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CONGREGATION FOR RELIGIOUS
AND SECULAR INSTITUTES (C.R.I.S .)

TO THE DIRECTORS GENERAL OF
SECULAR INSTITUTES

Rome, January 18th, 1984



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CONFERENCE MONDIALE
DES INSTITUTS SECLIERS

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I. NOTICE ON THE CODE

The new Code of Canon Law that repeals the previous universal ecclesiastic laws, including those on Secular Institutes, entered into force on the 27th November 1983.

Secular Institutes are now governed by Canons 573 602 and 606 (provisions that apply to all Institutes of consecrated life), and by Canons 710 730.

The present Notice does not mean to be a comment nor an explanation to the Canons, but rather an answer to the following question: how should we go about revising our Constitutions in the light of the Code?

2. CLARIFYING PRINCIPLES

2. With regard to the Secular Institutes the Code does not introduce any substantial novelties. Their nature, as defined by "*Provida Mater*", "*Primo feliciter*", the Council documents and speeches held by the Popes, is theologically and juridically confirmed: consecration and assumption of the evangelical counsels secular condition and apostolate flexible organization.

2. The translations of the Code into the various languages, even though authorised by the Conferences, are not the official text, the latter being only the Latin edition.

3. The comments are generally very useful in order to understand the text well, however they do not represent the authentic interpretation: the latter may be given only by the Holy See.

Reference to the source (that is to previous documents and to the ecclesial precepts that are taken into account by the Code), and to the praxis of the Sacred Congregation is always of great importance.

4. When the canon speaks of "constitutions" it is the fundamental text of each Institute that is referred to, even if other terms are used, such as: statute, rules of life, or any other. It is the text approved by the competent authority of the Church.

Instead, when they speak of "own law", besides the Constitutions they include also other normative texts of the Institutes, such as: directorium, or enforcement provisions, or complementary provisions, or rules.

With regard to this, see all of canon 587.

II. JURIDICAL CLARIFICATIONS

The Code provides rules that are binding for all the Institutes: they are valid even if the constitutions do not repeat them. E.g.: requisites for membership, can. 721 § 1.

The constitutions may be more exacting than the provisions laid down by the Code; but, on the contrary, they cannot be less demanding, nor can they propose anything against the Code.

Often the Code states that it is up to the Institutes to lay down precise regulations on specific items, that are listed in the following:

2. What the constitutions must contain

A clear presentation of the Institute: nature, aim, spirituality, characteristics (can. 578, referred to by can. 587 § 1): then, all the specifications that are essential in defining a Secular Institute, and in defining in particular a given Institute.

The sacred obligations under which the evangelical counsels of chastity, poverty and obedience are assumed, and the obligations they entail in a style of secular life (can. 712; this canon refers to canons 598-601, and in essence it takes up the final request of can. 587 § I and above all of can. 598 § 1). It is possible to choose among the bonds that were provided for by the *Lex peculiaris* attached to "*Provida Mater*": vow or oath or consecration for chastity, vow or promise for poverty and for obedience.

The fundamental provisions on government (can. 587 § 1), and in particular: the authority of the directors and of the assemblies (can. 596 § 1); form or way of governing, procedure for appointing the directors, terms of office (can. 717 § 1).

(Note: "*moderator supremus*" indicates the director general; "*moderatores maiores*" both the director general and the directors of the major subdivisions of the Institute, where these are provided for by the constitutions).

Where the constitutions provide for the subdivision of the Institute into parts, such as zones, regions, nations ...: whose duty it is to set them up, define them, suppress them (can. 581 and can. 585).

The fundamental provisions regarding the various commitments undertaken by the members (can. 587 § 1; see for example can. 719 on prayer).

The fundamental provisions on incorporation and on training (can. 587 § 1), and in particular: What Superior with his Council (and the constitutions must state whether a casting vote or an advisory

vote is required) has the right of admitting into the Institute, to the training, and to incorporation either temporary, perpetual or final (can. 720); how long the training period lasts, which cannot be under two years (can. 722 § 3); how long temporary incorporation lasts, which must not be under five years (723 § 2); what are the effects of final incorporation (can. 723 § 4: for this see item IV); how to make provisions for continuing training (can. 724 § 1); what other obstacles the Institute wishes to add to admission besides those provided for by the Code (can. 721 § 2).

The style of life in ordinary situations (can. 714), and the commitment of fraternal life (can. 602; see can. 716).

Where the Institute has associated members, what are their obligations (can. 725).

For dispensation from perpetual vows in an Institute or diocesan right, what Bishop is competent: the Bishop of the place where the Institute is based, or that of the place where the person involved lives (can. 727 § 1). For an Institute of pontifical right, only the Apostolic See is competent.

For resignations, what motivations does the Institute feel it should add to those provided for by the Code (can. 729).

(Canon mentioned in the foregoing, in numerical order: 578, 581, 585, 587 § 1, 596 §1, 598 § 1, 602; 712, 714, 717 § 1, 720, 721 § 2, 722 § 3, 723 §§ 2 and 4, 724 § 1, 725, 727 § 1, 729).

2. What the "*own law*" (thus: either the constitutions, or directoria, or other) must contain:

For admission: eventual qualities that the Institute requires besides those provided for by the Code (can. 597 § 1).

For the evangelical counsel of poverty: concrete rules on the restrictions on utilisation and availability of property (can. 600); how the property of the Institute is to be administered, and any

economic obligations between Institute and members (can. 718). As to the property of the Institute, the canon makes reference to book V of the Code, because the property belonging to a public juridical person in the Church – and the Secular Institutes are such is *"Church property and is thus subject to special rules* (can. 1257 § 1).

How participation in the life of the Institute (can. 716 § 1) is to be understood, and specifications on retreats, spiritual exercises, etc, (can. 719).

(Canon mentioned in the foregoing, in numerical order: 597 § 1, 600, 716 § 1, 718, 719; but see also 598 § 2).

III. SUGGESTIONS FOR APPLICATION

In the light of what has been said so far, Secular Institutes need not revise their constitutions if the latter have been approved recently.

Instead, they are called upon to do the following:

2. Central governing bodies, either directly or through a committee working under its responsibility, are to verify whether their constitutions (or directoria) do contain what is required of them. In particular what must be checked are those items that had not been requested before, and that is: that initial training must not be less than two years, and that the duration of temporary incorporation must not be less than five years.

2. Having identified the items that are to be clarified in their constitutions (or directoria), the central governing body takes care of making the necessary changes. It is not necessary to receive in advance the approval of the general assembly; this will be done during the following meeting. Of course all members are to be informed; the Sacred Congregation must also be notified and also the Bishop, if the Institute is of diocesan right.

3. This work must be done as soon as possible. But any changes that are made in the constitutions are valid only for the future, and not for the past (the rules are not "*retroactive*").

IV. ABOUT FINAL INCORPORATION

(Note: this item is of concern directly for those Institutes where the sacred bond is or may always be temporary)

After the training period, a person is incorporated into the Institute on a temporary basis.

And when the sacred vows are assumed forever, for perpetual consecration to God, also the incorporation into the Institute is perpetual.

But the constitutions of some Institutes envisage that consecration to God, though being perpetual in intentions, be or may be renewed with temporary vows (usually on a yearly basis).

The Code specifies that, in the case of renewable vows, at a certain moment fixed by the constitutions not less than five years from first incorporation incorporation into the Institute becomes final (can. 723 § 3), and equivalent to perpetual incorporation (ivi § 4) for the following juridical effects:

I . On the basis of common law:

- at the time when incorporation becomes final, a formal act of admission must be made by the competent superior (a given "higher superior"), with the vote of its Councils;

- when incorporation has already become final, the superiors cannot decide not to admit the member to the renewal of the

sacred vows except for very serious reasons; in the latter case, non admission would mean resignation;

- individual members are however always free to leave the Institute without asking for special dispensation, if they do not renew their vows upon expiry of the time period for which they had been assumed.

2. On the basis of the own constitutions:

Along with final incorporation, the member also obtains full rights, such as that of being elected to the various offices. But the constitutions may add special conditions to be fulfilled for certain offices (e.g. minimum age) or for providing access to certain offices also to those members that have not yet been acknowledged final incorporation.