

RELIGIOUS POVERTY OF PERSONS IN RELIGIOUS INSTITUTES ACCORDING TO *CIC* 1983 AND *CCEO*: A COMPARATIVE APPROACH

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The article, having offered in the first part a general view of religious life in *CIC* and *CCEO*, examines the practice of religious poverty by individual religious, in the second part. As generally, religious life begins with temporary profession and perpetual profession follows, the author analyses the poverty among the temporarily professed first and then among the perpetually professed with a comparative note between the *CIC* and *CCEO*. Besides these, other important elements like, 'Poverty of a Religious Raised to the Episcopate,' 'Poverty of Religious under Exclaustration,' 'External Sign of Poverty in Dress' are also treated. Given the vastness of the subject, this paper has not explored the elements like, consequences of violating the law of poverty nor the field of collective poverty.

Introduction

Many studies can be found on the canonical aspects of the vow of poverty. However, few of these have compared the relevant legislation in the Latin and Eastern codes. To help fill this gap, this paper will attempt to compare the practice of poverty of individual religious persons in religious institutes under *CIC* and under *CCEO*. A general understanding of religious life in both codes is essential to such a comparison. Consequently, this paper will first begin with a general overview of religious life in *CIC* and *CCEO*, then proceed to treat the practice of poverty of physical persons in such institutes.

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1. General Overview

1.1 Overview of Religious Institutes in CIC

CIC deals with institutes of consecrated life and societies of apostolic life in Part III of Book II. Overall, *CIC* basically recognizes two forms of consecrated life: religious institutes and secular institutes. Hermits (c. 603) are also recognized, and the order of virgins (c. 604) and societies of apostolic life (c. 731) are similar to these primary forms of consecrated life. Technically, Latin societies of apostolic life are not considered forms of consecrated life; however, since their members profess the evangelical counsels by some bond, they resemble to the societies of common life “according to the manner of religious” in the Eastern Code (*CCEO* cc. 554-562).¹

In *CIC*, primary categories of religious institute contain elements common to many historical forms of consecrated life. Consequently, *CIC* also categorizes according to these categories various forms of religious institute that have existed throughout history: monastic institutes, institutes dedicated to apostolate and missionary activity, semi-cloistered institutes, etc. In other words, every institute must be classified either as an institute of consecrated life, whether religious (*CIC* cc. 607-709) or secular (*CIC* cc. 710-730); or as a society of apostolic life in the manner of religious (*CIC* c. 731 §1); or purely as a society of apostolic life (*CIC* cc. 731-746).

1.2 Overview of Religious Life in CCEO

Unlike *CIC*, *CCEO* historically and more systematically identifies the forms of consecrated life that have evolved in the East.² In the Eastern code, religious institutes are monasteries, orders or congregations.³ So also *CCEO* does not contain norms common to all forms of consecrated life like the Latin code (*CIC* cc. 573-606), but rather general canons (*CCEO* cc. 410-432) that are common only to religious institutes.⁴

¹ J. Abbass, *The Consecrated Life: A Comparative Commentary of the Eastern and Latin Codes*, Ottawa, 2008, 5.

² D. A. Jaeger, “Observations on Religious in the Oriental Code,” in Jose Chiramel et al (eds.), *The Code of Canons of the Eastern Churches: A Study and Interpretation*, Alwaye, India, 1992, 158; J. Abbass, *The Two Codes in Comparison*, 25. Cf. also R. McDermott, “Two Approaches to Consecrated Life: The Code of Canons of the Eastern Churches, and the Code of Canon Law,” in *Studia Canonica* 29 (1995), 193-239; S. Jerman, “Consecrated Life in the Church, Canonical Perspectives,” in *The Living Word* 119/4 (2013), 275-285; D. Salachas, *La vita consacrata nel Codice dei Canonici delle Chiese Orientali (CCEO)*, Dehoniane, Bologna, 2006.

³ *Nuntia* 11 (1980), 4-5.

⁴ J. Abbass, *The Two Codes in Comparison*, 30.

Instead of dividing consecrated life into religious and secular institutes, CCEO recognizes six institutional and three individual forms of consecrated life. Given the historical importance of Eastern monasticism⁵ and the evident desire to renew it, CCEO somewhat prioritizes monasteries in its ordering of consecrated life.⁶ After the promulgation of *PA*, many institutes that had been called "monastic" did not correspond to the newly articulated notion of an Eastern monastery. These institutes either chose or were declared to be non-monastic. Therefore, to preserve the successful apostolic work by non-monastic Eastern institutes, CCEO recognizes two kinds of institutes besides monasteries: orders and congregations. At the same time, to foster all forms of monasticism, CCEO (c. 570) recognizes ascetics who imitate the eremitical life either inside or outside of an institute. Moreover, like *CIC*, CCEO recognizes secular institutes. Yet despite this plurality of juridic forms, Eastern religious institutes often struggle to identify one that best corresponds to their own life.

In addition to the six institutional forms of consecrated life, CCEO (c. 570) also recognizes three individual forms: ascetics, consecrated virgins and widows. Ascetics who do not belong to an institute, correspond to Latin hermits (*CIC* c. 603), and consecrated virgins are similar to the Latin order of virgins (*CIC* c. 604). Widows are unique to the Eastern Code.⁷ The overall categorization and structure can be seen in the following table.⁸

⁵ Regarding the historical importance of Eastern monasticism for the universal church, John Paul II stated: "Monasticism has always been the very soul of the Eastern Churches: the first Christian monks were born in the East and monastic life was an integral part of the Eastern lumen transmitted to the West by the great Fathers of the undivided Church." (Cf. John Paul II, Apostolic Letter, *Oriente lumen* (May 2, 1995), in *AAS* 87 (2 May 1995) 755); Cf. J. Abbass, *The Consecrated Life: A Comparative Commentary of the Eastern and Latin Codes*, 5; Cf. also N. Loda, "Riflessioni sul monacho quale archetipo nella vita cristiana e la Lettura Apostolica Oriente Lumen di Giovanni Paolo II", in *Commentarium pro Religiosis et Missionariis* 78 (1997), 5-26.

⁶ See also, C. Pujol, "Il monachesimo bizantino nella legislazione del mp. Postquam Apostolicis litteris," in *Il monachesimo orientale, Orientalia Christiana Analecta* 153(1958), 755.

⁷ J. Abbass, *The Consecrated Life: A Comparative Commentary*, 5-6.

⁸ Cf. J. Abbass, *The Consecrated Life: A Comparative Commentary*, 5-6.

**Institutes Of Consecrated Life
Institutional**

Monasteries
Orders
Congregations
Societies of Common Life
according to the Manner of Religious

} Religious

Ascetics Belonging to an Institute of Consecrated Life
Secular Institutes

Individual

Ascetics Not Belonging to an Institute of Consecrated Life
Consecrated Virgins
Widows

Other

Societies Of Apostolic Life

**Institutes Of Consecrated Life
Institutional**

Religious Institutes (Monasteries, orders and congregations)
(Societies of Apostolic Life mentioned in *CIC* can. 731 §2)

Secular Institutes

Individual

Hermits (can. 603)
Virgins (can. 604)

Other

Societies Of Apostolic Life

Analyzing the various types of consecrated life and societies of apostolic life in *CIC* and *CCEO* provides a comprehensive and clear understanding of Latin and Eastern religious life and its present juridic expression. This article focuses on religious poverty, specifically its practice by individual religious persons according to *CIC* and *CCEO*.

2. Practice of Poverty among Physical Persons

2.1 Poverty among the Temporarily Professed

The act of professing the evangelical counsels of chastity, poverty and obedience, which inaugurates religious life, contains the vital energy required for the growth, the flourishing and the maturation of the entire religious life of the professed. Religious life has no place for self-reliance; renunciation effects dependency and limitation in one’s life. In terms of poverty, this dependency revolves around the professed’s personal property.⁹ *CIC* 1983 treats the object of the vow of poverty in

⁹ For further reading and clarity, Cf. M. Wright, “Money and Patrimony: Religious and Their Personal Property,” in *Australasian Catholic Record* 84 (1997), 407-416; S. Recchi, “Il consiglio evangelico della povertà,” in *Quaderni di Diritto Ecclesiale* 21 (2008), 436-443; R. Smith, “The Personal Patrimony of Individual Members of Religious Institutes: Current Issues,” in *CLSA Proceedings* (2000), 263-281.

its c. 668,¹⁰ while *CCEO* discusses the same in its own cc. 525 §2, 529 §4, 468 §1 and 467. These canons, which articulate juridical consequences of the vow of poverty, center on the practice of evangelical poverty. The norms contained therein are the indispensable canonical minimum of this evangelical counsel.¹¹

2.1.1 Cessation and Administration of Personal Goods

<p>CIC c. 668 §1: Before first profession, members are to cede the administration of their goods to whomever they prefer and, unless the constitutions state otherwise are to make disposition freely for their use and revenue. Moreover at least before perpetual profession, they are to make a will, which is to be valid in civil law.</p>	<p>CCEO c. 525 §2: Before making temporary profession, novices must cede to whom they wish, for the entire time in which they are bound by the same profession, the administration of the goods they actually have and those that may accrue to them later, and they must dispose of their use and revenue.</p>
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CIC c. 668¹² and *CCEO* c. 525 §2 regulate the practical obligations entailed in the vow of poverty

in a religious institute in accord with *CIC* c. 600. *CIC* c. 668 §1 and *CCEO* c. 525 §2¹³ require the member to make three different acts regarding the personal property before first profession, namely, a) cession of administration of property, b) disposition of use of property and revenue received from it; and c) making a will valid in civil law. In the above case, the religious can own personal property; however, his or her canonical obligations preclude administering this property freely and independently.¹⁴

¹⁰ *CIC* c. 668 is composed of two groups of norms: one concerns cession and disposition of material goods and their alteration (§§1-3), the other regards the institutes with a more rigid discipline of poverty (§§4-5).

¹¹ D. J. Andres, *Il diritto dei Religiosi. Commento al Codice*, Roma, 1984, 361.

¹² The 1980 Schema contained in the paragraph in question an expression "Members, led by the evangelical spirit". In 1982 schema this expression was removed and the whole canon contains no spiritual expression (cf. *Communicationes* 13 [1983], 185-189).

¹³ This requirement is to be fulfilled in monasteries, orders and congregations which have the temporary profession. In monastic profession in monastery, there is normally no temporary profession. After the period of novitiate, they make the solemn monastic profession, unless the proper law states otherwise (Cf. *CCEO* c. 462).

¹⁴ J. P. Beal et al (eds), *New Commentary on the Code of Canon Law*, 835.

With respect to the juridical effects of temporary profession, the previous Latin and Eastern legislation were rather more detailed. Several of the 1917 *CIC* norms have not been incorporated into the Latin Code, whereas, as is evident from *CCEO* c. 529, several more *PA* norms regarding the canonical effects of temporary profession apply to all Latin religious institutes while parallel *CCEO* norms affect Eastern Orders and congregations, and monasteries having temporary profession.

Like 1917 *CIC* c. 569 §3, *PA* c. 103 §3 required novices in religious institutes to freely make a will regarding the property they had or would acquire. Now, for all Latin religious institutes, *CIC* c. 668 §1 prescribes that members make a civilly valid will before perpetual profession. The canon does not specify the time such a will is to be made, but only says generally “at least before the perpetual profession”. With respect to the last will and testament, *CIC* c. 668 §1 is comparable to *CCEO* c. 530 in Eastern congregations. The latter canon is not applicable in monasteries or, by virtue of *CCEO* c. 533,¹⁵ to orders: perpetually professed members of these institutes necessarily renounce all their property in accord with *CCEO* c. 467.¹⁶ In the eastern canon, the requirement for the will to be valid in civil law (*quod etiam in iure civili validum sit*) was added during the review of the 1986 SCICO. In response to a motion made by a member of PCCICOR, the text was amended to follow the example of *CIC* can. 668 §1.¹⁷

2.1.2 Disposition of the Use and Usufruct of the Property

Both 1917 *CIC* c. 580 §1 and *PA* c. 116 §1 stated that religious in simple vows maintained proprietary rights over their goods and the capacity to acquire other goods. In the same way, 1917 *CIC* c. 583 §1 and *PA* c. 119 §1 established that the same religious could not gratuitously divest themselves of that property by an act *inter vivos*. Again, while these norms have not been retained in the Latin Code, both rules make up *CCEO* c. 529 §2. The characteristic Eastern norm highlights the effects of specifically temporary profession. It states that, although temporary profession neither deprives a religious of the ownership of his or her property nor of the ability to acquire more, the member is not permitted gratuitously to give up whatever interest (*dominium*) he or she has over that property by an act *inter vivos* (for example, an outright gift of goods, a title deed to land or quit claim deed of interest).¹⁸

¹⁵ *CCEO* c. 533 states: “In orders, perpetual profession is equivalent to perpetual monastic profession; thus *CCEO* cc. 466-468 are valid regarding it.”

¹⁶ J. Abbass, *The Consecrated Life: A Comparative Commentary*, 344-345.

¹⁷ See *Nuntia* 28 (1989), 73; J. Abbass, *The Consecrated Life: A Comparative Commentary*, 356-357.

¹⁸ J. Abbass, *The Consecrated Life: A Comparative Commentary* 352-353.

2.1.3 Change in the Disposition of Goods

<p>CIC c. 668 §2: In order to change these dispositions for a just cause and to place any act whatsoever in matters of temporal goods they need the permission of the superior who is competent according to the norm of proper law.</p>	<p>CCEO c. 529 c. 529 §2: This profession does not deprive the member of ownership of his or her goods nor of the capacity to acquire other goods. However, the member is not permitted gratuitously to give up ownership of his or her goods through an act <i>inter vivos</i>.</p>
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CIC c. 668, §2 and CCEO c. 525 §4 deal with the change in the disposition of goods. In fact, both 1917 CIC c. 580 §3 and PA c. 116 §3 established similar rules concerning changes a professed religious may wish to make with respect to the cession and administration of goods that he or she decided upon before first profession. In the current norms, CCEO c. 529 §4 has more closely repeated the three principles contained in the previous norms. The eastern norm requires the consent of the major superior for a temporarily professed religious to change the decisions made as a novice (see CCEO c. 525 §2) about the administration, use, and enjoyment of his or her property during temporary profession. This change cannot be made in favor of the religious institute if a notable part of that property is at stake. Moreover, these decisions regarding administration and usufruct cease to have any effect if the member leaves the institute. CIC c. 668 §2, on the other hand, has retained only the first of these principles. The canon states that a temporarily professed religious must obtain the competent superior's consent in order to alter decisions about cession and administration of goods that the religious made before first profession (See CIC c. 668 §1). By way of subsidiarity in CIC, the other questions have been left to the institute's proper law.¹⁹

"Any act whatsoever in matters of temporal goods," in the paragraph of CIC covers essentially the three matters provided in c. 668 §1: the cession of goods, the disposition of goods, and the will. In fact, CCEO is more specific in this regard. It cites c. 525 §2, which states, "the member in temporary vows can change the cession or disposition mentioned in can. 525 §2."

Changes of the disposition require a just cause and the permission of a competent superior. The text states simply that "a just cause" is necessary. The just cause will depend on the nature or character of the institute and

¹⁹ J. Abbass, *The Consecrated Life: A Comparative Commentary*, 355-356.

circumstances of the individual, community or the place.²⁰ The 1983 Code merely states that in each case the permission of a superior is necessary to change cession papers or the will.²¹ Proper law of the institute must determine the competent superior in each case.²²

2.1.4 The Status of the Acquired Good after the Profession

<p>CIC c. 668 §3: Whatever a religious acquires through personal work or by reason of the institute is acquired for the institute. Unless it is otherwise stated in proper law those things which accrue to a religious by way of pension, subsidy or insurance in any way whatever are acquired for the institute.</p>	<p>CCEO §1: Any temporal goods by whatever title that accrue to the member after perpetual profession are acquired for the monastery.</p>
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Like 1917 *CIC* c. 580 §2, *PA* c. 116 §2 simply stated that what a religious in simple vows acquired by personal effort or because of his or her institute was acquired for that institute. Now, *CIC* c. 668 §3 and *CCEO* c. 529 §3 comparably repeat and apply the same principle to temporarily professed religious. However, the norms differ slightly. While the Eastern norm establishes a general presumption that what religious acquires he or she acquires for the institute, the Latin norm's corresponding presumption is limited to what accrues to the religious by reason of pension, subsidy or insurance.²³ All that the religious acquires through labors, whether in the internal life of the institute²⁴ or in its external apostolate,²⁵ are done for the community to assist its members in their vocation and to promote the

²⁰ J. F. Hite gives examples as aiding a family member, supporting charitable work, providing for newly acquired goods or protecting goods from dissipation (Comment of J. F. Hite, *The Code of Canon Law*, 504).

²¹ McDonough states that all civil law requirements should be fulfilled in this regard, so that the protections of the civil law are available for the members or institutes involved (E. McDonough, "The Protection of Rights in Religious Institutes," in *The Jurist* 46 [1986], 192).

²² Y. Sugawara, *Religious Poverty, From Vatican Council II to the 1994 Synod of Bishops*, 297.

²³ J. Abbass, *The Consecrated Life: A Comparative Commentary*, 354-355.

²⁴ The internal works of the institute may include assisting in the infirmary, managing the financial affairs of the institute or province, serving in a capacity of administration, or attending the more menial necessary tasks of cooking, cleaning, or maintenance.

²⁵ The External apostolate may include teaching, nursing, social services, ecclesiastical offices, or other ministerial works that merit stipends and benefits such as pensions and/or insurance.

institute's apostolic works.²⁶ One exception would be pensions or other benefits accruing to an individual religious from employment prior to admission to the institute.²⁷

CCEO c. 468 §1 establishes a firmer rule for monasteries (and, by virtue of CCEO c. 533, also refers to orders) than that found in CIC 668 §3. The Latin canon is less absolute, as it considers also Latin religious institutes that do not require total renunciation of property. As a general rule, the Latin norm does state that things a religious acquires through personal effort or by reason of the institute are acquired for the institute. However, property the religious acquires by another title, such as a testamentary bequest, arguably fall outside the general rule. In fact, if the institute's proper law itself permits it, CIC c. 668 §3 allows a religious to acquire personally goods that accrue to him or her by another title (pension, subsidy or insurance).

2.2 Poverty among the Perpetually Professed

Perpetual profession definitively incorporates a person into the institute. In Latin religious institutes, a member can make the perpetual profession if he or she has completed at least three years of temporary profession and has at least 21 years of age (CIC can. 658). Additionally, he or she must meet the other requirements mentioned in CIC c. 656, nn. 3, 4 & 5. Similarly, such a perpetual profession takes place in Oriental Religious Institutes (Monasteries, Orders and Congregations). In monasteries, it is called monastic perpetual profession.

2.2.1 The Cession and Renunciation of Property

CIC c. 668 §4: A person who must renounce fully his or her goods due to the nature of the institute is to make that renunciation before perpetual profession in a form valid, as far as possible, even in civil law; it is to take effect from the day of profession. A	CCEO c. 467 §1: A candidate for perpetual monastic profession must, within sixty days before profession, renounce in favor of whomever the candidate wishes all the goods that he or she has on the condition that the profession subsequently takes place; a
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²⁶ R. McDermott, "Stewards of Gifts to be Shared: The Vow of Poverty in Religious Life," in *Studies in Church Law* 3 (2007), 118; S. Holland, "The New Code and Religious," in *The Jurist* 44 (1984), 71.

²⁷ In 1922, a response of the Holy See which stated that the pension for wounds, mutilations or sickness incurred in military service belonged to the religious personally, provided the vows were suspended during such services. That would seem to apply even today (SCR, Response, 16 March 1922, in AAS 14 [1922], 196-197). F. Morrissey, "The Vow of Poverty and Personal Patrimony," in *The Canon Law Society of Great Britain and Ireland News Letter* 72 (1987), 28-30.

<p>perpetually professed religious who wishes to renounce his or her goods either partially or totally according to the norm of proper law and with the permission of the supreme moderator is to do the same.</p>	<p>renunciation made before this time is by the law itself null.</p> <p>§2: Once profession has been made, all necessary steps are to be taken at once so that the renunciation also becomes effective in civil law.</p>
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Given the complexity of this matter, we shall analyze the Latin code before proceeding to the Eastern. Canons 668 §§4-5 deals with the radical renunciation of temporal goods that is traditionally known as effects of the solemn vow of poverty. These paragraphs do not use the term of "solemn vow" found in the 1917 Code. Nevertheless, the absence of the term does not imply that solemn vows and their effects no longer exist in the law (cf. *CIC* c. 1192 §2). The Council enabled religious who profess simple vows to renounce their property.²⁸ Therefore, there are two manners of making a renunciation. One requires the religious to renounce their personal goods completely because of the nature of the institute. Another is for the religious who make a renunciation, in part or totally, as a free act that goes beyond the prescription of the institute. The canonical effects are different in part.

The 1977 Schema did not contain corresponding paragraphs. In revision process, the paragraphs were treated as one of the subjects which required prudent consideration as a delicate matter.²⁹ The first sentence of the paragraph refers to the institutes with a solemn-vow tradition, in which case they lose the right to possess and acquire goods. There are some religious congregations which in virtue of the proper law impose on their members the same things. Such practice can be established by the founder at the time of the foundation of an institute or by the institutes themselves afterwards. Therefore, the regulation of this part relates both to already existing institutes with such a tradition and to those which will be constituted in the future.³⁰ It is not necessary that the constitutions make use of the term "solemn vow" but it depends on the nature of the institute which is determined by the proper law.³¹

The obligatory renunciation extends to all the temporal goods as the paragraph states to renounce "their goods completely (*plene bonis suis*)" which includes future goods. It mentions the time in which such

²⁸ PC 13d.

²⁹ Cf. *Communicationes* 13 (1981), 184-189.

³⁰ Cf. J. Beyer, "Risposta a quesiti e dubbi sul nuovo diritto degli istituti di vita consacrata," in *Vita Consacrata* 23 (1987), 56-57.

³¹ Y. Sugawara, *Religious Poverty, From Vatican Council II*, 304.

renunciation is to be made generally "before the perpetual profession".³² It is left to the determination of the proper law but it must be done so that it takes effect from the day of perpetual profession. When this renunciation is made, it should be made in such a way that the civil law recognizes it, but the paragraph adds "if possible (*quantum fieri potest*)", because in many countries, civil law does not recognize such renunciation, and especially will not permit giving away what is not yet possessed.³³

In accordance with *CIC* c. 668, §4, if the nature of the religious institute requires their members to renounce their goods totally, this renunciation is to be made before perpetual profession. In keeping with can. 668, §5, those who wish to renounce goods, either in part or whole, on their own may do it, only in accordance with the norms of the institute's own law and with the permission of the Supreme Moderator, which is usually permitted only after a few years of their final profession.³⁴ However, this fact does not alter the canonical consequences of the profession of the vows in the institute. Compared with the regulations of the previous code, principal disciplines concerning the form of the renunciation have remained, but simplified, in the present code.³⁵

The second part of the paragraph concerns religious with a simple-vow tradition. In these institutes, members retain radical ownership and do not give up the right to acquire. This discipline is the same with the previous code regulation in its c. 580 §1. But in it, the act of radical renunciation of the simple-vow professed could not be made under the stipulation of c. 583, 1°. With a strong desire of the Conciliar Fathers and religious for an effective practice of poverty, the Council declared, "Religious

³² The 1917 Code in its can. 581 §1 said "within sixty days preceding the solemn profession" with qualification as not before sixty days under pain of invalidity. It had another condition as "salvis peculiaribus indultis a Sancta Sede concessis." The present canon simplified the regulation and does not refer to the exact moment to do that.

³³ Cf. J. Beyer, *Le Droit de la vie consacrée, Instituts et société*, Paris 1988, 149; D. F. O'Connor, "Obligations and Rights: Canons 662-672, 277, 285-287, 289, 279 §2," in *A Handbook on Canons 573-746. Religious Institutes, Secular Institutes, Societies of Apostolic Life*, ed. J. Hite - S. Holland - D. Ward, Collegeville, 1985, 184-185.

³⁴ The 1917 Code forbade the members of religious congregations (those who profess the simple vows) to renounce their patrimony (cf. cc. 569; 580-583; 594, §2 of *CIC* 1917). *PC* 13 abolished this ban. The Rescript *Cum Admotae* (in *AAS* 59 [1967], 374-378; *CLD*, vol. 6, 147-152) and the Decree *Religionum Laicalium* (*AAS*, 59 [1967], 362-364) later authorized superiors general to allow their subordinates in simple vows the possibility of ceding their patrimonial goods.

³⁵ Y. Sugawara, *Religious Poverty, From Vatican Council II*, 305.

Congregations may, in their constitutions, permit their members to renounce their inheritances, both those which have already been acquired and those which may be acquired in the future".³⁶ Beginning already from the Conciliar period, the Holy See granted faculties and indicated norms for regulation in each institute.³⁷ The paragraph has resumed with some modifications what was affirmed in *PC* 13d and the regulations which followed it, that is, all religious in perpetual vows can renounce a part or all of the goods which they possess according to the norm of proper law with the permission of the supreme moderator. This renunciation should be done in a form which is valid in civil law if possible. It belongs to the proper law of the institute to provide the moment and the manner of such renunciation.³⁸

By reason of *CCEO* c. 533, which equates perpetual profession in orders to perpetual monastic profession, *CCEO* c. 467 also applies not only to the eastern monasteries, but also to the Orders. Therefore, as §1 intends, a candidate for perpetual profession in monasteries as well as orders must, within sixty days prior to profession, renounce in favor of whomever the candidate decides all the property which he/she possesses on condition that the profession takes place. A renunciation made before this time is invalid by law. This total renunciation characteristic of Eastern institutes that have what was formerly referred to as "major" profession corresponds to the character and nature of some Latin institutes that have what is even now called "solemn" profession, although the term no longer appears in the Latin Code. In any event, *CIC* c. 668 §4 establishes that in those Latin institutes in which candidates for perpetual profession must fully renounce their property they must do so before perpetual profession in a valid form to become effective on that date. Unlike the Eastern norm, the Latin rule does not set a time period within which the renunciation can validly be made before perpetual profession.

³⁶ *PC* 13d.

³⁷ *Rescriptum Pontificium* of the Secretary of State, *Cum admotate*, 6 November 1964, in *AAS* 59 (1967), 374-378, n. 16; (SCRIS, *Religionum laicalium*, 31 May 1966, in *AAS* 59 (1967) 362-364, n. 6; *ES* II 24; *PC* and *ES* admitted the possibility of the total renunciation before the perpetual vows but *CIC* can. 668 §4 states that renunciation can be made at the moment of perpetual profession or afterwards.

³⁸ E. Gambari says that even if the proper law does not so provide, a professed will not be prevented from making such a renunciation with the permission of the supreme moderator (Cf. E. Gambari, *I religiosi nel Codice. Commento ai singoli canoni*, Milano, 1986, 300. V. De Paolis comments that the proper law cannot prohibit entirely making a renunciation but that it can regulate the matter establishing the time and manner and can prohibit the total renunciation of property (V. De Paolis, *La vita consacrata nella Chiesa*, Roma, 1992, 326).

Both CCEO c. 467 §2 and CIC c. 668 §4 further intend that, once profession is made, all necessary steps are to be taken to ensure that the renunciation also has legal effect in civil law. In fact, CIC c. 668 §4, which deals with candidates for perpetual profession in those Latin institutes where renunciation of property is optional, more closely parallels the norms that apply to Eastern congregations. Therefore, CIC c. 668 §4 is compared with CCEO c. 534, 2°-3°.³⁹

2.2.2 The Status of the Acquired Goods

<p>CIC c. 668 §5: A professed religious who has renounced who has renounced his or her goods fully due to the nature of the institute loses the capacity of acquiring and possessing and therefore invalidly places contrary to the vow of poverty. Moreover whatever accrues to the professed after the renunciation belongs to the institute according to the norm of proper law.</p>	<p>CCEO c. 468 §1: Any temporal goods by whatsoever title that accrue to the member after perpetual profession are acquired for the monastery.</p>
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According to the Latin Code, in those institutes who have the practice of the total renunciation, after the perpetual profession a religious loses his canonical capacity to own or acquire anything personally. Only those institutes which by their nature require the renunciation of temporal goods (institutes of solemn vow tradition) lose the capacity to ownership. In this sense the traditional vow is not made equal to the simple vow.⁴⁰ As it does not apply to those professed who renounce them as a free act, they do not lose the capacity to acquire and possess temporal goods.⁴¹ A perpetually professed who has totally renounced any personal patrimony according to the nature of the institute will be unable to acquire additional patrimony. Therefore, in accordance with what is stated in the second half of the paragraph, whatever a religious acquires in any manner and under any title is acquired for the institute. It is clearly stated that this norm covers all the goods.⁴²

³⁹ J. Abbass, *The Consecrated Life: A Comparative Commentary*, 146-147.

⁴⁰ J. Beyer, "Risposta a quesiti e dubbi sul nuovo diritto degli istituti di vita consacrata," in *Vita Consacrata* 22 (1986), 760.

⁴¹ Y. Sugawara, *Religious Poverty, From Vatican Council II*, 307.

⁴² G. Rinaldi, "I voti semplici e solenni nel Codice di Diritto Canonico," in *Vita Religiosa* 7 (1968), 561-576; Y. Sugawara, *Religious Poverty, From Vatican Council II*, 308.

As it is clear in the canon, it is for the proper law to determine to whom the acquired goods belong, for instance, the institute as such, province or house. In the case of the institutes which are itself economically incapable of acquiring or owning goods, it is also the task of their proper law to decide to which entity such goods are to be attributed, for instance, to the Holy See if it admits, to dioceses or some other entity capable of possessing.⁴³ Any act contrary to such disposition, for example, to acquire or possess personally, is against the vow of poverty and therefore is invalid in canon law. However, what is invalid in the Church law is not always invalid in civil law. This difficulty has to be responsibly solved in each case.⁴⁴

In *CCEO*, given that the juridical effects of perpetual profession in monasteries and orders are the same (*CCEO* c. 533), the Eastern Code characteristically establishes the canonical effects of perpetual profession only in congregations. *CCEO* c. 534, 1° states that the effects of a member's perpetual profession in a congregation remain the same as those determined in *CCEO* c. 529 for his or her temporary profession, unless the common law provides otherwise.

Although perpetual profession in congregations does not ordinarily oblige a member to renounce his or her property, *CCEO* c. 534, 2° does provide that the major superior, with the consent of the council, can allow the member to make such a renunciation, if it is done prudently. In this respect, a comparison can be drawn between Eastern norm and *CIC* c. 668 §4, which applies to all Latin religious institutes.

At the same time, *CCEO* c. 534, 3° acknowledges that the general synaxis of an Eastern congregation can introduce into its statutes the obligation for the members to renounce the patrimony that they have or will acquire. This eastern norm can be compared to *CIC* can. 668 §4 in as much as the Latin norm recognizes that the nature of some institutes, evidently described in their proper law, also requires members to renounce their goods. However, unlike in Latin institutes as well as in Eastern Monasteries and Orders (See can. 467 §1), the obligatory renunciation of one's property in Eastern Congregations cannot be done prior to perpetual profession.⁴⁵

⁴³ The 1917 Code by its can. 582 stated if the Orders cannot acquire or own such property, it automatically becomes the property of the Holy See. But the present code settles generally according to the norm of the proper law, thus leaving the autonomy to the proper law to decide the matter.

⁴⁴ J. Leonard, "Temporal Goods: Canons 634-640," in J. Hite - S. Holland - D. Ward (eds.), *A Handbook on Canons 573-746*, Collegeville 1985, 112-113; Y. Sugawara, *Religious Poverty, From Vatican Council II*, 308.

⁴⁵ J. Abbas, *The Consecrated Life: A Comparative Commentary*, 360-361.

An important point to be taken note between the *CIC* and *CCEO*, is according *CIC* c. 668 §5 religious who totally renounce property lose the capacity of acquiring and possessing goods and, therefore, invalidly place acts contrary to the vow of poverty. Unlike 1917 *CIC* c. 579 and *CCEO* c. 466, which regarded all the vows, the current Latin norm focuses on poverty. But, the Eastern Code covers all the three vows. It refers to both Monasteries as well as orders as *CCEO* c. 533 equates perpetual profession. Perpetual profession in these institutes, then renders acts that are contrary to the vows invalid if the acts can be nullified. While this norm has effectively retained the former *PA* can. 115, it was argued during the *denua recognitio* of the 1980 Schema that such a norm could be left to the institute's particular law. The observation together with the study group's response stated:

A consultative body admits that the canon corresponds to the rigorous Eastern monastic discipline: nevertheless, the consultor notes the existence of certain monasteries in which the discipline regarding poverty has been rather mitigated and, therefore, it is asked if this not be something to leave for the typicons of individual monasteries to determine the exact purport of religious vows with respect to validity or invalidity of transactions regarding material goods. In the study group, this observation finds no support; the group considers the canon as one of the most important norms that safeguards authentic monastic life for the East.⁴⁶

From this, we can state that monastic eastern tradition is more rigorous and would like to protect and safeguard the authentic monastic tradition.

2.2.3 Making a Last Will

Both the codes require the individual religious to make a will. A will is a disposition or act by which a person arranges in whole or in part of the property that one will own at death, making his will valid and protected by the favor of the law, and it is revocable until death and effective only at death. All religious are to make a will that is valid in civil law.⁴⁷ This will is to be made at least before perpetual profession and regardless of whether one actually owns property. It is made only for property that the individual will acquire in the future and own at the time of his death. If a person is not juridically capable of making a will, he will do so as soon as he meets the lawful requirements. If one has already done it before the entry, being valid and does not want to change it, the professed need not repeat the same.

⁴⁶ *Nuntia* 16 (1983), 49 [c. 54]; as quoted by J. Abbass, *The Consecrated Life. A Comparative Commentary*, 144-145.

⁴⁷ Cf. *CIC* c. 668 §1 and *CCEO* c. 530.

The spirit and reason of the law are diverse: to detach oneself, legitimately as soon as possible, from the vital worries of the future; to show the faith in the possibility of the imminent death; an express of the vow of poverty, the community life and detachment from one's own temporal goods; for the validity and civil formality which the canon law requires, conferring to the act the strictness and vigor.⁴⁸

2.3 *Permission, Dependence and Limitation*

“Dependence and limitation in the use and disposal of goods” is the principle which is expressed in CIC c. 600 which serves as a guiding norm in the external expression of the vow of poverty. Such dependence and limitation can be exercised and realized in the form of permissions as foreseen and enunciated in the proper law of each institute. Secondly, asking permission is an expression of evangelical poverty because individual religious must look upon himself or herself as having nothing of his or her own. There are various kinds of permission that are seen in the Code. The permission can be express/explicit⁴⁹ or tacit/implicit⁵⁰ or presumed⁵¹.

2.3.1 *Acts which need Permission*

The profession of evangelical poverty entails the permission of the superior for certain acts which exceeds the ordinary realm:

1. *To change the disposition*: In both the Codes, religious needs the permission of superior to change the disposition of administration, disposition of the use and usufruct and of the will which s/he has made at the profession.⁵² Moreover it should have a just reason. A disposition made without permission is a sin but as such is not invalid.⁵³
2. *Any proprietary acts* done by a religious, who has made a total renunciation because of the nature of institute, without the permission of the competent superior is not only illicit, but also invalid. Because he is necessarily disposing of property that is not his own. Without the

⁴⁸ Cf. D. A. Gutiérrez, *Le Forme di Vita Consacrata*, 493.

⁴⁹ Express permission is given by a positive act of the superior. It can be which is given formally, directly in explicit language (J. F. Gallen, *Canon Law for Religious: An explanation*, New York, 1983, 153).

⁵⁰ It is the authorization given to do something without being openly expressed or stated. It is not positively expressed by from external indications legitimately deduced to exist. It is given by the silence of the superior whose duty is to oppose the action if he does not approve of it (*Ibid*, 157).

⁵¹ It is the authorization presumed when there would be proportionately serious difficulty in approaching the superior and it is morally certain that the superior would have granted the permission if asked (*Ibid*, 157).

⁵² Cf. CIC c. 668 §2; CCEO c. 529 §4.

⁵³ Cf. J. F. Gallen, *Canon Law for Religious*, 154.

permission of his own competent superior the religious are forbidden to administer property belonging to lay persons or assume secular offices which require financial accountability. They are also forbidden to assume the obligation of acting as surety or paying debts in case a debtor fails to do so. They are also forbidden to sign promissory notes by which they take up the obligation of paying a certain amount of money for an undetermined reason.⁵⁴ Without the permission of legitimate authority they are forbidden to conduct business or trade personally or through others for their benefit or for the benefit of others.⁵⁵

3. *Acquisition*: permission may readily be presumed for accepting a gift useful to the house and ordinarily there is a general or at least tacit permission for the members to lend and borrow among themselves things that are in frequent use. If the gifts received not for the institute but for the person then he requires the permission of the superior to use it.

4. *Alienation*: the vow forbids, without the permission of the superior, to renounce an inheritance or legacy. Vow and justice forbid a religious to renounce without the permission a property right already acquired for his institute, for example, to renounce salary due for his word. The vow does not forbid a religious to refuse a personal gift made to himself because this is not a disposition but a refusal to make a disposition.⁵⁶

2.3.2 Abuse of Permission

Permission can become an abuse: a) when through permissions religious acquire more than they have given up; b) when they become a roundabout way of getting what is not really necessary; c) when through permissions they become irresponsible in the purchase and use of things and insensitive to the cost of things; d) when the permissions prevent religious from experiencing at least some of the hardships that the economically poor have to undergo; e) when through the permissions, the entire burden of responsibility, as to whether the thing asked for is in keeping with a life of simplicity, is put on the superior.⁵⁷

2.3.3 Acts Restricted or Prohibited

CIC c. 672 asserts that the restrictions or prohibitions for clerics bind members of Religious Institutes.⁵⁸ Similarly, *CCEO* c. 427 states that every religious is bound by the obligations to which common law obliges clerics, unless the law provides otherwise or it appears otherwise from the nature of the matter. Among clerical obligations, the following relate to the practice of poverty: (1) *CIC* c. 285, §4 and *CCEO* c. 385 §3 on certain acts

⁵⁴ *CIC* c. 285 §4; *CCEO* c. 385 §3.

⁵⁵ *CIC* c. 286; *CCEO* c. 385 §2.

⁵⁶ J. F. Gallen, *Canon Law for Religious*, 155.

⁵⁷ Cf. A. Malaviaratchi, *Initiation into Religious Life, India*, 1998, 152.

⁵⁸ It lists up cc. 277, 279, 285, 286, 287 and 289.

which are connected with secular economic liability and (2) *CIC* c. 286 and *CCEO* c. 385 §2 on conducting business or trade.⁵⁹ The religious are forbidden to become agent for goods belonging to lay persons, to assume secular offices which entail an obligation to render accounts, to act as surety even on behalf of their own goods, to sign promissory notes whereby they undertake the obligation to pay an amount of money without any determined reason.⁶⁰ Each determined act requires permission of, or consultation with the competent superior.⁶¹ In the case of pontifical religious institutes, the permission needed to exercise such acts is to be granted by the major superior. In the case of diocesan right institutes, both the major superior and the local ordinary of the Generalate need to grant permission. If a member receives the permission, great prudence must be exercised in these matters and see that he or she is not administrating personally owned funds for personal use.⁶²

In the same way, in pursuance to *CIC* c. 286 and *CCEO* c. 385 §2, the religious are forbidden to conduct business and trade, personally or through others, for their own benefit or that of others, without the permission of competent authority.⁶³ The canon states that the permission can be given to engage in some form of trade or business.⁶⁴ In the case of religious who live on their own manual work, for example, selling some products, especially those of monastic institutes, ecclesial authorization is implicit in Constitutions.⁶⁵ However, both the superior as well as the religious concerned should examine the multiple aspects of such responsibilities, including the technical and financial burdens possibly entailed in assuming roles as power of attorney, executor or legal guardian.⁶⁶ In case of an act without permission, both Codes provide penalties in *CIC* c. 1392 and *CCEO* c. 1466 which says that clerics or

⁵⁹ When a religious acts as an agent of the institute or its institution, his act is regulated by norms contained in *CIC* Book V, cc. 634-640 and proper laws of each institute.

⁶⁰ E. Caparros, *Code of Canon Law Annotated*, Montréal, 2004, 234.

⁶¹ The discipline was the same in 1917 Code (cc. 137 and 139 §3) and in *Motu proprio Cleri sanctitati* (cc. 78, 83), and is specified in the present Codes.

⁶² S. Holland, "The New Code and the Religious," in *The Jurist* 44 (1984), 75-76; J. Hite, *Handbook on Canons [573-746]: Religious Institutes, Secular Institutes and Societies of Apostolic Life*, 506 & 192.

⁶³ This norm was deliberately included in the canons for the practice of the vow of poverty (Cf. *Communicationes* 13 [1981], 185).

⁶⁴ C. 142 of 1917 Code forbade them to conduct any business or trade.

⁶⁵ J. Beyer, *Le Droit de la vie consacrée, Instituts et société*, 154.

⁶⁶ E. McDonough, "Religious Managing the Accounts of Others," in *Review for Religious* 63 (2004), 430.

religious who exercise a trade or business contrary to the prescripts of the canons are to be punished according to the gravity of the delict.⁶⁷

2.4 Poverty of a Religious Raised to the Episcopate

CIC cc. 705-707 *CCEO* c. 431 provide for the case of a religious raised to the episcopate. Among these canons, *CIC* c. 706 and *CCEO* c. 431 more specifically deals with matters concerning the vow of poverty. In normal given situation, by the regulation of *CIC* c. 668 §1 *CCEO* cc. 467, 525 §2 and 530, all religious cede the administration of their goods and dispose of their use and incomes prior to the first profession. And again, by the norm of *CIC* c. 668 §§4-5 and *CCEO* c. 467 the individual religious may also have renounced ownership of goods. There is an alteration in the observance of the vow of poverty of religious raised to episcopate. In *CCEO* it can be a patriarch, bishop or exarch. The mind of the legislator and the norms of the Codes is that because of their particular condition which may require different living situations, they should not be bound to certain obligations in matters of vow of poverty.⁶⁸ The law makes a distinction between those religious who renounce ownership and those who do not.⁶⁹ The religious who renounce ownership, when made bishops, regain the use, enjoyment and administration of temporal goods acquired by them,⁷⁰ but do not regain the power/capacity of ownership, which was totally renounced. In such case, the power of ownership will be vested in the diocese, or its equivalent entity that the law states. If he becomes a titular Bishop the power of ownership will be vested in the institute. If the institute is incapable of ownership, according the norms of the proper law, the Holy See or any other entity mentioned in the proper law may become the owner.

All who do not renounce ownership regain not only the use and enjoyment of the goods they have acquired, but also the capacity to own personal property. In other words, one regains the use, revenues and administration of the goods which one had and fully acquires for himself those which come to him afterwards. He has access to the remuneration of office, can sell, give, and alienate them in any licit way, and can change the will without permission of the superiors. Such a religious is free from the norms of proper law of the institute. However, such a religious is

⁶⁷ Cf. also C. 2380 of the 1917 Code; SCC, Decree, *Plurimis ex documentis*, 22 March 1950, in AAS 42 (1950), 330-331.

⁶⁸ The norms contained in 1983 Code are similar to the previous Code (cf. c. 628).

⁶⁹ Cf. *CIC* 1983 c. 706, 1°; *CCEO* c. 431 §3.

⁷⁰ In other words, he is dispensed from the three obligations of *CIC* c. 668 §1 which were fulfilled before his first profession.

bound by the spirit of the vow of poverty in the use of temporal goods and should avoid luxuries and superfluous expenditures.⁷¹

Both codes state that such a religious remains a member of his own institute (*CIC* can. 705; *CCEO* c. 431). Both codes (*CIC* c. 706, 3°; *CCEO* c. 431 §3) state that they must distribute goods coming to them according to the will of the donors when they do not come to them for personal reasons. It means that the bishop acts as the administrator of church property and is bound to fulfill the will of intention of the donors. It is a general principle and holds true for any person in the Church (*CIC* c. 1267 §3).⁷²

When the religious bishop retires, there is a difference between the Latin and Eastern code with regard to their residence after their retirement. According to *CIC* (c. 707 §1) a retired religious bishop can choose a place of residence even outside the houses of his institute, unless the Apostolic See has provided otherwise. If he has served the diocese, the diocese has to provide for his worthy support unless his own institute wishes to provide such a support. Otherwise the Apostolic see is to provide in another manner. But on the other hand, according to the Eastern Code (Cf. *CCEO*, c. 431, §2), having fulfilled the office, he must return to his monastery, order or congregation which has to provide for his retirement needs.⁷³

2.5 Poverty of Religious under Exclaustation

Exclaustation⁷⁴ is available only to members of religious institutes, not members of secular institutes or societies of apostolic life. Exclaustation from Latin religious institutes is regulated by *CIC* cc. 686-687, and from Eastern monasteries *sui iuris* by *CCEO* cc. 489-491.⁷⁵ By virtue of *CCEO* c.

⁷¹ Y. Sugawara, *Religious Poverty, From Vatican Council II*, 314.

⁷² D. J. Andrès, *Il diritto dei Religiosi, Commento al Codice*, Roma, 1984, 534; E. McDonough, "Separation of Members from the Institutes: Canons 684-709," 268; E. Gambari, *I religiosi nel Codice*, 383; Y. Sugawara, *Religious Poverty, From Vatican Council II*, 313-314.

⁷³ G. Sheehy et al (eds.), *The Canon Law: Letter and Spirit*, 396-397; T. Olattupuram, *The Vow of Poverty in Religious Life – Can. 600: Its Implications Today and Relations to Temporal Goods in CIC and CCEO*, Roma, 2006, 128-129.

⁷⁴ It is an indult that is granted to the members of Religious Institutes, which permits the religious to live outside the community for a specified time. The religious remain bound by their vows and by the obligations of their profession so far as they are compatible with their status. The effects of exclaustation are identical whether it is voluntary or imposed. The exclaustated member is still considered a religious and the juridic bond with the institute remains.

⁷⁵ As subsequently promulgated, unlike the Latin Code, the Eastern norm does not permit the superiors general of religious institutes to grant the indult

491 and CIC c. 687, an exclaustated religious, still a member of his or her institute, remains bound by the obligations tied to the vows and religious profession until they cannot be reconciled with his or her new life conditions.⁷⁶

Though exclaustated members "are considered as dispensed from those obligations which are incompatible with their new condition of life" (CIC can. 687; CCEO can. 491), this new condition leaves avowed obligation of chastity "unaffected."⁷⁷ As for poverty, it is mitigated so that the exclaustated one may administer his or her own goods and maintain a standard of living keeping with particular circumstances.⁷⁸ Exclaustation releases the member from certain obligations of poverty proper to community life, such as obligations to request permission for ordinary expenses and turn over income. The religious still must request permission for extraordinary or large expenses and also live a simple lifestyle.⁷⁹ Unless the indult provides otherwise, the religious may wear the habit of his or her institute (CIC c. 687). CCEO establishes differently for Eastern religious. The latter must remove the habit if they are subject to the eparchial bishop where he or she lives, not to his or her religious superior.⁸⁰ Obligations connected with obedience in daily living are also suspended; however, the one exclaustated continues to depend on and remains under the care of superiors.⁸¹ Nevertheless, since they are freed from the many obligations of obedience, they need not obtain many

of exclaustation. CCEO c. 489 applies to monasteries *sui iuris* and, by virtue of CCEO c. 548, also to orders and congregations. The Eastern rule establishes once again that the indult of exclaustation is granted by the authority to whom the monastery (order or congregation) is subject after hearing the superior of the monastery (superior general) along with the council (J. Abbass, "Revising The Eastern Canons on the Consecrated Life," in *Iustitia* 3 (2012), 99-123); Cf. also J. Ammaikunnel, "Exclaustation: A Comparative Study" in *Ephrem's Theological Journal* 13 (2009), 146-166.

⁷⁶ J. Abbass, *The Consecrated Life: A Comparative Commentary*, 222.

⁷⁷ M. Joyce et al (eds), *Procedural Handbook for Institutes of Consecrated Life and Societies of Apostolic Life*, Washington, D.C., 2001, 140; J. F. Hite, *Religious Institutes, Secular Institutes, Societies of Apostolic Life: A Handbook on Canons 573-746*, 235.

⁷⁸ J. F. Hite, *Religious Institutes, Secular Institutes, Societies of Apostolic Life: A Handbook on Canons 573-746*, 234.

⁷⁹ M. Joyce, *Procedural Handbook for Institutes of Consecrated Life and Societies of Apostolic Life*, 139.

⁸⁰ Cf. CCEO c. 489, 491 and 548; J. P. Beal et al (eds.), *New Commentary on the Code of Canon Law*, 858.

⁸¹ V. G. D'Souza, "Automatic Dismissal of the Religious from the Religious Institute on the Ground of Marriage," in *Studies in Church Law* 6 (2010), 445-446.

permissions that would have been obligatory in community life. It seems that the religious would still need permissions or dispensations for important matters.⁸²

2.6 External Sign of Poverty in Dress

Under former norms (1917 *CIC* c. 597 and *PA* can. 139), all religious were generally required to wear their habit both inside and outside the house. While *CCEO* has retained the rigor of this norm for members of monasteries, *CCEO* c. 540 allows orders and congregations to decide this matter in their statutes. This discretion was decided upon by the expert study group during the *denua recognitio* of the 1980 Schema: "All things considered, the study group decides that it is appropriate to admit some moderate difference in the juridical norms common to all the Eastern Churches, regarding, on one hand, the *habitus* of members of a monastery *sui iuris* and, on the other hand, the *habitus* of other religious."⁸³

Unique to the present Eastern Code, the norm of *CCEO* c. 540 obliges members of orders and congregations to follow the eparchial bishop's norms, if any exist, on wearing the habit outside their houses. This addition was likewise made by the special study group during the *denua recognitio* of the 1980 Schema. At that time, the group decided to accept "the only observation made regarding the canon: that is, that the competence of the local hierarch, with respect to the habit, be specified to a greater extent."⁸⁴

By comparison, as a sign of their consecration and a witness of poverty, Latin religious are to wear the habit inside and outside the house (*CIC* c. 669 §1). Only the making of the habit is left to the institutes' proper law. However, a norm unique to the Latin code provides that some institutes may not have a habit. *CIC* c. 669 §2 states: "Clerical religious of an institute which does not have a proper habit are to wear clerical dress according to the norm of can. 284."⁸⁵ In any case, *CIC* c. 669, §1, requires

⁸² Other obligations on the part of the individual religious and institute would be: updates or reports by the religious on progress or situation of changes of address; receipt of community mailings; visits to the community; use of a contact person within the institute (M. Joyce, *Procedural Handbook for Institutes of Consecrated Life and Societies of Apostolic Life*, 140).

⁸³ *Nuntia* 16 (1983), 54 (c. 63) as quoted by J. Abbass, *The Consecrated Life: A Comparative Commentary*, 373.

⁸⁴ *Ibid*, 92.

⁸⁵ Canon 284 states that clerics are to wear suitable ecclesiastical garb in accord with the norms issued by the Conference of Bishops and in accord with legitimate custom. Also in this case, their clothes should be suitable to the spirit of poverty which they profess (For further clarity Cf. D. F. O'Connor, "Obligations and Rights: Canons 662-672, 277, 285-287, 289, 279, §2," 187).

that the dress of religious manifest an external witness of poverty in dress.⁸⁶ The text, based on *PC 17*, indicates the basic elements of a religious habit. First, the canon identifies the purpose of the habit as a sign of consecration and a testimony to poverty. Second, it leaves norms regarding the habit are left to proper law.⁸⁷

A sign of consecration and simplicity, the habit witnesses to the world a spirit of evangelical poverty and detachment from material goods.⁸⁸ Therefore, the dress should be "simple and modest, at once poor and becoming".⁸⁹ A 1972 SCRIS letter requires that a religious habit distinguish the wearer; however, it gives no specific description.⁹⁰ Pope John Paul II strongly recommended that religious wear a habit – suitably adapted to their conditions and places – since it is a sign of consecration, poverty and membership in a particular religious family.⁹¹ The habit exalts the internal character of the spirit facing the dissipation and bewilderment of the modern world. It also announces the eschatological end of religious life, namely, preparing for the coming kingdom of Christ. The need to have and value in having a religious habit for public witness have been amply reiterated by Pope Paul VI and documents of Holy See.⁹² But where a religious habit may obstruct normal pastoral activity, guidelines from the Roman curia will help resolve the problem: a simple,

⁸⁶ In the 1977 schema, this obligation of external sign of poverty was mentioned in the canon which treated public witness required of all institutes in can. 607 and did not contain a reference to poverty. In the revision process, the majority of commission members preferred to transfer the canon to where the Code treats the obligation for religious (*Communicationes*, 12 [1980], 134). There was a suggestion not to refer to poverty in the canon, but it was not accepted (*Communciationes*, 13 [1981], 189).

⁸⁷ Canon 596 of the 1917 Code stated that religious must wear the habit proper to their institute both inside and outside the house and in case of urgency the major superiors can dispense from this obligations. But the present canon states nothing about when a habit is to be worn. It leaves it to the proper law.

⁸⁸ E. McDermott, "Stewards of Gifts to be Shared: The Vow of Poverty in Religious Life", 121,

⁸⁹ *PC 17*; *ET 22*.

⁹⁰ SCRIS, Private Letter, 22 January 1972, in *CLD*, vol. 7, 534-535.

⁹¹ *VC 25*.

⁹² Paul VI, Allocation to General Superiors of Women Religious Congregations, 7 March 1967, in *AAS* 59 (1967), 342; SCRIS, Notification, *Le Vêtement Religieux*, March 1974, in *Commentarium pro Religiosis et Missionariis* 58 (1977), 275; SCRIS, Notification, *Le Risposte*, 12 November 1976, in *Documenti ufficiali della Santa Sede*, vol. 1, Bologna, Enchiridion Vaticanum, 644-648; See also *RD 14d*.

inexpensive and limited wardrobe that avoids snobbery or coquetry and is suitable for the poor.⁹³

Conclusion

Throughout history, many different types of religious institutes have existed within the Church. As a result of codification, the Latin code has grouped these various institutes into two categories, institutes of consecrated life and societies of apostolic life, according to these institutes' essential elements. Additionally, the Latin code sub-categorizes institutes of consecrated life as religious or secular. Consequently, a Latin religious institute can be monastic, cloistered, semi-contemplative, missionary or apostolic. On the other hand, *CCEO* follows a historical and traditional method of classification. The Eastern code recognizes only monasteries, orders and congregations as religious institutes. By retaining these traditional categories, *CCEO* can be considered more faithful to the spirit of religious life.

Most *CIC* and *CCEO* norms regulating the vow of poverty are similar. Laws governing the ceding, administration, change in the disposition and renunciation are the same, albeit with appropriate modifications in their respective institutes depending on its nature. However, the codes differ in minor ways that help to preserve identity and tradition. As regards change in the disposition of goods after the time of first profession, the *CCEO* norm explicitly adds that change in the disposition cannot be made in favor of the religious institute if a notable part of that property is at stake. The Eastern code is more firm and absolute as regards pension, subsidy etc. It states that these goods belong to the institute, while the Latin code states that it is left to the proper law to determine their use. The Eastern code specifies the time limit of sixty days before which the candidate can renounce their property, while the Latin code leaves such limitation to the proper law. Given the vastness of the subject, this paper has not explored the consequences of violating the law of poverty nor the field of collective poverty, which gives us room for further study.

⁹³ SCRIS, Notification, 6 February 1965; Rescriptum, 17 August 1967; *Normae*, 8 June 1970, Notification, 25 February 1972; SCEP, Letter, 25 January 1977, in *Commentarium Pro Religiosis et Missionariis* 58 (1976), 275-277.