

# UNVEILING THE NEXUS: THE SYNERGY BETWEEN VATICAN II AND THE CODE OF CANONS OF THE EASTERN CHURCHES ON CONSECRATED LIFE

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## Abstract

The Second Vatican Council renewed the theology and mission of consecrated life, while the CCEO gave it enduring juridical form. This synergy shows theology and canon law enriching one another—law safeguarding, theology animating. Title XII of the CCEO makes a framework faithful to the Eastern tradition yet open to renewal, ensuring that consecrated life remains prophetic, communal, and missionary, a lasting witness to the Kingdom of God and responsive to contemporary challenges.

**Keywords:** Synergy (Theology and Canon Law) Vatican II, Code of Canons of the Eastern Churches (CCEO), Consecrated Life, Lumen Gentium, Perfectae Caritatis, Title XII (CCEO)

## 1. Introduction

The Second Vatican Council, convened from 1962 to 1965, is a landmark in the history of the Catholic Church, initiating profound ecclesiological and pastoral renewal. One of its significant outcomes was the impact on ecclesiastical laws, particularly evident in the Code of Canons of the Eastern Churches (CCEO). Promulgated by Pope John Paul II in 1990, the CCEO is often regarded as the Council's final document, embodying its teachings and vision for a renewed and mission-oriented Church.

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The primary focus of this study is Title XII of the CCEO, which deals with consecrated life.<sup>1</sup> This title demonstrates substantial innovations inspired by conciliar documents, such as *Lumen Gentium*, *Perfectae Caritatis*, *Christus Dominus*, and *Ad Gentes*. These documents provided a theological foundation and practical guidelines for religious life.

An in-depth analysis of specific canons within Title XII reveals their roots in the teachings of Vatican II and how they incorporate the Council's directives. This includes explicit changes and additions that reflect the spirit of the Council, such as the emphasis on communal living, the role of the Holy Spirit in consecrated life, the responsibilities of religious superiors, the formation of members, the use of temporal goods, and the freedom in receiving the sacrament of penance.

Furthermore, the study addresses the adaptations in observing the cloister, the governance through general synaxes, the obligatory renunciation of patrimony, and the recognition of new forms of consecrated life. It also summarises instructions from Vatican II that are not explicitly included in the CCEO, offering a comprehensive analysis of the Council's impact on the *ius vigen*s of consecrated life in Eastern Catholic Churches.

## 2. Second Vatican Council and Canons of CCEO on Consecrated Life

The Code of Canons of the Eastern Churches is regarded as the final document of the Second Vatican Council. When Pope John Paul II promulgated the CCEO, he stated that it should be seen as a new addition to the magisterium of the Second Vatican Council, bringing the canonical order of the universal Church to completion.<sup>2</sup> The CCEO is a testament to the enduring influence of the Council's teachings and its vision for a renewed and mission-oriented Church.

Chapter six of the Second Vatican Council's document, *Lumen Gentium*, focuses entirely on religious life. It emphasizes the vital role of religious individuals, the clergy, and the laity within the Church. The document states: In the divine and hierarchical structure of the Church, the religious state of life is not an intermediate state between the clerical and lay states. Instead, God calls the faithful from both these states to enjoy this unique

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<sup>1</sup> The Code envisions consecrated life being lived in various settings, including monasteries, orders, congregations, societies of common life in the manner of religious, secular institutes, other established forms of consecrated life, and new forms of consecrated life.

<sup>2</sup> John Paul II, Apostolic Constitution *Sacri Canones*, October 18, 1990: AAS LXXXII, no.2 (1990) 1038.

gift within the Church, allowing each person to contribute in their own way to the Church's mission of salvation (*Lumen Gentium* 43)<sup>3</sup>.

*Perfectae Caritatis*,<sup>4</sup> the decree on the renewal of religious life, addresses the life and discipline of communities whose members take vows of chastity, poverty, and obedience. It aims to ensure that their needs are met according to present-day standards.

The principles and directives of *Christus Dominus*<sup>5</sup> are integrated into the canons of the CCEO regarding religious life, emphasizing the responsibility of bishops to foster and support religious vocations, ensure proper formation and education, maintain oversight through canonical visitations, and integrate the work of religious institutes into the eparchy's broader pastoral mission. By doing so, the CCEO reflects the spirit of *Christus Dominus* and contributes to the vitality and effectiveness of religious life in the Eastern Catholic Churches.

Among the 163 canons of the Code of Canons of the Eastern Churches that pertain to consecrated life, 30 explicitly mention conciliar documents as sources. Four of the 16 documents of the Second Vatican Council are referred to in the canons concerning consecrated life. These numbers highlight the tangible impact of Vatican II on the regulations governing consecrated life, and they are essential for understanding the role of consecrated life within the Church.

## 2.1. Innovations in Title XII of the CCEO Ignited by Vatican II

Title XII of the Code of Canons of the Eastern Churches embodies transformative principles and reforms initiated by the Second Vatican Council, particularly those related to religious men and women. The innovations include a renewed emphasis on living the evangelical counsels in contemporary contexts and encouraging religious communities to return to their founders' original spirit and charisms while adapting to modern circumstances. There is a strong emphasis on active involvement in various Church apostolates and a mandate for comprehensive initial and ongoing formation programs that cover spiritual, theological, pastoral, and human development. The balance

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<sup>3</sup> Second Vatican Council, Dogmatic constitution *Lumen gentium*,. November 21, 1964, AAS 57 (1965) 54, English translation, accessed July 07, 2024,

[https://www.vatican.va/archive/hist\\_councils/ii\\_vatican\\_council/documents/vat\\_ii\\_const\\_1964\\_1121\\_lumen-gentium\\_en.html](https://www.vatican.va/archive/hist_councils/ii_vatican_council/documents/vat_ii_const_1964_1121_lumen-gentium_en.html)

<sup>4</sup> Second Vatican Council, Decree *Perfectae Catitatis*, October 28, 1965, AAS (1966)702-712.

<sup>5</sup> Second Vatican Council, *Christus Dominus*, October 28, 1965, AAS (1966) 675-701.

between communal living and active engagement in apostolic works is emphasised, alongside the integration of a deep spiritual life with active ministry and service. Additionally, flexibility in religious practices is encouraged to reflect cultural contexts, promoting respect and incorporation of local cultures. These reforms ensure the relevance and effectiveness of religious life and ministry in the modern world.

### **2.1.1. Distinct Character of Religious State**

*Lumen Gentium* 31 says: "The term 'laity' is here understood to mean all the faithful except those in Holy Orders and those who belong to the religious state approved by the Church." LG 43 states that the religious state is not intermediate between the clerical and lay but a distinct vocation from God. Following that spirit, the CCEO canon 399 recognizes three different states among the faithful, such as clerics, religious and laity, saying that "the designation of 'lay persons' applied in this Code to the Christian faithful... not constituted in the sacred order and are not ascribed to the religious state." It should be noted that in CCEO, consecrated life is considered a state of life like that of the laity and clerics; nevertheless, with the distinction between monks, religious and members of other institutes of consecrated life, a tripartition, that does not find space in the Code of Canon Law (CIC). Orders and Congregations are indeed flourishing in the Eastern Catholic Churches. The religious life takes place in monasteries, orders and congregations. However, monasticism is the foundation of religious life in the East, whereas it is concentrated in religious institutes in the West.

### **2.1.2. Changes Inspired by the Council in the Ius Vigenis**

#### **2.1.2.1. The General Canons**

Canon 410, the first canon of Title XII, provides an excellent theological foundation for religious life, reflecting the teachings of the Second Vatican Council. Its parallel canon in the *Motu Proprio Postquam Apostolicis Litteris* is Canon one<sup>6</sup>. During the formulation of the CCEO, some of the terms in the canons of the *Postquam Apostolicis Litteris* were changed. In *Postquam Apostolicis Litteris*, religious life is described as a stable way of life (PAL c. 1). In the CCEO, the phrase "in common" was added, following *Perfectae*

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<sup>6</sup> "The religious state is a stable manner of living in a society approved by the Church, in which the faithful, besides the common precepts, undertake also the evangelical counsels through public vows of obedience, chastity and poverty, to be observed according to the norm of the statutes under a lawful superior.", English translation, Palul Pallath, ed., *Code of Eastern Canon Law, English Translation of the Four apostolic Letters Issued Motu Proprio by Pope Pius XII*, (Kottayam 2021) 321.

*Caritatis* (PC) 15, which encourages living a life "in common in prayer and in the communion of the same spirit," like the early Church. The term "in a society" in the PAL has been changed to "in an institute," matching the terminology used in several Vatican II documents, especially *Lumen Gentium* and *Perfectae Caritatis*, which prefer "institute" over "society" (LG 43; PC 1, 2a, 2e, 25).

Canon 410 continues: "... following Christ more closely, the master and example of holiness..." This concept of following Christ was absent in the PAL. The first principle given by *Perfectae Caritatis* (PC 2) for the renewal of religious life states: "Being the fundamental norm of religious life, following Christ as taught by the Gospel ..." Referring to the early days, *Perfectae Caritatis* (PC 1) notes that "there were men and women who, through the practice of the evangelical counsels, wanted to follow Christ with greater freedom." Canon 410 also underlines the role of the Holy Spirit in religious life, saying, "... under the action of the Holy Spirit." This Pneumatological aspect is frequently mentioned in LG and PC, referencing the founders of institutes, the renewal of religious life, and communal life.

LG 43 begins: "The evangelical counsels of chastity consecrated to God, of poverty, and obedience, are based on the words and examples of the Lord..." This order of vows—chastity, poverty, and obedience—is followed in *Perfectae Caritatis* (12-14), the Code of Canon Law (599-601), and *Vita Consecrata* (21).<sup>7</sup> However, in the CCEO Canon 410, the order is different: obedience, chastity, and poverty. This order comes from PAL Canon 1, which could suggest that obedience is considered the cornerstone of religious life.

Canon 410 establishes that through these vows, individuals are consecrated with a new and special title. The phrase "renounce the world and totally dedicate themselves to the attainment of perfect charity in the service of the Kingdom of God" is derived from LG 44. This passage explains that evangelical counsels lead to charity and, through charity, uniquely connect with those who participate in the ministry of the Church. The spiritual life of those who profess these vows must also be consecrated to the good of the entire Church.

LG 44 further states: "The religious state constitutes a closer imitation and an abiding re-enactment in the Church of the form of life which the Son of God made his own when he came into the world to do the will of the

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<sup>7</sup> John Paul II, Post Synodal Apostolic Exhortation, *Vita Consecrata*, AAS 88, no.5 (1996), 378-503.

Father and which he advocated to the disciples who followed him. Finally, this state manifests in a special way the transcendence of the kingdom of God and its requirements over all earthly things and the highest kind of bonds within it...."

Fundamentally, the evangelical counsels form the foundation of religious life, guiding individuals to renounce worldly attachments and dedicate themselves fully to charity and the service of the Kingdom of God. Through their vows, they strive to imitate Christ's way of life, emphasizing the supreme importance of the kingdom of God above all earthly matters.

Canon 410 concludes with the phrase: "for the building up of the Church and the salvation of the world, as a sign of the foretelling of heavenly glory." This concept originates from *Perfectae Caritatis* number six, with its eschatological dimension drawn from *Perfectae Caritatis* number twenty-five.

Those who profess the evangelical counsels should prioritize their love for God and foster a life hidden with Christ, which energizes their love for others, contributing to the world's salvation and building up the Church (PC 6).

Religious institutes are urged to embrace their specific vocation and work within the Church. Their apostolate, visible or hidden, is highly valued and offers hope for the future. Rooted in faith, love, and hope, religious members should spread the Gospel worldwide, glorifying God through their witness (PC 25).

Canon 411 is a modified form of canon two of the PAL. The old canon only asks to keep the religious state honoured. Instead, CCEO establishes that everyone must support and promote the religious state.

In summary, Canon 410 provides a solid theological foundation for religious life, deeply rooted in the teachings of the Second Vatican Council. The incorporation of elements from *Perfectae Caritatis* and *Lumen Gentium* ensures that the canon aligns with the Council's vision for religious life. The rephrasing of terms, such as the shift from "in a society" to "in an institute" and the emphasis on living "in common," reflects a commitment to communal life and unity in spirit.

The emphasis on following Christ, highlighted in *Perfectae Caritatis* and absent in the PAL, underscores the fundamental norm of religious life. Recognizing the Holy Spirit's role further enriches the theological depth of Canon 410. Additionally, the order of vows, adapted from PAL, suggests a nuanced understanding of obedience as the foundation of religious life.

The canon's conclusion, emphasizing the building up of the Church and the salvation of the world, aligns with the eschatological themes of *Perfectae Caritatis*. Canon 411, which evolves from merely honouring the religious state to actively supporting and promoting it, underscores the communal responsibility toward consecrated life.

Ultimately, the evangelical counsels serve as the foundation of religious life, guiding individuals to renounce worldly attachments and dedicate themselves wholly to charity and the Kingdom of God. Through their vows, they strive to match Christ's way of life, highlighting the supreme importance of God's kingdom over all earthly matters.

#### **2.1.2.2. Dependence of Religious on the Ecclesiastical Hierarchy**

We see some changes in canon 412 §2 compared to PAL c. 312 §2, n. 4.<sup>8</sup> CCEO 412 §2 explains the reason for the Papal exemption as "in order better to provide for the good of institutes and the needs of the apostolate the Roman Pontiff, by reason of his primacy in the entire Church 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 alone or to another ecclesiastical authority." This addition is motivated by LG 45 and CD 35.<sup>9</sup>

Canon 413, which speaks about the authority to which religious institutes are subject, is a summary of the canons 312 §2, 1° -3° and 313 §2, 2° of the

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<sup>8</sup> "A religious institute is: exempt if, after it has been freed from the authority of the local hierarchy, it is subject to the patriarch or the Apostolic see alone." (PAL c. 312 §2, 4°), Paul Pallath ed., *Code of Eastern Canon Law English Translation of the Four Apostolic Letters Issued Motu Proprio by Pope Pius XII* (Kottayam 2021) 437.

<sup>9</sup> "Any institute of perfection and its individual members may be removed from the jurisdiction of the local Ordinaries by the Supreme Pontiff and subjected to himself alone. This is done in virtue of his primacy over the entire Church in order to more fully provide for the necessities of the entire flock of the Lord and in consideration of the common good. In like manner, these institutes may be left or committed to the charge of the proper patriarchal authority. The members of these institutes, in fulfilling their obligation to the Church due to their particular form of life, ought to show reverence and obedience to bishops according to the sacred canons. The bishops are owed this respect because of their pastoral authority in their own churches and because of the need of unity and harmony in the apostolate." (LG 45), "The institute of exemption, by which Religious are called to the service of the supreme pontiff or other ecclesiastical authority and withdrawn from the jurisdiction of bishops, refers chiefly to the internal order of their communities so that in them all things may be properly coordinated and the growth and perfection of the Religious common life promoted. These communities are also exempt so that the supreme pontiff can dispose of them for the good of the universal Church(20) and any other competent authority for the good of the churches under its own jurisdiction." (CD 35 n.3)

PAL, and a reformulation in the light of LG 45 and CD 35. Concerning the apostolate of religious, canon 415§1 establishes that "all Religious are subject to the local hierarch in matters that pertain to the public celebration of divine worship, to the preaching of the word of God to the people, the religious and moral education of the Christian faithful, especially of children, to catechetical instruction, to the decorum of the clerical state, as well as to various works that regard the apostolate." There is no corresponding law for this canon in *Postquam Apostolicis Litteris*. This canon directly incorporates Christus Dominus, no. 35, 4, which outlines the involvement of religious orders in the diocesan apostolate. However, there are some modifications. When discussing the public exercise of divine worship, Christus Dominus includes the phrase "save the diversity of rites," which is omitted in this canon.

Canon 415 §2 essentially summarises canon 44 of the PAL. On the other hand, §3 is a modified consolidation of various canons from both the PAL and the Conciliar Decree Christus Dominus. Specifically, PAL c. 179 discusses religious individuals governing parishes, c. 180 addresses the role of the religious pastor, and c. 181 deals with the care of souls. CD 35, 1-2 also covers 'apostolic work' and 'pastoral ministry'. Thus, canon 415 §3 finally reads: "The eparchial bishop can entrust apostolic works or functions proper to the eparchy to religious only with the consent of the competent superiors, with due regard for common law and observance the religious discipline of the institutes, their own character and specific purpose."

The dependence of religious on the ecclesiastical hierarchy, as articulated in Canon 412 §2, reflects a nuanced evolution from the original PAL canons, incorporating insights from Lumen Gentium and Christus Dominus. Canon 413 synthesises previous canons into a comprehensive summary, emphasising the authority of religious institutes within the ecclesiastical oversight framework. Canon 415 §1 underlines the subjection of religious to local hierarchs in important areas of public worship and apostolic work, aligning with Christus Dominus but with notable modifications. Finally, Canon 415 §3 clarifies the conditions under which eparchial bishops may entrust apostolic works to religious, ensuring agreement with common law and the specific disciplines of religious institutes. These canons collectively emphasise the collaborative yet distinct roles of religious and ecclesiastical authorities in advancing the Church's mission.

### 2.1.2.3. Superiors and Members of Religious Institutes

Canons 421 and 422, respectively, address the obligations of superiors towards the members of the institute and the establishment of a permanent council. These canons are derived from *Perfectae Caritatis* no.14, which emphasizes the importance of obedience to superiors and states that superiors must render an account of the souls entrusted to their care (cf. Heb 13:17). Superiors are expected to be receptive to God's will in their duties and exercise authority with a spirit of service to their brethren, thereby reflecting God's love for them. Additionally, chapters and councils are to carry out the tasks entrusted to them in governance faithfully.

When Canon 421 was formed, several additions were made to Canon 37 of PAL.<sup>10</sup> Specifically, the care of members became a serious obligation for superiors. While the Code states: "Superiors are bound by the grave obligation to take care that the members entrusted them arrange their life in accord with their own typicon ... they are to meet the personal needs of the members appropriately ...," The revised canon emphasizes the provision for the personal needs and care of the members, including "visiting the sick, correcting the restless, consoling the faint-hearted, and being patient with all." The spirit behind these additions is *Perfectae Caritatis*, no. 14, where the Fathers of the Council profoundly reflected on the role and spirit of superiors and their relationship with members.

Canons 421 and 422 emphasize the responsibilities of superiors towards members and the establishment of a permanent council. Derived from *Perfectae Caritatis*, no. 14, these canons emphasise the importance of superiors aligning themselves with God's will and caring for their members. Canon 421, expanding on PAL Canon 37, highlights the duty of superiors to meet members' personal needs.

### 2.1.2.4. Formation of Members

Title XII, article II, numbers 3 and 5, and canons 448-461 and 471-480, along with article III, numbers 3 and 5, and canons 517-525 and 536-543, constitute the legislation on the formation of religious in the Eastern Churches. The code grants religious institutes greater freedom in formulating laws concerning various aspects of religious formation. Consequently, the laws in the code are general and applicable to all religious in the Eastern Churches.

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<sup>10</sup> "The superiors are to take care that their subjects arrange their life according to the statutes of their religious institute, and they are to help them by example and encouragement in attaining the purpose of the institute." (PAP 37).

Notably, Canons 471 and 536 are new additions to the CCEO compared to the previous legislation (PAL). Canon 471 §1 addresses the method of formation for monks, emphasizing the importance of achieving holiness through the exercise of intellectual gifts and the study of doctrine. This canon prioritizes general formation over strictly religious formation, focusing on personal, secular, and contemporary education.

Canon 536 §1 stipulates that the manner of formation for members of orders and congregations, in accordance with Canon 471 §1, is to be determined in their statutes. These canons provide a juridical interpretation of *Perfectae Caritatis* no. 18, which states: "Lest the adaptation of religious life to the needs of our time be merely external and lest those whose rule assigns them to active ministry should prove unequal to the task, they should be properly instructed—each according to his intellectual calibre and personal bent—concerning the behaviour-patterns, the emotional attitudes, and the thought-processes of modern society. The elements of education should be so harmoniously fused that they will help to integrate the lives of the religious. Throughout their lives, religious individuals should endeavour tirelessly to perfect this spiritual, doctrinal, and technical culture. Superiors, as far as they are able, should provide them with the opportunity, assistance, and time for this."<sup>11</sup>

In essence, these provisions underline the importance of a seasoned and contemporary education for religious, ensuring they are well-prepared for the demands of their active ministry and able to integrate their spiritual and intellectual development throughout their lives.

#### **2.1.2.5. Freedom in Receiving the Sacrament of Penance**

Canon 474 §2 grants the freedom to receive the sacrament of penance from any priest with the faculty to administer it. *Perfectae Caritatis* no. 14 recommends that superiors govern those under their care as children of God, with respect for the human person, ensuring their subjection is voluntary. It explicitly grants them freedom, especially regarding the sacrament of penance and the direction of conscience, a freedom recognized in Canon 474 §2.<sup>12</sup> While the PAL allowed receiving the

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<sup>11</sup> Second Vatican Council, Decree *Perfectae caritatis*. October 28, 1965. AAS 58 (1966) 710, English translation, Augustin Flannery, Vatican Council II, *The Conciliar and Post Conciliar Documents, Study Edition* (New York 1987) 621.

<sup>12</sup> "Without prejudice to the typicon, which suggests confession be made to certain confessors, all members of a monastery can receive the sacrament of penance from any priest endowed with the faculty of administering this sacrament, with due regard for monastic discipline." (CCEO c. 474§ 2).

sacrament of penance from other confessors, it included a restriction: "approved by the hierarch of the place" (PAL 54).<sup>13</sup>

#### 2.1.2.6. Observation of Cloister

Canon 477 addresses the observation of cloisters in monasteries, and canon 541 in orders and Congregations. The CCEO contains only two canons concerning cloister, whereas the old Code (PAL) had fourteen canons (PAL cc. 140-153). Specific conditions applied to outsiders entering the cloister. Only the wives of heads of state were allowed to enter the monks' cloister (PAL C. 141 §1). The major superior could dispense with this rule, but women entering had to be accompanied by two virtuous monks (PAL c.141 §2). Men were forbidden to enter the nuns' cloister except for the patriarch, archbishop, local hierarch, regular superior, confessor, heads of state, cardinals, and doctors, with entry being limited and always conditioned with precautions (PAL c.143 §1).

When the CCEO was codified, the canon was simplified to: "In the monastery, the cloister is observed in the manner prescribed by the *typicon*, except for the right of the superior to admit, on individual occasion and for grave cause, into parts subject to cloister people of the other sex, besides those that according to the *typicon*" (c. 477). In orders and congregations, the statutes can prescribe the same (c. 541). The typicon or statutes can specify additional people who may enter the enclosure. The superior has more freedom to admit others on special occasions and for serious causes. The basis for this modification lies in some of the teachings of Vatican II, particularly in the decree *Perfectae Caritatis* 16, which states: "Papal cloister is to be maintained for nuns whose life is wholly contemplative. However, it should be adjusted to suit the conditions of time and place, abolishing obsolete practices after consultation with the monasteries themselves. Other nuns, however, who are engaged in the external apostolate by virtue of their own rule are to be exempted from papal cloister so that they can better fulfil their apostolic tasks. The cloister prescribed by the constitutions must be maintained, however." Similarly, ES II, 30-32<sup>14</sup>

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<sup>13</sup> "If, notwithstanding the prescription of canon 52 and 53, any religious, for the tranquility of her conscience, makes her confession to a confessor approved by the local hierarch, this confession, whether made in a church or oratory, even in a semipublic one, or in a place lawfully set aside for the confession of women or of religious, is valid and lawful, every contrary privilege being revoke; the Superiores cannot forbid it, nor make any inquiry into the matter, even indirectly; and the religious are not bound by any obligation to inform the superioress of the matter..." (c.54).

<sup>14</sup> "The papal enclosure of monasteries must be considered as an ascetical institution which is singularly appropriate to the particular vocation of nuns, and as one which

addresses the *clausura* of monks but does not mention the entrance of outsiders.

### 2.1.2.7. Guidelines on the Use of Temporal Goods

*Perfectae Caritatis* 13 provides guidelines for the use of temporal goods by religious institutes, stating: "While institutes have the right, provided this is allowed by their rules and constitutions, to possess whatever they need for their temporal life and work, they should avoid any semblance of luxury, excessive wealth, and accumulation of property."

Based on this teaching, Canon 424 was added to establish guidelines for using and administering goods in the typicon or the statutes, a norm not present in the previous Code (PAL).

### 2.1.2.8. The General Synaxis

Canon 512 §1 states that, "the General Synaxis, which is the superior authority in accord with the norm of the statutes, is to be composed in such a way that, representing the entire order or congregation, it becomes a true sign of its unity in charity." PC 14 exhorts: "The chapters and councils should faithfully carry out the tasks entrusted to them in governance, and all members should participate and show interest in the good of the whole community."

Following this, Pope Paul VI established in *Ecclesiae Sanctae* (ES), II,1,18 that the method of governance will be through Chapters or, in the Eastern rite, by *synaxes* and Councils and "the mode of government should be such that 'chapters and councils should express, each one at its own level, the involvement and the concern of all the members of the community for the good of the whole'." This norm became the source of Canon 512, which does not reference the old Code.

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stands as a sign and a protection; it is the particular form which their withdrawal from the world.

In the same mannner, nuns of the eastern Church must keep their enclosure." (ES 30).

This enclosure must be so adapted that the meaterial separation from the outside world is always preserved. The individual religious families are left free, in pursuance of their own spirit, to set out and define in their constitutions the particular norms of the material separation." (ES,31).

"The minor enclosure is suppressed. Those nuns who from their intitution are dedicated to external activities must define their enslosure in their constitutions. But those nuns who, though contemplative from their institution have adopted external works, must, after a suitable space of time left to them for deliberation, either abandon external works and retain the papal enclosure, or maintain these activities and define the nature of their enclosure in their constitutions, while still remaining nuns." (ES 32).

### 2.1.2.9. Obligatory Renunciation of Patrimony

In light of *Perfectae Caritatis* 13, religious congregations, as outlined in their constitutions, may permit their members to renounce assets they have acquired or will acquire. Applying this, ES II, 24 states that Institutes in the General Chapter can decide on the renunciation of goods and assets.<sup>15</sup> CCEO Canon 534, 3° recognises that the General Synaxis of the Congregations can introduce in the statutes the compulsory renunciation of patrimony acquired or to be acquired by a member.<sup>16</sup>

### 2.1.2.10. Secular Institutes

The Conciliar document *Perfectae Caritatis* 11<sup>17</sup> focuses on secular institutes, which are extensively defined in Canon 563. According to this canon, a secular institute is a society in which members fully dedicate themselves to God through the three evangelical counsels, adhering to their statutes and strengthened by a sacred bond recognised by the Church. They engage in apostolic activities within the world to infuse it with the spirit of the gospel, thereby contributing to the growth of the Body of Christ. Unlike religious orders, they do not imitate religious life; instead, they live in communion according to their statutes. Members, whether clerics or laypersons, retain their canonical status. Secular

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<sup>15</sup> "It is the right of institutes with simple vows to decree in general chapter whether the renunciation of inheritances which have been acquired and will be acquired should be incorporated into the constitutions and, if this is done, whether such renunciation should be obligatory or optional. They should also decide when this is to be done, that is, whether before perpetual profession or some years later."

<sup>16</sup> "It is for the general synaxis to introduce into the statutes, if it seems opportune, the obligatory renunciation by a member of his or her patrimony, acquired or to be acquired; this cannot be done, however, before perpetual profession." (CCEO c. 534 3°)

<sup>17</sup> "Secular Institutes, although not religious institutes involve a true and full profession of the evangelical counsels in the world. This profession is recognized by the Church and consecrates to God men and women, lay and clerical, who live in the world. Hence, they should make a total dedication of themselves to God in perfect charity their chief aim, and the institutes themselves should preserve their own proper, i.e., secular character, so that they may be able to carry out effectively everywhere in and, as it were, from the world the apostolate for which they were founded. It may be taken for granted, however, that so great a task cannot be discharged unless the members be thoroughly trained in matters divine and human so that they are truly a leaven in the world for the strengthening and growth of the body of Christ. Superiors, therefore, should give serious attention especially to the spiritual training to be given members as well as encourage their further formation." Second Vatican Council, Decree *Perfectae Caritatis*, October 28, 1965, AAS 58 (1966) 707, English text, accessed July 07, 2024,

[https://www.vatican.va/archive/hist\\_councils/ii\\_vatican\\_council/documents/vat\\_ii\\_decree\\_19651028\\_perfectae-caritatis\\_en.html](https://www.vatican.va/archive/hist_councils/ii_vatican_council/documents/vat_ii_decree_19651028_perfectae-caritatis_en.html)

institutes can be of pontifical, patriarchal, or eparchial right, as per c. 505 § 2 (CCEO c. 563). Canons 563-569 address secular institutes without referring to the old Code.

### 2.1.2.11. Other Forms of Consecrated Life

Canon 570 identifies four specific forms of consecrated life: (1) ascetics who are part of an institute of consecrated life other than monasteries; (2) ascetics not belonging to an institute of consecrated life (individual); (3) consecrated virgins; and (4) consecrated widows. Each of these forms can be established and governed by particular laws.<sup>18</sup> The first form grants provisions of eremitical life to members of orders and congregations akin to those given to monks in canons 481-485. The second form is rooted in ancient Eastern tradition, while the third and fourth forms are inspired by *Lumen Gentium* 41.<sup>19</sup> This document, focused on the multidimensional practice of holiness, notes: "A similar example, though presented differently, is provided by widows and single individuals, who can

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<sup>18</sup> John D. Faris, Jobe Abbas, ed., *A Practical Commentary to the Code of Canons of the Eastern Churches*, I (Virginia 2019) 1045.

<sup>19</sup> Nuntia 16 details the development of Canon 570 as follows: "...the Commission's Secretariat first proposed to the Study Group the fundamental question of whether to return to the essence of PA canon 313 §4, which states that a hermit is a religious and not necessarily a monk.

In the subsequent debate, it was noted that, although there is no doubt that in Eastern traditions the hermit is associated with monasticism, and while efforts to revitalize this institution, which has significantly contributed to the spiritual development of Christianity in the past and provided numerous examples of holiness, are commendable, it is important to consider the current situation. Tying the institution strictly to monasticism could hinder its development. At the end of the debate, the Study Group, by a vote of 6-2-1, decided to maintain the current approach in the draft for the common Code of all Eastern Churches, considering the hermit as a monk. However, they also decided to formulate a canon in the common Code to address other forms of hermitic life that do not fall under the category of monks.

A preliminary formulation of canon 72 bis, accepted by the Study Group, was as follows:

"Regarding the hermitic life of religious who are not members of sui iuris Monasteries, this is to be regulated by the Apostolic See, the Synod of Bishops, or the Council of Hierarchs."

Regarding the proposal to introduce the institution of "consecrated virgins" into the Eastern Code, initially, the Study Group believed it should not be mentioned so that if established in individual eparchies or sui iuris Churches, it would be an institution beyond the common law. However, the Study Group later revised canon 72 bis to include this institution. It was recognized that the canon is somewhat out of place, but it seemed impossible to find a better location for mentioning this institution in the Eastern Code." *Nuntia* 16, 57-58.

significantly contribute to holiness and apostolic efforts within the Church."<sup>20</sup>

### 2.1.2.12. New Forms of Consecrated Life

Canon 571 reserves the approval of new forms of consecrated life solely to the Apostolic See and highlights the responsibility of Patriarchs and Bishops to promote these new forms. Its sources are *Lumen Gentium* 45, *Perfectae Caritatis* 1, and *Ad Gentes* 18.

New forms of consecrated life would be distinct from those already approved by the Apostolic See, as described in Title XII of the CCEO.<sup>21</sup> This canon, included by the study group, aligns with CIC canon 605 as a necessary complement to the entire schema. It is intended as a future pontifical law common to all Eastern Churches, determining the various forms of consecrated life.<sup>22</sup> There was no proposal for this canon in the previous schemata published in Nuntia 8 and 11. It first appeared in Nuntia 16 and then in 24-25, and was promulgated without any changes as canon 571 in the CCEO.

## 2.2. Some Instructions Absent in CCEO

LG 43 says, "The authority of the Church, under the guidance of the Holy Spirit, took care to

interpret them [the evangelical counsels]." The council fathers intended for the evangelical counsels to be officially interpreted. The CCEO does not interpret these counsels, whereas the CIC elaborates on them in canons 599-601. In PC 6, when discussing the spiritual life of members of institutes of religious life, the fathers emphasise the importance of the Eucharist,

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<sup>20</sup> Second Vatican Council, Dogmatic constitution *Lumen gentium*, November 21, 1964, AAS 57 (1965) 47 English text, accessed July 07, 2024,

[https://www.vatican.va/archive/hist\\_councils/ii\\_vatican\\_council/documents/vat-ii\\_const\\_19641121\\_lumen-gentium\\_en.html](https://www.vatican.va/archive/hist_councils/ii_vatican_council/documents/vat-ii_const_19641121_lumen-gentium_en.html)

<sup>21</sup> The forms of consecrated life approved by the Church are: Monastery, Order, Congregation, Societies of Common life in the Manner of Religious, Secular Institutes, Hermits, Consecrated Virgins and widows.

<sup>22</sup> Nuntia 16 provides the reason for the inclusion of this canon: "Chapter IV, consisting of this single canon, is formulated following the model of canon 605 of the new CIC. It was added ex officio by the Study Group as a necessary complement to the entire draft, envisioned as a future pontifical law common to all Eastern Churches, determining the various forms of consecrated life.

On the one hand, this canon prohibits the approval of new forms of consecrated life deviating from those determined by common law, reserving such approval to the Holy See. On the other hand, it exhorts Patriarchs and Bishops to carefully discern and recognize the various charisms of the Holy Spirit, protecting their bearers with special statutes of particular law." *Nuntia* 16, 108.

liturgical prayers, and reading and meditation on the Holy Bible. However, the latter is not explicitly mentioned in the CCEO.<sup>23</sup>

## Conclusion

This study reveals the profound interconnection between the Second Vatican Council and the Code of Canons of the Eastern Churches in shaping the understanding and practice of religious life. The Council's documents—*Lumen Gentium*, *Perfectae Caritatis*, *Christus Dominus*, and *Ad Gentes*—laid a foundational vision that the CCEO encapsulates, particularly in Title XII, which governs monks, religious, and members of other institutes of consecrated life within the Eastern Catholic tradition.

Title XII of the CCEO, consisting of 163 canons, reflects the principles and directives of the Council, incorporating them into the governance of religious life. These canons provide a framework for the life and discipline of religious communities and ensure that their needs are addressed according to contemporary standards. By embedding the Council's vision into its legal structure, the CCEO underscores the dynamic nature of religious life, striking a balance between fidelity to tradition and openness to modern exigencies.

The study underscores the significant innovations introduced by Vatican II and how these have been integrated into the CCEO. For instance, the emphasis on following Christ, living in common, the role of the Holy Spirit, and the importance of obedience, chastity, and poverty are vital aspects of the Council's vision reflected in the canons. Furthermore, the adaptation and renewal of religious life, as advocated by the Council, are evident in the CCEO's approach to formation, governance, and temporal goods.

The analysis also highlights specific changes and additions in the CCEO inspired by the Council's teachings. These include the theological foundation for religious life, the role of superiors, the formation of members, the freedom to receive the sacrament of penance, the observation of the cloister, and the guidelines for using temporal goods. Additionally, the study highlights the introduction of new forms of consecrated life and emphasises the ecclesiastical hierarchy's responsibility to support and promote these forms.

However, some aspects of the Council's vision are not explicitly mentioned in the CCEO, such as the detailed interpretation of evangelical counsels and the explicit emphasis on the reading and meditation on the

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<sup>23</sup> Cf. cc.473 and 538.

Holy Bible. These omissions indicate areas where the CCEO could further develop to fully embody the Council's directives.

In conclusion, the nexus between the Second Vatican Council and the CCEO on consecrated life demonstrates a harmonious synthesis of tradition and innovation. The Eastern Catholic Churches, through the CCEO, have successfully integrated the Council's teachings with their rich monastic and religious heritage, ensuring the vitality and relevance of religious life in the contemporary context. This study highlights the enduring influence of the Second Vatican Council and its pivotal role in shaping the future of religious life within the Universal Church.