

THE HIERARCHICAL AUTHORITIES OF THE CHURCH AND THE RELIGIOUS INSTITUTES: PART II - THE PATRIARCH AS THE HIERARCHICAL AUTHORITY OF THE INSTITUTES OF CONSECRATED LIFE

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CCEO c. 410 describes the religious state as a stable mode of common life in an institute approved by the Church. Approval by the competent ecclesiastical authorities and the consequent relationship of the religious institutes with the ecclesial authorities, while keeping the rightful autonomy, are among the essential elements of the ecclesial nature of religious state. In this respect, the hierarchical ordering of the Eastern Churches is different from the Latin code. The existence of patriarchal/major archiepiscopal institutes and the role of the patriarch/major archbishop in the life of the religious members and institutes are foreign to the Latin code. Having dealt with the relations of these institutes with the Apostolic See in the first part of this article (see, *Iustitia*, vol. 8/2 [2017] 193-216) this second part of the article presents in a systematic order the various aspects of the relationship of religious institutes and their members with the patriarch/major archbishop, to the eparchial bishop and to other local hierarchs, as envisaged in the canons of CCEO, in comparison with the norms of CIC.

Introduction

Unlike *CIC* (1983), which takes an abstract and conceptual approach to organizing its canons on consecrated life, *CCEO* presents its own in a historical perspective and ordering. This organizational approach emphasizes the monasticism that the Eastern traditions revere, presenting it as the

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exemplar for all types of consecrated life.¹ The canons in *CCEO* also reflect differences in the hierarchical organization of the Eastern Churches: the existence of patriarchal/major archiepiscopal institutes is foreign to the Latin Code.

For those familiar with Latin law only, the above characteristics may make it difficult to understand how Eastern religious institutes relate to external, hierarchical Church authorities. That different hierarchs have varying roles in and authority over these institutes can further muddle the issue. To dispel some of these confusions, this article will systematically present the multifaceted relationships between Eastern religious institutes and the relevant hierarchs: the Roman Pontiff, patriarchs and major archbishops, eparchial bishops, and other local hierarchs.

Eastern Churches *sui iuris*, which are more stratified than the Latin Church, are led by a chief hierarch who functions as an intermediate authority between the pope and the local bishop. In *CCEO*, the types of hierarchs who preside over these Churches distinguish one Church from another. Thus, a Church *sui iuris* is either patriarchal (*CCEO* cc. 55-150), major archiepiscopal (cc. 151-154), metropolitan (155-173), or "other" (cc. 174-176). Patriarchal and major archiepiscopal Churches possess the greatest levels of autonomy, with major archiepiscopal Churches enjoying all the rights and obligations of patriarchal Churches except where common law or the supreme authority of the Church indicates otherwise (*CCEO* c. 152, OE 10). Regarding institutes of consecrated life, patriarchs and major archbishops have the same rights and obligations.

A patriarch or major archbishop, presiding over his Church *sui iuris* as father and head (*CCEO* cc. 55, 152), has ordinary and proper power over bishops and other Christian faithful of his Church (*CCEO* c. 78 §1). Clerics and religious are bound by a special obligation to show reverence and obedience to these figures (*CCEO* cc. 370, 427). Nevertheless, neither of the latter is considered a 'superior of monks and other religious' (*CCEO* c. 418 §2).

Since the power of the patriarch and major archbishop are exercised validly within the territorial boundaries of his Church (*CCEO* c. 78 §2), their powers over religious institutes are likewise limited to the same territory.

CCEO, which subjects religious to the Roman Pontiff in a general way (c. 412 §1), does not do likewise regarding the chief hierarchs of Churches *sui iuris*.² This includes patriarchal Churches, even though the patriarchs are fathers and heads of all those ascribed to their Churches (*CCEO* c. 55). However, *CCEO* does provide for certain religious institutes which are directly subject to the patriarch or major archbishop in matters internal governance and

¹ Rose M. McDermott, "Two Approaches to Consecrated Life: The Code of Canons of the Eastern Churches and the Code of Canon Law," *Studia Canonica* 29 (1995) 197.

² Jobe Abbass, *The Consecrated Life: A Comparative Commentary of the Eastern and Latin Codes* (Ottawa: St. Paul University, 2008) 28.

discipline (CCEO c. 413). Institutes with this canonical status are termed "of patriarchal right" or "of major archiepiscopal right."

3.1. The Patriarch in Relation to the Religious Institutes of Patriarchal Right

In allowing for institutes of patriarchal right, CCEO recognizes the ecclesial autonomy of the patriarchal Churches and the extent of the patriarch's powers (CCEO c. 413). Additionally, in light of the general equality between patriarchal and major archiepiscopal Churches, the Eastern code does the same regarding major archiepiscopal Churches and institutes of major archiepiscopal right.

The following religious institutes are of patriarchal right: stauropegial monasteries (CCEO c. 434); orders erected by a patriarch but not recognized by the Apostolic See (CCEO c. 505 §1); and congregations erected or recognized by a patriarch but not recognized by the Apostolic See (CCEO c. 505 § 2, 2°).

3.1.1. The Erection or Approval of Religious Institutes of Patriarchal Right

Stauropegial monasteries are of patriarchal right and their erection is reserved to the patriarch (CCEO cc. 435 §2, 486 §1). For a grave cause, the patriarch can grant a monastery *sui iuris* stauropegial status in the very act of erection, but only after consulting the eparchial bishop and obtaining the consent of the permanent synod (CCEO c. 486 §1).

A patriarch can erect orders and congregations with the consent of the permanent synod and after having consulted the Apostolic See (CCEO c. 506 §2). Within the territorial boundaries of his Church, the patriarch can recognize a congregation of eparchial right as of patriarchal right by issuing a decree of recognition (CCEO cc. 505 §2, 2°, 506 §3).

3.1.2. Confederation of Monasteries of Stauropegial Monasteries

According to CCEO c. 439 §2, it is for the patriarch to consent to and approve the statutes of a confederation of stauropegial monasteries within the territory of his Church. The aggregation of a non-confederated monastery *sui iuris* to such a confederation, as well as the separation of a confederated monastery from it, is reserved to the patriarch (CCEO c. 440 §1).

3.1.3. Approval and Modification of Typicon or Statutes of Institutes of Patriarchal Right

For institutes of patriarchal right that have their principal house within the territorial boundaries of the patriarchal Church, it is for the patriarch to approve the typicon (monasteries), the statutes (orders and congregations), and changes made to either the typicon or the statutes according to law (CCEO c. 414 §1, 1°; §2).

3.1.4. Dispensation from Typicon/Statutes of Institutes of Patriarchal Right

The patriarch can also dispense from the typicon or statutes of institutes of patriarchal right that have their principal house within the territorial boundaries of his Church. It is for the patriarch to grant such a dispensation under the following conditions: religious superiors lack the power to grant it,

it is legitimately requested of him, and it is granted for single cases on individual occasions (CCEO c. 414 §1, 2^o; §2).

3.1.5. Patriarchal Right Institutes' Internal Governance and Discipline

As noted above, the immediate competent ecclesiastical authority has competence over matters of internal governance and discipline beyond the competence of an institute's legitimate internal authority.³ Institutes of patriarchal right are directly subject to the patriarch in internal governance and religious discipline (CCEO c. 413). Regarding stauropegial monasteries, only the patriarch enjoys the rights and obligations of an eparchial bishop toward the monastery, its members, and persons who dwell there day and night (CCEO c. 486 §2). The patriarch likewise functions as external authority over the internal governance and discipline of orders and congregations of patriarchal right. However, since he is not a 'superior of monks and other religious' (c. 418 §2), the patriarch does not act as an internal superior of these institutes.

3.1.6. The Role and Authority of the Patriarch as the Immediate Authority of Patriarchal Right Institutes

- 1) Validly erecting of monastery dependent on a monastery *sui iuris* of patriarchal right requires the written consent of the patriarch (CCEO c. 436 §2).
- 2) Erecting the first house of an order or congregation of patriarchal right within the territory of the patriarchal Church requires the consent of the patriarch (CCEO c. 509 §1).
- 3) Converting a monastery or religious house to other uses requires the same formalities as erecting it, unless the conversion concerns only internal governance and religious discipline (CCEO cc. 437 §3, 509 §2).
- 4) Absenting oneself from one's monastery of patriarchal right for more than one year requires the permission of the patriarch (CCEO c. 478).
- 5) Transferring from a non-confederated monastery of patriarchal right to another monastery of patriarchal right requires the consent of the patriarch (CCEO c. 487 §2).
- 6) Granting an indult of excommunication to a perpetually professed member of a monastery *sui iuris*, an order or congregation of patriarchal right is within the competence of the patriarch (CCEO cc. 489 §1; 548 §1).
- 7) Imposing excommunication on a perpetually professed member of an institute of patriarchal right, at the request of the superior (monasteries *sui iuris*) or the superior general (orders and congregations), is the competence of the patriarch (CCEO cc. 490; 548 §1).

³ Rose M. MacDermott, "Norms Common to All Institutes of Consecrated Life," in *New Commentary on the Code of Canon Law*, 757.

8) Permitting a member expelled from a monastery, order or congregation to exercise sacred orders is the competence of the patriarch (CCEO cc. 498 §3; 551).

9) Executing the decree that dismisses a perpetually professed member from a monastery, order, or congregation of patriarchal right requires the approval of the patriarch (CCEO cc. 500 §4; 553).

10) Declaring the *ipso iure* dismissal of members of monasteries, orders and congregations of patriarchal right obliges the superior to notify the patriarch (CCEO cc. 497 §2; 551).

11) Expelling a member of a monastery, order or congregation of patriarchal right requires the matter to be deferred to the patriarch after the expulsion (CCEO cc. 498 §2; 551).

3.1.7. Right to Visit the Houses of Religious Institutes of Patriarchal Right

According to CCEO cc. 414 §1, 3^o and §2, the patriarch has the right and obligation to conduct an internal visitation of the monasteries and houses of patriarchal right institutes headquartered within his territory.

3.1.8. Quinquennial Report from Institutes of Patriarchal Right

At least every five years, the president of a monastic federation, the superior of a non-confederated monastery *sui iuris*, and the superior general of an order or congregation of patriarchal right must report on the state of their institutes to the patriarch according to the formula established by him (CCEO c. 419 §1).

3.2. Patriarch and Religious Institutes of Pontifical and Eparchial Rights

CCEO establishes some areas in which the patriarch or major archbishop can intervene in the governance and discipline of religious institutes of pontifical and eparchial right.

3.2.1. The Patriarch in the Erection of Religious Institutes of Eparchial Right

An eparchial bishop who erects a monastery *sui iuris* or congregation within the territory of the patriarchal Church must consult the patriarch (CCEO cc. 435 §1, 506 §1). Within the same territory, the patriarch can recognize a congregation of eparchial right as of patriarchal right by decree (CCEO cc. 505 §2, 2^o, 506 §3).

According to CCEO c. 439 §2, it belongs to the patriarch to consent to the confederation of several monasteries *sui iuris* of different eparchies within the territory of his Church and to approve the statutes of such a confederation.

The consent of the patriarch is required to erect a parish in the church of a monastery or to appoint monks as pastors within the territory of the patriarchal Church (CCEO c. 480).

3.2.2. Patriarch in the Suppression of Religious Institutes of Eparchial Right

Within the territorial boundaries of his Church, the patriarch can suppress monasteries *sui iuris* or filial monasteries of eparchial right (CCEO c. 438 §1),

confederations of monasteries *sui iuris* of eparchial right (CCEO c. 440 §2), and congregations of eparchial right (CCEO c. 507 §2).

3.2.3. The Indult to Leave the Congregation of Pontifical or Eparchial Right

The patriarch can grant to perpetually professed members of any congregation, provided they are domiciled within the patriarchal territory, an indult to leave the congregation and return to secular life, (CCEO c. 549 §2, 1°).⁴ Particular law can reserve to the patriarch the competence to grant this indult also to temporarily professed members of any monastery (CCEO c. 496 §2) within his Church's territory.

3.2.4. Transfer of a Religious from an Order or Congregation within the Territory

CCEO c. 544 §1 permits a religious within the territory of the patriarchal Church to transfer to another institute with the written consent of the patriarch, of his or her own superior general, and of the superior/superior general of the institute to be transferred to. Therefore, within the same territory, the patriarch can permit a transfer from one order or congregation, even of pontifical right, to another institute of the same Church *sui iuris*. However, when the receiving principal house of the receiving institute is within his territory, an eparchial bishop also can grant a transfer from a congregation of eparchial right to another institute of eparchial right (CCEO c. 544 §2).

3.2.5. Dismissal of Temporary Professed Member of a Monastery

According to common law, the decree dismissing a temporarily professed member of a monastery *sui iuris* is to be confirmed by the eparchial bishop (CCEO c. 499). However, for monasteries within the territory of the patriarchal Church, particular law can require that this decree be confirmed by the patriarch (CCEO c. 499).

3.2.6. Recourse against Dismissal of a Religious within the Territory

As seen above, the patriarch is competent to decide recourse against the dismissal of any religious domiciled within the territory of the patriarchal Church (CCEO cc. 501 §3, 553). Therefore, even members of institutes of pontifical right can submit recourse against dismissal to the patriarch.⁵

3.2.7. Assigning Offices and Functions to Religious

According to CCEO c. 89 §2, the patriarch can commit a function of conducting affairs that regard the entire patriarchal Church to members of religious institutes after having consulted the person's major superior. In that way, the patriarch can commit functions or offices to members of religious institutes of pontifical, patriarchal or eparchial right.

⁴ An indult of this type in orders is reserved to the Apostolic See (CCEO c. 549 §2).

⁵ Jobe Abbass, *The Consecrated Life: A Comparative Commentary*, 277.

3.2.8. Promotion of Collaboration among the Religious Institutes

As the father and head of his Church, the patriarch should foster coordination and cooperation of the same Church's various religious institutes. Therefore, common law obliges him to promote meetings with religious superiors both at fixed times and whenever opportune (CCEO cc. 416, 84 §2). These meetings serve to ensure that the institutes carry out their apostolic works cooperatively and harmoniously (CCEO c. 416).

3.2.9. Decrees, Instructions and Encyclical Letters of the Patriarch

The patriarch can issue decrees, authentic interpretations, instructions, encyclical letters to his entire Church (CCEO c. 82 §1). In this context, he can order bishops, other clerics, and religious of his Church to have his decrees, instructions, and encyclical letters read and displayed publicly in their churches or houses (CCEO c. 82 §2).

4. The Eparchial Bishops and the Religious Institutes

An eparchy is a portion of the people of God entrusted to the pastoral care of a bishop, assisted by his presbytery (CCEO c. 177; CIC c. 369). This bishop is called the eparchial or diocesan bishop (CCEO c. 178; CIC c. 376). An eparchial bishop governs the particular church entrusted to him with authority and sacred power (LG 27). In virtue of this power, he has a sacred right and obligation to legislate for his subjects, to pass judgment on them, and to regulate everything that concerns the good order of divine worship and of the apostolate in his eparchy (LG 27).

Religious and other consecrated persons, whose charisms greatly contribute to the building up of charity in the diocese (VC 48), form part of the community that constitutes the particular church. As the *Directory for the Pastoral Ministry of Bishops* (AS) states, they are fully a part of the diocesan family because they reside in the diocese and benefit it through their example and apostolic work. Religious priests should be considered partners of the diocesan presbyterate and therefore co-workers with the Bishop in the care of souls (AS 98).

Given the core role of religious within his diocese, religious life concerns the diocesan bishop by reason of his very office.⁶ Together with other Christian faithful, religious are subject to his pastoral authority as teacher of the faith, overseer of ecclesiastical discipline, guardian of liturgical life and moderator of the entire ministry of the word (AS 100).

However, the eparchial bishop's authority does not infringe upon the rightful autonomy of religious institutes. An eparchial bishop should respect and require others to respect this autonomy, which does not permit him to interfere in their internal life and government or to authoritatively interpret their original charisms (AS 100).

⁶ John Paul II, "Address to the United States Bishops on the Occasion of their *ad Limina* Visit," 19 September 1983, *L'Osservatore Romano*, English Edition (3 October 1983) 13.

For their part, religious should not fail to cooperate generously with the particular churches as much as possible with respect for their own charism, working in full communion with the eparchial bishop in evangelization, catechesis and parish life (VC 49).

Clerics and religious are especially obliged to show reverence and obedience to the eparchial bishop (CCEO cc. 370, 427). The codes establish some common norms to facilitate this mutual relationship between the eparchial bishop and the religious. A brief account of these norms is given below.

4.1. The Eparchial Bishop and the Religious Institutes of Eparchial Right

As seen above, a religious institute is of eparchial right that has been erected by an eparchial bishop but not recognized by the Apostolic See or patriarch (CCEO cc. 434; 505 §2, 3^o).

4.1.1. The Erection of Religious Institutes of Eparchial Right

Within the patriarchal territory, an eparchial bishop can erect a monastery *sui iuris* after consulting the patriarch; outside of it, the bishop can do so after consulting the Apostolic See (CCEO c. 435). Orders of eparchial right do not exist in Eastern law, since only the Apostolic See or the patriarch can erect an Eastern order (CCEO cc. 505 §1; 506 §1). As for congregations, eparchial bishops can erect them after consulting the Apostolic See and, within the territory of the patriarchal Church, also the patriarch (CCEO c. 506 §1). These consultations are necessary for validity (CCEO c. 934).

4.1.2. Erection and Modification of Confederation of Monasteries of Eparchial Right

Several monasteries *sui iuris* subject to an eparchial bishop can enter into a confederation (CCEO c. 439 §1) with his written consent. Monasteries *sui iuris* of different eparchies can, within the patriarchal territory, confederate with the consent of the patriarch. However, the interested eparchial bishops are to be consulted in its formation (CCEO c. 439 §2). The above-mentioned consent or consultation is likewise required to aggregate a non-confederated monastery *sui iuris* to a confederation, and also to separate a confederated monastery from one (CCEO c. 440 §1).

4.1.3. Erection of Dependent Monasteries of Eparchial Right

A monastery dependent on a monastery *sui iuris* of eparchial right can be validly erected only with the written consent of the eparchial bishop to whom the monastery *sui iuris* is subject (CCEO c. 436 §2).

4.1.4. Suppression of Religious Institutes of Eparchial Right

Within his territory, the patriarch can suppress a monastery *sui iuris* or a filial monastery of eparchial right after consulting the eparchial bishop or at the latter's request (CCEO c. 438 §1). Concerning congregations, CCEO c. 507 §2 allows the patriarch to suppress a congregation of eparchial right within the territory of his Church after having consulted those concerned and with the consent of the permanent synod and the Apostolic See. As an interested party, the eparchial bishop should be consulted by the patriarch prior to such a suppression.

4.1.5. Internal Governance of Religious Institutes of Eparchial Right

Religious institutes of eparchial right are directly subject to the eparchial bishop in their internal governance and religious discipline unless the law provides otherwise (CCEO c. 413).⁷

4.1.6. Approval and Modification of Typicon or Statutes of Institutes of Eparchial Right

For monasteries and congregations of eparchial right, the eparchial bishop is competent to approve the typicon (monasteries), the statutes (congregations), and changes lawfully introduced into either that were not approved by higher authority (CCEO c. 414 §1, 1^o). When a congregation of eparchial right has expanded to other eparchies, changes to the statutes require the consent of the eparchial bishop where the principal house is located and prior consultation of the bishops where the other houses are located.

4.1.7. Dispensations from Typicon / Statutes of Institutes of Eparchial Right

In monasteries and congregations of eparchial right, in single cases and on individual occasions, the eparchial bishop can dispense from the typicon or statutes when such dispensations exceed the power of the religious superiors and are legitimately requested from the bishop (CCEO c. 414 §1, 2^o).

4.1.8. Right to Visit Monasteries and Houses of Congregations of Eparchial Right

Within an eparchial bishop's territory, whenever he conducts a canonical visitation there or he determines that truly special reasons suggest it, the bishop can visit monasteries and houses of congregations of eparchial right (CCEO c. 414 §1, 3^o). Such a visitation may take place during the canonical visitation every five years (CCEO c. 205 §1) or whenever he believes the visit is warranted.⁸

4.1.9. Quinquennial Report

At least every five years, presidents of a monastic federations, superiors of a non-confederated monasteries *sui iuris*, and superiors general of a congregations of eparchial right must report on the state of their institute to the eparchial bishop to whom they are immediately subject. They do so according to the formula established by the same eparchial bishop (CCEO c. 419 §1).

⁷ In the wording of this canon, the following difference should be noted. Concerning the religious institutes of pontifical right, the canon says that they are "subject with respect to internal governance and religious discipline directly and exclusively to the Apostolic See"; where as, concerning the religious institutes of patriarchal and eparchial right, it says that they are "directly subject to the patriarch or eparchial bishop" (CCEO c. 413). The aspect of being "exclusively" is applicable only for the institutes of pontifical right.

⁸ Jobe Abbass, *The Consecrated Life: A Comparative Commentary*, 32.

4.1.10. The Authority of an Eparchial Bishop in an Eparchial Right Religious Institutes Subject to Him

- 1) For a member to absent himself for more than one year from his monastery of eparchial right, the member must obtain the permission of the eparchial bishop to which the monastery is subject (CCEO c. 478).
- 2) For a transfer from a non-confederated monastery to another monastery, if the monasteries are of eparchial right and both are subject to the same eparchial bishop, the consent of that eparchial bishop is required. However, if the receiving monastery is subject to another eparchial bishop, the consent of that bishop is required also (CCEO c. 487 §2).
- 3) A member can validly transfer from a congregation of eparchial right to another religious institute of eparchial right with the written consent of the eparchial bishop where the receiving institute's principal house is located (CCEO c. 544 §2).
- 4) With his or her council's consent, the superior general of a congregation of eparchial right can grant a temporarily professed member an indult to leave and return to secular life. For validity, the eparchial bishop where the congregation's principal house is located must confirm this indult (CCEO c. 546 §2).
- 5) At the request of a perpetually professed member of a monastery *sui iuris* or a congregation, the eparchial bishop to whom the monastery or congregation is subject can, having heard the superior or superior general and his or her council, grant an indult of exclaustation for up to three years (CCEO c. 489 §§1-2, 548 §§1-2).
- 6) The eparchial bishop to whom an eparchial right monastery *sui iuris* or congregation is subject can, at the request of the superior or superior general with the consent of his or her council, impose exclaustation on a perpetually professed member (CCEO cc. 490; 548 §1).
- 7) The eparchial bishop to whom a monastery *sui iuris* or congregation of eparchial right is subject can permit an expelled member to exercise sacred orders he has received (CCEO cc. 498 §3; 551).
- 8) The decree dismissing a perpetually professed member of a monastery *sui iuris* or congregation of eparchial right cannot be executed without the eparchial bishop's approval (CCEO c. 500 §4; 553). In the Latin code, it belongs to the diocesan bishop where the member's assigned house is to confirm the dismissal of members of institutes of diocesan right (CIC c. 700). The Eastern norm makes no such distinction. Therefore, this competence seems to belong to the eparchial bishop to whom the institute is subject.⁹
- 9) In cases of *ipso iure* dismissal of a religious belonging to a monastery *sui iuris* or congregation of eparchial right, the superior of the monastery *sui iuris* or by the major superior of the congregation should notify the eparchial bishop of the matter (CCEO cc. 497 §2; 551).

⁹ Jobe Abbass, *The Consecrated Life: A Comparative Commentary*, 276.

10) Concerning the expulsion of a member of a monastery *sui iuris* or congregation of eparchial right, the competent superior can stop the dismissal process and defer the matter to the eparchial bishop (CCEO cc. 498 §2; 551).

4.2. The Role and Authority of an Eparchial Bishop to the Religious Institutes and Houses in the Eparchy

Religious institutes and their individual houses exist and carry out their apostolate in the territorial boundaries of an eparchy. As seen above, the eparchial bishop of an eparchy is not considered a 'superior of monks and other religious' (CCEO c. 418 §2). However, common law itself provides eparchial bishop some involvement in the life and apostolate of all religious institutes within his eparchy.

4.2.1. Erection of Religious Houses

The valid erection of a dependent monastery, whether filial or subsidiary, requires the written consent of the eparchial bishop where the monastery will be located (CCEO c. 436 §2). An order or congregation cannot validly erect a house without the written consent of the eparchial bishop (CCEO c. 509 §1).

4.2.2. Granting Stauropegial Status to a Monastery

With the consent of the permanent synod, a patriarch can grant stauropegial status to a monastery in the very act erecting it. Before doing so, the patriarch is to consult the eparchial bishop (CCEO c. 486 §1).

4.2.3. Conversion of Religious Houses

Unless it concerns a change only to internal governance and religious discipline, converting a monastery to other uses requires the same formalities as erecting one (CCEO c. 437 §3). According to canon 509 §2, the norm regarding the conversion of a monastery is applies also to the houses of orders and congregations. Therefore, when changes to be made are not strictly matters of internal governance and religious discipline, conversion of dependent monasteries or individual houses of orders and congregations requires the consent of the eparchial bishop. For example, if an institute wanted to convert a novitiate into a college, or a school into a retreat centre, the consent of the eparchial bishop is required. However, his consent is not required to convert the house from one internal purpose to another. For example, a house established as a novitiate could be converted into a provincialate or a house for the institute's retired members. In both cases, the purposes are internal to the institute and its governance and discipline.¹⁰ However, mutual collaboration and planning, even when not mandated by law, advances the mission of the entire Church.¹¹ Consequently, it is prudent for an institute to consult the bishop regarding any conversion, even one that concerns only internal matters.

¹⁰ Margaret Mary Modde, "Religious Houses and Governance: Canons 607-633," in *A Handbook on Canons 573-746*, 69-70.

¹¹ Margaret Mary Modde, "Religious Houses and Governance...: Canons 607-633," in *A Handbook on Canons 573-746*, 70.

4.2.4. Opening New Institutions Distinct from the Religious House

Written permission of the eparchial bishop is required for a religious institute to build and open schools, guest houses or similar buildings distinct from the monastery or religious house (CCEO cc. 437 §2, 509 §2). This requirement applies the principle that religious are subject to the authority of the eparchial bishop in works of the apostolate.

4.2.5. Suppression of Religious Houses

A dependent monastery, which is subsidiary, can be suppressed by the superior of the monastery on which it depends (CCEO c. 438 §3).¹² To suppress a subsidiary monastery, the superior of the monastery *sui iuris* needs the consent of the eparchial bishop where the monastery is located (CCEO c. 438 §3). Regarding the suppression of individual houses of orders and congregations, competence belongs to the supreme moderator in CIC (CIC c. 616 §1). CCEO leaves these matters to the statutes of the order or congregation.¹³ However, CCEO c. 510 provides that a house of an order or congregation cannot be suppressed validly without the eparchial bishop having been consulted.

4.2.6. Designation of Place for Hermits outside the Monastery

A hermit is a member of a monastery *sui iuris* who, separated totally from people and the world, devotes himself or herself entirely to heavenly contemplation (CCEO c. 481). It belongs to the superior of the monastery to designate the hermit's residence, which is separated from the world and other parts of the monastery. If the designated place lies outside the monastery's proper territory, the written consent of the eparchial bishop is required also (CCEO c. 483).

4.2.7. Presiding at the Synaxis of Election of the Superior of Monastery *sui iuris*

The superior of a monastery *sui iuris* is elected at the synaxis, convened in accord with the typicon and the common norms on election in CCEO cc. 947-960 (CCEO c. 443 §1). The eparchial bishop has the right to preside at the election personally or through another (CCEO c. 443 §1). In his eparchy, the eparchial bishop presides at the election of superiors of pontifical or eparchial non-confederated monasteries *sui iuris*.¹⁴

¹² Dependent monasteries can be filial or subsidiary (CCEO c. 436). Just like a monastery *sui iuris*, a filial monastery can be suppressed only by the Patriarch or the Apostolic See (CCEO c. 438 §§1,2).

¹³ Jobe Abbass, *The Consecrated Life: A Comparative Commentary*, 308.

¹⁴ In confederated monastery *sui iuris*, the president of the confederation presides at the election (CCEO c. 443 §2). Since the patriarch has the same rights, according to CCEO c. 486 §2, as a bishop with respect to a stauropegial monastery, it is the patriarch who has the right to preside at the election of the superior of that monastery. Jobe Abbass, *The Consecrated Life: A Comparative Commentary of the Eastern and Latin Codes*, 95.

4.2.8. Habit of the Religious Outside Their House

According to *CCEO* c. 540, the norms of the eparchial bishop must be followed regarding wear of the religious habit outside the institute's houses.

4.2.9. Appointment of a Religious to the Office of Pastor

The eparchial bishop has the right to appoint pastors freely (*CCEO* c. 284 §1). However, for a religious to be appointed pastor, the major superior must first propose the candidate to the eparchial bishop. The bishop then appoints the candidate with due regard for agreements entered into with the eparchial bishop or other authority determined by the particular law of the respective Church *sui iuris* (*CCEO* c. 284 §2). *CIC* speaks of the appointment of a religious to any ecclesiastical office in a diocese (*CIC* c. 682 §1).

4.2.10. Religious in the Office of Pastor Subject to the Eparchial Bishop

CCEO c. 543 states that a religious pastor, although subject to his superiors in religious discipline, has the same rights and obligations as other pastors regarding the office. The religious pastor is subject to the eparchial bishop in the same manner.

4.2.11. Removal of a Religious from the Office of Pastor

Religious pastors and those who belong to societies of common life in the manner of religious can be removed. Removal occurs at the discretion of the eparchial bishop or major superior after the removing authority has notified the other. It does not require the consent of the notified authority to become effective (*CCEO* c. 1391 §2). *CIC* c. 682 §2 applies to removal of a religious from any ecclesiastical office.

4.2.12. Canonical Visitation

CCEO c. 205 §3 provides that an eparchial bishop can visit members of religious institutes of pontifical or patriarchal right and their houses only in cases established in law. By law, the eparchial bishop has the right and obligation to visit individual monasteries and houses of religious institutes regarding certain matters under two circumstances whenever he conducts a canonical visitation there and whenever he determines that grave causes suggest it (*CCEO* c. 415 §2). The matters subject to the visitation are: public celebration of divine worship; ministry of the Word of God; religious and moral education of the Christian faithful; catechetical and liturgical instruction; decorum of the clerical state; and the various works that regard the apostolate (*CCEO* c. 415 §2). Additionally, as a local hierarch, the eparchial bishop can visit religious houses when the competent major superior does not do so within five years (*CCEO* c. 420 §3). The eparchial bishop is to conduct the visitation only after he has warned the superior to no effect (*CCEO* c. 420 §3).

4.2.13. Indult for a Temporary Professed Member to Leave the Monastery

A temporarily professed member wishing to return to secular life with a grave cause for it can petition this return from the superior of his or her monastery *sui iuris*. The superior is to send this petition, together with his or

her own opinion and that of the council, to the authority competent to grant the indult. For monasteries within the territory of their patriarchal Church (CCEO c. 496), particular law can reserve this competence to the patriarch. In all other cases, it belongs to the eparchial bishop.

4.2.14. Exclaustated Member Subject to the Eparchial Bishop

According to CCEO c. 491 and 548 §2, an exclaustated member of a monastery, order, or congregation is subject to the eparchial bishop of the place where he or she resides during the exclaustation. The bishop also substitutes for the superior of the member's institute in virtue of the vow of obedience.

4.2.15. Indult to Leave the Congregation in Perpetual Vows

The indult to leave a congregation of eparchial right can be granted by the eparchial bishop of the eparchy where the member is domiciled (CCEO c. 549 §2, 2^o). Additionally, if the perpetually professed member of such a congregation is domiciled within the territory of the patriarchal church, the patriarch is to consult the eparchial bishop before granting the indult of departure (CCEO c. 549 §2, 1^o).

5. Local Hierarchs

The title "local hierarch" includes the eparchial bishop, exarch, apostolic administrator, protosyncellus, syncellus, etc. (CCEO c. 984 §2). In eparchial governance, the protosyncellus and syncelli are the first persons after the eparchial bishop. Possessing ordinary vicarious power, they assist him in governing the whole eparchy (CCEO c. 245). At times, common law refers to local hierarchs concerning the religious institutes and their members. In those matters, the eparchial bishop, protosyncellus and syncellus are all competent.

5.1. Public Worship and Apostolate Subject to the Local Hierarch

Within his eparchy, the eparchial bishop must ensure careful observance of laws concerning the ministry of the Word (CCEO c. 196 §1) and must safeguard firmly the integrity and unity of faith (CCEO c. §2). He is the moderator, promoter and guardian of the entire liturgical life in his eparchy (CCEO c. 199 §1). He is to be vigilant lest abuses creep into ecclesiastical discipline, especially concerning the ministry of the word of God, the celebration of the sacraments and sacramentals, etc. (CCEO c. 201 §2). The eparchial bishop is to foster various forms of the apostolate in the eparchy and direct the coordination of all its works with due regard for the character of each apostolate (CCEO c. 203 §1). Since the protosyncellus and syncellus possess the same executive power as the eparchial bishop (CCEO c. 248 §1) and assist him in governing the eparchy, they share his responsibility for the obligations mentioned above.

Therefore, 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 children, to catechetical and liturgical

instruction, to the decorum of the clerical state, as well as to various works that regard the apostolate (CCEO c. 415 §1).

Examples of "care of souls" are parish ministry, rectorship of a church, chaplaincy, preaching, catechetical-liturgical instruction, and Catholic/moral education.¹⁵ "Other works of the apostolate" mean any external enterprise directed a religious institute undertakes in order to build up the Body of Christ. These works also referred to as 'social services', 'welfare works', 'social action', 'works of charity', 'apostolic charitable works', etc.¹⁶

The eparchial bishop can entrust a religious with apostolic works or functions proper to the eparchy. However, he can do so only with the consent of the competent superiors, due regard for common law, and observance of the proper discipline, character, and purpose of the religious institute. (CCEO c. 415 §3).

The local hierarchs can request to superiors of monasteries for assistance in instructing the people (CCEO c. 479).

5.2. Prevention of Abuses by the Local Hierarchy

CCEO c. 417 allows the local hierarchy to intervene in the internal discipline of the religious institute to prevent abuses.¹⁷ If abuses have crept into the houses or churches of institutes of patriarchal or pontifical right, and if the superior has failed to take care of it after being warned by the local hierarchy, the same local hierarchy must immediately defer the matter to the authority to which the institute is immediately subject.

5.3. Canonical Visitation by the Local Hierarchy

Canon 420 §1 of the CCEO provides for major superiors to visit religious institutes according to their typicons and statutes. If the competent superior fails to visit a house within five years and ignores a subsequent warning by the local hierarchy, the local hierarchy himself must conduct the visitation (CCEO c. 420 §3). Because these visitations ordinarily occur yearly, a five-year lapse reflects grave negligence and warrants the intervention of the local hierarchy.¹⁸

5.4. Supervision of the Administration of the Dowry by the Local Hierarchy

Before making religious profession, institute members hand over to their institutes a dowry of monies or securities earmarked for their support.¹⁹ The typicon of the monastery and the statutes of the institute are regulate the dowry, which itself must be administered under the special supervision of the local hierarchy (CCEO cc. 454, 571 §1)

¹⁵ Thomas Pazhayampallil, *Pastoral Guide*, vol. III, *A Handbook on the Latin and Oriental Codes of Canon Law*, 839.

¹⁶ Thomas Pazhayampallil, *Pastoral Guide*, vol. III, *A Handbook on the Latin and Oriental Codes of Canon Law*, 839.

¹⁷ Jobe Abbass, *The Consecrated Life: A Comparative Commentary*, 44.

¹⁸ *Nuntia* 16 (1983) 20.

¹⁹ Jobe Abbass, *The Consecrated Life: A Comparative Commentary*, 124.

5.5. Designation of Confessors in Non-Clerical Institutes

Individual monasteries should have sufficiently numerous spiritual fathers and confessors for the members there. In monasteries without presbyter-monks, the local hierarch designates confessors after hearing the superior of the monastery *sui iuris*, who must consult the interested community beforehand (CCEO c. 475 §1).

In the same way, suitable confessors are to be available to members of orders and congregations (CCEO c. 539 §1). In clerical congregations of eparchial right and all non-clerical orders and congregations, the local hierarch is to designate confessors after having heard the superior who must consult the interested community beforehand (CCEO c. 539 §2).

5.6. Designation of Priest to Celebrate Divine Liturgy in Non-Clerical Institutes

According to CCEO c. 475 §2, the local hierarch is to designate a priest to celebrate Divine Liturgy and preach the word of God regularly for monasteries without presbyter-monks. Before designating the priest, the local hierarch must hear the superior of the monastery *sui iuris* who must consult the interested community beforehand.

5.7. Punishing Religious Who Commit a Delict outside the Religious House

A local hierarch can punish a religious for a delict committed outside his or her house, after the religious' own superior has neglected to do so after being warned by the same local hierarch (CCEO c. 415 §4).

5.8. Promotion of Cooperation and Harmony of the Institutes

To foster cooperative and harmonious apostolic works by religious, CCEO c. 416 exhorts local hierarchs to promote meetings with superiors of religious at fixed times and whenever it appears opportune.

Conclusion

The relationship between institutes of consecrated life and external ecclesiastical authorities often creates tension. However, mutual understanding and respect for their respective ecclesial roles could alleviate many of these problems. Knowledge of the relevant canonical norms can also facilitate this goal. While these canons affirm the rightful autonomy of every religious institute, they also clearly articulate the areas in which hierarchical authorities can rightfully intervene in the life and mission of these institutes. Consequently, by properly understanding and applying these canons, religious institutes and hierarchical authorities can build strong, effective relationships between themselves.