

TRANSFER BETWEEN RELIGIOUS INSTITUTES: REQUIREMENTS, PROCESS AND EFFECTS

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To live the charism of a religious institute and to find meaning in it is not easy for all the members of a religious institute. Sometimes the religious may find difficulty to regulate with the charism and life style of the religious institute where they made their first commitment. Both codes give provisions for such members to overcome such situations. Here in this article the author is concentrating on one of the provisions i.e. transfer from one religious institute to another: its requirements, process and effects.

Introduction

The world and Church, today, are facing challenges far more profound than the superficial problems often reported by the media. Religious life in particular, faces lots of challenges inside and outside especially in terms of finding meaning in living the charism and the call of the members of the institute. The modern world is opening up many avenues of changes in the religious institutes and the canons of both codes give multiple provisions for such members of the “deviated thoughts.” Since the human beings are so fragile, their decisions in life also might change when difficulties and crisis creep in their life. The transfer is one such provision which helps the fragile souls in the religious life to discern the new call within the call. The literal meaning of the word “transfer” is the process of moving from one place to another.¹ The idea of transfer, in religious institutes, is not altogether a

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¹ Paul Procter, *Cambridge International Dictionary of English*, London, Cambridge University Press, 1995, 1550.

new concept rather it is as old as the idea of religious life itself. The concept of transfer includes moving from one religious institute to another religious institute. It doesn't necessitate a complete break-up from religious life. Legitimately, transfer is the replacement of a member's legitimate incorporation from one institute to another.²

Once a religious member becomes aware of his or her pressing need to discontinue from a particular religious institute or a particular community because of some serious reasons and at the same time he/she would like to continue in the consecrated life, the Church law provides the possibility of transfer to another religious institute. In this context transfer means "the canonical process by which a professed member of one institute changes his or her membership to another institute."³

1. Possible Background for Seeking Transfer

Religious life is a tough and rare call and a road much less travelled by the ordinary Christians. A situation arises in the life of a professed member of a religious institute wherein he/she believes that the Spirit is calling him/her to another religious institute different from the original institute through which he/she committed herself/himself first to God. It is important to consider the pressing need that motivates the member to ask for such a transfer. Without having proper knowledge of the consequences and implications of the transfer, many religious do not take crucial steps like a transfer from their institute to another. One of the reasons for the many transfers that has been taking place is lack of compatibility between the individual and the institute in which he/she is a member. Another factor is due to emigration, disruption and political turmoil which results in geographic dislocation. A third contributing factor is the realization of a greater, more intense and profound call within a call. A further factor is a very personal one, that is, a religious may encounter the need to begin anew because of regret, demoralization or isolation. However, the unfavorable conditions in the community may cause a member to seek transfer to another institute.⁴

² Rosemary Smith, "Issues of Separation and Transfer among Religious: Context and Procedure," *CLSA Proceedings of the Forty-seventh Annual Convention* (October 15-18, 1985) 97-114, 99.

³ Jordan F. Hite, Sharon Holland and Daniel J. Ward, (eds.), *A Hand Book on Canons 573-746*, Collegeville, Liturgical press, 1985, 336.

⁴ Rose Mc Dermott, *The Consecrated Life: Cases, Commentary, Documents, Readings*, Canon Law Society of America, Alexandria, 2006, 166-167.

If the member simply wants to move away from the difficulties of community life in the present institute, he/she has to recognize that in any religious institute he/she will be obliged to live common life and to observe evangelical counsels in accord with the proper law of the institute. If the religious has problem with community life or observance of vows, then it is important to see or examine the person's vocation to religious life.⁵

2. Probable Precautions by the Superiors

A religious who decides for a transfer among institutes should have a serious and creative encounter with respective provincial superior or in her absence with the superior general in order to weigh the necessity of the decision. Before giving permission to transfer to another religious institute, the superior and the counsellors are to see whether the religious has consistently experienced difficulties in religious life or not. If the religious had difficulties in religious life, that should be communicated to the superior of the new institute by the superior of the religious who wish to be transferred. Once it is conveyed to the superior of the new institute, they may not decide to accept the member. Transfer is not a permanent solution for resolving or fixing a problem in religious life. The member can address the issues to the institute itself or can request for exclaustation which can address all these issues. Though not having any juridical import, another practical crisis the member may face in the future is that the memorable events like formation period, profession etc., happened in the first institute will be missing when the religious celebrate jubilee or other social events. Superiors should bring these issues to the attention of the religious who ask for transfer.⁶ In this article we are mainly focusing on the juridical process and effects of transfer between religious institutes based on canons on transfer given in both CIC and CCEO.

3. Transfer in Monasteries

Since the Eastern Code distinctly recognizes religious institutes as monasteries, orders and congregations, CCEO cc. 487-488 first treat the question of transfer between monasteries. CCEO dedicates 2 canons

⁵ Rose Mc Dermott, *The Consecrated Life: Cases, Commentary, Documents, Readings*, 166-167.

⁶ Rose Mc Dermott, *The Consecrated Life: Cases, Commentary, Documents, Readings*, 166-167.

specifically to deal with transfer in orders and congregations, cc. 544-545.⁷

In CIC c. 684 §1, transfer is limited to perpetually professed members from one religious institute to another. But §3 of the same canon, in the case of transfer from one monastery *sui iuris* to another, does not specify perpetually professed members, that is, the religious intended by CIC c. 684 §3 has been authentically interpreted to include members in temporary as well as perpetual vows.⁸ CCEO c. 487 does not limit it to perpetually professed members. But the common norm for monasteries *sui iuris* is that after three years of novitiate the novice makes perpetual profession (CCEO c. 457 §1). Typicon of each monastery *sui iuris* can make exception in this regard, that is, each monastery *sui iuris* can include in the typicon, provision for temporary profession. So the canon regarding transfer between monasteries is mainly focused on the perpetually professed members, but if any of the monastery *sui iuris* having temporary profession, even temporary professed members can seek for transfer. Regarding transfer between monasteries there are three types of situations addressed by CCEO c. 487. They are, transfer within the same monastic confederation, transfer outside the same confederated monasteries and transfer to a monastery of another Church *sui iuris*.

3.1. Requirements for Transfer within the Same Confederation (CCEO c. 487 §1 & CIC c. 684 §§3-4)

Regarding requirements for transfer within the same monastic confederation CCEO cc. 487 §1 & CIC c. 684 §§3-4 give the following norms. CCEO c. 487 §1 requires the written consent of the president of the monastic confederation. Canon states:

A member cannot transfer from one monastery *sui iuris* to another of the same confederation without the written consent of the president of the confederation.

According to this canon transfer within the same confederation requires the written consent of the president of the confederation

⁷ This separate treatment stems from the decision within the PCCICOR to recognize religious institutes distinctly as monasteries, orders and congregations while giving “a certain prominence to monasteries *sui iuris*, which are the most traditional form of religious life in the East.” *Nuntia* 16 (1983) 4.

⁸ Jobe Abbass, *The Consecrated Life: A Comparative Commentary of the Eastern and Latin Codes*, Saint Paul University, Ottawa, 2008, 190.

(CCEO c. 487 §1). Before giving the consent, the president has to consult the superior of the monastery *sui iuris* from which the transfer is made (CCEO c. 487 §3). Consent of the president does not mean that the transfer occurred. For transfer, the canon also requires a separate juridical act from the part of the superior of the monastery *sui iuris* to which the member is transferring i.e., the transferring member is admitted by the superior of the monastery *sui iuris* with the consent of the synaxis (CCEO c. 487 §5).⁹ Such a norm is not found in CIC.

In the Latin religious institutes, monasteries can be autonomous monastery, monastic federation¹⁰ or monastic confederation¹¹ and the transfer can take place from an autonomous monastery to another monastery of the same institute, federation or confederation. CIC c. 684 §3 speaks about requirements for this transfer:

For a religious to transfer from one autonomous monastery to another monastery of the same institute, federation or confederation, the consent of the major superior of both monasteries and of the chapter of the receiving monastery is required and is sufficient unless the institutes own law has established further conditions. A new profession is not required.

⁹ CCEO c. 487 §5: "The transfer occurs by admission granted by the superior of the new monastery *sui iuris* with the consent of the synaxis."

¹⁰ A federation means when certain institute sharing the same charism join together for common purpose but each institute retains its autonomy. Eg. Congregations of Benedictines and Cistercian monasteries. John P. Beal, James A. Coriden and Thomas J. Green (eds.), *New Commentary on the Code of Canon Law*, TPI, Bangalore, 2003, 750. CCEO doesn't mention about monastic federations.

¹¹ Confederations are groupings of federations into a still larger structure. Eg. Confederation of Benedictine monasteries and the confederation of Canonries of St. Augustine. John P. Beal, James A Coriden and Thomas J. Green (eds.), *New Commentary on the Code of Canon Law*, 750. In CCEO c. 439 speaks about the formulation of monastic confederation. Several monasteries *sui iuris* subject to the same bishop, patriarch or Holy see, may with their consent, form a confederation at the eparchial, patriarchal or pontifical level respectively defines confederations and their recognition by bishops, patriarchs as well as the Holy see. Both CIC and CCEO presents two different realities regarding monastic confederation. Since there are differences in the concept of monastery *sui iuris* between CIC and CCEO, it is not easy to make a comparison between both codes regarding transfer between monasteries. Jobe Abbass, *The Consecrated Life: A Comparative Commentary of the Eastern and Latin Codes*, 191.

CIC requires consent of the major superiors of both monasteries and the chapter of the receiving monastery; and if any other requirement is given in the institute's own law that also should be fulfilled. Profession is not required in this transfer.

3.2. Juridical Process and Effects of Transfer within Monastic Confederation (CCEO c. 488 §1)

Transfer within the same monastic confederation does not require novitiate or probationary period nor requires new profession in the new institute. CCEO c. 488 §1 states:

The one who transfers to another monastery *sui iuris* of the same confederation does not go through the novitiate nor make a new profession and, from the day of the transfer, loses the rights and is released from the obligations toward the former monastery and assumes the rights and obligations of the second and, if he is a cleric, is also ascribed to it as a cleric.

Regarding novitiate, the canon says, the one who transfers within the same confederation does not go through novitiate nor make a new profession. But such requirements can be included in the particular law of the institute. CIC c. 684 §3 is similar with CCEO and states, a new profession is not required.

The same canon also explains the juridical effects of transfer within the same confederation. Once the member is transferred from his/her institute to another monastery *sui iuris*, the rights and obligations of the member in the original monastery *sui iuris* ceases and the member becomes fully incorporated into the new monastery *sui iuris* (CCEO c. 488).

According to CIC c. 685 §2 by profession in the new institute, the person becomes free from the bond of vow and other obligations and rights in the previous institute and fully incorporated into the new monastery *sui iuris*.

3.3. Requirements of Transfer between Non-Confederated Monasteries (CCEO c. 487 §2)

Transfer between monasteries *sui iuris* outside the confederation is characteristics of Eastern Code. Juridical effects of such transfer is also unique to the Eastern Code. Consent of the hierarchical authorities to which the monasteries are subjected to is needed in the case of transfer between non-confederated monasteries. CCEO c.487 §2 gives the norm:

For a transfer from a non-confederated monastery to another monastery subject to the same authority, the consent of the same authority is required; if however, the monastery to which the transfer is made is subject to another authority, the consent of this authority is also required.

As per CCEO c. 434, monasteries can be pontifical, patriarchal and eparchial and monasteries can be subjected to Holy See, Patriarch or eparchial bishop respectively. Jobe Abbass comments:

"If the transfer involves two non-confederated monasteries subject to the same eparchial bishop, the consent of that one bishop is required. However, if one of those monasteries is of eparchial right and the other is of stauropegial (of patriarchal right), then the transferring member will need the consent of the bishop concerned and the patriarch. Again, if one of those monasteries is stauropegial and the other is pontifical right, the consent of the patriarch and the Holy See would be required."¹²

Another important point is that CCEO c. 487 §3 requires from the eparchial bishop and patriarch that, before giving the consent, they have to consult with the superior of the monastery *sui iuris* from which the transfer is made. Transfer between monasteries will be complete only with the admission of the transferring member to the new monastery by the superior of the same monastery *sui iuris* with the consent of the council (CCEO c. 487 §5).

3.4. Juridical Process and Effects of Transfer between Non-confederated Monastery *Sui iuris* (CCEO c. 488 §2)

Regarding the process of transfer between non-confederated monastery *sui iuris* CCEO c. 488 §2 states:

The one who transfers from one monastery *sui iuris* to another monastery *sui iuris* that does not belong to any confederation or belongs to a different one shall observe the prescripts of the typicon of the monastery to which the transfer is made, with regard to the obligation to go through novitiate and make profession. If there is no provision for it in the typicon, however, the person neither go through novitiate nor make a new profession, but the effects of the transfer take place from the day on which the transfer occurs, unless the superior of the monastery requires the person to go

¹² Jobe Abbass, "Transfer to another Monastery: Canons 487-488," in ed. John D. Faris, Jobe Abbass, *A Practical Commentary to the Code of Canons of the Eastern Churches*, Vol. 1, Canada, Wilson & Lafleur, 2019, 934-939, 936.

through some probationary period, not longer than a year, in the new monastery. When the probationary period has passed, he or she either is to be ascribed permanently to the new monastery by the superior with the consent of the council or synaxis, in accord with the norm of the typicon, or is to return to the original monastery.

The canon gives three possible situations in the case of transfer between two monastery *sui iuris* which do not belong to the same confederation or belong to any confederation. Firstly if the typicon of the new monastery obliges, the transferring member has to go through novitiate and make new profession and secondly if the typicon does not require novitiate or profession, the transferring member is free from novitiate and profession in the new institute. This situation is similar in the transfer between monasteries of same confederation. On the day of transfer, the member is fully incorporated into the new monastery *sui iuris*. And thirdly, if the typicon of the new monastery does not require novitiate or new profession, the superior of the new monastery can ask the transferring member to go through a probationary period of not more than a year. When the probationary period is over, the member can either be ascribed permanently to the new monastery by the superior with the consent of the council or synaxis or return to the original monastery.¹³

3.5. Transfer between Monasteries of Different Churches *Sui iuris* (CCEO c. 487 §4)

This third category of transfer speaks about transfer from one monastery *sui iuris* to another monastery of another Church *sui iuris*. CCEO c. 487 §4 states:

For the validity of the transfer to a monastery of another Church *sui iuris* the consent of the Apostolic See is also required.

There is no parallel canon in CIC regarding this transfer, but this norm is applicable to the Latin monasteries *sui iuris*, if there is a transfer taking place between Latin and Eastern monasteries *sui iuris*. Apart from all other consents required by law, consent of the Apostolic See is required in this transfer, for validity.¹⁴

¹³ Jobe Abbass, "Transfer to another Religious Institute in the Latin and Eastern Catholic Churches," *Commentarium Pro Religiosis et Missionariis*, 78/1 (1998), 121-151, 135-136.

¹⁴ Jobe Abbass, *The Consecrated Life: A Comparative Commentary of the Eastern and Latin Codes*, Ottawa: St. Paul University, 2008.

4. Transfer in Orders and Congregations (CCEO cc. 544-545)

We have seen transfer between monasteries and now we treat transfer in the orders and congregations which is regulated by CCEO cc. 544-545 which foresee transfer to a monastery *sui iuris* from an order or congregation and transfer from a monastery *sui iuris* to an order or congregation.

Previous Latin and Eastern norms on transfer were contained in CIC 1917 cc. 632-636 and PAL cc. 182-186. Although the eastern legislation generally follows the CIC 1917, the procedure regarding the permission needed to transfer was already simplified.¹⁵ The difference between Latin and Oriental codes regarding the norms on transfer will often result from a fundamental reform of the previous Latin discipline on the one hand and an essential return to the former eastern legislation on the other. Requirements of transfer from one religious institute to another of the same Church *sui iuris* (CCEO c. 544 §§1&2) are the following:

4.1. Within the Patriarchal Territory (CCEO c. 544 §1)

Regarding transfer within the limits of the patriarchal or major archiepiscopal territory, CCEO c. 544 §1 states:

Within the territorial boundaries of the patriarchal Church, a member can transfer validly to another religious institute with the written consent of the patriarch and with the consent of his or her own superior general and the superior general of the order or congregation to which he or she wishes to transfer, or, if it concerns transfer to a monastery, of the superior of the monastery *sui iuris*; for the granting of their consent, the superiors need the prior consent of their council or, if it concerns a monastery, of the synaxis.

According to this canon, within the patriarchal boundaries of the patriarchal Church, a religious of an order or congregation can validly transfer to another order or congregation with the written consent of

¹⁵ Example for this, 1917 *CIC* c. 632 required permission of the Apostolic See for the transfer even to a stricter institute, *PAL* c. 182 §§ 2-3 established that within the respective competences, the patriarch or the local hierarch could grant this permission. A detailed comparative study on transfer, Jobe Abbass, "Transfer to Another Religious Institute in the Latin and Eastern Catholic Churches," 121-151.

the patriarch and with the consent of both the superiors general¹⁶ of the orders or congregations.

The canon also stipulates that, if it is a transfer to a monastery *sui iuris*, the consent of the superior of the monastery *sui iuris* is also required. For giving this consent, the superiors must have the consent of their councils or if it is a monastery *sui iuris*, consent of the synaxis. According to this norm, within the territorial boundaries of the patriarchal Church and within the same Church *sui iuris*, the following cases of transfer can be verified:

- from an order or congregation of pontifical or patriarchal right to another order of patriarchal or pontifical right;
- from an order or congregation of pontifical or patriarchal right to a congregation of pontifical, patriarchal or eparchial right;
- from an order or congregation of pontifical or patriarchal right to a monastery *sui iuris* of pontifical, stauropegial or eparchial right;
- from a congregation of eparchial right to an order of pontifical or patriarchal or congregation of pontifical, patriarchal or eparchial right or a monastery *sui iuris* of pontifical, stauropegial or eparchial right.¹⁷

The essential difference between CIC c. 684 §1 and CCEO c. 544 §1 is that, CCEO requires the written consent of the Patriarch (or Major Archbishop). The patriarch can grant the consent even to the members of the pontifical religious institutes with the condition that the transfer should take place within the territorial boundaries of the patriarchal Church based on the general rule in CCEO c. 78 §2.¹⁸

4.2. Transfer within Two Eparchial Right Religious Institutes

CCEO c. 544 §2 gives the norms regarding transfer within two eparchial right religious institutes. The canon states:

A member can validly transfer from a congregation of eparchial right to another religious institute of eparchial right with the

¹⁶ Superiors general of the institutes from which and to which the transfer is taking place.

¹⁷ Dimitrios Salachas, *La vita consacrata nel codice dei canoni Chiese Orientali* (CCEO), Bologna, Edizioni Dehoniane, 2006, 246-247.

¹⁸ CCEO c. 78 §2 - "The power of the patriarch is exercised validly only within the territorial boundaries of the patriarchal Church unless the nature of the matter or the common or particular law approved by the Roman Pontiff establishes otherwise."

written consent of the eparchial bishop of the place where the principal house of the religious institute is located, to which transfer is made, after having consulted the superior general of the congregation from which transfer is made, and with the consent of the superior general of the congregation or the superior of the monastery *sui iuris* to which transfer is made. For the granting of this consent, the superiors need the prior consent of their council or if it concerns a monastery, of the synaxis.

For the valid transfer from a congregation of eparchial right to another congregation of eparchial right or to a monastery *sui iuris* of eparchial right, always of the same Church *sui iuris*, the written consent is needed of the eparchial bishop of the place where the principal house of the religious institute to which the transfer occurs. The bishop, before giving the consent, must consult with the superior general of the congregation from which the person is being transferred and obtain the consent of the superior general of the congregation or monastery *sui iuris* to which the transfer is effected. Here also the above-mentioned superiors give their consent after getting the consent of their council or if it is the case of a monastery *sui iuris*, that of the synaxis.

4.3. Other Cases (CCEO c. 544 §§3 & 4)

Regarding transfer which takes place outside the above two cases, CCEO c. 544 §§3 & 4 prescribe as follows:

CCEO c. 544 §3: In other cases the member cannot validly transfer to another religious institute without the consent of the Apostolic See.

CCEO c. 544 §4: The consent of the Apostolic See is required for the validity of a transfer to a religious institute of another Church *sui iuris*.

'In all other cases' as mentioned in CCEO c. 544 §3 consider the transfer from a religious institute to another religious institute outside the territorial boundary of patriarchal or major archiepiscopal Churches to the exception of transfer from a congregation of eparchial right to another congregation of eparchial right or a monastery *sui iuris* of eparchial right of the same Church *sui iuris*. Jobe Abbass while commenting on 'the other cases' says:

In the patriarchal Churches, but outside the patriarchal territory, the "other cases" include: i) transfers to/from religious institutes of pontifical or patriarchal right, ii) transfers to/from religious

institute of pontifical right and religious institutes of patriarchal right, and iii) transfers to/from religious institute of pontifical or patriarchal right and religious institute of eparchial right. In the other eastern catholic Churches, the “other cases” include, transfers to/from religious institute of pontifical right, and ii) transfers to/from religious institute of pontifical right and religious institute of eparchial right.¹⁹

For the validity of transfer to a religious institute of any juridical condition of another Church *sui iuris*, consent of the Apostolic See is needed (CCEO c. 544 §4). Although CCEO c. 544 §4 is unique to the oriental code, it also implicitly concerns the Latin Church.²⁰

4.4. Procedure for Transfer in Orders and Congregations (CCEO c. 545; CIC cc. 684, 685)

As we have already seen, the transfer between monasteries does not require probationary period or new profession in the new institute unless it is prescribed in the typicon of the monastery *sui iuris*, but transfer to other religious institutes require both probationary period and profession in Latin and Eastern Catholic Churches. CIC uses the word ‘probationary period’ in order to avoid the double status of a member as ‘professed’ and ‘novice’ while CCEO uses the word ‘novitiate.’ Before making perpetual profession in the new religious institute, CIC requires at least three years of probationary period. The time period can be more if the proper law requires it. CCEO is significantly different with respect to the trial period that a transferring member must complete before making the profession in the new institute.

CIC c. 684 §1 states:

After completing a probationary period which is of at least three years, the member can be admitted to perpetual profession in the new institute.

CCEO c. 545 §1 in its first part speaks about requirements of entire novitiate²¹ for transfer. When one makes a transfer to another order or to a congregation or to a monastery *sui iuris* one must go through the entire novitiate unless it is reduced by the superior general or the

¹⁹ Jobe Abbass, “Transfer in the CIC and CCEO,” 121-151, 144.

²⁰ Dimitrios Salachas, *La vita consacrata nel codice dei canoni Chiese Orientali (CCEO)*, 247.

²¹ In orders and congregations, to be valid, a novitiate must include one full and continuous year (CCEO c. 523).

superior of the monastery with the consent of the council, but not lesser than six months. This provides ample opportunity not only for the religious to understand the demands of a new way of life, but also for the institute with sufficient time to assess the suitability of the individual.²² The canon states as follows:

The one who transfers must go through the entire novitiate, except if the superior general or the superior of the monastery *sui iuris*, each of them with the consent of the council, on account of special circumstances, reduce the time of the novitiate, but not below six months.

In Latin religious institutes the time and mode of probationary period must be according to the proper law. CIC c. 684 §4 states:

Proper law is to determine the time and mode of probation which is to precede the profession of a member in the new institute.

Profession in the new institute must proceed the probationary period which must be determined by the proper law of the institute.

4.5. Juridical Effects of Transfer in Orders and Congregations

During the probationary period/novitiate, while the vows remain in force, the rights and duties of former institute, such as active and passive voice in elections, are suspended. As soon as formal period of novitiate or probation begins, the religious comes under the obedience of the new superior and he/she is obliged by the internal laws, rules and regulations of the new institute (CIC 685 §1; CCEO c. 545 §1).²³ In this way, he or she gets real experience of life within that institute.

CIC c. 685 §1 states as follows:

Until the religious makes profession in the new institute, while the vows remain, the right and obligations which the member had in the former institute are suspended; however the religious is obligated to observe the proper law of the new institute from the beginning of the probationary period.

CCEO c. 545 §1 in its second part states:

²² Gerard Sheehy and others, (eds.), *The Canon Law Letter and Spirit: A Practical Guide to the Code of Canon Law*, Dublin, The Canon Law Society of Great Britain and Ireland, 1995, 382.

²³ Victor J. Pospishil, *Eastern Catholic Church Law: Revised and Augmented Edition*, New York, St. Maron Publications, 1996, 333.

During the novitiate, while the vows remain in force, the rights and particular obligations which the member had in the previous order or congregation are suspended, and the member is bound by the obligation to obey the superiors and the novice master of the new religious institute also in force of the vows of obedience.

During the time of probationary period/novitiate, the competent authority has the right to allow the person to leave the institute or can be dismissed from it. Once the probationary period is completed, the candidate is either to be admitted to the profession or incorporation or to be dismissed. Candidates to religious institutes are provided with the possibility of extending the probation period up to six months. In recent times, an individual can take the decision to leave a particular community in favour of joining a different one or in favour of a different life style in accordance with the freedom of the individual²⁴

Both CIC and CCEO require profession in the new religious institute after completion of the probationary period/novitiate in orders and congregations (CIC cc. 684 §2, 685 §2; CCEO c.545 §2&3).

The process of transfer reaches its completion with the profession of the religious in the new institute. According to CIC, at the completion of the probationary period the member can be admitted to perpetual profession in the new religious institute since it allows transfer only to perpetually professed members. According to CCEO, at the completion of novitiate, if the religious is already a perpetually professed, he or she is to make perpetual profession and becomes fully incorporated into the new institute. If the member is only a temporary professed, he/she has to make temporary profession at least for three years except in the case of the member who has already completed three years of novitiate in a monastery *sui iuris* to which transfer was made. If no profession is made in the new religious institute, the member returns to the previous institute, unless his or her profession has expired in the meantime.²⁵

When the person is incorporated into the new religious institute after the transfer process is completed, all prior rights, obligations and vows cease. Once the transfer is completed, the entire earnings through personal work in the previous institute belong to that institute.

²⁴ Rosemary Smith, "Issues of Separation and Transfer among Religious: Context and Procedure," 97-114, 105.

²⁵ Jobe Abbass, *The Consecrated Life: A Comparative Commentary of the Eastern and Latin Codes*, 394.

With respect to property and dowry, CCEO c. 488 §4 stresses that the goods acquired through that member by the religious institute from which he or she is transferring remain there. As well, from the day of transfer, if a dowry is required, it passes with the religious to the institute to which transfer is made. However, the revenues that have accrued to the dowry until the day of transfer belong to the monastery from which the member has transferred.²⁶ In case the cleric is incardinated into a diocese, letters of excardination and incardination must first be given from the respective local ordinaries/ local hierarchs before the general superiors may accord the permission for transfer.

Conclusion

We have been trying to see both the positive and negative dimensions of the concept of 'transfer' in a detailed way especially it's canonical nuances. The spirituality of a religious congregation makes present its patrimony and uniqueness as a living and vibrant reality. The spiritual values are passed on to each generation from the original source in fidelity to the foundational charism. There are numerous spiritual approaches to live the values of Gospel and the vows of religious life. Devotions, ways of prayer, priorities of mission, and lived expressions in daily life are the manifestations of the spirituality embraced by a religious community. So, if a religious feels that he or she has made a wrong choice in the selection of a right spiritual patrimony, he or she is given a provision to change his or her choice to another. As we have seen in the introduction, transfer within the religious institutes is not a complete break-up from religious life but rather it is a possibility, a door for a new beginning in another religious institute. We have seen the possible background for seeking transfer from one religious institute to another. Canon Law provides the religious, new vistas to renew oneself through transfer. Many of the religious institutes are not aware about this provision of transfer between religious institutes and hence not apply for that. Provision of transfer is a relief for those religious who after having entered a religious institute and not finding themselves satisfied with charism and life style of that institute, but have now another opportunity, to choose an institute of their choice.

²⁶ Jobe Abbass, *The Consecrated Life: A Comparative Commentary of the Eastern and Latin Codes*, 204-205.