

A Journal of
Catholic Spirituality

Review
for religious

Canon Law in Pastoral Perspective

100 Canonical Counsel essays

1990-2009

and

9 articles on Consecrated Life

by Sister Elizabeth McDonough OP, JCD, STL

Canonical Counsel by Topic

I. Background Information on Evangelical Counsels and on Consecrated Life

Page Life Consecrated by Profession of the Evangelical Counsel	2
The Evangelical Counsel of Chastity	9
The Evangelical Counsel of Poverty	15
The Evangelical Counsel of Obedience: Background and Development	22
The Evangelical Counsel of Obedience: Key Current Legislation	29
The Evangelical Counsel of Obedience:	
Concrete Expression and Practical Consequences	36
Living the Evangelical Counsels	42
The Synod on Consecrated Life	47
Conciliar and Postconciliar Documents on Consecrated Life	53
Lumen Gentium's Chapter 6: Religious	61
The Conciliar Decree Perfectae Caritatis	68
Norms for Renewal and Reflections on Its Progress	75
Directives for the Relationship between Bishops and Religious:	
Mutuae Relationes	81
Religious and Human Promotion	88
The Contemplative Dimension of Religious Life	95
An Apostolic Exhortation to Religious: Redemptionis Donum	101
Directives on Religious Formation: Potissimum Institutioni	106
The Document on Community Life:	
Congregavit Nos in Unum Christi Amor	113
The Concluding Message of the 1994 Synod on Consecrated Life	120

II. Background Information on Canon Law and Consecrated Lifeforms

The Role of Law In the Church	127
Salus Animarum	132
Response to the Role of Law in the Church	136
No More, No Less, and No Other	141
Additional Comments on Interpretation	146
Understanding "Obligations and Rights" in Church Law	150
The Importance of Procedural Law	157
The Q.O.T. Principle	161
The Lacuna Canon	166
The Lacuna Canon: Equity and Practice	171
The Lacuna Canon: Common and Constant Opinion	175

Categories of Consecrated Life	179
Hermits and Virgins	185
Secular Institutes	191
Apostolic Institutes	198
Clerical Institutes	203
Diocesan Institutes and Pontifical Institutes	208
New Communities	214

III. The Organization and Functioning of an Institute

Basic Governance Structures in Religious Institutes	223
Levels of Legislation In an Institute	229
Constitutions	235
Participation in Governance	240
The Potestas of Religious Superiors: Background for Canon 596	247
The Potestas of Religious Superiors According to Canon 596	254
Authority In Institutes of Consecrated Life	259
General Chapters: Historical Background	265
General Chapters: Current Legislation	271
Chapters and Other Meetings	277
The Role of Councils In Religious Governance	282
Canon 127: Technical Requirements for Advice or Consent	290
Bona Ecclesiastica	296
Archives of Religious Communities	301
Visitation	305
Visitation by External Authorities	311
Mergers, Unions, Federations, and Confederations	317
Religious Institutes as Juridic Persons In Reconfiguration	323
Canonical Federation	328

IV. Becoming a Member of an Institute

Admission to an Institute of Consecrated Life	336
Impediments to Admission	343
Additional Requirements for Admission	349
The Novitiate	355
Location of the Novitiate	360
Duration of the Novitiate: General Norms	366
Exceptions to Duration of the Canonical Novitiate	373
Role of the Novice Director	379
Responsibilities of the Novice Director	385
Conclusion of the Novitiate	391
Incorporation Into an Institute of Consecrated Life	
or a Society of Apostolic Life	397
Solemn Vows and Simple Vows	403
Requirements for Temporary Profession	409
Renewal of Vows and Temporary Profession	415

V. Rights and Obligations of Members

Common Life423
 Common Life and Houses430
 Poverty, Patrimony, and Nest Eggs437
 Habit and Habitus: Brief History446
 Habit and Habitus: Current Legislation452
 Cloister for Nuns: From the Early Centuries to the 1917 Code.....458
 Cloister for Nuns: From the 1917 Code to the 1994 Synod466
 Papal Enclosure474
 Papal Enclosure: Further Considerations.....481
 Conscience Matters488
 Sharing Information In Confidential Matters492
 Conscience and Confidentiality from the Members’ Perspective.....497
 Personal Records of Community Members501
 Religious Managing the Account of Others505
 Lay Religious as Pastoral Ministers in Parishes509

VI Means of Separation From an Institute

Transfer517
 The Troubling Religious: Further Considerations523
 Voluntary Exclaustration531
 Involuntary Exclaustration540
 Exclaustration: Further Considerations.....548
 Exclusion from Profession at Expiration of Temporary Profession.....557
 Readmission To a Religious Institute.....562
 Voluntary Departure568
 Communicating an Indult of Departure574
 Involuntary Departure.....581
 Automatic Dismissal587
 Mandatory Dismissal.....593
 Discretionary Dismissal.....600
 Conclusion of Discretionary Dismissal606
 Effects of Departure.....612

Articles

Canonical Considerations of Autonomy and Hierarchical Structure.....619
 Beyond the Liberal Model: Quo Vadis?648
 The Past Is Prologue: Quid Agis?.....670
 Charisms and Religious Life692
 Come Follow Me:
 Reflections on Some Current Theories of Religious Life.....707
 The Need for Self-Criticism: Affirmative Comments722
 Commitment to Faithfulness732
 The Sisters’ Survey Revisited.....737
 The Council as Catalyst.....750

Canonical Counsel Articles by Primary Canon Number

<u>CANON</u>	<u>PAGE</u>
16-18 – No More, No Less, and No Other	141
16-18 – Additional Comments on Interpretation	146
19 – The <i>Lacuna</i> Canon	166
19 – The <i>Lacuna</i> Canon: Equity and Practice	171
19 – The <i>Lacuna</i> Canon: Common and Constant Opinion	175
85-87 – The Importance of Procedural Law.....	157
87, 1400 – The Q.O.T. Principle.....	161
127 – Canon 127: Technical Requirements for Advice or Consent.....	290
342 – The Synod on Consecrated Life.....	47
337-341 – Conciliar and Postconciliar Documents on Consecrated Life.....	53
517 – Lay Religious as Pastoral Ministers in Parishes	509
573-578, 599-601 – Life Consecrated by the Evangelical Counsels	2
573-578 – Living the Evangelical Counsels,	42
574, 577-578, 603-604, 710-711, 731 – Categories of Consecrated Life	179
575, 600, 668 – Poverty, Patrimony, and Nest Eggs.....	437
576-579, 605 – New Communities.....	214
578, 592 – Archives of Religious	301
582-585 – Mergers, Unions, Federations, and Confederations.....	317
582, 115-121, 123 – Religious Institutes as Juridic Persons in Reconfiguration.....	323
582 – Canonical Federation	328
587, 598, 631 – Constitutions.....	235
587, 631 – Levels of Legislation in an Institute.....	229
588 – Clerical Institutes	203
589, 593-594 – Diocesan Institutes and Pontifical Institutes	208
590, 617-619 – Authority in Institutes of Consecrated Life	259
596 – The <i>Potestas</i> of Religious Superiors: Background for Canon 596	247

596 – The <i>Potestas</i> of Religious Superiors According to Canon 596	254	646 – The Novitiate.....	355
599 – The Evangelical Counsel of Chastity,	9	647 – Location of the Novitiate.....	360
600, 668 – The Evangelical Counsel of Poverty,	15	648 – Duration of the Novitiate: General Norms.....	366
601 – The Evangelical Counsel of Obedience:		649 – Exceptions to Duration of the Canonical Novitiate.....	373
Background and Development	22	650-651 – Role of the Novice Director	379
601 – The Evangelical Counsel of Obedience: Key Current Legislation.....	29	652 – Responsibilities of the Novice Director	385
601 – The Evangelical Counsel of Obedience:		653 – Conclusion of the Novitiate.....	391
Concrete Expression and Practical Consequences	36	654, 207 – Incorporation into an Institute of Consecrated Life	397
602, 608-611, 665 – Common Life,.....	423	654, 631 – Participation in Governance,.....	240
603-604 – Hermits and Virgins,.....	185	654, 1191 – Solemn Vows and Simple Vows.....	403
608-616, 665 – Common Life and Houses	430	655-657 – Requirements for Temporary Profession.....	409
609, 614-616, 630, 677 – Cloister for Nuns: From the Early		657-658 – Renewal of Vows and Temporary Profession.....	415
Centuries to the 1917 Code.....	458	662-672 – Understanding “Obligations and Rights” in Church Law	150
609, 614-616, 630, 667 – Cloister for Nuns: From the 1917 Code		667 – Papal Enclosure.....	474
to the 1994 Synod,	466	667 – Papal Enclosure: Further Considerations.....	481
612, 607-608, 665 – Document on Community Life:		669 – Habit and <i>Habitus</i> : Brief History	446
<i>Congregavit Nos in Unum Christi Amor</i>	113	669 – Habit and <i>Habitus</i> : Current Legislation.....	452
617-640 – Basic Governance Structures in Religious Institutes.....	223	672, 285 Religious Managing the Account of Others.....	505
627 – The Role of Councils in Religious Governance.....	282	673-683 – Apostolic Institutes.....	198
628 – Visitation	305	684-685 – Transfer.....	516
628, 683 – Visitation by External Authorities,	311	686-687 – The Troubling Religious: Further Considerations.....	523
630 – Conscience Matters.....	488	686-687 – Voluntary Exclaustation	531
630, 127 – Sharing Information in Confidential Matters.....	492	686-687 – Involuntary Exclaustation	540
630, 220 – Conscience and Confidentiality from the		686-687 – Exclaustation: Further Considerations.....	548
Members’ Perspective	497	688 – Voluntary Departure	568
630 – Personal Records of Community Members.....	501	689, 694-701, 703 – Involuntary Departure	581
634-640, 1257 – <i>Bona Ecclesiastica</i>	296	689 – Exclusion from Profession at Expiration of Temporary Profession....	557
631 – General Chapters: Historical Background.....	265	690 – Readmission to a religious Institute.....	562
631 – General Chapters: Current Legislation.....	271	692 – Communicating an Indult of Departure.....	574
631-633 – Chapters and Other Meetings.....	277	694 – Automatic Dismissal.....	587
641-642 Admission to an Institute of Consecrated Life.....	339	695 – Mandatory Dismissal.....	593
643 – Impediments to Admission.....	343	696-699 – Discretionary Dismissal.....	600
644-645 – Additional Requirements for Admission.....	349	699-700 – Conclusion of Discretionary Dismissal.....	606
646-653, 659-661 – Directives on Religious Formation:		701-702 – Effects of Departure.....	612
<i>Potissimum Institutioni</i>	106	710-730 – Secular Institutes.....	191

1752 – <i>Salus Animarum</i>	132
1752, 204-205 – The Role of Law in the Church	127
1752, 204-205 – Response to the Role of Law in the Church	136

Some Conciliar and Postconciliar Documents Related to the Synod on Consecrated Life

1947-1990 Conciliar and Postconciliar Documents on Consecrated Life	53
1991 The Synod on Consecrated Life.....	47
1964 <i>Lumen Gentium's</i> Chapter 6: Religious.....	61
1965 The Conciliar Decree <i>Perfectae Caritatis</i>	68
1966 Norms for Renewal and Reflections on its Progress	75
1975 Directives for the Relationship between Bishops and Religious:	
<i>Mutuae Relationes</i>	81
1980 Religious and Human Promotion	88
1980 The Contemplative Dimension of Religious Life	95
1984 An Apostolic Exhortation to Religious: <i>Redemptionis Donum</i>	101
1990 Directives on Religious Formation: <i>Potissimum Institutioni</i>	106
1994 The Document on Community Life:	
<i>Congregavit Nos in Unum Christi Amor</i>	113
1994 The Concluding Message of the 1994 Synod on Consecrated Life.....	120

WEBSITE LINK FOR CANON LAW:

www.vatican.va/archive/ENG1104/_INDEX.HTM

Canonical Counsel Articles Chronologically

523. The Troubling Religious: Further Considerations.....	49.4 (1990): 618-624
150. Understanding “Obligations and Rights” in Church Law	49.5 (1990): 779-784
223. Basic Governance Structures in Religious Institutes	49.6 (1990): 928-933
179. Categories of Consecrated Life	50.2 (1991): 300-305
235. Constitutions.....	50.3 (1991): 56-460
437. Poverty, Patrimony, and Nest Eggs.....	50.4 (1991): 617-623
240. Participation in Governance.....	50.5 (1991): 775-780
403. Solemn Vows and Simple Vows.....	50.6 (1991): 930-934
203. Clerical Institutes	51.1 (1992): 144-148
185. Hermits and Virgins.....	51.2 (1992): 303-308
531. Voluntary Exclaustration	51.3 (1992): 461-468
540. Involuntary Exclaustration.....	51.4 (1992): 625-632
574. Communicating an Indult of Departure	51.5 (1992): 782-788
191. Secular Institutes.....	51.6 (1992): 927-932
214. New Communities.....	52.1 (1993): 140-146
423. Common Life.....	52.2 (1993): 304-310
430. Common Life and Houses.....	52.3 (1993): 462-468
47. The Synod on Consecrated Life	52.4 (1993): 616-621
53. Conciliar and Postconciliar Documents on	
Consecrated Life.....	52.5 (1993): 780-786
61. <i>Lumen Gentium's</i> Chapter 6: Religious.....	52.6 (1993): 927-932
68. The Conciliar Decree <i>Perfectae Caritatis</i>	53.1 (1994): 142-148
75. Norms for Renewal and Reflections on its Progress	53.2 (1994): 303-308
81. Directives for the Relationship between Bishops and Religious:	
<i>Mutuae Relationes</i>	53.3 (1994): 467-472
88. Religious and Human Promotion	53.4 (1994): 622-628
95. The Contemplative Dimension of Religious Life	53.5 (1994): 781-786
101. An Apostolic Exhortation to Religious:	
<i>Redemptionis Donum</i>	53.6 (1994): 932-936
106. Directives on Religious Formation: <i>Potissimum Institutioni</i>	54.1 (1995): 143-148
113. The Document on Community Life:	
<i>Congregavit Nos in Unum Christi Amor</i>	54.2 (1995): 301-307
120. The Concluding Message of the 1994 Synod on	
Consecrated Life.....	54.3 (1995): 462-466
458. Cloister for Nuns: From the Early Centuries to the	
1917 Code.....	54.4 (1995): 615-621
466. Cloister for Nuns: From the 1917 Code to the	
1994 Synod.....	54.5 (1995): 772-778

247. The *Potestas* of Religious Superiors:
Background for Canon 596 54.6 (1995): 934-940
254. The *Potestas* of Religious Superiors According to
Canon 596 55.1(1996):87-91
259. Authority in Institutes of Consecrated Life 55.2(1996):204-208
265. General Chapters: Historical Background 55.3(1996):320-325
271. General Chapters: Current Legislation 55.4(1996):431-435
282. The Role of Councils in Religious Governance 55.5(1996):533-539
290. Canon 127: Technical Requirements for Advice or Consent 55.6(1996):646-650
208. Diocesan Institutes and Pontifical Institutes 56.1(1997):95-99
198. Apostolic Institutes 56.2(1997):207-211
509. Lay Religious as Pastoral Ministers in Parishes 56.3(1997):320-324
229. Levels of Legislation in an Institute 56.4(1997):428-432
446. Habit and *Habitus*: Brief History 56.5(1997):547-552
452. Habit and *Habitus*: Current Legislation 56.6(1997):649-654
2. Life Consecrated by Profession of the Evangelical Counsels. 57.1(1998):94-99
9. The Evangelical Counsel of Chastity 57.2 (1998): 202-207
15. The Evangelical Counsel of Poverty 57.3 (1998): 314-319
22. The Evangelical Counsel of Obedience:
Background and Development 57.4 (1998): 435-440
29. The Evangelical Counsel of Obedience:
Key Current Legislation 57.5 (1998): 541-546
36. The Evangelical Counsel of Obedience: Concrete Expression and
Practical Consequences 57.6 (1998): 650-655.
42. Living the Evangelical Counsels 58.1 (1999): 98-102.
305. Visitation 58.2 (1999): 210-216.
311. Visitation by External Authorities 58.3 (1999): 320-324
335. Admission to an Institute of Consecrated Life 58.4 (1999): 429-434
343. Impediments to Admission 58.5 (1999): 546-551
349. Additional Requirements for Admission 58.6 (1999): 649-653
355. The Novitiate 59.1 (2000): 94-98
360. Location of the Novitiate 59.2 (2000): 209-213
366. Duration of the Novitiate: General Norms, 59.3 (2000): 318-323
373. Exceptions to Duration of the Canonical Novitiate 59.4 (2000): 430-434
379. Role of the Novice Director 59.5 (2000): 542-546
385. Responsibilities of the Novice Director 59.6 (2000): 650-655
391. Conclusion of the Novitiate 60.1 (2001): 99-104
397. Incorporation Into an Institute of Consecrated Life 60.2 (2001): 206-211
409. Requirements for Temporary Profession 60.3 (2001): 314-319
415. Renewal of Vows and Temporary Profession 60.4 (2001): 432-437
557. Exclusion from Profession at Expiration of
Temporary Profession 60.5 (2001): 543-547
562. Readmission to a Religious Institute 60.6 (2001): 655-660
516. Transfer 61.1 (2002): 97-103
548. Exclaustration: Further Considerations, 61.2 (2002): 202-210
568. Voluntary Departure 61.3 (2002): 313-319
581. Involuntary Departure 61.4 (2002): 430-434
587. Automatic Dismissal 61.5 (2002): 546-551
593. Mandatory Dismissal 61.6 (2002): 649-655
600. Discretionary Dismissal 62.1 (2003): 96-102
606. Conclusion of Discretionary Dismissal 62.2 (2003): 204-210
612. Effects of Departure 62.3 (2003): 316-322
474. Papal Enclosure 62.4 (2003): 423-430
481. Papal Enclosure: Further Considerations 63.1 (2004): 91-98
317. Mergers, Unions, Federations, and Confederations 63.2 (2004): 204-210
323. Religious Institutes as Juridic Persons in Reconfiguration 63.3 (2004): 323-328
505. Religious Managing the Account of Others 63.4 (2004): 427-431
132. *Salus Animarum* 64.1 (2005): 94-98
141. No More, No Less, and No Other 64.2 (2005): 206-211
146. Additional Comments on Interpretation 64.3 (2005): 321-325
328. Canonical Federation 64.4 (2005): 429-435
277. Chapters and Other Meetings 65.1 (2006): 96-101
157. The Importance of Procedural Law 65.2 (2006): 206-210
301. Archives of Religious 65.3 (2006): 323-327
161. The Q.O.T. Principle 65.4 (2006): 427-432
296. *Bona Ecclesiastica* 66.1 (2007): 95-100
488. Conscience Matters 66.2 (2007): 209-213
492. Sharing Information in Confidential Matters 66.3 (2007): 320-325
497. Conscience and Confidentiality from the
Members' Perspective 66.4 (2007): 429-433
501. Personal Records of Community Members 67.1 (2008): 94-99
166. The *Lacuna* Canon 67.2 (2008): 209-214
171. The *Lacuna* Canon: Equity and Practice 67.3 (2008): 322-326
175. The *Lacuna* Canon: Common and Constant Opinion 67.4 (2008): 430-434
127. The Role of Law in the Church 68.1 (2009): 93-98
136. Response to the Role of Law in the Church 68.2 (2009): 208-213

WEBSITE LINK FOR CANON LAW:

www.vatican.va/archive/ENG1104/_INDEX.HTM



Dominican Sister Elizabeth McDonough OP, served as Canonical Counsel Editor of *Review for Religious* from 1990 to

2009. She holds a Doctorate in Canon Law (JCD) from The Catholic University of America and a Licentiate in Sacred Theology (STL) from the Pontifical Faculty of the Immaculate Conception (Dominican House of Studies, Washington, DC). She taught canon law and systematic theology as Bishop James A. Griffin Professor of Canon Law at the Pontifical College Josephinum (Columbus) and also taught on the Pontifical Faculty of Canon Law at The Catholic University of America and at Mount Saint Mary's Seminary (Emmitsburg, MD).

Prior positions include Tribunal Judge, Vice Chancellor, and Canonical Consultant for the Archdiocese of Washington.. She has published more than thirty articles in *The Antonianum*, *Canon Law Society of America Proceedings*, *The Jurist*, *Review for Religious* and *Studia Canonica*, as well as one book, several book chapters and numerous encyclopedia entries.

Sister served as assistant to the Apostolic Visitation of Seminaries and Houses of Studies in 2006 and consultant to the Canonical Affairs Committee of the United States Conference of Catholic Bishops from Spring 2006 through Fall 2008. And, in the last quarter century, Sister Elizabeth has assisted several hundred religious communities in the USA and abroad and is currently canonical advisor for several dioceses and religious congregations.

In March 2006, she was awarded the *Pro Ecclesia et Pontifice Cross* by our Holy Father, Pope Benedict XVI. In March 2010, she received the St. Joseph Medal for service at the Pontifical College Josephinum.

In April 2009, Sister Elizabeth became one of twenty-two founding members of the Dominican Sisters of Our Lady of the Springs of Bridgeport (in the Diocese of Bridgeport in Connecticut).

Foreword

Canon law can safely be presumed as not being a favorite topic among many in the Church. For members of institutes of consecrated life, however, it really does help to know at least something about the Church's legal system. *Review for Religious* has been a resource for understanding church law through various articles and some form of canonical commentary for many decades. It was my privilege to offer such commentaries for nearly two decades, one before and one after the beginning of the 3rd millennium. There was no systematic plan for treating various canonical topics on consecrated life in 1990 when the 100 "Canonical Counsel" essays herein first appeared. But there were multitudinous topics which arose in the real life of real people in various religious institutes around the world. Gradually, with the Synod on Consecrated Life in 1984, "Canonical Counsel" essays began to address canons on consecrated life by presenting background information on canon law as such and then commenting on particular portions of the Code dealing with governance and membership, and property and departure, etc. For easier reference, the 100 essays are listed by topic, by canon number, and chronologically in the order they appeared in *Review for Religious*.

Throughout these essays, a concerted effort has been made to present church law as an integral, useful, stabilizing system in keeping with the ultimate purpose and primary means for addressing ecclesial legal matters constructively. Law in any human community—but especially in the Church—is meant to assist real people who live in a real world and face real needs and real problems but who also have the real desire and real hope for a better future now and hereafter. Since law functions at the juncture of logic and life—with logic being neatly structured but life being hardly ever so—there is often a legitimate tension between law and life

in practical circumstance. Church law offers no exception to this legitimate tension. What it offers is a workable system of structures, boundaries, and procedures very much in keeping with the ultimate purpose of the Church as *salus animarum* (canon 1752).

The structures, boundaries, and functions of Church law are comparable to the reality of human beings as having a skeleton and skin and internal operating systems which enable each person to grow and live and learn, etc. So, too, law in the Church provides structures in dioceses and parishes and religious institutes, etc. It specifies legal boundaries for identifying who are laity or clergy, who are married or not married, who belongs to which parish or to which religious community, etc. It provides for ongoing application—and exceptions—by human beings in real-life, specific circumstances. Law does not make the Church what it is. We are truly all God's handiwork, individually and collectively. What Church law can do, however, is help us be more effectively directed towards our primary choices and on-going actions in relation to the gift of salvation in Christ Jesus. This is no small task. These essays are a minor attempt to offer constructive tools for those in all forms of consecrated life to understand Church law better and to apply it more effectively in their real life of consecration through the evangelical counsels.