRESPI, vol. II, Editrice ELLE DI CI, Torino 1998, n. IX.

<sup>34</sup>CIC can. 663§4: «Speciali cultu Virginem Deiparam, omnis vitae consecratae exemplum et tutamen, etiam per mariale rosarium prosequantur».

<sup>35</sup>Cf. CCEO cann. 473 and 538.

canon 663 where specific mention is made of the Marian devotion).

In Orient too there are monastic and religious congregations whose spirituality has a strong Marian dimension, being thus in tune with the Marian spirituality of monasticism in general, in the sense that we speak of a particular presence of the Mother of God which allows us to assert that we cannot circumscribe a distinct Marian spirituality of the oriental tradition, but a profound “marianity” of the general oriental spirituality.<sup>36</sup>

#### 4.3. The “Marianity” of the CCEO, can. 410

Can. 410 reads:

The religious state is a stable mode of common life in an institute approved by the Church, in which the Christian faithful, by closer following Christ, the teacher and exemplar of holiness, under the action of the Holy Spirit, totally dedicate themselves by a new and special title through public vows of obedience, chastity and poverty, observed according to the norms of the statutes under a lawful superior, they renounce the world and totally dedicate themselves to the acquisition of perfect charity in service to the Kingdom of God for the building up of the Church and the salvation of the world as a sign of the foretelling of heavenly glory.

The Christological and pneumatological character of this canon is obvious, but we cannot ignore a possible Marian key of lecturing it since in the *sequela Christi* the Blessed Virgin Mary is the first disciple. Canon 410 is listing the theological and canonical elements of this *status* of life, distinct from the *status* of clerics and also of the lay Christian faithful, but for all

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<sup>36</sup>B. Petra, “La ‘spiritualità mariana’ nella chiesa d’Oriente: alcune testimonianze,” in E. Peretto, a cura di, *La spiritualità Mariana: legittimità, natura, articolazione*. Atti del 9° Simposio Internazionale Mariologico (Roma, 3-6 novembre 1992), Edizioni Marianum, Roma 1994, 219.

*christifideles* the Virgin Mother is a perfect model and patron.<sup>37</sup> The Spirit acts with great secrecy in the heart of each one of us so as later to be made manifest in fruits that are clearly visible: The Spirit is the Truth who “teaches,” “reminds,” and “guides.” The work of the Spirit has always been associated with the Virgin Mary, Mother of God, and Mother of all the members of the people of God. It is through the Spirit that she conceived the Word of God in her womb; it was for the Spirit that she awaited with the Apostles, persevering in prayer (cf. LG 52 and 59) following the Ascension of the Lord. This is why the presence of the Virgin Mary is encountered by religious from the beginning to the end of their formation and in all stages and elements of religious *status*. The renouncement of the world and the total dedication to the acquisition of perfect charity in the service of the kingdom of God are accomplished according to the specific charism of every institute. In the case of Marian Congregations, for instance, the elements of canon 410 acquire a specific dimension since the Mother of God becomes an “option of life,” the object of a real and fundamental orientation which marks the consecration of the members at all levels and dimensions.<sup>38</sup> Actually, all these elements are permeated by a decisive Marian spirituality which gets concrete not simply by the presence of a Marian piety, but through a certain mode of considering the entire charism and life of the Congregation in the light of the mystery of the Virgin Mother, in an articulated manner, integrating her in the very life of the community and turning her presence into a characteristic of one’s consecration.<sup>39</sup> thus, the nature of the institute, the apostolate, formation, community life, leadership, spirituality, charism as a whole, they are all permeated by this

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<sup>37</sup>EE 53.

<sup>38</sup>A. Amato, “Il problema della ‘Spiritualità Mariana’: introduzione ad un dibattito attuale”, in E. Peretto, *La Spiritualità Mariana: legittimità, natura, articolazioni*, 25.

<sup>39</sup>CH. A. Bernaro., “Dalla presenza di Maria alla spiritualità mariana,” in E. Peretto, *La Spiritualità Mariana: legittimità, natura, articolazioni*, 41.

Marian presence. The Constitutions of such Marian Congregations are the best application of this reality left entirely to *ius particulare* to regulate it.

#### 4. 4. *Théotokos and the Liturgical Norms*

CCEO can. 473 and can. 538; cf. CIC can. 663:

Can. 473 (cf. *CIC/663*) §1. In individual monasteries the divine praises are to be celebrated daily according to the typicon and legitimate customs. Likewise, the Divine Liturgy shall be celebrated on all days except those which are excluded by the prescriptions of the liturgical books. §2. The superiors of monasteries shall take care that all members, in accordance with the typicon: 1° who are not lawfully prevented take part daily in the divine praises and Divine Liturgy when they are celebrated, take time for contemplation of divine things, and diligently apply themselves to other exercises of piety; 2° can freely and often approach spiritual fathers and confessors; 3° (*CIC/663*§5) make a spiritual retreat for several days every year.<sup>40</sup>

Can. 538 (cf. *CIC/663* §3)-§1. In each house of orders and congregations the divine praises shall be celebrated according to the norms of the statutes and lawful custom.

(cf. *CIC/663*) §2. The superiors shall see to it that all

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<sup>40</sup>CCEO can. 473. §1: «In singulis monasteriis laudes divinae cottidie celebrentur ad normam typici et legitimarum consuetudinum; item omnibus diebus celebretur Divina Liturgia eis exceptis, qui praescriptis librorum liturgicorum excipiuntur.

§2. Curent Superiores monasteriorum, ut omnes sodales ad normam typici:

1°legitime non impediti cottidie laudibus divinis atque Divinae Liturgiae, quoties celebratur, participant, contemplationi rerum divinarum vacent et in alia pietatis exercitia sedulo incumbant;

2° libere ac frequenter ad patres spirituales et confessarios accedere possint;

3° quotannis per aliquot dies recessui spirituali vacent».

members fulfill in accordance with the statutes what is prescribed in can. 473 §2 (cf. CIC/630 §1) §3. Members of orders and congregations should approach the sacrament of penance frequently, observing can. 474 §2.<sup>41</sup>

The *fontes iuris* of the two canons are very numerous,<sup>42</sup> but none makes explicit reference to the Marian cult. The normative underlines primarily the liturgical life *qui praescriptis librorum liturgicorum excipiuntur*, the contemplation of divine things and the exercises of piety. Yet, in every one of these provisions the glorious Théotokos is omnipresent and the *ius particulare*, the Typicon or the Constitutions, or even the *ius magis particulare*, the various directories, do have specific Marian references.<sup>43</sup> The previous oriental legislation on religious (*Postquam Apostolicis Litteris*, 9 feb. 1952) – without

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<sup>41</sup>CCEO can. 538 §1: «In singulis domibus ordinum et congregationum laudes divinae celebrentur ad normam statutorum et legitimarum consuetudinum.

§2. Curent Superiores, ut omnes sodales ad normam statutorum ea, quae in can. 473 §2 praescribuntur, impleant.

§3. Sodales ordinum et congregationum sacramentum paenitentiae frequenter suscipiant et servetur can. 474 §2.»

<sup>42</sup>*Codex Canonum Ecclesiarum Orientalium*, auctoritate Ioannis Pauli PP. II promulgatus *Fontium annotatione auctus*, Libreria Editrice Vaticana 1995, 473: Pius XII, Mp. *Postquam Apostolicis Litteris*, 9 feb. 1952, can. 157 §§1, 4; can. 138 §1 nn. 2 et 3 et §2; – S. Basilius M., *regulae fus.*, 37; can. 94; S. Pachomius, *regg.* 9, 11, 141; S. Theodorus Studita, *sermo* 99; Ep. I, 57; *poenae monast.*, 1-10, 62; Rabbula, can. 15; Vat. II, *decr. Perfectae caritatis*, 6; Syn. Libanen. Maronitarum, a. 1736, *pars* II, cap. XII, 16; *pars* IV, cap. II, 7 et 21, XII; cap. II, 15; Syn. Leopoliens. Ruthenorum, a. 1891, *tit.* IV, cap. II, 3. Can. 538: Pius XII, Mp. *Postquam Apostolicis Litteris*, 9 feb. 1952, can. 157 §2. S. Basilius M., *regulae fus.*, 37.

<sup>43</sup>Among such exercises of Marian piety some Constitutions or Directories prescribe: the *Akatistos*, the *Paraclisis*, the Rosary and other exercises specific to their spirituality.

any Marian reference too – was much more detailed essentially comprising all the pillars of the eastern monastic life.<sup>44</sup>

The Pontificia Commissio Codici Iuris Canonici Orientalis Recognoscendo,<sup>45</sup> considering PAL, decided from the very beginning of the long iter of revision to set up everything according to a few criteria which could be also taken into

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<sup>44</sup>Pius PP. XII, Mp., *Postquam Apostolicis Litteris*, 9 feb. 1952, in *Leges Ecclesiae post Codicem Iuris Canonici editae*, a cura di D. Andrès Gutiérrez, vol. VII, Edurcla, Roma 1994, can. 138 §1: «Curent Superiores ut omnes religiosi: 1° Quotannis per aliquot dies, ad normam statutorum vacent spirituali recollectioni;

2° Legitime non impediti quotidie divinae Liturgiae iuxta ritus praescripta intersint, rerum divinarum meditationi vacent, et in alia pietatis officia, quae a statutis praescripta sint, sedulo incumbant;

3° Ad poenitentiae sacramentum semel saltem in hebdomanda accedant.

§2. Frequens imo etiam quotidianus accessus ad divinam Eucharistiam religiosis rite dispositis libere pateat; eumque Superiores suos inter subditos prudenter promoveant.

§3. Si autem post ultimam sacramentalem confessionem religiosus communitati gravi scandalo fuerit aut gravem et externam culpam pataverit, donec ad poenitentiae sacramentum denuo accesserit, Superior potest eum, ne ad sacram communionem accedat, prohibere.

§4. Si quae sint Religiones quarum in statutis vel consuetudinibus communionem aliquibus diebus affixae aut iussae reperiantur, hae normae vim dumtaxat directivam habent».

Can. 157 §1: «In singulis monasteriis sive virorum sive mulierum ubi tot sint monachi quot requiruntur ad divinum officium iuxta proprium ritum persolvendum actu non impediti, quotidie divinum officium communiter celebrari debet, secundum statuta vel legitimas consuetudines.

§2. Praescriptum §1 servandum est in Ordine et in Congregatione sive virorum sive mulierum, iis exceptis quibus, ad normam statutorum, non est obligatio celebrandi divini officii.

§3. In Religionibus de quibus in §§1, 2, professi qui celebrationi/divini officii non adfuerunt non debent horas canonicas privatim persolvere, nisi et quatenus propria statuta vel legitima consuetudines id ferant.

§4. Divina Liturgia quotidie, nisi leges liturgicae aliud ferant, celebrari debet in domibus religiosorum virorum, et etiam, quod fieri possit, in domibus religiosorum mulierum.»

<sup>45</sup>Henceforth PCCICOR.

consideration for an interpretation in a mariological key appreciating that an excessive juridism – which had been concretely manifested in the huge number of detailed norms – was not consonant at all with the specificity and nature of oriental monasticism having an evident charismatic and pneumatological character. On the contrary, religious life rather belonging to the mystical aspect of the Church (cf. *LG* c. IV), in a certain way exceeds the juridical terms, keeping, nonetheless, an ecclesial dimension with obligations and rights on both parts, the competent ecclesiastical authority on one side and the religious institutes on the other. On the basis of the respect for the proper charism, *ius commune* should leave space to the *ius particulare* of every monastery, order and congregation to express its specific phisionomy and identity in the Church.<sup>46</sup>

Out of such considerations, the legislator has applied the principle of subsidiarity,<sup>47</sup> leaving ample space to the Typicon and Constitutions to circumscribe the proper charism and safeguard the specific patrimony, the Marian one included. To exemplify, we take, as starting point, an affirmation of the illustrious T. Špidlik noting that “the religious of the Christian East have developed so much the Marian cult, just because they were seeing in the “Purissima” the full realization of the

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<sup>46</sup>Cf. *Nuntia* 4 (1977) 3: 1) “L’eccessivo giuridismo, che trova la sua concreta manifestazione nelle numerosissime norme dettagliate, non corrisponde all’indole e alla natura del monachesimo orientale nel quale risalta con evidenza il carattere carismatico della chiamata dello Spirito Santo. Appartenendo la vita religiosa piuttosto all’aspetto mistico della Chiesa (come è stato notato anche nella *Lumen Gentium* c. IV), essa supera i termini giuridici, pur mantenendo una dimensione ecclesiale per cui la gerarchia ecclesiastica ha nei suoi riguardi diritti e doveri. 2) Se è un diritto della Chiesa riconoscere e regolare il carisma della vita religiosa, essa deve nello stesso tempo rispettarne la natura e le manifestazioni, senza renderle uniformi con norme e leggi dettagliate e comuni, quasi nulla lasciando al diritto particolare che ogni monastero o istituto deve darsi per esprimere la propria fisionomia e la propria specifica personalità nella Chiesa.”

<sup>47</sup>Cf. *Ibid.*

very ideals of monastic life: the ideal of divinization, ontological sanctity and liturgical piety.<sup>48</sup>

The analysis of these three elements is beyond our task here, yet we limit ourselves at T. Špidlik's assertion when citing Demetrio di Rostov who sustained that the Slav liturgical language was able to express more clearly the ideal of divinization both in relationship to the Mother of God and to monasticism: therefore, the image and the likeness do not exist in the body, but in the soul, and that involves some degree of perfection. In the Slav language it was possible to make recourse to some linguistic elements: a monk esteemed as holy, is called *prepodobnyj*, very similar to God's image; however, the Mother of God is venerated with a special cult being *prepodobnejsaja*, the most similar. We can therefore establish three degrees: the Christian faithful is resembling God (*podoben*), the monk is more resembling, and Mary is the most resembling God.<sup>49</sup> Anthropologically speaking, Mary is, among human beings, the one resembling in the highest degree the divine image, the Incarnate Logos, therefore she is the perfect model to imitate; from an eschatological point of view she is the *eschaton*, the last and full divinization of a human being

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<sup>48</sup>Cf. T. Špidlik, "Il culto di Maria nella Chiesa Orientale e nella Riforma," in *I religiosi sulle orme di Maria*, a cura della SCRIS per la celebrazione dell'Anno Mariano, Libreria Editrice Vaticana, Città del Vaticano 1987, 144.

<sup>49</sup>Cf. *ibid.*, 146: "L'immagine e la somiglianza non esistono nel corpo, ma nell'anima, e ciò comporta dei gradi, al pari della stessa perfezione.... In slavo si poteva ricorrere all'argomento della lingua. Un monaco stimato come santo, viene chiamato *prepodobnyj*, molto rassomigliante [all'immagine di Dio]; la Madre di Dio, però, viene venerata come *prepodobnejsaja*, la più rassomigliante. Si possono quindi, stabilire tre gradi: il cristiano è simile a Dio (*podoben*), il monaco è più simile, e Maria è la più rassomigliante a Dio."

after Christ. On the basis of this divinization the Church of Orient attributes to Mary the *theoprêpes dóxa*, the divine glory.<sup>50</sup>

For this reason, the monks of Orient see in Mary the full realization of monastic ideals, and *ius commune* leaves full space to *ius particulare* to fructify the Marian patrimony both in the liturgical field and in the contemplation of the divine things (cf. CCEO can. 473), the Mother of God, “the full of grace,” being the sublime example of contemplation<sup>51</sup> and of ontological sanctity.<sup>52</sup>

An application of the struggle of the Church to fructify the Marian patrimony was the Encyclical letter “Redemptoris Mater” and the Oriental Churches during the Marian Year. Instruction from the Congregation for the Oriental Churches, which, though providing general directives in the Marian field, clearly underlined that “the patriarchal Synods, the Episcopal Conferences of the oriental regions, the Sacred Shepherds of the oriental communities diffused all over the world should specify the initiatives in conformity with their tradition and the gifts of the individual Churches.”<sup>53</sup>

This Encyclical letter offers a synthesis on the *Mater religiosorum* and *Regina monachorum* underlining that not only

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<sup>50</sup>Cf. Špidlik T., *La spiritualità dell'oriente cristiano: manuale sistematico*, San Paolo, Cinisello B. 1995, 151: “Sotto l’aspetto «antropologico» Maria appare come la *prepodobnejšaja* (= somigliantissima), colei che tra gli umani di più assomiglia all’Immagine divina, al Logos incarnato e di conseguenza come colei (...) in cui possiamo vedere un modello da imitare. Sotto l’aspetto «escatologico» Maria è poi *l’eschaton*, l’ultima e piena divinizzazione, di una persona umana dopo Gesù Cristo. A motivo di questa divinizzazione la Chiesa d’Oriente attribuisce a Maria la *theoprêpes dóxa*, la gloria divina.”

<sup>51</sup>Cf. *Ibid.*, 149.

<sup>52</sup>Cf. *Ibid.*, 148.

<sup>53</sup>CONGREGAZIONE PER LE CHIESE ORIENTALI, L’enciclica *Redemptoris Mater* e le Chiese Orientali nell’anno mariano. Istruzione, 7 giugno 1987, 26. [Henceforth RMCO].

the monastic communities, but the entire people of God – which in the East has always been strongly influenced by monasticism and tried to live accordingly the most high and essential Christian ideals – would look at Mary as an accomplished model of ascetical and contemplative life, nourished by silence, poverty, humility, obedience, sacred lecture, divine praises, vigils fasting and incessant prayer. Besides, she is the prototype and the inspiring model of the virginal life consecrated to God as the liturgical celebration of the Feast of Presentation praises her.<sup>54</sup>

All of this is surely included in the canonical normative when specifying the observance of the traditions of monastic life (CCEO can. 433), the total dedication to the acquisition of perfect charity (cf. CCEO can. 410), the formation of the members toward the holiness of life (cf. CCEO can. 471), the contemplation of divine things (CCEO can. 473 §2, 1°).

As far as liturgy is concerned, John Paul II underlines that in the byzantine liturgy, at every moment of the Divine Office, the praise of the Mother is united to the praise of the Son and the praise that raises through him toward the Father in the Spirit (cf. RMCO 32). Consequently, *ius commune* requires as a duty for all the houses of Monasteries, Orders and Congregations the performance of the “*Laus divina*” that belongs to the spiritual patrimony of all Oriental Churches, but it is mainly an obligation of clerics, monks and religious. Such obligation also concerns the cult to the *Théotokos*, (cf. CCEO can. 473 §1 and § 2.1°; can 538 §1 and § 2), a fact underlined not only by the present normative, but also by the Vatican II directives on the Oriental Churches: “Eastern clerics and religious should celebrate in accordance with the prescriptions and traditions of their own established custom the Divine Office, which from ancient times has been held in high honor in all Eastern Churches. The faithful too should follow the example of their

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<sup>54</sup>RMCO 22.

forbearers and assist devoutly as occasion allows at the Divine Office" (OE 22).

The obligation directly concerns the whole community and indirectly the superior, the guarantor of the liturgical life itself, and must be accomplished according to the norms of the proper Typicon or Constitutions. Both in the PAL (cann. 138 and 157) and in the Schemes of the revision such obligation is always specified.<sup>55</sup> A solid liturgical formation in accordance with the proper rite will help Eastern monks and religious to diligently apply themselves to the other exercises of piety (cf. 473 §2 1<sup>o</sup>) – the Marian exercises of piety are also included – consonant with the respective patrimony but connected with liturgical life. Excepted specific devotions in tuning with one's own charism (in the religious institutes of Marian inspiration) or where the Latin influence has been strongly felt - but now the tradition is being restored - in the East we don't generally find the Marian devotions separated by the liturgy, which is indeed "God's teofania," a true source of spirituality for everybody.

The Marian cult of monasteries and of religious institutes is always connected to the Eucharistic cult outside the liturgy, which could be included among "other exercises of piety" (cf. CCEO can. 473 § 2.1<sup>o</sup>). The *Théotokos* is the first adorer of the Incarnate Word, the victim intimately united with Christ, the Supreme Victim, so the religious associate themselves with her in glorifying the Holy Trinity.<sup>56</sup>

Unlike the *Codex Iuris Canonici*, which expressly refers to the practice of Eucharistic adoration stressing the need of an oratory for the religious community for the celebration and preservation of the Eucharist "that it is truly the center of the

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<sup>55</sup>*Nuntia* 11 (1980), *Schema canonum de Monachis ceterisque Religiosis necnon de sodalibus aliorum Institutorum vitae consecratae*, can. 62 (PAL cann. 138 et 157); can. 119 (PAL cann. 138 et 157.)

<sup>56</sup>This is the case of many religious institutes with a Eucharistic and Marian spirituality. Their Constitutions have such provisions.

community,”<sup>57</sup> the CCEO does not explicitly mention this duty. But it seems that can. 714 of the CCEO leaves space for such an interpretation when recommending the adoration in the churches where the public cult is celebrated and the Divine Eucharist is kept especially for the sick.<sup>58</sup> These “churches” may well be the churches of the monasteries and religious institutions, or their oratories, although the term is not used by the CCEO not being consonant with the oriental tradition, but in practice this is a reality.

The Divine Office, the Divine Liturgy, the contemplation of divine things, the pious exercises of piety (CCEO can. 473 §§1 and 2), a solid previous liturgical formation (cf. *Istruzione*, 71) are all obligations of religious leading to a profound spiritual life in which the Marian dimension do represent an important part regulated by their Constitutions, Directories, Rites of consecration, *Ratio institutionis*, just because the whole monasticism and consecrated life of East and West do sing the praises of the *Théotokos*, consequently we agree with the statement that “there is no religious order or congregation whose history is not bound, in one way or another, to the cult of the Blessed Virgin Mary.”<sup>59</sup>

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<sup>57</sup>CIC, can. 608: “A religious community must live in a legitimately established house under the authority of a superior designated according to the norm of law. Each house is to have at least an oratory in which the Eucharist is to be celebrated and reserved so that it is truly the center of the community.”

<sup>58</sup>Cf. can. 714 §1: “In churches where public divine worship and, at least several times in a month, the Divine Liturgy is celebrated, the Divine Eucharistic is to be reserved especially for the sick, and also is to be adored with the greatest reverence by the Christian faithful, with due regard for the faithful observance of the prescriptions of the liturgical books of each Church *sui iuris*. §2: The reservation of the Divine Eucharist is under the vigilance and moderation of the local hierarch.”

<sup>59</sup>A. Rum, «Istituti di ispirazione mariana. Spiritualità mariana degli istituti religiosi,» in CONGREGAZIONE PER I RELIGIOSI E GLI ISTITUTI DI SECOLARI, (a cura di), *I religiosi sulle orme di Maria*, 101. Per la denominazione vedi: E. GAMBARI, *Ordini e Congregazioni religiose di nome e*

At the end of our *excursus* on the canonical normative with direct or implicit reference to *Théotokos* we can conclude that the Marian patrimony is safeguarded by the canonical law, since such a patrimony engraves on the same evolution of the Church and will engrave more and more in the third Christian millennium, in which if “we want to be Christian, we must be Marian.”<sup>60</sup> Therefore, we entrust to the blessed and glorious *Théotokos* the Oriental Churches, our consecration invoking her with the prayer of the regretted Pontiff the Blessed John Paul II: “To you, our Mother, who desire the spiritual and apostolic renewal of your sons and daughters in a response of love and complete dedication to Christ, we address our confident prayer. You who did the will of the Father, ever ready in obedience, courageous in poverty and receptive in fruitful virginity, obtain from your divine Son that all who have received the gift of following him in the consecrated life may be enabled to bear witness to that gift by their transfigured lives, as they joyfully make their way with all their brothers and sisters towards our heavenly homeland and the light which will never grow dim. We ask you this, that in everyone and in everything glory, adoration and love may be given to the Most High Lord of all things, who is Father, Son and Holy Spirit.”<sup>61</sup>

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*di orientamento mariani*, in *Enciclopedia Mariana* «Théotokos,» Genova-Milano, 1954, 599-615.

<sup>60</sup>Paolo VI, «Omelia nel santuario di N.S. di Bonaria in Cagliari,» 301.

<sup>61</sup>Ioannes Paulus PP. II, *Vita consecrata* 112.