

THE HIERARCHICAL AUTHORITIES OF THE CHURCH AND THE RELIGIOUS INSTITUTES

Part I - The Roman Pontiff and the Religious Institutes

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CCEO c. 410 describes the religious state as a stable mode of common life in an institute approved by the Church. Approval by the competent ecclesiastical authorities and the consequent relationship of the religious institutes to the ecclesial authorities, while keeping the rightful autonomy, are among the essential elements of the ecclesial nature of religious state. In this respect, the hierarchical ordering of the Eastern Churches brings differences between the Eastern code and the Latin code. The existence of patriarchal/major archiepiscopal institutes and the role of the patriarch/major archbishop to the religious members and institutes are foreign to the Latin code. This article presents in a systematic order the various aspects of the relationship of religious institutes and their members to the Apostolic See, patriarch/major archbishop, to the eparchial bishop and to other local hierarchs, as envisaged in the canons of CCEO, in a comparative approach to the norms of CIC.

Introduction

Unlike CIC (1983), which takes an abstract and conceptual approach to organizing its canons on consecrated life, CCEO presents its own in a historical perspective and ordering. This organizational approach emphasizes the monasticism that the Eastern traditions revere, presenting it as the exemplar for all types of consecrated life.¹ The canons in CCEO also reflect differences due to hierarchical organization of the Eastern Churches: the existence of patriarchal/major archiepiscopal institutes is foreign to the Latin Code.

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

1. Religious State and the Hierarchy: An Essential Bond

CCEO c. 410, which defines the religious state of life, characterizes it as a stable mode of common life in an institute approved by the Church. This approval gives a religious institute the ecclesial character that is an essential characteristic of religious life. The evangelical counsels are a divine gift from the Lord to his Church, and it maintains them always with the help of the Lord's grace (LG 43). The profession of these evangelical counsels constitutes the religious state. The latter does not belong to the hierarchical structure of the Church; however, it unquestionably belongs to her life and holiness (LG 44). Indeed, religious life is a sign of the

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

holiness of the Church and of the perpetual action of the Holy Spirit in it.² Every religious is dedicated to serving the Kingdom of God and to building up the Church.

Because of these essential ecclesial aspects, the religious state has a vital bond with the ecclesial hierarchy. Vatican II teaches that "The authority of the Church, under the guidance of the Holy Spirit, has taken on the task of interpreting these counsels and regulating their practice as well as establishing stable forms of living according to them" (LG 43). The CCEO canons that define the various institutes of consecrated life affirm this conciliar teaching. It is a competent authority that approves the typicon governing a monastery *sui iuris* (CCEO c. 433 §2) and that erects a society as an order or a congregation (CCEO c. 504 §§1, 2). Essentially, it is this canonical erection that constitutes a religious institute as such. Depending on the circumstances, the competent ecclesiastical authority is either the eparchial bishop, the patriarch or the Roman Pontiff.

Through canonical erection, a religious institute enters into the Church's life and mission and establishes a bond with its hierarchy. In erecting an institute, the competent authority acknowledges that the Church has witnessed grace operating within the institute. As a result of this grace, the authority publically incorporates the institute into the Church, approves its way of life and ecclesial service, and gives it a public mandate to work within the Church.³ It therefore becomes the responsibility of the hierarchy to legislate on the practice of the evangelical counsels; to endorse rules formulated by the institute's founders and to approve modifications to them; and to keep close to institutions so that they may grow and flourish in accord with the spirit of their founders.⁴ Therefore, the religious state can never be considered independent of or indifferent to the hierarchy.⁵ Religious institutes are essentially related to ecclesial hierarchs by their very origins and existence, and the bishops, patriarchs and the pope have solicitude for and responsibility over religious institutes by their function as shepherds of the Church.⁶

The authority of external hierarchs should not be confused with that of the internal superiors of an institute.⁷ By its very nature, the religious state enjoys a proper autonomy. Every institute of consecrated life possesses a rightful autonomy of life, particularly in ordering this life and ensuring proper the discipline of the members.⁸ This rightful autonomy of the religious state is acknowledged by both codes; however, this acknowledgement is explicit in the Latin code and only implicit in the Eastern.

CIC c. 586 provides institutes of consecrated life with a "rightful autonomy of life" (*iusta autonomia vitae*). This means that religious control their internal governance; have their own internal discipline; and are able to preserve their own patrimony, nature, purpose, spirit, character, and sound traditions.⁹ The competent internal authority of each religious institute receives new members, admits them to profession and receives it, assigns the apostolic duties

²Thomas Pazhayampallil, *Pastoral Guide*, vol. III, *A Handbook on the Latin and Oriental Codes of Canon Law* (Bangalore: Kristu Jyoti Publications, 2004) 757.

³Thomas Pazhayampallil, *Pastoral Guide*, 793.

⁴Thomas Pazhayampallil, *Pastoral Guide*, 793.

⁵John Paul II, "Address to the Priests and Religious of Guatemala," 7 March 1983, *L'Osservatore Romano*, English Edition (11 April 1983) 11.

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

⁷Rose M. Mcdermott, "Religious Houses and their Erection and Suppression," in *New Commentary on the Code of Canon Law*, ed. John P. Beal, James A. Coriden, and Thomas J. Green (Bangalore: TPI, 2003) 757.

⁸Rose M. Mcdermott, "Religious Houses and their Erection..." 753.

⁹John Huels, "The Demise of Religious Exemption," *The Jurist*, 54 (1994) 53.

or offices, supervises the administration of temporal goods, etc. The local ordinaries are obliged to protect this rightful autonomy of the religious institutes.

While CCEO has no canon similar to CIC c. 586, but its own canons implicitly acknowledge the rightful autonomy of religious institutes. For example, CCEO c. 418 §2, which excludes the external ecclesiastical authorities, i.e. the local hierarchs and the patriarch, from the listing of internal superiors, the canon implicitly upholds the rightful autonomy of the religious institutes.¹⁰ By specifying that the law does not include the local hierarch or the patriarch as "superiors," the canon highlights and safeguards the principle that the internal discipline of a religious institutes is left to its superiors.¹¹

The *iter* of CCEO c. 418 §2 also supports this hypothesis. During the drafting of CCEO, the study group which made the *denua recognitio* of the canons *De Monachis Ceterisque Religiosis Necnon de Sodalibus Aliorum Institutorum Vitae Consecratae* rejected a suggestion to suppress this canon and consider the local bishops the true superiors of religious. Instead, the group affirmed this norm as useful for avoiding counterproductive ideas about the necessary autonomy of Eastern religious in their own internal discipline.¹² In their discussion of this canon, the study group explicitly expressed this principle for the first time. One can conclude from this that the study group had already taken the rightful autonomy of religious institutes for granted.¹³

The rightful autonomy of religious institutes is not absolute. While it gives them considerable freedom in directing their internal affairs, they are ultimately subject to the hierarchical authority corresponding to their canonical status.¹⁴ They are subject to the ecclesiastical authority in accord with their pontifical, patriarchal or eparchial status in matters of internal governance that exceed the competence of legitimate authority within the institute.¹⁵ Moreover, they are subject to the local hierarch in those matters clearly established in the law, such as public worship, apostolate and care of souls (CCEO c. 415 §1; CIC c. 678 §1). The extent of rightful autonomy and dependence on hierarchical authorities also vary according to the canonical status of each institute.

1.1. The Canonical Status of Religious Institutes: Pontifical, Patriarchal, Eparchial

According to CCEO c. 413, religious institutes can be of pontifical right (*ius pontificium*), patriarchal right (*ius patriarchale*), or eparchial right (*ius eparchiale*). In CIC, there are only pontifical and diocesan right institutes (CIC c. 589). The Latin terms *ius pontificium*, *ius patriarchale*, *ius eparchiale*, are usually translated as 'pontifical right', 'patriarchal right' and 'diocesan right'.¹⁶ These terms came into the canonical language of religious life with the apostolic constitution *Conditae a Christo* of Pope Leo XIII (8 December 1900).¹⁷ In this constitution, the pope officially designated congregations of men and women without solemn

¹⁰Varghese Koluthara, *Rightful Autonomy of Religious Institutes* (Bangalore: Dharmaram Publications, 2014) 126-127. Koluthara also presents CCEO cc. 411, 412, 413, 571 as indirect references to the rightful autonomy of religious institutes in the same work (pp. 116-129).

¹¹Jobe Abbass, *The Consecrated Life: A Comparative Commentary of the Eastern and Latin Codes* (Ottawa: St. Paul University, 2008) 46.

¹²Nuntia 16 (1983) 18. See also Jobe Abbass. *The Consecrated Life: A Comparative Commentary*, 47.

¹³Varghese Koluthara, *Rightful Autonomy of Religious Institutes*, 127.

¹⁴John Huels, "The Demise of Religious Exemption," *The Jurist*, 54 (1994) 53.

¹⁵Rose M. Mcdermott, "Religious Houses and their Erection..." 757.

¹⁶According to George Nedungatt, it is better to translate them as 'pontifical law', 'patriarchal law' and 'diocesan law'. George Nedungatt, *A Companion to the Eastern Code*, Kanonika 5 (Roma: PIO, 1994) 136.

¹⁷David O' Connor, "Should a Diocesan Institute Seek Pontifical Recognition?," *Review for Religious* (November 1980) 917; Thomas Pazhayampallil, *Pastoral Guide*, 816.

vows as religious in the full sense of the term, and began the practice of classifying them as congregations of simple vows either with pontifical approval, or, for those that had received only the local ordinary's approval, of diocesan right.¹⁸

An institute is established as pontifical, patriarchal, or diocesan by its erection.¹⁹ As defined in canon 410 (*CIC* c. 573), religious life is that which is lived in an institute canonically erected by the competent authority of the Church. Canonical erection, therefore, is a necessary requirement for an association that has the characteristics proper to religious life to acquire its condition as such in the Church.²⁰ The erection is accomplished through a formal decree, that is, by an administrative act that fulfills all the requirements of law. While this administrative act confers juridical status on the institute, the erecting authority does not become the founder of the institute.²¹

An institute is of pontifical right if it has been established by the Apostolic See or approved by it by means of a formal decree (*CIC* c. 589; *CCEO* cc. 413, 505 §1). A monastery is of pontifical right if the Apostolic See has erected it or recognized it as such by its decree; of patriarchal right, if it is a stauropegial one;²² or of eparchial right, if it has been erected by a bishop but has not obtained a decree of recognition from the Apostolic See (*CCEO* c. 434).

In the Eastern code, while the Apostolic See or the Patriarch can erect an order, the eparchial bishop cannot. Therefore, there are no orders of eparchial right in *CCEO*. An order is of pontifical right if the Apostolic See erected it or recognized it as such by its decree; it is of patriarchal right if it has not obtained recognition from the Apostolic See (*CCEO* c. 505 §1).

Congregations can be pontifical, patriarchal, or eparchial. It is of pontifical right, if the Apostolic See erected it or recognized it as such; of patriarchal right, if a patriarch has erected it or recognized as such and it has not obtained the recognition of the Apostolic See; of eparchial right, if having been erected by an eparchial bishop, it has not obtained the recognition of the Apostolic See or a patriarch (*CCEO* c. 505 §2). Any patriarchal or eparchial right institute can seek and obtain pontifical right status from the Apostolic See after significant membership growth and territorial expansion.²³

As with an institute's canonical status, the reception of the sacrament of orders by its members also affects its dependence and rightful autonomy. In *CIC*, an institute of consecrated life is either clerical or lay (*CIC* c. 588 §§2-3). This bifurcation follows from a basic premise of *CIC*, namely that both laity and clergy are consecrated to profess and live according to the evangelical counsels. Essentially, *CIC* divides the Christian faithful into clergy and laity and presents the religious state as a "life consecrated by profession of the evangelical counsels" (*CIC* cc. 573, 574) by persons from both states. On the basis of this bipartite distinction, *CIC* speaks of clerical institutes of consecrated life (*CIC* c. 588 §2) and lay institutes of consecrated life (*CIC* c. 588 §3). *CCEO* does not explicitly distinguish between religious institutes in this

¹⁸David O' Connor, "Should a Diocesan Institute Seek Pontifical Recognition?" 917; Thomas Pazhayampallil, *Pastoral Guide*, 816.

¹⁹Sharon L. Holland, "Institutes of Consecrated Life," in *The Code of Canon Law: A Text and Commentary*, ed. James A. Coriden, Thomas J. Green, and Donald E. Heintschel (London: Geoffrey Chapman, 1985) 461.

²⁰D. J. Andres, "Religious Houses and their Establishment and Suppression," in *Exegetical Commentary on the Code of Canon Law*, ed. Ángel Marzoa, Jorge Miras and Rafael Rodríguez-Ocaña, vol. II/2 (Montreal: Wilson & Lafleur, 2004) 1483.

²¹D. J. Andres, "Religious Houses and their Establishment ...," 1483.

²²*CCEO* c. 486 §1: The patriarch can, for a grave cause, having consulted the eparchial bishop and with the consent of the permanent synod, grant to a monastery *sui iuris* the status of stauropegial monastery in the very act of erection.

²³Rose M. McDermott, "Religious Houses and their Erection ...," 757.

way. This seems consonant with the Eastern code's own tripartite division of the Christian faithful into clerics, religious and laypersons (CCEO cc. 323, 410, 399).²⁴ While CCEO c. 505 §3 does describe a clerical order or congregation similarly to CIC c. 588 §2, the code neither describes monasteries as clerical nor contains any notion of a lay order or congregation like that in CIC c. 588 §3. The major superiors of clerical religious institutes of pontifical and patriarchal right have the power of governance and are called hierarchs (CCEO c. 441 §2, 511 §2, 979, 984 §3; CIC c. 596 §2).

1.2. Institutes with Exempt Status

CCEO c. 412 §2 and CIC c. 591 state that the Roman Pontiff, by reason of his primacy and with a view to common advantage, can exempt institutes of consecrated life from the governance of the eparchial bishop and subject them to himself or to another ecclesiastical authority. By this action, the Supreme Pontiff withdraws an institute from the jurisdiction of the local bishop.

As a canonical institute, exemption was established to protect monasteries from the financial encroachments of local bishops. According to David Kay, the institute originated in a bull of Pope Honorius I (625-638), with which on 11 January 628 he removed the monastery of Bobbio from the jurisdiction of the diocesan bishop, Bishop Probo of Tortona, and directly subjected both the monks and the monastery to the higher jurisdiction of the Pope himself.²⁵ Subsequently, exemption also became a means for the pope to provide the Church with sound preachers against heresy and agents of ecclesial reform and missionary evangelization.²⁶

Prior codifications (CIC 1917 c. 488 and PAL c. 312 §2, 4^o) both contain provisions on exemption, and the conciliar documents LG 45 and CD 35 also speak of this privilege enjoyed by some religious institutes. In particular, the council notes that exemption consists of not conceding jurisdiction over a religious institute to the local bishop. Thus, an exempted institute is subjected either to the pope himself or to another ecclesiastical authority designated by him (CD 35). Nevertheless, the council called upon members of exempt institutes to show 'respect and obedience towards bishops in accordance with canon law'.²⁷

While the previous legislations (CIC-1917 c. 488 §2; PAL c. 312 §2, 4^o) merely described exempt institutes as removed from the jurisdiction of the local ordinary, the present codes identify the motives for exempting them: to better "ensure the welfare of institutes and the needs of the apostolate" and "with a view to the common good" (CIC c. 591; CCEO c. 412 §2). The "common good" (*utilitatis communis*) spoken of in the canons is taken from LG 45.²⁸

While the Church has retained and affirmed the principle of exemption, the latter has been stripped of its former juridical effects since the promulgation of CIC-1983. Now, it is more a theoretical possibility than the clear mark of privilege it was in the previous law.²⁹ However,

²⁴Rose M. McDermott, "Two Approaches to Consecrated Life ...," 208.

²⁵David Kay, "The Historical Origins of Canon 519 of the Code of Canon Law," *Studia Canonica* 25 (1991) 458.

²⁶James J. Conn, "Bishops and the Apostolates of Religious," *CLSA Proceedings*, 63 (2001) 49-83.

²⁷Sharon Holland, "Institutes of Consecrated Life," 462.

²⁸Sharon Holland, "Institutes of Consecrated Life," 462.

²⁹CIC 1983 does not specify the religious institutes that are exempt by law. The *coetus* of PCCICR that revised the law or religious consciously set out to avoid inequalities among religious institutes, and it targeted exemption as a major source of inequality. This *coetus* chose not to use the distinction between solemn and simple vows, a distinction closely connected with the law on exemption. In the old law, those in solemn vows were regulars and exempt; other religious in simple vows, with few exceptions, were nonexempt. This is not to say that solemn and simple vows no longer exist; they are recognized elsewhere in the 1983 CIC in a section on vows in general (CIC c. 1192 §2), and they still

exemption is no longer as important to an institute's life as it was under the previous codes. The law now speaks more of the rightful internal autonomy of life enjoyed by all the institutes of consecrated life and societies of apostolic life, regardless of their particular canonical status. All institutes and societies have this rightful autonomy in their internal life and governance, and all are equally subject to the universal laws governing their relations with ecclesiastical authorities.³⁰

Given the theological and canonical developments on consecrated life, the provision of exemption has become a lifeless concept. Except for a few privileges retained by certain exempt orders, the concept itself is now canonically obsolete.³¹ However, since exemption could someday be useful or even necessary from a disciplinary or doctrinal perspective, the codes still to affirm the authority of the Roman Pontiff to grant this privilege to any religious institute without further qualifications.³² Therefore, some future legislation could be enacted concerning exempt communities. On the other hand, the matter might also be allowed to lie in peace.³³

2. The Roman Pontiff and the Religious Institutes

By virtue of his office, the Roman Pontiff possesses supreme, full, immediate and universal ordinary power in the Church (CCEO c. 43). Every Catholic is subject to the Roman pontiff and is bound to obey what he teaches and determines as the head of the Church (cf. CCEO c. 15 §1). Both physical and juridic persons in the Church are subject to the Roman Pontiff. Therefore, individual religious as well as religious institutes themselves are subject to the Roman Pontiff.

Beyond this general or common submission, the very state of being religious provides a further or particular submission and relationship of the religious to the Roman Pontiff. CIC c. 590 §1 clearly states that the institutes of consecrated life, inasmuch as they are dedicated in a special way to the service of God and of the entire Church, are subject to the supreme authority of the Church in a special way.³⁴ CCEO c. 427 applies that, just like the clerics, the religious are also bound by the special obligation to show reverence and obedience to the Roman Pontiff (CCEO cc. 370, 427). LG 44 and VC 29 point to the ecclesial and universal missionary characteristics of all religious institutes. Every religious institute possesses these characteristics since every institute is a special gift of the Spirit for the life and holiness of the Church. In a sense, therefore, every religious institute, even those of patriarchal and eparchial

exist in proper law, in the constitutions and other sources of law proper to each institute. But in its section on religious, the 1983 Code distinguishes only between perpetual and temporary vows and is silent about solemn and simple vows. This is a way of maintaining the principle of equality among religious institutes. Another significant change was in the use of the terms "order" and "congregation." The distinction between an "order" and a "congregation" was connected with the former concept of exemption, with the old orders being exempt and the new congregations, with few exceptions, being nonexempt. CIC 1983 itself does not use the terms "order" and "congregation." Instead, all religious institutes are simply called "institutes." Thus it treats all institutes alike by using the same term. John M. Huels, "The Demise of Religious Exemption," *The Jurist*, 54 (1994) 40, 45-46, 53.

³⁰John Huels, "The Demise of Religious Exemption," *The Jurist*, 54 (1994) 55.

³¹John Huels, "The Demise of Religious Exemption," *The Jurist*, 54 (1994) 54.

³²James J. Conn, "Bishops and the Apostolates of Religious, ..." 50.

³³Francis G. Morrissey, "Introduction," in *A Hand Book on Canons 573-746*, ed. Jordan Hite, Sharon Holland and Daniel Ward (Minnesota: Liturgical Press, 1985) 24.

³⁴CCEO does not have a parallel canon. However, CCEO c. 418 §2 implicitly indicates the same. According to CCEO c. 418 §2, under the designation "superior of monks and other religious" does not come either the local hierarch or the patriarch. The Roman Pontiff would be the exception, since all religious are bound to obey him by reason of their sacred bond of obedience. Rose M. McDermott, "Two Approaches to Consecrated Life ..." 200, fn. 22.

rights, have a particular bond with the universal Church and its supreme authority.³⁵ They are subject to the supreme authority of the Church.³⁶

CCEO c. 412 §1 (CIC c. 590 §2) says that all religious are subject to the Roman Pontiff as their highest superior, whom they are also bound by the obligation to obey by virtue of the vow of obedience. While all of the Christian faithful are subject to the Roman Pontiff as the supreme head of the Church, members of religious institutes are subject to him as their ecclesiastical superior in a special way through their bond of obedience.³⁷ In other words, the religious are subject to the Roman Pontiff not only by virtue of his power of governance, but as superior, because of their public vow of obedience.³⁸ This is applicable to members of all religious institutes, whether pontifical, patriarchal, or eparchial.

Therefore, all religious institutes and all their individual members are subject to the Roman Pontiff as the supreme authority of the Church. However, since the Roman Pontiff is also the immediate ecclesiastical authority over institutes of pontifical right, these institutes also have a special relation to the Apostolic See.

2.1. Institutes of Pontifical Right and the Roman Pontiff

The institutes of pontifical right are immediately subject to the Roman Pontiff. The Roman Pontiff exercises authority over these institutes through the respective dicasteries of the Apostolic See. In the Latin Church, the Congregation for Institutes of Consecrated Life and Societies of Apostolic Life and the Congregation for the Evangelization of Peoples have authority over institutes of pontifical right (PB 90, 108). The Congregation for the Oriental Churches has the authority over institutes of pontifical right in the Eastern Churches (PB 56, 58).

2.1.1. Erection or Approval of the Pontifical Institutes

As seen above, a religious institute can acquire pontifical status in two ways: erection by the Apostolic see or approval by a formal decree by the Apostolic See (CCEO cc. 434, 505 §1, 505 §2; CIC c. 589). If the administrative act of the first erection is decreed by the Apostolic See, the institute will be an institute of pontifical right from the beginning.³⁹ An institute erected as a patriarchal or eparchial right institute can subsequently acquire approval from the Apostolic See through a formal decree, which converts it into an institute of pontifical right. Therefore, a monastery *sui iuris*, order or congregation can be directly erected by the Apostolic See or obtain its subsequent approval.

For the valid erection of a dependent monastery, the written consent is required of the authority to which the monastery *sui iuris* is subject (CCEO c. 436 §2). Therefore, if the monastery *sui iuris* which erects a dependent monastery is of pontifical right, then it should obtain the consent of the Apostolic See in order to erect a dependent monastery attached to it.

With regard to monasteries *sui iuris* of pontifical right, the formation of confederation, aggregation of non-confederated monastery *sui iuris* to a confederation, and the separation of confederated monastery from a confederation are reserved to the Apostolic See (CCEO cc. 439 §3, 440 §1).

³⁵James J. Conn, "Bishops and the Apostolates of Religious," 49-83.

³⁶The supreme authority of the Church includes the Roman Pontiff and the college of bishops (CCEO cc. 43, 49).

³⁷Rose M. Mcdermott, "Religious Houses and their Erection ..." 758.

³⁸Jobe Abbass, "Institutes of Consecrated Life," in *A Guide to the Eastern Code*, Kanonika 10, ed. George Nedungatt (Rome: PIO, 2002) 348-349.

³⁹D. J. Andres, "Religious Houses and their Establishment ...," 1483.

According to CCEO c. 432, monastery *sui iuris*, order, or congregation of any Church *sui iuris* can erect a dependent monastery, a house or province ascribed to another Church *sui iuris* only with the consent of the Apostolic See. Therefore, even the institutes of pontifical right need the consent of the Apostolic See to erect a house or province in another Church *sui iuris*.

2.1.2. Suppression of Pontifical Right Institutes

The suppression of an institute of consecrated life implies the cessation of its spiritual patrimony and its temporal goods. In both *CIC* and *CCEO*, the norms on the suppression of religious institutes show the legislator's reverence for the gift of the Spirit given for the life and holiness of the Church as well as for the perpetual and universal nature of a juridic person.⁴⁰ The suppression of religious institutes of pontifical right is exclusively prerogative of the Apostolic See. Monasteries (*CCEO* c. 438), orders and congregations (*CCEO* c. 507 §§1, 2) of pontifical right can be suppressed by the Apostolic See alone. Even if the institute consists of only one house, it still can be suppressed only by the Apostolic See. Suppression of the sole house of an institute would seem to terminate the institute's life and activity of. It is equivalent to the suppression of the institute.⁴¹ It is also reserved to the Apostolic See to decide, without prejudice to the intention of the donors, regarding the goods of a suppressed institute of pontifical right (*CCEO* cc. 438 §4, 507 §§1, 2).

2.1.3. Approving and Modifying the Typicon or Statutes of Pontifical Right Institutes

Regarding monasteries, orders and congregations of pontifical right, it is for the Apostolic See to approve not only the typicon of monasteries and statutes of orders and congregations, but also any changes made to them (*CCEO* c. 414 §1, 1^o; §2). The typicon or statutes comprise the proper law of each religious institute. *CIC* calls it the fundamental code or constitutions of the institute (*CIC* c. 587 §1). *CIC* provides that this fundamental code is to contain the elements preserving the mind of the founder and their dispositions concerning the nature, purpose, spirit and character of the institute (*CIC* c. 578), the basic norms about the governance of the institute, the discipline of the members, the admission and formation of members, and the proper object of their sacred bonds (*CIC* cc. 587 §1).

Thus, the fundamental code or constitution functions to protect the vocation and proper identity of each institute.⁴² It embodies the stable elements of the life of the institute and indicates the fundamental principles of the way of following Christ, its ecclesial dimensions, its charismatic originality enshrining the spirit of the founder, its healthy traditions and its effective service-structures. It harmoniously blends Gospel inspiration with clear-cut practical structures⁴³ and has a constitutive and stable character.⁴⁴ Approving the typicon or statutes entails approving all concerning the nature, purpose, spirit and character of the institute.⁴⁵

Ordinarily, the drafting and modification of the fundamental code is the prerogative of the general chapter or synaxis of each institute. To take effect, it must be approved by the competent ecclesiastical authority.⁴⁶ In institutes of pontifical right, the Apostolic See initially

⁴⁰Rose M. Mcdermott, "Religious Houses and their Erection ...," 751-752.

⁴¹Rose M. Mcdermott, "Religious Houses and their Erection ...," 779.

⁴²T. Rincon-Perez, "Norms Common to all Institutes of Consecrated Life," in *Exegetical Commentary on the Code of Canon Law*, vol. II/2, 1505.

⁴³Thomas Pazhayampallil, *Pastoral Guide*, 824.

⁴⁴T. Rincon-Perez, "Norms Common to all Institutes of Consecrated Life," 1507.

⁴⁵The nature of the institute means the form in general of the institute (for example, whether it is religious or secular). The purpose of the institute means whether it is contemplative or apostolic, etc. The spirit of the institute is a particular way of living the Gospel. The character of the institute means its structure. Thomas Pazhayampallil, *Pastoral Guide*, 822.

⁴⁶T. Rincon-Perez, "Norms Common to all Institutes of Consecrated Life," 1506-1507.

approves their fundamental code and must approve any change to it (CCEO c. 414 §1, 1^o, §2; CIC cc. 587 §2, 589, 595 §1).

CIC c. 587 §4 speaks about an unnamed book secondary to the constitutions. According to this canon, other norms established by the competent authority of the institute are to be properly collected in other codes. These can be conveniently reviewed and adapted according to the needs of time and place. Therefore, this collection of norms has been called *Directory, Statutes, Regulations, Rules*, etc. This canon clearly distinguished between the institute's fundamental code and its secondary book of norms. While changes to the fundamental code require the consent of the ecclesiastical authority to which the institute is subject, amendments to the secondary book can be made by the institute's general chapter.⁴⁷

CCEO does not have a parallel canon to CIC c. 587. According to Jobe Abbass, the absence of a parallel Eastern norm is unfortunate and has led to some confusion since the promulgation of CCEO. The lack of an Eastern norm distinguishing between what an institute's statutes include and what its more particular law contains ultimately obscures which laws can be changed or amended at a general synaxis and which cannot.⁴⁸

2.1.4. Granting Dispensations from the Typicon or Statutes

As merely ecclesiastical laws, the proper laws of religious institutes can be dispensed from. Dispensation relaxes a merely ecclesiastical law in a special or particular case (CCEO c. 1536 §1; CIC c. 85). It suspends the obligation of the law, leaving the law itself intact.⁴⁹ With dispensation, the competent ecclesiastical authority adapts a law common to all to the needs of individuals, thereby freeing them from the obligation of the law in determined particular cases. It adjusts the law to a particular situation in a particular and special case.⁵⁰

The Apostolic See has the competence to dispense from the typicon of monasteries of pontifical right and from the statutes of orders or congregations of pontifical right that exceed the power of the respective superiors (CCEO c. 414 §1, 2^o; §2). Following the general norm that the dispensation is to be granted in a special case and only for just and reasonable cause (CCEO c. 1536 §1), the canon prescribes that it must be legitimately requested and is to be given in single cases and on individual occasions (CCEO c. 414 §1, 2^o).

2.1.5. Internal Governance and Discipline of Pontifical Right Institutes

Regarding internal governance and discipline of institutes of pontifical right, CCEO c. 413 states that these institutes are directly and exclusively subject to the Apostolic See. The parallel norm in the Latin code is found in CIC c. 593.

The immediate competent ecclesiastical authority of a religious institute has competence over in internal matters of governance and discipline that exceed the competence of the institute's legitimate internal authority.⁵¹ This competence entails exercising external power over the internal governance and discipline of the institute without diminishing the rightful autonomy enjoyed by the institute.⁵²

The Apostolic See is the ecclesiastical authority immediately competent over pontifical right institutes. Heads of the churches *sui iuris*, such as the patriarch, major archbishop or metropolitan, and local hierarchs have only a very limited role in matters related to institutes of pontifical right.

⁴⁷Jobe Abbass, *The Consecrated Life: A Comparative Commentary*, 35.

⁴⁸Jobe Abbass, *The Consecrated Life: A Comparative Commentary*, 35.

⁴⁹John P. McIntyre, "Dispensation (cc. 85-93)," in *New Commentary on the Code of Canon Law*, 129.

⁵⁰Jobe Abbass, "Institutes of Consecrated Life," 839.

⁵¹Rose M. Mcdermott, "Religious Houses and their Erection ...," 757.

⁵²T. Rincon-Perez, "Norms Common to all Institutes of Consecrated Life," 1534.

2.1.6. Admission of Members from Other Churches *sui iuris*

CCEO c. 451 and 517 §2 state that no one can be admitted licitly to the novitiate of a monastery, order or congregation of another Church *sui iuris* without the permission of the Apostolic See, unless the candidate is destined for a dependent monastery, province or house of an order or congregation ascribed to his or her own Church. Therefore, even in the case of religious institutes of pontifical right, this permission is to be sought from the Apostolic See.

2.1.7. Permission for Legitimate Absence Exceeding One Year in Monasteries

Absence from one's religious house requires permission from his or her superior. For a lengthy absence, the definition of which may be clarified by the institute's proper law,⁵³ the major superior's permission is required. Since members permitted to be absent retain active and passive rights in the monastery, a permitted absence must not be confused with exclaustation.⁵⁴

According to CCEO c. 478, the superior of a monastery may permit members to stay outside the monastery for a time determined in the typicon. Unless due to studies or ill health, such absences cannot exceed one year. Other absences in excess of one year require the permission of the authority to which the monastery is subject. So, if the monastery is of pontifical right, then the permission is to be sought from the Apostolic See. Any absence obtained with permission from the competent authority is a "legitimate," or lawful, absence.

CCEO c. 478 regulates absences from monasteries only; it does not address orders and congregations. There is no analogous norm concerning the latter institutes that would exceptionally allow another authority, such as patriarch or eparchial bishop, to grant the permission of absence. Regarding members of these institutes, CCEO c. 550 states only that superiors are to solicitously seek out an illegitimately absent member. One must therefore presume that major superiors of Eastern orders and congregations cannot grant lengthy absences from religious houses. Thus, if the matter does not concern a member requesting exclaustation, it seems the Holy See must be approached to permit the absence.⁵⁵

CIC c. 665 §1, speaking of religious institutes in general, requires religious to reside in their own religious house and observe the common life. They are not to leave the house except with the permission of the superior. For a lengthy absence, the major superior, for a just reason, and with the consent of his or her council, can authorize a member to live outside a house of the institute for up to one year; however, the superior can permit a lengthier absence for reasons of health, studies, or an apostolate to be exercised in the name of the institute. According to this canon, the major superior with the consent of his or her council can permit absence from the religious house for a just cause and for a year or less. With the consent of the same council, the major superior can permit lengthier absences due to ill health, studies, or exercising an apostolate in the name of the institute. Otherwise, permission must be granted by the Holy See.⁵⁶

2.1.8. Consent for the Transfer from One Religious Institute to Another

Transfer consists in simultaneous departure from a religious institute and entrance into another religious institute.⁵⁷ CCEO treats the question of transfer of members of monasteries

⁵³Rosemary Smith, "The Obligations and Rights of Institutes and their Members," in *New Commentary on the Code of Canon Law*, 831.

⁵⁴Jobe Abbass, "Institutes of Consecrated Life," 366.

⁵⁵Jobe Abbass, *The Consecrated Life: A Comparative Commentary*, 175.

⁵⁶Jobe Abbass, *The Consecrated Life: A Comparative Commentary*, 174.

⁵⁷Elizabeth McDonough, "Separation of Members from the Institute: Canons 684-709," in *A Hand Book on Canons 573-749*, 222.

in its canons 487-488. Canon 487 §2 states that "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." According to this canon, the transfer of members of non-confederated monasteries requires the permission of the concerned ecclesiastical authority. Therefore, if the transfer is from or to a pontifical monastery, then the consent of the Apostolic See is required.

Canonical norms on the transfer of religious are found in canons 544-545. Like *CIC* c. 684 §1, *CCEO* c. 544 §§1-4 allow a member to transfer only from one religious institute to another.⁵⁸ Concerning the role of the Apostolic See in this matter, *CCEO* c. 544 §3 states, "In other cases the member cannot validly transfer to another religious institute without the consent of the Apostolic See." The "other cases" concern those transfers which, within the same Church *sui iuris*, fall outside the competence of a patriarch or eparchial bishop as described in the §§1 and 2 of the same canon.⁵⁹ Therefore, in religious institutes belonging to a patriarchal or major archiepiscopal Church but outside its proper territory, and also in religious institutes belonging to Metropolitan or other Eastern Catholic Churches *sui iuris*, the valid transfer of a religious to or from an institute of pontifical right requires the consent of the Apostolic See in addition to the consent of the internal authorities. It would mean the following situations: (i) the transfer between two religious institutes of pontifical right; (ii) the transfer from a religious institute of pontifical right; (iii) the transfer to a religious institute of pontifical right.

As mentioned above, this refers to transfers within the same Church *sui iuris*. With regard to transfers to religious institutes of another Church *sui iuris*, the consent of the Apostolic See is required for validity in all cases (*CCEO* c. 544 §4).

According to *CIC* c. 684 §1 a transfer to another religious institute can be granted by the supreme moderator (superior general) of the religious institute with the consent of his or her council.⁶⁰

2.1.9. Granting the Indult to Leave the Religious Institute

Since perpetual profession make a life-long commitment to God, only the gravest causes justifies requesting an indult to depart from a religious institute.⁶¹ *CCEO* cc. 492 and 549 §2 reserve to the Apostolic See the competence to grant the indult to perpetually professed members in monasteries and orders to leave the monastery or order, whether of pontifical, patriarchal or eparchial right. Therefore, it is the Apostolic See who is competent to grant such an indult to a member belonging to a monastery or order of pontifical right. Whereas in congregations, the Apostolic See, patriarch and eparchial bishop can grant this indult within the competence granted to them by *CCEO* c. 549 §2, 1^o-2^o. Therefore, the members in the congregations of pontifical right who have a domicile outside the territorial boundaries of the patriarchal Church, or the members belonging to Eastern congregations of pontifical right that are neither patriarchal nor major archiepiscopal, must approach the Apostolic See for the

⁵⁸Jobe Abbass, *The Consecrated Life: A Comparative Commentary*, 382. Regarding the transfer of a religious to a secular institute or to a society of apostolic life, or to transfer from these to a religious institute, *CIC* c. 684 §5 states that the permission of the Holy See is required and its instructions are to be followed. Such a norm is not found in *CCEO*. It only speaks of the transfer from a society of common life according to the manner of religious to a religious institute (*CCEO* c. 562).

⁵⁹Jobe Abbass, *The Consecrated Life: A Comparative Commentary*, 389.

⁶⁰It is a major change from the former law, which required the permission of the Apostolic See to transfer from one religious institute to another (*CIC* 1917 c. 632).

⁶¹Sharon L. Holland, "Separation of Members from the Institute ...," 861.

indult to leave the congregation (CCEO c. 549 §2). In the Latin Church, in all religious institutes of pontifical right, an indult of this type is reserved to the Apostolic See (CIC c. 691 §2).

2.1.10. Granting the Indult of Exclaustration

Through exclaustration, the legitimate authority permits a religious to remain outside the cloister (outside the religious institute) for a definite or indefinite period during which he or she remains a religious but with mitigated rights and obligations in his or her institute.⁶² The indult of exclaustration is granted to a religious in perpetual vows at the request of the member. Only the Apostolic See can grant the indult of exclaustration to members of monasteries, orders and congregations of pontifical right (CCEO cc. 489 §1, 548 §1).

In the Latin law, the supreme moderator of a religious institute can grant a perpetually professed member exclaustration for up to three years; however, the exclaustration of nuns is reserved to the Apostolic See (CIC c. 686 §§1-2).

2.1.11. Imposition of Exclaustration

For the good of a religious community, it may become necessary to compel one of its members to live outside of it.⁶³ For such grave causes, exclaustration can be imposed on a religious. This process is not initiated by the member, but by the superior of the monastery *sui iuris* or, in orders and congregations, by the superior general with the consent of their council. The superior or superior general is to petition the ecclesiastical authority to which the religious institute is subject for the exclaustration itself, which is reserved to the same hierarchical authority (CCEO cc. 490, 548 §1). Therefore, in monasteries, orders and congregations of pontifical right, exclaustration is imposed on a member by the Apostolic See.

CIC c. 686 §3 also reserves the imposition of exclaustration to the ecclesiastical authority competent according to the pontifical or diocesan status of the institute. Therefore, in pontifical right institutes, the Apostolic See is competent to impose exclaustration.

2.1.12. Notification of *Ipso Iure* Dismissals

By the law itself, a temporarily or perpetually professed member of a monastery, order or congregation is dismissed if: (i) he or she has publicly abandoned the Catholic faith, or (ii) celebrated or attempted marriage, even civilly (CCEO cc. 497 §1, 551; CIC c. 694). Since the dismissal occurs automatically by law, there is no judicial process leading to a decree of dismissal.⁶⁴ However, the superiors of the monastery *sui iuris* or the superiors general of orders and congregations are to collect the proofs and, having consulted their council, should issue a declaration of the fact to establish the dismissal juridically. Afterward, the superior or superior general is to notify the authority to which the monastery, order or congregation is immediately subject as soon as possible (CCEO cc. 497 §2, 551). Therefore, in monasteries, orders and congregations of pontifical right, the superior of the monastery or the superior general of the order or congregation should notify the Apostolic See of dismissals *ipso iure*. CIC c. 694 establishes essentially the same rule; however, it does not require that the competent authority be notified.

2.1.13. Deferring the Matter of Expulsion of a Religious

CCEO c. 498 deals with the expulsion of members of monasteries and, in virtue of canon 551, also of orders and congregations. When a member of one of these institutes causes imminent and most grave external scandal, or who causes very serious and imminent harm to the

⁶²Elizabeth McDonough, "Separation of Members from the Institute: Canons 684-709," in *A Hand Book on Canons* 573-749, 230.

⁶³Sharon L. Holland, "Separation of Members from the Institute ...," 856.

⁶⁴Jobe Abbass, "Institutes of Consecrated Life," 372.

institute itself, the member can be expelled immediately by the superior of the monastery or the major superior of the order or congregation with the consent of their councils (CCEO cc. 498 §1, 551; CIC c. 703).

Expulsion is not dismissal. Therefore, the expelled member still remains a member.⁶⁵ Following an expulsion, the superior of the monastery or the major superior of the order or congregation is to either pursue the dismissal process or defer the matter to the hierarchical authority to which the institute is immediately subject (CCEO cc. 498 §1, 551; CIC c. 703). If the institute is of pontifical right, it is the Apostolic See to whom the matter is to be deferred.

Expelled clerics are forbidden to exercise sacred orders unless the authority to which that religious institute is subject has decided otherwise (CCEO c. 498 §3). The Apostolic See must decide on this matter regarding a member of a pontifical religious institute.

2.1.14. Confirmation of the Decree of Dismissal of Perpetually Professed Religious

CCEO cc. 500-503 discuss dismissing monastery members in perpetual vows. According to canon 553, the procedure in these canons must be observed to dismiss a perpetually professed member in orders and congregations. The dismissal of a member in perpetual vows is within the competence of the president of a monastic confederation, the superior of a non-confederated monastery *sui iuris*, and, in an order or congregation, the superior general (CCEO cc. 500 §1, 553). However, the decree of dismissal cannot be executed unless the authority to which the institute is subject approves it (CCEO cc. 500 §4, 553; CIC c. 700). Therefore, in monasteries, orders and congregations of pontifical right, the decree of dismissal must be approved by the Apostolic See.

2.1.15. Recourse against Dismissal

The codes provide that a person who feels injured by a decree can make recourse to the higher authority of the one who issued the decree (CCEO c. 997 §1; CIC c. 1737 §1). In the Latin Church, recourse against the decree of dismissal from a religious institute is decided by the Apostolic See.⁶⁶ In CCEO, the patriarch also has this competence regarding religious who domiciled within the territorial boundaries of the patriarchal Church (CCEO c. 501 §3).⁶⁷ For religious domiciled outside the territorial boundaries of the patriarchal church, the Apostolic See decides recourse against the dismissal of a religious (CCEO cc. 501 §3, 553). The Apostolic See also decides on recourse made by members of religious institutes in churches *sui iuris* which are neither patriarchal nor major archiepiscopal.

2.1.16. Quinquennial Report

Every five years, the president of a monastic federation, superior of a non-confederated monastery *sui iuris*, and superior general of an order or congregation, must send a report on the state of their institutes to the authority to which the institutes are immediately subject, according to the formula established by the same authority (c. 419 §1). The report consists of

⁶⁵Jobe Abbass, "Institutes of Consecrated Life," 372.

⁶⁶Jobe Abbass, *The Consecrated Life: A Comparative Commentary*, 277; Sharon L. Holland, "Separation of Members from the Institute ...," 870.

⁶⁷CCEO c. 501 §3 states that the recourse of a member domiciled within the territorial boundaries of the patriarchal Church is decided by the patriarch. According to Jobe Abbass, even if the religious is dismissed from an institute of pontifical right and the decree is subsequently confirmed by the Holy See, this characteristic Eastern norm, in a significant application of the principle of subsidiarity, entrusts the recourse to the patriarch if the religious has domicile within the patriarchal territory. Jobe Abbass, *The Consecrated Life ...*, 277.

a brief statistical summary of the members, houses, apostolates, vocation, formation, etc. of the institute⁶⁸ Pontifical right institutes send this quinquennial report to the Apostolic See.

2.2. The Apostolic See and the Religious Institutes of Patriarchal and Eparchial Rights

2.2.1. Apostolic See in the Erection of Religious Institutes of Patriarchal and Eparchial Rights

Outside the proper territory of patriarchal and major archiepiscopal Churches, and in Eastern Catholic Churches, which are neither patriarchal nor major archiepiscopal, The eparchial bishops should consult the Apostolic See for the erection of a monastery *sui iuris* (CCEO c. 435 §1).

For erecting an order in his Church *sui iuris*, the patriarch should consult the Apostolic See (CCEO c. 506 §2).⁶⁹ As for congregations, the eparchial bishop or patriarch can erect them only after having consulted the Apostolic See (CCEO c. 506 §§1, 2).

In order to form a confederation of monasteries *sui iuris* of different eparchies located outside the territorial boundaries of the patriarchal or major archiepiscopal Church, and in Churches *sui iuris* that are neither patriarchal nor major archiepiscopal, the Apostolic See is the competent authority (CCEO c. 439 §3). It is also the competency of the Apostolic See to decide on the aggregation or separation of a monastery *sui iuris* to or from such a monastic confederation (CCEO c. 440 §1).

As seen above, a monastery *sui iuris*, order, or congregation of any Church *sui iuris* can erect a dependent monastery, house, or province ascribed to another Church *sui iuris* only with the consent of the Apostolic See (CCEO c. 432). This requirement is applicable to religious institutes of pontifical, patriarchal, and eparchial right.

To erect the first house of an order or congregation of patriarchal right outside the territorial boundaries of the patriarchal Church, the consent of the Apostolic See is required (CCEO c. 509 §1).

Outside the territorial boundaries of the patriarchal or major archiepiscopal Church and in Churches *sui iuris* that are neither patriarchal nor major archiepiscopal, the authority competent to consent to the erection of a parish in the church of a monastery, or to the appointment of monks as pastors, is the Apostolic See (CCEO c. 480).

2.2.2. Apostolic See in the Suppression of the Religious Institutes of Patriarchal and Eparchial Rights

Concerning the role of the Apostolic See in suppressing religious institutes of patriarchal or eparchial right, the Eastern code provides the following norms.

Only the Apostolic See can suppress monasteries (*sui iuris* or filial) and confederations of monasteries *sui iuris* that are either outside the territorial boundaries of the patriarchal or major archiepiscopal Church or in Churches *sui iuris* that are neither patriarchal nor major archiepiscopal (CCEO cc. 438 §2, 440 §2). The Apostolic See is also competent to receive recourse against the suppression of a monastery *sui iuris* or confederation of monasteries by the patriarch (CCEO cc. 438 §1, 440 §2).

Suppression of an order, even if it consists of only one house, belongs to the Apostolic See, to which is also reserved the decision regarding the goods of the suppressed order (CCEO c. 507 §1). Therefore, orders of patriarchal right can be suppressed by the Apostolic See alone.

⁶⁸Congregations for the Institutes of Consecrated Life and Societies of Apostolic Life, *Circular Letter*, 2 January 1988, *L'Osservatore Romano*, English Edition (25 January 1988) 12.

⁶⁹In the Eastern Catholic Churches, an eparchial bishop cannot erect an order (CCEO c. 506 §1).

The congregations outside the territorial boundaries of a patriarchal or major archiepiscopal Church and in Churches *sui iuris*, that are neither patriarchal nor major archiepiscopal can be suppressed only by the Apostolic See (CCEO c. 507 §2). The patriarch must obtain the consent of the Apostolic See to suppress a congregation of patriarchal or eparchial right within the territory of his Church (CCEO c. 507 §2).

2.2.3. Admission of Members from Other Churches *sui iuris*

Unless a candidate is destined for a dependent monastery, province or house ascribed to his or her own Church, it is illicit for him or her to enter the novitiate of a monastery, order, or congregation of another Church *sui iuris* without the permission of the Apostolic See (CCEO cc. 451, 517 §2, 432). Therefore, religious institutes of patriarchal and eparchial right also need the permission of the Apostolic See to admit such candidates to the novitiate.

2.2.4. Apostolic See and the Transfer of Religious in Institutes of Patriarchal and Eparchial Rights

Religious can transfer to between institutes of different Churches *sui iuris* only with the consent of the Apostolic See. CCEO c. 487 §4, which discusses transfer in monasteries, and c. 544 §4, which treats transfer in orders and congregations, both require the consent of the Apostolic See for the validity of the transfer. Therefore, when a member of a religious institute of patriarchal or eparchial right transfers to a religious institute of another Church *sui iuris*, he or she must obtain the Apostolic See's consent.

According to CCEO c. 544 §§2 and 3, to transfer to or from an order or congregation of patriarchal right outside the territorial boundaries of the patriarchal Church, a religious needs the consent of the Apostolic See.

2.2.5. Apostolic See to Grant the Indult to Leave the Religious Institute

As seen above, only the Apostolic See is competent to grant perpetually professed members of monasteries and orders an indult to leave the institute and return to secular life (CCEO cc. 492 §§1-2, 549 §2). Therefore, members of monasteries of patriarchal or eparchial right, as well of orders of patriarchal right, also must obtain an indult from the Apostolic See. For perpetually professed members of congregations of patriarchal right domiciled outside the patriarchal territory, competence to grant the indult belongs to the Apostolic See (CCEO c. 549 §2, 1°).

2.2.6. Apostolic See and the Recourse against Dismissal

As mentioned above, the patriarch is competent to decide recourses against the dismissal of a religious domiciled within the territory of the patriarchal Church. In all other cases, the recourse must be decided by the Apostolic See (CCEO cc. 501 §3, 553). Therefore, the Apostolic See alone decides recourses of dismissed members not only of religious institutes of patriarchal and eparchial right domiciled outside the territorial boundaries of the patriarchal or major archiepiscopal Churches, but also of religious institutes in Churches *sui iuris* that are neither patriarchal nor major archiepiscopal.

2.2.7. Copy of the Quinquennial Report from Institutes of Patriarchal and Eparchial Right

The quinquennial report on the state of a religious institute is to be sent to the authority to which the institute is immediately subject (CCEO c. 419 §1). However, the superiors of institutes of eparchial or patriarchal right must also send a copy of the report to the Apostolic See (CCEO c. 419 §2).

Conclusion

The relationship between institutes of consecrated life and external ecclesiastical authorities often gives rise to tensions. However, understanding and respecting the ecclesial role of the other could solve many of these tensions and problems. Knowledge of the common norms in the codes of canon law can also contribute toward this goal. While these canons affirm the rightful autonomy of every religious institute, they also clearly articulate the areas in which hierarchical authorities can intervene in the life and mission of these institutes. Consequently, by properly understanding and applying these canons, religious institutes and hierarchical authorities can build strong, effective relationships between themselves.