

Document

APOSTOLIC LETTER
ISSUED MOTU PROPRIO

BY THE SUPREME PONTIFF
FRANCIS

COMMUNIS VITA

WHICH PROVIDES FOR THE MODIFICATION OF
SEVERAL NORMS OF

THE CODE OF CANON LAW

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” (Can. 665 §1 CIC). 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 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. can. 665 §2 CIC). 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. can. 696 CIC), it is possible to begin the process of dismissal by the institute, according to the established procedure (cf. can. 697 CIC). 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, I have decided to add to can. 694 §1 CIC, 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 can. 694 §2 CIC. 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 can. 694 requires, moreover, a modification of can. 729 with regard to secular institutes, for which the application of discretionary dismissal for illegitimate absence is not provided.

Considering the foregoing, I now dispose 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. 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 deliberated with this Apostolic Letter issued Motu Proprio, I dispose that it take firm and permanent effect, despite any matters to the contrary even if worthy of special mention, and that it be promulgated by publication in *L'Osservatore Romano*, entering into force on 10 April 2019, and thereafter be published in the official commentary *Acta Apostolicae Sedis*.

Given in Rome at Saint Peter's on 19 March 2019 Solemnity of Saint Joseph seventh year of my Pontificate.

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See: https://www.vatican.va/content/francesco/en/motu_proprio/documents/papa-francesco-motu-proprio-20190319_communis-vita.html