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Admission of Candidates to the Order of Friars Minor Capuchin:
Canons 597, 641-645
Ongoing Canonical Considerations

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Given the scarcity of religious vocations in the Western hemisphere and the copious numbers of religious vocations in some parts of the Eastern hemisphere, candidates are often admitted without the scrutiny required by canon law. In contemporary society candidates often lack depth in Catholic doctrine, are increasingly influenced by secularism, and have difficulty making permanent commitments. This dissertation examines admission to religious institutes of men in the 1983 *Code of Canon Law* and recommends a procedure for the admission of candidates in accord with the vocation and identity of the Order of Friars Minor Capuchin.

Chapter one of this thesis reviews the norms for admission to a religious institute in the 1917 *Code of Canon Law*, canons 538-546 and significant post-codal documents. Human experience and developments in the social sciences brought revisions, clarifications, and additions to the law on admission to religious institutes.

Chapter two studies the period from the Second Vatican Council to the promulgation of the revised *Code of Canon Law*. Conciliar and post-conciliar teachings reflect theological developments and further progress in the social sciences, assisting the magisterium, major superiors and formators in updating the admission process. The teachings informed the code revision process.

Chapter three analyzes the revised norms on admission to the novitiate in the 1983 code, canons 597 and 641-645. Post-codal documents and a symposium reflect ongoing papal and curial concerns for the admission of suitable candidates.

Chapter four examines admission to the Order of Friars Minor Capuchin. It addresses the Fourth Plenary Council, the proper law of the Capuchin Order, and the future of Capuchin formation and the development of a *ratio formationis*.

This dissertation by Brother James Peterson, OFM Cap fulfills the dissertation requirement for the doctoral degree in canon law approved by Rose McDermott, S.S.J., J.C.D., as Director, and by Thomas Green, J.C.D., and Robert J. Kaslyn, S.J., J.C.D. as Readers.

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GENERAL INTRODUCTION

This dissertation examines admission to male religious institutes as provided in the 1917 and 1983 Codes of Canon Law, papal, dicasterial, and episcopal documents, as well as the proper law and formation studies of the Order of Friars Minor Capuchin. The dissertation, however, does not address the formalities for the admission of male religious to sacred Orders. The dissertation divides into four chapters.

Chapter one reviews the norms for admission to a religious institute in the 1917 *Code of Canon Law*, canons 538-546 and significant post-codal documents, pre-conciliar documents. It focuses on the requirements for admission to the novitiate for male candidates, including the postulancy, invalidating and impeding impediments, and required testimonials and testimonial letters. Between 1917 and the Second Vatican Council, the Holy See issued the Instruction *Quantum religiones* (1931), establishing a probationary period for all candidates. The Apostolic Constitution *Sedes sapientiae* (1956) introduced the testing of candidates' physical and psychological health. The Instruction *Religiosorum institutio* (1961) discussed psychological issues, candidates' involvement in vocational discernment, their future commitment to celibacy, and the moral certitude required of admitting superiors.

Chapter two studies the period from the Second Vatican Council to the promulgation of the revised *Code of Canon Law*, and divides into four parts. Part one studies the conciliar documents. These place religious life within the context of the Church, recognize the special characteristics of religious institutes, call for adaptation and renewal, and recommend the use of the behavioral sciences in addressing the issue of future admission. Part two studies three decrees granting special faculties to diocesan bishops and the highest superiors in religious institutes and monasteries. Part

three addresses post-conciliar documents implementing conciliar teaching and informing the revision of the code. Part four addresses the work of the Code Commission *coetus* for consecrated life and the canons on admission in the 1977, 1980, and 1982 *Schemata*, prepared during that process.

Chapter three contains three parts. Part one analyzes the revised norms on admission to the novitiate in the 1983 code, canons 597 and 641-645. Canon 597 addresses right intention and suitable preparation of candidates. Canons 641-645 address the superiors competent to admit candidates, the suitability of candidates, impediments to admission, other impeding impediments, and the required documents and testimonials. Part two addresses three apostolic exhortations of Pope John Paul II, three instructions from the Congregation for Institutes of Consecrated Life and Societies of Apostolic Life, three instructions from the Congregation for Catholic Education, and a circular letter and symposium from the Congregation for the Doctrine of the Faith. These studies reflect ongoing papal and curial concerns for the admission of suitable candidates. Part three explores select issues in admission, including age, candidates with a decree of annulment, candidates from other cultures, and candidates with HIV/AIDS.

Chapter four examines admission to the Order of Friars Minor Capuchin. It divides into three parts. Part one addresses the Fourth Plenary Council of the Order on formation. It studies the context for: Franciscan formation, priorities in initial formation, living the Gospel life, and the postulancy. Part two examines the proper law of the Capuchin Order, including the *Constitutions of the Capuchin Friars Minor* and the *Ordinances of the General Chapters*. The proper law addresses the qualifications necessary for Capuchin life, the postulancy and its priorities, admitting superiors, and formative structures for the Order. Part three addresses future Capuchin formation and the development of a *ratio formationis*. The proposed *ratio* will include three chapters: Saint Francis the

Formator, the five dimensions of formation, and the stages of formation. Its three appendices will include a *ratio studiorum*, a treatise on the psycho-sexual maturity of male religious, and one on their adaptation to various cultures.

Chapter I

THE 1917 CODE OF CANON LAW: ADMISSION OF MALE CANDIDATES AND SIGNIFICANT POST-CODAL DOCUMENTS

Introduction

Chapter one provides a background, a context, and an understanding of norms in the 1917 code on admission of male candidates to religious institutes. After an examination of the legislation in the code, this chapter will also explore the various documents from the Holy See on admission to religious institutes issued after the promulgation of the code. More specifically, the chapter will analyze and address the postulancy, the requirements for admission, the invalidating and impeding impediments, and the testimonials and testimonial letters required prior to admission to the novitiate.¹

After the promulgation of the 1917 code, the Holy See issued two instructions and one apostolic constitution that significantly impacted the canonical requirements for admission to religious institutes.² The Instruction *Quantum religiones* of 1931 required probationary period for clerical candidates for religious institutes; previously, it was only required for lay male and female

¹ This chapter will focus on the requirements for admission to the novitiate for male candidates, including the postulancy, as expressed in cc. 538-546. *Codex Iuris Canonici Pii X Pontificis Maximi inssu digestus Benedicti Papae XV auctoritate promulgatus* (Rome: Typis Polyglottis Vaticanis, 1917) (hereafter 1917 code). The canons on the admission of female candidates and the formation of novices are beyond the scope of this dissertation. Due to the exclusive focus on male candidates, the language used with respect to candidates for admission will be masculine throughout the dissertation.

² Although the word “*religionis*” was used in the 1917 code with no reference to the word “institute,” for the sake of clarity and continuity with the current understanding, this text will use the term “religious institute.” See 1917 code c. 488. Since valid admission to a religious institute begins with admission to the novitiate, “admission to the novitiate” will be used synonymously with “admission to a religious institute.”

candidates. While the 1917 code required that only testimonial letters were required of male candidates, the apostolic constitution, *Sedes sapientiae* of 1956 introduced the requirement for an investigation of male candidates. This was previously required only of female candidates in the 1917 code. This same apostolic constitution introduced the requirements of physical and psychological examinations requiring experts.

Prior to the Second Vatican Council, the Sacred Congregation for Religious issued another instruction, *Religiosorum institutio* in 1961. In addition to its reaffirmation of the changes brought about by the two prior documents mentioned above, it also suggested new requirements for the admission of candidates to religious institutes. This chapter will explore the more important aspects of these two instructions and the apostolic constitution.³ Emphasis will be placed on the requirement of a psychological evaluation for candidates to religious institutes. This requirement raised significant canonical issues such as the manifestation of conscience and the candidate's right to privacy.

I. Admission of Male Candidates to Religious Institutes in the 1917 Code

A. Admission of a Candidate – Canon 538

Canon 538 stated, “Any Catholic who is not prevented by a legitimate impediment, and who is moved by right intention, and who is suitable for the burdens imposed by religious [life] can be

³ This chapter will not address the issues of formation of candidates already admitted to the novitiate, to vows, and to minor orders in preparation for the priesthood. Although other documents were issued by the Holy See during this period on the training of priests and papal allocutions were given generally on religious life and the importance of formation, these will not be addressed unless they touch upon admission to a religious institute.

admitted into a religious institute.”⁴ This canon was a succinct summary of the essential requirements for admission to religious institutes and implicitly referred to both the proper law of the institute and canon 542, a listing of legitimate impediments.⁵

Right intention was generally understood to include signs of a vocation, but more specifically, the candidate was required to have a desire for Christian perfection through the living out of the constitutions of the particular institute and the vows.⁶ Secondly, a right intention included the intention (and one would presume the ability) to engage in studies, a concern for and an ability to care for the sick or infirm, and the intention to perform ministry in the mission territories according to the works of the particular institute.⁷ Creusen states that “right intention”:

is a sign of the divine invitation. But the presence of an obstacle which the subject cannot do away with of his own accord, or the lack of aptitude, would suffice to show that this desire is the result of a call to a more perfect life in general, and not of a vocation to the religious life in particular.⁸

Accordingly, the two elements, right intention and the ability to bear the burdens of religious life, could not be separated, but rather had to be understood together. In other words, the divine call

⁴ 1917 code c. 538: “In religionem admitti potest quilibet catholicus qui nullo legitimo detineatur impedimento rectaque intentione moveatur, et ad religionis onera ferenda sit idoneus.” English translation from Edward Peters, *The 1917 Pio-Benedictine Code of Canon Law: In English Translation With Extensive Scholarly Apparatus* (San Francisco: Ignatius Press, 2001). All subsequent English translations of canons from this code will be taken from this source unless otherwise indicated.

⁵ T. Lincoln Bouscaren and Adam C. Ellis, *Canon Law: A Text and Commentary*, 3d rev. ed. (Milwaukee: The Bruce Publishing Company, 1957) 255. It should be noted that right intention was considered merely an element of the larger notion of a “vocation” which is treated following this discussion. Both “right intention and “vocation” would have both internal and external components. That is, the internal dimension of right intention and vocation had to be tested and proved externally.

⁶ Dominic M. Prümmer, *Manuale Iuris Canonici: In Usum Clericorum Praesertim Illorum Qui Ad Instituta Religiosa Pertinent*, 3rd ed. (Friburg: Herder and Co., 1922) 263.

⁷ Ibid.

⁸ Joseph Creusen, *Religious Men and Women in the Code*, 3rd Eng. ed., ed. Adam C. Ellis, trans. Edward F. Garesché (Milwaukee: The Bruce Publishing Co., 1940) 129.

was tested in the external forum and shed light upon the subjective internal forum (including the ‘right intention’ of the candidate).⁹ McFarland states:

No matter how absolutely certain anyone may be that it is God’s will for him to enter the religious state, that life is closed to him unless an authorized superior, having used the legally established means to acquire the knowledge upon which his judgment is based, decides that the candidate, tried and proven, is qualified according to canonical norms.¹⁰

Should there have been any doubt about the ecclesiastical approval needed to affirm a candidate’s calling or vocation, the words of canon 538 removed such doubt.¹¹ The canon stated that the unimpeded candidate, moved by right intention, and suitable for the burdens of religious life, “*in religionem admitti potest*.” *Potest* is translated as either “can” or “may” be admitted; and consequently does not say that the candidate must be admitted.¹² Therefore, even if the candidate met all of the qualifications of having a vocation, the admitting superior would still not be under any obligation to admit him to the novitiate.

Another way of stating this distinction between the internal and external elements of a vocation or divine call was to distinguish between the theological elements of a divine call and the juridical elements. Commentators also referred to this distinction as a private versus public vocation or general versus specific vocation.¹³ Regarding the theological elements, Vermeersch writes, “If the

⁹ See Felix M. Cappello, *Summa Iuris Canonici, In Usum Scholarum: Concinnata*, 5th ed., 4 vols. (Rome: Apud Aedes Universitatis Gregorianae, 1951) 2:42.

¹⁰ Norman F. McFarland, *Religious Vocation – Its Juridic Concept: A Historical Synopsis and a Commentary*, Canon Law Studies 328 (Washington, DC: The Catholic University of America, 1953) 86.

¹¹ *Ibid.*

¹² *Ibid.*

¹³ Commentators disagreed as to the significance of the general versus specific call and its application to c. 538. For example, Cappello believed the lack of explicit mention of a call in c. 538 did not exclude the specific aspect of a vocation from the canon’s meaning. Cappello, 42. Prümmer, on the other hand, believed that religious superiors and canon law could only analyze the juridical aspects of a vocation and therefore c.

motives are supernatural, and the candidate gives evidence of relying on the divine help, theologians agreed that no question should be raised as to the candidate's vocation."¹⁴ However, if the primary motivation of the candidate to enter religious life was not divine, but strictly human, the person could only be admitted to an institute when he developed a higher motivation.¹⁵

The divine inspiration to become a religious may have required the assistance of a spiritual director not only to help the candidate judge his own vocation, but also to assist him in the understanding the divine call.¹⁶ The theological elements, although received personally by the individual candidate, had to be proven by external signs, that is, through the juridical elements.

According to Beste, three elements composed the juridical aspect of vocation in canon 538: catholicity, the absence of impediments, and aptitude.¹⁷ The requirement in canon 538 that the person to be admitted be "suitable for the burdens of religious life," would necessarily exclude certain persons. Since a religious vocation essentially involved an act of the will, a prior determination had to be made about the candidate's ability to reach the goal or "object" desired by the will.¹⁸ Those excluded from admission included those who were infirm or unable to live the burdens required of them by the particular constitutions, a person suffering from mental illness or

538 excluded the specific divine vocation. Prümmer, 268. For a thorough discussion on this topic see Norman F. McFarland, 53-63. For a thorough discussion on the theological aspects of the vocation to religious institutes, see Arthur Vermeersch, *Religious and Ecclesiastical Vocation*, trans. Joseph Kempf (St. Louis & London: B. Herder Book Co., 1925).

¹⁴ Vermeersch, *Religious and Ecclesiastical Vocation*, 52.

¹⁵ Ibid., 53.

¹⁶ Ibid, 54-55.

¹⁷ Udalricus Beste, *Introductio in Codicem*, 3rd ed. (Collegeville, MN: St. John's Abbey Press, 1946) 361.

¹⁸ Edward Farrell, *The Theology of Religious Vocation* (St. Louis and London: B. Herder Book Co., 1951)104.

one lacking the intelligence to comprehend the meaning of evangelical perfection.¹⁹ Others excluded were those so deformed that their appearance in a religious habit would cause derision or scorn for the habit of the institute, those suffering from excessive anger with no hope for amendment or those proven unable to sublimate their sexual passions.²⁰

The candidate for admission to a religious institute also had to possess the moral and physical strength to meet the rigors and obligations of religious life as determined in the constitutions of the institute.²¹ Canon 538 stated that the candidate had to be able to bear the burdens of religious life. However, religious superiors in admitting candidates were obligated to apply the standards mentioned in canon 538 to their specific institutes.²²

McFarland writes:

an admitting superior must not only judge the sincerity of a candidate's intention to follow the evangelical counsels, but in addition must ask himself whether or not, *in consideration of the positive constitution and the nature of his particular institute*, it is to the general interest of that society, as well as that of the individual, the religious state, and the Church, that *this individual* be admitted into *this specific institute* (original emphasis).²³

Accordingly, a candidate might not be suitable for entrance into a particular institute. However, the superior had to take into account that there might be some hope that a candidate could bear the

¹⁹ Lodovico G. Fanfani, *Il Diritto delle Religiose: Conforme al Codice di Diritto Canonico* (Rovigo, Italy: Istituto Padano Di Arte Grafiche, 1950) 124-125 (hereafter Fanfani, *Il Diritto delle Religiose*). While this understanding by Fanfani reflected a widespread interpretation of the word "*idoneus*" in c. 538, Toso interpreted *idoneus* as referring more strictly to the suitability of the candidate for the rigors of the specific institute and not necessarily to religious life in general. Albert Toso, *Ad Codicem Juris Canonici Commentaria Minora*, 5 vols., 2nd ed. (Rome: Marietti, 1921-1927) 5:87.

²⁰ Ibid., 5:125.

²¹ John A. Abbo and Jerome D. Hannan, *The Sacred Canons: A Concise Presentation of the Current Disciplinary Norms of the Church*, 2 vols. (St. Louis: B. Herder Book Co., 1960) 1:555.

²² McFarland, 95.

²³ Ibid.

burdens of the particular institute after a period of training and probation. In fact, the novitiate and the period of temporary vows were at least in part established for that purpose. Pursuant to canon 565 §1:

The novitiate year must be passed under the discipline of the Master [and be] so designed that the soul of the student is informed by study of the rule and constitution, by pious meditations and assiduous prayer, learning deeply those things that pertain to vows and virtue, by opportune exercises riding himself of the roots and seeds of vice, [learning to come to control emotions, and acquiring virtue].²⁴

In other words, at the time of admission to the novitiate, the superior did not have to discern whether the candidate could assume all of the obligations of the institute and/or whether he had a complete understanding of the vows, but rather whether he had a basic understanding of the obligations he was about to undertake and the vows to be professed.

The candidate and the admitting superior also had to consider the ends of religious life. That is, the purpose of religious life was the attainment of the state of perfection. There was a large historical body of work that discussed and explicated these matters and their implications for a candidate's admittance to novitiate.

Farrell notes the influential work of Thomas Aquinas on vocation in which he described a "special faculty," or aptitude to live religious life.²⁵ In fact, Aquinas believed that each state in life had to be accompanied by an appropriate suitability to live such a life. Farrell divides these

²⁴ 1917 code c. 565 §1: "Annus novitiatus debet sub disciplina Magistri hoc habere propositum, ut informetur alumni animus studio regulae et constitutionum, piis meditationibus assiduaeque prece, iis perdiscendis quae ad vota et ad virtutes pertinent, exercitationibus opportunis ad vitiorum semina radicitus extirpanda, ad compescendos animi motus, ad virtutes acquirendas."

²⁵ Farrell, 110.

qualifications for the state of perfection, referring to them as “the material factors of virtues” as follows: (1) gifts of grace; (2) gifts of nature; (3) habits and dispositions; and (4) science.²⁶

Gifts of grace were the supernatural elements of a divine vocation, which were hard to quantify, but without which one cannot be found suitable for religious life. Farrell describes them as follows: “They have their juridical aspects, of course; but they are essentially spiritual, supernatural realities affording the individual the opportunity of taking his stance in life, his proper place in relation to God.”²⁷

The second factor indicating the candidate’s ability to withstand the rigors of religious life was the “gifts of nature.” These gifts included the character of the individual and/or the characteristics which accommodated the person in a special way to religious life.²⁸ For example, the candidate’s disposition or temperament may or may not have lent itself to living the rigors of religious life.

“Habits and personal dispositions” constituted the third category of factors in determining a candidate’s divine calling. There were both positive and negative habits. A person’s habits of contemplative thought or a habitual ability to focus on the task at hand, for example, would enhance the person’s ability to live religious life. On the other hand, a person’s negative habit, perhaps to dwell on sexual passions, would necessarily be evidence that the candidate was not suitable for religious life.²⁹

²⁶ Ibid., 111-120.

²⁷ Ibid., 112.

²⁸ Ibid., 114-115.

²⁹ Ibid., 116-120.

The final category of Aquinas' material factors of vocation was "science." This category can be summarized by the requirements of both knowledge and judgment. Only the presence of these two virtues could guide the act of the will to follow the divine call. Without these two virtues, one could easily be swayed by overbearing parents, or the individual's passions.³⁰ Farrell writes that without these virtues men would "follow the course of least resistance and establish themselves in a state of life unsuited to their needs and abilities."³¹

While not explicit in the 1917 code, there were other guiding principles, some dating back to St. Thomas Aquinas, dealing with the suitability of a candidate. The canons that followed canon 538 were further attempts to flesh out those theological and practical issues pertinent to a candidate's vocation and were meant to assist superiors charged with admitting candidates in testing that vocation.

B. The Postulancy

Canons 539 to 541 regulated the postulancy, the period for the candidate to be tested prior to admission to the novitiate. Canon 539 stated:

- §1. All women in religious [institutes] of perpetual vows and, if it concerns religious [institutes] of men, lay brothers, before being admitted to the novitiate, must perform a postulancy of at least six integral months; but in religious [institutes] of temporary vows, as to what applies to the necessity and time of the postulancy, the constitutions stand.
- §2. The major Superior can extend the prescribed time of postulancy but not beyond another six months.³²

³⁰ Ibid., 120-122.

³¹ Ibid., 122.

³² 1917 code c. 539 §1: "In religionibus a votis perpetuis mulieres omnes et, si agatur de religione virorum, conversi, antequam ad novitium admittantur, postulatum ad sex saltem integros menses peragant; in religionibus vero a votis temporariis, ad necessitatem et tempus postulatus quod attinet, standum constitutionibus."

§2: "Superior maior praescriptum postulatus tempus potest prorogare, non tamen ultra aliud semestre."

The requirement of a postulancy with regard to male candidates only applied to lay brothers. In fact, it only addressed those lay brothers known as *conversi*, those who did manual labor.³³ In other words, the *conversi* formed a second class of lay brothers within the institute.³⁴ The reason for this distinction between *conversi* and other lay brothers rests in the history of the lay brother vocation.³⁵

Because canon 539 did not mention other types of lay brothers, commentators came to the conclusion that the postulancy was only required for *conversi*.³⁶ In addition to canon 539, other canons on the novitiate specifically referred directly to the *conversi*. Both canons 509 §2, 2°, and canon 565 §2, regarding catechesis and the teaching of Christian doctrine during the novitiate referred to the *conversi*.³⁷ No other class of religious was specifically mentioned with regard to catechesis and Christian doctrine. It was presumed that the clerical candidates and the lay brothers of teaching institutes had such instruction in the minor seminaries or at a preparatory school of the institute.

³³ James McGuire, *The Postulancy: A Historical Conspectus and Commentary*, Canon Law Studies 386 (Washington, DC: The Catholic University of America, 1959) 63.

³⁴ *Ibid.*, 63-64.

³⁵ The history of the lay brother vocation is complex and dates almost to the very origins of religious life. For an in-depth look at this subject see Thomas A. Brockhaus, *Religious Who are Known as Conversi: An Historical Synopsis and Commentary*, Canon Law Studies 225 (Washington, DC: The Catholic University of America, 1946).

³⁶ Brockhaus, 86-87; Timothy Schaefer, *De Religiosis: ad Normam Codicis Iuris Canonici* (Rome: Typis Polyglottis Vaticanis, 1947) 414-415; Arthur Vermeersch and J. Creusen, *Epitome Iuris Canonici*, 7th ed., 3 vols. (Rome: Marietti, 1949) 1:494-495; Matthew Ramstein, *A Manual of Canon Law* (Hoboken, NJ: Terminal Printing & Publishing Co., 1948) 328. Commentators did not agree on the precise meaning of the word *conversi* as used in canon 539. For example, Wernz-Vidal believed that canon 539 also required lay brothers of teaching orders to complete a six month postulancy. Francisco Wernz and Pietro Vidal, *Ius Canonicum ad Codicis Normam Exactum*, 8 vols. (Rome: Apud Aedes Universitatis Gregorianae, 1933) 3:193.

³⁷ 1917 code c. 509 §2: “Curent Superiores locales:
2° Ut saltem bis in mense, firmo praescripto can. 565, §2, christianae catechesis habeatur instructio pro conversis et familiaribus, audientium conditioni accommodata, et, praesertim in religionibus laicalibus, pia ad omnes de familia exhortatio;” 1917 code c. 565 §2: “Conversi praeterea diligenter in christiana doctrina instituantur, speciali collatione ad eos habita semel saltem in hebdomada.”

Prior to the promulgation of the 1917 code, a decree from the Sacred Congregation for Religious, *Sacrosancta*, of January 1, 1911 required a two year postulancy for *conversi*, the non-observance of which rendered the subsequent profession of solemn vows invalid.³⁸ While canon 539 continued to require a postulancy specifically for *conversi* only, it abrogated the two year requirement and no longer required the postulancy for the validity of the subsequent profession of solemn vows.³⁹

Regarding the division of clerical and lay candidates in the 1917 code, a few points should suffice for our purposes. Typically, the lay brothers in clerical institutes had less formal education or training than those lay brothers in teaching institutes.⁴⁰ While candidates for the priesthood became familiar with the institute and the institute with the candidate during the minor seminary or scholasticate, such institutions did not generally exist for lay candidates. Therefore, the lay brother candidate was less likely to be known in the clerical religious institute.⁴¹

The postulancy was a probationary period, spent in a house of the institute that preceded the more formal probationary period of the novitiate.⁴² In fact, the postulancy and the novitiate were both of similar purpose and intention.⁴³ As with the novice, the postulant was to gain a greater knowledge and experience of religious life. It also allowed time for superiors of the institute to

³⁸ Sacred Congregation for Religious, Decree *Sacrosancta*, January 1, 1911 in Pietro Gasparri, *Codicis iuris canonici fontes/cura emi Petri Card. Gasparri editi*, 9 vols. (Rome: Typis Polyglottis Vaticanis, 1923-1939) (hereafter “*Fontes*”) 6:1003.

³⁹ Brockhaus, 86.

⁴⁰ Ibid., 85.

⁴¹ Ibid. Lay religious institutes preparing their candidates for the apostolate of education had their own scholasticates and knew their candidates.

⁴² Abbo-Hannan, 556.

⁴³ McGuire, 59.

judge the suitability of the candidate.⁴⁴ Those judged unsuitable for the rigors of religious life in the particular institute, and those judged lacking right intention without room for growth or understanding could be dismissed prior to admission to the novitiate.⁴⁵ The postulancy allowed time for the religious designated to begin teaching the postulants ecclesiology, spirituality, prayer, and the history and traditions of the particular institute.⁴⁶

The postulancy was also a testing period for the candidate; he could determine whether or not he had a vocation to religious life. More specifically, by coming to know the rule or constitutions of the institute, the candidate determined whether his vocation was to this particular institute.⁴⁷ Although the life of a postulant may have been similar to a novice, the two were quite distinct. A postulant was not a member of the institute and did not enjoy the privileges of novices. For example, while novices were invested with the habit of the institute (albeit a probational habit), postulants had no such privilege.⁴⁸ While the institute may have provided distinct garb for postulants, it was not a necessity and not considered the habit of the institute.

Conversi had to undergo a six month postulancy, but it did not have to be continuous.⁴⁹ That is, the total time in the religious house was to be six months, or a year if the superior so decided. However, there could be times when the postulant was not present in the religious house. There

⁴⁴ Ibid.

⁴⁵ See McGuire, 61.

⁴⁶ Ibid.

⁴⁷ Fernando Della Rocca, *Manual of Canon Law*, trans. Rev. Anselm Thatcher, O.S.B. (Milwaukee: The Bruce Publishing Co., 1959) 143.

⁴⁸ Matthaeus Coronata, *Compendium Iuris Canonici: Ad Usum Scholarum*, 5 vols. (Rome: Marietti Editori Ltd., 1950) 1:515.

⁴⁹ Wernz-Vidal, 193; Fanfani, *Il Diritto Delle Religiose*, 129.

was also no express requirement that the postulant had to enter the novitiate immediately after the postulancy.⁵⁰ If there was a large interval in time between the postulancy and the novitiate, even more than a year, the postulancy might need to be repeated.⁵¹ However, it was customary for a postulant to be admitted to the novitiate immediately.⁵²

Regarding candidates in institutes whose members professed simple vows, the constitutions were to prescribe the time necessary for the postulancy. In other words, it was left to the constitutions to determine whether a postulancy was required, and if so, for how long. It was also suggested that if no time was prescribed in the constitutions for a postulancy, there was no obligation to make one.⁵³ While this interpretation appeared to contradict the canon, the postulancy was recognized as optional because it was widely believed that it was only for licit entrance into the novitiate.⁵⁴

Pursuant to canon 540, the postulancy was to be performed in the novitiate house or in another house in which the constitutions were faithfully observed and under the care of one or more religious specifically approved.⁵⁵ There was no requirement that the postulancy had to be in only one house of the institute; it could be at more than one location as long as each of the houses of the

⁵⁰ Fanfani, *Il Diritto Delle Religiose*, 130.

⁵¹ Ibid.; Louis G. Fanfani and Kevin D. O'Rourke, *Canon Law for Religious Women* (Dubuque, Iowa: The Priory Press, 1961) 164 (hereafter Fanfani-O'Rourke, *Canon Law for Religious Women*).

⁵² Fanfani-O'Rourke, *Canon Law for Religious Women*, 164.

⁵³ Ibid.

⁵⁴ See Abbo-Hannan, 556.

⁵⁵ 1917 code c. 540 §1: "Postulatus peragi debet vel in domo novitatus vel in alia religionis domo in qua disciplina secundum constitutiones accurate servetur sub speciali cura probati religiosi."

institute met the conditions of canon 540 §1.⁵⁶ During the postulancy, the postulants were to wear modest clothing that differed from the clothing of the novices.⁵⁷ Secular dress was not prohibited and was permissible in the 1917 code.⁵⁸ The clothing simply had to be modest and distinguished from the religious garb of the novices. However, it was acceptable for the postulants to have their own distinctive clothing or habit.⁵⁹ If there was to be a special habit for postulants, this had to be explicit in the constitutions of the institute.⁶⁰

There was a further requirement that, before beginning the novitiate, the postulant had to complete eight integral days of spiritual exercises. If the postulant's confessor deemed it necessary, the postulant was also to make a general confession of his prior life.⁶¹ Having met these requirements, the postulant was still not able to enter the novitiate validly until it was determined that he had no impediments or restrictions, and the proper testimonials and testimonial letters had been provided.

C. General Reflections on Admission to the Novitiate

As explained, the postulancy was a trial or testing period prior to the novitiate; its omission did not affect the validity of entrance into the novitiate. Entrance into the novitiate demanded an inquiry into whether the candidate was prohibited or impeded according to canon 542 and the

⁵⁶ Fanfani-O'Rourke, *Canon Law for Religious Women*, 164.

⁵⁷ 1917 code c. 540 §2: "Postulantes vestem induant modestam ac diversam a veste novitiorum."

⁵⁸ Fanfani-O'Rourke, *Canon Law for Religious Women*, 165.

⁵⁹ Vermeersch-Creusen, 1:496-497.

⁶⁰ Schaefer, 417. However, Joseph Creusen questioned the practicality of giving postulants a uniform/habit because of the short length of the postulancy. Creusen, *Religious Men and Women in the Code*, 121.

⁶¹ 1917 code c. 541: "Postulantes, antequam novitiatum incipiant, exercitiis spiritualibus vacent per octo saltem integros dies; et, iuxta prudens confessorii iudicium, praemittant generalem anteactae vitae confessionem."

constitutions of the institute, whether the candidate was suitable to be admitted to the institute, and whether he or she had the requisite freedom to enter the novitiate. There were many conditions for admission in the 1917 code, but it was not an exhaustive list. Further impediments or conditions could also be established in the constitutions of the institute.

D. Authority to Admit Candidates

It was for the major superior to admit candidates to the novitiate (and subsequently to temporary or perpetual profession) with the vote of the council, according to the constitutions of each institute.⁶² The lack of specificity regarding the use of the phrase, “*cum suffragio Consilii seu Capituli*,” enabled the constitutions to determine whether the vote of the council or chapter was a consultative vote or one in which the superior had to have the consent of the council or chapter.⁶³ Because it was the superior’s decision to admit the postulant, the investigation into whether the proper requirements and conditions of admission were met pertained to the same superior.

E. Impediments to Valid Admission to the Novitiate

The impediments to entrance into the novitiate in canon 542 were divided into invalidating and impeding or illicit impediments. Regarding invalidating impediments, only the Holy See was capable of dispensing these for both diocesan and pontifical right institutes. The superior general of a pontifical institute could ordinarily dispense from other impediments in the constitutions;

⁶² 1917 code c. 543: “Ius admittendi ad novitiatum et subsequentem professionem religiosam tam temporariam quam perpetuam pertinet ad Superiores maiores cum suffragio Consilii seu Capituli, secundum peculiare cuiusque religionis constitutiones.”

⁶³ Bouscaren-Ellis, 256.

however, the local ordinary could dispense from these same impediments in the constitutions of diocesan right institutes.⁶⁴

Regarding the requirements for valid admission, canon 542 states:

With due regard for the prescription of canons 539-541 and others [found] in the constitutions of each religious [institute]:

1° They are invalidly admitted to the novitiate:

- [a] Who adhere to non-Catholic sects;
- [b] Who do not have the age required for novitiate;
- [c] Who enter religious [life] induced by force, grave fear, or fraud, or whom a superior receives having been induced in the same manner;
- [d] A spouse while the marriage perdures;
- [e] Who are obstructed or have been obstructed by the bond of [prior] religious profession;
- [f] Those targeted by a penalty for a committed grave delict of which they are accused or can be accused;
- [g] A Bishop, whether residential or titular, even if he has only been designated by the Roman Pontiff;
- [h] Clerics who by institution of the Holy See are bound by the sworn obligation thoroughly to dedicate themselves for the good of their diocese or mission, for so long as the obligation of the oath perdures.⁶⁵

1. Those Who Adhere to Non-Catholic Sects

The first of those who were invalidly admitted to the novitiate were those who adhered to non-Catholic sects. In other words, a baptized Catholic who subsequently left the Catholic Church

⁶⁴ Ibid., 258.

⁶⁵ C. 542: “Firmo praescripto can. 539-541, aliisque in propriis cuiusque religionis constitutionibus: 1° Invalide ad novitium admittuntur; Qui sectae acatholicae adhaeserunt; Qui aetatem ad novitium requisitam non habent; Qui religionem ingrediuntur vi, metu gravi aut dolo inducti, vel quos Superior eodem modo inductus recipit; Coniux, durante matrimonio; Qui obstringuntur vel obstricti fuerunt vinculo professionis religiosae; Hi quibus imminet poena ob grave delictum commissum de quo accusati sunt vel accusari possunt; Episcopus sive residentialis sive titularis, licet a Romano Pontifice sit tantum designatus; Clerici qui ex instituto Sanctae Sedis iureiurando tenentur operam suam navare in bonum suae dioecesis vel missionum, pro eo tempore quo iurisiurandi obligatio perdurat.” Peters retains the Latin word *dolus* in his translation, but for the sake of clarity and consistency, the word fraud shall be used.

could not be admitted to a religious institute.⁶⁶ After some question arose about the meaning of the text, the Pontifical Commission for the Interpretation of the Code clarified that those who adhered to non-Catholic sects did not include those who were raised in a non-Catholic sect, but rather those who voluntarily chose to reject the Catholic faith and became members of a non-Catholic sect.⁶⁷ In a later response, the Pontifical Commission for the Interpretation of the Code stated that non-Catholic sects included atheistic sects.⁶⁸

Regarding the required degree of affiliation to a non-Catholic or atheistic sect, it had to be more than agreement or sympathy with the opinions or beliefs expressed by these sects, but rather an actual or formal enrollment in the sect.⁶⁹ In other words, an external manifestation of commitment to the sect and not merely an internal disposition was required.⁷⁰ Larraona believed that the requirement of canon 2314 §1, 3° regarding those who were “infamous” and incurred an excommunication because of heresy or schism was also relevant.⁷¹ That is, the adherence to a non-Catholic sect had to be both external and public for it to invalidate admission. Furthermore, those

⁶⁶ Ramstein, 330.

⁶⁷ Authentic Interpretation of c. 542, 1° a, October 16, 1919; *AAS*, 11 (1919) 477.

⁶⁸ Authentic Interpretation of c. 542, 1° a, July 30, 1934; *AAS*, 26 (1934) 494.

⁶⁹ Arcadius Larraona, “Commentarium Codicis,” *Commentarium Pro Religiosis et Missionariis* 16 (1935) 430 (hereafter Larraona, *CPRM* 16); Lucy Vazquez, *The Common Law of the Novitiate in the Western Church from the Council of Trent to the Present*, Canon Law Studies 486 (Washington, DC: Catholic University of America, 1975) 77.

⁷⁰ Schaefer, 423.

⁷¹ Larraona, *CPRM* 16 (1935) 431. Canon 2293 of the 1917 code defined infamy of law and/or fact. Infamy of law involved cases which had been specifically defined in the common law. Infamy of fact was ultimately a decision of the Ordinary but was the circumstance when a person had either committed a delict or was of loose morals in the eyes of the more reputable members of the public. 1917 code c. 2293: “§1. Infamia est vel iuris vel facti.”

§2: “Infamia iuris illa est quae casibus iure communi expressis statuitur.”

§3: “Infamia facti contrahitur, quando quis, ob patratum delictum vel ob pravos mores, bonam existimationem apud fideles probos et graves amisit, de quo iudicium spectat ad Ordinarium.”

who had converted to the Catholic faith, and those no longer heretical or schismatic were allowed to be admitted to the novitiate.⁷²

2. The Requirement of Age

Another requirement for validity of admission was that the candidate attain the required age of fifteen years.⁷³ The required age, although not listed in this canon on impediments to admission, was set forth in canon 555.⁷⁴ While the constitutions of the institute could set an older age, it could not set a lower age for admission.⁷⁵ To the question of whether someone could enter the novitiate on their fifteenth birthday, it was concluded that it would not be a valid admission. The person would have to wait until the day after his fifteenth birthday.⁷⁶

3. Those Who Entered (or Who Were Received) Through Force, Grave Fear or Fraud

Those who entered the novitiate through force, grave fear, or fraud, or who were received by a superior induced in the same manner, entered invalidly. While this invalidating provision was stated rather briefly, it raised complicated issues of canonical jurisprudence. Canon 103 of the 1917 code stated:

⁷² Larraona, *CPRM* 16 (1935) 431.

⁷³ In the twenty-fifth session of the Council of Trent on December 4, 1563, the minimum age for profession of vows was set at age sixteen, and the requirement for a probationary novitiate period of one year was also established for all religious, thus making the age at which one was eligible for the novitiate age fifteen. This novitiate period now was required of all who professed vows and those who did not complete this year of probation entered religious life invalidly. Sess. XXV, *de regularibus et monialibus*, c. 15, in *Canones et Decreta Sacrosancti Oecumenici Concilii Tridentini, Sub Paolo III Iulio III et Pio IV Pontificus Maximus cum Appendice Theologiae Candidatis Perutili* (Rome: Ex Typographia Polyglotta, 1882) 216.

⁷⁴ 1917 code c. 555 §1: “Praeter alia quae in can. 543 ad novitiatum validitatem enumerantur, novitiatum ut valeat, peragi debet: 1° Post completum decimum quintum saltem aetatis annum.”

⁷⁵ Schaefer, 426.

⁷⁶ Vazquez, 77.

§1. Acts placed by physical or moral persons in virtue of extrinsic force that cannot be resisted are considered invalid.

§2. Acts placed under grave and unjustly incurred fear or by fraud are valid unless the law states otherwise; but they can, according to canons 1684-[16]89, be rescinded by judicial sentence, sought either by the injured party or by office.⁷⁷

Therefore, the portion of canon 542, 1° that read, “They are invalidly admitted to the novitiate: . . . who enter religious [life] induced by force, grave fear, or fraud, or whom a superior receives having been induced in the same manner” is perfectly consistent with canon 103 §1.⁷⁸ However, canon 103 §2 stated in part, “Acts placed under grave and unjustly incurred fear or by fraud are valid unless the law states otherwise.”⁷⁹ Therefore, this was an instance where the law stated otherwise.⁸⁰

Accordingly, the general canonical principles regarding force and fear would also be applicable to the analysis of valid admission to the novitiate. If the force, fear and/or fraud were merely only factors that hastened the entrance to a religious institute, but not the cause of the entrance, then these factors were not invalidating.⁸¹

With regard to force and fear, Brown states, “in order to attain its invalidating effect, must be, according to the exact requirements of the law: (a) from without, (b) of grave intensity, (c)

⁷⁷ 1917 code c. 103 §1: “Actus, quos persona sive physica sive moralis ponit ex vi extrinseca, cui resisti non possit, pro infectis habentur.”

§2: “Actus positi ex metu gravi et iniuste incusso vel ex dolo, valent, nisi aliud iure caveatur; sed possunt ad normam can. 1684-1689 per iudicis sententiam rescindi, sive ad petitionem partis laesae sive ex officio.”

⁷⁸ 1917 code c. 542, 1°: “Invalidae ad novitiatum admittuntur: . . . Qui religionem ingrediuntur vi, metu gravi aut dolo inducti, vel quos Superior eodem modo inductus recipit.”

⁷⁹ 1917 code c. 103 §2: “Actus positi ex metu gravi et iniuste incusso vel ex dolo, valent, nisi aliud iure caveatur.”

⁸⁰ Vazquez, 78.

⁸¹ Ibid.

unjustly inflicted, and (d) the true efficacious cause which inspires the act.”⁸² The “from without” extrinsic requirement demanded that the fear be objective; it could not be based upon natural events, such as a disease.⁸³

The subjective characteristics of the individual could not be considered in determining whether the force or fear was invalidating. In other words, if the candidate’s imagination, his own baseless worries, mental or physical health drove him to enter a religious institute, it would not be the kind of fear that would invalidate his entrance.⁸⁴ Likewise, if there were natural disasters such as an earthquake, a shipwreck, or some other natural event which led to a candidate’s entrance to a religious institute, these would not be invalidating either.

This extrinsic force must also have been grave.⁸⁵ Brown states that the circumstance requires: “a careful and detailed analysis of the nature of the impending evil under which he acted, the circumstances surrounding its infliction, the imminence of its eventuation, and the subjective nature of the one upon whom it is wrought.”⁸⁶ The gravity of the extrinsic force or evil that is threatened must be objectively of a serious nature, at least on a relatively objective level. That is, objectively the evil is of a serious nature, but subjectively the individual must be certain that the evil is about to happen, cannot be avoided, and there is no other way to avoid the threatened evil.⁸⁷ In

⁸² James Victor Brown, *The Invalidating Effects of Force, Fear and Fraud Upon the Canonical Novitiate: A Historical Conspectus and a Commentary*, Canon Law Studies 311 (Washington, DC: Catholic University of America, 1951) 72.

⁸³ Ibid., 73.

⁸⁴ Ibid., 74.

⁸⁵ Wernz-Vidal, 198.

⁸⁶ Brown, 78.

⁸⁷ Ibid., 79.

other words, the evil must be objectively serious and the person facing the evil believes it to be so as well.

In addition, the force apparently had to be unjust to invalidate admission to the novitiate. However, commentators disagreed regarding whether the force had to be unjust or not.⁸⁸ This disagreement stems from the fact that canon 542, 1° did not use “*iniuste*” whereas other canons in the 1917 code did in fact use the word *iniuste* with respect to fear. Canon 185 of the 1917 code, for example, regarding fear associated with the renunciation of a benefice used “*iniuste*.” Canon 185 stated, “Resignation is invalid by law if it was made out of grave fear unjustly inflicted, [or from] fraud, substantial error, or simony.”⁸⁹

Commentators who believed that force did not have to be unjust to invalidate the juridic act used canon 185 to demonstrate their point.⁹⁰ They note that this canon and other canons that mention the word *iniuste* do have an obvious alternative that would not be invalidating. For example, with respect to canon 185, one already holding a benefice could, in theory be coerced to resign.⁹¹ This would have been a just force, and therefore not invalidating.

Another reason commentators believed that the force did not need to be unjust to invalidate admission to the novitiate was based upon canon 2352. It stated:

⁸⁸ With regard to the third element cited by Brown, “unjust infliction” of force, the 1917 code was not clear. Canon 542, 1° was silent on this issue of whether a just force could be invalidating. Consequently, there arose a very detailed canonical debate among commentators about whether the extrinsic force had to be “unjustly” inflicted or whether just infliction was also invalidating. It will only be briefly addressed in this chapter.

⁸⁹ 1917 code c. 185: “Renuntiatio ex metu gravi, iniuste incusso, dolo aut errore substantiali vel simoniace facta, irrita est ipso iure.”

⁹⁰ Arcadius Larraona, “Commentarium Codicis,” *Commentarium Pro Religiosis et Missionariis*, 17 (1936) 16 (hereafter Larraona, *CPRM* 17); Schaefer, 428-429.

⁹¹ Schaefer, 428-429.

An [unreserved] excommunication [is automatically incurred by the] one who strikes all those, of whatever dignity they might be graced, who by any manner coerce either a man to embrace the clerical state or a man or a woman to enter into religious life and to give a religious profession, whether solemn or simple, or perpetual or temporary.⁹²

Commentators who believed that an invalidating force included both just and unjust causes pointed to the fact that this canon did not distinguish between just and unjust force, but merely applied to any person who coerced someone to enter religious life.⁹³

On the other hand, many notable commentators such as Vidal and Michiels believed that general canonical principles and the language of canon 103 dictated that the force had to be unjust to invalidate the admission, thus excluding just causes.⁹⁴ This was a strong argument, as canon 103 stated a general principle of law that applied to the rest of the code. Furthermore, long-standing tradition and general rules of interpretation had always required the element of injustice before a juridic act could be found invalid.⁹⁵ Brown convincingly suggests that rather than indicating there was no requirement for an unjust force because of the wording of canon 2352, to the contrary, its wording indicated that all force used with respect to admission to the novitiate was unjust.⁹⁶

Finally, the force had to be the actual causal reason for the individual's entrance into the novitiate. If fear was merely present, but the individual joined the institute for other reasons; the fear

⁹² The translation in brackets is this author's translation; 1917 code c. 2352: "Excommunicatione nemini reservata ipso facto plectuntur omnes, qualibet etiam dignitate fulgentes, qui quoquo modo cogant sive virum ad statum clericalem amplectendum, sive virum aut mulierem ad religionem ingrediendam vel ad emittendam religiosam professionem tam sollemnem quam simplicem, tam perpetuam quam temporariam."

⁹³ See e.g., Schaefer, 429.

⁹⁴ Wernz-Vidal, 199; Gommar Michiels, *Principia Generalia de Personis in Ecclesia: Commentarius Libri II Codicis Juris Canonici Canones Praeliminares*, 87-106, 2nd ed. (Paris, Tornai, Rome: Typis Societatis S. Joannis Evangelistae, 1955) 664.

⁹⁵ Brown, 93.

⁹⁶ Ibid., 94-95.

would not invalidate his admission to the novitiate. In order to constitute an impediment resulting in invalidity, the force or grave fear had to be the *primary* motivating factor for the candidate's entrance into the novitiate.⁹⁷

The invalidating nature of fraud is also worthy of a closer examination. The juridical notion of fraud cited in canon 542 1° found its origins in the Roman law notion of *dolus malus*.⁹⁸ In this context it can be considered generally in terms of cunningness or deceit, contrivance or scheming, with the intention of deceiving the superior for the purpose of being admitted to the novitiate.⁹⁹

Brown presents four criteria required to prove a case of fraud invalidating entrance into the novitiate of an institute under the 1917 code. These criteria, verified with moral certitude, were as follows: “(a) the means employed must be prone to deceive, (b) they must constitute a grave violation of good faith, (c) they must be deliberately set into motion to deceive, and (d) deception must in fact ensue from their use.”¹⁰⁰ A superior's refusal to admit someone when grave fear, force or fraud was absent might irreparably harm the person having a vocation.¹⁰¹

The means used to bring about the fraud had to be objectively capable of accomplishing the subjective deception. The fraud had to be capable of deceiving a prudent person; therefore, the character of the person being deceived, the object of the deception, and the surrounding

⁹⁷ Larraona, *CPRM* 17 (1936) 13; Schaefer, 427.

⁹⁸ Brown, 105.

⁹⁹ Vermeersch-Creusen, 500. For a thorough investigation of the juridical concept of fraud in the 1917 code, see Brown, 104-123. Regarding admission into the novitiate involving force or grave fear, as well as fraud, reference must be made to c. 103 of the 1917 code. See also Beste, 541.

¹⁰⁰ Brown, 126.

¹⁰¹ See Schaefer, 431. Schaefer goes so far as to state that unjustly refusing a person entrance into the religious state may have endangered his entrance into eternal life. However, he does not take into account the candidate's right to seek entrance into another religious institute.

circumstances had to be studied.¹⁰² The fraud on the part of the candidate for admission had to be the product of extrinsic elements.¹⁰³ A postulant or candidate for admission to the novitiate who concealed a disease committed fraud.¹⁰⁴ Such a deception would invalidate his admission.¹⁰⁵

The canonical principles of force, fear and fraud were long-standing principles that were applied to admission to religious institutes. The overall concern was the freedom of the candidate to follow the divine call as well as the freedom of the religious superior to assess that call by external standards unencumbered by force, fear or fraud.

4. A Spouse While the Marriage Perdured

The fourth impediment to valid admission to the novitiate in the 1917 code was the situation of a spouse while the marriage perdured.¹⁰⁶ There is no mention in the 1917 code about the possibility that seemed to exist prior to the 1917 code, that either spouse had the right to enter the religious state within the first two months of a non-consummated marriage. This privilege was implicitly abrogated by the 1917 code.¹⁰⁷ The fact that a marriage had not been consummated did not eliminate the impediment.¹⁰⁸ In order to remove this impediment, a dispensation from the Apostolic See was necessary for valid admission.¹⁰⁹ Canon 542, 1° was also silent regarding the prior practice of allowing either both spouses or one of the spouses to enter the religious state when both

¹⁰² Eduard Giurgi. *The Impact of Dolus on Legal Acts in the 1983 Code of Canon Law*, Canon Law Studies 569 (Washington, DC: The Catholic University of America, 2009) 84-85.

¹⁰³ Brown, 126.

¹⁰⁴ Creusen, *Religious Men and Women in Church Law*, 125.

¹⁰⁵ Ibid.

¹⁰⁶ 1917 code c. 542 1°.

¹⁰⁷ Beste, 542; Fanfani-O'Rourke, *Canon Law for Religious Women*, 156.

¹⁰⁸ Abbo-Hannan, 1:559-560.

¹⁰⁹ Ibid., 1:560.

spouses consented. Therefore this was no longer an option without a dispensation from the Holy See.¹¹⁰

Commentators on the 1917 code disagreed as to whether the granting of a decree of separation meant that the impediment ceased. Cappello and Coronata were both of the opinion that with such a decree the impediment of marriage ceased and the candidate was free to enter religious life.¹¹¹ However, many other noted commentators believed that the impediment did not cease with such a declaration; the bond still perdured regardless of whether a declaration of separation had been issued.¹¹² A mere promise to marry or an engagement was not an impediment to entrance into the novitiate.¹¹³

5. The Bond of Prior Religious Profession

The bond of a prior religious profession invalidated admittance to the novitiate.¹¹⁴ Although the specific impediment did not differentiate between temporary or perpetual vows, the commentators agreed that all those in vows were included in this prohibition.¹¹⁵ Even though an individual's vows had expired or even had been dispensed, he was still considered impeded from entrance into a novitiate.¹¹⁶ The impediment included those who professed vows both in a

¹¹⁰ Creusen, *Religious Men and Women in Church Law*, 125.

¹¹¹ Cappello, 2:46; Coronata, 1:517.

¹¹² See e.g., Beste, 387; Schaefer, 432.

¹¹³ Larraona, *CPRM* 17 (1936) 71.

¹¹⁴ 1917 code c. 542, 1º: "Qui obstringuntur vel obstricti fuerunt vinculo professionis religiosae."

¹¹⁵ See e.g., Charles Augustine, *A Commentary on the Code of Canon Law*, 4th ed., 5 vols. (St. Louis: B. Herder Book Co., 1929) 3:211; Creusen, *Religious Men and Women*, 125.

¹¹⁶ Schaefer, 435. Postulants or novices formerly with other institutes were not included in this impediment because they had not yet taken vows. Similarly, one whose vows were invalid was also not included in this impediment.

diocesan and in a pontifical institute.¹¹⁷ Excluded from this impediment were those men and women living common life without vows.¹¹⁸

6. Those Who Had Been Accused, or Could Be Accused of Committing a Delict

Those “targeted by a penalty for a committed grave delict of which they are accused or can be accused” were also invalidly admitted to the novitiate.¹¹⁹ In order to understand this particular impediment, it is necessary to look at its history. Commentators agree that the origins of this impediment date back to Pope Sixtus V in the sixteenth century, who feared that criminals would escape punishment by entering religious life.¹²⁰ His constitutions, *Cum de omnibus*, November 26, 1587 and *Ad Romanum*, October 21, 1588, excluded from religious life those men who had committed murder, theft, or similar crimes, or had been accused of these crimes in public judicial acts.¹²¹ The impediment sought not only to prohibit a man from entering religious life to escape punishment, but also to prevent scandal to the religious institute in having such an unworthy one enter the novitiate. The same reasons undoubtedly prompted the inclusion of the same impediment in the 1917 code.

The impediment in the code applied only to grave crimes and not to lesser criminal violations.¹²² However, due to the wording of the canon and its origins, the impediment would

¹¹⁷ Coronata 1:517.

¹¹⁸ Abbo-Hannan, 1:560.

¹¹⁹ 1917 code c. 542, 1°: “Hi quibus imminet poena ob grave delictum commissum de quo accusati sunt vel accusari possunt.”

¹²⁰ Richardo Bakalarczyk, *De Novitiatu*, Canon Law Studies 36 (Washington, DC: Catholic University of America, 1927) 64; Schaefer, 435; Vermeersch and Creusen, *Epitome*, 501.

¹²¹ Gasparri, *Fontes*, 1:298.

¹²² Vazquez, 80.

apply to both grave civil delicts as well as ecclesiastical delicts.¹²³ According to canon 2195 §1, a delict was “an external and morally imputable violation of the law to which a canonical sanction, at least an indeterminate one, is attached.”¹²⁴ While canon 2195 referred exclusively to canon law violations, the wording of the impediment necessitated that the same principles be applied to civil law violations.¹²⁵ It should be noted that the civil law for which the man could have been accused had to be just. For example, a law which prohibited the exercise of priestly ministry would not be just. Violation of such a law by a cleric would not impede his admittance to the novitiate under this canon.¹²⁶

While many commentators simply state that the impediment arose when there was a crime or the candidate had been accused of a crime, Coronata astutely points out that a distinction must be made regarding the mere accusation and the actual commission of the delict.¹²⁷ The canon stated “*poena ob grave delictum commissum*.” Therefore, if the candidate was falsely accused, this could not be held against him. Practically speaking however, it was probably wiser to let the justice system determine guilt or innocence before the candidate was admitted to the novitiate.

7. A Bishop, Whether Residential or Titular

¹²³ Ramstein, 331.

¹²⁴ 1917 code c. 2195 §1: “intelligitur externa et moraliter imputabilis legis violatio cui addita sit sanctio canonica saltem indeterminata.”

¹²⁵ Schaefer, 436.

¹²⁶ Creusen, *Religious Men and Women*, 135; Bouscaren-Ellis, 257.

¹²⁷ Coronata, 1:519.

A titular or residential bishop, including one who had been designated but not yet consecrated a bishop, was forbidden valid entrance into the novitiate of a religious institute.¹²⁸ By nomination or consecration, it was clear that the Roman Pontiff had other intentions for the priest in question. A residential bishop was the ordinary and pastor of the diocese to which he was committed (1917 Code c. 334 §1); a long-standing tradition in the Church recognized the spiritual bond between a bishop and his diocese.¹²⁹ Therefore, the service to the local church was deemed more important than the call to the “state of perfection.” A titular bishop, on the other hand, was impeded from admission to the novitiate because of the deference and loyalty he owed to the Roman Pontiff.¹³⁰

8. Clerics Bound by an Oath

The last impediment listed in canon 542, 1° forbade the entrance to the novitiate by clerics bound by an oath or disposition of the Holy See for the service of a diocese or mission.¹³¹ Many commentators on the 1917 code agreed that this prohibition was based upon a unique practice of the Holy See to obtain a promise from those belonging to certain ecclesiastical colleges to commit themselves by oath to a certain diocese or mission.¹³² The impediment referred to a temporary obligation made by some clerics under special terms of the Holy See.¹³³

¹²⁸ 1917 code c. 542, 1°: “Episcopus sive residentialis sive titularis, licet a Romano Pontifice sit tantum designatus.”

¹²⁹ Eduardo F. Regatillo, *Institutiones Iuris Canonici*, 2nd ed., 2 vols. (Santander: Sal Terrae, 1946) 1:366.

¹³⁰ Vermeersch-Creusen, 1:501-502.

¹³¹ 1917 code c. 542, 1°: “Clerici qui ex instituto Sanctae Sedis iureiurando tenentur operam suam navare in bonum suae dioecesis vel missionum, pro eo tempore quo iurisiurandi obligatio perdurat.”

¹³² Vermeersch-Creusen, 1:502; Schaefer, 438-439; Wernz-Vidal, 3:205.

¹³³ Creusen, *Religious Men and Women*, 125-126.

F. Illicit Admission to the Novitiate

Canon 542, 2°, which dealt with those illicitly admitted to the novitiate, stated:

Illicitly but validly admitted are:

- [a] Clerics constituted in sacred [orders] without consulting the local Ordinary or contradicting him, where their departure would result in grave harm to souls that cannot otherwise be avoided;
- [b] Ones bound by grave debts they are not able to repay;
- [c] Those legally liable for rendering accounts or who are implicated in other secular transactions from which litigation and troubles can disturb the religious [institutes];
- [d] Children whose parents, that is mother or father or grandfather or grandmother, are constituted in grave necessity and must be helped, and parents who must provide upkeep and necessary education for children;
- [e] Those destined for priesthood in a religious [institute] from which, however, they are removed by irregularity or other canonical impediment;
- [f] Orientals in Latin religious [institutes] without receiving permission in writing from the Sacred Congregation for the Oriental Church.¹³⁴

The impedient impediments were mostly of a practical nature. They touched upon the person seeking to enter into the novitiate, the institute itself, and the broader Church. These have largely been eliminated from the 1983 code, but some of these prohibitions to admission were helpful to the religious superiors in admitting candidates.¹³⁵

1. Clerics Without Permission from Their Ordinary

¹³⁴ 1917 code c. 542, 2°: “Illicite, sed valide admittuntur:

Clerici in sacris constituti, inconsulto loci Ordinario aut eodem contradicente ex eo quod eorum discessus in grave animarum detrimentum cedat, quod aliter vitari minime possit;

Aere alieno gravati qui solvendo pares non sint;

Reddendae rationi obnoxii aut aliis saecularibus negotiis implicati, ex quibus lites et molestias religio timere possit;

Filii qui parentibus, idest patri vel matri, avo vel aviae, in gravi necessitate constitutis, opitulari debent, et parentes quorum opera sit ad liberos alendos vel educandos necessaria;

Ad sacerdotium in religione destinati, a quo tamen removeantur irregularitate aliove canonico impedimento; Orientales in latinis religionibus sine venia scripto data Sacrae Congregationis pro Ecclesia Orientali.

¹³⁵ The words “impeded” and “prohibited” will be used interchangeably for illicit admission.

The first of those illicitly admitted were clerics in sacred orders who did not have permission from their ordinary or acted against his opposition, if that opposition were based on serious injury to souls unavoidable in any other way. This prohibition struck a balance allowing a cleric to enter religious life while ensuring that the people were not left without the proper pastoral care (in the judgment of the ordinary).¹³⁶

2. Those Bound by Grave Debts That Could Not Be Repaid

Those bound by grave debts which they were unable to pay were also illicitly admitted to the novitiate. The concern here was that a person who had serious debts would have been sued for payment or that the individual was running from his serious responsibility.¹³⁷ The concern was also to ensure that religious institutes were not saddled with the large debts from members.¹³⁸ This prohibition meant that those with serious debts had to reach some settlement with creditors.¹³⁹ Once the debt was resolved, the impediment ceased.¹⁴⁰

3. Those Charged with Temporal Matters That May Subject the Institute to a Lawsuit

This prohibition forbade the licit admission of one involved in secular matters that might involve the religious institute in a lawsuit.¹⁴¹ However, if a person could prove that he had addressed the issue threatening the lawsuit, there would be no impediment to admittance.¹⁴²

¹³⁶ Prümmer, 269. Prümmer noted that this was a relatively new norm of law. Before 1917, even if the bishop were opposed, there was nothing to stop the priest from entering religious life, which was considered to be the state of perfection.

¹³⁷ Vazquez, 83.

¹³⁸ Ibid., 84.

¹³⁹ Abbo-Hannan, 561.

¹⁴⁰ Ibid.

¹⁴¹ Bouscaren-Ellis, 257-258.

4. Aspirants with Parents or Grandparents in Great Need of Assistance or a Parent with Dependent Children

Another category of those illicitly admitted to the novitiate were those whose parents or grandparents were in great need of their assistance, and those parents responsible to support or educate their children.¹⁴³ Again, this impediment looked to the just responsibilities of the person in question as well as the good of the religious institute and the Christian faithful. The need on the part of parents or grandparents had to be judged as serious; this was not the same standard used for a parent who had to provide support and education for their children. Understandably, there was no requirement for “great” or “serious” need for the latter.¹⁴⁴ This prohibition could be temporary in nature and could otherwise have been obviated by the assistance of others, either through financial assistance or the giving of personal time (e.g., relatives, benefactors and even the religious institute itself).¹⁴⁵ Furthermore, this prohibition did not apply to any other relatives (such as brothers, sisters or cousins).¹⁴⁶

5. Candidates to the Priesthood Suffering from an Irregularity or Impediment

Another very practical prohibition or illicit admission included those candidates for the priesthood laboring under an irregularity or impediment to orders.¹⁴⁷ Although not explicitly stated,

¹⁴² Abbo-Hannan, 561.

¹⁴³ 1917 code c. 542, 2º[f].

¹⁴⁴ Ibid.

¹⁴⁵ Abbo-Hannan, 561-562.

¹⁴⁶ Fanfani-O'Rourke, *Canon Law for Religious Women*, 158.

¹⁴⁷ 1917 code c. 542, 2º. See also 1917 code. cc. 983-991.

one exception to this rule was the irregularity of illegitimacy ceasing at solemn profession. Since the impediment would cease, one could enter the novitiate licitly.¹⁴⁸

6. Eastern Rite Catholics without Permission from the Holy See

The final category of those illicitly admitted to the novitiate involved Eastern rite Catholics (referred to in the 1917 code as “Orientals”) lacking permission in writing from the Sacred Congregation for the Oriental Churches.¹⁴⁹ No mention was made of the ordinary or the patriarch of the Eastern rite person. Those who legitimately transferred to the Latin rite did not incur this prohibition.¹⁵⁰

As mentioned in the analysis of these canons, the prohibitions are largely practical, common sense concerns. In order to ensure that the conditions for valid and licit admission were met, and to ensure the suitability of candidates, the 1917 code made use of testimonials and/or testimonial letters.

G. Testimonials and Testimonial Letters

Canon 544 addressed the testimonials and testimonial letters that were required under varying circumstances. Testimonial letters required for entrance into the novitiate in the 1917 code have been described as “documents given by competent ecclesiastical authorities to testify to the general qualities required in a candidate who wishes to enter a religious institute; for example, they

¹⁴⁸ 1917 Code c. 984: “Sunt irregulares ex defectu:

1° Illegitimi, sive illegitimitas sit publica sive occulta, nisi fuerint legitimati vel vota sollemnia professi;” Vazquez, 86. However, it could be argued that the admission of one who was illegitimate was illicit, but upon his making solemn vows, the illicit admission was healed or sanated. Vermeersch - Creusen, *Epitome*, 506.

¹⁴⁹ 1917 code c. 542, 2°. According to the Pontifical Commission for the Interpretation of the Code, those admitted to a Latin rite novitiate, intending to join an Eastern rite institute not yet founded, were licitly admitted without a dispensation from the Holy See. See authentic interpretation of c. 542, November 10, 1925; *AAS* 17 (1925) 583.

¹⁵⁰ Schaefer, 447.

may testify concerning a person's character, baptism, or marital status.”¹⁵¹ In other words, testimonial letters served as written proofs or verifications of a candidate's suitability or lack thereof for the religious institute that had to be judged by the appropriate religious superior.¹⁵² Before addressing persons required to obtain testimonial letters, it seemed prudent first to discuss the necessary contents and procedures for providing the testimonial letters. Canon 545 will therefore be addressed before canon 544. Canon 545 §4 provided a detailed accounting of what was asked for in testimonial letter:

In their testimonial letters, following diligent examination, even by secret information, they must report, gravely burdened in their conscience to expose the truth, concerning the birth of the aspirants, morals, character, life, reputation, condition, and knowledge; and whether the one for whom inquiries are being made is under any censure, irregularity, or other canonical impediment, or whether his own family needs his assistance, and finally, if it concerns those who have already been in a Seminary, college, or religious postulancy, or novitiate, whether they were dismissed for cause or left on their own.¹⁵³

These testimonials were to be given directly to the religious superiors and not to the aspirants. Those required to give the testimonials were not to charge for them and were to have them completed within three months. They were to seal them and, if it concerned those who had been in a seminary, a college, a postulancy or novitiate of another institute, they were to sign them under an oath substantiated by the superior.¹⁵⁴ Those ordinaries and all required to provide the

¹⁵¹ Fanfani-O'Rourke, *Canon Law for Religious Women*, 160.

¹⁵² Schaefer, 451.

¹⁵³ 1917 code c. 545 §4: “In suis litteris testimonialibus, postquam diligentem investigationem, etiam per secretas notitias, instituerint, referre debent, graviter eorum conscientia onerata super veritate expositorum, de adspirantis natalibus, moribus, ingenio, vita, fama, conditione, scientia; sitne inquisitus, aliqua censura, irregularitate aut alio canonico impedimento irretitus, num propria familia eius auxilio indigeat, et tandem, si agatur de illis qui in Seminario, collegio, aut alius religionis postulatu aut novitiatu fuerint, quam de causa dimissi sint vel sponte discesserint.”

¹⁵⁴ 1917 code c. 545 §1: “Qui litteras testimoniales ex praescripto iuris dare debent, eas non ipsis adspirantibus, sed Superioribus religiosis dent gratuito intra trimestre spatium ab earum requisitione, sigillo

superior with testimonial letters according to canon 544, believing they could not give a response were to explain the reason to the Apostolic See within the same three month time period.¹⁵⁵ Those who could not provide testimonial letters because they did not know the aspirant sufficiently were to make this known to the superior, who then conducted his own investigation. If the ordinary or the one responsible for giving the testimonial letter did not respond, the superior was to make this known to the Holy See.¹⁵⁶

1. Proof of Baptism and Confirmation

Before entering the novitiate, all aspirants to religious institutes were required to present testimony of their reception of baptism and confirmation.¹⁵⁷ In the absence of this testimony, canon 800 provided assistance in proving the reception of baptism and/or confirmation.¹⁵⁸

2. Male Aspirants

clausas et, si agatur de illis qui in Seminario, collegio vel alius religionis postulatu aut novitiatu fuerint, a Superiore iuramento firmatas.”

¹⁵⁵ 1917 code c. 545 §2: “Si ob graves rationes iudicaverint se eis respondere non posse, causas Apostolicae Sedi intra idem tempus exponant.”

¹⁵⁶ 1917 code c. 545 §3: “Si reposuerint adspirantem satis non esse sibi cognitum, per aliam accuratam investigationem ac fide dignam relationem Superior religiosus suppleat; si vero nil reposuerint, Superior requirens de non recepta responsione Sanctam Sedem certiore reddat.”

¹⁵⁷ 1917 code c. 544 §1: “In quavis religione omnes adspirantes, antequam admittantur, exhibere debent testimonium recepti baptismatis et confirmationis.” The use of the word “aspirants” in c. 544 §1 has caused some debate about whether these would be required prior to postulancy for men aspiring to be brothers. This was wise in practice, because c. 544 is included in Chapter 2 of Title 11, “On the novitiate,” and in Article 1, “On the requirements for one to be admitted to the novitiate.” The testimonials needed to be provided prior to the novitiate. “Titulus XI: De admissione in religionem, Caput II: De novitiatu, Art I: De requisitis ut quis in novitiatum admittatur.” William Hogan, *The Testimonies and Testimonials Required for the Admission of Aspirants to the Novitiate*, no. 1365 (Rome: Gregorian University, 1961) 69.

¹⁵⁸ Unless the rights of another were prejudiced, the oath of one witness whose veracity was not in question was sufficient to establish the fact of reception. If the individual in question received either sacrament as an adult, he could take an oath verifying reception of the sacraments. 1917 code c. 800: “Ad collatam confirmationem probandam, modo nemini fiat praeiudicium, satis est unus testis omni exceptione maior, vel ipsius confirmati iusiurandum, nisi confirmatus fuerit in infantili aetate;” Vermeersch-Creusen, *Epitome*, 510.

Male aspirants to the novitiate were required to secure testimonial letters from the Ordinary of the place of birth and all of those places where they had resided for more than one year after reaching fourteen years of age.¹⁵⁹ Like all testimonial letters, these letters were to testify to the life, faith, morals, and qualities of the aspirant and his juridic eligibility for admission.¹⁶⁰

Many male aspirants entered the novitiate very young; however, if the person were of a more mature age, he needed a testimonial letter from every Ordinary of residence of more than one continuous year. This could prove quite burdensome, however, in the early twentieth century; people did not move as frequently.¹⁶¹

3. Prior Seminary, College, Postulancy or Novitiate in Another Institute

The next category of persons requiring testimonial letters were those who had been in a seminary, college, or the postulancy or novitiate of another institute. These persons were to have testimonial letters from the respective rector, the local ordinary, or major religious superior.¹⁶² A seminary was defined as either a minor or major seminary where the training of diocesan clerics occurred.¹⁶³ The term ‘college’ differed from the common usage in the United States; it was an

¹⁵⁹ 1917 code c. 544 §2: “Adspirantes viri debent praeterea testimoniales litteras exhibere Ordinarii originis ac cuiusque loci in quo, post expletum decimum quartum aetatis annum, morati sint ultra annum moraliter continuum, sublato quolibet contrario privilegio.”

¹⁶⁰ Hogan, 77-78.

¹⁶¹ Augustine, 3:217. Augustine describes a morally continuous residence as the place of habitual residence, and a few weeks absence from the residence would not interrupt this habitual residence.

¹⁶² 1917 code c. 544 §3: “Si agatur de admittendis illis qui in Seminario, collegio vel alius religionis postulatu aut novitiatu fuerunt, requiruntur praeterea litterae testimoniales, datae pro diversis casibus a rectore Seminarii vel collegii, audito Ordinario loci, aut a maiore religionis Superiore.”

¹⁶³ Vermeersch - Creusen, *Epitome*, 511.

institution in which students prepared for the priesthood or undertook some training for religious life.¹⁶⁴

4. One Already a Cleric

A cleric was required to present testimony of his ordination, testimonial letters from an Ordinary in whose diocese he was present for one continuous year, and testimonial letters under canon 544 §3, relating to colleges, seminaries, etc. he attended.¹⁶⁵ Clerics were excused from the requirement of canon 544 §2 (testimonial letters from the Ordinary of the place of birth as well as any Ordinary in which he resided over one morally continuous year after reaching age fourteen), since this would duplicate testimonial letters required prior to ordination.¹⁶⁶

5. Those Seeking to Transfer

Those already professed in an institute, seeking transfer by an apostolic indult, needed only the testimony of their major superior.¹⁶⁷ As with those already clerics, the superior of the institute from which he was transferring had already obtained the testimonies and testimonial letters at that time.

¹⁶⁴ Vazquez, 90.

¹⁶⁵ 1917 code c. 544 §4: “Pro clericis admittendis, praeter testimonium ordinationis, sufficiunt litterae testimoniales Ordinariorum in quorum dioecesibus post ordinationem ultra annum moraliter continuum sint commorati, salvo praescripto §3.” It should be noted that the term cleric included those tonsured according to c. 108, as well as those in minor and major orders. Hogan, 117.

¹⁶⁶ See 1917 code c. 993.

¹⁶⁷ 1917 code c. 544 §5: “Religioso professo, ad aliam religionem ex apostolico indulto transeunti, satis est testimonium Superioris maioris prioris religionis.” Prummer suggests that if the religious had been in the secular world for more than a year, testimonial letters for this time period were required. Prummer, *Manuale Iuris Canonici*, 271. However, Hogan suggests that this would only be possible if an exclaustated member had resided in a diocese for more than one morally continuous year, since the exclaustated religious was subject to the local ordinary of residence. Hogan, 123.

In addition to the testimonial letters required by canon 544, superiors had the right to require additional testimonials that they considered essential and appropriate.¹⁶⁸ Augustine suggested that this flexibility granted the admitting superior more effective guarantees of both the moral and physical suitability of the aspirants.¹⁶⁹ The superiors receiving testimonial letters and the persons giving them were under a strict obligation of secrecy.¹⁷⁰ In fact, not only the religious superiors receiving the information, but everyone with knowledge of the information was subject to secrecy.¹⁷¹

The norms for admission to the novitiate in the code were largely juridical in nature and some had not been updated or changed since the sixteenth century. The code rarely took into consideration the specific character of each institute. Furthermore, not long after the promulgation of the code, the Holy See issued many documents to assist superiors in the selection of suitable and qualified candidates. Prior to the Second Vatican Council, there were significant documents addressing admission of males to religious institutes. It is important to consider them.

II. Post-Codal Documents Regarding Admission to Religious Institutes

A. Instruction *Quantum religiones*

With the promulgation of the 1917 code, many believed that the law on admission to religious institutes was inadequate to address the large numbers of male entrants into religious life.

¹⁶⁸ 1917 code c. 544 §6: “Praeter haec testimonia a iure requisita, possunt Superiores, quibus ius est adspirantes in religionem cooptandi, alia quoque exigere, quae ipsis ad hunc finem necessaria aut opportuna videantur.”

¹⁶⁹ Augustine, 3:220.

¹⁷⁰ 1917 code. c. 546: “Omnes qui praedictas informationes receperint, stricta obligatione tenentur secreti servandi circa notitias habitas et personas quae illas tradiderunt.”

¹⁷¹ Fanfani, *Il Diritto delle Religiose*, 129. The final category of testimonial letters was addressed to female candidates, but that is beyond the scope of this dissertation.

The first major document to address the canonical requirements for admission to religious institutes was the Instruction, *Quantum religiones* of 1931.¹⁷² The major contribution of this instruction to the law on admission to the novitiate was the requirement of a probationary period for clerical candidates, previously only required for lay male and female candidates.

Quantum religiones was the counterpart to an instruction by the Sacred Congregation for the Discipline of the Sacraments issued a year earlier for candidates to the diocesan priesthood.¹⁷³ It was also in response to the scandal caused by clerical religious abandoning not only their religious vocation but also the priesthood.¹⁷⁴ The instruction highlighted the need for proper and rigorous training of candidates for the priesthood in religious institutes, “just as the beauty of trees depends chiefly on their cultivation.”¹⁷⁵ It quoted Pope Pius IX as follows:

Since the welfare and the honor of every religious family depends entirely on the careful selection of novices and their excellent training, We most earnestly exhort you to investigate diligently beforehand the dispositions, character, and morality of those who are to become members of your institute, and to consider carefully the purpose, spirit, and the reasons which lead them to embrace the regular life.¹⁷⁶

The instruction did more than exhort. It gave directives that superiors were to observe in admitting candidates to the religious institute. It directed that candidates should have completed the courses

¹⁷² Sacred Congregation for Religious, Instruction *Quantum religiones*, December 1, 1931, *AAS* 24 (1932) 74-81; English translation: Sacred Congregation for Religious, Instruction “Religious Candidates for the Priesthood: Their Training and Testing Before Receiving Orders,” December 1, 1931: *CLD* 1:473-482 (hereafter *Quantum religiones*).

¹⁷³ Arthur Vermeersch, “Instructio de Ordinandis Religiosis: Annotationes,” *Periodica* 21 (1932) 188.

¹⁷⁴ Ibid.; *Quantum religiones*, art. 3, *AAS* 24 (1932) 75; *CLD* 1:475.

¹⁷⁵ “Sicut a cultura pulcritudinem arborum potissimum pendere.” *Quantum religiones* art. 4, *AAS* 24 (1932) 75; *CLD* 1:475.

¹⁷⁶ “Cum ex diligenti tyronum admissione atque optima illorum institutione latius cuiusque sacrae familiae status decorque plane pendeat, vos summopere hortamur, ut eorum qui religiosae vestrae familiae nomen daturi sunt, indolem, ingenium, mores antea accurate exploretis, ac sedulo investigetis quo consilio, quo spiritu, qua ratione ad regularem vitam ineundam ipsi ducantur.” Ibid.

in humanities prior to entering the novitiate and prior to studying philosophy.¹⁷⁷ Also, candidates were not to be admitted in a hurried fashion or *en masse*.¹⁷⁸ Furthermore, male candidates for religious institutes were to show true signs of a vocation and provide the superior with evidence that they had the potential to be permanently and effectively dedicated to ecclesiastical ministry.¹⁷⁹

The Sacred Congregation for Religious reminded religious superiors admitting clerical candidates of their obligation not only to obtain the testimonial letters, but also to conduct their own investigations.¹⁸⁰ In addition to the testimonial letters required of the local ordinary as described above, canon 544 §6 stated: “Beyond the testimony required by law, Superiors who have the right of taking persons into the religious [institute] can require other [testimony] that appears to them necessary and opportune for this purpose.”¹⁸¹ The instruction stated that testimonial letters may be insufficient in determining the suitability of candidates.¹⁸² The instruction, therefore, merely elaborated upon the need for “other testimony.” However, it is interesting that the words “*accuratas investigationes*” were used. These words were used in canon 544 §7 regarding the investigations required for the admission of women to the novitiate.¹⁸³

¹⁷⁷ *Quantum religiones*, art. 5, *AAS* 24 (1932) 75-6; *CLD* 1:475-476.

¹⁷⁸ *Ibid.*, art. 6, *AAS* 24 (1932) 76; *CLD* 1:476.

¹⁷⁹ *Ibid.*

¹⁸⁰ *Ibid.*

¹⁸¹ 1917 code c. 544 §6: “Praeter haec testimonia a iure requisita, possunt Superiores, quibus ius est adspirantes in religionem cooptandi, alia quoque exigere, quae ipsis ad hunc finem necessaria aut opportuna videantur.”

¹⁸² *Quantum religiones*, art. 6: “et testimoniales litteras forsan insufficienter acceptas.” *AAS* 24 (1932) 76; *CLD* 1:476.

¹⁸³ 1917 code c. 544 §7: “Mulieres denique ne recipiantur, nisi praemissis accuratis investigationibus circa earum indolem et mores, firmo praescripto §3.”

While it is arguable whether *Quantum religiones* sought to create new norms for the admission of clerical candidates to the novitiate of religious institutes, the next requirement was surely new. In addition to careful investigations, the instruction called for the gathering of information regarding the moral character of the clerical candidate's family and a determination as to whether the parents suffered from vices to which their children might be prone.¹⁸⁴ However, there is no description of what these vices were.¹⁸⁵ Although the instruction did not explicitly state that candidates with questionable family morals were not to be admitted, this was certainly implied.¹⁸⁶

Finally, with regard to admitting clerical candidates, the instruction cautioned that in addition to regular signs of a religious vocation, more is required. Candidates were also to have "special signs of fitness for the clerical state."¹⁸⁷ The instruction stated that the lay and clerical candidates must have separate novitiates. A clerical candidate completing a novitiate for lay brothers was required to complete another novitiate for clerical novices.¹⁸⁸ However, this provision was already in the 1917 code (canon 558).¹⁸⁹

The scandal of clerical religious leaving religious institutes and abandoning the priesthood less than fifteen years after the promulgation of the 1917 code, prompted the Sacred Congregation for Religious to issue this instruction. While dealing largely with the admission and formation of

¹⁸⁴ *Quantum religiones*, art. 6, *AAS* 24 (1932) 76; *CLD* 1:476. Hogan implies that this is simply an explication of the 1917 code. William Hogan, *The Testimonies and Testimonials Required for the Admission of Aspirants to the Novitiate*, no. 1365 (Rome: Gregorian University, 1961) 132-133.

¹⁸⁵ Vazquez, 154.

¹⁸⁶ *Quantum religiones*, art. 6, *AAS* 24 (1932) 76; *CLD* 1:476.

¹⁸⁷ *Ibid.*, art. 6: "Requiruntur praetera signa specialia clericorum statui propria," *AAS* 24 (1932) 76; *CLD* 1:476.

¹⁸⁸ *Ibid.*

¹⁸⁹ In c. 558 this was described as "classes:" 1917 code c. 558: "In religionibus in quibus duae sunt sodalium classes, novitiatus pro altera classe peractus, pro altera non valet."

candidates for clerical religious, it repeated established requirements and introduced new requirements for superiors to investigate the candidates and their families.

B. Apostolic Constitution *Sedes sapientiae*

On May 31, 1956, Pope Pius XII issued the Apostolic Constitution *Sedes sapientiae*.¹⁹⁰ On July 7, 1956 the Sacred Congregation for Religious issued *General Statutes* to accompany the apostolic constitution.¹⁹¹ Like *Quantum religiones*, the apostolic constitution and its statutes were directed towards religious clergy; however, unlike the prior instruction, it also applied to all men and women religious. This document followed twelve years of study by a special committee of the Sacred Congregation for Religious addressing the formation of religious, especially clerics, including the formation of aspirants, novices, and the temporary professed of religious institutes.¹⁹²

In *Sedes sapientiae* Pope Pius XII reemphasized particular cautions mentioned in *Quantum religiones*. To those admitting candidates to clerical or religious life, “let them not entice or admit anyone who does not exhibit really true signs of a divine vocation. Similarly, let them not promote anyone to the clerical ministry who shows that he has divinely received only a religious vocation; nor restrict or misdirect to the secular clergy those who have received from God the religious with the

¹⁹⁰ Pius XII, Apostolic Constitution *Sedes sapientiae*, May 31, 1956, *Enchiridion della Vita Consecrata: Dalle Decretali al Rinnovamento Post-Conciliare (385-2000)*, bilingual ed. (Bologna: Centro Editoriale Dehoniano, Milano: Ancora Editrice, 2001) (hereafter *Enchiridion*) 1528-1546; Official English translation: Sacred Congregation for Religious, *The Apostolic Constitution Sedes sapientiae and the General Statutes Annexed to it On the Religious, Clerical, and Apostolic Training to be Imparted to Clerics in the States of Perfection to be Acquired*, 2nd ed. (Rome: The Sacred Congregation for Religious, 1957) 1-14 (hereafter *Ss Official English Translation*).

¹⁹¹ Sacred Congregation for Religious, *Statuta Generalia Const. Ap. Sedes sapientiae Adnexa*, July 7, 1956: *Enchiridion*, 1546-1612; English translation in *Ss Official English Translation*, 17-70.

¹⁹² Sacred Congregation for Religious, Decree *Quo efficacius*, January 24, 1944, *AAS* 36 (1944) 213. After this committee submitted its findings, and a general Congress on the “States of Perfection,” in 1950, Pope Pius XII believed it was appropriate to issue *Sedes sapientiae* along with its *General Statutes*.

sacerdotal vocation.”¹⁹³ Like *Quantum religiones*, most of *Sedes sapientiae* was dedicated to the formation, training and education of both clerics and religious.¹⁹⁴ While the statutes appended to the apostolic constitution predominantly dealt with the question of formation, training and the education of religious and secular clerical candidates, a number of the norms related to admission to religious institutes.

1. Requirement of the Postulancy

One statute required that the religious institute adopt in its constitutions one of two possible methods of a probationary period prior to admission to the novitiate.¹⁹⁵ It recognized that the 1917 code prescribed a postulancy only for women and lay (*conversz*) men; however, it required something similar for *all* candidates to the novitiate.¹⁹⁶ This probationary period could be proximate, for a brief but sufficient period in the novitiate house, another house or college, or in an apostolic school.¹⁹⁷ It could also be remote, that is, for a lengthier time in an apostolic school established to direct religious training and the basis of moral, Christian and ascetical life.¹⁹⁸

The general statutes of *Sedes sapientiae* dedicated a whole title to the admission of candidates to the novitiate. Some of these requirements or norms were simply restatements of the law

¹⁹³ “Neve ullum alliciant vel admittant, qui vera divinae vocationis signa reapse non praebeat; item ad ministerium clericale neminem promoveant, qui se religiosam solummodo vocationem divinitus recepisse demonstret; neve eos qui hoc quoque donum a Deo habuerint, ad seculariem clerum coarctent aut distrahant.” *Sedes sapientiae*, *Enchiridion*, 1534; *Ss Official English Translation*, 5.

¹⁹⁴ Formation in religious institutes is beyond the scope of this dissertation and will not be addressed.

¹⁹⁵ *Statuta Generalia*, art. 6, §2:2, *Enchiridion*, 1550, 1552; *Ss Official English Translation*, 21-22.

¹⁹⁶ 1917 code c. 539 §1 of the 1917 distinguished between institutes of lay men and women in perpetual vows and those in temporary vows. A period of at least six months was required for the former and the latter was left to the constitutions of the religious institute.

¹⁹⁷ *Statuta Generalia*, art. 6, §2:2, 1, *Enchiridion*, 1550, 1552; *Ss Official English Translation*, 21-22.

¹⁹⁸ *Statuta Generalia*, art. 6, §2:2, 2, *Enchiridion*, 1552; *Ss Official English Translation*, 22.

presented in the 1917 code.¹⁹⁹ A significant new statute required both a physical and psychological investigation. Article 33 stated:

The peculiar signs and motives of genuine vocation must be attentively weighed in those to be admitted to the novitiate according to the age and condition of the candidates (art. 31). Both the moral and the intellectual qualities of the candidates must be accurately and thoroughly examined. Moreover, their physical and psychological fitness must be investigated, relying in this on the medical history and diagnostic judgment of an experienced doctor, even in relation to possible hereditary diseases, especially mental ones; the judgment of the doctor must be recorded in the report of each candidate.²⁰⁰

Canon 545 of the 1917 code, regarding the content of testimonial letters, required that those with knowledge of the candidate comment on the aspirants' "birth, morals, character, life, reputation, condition, and knowledge."²⁰¹ The new requirement was that it be the subject of a proactive investigation on the part of the admitting superior. It was not enough to rely on testimonial letters to determine a candidate's suitability. Further elucidation of the qualities of the candidate required a deeper investigation. The investigation recommended for candidates to religious institutes mentioned in the earlier Instruction *Quantum religiones* was now, without any ambiguity, the law for clerical candidates as well as lay candidates (male and female).

¹⁹⁹ E.g., *Statuta Generalia* art. 31 §1: "Candidates are not to be admitted hastily or *en masse* to the States of Perfection, but only those are to [be] accepted who, after careful examination and diligent inquiries (Can. 544, 545), are found not to be debarred by any of the impediments established by law, are inspired by a right intention, and are able to undertake the works of the Institute (Can. 538)." *Statuta Generalia*, art. 31 §1: "Candidati ad status perfectionis ne festinanter neve gregatim adsciscantur, sed, post accuratum examen et diligentes informationes (cann. 544, 545), ii denique soli qui nullo legitimo detenti sint impedimento, rectaque moveantur intentione et ad instituti onera ferenda sint idonei (can. 538)." *Enchiridion*, 1580; *SS Official English Translation*, 44.

²⁰⁰ *Statuta Generalia*, art. 33: "'Peculiariora genuinae vocationis signa et motiva in admittendis ad novitiatum attente, pro eorum aetate et conditione, ponderentur (art. 31); candidatorum dotes accurate omnique ex parte examinentur, sive morales sive intellectuales; physica insuper et psychica eorum aptitudo exquiratur, adhibito quoque probati medici *anamnestico atque diagnostico* diligenti iudicio, etiam quoad tabes forte hereditarias, praesertim mentales; medici iudicium in singulorum scheda adnotetur.'" *Enchiridion*, 1582; *SS Official English Translation*, 45-46.

²⁰¹ 1917 code c. 545 §4: "de adspirantis natalibus, moribus, ingenio, vita, fama, conditione, scientia."

2. Physical/Psychological Investigation

Article 33 also required that the person's medical history be investigated. While not explicitly stated, a superior would presumably have to make use of at least two different doctors, one for the physical health and one for the psychological health of the candidate. An examination of physical health was a basic examination for fitness for life as a religious. Frison notes that it would be helpful for the doctor to have a familiarity with religious life and the medical problems commonly associated with it.²⁰² The physical exam was to cover the customary "physiological function and the prophylaxis of tuberculosis."²⁰³

In addition, there was to be an inquiry into the medical history of the candidate and a special emphasis on determining whether the candidate had any hereditary diseases. Hogan noted that certain illnesses such as: epilepsy, tuberculosis, and nervous dispositions with a propensity for hysteria would necessarily indicate that the candidate should not be admitted to the institute.²⁰⁴ Other commentators included the following conditions: "alcoholic heredity, pronounced psychiatric heredity, definite paranoiac constitution . . . intensely hyperemotional constitution . . . moral perversions in the strict sense, homosexuality in overt or covert form, inveterate habits of masturbation."²⁰⁵

²⁰² Basil Frison, *Selection and Incorporation of Candidates for the Religious Life* (Milwaukee: The Bruce Publishing Co., 1962) 80.

²⁰³ Ibid., 81.

²⁰⁴ Hogan, 136.

²⁰⁵ René Biot and Pierre Galimard, *Medical Guide to Vocations*, trans. Robert P. Odenwald (Westminster, MD: The Newman Press, 1955) 135. Drs. Biot and Galimard failed to take into account the issues of privacy and manifestation of conscience in their treatment of these questions.

3. Purpose and Uses of Psychological Testing²⁰⁶

In addition to the physical examination prior to admission to religious institutes, *Sedes sapientiae* introduced the requirement of a psychological examination. With the promulgation of *Sedes sapientiae* (and more specifically, article 33), the relatively young sciences of psychiatry and psychology²⁰⁷ were now a part of the law of the Church with regard to the admission of candidates to religious institutes.²⁰⁸ Today, superiors take for granted that a psychological examination is ordinarily a necessary part of the process of admitting new members. However, in the early half of the twentieth century, it was controversial and its uses and limits had yet to be fully explored.²⁰⁹

The need for such an examination was to test the candidate for the rigors and the particular common life of the institute. The amount of time spent together in religious life, the close proximity to one another, and the need for communal living were only some of the reasons for such

²⁰⁶ This chapter will only address the thought of authors on the subject of psychology during those ten years (1950-1960) and its use in connection with the canonical suitability of candidates for admission to religious institutes. The use of psychology for these purposes was very controversial prior to 1950.

²⁰⁷ A psychiatrist is trained in medicine with a specialization in the diagnosis and treatment of mental disorders. A psychologist, on the other hand, deals with the general field of mental disorders and works in the field of testing and treating mental disorders. Frison, 82.

²⁰⁸ Walter J. Coville states, "The assessment movement in its beginning was influenced by the growing awareness of the incidence of psychopathology among the religious, first reported by Dom T. V. Moore in 1936 and later confirmed by Sister Mary W. Kelley in 1958. It was not until after World War II that concerned religious administrators really began to come to grips with these problems created by the psychologically unfit who were unable to cope with the ordinary demands of their vocation, developed deviant adjustments, suffered mental and emotional collapse, and many of whom required costly treatments and repeated hospitalizations." "Basic Issues in the Development and Administration of A Psychological Assessment Program for the Religious Life," in Walter J. Coville, Paul F. D'Arcy, Thomas N. McCarthy, John J. Rooney, *Assessment of Candidates for the Religious Life: Basic Psychological Issues and Procedures* (Washington, DC: Center for Applied Research in the Apostolate, 1968) 7 (hereafter "Coville, Darcy, et al., *Assessment of Candidates*").

²⁰⁹ One commentator notes that even among psychologists the need for such testing prior to admission was disputed. Some psychologists insisted on psychological testing, and some thought that a prudent superior, without any training in psychology, should be able to determine the unsuitability of a candidate without any testing. Voegtli, 126.

an examination.²¹⁰ The psychological examination was thought to help superiors make a determination about a candidate's ability to live religious life and be a good fit for a particular institute.²¹¹

4. The Manifestation of Conscience and the Right to Privacy

Noticeably absent from this new standard of investigating physical and psychological suitability is any reference to privacy or confidentiality on the part of the candidate.²¹² Basil Frison states, "The law of *Sedes sapientiae* implies that the superiors have a right to ask candidates to submit to a test; and consequently, the doctor must report the truth to the superiors even on very personal and damaging traits."²¹³ Commentators reflecting on *Sedes sapientiae* struggled with this question and were not comfortable with the idea that a candidate could or should disclose issues related to his or her psyche.²¹⁴ According to John Ford, the right to privacy included "data of the moral conscience, the consciousness of one's own thoughts good and bad, of one's own graces and temptations, of

²¹⁰ Richard P. Vaughan, *Mental Illness and the Religious Life* (Milwaukee: The Bruce Publishing Co., 1962) 10-11. Although the psychological testing may have been new, the purposes, i.e., to determine the suitability of candidates, were certainly not a new concern. See also Hogan, 141.

²¹¹ Voegtle, 125. Hogan writes, "Take for example the case of a person desiring to enter a contemplative order; it is very important that she have a certain equilibrium which is not always very common . . . This can be discovered only by examination and a previous mental equilibrium test can determine to some degree whether the candidate has the temperament and mental equipment for this life," 138.

²¹² This is a complex topic and as such, it cannot be analyzed at great length here. However, the more relevant issues with respect to the manifestation of the conscience and admission to religious institutes will be addressed.

²¹³ Frison, 83.

²¹⁴ Frison writes, "Certain tests cannot be imposed against the will of the subject, because some projective tests uncover certain intimate psychic structures and dynamic pattern of the subject. They can only be used with his consent." 84.

one's own passion good and bad, one's own emotional tendencies, instincts and dispositions good and bad, conscious and unconscious, and the memory of one's own secret deeds good and bad.”²¹⁵

It was not clear whether canon 530 §1 was applicable to candidates who had not yet been accepted into the novitiate. Canon 530 §1 stated, “All religious superiors are strictly forbidden to induce in any manner persons subject to them to make a manifestation of conscience to them.”²¹⁶ Similar to the definitions mentioned above, conscience was considered that part of the soul where a person's doubts, anxieties, temptations, and sins were hidden.²¹⁷ It was not clear whether candidates to religious institutes were “subject” to the superiors. Creusen believed that this prohibition on inducing someone to manifest his conscience applied to all those subject to the superior, the professed, the novices and the postulants.²¹⁸ Since admission to the novitiate and admission to religious institutes were synonymous; and all were now to have period of postulancy, canon 530 applied to all candidates for admission to religious institutes. This did not answer the question, however, of whether a psychologist (not the superior) could ask for a manifestation of conscience and then make a report to the superior. This issue was quickly addressed by the Roman Pontiff and the Holy See.

²¹⁵ John C. Ford, *Religious Superiors, Subjects, and Psychiatrists* (Westminster, MD: The Newman Press, 1963) 32.

²¹⁶ 1917 code c. 530 §1: “Omnes religiosi Superiores districte vetantur personas sibi subditas quoquo modo inducere ad conscientiae manifestationem sibi peragendam.”

²¹⁷ A. Gutiérrez, “De Manifestatione Conscientiae et Directione Spirituali in Religione,” *Commentarium Pro Religiosis et Missionariis* 34 (1955) 160.

²¹⁸ Joseph Creusen, *Religious Men and Women*, 97. Not all commentators agreed on whether postulants could be considered subject to the superiors for the purposes of c. 530. However, Dacien Dee writes, “While postulants certainly are not religious, they are persons subject to their respective superiors and directors, and therefore fall under the protection extended by the present law. This view is expressly endorsed by a number of noteworthy commentators.” Dacien Dee, *The Manifestation of Conscience*, Canon Law Studies 410 (Washington, DC: The Catholic University of America, 1960) 80.

a. The Manifestation of Conscience

Following the promulgation of *Sedes sapientiae*, Pope Pius XII emphasized the right to privacy regarding one's own thoughts or psyche in a papal allocution on April 10, 1958.²¹⁹ Speaking in reference to psychiatric examination and treatment he stated:

In itself the content of the psychism²²⁰ belongs exclusively to the person (here to the subject of the experiments or treatment) and remains known to him alone. The person, however, already reveals something of his psychism by the simple fact of his behavior. When the psychologist concerns himself with what is thus revealed, he does not violate the intimate psychism of the subject. He can also act with complete freedom when the individual consciously expresses a part of his psychism and signifies that he attaches no importance to the secret in the given case . . . For modern psychology shows, furthermore, that there exists an area of the intimate psychism – in particular tendencies and dispositions – which is so hidden that the individual will never know its existence, nor even suspect it. And just as it is illicit to appropriate another's goods or to make an attempt on his bodily integrity without his consent, so it is not permissible to enter into his inner domain against his will, no matter what techniques or methods are used.²²¹

This allocution demonstrates the conflict between the right to privacy and the need of the superior to know aspects of the candidate that he or she could not know simply by observation. The admission of a candidate to religious life required some knowledge of behavioral patterns that could

²¹⁹ Pius XII, Allocution *De Psychologie Appliquée*, April 10, 1958, *AAS* 50 (1958) 276; English translation: Ford, 33-34 (hereafter *De Psychologie Appliquée*). Although it did not have the force of law, the Allocution certainly demonstrated the mind of the supreme legislator of the Church.

²²⁰ A better translation of the French word “psychisme” would be “psyche.”

²²¹ “En soi, le contenu du psychisme appartient exclusivement à la personne (ici, au sujet de expériences et du traitement) et reste connu d'elle seule. Celle-ci pourtant en manifeste déjà quelque chose par le simple fait de son comportement. Lorsque le psychologue s'occupe de ce qui est ainsi révélé, il ne viole point le psychisme intime du sujet. Il peut aussi agir en toute liberté, lorsque l'individu en exprime consciemment une partie et signifie dans ce cas qu'il n'attache aucune importance au secret. . . La psychologie montre en outre qu'il existe une région du psychisme intime – en particulier des tendances et des dispositions – si cachée que l'individu n'arrivera jamais à la connaître ni même à la soupçonner. Et de même qu'il est illicite de s'approprier les biens d'autrui ou d'attenter à son intégrité corporelle sans son consentement, il n'est pas permis d'entrer, contre sa volonté, dans son domaine intérieur, quelles que soient les techniques et les méthodes employées.” *De Psychologie Appliquée*, *AAS* 50 (1958) 276; Ford, 33-34.

only be revealed by professional testing.²²² In other words, the candidate would need to give permission to the professional to release some information to the superior. This means that such information must be obtained with the consent of the candidate. If the candidate chose not to reveal such information or undergo an examination at all, the religious superior was not under any obligation to admit the candidate.²²³

The Holy See addressed this question more formally a few years later. In response to what it viewed as abuses of psychological testing, the Sacred Congregation for the Holy Office issued the Monitum *Cum compertum* on July 15, 1961.²²⁴ Paragraph four stated:

To be condemned is the opinion of those who hold that a previous training in psychoanalysis is altogether necessary for receiving Sacred Orders, or that candidates for the priesthood and religious profession should undergo an examination and tests of a strictly psychoanalytic character. This applies also where there is a question of ascertaining the fitness required of candidates for the priesthood or for the religious profession. Likewise, priests and Religious of either sex should not consult psychoanalysts unless their Ordinary for grave reason gives permission.²²⁵

Cum compertum did not change the norms on the psychological examination of candidates for religious institutes.²²⁶ Rather, it addressed a growing trend to use psychoanalysis during the process

²²² Ford, 35.

²²³ See *ibid.*, 75.

²²⁴ Sacred Congregation for the Holy Office, Monitum *Cum compertum*, July 15, 1961 *AAS* 53 (1961) 571 (hereafter *Cum compertum*); English translation: *CLD* 5: 196.

²²⁵ *Cum compertum*, 4: “Improbanda est opinio eorum qui autumant praeviam institutionem psychoanalyticam omnino necessarium esse ad recipiendos Ordines Sacros, vel proprie dicta psychoanalytica examina et investigationes subeunda esse candidatis sacerdotii et professionis religiosae. Quod valet etiam si agitur de exploranda aptitudine requisita ad sacerdotium vel religiosam professionem. Similiter Sacerdotes et utriusque sexus Religiosis psychoanalystas ne adeant nisi Ordinario suo gravi de causa permittente.” *AAS* 53 (1961) 571; English translation: *CLD* 5: 196.

²²⁶ Georgius Cruchon, “Suprema Sacra Congregatio S. Officii: Monitum, Annotationes,” *Periodica* 51 (1962) 228. “Psychoanalysis” referred to the theories established by Freud, i.e., an investigation into the unconscious, the attempt to discover the person or personality through dreams or through an exploration of the person’s childhood.

of admission and at other times.²²⁷ Psychoanalysis was considered an extraordinary tool that could be used only with the permission of the Ordinary, not as a determination whether a candidate was to be admitted or not.²²⁸

Related to the question of how much could be revealed about a candidate was the issue of the professional standards of psychologists. What was their duty to the patient, to the religious institute? It was a difficult balance to maintain, wherein the religious institute needed to be informed of potential issues with a particular candidate, but the privacy and integrity of the candidate needed to be respected as well.²²⁹

While a superior was required to investigate the physical and psychological qualities of a candidate with the assistance of doctors and other professionals, the decision to admit or refuse the candidate remained with the superior.²³⁰ The role of doctors or experts was to give their professional opinions, but the superior was to judge the suitability of the candidate in question.²³¹

b. Understanding the Human Person

In the late 1950's and early 1960's the psychological examination was already seen as more than simply a screening tool to determine whether there was a psychological hindrance to admission. The psychological examination was also a means of furthering the personal growth of the

²²⁷ Leonard A. Voegtle, *Canonical Reasons for the Rejection of Candidates to Final Vows: A Historical Survey and Canonical Commentary*, Canon Law Studies 435 (Washington, DC: The Catholic University of America, 1966) 127.

²²⁸ Frison, 94; Voegtle, 127.

²²⁹ Paul D'Arcy, "Planning and Implementing the Assessment Program," in Coville, Darcy, et al., *Assessment of Candidates*, 67.

²³⁰ Frison, 86.

²³¹ Ibid. For a comprehensive look at the role of experts under the two codes, see Marie Breitenbeck, *The Role of Experts in Ecclesial Decision-Making in the 1983 Code of Canon Law*, Canon Law Studies 522 (Washington, DC: The Catholic University of America, 1987).

candidate.²³² The examination could identify areas in which the candidate, either admitted to the novitiate or refused, could be assisted in personal growth.²³³

The use of the word “maturity,” to measure the growth of an individual is more noticeable during the 1950’s and 60’s in the literature on admission.²³⁴ Different types of maturity were identified as well: maturity in general, emotional maturity and spiritual maturity.²³⁵ Frison cites the definition of maturity from the Director of the National Center of Education in Italy: “essentially, the capacity of the young man to begin his conversation with the world of culture, not only with his intellect, but also with his volitive, emotional and instinctive faculties, which are often marked with intimate conflicts and contrasts.”²³⁶

C. Instruction, *Religiosorum institutio*

On February 2, 1961, less than five years after the promulgation of *Sedes sapientiae*, the Sacred Congregation for Religious issued an Instruction *Religiosorum institutio* that addressed the careful selection and training of candidates for religious life and for orders.²³⁷ The document recalled the

²³² Coville in Coville, Darcy, et al., *Assessment of Candidates*, 8.

²³³ Ibid.

²³⁴ See, e.g., Frison, 88.

²³⁵ Ibid.

²³⁶ Frison, 88; see also Coville who writes that in addition to emotional stability, “is the candidate’s human relations ability, involving effective communications and good interpersonal relationships. This ability implies that the religious aspirant had both the physical and the emotional capacity for effective communication with people, enjoyed good self-esteem, was at ease with himself and others; he was able to participate socially and sympathetically with all types of people; he was able to maintain confidences and, if necessary, was able to work in isolation.” These were all traits that were subject to evaluation by psychological examinations and methodology. Coville in Coville, Darcy, et al., *Assessment of Candidates*, 29.

²³⁷ Sacred Congregation for Religious, Instruction *Religiosorum institutio*, February 2, 1961, *Enchiridion*, 1710-1754; English translation from: Sacred Congregation for Religious, Instruction “Careful Selection and Training of Candidates for the States of Perfection and Sacred Orders,” February 2, 1961: *CLD* 5: 452-487. Although initially regarded as a private instruction, and referenced in the instruction as “For Superiors Only,” it was referred to as “public law” in another document from the Sacred Congregation for Religious. Sacred

prior Instruction *Quantum religiones* and proposed to take up the same questions and treat them anew, while being consistent and faithful to the former document.²³⁸ It was a very practical document that spoke to preventative measures that should be applied beginning with admission and continuing throughout the formation of the religious.²³⁹ Curiously, it referred to canon 22 of the 1917 code, which stated:

A later law, laid down by the competent authority, [abrogates] a prior law if it expressly says so, or if it is directly contrary to it, or if it completely reorders the matter treated in the earlier law; but; and though observing Canon 6, n. 1, general laws in no way derogate from the special [laws] of places and from the statutes of [inferior authorities], unless expressly established otherwise in the law.²⁴⁰

Religiosorum institutio acknowledged the nature of *Quantum religiones* as an instruction, but did not distinguish it from the statutes of *Sedes sapientiae* which were promulgated as law. While *Quantum religiones* applied only to clerical religious, *Religiosorum institutio* applied to all religious.²⁴¹

Just as *Quantum religiones* had stated, *Religiosorum institutio* had as its rationale the defection of priests from religious institutes and the priesthood. The reasons included the following: undue

Congregation for Religious, Private ruling, April 28, 1961, Prot. N.S.R. 1398/59, *Enchiridion*, 1768-1770; English translation: Sacred Congregation for Religious, “New Practice of S.C. Rel. Regarding Early Ordination to the Priesthood,” April 28, 1961, Private: *CLD* 5: 487; see also, Vazquez, 168, note 53.

²³⁸ *Religiosorum institutio*, art 2; *Enchiridion*, 1712; *CLD* 5:453.

²³⁹ C. Bajo, “De Candidatis ad Statum Perfectionis et ad Sacros Ordines Sedulo Deligendis et Instituendis” *Commentarium Pro Religiosis et Missionariis* 41 (1962) 37.

²⁴⁰ 1917 code c. 22: “Lex posterior, a competenti autoritate lata, obrogat priori, si id expresse edicat, aut sit illi directe contraria, aut totam de integro ordinet legis prioris materiam; sed firmo praescripto can 6, n.1, lex generalis nullatenus derogat locorum specialum et personarum singularium statutis, nisi aliud in ipsa expresse caveatur.”

²⁴¹ *Religiosorum institutio* stated explicitly: “Likewise although the Instruction refers especially to candidates for the clerical states, nevertheless those points which by their very nature deal with selection and training of candidates for the states of perfection are, with due adaptations to be applied also to lay religious, including religious women.” *Religiosorum institutio* art. 4: “Similiter, quamvis praecipue respiciat candidatos ad statum clericalem, quae tamen ex natura sua ad alumnorum selectionem et institutionem pro statu perfectionis spectant, etiam sodalibus laicis et religiosis mulieribus applicantur, congrua congruis referendo.” *Enchiridion*, 1714; *CLD* 5:455.

influence from family members to enter a seminary and become a priest; exhortations to continue in religious life from his superiors, even though he did not show the proper piety or zeal; superiors wanting a greater number of vocations; superiors threatening the religious with the loss of eternal salvation; the clerical religious lacked sufficient knowledge of religious and clerical obligations because he had entered too young and did not accept these obligations with the proper freedom; the candidate was uncertain about a future outside religious life, so he made his profession and was ordained even given this uncertainty; the clerical religious had difficulties with chastity; he lost the religious spirit and “pseudo-apostolic activism and [neglect of] the interior life;” the priest was personally weak; and finally, the Church admitted him to religious profession and orders without the requisite qualifications.²⁴² These reasons emphasized the need for superiors to inform themselves of the norms on admission established by the Church and to apply them carefully.²⁴³

The instruction next addressed the care required in the selection of candidates to the states of perfection and to priesthood. While emphasizing the continued necessity of promoting vocations, it strongly cautioned against the desire for large numbers of candidates, while neglecting their quality based on careful scrutiny.²⁴⁴ It stated, “Let us seek out quality first of all, because then, if we use such an expression, quantity will automatically be present by itself.”²⁴⁵ With regard to those who were to be admitted to the states of perfection, it reiterated the law about freedom from

²⁴² *Religiosorum institutio*, art. 5-12; *Enchiridion*, 1714-1718; *CLD* 5: 455-458. These were the reasons given by those who had left religious life and/or the priesthood; yet, it is possible they departed for other reasons. Frison, 109.

²⁴³ *Religiosorum institutio*, art. 13, *Enchiridion*, 1718; *CLD* 5:458.

²⁴⁴ *Ibid.*, art. 14, *Enchiridion*, 1718; *CLD* 5:459.

²⁴⁵ “Quaeramus imprimis qualitatem, nam qualitas sponte et ultro accedet, si ita loqui licet.” *Religiosorum institutio*, art. 14, *Enchiridion*, 1718; *CLD* 5:459.

impediments and demonstrable “positive signs of a divine vocation.”²⁴⁶

Because superiors were to have moral certainty about the fitness of candidates for orders, they were to faithfully follow the norms on entrance into religious life set forth in *Sedes sapientiae* (articles 31-34). While moral certitude about suitability was needed at the time of admission to the novitiate, any doubt about a candidate was to be resolved in favor of not admitting the candidate.²⁴⁷ While some spiritual directors advised unqualified or hesitant candidates to continue in their religious vocation in the hope that time would resolve their unfitness or allay their fears, the instruction counseled otherwise.²⁴⁸ The instruction further exhorted confessors and spiritual directors to dissuade unfit candidates, those without a call from God, from proceeding further in their pursuit of a religious vocation.²⁴⁹

1. Psychological Issues with Candidates

Religiosorum institutio also dealt with psychological concerns regarding candidates, the topic that was introduced by *Sedes sapientiae*. However, the instruction is more specific and nuanced than the 1956 apostolic constitution:

Special attention must be paid to those who give evidence of neuropsychosis and who are described by psychiatrists as neurotics or psychopaths, especially by those who are scrupulous, abulic, hysterical, or who suffer from some form of mental disease (schizophrenia, paranoia, etc.). The same is true of those who have a delicate constitution or, particularly, those who suffer from weakness of the nervous system or from protracted psychic melancholia, anxiety or epilepsy (can. 984, 3^o), or who are afflicted with obsessions.

²⁴⁶ *Religiosorum institutio*, art. 14, *Enchiridion*, 1718; *CLD* 5:459. This was already a requirement of the 1917 code and therefore will not be addressed here.

²⁴⁷ *Religiosorum institutio*, art. 16, *Enchiridion*, 1722; *CLD* 5:461; Bajo, 44.

²⁴⁸ *Ibid.*, art. 17, *Enchiridion*, 1722, 1724; *CLD* 5: 461-462; Frison, 107. Frison recognizes that in some particular cases it would be appropriate to counsel moving forward, but more often than not the advice of the Instruction should be followed.

²⁴⁹ *Religiosorum institutio*, art. 18, *Enchiridion*, 1724; *CLD* 5:463.

Similarly, precautions are needed in examining the children of alcoholics or those tainted with some hereditary weakness, especially in the mental order (cf. *Stat. Gen.*, art 33; 34, §1).²⁵⁰

While the concerns expressed in article 31 of the instruction regarding psychological investigations were similar to those indicated in article 33 of *Sedes sapientiae*, i.e., ensuring the psychological suitability of candidates, the difference between the two documents was the specificity of abnormal behaviors. These seem to reflect the insights of experts with experience regarding psychological issues relevant to admitting candidates.

Religiosorum institutio concluded with a strong exhortation that the parts of the instruction touching upon the candidates should be read directly to them or made known to them in some other way.²⁵¹ Examples of these relevant parts included the freedom of candidates and their obligations before embracing religious or clerical life.²⁵² Article 52 stated that compliance with this instruction and faithful investigation into the “canonical fitness” of candidates promoted “the salvation of souls to the honor of God.”²⁵³

2. The Candidates’ Involvement in Vocational Discernment

A new development in this instruction was the notion that the candidate was expected to participate in the discernment of his own vocation. The candidates themselves were asked to be

²⁵⁰ Ibid., art. 31: “Insuper specialis attentio iis est adhibenda qui indicia praebeant infirmitatis neuro-psychicae quique a psychiatris neurotici vel psychiopatici nuncpantur, praesertim scrupulosi, abulici, hysterici vel qui aliquo mentis vitio (schizophrenia, paranoia, etc) affecti sunt; qui imbecilles corpore sunt vel maxime debiles systemate nervoso, aut psychica melancholia diuturna aut pavore aut epileptico morbo (can. 984 3), vel idearum obsessione laborant; similiter a parentibus nati ebriosis vel tali forte hereditaria, praesertim mentali, affectis (cf. *Stat. gen.*, artt. 33, 34 §1).” *Enchiridion*, 1734; CLD 5:471-472.

²⁵¹ *Religiosorum institutio*, art. 52, *Enchiridion*, 1754; CLD 5:486.

²⁵² Ibid.

²⁵³ Ibid., art. 52: “Dei honorem animarumque salute efficaciter promoveant.” *Enchiridion*, 1754; CLD 5:486.

open to advice and direction of spiritual directors, confessors and superiors in the postulancy or minor seminary.²⁵⁴ It was also helpful for the candidates to know and understand the Church's teaching on the manifestation of conscience set forth in canon 530 §2 of the code.

While it was not a requirement, superiors could ask the candidate for a historical account of his or her vocation. Not only would this type of history assist the superior in identifying one or more of the warning signs listed above, but it again encouraged the candidate to be more actively engaged in the process of discernment and in the determination of his or her vocation.²⁵⁵

3. Doubts and Certitude about the Vocation of a Candidate

As with the Instruction *Quantum religiones* and the Apostolic Constitution *Sedes sapientiae*, *Religiosorum institutio* reiterated the need for candidates to have the requisite freedom to enter a religious institute.²⁵⁶ Superiors were also encouraged to examine the supernatural quality of the motivation of their candidates.²⁵⁷ In fact, those who came from poorer families were considered more suspect and the religious superiors were to pay greater attention to the motivations of these candidates. Also requiring close scrutiny were those who came from “poor families, or [who] are without the means of leading an upright life in the world, or are lacking academic degrees, or if they are known for their narrow-mindedness, anxiety or ambivalence, worried by scruples, or completely

²⁵⁴ Ibid., art. 20, *Enchiridion*, 1724, 1726; CLD 5:464.

²⁵⁵ Ibid., art. 23; *Enchiridion*, 1728; CLD 5:466.

²⁵⁶ Ibid., art. 22, *Enchiridion*, 1726; CLD 5:465.

²⁵⁷ Ibid., art. 23, *Enchiridion*, 1726, 1728; CLD 5:466. See the discussion above regarding a discussion on the topics of freedom and a divinely inspired vocation.

incapable of facing up to anything important.”²⁵⁸ Rather than simply state that pressure from family or financial situation impinged upon the freedom of the candidate, the instruction suggested a “fatherly” approach that would assist the candidate in confiding to the superior or spiritual director to obtain help in addressing such predicaments, rather than entering religious life with such burdens.²⁵⁹

Should a candidate for religious life be hesitant about his or her vocation, superiors were to dismiss the unworthy but exhort those whom they recognized as qualified to persevere in going forward.²⁶⁰ Of course, they could not interfere with the freedom of the candidates. However, Reed observes, “An individual should have definite convictions concerning the state of life he is going to choose. The novitiate is not a place to decide whether one has a vocation or not. It is a place for spiritual formation.”²⁶¹ In other words, such decisions were to be made with the guidance of the superior prior to entrance into the novitiate.

4. Obligations of Religious Life, Especially Celibacy

Religiosorum institutio recommended formation in the duties and obligations of the religious and clerical life prior to the novitiate year. Regardless of other significant qualities for religious life

²⁵⁸ Ibid., art. 23: “ex paupere familia oriantur, vel subsidiis honestae vitae in saeculo ducendae aut titulis studii sint, aut animo pusillo praediti, anxii dubii, scrupulis exagitati, vel incapaces prorsus sint ad quodibet alicuius moment consilium capiendum.” *Enchiridion*, 1726, 1728; *CLD* 5:466. “*Enchiridion*, 1726; *CLD* 5:466.

²⁵⁹ Ibid., art. 24, *Enchiridion*, 1728; *CLD* 5:466.

²⁶⁰ Ibid., art. 26; *Enchiridion*, 1728; *CLD* 5:467.

²⁶¹ Albert Reed, “The Careful Selection and Training of Candidates for the States of Perfection and Sacred Orders,” *The Jurist* 23 (1962) 42.

and priesthood a candidate may have had, should he be unable to observe chastity; he was to be excluded from religious life and the priesthood.²⁶²

Indications that a candidate was not able to live chastely included frequent sins against chastity or a “sexual bent of mind or excessive weakness of will. Such persons were not even to be admitted to minor seminary, much less to novitiate or to profession.”²⁶³ Those with a habit of “solitary sins” who were without a “well-founded hope” of breaking the habit in an appropriate time period were not to be admitted to the novitiate.²⁶⁴ While the postulancy could be extended six months, overcoming this habit alone was probably not sufficient reason to grant the extension.²⁶⁵

A student in a minor seminary who had committed a sin against the sixth commandment with a man or a woman was to be dismissed immediately in accord with the provisions of canon 1371 of the 1917 code concerning those who were to be dismissed from the seminary in general.²⁶⁶ An exception could be made when the seminarian in question was less culpable for whatever reason, when his overall qualities indicated the behavior was an anomaly, and when he was truly repentant.²⁶⁷ In other words, after prudently looking at the totality of the circumstances, the superior could allow the student to remain in the seminary. Even if a candidate for admission to a religious institute had been chaste and did not fall into the categories just mentioned, the superior

²⁶² *Religiosorum institutio*, art. 29, *Enchiridion*, 1726, 1728; CLD 5:469.

²⁶³ *Ibid.*, art. 29, 30; *Enchiridion*, 1730, 1732; CLD 5:469.

²⁶⁴ *Ibid.*

²⁶⁵ Reed, 43; 1917 code c. 539 §2.

²⁶⁶ *Religiosorum institutio*, art. 30, *Enchiridion*, 1732; CLD 5:470.

²⁶⁷ *Ibid.*

was to investigate carefully for signs that he had an abnormal or deviant sexuality.²⁶⁸ For these persons, “religious celibacy would be a continual act of heroism and a trying martyrdom.”²⁶⁹ This investigation was also important in consideration of those with whom the candidate was to live.²⁷⁰

Conclusion

The time between the promulgation of the 1917 code and the Second Vatican Council was a dynamic period with respect to the law on admission of candidates to religious institutes. While the 1917 code set forth a number of norms regarding the admission of male candidates to religious institutes, some of these norms had been in effect since the sixteenth century or longer. The code listed both invalidating impediments and impedient prohibitions to admission. It also set forth a system regarding the candidates’ need to obtain testimonial letters from local ordinaries. The code was very specific about who needed to obtain testimonial letters and from whom they were to come. However, the norms in the code did not really address the suitability of candidates. Even the testimonial letters often times came from ecclesiastical officials who may not have even met the candidate in question.

Because of the insufficiencies of the code with respect to admission, the need for the law to adapt to changing times and circumstances, and the abandonment of priesthood and religious life by many, the Holy See promulgated additional legislation on the topic of admission. The instruction *Quantum religiones* of 1931 and the apostolic constitution *Sedes sapientiae* of 1956 with general statutes culminated in the very comprehensive Instruction *Religiosorum institutio* of 1961. There was a

²⁶⁸ Ibid

²⁶⁹ Ibid., art. 31: “religios celibatus heroicis continuus fiat, acerbumque martyrdom.” *Enchiridion*, 1734; *CLD* 5:471.

²⁷⁰ Reed, 44.

progression from one document to the next in determining suitability for admission to religious institutes.

The documents from the Holy See demonstrated a greater openness to the use of the behavioral sciences of psychology and psychiatry in the investigation of candidates. There was also a greater emphasis on the role of the candidate in his own vocation. With the post-codal documents, all candidates were required to satisfy a probationary period known as the postulancy. Although previously reserved only to women and men admitted to be brothers in male institutes, all candidates were to undergo an investigation. This investigation included both physical and psychological testing, research into the medical and psychological history of the candidate, and diligent study of the personality and maturity of the candidate. The introduction of psychological testing raised other issues with respect to the candidates' right to privacy. The apostolic constitution and the two instructions paved the way for a more nuanced approach to the issue of admission to religious institutes, placing greater demands on major superiors in understanding the complexities of human behavior.

Having studied the provisions of the 1917 Code of Canon Law and subsequent pre-conciliar documents affecting the admission of male candidates to clerical religious institutes, chapter two will serve as a transitional chapter reflecting on conciliar teachings and pre-codal provisions that placed greater demands on major superiors and required a more careful scrutiny of male candidates – all of which lead up to the 1983 Code of Canon Law.

Chapter II

CONCILIAR AND POST-CONCILIAR TEACHING AND THE REVISION OF THE NORMS ON ADMISSION TO RELIGIOUS INSTITUTES

Introduction

Chapter one examined the admission of candidates to male religious institutes from the promulgation of the 1917 code to the Second Vatican Council. Chapter two examines the admission of candidates to male religious institutes¹ from the Second Vatican Council to the promulgation of the 1983 Code of Canon Law, a period of almost twenty years. The chapter divides into four parts: 1) the conciliar teachings regarding admission to male religious institutes, 2) the faculties given to superiors general of religious institutes and abbots president of monastic congregations, 3) the post-conciliar and pre-codal documents implementing conciliar teachings, and 4) the 1917 code revision process, and the *schemata* leading to the 1983 Code of Canon Law.

There are three documents from the Second Vatican Council relevant to the admission to religious institutes: *Lumen gentium*, *Perfectae caritatis*, and *Optatam totius*. *Lumen gentium* sets the path for the other conciliar and post-conciliar teachings on religious life. It acknowledges religious life as belonging to the life and holiness of the Church and allows each institute to form its own laws, e.g., legislate, subject to hierarchical approval. *Perfectae caritatis* recognizes the special characteristics of religious institutes and calls for adaptation and renewal. *Optatam totius* calls for vigilance in accepting candidates to the priesthood and emphasizes the signs of a vocation and personal and psychological health.

¹ The novitiate is the beginning of life in a religious institute; therefore throughout this chapter various documents will address “admission to the institute” or “admission to the novitiate.”

Between 1964 and 1970, the Holy See issued three decrees granting special faculties. In November, 1964, the Papal Secretariate of State issued the Decree *Cum Admotae* granting faculties to superiors general of pontifical clerical religious institutes and abbots president of monastic congregations to dispense from codal impediments to admission to the novitiate. In May, 1966 the Sacred Congregation for Religious issued the Decree *Religionum laicalium* granting special faculties to superiors general in pontifical lay religious institutes to dispense from similar impediments. In June, 1970 the Sacred Congregation for Religious and Secular Institutes issued the Decree *Ad instituenda experimenta* suspending the norms on testimonial letters and giving the institutes authority over retreats for candidates.

The Holy See issued general and specific principles for admission to the institute in this same period. In August, 1966 Paul VI issued the Apostolic Letter *Ecclesiae Sanctae II*. The document encouraged the development of the nature and character of each institute. Less than one year later, in June, 1967 Paul VI issued the Encyclical *Sacerdotalis caelibatus* regarding the qualifications and training of candidates for the priesthood. In January, 1969, the Congregation for Religious and Secular Institutes issued the Instruction *Renovationis causam*. The instruction addressed the implementation of *Perfectae caritatis* and *Ecclesiae Sanctae II* regarding admission to religious institutes and the postulancy. In November, 1969 the Congregation for Religious and Secular institutes issued the Decree *Clericalia instituta* addressing equality between clerics and *conversi* in clerical institutes. In June, 1971 Paul VI issued the Apostolic Exhortation *Evangelica testificatio*, addressing the skills and qualities required to live the evangelical counsels.

Almost immediately after the close of the Second Vatican Council, the Pontifical Commission for the Revision of the Code of Canon law began its work. The commission formed

study groups for the revision of the code, including one study group for norms for consecrated life (hereafter *coetus*). The *coetus* began its work on the canons on admission to an institute of consecrated life as early as 1969. Its work resulted in the dissemination of the 1977 *Schema of Canons on Institutes of Life Consecrated by Profession of the Evangelical Counsels*. Further revisions followed in the 1980 and 1982 *Schemata* on whole code, not just consecrated life. The revisions in the three drafts reflect the discussions of the *coetus* regarding conciliar and post-conciliar teachings.

I. Conciliar Teaching

The conciliar teachings in the Dogmatic Constitution *Lumen Gentium* and the Decree *Perfectae Caritatis* address religious life in general; while the Decree *Optatam totius* addresses the priesthood and clerical religious. These three documents significantly influence post-conciliar teachings. Likewise, they served as a guide to the work of the *coetus* on religious life, particularly in their deliberations on the canons on admission.

A. *Lumen gentium*

In November, 1964, the Dogmatic Constitution *Lumen gentium* was issued.² Religious life enjoys special attention in chapter VI of *Lumen gentium*. Following the chapter on the universal call to holiness, paragraph 43 states that some are called in a special way to holiness through the profession of the evangelical counsels of poverty, chastity and obedience.³ In this way, they imitate

² Vatican II, Dogmatic Constitution *Lumen gentium*, Nov. 21, 1964: *AAS* 57 (1965) 5-67; English translation in *Decrees of the Ecumenical Councils*, 2 vols. ed. Norman P. Tanner (London and Washington: Sheed & Ward and Georgetown University Press, 1990) (hereafter Tanner) 862-898.

³ *Ibid.*, 43: *AAS* 57 (1965) 49; Tanner 2:884.

Christ more closely and intensify their baptismal commitment.⁴ *Lumen gentium* states: “although [the religious state] does not belong to the hierarchical structure of the Church, [it] does however, belong unquestionably to its life and holiness.”⁵ The constitution acknowledges a diversity of “forms” of religious life and identifies the hierarchy as the authority that not only establishes norms for the living of the evangelical counsels, but also approves the rules of each religious institute.⁶ This latter point significantly departs from the former practice of promulgating laws common for all religious institutes, allowing each institute to develop norms specific to its charism and character.

B. *Perfectae caritatis*

In October, 1965 the Second Vatican Council issued the Decree *Perfectae caritatis*.⁷ While *Lumen gentium* addresses religious life and the evangelical counsels in general, the Decree *Perfectae caritatis* elaborates upon their meaning. The decree articulates general principles for the renewal and adaptation of religious life.⁸ It maintains consistency with *Lumen gentium* in recognizing the special characteristics of religious institutes, societies of common life and secular institutes.⁹ *Perfectae caritatis* acknowledges the proper character, function and gift of each institute. It recommends renewal and adaptation according to the following: 1) Gospel spirituality, 2) the spirit of the founder, 3) the

⁴ Ibid., 44: *AAS* 57 (1965) 50; Tanner 2:885.

⁵ Ibid., 44: “licet ad Ecclesiae structuram hierarchicam, non spectet, ad eius tamen vitam et sanctitatem inconcusse pertinet.” *AAS* 57 (1965) 51; Tanner 2:886. The council fathers at this time did not have a full or sophisticated vocabulary for consecrated life.

⁶ Ibid., 43, 45: *AAS* 57 (1965) 49, 51; Tanner 2:884, 886.

⁷ Vatican II, Decree *Perfectae caritatis*, October 28, 1965: *AAS* 58 (1966) 702-712; English translation in Tanner 2:939-947.

⁸ *Perfectae caritatis*, 1, 4, *AAS* 58 (1965) 703, 704; Tanner 2:939, 940.

⁹ Ibid., 1, *AAS* 58 (1965) 703; Tanner 2:939-940.

acceptance and promotion of the Church's teachings, 4) an awareness of contemporary times and the needs of society, and 5) a deep spiritual renewal of each member in the institute or society.¹⁰

Perfectae caritatis addresses the admission of candidates through the lens of the vow of chastity. After exhorting religious to pay special attention to this vow and repudiating the secular notion that perfect continence is impossible, it states:

The practice of absolute celibacy touches the deep, intimate longings of humankind. Aspirants therefore, must neither take, nor be allowed to take, this vow without adequate preparation and the presence of both emotional maturity and psychological balance. They must not just be warned about threats to the chaste life, but led to integrate religious celibacy into the wholeness of a balanced personality.¹¹

This exhortation echoes the sentiments of both *Sedes sapientiae* and *Religiosorum institutio* in not only calling for spirituality, but also the psychological fitness and emotional maturity of candidates.

While the 1917 code made distinctions between candidates for orders and lay brothers in clerical institutes, *Perfectae caritatis* makes little distinction between the members and, by extension, the candidates. It states, "The bond between fellow religious anticipates the coming of Christ (see Jn 13, 35; 17, 21) and is a powerful source of apostolic effectiveness. Coadjutors, whether they are called brothers or given some other title, must be integrated fully into community life and work; there must be a deeper sense of association."¹² The lay members of clerical institutes are to be equal

¹⁰ Ibid., 2, *AAS* 58 (1965) 703; Tanner 2:940.

¹¹ *Perfectae caritatis*, 12: "Cum observantia continentiae perfectae profundiores naturae humanae inclinationes intime attingat, candidati ad professionem castitatis ne accedant neve admittantur, nisi post probationem vere sufficientem et cum debita maturitate psychologica et affectiva. Ipsi non solum de periculis castitati occurrentibus moneantur, sed ita instruantur ut coelibatum Deo dicatum etiam in bonum integrae personae assumant." *AAS* 58 (1965) 708; Tanner 2:943.

¹² Ibid., 15: "Immo fratrum unitas Christi adventum manifestat (cfr. Io. 13, 35; 17, 21) magnaue virtus apostolica ex ea manat. Ut autem inter sodales intimius sit vinculum fraternitatis, illi qui conversi, cooperators vel alio nomine vocantur, vitae et communitatis operibus arcte coniungantur." *AAS* 58 (1965) 710; Tanner 2:945.

in their rights and obligations with clerical members, except in provisions for sacred orders. The decree further clarifies that lay religious should receive proper formation, including studies in: theology, spirituality, behavioral sciences and ministry.¹³ All candidates are to be formed accordingly.

Perfectae caritatis continues the reforms regarding admission to the institute adopted prior to the Second Vatican Council. It recognizes the uniqueness of each institute and its special gifts. The decree sets forth principles applying to all institutes and forges a path for greater equality between lay and clerical candidates.

C. *Optatam totius*

In the same month as the issuance of *Perfectae caritatis*, October, 1965, the Second Vatican Council issued the Decree *Optatam totius*. *Optatam totius* addresses the topic of admission and suitability of candidates to clerical religious life.¹⁴ As with *Perfectae caritatis*, this decree on the training and formation of priests relies heavily on the behavioral sciences. It recognizes that adequate human formation is a constitutive element of spiritual formation. In other words, human formation is judged integral to and inseparable from spiritual formation.¹⁵ Regarding the assessment of candidates to the priesthood, paragraph 16 of *Optatam totius* states:

Watchful care is needed, as individuals advance in age and development, to inquire into the candidates' right motive and free will, their spiritual, moral and intellectual suitability, and sound physical and psychological health, considering also characteristics possibly inherited from the family. The candidates' capacity to carry the burdens of the priesthood and

¹³ Ibid.

¹⁴ Vatican II, Decree *Optatam totius*, October 28, 1965: *AAS* 58 (1966) 713-727; English translation from Tanner 2:947-959.

¹⁵ Luigi Sabbarese, *L'Ammissione Negli Istituti Religiosi: Cenni Storici, Ricerca Delle Fonti e Legislazione Vigente* (Parma: Tipolitografia Benedittina Editrice, 1994) 114.

perform the pastoral duties must be weighed up. In the whole process of selection and assessment there must be due firmness, even though we mourn the shortage of priests; for God will not allow his Church to lack ministers, if those worthy are promoted, while those not suitable are directed early on in a fatherly way to follow another calling and helped to enter on the lay apostolate with awareness of their vocations as Christians.¹⁶

Optatam totius reflects the provisions of both the General Statutes attached to the Apostolic Constitution *Sedes sapientiae*¹⁷ and the Instruction *Religiosorum institutio*.¹⁸ The first sentence echoes Article 33 of *Sedes sapientiae*,¹⁹ while the final sentence recalls *Religiosorum institutio*.²⁰

¹⁶ *Optatam totius*, 6: “Vigilanti cura, pro singulorum aetate eorumque progressu, inquiratur de candidatorum recta intentione ac libera voluntate, de idoneitate spirituali, morali et intellectuali, de congrua physica et psychica valetudine, consideratis quoque dispositionibus a familia forsan transmissis. Expendatur quoque candidatorum capacitas sacerdotalia onera ferendi et officia pastoralia exercendi. In universa autem alumnorum selectione et probatione debita semper adhibeatur animi firmitas etiamsi lugenda sit sacerdotum penuria, cum Deus Ecclesiam suam ministris carere non sinat, si digni promoveantur, non idonei tempestive ad alia munera obeunda paterne dirigantur atque iuventur ut vocationis suae christianae conscii, alacriter apostolatam laicalem ineant.” *AAS* 58 (1966) 717; Tanner 2:951.

¹⁷ Sacred Congregation for Religious, *Statuta generalia const. ap. ‘Sedes sapientiae’ adnexa de religiosa, clericali, apostolica institutione in statibus acquirendae perfectionis clericis impertienda* (hereafter *Statuta Generalia*), May 31, 1956, *Enchiridion della Vita Consecrata: Dalle Decreti al Rinnovamento Post-Conciliare (385-2000)*, bilingual ed. (Bologna: Centro Editoriale Dehoniano, Milano: Ancora Editrice, 2001) (hereafter *Enchiridion*) 1546-1612; Official English translation: Sacred Congregation for Religious, *The Apostolic Constitution Sedes sapientiae and the General Statutes Annexed to it On the Religious, Clerical, and Apostolic Training to be Imparted to Clerics in the States of Perfection to be Acquired*, 2nd ed. (Rome: The Sacred Congregation for Religious, 1957) 17-70 (hereafter *SS Official English Translation*).

¹⁸ Sacred Congregation for Religious, Instruction *Religiosorum institutio*, February 2, 1961, *Enchiridion*, 1710-1754; ; English translation: Sacred Congregation for Religious, “Careful Selection and Training of Candidates for the States of Perfection and Sacred Orders,” February 2, 1961: *CLD* 5, 452-486.

¹⁹ *Statuta Generalia*, art. 33: “The peculiar signs and motives of genuine vocation must be attentively weighed in those to be admitted to the novitiate according to the age and condition of the candidates (art. 31). Both the moral and the intellectual qualities of the candidates must be accurately and thoroughly examined. Moreover, their physical and psychological fitness must be investigated, relying in this on the medical history and diagnostic judgment of an experienced doctor.” *Enchiridion*, 1582; *SS Official English Translation*, 45-46.

²⁰ *Religiosorum institutio*, art. 14: “Let us seek out quality first of all, because then, if we use such an expression, quantity will automatically be present by itself. This will be the concern of divine providence.” *Enchiridion*, 1720; *CLD* 5:459.

Optatam totius requires candidates for orders to understand the burdens they are undertaking in being ordained, as well as those assumed on entering the novitiate.²¹ Human formation continues to be an important priority before receiving Holy Orders:

The principles of Christian education are to be religiously observed and duly supplemented by the more recent discoveries of sound psychology and pedagogy. So by a wisely adapted training there should be cultivated in the students a right degree of human maturity. This will chiefly be shown in a certain stability of character, in the ability to make carefully considered decisions, and in right judgment of events and people.²²

Gambari writes, “the first stages of maturity begin with the psychological and emotional field: a human maturity that is preparation for religious maturity.”²³ Religious maturity is maturity obtained by leading a Christ centered life: “which leads to the practice of the evangelical counsels as expressions of charity toward God, loved with an undivided heart, and of charity toward neighbor free of those distinctions that could arise in following the common precepts.”²⁴ Because the Second Vatican Council, and more specifically, *Optatam totius*, identifies the threefold *munera* by which the priest participates in the imitation of Christ, the candidate for Orders also needs to possess the capacity for holiness, intelligence, and competence.²⁵ Competence includes professional ability as

²¹ *Optatam totius*, 9, *AAS* 58 (1966) 719; Tanner 2:952.

²² Ibid., 11: “Christianae educationis normae sancte servantur, et recentioribus sanae psychologiae et paedagogiae inventis rite compleantur. Institutione igitur sapienter ordinata in alumni excolenda est etiam debita maturitas humana, praecipue comprobata in quadam animi stabilitate, in facultate ferendi ponderatas decisiones atque in recta de eventibus et hominibus iudicandi ratione.” *AAS* 58 (1966) 720; Tanner 2:953.

²³ Elio Gambari, *The Religious Adult in Christ: Religious Formation Before Perpetual Profession; Juniorate, Years of Studies, Scholasticate* (Boston: Daughters of St. Paul, 1971) 35.

²⁴ Ibid., 37.

²⁵ Anthony Akinwale, “The Decree on Priestly Formation, *Optatam Totius*,” in Matthew Lamb and Matthew Levering, eds., *Vatican II: Renewal within Tradition* (New York: Oxford University Press, 2008) 237-238.

well as morality, good judgment and character.²⁶

The Second Vatican Council does not address admission to a religious institute in any depth, but it does affirm the principles and behavioral sciences addressed by the Holy See prior to the council. The use of psychological testing receives implicit affirmation, and there continues to be an emphasis on physical and mental health, and the maturity of candidates prior to admission to the institute.

II. Special Faculties Given to Superiors General

A. *Cum admotae*

In November, 1964, prior to the conclusion of the Second Vatican Council, the Papal Secretariat of State issued the Pontifical Rescript *Cum admotae*.²⁷ The rescript responded to petitions made to the Holy See by superiors general of clerical institutes and abbots president of monastic congregations requesting certain faculties that would enable them to function more efficiently.²⁸ The rescript gave the highest superiors of these institutes and congregations special faculties, a few of which addressed admission to an institute or monastery. Paragraph 7 of *Cum admotae* stated:

With the consent of their council, to dispense their own subjects from the impediment to sacred Orders which bars sons of non-Catholics for as long as the parents remain in their error.

Likewise, to dispense from the impediment which bars admission to religious life for those who have adhered to a non-Catholic sect. Also to dispense from illegitimacy those to be admitted into religious life, even if they are destined for the priesthood, provided they are

²⁶ Ibid.

²⁷ Papal Secretariate of State, *Cum admotae*, November 6, 1964: *AAS* 59 (1967) 374-378; English translation: Papal Secretariate of State, "Faculties of Superiors General of Pontifical Clerical Religious Institutes and of Abbots President of Monastic Congregations," November 6, 1964: *CLD* 6:147-152.

²⁸ *Cum admotae*, *AAS* 59 (1967) 374; *CLD* 6:147.

not sacrilegiously or adulterously illegitimate. Nevertheless, if a conflict on this matter arises between the Bishop and the Superior General, the former's decision is to prevail.²⁹

Regarding sons of non-Catholic parents, canon 542, 2° of the 1917 code stated: "Illicitly but validly admitted are . . . Those destined for priesthood in a religious institute from which, however, they are removed by irregularity or other canonical impediment."³⁰ Canon 987, 1° stated, "The following are simply impeded . . . sons of non-Catholics, as long as the parents remain in their error."³¹ This concession of authority to these major superiors mirrored the faculty granted to bishops of dioceses one year prior.³² The faculty given to a bishop permitted him, and those delegated by him, a co-adjutor, an auxiliary bishop or a vicar general: "to dispense from the impediment to Orders which bars sons of non-Catholics for as long as the parents remain in their error."³³ Should there be any disagreement on the question of whether to dispense from the impediment, the diocesan bishop or

²⁹ Ibid., I, 7: "Dispensandi, de consensu sui Consilii suos subditos ab impedimento ad sacros Ordines, quo filii acatholicorum afficiuntur quamdiu parentes in suo errore permanent. Pariter dispensandi super impedimento quo detinentur admittendos in Religionem, qui sectae acatholicae adhaeserunt et dispensandi super illegitimitate natalium admittendos in Religionem, etiamsi sint sacerdotio destinati, dummodo ne sint sacrilegi vel adulterini. Si tamen conflictus hac de re oriatur inter Episcopum et Supremum Moderatorem Religionis, prioris sententia praevaleat." *AAS* 59 (1967) 375; *CLD* 6:148.

³⁰ *Codex Iuris Canonici Pii X Pontificis Maximi iussu digestus Benedicti Papae XV auctoritate promulgatus* (Rome: Typis Polyglottis Vaticanis, 1917) (hereafter 1917 code), c. 542, 2°: "Illicite, sed valide admittuntur . . . Ad sacerdotium in religione destinati, a quo tamen removeantur irregularitate aliove canonico impedimento." English translation from Edward Peters, *The 1917 Pio-Benedictine Code of Canon Law: In English Translation With Extensive Scholarly Apparatus* (San Francisco: Ignatius Press, 2001). All subsequent English translations of canons from this code will be taken from this source unless otherwise indicated.

³¹ 1917 code c. 987, 1°: "Sunt simpliciter impediti . . . Filii acatholicorum, quamdiu parentes in suo errore permanent." For an analysis of this impediment, see *inter alia*, John Torres, "Commentarium In Rescriptum Pontificium 'Cum admotae': De Dispensatione ab aliquibus Impedimentis," *Commentarium Pro Religiosis et Missionariis* 44 (1965) 120-121.

³² Paul VI, Apostolic Letter motu proprio *Pastorale munus*, November 30, 1963: *AAS* 56 (1964) 5-12; English translation: Paul VI, Apostolic Letter motu proprio, "Faculties and Privileges Granted to Local Ordinaries by *Pastorale Munus*," November 30, 1963: *CLD* 6: 370-378 (hereafter *Pastorale munus*).

³³ *Pastorale munus*, I, 16: "Dispensandi super impedimento ad ordines, quo astringuntur filii acatholicorum, quamdiu parentes in suo errore permanent." *AAS* 56 (1964) 8; *CLD* 6: 373.

his delegate's judgment prevailed over that of the major superior.³⁴ *Cum admotae* did not mention conditions for the granting or non-granting of the dispensation, but left that to the judgment of the competent superior.³⁵

The superior general or abbot president could also dispense from the impediment barring those who adhered to non-Catholic sects from admission to the religious institute or monastery.³⁶ This impediment was the subject of *Pastorale munus* issued the year prior. It gave the bishop of a diocese (or his delegate) the authority to: "dispense, at the request of the competent superior, from the impediment whereby those who have adhered to a non-Catholic sect are barred from admission into religious life."³⁷

The third grant of authority to superiors general and abbots president regarded those impeded from entrance into the novitiate due to illegitimate birth. Canon 984, 1° of the 1917 code stated: "The following are irregular by defect: 1°. Illegitimate ones, whether the illegitimacy is public or occult, unless they were legitimated or professed solemn vows."³⁸ As with the first two concessions of authority to superiors general and abbots president, this grant of authority was also the subject of *Pastorale munus*. Paragraph 31 permitted a diocesan bishop: "To admit into the seminary illegitimate sons, if they possess the qualifications for admission into the seminary, and if

³⁴ *Cum admotae*, I, 7; *AAS* 59 (1967) 375; *CLD* 6:148.

³⁵ Torres, 124-125.

³⁶ 1917 code, c. 542, 1°.

³⁷ *Pastorale munus*, I, 35: "Dispensandi, ad petitionem Superioris competentis, super impedimento quo detinentur admittendi in Religionem, qui sectae acatholicae adhaeserunt." *AAS* 56 (1964) 11; *CLD* 6: 376.

³⁸ 1917 code, c. 984, 1°: "Sunt irregulares ex defectu: 1°. Illegitimi, sive illegitimitas sit publica sive occulta, nisi fuerint legitimated vel vota sollemnia professi." The question of illegitimacy was also relevant to the question of suitability for the episcopacy, however, the subject is beyond the scope of this study. See 1917 code c. 331 §1, 1°.

they are not adulterously or sacrilegiously illegitimate.”³⁹ *Cum admotae* and *Pastorale munus* were silent regarding what was to be done in cases of those born of sacrilegious or adulterous unions.

Presumably, a dispensation could still be sought from the Holy See.

The Holy See judged that superiors general of pontifical clerical religious institutes and abbots president of monastic congregations needed the same faculties given to bishops in *Pastorale munus*.

B. *Religionum laicalium*

In May of 1966, the Sacred Congregation for Religious issued the Decree *Religionum laicalium*.⁴⁰ In the decree, the superiors general of pontifical lay religious institutes received many of the special faculties previously requested and granted to superiors general of clerical institutes two years earlier. Since this decree addressed lay institutes, the faculties regarding sacred Orders were not included.

Like *Cum admotae*, *Religionum laicalium* granted to the superiors general of lay pontifical religious institutes with the consent of the council the faculty to dispense candidates from the impediment of illegitimacy; provided “they be not born of a sacrilegious or adulterous union.”⁴¹ The decree, like its counterpart for clerical pontifical religious institutes, was silent regarding what was to be done in cases of those born of sacrilegious or adulterous unions.

³⁹ *Pastorale munus*, I, 31: “Admittendi in Seminario filios illegitimos, si qualitates praebeant, quae pro admissione in Seminarium requiruntur, dummodo ne agatur de adulterinis aut sacrilegis.” *AAS* 56 (1964) 10; *CLD* 6: 375.

⁴⁰ Sacred Congregation for Religious, *Religionum laicalium*, May 6, 1966: *AAS* 59 (1967) 362-364; English translation: Sacred Congregation for Religious, “Faculties of Superiors General in Pontifical Lay Religious Institutes,” May 31, 1966: *CLD* 6:153-156.

⁴¹ *Religionum laicalium*, 1: “ne sint sacrilegi vel adulterini,” *AAS* 59 (1967) 362; *CLD* 6: 154.

The decree did not grant the faculty of dispensing those who had adhered to non-Catholic sects. Illegitimacy, while clearly an impediment to sacred Orders in the 1917 code, was not listed as an impediment to entrance into the novitiate of a religious order. Solemn profession sanated this impediment to sacred Orders.⁴²

When the constitutions of the lay institute included illegitimacy as an impediment to entrance to the novitiate, *Religionum laicalium* gave these superiors general the authority to dispense from the impediment.⁴³ The decree also gave them authority to place such an impediment in the constitutions and granted superiors general authority to dispense from the impediment.⁴⁴ Usually, this dispensing power of the superior general required the consent of his council.

C. *Ad instituenda experimenta*

In June, 1970, the Sacred Congregation for Religious and Secular Institutes⁴⁵ issued the Decree *Ad instituenda experimenta* granting certain faculties to religious institutes.⁴⁶ Its purpose was to implement certain provisions of *Perfectae caritatis* and *Ecclesiae Sanctae II*. Because the issues were common to all religious institutes, the Sacred Congregation for Religious and Secular Institutes

⁴² 1917 code, c. 984, 1°.

⁴³ Augustine Pugliese, "Ad Rescr. Pont 'Cum admotae' et ad Decretum 'Religionum laicalium,'" *Monitor Ecclesiasticus* 93 (1968) 442.

⁴⁴ Ibid.

⁴⁵ On August 15, 1967, Paul VI issued the Apostolic Constitution *Regimini Ecclesiae universae*, reordering the Roman Curia. The Congregation for Religious became the Sacred Congregation for Religious and Secular Institutes. Paul VI, Apostolic Constitution *Regimini Ecclesiae universae*, August 15, 1967: *AAS* 59 (1967) 885-912; English translation: Paul VI, "Roman Curia Reorganized, August 15, 1967: *CLD* 6: 324-357.

⁴⁶ Sacred Congregation for Religious and Secular Institutes, Decree *Ad instituenda experimenta*, June 4, 1970: *AAS* 62 (1970) 549-550; English translation: Sacred Congregation for Religious and Secular Institutes, "Faculties Granted to Religious Institutes," June 4, 1970: *CLD* 7: 80-82.

believed it opportune to alter or suspend certain canons.⁴⁷ Two of the provisions dealt directly with admission to the novitiate. Paragraph 4 stated:

Suspended is the norm whereby testimonial letters for male aspirants must be sought in accord with canons 544 §2 and 545, but always there remains the obligation, which arises from the nature of the matter, to see all useful information regarding candidates who are to be admitted.⁴⁸

The other relevant provision stated that it was incumbent upon the religious institute to determine the amount of time a candidate must spend on retreat prior to entrance into the novitiate.⁴⁹

However, the retreat had to be at least five days and could not be for any purpose other than the discernment of a vocation. The decree did not state that the five days had to be consecutive; nor was there any statement about the timing of the retreat vis-à-vis entrance into the novitiate.⁵⁰

The rescript *Cum admotae* and the decrees *Religionum laicalium* and *Ad instituenda experimenta* were interim measures implementing the principles of the Second Vatican Council. They reflect the principle of subsidiarity in granting authority to the highest superiors of religious institutes. With these same grants of authority, they also acknowledge the distinct charism of each institute.

⁴⁷ *Ad instituenda experimenta*, *AAS* 62 (1970) 549; *CLD* 7: 80.

⁴⁸ *Ibid.*, 4: “Suspenditur norma qua testimoniales litterae pro adspirantibus viris petendae sunt iuxta canones 544 §2 et 545, salva semper obligatione, ex natura rei exorta, omnes utiles notitias quaerendi circa candidatos, qui admittendi sint.” *AAS* 62 (1970) 550; *CLD* 7:81.

⁴⁹ *Ibid.*, 5, *AAS* 62 (1970) 550; *CLD* 7:81.

⁵⁰ Lucy Vazquez, *The Common Law of the Novitiate in the Western Church from the Council of Trent to the Present*, Canon Law Studies 486 (Washington, DC: Catholic University of America, 1975) 285.

III. Post-Conciliar and Pre-Codal Documents

A. *Ecclesiae Sanctae II*⁵¹

Although *Perfectae caritatis* outlined a series of general principles, it was left to the post-conciliar period to determine their specific application. In August, 1966, Pope Paul VI issued the motu proprio *Ecclesiae Sanctae II* implementing the principles of *Perfectae caritatis*.⁵² *Ecclesiae Sanctae II* stated that religious institutes had the primary responsibility for the task of renewal and adaptation.⁵³ It was for general chapters of the institutes to establish laws, foster renewal and update apostolic works.⁵⁴ The general council was to consult with its members, and this consultation was to guide the work of the general chapters in the revision of constitutions, allowing for suitable experimentation in keeping with the common law of the Church and the institute.⁵⁵

Implementing the teachings of *Perfectae caritatis*, *Ecclesiae Sanctae II* brought greater equality between clerical and lay candidates and the members of clerical institutes. Similar to clerical religious, lay religious were encouraged to pray the Divine Office, and general chapters were to gradually increase the role of lay religious in government and community activities. Lay religious

⁵¹ *Ecclesiae Sanctae* was divided into three parts. The second part contained norms implementing *Perfectae caritatis*. The other two parts implemented decrees of the Second Vatican Council on bishops, priests, and missionary activity.

⁵² Paul VI, motu proprio *Ecclesiae Sanctae II*, August 6, 1966: *AAS* 58 (1966) 775-782; English translation in *Vatican Council II: The Conciliar and Post Conciliar Documents*, ed. Austin Flannery, 2nd ed. (Northport, NY: Costello Publishing, 1996) (hereafter Flannery) 624-633.

⁵³ *Ecclesiae Sanctae II*, 1, *AAS* 58 (1966) 775; Flannery, 624.

⁵⁴ *Ibid.*, 2, *AAS* 58 (1966) 775-776; Flannery, 625.

⁵⁵ *Ibid.*, 4, 6, *AAS* 58 (1966) 776; Flannery, 625. However, final approval of the constitutions was reserved to the competent authority.

were to have training and formation that covered the entire time of their temporary vows.⁵⁶ *Ecclesiae Sanctae II* stated: “The formation of religious from the novitiate onwards need not be identical for all institutes, but account must be taken of the specific character of each institute.”⁵⁷ While this did not directly address admission to the novitiate, it implied that each institute would have to take into consideration its patrimony and the gifts and talents of the candidates. The *motu proprio* called for significant experimentation on the part of religious institutes.⁵⁸ No longer were institutes treated homogeneously, but their specific character and charism were recognized and encouraged.⁵⁹

B. *Sacerdotalis caelibatus*

On June 24, 1967, Pope Paul VI issued the Encyclical *Sacerdotalis caelibatus*.⁶⁰ Addressed to bishops, priests, and all of the Christian faithful concerning priestly celibacy. It acknowledged the

⁵⁶ *Ecclesiae Sanctae II*, 20, 27, 35, *AAS* 58 (1966) 778-781; Flannery 628, 630-631.

⁵⁷ *Ibid.*, 33: “Institutio sodalium inde a novitiatu non eodem modo in omnibus Institutis ordinetur, sed ratio habeatur indolis propriae cuiusque Instituti.” *AAS* 58 (1966) 781; Flannery 631.

⁵⁸ Experimentation called into question many of the norms on the postulancy and the novitiate. For example, in a letter dated November 17, 1966, the episcopal conference of Belgium asked the Holy Father to allow the local ordinary flexibility regarding the place and time of the postulancy and the novitiate for diocesan congregations, even derogating from the common law if deemed necessary. The stated reasons were: the small number of vocations to women’s congregations, the difficulty of training novices, the number of immature novices professing vows, and the departure of those temporarily professed. The Sacred Congregation for Religious replied that diocesan congregations should form unions or federations according to *Perfectae Caritatis* 21-22 and *Ecclesiae sanctae II*, 39-41. If this did not solve the problem in the judgment of the ordinary, then the training of members could take place in flourishing communities. The Sacred Congregation for Religious affirmed the value of the postulancy, the novitiate and temporary profession to assist maturation, especially psychological maturity. *Epistula Conferentiae Episcoporum Belgii ad Summum Pontificem*, November 17, 1966, *Periodica* 59 (1970) 71; *Rescriptum Card Antoniutti ad Card. Leonem-J. Suenens*, January 23, 1967, *Periodica* 59 (1970) 72-73; English translation: Sacred Congregation for Religious, January 23, 1967, “Formation Problems,” [Private] *CLD* 7: 487-489. See also Vazquez, 203-204.

⁵⁹ Vazquez, 203-204.

⁶⁰ Paul VI, Encyclical Letter *Sacerdotalis caelibatus*, Ad Episcopos, ad Sacerdotes et Christifideles totius Catholici Orbis, de sacerdotali caelibatu, June 24, 1967: *AAS* 59 (1967) 657-697; English translation: “*Sacerdotalis caelibatus*, Encyclical of Pope Paul VI, The Celibacy of the Priest,” June 24, 1967: *The Priest* 23 (1967) 623-654.

wisdom of conciliar teachings in recognizing the differing circumstances of the modern world and the advances in psychology and pedagogy.⁶¹ The encyclical exhorted those involved in priestly formation to draft instructions on the virtue of chastity and circulate them to all with the responsibility of forming and training seminarians.⁶²

Regarding candidates for the priesthood, *Sacerdotalis caelibatus* stressed the cultivation of the divine call and the supernatural aspects of the vocation.⁶³ The encyclical was specific regarding the suitability of candidates. It stated:

It is likewise necessary that exact account be taken of the biological and psychological state of the candidate in order to guide and orient him toward the priestly ideal; so a truly adequate formation should coordinate harmoniously grace and nature in the man in whom one clearly sees the objective conditions and effective capabilities of receiving the gift of chastity. These conditions should be ascertained as soon as signs of his holy vocation are first indicated: not hastily or superficially, but carefully, with the assistance and aid of a doctor or a competent psychologist. A serious investigation of hereditary factors should not be omitted.⁶⁴

In practice, this can be summarized as weighing the candidate's capacity for growing in affective maturity.⁶⁵

⁶¹ *Sacerdotalis caelibatus*, 61: *AAS* 59 (1967) 681-682; *The Priest* 23 (1967) 641-642.

⁶² *Ibid.*

⁶³ *Ibid.*, 62: *AAS* 59 (1967) 682; *The Priest* 23 (1967) 642.

⁶⁴ *Sacerdotalis caelibatus*, 63: "Sed ratio quoque accurate habeatur oportet de corporis animique candidati condicionibus, ut is apte ad celsum sacerdotii fastigium consequendum dirigi atque institui possit. Quam ob rem ut educatio candidati, cuius verae animi condiciones et facultates iam penitus perspectae sint, reapse id assequatur ad quod spectat, necesse plane est divinae gratiae processum cum naturae processu concinne componat. Quae animi condiciones religiosissima diligentia inspiciendae sunt, ubi primum sacrae vocationis indicia se ostendunt. Cum enim nemini oporteat tumultuario levique iudicio fidem adiungere, ad rem adhibendus quoque erit aliquis medicinae vel, ut Graeco verbo utamur, psychologiae peritus, qui huic investigationi adsit auxiliumque ferat. Neque praetereunda erit accurata pervestigatio, quam anamnesticam appellant, ut probetur utrum candidatus ad sacerdotium idoneus sit, etiam gravissima illa ratione considerata, quae ad animi corporisque bona a parentibus quasi hereditate accepta pertinet." *AAS* 59 (1967) 682-683; *The Priest* 23 (1967) 642.

⁶⁵ Sabbarese, 115.

The encyclical also discussed unsuitable candidates. Those who were found to be unfit physically, psychologically, or morally were to be immediately removed from the path to priesthood. Candidates who did not possess the necessary interior and exterior maturity and morality were not fit for the priesthood.⁶⁶ Those responsible for admitting candidates could not expect divine grace to supply for defects in this regard.⁶⁷ When moral certainty of the candidate was assured, then the candidate, with the assistance of divine grace, would be ready to freely and reflectively undertake the obligation of priestly celibacy.⁶⁸ Ascertaining this level of maturity could not be the end of the growth in his maturity, but a step in the ongoing journey in his life.⁶⁹

C. *Renovationis causam*

On January 6, 1969, three years after Pope Paul VI's motu proprio *Ecclesiae Sanctae II*, the Sacred Congregation for Religious and Secular Institutes issued the Instruction *Renovationis causam*.⁷⁰ *Renovationis causam* was promulgated to clarify the conciliar teachings and *Ecclesiae Sanctae II*.⁷¹ Also, this document addressed the concerns of major superiors and formation personnel seeking a

⁶⁶ *Sacerdotalis caelibatus*, 64: *AAS* 59 (1967) 683; *The Priest* 23 (1967) 643.

⁶⁷ *Ibid.*

⁶⁸ *Ibid.*, 72: *AAS* 59 (1967) 685-686; *The Priest* 23 (1967) 645.

⁶⁹ Sabbarese, 115-116. Three years later, on January 6, 1970 the Sacred Congregation for Catholic Education promulgated *Ratio fundamentalis institutionis sacerdotalis*. This *Ratio* called for episcopal conferences to establish norms on the formation of priests. Regarding candidates in minor seminaries, it included prescriptions to examine the condition of the family, as well as the physical, psychological and intellectual qualities of the candidate. Sacred Congregation for Catholic Education, *Ratio fundamentalis institutionis sacerdotalis*, January 6, 1970: *AAS* 62 (1970) 321-384.

⁷⁰ Congregation for Religious and Secular Institutes, Instruction *Renovationis causam*, January 6, 1969: *AAS* 61 (1969) 103-120; English translation: Congregation for Religious and Secular Institutes, "Instruction on the Renewal and Adaptation of Formation for Living the Religious Life," January 6, 1969: *CLD* 7:489-508.

⁷¹ Basil Pennington, "*Renovationis causam*. Instruction on the Renewal of Religious Formation, A Practical Commentary," *Studia Canonica* 3 (1969) 107.

revision of the norms on formation adapted to contemporary times.⁷² *Renovationis causam* stated that religious institutes, and especially the Union of Superiors General, sought:

a broadening of the canonical norms presently governing religious formation, so that the institutes, conformably to the decree, *Perfectae caritatis*, could better adapt the entire formation to the mentality of the persons of this new age and prevailing living conditions, as also to the present-day demands of the apostolate, and yet remain faithful to the nature and special purpose of each institute.⁷³

While the instruction acknowledged some changes or relaxations in the law, it also reiterated the cautions of *Perfectae caritatis* and *Ecclesiae Sanctae II*, stating that the fundamental values and core elements of religious life found in existing legislation must be protected.⁷⁴ Van Den Broeck notes that the instruction did not change the norms of the universal law regarding admission, but merely repeated the legislation of the 1917 code and the post-codal legislation.⁷⁵

⁷² The lack of specificity regarding admission to the novitiate prompted the Sacred Congregation for Religious to issue a private document titled, *Nuovi orientamenti della S. Congregazione dei religiosi sull' aggiornamento del postulato e del noviziato all' Unione internazionale delle superiori generali*. This document acknowledged the practices of many religious institutes where the postulancy functioned much like a novitiate. Since this private document was addressed to institutes of women religious, it did not seem to have any application to male religious institutes. The document called for a re-examination of the postulancy, including experimentation within the limits of common law. It was intended as providing guidelines, not legislation. Sacred Congregation for Religious, *Nuovi orientamenti della S. Congregazione dei religiosi sull' aggiornamento del postulato e del noviziato all' Unione internazionale delle superiori generali* [Private], March 7, 1967: *Enchiridion*, 2026-2030; English translation: *CLD* 6: 481-488.

⁷³ *Renovationis causam*, Introduction: “eo profecto spectabant, ut normae canonicae, quibus religiosorum institutio in praesenti regitur, ita relaxarentur, ut Societates secundum decreti ‘Perfectae caritatis’ praescriptum, totum institutionis cursum aptius accommodarent mentis habitui hominum novae huius aetatis, vitae condicionibus nunc obtinentis, atque etiam apostolatus necessitatibus hodiernis, indole tamen et fine peculiari cuiusque Instituti fideliter servatis.” *AAS* 61 (1969) 104; *CLD* 7:491.

⁷⁴ *Ibid.*, *AAS* 61 (1969) 104-105; *CLD* 7:491. Gambari notes that although the Holy See allowed experimentation, this does not mean Holy See endorsed an institute’s measures of adaptation. Elio Gambari, *The Updating of Religious Formation: Text and Commentary on “Instruction on the Renewal of Religious Formation”* (Boston: Daughters of St. Paul, 1969) 47 (hereafter Gambari, *The Updating of Religious Formation*).

⁷⁵ G. Van Den Broeck, “L’Instruction ‘*Renovationis causam*’” *Revue de Droit Canonique* 20 (1970) 314. Van Den Broeck compares the similarities between *Renovationis causam* and the Apostolic Constitution *Sedes Sapientiae* (1956) and the Instruction *Religiosorum Institutio* (1961).

Renovationis causam echoed *Perfectae caritatis* in acknowledging the difficulty of establishing universal norms for religious institutes possessing such diversity in charisms and apostolic service.⁷⁶ The instruction spoke generally of the importance of new members proceeding in stages and their formation extending over a longer period of time.⁷⁷ The instruction addressed the novitiate specifically for the first time since *Religiosorum institutio*.⁷⁸ Paragraph 4 of *Renovationis causam* stated:

Without doubt, the novitiate should come for each candidate at the moment when, aware of God's call, he has reached the degree of human and spiritual maturity which will enable him to respond to his call with sufficient and proper responsibility and freedom. Indeed, no one should enter religious life without his decision being freely made, and without the separation from men and things which this entails being accepted. This first decision does not necessarily demand that the candidate be able to measure up immediately to all the demands of religious and apostolic life of the institute, but he must, of course be judged capable of reaching this goal by stages. Most of the difficulties encountered today in the formation of novices are usually due to the fact that when they are admitted to the novitiate, they had not acquired a sufficient degree of maturity.⁷⁹

This statement affirmed aspects of the norms of the 1917 code, such as the candidate's ability to live the challenges of religious life in accord with the demands of the institute, and his proper freedom to make decisions. It also reflected the more recent human sciences in discussing the emotional maturity of the candidate. The candidate for the novitiate needed to have progressed in human

⁷⁶ *Renovationis causam*, 1, *AAS* 61 (1969) 105; *CLD* 7:492.

⁷⁷ *Ibid.*, 4, *AAS* 61 (1969) 107; *CLD* 7:494.

⁷⁸ *Renovationis causam* addressed admission to the novitiate before addressing the postulancy and preparation for the novitiate.

⁷⁹ *Ibid.*, 4: "Novitatus profecto unicuique candidato eo tempore est peragendus, quo is, conscius se a Deo esse vocatum, eam maturitatem humanam et spiritualement sit consecutus, qua sufficienti ac debita cum oneris cognitione et libertate statuere valeat huic vocationi respondere. Non est quidem ineunda vita religiosa nisi eiusmodi decisio libere capiatur et seiunctio ab omnibus et rebus, quam illa secum fert, accipiatur. Quae prior deliberatio necessario non postulat, ut candidatus statim ea omnia efficere valeat, quae vita religiosa et opera Instituti exigunt, sed ipse idoneus sane haberi debet, qui progressionem quadem eo perducatur. Maior enim difficultatum pars, quae in novitiorum institutione huius aetate reperiuntur, inde solet oriri, quod hi, cum ad novitium admittuntur, satis maturitatis non sunt adepti." *AAS* 61 (1969) 107; *CLD* 7:494.

development so that he would have been able to support himself in a worthy career or job.⁸⁰ In other words, the candidate needed to have some level of competence and maturity to indicate he was not entering religious life to escape a demanding world.

It was the instruction's insistence on the candidate's maturity prior to entrance into the novitiate that led Wilson and Hargadon to assert that candidates finishing high school are not ready for entrance into religious life.⁸¹ At this stage in a young man's life there are aspects of his humanity still very much in a developmental stage. These included: "the need to develop one's competency in properly using the things of nature; the need to experience oneself as an individual with adequate decision-making powers; and the need to relate intimately and warmly without fear of losing oneself."⁸²

Renovationis causam was silent regarding the proper authority to admit candidates. Accordingly, the norm of the 1917 code was to be followed.⁸³ The instruction stated that those preparing for the novitiate must experience an alteration in their spirituality and their thinking.⁸⁴ Given that [Western] culture was becoming increasingly secular, it was important and necessary for the candidate to break away from this environment. The practice of having candidates enter the novitiate directly after completing an institute's apostolic school, college or seminary was called into

⁸⁰ John Beyer, "De Instructione '*Renovationis causam*,'" *Periodica* 69 (1970) 36.

⁸¹ Charles Wilson and Kevin Hargadon, "Reflections on a Recent Document," *Review for Religious* 28 (1969) 595. Due to concerns regarding candidates' maturity, Wilson and Hargadon suggest that candidates should not be invited to any program, even in preparation for the novitiate until at least post-college age.

⁸² *Ibid.*, 595-596.

⁸³ Pennington, 112. See 1917 code c. 543 in which superiors, after consulting their council, had the right to admit candidates to the novitiate, according to the norm of the constitutions.

⁸⁴ *Renovationis causam*, 4, *AAS* 61 (1969) 107; *CLD* 7:494.

question. Consequently, a probationary period prior to the novitiate was encouraged.⁸⁵ Gambari writes, “It would seem that the desired maturity would be lacking in a candidate who has always lived in a closed and somewhat artificial environment and goes to the Novitiate without having the opportunity to experience a more natural life.”⁸⁶ Accordingly, a probationary period was important. With the assistance of a member of the institute, a candidate would hopefully achieve greater human and emotional maturity.⁸⁷ The instruction also recommended an older age for entrance into the novitiate, but did not specify the age.⁸⁸

The instruction included directive norms that included the postulancy. Although there was some debate about whether the instruction required a postulancy,⁸⁹ *Renovationis causam* affirmed the universal law by stating, “Religious life begins with the novitiate.”⁹⁰ Failure to complete a postulancy would not invalidate the candidate’s entrance into a novitiate. While the 1917 code mentioned a postulancy for lay brothers (*conversi*) in clerical institutes and the post-1917 codal documents extended this requirement to all candidates, there was no formal description of the postulancy. The postulancy prepared candidates who felt called and possessed the will and qualities to persevere in religious life.⁹¹

⁸⁵ Ibid., *AAS* 61 (1969) 108; *CLD* 7:495.

⁸⁶ Gambari, *The Updating of Religious Formation*, 66.

⁸⁷ Ibid.

⁸⁸ Ibid.

⁸⁹ For an analysis of this debate see Vazquez, 223-225.

⁹⁰ *Renovationis causam*, Special Norms, 13, I: “Vita Religiosa incipit a novitiatu,” *AAS* 61 (1969) 113; *CLD* 7:500.

⁹¹ Beyer, 35.

Renovationis causam included norms on the purposes, meaning and requirements of the postulancy, but did not address admission to it. The practice of the institute was to continue as before.⁹² In addition to being a time of judgment of the candidate's vocation, the postulancy was also a time to judge the candidate's knowledge of Church teaching and educate him in what was lacking.⁹³ It provided an opportunity to determine the candidate's human and emotional maturity and his potential for growth.⁹⁴ It marked the beginning of the candidate's departure from secular society.⁹⁵

Although *Sedes sapientiae* established the requirement of psychological testing, the instruction made its application optional and recommended that psychological tests, if appropriate, be performed by a psychologist committed to Catholic psychological principles and only after a lengthy probationary period, so that the diagnosis of the candidate was based upon experience.⁹⁶ Institutes with a postulancy were to focus on such suitable preparation for the novitiate.⁹⁷ Superiors admitting candidates and formators had to become somewhat familiar with psychology.⁹⁸ However, the superior or formators could not abdicate their respective roles in making decisions and recommendations regarding the candidate.⁹⁹

⁹² Pennington, 109.

⁹³ *Renovationis causam*, 11, I, *AAS* 61 (1969) 112; *CLD* 7:499.

⁹⁴ *Ibid.* 11, II, *AAS* 61 (1969) 112; *CLD* 7:499-500.

⁹⁵ Germain Lesage, "La Formation Religieuse," *Studia Canonica* 3 (1969) 83.

⁹⁶ *Ibid.*, 11, III, *AAS* 61 (1969) 113; *CLD* 7:500.

⁹⁷ *Ibid.*, 12, I, *AAS* 61 (1969) 113; *CLD* 7:500.

⁹⁸ Gambari, *The Updating of Religious Formation*, 68.

⁹⁹ *Ibid.*, Gambari notes that the *Monitum* of 1961 would still be relevant to the questions of psychological testing. See discussion in chapter one, pp. 49-50: Holy Office, *Monitum*, July 15, 1961 *AAS* 53 (1961) 571; English translation: *CLD* 5: 196.

Unlike the 1917 code, which called for a six month postulancy (for the *conversi*), *Renovationis causam* did not define its length, but left it to the proper law of the institute.¹⁰⁰ Institutes without a postulancy were still to have a probationary period tailored to each candidate. It was to be modest in length and not extend beyond two years.¹⁰¹

The postulancy was not to take place at the novitiate house, and could even be partially or wholly outside a house of the institute. The document did not offer an explanation why this would be helpful, but it is clear that it required a program with some degree of organization and instruction in preparing candidates for the novitiate.¹⁰² Gallen suggests that postulants could even continue to live in their own homes.¹⁰³ The postulancy was to be guided by an experienced religious working closely with the novice director so that there was continuity in the candidate's formation.¹⁰⁴ The instruction stated that superiors responsible for the admission of candidates were only to admit those naturally suited for religious life and demonstrating sufficient maturity necessary to undertake the charism of the institute.¹⁰⁵

Renovationis causam represented a departure from the style of the 1917 code. It took a hortatory rather than commanding tone.¹⁰⁶ It did not create obligatory norms, but rather recommended guidelines for the practical application of norms in each institute.¹⁰⁷ In this way, it

¹⁰⁰ Jean Beyer, "De Instructione '*Renovationis causam*,'" *Periodica* 69 (1970) 34.

¹⁰¹ Ibid., 12, II, *AAS* 61 (1969) 113; *CLD* 7:500.

¹⁰² Pennington, 110.

¹⁰³ Joseph Gallen, "Comments on the Instruction on Formation," *Review for Religious* 28 (1969) 887.

¹⁰⁴ *Renovationis causam*, 12, III, IV, *AAS* 61 (1969) 113; *CLD* 7:500.

¹⁰⁵ Ibid., 14, I, *AAS* 61 (1969) 113-114; *CLD* 7:501.

¹⁰⁶ Wilfrid Dufault, "The Superiors General and *Renovationis Causam*," *Studia Canonica* 3 (1969) 274.

¹⁰⁷ Ibid.

respected the charisms and diversity that existed among the religious institutes as recognized and celebrated in *Perfectae caritatis*. The document took cognizance of and respected the human person.¹⁰⁸ This was evident in the instruction's insistence upon human and spiritual maturity.¹⁰⁹ It supported the opinions of superiors and formators and encouraged greater collegiality.¹¹⁰ Dufault writes, “*Renovationis causam* achieves its purpose in fulfilling the needs of the time . . . it opens the way to greater spiritual freedom, inviting all concerned to creativity, flexibility and courageous experimentation.”¹¹¹

D. *Clericalia instituta*

The Decree *Clericalia instituta*, issued by the Congregation for Religious and Secular Institutes on November 27, 1969, addressed equality between clerics and *conversi* in clerical institutes.¹¹² Although lay members of clerical institutes could not be superiors at the local, provincial, and general levels of governance, they could be councilors at any level. Likewise, they could be given administrative offices and have active and passive voice at chapters, except passive voice for the positions previously mentioned.¹¹³ It was for the general chapters to determine which and whether these measures were to be enacted.

E. *Evangelica testificatio*

¹⁰⁸ Lesage, 93.

¹⁰⁹ Ibid..

¹¹⁰ Ibid.

¹¹¹ Dufault, 275.

¹¹² Sacred Congregation for Religious and Secular Institutes, Decree *Clericalia instituta*, November 27, 1969, *AAS* 61 (1969) 739-740; English translation: Sacred Congregation for Religious and Secular Institutes, “Participation by Lay Religious in Government of Clerical Institutes,” November 27, 1969: *CLD* 7: 468-469.

¹¹³ Ibid., 1-4, *AAS* 61 (1969) 740; *CLD* 7: 468-469.

In June 1971, Paul VI issued the Apostolic Exhortation *Evangelica testificatio*.¹¹⁴ While not directly addressing admission to the institute, it dealt with the qualities necessary for religious. Therefore, those seeking admission to religious institutes had to possess such qualities *a priori*. As with the previous post-conciliar documents, this exhortation followed the themes of *Perfectae caritatis*. Following *Ecclesiae Sanctae II* and *Renovationis causam*, there arose a need to issue another document on the meaning of the proper renewal and adaptation of religious life and to ameliorate anxiety about the uncertainty of the times.¹¹⁵ In addition to providing guidance regarding conciliar and post-conciliar teachings, the exhortation also sought to correct abuses creeping into the life of religious institutes. It stated:

New forms can even be sought and instituted with the approval of the Church. For some years now the greater part of religious institutes have been generously dedicating themselves to the attainment of this goal, experimenting – sometimes too hardily – with new types of constitutions and rules. We know well and we are following with attention this effort at renewal which was desired by the Council.¹¹⁶

Paul VI expressed concern that the workings of the world had intermingled with the workings of the Holy Spirit.¹¹⁷ He called upon religious institutes to “reawaken hearts to truth and to divine love in accordance with the charisms of your founders who were raised up by God within his Church.

¹¹⁴ Paul VI, Apostolic Exhortation *Evangelica testificatio*, June 29, 1971, *AAS* 63 (1971) 497-526; English translation in Flannery, “Apostolic Exhortation on the Renewal of Religious Life,” 680-706.

¹¹⁵ *Ibid.*, 2, *AAS* 63 (1971) 498; Flannery, 680.

¹¹⁶ *Ibid.*, 5: “Sunt quidem efficiendae accommodationes, novae possunt, probante Ecclesia, formae inquiri atque induci. Hoc ipsum est propositum, quod plures iam annos maior Institutorum religiosorum pars alacriter persequitur novi generis constitutionibus et regulis – interdum audentius – experimenti causa invectis. Hoc quippe compertum habemus hosque renovationis conatus, a Concilio expetitos, diligenter attendimus.” *AAS* 63 (1971) 500; Flannery, 682.

¹¹⁷ *Ibid.*, 6, *AAS* 63 (1971) 500; Flannery, 682.

Thus the Council rightly insists on the obligation of religious to be faithful to the spirit of their founders.”¹¹⁸

The exhortation emphasized the uniqueness of each institute. Each institute was to revive its gift of the Holy Spirit within the Church. Because of varied gifts, the post-conciliar documents recognized the difficult task of creating universal norms for all institutes. Nevertheless, *Evangelica testificatio* offered general theological statements that affirmed and promoted the evangelical counsels.

The exhortation sought to emphasize the value of the evangelical counsel of chastity. Although not understood by secular society, it found its roots and legitimacy from the Word of God, the life and teaching of Christ, the Blessed Virgin Mary, and apostolic tradition.¹¹⁹ When lived out properly, chastity allows the religious to be free of other anxieties, and open to charity to the world.¹²⁰

To live the evangelical counsel of poverty was to imitate Christ who identified with the poor of the world.¹²¹ Therefore, a candidate for admission to the novitiate necessarily must be able to identify with the poor and use the goods of the earth only for the fulfillment of the apostolate of the institute.¹²² In institutes that lived a more radical poverty, the candidate should have the ability to live as a poor person and share in the hardships and concerns of the poor.¹²³ The candidate could

¹¹⁸ *Evangelica testificatio*, 11: “animos hominum ad veritatem amoremque divinum amplectendum erigere poteritis secundum charisma Fundatorum vestrorum, que Deus in Ecclesia sua excitavit. Concilium non aliter religiosis utriusque sexus officium iure merito inculcat fideliter servandi spiritum.” *AAS* 63 (1971) 503; Flannery, 685.

¹¹⁹ *Evangelica testificatio*, 15, *AAS* 63 (1971) 505-506; Flannery, 687.

¹²⁰ *Ibid.*, 14, *AAS* 63 (1971) 505; Flannery, 687.

¹²¹ *Ibid.*, 16, *AAS* 63 (1971) 506; Flannery, 688.

¹²² *Ibid.*, 18, *AAS* 63 (1971) 507; Flannery, 688-689.

¹²³ *Ibid.*

not be caught up in the accumulation of material goods, and had to show that he could be selfless and sharing in the use of the goods of the institute.¹²⁴ Finally, the candidate had to exhibit the ability to live poverty of spirit, not simply complying with outward regulations and appearances.¹²⁵

The third evangelical counsel, obedience, had to be seen in light of the Second Vatican Council's emphasis on the evangelical nature of fraternity.¹²⁶ The exercise of authority and the freedom of the individual work hand in hand, so that obedience to the will of God was manifest in both the actions of the individual and the directives of superiors. Superiors were to keep the members faithful to the life they professed by involving them in the formation process.¹²⁷ Candidates should have the potential to work together with others in fraternity, selfless in accepting the common good.¹²⁸ The exhortation emphasized the evangelical counsels and imitation of Christ and summarized it as follows:

It is on this condition that you will give the witness which the People of God expect. It is the witness of men and women capable of accepting the abnegation of poverty, and of being attracted to simplicity and humility; it is that of those who love peace, who are free from compromise and set on complete self-denial – of those who are at the same time free and obedient, spontaneous and tenacious, meek and strong in the certainty of faith.¹²⁹

Evangelica testificatio, without explicitly referring to admission of candidates, was an instructive document for major superiors. In addition to elucidating the meaning of the evangelical counsels in

¹²⁴ Ibid., 19, 21, *AAS* 63 (1971) 507-509; Flannery, 689-690.

¹²⁵ Ibid., 22, *AAS* 63 (1971) 509; Flannery, 690.

¹²⁶ Ibid., 24, *AAS* 63 (1971) 510; Flannery, 691.

¹²⁷ Ibid., 25, *AAS* 63 (1971) 510-511; Flannery, 692.

¹²⁸ Ibid., 28, *AAS* 63 (1971) 512-513; Flannery, 693-694.

¹²⁹ Ibid, 31: “Hac vero condicione testimonium perhibebitis, quod Populus Dei expectat: ex quo viri et mulieres incognitos casus paupertatis accipere valent, qui simplicitate et humilitate queunt capi, qui pacis amantes et a mediis consiliis alieni, absolutae sui rerumque adicationi se devoventes, liberi simulque oboedientes, alacres ac tenaces, mites et fortes sunt in fidei suae soliditate.” *AAS* 63 (1971) 514; Flannery, 695.

light of the Second Vatican Council, it described the type of person that should be admitted to religious life. The candidate presenting himself for admission had to demonstrate, at the very least, the ability to grow into the type of religious that the exhortation envisioned.

IV. 1917 Code Revision Process

The work on the revision of the 1917 Code of Canon Law began almost immediately after the conclusion of the Second Vatican Council. The Pontifical Commission for the Revision of the Code of Canon Law (hereafter Code Commission) met a number of times shortly after the council. The Code Commission included the Cardinal members, the President, the Secretariat, and study groups.¹³⁰ Study groups for the different areas of law formed immediately after the council. By 1966 ten study groups had been formed.¹³¹

On October 4, 1967 the Synod of Bishops approved ten principles for the revision of the Code of Canon Law. These principles were initially developed by the Central Committee of the Code Commission. Alesandro writes, “One of the main purposes of the ten principles was to guarantee harmony between the Church’s revised law and the conciliar documents.”¹³² For the revision of the law on admission to religious institutes of men, two principles are directly relevant.

Principle five addressed the principle of subsidiarity. Although canon law remained a unified system, the code was to give greater emphases to the more immediate governing body and its legislation. Principle six concerned the protection of rights. The concern was the arbitrary use of

¹³⁰ John Alesandro, “The Revision of the Code of Canon Law: A Background Study,” *Studia Canonica* 24 (1990) 101 (hereafter Alesandro, “The Revision of the Code”).

¹³¹ *Ibid.*, 104.

¹³² *Ibid.*, 106.

power, especially administrative. All persons shared the same fundamental rights arising from the dignity of the human person and baptism.¹³³

On May 28, 1968 the Code Commission changed the name of the *coetus* dealing with issues of consecrated life from “Religious” to “Institutes of Perfection.”¹³⁴ The name would change again to “Institutes of Consecrated Life through the Profession of the Evangelical Counsels.” The *coetus*, in its first meeting from November 21 to 26, 1966, was faced with the task of determining its methodology.¹³⁵ In its third meeting from January 22 to 26, 1968, the *coetus* established principles that would guide the revision process.

A. Principles for the Revision of the Law on Consecrated Life

Prior to beginning its work on the revision of the Code of Canon Law regarding consecrated life, the *coetus* established four distinct principles to guide its work. These principles were published with the 1977 *Schema*.¹³⁶ The first principle recognized the significance of a divine vocation and the inability of juridical norms to describe it:

The canons were so set down that it would be apparent that juridical norms, while they can neither fully contain nor much less exhaust the treasures of the grace of the consecrated life, do however, promote God’s gift of a divine calling, assist the work of grace in souls

¹³³ Ibid., 109.

¹³⁴ “Preface to the Latin Edition,” in *Code of Canon Law, Latin-English Edition: New English Translation* (Washington, DC: CLSA, 1998) (hereafter “Preface to the Latin Edition”) xli.

¹³⁵ Sabbarese, 127.

¹³⁶ Pontificia Commissio Codici Iuris Canonici Recognoscendo, *Schema Canonum De Institutis Vitae Consecratae per Professionem Consiliorum Evangelicorum* [Reservatum] (Vatican City: Typis Polyglottis Vaticanis, 1977); English translation from Pontifical Commission for the Revision of the Code of Canon Law, *Schema of Canons on Institutes of Life Consecrated by Profession of the Evangelical Counsels*, (Washington, DC: United States Catholic Conference, 1977) (hereafter 1977 *Schema*). This latter edition contains both the original Latin and the English translation side by side. All references will be the Latin-English edition.

dedicated to God so that they may attain to the perfection of charity, and guard them from dangers.¹³⁷

This principle intended to enrich the wording of the canons combining spiritual and juridical norms.¹³⁸ In addition to juridical norms, the canons must respect the theological underpinnings and the mystical nature of a vocation to consecrated life.¹³⁹

The second principle followed the theme from *Perfectae caritatis* regarding renewal and adaptation of the spirit of the founder of each religious institute. It stated:

The canons which determine discipline ought to foster in each institute the knowledge and preservation of the spirit of its Founder; and help the members of institutes of consecrated life to preserve their own heritage, which consists in their particular and specific character, in their own purposes, and in their sound traditions. Therefore the common or universal law should decree only the more general principles, which can easily be applied by each institute and which will leave them a suitable freedom to be able effectively to reach out to their own particular end.¹⁴⁰

The principle sought to preserve the autonomy of each religious institute with an appropriate amount of freedom for the institute to reflect its charism and character in the constitutions. Said

¹³⁷ 1977 *Schema*, 5, 1): “canones ita redigantur ut appareat normas iuridicas, etsi thesauros gratiae vitae consecratae nec plene contineant nec multo minus exauriant, fovere tamen donum Dei vocationis divinae, adiuvere gratiae opus in animabus Dei dictatis ut ad perfectionem caritatis pertingant easque custodire a periculis.” xii-xiii.

¹³⁸ 1977 *Schema*, xii-xiii.

¹³⁹ Mark Said, “The Present State of the Reform of the Code Concerning the Section ‘De Institutis Perfectionis,’” *Studia Canonica* 8 (1974) 222.

¹⁴⁰ 1977 *Schema*, 5, 2): “Canones qui disciplinam statuunt fovere debent agnitionem in quolibet Instituto spiritus Fundatoris eiusque conservationem; sodales Institutorum vitae consecratae adiuvere ad proprium patrimonium servandum, , quod in propria ac peculiari indole, in propriis propositis et in sanis traditionibus consistit. Itaque, ius commune seu universale sancire debet dumtaxat principia generaliora quae omnibus Institutis faciliter applicari possunt quaeque congruam libertatem eis relinquant ut ad finem proprium efficaciter tendere possint.” xii-xiii.

states that the implications of the second principle “should stimulate and foment in each institute a deep knowledge of itself, its original inspiration and its own patrimony.”¹⁴¹

The third principle provided for flexibility in disciplinary norms in order to adapt the norms to varied circumstances both in the life of the universal Church, and the institute.¹⁴² In other words, disciplinary norms were to be general in nature and adaptable to cultures, times and places.¹⁴³ Disciplinary norms were to be flexible in order to meet the proper ends of religious life without burdening excessively the members.¹⁴⁴

The fourth principle addressed the governance of institutes of consecrated life and the principle of subsidiarity articulated in conciliar teachings and one of the ten principles guiding the revision of the code.¹⁴⁵ It called for cooperation and representation of members within the structures of governance.¹⁴⁶ It was for universal law to legislate the widest possible degree of participation, especially regarding those issues which were of the greatest import in the life of the institute.

These principles were to be applied in the constitutions and statutes of each institute in accord with its particular characteristics and charism.¹⁴⁷ The general law should not be too specific, but was to ensure that abuses did not occur in individual institutes. These guiding principles are

¹⁴¹ Said, 223.

¹⁴² 1977 *Schema*, xii-xiii.

¹⁴³ Ibid., xiii-xiv.

¹⁴⁴ Ibid., xiv-xv.

¹⁴⁵ Said, 224.

¹⁴⁶ 1977 *Schema*, xiv-xv.

¹⁴⁷ Ibid.

important for the revision of this section of the universal law and in particular for the admission of male candidates to religious institutes.

B. First drafts of the Revision of the Code for Consecrated Life¹⁴⁸

At the close of the Second Vatican Council, the members of the *coetus* on institutes of consecrated life met in sixteen sessions between November, 1966 and May, 1974.¹⁴⁹ At its seventh and eighth sessions in 1969 and 1970 respectively, the *coetus* began its work on the canons on admission to religious institutes.¹⁵⁰ At the seventh session, they addressed the preliminary draft of the canons relating to admission to the novitiate.¹⁵¹ There were six proposed canons. The first of these stated:

Any catholic may be admitted to an institute of perfection who is endowed with a divine vocation approved by the legitimate authority, is appropriately prepared, and has the qualities required by common and particular law.¹⁵²

After a brief discussion about the phrase “appropriately prepared” and whether it should be included in the canon, the *coetus* unanimously approved the first canon as proposed.¹⁵³

Canon 2 stated, “The right of admitting candidates to the institute belongs to major

¹⁴⁸ The initial draft of the canons will only be briefly addressed. The draft led to the first approved draft in 1977. Analysis and comparison with the prior law will be reserved for the official drafts, i.e., the 1977 *Schema*, the 1980 *Schema* and the 1982 *Schema*.

¹⁴⁹ *Communicationes* 36 (2004) 198-201.

¹⁵⁰ Sabbarese, 128.

¹⁵¹ *Communicationes* 26 (1994) 49-55.

¹⁵² Session Seven, October 4, 1969, c. 1: “In perfectionis institutum admitti potest quilibet catholicus, qui, vocatione divina praeditus a legitima auctoritate comprobata et congruenter praeparatus, qualitates habeat a iure communi et particulari requisitas.” *Communicationes* 26 (1994) 48.

¹⁵³ *Communicationes*, 26 (1994) 50.

Superiors according to the norms of particular law.”¹⁵⁴ This canon, too, was approved, with one consultor not voting in its favor.¹⁵⁵

Canon 3 stated:

§1. Mindful of their own responsibility to the Church and their institute, Superiors admitting candidates into the institute, with vigilant care are to admit only those who possess the appropriate character and have sufficient qualities of maturity which are thought to be necessary to be able to enter the life of perfection and the proper institute.

§2. The minimum age required for valid admission to the novitiate is seventeen years of age. In addition to this, Superiors are bound to assess the maturity mentioned in §1, also using medical experts to verify this if need be.¹⁵⁶

This norm reflects the apostolic constitution and the two instructions that were promulgated prior to the Second Vatican Council. One consultor, with others agreeing, believed that the minimum age should be in canon four, the canon regarding impediments.¹⁵⁷ The consultors decided that it would be best to combine the two paragraphs. The phrase, “admitting candidates into the institute” referring to the Superior responsible was deemed unnecessary.¹⁵⁸ The term “life of perfection” was thought by one consultor to be a spiritual term and limited in effectiveness. Other consultors

¹⁵⁴ Session Seven, October 4, 1969, c. 2: “Ius admittendi candidatos in institutum pertinet ad Superiores maiores ad normam iuris particularis.” *Communicationes* 26 (1994) 48.

¹⁵⁵ *Communicationes* 26 (1994) 51.

¹⁵⁶ Session Seven, October 4, 1969, c. 3: “§1. Superiores, quorum est candidatos in institutum admittere, memores propriae responsibilitatis erga institutum et Ecclesiam, vigilanti cura ne eo sinant accedere nisi illos, qui aptam indolem et sufficientes maturitatis qualitates praebeant, quae necessariae putantur, ut vitam perfectionis, instituti propriam, valeant inire.
§2. Aetas minima ad validitatem admissionis ad novitiatum requisita est decem et septem annorum. Praeter hanc tamen Superiores exigere tenentur maturitatem de qua in §1, adhibitis etiam, si opus fuerit, peritis medicis ad illam comprobandum.” *Communicationes* 26 (1994) 49.

¹⁵⁷ It is unclear whether a vote was taken on this question or whether a majority agreed with this consultor. *Communicationes* 26 (1994) 52.

¹⁵⁸ Session Seven, October 4, 1969, c. 3 §1: “quorum est candidatos in institutum admittere.” *Communicationes* 26 (1994) 51-52.

agreed.¹⁵⁹ The consultors decided that “superiors” should be replaced with “moderators.”¹⁶⁰ The canon unanimously approved now read:

Mindful of their own responsibility to their institute and the Church, moderators should with vigilant care admit only those who, in addition to the required age, fitness of character, and sufficient degree of maturity necessary for entering upon the specific life of the institute. This character and maturity should be attested to, even calling in experts if need be.¹⁶¹

The fourth canon regarded impediments preventing admission to the institute. It stated:

A person is invalidly admitted to the institute of perfection:

- 1) Who has converted to the catholic faith, without three years having passed;
- 2) Who is married, for as long as the marriage endures;
- 3) Who are apostates or fugitives from an institute of perfection;
- 4) Who shall have concealed: a) serious personal illness or hereditary family illness; b) his admission into some other institute of perfection; c) that he is burdened by grave debt which he is not capable of paying; d) that he is liable to furnish an account to a lay judge for a crime he committed.¹⁶²

The consultors had a lengthy discussion on this proposed canon; little was resolved. However, with respect to the first impediment, the consultors voted to add the clause, “unless the particular law has specified a shorter time in special cases.”¹⁶³

¹⁵⁹ *Communicationes* 26 (1994) 51-52.

¹⁶⁰ *Ibid.*, 52.

¹⁶¹ Session Seven, October 4, 1969, c. 3: “Moderatores, memores propriae responsibilitatis erga institutum et Ecclesiam, vigilanti cura eos tantum admittant qui, praeter aetatem requisitam, aptam indolem et sufficientes maturitatis qualitates praebeant necessarias ad vitam instituti propriam ineundam, quae indoles et maturitas comprobentur, adhibitis etiam, si opus fuerit, peritis.” *Communicationes* 26 (1994) 52. The English translation is from the 1977 *Schema* in English with minor variations that will be noted *infra*.

¹⁶² Session Seven, October 4, 1969, c. 4: “Invalide in institutum perfectionis admittitur: 1) Qui ad fidem catholicam conversus, tres annos post conversionem in religione catholica nondum transegerit; 2) Coniux, durante matrimonio; 3) Apostata vel fugitivus ab instituto perfectionis; 4) Qui occultaverit: a) gravem morbum personalem vel familiarem haereditarium; b) suam admissionem in aliquo instituto perfectionis; c) se esse gravi aere alieno gravatum, qui solvendo par non sit; d) se esse obnoxium reddendae rationi iudici laico ob crimen commissum.” *Communicationes* 26 (1994) 49.

¹⁶³ Session Seven, October 4, 1969, c. 4: “nisi in iure particulari pro casibus specialibus brevius tempus statuatur.” *Communicationes* 26 (1994) 53.

Canon five on admission was brief. It stated: “The particular law can establish other impediments or place other conditions for the validity of admission.”¹⁶⁴ There was apparently no discussion on this canon and it was unanimously approved. Canon 6 included the documents and the testimony to be sought before admitting candidates. It stated:

- §1. In every institute, all candidates before they are admitted, must present evidence of the reception of baptism and confirmation as well as recent documentation of their free status granted by the competent ecclesiastical and civil authority.
- §2. In keeping with the diversity of circumstances, particular law can demand further evidence to establish the suitability of candidates and about their freedom from impediments of the common law as well as the same particular law.
- §3. The competent Superior may request secret information if it seems necessary and opportune for this purpose.
- §4. Those who have refused to give information that is lawfully asked for, must give the reason for the refusal to the person asking for it.
- §5. All persons receiving secret information in any way are strictly bound to observe confidentiality with regard to the persons who have given the information and have knowledge that possibly harms the candidate or others.¹⁶⁵

Many changes were made to this draft. The opening phrase, “In every institute, all candidates,” was deleted because it was deemed unnecessary.¹⁶⁶ The requirement that free status had to be proven by

¹⁶⁴ Session Seven, October 4, 1969, c. 5: “Ius particulare potest alia impedimenta ad valitatem admissionis constituere vel conditiones apponere.” *Communicationes* 26 (1994) 49.

¹⁶⁵ Session Seven, October 4, 1969, c. 6: “§1. In quovis instituto omnes candidati, antequam admittantur, exhibere debent testimonium recepti baptismatis et confirmationis necnon recens documentum status liberi a competenti auctoritate ecclesiastica et civili concessum.

§2. Ius particulare, pro diversitate adiunctorum, exigere potest alia testimonia ex quibus constet de requisita idoneitate candidatorum et de eorum immunitate ab impedimentis iuris communis et eiusdem iuris particularis.

§3. Superiores quibus competit informationes etiam secretas petere possunt, si eis ad hunc finem necessarium vel opportunum visum fuerit.

§4. Qui testimonia vel informationes legitime petitas dare recusaverit suae recusationis rationem petenti exponere tenetur.

§5. Omnes ad quos informationes secretae quoquo modo pervenerint, stricta obligatione tenentur secreti servandi circa personas quae illas tradiderunt et notitias quae damnum candidatibus vel aliis affere possunt.” *Communicationes* 26 (1994) 49-50.

¹⁶⁶ Session Seven, October 4, 1969, c. 6: “§1. In quovis instituto omnes.” *Communicationes* 26 (1994) 55.

a document was deleted and the new language stated, “as well as attestation of their free status.”¹⁶⁷

The consultors unanimously voted to approve paragraph two as written. Paragraph three would begin with “moderators” rather than “superiors” and the word “competent” was deleted.¹⁶⁸ A majority of consultors voted to delete paragraphs four and five. They reasoned that natural law already required maintaining confidentiality in such matters.¹⁶⁹ Two of these six canons on admission would be addressed at the next session.

At the eighth session, held January 19-24, the *coetus* addressed canons four and six. A new formulation of canon four stated:

A person is invalidly admitted into the institute:

- 1) Who has not yet completed the seventeenth year of age;
- 2) Who has converted to the catholic faith, without three years having passed, except for cases provided in particular law;
- 3) Who is married, for as long as the marriage endures;
- 4) Who is currently bound by a bond in another institute;
- 5) Who shall have concealed: a) prior admission in another institute; b) that he is burdened by grave debt; c) that he is liable to furnish an account to a lay judge for a crime he committed.¹⁷⁰

¹⁶⁷ Session Seven, October 4, 1969, c. 6: “necnon attestationem status liberi.” It was not explicitly stated, but presumably this replaced, “necnon recens documentum status liberi a competenti auctoritate ecclesiastica et civili concessum.” *Communicationes* 26 (1994) 55.

¹⁶⁸ Session Seven, October 4, 1969, c. 6 §3: “Moderatores informationes.” *Communicationes* 26 (1994) 55.

¹⁶⁹ *Communicationes* 26 (1994) 55.

¹⁷⁰ Session Eight, January 19, 1970 c. 4: “Invalidae in Institutum admittitur:

- 1) Qui decimum septimum aetatis annum nondum compleverit;
- 2) Conversus, qui in fide catholica tres annos nondum transegerit, exceptis casibus a iure particulari praevisis;
- 3) Coniux, durante matrimonio;
- 4) Qui vinculo cum aliquo Instituto actu obstringitur;
- 5) Qui occultaverit: a) se in aliquod Institutum antecederet admissum fuisse; b) se gravi aere alieno gravatum esse; c) se obnoxium esse reddendae rationi iudici vel alii auctoritati legitime inquirenti.” *Communicationes* 26 (1994) 172.

Prior to this formulation, the requirement of age was stated in canon three. As noted above, a few consultors believed that the minimum age more properly belonged in canon four. The phrase, “except for cases provided in particular law” had been added to number two of canon four and worded differently than the recommendation at the seventh session.¹⁷¹ Previously, consultors recommended: “unless the particular law specified a shorter time in special cases.”¹⁷² The consultors voted that number two be removed from canon four and placed in canon six as its second paragraph.¹⁷³ The wording of paragraph two of canon six now stated, “Moderators are not to admit into institutes of perfection recent converts or those who have come into full communion with the Catholic Church until their constancy has been established.”¹⁷⁴

The consultors had approved number three (now number two), in their prior session.¹⁷⁵ Number four of canon four (now three) was also unanimously approved, but only after adding the words “of incorporation” after the word “bond.”¹⁷⁶ Number five (now four), after a brief discussion, was approved as presented.

C. Illegitimacy

¹⁷¹ Session Eight, January 19, 1970, c. 4: “exceptis casibus a iure particulari praevisis.” *Communicationes* 26 (1994) 172.

¹⁷² Session Seven, October 4, 1969, c. 4: “nisi in iure particulari pro casibus specialibus brevius tempus statuatur.” *Communicationes* 26 (1994) 53.

¹⁷³ *Communicationes* 26 (1994) 173.

¹⁷⁴ Session Eight, January 19, 1970, c. 6: “Moderatores in Institutum perfectionis ne admittant neophitos vel eos qui ad plenam communionem cum Ecclesia catholica venerunt antequam eorum constantia comprobata fuerit.” *Communicationes* 26 (1994) 174.

¹⁷⁵ This was not clear from the notes on the seventh session in *Communicationes*.

¹⁷⁶ Session Eight, January 19, 1970, c. 4, 4): “cooptationis”. . . “vinculo.” *Communicationes* 26 (1994) 173-174.

The *coetus* was one of five study groups looking at the question of illegitimacy as an impediment to Orders.¹⁷⁷ The question regarded canon 984, 1° of the 1917 code. It stated: “The following are irregular by defect: 1° Illegitimate ones, whether the illegitimacy is public or occult, unless they were legitimated or professed solemn vows.”¹⁷⁸ Various study groups provided their opinions on the matter to the study group on General Norms. These groups included those on: sacraments, sacred hierarchy, and physical and moral persons.¹⁷⁹

The *coetus* unanimously voted that the new code should not include any reference to illegitimacy. Authorities no longer used legitimacy as a category in determining civil status. If illegitimacy were to remain an impediment, children would be punished for the actions of their parents.¹⁸⁰ The study group on the sacraments, however, was in favor of retaining this impediment. They believed that the impediment was necessary to preserve the sanctity of the Sacrament of Marriage.¹⁸¹ The study group on the sacred hierarchy and the study group on physical and moral persons also expressed opposition to the inclusion of illegitimacy in the revised code.¹⁸²

D. 1977 *Schema*¹⁸³

¹⁷⁷ While not specifically a condition for admission to a lay religious institute, it was relevant for clerical religious institutes. The illegitimacy would be sanated with solemn profession. See 1917 code c. 984, 1°.

¹⁷⁸ 1917 code c. 984, 1°: “Sunt irregulares ex defectu: 1°. Illegitimi, sive illegitimitas sit publica sive occulta, nisi fuerint legitimated vel vota sollemnia professi.” The question of illegitimacy was also relevant to the question of suitability for the episcopacy, however, this is beyond the scope of this study. See 1917 code c. 331 §1, 1°.

¹⁷⁹ *Communicationes* 22 (1990) 28-30.

¹⁸⁰ *Ibid.*, 28.

¹⁸¹ *Ibid.*, 28, 30.

¹⁸² *Ibid.*, 29-30.

¹⁸³ For further background on the revision of the code and work leading up to the 1977 *Schema* see John Alesandro, "General Introduction," in James Coriden, Thomas Green, and Donald Heintschel, eds., *The*

On February 2, 1977 the Code Commission sent the *schema* entitled, *Schema Canonum De Institutis Vitae Consecratae Per Professionem Consiliorum Evangelicorum*¹⁸⁴ to the dicasteries of the Roman curia, the conferences of bishops, the unions of superiors general of religious and secular institutes, and the pontifical universities and faculties.¹⁸⁵ Their task was to review the canons and give their feedback by the end of the year according to the rules prescribed by the consultative bodies.¹⁸⁶

The pre-conciliar, conciliar, and post-conciliar documents discussed earlier presented issues that the *coetus* had to address. The 1977 *Schema* reflected these issues and will be studied in addition to the former law. Alesandro writes:

This post-conciliar legislation became an important source for the revision of the Code. Many of the canons of the Code incorporate *verbatim* or least substantially the post-conciliar norms implementing various pastoral directives of the Council – for example, the revision of the law concerning entrance into religious life in *Renovationis causam*.¹⁸⁷

The *schema* applied eighty-eight general norms to all forms of consecrated life. The norms on admission, governance, temporal goods and separation in the 1977 *Schema* applied to all forms of consecrated life, not simply religious institutes. The *schema* recognized religious institutes, secular institutes, and societies of common life without vows; nevertheless, the distinctions meant little in

Code of Canon Law: A Text and Commentary (New York/Mahwah: Paulist, 1985) 4-8); Thomas Green, "The Revised Code of Canon Law: Some Theological Issues," *Theological Studies* 47 (1986) 617-652; Francesco D'Ostilio, *La storia del nuovo Codice di Diritto Canonico revisione promulgazione presentazione* (Vatican City: Libreria Editrice Vaticana, 1983) 33-68; and Francis Morrissey, "The Revision of the Code of Canon Law," *Studia Canonica* 12 (1978) 177-198.

¹⁸⁴ 1977 *Schema*.

¹⁸⁵ John Alesandro, "The Revision of the Code," 111.

¹⁸⁶ Rose McDermott, "Schema of Canons on Institutes of Life Consecrated by Profession of the Evangelical Counsels: Revision or Update?" *CLSA Proceedings* (1980) 124 (hereafter "*Schema* of Canons").

¹⁸⁷ Alesandro, "The Revision of the Code," 100.

the wording of the canons.¹⁸⁸ The Congregation for the Doctrine of the Faith and the Sacred Congregation for Religious and Secular Institutes criticized the *schema* for “leveling” all categories of consecrated life. The Sacred Congregation for Religious and Secular Institutes noted, among other things, 1) the absence of common law containing juridical norms for religious institutes, 2) the potential for secularization of religious institutes; 3) the need for separate treatment of the three categories of consecrated life, and 4) the need for a more measured application of the principle of subsidiarity.¹⁸⁹

Mark Said, *Relator* of the *coetus*, provided insights from personal experience with the study group. He stated that it was not the intention of the *coetus* to level or remove distinctions between the forms of consecrated life, but to offer a framework for consecrated life based on its essential and common elements.¹⁹⁰ In this way, emphasis was placed on the particular law of each institute in keeping with the renewal of charisms sought in *Perfectae caritatis*.¹⁹¹

A new *coetus*, containing only four members of the former *coetus*, was formed to review the consultations of the 1977 *Schema*. The *coetus* reflecting on the concerns of the consultative bodies, did not share Said’s view. McDermott writes, “To treat the three forms of consecrated life together impedes conceptual clarity, promotes a tendency towards secularity for religious institutes and fosters a misunderstanding that what is not explicit in the general law for institutes of consecrated life is abrogated.”¹⁹²

¹⁸⁸ McDermott, “*Schema* of Canons,” 124.

¹⁸⁹ *Communicationes* 10 (1978) 160-165; McDermott, “*Schema* of Canons,” 126-127.

¹⁹⁰ McDermott, “*Schema* of Canons,” 127.

¹⁹¹ *Ibid.*

¹⁹² *Ibid.*, 126-127.

Canon 44, the introductory canon on admission to institutes of consecrated life, stated, “Every Catholic may be admitted into an Institute of consecrated life who has a divine vocation confirmed by legitimate authority, is fittingly prepared, and has the qualifications required by universal law and the Constitutions.”¹⁹³ When compared with the introductory canon 538 on admission in the 1917 code, there are similarities but also differences. As mentioned earlier, canon 44 applied to all forms of consecrated life, not just religious institutes as did canon 538 of the 1917 code.

While canon 538 stated in part, “Any Catholic who is not prevented by a legitimate impediment,”¹⁹⁴ canon 44 of the 1977 *Schema* did not mention impediments, but rather “the qualifications required by universal law and the Constitutions.”¹⁹⁵ Furthermore, the phrase, “right intention” in canon 538 was omitted in canon 44; instead the phrase “divine vocation confirmed by legitimate authority” was substituted.¹⁹⁶ There was no mention in canon 44 of one “suitable for the burdens imposed by religious life.”¹⁹⁷ This was replaced by the qualifications required in universal law and the constitutions.

¹⁹³ 1977 *Schema* c. 44: “In vitae consecratae Institutum admitti potest quilibet catholicus, qui vocatione divina praeditus a legitima auctoritate comprobata et congruenter praeparatus, qualitates habeat a iure universali et Constitutionibus requisitas.” From its counterpart of the seventh session on October 4, 1969, canon 44 replaced “institutes of perfection” (“*perfectionis institutum*”) with “Institutes of consecrated life” (“*vitae consecratae Institutum*”) and “common and particular law” (“*iure communi et particulari*”) with “universal law and the Constitutions” (“*iure universali et Constitutionibus*”). See *Communicationes* 26 (1994) 48.

¹⁹⁴ 1917 code, c. 538: “In religionem admitti potest quilibet catholicus qui nullo legitimo detineatur impedimento.”

¹⁹⁵ 1977 *Schema*, c. 44: “qualitates habeat a iure universali et Constitutionibus requisitas.”

¹⁹⁶ 1977 *Schema*, c. 44: “vocatione divina praeditus a legitima auctoritate comprobata.”

¹⁹⁷ 1917 code, c. 538: “et ad religionis onera ferenda sit idoneus.”

When read in light of the conciliar and the post-conciliar documents, as well as the guiding principles of the revision process, it is possible to recognize the motivation for the changes in the 1977 *Schema*.¹⁹⁸ While canon 538 of the former law required that the candidate had to be able to bear the burdens imposed by religious life, canon 44 of the 1977 *Schema* stated that the candidate needed to possess the qualifications required by universal law and the institute's constitutions. Beginning with *Perfectae caritatis* greater emphasis is placed on the unique charism of each institute and society of consecrated life and the individual's ability to live the specific vocation.

Canons 539, 540, and 541 of the 1917 code all addressed the postulancy. As we have seen, the postulancy, with respect to male candidates was reserved for the *conversi*, or lay brothers in clerical institutes. The Instruction *Quantum religiones* (1931) and the General Statutes appended to the Apostolic Constitution *Sedes sapientiae* (1956) had both required this for all candidates.¹⁹⁹ The Sacred Congregation for Religious determined a need for a period of time prior to the novitiate; however, the *coetus* working on this section of the canons did not include it in the *Schema*. The *coetus* allowed more freedom to the institute in fashioning the postulancy or equivalent period prior to the novitiate. This reflected the principle of subsidiarity or decentralized governance and the approach of *Renovationis causam*, II.

¹⁹⁸ See McDermott, "Schema of Canons," 125.

¹⁹⁹ Sacred Congregation for Religious, Instruction *Quantum religiones*, December 1, 1931, *AAS* 24 (1932) 74-81; English translation: Sacred Congregation for Religious, Instruction "Religious Candidates for the Priesthood: Their Training and Testing Before Receiving Orders," December 1, 1931: *CLD* 1:473-482; *Statua Generalia*, art. 6, §2:2, *Enchiridion*, 1550, 1552; *Ss Official English Translation*, 21-22.

Canon 45 of the 1977 *Schema* stated: “The right to admit candidates into the institute belongs to the major moderators according to the norm of the Constitutions.”²⁰⁰ This was similar to canon 543 of the 1917 code, which left admission to “major Superiors with the vote of the Council or Chapter, according to the particular constitutions of each religious [institute].”²⁰¹

Canon 46, a new canon of the 1977 *Schema*, did not mirror any canon in the 1917 code. It stated:

Mindful of their own responsibility to their Institute and the Church, moderators should with vigilant care admit only those who, in addition to the required age, exhibit the health, fitness of character, and sufficient degree of maturity necessary for entering upon the specific life of the Institute. This health, character, and maturity should be attested to, even calling in experts if need be.²⁰²

While not in the 1917 code, the norm contained some similarities to a provision in the statutes appended to the Apostolic Constitution *Sedes sapientiae* of 1956. Article 33 of the statutes stated:

The peculiar signs and motives of genuine vocation must be attentively weighed in those to be admitted to the novitiate according to the age and condition of the candidates (art. 31). Both the moral and the intellectual qualities of the candidates must be accurately and thoroughly examined. Moreover, their physical and psychological fitness must be investigated, relying in this on the medical history and diagnostic judgment of an experienced

²⁰⁰ 1977 *Schema* c. 45: “Ius admittendi candidatos in Institutum pertinet ad Moderatores maiores ad normam Constitutionum.” This canon was slightly changed from its original drafting discussed by the *coetus* in its meeting on October 4, 1969. The phrase in canon 2, “major superiors according to the the norm of particular law” changed to “major moderators according to the norm of the Constitutions” (“Superiores maiores ad normam iuris particularis . . . “Moderatores maiores ad normam Constitutionum”) in canon 45 of the 1977 *Schema*. *Communicationes* 26 (1994) 48.

²⁰¹ 1917 code c. 543: “Superiores maiores cum suffragio Consilii seu Capituli, secundum peculiare cuiusque religionis constitutiones.”

²⁰² 1977 *Schema* c. 46: “Moderatores, memores propriae responsibilitatis erga Institutum et Ecclesiam, vigilantia cura eos tantum admittant qui, praeter aetatem requisitam, valetudinem, aptam indolem et sufficientes maturitatis qualitates praebeant necessarias ad vitam Instituti propriam ineundam; quae valetudo, indoles et maturitas comprobentur adhibitis etiam, si opus fuerit, peritis.” This draft canon reflects many of the changes made at the October 4, 1969, seventh session of the *Coetus*. See discussion *supra*.

doctor, even in relation to possible hereditary diseases, especially mental ones; the judgment of the doctor must be recorded in the report of each candidate.²⁰³

It also reflected Article 31 of the 1961 Instruction *Religiosorum institutio*:

Special attention must be paid to those who give evidence of neuropsychosis and who are described by psychiatrists as neurotics or psychopaths, especially those who are scrupulous, abulic, hysterical, or who suffer from some form of mental disease (schizophrenia, paranoia, etc.). The same is true of those who have a delicate constitution or, particularly, those who suffer from weakness of the nervous system or from protracted psychic melancholia, anxiety or epilepsy (can. 984, 3°), or who are afflicted with obsessions. Similarly, precautions are needed in examining the children of alcoholics or those tainted with some hereditary weakness, especially in the mental order (cf. Stat. Gen., artt 33; 34, §1).²⁰⁴

The 1969 Instruction *Renovationis causam* also addressed the topic of physical and psychological health and suitability for religious life:

Without doubt, the novitiate should come for each candidate at the moment when, aware of God's call, he has reached the degree of human and spiritual maturity which will enable him to respond to his call with sufficient and proper responsibility and freedom. Indeed, no one should enter religious life without his decision being freely made, and without the separation from men and things which this entails being accepted. This first decision does not necessarily demand that the candidate be able to measure up immediately to all the demands of religious and apostolic life of the institute, but he must, of course be judged capable of reaching this goal by stages. Most of the difficulties encountered today in the formation of

²⁰³ *Statuta Generalia*, art. 33: "Peculiaria genuinae vocationis signa et motiva in admittendis ad novitiatum attente, pro eorum aetate et conditione, ponderentur (art. 31); candidatorum dotes accurate omnique ex parte examinentur, sive morales sive intellectuales; physica insuper et psychica eorum aptitudo exquiratur, adhibito quoque probati medici *anamnestico*; *atque diagnostico* diligenti iudicio, etiam quoad tabes forte hereditarias, praesertim mentales; medici iudicium in singulorum scheda adnotetur." *Enchiridion*, 1582; *SS Official English Translation*, 45-46.

²⁰⁴ *Religiosorum institutio*, art. 31: "Insuper specialis attentio iis est adhibenda qui indicia praebeant infirmitatis neuro-psychicae quique a psychiatris neurotici vel psychiopathici nuncpantur, praesertim scrupulosi, abulici, hysterici vel qui aliquo mentis vitio (schizophrenia, paranoia, etc) affecti sunt; qui imbecilles corpore sunt vel maxime debiles systemate nervoso, aut psychica melancholia diuturna aut pavore aut epileptico morbo (can. 984 3), vel idearum obsessione laborant; similiter a parentibus nati ebriosis vel tabe forte hereditaria, praesertim mentali, affectis (cf. *Stat. gen.*, artt. 33, 34 §1)." *Enchiridion*, 1734; *CLD* 5:471-472.

novices are usually due to the fact that when they are admitted to the novitiate, they had not acquired a sufficient degree of maturity.²⁰⁵

It is no surprise therefore, that canon 46 of the 1977 *Schema* addressed the health, character, and maturity of the candidate. What is surprising, however, is that it was no longer mandatory to test psychological and physical fitness prior to admission to the novitiate. The General Statutes annexed to the Apostolic Constitution *Sedes sapientiae* (1956) had made such testing mandatory.²⁰⁶ The 1977 *Schema* reflected *Renovationis causam* in viewing testing as more of a tool to assist superiors admitting candidates when there were questions regarding their suitability, rather than mandating it in all cases.

Canon 47 of the 1977 *Schema* referenced canon 542 of the 1917 code. While canon 542 included both impeding and invalidating impediments, canon 47 of the 1977 *Schema* included only invalidating impediments.²⁰⁷ Canon 47 stated:

A person is invalidly admitted into the institute:

- 1°) who has not yet completed his seventeenth year of age;
- 2°) who is married, for as long as the marriage endures;
- 3°) who is at present obligated by a bond of incorporation in some other institute of consecrated life;

²⁰⁵ *Renovationis causam*, I, 4: “Novitiatus profecto unicuique candidato eo tempore est peragendus, quo is, conscius se a Deo esse vocatum, eam maturitatem humanam et spiritualem sit consecutus, qua sufficienti ac debita cum oneris cognitione et libertate statuere valeat huic vocationi respondere. Non est quidem ineunda vita religiosa nisi eiusmodi decisio libere capiatur et seiunctio ab hominibus et rebus, quam illa secum fert, accipiatur. Quae prior deliberatio necessario non postulat, ut candidatus statim ea omnia efficere valeat, quae vita religiosa et opera Instituti exigunt, sed ipse idoneus sane haberi debet, qui progressionem quadam eo perducatur. Maior enim difficultatum pars, quae in novitiorum institutione hanc aetate reperiuntur, inde solet oriri, quod hi, cum ad novitiatum admittuntur, satis maturitatis non sunt adepti.” *AAS* 61 (1969) 107; *CLD* 7:494.

²⁰⁶ *Statuta Generalia*, art. 33. *Enchiridion*, 1582; *SS Official English Translation*, 45-46.

²⁰⁷ Joseph Gallen argues that the impediments should not have been invalidating, but rather impeding or prohibiting. Invalidating impediments render subsequent professions invalid. Invalidating impediments protect the common good and there is no evidence that a greater good is accomplished by having these as invalidating impediments. Joseph Gallen, “Impediments to the Noviceship in the New Canon Law,” *The Jurist* 37 (1977) 162 (hereafter Gallen, “Impediments”).

4°) who shall have concealed: a) his admission into some other institute of consecrated life; (b) that he is seriously burdened with debt; (c) that he is liable to furnish an account to a judge or to some other authority making a legitimate inquiry.²⁰⁸

The similarities between this norm and those of the 1917 code will be addressed first. In the 1917 code the required age for admission was indicated in canon 555, the canon providing the requirements for a valid novitiate. The candidate had to be at least fifteen years of age. This two year increase in the age requirement reflected the recommendation of *Renovationis causam*, I, 4. The instruction did not state a particular age for admission, but that it be increased.²⁰⁹ Gallen opines that age should not be an impediment; it is simply an indication of maturity that can be ascertained in other ways.²¹⁰

The impediment of marriage, while the marriage perdured, was identical in both configurations. While canon 542 of the 1917 code stated that all those who had ever professed vows in another institute were invalidly admitted, canon 47 of the 1977 *Schema* stated that those who were *still* bound by a bond of incorporation in an institute were invalidly admitted. Thus, former religious whose vows had expired or had been dispensed were not bound by this impediment.

The 1917 code provided that those induced by force, grave fear, or fraud, or those who had induced the admitting superior by reason of the same, were invalidly admitted to the novitiate. The

²⁰⁸ 1977 *Schema* c. 47: "Invalide in Institutum admittitur:

1°) qui decimum septimum aetatis annum nondum compleverit;

2°) coniux, durante matrimonio;

3°) qui vinculo cooptationis cum aliquot Instituto vitae consecratae actu obstringitur;

4°) qui occultaverit: a) suam admissionem in aliquo Instituto vitae consecratae; b) se gravi aere alieno gravatum esse; c) se obnoxium esse reddendae rationi iudici vel alii auctoritati legitime inquirenti. This draft reflected changes made both at its seventh session on October 4, 1969 and its eighth session on January 19, 1970.

²⁰⁹ *Renovationis causam*, I, 4, *AAS* 61 (1969) 108; *CLD* 7:495.

²¹⁰ Gallen, "Impediments," 163.

1977 *Schema* addressed those who had concealed admission into another institute, serious burden of debt, or legitimate accountability to a judge or other authority. Force and fear were remanded to the constitutions of a religious institute or covered by the attestation of freedom mentioned in canon 49 of the *Schema*.

Two of the invalidating impediments in canon 47, 4° were also impediments in canon 542, although in a different manner. One was an impeding impediment. Canon 47, 4° stated that those invalidly admitted were those who have concealed: a) admission into some other institute of consecrated life; (b) a serious burden of debt; or (c) account to a judge or other authority making a legitimate inquiry.²¹¹ In canon 542, it was not the concealing of being part of another institute, but having been bound by a prior religious profession. It was not the concealing of being liable to a judge or other authority, but being liable or possibly accused of a grave delict.²¹²

The wording in the 1977 *Schema* is broader than that of the 1917 code, but refers only to those who *conceal* liability to a judge or legitimate authority. This gave greater latitude to the admitting superior to judge the delict or possible penalty and whether it was of such severity to deny admission to the novitiate. While the 1917 code stated that those “bound by grave debts that they are not equal to repay” were illicitly but not invalidly admitted,²¹³ the 1977 *Schema* invalidated

²¹¹ 1977 *Schema* c. 47, 4°: “qui occultaverit: a) suam admissionem in aliquo Instituto vitae consecratae; b) se gravi aere alieno gravatum esse; c) se obnoxium esse reddendae rationi iudici vel alii auctoritati legitime inquirenti.”

²¹² C. 542: “Firmo praescripto can. 539-541, aliisque in propriis cuiusque religionis constitutionibus. 1° Invalide ad novitiatum admittuntur:

Qui obstringuntur vel obstricti fuerunt vinculo professionis religiosae;

Hi quibus imminet poena ob grave delictum commissum de quo accusati sunt vel accusari possunt.”

²¹³ 1917 code c. 542, 2°: “Illicite, sed valide admittuntur: Aere alieno gravati qui solvendo pares non sint.”

admission for those who *concealed* being “seriously burdened with debt.”²¹⁴

The other impediments mentioned in canon 542 of the 1917 code were not mentioned in canon 47 of the 1977 *Schema*. These included: those who adhered to non-Catholic sects; force, grave fear and fraud; a residential or titular bishop, even if only designated by the Holy See; and clerics bound by an obligation or oath to dedicate themselves to a diocese or mission.²¹⁵ The impeding impediments of canon 542, 2° of the 1917 code were not included in canon 47.²¹⁶

Canon 48 of the 1977 *Schema* restated a provision of canon 542 of the 1917 code: “The Constitutions can establish other impediments or place conditions for the validity of admission.”²¹⁷ Canon 542 included a similar statement on invalidating and impeding impediments, “With due

²¹⁴ 1977 *Schema* c. 47, 4°: “qui occultaverit: b) se gravi aere alieno gravatum esse.”

²¹⁵ 1917 code c. 542, 1°: “Invalide ad novitiatum admittuntur: Qui sectae acatholicae adhaeserunt; Qui religionem ingrediuntur vi, metu gravi aut dolo inducti, vel quos Superior eodem modo inductus recipit; Episcopus sive residentialis sive titularis, licet a Romano Pontifice sit tantum designatus; Clerici qui ex instituto Sanctae Sedis iureiurando tenentur operam suam navare in bonum suae diocesis vel missionum, pro eo tempore quo iurisiurandi obligatio perdurat.”

²¹⁶ See 1917 code c. 542, 2°: “Illicite, sed valide admittuntur: Clerici in sacris constituti, inconsulto loci Ordinario aut eodem contradicente ex eo quod eorum discessus in grave animarum detrimentum cedat, quod aliter vitari minime possit; Aere alieno gravati qui solvendo pares non sint; Reddendae rationi obnoxii aut aliis saecularibus negotiis implicati, ex quibus lites et molestias religio timere possit; Filii qui parentibus, idest patri vel matri, avo vel aviae, in gravi necessitate constitutis, opitulari debent, et parentes quorum opera sit ad liberos alendos vel educandos necessaria; Ad sacerdotium in religione destinati, a quo tamen removeantur irregularitate aliove canonico impedimento; Orientales in latinis religionibus sine venia scripto data Sacrae Congregationis pro Ecclesia Orientali.”

²¹⁷ 1977 *Schema* c. 48: “Constitutiones possunt alia impedimenta ad validitatem admissionis constituere vel conditiones apponere.” The early draft of this canon had the words, “particular law” rather than “Constitutions” (“Ius particulare . . . Constitutiones”). *Communicationes* 26 (1994) 49.

regard for the prescriptions of canons 539-541 and others in the constitutions of each religious institute.”²¹⁸

Canon 49 on admission to the novitiate in the 1977 *Schema* stated:

§1. Before candidates are admitted they must present a certificate of reception of baptism and confirmation as well as an attestation of their freedom of state.

§2. Moderators should not admit into the institute recent converts or persons who have come into full communion with the Catholic Church until their constancy has been established.

§3. In keeping with diversity of circumstances, the Constitutions can demand other testimonials from which evidence may be had of the required fitness of the candidates and their freedom from impediments of the universal law and the said Constitutions.

§4. Moderators may also request secret information if it seems to them necessary or opportune for this purpose.²¹⁹

This canon took the place of both canons 544 and 545 of the 1917 code, regarding the intricate and technical requirements of testimonials and testimonial letters. The first paragraph of canon 49 of the 1977 *Schema* repeated the first paragraph of canon 544 of the 1917 code with one addition. While both required the documents of baptism and confirmation, canon 49 added that candidates must demonstrate their free status.

Paragraph two of canon 49 addressed recent converts and persons received into full communion in the Catholic Church. There was no such provision in the 1917 code. Testimonial

²¹⁸ 1917 code c. 542: “Firmo praescripto can. 539-541, aliisque in propriis cuiusque religionis constitutionibus.”

²¹⁹ 1977 *Schema* c. 49: “§1. Candidati, antequam admittantur, exhibere debent testimonium recepti baptismatis et confirmationis necnon attestatum status liberi.

§2. Moderatores in Institutum ne admittant neophitos vel eos qui ad plenam communionem cum Ecclesia catholica venerunt, antequam eorum constantia comprobata fuerit.

§3. Constitutiones, pro diversitate adiunctorum, exigere possunt alia testimonia ex quibus constet de requisita idoneitate candidatorum et de eorum immunitate ab impedimentis iuris universalis et ipsarum Constitutionum.

§4. Moderatores informationes etiam secretas petere possunt, si eis ad hunc finem necessarium vel opportunum visum fuerit.” Canon 49 of the 1977 *Schema* reflected many of the changes made by the consultors both at its seventh session on October 4, 1969 and its eighth session on January 17, 1970.

letters from rectors of seminaries, Ordinaries of the place of residence, and the various other testimonials and testimonial letters were not required in the 1977 *Schema*. This norm had been suspended by *Ad instituenda experimenta* in 1970.

Paragraph three of canon 49 stated that the constitutions of the institute can demand other testimonials to establish the fitness of candidates and their freedom from impediments of both the universal law and the constitutions. This was new to the 1977 *Schema*. The 1917 code permitted superiors to require further testimony regarding a candidate, but did not state that further testimonials could be required by the constitutions.

Paragraph four of canon 49 stated that moderators could request secret information if it was deemed necessary. Although placing the burden on superiors, this is similar, to canon 545 of the 1917 code which stated:

In their testimonial letters, following diligent examination, even by secret information, they must report, gravely burdened in the conscience to expose the truth, concerning the birth of the aspirant, morals, character, life, reputation, condition, and knowledge; and whether the one for whom inquiries are being made is under any censure, irregularity, or other canonical impediment, or whether his own family needs his assistance, and finally, if it concerns those who have already been in a Seminary, college or religious postulancy, or novitiate, whether they were dismissed for cause or left on their own.²²⁰

Paragraphs four of the two canons present a stark contrast. Paragraph four in the 1977 *Schema* is much shorter than paragraph four of the 1917 code, since the types of testimony and their purposes were to be included in the constitutions of the institute.

²²⁰ 1917 code c. 545 §4: “In suis litteris testimonialibus, postquam diligentem investigationem, etiam per secretas notitias, instituerint, referre debent, graviter eorum conscientia onerata super veritate expositorum, de adspirantis natalibus, moribus, ingenio, vita, fama, conditione, scientia; sitne inquisitus, aliqua censura, irregularitate aut alio canonico impedimento irretitus, num propria familia eius auxilio indigeat, et tandem, si agatur de illis qui in Seminario, collegio, aut alius religionis postulatu aut novitiatu fuerint, quam de causa dimissi sint vel sponte discesserint.”

In an allocution on February 4, 1977, Pope Paul VI stated that the revision process should not simply be a restatement or reworking of the former legislation.²²¹ The task force of the Canon Law Society of America reviewed the 1977 *Schema* and noted this principle articulated by Pope Paul VI, concluding that paragraphs three and four of canon 49 were not necessary, but gave no further explanation.²²² The 1977 *Schema* was silent regarding the privacy of the candidates and the persons giving the information.²²³ Thus, canon 546 of the 1917 code did not have any counterpart in the 1977 *Schema*.

E. Review of the 1977 *Schema*

From June 1978 to May of 1980, the *coetus* in ten sessions reviewed the observations of the various consultative bodies regarding the 1977 *Schema*. Three of the sessions in 1979 addressed the norms on admission to religious institutes and other institutes of consecrated life: 1) the fourth session from April 23 to 28; 2) the seventh session from November 5 to 10, and 3) the eighth session from December 10 to 15.²²⁴

²²¹ Paul VI, Allocution, February 4, 1977, *AAS* 69 (1977) 148; English translation: Paul VI, “The New Code and the Better Protection of Justice,” February 4, 1977: *CLD* 8: 104.

²²² Columkille Regan, et al., “The *Schema* of Canons on Institutes of Consecrated Life by Profession of the Evangelical Counsels, *CLSA Proceedings* 39 (1977) 100 (hereafter Columkille, Regan, “The *Schema* of Canons”). Thomas Green notes that the CLSA Religious Affairs Committee that reviewed the 1977 *Schema* was a standing committee, while most other committees reviewing the *schemata* were ad hoc committees. Thomas Green, “The Canon Law Society of America and the Revision of the Code: Historical Reflections and Continuing Concerns,” *The Jurist* 53 (1993) 5 (hereafter “The CLSA and the Revision of the Code”).

²²³ As noted above, the earlier meetings of the *coetus* voted to delete such references to privacy or secrecy as this was a general principle of the natural law and therefore unnecessary.

²²⁴ Sabbarese, 132.

At the fourth session, the *Relator* introduced canon 5 as a substitute for canon 44.²²⁵ The new text:

§1. Any Catholic may be admitted into an Institute of consecrated life, who has the qualities required by universal and proper law, who has a divine vocation, which is approved by the legitimate authority.

§2. No one is to be admitted without suitable preparation.²²⁶

Two changes were apparent. “Constitutions” had been replaced by “proper law” and the need for suitable preparation was considered in a separate paragraph. During this fourth session two consultants thought it important to explicitly state “right intention” and “lack of impediments” in the canon.²²⁷ This was brought to a vote and approved by the *coetus*. The first paragraph of canon 5 was amended and approved. It stated, “. . .any Catholic endowed with the right intention, who has the qualities required by universal and proper law, and who is without impediment is admitted validly.”²²⁸ Given the difficulty of formulating a juridical notion of “divine vocation,” the *coetus* voted six to four to delete this from the proposed canon 5.²²⁹

At its seventh session, on November 10, 1979, the *coetus* discussed canon 25 which was formerly canon 45 of the 1977 *Schema*. It stated, “The right to admit candidates into the institute

²²⁵ *Communicationes* 11 (1979) 308.

²²⁶ Session Four, April 26, 1979, c. 5: “§1. In vitae consecratae Institutum admitti potest quilibet catholicus, qui qualitates habeat a iure universali et proprio Instituti requisitas, quibus vocatio divina, a legitima auctoritate recognita, comprobatur. §2. Nullus admitti potest sine congrua praeparatione.” *Communicationes* 11 (1979) 308.

²²⁷ *Communicationes* 11 (1979) 308.

²²⁸ ²²⁸ Session Four, April 26, 1979, c. 5: “. . . catholicus, recta intentione praeditus, qui qualitates habeat a iure universali et proprio requisitas, nulloque detineatur impedimento.” *Communicationes* 11 (1979) 309.

²²⁹ *Communicationes* 11 (1979) 309.

belongs to major superiors according to the norm of proper law.”²³⁰ “Constitutions” in canon 45 was replaced by “proper law” in canon 25.²³¹ There was discussion among the consultors about this change, but ultimately the new language was preferred.²³²

On that same day, the *coetus* also discussed canon 26, formerly canon 46 of the 1977 *Schema*.

It stated:

Mindful of their own responsibility to their Institute and the Church, moderators should with vigilant care admit only those who, in addition to the required age, exhibit the health, fitness of character, and sufficient degree of maturity necessary for entering upon the specific life of the institute. This health, character, and maturity should be attested to, even calling in experts if need be.²³³

The only change prior to the fourth session had been the change of “moderators” to “superiors.”

The members of the *coetus* voted to delete the phrase, “Mindful of their own responsibility to their institute and the Church.” While at least two consultors expressed concerns and wanted to eliminate the last clause regarding experts because of the potential for abuse in such delicate matters, others believed it needed to be retained. One stated that *Renovationis causam* contained such prudential measures and the canon should as well.²³⁴ The *coetus*, however, voted to add the phrase, “with due

²³⁰ Session Seven, November 10, 1979, c. 25: “Ius candidatos admittendi ad novitiatum pertinent ad Superiores maiores ad normam iuris proprii.” *Communicationes* 12 (1980) 185.

²³¹ 1977 *Schema* c. 45: “constitutionum;” Session Seven, November 10, 1979, c. 25: “iuris proprii.”

²³² *Communicationes* 12 (1980) 185. Some consultors thought the canon should be joined to canon 22 §2 (formerly canon 5 §2 of Session four, April 26, 1979).

²³³ Session Seven, November 10, 1979, c. 26: “Superiores, memores propriae responsabilitatis erga Institutum et Ecclesiam, vigilanti cura eos tantum admittant qui, praeter aetatem requisitam, valetudinem, aptam indolem et suffcientes maturitatis qualitates praebeant necessarias ad vitam Instituti propriam ineundam; quae valetudo, indoles et maturitas comprobentur adhibitis etiam, si opus fuerit, peritis.” *Communicationes* 12 (1980) 186.

²³⁴ *Ibid.*, 186-187.

regard for the inviolable right to personal privacy.”²³⁵ The 1961 *Monitum* of the Holy Office was the impetus for the addition.²³⁶

On December 10, 1979, the *coetus* studied canons 27 and 28, formerly canons 47 and 49 of the 1977 *Schema*.²³⁷ Canon 27 stated:

- §1. The following are admitted to novitiate invalidly:
- 1°) who has not yet completed his seventeenth year of age;
 - 2°) who is married, for as long as the marriage endures;
 - 3°) who is at present obligated by a bond of incorporation in some other Institute of consecrated life;
 - 4°) who enters the Institute induced by force, grave fear, or fraud, or the one whom a superior, induced in the same way, has received;
 - 5°) who shall have concealed: a) his admission into some other Institute of consecrated life; (b) that he is seriously burdened with debt; (c) that he is liable to furnish an account to a judge or to some other authority making a legitimate inquiry.
- §2. The Constitutions can establish other impediments or place conditions for validity of admission.²³⁸

Number four of paragraph one was an addition to the canon. It restored the traditional and longstanding impediment of force, grave fear and fraud. Among the changes the *coetus* made to this canon, in paragraph one, number three, there was an addition of the words, “without prejudice to

²³⁵ Session Seven, November 10, 1979, c. 26: “salvo iure inviolabili personae ad propriam intimitatem tuendam.” *Communicationes* 12 (1980) 187.

²³⁶ *Communicationes* 12 (1980) 186.

²³⁷ *Communicationes* 13 (1981) 152.

²³⁸ Session Eight, December 10, 1979, c. 27: “§1. Invalide in Institutum admittitur:

- 1°) qui decimum septimum aetatis annum nondum compleverit;
- 2°) coniux, durante matrimonio;
- 3°) qui sacro vinculo cum aliquo Instituto vitae consecratae actu obstringitur;
- 4°) qui Institutum ingreditur vi, metu gravi aut dolo inductus, vel quem Superior eodem modo inductus recipit;
- 5°) qui occultaverit: a) suam admissionem in aliquod Institutum vitae consecratae; b) se gravi aere alieno gravatum esse; c) se obnoxium esse reddendae rationi iudici vel alii auctoritati legitime inquirenti.

“§2. Constitutiones possunt alia impedimenta ad validitatem admissionis constituere vel condiciones apponere.” *Communicationes* 13 (1981) 152.

canon . . .,” referring to the canon on transfer from another institute.²³⁹ Paragraph two, formerly canon 48 of the 1977 *Schema*, was approved, with the addition of the word “even” before the phrase “for validity.”²⁴⁰ This was to emphasize that the impediments possible in the constitutions were for validity, but allowing room for conditions placed on admission for liceity. The former canon 48 stated this, but not as clearly.

Canon 28, formerly canon 49 of the 1977 *Schema* stated:

- §1. Before candidates are admitted to the novitiate, they must show proof of baptism, confirmation and free status.
- §2. Moderators should not admit into the institute recent converts or persons who have come into full communion with the Catholic Church until their constancy has been established.
- §3. If it concerns the admission of those who were in another institute of consecrated life, or who were admitted into a seminary, or the admission of clerics, there is additionally required the testimony of, as the case may be, the major superior of the institute, or the rector of the seminary, or the diocesan bishop.
- §4. In keeping with diversity of circumstances, the proper law can demand other testimonials from which evidence may be had of the required fitness of the candidates and their freedom from impediments of the universal law and the said proper law.
- §5. Superiors may also request secret information if it seems to them necessary or opportune for this purpose.²⁴¹

²³⁹ *Communicationes* 13 (1981) 154.

²⁴⁰ Session Eight, December 10, 1979, c. 27: “etiam ad validitatem.” Minor changes also included the deletion of “*iuxta casum*” in paragraph 3 and the deletion of “*ex quibus constet*” in paragraph four. *Communicationes* 13 (1981) 154.

²⁴¹ Session Eight, December 10, 1979, c. 28: “§1. Candidati, antequam ad novitiatum admittantur, exhibere debent testimonium baptismatis et confirmationis necnon status liberi.
 §2. Superiores ad novitiatum ne admittant neophytos vel eos qui ad plenam communionem cum Ecclesia catholica venerunt, antequam eorum constantia comprobata fuerit.
 §3. Si agatur de admittendis illis qui in aliud Institutum vitae consecrata vel in Seminarium admissi fuerint, vel de admittendis clericis, requiritur insuper testimonium, iuxta casum, Superioris maioris Instituti vel Rectoris Seminarii vel Episcopi diocesani.
 §4. Ius proprium, pro diversitate adiunctorum, exigere potest alia testimonia ex quibus constet de requisita idoneitate candidatorum et de immunitate ab impedimentis iuris universalis et eiusdem iuris proprii.
 §5. Superiores informationes etiam secretas petere possunt, si eis ad hunc finem necessarium vel opportunum visum fuerit.” *Communicationes* 13 (1981) 154-155.

Although no discussion on its merits was recorded, the *coetus* voted to suppress paragraph two of canon 28 regarding neophytes and those received into full communion.²⁴² Paragraph one remained unchanged. In paragraph 4, now 3 “*Constitutiones*” was replaced with “*Ius proprium*” and the wording was made more succinct. In paragraph 5, now 4, “*moderatores*” was replaced with “*Superiores*” and “*informationes . . . secretas*” was replaced with “*sub secreto*.”

Canon 28 now stated:

- §1. Before candidates are admitted to the novitiate, they must show proof of baptism, confirmation and free status.
- §2. If it concerns the admission of clerics or those who had been admitted in another Institute of consecrated life, or in a Seminary, there is additionally required the testimony of, respectively, the diocesan Bishop, the major Superior of the Institute or the Rector of the Seminary.
- §3. Proper law can require other proof about the requisite suitability of candidates and freedom from impediments.
- §4. Superiors can also seek other information, even under secrecy, if it seems necessary to them.²⁴³

In addition to addressing the canons on valid and licit admission, the *coetus* also approved a canon that stated, “Superiors are not to admit to the novitiate secular clerics without consulting the local

²⁴² *Communicationes* 13 (1981) 155.

²⁴³ Session Eight, December 10, 1979, c. 28: “§1. Candidati, antequam ad novitiatum admittantur, exhibere debent testimonium baptismatis et confirmationis necnon status liberi.

§2. Si agatur de admittendis clericis iisve qui in aliud Institutum vitae consecratae, vel in Seminarium admissi fuerint, requiritur insuper testimonium respective Episcopi diocesani, vel Superioris maioris instituti, vel Rectoris Seminarii.

§3. Ius proprium exigere potest alia testimonia de requisite idoneitate candidatorum et de immunitate ab impedimentis.

§4. Superiores alias quoque informationes, etiam sub secreto, petere possunt, si ipsis necessarium visum fuerit.” *Communicationes* 13 (1981) 156.

Ordinary nor those burdened with debts they cannot repay.”²⁴⁴ The 1980 *Schema* would reflect most of these changes.

F. 1980 *Schema*

The *coetus* presented their proposed revisions prompted by the animadversions of various collegial bodies between 1972-1977 to the Code Commission. The Code Commission spent three years reviewing and discussing these proposals resulting in significant changes. On June 20, 1980, the Code Commission presented the 1980 *Schema*²⁴⁵ to Pope John Paul II.²⁴⁶ Pope John Paul II sent the 1980 *Schema* to the Cardinal members of the Code Commission for a determinative judgment. Unlike the prior *schemata* which were sent to the various conferences of bishops, this text was sent only to the Cardinal members, and then to an extended membership of the Code Commission.²⁴⁷ While some of the canons on admission in the 1977 *Schema* were changed only slightly; others received significant revision.

The introductory canon 44 in the 1977 *Schema* became canon 524 in the 1980 *Schema*. The 1980 *Schema*'s introductory canon contained two paragraphs:

§1. Any Catholic who is endowed with a right intention and who has the qualities required by universal and proper law, and who is not prevented by any impediment can be admitted into an institute of consecrated life.

²⁴⁴ Session Eight, December 10, 1979: “Superiores ad novitium ne admittant clericos saeculares inconsulto loci Ordinario nec aere alieno gravatos qui solvendo pares non sint.” This would become canon 66 in the new formulation of the canons. *Communicationes* 13 (1981) 154.

²⁴⁵ Pontificia Commissio Codici Iuris Canonici Recognoscendo, *Schema Codicis iuris canonici : iuxta animadversiones S.R.E. Cardinalium, Episcoporum Conferentiarum, Discasteriorum Curiae Romanae, Universitatum Facultatumque ecclesiasticarum necnon Superiorum Institutorum vitae consecratae recognitum* (Vatican City: Libreria Editrice Vaticana, 1980).

²⁴⁶ “Preface to the Latin Edition,” xli.

²⁴⁷ Green, “The CLSA and the Revision of the Code,” 6-7.

§2. No one can be admitted without appropriate preparation.²⁴⁸

The basic content is the same as canon 44 of the 1977 *Schema* but the phrase, “right intention” found in canon 538 of the 1917 code, was restored. As noted above, the consultants in 1979 voted to have “right intention” put in the first paragraph and have the words, “divine vocation” taken out.²⁴⁹ The second paragraph appeared in the 1980 *Schema* exactly as approved by the former *coetus*. It called for suitable preparation prior to entrance to the novitiate. The freedom of each institute to fashion its preparatory period remained intact, but there was now a legal prescription for this period. The other significant change in canon 524 was the use of the phrase “proper law” rather than “constitutions.”

Unlike the 1977 *Schema*, the 1980 *Schema* distinguished between the different forms of consecrated life. There were norms common to all institutes of consecrated life, followed by norms for religious institutes, secular institutes, and societies of apostolic life. Canon 45 of the 1977 *Schema* became canon 567. It stated, “The right to admit candidates to the novitiate belongs to major superiors according to the norm of proper law.”²⁵⁰ Canon 567 substituted “into the novitiate” for “into the institute.”²⁵¹ This change was initially made by the *coetus* and was the source of discussion at the eighth session on December 10, 1979.²⁵² After a review of all the relevant canons, it was

²⁴⁸ 1980 *Schema* c. 524: “§1. In vitae consecratae Institutum admitti potest quilibet catholicus, recta intentione praeditus, qui qualitates habeat a iure universali et proprio requisitas nulloque detineatur impedimento.

§2. Nullus admitti potest sine congrua praeparatione.”

²⁴⁹ *Communicationes* 11 (1979) 308-309.

²⁵⁰ 1980 *Schema* c. 567: “Ius candidatos admittendi ad novitiatum pertinent ad Superiores maiores ad normam iuris proprii.”

²⁵¹ 1977 *Schema* c. 45: “in Institutum;” 1980 *Schema* c. 567: “ad novitiatum.”

²⁵² *Communicationes* 13 (1981) 152.

determined that admission to the novitiate was more precise than admission to the institute.²⁵³ The term “moderators” was replaced with the more traditional term “superiors” with respect to religious institutes.

Canon 568 of the 1980 *Schema* replaced canon 46 of the 1977 *Schema*. It stated:

With vigilant care, superiors are only to admit those who, besides the required age, have the health, suitable character, and sufficient qualities of maturity to undertake the proper life of the institute. This health, character, and maturity are to be verified even by using experts, if necessary, with due regard for the inviolable right to personal privacy.²⁵⁴

The canon omitted the statement that was in canon 46 of the 1977 *Schema*, “Mindful of their own responsibility to their institute and the Church.”²⁵⁵ This was the recommendation of a vote of the former *coetus* at its seventh session on November 10, 1979. Also, as recommended and voted upon by the *coetus* at the same session, “superiors” replaced “moderators.”²⁵⁶ Similarly, a statement was added about safeguarding personal privacy. This was in the very first drafts of the canons on admission. However, it was deemed unnecessary in view of common law. The *coetus* in its seventh session on November 10, 1979 recommended that it be included in the canon. As discussed in chapter one, the Holy See raised concerns that some forms of psychological testing or therapy

²⁵³ See e.g., *Communicationes* 13 (1981) 154. As noted in footnote 1 of this chapter, valid admission to the novitiate is the beginning of religious life in the institute and is therefore synonymous with valid admission to the religious institute.

²⁵⁴ 1980 *Schema* c. 568: “Superiores vigilantia cura eos tantum admittant qui, praeter aetatem requisitam, habeant valetudinem, aptam indolem, et sufficientes maturitatis qualitates ad vitam Instituti propriam ineundam; quae valetudo, indoles et maturitas comprobentur adhibitis etiam, si opera fuerit, peritis, salvo iure inviolabili personae ad propriam intimitatem tuendam.”

²⁵⁵ 1977 *Schema* c. 46: “Moderatores, memores propriae responsabilitatis erga Institutum et Ecclesiam.”

²⁵⁶ *Communicationes* 12 (1980) 186-187.

violated a person's right to privacy and amounted to a manifestation of conscience.²⁵⁷ It was therefore considered wise to protect such a right.

The 1980 *Schema* canon 569 on impediments to the novitiate repeated canon 47 of the 1977

Schema:

- §1. The following are admitted to the novitiate invalidly:
- 1) one who has not yet completed seventeen years of age;
 - 2) a spouse while the marriage continues to exist;
 - 3) one who is currently bound by a sacred bond to some Institute of consecrated life or is incorporated in some Society of apostolic life without prejudice to the prescript of canon 610;
 - 4) one who enters the Institute induced by force, grave fear, or fraud, or the one whom a superior, induced in the same way, has received;
 - 5) one who has concealed his or her admission in some Institute of consecrated life or in some Society of apostolic life.
- §2. The constitutions can establish other impediments even for validity of admission or attach conditions.²⁵⁸

Rather than describing it as admission to the institute, canon 569 referred to admission to the novitiate. There were no changes in numbers one and two of the first paragraph of canon 569. In number three, the word “sacred” was added before the word “bond.” The phrase “Society of apostolic life” was also added.²⁵⁹ The more significant amendment was the addition of the phrase

²⁵⁷ See Pius XII, Allocution *De Psychologie Appliquée*, April 10, 1958, *AAS* 50 (1958) 276; English translation: John C. Ford, *Religious Superiors, Subjects, and Psychiatrists* (Westminster, MD: The Newman Press, 1963) 33-34.

²⁵⁸ 1980 *Schema* c. 569: “§1. Invalide ad novitiatum admittitur:
 1) qui decimum septimum aetatis annum nondum compleverit;
 2) coniux, durante matrimonio;
 3) qui sacro vinculo cum aliquo Instituto vitae consecratae actu obstringitur vel in aliqua Societate vitae apostolicae incorporatus est, salvo praescripto can. 610;
 4) qui Institutum ingreditur vi, metu gravi aut dolo inductus, vel quem Superior eodem modo inductus recipit;
 5) qui occultaverit suam admissionem in aliquod Institutum vitae consecratae aut in aliquam Societatem vitae apostolicae.
 §2. Constitutiones possunt alia impedimenta etiam ad validitatem admissionis constituere vel condiciones apponere.”

²⁵⁹ *Communicationes* 13 (1981) 152.

“without prejudice to the prescript of canon 610.”²⁶⁰ Canon 610 in the 1980 *Schema* referred to transfer to another institute. The *coetus* recommended the inclusion of this phrase.²⁶¹

Number four of paragraph one did not have a counterpart in the 1977 *Schema*, but did in the 1917 code. The long held canonical impediments of force, grave fear, and fraud were restored by the *coetus* and included in the 1980 *Schema*. Number five of paragraph one is the counterpart to number four of canon 47 of the 1977 *Schema*, but quite different. Again, societies of apostolic life were added as distinct from institutes of consecrated life. While number five retained the impediment for one who concealed admission into a former institute, it was no longer an invalidating impediment to have concealed a serious burden of debt or liability in furnishing an account to a judge or some other authority. There was a lengthy discussion about number five of paragraph one, but ultimately the *coetus* voted not to change the wording.²⁶²

Canon 569 §2 was a restatement of canon 48 of the 1977 *Schema*. What is surprising, however, is that the word “constitutions” was retained and was not changed to “proper law” as in the other canons on admission to the novitiate.²⁶³ The word “even” (*etiam*) present in paragraph 2 was added by the *coetus* at its eighth session to modify “validity.”

Canon 570 stated, “Superiors are not to admit to the novitiate secular clerics without consulting the local ordinary, nor those burdened by debts which they cannot repay.”²⁶⁴ At the eighth session of the *coetus*, this canon was introduced and approved. The norm repeated two

²⁶⁰ 1980 *Schema* c. 569 §1, 3°: “salvo praescripto can. 610.”

²⁶¹ *Communicationes* 13 (1981) 153.

²⁶² *Ibid.*, 152-154.

²⁶³ 1980 *Schema* c. 569 §2: “Constitutiones.”

²⁶⁴ 1980 *Schema* c. 570: “Superiores ad novitiatum ne admittant clericos saeculares inconsulto loci Ordinario nec aere alieno gravatos qui solvendum pares non sint.”

impeding impediments in the 1917 code. Canon 542, 2^o stated that the admission of clerics without consulting the local ordinary or those burdened by debts they could not repay was illicit. The *coetus* believed both provisions remained pertinent.²⁶⁵ Concealment of a serious debt was an invalidating impediment in the 1977 *Schema*; however, in this canon the burden of serious debt became an impeding impediment.

Canon 571 of the 1980 *Schema* was the counterpart to canon 49 of the 1977 *Schema*. It stated:

- §1. Before candidates are admitted to the novitiate, they must show proof of baptism, confirmation, and free status.
- §2. If it concerns the admission of clerics or those who had been admitted in another Institute of consecrated life, in a society of apostolic life, or in a seminary, there is additionally required the testimony of, respectively, the local Ordinary, the major Superior of the institute or Society, or the rector of the seminary.
- §3. Proper law can require other proof about the requisite suitability of candidates and freedom from impediments.
- §4. Superiors can also seek other information, even under secrecy, if it seems necessary to them.²⁶⁶

The first paragraph was the same as canon 49 of the 1977 *Schema*. As mentioned earlier, paragraph two of canon 49, regarding neophytes and those recently entering the Catholic Church, was struck from the new canon. The *coetus* reordered all the remaining paragraphs, but the content remained the same. The canon approved by the *coetus* at its eighth session was the canon included in the 1980

²⁶⁵ *Communicationes* 13 (1981) 154.

²⁶⁶ 1980 *Schema* c. 571: “§1. Candidati, antequam ad novitium admittantur, exhibere debent testimonium baptismatis et confirmationis necnon status liberi.

§2. Si agatur de admittendis clericis iisve qui in aliud Institutum vitae consecratae, in Societate vitae apostolicae vel in seminarium admissi fuerint, requiritur insuper testimonium respective Ordinarii loci vel Superioris Maioris Instituti, aut Societatis vel rectoris Seminarii.

§3. Ius proprium exigere potest alia testimonia de requisita idoneitate candidatorum et de immunitate ab impedimentis.

§4. Superiores alias quoque informationes, etiam sub secreto, petere possunt, si ipsis necessarium visum fuerit.”

Schema with two exceptions. In canon 571 of the 1980 *Schema*, “society of apostolic life” was added to paragraph two and “diocesan bishop” was changed to “local Ordinary.”²⁶⁷

Generally, most of the canons, at least with regard to substantive material, remained the same in the 1980 *Schema* as they had been in the 1977 *Schema*. However, the separation of religious institutes from secular institutes and societies of apostolic life necessitated some adjustments. “Constitutions,” with one exception, was changed to “proper law;” “moderators” substituted for “superiors;” and “admitted into the institute” became “admitted into the novitiate.” In two instances, provisions from the 1917 code were repeated in the canons on admission to the novitiate. Specifically, “right intention” was inserted in the introductory canon on admission to the novitiate; and superiors were to consult with the local ordinary before admitting secular clerics.

The critiques of the 1980 *Schema* were sent to the Code Commission Secretariat. The Commission modified the canons in some respects and arranged a *Relatio*,²⁶⁸ which Green describes as, “clarifying certain controverted points in the 1980 *Schema* and indicating certain emendations made by the secretariat either on its own initiative or at the request of the Commission members.”²⁶⁹ The amended 1980 *Schema*, the *Relatio* and more significant unresolved issues were the basis of a plenary session of the Code Commission in October of 1981.²⁷⁰ The *Relatio* addressed a number of points regarding the canons on admission to the novitiate.

²⁶⁷ 1980 *Schema* c. 571 §2: “Societate vitae apostolicae . . . Ordinarii loci.”

²⁶⁸ Pontificia Commissio Codici Iuris Canonici Recognoscendo, *Relatio complectens syntheses animadversionum ab Em.mis atque Exc.mis Patribus Commissionis ad novissimum schema Codicis Iuris Canonici exhibitarum, cum responsionibus a Secretaria et Consultoribus datis* (Vatican City: Typis Polyglottis Vaticanis, 1981)(hereafter *Relatio*).

²⁶⁹ Thomas Green, “The Revised Code of Canon Law: Some Theological Issues,” *Theological Studies* 47 (1986) 619.

²⁷⁰ *Ibid.*

In canon 524 the *Relatio* noted the ex officio change of “*nullus*” to “*nemo*.”²⁷¹ In reference to canon 567, it questioned whether anything should be stated about the postulancy. The secretariat responded that the need for suitable preparation prior to admission already included in canon 524 §2 was sufficient.²⁷²

Regarding canon 568, it asked whether “right intention” should be added after “have the health” and prior to “suitable character.” The response was, “It is already provided for in can. 524 §1” (the introductory canon on admission).²⁷³ With respect to canon 569, one of the fathers believed that since the *schema* on the Oriental code made it illicit for a Latin Catholic to enter an Oriental religious institute or for an Oriental Catholic to enter into a Latin religious institute, the Latin code should have a corresponding provision. However, the secretariat did not see such an addition as necessary, even if the canon had addressed impeding impediments. For uniformity, “proper law” replaced “constitutions.”²⁷⁴ Regarding canon 570, a father asked whether “in consultation with the local Ordinary” should be replaced with “unless the permission of the local Ordinary is obtained.”²⁷⁵ The secretariat believed that such wording would have confused it with an invalidating impediment.

G. 1982 *Schema*

²⁷¹ *Relatio*, 140.

²⁷² *Ibid.*, c. 567, 147.

²⁷³ *Ibid.*, c. 568: “Iam provisum in can. 524, §1.”

²⁷⁴ *Ibid.*, c. 569: “‘Ius proprium’ potest loco ‘constitutiones possunt,’” 147-148. The reference was to canon 548 which dealt with the authority of the supreme moderator, who acted with the authority given in the proper law.

²⁷⁵ *Relatio*, c. 570: “Ad disciplinam ecclesiasticam tuendam, loco ‘inconsulto loci Ordinarii’ dicatur ‘nisi obtenta Ordinarii loci licentia’” 148.

The secretariat made a second set of revisions to the 1980 *Schema* after the plenary session of the Code Commission and sent the reworked *Schema* to the pope in March of 1982. This was the 1982 *Schema*.²⁷⁶ Regarding admission to the novitiate of a religious institute, there were only minor changes made in the 1982 *Schema*. Canon 524, now canon 598 in the 1982 *Schema*, dealt with vocation and those admitted to institutes of consecrated life. It remained unchanged from the 1980 *Schema*, except for one very technical word change. Although having the same meaning, “*nullus*” was changed to “*nemo*.” Both words mean “no.”²⁷⁷

Canon 567 of the 1980 *Schema* was now canon 641 in the 1982 *Schema*. It was identical to its predecessor. Canon 568, now canon 642, was identical to its predecessor except for one word. In canon 568 superiors were only to admit those who, among other things, were suitable to “undertake” the proper life of the institute. Canon 642 replaced “undertake” with “embrace” the proper life of the institute.²⁷⁸

There were minor changes to canon 569 of the 1980 *Schema*. The final provision for invalidating impediments in the first paragraph, number five stated, “5) one who has concealed his or her admission in some institute of consecrated life or in some society of apostolic life.”²⁷⁹ Its replacement, canon 643 §1, 5° stated, “5° one who has concealed his or her incorporation in some

²⁷⁶ Pontificia Commissio Codici Iuris Canonici Recognoscendo, *Codex Iuris Canonici: Schema Novissimum Iuxta post S.R.E. Cardinalium, Episcoporum Conferentiarum, Dicasteriorum Curiae Romanae, Universitatum Facultatumque ecclesiasticarum necnon Superiorum Institutorum vitae consecratae recognitum, iuxta placita Patrum Commissionis deinde emendatum atque Summo Pontifici praesentatum* (Vatican City: Typis Polygraphis Vaticanis, 1982).

²⁷⁷ *Relatio*, 140.

²⁷⁸ 1980 *Schema* c. 568: “ineundam;” 1982 *Schema* c. 642: “amplectendam.”

²⁷⁹ 1980 *Schema* c. 569 §1: “Invalide ad novitium admittitur: 5) qui occultaverit suam admissionem in aliquod Institutum vitae consecratae aut in aliquam Societatem vitae apostolicae;” 1982 *Schema* c. 643: “Invalide ad novitium admittitur: 5° qui celaverit suam incorporationem in aliquo instituto vitae consecratae aut in aliqua societate vitae apostolicae.”

institute of consecrated life or society of apostolic life.” Likewise, “*celaverit*” substituted for “*occultaverit*.”

In canon 643 §1, 5° “incorporation” in some institute replaced “admission” into some institute.²⁸⁰ The one word insertion changed the intent of the impediment. Formerly, the impediment included all those who had concealed admission into some institute. In canon 643 §1, 5° the impediment only applied to those who concealed prior incorporation in an institute. “Constitutions” became “proper law” in canon 643 §2. Canon 644 of the 1982 *Schema* remained the same as before with one small exception: “ad” was placed in front of “solvendum.” Canon 645 of the 1982 *Schema* was similar to canon 571 of the 1980 *Schema*, except the Latin “*aut*” in paragraph 2 was changed to “*vel*,” presumably for consistency.

The secretariat presented the 1982 *Schema* approved with these minor modifications by the Code Commission to John Paul II in March, 1982. He reviewed the text with advisers and introduced further changes to the code. There are no written reports for this final stage of the code revision.²⁸¹ John Paul II promulgated the revised code on January 23, 1983 and it became effective on November 27, 1983.

Conclusion

The time between the Second Vatican Council and the promulgation of the revised code in 1983 proved an uncertain but energizing and rewarding period. Conciliar teachings establish a theological foundation for the renewal and adaptation of religious life. Paragraph 43 of *Lumen*

²⁸⁰ 1982 *Schema* c. 643 §1, 5°: “incorporationem;” 1980 *Schema* c. 569 §1, 5): “admissionem.” One other minor change; “aliquod Institutum” became, “aliquo instituto.”

²⁸¹ Green, “The Revised Code of Canon Law,” 619.

gentium provides a basis for religious institutes to revise their proper laws and submit them to the Holy See for approval. *Perfectae caritatis* 2 and 4 offer general principles for the renewal and adaptation of religious life in light of the Gospel, the charism of an institute and contemporary times. *Optatam totius* 6, 9, and 11 affirm and encourage reliance on sound psychology and the behavioral sciences for the formation of candidates to clerical institutes.

During and after the council, the Holy See recognized the need to grant special faculties not only to diocesan bishops, but also to the highest superiors in religious institutes. It issued three decrees granting special faculties to superiors general of pontifical religious institutes and abbots president of monastic congregations. In 1964, the Papal Secretariat of State issued *Cum admotae*, granting faculties to major superiors of clerical institutes to dispense men of non-Catholic parents from the impediment to sacred Orders. These major superiors also had the faculties to dispense candidates from the impediments of adherence to non-Catholic sects and from illegitimate birth, not however, if the latter was due to sacrilegious or adulterous unions. In 1970, the Sacred Congregation for Religious and Secular Institutes issued *Ad instituenda experimenta* calling for greater equality between *conversi* and clerics in religious institutes. The document encouraged superiors and formators to focus on the gifts and potential of candidates for enriching the spirit and life of the institute.

Post-conciliar documents other than a grant of faculties applied conciliar teachings in several instances. In 1966 Pope Paul VI issued *Ecclesiae Sanctae II*, a motu proprio, encouraging emphasis on the nature and character of each institute. A year later, the same pope issued the Encyclical *Sacerdotalis caelibatus* exhorting formators of seminarians to employ behavioral sciences in evaluating candidates for Orders, and to formulate instructions on living chaste, celibate lives. The Sacred

Congregation for Religious and Secular Institutes issued the Instruction *Renovationis causam* in 1969, encouraging appropriate psychological testing and a preparatory period for evaluating the maturity of candidates prior to admission to the novitiate. In the same year, this congregation issued *Clericalia instituta* calling for equality between lay and clerical members in religious institutes, particularly in councils and chapters, with lay members having active and limited passive voice in chapters of the institute.²⁸² In 1971 Paul VI issued *Evangelica testificatio* addressing the uniqueness of the charism of each institute and the theology of the evangelical counsels. The document counseled religious to resist secularization prevalent in many contemporary cultures.

Post-conciliar teachings proved indispensable during the code revision process. In 1969, the *coetus* on consecrated life addressed six proposed canons on admission to a religious institute (i.e., the novitiate). These canons reflected the greater role the institutes were to have in their proper law regarding the admission of candidates and the formation of members. The *coetus* reduced invalidating impediments, leaving others to the proper law of institutes. The revised norms encouraged reliance on experts and psychological testing rather than testimonial letters. Both the 1977 and 1980 *schemata* were significantly revised due to the labors of the *coetus*, the observations of the consultative bodies, and the work of the secretariat. Finally, Pope John Paul II reviewed the 1982 *Schema*, making minor revisions with the assistance of selected canonists. On January 25, 1983, the same pope promulgated the 1983 *Code of Canon Law* for the universal Church. Chapter three will address norms on admission to clerical religious in the revised code as well as sections of post-codal documents pertinent to the topic.

²⁸² Lay members of clerical institutes could be elected councilors but not major superiors.

Chapter III

IUS VIGENS REGARDING ADMISSION TO MALE RELIGIOUS INSTITUTES

Introduction

John Paul II promulgated the 1983 code on January 25, 1983, the twenty-fifth anniversary of Pope John XXIII's decision to revise its 1917 predecessor.¹ The code became effective on November 27, 1983. It addresses those assuming the evangelical counsels of poverty, chastity, and obedience by sacred bond or public vow, living life in common and sharing apostolic or missionary work in part three of Book II, The People of God, canons 573-746.² These institutes of consecrated life do not belong to the hierarchical structure of the Church, but are gifts of the spirit and belong inextricably to its life and holiness (c. 207 §2).

Chapter three aims to study the revised norms on admission to the novitiate in the 1983 code, to review the post-codal documents on admission, and to highlight special issues on admission not fully addressed in the norms and which require attention in the proper law of the religious institute. Therefore the chapter contains three parts. Part one addresses canons 597 and 641-645 regarding admission to the novitiate. Canon 597, the introductory canon, deals with the call to consecrated life, the qualities necessary for candidates in universal and proper law, and the suitable preparation needed prior to entrance. Canon 641 concerns the competent person to admit

¹ John Paul II, Apostolic Constitution *Sacrae Disciplinae Leges*, January 25, 1983: *AAS* 75 II (1983) 7-14; English translation from *Code of Canon Law, Latin-English Edition: New English Translation* (Washington, DC: CLSA, 1983) (hereafter *Code of Canon Law: New English Translation*), xxvii-xxxii.

² Rose McDermott, "Institutes of Consecrated Life and Societies of Apostolic Life," in *New Commentary on the Code of Canon Law*, ed. John P. Beal et al. (New York/Mahwah, NJ: Paulist Press, 2000) (hereafter *New Commentary*) 741.

candidates. Canon 642 provides the requirements for candidates for admission, including required age, health, suitable character, and sufficient qualities of maturity to embrace the proper life of the institute. Canon 643 states the invalidating impediments to entrance to the novitiate, and canon 644 includes impeding impediments. Finally, canon 645 presents other prerequisites necessary to establish the suitability of candidates.

Part two studies several papal and dicasterial documents on the issue of admission of candidates to religious life. It includes ten documents and one symposium: three apostolic exhortations of John Paul II, three instructions from the Congregation for Consecrated Life, three instructions from the Congregation for Catholic Education, and a circular letter and symposium from the Congregation for the Doctrine of the Faith. These ten documents and the symposium reflect ongoing papal and curial concern for the admission of suitable candidates for clerical religious life over the thirty years following the promulgation of the Code of Canon Law.

Part three explores select and at times controversial issues in admitting candidates to the novitiate. These include: 1) age; 2) candidates with decrees of annulment; 3) candidates from other cultures; and 4) candidates testing positive with HIV/AIDS.

I. Canons on Admission to the Novitiate

A. Canon 597 – General Requirements for Admission

Canon 597 states:

§1. Any Catholic endowed with a right intention who has the qualities required by universal and proper law and who is not prevented by any impediment can be admitted into an institute of consecrated life.

§2. No one can be admitted without suitable preparation.³

The canon, like its predecessor canon 538 of the 1917 code, summarizes the essential requirements for admission into an institute of consecrated life. The code situates this norm within those common to all institutes of consecrated life, applying it to both institutes of consecrated life and societies of apostolic life (c. 732). Due to notable distinctions, the revised code contains fewer norms applicable to all institutes of consecrated life than the 1977 *Schema*.

Admission to institutes of consecrated life should not be confused with incorporation in the institute.⁴ Incorporation varies with the particular form of consecrated life; incorporation begins with the profession of the evangelical counsels in religious institutes.⁵ Admission is the first step towards incorporation in a religious institute.

1. Catholic

Only a Catholic can enter an institute of consecrated life. Pursuant to canon 205, the candidate for admission to an institute of consecrated life must be baptized a Catholic or received into the Catholic Church, and in full communion through the profession of faith, the sacraments, and ecclesiastical governance⁶ Since institutes of consecrated life are dedicated to the service of the

³ *Codex Iuris Canonici auctoritate Ioannis Pauli PP. II promulgatus* (Vatican City: Libreria Editrice Vaticana, 1983) (hereafter 1983 code) c. 597: “§1. In vitae consecratae institutum admitti potest quilibet catholicus, recta intentione praeditus, qui qualitates habeat iure universali et proprio requisitas nulloque detineatur impedimento.

§2. Nemo admitti potest sine congrua praeparatione.” English translation from *Code of Canon Law: New English Translation*. All subsequent English translation of canons from this code will be taken from this source unless otherwise indicated.

⁴ Silvia Recchi, “Norme comuni a tutti gli istituti di vita consecrata,” in *Codice di Diritto Canonico Commentato* (Milan: Ancora Editrice, 2009) 525.

⁵ Ibid.

⁶ Rose McDermott, “Norms Common to All Institutes of Common Life,” in *New Commentary*, 763.

Church, they are subject to the supreme authority of the Church; candidates for admission to the consecrated life must understand and embrace this value.⁷ Likewise, they must provide proof of their faith through certificates of baptism and confirmation.⁸

Catholics of Eastern churches *sui iuris* requesting admission to a religious institute of the Latin Church may be licitly admitted with permission of the Apostolic See. *The Code of Canons of the Eastern Churches* governs this procedure known as accommodation.⁹ In the event that the person receiving accommodation leaves the institute, he returns to the *sui iuris* church of his baptism. In other words, the candidate remains ascribed to his church *sui iuris* while accommodating to the Latin church *sui iuris*.¹⁰

2. Right Intention

Right intention, as explored in the first chapter, refers to the motivating factors that lead a person to consecrated life in a particular institute.¹¹ McDermott states, “The ideal intent is to offer a total gift of oneself in service to God and others in accord with the spirit and mission of the institute.”¹² While not everyone reaches this ideal, the candidate should at least show the attributes

⁷ Velasio De Paolis, *La Vita Consacrata nella Chiesa*, Edizione rivista e ampliata a cura di Vincenzo Mosca (Venice: Marcianum Press, 2010) 260; 1983 code c. 590 §1: “Instituta vitae consecratae, utpote ad Dei totiusque Ecclesiae servitium speciali modo dicata, supremae eiusdem auctoritati peculiari rationi subduntur.”

⁸ 1983 code c. 645 §1 states this requirement for admission to the novitiate of religious institutes.

⁹ *Codex Canonum Ecclesiarum Orientalium auctoritate Ioannis Pauli PP. II promulgatus* (Vatican City: Libreria Editrice Vaticana, 1990) (hereafter CCEO) cc. 451 and 517 §2.

¹⁰ Jobe Abbass, “The Admission of Eastern Catholics to the Novitiate of Latin Religious Institutes,” *Studia Canonica* 36 (2002) 295. Should an indult of accommodation be granted, canon 28 §1 of the Eastern code continues to oblige the candidate to acquire knowledge and practice in his own rite.

¹¹ McDermott, “Norms Common to All Institutes of Common Life,” 763.

¹² *Ibid.*

of a person about to devote his life to the service of others.¹³

Regarding right intention, Gallen states, “The primary explicit or implicit motive of the candidate must be to strive for the perfection of charity through the observance of the evangelical counsels, the life, and the constitutions of the particular institute.”¹⁴ The motivation may be explicit or implicit; the candidate may not possess the ability to analyze his motivations.¹⁵

Human motivations do not suffice. Examples of human motivations include: the desire for respect, seeking to escape some personal or family responsibility, or the desire for financial or emotional security.¹⁶ Crisantiello warns of factors indicating “nonspiritual attraction:” personal susceptibility, inclination or predisposition to a sense of superiority or uniqueness, fear or avoidance of relating to the opposite sex, choosing same-sex relationships, financial security, avoidance of the competitive work environment, and withdrawal from the demands of human relationships.¹⁷ If negative motivations are present but are not the primary motivating factors, the candidate may still possess right intention. The candidate’s right intention must be firm and it must perdure over time. If the candidate has periods of waning enthusiasm or sporadic intention, this may be an indication that right intention is lacking.¹⁸

¹³ Ibid.

¹⁴ Joseph Gallen, *Canon Law for Religious: An Explanation* (New York: Alba House, 1983) 112.

¹⁵ Joseph Khoury, “Normae Communes Omnibus Institutis Vitae Consecratae,” in *Commento al Codice di Diritto Canonico*, ed. Pio Pinto (Vatican City: Libreria Editrice Vaticana, 2001) 361.

¹⁶ Gallen, 113.

¹⁷ Phillip Crisantiello, “Psychological Factors in Vocational Choice,” *Human Development* 16 (1995) 29-30.

¹⁸ Gallen, 114.

Chapter two noted that the term “divine vocation” is not explicit in canon 597 due to theological intricacies that are not external and verifiable. However, a divine vocation proper to the institute describes the goal of the novitiate in canon 646. In collaboration with the novitiate director, the candidate responds to the grace of his vocation.¹⁹ The notion of divine vocation relates to right intention, and the external signs of a divine vocation must be evaluated. Gambari notes that discernment of a vocation requires the assistance of experienced persons who can journey with the one discerning.²⁰

Within the context of discernment the candidate and designated person of the religious institute evaluate external signs of the divine vocation. Gambari writes:

These signs – among others – are: the sense of intimate presence of God; a desire for a deeper prayer life; adherence to the person of Christ and the following of him; a deep sense of the Church; disinterested desire and capacity of giving oneself to others; sensitivity to the needs of the world; the will and the courage to strain forward in response to the radicality of the Gospel, overcoming ever-present difficulties; a deep interior enthusiasm for the religious life in all it signifies, and therefore enjoyment of life in community and simple personal relations; readiness to take part in an effort for authentic renewal and docility to the leadership of those responsible.²¹

The spiritual director and the formator assist the candidate in emotional, spiritual, intellectual and moral growth.²² Not only are they to enable the candidate to become aware of his motivations and intention, but they must judge whether the candidate has the potential for further growth in these

¹⁹ Tomás Rincón-Pérez, “Admission to an Institute of Consecrated Life,” in *Exegetical Commentary on the Code of Canon Law*, English language ed. Ernest Caparros et al. 5 vols. (Chicago and Montreal: Midwest Theological Forum and Wilson and Lafleur, 2004) (hereafter *Exegetical Commentary*) 2/2: 1550.

²⁰ Gambari, *Religious Life*, 234.

²¹ *Ibid.*, 235.

²² *Ibid.*

same areas.²³

3. Qualities in Law

Both the former and current canons state that the candidate must possess the ability to undertake the obligations of the institute. The current law refers to the qualities required in both universal law and the proper law. *Lumen gentium* emphasizes the role of the religious institute in determining the contents of its proper law. The universal law for admission to the novitiate of religious institutes is found in canons 641-645. In addition, any norms promulgated by the Holy See subsequent to the promulgation of the 1983 code apply. Williamson opines, “While indicating that a person with these qualities may be admitted to the institute, the canon does not give rise to a right to be admitted . . . there is a right to admit but not a right to be admitted.”²⁴

4. No Impediments

Consistent with the former law, the introductory canon on admission states that one who is not prevented by any impediment can be admitted to an institute of consecrated life. The five invalidating impediments for admission to religious institutes are described in canon 643 §1: 1) not having reached the age of 17; 2) having a spouse; 3) being bound by a sacred bond in an institute of consecrated life or incorporation in a society of apostolic life; 4) entering an institute out of fraud, grave fear, or malice or the admitting superior induced in the same way; and 5) concealing incorporation in some institute of consecrated life or society of apostolic life. Proper law can establish other invalidating impediments.²⁵ While not explicit, canon 597 §1 seems to include both

²³ Ibid.

²⁴ Enid Williamson, “Norms Common to All Institutes of Consecrated Life,” in *The Canon Law: Letter and Spirit*, ed. Gerard Sheehy et al. (Collegeville, MN: Liturgical Press, 1995) (hereafter *Letter and Spirit*) 329.

²⁵ 1983 code c. 643 §2.

invalidating and impeding or prohibiting impediments.²⁶ The impeding impediments for admission to religious institutes found in canon 644 address secular clerics without consulting their proper ordinary, and those burdened by debts they cannot repay.

5. Suitable Preparation

Paragraph two of canon 597 demands suitable preparation prior to entrance to the institute, but does not explain what suitable preparation means. This represents a departure from the 1917 code. While the 1917 code had three canons on the postulancy,²⁷ there is no mention of postulancy in the 1983 code. The proper law provides a period of preparation, or postulancy²⁸ to ensure this suitable preparation.²⁹ The character and charism of each institute guide this preparation.³⁰ However, the needs of the candidate must be considered as well.³¹ The requirement for suitable preparation is mutually beneficial to the candidate and the institute of consecrated life.³² Gambari notes that any deficiencies in this stage of preparation would negatively affect the individual in subsequent stages of formation.³³

²⁶ De Paolis, *La Vita Consacrata nella Chiesa*, 261.

²⁷ These canons did not apply to clerical religious.

²⁸ The term postulancy will be used to refer to the period of preparation for the novitiate, although the terms aspirancy, candidacy, and postulancy all refer to those aspiring to, but not yet admitted to an institute of consecrated life (c. 597 §2).

²⁹ McDermott, “Norms Common to All Institutes of Consecrated Life,” 764.

³⁰ Luigi Sabbarese, *L’Amissione Negli Istituti Religiosi: Cenni Storici, Ricerca delle Fonti e Legislazione Vigente* (Parma: Tipolitografia Benedettina Editrice, 1994) 145.

³¹ McDermott, “Norms Common to All Institutes of Consecrated Life,” 764.

³² Domingo Andrés, *El Derecho de los Religiosos: Commentario al Código*, 3rd ed. (Madrid: Publicaciones Claretianas y Commentarium Pro Religiosis, 1984) 31.

³³ Elio Gambari, *I Religiosi nel Codice: Commento ai Singoli Canoni* (Milan: Editrice Ancora Milano, 1986) 85 (hereafter *I Religiosi nel Codice*).

Suitable preparation can be done either in a house of the institute, another appointed house, or in another environment, including, but not limited to, the family home, while attending school, or while living on his own.³⁴ Regardless of the place of the preparation, there should be a religious of the institute responsible for preparing and assisting the candidate or postulant in discerning his vocation.³⁵

The length and content of the preparation are also left to the proper law. This also should be determined by the institute's nature and charism.³⁶ McDermott writes, "Christian principles, a deeper knowledge of Christ, liturgical prayer, and the spiritual tradition of the institute should be included in this important time of preparation."³⁷ *Renovationis causam* cites admission to the novitiate without the required maturity as the most significant reason for problems with the formation of religious.³⁸ Accordingly, formators and the candidates must address maturity in preparation for the novitiate, and candidates must demonstrate that they have the capacity for further growth.³⁹

B. Canon 641 – Competent Superiors to Admit

³⁴ Gambari, *Religious Life*, 234.

³⁵ Ibid., 235.

³⁶ McDermott, "Norms Common to All Institutes of Consecrated Life," 764.

³⁷ Ibid.

³⁸ *Renovationis causam*, 4, *AAS* 61 (1969) 107; *CLD* 7:494.

³⁹ Rincón-Pérez, "Admission to an Institute of Consecrated Life," 1551.

Canon 641 states, “The right to admit candidates to the novitiate belongs to major superiors according to the norm of proper law.”⁴⁰ The canon addresses the practical consideration of the one responsible for admitting candidates to the novitiate. The proper law is to address which major superior admits. While similar to the former canon, canon 543 of the 1917 code, this norm does not require a vote of the council or chapter and reflects the principle of subsidiarity in leaving particulars to proper law. At the same time, there is some risk that proper law may neglect to define these particulars.

1. Major Superiors

As stated previously, religious life begins with the novitiate. Admitting a candidate is therefore an important decision for the candidate, the institute, and the Church.⁴¹ Canon 641 only partially answers who makes this important decision. It states that major superiors are to admit candidate according to the norm of proper law. The proper law governs which major superior validly admits to the novitiate.⁴² In some institutes this will be the general superior and in others, the provincial superior.⁴³

Pursuant to canon 620, major superiors capable of admitting to the novitiate include vicars general or vicars provincial.⁴⁴ Canon 620 states, “Those who govern an entire institute, a province of an institute or part equivalent to a province, or an autonomous house, as well as their vicars, are

⁴⁰ 1983 code c.641: “Ius candidatos admittendi ad novitiatum pertinet ad Superiores maiores ad normam iuris proprii.”

⁴¹ Rosemary Smith, “Admission to the Novitiate,” in *New Commentary*, 806.

⁴² Ibid.

⁴³ Gambari, *I Religiosi nel Codice*, 215.

⁴⁴ Domingo Andrés, “Admission to the Novitiate,” in *Exegetical Commentary*, 2/2: 1694.

major superiors.”⁴⁵ The size of the institute, whether it is of pontifical right or diocesan right, and its charism are relevant for determining which superior admits candidates. Vicars general and vicars provincial can be given the role of admitting them when the superior general or provincial minister is impeded or unable to fulfill the function.

2. According to Proper Law

Proper law identifies the admitting major superior and dictates the observance of other formalities. Smith writes, “The proper law of each institute indicates whether a vote of the council, deliberative or consultative, is necessary prior to the major superior’s admission of a candidate.”⁴⁶ Canon 627 §2 states, “In addition to the cases prescribed in universal law, proper law is to determine the cases which require consent or counsel to act validly; such consent or counsel must be obtained according to the norm of canon 127.”⁴⁷

When the proper law requires the consent of the council, the major superior invalidly admits candidates when he does not seek the consent or receive an absolute majority of those present.⁴⁸ Where the proper law requires the counsel of the general or provincial council, the major superior invalidly admits candidates when he fails to convoke and hear the council.⁴⁹ The major superior may accept a candidate contrary to the unanimous opinion of the council. However, to act contrary to the opinion of the council, especially if unanimous, the major superior must have an

⁴⁵ 1983 code c. 620: “Superiores maiores sunt, qui totum regunt institutum, vel eius provinciam, vel partem eidem equiparatam, vel domum sui iuris, itemque eorum vicarii.”

⁴⁶ Ibid.

⁴⁷ 1983 code c. 627 §2: “Praeter casus in iure universali praescriptos, ius proprium determinet casus in quibus consensus vel consilium ad valide agendum requiratur ad normam can. 127 exquirendum.”

⁴⁸ 1983 code c. 127 §§1 & 2. This canon requires convocation of the council according to the norm of c. 166.

⁴⁹ 1983 code c. 127 §2.

overriding reason.⁵⁰ It is for proper law to determine the circumstances for a vicar to admit candidates, rather than the general or provincial superior. This would have implications for obtaining the consent or counsel of the council and proper law must explicitly state how to substitute for the major superior.⁵¹

Proper law identifies the appropriate major superior to admit candidates to the novitiate. It details whether the major superior must receive the consent of the council or hear the council and should address all of the other details, including convocation, whether a vicar can make the decision in the absence of the major superior, and whether there are other methods of voting or providing counsel. While not advisable, it is possible for proper law to allow the major superior to admit candidates on his own without the consent or advice of his council.⁵²

C. Canon 642 – Specific Requirements for Admission

Canon 642 states:

With vigilant care, superiors are only to admit those who, besides the required age, have the health, suitable character, and sufficient qualities of maturity to embrace the proper life of the institute. This health, character, and maturity are to be verified even by using experts, if necessary, without prejudice to the prescript of can. 220.⁵³

⁵⁰ 1983 code c. 127 §2, 2°.

⁵¹ Andrés, “Admission to the Novitiate,” 1694.

⁵² De Paolis, *La Vita Consacrata nella Chiesa*, 450. It appears that the major superior would alone be the admitting superior without the consent or advice of his council should proper law be silent on the question. However, it is advisable for the major superior to consult his council, even if the proper law is silent.

⁵³ 1983 code c. 642: “Superiores vigilanti cura eos tantum admittant qui, praeter aetatem requisitam, habeant valetudinem, aptam indolem et sufficientes maturitatis qualitates ad vitam instituti propriam amplectendam; quae valetudo, indoles et maturitas comprobentur adhibitis etiam, si opus fuerit, peritis, firmo praescripto can. 220.”

The canon is almost identical to canon 642 of the 1982 *Schema*,⁵⁴ however, the last phrase of canon 642, “without prejudice to the prescript of can. 220,” has replaced “with due regard for the inviolable right to personal privacy.”⁵⁵

Canon 642 summarizes qualities for admission. The canon as well as the *fontes* focus on the suitability of the candidate. In the examination of the candidate, there must be attention to the divine vocation and the right intention required by canon 597.⁵⁶ In the period of preparation for the novitiate superiors and formators are to test the vocation and verify the qualities mentioned in canon 642. This canon exhorts the vigilant care of superiors when admitting candidates to the novitiate.⁵⁷ Andrés writes, “The vigilance of superiors to exclude appears in the text as a severe and grave precept, explicable by the avoidable risks . . . as well as by the real difficulty of verifying the qualities of health, suitable character, and maturity.”⁵⁸ The vigilant care regards ensuring the four qualities mentioned in the canon: age, health, suitable character and sufficient qualities of maturity.

1. Age

Candidates for admission to the novitiate must have the required age. 643 §1, 1° requires the completion of seventeen years. To prove age, the common societal methods suffice, e.g., a birth certificate, baptismal certificate, or a passport.⁵⁹ The age required is for entrance to the novitiate,

⁵⁴ Pontificia Commissio Codici Iuris Canonici Recognoscendo, *Codex Iuris Canonici: Schema Novissimum Iuxta Placita Patru Commissionis Emendatum Atque Summo Pontifici Praesentatum* (Vatican City: Typis Polygottis Vaticanis, 1982).

⁵⁵ 1982 *Schema* c. 568: “salvo iure inviolabili personae ad propriam intimitatem tuendam.”

⁵⁶ Sabbarese, 149.

⁵⁷ Smith, “Admission to the Novitiate,” 807.

⁵⁸ Andrés, “Admission to the Novitiate,” 1696.

⁵⁹ Andrés, *Derecho de los Religiosos*, 258.

and does not prevent someone younger from being a postulant or receiving some other suitable preparation. For the purposes of this canon age is associated with maturity, but individuals and societies differ as to when an individual reaches sufficient maturity.⁶⁰ The canon sets a minimum but not a maximum age.

2. Health

Canon 642 requires the candidate have the health to embrace the proper life of the institute. There are three components to health; spiritual, psychological, and physical. These are to be verified by experts if necessary. The canon directs admitting superiors to look at the whole person in evaluating the candidate.⁶¹

a. Spiritual Health

Canon 642 requires the candidate have the spiritual health to embrace the proper life of the institute. Religious institutes vary in the demands of prayer life. Some place greater emphasis on contemplation; others emphasize balancing prayer and the apostolate of the institute.⁶² A healthy spiritual life is the foundation of a vocation to religious life.⁶³ Markham writes, “A strong reliance on God enables healthy ministers to rely also on companions in the difficult search for a true and loving response to the signs of these our times.”⁶⁴ The postulancy or preparatory period should foster spiritual growth and offer a systematic program of the theology of the mysteries of Christ and

⁶⁰ Ibid., 258-259.

⁶¹ Ibid., 259.

⁶² Ibid.

⁶³ Donna Markham, “Fire and Flame, Purification and Vocation,” *Review for Religious* 61 (2002) 457.

⁶⁴ Ibid., 458.

the Church, the nature of the sacraments, and the spirituality of the religious institute.⁶⁵ Such programs assist the candidate in developing an interior prayer life grounded in the faith.⁶⁶

The assessment must be with a mind to the profession of vows and total consecration.⁶⁷

Gambari writes:

Consecration expresses the dynamic and religious aspect of belonging entirely to God . . . Total consecration to God is the result of a threefold dimension: the first is ascetical – detachment or breaking away from creatures; the second dimension is mystical – an entire cleaving to God; the third dimension is apostolic and leads back to mankind. The result of these movements is the unity of an undivided life hinged upon God.⁶⁸

The mystical element of consecration requires spiritual health and growth. McDonough notes, “Formation looks to the development of the whole person in human and Christian virtues (c. 652). Those who govern are obliged to care for the whole person – physically, spiritually, and emotionally (c. 619).”⁶⁹

The formation of the whole person begins in the postulancy and the candidates must indicate that they are taking their prayer life seriously and growing spiritually. While difficult to verify, spiritual health requires that the candidate receive regular and serious spiritual direction from a trained spiritual director.⁷⁰ The psychological sciences foster human formation and may be helpful

⁶⁵ Giuliana Accornero, *La Formazione alla Vita Religiosa: Negli Istituti Femminili Di Voti Semplici Secondo La Legislazione Postconciliare* (Roma: Libreria Ateneo Salesiano, 1981) 165.

⁶⁶ Ibid.

⁶⁷ Elizabeth McDonough, *Religious in the 1983 Code: New Approaches to the New Law* (Chicago: Franciscan Herald Press, 1985) 36 (hereafter *Religious in the 1983 Code*).

⁶⁸ Elio Gambari, *Religious Life: According to Vatican II and the New Code of Canon Law*, English edition, trans. Daughters of St. Paul (Boston: Daughters of St. Paul, 1986) 91.

⁶⁹ McDonough, *Religious in the 1983 Code*, 36.

⁷⁰ Markham, 460.

in indicating spiritual health.⁷¹ Other indicators of spiritual health include: daily prayer, involvement in the prayer life of the community during the postulancy or preparatory period, involvement in the life of a parish, regular participation in the Eucharist and the Sacrament of Penance, and the willingness of the candidate to share his faith with others.⁷² Spiritual health develops from solid grounding in the Catholic heritage from the family and extended practice of the faith by Catholics or converts.⁷³

Spiritual health and maturity have been associated with life satisfaction.⁷⁴ Spiritual immaturity or lack of requisite spiritual health may manifest itself in rigidity. The rigid candidate may criticize the institute for insufficient orthodoxy or zeal.⁷⁵ He may spend an inordinate amount of time evaluating others' devotion and faithfulness to Church teaching, rather than concentrating on his own growth.⁷⁶ Candidates that are dour, overly serious, or unhappy may not have the necessary spiritual health for entrance into the novitiate.⁷⁷

The spiritual health necessary to embrace the proper life of the institute is an essential element of the broader category of health. The inner life of the candidate forms the basis for a

⁷¹ Michael Miller, "The Church and the Role of Psychology," in *The Inner Life of Priests*, eds. Gerard McGlone and Len Sperry (Collegeville, MN: Liturgical Press, 2012) 52 (hereafter *The Inner Life of Priests*).

⁷² Len Sperry, "Assessing the Journey Within," in *The Inner Life of Priests*, 106.

⁷³ Gerald Coleman and Roger Freed, "Assessing Seminary Candidates," *Human Development* 21 (1999) 20. As noted in chapter two, the 1977 *Schema* contained a provision prohibiting admission to recent converts until their constancy had been established. The current law is silent on the question and therefore this matter should be addressed in the proper law.

⁷⁴ James Froelich, et al. "Spiritual Maturity and Social Support in a National Study of a Male Religious Order," *Pastoral Psychology*, 54 (2006) 475.

⁷⁵ Ibid.

⁷⁶ Ibid.

⁷⁷ Coleman and Freed, 15.

vocation to religious life and is complementary to psychological and physical health. It is also closely linked to maturity and suitable character. Together they contribute to the formation of the whole human person in a total consecration to God.

b. Psychological Health

Psychological health constitutes the second component of general health of a candidate. The postulancy assists in determining whether the candidate possesses the psychological health to embrace the proper life of the institute.⁷⁸ Psychological health includes the candidate's emotional and mental well-being.⁷⁹ Personal eccentricities in and of themselves may or may not indicate ill psychological health.

Psychological health develops in conjunction with spiritual and physical health, affective maturity, and character. It consists of a healthy balance of the capacities of the candidate as a human person, including: emotional and mental intelligence, free will and moral judgment.⁸⁰ Andrés states that assessments of the candidate's psychological and physical health to embrace the proper life of the institute should include:

1) absence of disease that may obstruct community life and ministry; 2) possession of a healthy vitality, general physical and psychic well-being, without trauma or damage, that are sufficient to face the burdens of religious life; 3) having such health at the time of admission. It is of no consequence that they have had prior diseases, or that they may arise later, as normal health and the extirpation of these diseases are sufficient; in fact, some diseases are provided by c. 689 §2.⁸¹

⁷⁸ Smith, "Admission to the Novitiate," 807.

⁷⁹ Domingo Andrés, "Canon 642," in *Exegetical Commentary*, 1696.

⁸⁰ Sabbarese, 151.

⁸¹ "1) Ausencia de enfermedades, que obstaculizaron la vida comunitaria y el ministerio; 2) posesión de un tono vital medio sano y alto, de general bienestar físico y psíquico, que permita afrontar, sin traumas ni perjuicios propios, las cargas de la vida religiosa; 3) poseer dicha salud en el momento de la admisión. No importa que se hayan tenido antes enfermedades, ni que puedan sobrevenir después, ya que las garantías y

Canon 689 §2 addresses illnesses, physical or psychic which render a member of a religious institute in temporary vows unsuited to lead the life of the institute. Such an illness constitutes a cause for not admitting the member to renewal of profession or perpetual profession, unless the member contracts the disease due to the institute's negligence or through work in the institute.

Many forms of mental illness are incurable and some forms do not fully manifest themselves until a more mature age.⁸² Because of a lack of vocations, superiors may overlook weaknesses and signs of psychological irregularities in young candidates. They focus on their strong qualities.⁸³ While it may be comforting to have vocations to the institute, both the individual and the institute eventually suffer.⁸⁴

While not mandatory, the use of experts in verifying psychological health may be necessary or prudent. Experts must be chosen with great care. In addition to being truly expert in their field, they should be knowledgeable and respectful of the teachings of the Catholic faith and religious life.⁸⁵ With regard to the testing or examination itself, the experience can be an anxious one for the candidate. Ortiz and McGlone write:

Some examinees may be wary that the psychologist will probe their innermost sense of self and deeply personal experiences. Studies have shown that social desirability, which motivates examinees to intentionally portray themselves in an overly virtuous way during the

cuidados normales per la extirpación de estas resultan suficientes; de hecho, algunas enfermedades son previstas por el c. 689, 2.” Andrés, *Derecho de los Religiosos*, 259-260.

⁸² Ibid.

⁸³ Jesús Torres, “Ammisione dei Candidati e Formazione dei Membri,” *Commentarium Pro Religiosis et Missionariis* 94 (2013) 131 (hereafter “Ammisione dei Candidati”).

⁸⁴ Ibid.

⁸⁵ Smith, “Admission to the Novitiate,” 807.

assessment process, may invalidate or at least diminish the validity, reliability, and predictive value of psychological findings.⁸⁶

Because of this, psychologists should develop a rapport with the candidate prior to any evaluation or study of the data collected.⁸⁷ Other similar considerations dictate that the psychologist has familiarity and knowledge of the culture of the candidate.⁸⁸

The use of experts in determining the psychological health of the candidate should not simply be diagnostic, but assist the religious institute and the individual in determining the candidate's vocation.⁸⁹ In making a recommendation about the candidate, the psychologist should consider: the candidate's ego strength, emotional maturity and stability, happiness, and receptivity to the findings of the assessment.⁹⁰ Although the psychologist assists the admitting superior, the superior determines whether the candidate has the required psychological health for admission.⁹¹

c. Physical Health

Canon 642 requires the candidate have the physical health to embrace the proper life of the institute. In verifying the qualities of physical health, Smith states:

Signed release forms allow the results of such tests to be shared with the responsible superior in the institute. Many institutes require applicants to present various medical evaluations including dental, ocular, and general physical, often using a reporting format supplied by the institute. Medical advances which now enable the detection of the HIV infection, chronic or debilitating diseases, and certain genetic predispositions present difficult

⁸⁶ Fernando Ortiz and Gerard McGlone, "The Inner Life of Priests: A Model in the Journey of Holiness and Wholeness," in *The Inner Life of Priests*, 19 (hereafter Ortiz and McGlone, "The Inner Life of Priests").

⁸⁷ Ibid.

⁸⁸ Ortiz and McGlone, "The Inner Life of Priests," 19-20.

⁸⁹ Victor George D'Souza, "The Right to Privacy of Candidates to Priesthood and Religious Life," *Studies in Church Law* 2 (2006) 157.

⁹⁰ Ibid., 20.

⁹¹ De Paolis, 450.

moral issues to those charged with drawing up admissions policies and recommending applicants.⁹²

Practical considerations accompanying whether the candidate has the physical health required to embrace the proper life of the institute include whether the institute can afford some of the long-term health costs associated with accepting certain candidates.⁹³ Unless they are chronic, prior physical illnesses cured or ended should not be obstacles to admission.⁹⁴ The apostolate of the institute must be taken into account in considering the candidate's physical health.⁹⁵ Some apostolates may require more robust physical health. For example, missionaries travelling to developing countries expose themselves to greater risk of illness or disease.

Canon 642 requires candidates to have the spiritual, psychological, and physical health to embrace the proper life of the institute. All three elements are to be verified using experts, if necessary. In most cases it is advisable to use experts, but the admitting superior makes the decision to admit or refuse admission. Health is inextricably linked to both the suitable character and the maturity of the candidate.

3. Character

Canon 642 requires that candidates have the suitable character to embrace the proper life of the institute. Andrés writes, "The suitable character of the candidate, required by religious ideals and values, is a symbiosis of character, temperament, and personality, in which are found a concept of

⁹² Smith, "Admission to the Novitiate," 807. The issue of admitting candidates testing positive for HIV will be addressed in part three of this chapter.

⁹³ Ibid.

⁹⁴ Andrés, "Canon 642," 1697. Unless such illness is a recurring type.

⁹⁵ Torres, "Ammisione dei Candidati," 130.

organization, integration, dynamic interaction, and differentiation.”⁹⁶ Character includes the uniqueness of the individual, the stable and constant aspects of his being allowing him to make sense of the world.⁹⁷ Temperament is the integration of the individual’s natural disposition and the external manifestation of this disposition as expressed in his day to day conduct.⁹⁸ Personality is the total system of the relatively unchanging tendencies, both physical and mental, that determine his typical reactions to his environment.

Elements of suitable character include: humility, kindness, docility to the Holy Spirit and to religious superiors, love for the Church, the faith, and religious life.⁹⁹ Suitable character enables one to embrace communal living, fruitful prayer and contemplation, a celibate lifestyle, and a deep relationship with God.¹⁰⁰ A capacity for empathy resonates with a suitable character.¹⁰¹ Empathy, Greer writes, “[is] the ability to put yourself in another person’s shoes and imagine what his or her feelings and reactions would be in a given situation.”¹⁰² Superiors must distinguish a candidate’s empathy from over identification with the suffering or the feelings of others.¹⁰³

An important aspect of suitable character is self-control. Sperry writes:

Self-control is the capacity for modifying one’s responses to conform with ideals, values, morals, and social expectations, and to achieve long-term goals . . . High self-control is associated with better physical health, lower rates of obesity, and emotional stability.

⁹⁶ Andrés, “Canon 642,” 1697.

⁹⁷ Andrés, *Derecho de los Religiosos*, 260.

⁹⁸ Ibid.

⁹⁹ Ibid.

¹⁰⁰ Torres, “Ammisione dei Candidati,” 131-132.

¹⁰¹ Joanne Marie Greer, “Vocational Assessment,” *Human Development* 20 (1999) 31. Empathy is also an element of psychological health and affective maturity.

¹⁰² Ibid.

¹⁰³ Ibid.

Accordingly, those with high self-esteem are less likely to experience anxiety and depressive systems or psychiatric conditions. In addition, they can form and maintain secure, satisfying attachment to others, and are better at empathizing and taking on another's frame of reference.¹⁰⁴

Those with low self-control are prone to obesity, alcohol and drug abuse, criminal behavior, overspending, smoking, and acting out sexually.¹⁰⁵ Lack of self-control is also associated with difficulties with relationships, underachievement, and poor work performance.¹⁰⁶

The postulancy affords time to determine suitable character.¹⁰⁷ While suitable character may be verified using experts, long-term association between the candidate and members of the institute, interaction with the family of the candidate, and observation of the candidate living a religious lifestyle are the most effective means of determining suitability of character.¹⁰⁸ Denilson suggests that the Decalogue, as understood according to the *Catechism of the Catholic Church* (CCC),¹⁰⁹ can be a helpful tool in evaluating suitable character.

4. Maturity

Canon 642 requires sufficient qualities of maturity to embrace the proper life of the institute. Similar to the examination of suitable character, judging the maturity requires time and association with the candidate.¹¹⁰ Superiors, formators, and vocation directors should consider visiting the

¹⁰⁴ Len Sperry, "Assessing the Journey Within," 111.

¹⁰⁵ Ibid.

¹⁰⁶ Ibid.

¹⁰⁷ Andrés, "Canon 642," 1697.

¹⁰⁸ Smith, "Admission to the Novitiate," 807.

¹⁰⁹ Geraldo Denilson, "O Juízo do Superior Provincial para a Admissão ao Período Introdutório (Noviciado) Na Sociedade do Apostolado Católico (Palotinos)," *Commentarium Pro Religiosis et Missionariis*, 92 (2011) 327 (hereafter "Admissão ao Período Introdutório").

¹¹⁰ Ibid.

home of the candidate to meet the family.¹¹¹ They should observe how the candidate interacts with strangers, peers, and friends.

Superiors and formators must also evaluate intellectual maturity. Intellectual maturity is the capacity of the candidate to judge objectively and to discern prudently in light of his faith.¹¹² It includes the ability to think abstractly and to reason both inductively and deductively in order to arrive at decisions and solve problems.¹¹³ In this regard, candidates should provide their high school and college transcripts.

Affective maturity includes a capacity for self-awareness that grows over time.¹¹⁴ An indicator of this self-awareness is whether the candidate is able to take responsibility for his actions, rather than blaming external forces.¹¹⁵ Self-acceptance relates to self-awareness. Being comfortable with oneself and having love for oneself, despite acknowledged flaws and past failings, leads to self-esteem and enables a person to have healthy relationships with others.¹¹⁶ The qualities of self-acceptance and self-esteem allow a candidate to adapt to change, both in his own life and in others.¹¹⁷ As the candidate's affective maturity grows, so does his capacity to love and serve others.¹¹⁸

¹¹¹ Ibid.

¹¹² Gambari, *I Religiosi nel Codice*, 216.

¹¹³ Sperry, "Assessing the Journey Within," 113.

¹¹⁴ Kevin McClone, "Intimacy and Healthy Affective Maturity: Guidelines for Formation," *Human Development* 30 (2009) 6.

¹¹⁵ Ibid.

¹¹⁶ Ibid., 7-8.

¹¹⁷ Ibid., 9.

¹¹⁸ Ibid., 10.

Affective maturity is the capacity to control one's emotions and feelings and guide one's affections without retreating from community, as sometimes occurs in religious life.¹¹⁹ McGlone states, "Simply understood psychologically, it is the ability to know what one feels, express those feelings, and manage them appropriately through the psychological phases and/or stages from adolescence into adulthood."¹²⁰ In the postulancy the candidate studies the following areas: intimacy; social and interpersonal skills; anger and stress management; maintaining proper boundaries with members of the institute and persons in ministry; and spiritual exercises to develop discipline and healthy habits of prayer.¹²¹

The Program of Priestly Formation of the United States Conference of Catholic Bishops

(USCCB) defines a person of affective maturity as:

someone whose life of feelings is in balance and integrated into thought and values; in other words, a man of feelings who is not driven by them but freely lives his life enriched by them; this might be especially evidenced in his ability to live well with authority and in his ability to take direction from another, and to exercise authority well among his peers, as well as an ability to deal productively with conflict and stress.¹²²

The field of psychology emphasizes the link between affective maturity and the person's capacity for intimacy.¹²³ Intimacy is the ability to know and disclose one's self to others in a healthy manner.¹²⁴

Valcour writes, "A capacity for intimacy is a feature of psycho-sexual maturity. It presupposes autonomy. Losing oneself in another, as in infatuation . . . may be a kind of closeness but it is not

¹¹⁹ Gambari, *I Religiosi nel Codice*, 216.

¹²⁰ Gerard McGlone, "The Inner World of Today's Celibate," in *The Inner Life of Priests*, 85.

¹²¹ Ibid., 101.

¹²² United States Conference of Catholic Bishops, *Program of Priestly Formation*, 5th ed. (Washington, DC: United States Conference of Catholic Bishops, 2006) 31.

¹²³ Sperry, "Assessing the Journey Within," 112.

¹²⁴ Ibid.

intimacy”¹²⁵ Among the aspects of affective maturity is sexual awareness or psychosexual maturity.¹²⁶

A candidate’s psychosexual maturity can be judged by how appropriately he shares information about himself in a given situation or relationship. A candidate meeting someone for the first time should not offer intimate details of his life; however, he should be able to convey deeply personal aspects of his life with a trusted friend or spiritual director.¹²⁷ Valcour states, “The narcissist, and sometimes the very lonely, may talk endlessly about themselves but not show much willingness to listen.”¹²⁸ Psychosexual maturity also includes a correlative willingness to receive disclosures from others.¹²⁹

Admitting superiors or their delegates should interview candidates regarding their sexual maturity. Candidates should be asked about their sexual history. They should demonstrate an understanding of sexuality in general, as well as their own sexuality.¹³⁰ It is important to shed light on what candidates may regard as difficulties in living a chaste, celibate life.¹³¹ Often, however, these types of conversations are difficult and therefore avoided.¹³² Candidates should be asked about their

¹²⁵ Frank Valcour, “Psychosexual Maturity,” in *Psychology, Counseling, and the Seminarian*, ed. Robert Wister (Arlington, VA: National Catholic Educational Association, 1993) 18.

¹²⁶ McGlone, “The Inner World of Today’s Celibate,” 93.

¹²⁷ Ibid.

¹²⁸ Ibid., 19.

¹²⁹ Ibid.

¹³⁰ Chinyeaka Ezeani, “Religious Formation and the Integral Psychosexual Development of Candidates,” *Review for Religious* 70 (2011) 258.

¹³¹ Ibid.

¹³² Ibid., 259.

experience of masturbation.¹³³ There are many issues tied to this question. Sometimes it can be the source of shame and self-hatred.¹³⁴ Compulsive masturbation may be a sign of pathology, such as obsessive-compulsive disorder. Ezeani writes:

For many, masturbation may indicate other life issues that may have little or nothing to do with sexual gratification. For example, it could be a compensation for an experience of rejection (“I am self-sufficient”), a self-centered outlet (“I will not give in to anyone”), or as sign of a search for positive identity rendered precarious by some failure (“I am capable of . . .”).¹³⁵

Superiors and formators should also address the candidate’s use of technology to fulfill sexual interest or desire.¹³⁶ An excessive amount of time looking at pornographic images or videos can lead to a lack of concentration, and the proliferation of images in the mind of the candidate can be an obstacle to growth.¹³⁷ Candidates should be asked if they have been sexually abused when they were younger. Sexual abuse has many harmful effects. It can lead to an inability to form healthy adult relationships, an inordinate amount of shame, anger, aggression, and erratic or unpredictable behavior.¹³⁸ Victims of sexual abuse tend to have low self-esteem, personal identity problems, and impulse control issues.¹³⁹

Superiors judging maturity should look for a progression of maturity, not perfection.¹⁴⁰ The candidate, therefore, must be willing to grow and learn from experience. Growth is characterized by

¹³³ Ibid., 261.

¹³⁴ Ibid.

¹³⁵ Ibid., 262.

¹³⁶ Ibid.

¹³⁷ Ibid., 263.

¹³⁸ Ibid. For a more thorough review of this topic see John Loftus, “Victims of Abuse as Candidates,” *Review for Religious* 45 (1986) 725-738.

¹³⁹ Loftus, 731-732.

¹⁴⁰ Valcour, 20.

self-acceptance, an ability to gain knowledge, and profit from the same.¹⁴¹ There must be an acknowledgment of weaknesses and strengths along with unrealized achievements and challenges. In other words, the candidate must be balanced.¹⁴²

The three qualities of health, suitable character, and sufficient maturity all relate to the candidate's ability to embrace the proper life of the institute. It can be described in many ways, but the proper life refers to the patrimony of the institute. Canon 578 states:

All must observe faithfully the mind and designs of the founders regarding the nature, purpose, spirit, and character of an institute, which have been sanctioned by competent ecclesiastical authority, and its sound traditions, all of which constitute the patrimony of the institute.¹⁴³

The inspiration of the founder becomes translated into the lived reality or spirituality of the members. They embrace a particular lifestyle while sharing the common elements of religious life.

McDermott writes:

Fidelity to the patrimony of the institute becomes a sacred obligation for all institutes and their members. All that the founder or foundress intended regarding the . . . purpose (contemplation or apostolic service), spirit (particular spirituality), and character (monastic, conventual, apostolic) of the institute approved by competent ecclesiastical authority, as well as its wholesome traditions constitute the institute's patrimony.¹⁴⁴

Admitting superiors must carefully consider the three elements of health, suitable character and sufficient maturity in light of the patrimony of the institute.

5. Issue of Confidentiality

¹⁴¹ Ibid., 20-21.

¹⁴² Ibid., 21.

¹⁴³ 1983 code c. 578: "Fundatorum mens atque proposita a competenti auctoritate ecclesiastica sancita circa naturam, finem, spiritum et indolem instituti, necnon eius sanae traditiones, quae omnia patrimonium eiusdem instituti constituunt, ab omnibus fideliter servanda sunt."

¹⁴⁴ McDermott, "Norms Common to All Institutes of Common Life," 747.

Canon 642 preserves the candidate's right to reputation and privacy through the protections of canon 220. The latter canon states, "No one is permitted to harm illegitimately the good reputation which a person possesses nor to injure the right of any person to protect his or her own privacy."¹⁴⁵ No one can be forced to undergo a psychological exam or assessment, or answer any question that might be invasive of conscience.¹⁴⁶ While candidates are not yet members of the institute, canon 630 §5 is instructive. It states, "Members are to approach superiors with trust, to whom they can freely and on their own initiative open their minds. Superiors, however, are forbidden to induce members in any way to make a manifestation of conscience."¹⁴⁷ The norm exhorts trust between members and superiors.¹⁴⁸ Superiors must foster the trust of candidates, as they seek to become members of the institute. When trust is established, candidates will be open, honest, and receptive to requests for information.¹⁴⁹

There is no right to admission to a religious institute.¹⁵⁰ There must be a balance of the information sought and the candidate's right to privacy. Hill states:

A religious community clearly has a need to know enough about the candidate to admit him or her not only validly, but also prudently and with a reasonable expectation that this individual will be able to live in this institute in a way that is not destructive and stressful.

¹⁴⁵ 1983 code c. 220: "Nemini licet bonam famam, qua quis gaudet, illegitime laedere, nec ius cuiusque personae ad propriam intimitatem tuendam violare."

¹⁴⁶ Enid Williamson, "The Admission of Candidates and the Formation of Members," in *Letter and Spirit*, 355 (hereafter "The Admission of Candidates").

¹⁴⁷ 1983 code c. 630 §5: "Sodales cum fiducia Superiores adeant, quibus animum libere ac sponte aperire possunt. Vetantur autem Superiores eos quoquo modo inducere ad conscientiae manifestationem sibi peragendam."

¹⁴⁸ Matthias Neuman and Lynn Jarrell, "Preserving the Internal Forum," *Human Development* 23 (2002) 26.

¹⁴⁹ Ibid.

¹⁵⁰ Richard Hill, "Screening Candidates: The Need to Know," *Review for Religious* 45 (1986) 460 (hereafter "Screening Candidates").

Thus, the right to discover anything that would impede growth and peace for this candidate and impede benefit to the congregation and the Church.¹⁵¹

There must be a balancing of the need to know with the right to privacy. Undoubtedly, the candidate will need to forego some privacy but does not forego all privacy.¹⁵²

The second issue is how many persons should know private information about the candidate. There are a number of people involved in the admission of candidates to the novitiate: the postulant director or director of the probationary period, the vocation director and director of formation, and the admitting superior and his council. The more people accessing the reports and results of psychological evaluations, the greater chance the results will be misinterpreted.¹⁵³ The release of psychological testing results, signed by the candidate, can limit the persons having access to the aforementioned information.¹⁵⁴

In addition to the privacy of the candidate, his good reputation must also be upheld. If too many persons know private information about a candidate, his good reputation becomes difficult to maintain.¹⁵⁵ Another consideration regarding the reputation and privacy of a candidate is the length of time the assessments or tests are kept. Psychologists advise how long the tests are useful.

D. Canon 643 – Impediments to Valid Admission

Canon 643 states:

¹⁵¹ Ibid.

¹⁵² Ibid.

¹⁵³ Sharon Euart, "Canon Law and Psychological Testing for Admission to a Seminary," in *Psychology, Counseling, and the Seminarian*, ed. Robert Wister (Arlington, VA: National Catholic Educational Association, 1993) 190.

¹⁵⁴ Henry Guertin-Ouellette, "Vocational Screening," *Human Development* 13 (1992) 46.

¹⁵⁵ Hill, 461.

§1. The following are admitted to the novitiate invalidly:

- 1° one who has not yet completed seventeen years of age;
- 2° a spouse, while the marriage continues to exist;
- 3° one who is currently bound by a sacred bond to some institute of consecrated life or is incorporated in some society of apostolic life, without prejudice to the prescript of can. 684;
- 4° one who enters the institute induced by force, grave fear, or malice, or the one who a superior, induced in the same way, has received;
- 5° one who has concealed his or her incorporation in some institute of consecrated life or in some society of apostolic life.

§2. Proper law can establish other impediments even for validity of admission or can attach conditions.¹⁵⁶

As noted in chapter two, the corresponding canon in the 1917 code included both invalidating and impeding impediments. However, canon 643 contains only five invalidating impediments and no impeding impediments. Canon 10 states, “Only those laws must be considered invalidating or disqualifying which expressly establish that an act is null or that a person is unqualified.”¹⁵⁷

Ignorance or error of the canon’s invalidating quality does not impede its effect.¹⁵⁸

1. Age

¹⁵⁶ 1983 code c. 643: “§1. Invalide ad novitiatum admittitur:

- 1° qui decimum septimum aetatis annum nondum compleverit;
- 2° coniux, durante matrimonio;
- 3° qui sacro vinculo cum aliquo instituto vitae consecratae actu obstringitur vel in aliqua societate vitae apostolicae incorporatus est, salvo praescripto can. 684;
- 4° qui institutum ingreditur vi, metu gravi aut dolo inductus, vel is quem Superior eodem modo inductus recipit;
- 5° qui celaverit suam incorporationem in aliquo instituto vitae consecratae aut in aliqua societate vitae apostolicae.

§ 2. Ius proprium alia impedimenta etiam ad validitatem admissionis constituere vel condiciones apponere.”

¹⁵⁷ 1983 code c. 10: “Irritante aut inhabilitantes eae tantum leges habendae sunt, quibus actum esse nullum aut inhabilem esse personam expresse statuitur.”

¹⁵⁸ 1983 code c. 15 §1: “Ignorantia vel error circa leges irritantes vel inhabilitantes earundem effectum non impediunt, nisi aliud expresse statuatur.”

The first invalidating impediment addresses age. Those who have not completed seventeen years of age are not validly admitted to a novitiate. It should be kept in mind that even at age seventeen most adolescents lack the maturity for admission to the novitiate, especially in the West.¹⁵⁹ Institutes may set a higher age for admission.¹⁶⁰

The age of seventeen years is calculated according to canonical norms, not civil ones.¹⁶¹ Time is computed according to canons 200 to 203. Pursuant to canon 203, the first day, the birthday, is not included in the calculation.¹⁶² The impediment ceases on the day when the candidate reaches the required age.¹⁶³ A birth certificate or baptismal record can easily establish proof of age.¹⁶⁴ The code does not establish a limit on the age of admission, but an institute can limit the age for admission in its proper law.¹⁶⁵

2. Bond of Marriage

The second invalidating impediment applies to those having an existing bond of marriage. Celibacy is a constitutive element of religious consecration and profession. Marriage, a sacrament between the baptized, is incompatible with the vow of celibate chastity and religious profession.¹⁶⁶ If the spouse is deceased or a declaration of nullity has been received, there is no impediment.¹⁶⁷

¹⁵⁹ Smith, "Admission to the Novitiate," 808.

¹⁶⁰ Ibid.

¹⁶¹ Andrés, "Admission to the Novitiate," 1700.

¹⁶² 1983 code c. 203 §1.

¹⁶³ Domingo Andrés, "Canon 643," in *Exegetical Commentary*, 1701.

¹⁶⁴ Elizabeth McDonough, "Impediments to Admission," *Review for Religious* 58 (1999) 548.

¹⁶⁵ Ibid.

¹⁶⁶ Torres, "Ammisione dei Candidati," 134.

¹⁶⁷ Williamson, 355.

Although rare, if a couple mutually agrees to forego the obligations of marriage, a dispensation may be sought from the Holy See.¹⁶⁸ In the past it was possible in some cases to receive a declaration of separation from a diocesan bishop or a judicial sentence pursuant to canon 1692 according to the norms of canons 1151 to 1153.¹⁶⁹ This declaration, along with other requirements may effect a dispensation from the impediment in some cases.¹⁷⁰

The Congregation for Religious and Secular Institutes states the requirements upon which a request for a dispensation from the impediment of an existing marriage.¹⁷¹ They include: (1) the person seeking entrance into the novitiate cannot be the cause for the break-up of the marriage; (2) there is a civil/legal divorce or the spouse has legally renounced marital rights; (3) the children of the marriage have reached full legal age; and (4) financial matters have been settled and agreed upon.¹⁷²

3. Bond/Incorporation

The third invalidating impediment is the sacred bond to some institute of consecrated life or incorporation in a society of apostolic life.¹⁷³ This bond or incorporation is described in canon 573 §2:

The Christian faithful freely assume this form of living in institutes of consecrated life canonically erected by competent authority of the Church. Through vows or other sacred bonds according to the proper laws of the institute, they profess the evangelical counsels of

¹⁶⁸ Smith, “Admission the Novitiate,” 809.

¹⁶⁹ It is not clear whether the Holy See considers such petitions for a dispensation from canon 643, 2° today.

¹⁷⁰ Ibid. See also Rose McDermott, “Admission to the Novitiate: Canon 643. 1. 2°,” *Bulletin on Issues of Religious Law* 7 (1991) 7-8.

¹⁷¹ Congregation for Religious and Secular Institutes, May 29, 1985, Letter “Husband and Wife Request the Necessary Dispensations from the Holy See to Enter Religious Life:” *CLD* 11: 86-91.

¹⁷² Ibid., *CLD* 11: 91.

¹⁷³ Incorporation in societies of apostolic life is determined by proper law pursuant to c. 735 §1.

chastity, poverty, and obedience and, through the charity to which the counsels lead, are joined in a special way to the Church and its mystery.¹⁷⁴

The member must remain faithful to the institute/society to which he is bound or incorporated.¹⁷⁵

This impediment reflects the sacredness of a bond or incorporation and insists that the member take such commitments seriously.¹⁷⁶ However, a dispensation from perpetual profession or definitive incorporation frees one from this impediment.¹⁷⁷ Pursuant to canon 735 §1, incorporation in societies of apostolic life is determined by proper law.

As canon 643, 3° recognizes, one bound by a bond or definitive incorporation would ordinarily transfer to another institute or society pursuant to canons 684-685 or 744.¹⁷⁸ The law provides for one perpetually professed or definitively incorporated. The norm, however, does not apply to one professing vows as a hermit.¹⁷⁹

4. Force, Fear, Fraud

The fourth impediment is admittance with force, grave fear, or malice, or a superior admitting through the same. The canon, at least partially, restates the provisions of canons 124-126 regarding the validity of juridic acts.¹⁸⁰ Smith writes, “This fourth impediment specifies for the juridic act of admitting to the novitiate what canon 125 requires for the validity of any juridic act.

¹⁷⁴ 1983 code c. 573 §2: “Quam vivendi formam in institutis vitae consecratae, a competenti Ecclesiae auctoritate canonice erectis, libere assumunt christifideles, qui per vota aut alia sacra ligamina iuxta proprias institutorum leges, consilia evangelica castitatis, paupertatis et obedientiae profitentur et per caritatem, ad quam ducunt, Ecclesiae eiusque mysterio speciali modo coniunguntur.”

¹⁷⁵ De Paolis, 453.

¹⁷⁶ Andrés, *Derecho de los Religiosos*, 269.

¹⁷⁷ Smith, “Admission the Novitiate,” 809.

¹⁷⁸ Williamson, 355.

¹⁷⁹ Andrés, “Canon 643,” 1701.

¹⁸⁰ *Ibid.*, 1701-1702.

Since every juridic act is an act of the will, it must be a free act, which means that both the candidate and the superior must be substantially free from constraint.”¹⁸¹

Force refers to physical compulsion to enter the novitiate.¹⁸² To be invalidating the force must be extrinsic and the candidate incapable of resisting it.¹⁸³ McDonough defines force as follows, “Force is coercion from some external source which causes a person to act in a particular manner in order to avoid a threatened evil.”¹⁸⁴ The inability of the candidate or the superior to resist the force must be objective and absolute.¹⁸⁵

Grave fear is a disturbance of the mind caused by an imminent or future danger.¹⁸⁶ Smith states, it “is a disturbance of the mind resulting from a perceived impending danger.”¹⁸⁷ Grave fear arises from a moral violence but not physical.¹⁸⁸ In other words, the fear is internal, and it causes the candidate or the superior to avoid an evil that is real or perceived as real.¹⁸⁹ The effect of grave fear on admission to the novitiate differs from canon 125 §2. That norm states in part: “An act placed out of grave fear, unjustly inflicted, or out of malice is valid unless the law provides otherwise.”¹⁹⁰

¹⁸¹ Smith, “Admission to the Novitiate,” 809.

¹⁸² Ibid.

¹⁸³ Silvia Recchi, “Ammissione dei Candidati e Formazione dei Membri,” in *Codice di Diritto Canonico Commentato*, 556.

¹⁸⁴ McDonough, “Impediments to Admission,” 549.

¹⁸⁵ Michael Farrugia, *Gli Impedimenti per L’Ammissione al Noviziato (Can. 643): Storia e Legislazione Vigente*. Excerpta ex Dissertatione ad Doctoratum in Iure Canonico, in Pontificia Universitate Lateranense (Rome: Pontificia Universitas Lateranensis, 1994) 82-83.

¹⁸⁶ Torres, “Ammissione dei Candidati,” 137.

¹⁸⁷ Smith, “Admission to the Novitiate,” 809.

¹⁸⁸ Farrugia, 83.

¹⁸⁹ McDonough, “Impediments to Admission,” 549.

¹⁹⁰ 1983 code c. 125 §2: “Actus positus ex metu gravi, iniuste incusso, aut ex dolo, valet, nisi aliud iure caveatur.”

In canon 643 §1, 4° the law provides otherwise. Andrés states that grave fear must be unjustly inflicted or inflicted out of malice in order to be invalidating.¹⁹¹ The force must be objective and the fear experienced by the candidate or the admitting superior. In other words, the force or fear is invalidating if it deprives either the candidate or the admitting superior of freedom.¹⁹² Canon 219 states, “All of the Christian faithful have the right to be free from any kind of coercion in choosing a state of life.”¹⁹³

Malice, sometimes referred to as *dolus*, or fraud, refers to the deception of a candidate or admitting superior through deliberate means to bring about a candidate’s entrance into the novitiate.¹⁹⁴ According to Andrés the person deceiving must have the intention to deceive, and the deception must regard something substantial that interferes with the substance of the juridic act.¹⁹⁵ Examples of *dolus* to gain entrance into the novitiate include the following: concealing physical illness or a significant psychological diagnosis, hiding a police record, or dishonorable discharge from the military.¹⁹⁶ McDonough advises a balance between the moral and legal responsibility for the major superior to be able to determine the candidate’s suitability and the right to privacy (canon 220). Concealment of emotional disabilities, sexual activity, or chemical dependency are potential matters of fraudulent admission.¹⁹⁷ McDonough writes, “In these sensitive matters . . . it is

¹⁹¹ Andrés, *Derecho de los Religiosos*, 270-271.

¹⁹² Ibid.

¹⁹³ 1983 code c. 219: “Christifideles omnes iure gaudent ut a quacumque coactione sint immunes in statu vitae eligendo.”

¹⁹⁴ Eduard Giurgi, *The Impact of Dolus on Legal Acts in the 1983 Code of Canon Law*, Canon Law Studies no. 569 (Washington, DC: The Catholic University of America, 2009) 157.

¹⁹⁵ Andrés, *Derecho de los Religiosos*, 271.

¹⁹⁶ Giurgi, 158.

imperative that institutes establish appropriate policies, communicate these policies to both members and candidates, and follow through on established policies with strict consistency.”¹⁹⁸

5. Concealment of Prior Profession

The final impediment in canon 643 §1 is the concealment of incorporation in a religious institute or society of apostolic life. The canon does not state “definitive incorporation.” It includes commitment to a religious institute through the temporary profession of vows or incorporation.¹⁹⁹ The impediment exists so admitting superiors can learn why the candidate separated from the prior institute.²⁰⁰ While preserving confidentiality, superiors should inquire as to prior commitments both from the candidate and from the former institute. The impediment arises from the concealment of the incorporation.²⁰¹ De Paolis states that the impediment would exist even if there is no malice, but simply the objective fact of concealment.²⁰²

Concealment of incorporation vitiates what canons 642- 645 attempt to accomplish; namely, to ensure the freedom and suitability of the candidate. The candidate’s suitability cannot be determined if he conceals a prior commitment to another institute or society of apostolic life.²⁰³ It is the responsibility of the major superior or his delegate to seek information regarding the prior profession or definitive incorporation.

6. Additional Impediments

¹⁹⁷ McDonough, “Impediments to Admission,” 550.

¹⁹⁸ Ibid.

¹⁹⁹ Smith, “The Admission of Candidates,” 809.

²⁰⁰ McDonough, “Impediments to Admission,” 550.

²⁰¹ Smith, “The Admission of Candidates,” 809.

²⁰² De Paolis, 454.

²⁰³ Ibid.

Paragraph two of canon 643 states that proper law can establish other impediments, even for validity, or can attach conditions. Such impediments could include those in the 1917 code: illegitimate birth, ongoing financial responsibilities, or the support of family members or other dependents.²⁰⁴ As noted earlier, a higher age for admission is a possible impediment for proper law.²⁰⁵ Smith states, “The proper law should clearly indicate whether such additional requirements are intended for validity or liceity.”²⁰⁶

Determination of possible impediments should include a judgment of whether the same purpose as universal impediments is served.²⁰⁷ Other considerations include whether the charism and apostolate of the institute are served by instituting the impediment. The proper law should set forth the competent authority to dispense from the impediment.²⁰⁸ Additional impediments should not be multiplied and must be related to suitability for admission to the novitiate with particular attention to the life and ministry of the institute.²⁰⁹

The canon fails to mention any consequences for either the admitting superior or the candidate in cases when an institute admits a candidate with invalidating impediments.²¹⁰ The admission is invalid and subsequent religious profession(s), as well as other juridical acts such as

²⁰⁴ Smith, “The Admission of Candidates,” 809.

²⁰⁵ McDonough, “Impediments to Admission,” 551.

²⁰⁶ Smith, “The Admission of Candidates,” 809.

²⁰⁷ Andrés, “Canon 643,” 1702.

²⁰⁸ Ibid.

²⁰⁹ McDonough, “Impediments to Admission,” 551; canon 587 §3: “In hoc codice elementa spiritualia et iuridica apte componantur; normae tamen absque necessitate ne multiplicentur.”

²¹⁰ Smith, “The Admission of Candidates,” 810. By contrast the 1917 code cc. 2352 and 2411 penalized superiors for such invalid or illicit admission.

election or appointment to office would be invalid.²¹¹ If there are good reasons to remedy an invalid admission to the novitiate, a radical sanation would be sought from the Holy See.²¹²

E. Canon 644 – Other Impediments Impeding Admission

Canon 644 states, “Superiors are not to admit to the novitiate secular clerics without consulting their proper ordinary nor those who, burdened by debts, cannot repay them.”²¹³ The first prohibition, regarding the secular clerics is unambiguous, the second prohibition, regarding those burdened by debts that they cannot repay is open to interpretation.²¹⁴

1. Admission of a Diocesan Cleric

The prohibition regards the admission of secular priests and deacons without consulting their ordinary.²¹⁵ The term ‘secular cleric’ refers to a deacon or a priest incardinated in a diocese.²¹⁶ The proper Ordinary is the diocesan bishop of the diocese in which the secular cleric is incardinated.²¹⁷ If the see is vacant or impeded, the proper Ordinary would be the one who

²¹¹ Smith, “The Admission of Candidates,” 810.

²¹² Ibid.

²¹³ 1983 code c. 644: “Superiores ad novitiatum ne admittant clericos saeculares inconsulto proprio ipsorum Ordinario, nec aere alieno gravatos qui ad solvendum pares non sint.”

²¹⁴ Elizabeth McDonough, “Additional Requirements for Admission,” *Review for Religious* 58 (1999) 649.

²¹⁵ There is some disagreement as to whether the failure to consult the Ordinary would be an invalidating impediment or an impeding impediment. Sabbarese cites the opposing views of Beyer and Ardito. Beyer argues for illicit admission without consultation, Sabbarese and Ardito believe that failure to consult invalidates the admission. Sabbarese bases this argument on canon 127 §2, 2°. Sabbarese, 158. Andrés and De Paolis state that both the failure to consult the Ordinary and admitting one with debts which cannot be repaid are prohibitions directed at the competent admitting superior. Domingo Andrés, “Canon 644,” in the *Exegetical Commentary*, 1704-1705; De Paolis, 454.

²¹⁶ McDonough, “Additional Requirements for Admission,” 650.

²¹⁷ De Paolis, 454.

legitimately takes the bishop's place.²¹⁸ The cleric's simple notification of seeking admission to a religious institute would not suffice under the canon. The admitting superior must communicate with the proper Ordinary, either orally or in writing. Written documentation of the consultation should be kept in the file of the candidate.²¹⁹

The canon requires consultation with the diocesan bishop. Andrés notes four reasons for this requirement of consultation: 1) the obedience owed by a cleric to his Ordinary (c. 273); 2) the verification of the vocation, especially for one who is already a little older; 3) the good of the particular church in which the cleric is incardinated; and 4) the genial relationship that should exist between major superiors and bishops (cf. cc. 678 §3 and 680).²²⁰ If the diocesan bishop objects, the major superior should consider the objections in determining admission, as the needs of the diocese and the care of souls may be in question. Canon 452 §1 of the Eastern code addresses this explicitly. It states:

Clerics ascribed to an eparchy cannot be admitted licitly to the novitiate without consulting their own eparchial bishop, nor can they be admitted licitly if the eparchial bishop objects to it because their departure will result in grave harm to souls that cannot by any means be prevented otherwise, or if it concerns those who are destined to sacred orders in a monastery but are prevented by some impediment established by law.²²¹

²¹⁸ Smith, "Admission to the Novitiate," 810.

²¹⁹ Ibid.

²²⁰ Andrés, "Canon 644," 1705.

²²¹ *CCEO* c. 452 §1: "Clerici eparchiae ascripti ad novitiatum licite admitti non possunt nisi consulto proprio Episcopo eparchiali; nec licite admitti possunt, si Episcopus eparchialis contradicit ex eo, quod eorum discessus in grave animarum detrimentum cedit, quod aliter vitari minime potest, aut si de iis agitur, qui ad ordines sacros in monasterio destinati aliquot impedimento iure statuto detinentur." English translation from *Code of Canons of the Eastern Churches, Latin-English Edition* (Washington, DC: CLSA, 1992).

If the diocese has serious need and the cleric's departure from the diocese could cause grave harm to the care of souls, the major superior should deny admission. If circumstances in the diocese change over time, the cleric may seek admission again.

2. Applicant with Debts

The second prohibition in canon 644 regards those burdened by debts they cannot repay. Those who are regularly insolvent may not be responsible and may not possess the proper maturity or the suitable character to embrace religious life.²²² A religious institute cannot be a refuge for such individuals. In addition, the presence of debt places the candidate's freedom in question.²²³ The debt in question must be a present debt, not a past debt, and it cannot be in doubt or dispute. The prohibition ceases when the debt is paid or forgiven, or when the institute is willing to assume the debt in order for the superior to admit an otherwise worthy candidate.²²⁴

For younger persons the debt will very probably be college loans.²²⁵ In these situations, the institute can assume the debt for a length of time with the understanding that should the newly admitted member depart at some point either prior to simple profession or perpetual profession, the member reimburses the institute for amounts paid on his behalf.²²⁶ For older candidates, the debt may be a mortgage on a house.²²⁷ The candidate may incur debt because of the care of family members. For example, the ill mother or father of an only child may require his assistance.

²²² Smith, "Admission to the Novitiate," 810.

²²³ Andrés, "Canon 644," 1705.

²²⁴ Ibid.

²²⁵ McDonough, "Additional Requirements for Admission," 651.

²²⁶ Ibid. Such arrangements ought to be made through civilly legally binding agreements.

²²⁷ Ibid. This will be explored further in part three of this chapter.

F. Canon 645 – Required Documents and Testimonials

The final canon regarding admission to the novitiate is canon 645. It states:

§1. Before candidates are admitted to the novitiate, they must show proof of baptism, confirmation, and free status.

§2. If it concerns the admission of clerics or those who had been admitted in another institute of consecrated life, in a society of apostolic life, or in a seminary, there is additionally required the testimony of, respectively, the local ordinary, the major superior of the institute or society, or the rector of the seminary.

§3. Proper law can require other proof about the requisite suitability of candidates and freedom from impediments.

§4. Superiors can also seek other information, even under secrecy, if it seems necessary to them.

1. Documents

Candidates must show proof of baptism, confirmation, and free status, in other words, full initiation in the Catholic Church.²²⁸ To demonstrate proof of baptism and confirmation, the candidate is responsible for obtaining an authenticated certificate from his parish of baptism.²²⁹ The certificate of baptism should attest to the date and place of baptism and confirmation, as well as any other pertinent information such as marriage or sacred orders. The prior profession of perpetual vows should also be annotated on the certificate.²³⁰ In the event the parish of baptism does not have all of this information, the required documents must be sought from other sources.²³¹

That the candidate has not been previously married or bound by a religious vow or sacred bond will be evident by their absence on the certificate issued by the parish of baptism.²³² If

²²⁸ De Paolis, 455.

²²⁹ Smith, “Admission to the Novitiate,” 811.

²³⁰ Ibid.

²³¹ Ibid.

²³² Domingo Andrés, “Canon 645,” in *Exegetical Commentary* 2/2:1709.

previously bound, the candidate would also have to provide an indult of departure from the religious institute or society of apostolic life.²³³ Likewise, a person who had been dispensed from sacred orders would need to show the rescript of dispensation. Those previously married only civilly must obtain documentation of the marriage license and the civil divorce decree.²³⁴ For those married validly in the Catholic Church, the baptismal registry should note a declaration of nullity.²³⁵

2. Testimonials

Paragraph two of canon 645 requires clerics or those who had been admitted to a religious institute, society of apostolic life, or a seminary to have the testimony of the ordinary, major superior, or the rector, respectively. This testimony cannot replace the consultation with the Ordinary that is required for secular clerics by canon 644; however, both the testimony and consultation can be included in the same document.²³⁶ The testimony should state the fact of the candidate's status with the diocese, institute, or society.²³⁷ It would be helpful for the statement to give some history of the candidate regarding his time with the diocese, institute, society, or seminary, and the reason for the departure.²³⁸ With regard to paragraph two of canon 645, De Paolis writes,

²³³ Smith, "Admission to the Novitiate, 811.

²³⁴ Ibid.

²³⁵ Having the sentence of the judge(s) is important as well to assist in determining suitability for the novitiate. This will be addressed in more depth later in this chapter.

²³⁶ Andrés, *Derecho de los Religiosos*, 282.

²³⁷ Smith, "Admission to the Novitiate," 811.

²³⁸ Ibid.

“The experience of the Church advises those responsible for admission to be very cautious in welcoming persons who were part of another institute.”²³⁹

3. Other Proofs

Paragraph three of canon 645 states that the proper law can require other proof regarding the suitability of the candidates and their freedom from impediments. Such documentation might include: academic transcripts, work and professional experience, professional or work licenses, degrees held, and letters of recommendation.²⁴⁰ The letters of recommendation might include professional/work related references or letters from colleagues, members of the clergy, or religious who know the candidate well. Andrés states the rationale for this canon: “a) to satisfy the demands of the individuality of each institute; b) to cover gaps that might have been left by the previous reports; c) to confirm the lack of impediments; and d) in every case to positively assure in the best possible manner the verification of the suitability of the candidate.”²⁴¹

4. Obligation of Superiors

Canon 645, paragraph four, states that superiors can seek other information, even in secret, if they deem it necessary. The superior in this paragraph is the major superior according to the norm of proper law.²⁴² While the documentation in the prior paragraphs is mandatory, the information here may be given orally, not necessarily issued by any authority, and may even be

²³⁹ “L'esperienza della Chiesa avverte i responsabili per l'ammissione ad essere ad molto prudenti nell'accogliere persone che sono già appartenute ad altri istituti.” De Paolis, 455.

²⁴⁰ Smith, “Admission to the Novitiate,” 811.

²⁴¹ Andrés, “Canon 645,” 1709.

²⁴² Andrés, *Derecho de los Religiosos*, 285.

transmitted secretly.²⁴³ This does not mean that the superior can request internal forum information, but the information may be asked and given secretly without others' knowledge.²⁴⁴

Canon 645 simplifies the requirements for investigating the suitability of candidates. Testimonial letters, required by canons 544 and 545 of the 1917 code are no longer specifically stated. Greater emphasis is placed on the requirements in proper law. While the requirement for testimonial letters under the former law may have been burdensome and overly rigid, the lack of specificity in the revised law risks the possibility that unsuitable candidates may be admitted to the institute.

²⁴³ Andrés, "Canon 645," 1709.

²⁴⁴ Smith, "Admission to the Novitiate," 812.

II. Significant Post-Codal Documents on Admission to Religious Institutes

Introduction

After the promulgation of the 1983 Code of Canon Law, several papal and dicasterial documents address issues concerning the admission of candidates to religious life. While not legislative in nature, they provide significant insights proving helpful for major superiors during pre-admission discernment and revisions to the proper law and policies of a religious institute. Three apostolic exhortations of John Paul II are relevant to this study. Morrissey writes, “These documents, as the title explains, are exhortative in nature, not legislative texts.”²⁴⁵ Six instructions are pertinent; three from the Congregation for Institutes of Consecrated Life and Societies of Apostolic Life (CICLSAL) and three from the Congregation for Catholic Education (CCE). Instructions clarify the provisions of laws and assist executors in fulfilling the law.²⁴⁶ In the context of admission to the novitiate, instructions bind major superiors and their delegates, obligating them to enforce the prescribed law. This part of chapter three also addresses a circular letter from the Congregation for the Doctrine of the Faith (CDF) and a symposium hosted by this same congregation. Circular letters are not legislative documents; they express the objectives of the congregation, outline procedures, and set policies.²⁴⁷

A. Apostolic Exhortations of Pope John Paul II

²⁴⁵ Francis Morrissey, “Papal and Curial Pronouncements: Their Canonical Significance in Light of the 1983 Code of Canon Law,” *The Jurist* 50 (1990) 107 (hereafter “Papal and Curial Pronouncements”).

²⁴⁶ 1983 code c. 34 §1.

²⁴⁷ Morrissey, “Papal and Curial Announcements,” 119.

1. *Redemptionis donum*

Pope John Paul II's Apostolic Exhortation *Redemptionis donum*,²⁴⁸ issued on March 5 1984, emphasizes the teachings of *Lumen gentium*, *Perfectae caritatis*, and *Evangelica testificatio*.²⁴⁹ John Paul II refers to the revised code as a valuable resource in living one's religious vocation.²⁵⁰ He addresses the vocation to religious life through scriptural lens. His observations on vocation and the evangelical counsels are useful to religious institutes in establishing policies for pre-admission formation and discerning the vocation of the candidate.²⁵¹ He quotes the passage in which Jesus advised the rich young man, "If you would be perfect, go, sell what you have, and give to the poor, and you will have treasure in heaven; and come, follow me." This passage presents the paradigm of vocation to religious life.²⁵² From the redemption of Christ flows his love. It is this love that enables a personal encounter with Christ. The call to live the evangelical counsels springs from this encounter.²⁵³ The relationship between Christ and the individual takes on a spousal nature, as the

²⁴⁸ John Paul II, Apostolic Exhortation *Redemptionis donum*, March 25, 1984, *AAS* 76 (1984) 513-546; English translation: John Paul II, Apostolic Exhortation, March 25, 1984, *The Gift of Redemption* (Washington, DC: United States Catholic Conference, 1984) (hereafter *The Gift of Redemption*).

²⁴⁹ *Redemptionis donum*, 2, *AAS* 76 (1984) 514; *The Gift of Redemption*, 4.

²⁵⁰ *Ibid.*, 2, *AAS* 76 (1984) 514; *The Gift of Redemption*, 4-5.

²⁵¹ While *Redemptionis donum* addresses the three evangelical counsels, it focuses on the evangelical counsel of poverty to elucidate the meaning of vocation to religious life. Hence this chapter only addresses the evangelical counsel of poverty. Therefore this discussion will not include the evangelical counsels of chastity or obedience.

²⁵² *Redemptionis donum*, 3, *AAS* 76 (1984) 515; *The Gift of Redemption*, 6.

²⁵³ *Ibid.*, 3, *AAS* 76 (1984) 516; *The Gift of Redemption*, 7.

individual chooses Christ.²⁵⁴ John Paul II writes:

The One who, given eternally to the Father, ‘gives’ Himself in the mystery of the Redemption, has now called man in order that he in turn should give himself entirely to the work of the Redemption through membership in a community of brothers or sisters, recognized and approved by the Church.”²⁵⁵

The evangelical counsel of poverty “belongs to the very essence of the religious vocation and profession.”²⁵⁶ In a world based upon consumerism, humanity experiences an incompleteness of “being” based upon “having.”²⁵⁷ A religious vocation, therefore, is about “being.” In possessing nothing, the religious grounds himself in both the human and divine elements that bring about redemption.

The period of preparation for the novitiate, therefore, should address this teaching as the candidates understand a vocation of being rather than having. In contemporary society, this is a difficult task.²⁵⁸ Secular society measures well-being with consumerism and the accumulation of wealth.²⁵⁹ The call to the state of perfection touches upon the heart of humanity, allowing those called to become fully human and embrace the divine mystery of redemption.²⁶⁰

²⁵⁴ Ibid.

²⁵⁵ Ibid., 3: “Qui in aeternum Patri donatus, se ipsum in Redemptionis mysterio ‘donat,’ is ipse hominem vocavit ut hic vicissim totum se daret peculiari ministerio in opere Redemptionis eo quod alicui Communitati est ascriptus, ab Ecclesia agnitae et approbatae.” *AAS* 76 (1984) 516; *The Gift of Redemption*, 8.

²⁵⁶ Ibid., 4: “quod ad ipsam essentiam pertinet vocationis et professionis religiosae.” *AAS* 76 (1984) 518, *The Gift of Redemption*, 10.

²⁵⁷ Ibid., 4, *AAS* 76 (1984) 518-519; *The Gift of Redemption*, 10-11.

²⁵⁸ Ibid., 4, *AAS* 76 (1984) 519; *The Gift of Redemption*, 11.

²⁵⁹ Ibid.

²⁶⁰ Ibid.

John Paul II states that vocation embodies the answer to the question, “Why be a human person – and how?”²⁶¹ The answer is the Gospel paradox of “losing one’s life in order to save it, and in saving one’s life by losing it ‘for Christ’s sake and for the sake of the Gospel’ as we read in Mark.”²⁶² A vocation is the following in the footsteps of Christ and these words of Christ demonstrate it, “Go, sell what you possess and give to the poor, and you will have treasure in heaven; and come, follow me.”

Going, giving, and selling are prerequisites for a vocation to religious life.²⁶³ Possessions and comforts are not the real treasure and the candidate discovers this when he gives them up. He finds the real treasure in his heart; which Christ enables him to give to others. The rich person, therefore, is the one who is capable of giving to others, and who actually gives to others.²⁶⁴ This treasure is eschatological in nature. When one incorporates giving into his being, the treasure is stored in heaven as well. Not as a reward for good deeds done on earth, John Paul II states, “but rather the *eschatological fulfillment* of what is hidden behind these good works here on earth, in the inner ‘treasure’ of the heart.”²⁶⁵ The Christian vocation is therefore eschatological in nature and the practice of the evangelical counsels emphasizes this nature.²⁶⁶

²⁶¹ Ibid., 5: “ad quid est homo? - quomodo sit oportet?” *AAS* 76 (1984) 519; *The Gift of Redemption*, 12.

²⁶² Ibid., 5: “ex qua quis animam perdit, si eam voluerit salvam facere, et, contra, si eam perdiderit propter Christum et Evangelium, salvam facit, ut apud Marcum scriptum videmus.”

²⁶³ Ibid., 5, *AAS* 76 (1984) 520; *The Gift of Redemption*, 12.

²⁶⁴ Ibid., 5, *AAS* 76 (1984) 520; *The Gift of Redemption*, 12-13.

²⁶⁵ Ibid., 5: “*impletio eschatologica* (effectio) eorum quae iam hic - in - terris - suberant - operibus, interiore cordis ‘thesauro.’” *AAS* 76 (1984) 520; *The Gift of Redemption*, 13.

²⁶⁶ Ibid., 5, *AAS* 76 (1984) 520-521; *The Gift of Redemption*, 13-14.

A person's treasure in heaven is reflected on earth by giving of oneself.²⁶⁷ This being, and giving of oneself can never be divorced from the person of Jesus Christ who, through the Holy Spirit, calls men and women at different stages of their life, but mostly in their youth.²⁶⁸ For those seeking Christ honestly and sincerely, the mystery of redemption pierces the conscience, the heart and the will. God chooses individuals to bear fruit, to give. This gift of giving reflected in the Gospel reveals the mystery of redemption for the world.²⁶⁹

2. *Pastores dabo vobis*

On March 25, 1992, John Paul II issued the Apostolic Exhortation *Pastores dabo vobis*.²⁷⁰ The exhortation reflects the 1990 Synod of Bishops addressing the need for an increase in vocations to the priesthood and the formation of candidates.²⁷¹ The exhortation begins with a study of the challenges of accepting candidates and forming them in the present age. The generation of men being called to priesthood today differs greatly from their predecessors. The synod fathers attempt to address vocation in a rapidly changing world:

What are the positive and negative elements in socio-cultural and ecclesial contexts that affect boys, adolescents and young men who throughout their lives are called to bring to maturity a project of priestly life? What difficulties are posed by our times, and what new

²⁶⁷ Ibid., 6, *AAS* 76 (1984) 521; *The Gift of Redemption*, 14.

²⁶⁸ Ibid.

²⁶⁹ Ibid., 6, *AAS* 76 (1984) 521-522; *The Gift of Redemption*, 14-15.

²⁷⁰ John Paul II, Post-Synodal Apostolic Exhortation *Pastores dabo vobis*, March 15, 1992, *AAS* 84 (1992) 657-805; English translation: *John Paul II, Post-Synodal Apostolic Exhortation I Will Give You Shepherds: Pastores Dabo Vobis: To the Bishops, Clergy and Faithful on the Formation of Priests in the Circumstances of the Present Day* (Boston: Pauline Books and Media, 1992).

²⁷¹ *Pastores dabo vobis*, 3, *AAS* 84 (1992) 661; *I Will Give You Shepherds*, 11.

possibilities are offered for the exercise of a priestly ministry which corresponds to the gift received in the sacrament and the demands of the spiritual life which is consistent with it?²⁷²

Positive aspects of our world include a societal hope for peace and justice, a need to care for the earth and creation, a search for truth, and efforts to uphold the dignity of the human person.²⁷³ In the Christian context, there is a growing love of sacred Scripture, an increase in the number of youth committed to the defense of human life, and the witness of Christians in Eastern Europe, the Middle East, and elsewhere suffering persecution for their faith.²⁷⁴

Negative aspects of our world include the phenomena of rationalism and science without an encounter of the divine,²⁷⁵ and the continued rise of individualism and subjectivity that render human relationships null, leading to loneliness and the search for substitutes in self-indulgence and abandonment of responsibility.²⁷⁶ Consumerism leads to paralysis when young people are faced with sacrifice and spiritual elements in life.²⁷⁷ Broken families cause confusion in young people's sexuality, hindering openness to a religious vocation.²⁷⁸ Commenting on *Pastores dabo vobis*, Danneels writes:

An analysis of the negative factors underlines . . . the persistence of a certain reductive rationalism, a subjectivism which turns the person back on himself, making it difficult for

²⁷² Ibid., 5: "scilicet, quae problemata, atque eodem tempore, quos utiles stimulos suscitatur hodiernus contextus socialis, culturalis et ecclesialis, in pueris et adolescentibus, quibus est in animis volendum consilium de vita sacerdotali eligenda in omne tempus duratura? Quas difficultates quasque novas facultates praebet nostra aetas ad exercendum ministerium sacerdotale quod congruat cum dono suscepti sacramenti et simul cum postulatis vitae spiritualis eidem consentaneae?" *AAS* 84 (1992) 664; *I Will Give You Shepherds*, 14.

²⁷³ Ibid., 6, *AAS* 84 (1992) 665; *I Will Give You Shepherds*, 14-15.

²⁷⁴ Ibid., 6, *AAS* 84 (1992) 665; *I Will Give You Shepherds*, 15.

²⁷⁵ Ibid., 7, *AAS* 84 (1992) 666; *I Will Give You Shepherds*, 15.

²⁷⁶ Ibid., 7, *AAS* 84 (1992) 666; *I Will Give You Shepherds*, 16.

²⁷⁷ Ibid.

²⁷⁸ Ibid.

contemporary man to be able to judge according to objective criteria. Hence forms of hedonism arise, certainly with young people, with the flight from responsibility, and an infatuation with strong, anaesthetizing individual experiences, like drugs . . . The cult of the body similarly leads to a certain suffocation of the soul. Our period is also witnessing a disintegration of familial reality and the loss of the true sense of human sexuality, reducing it to its purely corporal and even genital aspect.²⁷⁹

The exhortation turns from the positive and negative elements in the world to the positive and negative elements in the Church.

Within the Church, negative dimensions include: a lack of knowledge of the faith; poor catechesis; a misunderstanding of pluralism, culture, and pastoral teaching; attempts at human freedom without God; and the increase in subjectivism or personalization with respect to belief.²⁸⁰ Another dimension of today's Christian life is the confluence of peoples of differing races and religions. John Paul II states:

While on the one hand this can be an opportunity for a more frequent and fruitful exercise of dialogue, open-mindedness, good relations and a just tolerance – on the other hand the situation can also result in confusion and relativism, above all among people and populations whose faith has not matured.²⁸¹

These positive and negative aspects of society have a great impact on the young person called to priesthood. The enticements of a consumerist society trap many young persons in a materialistic, individualistic and self-indulgent notion of existence.²⁸² Young people cannot grasp the importance

²⁷⁹ Godfried Danneels, "The Priest: Sign of the Eternal in a Culture of Consumerism," in Bede McGregor and Thomas Norris, ed. *The Formation Journey of the Priest: Exploring Pastores Dabo Vobis* (Dublin: The Columbia Press, 1994) 30.

²⁸⁰ *Pastores dabo vobis*, 7, *AAS* 84 (1992) 667; *I Will Give You Shepherds*, 17.

²⁸¹ Ibid., 7: "Id saepe occasio evadit exercendi crebriorem et fructuosiorē dialogum, experiendi invicem mentes, dilatandi experientias mutuae acceptionis et iustae tolerantiae; sed pariter fieri potest occasio confusionis et relativismi, idque vel maxime apud personas et civitates quare fides nondum ad plenam sui maturationem perducta est." *AAS* 84 (1992) 667; *I Will Give You Shepherds*, 17.

²⁸² Ibid., 8, *AAS* 84 (1992) 668; *I Will Give You Shepherds*, 18.

of sharing with others. Selfishness, in turn, leads to the exploitation of others.²⁸³

With respect to human sexuality, selfishness and self-absorption have significant psychological consequences causing grave harm over time.²⁸⁴ John Paul II points to an inaccurate understanding of freedom as the root cause of the problem. He writes:

Instead of being understood as obedience to objective and universal truth, freedom is lived out as a blind acquiescence to instinctive forces and to an individual's will to power. Therefore on the level of thought and behavior, it is almost natural to find an erosion of internal consent to ethical principles. On the religious level, such a situation, if it does not always lead to an explicit refusal of God, causes widespread indifference and results in a life which, even in its more significant moments and more decisive choices, is lived as if God did not exist.²⁸⁵

Given this milieu, responding to a priestly vocation becomes increasingly difficult. A priest must place himself at the service of the other, the Gospel, and the Kingdom of God.²⁸⁶

The Church, therefore, must take special care in the choice and formation of those discerning a call to the priesthood. Knowledge of the challenges faced by the Church and young people is not enough. Scientific examination and critical interpretation of the situation are needed to determine the way forward.²⁸⁷ These challenges cannot be divorced from the call of God.²⁸⁸ John Paul II writes, "In this situation, and also through it, God calls the believer – and first of all the

²⁸³ Ibid.

²⁸⁴ Ibid., 8, *AAS* 84 (1992) 669; *I Will Give You Shepherds*, 19.

²⁸⁵ Ibid., 8: "ea enim, potius quam ut obedientia erga veritatem obiectivam et universalem, colitur ab his velut caecus assensus erga appetituum vim et erga singulorum praepotentem voluntatem. Sic quodam modo naturales fiunt, quoad cogitandi atque agendi rationem, dissolutio consensus circa ethica principia, immo, et quoad rem religiosam, si non semper aperta Dei reiectio, magna religionis neglegentia et utcumque vita quae sic vivitur, etiam in gravissimis optatis et in maximis electionibus, velut si nullus esset Deus." *AAS* 84 (1992) 669; *I Will Give You Shepherds*, 19.

²⁸⁶ Ibid.

²⁸⁷ Ibid., 10, *AAS* 84 (1992) 671-672; *I Will Give You Shepherds*, 22.

²⁸⁸ Ibid., 10, *AAS* 84 (1992) 672; *I Will Give You Shepherds*, 23.

Church – to ensure that ‘the Gospel vocation and priesthood’ expresses its perennial truth in the changing circumstances of life.”²⁸⁹

The exhortation reminds the Church of the two-fold responsibility regarding vocation to the presbyterate. A vocation is from God, but must always be affirmed by the Church.²⁹⁰ The exhortation highlights proposition five of the synod fathers:

The vocation of each priest exists in the Church and for the Church . . . It is the task of the bishop or the competent superior not only to examine the suitability and the vocation of the candidate but also to recognize it. The ecclesiastical element is inherent in a vocation to the priestly ministry as such. The candidate to the priesthood should receive his vocation not by imposing his own personal conditions, but accepting also the norms and conditions which the Church herself lays down, in the fulfillment of her responsibility.²⁹¹

The individual must be open to the divine call, and the prescriptions of the Church must also be observed; there is a reciprocity involved in a vocation.

Candidates to the priesthood must possess and foster human qualities necessary for the priestly ministry.²⁹² The candidate must be able to relate to others, be capable of caring for others, and be a man of communion.²⁹³ The exhortation states, “In this context affective maturity, which is the result of an education in true and responsible love, is a significant and decisive factor in the

²⁸⁹ Ibid., 10: “Deus credentem vocat, et prius Ecclesiam, ad efficiendum ut ‘Evangelium vocationis et sacerdoti’ suam perennem veritatem exprimat etiam vitae adiunctis mutatis.” *AAS* 84 (1992) 672; *I Will Give You Shepherds*, 23. John Paul II recalls *Gaudium et spes*, 4, regarding the duty of the Church to recognize and study the signs of the times and interpret them in light of the Gospel.

²⁹⁰ Ibid., 35, *AAS* 84 (1992) 714; *I Will Give You Shepherds*, 66.

²⁹¹ Ibid., 35: “Vocatio ad presbyteratum semper eget humanis mediationibus. Privilegiata mediatrix est Ecclesia: in ea et pro ea datur vocatio uniuscuiusque presbyteri: per eam talis vocatio venit. . . Accipere igitur oportet vocationem non imponendo proprias uniuscuiusque condiciones, sed in simplicitate cordis: humilitate et gratitudine accipiendo etiam circumstantias vel condiciones quas ipsa ponit Ecclesia.” *AAS* 84 (1992) 715; *I Will Give You Shepherds*, 67.

²⁹² Ibid., 43, *AAS* 84 (1992) 732-733; *I Will Give You Shepherds*, 85.

²⁹³ Ibid., 43, *AAS* 84 (1992) 733; *I Will Give You Shepherds*, 85.

formation of candidates for the priesthood.”²⁹⁴ Affective maturity can be measured by a candidate’s response to the challenges of his vocation. A mature candidate will make sacrifices and will give of himself joyfully.²⁹⁵

At the heart of affective maturity is a proper understanding of love and sexuality; that is, the nuptial meaning of love, in which one gives him or herself and is capable of receiving the other in his or her entirety – physical, psychic and spiritual.²⁹⁶ This understanding of love is necessary for one called to celibacy. Therefore, superiors have an obligation to form and educate candidates in this understanding of love and sexuality.²⁹⁷ The exhortation states, “In view of the commitment to celibacy, affective maturity should bring to human relationships of serene friendship and deep brotherliness a strong, lively personal love for Jesus Christ.”²⁹⁸ Affective maturity requires formation and education in freedom and in the development of conscience. Mastery over the self and the ability to overcome selfishness and individualism are essential components of affective maturity.²⁹⁹ Regarding human formation in *Pastores dabo vobis*, Dolphin writes:

An important aspect of this growth in self-knowledge is the testing and nurturing of the candidate’s capacity and willingness to grow in the values he already professes by his choice of vocation. This capacity and willingness to grow cannot be taken for granted. In fact

²⁹⁴ Ibid., 43: “In hoc contextu illa advenit qualitas seu dos, cuius obtentus et difficilior est et magis determinans, maturitas scilicet affectiva, quae cardo est totius fere educationis ad amorem verum et responsalem.”

²⁹⁵ Brenda Dolphin, “Human Formation, the Basis of Priestly Formation,” in *The Formation Journey of the Priest: Exploring Pastores Dabo Vobis*, 74.

²⁹⁶ *Pastores dabo vobis*, 44, *AAS* 84 (1992) 733-734; *I Will Give You Shepherds*, 86.

²⁹⁷ Ibid., 44, *AAS* 84 (1992) 734; *I Will Give You Shepherds*, 86.

²⁹⁸ Ibid., 44: “Atque in prospectu huius caelibatus compromissionis, huiusmodi affectiva maturitas includat necesse est in ipsam relationum humanarum congeriem, quae serena amicitia et profundiore quadam fraternitate destinatur, magnam eamque vivam ac personalem Christi Iesu dilectionem.” *AAS* 84 (1992) 734-735; *I Will Give You Shepherds*, 86.

²⁹⁹ Ibid. 44, *AAS* 84 (1992) 735-736; *I Will Give You Shepherds*, 87.

willingness is the pivotal factor in human formation. Willingness as understood here has both conscious and unconscious components: conscious in the sense that the person presents himself ‘with the best will in the world’; unconscious in the sense that he is more or less free to choose (responsibly) for Christ from a variety of options. In other words it could be said that he is more or less free to learn from experience.³⁰⁰

Pastores dabo vobis offers a picture of the challenges and opportunities facing candidates to the priesthood, including the religious priesthood. It is the duty of the institutes to which these men are called to create environments in which candidates grow in affective maturity and test their potential for priesthood. If they possess these necessary qualities, at least in embryonic form, they must demonstrate an ability to grow in them. The observations on affective maturity, and its importance for the ability to live a call to celibacy, can assist religious institutes in developing their directory regarding pre-admission formation programs.

3. *Vita Consecrata*

On March 26, 1996, Pope John Paul II issued the Apostolic Exhortation *Vita Consecrata*.³⁰¹ The document is the result of the synod called by the same pope on December 30, 1991, and held in the fall of 1994.³⁰² The synod of bishops discussed the role and the function of institutes of consecrated life.³⁰³ The *Lineamenta*, issued on November 20, 1992 by the Vatican Synod Secretariat, posed the question: “How is the consecrated life perceived and evaluated today, particularly in

³⁰⁰ Dolphin, 73.

³⁰¹ John Paul II, Post-Synodal Apostolic Exhortation *Vita Consecrata*, March 25, 1996: *AAS* 88 (1996) 377-486; English translation: *Post-Synodal Apostolic Exhortation of the Holy Father, Consecrated Life: Vita Consecrata* (Boston: Pauline Books and Media, 1996) (hereafter *Consecrated Life*).

³⁰² Rose McDermott, “Consecrated Life and its Role in the Church and in the World: The *Lineamenta* for the 1994 Synod of Bishops,” *The Jurist* 53 (1993) 239 (hereafter “Consecrated Life *Lineamenta*”).

³⁰³ Ibid.

reference to the public profession of the evangelical counsels of chastity, poverty and obedience?”³⁰⁴

Regarding this question, McDermott writes, “Radical shifts in our culture have had significant effects on the lives of candidates seeking admission to institutes of consecrated life . . . The discussion of the evangelical counsels cannot be divorced from the socio-cultural constructs in which they are lived.”³⁰⁵

Through the evangelical counsel of chastity, religious live a celibate life in perfect continence (c. 599). The vow of chastity does not impede human development; rather, it gives promise to the fullest expression of human potential.³⁰⁶ However, society’s distorted notions of human sexuality influence candidates to religious life.³⁰⁷ Many candidates have had sexual relationships outside of marriage which contribute to stunted psychosexual development.³⁰⁸ Such complexities of human sexuality require that superiors and those responsible for formation study the research of anthropologists, theologians and psychologists.³⁰⁹

With respect to the vow of poverty, McDermott writes, “A person promises to live a life poor in fact and in spirit, a life of labor and moderation.”³¹⁰ However, candidates to religious life have succumbed to the trappings of excess: consumerism, growth in technological devices, and

³⁰⁴ Vatican Synod Secretariat, *The Consecrated Life and Its Role in the Church and in the World, Lineamenta* (Vatican City: Libreria Editrice Vaticana, 1992) 24.

³⁰⁵ McDermott, “Consecrated Life *Lineamenta*,” 245.

³⁰⁶ Ibid.

³⁰⁷ Ibid, 246.

³⁰⁸ Ibid.

³⁰⁹ Ibid.

³¹⁰ Ibid.

emphasis on accumulated wealth.³¹¹ When there is no distinguishable difference between the lived experience of religious life and secular society, the zeal for the mission to the poor is diminished.³¹²

Those who profess the evangelical counsel of obedience obey legitimate superiors and follow the norms of universal and proper law.³¹³ The Second Vatican Council emphasizes the dignity of the human person and the principle of subsidiarity. This allows for a more dialogical notion of obedience, replacing a more authoritarian one.³¹⁴ Society espouses self-determination and insists upon the rights of the individual, often neglecting the common good. McDermott states:

Candidates aspiring to a consecrated lifestyle and those who have already professed the vow of obedience live within this socio-cultural experience. Sometimes inappropriate demands of individual members on the common life, or their self-determinations for ministry, take precedence over the faith community or the corporate apostolate of the institute. The personal needs of some individuals for an independent living situation and ministry choice seem incongruent with the tradition and values of the respective institute of consecrated life to which they belong.³¹⁵

Those responsible for the admission of candidates and their formation prior to the novitiate must consider these challenges to living the evangelical counsels.

The *Instrumentum laboris*, the working paper for the bishops during the synod, continues these themes, noting the challenging situation existing in the world in regard to living religious life and

³¹¹ Ibid., 246-247.

³¹² Ibid., 247. The study on the Future of Religious Orders in the United States (FORUS) concluded that a great number of religious had no real commitment to the poor and did not see it as a fundamental aspect of their vocation. David Nygren and Miriam Ukeritis, "The Religious Life Futures Project: Executive Summary," *Review for Religious* 52 (1993) 23.

³¹³ McDermott, "Consecrated Life *Lineamenta*," 248.

³¹⁴ Ibid.

³¹⁵ Ibid.

accepting new candidates.³¹⁶ While there has been growth in the human sciences, and society generally recognizes human dignity, human rights, the right to life, freedom of conscience, and the notion of truth, there are existing problems in the world. The working paper states:

There remains the domination of the few over the many, not only in some countries dominated by others, but also within a given society, where side by side we find luxury and poverty, fanaticism and violence, the scourge of drugs, the loneliness experienced by many people, disdain for life from the moment of conception, attacks against the family, and the deterioration of the environment and of creation.³¹⁷

Vita Consecrata takes up the themes first introduced by the *Lineamenta*.

John Paul II calls those called to consecrated life to understand the importance of the communal dimension of formation.³¹⁸ In living the common life, individuals learn to live with those similarly called. They discover their gifts as well as their shortcomings.³¹⁹ Through the sharing of their gifts, they can build up all those around them.³²⁰ In this, those called to consecrated life come to the missionary dimension of consecration. John Paul II states:

Thus, during the period of initial formation, institutes of consecrated life do well to provide practical experiences which are prudently followed by the one responsible for formation, enabling candidates to test, in the context of the local culture, their skills for the apostolate, their ability to adapt and their spirit of initiative.³²¹

³¹⁶ Synod of Bishops, IX Ordinary Assembly, *Instrumentum Laboris: The Consecrated Life and its Role in the Church and in the World*, 17-18 (Vatican City: Libreria Editrice Vaticana, 1994) (hereafter *Instrumentum Laboris*) 21-23.

³¹⁷ *Instrumentum Laboris*, 21.

³¹⁸ *Vita Consecrata*, 67, *AAS* 88 (1996) 442; *Consecrated Life*, 108.

³¹⁹ *Ibid.*

³²⁰ *Ibid.*

³²¹ *Ibid.*, 67: “Quapropter, primae formationis tempore, in vitae consecratae Institutis utile sane est quaedam re experiri, quae prudenter comitentur educatores atque educatrices, ut per dialogum cum illa cultura quae circa iacet apostolicae exercentur affectiones, potestas se condicionibus accommodandi, operandi alacritas.” *AAS* 88 (1996) 442; *Consecrated Life*, 108-109.

The exhortation calls on each institute of consecrated life to develop a *ratio institutionis*; a program of formation that is founded upon the particular charism of each institute. The *ratio* should address all stages of formation, including the postulancy, so that the spirituality and mission can be assimilated by candidates, novices, and professed members of the institute.³²²

Consecrated chastity, poverty, and obedience each pose a challenge in contemporary society. The challenge facing consecrated chastity is the hedonistic culture that separates human sexuality from objective moral obligations.³²³ Social media amplifies the challenge by consumerizing and idolizing sexual desire.³²⁴ John Paul II states that the response of the consecrated must be, “*joyful living of perfect chastity* as a witness to the power of God’s love manifested in the weakness of the human condition.”³²⁵ Chastity cannot be lived merely as sacrifice, but also must be joy-filled and life-giving.³²⁶ The exhortation calls for interior honesty in relationships between young people, engaged couples, and husbands and wives. John Paul II states, “The consecrated life must present to today’s world examples of chastity lived by men and women who show balance, self-mastery, an enterprising spirit, and psychological and affective maturity.”³²⁷

³²² Ibid., 68, *AAS* 88 (1996) 443; *Consecrated Life*, 109.

³²³ Ibid., 88, *AAS* 88 (1996) 464; *Consecrated Life*, 141.

³²⁴ Ibid.

³²⁵ Ibid., 88: “*castitatem perfectam laetanter exsecuta* veluti testificationem potentiae amoris Dei in humanae condicionis infirmitate.” *AAS* 88 (1996) 464; *Consecrated Life*, 141.

³²⁶ Johnson Michael Kallidukil, *The Canonical Significance of the Synod of Bishops of 1994 on Consecrated Life: From the Lineamenta to the Vita Consecrata* (Frankfurt: Peter Lang, 2003) 145.

³²⁷ *Vita Consecrata*, 88: “*Vitam consecratam ostendet oportet nostrae aetatis hominibus castitatis exempla quam viri ac feminae vivant in se aequabilitatem demonstrantes et sui dominationem, alacritatem rerum gerendarum et psychologiam affectivam que maturitatem.*” *AAS* 88 (1996) 464; *Consecrated Life*, 141.

The challenge facing consecrated poverty is the materialism of our time. The response of the consecrated person in evangelical poverty is the promotion of solidarity and charity.³²⁸ The consecrated person must renew a commitment to self-denial and control. Consecrated life demonstrates simplicity of life and a preferential option for the poor by living and working among the poor and sharing in their suffering and persecutions.³²⁹ The consecrated persons reveal through their lives that the experience of God is true wealth.³³⁰

The challenge facing consecrated obedience is the distortion of the meaning of freedom, leading to a loss of moral values and objective truth. The world's notion of freedom leads to individual and societal violence and injustice.³³¹ The consecrated person responds in the same way that Christ obeyed God the Father.³³² For individuals who are consecrated, true freedom is found in discerning God's will for their life and submitting to it. Another aspect of obedience is life in common. Life in common where consecrated persons walk together to determine God's will offers the world a prophetic witness.³³³

Through the lens of the Holy Trinity, *Vita Consecrata* describes the richness of consecrated life as an expression of the magnificence of God.³³⁴ Through the scripture passage of the rich young man, John Paul II demonstrates that the vocation to the evangelical counsels entails going, giving, selling and finding holiness of life. Like *Pastores dabo vobis* for priestly candidates, *Vita Consecrata*

³²⁸ Ibid., 89, *AAS* 88 (1996) 465; *Consecrated Life*, 143.

³²⁹ Ibid., 90, *AAS* 88 (1996) 465-466; *Consecrated Life*, 144.

³³⁰ Ibid., 90, *AAS* 88 (1996) 465; *Consecrated Life*, 143-144.

³³¹ Ibid., 91, *AAS* 88 (1996) 466-467; *Consecrated Life*, 145.

³³² Ibid.

³³³ Ibid., 92, *AAS* 88 (1996) 467; *Consecrated Life*, 146.

³³⁴ Kallidukil, 153.

looks at the challenges and opportunities facing candidates to institutes of consecrated life. *Vita Consecrata* likewise notes the impact of affective maturity on the ability to live celibacy or a vow of chastity. The document further explores the challenges in living poverty, chastity, and obedience in modern society. Addressing vocation and the challenges facing those called to consecrated life, the exhortation serves as a tool for candidates to understand their call. It assists admitting superiors in discerning the challenges so they can better determine whether a candidate has the qualities necessary to face these challenges.

B. Directives and Instructions from the Congregation for Institutes of Consecrated Life and Societies of Apostolic Life

1. *Potissimum institutioni*

On February 22, 1990, the Congregation for Institutes of Consecrated Life and Societies of Apostolic Life (CICLSAL) issued a document titled, Directives, *Potissimum institutioni*.³³⁵ The norms listed in the document have the effect of an instruction.³³⁶ They do not derogate from the universal law but assist in its implementation.³³⁷

This document concerns religious institutes and addresses major superiors and those who assist them with formation.³³⁸ Regarding the purpose of formation, paragraph six states, “The primary end of formation is to permit candidates to the religious life and young professed first to

³³⁵ Congregation for Institutes of Consecrated Life and Societies of Apostolic Life, Directives, *Potissimum institutioni*, February 2, 1990, *AAS* 82 (1990) 470-532; English translation: Vatican Religious Congregation, “Directives on Formation in Religious Institutes,” *Origins* 19 (1990) 667-699. This chapter will refer to *Potissimum institutioni* as the instruction or the directives.

³³⁶ See 1983 code c. 34; Patricia Smith, *Theoretical and Practical Understanding of the Integral Reordering of Canon Law*, Roman Catholic Studies, Vol. 16 (Lewiston, NY: The Edwin Mellen Press, 2002) 137 (hereafter *Integral Reordering of Canon Law*).

³³⁷ Smith, *Integral Reordering of Canon Law*, 137.

³³⁸ *Potissimum institutioni*, 4, 5, *AAS* 82 (1990) 474; *Origins* 19 (1990) 679.

discover and later to assimilate and deepen that which religious identity consists.”³³⁹ Regarding vocation, paragraph eight states:

At the origin of the religious consecration there is a call of God for which there is no explanation apart from the love of God which he bears for the person whom he calls. This love is absolutely gratuitous, personal and unique. It embraces the person to the extent that one no longer pertains to oneself but to Christ. It thus reflects the character of an alliance . . . This gift invites the person whom God calls to follow Christ through the practice and profession of the evangelical counsels of chastity, poverty and obedience. This is ‘a gift of God which the Church has received from her Lord and which by his grace she always safeguards.’ And this is why ‘the final norm of the religious life will be the following of Christ as it is put before us in the Gospel.’³⁴⁰

Regarding admission to the novitiate, major superiors and formators must identify the human and Christian qualities of the candidate.³⁴¹ Integral formation requires physical, moral, intellectual, and spiritual elements.³⁴² The criteria for candidates for priestly ministry in *Optatam totius* are equally as valid for admission to religious life.³⁴³ The instruction states that *Perfectae caritatis* implicitly requires that candidates for admission to the novitiate must be “already living all of their baptismal promises in a manner consistent with their age.”³⁴⁴ Of all the dimensions of formation, the spiritual

³³⁹ Ibid., 6: “Institutio potissimum ad hoc spectat, ut candidati ad religiosam vitam et iuniores professi primum possint perspicere, deinde autem adsumere omnino altiusque perpendere naturam religiosae identitatis.” *AAS* 82 (1990) 475; *Origins* 19 (1990) 679.

³⁴⁰ Ibid, 8: “Religiosa consecratio oritur ex ipsa vocatione, quam nonnisi inexplicabilis Dei caritas erga personam vocatam perficit. Huiusmodi caritas est omnino gratuita, personalis et unica, personamque eo ducit ut non iam sibi vivat, sed Christo . . . quam Deus vocat, auctorat ad sequendum Christum, per exercitium et professionem evangelicorum consiliorum castitatis, paupertatis et oboedientiae. Cum sit ‘donum divinum quod Ecclesia a Domino suo accepit et gratia Eius semper conservat,’ Christi sequela in Evangelio proposita ‘habenda est igitur’ tamquam ‘suprema regula vitae religiosae.’ *AAS* 82 (1990) 476; *Origins* 19 (1990) 680.

³⁴¹ Ibid, 33, *AAS* 82 (1990) 494; *Origins* 19 (1990) 686.

³⁴² Ibid., 34. *AAS* 82 (1990) 494; *Origins* 19 (1990) 686.

³⁴³ Ibid.

³⁴⁴ Ibid., 34: “ad vitam . . . debet in omnibus gradibus vitae fidei professionem et baptismi obligationes.” *AAS* 82 (1990) 495; *Origins* 19 (1990) 686-687.

dimension remains the most important. The goal of formation is the experience of God, gradually perfected throughout one's life.³⁴⁵

Candidates for the novitiate must renounce secular influences that promote eroticism and consumerism.³⁴⁶ In order to live out one's baptism and call to religious life, the candidate must embrace personal asceticism.³⁴⁷ This enables one to live the theological and cardinal virtues.³⁴⁸ Asceticism includes facing and learning to overcome obstacles, and invites the individual into silence and solitude.³⁴⁹

Potissimum institutioni differentiates between the stages of religious formation. Regarding the stage before entrance to the novitiate, it reaffirms the claim of *Renovationis causam* that most difficulties in religious formation are due to the admission of candidates to the novitiate without the proper maturity.³⁵⁰ While the candidate does not immediately have the ability to assume all obligations of religious life, he must have the capability to grow in observing these obligations.³⁵¹ The preparatory period aims at determining this ability, as well as addressing the challenges posed by secular society discussed below. For this reason, the preparatory period can be extended, if necessary, according to the proper law of the institute.³⁵² Necessary requirements for candidates

³⁴⁵ Ibid., 35, *AAS* 82 (1990) 495; *Origins* 19 (1990) 687.

³⁴⁶ Ibid., 36, *AAS* 82 (1990) 495; *Origins* 19 (1990) 687.

³⁴⁷ Ibid., *AAS* 82 (1990) 495-496; *Origins* 19 (1990) 687.

³⁴⁸ Ibid.

³⁴⁹ Ibid., 37, 38, *AAS* 82 (1990) 496-497; *Origins* 19 (1990) 687.

³⁵⁰ Ibid., 42, *AAS* 82 (1990) 499; *Origins* 19 (1990) 688.

³⁵¹ Ibid.

³⁵² Ibid., 42, 43, *AAS* 82 (1990) 499; *Origins* 19 (1990) 688.

include: sufficient human and Christian maturity, a basic cultural and educational foundation, facility in the language used in the novitiate, sexual maturity, and the ability to live in community.³⁵³

Universal law does not dictate the structure of the preparatory period. *Potissimum institutioni* supports subsidiarity in that it suggests ways the religious institute can implement the preparatory period. Examples include: (1) receiving the candidate into a house of the institute; (2) the candidate can live apart, having intermittent periods of contact with a member(s) of the institute; and (3) the candidates live in common with other candidates in preparation for the novitiate.³⁵⁴ In any of these scenarios, the superiors should designate qualified religious to walk with the candidates in their discernment and assist them in personal growth.³⁵⁵

The instruction addresses specific areas of religious formation, including admission to a religious institute, “Young Candidates to Religious Life and Vocation Promotion.” At the time the instruction was issued, the majority of those entering religious life ranged from eighteen to twenty-five years.³⁵⁶ A common attribute among many in this age group is the influence of secularity.³⁵⁷ While the directives state that this is a Northern and Western paradigm, its influences – both positive and negative – are universal.³⁵⁸

Regarding the positive attributes of young persons, the instruction states that the young are disposed to mutuality and solidarity. They are enthusiastic about causes related to justice and are

³⁵³ Ibid., 43, *AAS* 82 (1990) 500; *Origins* 19 (1990) 688.

³⁵⁴ Ibid., 44, *AAS* 82 (1990) 500; *Origins* 19 (1990) 688.

³⁵⁵ Ibid., 44, *AAS* 82 (1990) 501; *Origins* 19 (1990) 688.

³⁵⁶ Ibid., 86, *AAS* 82 (1990) 520; *Origins* 19 (1990) 694.

³⁵⁷ Ibid.

³⁵⁸ Ibid.

committed to caring for the earth.³⁵⁹ They are engaged in political, social, charitable and cultural organizations, and seek to redress the wrongs against humanity, such as war, racism, and poverty.³⁶⁰ However, these values do not necessarily originate with their faith values.³⁶¹

Accordingly, a certain degree of relativism is present in the young. The instruction states, “There is frequently a gap between the level of their secular knowledge, which can be highly specialized at times, and that of their psychological growth and their Christian life.”³⁶² Young people are increasingly taught through images not studies; some have succumbed to consumerism, eroticism, violence and drugs.³⁶³ All of these conditions make discernment of a vocation difficult.

Candidates often have poor motivations for entering into a religious institute. *Potissimum institutioni* states:

In certain countries, some candidates for the religious life present themselves because of a more or less conscious search for gain and future security; others look upon the religious life as an ideal place for an ideological struggle for justice. Finally, there are others of a more conservative nature who look upon the religious life as if it were a place for saving their faith in a world which they regard as being hostile and corrupt. These motives represent the reverse side of a number of values, but they need to be corrected and purified.³⁶⁴

³⁵⁹ Ibid., 87, *AAS* 82 (1990) 520; *Origins* 19 (1990) 694.

³⁶⁰ Ibid., *AAS* 82 (1990) 521; *Origins* 19 (1990) 694.

³⁶¹ Ibid.

³⁶² Ibid., 88: “Saepe fractura habetur inter gradum eorum profanarum notionum, interdiu potissimum ac peculiariter institutarum, gradumque eorum psychologicae maturitatis et vitae christianae.” *AAS* 82 (1990) 521; *Origins* 19 (1990) 695.

³⁶³ Ibid. 88, *AAS* 82 (1990) 521; *Origins* 19 (1990) 694.

³⁶⁴ Ibid., 89: “In discrimine est rectum iudicium de vocationibus, potissimum quod fortasse in quibusdam regionibus candidati, viri ac mulieres, ad vitam religiosam eo fine tendant ut plus minusve inconscie promotionem socialem quaerant atque futuram condicionem securam, aliisque econtra vita religiosa appareat tamquam locus idoneus ideologicae actioni pro iustitia, aliique demum magis spiritu conservativi, in vita religiosa quaerant locum servandae suae fidei, in mundo qui ipsis videatur hostilis et maius. Huiusmodi rationes prae se ferunt flexus quorundam valorum sed purificandae atque corrigendae sunt. In regionibus excultis, quae dicuntur, fortasse praesertim promovendum.” *AAS* 82 (1990) 521-522; *Origins* 19 (1990) 695.

In more developed countries, the challenges for vocation directors and formators include candidates: having trouble giving up comfortable lifestyles, making a permanent commitment, and finding inner peace and joy.³⁶⁵ The directives also address the issue of religious formation and culture. They call upon formators to be aware of the culture and human dimensions of candidates as well as their intellectual qualities.³⁶⁶

2. *Fraternal Life in Community*

On February 2, 1994, CICLSAL issued *Fraternal Life in Community*.³⁶⁷ The type of document is not mentioned; however, it would appear to be an instruction.³⁶⁸ Its purpose is to emphasize fraternal life in religious institutes, encourage efforts already undertaken, and offer criteria for improving fraternity in light of genuine renewal.³⁶⁹

Living common life is more than a number of Christians having residence in the same location.³⁷⁰ It is a prophetic witness to the communal mystery of the Church.³⁷¹ A religious

³⁶⁵ Ibid., 89, *AAS* 82 (1990) 521-522; *Origins* 19 (1990) 695.

³⁶⁶ Ibid., 91, *AAS* 82 (1990) 523; *Origins* 19 (1990) 695.

³⁶⁷ Congregation for Institutes of Consecrated Life and Societies of Apostolic Life, Instruction *La Vita Fraterna in Comunità*, February, 2, 1994: *Enchiridion* 3028-3070; Vatican English translation from Congregation for Institutes of Consecrated Life and Societies of Apostolic Life, "Fraternal Life in Community," *Origins* 23 (1994) 693-712. The document was published by the Congregation simultaneously in multiple languages. Hereafter the document will be referred to as *Fraternal Life in Community*, as it is commonly known in the United States.

³⁶⁸ Smith, *The Integral Reordering of Canon Law*, 139.

³⁶⁹ *Fraternal Life in Community*, 6, *Enchiridion* 3034; *Origins*, 697.

³⁷⁰ *Fraternal Life in Community*, 2, *Enchiridion* 3029-30; *Origins*, 695.

³⁷¹ Ibid., 2, *Enchiridion* 3030; *Origins*, 695.

community is a sign of communion that should animate and inspire all baptized persons.³⁷² The document places vocation within the context of life in common. It states:

Those who enter into such communities must have the grace of a vocation. In practice, the members of a religious community are seen to be bound by a *common calling from God* in continuity with the *foundational charism*, by a characteristically common ecclesial consecration, and by a common response in sharing that ‘experience of the Spirit’ lived and handed on by the founder and in his or her mission with the Church.³⁷³

A vocation to the common life is one aspect of the vocation to religious life. Others are called to live the evangelical counsels through a sacred bond outside of the context of common life, living in the world.³⁷⁴

Religious life has two distinct elements in the code. Canon 607 §2 describes a religious institute as: “a society in which members, according to proper law, pronounce public vows . . . and lead a life of brothers or sisters in common.”³⁷⁵ The Latin words in the canon, *vitam fraternam*, or fraternal life, denote the spiritual element of communion requiring interpersonal relationships and charity among the members.³⁷⁶ Common life is observable and objective. The member must live in a legitimately established house of the institute. Life in common fosters fraternal life according to the charism and life of the institute set forth in the proper law.³⁷⁷ Candidates for the novitiate,

³⁷² Ibid., 2, *Enchiridion* 3030; *Origins*, 695-696.

³⁷³ Ibid., 2, c: “Per entrare a far parte di una tale comunità è necessaria la grazia particolare di una vocazione. In concreto i membri di una comunità religiosa appaiono uniti da una *comune chiamata di Dio* nella linea del *carisma fondazionale*, da una tipica comune consecrazione ecclesiale e da una comune riposta nella partecipazione ‘all’ esperienza dello Spirito’ vissuta e trasmessa dal fundatore e alla sua missione nella chiesa. *Enchiridion* 3030; *Origins*, 696.

³⁷⁴ See 1983 Code, Book II, Part III, Section I, Title III, “Secular Institutes” (cc. 710-733).

³⁷⁵ 1983 code c. 607 §2: “est societas in qua sodales secundum ius proprium vota publica . . . nuncupant atque vitam fraternam in communi ducunt.”

³⁷⁶ *Fraternal Life in Community*, 3, *Enchiridion* 3031; *Origins*, 696.

³⁷⁷ Ibid.

therefore, must have a vocation to a particular institute and be capable of fostering, encouraging and living fraternal life.

Like *Pastores dabo vobis* and *Vita Consecrata*, the instruction addresses the issues of inculturation and individualism. The culture of candidates and members with their own traditions and ways of thinking bring challenges to common life and achieving *fraternam vitam*.³⁷⁸ Increased migration leads to multi-cultural communities, which impacts communal living.³⁷⁹ Misguided notions of freedom lead to individualism. Individualism weakens common life and the shared consecration, both in the apostolate and liturgical celebrations. Likewise, consumerism and hedonism affect religious communities.³⁸⁰

Reflecting a theme addressed in previous documents, *Fraternal Life in Community* stresses the need for asceticism. Asceticism on the communal level allows for the interplay of vocation and commitment leading to the practical living of fraternal communion.³⁸¹ This presents a challenge to candidates for religious life. The increasing emphasis on individualism and self-fulfillment leads many to seek personal fulfillment in community, rather than contributing to it.³⁸² The document cautions that, while common life is attractive to young people, they have difficulty persevering in it.³⁸³ It states, “Initial formation needs, then, to bring one to awareness of the sacrifices required for

³⁷⁸ Ibid., 4, *Enchiridion* 3032; *Origins*, 696.

³⁷⁹ Ibid.

³⁸⁰ Ibid.

³⁸¹ Ibid., 23, *Enchiridion* 3041; *Origins*, 700.

³⁸² Ibid., 24, *Enchiridion* 3042; *Origins*, 700.

³⁸³ Ibid.

living in community, to accepting them in view of a joyful and truly fraternal relationship and of all the other attitudes characteristic of one who is interiorly free.”³⁸⁴

Candidates must realize that fulfillment comes from sharing in community, not from independent action.³⁸⁵ Western society idealizes independence and self-actualization, but those in religious life favor the common good.³⁸⁶ In order to create fraternal life, there must be a dying to self.³⁸⁷ The community can then become a school of love in which religious learn to love God, their brothers, and all humanity.³⁸⁸

The demands of common life require proper human qualities. The basic requirements necessary for all relationships include: “respect, kindness, sincerity, self-control, tactfulness, a sense of humor and a spirit of sharing.”³⁸⁹ Such requirements also include factors contained in canon 642: spiritual and affective maturity, and psychological health.

Religious community, a school of love, leads to maturity.³⁹⁰ The many religious saints in the history of the Church prove this. Human maturity is a *sine qua non* of true evangelical living.³⁹¹ Growth in maturity is never ending. It involves the constant enhancement of spiritual, psychological,

³⁸⁴ Ibid., 24: “La formazione iniziale deve allora condurre anche ad una presa di coscienza dei sacrifici richiesti dal vivere in comunità, ad una loro accettazione in vista di una relazione gioiosa e veramente fraterna e a tutti gli altri atteggiamenti tipici di una uomo interiorment libero.” *Enchiridion* 3042; *Origins*, 700.

³⁸⁵ Ibid., 25, *Enchiridion* 3042; *Origins*, 700-701.

³⁸⁶ Ibid., *Enchiridion* 3042; *Origins*, 701.

³⁸⁷ Ibid.

³⁸⁸ Ibid.

³⁸⁹ Ibid., 27: “educazione, gentilezza, sincerità, controllo di sé, delicatezza, senso dell’umorismo e spirito di condivisione.” *Enchiridion* 3043; *Origins*, 701.

³⁹⁰ Ibid., 35, *Enchiridion* 3046; *Origins*, 702.

³⁹¹ Ibid.

cultural and social values.³⁹² This necessitates spiritual directors who know the charism of the institute and accompany those in initial formation to discern the will of God, deepen their prayer life, and be nourished by the teachings of the Church in order to find fullness of life in Christ.³⁹³ In addition to spiritual maturity cultural maturity is also necessary, so that one can respond to the challenges of the mission of the institute and the needs of the world.

Common life requires that members have psychological health so they can attain emotional maturity.³⁹⁴ Formation is necessary in achieving maturity and finding the proper balance of the human and spiritual aspects of the person.³⁹⁵ The instruction refers to the dictates of healthy affectivity, sexuality, and the ability to live common life found in *Potissimum institutioni*.³⁹⁶ Admitting superiors need to ensure that negative experiences such as narcissism, an adolescent attitude, or rigid repression do not stunt candidates' affective and sexual development.³⁹⁷ Often these are the result of experiences prior to entrance to religious life.³⁹⁸ In the selection and formation of candidates, it may be necessary for formators and superiors to engage the assistance of experts in the social sciences.³⁹⁹

The call to live religious life is a personal call to a life lived with others. Accordingly, the maturity and ability to give of oneself must be present in candidates. This can only be accomplished

³⁹² Ibid.

³⁹³ Ibid., *Enchiridion* 3047; *Origins*, 703.

³⁹⁴ Ibid., 37, *Enchiridion* 3047; *Origins*, 703.

³⁹⁵ Ibid., 37, *Enchiridion* 3048; *Origins*, 703.

³⁹⁶ Ibid.

³⁹⁷ Ibid.

³⁹⁸ Ibid.

³⁹⁹ Ibid., 38, *Enchiridion* 3048-3049; *Origins*, 703.

by ensuring that candidates have the qualities necessary to assume the obligations of the institute and are given proper formation.

3. *Starting Afresh from Christ: A Renewed Commitment to Consecrated Life in the Third Millennium*

On July 4, 2002, CICLSAL issued the Instruction *Starting Afresh from Christ: A Renewed Commitment to Consecrated Life in the Third Millennium*.⁴⁰⁰ Five years after *Vita Consecrata*, the plenary session of the Congregation for Consecrated Life and Societies of Apostolic Life considered its implementation and effectiveness. The instruction refers to *Vita Consecrata* as a programmatic document which:

remains the most significant and necessary point of reference guiding the path of fidelity and renewal of institutes of consecrated life and societies of apostolic life while at the same time allowing for the rising of valid proposals for new forms of consecrated life and evangelical life. It must continue to be studied, understood and put into practice.⁴⁰¹

The apostolic exhortation and the Jubilee Year 2000 with its new commitment to holiness, prompt this instruction and a renewed commitment to the spiritual life.⁴⁰²

In baptism, consecrated persons share a common vocation with all of the baptized striving for holiness and fulfilling the work of the Gospel in the apostolate.⁴⁰³ The purpose of consecrated life, therefore, is to be a visible sign of this common vocation.⁴⁰⁴ Consecrated persons receive a new

⁴⁰⁰ Congregation for Institutes of Consecrated Life and Societies of Apostolic Life, Instruction, *Starting Afresh From Christ: A Renewed Commitment to Consecrated Life in the Third Millennium*, July 4, 2002: *Origins* 32 (2002) 129, 131-148 (hereafter *Starting Afresh from Christ*).

⁴⁰¹ *Starting Afresh from Christ*, 3, *Origins* 32 (2002) 132.

⁴⁰² Ibid., 4, *Origins* 32 (2002) 132.

⁴⁰³ Ibid.

⁴⁰⁴ Ibid.

and special call to live in imitation of Christ for the good of the Church.⁴⁰⁵ The call entails being prophetic witnesses to the primacy of God and eternal life in following the chaste, obedient, and poor Christ.⁴⁰⁶ Those consecrated invite others to reflect on the power of grace in an increasingly secularized world. Their lives of dedication support and encourage all the Christian faithful.⁴⁰⁷

The call to consecrated life, by its nature entails the continuation of Christ's mission in building the Kingdom of God.⁴⁰⁸ The instruction states, "The more consecrated persons allow themselves to be conformed to Christ, the more Christ is made present and active in history for the salvation of all."⁴⁰⁹ By imitating Christ and responding to the needs of the world, consecrated persons point to the resurrection. Zealous activity on behalf of the Kingdom of God demonstrates the sign that consecrated persons are called to be for all the Christian faithful.⁴¹⁰

Candidates to consecrated life must be ready to take on the challenges that face Christians in the twenty-first century and not succumb to them. Religious and their institutes have, at times, taken on middle class values, allowing their spirituality to flounder in the consumerist culture around them.⁴¹¹ Activism and personal projects can take precedence over communal projects, obscuring the

⁴⁰⁵ Ibid.

⁴⁰⁶ Ibid.

⁴⁰⁷ Ibid.

⁴⁰⁸ Ibid., 9, *Origins* 32 (2002) 133.

⁴⁰⁹ Ibid.

⁴¹⁰ Ibid.

⁴¹¹ Ibid., 12, *Origins* 32 (2002) 135.

communion of consecrated brothers and sisters.⁴¹² Secular society is increasingly becoming a culture of death. The antidote is the authentic living of the evangelical counsels.⁴¹³

Those seeking entrance to institutes of consecrated life come from diverse cultures and backgrounds. Superiors and formators must give personal attention to each candidate's human, spiritual and cultural characteristics and develop methods in addressing this diversity.⁴¹⁴ The instruction states:

A peaceful discernment freed from the temptations of numbers or efficiency must take place in order to verify the authenticity of the vocations and the purity of motivation in the light of faith and of possible contradictions. Young people need to be challenged to meet the high ideals of a radical following of Christ and the profound demands of holiness when discerning a vocation which is beyond them and which perhaps goes beyond the initial ideas which attracted them to enter a particular institute.⁴¹⁵

The radical following of Christ requires an integration of the spiritual, intellectual, human, and pastoral qualities.⁴¹⁶

Formation of candidates requires facing the challenges of a secularized society.⁴¹⁷ The Christian vocation responds to the values of diverse cultures and their ideals in the salvific encounter with Christ. Formation must address customs, individualism and consumerism. In this way, the candidate grows in living common life and fidelity to the spiritual and apostolic patrimony of the institute.⁴¹⁸

⁴¹² Ibid.

⁴¹³ Ibid., 12, 13, *Origins* 32 (2002) 135.

⁴¹⁴ Ibid., 18, *Origins* 32 (2002) 137.

⁴¹⁵ Ibid.

⁴¹⁶ Ibid.

⁴¹⁷ Ibid.

⁴¹⁸ Ibid.

Starting Afresh from Christ recognizes that institutes of consecrated life are increasingly experiencing cultural and age differences.⁴¹⁹ Formation must address these challenges in ways that bring about dialogue, mutual understanding, and respect. Cultural differences require that formators receive greater preparation in the philosophical, theological, and psychological fields. The institute must commit to placing qualified personnel in formation ministry, after they have received the proper preparation.⁴²⁰

Prayer and contemplation are the seeds of a vocation to consecrated life. Maturity in consecrated life develops through an intimate relationship with Christ. Contemplation nurtures the seed of a vocation to consecrated life; it sustains and matures the vocation.⁴²¹ A necessary part of this intimacy with Christ is the Eucharist. The instruction states, “In the Eucharist all forms of prayer come together, the Word of God is proclaimed and received, relationships with God, with brothers and sisters, with all men and women are challenged. It is the Sacrament of filiation, of communion and of mission.”⁴²²

Those seeking to live consecrated life must learn asceticism.⁴²³ The theme of asceticism flows through most post-codal documents. Only through a life of asceticism will consecrated persons be faithful to their vocation of following Christ and his cross.⁴²⁴ Asceticism is necessary to face the daily challenges of consecrated life in the twenty-first century: the advanced age of many in

⁴¹⁹ Ibid. *Potissimum institutioni* requires candidates to be formed in their own cultures. This instruction is silent on this question.

⁴²⁰ Ibid.

⁴²¹ Ibid.

⁴²² Ibid., *Origins* 32 (2002), 141.

⁴²³ Ibid., 27, *Origins* 32 (2002), 141.

⁴²⁴ Ibid.

institutes, structural and governmental issues and uncertainties about the future. In addition to the challenges of common life, the apostolates of institutes face demands of the poor, sick, and prisoners.⁴²⁵ Contemporary society experiences significant moral and spiritual poverty. The vocation of consecrated persons responds to the problems of the world as Christ did, taking its suffering and pain.

While not stated explicitly, the instruction requires candidates to have the ability to act in communion with the members of their institutes, with other ecclesial movements, with the laity, and with the bishops of the Church.⁴²⁶ This presupposes that candidates interact, and work well with others, not simply with those in their own religious institute.

Candidates cannot enter consecrated life intending to escape society. In order to evangelize society, they must understand the culture and transform it.⁴²⁷ The use of social media becomes increasingly important to engage culture.⁴²⁸ Younger candidates to consecrated life will have greater experience in this area and can use their knowledge to evangelize more effectively.

The instructions from CICLSAL, like the apostolic exhortations, address the difficulties and challenges facing candidates entering religious institutes. The instructions identify hedonism, consumerism, individualism, distorted notions of sexuality, and globalization as difficulties that can be addressed through a life of the evangelical counsels. Intimacy with Christ, asceticism, and communion offer the world antidotes and signs of eternal life.

C. Instructions from the Congregation for Catholic Education

⁴²⁵ Ibid.

⁴²⁶ Ibid., 29-32, *Origins* 32 (2002) 142-143.

⁴²⁷ Ibid.

⁴²⁸ Ibid.

1. *Instruction on Admitting Candidates Coming from Other Seminaries or Religious Communities*

On March 8, 1996, the Congregation for Catholic Education (CCE) issued the *Instruction on Admitting Candidates Coming from Other Seminaries or Religious Communities*.⁴²⁹ While not specifically addressing admission to the novitiate, it addresses admission of candidates coming from other seminaries or religious institutes; and the norms are relevant to this discussion. The very brief instruction notes that the Congregation knows of many irregularities and omissions, resulting in harm to the dioceses in admitting candidates previously attending seminaries or religious institutes without sufficient investigation of their voluntary or involuntary departure. It calls upon bishops' conferences to implement norms for such admissions. In particular, the CCE addresses canon 241 §3, which states, "If it concerns admitting those who were dismissed from another seminary or religious institute, testimony of the respective superior is also required, especially concerning the cause for their dismissal."⁴³⁰ The parallel canon for religious institutes is canon 645 §2. It mandates the testimony of the local ordinary, major superior, or the rector for the admission of clerics previously admitted to an institute of consecrated life, a society of apostolic life, or a seminary.

While leaving specific norms and their enforcement to episcopal conferences in their respective territories, the instruction sets forth general principles on admission for those coming from other seminaries or religious communities. The instruction directs those charged with admission to:

⁴²⁹ Congregation for Catholic Education, *Instruction On Admitting Candidates Coming from Other Seminaries or Religious Communities*, March 8, 1996: *Origins* 26 (1996-1997) 358-360 (hereafter *Instruction On Admitting Candidates*).

⁴³⁰ 1983 code c. 241 §3: "Si agatur de iis admittendis, qui ex alieno seminario vel instituto religioso dimissi fuerint, requiritur insuper testimonium respectivi superioris praesertim de causa eorum dimissionis vel discessus."

specify more clearly some of the more delicate aspects of vocational discernment that are often the cause of disagreement, of uncertainty and of hesitation (e.g., the presence of hereditary defects, problems concerning human and affective maturity, psychological and sexual anomalies, the recourse to psychology in certain cases, ideological and doctrinal differences, etc.).⁴³¹

Each conference is to set forth objective criteria by which candidates are to be evaluated. It had been understood that the bishops' conferences would do this, as the requirement for permission of the Apostolic See before accepting these candidates no longer applied.⁴³² The reputation and privacy of candidates must remain secure pursuant to canon 220.⁴³³ There should be norms that guarantee discreet and careful sharing of information, between bishops and major superiors.⁴³⁴ The norms apply equally to those voluntarily departing or dismissed from a seminary or religious institute.

Although not explicitly stated in the instruction, religious institutes, too, must address these same concerns in their own proper law. Other considerations might include a stated time period prior to accepting into the religious institute those who have been dismissed or voluntarily left a

⁴³¹ *Instruction on Admitting Candidates*, II, 3.

⁴³² *Instruction on Admitting Candidates*, I, 3.

⁴³³ Ibid.

⁴³⁴ Ibid.

seminary or other religious institute.⁴³⁵ In accord with canon 645 §2, major superiors need to be in contact with the appropriate local ordinary, rector of a seminary, or major superior.⁴³⁶

2. *Instruction Concerning the Criteria for the Discernment of Vocations with Regard to Persons with Homosexual Tendencies in View of Their Admission to the Seminary and to Holy Orders*

On November 5, 2005, the CCE issued the *Instruction Concerning the Criteria for the Discernment of Vocations with Regard to Persons with Homosexual Tendencies in View of Their Admission to the Seminary and to Holy Orders*.⁴³⁷ The instruction must be seen in continuity with *Optatam totius* and *Pastores dabo vobis*.⁴³⁸ However, it addresses only one question: “whether to admit to the seminary and to holy orders candidates who have deep seated homosexual tendencies.”⁴³⁹

The priest is the sacramental representation of Christ. Therefore, he must conform his whole person to the Church and his call to pastoral ministry.⁴⁴⁰ The candidate’s affective maturity is

⁴³⁵ For example, the United States Conference of Catholic Bishops requires the passage of two years after the dismissal of a former seminarian or member of a religious institute or society of apostolic life, before he may be considered for admission. If it involves a voluntary departure, sufficient time should be allotted to consider the admission. United States Conference of Catholic Bishops, “Norms Concerning Applications for Priestly Formation from Those Previously Enrolled in a Formation Program,” in United States Conference of Catholic Bishops, *Program of Priestly Formation*, 5th ed. (Washington, DC: United States Conference of Catholic Bishops, 2006) 2, 119.

⁴³⁶ The USCCB norms referenced in footnote 271 serve as a good example.

⁴³⁷ Congregation for Catholic Education, *Instruction Circa Criteria ad Vocationes Discernendas eorum qui Inclinantur ad Homosexualitatem, Intuitu Eorundum Admissionis ad Seminariun et ad Ordines Sacros*, November 4, 2005: *AAS* 97 (2005) 1007-1013 (hereafter *Instruction Concerning the Discernment of Criteria*); English translation: Congregation for Catholic Education, *Instruction “Criteria for the Discernment of Vocations with Regard to Persons with Homosexual Tendencies in view of their Admission to the Seminary and to Holy Orders,”* November 4, 2005: *Origins* 35 (2005) 429-431.

⁴³⁸ *Ibid.*, Introduction, *AAS* 97 (2005) 1007; *Origins* 35 (2005) 429.

⁴³⁹ *Ibid.*, Introduction: “e cioè quella dell’ammissione o meno al Seminario e agli Ordini sacri dei candidati che hanno tendenze omosessuali profondamente radicate.” *AAS* 97 (2005) 1008; *Origins* 35 (2005) 430.

⁴⁴⁰ *Ibid.*, 1, *AAS* 97 (2005) 1008; *Origins* 35 (2005) 430.

important in this regard. He must have the ability to relate appropriately with women and men in the manner of a spiritual father.⁴⁴¹ Ghirlanda notes that the same affective maturity is required for heterosexual candidates.⁴⁴²

In conformity with Church teachings on homosexuality, the instruction distinguishes between homosexual acts and homosexual tendencies. Homosexual acts are “intrinsically immoral and contrary to natural law. Consequently, under no circumstances can they be approved.”⁴⁴³ Homosexual tendencies, while objectively disordered, can be burdensome for men and women with such tendencies; however these persons must be treated with respect and care without unjust discrimination.⁴⁴⁴

The CCE and the Congregation for Divine Worship and the Discipline of the Sacraments (CDW) are in agreement that the following persons cannot be admitted to the seminary or holy orders: “those who practice homosexuality, present deep-seated homosexual tendencies or support the so-called ‘gay culture.’”⁴⁴⁵ Candreva writes, “The phrase ‘deep-seated homosexual tendencies’ is not self-explanatory. ‘Tendencies’ are not visible to the naked eye. ‘Deep-seated’ is not a univocal

⁴⁴¹ Ibid.

⁴⁴² Gianfranco Ghirlanda, “Aspetti Canonici Dell’ Istr. In *Continuità* Del Novembre 2005,” *Periodica* 95 (2006) 401.

⁴⁴³ *Instruction Concerning the Discernment of Criteria*, 2: “intrinsecamente immorali e contrari alla legge naturale. Essi, di conseguenza, non possono essere approvati in nessun caso.” *AAS* 97 (2005) 1009; *Origins* 35 (2005) 430.

⁴⁴⁴ Ibid.

⁴⁴⁵ Ibid., 2: “che praticano l’omosessualità, presentano tendenze omosessuali profondamente radicate o sostengono la cosiddetta *cultura gay*.” *AAS* 97 (2005) 1009; *Origins* 35 (2005) 430.

⁴⁴⁵ Ibid.

phrase. Interpretation is required.”⁴⁴⁶ Candreva believes this ambiguity is intentional and meant to allow interpretation in each given circumstance.⁴⁴⁷

The instruction states that persons with deep-seated homosexual tendencies deserve respect, but that these tendencies can prevent them from relating appropriately to men and women. Ordaining such men can cause harmful consequences to the faithful. Accordingly, homosexual tendencies must be overcome at least three years prior to ordination to the diaconate.⁴⁴⁸ Ghirlanda notes that since the three-year timeframe is counted from the day of ordination to the diaconate, it is possible to admit candidates with transitory homosexual tendencies to the novitiate or seminary.⁴⁴⁹

One does not have a right to ordination; rather, the instruction states that a priestly vocation is “a gift of divine grace received through the Church, in the Church and for the service of the Church.”⁴⁵⁰ The mere desire to be a priest is not sufficient. Church authorities must discern the suitability of candidates through the lens of the four aspects of formation: human, spiritual, intellectual, and pastoral. The candidate cannot be admitted to holy orders without affective maturity. The bishop or the major superior bears personal responsibility for calling a man to orders; therefore, this authority has the responsibility for implementing the instruction.⁴⁵¹

Spiritual directors represent the Church in the internal forum. Should a candidate for priesthood acknowledge abnormalities of a sexual nature, spiritual directors and confessors are

⁴⁴⁶ Thomas Candreva, “A New Impediment,” *America* 194 (2006) 20.

⁴⁴⁷ Ibid.

⁴⁴⁸ *Instruction Concerning the Discernment of Criteria*, *AAS* 97 (2005) 1010; *Origins* 35 (2005) 430.

⁴⁴⁹ Ghirlanda, “Aspetti Canonici Dell’ Istr. In *Continuità* Del Novembre 2005,” 397.

⁴⁵⁰ *Instruction Concerning the Discernment of Criteria*, 3: “un dono della grazia divina, ricevuto tramite la Chiesa, nella Chiesa, e per il servizio della Chiesa.” *AAS* 97 (2005) 1010; *Origins* 35 (2005) 430.

⁴⁵¹ Ibid., *AAS* 97 (2005) 1010; *Origins* 35 (2005) 430-431.

obligated to dissuade him from presenting himself for ordination.⁴⁵² The candidate for priesthood has the primary responsibility for his own formation. Priests operate in a spirit of truth, loyalty and openness; therefore, candidates must not hide the fact of their homosexuality.⁴⁵³

While certain terms in the instruction are in need of clarification, the document was well-received by at least some in the American bishops. Skylstad states that the instruction is timely and affirms its teaching.⁴⁵⁴ He states that sexual activity outside of the marital covenant is objectively sinful and a priest is to teach this truth in its entirety.⁴⁵⁵ Skylstad writes:

Formation is not a time for an applicant to begin to resolve serious issues in his life, whether they involve addictive behavior, personal finances, sexual matters, the ability to work collaboratively with others or any other significant concern. A candidate still facing issues like these is not acceptable until they are resolved. A man who has a personal agenda that he might place ahead of the Gospel is also not an acceptable candidate. Like marriage, a priestly vocation is not centered on the search for one's individual personal fulfillment.⁴⁵⁶

Skylstad interprets the instruction to mean that one who practices homosexuality and identifies principally with homosexual inclinations is not acceptable. A candidate who cannot exemplify the fullness of the Church's teaching on sexuality is unacceptable.⁴⁵⁷ Skylstad encourages all bishops and major superiors to discuss the instruction and use it to engage in a larger discussion with vocation directors and seminary rectors regarding affective maturity.

⁴⁵² Ibid., *AAS* 97 (2005) 1011-1012; *Origins* 35 (2005) 431.

⁴⁵³ Ibid. Noll worries that the document will have the opposite effect and discourage candidates from being open about sexual issues. Lief Noll, "A Psychologist Responds to the Vatican Instruction on Homosexuality," *Human Development* 27 (2006) 12.

⁴⁵⁴ William Skylstad, "Statement Regarding New Vatican Instruction," *Origins* 35 (2005) 433.

⁴⁵⁵ Ibid.

⁴⁵⁶ Ibid.

⁴⁵⁷ Ibid.

The Conference of Major Superiors of Men (CMSM) in the United States also affirms the instruction.⁴⁵⁸ Consecrated life requires a life dedicated to the vows. If a vocation to the priesthood is not authentic, the person lacking such will be unhappy and a constant source of difficulty to those in his institute.⁴⁵⁹ CMSM states, “At the same time, those who have taken hold of the grace of their vocation, regardless of their sexual orientation, have become concrete examples of Christ to men and women through their ministries and presence.”⁴⁶⁰

D’Arcy states that determining whether a man is called to priesthood is not an exact science.⁴⁶¹ However, there are personal characteristics on which the bishop, major superior, and formators of the seminary and religious institutes rely.⁴⁶² He states that an individual has the capability of being a good husband and father.⁴⁶³ In other words, those to be ordained must be able to give themselves to others. This, in turn, will draw other quality men.⁴⁶⁴ He states, “So the way out of the [vocation] crisis consists not in lowering the bar but in strengthening our admission policies and our criteria and this document helps us in that direction.”⁴⁶⁵

Although the instruction refers only to candidates for priesthood, it can be helpful for evaluating the admission of lay brother candidates. The lay brother will profess the same vow of chastity, and possess the same affective maturity required in the Church’s teachings on sexuality.

⁴⁵⁸ Conference of Major Superiors of Men, “CMSM,” *Origins* 35 (2005) 434-435.

⁴⁵⁹ *Ibid.*, 435.

⁴⁶⁰ *Ibid.*

⁴⁶¹ John D’Arcy, “Bishop D’Arcy,” *Origins* 35 (2005) 436.

⁴⁶² *Ibid.*

⁴⁶³ *Ibid.*

⁴⁶⁴ *Ibid.*

⁴⁶⁵ *Ibid.*, *Origins* 35 (2005) 436-437.

While some of the terms in the instruction are not defined, it appears that commentators and bishops interpreting the document see it as not prohibiting men with homosexual orientations from ordination. Rather, all candidates to the seminary must demonstrate that, no matter their sexual orientation, they are integrated persons.

3. *Guidelines for the Use of Psychology in the Admission and Formation of Candidates for the Priesthood*

On June 29, 2008, the CCE issued *Guidelines for the Use of Psychology in the Admission and Formation of Candidates for the Priesthood*.⁴⁶⁶ It is not clear how the document is to be classified; however, the content suggests it is an instruction pursuant to canon 34.⁴⁶⁷ In addition to affirming and highlighting the law on the use of experts in determining the suitability of candidates, the instruction offers new guidelines regarding the discernment of vocations, formation, and the use of psychology in that enterprise.

Guidelines for the Use of Psychology begins with the theology of vocation. As explored in part one of this chapter, a vocation is a gift from God. It must come within the Church and through the Church; that is, it cannot be viewed independently of the Church.⁴⁶⁸ It is the task of Church authorities to discern a vocation and the suitability of candidates. They protect the Church's mission

⁴⁶⁶ Congregation for Catholic Education, *Guidelines for the Use of Psychology in the Admission and Formation of Candidates for the Priesthood*, June 29, 2008; *Origins* 38 (2008) 357-363 (hereafter *Guidelines for the Use of Psychology*).

⁴⁶⁷ 1983 code c. 34.

⁴⁶⁸ *Guidelines for the Use of Psychology*, 1, *Origins* 38 (2008) 357.

and purpose, but they also protect the candidates.⁴⁶⁹ Since the fulfillment of a vocation comes from within and through the Church, the two interests share a common trajectory.⁴⁷⁰

Recalling that *Pastores dabo vobis* examines the four dimensions of priestly formation, the document states:

Priestly ministry . . . requires certain abilities as well as moral and theological virtues, which are supported by a human and psychic – and particular affective – equilibrium, so as to allow the subject to be adequately predisposed for giving himself in the celibate life in a way that is truly free in his relations with the faithful.⁴⁷¹

Without the human dimension of priestly formation, the other three cannot exist.⁴⁷² The human qualities necessary for a priest include the following: 1) a positive view of one's own masculine identity and the ability to relate to individuals and groups; 2) a sense of belonging, that he may be one with his future brother priests and cooperate with his bishop or superior; 3) an idealism that motivates him; 4) the ability to make decisions and not waver in them; 5) self-knowledge, including gifts as well as limitations; 6) the ability for self-growth and learning from mistakes; 7) the ability to appreciate beauty and recognize 'the splendor of the truth;' 8) the ability to trust, appreciate and esteem others; and 9) the capacity to live the celibate life according to Church teaching and integrate his sexuality.⁴⁷³ These qualities are life-long goals. While candidates may not be able to achieve many of them in the short-term, they must daily cooperate with God-given grace⁴⁷⁴

⁴⁶⁹ Ibid., *Origins* 38 (2008) 358.

⁴⁷⁰ Ibid.

⁴⁷¹ Ibid., 2, *Origins* 38 (2008) 358.

⁴⁷² Ibid.

⁴⁷³ Ibid.

⁴⁷⁴ Ibid., *Origins* 38 (2008) 359.

Church authorities and their formation personnel also have the responsibility for fostering human qualities in candidates and seeing that such human dimensions unite with spiritual dimensions of the vocation.⁴⁷⁵ Therefore, formators must understand the human person, both theoretically and in the individual being formed. Formators must be able to recognize the candidate's gifts as well as weaknesses.⁴⁷⁶ Formators need preparation to ensure proper discernment of candidates based upon Church teachings. The guidelines state: "The discernment also must allow for the candidate to be accompanied on his path to acquiring those moral and theological virtues which are necessary for living in coherence and interior freedom the total gift of his life so as to be a 'servant of the Church as communion.'"⁴⁷⁷

Formators should have some training in psychology in order to assess motivations of candidates, to determine what personal barriers keep candidates from integrating human and Christian maturity, and to detect psychopathic problems.⁴⁷⁸ Knowledge of the candidate's history is important in determining whether to admit or deny a candidate from the seminary or house of formation.⁴⁷⁹ Formators should take courses to assist them in understanding the human person and the Church's teaching on formation for the priesthood.⁴⁸⁰

⁴⁷⁵ Ibid.

⁴⁷⁶ Ibid., 3, *Origins* 38 (2008) 359.

⁴⁷⁷ Ibid.

⁴⁷⁸ Ibid., 4, *Origins* 38 (2008) 359.

⁴⁷⁹ Ibid.

⁴⁸⁰ Ibid.

While priestly vocations cannot be determined by psychology alone, experts in psychology are helpful. In addition to evaluating the candidate's psychological health, they can assist in providing therapy for psychic problems impeding the candidate's human growth.⁴⁸¹

Those seeking entrance into seminaries and houses of formation very often reflect consumerism, familial instability, moral relativism, distorted notions of sexuality, and the hedonism of the age.⁴⁸² The documents from CICLSAL address these concerns. These societal scourges at times cause psychological wounds. These wounds may need the attention of an expert either prior to admission or during formation.⁴⁸³ It is not necessarily the task (nor likely the competence), of formators to assist in such psychological healing, but they must be aware of the societal ills and recognize wounds in the candidates.

Experts in psychology must be chosen with great care. They should have human and spiritual maturity and understand and abide by Church's teachings regarding the human person, sexuality and the vocation to the priesthood.⁴⁸⁴ If experts with these qualifications cannot be found, then others open to such teachings, should be adequately prepared.⁴⁸⁵ Recourse to experts cannot substitute for spiritual direction, but only assists it.⁴⁸⁶

The document *Guidelines for the Use of Psychology* states, "the formator needs to be able to comprehend his personality; potentialities; dispositions; and the types of any psychological wounds,

⁴⁸¹ Ibid., 5, *Origins* 38 (2008) 359.

⁴⁸² Ibid., *Origins* 38 (2008) 360.

⁴⁸³ Ibid.

⁴⁸⁴ Ibid., 6, *Origins* 38 (2008) 360.

⁴⁸⁵ Ibid.

⁴⁸⁶ Ibid.

evaluating their nature and intensity.”⁴⁸⁷ It should be borne in mind that candidates may try to minimize their deficiencies and keep from their formators problems of which they are aware, but afraid will be misunderstood. Likewise, other candidates will over emphasize their problems, finding them as insurmountable obstacles.⁴⁸⁸ Discerning personal difficulties early on in formation assists the individual and the formators. Therapy should take place prior to entrance into the seminary or house of formation.⁴⁸⁹ Experts can also be of use in determining whether a candidate has the capacity to live celibacy.⁴⁹⁰

While acknowledging the right of superiors and formators to verify the suitability of candidates prior to ordination, the instruction recognizes guarding the good reputation and privacy of candidates.⁴⁹¹ The candidate must give his prior, free, explicit consent, after being informed of the nature of the examination or consultation and its scope.⁴⁹² Formators are to create atmospheres of trust, so that candidates are honest and sincere with them. In this way, candidates will be more comfortable in having a psychological evaluation or consultation.

Finally, regarding those candidates who have left or been dismissed from seminaries or houses of formation, major superiors and bishops or their delegates should collect and store information surrounding their departure.⁴⁹³ Prior formators have a duty to share relevant and precise information with new formators. It is the duty of the candidate himself to indicate to the

⁴⁸⁷ Ibid., 8, *Origins* 38 (2008) 360.

⁴⁸⁸ Ibid.

⁴⁸⁹ Ibid., *Origins* 38 (2008) 361.

⁴⁹⁰ Ibid.

⁴⁹¹ Ibid., 11, *Origins* 38 (2008) 361.

⁴⁹² Ibid.

⁴⁹³ Ibid., 16, *Origins* 38 (2008) 362.

new formators if he has undergone any psychological consultation or therapy.⁴⁹⁴ His free, written consent is required for the new formators to have access to communications or reports of psychological experts. Should a candidate have been dismissed from an institution and then undergone psychological treatment, formators should obtain knowledge of his psychic condition.⁴⁹⁵ Again, the free, written consent of the candidate is necessary. Lacking such consent, the new formators must make judgments regarding suitability with the information they possess and their own evaluations.⁴⁹⁶

Guidelines for the Use of Psychology addresses some of the characteristics of the times that influence candidates such as hedonism, consumerism, distorted notions of sexuality, and moral relativism. The *Instruction Concerning the Criteria for the Discernment of Vocations* focuses attention on the necessity of the affective maturity of candidates. The *Instruction on Admitting Candidates Coming from Other Seminaries or Religious Communities* concerns information sharing from a seminary or religious institute from which a candidate departed and seminary or religious institute to which he applies. The *Instruction Concerning the Criteria for the Discernment of Vocations* focuses on candidates with deep-seated homosexual tendencies and their unsuitability for orders. *Guidelines for the Use of Psychology* concentrates on the field of psychology in the admission and formation of candidates for the priesthood. It also stresses the importance of confidential information sharing with the informed consent of the candidates.

⁴⁹⁴ Ibid.

⁴⁹⁵ Ibid.

⁴⁹⁶ Ibid.

D. Circular Letter and Symposium - Congregation for the Doctrine of the Faith

1. *Circular Letter to Assist Episcopal Conferences in Developing Guidelines for Dealing with Cases of Sexual Abuse of Minors Perpetrated by Clerics*

On May 3, 2011, the Congregation for the Doctrine of the Faith (CDF) issued the *Circular Letter to Assist Episcopal Conferences in Developing Guidelines for Dealing with Cases of Sexual Abuse of Minors Perpetrated by Clerics*.⁴⁹⁷ In addition to giving instructions to episcopal conferences for handling such cases, the letter offers specific mention of the formation of clerics and religious. It quotes John Paul II's address to the American cardinals on April 23, 2002, in which he states, "There is no place in the priesthood or religious life for those who would harm the young."⁴⁹⁸ It directs attention to the post synodal Apostolic Exhortation *Pastores dabo vobis* and the various instructions from the dicasteries of the Holy See. It states that these instructions:

take on an even greater importance in assuring a proper discernment of vocations as well as a healthy spiritual formation of candidates. In particular, candidates should be formed in an appreciation of chastity and celibacy, and the responsibility of the cleric for spiritual fatherhood. Formation should also assure that the candidates have an appreciation of the Church's discipline in these matters.⁴⁹⁹

⁴⁹⁷ Congregation for the Doctrine of the Faith, Circular Letter *Per Aiutare le Conferenze Episcopali nel Preparare Linee Guida per il Trattamento dei Casi di Abuso sessuale nei Confronti di Minori da Parte di Chierici*, May 3, 2011: *AAS* 103 (2011) 406-412 (hereafter "*Circular Letter to Assist Episcopal Conferences*"); English translation: Congregation for the Doctrine of the Faith, "All Bishops' Conferences Required to Draft Guidelines to Handle Sex Abuse Cases: Circular Letter," *Origins* 41 (2011) 41-43.

⁴⁹⁸ *Circular Letter to Assist Episcopal Conferences*, I, c: "Non c'è posto nel sacerdozio e nella vita religiosa per chi potrebbe far male ai giovani." *AAS* 103 (2011) 407; *Origins* 41 (2011) 42.

⁴⁹⁹ *Ibid.*, c: "acquistano una crescente importanza in vista di un corretto discernimento vocazionale e di una sana formazione umana e spirituale dei candidati. In particolare si farà in modo che essi apprezzino la castità e il celibato e le responsabilità della paternità spirituale da parte del chierico e possano approfondire la conoscenza della disciplina della Chiesa sull'argomento." *AAS* 103 (2011) 407; *Origins* 41 (2011) 42.

The circular letter calls upon each conference and institute of consecrated life or society of apostolic life to have further directives on these matters in their respective *Ratio institutionis sacerdotalis*.⁵⁰⁰ The letter reiterates the importance of exchanging information regarding candidates leaving a seminary or religious institute and entering another seminary or religious institute.⁵⁰¹

On February 2, 2015 this circular letter was affirmed with the *Letter of His Holiness Pope Francis to the Presidents of Episcopal Conferences and Superiors of Institutes of Consecrated Life and Societies of Apostolic Life Concerning the Pontifical Commission for the Protection of Minors*.⁵⁰² In the letter, Pope Francis describes the establishment of the Pontifical Commission for the Protection of Minors announced in December, 2013, and meeting for the first time in March, 2014. The purpose of this commission, among other things, is to provide for the implementation of the *Circular Letter to Assist Episcopal Conferences*. Pope Francis states, “Every effort must also be made to ensure that the provisions of the Circular Letter of the Congregation for the Doctrine of the Faith dated 3 May 2011 are fully implemented.”⁵⁰³ In addition to establishing guidelines to address cases of sexual abuse of minors, episcopal conferences are to periodically review their norms and verify compliance.⁵⁰⁴ Diocesan

⁵⁰⁰ Ibid. On April 5, 2013, Pope Francis, in meetings with the CDF, stated that sex abusers suffer from a psychological perversion not related to celibacy but existing prior to ordination. Careful screening and selection of candidates for the priesthood are necessary. Carol Glatz, “Francis to Doctrinal Office: Act ‘Decisively’ Against Sex Abuse,” *National Catholic Reporter*, April 5, 2013, <http://ncronline.org/news/vatican/francis-doctrinal-office-act-decisively--against-sex-abuse> [May 24, 2014].

⁵⁰¹ Ibid.

⁵⁰² Pope Francis, *Letter of His Holiness Pope Francis to the Presidents of Episcopal Conferences and Superiors of Institutes of Consecrated Life and Societies of Apostolic Life Concerning the Pontifical Commission for the Protection of Minors*, February 2, 2015, http://w2.vatican.va/content/francesco/en/letters/2015/documents/papa-francesco_20150202_lettera-pontificia-commissione-tutela-minori.html (hereafter *Letter of Pope Francis*) [accessed May 24, 2015].

⁵⁰³ Ibid.

⁵⁰⁴ Ibid.

bishops and major superiors are to ensure the safety of minors and vulnerable adults.⁵⁰⁵ Although the letter does not state it explicitly, one of the most important aspects of ensuring the safety of minors is the adherence to canonical norms in the admission and formation of candidates for seminaries and religious institutes.

2. Symposium “Toward Healing and Renewal” – Congregation for the Doctrine of the Faith

The sexual abuse crisis that erupted in 2002 in Boston especially, has compelled Church authorities to renew efforts in the protection of children. They must ensure that candidates for priesthood and religious life are carefully screened and adequately formed. From February 6th to February 9, 2012, the Pontifical Gregorian University hosted a symposium for Catholic bishops and religious superiors on sexual abuse of minors called, “Toward Healing and Renewal.”

The prevention of sexual abuse of minors by clergy and religious requires careful screening of candidates as well as their proper formation. In his address during the Symposium, Levada highlighted the 2011 *Circular Letter to Episcopal Conferences*.⁵⁰⁶ He addresses the necessity of exchanging information regarding those who have left seminaries or religious institutes. This becomes increasingly important as the international dimension of such transfers becomes more prevalent.

⁵⁰⁵ Ibid.

⁵⁰⁶ William Levada, “The Sexual Abuse of Minors: A Multi-faceted Response to the Challenge,” in Charles Scicluna, Hans Zollner, and David John Ayotte, eds., *Toward Healing and Renewal: The 2012 Symposium on the Sexual Abuse of Minors Held at the Pontifical Gregorian University* English ed. Timothy Costello ed. (New York/Mahwah, NJ: Paulist Press, 2012) (hereafter *Toward Healing and Renewal*) 3-14.

Jorge Carlos Patrón Wong gave an address entitled, “Candidates for the Priesthood and Religious Life: Selection, Screening and Formation.”⁵⁰⁷ Like *Starting Afresh From Christ* and *Guidelines for the Use of Psychology*, Wong emphasizes the importance of adequately formed formators. He observes that those in formation are first and foremost influenced by the good example of their formator(s).⁵⁰⁸ Quoting *Pastores dabo vobis*, Wong states that the environment in which formation occurs must be more than a physical space; it must be a spiritual place in which community thrives.⁵⁰⁹

Candidates for priesthood and religious life must have the ability to set limits, as well as differentiate and integrate relationships.⁵¹⁰ Without these abilities, candidates cannot make sense of and move past negative experiences. These abilities must be verified in a house of formation by observing external signs as well as predispositions and motivations. Wong writes:

When relational difficulties are never seen as a personal problem but are always blamed on others, the candidate tends to believe that his own affective needs are legitimate and justifiable. The gratification of his own need for affection, sex, or power becomes the real driving force of his vocation and, consequently, he sees nothing within himself that needs to be changed.⁵¹¹

Healthy alternatives to such self-gratification include spending more time in prayer, fraternal life, sports, or the work of the apostolate.⁵¹²

⁵⁰⁷ Jorge Carlos Patrón Wong, “Candidates for the Priesthood and Religious Life: Selection, Screening and Formation,” in *Toward Healing and Renewal* (hereafter “Candidates for the Priesthood and Religious Life”), 59-78.

⁵⁰⁸ Ibid., 59-60.

⁵⁰⁹ Ibid., 60-61.

⁵¹⁰ Ibid., 64-65.

⁵¹¹ Ibid., 65.

⁵¹² Ibid.

The candidate for religious life and the priesthood must be aware of his sexual identity and orientation. A healthy environment with appropriate conduct and language is essential in fostering this awareness.⁵¹³ Human sexuality is inextricably linked to affectivity. If sexuality becomes completely divorced from affections, it results in perversions and the objectification of others. Likewise, sexual behavior may point to other problems related to self-esteem, immaturity, and an inability to sustain healthy relationships or friendships.⁵¹⁴ When lived in chastity and celibacy, healthy affectivity is experienced through fraternal relationships with friends, and peers in ministry.⁵¹⁵

Candidates to the priesthood and religious life must exhibit a concern for the good of others. Formators must recognize those candidates who could harm others, especially children. Child abusers are typically narcissistic, self-sufficient and self-fulfilled. The primary motivating factor for one's desire for religious life and the priesthood must be Christocentric and transcendent. There will always be secondary, less idealistic motivations. There must be more than desire for titles, power, recognition, or notoriety.⁵¹⁶ Formators must be aware of the unfeeling, rigid or unemotional candidate, as well as the one seeing priesthood or religious life as a profession.⁵¹⁷

John Paul II exhorted clerics and religious to manifest a spirit of asceticism in *Redemptionis donum*, *Pastores dabo vobis*, and *Vita Consecrata*. As an element of asceticism, Wong believes

⁵¹³ Ibid., 66.

⁵¹⁴ Ibid.

⁵¹⁵ Ibid.

⁵¹⁶ Ibid.

⁵¹⁷ Ibid., 69.

renunciation is crucial to the formation of candidates.⁵¹⁸ A candidate must be able to renounce self-gratification. Admittedly, this will entail a certain frustration, but a healthy tension should exist with an increasing ability to exercise self-control. Wong states, “The mature candidate does not feel the need to deny or conceal the tension associated with growth. This does not take away his peace of mind, revealing the presence of a basic inner freedom that endures even in spite of difficulties and conflicts.”⁵¹⁹

A candidate must have a spirituality of communion. This consists in the ability to live in solitude and comfort with himself. It also consists in the ability to have healthy friendships among his equals without gain or ulterior motives.⁵²⁰ When positive qualities of relationships are lacking, a candidate might harm children or other members of the Christian faithful.

Stephen Rossetti presented a paper at the Symposium entitled, “Learning from Our Mistakes: Responding Effectively to Child Sexual Abusers.”⁵²¹ He recognizes the need for better screening and formation of priestly candidates. While psychological tests are not full-proof, they can help identify traits or tendencies that give rise to concerns about the candidate. A confidential psychosexual history performed by an experienced clinician can provide important information about a candidate.⁵²²

Candidates must reach psychosexual milestones and show no signs of psychosocial or psychosexual deviancy. *Pastores dabo vobis* speaks of the importance of human formation in the

⁵¹⁸ Ibid., 70.

⁵¹⁹ Ibid., 70-71.

⁵²⁰ Ibid., 72.

⁵²¹ Stephen Rossetti, “Learning from Our Mistakes: Responding Effectively to Child Sex Abusers,” in *Toward Healing and Renewal*, 29-46.

⁵²² Ibid., 40.

formation of priests. Rossetti believes human formation is a necessary component of formation programs.⁵²³ Regarding the program, he states, “It ought to include managing one’s emotions and developing healthy, chaste relationships with peers. If a man has good solid relationships with people his own age, he is unlikely to seek out minors in deviant ways.”⁵²⁴ Church leaders, including those who form candidates for the priesthood, must be educated in the “red flags” that indicate someone is or can sexually abuse a minor.⁵²⁵

In the presentation, “Drinking at the Springs of Healing and Renewal: Towards a Deeper Theological Reflection on the Problem of Sexual Abuse in the Church,” Carola and others briefly addressed candidates for the priesthood.⁵²⁶ As noted in previous curial documents, candidates for the priesthood must take responsibility for their own formation.⁵²⁷ Formators create environments of trust that allow candidates to approach educators, formators and superiors with issues or problems they might be facing. Candidates must know their personal limits and understand their capabilities.⁵²⁸

The paper addresses issues of celibacy and renunciation. In addition to an appropriate degree of affective and sexual maturity, the candidate must have an openness to love enabling him

⁵²³ Ibid., 41.

⁵²⁴ Ibid., 41-42.

⁵²⁵ Ibid., 43.

⁵²⁶ Joseph Carola et al., “Drinking at the Springs of Healing and Renewal: Towards a Deeper Theological Reflection on the Problem of Sexual Abuse in the Church,” in *Toward Healing and Renewal*, 121-138.

⁵²⁷ Ibid., 133.

⁵²⁸ Ibid.

to live selflessly as a sexual human being.⁵²⁹ Renunciation or celibacy is directly correlated to the ability to love. The more one really loves someone, the more that person desires to be selfless in dealings with the other. The authors state:

Renunciation, being able to say ‘no,’ is not an accessory element in love but its direct consequence, which strengthens love according to the measure of the ability to renounce. The more intense the love, the more effective is the capacity to say ‘no.’ It does not matter to one who loves to renounce what is opposed to the one who is loved. And vice versa, the weaker the love, the less firm is the ability to say ‘no,’ the more one hesitates at the moment of sacrifice.⁵³⁰

Tied closely to the theme of renunciation is asceticism. The documents from Pope John Paul II and CICLSAL highlight asceticism as the answer to many of the ills of contemporary society. Asceticism for candidates to the priesthood and religious life is training in the love of God. As athletes train to acquire the necessary skills and stamina in their sport, those dedicating themselves as priests or religious must train in the love of God and neighbor.⁵³¹ The authors state, “The personal cultivation of an incarnate spirituality is going to be decisive for developing a spiritual life profoundly centered on Jesus Christ and his Church, for everything we call human, with the exception of sin, is taken up in the humanity of Christ.”⁵³²

Both the *Circular Letter to Assist Episcopal Conferences* and the symposium, “Toward Healing and Renewal” reflect the other post-codal documents previously addressed. Like the *Instruction on Admitting Candidates Coming from Other Seminaries or Religious Communities*, the circular letter emphasizes information sharing between seminaries and religious institutes regarding candidates. The

⁵²⁹ Ibid.

⁵³⁰ Ibid.

⁵³¹ Ibid., 134.

⁵³² Ibid.

symposium addresses the need for human formation as well as stressing careful selection of candidates.

Reflecting themes from the apostolic exhortations and the instructions from CICLSAL, the symposium addresses human formation, including affective maturity, sexual maturity, renunciation and asceticism as essential in the formation of candidates for the priesthood and religious life. It highlights psychological testing as a significant method in determining a candidate's suitability for religious life and priesthood. Bishops, major superiors and formators have a duty towards the Christian faithful to ensure that they do not admit to seminaries or religious institutes those with the potential to harm children.

III. Practical Considerations

Part three of this chapter addresses select issues not adequately treated in the law or post-codal documents. These select issues should be further articulated in directories or policies of religious institutes. Four topics are examined: (1) the admission of older candidates to religious institutes; (2) the admission of candidates that have been previously married and received an annulment; (3) the admission of candidates in multi-cultural settings; and (4) admitting those testing positively with the HIV virus.

A. Age

Canon 643 specifies the age of seventeen for the validity of admission. Today, however, candidates seeking admission to the novitiate are significantly older than in former years. There are positive and negative aspects to this development. Older candidates may present different issues of suitability and screening. Jarrell writes:

Increasingly, individuals applying to religious institutes and societies of apostolic life tend to have had a broader and more extensive range of life experiences. Often they tend to have developed at least one successful career. Preparation for this career may have required substantial professional training and experience, including an advanced academic degree.⁵³³

Some candidates over forty years of age have taken a great deal of time to understand and respond to a vocation. For others, life circumstances may have changed so that they are now free to pursue a vocation. For yet others, a delay may indicate issues of instability and inability to make a personal commitment. Older candidates may be more set in their ways and formation to a new way of life may prove difficult. Ryan quotes Dennis Sheehan regarding older candidates for the priesthood:

Today's seminarian is older and more experienced . . . My fear is that at times we will form a priest according to all the directives and requirements. But, if he has not tracked that with the ongoing conversion of his intellectual, moral, and religious life, we are likely to find a formed priest who is only a partial Christian . . . In this generation, when so many come to us chronologically and psychologically older, it is far more difficult to change basic assumptions. They will learn the Scriptures and theology and pass examinations . . . but then what? Often enough they become a canonical enforcer. The collaborative candidate becomes a clerical Caesar.⁵³⁴

Some religious institutes are accepting candidates in their sixties, perhaps for fear that they will have no members in the future or the candidates have pensions and provide a source of income. This obviates the requirements of a vocation and the divine call. Even if an upper age limit does not constitute an invalidating or impeding impediment, it may still affect suitability. Institutes should consider stating in their proper law an age beyond which candidates are not admitted to candidacy.

Another issue which arises with older candidates is the accumulation of wealth and its implications for living poverty. Jarrell writes, "Acknowledgment of personal assets and liabilities

⁵³³ Lynn Jarrell, "Older Persons Entering Institutes of Consecrated Life: Issues and Concerns," *Canon Law Society of Great Britain and Ireland Newsletter* 129 (2002) 55 (hereafter "Older Persons Entering Institutes").

⁵³⁴ Raymond Ryan, "Today's Candidates: Who Are They, What do They Expect?" *Review for Religious* 65 (2006) 295.

needs to be made from the beginning of the application process. An applicant deserves proper and thorough information on what the requirements are around ownership.”⁵³⁵ Vocation directors and formation personnel must understand the implications of the candidate’s wealth vis-a-vis the vow of poverty and instruct the candidate accordingly.⁵³⁶

While the cession of the administration of temporal goods occurs prior to first profession of vows (c. 668 §1), this may prove difficult for one in the habit of handling money. If the candidate owns a house or other temporal goods, provisions will have to be made during the postulancy or preparatory program for the novitiate.

An older candidate may have been in a meaningful relationship or even previously married.⁵³⁷ This gives rise to certain expectations for relationships in community or beyond. Malloy writes of older candidates, “To enter a novitiate they are being asked to break off a set of adult relationships and responsibilities that might be five, ten or fifteen years old.”⁵³⁸ Again, religious institutes may want to consider setting a maximum age, after which admission is not possible. In addition to the proper law, institutes should have policies on admission that address older candidates and such issues as age, relationships, property, as well as other obligations.⁵³⁹

B. Candidates with a Decree of Annulment

⁵³⁵ Jarrell, “Older Persons Entering Institutes,” 58.

⁵³⁶ Ibid.

⁵³⁷ Guire Cleary, “Challenges for Communities’ New Members,” *Review for Religious* 65 (2006) 32.

⁵³⁸ Richard Malloy, “Religious Life in the Age of Facebook,” *America* 199 (2008) 15.

⁵³⁹ Ibid., 62.

Having a spouse, while the marriage exists, invalidates admission to the novitiate.⁵⁴⁰ A decree of annulment removes the impediment to admission, but there are practical considerations. The admitting superior should seek to obtain the reasons for the decree.⁵⁴¹ There are issues of confidentiality, but a waiver can be obtained from the candidate.⁵⁴² With the permission of the candidate the judicial vicar or judge can provide a synopsis of the sentence. If a *vetitum* has been imposed on the candidate, serious consideration should be given to the reason and its relevance for suitability for admission.

Special care should be taken in circumstances where the annulment was granted based on the candidate's psychological state.⁵⁴³ While not necessarily disqualifying or invalidating admission to the novitiate, the reason for which the marriage was declared null is pertinent to the candidate's suitability for admission to religious life. Carone states, "Every effort must be made to ascertain that the psychopathology which invalidated the first marriage has been removed or at least has been so attenuated that it no longer interferes with the exercise of due discretion."⁵⁴⁴ Even if the candidate is not the one cited in the grounds for the annulment, the sentence should still be reviewed. There is very often complicity in the break-up of the marriage, even if there are not psychological issues.⁵⁴⁵ The admitting superior must judge all aspects of the candidate's suitability for admission.

⁵⁴⁰ 1983 code c. 643 §1, 2°.

⁵⁴¹ Clinton Doskey, "Declaration of Nullity: Its Effect on Admission to Clerical and Religious Life," *Canon Law Society of America Proceedings* 47 (1985) 122 (hereafter "Declaration of Nullity").

⁵⁴² *Ibid.*, 122-123.

⁵⁴³ Patrick Carone, "Admission to Diaconate, Seminary, or Consecrated Life After Annulment," *The Jurist* 84 (1984) 441.

⁵⁴⁴ *Ibid.*, 442.

⁵⁴⁵ *Ibid.*

Other factors must be considered as well. The admitting superior should inquire about the age, financial, and emotional independence of children from the annulled marriage.⁵⁴⁶ Children should have reached the legal age of independence. An investigation should be undertaken to see whether the candidate has any ongoing moral or legal responsibility for the child/children of the annulled marriage.

Candidates should be asked if there are any outstanding civil obligations to the former spouse. There may be alimony obligations currently being paid or received.⁵⁴⁷ Another consideration is the time that has transpired since the separation or divorce of the candidate.⁵⁴⁸ There must be adequate time to allow for healing and reconciliation, if necessary, and evidence that the person can live a celibate and chaste life.⁵⁴⁹

C. Candidates from Other Cultures

The post-codal documents examined in this chapter recognize the ever-growing pluralistic societies of our day. In light of this reality, a certain development can be noted in the documents. *Potissimum institutioni* exhorts religious institutes to assist candidates in recognizing and responding to a call in their own culture.⁵⁵⁰ While *Potissimum institutioni* (1990) states that religious institutes must avoid the assimilation of candidates from other cultures,⁵⁵¹ *Starting Afresh from Christ* (2002) notes that those seeking entrance to the novitiate come from diverse cultures and backgrounds and that

⁵⁴⁶ Doskey, "Declaration of Nullity," 118.

⁵⁴⁷ Ibid., 121.

⁵⁴⁸ Ibid.

⁵⁴⁹ Ibid., 121, 124.

⁵⁵⁰ *Potissimum institutioni*, 43, *AAS* 82 (1990) 500; *Origins* 19 (1990) 688.

⁵⁵¹ Ibid.

superiors and formators must give personal attention to each candidate's human, spiritual and cultural characteristics. While ideally a candidate should be formed in his own culture, candidates who have permanently immigrated to a new country cannot be formed in their culture. Likewise, certain religious institutes, facing declining numbers, are accepting candidates from other cultures.⁵⁵² This phenomenon presents both challenges and opportunities regarding admission to the novitiate. Candidates are increasingly being formed in a culture other than their own. The diversity of human and cultural experience requires demanding preparation for the novitiate.⁵⁵³

Candidates must demonstrate the ability to adapt to new settings, including native candidates living with candidates from other countries.⁵⁵⁴ There is also the question of worldview. Many religious institutes in the United States and Canada are still predominantly Anglo-Saxon and tend to have an upper-middle class worldview in dealing with societal issues.⁵⁵⁵ Candidates presenting themselves from minority groups or developing countries will be unfamiliar with the music, food and leisure activities of their Anglo-Saxon counterparts. There is a risk that pronounced differences of culture will make it stressful for such persons to live in community. Since cross-cultural settings

⁵⁵² Cleary, 32.

⁵⁵³ Congregation for Institutes of Consecrated Life and Societies of Apostolic Life, *La Collaborazione Inter-Istituti per la Formazione*, December 8, 1999, 13; *Enchiridion*, 3376: English Translation from: Congregation for Institutes of Consecrated Life and Societies of Apostolic Life, Instruction *Inter-Institute Collaboration for Formation*, December 8, 1999, http://www.vatican.va/roman_curia/congregations/ccsclife/documents/rc_con_ccsclife_doc_08121998_inter-formation_en.html, [accessed December 6, 2014].

⁵⁵⁴ Dennis Newton and Ed Peklo, "Cross-Cultural Issues in Vocation and Formation Ministry," *Review for Religious* 54 (1995) 74.

⁵⁵⁵ Malloy, 16.

require flexibility and pose challenges for all involved, the formation program should be evaluated frequently.⁵⁵⁶

In addressing such cross-cultural issues, Newton and Peklo state, “Certainly spiritual direction for candidates and members from another culture requires exceptional skills in listening and understanding. The experience of prayer, often difficult to describe in one’s native tongue, is more difficult in a second language.”⁵⁵⁷ Formators must be comfortable with tensions between cultures and balance the need for respecting the culture of others and insisting upon some integration to the culture of the place of the house of formation. Proficiency in the language of the country where the novitiate is located is essential for proper formation.⁵⁵⁸

As noted earlier, the admission of candidates from different cultures has implications for psychological testing. The test must be adapted and interpreted through the cultural lens of the candidate. Cultural notions and expectations relating to sexuality and intimacy must also be considered in the admission process.⁵⁵⁹ There are also implications for candidates who are refugees and separated from family.⁵⁶⁰ They may have trauma or untreated emotional wounds needing attention and healing.

At times, candidates presenting themselves for admission are undocumented immigrants. There are important considerations for the admitting superior. The admission of a candidate in the country without permission might expose the religious institute to civil or criminal penalties. A

⁵⁵⁶ Pat Forster, “Cross-Cultural Formation: Culture Does Make a Difference,” *Review for Religious* 44 (1985) 506.

⁵⁵⁷ Newton and Peklo, 79.

⁵⁵⁸ *Potissimum institutioni*, 43, *AAS* 82 (1990) 500; *Origins* 19 (1990) 688.

⁵⁵⁹ Newton and Peklo, 79.

⁵⁶⁰ *Ibid.*

superior considering the admission of an undocumented person must judge whether he has the proper freedom, and consult legal experts concerning the undocumented status. The superior must also investigate as to whether the candidate is seeking admission freely or for ulterior motives foreign to a vocation.

Religious institutes should insist that candidates to religious life respond to a call in their own culture where possible. For those candidates legally residing in the country of the novitiate, religious institutes must prepare and adopt policies, procedures, and formal programs to address issues relating to candidates from other cultures.

D. Candidates Testing Positive with HIV/AIDS

Candidates presenting themselves for admission to the novitiate may have various ailments, injuries or diseases. Pursuant to canon 642, superiors are to admit only those with the proper physical health to embrace the life of the institute. Candidates with HIV/AIDS present challenges to admitting superiors. While the stigma attached to HIV/AIDS is not what it once was, it remains. The testing and admitting of someone with HIV/AIDS presents several issues, among which are: the individual's capacity to undertake the obligations of the institute, cope with the financial implications of the illness, and face issues of privacy.

The issue of testing for this disease, as well as other debilitating diseases, needs to be addressed by the religious institute. Keenan states, "Unlike any other form of contemporary life, incorporation into a religious house of formation means that the religious order becomes so identified with the candidate that it assumes all care for the individual. This cannot be

overemphasized.”⁵⁶¹ While not as costly as it once was, the medications and costs associated with doctors are not inconsequential.⁵⁶² Religious institutes must consider issues of insurance. The insurer may not cover some or any of the expenses associated with the illness. Institutes should research the questions of costs of both medications and insurance coverage prior to the decision of admission of the candidate. There is also the possibility that insurance for the entire community may be affected.

Testing for HIV/AIDS must be done with care as it can be viewed as discriminatory. The U.S. Bishops have repeatedly spoken against such discrimination.⁵⁶³ Many civil institutions such as schools, municipalities, and businesses, are prohibited from requiring such testing.⁵⁶⁴ Keenan asks:

Does a chronic illness constitute grounds for exclusion when other chronic conditions like obesity, smoking, and heart disease are not routinely considered contributing, let alone determining, factors for exclusion? In short, do the orders and dioceses significantly understand the nature of HIV, or are they selective in their interests in weeding out those with this chronic condition?”⁵⁶⁵

There is also a concern that such testing is a violation of the candidate’s right to privacy. As discussed earlier in the context of psychological testing, canon 220 preserves the right of privacy as well as good reputation. Before a candidate consents to being tested for HIV/AIDS, the candidate

⁵⁶¹ James Keenan, “HIV Testing of Seminary and Religious-Order Candidates,” *Review for Religious* 55 (1996) 300.

⁵⁶² Ibid., 301.

⁵⁶³ Ibid., 302. Keenan notes that the U.S. Bishops call for HIV testing but not to exclude a candidate automatically who tests positive. A judgment must be made about the health of the candidate for orders and their ability to fulfill ministerial responsibilities.

⁵⁶⁴ Keenan, 302.

⁵⁶⁵ Ibid., 304.

has the right to know how such test results will be used, who will have access to the information, how long will such information be kept in his file.⁵⁶⁶

Whether the institute decides to test for HIV/AIDS or not, religious institutes should treat all candidates equally.⁵⁶⁷ The results of the test may be new information for the candidate. There are psychological implications to learning one has HIV/AIDS. Regardless of whether the institute admits or denies the candidate based upon the information, the institute should assist the candidate in dealing with the difficult information.⁵⁶⁸ The institute must determine whether those who will live in common life with the candidate, should he be accepted, have the right to know if he has tested positive for HIV/AIDS. If it is determined that such a right exists, superiors must inform the candidate of this prior to admission.

Religious institutes ought to consider a policy for addressing the testing of candidates for HIV/AIDS. Such policies should include the purpose for the testing, the consequences for testing positive, the breadth and scope of dissemination of the information, the confidential nature of the information and the steps that the religious institute will take to ensure the privacy of the candidate and his good reputation. The policy must ensure that discrimination does not occur both in testing and in using results. Economic factors regarding whether the care of persons with HIV/AIDS can be undertaken should also be addressed in the policy.

⁵⁶⁶ Randolph Calvo, "Canons 241, §1, 1029 & 1051, 1°," in *Roman Replies and CLSA Advisory Opinions 1991*, ed. Kevin Vann and Lynn Jarrell (Washington, D.C.: Canon Law Society of America, 1991) 74.

⁵⁶⁷ Keenan, 305.

⁵⁶⁸ Calvo, 75.

Conclusion

Canons 597 and 641 to 645 address admission to the novitiate. While reflecting continuity from the former code regarding divine vocation and right intention, the 1983 code allows the institute to describe its preparatory period for the novitiate. The norms place greater emphasis on the spiritual, psychological, and physical health, character, and maturity of the candidate. In a shift from the approach under the 1917 code requiring the admitting superior to obtain testimonial letters to determine suitability, the 1983 code makes no such requirement. It recommends, but does not require the use of experts to verify suitability. Respecting the specific charism of each institute, the revised law specifies five invalidating impediments, while leaving other invalidating or impeding impediments to proper law. The law obligates superiors to conduct thorough investigations into the suitability of candidates, but leaves the particulars to the proper law.

Following the promulgation of the 1983 Code of Canon Law, several papal documents address the admission of candidates to religious life. *Redemptionis donum* (1984) addresses vocation through the parable of the rich young man; dispossessing oneself of possessions and seeking perfection in the call to live the evangelical counsels. *Pastores dabo vobis* (1992) discusses the challenges of the priestly vocation in a pluralistic, consumeristic, secular, and hedonistic world, requiring healthy, mature, selfless men for the priesthood. *Vita Consecrata* (1996) addresses the evangelical counsels: the vow of poverty, an affront to materialism; the vow of chastity, a contrast to hedonism; and the vow of obedience, a challenge to rugged individualism.

Several dicasterial documents addressing admission to the novitiate were also issued. *Potissimum institutioni* (1990) provides directives to religious institutes, assists formators and superiors in identifying societal influences, and insists that candidates have the requisite maturity, foundation

in the faith, and asceticism. *Fraternal Life in Community* (1994) echoes the code and earlier documents in stressing the need for affective maturity, psychological health, and the qualities necessary to embrace the common life. *Starting Afresh From Christ: A Renewed Commitment to Consecrated Life in the Third Millennium* (2002) addresses formation of candidates in the new millennium. Candidates to religious life must learn to pray, meditate, and grow in holiness in the context of a globalized, multicultural, and rapidly changing world.

The CCE issued three instructions and the CDF issued a circular letter and hosted a symposium relevant to the admission of candidates to the novitiate in the broader context of concern about sexual abuse of minors. The CCE's *Instruction on Admitting Candidates from Other Seminaries or Religious Communities* (1995) concerns the need for communication between authorities of former seminaries or religious institutes in order to give competent admitting authorities all necessary information to judge candidates' suitability. The same congregation's *Instruction Concerning the Criteria for the Discernment of Vocations with Regard to Persons with Homosexual Tendencies in View of their Admission to the Seminary and to Holy Orders*, requires admitting superiors to judge the candidate's affective maturity, prohibiting ordination for those with deep-seated homosexual tendencies. The CCE's *Guidelines for the Use of Psychology in the Admission and Formation of Candidates for the Priesthood* provides parameters when employing experts in the admission process and discerning and assisting human growth.

The CDF's *Circular Letter to Assist Episcopal Conferences in Developing Guidelines for Dealing with Cases of Sexual Abuse of Minors Perpetrated by Clerics* (2011) directs episcopal conferences to establish policies for the formation of candidates to the priesthood in light of the sexual abuse of minors by priests. The CDF's Symposium, "Towards Healing and Renewal" (2012) addressed the formation

and screening of candidates to religious life and the priesthood, formation of candidates, asceticism, renunciation and psychological health.

Finally, the chapter explored four significant considerations in admitting candidates to the novitiate: 1) those seeking admission at an older age; 2) candidates with decrees of annulments; 3) candidates from other cultures; and 4) the admission of those testing positive for the HIV/AIDS virus. Religious institutes should consider these issues carefully in revising their proper law and policies on admission.

Chapter four will focus solely on admission in the Order of Friars Minor Capuchin. It will address the concluding document of the Fourth Plenary Council of the Order, the proper law of the Order, and the preparations of the General Minister and Secretariat for the forthcoming *ratio formationis*.

Chapter IV

ADMISSION AND INITIAL FORMATION IN THE ORDER OF FRIARS MINOR CAPUCHIN

Introduction

Chapter four examines the admission of candidates to the Order of Friars Minor Capuchin.¹ The chapter divides into three parts: 1) the formation document of the Fourth Plenary Council of the Order (PCO IV);² 2) the proper law of the Order³ and 3) the letter of the General Minister and preliminary outline for the proposed *ratio formationis*.⁴

¹ Order will hereafter refer to the Order of Friars Minor Capuchin.

² PCO IV in *I Cappuccini si Rinnovano (1978-1987): Conclusioni e Documenti dei Consigli Plenari dell'Ordine* (Roma: Conferenza Italiana Dei Superiori Provinciali Cappuccini, 1992) (hereafter *I Cappuccini si Rinnovano*); English translation in Regis Armstrong, *The Path of Renewal: The Documents of the Five Plenary Councils and the First Assembly of the Order of Capuchin Friars Minor* (North American Capuchin Conference, 1993) (hereafter *The Path of Renewal*).

³ The proper law of the Order includes the Rule, the Testament, the Constitutions and the Ordinances of the General Chapters: *Regola e Testamento del Serafico Padre San Francesco*, in *Costituzioni dei Frati Minori Cappuccini e Ordinazioni dei Capitoli Generali* (Roma: Curia Generale dei Frati Minori Cappuccini, 2013) (hereafter “*Costituzioni e Ordinazioni*”) 7-19; *Costituzioni dei Frati Minori Cappuccini in Costituzioni e Ordinazioni*, (hereafter *Constitutions*) 29-209 (hereafter *Costituzioni*); English translation from the unofficial translation of the Rule, the Testament, the Constitutions and the Ordinances (hereafter *Constitutions and Ordinances*); *Ordinazioni dei Capitoli Generali in Costituzioni e Ordinazioni*, 212-246 (hereafter *Ordinances*). Official recognition of the English translation by the General Minister and his council is pending.

⁴ Mauro Jöhri, General Minister, Circular Letter, *Identità e Appartenenza Cappuccina*, October 4, 2014, Prot. N. 00710/14, (hereafter Circular Letter), <http://www.ofmcap.org/it/contenuti-sito/documenti-cappuccini/lettere-del-ministro-generale?start=3> [accessed on August 15, 2015] (hereafter *Identità e Appartenenza*); English translation from Mauro Jöhri, General Minister, Circular Letter, *Friars Minor Capuchin: Their Identity and Sense of Belonging*, <http://www.ofmcap.org/en/contenuti-sito/documenti-dell-ordine/lettere-del-ministro-generale?start=3> [accessed on August 15, 2015] (hereafter *Identity and Sense of Belonging*); Interview with Br. Jaime Rey, Vice General Secretary of Formation, “Toward a Capuchin *Ratio Formationis*,” in *Bollettino di Informazioni Cappuccine Internazionali* 283 (2015) 2 (hereafter Interview with Br. Jaime Rey); Charles Alphonse and Jaime Rey, “Hacia una *Ratio Formationis* de la Orden,” YouTube web site, <https://www.youtube.com/watch?v=TWy-z6fL2fE> [accessed September 19, 2015] (hereafter “Hacia una *Ratio Formationis* de la Orden.”)

PCO IV examines the current context for formation, including the Church's mission, ideologies affecting vocation, the dignity of the human person, and the experience of the Order. The document addresses priorities in initial formation: general principles of the Gospel, inculturation and integration, conversion, affective maturity, and the necessary elements of prayer, penance, minority, and Gospel witness. Lastly, it discusses the postulancy, its nature and purpose, place and duration, personnel and program.

The proper law of the Order includes the *Constitutions* and the *Ordinances of the General Chapters*. The *Constitutions* address qualifications and admission to Capuchin life; postulancy, its nature and purpose, place and duration; and admitting superiors. It addresses the priorities in the postulancy: catechesis, liturgy, Franciscan heritage, and apostolic work. The *Ordinances* address the Institute for Vocations, its erection and purpose. The document briefly addresses other formative structures of the Order and the postulancy.

Part three of this chapter addresses the future of formation in the Capuchin Order and the development of a *ratio formationis*. The General Minister's circular letter on identity and sense of belonging provides the basis for the *ratio formationis*. The *ratio formationis* will consist of three chapters: 1) Saint Francis, the Formator; 2) the five dimensions of formation; and 3) the stages of formation. It will have three appendices: 1) a *ratio studiorum*, 2) a treatise on psycho-sexual maturity, and 3) another on adaptation to specific cultures.

I. The Fourth Plenary Council of the Order – Rome – 1981

From March 2 to March 31, 1981 the Order held its Fourth Plenary Council (PCO IV) in Rome, Italy. Its purpose was to witness and foster communion among the members of the entire

Order.⁵ A plenary council examines issues of particular importance such as: governance, collaboration, formation, mission, and renewal of the brotherhood.⁶ The general minister convokes a plenary council after receiving the consent of his council.⁷ The members of a plenary council include: the general minister, the general councilors, and delegates of the conferences of major superiors of the Capuchin Order.⁸ The general minister with the consent of his council confirms the conclusions of a plenary council and communicates them to the order.⁹

PCO IV addresses only formation: 1) its context in the world; 2) its specific elements; 3) its practical directives; and 4) those responsible for formation. The document of PCO IV does not exhaust the topic. It does not discuss priestly or professional training, nor does it explicitly treat the evangelical counsels. It focuses on initial and on-going formation of Capuchin friars. *Perfectae caritatis*¹⁰ and *Renovationis causam*¹¹ recognize that adaptation and renewal of religious institutes depend

⁵ *Constitutions*, 143.2, *Costituzioni e Ordinazioni*, 168; *Constitutions and Ordinances*, 130-131.

⁶ Ibid. Plenary councils of the Order are analogous to synods of bishops. They foster unity among the brothers and assist the General Minister and his council in governance regarding important issues confronting the Order. See e.g., c. 342.

⁷ *Constitutions*, 143.3, *Costituzioni e Ordinazioni*, 168; *Constitutions and Ordinances*, 131.

⁸ Ibid., 143.4. *Costituzioni e Ordinazioni*, 168; *Constitutions and Ordinances*, 131. Conferences are collections of provinces and/or custodies operating according to the Capuchin General Statutes and in accord with their own statutes. They promote action and collaboration between the General Minister and provincials and other circumscriptions. *Constitutions*, 144.1, *Costituzioni e Ordinazioni*, 168; *Constitutions and Ordinances*, 131. Circumscriptions refer to provinces and smaller or newer structures known as custodies. Custodies are either responsible to the General Minister or to a province with a *custos* as its superior. *Constitutions*, 136, *Costituzioni e Ordinazioni*, 160-161; *Constitutions and Ordinances*, 125.

⁹ *Constitutions*, 143.6, *Costituzioni e Ordinazioni*, 168; *Constitutions and Ordinances*, 131.

¹⁰ Vatican II, decree *Perfectae caritatis*, October 28, 1965: *AAS* 58 (1966) 702-712; English translation in *Decrees of the Ecumenical Councils*, 2 vols. ed. Norman P. Tanner (London and Washington: Sheed & Ward and Georgetown University Press, 1990) (hereafter Tanner) 2:939-947.

upon the formation of its members.¹² The document serves as a basis or guide for regional formation programs.¹³

A. Vocation in a New Context

Formation occurs in relation to the world in which the community and the individual live.¹⁴ Like Saint Francis, Capuchins must form others to a new way of living, while not being of the world, but living and working among the people in a given culture.¹⁵ PCO IV states, “Consequently, the aim of formation will be to form men capable of living the Gospel life in our world.”¹⁶

1. The Church’s Mission

The Second Vatican Council addresses the Church’s mission in the world in *Gaudium et spes*.¹⁷ The Third Plenary Council (PCO III) of the Order, “Missionary Life and Activity,” specifically addresses this topic.¹⁸ Missionary activity transmits the Gospel message by word and action to all

¹¹ Congregation for Religious and Secular Institutes, Instruction *Renovationis causam*, January 6, 1969: *AAS* 61 (1969) 103-120. English translation: Congregation for Religious and Secular Institutes, “Instruction on the Renewal and Adaptation of Formation for Living the Religious Life,” January 6, 1969: *CLD* 7:489-508.

¹² *Perfectae caritatis*, 18, *AAS* 58 (1966) 710; Tanner, 2:940; *Renovationis causam*, Introduction, *AAS* 61 (1969) 104; *CLD* 7:490.

¹³ PCO IV, “Lettera del Definitorio Generale,” *I Cappuccini si Rinnovano* 72; *The Path of Renewal*, 69. *Perfectae caritatis* and *Renovationis causam* recognize that adaptation and renewal of religious institutes depend heavily upon the formation of its members. Vatican II, decree *Perfectae caritatis*, 18, October 28, 1965: *AAS* 58 (1966) 710; Congregation for Religious and Secular Institutes, Instruction *Renovationis causam*, January 6, 1969: *AAS* 61 (1969) 104. English translation: Congregation for Religious and Secular Institutes, “Instruction on the Renewal and Adaptation of Formation for Living the Religious Life,” January 6, 1969: *CLD* 7:494.

¹⁴ PCO IV, 3, *I Cappuccini si Rinnovano*, 75; *The Path of Renewal*, 71.

¹⁵ *Ibid.*, 4, *I Cappuccini si Rinnovano*, 75; *The Path of Renewal*, 72.

¹⁶ *Ibid.*, 4: “Di conseguenza, obiettivo della formazione sarà quello di educare persone che siano capaci di vivere la vita evangelica nel nostro mondo.” *I Cappuccini si Rinnovano*, 75; *The Path of Renewal*, 72.

¹⁷ Vatican II, pastoral constitution *Gaudium et spes*, December 7, 1965: *AAS* 58 (1966) 1025-1115.

¹⁸ Terzo Consiglio Plenario: Vita e Attività Missionaria, August 29, 1978 to September 22, 1978 in *I Cappuccini si Rinnovano*, 39-67; *The Path of Renewal*, 37-66.

people in every part of the world.¹⁹ PCO IV incorporates this principle into its discussion on formation without further elaboration.

Christ and Saint Francis inspire Franciscan missionary activity.²⁰ In that sense, every Franciscan vocation is missionary.²¹ The basis of Franciscan missionary activity consists of these elements: 1) fraternity – living fraternal life with the brothers and among the people served; 2) minority – being a humble, poor, respectful and simple servant; 3) openness to divine inspiration; 4) sensitivity to human development – through justice, solidarity and dialogue; and 5) evangelical radicalism – willingness to sacrifice.²² Franciscans conduct missionary activity within a new context; they present themselves as humble brothers to the people of the particular church they serve.²³

2. Ideologies Affecting Vocation and the Dignity of the Human Person

Modern society threatens human dignity and freedom as well as Catholic teachings on the human person. Ideologies such as Marxism, liberalism, capitalism, and totalitarianism propose world views that promise unity among peoples, but in reality undermine humanity.²⁴ The Church promotes the dignity of every human being. Franciscans do this in a particular way by affirming the primacy of brotherhood. Brotherhood means: “to acknowledge every person as a brother and serve

¹⁹ PCO III., 7, *I Cappuccini si Rinnovano*, 45; *The Path of Renewal*, 43.

²⁰ PCO IV alternately refers to Franciscans and Capuchins. Accordingly, this chapter incorporates its use of the term Franciscans.

²¹ PCO IV, 10, *I Cappuccini si Rinnovano*, 46; *The Path of Renewal*, 44.

²² Ibid., 12, *I Cappuccini si Rinnovano*, 47; *The Path of Renewal*, 45.

²³ Ibid., 18, *I Cappuccini si Rinnovano*, 51; *The Path of Renewal*, 49. Friars or brothers interchangeably describe the members of the Capuchin Order.

²⁴ *Renovationis causam* states that the preparation of candidates is increasingly necessary in a world that is less Christian in its values. *Renovationis causam*, 4, *AAS* 61 (1969) 107; *CLD* 7:494.

him as such, sometimes renouncing one's own rights, in conformity with one's vocation, a call to penance, minority and peace."²⁵

Lesser brothers (minors) live charitable, obedient lives, performing penance and experiencing conversion by chaste and fruitful love.²⁶ In this way, Franciscans help build a society where human freedom flourishes in the face of domineering ideologies. Social identity faces challenges from the many layers of identity: familial, local, national, universal as well as the generalate, provinces, and local fraternities of the Order. The challenges among these complex layers of society often cause individuals to seek self-fulfillment rather than true human development. The Franciscan model for ongoing conversion and evangelical radicalism provides the proper balance between personal and communal relationships.²⁷

3. The Experience of the Order and Vocation

The Order witnesses and serves throughout the world. Older, more established provinces of the Order, face decline.²⁸ The numbers of candidates to the older provinces pale in contrast to the number of vocations to more recent erected ones.²⁹ These cultural and geographical differences bring challenges.³⁰

²⁵ Ibid., 6: "a riconoscere in ogni uomo un fratello e a servirlo come tale, a volte rinunciando ai nostri diritti, in coerenza con la nostra vocazione, che è vocazione di penitenza, di minorità e di pace." *I Cappuccini si Rinnovano*, 76; *The Path of Renewal*, 72.

²⁶ Ibid., 6, *I Cappuccini si Rinnovano*, 76; *The Path of Renewal*, 72

²⁷ Ibid., 7, *I Cappuccini si Rinnovano*, 76; *The Path of Renewal*, 73.

²⁸ Ibid.

²⁹ Ibid., 9, *I Cappuccini si Rinnovano*, 77; *The Path of Renewal*, 73.

³⁰ Ibid., 9, *I Cappuccini si Rinnovano*, 77; *The Path of Renewal*, 73-74.

The growth of the Order in recently established provinces calls for methods of formation that adapt to their cultural and social needs.³¹ Newer provinces tend to be in developing countries. This presents the opportunity for the friars to have an awareness of what it means to be “lesser brothers.”³² The diversity of the cultures in which the Order forms friars presents challenges. The houses or fraternities of formation have distinctive styles of living in the particular provinces, making it difficult to have one common model of formation.

At the same time, PCO IV encourages unity among the provinces with common Capuchin principles. Studying Capuchin sources proves essential for the formation of all candidates to the Order and an authentic response to Gospel living.³³ In addition, each province or region should have its own *ratio formationis*. The province or region must consider the historical, social, cultural, religious and ecclesial context in which the province finds itself in developing its particular *ratio*.³⁴ Only in this way will authentic formation occur throughout the Order.³⁵

B. Priorities in Initial Formation

1. General Principles

a. The Gospel

Capuchins value returning to Franciscan origins and history.³⁶ Franciscans strive to live a life

³¹ Ibid.

³² Ibid.

³³ Ibid., 11, *I Cappuccini si Rinnovano*, 77; *The Path of Renewal*, 74.

³⁴ Ibid., 12, *I Cappuccini si Rinnovano*, 77; *The Path of Renewal*, 74

³⁵ Ibid.

³⁶ Ibid., 13, *I Cappuccini si Rinnovano*, 78; *The Path of Renewal*, 74.

after the model of Saint Francis, knowing they will never fully achieve this goal.³⁷ Together, they strive for the ideal of Saint Francis, as “lesser brothers,” forming a Gospel brotherhood.³⁸ Being part of a brotherhood means being in communion with Christ and docile to the Holy Spirit. To achieve this, common prayer and contemplation are necessary.

Meditation on Christ’s incarnation and passion transforms the lives of the brothers and their activity into an expression of love.³⁹ The brothers must love each other. Love among brothers demands the following: 1) creating a fraternal atmosphere of familial joy and simplicity; 2) developing mutual trust, understanding and respect; 3) manifesting personal needs; 4) offering individual talents for communal service; 5) practicing loving obedience and fraternal correction; and 6) supporting each other in times of difficulty or disappointment.⁴⁰ These characteristics, joined with household duties, prayer, simplicity, and joy form the basis of Gospel living.⁴¹ The Gospel and fraternal life must permeate all aspects of Franciscan living, including the apostolate.⁴²

Too often the needs of ministry threaten fraternal life.⁴³ PCO IV states, “One is then faced with a community of priests drawing inspiration from Franciscan spirituality, rather than a fraternity of lesser brothers endeavoring to live the Gospel.”⁴⁴ This situation causes a decrease in the number

³⁷ Ibid.

³⁸ Ibid., 14, *I Cappuccini si Rinnovano*, 78; *The Path of Renewal*, 74-75

³⁹ Ibid., 15, *I Cappuccini si Rinnovano*, 78; *The Path of Renewal*, 75.

⁴⁰ Ibid., 16, *I Cappuccini si Rinnovano*, 78-79; *The Path of Renewal*, 75.

⁴¹ Ibid.

⁴² Ibid., 18, *I Cappuccini si Rinnovano*, 79; *The Path of Renewal*, 75.

⁴³ Ibid., 20, *I Cappuccini si Rinnovano*, 79; *The Path of Renewal*, 76.

⁴⁴ Ibid., 20: “Ci si trova allora di fronte ad una comunità di sacerdoti che si ispirano alla spiritualità francescana piuttosto che di fronte ad una fraternità di frati minori che si sforza de vivere il Vangelo.” *I Cappuccini si Rinnovano*, 79-80; *The Path of Renewal*, 76.

of candidates responding to a call to be a lay brother in the Capuchin Order.⁴⁵ Avoidance of clericalism requires discernment of ministries; living as lesser brothers may require refusing requests for parochial ministry in dioceses.⁴⁶

In order to persevere in and strengthen the Gospel life, PCO IV makes recommendations for formation: 1) a focus on brotherly love; 2) an emphasis on fraternal life; 3) an insistence on the Capuchin charism; 4) a common formation for all candidates; 5) equality of all friars for offices in the Order; and 6) the provision of advanced education for all friars.⁴⁷

b. Inculturation

Inculturation brings Christ to birth in a new culture.⁴⁸ The word ‘inculturation’ in its sociological sense implies a system of attitudes, values, institutions, art, language, methods and styles of social interaction.⁴⁹ PCO IV states:

Considered in terms of the local church, inculturation is the integration of the lived experience of a particular church into the culture of a particular people. As far as the Order is concerned, it implies the integration of the lived experience of the Franciscan Capuchin charism into the culture of the people among whom the friars live and work.⁵⁰

Inculturation requires overcoming cultural differences and the fears that come with differences.⁵¹

⁴⁵ Ibid., 20, *I Cappuccini si Rinnovano*, 80; *The Path of Renewal*, 76.

⁴⁶ Ibid., 21, *I Cappuccini si Rinnovano*, 80; *The Path of Renewal*, 76.

⁴⁷ Ibid., 22, *I Cappuccini si Rinnovano*, 80-81; *The Path of Renewal*, 76-77.

⁴⁸ Ibid.

⁴⁹ Ibid., 25, *I Cappuccini si Rinnovano*, 81; *The Path of Renewal*, 78.

⁵⁰ Ibid., 26: “Considerata in termini di chiesa locale, l’inculturazione è l’integrazione dell’esperienza vissuta di una chiesa particolare nella cultura di un popolo particolare. In rapporto all’Ordine, essa implica l’integrazione dell’esperienza vissuta del carisma francescano-cappuccino nella cultura del popolo in mezzo al quale i frati vivono e lavorano.” *I Cappuccini si Rinnovano*, 82; *The Path of Renewal*, 78.

⁵¹ Ibid., 24, *I Cappuccini si Rinnovano*, 81; *The Path of Renewal*, 77.

The Gospel can and must permeate any and every culture without preference.⁵² As a principle for formation, Capuchin life must be lived by each member and integrated into the social and cultural dimensions where he finds himself.⁵³ Inculturation demands adaptation of Capuchin living, corresponding to place and time.⁵⁴

The principle of participation relates to inculturation. In the formation of individuals and communities, the shared experiences of others overcome the tendency to live in a closed environment. People do not mature on their own; they need others to assist them. Capuchins remain open to others and cultural enrichment. In this way, they avoid an impoverished or false self-fulfillment.⁵⁵

c. Integration and Conversion

The principle of integration assists the individual and the fraternity in assimilating values and experiences.⁵⁶ Interior unity requires the synthesis of prayer and activity, self-fulfillment within community, intellectual formation and lived experience.⁵⁷ Renunciation cannot be abstract, but requires an openness to other values and experiences.⁵⁸ As the world changes and new experiences emerge, conversion in light of the Gospel requires an ongoing renewal of formation in Capuchin life. An awareness of the continual need for conversion allows the individual to make choices in conformity with his vocation.

⁵² Ibid., 26, *I Cappuccini si Rinnovano*, 82; *The Path of Renewal*, 78.

⁵³ Ibid., 32, *I Cappuccini si Rinnovano*, 84; *The Path of Renewal*, 80.

⁵⁴ Ibid.

⁵⁵ Ibid., 33, *I Cappuccini si Rinnovano*, 85; *The Path of Renewal*, 80.

⁵⁶ Ibid., 34, *I Cappuccini si Rinnovano*, 85; *The Path of Renewal*, 80-81.

⁵⁷ Ibid., 34, *I Cappuccini si Rinnovano*, 85; *The Path of Renewal*, 81.

⁵⁸ Ibid.

2. Specific Elements

Perfectae caritatis calls for the renewal of religious life by returning to the original spirit of the founder and adapting to the particular circumstances of time and place. The document requires an openness to the future while reflecting on the traditional charism of each institute.⁵⁹

a. Prayer

After the example of Saint Francis and in accord with the *Rule*, every aspect of Capuchin life must be imbued with a spirit of prayer and devotion.⁶⁰ Contemplation lies at the heart of Capuchin reform. Contemplation continues to be a value that inspires apostolic zeal and social action.⁶¹ PCO IV recalls the Second Plenary Council on “Our Life and Practice in Prayer.”⁶² Specifically, it offers the following as an instructive principle for formation: “The spirit of prayer that is truly a living one cannot help but inspire and vivify the actual life of the friars, and therefore it necessarily renews the wholesome traditional forms and creates suitable new ones.”⁶³

Prayer, a gift from God, requires persistence and fidelity.⁶⁴ PCO IV recommends the following: 1) meaningful participation in the liturgy of the Church; 2) gradual study and practice of biblical prayer, especially the psalms; 3) experiencing prayer in other cultures, while practicing traditional forms of prayer; 4) sharing prayer experiences with brothers and others; and 5) praying

⁵⁹ *Perfectae caritatis*, 2, *AAS* 58 (1966) 703; Tanner 2:940.

⁶⁰ Ibid., 36.a, *I Cappuccini si Rinnovano*, 85-86; *The Path of Renewal*, 81.

⁶¹ Ibid.

⁶² Ibid., 37, *I Cappuccini si Rinnovano*, 86; *The Path of Renewal*, 82; Second Plenary Council on Our Life and Practice of Prayer, Taizé, February 18, 1973-March 9, 1973 (hereafter PCO II); *I Cappuccini si Rinnovano*, 21-38; *The Path of Renewal*, 25-35.

⁶³ PCO IV, 37: “Lo spirito di preghiera veramente vivo non può non animare e vivificare tutta la vita concreta dei frati e perciò necessariamente rinnova le sane forme tradizionali e crea nuove forme adatte.” *I Cappuccini si Rinnovano* 86; *The Path of Renewal*, 82.

⁶⁴ Ibid., 38, *I Cappuccini si Rinnovano*, 86-87; *The Path of Renewal*, 82.

regularly to attain growth in the spirit of prayer itself.⁶⁵ Guidance in prayer experiences requires qualified formation personnel. The fraternity can be formative when the community participates in the preparation for prayer as well as in the prayer.⁶⁶

Franciscan prayer is multi-faceted. Mental prayer, personal and affective, has always held pre-eminence. It has been the basis for fraternal and apostolic life.⁶⁷ This type of prayer must be taught to those seeking to live Capuchin life.⁶⁸ Franciscan prayer is biblical, emotional, contemplative, and penitential.⁶⁹ PCO IV states that these characteristics reflect how formation in Franciscan prayer should proceed:

formation in listening to the word of God; formation of the heart; development of the capacity for awe before God's great works in the whole of creation and redemption; interest in the mysteries of Christ's death and resurrection; formation to discover God's presence and His Will; formation to acquire a universal spirit that prays and lives as it shares in the joys and sorrows of its brothers.⁷⁰

The teaching of prayer should respect cultural differences; therefore, the conferences should prepare a suitable program for formation in prayer.⁷¹

b. Penance

⁶⁵ Ibid.

⁶⁶ Ibid., 39, *I Cappuccini si Rinnovano*, 87; *The Path of Renewal*, 83.

⁶⁷ Ibid., 40, *I Cappuccini si Rinnovano*, 87; *The Path of Renewal*, 83.

⁶⁸ Ibid.

⁶⁹ Ibid.

⁷⁰ Ibid., 40: "formazione all'ascolto della parola di Dio; formazione de cuore; sviluppo della capacità di stupirsi di fronte alle grande opera di Dio nella creazione intera e nella redenzione interesse per i misteri della morte e risurrezione di Cristo; formazione a scoprire la presenza di Dio e la sua volontà; formazione a uno spirito universal che prega e vive partecipando alle gioie e ai dolori dei fratelli." *I Cappuccini si Rinnovano*, 88; *The Path of Renewal*, 83

⁷¹ Ibid.

As Saint Francis followed Christ in choosing to be poor among the poor, Capuchins are to pattern their lives on Christ, living among the poorest and the outcast.⁷² It requires a return to evangelical poverty; each friar seeking new ways of expressing poverty with greater credibility.⁷³

PCO IV acknowledges that the penances suggested by the *Constitutions* are not always efficacious.⁷⁴ New forms of penance are necessary. Penance cannot simply be seen in a negative light, such as renouncing something; it should be seen as conversion.⁷⁵ Conversion requires separating from the world, turning to Christ, and forming radical and new relationships with God and others.⁷⁶ Penance should be oriented towards an evangelical brotherhood, the ultimate goal of formation.

Penance has both interior and exterior qualities. PCO IV states, “Penance or exterior austerity, permeated with gentle, sensitive charity, will be joyous; the saints were always austere with themselves but full of goodness and kindness with their brothers.”⁷⁷ Daily choices, both individual and communal, must be made with detachment.⁷⁸

PCO IV recommends eight specific forms of penance that will assist Capuchins in becoming an evangelical brotherhood: 1) renouncing self in obedience to the fraternity; 2) following the penitential seasons of the Church; 3) practicing fasting and fraternal correction described in the

⁷² Ibid., 36.b, *I Cappuccini si Rinnovano*, 86; *The Path of Renewal*, 81.

⁷³ Ibid.

⁷⁴ Ibid., 41, *I Cappuccini si Rinnovano*, 88; *The Path of Renewal*, 83.

⁷⁵ Ibid.

⁷⁶ Ibid., 41, *I Cappuccini si Rinnovano*, 88; *The Path of Renewal*, 84.

⁷⁷ Ibid., 41: “La penitenza o austerità esteriore, informata da una carità delicata e sensibile, sarà gioiosa: i santi furono sempre austeri con se stessi, ma pieni di bontà e di attenzione per i fratelli.” *I Cappuccini si Rinnovano*, 88-89; *The Path of Renewal*, 84.

⁷⁸ Ibid., 41, *I Cappuccini si Rinnovano*, 89; *The Path of Renewal*, 84.

Constitutions; 4) enduring challenges resultant from one's vocation to preach the Gospel; 5) accepting the sacrifices of a vowed lifestyle; 6) tolerating the various difficult circumstances of life; 7) willing to live among the poor in privation; and 8) accepting sacrifices accompanying one's assignment.

Renewal and conversion require men who inspire others. Superiors, both local and provincial, as well as formators should be men enabling others to grow in the evangelical life.⁷⁹ Provinces should establish programs for formation that emphasize the Word of God and the Franciscan charism.⁸⁰ Where possible the program should include goals and objectives for achieving conversion. The liturgical life of the Church should be paramount, focusing on the risen Christ.⁸¹

c. Poverty and Minority

Remaining faithful to the Church, Capuchins are called to take the lowest place in society. They are to shun pride and ambition that destroy communion.⁸² In a consumerist society which values wealth, poverty, hunger, and injustice prevail.⁸³ The Church and the Order must reach the poor and the outcast. This demands living in solidarity with and among the poor, and contemplating the poor crucified Christ.⁸⁴ It requires simplicity of life in all its aspects: food, clothing, and housing. It also requires giving up power, whether social, political or ecclesiastical.⁸⁵

⁷⁹ Ibid., 42, *I Cappuccini si Rinnovano*, 89; *The Path of Renewal*, 85.

⁸⁰ Ibid.

⁸¹ Ibid.

⁸² Ibid., 36, c, *I Cappuccini si Rinnovano*, 86; *The Path of Renewal*, 81.

⁸³ Ibid., 43, *I Cappuccini si Rinnovano*, 90; *The Path of Renewal*, 85

⁸⁴ Ibid., 44, *I Cappuccini si Rinnovano*, 90; *The Path of Renewal*, 85.

⁸⁵ Ibid.

The ministry of the Capuchin friars should be compatible with poverty and minority, seeking social justice and political reform.⁸⁶

Formation for a life of poverty and minority requires that those in initial formation have contact with the poor and marginalized.⁸⁷ This experience should be guided by experienced friars. There should be training in the responsible use of money and material goods in accord with the maxim, “the minimum necessary, not the maximum allowed.”⁸⁸ Personal expenditures should reflect the expenditures of the poor. Formation for poverty and minority also requires rules for the use of the mass media. This assists the individual to remain pure of heart. Formation for generous service to others begins in the fraternity with household tasks and assignments.⁸⁹

d. Fraternity in the Midst of the People

Love for God demands evangelization of the poor by living and ministering among them. Capuchins give witness to the poor by example, by preaching, and by service to those in need.⁹⁰ Capuchins value being close to the people.⁹¹ The incarnation of Christ enabled Saint Francis to adapt to the living conditions of the people of his time, becoming a brother to all.⁹²

⁸⁶ Ibid., 44, *I Cappuccini si Rinnovano*, 90; *The Path of Renewal*, 86.

⁸⁷ Ibid., 45, *I Cappuccini si Rinnovano*, 90-91; *The Path of Renewal*, 86.

⁸⁸ Ibid., 45: “il minimo necessario, non il massimo permesso.” *I Cappuccini si Rinnovano*, 91; *The Path of Renewal*, 86.

⁸⁹ Ibid.

⁹⁰ Ibid., 36, d, *I Cappuccini si Rinnovano*, 86; *The Path of Renewal*, 81-82.

⁹¹ Ibid., 46, *I Cappuccini si Rinnovano*, 91; *The Path of Renewal*, 86.

⁹² Ibid., 47, *I Cappuccini si Rinnovano*, 91; *The Path of Renewal*, 87.

Fraternal life means living and working as brothers among the people, building the Kingdom of God in one's own culture.⁹³ PCO IV states:

Initial formation should help the candidate to begin the process of incarnation among people, taking as a point of departure our Capuchin Franciscan identity. For this to happen, it is important that as far as possible the candidate should not be removed from the people among whom he was born. This dimension should also be kept in mind in relation to ministerial or professional formation.⁹⁴

Formation occurring in the candidate's own culture allows him to identify and empathize with others.⁹⁵

⁹³ Ibid.

⁹⁴ Ibid., 48: "La formazione iniziale deve aiutare il candidato a cominciare il processo di incarnazione fra gli uomini, prendendo come punto di partenza l'identità francescano-cappuccina. È molto importante in questo senso non allontanare, per quanto possibile, il candidato dal popolo nel quale è nato. Questa dimensione deve essere tenuta presente anche in relazione all'formazione ministeriale o professionale." *I Cappuccini si Rinnovan*, 92; *The Path of Renewal*, 87.

⁹⁵ Candidates seeking formation in another culture may be seeking a change in their socio-economic status.

e. Affective Maturity

Affectivity is the ability to feel, to develop interpersonal relationships, and to love.⁹⁶ It is central to an individual's healthy development, including the integration of one's sexuality.⁹⁷

Affective formation aims at conversion from being self-centered and possessive to achieving self-sacrificing love and selfless giving to others.⁹⁸ The human sciences can assist in formation for

affective maturity.⁹⁹ Formators must be aware of deficiencies of a candidate's affective maturity.¹⁰⁰

Accordingly, qualified formators should employ modern sciences in assisting those in formation in their psycho-sexual development and maturation.¹⁰¹

Individuals grow in affective maturity in fraternity. PCO IV states:

The atmosphere of the community, if serene, optimistic, frank, free and open to dialogue and acceptance of others, makes it possible for each person to develop his affectivity normally and communicate his emotional difficulties spontaneously. Commitment to brotherhood demands constant renunciation and dedication from each brother, and these give rise to the genuine, deep friendships that are so important for fulfillment of the affective life. On the other hand, fraternity fosters a way of working in togetherness and reciprocal responsibility, teaching one to be flexible and adaptable to different personalities and circumstances.¹⁰²

⁹⁶ Ibid., 52, *I Cappuccini si Rinnovano*, 94; *The Path of Renewal*, 89.

⁹⁷ Ibid.

⁹⁸ Ibid.

⁹⁹ Ibid., 54, *I Cappuccini si Rinnovano*, 94-95; *The Path of Renewal*, 89.

¹⁰⁰ Ibid.

¹⁰¹ Ibid., 54, *I Cappuccini si Rinnovano*, 95; *The Path of Renewal*, 90. *Renovationis causam* states that gradual spiritual and psychological growth is necessary to address the current social context and to detach oneself from worldly behavior. *Renovationis causam*, 4, *AAS* 61 (1969) 107; *CLD* 7:494.

¹⁰² PCO IV, 55: "L'ambiente della comunità, quando è sereno, ottimista, franco, libero, aperto al dialogo e alla accettazione degli altri, rende possibile a ciascuno sviluppare normalmente la sua affettività e comunicare con spontaneità le sue difficoltà affettive. L'impegno fraterno esige da ciascun frate rinuncia e dedizione continua, che danno luogo ad autentiche e profonde amicizie, così importanti per la realizzazione della vita affettiva. D'altra parte, la fraternità stimola ad una maniera di lavorare in solidarietà e

The fraternity can teach candidates to learn to care about their brothers, including a respect for the elderly.¹⁰³ An individual's interaction with all classes of people, men and women, old and young, the wealthy and the poor, will allow him to be open with others and develop his personality.¹⁰⁴

Friendships, including those with people outside the Order, provide human and spiritual growth.¹⁰⁵ They serve as opportunities to learn to give of oneself and respect the other. Healthy friendships are liberating and enrich relationships in fraternity and family. The individual should learn that, apart from his own family, the fraternity is his family.¹⁰⁶

As Saint Francis formed the hearts of friars, formators must form hearts in the Lord, striving to free the friar of self-love.¹⁰⁷ Formation assists the individual in overcoming self-interest. Knowing, experiencing, and feeling the presence of God accomplishes this goal.¹⁰⁸

C. Postulancy- First Stage in Initial Formation

1. Nature and Purpose

The term, "initial formation" refers to the postulancy, the novitiate, and the post-novitiate.¹⁰⁹ The postulancy, the first stage of initial formation, is a period of mutual discernment between the

corresponsabilità e insegna un flessibile adattamento a personalità e situazioni differenti." *I Cappuccini si Rinnovano*, 95; *The Path of Renewal*, 90.

¹⁰³ Ibid., 55, *I Cappuccini si Rinnovano*, 95; *The Path of Renewal*, 90.

¹⁰⁴ Ibid.

¹⁰⁵ Ibid.

¹⁰⁶ Ibid.

¹⁰⁷ Ibid., 56, *I Cappuccini si Rinnovano*, 96; *The Path of Renewal*, 90.

¹⁰⁸ Ibid., 56, *I Cappuccini si Rinnovano*, 96; *The Path of Renewal*, 90-91.

¹⁰⁹ Ibid., 61, *I Cappuccini si Rinnovano*, 98; *The Path of Renewal*, 93.

individual and representatives of the Order.¹¹⁰ In the postulancy the candidate becomes familiar with the Capuchin way of life. The fraternity begins to know the candidate and can better discern his vocation.¹¹¹ During the postulancy, the candidate understands his vocation more deeply. He becomes familiar with Capuchin Franciscan life, leaving behind his former life, and discovering what it means to live brotherhood.¹¹²

Formation for postulants includes catechesis, methods of prayer, instruction in Franciscan history and life, and an introduction to the works of the apostolate.¹¹³ The Instruction *Renovationis causam* states that most of the problems in formation are due to the candidate's lack of maturity prior to entrance into the novitiate.¹¹⁴ Formators must promote and assist the postulant to grow in maturity. They must meet the intellectual, affective, and spiritual needs of each postulant.¹¹⁵ Those unsuited for Capuchin Franciscan life should be dismissed during or at the conclusion of this initial formative period.

2. Place and Duration

Acknowledging a variety of practices for the place of postulancy throughout the Order, the document states that it should be a place where the postulants obtain an authentic experience of

¹¹⁰ Ibid. *Renovationis causam* refers to the novitiate as the first stage of initiation of religious life and recognizes a probationary period or postulancy is essential in preparing candidates for entrance into religious institutes. *Renovationis causam*, 4, *AAS* 61 (1969) 107-108; *CLD* 7:494-495.

¹¹¹ PCO IV, 62, *I Cappuccini si Rinnovano*, 98; *The Path of Renewal*, 94.

¹¹² Ibid., 62, *I Cappuccini si Rinnovano*, 98; *The Path of Renewal*, 94. *Renovationis causam* states that prior to entrance into the novitiate, candidates must possess a minimum of human and spiritual preparation. In the postulancy, formators must teach and verify such preparation. *Renovationis causam*, 4, *AAS* 61 (1969) 107; *CLD* 7:494.

¹¹³ PCO IV, 62, *I Cappuccini si Rinnovano*, 98; *The Path of Renewal*, 94.

¹¹⁴ *Renovationis causam*, 4, *AAS* 61 (1969) 107; *CLD* 7:494.

¹¹⁵ PCO IV, 62, *I Cappuccini si Rinnovano*, 98; *The Path of Renewal*, 94.

Franciscan life in that region.¹¹⁶ Again, PCO IV insists upon formation occurring within the cultural context of the postulant.¹¹⁷

Like the place of the postulancy, its duration varies from province to province. Such a duration should take into account the candidate's human and Christian maturity.¹¹⁸ Practically, the duration must also consider the content of the formation program, including those issues previously mentioned: catechesis, Franciscan life, methods of prayer, and an introduction to the apostolic life.¹¹⁹ The postulancy must be long enough for the postulant to forego his former life and embrace membership in a fraternity.¹²⁰

3. Those Responsible for Formation

a. Superiors

All members have a responsibility to assist in forming candidates for the Order.¹²¹ Too often, fraternities do not fulfill this responsibility and prove unsuitable for the task.¹²² Superiors have a special responsibility for forming candidates and ensuring that fraternities welcoming candidates and postulants recognize this important responsibility.¹²³ Provincial and local ministers are the

¹¹⁶ Ibid., 63, *I Cappuccini si Rinnovano*, 98-99; *The Path of Renewal*, 94.

¹¹⁷ Ibid.

¹¹⁸ Ibid.

¹¹⁹ Ibid.

¹²⁰ Ibid.

¹²¹ Ibid., 77, *I Cappuccini si Rinnovano*, 105; *The Path of Renewal*, 100.

¹²² Ibid.

¹²³ Ibid.

primary formators; PCO IV states that they are the constant animators and coordinators of the formative process.¹²⁴

b. Formation Personnel

PCO IV emphasizes that qualified formators are an urgent need.¹²⁵ Formators must have the proper qualities, including: leading a life of faith, possessing hope in God and humanity, loving the Franciscan vocation, working in a team, and inspiring fraternity in prayer, community, and ministry.¹²⁶ Formators should strive continually to educate and form themselves. They should have a special interest and specialization in the human sciences important for formation, especially psychology.¹²⁷

Formators must understand the importance and embrace their ministry. They are to draw upon all other models of formation within the tradition of Capuchin Franciscan life.¹²⁸ These requirements for formators underscore the need for training programs for potential formators. PCO IV acknowledges that this is one of the most significant challenges facing the Order.¹²⁹

c. Candidates

The primary agent in all formation is the Holy Spirit, calling, inspiring and encouraging the candidate.¹³⁰ The Holy Spirit operates through superiors, formation personnel and candidates. The candidate must recognize Christ as both Master and Model of living, both individually and

¹²⁴ Ibid., 80, *I Cappuccini si Rinnovano*, 106; *The Path of Renewal*, 101.

¹²⁵ Ibid., 81, *I Cappuccini si Rinnovano*, 106; *The Path of Renewal*, 101.

¹²⁶ Ibid.

¹²⁷ Ibid.

¹²⁸ Ibid., 81, *I Cappuccini si Rinnovano*, 106; *The Path of Renewal*, 101-102.

¹²⁹ Ibid., 81, *I Cappuccini si Rinnovano*, 106; *The Path of Renewal*, 102.

¹³⁰ Ibid., 78, *I Cappuccini si Rinnovano*, 105; *The Path of Renewal*, 100

fraternally. Citing *Perfectae caritatis*, PCO IV teaches that candidates and those in initial formation are to look to Mary, Mother of God, as a source of strength.¹³¹ Prayer and spiritual direction are of special importance, so candidates can come to know and do God's will.¹³²

PCO IV states that candidates should possess the qualities and character necessary for being part of the Capuchin Order.¹³³ Those in formation are the principal agents of their own formation. They must cooperate with the action of the Holy Spirit and the directives of their formators.¹³⁴ Formators and those in formation communities have the responsibility to understand, respect and love those in formation for their unique qualities and individuality. Being valued by the fraternity will allow candidates to grow emotionally and provide a basis from which to know and live their vocation more seriously.¹³⁵

4. Program

Franciscan formation becomes an action of the fraternity, not just the candidate and the formator.¹³⁶ Every member of the Order should see himself as continually being formed as well as forming the newest candidate. In forming candidates friars are to be conscious of cultural, ecclesial

¹³¹ Ibid.

¹³² Ibid.

¹³³ Ibid., 79, *I Cappuccini si Rinnovano*, 105; *The Path of Renewal*, 100. PCO IV does not elaborate on the necessary qualities but presumably it refers to those qualities mentioned in "Specific Elements." *Renovationis causam*, 4 states that candidates cannot meet all of the demands of religious life immediately but the candidate must demonstrate an ability to grow in stages. *AAS* 61 (1969) 107: CLD 7:494.

¹³⁴ PCO IV, 79, *I Cappuccini si Rinnovano*, 105; *The Path of Renewal*, 100.

¹³⁵ Ibid.

¹³⁶ Ibid., 80, *I Cappuccini si Rinnovano*, 105; *The Path of Renewal*, 100-101.

and social realities surrounding them. They are to remember and emphasize that prayer serves as the primary aspect of Capuchin life, particularly contemplation.¹³⁷

Fraternities create a family atmosphere and remind those in formation of their mutual calling. In the familial context of the formation community, there should be a concerted effort to coordinate the work of formation under the guidance of the formation director.¹³⁸ There ought to be continual evaluations of the program, the formation fraternity, and the contributions of the members. Formation fraternities should reflect other houses of the province, so that candidates have a sense of actual life in the fraternity.¹³⁹

PCO IV defines the essential characteristics of the Order and their relevance for the formation program. It incorporates the teaching of the Second Vatican Council in calling for a study of the foundations of the Order and reasonable adaptation to current social contexts. The document acknowledges the challenges that come with growth in some parts of the world and diminishment in others. It establishes general principles for formation of candidates, including the importance of the Gospel life, inculturation, integration of Capuchin values and the necessity of conversion and affective maturity. The fourth council sets forth the purpose and parameters of the postulancy, providing guidance for candidates, superiors, and formators. It establishes a basis for Capuchin conferences and circumscriptions to form their own *ratio formationis*. As stated earlier, the document is not an exhaustive program for the formation of candidates for the Order. Given the differences among regions and cultures regarding economics, geography and climate, conferences

¹³⁷ Ibid.

¹³⁸ Ibid.

¹³⁹ Ibid.

and provinces are to develop more specific programs of formation. PCO IV proves a useful source for the development of a *ratio formationis* for the Order.

II. Admission/Initial Formation in the Proper Law of the Order

The proper law of the Capuchin Order includes *The Rule*, the *Testament*, the *Constitutions*, and the *Ordinances*. Pope Honorius approved the *Rule* of the first Franciscan Order on November 29, 1223.¹⁴⁰ The *Testament* is the declaration and exhortation of Saint Francis, made shortly before his death.¹⁴¹ For the Order the Testament serves as: “the primary exposition of the Rule and an outstanding source of inspiration for our life.”¹⁴²

On October 4, 2013 the Congregation for Institutes of Consecrated Life and Societies of Apostolic Life (CICLSAL) approved and confirmed the revised *Constitutions* in their official Italian language.¹⁴³ On December 8, 2013, the Minister General of the Capuchin Order with the prior approval of the General Chapter, promulgated the *Constitutions* and the *Ordinances*.¹⁴⁴

The *Ordinances* were approved by the general chapter held in Rome from August 20, 2012 to September 22, 2012. They, too, were promulgated by the decree dated December 8, 2013, and

¹⁴⁰ *Regola e Testamento del Serafico Padre San Francesco*, in *Costituzioni e Ordinazioni*, 7-19.

¹⁴¹ *Regola e Testamento del Serafico Padre San Francesco*, in *Costituzioni e Ordinazioni*, 20-24.

¹⁴² *Constitutions*, 8.4: “prima esposizione spirituale della Regola ed eminente ispirazione della nostra vita.” *Costituzioni e Ordinazioni*, 43; *Constitutions and Ordinances*, 38.

¹⁴³ Congregation for Institutes of Consecrated Life and Societies of Apostolic Life, Decree October 4, 2013: in *Costituzioni e Ordinazioni*, 29.

¹⁴⁴ Curia Generale dei Frati Minori Capuccini, Decreto di Promulgazione, December 8, 2013 in *Costituzioni e Ordinazioni*, 30.

became effective the same date.¹⁴⁵ The *Ordinances* together with the other three documents constitute the proper law for the Order in accord with canon 598 §2, which states: “Moreover, all members must not only observe the evangelical counsels faithfully and fully but also arrange their life according to the proper law of the institute and thereby strive for the perfection of their state.”¹⁴⁶

A. The *Constitutions* – Chapter II

The *Constitutions* address admission to the Order in three categories: 1) qualifications for the Capuchin way of life, 2) the postulancy, and 3) formation in the postulancy.

1. Qualifications for Capuchin Life

a. Vocation to Capuchin Life

The *Constitutions* situate vocation to religious life within the context of the universal call to holiness of all the baptized directed towards the salvation of the world.¹⁴⁷ The document paraphrases *Vita Consecrata*¹⁴⁸ in stating that the response to the call to religious life is a gift of self to God, keeping nothing of one’s own and following in the footsteps of Christ, transforming oneself into His image through the power of the Holy Spirit.¹⁴⁹ For the specific call to Capuchin life the *Constitutions* state:

¹⁴⁵ The *Ordinances* were promulgated in the Decree promulgating the *Constitutions, Costituzioni e Ordinazioni*, 29.

¹⁴⁶ 1983 Code c. 598 §2: “Sodales vero omnes debent non solum consilia evangelica fideliter integreque servare, sed etiam secundum ius proprium instituti vitam componere atque ita ad perfectionem sui status contendere.”

¹⁴⁷ *Constitutions*, 16.1-2, *Costituzioni e Ordinazioni*, 51; *Constitutions and Ordinances*, 43.

¹⁴⁸ John Paul II, Post-Synodal Apostolic Exhortation *Vita Consecrata*, 65, March 25, 1996: *AAS* 88 (1996) 377-486; English translation: *Post-Synodal Apostolic Exhortation of the Holy Father, Consecrated Life: Vita Consecrata* (Boston: Pauline Books and Media, 1996) (hereafter *Consecrated Life*).

¹⁴⁹ *Constitutions*, 16.3, *Costituzioni e Ordinazioni*, 51; *Constitutions and Ordinances*, 43; *Vita Consecrata*, 17-19, *AAS* 88 (1996) 390-392; *Consecrated Life*, 30-34.

In responding to our calling as Capuchin lesser brothers, we follow the poor and humble Christ, spread His message to people everywhere, especially to the poor, and offer a public and social witness to the Kingdom of God. In this way, as a pilgrim brotherhood, penitent in heart and deed, we devote ourselves to the Church's mission of salvation, serving all people in a spirit of minority and joy.¹⁵⁰

b. Requirements for Admission

The *Constitutions* address admission to Capuchin life by recalling Saint Francis' fear of receiving unsuitable brothers as the Order grew.¹⁵¹ Accordingly, the provincial superiors must carefully examine those wishing to embrace Capuchin life and carefully discern their vocation.¹⁵² In addition to meeting the requirements of universal law, the *Constitutions* specify eight requirements for valid and lawful admission of candidates to the Order.¹⁵³

The first requirement states: "candidates must be temperamentally suited for the living of our gospel life in brotherly communion."¹⁵⁴ An important aspect of the Capuchin charism is fraternity. Fraternity is more than simply living in common. The *Constitutions* describe it as having its foundation in the love of the Trinity and a gospel spirituality constituting a brotherhood based

¹⁵⁰ *Constitutions*, 16.4-5: "Corrispondendo alla nostra vocazione di frati minori cappuccini, seguiamo Cristo povero e umile, diffondiamo ovunque il suo messaggio agli uomini, specialmente ai poveri, e offriamo una testimonianza pubblica e sociale del Regno di Dio. Così noi, in una fraternità di pellegrini, penitenti nel cuore e nelle opere, servi di tutti gli uomini in spirito di minorità e di letizia, ci dedichiamo alla missione salvifica della Chiesa" *Costituzioni*, 52; *Constitutions and Ordinances*, 43.

¹⁵¹ Ibid., 18.1, *Costituzioni e Ordinazioni*, 53; *Constitutions and Ordinances*, 44.

¹⁵² Ibid., 18.2, *Costituzioni e Ordinazioni*, 53; *Constitutions and Ordinances*, 44.

¹⁵³ Ibid., 18.3, *Costituzioni e Ordinazioni*, 53-54; *Constitutions and Ordinances*, 44. While the *Constitutions* state these requirements are for valid and lawful admission, many of the requirements are not verifiable. For example, it is a subjective judgment whether a candidate is temperamentally suited for the gospel life in brotherly communion. The admitting superior must have moral certainty of this requirement. Although the *Constitutions* do not state so specifically, these requirements are for admission to the novitiate, they are instructive for admission to the postulancy.

¹⁵⁴ *Constitutions*, 18.3.a: "i candidati, per la loro indole, devono essere idonei a vivere la nostra vita evangelica in comunione fraterna." *Costituzioni e Ordinazioni*, 54; *Constitutions and Ordinances*, 44.

upon the life of Christ and his disciples.¹⁵⁵ It is a fraternity that knows no distinction among its members, priests and lay brothers being equal.¹⁵⁶ The Instruction *Fraternal Life in Community*¹⁵⁷ describes not just the candidate's suitability for common life, but also states that common life cannot be separated from the candidate's vocation.¹⁵⁸ In other words, the members of the Order are bound by a common calling, a common response to the Holy Spirit as handed down by Saint Francis.¹⁵⁹

The second requirement for admission is physical and mental health necessary for the Capuchin way of life.¹⁶⁰ This simply restates canon 642 requiring the physical and mental health necessary to observe the obligations of the institute.¹⁶¹ Like the canon, this requirement implicitly includes the necessity for spiritual health. In keeping with canon 642, psychological testing may be necessary to verify the mental and spiritual health of candidates.

The third requirement states that the candidates must demonstrate spiritual health by

¹⁵⁵ Ibid., 88.1, 6, *Costituzioni e Ordinazioni*, 118; *Constitutions and Ordinances*, 87.

¹⁵⁶ Ibid., 90, *Costituzioni e Ordinazioni*, 120; *Constitutions and Ordinances*, 88.

¹⁵⁷ Congregation for Institutes of Consecrated Life and Societies of Apostolic Life, Instruction *La Vita Fraterna in Comunità*, 2, February 2, 1994: *Enchiridion* 3028-3070 (hereafter *Fraternal Life in Community*; Vatican English translation from Congregation for Institutes of Consecrated Life and Societies of Apostolic Life, "Fraternal Life in Community," *Origins* 23 (1994) 693-712.

¹⁵⁸ *Fraternal Life in Community*, 2, *Enchiridion* 3030; *Origins*, 696.

¹⁵⁹ The *ratio formationis* should address the human qualities for living fraternal life, in other words: respect, kindness, sincerity, self-control, tactfulness, a sense of humor and a spirit of sharing. *Fraternal Life in Community*, 27, *Enchiridion* 3043; *Origins*, 702.

¹⁶⁰ *Constitutions*, N. 18.3.b, *Costituzioni e Ordinazioni*, 54; *Constitutions and Ordinances*, 45. This requirement's origins dates to the founding of the Order. Similar movements of poor itinerants such as the Cathars and the Waldensians were not true to the faith. However, it is still relevant today; the candidate should have knowledge of, and belief in, the mysteries of the faith and the Sacraments. Octavian Schmucki, "Iniziazione alla Vita Francescana alla Luce della Regola ad Altre Fonti," *Francescana* 80 (1985) 29. Congregation for Institutes of Consecrated Life and Societies of Apostolic Life, Directives, *Potissimum institutioni*, 88, February 2, 1990, *AAS* 82 (1990) 470-532, 521; English translation: Vatican Religious Congregation, "Directives on Formation in Religious Institutes," *Origins* 19 (1990) 667-699, 695.

¹⁶¹ The *ratio formationis* should explicitly state this requirement for spiritual maturity and what it entails. Chapter three addresses this topic.

showing by example that they believe what the Church teaches and that they possess a Catholic instinct.¹⁶² *Renovationis causam* and *Potissimum institutioni*¹⁶³ note that candidates to religious life often come with a high degree of secular knowledge, but lack both knowledge and maturity in the faith.¹⁶⁴

The fourth requirement for admission is proof that the candidate enjoys a good reputation principally among those who know him.¹⁶⁵ While the language is not the same as canon 645 §3, this can be seen as the responsibility of superiors to request testimonials regarding the character of the candidate. The *Constitutions* do not mention the methods of determining a good reputation. Given the variety of cultural contexts, the *ratio formationis* or policies of the individual provinces or circumscriptions more appropriately describe the method of assuring the good reputation of the candidate.

The fifth requirement states:

They are to be endowed with the required human maturity, particularly affective and relational, and with a generous will. In addition, it must be ascertained that they enter the Order with the sole purpose of sincerely serving God and for the salvation of people, according to the Rule, the form of life of Saint Francis, and our Constitutions.¹⁶⁶

The requirement for maturity also reflects canon 642. Similar to mental and emotional health, maturity may be verified by psychological testing. Maturity is both affective and relational. In

¹⁶² *Constitutions*, 18.3.c, *Costituzioni e Ordinazioni*, 54; *Constitutions and Ordinances*, 45.

¹⁶³ Congregation for Institutes of Consecrated Life and Societies of Apostolic Life, Directives, *Potissimum institutioni*, 88, February 2, 1990, *AAS* 82 (1990) 470-532; English translation: Vatican Religious Congregation, "Directives on Formation in Religious Institutes," *Origins* 19 (1990) 667-699.

¹⁶⁴ *Renovationis causam*, 4, *AAS* 61 (1969) 107; *CLD* 7:494; *Potissimum institutioni*, 88, *AAS* 82 (1990) 521; *Origins* 19 (1990) 695.

¹⁶⁵ *Constitutions*, 18.3.d, *Costituzioni e Ordinazioni*, 54; *Constitutions and Ordinances*, 45.

¹⁶⁶ *Ibid.*, 18.3.e: "Siano dotati di una debita maturità umana, particolarmente affettiva e relazionale, e di una volontà generosa. Inoltre ci si accerti che essi entrano nell'Ordine per mettersi sinceramente al servizio di Dio e della salvezza degli uomini, secondo la Regola, la forma di vita di san Francesco e le nostre Costituzioni." *Costituzioni e Ordinazioni*, 54; *Constitutions and Ordinances*, 45.

addition to maturity, the candidate must have the purposes of serving God and others in accord with the proper law of the institute. This requirement compares to the right intention in canon 597 §1 required of candidates.¹⁶⁷

The sixth requirement, the capacity for studies according to one's own ability and the ministries of the Order and one's culture.¹⁶⁸ *Potissimum institutioni* states that candidates should be formed in their native culture.¹⁶⁹

The seventh requirement addresses superiors. They are to gather all pertinent information regarding the life of the candidate prior to his entrance to the Order. This requirement reflects canon 645 and the need for an investigation into the suitability of candidates through documents, testimonials, transcripts, and even secret information.¹⁷⁰ Particular attention must be paid to older candidates and those who have had prior experience in seminaries or religious life.¹⁷¹

The *Constitutions* defer to universal law for the admission of diocesan clergy or those coming from other institutes of consecrated life, societies of apostolic life, or seminaries.¹⁷² Canon 645 §2, the *Instruction On Admitting Candidates Coming from Other Seminaries or Religious Communities*, and the "Norms Concerning Applications for Priestly Formation from those Previously Enrolled in a Formation Program" are relevant for those departing or dismissed from a seminary or a religious

¹⁶⁷ Ibid.

¹⁶⁸ Ibid., 18.3.f, *Costituzioni e Ordinazioni*, 54; *Constitutions and Ordinances*, 45.

¹⁶⁹ *Potissimum institutioni*, 91, *AAS* 82 (1990) 523; *Origins* 19 (1990) 695. PCO IV, 48 also states that insofar as possible formation should occur in the candidate's place of origin. *I Cappuccini si Rinnovano*, 92; *The Path of Renewal*, 87.

¹⁷⁰ The *ratio formationis* of the Order and/or those of the circumscriptions should provide culturally specific details regarding the investigations into the suitability of candidates.

¹⁷¹ *Constitutions*, 18.3.g, *Costituzioni e Ordinazioni*, 54; *Constitutions and Ordinances*, 45.

¹⁷² Ibid., 18.3.h, *Costituzioni e Ordinazioni*, 54; *Constitutions and Ordinances*, 45.

institute.¹⁷³ The Constitutions also defer to universal law regarding those re-entering the Order.¹⁷⁴ Canon 690 addresses those re-entering the Order. Canon 684 and 685 address transfer for those coming from another institute of consecrated life or society of apostolic life.

c. Poverty

Saint Francis followed the instruction of Christ to the young man to be perfect; Francis divested himself of all he had.¹⁷⁵ Candidates must do the same.¹⁷⁶ Ministers and guardians¹⁷⁷ are to explain this Gospel teaching to candidates, ensuring that their motivations include a readiness to renounce all possessions at the appropriate time prior to perpetual profession. It is preferable to give the proceeds of their possessions to the poor.¹⁷⁸ Preparation for renunciation requires an interior disposition that frees the candidate for service to his neighbor and the poor.¹⁷⁹ Candidates are to avoid being distracted by the burdens of handling their property. They freely offer their gifts

¹⁷³ Congregation for Catholic Education, *Instruction On Admitting Candidates Coming from Other Seminaries or Religious Communities*, March 8, 1996: *Origins* 26 (1996-1997) 358-360 (hereafter *Instruction On Admitting Candidates*); See also United States Conference of Catholic Bishops, "Norms Concerning Applications for Priestly Formation from those Previously Enrolled in a Formation Program," *Origins* 30 (2001) 523, 527-529.

¹⁷⁴ *Constitutions*, 18.3.h, *Costituzioni e Ordinazioni*, 54; *Constitutions and Ordinances*, 45.

¹⁷⁵ This scripture passage was the basis for *Redemptionis Donum's* discussion of the vow of poverty. John Paul II, Apostolic Exhortation *Redemptionis donum*, *AAS* 76 (1984) 513-546; English translation: John Paul II, Apostolic Exhortation, March 25, 1984, *The Gift of Redemption* (Washington, DC: United States Catholic Conference, 1984) (hereafter *The Gift of Redemption*). See *Redemptionis donum*, 4-6, *AAS* 76 (1984) 517-522; *The Gift of Redemption*, 9-15.

¹⁷⁶ *Constitutions*, 19.1-2, *Costituzioni e Ordinazioni*, 55; *Constitutions and Ordinances*, 45.

¹⁷⁷ Guardians are local superiors governing a local fraternity. *Constitutions*, 118.8, *Costituzioni e Ordinazioni*, 145; *Constitutions and Ordinances*, 104.

¹⁷⁸ *Ibid.*, 19. 3: *Costituzioni e Ordinazioni*, 55; *Constitutions and Ordinances*, 44.

¹⁷⁹ *Ibid.*, 19.4: *Costituzioni e Ordinazioni*, 55-56; *Constitutions and Ordinances*, 45.

in service to the Order in fulfilling the responsibilities given to them by superiors.¹⁸⁰

2. Postulancy

a. Nature and Purpose

The postulancy is the initial stage of formation in Capuchin life.¹⁸¹ Upon receiving a postulant, a document must be drawn attesting to his reception.¹⁸² It is a period of discernment in which the individual determines whether he has a Capuchin vocation.¹⁸³ The *Constitutions* state:

During this period, the postulant comes to know our life and makes a further and more careful discernment of his vocation. For its part, the fraternity comes to know the postulant better and ascertains the growth of his human maturity, especially affective maturity, and his ability to discern his life and the signs of the times according to the Gospel.¹⁸⁴

This provision addresses both canons 597 §2 and 642 regarding the need for suitable preparation and the required maturity to undertake the obligations of the institute. The postulancy also serves to

¹⁸⁰ *Redemptionis donum*, 12 states that poverty is at the very heart of the Gospel. Poverty allows humanity to enter the redemptive grace of Christ. *AAS* 76 (1984) 533-534; *The Gift of Redemption*, 32. It might be helpful for the *ratio formationis* to include a discussion on the importance of poverty in light of *Redemptionis donum*. More specifically, it should highlight the importance of allowing one's vocation to become a matter of "being" rather than "possessing." *Redemptionis donum*, 4, *AAS* 76 (1984) 519; *The Gift of Redemption*, 11.

¹⁸¹ Initial formation includes the postulancy, novitiate, and post-novitiate, until the time of perpetual profession. *Constitutions*, 29.1-2, *Costituzioni e Ordinazioni*, 66; *Constitutions and Ordinances*, 53.

¹⁸² *Ordinances*, 2/10, *Costituzioni e Ordinazioni*, 219; *Constitutions and Ordinances*, 156.

¹⁸³ *Constitutions*, 30.1, *Costituzioni e Ordinazioni*, 66; *Constitutions and Ordinances*, 53. *Potissimum institutioni* states that the postulancy is the period where formators determine whether the candidate has the ability to grow in the obligations of religious life, not necessarily whether he immediately has the ability to meet all of the obligations. *Potissimum institutioni*, 42, *AAS* 82 (1990) 499; *Origins* 19 (1990) 688. The *ratio formationis* should make this principle explicit.

¹⁸⁴ *Ibid.*, 30.2: "In questo periodo, il postulante consosce la nostra vita e opera un ulteriore e più accurato discernimento della sua vocazione. La fraternità, da parte sua, conosce meglio il postulante e si accerta sullo sviluppo della sua maturità umana, anzitutto di quella affettiva, nonché sulla attitudine a discernere la sua vita e i segni dei tempi secondo il Vangelo." *Costituzioni e Ordinazioni*, 66; *Constitutions and Ordinances*, 53.

gradually incorporate the individual into the brotherhood.¹⁸⁵ Given the importance of fraternal life, qualified formators and a formative fraternity are essential for the postulancy.

b. Place and Duration

The *Constitutions* do not state a particular place for the postulancy. Postulants live in fraternities appropriate for living Capuchin Franciscan life during formation.¹⁸⁶ The place and duration vary from region to region. The competent minister with the consent of his council establishes a formation fraternity for the postulancy.¹⁸⁷ *Potissimum institutioni* states that the postulancy must be conducive for the radical following of Christ and a place where spirituality flourishes, austerity of life maintained, and apostolic zeal is kindled.¹⁸⁸ The provincial minister with the consent of his council determines other possible ways of living the postulancy.¹⁸⁹

Although the *Constitutions* are silent on the duration of the postulancy, the *Ordinances* state that ordinarily it should be one year.¹⁹⁰ The provincial minister with the consent of the council establishes the length of the postulancy.¹⁹¹ The length of time of the postulancy should be sufficient

¹⁸⁵ Ibid., 29.2, *Costituzioni e Ordinazioni*, 66; *Constitutions and Ordinances*, 53. *Potissimum institutioni* provides three alternatives for the preparatory period prior to novitiate: 1) the candidate can be received in the house of the institute, 2) the candidate can live apart, having intermittent periods of contact with members of the institute; and 3) the candidate can live in common with other candidates in preparation for the novitiate. *Potissimum institutioni*, 44, *AAS* 82 (1990) 500; *Origins* 19 (1990) 689. However, the *Constitutions* state that living as brothers is a basic requirement of formation. *Constitutions*, 24.7, *Costituzioni e Ordinazioni*, 60; *Constitutions and Ordinances*, 49.

¹⁸⁶ *Constitutions*, 27.1, *Costituzioni e Ordinazioni*, 64; *Constitutions and Ordinances*, 52.

¹⁸⁷ Ibid., 27.2, *Costituzioni e Ordinazioni*, 64; *Constitutions and Ordinances*, 52.

¹⁸⁸ *Potissimum institutioni*, 26-27, *AAS* 82 (1990) 490-491; *Origins* 19 (1990) 685.

¹⁸⁹ *Ordinances*, 2/11, *Costituzioni e Ordinazioni*, 219; *Constitutions and Ordinances*, 156. For example, this may be appropriate when a province receives an older candidate or a cleric into the postulancy. There may be other circumstances where the candidate more appropriately serves his postulancy in a different manner.

¹⁹⁰ *Ordinances*, 2/11, *Costituzioni e Ordinazioni*, 219; *Constitutions and Ordinances*, 156.

¹⁹¹ Ibid., 2/11, *Costituzioni e Ordinazioni*, 219; *Constitutions and Ordinances*, 156.

for the candidate to acquire such growth in each cultural context. General norms guiding local decisions should be set forth in the *ratio formationis* of the Order. Candidates require suitable preparation prior to admission to the novitiate.

c. Admitting Superiors

The general minister or the provincial minister in each province admits candidates to the postulancy and novitiate. He can delegate this authority to the vicar or the *custos*.¹⁹² Prior to admitting candidates to the novitiate, the general or provincial minister or the delegate of either must consult the council. The council may appoint three or four brothers to consult with the admitting minister.¹⁹³ If the particular case requires, the admitting minister consults with a person with special competence.¹⁹⁴ While stated broadly, this includes the use of experts in the human sciences addressed in canon 642. Superiors are to ensure that candidates meet both the requirements of universal and proper law addressed in the law prior to admitting them to the novitiate.

¹⁹² Ibid., 20.1, *Costituzioni e Ordinazioni*, 56; *Constitutions and Ordinances*, 46.

¹⁹³ Ibid., 20.2, *Costituzioni e Ordinazioni*, 56; *Constitutions and Ordinances*, 46.

¹⁹⁴ Ibid., 20.3, *Costituzioni e Ordinazioni*, 56; *Constitutions and Ordinances*, 46.

3. Formation in the Postulancy

a. Priorities in the Postulancy

Guardians, formators, and formation fraternities are to assist postulants to deepen their faith life.¹⁹⁵ To achieve this the postulants must receive adequate catechesis. They should experience the liturgical and other prayer forms. The formators should educate postulants in Franciscan history and patrimony, assisting them in living a brotherhood.¹⁹⁶ Postulants must have an initial experience of apostolic work.¹⁹⁷ While not stated explicitly, this apostolic work should take place in a Franciscan setting.

b. Initiation into Capuchin Life

As noted earlier, initiation into Capuchin life begins with the postulancy.¹⁹⁸ The principles of initiation apply to the postulancy as well as to the novitiate and post-novitiate. Formators assist candidates in developing their human and spiritual qualities while adapting to the needs of time and place.¹⁹⁹ The *Constitutions* require appropriate methods of collaborative education. Postulants perform functions in the apostolate that assist in bringing about self-control and emotional maturity.²⁰⁰ Formators should introduce postulants to the practice of asceticism, the practice of following Christ and his example of self-giving love.²⁰¹ *Potissimum institutioni* states:

¹⁹⁵ Ibid., 30.3, *Costituzioni e Ordinazioni*, 66; *Constitutions and Ordinances*, 53.

¹⁹⁶ Ibid.

¹⁹⁷ Ibid.

¹⁹⁸ Ibid., 29.2, *Costituzioni e Ordinazioni*, 66; *Constitutions and Ordinances*, 53.

¹⁹⁹ Ibid., 26.2, *Costituzioni e Ordinazioni*, 63; *Constitutions and Ordinances*, 51.

²⁰⁰ Ibid., 26.3, *Costituzioni e Ordinazioni*, 63; *Constitutions and Ordinances*, 51.

²⁰¹ *Redemptionis donum*, 7-8, *AAS* 76 (1984) 522-527; *The Gift of Redemption*, 15-23.

In a world of eroticism, consumerism and all kinds of abuse of power, there is a need for witnesses of the paschal mystery of Christ, the first stage of which necessarily passes through the cross. This passage requires insertion of a daily, personal asceticism into an integral program of formation; this leads candidates, novices and professed to the exercise of faith, hope, charity, prudence, justice, temperance and fortitude.²⁰²

Formators assist postulants in resisting impulsive drives, overcoming them through initiation into silence and the spiritual life.²⁰³ Formators must attend to the spiritual development of the postulants. The *Constitutions* state: “candidates should be introduced into a spiritual life that is nourished by the reading of the Word of God, active participation in the liturgy, and reflection and private prayer, so that they are drawn more and more to Christ, who is the way, the truth, and the life.”²⁰⁴

Candidates are to gain knowledge and learn to live the Capuchin Franciscan spirit.²⁰⁵ To accomplish this, they are to study the life of Saint Francis and his understanding of the *Rule*, as well as the history and long standing traditions of the Order.²⁰⁶ The candidates must assimilate and integrate this knowledge into their lives and actions.²⁰⁷ They do this in the context of living as brothers in the larger community among their brothers, learning and practicing charity while meeting

²⁰² *Potissimum institutioni*, 36: “In hoc mundo, ubi perversus amor, bonorum et potestatis abusus cuiusque generis, dilatantur, testes paschalis mysterii Christi optantur, cuius primus gradus necessario per crucem transit. Hic transitus obligat ut in ratione integralis institutionis inscribatur ascesis personalis quotidiana, quae ducat candidatos, novitios et professos ad exercendas virtutes fidei, spei, caritatis, prudentiae, iustitiae, fortitudinis et temperantiae.” *AAS* 82 (1990) 495-496; *Origins* 19 (1990) 687.

²⁰³ *Potissimum institutioni*, 37-38, *AAS* 82 (1990) 496-497; *Origins* 19 (1990) 687.

²⁰⁴ *Constitutions*, 26.4: “i candidati vengano iniziati a una vita spirituale nutrita dalla lettura della Parola di Dio, dall’attiva partecipazione alla liturgia, dalla riflessione e dalla preghiera personale, in modo che siano sempre di più attratti verso Christo, che é via, verità e vita.” *Costituzioni e Ordinazioni*, 64; *Constitutions and Ordinances*, 51.

²⁰⁵ *Ibid.*, 26.5, *Costituzioni e Ordinazioni*, 64; *Constitutions and Ordinances*, 51.

²⁰⁶ *Ibid.*

²⁰⁷ *Ibid.*

the needs of others and developing a missionary spirit.²⁰⁸

c. The Candidates

As set forth in *Vita Consecrata*, in formation for consecrated life, candidates conform themselves to Christ under the direction of the Holy Spirit.²⁰⁹ Formation must address the whole person, the human, spiritual, pastoral, and professional dimensions.²¹⁰ Acknowledging the diversity of places and times, formation serves to conform both individuals and fraternities to Christ according to the Capuchin Franciscan charism within the culture in which they live.²¹¹

Living with others as brothers constitutes a foundational element of the Franciscan vocation. The Capuchin Order is a clerical institute with both lay and clerical candidates. However, the Order does not distinguish among the brothers, except holding offices requiring Orders.²¹² Living as brothers necessitates living in community from the beginning.²¹³ Formation remains one of the most important commitments of the whole Order. Each province, as the primary structure of the Order,

²⁰⁸ *Constitutions*, 26.6-26.7, *Costituzioni e Ordinazioni*, 64; *Constitutions and Ordinances*, 51-52.

²⁰⁹ *Vita Consecrata*, 65, *AAS* 88 (1996) 440-441; *Consecrated Life*, 105-106; *Constitutions*, 23.1, *Costituzioni e Ordinazioni*, 58-59; *Constitutions and Ordinances*, 48.

²¹⁰ *Constitutions*, 23.2, *Costituzioni e Ordinazioni*, 59; *Constitutions and Ordinances*, 48.

²¹¹ *Ibid.*, 23.3, *Costituzioni e Ordinazioni*, 59; *Constitutions and Ordinances*, 48. The *Constitutions* say little about the societal context for formation that documents such as *Vita Consecrata* and *Pastores dabo vobis* address. A *ratio formationis* appropriately addresses such issues.

²¹² In his writings, the General Minister refers to the Capuchin life/vocation without distinction. The instruction *Identity and Mission of the Religious Brother in the Church* states that “Religious Brothers are a permanent reminder of ‘the fundamental dimension of brotherhood in Christ,’ which all members should strengthen.” Congregation for Institutes of Consecrated Life and Societies of Apostolic Life, Instruction *Identity and Mission of the Religious Brother in the Church*, N. 11, October 4, 2015, 9. [http://www.cmsm.org/documents/ Identity_and_Mission_of_the_Religious_Brother_in_the_Church.pdf](http://www.cmsm.org/documents/Identity_and_Mission_of_the_Religious_Brother_in_the_Church.pdf) [accessed February 1, 2016] (hereafter *Identity and Mission of the Religious Brother*).

²¹³ *Constitutions*, 24.7, *Costituzioni e Ordinazioni*, 60; *Constitutions and Ordinances*, 49.

provides for the formation of candidates.²¹⁴ While all brothers have a responsibility to assist in the formation of candidates, the General Minister and his council ensure the effectiveness of the formation of all the brothers within the provinces and circumscriptions of the Order.²¹⁵ Within each circumscription, the ministers and guardians are responsible for the effective formation of the brothers.²¹⁶ Qualified friars are chosen to undertake the task of forming candidates and new members.²¹⁷

To meet the needs of candidates in varying parts of the world, structures for educating candidates must be established in each circumscription or groups of circumscriptions.²¹⁸ Teams of trained formators assist the candidates and those in initial formation according to consistent norms.²¹⁹ Ministers are to ensure that the personnel assuming the responsibility of formation have the training and education necessary.²²⁰ Those responsible for forming candidates must prioritize this apostolate over all others.²²¹

The *Constitutions* call for the creation of a General Secretariat to work closely with the General Minister and his council regarding initial and ongoing formation.²²² It serves as a resource

²¹⁴ Ibid., 24.4, 24.8, *Costituzioni e Ordinazioni*, 58, 61; *Constitutions and Ordinances*, 49.

²¹⁵ Ibid., 24.9, *Costituzioni e Ordinazioni*, 61; *Constitutions and Ordinances*, 49.

²¹⁶ Ibid.

²¹⁷ Ibid.

²¹⁸ Ibid., 25.2, *Costituzioni e Ordinazioni*, 61; *Constitutions and Ordinances*, 50.

²¹⁹ Ibid., 25.3, *Costituzioni e Ordinazioni*, 62; *Constitutions and Ordinances*, 50.

²²⁰ Ibid., 25.4, *Costituzioni e Ordinazioni*, 62; *Constitutions and Ordinances*, 50.

²²¹ Ibid., 25.5, *Costituzioni e Ordinazioni*, 62; *Constitutions and Ordinances*, 50.

²²² Ibid., 25.7, *Costituzioni e Ordinazioni*, 62; *Constitutions and Ordinances*, 50.

to assist the circumscriptions of the Order, especially at the interprovincial level and conferences.²²³ Conferences establish their own formation secretariats for collaboration among provinces and other circumscriptions for a more efficient use of resources.²²⁴ Each province or group of provinces has a formation council or secretariat as well.²²⁵

In addition to formation secretariats, the Order must develop a *ratio formationis*.²²⁶ The *ratio* provides general principles on formation that reflect the charism and characteristics of the Capuchin Order.²²⁷ The *ratio* offers a framework for circumscriptions or groups of circumscriptions to: “have a formation plan of their own that outlines the goals, plans, and specific courses of the entire formation process.”²²⁸ The *ratio formationis* of each conference, province, and custody of the Order elaborates or applies the general principles to a specific province or circumscription.

B. Ordinances of the General Chapters

1. Institute for Vocations

The *Ordinances* call for the establishment of institutes for fostering vocations.²²⁹ These institutes are suitable houses established for young men to have the opportunity for personal reflection and participation in fraternal life.²³⁰ In light of the needs of the region or time, the

²²³ Ibid.

²²⁴ Ibid., 25.6, *Costituzioni e Ordinazioni*, 62; *Constitutions and Ordinances*, 50.

²²⁵ Ibid., 25.8, *Costituzioni e Ordinazioni*, 62; *Constitutions and Ordinances*, 50.

²²⁶ Ibid., 25.9, *Costituzioni e Ordinazioni*, 63; *Constitutions and Ordinances*, 50.

²²⁷ Ibid.

²²⁸ Ibid., 25.10: “abbiamo un loro piano formativo nel quale siano esposti gli obiettivi, i programmi e i percorsi concreti di tutto il processo formativo dei frati.” *Costituzioni e Ordinazioni*, 63; *Constitutions and Ordinances*, 51.

²²⁹ *Ordinances*, 2/1.1, *Costituzioni e Ordinazioni*, 216; *Constitutions and Ordinances*, 155.

²³⁰ Ibid.

provincial minister with the consent of his council may establish an institute for vocations. If advisable, he can seek the advice of the provincial chapter.²³¹ The institute prepares candidates for Capuchin life.²³² For their organization, the *Ordinances* state:

These institutes shall be organized in accordance with sound, personalized educational principles in such a way that, in addition to the sciences and the humanities, the students may lead a Christian life appropriate to their age, spirit and stage of development, while maintaining contact with society and their families. In this way a vocation to the religious life may be discerned and fostered.²³³

The studies are to be such that they can continue their education elsewhere without difficulty.²³⁴

2. Other Structures

The Franciscan Institute of Spirituality (hereafter Franciscan Institute) researches the spirituality of the Franciscan tradition and patrimony. It does so both historically and systematically,²³⁵ serving as a cross-cultural exchange for study and research in response to the challenges of Capuchin life and vocation.²³⁶ In collaboration with the General Formation Secretariat, the Franciscan Institute oversees similar academic institutions within the Order.²³⁷

²³¹ Ibid., 2/1.2, *Costituzioni e Ordinazioni*, 216; *Constitutions and Ordinances*, 155.

²³² Ibid.

²³³ Ibid., 2/1.3: “Questi istituti siano organizzati secondo le norme di una pedagogia sana e personalizzata così che, unendo la formazione scientifica a quella umana, gli alunni, in rapporto con la società e con la famiglia, conducano una vita cristiana, adeguata alla loro età, al loro spirito e al loro sviluppo, tale cioè da consentire di discernere e accompagnare la vocazione alla vita religiosa.” *Costituzioni e Ordinazioni*, 216; *Constitutions and Ordinances*, 155.

²³⁴ Ibid., 2/1.4, *Costituzioni e Ordinazioni*, 216; *Constitutions and Ordinances*, 155.

²³⁵ Ibid., 2/3.1, *Costituzioni e Ordinazioni*, 217; *Constitutions and Ordinances*, 155.

²³⁶ Ibid., 2/3.2, *Costituzioni e Ordinazioni*, 217; *Constitutions and Ordinances*, 155.

²³⁷ Ibid., 2/3.3, *Costituzioni e Ordinazioni*, 217; *Constitutions and Ordinances*, 155.

Prior to the establishment of educational structures among groups of circumscriptions, the provincial ministers must consult the general minister.²³⁸ When circumscriptions collaborate and form agreements and statutes, they require the approval of the General Minister with the consent of his council.²³⁹

3. *Ratio Formationis*

In conformity with the Apostolic Exhortation *Vita Consecrata* and PCO IV, the Order is to have a *ratio formationis*, a general plan for formation.²⁴⁰ The General Minister and his council approve the *ratio formationis* after consulting the General Secretariat and the General Formation Council.²⁴¹ Circumscriptions or groups of circumscriptions are to have formation plans consistent with the *Constitutions* and the *ratio formationis* of the Order.²⁴²

The *ratio* describes how candidates are gradually incorporated into the Order.²⁴³ The provincial ministers after consultation with their councils must come to an agreement regarding the formation of candidates, the choosing of houses, and arranging formation fraternities among multiple circumscriptions. The circumscriptions are to draw up guidelines for the governance of these houses.²⁴⁴

²³⁸ Ibid., 2/4, *Costituzioni e Ordinazioni*, 217; *Constitutions and Ordinances*, 155; see also *Constitutions*, 25.9, *Costituzioni e Ordinazioni*, 63; *Constitutions and Ordinances*, 50.

²³⁹ *Ordinances*, 2/5, *Costituzioni e Ordinazioni*, 218; *Constitutions and Ordinances*, 155.

²⁴⁰ *Vita Consecrata*, 67, *AAS* 88 (1996) 442; *Consecrated Life*, 108; *Ordinances*, 2/7.1, *Costituzioni e Ordinazioni*, 218; *Constitutions and Ordinances*, 156.

²⁴¹ *Ordinances*, 2/7.1, *Costituzioni e Ordinazioni*, 218; *Constitutions and Ordinances*, 156.

²⁴² Ibid., 2/7.2, *Costituzioni e Ordinazioni*, 218; *Constitutions and Ordinances*, 156.

²⁴³ Ibid., 2/9, *Costituzioni e Ordinazioni*, 218; *Constitutions and Ordinances*, 156.

²⁴⁴ Ibid., 2/7.2, *Costituzioni e Ordinazioni*, 218; *Constitutions and Ordinances*, 156.

The *Constitutions* and the *Ordinances* address admission to the Order in a general fashion. They demonstrate the care to be taken when admitting a candidate to the Order. However, the universality of the Order requires that these general principles be applied with more practical guidelines by circumscriptions or groups of circumscriptions. These norms situate the postulancy as the first stage of initial formation and present its duration, place and program. In the postulancy the candidate experiences fraternity and studies the life of Saint Francis and the traditions of the Order. The *Ordinances* provide for particular structures in which the Order implements formation at every level.

III. The Future of Formation in the Order

As described in section two of this chapter, the *Constitutions* and the *Ordinances* of the General Chapter call for a *ratio formationis*, a general plan for formation.²⁴⁵ The General Secretariat of Formation drafts a *ratio* and the Minister General and his council in consultation with the General Secretariat and General Formation Council approve it.²⁴⁶

A. Letter of the General Minister – October 4, 2014

On October 4, 2014, the General Minister of the Capuchin Franciscan Order issued the Circular Letter “Friars Minor Capuchin: Their Identity and Sense of Belonging.”²⁴⁷ The letter to the entire Order and the Capuchin Poor Clare Sisters employs a statement of Pope Francis as the basis

²⁴⁵ Ibid., 2/7.2, *Costituzioni e Ordinazioni*, 218; *Constitutions and Ordinances*, 156.

²⁴⁶ *Ordinances*, 2/7.1, *Costituzioni e Ordinazioni*, 218; *Constitutions and Ordinances*, 156.

²⁴⁷ Circular Letter, *Identità e Appartenenza Cappuccina*, 1-9; *Identity and Sense of Belonging*, 1-9.

for addressing identity for Capuchins: “there is no identity without belonging.”²⁴⁸ Identity without belonging becomes abstract or indefinite and belonging without identity leaves the individual empty.²⁴⁹ The circular letter from the General Minister and the proper law serve as a foundation for the *ratio formationis*.

1. Capuchin Identity

Religious community is a gift of the Holy Spirit and a mystery rooted in the Trinity.²⁵⁰ God reveals himself as Trinity, as communion.²⁵¹ Made in God’s image, men and women are called to communion with God and with each other.²⁵² Religious communities, like Christ’s first disciples, are to live in communion with Christ and one another.²⁵³ Over the centuries many forms of community have arisen guided by the working of the Holy Spirit.²⁵⁴ Religious communities live out communion in varied ways according to the nature of the institute.²⁵⁵

In order to address identity, one has to address the question, who are the Friars Minor Capuchin? The General Minister believes that answering this question begins with the historical-ecclesiastical background of the sixteenth century when the Capuchin reform began with a study of

²⁴⁸ Circular Letter, Introduction: “non c’è identità senza appartenenza,” *Identità e Appartenenza*, 1; *Identity and Sense of Belonging*, 1.

²⁴⁹ Ibid., Introduction, *Identità e Appartenenza*, 1, *Identity and Sense of Belonging*, 1.

²⁵⁰ *Fraternal Life in Community*, 8, *Origins* 23 (1994) 697.

²⁵¹ Ibid., 9, *Origins* 23 (1994) 697.

²⁵² Ibid.,

²⁵³ Ibid., 10, *Origins* 23 (1994) 698.

²⁵⁴ Ibid.

²⁵⁵ Ibid.

Saint Francis, his life and spirit.²⁵⁶ Capuchin identity evolves, it does not remain static. The revisions of the *Constitutions* in the General Chapters of 1968, 1982, and 2012 demonstrate this.²⁵⁷

Since the Second Vatican Council, fraternal life has replaced the more penitential understanding of Capuchin life.²⁵⁸ Despite this shift in priorities, individualism characterizes many friars in the Order; the personal gifts of each friar should contribute to building fraternity.²⁵⁹ Each friar contributes to the fraternity in order to receive and share its fruits.

Franciscan sources emphasize fraternity.²⁶⁰ Saint Francis valued each individual brother, but understood his movement to be a “*fraternitas*.” The General Minister states that when fraternal life has intensity and fidelity, it demands more than poverty.²⁶¹ He writes:

If poverty consists principally in subtracting as many things as possible from life and reducing my/our needs to the essentials, then living fraternally demands a continual dynamic of giving that commits us to making the nature of our ordinary daily relationships more genuine . . . Fraternal life, originating from the Holy Spirit, grows when the nature of our relationships has the savor of welcome, pardon, mercy, and the charity that the Lord Jesus has presented us as Beatitude for our existence.²⁶²

²⁵⁶ Circular Letter, 1.1, *Identità e Appartenenza*, 1-2; *Identity and Sense of Belonging*, 1-2.

²⁵⁷ Ibid., 1.1., *Identità e Appartenenza*, 2; *Identity and Sense of Belonging*, 2.

²⁵⁸ Ibid., 1.2, *Identità e Appartenenza*, 2; *Identity and Sense of Belonging*, 2. *Fraternal Life in Community* states that immediately following the Second Vatican Council, a new meaning of the human person emerged, emphasizing the individual. This was followed closely by a more refined sense of community, in which it is understood as fraternal life that is built upon relationship and not simply regular observance. *Fraternal Life in Community*, 5, *Origins* 23 (1994) 697.

²⁵⁹ Circular Letter, 1.2, *Identità e Appartenenza*, 2; *Identity and Sense of Belonging*, 2.

²⁶⁰ Ibid.

²⁶¹ Ibid.

²⁶² Ibid., 1.2: “se la povertà consiste principalmente nel sottrarre quante più cose alla vita e ridurre le mie le nostre esigenze all’essenziale, il vivere fraterno esige una continua dinamica di donazione, che ci impegna a rendere più autentica la qualità delle relazioni che accompagnano la nostra quotidianità . . . La vita fraterna, originata dallo Spirito Santo, cresce se la qualità delle nostre relazioni ha il sapore dell’accoglienza, del perdono, della misericordia e della carità che il Signore Gesù ci ha presentato come Beatitudine per la nostra esistenza.” *Identità e Appartenenza*, 2; *Identity and Sense of Belonging*, 2.

Living fraternally means living in solidarity and sharing our goods with the poor, caring for creation, and supporting brothers in other parts of the world.²⁶³

The General Minister believes that the Capuchin story must be told to demonstrate that Capuchin identity developed over time.²⁶⁴ While documents and texts describe identity, the lived experience of predecessors reveals this more clearly.²⁶⁵ Jöhri believes that knowledge of history is fundamental to determine the identity of Capuchins.²⁶⁶ As family members trace their family tree, so do Capuchins. They come to know former members of the fraternity and visit the places in which they lived.²⁶⁷ This knowledge inspires a greater sense of belonging and serves as a source for present and future action.²⁶⁸

a. Capuchin Dwellings

Historically, Capuchins chose to live in austere dwellings located a distance away from urban centers.²⁶⁹ This allowed friars to engage in a relationship with God in prayer and contemplation. However, the friaries were close enough to urban life and could respond to the needs of the people.²⁷⁰ The dwellings reflected the principles of austerity, essentiality and sobriety, never having more than necessary. The purpose of such dwellings was to witness God's primacy and

²⁶³ Ibid., 1.2, *Identità e Appartenenza*, 2; *Identity and Sense of Belonging*, 2.

²⁶⁴ Ibid., 1.4.1, *Identità e Appartenenza*, 4-5; *Identity and Sense of Belonging*, 4.

²⁶⁵ Ibid.

²⁶⁶ Ibid., 1.4.1, *Identità e Appartenenza*, 5; *Identity and Sense of Belonging*, 4.

²⁶⁷ Ibid., 1.4.1, *Identità e Appartenenza*, 5; *Identity and Sense of Belonging*, 4.

²⁶⁸ Ibid.

²⁶⁹ Ibid., 1.3.1, *Identità e Appartenenza*, 2-3; *Identity and Sense of Belonging*, 2.

²⁷⁰ Ibid., 1.3.1, *Identità e Appartenenza*, 3; *Identity and Sense of Belonging*, 2-3.

demonstrate complete dependence on God's goodness.²⁷¹

b. Austerity

Although Capuchins emphasize austerity less since the Second Vatican Council, they must continue to share in the lives of the poor.²⁷² Austerity entails simplifying lifestyles and sharing houses not used with the poor and migrants.²⁷³ In the past, austerity reduced vocal prayer to a bare minimum. While this allowed more time for mental prayer, the richness of liturgical prayer was lacking.²⁷⁴ After the Second Vatican Council, new and important forms of celebrating the Divine Office were introduced; unfortunately, this has led to a decline in mental prayer.²⁷⁵ Mental prayer, meditation or contemplation, must complement liturgical prayer and remain a vital element of Capuchin life.²⁷⁶

c. Itinerancy

Prior to the council the missionary life of the friars brought admiration from the people and Church authorities.²⁷⁷ Bishops commissioned Capuchin friars to preach the Tridentine renewal.²⁷⁸

²⁷¹ Ibid., 1.3.2, *Identità e Appartenenza*, 3; *Identity and Sense of Belonging*, 3.

²⁷² Ibid., 1.3.3, *Identità e Appartenenza*, 3; *Identity and Sense of Belonging*, 3.

²⁷³ Ibid.

²⁷⁴ Ibid.

²⁷⁵ *Fraternal Life in Community* states that the rediscovery of liturgical prayer by religious communities is one of the most valuable achievements in recent decades. It revitalizes the prayer of the community and bring its members closer to God. *Fraternal Life in Community*, 14, *Origins* 23 (1994) 699.

²⁷⁶ Ibid. While the Capuchin tradition and documents refer to austerity, there is little or no mention of asceticism to which the post-codal documents repeatedly refer. While austerity is a radical simplicity and connotes aspects of asceticism, asceticism is a broader reality. It refers to practicing Christian virtue, to self-discipline, and to penitential practices. The *ratio formationis* should make this distinction and include the need for asceticism in responding to the secularism and hedonism of our times.

²⁷⁷ Ibid., 1.3.4., *Identità e Appartenenza*, 3; *Identity and Sense of Belonging*, 3.

²⁷⁸ Ibid.

Friars were itinerants; being sent to difficult assignments was a normal aspect of Capuchin life. Jöhri writes, “They went out supported by the zeal of a missionary calling. Many of them died along the way from illness, the assaults of bandits or persecutions. They went where no one else wanted to go!”²⁷⁹ This emphasis on missionary zeal must continue in Capuchin formation.²⁸⁰

Capuchins have traditionally been in diverse situations and ministries.²⁸¹ Friars were present and comfortable among the poor as well as nobility.²⁸² Capuchin preachers educated and formed the people of God. The Order was spiritually animated, focusing on, and fostering Eucharistic devotion and mental prayer. Questors, those who went from door to door begging for food, not only provided food for other friars; they attended the sick and diseased, administering the sacraments. These questors remain models of holiness for all friars to emulate.²⁸³

2. The Life of Saint Francis

The life and actions of Saint Francis prompted the Capuchin reform and the first Capuchin *Constitutions*.²⁸⁴ The friars desired to live the *Rule* and the *Testament* of Saint Francis more faithfully.²⁸⁵ To understand the charism, it must be recognized in Capuchin history. The General Minister writes, “Every charism becomes a treasure when it is understood, lived out and proclaimed. This is true

²⁷⁹ Ibid., 1.3.4: “Si partiva sostenuti dallo zelo di chi sente chiamato ad una missione. Si partiva e molti morivano lungo il cammino a causa di malattie, assalti di banditi, persecuzioni. Si partiva per andare là dove nessuno voleva andare!” *Identità e Appartenenza*, 4; *Identity and Sense of Belonging*, 4.

²⁸⁰ *Vita Consecrata* states that the love of Christ compels us to bring the Gospel to even the furthest regions. *Vita Consecrata*, 78, *AAS* 88 (1996) 453; *Consecrated Life*, 126.

²⁸¹ Circular Letter, 1.3.5., *Identità e Appartenenza*, 4; *Identity and Sense of Belonging*, 4.

²⁸² Ibid.

²⁸³ Ibid.

²⁸⁴ Ibid., 1.4.2, *Identità e Appartenenza*, 5; *Identity and Sense of Belonging*, 5.

²⁸⁵ Ibid.

also in the great Franciscan family where the source is one, but the streams of this source have formed various rivers and currents.”²⁸⁶ The distinctive elements of the Capuchin reform must be studied and understood.

Capuchins desire to imitate Saint Francis in his austere lifestyle, in alternating periods of proclaiming the Gospel among the people and praying to God in solitude.²⁸⁷ They desire to imitate Francis’ inner freedom, his zeal among people of every sort, his desire to convert the unbaptized and his ease among the lepers. Putting Capuchin identity into the present context requires living four values in fraternal communion: 1) living a simple lifestyle; 2) spending time in prayer; 3) developing openness to persons; and 4) willing to go wherever sent.²⁸⁸ These characteristics of the Order must be taught to the candidates and young members. The Capuchin charism must meet the challenge of today’s world and inspire younger generations.

Imitating Saint Francis means encountering and experiencing Jesus Christ, living the Gospel above all else.²⁸⁹ In Jesus, God reveals his great love for humanity. Saint Francis’ devotion to the mystery of the Incarnation and the Eucharist serves as a model for all Capuchins for greater authenticity in their love for others.²⁹⁰

²⁸⁶ Ibid., 1.4.2: “Ogni carisma diventa ricchezza se compreso vissuto e testimoniato; questo è vero anche nella grande famiglia francescana dove la sorgente è unica, ma i rivoli di questa sorgente hanno formato, fiumi e torrenti diversi.” *Identità e Appartenenza*, 5; *Identity and Sense of Belonging*, 5.

²⁸⁷ Ibid., 1.4.2, *Identità e Appartenenza*, 5; *Identity and Sense of Belonging*, 5.

²⁸⁸ Ibid.

²⁸⁹ Ibid., 1.4.3, *Identità e Appartenenza*, 5-6; *Identity and Sense of Belonging*, 5-6.

²⁹⁰ Ibid., 1.4.3, *Identità e Appartenenza*, 6; *Identity and Sense of Belonging*, 6.

3. The Sense of Belonging

a. The Meaning of Belonging

Belonging for all Christians begins with baptism by which they are joined to Christ and become members in the Church.²⁹¹ Through baptism, Christians share in the salvation brought about by God's love through Jesus Christ.²⁹² Saint Francis and the early Capuchins submitted themselves to the authority of the Church. As Saint Francis stated in the *Testament*, and taught in the seventh Plenary Council of the Order, Capuchins are to be available for service in the local churches and the universal Church, working harmoniously with pastors.²⁹³ This service as minors entails ministering to those on the periphery of society, those avoided and shunned, enduring poverty in all its forms.²⁹⁴ Pope Francis encourages Capuchins to direct their missionary efforts to these lowly people.²⁹⁵

Belonging requires daily affirmation.²⁹⁶ Candidates to the Order must internalize and come to love all aspects of the Capuchin charism: praying, serving, and sharing in the lives of their brothers.²⁹⁷ Belonging becomes evident when the choices friars make are consistent with the evangelical counsels, even when they are away from the fraternity. The General Minister writes, "The sense of belonging, cultivated and nourished by a relationship with God and with the brothers,

²⁹¹ Ibid., 2.1, *Identità e Appartenenza*, 6; *Identity and Sense of Belonging*, 6.

²⁹² Ibid.

²⁹³ Ibid.

²⁹⁴ Ibid.

²⁹⁵ Ibid.

²⁹⁶ Ibid., 2.2, *Identità e Appartenenza*, 6; *Identity and Sense of Belonging*, 6.

²⁹⁷ Ibid.

helps us to experience the beauty of a life offered to God and to humanity and will sustain us in moments of testing.”²⁹⁸

b. Obstacles to the Sense of Belonging

The way friars regard and use money reflects their belonging to the fraternity.²⁹⁹ As the *Constitutions* indicate, friars are to turn in to the fraternity all goods, salaries, pensions, compensation, and offerings that come to them.³⁰⁰ They are not to have bank accounts or keep money for personal use.³⁰¹ The General Minister cites Pope Francis in stating that those who profess poverty and live like the rich wound the faithful and damage the Church.³⁰² The profession of the vow of poverty entails trusting in God, as Jesus Christ lived and taught.³⁰³

Another obstacle to belonging is obstinacy in the face of an assignment or transfer.³⁰⁴ Too often friars manifest complacency. They refuse to cooperate with the plans and designs of the fraternity, because they believe themselves indispensable or perfectly content.³⁰⁵ When the fraternity believes that the talents, skills, and gifts of a friar are required elsewhere and he refuses to cooperate, the spirit of the Order weakens.³⁰⁶

²⁹⁸ Ibid., 2.2: “Il senso di appartenenza coltivato e alimentato dal rapporto con Dio e con i fratelli, ci aiuta a vivere la bellezza di una esistenza donata a Dio e all’umanità e ci sostiene nel momento della prova.” *Identità e Appartenenza*, 6; *Identity and Sense of Belonging*, 6.

²⁹⁹ Ibid., 2.3.1, *Identità e Appartenenza*, 7; *Identity and Sense of Belonging*, 6.

³⁰⁰ Ibid.

³⁰¹ Ibid.

³⁰² Ibid., 2.3.1, *Identità e Appartenenza*, 7; *Identity and Sense of Belonging*, 7.

³⁰³ Ibid.

³⁰⁴ Ibid., 2.3.2, *Identità e Appartenenza*, 7; *Identity and Sense of Belonging*, 7.

³⁰⁵ Ibid.

³⁰⁶ Ibid.

Favoring a parallel ecclesial path in living religious life can weaken the sense of belonging.³⁰⁷

Fraternal Life in Community states that ecclesial movements or associations can revitalize one's vocation or become a source of division in a religious community.³⁰⁸ Members of institutes overly identifying with such groups become psychologically distanced from their own community.³⁰⁹ While it may be possible to be a part of an association, a prayer group, or other ecclesial movement and still live an authentic Capuchin charism, often the friar's identity with the ecclesial entity becomes so strong that his relationship with fraternity weakens.³¹⁰ And so the General Minister writes:

Psychologically and emotionally these brothers are disconnected from the dynamics of the local and provincial fraternity. They are totally absorbed by the ecclesial reality that they claim to 'follow' and to which they have developed a strong sense of belonging.³¹¹

When the Capuchin charism diminishes, the very vocation of the friar weakens.³¹²

Charisms can interact and prove mutually beneficial, creating new opportunities for individuals to grow in faith as well as expand charitable works.³¹³ *Starting Afresh from Christ*³¹⁴ states that by opening themselves to communion with other ecclesial institutes, religious expand

³⁰⁷ Ibid., 2.3.3, *Identità e Appartenenza*, 7; *Identity and Sense of Belonging*, 7.

³⁰⁸ *Fraternal Life in Community*, 62, *Origins* 23 (1994) 709.

³⁰⁹ Ibid.

³¹⁰ Circular Letter, 2.3.3, *Identità e Appartenenza*, 7-8; *Identity and Sense of Belonging*, 7.

³¹¹ Ibid., 2.3.3: "Psicologicamente ed emotivamente questi fratelli vivono staccati dalle dinamiche della fraternità locale e provinciale; tutto è assorbito dalla realtà ecclesiale che dicono di 'seguire' e all'interno della quale hanno sviluppato un forte senso di appartenenza." *Identità e Appartenenza*, 7; *Identity and Sense of Belonging*, 7.

³¹² Ibid., 2.3.3, *Identità e Appartenenza*, 7-8; *Identity and Sense of Belonging*, 7.

³¹³ Ibid.

³¹⁴ *Starting Afresh From Christ: A Renewed Commitment to Consecrated Life in the Third Millennium*, July 4, 2002: *Origins* (2002) 131-148 (hereafter *Starting Afresh From Christ*).

communion, rediscover their common Gospel roots and the beauty of their own charism.³¹⁵ In sharing the gifts of the Holy Spirit, the many members of the one body bring richness to the Church, offering possibilities for shared formation, education, evangelization, and the management of goods.³¹⁶

Friars having secret, affective relationships fracture communion with the fraternity and their sense of belonging. Others focus unduly on their position or ministry, reducing their presence in fraternity.³¹⁷ Such situations require an examination of the sense of belonging and interior renewal, prompting a friar to renew his vocation with deeper commitment.³¹⁸ Belonging to a fraternity means that friars turn to their brothers for support and assistance in living out their vocation.³¹⁹ *Potissimum institutioni* states:

An institute, as it was intended by its founder and as it has been approved by the Church, has an internal cohesiveness which it receives from its nature, its end, its spirit, its character and its traditions. This whole patrimony is the axis around which both the identity and unity of the institute itself and the unity of life of each of its members are maintained. This is a gift of the Spirit to the Church which does not admit any interference or admixture.³²⁰

³¹⁵ *Starting Afresh From Christ*, 30, *Origins* (2002) 142.

³¹⁶ Ibid.

³¹⁷ Ibid, 2.3.3, *Identità e Appartenenza*, 8; *Identity and Sense of Belonging*, 7.

³¹⁸ Ibid.

³¹⁹ Ibid.

³²⁰ *Potissimum institutioni*, 93: "Institutum, foundationis et Ecclesiae adprobationis causa, habet internam suam cohaerentiam, quam ex natura, ex fine, ex Spiritu, ex indole et ex traditionibus suis suscipit. Quod patrimonium universum veluti axis est circa quem vicissim et identitas unitasque ipsius instituti et vitae unitas sodalis cuiusque sustentantur. Spiritus donum est pro Ecclesia, cui nihil interponendum neque admiscendum est." *AAS* 82 (1990) 524; *Origins* 19 (1990) 696.

Candidates previously belonging to associations or ecclesial movements freely place themselves under the authority of superiors of the institute. They cannot be dependent upon others for their formation.³²¹

c. Formation for Belonging

Living the Capuchin vocation and communal life among other friars promotes a sense of belonging.³²² Initiating individuals into Capuchin life occurs in stages as they are gradually introduced to the life of the Order.³²³ Formators and formation fraternities initiate candidates into Capuchin life, as they discern their suitability for the Order.³²⁴ Formation must include introducing and nurturing the interior life.³²⁵ Candidates conform their lives to Christ in his death and resurrection.³²⁶ They learn fidelity to sacramental life in the Eucharist and Reconciliation.³²⁷ Citing Pope Francis, the General Minister states that only joyful living nourished in prayer and the celebration of the sacraments in common life will attract others to religious life.³²⁸ Candidates must leave behind the former life they knew, living as those consecrating their lives to Christ. They

³²¹ Ibid., 93, *AAS* 82 (1990) 524; *Origins* 19 (1990) 696.

³²² Ibid., 2.4, *Identità e Appartenenza*, 8; *Identity and Sense of Belonging*, 7-8.

³²³ Ibid., 2.4.1, *Identità e Appartenenza*, 8; *Identity and Sense of Belonging*, 8.

³²⁴ Ibid.

³²⁵ Ibid.

³²⁶ Ibid.

³²⁷ Ibid. John Paul II states that the Eucharist is the heart of the life of the Church and consecrated life. It is the daily viaticum and source of the spiritual life for the institute and individual. The Sacrament of Reconciliation is closely connected to the Eucharist. Through frequent contact with God's mercy, consecrated persons purify themselves and experience conversion, bringing them closer to him. *Vita Consecrata*, 95, *AAS* 88 (1996) 470-471; *Consecrated Life*, 151-153.

³²⁸ Circular Letter, 2.4.1, *Identità e Appartenenza*, 8; *Identity and Sense of Belonging*, 8.

should limit contact with their families and enter Capuchin life with prolonged periods of silence and prayer.³²⁹

Religious life consists in belonging to Christ, the Church, and the Order.³³⁰ Living simply, placing trust in God, praying earnestly and persevering in fraternal life witness to eternal life.³³¹

B. Proposed Content for the *Ratio Formationis*

In an interview Brother Jaime Rey, the Vice General Secretary of Formation, presents the rationale, methodology, and content of the future *ratio formationis*.³³² The purpose of a *ratio* is to give the local circumscriptions guidance for formation in Capuchin life.³³³ It will provide general norms for the whole Order, its charism and identity, while leaving space for the expression of a local country or culture.³³⁴ All of the brothers share responsibility to protect and strengthen Capuchin identity.³³⁵ The *ratio* will serve to update formation for all circumscriptions and all of the members.³³⁶

The *ratio formationis* will have as its basis the Circular Letter of the General Minister, *Friars Minor Capuchin: Their Identity and Sense of Belonging*, as well as the responses from a questionnaire sent

³²⁹ Ibid.

³³⁰ Ibid., 2.5, *Identità e Appartenenza*, 8; *Identity and Sense of Belonging*, 8.

³³¹ Ibid.

³³² Interview with Br. Jaime Rey, *Bollettino di Informazioni Cappuccine Internazionali* 283 (2015) 2.

³³³ Ibid.

³³⁴ Mauro Jöhri, General Minister, Circular Letter, *Verso Una Ratio Formationis*, February 2, 2016, Prot. N. 00077/16 (hereafter Circular Letter Two), <http://ofmcap.org/it/notizie/formazione/item/705-verso-una-ratio-formationis> [accessed on February 7, 2016] (hereafter *Verso Una Ratio*); English translation from Mauro Jöhri, General Minister, Circular Letter, *Towards a Ratio Formationis*, <http://ofmcap.org/en/notizie/formazione/item/705-verso-una-ratio-formationis> (accessed on February 7, 2016) [hereafter *Towards a Ratio*].

³³⁵ Circular Letter Two, 6, *Verso Una Ratio*, 2; *Towards a Ratio*, 2.

³³⁶ Ibid, 12, *Verso Una Ratio*, 3; *Towards a Ratio*, 3.

to all fraternities of the Order.³³⁷ After the fraternities discuss the questions set forth in the questionnaire, the conferences will gather the information and dialogue on the responses. The Secretariat for Formation will gather the responses and observations of the conferences in order for the *ratio* to be a document representing the entire Order, rather than a selected few in governance.³³⁸

The *ratio* will consist of three chapters and three appendices. The first chapter describes Saint Francis as formator. The second chapter addresses the five dimensions of formation: human, spiritual, intellectual, pastoral, and charismatic. The third chapter concerns the different stages of formation and the objectives of each stage. The appendices include: a *ratio studiorum* and two articles on psycho-sexual maturity and the adaptation of the *ratio* to specific cultures.

1. Francis, the Formator

In his circular letter, the General Minister states that Saint Francis' personal witness lies at the heart of the first Capuchin Constitutions.³³⁹ As previously noted, the Capuchin reform remains one of the many charisms that find their source in Saint Francis. Capuchins imitate his austere lifestyle, spending periods in quiet prayer followed by proclaiming the Gospel among the people. They imitate Saint Francis' ease with people of every class, especially those at the margins of society.³⁴⁰

Candidates for Capuchin life follow Saint Francis' example in imitating Christ and living the Gospel. They live simply, spend prolonged times in prayer, develop a heart open to all people, and

³³⁷ Interview with Br. Jaime Rey, *Bollettino di Informazioni Cappuccine Internazionali* 283 (2015) 2.

³³⁸ Ibid.

³³⁹ Circular Letter, 1.4.2, *Identità e Appartenenza*, 5; *Identity and Sense of Belonging*, 5.

³⁴⁰ Ibid.

go where others do not want to go. Candidates are to have the same devotion that Saint Francis had for the Incarnation and Eucharist, prompting sacrifice for others.³⁴¹

a. *The Rule*

The *Rule* provides insight into Francis, the formator. Saint Francis sums up the Rule: “The rule and life of the Lesser Brothers is this: to observe the holy Gospel of our Lord Jesus Christ by living in obedience, without anything of one’s own, and in chastity.”³⁴² Those who seek entrance into the fraternity are to be examined carefully by the provincial ministers regarding their knowledge and fidelity to the Catholic faith and the sacraments.³⁴³

Prior to entrance, candidates dispose of all of their possessions and wealth. They embrace a simple life and dress. Yet, they refrain from judging people who dress more lavishly or comfortably.³⁴⁴ The brothers pray the Divine Office as approved by the Church.³⁴⁵ In addition to fasting during Lent, the brothers fast from the feast of All Saints until the Lord’s Nativity.³⁴⁶ Regarding interaction with those they encounter, Saint Francis writes: “I counsel, admonish and exhort my brothers in the Lord Jesus Christ not to quarrel or argue or judge others . . . but let them be meek, peaceful, modest, gentle, and humble, speaking courteously to everyone, as is

³⁴¹ Ibid.

³⁴² *Rule*, Chapter I: “Le Regola e vita dei frati minori è questa, cioè osservare il santo Vangelo del Signore nostro Gesù Cristo, vivendo in obbedienza, senza nulla di proprio e in castità.” *Testament, Costituzioni e Ordinazioni*, 9; *Constitutions and Ordinances*, 8.

³⁴³ *Rule*, Chapter II, *Costituzioni e Ordinazioni*, 9; *Constitutions and Ordinances*, 8.

³⁴⁴ *Rule*, Chapter II, *Costituzioni e Ordinazioni*, 10-11; *Constitutions and Ordinances*, 8-9.

³⁴⁵ *Rule*, Chapter III, *Costituzioni e Ordinazioni*, 11; *Constitutions and Ordinances*, 9. Lay brothers who could not read were to pray the Our Father a number of times, varying depending on which hour it was.

³⁴⁶ *Rule*, Chapter III, *Costituzioni e Ordinazioni*, 11; *Constitutions and Ordinances*, 9.

becoming.”³⁴⁷ Armstrong states that this admonishment’s importance lies in Francis’ intention that the brothers are to live the Gospel among the people, not simply in their religious house or designated place.³⁴⁸

The brothers work faithfully and devotedly, avoiding idleness, and receiving only necessities for physical support for themselves and their brothers.³⁴⁹ They own nothing, including houses or other places.³⁵⁰ Following the example of the poor Christ, they become itinerant pilgrims in serving the Lord in poverty and humility, begging for their needs without shame.³⁵¹ Armstrong writes, “If money was looked upon as security rather than a medium of exchange, then Francis is calling us to live paradoxically in a state of economic insecurity confident that our future rests in the hands of God.”³⁵²

The brothers confidently make their needs known to each other, accepting one another as family. For Francis, fraternity is not simply a community living and working together. Rather, the intimate bonds of fraternal life exist even when brothers are separated by great distance.³⁵³ If a

³⁴⁷ *Rule*, Chapter III: “Consiglio invece, ammonisco ed esorto i miei frati nel Signore Gesù Cristo . . . non litighino ed evitino le dispute di parole, e non giudichino gli altri; ma siano imiti, pacifici e modesti, mansueti e umili, parlando onestamente con tutti, così come conviene.” *Costituzioni e Ordinazioni*, 12; *Constitutions and Ordinances*, 9.

³⁴⁸ Regis Armstrong, *St. Francis of Assisi: Writings for a Gospel Life* (New York: The Crossroad Publishing Company, 1994) 119.

³⁴⁹ *Rule*, Chapter V, *Costituzioni e Ordinazioni*, 13; *Constitutions and Ordinances*, 10. Work is at the service of the primary dimension of Franciscan life: devotion to and relationship with God. Armstrong, 121.

³⁵⁰ *Rule*, Chapter VI, *Costituzioni e Ordinazioni*, 13; *Constitutions and Ordinances*, 10.

³⁵¹ *Rule*, Chapter VI, *Costituzioni e Ordinazioni*, 13-14; *Constitutions and Ordinances*, 10.

³⁵² Armstrong, 121.

³⁵³ *Ibid.*, 122.

brother is sick, the others are to serve him as they would want to be served.³⁵⁴ Those who preach must receive the permission of the general minister. When they preach they must succinctly address vices and virtues, punishment and salvation.

Saint Francis exhorts the brothers to submit themselves to their superiors, renouncing their own will. When they cannot live the *Rule*, they are to have recourse to their ministers.³⁵⁵ Ministers, for their part, are to treat the brothers in charity, acting as servants of all.³⁵⁶ Francis admonishes the brothers:

Moreover I admonish and exhort the brothers in the Lord Jesus Christ to beware of all pride, vainglory, envy and greed, of care and solicitude for the things of this world, of detraction and murmuring. Let those who are illiterate not be anxious to learn, but let them pay attention to what they must desire above all else: to have the Spirit of the Lord and its Holy Activity, to pray always to Him with a pure heart, to have humility and patience in persecution and infirmity.³⁵⁷

Saint Francis admonishes against characteristics destructive of fraternity.³⁵⁸ The Spirit of the Lord is the counterpoint: it is unassuming, modest, long suffering, and patient. Following Saint Francis

³⁵⁴ *Rule*, Chapter VI, *Costituzioni e Ordinazioni*, 14; *Constitutions and Ordinances*, 10.

³⁵⁵ For Francis following Christ cannot be external, but the spirit of Christ must come alive in those who follow Him. Armstrong, 126. Cf. *Rule*, Chapter X, *Costituzioni e Ordinazioni*, 17; *Constitutions and Ordinances*, 12.

³⁵⁶ *Rule*, Chapter X, *Costituzioni e Ordinazioni*, 16-17; *Constitutions and Ordinances*, 12.

³⁵⁷ *Rule*, Chapter X: “Ammonisco, poi, ed esorto nel Signore Gesù Cristo, che si guardino i frati da ogni superbia, vana Gloria, invidia, avarizia, cure o preoccupazioni di questo mundo, dalla detrazione e dalla mormorazione. E coloro che non sanno di lettere, non si preoccupino de apprenderele, ma facciano attenzione che ciò che devono desiderare sopra ogni cosa è di avere lo Spirito del Signore e la sua santa operazione, di pregarlo sempre con cuore puro e di avere umiltà, pazienza nella persecuzione e nella infermità.” *Costituzioni e Ordinazioni*, 17; *Constitutions and Ordinances*, 12.

³⁵⁸ Armstrong, 128.

means putting prayer at the heart of one's life. Temporal realities assist one's prayer. Prayer finds expression in day to day experiences and actions.³⁵⁹

Francis encourages the brothers to be careful in their interactions with women, both for the sake of appearance and chastity.³⁶⁰ He warns against suspicious dealings or conversations with women. Those brothers inspired to go among non-believers are to ask permission from their provincial ministers. The provincial ministers grant permission only to those prepared for evangelization. Presumably, those both physically and temperamentally fit.³⁶¹

b. The *Testament*

Br. Jaime Rey notes that the early Capuchins were known as friars of the *Testament*.³⁶² Capuchin life and formation rely heavily upon this document. Francis' encounter with the leper serves as the foundation for his conversion.³⁶³ What had formerly been revolting to him, becomes acceptable. Armstrong writes, "It is not a conversion that took place according to any well-trying plan or in any specific place. It is a conversion that took place in an encounter with a human being, one who was looked upon with horror, disdain, and disgust."³⁶⁴ Encounters with the poor, the outcast, and those on the margins of society, e.g., AIDS victims, must be at the heart of vocations to Capuchin life.

³⁵⁹ Ibid., 129.

³⁶⁰ *Rule*, Chapter XI, *Costituzioni e Ordinazioni*, 18; *Constitutions and Ordinances*, 12-13.

³⁶¹ *Rule*, Chapter XII, *Costituzioni e Ordinazioni*, 18; *Constitutions and Ordinances*, 13.

³⁶² "Hacia una *Ratio Formationis* de la Orden."

³⁶³ *Testament*, *Costituzioni e Ordinazioni*, 20; *Constitutions and Ordinances*, 15.

³⁶⁴ Armstrong, 229.

The *Testament* highlights the importance of fraternity. Saint Francis states, “And after the Lord gave me some brothers, no one showed me what I had to do, but the Most High Himself revealed to me that I should live according to the pattern of the Holy Gospel.”³⁶⁵ It was not Francis’ choice to begin a fraternity; it was God who gave him brothers.³⁶⁶ The very heart of fraternal life is the Gospel. Francis’ reminiscences of the early fraternity emphasize giving what one owns to the poor, and leading a very stark and simple life.³⁶⁷ Capuchins are to engage in honest and hard work, not desiring wages or pay, but only what they need to live.

Saint Francis exhorts the brothers not to accept churches or dwellings from others unless such structures are consistent with the vow of poverty.³⁶⁸ He exhorts the brothers not to seek any special privileges from Church authorities and fidelity to the *Rule*, including obedience to superiors and recitation of the Office.³⁶⁹ He directs the brothers to admonish those who do not pray the approved prayers of the Church. Saint Francis’ followers are to be obedient to their superiors and to the Church. Saint Francis states that the brothers are always to have the *Testament* close at hand in reading the *Rule*. Candidates to Capuchin life must be familiar with both documents and build their spirituality upon them, incorporating the values of Saint Francis and striving for continual conversion.

³⁶⁵ *Testament*: “E dopo che il Signore mi dette dei frati, nessuno mi mostrava che cosa dovessi fare, ma lo stesso Altissimo mi rivelò che dovevo vivere secondo la forma del santo Vangelo.” *Costituzioni e Ordinazioni*, 21; *Constitutions and Ordinances*, 15.

³⁶⁶ Armstrong, 232.

³⁶⁷ *Testament, Costituzioni e Ordinazioni*, 22; *Constitutions and Ordinances*, 15.

³⁶⁸ *Testament, Costituzioni e Ordinazioni*, 22; *Constitutions and Ordinances*, 16.

³⁶⁹ *Testament, Costituzioni e Ordinazioni*, 22-23; *Constitutions and Ordinances*, 16.

In the *Rule* and *Testament* Francis sets forth his ideals for following Christ and living a Gospel life. He calls for knowledge of Church teachings and the sacraments, obedience to Church hierarchy, living a simple, poor, and penitential life, relying only on God and the goodness of the people around them. The brothers are to pray unceasingly and be guided by the Holy Spirit in their apostolic service. They are to build fraternity as an evangelical witness and consider all of the brothers, wherever located, as their family. Finally, they are to pray the divine office of the Church and have special reverence for the Eucharist.

2. Five Dimensions of Formation

The five dimensions of formation include the human, spiritual, intellectual, pastoral, and charismatic. In his Apostolic Exhortation, *Pastores dabo vobis*,³⁷⁰ Pope John Paul II presents four dimensions of formation that must be present in every *ratio formationis*: the human, spiritual, intellectual, and the pastoral dimensions. *Vita Consecrata*, adds a fifth dimension, the charismatic dimension.³⁷¹ These five dimensions reflect the life of Saint Francis and will be described in chapter one of the proposed *ratio*.

a. Human Formation

Human formation is fundamental for all formation.³⁷² It develops authentic persons capable

³⁷⁰ John Paul II, Post-Synodal Apostolic Exhortation *Pastores dabo vobis*, *AAS* 84 (1992) 657-805; English translation: *John Paul II, Post-Synodal Apostolic Exhortation I Will Give You Shepherds: Pastores Dabo Vobis: To the Bishops, Clergy and Faithful on the Formation of Priests in the Circumstances of the Present Day* (Boston: Pauline Books and Media, 1992) (hereafter *I Will Give You Shepherds*).

³⁷¹ *Vita Consecrata*, 71, *AAS* 88 (1996) 447; *Consecrated Life*, 115.

³⁷² *Pastores dabo vobis*, 43, *AAS* 84 (1992) 731-732; *I Will Give You Shepherds*, 84. The dimensions of formation set forth in *Pastores dabo vobis* inform priestly formation, but are applicable to the formation of lay religious.

of conveying the salvific encounter of Christ to others.³⁷³ Priests and religious must be adept in relating to others.³⁷⁴ *Pastores dabo vobis* states that:

the priest [must] not be arrogant or quarrelsome, but affable, hospitable, sincere in his words and heart, prudent and discreet, generous and ready to serve, capable of opening himself to clear and brotherly relationships and of encouraging the same in others, and quick to understand, forgive and console.³⁷⁵

In addition, religious must possess affective maturity.³⁷⁶ Affective maturity presumes a knowledge and capacity for love in all its aspects: physical, psychic, and spiritual.³⁷⁷ It requires personal freedom, self-mastery, and selflessness.³⁷⁸ Formators must educate candidates to guide the faithful to a conscious and loving response to God's demands.³⁷⁹

b. Spiritual Formation

Human formation leads to and finds its fulfillment in spiritual formation.³⁸⁰ Spiritual formation requires an intimate and unceasing union with God the Father through his Son Jesus Christ in the Holy Spirit.³⁸¹ Quoting *Optatam totius*, *Pastores dabo vobis* states that spiritual formation entails seeking Jesus in a threefold manner: "a faithful meditation on the Word of God, active

³⁷³ *Pastores dabo vobis*, 43, *AAS* 84 (1992) 732; *I Will Give You Shepherds*, 84.

³⁷⁴ *Ibid.*, 43, *AAS* 84 (1992) 733; *I Will Give You Shepherds*, 85.

³⁷⁵ *Ibid.*, 43: "sacerdos ne arrogans neve litigiosus sit, sed mitis et affabilis, hospitalis, verbo et corde sincerus, prudens et sciens, bene volens et ad serviandum promptus, capax praeterea suscitandi, secum imprimis sed etiam aliorum inter sese, incorruptas et fraternas relations; indulgentiae et consolation, facilis." *AAS* 84 (1992) 733; *I Will Give You Shepherds*, 85.

³⁷⁶ *Ibid.*, 44, *AAS* 84 (1992) 733-734; *I Will Give You Shepherds*, 86.

³⁷⁷ *Ibid.*, 44, *AAS* 84 (1992) 734; *I Will Give You Shepherds*, 86.

³⁷⁸ *Ibid.*, 44, *AAS* 84 (1992) 735; *I Will Give You Shepherds*, 87.

³⁷⁹ *Ibid.*, 44, *AAS* 84 (1992) 736; *I Will Give You Shepherds*, 87-88.

³⁸⁰ *Ibid.*, 45, *AAS* 84 (1992) 736; *I Will Give You Shepherds*, 87.

³⁸¹ United States Conference of Catholic Bishops, *Program of Priestly Formation*, 5th ed. (Washington, DC: USCCB, 2006) (hereafter *Program of Priestly Formation*), 42.

participation in the Church's holy mysteries and the service of charity to the 'little ones.'³⁸²

Knowledge and prayerful familiarity with the Word of God lead to a prophetic witness to the faithful.³⁸³ Spiritual formation should include the following: participation in and devotion to the Eucharist; conversion of heart through the sacrament of Penance; faithfulness to the Liturgy of the Hours, regular spiritual direction with a qualified spiritual director, retreats and periods of more intensive prayer, and ascetical and penitential practices.³⁸⁴

c. Intellectual Formation

Intellectual formation enriches human and spiritual formation.³⁸⁵ Intellectual formation leads to a deeper knowledge of the divine mysteries and universal truth.³⁸⁶ Candidates for the priesthood must have a thorough understanding of philosophy, theology, and sacred doctrine.³⁸⁷ The *Program of Priestly Formation* states:

The doctrinal, educational, catechetical, and apologetical aspects of a candidate's training are to prepare the seminarian to be a faithful, loyal and authentic teacher of the Gospel . . . The intellectual formation program must emphasize the intrinsic relationship between the knowledge gained in theological preparation and the ecclesial dimensions of priestly service.³⁸⁸

³⁸² *Pastores dabo vobis*, 46: "Fidelem verbi Dei Meditationem; active in sacrosanctis Ecclesiae mysteriis interesse; caritatis servitia erga tenuiores vel 'parvulos' amplecti." *AAS* 84 (1992) 739-740; *I Will Give You Shepherds*, 92.

³⁸³ *Ibid.*, 47, *AAS* 84 (1992) 741; *I Will Give You Shepherds*, 92.

³⁸⁴ *Program of Priestly Formation*, 43-45.

³⁸⁵ *Pastores dabo vobis*, 51, *AAS* 84 (1992) 748; *I Will Give You Shepherds*, 100.

³⁸⁶ *Ibid.*, *AAS* 84 (1992) 748-749; *I Will Give You Shepherds*, 100-101.

³⁸⁷ *Ibid.*, 52-53, *AAS* 84 (1992) 750-752; *I Will Give You Shepherds*, 101-103.

³⁸⁸ *Program of Priestly Formation*, 54.

Intellectual study relates to spirituality and pastoral ministry.³⁸⁹ Studies should include one or more of the following: sociology, psychology, education, economics, politics, or social communication.³⁹⁰

Lay brother candidates often have secular occupations and their intellectual formation must be tailored accordingly.³⁹¹

d. Pastoral Formation

Pastoral formation forms the candidate in Christ, as teacher, priest and shepherd.³⁹² Pastoral formation is studied as a theological discipline.³⁹³ Faith informs the principles and criteria for pastoral action.³⁹⁴ Formators assist candidates in discerning the socio-cultural and ecclesial context for pastoral activity.³⁹⁵ Essential elements of pastoral formation include: training in the proclamation of the Word, the celebration of the Sacraments, the missionary dimension of the Church, effective communication, different forms of pastoral activity, cultural sensitivity, and religious pluralism.³⁹⁶

e. Charismatic Formation

Religious institutes enjoy a distinct charism. The charismatic dimension of formation relates

³⁸⁹ *Pastores dabō vobis*, 51-52, *AAS* 84 (1992) 750-751; *I Will Give You Shepherds*, 100-101.

³⁹⁰ *Ibid.*, 52, *AAS* 84 (1992) 751; *I Will Give You Shepherds*, 102.

³⁹¹ *Identity and Mission of the Religious Brother in the Church*, N. 31, 22. The lay brother, like all candidates for religious life, must have a mature knowledge and understanding of the faith. It would also be helpful for the lay brother to study the ecclesiology of communion so that he will be able to relate to others in the Church, whatever their state and relate as a brother to all other brothers and sisters of the People of God. *Identity and Mission of the Religious Brother*, N.34, 24.

³⁹² *Ibid.*, 57, *AAS* 84 (1992) 757-758; *I Will Give You Shepherds*, 108.

³⁹³ *Ibid.*, 57, *AAS* 84 (1992) 757-758; *I Will Give You Shepherds*, 109.

³⁹⁴ *Ibid.*

³⁹⁵ *Ibid.*, 57, *AAS* 84 (1992) 758-759; *I Will Give You Shepherds*, 110.

³⁹⁶ *Program of Priestly Formation*, 77-81.

the unique elements of the institute's charism to the program of formation.³⁹⁷ *Vita Consecrata* states that this charismatic dimension is a "synthesis which calls for a constant deepening of one's special consecration in all its aspects, not only apostolic but also ascetical and mystical."³⁹⁸ Each candidate must study the history, spirit, and mission of the institute.³⁹⁹ This requires an assimilation of the formative aspects of chapter one of the *ratio*, Francis the Formator. It also entails studying the history of the Order and the Capuchin saints. It requires assimilating the values of fraternal life, living simply among the poor and going where no others desire to go.

3. The Stages of Formation

Chapter three sets forth the stages of formation and the objectives of each stage. It also discusses the means that formators employ to reach the objectives and the criteria for judgment of the candidates. The stages include the postulancy, the novitiate, the post-novitiate, and ongoing formation.⁴⁰⁰ All stages should incorporate the five dimensions of formation.⁴⁰¹

4. Appendices

The *ratio formationis* will have three appendices.⁴⁰² The first, a *ratio studiorum*, contains the academic content for each of the stages of formation.⁴⁰³ Presumably, it will also include early

³⁹⁷ *Vita Consecrata*, 71, *AAS* 88 (1996) 447; *Consecrated Life*, 115.

³⁹⁸ *Vita Consecrata*, 71: "synthesi quae propriae peculiaris consecrationis diversis in suis partibus continuam postulat perscrutationem, non tantum in apostolica verum et in mystica et ascetica parte." *AAS* 88 (1996) 447; *Consecrated Life*, 115.

³⁹⁹ *Vita Consecrata*, 71, *AAS* 88 (1996) 447; *Consecrated Life*, 115.

⁴⁰⁰ For ongoing formation see *Potissimum institutioni*, 66-71, *AAS* 82 (1990) 510-514; *Origins* 19 (1990) 691-693.

⁴⁰¹ The *ratio* should also include specific admission requirements and formation for candidates for the priesthood.

⁴⁰² "Hacia una *Ratio Formationis* de la Orden."

⁴⁰³ *Ibid.*

Franciscan sources, modern Franciscan studies, and conciliar and current post-conciliar documents on religious life.

The second appendix addresses psycho-sexual maturity. The subject of psycho-sexual maturity proves more difficult, since it concerns the affective dimensions of formation, an area of formation often neglected. It will be important to establish norms that assist formators and candidates in psycho-sexual development.⁴⁰⁴

The third appendix studies adaptation to specific cultures. Each circumscription or province must adapt the *ratio formationis* and the appendices to its own culture. The third appendix will serve as a tool for the friars to apply the general principles more concretely by shaping norms adapted to their particular cultural setting.⁴⁰⁵

5. Lacunae to be Addressed

a. Current Context for Formation

The *ratio* should elaborate on current issues addressed in the formation documents for seminarians and candidates for religious life, especially, *Redemptionis donum*, *Pastores dabо vobis*, *Vita Consecrata*, and *Starting Afresh from Christ: A Renewed Commitment to Consecrated Life in the Third Millennium*.⁴⁰⁶ These documents address individualism, consumerism, and secularism. They also emphasize the strengths candidates need to counter such challenges, e.g., growth in affective maturity, asceticism and a deep spiritual life.

⁴⁰⁴ Ibid.

⁴⁰⁵ Ibid.

⁴⁰⁶ *Redemptionis donum*, AAS 76 (1984) 513-546; *Vita Consecrata*, AAS 88 (1996) 377-486; Congregation for Institutes of Consecrated Life and Societies of Apostolic Life, Instruction, *Starting Afresh From Christ*, *Origins* 32 (2002) 131-148.

b. Media

The *ratio* should also address general principles regarding the use of the media: social networking, web sites, the internet, personal computers, and smart phones. Access to the media often depends on cultural variables necessitating particular guidelines in the various circumscriptions.

c. Affective Maturity

In the section on the five dimensions of formation or in the appendix addressing psycho-sexual maturity, the *ratio* should address the issues contained in the *Instruction Concerning the Criteria for the Discernment of Vocations with Regard to Persons with Homosexual Tendencies in View of Their Admission to the Seminary and to Holy Orders*.⁴⁰⁷ Focusing on candidates for the priesthood, this instruction addresses affective maturity and the need for balanced candidates. Therefore, it is relevant for all candidates to the Order.

d. Those Coming from Seminaries or Other Religious Communities

The *ratio* should also include provisions for those dismissed from a seminary or religious institute in the *Instruction on Admitting Candidates Coming from Other Seminaries or Religious Communities*.⁴⁰⁸ The *ratio* may require a period of time for those voluntarily departing the same. Pursuant to canon 645 §2, major superiors must contact the appropriate local ordinary, rector of a seminary, or major

⁴⁰⁷ Congregation for Catholic Education, *Instruction Circa Criteria ad Vocationes Discernendas eorum qui Inclinantur ad Homosexualitatem, Intuitu Eorundum Admissionis ad Seminariun et ad Ordines Sacros*, AAS 97 (2005) 1007-1013; English translation: Congregation for Catholic Education, *Instruction "Criteria for the Discernment of Vocations with Regard to Persons with Homosexual Tendencies in view of their Admission to the Seminary and to Holy Orders," Origins* 35 (2005) 429-431.

⁴⁰⁸ *Instruction On Admitting Candidates, Origins* 26 (1996-1997) 358-360. See also United States Conference of Catholic Bishops, "Norms Concerning Applications for Priestly Formation from those Previously Enrolled in a Formation Program," *Origins* 30 (2001) 523, 527-529. While these documents apply to priestly formation, they remain important for lay religious departing or dismissed from other institutes.

superior regarding clerics or those transferring from another institute, society, or seminary. It would be helpful to repeat this norm in the *ratio*.

e. Issue of Sexual Abuse of Minors

The *Constitutions* and *Ordinances* do not specifically address sexual abuse of minors.⁴⁰⁹

However, the *ratio* should contain prohibitions to entrance for anyone having abused a minor and provide for the careful screening of potential abusers.⁴¹⁰ The *ratio* can establish general norms on the use and limits of psychological testing, so the various circumscriptions can adapt such testing to their cultures. In addition to the use of such testing for screening, the norms should explain how such testing can be helpful to the formators in providing the formation for candidates.

f. Formators

It would be helpful to offer guidelines on the necessary qualities for formators as well as for their preparation for such a challenging ministry. They must understand the human person, have the ability to foster growth in candidates, and evaluate the candidate's gifts and weaknesses.

⁴⁰⁹ Article 7/2 of the *Ordinances* addresses friars who have been found guilty of an offense against a person, an ecclesiastical or social institution, especially against the most vulnerable. Article 7/3 regards the responsibility of superiors to encourage observation of laws, both civil and canonical and taking all suitable measures in the event of an offense, including cooperation with civil authorities. *Costituzioni e Ordinazioni*, 233; *Constitutions and Ordinances*, 185. These articles should be adapted to admission to the Capuchin Order in the *ratio*.

⁴¹⁰ Pope Francis calls on major superiors to ensure the safety of minors and vulnerable adults and for careful screening and selection of candidates for the priesthood. Pope Francis, "Letter of Holiness Pope Francis to the Presidents of Episcopal Conferences and Superiors of Institutes of Consecrated Life and Societies of Apostolic Life Concerning the Pontifical Commission for the Protection of Minors," February 2, 2015, http://w2.vatican.va/content/francesco/en/letters/2015/documents/papa-francesco_20150202_lettera-pontificia-commissione-tutela-minori.html [accessed May 24, 2015]; Carol Glatz, "Pope Urges Doctrinal Office to Act 'Decisively' Against Sex Abuse," *National Catholic Reporter*, April 7, 2013, <http://ncronline.org/news/vatican/francis-doctrinal-office-act-decisively-against-sex-abuse> [accessed May 24, 2015].

Formators should have preparation in the behavioral sciences, especially psychology, in order to meet the challenges modern society poses for candidates.⁴¹¹

Conclusion

The Fourth Plenary Council of the Order on formation sets forth general principles for the entire Order. It reflects conciliar and post-conciliar teachings in providing the context of time and place in which formation occurs. Reflecting *Renovationis causam*, the council discusses the necessity of affective maturity in candidates and describes general principles for formation as well as elements in the Capuchin charism. It describes the purpose and nature of the postulancy, its curriculum, the roles of the fraternity and formators.

The proper law of the Capuchin Order consisting of the *Rule, Testament, Constitutions* and *Ordinances*, provides for admission and formation in the Order. The *Constitutions* describe the vocation and qualifications necessary for admission. The postulancy is the initial experience of the candidate in the Order. The *Constitutions* describe the purpose of the postulancy, as well as its program for the candidates.

The *Ordinances* call for structures supporting formation. The norms state the need for a general *ratio formationis* for the Order describing the gradual incorporation and ongoing formation of candidates and friars. The document recognizes the need for each circumscriptions or group of circumscriptions to develop a specific *ratio formationis* adapted to a specific culture.

⁴¹¹ *Guidelines for the Use of Psychology* provides helpful suggestions for training and selecting formators. *Guidelines for the Use of Psychology*, 3-4, *Origins* 38 (2008) 359.

Finally, this chapter examines and makes recommendations for the future of formation in the Order. The General Minister's Circular Letter, *Friars Minor Capuchin, Their Identity and Sense of Belonging* (2014) serves as the basis for a general *ratio formationis*. Capuchin identity constantly evolves in history and cultures. Following the example of Francis, Capuchins value fraternity, simplicity of life with their brothers among the poor, and a willingness to be sent anywhere. Brother Jaime Rey notes that the contents of the proposed *ratio formationis* will consist of three chapters: 1) Francis the Formator, 2) the five dimensions of formation, 3) and the stages and curricula of formation. It will include three appendices: a *ratio studiorum*, an article on psycho-sexual maturity, and a second article on adaptation to specific cultures.

GENERAL CONCLUSION

Given the scarcity of religious vocations in the Western hemisphere and the copious numbers of religious vocations in some parts of the Eastern hemisphere, candidates are often admitted without the scrutiny required by canon law. In contemporary society candidates often lack depth in Catholic doctrine, are increasingly influenced by secularism, and have difficulty making permanent commitments. This dissertation examined admission to religious institutes of men in the 1983 *Code of Canon Law* and papal and curial documents and recommends a procedure for the admission of candidates in accord with the vocation and identity of the Order of Friars Minor Capuchin.

The Church has always recognized the importance and gravity of admitting suitable candidates to religious institutes. As studied in chapter one, the 1917 code and subsequent dicasterial documents placed grave importance on the procedures for the investigation and admission of male candidates. Human experience and developments in the social sciences brought revisions, clarifications, and additions to the law on admission to religious institutes. This is exemplified in the Instruction *Quantum religiones* (1931), requiring a probationary period for all candidates entering religious life. Another example is the Apostolic Constitution *Sedes Sapientiae* (1956), introducing the requirement for physical and psychological testing of candidates.

Chapter two demonstrated the effects of conciliar and post-conciliar teachings on admission to religious institutes, particularly in the area of faith and spiritual development of candidates and their psycho-sexual maturity. Theological developments and further progress in the social sciences assisted the magisterium, major superiors and formators in updating the admission process. One

observes the implementation of the principle of subsidiarity as diocesan bishops and major superiors were given more authority and discretion over the admission process. Likewise, conciliar and post-conciliar teachings call for greater equity between lay and clerical religious. The principle and teachings informed the 1917 code revision process.

Chapter three incorporated the conciliar teachings and studies of behavioral sciences into the norms in the 1983 *Code of Canon Law* and post-codal documents, particularly *Potissimum institutioni, Vita Consecrata*, and other dicasterial and episcopal documents. Besides emphasizing the potential for human, spiritual, academic, and pastoral development of the candidate, the latter documents addressed the instability of candidates leaving one seminary or institute only to seek admission to another and the importance for information sharing between these institutions. The sexual abuse of minors by clergy and religious demonstrates the need for careful screening and selection of candidates. Formators must take advantage of the social sciences in order to ensure candidates have sufficient affective maturity and the ability to develop through formation and human experience.

The *ratio formationis* of the Order of Friars Minor Capuchin remains in an embryonic state as this dissertation is brought to conclusion. However, the Plenary Council document on formation, the proper law, the circular letter of the General Minister, as well as the consultative process with the entire membership of friars provide substantial guidance for the proposed *ratio*. It is hoped that this dissertation will also prove helpful to those laboring on the *ratio* as well as major superiors and formators in admitting and forming candidates in the Capuchin vocation. It seems imperative that clear criteria be included in the admission procedures for the Order. The criteria should ensure, insofar as possible, that candidates being admitted to the initial stage of formation have the potential

and qualities necessary to assume the demands of Capuchin Franciscan communal life and their ministerial responsibilities within the Church.

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