

TYPOLOGY OF THE “INSTITUTES OF CONSECRATED LIFE” (ICL) AND “SOCIETIES OF APOSTOLIC LIFE” (SAL) IN CIC AND CCEO

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We find various forms of consecrated life present in the two Codes of Canon Law of the Catholic Church that are in force. With a view to clearing confusions and misunderstandings that one might apparently come across regarding the division of the Institutes of Consecrated life and Societies of Apostolic Life, the author presents the Typical and Non Typical forms of the Institutes of Consecrated Life and Societies of Apostolic Life.

On October 18, 1990, Pope John Paul II indicated that *Codex Canonum Ecclesiarum Orientalium* (CCEO), together with the 1983 *Codex Iuris Canonici* (CIC) and the 1988 apostolic constitution on the Roman Curia, *Pastor Bonus* (PB), formed one *Corpus Iuris Canonici* in the universal Church. In doing so, he also urged that faculties of canon law promote a proper and comparative study of both codes:

...The Code which governs the common discipline of all the Eastern Catholic Churches, I regard it as part of one “Corpus Iuris Canonici.” ... Considering this “Corpus,” it appears obvious to urge that a proper and comparative study of both Codes be promoted in the Faculties of Canon Law even if, by their constitutions, they have the study of one or the other of the Codes as their principal subject-

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matter. Indeed, a canonical science that fully corresponds with the degree of studies that these Faculties confer cannot omit such a study.¹

Any sound comparison requires a sufficient knowledge of what is to be compared. Hence, one must comparatively study both Latin (*CIC*) and Eastern (*CCEO*) legislation in order to arrive at a better and more useful understanding of the one *Corpus Iuris Canonici* of the Catholic Church.

According to Antonio Neri,² the consecrated life through the profession of evangelical counsels has two characteristics: a) chastity, or perfect continence in celibacy; and b) the various forms of its realization. He divides these various forms of realization into *typical* and *non-typical* groups. Typical groups are subdivided into *individual* and *associated* forms. 1) Virgins (*CIC* c. 604 §1.), 2) hermits (*CIC* c. 603), and 3) widows comprise the three individual forms, while the associated forms are:³ 1) private associations (*CIC* cc. 298-311, 321-326); 2) public associations (*CIC* cc. 298-320); 3) associations of virgins (*CIC* c. 604 §2); 4) associations of hermits; 5) associations of widows; 6) religious institutes (*CIC* cc. 607-709); 7) secular institutes (*CIC* cc. 71-730); and 8) societies of apostolic life (*CIC* c. 731 §2).

Canon 605 of *CIC* treats the non-typical forms of consecrated life (1983). Consecrated life in the theological and spiritual sense is immutable. On the other hand, institutes, societies, associations, etc. are mutable because they actualize consecrated life in concrete situations. Canon 573 of *CIC* (1983) gives the theology of consecrated life as visualized by the Second Vatican Council. According to canon 573 §1, consecrated life is a stable form of life in which the members: i) respond to a Trinitarian vocation, that is offering to the Father through the following of Christ in the Holy Spirit; ii) strive for the perfection of charity; and iii) witness as a splendid sign in the Church to foretell the heavenly glory. Such a consecrated life through the profession of the evangelical counsels is, above all but not exclusively, a stable form of life assumed in various forms of consecrated life. In using the expression 'by vows or by other sacred bonds,' canon 573 §2 tries to differentiate between religious and secular institutes as two forms of consecrated life. The following common characteristics are

¹ AAS 83 (1991) 490.

² Cf. Antonio Neri, *L'Istituto unico maschile e femminile di vita consecrata*, Roma: Lateran University Press, 2002, 29-30.

³ Cf. Antonio Neri, *L'Istituto*, 29-30.

applicable to both religious and secular institutes: i) the erection; ii) the sacred bonds; and iii) the proper laws.

Societies of apostolic life, although externally similar to consecrated life, are nevertheless not a form of it. Canon 731 §1 of CIC (1983) qualifies them in the following way: 'Societies of apostolic life approximate to institutes of consecrated life.' On the other hand, the common factor of consecration interlinks religious and secular institutes. In fact, societies of apostolic life which do assume the evangelical counsels according to canon 731 §2 do not have sacred bonds but only private ones.

According to Jobe Abbass, there are three individual and six institutional forms of consecrated life.⁴ The individual forms consist of 1) ascetics,⁵ who, not belonging to an institute of consecrated life, imitate the life of hermits, profess the three evangelical counsels with some private bond,⁶ and live in separation from the world; 2) consecrated virgins (CCEO c. 570); and 3) consecrated widows (CCEO c. 570). The six institutional forms of consecrated life are: 1) monasteries, which have a stable manner of living in common, are consecrated by public vows of obedience, chastity and poverty, renounce the world, and observe the statutes under a legitimate superior (CCEO c. 410); 2) orders (CCEO c. 504 §1), whose members are not monks but make a profession which is equivalent to monastic profession; 3) congregations (CCEO c. 504 §2), or societies in which members make profession with three public vows which are *not* equivalent to monastic profession; 4) societies of common life according to the manner of religious (CCEO c. 554 §1), institutes whose members profess the evangelical counsels – but not religious vows – by some sacred bond and who imitate the manner of life of the religious state under the governance of superiors according to the statutes; 5) secular institutes (CCEO c. 563 §1), societies in which members strive to dedicate themselves through some sacred bonds different from public vows, exercise apostolic activity like leaven in and of the world, do not imitate the manner of life of religious, and lead a life of communion among themselves; and 6) ascetics (CCEO c.

⁴ Cf. Jobe Abbass O. F. M. Conv., *Two Codes in Comparison, Kanonika 7*, Roma: PIO, 1997, 54-55.

⁵ CCEO c. 570.

⁶ Because they do not belong to an Institute of consecrated life. The members of an Institute of consecrated life profess the three evangelical counsels at least through some sacred bonds.

570), who imitate eremitical life and who belong to an institute of consecrated life.⁷

Thus, we could say that there are three individual and six institutional typical forms of consecrated life presented in *CCEO*. The non-typical form of consecrated life is mentioned in *CCEO* canon 571.⁸

CCEO canon 570 recognizes three individual forms of consecrated life. Ascetics, who do not belong to an institute of consecrated life and who imitate the life of hermits, constitute the first. These Eastern ascetics correspond to the Latin hermits described in canon 603 of *CIC* 1983. Consecrated virgins, constituting the second individual form of consecrated life in *CCEO*, are comparable to the order of virgins referred to in canon 604 of *CIC*. Consecrated widows, who are not found in *CIC*, are the third individual form of consecrated life recognized in *CCEO*.

The established institutional-individual typologies according to *CCEO* are the following: monasteries, orders, congregations, societies of common life according to the manner of religious, secular institutes, ascetics who imitate eremitical life and belonging to an institute of consecrated life, and who are not attached to an institute, consecrated virgins and consecrated widows.

After having seen the different forms of consecrated life presented in both the Latin and Eastern codes, it is easy to see the similarities and dissimilarities presented in the legislation. While the Latin code proceeds along more general lines to classify forms of consecrated life as either religious or secular institutes, the eastern legislation recognizes six institutional and three individual forms of consecrated life. While religious institutes, in general, are recognized as a first type in the Latin code, the Eastern code proceeds to identify three distinct religious institutes: monasteries, orders, and congregations.

⁷ Since they belong to an institute of consecrated life, their profession of the evangelical counsels cannot be made by means of some private bonds.

⁸ "Apart from the six institutional and three individual forms of consecrated life already recognized by the Eastern Code, the approval of other new forms is reserved to the Holy See. Patriarchs and Bishops are encouraged to discover and promote ever new forms of consecrated life." Jobe Abbass, "Institutes of Consecrated Life (cc. 410-572)," in George Nedungatt S.J., (ed.), *A Guide to the Eastern Code, Kanonika* 10, Roma: PIO, 2002, 391.

CCEO recognizes societies of common life according to the manner of religious as the fourth institutional form of consecrated life.

Societies of apostolic life, although externally similar to forms of consecrated life, are not considered as such by either *CIC* or *CCEO*. *CIC* makes this clear by the title of Book II, part III: 'Institutes of Consecrated Life and Societies of Apostolic Life.' Separating the two implies that they are distinct, and thus societies of apostolic life cannot be brought under the common umbrella of institutes of consecrated life. But a question arises: are the societies of common life in the manner of religious found in *CCEO* of the same character as societies of apostolic life? They are not fully comparable institutes. It is because societies of common life in the manner of religious, found in *CCEO*, make the efforts in their existence itself 'to imitate the manner of life of the religious state' (*CCEO* c. 554 §1), in their limited context. For example, they lead a common life according to the manner of religious, while societies of apostolic life lead 'a life in common as brothers and sisters according to their own manner of life.' The 'common life' of the societies of apostolic life is intended 'to pursue the apostolic goal proper to the society (*CCEO* c. 572).' Moreover, societies of apostolic life 'resemble' institutes of consecrated life, whereas societies of common life according to the manner of religious 'imitate' religious institutes. The expression 'leading a life in common as brothers and sisters' of societies of apostolic life does not exactly equal the 'living in common' of a religious institute, an element of religious life imitated by societies of common life in the manner of religious. Community life in a religious institute is different from common life in a society of apostolic life.

The societies of apostolic life mentioned in canon 731 §1 of *CIC* correspond to the Eastern societies of apostolic life described in canon 572 of *CCEO*. Jobe Abbass comments on them in the following manner:

They are "similar to," but not equivalent to, the canonical forms of consecrated life. Nevertheless, the Legislator's placement of the Eastern canon and the terminology used there would indicate that these societies are very much similar to forms of consecrated life and that they are to be distinguished from Associations of the Christian faithful.⁹

⁹ Jobe Abbass, "Institutes of Consecrated Life," 55.

Before concluding this study of typology of institutes of consecrated life and societies of apostolic life in *CIC* and *CCEO*, it is better to know on what basis these typologies are made. Domingo Javier Andres, C.M.F., gives the following basis for the classification of these institutes:¹⁰

1. By reason of sacred ordination (*CIC* c. 588), clerical and lay; the possible mixed Institutes of Consecrated Life, can be met in the course of study. There is no comparable canon in *CCEO*, because for the members of Institutes of Consecrated Life *CCEO* does not use the term lay, due to its understanding in the Eastern Churches.
2. By reason of the approval obtained (*CIC* c. 589 & *CCEO* cc. 413, 505), in the Latin Legislation these institutes can be of Pontifical or Diocesan rights according to *CIC* (1983) canon 589 and in the Eastern Legislation they can be of Pontifical, Patriarchal or Eparchial according to *CCEO* canons 413 & 505.
3. By reason of exemption (*CIC* c. 591 & *CCEO* c. 412, §2), these institutes can be exempted or non-exempted in both the Latin and Eastern Legislations according to the above mentioned canons respectively.
4. By reason of gender (*CIC* c. 606), masculine and feminine institutes. This aspect is ignored in the Eastern Legislation.
5. By reason of the apostolic - ministerial - pastoral activities (*CIC* cc. 574-576), are totally contemplative, apostolic or dedicated to the work of apostolate for its nature, and are lay or participate in the pastoral ministry of the Church through the works of mercy. This aspect also is not found in the Eastern Legislation.

The above basis for the classification of institutes of consecrated life can be applied also to the societies of common life according to the manner of religious found in *CCEO*, because they themselves are institutes of consecrated life; however, it can also be applied analogically to the societies of apostolic life found in the Latin code,

¹⁰ Cf., Domingo Javier Andres c.m.f., *Il Diritto dei Religiosi: Commento esegetico al Codice*, Roma: CpR, 1996, 11 ff.

because in some of these societies members profess the evangelical counsels by some private bonds.¹¹

¹¹ *CIC* c. 731 §2.