

S A N Y A S A

Journal of Consecrated Life

**FOREVER YOURS:
FIDELITY AND PERSEVERANCE IN CONSECRATED LIFE**
(Based on the Document *The Gift of Fidelity and the Joy of Perseverance*)



SANYASA

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***FOREVER YOURS:
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(Based on the Document *The Gift of Fidelity and the Joy of Perseverance*)

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SANYASA Journal of Consecrated Life

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EDITORIAL

When we visit religious communities specially formation communities these days, we are able to sense immediately the decline in religious vocation. This is a phenomenon not only in Europe and America — we seldom find formation communities in these continents — but also in Asia and even in India. It is true that globally religious life is facing crisis of vocation. The steady decline of novices through out the world in the last few years would prove this point.

Besides lack of good vocation to religious life, we also face another serious problem in religious life: the problem of fidelity and perseverance. Ask the major superiors and they would share stories of many happy, contented and “successful” members even those perpetually professed leaving the congregations so easily and abruptly and many members finding it difficult to persevere in religious life. Lifelong commitment is a real problem even for modern religious.

We also have another group of religious, so called “nesters” who continue to live religious life in religious community without proper commitment and joy. They simply prolong their life considering religious community as a “hotel” where they can eat, drink and sleep. Religious life is seen as a mere security for the basic needs.

It is in this context, the Dicastery for Institutes of Consecrated Life and Societies of Apostolic Life published a document titled, *The Gift of Fidelity, the Joy of Perseverance* on 2nd February 2020. It is a beautiful document which analyses in depth the problem of fidelity and perseverance and in the third part, presents also some guidelines and canonical norms for the separation from the institute. Unfortunately, the document was published when the world was facing one of its worst pandemics, Covid-19. Thus, this wonderful document did not get the sufficient publicity and sadly it was not widely studied, reflected and practiced.

Institute of Consecrated Life – Sanyasa (ICLS) being the only institute in India which exclusively offers courses and researches in the theology of consecrated of life organized a two-day National Seminar in Bangalore on 28th and 29th January 2023 with the theme, “Forever Yours: Fidelity and Perseverance in Consecrated Life”. The national seminar had four plenary sessions with the presentation of papers, two case clinics, poster presentations, sharing of best practices in consecrated life and two panel discussions.

ICLS also organized three one-day regional seminars: one at Karukutty, Kerala on 18th February 2023; another in Ranchi on 22nd April 2023 and the last one

at Barrackpore, Kolkata on 23rd April 2023 with the same theme, “Fidelity and Perseverance in Consecrated Life: A Gift and A Challenge. Regional seminars had three plenary sessions with the presentation of papers, one case clinic and one panel discussion. The present issue of Sanyasa Journal of Consecrated Life carries of a few of the papers presented in these seminars and two case clinics.

The first article is titled, “The Phenomenon of Departures: Some Critical Issues ” by Dr. Arul Jesu Robin, CMF. He begins giving the overall picture of the religious abandoning religious life in the last few years. Then he presents crisis being faced by the religious in the areas of motivations, affectivity, conflicts and religiosity. This is followed by the causes of abandonment according to the DICLSAL. He concludes explaining the reasons for abandonments mainly from the social and cultural Context; the youth of today and finally the Religious Institute itself.

The second article too is titled in the same way as the first article and presented by Sr. Prabina Rudum, IBVM. She begins presenting consecrated life in the modern and post-modern world. Then she goes explaining fidelity and self-identity. Finally she deals with the crisis of religious life through six interpretations namely a) Ethical Interpretation; b) Social Interpretation; c) Psychological Interpretation; d) Historical Interpretation; e) Theological Interpretation and f) Pragmatic Interpretation.

Then we have the third article by Fr. Gonzalo Fernandez Sanz, CMF titled, “Honoring the Forever: Cultivating Fidelity and Perseverance”. He begins his presentation quoting a few examples. It was followed by explaining the crisis of fidelity from the view point of VUCA (volatility, uncertainty, complexity, and ambiguity) culture. Then, he asserts that “forever” is not possible without “truth” and happiness all the time “dogma” will not help fidelity. He concludes pointing out that it is only deep faith that can enable fidelity and perseverance.

The fourth article is by Sr. Anna Mary Thumma who deals with the theme, “To Stay or Not to Stay: Discernment and Accompaniment”. She begins questioning, “Why the abandonment of the vocation which once was the object of love? What has happened?” She answers saying, “some turn to God and ask, ‘where are you?’. In a way these and more questions seem to be answered by the “The Gift of Fidelity and the Joy of Perseverance: Manete in dilectione mea (John 15:9) Guidelines”. The guidelines emphasis on exercising the Gospel attitudes and doing all we can, to manifest God’s love and care to those passing through a difficult situation in responding and living their vocation to consecrated life with fidelity and perseverance. The often-repeated words formation, discernment, accompaniment, and community are re-emphasized by her to live them with evangelical charity both for the good of the person and the congregation who put themselves in the constant process of gifting themselves to God by listening to His appeals.

The fifth and sixth articles are on “Separation from the Institute: Norms and Practice of the Dicastery” by two renowned canonists: Dr. Varghese Koluthara, CMI and Dr. James Mathew Pampara CMI. Both the articles explain the canonical regulations and the practice of the dicastery regarding the separation from the institute. Both the articles explain in detail, absence from religious house, transfer to another institute, exclaustation, the indult of departure, dismissal from the institute, obligatory dismissal, discretionary dismissal, etc. Indeed, these two articles will be greatly useful for those who are in authority to deal with the case of separation from the institute following the canonical norms.

I have been the chief editor of this journal for the last seven years. I am transferred from ICLS. I thank all the readers and contributors for your cooperation and encouragement. I wish the new chief editor all the best.

Arul Jesu Robin, CMF

Chief Editor

THE PHENOMENON OF DEPARTURES: SOME CRITICAL ISSUES

Dr. Arul Jesu Robin, CMF

Preliminary Observations

On March 27th, 2020, Dicastery of Institutes of Consecrated Life and Societies of Apostolic Life published the document, *Gift of Fidelity and the Joy of Perseverance. Guidelines*. The document touches on a recurrent and troubling problem in consecrated life, the perseverance of the members. The document is presented in three parts namely a) Gazing and Listening; b) Enkindling Awareness and c) Separation from the Institute (Canonical Norms and the Practice of the Dicastery). The document also presents some causes of defection, as well as some considerations and proposals to assist the reflection on the problem of abandonment of religious life.

The Dicastery produces such a document because the phenomenon affects the Church in general and wants to contribute a reflection on this reality that also touches each one of us and our Congregations. This document was a response to the hemorrhage of the departures from the consecrated life that does not seem to decline yet. There are growing instances of infidelity and lack of perseverance of vocations in consecrated life. In many cases, abandonment takes place after years of adequate training and formation or after many years of devoted and faithful commitment in the mission.¹

There is also another more worrying case. There are many religious today who are developing a growing tendency to live a mediocre life while remaining in the institute. We call them “nesters”. Though they do not abandon religious institutes and continue to live as consecrated persons, they too have difficulties with fidelity, commitment and perseverance. So, they should also be taken into consideration when we discuss about liquid fidelity in a fragmented world.²

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A Reality Check

Pope Francis says: “Our time is a time of trial: it is more difficult to live as a consecrated person in today’s world.” He continues saying,

We may well say that at this moment faithfulness is being put to the test [...]. We are facing a ‘haemorrhage’ that is weakening CL and the very life of the Church. The abandonment of CL worries us. It is true that some leave as an act of coherence, because they recognize, after serious discernment, that they never had this vocation. However, others, with the passage of time, are no longer faithful, very often only a few years after professing perpetual vows. What has happened?”³

It seems about 2,215 abandoned consecrated life every year in the last five years. They are only from religious institutes of pontifical right and those who have made final profession and the statistics is only from DICLSAL. If we count also members from religious institutes of diocesan rights and statistics from other dicasteries, the number must be very high. We should not forget the fact that there are also many “irregular” religious who do not come any of these categories. Let us look at the statistics from DICLSAL.

The Overview of Abandonments

No	Year	Number
1	2016	1927
2	2017	1832
3	2018	1840
4	2019	1763
5	2020	1862

In 2020, in India alone 204 consecrated persons left consecrated life after their final profession. Unfortunately, India stands first and the maximum number of consecrated persons who abandoned consecrated life in 2020 is from India. It is not an encouraging piece of information but something which invites us for deep reflection.⁴

Let us look at the details of the abandonment of Redemptorists in five years (2016-2020). During this five-year period, 499 Redemptorists died and 266 left the congregation for different reasons. Thus, they lost altogether 765 members by death and abandonment. During this period, they had only 337 final professions. Thus, the number of perpetual professions (337) does not replace the number of departures and deaths. We can conclude that they were 428 members short within a short period of five years.⁵

We, the Claretians during the six-year period (2015-2020) lost 69 who left us for different reasons and 30 members were on leave of absence and 38 on exlaustration. We also lost 230 members by death. So totally, we lost 367 Claretians in the six-year period though a few who were on leave of absence or exlaustration could have come back to the Congregation. In this period, we had 340 perpetual professions. Thus, possibly we did not lose any members as 68 members were on leave of absence and exlaustration and we maintained the status quo.

Abandonment of Priesthood (Clergy)

We do not have any reliable statistics of diocesan priests leaving priesthood. But it seems that the young priests are not actually leaving in large numbers; most of them nearly 80% are happy and satisfied.⁶ The best statistics assert that only between 1-10% actually leave.

Abandonment of Married Life

We have a lot of statistics with regard to divorce of the married people. We have also country wise. Unfortunately, the rate of divorce is on a sharp rise in the last few decades. It is about 87% in Luxemburg; 65% in Spain; 51% in Russia; 46% in USA and 1% in India. The global divorce rate in the world in 2020 was 48%. The global divorce rate has increased 251.8% since 1960. It simply shows that the modern persons are afraid for commitment and have liquid fidelity. The rate of abandonment of consecrated persons and clergy is too low considering the very high rate of marriage failures in the modern world.⁷

The Question of Lack of Fidelity and Perseverance

Pope Francis says that we are living in a change of era and not merely an era of change, in which it becomes difficult to take on serious and definitive commitments. We are all living in the culture of the provisional and part-time. The metaphors “the illusion of the end”, “the simulacrum”, “pluralism and the crisis of meaning”, “the society of the spectacle”, “of the tiredness and the transparency”, “the society of individuals and self-consciousness”, “the era of emptiness, of the ephemeral, of the twilight of duty”, “of the weak thought”, “liquid modernity”, “liquid love”, “liquid life”, “liquid fear”, “liquid times”, “liquid art”, “life in fragments”, etc. are attempts to understand the fragmented world in which we live.⁸ Somehow, this mentality and attitude that are seen in the society and culture has also deeply affected and influenced consecrated persons and consecrated life.

Crisis of Consecrated Life

According to DICLSAL, CL faces crisis mainly in four areas. They are: a) Motivations; b) Affectivity; c) Conflicts and d) Religiosity.⁹

a) Motivations

Consecrated life is a free gift from God. This way of life is not possible without deep faith. The motivation to be religious should spring from faith-experience. Some of the consecrated persons easily abandon their consecrated life when they face some difficulties in community life or when they come across some better opportunities outside when they are not motivated by faith. Possibly, they chose consecrated life because of secular motives or pressures from external factors

b) Affectivity

Normally when we think of affective issues in religious life, we tend to consider only consecrated persons falling in love with the complementary sex. Here, we deal not only cases of falling in love with the complementary sex but also affective problems with the authority and other community members. When there are relationship problems with the authority, it could lead to blind obedience and as a consequence, we may have dependent personalities in the communities which is not desirable for healthy and happy community living. Affective issues with the authority could also lead to aggressive and rebellious attitude towards the authority and quarrelling and fighting all the time. It can also lead to complete aversion or total rejection of authority

c) Conflict

Often, the word “conflict” is understood negatively. In fact, it is neutral; neither positive nor negative. Conflicts are nothing but differences of opinion. As consecrated persons are different and unique, conflicts are bound to happen. What matters is how the consecrated persons manage them in their lives as individuals and as community. They can also be opportunities for growth and can lead to transformative journey. As they are neutral, negatively, they can lead to passive adaptation or positively to responsible commitment and contended consecrated life. Passive adaptation will have the risk of getting stuck on and consequently to permanent frustration. Positively, they can help consecrated persons mature intellectually and affectively. This will lead to growth in one’s personality based on one’s project of life.

d) Crisis of Religiosity

For Sigmund Freud, religiosity is the ultimate compulsive neurosis, an external factor that is motivated by the quest for support, defense and protection. This attitude regarding religiosity according to Freud is egocentric, exhibitionistic, utilitarian and narcissistic. According to humanistic and existential psychology, it is an aspect of a component of our personality. And it is a dynamic that favours growth, maturity, mental health and the search for ultimate meaning of life. We need to ask ourselves

about our opinion regarding religiosity. What is religion for us? As described by Sigmund Freud or humanistic and existential psychology. When we apply this approach to religious vocation, those who hold Sigmund Freud's view will have tough time with regard to fidelity and perseverance in consecrated life.

The Causes for Abandonment according to DICLSAL

DICLSAL identifies three main causes for the abandonment of consecrated life. They are: a) Lack of Authentic Spiritual Life; b) The Loss of Sense of Belonging and c) Affective Issues.¹⁰

a) Lack of Authentic Spiritual Life

The main causes for the abandonment of consecrated life according to DICLSAL today is lack of authentic spiritual life in consecrated men and women. It is manifested mainly in four areas live lack of personal prayer, lack of community prayer, superficial sacramental life and finally too much of focus on activism. Once a consecrated person lacks authentic spiritual life, he/she shows little interest in prayer life; be it personal prayer or community prayer. He/she is practically absent for all the community prayers and even if he/she participates, it is only out of compulsion without genuine and active involvement. Participation in the Eucharistic celebration too lacks genuineness and sincere involvement. Possibly, frequentation to the sacrament of reconciliation is practically nil. This type of consecrated persons focusses more on doing than being. They are all the time busy with a lot of activities and most of them may not be activities related with the mission entrusted to them.

b) The Loss of Sense of Belonging

The second main cause for abandonment of consecrated life is the loss of sense of belonging to the institute. It has a lot to do with the fraternal life in the community. Consecrated persons who lack sense of belonging to the local community and institute will have little participation in the community activities, events and the initiatives of the community. Certainly, they will have imbalances between community and personal programs. They consider the community as a mere lodge; a place to eat, rest and sleep. They look at the community as fulfilling only the needs, lodging, financial support and legal aid. Normally, it is very difficult for these types of people to be faithful and persevering. Most of them will eventually leave consecrated life. Some of them may prolong their life as consecrated persons a little longer or "nest" forever.

c) Affective Issues

The third main cause highlighted by DICLSAL for abandonment of consecrated life is issues related with affectivity. These days falling in love happens easily because

of digital world and the imprudent use of mobile, internet, mass-media, etc. As a result, we notice violation of evangelical counsel of chastity. Eventually, those who have violated the evangelical counsel of consecrated life may abandon consecrated life. When a member is going through affective problem, it will have very serious repercussions in community life, It is believed that 99% of community problems have to do with affective issues. They need not be sexual in nature always but can also be with problems of relationship.

Explanation for the Abandonment

The lack fidelity and perseverance of the consecrated persons of today can be explained from three perspectives. They are: a) The Social and Cultural Context; b) The Youth of Today and finally c) The Religious Institute.¹¹

a) The Social and Cultural Context

We live immersed in the so-called culture of fragmentation, of the provisional, which leads us to live in an “à la carte” way, and to be slaves to what is fashionable. This culture fosters the need to have “side doors” open to other possibilities. So, live-in-relationship has become so common. People want to enjoy without responsibility and commitment. Recently, a new concept “week-end marriage” has also emerged in the minds and hearts of modern people. These attitudes and concepts have also deeply influenced consecrated life. So, some theologians mostly from West ask, “Why should we have final profession? Let us have only temporary profession.” Let us not close the window. Let us keep the window open always. At any stage of life, a consecrated person can decide and leave if he/she feels suffocated in consecrated life.

This mentality feeds consumerism and forgets the beauty of the simple and austere life, very often causing a great existential emptiness. The world of consecrated men and women is exposed to a pervasive culture of dissipation or consumption of feelings: remaining faithful is no longer taken for granted, and even less so is remaining faithful for life. A strong practical relativism has also spread, according to which everything is judged in relation to a self-realization often extraneous to the values of the Gospel.

We live in a society in which economic rules substitute moral ones, dictate the laws and impose their own systems of reference at the expense of the values of life. We live in a society where the tyranny of money and profit promotes a vision of existence in which those who do not produce are discarded. Modern men lack orientation, have so much of uncertainties and doubts and lack of clear point of reference as they are bent upon focusing on here and now with their emotions. They have difficulties in distinguishing between what is truly essential and secondary and what is value and vice. Zapping, multitasking, superficial mentality, subjectivism, individualism, etc. are the hallmarks of modern man.

b) The Present Situation of the World of Youth

The present situation of the world of youth is a very complex world but at the same time rich and challenging. There are many young people who are very generous, supportive and committed at the religious and social level. Many young people really seek a true spiritual life. Today's young people hunger for something different from what the world has to offer.

But there are also many young people who are victims of the logic of worldliness who search success at any price who are mad after easy money and easy pleasure. This logic seduces many young people. In fact, they are victims of subjectivism. They have difficulty in posing fundamental questions. As a result, they embrace part-time culture and have real problem with life-long commitment.

The real crisis is to be found in the families. Families do not come together for family prayer. Families are immersed in the digital world with no genuine communication among the members. Though the members are living under the same roof, they experience acute loneliness. This culture must be evangelized if we want young people not to succumb to it. It is indeed a miracle that we still have some good families and that we still get some good vocations from the families.

c) The Present Situation of Consecrated Life

Though we find today plenty of positives in consecrated life in general and religious institutes in particular, there are also situations of counter-witness that render fidelity and perseverance very difficult. Some of those situations are routine, weariness, the burden of managing structures, internal divisions, the search for power, status seekers, a worldly way of governing institutes, a service of authority that at times becomes authoritarianism and sometimes laissez-faire, etc. Real problem lays in the failure of consecrated life in maintaining its prophetic mission, its freshness, the novelty of Jesus' centrality, the appeal of spirituality the strength of mission, showing the beauty of following Christ and radiating hope and joy.

The way of fraternal life is lived in many religious communities is also a real concern. Fraternal life in the community must be nurtured through community prayer, prayerful reading of the Word, active participation in the sacraments of the Eucharist and Reconciliation, fraternal dialogue and sincere communication among its members, fraternal support and correction, mercy toward a brother or sister who sins and the sharing of responsibilities. When interpersonal relationships are reduced to formal reciprocal respect, to mere encounters in view of service and when the common acts are punctuated by the clock; when the community meetings are conducted as obligations and variations to the daily routine are seen as threats to the quiet life, we can say that the conditions are set for the progressive emptying of the sense of fraternity. When brothers or sisters do not find support for their CL within the community they will seek it outside, with all that this entails (FLC 32).

The vocation is a treasure that we carry in earthen vessels (cf. 2Cor 4:7); therefore, we must safeguard it as the most precious things. We should not allow anyone to rob this treasure and we should not lose its beauty with the passage of time. In our communities, particularly in problematic community situations, an ineffective use of the digital world can occur and, consequently, one searches for refuge in the communication spaces offered by new technologies, especially by social media.

“Digital media — Pope Francis observes — can expose people to the risk of addiction, isolation and gradual loss of contact with concrete reality, blocking the development of authentic interpersonal relationships. The internet is also a channel for spreading pornography and the exploitation of persons for sexual purposes or through gambling.” Young religious get into unhealthy relationships, porn addiction, etc. because of smart phones and internet.

Conclusion

Rev. Fr. Mathew Vattamattam, CMF, the Superior General of the Congregation of the Sons of the Immaculate Mary, commonly known as Claretian Missionaries would often say, “I am not worried if we do not have many vocations and members but I am really worried if the fire is not there in the members.” Mere numbers will not save consecrated life but what we need is evangelical relevance. The danger is not to consecrated life as such but to our Institutes. Consecrated life as such will not die but individual religious institutes will disappear. Let me conclude this article with the prayer found at the end of the document, *The Gift of Fidelity. The Joy of Perseverance.*

- Mary, faithful woman, you were docile in welcoming the Spirit of truth that proceeds from the Father, through your Son Jesus, teach us to preserve the gift of a vocation and to rediscover its vitality day by day.
- We look to you, to contemplate God’s work which renews our ability to love and heals our wounded fidelity.
- We look to you, persevering in following, watchful guardian and lover of the Word (cf. Lk 2:19; 2:51b), to contemplate the blessedness of those who through fidelity bear much fruit.
- We look to you, persevering at the foot of the cross (cf. Jn 19:25) to stand beside the infinite crosses of the world, where Christ is still crucified in the poor and the abandoned, to bring comfort and support.
- We look to you persevering with the Apostles in prayer (cf. Acts 1:12-14), to burn with the Love that never goes out, to walk in joy and to face defeats and disappointments without anxiety.

- Mary, faithful woman, pray for us. Obtain for us from your Son and our Redeemer a living and loving faith, a humble and industrious charity, to live the gift of fidelity in perseverance, humble and joyful seal of hope. Amen.¹²

Endnotes

¹ Refer to the interview given by CARDINAL JOÃO BRAZ DE AVIZ, the prefect of the dicastery for Institutes of Consecrated Life and Societies of Apostolic Life. The interviewer was Alessandro De Carolis for Vatican News on 14th March 2022. The interview can be accessed at <https://www.vaticannews.va/en/vatican-city/news/2022-03/institutes-of-consecrated-life-and-societies-of-apostolic-life.html>

² Confer BABU SEBASTIAN, “Following Christ ‘at a Distance’: Some Considerations on the Growing Mediocrity in Fidelity and Commitment among the Consecrated”, *Sanyasa. Journal of Consecrated Life* 16/2 (2021) 205-218.

³ The Address of His Holiness Pope Francis to the Participants in the Plenary Assembly of the Congregation for Institutes of Consecrated Life and Societies of Apostolic Life at Clementine Hall, Rome on Saturday, 28 January 2017. The entire address can be accessed at https://www.vatican.va/content/francesco/en/speeches/2017/january/documents/papa-francesco_20170128_plenaria-civcsva.html

⁴ This information is available at the YouTube channel of Dicastero Vita Consacrata at the presentation of the document *The Gift of Fidelity and the Joy of Perseverance*. The entire program is available at You Tube: <https://www.youtube.com/watch?v=SVQoL5H0pDw>

⁵ ROGÉRIO GOMES, “Liquid Perseverance in a Fragmented World”, uploaded on September 18, 2020 [access: 29.06.2023], <https://www.cssr.news/2020/09/liquid-perseverance-in-a-fragmented-world/>

⁶ PETER M.J. STRAVINSKAS, “Happy and Unhappy Young Priests: Analysis of a New Study”, uploaded on November 12, 2021 [access: 29.06.2023], <https://www.catholicworldreport.com /2021/11/12/happy-and-unhappy-young-priests-analysis-of-a-new-study/>

⁷ “Global Divorce Statistics” [access: 29.06.2023], <https://www.advokatsmart.no/news/global-divorce-statistics>

⁸ ROGÉRIO GOMES, “Liquid Perseverance in a Fragmented World”, uploaded on September 18, 2020 [access: 29.06.2023], <https://www.cssr.news/2020/09/liquid-perseverance-in-a-fragmented-world/>

⁹ See the first part of the document *The Gift of Fidelity and the Joy of Perseverance* by Dicastery for Institutes of Consecrated Life and Societies of Apostolic Life (2 February 2020). Refer specially nos. 5-22.

¹⁰ See the first part of the document *The Gift of Fidelity and the Joy of Perseverance* by Dicastery for Institutes of Consecrated Life and Societies of Apostolic Life (2 February 2020). Refer specially nos. 5-22.

¹¹ The Address of His Holiness Pope Francis to the Participants in the Plenary Assembly of the Congregation for Institutes of Consecrated Life and Societies of Apostolic Life at Clementine Hall, Rome on Saturday, 28 January 2017. The entire address can be accessed at https://www.vatican.va/content/francesco/en/speeches/2017/january/documents/papa-francesco_20170128_plenaria-civcsva.html

¹² DICASTERY FOR INSTITUTES OF CONSECRATED LIFE AND SOCIETIES OF APOSTOLIC LIFE, *The Gift of Fidelity and the Joy of Perseverance* by DICLSAL (2 February 2020), no. 106.

LIQUID FIDELITY IN A FRAGMENTED WORLD: A REALITY CHECK

Sr. Prabina Rudum, IBVM

Do not be conformed to this world, but be transformed by the renewal of your mind, that by testing you may discern what is the will of God, what is good and acceptable and perfect (Rom 12:2).

“That faithful woman who had not forgotten all that the Lord had done for her. She was there, faithful before the impossible – a tragedy. Hers is a faithfulness that led her to think she could carry away His body (see Jn 20:15), a weak but faithful woman.”¹ Pope Francis places before this generation an icon of fidelity, Mary of Magdalene, a woman from first century, when he spoke on “the grace of fidelity.” Mary Magdalene and other early Christians were demanded fidelity during a tragic time of the Lord’s crucifixion. Today we are asked of same fidelity to the same crucified Lord but in different era and a different context.

The Congregation for Institutes of Consecrated Life and Societies of Apostolic Life published the document, *Gift of Fidelity, the Joy of Perseverance, Guidelines* on 27th March, 2020. The dicastery has a clear intention as it presents the document “to provide useful guidelines to all consecrated persons to face the contemporary challenges which come on the way of consecrated living.”

The organization of the article is as follows: firstly, it presents an intimate connection between the characteristics of modern era, its transition to Postmodernism and a tendency of ‘liquid fidelity’ in consecrated life. Secondly, it attempts to present the link between fidelity and self-identity borrowing the thoughts and findings of Erik H. Erikson, a German-American psychologist. Third section reflects upon crises of religious life borrowing the six captions of Giuseppe Tacconi’s crisis-interpretations followed by short reflection under each heading.

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1. Consecrated Life: Modern to Postmodern

The introductory line of the document, *The Gift of Fidelity, the Joy of Perseverance*, states that “Our time is a time of trial: it is more difficult to live as a consecrated person in today’s world.” Modern era (approx. 1400-1950) was largely characterized by a need for order — a need to domesticate, colonize, categorize, and rationalize the world so it would be controllable, predictable, and understandable.² One race (e.g., Nazi Germany), one true religion, one rule (e.g., British empire), one culture (e.g., Roman culture in the Catholic Church) one source of knowledge (e.g., execution of Galileo) and definite answers were the norms of modern era. There were visible signs of radical change at the end of modern era finding its way to postmodernism. Marx characterized these signs as “all that is solid melts into air.” He seems to be right because world was witnessing the overthrowing of tradition and traditional forms of economy, culture, relationships, definitions, etc. The Vatican II Council can be a very good example of this shift. For example: *Nostra Aetate*, ‘Declaration on the Relation of the Church to Non-Christian Religions’ is a ground breaking document of the council which declares that “the catholic church rejects nothing what is true and holy in these (other) religions,” which “often reflect a ray of that truth enlightens all.”³ paving a different path from the belief that “no one can be saved outside the Catholic Church”.⁴ Similarly the council shaped the documents like *Unitatis Redintegratio* and *Gaudium et Spes* which invited the Church to opens its doors and windows not only for Holy Spirit but for our sisters and brothers who may differ in their understandings.

Postmodernity also places before us the demands and challenges of globalization, media saturation, hyperrealism (not in sense of art), consumerism, scepticism and uncertainty about politics, science and the truth.⁵ Zygmunt Bauman, a well celebrated sociologist, “felt that the term ‘postmodern’ was problematic and started using the term ‘liquid modernity’ to better describe the condition of constant mobility and change he saw in relationships, identities, and global economics within contemporary society.”⁶ ‘Liquid life’, ‘liquid modernity’ and ‘liquid fidelity’ are intimately connected.

‘Liquid life’ is a kind of life that tends to be lived in a liquid modern (postmodern) society.⁷ “Liquidity of life and that of society feed and reinvigorate each other. Liquid life, just like liquid modern society, cannot keep its shape or stay on course for long. In a liquid modern society, individual achievements cannot be solidified into lasting possessions because, in no time, assets turn into liabilities and abilities into disabilities.⁸ Today’s consecrated persons nor the Church are outside the influence of liquid life and liquid modernity. They are confronted with issues and conditions which were not exiting earlier. In today’s context, challenge is not only the diminishing numbers of vocation but to train young aspirants of consecrated

life “into committed men and women of love, integrity and vision, who will do great things for God — stand for truth and justice, be good news for the poor.”⁹

2. Fidelity and Self-identity

The document rightly points out that “The current crisis of fidelity goes hand in hand with the crisis of identity and is linked to the crisis of the sense of belonging to institution.” In liquid modernity, constructing a durable identity that coheres over time and space becomes increasingly impossible (according to Bauman).¹⁰ We have moved from a generation (era) where they understood themselves as “pilgrims” in search of deeper meaning to this generation (era) where they act as “tourists” in search of multiple but fleeting social experiences.¹¹ Therefore, the contemporary approach to self-identity is transitory leading to liquid fidelity. Thus, “when there is a difficulty in constructing one’s identity, it affects the way consecrated life is understood and lived.”¹²

According to Erik Erikson, fidelity emerges as a virtue at the end of the identity crisis in adolescence and indicates that a stable identity has been achieved. The adolescents develop a sense of fidelity, they are more apt to become active citizens in society and that this personal commitment to others and social institutions will follow individuals into their adult life allowing for the development of intimate relationships.¹³ On the other hand, people who do not develop fidelity are more reluctant to select and commit to a belief system (diffidence) or are likely to commit to a negative identity and the ideology that follows.¹⁴

In this short document of just 181 pages the importance of ‘personal identity’ has been discussed around 18 times asserting its necessity in responding adequately to the vocation of consecrated life which has to do with the meaning of life before God and the Church. “Coherent fidelity enables to grasp and reclaim the truth of own being, truth of our identity, that is to remain (cf. Jn 15:9) in God’s love.”¹⁵ “Fidelity and coherence to the cause of Christ are not an instant virtue” particularly in the liquid era to it will “require deep awareness of the human, spiritual, psychological and moral implications of the vocation to consecrated life.”¹⁶ To grow in a conviction of “I no longer live but Christ lives in me,” needs an encounter with Christ, at times an experience of being thrown off a horse back. Erikson makes a claim that “once insight into oneself and one’s commitment to others and important ideals is gained, the now-aware adult is accountable and responsible for commitments that have been made and cannot now be easily abandoned.”¹⁷ Fr. Stan Swami, Dayabai, Sr. Rani Maria and many more are examples of such fidelity and commitment.

3. Crisis of Religious Life and Reality Check

Crisis in religious life is a global phenomenon. Many theories have been proposed but no one theory can claim to give a comprehensive understanding of this complex

topic. Therefore, this section analyses the crises using six interpretations though not exhaustive.

3.1 Ethical Interpretation

The crisis of ethical values in the postmodern times has given birth to narrow perception of religious life. Therefore, it is losing its radicality and it is becoming secularized and less spiritual. A young seminarian abandons religious life and says, 'I am leaving not because the religious life is hard because it is too easy.' He meant that it is no more meaningful for him and it seems to be a mere place of security. "A narcissistic cultural context that tends to enhance pleasure and claims freedom without limits, especially in the sphere of emotional and sexual life." Not having a deep-rooted ethical identity "makes it more difficult to understand and live consecrated celibacy."¹⁸ It will hinder the "decision-making capacity and a love free from the need for possession, against all forms of affective dependence"¹⁹ leading to toxic friendship and unhealthy relationships. Engagement in such relationships makes one captive and usher to perfidious fidelity or 'liquid fidelity'. Since fidelity is an integral part of freedom or freedom is integral part of fidelity and it allows the person who is searching-discerning to be formed in the light of truth and goodness properly understood.

3.2 Sociological Interpretations

There is a visible displacement of religious life in the social context. The advancement of social media has opened up a completely new world. Many people of today's age live in virtual world more than real. Good number of religious are also trapped in this phenomenon. We can reflect upon three things which Pope Francis is concerned about, first, "the speed with which information is communicated exceeds our capacity for reflection and judgement, and this does not make for more balanced and proper forms of self-expression,"²⁰ second, "the world of communications can help us either to expand our knowledge or to lose our bearings,"²¹ and third, "the desire for digital connectivity can have the effect of isolating us from our neighbours, from those closest to us."²² The concerns of Pope Francis are reality of many religious communities. We encounter religious persons with shallow self-reflection, having no interest to make sisterly/brotherly relationships in the community and creating a personality contrary to the one a concerted person is supposing to have. Furthermore, getting involved virtual relationships, pornography, gambling etc. Such things create a pseudo-cyber-identity which hinders the growth of religious persons to fidelity to one's call.

Day-by-day the respect for religious persons is diminishing mostly because of the sexual scandals. Not only the cases which have reached the court rooms but those hidden stories circulated by word of mouth have made ordinary people loose trust on religious people.

3.3 Psychological Interpretations

The problem of self-realization, and the conflicts between self-realization and community life generate disillusionment and crisis. India has witnessed nearly twenty suicide cases since 1987 involving novices and sisters serving in Catholic religious communities.²³ The stories of nuns and religious men feeling suffocated and bullied in their respective congregations are not new to us. Why do some young women and men join religious life with so much of joy and eagerness to serve God and end up having no 'will to live'?

"The 'how' of being a religious person is known, but not the 'why' of this identity. This crisis is not only that of individuals but also of a collective identity. This crisis challenges religious to shift from a movement of simplification to that of complexity, with new dynamics and synthesis and to bring together the different identities that they live as men and women, Christians, religious, citizens, and professionals."²⁴ The increasing number of those abandoning religious life and decline in vocation are a sign of less of role models who have integrated these identities and expressed them in commitment and fidelity.

3.4 Historical Interpretations

Nothing is permanent and everything has its end except God. "Many forms of Religious Life changed over time; many disappeared, others were born."²⁵ India is witnessing the shrinking of international congregations and the increase of vocation in local congregations. Consecrated life is a wide umbrella that covers many types of vocations, but the Church in India tends to categorise everyone as clergy, religious, and laity. The word 'religious' is used as a synonym for 'consecrated life' which is a kind of hermeneutical violence towards other consecrated vocations that have their own identities. Even if all the forms of religious life get exhausted, the commitment and fidelity to Jesus will continue by other forms of consecrated vocations. It is a high time for 'transition between a past that no longer exists, and a new one that is not yet envisioned.'²⁶ "To progress, it is necessary to renounce a deadly fixism"²⁷

3.5 Theological Interpretations

We are encountering a shortage of theological insights of consecrated life which can effectively enter into dialogue with contemporary culture. The loss of the foundational reference, Jesus Christ, and the emergence of an ecclesial model that passed from the centrality in Jesus to social practice.

It is only "in fidelity to the Holy Spirit that every consecrated person can be ever more faithful to his or her own identity, to the extent that virginity for the Kingdom "is a reflection of the infinite love which links the three Divine Persons in the mysterious depths of the life of the Trinity. It is a love to which the Incarnate

Word bears witness even to the point of giving his life. It is a love ‘poured into our hearts through the Holy Spirit’ (Rm 5:5), which evokes a response of total love for God and the brethren.”²⁸

Another aspect of religious life which is suffering setback is “community living,” “to the point of justifying mediocre lifestyles, occasional gatherings, and a toleration for living together. When interpersonal relationships are reduced to formal reciprocal respect, to mere encounters in view of service, to common acts punctuated by the clock; when community meetings are lived as obligations and variations to the daily routine are seen as threats to the quiet life, conditions are set for the progressive emptying of the sense of fraternity.”

3.6 Pragmatic Interpretations

The relevance of religious life in today’s context has been challenged. The ministries which transformed people’s lives hundred to fifty years back is getting obsolete. The ministries “developed in different historical contexts are no longer respond to the challenges of today”²⁹ affectively. The new challenges of postmodern world need responses. The renewal brought in by Vatican II council has not yet reached to every religious person to have a renewed vision. ‘The inability of Religious Life to communicate ad intra and ad extra is leading to a lack global projects.’³⁰

The Indian society inclined to look of religious and priests mostly for school admissions, health care or the dispensation of sacraments not much for spiritual nourishment. Many religious themselves hold on to the identity of ‘what they are doing’ to ‘who they are’. Thus, the fidelity towards securing what ‘they do’ becomes a priority. Propensity to imagine themselves of not having identity or worth without an attachment to a ‘big’ responsibility is common among religious. On the contrary, Pope Francis asserts that “the profound identity of the vocation of consecrated persons: it has to do with the meaning of our life before God and the Church.”³¹ The existence of ‘consecrated person’ becomes useless if not for our crucified and risen Lord. We own both identity and fidelity to him alone.

Conclusion

To respond to the call to fidelity, indivisible or collective, in this liquid modernity is a challenging task but not impossible. “We are called to make choices that engage our conscience as believers, to decide for ourselves and our lives in freedom and responsibility, according to the truth of God’s mysterious plan, beyond the possible risks and uncertainties. This journey proceeds by stages within a formation process of personal identity, in the continuous awareness of a renewed religious or priestly identity. The expression to remain in, repeated several times in the Gospel of John, allows, therefore, for an understanding of the symbolism of the vine – vinedresser – branch – fruit in the perspective of perseverance. Christ teaches us that to live in the

flow of God's love, to take up permanent residence there, is the condition to ensure that our love does not lose its ardour and boldness.”

Endnotes

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¹⁶ Ibid.

¹⁷ TIJA RAGELIENE, “Links of Adolescents Identity Development and Relationship with Peers: A Systematic Literature Review.”

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¹⁹ Ibid.

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²¹ Ibid.

²² Ibid.

²³ Global Sisters Report, “Catholic women in India demand transparent study into nuns’ suicide,” December 10, 2021 [access: 20.12.2022], <https://www.globalsistersreport.org/news/news/news/catholic-women-india-demand-transparent-study-nuns-suicide-cases>

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HONOURING THE FOREVER: CULTIVATING FIDELITY AND PERSEVERANCE

Fr. Gonzalo Fernández Sanz, CMF

I thank my Claretian brothers and the staff of the Institute of Consecrated Life *Sanyasa* for the invitation to participate in this National Seminar with which we are preparing to celebrate the 27th World Day of Consecrated Life. It was precisely on the World Day of 2013, that I last saw Pope Benedict XVI, who died just a month ago. On 2 February 2013, only eleven days before he announced in Latin his resignation from the Petrine ministry, I saw him tired, almost exhausted, but despite his physical weakness, he carried a candle in his hand. It seemed to me a sort of symbol for interpreting the situation of consecrated life today.

There are small lights that are stronger than darkness. Perhaps that is why Pope Benedict's words took on a special meaning for me. We can be faithful “forever” despite our personal and institutional frailties and even in the midst of a “liquid” culture that no longer believes in eternal values and which sees the “forever” as an expression of mental rigidity rather than freedom.

In his homily that day to consecrated people, Pope Benedict invited us to cultivate three dimensions of faith that have to do with the central theme of this Seminar: (i) to nourish the faith that can enlighten our vocation, (ii) to have a faith that can recognize the wisdom of weakness and (iii) to renew the faith that makes us pilgrims towards the future. We will return to this triple invitation at the end of our reflection because it seems to me the best way to honor the “forever” and to cultivate fidelity and perseverance in today’s world.

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1. Learning from the Experience

Let me begin with a personal testimony. For seven years (1985-1992) I was a formator of young professed religious in my Claretian Province of Castile in Spain. And then I spent thirty years in government or leadership; eighteen of them in Rome as a member of the general government. So, for a long time, I had the opportunity to know, and in some cases to accompany closely, numerous brothers from all over the world who left my Congregation: some did so as the fruit of a well-made discernment; others left in a somewhat hasty and even traumatic way. Most of them were young people, but there were also adults and some older ones. Beyond the particular cases, through all these stories I have learned that fidelity is a complex and dynamic concept that implies something deeper than simple perseverance in a given institution. It is a gift from God that we freely accept, appreciate and cultivate throughout our lives. It has to do with the truth of who we are before ourselves, before the Church, and before God, not only with the visible fact of remaining “to the end” in a particular religious institute. Fidelity does not, therefore, mean mere duration. Or, to put it in the words of the DICLSAL document¹, “fidelity, despite the eclipse of this virtue in our time, is engraved in the profound identity of the vocation of consecrated persons: it has to do with the meaning of our life before God and the Church” (n. 1).

I offer you another well-known story that has also served as an apprenticeship for me. Perhaps some of you have heard of Sister Cristina Scuccia, an Italian nun who in 2014 won the contest *The Voice* on Italian television. I was living in Rome at the time. I remember the extraordinary impact it had on people. Journalists sought her out for interviews. She took part in several musicals (such as *Sister Act* or *Titanic*) and in concerts and tours all over the country and abroad. Sister Cristina never hid her religious status. Moreover, she saw that music could be an excellent means for the evangelization of the new generations. Many young people saw her as a model they could imitate. With her artistic life, she showed that it was possible to “be in the world” without “being of the world.”

Well, Sister Cristina announced just two months ago, on *Verissimo*, a well-known Italian television program, that she had left her congregation after fifteen years of religious life as an Ursuline. When she announced her decision, she said that, deep down, the old Sister Cristina was still “inside her”, that she had made a wonderful journey “not without difficulties” and that, after leaving her congregation, she could smile “even more than in the past.” She also assured that she continued to believe in God, that she had no intention of abandoning her journey of faith and that she was “very grateful for everything she had experienced up to now.” Second lesson: like Sister Cristina, many religious who leave the consecrated life do not see it as a failure, much less as a betrayal of a freely established covenant, but as one more

step on a path that is always open. The “forever” is detached from belonging to a particular institution. Rather, it is related to fidelity to one's own heart, the place where God's call is perceived.

Although less well known, there are thousands of cases like that of Sister Cristina. Every year, an average of 1,200 religious men and women leave institutes of religious life of pontifical right. Most of them would probably recognize themselves in Sister Cristina's words. Consecrated life was good “while it lasted”. It does not have to be a vocation “forever”.

Beyond these two lessons, if I have learned anything after almost 48 years as a religious, it is that we have to be very respectful of people's life journeys and decisions. Some of them may likely surprise or even disgust us, but we are not masters of other people's lives, nor can we interfere between them and God, no matter how much of a formator or superior we may be. On the other hand, no two cases are alike. Each person faces unique challenges.

In most cases, these painful decisions were the fruit of a long process of discernment; in others, the result of untenable situations. In the past, these changes in life's direction were interpreted purely and simply as betrayals or desertions. As a result, many people later had serious problems of reintegrating into social life because of the incomprehension of their former brothers or sisters in the Congregation and in many cases also of their relatives and friends.

Today we live in a more tolerant climate because we understand life more dynamically, as a continuous process of discernment. On the other hand, greater awareness of our frailties makes us more sympathetic towards others, without this meaning that we do not give importance to decisions or that we do not believe in the strength of religious profession, or the sacramentality of priesthood or marriage.

2. Children of the VUCA Culture

It is said that today, especially in the Western world, we live in a VUCA culture. This would explain, to a large extent, the cultural difficulties in being faithful “forever” to the commitments made. VUCA is an acronym that stands for volatility, uncertainty, complexity, and ambiguity, qualities that make a situation or condition difficult to analyze, respond to, or plan for.

A little over two years ago, a former classmate of mine published an interesting article entitled “Crisis of Fidelity in Consecrated Life: Reasons and Factors Involved”². The article was based on a study carried out by the Spanish Conference of Religious Men and Women. According to that study, which collected 419 cases of abandonment over the decade 2010-2020, the main reason for men to leave institutes of consecrated life was related to emotional problems (49.7%). In the

case of women, this reason affected only three out of ten women religious. For women, the main reason for leaving was dissatisfaction (33.7%). These overall percentages were then broken down into more specific categories. Men leaving their institutes acknowledged that their departure was due to personal immaturity (27.5%), dissatisfaction (24.8%), conflicts with superiors (21.5%), psychological problems (11.4%), a crisis of faith (10.7%), homosexuality (8.7%) and problems in living together (6.7%). In the case of women, dropouts were mainly related to conflicts with superiors (24.0%), personal immaturity (21.7%), psychological problems (20.2%), problems in living together (20.2%), a crisis of faith (13.1%) and homosexuality (3.0%). Despite what has been written in recent years, the reason for the “crisis of faith” registered very low percentages, around 10%.

Behind these percentages, there are real people, with names and surnames, who at some point in their lives thought that they could turn to religious life as a way of following Jesus. They made a decision that, for various reasons, they later considered was not the right one.

I do not want to draw hasty conclusions from a limited study, but all departures are often due to *personal problems* (lack of prior discernment, immaturity, mismatches of various kinds), *institutional problems* (poor accompaniment, poor community life, abuses of various kinds, etc.), and *situational problems* (relativistic culture, etc.)³. It is therefore a strong invitation to review our ways of living and proceeding. We learn from experience. Nothing should be taken for granted. On the other hand, those who leave do not become “outsiders” (let alone “stinkers”, as may have been the case in the past), unless they voluntarily want to place themselves in that condition. The charism shared over the years and the bonds built up cannot be destroyed.

3. No “Forever” without “Truth”

The VUCA culture indeed has a kind of dread of the “forever” of life-long choices, whether marriage, priestly or religious life. But it seems to me that the fear of the “forever” and the value of fidelity are about something much deeper. They have to do with truth. The Greek word for truth (*aletheia*) means transparency. It refers to what things are in the present, stripped of everything that covers them up. In this sense, some of those who leave do so in the name of transparency, of authenticity. They do not want to lead a double life. They aspire to be authentic, and true. This virtue is very much appreciated today. The Latin term for truth (*veritas*) has to do with the adequacy between what we say and what happened. It alludes to the past. To be faithful would mean, in this case, to keep the word one freely gave at the time of profession. Finally, the Hebrew term (*emunah*) refers to the future. It refers to faithfulness to God's will. We can be faithful because we are sure that God will always be faithful. He is the true and faithful one par excellence.

In issue 23 of GFJP we read that “fidelity is an essential virtue of every interpersonal relationship, perseverance is the specific virtue of time: both of them question the relationship with the other”. Both have to do with two essential dimensions of the human being: *otherness* (fidelity) and *historicity* (perseverance). When we lose the sacred value of the *other* (the neighbor) or the *Other* (God), then we do not understand the meaning of fidelity as truth. When we sacralize the “power of the now” by severing the connection between past, present, and future, we have no reason to persevere; that is, to be faithful “in time”. Without *memoria Dei*, without the recognition of what God has done (*veritas*), continues to do (*aletheia*) and will do (*emunah*) in our lives, we lack the necessary foundation for fidelity and perseverance. The themes of fidelity and perseverance are central to the Word of God.

4. Happiness “dogma” does not help fidelity

Today we often repeat: “Be happy”. We seem to have an obligation to be happy at all times, no matter what. This is the new dogma of our globalized culture. Then, it turns out that life often puts us on the ropes and it is not so easy to fulfill the imperative to be happy. Happiness — so immeasurable, moreover — has paradoxically become the modern yardstick for measuring the truth of our decisions. When one makes profession as a religious or is ordained to the priesthood, one promises to be faithful to one's commitments before God. Fidelity is, under normal conditions, the road to happiness. Years ago, such was the emphasis on fidelity that one was prepared to be unhappy to be faithful. Even one's own family and society put pressure on one to be faithful. Today the opposite is true: one prefers to be unfaithful to be happy. But what does it mean to be happy?

The concept of happiness is extremely elusive. *The Oxford Dictionary* defines happiness as “the state of being satisfied that something is good or right”. But is this true? For a Christian, it is clear that happiness is not simply the satisfaction of all our desires. Moreover, sometimes to be happy one has to forego or frustrate some desires for the sake of higher ideals. We all experience this daily. For example, to experience the happiness of passing an exam, I usually need to give up some legitimate satisfaction and spend time studying. The fact of achieving the goal makes these renunciations not frustrations, but necessary moments in the process.

In some cases, in which I had to accompany some religious men who decided to leave their vocation, a curious — though not very elaborate — reasoning took place. It was based on a premise that everyone today accepts as unquestionable: “God wants us to be happy”. It is a universal premise, like the one that states that “All human beings are equal”. A minor, circumstantial premise was then added: “This woman, with whom I have fallen in love, makes me very happy”. The conclusion

was not long in coming: “Therefore, God wants me to be united to this woman and, therefore, to abandon my priesthood or my religious vocation”. Is there any objection, is this not a perfect syllogism? All for the sake of sacrosanct happiness.

Where is the point? Certainly not in the conclusion, which seems to be self-evident, but in the first premise: what does it mean that “God wants us to be happy”? Does it mean that he wants us to satisfy all our desires or, rather, that, being faithful to the vocation we have received, we find in it a meaning to life, not without crises and difficulties; in a word, not without a cross? Is happiness a question of satisfaction or, rather, of meaning? Does happiness not lie precisely in the conviction that, with God's grace, we can be faithful to the gift received (be it marriage, religious life, or priestly ministry) “forever”, even if this sometimes entails renunciation and suffering?

In reality, there can be no happiness where there is no fidelity. The two realities are almost interchangeable. Both express what God is: happy and faithful at the same time. This does not mean, of course, that one could not have made mistakes in the initial discernment or that one is not exposed to difficult situations that demand particular attention. I am not referring to individual cases, which are always unique and need to be approached with great delicacy and understanding, but to the general principle. We are not so much called to be happy (and less to succeed) as to be faithful. Let us remember Mother Teresa's well-known phrase: “God doesn't ask that we succeed in everything, but that we are faithful”. Happiness will always be the mature fruit, as if by addition, of a life that seeks, above all, to know and fulfill God's will. He never ceases to give meaning to our life (and, therefore, to make it happy), even if we go through periods of shadows, temptations, and difficulties.

5. Fidelity Makes No Noise

Whenever a religious leaves his or her institute, especially if there is a scandal involved, the gossip starts. This kind of event provokes a lot of commentaries. It is as if the frailties of others (especially of those who are sometimes presented as models) help us to justify or cope with our frailties. Sometimes alarmed by such statistics, we forget that fidelity and perseverance are stronger than break-ups and abandonments, but they produce less noise. It seems obvious to me that the daily fidelity of most consecrated persons does not make any noise. That is why, because it is very discreet, we can fall into the trap of thinking that it does not exist.

There are so many reports of break-ups and infidelities that we may believe that fidelity is an exception when, in fact, it is the norm in life. It could not be otherwise because we are all made in the image and likeness of a faithful God who never withdraws his gifts. I like the fact that we believers are precisely called “fideles/faithful”. It is a beautiful way of emphasizing that where there is faith there is faithfulness.

Often the noun “fidelity” is preceded by the adjective “creative” to show that true faithfulness is not a kind of rigid permanence, but a dynamic search for truth. In this sense, to be faithful means to change as we discern more deeply God's will for us. At times, this discernment may lead us to make choices other than those that once seemed definitive. But in any case, these changes are not the result of superficial decisions or ephemeral whims, but of a process of listening and availability. It is precisely in today's VUCA context that it makes perfect sense to commit oneself for life, the “forever”. Only those who are loved and love can venture into such a choice. In other words, only those who place themselves in God's sphere can be faithful to the end.

6. The “Forever” is a Matter of Faith

I am convinced that many psychological and cultural elements are involved in the experience of fidelity and perseverance. But the most decisive has to do with the experience of faith. Without faith (*fides*), we cannot be faithful (*fideles*). To cultivate this dimension, we find inspiration in the threefold invitation of Pope Benedict XVI to which I alluded at the beginning. To live the “forever” with joy, the Pope invited us:

6.1 To nourish a faith that can illuminate your vocation

Let us recall his words: “For this, I urge you to treasure, as on an inner pilgrimage, the memory of the “first love” with which the Lord Jesus Christ warmed your hearts, not out of nostalgia but in order to feed that flame. And for this it is necessary to be with him, in the silence of adoration”. The *first love* that set our vocational journey in motion needs permanent cultivation. Adoring God means recognizing his primacy in our lives above all our worries and anxieties. Following an analogy used by my founder, St. Anthony Mary Claret, our religious life functions like a compass. In order for one end to move freely and always draw a perfect circle, the other end must be fixed in the center. Adoration helps us to move from dispersion to concentration, from the periphery of our life to its center.

6.2 To have faith that can recognize the wisdom of weakness

In daily life, first love is exposed to many temptations and perplexities. Therefore, we need to cultivate the wisdom of weakness, of the cross. Let us listen to the Pope's words: “In the joys and afflictions of the present time, when the hardness and weight of the cross make themselves felt, do not doubt that the kenosis of Christ is already a paschal victory. Precisely in our limitations and weaknesses as human beings, we are called to live in conformity with Christ in a totalizing commitment that anticipates eschatological perfection, insofar as this is possible in time (*ibid.*,

n. 16). In a society of efficiency and success, your life, marked by *humility* and the fragility of the humble, of empathy with those who have no voice, becomes an evangelical sign of contradiction”.

If we dream of a religious life that will always be successful and easy, it will be impossible for us to be faithful when difficulties arise. For this reason, it is necessary to cultivate a faith that is born of the cross. Renunciation of self is essential in this form of life, as long as it is an expression of love and not mere repression.

6.3 To renew the faith that makes you pilgrims bound for the future

Routine kills fidelity. To be faithful we need to be always on the way, restarting our vocational journey every day, taking nothing for granted. Pope Benedict XVI reminds us of this: “By its nature, the consecrated life is a pilgrimage of the spirit in quest of a Face that is sometimes revealed and sometimes veiled: *Faciem tuam, Domine, requiram* [I will seek your face, O Lord] (Ps 27[26]:8). May this be the constant yearning of your heart, the fundamental criterion that guides you on your journey, both in small daily steps and in the most important decisions.” Fidelity, then, is not identified with rigid permanence in a religious institute, but with the interior adventure of one who is always on a journey seeking the face of God. There is no fidelity without spirituality.

I think we could summarize in three words what Pope Benedict XVI recommended to cultivate fidelity and perseverance and, consequently, to honor the forever: *adoration, humility, and pilgrimage*. Each of these involves simple practices that make it possible for the gift of God to grow and reach its full maturity.

Abstract

When we religious want to know what it means to live in fidelity, we always turn our eyes to Christ. As the document of the Holy See reminds us: “Jesus is the faithful witness, as expressed in Revelation (1:5), the trustworthy and true servant (Rev 19:11), in whom were destined to be fulfilled all things written in the Law of Moses, the Prophets and the Psalms (Lk 24:44). In him all the promises of God are fulfilled (cf. 2Cor 1:20). God’s faithfulness is manifested in Christ (cf. 1Thess 5:23-24).” (n. 25). He is faithful and teaches us to be faithful: “Christ, faithful witness, teaches faithfulness to humanity; he is the image of faithfulness; he is faithful to God the Father. He invites each person to be faithful to his Word. We are given grace and invited to respond faithfully to the Father through the Son who loved us and gave himself for us.” (*Ibid.*).

It is true that society changes and that values undergo many mutations. It is true that we live in a liquid and fragmented society. It is true that fewer and fewer

people embark on personal projects “forever”. It is true that mere perseverance in an institute is not a sign of fidelity. It is true that today we have a very dynamic conception of life. It is true that to live is to change. None of this is incompatible with our faith in Jesus Christ, who is “the same yesterday, today and forever” (Heb 13:8) and who, with the power of his Spirit, helps us to be faithful and persevering “forever” because love is never devalued. It is the only treasure that remains forever, that crosses the threshold of death because “God is love” (1Jn 4:8).

Endnotes

¹ The Gift of Fidelity, the Joy of Perseverance, Guidelines of Congregation for Institutes of Consecrated Life and Societies of Apostolic Life (2 February 2020). Here after, it will be mentioned as GFJP.

² Cf. LLUIS OVIEDO, “Crisis de fidelidad en la vida consagrada: motivos y factores implicados”, Confer 227 (2020) 341-356.

³ The CICLSAL document makes a detailed analysis of the main causes in the first part entitled “Looking and Listening” (nn. 5-22). It lists the following: processes of identity construction (no. 12), faith: an illusory light (no. 12), faith: an illusory light (no. 13), the way of understanding and living consecrated celibacy (n. 14), a liquid fidelity (n. 15), the meaning of a regulated bond (n. 16), the relationship with time and space (n. 17), interpersonal relationships (n. 17), the way of understanding and living consecrated celibacy (n. 16), the relationship with time and space (n. 17), and the way of living the consecrated celibacy (n. 17). 17), difficult interpersonal and community relationships (n. 18), the experience of loneliness (n. 19), the tension between community and mission (n. 20), the management of the digital world (n. 21) and the relationship with power and possession (n. 22).

TO STAY OR NOT TO STAY: DISCERNMENT AND ACCOMPANIMENT

Sr. Anna Mary Thumma, SCCG

Introduction

The National Seminar on the theme, **Forever Yours: Fidelity and Perseverance in Consecrated Life** is a privileged space for all of us consecrated, to reflect together on the current scenario of our crisis. I am grateful to Institute of Consecrated Life – *Sanyasa* (ICLS) for this opening that stirs us to “listen to Him” and with Him to listen to those around us. The document is the fruit of the many experiences and reflections of the consecrated men and women from all around the world. The congregation for Institutes of Consecrated Life and Societies of Apostolic Life (CICLSAL) incorporating these experiences elaborates and proposes indications in handling sensitive situations, such as dealing with difficulties of members, and departures from the Institutes (Consecrated as well as Secular).

The guidelines are addressed to all, inviting us for conversion because every change needs to begin with self. The questions or provocations raised in the text require empathetic listening and personal responses. Reading the text, one feels that it is speaking of their reality, that of their community, congregation, or the Church. The stirring disturbs us calling us to greater attention to the reality of those going through the dilemma to stay or not to stay. My reflections refer mainly to the second chapter of the document, precisely to part II (I. *Processes for Shared Discernment*, No.45 - 58; and II. *To Be Accompanied in Times of Trial: The Community Dimension*, No. 59 - 61), titled "*To Stay or Not to Stay: Discernment and Accompaniment*". The reality of weak fidelity and abandoning religious life is a delicate subject, a crisis moment, hence, it is important to offer both, an attentive look and a sincere listening, therefore I invite you to reflect adding your own experiences.

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In the context of abandoning one's vocation, the document insists that *discernment* from the part of the person concerned, of the one who accompanies, and of the community is even more necessary than elsewhere. For this reason, the CICLSAL shares its reflections on the problems inherent in fidelity and perseverance, offers indications or lines of preventive intervention, and asserts the importance of *accompaniment*. The discernment and accompaniment are intertwined and are useful to all those who responded to the call of God, especially to those who have roles of responsibility in both governance and formation. I limit my reflection mostly to the struggles of fidelity, formation, discernment, and accompaniment.

1. The Crisis of Contemporary Culture and the Struggle for Fidelity

The struggle for fidelity is a universal phenomenon that does not spare anyone. We find it often in the Scriptures where people for various reasons run away from the paths and plans of God. The same tendency is not new to CL, but in the recent past, it is hitting hard all our congregations/institutes. The statistics¹ indicate a drastic increase in the number of those abandoning their vocation, and therefore for some institutes it is a situation of survival. The dropout is not only the young in their initial stages of formation and professed but also the seniors. India stands out as first, on the rung of this ladder of dropouts. We need to remember these dropouts indicated, are only of finally professed seeking for dispensations. Most of us know the scenario of numerous exoduses before the final profession. If included, without exaggeration, the graph would be three times higher. Though the female religious represent more than two third's of the world's consecrated persons the ratio of separations compared to men is also very high. Hence, the crisis is much bigger in the context of the lack of vocations, abandonments, and approaches and attitudes of the institutes. The struggle encounters broader effects of socio-cultural, religious, and faith formation of families, a witness of life, etc., and they shed light on the crisis of commitment and fidelity. Therefore, the situation requires a serene analysis, contextualized reflections, and remedies inclusive of theological, socio-cultural, and psychological dynamics without falling into over sightedness or generalizations.

As presented in the first part of the document, some of the causes of abandonment are: problems with superiors, crisis of faith, immature interpersonal relationships, etc. Along with the personal problems, the church calls us to pay particular attention to another important cause, that is, the approach and attitudes of the institutes and communities towards individuals in difficult situations, which it says is the major cause for these abandonments. The situation of abandonment and its analysis from different angles lead us to focus on the process of formation and more specifically on human formation, therefore it calls for a thorough revision of formation paths, methods, and more accurately the whole process of vocational discernment and accompaniment.

The Motives for Leaving Consecrated Life

The document highlights the principal motive for leaving *CC* as a lack of authentic spiritual life:

- Lack of personal and community prayer
- Superficial sacramental life
- Focus on the activity or work.

Another reason for abandoning vocation is the existential reality:

- The society from which the youth of today emerge.
- The Institutes that embrace these youth: discernment and formation.
- The human fragilities lived in the reality of the community/institutes.

The above reasons point to four areas that have direct implications for living the consecrated life. They are: motivation, affectivity, conflicts, and religiosity.

1. **Motivations:** unless motivations are rooted in religiosity (God), perseverance becomes difficult. When the motivation for CL is a need fulfillment, egoistic, for survival, social in nature, and not deeply rooted in religiosity, following and living for the Lord with fidelity and perseverance becomes difficult. When a person's goal is not Theocentric and continues to nest for egocentric or socio-philanthropic motives they water down the very nature of the call and response.
2. **Affectivity** aids knowledge and is not contrary to reason. It is effective in communication. St. Ignatius of Loyola in the discernment process asks to be attentive to the inner movements, to process the desolations (sadness, fear, etc.) and consolations (faith, hope, and charity). The lack of support by the community and congregations in crisis moments, the attitudes of authority turning into authoritarianism creating favoritism, groupism, etc., leads to submission or aggression, which is contrary to the spirit of synodality where communion, participation, and mission flourish.
3. **Conflicts** that are intrapersonal and interpersonal, communitarian and institutional are inevitable; and when they are faced with openness to look within, the very difficulties can create opportunities for growth both spiritual and human. However, when the situations are lived with passivity, persons get stuck and run the risk of facing lasting frustration and dissolution.
4. **Religiosity:** true religiosity leads to the living of faith and personal encounter with God. It results in greater commitment and perseverance. Whereas religiosity motivated by external reasons such as egoistic, narcissistic, and

compulsive neurosis, results in ritualistic, legalistic, routine practices, leading to a sense of emptiness, which in the long run risks the meaninglessness of religious commitment.

Focusing on the Indian context, we can elicit several reasons for leaving, such as an inability to assess and identify the lack of a vocation; a lack of formation: especially at the affective and community level; a deep disconnect between initial and ongoing formation; a community life that does not strengthen the sense of belongingness but rather weakens it with various types of divisive factors; a real lack of faith and a deep spirituality; a service of authority not lived in an evangelical way; the inability to accompany and the poor formation of formators or simple improvisation; a certain secularisation of CL that runs through some institutes and communities. From your experience, you may add to the list not only looking at those who leave and are on the verge of leaving but also reflecting on your experience and moments of temptation to leave. What are those human tendencies, ordinary struggles of life, conflicting attitudes, and relationships that led you and others into crisis? May this exercise help us to listen to the struggles of others more empathetically.

Moments of Crisis – An Opportunity

The church/institutes have the responsibility to care for and accompany those in difficulty. Often our “existential peripheries” are not far away, they may be present among us and around us in our sisters/brothers who are going through vocational crises. These difficult moments can be occasions of mutual evangelization in communities (no. 46). Our emotional and hurried sending or leaving are contrary to the spirit of the Gospel. Helping to make meaningful decisions, and respecting the dignity and the diversity of the individuals makes them feel included and thus the very moment of crisis becomes an opportunity for *Kairos*, a propitious moment for the individual and the community.

Most often our experience is contrary. Our assumptions, negative criticisms, “terrorism of gossip” (no. 11), etc. worsens the situation both for the one leaving and the community rather than becoming a moment to live the same with an evangelical spirit. However, there are signs of hope (no. 49) in the progressive overcoming of the tendency to place the blame on those who leave. Instead, there seems to be a slow growth of focus on community and institute realities that are adding fuel to the crisis. As the dicastery emphasizes, most often the reasons for leaving are not the lack of vocation but the reality of the community and the institutes that lack the evangelical care of their members. I invite you to recall to your mind the faces of all those who have left the fraternity and you thought that you could have done something more or failed to live your Christian charity. Let us draw lessons

from these painful and uncharitable situations to live as true brothers, sisters, and neighbors, and as the Good Samaritan willing to walk the extra mile with those in difficulty, pain, and suffering.

The challenge, therefore, is to train oneself to remain attached to the essentials, to the Gospel and to Christ, which calls us for a true conversion of hearts and to a radical change:

- The change in **lifestyle** which is tending to be more secular in nature at the cost of an evangelical lifestyle.
- The shift of **focus** from "a ministry of doing to a ministry of being", while the stress should be on religious life itself, not just the ministry, which is only a fruit of vocation.
- To overcome the temptation to fill the time of prayer with pious practices. Hence, we need to remind ourselves and our leaders not to fill time with vocal prayers, and ritual practices but enhance a real falling in love with the Lord through personal encounters, which is the key and center to who we are and the way we live as consecrated persons. Authentic "prayer", a personal encounter with the Lord leads to transformative change.

The context of abandonment poses a question: how to make the most of the opportunity?

It leads us to focus on two aspects and the third is implicit in the second.

A. FORMATION OF CONSCIENCE: not doing what one wants but responding to the appeal of the good which is built in one's identity (no. 48). It is formed through good experiences which are born from the culture (family, environment, religion, ethnicity, etc.).

B. THE PRACTICE OF DISCERNMENT is a fundamental or constitutional element of every decision. It has a moral and spiritual category, an encounter of both human and spiritual (no. 59)

Both the above have to do with the universal anthropological dimension: Human and spiritual formation. Emphasis on one dimension limits the other. The process of discernment and accompaniment implies a progressive structure:

- It has to do with affects (an energy)
- What is good.
- Action in search of the possible good.

A. The Formation of Consciences

Formation of conscience is a Mandatory responsibility, "Conscience is sacred, the most secret core and the sanctuary of a person where we are alone with God"

(GS 16). It involves practical judgment that helps the person to make choices. As it is the subjective norm of morality, it must be properly formed and followed (no. 4, 48, 50, 56). *The Catechism of the Catholic Church* and the Second Vatican Council define conscience with three interlocking aspects. That is: as the awareness of God's call to be, to know, and to do good (to love). As a practical judgment of the intellect, it helps to discover love and journey on a loving path shunning evil.

In the development of moral conscience, we can speak of **three dimensions**, which stress the personal nature of conscience that aids in being a loving person, in search of the moral truth, and putting the good into action.

1. The first dimension is about the inner guide, a capacity to desire and to do good. This is more of a cognitive process that tells whether an act is morally right or wrong and helps to figure out how to make good choices. In other words, it is awareness of moral principles and whether the act done is following these principles or not. It is an instrument for self-control, correction, and regulation.
2. The second stage is the application of the principles in the actual situations of life. A well-formed moral conscience leads to making practical judgments involving the processes of learning, informing, examining, transforming, etc. It is a never-ending stage of attending to moral dilemmas.
3. The third stage is the stage of choosing between the right and the wrong. The information which is processed leads to decisions and actions. It manifests the person's capacity to go beyond/transcend in agreement with the true good willed by the wisdom of the Creator, overcoming the here and now of immediate satisfactions.

Hence, the well-formed conscience leads to living a life of 1) Responsible fidelity, 2) Right discernment, and 3) Perseverance. In today's "liquid society" (no. 56) with its continuous experimentation, living CL with fidelity and commitment is a challenge. However, fidelity and stability are an eloquent proclamation of the Gospel values, as against the tendencies of postponing life decisions or are disturbingly fragile, and where commitments are easily abandoned.

The formation of conscience and the capacity for discernment are inseparable (no. 50). It is formed in the context of good relationships of family, school, culture (no. 48), etc., which leads to establishing the identity as son/daughter of God disposing the person to be docile to the Word of God. As in today's individualistic culture, self-conscience does not mean following one's ego, doing what interests, suits, or likes, nor is it going by the opinion of the majority, or by the super-ego's do's and don't's. Instead, conscience is the secret core and sanctuary of the person, coinciding with their identity and their story of relationships, affections, culture, etc., hence the need for forming a right conscience.

As Pope Francis reminds us (in *Amoris Laetitia*; this is specially addressed to the church leaders), we have been called to form consciences, not to replace them. In the context of discernment and accompaniment a spiritual guide/mentor or any person in the responsible authority in the church is never called to make decisions for another person. They surely are called to help in the formation of conscience, the light of which helps individuals to make responsible decisions in their life. Think of how often the decisions are made for us, imposed on us, and we have followed them without convictions and personal involvement. What residues does such a submissive attitude leave in the consecrated adults? Is it not frustration, restlessness, resistance, etc.? Think of the positive outcomes that are fruits of the practice of synodality in discernment and accompaniment. Are we trained for such a culture?

B. THE PRACTICE OF DISCERNMENT AND ACCOMPANIMENT

The process of discernment leading to the decision to “stay or not to stay” is a see-saw of a choice, which requires close accompaniment. The very fact of crisis and the process of discernment is an opportunity to seek the real good in life and to be strengthened in one’s choices. The situation of a conflict might be painful, tiring, difficult, and in some ways traumatic, but it can become a *kairos* moment, transformed into an occasion and an opportunity to give CL a new evangelical impetus, putting decisive virtues such as fidelity and perseverance back on the theme.

The Criteria for Discernment: the first among the suggestions is self-understanding (no. 51), which involves understanding affections/emotions. Emotional wounds need healing and if not, the person becomes the prisoner of emotions (no. 54), and the suppression of them interferes with the personal and community well-being. Instead listening, understanding, accepting, and integrating them in line with the vocational choice helps the person to persevere and to move forward in life. Secondly, self-understanding leads to a response of self-gift/ self-donation (no. 52). The very human fragilities become the source of humility and nourish the self-gift. Thirdly it calls for responsible freedom and verification (no. 53). Good interpersonal relationships facilitate this process. Dialogue and self-talk with conscience are important for self-understanding, discernment, and investing energies for the Kingdom of God. Whereas responses without spiritual discernment, without morality, become spiritualization which leads to self-referentiality (no. 55).

Discernment and Dialogue: The discernment of the good requires dialogue, an encounter with the other. It is an important tradition in CL — in it entrusting one’s story to the other is indispensable. God himself enters into a dialogue with individuals (e.g., Abraham, Moses, Samuel), and often God takes the first step. The lives of many saints are also a good example. Hence, discernment is an ongoing journey toward the fulfillment of the call. Dialogue is an essential part, especially in

crisis moments, a personal dialogue with God, with the institute/congregation, and with the trusted person/s. Dialogue helps us to listen, recognize, and reflect, which shapes our discernment. But hasty decisions risk the good and end up in losing the treasure.

Discernment is by both: the Church and the person. Discernment is shared, not one-sided but follows a participatory process for the life and mission of the Church, carried on in a true synodal spirit (no. 47). The formation document (*Gift of Priestly Vocation*, 2016) says no compromises in this process as it is for the benefit of both the person and the Church. The process towards leaving is not solipsistic self-analysis, not egoistic introspection, but done in a journey of accompaniment that requires an authentic detachment of self. In such a situation it can become an opportunity to rediscover the profound sense of the call and personal responsibility, for which one requires clear orientation and emotional support. They also need adequate professional help to address the issues with objectivity. Therefore, the journey “includes all aspects, nothing hidden from God — asking everything” (no. 47).

Discernment and Accompaniment are inseparably united in *Sequela Christi* (no. 48) which is a demanding journey in today’s context. It is a journey along with others towards the maturity of faith to become adult believers. Therefore, we are called to make choices according to our conscience and live in freedom and responsibility according to God’s plan. It is a journey of continual awareness for growth in personal identity. The practice of discernment is a fundamental or constitutional element of every decision. It has a moral and spiritual category, an encounter of both human and spiritual (no. 59). The emphasis on one limits the other.

The Process of Accompaniment

In the context of questioning the irrevocability and stability of life decisions, the need of the hour is accompaniment by appropriate persons who can give time and journey along with the individual. The process of accompaniment helps individuals to re-visit their sacred stories, discover themselves, their goals, strengths, and limits. In moments of the decision to leave, it helps the person to face the real problems rather than blame their community, environment, etc. In my long years of experience in accompanying individuals, I have witnessed persons yielding to God’s grace, discovering their treasure, the sole purpose of their vocation, etc., rather than being carried away emotionally by their difficulties, which are inevitable portion of their choice of life. Even those who concluded their discernment to leave have left serenely finding their call elsewhere. However, the risk of self-guidance is often resigned passivity, infidelity or inconsistency, and spiritual wandering.

Accompaniment and Community Dimension

Another important dimension of religious life is the **community/congregation or institute**: The text emphasizes CL as a school of life (*Fraternal Life in the Community* calls it ‘*Scuola Amoris*’). Fidelity and perseverance are precious gifts (2Cor 4:17), and it is lived in the reality of the community, in the inevitable tension between the treasure received, and the human fragility (no. 45). Exaggeration of anyone leads to undermining the other. The legalistic, rule-oriented, or ritualistic approach towards CL restricts the appreciation and integration of the treasure received with personal responsibility. Constructive motivations and affection lead the person to transform the crisis into a faith experience taking the person to re-begin, an essential sign of growth. However, the attitude of considering vocational abandonment as a “liberation” is a contradiction to the process of initial discernment. The document cautions that discernment is not to be concluded when individuals are experiencing exclusion and isolation from the community which creates disturbance to both — those who remain and those who leave.

As a school of love, the community is expected to provide growth opportunities, through simple acts of love, working together, being human, and helping each other to work on human limits, a place of welcome, a home, less cold, less indifferent, less anonymous, etc. (no. 59). A place where interpersonal maturing is respected. The transformation and growth of the group are promoted with individuals being aware of their way of weaving relationships and being co-responsible in the community. The consequence of healthy fraternity is the growth in the capacity for self-transcendence, care of each other with co-responsibility for perseverance, attention to the struggles of each other, affectivity, or experience of the other as a gift. All these enhance, support, and provide security, mutual help, and reciprocity, “to the point of giving our very selves” (*Fraternal Life in the Community*, 21). Lack of fraternal life risks in seeking emotional support and intimate relationships outside. We are called to live love, why do our interpersonal relationships often lack love? How can we build healthy religious, Christian communities? We can add many more questions for our reflections and improve the quality of our living together.

Conclusion

In the words of Pope Benedict XVI, “The gift of perseverance gives us joy. It gives us the certainty that we are loved by the Lord, and this love sustains us...”. The strength of the tree is in the depth of its roots, especially in moments of tempests the tree can withstand. So is it for the individuals, community, and institutes, the crisis moments offer growth opportunities when helped to make choices by the authentic conscience in discernment and accompaniment. Where one arrives at the saying “When God is for us who is against us” (Rom. 8:31).

Abstract

Every separation/abandonment involves a unique story, a reality that is painful for the one leaving and for those with whom the person has shared his/her life. The often-asked question is: Why the abandonment of the vocation which once was the object of love? What has happened? Some turn to God and ask, ‘where are you?’. In a way these and more questions seem to be answered by the “*The Gift of Fidelity and the Joy of Perseverance: Manete in dilectione mea* (John 15:9) *Guidelines*”². The guidelines emphasis on exercising the Gospel attitudes and doing all we can, to manifest God’s love and care to those passing through a difficult situation in responding and living their vocation to consecrated life (henceforth CL) with fidelity and perseverance. The often-repeated words *formation, discernment, accompaniment, and community* are re-emphasized to live them with evangelical charity both for the good of the person and the congregation who put themselves in the constant process of gifting themselves to God by listening to His appeals. Not easy to live the fidelity in the present “liquid society” without a strong motive of self-gift lived in a relationship with God that is nourished on a daily basis.

Endnotes

¹ See the dropout statistics as presented by Msg. José Rodríguez Carballo, OFM, the secretary of the congregation at the presentation of the document in 2020, <https://youtu.be/SVQoL5H0pDw>

² Published by Libreria Editrice Vaticana (2021).

THE GIFT OF FIDELITY: THE JOY OF PERSEVERANCE SEPERATION FROM THE INSTITUTE: NORMS AND PRACTICE OF THE DICASTERY

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The Dicastery¹ for Institute s of Consecrated Life and Societies of Apostolic Life has given GUIDELINES from Vatican City on 2 February 2020 and it is titled *The Gift of Fidelity and the Joy of Perseverance*. It is given in 106 numbers. It is divided into three parts and the text has an introduction and a conclusion.

The Guidelines begin with an introduction.² At the outset itself, the Guidelines say that our time is a time of trial: “It is more difficult to live as a consecrated person in today’s world.”³ The struggle for fidelity and the lack of strength to persevere are experiences that belong to the history of religious and consecrated life since its beginnings from the second century onwards. In the introduction again it is stated that the Church is facing a ‘hemorrhage’ that is weakening consecrated life and the very life of the Church.⁴ The complexity and delicacy of these issues in many cases make it difficult to find adequate solutions.

The introduction also provides a small synopsis of the three parts of the document:

- (1) *Gazing and Listening*: A way of sensing the presence of God and examining our life’s journey.
- (2) *Enkindling and Awareness*: In fact, the vocation to consecrated life is a journey of transformation that renews the heart and mind of the person.
- (3) *Separation from the Institute: Norms and Practice of the Dicastery*.

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Part Three

THE SEPARATION FROM THE INSTITUTE: CANONICAL REGULATIONS AND THE PRACTICE OF THE DICASTERY.

It is a process of Letting Go and Letting Be. In consecrated life, one cannot walk alone. We need someone to accompany us.⁵ Discipline shapes the disciple of Christ, not in view of a dull conformism, but towards coherence with one's own form of life in the *sequela Christi*. Discipline strengthens the sense of vigilance, an interior attitude of readiness, and lucidity when faced with adverse or risky situations. Finally, discipline is an exercise of mercy, because we are debtors of mercy to one another.⁶

Fidelity and Perseverance: Rediscovering the Meaning of Discipline

The religious who, have embraced consecrated life after a long preparation and made the final profession in the Institute are incorporated into that same Institute definitively. All the members of the Institute form a family, united by the common charism and spirituality, by the common apostolate and life, and they are supposed to live the rest of their life as members of the same Institute. A consecrated person could be separated from the Institute, after being duly incorporated into it, for various reasons. The law of the Church foresees different possibilities. Some are voluntary or at the initiative of the consecrated person himself or herself, while some others are forced upon the person.⁷

It is a process of finding meaning in disciplining oneself. In consecrated life, there are different ways by which a finally professed religious or consecrated person is separated from the Institute. They should be understood as different canonical procedures for disciplining oneself. It is an apprenticeship at the school of Gospel, the supreme rule of consecrated persons (cf. *CIC* c. 662), and the practice of conversion that ensures the effective coherence of the disciple in fidelity to the commitments (vows or other sacred bonds) taken on the day of profession or of consecration.⁸

Rules are precious resources for the formation of fidelity that is supported by our being together before the Lord. From this perspective, it is possible to understand the third part of the present document which organizes the legislative norms and the practice of the Dicastery in matters of absence, exclaustation, departure, and dismissal from the Institute.⁹

There are different procedures for separation from the Institute, and they are divided into two groups:

- 1) those of *pro gratia*¹⁰: Under this category, the following procedures are dealt with in disciplining a finally professed religious or consecrated person. They are :
 - a. Absence from the religious house (*CIC* c. 665 § 1)
 - b. Transfer from one Institute to the other (*CIC* c. 684)
 - c. Exclaustation (*CIC* c. 686 § 1)

2) those **disciplinary ones**¹¹ are the following:

- a. The indult of departure (cc. 691 and 693)
- b. The three forms of dismissal (c. 700) for the reason mentioned in cc. 694, 695, and 696 with respect to time, the separation can be definitive or temporary.

At first, we take up the separation of a religious which is given through the generosity (*pro gratia*) of the Law Giver and it will be followed by those disciplinary ones.

A. ABSENCE FROM THE RELIGIOUS HOUSE

Religious are to reside in the house where they have been legitimately assigned (cf. c. 608), and they are not to be absent from it except with the permission of the competent Superior.¹² For the religious, it is a constitutional obligation to live in a canonically constituted house, to which he or she is legitimately assigned. The *CCEO* can. 478, stipulates the possibility of a temporary absence of a monk from the monastery, with due permission from the legitimate Superior. Here the canon does not speak specifically of a period, but it says “for a time determined in the typicon.” However, if the time granted by the Superior is one year, and if the absence is not for study or treatment, it is necessary to obtain the permission of the ecclesiastical authority on whom the monastery in question depends (*CCEO* c.478). The *CIC* foresees the possibility of a peaceful leave of absence from the community for all the religious, granted by the legitimate major Superior when the absence is for a time up to one year (*CIC* can. 665, § 1).¹³

1. Lawful Absence from the Religious House (c. 665 § 1)

It is up to the religious concerned to ask for the indult of absence, giving adequate reasons.

The canon distinguishes two cases:

1. absence that does not exceed the duration of one year;
2. absence that can last over time, and requires the permission of the Major Superior, the consent of the Council, and a just cause.

The Major Superior, with the prior consent of the Council, is authorized to grant an absence from the religious house for more than one year, for reasons of health, study or apostolate to be exercised in the name of the Institute. In such cases, particular vigilance and care are required.¹⁴ What could be the “just cause” mentioned in the canon, that would support the granting of the permission? This could be a personal reason, for example, when one would like to have a period of reflection and prayer, perhaps, for his spiritual renewal, but away from the

community. Another reason could be when one's presence is required in his or her family, for example, for taking care of or assisting the sick or old parents, for being present in the family for some reason, like the death of someone and the need to settle some family matters, etc. In such circumstances, the legitimate Superior could grant the leave of absence, for a maximum of one year. The *Code* does not foresee the possibility of such an absence for more than one year. Eventually one could approach the ecclesiastical authority.¹⁵

The absent religious remains a member of the community, bound by the vows and all the contracted obligations; retains active and passive voice, unless otherwise provided for when granted the absence; remains fully submitted to his or her legitimate Superiors and must return to the religious house if called back; must be accountable to the Superior for the money received and spent.¹⁶

It is appropriate that the document granting the indult of absence explicitly states the following: the contacts that the religious must keep with the Institute; the exercise of rights (active and passive voice, etc.); the financial assistance that the Superiors may deem necessary to give.¹⁷

Negligence in the fulfillment of the duties proper to the state of consecrated life or in behavior, as far as it is evident in those circumstances, or situations that go beyond the terms of the permission received, justify that the competent Superior take corrective measures against the religious.¹⁸

The lawful absence from the religious house is granted for specific reasons and for a fixed period of time. When the reasons cease, the concession expires and the religious must be reintegrated into the community. Before the term of the indult expires the religious, who requests it can be reinstated by the Superior; upon expiration of the indult, there must be a prompt return to the community.¹⁹

In the case of leave of absence, one should properly understand its meaning. It is only an exception to the community life and it does not suspend in any way one's rights and obligations in the community. It is just an exemption from the obligation to be present and live in the community. The right of the religious, like the active and passive voice remains intact. All the obligations, except those that are strictly connected with the presence in the community, also remain intact. Moreover, at any moment the religious can return to regular community life when the "just reason" for the absence is no more valid.²⁰

The Codes of Canon Law foresee some exceptional situations where one can be away from the community for longer periods. The *CCEO* canon 478 speaks of study or treatment. The *CIC* canon 665, § 1, on the contrary, adds also the case of an apostolate rendered in the name of the Institute, apart from study and treatment.²¹

It is advisable for the Major Superior to inform the local bishop of the place where the religious is to live during the absence from the Institute, if necessary, by sending a copy of the indult with the clauses contained therein. The bishop must be informed when a religious cleric is requesting an indult of absence.²²

Though the two Codes do not explicitly deal with some similar provisions for Societies of Apostolic Life and Secular Institutes, in practice parallel permissions can be given to members of these societies and Institutes as well. What is meant thereby is that if a person finds himself in the need of being away from the community or the context of the Institute or society to which he or she belongs, there should be a possibility to regulate these circumstances. One may need time away from the community for personal or other reasons, and after being away from the community there is the chance that the person comes back to the regular life within the society of the Institute, sometimes with greater enthusiasm and conviction.²³

2. Unlawful Absence from the Religious House (c. 665 § 2)

The religious who is unlawfully absent with the intention of evading the authority of the Superiors is to be carefully sought out and helped to return and to persevere in his or her vocation.²⁴

If this action on the part of the Superiors has no effect, disciplinary measures could be adopted, not excluding, if necessary, dismissal. In fact, the unlawful absence which extends for a period of six months can be a cause of dismissal (c. 696 1); if it extends for twelve continuous months, the religious whose location is unknown can be dismissed *ipso facto* (c. 694 § 1, 3). It is a novelty introduced by Pope Francis in *Motu Proprio Communis Vita*.²⁵

B. TRANSFER TO ANOTHER INSTITUTE

It is not actually abandoning consecrated life. It is a voluntary or requested separation from the Institute. The consecrated persons, without changing their state as a consecrated person, can be transferred from his or her Institute to another. A transfer to another Institute is at the initiative of the consecrated person, who feels the attraction to another Institute, because either one is not happy within the Institute in which one has made the profession or feels that the charism of another Institute corresponds better to one's personal charism. There are situations in which one may realize that the lifestyle and apostolates of the Institute, in which one has made the profession and in which one has been incorporated, are not in accordance with one's own personal charism and aptitudes, and one may feel more attracted to the lifestyle and apostolate of another Institute. It also happens that a member of an Apostolic Institute becomes more attracted to a monastic type of lifestyle, or vice versa.²⁶ The transfer to another Institute occurs when a perpetually professed

member leaves his or her own Institute to be incorporated into another, without causing the interruption of the profession of religious vows.²⁷

For a transfer from a non-confederated monastery to another monastery subject to the same authority, the permission of the same authority is required; but if the monastery to which the transfer is sought is subject to another authority, the permission of this authority is also required. The patriarch, the eparchial bishop, and the president of the confederation cannot grant this permission except after having consulted the Superior of the monastery *sui iuris* from which the transfer is sought (CCEO c. 487, §§2-3). Within the territorial boundaries of the patriarchal Church a member can be validly transferred to another religious institute with the written permission of the patriarch and with the consent of his or her own Superior General and the Superior General of the order or congregation to which he or she wishes to transfer, or, if a member wishes to transfer to a monastery, of the Superior of the monastery *sui iuris*; for the granting of their consent, the Superiors require the previous consent of their Council or, in a monastery, of the synaxis (CCEO c. 544, §1).²⁸

Procedure

The transfer is a *pro gratia* concession: it is to be requested by the member and cannot be imposed. The request has to be adequately motivated. The concession is subject to the evaluation and discretionary decision of the Supreme Moderator of both the Institute to which the member belongs and of the Institute to which he or she wishes to transfer, with the consent of the respective Councils.²⁹

Once consent to the transfer is obtained, the member concerned spends a probationary period of at least three years in the new Institute. During the probationary period, the member remains incorporated in the original Institute; his or her condition is similar to that of a member of temporary vows while being required to observe the regulations of the new Institute. If the member refuses to make a perpetual profession in the new Institute or is not admitted by the Superiors, he or she is to return to the Institute to which he or she belongs.³⁰

It would be like transplanting a grownup tree from one garden to another. The possibility of survival and success is always there, but there will be some initial difficulties and uncertainties, moments of disappointment, nostalgia, regret, etc., that could render life hard. Therefore, before one decides, one should have a very thorough evaluation of all the aspects. At the same time, one should admit that in some cases this could be a better decision and solution.³¹

A. EXCLAUSTRATION

Another juridical situation that may come up in the life of consecrated persons is that of exclausturation. This is certainly different from a leave of absence because in exclausturation we see a situation that could be more negative. *CIC* c. 686 and *CCEO* c. 489 deal with it. Exclausturation is a more negative reality in religious life, in the sense that most of the rights and obligations are suspended and one often asks for it for rather serious reasons, for example, a vocational crisis or a temporary lack of interest in religious life, etc. Exclausturation can be considered as a temporary “separation” from religious life. We call it a “temporary” separation, because, even if the person is practically out of the community, without most of the rights and obligations, he or she still remains a member of the Institute and the vows remain binding. In other words, he or she is not dispensed from the obligations arising from the religious profession.³² Exclausturation is the absence from the common life of a perpetual professed member who, while remaining a member of the Institute, is authorized by the competent Superior to reside outside the community.³³

Exclausturation can be requested or imposed. *CCEO* Can. 489 speaks about the requested exclausturation. Here, it is the interested religious who asks for the indult of exclausturation. He or she feels the need to be away from the community, without much bond to the Institute to which he or she belongs, but does not want yet to ask for the dispensation for leaving the Institute. This time of exclausturation could be for reflection and discernment, or even for some other personal reasons. Some may ask for exclausturation to take care of the sick parents or other family members. Once exclausturated, usually, one should find one’s own means of self-maintenance and can freely manage one’s income. In this way, one may intend to help the needy family. If one finds it difficult to maintain oneself, then the Institute should support him or her with what is essential for his or her life.³⁴

The *CIC* requires that exclausturation could be granted for “grave reasons” to the finally professed. The *CCEO*, on the contrary, does not mention such grave reasons explicitly. However, it is necessary that there should be a reasonable circumstance that would justify the granting of exclausturation. However, it is necessary that there should be a reasonable circumstance that would justify the granting of the exclausturation, as it is an extraordinary provision, to be applied with care. It can be granted by the Superior General of a religious Institute and according to *CCEO*, it can be granted only by the competent ecclesiastical authority to which the Institute is depending on. It is granted for a period not exceeding five years,³⁵ even if not consecutive, the Supreme Moderator is competent with the consent of the Council (*CIC* c. 686 § 1).³⁶

According to *CCEO*, the indult of exclausturation can be granted only to a member of a monastery *sui iuris* who is in perpetual vows. When this member petitions, the

indult can be granted by the patriarch, — the authority to whom the monastery is subject — after hearing the Superior of the monastery *sui iuris* together with the Council (CCEO c. 489, §1).³⁷ The indult of exlaustration can be granted by the patriarch, — to whose authority the patriarchal order or congregation is subject — having heard the Superior General and the Council. The imposition of exlaustration, however, can be decreed by the same authority at the request of the Superior General acting with the consent of the Council (CCEO c. 548, §1).³⁸

For cloistered nuns, the indult of exlaustration can be granted following the procedure prescribed by the Instruction *Cor Orans*, as an exception to CIC c. 686 § 2, by the Major Superior, with the consent of the Council, for not more than one year.³⁹ It can be granted by the Federal President, with the consent of the Council, for a nun professed with solemn vows of a monastery of the Federation for a period of not more than two years.⁴⁰

1. Exlaustration Requested by the Member (CIC c. 686 § 1)

Exlaustration can be requested by the definitively incorporated member for grave reasons, of his or her own free will, by means of a written request, and may be granted for a period not exceeding five years.⁴¹

The extension of the indult of exlaustration for more than five years is reserved to the Congregation for Institute s of Consecrated Life and Societies of Apostolic Life for members of Institute s of Consecrated Life or Society of Apostolic Life of Pontifical right or to the diocesan bishop in whose diocese the house to which the person is assigned is located, for members of Institute s and Societies of diocesan right.⁴²

Rights and Obligations Arising from Exlaustration

With the granting of exlaustration, the rights and obligations arising from exlaustration are the following: - the member does not lose all the obligations and rights that belong to the Institute of Consecrated Life or Society of Apostolic Life entails.

The juridical condition of the exlaustrated member is defined in c. 687. Accordingly, he remains a member of the Institute or Society, dependent on or under the care of the competent Superiors, and — in the case of a cleric — under the care of the local Ordinary; He lacks active and passive voice; He is not obliged to observe the proper law of the Institute in everything that is not incompatible with the new condition of his or her life.⁴³

2. Imposed Exlaustration (CIC c. 686 § 3)

At the request of the Supreme Moderator acting with the consent of the Council, exlaustration can be imposed by the Holy See on a member of Institute s of

Consecrated Life and Societies of Apostolic Life of Pontifical right, or by a diocesan bishop on a member of an Institute of diocesan right. In order to submit the request both the Superior and the Council must evaluate whether there are grave reasons, and adhere to the requirements of equity and charity.⁴⁴

This is a disciplinary measure adopted in exceptional cases, to protect the good of the community or of the member, when particular difficulties hinder fraternal life, prevent the exercise of the common ministry of the Institute, and create constant difficulties in apostolic action. It is set forth for specific periods of time — three or five years — which can be extended upon expiration.⁴⁵

In the most serious cases it is set forth *ad nutum* (at the will) Sanctae Sedis, for the members of an Institute of Consecrated Life or a Society of Apostolic Life of Pontifical right; *ad nutum Episcopi* for the members of an Institute of Consecrated Life or a Society of Apostolic Life of diocesan right.⁴⁶

The conditions, eventual clauses, and duration are established in the decree with which the excommunication is set forth by the Congregation for Institutes of Consecrated Life and Societies of Apostolic Life for the members of Institutes or Societies of Apostolic Life of Pontifical right or by the diocesan bishop for the members of Institutes of diocesan right. The member must be informed of the Supreme Moderator's intention to ask for imposed excommunication, the reasons, and the evidence against him or her, with respect to the right of defense (CIC c. 50). The legal effects of the imposed excommunication are similar to those of simple excommunication. In practice, for clerics, if it is appropriate, a declaration of acceptance in the Diocese — normally in writing — by a bishop is required. In all cases, it is advisable that the competent Major Superior takes care to inform, in writing, the bishop of the diocese where the excommunicated member will reside. The duty to supervise the personal and pastoral situation of the excommunicated member belongs to the Major Superior and the local bishop.⁴⁷

An imposed excommunication can be inflicted on a religious only by the ecclesiastical authority, at the request of the legitimate Superior, made with the consent of his or her Council. Together with the request, the Superior should present to the ecclesiastical authority complete documentation regarding the person and the reasons that would justify the imposition of an excommunication. The ecclesiastical authority, before taking a decision on the request of the Superior should properly evaluate all the circumstances of the case and the reasons adduced with proper discernment. He should consider whether the application of the provision will be helpful in the given circumstance and whether it is justified. As a general principle, whenever an authority inflicts a sanction on any person, the sanction should be proportionate to the reasons that have caused the action. As a valid reason for an imposed excommunication, we can think of continuous and persistent disobedience,

with an explicit unwillingness to comply with the instructions of the legitimate Superior, even after repeated admonitions and formal warnings. In the same way, commitment to an activity, that could be even a positive, but not part of the community project, disregarding community responsibilities; involvement in activities not approved by the community and that could eventually cause grave inconvenience or harm to the community, either to its good name or to its financial state, etc.⁴⁸

The Indult of Departure

CIC Canons 688-693 list various cases that provide for the possibility of the definitive departure from the Institute:- the departure of a member of temporary vows, of his or her own free will, upon the expiration of the vows (*CIC* c. 688 § 1) or during the time of temporary profession (*CIC* c. 688 § 2); the departure of a member of temporary vows at the request of the Institute (*CIC* c. 689); the departure of a member during perpetual profession (*CIC* c. 691); the departure of a member who is a cleric (*CIC* c. 693). The departure from the Institute always entails the loss of membership status and therefore also the relative obligations and rights.

1. The Indult of Departure for Temporary Professed Member (*CIC* c. 688 §§ 1-2)

The temporary professed member upon the expiration of the vows, is free to leave the Institute of Consecrated Life or the Society of Apostolic Life (*CIC* c. 688 § 1). For a grave reason, a temporary professed member may leave the Institute or the Society even during the time in which he or she is bound by vows. In this case, he or she must submit the request to the Supreme Moderator, who grants the indult, with the previous consent of the Council. The indult of departure for a temporary professed member of an Institute of diocesan right or for a member of a Monastery, as mentioned in c. 615, for validity, must be granted by the bishop in whose diocese the house to which the person is being assigned is located.⁴⁹

2. The Indult of Departure for Temporary Professed Member at the Request of the Institute (*CIC* c. 689)

The member temporarily incorporated in the Institute or in the Society, for a just cause, may be excluded by the Major Superior, after consulting the Council, from making a subsequent profession or from making a perpetual profession (*CIC* c. 689 § 1). *The Code* also provides that a reason for exclusion from the renewal of vows is a physical or psychological infirmity contracted after profession, such as to render the member unsuited to lead the life of the Institute (*CIC* c. 689 § 2). To guarantee the right of the member, the assessment of the candidate's lack of suitability due to infirmity is entrusted to experts; the judgment on the suitability to lead the life of the Institute is entrusted to the Superiors.⁵⁰

A member can be dismissed during temporary profession according to *CCEO*, by the Superior of the monastery *sui iuris* with the consent of the Council according to *CCEO* c. 552, §§2 and 3, but, for validity, the dismissal must be confirmed by the eparchial bishop, or by the patriarch if particular law decrees it for monasteries situated within the territorial boundaries of a patriarchal Church (*CCEO* c. 499).⁵¹

Readmission of a Member Who Lawfully Left the Institute (CIC c. 690)

CIC Canon 690 authorizes the Supreme Moderator, with the previous consent of the Council, to readmit to the same Institute, without the obligation to repeat the novitiate, a member who, having made temporary or perpetual profession, has lawfully left the Institute. The norm does not apply to dismissed members, since dismissal is a different form of leaving the Institute.⁵²

3. The Indult of Departure for a Perpetually Professed Member (*CIC* cc. 691-692)

A member definitively incorporated in the Institute or the Society may request an indult of departure. This must be motivated by very grave reasons (*causas gravissimas*) weighed before God. Such a radical decision requires serious reflection: by the member — who has committed himself or herself to live the vocation with fidelity and perseverance —, with the help and advice of prudent and experienced persons; by the Major Superiors who must give instructions on the procedure for granting the indult of departure; by the authority competent to grant the indult. The authorities competent to grant the indult of departure is the Holy See for Institutes of Consecrated Life and Societies of Apostolic Life of Pontifical Right and Monasteries; the diocesan bishop, in whose diocese the house to which the member is assigned is located, for Institutes of Consecrated Life and the Societies of Apostolic Life of diocesan right (*CIC* c. 691 § 2). The member presents the request for the indult of departure to the Supreme Moderator, who forwards it to the competent authority together with his or her own opinion and that of the Council (*CIC* c. 691).⁵³

According to *CCEO*, for the dismissal of a perpetually professed member, with due regard to *CCEO* c. 497, the president of the monastic confederation or the Superior of a non-confederated monastery *sui iuris* is competent to issue a decree of dismissal, with the consent of the Council; but the decree of dismissal cannot be executed unless it is approved by the authority to whom the monastery is immediately subject (*CCEO* c. 500, §4). If it is of a Stauropegial monastery, the approval must be from the patriarch. The recourse or appeal against the decree of dismissal is to be addressed to the Apostolic See or, if it is a member who has domicile within the territorial boundaries of the patriarchal Church, to the patriarch (*CCEO* c. 501, §3). The Superior General is competent, in orders and congregations, with respect to the dismissal of a perpetually professed member; in other cases, *CCEO* cc. 500-503 are to be observed (*CCEO* c. 553).⁵⁴

4. The Indult of Departure of the Cleric Member (CIC c. 693)

CIC Canon 693 establishes that the indult of departure of a member who is a cleric is not granted until he has found a bishop who will incardinate him in his diocese or at least receive him on probation. Incardination *ad experimentum* occurs when the bishop is willing to receive the cleric in his own diocese for a probation period.⁵⁵

B. DISMISSAL FROM THE INSTITUTE

A dismissal is a forced definitive separation of a member from the membership in the Institute for very serious reasons. Dismissal consists of the definitive separation of a member from the Institute of Consecrated Life or from the Society of Apostolic Life. It is imposed by the Institute or by the Society against the will of the member and presupposes serious violations of the state of consecrated life and requires a rigorous procedure. *The Code* has four different cases: the ***ipso facto*** dismissal, which takes place by the very fact of having committed an offense (CIC c. 694); the **obligatory** dismissal by decree (CIC c. 695); the **discretionary** dismissal remitted to the judgment of the Institute (CIC c. 696); the dismissal following **an immediate case of particular urgency** (CIC c. 703).⁵⁶

1. The *ipso facto* Dismissal (CIC c. 694)

We can speak of different types of dismissal. The first one is “*ipso iure*” (CCEO) or “*ipso facto*” (CIC) dismissal. We may call it an automatic dismissal, in the sense that there is no need for a decision on the part of any authority in this dismissal. The law itself foresees and prescribes such a dismissal. The Latin Code calls it “by the fact itself,” and the Oriental Code calls it “by the law itself.”⁵⁷ The *ipso facto* dismissal (CIC c. 694) takes place by the very fact of having committed a specific violation of Canon Law. In such cases the member is no longer a member of the Institute or the Society; the intervention of the competent Superior is limited to the declaration of the fact.⁵⁸

There are at present **three cases of *ipso facto* dismissal:**

- a. The notorious defection from the Catholic faith;
- b. Contracted marriage or attempted it, even only civilly;
- c. A prolonged unlawful absence from the religious house lasting at least twelve consecutive months, if the religious turns out to be untraceable.

a) *The Notorious Defection from the Catholic Faith (CIC c. 694 § 1, 1°)*

The member who notoriously defects from the Catholic faith deprives himself or herself of the first requirement of admission to consecrated life. In fact, without

the Catholic faith, the candidate should not have been admitted to any Institute or Society. Defection from the Catholic Church can also take the form of a true *actus formalis* defection is *ab Ecclesia*, that is evidenced by: a) the interior decision to leave the Catholic Church; b) the implementation and external manifestation of that decision and c) the acceptance of that decision by the competent ecclesiastical authority.⁵⁹

***b) Celebrating Marriage or Attempting⁶⁰ to do so, even if only civilly
(CIC c. 694 § 1, 2°)***

The second case of *ipso facto* dismissal is the celebration of marriage or an attempt to contract it. In fact, the member has made the vow of chastity which involves the commitment to live a celibate life and therefore the prohibition to marry. The member who contracts marriage is dismissed from the Institute, even if there is no canonical impediment, as in the case of the temporary professed member. Marriage, by virtue of the impediment referred to in *CIC* cc. 1087-1088, is an attempt, that is invalid, for clerics and religious who are bound by the public perpetual vow of chastity made in a Religious Institute.⁶¹

***c) The Illegitimate Absence from the Religious House Lasting over a Year
(CIC 694 § 1, 3°)***

Pope Francis' *motu proprio Communis vita* inserted a third reason for an *ipso facto* dismissal from the Religious Institute in paragraph 1 of *CIC* c. 694: a prolonged illegitimate absence from the religious house, in accordance with *CIC* c. 665 § 2, lasting at least twelve consecutive months, especially in cases in which the location of the member is unknown. This modification offers the opportunity to find a solution to the cases of illegitimate absence of a member from the religious house, with particular reference to those who "at times cannot be located" or those who are untraceable.⁶²

The person whose home address or at least place of residence is known is considered to be available; as is the person who has communicated his or her address/place of residence. A person is to be considered unable to be contacted if one knows only: a telephone number; an e-mail address; a profile on social networks; or a fictitious address.⁶³

The Procedure to Declare the ipso facto Dismissal

The member responsible for the acts mentioned in § 1, 1°-2° of *CIC* c. 694 is dismissed *ipso facto*. For the dismissal to be juridically valid, the Major Superior, with the Council, must promptly gather evidence of the events that have occurred; present them to the person concerned, in order to defend him/herself; issue the decree of dismissal, having reached the moral certainty of the fact. In cases of *ipso facto*

dismissals, together with likewise, the irregularity for the exercise of Holy Orders for religious clerics (*CIC* c. 1041) the decree of dismissal, the *latae sententiae* censure of suspension for clerical members, and the interdict for non-clerical members must also be declared.⁶⁴ § 1,3° and *CIC* c. 1041, 3°) and the irregularity for the reception of Holy Orders for non-clerical religious (*CIC* c. 1041, 3°) must be declared.⁶⁴

If *ipso facto* dismissed member has been accepted and incardinated in a diocese, it is necessary to postpone the suspension and obtain the dispensation from the irregularity from the Congregation for the Clergy. If a non-clerical member who has incurred the *latae sententiae* interdict because of an attempted marriage, even if only civil, wants to celebrate a religious marriage, he must first request and obtain the dispensation from the irregularity, otherwise the marriage, even if valid, is illicit. A copy of the decree of dismissal, for correctness, is to be sent to the religious concerned.⁶⁵

The Procedure for Declaring Illegitimate Absence from the Religious House for Over a Year

In the *motu proprio Communis vita* the Holy Father specified, by adding § 3 of c. 694, the procedure to be followed in cases where the new case of dismissal for illegitimate absence from the religious house for more than a year applies.⁶⁶ The Major Superior has the duty to seek out the religious who is absent illegitimately and cannot be found, and in this way express concern for the religious so that he or she may return and persevere in his or her vocation (cf. *CIC* c. 665 § 2). If the research is unsuccessful, even if repeated over time, or if it is acknowledged that the member is intentionally not able to be contacted, it is necessary “to give legal certainty to the *de facto* situation.”⁶⁷

To this end, the competent Superior is required to produce certain proof through verifiable documentation of the research carried out, and of the attempts at contacting or communicating with the member; in the event of a negative outcome of the aforementioned research, the Superior proceeds to declare that the member is unable to be contacted. The competent Superior evaluates the case with the Council and issues a declaration of inability to be contacted. This declaration is necessary for making certain the accounting of time. The day *a quo*, from which the religious cannot be found cannot remain uncertain, because it would make the twelve continuous month period indefinite (cf. *CIC* c. 203 § 1); The expiration of the terms to fix the deadline is of twelve continuous months. After twelve consecutive months, during which the situation of unavailability of the illegitimate absent member had not changed in any way, the competent Superior must proceed to the declaration of the fact so that the dismissal is legally valid, according to *CIC* c. 694. This declaration must be confirmed by the Holy See if the Institute from which the

member is dismissed is of Pontifical Right, or by the bishop of the principal seat if the Institute is of diocesan right.⁶⁸

The new provision (*CIC* c. 694 § 1, 3^o) does not apply to cases prior to 10 April 2019, in other words, it cannot be said to be retroactive, otherwise, the Legislator should have expressly declared it (cf. *CIC* c. 9). The *motu proprio* ‘*Communis Vita*’ called for the modification of *CIC* c. 729 which regulates the life of Secular Institutes because dismissal from the Institute for illegitimate absence does not apply to members of such Institutes.⁶⁹

2. Obligatory Dismissal (*CIC* c. 695 § 1)

Obligatory dismissal occurs when the offenses⁷⁰ mentioned in c. 695, refer to *CIC* cc. 1397 § 1, 1398, and 1395 are committed: — murder, kidnapping, abduction, mutilation and gravely wounding a person (*CIC* c. 1397 § 1); procuring a completed abortion (*CIC* c. 1397 § 2); concubinage and persistent scandal in another external sin against the sixth commandment (*CIC* c. 1395). The cases referred to in *CIC* c. 1395 are crimes only if committed by religious or diocesan clerics.⁷¹

a) The Crime of Murder, Kidnapping, Abduction, Mutilation, and Grave Wounding of a Person (*CIC* c. 1397 § 1)

CIC c. 1397 specifies some crimes deliberately committed against the life and freedom of a person. For these crimes, the offender is punished with the penalties prescribed in *CIC* c. 1336, in proportion to the gravity of the offense. If the murder is committed against the person of the Roman Pontiff or against a consecrated bishop or against a cleric or a religious the penalty is established in *CIC* c. 1370: for the murder of the Roman Pontiff: ex-communication *latae sententiae*, with the addition of other penalties, not excluding dismissal from the clerical state, if the offender is a cleric; for the murder of a consecrated bishop: interdict *latae sententiae* and, if the offender is a cleric, he also incurs the suspension *latae sententiae*; for the murder of a cleric or a religious: a just penalty, *ferendae sententiae*.⁷²

b) The Crime of Abortion (*CIC* c. 1397 § 2)

Abortion is a crime for every believer, cleric, religious or non-religious, consecrated or not consecrated. *CIC* c. 1397 § 2 considers the voluntary interruption of pregnancy as a crime, either by expelling the immature fetus or by killing the fetus in any way and at any time once conception is procured. Abortion is punished with the ex-communication *latae sententiae*, in which both the woman who voluntarily procures it and all those who, physically or morally, have cooperated directly and effectively.⁷³ One who procures an abortion incurs *latae sententiae* ex-communication. If the guilty one is a consecrated person, he or she should be dismissed from the consecrated life. This will be applied to a consecrated woman

who remains pregnant and procures an abortion, or any consecrated person, man, or woman, who positively participates in procuring an abortion. For example, a consecrated person who assists financially or advises, or helps in any way a woman to procure an abortion, once proven or guilty, is liable to be dismissed from the religious life according to the provision of this canon.⁷⁴

c) Concubinage or Another External Sin

Against the Sixth Commandment of the Decalogue (CIC c. 1395 § 1)

Paragraph 1 of *CIC* c. 1395 considers the case of the cleric in the state of concubinage or in a situation of permanent scandal in another external sin against the sixth commandment of the Decalogue. Concubinage means a relationship more *uxorio*, characterized by a certain stability, even without living together under the same roof. Another sin against the sixth commandment, different from concubinage, concerns the case of a cleric who continues in some other external sin that causes scandal. The penalty established for these crimes is the suspension *ferendae sententiae*; other penalties can be added to that, not excluding dismissal from the clerical state, if the cleric, after having been warned, persists in the offense. The cleric living in concubinage or who continues in some other external sin against the sixth precept of the Decalogue cannot lawfully celebrate the Eucharist (c. 900 § 2), nor can he receive holy communion (c. 915).⁷⁵

d) Other Crimes contra Sextum (CIC c. 1395 § 2)

Paragraph 2 of *CIC* c. 1395 examines other crimes committed against the sixth commandment: – by force, that is when the person’s freedom is taken away; or by threats, instilling fear; publicly; or with a minor below the age of 16 years, if the religious is not a cleric; or, with a minor below the age of 18 years if the religious is a cleric. For such crimes, *the Code* establishes the Superior’s obligation to consider the offense, evaluate it and make a discretionary decision on the need to proceed with the dismissal.⁷⁶

In the case of abuse of a minor under the age of 18 years, which is equated to those who habitually have an imperfect use of reason, if the accused religious is a cleric, the exclusive jurisdiction lies with the Supreme Tribunal of the Congregation for the Doctrine of the Faith, according to the *motu proprio* ‘*Sacramentorum sanctitatis tutela*’. Like all other crimes included therein, the statute of limitations is twenty years, and, for the sole case of abuse of a minor under the age of 18 years, it becomes effective from the moment the child reaches the age of 18 years.⁷⁷

In the New Book VI of *CIC* c. 1398, a new text is given on the offences committed against minors.⁷⁸ The sensibility in the matters referred to in the paragraphs has changed very much in recent years. For example, abuse of children

and minors has become a very serious canonical delict in the Church, which will be dealt with in a very special manner and the guilty ecclesiastics will be punished with serious sanctions. Congregation for the Doctrine of Faith (CDF) has exclusive competence for judging such cases of the CDF when the delict is committed by a cleric. However, imbibing the spirit of these norms, Institutes of Consecrated Life and Societies of Apostolic Life are expected to have their own internal legislation applicable to their members.⁷⁹

Pascite Gregem Dei indicates that the revised text has also been improved with regard to the prescription of penal action. Canons 1362 and 1363 deal with the prescription of criminal offences and the execution of penalties. According to the revised text as well as the old one, normally the prescription for criminal offence runs for **three years** unless the offences are reserved to the Congregation for the Doctrine of Faith. The text of *CIC/83* had fixed five years of prescription for certain criminal offences like attempted marriage by a cleric. But in the revised text, the period of five years for certain offences is changed to seven years as well as more offences are included in this category. The revised text fixes the prescription of **seven years** for specific criminal offences such as

- Cleric or religious engaging in trading or business contrary to the provision of the canons (can.1393 § 1)
- Cleric attempting marriage even if civilly besides being dismissed from his office (can.194 § 1 n.3) and dismissal of religious from the Institute (can. 694 §1n.2)
- Cleric living in concubine or scandalous living with offences against the 6th commandment (can.1395 § 1)
- Cleric abusing one's authority committing an offence against the 6th commandment or forcing someone to perform or submit to sexual acts (can. 1395 § 3)
- A member of the Institute of Consecrated Life or of the Society of Apostolic Life committing an offence against the sixth commandment with a minor or with a person habitually imperfect in the use of reason (can. 1398)⁸⁰

According to the revised text, a criminal action for delicts reserved to the Congregation for the Doctrine of Faith is extinguished by prescription after twenty years. This long period of prescription for the *delicta graviora* was already fixed by SST (Art. 7). It should be remembered that, in the delict of sexual abuse of minors by clerics, prescription begins to run from the day on which a minor completes his eighteenth year of age.⁸¹

When it comes to a non-clerical member, the jurisdiction lies with the Congregation for Institutes of Consecrated Life and Societies of Apostolic Life. In

cases covered by § 2 of *CIC* c. 1395, the Superior must proceed with the dismissal, unless he or she estimates it opportune to provide for the member's amendment in another way, for the restoration of justice and the reparation of the scandal (*CIC* c. 695, § 1). In the above cases, the obligation concerns the duty of the Major Superior to initiate the process of dismissal, observing the procedure prescribed in *the Code* (*CIC* c. 695, § 2).⁸²

The Procedure for Obligatory Dismissal (CIC c. 695 § 2)

The competence to proceed in cases of obligatory dismissal lies with the Major Superior (*CIC* c. 620), assisted by the notary. Disciplinary action is not subject to time limits as are criminal actions (*CIC* c. 1362). Therefore, even if the crime is prescribed, disciplinary action, by reason of *CIC* c. 695 § 1, must always be instructed. Upon receiving a complaint or the news of actions likely to be criminal, the competent Superior collects the evidence concerning the facts and the imputability of the offense; if he or she reaches moral certainty about the truth of the facts and their imputability for malice or negligence, he or she notifies the member to be dismissed of the accusation and the evidence, giving him the possibility to defend himself; transmits all acts to the Supreme Moderator. The Major Superior can adopt the procedure envisaged for the preliminary investigation referred to in *CIC* cc. 1717-1719. The Supreme Moderator with the Council, further evaluates the accusations, the evidence, and the defense of the alleged and by a collegial vote, decides whether to dismiss the member. For validity, the Council must be complete or have at least 4 members. The vote is collegial. It means it consists of 5 votes. Unanimity is not needed to decide on the dismissal: an absolute majority is sufficient. The voting must be secret (*CIC* c. 699 §1). If the major Superior ascertains the accusations unfounded, he must dismiss the case.⁸³

2. Discretionary Dismissal (CIC c. 696 § 1)

CIC Canon 696 leaves to the judgment of the Major Superior the dismissal of a member for causes other than those provided for *ipso facto* and obligatory dismissal. Given the seriousness of the dismissal measure, *the Code* requires that these causes be grave, external, imputable, and juridically proven. *CIC* Canon 696 § 1 provides for certain types of improper conduct which, although they are not criminal offenses, are in any case significantly contrary to the discipline of consecrated life.⁸⁴

The Code of Canon Law (1983) presents a non-exhaustive list of these causes:

- 1) repeated violations of the sacred bonds;
- 2) habitual neglect of the obligations of consecrated life
- 3) grave scandal arising from the culpable behavior of the member;
- 4) stubborn disobedience to the legitimate prescripts of Superiors in a grave matter;

- 5) stubborn upholding or diffusion of doctrines condemned by the Magisterium of the Church;
- 6) public adherence to ideologies infected by materialism or atheism;
- 7) the illegitimate absence from the religious house, if it extends for a period of six months, with the intention of withdrawing from the authority of Superiors (*CIC* c. 665, § 2);
- 8) other causes of similar gravity which the proper law of the Institute may determine.

A member in temporary vows can be dismissed for grave reasons — even less grave than those mentioned (*CIC* c. 696, § 1) —, external, imputable, and juridically proven, as determined in the Institute's proper law (*CIC* c. 696, § 2). The cases occurring most frequently are stubborn disobedience and illegitimate absence. For the purposes of dismissal, disobedience is juridically valid if the member acts in opposition to a provision on serious matters, given by the Superior in accordance with universal and proper law, or at least not in conflict with it.⁸⁵

The Procedure for Discretionary Dismissal (CIC cc. 697-700)

In summary form, the following are the steps:

- 1) The Major Superior having heard the Council initiates the process.⁸⁶
- 2) He collects and completes the proofs.
- 3) Warn the member in writing or in the presence of two witnesses about the cause of the concern, the desired amendment, and the possibility of dismissal.⁸⁷
- 4) Allow the member for full faculty of defense.
- 5) Warn the member again in the same way after 15 days after the first warning.⁸⁸
- 6) The Major Superior decides with the Council after 15 days have passed since the second warning that incorrigibility is sufficiently manifest and the member's defense is inadequate.
- 7) Transmit all the acts including the member's defense to the Supreme Moderator. He or she decides with the decisive vote of his or her Council (where at least four members must be present – it is a collegial vote) and issues the decree of dismissal.
- 8) The decree should be confirmed by the competent authority (if it is Pontifical by the Holy See or if it is diocesan, by the diocesan bishop).

- 9) The dismissed member has the right of appeal to be done within 10 days of receipt of the dismissal decree.⁸⁹

Canonical Warnings⁹⁰

Care should be used in the formal editing of canonical warnings, which must be clear and brief; their content must be the same for the first and for the second. The warnings must include at least three elements:

- the legal grounds, that is the citation of the legislative code upon which it is based;
- a brief statement of the facts, that is what the member did or failed to do;
- a clear and determined statement about what the member must or must not do.

Notification of the Decree of Dismissal ⁹¹

The decree of dismissal once confirmed by the Congregation for Institutes of Consecrated Life and Societies of Apostolic Life, or by the diocesan bishop, must be made known to the person concerned by the competent Superior by registered letter with acknowledgment of receipt, or personally, in the presence of two witnesses.

For validity, the decree must indicate the right of the dismissed member to have recourse to the competent authority, within ten days of receiving the notification.

Upon receipt of the notification, the member who does not intend to accept it:

- before proposing recourse, must request the revocation or emendation of the decree in writing from its author. Once this petition is made, by that very fact suspension of the execution of the decree is also understood to be requested (*CIC* c. 1734 § 1)

- if he or she is a member of an Institute of Consecrated Life or a Society of Apostolic Life of Pontifical Right, he/she can have recourse in the first instance to the Congregation for Institutes of Consecrated Life and Societies of Apostolic Life, in the second instance to the Supreme Tribunal of the Apostolic Signatura, and in third instance to the same Supreme Tribunal;

- if he or she is a member of an Institute of Consecrated Life or a Society of Apostolic Life of diocesan right, he/she can have recourse in the first instance to the bishop who confirmed the decree, in the second instance to the Congregation for Institutes of Consecrated Life and Societies of Apostolic Life, and in third instance to the Supreme Tribunal of the Apostolic Signatura.

It is sufficient that the dismissed member, within 10 days from the notification of the decree, expresses in writing — even briefly — to an ecclesiastical authority of his or her willingness to have recourse.

Those receiving the recourse must forward it to the competent authority to process it and establish a time period within which the applicant must submit the complete appeal, accompanied by the reasons and evidence.

During the time of the recourse, the juridical effects of the dismissal are suspended.

Effects of Dismissal (CIC c. 701)

With legitimate dismissal, both the vows and the rights and duties deriving from the profession automatically cease. If the dismissed member is a deacon or a presbyter, he retains clerical status but by virtue of the dismissal he cannot exercise sacred orders until he finds a benevolent bishop who will receive him in his diocese to incardinate him or for a probationary period (CIC c. 693), or who will at least allow him to exercise sacred orders (CIC c. 701).⁹²

Support Provided to the Dismissed or Dispensed Member (CIC c. 702)

The dispensed or dismissed member cannot claim any right from the Institute of Consecrated Life or from the Society of Apostolic Life of which he or she was a member (CIC c. 702 § 1). The work provided in favor of the Institute or of the Society and the fruit of the work offered to the Institute or to the Society during his or her stay in them (cf. CIC c. 668 § 3), do not confer on a member, who left voluntarily or is dismissed, any right to receive compensation. Indeed, members have pledged to offer their work as a gratuitous expression of love and charity towards their brothers and sisters, both within the Institute or Society and externally.

On the other hand, the Institute of Consecrated Life, or the Society of Apostolic Life, is to show equity and evangelical charity towards the member who separates from it either by leaving or by dismissal. Equity is commensurate with the personal situation and circumstances as well as the real possibilities of the Institute; charity is commensurate with the actual needs of the member, at least for the period immediately after leaving or after dismissal, until he or she can provide for himself or herself in another way, as well as to the possibilities of the Institute.⁹³

Conclusion

Our research was to learn and understand the new teachings titled *The Gift of Fidelity. The Joy of Perseverance* issued by the Congregation (Dicastery) for Institutes of Consecrated Life and Societies of Apostolic Life given on 2nd February 2020. It is a condensed form of theology on consecrated life. The main thrust of the Guidelines is *manete in dilectione mea* (Jn 15:9). Vocation to the consecrated life and religious life is to be geared under the commandment of love of Jesus. Thus, the document itself is divided into three parts making use of three expressions of love, *Gazing and listening, Enkindling awareness, and finally Separation.*

We thoroughly studied the third part of *The Gift of Fidelity. The Joy of Perseverance* and in summary form of the Guidelines which deal with the canonical norms and practice of the Dicastery. This section is well articulated in the Guidelines. It may be because of the praxis of the dicastery in the process of separating the individuals from the Institutes of Consecrated Life. The text has brought new insights into the *Motu Proprio* of Pope Francis, namely, *Communis Vita*. Many religious Major Superiors eagerly awaited such guidelines on *Communis Vita*. Canonical norms on separation and the practice of the Dicastery give us a clear indication that they are meant for the greater welfare of the people of God. Those who have wrongly chosen religious life and consecrated life as a way of life are to be given a clear indication through the different processes of temporary separation such as exclaustation, leave of absence, and finally through the process of dismissal.

The strength of vocation to consecrated life and religious life is seen through the testament of love and these disciples of Christ are directed towards bearing fruit through their lives, and thus, they have to remain in their life by following the example of Mother Mary who was always faithful to her vocation and who was a persevering woman all through her life. Mother Mary is the icon of religious and the consecrated.

Abstract

Part Three of the Guidelines deals with the separation from the Institute. It offers the Canonical Regulations and the Practice of the Dicastery. They are found in Nos. 62-98 of the Guidelines. The procedures for separation from the Institute are divided into two groups: *pro gratia*: Absence (c. 665 § 1), Transfer (c. 684), Exclaustation (c. 686 § 1), the indult of departure (cc. 691 and 693); and the *disciplinary ones*: there are three forms of dismissals and they are *ipso facto* dismissal (c. 694), Obligatory dismissal (c. 695 § 1), and Discretionary dismissal (c. 696 § 1). Each procedure of separation is dealt with in detail.

Endnotes

¹ POPE FRANCIS, *Motu Proprio Praedicate Evangelium*, Vatican, 19 March 2022. It is the *Motu Proprio* by which Pope Francis revised the rules on the administration of Roman curia. It replaces the existing rules on Roman Curia, namely, *Pastor Bonus* (1988). The present Code of *Praedicate Evangelium* does not use the term 'Congregation' but Dicastery to designate different dicasteries (offices) of Roman Curia. There are altogether 250 articles in it. Out of sixteen dicasteries, 'the Dicastery for Institutes of Consecrated Life and Societies of Apostolic Life' is dealt with arts. 121 – 127.

² Congregation for Institutes of Consecrated Life and Societies of Apostolic Life (CICLSAL), *The Gift of Fidelity and the Joy of Perseverance*, Vatican City: Libreria Editrice Vaticana, 2 February 2020, nn.1- 4.

- ³ POPE FRANCIS, *The Strength of a Vocation, A Conversation with Fernando Prado*, Washington DC: USCCB, 2018, 39.
- ⁴ CICLSAL, *The Gift of Fidelity and the Joy of Perseverance*, n.2.
- ⁵ POPE FRANCIS, *The Strength of a Vocation*, 43.
- ⁶ POPE FRANCIS, *The Strength of a Vocation*, 43.
- ⁷ JOSEPH KOONAMPARAMPIL, *Religious Life Today Challenges and Prospective: A Guide to Eastern and Western Codes of Canon Law*, Dharmaram Canonical Studies 24, Bangalore: Institute of Oriental Canon Law, 2019, 49-50.
- ⁸ CICLSAL, *The Gift of Fidelity and the Joy of Perseverance*, n.63.
- ⁹ CICLSAL, *The Gift of Fidelity and the Joy of Perseverance*, n.64.
- ¹⁰ CICLSAL, *The Gift of Fidelity and the Joy of Perseverance*, n.65.
- ¹¹ CICLSAL, *The Gift of Fidelity and the Joy of Perseverance*, n.65.
- ¹² CICLSAL, *The Gift of Fidelity and the Joy of Perseverance*, n.66.
- ¹³ Joseph Koonamparampil, *Religious Life Today Challenges and Prospective*, 59.
- ¹⁴ CICLSAL, *The Gift of Fidelity and the Joy of Perseverance*, n.67.
- ¹⁵ Joseph Koonamparampil, *Religious Life Today Challenges and Prospective*, 60.
- ¹⁶ CICLSAL, *The Gift of Fidelity and the Joy of Perseverance*, n.67.
- ¹⁷ CICLSAL, *The Gift of Fidelity and the Joy of Perseverance*, n.67.
- ¹⁸ CICLSAL, *The Gift of Fidelity and the Joy of Perseverance*, n.67.
- ¹⁹ CICLSAL, *The Gift of Fidelity and the Joy of Perseverance*, n.67.
- ²⁰ Joseph Koonamparampil, *Religious Life Today Challenges and Prospective*, 60.
- ²¹ Joseph Koonamparampil, CMF, *Religious Life Today Challenges and Prospective*, 61.
- ²² CICLSAL, *The Gift of Fidelity and the Joy of Perseverance*, n.67.
- ²³ Joseph Koonamparampil, *Religious Life Today Challenges and Prospective*, 61.
- ²⁴ CICLSAL, *The Gift of Fidelity and the Joy of Perseverance*, n.68.
- ²⁵ Pope Francis, *Motu Proprio, Communis Vita*, Vatican, 19 March 2019.
- ²⁶ Joseph Koonamparampil, *Religious Life Today Challenges and Prospective*, 51.
- ²⁷ CICLSAL, *The Gift of Fidelity and the Joy of Perseverance*, n.69.
- ²⁸ Varghese Koluthara, *Rightful Autonomy of Religious Institute s: A Comparative Study based on The Code of Canon of the Oriental Churches and the Code of Canon Law*, Dharmaram Canonical Studies 3, Bangalore: Institute of Oriental Canon Law, 2014, 155.
- ²⁹ CICLSAL, *The Gift of Fidelity and the Joy of Perseverance*, n.69.
- ³⁰ CICLSAL, *The Gift of Fidelity and the Joy of Perseverance*, n.69.
- ³¹ Joseph Koonamparampil, *Religious Life Today Challenges and Prospective*, 52.
- ³² Joseph Koonamparampil, CMF, *Religious Life Today Challenges and Prospective*, 61-62.
- ³³ CICLSAL, *The Gift of Fidelity and the Joy of Perseverance*, n.70.
- ³⁴ Joseph Koonamparampil, *Religious Life Today Challenges and Prospective*, 63.
- ³⁵ Pope Francis, *Motu Proprio 'Competentias quasdam decernere,'* Vatican, 11 Feb. 2022. Up to 2022, the exlaustration period was three years and with his new *Motu Proprio*, it is changed to five years.
- ³⁶ Joseph Koonamparampil, *Religious Life Today Challenges and Prospective*, 63-64.
- ³⁷ The study group of the PCCICOR in their discussion on c. 76 (PAL cc.188-189) of the 1980 schema mentioned that the rights of the exlaustrated must be well maintained in the law drawing on the principles of equity and charity. Accepting this suggestion, the c. 76 was reformulated adopt-

ing the formulation of the new CIC can.686, §3 with some modifications necessary for the Orientals. Cf., *Nuntia* 16 (1983) 64. Thus, the canon is reformulated and it appears in CCEO as c. 490.

³⁸ VARGHESE KOLUTHARA, *Rightful Autonomy of Religious Institutes*, 156. Pope Francis through his *Motu Proprio Competentias quasdam decernere*, granted on 11 Feb. 2022, changed the duration of the exlaustration period from three years to five years and, it is also applicable to the Orientals.

³⁹ CICLSAL, *Cor Orans: Implementing Instruction of the Apostolic Constitution "Vultum Dei Quaerere on Women's Contemplative Life*, Vatican, 2018, n.177.

⁴⁰ CICLSAL, *Cor Orans*, 130-131; 178-179.

⁴¹ CICLSL, *The Gift of Fidelity and the Joy of Perseverance*, n.71.

⁴² CICLSL, *The Gift of Fidelity and the Joy of Perseverance*, n.71.

⁴³ CICLSL, *The Gift of Fidelity and the Joy of Perseverance*, n.72.

⁴⁴ CICLSL, *The Gift of Fidelity and the Joy of Perseverance*, n.73.

⁴⁵ CICLSL, *The Gift of Fidelity and the Joy of Perseverance*, n.73.

⁴⁶ CICLSL, *The Gift of Fidelity and the Joy of Perseverance*, n.73.

⁴⁷ CICLSAL, *The Gift of Fidelity and the Joy of Perseverance*, n.73.

⁴⁸ JOSEPH KOONAMPARAMPIL, *Religious Life Today Challenges and Prospective*, 64-65.

⁴⁹ CICLSAL, *The Gift of Fidelity and the Joy of Perseverance*, n.75.

⁵⁰ CICLSAL, *The Gift of Fidelity and the Joy of Perseverance*, n.76.

⁵¹ Varghese Koluthara, *Rightful Autonomy of Religious Institutes*, 157.

⁵² CICLSAL, *The Gift of Fidelity and the Joy of Perseverance*, n.77.

⁵³ CICLSAL, *The Gift of Fidelity and the Joy of Perseverance*, n.78.

⁵⁴ VARGHESE KOLUTHARA, *Rightful Autonomy of Religious Institutes*, 157.

⁵⁵ CICLSAL, *The Gift of Fidelity and the Joy of Perseverance*, n.79.

⁵⁶ CICLSAL, *The Gift of Fidelity and the Joy of Perseverance*, n.80.

⁵⁷ Cf. JOSEPH KOONAMPARAMPIL, *Religious Life Today Challenges and Prospective*, 75.

⁵⁸ CICLSAL, *The Gift of Fidelity and the Joy of Perseverance*, n.81.

⁵⁹ CICLSAL, *The Gift of Fidelity and the Joy of Perseverance*, n.82.

⁶⁰ CIC 1394 §2: A religious in perpetual vows who is not a cleric but who attempts marriage, even if only civilly, incurs a *latae sententiae* interdict. He or she is automatically dismissed (CIC c. 694 § 1, 2°).

⁶¹ CICLSAL, *The Gift of Fidelity and the Joy of Perseverance*, n.83.

⁶² CICLSAL, *The Gift of Fidelity and the Joy of Perseverance*, n.84.

⁶³ CICLSAL, *The Gift of Fidelity and the Joy of Perseverance*, n.84.

⁶⁴ CICLSAL, *The Gift of Fidelity and the Joy of Perseverance*, n.85.

⁶⁵ CICLSAL, *The Gift of Fidelity and the Joy of Perseverance*, n.85.

⁶⁶ CICLSAL, *The Gift of Fidelity and the Joy of Perseverance*, n.85.

⁶⁷ CICLSAL, *The Gift of Fidelity and the Joy of Perseverance*, n.86.

⁶⁸ CICLSAL, *The Gift of Fidelity and the Joy of Perseverance*, n.86.

⁶⁹ CICLSAL, *The Gift of Fidelity and the Joy of Perseverance*, n.86.

⁷⁰ Pope Francis through his Apostolic Constitution *Pascite gregem Dei* on 23 May 2021 has amended Book VI of the Code of Canon Law and it is titled *Penal Sanctions in the Church*. In it, a few numbers, as well as content, have changed from the previous book VI of CIC. In the revised text of Book VI, of the 89 canons, 63 have been amended, 9 others moved while only 17 remain unchanged. A

thorough revision of the canons was made changing the order of many canons but without changing the total number of canons (canons 1311-1399). Some titles within the book have been modified. The delicts have been reordered so that their presentation is more organic. A separate section is introduced under the title, 'Offences against Sacraments' bringing together all the crimes and punishments related to sacraments.

⁷¹ CICLSAL, *The Gift of Fidelity and the Joy of Perseverance*, n.87.

⁷² CICLSAL, *The Gift of Fidelity and the Joy of Perseverance*, n.88.

⁷³ CICLSAL, *The Gift of Fidelity and the Joy of Perseverance*, n.89.

⁷⁴ Joseph Koonampampil, *Religious Life Today Challenges and Prospective*, 80.

⁷⁵ CICLSAL, *The Gift of Fidelity and the Joy of Perseverance*, n. 90.

⁷⁶ CICLSAL, *The Gift of Fidelity and the Joy of Perseverance*, n. 91.

⁷⁷ CICLSAL, *The Gift of Fidelity and the Joy of Perseverance*, n. 91.

⁷⁸ CIC c. 1398 § 1: Offences committed by clerics

A cleric is to be punished with deprivation of office and with other just penalties, not excluding, where the case calls for it, dismissal from the clerical state if he:

1° commits an offence against the sixth commandment of the Decalogue with a minor or with a person who habitually has an imperfect use of reason or with one to whom the law recognizes equal protection;

2° grooms or induces a minor or a person who habitually has an imperfect use of reason or one to whom the law recognizes equal protection to expose himself or herself pornographically or to take part in pornographic exhibitions, whether real or simulated;

3° immorally acquires, retains, exhibits or distributes, in whatever manner and by whatever technology, pornographic images of minors or of persons who habitually have an imperfect use of reason.

§2: Offences committed by a member of an Institute of Consecrated Life or of a Society of Apostolic Life

A member of an Institute of Consecrated Life or of a Society of Apostolic Life, or any one of the faithful who enjoys dignity or performs an office or function in the Church, who commits an offence in §1 or in can 1395 § 3 is to be punished according to the provision of can. 1336 §§ 2-4, with the addition of other penalties according to the gravity of the offence.

Can. 1398 § 1, 1°, 2°, 3°; § 2 (are new additions).

⁷⁹ JOSEPH KOONAMPAMPIL, *Religious Life Today Challenges and Prospective*, 81-82.

⁸⁰ BIJU VARGHESE PERUMAYAN, *The Oriental Code (CCEO and the Newly Revised Penal Law of the Latin Code (CIC) -A Review*, Dharmaram Canonical Studies 30, Bangalore: Institute of Oriental Canon Law, 2023, 51.

⁸¹ BIJU VARGHESE PERUMAYAN, *The Oriental Code (CCEO and the Newly Revised Penal Law of the Latin Code (CIC)*, 51.

⁸² CICLSAL, *The Gift of Fidelity and the Joy of Perseverance*, n. 91.

⁸³ CICLSAL, *The Gift of Fidelity and the Joy of Perseverance*, n. 92.

⁸⁴ CICLSAL, *The Gift of Fidelity and the Joy of Perseverance*, n. 93.

⁸⁵ CICLSAL, *The Gift of Fidelity and the Joy of Perseverance*, n. 93.

⁸⁶ CICLSAL, *The Gift of Fidelity and the Joy of Perseverance*, n. 94

⁸⁷ CICLSAL, *The Gift of Fidelity and the Joy of Perseverance*, n. 95

⁸⁸ CICLSAL, *The Gift of Fidelity and the Joy of Perseverance*, n. 95

⁸⁹ CICLSAL, *The Gift of Fidelity and the Joy of Perseverance*, n. 96.

⁹⁰ CICLSAL, *The Gift of Fidelity and the Joy of Perseverance*, n. 95.

⁹¹ CICLSAL, *The Gift of Fidelity and the Joy of Perseverance*, n. 96.

⁹² CICLSAL, *The Gift of Fidelity and the Joy of Perseverance*, n. 97.

⁹³ CICLSL, *The Gift of Fidelity and the Joy of Perseverance*, n. 93.

SEPARATION FROM INSTITUTES OF CONSECRATED LIFE: AN ANALYSIS OF THE SUBSTANTIVE AND PROCEDURAL LAW IN *CIC* AND *CCEO* WITH SPECIAL REFERENCE TO THE GUIDELINES *THE GIFT OF FIDELITY, THE JOY OF PERSEVERANCE*

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1.0 Introduction

The Guidelines published by the Congregation for the Institutes of Consecrated Life and Societies of Apostolic Life on 2 February 2020 entitled *The Gift of Fidelity, the Joy of Perseverance*¹ has created a lot of interest in understanding the ways in which separation of members from institutes of consecrated life and societies of apostolic life can take place. Definitive separation of consecrated persons can take place from their own institutes in the form of voluntary departure by getting the needed indult from the competent higher authority or through dismissal of the member by the authorities. Likewise, temporary and partial separation of members can take place by getting permission of leave of absence or exclaustation either requested and received as an indult or imposed through a decree. In addition to leave of absence and exclaustation, there is another type of partial separation called expulsion from an institute of consecrated life.²

These Guidelines of the Dicastery for the Institutes of Consecrated Life and Societies of Apostolic Life contain detailed presentation of substantive and procedural canon law, based on *CIC*, regarding dismissal of a member from an institute of consecrated life as well as the norms and *praxis curiae* regarding the indult of exclaustation as well as the imposed exclaustation through a decree of the higher authority. However, as the Dicastery is not competent to deal with similar matters pertaining to the consecrated persons belonging to institutes of consecrated life in the Eastern Catholic Churches, this Vatican document does not deal with the

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substantive and procedural law in *CCEO* on these matters. The present article is an attempt to deal with departures from institutes of consecrated life and societies of apostolic life based on *CIC* and *CCEO*. This article also presents the latest reform of Canon Law by Pope Francis that has indeed resulted in further changes to the norms and procedures enunciated in *The Gift of Fidelity, the Joy of Perseverance* (hereafter GFJP). In fact, after the publication of this document by the Dicastery, two *motu proprio* were promulgated by Pope Francis, namely, *Competentias Quasdam Decernere* dated 11 February 2022³ and *Expedit ut Iura* of 2 April 2023⁴, which have made changes both in the *CIC* and *CCEO* regarding the period of excommunication and the peremptory time limit available for the dismissed member to make hierarchical recourse.

2.0 Institutes of Consecrated Life vs Institutes of Religious Life

Although there was a suggestion to use the term “consecrated life” regarding religious, the Second Vatican Council rejected that proposal accepting the argument of certain Council Fathers that all baptized are consecrated and hence adopted the term “religious life” or *de religiosis* as the title of Chapter VI of *Lumen Gentium*, the Dogmatic Constitution on the Church, that dealt with those categories of persons who lived a life of special consecration and closer following of Christ who was obedient unto death, who was poor and who was celibate and chaste.⁵ However, the later Vatican Documents, especially, the Post-Synodal Apostolic Exhortation, *Vita Consecrata*, has indeed used the term “consecrated life” instead of “religious life,” to denote the same category of people in the Catholic Church.⁶ However, theologically and canonically, the term ‘consecrated life’ and the term ‘religious life’ do not signify the same thing. Whereas all religious are consecrated, not all those who belong to institutes of consecrated life are religious. Whereas the hall mark of religious is *fuga mundi* or fleeing from the world, there are institutes of consecrated life like Secular Institutes whose members do not *flee* from the world but remain in the world as the leaven of the world to sanctify the world.⁷ In fact, the very word ‘secular’ comes from ‘*saeculum*’ meaning world and ‘secular’ means of the world. The religious, although live in the world, they are not of this world as they are separated from this world, and to denote this separation, they wear the religious habit of their own religious institute. Moreover, in order to show this separation from the world, they also have a separated area called ‘enclosure’ in their religious houses. As the members of the Secular Institutes do not keep themselves away from the rest of humankind, they do not wear any religious habit, nor are they obliged to have an enclosure in their respective communities. Indeed, as consecrated persons, who are called to follow Jesus Christ who was poor, obedient and chaste, they too are to avoid all forms of luxury in their attire. However, they are free to wear any decent and comfortable dress that the people of the locality in which they live wear. However, this freedom is not available to members of religious institutes: they are duty-bound to wear their religious habit, whenever they appear in public, as per the norms of their proper law.

3.0 Religious State as a Separate State of Life in the Teachings of the Second Vatican Council and in the Codes of Canon Law

Although religious state as a separate state of life is repeatedly mentioned and acknowledged in the documents of the Second Vatican Council, very often there is a mistaken conception⁸ that those members of the religious institutes who are not ordained are to be considered among the lay persons. The source of such an understanding is *CIC* canon 207, which states thus:

§1. By divine institution, there are among Christian faithful in the Church sacred ministers who in law are also called clerics; the other members of the Christian faithful are called lay persons.⁹ §2. There are members of the Christian faithful from both these groups who, through the profession of evangelical counsels by means of vows or other sacred bonds recognized and sanctioned by the Church, are consecrated to God in their own special way and contribute to the salvific mission of the Church; although their state does not belong to the hierarchical structure of the Church, it nevertheless belongs to its life and holiness.

It is true that the first paragraph of *CIC* c. 207 gives the impression that those who are not in sacred orders are to be considered as lay persons. However, this is a mistaken understanding and interpretation of that canon. In the Apostolic Constitution *Sacrae Disciplinae Leges*, by which Pope John Paul II promulgated the *Code of Canon Law* of 1983, we read thus:

The instrument which the Code is fully corresponds to the nature of the Church, especially as it is proposed by the teaching of the Second Vatican Council in general and in a particular way by its ecclesiological teaching. Indeed, in a certain sense this new Code could be understood as a great effort to translate this same council doctrine and ecclesiology into *canonical* language. If, however, it is impossible to translate perfectly into *canonical* language the conciliar image of the Church, nevertheless the Code must always be referred to this image as the primary pattern whose outline the Code ought to express insofar as it can by its very nature.¹⁰

In other words, the *Code of Canon Law* as well as the *Code of Canons of the Eastern Churches*, which contain the post-Vatican reformed canon law of the Catholic Church, are the result of the attempt to translate into legal language the very teachings of the Second Vatican Council, and hence one of the most important hermeneutical principles to be employed in understanding the canons of both codes is to look into the documents of the same Council and to harmonize the meaning wherever there are apparent discord between canon law and the teachings of the Second Vatican Council, and in this process, the primacy shall be given to the conciliar teachings. In fact, there is an apparent discord between *CIC* c. 207, §1 and *Lumen Gentium*, the Dogmatic Constitution of the Second Vatican Council on the Church. *Lumen Gentium*, 31 reads thus:

Under the title of laity are here understood all Christ's faithful, except those who are in sacred orders or are members of a religious state that is recognized by the Church; that

is to say, the faithful who, since they have been incorporated into Christ by baptism, constitute the people of God and, in their own way made sharers in Christ's priestly, prophetic and royal office, play their own part in the mission of the whole Christian people in the Church and in the world.

The laity have their own special character which is secular. For, although those in sacred orders can be engaged in secular activities, even practicing a secular profession, they are by reason of their particular vocation principally and professionally ordained for the sacred ministry, while religious by their state give noble and outstanding witness to the fact that the world cannot be transformed and offered to God without the spirit of the beatitudes.¹¹

Although *LG 31* does not directly deal with religious state, in fact, through it the conciliar fathers have made it amply clear that those who are members of religious institutes cannot be considered as part of laity. In fact, while lay persons are called to live in this world and to work there fully engaged in worldly affairs, as their own special character is secular, the religious are called to witness to the life after this world and to show the world that the life does not end with this world. Those who are in the religious state are called to live in this world, while showing their separateness from this world, by living as though not of this world. Hence, according to the teachings of the Second Vatican Council, the religious state (*status religiosus*) is a separate state, and it cannot be understood as part of the lay state.

Christus Dominus, the decree of the Second Vatican Council on the pastoral office of bishops in the Church, too, explicitly presents the Christian faithful as belonging to three different states of life: "Committed as they are to the perfection of others, bishops should be zealous in promoting the holy living of their clergy, religious and laity according to each one's particular vocation, bearing in mind that they themselves are obliged to show an example of holiness in charity, humility and simplicity of life" (*CD*, 15).¹² From these two conciliar texts, it is evident that those who are members of religious institutes recognized as such by competent ecclesiastical authorities are not part of laity and they have a unique state of life called religious state. This fact is very well articulated in *CCEO*¹³ cc. 399 and 410:

The designation of "lay persons" is applied in this Code to the Christian faithful whose proper and specific quality is secularity and who, living in the world, participate in the mission of the Church, but are not in sacred orders nor ascribed in the religious state (*CCEO* c. 399).

The religious state is a stable manner of living in common in an institute approved by the Church, by which the Christian faithful, more closely following Christ, Teacher and Exemplar of Holiness, under the influence of the Holy Spirit, are consecrated by a new and special title through the public vows of obedience, chastity and poverty, observed in accord with the norm of the statutes under a legitimate superior, renounce

the world and totally dedicate themselves to the attainment of perfect charity in the service of the Kingdom of God for the building up of the Church and the salvation of the world as a sign of foretelling of heavenly glory (CCEO c. 410).

Although there are some canonists who highlight the apparent difference in *CIC* c. 207 and in *CCEO* c. 399 and argue that in the *CIC* there is a bipartite division of Christian faithful whereas in the Eastern Code there is a tripartite division,¹⁴ in reality, the apparent bipartite presentation of the believers in *CIC* must be interpreted and understood according to the tripartite understanding of the Second Vatican Council because those teachings are not optional for the Latin Church. To conclude, in both Codes as well as in the teachings of the Second Vatican Council, the baptized Catholics belong to three separate states of life, namely, clerical, religious or lay states. In this context, it is to be noted that those members of institutes of consecrated life who are not religious belong either to clerical or lay state. For example, members of secular institutes come under lay state, if they are not clerics. However, it is impossible to consider or call someone as lay religious because religious state and lay state are mutually exclusive, because of the very nature of their call. There can be religious who have received sacred orders and then they are called religious clerics or religious priests. Those who are in sacred orders but not members of any religious institutes are called secular priests. However, those religious who do not have sacred orders are not lay religious, according to the teachings of the Second Vatican Council. Hence, it must be considered as unfortunate and inaccurate the term “lay members” used by the Congregation (now called Dicastery) for the Institutes of Consecrated Life and Societies of Apostolic Life in its document “*The Gift of Fidelity, the Joy of Perseverance*” to denote non-clerical members of religious institutes (cf. n.65).

In the Eastern Code, there is a special category of institutes of consecrated life called “Societies of Common Life According to the Manner of Religious” (cf. *CCEO* cc. 554-562). Members of these Societies are considered as religious as per canon law (*CCEO* c. 554, §3) although they only imitate religious life to a certain degree. There is no counterpart to this category in the Latin Code. Even members of such institutes cannot be called lay religious, in case they are not clerics, since *CCEO* clearly states that “in what pertains to canonical effects” they are equivalent to religious. The Society of *Krishnu Dasis* (SKD) of Kerala is an example of such a Society. Among men, Vincentian Congregation (VC) and Society of the Oblates of the Sacred Heart (OSH) of the Archeparchy of Kottayam too come under this category.

4.0 Separation from Institutes of Consecrated Life

A person becomes a member of an institute of consecrated life by the profession of three evangelical counsels according to the proper law of the institute. Such a consecrated person is perpetually incorporated as a member through perpetual profession of vows or a sacred bond. However, a member can leave the same institute voluntarily or can even be dismissed from it for various reasons. In addition to such a definitive departure, there are also various possibilities of temporary or partial separation from institutes of consecrated life.

4.1 Partial or Temporary Separation from Institutes of Consecrated Life

Partial or Temporary separation from institutes of Consecrated Life can take place in three different ways, namely, through leave of absence, exclaustation or expulsion. In partial or temporary separation, the member continues to be a member of the institute. However, some of the rights and duties of the members are changed during the period of separation.

4.1.1 Leave of Absence

Leave of Absence from an institute of religious life, technically called *extra domum* permission, comes under the category of temporary separation and it is a *pro gratia* separation, meaning a favor from the competent authority, and it does not mean a leave from all obligations undertaken by the member. In fact, it is only a permission to live outside the community for a definitive period, that is not more than one year, in case it is not for studies or medical treatment. The member continues to hold the membership in the local community of ascription together with the membership in the province, if the institute is divided into provinces, and in the institute itself. The vows of obedience, chastity and poverty are not mitigated, and the member is dutybound to submit his/her accounts of income and expense to the local superior, as per the prevailing norms of the institute. The member, in turn, has the right to get all necessary assistance including medical during the period of leave of absence. In fact, community life is an essential element of religious life. However, the leave of absence permits the member to live outside the community. *CIC* c. 665, §1 stipulates thus: “Observing common life, religious are to live in their own house and are not to be absent from it except with the permission of their superior. If it concerns a lengthy absence from the house, however, the major superior, with the consent of the council and for a just cause, can permit a member to live outside a house of the institute, but not for more than a year, except for the purpose of caring for ill health, of studies, or for exercising an apostolate in the name of the institute.”

In fact, the frequent use of this permission is to take care of an ailing parent. In such cases, the major superior can give such a permission only with the consent of his/her council and it cannot be for more than one year. In such cases, the member must make a written petition and the permission letter by the Major Superior must contain details regarding expenses and other obligations during the period of leave. There is no need to petition for a leave of absence when the competent authority has taken the decision to send a member for studies or for an apostolate outside the community.

Leave of absence is also mentioned in *CCEO* c. 478: “The superior of monastery *sui iuris* can permit members to live outside the monastery for a time determined in the typicon. However, for an absence which exceeds one year, unless it is for the purpose of studies or ill health, the permission of the authority to which the monastery is subject is required.” Although this canon is regarding monasteries, *CCEO* c. 550 stipulates, regarding Orders and Congregations, that if a member does not return “within the time prescribed by the statutes”, he/she must be punished.

Leave of absence is given for a reason and for a fixed period, and when the reason ceases this permission also ceases to exist and the member shall return to the religious community. Whereas it is advisable for the Major Superior to inform about the leave of absence granted to a non-clerical member to the local bishop of the place where the religious is going to live, it is obligatory for him to inform the bishop of the place, in case of a religious in holy orders.

4.1.2 Exclaustration

Exclaustration refers to the absence from community life, or a permission to live outside the *clausura* or enclosure: “Exclaustration is the absence from common life of a perpetual professed member, who, while remaining a member of the Institute, is authorized by the competent Superior to reside outside the community” (GFJP, 70).

Madeleine Ruessman has described exclaustration thus:

The word “exclaustration” derives from two Latin words, “*ex*” and “*claustrum*” together meaning “out of cloister” or “out of the enclosure”. Under both the 1917 Code and the 1983 Code, however, “cloister” does not refer to a religious house or religious institute, but to a specifically designated and reserved space in a religious house. Likewise, under both Codes, the term “exclaustration” does not refer to a religious temporarily not living common life with his fellow religious, i.e., living outside of any

religious house of his institute, by the permission or order of the competent authority, and with a consequent suspension of some obligations and rights as a member of his institute.¹⁵

4.1.2.1 Indult of Exclaustration or Requested Exclaustration

Exclaustration can be either requested or imposed. When a member requests, the indult of exclaustration can be granted by the competent authority, for a period up to five years, as per the *motu proprio* of Pope Francis entitled *Competentias Quasdam Decernere*.¹⁶ According to *CIC*, the competent authority is the Supreme Moderator of the religious institute except in case of nuns in contemplative orders, whereas in *CCEO*, this competence is vested upon the external authority on which the religious institute depends. Thus, according to the Eastern Code, in pontifical right religious institutes, the indult of exclaustration is granted by the Dicastery for the Eastern Churches, and in Major Archepiscopal or Patriarchal right religious institutes, it is the right of the Major Archbishop or Patriarch and in the eparchial right religious institutes, it is the right of the eparchial bishop to grant this indult.

This indult can be granted only to members who have made perpetual profession in a religious institute. Just because a member petitioned for the indult, it cannot be granted. The fact that it is an “indult” or favor implies that the member has no right to get it. It denotes a higher level of separation from the religious institute, and it requires a “grave cause”. *CIC* c. 686 stipulates thus:

§1. With the consent of the council, the supreme moderator for a grave cause can grant an indult of exclaustration to a member professed by perpetual vows, but not for more than five years¹⁷ and if it concerns a cleric, with the prior consent of the ordinary of the place in which he must reside. To extend an indult or grant it for more than five years is reserved to the Holy See, or to the diocesan bishop if it concerns institutes of diocesan right. §2. It is only for the Apostolic See to grant an indult of exclaustration for nuns.

The parallel canon in the Eastern Code, namely, *CCEO* c. 489, does not explicitly mention the requirement of a “grave cause”. In fact, *CIC* 1917 c. 638 too did not contain such a requirement. Commenting on this difference, Jobe Abbass observes: “The absence of this prerequisite in the Eastern norms effectively avoids any interpretative difficulty that could arise in determining what exactly constitutes a “grave reason” for granting the indult of exclaustration.”¹⁸ However, this indult is not something that can be given very generously. That is why *CCEO* has legislated that only the external authority on which the religious institute depends can grant such an indult. *CCEO* c. 489 reads thus:

§1. The indult of exclaustration can be granted only to a member of a monastery *sui iuris* who is in perpetual vows. When the member himself or herself petitions, the

indult can be granted by the authority to whom the monastery is subject, after having heard the superior of the monastery *sui iuris* along with the council. §2. The eparchial bishop can grant this indult only for up to five¹⁹ years.

CCEO c. 548 has identical legislation regarding orders and congregations, and it reads thus:

§1. An indult of exlaustration can be conceded by the authority to which the order or congregation is subject, having heard the superior general along with his or her council; the imposition of exlaustration is made by the same authority, at the petition of the superior general with the consent of his or her council. §2. In other respects, cann. 489-491 are to be observed regarding exlaustration.

To grant the indult of exlaustration by the external authority on which the religious institute depends, the only requirement stipulated in the Eastern Code is that the competent authority must hear the Superior General and his/her Council. It is to be noted that the consent of the Superior General is not needed. However, according to *CCEO* c. 934, if the indult is granted by the competent authority without hearing the Superior General and his/her Council, the juridic act will become invalid: “if counsel is required, the juridic act of an authority who does not consult those persons are invalid” (*CCEO* c. 934, §2, 2°). This consultation can be done even through a telephone call, and it need not be in writing. But it is preferable to have the obligatory consultation in writing as it is difficult to establish that the consultation indeed took place, if it is done orally.

The petition for the indult of exlaustration must be addressed to the authority which is competent to grant the indult. Hence, according to *CIC*, it must be addressed to the Supreme Moderator and sent either directly or through one’s own Provincial Superior to him or her. According to *CCEO*, on the contrary, it must be addressed to the Dicastery for the Eastern Churches, if the religious institute is of pontifical right and to the Major Archbishop/Patriarch or Eparchial Bishop if the institute is of Major Archiepiscopal/Patriarchal Right or of Eparchial Bishop. However, it must be sent through the Provincial Superior or Superior General. The Superior General, on the other hand, shall obtain first the *votum* of the provincial administration before presenting this petition to his or her Council for its considered opinion. The Superior General, then, shall forward the petition with his/her *votum* and that of the Council to the competent authority. The Superior General can either recommend or object to the granting of the indult. However, it is unlawful for him/her to decide not to forward the petition to the granting authority, and in case it happens, it is to be considered as abuse of power or negligence of duty, punishable according to *CIC* c. 1389 or *CCEO* c. 1464. In case the Superior General refuses to forward the petition to the higher authority, then after ninety days period, the petitioner may approach the granting authority directly (cf. *CIC* c. 57, *CCEO* c. 1518).

The petition must contain the reasons for the request that can help the granting authority to reach the moral certainty that there is sufficient reason to grant it and that it is needed for the salvation of soul of the petitioner in the given context (cf. *CIC* c. 1752). Moreover, the petition must also contain the details like where the member plans to live during the period and what he or she plans to do and how he or she plans to finance his or her period of exclaustation. In case of clerics, in addition, a letter from the bishop of the place is a must also be obtained by the petitioner for the petition to be considered.

The consequences of the indult of exclaustation are the following:

An exclaustated member is considered freed from the obligations which cannot be reconciled with the new condition of his or her life, yet remains dependent upon and under the care of superiors and also of the local ordinary, especially if the member is a cleric. The member can wear the habit of the institute unless the indult determines otherwise. Nevertheless, the member lacks active and passive voice (*CIC* c. 687).

The exclaustated member remains bound by the vows and the other obligations of monastic profession that can be reconciled with his or her state; the member must put off the monastic habit; during the time of exclaustation he or she lacks active and passive voice and is subject to the eparchial bishop of the place where he or she resides, in place of the superior of his or her monastery also in virtue of obedience (*CCEO* c. 491).

Whereas the Eastern Code explicitly prohibits the exclaustated member from wearing the religious habit, the Latin Code leaves that to the discretion of the Supreme Moderator of the institute to decide. Both codes make it clear that during the period of exclaustation, the member loses active and passive voice within the religious institute. In short, during the period of exclaustation, the member is bound by the vow of chastity. However, the obligations arising from the vows of poverty and obedience are mitigated. *CCEO* clarifies that by virtue of the vow of obedience, the member obeys the eparchial bishop during the period of exclaustation. An exclaustated member loses his or her ascription to the local community. However, his or her ascription to the province and the institute remains intact and it is the duty of the Provincial Superior and/or Superior General to “ensure an attentive accompaniment and, where necessary, an adequate financial support for the exclaustated member” (GFJP, 72). On the other hand, the exclaustated member “is obliged to observe the proper law of the Institute in everything that is not incompatible with the new condition of his or her life” (GFJP, 72).

Exclaustation is a legal instrument envisaged and made available by the Supreme Pontiff for the members of religious institutes in crisis, who feel that they cannot live anymore in the institute but are not yet sure whether to leave the institute or not. As it is a legal instrument sanctioned by canon law, such a petition does not

make the petitioner a criminal and someone who has done something undesirable. Hence, the attitude of others towards the petitioning member must be one of care and understanding and not of condemnation. A religious who feels, after considering diligently the matter before the Lord, with the help of spiritual director and confessor, that he or she needs a break, has every right to petition for such an indult. However, the competent authorities also have the duty to search for other possibilities before recommending or granting such an indult, which is in fact, a sort of separation from the religious institute.

4.1.2.2 Decree of Exclaustration or Imposed Exclaustration

A religious, whose life in the institute has become a problem for the institute, but not yet grave enough to initiate the process of dismissal, can be presented to the external authority by the Supreme Moderator with the consent of his or her council, with the recommendation to impose exclaustration. The competent external authority is not obligated to accept the recommendation and emanate the decree of exclaustration. However, when the *ACTA* of the case give moral certainty that there is no other better option available in the given context, this possibility is available in canon law. *CIC* c. 686, §2 stipulates thus:

At the petition of the supreme moderator with the consent of the council, exclaustration can be imposed by the Holy See on a member of an institute of pontifical right, or by a diocesan bishop on a member of an institute of diocesan right, for grave causes, with equity and charity observed.

The Eastern Code has identical legislation in this regard (cf. *CCEO* cc. 490, 548). “This is a disciplinary measure adopted in exceptional cases, to protect the good of the community or of the member, when particular difficulties hinder fraternal life, prevent the exercise of common ministry of the Institute, or create constant difficulties in apostolic action” (GFJP, 73). “The member must be informed of the Supreme Moderator’s intention to ask for imposed exclaustration, the reasons and the evidence against him or her, with respect to the right of defense” (GFJP, 73). As it is a decree, its acceptance by the member is not required for it to come into force. However, the member can challenge it through remonstration or simple recourse (cf. *CIC* c. 1734, *CCEO* c. 999), and thereafter through hierarchical recourse (cf. *CIC* c. 1736, *CCEO* c. 1000), which do not have suspensive effect, as it is not a penal nor dismissal decree.

4.1.3 Expulsion

As an emergency measure, in extraordinary circumstances, a religious can be expelled from his or her community by the major superior or even by the local superior. This expulsion is not equal to dismissal and the expelled member continues to keep his or her membership in the Institute. This expulsion does not imply that

the member is seriously culpable of certain actions. Here priority is not given to the individual, but to the good of the community. Hence, it is the duty of the competent higher authority to investigate the matter as early as possible and if the expelled member is found guilty, then other appropriate disciplinary measures, not excluding that of dismissal proceedings, are taken. However, if the member is found innocent, he or she must be reinstated in one of the communities of the institute. *CIC* c. 703 and *CCEO* c. 498 have stipulated thus regarding expulsion of a member from an Institute:

In the case of grave external scandal or of most grave imminent harm to the institute, a member can be expelled immediately from the religious house by the major superior or, of there is danger of delay, by the local superior with the consent of the council. If necessary, the major superior is to take care to begin the process of dismissal according to the norm of law or is to refer the matter to the Apostolic See (*CIC* c. 703).

§1. After divesting himself or herself of the monastic habit, a member who is the cause of imminent and most grave external scandal or harm to the monastery can be expelled immediately by the superior of the monastery *sui iuris* with the consent of the council. §2. The superior of the monastery *sui iuris*, if the case warrants, is to take care that the dismissal process progresses in accord with the norm of law or defer the matter to the authority to which the monastery is subject. §3. A member expelled from the monastery, who has been constituted in a sacred order, is forbidden to exercise the order unless the authority to which the monastery is subject decides otherwise (*CCEO* c. 498).

4.2 Definitive Separation or Departure from Institutes of Consecrated Life

Definitive Separation of a member from an institute of consecrated life can take place either through transfer from one institute of consecrated life to another, or through voluntary departure or through dismissal.

4.2.1 Transfer from One Institute to Another

Both *CIC* and *CCEO* permit a perpetually professed member to transfer from his or her own institute of consecrated life to another, under certain conditions.²⁰ “The transfer to another Institute occurs when a perpetually professed member leaves his or her own Institute to be incorporated into another, without causing the interruption of the profession of religious vows. ... The transfer is a *pro gratia* concession: it is to be requested by the member and cannot be imposed. The request has to be adequately motivated. The concession is subject to the evaluation and discretionary decision of the Supreme Moderator of both the Institute to which the member belongs and of the Institute to which he or she wishes to transfer, with the consent of the respective Councils” (GFJP, 69). If the transfer is from a religious institute to a secular institute or vice versa, the permission of the Apostolic See is also necessary. *CIC* cc. 684-685 and *CCEO* cc. 487-478 and 544-545 contain the

detailed norms that govern transfer from one institute to another. GFJP 69 has presented them in summary fashion based on *CIC* canons:

Once the consent to the transfer is obtained, the member concerned spends a probationary period of at least three years in the new Institute. The beginning and duration of the probationary period must be determined by the Supreme Moderator of the new Institute. The Supreme Moderator or the proper law will also determine the location and the activities to be carried out. During the probationary period, the member remains incorporated in the original institute; his or her condition is similar to that of a member of temporary vows while being required to observe the regulations of the new Institute. The probationary period does not take the form of a new novitiate. If the member refuses to make perpetual profession in the new Institute, or is not admitted by the Superiors, he or she is to return to the Institute to which he or she belongs. At the end of the probationary period, having made perpetual profession, the member is *ipso iure* incorporated into the new Institute.

The Eastern Code stipulates further that “the one who transfers must go through the entire novitiate” or at least six months (*CCEO* c. 545, §). And in all cases, the approval of the Apostolic See is obligatory, unless it is a case of a transfer within the territorial boundaries of a patriarchal or major archiepiscopal Church. In case of a “transfer from a congregation of eparchial right to another religious institute of eparchial right,” the “written consent of the eparchial bishop of the place where the principal house of the religious institute is located, to which the transfer is made, after having consulted the superior general of the congregation from which the transfer is made, and with the consent of the superior general of the congregation or the superior general of the monastery *sui iuris* to which transfer is made” (*CCEO* c. 544, §2).

4.2.2 Indult to Leave or Voluntary Departure

CIC cc. 688-693 enlists various scenarios of definitive departure of a member from his or her institute of consecrated life, like (1) the departure of a member of temporary vows, of his or her own free will, upon the expiration of vows (c. 688, §1) or during the time of temporary profession (c. 688, §2); (2) the departure of a member of temporary profession of vows at the request of the Institute (c. 689), (3) the departure of a perpetually professed member (c. 691), and (4) the departure of a member who is a cleric. Likewise, *CCEO* cc. 493-494 as well as c. 549 have legislations in this matter. In GFJP nos. 74-80, we get the summary of these norms based on *CIC*.

4.2.2.1 Voluntary Departure of a Temporary Professed Member

A temporary professed member may leave the Institute freely at the expiration of his or her vows (cf. *CIC* c. 688, §1; *CCEO* c. 546, §1). “For a grave reason, a temporary professed member may leave the Institute or the Society even during the

time in which he or she is bound by the vows. In this case, he or she must submit the request to the Supreme Moderator, who grants the indult, with the previous consent of the Council” (GFJP, 75; cf. *CIC* c. 688, §2; *CCEO* c. 546, §2).²¹ Likewise, the competent authority within the Institute or Society can exclude a member from making a subsequent profession. *CIC* c. 689 stipulates thus:

§1. If there are just causes, the competent major superior, after having heard the council, can exclude a member from making a subsequent profession when the period of temporary profession has been completed. §2. Physical or psychic illness, even contracted after profession, which in the judgement of experts renders the member mentioned in §1 unsuited to lead the life of the Institute constitutes a cause for not admitting the member to renew profession or to make perpetual profession, unless the illness had been contracted through the negligence of the institute or through work performed by the institute. §3. If, however, a religious becomes insane during the period of temporary vows, even though unable to make a new profession, the religious cannot be dismissed from the institute.²²

4.2.2.2 Indult of Departure for a Perpetually Professed Member

Legally, perpetual profession indicates the irrevocable decision of a consecrated person to remain as a member of the institute of consecrated life till death. However, human person is fragile and imperfect, and he or she may later realize that either he or she has lost his or her vocation to lead such a life or, in fact, he or she never had such a vocation. In such a situation, canon law of the Catholic Church permits such a member to petition for the indult to leave his or her institute definitively. It means that the Church never compels anyone to continue to live consecrated life against his or her will. In other words, a perpetually professed member can leave the institute and can get the dispensation from the vows taken in the religious institute, by getting the indult to leave the Institute of Consecrated Life and the dispensation from the vows.²³ *CIC* cc. 691-692 as well as *CCEO* cc. 492-493 and 549 have legislated in detail regarding this matter. Summarizing the process, GFJP 78 presents it thus based on *CIC* canons:

A member definitively incorporated in the Institute or the Society may request an indult of departure. This must be motivated by *very grave reasons (causas gravissimas) weighed before God*. Such a radical decision requires serious reflection:

- by the member — who has committed himself or herself to living the vocation with fidelity and perseverance —, with the help and advice of prudent and experienced persons;
- by the Major Superiors who must give instructions or the procedure for granting the indult of departure;
- by the authority competent to grant the indult.

The authorities competent to grant the indult of departure are: the Holy See²⁴ for Institutes of Consecrated life and Societies of Apostolic Life of Pontifical Right and Monasteries; the diocesan bishop, in whose diocese the house to which the member

is assigned is located, for Institutes of Consecrated Life and the Societies of Apostolic Life of diocesan right (c. 691, §2).

Two points need mention in the above-given norms: (1) The internal authorities, including the Supreme Moderator, cannot grant such an indult; (2) In a diocesan right institute of consecrated life, the bishop of the place where the principal house of the institute is situated, and on whom the institute depends, and who approves the election of the Supreme Moderator as well as the Constitutions, and whose approval is obligatory for the dismissal of a member, need not have any role in granting such an indult. It can be granted by the bishop of the place where the member has domicile.

GFJP 78 continues thus:

The member presents the request for the indult of departure to the Supreme Moderator, who forwards it to the competent authority together with his or her own opinion and that of the Council (c. 691). Major Superiors of a Province or an equivalent part of the Institute (cf. c. 620), especially in internationally organized Institutes, express their own motivated opinion about granting the indult of departure to the Supreme Moderator. ... The competent Superior first of all evaluates the validity and gravity of the reasons given by the member, for his or her good, for the good of the Institute and that of the Church. The Supreme Moderator, with the Council, is called to express an opinion on the request, which has to be forwarded to the competent authority, even if such an opinion would be contrary to the concession of the indult.

It is to be noted that the Supreme Moderator, who has received the petition from the member for the indult to leave the Institute, addressed to the competent authority, has no right to keep the petition without forwarding it to the higher authority, even if he or she objects to the granting of the indult. If the Institute is divided into provinces, he or she must ask for the *votum* of the concerned Provincial Superior and his or her Council, before placing the matter for the consideration of the General Council. After having evaluated the considered opinion of the provincial administration, the General Council puts in writing the opinion of the Council to be forwarded to the granting authority with a covering letter of the Supreme Moderator, where he or she is expected to write his or her own personal opinion regarding the petition. The granting authority can validly and licitly grant the pleaded indult, even if, the General Administration has objected to grant such an indult. In this context, one must bear in mind that an unwilling person cannot be compelled to remain in any institute of consecrated life and hence, where there are sufficient grounds presented by the petitioner, the granting authority must look into those arguments and not to the objection of the Supreme Moderator, who might have placed his or her objection to the petition based on the concerns to diminishing membership in the Institute. This author has information, albeit

indirect, that a Supreme Moderator of a religious congregation of pontifical right has refused to forward such a petition for the indult of departure to the Apostolic See and has telephoned and told the petitioner that it is the policy of his administration not to grant any such indults to any of the members. It is evident that such policies are unlawful and such major superiors can be denounced before the Apostolic See for abuse of power and negligence of duty (cf. *CIC* c. 1389, *CCEO* c. 1464).

The very fact that a petitioner has pleaded for the indult to leave the institute and the competent authority has granted such an indult, does not in itself make it obligatory for the member to leave the institute or lose his or her membership. It is an indult and it means that it is a favor. A favor requested and granted becomes effective only when it is accepted by the one who received it. GFJP 78 explains it thus:

Notification of the indult of departure must be made to the member who requested it by the Superiors directly or by the Dicastery. The notification implies that the granting of the indult is brought to the attention of the person concerned, drafted in writing or communicated orally before witnesses, so that it can be proven. Upon notification, the member has the right to refuse the indult (c. 692), in which case it has no effect. Once lawfully notified, the indult of departure from the Institute, by virtue of the law itself, carries with it the dispensation from all duties and rights arising from profession in the Institute.

According to *CIC*, the indult of departure of a cleric member is granted only when the member has submitted the letter from a benevolent bishop who expressed his willingness to accept this priest into his Diocese/Eparchy at least *ad experimentum* (*CIC* c. 693). *CCEO* c. 494, §1 has legislated differently in this regard: “If the monk who is in perpetual vows and sacred orders has obtained the indult to leave the monastery and return to the world, he cannot exercise sacred orders until he has found a benevolent eparchial bishop to receive them.” *CCEO* c. 549, §3 has clarified that regarding the indult of departure of a cleric member belonging to an order or a congregation, can. 494 is applicable.

4.2.3 *Dismissal from the Institute*

A person becomes a member of an institute of consecrated life by the profession of evangelical counsels of obedience, chastity, and poverty. In short, the candidate promises to abide by the proper law of the Institute and makes the petition to be admitted to profession of vows or a sacred bond in the Institute or Society and the competent authority within the Institute or Society admits him or her first to temporary profession and thereafter to perpetual profession or incorporation, with the hope that the candidate will abide by the promise. However, it may occur that a member would fail to fulfil the obligations undertaken at the time of profession or incorporation in a very grave matter or repeatedly in grave matters and his or her

presence within the Institute or Society becomes odious to it and for the member. In such a situation, dismissal of the member is a possibility envisaged by law. GFJP 80 explains it thus: “Dismissal consists in the definitive separation of a member from the Institute of Consecrated Life or from the Society of Apostolic Life. It is imposed by the Institute or by the Society against the will of the member and presupposes serious violations of the state of consecrated life and requires a rigorous procedure.”

Whereas *CIC* presents *ipso facto* dismissal (c. 694), *obligatory* dismissal (c. 695) and *facultative* or *discretionary* dismissal (c. 696), the Eastern Code has canons on *ipso iure* dismissal (*CCEO* c. 497) and *facultative* dismissal (*CCEO* c. 500; see also, *CCEO* cc. 551-553).

4.2.3.1 *Ipso Facto* or *Ipso Iure* Dismissal

“The *ipso facto* dismissal (c. 694) takes place by the very fact of having committed a specific violation of canon law. In such cases the member is no longer a member of the Institute or the Society; the intervention of the competent Superior is limited to the declaration of the fact” (GFJP 81). *CIC* c. 694 stipulates thus:

§1. A member must be held as *ipso facto* dismissed from an institute who: 1° has defected notoriously from the Catholic faith; 2° has contracted marriage or attempted it, even only civilly. §2. In these cases, after the proofs have been collected, the major superior with the council is to issue without any delay a declaration of fact so that the dismissal is established juridically.

CCEO c. 497 has similar legislation, but instead of using *ipso facto*, it uses the term *ipso iure*.²⁵ The canon reads thus:

§1. A member must be held dismissed from a monastery by the law itself, who: 1° has publicly rejected the Catholic faith; 2° has celebrated marriage or attempted it, even only civilly. §2. In these cases, after the proofs have been collected, the superior of the monastery *sui iuris*, having consulted the council, is to issue a declaration of the fact so that the dismissal is established juridically, and, as soon as possible, the superior is to notify the authority to which the monastery is immediately subject about the matter.

Regarding the terminological difference between *CIC* c. 694 and *CCEO* c. 497, Jobe Abbass has observed thus:

Since the dismissal described in these canons is evidently declared by virtue of the law itself and not the accomplished fact, it would seem that the expression *ipso iure* is more precise. Then according to the Latin norm, the automatic penalty of dismissal is incurred if the religious has notoriously defected (*notorie defecerit*) from the Catholic faith. In the corresponding Eastern norm, the penalty is incurred if the member has publicly rejected (*publice abiecit*) the Catholic faith. When compared terminologically in view of the elements required for the delict of abandoning the faith to be established, *CCEO* canon 497 §1 would seem to be more favourable to the person accused (*reo favorabilior*) since, as has been argued, “it takes more to ‘throw away’ the faith (*abicere*) than simply to ‘fall away’, or ‘cease’ from it (*deficere*).²⁶

Pope Francis, through his Apostolic Letter *motu proprio* called *Communis Vita*,²⁷ has introduced a third *ipso facto* dismissal for religious, for which there is no counterpart in the Eastern Code. Thus, “a prolonged unlawful absence from the religious house lasting at least twelve consecutive months, if the religious turns out to be untraceable,”²⁸ is *ipso facto* dismissed from the religious institute. In fact, article one of *Communis Vita* has modified *CIC* c. 497 in its entirety, and it reads thus now:

§1. A religious must be held as dismissed *ipso facto* from an institute who: 1) has defected notoriously from the Catholic faith; 2) has contracted marriage or attempted it, even only civilly; 3) has been illegitimately absent from the religious house, pursuant to can. 665 §2, for 12 consecutive months, taking into account that the location of the religious himself or herself may be unknown. §2. In such cases the Major Superior, with his or her Council and without hesitation, having gathered the evidence, must issue the statement of the case so that the dismissal may be juridically constituted. §3. In the case envisaged by §1 n. 3, in order to be juridically constituted, this statement must be confirmed by the Holy See; for institutes of diocesan right the confirmation rests with the Bishop of the principal See.

GFJP 84 clarifies that “the person whose home address or at least place of residence is known is considered to be available; as is the person who has communicated his or her address/place of residence. A person is to be considered unable to be contacted if one knows only: a telephone number; an e-mail address; a profile on social networks; a fictitious address.”

4.2.3.2 Obligatory Dismissal

In *CIC*, there is a canon on obligatory dismissal for which there is no parallel in *CCEO*. *CIC* c. 695, §1 stipulates obligatory dismissal for a member, for any of the crimes of murder, kidnapping and abduction, mutilation and grave wounding of a person (cf. *CIC* c. 1397), abortion (cf. *CIC* c. 1398), concubinage or another external sin against the sixth commandment of the Decalogue (*CIC* c. 1395, §1), committed by him or her. This dismissal is in addition to the canonical penalties stipulated in penal law for such delicts. According to *CIC* c. 695, §1, regarding the delicts mentioned in *CIC* c. 1395, §2, the “Superior must proceed with the dismissal, unless he or she estimates it opportune to provide for the member’s amendment in another way, for the restoration of justice and the reparation of scandal (c. 695, §1).”²⁹ It is to be noted that after the promulgation of the Apostolic Constitution *Pascite Gregem Dei*,³⁰ *CIC* c. 1395, has three paragraphs instead of two and hence what is stipulated in c. 695, §1 is to be understood and equally valid for both c. 1395, §2 and §3.

Regarding the procedure to be followed in cases of obligatory dismissal, GFJP 92 stipulates thus:

The competence to proceed in cases of obligatory dismissal lies with the Major Superior (c. 620), assisted by the notary. Disciplinary action is not subject to time limits as are criminal actions (c. 1362). Therefore, even if the crime is prescribed, disciplinary

action, by reason of c. 695 §1, must always be instructed. Upon receiving a complaint or the news of actions likely to be criminal, the competent Superior:

- Collects the evidence concerning the facts and the imputability of the offense;
- If he or she reaches moral certainty about the truth of the facts and their imputability for malice or negligence, he or she notifies the member to be dismissed of the accusation and the evidence, giving him the possibility to defend himself;
- Transmits all acts to the Supreme Moderator.

It is to be noted that, as per canon law, the Superior is not dutybound to follow the preliminary investigation procedure stipulated in *CIC* cc. 1717-1719, albeit GFJP 92 stating that “the Major Superior can adopt” it. In the considered opinion of this author, if the penal process was already completed and the member was found guilty in that process and the punishment has already been imposed by the competent authority, then the Superior need not follow the canons on preliminary investigation. In all other cases, it is better to follow such a rigorous procedure.

Once the *ACTA* of the case reaches the Supreme Moderator, the further steps are the following, as per GFJP 92:

The Supreme Moderator, with the Council, further evaluates the accusations, the evidence, the defense and, by collegial vote, decides whether to dismiss the member. For validity, the Council must be complete or consist of at least four members. The vote is always collegial, whether it is decided in favor or against the dismissal, and therefore it must consist if at least five votes. Unanimity is not required to decide on the dismissal: an absolute majority is sufficient; and the vote must be secret (c. 699 §1).

Unlike *ipso facto* or *ipso iure* dismissal, the obligatory dismissal is done through a decree of dismissal of the Superior General, which must have the motivating factors in law and in fact, and which must be confirmed by the authority on which the institute or society depends. Recourse against this decree is a possibility for the dismissed member and such recourses have suspensive effect.³¹

4.2.3.3 Facultative or Discretionary Dismissal

CIC c. 696, §1 as well as *CCEO* c. 500 provides for dismissal, from the institute, of a perpetually professed member for grave violation of its proper law. *CIC* c. 696 §1 reads thus:

A member can also be dismissed for other causes provided that they are grave, external, imputable, and juridically proven such as: habitual neglect of the obligations of consecrated life; repeated violations of the sacred bonds; stubborn disobedience to the legitimate precepts of superiors in a grave matter; grave scandal arising from the culpable behavior of the member; stubborn upholding or diffusion of doctrines condemned by the magisterium of the Church; public adherence to ideologies infected by materialism or atheism; illegitimate absence mentioned in can. 665, §2, lasting six months; other causes of similar gravity which the proper law of the institute may determine.

CCEO c. 500 stipulates that “the causes for dismissal be grave, culpable and juridically proven along with a lack of reform” (c. 500, §2, 1°). Moreover, “the dismissal was preceded, unless the nature of the cause of dismissal precludes it, by two warnings with the formal threat of dismissal, that were in vain” (c. 500, §2, 2°). A canonical warning is considered “in vain” only if the member continues to live in violation of the proper law, or if the member has repeated the violation after the warning. For example, if the member returns after the first warning to the community, the unlawful absence for which the warning was given cannot be considered “in vain.” On the other hand, if the warned member fails to hand over his or her salary to the community even after the first warning, as the warning went “in vain”, a second warning can be given. *CCEO* c. 500, §2, 3° stipulates moreover that, in the canonical warning, “the causes were clearly indicated in writing to the member, giving the member, after each warning, full opportunity for self-defense.” This response can be prepared by the member with the help of a canonist, and in such a situation, the Major Superior must see to it that the canonist is paid adequately by the institute. However, the concerned authority can, in fact, insist that the member employs only a canonist from his or her country, and that the institute is not able to bear the burden of exorbitant fees of the canonist. It is also good to indicate the maximum amount the institute will be willing to pay for the canonist.

According to *CIC* c. 697, it is for the Major Superior to initiate the dismissal procedure, and even before initiating the process, he or she must consult the Council. This canon also makes it clear that between the first canonical warning and the second, there must be at least an intervening space of fifteen days (c. 697, 2°). Once the useful time established by the proper law of the institute or society has elapsed after the last warning (cf. *CCEO* c. 500, §2, 4°), “the Major Superior is to transmit to the supreme moderator all the acts, signed personally and by a notary, along with the signed responses of the member” (*CIC* c. 697, 3°), in case the warnings went in vain and the responses of the member were not satisfactory. Regarding the sending of the *ACTA* to the Supreme Moderator, GFJP 94 has stipulated thus: “After at least fifteen days from the date of notification of the second warning, if this is also ineffectual, convenes the Council and – by secret vote – after judging whether there is sufficient proof of incorrigibility and that the defense by the member is insufficient, must proceed to send the request of dismissal to the Supreme Moderator.” *CIC* c. 698 clarifies that the member has the right “to communicate with and to offer defenses directly” to the Supreme Moderator. Although the canons do not oblige the Supreme Moderator to issue any further canonical warnings or a show-cause notice to the member, he or she is totally free to do so, before convoking the Council to deliberate on the dismissal of the member. To decide upon the dismissal, the Council must be convoked, and it must consist of at least four members in addition to the Supreme Moderator, and the Council

decides collegially in a secret ballot, after having considered accurately “the proofs, arguments and defenses” (cf. *CIC* c. 699). Once the Council decides to dismiss the member, the Supreme Moderator must draft the decree of dismissal, preferably with the help of a canonist, and this decree of dismissal, which contains “the reasons in law and in fact ... at least summarily,” must be read and approved by the same Council. This decree together with the *ACTA* of the cause must be sent to the authority upon which the institute depends, and once the confirmation of the decree is received, the Supreme Moderator intimates the member, through the Provincial Superior, about the dismissal by giving him or her a copy of the rescript of confirmation and the original of the decree of dismissal, together with a covering letter. The dismissed member must be asked to acknowledge in writing about the receipt of the decree of dismissal and the rescript of confirmation.

Regarding the intimation of the decree of dismissal to the member, *CCEO* c. 501, §1 stipulates thus: “The decree of dismissal is to be intimated as soon as possible to the member concerned”. This may create confusion in the minds of some. However, there is an authentic interpretation, which has clarified that this intimation must take place only after the decree has been confirmed by the higher authority.³² If the higher authority refuses to confirm the decree, it goes to the archive and the dismissal procedure is concluded as ineffectual. Regarding the notification of the decree of dismissal, GFJP 96 has stipulated thus:

The decree of dismissal once confirmed by the Congregation for Institutes of Consecrated Life and Societies of Apostolic Life, or by the diocesan Bishop, must be made known to the person concerned by the competent Superior by registered letter with the acknowledgment of receipt, or personally, in the presence of two witnesses. For validity, the decree must indicate the right of the dismissed member to have recourse to the competent authority, within ten days of receiving the notification.

In fact, this reference to ten days, was based on *CIC* c. 700 before it was changed by Pope Francis through his Apostolic Letter given *motu proprio* entitled *Expedit ut Iura* dated 2 April 2023, which has extended this peremptory time limit from ten days, or fifteen days as it was stipulated in *CCEO* c. 501, §2, to thirty days.³³ Usually, a hierarchical recourse must be preceded by a remonstrance or simple recourse to the author of the decree (cf. *CIC* c. 1734, §1, *CCEO* c. 999). However, there is no *remonstratio* needed before this hierarchical recourse, and this hierarchical recourse (cf. *CIC* c. 1737; *CCEO* c. 1000) is submitted against the decree of dismissal confirmed by the Dicastery for the Institutes of Consecrated Life and Societies of Apostolic Life to the same Dicastery, and in case, it was approved by a diocesan Bishop, then to the same bishop. In the Eastern Churches, this approving authority is either the Dicastery for the Eastern Churches in case of pontifical right institutes and Major Archbishop or Patriarch in case of Major Archiepiscopal or Patriarchal institutes and eparchial Bishop in case of eparchial right institutes. This hierarchical recourse must be submitted to the same approving authority.

In case, the approving authority accepts the recourse, then the dismissal is revoked, and the dismissed member continues in the institute as if nothing happened. If the authority which approved the decree of dismissal rejects the hierarchical recourse, the dismissed member can have further hierarchical recourses. Against the decree with which the recourse was rejected by the Dicastery for the Institutes of Consecrated Life and Societies of Apostolic Life or by the Dicastery for the Oriental Churches, the dismissed member can approach the Supreme Tribunal of *Signatura Apostolica* through a contentious-administrative recourse. In case, the Secretary of the same Tribunal rejects that petition *in limine*, then the dismissed member can again file a further recourse to the *Congresso* of the *Signatura Apostolica*. Once the *Signatura Apostolica* rejects the recourse filed to the *Congresso* of the same Tribunal, then the dismissal is finally confirmed and the dismissed member loses definitively all rights and duties associated with the perpetual profession or incorporation in the Institute or Society, and he or she must leave the house of the Institute or Society. Thereafter, he or she is forbidden to use the name of the Institute as suffix to his or her name and again he or she is forbidden to use the religious habit. In fact, he or she is dutybound to hand over the religious habit to the local superior before he or she leaves the house of ascription.

According to *CCEO* c. 501, §2, there is a provision for the dismissed member to opt the judicial way instead of a hierarchical recourse. 1990 *CCEO* c. 501, §2 stipulated thus: “However, the member can, within fifteen days, either make recourse with suspensive effect against the decree of dismissal or, unless the decree of dismissal has been confirmed by the Apostolic See, request that the case be handled judicially.” After the promulgation of the *motu proprio Competentias Quasdam Decernere*³⁴ and *Expedit ut Iura*, this canon reads thus now: “However, the member can, within thirty days, either make recourse with suspensive effect against the decree of dismissal or request that the case be handled judicially.” That means, in the Eastern Churches, a dismissed member has also the possibility to demand a trial in an ecclesiastical tribunal against the decree of dismissal, in addition to the hierarchical recourses. If the judicial trial is demanded, the trial proceeds in the tribunal “according to the canons regarding a penal trial, with no appeal (*CCEO* c. 501, §4). In fact, regarding the competent tribunal, the same canon stipulates thus: “If the case is to be handled judicially, it is to be dealt with by the tribunal of the authority immediately superior to the one that has confirmed the decree of dismissal.” That means, in pontifical right congregations, the decree of dismissal is confirmed by the Dicastery for the Oriental Churches and hence, the tribunal competent to deal with such a petition for trial is the *Signatura Apostolica*.

Regarding the effects of dismissal, based on *CIC* c. 701, GFJP 97 states thus:

With legitimate dismissal, both the vows and the rights and duties deriving from profession automatically cease. If the member is a deacon or a presbyter, he retains clerical status but by virtue of the dismissal he cannot exercise sacred orders until

he finds a Bishop who will receive him in his diocese to incardinate him or for a probationary period (c. 693), or who will at least allow him to exercise sacred orders (c. 701).

The competent authority who can dismiss a member in temporary vows is the Supreme Moderator of the Institute or Society and it does not need any further confirmation from the authority on which the institute or society depends (*CIC* c. 696, §2, *CCEO* c. 552).³⁵ Whereas *CCEO* c. 500 stipulated that “the causes for dismissal be grave, culpable and juridically proven along with a lack of reform” (*CCEO* c. 500, §2, 1°) as the necessary ground for dismissal of a perpetually professed member, regarding dismissal of a temporary professed member, “the causes for dismissal must be grave, and on the part of the member also external and culpable” (*CCEO* c. 552, §2, 1°). It also adds that “the dismissing authority must have come to know the reasons with certainty, although it is not necessary that they be formally proven” (*CCEO* c. 552, §2, 3°). In other words, the standard used is different in the case of dismissal of a perpetually professed member and that of a temporary professed member. Regarding the temporary professed member, *ex informata conscientia* dismissal is a possibility, whereas in the case of dismissal of a perpetually professed member, such a possibility is ruled out, and it is good to be so after the Universal Declaration of Human Rights by the United Nations of 1948,³⁶ which has proclaimed the right to self-defense as a fundamental human right.

5.0 Support Given to the Dismissed or Dispensed Member

A member of an institute of consecrated life or a society of apostolic life, who voluntarily left the institute or has been dismissed from it, has no right to demand compensation from the institute (cf. *CIC* c. 702, §1; *CCEO* c. 503, §1): “The work provided in favor of the Institute or of the Society and the fruit of the work offered to the institute or Society during his or her stay in them (cf. 668 § 3), do not confer on a member, who left voluntarily or is dismissed, any right to receive compensation. Indeed, members have pledged to offer their work as a gratuitous expression of love and charity towards their brothers and sisters, both within the Institute or Society, and externally” (GFJP 98). However, both Codes stipulate that “the institute is to observe equity and the charity of the gospel toward a member who is separated from it” (*CIC* c. 702, §2; See also, *CCEO* c. 503, §2). GFJP 98 has the following explanation to offer regarding this stipulation:

The Institute of consecrated life or the Society of apostolic life, on the other hand, *are to show equity and evangelical charity* towards the member who separates from it either by leaving or by dismissal. Equity is commensurate with the personal situation and circumstances as well as the real possibilities of the Institute; charity is commensurate with the actual needs of the member, at least for the period immediately after leaving or after dismissal, until he or she can provide for himself or herself in another way, as well as to the possibilities of the Institute.

There are some who argue that the superiors of institutes of consecrated life and societies of apostolic life must be very generous to the dismissed members by granting a considerable amount of money to them. However, one must not forget that the superiors are not owners of the wealth of the institute, but only stewards, and it is their duty to protect it and to use it primarily for the mission of the institute, in addition to taking care of its members, especially, the aged and sick, and those in various stages of formation so that they get the best formation possible. The mission of an institute has the poor as its primary beneficiary and what is meant for the poor cannot be lavished upon a separated person, just because he or she has demanded it. Charity means giving to the needy and not to the greedy. A separated member who still has a good salaried job or a dignified pension, and some bank balance, which was accumulated during his or her time in the institute and which, in fact, should have been handed over to the institute, cannot be considered for further financial support, because that will neither be charity nor equity, but only an unjust decision. Justice means giving to each one his or her due. A person becomes a member of an institute of consecrated life after studying the proper law of the institute thoroughly during the novitiate. Hence, the person becomes a member after having understood that in case of departure, he or she has no right to claim any compensation for the work he or she has done during the membership. So, whatever he or she gave to the institute during his or her membership, was voluntarily given and there is no obligation for the institute to give it back.

However, the dismissed or dispensed member has the right to receive the dowry (cf. *CCEO* c. 454),³⁷ which was handed over to the institute at the time of entry into the novitiate or at the time of first profession. This term “dowry” refers to an amount of money accepted as the patrimony of the member, and the entire amount must be handed over to the separated member. Although it is also called *patrimonium*, it does not mean that the member’s whole parental share is given to the institute at the time of entry into the novitiate or before the first profession. His or her share of parental property, as per the norms of civil law regarding inheritance, must be there for the separated member to grab, as he or she returns from the institute of consecrated life. While a member is bound by the vows taken in a religious institute, he or she is not entitled to administer such a property and hence before the first profession itself, the novice must entrust a close blood relative to administer the property in his or her name. Once the member leaves the institute or is dismissed from it, he or she can take back the administration of the same property. That means, the dismissed or dispensed member has other sources of income too and while deliberating about the question of support, this aspect also must be considered.

6.0 Conclusion

A person becomes a member of a religious institute or a Society of Apostolic Life because of the conviction that he or she has received a proper divine call to that type of life and with the intention to live in that institute or society till death. God gives him or her “the gift of fidelity and the joy of perseverance” to lead that kind of life. However, whatever one receives, one receives according to his or her capacity (*quidquid recipitur, ad modum recipiendi recipitur*) and human frailty sometimes plays a bigger role in the life of a consecrated to such an extent that his or her own salvation of soul makes it imperative for him or her to take a different way of life, by separating from the institute, or the competent authority within the institute or society comes to the conclusion that the member cannot continue in the institute or society and hence, arrives at the decision to dismiss the member. These are not pleasant realities. However, the canon law of the Catholic Church, which has “salvation of souls” as the supreme law (cf. *CIC* c. 1752),³⁸ has made ample provisions for temporary and definitive departures from institutes of consecrated life and societies of apostolic life so that the good of everyone as well as the good of these institutes and societies too are better taken care of. There is no fit for all solution available and hence there are different possibilities too in the Catholic Canon Law.

The dismissal of a religious by the competent authority, against the will of the religious, is sometimes misunderstood and criticized, by alluding to the mind of Jesus Christ, who did not exclude anyone from the twelve, and, to the last minute, tried to keep even Judas Iscariot, the traitor, with his group. However, it is to be noted that it did not help Judas and he was counted among the perished. The dismissal is to be considered as the last resort, and it is aimed at the salvation of the dismissed member. *Punire per salvare*:³⁹ punish to save; that is the aim of such dismissals.⁴⁰ When the competent authority is convinced that the person to be dismissed cannot be saved, if he or she continues to be in the institute of consecrated life, then it is the right and duty of those in authority to use this legal instrument. In fact, the authority of religious superiors is described as *potestas dominativa*, or dominative power. It is defined by Stanislaus Woywod thus: “The domestic power spoken of in this Canon is the same as that of the head of a family over the members of the household.”⁴¹ Whereas the classical canonical commentators Vermeersch and Creusen draw comparison to the power of a slave owner with respect to his slaves, in this regard,⁴² according to Wernz and Vidal, the other two classical authors, dominative power is the power needed for ruling a house and the *familia* living there.⁴³ Today, it is better to understand this *potestas dominativa*, not as dominative power, but as the power “of the Lord,” of *Dominus*, and to exercise it the way Jesus exercised it, that is, by serving others. However, authority to serve means, to serve in

the best way possible and it includes, for those who are unable to live their vocation, dismissal from the institute of consecrated life for the salvation of their souls, unless they ask for the indulgence to leave.⁴⁴

Endnotes

¹ CONGREGATION FOR INSTITUTES OF CONSECRATED LIFE AND SOCIETIES OF APOSTOLIC LIFE, *The Gift of Fidelity, the Joy of Perseverance*, Guidelines, (2 February 2020).

² Cf. BASILE BASILE, *Le nouveau droit des moines et des religieux: Commentaire aux deux Codes Oriental et Occidental*, Kaslik-Liban, 1993; Janusz Koval, *Uscita definitiva dall'istituto religioso dei professi di voti perpetui. Evoluzione storica e disciplina attuale*. Analecta Gregoriana, Rome: Editrice Pontificia Università Gregoriana, 1997; Bruno Primetshofer, *Ordensrecht*, 4th Edition, Freiburg im Breisgau: Rombach Verlag, 2003; ELIAS L. AYUBAN, jr., *Canonical Issues Related to Religious Life. 200 Practical Questions and Answers*, Bangalore: Claretian Publications, 2006; G. BATTELLI, *Religious Life in the Light of the New Canon Law*, Nairobi, Kenya: St Paul publications, 1993.

³ https://www.vatican.va/content/francesco/en/motu_proprio/documents/20220211-motu-proprio-assegnare-alcune-competenze.html.

⁴ https://www.vatican.va/content/francesco/en/motu_proprio/documents/20230402-motu-proprio-expedit-ut-iura.html.

⁵ Cf. PAUL MOLINARI – PETER GUMPEL, *Chapter VI of the Dogmatic Constitution “Lumen Gentium” on Religious Life*. The Doctrinal Content in the Light of the Official Documents, Quaderni di vita consecrata 9, Rome 1987.

⁶ JOHN PAUL II, *Vita Consecrata*, the Post-Synodal Apostolic Exhortation, 25 March 1996, https://www.vatican.va/content/john-paul-ii/en/apost_exhortations/documents/hf_jp-ii_exh_25031996_vita-consecrata.html; see also, JOHNSON MICHAEL KALLIDUKIL, *The Canonical Significance of the Synod of Bishops of 1994 on Consecrated Life*, Adnotationes ius in canonicum 26, Frankfurt am Main: Peter Lang, 2003.

⁷ JEAN BEYER, *Les instituts séculiers*, Brussels: Desclée, 1954.

⁸ For a detailed discussion of this topic, Cf. JAMES MATHEW PAMPARA, “Place and Role of Consecrated Persons in the Church according to Lumen Gentium and the Codes of Canon Law,” in Saju Chackalackal, ed., *Consecrated Life for a Transformed World* (Bangalore: Dharmaram Publications, 2016), pp. 117-134; See also, HERIBERT HALLERMANN, “Christifideles, laici, clerici und religiosi als Subjekte der kirchlichen Rechtsordnung. Ein Rechtsvergleich zwischen CIC and CCEO,” in Elmar Güthoff, Stefan Korta and Andreas Weiß, eds., *Clarissimo Professore Doctori Carolo Giraldo Fürst*. In Memoriam Carl Gerold Fürst, Adnotationes in Ius Canonicum 50 (Frankfurt am Main, Germany: Peter Lang, 2013), pp. 191-220; James Mathew Pampara, “Sabha Almayarudeth Maathramo, atheyo Daivagenathinteyo? Katholika Sabhayil Almayarude Panke: Oru Kanonika Apagradhanam,” *Karmalakusumam*, vol 67, no. 1 (January 2023), pp. 27-37.

⁹ This section of the canon, namely, “... the other members of the Christian faithful are called lay persons,” does not have any basis in the teachings of the Second Vatican Council, and, in fact, it

contradicts LG 31. Its source is CIC-1917 c. 107 which reads thus: “*Ex divina institutione sunt in Ecclesia clerici a laicis distincti, licet non omnes clerici sint divinae institutionis; utricque autem posunt esse religiosi.*” The source of this canon, on the other hand, is Council of Trent, session XXIII, *de ordine*. The Council of Trent did not have a theology of laity. But the Second Vatican Council developed a distinct theology of clergy, laity and religious, which CIC c. 207 failed to recognize. Cf. JUAN FORNÉS, “Commentary on c. 207,” in *Exegetical Commentary on the Code of Canon Law*, prepared under the Responsibility of the Martin de Azpilcueta Institute Faculty of Canon Law, University of Navarre, Edited by Ángel Marzoa, Jore Miras and Rafael Rodríguez-Ocaña, (Montreal, Canada: Wilson & Lafleur, 2004), vol. II/1, pp. 29-30.

¹⁰ *Code of Canon Law*. Latin-English Edition, New English Translation (Washington: Canon Law Society of America, 1999), p. xxx.

¹¹ NORMAN P. TANNER, ed., *Decrees of the Ecumenical Councils*, vol. II (London: Sheed & Ward Ltd., 1990), p. 875.

¹² NORMAN P. TANNER, ed., *Decrees of the Ecumenical Councils*, vol. II, p. 926.

¹³ *Code of Canons of the Eastern Churches*, Latin-English Edition, Washington, D.C.: Canon Law Society of America, 2001.

¹⁴ Cf. Ivan Žužek, “Bipartizione o tripartizione dei *Christifideles* nel CIC e nel CCEO,” in idem, *Understanding the Eastern Code*, *Kanonika* 8 (Rome: Pontifical Oriental Institute, 1997), pp. 328-353; See also, Jean Beyer, “De vita consecrata in iure utriusque Codicis orientalis et occidentalis,” *Periodica* 81 (1992), 283-302; MARCO BROGI, “La normative del *Codex Canonum Ecclesiarum Orientalium sulla vita consecrata*,” *Quaderni di Diritto Ecclesiale* 8 (1995), pp. 128-137; Rose 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), pp. 193-239; DIMITRI SALACHAS, “La vita monastica e religiosa nel *Codex Canonum Ecclesiarum Orientalium*,” *Euntes Docete* 48 (1995), pp. 85-135; DOMINGO J. ANDRÉS, “Observaciones introductorias al título *De Monachis Ceterisque Religiosis* del CCEO,” *Apollinaris* 65 (1992), 137-147; CLEMENTE PUJOL, *La vita religiosa orientale: Commento al Codice del Diritto Canonico Orientale*, Rome: Pontificio Istituto Orientale, 1994.

¹⁵ MADELEINE RUESSMANN, *Exclaustration: Its Nature and Use According to Current Law*. Tesi Gregoriana 1, (Rome: Editrice Pontificia Università Gregoriana, 1995), p. 13.

¹⁶ https://www.vatican.va/content/francesco/en/motu_proprio/documents/20220211-motu-proprio-assegnare-alcune-competenze.html.

¹⁷ Cf. *Motu Proprio Competentias Quasdam Decernere*, art. No. 5.

¹⁸ JOBE ABBASS, *The Consecrated Life: A Comparative Commentary of the Eastern and Latin Codes* (Ottawa: Faculty of Canon Law, Saint Paul University, 2008), pp. 205-242, here @ pp. 213-214; See also, GIUSEPPE DI MATTIA, “Separazione dei membri dall’istituto e dalla società di vita apostolica: Tipologia e procedura,” *Commentarium pro religiosis et missionariis* 74 (1993), pp. 40-41.

¹⁹ Cf. *Motu Proprio Competentias Quasdam Decernere*, art. No. 5.

²⁰ Cf. JOBE ABBASS, “Transfer to another Religious Institute in the Latin and Eastern Catholic Churches,” *Commentarium pro Religiosis et Missionariis* 79 (1998), pp. 121-151.

²¹ Cf. *Motu Proprio Competentias Quasdam Decernere*, (hereafter, CQD) art. 6. In fact, 1990 CCEO cc. 546, §2 and 496, §2 stipulated that only the eparchial bishop of the place could grant this indult to the temporarily professed member. However, CQD, article 6 abolished CCEO c. 496, §2 in its entirety. Likewise, CCEO c. 546, §2 reads thus after the promulgation of CQD: “One who, while still in temporary vows, requests for a grave cause to leave the order or congregation,

can obtain from the superior general with the consent of his or her council the indult to leave the order or congregation definitively and return to secular life, with the effects mentioned in can. 493.” Likewise, CIC c. 688, §2 reads thus after the promulgation of CQD: “During the time of temporary profession, a person who asks to leave the institute for a grave cause can obtain an indult of departure from the supreme moderator with the consent of the council.” In this context, it is to be noted that the observation by Varghese Koluthara that CCEO “keeps silence” regarding the indult to leave of a temporarily professed member is not correct: cf. VARGHESE KOLUTHARA, *Rightful Autonomy of Religious Institutes: A Comparative Study Based on the Code of Canons of the Oriental Churches and the Code of Canon Law*, Bangalore: Dharmaram Publications, 1994, p. 183.

²² CCEO c. 547 contains identical norms.

²³ Cf. Peter O. Akpoghiran, *The Catholic Formulary in Accordance with the Code of Canon Law*, vol. II: Consecrated Life Acts, New Orleans, Louisiana: Guadalupe Book Publishers, 2014; Michael Joyce, Catherine Darcy, Robert Kaslyn and Margaret Sullivan, eds., *Procedural Handbook for Institutes of Consecrated Life and Societies of Apostolic Life*, Washington, DC: Canon Law Society of America, 2001; Rose McDermott, *The Consecrated Life: Cases, Commentary, documents, Readings*, Alexandria, VA: Canon Law Society of America, 2006; Patrick J. Cogan, ed., *Selected Issues in Religious Law*, Washington, DC: Canon Law Society of America, 1997.

²⁴ For the Latin Church, the competent dicastery is the Dicastery for the Institutes of Consecrated Life and Societies of Apostolic Life and for the Oriental Churches, it is the Dicastery for the Oriental Churches.

²⁵ Cf. NIKOLAUS SCHÖCH, “Das Verfahren zur Entlassung eines Mönchs in feierlicher Profess aus dem Kloster gemäß cann. 497-503 CCEO unter Berücksichtigung möglicher Rekurse,” in Elmar Güthoff, Stefan Korta and Andreas Weiß, eds., *Clarissimo Professori Doctori Carolo Giraldo Fürst*. In Memoriam Carl Gerold Fürst, Adnotationes in Ius Canonicum 50 (Frankfurt am Main, Germany: Peter Lang, 2013), pp. 507-532.

²⁶ JOBE ABBASS, *The Consecrated Life. A Comparative Commentary of the Eastern and Latin Codes*, p. 247; See also, DAVID-MARIA A. JAEGER, “Observations on Religious in the Oriental Code,” in Jose Chiramel et al. (eds.), *The Code of Canons of the Eastern Churches: A Study and Interpretation* (Alwaye, India, 1992), p. 178; JOBE ABBASS, “Dismissal from Religious Institutes of the Latin and Eastern Catholic Churches,” *Commentarium pro religiosis et missionariis* 78 (1997), pp. 361-392; JOBE ABBASS, “*Ipsa Iure* Dismissal,” in John D. Faris and Jobe Abbass, eds., *A Practical Commentary to the Code of Canons of the Eastern Churches*, Collection Gratianus Series, Annotated Legislation Texts (Chambly, Canada: Wilson & Lafleur, 2019), vol. I, pp. 951-952; George NEDUNGATT – GEORGES RUYSSSEN, eds. *A Guide to the Eastern Code: A Commentary on the Code of Canons of the Eastern Churches*, Kanonika 10, Second Revised Edition (Rome: Pontifical Oriental Institute, 2020), p. 448; JOBE ABBASS, “Departure from Religious Institutes of the Latin and Eastern Catholic Churches,” *Studia Canonica* 32 (1998), 97-128.

²⁷ FRANCIS, Apostolic Letter given *motu proprio*, *Communis Vita*, 19 March 2019, https://www.vatican.va/content/francesco/en/motu_proprio/documents/papa-francesco-motu-proprio-20190319_communis-vita.html.

²⁸ GFJP 81.

²⁹ GFJP 91.

³⁰ FRANCIS, Apostolic Constitution *Pascite Gregem Dei*, 23 May 2021, https://www.vatican.va/content/francesco/en/apost_constitutions/documents/papa-francesco_costituzione-ap_20210523_pascite-gregem-dei.html.

³¹ FRANCIS G. MORRISEY, “Commentary on c. 695,” in Ángel Marzoa, Jorge Miras and Rafael Rodríguez-Ocaña, eds., *Exegetical Commentary on the Code of Canon Law*, Collection Gratianus Series, English Language Edition edited by Ernest Caparros (Canada: Wilson & Lafleur, 2004), vol. II/2, pp. 1864-1867.

³² Cf. AAS 78 (1986), 1323.

³³ https://www.vatican.va/content/francesco/en/motu_proprio/documents/20230402-motu-proprio-expedit-ut-iura.html.

³⁴ Article 7 of *Competentias Quasdam Decernere* has changed CCEO c. 501, §2 as following: CCEO – can. 501 §2: However, the member can, within fifteen days, either make recourse with suspensive effect against the decree of dismissal or request that the case be handled judicially. https://www.vatican.va/content/francesco/en/motu_proprio/documents/20220211-motu-proprio-assegnare-alcune-competenze.html.

³⁵ Cf. Motu Proprio *Competentias Quasdam Decernere*, article 7, https://www.vatican.va/content/francesco/en/motu_proprio/documents/20220211-motu-proprio-assegnare-alcune-competenze.html.

³⁶ IAN BROWNLIE – GUY S. GOODWIN-GILL, eds., *Basic Documents on Human Rights*, Fourth Edition (Oxford, UK: Oxford University Press, 2002), pp. 18-23.

³⁷ CCEO c. 454: “Norms are to be determined in the typicon concerning dowry, if required, to be offered by the candidates and administered under the special supervision of the local hierarchy, as well as regarding the restitution of entire dowry, without the income already accrued, to one who is leaving the monastery for whatever reason.” Regarding what is owed to the one transferring to another religious institute, see CCEO cc. 488, §4 and 545, §4. Regarding dowry in CCEO, see, BRUNO PRIMETSHOFER, “Streiflichter zum Ordensrecht des CCEO” in Andreas Weiß and Stefan Ihli, eds., *Flexibilitas Iuris Canonici*. Festschrift für Richard Puza zum 60. Geburtstag, Adnotationes in Ius Canonicum 28 (Frankfurt am Main, Germany: Peter Lang, 2003), pp. 241-258, here @ pp. 253-254.

³⁸ Cf. PÉTER ERDÖ, “*Salus Animarum: Suprema Lex*.” La funzione dei riferimenti alla salvezza delle anime nei due Codici della Chiesa Cattolica,” in, Silvano Agrestini and Danilo Ceccarelli Morolli, eds., *Ius Ecclesiarum vehiculum caritatis*. Atti del simposio internazionale per il decennale dell’entrata in vigore del *Codex Canonum Ecclesiarum Orientalium*, Città del Vaticano, 19-23 novembre 2001, International Symposium organized by the Congregation for the Oriental Churches (Vatican City: Libreria Editrice Vaticana, 2004), pp. 573-586.

³⁹ Cf. ANGELO GIUSEPPE URRU, *Punire per Salvare*. Il Sistema penale nella Chiesa, Collana Euntes 14, Rome: Edizioni Vivere In, 2001.

⁴⁰ However, it is to be noted that the dismissal of a religious is not a canonical penalty, in the strict sense. Cf. JAMES MATHEW PAMPARA, *The Specific Characteristics of the Penal Law and the Penal Procedure in the Code of Canons of the Eastern Churches*, Excerpta ex Dissertatione ad Doctoratum, Rome: Faculty of Canon Law, Pontifical Oriental Institute, 2009.

⁴¹ STANISLAUS WOYWOD, “A Practical Commentary on the Code of Canon Law, Second Edition (New York: 1926), p. 186, cited in Luke Beckett, *The Canonical Understanding of Spiritual Leadership in Religious Life*, *Dissertatio Iure Canonicum Assequendum* (Rome: Angelicum University Press, 2009), p. 62.

⁴² ARTHUR VERMEERSCH – Joseph Creusen, *Epitome Iuris Canonici*, vol. I, p. 619, cited in Luke Beckett, *The Canonical Understanding of Spiritual Leadership in Religious Life*, p. 62.

⁴³ FRANZ XAVER WERZ – PEDROL VIDAL, *Ius Canonicum*, vol. III, p. 92, cited in Luke Beckett, *The Canonical Understanding of Spiritual Leadership in Religious Life*, p. 62.

⁴⁴ Cf. Jorge Enrique Horta Espinoza, *Perseveranza e misericordia: Due risposte alla crisi di un religioso chierico*. La dispensa dall'Ordine sacro e dai voti perpetui, Rome: Pontificium Athanaeum Antonianum, 2003.

CASE CLINIC

DISMISSAL OF A PERPETUALLY PROFESSED RELIGIOUS: A CASE STUDY

Dr. James Mathew Pampara, CMI, JCD

This case study presents below a decree of dismissal, of a perpetually professed woman religious from a religious congregation, after careful sanitizing in order to protect the identity of the religious institute as well as that of the dismissed member, in order to show what are the essential elements necessary in such a decree of dismissal. This is an unusually elaborate decree because of the nature of the matter. This decree has got three sections, namely, (1) the facts of the case (*factispecies*), (2) the law (*in iure*), and (3) the application of the law (*in facto*). In that way, it imitates the style of judgements (*Sententiae*) of the Roman Rota.

In the first section, there is an elaborate description of the violations by the dismissed member and the steps taken, by the provincial as well as general administration, to correct the member. In this section, although all paragraphs are included from the original decree, a significant part of the story is discarded in order to make the story short and to avoid identifying the person. The dismissed person is named Sr. XY and the name of the Congregation is given as ABC to avoid identifying the dismissed person. All other names of persons, places, and dates which may help to identify the person are also dropped.

The second part of the decree is the law section. It is hoped that going through such a detailed law section would help Superiors General to have a better idea of how to construct a law section in case they need to draft a decree of dismissal. In fact, both Codes stipulate that the decree of dismissal must have the reasons in law and in fact, at least in summary fashion, for the decree to be valid. The third section of the decree, entitled “the application of the law” or “*in facto*” argues forcefully citing

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from the Show-Cause notice and proving the violations committed by the dismissed member. The decree also mentions the right of the member to file recourse against the decree of dismissal to the Apostolic See, as the religious Congregation is of pontifical right. Since it is a religious Congregation belonging to the Syro-Malabar Church, the authority to which the recourse can be filed is the Dicastery for the Oriental Churches.

In this dismissal procedure, we see that after the *ACTA* of the case reached the Generalate from the Province, the Superior General herself giving the dismissed member two canonical warnings and at the end also a Show-Cause Notice, in addition to the telephone calls and meeting in person. In fact, the dismissal procedure envisaged by both Codes only require two canonical warnings, which went in vain, by the Provincial Administration. In the given case, there were two canonical warnings given by the Provincial Superior which became futile, and then the Provincial Council unanimously decided to recommend her dismissal to the General Administration and sent the *ACTA* of the case to the Superior General with the recommendation to dismiss the member. Even thereafter, the General Administration tried to correct and save the member through various ways, which also became infructuous.

This author knows the case and, in fact, what happened to the decree is the following: Once the decree of dismissal was approved by the Apostolic See, it was intimated to the dismissed member and she approached the Dicastery for the Oriental Churches against the decree of dismissal. However, her recourse was rejected by the same Dicastery. Thereafter, she approached the Supreme Tribunal of *Signatura Apostolica* against the decree of the Apostolic See with which her recourse was rejected. She appointed an advocate-procurator to represent her at the Supreme Tribunal and the Supreme Tribunal asked the Superior General to pay a certain amount to the account of the Tribunal towards the expenses of this cause, which included the remuneration to the advocate of the dismissed member. Her contentious-administrative recourse was first rejected *in limine* by the Secretary of the Supreme Tribunal. However, she filed a further recourse to the “*Congresso*” of the Supreme Tribunal and it was also later rejected by the same Tribunal and thus her dismissal became enforceable and through a decree, the Superior General of the said Congregation intimated her about the definitive rejection of her recourse and ordered her to vacate her convent, after having handed over to the local superior her religious habit, and prohibited her from using further the name of the Congregation as her suffix and thus executed the dismissal definitively. The dismissal decree is given below

Prot. No.

[date]

**Decree of Dismissal of Sr. XY from ABC
According to CCEO c. 553 and 500, and ABC Constitutions, article n...**

I. Facts of the Case (*Factispecies*)

1. Sr. XY, born on ... at ... in Kerala, joined the ABC, after her twelve years of schooling, as a candidate on ..., and made her first profession of religious vows in the same congregation on ... and her final profession
2. Her life as a religious in the ABC was marked by small to big problems at various stages of her life. On ..., her then provincial superior warned her in writing for physical violence that she inflicted on another sister of her community while she was the local superior of the community. On ..., the then provincial superior issued a transfer order to her from ABC Convent K to ABC Convent D. But Sr. XY refused to obey the transfer order and remained in the same community. On ..., Sr. XY petitioned the provincial superior a financial help of Rs. 15000.00 for a member of her family. The provincial superior replied, asking for the name of the person and details and purpose of the request to which Sr. XY did not reply at all. Thereafter Sr. XY sent an undated letter to the provincial superior asking for permission to learn driving two-wheeler and four-wheeler vehicles and on ..., the provincial superior informed her that the permission could not be granted.
3. On ..., Sr. XY requested the Provincial Superior's permission to publish the poems she wrote as a book and for a letter of recommendation from the provincial and a grant of Rs. 50,000.00 towards the publishing of the book. On the same day, the provincial informed her that the permission to publish the book could not be sanctioned as the permission of the Bishop of the place was needed to publish books. At the same time, the provincial suggested her to publish those poems first in the journals of the Congregation, namely, in NA and NB. In ..., Sr. XY stopped handing over her salary from the school to the ABC. Later, on ..., the Provincial Superior asked Sr. XY to submit a hard copy of her poems so that it could be assessed by experts to see whether it is worth publishing them as a book. Sr. XY, however, did not heed to this instruction and suggestion of the Provincial Superior and without the needed permission, published her collection of poems as a book entitled SM in ..., and on ... sent a WhatsApp message to the Provincial Superior informing her that the book was already published and it costed Rs. 50,000.00. Likewise, she published a CD containing Christian devotional hymns under the title De..., during the same period without any permission from the ABC or the local hierarch.
4. The Provincial Superior, on ..., in her letter (Prot. ...) highlighted these violations and acts of disobedience and asked explanations from Sr. XY and

instructed her to submit the reply within a week. However, Sr. XY did not respond to that letter. Hence, on ..., the Provincial Superior again sent a letter (Prot. ...) reminding her to reply to her letter dated ... and informed her that any further failure to respond to that letter might result in legal steps against her. On ..., Sr. XY replied stating that the allegations in the letter dated ... were baseless and that she considered such letters as instruments to torture her mentally. Further she stated thus: "I must live my faith, my ideal, my conviction. Therefore, as it is indicated in the letters I got, for having done good, for the proclamation of the Word, if you find me not suitable for you, you can take any decision. But you must arrange facilities for me to live quietly. For that I should get compensation for the service which I rendered in the past 32 years. For the work I did in the school for the past 25 years, I should get remuneration too." On ..., Sr. DE, the provincial, wrote a letter (Prot. ...) of warning about the deliberate and frequent violation of the proper law of the ABC by Sr. XY and warning her of initiating dismissal procedure against her if she failed to correct her lifestyle.

5. On ..., Sr. XY petitioned to her Provincial team to permit her to buy a car. On ..., provincial Sr. AB, through her letter (Prot. No. ...) replied that the petition was discussed in the provincial council held on ... and that the Council decided not to grant such a permission as it was the policy of the province not to have any vehicle even for the common purposes in the province because in the area of the province, ownership of a vehicle was considered as a luxury and that the ... sisters should be very careful to lead a life that shuns away from any form of luxury. The Provincial reminded Sr. XY that the practice of all sisters of the province was to use public transport for travel or to take autorickshaw to visit families, etc. where buses are not available. Despite such a clear rejection of the requested permission, having given the reasons, Sr. XY bought a car and got it registered on ... with her name as Sr. XZA, and without giving her address and got the Reg. Number NN for her car.
6. Thereafter, her life in the local community was marked by frequent unlawful absence. She was seen many times in Television shows, and a lot of write up appeared in the media by her and about her. Many a time, she went out of the community without due permission, either informing the superior or without it, and came back to the convent late in the evening or even near to or after midnight and the superior of the convent had to be awake to let her in when she came back. During the same period, she posted her photo in the Facebook in secular dress and started criticizing the religious habit of the ABC in her TV shows and in her write ups. Moreover, one time she brought a journalist, whom she met in her life for the first time, into the convent, and shared her room with the journalist during one whole night, without any kind of permission. In

fact, she could have availed the use of the guest room of the convent, had she asked the permission of her superior. This created a lot of fear and anxiety in the minds of other sisters of the convent. They started living with the constant fear that Sr. XY could bring into the convent anyone at any time and that there might be strangers or activists or journalists within the enclosure of the convent even at night.

7. ... After that, the Superior General, on ..., telephoned Sr. XY and asked Sr. XY to meet the Superior General in person. Since Sr. XY did not give any date on which she was ready to meet the Superior General, on ..., directed Sr. XY to inform the Superior General in writing on which day Sr. XY would be ready to meet the Superior General. On ..., Sr. XY replied to that letter in writing, but without giving a date for the demanded meeting. Therefore, on ..., Sr. NN, the Superior General, issued Sr. XY the first canonical warning with the threat of dismissal from the ABC. In the same warning letter, Sr. XY was instructed to meet the Superior General in person on ... and to explain her reasons for the continuous disobedience. However, Sr. XY did not appear before the Superior General on the stipulated date and time. But on ... she wrote to the Superior General informing her that because of the general strike announced to be held on that date, she would not be able to come to meet her. The Superior General then informed Sr. XY that she should appear before her any date between 11-14 January xxxx, after informing her about the date and time of arrival. However, Sr. XY did not reply to this letter. Hence on ..., the Superior General wrote another letter to Sr. XY (Prot. No. ...) reiterating the allegations in the first canonical warning and making her aware of her of the grave and persistent disobedience in which she continues by refusing to meet the Superior General. On ..., Sr. XY replied to that letter of the Superior General, in which she attempted to defend herself against the 13 allegations levelled against her in the letter of the Superior General.
8. Since the explanations given by Sr. XY were not satisfactory and since Sr. XY did not amend her ways in the meantime, the Superior General, on ..., through her letter Prot. No..., issued the second canonical warning to Sr. XY. On ..., Sr. XY wrote an email to Sr. ..., the Superior General, requesting permission to wear "Salwar Kameez" instead of the ABC 'HABIT and VEIL', due to health reasons and informing her that "as per the doctor's advice" her health condition was not suited to wear habit and veil and that she needed an appointment to explain her situation in that regard and to show the Superior General "the doctor's certificate" regarding it. On ..., Sr. NN. replied to Sr. XY giving her appointment on ... to meet her at the Generalate in her office at 11.00 AM. In that letter, the Superior General informed Sr. XY that her request not to take any decision regarding her request to wear 'Salwar Kammez' before hearing her

was granted, and assured her in the following words: “As I have written in ..., after I have received a copy of the doctor’s certificate and after hearing you in person, I, with the help of my council, will consider your petition regarding the religious habit”. To this letter, Sr. XY replied through an email to the Superior General on ..., which contained the following sentences: “When it is too cold, the ABC sisters wear Jacket, shawl and other types of woolen clothes. Likewise, when it is too hot, there should be freedom to prevent it. From the letter I understood that your permission is like a document written on water. Your hard heart is kept in the laws. The foundation of all laws in the Church is the Gospel. That is foreign to you. Sorry. As I am compelled by my body, I wear churidar till rainy season.” On ..., Sr. XY wrote her defense against the allegations in the second canonical warning. On ..., Sr. XY wrote to the Superior General another consolidated defense against the allegations levelled against her in the First Canonical Warning dated ..., and the ensuing letter of ..., the Second Canonical Warning of ... and the reply of the Superior General on ... regarding her request to wear Salwar Kameez instead of the ABC religious habit.

9. On ..., in the evening, Sr. XY wrote another email to the Superior General demanding her to change the venue of their meeting from the office of the Superior General as she was “frightened to come inside” the Generalate and suggesting that the meeting “can be at the parish church publicly,” to which the Superior General did not respond as she saw that email only after 10.00 AM on the following day. On ..., Sr. XY arrived at the ABC Generalate accompanied of a layman and a big crew of various TV Channels in many vehicles. First, she refused to enter the Generalate, insisting that the meeting should take place outside the Generalate. When she realized that it would not happen, then she agreed to enter the Generalate and to meet the Superior General in her office provided she would be accompanied by a lady police officer, which was permitted. Thus, in the presence of a lady police officer, Sr. XY met the Superior General in her office. When Sr. XY was asked to submit the doctor’s certificate regarding her inability to wear the habit of the ABC, Sr. XY replied that she did not take it with her. When she was asked whether she had any explanations or defense to offer regarding the allegations levelled against her, she replied that there was nothing to add to her defense other than what she wrote in her replies to the canonical warning letters. Since the lady police officer was witnessing to all these in the office, the Superior General did not repeat the allegations against her and concluded the session with a short prayer.
10. Since the consolidated defense letter of Sr. XY was not deemed satisfactory nor addressing the allegations against her, Sr. NN, the Superior General, with the consent of her council, on ..., (Prot. No. ...) issued a detailed eighteen-page long Show-Cause Notice to Sr. XY, explaining in detail why her actions were

being considered as deliberate violation of the vows of obedience and poverty and that her actions were serious violations of the Proper Law of the ABC for which she could be dismissed unless she gave satisfactory explanation and unless there would be sufficient reform in her behavior. As in the case of the previous two canonical warning letters, this Show-Cause Notice also ended up in the TV Channels which spoke to her. But unlike the previous canonical warning letters, which were uploaded in the internet, the Show-Cause Notice was not seen uploaded in the electronic media. On ..., Sr. XY replied to the Show-Cause Notice in writing offering her defense and referring to her earlier defense letters. Even after the Show-Cause Notice, Sr. XY continued to be active in her Facebook account, even criticizing the ABC and the Catholic Church at large under various pretexts, and continued to make journeys without due permission even for many days at a stretch, and was away from the community even during the Holy Week, and once she telephoned her local superior informing that she would be coming back to the convent after midnight around at 1.30 AM. The local superior had to be awake to open the door and let her in. However, Sr. XY reached back the convent only at around 4.30 AM and the superior of the community had to be awake waiting for her till then.

II. The Law (In Iure)

A. Fundamental Principles

11. Each human being has got different levels of existence. First and foremost, as a human person, there are fundamental human rights which no external authority can take away. Then by virtue of baptism or by virtue of joining the Catholic Church, a Christian faithful has got rights and reciprocal duties in the Catholic Church. To have those rights, the Christian faithful must follow the laws of the Catholic Church. Here itself, certain restrictions have already come to bind the Christian faithful like the fundamental right to believe in 'any' religion and to propagate 'any' religion. By accepting the Catholic Church as his/her religion, in this context, the Christian faithful forfeits his/her right to profess any religion, since he/she has already bound himself/herself to a religion. It is analogous to a person getting married. Before getting married, a person has the fundamental right to marry any person who is legally not bound by another marriage bond. But, once a person enters a valid marriage, as long as the marriage lasts, the person is not free to marry again. His/her rights about marriage and family relationship are conditioned by the obligations undertaken by that marriage. He/she cannot simply argue based on the fundamental human rights that I have the right and freedom to share my love and life with anyone of my choice. Likewise, before joining a religious congregation of the Catholic Church there are many rights enjoyed by a Christian faithful. But by joining the religious

institute, many of such rights are restricted to that person as long as that person continues in that religious institute.

12. Nobody has an innate right to be a member of the ABC. The membership in the ABC is contingent on the faithful observance of the religious vows made in the ... Congregation. In the religious profession, which one makes freely and knowingly, after many years of formation, one takes the vows of obedience, chastity and poverty to be observed according to the Proper Law of ABC, which includes the Constitutions of the ABC (The Rule and Constitution of the ... Congregation) and the General Directory (The ... of the ... Congregation). The membership in the ABC based on the vow to live according to the Proper Law of the ABC. One makes the profession of the vows of obedience, chastity and poverty not in abstract, not to interpret and observe according to one's whims and fancies, but in the ABC, which is a religious congregation in the Syro-Malabar Church, which is one of the Oriental Catholic Churches that is governed by the Code of Canons of the Eastern Churches (CCEO). Nobody compels anyone to join this religious congregation. It is always one's desire based on the divine call one receives from Jesus Christ, the Divine Master, and then one makes the religious profession in it, first temporarily and after many years of living that religious life, upon request, one is permitted to make the perpetual profession of religious vows. "A vow is a deliberate and free promise made to God concerning a possible and better good; the virtue of religion requires that it be fulfilled" (CCEO c. 889). The vows of obedience, chastity, and poverty which thus a member freely takes are not private vows, but public, because such a religious profession is accepted in the name of the Church by a legitimate ecclesiastical superior from the ABC. Thus, one becomes a religious sister belonging to the ABC, a sanyasini (to use the terminology dear to the Indian ethos), a person who decided to lead a life according to the charism, spirituality and the proper law of the ABC. Even in the age-old Indian Tradition, a sanyasini does not wear any dress, but only a religious habit.
13. Life in the ABC is not something optional for a person who makes religious profession in it. Once a person becomes a member of it, that time onwards, life according to its Proper Law becomes obligatory. A member of ABC must live her religious life not in the abstract, but in the concrete life style of the Congregation, according to the spirituality and charism of it, defined and protected by its proper law. The moment one is convinced that she is not called to this life as a religious in the ABC, there is the possibility of leaving it. When there is moral certainty achieved after repeated warning and correction that a member is not leading and is not suited for life in the ABC, the competent authority, namely the Superior General with the consent of her Council, can also dismiss such a member from the Congregation.

14. If one wishes only to preach the Gospel of Christ and do evangelization according to one's own whims and fancies, that person can do that. There is no need for her to join the ABC. The ... Congregation is a religious Congregation, and it means that its members live Christian life as a separate and unique state of life, which is not like the other states of life recognized by Canon Law of the Catholic Church, namely, the lay state or clerical state. The essential elements of religious life include the practice of the evangelical counsels of chastity, poverty and obedience to be observed according to the proper law of the Congregation, and community life under a local superior in a local community. As religious life is a life of renunciation and detachment from the world, to denote it, to observe the law regarding enclosure and religious habit. The vow of obedience obliges every ABC to obey the legitimate directives of one's lawful superiors within the ABC, namely, the local superior, the Provincial superior and the Superior General. The Roman Pontiff also comes under the category of internal superior of the ABC, as the Supreme Authority of the Catholic Church. The vow of obedience makes it imperative to its members to ask permission from the competent authority for everything that is not daily routine or where the proper law of the Congregation or the custom within the Congregation stipulates it so. The vow of poverty obliges a sister of the ABC not to have free use of money and to use temporal goods only with proper permission and avoiding all elements of luxury. Hence, if a person wants to have free use of one's property or salary, it is not possible as long as that person is a member of a religious institute.
15. Before Indian Civil Law, the membership in the ABC is considered only as a membership in a private organization governed by its bylaws and thus is governed by the norms regarding private contract, since India as a secular country does not legislate on religious matters. Each religion and each denomination has the right to govern itself according to its own personal laws and bylaws, and as long as these laws do not violate the established norms of the State and as long as there are no human right violations, the judiciary of India will be evaluating even the dismissal procedure of a member by evaluating whether the rules and bylaws governing the private organization are respected in the process.
16. Once a person is a member of any organization, that person is obliged to follow the bylaws and norms governing that organization. After joining a school, a student cannot say that I will not wear the uniform of that school. He/she will be thrown out of the school. After joining the Indian Administrative Service or Indian Police Service, one cannot say that whenever I like, I will publish books or join a TV channel discussion. There are norms that stipulate asking and receiving proper permissions to do that, which bind them all. Even political parties sometimes insist that without the permission of the proper authority, its members should not join a TV channel discussion. If that is the case, how

much more important it is for a religious sister, who renounced the world, and who took the vow of obedience and thus made a promise to God to obey the Constitutions and Directory of the Congregation, to obey the norms regarding the religious habit and the norms regarding asking and receiving permissions from the competent authority where ever the proper law stipulated so.

17. If the law stipulates that one must ask permission to do something, it means that asking of permission in itself is not enough and if the request is denied, then one cannot proceed as if he/she got permission to act in the given case. If the law demands that one should ask permission, the implication is that one is permitted to act only if the needed permission is sanctioned. If the asked permission is denied, then there are only two options: either to go to the higher authorities and make a recourse against that decision or to accept the decision of the authority which denied the requested permission.

B. The Law Proper

18. The supreme authority of the Catholic Church is exercised ordinarily by the Roman Pontiff and extra-ordinarily in the ecumenical council. The Second Vatican Council, which was the last ecumenical council, through its decree *Perfectae Caritatis* (hereafter, *PC*) taught authentically and authoritatively on the nature of religious life and religious vows. *PC* 14 teaches thus:

Through the vow of obedience, a religious surrender to God in self-sacrifice the free determination of their lives.... They accept the leadership of the superiors in the service of Christ's whole body, even as Christ himself served his brothers and sisters in obedience to his Father and laid down his life as a ransom for many (see Mt 20, 28; Jn 10, 14-18). ... Religious trust and court God's will; they obey their superiors, therefore, in humility and under the direction of constitutions and rules. They surrender their minds and hearts, their gifts of nature and grace in doing what they are told, in living a life under obedience.

ABC Constitutions, art. 14 stipulates thus: "The vow of obedience is a conscious surrender of one's free will to God, promising to be obedient to the legal superiors and to the rules of the Congregation, in order to be able to unite oneself to the salvific will of God in a more stable and secure manner; this is done by the inspiration of Jesus Christ who became obedient till death on the cross." Article 16 of the same Constitutions states:

Under the influence of the Holy Spirit, the religious should subject themselves in faith to their superiors who hold the place of God. Our obedience in faith should be humble, generous, responsible and free. We are bound to obey our superiors in all things except what is sinful. Sisters should use both the force of their intellect and will, and gifts of nature and grace, to execute the commands and to fulfil the duties entrusted to them. In case the sisters find it difficult to conform to the

decisions of the superiors, they can humbly report to the superiors their own ideas for the common good. But the final decision lies with the superior...

19. The ABC is part of the Franciscan family which gives very great importance on the vow of poverty after the example of Saint Francis of Assisi and Saint Clare. The Second Vatican Council, through its decree *Perfectae Caritatis*, no. 13 teaches thus regarding the vow of poverty: “Religious must sedulously practice the poverty they have freely chosen as a sign – one in high favor today – of the presence of Christ they imitate.” Regarding the vow of poverty, ABC Constitutions have legislated in detail: ABC Constitutions, art. 23, stipulate thus:

The vow of poverty is the total consecration of oneself to God, by renouncing the right of possession of all things of monetary value and their free use, in order to share our personal talents and charisms for the greater glory of God and the service of mankind, inspired by the example of Christ who, though he was rich in all things, became poor, so that by His poverty, we might become rich.

Article 26 of the same Constitutions states the following:

By the vow of poverty, sisters renounce the free use and administration of things of monetary value. After temporary profession, whatever a sister acquires or receives, is the property of the Congregation. The members should be satisfied with the economic plans made by the Congregation.

Likewise, the General Directory of the ABC also have detailed norms regarding the vow of poverty, which bind every member of Congregation. The General Directory, which is entitled *The Way of Life of the ... Congregation*, stipulates thus in article 23: “Without the superior’s permission, we should not receive or give gifts or exchange, lend or borrow money or things or take charge or leave others in charge of land or properties. But it is permissible to exchange gifts of small value when necessity or courtesy requires it. In matters of food, clothing, treatment, articles of daily use, and living rooms, we must follow the common life.” Again, in article 25 of *The Way of Life* we read:

It is an essential part of the spirit of poverty to be simple and moderate in our life. We will become genuine children of St. Francis only if we can maintain the mentality to say ‘enough’, ‘no’ regarding temporal things. We must be satisfied with what is necessary for our life and apostolate. Our standard of living should be that of the ordinary man. We must be ready to help the poor by limiting our needs, working hard and bearing the pinches of poverty.

The Way of Life, article 27 legislates thus: “Sisters including superiors must be strict in monetary matters. Unless compelled by one’s office, a sister should not have anything to do with money transactions. **Any money received as payment for work** or as a personal gift or donation **should be entrusted with the superior, to be**

included in the common fund.” Moreover, article 30 of *The Way of Life* stipulates: “We have to bear witness to poverty as a community also. The local Synaxis must find ways for achieving it. We must experience the pangs of poverty with the poor of the locality and share what we have with them. Experiencing hunger is part of the poverty which we have accepted voluntarily. The time and method of experiencing this should be decided by each community...”

20. The Second Vatican Council, in its decree *Perfectae Caritatis* no. 16, stipulates that nuns must keep enclosure imposed by their constitutions. Likewise, *PC* 17 teaches that religious habit is the outward sign of consecration. *ABC* Constitutions, article no. 59 stipulates: “In order to safeguard religious life and the spirit of prayer and recollection, enclosure should be observed in our houses. **No one is allowed to enter the bedrooms of the sisters.** When it is essential, the superiors can prudently permit outsiders to enter the enclosure. Sisters may go on a journey only for a reasonable cause and with the permission of the superior.” Article 103 of *The Way of Life* stipulates:

Sisters should travel only with the permission of the superior. Before going for and after returning from a journey, sisters must meet the superior and inform her the details of the same. Before and after the journey we must pay a visit to the Blessed Sacrament. When we go to other convents, we must meet the superior first. As far as possible there must be a companion for the journey. On certain occasions, the superior can permit the sisters to travel alone. Yet there must be a sister companion when a sister goes to hospital, government offices, shops, bishop’s house and presbytery. Only after Holy Mass should sisters go for a journey. They must be back before Angelus in the evening. While travelling we must bear witness to our religious spirit in our talk and dealings and must keep up the spirit of prayer.

Regarding religious habit, article 101 of the Constitutions legislates the following: “**Our religious habit is a sign of consecration.** It should be simple and modest, ordinary and at the same time becoming. Moreover, it must be in keeping with the requirements of health and must be suited to the times and place and to the needs of the apostolate. All the sisters are expected to wear the religious habit prescribed in our Franciscan Directory. The cord, a Franciscan symbol, should be included in our religious habit.” Regarding religious habit, we read the following in *The Way of Life*, no. 196:

There are two types of habits in the Congregation. A. Habit, scapular, cord, toque, veil. B. Habit, cape, cord, cap, veil. Sisters must wear a rosary on the cord and a crucifix at the neck. We can wear white, brown or ash habit. Our habit must bear witness to our religious spirit and modesty. Juniors wear white veils, while seniors wear black veils.

21. *The Code of Canons of the Eastern Churches*, canons 659, 650 and 662 give us the norms regarding publishing. *CCEO* c. 660 stipulates: “Unless there is a just and

reasonable cause, the Christian faithful may not write anything in newspapers, magazines or periodicals that are wont to attack openly the Catholic religion or good morals; clerics and members of religious institutes, moreover, need the permission of those referred to in can. 662.” *The Way of Life*, article 166 stipulates: “The Local Hierarchy’s permission is required to publish books. To publish articles in newspapers and magazines of non-Christians, the permission of the Provincial Superior is necessary. With the local superior’s permission articles can be published in Catholic magazines.”

22. One of the essential elements of religious life is life in the community. *CCEO* c. 410 defines religious life thus:

The religious state is a stable manner of living in common in an institute approved by the Church, by which the Christian faithful, more closely following Christ, Teacher and Exemplar of Holiness, are consecrated by a new and special title through the public vows obedience, chastity and poverty, observed in accord with the norm of the statutes under a legitimate superior, renounce the world and totally dedicate themselves to the attainment of perfect charity in the service of the Kingdom of God and the salvation of the world as a sign of the foretelling of heavenly glory.

How to live this community life in the ABC is further legislated in the ABC Constitutions and in *the Way of Life*. Article 57 of the Constitutions stipulates, in addition to community prayer, community meals and community recreation as means to foster sisterly love and communion in the community and directs every sister to participate daily in these community activities.

23. The 27th Synod of the Syro-Malabar Church held at Kakkanad from 7-18 January 2019 decided that priests and religious may participate in the TV channel discussions and interviews **only with the permission of the respective eparchial bishop or major superior**. This was communicated to the members of the Syro-Malabar Church through the circular of Major Archbishop Cardinal George Alencherry (Prot. No. 0127/2019) dated 18 January 2019 and was read on 20 January 2019 in all Syro-Malabar churches and Eucharistic centres where the Eucharistic celebration takes place on Sundays. The same circular informed us that the Synod instructed the eparchial bishops and major superiors to give show-cause notices to those who commit serious acts of disobedience and to take disciplinary actions against those who do not provide satisfactory replies.
24. The ABC Constitutions, article 103 stipulates thus:
A sister who is perpetually professed can be dismissed from the Congregation in the following manner:
- i. The reasons for dismissal must be grave, culpable, and juridically proven and there is a lack of reform.
 - ii. Before dismissal, two warnings were given with the formal threat of dismissal, which did not produce any result.

- iii. Reasons for dismissal must be presented in writing to the sister, granting her after each warning, full opportunity of defense.
- iv. A period of two months must be made available to the sister after the last warning.
- v. The Superior General with the consent of her council is competent to issue a decree of dismissal.
- vi. The written responses of the sister, together with the acts of dismissal, must be submitted to the competent authority for approval.
- vii. The decree of dismissal cannot be executed unless it is approved by the competent authority (Apostolic See/Major Archbishop).

25. *CCEO* c. 503 stipulates thus:

§1. One who leaves a monastery legitimately or has been dismissed from it legitimately can request nothing from the monastery for any work done in it. §2. Nevertheless, the institute is to observe equity and charity toward a member who is separated from it.

The same law is reiterated in article 103 of ABC Constitutions: “A Sister who lawfully departs or was lawfully dismissed from the Congregation cannot claim anything from it for any kind of work performed there. The Congregation, however, shall extend equitable and evangelical charity towards a member who is being separated from it.”

III. The Application of the Law (*In Facto*)

26. The Show-Cause Notice issued by the Superior General of the ABC on ..., systematically presented the allegations and proofs against Sr. XY. There were seven allegations enumerated in that letter. They are the following:

- 26.1 Sr. XY has consciously and willfully violated the vow of poverty repeatedly and on grave matters:
 - 26.1.1 Sr. XY stopped handing over her monthly salary from her job as school teacher to the ABC since ...
 - 26.1.2 Sr. XY bought a car in her own name, though her request to buy it was rejected by her provincial.
 - 26.1.3 Sr. XY published a book without the needed permission and by spending around Rs. 50,000.00 rupees.
- 26.2 Sr. XY violated the vow of obedience willfully and repeatedly and continue to live in her disobedience.
 - 26.2.1 Sr. XY disobeyed the order of the Superior General to meet her in person.
 - 26.2.2 Sr. XY disobeyed the transfer order given to her in ...
 - 26.2.3 Despite the clear rejection of the sought permission to learn driving and buying a vehicle, Sr. XY, in obstinate disobedience learned driving and bought a car.

- 26.3. Sr. XY has violated the proper law of the ABC regarding enclosure and travel.
 - 26.3.1. Sr. XY kept a lay person in her bedroom overnight.
 - 26.3.2. Sr. XY often goes out from the convent without asking and receiving permission from her local superior and comes back sometimes very late, and at times does not even come back overnight, even without informing about her travel plans and whereabouts and with whom or for what she makes such travels.
 - 26.4. Sr. XY violated the proper law of the ABC regarding religious habit by publishing her photo in the electronic media in lay dress and in travelling in lay dress.
 - 26.5. Sr. XY violated the canonical norm and the proper law of the ABC regarding publishing of books and articles.
 - 26.6. Sr. XY violated the norm of the Syro-Malabar Church regarding participation in the TV channel programs and in giving interviews.
 - 26.7. Sr. XY repeatedly violated the norms of the ABC regarding community life like community prayer, community meals and community recreation.
27. In her reply to the allegations, dated ..., Sr. XY rejected all the allegations as intentionally fabricated and as lies and concluded her letter by stating the following: “Therefore, the Congregation should stop all false allegations against me, and recognizing the good in me, should create an environment in which I can complete my religious life happily.” Regarding most of the allegations, she replied in the above letter that she had already responded to them in her earlier defenses. Regarding the wearing of secular dress, she wrote thus: “The rejection of my petition dated ... mercilessly ... gives me mental and physical difficulties that the Congregation does not understand my physical difficulties as a member of a religious Congregation.” This assertion that the petition of Sr. XY to wear Salwar Kameez was “mercilessly rejected’ in the letter of ..., by the Superior General, is far from true. That letter concluded by stating that after having heard Sr. XY in person and after having seen the doctor’s certificate regarding the health reasons, the petition could be decided. In that reply, the Superior General also wrote that the Proper Law of the ABC does not require the use of polyester material for the habit and veil and that she could have habit made up of cotton material. Moreover, the Superior General informed her that she could ask for a transfer to convents in places where the climate is mild. Ignoring all these facts, Sr. XY stated that her request was mercilessly rejected. Regarding the habit, the Show-Cause Notice has the following section:

You uploaded a photo of yours in lay dress in Facebook and tried to justify your action by criticizing the ABC religious habit in your TV channel discussion. According to

the information I got, you stated in your media interviews that our religious habit is not suitable to your life. You should remember that when you joined the ABC Congregation on ..., the religious habit of the ABC was the present one. On ..., when you made the first profession of your religious vows, then you received this same religious habit, which you knowingly and willingly accepted. Again, on ..., when you made your perpetual profession, you were wearing this same religious habit. Please remember that your membership in the ABC is contingent upon your observation of the Proper Law of the ABC. When you joined the Congregation, there were other religious congregations which had other types of religious habit. If you wanted to wear “a simple Indian dress” you could have joined any of them. I am not saying that there cannot be any change in the religious habit of the ABC. It is possible. But it should be decided through a democratic process in the General Synaxis, which is the highest legislative body of our Congregation. No member of the ABC can change the norm regarding the religious habit according to her whims and fancies. I am informed that you stated in your TV programs that you were earlier given permission to use secular dress on certain occasions as you were sent to study in Karnataka. But that was a dispensation given to you by your competent authorities. A dispensation is a relaxation of a mere ecclesiastical law in a special case for a just and reasonable cause after taking into account the circumstances of the case and the gravity of the law from which the dispensation is sought (cf. *CCEO* c. 1536). At that time, also you were not permitted to take photos and publish them in lay dress. The relevant question here is not whether *churidar* is a suitable or bad dress. The question here is this: You voluntarily made your religious profession of vows in the ABC Congregation and not anywhere else. If you are in the ABC Congregation, you are dutybound to follow the Proper Law of the ABC Congregation even regarding the religious habit. You cannot justify your behavior by stating that many priests wear lay dress. The reply to that is this: They are not bound by the Proper Law of the ABC Congregation. It is up to their competent superiors to permit or punish them. We should presume that they have the needed permission to do so. You should also remember that not all priests are bound by the norm regarding religious habit as all priests are not religious. As I mentioned in the introduction, there are consecrated women who are not bound by the law regarding religious habit, namely, the members of Secular Institutes (cf. *CCEO* cc. 563-569). Just as there are secular priests who are not bound by the law regarding religious habit, there are also consecrated women belonging to secular institutes who wear secular dress which is simple and modest.

28. Regarding the allegation that Sr. XY failed to take part in community activities, she again argues that it is a fabricated allegation. However, the local superior reported, and the Chronicles of the convent amply testified that this allegation is based on facts to which the community members are the witnesses.
29. Regarding the more serious allegations of the violation of the vow of poverty and obedience and the violation of the proper law regarding enclosure, the defense of Sr. XY refers to her earlier letters. However, in none of those letters, Sr. XY refuted the allegation that she stopped giving her salary to the Congregation

since That means, this allegation of vow of poverty is proven. Sr. XY did not even promise that in the future she would be ready to change her mind and would start again to give her salary to the Congregation. That means she continues to live in her obstinate and willful refusal to be faithful to her vow of poverty. In fact, the Show-Cause Notice issued to her has in detail explained to her why this refusal to hand over her salary is a serious violation. We read thus in the Show-Cause Notice regarding this point:

When you made your first profession of religious vows and thus became a member of the ABC, you promised to faithfully observe the rules of ABC. In fact, your formula of temporary and perpetual profession included the solemn declaration that you “will observe the vows of chastity, poverty and obedience according to the life and laws of the ... Congregation.” Moreover, on ..., you made a declaration of consent, written in your own handwriting and before two witnesses which contained the following solemn declaration:

During the time in which my membership remains in the said Congregation, whatever I get as gift, or through my effort or through any job as salary, wage, allowance, pension, provident fund, insurance, royalty, honorarium, I or any of my family members will not have any ownership right or right to use. The right to ownership of all those things are exclusively with the ... Congregation and they are to be owned and administered according to the Proper Law of the said Congregation

Despite these declarations and vows, now you claim that the salary you receive is yours! It is true that the Government gives you the salary. As a High School teacher, you are getting a good salary of fifty thousand rupees or more per month after all statutory deductions. The Government gives the teachers good salary so that the teachers can pay for their food and accommodation and can buy whatever is necessary for the needed updating of their knowledge so that they can become competent teachers and so that they can take care of their family well. In your case, the ABC is providing you with decent food and accommodation and the ABC provided you everything for your professional updating and is still willing to do whatever is necessary. Your family is the ABC since your first profession on You should not forget that when you came to the ABC as a candidate ..., you had only just passed your Pre-degree studies with a mere 56% of marks. Your SSLC result was not better either. Thereafter, it was the ABC which took care of all your needs and paid for all your higher studies including B.Sc and B.Ed. As your marks were not that great, it was not easy for you to get admission to the B.Sc program. Only because you belonged to the ABC, you got admission to the degree program. Likewise, the Congregation had to pay a rather big amount to secure for you a place in the B.Ed program at So, if you calculate the amount of money the ABC spent for you in the initial years of your formation, you will see that the Congregation spent a lot of money for you. Even you got your present job at ... not because of your personal merit alone, but because of your identity as a member of the ABC. Of the 37 years that you lived in the ABC, all your expenses including your food, accommodation, dress, travel, medical and study expenses were met by the same Congregation.

It was the decision of the ABC Congregation to send you for higher studies and to get appointed in the school on Government salary. It was a decision taken based on your solemn written pledge that as long as you remain in the ABC, your salary will belong to the ABC Congregation. It was a decision taken based on your profession of vows in the ABC Congregation where you took the pledge to abide by the laws of the ABC Congregation. And now you behave as if you did not make any such promise! It is a grave and culpable violation. You are not giving your salary to your Congregation, but you are still enjoying the fruits of your membership in the ABC Congregation like free food and accommodation. And it is sad to see that you do not see any problem in your behavior. I should state at this juncture that it is now fifteen months that you are not fulfilling your obligation to hand over your salary to the Congregation and that is more than Rs.7,50,000/- (Seven lakhs fifty thousand rupees)!

The income of the ABC Congregation, which has 12A income tax exemption, is properly audited and the ABC is bound by the income tax rules of our country. We get income tax exemption, because we lead a frugal life and we work for the upliftment of the poor and the downtrodden. I do not think that your present life style and the way you spent money will be acceptable even to the income tax department of our country. A good share of our income is spent on the poor and the needy. At the same time, the Congregation also needs money for the sick sisters' medical care, for the training and formation of new candidates and young sisters. In our Congregation, there are not many who have government salary. Some of our sisters are working as nurses in western countries. They all are contributing their whole salary to the Congregation so that we can continue with our work among the poor and the downtrodden. Suppose, if all of them decide like you not to give their salary to the ABC, how do you think that you will be getting free food and accommodation? It was because your seniors who were doing salaried work, that the ABC could teach you B.Sc and B.Ed. Please do not forget that. If you do not give your salary to the ABC while you continue as a member of the ABC, you are, in a way, stealing the money of the ABC and you are misappropriating the money meant for the poor. I heard that you stated in the TV Channel discussions that the ABC has crores of rupees. It is a misleading statement, I should say. If the property value of each community, which is a juridic person, is calculated cumulatively, it is true. But juridic persons are perpetual by nature (cf. *CCEO* c. 927) and their property cannot be misappropriated by individual physical persons. As you know well, our personal life is simple and frugal and now your life is perhaps the only exception to this. The property of the ABC is neither private property of the Superior General nor the Provincial superior. It is not the private property of any physical person. It is not public property either. Public property means a property that belongs to the Government. It is the property of a juridic person which is recognized as such by the law of the land and are governed by the Proper Law of that juridic person under the relevant property laws of India.

It is sad to note that even after such a detailed explanation, Sr. XY showed no sign of remorse nor readiness to correct her behavior in this regard. Hence, it is to be considered that Sr. XY continues in her violation of the vow of poverty on a grave matter.

30. In her defense letters, no where Sr. XY denied that she bought a car in her name. Likewise, she did not produce the required legal permission to buy it. Instead, she justified the purchase of the vehicle as a necessity for her to visit the families of her students in the school. In fact, the Show-Cause Notice explained in detail why ... Province, ..., decided not to have vehicles. The relevant part is given below:

Dear Sister XY, you asked permission to buy a car on ... and your competent authority did not grant you the needed permission. Then also, in clear disobedience you bought a car in your own name. You should know that though there are ... sisters, you are the only one who owns a private car. Not even the Superior General of the ABC owns a private car. Of course, some provinces and institutions of ABC have got car in the name of the institutions which are juridic persons. But the ... Province of the ... decided not to have any car. This decision was taken by the Provincial Synaxis in order to identify with the poor and to be faithful to the spirit and letter of the ABC Proper Law. *The Way of Life* stipulates in art. 25, "our standard of living should be that of an ordinary man." As you know, your province is spread over the District of Wayanad in Kerala, which is one of the poorest districts in Kerala, and some neighboring districts in the nearby Tamil Nadu and Karnataka. There are thousands of poor people in the territory of that province who do not have even the possibility of having enough to satiate their hunger. And there are thousands of families without a decent shelter in the area of your province. In such a context, through the democratic and collective decision-making process, the Provincial Synaxis of your province decided that the ... province of the ABC will not have the luxury of a car, either for collective use or for individual use. It was a bold step in the right direction. A car may not be a luxury in some other contexts. But in the context of the poverty of the Wayanad district of Kerala, a religious congregation of the Franciscan family, in which the members have taken the vow of poverty, to have a car is a luxury and a counter witness and, in fact, a scandal. Evidently, it is not "the standard of living of an ordinary man" of the district of Wayanad. It is strange to see that you present yourself as a social worker and a reformer and you live such a life! It is good to ask the question what percentage of the population of the district of Wayanad, who have not taken the vow of poverty, drive a personal car. Do you want to identify yourself with the 10% or less of the rich of your territory, or with the poor? I hereby demand a proper explanation for your action.

It is to be noted that such a detailed explanation of the reasons, why the permission had to be denied to her to buy a car, could not elicit any remorse in her, at least, to apologize for her violation of the vow of poverty. It shows that Sr. XY failed to understand the real meaning and spirit of the vow of poverty to be observed by a religious and proves that this is a grave reason which demands her dismissal from the ABC.

31. Regarding the allegation that she published a book without the needed permission and by spending around Rs. 50,000.00 too, Sr. XY did not offer any evidence that she got the needed permission from her competent superiors.

Likewise, she never offered an apology regarding this violation of the vow of poverty and obedience. The Show-Cause Notice has the following paragraph regarding this point:

Dear Sister XY, on ..., you requested permission to publish a collection of your poems. Your provincial denied the requested permission and suggested that you publish them in *Va...* and *Sn...* From your file, I see that though you were asked by your provincial to send her the hard copy of the manuscript so that she could assess its quality and worth through some experts, you did not give her a copy of your manuscript. In ..., you published those poems as a book entitled *Sne...* and informed us that it costed Rs. 50,000.00. If those poems were such a fine work, you could have explored the possibility of publishing them in *Kerala Sahithya Academy* or by other publishers who publish works without taking money and even offering royalty. But, instead, ignoring the denial from your provincial, you decided to spend fifty thousand rupees for publishing it. If you were really concerned about the poor and the needy, you would have realized that it was a big amount of money which could have helped a couple of poor families to survive for a couple of months. Anyway, apparently this unauthorized spending of money is a clear violation of the vows of poverty and obedience.

Here too, since Sr. XY failed to show evidence for the permission to publish the book by spending such an amount, it is to be concluded that she published it unlawfully. Since, she did not offer any apology in this regard, it is to be concluded that she is beyond correction in this regard.

32. The Show-Cause Notice formally accused Sr. XY of willful and repeated acts of disobedience from her part. The three allegations under this section were the following: 1. Sr. XY disobeyed the order of the Superior General to meet her in person. 2. Sr. XY did not obey the transfer order given to her in ... and that despite the clear prohibition given in writing to learn driving and buy a vehicle, she learned driving and bought a car. In none of her defense briefs, Sr. XY denied these allegations convincingly. Regarding the refusal of Sr. XY to appear before the Superior General, the Show-Cause Notice has the following paragraph:

On ..., through my letter referred to above, I formally asked you in my capacity as the Superior General of the ABC, to appear before me on On ..., you replied me through e-mail that you would not be coming on ... as there would be a national strike on that day. I accepted your reasoning, notwithstanding the possibility for you to travel on the previous day and reach the Generalate on ... itself, and on ... again I wrote to you asking you to meet on any day between 11-14 January ... and to inform me about the time of your arrival. However, you did not reply to that letter of mine. Hence on ..., I wrote you again (cf. Prot. ...). In your reply to that letter, written on ..., you argued that your non-appearance before me was not willful. Let me quote you: "My non appearance before you was not willful. I was not in the physical and mental conditions to travel a long distance." Dear Sister XY, while

you claim that your physical and mental conditions prevented you from travelling to the ABC Generalate in ... which is near to the ... town, it is evident that you travelled to Trivandrum to participate in the TV Channel discussions! According to the Google Map, the distance from your convent to the ABC Generalate is around 245 Kilometers and it may take around seven hours car journey. But Trivandrum is 467 Kilometers away from your convent and it takes more than 12 hours journey by car. And indeed, the way to Trivandrum passes through Hence, I should assume that you obstinately and willfully disobeyed my legitimate order to meet me in person. It is to be observed that you did not ask for an alternative date in this regard. Hence, your reply given on ... in this regard is rejected as not satisfactory. It is true that you requested an appointment to meet me in your letter dated But from your letter itself it is clear that your request for meeting was to hear you personally regarding your request to wear 'Salwar Kameez'. This is evident from the following sentence in your letter: "I will produce the doctor's certificate at the time of personal hearing." In my reply dated ... to your letter, I clearly informed you that I would be only happy to listen to you regarding your health problem and that I need a copy of the certificate of the doctor.

33. Regarding the allegation that Sr. XY kept a lay person in her room overnight too, she has no apology to offer. From her reply, it appears that for her it is not at all a violation of the law regarding enclosure. While she claimed that the person in question was her relative, from an article published by that journalist in "... " on ..., it emerged that she met that person for the first time in her life. Regarding this allegation, the Show-Cause Notice has the following paragraph:

According to the proper law of the ABC, not even another sister is permitted to enter the bedroom of one sister of the ABC (Constitutions, 59). However, you have violated this rule by taking a lay person to your room and keeping that person in your room during a whole night. I consider it as a very grave and culpable violation. According to the information I got, that person was not even your blood relative, though ... Newspaper reported on ... that the person who spent a night in your room was your relative. If there were any special urgency to accommodate someone who visited you, you could have asked the local superior and she would have accommodated your guest in one of our guest rooms.

Dear Sister XY, you come from a family of eleven: your parents and nine children. Imagine, if you were at home and each one of your siblings would bring to their bedroom anyone of their liking, without the permission of your parents, to spend the night together, how would your parents feel? Will your mother appreciate that? I don't think so. If it is so in ordinary families, how much more is expected of a religious (a *sanyasini*) who renounced the world and took the vow of obedience?

In fact, this Show-Cause Notice contains a factual error. Sr. XY comes from a family of thirteen and not eleven, because she has ten siblings. Otherwise, the Show-Cause Notice makes ample effort to elicit at least an apology from her and a promise not to repeat such an action in the future. However, Sr. XY fails to prove that she had the needed permission to permit that person to stay overnight in her

room and hence it is to be concluded that she is in obstinate and willful disregard for the Proper Law of the ABC regarding enclosure. Moreover, such an act made other members of the convent to live in constant fear as they do not know whom she will be bringing into the convent the next time during night. This is a very grave situation and violation which cannot be simply ignored.

34. The refusal to Sr. XY to enter the ABC Generalate without being accompanied by a lady police officer shows a totally unacceptable attitude and character of Sr. XY. Her constant criticism of religious life and her suggestion that priests should be permitted to marry religious sisters added more confusion and scandal in the minds of many believers and non-believers. Her failure to address the enumerated allegations and her attempt to bring in non-related issues in her defense proved that she is not suited to continue her life in the ABC.
35. Sr. XY failed to show that she had the necessary permission to appear before TV Channel programmes. Regarding this, the Show-Cause Notice has the following paragraph:

Despite the clear directive from the Syro-Malabar Synod that no religious shall participate in TV channel programs or shows, without the permission of the major superior, you participated in TV programs without any permission whatsoever from your competent authority, even after 18 January 2019. Evidence no. 1: According to the data available in YouTube, on 30 January 2019, you appeared in the TV Channel ... for their program Evidence 2: Likewise, ... Channel published your program on 30 January 2019 in their program called Evidence no. 3: ... published on 18 February 2019 your interview with them. Evidence no. 4: ... published on 10 February 2019 another interview of yours.

Since Sr. XY failed to produce any permission from her lawful superiors regarding her participation in the TV talk shows and similar programs, it is to be concluded that she willfully and obstinately violated the norm in this regard. Since she did not tender any apology in this regard, it is to be concluded that the two canonical warnings and the Show-Cause Notice could not bring about the needed reform or repentance in her.

36. Whereas it is proven with moral certainty that Sr. XY violated repeatedly the vows of poverty and obedience which she professed in the ABC in addition to the violation of the proper law of the ABC regarding the religious habit and enclosure, and whereas she violated the norm of the Syro-Malabar Church regarding the appearance of religious in TV shows, and whereas both canonical warnings and the additional Show-Cause Notice did not bring about the needed repentance or change in her, I, Sr. NN, the Superior General of the ABC, together with the members of my General Council, hereby dismiss Sr. XY from the same Congregation.

37. This resolution to dismiss Sr. XY was taken unanimously in the General Council meeting held at ..., Kerala, India, on ..., in which the following members of the General Council were present: ...
38. This decree will be effective only when it gets the formal approval of the Congregation for the Oriental Churches in Vatican. Once it is approved by the said dicastery, it will be intimated to Sr. XY as early as possible. Against this decree, Sr. XY has the right to make recourse to the same Congregation for the Oriental Churches according to the norms of Canon Law. Such a recourse has suspensive effect. If Sr. XY does not propose recourse against this decree within the peremptory time limit set by the law, this decree will become effective and Sr. XY must leave her convent after having handed over her religious habit to her local superior. Thereafter, XY is forbidden by law to use the prefix Sr. and the suffix ABC. Since she is entitled to a decent monthly salary, and since she has not handed over to the ABC her salary since ..., she is not entitled to any additional financial help on humanitarian ground from the ABC.

Given from ABC Generalate, ..., Kerala, India, on

CASE CLINIC

Dr. Varghese Koluthura, CMI

Case 1

A religious priest who is a finally professed member is well accepted in a religious community. After his ordination and having completed his BSc, B.Ed. education, he was appointed as a teacher in one of their schools. In ten years' time, he was well accepted and he was made the local superior and also the principal of the school where he was working. He was a person showing full commitment before the community members. Nobody had any doubt about him. He used to spend money on the needs of the community members and also he was the one who got permission for the school to upgrade it, introduce the CBSE system, etc. He used to say that he would do it by taking the finance from the school and nobody questioned it.

Meanwhile, on weekends, continually he was absent from the community. As he was the superior and the principal of the school, none of the members doubted his integrity. From Monday to Friday, he was regular in classes. He was not a talkative person in the community, but he used to give money generously to the community members when they requested it personally. Therefore, there was a good opinion of him in the community. Meanwhile, he was having an affair with a Hindu teacher which he continued to cater and none of the community members noticed it. For every election that happens in three years, he used to get elected as the chapter member, and also, he was a councilor of the province for a term.

Besides obtaining Licentiate in Theology from DVK, Bangalore, and LLB from Bangalore University, he took Licentiate in Canon Law from the Lateran University, Rome, and Doctorate in Canon Law from the Pontifical Oriental Institute, Rome. He teaches Canon Law at DVK since 1994. He served a term as Provincial of CMI, Mysore Province (2008-2011). At present, he teaches at DVK and serves as the Judicial Vicar of the Tribunal of Mandya functioning at DVK Research Centre, Bangalore. He was appointed by the Vatican as one of the consultants from India to the Dicastery for Legislative Texts in 2008 by Pope Benedict XVI and was re-appointed by Pope Francis in 2021. He serves as the Vice President of the Canon Law Society of India, a society of all canon lawyers in India. He has authored a book and numerous articles.

After ten to fifteen years of this style, some of the community members had some doubts regarding his regular absence on weekends from the community. Finally, the provincial superior asked him for clarifications but he used to evade it. Before the Covid time, he was absent unauthorizedly for about two years. Nobody knew where he was. Finally, when it became a necessity for the administration to trace him, they employed the help of a private detective to trace his whereabouts. All these efforts were made to bring the individual back to the community. But he used to be in touch only by email and very rarely by phone. Finally, the provincial superior instituted a three-member commission to enquire about the unauthorized absence of this person and report back to the provincial.

Thus, this commission after several weeks and months of study using the information received from the private detective agency, succeeded in locating the house where he was staying. Casually, when they went to that house, he came out of his house, and when he saw these commission members he went inside and closed the door. Finally, after their patient waiting for an hour, he came out of the house and enquired why they came to his house. The commission managed to record the video without his notice. And the commission presented these details to the provincial. Provincial with this clarity about the location of the house where he was staying, away from the community, went to verify it and tried to persuade him to come back to the community. Then, he said, "I am not interested in continuing in the religious community. You can do what you like." From the context where he was staying, the provincial understood that he was staying with a woman and he has children in his relationship with her.

1. What is to be done with this person, and how the provincial can be accountable to the members of the province when they question this person's misbehavior?
2. Give your own proposals on how to solve this situation. Should he be dismissed?
3. What is the procedure to be followed in this case and who is responsible for conducting the procedure?

Case 2

Fr. Newton is a perpetually professed member of a Pontifical Clerical Religious Institute of the Latin Church. He is appointed as a lecturer in one of the colleges under the management of the religious institute and he is ascribed to the religious house attached to the college. After a period of eight years, his major superior lawfully issued him a transfer to take charge as a lecturer in one of the newly established colleges and thus to be a member of the religious house there. But Fr. Newton refused to accept the patent letter issued by his major superior, telling that he is not

willing to leave such a prestigious college. Even after repeated requests and advises from the superior, Fr. Newton stood firm in his decision not to abide by the lawful transfer issued to him. The major superior considered it a serious breach of the vow of obedience on the part of Fr. Newton. Hence, the major superior, with the consent of his council, with due process, dismissed Fr. Newton from the religious institute. He was also served a termination notice from the college for disciplinary reasons.

Fr. Newton immediately sought the help of the civil court to resume his post in the college. Consequently, the court, in its judgement, observed that the lecturer post of Fr. Newton, in the college, has nothing to do with his religious status whatsoever and that he is a qualified person. Hence, the college authorities cannot dismiss him and he was re-stated. Now Fr. Newton continues to teach in the college.

1. Situate the case and frame the necessary questions to be answered such as:
2. What is meant by a public religious vow, and what are the consequences of making a public perpetual religious vow? What are the possibilities of correcting an erring member in a religious institute?
3. Differentiate the obligations of a secular cleric and a religious cleric
4. What are the procedures to be followed in the dismissal of a finally professed religious cleric?
5. In the administration of justice in this case how can equity and charity be applied?
6. Any other relevant issue?

Case 3

Clara of the Syro-Malabar Church, after her graduation, joined a cloistered convent of the Latin Church of pontifical right in Italy. After making her final profession in the monastic institute, she was given an appointment as a school teacher in Italy. After doing her job for five years, she became very ill and the doctors, who treated her, advised her that the climate of Italy is not suitable for her health and she was given advice by her doctors to leave Italy on health grounds. She requested her superiors to give her a transfer to another religious institute in the Syro-Malabar Church while her original monastic institute does not have a branch in the Syro-Malabar Church or in India. After getting admission to a religious institute of pontifical right in the Syro-Malabar Church and living there for six years, she comes to the realization that she has no interest in religious life and she makes a request for exclaustation.

1. Situate the case and sort out the relevant issues
2. What is the role of pre-novitiate and novitiate programmes in discerning one's own vocation in a religious institute?

3. Who can make a lawful transfer and what are the formalities to be followed?
4. The procedure and the grounds for obtaining an indult of exclaustation from a religious institute according to *CIC*.

DOCUMENTATION

ADDRESS OF HIS HOLINESS POPE FRANCIS

To the Participants in the Plenary Assembly of the Congregation for Institutes of Consecrated Life and Societies of Apostolic life¹

Clementine Hall
Saturday, 28 January 2017

Dear Brothers and Sisters,

It is for me a cause for joy to be able to receive you today, as you are gathered in the Plenary Session to reflect on the theme of faithfulness and abandonment. I greet the Cardinal Prefect and thank him for his words of introduction; and I greet you all, expressing my gratitude for your work in service to consecrated life in the Church.

The theme you have chosen is important. We may well say that at this moment faithfulness is being put to the test; the statistics you have examined show this. We are facing a ‘haemorrhage’ that is weakening consecrated life and the very life of the Church. The abandonment of consecrated life worries us. It is true that some leave as an act of coherence, because they recognize, after serious discernment, that they never had this vocation. However, others, with the passage of time, have less faithfulness, very often only a few years after professing their perpetual vows. What has happened?

As you have well noted, there are many factors that condition faithfulness in what is a change of era and not merely an era of change, in which it becomes difficult to take on serious and definitive commitments. A bishop told me, some time ago, that a fine young man with a university degree, who worked in the parish, came

¹Thanks to Dicastero per la Comunicazione - Libreria Editrice Vaticana. This message of Pope Francis can be accessed at: https://www.vatican.va/content/francesco/en/speeches/2017/january/documents/papa-francesco_20170128_plenaria-civcsva.html

to him and said, “I want to become a priest, but for 10 years”. The culture of the provisional.

The first factor that does not help maintain faithfulness is the social and cultural context in which we move. We live immersed in the so-called culture of fragmentation, of the provisional, which leads us to live in an “à la carte” way, and to be slaves to what is fashionable. This culture fosters the need to always have “side doors” open to other possibilities; it feeds consumerism and forgets the beauty of the simple and austere life, very often causing a great existential emptiness. A strong practical relativism has also spread, according to which everything is judged in relation to a self-realization that is often extraneous to the values of the Gospel. We live in a society in which economic rules substitute moral ones, dictate the laws and impose their own systems of reference at the expense of the values of life; a society where the tyranny of money and profit promotes a vision of existence in which those who do not produce are discarded. In this situation, it is clear that one must first let him- or herself be evangelized in order to engage in evangelization.

To this factor of the socio-cultural context, we must add others. One of them is the world of youth, a complex world, at the same time rich and challenging. Not negative, but complex, yes, rich and challenging. There is no lack of young people who are very generous, supportive and committed at the religious and social level; young people who seek a true spiritual life; young people who hunger for something different from what the world has to offer. There are wonderful young people, and not just a few. But among young people there are also victims of the logic of worldliness, which can be summarized as follows: the search for success at any price, for easy money and easy pleasure. This logic also seduces many young people. Our task can be none other than that of standing beside them to infect them with the joy of the Gospel and of belonging to Christ. This culture must be evangelized if we want young people not to succumb.

A third conditioning factor comes from within consecrated life itself, where alongside much holiness — there is much holiness in consecrated life! — there is no lack of situations of counter-witness that render faithfulness difficult. Such situations, among others, are: routine, weariness, the burden of managing structures, internal divisions, the search for power — status seekers — a worldly way of governing institutes, a service of authority that at times becomes authoritarianism and sometimes ‘laissez-faire’. If consecrated life is to maintain its prophetic mission and its appeal, continuing to be a school of faithfulness for those near and far (cf. Eph 2:17), it must maintain its freshness and the novelty of Jesus’ centrality, the appeal of spirituality and the strength of mission, show the beauty of following Christ, and radiate hope and joy. Hope and joy. This shows us how a community is doing, what is inside. Is there hope, is there joy? It is going well. But when there is less hope and there is no joy, it is a bad thing.

One aspect that must be cared for in a particular way is fraternal life in the community. It must be nurtured through community prayer, the prayerful reading of the Word, active participation in the sacraments of the Eucharist and Reconciliation, fraternal dialogue and sincere communication among its members, fraternal correction, mercy toward a brother or sister who sins, and the sharing of responsibilities. All this must be accompanied by an eloquent and joyful witness of simple life alongside the poor and by a mission that favours the existential peripheries. The renewal of fraternal life determines the result of vocational ministry, the ability to say “Come and see” (cf. Jn 1:39), and the perseverance of brothers and sisters, both young and not-so-young. Because when brothers or sisters do not find support for their consecrated life within the community they will seek it outside, with all that this entails (cf. *Fraternal Life in Community*, 2 February 1994, n. 32).

The vocation, like faith itself, is a treasure that we carry in earthen vessels (cf. 2 Cor 4:7); therefore, we must safeguard it, as we safeguard the most precious things, so that no one robs us of this treasure, and so it does not lose its beauty with the passage of time. This care is first and foremost a task for every one of us, as we are called to follow Christ more closely with faith, hope and charity, nurtured each day in prayer and strengthened by a good theological and spiritual formation, which defends against the fashions and culture of the ephemeral and enables us to walk steadfast in the faith. On this foundation it is possible to practice the evangelical counsels and to have the very sentiments as Christ (cf. Phil 2:5). The vocation is a gift that we have received from the Lord, who has looked upon us and loved us (cf. Mk 10:21), calling us to follow him in the consecrated life, and is at the same time the responsibility of those who have received this gift. With the Lord’s grace, each one of us is called to take on responsibly, in the first person, the task of our own human, spiritual and intellectual growth and, at the same time, to keep the flame of the vocation alive. This means that we in turn must keep our gaze fixed on the Lord, being ever careful to walk according to the logic of the Gospel, and not to give in to the criteria of worldliness. Very often great infidelities begin with minor deviations and distractions. In this case too, it is important to make Saint Paul’s exhortation our own: “it is full time now for you to wake from sleep” (Rom 13:11).

In speaking of faithfulness and abandonment, we must accord great importance to accompaniment. I would like to emphasize this. It is essential that the consecrated life invest in preparing guides who are qualified for this ministry. I say consecrated life, because the charism of spiritual accompaniment, let us say spiritual direction, is a “lay” charism. Priests have it too, but it is a lay charism. How often have I found sisters who have said to me: “Father, don’t you know a priest who can guide me?” — “But, tell me, in your community isn’t there a wise sister, a woman of God?” — “Yes, there is that old woman who ... but ...” — “Go to her!”. Take care of the members of your congregation. In the previous Plenary you already noted this

need, as is also shown in your recent document, *New wine in new wineskins* (cf. nn. 14-16). We are never persistent enough on this need. It is difficult to remain faithful when walking alone, or walking with the guidance of brothers and sisters who are incapable of listening carefully and patiently, or who do not have adequate experience of consecrated life. We need brothers and sisters who are experts in the ways of God, so as to be able to do what Jesus did with the disciples of Emmaus: to accompany them on the journey of life and at the moment of disorientation, and to rekindle faith and hope in them through the Word and the Eucharist (cf. Lk 24: 13-35). This is the delicate and demanding task of a guide. More than a few vocations are lost due to a lack of effective accompaniment. All of us consecrated people, young and not-so-young, are in need of adequate help for the human, spiritual and vocational moment we are experiencing. However, we must avoid any form of accompaniment that creates dependencies. This is important: spiritual accompaniment must not create dependencies. Although we must avoid any form of accompaniment that creates dependencies, that protects, controls or infantilizes, we cannot resign ourselves to walk alone; there is need for close, frequent and fully adult accompaniment. All this will help ensure the continuous discernment that leads to discovering God's will, to finding in everything what most pleases the Lord, as Saint Ignatius would say, or — with the words of Saint Francis of Assisi — “to always want what pleases Him” (cf. FF, 233). Discernment requires, on the part of the guide or the person accompanied, a refined spiritual sensitivity, the ability to stand before oneself and the other *sine proprio*, with complete detachment from prejudices and personal or group interests. Moreover, it is necessary to remember that discernment is not only a question of choosing between good and bad, but between good and better, between that which is good and that which leads to identification with Christ. I would continue to speak, but let us finish here.

Dear brothers and sisters, I thank you again and I invoke upon you and upon your service as members and collaborators of the Congregation for Institutes of Consecrated Life and Societies of Apostolic Life the continual support of the Holy Spirit, and I bless you wholeheartedly. Thank you.

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