

## COMMUNIS VITA AND ORIENTAL RELIGIOUS INSTITUTES

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Pope Francis through his Apo. Letter "*Communis vita*" brought some noteworthy changes for certain norms of the Code of Canon Law of the Latin Church. Strictly speaking '*Communis Vita*' given to the Latin Church, has created at present, a *lacuna* in CCEO for handling the difficult cases of the finally professed religious, who are unauthorizedly and continuously absent for more than one year from religious communities. The religious superiors of monasteries, orders and congregations of the Oriental Churches need a parallel legal provision in CCEO as it is given in *Communis Vita*.

### Introduction

Pope Francis with his Apostolic Letter "*Communis vita*" promulgated as a motu proprio on March 19 of the year 2019 brought some significant changes for certain norms of the Code of Canon Law of the Latin Church. Has this legal provision given to the Latin Church religious institutes got any significance for the religious institutes of the Oriental Churches? To understand it, first of all, we need to learn the Apostolic letter, *Communis vita*. Then, we shall take up the importance of community life in religious institutes of the Oriental Churches.

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### 1. The Apostolic Letter of Pope Francis: *Communis vita*<sup>1</sup>

Pope Francis has made changes in the legal provisions of the Latin Code of Canon Law to facilitate the communitarian aspect of religious life: Life in community is an essential element of religious life, and “religious are to live in their own religious house and are not to be absent from it except with the permission of their superior” (CIC c. 665 §1). The experience of recent years has, however, demonstrated that situations occur that are related to illegitimate absences from the religious house, during which religious distance themselves from the jurisdiction of the legitimate Superior and at times in such a way that they cannot be located.

The Code of Canon Law requires the Superior to seek out the illegitimately absent religious in order to help him or her to return and persevere in his or her vocation (cf. CIC c. 665 §2). Quite often, however, it may happen that the Superior is unable to locate the absent religious. Pursuant to the Code of Canon Law, after at least six months of illegitimate absence (cf. CIC c. 696), it is possible to begin the process of dismissal by the institute, according to the established procedure (cf. CIC c. 697). However, when the religious’ place of residence is unknown, it becomes difficult to accord juridical certainty to the *de facto* situation.

Therefore, notwithstanding what is established by the law on dismissal, following six months of illegitimate absence, in order to help Institutes, apply the necessary discipline and be able to proceed to the dismissal of the illegitimately absent religious, especially in cases in which his or her location is unknown, Pope Francis has decided to add to CIC c. 694 §1, among the reasons for dismissal *ipso facto* from the institute, also a prolonged illegitimate absence from the religious house lasting at least 12 consecutive months, with the same procedure described in CIC c. 694 §2. In order to produce juridical effects, the statement of the case by the Major Superior must be confirmed by the Holy See; for institutes of diocesan right, the confirmation rests with the bishop of the principal See.

The introduction of this new article to §1 of c. 694 requires, moreover, a modification of c. 729 with regard to secular institutes, for which the

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<sup>1</sup>[https://www.vatican.va/content/francesco/en/motu\\_proprio/documents/papa-francesco-motu-proprio-20190319\\_communis-vita.html](https://www.vatican.va/content/francesco/en/motu_proprio/documents/papa-francesco-motu-proprio-20190319_communis-vita.html), accessed on 27.03.2019.

application of discretionary dismissal for illegitimate absence is not provided.

Considering the foregoing, Pope Francis has modified the canon as follows:

Art. 1. Can. 694 CIC is entirely replaced by the following text:

§1. A religious must be held as dismissed *ipso facto* from an institute who:

- 1) has defected notoriously from the Catholic faith;
- 2) has contracted marriage or attempted it, even only civilly;
- 3) has been illegitimately absent from the religious house, pursuant to can. 665 §2, for 12 consecutive months, taking into account that the location of the religious himself or herself may be unknown.

§2. In such cases the Major Superior, with his or her Council and without hesitation, having gathered the evidence, must issue the statement of the case so that the dismissal may be juridically constituted.

§3. In the case envisaged by §1 n. 3, in order to be juridically constituted, this statement must be confirmed by the Holy See; for institutes of diocesan right the confirmation rests with the bishop of the principal See.

Art. 2. of Can. 729 CIC is entirely replaced by the following text:

Dismissal of a member of the institute proceeds pursuant to cann. 694 §1, 1 and 2; and 695. The constitutions may also define other causes for dismissal, provided that they be commensurately serious, external, attributable and juridically proven, and that the procedure established in cann. 697-700 also be observed. The provisions of can. 701 are applicable to the dismissed member.

As resolved with this Apostolic Letter in the form of Motu Proprio, Pope Francis has ordered that it has the firm and stable force, notwithstanding anything contrary even if it is worthy of special mention, and it was promulgated by publishing it in *L'Osservatore Romano*, and it entered into force on 10 April 2019. Later it was published in the official commentary of the *Acta Apostolicae Sedis*.

## **2. The Apostolic letter *Communis vita* and the Oriental Religious Institutes**

The study of this Apostolic letter *Communis vita* invites us to understand how important community life in a religious institute is. The community life is essential to the religious institutes of Oriental

Churches and the illegal absence of a religious from community life can lead to the indiscipline in religious life. Therefore, first of all, let us try to understand what is a religious institute, their typologies, the distinction between monastic vows and simple vows, common life in other forms of consecrated life, comprehend the importance of community life in the ancient Oriental Churches through a short historical survey, and look to their rules and regulations in checking the indiscipline in the community life of these religious institutes.

### **2.1. What is a Religious Institute?**

A religious institute is a form of consecrated life, whose members follow Christ profoundly, intimately and radically by deepening their baptismal consecration by professing evangelical counsels in the Church. The essential elements of religious institutes in the Catholic Church are the following (cfr., CIC c. 607; CCEO c. 410):

- (1) Members pronounce public vows of chastity, poverty and obedience
- (2) Live a fraternal life in common
- (3) Separation from the world (renounce the world) which is proper to the character and purpose of each institute.

### **2.2. Typologies of Religious Institutes**

Religious life in the Church having community life as essential are only of three types. They are the following:

- (1) Monasteries (CCEO c. 433)
- (2) Orders (CCEO c. 504 §1)
- (3) Religious Congregations (CCEO c. 504 §2)

These are the Institutes of Consecrated life which are addressed as religious institutes in CIC and only these typologies are having the essential elements of religious life.

### **2.3. Vow, Oaths, Promises, Bonds and Consecration**

(a) A **vow** is a deliberate and free promise made to God concerning some good that is possible and better. The virtue of religion requires that it be fulfilled (CCEO c. 889 §1; CIC c. 1191 §1). **Sacred Bonds** can be expressed by using the terms such as vows, promises, oaths and consecrations by which members of institutes of consecrated life bind themselves to the observance of evangelical counsels. An **Oath** is the invocation of the Divine name as witness to the truth. It can be made before the Church only in those cases determined by law; otherwise, it produces no canonical effect (CCEO c. 895; CIC c. 1199 §1). A person

who freely swears on oath to do something is specially obliged by the virtue of religion to fulfill that which he or she affirmed by the oath (CIC c. 1200).

But religious profession always implies public vows. It means only the religious (members of monasteries, orders, and religious congregations) can make public vows.

**(b) Public vow** is a vow made in the name of the Church and accepted by a lawful ecclesiastical superior, otherwise it is private (CCEO c. 889 §4; CIC c. 1192 §2). Since a public vow is received in the name of the Church it receives ecclesial stamping and acceptance. As it is received by a lawful superior, it goes for the possibility of dispensation (CCEO c. 893; CIC c. 1196) from the same authority or higher authority. Therefore, the relaxation of the vows can be done when it is needed - for a just reason - only by the competent authorities as it is an ecclesial event.

**(c)** The word **consecration** etymologically means ('cum'+ 'sacrare') 'that which is made sacred.' The important 'dictionaries led us conclude that "consecrate" and "consecration" separate someone or something from the sphere of the profane.'<sup>2</sup> A person can 'make himself sacred' by professing a public monastic (solemn) or simple vow, making an oath/ bond/ promise. Thus, the CIC uses the term the 'institutes of consecrated life' in Book II, Part III referring to all institutes of consecrated life, whether they belong to monastic institutes, orders or religious congregations or of secular institutes.

#### 2.4. Public Profession of Monastic (Solemn) and Simple Vows

Among the religious institutes, the profession of public vows of chastity, poverty and obedience, brings a difference among monasteries, religious orders and religious congregations. The difference is that the members of monasteries and religious orders pronounce the monastic profession (solemn vows). CCEO makes use of the term monastic profession for both monasteries and orders (CCEO cc. 462; 463; 504 §1). The expression solemn vow is found in CIC c. 1192 §2 and it reads: A vow is solemn, if it is recognized by the Church as such; otherwise, it is simple. On the other hand, the members of religious congregations make only public simple vows in their profession of vows of chastity, poverty and obedience.

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<sup>2</sup> Antonio Queralt, "The Value of "Religious" Consecration according to Vatican II," in Rene Latourelle (ed.), *Vatican II: Assessment and Perspectives*, vol. III, New York/ Mahwah: Paulist Press, 1989, 29.

The difference between a monastic profession and a simple vow, today, can be explicitly understood only in the vow of poverty. It is because the effect, of violation of the public vows of chastity and obedience by the members of monasteries and orders and of the religious congregations, is same. In the case of the public solemn vow of poverty, the members of monasteries and religious orders make a radical commitment<sup>3</sup> and by their profession they lose their right to own and administer the temporal goods that they may receive from their parents. Regarding temporal goods acquired by a perpetually professed religious CCEO c. 468 §1 establishes a firm rule for monasteries and by virtue of CCEO c. 533 for orders. By the monastic profession, or perpetual profession in an order, the person renounces his right to ownership.<sup>4</sup> On the other hand, the members of the religious congregations who make public simple vows of poverty have the right to retain their right to own the property which they may receive from their parents but they lose their right to administer the property. The day-to-day management of the property is handed over

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<sup>3</sup> PC 13: In their constitutions, religious communities can allow their members to renounce any inheritance which they have acquired or are due to acquire. In the footnote to this sentence in Walter M Abbot (General Editor), *The Documents of Vatican II*, we find a comment: Until the promulgation of this decree, renunciation of inheritance had been a distinguishing mark of final and solemn vows as distinguished from temporary and simple vows. For the same, further explanation is given in Dharmaram College, Bangalore (trans.), *Documents of II Vatican Council*, Bangalore: Dharmaram Publications, 2004 (First edition 1967) 288: There are two kinds of vows: simple and solemn. Those who have made simple vows retains the right of ownership of the inheritance but they cannot administer them or enjoy their fruits. On the other hand, those who have made solemn vows do not have the right of ownership for inheritance. If they themselves buy or sell any temporal goods, they would be invalid acts. Before the French revolution, there existed only the solemn vows among the religious. When the French revolutionists destroyed many of the monasteries several of the monks had to wander around as they became orphans. In the light of this experience, permission was granted to all the religious communities which were established later to take the simple vows.

<sup>4</sup> Maria Tresa, *Consecration/Profession in Religious Institute according to CCEO*, Dharmaram Canonical Studies 25, Bengaluru: Dharmaram Publications, 2019, 214: This norm corresponds to the sixth canon of the Protodeutera Council of 861 which read- "monks ought not to have anything of their own. Everything of theirs ought to be assigned to the monastery. PCRDCO, *Fonti Serie I-Fascicolo IX-I, 2, Discipline Generale Antique iv-ix s. Synodes Particuliers*, 457-8.

to someone else, but the property remains as that of the member himself. The right to administer the property is ceded to another person before making the temporary profession. Before making their temporary profession, novices must cede to whom they wish, for the whole time they are bound by the profession, the administration of the goods, they actually possess and of those which might accrue to them afterwards (CCEO c. 529 §3), disposing freely of their use and usufruct through a document that is valid before Canon Law and civil laws (CCEO c. 525 §2).<sup>5</sup> For "those who belong to a religious institute with a simple-vow tradition, it must be continued throughout the period of perpetual profession, unless the religious makes a total renunciation (CIC c. 668 §5; CCEO c. 533; 468 §1). The purpose of the cession is to detach, effectively and practically the religious from the involvement with such possessions, so that he is dependent up on the religious institute."<sup>6</sup>

## 2. 5. Community Life

### (1) Community Life in Religious Institutes and Other Forms of Consecrated Life

Community life' is a *sine qua non* element of religious life of all these three typologies that we have mentioned above. None other than these typologies of consecrated life could be strictly called as religious institutes and for them community life is not an essential element. Only the members of religious institutes, consecrated virgins and widows make public vows. Other forms of consecrated life do not make the public vows but they express their profession of evangelical counsels through some sacred bonds.

**(a) Societies in the Manner of Religious** - a typology - explained in CCEO (cc. 554-562), is only imitating whatever is possible by professing the evangelical counsels by some sacred bonds but not by religious vows and imitate their manner of life of the religious state (CCEO c. 554). For them, from the religious institutes they imitate common life but they are not making a public vow to follow the community life and it makes them different from the religious institutes.

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<sup>5</sup> Maria Tresa, *Consecration/Profession in Religious Institute according to CCEO*, 218.

<sup>6</sup> David F. O'Connor, "Obligations and Rights," in *A Handbook on Canons 573-746*, Jordan Hite and Others (eds.), Collegeville, Minnesota: The Liturgical Press, 1985, 181-182.

**(b) Secular Institutes** (CCEO cc. 563-569; CIC cc. 710-730) is another typology of consecrated life. It is a well explained typology in both Codes of Canon Law - a modern version of consecrated life, does not prescribe community life as an essential element of their consecrated life. It is because they 'do not imitate the manner of religious but they exercise apostolic activity like leaven in the world' (cfr., CCEO c. 563, §1, 2° & 3°) and 'strive for the perfection of charity and endeavor to contribute to the sanctification of the world, especially from within' (cfr., CIC c. 711).

**(c) In Other Forms of Consecrated Life** like **Ascetics** - who imitate eremitical life, whether they belong to an institute of consecrated life or not, **Consecrated Virgins** - and **Widows** - living apart from the world, having publicly professed chastity, do not lead a community life.

**(d) Societies of Apostolic Life** as explained well in CIC (cc. 731-746) and as just mentioned typology in CCEO (c. 572), *is not a form of consecrated life* and they only *resemble* consecrated life (CCEO c. 572). Moreover, their members 'do not take religious vows but pursue apostolic purpose and live a fraternal life in common in their own special manner' (CIC c. 731).

Community life is not at all an essential element for these institutes other than religious institutes. Hence, community life is an indispensable element of religious life right from the beginning of the history of the religious institutes in the Church. It can be historically traced.

## **(2) Community Life of Religious Institutes: A Historical Search**

Religious life as an institution of the Church has had its origin in the Christian East.<sup>7</sup> When the age of persecution came to a close, and by the declaration of the Edict of Milan (AD 313), the monk came to the fore, to take the place of the martyr as the summit of perfection.<sup>8</sup> Monasticism in the East was mainly of two types: the eremitical<sup>9</sup> life of

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<sup>7</sup> UR 15.

<sup>8</sup> Cfr., Alfred C. Rush, "Spiritual Martyrdom in Gergory the Great," *Theological Studies* 23 (1962) 572 as cited in Rosmin Cheruvilparambil, *Oriental Legislation on Community Life in Religious Institutes with Particular Reference to the Constitution of the Sacred Heart Congregation*, Dharmaram Canonical Studies 11 (Bangalore: Dharmaram Publications, 2015) 34.

<sup>9</sup> The word 'eremitic' comes from the Greek word 'eremos' meaning solitary, desolate, lonely. It also denotes a person who retires from society and lives in solitude. Cf., Haris & Allen, *Webster's New International Dictionary*, 1009.



hermits or Anchorites and the cenobitic<sup>10</sup> life of monks. 'The model of eremitical life<sup>11</sup> was Antony of Egypt (d.356). When eremitical life was flourishing in the East, another form of monastic life -cenobitic- was introduced by St. Pachomius (292-348).<sup>12</sup>

Fraternity was the fundamental structure of Pachomian community. Members were considered brothers and they lived a life of spirituality centred on communion.<sup>13</sup> For **Pachomius** obedience was the very foundation of community life. By the time Pachomius died in 348, a large number of monastic communities were flourishing in Egypt. However, it was in Asia-minor under the leadership of St. Basil (329-379) that monasticism took a new turn.<sup>14</sup> As a result of his contributions to the monastic theology and structure of the cenobitic life, **St. Basil** is commonly hailed as the father of monasticism in the East. His important works on the monasticism are: *Detailed Rules (Regulae fusius tractatae)*<sup>15</sup> and *Short Rules (Regulae brevius tractatae)*.<sup>16</sup> Pachomian cenobitism, considerably corrected and modified, was the model of the monastic system propagated by St. Basil.<sup>17</sup> **The Cappadocian fathers - Basil, Gregory Nazianzen and Gregory of Nyssa** - furnished monasticism with a well-worked-out theory coupled with the organizational set up of Pachomian cenobitism. They managed to combine asceticism with

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<sup>10</sup> The word 'cenobitical' derive from a combination of two Greek terms, namely, *koinos* (common) and *bios* (life), conveying the meaning common life Cf., Haris & Allen, *Webster's New International Dictionary*, 355.

<sup>11</sup> Two important sources of information on eremitical life are *The Life of St Antony* written by St. Athanasius in 357 and *Apophthegmata Patrum* or sayings of illustrious hermits. Cf., Bouyer, *A History*, 305-317.

<sup>12</sup> Varghese Koluthara, *Rightful Autonomy of Religious Institutes: A Comparative Study based on the Code of Canons of The Oriental Churches and The Code of Canon Law*, Dharmaram Canonical Studies 3 (Bangalore: Dharmaram Publications, 2014) 6.

<sup>13</sup> Rosmin Cheruvilparambil, *Oriental Legislation on Community*, 46.

<sup>14</sup> J. Aumann, *Christian Spirituality in the Catholic Tradition*, London, 1985, 42.

<sup>15</sup> PG., 31, 889 - 1052 (*Regulae fusius tractatae* discusses under fifty-five heads the principles of monastic life) Cf., J. Quasten, *Patrology* III, 212.

<sup>16</sup> PG., 31, 1080 - 1305 (*Regulae brevius tractatae* discusses under 313 heads, monastic rules applicable to the day-to-day life of a cloistered community) Cf., J. Quasten, *Patrology* III, 212.

<sup>17</sup> Basil, *Ascetica*, M. Wagner (tr.), *St. Basil, Ascetical Works*, viii, as cited in Varghese Koluthara, *Rightful Autonomy of Religious Institute*, 7.

obedience to the ecclesiastical authority and it resulted in a stable and balanced cenobitism.<sup>18</sup>

Despite the persecutions and schisms, the East Syrian Church showed a remarkable vitality especially in the growth of monastic institutions. Already in the third century there were hermits in Persia leading ascetical lives in solitude. The writings of fourth century mention about the 'Sons and Daughters of the Covenant,' men and women dedicated to study and prayer, leading celibate lives in community.<sup>19</sup> Canons of East Syrian Fathers are strictly asking the members to follow the community life in monastic communities.<sup>20</sup>

Saint Ephrem (306-373), born in Nisibis of Mesopotamia (now Nusaybah, Turkey), known as the 'harp of the Holy Spirit,' the 'Sun of the Syrians,' and the 'pillar of the Church,' may have been one of the most creative and prolific writers, who contributed to the literature on monasticism in the last period of his life, when the phenomenon of cenobitism had become an issue in Syrian monasticism. It is said that "cenobitism does not belong to the sphere of his interest and concern. He paid his attention only to the anchorites, their life and problems."<sup>21</sup> ... There is something in Ephrem's writing "which seems to reflect the beginning of the cenobetic life and monasteries - on the periphery of his horizon. Perhaps he kept his sorrowful eye on these beginnings when in a *mēmra* on the anchorites and mourners he says with suspicion and concern: 'do not build for yourself rooms that you may not sink into the abyss; do not love a dwelling-place within (i. e. which goes deeper) that you may not inherit the darkness outside; love the dwelling place in the desert in order that the paradise may become your dwelling-place."<sup>22</sup> St. Ephrem... "the giant among the monks strengthened the ancient tradition by inspiring them with a deeper self-understanding, enriching them with new elements, and therefore, revitalizing the whole front of archaic monastic tenets."<sup>23</sup>

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<sup>18</sup> Gribomont, "Monasticism", *New Catholic Encyclopedia* 9 (New York, 1967) 1036, as cited in Varghese Koluthara, *Rightful Autonomy of Religious Institute*, 7.

<sup>19</sup> M. J. Costelloe, "Assyrian Church of the East," in Bernard L. Marthaler, (ed.), *New Catholic Encyclopedia*, vol. 1, 806.

<sup>20</sup> Rosmin Cheruvilparambil, *Oriental Legislation on Community*, 98.

<sup>21</sup> Arthur Vööbus, *History of Asceticism in the Syrian Orient*, Louvain: Secretariat Du Corpus SCO, 1960, 109.

<sup>22</sup> *Hymni et sermones*, IV, col. 151, 153 as cited in Arthur Vööbus, *History of Asceticism in the Syrian Orient*, 109-110.

<sup>23</sup> Arthur Vööbus, *History of Asceticism in the Syrian Orient*, 110.

The oldest legislation for monastic communities in the East Syrian Church is connected with the legislations of **Rabbula, the bishop of Edessa** in the year 411. One of the striking events in the history of Eastern monasticism of the eighth century is the reformation and organization of the monastic life by *Studite Foundations*. St. Theodore the Studite (759-826) organized monasteries especially in Constantinople in the ninth century on the Basilian ideals. Strong in their moral authority, the Studite Foundations were often vigorous opponents of the emperor and the patriarch.<sup>24</sup>

The most remarkable event during the tenth to eleventh centuries in Oriental monasticism was the appearance of a mystical revival with Symeon the new Theologian (d.1022). In contrast to the ancient anchorites the Hesychasts of the school of Symeon lived and worked in communities but championed a demanding conception of union with God. In the thirteenth century, the period of the conquest of Constantinople by the Crusaders, was a time of ruin and decline for Oriental monasticism.

After the Turkish invasion monasticism in the East began to decline. Though Eastern monasticism retained its primitive simpler form of the beginning in centres like Holy Mount Athos of northern Greece, Egypt, Ethiopia, Sinai and Palestine, Syria, Armenia, Georgia, Balkan Countries, Russia and Ukraine,<sup>25</sup> it is almost extinct in these monastic centres with the exception of Mt. Athos where it is still surviving and Rumania where it is flourishing today.<sup>26</sup>

The traditional monastic spirituality of the East was basically a spirituality of 'running away from the world' and living in enclosure. All the first eight Ecumenical councils took place in the East and traditionally the East was considered the 'think-tank' of the Church up to 9<sup>th</sup> century. All the major traditional Churches in the East came to the state of decadence after the Islamic invasions of middle centuries on the Eastern Churches. It also led to the withering of monastic institutes in the Eastern Churches.

After the fall of Constantinople in 1453, the remnant Churches of the East did not have the internal vigour and strength to develop their own spirituality, monasticism and new forms of consecrated life, and flourish like the Western Church. According to Ronald Roberson the frequent reunions of the Eastern Churches with the Western Church "resulted in a

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<sup>24</sup> Gribomont, "Monasticism," 1041.

<sup>25</sup> Spidlik, "Monasticism", 1043-1048.

<sup>26</sup> Varghese Koluthara, *Rightful Autonomy of Religious Institutes*, 11.

process of Latinization, or the adoption of certain practices and attitudes proper to the Latin Church to a certain degree, depending on the circumstances of the group. As a result, these Churches sometimes lost contacts with their spiritual roots. The monastic tradition, so central to Orthodox spirituality, died out in most of the Eastern Catholic Churches, although religious life often continued in the form of religious congregations modeled on Latin apostolic communities."<sup>27</sup>

It means that the apostolic life that we find in today's religious communities of the East may not have originated originally from the Eastern sources but from the Western Church and its tradition. However, it should be stated that the East Syrian Church, which before its decline under Islam, was an eminent missionary Church, whose monks evangelized most of central Asia. In the Western Church this apostolic commitment was more clearly affirmed when the profession of the evangelical counsels and the call to priesthood met and merged, as it happened with the canons regular. Until the ninth century apostolic life meant common life in poverty and prayer. As early as the thirteenth century, apostolic religious life was an issue for the Franciscans and the Dominicans. While preaching was their primary work, each group understood apostolic life differently. Franciscan life was to be an imitation of the life of the apostles. In the sixteenth century Ignatius of Loyola founded the Society of Jesus as an apostolic group with neither choir nor habit, and it was a radical departure from monasticism. Ignatius inspired his followers with the motto: "For the greater glory of God", which includes apostolate for the salvation of the humanity.

In the sixteenth century women leaders like Angela Merici and Mary Ward also took up apostolate as part of their consecrated life. In the seventeenth and eighteenth centuries several religious congregations of women succeeded in leading an apostolically active life (e.g., Daughters of Charity, Sisters of St. Joseph). The establishment of hospitals, orphanages, and schools also enabled the sisters to live an active life within the confines of their own institutions.<sup>28</sup>

The Nineteenth century can truly be called "the apostolic flowering of religious life." In the wake of the French revolution, a good number of religious congregations were founded in France and Italy. In India also for the first time indigenous religious institutes with apostolic zeal were

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<sup>27</sup> Ronald Roberson, *The Eastern Christian Churches* (The first Indian edition), Bangalore: TPI, 2004, 162.

<sup>28</sup> Varghese Koluthara, "The Apostolates of Religious in CCEO: A Critical Appraisal," G Ruysen & S. Kokkaravalayil (eds.), *Il CCEO-Strumento Per Il Futuro delle Chiesa Orientali Cattoliche*, Kanonika 25 (2017) 247.

established during this period by St. Kuriakose Elias Chavara (e.g., CMI and CMC).<sup>29</sup>

Clemente Pujol SJ describes the religious life in the Oriental Churches after the reunion with Rome in his book, titled, *La vita religiosa orientale*. According to him, after the reunion of some of the Oriental Churches with Rome, there was in almost all of them a new flowering of the religious life. These institutes of religious life were not with the characteristic notes of strict monasticism but more with a new inclination for active and apostolic life, which is the characteristic of Western religious life. However, the monastic life, though not always authentically Oriental, continues to be present in most of the Eastern Catholic Churches.<sup>30</sup> He mentions the names and the style of these newly emerged religious institutes of active and apostolic life in the Eastern Catholic Churches, in the Alexandrian, Antiochian, Armenian, Byzantine and Chaldean traditions and of the Syro-Malabar and Syro-Malankara Churches *sui iuris*.<sup>31</sup> In general, all these religious institutes with simple vows devoted themselves to the various forms of apostolate under the inspiration of the Holy Spirit and responding to the needs of the Church and signs of the times.<sup>32</sup>

### **(3) How did Ancient Religious Communities correct their Members who violated the Rules of Community Life?**

**(a) St. Athanasius (298-373)** was one of the significant Church Fathers who stressed the importance of the life of monks in the monastery and some of his canons contain instructions which indirectly deal with the community life. He exhorted the monks and nuns that, they should not go to any of the *martyria* (the place of the martyrs)<sup>33</sup> and to the places of enjoyment to relax themselves. In the monastery of virgins, the nuns shall remain in their monastery on the nights of the feast of martyrs.<sup>34</sup> The nun shall not go to her house in order to keep the vigil of a feast.<sup>35</sup>

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<sup>29</sup> Varghese Koluthara, "The Apostolates of Religious in CCEO," 247.

<sup>30</sup> C. Pujol, *La vita religiosa orientale*, Roma: PIO, 1994, 27. Professor Clement Pujol S J, was an expert in law on religious life and taught "De Religiosis" for many years in PIO, Rome and he is the author of the title *De religiosis orientalibus ad normam vigentis iuris*, Rome: PIO, 1957. His ponderous commentary in Latin language on PAL is greatly valued among scholars.

<sup>31</sup> C. Pujol, *La vita religiosa orientale*, 27-39.

<sup>32</sup> Varghese Koluthara, "The Apostolates of Religious in CCEO," 247.

<sup>33</sup> Athanasius, c. 92. Wilhelm Riedel and W. E. Crum, *The Canons of Athanasius of Alexandria*, 58.

<sup>34</sup> Such festivals took place usually at night and appear to have acquired

(b) **St. Basil** in his teaching through canons tried to deal with monks who left the brotherhood. He taught that the superiors should not allow those who have been permanently admitted to the community to be distracted in any way by allowing them either to leave the company of their brethren and live in private on the pretext of visiting their relatives, or to be burdened with the responsibility of caring for their relatives.<sup>36</sup> St. Basil emphasized that those who have made an irrevocable and reciprocal promise to live together cannot leave the community. Not persevering in what they have pledged comes from one of two causes: either from the wrongs suffered in living the common life or from an unsteadiness of resolution in him who is changing his course.<sup>37</sup>

(c) **The Rules Attributed to St. Ephrem**

There are 22 canons attributed to Ephrem and among them canons 5 and 22 relate to the community life.

Can. 5. Be a good example to your brothers and companions; and present continuous obedience in all matters, and diligence on learning.

Can. 22. Let oaths to the Lord be far more honored by you than anything so that you shall guard your conversation and not drop your word in the community of your brothers and companions except saying "it is so" - "it is not so"; in this way you will be honored before God and by men.<sup>38</sup>

(d) **Theodore the Studite** taught that if one or the other monks committed some infraction against the common rule, the rule itself set forth the penitence required of him, so that it was known beforehand to all. It might be a fast of only bread and water, separation from the rest of the community or repeated prostrations. There were

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the character of public holidays with which secular entertainments were combined; hence in canon 92 Athanasius forbidden the attendance at them to nuns and monks, rather they are to hold a festival in their monasteries, cfr., Rosmin Cheruvilparambil, *Oriental Legislation on Community*, 91.

<sup>35</sup> Rosmin Cheruvilparambil, *Oriental Legislation on Community*, 90-91.

<sup>36</sup> *Reg. Fus.* 32, PG 31, col. 995; Monica Wagner, trans., *Saint Basil: Ascetical Works*, 295 as cited in Rosmin Cheruvilparambil, *Oriental Legislation on Community*, 92-93.

<sup>37</sup> *Reg. Fus.* 36, PG 31, col. 1007; Monica Wagner, trans., *Saint Basil: Ascetical Works*, 305 as cited in Rosmin Cheruvilparambil, *Oriental Legislation on Community*, 93.

<sup>38</sup> Arthur Vööbus, *History of Asceticism in the Syrian Orient*, III, CSCO, vol. 500, 80-81.

punishments which were common to all the monks. Theodore also published a code of penitence which clearly set forth the manner in which breaches of monastic conduct were to be punished.<sup>39</sup>

**(e) Rabbula, the bishop of Edessa** taught that the brothers shall not leave their monasteries under the pretext of sickness, and roam in the towns and villages, but shall endure their pains in the monasteries for the sake of God's love.<sup>40</sup>

**(f) Canons of the monastery of Mar Mattai of East Syria** had influenced the East Syrian monastic life and in one of the canons of the monastery it is said that the penal rules for a monk who has become guilty of unchastity and whose guilt has been confirmed by three witnesses, is that his cell and his belongings will be given to the community and he shall be excluded from the community for a year.<sup>41</sup>

#### **(4) Community life in Religious Institutes of Monasteries, Orders and Congregations of Today.**

Community life, which is one of the essential elements of religious life, if not given proper attention, will cause the dying away of the religious institutes. The post-conciliar teachings like *Ecclesiae sanctae* (1965), *Renovationis causam* (1969), *Evangelica testificatio* (1971), *Mutuae relationes* (1975), *Essential Elements on Religious Life* (1983), *Redemptionis donum* (1984), *Fraternal Life in Community* (1994), *Vita consecrata* (1996) *Starting Afresh from Christ* (2002), *The Service of Authority and Obedience* (2008), *Rejoice* (2014), the Apostolic Letter of Pope Francis to the Consecrated persons, "*Wake up the World!*"- *A Conversation with Pope Francis about the Religious Life* (2014), and other teachings of Pope Francis give paramount importance to the community life in religious institutes. Pope Francis instructs us to be ambassadors of communion: a communion that starts in religious communities and spreading to the humanity.

#### **Conclusion**

(1) The *Motu Proprio*, '*Communis Vita*' will definitely guide the superiors of religious communities of the Latin Church in bringing

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<sup>39</sup> Božidar Vidov, *St. Theodore the Studite*, 41 as cited in Rosmin Cheruvilparambil, *Oriental Legislation on Community*, 97.

<sup>40</sup> Giuseppe Turbessi, *Regole Monastiche Antiche*, 308-316 as cited in Rosmin Cheruvilparambil, *Oriental Legislation on Community*, 99.

<sup>41</sup> Arthur Vööbus, *History of Asceticism in the Syrian Orient III*, CSCO, vol. 500, 170 as cited in Rosmin Cheruvilparambil, *Oriental Legislation on Community*, 102.

more relief to them in taking care of their incorrigible members. It is certain that this new interpretation of the Holy Father will contribute towards bringing order and discipline to the religious life and thus to brighten the face of the Church.

(2) Strictly speaking '*Communis Vita*' given to the Latin Church, has created at present, a *lacuna* in CCEO for handling the difficult cases of the finally professed religious, who are unauthorizedly and continuously absent for more than one year from religious communities. Such cases are not very rare in the religious congregations of the Oriental Churches today. The religious superiors who seek out solicitously after the illegally absent members, from their monasteries, orders and congregations need a parallel legal provision in CCEO as it is given in *Communis Vita*. It is an urgent need, especially for religious institutes with simple vows who are having more apostolates as part of their charism in comparison with monasteries and orders who are not challenged by exposure to different apostolates carried out in the name of the Church.

(3) Though this reform given in *Communis Vita* is directly addressed to the religious institutes of the Latin Church, it may set practical guidelines also for the religious institutes in the Oriental Churches, who are also facing such kind of irregularities in Religious Communities and Secular Institutes.

(4) Pope Francis has shown a praxis of taking care of the Tribunals of the Oriental Churches in parallel with the Latin Church by giving two *Motu proprio*s successively, namely, *Mitis et Misericors Iesus* and *Mitis Iudex Dominus Iesus* (15 August 2015). It was his way by which he expressed his pastoral concern in expediting the tribunal procedures for awarding judgments to the couples who are in need of remarriages whether of the Latin Church or of the Oriental Churches. In a similar way, let the CCEO also be provided with a new provision in canons 497 and 551 applicable to monasteries, orders and congregations when a religious is absent illegitimately from the religious communities, for twelve uninterrupted months.