THE CATHOLIC UNIVERSITY OF AMERICA

"Mystically Espoused to Christ, the Son of God (c. 604 §1)": The Basis for Proposing Juridic Principles to Guide the Development of Norms for the *Ordo virginum*

A DISSERTATION

Submitted to the Faculty of the

School of Canon Law

Of The Catholic University of America

In Partial Fulfillment of the Requirements

For the Degree

Doctor of Canon Law

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By

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Washington, D.C.

2019

ABSTRACT

"Mystically Espoused to Christ, the Son of God (c. 604 §1)": The Basis for Proposing Juridic Principles to Guide the Development of Norms for the *Ordo virginum*

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The 1970 revision of the rite of consecration to a life of virginity roused an ancient practice that had fallen into disuse over the centuries: the consecration of virgins who lived in the world, rather than in the enclosure of a monastery. Canon 604 of the 1983 Code of Canon Law juridically recognizes this restored *Ordo virginum* as "similar to" (*accedit*) other forms of consecrated life, defining members of the *Ordo* as those "who are mystically betrothed to Christ, the Son of God" through their consecration to God by the diocesan bishop.[1]

Drawing from analogous ecclesial law for both marriage and for institutes of consecrated life and societies of apostolic life, and in response to the expansion of the *Ordo virginum* throughout the world since 1970, this study proposes juridic principles that may be applied in the development of norms to govern the *Ordo*. Chapter one probes the theological underpinning of mystical espousal to Christ by examining the mystery of virginal nuptial love in the Most Holy Trinity, in the Blessed Virgin Mary, and in God's bond with created man, revealed in both the Old and New Testaments. Chapters two and three study ecclesial law and liturgy in the development of the *Ordo virginum* as a stable way of life, from the earliest days of the Church to today. Employing a canon-by-canon analysis, chapter four considers analogous application of marriage law in the 1983 code to the mystical espousal to Christ that characterizes the *Ordo virginum*, and chapter five follows by considering an analogous application of the law on consecrated life to the *Ordo*.

The study concludes by proposing thirty-four principles to guide the development of norms for the *Ordo virginum* in the following areas: juridical/theological identity; validity of consecration; governance; admission and formation of candidates; obligations and rights of members; apostolate; and separation of members from the *Ordo virginum*. The theological-juridical approach of this canonical study contributes to the Church's appreciation and safeguarding of the vocation of consecrated virginity as "among the most excellent gifts bequeathed by Our Lord to His Bride, the Church."[2]

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[1] Canon 604 §1: "Hisce vitae consecratae formis accedit ordo virginum quae, sanctum propositum emittentes Christum pressius sequendi, ab Episcopo dioecesano iuxta probatum ritum liturgicum Deo consecrantur, Christo Dei Filio mystice desponsantur et Ecclesiae servitio dedicantur."

[2] Sacred Congregation for Divine Worship, decree *Novus consecrationis virginum ritus promulgatur,* May 31, 1970: *AAS* 62 (1970) 650: "Sacram enim virginitatem, donum in primis excelsum, Christus Iesus quasi hereditate Sponsae suae reliquit."

This dissertation by Judith M. Stegman fulfills the dissertation requirement for the doctoral degree in canon law approved by Nancy Bauer, JCD, as Director, and by Ronny E. Jenkins, JCD, Kurt Martens, JCD, and J. Brian Bransfield, STD, as Readers.

Nancy Bauer, OSB, JCD, Director

Ronny E. Jenkins, JCD, Reader

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J. Brian Bransfield, STD, Reader

To:

The Most Holy Virgin Mary of Nazareth,
Mother of our Lord Jesus Christ,
Queen of Virgins,
whose tender maternal and virginal love
is the font of virginal chastity for all generations

"All glorious is the king's daughter, glorious as she enters.
Her raiment is threaded with spun gold.
In embroidered apparel she is led into the king;
Behind her the virgins of her train are brought to you."
(Ps. 45: 13–14)

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Abbreviations

AA	Vatican II, decree *Apostolicam actuositatem*, November 18, 1965: *AAS* 59 (1966) 837–864.
AAS	*Acta Aposolicae Sedis*, Rome 1909– .
ASS	*Acta Sanctae Sedis*, Rome 1865–1908.
CC	Pius XI, encyclical *Casti connubii*, December 31, 1930: *AAS* 22 (1930) 539–592.
CCC	*Catechism of the Catholic Church*, 2nd ed., revised in accordance with the official Latin text promulgated by Pope John Paul II (Vatican City: Libreria Editrice Vaticana, 2000).
ch.	chapter.
1917 *CIC*	*Codex Iuris Canonici Pii X Pontificis Maximi iussu digestus Benedicti Papae XV auctoriate promulgatus*.
1983 *CIC*	*Codex Iuris Canonici auctoritate Ioannis Pauli PP. II promulgatus*.
CICLSAL	Congregation for Institutes of Consecrated Life and Societies of Apostolic Life.
Circa OCV	Sacred Congregation for Divine Worship, explanatory document, "*Circa ordinem consecrationis virginum*," *Notitiae* 7 (1971) 107–110. *DOL* 395, fn. R2.
CL	John Paul II, apostolic exhortation *Christifideles laici*, December 30, 1988: *AAS* 81 (1989) 393–521.
CLD	*Canon Law Digest*, original ed. T. Bouscaren and J. O'Connor. Vols. 1–6, Milwaukee-New York: Bruce, 1917–1967. Vols. 7–10, Chicago: Canon Law Digest, 1968–1983. Vols. 11–14, Washington: CLSA, 1991-2000.
CLSA	Canon Law Society of America.
Code Commission	Pontifical Commission for the Revision of the Code of Canon Law.
Decree	Sacred Congregation for Divine Worship, decree *Novus consecrationis virginum ritus promulgatur*, May 31, 1970: *AAS* 62 (1970) 650.

Directory	Congregation for Bishops, "Directory for the Pastoral Ministry of Bishops, *Apostolorum Successores*," February 22, 2004 (Vatican City: Libreria Editrice Vaticana, 2004).
The Documents	*The Documents of Vatican II: with Notes and Index*, trans. Vatican (Strathfield NSW, Australia: St. Pauls Publications, 2009).
DOL	*Documents on the Liturgy 1963–1979, Conciliar, Papal, and Curial Texts* (Collegeville, MN: Liturgical Press, 1982).
ESI	CICLSAL, instruction *Ecclesiae sponsae imago*, June 8, 2018.
FC	John Paul II, apostolic exhortation *Familiaris Consortio*, November 22, 1981: *AAS* 74 (1982) 81–191.
GE	Vatican II, declaration *Gravissimum Educationis*, October 28, 1965: *AAS* 58 (1966) 728–739.
GS	Vatican II, pastoral constitution *Gaudium et Spes*, December 7, 1966: *AAS* 58 (1966) 1025–1115.
LG	Vatican II, dogmatic constitution *Lumen gentium*, November 21, 1964: *AAS* 57 (1965) 5–67.
New Commentary	*New Commentary on the Code of Canon Law*, ed. J. Beal, J. Coriden, and T. Green (New York/Mahwah, NJ: Paulist Press, 2000).
OCV	Pontificale Romanum ex decreto Sacrosancti Oecumenici Concilii Vaticani II instauratum auctoritate Pauli PP. VI promulgatum, "De consecratione Virginum," in *Ordo consecrationis Virginum* (Vatican City: Libreria Editrice Vaticana, 1978) 10–33.
OCV Praenotanda	Sacred Congregation for Divine Worship, *Ordo consecrationis Virginum, Prænotanda*, May 31, 1970, in *Notitiae* 6 (1970) 314–316. Also: Pontificale Romanum ex decreto Sacrosancti Oecumenici Concilii Vaticani II instauratum auctoritate Pauli PP. VI promulgatum, "Praenotanda," in *Ordo consecrationis Virginum* (Vatican City: Libreria Editrice Vaticana, 1978) 7–9.
OssRomEng	*L'Osservatore Romano*, English edition.
PC	Vatican II, decree *Perfectae caritatis*, October 28, 1965: *AAS* 58 (1966) 702–712.
PDV	John Paul II, apostolic exhortation *Pastores dabo vobis*, March 25, 1992: *AAS* 84 (1992) 657–804.

PG	J. P. Migne, *Patrologiae cursus completus*, Series Graeca, 161 vols. (Paris, 1857–1866).
PL	J. P. Migne, *Patrologiae cursus completus*, Series Latina, 221 vols. (Paris, 1844–1865).
PO	Vatican II, decree *Presbyterorum ordinis*, December 7, 1965: *AAS* 58 (1966) 991–1024.
PPF	*Program of Priestly Formation*, 5th ed. (Washington: USCCB, 2006).
Roman Pontifical	*The Roman Pontifical Renewed by Decree of the Most Holy Second Ecumenical Council of the Vatican, Promulgated by Authority of Pope Paul VI and Revised at the Direction of Pope John Paul II—Rites of Ordination of a Bishop, of Priests, and of Deacons; The Institution of Lectors and Acolytes; The Blessing of Abbots and Abbesses; The Consecration of Virgins; The Rite of Confirmation; The Rite for the Blessing of Oils and the Consecration of Chrism* (Vatican City: Congregation for Divine Worship and the Discipline of the Sacraments, Vox Clara Committee, 2012) 293–331.
SC	Vatican II, constitution *Sacrosanctum Concilium*, December 4, 1963: *AAS*: 56 (1964) 97–134.
SCRIS	*Sacra Congregatio pro Religiosis et Institutis Saecularibus* (name of CICLSAL 1/1/68 to 6/28/88).
STh	St. Thomas Aquinas, *Summa theologiae*.
SV	Pius XII, encyclical *Sacra virginitas*, March 25, 1954: *AAS* 46 (1954) 161–191.
Tanner	*Decrees of the Ecumenical Councils,* ed. Norman P. Tanner, 2 vols. (London/Washington: Sheed & Ward/Georgetown University Press, 1990).
USACV	United States Association of Consecrated Virgins.
USCCB	United States Conference of Catholic Bishops.
VC	John Paul II, post-synodal apostolic exhortation *Vita consecrata*, March 25, 1996: *AAS* 88 (1996) 377–486.

ACKNOWLEDGEMENTS

I am most grateful to all who have assisted me during my studies in canon law and in the research and writing of this dissertation. I offer particular appreciation to consecrated virgin Dr. Magalis Aguilera, Psy.D., for suggesting that I pursue the study of canon law on behalf of the vocation of consecrated virginity lived in the world, and for her ongoing support and wise counsel throughout the course of my studies. I am also most grateful to His Eminence Raymond Leo Cardinal Burke for encouraging me to commence this course of study and for the high esteem in which he holds the *Ordo virginum*. As well, I sincerely thank The Most Reverend Earl Boyea, the Bishop of Lansing (my Bishop), for his prayerful and most personal support throughout my years of study. I am appreciative of the faculty at Catholic Distance University, especially Dr. Robert Royal, who guided my course of studies towards a Masters Degree in Theology in fulfillment of entry requirements for the School of Canon Law at The Catholic University of America. My heartfelt thanks also to the dean and faculty of The School of Canon Law: in the first place, I wish to offer a word of honor and thanks to two faculty members who were most instrumental in guiding my studies and who have gone to their eternal reward. May they rest in peace: Father Robert Kaslyn, S.J., who warmly admitted me and encouraged my study in The School of Canon Law, and Monsignor Thomas Green, who took a personal interest in guiding my initial doctoral work and offered cogent insights into the development of the 1983 Code of Canon Law. I extend a special word of thanks to Father John Beal for his thorough and inspirational lectures on many aspects of the law, to Professor William Daniel for his assistance with certain Latin translations, to Monsignor Brian Bransfield for his insightful comments on the theological aspects of my dissertation, to Professor Kurt Martens for his input on the aspects of consecrated virginity that need further clarification, to the Dean of the School of Canon Law, Monsignor Ronny Jenkins, who graciously accepted to serve on my dissertation committee, and most especially to Sister Nancy Bauer, O.S.B., who with sound advice and great care and patience directed the research and writing of the dissertation. Finally, I offer a word of thanks to my family, especially my parents Joseph and Suzanne Stegman, to those at the Basilica of the National Shrine of the Immaculate Conception who have welcomed me during my years of study at CUA, and to the many consecrated virgins who have encouraged me in the study of canon law.

INTRODUCTION

A. The *Ordo virginum*

A single sentence of the 1963 Constitution *Sacrosanctum Concilium* of the Second Vatican Ecumenical Council called for a revision of the rite of consecration of virgins found in the Roman Pontifical.[3] On May 31, 1970, the Feast of the Visitation, the Sacred Congregation for Divine Worship, under the authority of Saint Pope Paul VI, decreed the promulgation of the revised rite, referring to consecrated virginity as being "among the most excellent gifts bequeathed by Our Lord to His Bride, the Church."[4] The revised rite preserved many ancient elements including the text of the prayer of consecration, dating back to the Leonian Sacramentary of the fifth century, and an antiphon attributed to the virgin Saint Agnes at her martyrdom, "I am espoused to Him whom the angels serve; sun and moon stand in wonder at his glory."[5] Of singular importance to the current study is not only that the revised rite preserved and revived the eminent custom of spiritual espousals to Christ,[6] but also that it roused an ancient practice that had fallen into disuse over the centuries: the 1970 rite provided not only

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[3] Vatican II, constitution *Sacrosanctum Concilium* 80, December 4, 1963: *AAS* 56 (1964) 120: "Ritus Consecrationis Virginum, qui in Pontificali romano habetur, recognitioni subiciatur."

[4] Sacred Congregation for Divine Worship, decree *Novus consecrationis virginum ritus promulgatur*, May 31, 1970: *AAS* 62 (1970) 650 and *Notitiae* 6 (1970) 313 [hereafter Decree]: "Sacram enim virginitatem, donum in primis excelsum, Christus Iesus quasi hereditate Sponsae suae reliquit." English translation by the International Committee on the English Language, in *Ordo Virginum—The Restoration of the Ancient Order of Virgins in the Catholic Church*, vol.1, *An Introduction to the Vocation of Consecrated Virginity Lived in the World* (Lansing, MI: United States Association of Consecrated Virgins, 2012) iii.

[5] Pontificale Romanum ex decreto Sacrosancti Oecumenici Concilii Vaticani II Instauratum auctoritate Pauli PP. VI promulgatum, "De consecratione Virginum" 29, in *Ordo consecrationis Virginum* (Vatican City: Libreria Editrice Vaticana, 1978) [hereafter *OCV*]: "Ipsi sum desponsata, cui Angeli serviunt, cuius pulchritudinem sol et luna mirantur." English translation, "Consecration to a Life of Virginity" in *The Roman Pontifical—Rites of Ordination of a Bishop, of Priests, and of Deacons; The Institution of Lectors and Acolytes; The Blessing of Abbots and Abbesses; The Consecration of Virgins; The Rite of Confirmation; The Rite for the Blessing of Oils and the Consecration of Chrism* (Vatican City: Congregation for Divine Worship and the Discipline of the Sacraments Vox Clara Committee, 2012) [hereafter *Roman Pontifical*] 307. All subsequent English translations of *OCV* will be taken from this source unless otherwise indicated.

[6] For a reference to "spiritual espousals" to Christ as prominent in the rite of consecration, see the introduction "The Glory of Virginity," in *The Consecration of Virgins According to the Roman Pontifical* (Clyde, MO: Benedictine

for the consecration of nuns with solemn vows, but also for virgins who, like St. Agnes, lived in the world.[7]

The renewal of the liturgical rite of the consecration of virgins in 1970 thus effected the restoration of an ancient way of life in the Church, that of the *Ordo virginum. Praenotanda* (preliminary notes) to the revised rite of consecration open with a reference to the very earliest days of the Church as they describe the nature and force of a consecration to virginity:

> The custom of consecrating women to a life of virginity flourished even in the early Church. It led to the formation of a solemn rite constituting the candidate a sacred person, a surpassing sign of the Church's love for Christ, and an eschatological image of the world to come and the glory of the heavenly Bride of Christ. In the rite of consecration the Church reveals its love of virginity, begs God's grace on those who are consecrated, and prays with fervor for an outpouring of the Holy Spirit.[8]

Convent of Perpetual Adoration, 1952) iv: "May the revival of the Consecration of Virgins enrich souls in their spiritual espousals, which bind them to Jesus Christ by an irrevocable bond of love. Then our times will have 'Virgins,' whom St. Methodius of Olympus called 'the unbloody altars from which ascends the incense of love.'"

[7] For further discussion of the history of the use of the Rite of Consecration to a Life of Virginity, see, among others, René Metz, *La Consécration des vierges dans l'Église Romaine: Étude d'histoire de la liturgie* (Paris: Presses Universitaires de France, 1954); Pius XII, apostolic constitution *Sponsa Christi,* November 21, 1950, in *AAS* 43 (1951) 5–24; Ignazio M. Calabuig and Rosella Barbieri, "Virginité Consacrée dans l'Église," in *Dictionnaire Encyclopédique de la Liturgie*, Vol. II, ed. D. Sartore and A. Triaaca (Turnhout, Belgium: Brepols, 2002) 485–498; Edward N. Peters, "Toward Reform of the First Criterion for Admission to the Order of Virgins," *Studia Canonica* 48 (2014) 467–491; and Judith M. Stegman, "The Meaning in Law and Tradition of the First Criterion for Admission to the Consecration of Virgins" (JCL Thesis, The Catholic University of America, 2016). Briefly summarizing this history: During the first thousand years of Christianity the consecration of virgins was bestowed primarily on women living in the world. During the second millennium, until 1970, the consecration of virgins was primarily reserved to nuns. In 1950, reflecting the fact that the practice of consecrating women living in the world had not completely ceased, the apostolic constitution *Sponsa Christi* of Pope Pius XII decreed that the consecration of virgins, found in the Roman Pontifical, was reserved to nuns (see *Sponsa Christi* Art. III. §3). Pope Paul VI himself was probably responsible for the insertion in the 1970 revised rite of the unexpected provision permitting the consecration of virgins living in the world. See James W. Kruc, "Canon 604: Historical Overview and Canonical Analysis of Consecrated Virginity," (JCL Thesis, The Catholic University of America, 2008) 24–25 and Appendix I and II.

[8] Sacred Congregation for Divine Worship, *Ordo consecrationis Virginum, Prænotanda* 1, May 31, 1970, in *Notitiae* 6 (1970) [hereafter *OCV Prænotanda*] 314: "Mos virgines consecrandi, qui et in prisca viguit christianorum Ecclesia, effecit ut conderetur sollemnis ritus, quo virgo constitueretur persona sacrata, signum transcendens amoris Ecclesiae erga Christum, imago eschatologica Sponsae caelestis vitaeque futurae. Consecrationis ritu Ecclesia suum erga virginitatem amorem patefacit, supernam Dei gratiam in virgines implorat Sanctique Spiritus effusionem instanter rogat." English translation, "Consecration to a Life of Virginity Introduction" 1, in *Roman Pontifical*, 293. All subsequent English translations of *OCV Praenotanda* will be taken from this source unless otherwise indicated.

Juridical recognition was subsequently given to the newly restored *Ordo virginum* in canon 604 of the 1983 Code of Canon Law, promulgated January 25, 1983, with the Apostolic Constitution *Sacrae Disciplinae Leges* of Saint Pope John Paul II. Canon 604 reads:

> §1: Similar to these forms of consecrated life is the order of virgins who, expressing the holy resolution of following Christ more closely, are consecrated to God by the diocesan bishop according to the approved liturgical rite, are mystically betrothed to Christ, the Son of God, and are dedicated to the service of the Church.
>
> §2: In order to observe their own resolution more faithfully and to perform by mutual assistance service to the Church in harmony with their proper state, virgins can be associated together.[9]

This single canon concerning the *Ordo virginum* in the 1983 Code of Canon Law stands in contrast to 103 canons that directly concern religious institutes (cc. 607 to 709), twenty-one canons that govern secular institutes (cc. 710 to 730), and sixteen canons specific to societies of apostolic life (cc. 731 to 746). The lack of juridic specification was by design: the drafters of the 1983 code had recognized that the *Ordo virginum* represented "the flourishing anew of a very ancient and traditional form of consecration, without well-defined contours" and that "it would therefore be prudent not to say more in the canon, in anticipation of further development."[10] In addition, canon 604 makes direct and specific reference to the liturgical rite of consecration,

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[9] *Codex Iuris Canonici auctoritate Ioannis Pauli PP. II promulgatus* (Vatican City: Libreria Editrice Vaticana, 1983) c. 604: "§1. Hisce vitae consecratae formis accedit ordo virginum quae, sanctum propositum emittentes Christum pressius sequendi, ab Episcopo dioecesano iuxta probatum ritum liturgicum Deo consecrantur, Christo Dei Filio mystice desponsantur et Ecclesiae servitio dedicantur. §2. Ad suum propositum fidelius servandum et ad servitium Ecclesiae, proprio statui consonum, mutuo adiutorio perficiendum, virgines consociari possunt." English translation from *Code of Canon Law, Latin-English Edition: New English Translation* (Washington, DC: CLSA, 1998). All subsequent English translations of canons from this code will be taken from this source unless otherwise indicated.

[10] Pontifical Commission for the Revision of the Code of Canon Law, "Acta Commissionis Can. 39," *Communicationes* 11 (1979) 333: "Il Relatore osserva che si avverte un rifiorire di una forma molto antica e tradizionale di consacrazione, ma i contorni non sono ben delimitati: sarebbe quindi prudente non dire molto nel canone, in attesa di ulteriori sviluppi."

where details can be found proper to the life of consecrated virginity, including criteria for admission to the consecration of virgins.[11]

Precise counts are not available, but there are indications of the growth of the *Ordo virginum* since 1970. In celebration of the twenty-fifth anniversary of the promulgation of the rite, 220 consecrated virgins from eighteen countries gathered for pilgrimage in Rome. Reports from that 1995 gathering indicated the largest numbers of consecrated virgins to be in France (approximately 300), Argentina (200), and Italy (150).[12] According to a 1993 survey, there were 23 consecrated virgins in twenty-two dioceses of the United States; another source in August of 1995 counted 35 consecrated virgins in twenty-five United States dioceses.[13] Moving ahead to early 2016 when members of the *Ordo virginum* gathered in Rome in celebration of the close of the Year of Consecrated Life, reports indicated approximately 4,000 consecrated virgins in seventy-eight nations of the world: 67 percent in Europe (including 620 in France and 600 in Italy), 27 percent in the Americas (including 235 in 109 dioceses of the United States), 4 percent in Africa, 1 percent in Asia, and slightly less than 1 percent in Oceania.[14] In the years following 1970, at which time there were no more than a few consecrated virgins living in the world, growth in the *Ordo* has been continuous.

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[11] Sylvia Recchi, "La vergine consacrata nella Chiesa particolare. Responsabilità ecclesiale e corresponsabilità personale," *Quaderni di diritto ecclesiale* 19 (2006) 360.
[12] Patrick Slattery, "Consecrated Virgins," *National Catholic Register* (December 3, 1995) 2–3.
[13] Survey results are reported by Rose McDermott, "Recent Developments in Consecrated Life: II. Order of Virgins–Canon 604," *Bulletin on Issues of Religious Life* 9 (1993) 3. The August 1995 count is from records of the United States Association of Consecrated Virgins.
[14] Florence Motte and Cristina Vonzun, "L'*Ordo virginum*: Don pour le peuple de Dieu en marche," *Sequela Christi* 42 (2016/1) 152, 156. Data on the United States is from records of the United States Association of Consecrated Virgins.

The *Ordo virginum*,[15] while rooted in ancient tradition, represents in today's Church a vocation that is new and unique among familiar forms of consecrated life. Even the placement and wording of canon 604 in the 1983 Code of Canon Law bespeaks a distinction: the canon treating the *Ordo virginum* is included within a title that addresses norms common to all institutes of consecrated life (canons 573 to 606), and yet opens by describing the *ordo* as "similar to" (*accedit*) these forms. Fundamental distinctions of the *Ordo virginum* become clear in light of canon 573 §2, which introduces the title by describing institutes of consecrated life as a form of living that the Christian faithful freely assume through vows or other sacred bonds according to the proper laws of the institutes. In contrast, members of the *Ordo virginum* are admitted to the *ordo* through the celebration of the Rite of Consecration to a Life of Virginity, rather than through the profession of vows or assumption of other sacred bonds. Furthermore, rather than living within an institute with its proper laws, members of the *Ordo virginum* live individually, in the world, under the pastoral guidance of the diocesan bishop.

Not unexpectedly, perhaps, a cadre of diverse canonical questions in regard to distinctive features of the *ordo* has accompanied its growth since 1970. Such questions have included: the nature of the relationship between the consecrated virgin and her diocesan bishop; how (and if) the evangelical counsels are lived although they are not professed by the virgin; the appropriateness of wearing religious attire and veils; the service a consecrated virgin is expected to render to the Church; the public nature of the consecration; associations of virgins; admission

[15] In some usages, the term "*Ordo virginum*" (the order of virgins) may refer to all those who have been consecrated according to the liturgical rite of consecration to a life of virginity found in the *Roman Pontifical*, including both virgins living in the world (chapter one of the rite) and nuns (chapter two of the rite). This study, however, uses the terms "*Ordo virginum*," "consecrated virgins," and "consecrated virgins living in the world" interchangeably to refer to those who have been consecrated according to chapter one of the rite and thus fall under the precept of canon 604 of the 1983 Code of Canon Law.

requirements; appropriate human, spiritual, intellectual, and apostolic formation for the vocation; the proper minister of consecration; transfers to or from religious or secular institutes; and departure from the *ordo*.[16]

B. Statement of the Objective of this Dissertation

Nearly fifty years have passed since the revision of the rite of consecration to a life of virginity, and the *Ordo virginum* needs further juridical development beyond a single canon in order to address such questions and to serve the expansion of the vocation throughout the world. The *ordo*, however, is not a religious or secular institute that looks to a founder to help identify the nature, purpose, spirit, character, and sound traditions that constitute its patrimony (c. 578). Tracing its font to the Blessed Virgin Mary and apostolic times, the *Ordo virginum* instead finds its distinctive identity described in *Praenotanda* to the Rite of Consecration: the consecrated virgin is "an eschatological image of the world to come and the glory of the heavenly Bride of Christ."[17] Juridically, this identity is succinctly stated in canon 604: those who are consecrated are "mystically espoused to Christ, the Son of God." The words are unique to canon 604; among canonically recognized ways of life, only the *Ordo virginum* is juridically characterized by mystical espousal to Christ.[18] The question to be addressed in this dissertation thus presents

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[16] Examples of early articles raising theological, pastoral, and juridic questions include: Rose McDermott, "Recent Developments"; Marie-Paul Dion, "Les effets du rite de la consécration des vierges," *Église et Théologie* 16 (1985) 275; Richard Groves, "Hermits and Consecrated Virgins—Current Issues," *Proceedings of the Forty-Sixth Annual Convention* (Washington, DC: CLSA, 1985) 141, 146–148. See also a compilation from question and answer periods held in 1997 and 1999 with Raymond L. Burke, episcopal liaison for the USACV from its inception in 1996 until mid-2008; *Information Packet*, ed. USACV (Lansing, MI: USACV, 2011) 350-355.

[17] *OCV Praenotanda* 1: "imago eschatologica Sponsae caelestis vitaeque futurae."

[18] The *Ordo virginum* is the only state that is *juridically characterized* as a mystical espousal to Christ, and the intent of this dissertation is to explore the meaning of this characterization. At the same time, it is important to note that each canonically recognized state of life—the married state, the clerical state, and all forms of consecrated life—is depicted as an eschatological sign imaging the spousal relationship of Christ and the Church. Juridically, canon 607, the opening canon on religious institutes, begins: "As a consecration of the whole person, religious life manifests in the Church a wonderful marriage brought about by God, a sign of the future age." Fundamental to each state in life is its imaging of the great mystery of Christ's spousal love for His Church (see Eph. 5:32). Unique among the states,

itself: how can the identity of the consecrated virgin as one who is mystically espoused to Christ inform the proposal of juridic principles to guide the development of norms for the *Ordo virginum*?

Based upon the distinct identification of the consecrated virgin of canon 604 as one who is mystically espoused to Christ, the purpose of this dissertation is to propose juridic principles that may be applied in the development of norms, ecclesial directories, and formation programs for the *Ordo virginum* in order to address the types of questions noted above. The dissertation will not propose detailed norms for all of these matters, but instead strives to offer juridic principles that attempt to order in a legal framework the authentic meaning of consecrated virginity as mystical espousal to Christ.

C. Methodology of this Dissertation

Ecclesial law governing the *Ordo virginum* guards divine realities. The consecrated virgin is "mystically espoused to Christ, the Son of God"[19] and "constituted a sacred person in the Church, a surpassing sign of the Church's love for Christ, and an eschatological image of the world to come and the glory of the heavenly Bride of Christ."[20] These theological realities must be explored in order to address juridical norms for the order of virgins. What does it mean that the consecrated virgin is mystically espoused to Christ, the Son of God? What is the good that the Church seeks to protect and to encourage with the consecration of virgins?

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however, is the *Ordo virginum*, which has as its specific theological character a mystical espousal to Christ, expressed in a virginal life lived individually under the guidance of the diocesan bishop, at whose hand the virgin is consecrated according to the approved liturgical rite.

[19] 1983 *CIC*, c. 604: "Christo Dei Filio mystice desponsantur."

[20] *OCV Praenotanda* 1: "quo virgo constitueretur persona sacrata, signum transcendens amoris Ecclesiae erga Christum, imago eschatologica Sponsae caelestis vitaeque futurae." *Roman Pontifical*, 293.

Without jumping too far ahead in an examination of the meaning of mystical espousal, an important premise must be stated. The espousal of a virgin to Christ is truly a marriage, in the essential aspects of marriage, for it images the archetype of marital unions, that of the Bridegroom Christ with His Bride, the Church. As such, the virgin's espousal to Christ shares with human marriage characteristic dimensions of unity, procreation, fidelity, and indissolubility.[21] A virgin's espousal to Christ, however, images these dimensions not through the physical giving and receiving of the body that consummates marriage between a man and a woman, but through a spiritual—a mystical—union with Christ. Saint Thomas Aquinas explained:

> But since a physical sign cannot sufficiently represent the spiritual thing it represents, it is sometimes necessary that several corporeal signs be used for signifying the same spiritual thing. Therefore, the spiritual marriage of Christ and the Church has both fecundity, by which we are regenerated as sons of God, and incorruption, since Christ chose for himself the Church as having no spot or wrinkle of any kind, as it is stated in Ephesians 5:27. . . Thus it is necessary that the spiritual union of Christ and the Church be represented by different signs as to its fecundity and as to its integrity. Therefore, as spiritual marriage is represented by carnal marriage as to its fecundity, so it is necessary for there to be something that represents the spiritual marriage as to its integrity; and this is done in the veiling of virgins.[22]

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[21] These four characteristics: unity, procreation, fidelity, and indissolubility, capture both theological and canonical notions of the goods of marriage. Canon 1055: "[the matrimonial covenant is] ordered by its nature to the good of the spouses and the procreation and education of children (*indole sua naturali ad bonum coniugum atque ad prolis generationem et educationem ordinatum*)." Canon 1056: "The essential properties of marriage are unity and indissolubility (*essentiales matrimonii proprietates sunt unitas et indissolubilitas*)." Establishing an early foundation for a theological understanding of marriage, Saint Augustine considered the three goods of marriage to be procreation, fidelity (trust and unity between spouses), and sacramentality (indissoluble unity). See Augustine, "The Excellence of Marriage," in *The Works of Saint Augustine—A Translation for the 21st Century, Volume 9: Marriage and Virginity*, trans. Ray Kearney, ed. John E. Rotelle (New York: New City Press, Augustinian Heritage Institute, 1999).

[22] Thomas Aquinas, *Commentum in quatuor libros sententiarum Magistri Petri Lombardi* (Parmae: Typis Petri Fiaccadori, 1858) Liber IV, Dist. 38, Q. 1, art. V. Solutio: "Sed quia corporale signum non sufficienter repraesentare potest spirituale signatum, oportet quandoque quod ad eamdem rem spiritualem signandam plura signa corporalia aptentur. Matrimonium ergo spirituale Christi et Ecclesiae habet et fecunditatem, per quam regeneramur in filios Dei, et incorruptionem, quia Christus elegit sibi Ecclesiam non habentem maculam aut rugam, aut aliquid hujusmodi, ut dicitur Ephes. 5. . . . Et ideo oportuit diversis signis repraesentari spirituale conjugium Christi et Ecclesiae quantum ad fecunditatem, et quantum ad integritatem. Sicut ergo per matrimonium carnale repraesentatur matrimonium spirituale quantum ad fecunditatem, ita oportuit aliquid esse quod repraesentaret praedictum spirituale

The spousal union of Christ and the Church is a divine reality that is imaged both by the marital union of man and woman and by the espousal of a virgin to Christ. Ecclesial law, reflecting divine law, has likewise regulated both of these corporeal signs of the spiritual reality.

The 1988 Apostolic Constitution on the Roman Curia *Pastor bonus* established the Congregation for Institutes of Consecrated Life and Societies of Apostolic Life as having competence regarding the order of virgins and their associations.[23] As well, the long history of the *Ordo virginum* is deeply intertwined with the history of the development of various forms of consecrated life in the Church. In this light, the expected approach to establishing juridic principles to guide the development of norms for the *Ordo virginum* would be to consider analogous norms that govern forms of consecrated life and societies of apostolic life. Unexpected, perhaps, would be an approach that considers the specific spousal dimension of the *Ordo virginum*, and looks to analogous norms that govern marriage between a man and a woman. In considering the juridic implications of mystical espousal to Christ, this dissertation analogously considers both the norms that govern forms of consecrated life as well as the norms that govern human marriage.

Part I considers the meaning of mystical espousal to Christ in the *Ordo virginum*, by examining theology, ecclesial law, and liturgy. Chapter 1 probes the theological underpinning of the Church's love for virginity by investigating how spousal love and virginity are related to

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matimonium quantum ad ejus integritatem; et hoc fit in velatione virginum." English translation by The Aquinas Institute, accessed April 23, 2018, https://aquinas.cc/25/26/~1773.

[23] John Paul II, apostolic constitution *Pastor bonus* 110, June 28, 1988: *AAS* 80 (1988) 888: "Congregationi etiam subiciuntur . . . ordo virginum harumque consociationes." English translation from *Code of Canon Law, Latin-English Edition: New English Translation* (Washington, DC: CLSA, 1998) 718. All subsequent English translations of *Pastor bonus* will be taken from this source unless otherwise indicated.

divine and eternal realities in salvation history, including: the nuptial relationship of God with His people as portrayed in both the Old and New Testaments; human spousal love and consecrated virginity as reflections of distinct aspects of the spousal relationship between Christ and the Church; and the history and meaning of the terminology, "mystical espousal to Christ."

Chapters 2 and 3 explore the development of consecrated virginity as a stable way of life in the Church. Engaging primarily in an historical approach, chapter 2 examines ecclesial law and liturgy from the days of the early Church through the 1917 Code of Canon Law; chapter 3 continues forward from 1917. These chapters examine the theological/juridical implications of a virgin's espousal to Christ both in respect to the consecrated virgin herself and in respect to the Church's concern to safeguard the good of virginity. Emphasis is placed upon discovering the meaning of the mystical betrothal to Christ that is effected by the liturgical rite of consecration. The chapters consider how the modern *Ordo virginum* arose as a stable ecclesial form of life for Christian virgins; the theological/juridical implications of the rite of consecration; how ecclesial (including liturgical) law has protected the "mystical betrothal to Christ" entered into by the rite of consecration; the Second Vatican Ecumenical Council's call for the revision of the rite of consecration and thus the restoration of the ancient life of mystical espousal to Christ lived in the world; and the development of canon 604 with its referral to the virgin as "mystically betrothed to Christ, the Son of God" (c. 604 §1).

Part II of the dissertation addresses analogous points of law and proposes juridic principles to guide the development of norms for today's *Ordo virginum*. Chapter 4 peruses marriage law and Chapter 5 the law that governs consecrated life and societies of apostolic life, inquiring into provisions that may be applied analogously to the *Ordo virginum*. The following

points are investigated: the essential elements of sacramental marriage and how the norms protect these elements; analogous points of law for the *Ordo virginum* that may be derived from the universal law on marriage; what the universal norms for religious institutes, secular institutes, and societies of apostolic life identify as elements of those forms of life that are to be regulated by canon law; and analogous points of law for the *Ordo virginum* that may be derived from the universal law governing these ways of life.

Ultimately, chapter 6 specifies juridic implications of the virgin's mystical betrothal to Christ and proposes juridic principles that may be used to guide the development of norms in the following areas: validity/liceity of a virgin's consecration; governance of members of the *Ordo virginum*; admission and formation of candidates; obligations and rights of members of the *Ordo virginum*; apostolate of the *Ordo virginum*; and separation of members from the *Ordo virginum.*

D. "*Ecclesiae sponsae imago*," Instruction on the *Ordo virginum*

After proposing and receiving approval for the topic of this dissertation, and after beginning to research and write, the Congregation for Institutes of Consecrated Life and Societies of Apostolic Life issued an instruction for the *Ordo virginum* on June 8, 2018, and released July 4, 2018.[24] The instruction addresses points considered in this dissertation and yet does not do so specifically from the perspective of mystical espousal to Christ. With this in mind, in Chapter 6, I offer points of evaluation of the instruction in light of the findings of this

[24] Congregation for Institutes of Consecrated Life and Societies of Apostolic Life, instruction *Ecclesiae sponsae imago*, June 8, 2018. [hereafter *ESI*]. English translation accessed July 4, 2018. http://www.vatican.va/roman_curia/congregations/ccscrlife/documents/rc_con_ccscrlife_doc_20180608_istruzione-ecclesiaesponsae imago_en.html.

dissertation, including aspects in agreement, *lacunae*, and aspects that are found to be contrary to the principles proposed in this work.

PART I

MYSTICAL ESPOUSAL TO CHRIST IN THE *ORDO VIRGINUM*

CHAPTER I

"MYSTICALLY ESPOUSED TO CHRIST, THE SON OF GOD": THEOLOGICAL UNDERPINNING OF VIRGINAL ESPOUSAL TO CHRIST

Praenotanda to the Rite of Consecration to a Life of Virginity open by stating the "nature and force" (*natura et vi*) of the consecration of virgins. The phrases that follow present an exalted image of the virgin who is consecrated: she is constituted "a sacred person, a surpassing sign of the Church's love for Christ, and an eschatological image of the world to come and the glory of the heavenly Bride of Christ."[1] Emphasizing the relevance of virginity itself to such an image, the words continue, "In the rite of consecration, the Church reveals its love of virginity."[2] One can discern from these phrases the key to understanding the meaning and the good of a life of consecrated virginity in today's Church. A virgin is consecrated in order to become a corporeal sign of divine realities. In her virginal being, the consecrated virgin images the Church, the Bride of Christ, and in a surpassing way becomes a sign of the Church's own love for Christ.

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[1] Sacred Congregation for Divine Worship, *Ordo Consecrationis Virginum, Prænotanda* 1, May 31, 1970, in *Notitiae* 6 (1970) 314 [hereafter *OCV Prænotanda*]: "quo virgo constitueretur persona sacrata, signum transcendens amoris Ecclesiae erga Christum, imago eschatologica Sponsae caelestis vitaeque futurae." English translation, "Consecration to a Life of Virginity Introduction" 1, in *The Roman Pontifical—Rites of Ordination of a Bishop, of Priests, and of Deacons; The Institution of Lectors and Acolytes; The Blessing of Abbots and Abbesses; The Consecration of Virgins; The Rite of Confirmation; The Rite for the Blessing of Oils and the Consecration of Chrism* (Vatican City: Congregation for Divine Worship and the Discipline of the Sacraments Vox Clara Committee, 2012) [hereafter *Roman Pontifical*] 293. All subsequent English translations of *OCV Praenotanda* will be taken from this source unless otherwise indicated.

[2] *OCV Praenotanda* 1: "Consecrationis ritu Ecclesia suum erga virginitatem amorem patefacit." *Roman Pontifical*, 293.

A. The Eternal Wedding Feast: The Nuptial Relationship of God with His People

1. The Nuptial Mystery and the Most Holy Trinity

"The Spirit and the Bride say, 'Come.'"[3] The Son of God, the Second Person of the Most Holy Trinity, exists from all eternity in a nuptial relationship of love within the Holy Trinity. As He founds His Church, something of the fruitfulness of that Trinitarian nuptial relationship exists in His bond of love with the Church and forms an essential part of the mystery of salvation that is revealed throughout Holy Scripture.

Angelo Cardinal Scola explores the meaning of nuptial mystery in terms of a mystery of the co-existence of unity and difference in a relationship.[4] He does so by considering a continuum of three nuptial realities: firstly, unity and difference in the life of the Most Holy Trinity; secondly, unity and difference in the relationship between Christ and His Church; and thirdly, unity and difference in the hypostatic union.[5] Foundational is the inner life of the Trinity, "where the difference between the divine persons dwells in perfect unity as the cause and reason for the possibility of unity in difference which is proper to the man-woman relationship."[6] Scola explains that the latter two nuptial dimensions are founded in the Trinity: "the Word's becoming flesh presupposes his eternal procession from the Father and that procession, common to the Father and the Son, of the Spirit; it presupposes the intratrinitarian life as a unity of nature and a trinity of persons."[7]

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[3] Rev. 22:17. *The Holy Bible, Revised Standard Version, Second Catholic Edition* (San Francisco: Ignatius Press, 2006). All subsequent biblical references will be taken from this source unless otherwise indicated.
[4] Angelo Scola, *The Nuptial Mystery*, trans. Michelle K. Borras (Grand Rapids, MI: William B. Eerdmans Publishing Company, 2005) especially chapter 1, "A Theological Sketch of Man and Woman," 3–20, and chapter 5 "A Description of the Nuptial Mystery," 82–109.
[5] Ibid., 97–98.
[6] Ibid., 98.
[7] Ibid., 11–12.

Key is the fact that there is a unity of divine Persons within the Trinity that never subverts the difference among the Persons, and likewise that there is a difference among the Persons that never sunders their unity as Trinity. In nuptial mystery, the difference between parties is understood as a gift to authentic unity, rather than as an obstacle. The union of Christ and His Church (the second dimension of nuptial mystery noted by Scola) reveals this interplay of unity and difference that is necessary for an authentic spousal bond, as does the marriage of two natures, human and divine, in the one person of Christ (the third dimension of nuptial mystery).[8] At the human level, the nuptial mystery of unity in diversity is reflected in the matrimonial bond of man and woman "as one flesh,"[9] a union founded upon the nuptial mystery first revealed within the life of the Most Holy Trinity. This reference of human matrimony to divine realities is subsequently canonized in the matrimonial law of the Church, which identifies the essential properties of marriage as unity and indissolubility, and acknowledges that Christ Himself has raised the matrimonial covenant between a baptized man and a baptized woman to the dignity of a sacrament.[10]

The human race is created male and female, a sexual diversity that is founded upon humanity's creation *imago Dei*: "God created man in his own image, in the image of God he

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[8] Ibid., 97–98.
[9] Gen. 2:24, Eph. 5:31.
[10] See *Codex Iuris Canonici auctoritate Ioannis Pauli PP. II promulgatus* (Vatican City: Libreria Editrice Vaticana, 1983) cc. 1055 and 1056. English translation from *Code of Canon Law, Latin–English Edition: New English Translation* (Washington, DC: CLSA, 1998). All subsequent English translations of canons from this code will be taken from this source unless otherwise indicated. Canon 1055: "§1. The matrimonial covenant, by which a man and a woman establish between themselves a partnership of the whole of life and which is ordered by its nature to the good of the spouses and the procreation and education of offspring, has been raised by Christ the Lord to the dignity of a sacrament between the baptized. §2. For this reason, a valid matrimonial contract cannot exist between the baptized without it being by that fact a sacrament." Canon 1056: "The essential properties of marriage are unity and indissolubility, which in Christian marriage obtain a special firmness by reason of the sacrament." On the sacramental nature of marriage, see also Vatican II, pastoral constitution *Gaudium et Spes* 48, December 7, 1965: *AAS* 58 (1966) [hereafter *GS*].

created him; male and female he created them."[11] Hans Urs von Balthasar explains that if this were not so—if male and female were not created *imago Dei*—then "Christ could neither have pointed to the relationship of the sexes to describe his mysterious union with the Church, nor have given to the sacrament of marriage the power and the real possibility of symbolizing this perfect relationship in the relationship of the sexes."[12] The nuptial relationship of man and woman, created *imago Dei*, is an imaging of the *communio* of persons within the Most Holy Trinity which, Saint John Paul explains, results in the reality that man "cannot fully realize himself except in an act of pure self-giving."[13]

The sacrament of marriage unites man and woman as "one flesh"[14]; the Church, born from the side of Christ on the cross,[15] as Eve was taken from rib of Adam,[16] is united as bride to Christ the Bridegroom. She is His body, His flesh, His bride. The nuptial mystery of salvation has as its core the nuptial unity of divine Persons within the Most Holy Trinity, fruitfully poured forth in the fullness of time in the nuptial uniting of the divine Word with human flesh, and thus enabling the union of Christ the Bridegroom with redeemed humanity as His body and His bride.

All of the mighty acts of God (*Mirabilia Dei*) can be described in nuptial terms. There are two public stages of this nuptial history. In the first stage, the Old Testament, God rescues and

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[11] Gen. 1:27.
[12] Hans Urs von Balthasar, *The Christian State of Life*, trans. Mary Frances McCarthy (San Francisco: Ignatius Press, 1983) 103.
[13] *GS* 24:3 quoted by Carol Wojtyla in *Sources of Renewal* (1972), in John Paul II, *Man and Woman He Created Them: A Theology of the Body*, trans. Michael Waldstein (Boston: Pauline Books & Media, 2006) 89.
[14] Gen. 2:24, Eph. 5:31.
[15] See Jn. 19:34. See also *CCC* 766 and Vatican II, dogmatic constitution *Lumen gentium* 3, November 21, 1964: *AAS* 57 (1965) 6 [hereafter *LG*].
[16] Gen. 2:21–22.

adorns His bride as He reveals His covenant and His law.[17] In the second stage, the New Testament, there is a union of the partners to the covenant "in the embrace of divine love."[18]

2. Old Testament Nuptiality: The Covenant of God with His People

The Old Testament is replete with nuptial images. The Book of Genesis introduces marriage as a covenantal union between man and woman, and what follows throughout the Old Testament is a nuptial description of the covenantal relationship of the God of Israel to His people, from Adam, Noah, and Abraham, to the Israelite nation.[19] The foundation is thus laid for the understanding of a nuptial bond between Christ and the Church. The Book of Wisdom offers a striking example as the sacred author describes taking Wisdom as his bride[20]: seeking after her from his youth, being "enamored of her beauty,"[21] and observing her companionship with God. The youth thus chose her, "determined to take her to live with me, knowing that she would give me good counsel and encouragement in cares and grief."[22] The words speak of the Church as bride. The youth who seeks and loves Wisdom seeks the Church from his youth and is enamored of her beauty, finding her to be his instructress in the understanding of God, his counselor while all is well and his comfort in care and grief. His young soul learns to bind himself to the love of the Bride for Christ, the Bridegroom.

The words of the prophets further testify to a nuptial understanding of Israel's covenant with God. Isaiah reminded the people of Israel that "your Maker is your husband" who "has

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[17] Mary Jane Klimisch, *The One Bride: The Church and Consecrated Virginity* (New York: Sheed and Ward, 1965) 89.
[18] Ibid.
[19] Ibid., 54–57.
[20] Wis. 8.
[21] Wis. 8:2.
[22] Wis. 8:9.

called you like a wife forsaken and grieved in spirit, like a wife of youth when she is cast off."[23] He confronted the people's sin as an act of prostitution: "how the faithful city has become a harlot, she that was full of justice!"[24] In his later words recording the joy of the soul in God's faithfulness, Isaiah points to the future nuptial banquet: "I will greatly rejoice in the Lord, my soul shall exalt in my God, for he has covered me with the robe of righteousness, as a bridegroom decks himself with a garland, and as a bride adorns herself with her jewels."[25] Beyond Isaiah, nuptial imagery plays prominently in the prophets Jeremiah,[26] Ezekial,[27] and Hosea, where the prophet is asked in his own conjugal experience to know the pain that God Himself feels when his people are unfaithful. The words of Hosea point vividly to the future Church of Jesus Christ: "And in that day, says the Lord, you will call me, 'My Husband,' and no longer will you call me, 'My Baal.' And I will espouse you forever; I will espouse you in righteousness and in justice, in steadfast love, and in mercy. I will espouse you in faithfulness; and you shall know the Lord."[28]

The Old Testament also offers the theme of divine nuptial love through the genre of poetry. The erotic words of the Song of Solomon evoke powerful images that the sacred writer uses to convey a sense of the intense and jealous love of the God of Israel for His people, a love not to be consummated until after the resurrection of Christ. The royal wedding celebrated in Psalm 45 is likewise a prelude to the nuptial feast of the Messianic King; this is revealed even in the letter to the Hebrews which draws on the divine attributes of the King in Psalm 45 as a

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[23] Is. 54:6–7.
[24] Is. 1:21.
[25] Is. 61:10.
[26] See, for example, Jer. 2:2, 20; 3:1; 14:17; 31:3–4; 33.
[27] See, for example, Ez. 16: 4–9, 38–39.
[28] Hos. 2:16, 19–20.

revelation of Christ's divine filiation.[29] Exemplifying the ancient adage *lex orandi, lex credendi*,[30] the wedding hymn of Psalm 45 is sung during the giving of the insignia in the liturgical Rite of Consecration to a Life of Virginity: "Hear, O daughter, consider, and incline your ear; forget your people and your father's house; and the king will desire your beauty."[31]

Last to be considered in this brief survey of nuptial images presented in the Old Testament is a group of narratives that set the scene for Jesus' revelation of Himself as Bridegroom of the eternal covenant.[32] The narratives are those that describe the manner in which certain women come to be chosen as spouse, and they point beyond the meeting and betrothal of human spouses to the image of the virgin Church, chosen as Bride of the eternal Bridegroom. The providential meetings occur under strikingly similar circumstances, identifiable patterns referred to as "type-scenes,"[33] and become the reference point for a nuptial understanding of Jesus' meeting with the Samaritan woman at the well.[34] Biblical accounts of the meetings of Isaac with Rebekah (Gen. 24), Jacob with both Leah and Rachel (Gen. 29), and Moses with

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[29] Xavier Leon-Dufour, *Vocabulario de Teologia Biblica,* 6th edition (Barcelona, Spain: Editorial Herder, 1973) s.v. "Esposo, esposa."

[30] See *CCC* 1124: ". . . the ancient saying: *lex orandi, lex credendi* (or: *legem credendi lex statuat supplicandi*, according to Prosper of Aquitaine [5th cent.]). The law of prayer is the law of faith: the Church believes as she prays. Liturgy is a constitutive element of the holy and living Tradition."

[31] Ps. 45:10–11 in Pontificale Romanum ex decreto Sacrosancti Oecumenici Concilii Vaticani II Instauratum auctoritate Pauli PP. VI promulgatum, "De consecratione Virginum" 27, in *Ordo consecrationis virginum* (Vatican City: Libreria Editrice Vaticana, 1978) 31 [hereafter *OCV*]: "Audi, filia, et vide, et inclina aurem tuam, et obliviscere populum tuum et domum patris tui; et concupiscet rex speciem tuam." *Roman Pontifical*, 306.

[32] For more complete exposé of nuptial themes in the Old Testament, see Klimisch, *The One Bride*, and Scola, *The Nuptial Mystery*.

[33] Warwick Neville, "Old Testament Narratives: A Contribution to the 'Nuptial Mystery,'" in *Dialoghi sul mistero nuziale*: *studie offerti al Cardinale Angelo Scola*, eds. G. Marengo and B. Ognibeni (Rome: Pontificia Università Lateranense, 2003) 188–189. Neville describes a "type-scene" as a literary convention: "Type-scenes contain a given set of repeated elements or details, not all of which are always present, not always in the same order, but enough of which are present to make the scene a recognizable one."

[34] Jn. 4:1–42.

Zipporah (Ex. 2) display common features, most prominent of which is meeting at a well.[35] Other notable similarities also mark the scenes: "there is direct contact with the divine who 'facilitates' the course of events"[36]; the meeting takes place after the bridegroom (or his representative) has traveled to a foreign land; there is an encounter of the man with a maiden or maidens at a well; the maiden(s) go quickly to tell the news of the stranger's arrival; and there is a betrothal between the stranger and the maiden, usually after a meal.[37]

The meeting of Jesus with the woman at the well bears instructive similarities and dissimilarities to these betrothal scenes of the Old Testament. The similarities are salient: Jesus' encounter with the woman takes place in the foreign land of Samaria as He stops to rest at a well while travelling from Judea to Galilee[38]; their meeting at noon rather than the usual evening hour for drawing water indicates a providential meeting, for the woman likely intended to be alone at the well[39]; a conversation ensues during which Jesus asks the woman for a drink[40]; after Jesus reveals himself as the Messiah,[41] the woman quickly goes to the city to testify to the news of the stranger's arrival,[42] and the Samaritans come to believe, asking that Jesus stay with them.[43] A key aspect of the meeting in Samaria also distinguishes it from the Old Testament betrothal narratives: the chosen brides of the Old Testament were unmarried virgins, typified by the

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[35] Neville, "Old Testament Narratives," 198–203. In addition to the three noted betrothal narratives, Neville comments on the similarities of betrothal narratives of Boaz and Ruth (Book of Ruth), and Tobias and Sarah (Tob. 8).
[36] Neville, "Old Testament Narratives," 191 fn. 19.
[37] Ibid., 191. The list of common features includes those Neville quotes from R. Alter, *The Art of Biblical Narrative*, (New York: Basic Books, 1981).
[38] Jn. 4:4-6.
[39] Jean-Louis Ska, "Jesus and the Samaritan Woman (John 4): Using the Old Testament," *Landas* 13/1 (1999) 84.
[40] Jn. 4:7.
[41] Jn. 4:26.
[42] Jn. 4:28–29.
[43] Jn. 4:39–42.

explicit description of Rebekah: "The maiden was very fair to look upon, a virgin, whom no man had known."[44] The Samaritan woman, having had five husbands, might be likened more to the story of the unfaithful wife portrayed in the book of Hosea.[45]

Of significance to the present study is the constancy of God's revelation of a nuptial bond with His people, demonstrated throughout the narratives of Holy Scripture. The encounter of Jesus with the woman at the well was an encounter that followed the familiar betrothal pattern, and yet Jesus, the Bridegroom, was not searching for a bride at the well.[46] He did not need to search for a bride because the marriage bond already existed between God and man, including between God and the Samaritan people.[47] What Jesus did through his dialogue with the woman at the well was to reveal that as the Messiah, He is the "living water," the Bridegroom of an eternal wedding feast to which all are invited: "whoever drinks of the water that I shall give him will never thirst; the water that I shall give him will become in him a spring of water welling up to eternal life."[48] Enlightened by the pattern of betrothal encounters in the Old Testament, the nuptial meaning of Jesus' meeting with the woman at the well becomes evident: Jesus spoke with the Samaritan woman in order to reveal the eternal marriage, and to call back the unfaithful wife to her one true husband.[49]

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[44] Gen. 24:16.
[45] See Hosea 2 and Ska, "Jesus and the Samaritan Woman," 92.
[46] Ska, "Jesus and the Samaritan Woman," 93.
[47] Ibid.
[48] Jn. 4:14. In his discussion of the passage, Ska comments that the narrative seems "deliberately vague" regarding the question of whether it is God or Jesus who is the husband, or perhaps if Jesus' role is to be likened to the role of the servant who searched for a wife for his master, as occurred with Abraham's sending of a servant to find a wife for his son Isaac. See Ska, "Jesus and the Samaritan Woman," 93.
[49] See Ska, "Jesus and the Samaritan Woman," 93.

3. The Incarnation as a Nuptial Event

The *fiat* of the Blessed Virgin Mary constitutes a new and unique espousal between God and his people in fulfillment of the nuptial words of the prophets. Mary responds to the Angel Gabriel, "Behold, I am the handmaid of the Lord; let it be to me according to your word."[50] Raniero Cantalamessa explains the *fiat* as "the nuptial yes of a bride to her bridegroom, uttered in total freedom."[51] A new relationship was formed between God and man in the nuptiality of this event of the incarnation. Scola explains that the hypostatic union "can be read as a spousal union; indeed, it constitutes the new spousality. 'Through the union of the two natures in Christ the global plan of God is manifest, that plan which, beginning with the one flesh of Adam and Eve, through the one flesh of the Redeemer, reaches the one flesh of the Mystical Body within which, through the travail of the Paschal Mystery, man and woman reach the perfection of their likeness to God.'"[52]

4. Jesus Christ, Bridegroom

John the Baptist was the first to introduce Jesus as Bridegroom: "He who has the bride is the bridegroom; the friend of the bridegroom, who stands and hears him, rejoices greatly at the bridegroom's voice; therefore this joy of mine is now full."[53] Jesus spoke likewise of himself, asking if wedding guests can fast "when the bridegroom is with them," as he began to prepare the disciples for the days that would come, "when the bridegroom is taken away from them."[54] Jesus was speaking to his disciples as friends of the bridegroom, as guests at the wedding feast.

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[50] Lk. 1:38.
[51] Raniero Cantalamessa, *Mary, Mirror of the Church*, trans. Frances Londergan Villa (Collegeville, MN: The Liturgical Press, 1992) 43.
[52] Scola, *The Nuptial Mystery* 11, quoting C. Giuliodori, *Intelligenza teologica del maschile e femminile,* 168.
[53] Jn. 3:29.
[54] Mk. 2:19, 20.

Later, as the Church herself—the Bride—was to be born from the side of Jesus on Calvary, the disciples would be incorporated into the even more intimate relationship of Bride to Bridegroom.

5. The Church as Bride

Hans Urs von Balthasar describes the Church's understanding of herself as bride of Christ as having "an inner radiance," especially as the doctrine was held in patristic and medieval times: "The mystery is love, is marriage, in a depth and height of meaning that goes beyond the flesh, without denying it; for the mystery of the flesh is itself a great mystery, particularly in relation to Christ and the Church."[55] Balthasar describes the relationship of Christ and the Church (that is the relationship of bridegroom and bride, or head and body) as having "no analogy in the created sphere but only in the Trinity" because while the grace and fullness of Christ is poured into the Church, at the core the relation is of independence and freedom.[56] Pointing to the eschatological, Balthasar explains that the true "center of gravity of the Church, considered as a reality of salvation, is in heaven" for the Son now sits at the right hand of the Father and "cannot be separated from His Church, which is called his 'body' and his 'bride'."[57]

6. Eschatological Signs of the Heavenly Marriage Banquet

An eschatological end is foundational to each of the three states of life that are juridically recognized in the 1983 Code of Canon Law: the clerical state, the married state, and the consecrated state.[58] As we move into a discussion of how the human vocations of marriage and

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[55] Hans Urs von Balthasar, *Spouse of the Word*, v. II of *Explorations in Theology*, 5 vol., trans. A.V. Littledale and Alexander Dru (San Francisco: Ignatius Press, 1991) 20.
[56] Ibid., 21.
[57] Ibid., 184.
[58] Canon 207 §1 indicates that by divine institution there are in the Church sacred ministers who in law are called clerics, and the other members of the Christian faithful are called lay persons. Canon 207 §2 indicates that within both the clerical and the lay state, some are consecrated to God in their own special way through profession of the

Christian virginity each reflect the spousal relationship between Christ and the Church, we first turn to significant passages from the Second Vatican Ecumenical Council that show how each state of life stands as an eschatological sign of the heavenly marriage banquet, described in the Book of Revelation: "Let us rejoice and exalt and give him the glory, for the marriage of the Lamb has come, and his Bride has made herself ready . . . blessed are those who are invited to the marriage supper of the Lamb."[59]

Referring to priestly celibacy, *Presbyterorum ordinis* asserts:

> In this way they profess themselves before men as willing to be dedicated to the office committed to them – namely, to commit themselves faithfully to one man and to show themselves as a chaste virgin for Christ and thus to evoke the mysterious marriage established by Christ, and fully to be manifested in the future, in which the Church has Christ as her only Spouse. They give, moreover, a living sign of the world to come, by a faith and charity already made present, in which the children of the resurrection neither marry nor take wives.[60]

While not explicit in its reference to the married state as an eschatological sign, *Gaudium et Spes* describes sacramental marriage as a participation in the loving covenant uniting Christ and the Church,[61] which will be fully manifest in the heavenly wedding banquet:

> Christ the Lord abundantly blessed this many-faceted love, welling up as it does from the fountain of divine love and structured as it is on the model of His union with His Church. For as God of old made Himself present to His people through a covenant of love and fidelity, so now the Savior of men and the Spouse of the Church comes into the lives of married Christians through the sacrament of matrimony. He abides with them thereafter so

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evangelical counsels. It is this group that constitutes the "consecrated" state. Thus the three states of life, clerical, married, and consecrated are not mutually exclusive, and yet they each have juridically-defined characteristics: clerical (cc.232–293 and 1008–1054); married (cc. 1055–1165); and consecrated (cc. 573–746).

[59] Rev. 19:7, 9.

[60] Vatican II, decree *Presbyterorum ordinis* 16, December 7, 1965: *AAS* 58 (1966) 1016 [hereafter *PO*]: "Hoc ergo modo, coram hominibus profitentur se velle indivise muneri sibi commisso dedicari, fideles scilicet despondendi uni viro, illosque exhibendi virginem castam Christo, et sic arcanum illud evocant connubium a Deo conditum et in futuro plene manifestandum quo Ecclesia unicum Sponsum Christum habet. Signum insuper vivum efficiuntur illius mundi futuri, per fidem et caritatem iam praesentis, in quo filii resurrectionis neque nubent neque ducent uxores." English translation in *The Documents of Vatican II: with Notes and Index*, trans. Vatican (Strathfield NSW, Australia: St. Pauls Publications, 2009) [hereafter *The Documents*] 331. All subsequent English translations of documents of Vatican II will be taken from this source unless otherwise indicated.

[61] *GS* 48. *The Documents*, 161: "Thus the Christian family, which springs from marriage as a reflection of the loving covenant uniting Christ with the Church, and as a participation in that covenant, will manifest to all men Christ's living presence in the world, and the genuine nature of the Church."

> that just as He loved the Church and handed Himself over on her behalf, the spouses may love each other with perpetual fidelity through mutual self-bestowal.[62]

Regarding those who have professed the evangelical counsels, council documents state:

> *Lumen gentium*:
> This consecration will be the more perfect, inasmuch as the indissoluble bond of the union of Christ and His bride, the Church, is represented by firm and more stable bonds.[63]
>
> The profession of the evangelical counsels . . . not only witnesses to the fact of a new and eternal life acquired by the redemption of Christ, but it foretells the future resurrection and the glory of the heavenly kingdom.[64]
>
> *Perfectae caritatis*:
> So it is that in accordance with the Divine Plan a wonderful variety of religious communities has grown up which has made it easier for the Church not only to be equipped for every good work (cf. Tim 3:17) and ready for the work of the ministry—the building up of the Body of Christ (cf. Eph. 4:12)—but also to appear adorned with the various gifts of her children like a spouse adorned for her husband (cf. Apoc. 21:2) and for the manifold Wisdom of God to be revealed through her (cf. Eph. 3:10).[65]
>
> . . . they recall to the minds of all the faithful that wondrous marriage decreed by God and which is to be fully revealed in the future age in which the Church takes Christ as its only spouse.[66]

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[62] *GS* 48: *AAS* 58 (1966) 1068: "Christus Dominus huic multiformi dilectioni, e divino caritatis fonte exortae et ad exemplar suae cum Ecclesia unionis constitutae, abundanter benedixit. Sicut enim Deus olim foedere dilectionis et fidelitatis populo suo occurrit, ita nunc hominum Salvator Ecclesiaeque Sponsus, per sacramentum matrimonii christifidelibus coniugibus obviam venit. Manet porro cum eis, ut quemadmodum Ipse dilexit Ecclesiam et Semetipsum pro ea tradidit, ita et coniuges, mutua deditione, se invicem perpetua fidelitate diligant." *The Documents*, 160–161.

[63] *LG* 44: *AAS* 57 (1965) 50: "Tanto autem perfectior erit consecratio, quo per firmiora et stabiliora vincula magis repraesentatur Christus cum sponsa Ecclesia indissolubili vinculo coniunctus." *The Documents*, 58.

[64] *LG* 44: *AAS* 57 (1965) 50–51: "Evangelicorum proinde consiliorum professio . . . tum vitam novam et aeternam redemptione Christi acquisitam testificat, tum resurrectionem futuram et gloriam regni coelestis praenuntiat." *The Documents*, 58–59.

[65] Vatican II, decree *Perfectae caritatis* 1, October 28, 1965: *AAS* 58 (1966) 702 [hereafter *PC*]: "Unde e consilio divino mirabilis varietas coetuum religiosorum succrevit, quae valde contulit, ut Ecclesia, non solum ad omne opus bonum instructa (cfr. 2 Tim. 3:17) et ad opus ministerii in aedificationem Corporis Christi (cfr. Eph. 4:12) parata sit, sed etiam variis donis filiorum suorum decorata appareat sicut sponsa ornate viro suo (cfr. Apoc. 21:2) et per eam innotescat multiformis sapientia Dei (cfr. Eph. 3:10)." *The Documents*, 273.

[66] *PC* 12: *AAS* 58 (1966) 707: ". . . coram omnibus christifidelibus mirabile illud evocant connubium a Deo conditum et in futuro saeculo plene manifestandum quo ecclesia unicum sponsum Christum habet." *The Documents*, 279.

B. Human Marriage as Reflection of the Spousal Bond Between Christ and the Church

These references from documents of the Second Vatican Council illustrate that the spousal relationship between Christ and the Church is the archetype for vocations both to human marriage and to Christian virginity or celibacy. In the words of John Paul II: "Marriage and virginity or celibacy are two ways of expressing and living the one mystery of the covenant of God with his people. When marriage is not esteemed, neither can consecrated virginity or celibacy exist: when human sexuality is not regarded as a great value given by the creator, the renunciation of it for the sake of the kingdom of heaven loses its meaning."[67] Each Christian state of life reflects the eternal conjugal reality in a distinctive way. While human marriage is understood as the spousal expression of love, virginity opens that expression of love "beyond the implacable link between sexuality, begetting, and death."[68]

We turn now to focus specifically on human marriage as "the living image of that most fruitful union of Christ and the Church."[69] Marriage between a man and a woman involves a total gift of self of one to another; it is a striving for unity (one flesh) within the diversity of two persons. Such love is unitive, fruitful, faithful, and permanent. As such, it is a love that images the internal life of the Most Holy Trinity even as it reflects the covenant uniting Christ and the Church. *Gaudium et Spes* teaches that marriage, in its participation in that covenant, "will

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[67] John Paul II, apostolic exhortation *Familiaris Consortio* 16, November 22, 1981: *AAS* 74 (1982) 98 [hereafter *FC*]: "Matrimonium ac virginitas duae rationes sunt exprimendi unicum mysterium Foederis Dei cum Populo Eius ex eoque vivendi. Quoties magni non aestimatur matrimonium, ne virginitas quidem Deo consecrata exsistere potest; quoties sexualitas humana non iudicatur bonum praestans a Creatore concessum, renuntiatio eius propter Regnum caelorum vim omnem amittit." English translation from *On the Family: Apostolic Exhortation Familiaris Consortio* (Washington, DC: United States Conference of Catholic Bishops, 1982) 13–14.

[68] Scola, *The Nuptial Mystery*, 106.

[69] Pius XI, encyclical *Casti connubii* 42, December 31, 1930: *AAS* 22 (1930) 556: "viva imago fecundissimae illius unionis Christi cum Ecclesia." English translation from *Casti connubii: On Christian Marriage* (Middletown, DE: St. Athanasius Press, 2016) 41.

manifest to all men Christ's living presence in the world, and the genuine nature of the Church."[70]

As Saint Paul portrays for the Ephesians the relationship of Christian husbands and wives, he alternates between describing the human marriage bond and the espousal between Christ and the Church. The archetype is clearly the latter: husbands are the head of the wife as Christ is head of the Church; wives are subject to their husbands as the Church is subject to Christ; husbands are to love their wives as Christ loved the Church and gave himself up for her that he might present the Church without blemish; husbands are to love, nourish, and cherish their wives as their own bodies, as Christ does the Church, which is His own body.[71] Culminating the remarks is Saint Paul's reference to the Book of Genesis and the origin of marriage: "'For this reason a man shall leave his father and mother and be joined to his wife, and the two shall become one flesh.' This is a great mystery, and I mean in reference to Christ and the Church."[72] The great mystery Saint Paul describes is the mystery of the spousal relationship of Christ and the Church that is tangibly and corporeally lived in the spousal relationship between man and woman.

Conjugal unity is fruitful, mirrored as it is on Trinitarian nuptiality and its expression in the spousal union of Christ and the Church. Thomas Aquinas comments, as noted above, that human marriage is the corporeal sign for signifying the fecundity of the spiritual marriage between Christ and the Church by which we are reborn through baptism. Human marriage is

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[70] *GS* 48: *AAS* 58 (1966) 1069: "Proinde familia christiana, cum e matrimonio, quod est imago et participatio foederis dilectionis Christi et Ecclesiae, exoriatur, vivam Salvatoris in mundo praesentiam atque germanam Ecclesiae naturam omnibus patefaciet." *The Documents*, 161.
[71] Eph. 5:22–31.
[72] Eph. 5:31–32.

characteristically fruitful in the physical embrace of conjugal love, which brings the couple together as one flesh and enables them to enter profoundly into the creative act of God: the two become three with the conception of a new human life. Children are thus "a living reflection of their love, a permanent sign of conjugal unity and a living and inseparable synthesis of their being a father and a mother."[73] As father and mother, the spouses express the union of Christ and His Church corporeally and spiritually as they raise and educate a child to grow strong both in body and in spirit.

Jesus himself reveals the most dramatic consequence of the human imaging of divine espousal as he affirms the indissolubility of marriage in response to questions the Pharisees asked about marriage and divorce. Moses may have allowed divorce due to their hardness of heart, but it was not so "in the beginning,"[74] for God himself is the author of human marriage, joining together husband and wife so that the two become one. Saint Augustine explained that marriage in the Christian Church was restored to being the union of one man and one woman in monogamous marriage in order to symbolize the future union of all in the one Church, the Bride, subject to Christ, the Bridegroom.[75] Augustine thus presented the indissolubility of marriage as a consequence not only of the bond of fidelity created by the marriage covenant, which would be rendered meaningless if it was not to pervade even times of trial, but also of the sanctity of the sacrament of marriage, which points to the indissoluble bond of unity that exists between Christ and His Church.

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[73] *FC* 14.
[74] Mt. 19:8.
[75] See Augustine, "The Excellence of Marriage" in *The Works of Saint Augustine—A Translation for the 21st Century, Volume 9: Marriage and Virginity* 21, trans. Ray Kearney, ed. John E. Rotelle (New York, NY: New City Press, Augustinian Heritage Institute, 1999) 49. In reference to unity and indissolubility, including polygamy, under the old law, see *CCC* 1610.

Angelo Scola likewise distinguishes indissolubility as the characteristic that ultimately makes Christian marriage a sacrament.[76] Scola states, "in fact, only by its being indissoluble does marriage participate in the nuptial sacrifice that the Word incarnate makes of himself on the cross to his immaculate bride, thereby revealing the essence of spousal love that circulates in the Trinity."[77] The origin of the indissoluble nature of Christian marriage, Scola explains, is found in the irreversible nature of Christ's offering on the cross in fidelity to the Father's plan. A lifelong bond is possible for man and woman as a result of the objective grace of the sacrament and the freedom of man and woman to act in obedience to this grace. Cardinal Scola points to the *fiat* of Mary, image of the Church, as "the most elevated sign of this subjective obedience to the objective grace of the sacrament."[78] Her fiat, her "yes," the cardinal explains, becomes "the permanent guarantee of the reciprocity of the bride in relation to Christ the Bridegroom."[79] The man and woman joined as one flesh in sacramental marriage join themselves to the *fiat* of Mary, that is, to the *fiat* of the Church, and thus find the strength needed to deal with the lifelong joys and trials of an indissoluble bond that images the marital bond between Christ and the Church.

C. The State of Virginity as Reflection of the Spousal Bond Between Christ and the Church

While sacramental marriage expresses in sign the mystery of the spousal union of Christ and the Church, Christian virginity might be said to express this mystery not only in sign, but in reality, by foretelling in this earthly life how all will live in eternity: "in the resurrection they

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[76] Scola, *The Nuptial Mystery*, 104.
[77] Ibid.
[78] Ibid.
[79] Ibid.

neither marry nor are given in marriage, but are like angels in heaven."[80] The language of a "foretelling" rather than a "sign" is also used by the Second Vatican Council to set forth the witness of those living in the religious state to the eternal life to come: "[the state] makes clearer to all believers the heavenly goods that are already present in this world. It both bears witness to the new and eternal life won through Christ's redemption and foretells the resurrection that is to come and the glory of the heavenly kingdom."[81]

Von Balthasar explains that with the understanding of the Church as the bride of Christ, "we have a new conception of virginity" as "a direct participation in the general sacrament that is the mystery of the nuptial fruitfulness between Christ and the Church."[82] On our path to exploring the state of Christian virginity as a reflection of the spousal union of Christ and the Church, after having considered elements of nuptiality in the Most Holy Trinity, in the incarnation of Christ, and in the relationship between Christ and the Church, we turn now to consider the explicitly *virginal* dimension of these same nuptial mysteries.

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[80] Mt. 22:30. See also Klimisch, *The One Bride*, 4. Raniero Cantalamessa interprets Mt. 22:30 as not excluding the possibility that those who were married on earth "might rediscover in God the bond that united them on earth." See "Father Cantalamessa on Marriage in Heaven," homily Nov. 20, 2006. Accessed October 13, 2018 at https://zenit.org/articles/father-cantalamessa-on-marriage-in-heaven/. What Christian virginity foretells, however, is related to what is also expressed by Paul in 1 Cor. 15:35-50, that the body will be resurrected, but will be transformed. See John L. McKenzie "The Gospel According to Matthew" in *The Jerome Biblical Commentary*, vol. 2, eds. Raymond E. Brown, Joseph A. Fitzmyer, and Roland E. Murphy (Englewood Cliffs, NJ: Prentice-Hall, Inc., 1968) 101: Mt. 22:30 *like angels in heaven* "refers to a life in which sex plays no part; it does not designate the absence of the bodily component in the afterlife, for this would itself be a denial of the resurrection and an affirmation of Platonic immortality."

[81] *LG* 44: *AAS* 57 (1965) 50–51: "status religiosus . . . magis etiam tum bona coelestia iam in hoc saeculo praesentia omnibus credentibus manifestat, tum vitam novam et aeternam redemptione Christi acquisitam testificat, tum resurrectionem futuram et gloriam regni coelestis praenuntiat." English translation in *Decrees of the Ecumenical Councils*, ed. Norman P. Tanner, 2 vols. (London and Washington, DC: Sheed & Ward and Georgetown University Press, 1990) 885.

[82] Von Balthasar, *Spouse of the Word*, 21.

1. Virginal Mystical Betrothal, Image of the All-Holy God

The suggested homily in the Rite of Consecration to a Life of Virginity refers to the virgin's life as an image of the eternal and all-holy God:

> The life you seek to follow has its home in heaven. God himself is its source. It is he, infinitely pure and holy, who gives the grace of virginity. Those to whom he gives it are seen by the Fathers of the Church as images of the eternal and all-holy God.[83]

Ambrose, Augustine, Jerome, Athanasius, Cyprian, John Chrysostom, and Gregory of Nyssa were among the Fathers of the Church who wrote treatises on the virtue of virginity. Writing in the fourth century, Gregory of Nyssa, brother of the virgin-saint Macrina, explored the Trinitarian roots underlying Christian virginity:

> [The grace of virginity] is comprehended in the idea of the Father incorrupt; and here at the outset is a paradox—that virginity is found in Him, who has a Son and yet without passion has begotten Him. It is included too in the nature of this Only-begotten God, who struck the first note of all this moral innocence; it shines forth equally in His pure and passionless generation. Again a paradox; that the Son should be known to us by virginity. It is seen, too, in the inherent and incorruptible purity of the Holy Spirit; for when you have named the pure and incorruptible you have named virginity.[84]

In an address to consecrated virgins gathered in Rome in 2008, Bishop Demetrio Fernández González elaborated, "He is the one God in three persons. In the eternal generation of the Son, God the Father does not have any collaboration, but generates His Son through the superabundance of life; the eternal generation of the Word is virginal."[85] Thus the human person,

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[83] *OCV* 16: "Virginalis vitae, quam sectamini, caelum patria est; fons ipse Deus; ex Deo enim, tamquam ex purissimo atque incorruptibili fonte, hoc donum in quasdam filias manat, quae, propter virginalem integritatem antiquis Ecclesiae Patribus divinae aeternaeque incorruptibilitatis imagines visae sunt." *Roman Pontifical*, 297.

[84] Gregory of Nyssa, "On Virginity 2," trans. William Moore and Henry Austin Wilson, in *Nicene and Post-Nicene Fathers*, 2nd Series, Vol. 5 (Buffalo, NY: Christian Literature Publishing Co., 1893) revised and edited for New Advent by Kevin Knight. Accessed May 16, 2014 http://www.newadvent.org/fathers/2907.htm.

[85] Demetrio Fernández González, address to the Rome International Congress-Pilgrimage of Consecrated Virgins, May 2008, "Virginidad cristiana dimensiones trinitaria, cristológica, mariana y eclesial," *Sequela Christi* 35 (2009/1) 68: "Es un sólo Dios en tres Personas. Pues en la generación eterna del Hijo, Dios Padre no tiene ninguna colaboración, sino que genera a su Hijo por sobreabundancia de vida; la generación eterna del Verbo es virginal."

created *imago Dei*, discovers that the quality of virginity does not stand opposed to human nature, but is intrinsic to human nature, created *imago Dei*. In his work, *The Christian State of Life*, Von Balthasar examines the genesis of the division in states of life that places upon every Christian "the obligation of determining and choosing the state to which God has called him," that is, whether he is called to live a specifically virginal life, in contrast to the state common to all men.[86] This division in the states of life, Balthasar asserts, was not foreseen in the original creation of mankind, and yet "in the last analysis, it is from man's original state, from the state in which God conceived, intended and created him, that every later state of life must take its origin and meaning."[87]

As we consider the origin of the state of life of virginity, benefit may be drawn from following Balthasar's study of the characteristic of virginity found in man in his original state, before the fall. Balthasar explains that even before they fell into sin, Adam and Eve were joined as husband and wife, and had received from God the command to be fruitful and multiply.[88] And yet, "Adam did not know his wife until they had been driven out of paradise under the curse that made work toilsome and childbearing painful. The first thing reported of them after their exile is, in fact, that Adam 'knew Eve his wife'."[89] Balthasar observes:

> All the theologians of the great age proceed on the assumption that in paradise there was and could be no *corruption* in man's virginity. On the other hand, they are also convinced that man would have 'increased and multiplied' even in his paradisal state since God's command to do so preceded the order introduced by sin. As a result, they search for a—philosophically necessary, but inconceivable—synthesis between the married state and the state of virginity. Suárez states the problem as follows: "Whether in the state of innocence

[86] Balthasar, *The Christian State of Life*, 83.
[87] Ibid., 84.
[88] Ibid., 93; Gen. 2:24-25; Gen. 1:28.
[89] Balthasar, *The Christian State of Life*, 93; Gen. 4:1.

> true virginity can exist in the same persons simultaneously with a consummated marriage."[90]

It was only after man's fall that there came to be any dichotomy between *virginity and fecundity*, Balthasar summarizes, for "in paradise, Eve's virginity would not have been threatened by her motherhood. The love of man and wife would have been wholly chaste, finding the impetus for its fecundity in the spirit and admitting the body to this chaste love only in the role of a servant."[91]

Balthasar reviews in some depth the tenets presented by theologians and Fathers of the Church William of Auxerre, Francisco Suárez, Augustine, Thomas Aquinas, Gregory of Nyssa, Jerome, John Chrysostom, Maximus, and others, to show their "unanimous conviction of the unity that must once have existed in the states of life that today are so diverse."[92] Where their thoughts differed and entered "difficult terrain" was when they "attempted also to determine the manner in which marriage and virginity could have been united."[93] The Fathers and theologians firmly presented a unity of virginity and fecundity in man's original state, and thus a certainty that the difference of the male and female sex belonged to the original intention of God in creating man *imago Dei*.[94] Moving forward to theological insight post the Second Vatican Council, one finds further expression of this truth in Saint John Paul II's description of a woman's choice for the state of virginity: "By freely choosing virginity, women confirm

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[90] Balthasar, *The Christian State of Life*, 95, quoting Francisco Suárez, "Tractus Primus de Opere Sex Dierum."
[91] Balthasar, *The Christian State of Life*, 94.
[92] Ibid., 96. For Balthasar's detailed review of the positions of the theologians and Fathers, see 95-103.
[93] Ibid., 96.
[94] Ibid., 103.

themselves as persons, as beings whom the Creator from the beginning has willed for their own sake."[95]

Balthasar identifies one sign of hope from that original Paradise that would keep alive the way of virginal fecundity. Just before Adam and Eve were driven from the garden, the Protoevangelium records God's statement to the serpent about the seed of a woman that would crush the serpent's head. This woman, the new Eve, would be "the one human being who, because she knew not man, was able to be at once virgin and mother."[96]

2. Virginal Nuptiality in Mary of Nazareth Before, During, and After the Birth of Christ

In his encyclical *Sacra virginitas*, Pope Pius XII recalled words of the Fathers of the Church as he traced the vocation of virginity to the Blessed Virgin Mary: Athanasius testified that "virginity owes its origin to Mary," St. Augustine that "the dignity of virginity began with the Mother of the Lord," and St. Ambrose spoke of Mary as the "teacher of virginity," even as he exclaimed, "Oh the richness of the virginity of Mary!"[97] In order to understand the significance of virginity to a vocation of mystical espousal to Christ, one must examine the significance of virginity in the Blessed Virgin Mary of Nazareth.

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[95] John Paul II, apostolic letter *Mulieris dignitatem* 20, August 15, 1988: *AAS* 80 (1988) 1702: "In virginitate enim libere suscepta semet ipsa confirmat mulier uti personam, id est uti creaturam quam Deus ab primordiis rerum sibi concupivit ipsi." English translation from *On the Dignity and Vocation of Women: Mulieris Dignitatem* (Boston, MA: Pauline Books & Media, 1988) 73.

[96] Balthasar, *The Christian State of Life*, 94.

[97] Pius XII, encyclical *Sacra virginitas* 64–65, March 25, 1954: *AAS* 46 (1954) 188: "Per eam autem esse virginitatem ortam iam animadvertit Athanasius, atque hisce verbis clare docet Augustinus: 'Coepit dignitas virginalis a Matre Domini.' Atque eiusdem Athanasii vestigia premens Ambrosius Mariae Virginis vitam virginibus tamquam exemplar proponit: 'Hanc imitamini, filiae.' . . . quae virginum Virgo est atque 'virginitatis magistra,' ut asseverate Ambrosius. . . . Quam verum igitur est illud eiusdem Ambrosii effatum: 'O divitias Marianae Virginitatis!'" English translation accessed July 12, 2016 at http://w2.vatican.va/content/pius-xii/en/encyclicals /documents/hf_p-xii_enc_25031954_sacra-virginitas.html.

The Gospel of Luke records the event of the Annunciation: "How can this be?"[98] Mary asked the angel, expressing implicitly her vocation to virginity, a virginity confirmed by the angel Gabriel's response: "The Holy Spirit will come upon you, and the power of the Most High will overshadow you; therefore the child to be born will be called holy, the Son of God."[99] Gabriel's response indicated that it was not by the physical embrace of a man that Mary would bear the child. Rather, it would be the Holy Spirit who would come upon Mary's virginity and overshadow it, that she might bear the Son of God. Gabriel's words hearken to those of the Prophet Isaiah to Israel, "As a young man marries a virgin, your Builder shall marry you; and as a bridegroom rejoices in his bride so shall your God rejoice in you."[100]

Mariology theologian Matthias Scheeben describes this as a spousal relationship of the virgin Mary with God: "As bearer of God and instrument of the Holy Ghost she is taken possession of by God in the most sublime sense of the word and, as a chosen 'spiritual vessel' and spiritual bride of God united to Him by marriage, she belongs to Him alone and without reserve."[101] Mary is the bride of God who bore Christ as Son when the power of the Holy Spirit overshadowed her. At one and the same time that she is his mother, she can rightly be considered the mystical spouse of Christ, her Son.[102] Thus it is that we find in the Blessed Virgin Mary the

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[98] Lk. 1:34.
[99] Lk. 1:35.
[100] Is. 62:5 *Holy Bible, New International Version* (Grand Rapids, MI: Zondervan Bible Publishers, 1984). The *Revised Standard Version* of the Holy Bible uses the word "sons" rather than "Builder." Per a lexicon at biblehub.com, "ben (bane) is 'a son' (as a builder of the family name), in the widest sense."
[101] Matthias Scheeben, *Mariology*, vol. 1, trans. T. L. M. J. Geukers (St. Louis, MO: B. Herder Book Co., 1948) 110.
[102] Both Scheeben and von Balthasar explore in some depth the spousal relationship of the Blessed Virgin Mary to the persons of the Most Holy Trinity. Von Balthasar, in *Spouse of the Word*, 177, explains that Mary is not the bride of the Father, for "God the Father does not implant the 'seed' of the Son in her directly; rather, he acts through the Holy Spirit." Balthasar continues, "since the Crucified officially introduces Mary into the Church (so to say both as her archetype and as her core) by means of her union with John, the disciple of love, we have to call her the bride of Christ in an archetypal sense (that far transcends sexuality). By the same token, we must rule out any hasty identification of Mary as the 'spouse of the Holy Spirit.'"

origin of both essential aspects of the vocation of mystical espousal to Christ in the *Ordo virginum*, namely, Mary's own mystical espousal to Christ, and her virginity.

In the providence of God's plan, the virginity of Mary is essential to her mystical espousal and the incarnation of the Son of God, not simply for the reason that the state of virginity affirms the virginal conception of Christ. In the reality of human marriage, not only is the union of flesh the natural means of human procreation, but the two spouses actually "become one flesh."[103] In Mary, this spousal union with God is the radical union of a virginal *fiat*. Mary's virginity is the virginity of faithful surrender to Christ and a nuptial uniting of her will to His own, even to the point of His death on the cross where she also was "pierced with a sword"[104] thus "helping to 'bear' the Church in her Son's birthgiving moment."[105]

The constant teaching of the Fathers and Doctors of the Church has been that Mary's virginity is in both heart and in body, and was preserved before, during, and after the birth of Christ.[106] While the mystery of her virginity *before* and *after* the birth of Christ may be accepted

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Scheeben's examination is perhaps best summarized by an excerpt from Eugene Druwé's Preface to *Mariology*, xxx-xxxii: "[Scheeben] proceeds from the divine motherhood, but a more profound analysis of this article of revealed data makes him discover in that unique motherhood a formal aspect distinguishing this same motherhood, precisely as such, from every other human motherhood; namely, here the mother is, at the same time and inseparably, the bride of her Son. For it is absolutely proper to this unique motherhood that the Son, in His eternal existence as God, precedes the maternal actions; that the Son gives himself to the mother of his own free will, in order to be clothed through her maternal actions with a nature equal to that of the mother. If a human motherhood in its fullness can exist only on the grounds of a marriage in which the bride gives herself wholly and unconditionally to the bridegroom, in order to beget and educate the child in and with him, is it then conceivable that there does not lie at the root of this highest motherhood which excludes the cooperation of a male principle, the most complete, loving, and mutual surrender between the mother and Son, who gives Himself to her as *semen divinum*? Because among men the complete and essentially indissoluble mutual surrender of love of two persons has its solid form in the relationship between the bride and bridegroom, Scheeben does not hesitate, any more than does the liturgy in interpreting the Canticle of Canticles, to call this relation of Mary to the incarnating Word, which is inherent to her motherhood, a bridal one. . . . [Scheeben] speaks of a bridal motherhood of God, or a maternal state as bride of God."

[103] Gen. 2:24.

[104] See Lk. 2:35.

[105] Klimisch, *The One Bride*, 66.

[106] Henry Denzinger, *The Sources of Catholic Dogma* 91, 256, 282, 314a fn., 734, 993, trans. Roy J. Deferrari (Fitzwilliam, NH: Loreto Publications, 1954). See also Arthur B. Calkins, "Mary's Virginity During the Birth of

and understood as essential to the incarnation of the Son of God, the assertion of Mary's virginity *during* the birth of Christ points to an aspect of the virginal mystery that warrants further exploration, for it cannot logically refer to refraining from sexual intercourse during birth. Saint Ambrose's insight in *De institutione virginum* formed the basis for subsequent Church teaching on this mystery, as he spoke of the closed gate of Mary's womb through which Christ was born "without loss of genital intactness," analogous to the outer gate of the sanctuary that was to remain closed "since the Lord, the God of Israel, has entered by it."[107]

The *Catechism of the Council of Trent* likewise spoke vividly of the miraculous virginal birth:

> He is born of His Mother without any diminution of her maternal virginity, just as He afterwards went forth from the sepulcher while it was closed and sealed, and entered the room in which his disciples were assembled, the doors being shut; or, not to depart from every-day examples, just as the rays of the sun penetrate without breaking or injuring in the least the solid substance of glass, so after a like but more exalted manner did Jesus Christ come forth from His mother's womb without injury to her maternal virginity. This immaculate and perpetual virginity forms, therefore, the just theme of our eulogy. Such was the work of the Holy Ghost, who at the Conception and birth of the Son so favored the Virgin Mother as to impart to her fecundity while preserving inviolate her perpetual virginity.[108]

Jesus: The Catholic Church's Perennial Tradition," ed. Mark Miravalle, October 15, 2012, accessed January 7, 2018 at http://www.motherofallpeoples.com/2012/10/marys-miraculous-birth-of-jesus-the-catholic-churchs-perennial-tradition/. Msgr. Calkins references sources from Gregory of Nyssa, Ambrose, John Chrysostom, Procius of Constantinople, Theodotus of Ancyra, Peter Chrysologus, Leo the Great, Severus of Antioch, Romanos the Melodist, Venantius Fortunatus, and Gregory the Great.

[107] See Calkins, "Mary's Virginity During the Birth of Jesus." Calkins quotes Ambrose, who begins by quoting Ez. 44:1–3: "'Then he brought me back to the outer gate of the sanctuary, facing the east; but it was closed. He said to me: *This gate is to remain closed; it is not to be opened for anyone to enter by it; since the Lord, the God of Israel, has entered by it, it shall remain closed.*' . . . Who is this gate, if not Mary? Is it not closed because she is a virgin? Mary is the gate through which Christ entered this world, when he was brought forth in the virginal birth and the manner of His birth did not break the seals of virginity (*quando virginali fusus est partu, et genitalia virginitatis claustra non solvit*) . . . There is a gate of the womb, although it is not always closed; indeed only one was able to remain closed, that through which the One born of the Virgin came forth without the loss of genital intactness (*per quam sine dispendio claustrorum genitalium virginis partus exivit*)."

[108] Pius V, *The Roman Catechism*; *Catechism of the Council of Trent for Parish Priests*, ed. Paul A. Böer (Lexington, KY: Veritatis Splendor Publications, 2013) 89.

The Second Vatican Ecumenical Council, referencing prior Church documents, concisely stated that the birth of Our Lord "did not diminish His mother's virginal integrity but sanctified it."[109] As well, the *Catechism of the Catholic Church* affirms: "The deepening of faith in the virginal motherhood led the Church to confess Mary's real and perpetual virginity even in the act of giving birth to the Son of God made man."[110] The miraculous protection of the corporeal signs of virginity in Mary, even *during* the birth of Christ, counters gnostic tendencies as it demonstrates the significance to the Church not only of a spiritual virginity of heart, but of corporeal virginity. Thus *Praenotanda* to the Rite of Consecration to a Life of Virginity readily declare: "In the rite of consecration the Church reveals its love of virginity."[111]

In a 1992 allocution, Pope John Paul II stressed to theologians that the integrity of the doctrine of Mary's virginity demands that Mary's physical virginity (*virginitas carnis*) be viewed as a corporeal expression of her virginity of heart (*virginitas cordis*). "If virginity of the flesh is important for its symbolic value," John Paul explained,

> much more is the *virginitas cordis* of the Mother of Jesus. She, in her virginal condition, is the new Eve, the true one Daughter of Zion, the perfect Disciple, the accomplished icon of the Church. Therefore, she fulfills in herself the ideal of perfect adherence to God's plan, without compromise and without the defilement of falsehood or pride; the ideal of sincere acceptance of the Gospel message, in which the single-hearted are called blest (cf. Mt. 5:8) and virginity for the kingdom is extolled (cf. Mt. 19:12); the ideal of rightly understanding the mystery of Christ—the *Truth par excellence* (cf. Jn. 14:6)—and his doctrine, because of which the Church is also called a virgin since she preserves the deposit of faith whole and incorrupt.[112]

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[109] *LG* 57, *AAS* 57 (1965) 61: "in nativitate vero, cum Deipara Filium suum primogenitum, qui virginalem eius integritatem non minuit sed sacravit." *The Documents*, 68.
[110] *CCC* 126.
[111] *OCV Praenotanda* 1: "consecrationis ritu Ecclesia suum erga virginitatem amorem patefacit."
[112] John Paul II, allocution at the conclusion of the International Convention of Studies on the 16th Centenary of the Council of Capua 10, May 24, 1992: *AAS* 85 (1993) 668–669: "L'integrità della dottrina esige che sia messa in luce, con il dovuto rilievo, la *virginitas cordis* di Maria Santissima. Se, per i suoi valori simbolici, è importante la *virginitas carnis*, molto più lo è la *virginitas cordis* della Madre de Gesù. Ella, nella sua condizione verginale, è la nuova Eva, la vera Figlia di Sion, la perfetta Discepola, l'icona compiuta della Chiesa. Perciò realizza in Sé l'ideale della perfetta adesione al progetto di Dio senza compromessi e senza l'inquinamento della menzogna e della

The Blessed Virgin Mary of Nazareth shares with the Church the identities of virgin, bride, and mother. She is at once the most exalted member of the Church and at the same time she is described by theologians as the "mirror" of the Church, for she models for the Church her truest identity.[113] The rite of consecration to a life of virginity constitutes the virgin who follows in the stead of the Blessed Virgin Mary "a sacred person, a surpassing sign of the Church's love for Christ, and an eschatological image of the world to come and the glory of the heavenly Bride of Christ."[114] The consecrated virgin is thus a sign of hope on this earth for the end of time when the Church, in the words of von Balthasar, "can hope to reach the level of her most exalted member, when the stain of original sin shall have been washed away, virginal integrity restored, bodily assumption into heaven completed."[115]

The significance of virginity in the Blessed Virgin Mary of Nazareth thus reveals the reason for the significance of virginity in the vocation of mystical espousal to Christ. Corporeal virginity is meant always to point to virginity of the heart, that virginity which is single-hearted in its devotion to the Gospel truth. In this, Mary's virginity also reveals that the Church herself is named virgin "since she preserves the deposit of faith whole and incorrupt."[116]

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superbia; del fedele adempimento dell'Alleanza, la cui infrazione da parte di Israele è paragonata dai profeti all'adulterio; dell'accoglimento sincero del messaggio evangelico, nel quale sono detti beati i Puri di cuore (cf. Mt. 5:8) ed è esaltate la verginità per il Regno (cf. Mt. 19:12); della retta comprensione del mistero di Cristo – la *Veritas* per eccellenza (cf. Jn. 14:6) – e della sua dottrina, per cui la Chiesa è chiamata vergine anche perché custodisce integro e incorrotto il deposito della fede." English translation from *OssRomEng*, June 10, 1992, p. 14, as quoted in Calkins, "Mary's Virginity During the Birth of Jesus.".

[113] Two examples of those who grant the title "mirror" of the Church to Mary are von Balthasar (see *Spouse of the Word*, 22) and Raniero Cantalamessa in his book by that same title, *Mary, Mirror of the Church*.

[114] *OCV Praenotanda* 1. For Latin, see Chap. 1, fn. 1.

[115] Von Balthasar, *Spouse of the Word*, 22.

[116] Ibid.

3. Jesus as Virgin Bridegroom of the Virgin Church

Mystical espousal to Christ in the *Ordo virginum* images the archetypal espousal of the Church, the Virgin Bride, with Jesus, the Virgin Bridegroom, and is thus a union that bears spiritual offspring for the Kingdom of God. Christ acts through the Church in response to the *fiat* of His Bride, and she responds by taking on the work of her Bridegroom as her own, "not only by receiving it but by imparting it. Her official actions, the sacraments, are Christ's own actions touching men of all times personally and palpably."[117] Saint Pope John Paul II describes this mystery of the Church's virginal maternity: "If the Church is the sign and instrument of intimate union with God, she is so by reason of her motherhood, because, receiving life from the Spirit, she 'generates' sons and daughters of the human race to a new life in Christ."[118] The relationship between Christ and the Church is the archetype of nuptiality and nuptial fruitfulness in the Blessed Virgin Mary as well as in those mystically espoused to Christ, the Son of God, in the *Ordo virginum*. The virginal life is not barren, but fruitful, as the consecrated virgin becomes "the hard-working hands of the local Church's generosity, the voice of her prayer, the expression of her mercy, the relief of her poor, the comfort of her suffering sons and daughters, and the support of her orphans and widows."[119]

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[117] Klimisch, *The One Bride*, 71.

[118] John Paul II, encyclical *Redemptoris Mater* 43, March 25, 1987: *AAS* 79 (1987) 420: "Ecclesia, si est 'sacramentum seu signum intimae cum Deo unionis,' id ipsum est ob suam maternitatem, quia, a Spiritu vivificata, 'generat' filios et filias humanae familiae in vitam novam in Christo." English translation accessed May 14, 2016 at http://www.vatican.va/holy_father/john_paul_ii/encyclicals /documents/hf_jp-ii_enc_25031987_redemptoris-mater_en.html.

[119] John Paul II, Address to Consecrated Virgins in Rome, June 2, 1995, "May Christ be Your Total and Exclusive Love," *OssRomEng*, June 14, 1995, p. 4.

4. Jesus Links Marriage and Lifelong Virginity

Chapters nineteen and twenty-five of the Gospel of Matthew contain teachings of Jesus himself that link the state of virginity to the state of matrimony, as eschatological counterparts.[120] A commentary of St. Thomas Aquinas, and words of Pope Saint John Paul provide guidance on the passages.

In chapter nineteen, the Evangelist recounts Jesus' discourse with the Pharisees about divorce and his subsequent discussion with his own disciples about the difficulty of the teaching.[121] Aquinas points out that the Lord recognized that the Pharisees were not inquiring about the legality of divorce in order to learn, but in order to calumniate, and thus Jesus began his response to them by referring to words of Scripture that they could not deny: "he who made them from the beginning made them male and female."[122] Aquinas explains that the passage from Genesis indicates that the state of marriage is from God, for "He made one man, and in making him, He made the one from whom the woman would come to be."[123] Citing Chrysostom, Aquinas proceeds to settle on the reason that man and woman were not born together (an act

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[120] Mt. 19:3–12; 25:1–13.

[121] Mt. 19:3–12: "And Pharisees came up to him and tested him by asking, 'Is it lawful to divorce one's wife for any cause?' He answered, 'Have you not read that he who made them from the beginning made them male and female, and said, "For this reason a man shall leave his father and mother and be joined to his wife, and the two shall become one"? So they are no longer two but one. What therefore God has joined together, let no man put asunder.' They said to him, 'Why then did Moses command one to give a certificate of divorce, and to put her away?' He said to them, 'For your hardness of heart Moses allowed you to divorce your wives, but from the beginning it was not so. And I say to you: whoever divorces his wife, except for unchastity, and marries another, commits adultery; and he who marries a divorced woman, commits adultery.'

The disciples said to him, 'If such is the case of a man with his wife, it is not expedient to marry.' But he said to them, 'Not all men can receive this precept, but only those to whom it has been given. For there are eunuchs who have been so from birth, and there are eunuchs who have been made eunuchs by men, and there are eunuchs who have made themselves eunuchs for the sake of the kingdom of heaven. He who is able to receive this, let him receive it.'"

[122] Thomas Aquinas, *Commentary on the Gospel of St. Matthew*, trans. Paul M. Kimball (New York: Dolorosa Press, 2012) 630 in reference to Gen. 1:27.

[123] Ibid., 631.

which would have assured the oneness of marriage): they were not so joined at birth in order "that they might have the full liberty both of being married or not being married."[124] Aquinas turns to both Chrysostom and Jerome for the meaning of "the two shall become one," explaining that "one flesh" refers to "one carnal affection" resulting in the fruit of marriage, "namely in the flesh of their offspring."[125] In thus asserting that it is God who joined them together in one flesh, Jesus could conclude to the Pharisees, "What therefore God has joined together, let no man put asunder."[126]

When the Pharisees objected on the grounds that Moses had permitted divorce, Jesus persisted, explaining that although Moses had relented due to the hardness of their hearts, "from the beginning it was not so."[127] Jesus continues, "And I say to you: whoever divorces his wife, except for unchastity, and marries another, commits adultery; and he who marries a divorced woman, commits adultery."[128] Aquinas' commentary hinges Jesus' words with the eschatological meaning of marriage:

> It ought to be observed that by no subsequent impediment can the bond of marriage be dissolved, because it signifies the union of Christ and the Church: hence, since the union of Christ and the Church cannot be dissolved, neither may the union of marriage.[129]

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[124] Ibid.
[125] Ibid., 632.
[126] Ibid.
[127] Mt. 19:8.
[128] Mt. 19:9.
[129] Aquinas, *Commentary on the Gospel of Matthew*, 634. Aquinas' explanation of the passage continues: "But, on account of fornication, a man can be separated from the common life, and a man ought not to retain his spouse, lest he seem to be conscious of the shameful deed; but for other shameful deeds he cannot be separated, such as for drunkenness. Likewise, if she wishes to induce her husband into infidelity, he may put her away.

But why does he only commit adultery if he marries another woman? It is because a thing is bound by the same things by which it is loosened. Hence, when a man has a wife that has been separated from himself, and not another woman, there is still hope that they can be reunited, either by sin just like her sin, or by mutual agreement; but when he has married another woman, then he has completely separated his heart, and withdrawn his marital consent from her."

Jesus' discussion with the Pharisees on the indissolubility of marriage takes an unexpected turn towards a discussion with his disciples on the practice of continence for the sake of the kingdom of heaven.[130] Aquinas observes that Jesus makes three points: he approves continence; he differentiates among those practicing continence; and he indicates that the practice of continence is not easy.[131] "Those who are castrated by nature or by coercion do not have the merit of eternal life," Aquinas summarizes, but only those who "have given themselves to continual chastity, and they have done this for the kingdom of heaven."[132] Aquinas further emphasizes that Jesus' words make clear that to remain in the state of virginity is a counsel, as Saint Paul said, and not a commandment.[133] "He that is able to receive this, let him receive it,"[134] Jesus says. Aquinas explicates, "he who through firmness of will can take, let him take it, and it is not from nature, but from God."[135] In more recent days, Pope John Paul II could assert that with these words, Christ stated a rule that has become firm in the Church: "In her teaching, the Church is convinced that these words do not express a commandment that is binding for all, but a counsel that regards only some persons, namely, those who are able to 'understand it.' And 'able to understand it' are those 'to whom it has been given.'"[136]

What we thus find in this passage from the Gospel of Matthew is that Jesus links marriage and lifelong virginity through a discussion about the indissolubility of marriage that stems from the creation of man and woman "in the beginning." He proposes continence to those

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[130] See Mt. 19:11–12.
[131] See Aquinas, *Commentary on the Gospel of Matthew*, 636.
[132] Ibid., 637–638.
[133] See I Cor. 7:25 discussed by Aquinas, 638.
[134] Mt. 19:12.
[135] Aquinas, *Commentary on the Gospel of Matthew*, 639.
[136] John Paul II, *Man and Woman He Created Them*, 414.

who can accept the call for the sake of the kingdom of heaven, and parallels that call to the indissolubility of the "one flesh" that God has joined in marriage.[137] Pope John Paul II discussed continence lived for the kingdom of heaven in his Wednesday audiences in spring of 1982, as he explicated these words of Matthew chapter nineteen. While on this earth a life of continence is an exception to the general rule, in the world to come, however, "the proper and fundamental mode of the existence of human beings, men and women in their glorified bodies, will be 'the eschatological state of 'will not marry.'"[138] The one who freely chooses to live virginity *for* the kingdom of heaven on this earth does so as a sign "that *in* the kingdom of heaven 'they take neither wife nor husband.'"[139] John Paul pointed out that the living of lifelong continence on this earth points to the 'eschatological virginity' of the risen man, when "the absolute and eternal spousal meaning of the glorified body will be revealed in union with God himself, by seeing him 'face to face.' . . . Continence 'for the kingdom of heaven' carries above all the imprint of likeness to Christ who himself, in the work of redemption, made this choice 'for the kingdom of heaven.'"[140]

Chapter twenty-five of the Gospel of Matthew recounts the parable of the wise and foolish virgins.[141] St. Thomas comments that the parable considers three matters in regard to the

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[137] See John Paul II, *Man and Woman He Created Them*, 429–432.
[138] Ibid., 414.
[139] Ibid., 419.
[140] Ibid., 419, 420.
[141] Mt. 25:1-13: "Then the kingdom of heaven shall be compared to ten maidens who took their lamps and went to meet the bridegroom. Five of them were foolish, and five were wise. For when the foolish took their lamps, they took no oil with them; but the wise took flasks of oil with their lamps. As the bridegroom was delayed, they all slumbered and slept. But at midnight there was a cry, 'Behold, the bridegroom! Come out to meet him.' Then all those maidens rose and trimmed their lamps. And the foolish said to the wise, 'Give us some of your oil, for our lamps are going out.' But the wise replied, 'Perhaps there will not be enough for us and for you; go rather to the dealers and buy for yourselves.' And while they went to buy, the bridegroom came, and those who were ready went in with him to the marriage feast; and the door was shut. Afterward the other maidens came also, saying, 'Lord, lord,

coming of the Lord for judgment: the preparation of persons through right disposition, the calling to judgment, and the coming of the judgment.[142] Aquinas offers three possible reasons that the parable refers to *virgins* preparing to meet the bridegroom: firstly, virgins are those "who keep the integrity of the flesh"; secondly, "virginity is so great a good that it does not fall under a precept, but under a counsel"; or, thirdly, "they are called virgins who abstain from the allurements of the five senses. According to Jerome and Origen, the faithful who do not allow themselves to be corrupted are called virgins, for the Apostle says: 'I have espoused you to one husband, that I may present you as a chaste virgin to Christ.'"[143] The ten virgins take their lamps, signifying, Aquinas explains, that they prepare or dispose their souls to do good works.[144] The parable of Jesus thus draws attention to the role of the lifelong virgin as an image of the Church herself—she who prepares herself by abstaining from the allurements of the flesh to be presented to Christ the Bridegroom.

The ten virgins have all gone out to meet the bridegroom and the bride. Aquinas offers a familiar twofold marriage to identify the bride and bridegroom of the nuptial mystery:

> One marriage is that of the divinity to the flesh, which was celebrated in the womb of the Virgin; "He as a bridegroom coming out of his bridechamber" (Ps. 18:6). The bridegroom is the Son himself, and the bride is the human nature; hence, to go out to meet the bridegroom and the bride is nothing else than to serve Christ. Likewise, it is Christ's marriage with the Church; "He that hath the bride is the bridegroom" (Jn. 3:29). Therefore, those preparing their lamps are endeavoring to please the bridegroom, meaning Christ, and His bride, meaning Mother Church.[145]

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open to us.' But he replied, 'Truly, I say to you, I do not know you.' Watch therefore, for you know neither the day nor the hour."

[142] Aquinas, *Commentary on the Gospel of St. Matthew*, 802–803.

[143] Ibid., 803–804.

[144] Ibid., 804.

[145] Ibid.

The ten virgins were agreed on the need for preparation to meet the bridegroom, but the two groups of foolish and wise differed "in their inward discretion and in their outward diligence."[146] The foolish lacked both the inward discretion of prudence as well as outward diligence, for they took no oil, which could signify good works, or mercy, or joy, or doctrine.[147] The bridegroom tarried, and the virgins all slumbered and slept—the slumber of laziness or long life, and the sleep of death, Aquinas expounds.[148] They awake with the cry of the trumpet and voice of Christ signifying the final judgment, "Behold, the bridegroom! Come out to meet him."[149] Aquinas is reminded that all men will rise to meet Him: "The hour cometh, wherein all that are in graves shall hear his voice."[150] Once again, the parable suggests that a particular earthly role of the lifelong virgin is to remind all men that the hour of judgment will come, and the time of preparation is now.

The wise virgins in the parable are able to trim their lamps, that is, to prepare to give a fitting account of their deeds in this present life, and, Aquinas notes, are unable to grant oil to the foolish, for in rendering an account "everyone shall bear his own burden."[151] The bridegroom came, and those who were ready went in to the wedding feast of the bridegroom and bride, and the door was shut. Looking also to Origen, Aquinas expounds that the incident refers to the day of judgment and entry to the future life: "if we refer this to the Church, then it will be perfectly united to the Spouse Himself by assent . . . This marriage is the kingdom of heaven, about which it is said: 'Because he is Lord of lords and King of kings: and they that are with him are called,

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[146] Ibid.
[147] Ibid., 804–805.
[148] Ibid., 806.
[149] Mt. 25:6.
[150] Jn. 5:28 as discussed by Aquinas, *Commentary on the Gospel of St. Matthew*, 807.
[151] Gal. 6:5 and discussion in Aquinas, *Commentary on the Gospel of St. Matthew*, 807.

and elect, and faithful.'"[152] The door to eternal life is open now, and Jesus uses a parable about wise virgins to point the way to its entrance. But later, that door will be opened to no one.[153]

The words of Jesus referencing a state of virginity, related in the discourse of chapter nineteen and parable of chapter twenty-five of the Gospel of Matthew, differ in their intent and content, but are striking in their similarity as they signal the meaning of a life of virginity lived for the sake of the kingdom of God. The virginal life is presented in complement to the married life, freely chosen as the result of a gift from God. The virgin who is wise (as well as the virgin who is foolish) stands as a sign of the life to come and the heavenly wedding banquet, for which those who hope to enter must be prepared to meet the Bridegroom.

5. Consecrated Virginity per se

In examining the state of virginity as a reflection of the spousal relationship between Christ and the Church, consideration has been given to virginal nuptiality in the Most Holy Trinity, in the Blessed Virgin Mary, in Jesus himself as Bridegroom of the Church, and in the words of Jesus in the Gospel of Matthew. It is necessary now to probe with specificity the vocation of consecrated virginity itself as the state of virginity that is lived on earth as a reflection of the virginal nuptial bond of the Bridegroom Christ and His Bride, the Church.

In his 1981 apostolic exhortation *Familiaris Consortio*, Pope John Paul II spoke of man's call as a human person, that is, as an incarnate spirit created in the image and likeness of God, to live a vocation of love in a unified totality, including the human body.[154] "Christian revelation,"

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[152] Rev. 17:14 and discussion in Aquinas, *Commentary on the Gospel of St. Matthew*, 809.
[153] Aquinas, *Commentary on the Gospel of St. Matthew*, 809.
[154] *FC* 11.

he said, "recognizes two specific ways of realizing the vocation of the human person, in its entirety, to love: marriage and virginity or celibacy. Either one is in its own proper form an actuation of the most profound truth of man, of his being 'created in the image of God.'"[155] Living out their baptismal calls in marriage or in virginity or celibacy, all Christians thus share in the Church's own bridehood with Christ, the divine Bridegroom. All Christians are part of the Bride, the Church, and bound to Christ as Bridegroom. Through the consecration of virgins, whereby Christian virgins pledge lifelong virginity to Christ and are consecrated as "brides of Christ,"[156] certain baptized Christians are called to participate in the Church's one bridehood "in the fullest way. They are called to embody the Church's own bridal mystery in their whole person."[157]

The Church herself looks affectionately upon consecrated virgins as a reflection of who she is as virgin and bride: "In the rite of consecration the Church reveals its love of virginity, begs God's grace on those who are consecrated, and prays with fervor for an outpouring of the Holy Spirit."[158] The virgins' identification with the Church is affirmed by the bishop's words to them in the suggested homily for the rite: "Our holy mother the Church sees in you a chosen company within the flock of Christ. Through you the Church's motherhood of grace bears its

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[155] *FC* 11, *AAS* 74 (1982) 92: "Cognoscit revelatio christiana proprios modos duos implendi hanc ad amorem vocationem personae humanae omnibus ex eius partibus: matrimonium ac virginitatem. Utrumque sub forma propria est solida quaedam declaratio veritatis altissimae de homine, veritatis scilicet, ex qua 'est ad Dei imaginem.'" *On the Family*, 9.

[156] For examples of references to the consecrated virgin under the title "bride of Christ," see *OCV* 16: "Today through our ministry he anoints you with a new grace and consecrates you to God by a new title. He gives each one of you the dignity of being a bride of Christ and binds you to the Son of God in a covenant to last forever;" and *OCV* 26: "Receive the ring that marks you as a bride of Christ."

[157] Klimisch, *The One Bride*, 73.

[158] *OCV Praenotanda* 1: "Consecrationis ritu Ecclesia suum erga virginitatem amorem patefacit, supernam Dei gratiam in virgines implorat Sanctique Spiritus effusionem instanter rogat." *Roman Pontifical*, 293.

abundant fruit."[159] The understanding is not new. Millennia ago, Origen said, "the Church flourishes as the true bride and as a virgin by the flower of her chaste and pure virgins."[160]

In stating that the virgin is a sacred person in the Church, *Praenotanda* to the Rite of Consecration affirm that the virgin is more than a simple corporeal symbol. Rather, she stands as an official, visible sign of the transcendent.[161] Marie-Paul Dion explains that the "consecration confers—*ex opera operanti*—the graces necessary to be faithful to living out her virginal life. The virgin is designated, marked as being permanently devoted to God's service and this mark is spiritual."[162] The consecrated virgin's designation as a sacred person is permanent and not repeatable.[163] In the act of consecration, the Church sets the virgin apart as a witness in her very person to the love of the Church herself for Christ, the Bridegroom.

Saint Thomas Aquinas, in his commentary on the Sentences of Peter Lombard, responds scholastically to the question of whether or not there should be a special veiling for virgins who vow continence, as compared with others who have vowed continence and are not virgins.[164] His

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[159] *OCV* 16: "Sancta Mater Ecclesia illustriorem gregis Christi portionem vos habet, per quas gloriosa eius fecunditas gaudet atque largiter floret." *Roman Pontifical*, 298.
[160] Origen as quoted by Klimisch, *The One Bride*, 99.
[161] Marie-Paul Dion, *La Consecration de Vierges: Implications Juridiques* (Ottawa, Canada, 1983; UMI Microform DC53614, Ann Arbor, Michigan: ProQuest LLC, 2011) 115.
[162] Ibid., 116–117: "Cette consécration confère—*ex opere operantis*—des grâces de ferveur et de force nécessaires pour être fidèle à la vie virginale. La vierge est désignée, marquée comme étant de façon permanente vouée au service de Dieu et cette margue est spirituelle."
[163] Ibid., 115. Dion explains that while the point of non-repetition of the consecration may not be of consequence in the case of the consecrated virgin living in the world, it was significant at the time the consecration was reserved to nuns in monasteries. For example, she notes that a nun who went to another Order could not be consecrated again, nor could a nun who was readmitted to a monastery after having been dispensed to live in secular life.
[164] Thomas Aquinas, *Commentum in quatuor libros sententiarum Magistri Petri Lombardi* (Parmae Typis Petri Fiaccadori, 1858) Liber IV, Dist. 38, Q. 1, art. V [hereafter *Commentum Lombardi*]: "De velatione virginum, quae fit in signum cujusdam voti. Videtur quod virginibus voventibus continentiam non debeatur speciale velum prae aliis quae continentiam voverunt, et corruptae sunt." English translation by The Aquinas Institute, accessed April 23, 2018 at https://aquinas.cc/25/26/~1773: "On the veiling of virgins, which is done as a certain sign of the vow. It seems that there should not be a special veil for virgins who vow continence as compared with others who have vowed continence and are not virgins." All subsequent English translations of Aquinas *Commentum Lombardi* will be taken from this source unless otherwise indicated.

work is relevant to a consideration of the theological foundation of virginal espousal to Christ in the *Ordo virginum* not because Aquinas discusses *per se* an act of "special veiling," but because of the theological reasoning he uses to distinguish a special consecration for those who are *virgins*, in contrast to those who are *not* virgins.

In answering that there should be a distinct veiling for virgins,[165] the saint explains that more than one physical sign is necessary to sufficiently represent the spiritual marriage of Christ and the Church. This is because the nuptial bond of Christ and the Church "has both fecundity, by which we are regenerated as sons of God, and incorruption, since Christ chose for himself the church as having no spot or wrinkle of any kind, as it is stated in Ephesians 5:27."'[166] Aquinas identifies the consecration (the veiling) of virgins as representing the *integrity* of the spiritual union of Christ and the Church, while human marriage represents the *fecundity* of that union.[167] In his response to objections, and in light of the virgin's identity as one who can singularly represent the integrity of the spiritual union of Christ and the Church, Aquinas elucidates his theological understanding of the consecration of virgins. A review of Aquinas' responses to objections is relevant to our consideration of the meaning of a specifically virginal betrothal to Christ as a distinct form of consecrated life in the Church.

Aquinas first responds to an objection that virgins should not receive a special veil because virginity and a vow of continence represent states that are common to both men and

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[165] As early as the fourth century, "veiling" was a reference to the public rite of consecration, during which the veil was conferred as a traditional sign of espousal to Christ. For one such reference, see Ambrose, *Concerning Virgins, To Marcellina, his Sister,* Book I, 10.57, English translation in Boniface Ramsey, *The Early Church Fathers: Ambrose* (New York: Routledge, 1997) 89.

[166] Aquinas, *Commentum Lombardi*, Liber IV, Dist. 38, Q. 1, art. V Solutio: "et fecunditatem, per quam regeneramur in filios Dei, et incorruptionem, quia Christus elegit sibi Ecclesiam non habentem maculam aut rugam, aut aliquid hujusmodi, ut dicitur Ephes. 5."

[167] Ibid.

women, and yet "to men who vow continence while still virgins, nothing else is given than is given to others who have lost their virginity."[168] The response of Aquinas not only ties the veiling of virgins to the wedding of the Church and her Bridegroom, but also explains why only females may be consecrated as virgins: "The Church stands in the spiritual marriage as a bride, but Christ as the Bridegroom; yet by the vow of continence the soul is espoused to Christ, and this is why it is not fitting that this espousal be signified in a man, but only in a woman."[169]

To another objection, Aquinas clarifies why corporeal virginity is necessary in the woman to be consecrated as a virgin. He deals with the case of a woman whose violation of virginity is unknown to others and about whom the objectors note: "if ever a virginal veil is denied to a woman who is not a virgin, scandal results for those in attendance, and danger of homicide, if she was secretly corrupted."[170] Aquinas' answer respects the truth of the matter, as well as its sensitivity:

> Those women who have been corrupted secretly, whether by men, or in another way, are in no way to be veiled; for the sacraments or sacramentals of the Church should not be changed for the sake of avoiding scandal. But as some people say, some caution can be employed for avoiding scandal, that namely those things may be done which are not of the substance of virginal veiling (like the lighting of candles, and other things like this), with those things that are of the substance of virginal veiling being secretly changed, for instance, the word 'virginity' being changed into 'chastity.'[171]

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[168] Aquinas, *Commentum Lombardi*, Liber IV, Dist. 38, Q. 1, art. V, Obj. 1: "Videtur quod virginibus voventibus continentiam non debeatur speciale velum prae aliis quae continentiam voverunt, et corruptae sunt. Quia tam virginitas quam continentiae votum viris et mulieribus communia sunt. Sed viris in virginitate continentiam voventibus nihil aliud datur quam aliis qui virginitatem perdiderunt. Ergo nec virgines debent prae aliis speciale velum accipere."

[169] Aquinas, *Commentum Lombardi*, Liber IV, Dist. 38, Q. 1, art. V, Reply Obj. 1: "Ad primum ergo dicendum, quod Ecclesia in matrimonio spirituali se habet ut sponsa, Christus autem ut sponsus; per votum autem continentiae anima Christo desponsatur; unde non competit ut haec desponsatio significetur in viro, sed in muliere tantum."

[170] Ibid., Obj. 5: "Praeterea, quandoque si virginale velum corruptae denegetur, sequitur scandalum astantium, et periculum homicidii, sicut cum aliqua est occulte corrupta. Ergo videtur quod saltem in tali casu virginale velum aliis quam virginibus dari debeat."

[171] Ibid., Reply Obj. 5: "Ad quintum dicendum, quod nullo modo illae quae sunt corruptae occulte sive a viris, sive alio modo, sunt velandae; quia propter vitandum scandalum non debent Ecclesiae sacramenta vel sacramentalia variari. Sed, sicut quidam dicunt, potest aliqua cautela adhiberi ad vitandum scandalum, ut scilicet illa quae non sunt

The commentary is significant as it directly ties the theological underpinning of the consecration of virgins, namely, that there is basis for a distinctly *virginal* consecration to Christ that cannot be ignored, to the very human difficulties and potential for scandal that must be addressed by those charged with protecting the substance of virginal consecration to Christ, the Bridegroom. More will be said as we move into discussion of juridical aspects concerning the consecration of virgins, but even at this point, it is compelling to note the timelessness of both the objection and Aquinas' response, as there is evidence that similar objections have continued to be raised, even into recent centuries.[172]

Aquinas further affirms the requirement of virginity in a woman to be consecrated as he responds to another objection: "the consecration which is applied to men in the reception of holy

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de substantia virginalis veli (ut accensio candelarum, et alia hujusmodi) fiant, mutatis occulte his quae sunt de substantia virginalis veli, puta ut quod nomen virginitatis in castitatem varietur."

[172] For example, in a 1952 interpretation of a 1950 indult given to the Benedictine sisters in the United States, granting them the privilege of receiving the consecration of virgins, the Sacred Congregation for Religious stated, "Regarding the inviolability of virginity as an essential qualification, we may say that all who have never been married may be admitted to the ceremony, provided they have vowed themselves to God in perpetuity. The forum of conscience is not to be infringed upon. One who has dedicated herself to God in the state of virginity in contradistinction to the state of matrimony is eligible for the privilege." Writing in 1958, James O'Connor noted that although the interpretation applied only to the requirements for consecration, and not to the necessity of virginity, it seemed evident why it was given, "Based on the premise that a Sister would wish to receive the consecration if she qualified for it, a Sister's reputation could be called into question if she didn't receive the consecration because not to receive it might indicate she had lost her bodily integrity." See James O'Connor, "Virginity and Chastity," *American Ecclesiastical Review* 140 (1959) 25–26. For the indult and its interpretation, see Sacred Congregation for Religious, "Consecration of Virgins: Indult to Benedictine Sisters in the United States, with Its Interpretation," October 24, 1950, and September 24, 1952, in *CLD* 4 (1958) 167.

Aquinas' concern that to distinguish the meaning of the words "chastity" and "virginity" in regard to the consecration of virgins is also germane to the situation of the Church today. One example is canonical commentary by Richard Groves in a 1984 article: "Finally, some commentators have questioned the wisdom of using the term 'consecrated virgins.' Appearing to be rather foreign to modern ears, another more appropriate term might be found which could better express the purpose for the consecrated virginity rather than the negation of married life." He further notes, "In fact, this author suggests that an 'order of consecrated celibates' might replace the 'order of virgins.' In that way, both men and women who are either single or widowed might be able to profess a celibate commitment to a life of prayer and ecclesial service." See Richard F. Groves, "Hermits and Consecrated Virgins—Current Issues," in *Proceedings of the Forty-Sixth Annual Convention* (Washington, D.C.: CLSA, 1985) 148.

orders is greater than the one applied to women in taking the veil, but the consecration of holy orders does not require virginity in the one consecrated."[173] His response is undergird, once again, by the understanding that the consecrated virgin represents in her person the integrity of the nuptial bond between the Church and Christ:

> In the reception of Holy Orders someone is not consecrated as a bridegroom, but as the minister of the bridegroom; and so virginity is not required for signifying the integrity of spiritual matrimony, as it is required in the veiling of the woman who is consecrated as the bride.[174]

Aquinas also considers the objection raised in regard to a woman who has lost her virginity due to a violent action; he points to the role of the visible Church in judging such matters, and to the innocence of the woman.[175] Once again, the question, and response, is pertinent to times beyond the thirteenth century, as the Church considers requirements for consecration:

> Those women who are corrupted through violence, if they do not consent in any way, do not lose the glory of virginity in the sight of God. But since it is extremely difficult that in such pleasure some impulse of enjoyment does not surge forth, therefore the Church, which cannot judge interior matters, does not veil a woman among virgins when she has been externally corrupted. For which reason Pope Leo says: *Those servants of God who have lost the integrity of their chastity by barbaric oppression will be more greatly praiseworthy in their humility and modesty, if they do not dare to unite themselves with uncontaminated virgins*.[176]

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[173] Aquinas, *Commentum Lombardi*, Liber IV, Dist. 38, Q. 1, art. V, Obj. 3: "Praeterea, consecratio quae adhibetur viris in susceptione ordinis, est major quam illa quae adhibetur mulieribus in velatione. Sed consecratio ordinis non exigit virginitatem in consecrato. Ergo nec mulieris velatio."

[174] Ibid., Reply Obj. 3: "Ad tertium dicendum, quod in ordinis susceptione non consecratur aliquis in sponsum, sed in ministrum sponsi; unde non requiritur virginitas ad significandam integritatem spiritualis matrimonii, sicut requiritur in velatione ejus quae consecratur in sponsam."

[175] See Ibid., Obj. 4: "Praeterea, nullus debet pro poena quam sustinuit, iterum puniri. Sed aliquando mulieri pro poena infertur quod corrumpatur, sicut patet in his quae omnino per violentiam corrumpuntur. Ergo non debet talibus ad minus virginale velum denegari." English trans.: "Furthermore, no one should be punished again for a pain that she has undergone. But sometimes loss of virginity is inflicted on a woman as a painful suffering, as is evident in those who have been corrupted by any kind of violence. Therefore, at least such as these should not be denied the virginal veil."

[176] Ibid., Reply Obj. 4: "Ad quartum dicendum, quod illae quae per violentiam corrumpuntur, si nullo modo consentiant, virginitatis gloriam quo ad Deum non perdunt. Sed quia valde est difficile quod in tali delectatione aliquis placentiae motus non insurgat, ideo Ecclesia quae de interioribus judicare non potest, cum exterius corrupta

Such language of "corruption" and "contamination" may sound offensive to contemporary readers concerned that the words suggest that an act of sexual intercourse, even within sacramental marriage, as well as an act of natural childbirth may bring about some type of corruption in women.[177] Likewise, today's readers are well aware of the anguish experienced by victims of rape and may thus find suspect Aquinas' assertion that there may be "some impulse of enjoyment" in the act.[178] Even in the time and context in which they were written, however, Aquinas and Pope Leo did not condemn the women who were subjected to such violence. Rather, Aquinas asserted their innocence before God, "[they] do not lose the glory of virginity in the sight of God," even as he emphasized that the Church cannot judge interior matters.[179] Pope Leo likewise praised their virtues of humility and chastity. The language used was meant to denote the *good* of the physical state of integrity.

The eligibility for consecration of a woman whose virginity has been lost involuntarily has been addressed and responded to by the Church in various ways over the centuries; most agree that the woman who may have lost the material element of virginity involuntarily has not

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sit, eam inter virgines non velat; unde Leo Papa dicit: *illae famulae Dei quae integritatem pudoris oppressione barbarica perdiderunt, laudabiliores erunt in humilitate et verecundia, si se incontaminatis non audeant copulare virginibus*."

[177] See Robert Fastiggi, "Francisco Suárez, S.J. (1548–1617) on Mary's Virginitas in Partu and Subsequent Doctrinal Development," in *Marian Studies* 2007/58 Article 6, 42–43. On a related, but different topic, Fastiggi addresses the sensitivity of using words such as "corruption" in regard to female sexuality. He discusses the concern of council fathers of Vatican II about words used in regard to Mary's virginity: "they were concerned that the words 'incorrupt' and 'undiminished' might suggest that natural childbirth brings about some type of corruption and offense to women." In the end, Fastiggi notes: "As we have seen, the final text of *Lumen Gentium*, no. 57, did not use the term 'bodily integrity' (*corporalem integritatem*) but 'virginal integrity' (*virginitatem . . . integritatem*). Thus, in giving birth to Jesus, Mary's 'virginal integrity was not diminished but sanctified.' The footnotes to this text, however, point to writings that affirm the traditional understanding of Mary's *virginitas in partu* as involving the preservation of her bodily virginal integrity."

[178] Aquinas, *Commentum Lombardi*, Liber IV, Dist. 38, Q. 1, art. V, Reply Obj. 4: "aliquis placentiae motus."

[179] Ibid.: "quod illae quae per violentiam corrumpuntur, si nullo modo consentiant, virginitatis gloriam quo ad Deum non perdunt."

knowingly and willingly given up her virginity, and is eligible for consecration.[180] What is of consequence in Aquinas' assertion, as well as the assertion of Pope Leo the Great, is that external signs of corporeal virginity have relevance to a vocation that finds its identity as a reflection of the virginal integrity (*incorruptionem*) of the spousal relationship between Christ and the Church.[181]

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[180] The virtue of *virginal* chastity includes both a material and a formal element. (See Aquinas *STh*, II-II, Q152; O'Connor "Virginity and Chastity" in *American Ecclesiastical Review* 140 (1959) 18; and Edward N. Peters, "Toward Reform of the First Criterion for Admission to the Order of Virgins," *Studia Canonica* 48 (2014) 477 esp. fn. 33). The material element is purely physical, consisting in the physical integrity of the body: the absence of "even a single act of penile-vaginal intercourse, regardless of the circumstances of that sexual intercourse." (See Peters, "Toward Reform of the First Criterion," 478; also see O'Connor, "Virginity and Chastity," 18). The formal element is the spiritual aspect that involves the will and purpose for abstaining from venereal pleasure, consisting of the firm resolution to avoid actions that may result in the loss of material virginity; in Christian virginity, the purpose of safeguarding integrity is for the kingdom of God. (See Aquinas, *STh*, II-II, Q 152, A1; O'Connor "Virginity and Chastity," 18; and Peters "Toward Reform of the First Criterion," 480). Both the material and the formal element must be considered in assessing Christian virginity. While the matter of virginal chastity is found in its bodily, physical aspect, it is the firm decision to refrain permanently from sexual union and enjoyment for the sake of belonging solely to God that gives virtue to virginity. If material virginity is present without "the purpose of being free for God and for divine things, . . . [it] loses the dignity for which it is honored by the Church." On the other hand, if the material element of virginity is involuntarily lost by rape, for example, without loss of the formal element, the virtue of virginity remains intact. (See, for example, O'Connor "Virginity and Chastity," 18). Regarding the eligibility for consecration of one who has involuntarily lost her virginity, see: Raymond L. Burke, "*Lex orandi, lex credendi*: The Rite of Consecration and the Vocation of Consecrated Virginity Lived in the World," in *Ordo Virginum: The Restoration of the Ancient Order of Virgins in the Catholic Church,* vol. 1, *An Introduction to the Vocation of Consecrated Virginity Lived in the World*, ed. United States Association of Consecrated Virgins (Lansing, Michigan: USACV, 2012) 39: "In the case of rape or involuntary incest, one can rightly say that the woman still has the gift of her virginity to offer, for she has not knowingly and willingly given it up." See also Judith M. Stegman, "Consecrated Virginity as a Vocation in the Catholic Church—a Vocation Tree Presentation," in *An Introduction to the Vocation of Consecrated Virginity Lived in the World*, 22: "Q: Must a woman be a physical virgin in order to be consecrated to a life of virginity? . . . A: Yes, a woman must be able to offer to Christ the gift of physical virginity in order to be consecrated. She must not have knowingly and willingly given herself to a man in sexual union. By saying 'knowingly and willingly,' the possibility is left open for a woman to be consecrated if her virginity was violated by rape or incest."

[181] There is a certain equivalence in usages of the words "incorrupt" and "integrity." Aquinas uses the word "incorruptionem" to describe the spiritual marriage between Christ and the Church, and he identifies the consecration of virgins as representing the "integritatem" of this spiritual union. Looking ahead to Pius XII's Encyclical *Sacra virginitas* (*SV*), the same equivalence is evident: "incorrupti" is translated "integrity" in a quotation from St. Justin. See *SV* 3, *AAS* 46 (1954) 161: "In the second century, as St. Justin testifies, 'many men and women, sixty and seventy years old, imbued from childhood with the teachings of Christ, keep their integrity (*incorrupti*).'" Like Aquinas, Pius uses "integritatis" to describe the union between Christ and the Church. See *SV* 31, *AAS* 46 (1954) 173: "The greatest glory of virgins is undoubtedly to be the living images of the perfect integrity (*integritatis*) of the union between the Church and her divine Spouse."

Aquinas also responds to an objection regarding the sacramentality of the consecration of virgins, a matter that leads to further consideration of the nature of the consecration itself. The objection concerns the conferring of grace: "the virginal veil does not seem fruitful, since grace is not conferred in it; otherwise it would be a sacrament, and it should be given to the corrupted women who also need the help of grace for preserving their continence."[182] His response differentiates the grace that is given in a consecration of this type from the grace given in sacraments, which is for the curing of sin:

> In the consecration of virgins, as in the anointing of kings and in other benedictions of this kind, grace is given, unless there be an impediment on the part of the one receiving; but nevertheless things of this kind are not said to be sacraments, since they were not instituted for curing the disease of sin, like the other sacraments.[183]

In discussing the sacramentality of the consecration of virgins, a number of recent theologians offer the perspective that the consecration of virgins is not a sacrament for the very reason that it is a reality, rather than a simple sign. It is beyond the scope of this dissertation to explore in depth the theological distinctions that define a sacrament as compared to a sacramental. Citing these perspectives, however, offers insight into the theological understanding of the consecration of virgins as a true wedded state of life, albeit a mystical marriage to the Son of God, as portrayed in the prayer of consecration:

> Among your many gifts you give to some the grace of virginity. Yet the honor of marriage is in no way lessened. As it was in the beginning, your first blessing still remains upon this holy union. Yet your loving wisdom chooses those who make the sacrifice of marriage for

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[182] Aquinas, *Commentum Lombardi*, Liber IV, Dist. 38, Q. 1, art. V, Obj. 2: "Praeterea, signa in nova lege non sunt inania, sed fructuosa; quia sacramenta novae legis gratiam conferunt. Sed virginale velum non videtur esse fructuosum, quia gratia non confertur in ipso; alias esset sacramentum, et deberet corruptis dari quae etiam indigent auxilio gratiae ad continentiam conservandam. Ergo videtur quod virginibus non debeatur aliquod velum speciale prae aliis."

[183] Ibid., Reply Obj. 2: "Ad secundum dicendum, quod in consecratione virginum, sicut et in unctione regum, et in aliis hujusmodi benedictionibus, gratia datur, nisi sit impedimentum ex parte suscipientis; sed tamen hujusmodi sacramenta non dicuntur, quia non sunt instituta ad curationem morbi peccati, sicut alia sacramenta."

> the sake of the love of which it is the sign. They renounce the joys of human marriage, but cherish all that it foreshadows.[184]

In her description of the state of consecrated virginity not as sacrament or sign, but as the very reality, Mary Jane Klimisch explains that human marriage is a means to an end in that it must still move to another "rung of union" beyond the union that it sees.[185] The virgin, on the other hand, lives "the plenitude of the mystery marriage signifies,"[186] as she lives even now not by seeing but by believing: "she lives in faith at the summit of union with God, knowing that the full reality of this union will appear only when vision replaces faith."[187]

Lucien Legrand likewise emphasizes the direct contact between Christ and the bride that occurs in the virginal state, noting that it is for this reason that virginity is not a sacrament, as matrimony is: "Virginity is not a sacrament. It does not set the screen of any sign between Christ and man. There is nobody who stands for Christ, to represent him: the contact between Christ and the bride is direct. . . . The *agapê* lived in matrimony is mediated charity; virginity is love reaching its object directly."[188]

Von Balthasar compares the Trinitarian nature of the love between husband and wife to that of the celibate, offering the example of St. Paul. Christian marriage, he writes, is "implicitly

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[184] *OCV* 24: "etiam hoc donum in quasdam mentes de largitatis tuae fonte defluxit, ut, cum honorem nuptiarum nulla interdicta minuissent ac super sanctum coniugium initialis benedictio permaneret, exsisterent tamen animae, quae, tuae Providentiae consilio, casto renuntiarent connubio at eius concupiscerent sacramentum, nec imitarentur quod nuptiis agitur, sed diligerent quod nuptiis praenotatur." See also the English translation in "The Consecration of Virgins According to the Roman Pontifical" (Clyde, MO: Benedictine Convent of Perpetual Adoration, 1952) 13 [hereafter "The Consecration of Virgins, Benedictine Convent"]: "Even this gift has flowed from the fount of Thy bounty upon certain souls; that while there are no interdicts minimizing the honor of the married state, and while the nuptial blessing rests upon holy matrimony, yet Thou hast ordained that there should be souls of a nobler type who turn away from carnal marriage between man and woman, and while they highly esteem the sacrament, they do not imitate what is wrought in marriage, but ardently aspire to that divine union which is symbolized by earthly espousals."
[185] Klimisch, *The One Bride*, 103.
[186] Ibid., 100.
[187] Ibid., 103.
[188] Lucien Legrand, *The Biblical Doctrine of Virginity* (New York: Sheed & Ward, 1963) 107.

Trinitarian, because the selfless mutual gift of husband and wife transcends all egoism in a mysterious objective spirit of love," while "the celibate is granted a more open access to the same mystery."[189] Such celibate Trinitarian love can be seen in the life of Paul in relation to his communities, where "he begets and gives birth in the Spirit, that is the mutual, fruitful love between Father and Son."[190]

Marie-Paul Dion discusses the "spiritual mark" of the consecration of virgins as being a spiritual reality, albeit different than the sacramental character that marks the ordained priest.[191] Dion explains that while "the priest is marked with the seal of Christ in order to be able to represent him sacramentally," the spiritual mark of the virgin "does not imply the exercise of religious activities, it is simply the sign of a state privileged to God. But the sign is effective both for the virgin—a reminder of her duties—and for those who see her life."[192] As such, Dion notes, "the spiritual mark of the consecration of virgins is analogous to that of the sacramental characters."[193]

In a 2008 presentation to consecrated virgins gathered in Rome, Spanish Bishop Demetrio Fernández González explored the spousal relationship that the Son of God offers to each man and woman, explaining that there are two mutually exclusive ways that Jesus Christ gives Himself as spouse: "Either He gives Himself as spouse through the sacramental means of the other person in the sacrament of matrimony, or He gives Himself as spouse in a direct and

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[189] Von Balthasar, *Spouse of the Word*, 163.
[190] Ibid.
[191] Dion, *La Consecration de Vierges*, 117 : "la marque spirituelle."
[192] Ibid.: "Ainsi un prêtre est si bien marqué au sceau du Christ qu'il devient capable de le représenter sacramentellement. La marque spirituelle de la consécration des vierges est différente. Elle n'implique pas d'activités cultuelles à exercer, elle est tout simplement le signe d'un état d'application privilégiée à Dieu. Mais le signe est efficace tant pour la vierge—rappel de ses devoirs—que pour ceux qui la voient vivre."
[193] Ibid.: "Douée d'une réalité spirituelle de la consécration des vierges est analogue à celle des caractères sacramentels."

immediate manner, without a sacrament." Fernandez considers that consecrated virgins live *in reality* what the married live *in sacrament*: "The reality, in the virginal consecration, is the betrothal to Christ, direct, full, total, and perpetual."[194]

D. The Consecrated Virgin Belongs to the Mystery of Christ's Nuptials with the Church

Concluding this chapter on the theological underpinning of virginal espousal, we recall the canonical identification of those who are consecrated to God in the *Ordo virginum*: "[they] are mystically espoused to Christ, the Son of God."[195] How is the Church to understand this concept of "mystical espousal"? The eschatological meaning of virginal espousal is discovered through the self-revelation of God in the Most Holy Trinity, and through the virginal, nuptial relationship God has chosen to have with His people, revealed in both the Old and New Testaments. The state of consecrated virginity singularly images this nuptial bond between the Bridegroom Jesus and His Bride, the Church, as the virgin lives on earth under the title "bride of Christ." Pope Pius XII in *Sacra Virginitas* notes that Saint Ambrose simply calls the virgin "married to God" and Saint Anthanasius refers to virgins as "spouses of Christ."[196] The theological underpinning for this vocation of virginal espousal to Christ is perhaps most concisely articulated in lines from the prayer of consecration itself:

> While they highly esteem the sacrament [of holy matrimony], they do not imitate what is wrought in marriage, but ardently aspire to that divine union which is symbolized by earthly espousals. Holy Virginity has recognized its Author, and striving to emulate the

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[194] Fernández González, "Virginidad cristiana dimensiones," 70: "Ahora bien, además del matrimonio, Jesu-cristo esposo quiere unirse directa, inmediata, explícita y totalmente con aquél, con aquélla, que viene llamado/a a la virginidad; y ahí no hay sacramento, no hay especie sacramental, porque la unión es directa, es una unión inmediata, total, explícita, exclusiva y fecunda."

[195] 1983 *CIC*, canon 604 §1: "Christo Dei Filio mystice desponsantur."

[196] Pius XII, Encyclical *Sacra virginitas* 64–65, March 25, 1954: *AAS* 46 (1954) 166: "Itaque S. Athanasius scribit Catholicam Ecclesiam solitam esse eas appellare sponsas Christi, quae virginitatis virtute polleant. Et S. Ambrosius, presse de sacra virgine scribendo, haec habet: 'Virgo est, quae Deo nubit.'"

> purity of the angels, pledges itself to the bridal chamber and couch of Him who is at once the Spouse of perpetual virginity and the Son of a perpetual Virgin.[197]

In a 1995 address to consecrated virgins gathered in Rome for the twenty-fifth anniversary of the promulgation of the revised rite of consecration to a life of virginity, Saint Pope John Paul II emphasized this nuptial relationship of Christ with the Church as the foundational understanding of a life of consecrated virginity.[198] He recalled that the mystery of the Incarnation was viewed by the Fathers of the Church in a spousal light, due to the words of the Apostle Paul: "Christ loved the Church and gave Himself up for her."[199] John Paul likewise recalled that "even the Resurrection was seen as a nuptial meeting between the Risen One and the new messianic community," and he cited an ancient homily of St. Asterius of Amasea (d. 410) proclaiming the Easter Vigil as the "Church's wedding night."[200] Bishop Asterius' hymn proclaimed: "O Night of torchbearing of the bridegroom in the Church," words reminiscent of the hour of the Bridegroom's arrival in the parable of the ten virgins.[201] "Christ's entire life is thus marked by the sign of the mystery of his wedding with the Church (cf. Eph. 5:32)," Saint John Paul stated, and "Dear sisters, you also belong to that mystery through the gift of the Holy Spirit and by virtue of a 'new spiritual anointing.'"[202]

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[197] *OCV* 24: "Concupiscerent Sacramentum, nec imitarentur, quod nuptiis agitur, sed diligerent quod nuptiis praenotatur. Agnovit auctorem suum beata virginitas, et aemula integritatis angelicae, illius thalamo, illius cubiculo se devovit, qui sic perpetuae virginitatis est Sponsus, quemadmodum perpetuae virginitatis est Filius." English translation from "The Consecration of Virgins, Benedictine Convent."
[198] John Paul II, "May Christ be Your Total and Exclusive Love," 3–4.
[199] Eph. 5:25 quoted in John Paul II, "May Christ be Your Total Exclusive Love," 4.
[200] John Paul II, "May Christ be Your Total and Exclusive Love," 4.
[201] Asterius of Amasea, "Homily 19 on Psalm 5," in *The Paschal Mystery*, ed. Adalbert Hamman (Staten Island, NY: Society of St. Paul, 1969) 110.
[202] John Paul II, "May Christ be Your Total and Exclusive Love," 4, quoting *OCV* 16.

CHAPTER II

VIRGINAL ESPOUSAL TO CHRIST AS A STABLE WAY OF LIFE IN THE CHURCH: ECCLESIAL LAW AND LITURGY TO 1917

Having established the theological underpinnings of virginal espousal to Christ, we turn to a largely historical approach to examine mystical espousal as a stable way of life in the Church. This chapter investigates the liturgical-juridical implications of a virgin's espousal to Christ both in respect to the woman who is consecrated and in respect to the Church's concern to safeguard the good of virginity. The chapter traces ecclesial (including liturgical) law regarding mystical betrothal to Christ through several periods of time: its roots in the Apostolic Church; the centuries of the first millennium during which espousal to Christ was lived primarily by women in the world; the second millennium when the consecration of virgins was primarily received by nuns living in monastic life; and the regulation of a life of virginity and religious law in the 1917 Code of Canon Law. Emphasis throughout the chapter is placed upon examining the theological-juridical meaning of the mystical betrothal to Christ that is effected by the liturgical rite of consecration to a life of virginity.

A. Ecclesial Law Places the Origins of the *Ordo virginum* in Apostolic Times

1. Introduction: Sources of Ecclesial Law Governing the Ordo virginum

Canon 604 of the 1983 Code of Canon Law defines the order of virgins as those who "are consecrated to God by the diocesan bishop, according to the approved liturgical rite."[1] This reference to the approved liturgical rite, found within the single canon governing the *Ordo virginum* in the 1983 code, not only draws attention to the foundational importance of the

[1] *Codex Iuris Canonici auctoritate Ioannis Pauli PP. II promulgatus* (Vatican City: Libreria Editrice Vaticana, 1983) c. 604 §1: "ab Episcopo dioecesano iuxta probatum ritum liturgicum Deo consecrantur." English translation from *Code of Canon Law, Latin-English Edition: New English Translation* (Washington, DC: CLSA, 1998). All subsequent English translations of canons from this code will be taken from this source unless otherwise indicated.

liturgical rite of consecration to a life of virginity, but also directly incorporates that liturgical rite into the juridical framework governing the *ordo.* Canon 2 of the 1983 code states in regard to liturgical law that "for the most part the Code does not define the rites which must be observed in celebrating liturgical actions."[2] Rather, most laws regulating the liturgy are found not in the code, but in the body of ecclesiastical law known as liturgical law, located primarily in the liturgical books.[3] In his commentary on the introductory canons to the general norms of canon law (cc. 1–6), John Huels discusses the juridical authority of liturgical law:

> All the liturgical books and rites contain an introduction [frequently called *praenotanda*], and some contain additional introductions to the various parts of the rites. These introductions, printed in black, have some theological content, but they are largely juridical in nature. . . . Both the rubrics and the juridical norms of the introductions are true ecclesiastical laws, subject to the same general rules for promulgation, interpretation, revocation, and dispensation as all other ecclesiastical laws.[4]

With its explicit reference to the approved liturgical rite (i.e., the liturgical rite of consecration to a life of virginity), canon 604 looks to the rite, and its *praenotanda*, for juridic specification in regard to the *Ordo virginum*.[5] *Praenotanda* (preliminary notes) to the rite of

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[2] 1983 *CIC*, c. 2: "Codex plerumque non definit ritus, qui in actionibus liturgicis celebrandis sunt servandi."

[3] John M. Huels, "Book I General Norms Introduction, Titles I and II (cc. 1-28)," 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*] 50.

[4] Ibid. See also James T. Bretzke, *Consecrated Phrases: A Latin Theological Dictionary*, 2nd ed. (Collegeville, MN: The Liturgical Press, 2003) *s.v.* "praenotanda": "Prenotes. *Praenotanda* are usually prefatory remarks given at the beginning of a longer document that set out what the document contains and often give a theological summary and/or rationale for the document in question."

[5] The Rite of Consecration to a Life of Virginity for Women Living in the World (1970) "De consecratione Virginum," is found in *Pontificale Romanum ex decreto Sacrosancti Oecumenici Concilii Vaticani II instauratum auctoritate Pauli PP. VI promulgatum, Ordo consecrationis Virginum* (Vatican City: Libreria Editrice Vaticana, 1978) ch. 1 [hereafter *OCV*]. *Praenotanda* to the Rite of Consecration are found in the same 1978 *Pontificale Romanum*, and in Sacred Congregation for Divine Worship, *Ordo consecrationis Virginum, Prænotanda*, May 31, 1970, in *Notitiae* 6 (1970) 314–316 [hereafter *OCV Praenotanda*]. English translation of the *Prænotanda* and the Rite for the Consecration of Virgins in *The Roman Pontifical—Rites of Ordination of a Bishop, of Priests, and of Deacons; The Institution of Lectors and Acolytes; The Blessing of Abbots and Abbesses; The Consecration of Virgins; The Rite of Confirmation; The Rite for the Blessing of Oils and the Consecration of Chrism* (Vatican City: Congregation for Divine Worship and the Discipline of the Sacraments Vox Clara Committee, 2012) [hereafter

consecration to a life of virginity consist of six parts, each with theological and juridic consequence for the *ordo*: 1) the nature and force of consecration to virginity (*de virginum consecrationis natura et vi*); 2) the principal duties of the consecrated (*de praecipuis virginum muneribus*); 3) those who may be consecrated (*quibus mulieribus consecratio virginalis impertiri possit*); 4) the minister of the rite (*de ritus ministro*); 5) the form of the rite (*de ritus forma*); and 6) Mass for the consecration to a life of virginity (*de Missa in ritu consecrationis virginum adhibenda*).[6] The Roman Pontifical includes two forms of the rite of consecration to a life of virginity, one for women living in the world and another for nuns, each with its own additional introduction (*praenotanda*). The specific introduction to the form of the rite used for the consecration of virgins living in the world addresses additional matters with juridic consequence for the *Ordo virginum*, including, among other points, the relationship of the virgin to the bishop of the diocese.[7]

Each of these—the 1983 Code of Canon Law, the *Praenotanda* to the Rite of Consecration to a Life of Virginity, the introduction to the form of that rite used for the consecration of virgins living in the world, and the rite of consecration itself, as well as established tradition of the Church—is a source of ecclesiastical law relevant to governance of the *Ordo virginum*.

Roman Pontifical] 293–331. All subsequent English translations of *OCV* and *OCV Prænotanda* will be taken from this source unless otherwise indicated.

[6] See *OCV Praenotanda* 1–10. *Roman Pontifical*, 293–294, except *vi* is translated "value" (rather than "force") in the *Roman Pontifical*.

[7] See *OCV* 1–8. *Roman Pontifical*, 295.

2. *"Natura et vi" of Consecration to Virginity is Rooted in the Early Church*

The first line of the *Praenotanda* to the Rite of Consecration, opening a section on the nature and force (*natura et vi*) of consecration to virginity, begins with a reference to "the custom of consecrating women to a life of virginity [that] flourished even in the early Church."[8] The twentieth century renewal of the rite of consecration reawakened an ancient custom in the Church, which the 1970 decree promulgating the revised rite likewise traced to apostolic times:

> The rite for the consecration of virgins is one of the most treasured in the Roman liturgy. Consecrated virginity is among the most excellent gifts bequeathed by Our Lord to his Bride, the Church. From apostolic times women have dedicated their virginity to God, so adding to the beauty of the mystical body of Christ and making it fruitful in grace. Even from the earliest times, as the Fathers of the Church bear witness, Mother Church in her wisdom set her seal on this high vocation by her practice of consecrating those who followed it by a solemn prayer. This prayer, enriched in the course of time by other ceremonies to bring out more clearly the symbolism of virginity in relation to the Church, the Bride of Christ, was incorporated in the Roman Pontifical.[9]

The decree, and *Praenotanda* to the rite, each turn to the long history of the virginal vocation in order to identify its inherent nature and good as a state that, in the words of canon 207 §2 "does not belong to the hierarchical structure of the Church, [but] nevertheless to its life and holiness."[10]

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[8] *OCV Praenotanda* 1: "mos virgines consecrandi, qui et in prisca viguit christianorum Ecclesia." *Roman Pontifical*, 293.

[9] Sacred Congregation for Divine Worship, decree *Novus consecrationis virginum ritus promulgatur*, May 31, 1970: *AAS* 62 (1970) 650 and *Notitiae* 6 (1970) 313 [hereafter Decree]: "Consecrationis virginum ritus in pretiosissimis liturgiae romanae thesauris adnumeratur. Sacram enim virginitatem, donum in primis excelsum, Christus Iesus quasi hereditate Sponsae suae reliquit. Ex quo factum est ut, ab Apostolorum temporibus, virgines suam castitatem Deo dicarent, mysticum Christi corpus exornantes ac mirabili ditantes fecunditate. Provida Mater Ecclesia, inde a prisca aetate—ut Sancti Patres testantur—pium arduumque virginum propositum sollemni consecrationis prece confirmare consuevit. Quae, saeculorum decursu, aliis sacris caerimoniis adaucta, quo clarius significaretur sacras virgines imaginem gerere Ecclesiae Christo desponsatae, Pontificali Romano recepta est." English translation by the International Committee on the English Language, in *Ordo Virginum—The Restoration of the Ancient Order of Virgins in the Catholic* Church, vol. 1, *An Introduction to the Vocation of Consecrated Virginity Lived in the World*, ed. United States Association of Consecrated Virgins (Lansing, MI: USACV, 2012) iii.

[10] 1983 *CIC*, c. 207 §2: "quorum status, licet ad hierarchicam Ecclesiae structuram non spectet, ad eius tamen vitam et sanctitatem pertinet." Canon 207 §1 defines two categories of the Christian faithful: clerics, and laity. §2 proceeds to identify those who can be either cleric or lay, who "although their state does does not belong to the hierarchical

In order "to protect more faithfully the proper vocation and identity" of each institute of consecrated life, canon 587 explains that the fundamental code or constitutions of an institute are to contain not only norms regarding governance, but also those things that must be observed in order to be faithful to the distinctive patrimony of the institute.[11] That patrimony is described in canon 578 as:

> 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.[12]

The *Ordo virginum* is not a religious institute or a secular institute, and therefore canons 578 and 587 are not directly applicable. Canon 604, however, is incorporated into the 1983 Code of Canon Law within the title "Norms Common to All Institutes of Consecrated Life," and a consideration of the historical development of the *Ordo virginum* can analogously consider questions about the *ordo*'s "founder" and "patrimony." Finding its origins in apostolic times, the *Ordo virginum* can identify the nature, purpose, spirit, character, and sound traditions that constitute its patrimony not in a single founder, but in the mind and designs of those who have dedicated their virginity to God, and in the "seal" placed on the vocation by the Church through the solemn prayer of consecration.[13]

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structure of the Church, it nevertheless belongs to its life and holiness." This grouping is defined in §2 as those members of the Christian faithful who, "through the profession of the evangelical counsels by means of vows or other sacred bonds recognized and sanctioned by the Church, are consecrated to God in their own special way and contribute to the salvific mission of the Church." While members of the *Ordo virginum* do not profess the evangelical counsels, they are consecrated to God in a way recognized and sanctioned by the Church, and seem to be included in the intent of canon 207 §2.

[11] 1983 *CIC*, c. 587: "Ad propriam singulorum institutorum vocationem et identitatem fidelius tuendam."

[12] 1983 *CIC*, c. 578: "Fundatorum mens atque proposita a competenti auctoritate ecclesiastica sancita circa naturam, finem, spiritum et indolem instituti, necnon eius sanae traditiones."

[13] Decree: "Mother Church in her wisdom set her seal on this high vocation by her practice of consecrating those who followed it by a solemn prayer."

B. Early Church to the 1917 Code: Ecclesial Law Regarding Virginal Espousal to Christ

1. Ecclesial Law in the First Millennium: Consecration of Virgins Bestowed Primarily on Women Living in the World

a. Virginity Recognized as a Particular State in the Church

Evidence of virginal chastity lived as a way of particular dedication to Christ and for the sake of the kingdom of heaven exists from apostolic times. St. Paul commends the virgin as one who is "anxious about the affairs of the Lord, how to be holy in body and spirit."[14] The Book of the Acts of the Apostles refers likewise to the deacon Philip and his four virgin daughters who prophesied.[15] A Jesuit historian of consecrated virginity, Francisco de B. Vizmanos, notes that this occurred in Cæsaria of Palestine, and the decision of Philip's daughters to live in virginity made a lasting impression on Bishop Papias of Hierapolis.[16] Consecrated virgins are named in the most ancient texts of the Church, including St. Petronilla, daughter or disciple of St. Peter, St. Tecla, a disciple of St. Paul, St. Iphigenia, and St. Flavia Domitilla who received the veil of virginity from Pope Clement (d. 99).[17] Among these virgins of the apostolic Church, Tecla was a notable example as one acclaimed among the Christians of the day and a subject of the then-popular *Acts of Paul and Thecla*. St. Ambrose wrote of her virginity, saying that after being condemned to death for avoiding nuptial intercourse, she "altered the nature even of wild animals, which respected her virginity."[18]

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[14] 1 Cor. 7:34; see also Mt. 19:12. *The Holy Bible, Revised Standard Version*, *Second Catholic Edition* (San Francisco: Ignatius Press, 2006). All subsequent biblical references will be taken from this source unless otherwise indicated.
[15] Acts 21:19.
[16] Francisco de B. Vizmanos, *Las vírgenes cristianas de la Iglesia primitiva: Estudio histórico y Antología patrística* (Madrid: Biblioteca de Autores Cristianos, 2009) 47.
[17] Philippus Maroto, "*Annotationes* Sacra Congregatio de Religiosis, [Responsum ad] dubium *De consecratione virginum pro mulieribus in saeculo degentibus* (March 25, 1927)" 2, *Commentarium pro Religiosis* 8 (1927) 155.
[18] Ambrose, *De virginibus*, Bk. 2, 19 in *Patrologiae cursus completus*, Series Latina 16 (Paris: Migne, 1845) 211 [hereafter *PL*]: "naturam etiam bestiarum virginitatis veneratione mutavit." Translation in Boniface Ramsey, *The*

Since these earliest days of the Church there has also been some sort of a vow marking a commitment to live in lifelong virginity or chastity for the kingdom of heaven.[19] The writing of Tertullian (c. 155–240 A.D.) indicates "the existence of a recognized vow of virginity, which, although not solemnly received by the Church, did have a public character."[20] Tertullian likened the status of the virgin to that of the married woman, even responding to some who argued against virgins publicly wearing the veil of a married woman by encouraging the virgin who was devoted to God to present herself as married in the way she would fashion her hair, in the dress that she wore, and in the wearing of a veil:

> You do well in falsely assuming the married character, if you veil your head; nay, you do not seem to assume it falsely, for you are wedded to Christ; to Him you have surrendered your body; act as becomes your Husband's discipline. If He bids the brides of others to be veiled, His own, of course, much more.[21]

Tertullian referred to virgins "espoused to Christ" who were highly respected by the priests, bishops, and faithful, for their daily lives of modesty and purity lived in the midst of society.[22] These virgins lived in the world, remained with their families, and led ordinary, albeit heroic

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Early Church Fathers: Ambrose (New York: Routledge, 1997) [hereafter Ramsey] 96. All subsequent English translations of *De virginibus* will be taken from this source unless otherwise indicated.

[19] See P. Francisco Xav. Wernz, "Notae historicae" 298, in *Ius Matrimoniale*, vol. 5 of P. Petri Vidal, *Ius Canonicum ad Codicis Normam Exactum* (Rome: Aedes Universitatis Gregorianae, 1946) 377. The author states that many Christians of either sex were consecrated to God through a vow of chastity, not only privately but also in the presence of the Church. Orders of virgins and ascetics or confessors, distinct from clergy and laity, had arisen already in the third century.

[20] Vizmanos, *Las virgenes*, 88: "y principalmente sobre la existencia de un verdadero voto, que, aunque no fuese todavía recibido solemnemente por la Iglesia . . . cierto carácter público."

[21] Tertullian, *De oratione*, c. 22, in *PL* 1, 1189: "Bene mentiris nuptam, si caput veles, Imo mentiri non videris; nupsisti enim Christo, illi carnem tuam tradidisti. Age pro mariti tui disciplina. Si nuptas alienas velari jubet, suas utique multo magis." English translation in *Ante-Nicene Fathers, Vol. 3 Latin Christianity: Its Founder, Tertullian*, ed. Alexander Roberts and James Donaldson (Massachusetts: Hendrickson Publishers, Inc., 1994) 689.

[22] See Vizmanos, *Las virgenes*, 88. For Tertullian's references to virgins as "espoused to Christ" see Tertullian, *De oratione*, c. 22, in *PL* 1, 1189: "*nupsisti enim Christo, illi carnem tuam tradidisti* (for you are wedded to Christ: to Him you have surrendered your body)" and *De virginibus velandis*, c. 16, in *PL* 1, 911: "*nupsisti enim Christo: illi tradidisti carnem tuam, illi sponsasti maturitatem tuam* (for you are wedded to Christ: to him you have surrendered your body, to him you have espoused your ripeness)."

lives characterized by joy, austerity, prayer, and acts of charity in the midst of a pagan community.[23]

Much of what we know from the early centuries of the Church is from the writings of the Fathers of the Church. Ambrose, Augustine, Jerome, Athanasius, Cyprian, John Chrysostom, and Gregory of Nyssa were among the Fathers who wrote treatises on the virtue of virginity, often inspired, it seems, by the lives of virgins themselves.[24] From such works, we begin to understand the expectations and obligations of the woman who accepted virginal consecration, as well as the process that led to public recognition in the Church as a virgin bride of Christ. In his 1952 Apostolic Constitution *Sponsa Christi*, Pius XII cites the Fathers when he explains that as these early virgins "came to constitute not merely a certain class of persons but a definite state and order recognized by the Church, the profession of virginity began to be made publicly and to become more and more strictly binding."[25]

St. Cyprian (c. 200–258 A.D.) took an eschatological view of why the Church esteemed virgins as the "flower of the ecclesiastical seed," and "the more illustrious portion of Christ's flock,"[26] explaining that the virgins are in this world what all will be in the next; "you possess

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[23] Vizmanos, *Las virgenes*, 56 and 151–175.

[24] Works of the Fathers include: in the West: Cyprian of Carthage, *On the Dress of Virgins*; Ambrose of Milan, *On Virginity*; Jerome, *On Marriage and Virginity, from letter 22 to Eustochium*; Augustine of Hippo, *Of Holy Virginity*; Leander of Seville, *On the Institution of Virginity and Contempt of the World*; Pseudo-Clement (of Rome), 2 epistles on virginity; and in the East: John Chrysostom, *On Virginity*; Gregory of Nyssa, *Treatise on Virginity*; Athanasius of Alexandria, *On Virginity*; Basil of Ancyra, *On the Purity of True Virginity*; Methodius of Olympus, *The Banquet of the Ten Virgins (The Symposium: A Treatise on Chastity)*.

[25] Pius XII, apostolic constitution *Sponsa Christi,* November 21, 1950, in *AAS* 43 (1951) 5: "Cum vero Virgines, postea, non classem tantum, sed statum iam definitum atque ordinem ab Ecclesia receptum efformarent, virginitatis professio publice fieri coepit, adeoque arctiore in dies vinculo confirmari." Translation in *Apostolic Constitution "Sponsa Christi" and Instruction of the Sacred Congregation of Religious* (New York: Daughters of St. Paul, 1955) 12. All subsequent English translations of *Sponsa Christi* will be taken from this source unless otherwise indicated. For additional references to ecclesial texts that distinguish *virgins* among the categories of the faithful, see D.M. Huot, "La Consecration des Vierges," in *Informationes* 9 (1983) 155–156.

[26] Cyprian, *Liber de Habitu Virginum*, c. 3, in *PL* 4, 443: "fois est ille ecclesiastici germinis"; "illustrior portio gregis Christi." English translation in "On the Dress of Virgins," ed. A. Roberts and J. Donaldson, *Ante-Nicene*

already in this world the glory of the resurrection."[27] In the "Banquet of the Ten Virgins," St. Methodius (d. 311) likewise had the virgin Marcella refer to the one hundred forty-four thousand in the Book of Revelation as the choir of virgins who followed the Lamb in the way of virginity (*Dominum principem chori virginum*).[28] In addition to demonstrating that virgins were acknowledged as a particular state in the Church, these words of the early Fathers articulate the good of virginity that the Church continues to protect and encourage: the virgin is consecrated as "an eschatological image of the world to come and the glory of the heavenly bride of Christ."[29]

b. "Sponsae Christi" (Brides of Christ)

The early Church recognized the bond of the virgin with Christ as a nuptial bond, and the instruction, language, and law that developed in regard to consecrated virgins reflected themes common to human matrimony. St. Cyprian referred to virgins who "renouncing the carnal concupiscences of the flesh, have dedicated themselves to God in body as in spirit."[30] While he did not use the term *sponsae Christi* in reference to virgins, Cyprian did use the term *Christi adulterae* as he warned that a virgin's unfaithfulness was adulterous not to any husband, but to Christ.[31] Authors of the time had begun to use many of the terms that have become classic

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Fathers, vol. 5 (Peabody, MA: Hendrickson Publishers, 1995 reprint from 1886 original by Christina Literature Publishing Co.) 431.

[27] Cyprian, *Liber de Habitu Virginum*, c. 22 in *PL* 4, 461: "vos resurrectionis gloriam in isto saeculo jam tenetis." English translation in *Ante-Nicene Fathers*, vol. 5, 436.

[28] Methodius, *Convivium*, *orat*. 1 (Marcella) c. 5, in *Patrologiae Graecae Cursus Completus* 18 (Paris: Migne, 1857) 46–47 [hereafter *PG*].

[29] *OCV Praenotanda* 1: "imago eschatologica Sponsae caelestis vitaeque futurae." *Roman Pontifical*, 293.

[30] Cyprian, *Liber de Habitu Virginum*, c. 4, in *PL* 4, 443: "et a carnali concupiscentia recedentes tam carne quam mente se Deo voverint." English translation Roy J. Deferrari and Angela E. Keenan, in *The Fathers of the Church—A New Translation: Saint Cyprian Treatises* (New York: Fathers of the Church, Inc., 1958) [hereafter *St. Cyprian Treatises*] 34. All subsequent English translations of *Liber de Habitu Virginum* will be taken from this source unless otherwise indicated.

[31] See Cyprian, *Liber de Habitu Virginum*, c. 20, in *PL* 4, 459: "Sic, dum ornari cultius, dum liberius evagari virgines volunt, esse virgines desinunt, furtivo dedecore corruptae, viduae antequam nuptae, non mariti sed Christi adulterae; quam fuerant praemiis iugentibus virgines destinatae, tam magna supplicia pro amissa virginitate sensurae." *St. Cyprian Treatises*, 48: "Hence virgins in desiring to be adorned more elegantly, to go about more

vocabulary when referring to consecrated virginity, although the terms were not juridically defined. Tertullian spoke of *Virgines Christo maritate*.[32] The Council of Elvira in 305 A.D. used the expression *pactum virginitatis*.[33] Young virgins who were destined to marry Christ were *virgines bonae* (noble virgins); they were *virgines Dei* (virgins of God).[34] Those destined to marry men were *virgines hominum*.[35]

Virgins in these early centuries often made only a private *propositum*[36] of virginity that did not include consecration or veiling; the *propositum* was accepted by the Church, but not in a solemn ceremony. At least by the fourth century, there is found a distinction between sacred virgins who were not veiled (known as "*non velatae*" or "*canonicae*"), who were inscribed in the ecclesiastical canon but were not consecrated; and those who were veiled (known as "*virgines velatae*" or "*consecratae*"), who received the veil with a prayer of benediction.[37] The bishop considered consecration to be the final crown and official sanction of the original *propositum,* and therefore he often delayed consecration for many years, even to a late age, in

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freely, cease to be virgins, being corrupted by a hidden shame, widows before they are brides, adulteresses not to a husband but to Christ. Just as they had been destined as virgins for wonderful rewards, so now will they suffer great punishments for their lost virginity." Also see René Metz, *La Consécration des Vierges dans L'Église Romaine: Étude d'histoire de la liturgie* (Paris: Presses Universitaires de France, 1954) 52: "Saint Cyprien n'emploie pas l'expression *sponsae Christi,* mais il traite de *Christi adulterae* les vierges qui ont manqué à leur promesse."

[32] Metz, *La Consécration des Vierges*, 52 : "*Virgines Christo maritate* (virgins married to Christ)."

[33] Council of Elvira, c. 13, in A.W.W. Dale, *The Synod of Elvira and Christian Life in the Fourth Century* (London: Macmillan and Co., 1882) [hereafter *Elvira*] 319: "Virgines quae se Deo dicaverunt, si pactum perdiderint virginitatis."

[34] Metz, *La Consécration des Vierges*, 52–53.

[35] Ibid., 52.

[36] During the rite of consecration to a life of virginity, immediately before the prayer of consecration by the bishop, the virgin renews her intention (*propositum*) to live in perfect chastity. The *propositum* references the virgin's firm resolution to continue to live according to the plan of life she has undertaken: virginity for the sake of the kingdom of heaven. It is a conscious, deliberate decision that is not made in the form of a vow. More will be discussed on this point.

[37] Wernz, "Notae historicae" 298, in *Ius Matrimoniale*, 377 and fn.12. See also Pope Siricius, Letter 10 on the Canons of a Roman Synod to a bishop of Gaul, in *PL* 13, 1182 and Tertullian, *Liber de Virginibus Velandis*, in *PL* 2, 887–914. Wernz points out that the distinction between veiled and unveiled virgins was clear in the ancient Church, but it cannot therefore be interpolated that this is the basis for the later distinction between simple and solemn vows.

order that the first resolution was given some time to mature. St. Ambrose expressed regret at such long delays, suggesting instead that the criterion for consecration should be a certain faith and piety indicating spiritual maturity.[38]

The first known case of a public consecration is that of the Roman virgin Asella in 344 A.D., who was referred to by Saint Jerome in his letter to Marcella.[39] But it is the consecration of Marcellina, the older sister of St. Ambrose (337–397 A.D.), that is most widely known. Book III of the treatise written by St. Ambrose on virginity, *De virginibus*, is significant for its detailed reference to the words of Pope Liberius to Marcellina on the day of her consecration, Christmas Day, 352 A.D.[40] At the consecration of Marcellina, Pope Liberius described the spousal nature of the consecration as a "sacrament of virginity":

> My daughter, you have desired an excellent marriage. You see how many people have come together for the birthday of your bridegroom, and no one departs unfed. He is the one who, when he was invited to a wedding feast, changed water into wine (cf. John 2:1–10). Upon you too, who were formerly subject to the base elements of material nature, he bestows the pure sacrament of virginity . . . And he has called many to your wedding, but now it is not barley-bread that is served but his body from heaven.[41]

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[38] Roland Behrendt, *The Consecration of Virgins; Conferences to Benedictine Sisters* (Collegeville, MN: St. John's Abbey, 1964) 58.

[39] Gincy Eluvathingol, "Oración consecratoria para el *Ordo Virginum* 'Deus Castorum Corporum' Fundamentación Teológica" (Thesis, Facultad de Teologia de la Universidad de Navarra, 2004) vi. See also Jerome, letter 24 "To Marcella," accessed April 20, 2019 at http://www.newadvent.org/fathers/3001024.htm.

[40] Pius XII, encyclical *Sacra virginitas* 17, March 25, 1954, in *AAS* 46 (1954) 166. English translation available at http://w2.vatican.va/content/pius_xii/en/encyclicals/documents/hf_p-xii_enc_25031954_sacra-virginita.html. Pius XII wrote that it is clear from the words of the Doctor of Milan that the rite of consecration in the fourth century was very similar to that which was being used at the time Pius wrote.

[41] Ambrose, *De virginibus*, Bk. 3, 1, in *PL* 16, 219: "Bonas, inquit, filia, nuptias desiderasti. Vides quantum ad natalem Sponsi tui populus convenerit, ut nemo impastus recedit? Illic est qui rogatus ad nuptias aquam in vina convertit (Jn. 2 :9). In te quoque sincerum sacramentum conferet virginitatis, quae prius eras obnoxia vilibus naturae materialis elementis. . . . ad tuas nuptias plures vocavit: sed jam non panis ex hordeo, sed corpus ministratur e caelo." Ramsey, 105.

St. Ambrose commented that virgins from Placentia, Bononia, and Mauritania had come to him in Milan in order to "receive the veil," a reference to the public rite of consecration, during which the veil was conferred as a traditional sign of espousal to Christ.[42]

The consecrated virgin's espousal to Christ was viewed by the Fathers as a nuptial union; a consecrated virgin who would later marry a man was considered to have committed adultery. *De lapsu virginis consecratae*, a work attributed to Ambrose or to his contemporary, Nicetas of Remesiana (333–414 A.D.), distinguishes between the defection of a virgin who is veiled and she who has not accepted the sacred veil:

> Some would say: "It is better to marry than to be burned [with passion]" (1 Cor. 7:9). This saying pertains to those not promised, to those not veiled. The others who have promised marriage to Christ and accepted the sacred veil, have already married, have already been united to the immortal husband. And now if she would want to marry by the common law of marriage, she commits adultery, and a nun is made a corpse. If this has happened, what can be said about her who is ravished by shame in a secret and furtive way, and pretends to be that which she is not? She is a virgin in her state, but in reality is not a virgin: twice an adulteress, in act and in appearance.[43]

With respect to the indissolubility of marriage, the Synod of Elvira in Spain (c. 305) established consequences for the woman who would leave her husband on account of his adultery and marry another.[44] Likewise, synod fathers at Elvira pronounced juridic consequences

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[42] Ambrose, *De virginibus*, Bk 1, 10.57, in *PL* 16, 204–205. Ramsey, 89.

[43] Ambrose, *De lapsu virginis consecratae*, c. 5, 21, in *PL* 16: 372–373: "Dicet aliquis: *Melius est nubere quam uri* (1 Cor. 7:9). Hoc dictum ad non pollicitam pertinet, ad nondum velatam. Caeterum quae se spopondit Christo, et sanctum velamen accepit, jam nupsit, jam immortali juncta est viro. Et jam si voluerit nubere communi lege conjugii, adulterium perpetrat, ancilla mortis efficitur. Si hoc ita est, quid de illa dicendum est quae occulta et furtiva turpitudine constupratur, et fingit se esse quod non est? Habitu virgo, facto non virgo: bis adultera, et in actu, et in aspectu." *De lapsu virginis consecratae* is printed by Migne in *PL* 16 as a work of Ambrose, but its authorship is disputed. According to Alex Souter, "Notes on the *De lapsu virginis* of Niceta," *The Journal of Theological Studies* 6/23 (April, 1905) 433–434, authorship of the work is uncertain and may be attributed to Niceta of Remesiana, Ambrose, or Jerome.

[44] Council of Elvira, c. 9, in *Elvira*, 317–318: "Item femina fidelis, quae adulterum maritum reliquerit fidelem et alterum ducit, prohibeatur ne ducat: si duxerit non prius accipiat communionem, nisi quem reliquit de saeculo exierit, nisi forsitan necessitas infirmitatis dare compulerit." English translation B.J. Kidd, *Documents Illustrative of the History of the Church* (London: The Macmillan Company, 1920): "A baptized woman who leaves a baptized husband on the ground of his adultery and enters a relationship with another man, is to be prohibited from marrying;

for the virgin dedicated to God who would commit adultery (*de virginibus Deo sacratis si adulteraverint*):

> If virgins who have dedicated themselves to God, violate their vow of virginity and give themselves over to lust, without recognizing what they have done, we decree that they are not to be received into communion even at the last. If, however, after having once been seduced and defiled by a fall due to frailty of the flesh, they do penance all their life and abstain from intercourse, then, inasmuch as they rank the rather as lapsed, we decree that they ought to be received into communion at the last.[45]

The synod distinguished between the unfaithful virgin who was consecrated to God and the virgin who was not consecrated.[46] The penalty established by bishops at Elvira was not as severe in the case of virgins who were not dedicated to God; these were deemed guilty not of having committed adultery (*adulteraverint*), but fornication (*moechaverint*), and were permitted to marry and to be reconciled without penance after a year, if they stayed married.[47] The council at Elvira also addressed the case of bishops, presbyters, and deacons who, after promotion to the ministry were found guilty of fornication (*moechaverint*); it was decreed that they not be admitted to communion even at the end of their lives due to "the scandal and the impiety of the

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if she marries, she is not to be received into communion, until the husband whom she has left has departed out of this life, unless perchance extremity of sickness requires it to be given to her." Accessed September 22, 2018, https://earlychurchtexts.com/mainsub/elvira/canons_of_elvira_01.shtml.

[45] Council of Elvira, c. 13, in *Elvira*, 319: "Virgines quae se Deo dicaverunt, si pactum perdiderint pactum virginitatis, atque eidem libidini inservierint, non intelligentes quid admiserint, placuit nec in finem eis dandam esse communionem. Quod si semel persuasae aut infirmi corporis lapsu vitiatae omni tempore vitae suae huiusmodi feminae egerint poenitentiam, ut abstineant se a coitu, eo quod lapsae potius videantur, placuit eas in finem conmunionem accipere debere." English translation B.J. Kidd, accessed April 21, 2019 at https://earlychurchtexts.com/mainsub/elvira/canons_of_elvira_01.shtml.

[46] Maroto, "*Annotationes* Sacra Congregatio de Religiosis (1927) 4," 156.

[47] Council of Elvira, c. 14, in *Elvira*, 319: "Virgines quae virginitatem suam non custodierint, si eosdem qui eas violaverint duxerint et tenuerint maritos, eo quod solas nuptias violaverint, post annum sine poenitentia reconciliari debebunt; vel si alios cognoverint viros, eo quod moechatae sunt placuit per quinquennii tempora acta legitima poenitentia admitti eas ad communionem oportere." English translation A. Maguire: "Virgins who have not kept their virginity, if they marry and remain married to those who violated them, should be reconciled without penance after a year, since they have broken only the nuptials; but if she has been sexually active with other men she should be admitted to communion, when the required penance has been completed, after five years." Accessed April 21, 2019 at https://earlychurchtexts.com/mainsub/elvira/canons_of_ elvira_01.shtml.

crime."[48] In each of these cases of illicit sexual union—the married woman, the virgin consecrated to God, the unmarried virgin not consecrated to God, and the cleric—the council at Elvira decreed a penalty.

Only in the case of the married woman, and of the virgin consecrated to God, however, was the offense treated as adultery (*adulteraverint*) and addressed by upholding the Church's protection of the indissolubility of the marital bond. The woman who re-married after leaving an adulterous husband could receive communion only after the husband she left had died.[49] The virgin married to God who then engaged in illicit sexual union or attempted to live in the state of legitimate matrimony, if she did not recognize her error, could not receive communion even at the end of her life.[50] Based on these laws established at Elvira, Vizmanos asserts that it is clear that consecrated virgins' later "attempts at marriage were not true marriages, because while they remained in them, they could not be admitted to communion even at the end of their lives."[51] He therefore considers well-founded those arguments that find "the character of diriment impediment that already the vow of virginity had at that time in Spain."[52] Once consecrated, the virgin could never contract legitimate nuptials for she had indeed been married with Christ himself.[53]

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[48] Council of Elvira, c. 18, in *Elvira*, 321: "Episcopi, presbyteres et diacones si in ministerio positi detecti fuerint quod sint moechati, placuit propter scandalum et propter profanum crimen nec in finem eos communionem accipere debere." English translation B.J. Kidd, accessed April 21, 2019 at https://earlychurchtexts.com/mainsub/elvira /canons_of_elvira_01.shtml.
[49] Council of Elvira, c. 9. See fn. 44, p. 72.
[50] Elvira, c. 13. See fn. 45, p. 73.
[51] Vizmanos, *Las virgenes*, 164 fn. 40: "Aparece claro que aquellos intentos de matrimonio no eran verdaderos matrimonios, ya que mientras permaneciesen en ellos no podían ser admitidas a la comunión ni siquiera al fin de su vida."
[52] Ibid.: "el carácter de impedimento dirimente que tenía ya el voto de virginidad en aquel tiempo en España."
[53] Ibid., 164.

In his historical notes on matrimonial law, P. Francisco Wernz, S.J., found differently. He concurred in holding that unveiled virgins who celebrated marriage rites were subjected to lesser punishments than consecrated virgins, and that the validity of these marriages was not called into doubt.[54] His research indicated, however, especially in light of the lack of accurate terminology at the time, that "concerning the nullification of marriages that were pursued by the consecrated virgins themselves, it is not universally established with complete certainty."[55] Writing in the very early fifth century, Pope Innocent I, on the other hand, did seem to clearly, though not certainly, hold to the nullity of a marriage by a consecrated virgin.[56]

Nine years after Elvira, the Council of Ancyra (314 A.D.) in the East held that virgins consecrated to God who had violated their promise were to be considered as bigamists.[57] Gratian later adopted Ancyra's canon on bigamy, clarifying that it applied to those vowed virgins who had later entered a second marriage.[58] Referring for the first time to virgins as an *ordo*, Saint Basil the Great (330–379 A.D.), brother of Gregory of Nyssa and the virgin Macrina, also affirmed that as a bride of Christ, a virgin who violated her pledge would come under a charge of adultery.[59] Recognizing, however, that the flesh is weak, and wanting to be certain that a virgin

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[54] Wernz, "Notae historicae" 298, in *Ius Matrimoniale*, 379.
[55] Ibid., 380: "Quin immo, de nullitate matrimoniorum, quae ab ipsis virginibus consecratis attentata fuerunt, cum plena certitudine universim non constat."
[56] Ibid., 380 fn. 20.
[57] Council of Ancyra, c. 19, in Charles Joseph Hefele, *A History of the Christian Councils, From the Original Documents, to the Close of the Council of Nicea* (Edinburgh: T. & T. Clark, 1883) 218: "All who have taken a vow of virginity, and have broken that vow, must submit to the decrees and prescriptions concerning bigamists. We also forbid virgins to live as sisters with men." Hefele reports that the punishment of bigamy, according to St. Basil the Great, consisted in one year's seclusion.
[58] C. 27. q.1.c.24: "Inter bigamas reputantur qui virginitatem pollicitam prevaricantur. Quotquot virginitatem pollicitam prevaricatae sunt professione contempta, inter digamos, id est qui ad secundas nuptias transierunt, haberi debent."
[59] See Basil of Caesarea, "Letter 199 to Amphilochius" 18, in *PG* 32: 717. English translation in *Nicene and Post-Nicene Fathers,* Second Series, Vol. 8, ed. Philip Schaff and Henry Wace, accessed September 25, 2018 at http://www.newadvent.org/fathers/3202199.htm [hereafter *Nicene and Post-Nicene Fathers*]. James W. Kruc, "Canon 604," 7, asserts that Saint Basil was the first to refer to virgins as an *ordo*.

had freely entered a true nuptial bond with Christ, Basil was perhaps the first to establish a certain set of criteria that needed to be met in order for a woman to be named among the virgins. Admission criteria for the *Ordo virginum* will be examined in more depth in this study; at this point, what is of note is that just as with human marriage, before applying a charge of adultery, Basil found that the Church had first to establish that a legitimate marriage existed:

> One point, however, must be determined beforehand, that the name *virgin* is given to a woman who voluntarily devotes herself to the Lord, renounces marriage, and embraces a life of holiness. And we admit professions dating from the age of full intelligence. For it is not right in such cases to admit the words of mere children. But a girl of sixteen or seventeen years of age, in full possession of her faculties, who has been submitted to strict examination, and is then constant, and persists in her entreaty to be admitted, may then be ranked among the virgins, her profession ratified, and its violation rigorously punished.[60]

The same canon of Ancyra also forbade virgins to live as sisters with men[61]; this was a law similar to another canon of Elvira which forbade a bishop or other cleric to have any unrelated woman living with him, but permitted him to live with his own sister or daughter if she was a virgin dedicated to God.[62]

These decrees of early councils in the East and West were affirmed by the Apostolic See later in the fourth century as bishops began to turn to Rome for answers to questions about

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[60] Basil of Caesarea, "Letter 199 to Amphilochius" 18, in *PG* 32: 717. English translation in *Nicene and Post-Nicene Fathers*.

[61] Council of Ancyra, c. 19. See fn. 57, p. 75.

[62] See Council of Elvira, c. 27, in *Elvira*, 323: "Episcopus vel quilibet alius clericus aut sororem aut filiam virginem dicatam Deo tantum secum habeat: extraneam nequaquam habere placuit." English translation A. Maguire: "A bishop or any other cleric may have living with him only a sister or a daughter who is a virgin dedicated to God; certainly no unrelated woman should live with him." Accessed April 21, 2019 at https://earlychurchtexts.com/mainsub/elvira/canons_of_elvira_02.shtml. Citing Ancyra, the First Council of Nicea (325), c. 3 likewise forbade a bishop or any member of the clergy to have a woman live with him, other than his mother or sister or aunt or "such persons only as are beyond all suspicion." English translation A. Maguire, accessed September 24, 2018 at https://earlychurchtexts.com/printable/creedcounc/nicaea/canons_of_nicaea_ printable_03_g.html.

discipline and doctrine.[63] The first letter of Pope Siricius (384–399) to Bishop Himerius of Tarragona, written in 385, responded to a question about the punishment of monks and nuns who had fornicated, concluding that they were to be banned from monasteries and church congregations and admitted to communion only at the hour of death if they had lived lives of repentance.[64] The tenth letter of Pope Siricius, written to a bishop of Gaul in regard to the canons of a Roman synod, specifically addressed the case of the publicly veiled virgin who secretly committed unchastity or attempted to marry.[65] Siricius found that she who had been the spouse of Christ was now the concubine of a human being, an "adulterer of marriage,"[66] and for her offense "must mourn her guilt for many years, so that by bearing the appropriate fruits of penance, she could at last obtain forgiveness from her sin."[67] The same letter of Pope Siricius addressed the case of the girl not yet veiled who abandoned her *propositum* to remain for Christ, either willingly or due to having been plundered.[68] She was never later permitted to be veiled in Christ, and she was to be subjected to the penance imposed on a virgin betrothed to a man, who instead married another.[69] In his letter to the bishops of Victricium in 414, Pope Innocent I

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[63] See Vizmanos, *Las virgenes*, 165, and Ken Pennington, "Legal History Sources," accessed May 16, 2018 at http://legalhistorysources.com/Canon%20Law/ShortHistoryCanonLaw.htm#The%20First%20Collections%20of%20Canon%20Law%20within%20United%20Christendom.

[64] Pope Siricius, Letter 1 to Bishop Himerius of Tarragona, c. 6, in *PL* 13, 1137. English translation accessed at Pennington, "Legal History Sources."

[65] Vizmanos, *Las virgenes*, 165, notes that there is historical debate over whether this letter (ten) was composed by Pope Siricius or by Pope Damasus (366–384). Vizmanos also cites Harduin, who supposed that the reference was to a Roman synod held under Innocent I (401–417).

[66] Pope Siricius, Letter 10 on the Canons of a Roman Synod to a Bishop of Gaul, 3, in *PL* 13, 1182: "adultero mariti nomen imposuit."

[67] Ibid., *PL* 13, 1183: "Unde annis quam plurimis deflendum ei est, quo dignae fructu poenitentiae facto possit aliquando ad veniam pervenire, sit tamen poenitens poenitenda faciat."

[68] Ibid., 4, *PL* 13, 1183–1184.

[69] See ibid. The letter of Pope Siricius cites Dt. 22:24, wherein the law called for both the betrothed virgin and the man who lies with her to be stoned to death. Had the woman, however, cried out in the face of an attack, Siricius comments that under the law she would have been immune from guilt. The case at hand calls for suitable penance to be imposed upon the unveiled virgin who abandons her *propositum*. Commentary on the text in *PL* also cites the council of Valentino (374) canon 2; Tours, canon 6; Aurelianensi V, canon 19; and Matisconensi 1, canon 12,

further emphasized application of the juridical condition of adultery to consecrated virgins who broke their first pledge and attempted marriage:

> For if dealing with earthly men this rule is kept, that whoever marries another even as her husband is living is considered an adulteress, and is not granted the right to penance until after the death of one of the two men, how much more should be held so with she who, having first joined an immortal husband, then proceeds to second nuptials with an earthly man?[70]

Of significance, too, is that after the Edict of Milan (313), civil authorities also began to afford protection to the validity of such a spiritual marriage to Christ.[71] The Code of Theodosius in 364 A.D., for example, threatened with capital punishment those who raped or tried to marry consecrated virgins.[72]

These early decrees establish that in the mind of the Church, expressed through both its local bishops and the pope, the veiled virgin was characterized as mystically espoused to Christ, and the unfaithful virgin as adulteress.[73] In his treatise "Holy Virginity," Saint Augustine identified the consecrated virgins as *sanctimoniales* (sacred virgins),[74] as he encouraged them to let Christ himself, their true spouse, "occupy in your mind all the room you did not allow to be taken by marriage."[75] Augustine referred to the consecrated virgins as *sanctimoniales*, a word

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concluding that the girls are to be held as if truly bound by marriage to God, and for that reason as adulterers having broken faith. A new marriage would be treated as that of a woman who had married another living man.

[70] Pope Innocent I, Letter to Victricium, cap. 14, in *PL* 56, 526: "Si enim de hominibus haec ratio custoditur, ut quaecunque vivente viro alteri nupserit, habeatur adultera, nec ei agendae poenitentiae licentia concedatur nisi unus ex his fuerit defunctus, quanto et illa tenenda est quae ante se immortali sponso conjunxerat, et postea ad humanas nuptias transmigravit?"

[71] See Vizmanos, *Las virgenes*, 166.

[72] See Behrendt, "Conferences to Benedictine Sisters," 49. See also Vizmanos, *Las virgenes*, 166 and fn. 45, referencing the Code of Theodosius, lib. 9, tit. 25, law 2.

[73] See Vizmanos, *Las virgenes*, 165.

[74] See Augustine, "Holy Virginity" 46 and 57, in *The Works of Saint Augustine—A Translation for the 21st Century,* Vol. 9, *Marriage and Virginity*, trans. Ray Kearney, ed. John Rotelle (New York: New City Press, 1999) [hereafter *Works of St. Augustine*] 98 and 105. Latin text accessed February 9, 2019 at https://www.augustinus.it/latino/santa_verginita/santa_verginita.htm.

[75] Augustine, "Holy Virginity" 56, in *Works of St. Augustine*, 105.

generally understood today as referring to those living as monks, nuns, or religious.[76] The modern English translator of Augustine's work explains, however, that in Augustine's time, "*sanctimoniales*" was "a technical term for women formally consecrated to the virginal life."[77] This difference in understanding of the meaning of the term "*sanctimoniales*" seems to reflect an historical development in ecclesial recognition of various forms of consecrated life, many of which are rooted in the consecration of virgins.

c. Who is the "Ordo virginum"?

A related question might be raised at this point: who is included in the "*Ordo virginum*"? To address the question, we need briefly to jump ahead to a consideration of current jurisprudence. Canon 604 §1 in the 1983 Code of Canon Law links the *Ordo virginum* to those who "are consecrated to God by the diocesan bishop according to the approved liturgical rite."[78] Because the rite of consecration to a life of virginity includes two forms, the first used for women living in the world and the second for nuns,[79] one might conclude that the *Ordo virginum* of canon 604 includes both nuns and women living in the world. This is not the case, however, as is evidenced both by the canon's opening reference to the *Ordo virginum* as "similar to" other forms of consecrated life,[80] and by the reference to associations in 604 §2. As a form that is

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[76] A dictionary translation of "*sanctimoniales*" as a noun is "monk, nun, religious." See Leo F. Stelten, *Dictionary of Ecclesiastical Latin* (Peabody, MA: Hendrickson Publishers, 1995) s.v. "sanctimonialis."

[77] See Augustine, "Holy Virginity," in *Works of St. Augustine*, fn. 60 and fn. 80, p. 107. In fn. 60, the translator explains that in paragraph 46 Augustine refers to a distinction made in the litany of the African Mass between the names of the martyrs and those of the deceased "holy virgins" (*sanctimoniales*). Paragraph 57 concludes Augustine's discourse on "Holy Virginity." He writes: "As best our limitations have allowed, we have now said enough both about the sacredness, from which you get the special name, 'sacred virgins' (*sanctimoniales*), and about the humility, by which any greatness ascribed to you is protected." In fn. 80, Kearney explains his English translation of the word "*sanctimoniales*": "By the late fourth century the word *sanctimoniales*, translated here as 'sacred virgins,' had become a technical term for women formally consecrated to the virginal life."

[78] 1983 *CIC*, c. 604: "ab Episcopo dioescesano iuxta probatum ritum liturgicum Deo consecrantur."

[79] See *OCV Praenotanda* 6, 7. *Roman Pontifical*, 294.

[80] 1983 *CIC*, c. 604 §1: "Similar to these forms of consecrated life is the order of virgins."

"similar to" other forms, the *Ordo virginum* is distinguished from those other forms. Likewise, associations of virgins that may be formed "in order to observe their own resolution more faithfully and to perform by mutual assistance service to the Church in harmony with their proper state" is a reference that is not apropos to nuns, whose way of life and service to the Church is lived in the context of religious institutes.[81] The reference to *Ordo virginum* in canon 604 is a reference to a form of life distinct from that of nuns.

The *Ordo virginum* of canon 604 reflects the 1970 revision of the rite of consecration which opened the consecration once again to women living in the world. The 1983 Code of Canon Law gives juridical expression to this newly restored way of life in canon 604, where it employs the term *Ordo virginum* to refer specifically to those who live as consecrated virgins in the world. Members of the *Ordo virginum* as understood in today's Church live in the world and are not members of a religious institute or a society of apostolic life.[82]

There is a broader understanding of the *Ordo virginum*, however, that steps beyond that of canon 604. An *ordo*, by definition, represents a particular class, rank, station, or condition.[83] In this sense, the *Ordo virginum* might be said to reference the same set of women Augustine named "sacred virgins" (*sanctimoniales*), and would include all those formally consecrated to the virginal life. In the earliest days of the Church, these sacred virgins lived in the world, and it is this lifestyle of sacred virgins living in the world that has been restored with the *Ordo virginum* of today. At the same time, in this broader sense, the sacred virgins of today would consist not

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[81] 1983 *CIC*, c. 604 §2: "Ad suum propositum fidelius servandum et ad servitium Ecclesiae, proprio statui consonum, mutuo adiutorio perficiendum, virgines consociari possunt."
[82] See fn. 84, below, in regard to members of secular institutes.
[83] Charleton T. Lewis, *An Elementary Latin Dictionary* (London: Oxford University Press, 1966) s.v. "*ordo*": among other definitions, "a class, rank, station, condition." The term "ordo" will be addressed again later in Chapter 3 of this study.

only of the *Ordo virginum*, but of all those who have been consecrated according to the rite of consecration to a life of virginity, including nuns.[84]

It is not always possible in ecclesial history, and especially in the Middle Ages, to discover which virgins were formally consecrated through the rite of consecration to a life of virginity. In the first millennium, there is evidence of varying lifestyles of consecrated virgin brides of Christ, as some lived with their families, some lived independently, others embraced a more eremitic lifestyle, and still others came together to live communally. In the second millennium, as we will see, those who were consecrated as virgins primarily lived in monasteries, and the consecration of virgins living in the world became a rare occurrence. Not until after 1970 and especially with the 1983 code has a distinction become more defined between the broader group of sacred virgins (*sanctimoniales*) who receive the consecration of virgins, and the subset of that group, the *Ordo virginum*, who receive the consecration of virgins and remain living in the world.

d. Admission to the Ordo virginum

Juridical conditions for consecration began to emerge in the fourth century. In 390 A.D., a Council of Carthage forbade certain actions by priests, and included among these the consecration of virgins.[85] The Council of Hippo in 393 A.D. specified that the minister of consecration was to have episcopal character; the council also established a minimum age of

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[84] The question might still be raised about members of secular institutes who receive the consecration of virgins. Members of secular institutes would be consecrated according to the form of the rite for women living in the world, rather than for nuns. Are they part of the *Ordo virginum* that is referred to in canon 604? Using the distinctions outlined above, they would be sacred virgins, but I think they would not be part of the *Ordo virginum* of canon 604, because they are already living a distinct form of consecrated life.

[85] Council of Carthage, c. 3, 390 A.D., in C. Munier, ed., *Concilia Africae A. 345–A. 525* (Turnhout, Belgium: Brepols, 1974) 13. The Council forbade priests to consecrate chrisms, to consecrate virgins, and to reconcile penitents at public Mass.

twenty-five years before consecration.[86] A Council of Carthage in 397 upheld the same, stating that the veiling of consecrated virgins was not permitted to occur before twenty-five years of age.[87] Metz reports that the African discipline spread rapidly to the Church in Rome and then to other Frankish Churches.[88]

Explicit requirements for admission to the consecration are not available from the early centuries, but writings of the Church Fathers signal what was expected of virgins who desired to receive the veil. A consecrating bishop wanted to assure himself of the seriousness and firmness of a virgin's resolution; he wanted evidence that she had persevered for some time in the observance of her promise. Fathers of the Church warned of the grave scandal caused by foolish virgins and sought to foster the eschatological witness offered by wise virgins.[89] The treatise on virginity written by Saint Ambrose in 377 A.D. to his sister Marcellina, on the occasion of the twenty-fifth anniversary of her consecration, describes many facets of the life expected of virgins at that time, for example living the virtue of modesty,[90] having a love of chastity,[91] deepening in knowledge of their chosen Bridegroom,[92] taking a sparing approach to food,[93] infrequently

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[86] Metz, *La Consécration des Vierges*, 111.
[87] Council of Carthage, c. 1, 397 A.D., in Munier, *Concilia Africae*, 33.
[88] Metz, *La Consécration des Vierges*, 112.
[89] For example, St. Cyprian warned of the grave scandal caused by immodest and unfaithful virgins: "hence the flower of virginity is destroyed, the honor and modesty of continence are killed, all glory and dignity are profaned" (Cyprian of Carthage, "On the Dress of Virgins" 20, *Saint* Cyprian *Treatises*, 48.) St. Jerome complained of the practice of virgins closely associated with laymen: "One house holds them and one chamber. They often occupy the same bed, and yet they call us suspicious if we fancy anything amiss." (Jerome, *Letter 22 to Eustochium* 14, in P. Schaff and H. Wace, eds., *Nicene and Post-Nicene Fathers, Second Series*, vol. 6., translated by W.H. Fremantle, G. Lewis, and W.G. Martley, accessed May 14, 2014 at http://www.newadvent.org/fathers/3001022.htm.) On the other hand, Gregory of Nyssa, for example, spoke of the faithful virginal life of the wise virgin as seeming "to be an image of the blessedness in the future life, since it has in itself many signs of the goods which are, according to our hope, stored up for us." (Emmet T. Gleeson, "A Translation of the Last Thirteen Chapters of Saint Gregory of Nyssa's Treatise on Virginity" (M.A. Dissertation, The Catholic University of America, 1948) 10.)
[90] Ambrose, *De virginibus*, Bk. 1, 2.6, in *PL* 16, 190. Ramsey, 74.
[91] Ibid., Bk. 1, 3.10, in *PL* 16, 191. Ramsey, 76.
[92] Ibid., Bk. 1, 8.46, in *PL* 16, 201. Ramsey, 86.
[93] Ibid., Bk. 3, 2.5, in *PL* 16, 221. Ramsey, 106.

engaging in visits to others (except to parents),[94] being watchful of the tongue,[95] keeping attentive to Scripture and the sacraments,[96] "fasting, drinking plain water, weeping at prayer and falling asleep on your book,"[97] and engaging in frequent prayer, the recitation of psalms as one falls asleep, and the Creed as one awakes.[98] Saint Augustine, writing in c. 401 A.D., commented in his treatise on the same topic, "Bodily virginity is not for everyone. In fact those who have already lost their virginity do not have the option of being virgins."[99]

From the twelfth year of life, virgins who were marriageable by Roman law were able to make a first *propositum* of virginity, choosing Christ as spouse, and to put on dark and very modest clothing to distinguish their profession.[100] Not until many years later, however, and after a long probation, were virgins given the veil of consecration "from the bishop on a certain solemn festive day during the solemnity of the Mass, observed by all the people."[101] The group who made a first *propositum* of virginity took the habit to distinguish themselves from others, but not until later would some of these receive the veil of consecration at the hands of the bishop.[102] This latter group was not so large in number, but that of the first group was almost

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[94] Ibid., Bk. 3, 3.9, in *PL* 16, 222. Ramsey, 107. Ambrose spoke these words especially to young virgins.
[95] Ibid.
[96] Ibid., Bk. 3, 3.11, in *PL* 16, 223. Ramsey, 108.
[97] Ibid., Bk. 3, 4.15, in *PL* 16, 224: ". . . jejunium desideretur: potus e fonte, fletus in prece, somnus in codice." Ramsey, 109.
[98] Ibid., Bk. 3, 4.18–4.20, in *PL* 16, 225. Ramsey, 110–111.
[99] Augustine, "Holy Virginity" 27, in *Works of St. Augustine*, 85.
[100] Maroto, "*Annotationes* Sacra Congregatio de Religiosis (1927) 6," 157.
[101] Ibid.: "aliae ab Episcopo solemniori quodam die festo velum consecrationis acceperant inter Missarum solemnia; spectante populo universo."
[102] See Louis Thomassin, *Ancienne et nouvelle discipline de l'Eglise touchant les benefices et les beneficiers* (Paris: François Montalant, Imprimeur & Libraire, 1725) Vol. 1, Bk. III, ch. 42, n. 9 (pg. 1671): "Il y avait deux fortes de filles Religieuses; les unes s'étoient consacrées à Dieu en prenant l'habit brun & modeste, qui distinguoit les Vierges Religieuses des autres, & c'étoit là la marque de leur Profession. Les autres avoient reçu de la main de l'Evêque un voile de consecration au jour de quelque Fête solemnelle, en presence de tout le People, pendant qu'on celebroit le Sacrifice.": "There were two groups of religious girls; some were consecrated to God by taking the brown and modest habit, which distinguished the religious virgins from others, and this was the mark of their profession. The

innumerable.[103] The age at which bishops would consider consecration ranged from twenty-five years to seventy-two years, and was often set at forty or sixty years.[104] A general council held in Carthage in 416 AD, where all the provinces of Africa and Spain were represented, responded to preceding councils that had set older minimum ages for consecration, by "authorizing the bishops to give the veil to virgins before the age of twenty-five years in cases of necessity. And they alleged as *causa necessitates* the danger for a young girl to lose her virginity or the fear of dying [unveiled] before the age of twenty-five years."[105] This juridical discussion of the minimum age for consecration ensued as a way to protect and confirm the *propositum* of the virgin to continue to live virginity for the sake of the kingdom of God.

Perseverence in living her *propositum virginitatis* extended to more than merely protecting physical (material) virginity. Metz points to the caution of Saint Ambrose that the

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others had received from the hand of the Bishop a veil of consecration on the day of some solemn feast, in the presence of all the People, while celebrating the Sacrifice."

[103] See Louis Thomassin, *Ancienne et nouvelle discipline de l'Eglise*, Vol. 1, Bk. III, ch. 42, n. 9 (pg. 1671): "Le nombre de ces dernières ne pouvoit pas être si grand, mais celui des premières étoit presque innombrable; dès l'âge de douze ans les filles pouvoient entrer dans le premier de ces états, mais il falloit un âge plus avancé & plus mûr, pour être reçû dans le second. Il faut justifier tout cela par les témoignanges des Saints Pères.": "The number of these last could not be so great, but that of the first was almost innumerable; as early as the age of twelve years girls could enter the first of these states, but a more advanced and mature age was required to be received in the second. It must be justified by the testimonies of Holy Fathers."

[104] See Metz, "Les Conditions Juridiques de la Consecration des Vierges dans la Liturgie Latine: des Origines à nos Jours," *Revue de Droit Canonique* 1 (1951) 268–278.

[105] Metz, "Les Conditions Juridiques de la Consecration des Vierges dans la Liturgie Latine," 274: "On autorisa les évêques à donner le voile aux vierges avant l'âge de vingt-cinq ans en cas de nécessité. Et l'on allégua comme *causa necessitates* le danger pour la jeune fille de perdre la virginité ou la crainte de mourir avant l'âge de vingt-cinq ans." The original Latin quote indicates that what might endanger virginal chastity is the "fear of a powerful suitor or some abductor." In those cases, "or even if she be greatly sorrowed by some harmful anxiety that she may die unveiled, at the request of her parents or those caring for her, the bishop may veil the virgin even if she was younger than twenty-five." See Gregorio de Rives, "Virgenes: Anno 416 Ex Concilio Melevitano I sub Innocentio I c. 26," in *Epitome Canonum Conciliorum* (Monteregali: Excudebat J. Bianco, 1870) Vol. 2, 533: "Item placuit, ut quicumque episcoporum necessitat periclitantes pudicitiae virginalis, (cum vel petitor potens vel raptor aliquis formidatur, vel si aliquo etiam mortis scrupulo periculoso compuncta fuerit, ne non velata moriatur, aut exigentibus parentibus, aut his, ad quorum curam pertinet) si velaverit virginem, seu velavit intra viginti quinque annos aetatis, non ei obsit concilium, quod de isto annorum numero constitutum est."

virgin must show maturity in modesty, the dignity of grey hair, and years of a life of chastity.[106] A decree of the Council of Carthage (397 A.D.) indicated that the broader Church community took responsibility for safeguarding the virgin's *propositum*:

> Holy virgins when they are separated from their parents by whom they have been wont to be guarded, are to be commended to the care of the bishop, or presbyter where the bishop is absent, to women of graver age, so that living with them they may take care of them, lest they hurt the reputation of the church by wandering about.[107]

By the second half of the fourth century, a mandated time of probation was firmly established in order to attest to the perseverance of a virgin in living her *propositum*, before her consecration.[108]

e. Liturgical Rite of Consecration

There is no known extant liturgical rite of consecration from the early Church, but prayers used during the consecration ceremony do exist in ancient texts, the earliest known edition of which is the Leonian Sacramentary, generally attributed to Pope Leo the Great (440-461).[109] The solemn prayer of consecration found in this ancient sacramentary and repeated in the 1970 edition of the Rite of Consecration, is significant for its explicit reference to bodily chastity. It is, in fact, commonly identified by its opening words: "Loving Father, chaste bodies are your temple; you delight in sinless hearts."[110] Likely much of the same ritual used in Marcellina's fourth century consecration, and recorded in the Leonian Sacramentary, continued

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[106] Metz, "Les Conditions Juridiques de la Consecration des Vierges dans la Liturgie Latine," 276.
[107] Gregorio de Rives, "Virgenes: Anno 397 Ex Concilio Carthaginensi III sub Siricio c. 33," *Epitome Canonum Conciliorum*, Vol 2, 532: "Ut virgines sacrae cum parentibus, a quibus custodiebantur, privatae fuerint, Episcopi providentia vel presbyteri (ubi Episcopus absens est) in monasterio virginum, vel gravioribus foeminis commendentur, ut simul habitantes invicem se custodiant, ne passim vagantes Ecclesiae laedant aestimationem." English translation accessed September 26, 2016 at http://www.newadvent.org/fathers/3816.htm.
[108] See Metz, "Les Conditions Juridiques de la Consécration des Vierges dans la Liturgie Latine," 276.
[109] Charles Lett Feltoe, ed. *Sacramentarium Leonianum: Edited, with Introduction, Notes, and Three Photographs* (Cambridge: University Press, 1896, paperback edition 2013). Feltoe documents the history of the *Sacramentarium Leonianum*, concluding that the text is most likely a collection of texts compiled in the seventh century, although "a large quantity of the matter introduced is of an earlier date." Feltoe, xv.
[110] Ibid., 139: "Deus, castorum corporum benignus Habitator, et incorruptarum, Deus Amator animarum." See also *OCV* 24.

in use for another five centuries, "until Gallic influence produced a number of Romano-Germanic sacramentaries in the eighth and ninth centuries."[111] In the Romano-Germanic Pontifical of about 950 A.D., two distinct ceremonies for consecration were introduced: one for the veiling of virgins in monasteries, and the other for the veiling of virgins living in the world.[112] Through the various changes in the consecration ritual, the prayer of consecration of virgins itself remained constant: "Loving Father, chaste bodies" appears in the Roman Pontifical today, and is nearly identical to that found in the Leonian Sacramentary and employed in the consecration of Marcellina in 353 A.D.

f. From Private Homes to Cenobitic Life

Consecrated virgins of the early Church constituted a particular group in the Church and yet they often remained living in their own private homes, where they led devout lives, still in some sense segregated from the world.[113] For example, St. Jerome reported of the virgin Asella who lived a life of prayer, quiet, and fasting, alone in a cell and working with her hands.[114] Although they often lived in hostile social conditions, consecrated virgins enjoyed reasonable protection through their ecclesial bonds: "In Constantinople, at the time of St. John Chrysostom, a superior or 'spiritual mother' had responsibility for virgins; in Milan, they came together to

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[111] Anne Marie Selvaggi, "An Ancient Rite Restored – Consecrated Virgins Living in the World," *Canadian Catholic Review* 5 (January 1987) 9.

[112] Eluvathingol, "Oración consecratoria," 2–3. The author asserts that the consecration of virgins was celebrated in accord with one of three nearly identical rites until the ninth century: the rite found in the Leonianum or Veronense sacramentary; in the Gelasian sacramentary of the sixth century; or in the Gregorian sacramentary from the seventh to eighth centuries. The Pontifical Romano-Germanico, which probably developed in the abbey of St. Alban in the Diocese of Maguncia in Germany around 950 A.D., displayed the historical reality of the Franco-Germanic influence on Roman liturgies, and especially the rite of consecration of virgins, as a simple rite was changed to a solemn ceremony full of symbols expressing in a tangible way the life of the virgin.

[113] See Maroto, "*Annotationes* Sacra Congregatio de Religiosis (1927)" 5, 156.

[114] Ibid.

help one another; in Rome, according to St. Jerome, virgins of all social classes were united in a true common life."[115]

A significant transition in the *Ordo virginum* started to take root in the late fourth century. With the flourishing of cenobitic life, virgins began to choose more often the community life of monasteries rather than a life lived independently in the world.[116] Many virgins came to the cloister of the monastery where they lived a common life, bound in the first place by the *propositum* of virginity, but also under the bonds of religious vows, in what was a public status undertaken and regulated by ecclesiastical norms.[117] Even among those who professed religious life in the monastery there remained a distinction between those who lived the *propositum* of virginity and those certain ones who would later be accorded the veil of consecration from the bishop, after many years of perseverance in the monastery.[118] With the development of communal monastic life for virgins, the probationary period became more formalized: in the early sixth century, for example, Saint Caesarius, Bishop of Arles, established a one-year minimum probationary period for virgins who lived in monasteries.[119]

During these later centuries of the first millennium, two parallel lifestyles for consecrated virgins existed: consecrated virgins living in monasteries, and consecrated virgins living in the world.[120] After the tenth century, however, it became rare to find a consecrated virgin living in

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[115] D.M. Huot, "La Consecration des Vierges 2," *Informationes* 9 (1983) 156: "A Constantinople, au temps de S. Jean Chrysostome, une surveillante ou 'mère spirituelle' avait la responsabilité des vierges ; à Milan, celles-ci se regroupent pour s'entr'aider; à Rome également, au dire de S. Jérôme, des vierges de toute extraction sociale s'unissent en une véritable vie commune."
[116] Selvaggi, "An Ancient Rite Restored," 8.
[117] Maroto, "*Annotationes* Sacra Congregatio de Religiosis (1927) 7," 157.
[118] Ibid.
[119] Metz, "Les Conditions Juridiques de la Consecration des Vierges dans la Liturgie Latine," 277.
[120] See Diane Desautels, "An Early Christian Rite Revised: Consecrated Virgins Living in the World," *Review for Religious* 49, no. 4 (July/August 1990) 569. See also Elizabeth Makowski, *A Pernicious Sort of Woman*: *Quasi-Religious Women and Canon Lawyers in the Later Middle Ages* (Washington, DC: The Catholic University of

the world.[121] The change was most likely due to the development and flourishing of religious orders and the idea that the cloister presented less danger to a consecrated virgin than living within secular society.[122] With there no longer being a need for a distinction in consecration rituals, it also followed that by the middle of the eleventh century the practice of consecrating women who would remain living in private homes had fallen into disuse, and if it did occur it was in unique situations.[123]

The liturgical ritual for the consecration of a virgin, as well as the style of life of the consecrated virgin, had undergone a radical shift in the first millennium: Christian virginity went from being exemplified by the lives of virgins such as Agnes, Agatha, Lucy, and Marcellina, who lived independently as consecrated brides of Christ in the midst of a secular (and often hostile) world, to lives of virgins who professed monastic vows and lived in an enclosed communal setting. During the first millennium, the Church admitted to consecration virgins who had made a *propositum virginitatis* and who fulfilled the necessary conditions of age and probation; they were consecrated by the diocesan bishop as inviolable brides of Christ. Ecclesial laws guarding the consecrated virgin's spousal union with Christ paralleled ecclesial laws guarding the union of husband and wife in human marriage.

America Press, 2005) 5. Makowski refers to a distinction made in 742 by the *Consilium Germanicum* between *virgines velatae* and *virgines non velatae*. Reflecting the varying vocabulary, Makowski equates the *virgines velatae* with "nuns" and the *virgines non velatae* with "canonesses."

[121] Metz, *La Consécration des Vierges*, 230.

[122] Catherine C. Darcy, "Canon 604: Previously Married Person Becoming a Consecrated Virgin," *Roman Replies and CLSA Advisory Opinions 1993*, ed. Kevin W. Vann and James I. Donlon (Washington: CLSA, 1993) 48.

[123] Maroto, "*Annotationes* Sacra Congregatio de Religiosis (1927) 9," 158.

2. Ecclesial Law in the Second Millennium to 1917: Consecration of Virgins Primarily Reserved to Nuns

a. Liturgical Rite of Consecration of Virgins (Distinct from Widows): Admission Criteria

A comparative study of the rite of consecration of virgins as it appeared in editions of the Pontificale Romano-Germanicum of the tenth century reveals that the rite did not contain an explicit statement of admission requirements for the consecration of virgins.[124] These pontifical editions presented, in the first place, a rite of consecration of sacred virgin nuns; following this was a rite for the consecration of a virgin who desired to undertake the state of chastity privately, living in her own home; separately, there was also a rite for the consecration of widows who professed chastity.[125] Those to be consecrated as virgins were brought before the bishop by their parents; the bishop received the folded hand of the virgin in the altar cloth; and he offered the traditional prayer of consecration "*Deus castorum corporum*," in use since the time of the Leonian Sacramentary of the fifth century.[126] While the consecration of virgins was always at the hand of the bishop, the consecration of widows was permitted at the hands of a priest.[127]

In his study of the Roman Pontifical in the Middle Ages, Michael Andrieu compares two versions of the rite of consecration of virgins in use in pontificals of the twelfth century.[128] Neither the rite entitled "*Ordo ad virginem benedicendam*" nor the rite entitled "*Ordo ad*

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[124] Cyrille Vogel and Reinhard Elze, *Le Pontifical Romano-Germanique du Dixième Siècle* (Vatican City: Bliblioteca Apostolica Vaticana, 1963) 38–62.
[125] Ibid. For nuns, see pp. 38–46: "Consecratio sacrae virginis quae in epiphania vel in alvis paschalibus aut apostolorum nataliciis celebratur." This rite seems to be directed, at least primarily, for use with virgins living in monasteries, as it speaks to the dress of the 'holy virgin nun' (*sancta monialis virgo*). For virgins living privately, see pp. 51–54: "Consecratio virginum quae a seculo conversae in domibus suis susceptum castitatis habitum privatim observare voluerint." For widows, see pp. 59–62: "Consecratio viduae quae fuerit castitatem professa."
[126] Ibid., 38–39; 42–43. The virgin would speak the traditional antiphon of St. Agnes, "I am espoused to Him whom the angels serve, sun and moon stand in wonder at his glory."
[127] Ibid., 59.
[128] Michel Andrieu, *Le Pontifical Romain Au Moyen-Àge: Le Pontifical Romain du XII° Siècle* (Vatican City: Biblioteca Apostolica Vaticana, 1938) 154–164.

consecrandam sacram virginem" noted inquiries to be made by the bishop of the virgin before the consecration. The virginal status of a woman was identified in the rites: one rite referred to the *holy virgin* coming forward to her bishop for consecration,[129] and each of the rites for virginal consecration was followed by a different and distinct rite of blessing for widows who desired to profess chastity and to take on the habit in a monastery of the holy virgins regular. The rite for the blessing of widows made clear that while widows could receive the veil from a presbyter, "true virgins could only be veiled by the bishop."[130]

Entering the High Middle Ages, a complex variety in the status of virgins existed in the Church. Living their commitments secretly, or in some cases seeking public consecration at the hands of the bishop, there continued to be those free women, and slaves, who fostered a life of virginity privately in their own homes.[131] However, a larger number of virgins began to embrace the monastic state, and it was clear that the practice of the bishop giving the veil of consecration to women remaining in private homes was in decline, and even viewed with a certain suspicion. Such was the reality when the Second Lateran Council (1139), during the pontificate of Innocent II, condemned as "pernicious and detestable" the custom of women wishing to be thought of as nuns, who lived in their own private dwellings rather than in monasteries.[132] Although there is

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[129] Ibid., 154.
[130] Ibid., 156, "Presbiteris namque licet viduas velare; virgines vero a solis episcopis velantur."
[131] See Maroto, "*Annotationes* Sacra Congregatio de Religiosis (1927) 8," 157. As discussed earlier, in the section "who is the *Ordo virginum*?" pp. 78-80, a broad understanding of the *Ordo virginum* includes all "sacred virgins" who were consecrated to a life of virginity. Maroto also points to the reality of virgins who lived their *propositum* in the world but may not have received consecration. Also see Elizabeth Makowski, *A Pernicious Sort of Woman*, 89. The author refers to academic commentators who distinguish "quasi-religious" women, those living outside monastic life, from "religious" women who live in monasteries. Those "quasi-religious" women might be tertiaries, secular canonesses, or beguines. It is beyond the scope of the current study (if the information is even available) to consider which of these classifications of virgins might have periodically or regularly received the consecration of virgins.
[132] Second Lateran Council, c. 26: "perniciosam et detestabilem." English translation in *Decrees of the Ecumenical Councils*, ed. Norman P. Tanner, 2 vols. (London and Washington: Sheed & Ward and Georgetown University

some evidence of virgins living in a public canonical state of virginity outside the monastery even in the thirteenth century, it is clear that these were an exception to the rule.[133] Either from Innocent II's condemnation or simply from the discontinuance of the practise, the custom of solemnly consecrating virgins living in the world fell into disuse.[134] Two centuries later, Saint Antoninus, Archbishop of Florence, affirmed as much when he wrote in 1477 about the brilliance of consecrated virginity, but noted "nevertheless among the virgins one is not approved for consecration unless she is solemnly professed in religion."[135] From this time until 1970, bishops who wished to consecrate a virgin living in the world adopted the rite properly used for consecrating virgins who were cloistered nuns.[136]

In 1216, the Rite of Consecration of Virgins was reformed in a pontifical of Innocent III to eliminate the formula for a consecration of secular virgins and to modify the form for enclosed nuns.[137] Other reforms of the rite can be identified in diocesan pontificals of the thirteenth century. Most significantly, a pontifical prepared between 1292 and 1295 by Guillaume Durand,

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Press, 1990) [hereafter Tanner] 1: 203. In full, the decree reads: "We decree that the pernicious and detestable custom which has spread among some women who, although they live neither according to the rule of blessed Benedict, nor Basil nor Augustine, yet wish to be thought of by everyone as nuns, is to be abolished. For when, living according to the rule in monasteries, they ought to be in church or in the refectory or dormitory in common, they build for themselves their own retreats and private dwelling-places where, under the guise of hospitality, indiscriminately and without any shame they receive guests and secular persons contrary to the sacred canons and good morals. Because everyone who does evil hates the light, these women think that, hidden in the tabernacle of the just, they can conceal themselves from the eyes of the Judge who sees everything; so we prohibit in every way this unrighteous, hateful and disgraceful conduct and forbid it to continue under pain of anathema." Also see reference in Gratian C. 18, q. 2, c. 25.

[133] See Maroto, "*Annotationes* Sacra Congregatio de Religiosis (1927) 10," 158. Maroto notes that even these exceptions to the rule were not receiving the veil of consecration from the bishop, nor were they called virgins consecrated to God or holy nuns, for these references were already forbidden by the canons of the Second Lateran Council.

[134] See Maroto, "*Annotationes* Sacra Congregatio de Religiosis (1927) 10," 159.

[135] Antoninus, *Summa Theologica Moralis* (Publisher Petrus Drach, 1477. Digitized by Google Books November 8, 2011 from Ghent University original.) Accessed October 28, 2018, https://books.google.com/books?id=kDJNAAAAcAAJ. Part III, tit. 2, c. 2, notandum 1: "nec tamen consecratur inter virgines nisi solemniter professa in religione approbata." Also see Maroto, "*Annotationes* Sacra Congregatio de Religiosis (1927)" 10, 159.

[136] Darcy, "Canon 604," 48.

[137] Eluvathingol, "Oración Consecratoria," 4.

a prominent canonist and bishop of the small village of Mende, restored the idea of a mystical marriage in the rite and required that before the consecration the bishop must be assured that the virgin had realized all the conditions stipulated by law. The Pontifical of Durand appeared as the first pontifical to require that the bishop make specific inquiries of the woman seeking consecration. René Metz describes the inquiry:

> But before proceeding to the consecration, the bishop must be assured that the virgin realized all the conditions stipulated by law. To this end, the ritual prescribed a minute inquiry. The bishop himself was charged with this; it was to be made on the evening preceding or in the morning before the ceremony. He inquired about the age of the virgin to know if she was twenty-five as required by the canons since the council of Hippo in 393. He asked about her intentions to ascertain that she was well decided to guard her virginity. He questioned also on her past life, and particularly on the *integritas carnis*; but the last part of the interrogation was particularly emphasized.[138]

In 1298, the demand of Pope Boniface VIII that consecrated virginity be lived only in perpetual monastic enclosure resulted in a further reduction in the number of consecrated virgins living in the world.[139] Individual women such as Christina of Markyate (d. 1155) and Julian of Norwich (d. 1416), however, did continue to live a committed virginal life outside of the monastery, although they are not commonly recognized as having been consecrated as virgins.[140]

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[138] Metz, *La Consécration des Vierges*, 277–278: "Mais avant de procéder a la consécration, l'évêque devra s'assurer que la vierge réalize toutes les conditions stipulées par le droit. A cette fin, le rituel prescrit une enquête minutieuse. L'évêque lui-même doit s'en charger; il la fera soit la veille au soir, soit le matin avant la cérémonie. Il s'enquerera de l'âge de la vierge pour savoir si elle a les vingt-cinq ans requis par les canons depuis le concile d'Hippone de 393. Il l'interrogera sur ses intentions pour se rendre compte qu'elle est bien décidée à garder la virginité. Il la questionnera aussi sur la vie passée, et notamment sur l'*integritas carnis*; mais la dernière partie de l'interrogatoire se passe en particulier." The original text of the Pontifical is found in Michel Andrieu, *Le Pontifical Romain au Moyen-Age: Tome III Le Pontifical de Guillaume Durand* (Vatican City: Biblioteca Apostolica Vaticana, 1940) 411: "Die ergo precedenti, hora vespertina, vel etiam mane antequam episcopus incipiat missam, presentantur ei virgines benedicende, qui de earum ætate et proposito, si videlicet viginti quinque annorum fuerint, si voluntatem et propositum servande virginitatis habuerint, diligenter inquirat et insuper seorsum cum qualibet de vita et conscientia et carnis integritate."

[139] Selvaggi, "An Ancient Rite Restored," 8.

[140] Christina of Markyate and Julian of Norwich lived as virgins in the world, and are identified as anchoresses; they are not known to have received the consecration of virgins. Selvaggi, "An Ancient Rite Restored," 8, also notes the similar lives of Catherine of Siena (d. 1380), who lived as a Dominican tertiary, and Angela Merici (d. 1540), who founded a "company of virgins" that was later adapted to papal enclosure.

From the outset of the fourteenth century, the pontifical of the bishop of Mende rapidly began to be adopted by other dioceses.[141]

At the end of the fifteenth century, Agostino Patrizzi Piccolomini was charged by Innocent VIII with editing a Roman pontifical, and he modeled the Official Roman Pontifical on the work of the bishop of Mende. It was first printed in Rome in 1485 and included a series of inquiries to be made of the virgin in regard to age and the *integritas carnis*.[142] Likewise, the Roman pontifical of 1595–1596, promulgated by Clement VIII, called for these inquiries to be made by the bishop himself to each woman (usually also a nun) who sought consecration as a virgin: "diligently inquire if they have completed twenty-five years of age, if they hold a fervent intention to live in virginity [*propositum virginitatis*], and above all about the quality of life and conscience and integrity of the flesh [*carnis integritate*]."[143] Scrutinies held as part of the rite of consecration reflected the same. Each virgin would kneel before the bishop with her joined hands in his, and he would ask, "Do you promise perpetual virginity?"[144]

Other editions of the Official Roman Pontifical were published, including those of Urban VIII in 1645, Pope Benedict XIV in 1752, Leo XIII in 1888, and John XXIII in 1962 as he convoked the Second Vatican Ecumenical Council. The rite remained virtually unchanged over

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[141] Metz, *La Consécration des Vierges*, 273-316.
[142] Ibid., 330, fn. 43.
[143] "De Benedictione & consecratione virginum," in *Pontificale Romanum: Editio Princeps (1595-1596)* (Vatican City: Libreria Editrice Vaticana, 1997) 193: "an annum vigesimum quintum compleverint, si voluntatem et propositum feruandae virginitatis habeant, diligenter inquirit; et insuper seorsum cum qualibet de vita et conscientia et carnis integritate."
[144] Ibid., 198: "Pontifex interrogat quamlibet, dicens, 'Promittis te virginitatem perpetuo servare?' Respondet illa. 'Promitto.' Et Pontifex dicit. 'Deo gratias.'"

those centuries. René Metz notes that this is not surprising, for the very reason that there was no need to revise a ceremony that was no longer in active use.[145]

Not only had the rite of consecration fallen into disuse for virgins living in the world, but with the spread of enclosure and the restriction of the consecration of virgins to those in enclosed communities, consecration became rare even for cloistered virgins.[146] It was a development that caught the attention of St. Charles Borromeo, who, during a diocesan council held in Milan in 1574, strove in vain to revive the custom of solemn consecration of virgins in monasteries.[147] A Portuguese canonist, Agostino Barbosa (1589–1649) named the veil of consecration as one of six diverse veils that nuns could receive, and the only veil strictly reserved for virgins.[148] It is apparent that at the time Barbosa wrote, the rite of consecration of virgins was still in use in some monasteries, and yet in 1597, the Sacred Congregation responded to the Patriarch of Venice stating that the custom of blessing virgins was no longer in use but could be preserved if

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[145] Metz, *La Consécration des Vierges*, 341. For an extensive discussion of the ritual in the various pontificals, see Metz, chapter 8, "La Consécration des Vierges a Travers les Éditions Officielles du Pontifical Romain," 317-347.
[146] Behrendt, "Conferences to Benedictine Sisters," 59. Behrendt comments that in early centuries, when virgins were living in the world in the midst of their families and societies, they were protected in a particular way by the supernatural grace that was bestowed on them with the solemn consecration. He suggests that the same need for consecration was not felt, perhaps, by those living in enclosure. Also Maroto, "*Annotationes* Sacra Congregatio de Religiosis (1927)" 11, 159.
[147] See Maroto, "*Annotationes* Sacra Congregatio de Religiosis (1927) 11," 159, quoting Charles Borromeo in the 4th Council of Milan: "Ubi religiosus iste et vetus Moniales solemniter velandi mos his temporibus antiquatus est, ad pristinum usum ex veteri instituto et ritu revocetur, dummodo intra Monasterium id fiat."
[148] Agostino Barbosa, "De Monialibus & Sacris Virginibus," in *Juris Ecclesiastici Universi*, Lib. 1, cap. 44. (Published 1788. Digitized by Boogle from Universidad Complutense de Madrid original. Accessed February 25, 2018 https://babel.hathitrust.org/cgi/pt?id=ucm.5319459856;view=1up;seq=656.) Also see Maroto, "*Annotationes* Sacra Congregatio de Religiosis (1927)" 11, 159-160. Barbosa named six veils: 1) the white veil of probation given to the novice before profession; 2) the black veil of profession, given to either widows or virgins upon their profession; 3) the veil of consecration, which could be given only to virginal nuns who were at least 25 years of age; 4) a fourth veil was given to hold certain offices within the monastery; a fifth was that for the Abbess; and lastly was the veil of continence and watchfulness, given to widows but could also be given to virgins. With this, he noted that consecration was distinct from the profession of the three vows, and that only a bishop could consecrate. Barbosa also wrote that the virgin who had been violated was not to be consecrated as a virgin, but neither was she to be abandoned. Citing St. Thomas Aquinas, he suggested that in such cases the words of the consecratory prayer might be changed to indicate chastity rather than virginity.

only somewhere still it would have thrived.[149] Not until 1868 did the tide begin to turn with a revival of the use of the rite as Abbot Prosper Guéranger consecrated seven Benedictine nuns at the Abbey of St. Cecilia in Solesmes.[150] Records of the Congregation for Institutes of Consecrated Life and Societies of Apostolic Life state that it was especially the Benedictines who continued use of the rite of consecration of virgins after its revival by Dom Gueranger.[151]

At the turn of the twentieth century, Selvaggi reports that China was the first to witness a renaissance of virgins living in the world after the banning of religious communities at the time of the Boxer Uprising: "the underground church of China returned to the practice of consecrating women into the Order of Virgins and permitted them to remain with their families."[152]

b. Middle Ages Legislation: Gratian and the Decretalists on the Binding Nature of Vows of Chastity

We turn now from a consideration of liturgical law and practices to a consideration of ecclesial legislation in regard to consecrated virgins during the second millennium. As was true in the first millennium, much of this law was developed in response to questions about how to treat the situation of nuns who later pursued marriage. The First Lateran Council (1123) forbade the marriages of monks, and declared marriage contracts of monks to be null.[153] The Second Lateran Council (1139) expressly mentioned nuns (*sanctimonialibus femininis*) who attempted to

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[149] See Maroto, "*Annotationes* Sacra Congregatio de Religiosis (1927) 11," 160.
[150] Metz, *La Consécration des Vierges*, 343.
[151] See Huot, "La Consecration des Vierges 4," 157. Huot identifies SCRIS Archives Prot 01527/52 which also indicates that among Orders, only two monasteries used the rite of consecration (the Poor Clares of Taranto and the Carmelites of San Remo). The Cistercians never received it, and yet the Carthusian nuns (Chartreuses) received both virginal consecration and diaconal consecration (not sacramental).
[152] Selvaggi, "An Ancient Rite Restored," 8.
[153] First Lateran Council, c. 21: Tanner 1:194.

marry; such marriage contracts were determined to be null and the partners told to separate and do commensurate penance.[154]

Gratian's *Decretum*, written in the mid-twelfth century,[155] was a compilation of legislative texts from Church councils, papal decretals, the Fathers of the Church, and some secular sources, spanning the period from the pre-Constantine Church to the Second Lateran Council celebrated in 1139 by Pope Innocent II.[156] An inundation of papal decretals and various private collections of legal texts occurred in the late twelfth century,[157] and in their wake the *Liber Extra* was promulgated by Gregory IX in 1234 as an official collection of legal texts replacing earlier collections of decretals.[158] Following this, the *Liber Sextus* of Boniface VIII was promulgated in 1298. These collections of juridical texts displayed a progression in legislation regarding the binding nature of vows of chastity. The texts and those of commentators are an important source for the current study of the juridical implications of a virgin's betrothal to

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[154] Second Lateran Council, cc. 7–8: Tanner 1:198.
[155] The *Decretum* was completed not before 1139 and its second recension was completed at the earliest in 1158.
[156] See Anders Winroth, *The Making of Gratian's "Decretum"* (New York: Cambridge University Press, 2000) 5.
[157] See Kenneth Pennington, "Decretal Collections 1190–1234" in *The History of Medieval Canon Law in the Classical Period, 1140–1234* (Washington, DC: The Catholic University of America Press, 2008) 294. Pennington reports that "historians have counted roughly 10,583 papal letters from the early Church to 1159; in the period from 1159 to 1198, there were almost 7,000."
[158] See Pennington, "Decretal Collections 1190–1234," 293–317. Pennington traces the post-Gratian development and growing organization in private collections of legal texts, from Bernard Pavia's "Breviarium extravangantium" (later known as the "Compilatio prima") in about 1190, to the archdeacon of Bologna's "Compilatio quinta" in 1226. The "Compilatio quinta" was ordered by Pope Honorius III, and was the first of the collections to be ordered by the pope himself. After this time, there were no more private collections, but only official collections of legal texts made by the papacy and sent to the law schools. In 1234, with the bull "Rex pacificus," the *Decretales Gergorii noni* (known as the *Liber Extra* of Gregory IX) was promulgated. This was a new compilation of decretals made by the Dominican Raymond of Penafort at the bequest of Pope Gregory, in order to replace all earlier collections of decretals with one volume. The *Liber Extra*, along with the *Decretum,* became the most important canonical texts in the schools and courts of Europe in the thirteenth century. Alexander III was the pope from 1159 to 1181, and many of his decretals are recorded in the *Liber Extra.*

Christ in the *ordo virginum*, although very little of the legislation was written explicitly in regard to virgins living in the world.[159]

The law Gratian cited from preceding centuries reflected numerous ways in which a person might have lived a life of devoted Christian chastity (*e.g.*, as a virgin, widow, monk, nun, tertiary, or hermit) and at the time he wrote in the Middle Ages professions within religious communities were not yet regularized.[160] The writings of Gratian and subsequent decretalists addressed essential canonical questions regarding matters such as entrance into a state of lifelong Christian continence, what it is that makes firm (solemnizes) a vow of chastity, and the liceity and validity of marriages entered into by those who had previously vowed chastity. Without a clear-cut body of law to draw upon, it is interesting, and perhaps not surprising, that the canonical approach to such questions often continued to parallel the canonical treatment of marriage vows, and as such was ever attentive to protecting the freedom of choice in any decision.[161]

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[159] Marie-Paul Dion, "Les effets du rite de la consécration des vierges," *Église et Théologie* 16 (1985) 298. Dion asserts that the reason there was so little legislation during this period for virgins living in the world was because the consecration of virgins was rare and did not have the favor of the Church at that time. Citing several councils (fn. 100, p. 298), she considers whether the reason may have been that "the lives of these women no longer bore witness to the virginal state."

[160] R. H. Helmholz, *The Spirit of Classical Canon Law* (Athens, GA: The University of Georgia Press, 2010) 246.

[161] Helmholz, *The Spirit of Classical Canon Law*, 230–231. Regarding the necessity of a free will decision, Helmholz cites X.3.31.1: "Let no one be tonsured, unless [he be] of legitimate age and acting of his own free will;" also X.1.40.1: a woman who had taken the veil only under the threat of death was free to leave the convent; and C.20.q.3.c.4: "Let no one be subjected to monastic discipline unwillingly." Helmholz contrasted the absolute free will required in such decisions to other types of oaths taken under coercion, which remained enforceable, although subject to relaxation under certain conditions.

Helmholz cites three matters that were deemed necessary for one to enter religious life in order to show that the full freedom of choice had been preserved: firstly, the person must have reached an age of majority before assuming the monastic habit; secondly, the sincerity of the person's desire for monastic life must have been examined; and thirdly, the choice of monastic life must have been tested. These conditions parallel the conditions of a minimum age, a firm *propositum virginitatis*, and a period of probation, that we have earlier identified as requirements established in the first millenium for admittance to the *Ordo virginum*.

The freedom to choose or not choose entrance to religious life was firmly established in law, but this freedom did not extend to leaving religious life after it was chosen.[162] Gratian, in his *Decretum* in *Causa* 27, question 1, exhibited the progression in legal thought that led to his understanding of a distinction between solemn and simple vows, and their consequent effect on the validity of marriage after a vow of chastity.[163] The discussion in *Causa* 27 opens with a citation from a canon of the Council of Carthage (397) [164] condemning with excommunication a widow who has broken her promise of chastity to God: "how much more guilty of adultery are widows who, after transferring their obedience to God, break the fidelity they have spontaneously and freely offered to him, and enter a second marriage out of carnal desire?"[165] Canons 2, 9, and 10 of *Causa* 27, question 1 recalled legislation we have considered from the early Church; the canons addressed the distinction between "veiled" and "unveiled" virgins in regard to a violation of their pledge of virginity. Those who had made a *propositum* of perpetual

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[162] See Helmholz, *The Spirit of Classical Canon Law*, 233. The author quotes the *glossa ordinaria* to the *Liber Extra* Book 3, Title 34, canon 6, as he summarizes the juridical view that a person has the canonical freedom to choose to enter religious life, but does not have the freedom to leave after choosing the life: "*Nota quod vovere est voluntarium, sed adimplere est necessarium.*: To make a vow is a matter of the will; to fulfill one is a matter of necessity."

[163] Aemilius Richter and Aemilius Friedberg, eds., *Corpus Iuris Canonici*, vol. 1 *Decretum Magistri Gratiani* (Lipsiae: B. Tauchnitz, 1879) [hereafter *Decretum*]. Two related questions are posed by Gratian in *Causa* 27: "Quidam votum castitatis habens desponsavit sibi uxorem; illa priori condicioni renuncians, transtulit se ad alium, et nupsit illi; ille, cui prius desponsata fuerat, repetit eam. (Qu. I.) Hic primum queritur, an coniugium possit esse inter voventes? (Qu. II.) Secundo, an liceat, sponsae a sponso recedere, et alii nubere?" English translation in "Marriage Canons from the Decretum of Gratian and the Decretals, Sext, Clementines and Extravagantes" by John T. Noonan, 1967, edited and supplemented by Augustine Thompson, 1993, accessed April 22, 2019 at http://legalhistorysources.com/Canon%20Law/MARRIAGELAW.htm [hereafter Noonan]: the *Decretum*, Case 27: "A certain man under a vow of chastity betrothed himself to a wife; she renounced the arrangement to leave and marry another. He, whom she had earlier betrothed, sought to regain her. The questions here are: First, can there be a marriage between those who have made vows? Second, may a spouse lawfully leave and marry another." All subsequent citations from the *Decretum* and English translations of C.27.q.1 and X.4.6 will be from these sources unless otherwise noted.

[164] The Council of Carthage has previously been referred to in this study. See p. 82.

[165] C. 27.q.1.c.1: "quanto magis viduae, que Dei religiositatem mutaverunt, crimine adulterii notabuntur, si devotionem, quam sponte, non coactae, Deo obtulerunt, libidinosa corriperunt voluptate, atque ad secundas nuptias transitum vecerint?"

virginity, but who had not been veiled, were required to do public penance and were excluded from the Church until the penance was completed.[166] Those, however, who attempted marriage after taking the veil, that is after they "have married Christ spiritually," were not ever even permitted to be admitted to penance, unless the one they had joined died.[167] Canon 10 explained: "In human affairs, whoever marries another while her husband is alive is an adulterer, and may not do penance until one of the two husbands has died. How much more is this so when one married to the Immortal Bridegroom passes to a human marriage?"[168]

This first question of *Causa* 27 had sought to address the question of whether or not those who had made a vow that excluded marriage might nevertheless enter marriage. The first forty canons in Gratian's discussion (including those cited above) recorded authorities who suggested that "the obvious, negative answer was also the correct answer."[169] The last three canons in Gratian's discussion of question 1, however, acknowledged positions holding that the one who breaks a vow may be guilty of grave sin before God, but the subsequent earthly marriage is not necessarily invalid, as would be the case if he had been an adulterer.[170] Gratian summarized the first forty canons by indicating that "all these authorities prohibit those who have made vows to

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[166] C.27.q.1.cc.2, 9. Canon 2 is from an Epistle of Gregory sent to Boniface; canon 9 is a decree of Pope Innocent I and from his epistle 2 to Victricium (previously referenced in this study; see pp. 77–78.)

[167] C.27.q.1.c.10: "que Christo spiritualiter nubunt." Canon 10 is also from a decree of Pope Innocent I. It is interesting to note that Theodore in C.27.q.1.c.43 interprets this restriction of canon 10 saying they not be admitted to penance "unless the one they had joined died" as meaning that they leave those they married, for "when people leave the world they die, because they have separated themselves from its desires."

[168] C.27.q.1.c.10: "Si enim de hominibus hec ratio custoditur, ut quecumque vivente viro alteri nupserit, adultera habeatur, nec ei agendae penitenciae licentia conceditur, nisi unus de his fuerit defunctus, quanto magis de illa tenenda est, que ante se inmortali sponso coniunxerat, et postea ad humanas transmigravit nuptias?"

[169] Helmholz, *The Spirit of Classical Canon Law*, 244. As another example, C.27.q.1.c.24 has previously been referenced in this study; see fn. 58, p. 75.

[170] Helmholz, *The Spirit of Classical Canon Law*, 245. Helmholz comments that canon 41 of C.27, q.1 records a long excerpt from Augustine's "*De bono viduitatis*: On the Good of Widowhood" in which the saint distinguishes between marriages with Christ and ordinary marriages. Augustine indicates that those who break a marriage with Christ break a vow and fall from a higher good, but they are not guilty of adultery because it is only those who break a human marriage who can be guilty of adultery.

contract matrimony, and order some of those who do to separate."[171] Gratian assessed the last three canons as requiring those who have made vows to separate from one that they marry, but he also referred to the authority of Augustine and Theodore who "clearly show that their marriages are not dissolved."[172] Gratian did not firmly resolve the question but he "distinguished between cases in which the person involved had made a monastic profession and cases in which there had been only what canon law would come to describe as a 'simple' or 'preliminary' vow," a distinction he had also adopted in *Causa* 17.[173] Later canonists, including Teutonicus (c. 1216) and Hostiensis (1253) commented on *Causa* 27 question 1, further developing the distinctions between the effects of simple and solemn vows.[174] In summary, as the distinction between simple

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[171] C.27.q.1.c.40: "His omnibus auctoritatibus voventes prohibentur contrahere matrimonia, et quidam eorum, si contraxerint, separari iubentur."

[172] C.27.q.1.c.43: "quorum vero coniugia auctoritate Augustini et Theodori solvenda non sunt . . . evidenter ostenditur."

[173] Helmholz, *The Spirit of Classical Canon Law*, 245.

[174] Johannes Teutonicus, in an ordinary gloss on C.27.q.1.c.42 described a "simple" vow that would permit the contracting of marriage, "so that a greater evil might be avoided." (*Gl. ord. ad* C.27.q.1.c.42 *s.v. laqueum.*)

See also Hostiensis, *Summa aurea IV, tit. Qui clerici velvoventes matrimonium contrahere possunt* 4–5 (Venice, 1570. Digitized by Google Books November 29, 2010, from the Bavarian State Library original. Accessed April 20, 2017 at https://books.google.com/books?id=ISJFAAAAcAAJ.) Hostiensis commented on the canons of C.27.q.1 in his discussion of the indications and effects of simple and solemn vows. *Regarding C.27.q.1.c.36*, Hostiensis wrote that religious vows ought to be put in writing. *Regarding C.27.q.1.c.14* in which is recorded a text from the Council of Trebur commenting on the more serious guilt incurred by those who marry sacred virgins (*sacris virginibus*), Hostiensis wrote: "Ex hoc ergo probatur gravius delinqui in fractione solemnis quam simplicis votim quis enim dubitet sceleratius esse commissum quod gravius indicant.: A greater offense is incurred by the breaking of a solemn vow than a simple vow, due to the graver essence of the vow itself." *Regarding C.27.q.1.c.17*, in which a decree of the Council of Arles, referencing earlier decrees, states: "Let those who marry women who have received the sacred veil be anathema," Hostiensis wrote: "Quod si solemniter voventibus contrahatur, non teneat matrimonium. Sed si a simpliciter voventibus contrahatur, tenet matrimonium. Nec mireris quia licet isti & illi ex vi voti, per consequens iure naturali contrahere prohibeantur . . . attamen per constitutionem ecclesiae tantum separantur.: Because if he is bound by solemn vows, the marriage is not preserved. But if bound by a simple vow, marriage holds. You should not be surprised because such is permitted due to the strength of the vow, by consequence of natural law these would be forbidden to marry . . . nevertheless through the decree of the Church only they are separated." *Regarding C.27.q.1.c.40*, Hostiensis held that the one who has simply vowed continence and later entered marriage is condemned not because she has entered marriage but because she has broken her first vow. With this reasoning, Hostiensis engaged Augustine's line of thought as recorded in C.27.q.1.c.41: "They are condemned, not because they later embrace conjugal fidelity, but because they break their earlier pledge of continence." *Regarding C.27.q.1.c.20*, Hostiensis wrote: "Ergo monacho non debet concedi: quia contrahendo, votum tangat." He explained that permission to marry may not be granted to the monk (or anyone) who has vowed continence, even as a simple

and solemn vows conceived by Gratian was taught and expounded upon by writers, it became more and more accepted that at least a solemn vow accompanying *religious profession* nullified a later marriage contract.[175]

Papal decretals collected in the *Liber Extra* of Gregory IX (1234) continued to address the effect of vows of chastity upon a subsequent marriage. The seven chapters of Book 4, Title 6, entitled "*Qui clerici vel voventes matrimonium contrahere possunt* (clerics and those under a vow of chastity who can contract marriage)," addressed cases that distinguished the effect of solemn and simple vows, summarized in canon three by the statement: "Solemn vows are a diriment impediment to matrimony already contracted; simple vows impede the contract but they are not a diriment to that already contracted."[176] This pronouncement of Alexander III (1159–1181), followed by those of Celestine III (1191–1198) and Innocent III (1199), left no doubt concerning the nature of solemn vows as a diriment impediment to marriage, and the impedient effect of simple vows.[177] These cases, along with commentary in the ordinary gloss and the *Summa aurea* of Hostiensis, also examined how the Church was to determine if an individual's vow of chastity was solemn or simple, carrying the consequent effects.

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vow, for by authorizing a person to marry, the Church asserts that virginity or the widow's chastity has not actually been professed.

[175] Wernz, "Notae historicae," 381: "Postquam distinctio inter votum *simplex* atque votum *sollemne* per *Gratianum* iam praeformata in scholis fuit invecta et propagata diversisque modis a scriptoribus explicata, magis magisque recepta est illa sententia, quae votum sollemne saltem *professioni religiosae* adnexum irritare matrimonium contrahendum docuit."

[176] X.4.6.3: Alexander III to the Bishop of Worchester: "Votum solemne impedit dirimit matrimonium post contractum; votum simplex tantum impedit contrahendum, sed non dirimit post contractum." In Aemilius Richter and Aemilius Friedberg, eds., *Corpus Iuris Canonici*, vol. 2 *Decretalium Collectiones* (Graz: Akademische Druck– u. Verlagsanstalt, 1959) [hereafter *Liber Extra*]. All subsequent references to the *Liber Extra* will be taken from this source unless otherwise indicated.

[177] See Wernz, "Notae historicae," 382: "Qua de re omne dubium sublatum est, cum distinctiones illae votorum ab ipsis RR. Pontificibus quoad diversam efficaciam irritandi matrimonia approbarentur."

Drawing largely from Alexander III's decree to the Bishop of Worchester,[178] Hostiensis commented on factors to be examined in determining the strength of a vow, in particular: whether or not the person had vowed religion (*religioni devovit*), taken the habit (*habitu susceptor*), and made a religious profession (*professionem fecit*).[179] The papal decree had stated that if these tests were met, then the vow indeed was solemn and the man was to leave the woman and return to his vow of religion. "If, however, he did not receive the habit nor make profession, but only made a vow promising to pass to religion," then he was permitted to remain in the marriage.[180] Cardinal Hostiensis went beyond commenting on the legal ecclesial effects of a vow as he also asserted Augustine's claim that regardless of whether a vow was solemn or simple, it obliged before God.[181] He concluded that the distinction between solemn and simple

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[178] X.4.6.3. See above, fn. 176, p. 101.

[179] Hostiensis, *Summa aurea IV, tit. Qui clerici velvoventes matrimonium contrahere possunt,* 3–6. Hostiensis mentioned other factors that may be considered in determining the solemnity of a vow: whether a person had truly entered religion; whether a person had renounced the world and its pomps and positions; and the solemnity of the *form* of the vow itself—that is, whether the vow was written, offered on the altar, or made in the hands of the bishop, abbot or abbess. See Hostiensis, *Summa aurea IV, tit. Qui clerici velvoventes matrimonium contrahere possunt,* beginning of n. 4: "Solennizatur tantum per sacri ordinis susceptionem . . . item per professionem, vel susceptionem vestis, . . . maxime si cum aliis incipiat cantare, & in ecclesia offerre. Item si seculo renuntiavit, & pompis eius & beneficio constitutionis. . . . vel si renuntiavit proprio & obedientiam quod miserit, & continentiam voverit in manu Episcopi, abbatis, vel abbatissae." Hostiensis references C.20.q.1.c.16 and C.27.q.1.c.36 in regard to the preference or requirement of written vows.

[180] X.4.6.3: "Verum si nec habitum suscepit, nec professionem, sed votum solummodo fecit, & fe ad religionem transiturum promisit, licet postea matrimonium contraxerit."

[181] For reference to Augustine, see C.27.q.1.c.41. Also see case referenced in X.4.6.6: "We judge that with God a simple vow obliges no less than a solemn vow: *arbitramur, quod cum simplex votum apud Deum non minus obliget, quam solemne*."

vows remained important in the Church,[182] however, the "aforementioned solemnities are not concerning the substance of the vow, but are signs and proofs of the vow."[183]

Gratian pointed to the consecratory blessing or religious profession as the act that caused a simple vow to become solemn.[184] In his commentary on Gratian's *Decretum* (c. 1164), Rufinus designated two categories of special vows—religious vows and the vow of continence—either of which could be simple or solemn.[185] He defined the simple vow as one spoken in private or in public without a solemn obligation; the solemn vow resulted after a sacred rite of veiling or profession was celebrated, and it carried a diriment impediment to marriage.[186] By the time of the *Liber Extra* of Gregory IX (1234), however, there was no longer specific mention of a vow solemnized by the consecration of virgins.[187] In regard to women living outside of a religious

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[182] Hostiensis, *Summa aurea IV, tit. Qui clerici velvoventes matrimonium contrahere possunt,* n.4: "Simplex & solemn servandum sit; & violatio utriusque inducat mortale peccatum, & ab initio minus apud Deum obliget hoc quam illud: & quis facit fines esse diversos. Respondeo ecclesia considerat circumstantias." While the violation of either vow may be mortal sin in the eyes of God, it is the Church who is deemed to judge the circumstances and determine earthly consequences. He commented on *Causa* 27 question 1, c. 14 from the Council of Trebor, which stated "We understand that certain men have dared to marry sacred virgins. Since this occurred after their dedication to God, they have formed an incestuous and sacrilegious union. It is wholly equitable that they be barred from Holy Communion. They may not be reconciled without manifest public penance. Nevertheless, the Last Sacraments should not be denied them as they leave this world if they are worthily repentant." Hostiensis observed that it is the understanding of the Church that a *more grave* sin is involved in the violation of a *solemn* vow, and that the Church is thus obligated to render a strict judgement. The Church considers closely the circumstances of a case, Hostiensis asserted, and may impose a different penalty in the breaking of one vow than another. Although the Lord may not distinguish, nevertheless the Church does distinguish. Thus, although the external factors by which the Church judges the solemnity of a vow may not concern the substance of the vow, the factors are nonetheless important.

[183] Hostiensis, *Summa aurea IV, tit. Qui clerici velvoventes matrimonium contrahere possunt,* n.4: "solemnitates praedictae non sunt de substantia voti, sed signa & probationes sunt."

[184] D.27.c.8 Gratian: "Hic distinguendum est, quod voventium alii sunt simpliciter voventes, de quibus Augustinus et Theodorus locuti sunt: alii sunt, quibus post votum, benedictio accedit consecrationis, vel propositum religionis, de quibus Hieronymus et Nicolaus et Calixtus scripserunt." Also see Dion, "Les effets du rite de la consecration des vierges," 297. Gratian was commenting on a decree of Pope Calixtus II that forbade priests, deacons, subdeacons, and monks from marrying, and required those who had married to separate and do penance.

[185] Rufinus, C.27, q.1 "Quod vero voventes," in *Summa decretorum*, ed. Heinrich Singer (Aalen: Scientia Verlag, 1963) accessed at https://works.bepress.com/david_freidenreich/11/) 435–436.

[186] Ibid. Also see Dion, "Les effets du rite de la consecration des vierges," 297.

[187] Dion, "Les effets du rite de la consecration des vierges," 297. The author comments that when Pope Gregory IX confided to Raymond de Pennafort the work of compiling the *Liber Extra,* he directed the Dominican to delete, modify and add new decretals of Gregory IX in order to achieve the goal of a unity of legislation. With this, in the Decretals, "il n'est plus question du vœu solennisé par la consécration des vierges."

order, there was mention of an impeding impediment to marriage that resulted for widows who had received the veil from the hand of the priest (this was not the consecration of virgins).[188] What emerged in regard to particular cases of vows of chastity made by those outside religious orders was the difficulty of determining whether a true and valid solemn profession had been made.[189] A remedy to this difficulty was partly brought by a decree of Boniface VIII limiting the invalidating effect of solemn vows to those in religious profession.[190] However, one must consider, if the consecration of virgins living in the world had continued to be used at this juncture in history, then the act of consecration itself, at the hands of the diocesan bishop, might have provided a clear determination of the ecclesial status of the consecrated virgin. And then, perhaps, the decree of Boniface VIII would have pronounced the invalidating effect of solemn vows not only after religious profession, but after religious profession or the sacred rite of consecration, as had been pointed to by Gratian.

Promulgated in 1298, the *Liber Sextus* of Boniface VIII contained this single chapter on the prohibition of marriage following sacred orders or vows,[191] a chapter which stated that only a

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[188] X.4.6.4: "Susceptio habitus professorum extra religionem a non habente potestatem incorporandi religioni, impedit in dubio matrimonium contrahendum, sed non dirimit contractum. Hoc dicit secundum intellectum, quem tenet Panormitanus." ("Reception of the habit of religious profession outside of a religious order brings entry into the religious state and, in matters of doubt, does impede the contracting of matrimony, but it is not a diriment impediment for marriage when contracted. Thus according to the interpretation of Panormitanus.") Discussing this citation, Dion asserts that it is widows who are being referenced, "Les effets du rite de la consecration des vierges," 297: "Ces femmes sont des veuves – quae post mortem mariti – et le voile reçu ne peut être celui des vierges, car il n'est pas permis de donner aux veuves le voile de vierges."

[189] See Wernz, "Notae historicae," 381: "At non obstante declaratione Concilii Lateranensis II, dubium mansit de vi irritandi aliorum votorum castitatis *extra* Ordines religiosos emissorum, et in casibus particularibus non levis quoque exstitit difficultas num vera validaque professio religiosa facta esset." Wernz cites X.4.7. ("But notwithstanding the declaration of the Second Lateran Council, doubt remained about the nullifying force of other vows of chastity emitted outside the religious orders, and in particular cases a not trivial difficulty also emerged as to whether a true and valid religious profession had been made.")

[190] See Wernz, "Notae historicae," 382: "Quibus incommodis remedium allatum est partim per Bonifacium VIII." Wernz cites VI.3.15.c.1.

[191] This one chapter in the *Liber Sextus* 3.15.c.1, stands in contrast to seven chapters in the *Liber Extra*.

vow solemnized by the reception of holy orders or religious profession in an order approved by the Apostolic See was a diriment impediment to marriage; other vows impeded but did not invalidate marriage.[192] In the decree, Boniface indicated that it was ecclesiastical law that determined the solemnity of a vow, although the bond of matrimony was of divine origin: "the solemnity of the vow is found from a single decree of the Church, yet in truth the bond of matrimony is instituted by the Creator himself, the head of the Church and of all things, who in Paradise and in the state of innocence admitted unity and indissolubility."[193]

Although the legislation and commentary of the Middle Ages rarely made explicit reference to women living outside of monasteries who had received the consecration of virgins, use of the rite of consecration for women living in the world had not been abolished, nor had the rite of consecration been abrogated.[194] In the context of religious life, the act of consecration was referenced: it was either the sacred rite of consecration or the profession of vows that was viewed as solemnizing the vow of chastity, with the consequent effect of a diriment impediment on marriage.[195] Over time, however, and definitively by the late thirteenth century with the *Liber*

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[192] Boniface VIII, "*Liber Sextus*," in *Corpus Iuris Canonici,* Pars Secunda *Decretalium Collectiones*, ed. Friedberg, 1959. All subsequent references to the *Liber Sextus* will be taken from this source unless otherwise indicated. VI.3.15.c.1. Boniface VIII to the Bishop of Beziers: " … praesentis declarandum duximus oraculo sanctionis, illud solum votum debere dici solenne, quantum ad post contractum matrimonium dirimendum, quod solennisatum fuerit per susceptionem sacri ordinis, aut per professionem expressam vel tacitam, factam alicui de religionibus per sedem apostolicam approbatis." (". . . we consider the present declaration by precept to be binding, that only the vow obliged as solemn, invalidates a later contract of matrimony, because it has been brought forth through the undertaking of sacred ordination, or through profession expressed plainly or tacitly, made by any of the religious orders approved by the Apostolic See.") Context given by Marie-Paul Dion, "Les effets du rite de la consecration des vierges," 297.

[193] VI.3.15.c.1: "quod voti solennitas ex sola constitutione ecclesiae est inventa, matrimonii vero vinculum ab ipso ecclesiae capite rerum omnium conditore, ipsum in paradiso et in statu innocentiae instituente, unionem et indissolubilitatem acceperit."

[194] Dion, "Les effets du rite de la consecration des vierges," 298: "La legislation d'alors n'abrogea pas le rite de la consecration des vierges, pas plus que ne le firent les lois subséquentes. Bien plus, il n'y eut jamais, avant 1917, de legislation Générale abolissant l'usage du rite de la consecration des vierges pour les femmes vivant dans le monde."

[195] See, for example, D.27.c.8 (fn. 184 above) and Rufinus, C.27, q.1 (fn. 185 above).

Sextus of Boniface VIII, a vow had come to be recognized in law as invalidating of marriage only if it was solemnized by the reception of sacred orders or by religious profession[196]; no longer was the solemn consecration or veiling mentioned as solemnizing a vow, but only religious profession. In retrospect, the question might be raised as to whether it was not so much that the act of consecration was no longer seen as invalidating marriage, but rather that the act of religious profession was being referenced as a sort of shorthand for the definitive point of entrance to the religious state (a point which consisted of both the act of consecration as well as the act of religious profession). More will be addressed on this point in chapter 3.

The Council of Trent in 1563 generally retained the same teaching, declaring as anathema anyone who held that a marriage was valid after a solemn profession of chastity.[197] Looking ahead to the codification of ecclesial law, we find that canon 1073 of the 1917 Code of Canon Law correspondingly stated: "Likewise religious who are professed by solemn vows invalidly attempt marriage, [as do those] who are in simple vows to which, by special prescription of the Apostolic See, there is added [a clause] invalidating marriage."[198]

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[196] See fn. 192, p. 105.

[197] Council of Trent, session 24, c. 9, November 11, 1563, in Tanner 2:755: "Si quis dixerit, clericos in sacris ordinibus constitutos, vel regulares, castitatem solemniter professos, posse matrimonium contrahere, contractumque validum esse, non obstante lege ecclesiastica vel voto, et oppositum nil aliud esse, quam damnare matrimonium; posseque omnes contrahere matrimonium, qui non sentiunt se castitatis (etiam si eam voverint) habere donum: a.s. Cum Deus id recte petentibus non deneget, nec patiatur, nos supra id, quod possumus, tentari.: If anyone says that clerics in holy orders, or regulars who have made solemn profession of chastity, may contract marriage, and that such a contract is valid, in spite of church law and the vow, and that the opposite view amounts to a condemnation of marriage; and that all can contract marriage who do not consider they have the gift of chastity (even if they have vowed it): let him be anathema. For God would not deny the gift to those who duly ask for it, nor allow us to be tempted beyond our strength."

[198] *Codex Iuris Canonici Pii X Pontificis Maximi iussu digestus Benedicti Papae XV auctoritate promulgatus* (Rome: Typis Polyglottis Vaticanis, 1917) c. 1073: "Item invalide matrimonium attentant religiosi qui vota sollemnia professi sint, aut vota simplicia, quibus ex speciali Sedis Apostolicae praescripto vis addita sit nuptias irritandi." 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) 370. All subsequent English translations of canons from this code will be taken from this source unless otherwise indicated.

C. Development of Forms of Non-Monastic Religious Life, without Consecration of Virgins

The later centuries of the second millennium began to witness a significant change as new female congregations arose and were called to live an active life outside the cloister.[199] For these new congregations, religious life was seen "more from the perspective of chastity than from the specific perspective of virginity," and the rite of consecration of virgins seemed even at the time to be something "distant and archaic."[200] While the new congregations vowed chastity in support of their active life of service, they no longer sought the consecration of virgins for the very reason that they didn't see the necessity, or good, of the particular charism of virginity. If certain religious in the new congregations did desire the consecration, they were questioned by canonists who noted that because the religious were not cloistered, their virginity was not sufficiently protected, and thus "in the face of 'such risks' the Church could not proceed with the consecration."[201]

D. 1917 Code of Canon Law: Treatment of Religious Law and the *Ordo virginum*

Moving into the pre-conciliar years of the twentieth century, one finds no mention in the 1917 Code of Canon Law touching explicitly or implicitly on the rite of consecration of virgins, or on the order of virgins as a distinct form of the "states of perfection" (the category of "consecrated life" was not used in the 1917 code).[202] The code did not address restoration of the custom of consecrating virgins living in the world, and because the custom had completely fallen

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[199] Ignazio M. Calabuig and R. Barbieri, "Virginité Consacrée dans L'Église," in *Dictionnaire Encyclopédique de la Liturgie*, vol. 2, eds. Domenico Sartore et Achille M. Triacca (Belgium: Brepols, 2002) 496–497. The change began in the mid-seventeenth century; Calabuig and Barbieri point especially to the example of the Daughters of Charity, founded by St. Vincent de Paul and St. Louise de Marillac.

[200] Ibid., 497: "mais plus dans une perspective de chasteté que du point de vue spécifique de la virginité" . . . "comme un rite archaïque et lointain."

[201] Ibid.: "face à de 'tels risques,' l'Église ne peut procéder à la consécration."

[202] See Maroto, "*Annotationes* Sacra Congregatio de Religiosis (1927) 12," 160.

into disuse, canon 6, which addressed custom and liturgical law, was inapplicable.[203] Any question of whether the practice could again be permitted was thus transferred to the Sacred Congregation for Religious to decide.[204]

While the 1917 Code of Canon Law did not specifically mention the order of virgins, canon 1058 §1 stated that a "simple vow of virginity" was an "impedient impediment" to marriage. In the canon, the vow of virginity was listed as one of five distinct simple vows, thus pointing to the Church's juridical recognition of "virginity" as a state distinct from the state of perfect chastity embraced by solemn or simple vows in religious life.[205] Nonetheless, writing after promulgation of the 1917 Code of Canon Law, and prior to the 1970 renovation of the rite of consecration, certain canonists and theologians maintained that the consecration of virgins invalidated a subsequent marriage. They based their finding on a logical extension of the practice of the early Church, as well as the effects of solemn profession; they found that the consecration of a virgin living in the world would give rise to an invalidating impediment to marriage.[206]

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[203] Ibid. Maroto references canon 6, 6° of the 1917 *CIC*: "Codex vigentem huc usque disciplinam plerumque retinet, licet opportunas immutationes afferat. Itaque: . . . (6°) Si qua ex ceteris disciplinaribus legibus, quae usque adhuc viguerunt, nec explicite nec implicite in Codice contineatur, ea vim omnem amisisse dicenda est, nisi in probatis liturgicis libris reperiatur, aut lex sit iuris divini sive positive sive naturalis.: The Code for the most part retains the discipline now in force, although it brings about opportune changes. Therefore: . . . (6°) Among the other disciplinary laws now in force, if they are contained neither explicitly nor implicitly in the Code, they should be said to have lost their force, unless they are repeated in liturgical books, or unless the law is of divine law, whether positive or natural."

[204] See Maroto, "*Annotationes* Sacra Congregatio de Religiosis (1927) 12," 160.

[205] 1917 *CIC*, c. 1058 §1: "Matrimonium impedit votum simplex virginitatis, castitatis perfectae, non nubendi, suscipiendi ordines sacros et amplectendi statum religiosum." A "simple vow" was defined in canon 1308 §2 as a vow that was not recognized by the Church as a "solemn vow." What was stated in canon 1058 §1 as a "simple vow of virginity" could have been either a private vow or a public vow, but seems most likely to have referred to a woman living in the world who had a private vow of virginity, rather than the state of the woman who had received the consecration of virgins. At the time of the 1917 Code, the consecration was bestowed primarily on nuns in monasteries who had made solemn vows.

[206] See Dion, "Les effets du rite de la consécration des vierges." Cited in fn. 79, pp. 293–294 are the following: G. Escudero, "Las Consacrazione e la benedizione delle vergini," in *Verginità e Liturgia* (Rome: Alma Rome Editrice, 1963) 56: "Il *matrimonio mistico* con Cristo porta logicamente la invalidazione di un successivo matrimonio; constituisce un impedimento invalidante, anche prescindendo dalla professione solenne: The mystical marriage with

Christ logically leads to the invalidation of a subsequent marriage; it constitutes an invalidating impediment, even apart from solemn profession."; P.T. Camelot, "La virginité aux premiers siècles de l'Église," in *Virgines Christi* (Paris: Éd. Du Cerf, 1944) 42: "Elle [l'Église] distingue nettement la simple promesse—vœu privé—et la consécration officielle—vœu public et solennel.: She [the Church] clearly distinguishes the simple promise—private vow—and the official consecration—public and solemn vow."; M. Viller, *La spiritualité des premiers siècles chrétiens* (coll. *Bibliothèque catholique des sciences religieuses*, 35) (Paris: Bloud et Gay, 1930) 34: "La consécration des vierges est considérée par l'Église comme un vrai mariage avec le Christ, comme une alliance spirituelle qu'il n'est pas possible de rompre sans adultère. Très nettement les Latins distinguent entre la vierge qui a fait la simple promesse de virginité et la vierge qui a été consacrée solennellement par l'évêque. Du point de vue canonique, la différence est considérable: la première, si elle se marie, contracte validement, encore qu'elle soit pour cette faute soumise à une pénitence; le mariage de la seconde est invalide.: The consecration of virgins is considered by the Church as a true marriage with Christ, as a spiritual covenant which cannot be broken without adultery. The Latins very clearly distinguish between the virgin who made a simple promise of virginity and the virgin who was solemnly consecrated by the bishop. From the canonical point of view, the difference is considerable: the first, if she marries, contracts validly, although for this fault she is subject to a penance; the marriage of the second is invalid."

CHAPTER III

THE *ORDO VIRGINUM*: ECCLESIAL LAW AND LITURGY 1917 TO TODAY

A. 1917 to 1970 Revision of Rite of Consecration with Restoration of the Ancient *Ordo virginum*

1. After WWI: New Requests for Consecration of Women Living in the World

The consecration of virgins living isolated lives in the world probably never fully disappeared.[1] With a growth in the liturgical movement and a revival of patristic studies, an awareness of the inherent good of virginal consecration became more widespread among women living in the world in the early twentieth century.[2] After the end of World War I, women began to express a desire to receive the consecration of virgins while remaining in their own environments and continuing their own apostolates.[3] Requests came to the Sacred Congregation for Religious, especially from women and their bishops in France and Belgium.[4] A plenary assembly of the Sacred Congregation examined the following doubt: "Is it advisable to grant the faculty of giving to women living in the world the blessing and consecration of virgins?"[5] The

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[1] D.M. Huot, "La Consécration des Vierges 5," *Informationes* 9 (1983) 158. For more information on Anne Leflaive as an example of laywomen in the early twentieth century who had begun again to be discreetly consecrated using the ancient rite, see Jacqueline Roux, *Anne Leflaive: Une vie pour la renaissance d'une vocation oubliée* (Paris: Office d'Édition Impression Librairie, 2004) esp. p. 39.

[2] Ignazio M. Calabuig and Rosella Barbieri, "Virginité Consacrée dans l'Église," in *Dictionnaire Encyclopédique de la Liturgie*, Vol. II, ed. D. Sartore and A. Triaaca (Turnhout, Belgium: Brepols, 2002) 497. The authors note that even as feminine secular institutes arose and were later recognized by the Council as having a true and full profession of the evangelical counsels in the world, those seeking consecration as virgins living in the world did not find their solution in the secular institutes. Nor did the feminine secular institutes show much interest in the consecration of virgins.

[3] Huot, "La Consécration des Vierges 5," 158.

[4] Ibid. Huot names specific requests: from the Monastery of Maredsous for Miss Fitzgerald Kenny (June 30, 1922), the Bishop of Rodez (Jan. 19, 1924), the Bishop of Agen (Apr. 22, 1924), Cecile Jeglot (Paris, Oct. 27, 1926), the diocèse of Cambrai (Jan. 3 and Aug. 3, 1926). The requests were numerous and the Sacred Congregation asked two consultors, R.P. Ben Ojetti, S.J. and R.P. Joseph Haegy, "to study the problem and to give their opinion: d'étudier le problème et de donner leur avis."

[5] Sacred Congregation for Religious, [Responsum ad] dubium *De Consecratione Virginum Pro Mulieribus in Saeculo Viventibus*, March 25, 1927, in *AAS* 19 (1927) 138–139: "An expediat concedere facultatem dandi benedictionem et consecrationem virginum mulieribus in saeculo viventibus." English translation in *CLD* 1, 266.

answer came, "In the negative, let no novelties be introduced," and was approved by the Holy Father during an audience on March 1, 1927.[6]

2. Explanations for the 1927 Denial

The reason for the denial is not stated in the decision itself.[7] Soon afterwards, however, the *Commentarium pro Religiosis* published, along with the decision, the text "*Annotationes*" by Philippus Maroto, explaining why the Holy See had judged it inopportune to admit to the consecration women living outside of a monastery.[8] The reasons he gave for the congregation's 1927 denial stem primarily from concern about three serious effects of consecration: constitution as a "sacred person" in the Church; mystical espousal to Christ; and dedication to the service of the Church.[9] Each of these three juridical effects of consecration in the *Ordo virginum* are later affirmed in canon 604 of the 1983 Code.[10] Why in 1927 were these effects deemed reasons for denial of the consecration to virgins living in the world?

In the first place, Maroto affirmed that the bishop's consecration of a virgin, since the earliest days of the Church, had placed her in a new sacred state in the Church. Over time and in particular in the centuries prior to the 1927 decision, this sacred state had been regulated in the

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[6] Ibid. Response: "Negative, et nihil innovetur."

[7] Sharon Holland, "Consecrated Virgins for Today's Church," in *Informationes—SCRIS*, 24/2 (1998) 72–73. Holland noted that no reasons were stated in the decision itself, but she pointed to commentators at the time who had reported on a variety of possible explanations for the 1927 decision.

[8] Philippus Maroto, "*Annotationes* Sacra Congregatio de Religiosis, [Responsum ad] dubium *De consecratione virginum pro mulieribus in saeculo degentibus* (March 25, 1927)," *Commentarium pro Religiosis* 8 (1927) 154–161. See also Marie-Paul Dion, "Les effets du rite de la consécration des vierges," *Église et Théologie* 16 (1985) 276.

[9] See Dion, "Les effets du rite de la consécration des vierges," 276.

[10] These juridical effects are stated in the *OCV* and affirmed in canon 604. By example are the following references. Sacred person: *OCV Praenotanda* 1: "The custom of consecrating women to a life of virginity . . . led to the formation of a solemn rite *constituting the candidate a sacred person*." and canon 604: "the order of virgins who . . . are *consecrated to God* by the diocesan bishop." Mystical espousal: *OCV* 17: "Are you resolved to accept solemn *consecration as a bride of our Lord Jesus Christ,* the Son of God?" and canon 604: "the order of virgins who . . . are *mystically espoused to Christ*, the Son of God." Dedication to the service of the Church: *OCV* 17: "Are you resolved to persevere to the end of your days in the holy state of virginity *and in the service of God and his Church*?" and canon 604: "the order of virgins who . . . are *dedicated to the service of the Church*."

Church through the monastic life. Opening the consecration once again to women living in the world would necessarily put those women in a new sacred state in the Church, but a state that would be regulated directly by diocesan bishops, and not through the protection of the monastery. Such a state was unknown in the modern Church.

Secondly, Maroto observed that throughout ecclesial history, the rite of consecration placed a virgin in an inviolable mystical espousal to Christ. It would therefore be contradictory to argue that the consecration of a virgin living in the world could be likened merely to a private and simple vow, rather than being on par with a solemn vow that would invalidate a subsequent marriage.[11] The 1917 Code of Canon Law had established that a diriment impediment to marriage was created through solemn vows of profession in a religious order, but not through simple vows of profession in a religious congregation. If the consecration of virgins was re-opened to women living outside of a religious order, it would only be logical that the consecration would create a diriment impediment, and yet such an impediment was not recognized in the 1917 Code.

Thirdly, Maroto considered that the rite of consecration dedicated a virgin to wearing special clothing and the veil of consecration continuously; he asked if people in society would accept this custom of virgins living in their midst.[12] He considered also the risks to purity for

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[11] Maroto, "*Annotationes* Sacra Congregatio de Religiosis (1927)," 161: "Ipsa consecratio efficeret virgines, sicut olim efficere censebatur, perfectas et inviolabiles Christi sponsas, ita ut eas redderet quasi vinculo voti solemnis obstrictas cum effectu irritandi attentatas nuptias humanas, quia nec aliter veteres canones decernere communiter existimantur . . . Quod si dixeris votum illud virgineum fore simplex nec irritare nuptias, quid, quaeso, tunc re ac vi differret a voto mere privato et secreto?: The consecration itself would constitute the virgins, just as it was decreed formerly to effect, perfect and inviolable brides of Christ, rendering them obliged as though by the bond of a solemn vow, with an invalidating effect on human nuptials, because in no other way are the former canons commonly discerned to judge. . . . But if you would hold the vow of virgins to be simple and not to invalidate marriage, what, I ask, then makes it distinct from a purely private and secret vow?"

[12] Maroto, "*Annotationes* Sacra Congregatio de Religiosis (1927)," 161: "Huiusmodi virgines deberent peculiares vestes induere, ac praesertim velum consecrationis iugiter defferre; sed an homines nostri aevi patienter sustinerent

solemnly consecrated virgins who would live in private homes and be free to associate with any sort of person they pleased.[13] Dion labelled this third effect of consecration, and thus the third reason Maroto gave for denying the consecration to women living in the world in 1927, as the effect of the consecrated virgin being "dedicated to the service of the Church."[14] How would it be possible for a woman to live this consecrated state in the midst of the secular world, rather than in the common monastic life which by its nature was dedicated to the service of the Church?

Each of these three effects of consecration, delineated as reasons for the 1927 denial of the consecration to virgins living in the world, was later affirmed and even highlighted as a consequence of consecration in the 1970 restored rite of consecration. The solemn rite "constitute[es] the candidate a sacred person"[15]; the virgin accepts "solemn consecration as a bride of our Lord Jesus Christ, the Son of God"[16]; and she is "bound to the service of Christ and of His Body, the Church."[17] Each of these results of consecration is further discussed in this dissertation.

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ut in media eorumdem hominum societate virgines istae sic ornatae conspicerentur?: These virgins must wear special clothes, and especially to continuously wear the veil of consecration; but would the people of our time patiently put up with this when in the midst of society virgins are observed so dressed?"

[13] Maroto, "*Annotationes* Sacra Congregatio de Religiosis (1927)," 161: "Nec gravia pericula et insidiae deesent pudicitiae earumdem virginum solemniter consecratarum, si in privatis domibus deberent ipsae cum quolibet personarum genere conversari.: Nor would grave dangers and plots be wanting of the purity of these same solemnly consecrated virgins, if they should live in private homes and be associated with any sort of person they please."

[14] Dion, "Les effets du rite de la consecration des vierges," 276: "l'affectation particulière au service de l'Église."

[15] Sacred Congregation for Divine Worship, *Ordo Consecrationis Virginum, Prænotanda* 1, May 31, 1970, in *Notitiae* 6 (1970) 314 [hereafter *OCV Prænotanda*]: "quo virgo constitueretur persona sacrata." English translation, "Consecration to a Life of Virginity Introduction" 1, in *The Roman Pontifical—Rites of Ordination of a Bishop, of Priests, and of Deacons; The Institution of Lectors and Acolytes; The Blessing of Abbots and Abbesses; The Consecration of Virgins; The Rite of Confirmation; The Rite for the Blessing of Oils and the Consecration of Chrism* (Vatican City: Congregation for Divine Worship and the Discipline of the Sacraments Vox Clara Committee, 2012) [hereafter *Roman Pontifical*] 293. All subsequent English translations of *OCV Praenotanda* will be taken from this source unless otherwise indicated.

[16] Pontificale Romanum ex decreto Sacrosancti Oecumenici Concilii Vaticani II Instauratum auctoritate Pauli PP. VI promulgatum, "De consecratione Virginum" 17, in *Ordo consecrationis virginum* (Vatican City: Libreria Editrice Vaticana, 1978) 16 [hereafter *OCV*]: "Domino nostro Iesu Christo, summo Dei Filio, sollemniter desponsari?" *Roman Pontifical*, 300.

[17] *OCV* 25: "vos Christi servitio mancipari et Corpori eius, quod est Ecclesia." *Roman Pontifical*, 306.

Contemporaneous authors other than Maroto also offered explanations for the 1927 decision. Referencing the words of the Sacred Congregation's response to the *dubium*, E. Jombart stated that the denial was readily explained by the pervasive practice of the Holy See to hold to established tradition[18]: "In the negative, let no novelties be introduced."[19] Jombart noted that the 1927 decision reflected the same response that had been given by the Sacred Congregation in 1597 to the Patriarch of Venice,[20] and that canon 1399, 5° (1917 code) prohibited the introduction of writings not published in accord with prescriptions of the canons.[21] Thus, he noted, the congregation was simply holding to a now centuries-old tradition of permitting the rite to be used only for the consecration of virgins in monasteries. Jombart offered another explanation, less convincing in light of the historical reality of the consecration of virgins living in the world, and yet acute, perhaps, in its reflection of reality at that time: he argued that opening the consecration of virgins to secular women would be an error because it would draw women away from religious life to a life that would be "far from providing all the means of perfection that religious find in their vows of poverty and obedience, in their enclosure, in their life in common, in their constitutions and the paternal vigilance of their superiors."[22]

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[18] E. Jombart, "Réponse de la S. Congrégation des Religieux sur la Consécration de Vierges Vivant dans le Monde," *Revue des communautés religieuses* 3 (1927) 98.

[19] Sacred Congregation for Religious, [Responsum ad] dubium, 139: "Negative, et nihil innovetur." English translation in *CLD* 1, 266.

[20] The 1597 response from the Sacred Congregation to the Patriarch of Venice is referenced in this study on p. 94.

[21] Jombart, "Réponse de la S. Congrégation des Religieux," 98. Jombart quotes from canon c. 1399, 5° of the 1917 Code, although the reference is not specifically to liturgical innovations: "Ipso iure prohibentur: 5°: . . . libri ac libelli qui novas apparitiones, revelationes, visiones, prophetias, miracula enarrant, vel qui novas inducunt devotiones, etiam sub praetextu quod sint privatae, si editi fuerint non servatis canonum praescriptionibus.: By the law, [the following] are prohibited: 5°: . . . books and booklets that describe new apparitions, revelations, visions, prophecies, and miracles, or that lead to new devotions, even under the pretext of being private, if they have not been published in accord with the prescriptions of the canons."

[22] Jombart, "Réponse de la S. Congrégation des Religieux," 98: "Il y aurait un inconvénient spécial à les accorder à des séculières. Si estimable que soit la virginité dans le monde, elle est loin de procurer tous les moyens de perfection que les religieux trouvent dans leurs vœux de pauvreté et d'obéissance, dans leur clôture, dans leur vie en commun, dans leurs constitutions et la paternelle vigilance de leurs supérieurs.: There would be a special

With the rite no longer being used in the majority of monasteries, Jombart surmised that young women, upon observing the magnificent ceremonial of the consecration of virgins, would likely see this as superior to the religious state.[23]

Looking back on the explanations given by consultors for the 1927 denial, Huot noted in 1983 that the reasons "would hardly convince us today,"[24] and de Urquiri observed that "no contradiction or intrinsic incompatibility can seriously be asserted between the virginal consecration and the secular state."[25] In fact, he continued, "the custom of the consecration of virgins living in the world remained for several centuries in the Church; therefore the road itself always remained open. There should be rejoicing that the favorable time for liturgical and canonical restoration has come for what was formerly."[26]

3. The Rite of Consecration: Pre-Conciliar Period to 1970 Revision

Requests for permission to consecrate women living in the world did not stop with the 1927 decision. In May 1930, the Cardinal Archbishop of Lyon implored the Congregation for

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disadvantage in granting this to seculars. As esteemable as is virginity lived in the world, it is far from providing all the means of perfection that religious find in their vows of poverty and obedience, in their enclosure, in their life in common, in their constitutions and in the paternal vigilance of their superiors."

[23] Jombart, "Réponse de la S. Congrégation des Religieux," 98: "Or, n'arriverait-il pas à plus d'une jeune fille de prendre le change? A se voir l'ojet d'un cérémonial très imposant, aujourd'hui inusité dans la grande majorité des couvents, ne se jugerait-elle pas dans un état supérieur à celui des religieuses? Bientôt sans doute une telle erreur empêcherait plusieurs âmes bien intentionnées de prendre leur essor vers le cloître. L'Église a cru bon de couper court à une tentative qui aurait vraisemblablement donné lieu à des interprétations inexactes et diminué l'estime de la vie religieuse.: Would not more than one young girl make the change? To see the object of a very grand ceremonial, nowadays unusual in the great majority of convents, would not this be judged as a state superior to that of the nuns? Soon, no doubt, such an error would prevent many well-meaning souls from entering the cloister. The Church has seen fit to stop an attempt that would likely have given rise to inaccurate interpretations and diminished the esteem of religious life."

[24] Huot, "La Consécration des Vierges 6," 158: "ne nous convaincraient guère aujourd'hui!"

[25] Timothaeus de Urquiri, "Circa 'Ordinem consecrationis virginum' quaestiones tres," *Commentarium pro religiosis et missionariis* 64 (1983) 152: "Nec ulla contradictio sive intrinseca repugnantia serio asseri potest inter ipsam 'virginalem consecrationem' ac statum saecularem."

[26] Timothaeus de Urquiri, "Circa 'Ordinem consecrationis virginum' quaestiones tres," 152–153: "Mos consecrandi virgines in saeculo commorantes per alíquot saecula vigens fuit in Ecclesia; ergo via per se manebat semper aperta. Tempora vero favorabiliora pro litúrgica necnon canonica restauratione iam dudum advenisse gaudendum est."

Consecrated Life for the privilege of the "*consecratio virginum*"; in 1948 a similar request was presented by the Bishop of Passau.[27] Although the rite of consecration in the Roman Pontifical referred only to the consecration of nuns and its use for women in the world had been denied by the Sacred Congregation, the ancient custom of choosing and consecrating virgins in the world had never been forbidden by a general ecclesial law.[28] Thus it was that requests for permission to bestow the consecration on women in the world continued.

Joachim Nabuco's 1945 commentary on the Roman Pontifical indicated requirements for the consecration of virgins that were in force at the time: those eligible for consecration included "only virgin nuns of monastic orders and canonesses regular,"[29] and "in order for a nun to be solemnly consecrated there must exist *carnis integritate* and a *propositum* to observe virginity perpetually."[30] The commentary further noted that a nun must have also completed twenty-five years of age and that a number of years must have elapsed between solemn profession and consecration, as determined by the constitutions.[31]

The Apostolic Constitution *Sponsa Christi*, promulgated in November 1950 by Pope Pius XII, declared: "the ancient formulae for the consecration of virgins, which are in the Roman

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[27] See Huot, "La Consécration des Vierges 6," 158.
[28] Ibid.
[29] Joachim Nabuco, "De Benedictione et Consecratione Virginum," in *Pontificalis Romani Exposito Juridico-Practica,* Vol. 1 (Petropoli, Brazil: Sumptibus Editôra Vozes Ltda., 1945) 448: "Benedici possunt virgines moniales omnium monasticorum ordinum et canonicissae regulares." Nabuco further specified that the only orders eligible for consecration at the time were monasteries of Saint Benedict, Saint Bruno, and Saint Norbert. Excluded were nuns of mendicant orders and those of orders who had never received the rite of consecration, Visitation nuns of Saint Francis de Sales, nuns "de servitio sive conversae," religious with simple vows not subject to papal enclosure, and virgins living in the world.
[30] Ibid., 447: "Ut monialis solemniter consecretur, constare debet de carnis integritate et de proposito in perpetuum servandi virginitatem."
[31] Ibid. Nabuco commented that for Carthusians, a four-year interval was necessary, but that among Benedictine nuns the custom was to consecrate a virgin on the day of her solemn profession.

Pontifical, are reserved to nuns."[32] The text could be read as a reiteration of the 1927 denial of the consecration to women living in the world, or it could be read as simple finding of the fact that the formula in the Roman Pontifical is reserved for nuns.[33] In any case, the decree was interpreted as extending the privilege of consecration to *all* cloistered nuns.[34] Just weeks before the promulgation of *Sponsa Christi*, an indult of October 24, 1950, had granted the faculty to use the Rite of Consecration to a Life of Virginity to diocesan bishops and Benedictine abbots in the United States on behalf of Benedictine sisters of simple perpetual vows.[35] In response to questions that arose from the American sisters in light of *Sponsa Christi*, a private interpretation was issued by the Secretary of the Sacred Congregation for Religious on September 24, 1952. The interpretation clarified that because the indult given to the American Benedictine Sisters was a privilege, *Sponsa Christi* did not abrogate that privilege, and the consecration could therefore be received by Benedictine sisters of simple perpetual vows; the obligation of solemn vows did not hold. The interpretation also spoke to the prerequisites for consecration:

> Regarding the inviolability of virginity as an essential qualification, we may say that all who have never been married may be admitted to the ceremony, provided they have vowed themselves to God in perpetuity. The forum of conscience is not to be infringed upon. One who has dedicated herself to God in the state of virginity in contradistinction to the state of matrimony is eligible for the privilege.
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> In the early Church, the age for this complete consecration to God was forty years. This need not be adhered to in the use of the privilege. It might be wise to defer the consecration until some years after perpetual vows, as an incentive for a deeper and more

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[32] Pius XII, apostolic constitution *Sponsa Christi* III. 3, November 21, 1950: *AAS* 43 (1951) 16: "Solemnes antiquae formulae consecrationis Virginum, quae in Pontificali Romano habentur, Monialibus reservantur." English translation from *Apostolic Constitution "Sponsa Christi" and Instruction of the Sacred Congregation of Religious* (Derby, NY: Daughters of St. Paul, 1955) 42.

[33] See Huot, "La Consecration des Vierges 6," 158.

[34] Roland Behrendt, *The Consecration of Virgins; Conferences to Benedictine Sisters* (Collegeville, MN: St. John's Abbey, 1964) 4.

[35] Sacred Congregation for Religious, "Consecration of Virgins: Indult to Benedictine Sisters in the United States, With Its Interpretation," October 24, 1950, and September 24, 1952, in *CLD* 4 (1958) 166–168.

mature spirituality. Some think that *ten years* after perpetual vows would be a mature time.[36]

On March 25, 1954, Pope Pius XII issued the encyclical *Sacra virginitas*, reasserting that "holy virginity and that perfect chastity which is consecrated to the service of God is without doubt among the most precious treasures which the Founder of the Church has left in heritage to the society which He established."[37] The Pontificale Romanum of 1962, in force for the Roman Church at the time of the Second Vatican Council, presented the rite of consecration of virgins in the same form as it was in the Pontificale Romanum Summorum Pontificum of Benedict XIV and Leo XIII (1895). The rite "De Benedictione et Consecratione Virginum" opened with the familiar directive that had appeared in pontificals beginning with that of the bishop of Mende in the thirteenth century: prior to the consecration, the bishop was to question each candidate

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[36] Ibid., 167. By permitting any nun "who has dedicated herself to God in the state of virginity *in contradistinction to the state of matrimony*" to receive the consecration of virgins, the interpretation of the indult given to the Benedictine sisters, perhaps for the first time in the ecclesial tradition, seemed to permit an exception to the existence of material virginity in a candidate for consecration. Underlying the interpretation, however, is the recognition that inviolability of virginity is an essential qualification for consecration. Juridically, the exception was granted in the form of a privilege and as such was granted only for the benefit of the Benedictine sisters who requested the favor (c. 76 §1). A rescript in the form of a privilege is an administrative act issued by competent executive authority (c. 59 §1) and as such does not and cannot change the underlying law, which, in this case, is the liturgical precept indicating eligibility for consecration. It seems evident why the interpretation may have been given; in the words of James O'Connor, "Based on the premise that a Sister would wish to receive the consecration if she qualified for it, a Sister's reputation could be called into question if she didn't receive the consecration because not to receive it might indicate she had lost her bodily integrity" (James O'Connor, "Virginity and Chastity," *American Ecclesiastical Review* 140 (1959) 25). The change, in the form of the indult granted to the Benedictine Sisters in the United States, applies only to the requirements for consecration, O'Connor continues, and not to the vow of virginity (See O'Connor, "Virginity and Chastity," 26). Edward Peters agrees: "this 'marriage inquiry' was . . . an expedient approved for use under highly unusual conditions and solely in order to avoid causing an exposure of conscience. It was never intended, I suggest, as a general substitute for inquiry about (material) virginity among women seeking consecration as virgins." Edward N. Peters, "Toward Reform of the First Criterion for Admission to the Order of Virgins," *Studia canonica* 48 (2014) 488 fn. 67.

[37] Pius XII, encyclical *Sacra Virginitas* 1, March 25, 1954: *AAS* 46 (1954) 161: "Sacra virginitas et perfecta illa castitas, quae divino est consecrata famulatui, in pretiosissimis procul dubio annumerantur thesauris, quos Ecclesiae Auctor ab se conditae societati quasi hereditate reliquit." English translation accessed July 12, 2016 at http://w2.vatican.va/content/pius-xii/en/encyclicals/documents/hf_p-xii_enc_25031954_sacra-virginitas.html.

concerning her past, including her manner of life and *carnis integritate*.[38] As time proceeded towards the Vatican Council, modern society witnessed greater autonomy of women and the corresponding experience of movements of Catholic Action and other pious associations of the faithful. There existed an ever-growing number of theologically prepared and dedicated souls who were ripe for the consecration of virgins to be re-opened for women living in the world.

4. 1970 Revision of the Rite of Consecration

A single sentence of the 1963 Constitution *Sacrosanctum Concilium* of the Second Vatican Council called for revision of the rite of consecration of virgins found in the Roman Pontifical.[39] Instructions on the implementation of that constitution did not give further details.[40] *Sacrosanctum concilium* called for sacramentals, such as the consecration of virgins, to be revised according to "the primary principle of enabling the faithful to participate intelligently, actively, and easily," and in consideration of "the circumstances of our times."[41] In regard to the revision of the rite of consecration of virgins, the council fathers expressed some caution about the need "to be true to old tradition and in order not to exclude special, healthy development."[42]

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[38] Pontificale Romanum summorum Pontificum: Jussu Editum a Benedicto XIV et Leone XIII, Pontificibus Maximus, Pars Prima (Mechlin, Belgium: H. Dessain, 1895) 180–181: "Die vero praecedenti . . . antequam Pontifex ad Missam se paret, in loco convenienti, praesentantur ei Virgines benedicendae: qui de earum aetate, et proposito singulariter singulas . . . et insuper seorsum cum qualibet de vita, et conscientia, et carnis integritate."

[39] Vatican II, constitution *Sacrosanctum Concilium* 80, December 4, 1963: *AAS* 56 (1964) 120: "Ritus Consecrationis Virginum, qui in Pontificali romano habetur, recognitioni subiciatur." Evidence points to the finding that Pope Paul VI himself was probably responsible for the insertion of this unexpected provision for the revision of the Rite of Consecration in the text of *SC*. See also James W. Kruc, "Canon 604: Historical Overview and Canonical Analysis of Consecrated Virginity," (JCL Thesis, The Catholic University of America, 2008) 24–25 and Appendix I and II.

[40] Holland, "Consecrated Virgins for Today's Church," 73.

[41] *SC* 79: *AAS* 56 (1964) 120: "normæ primariæ de conscia, actuosa et facili participatione fidelium, et attentis nostrorum temporum necessitatibus."

[42] Josef Andreas Jungmann, "Constitution on the Sacred Liturgy," in *Commentary on the Documents of Vatican II*, ed. Herbert Vorgrimler, 5 vols. (New York: Herder and Herder, 1967) 1:55.

In this light, the *Consilium*, working in *coetus* 20*bis*,[43] recognized their duty not only to simplify the rite of consecration, but also "to faithfully preserve the better elements transmitted to us from Antiquity to the Middle Ages."[44] It was a sentiment later appealed to by Pope Benedict XVI as he commented some forty years after the conclusion of the council that the council's work must be interpreted through a hermeneutic of continuity, or reform, rather than a "hermeneutic of discontinuity and rupture."[45]

It is beyond the scope of this dissertation to discuss in depth how it is that the *Consilium* charged with executing the liturgical reforms called for in *Sacrosanctum Concilium* carried out their work, and more specifically how the study group, *coetus* 20*bis*, arrived at the text of the 1970 revised rite for the consecration of virgins. It is important, however, to consider the progress of *coetus* discussions regarding the development of admission requirements for the consecration of virgins. *Coetus* 20*bis* produced six schemata for the revised rite of consecration; archival notes are available at the offices of the International Committee on the English Language Secretariat in Washington, D.C.[46] These notes reveal that eligibility for the

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[43] See Annibale Bugnini, *The Reform of the Liturgy 1948–1975* (Collegeville, MN: The Liturgical Press, 1990) for explanation of the process that was undertaken following the Second Vatican Council to implement reforms called for in the Constitution on the Sacred Liturgy. Under the direction of the Council for the Implementation of the Constitution on the Sacred Liturgy (the *Consilium*), 39 study groups were formed to consider revisions of the calendar, the Breviary, the Missal, the Pontifical, and other areas of liturgy. A *coetus* is a study group; *coetus* 20 was formed to focus on revision of Book 1 of the Roman Pontifical. The descriptor "*bis*" was used to indicate a study group that was added to better manage the work: *coetus* 20*bis* was the study group focused on revision of the consecration of virgins and religious profession.

[44] Council for the Implementation of the Constitution on the Sacred Liturgy, *Coetus* 20*bis*, "Schemata n. 207 De Consecratione Virginum," n. 5 in "Recognitionis criteria": "elementa meliora ab Antiqua et a Media Aetate nobis transmissa fideliter servare." The text is undated, but was probably prepared sometime between late 1966 to spring 1967. It is available in archives housed at the Washington, D.C. offices of the International Committee on English in the Liturgy. Contact icel@eliturgy.org.

[45] Benedict XVI, "Christmas Greetings to the Members of the Roman Curia and Prelature (December 22, 2005)," accessed October 31, 2016 at https://w2.vatican.va/content/benedict-xvi/en/speeches/2005/december/ documents/hf_ben_xvi_ spe_20051222_roman-curia.html.

[46] *Coetus* 20*bis* produced the six schemata during meetings held between June 1966 and August 1968, after which time, and before its promulgation on May 31, 1970, the text was sent for review to the Congregation for Religious,

consecration was a significant discussion point for the *coetus*, particularly in this respect: reflecting the desire of the *Consilium*, the *coetus* considered expanding eligibility for reception of the consecration from its availability only to cloistered nuns, to the much broader group of all women religious, even those who were not nuns. Such was the discussion during the first five meetings of the *coetus*. Not until the sixth and last schema do *Consilium* archives reveal that the *coetus* considered the notion of consecrating virgins living in the world. In the end, two forms of the rite were promulgated: a form for use with nuns that integrates religious profession with the consecration, and a form for use with virgins living in the world.

Praenotanda to the 1970 revised rite of consecration assert three requirements for those who may be consecrated; the three requirements reflect the three fundamental criteria that were established by custom in the first millennium and by law in the second millennium of the Church. The first criterion addresses the requirement of chastity in a candidate, correlating to the requisite *propositum virginitatis* and *carnis integritate* of previous centuries. The second admission criterion for virgins living in the world reflects the minimum age and probationary requirements insisted upon by bishops since the early Church: "that by their age, prudence, and universally approved character they give assurance of perseverance in a life of chastity dedicated to the service of the Church and of their neighbor."[47] The third criterion states that the virgin is to be admitted to the consecration by the diocesan bishop, a criterion that reflects the honored place that this consecration has held in the Church throughout the centuries.[48]

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the Congregation for the Doctrine of the Faith, and to the Holy Father. Notes from each of the six schemata are available in *Consilium* archives located at the ICEL Secretariat in Washington, D.C. Contact icel@eliturgy.org.

[47] *OCV Prænotanda* 5 b): "ut ætate, prudentia, moribus omnium consensu probatis, fidem præbeant in vita casta atque Ecclesiæ proximique servitio dicata se perseveraturas." *Roman Pontifical*, 293.

[48] *OCV Prænotanda* 5 c): "ut ab Episcopo loci Ordinario ad consecrationem admittantur." *Roman Pontifical*, 293. See also Bugnini, *The Reform of the Liturgy*, 791. The *Consilium* had proposed that abbots and superiors general of

a. <u>The First Criterion for Admission to the Consecration to a Life of Virginity</u>

While the text of the revised rite of consecration and its *Praenotanda* can, in large part, be traced directly to historical liturgical texts, the wording of the first criterion for admission to the consecration is novel in that it does not reference the traditional requirement of *carnis integritate*. Rather than explicitly stating a requirement of virginity, the criterion, applicable both in the case of nuns and of virgins living in the world, requires of those who may be consecrated "that they have never married or lived in public or open violation of chastity."[49] The text of the criterion has proved to be a source of confusion for readers, with some questioning whether or not a hidden violation of virginity impedes consecration, and others asking if the criterion precludes from consecration women who may have violated chastity in other ways, but remain virgins.[50] How did the *coetus* responsible for revision of the rite of consecration arrive at this text for the first criterion? To answer the question, we turn first to a consideration of the point in the discussions at which the *coetus* drafted admission criteria, and more precisely the first criterion.

The current wording of criterion one first appears in archival notes of the fourth schema (number 247), at a time when *coetus* members had not yet considered extending the rite of consecration to virgins living in the world.[51] The sixth and final schema (number 305), which

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monastic orders and delegated priests would be permitted to celebrate the rite, in addition to bishops. "But on June 11, 1970, the SCDF [Sacred Congregation for the Doctrine of the Faith] asked that in accordance with ancient and unchanging tradition, the celebration of the rite be reserved to the bishop."

[49] *OCV Prænotanda* 5 a): "ut numquam nuptias celebraverint neque publice seu manifeste in statu castitati contrario vixerint." *Roman Pontifical*, 293.

[50] Concerning the proposal that criterion one is too restrictive, see Edward N. Peters, "Toward Reform of the First Criterion for Admission to the Order of Virgins," *Studia Canonica* 48 (2014) 469. Also see Bernhard Sven Anuth, "Jungfrau," in Dominicus M. Meier, et al, eds., *100 Begriffe aus dem Ordensrecht* (St. Ottilien, Germany: EOS Verlag, 2015) 231. According to Anuth, because the scrutiny regarding intact virginity was included in the 1962 Pontifical, but not in the 1970 revised rite, physical virginity is no longer a requirement for the consecration.

[51] Discussion notes of *coetus* 20*bis*, particularly in *Schemata n.* 247, show that *coetus* members grappled with the tension between upholding the expressed concern of the *Consilium* that the rite faithfully respect the long-standing esteem of the Church for a virginal vocation and concern that a professed religious might face the situation of being pressured to reveal a previously unknown violation of virginity. In the end, the *coetus* notes indicate that they

added virgins living in the world as eligible for consecration, was sent for review to the Sacred Congregation for the Doctrine of the Faith (SCDF). The SCDF approved the draft rite "with modifications to make it more precise," including a request that the consecration be allowed only to those who "have never married in a religious or merely civil rite or lived in public or flagrant violation of chastity."[52] It appears, at least from the information that is available, that the SCDF chose these words directly from the *coetus* notes that were developed in the context of considering admission requirements for nuns. The resulting criterion, although developed primarily with nuns in mind, was made applicable both to nuns and to virgins living in the world.

Examination of the original Latin text of the criteria for admission to consecration brings some clarification to the English translation. The 2012 English translation of the heading for Part III reads: "Those Who May Be Consecrated," although a more precise English translation of the Latin "Quibus Mulieribus Consecratio *Virginalis* Impertiri Possit" might read: "Those Women to Whom the *Virginal* Consecration May be Imparted." The Latin heading, unlike the current English translation, specifies that the consecration is "virginal" and that it may be imparted only to women. The leading paragraph under Part III is number three, which states: "This consecration may be received by nuns or by women living in the world." The Latin text employs the additional word "*virginalem*" to describe the consecration, thus identifying the specific

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justified their decision to include the phrase "that they have never married" with citations of the 1952 explanation to the Benedictine sisters in the United States, as the praxis of the Church, and the statement of St. Thomas Aquinas affirming that the virtue of virginity can be restored by penance, even if the material aspect cannot: *ST*, II-II, Q 152, A3, Ad 3: "Dicendum, quod virtus per poenitentiam reparari potest, quantum ad id quod est formale in ipsa . . . Et similiter ille qui virginitatem peccando amisit, per paenitentiam non recuperat virginitatis materiam, sed recuperat virginitatis propositum." The *coetus* notes do not reference the mention of Aquinas, also in *ST*, II-II, Q 152, A3, Ad 3: "non enim Deus potest facere ut ea quae facta sunt non sint facta.: for God cannot make that which is done not to have been done."

[52] Bugnini, *The Reform of the Liturgy*, 789, fn. 4.

virginal nature of the consecration: "Ad consecrationem *virginalem* admitti possunt sive moniales sive mulieres vitam sæcularem agentes."

Paragraphs four and five follow, indicating the admission criteria first for nuns, and then for virgins living in the world. The English translations of the opening phrases are noteworthy. Paragraph four opens with the phrase: "In the case of nuns it is required (*Pro monialibus requiritur*)"; and it is followed by the three criteria for admission to the virginal consecration for nuns, the first of which is the same for virgins living in the world. Paragraph five, however, opens with the words: "In the case of *women* living in the world it is required . . . " as the English translation of the Latin "Pro *virginibus* vitam sæcularem agentibus requiritur . . . " The more precise English translation would be rendered: "In the case of *virgins* leading lives in the world it is required . . . " The use of the word "virgins" rather than "women" gives an entirely different context to the criteria that follow, and most especially to criterion one. Rather than the current English translation that reads, "In the case of *women* living in the world it is required that they have never married or lived in public or open violation of chastity," the Latin would more accurately be rendered, "In the case of *virgins* living in the world it is required that they have never married or lived in public or open violation of chastity." As the English text currently reads, virginity is not mentioned in criterion one. The more precise English translation would refer to virgins as the starting point, with criterion one adding the requirement that these virgins must have never married or lived in public or open violation of chastity.

Other aspects of the Latin used in the text might render criterion one to be more precisely translated:

> For virgins leading life in the world, it is required: a) that they have never celebrated marriage and that they have not publicly or manifestly lived in a state contrary to chastity.[53]

b. Promulgation of the Revised Rite of Consecration

On May 31, 1970, the Sacred Congregation for Divine Worship, under the authority of Pope Paul VI, decreed the promulgation of the new rite, which provided for the consecration of nuns as well as women living in the world.[54] The new rite was to be effective January 6, 1971. "Thus the consecration became accessible no longer to only a few monastic orders (Carthusians and Benedictines) but also to all nuns with solemn vows and to women virgins living in the world."[55] The restored rite contained many ancient elements, including, most prominently, the text of the consecratory prayer itself (dating back to the Leonian Sacramentary of the fifth century) and the antiphon attributed to the virgin Saint Agnes at her martyrdom, "I am espoused to Him whom the Angels serve; sun and moon stand in wonder at his glory."[56]

In 1971, the Congregation for Divine Worship responded to a series of fundamental questions concerning the new "*Ordinem Consecrationis Virginum*" that dealt primarily with the nature and effect of the Rite of Consecration to a Life of Virginity as compared to the Rite of Religious Profession.[57] The decree, the *Praenotanda* to the Rite of Consecration, and the new

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[53] *Prænotanda* 5 a) "Pro virginibus vitam sæcularem agentibus requiritur: a) ut numquam nuptias celebraverint neque publice seu manifeste in statu castitati contrario vixerint." The phrase "numquam nuptias celebraverint" indicates that the women have never even entered into a marriage. Use of the conjunction "neque" rather than "vel" suggests that two distinct requirements are being mentioned. The conjunction "seu" in ecclesiastical documentation often has the sense of "id est," thus offering a synonym or explanation of the previous word, but it could also be used simply as "or."

[54] Sacred Congregation for Divine Worship, decree *Novus consecrationis virginum ritus promulgatur*, May 31, 1970: *AAS* 62 (1970) 650 and *Notitiae* 6 (1970) 313 [hereafter Decree].

[55] Diane Desautels, "An Early Christian Rite Revised: Consecrated Virgins Living in the World," *Review for Religious* 49, no. 4 (July/August 1990) 567.

[56] *OCV* 29: "Ipsi sum desponsata, cui Angeli serviunt, cuius pulchritudinem sol et luna mirantur." *Roman Pontifical*, 307.

[57] Sacred Congregation for Divine Worship, explanatory document, "*Circa ordinem consecrationis virginum*," *Notitiae* 7 (1971) [hereafter *Circa OCV*] 107–110. English translation in *DOL* 395, fn. R2.

Rite itself made clear that in revising the Rite of Consecration and opening it again to virgins living in the world, the Church displayed concern for the long-standing history and theology of the vocation of consecrated virginity.

c. Symbols Used in the Rite Speak of the Virgin's Mystical Espousal

From days of antiquity, the rite of consecration to a life of virginity has been celebrated with solemnity as a nuptial union; it has included symbolic elements such as the veil, the ring, and the crown, signifying the mystical espousal of the virgin with Jesus Christ.[58] In particular, the imposition of the veil was a custom of the Church of Rome in marriage ceremonies and the consecration of virgins was designed to resemble that ceremony.[59] As we have observed, the ceremony itself was even entitled "the veiling," with Pope Siricius using the expression "*velatio conjugalis*" and the Leonian sacramentary "*velatio nuptialis*."[60] As marriage ceremonies were embellished over the years, so too was the ritual ceremony for the consecration of virgins until the Second Vatican Council found the need to simplify the rite with the revision called for by *Sacrosanctum concilium*.[61]

During the rite, the giving of the insigna of consecration takes place after the Prayer of Consecration. "The insignia are the external signs of the interior grace which [the virgin] has just received for a lifetime of faithful and enduring chastity in the virginal state."[62] With the

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[58] See Huot, "La Consecration des Vierges 6," 159. The symbolic crowning of the virgin was eliminated in the 1970 simplification of the rite, with prominence given to the bridal symbols of veil and ring.
[59] See Dion, "Les effets du rite de la consecration des vierges," 291.
[60] Ibid.
[61] Ibid. Dion notes the ring, the crown, the *traductio puellae*, and the *dexterarum junctio*, as enhancements to the marriage ceremony.
[62] Raymond L. Burke, "*Lex orandi, lex credendi*: The Rite of Consecration and the Vocation of Consecrated Virginity Lived in the World," in *Ordo Virginum: The Restoration of the Ancient Order of Virgins in the Catholic Church,* vol. 1, *An Introduction to the Vocation of Consecrated Virginity Lived in the World*, ed. United States Association of Consecrated Virgins (Lansing, Michigan: USACV, 2012) 56.

presentation of the veil and the ring,[63] the bishop's words remind the virgin of the nuptial bond she has entered: "Dearest daughters, receive the veil and the ring that are the insignia of your consecration. Keep unstained your fidelity to your Bridegroom, and never forget that you are bound to the service of Christ and of his Body, the Church."[64] Indicative of the explicitly spousal nature of the consecration, the consecration of virgins is, in fact, the only feminine rite of consecration that requires the nuptial ring by reason of ecclesial law, rather than by the proper law of an institute.[65]

The third insignia of consecration is the giving of the Liturgy of the Hours, with the bishop's words: "Receive the book of the Liturgy of the Hours, the prayer of the Church; may the praise of our heavenly Father be always on your lips; pray without ceasing for the salvation of the whole world."[66] This insignia also has a deeply nuptial significance, with the canonical hours being prayed and celebrated by the consecrated virgin even in private as she engages in the continual song of praise of the Bridal Church.[67] French consecrated virgin Renée Tryon-Montalembert explains: "Liturgical prayer is, in fact, par excellence, the voice of the Bride. It is

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[63] *OCV* 26, 27. The rite of consecration includes an option for the veil not to be given, and if customary, for "other insignia of consecration" to be presented. Given the ancient symbolism of the veil in the rite of consecration of virginity, Burke comments in "*Lex orandi, le credendi*," 56: "While the Rite indicates the option of not giving the veil, the option must probably be understood to refer to the situation of a professed nun who has already received the veil. The veil has the same significance for the virgin as it has for the bride in the Sacrament of Mariage. It is not a part of a religious habit, but a vesture which symbolizes the new reality of the consecrated virgin and may be worn by her from time to time, for instance at Mass on the anniversary of her consecration. Such a practice respects the state of the virgin living in the world."

[64] *OCV* 25: "Accipite, filiae carissimae, velamen et anulum, vestrae consecrationis insignia; et fidem Sponso vestro intactam servate, nec umquam obliviscamini vos Christi servitio mancipari et Corpori eius, quod est Ecclesia." *Roman Pontifical*, 306.

[65] Gloria Irene Alvaro Sanz, *To Love and To Serve: The Order of Virgins According to Canon 604*, trans. Carmen M. Muñoz (USA: Carmen M. Muñoz, 2006) 41. Published in Spanish as *Amar y Servir: El Orden de las Virgenes según el Canon 604* (Spain: Secretariado Trinitario, 2004).

[66] *OCV* 28: "Accipite librum orationis Ecclesiae ut caelestis Patris laudes sine intermissione in ore resonent vestro et pro totius mundi intercedatis salute." *Roman Pontifical*, 307.

[67] Renée de Tryon-Montalembert, "La vierge consacrée signe de l'amour de l'Église pour le Christ," *Vie consacrée* 65 (1989) 232.

the beautiful love-poem that the beloved makes rise, night and day, in the ears of the beloved to captivate his heart."[68] The virgin is given the Liturgy of the Hours during the consecration as a means of fulfilling her obligation of prayer, prescribed in *Praenotanda* to the Rite of Consecration:

> To fulfill their duty of prayer they are strongly advised to celebrate the Liturgy of the Hours each day, especially Lauds and Vespers. In this way, by joining their voices to those of Christ the High Priest and of his Church, they will offer unending praise to the heavenly Father and pray for the salvation of the whole world.[69]

At the conclusion of the giving of the insignia, the bridal symbolism is emphasized as the newly consecrated is invited to sing in joy of the great grace she has received in becoming the bride of Christ: "I am espoused to Him Whom the angels serve; sun and moon stand in wonder at His glory."[70]

B. 1983 Code of Canon Law: Inclusion of Canon 604

1. Theological/Juridical Thrust of Canons on Consecrated Life in the 1983 Code (Post Vatican II)

In its approach to the reality of consecrated life in the Church, the 1983 Code of Canon Law reflects the significant development in thinking about religious life that occurred with the Second Vatican Council. Prior to Vatican II, canon law portrayed a primarily functional distinction between clergy and laity, with the laity generally considered subjects of the governing clerics.[71] The Church was viewed as a perfect society comprised of these two parts, and while

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[68] Tryon-Montalembert, "La vierge consacrée," 231: "La prière liturgique, c'est, en effet, par excellence, *la voix de l'Épouse*. C'est l'épithalame que la bien-aimée fait monter, la nuit comme le jour, aux oreilles du bien-aimé pour captiver son cœur."

[69] *OCV Praenotanda* 2: "Ad orationis munus explendum, virginibus sacratis vehementer suadetur ut Officium divinum, Laudes et Vesperas praesertim, cotidie recitent; ita, vocem suam cum Christo summo Sacerdote sanctaque consociantes Ecclesia, caelestem Patrem sine intermissione laudabunt et pro totius mundi salute intercedent." *Roman Pontifical*, 293.

[70] *OCV* 29: "Ipsi sum desponsata, cui Angeli serviunt, cuius pulchritudinem, sol et luna mirantur." *Roman Pontifical*, 307.

[71] Ann Prew-Winters, "Who is a Lay Person?" *The Jurist* 47 (1987) 53–54.

"religious" did not technically form a third category, the second book of the 1917 Code of Canon Law, entitled "On Persons," was divided into three parts, rather than two, covering clerics, religious, and laity.[72] In this view of the Church as an unequal society, the religious state lived by some clerics and lay persons was viewed as the state of perfection and little attention was paid to articulating a theology of the laity.[73]

Such a view of the religious state as the state of perfection heralds back to the earliest days of the Church. The religious state was not deemed to have been of divine origin, however, "to ponder the existence of a religious state of divine origin prior to its historical-canonical configuration is nothing more than to formulate the fundamental characteristics of the Christian person that are expected to be found in every good disciple of Christ."[74] The argument reflects the thinking of the fathers of the Second Vatican Council as they encouraged the latent role of the laity in the Church. The radical life of following Christ through the evangelical counsels was not a life relegated by Christ to a particular group of people; rather, such a radical style of life is to be expected of every Christian striving for holiness. It is the sacrament of baptism that consecrates and conforms a Christian's life to Christ Himself.

Chapters five ("The Call to Holiness") and six ("Religious") of the dogmatic constitution *Lumen gentium*, "deliberately suppressed the term 'state of perfection,' to avoid making any suggestion that Christian perfection is a monopoly reserved to a canonical state."[75] Chapter five engages a detailed discussion of the meaning of religious life, acknowledging at the outset that

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[72] Ibid., 53.
[73] Avery Dulles, "Can the Word 'Laity' Be Defined?" in *Origins* 18/29 (December 29, 1988) 471.
[74] Tomás Rincón-Pérez, "Commentary on Book II, Part III Introduction," in *Exegetical Commentary on the Code of Canon Law*, English language edition ed. Ernest Caparros et al. (Chicago and Montreal: Midwest Theological Forum and Wilson & Lafleur, 2004) [hereafter *Exegetical Commentary*] II/2: 1454.
[75] Ibid., 1455.

the evangelical counsels constitute a gift which God has given to the Church and which is the responsibility of the Church to safeguard, to interpret rightly, and to regulate. The Church has been given the duty "to build on [the counsels] stable forms of living," with the result that from this "divinely given seed" of the counsels "as if on a tree which has grown in the field of the Lord, various forms of solitary and community life, as well as various religious families have branched out in a marvelous and multiple way."[76] The council sought to affirm the long tradition of a life founded on the evangelical counsels, and at the same time to embrace the concept of the universal call to holiness.[77] The resulting theory that guided the conciliar texts on religious life was that religious life is essentially distinguished by its assumption of the evangelical call to radicalism as a stable form of living; it is the stability and permanence of the adoption of particular ways of living out a radical Christian life that distinguishes religious life, as well as other vocations and missions of Christians.[78]

The conciliar decree *Perfectae caritatis* describes the pursuit of perfect charity by means of the evangelical counsels as "a splendid sign of the heavenly kingdom,"[79] echoing a passage in *Lumen gentium* about the eschatological sign that is inherent in a life founded upon the

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[76] Vatican II, dogmatic constitution *Lumen gentium* 43, November 21, 1964: *AAS* 57 (1965) [hereafter *LG*] 49: "Ipsa autem auctoritas ecclesiae, duce Spiritu sancto, ea interpretari, eorum praxim moderari et etiam stabiles inde vivendi formas constituere curavit. Quo factum est ut, quasi in arbore ex germine divinitus dato mirabiliter et multipliciter in agro Domini ramificata, variae formae vitae solitariae vel communis." English translation in *The Documents of Vatican II: with Notes and Index*, trans. Vatican (Strathfield NSW, Australia: St. Pauls Publications, 2009) [hereafter *The Documents*] 57. All subsequent English translations of documents of Vatican II will be taken from this source unless otherwise indicated. The same image of a tree is later used in *Vita Consecrata* 5.

[77] See Rincón-Pérez, *Exegetical Commentary*, II/2: 1456. The author comments: "It is not this or that evangelical text or this or that counsel that Christ posed to all Christians that constitutes the beginning moment of the religious state; rather it is the comprehensive content of the Gospel, that is, the evangelical calling to radicalism in the following of Christ as a *permanent form of existence*. Surely, this theory recognizes that all Christians are called to live that radical life, but some do so when the situation or the circumstances demand it, while religious assume it as a permanent form of living. The essence of the religious state is rooted in this latter circumstance."

[78] Ibid.

[79] Vatican II, decree *Perfectae caritatis* 1, October 28, 1965: *AAS* 58 (1966) [hereafter *PC*] 702: "et tamquam praeclarum signum Regni caelestis apparere." English translation in *The Documents*, 273.

evangelical counsels: "it not only witnesses to the fact of a new and eternal life acquired by the redemption of Christ, but it foretells the future resurrection and the glory of the heavenly kingdom."[80] *Lumen gentium* also speaks to the status in the Church of those who profess the evangelical counsels: "From the point of view of the divine and hierarchical structure of the Church, the religious state of life is not an intermediate state between the clerical and lay states . . . nevertheless, [the state] undeniably belongs to its life and holiness."[81] These texts from the conciliar documents point to a distinguished role for this state of life in the Church, a role distinct from the hierarchical structure of the Church militant and focused instead upon the eternal life towards which all of the work of the Church is destined.[82]

What has been described is the council's shift in understanding of religious life, away from characterizing it as the "state of perfection," and towards its characterization as a stable and radical Christian state lived according to the evangelical counsels and as a transformational sign of the heavenly kingdom. The drafters of the 1983 Code of Canon Law faced a fundamental

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[80] *LG* 44: *AAS* 57 (1965) 51: "tum vitam novam et aeternam redemptione Christi acquisitam testificat, tum resurrectionem futuram et gloriam Regni caelestis praenuntiat." *The Documents*, 59.

[81] *LG* 43, 44: *AAS* 57 (1965) 50, 51: "Status huiusmodi, ratione habita divinae et hierarchicae Ecclesiae constitutionis, non est intermedius inter clericalem et laicalem conditionem . . . ad eius tamen vitam et sanctitatem inconcusse pertinet." *The Documents*, 58–59.

[82] The radicalism of the way of life of the evangelical counsels is expressed differently in various religious and secular institutes, but the transformational witness to the eschatological nature of the Church characterizes all forms, "changing them into a sign of the new life and the eternal victory through the redemption of Christ" (Rincón-Pérez, *Exegetical Commentary*, II/2: 1457). Some years later in the post-synodal apostolic exhortation *Christifideles Laici*, Pope Saint John Paul II further explicated this conciliar teaching, explaining that each particular state of life represents a "manner of living out the commonly shared Christian dignity and the universal call to holiness in the perfection of love" and that together the states reveal "the infinite richness of the mystery of Christ." John Paul II, post-synodal apostolic exhortation *Christifideles laici* 55, December 30, 1988: *AAS* 81 (1989) [hereinafter *CL*] 503. English translation from *The Lay Members of Christ's Faithful People* (Boston: Pauline Books & Media, 1988) 143–144. The lay state, he explained, is distinguished by its secularity as it serves to bear witness to the import of temporal realities in the plan of salvation; the ministerial priesthood assures the constant sacramental presence of Christ; and the religious state witnesses to the eschatological nature of the Church, "that is, the straining towards the Kingdom of God that is prefigured and in some way anticipated and experienced even now through the vows of chastity, poverty and obedience."

question in regard to its treatment of religious life: the question of how and whether there existed a relevant canonical status for those who professed the evangelical counsels (in their various forms), distinct from laity and clergy.[83] Canon 207 in the introductory canons on the Christian faithful, found in part 1 of the second book of the code, addressed this underlying question by indicating a dual status in regard to the place of consecrated life in the Church:

> Canon 207 §1: By divine institution, there are among the Christian faithful in the Church sacred ministers who in law are also called clerics; the other members of the Christian faithful are called lay persons.
>
> Canon 207 §2: There are members of the Christian faithful from both these groups who, through the profession of the evangelical counsels by means of vows or other sacred bonds recognized and sanctioned by the Church, are consecrated to God in their own special way and contribute to the salvific mission of the Church; although their state does not belong to the hierarchical structure of the Church, it nevertheless belongs to its life and holiness. [84]

Thus, by law, those members of the Christian faithful living in any form of consecrated life remain as members of the laity, or clergy, according to their state within the hierarchical structure of the Church, but they likewise belong to a distinct state that belongs to the life and holiness of the Church. With this understanding, the law canonizes a rich integration of conciliar ecclesiology: the Church is built not only on an "hierarchical structure," but on her very "life and holiness." A state of life devoted to imaging the eschatological nature of the Church and the

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[83] See discussion of this question in Rincón-Pérez, *Exegetical Commentary*, II/2: 1453.

[84] *Codex Iuris Canonici auctoritate Ioannis Pauli PP. II promulgatus* (Vatican City: Libreria Editrice Vaticana, 1983) c. 207 §1: "Ex divina institutione, inter christifideles sunt in Ecclesia ministri sacri, qui in iure et clerici vocantur; ceteri autem et laici nuncupantur. §2: Ex utraque hac parte habentur christifideles, qui professione consiliorum evangelicorum per vota aut alia sacra ligamina, ab Ecclesia agnita et sancita, suo peculiari modo Deo consecrantur et Ecclesiae missioni salvificae prosunt; quorum status, licet ad hierarchicam Ecclesiae structuram non spectet, ad eius tamen vitam et sanctitatem pertinet." English translation from *Code of Canon Law, Latin-English Edition: New English Translation* (Washington, DC: CLSA, 1998). All subsequent English translations of canons from this code will be taken from this source unless otherwise indicated.

world to come belongs by nature to the life and holiness of the Church, rather than to her hierarchical structure.

2. Code Revision Process

On January 25, 1959, Pope Saint John XXIII announced his intention to convoke the Second Ecumenical Vatican Council and to establish a Pontifical Commission to revise the Code of Canon Law.[85] The Second Vatican Council opened under the same pontiff on October 11, 1962, and closed under Pope Paul VI on December 8, 1965. The Pontifical Commission for the Revision of the Code of Canon Law (the Commission) held its inaugural plenary session on November 20, 1965, at which time Paul VI underscored the need for a prudent reform of canon law to "accommodate to a new way of thinking proper to the Second Ecumenical Council of the Vatican, in which pastoral care and new needs of the people of God are met."[86] By January 1966, the consultors appointed to the Commission had been arranged into study groups to consider various areas of the law. In an important step linking the work of the Commission directly to the Council Fathers, the first session of the General Synod of Bishops, meeting in fall 1967, approved ten principles to guide the revision of the 1917 Code of Canon Law.[87]

Commission members working on the revision of legislation for religious met in sixteen sessions from 1966 to 1974, resulting in the proposed 1977 "Schema of Canons on Institutes of

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[85] John XXIII, "Announcement of an Ecumenical Council (Jan. 25, 1959)." Text of announcement accessed December 17, 2018 at http://vatican2voice.org/91docs/announcement.htm.
[86] Paul VI, "Allocution to the Cardinals and Consultors of the Pontifical Commission, October 20, 1965": *AAS* 57 (1965) 988: "Nunc admodum mutatis rerum condicionibus—cursus enim vitae celerius ferri videtur—ius canonicum, prudentia adhibita, est recognoscendum: scilicet accommodari debet novo mentis habitui, Concilii Oecumenici Vaticani Secundi proprio, ex quo curae pastorali plurimum tribuitur, et novis necessitatibus populi Dei." English translation from John A. Alesandro, "General Introduction," in *The Code of Canon Law: a Text and Commentary*, ed. James A. Coriden et al. (New York/Mahwah, NJ: Paulist Press, 1985) 5.
[87] Pontifical Commission for the Revision of the Code of Canon Law, "The Principles which Should Direct the Revision of the Code of Canon Law," *Communicationes* 1 (1969) 77–85.

Life Consecrated by Profession of the Evangelical Counsels."[88] The 1977 Schema was sent for comment to bishops and other consultative bodies; the accompanying materials included a list of four code revision principles (derived from the ten noted above) that had specifically guided the Commission's work in regard to the revision of canons on institutes of consecrated life.[89] The 1977 Schema did not include mention of the *Ordo virginum.* Commission members met in twelve sessions from 1978 to 1980, working to revise the 1977 Schema in light of comments that had been received.[90] The 1980 Schema of the new Code of Canon Law included the *Ordo virginum* for the first time, as canon 531.

3. Virginal Mystical Espousal to Christ: A Good to be Protected in Law

Praenotanda to the rite express the Church's hope in the vocation of virginity lived for Christ: "In the rite of consecration the Church reveals its love for virginity, begs God's grace on those who are consecrated, and prays with fervor for an outpouring of the Holy Spirit."[91] With her acceptance of consecration as a bride of our Lord Jesus Christ, the virgin's *propositum* obligates her to persevere in the holy state of virginity and to live as a witness and eschatological sign of the love of Christ.[92] Before turning to an examination of canon 604 of the 1983 Code of Canon Law, let us consider juridical effects of consecration in the *Ordo virginum* that warrant continued protection in law.

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[88] Joseph Fox, "A General Synthesis of the Work of the Pontifical Commission for the Revision of the Code of Canon Law," *The Jurist* 48 (1988) 813–815.
[89] 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—Draft*, trans. Suzanne M. Noffke, James I. O'Connor, and Edward J. Stokes (Washington, DC: United States Catholic Conference, 1977). The book also includes the Latin text: *Schema canonum de institutis vitae consecratae per professionem consiliorum evangelicorum—Reservatum* (Vatican: Typis Polyglottis Vaticanis, 1977) [hereafter *1977 Schema*] 13–15.
[90] Joseph Fox, "A General Synthesis of the Work," 815–817.
[91] *OCV Praenotanda* 1: "Consecrationis ritu Ecclesia suum erga virginitatem amorem patefacit supernam Dei gratiam in virgines implorat Sanctique Spiritus effusionem instanter rogat." *Roman Pontifical*, 293.
[92] *OCV* 17.

Francesco Coccopalmerio importantly acknowledges what may seem obvious: the *Ordo virginum* as an *ordo* does not have canonical juridic personality.[93] Rather, juridical effects of consecration apply to the individual virgin who receives the consecration. Marie-Paul Dion considers that upon consecration, the new canonical condition of the virgin is analogous to that of a married woman, for the virgin is mystically espoused to Christ, the Son of God. [94] The virgin becomes a married woman in the eyes of the law and is thus unable to enter a natural marriage after consecration.[95] Elena Bolchi concurs that the public confirmation of a woman's *propositum* in the rite of consecration results in her entrance into a state of life that is incompatible with marriage and that requires a life of chastity lived in perfect continence.[96] The key effect of the consecration, Cardinal Burke emphasizes, is grace, the grace to live faithfully her consecration.[97]

The comments of Archbishop Annibale Bugnini, secretary of the commission that worked on the reform of the liturgy following the Second Vatican Council, are also compelling. In a 1970 commentary on the consecration of virgins, Bugnini emphasized the nuptial and irrevocable effects of the newly restored rite:

> Above all an effort has been made to preserve the genuine and traditional meaning of the rite which has always been considered as "the betrothal between Christ and her who vows her virginity to him for ever" (A. Nocent). Some formulas were removed because the emphasis they placed on the wedding character of the rite can cause unease in people today; but such a removal does not and cannot signify renunciation of the concept of *nubere Christo*, marriage with Christ. Some may not understand it, but many Christian virgins

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[93] Francesco Coccopalmerio, "L'*Ordo Virginum*: note di esegesi del can. 604," in John Paul II, C.M. Martini, Francesco Coccopalmerio, C. Magnoli, *Ordo Virginum* (Milan: Ancora, 1999) 119.
[94] Marie-Paul Dion, *La Consécration de Vierges: Implications Juridiques* (Ottawa, Canada, 1983. UMI Microform DC53614, Ann Arbor, Michigan: ProQuest LLC, 2011) 123.
[95] Ibid.
[96] Elena Lucia Bolchi, "La ricomparsa dell'*ordo virginum* e la sua configurazione canonica tra normativa universale e normativa della Chiesa particolare," *Quaderni di diritto ecclesiale* 19 (2006) 379.
[97] Raymond L. Burke, "*Lex orandi, lex credendi*," 35, 55. Also see Bolchi, "La ricomparsa dell'*ordo virginum*," 379. Bolchi likewise observes that an effect of the consecration is the outpouring of divine grace upon the virgin to confirm the purpose of her virginity.

> have understood it under the guidance of the Holy Spirit and without sentimentalism. They have well understood it as commitment to and sharing in the universal brideship of the Church, *Sponsa Christi*. . . .
>
> The goal to be aimed at in all cases is the same: that the *Ordo consecrationis virginis* shall be a really effective means of sanctification and service to the Church. This will be possible wherever there is true appreciation of the *consecratio* and of the state of virginity. Nevertheless, we should remember St. Paul's warning to Timothy: "Don't be in a hurry to lay your hands on anyone" (1 Tim. 5:22), when considering the question of admitting candidates in consecration, for it is irrevocable by its very nature and entails permanent giving.[98]

Writing in 1927, Philippus Maroto had appealed to the implications of these very effects of consecration, in his explanation of the Vatican's denial to bishops' requests for permission to bestow the consecration upon virgins living in the world.[99] He wrote then that a reason not to restore the consecration to virgins living in the world was that consecration would constitute the virgin, as it did formerly, as a bride of Christ, perfect and inviolable. The canonical condition of the consecrated virgin as a married woman, a bride of Christ, warrants the protection of law.

4. Canon 604: Development and Placement of Canon

a. Development of Canon 604

Canon 604 of the 1983 Code of Canon Law, granting juridical recognition to the order of virgins, did not appear in the 1977 draft of the canons on consecrated life (unlike diocesan hermits, which did appear in that draft).[100] Discussion of the matter of consecrated virgins appears in the fifth session of the Code Commission *coetus* studying institutes of life consecrated by the profession of the evangelical counsels, which met May 28 to June 1, 1979. During this meeting, the following decisions were made concerning the initial proposed text:

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[98] Annibale Bugnini, "Commentary on the Consecration of Virgins," *OssRomEng*, Sept. 24, 1970, p. 10.
[99] Maroto, "*Annotationes* Sacra Congregatio de Religiosis (1927)," 161.
[100] Eduardus N. Peters, *Incrementa in Progressu 1983 Codicis Iuris Canonici* (Montreal: Wilson & Lafleur, 2005) 554. Diocesan hermits appear in c. 603 of the 1983 *CIC*, and in c. 92 of the 1977 *Schema de Vita consecrata*.

1) to use the word *ordo* instead of *status* in reference to the vocation of consecrated virginity. The discussion centered on the juridical status of the *propositum* of the virgin, in contrast to explicit (and juridically defined) vows of poverty, chastity, and obedience;

2) to add the phrase "of following Christ more closely" specifying the object of the virgin's holy resolution, in order perhaps to demonstrate the implicit inclusion of the counsels of poverty and obedience in the *propositum*;

3) to add the phrase "according to the approved liturgical rite" in regard to the virgin's consecration to God. The consultors commented that this reference would emphasize the formal and public nature of the consecration;

4) to state that the virgin is consecrated "by the diocesan bishop" rather than "by the bishop or his delegate";

5) After much discussion about whether or not there was a need for the canon to reference the possible formation of associations of virgins, because, in any case, all of the Christian faithful are free to associate, the members of the *coetus* voted to include paragraph two, closing with the words "virgins can be associated together." [101]

There is no indication that the *coetus* discussed giving further definition to the admission criteria listed in the *Prænotanda* to the rite. Nor did the *coetus* discuss requisite formation or distinctive rights and obligations of consecrated virgins. The relator observed that what was being realized with consecrated virginity is "the flourishing anew of a very ancient and traditional form of

[101] Pontifical Commission for the Revision of the Code of Canon Law, "Acta Commissionis Can. 39," *Communicationes* 11 (1979) 331–334. The initial text presented by the relator for discussion reads as follows: §1: Hisce vitae consecratae formis accedit ordo (status) virginum, quae ab Episcopo eiusve delegato Deo consecrantur, et, sanctum propositum emittentes, Christo Dei Filio mystice desponsantur et Ecclesiae servitio dedicantur. §2: Ecclesia agnoscit et laudat hunc vitae statum et per suam competentem auctoritatem consensum praebet ut virgines consecratae libere consociari possint ad suum propositum fidelius servandum et ad servitium Ecclesiae, earum statui consonum, mutuo adiutorio perficiendum (efficacius reddendum)." Incorporation of the above decisions resulted in the current text of canon 604, as follows, with changes from the initial text noted in italics: §1. Hisce vitae consecratae formis accedit *ordo* virginum quae, sanctum propositum emittentes *Christum pressius sequendi*, *ab Episcopo dioecesano iuxta probatum ritum liturgicum* Deo consecrantur, Christo Dei Filio mystice desponsantur et Ecclesiae servitio dedicantur. §2. Ad suum propositum fidelius servandum et ad servitium Ecclesiae, proprio statui consonum [*earum statui consonum* in 1980 schema], mutuo adiutorio perficiendum, virgines consociari possunt.

consecration, without well-defined contours," and he cautioned, "it would therefore be prudent not to say more in the canon, in anticipation of further development."[102]

Canon 531 of the 1980 schema of the new Code of Canon Law and canon 605 of the 1982 schema are identical, and nearly identical to the final canon 604 of the 1983 Code.[103] Canon 604 reads:

> §1. Similar to these forms of consecrated life is the order of virgins who, expressing the holy resolution of following Christ more closely, are consecrated to God by the diocesan bishop according to the approved liturgical rite, are mystically espoused to Christ, the Son of God, and are dedicated to the service of the Church.
>
> §2. In order to observe their own resolution more faithfully and to perform by mutual assistance service to the Church in harmony with their proper state, virgins can be associated together.[104]

b. Placement of Canon 604

Book II of the 1983 Code of Canon Law, "The People of God," includes three parts: I: The Christian Faithful; II: The Hierarchical Constitution of the Church; and III: Institutes of Consecrated Life and Societies of Apostolic Life. Notwithstanding the reality of overlap among the states of life, this tripartite division reinforces the idea of three distinct states of life in the Church, each with its own set of rights and obligations: laity, clergy, and consecrated life.[105] Schemata leading up to the final 1983 code, including even the 1980 schema, were arranged

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[102] Ibid., 333: "un rifiorire di una forma molto antica e tradizionale di consacrazione, ma i contorni non sono ben delimitati: sarebbe quindi prudente non dire molto nel canone, in attesa di ulteriori sviluppi."

[103] Peters, *Incrementa in Progressu 1983 Codicis Iuris Canonici*, 555. The only change from the 1980 Schema to the 1983 *CIC* canon 604 is a single word in paragraph two. 1980 Schema: "Ad suum propositum fidelius servandum et ad servitium Ecclesiae, **earum** statui consonum, mutuo adiutorio perficiendum, virgines consociari possunt." 1983 CIC c. 604 §2: "Ad suum propositum fidelius servandum et ad servitium Ecclesiae, **proprio** statui consonum, mutuo adiutorio perficiendum, virgines consociari possunt."

[104] Canon 604: "§1. Hisce vitae consecratae formis accedit ordo virginum quae, sanctum propositum emittentes Christum pressius sequendi, ab Episcopo dioecesano iuxta probatum ritum liturgicum Deo consecrantur, Christo Dei Filio mystice desponsantur et Ecclesiae servitio dedicantur. §2. Ad suum propositum fidelius servandum et ad servitium Ecclesiae, proprio statui consonum, mutuo adiutorio perficiendum, virgines consociari possunt."

[105] For further discussion, see Rincón-Pérez, in *Exegetical Commentary*, II/2: 1452–1460.

differently: the third part of Book II, rather than solely addressing Institutes of Consecrated Life and Societies of Apostolic Life, included a discussion of *all* forms of associations of the faithful, with the idea that all ecclesial associations would be covered in one place.[106] The final rendition of the code, covering associations of the faithful within Part I of Book 2, and separately treating religious associations in Part III, respected the decisive disparity between an association that involves a commitment of a member's entire life, and other types of associations of the faithful. The resulting organization of Book II reinforces the fact that associations treated in Part III represent a distinct state of life in the Church with juridical characteristics identified in the following canons.

Part III of Book II covers two canonical realities: Section I considers Institutes of Consecrated Life and Section II addresses Societies of Apostolic Life.[107] Canon 573 establishes that the common denominator for Institutes of Consecrated Life is the profession of the evangelical counsels through vows or other sacred bonds, in order to establish a stable form of living. Societies of Apostolic Life are treated in a separate section because members do not publicly profess the evangelical counsels.[108] Within the section on Institutes of Consecrated Life

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[106] Ibid., 1452.

[107] Institutes of Consecrated Life are covered in Section I, cc. 573-730; Societies of Apostolic Life are in Section II, cc. 731-746.

[108] Canon 731: §1 Members of societies of apostolic life "without religious vows, pursue the apostolic purpose proper to the society and, leading a life in common as brothers or sisters according to their proper manner of life, strive for the perfection of charity through the observance of the constitutions." Canon 731 §2: "Among these are societies in which members assume the evangelical counsels by some bond defined in the constitutions." Despite the distinction between Institutes of Consecrated Life (ICL's) and Societies of Apostolic Life (SAL's), however, the mandate to live out the evangelical counsels in a way proper to the nature of each institute or society is common to all ICL's and SAL's. Canon 732 establishes that canons 598 to 602 from the norms common to ICL's are likewise applicable to those SAL's in which members assume the evangelical counsels by some bond defined in the constitutions. These canons discuss the living out of the evangelical counsels: c. 598 directs institutes to define in constitutions how it is that the evangelical counsels will be observed; c. 599 concerns the counsel of chastity; c. 600 regards poverty; c. 601 obedience; and c. 602 requires life in community. See also Rincón-Pérez in *Exegetical Commentary*, II/2: 1451.

is found a treatment of religious institutes, secular institutes, and two non-associated forms of consecrated life: eremetical life (c. 603) and the order of virgins (c. 604). Neither the title used in the 1917 code, "De religiosis," nor the term that continued in use in conciliar documents, "religious institutes," could appropriately entitle this section of the new code, due to the inclusion of secular institutes in the section; thus the name "Institutes of Consecrated Life."[109] The term "institutes" is perhaps to be interpreted in a broad sense, due to the fact that the section on institutes of consecrated life does include the two non-associated forms of consecrated life, hermits and virgins.

Canon 604 describes the order of virgins as *accedit* ("similar to" or "approaching" or "as with") the other forms of consecrated life. Although vows or other sacred bonds expressing the evangelical counsels are not pronounced during the liturgical rite of consecration to a life of virginity, the Church has regularly regarded the *Ordo virginum* as a full state of consecrated life.[110] With the inclusion of religious institutes, secular institutes, hermits, consecrated virgins, and societies of apostolic life together under one heading as Part III of Book II in the 1983 Code

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[109] See Rincón-Pérez, *Exegetical Commentary*, II/2: 1464.

[110] Attesting to the order of virgins as a form of consecrated life is the *Proenotanda* to the Rite of Consecration to a Life of Virginity, which opens by stating that the effect of the solemn rite of consecration is to constitute the candidate a "sacred person" in the Church. Since the issuance of the 1983 Code of Canon Law, magisterial texts have specifically addressed the newly restored *Ordo virginum.* The 1988 Apostolic Constitution on the Roman Curia *Pastor Bonus* established the Congregation for Institutes of Consecrated Life and Societies of Apostolic Life as having competence regarding the order of virgins and their associations (art. 110). The Code of Canons of the Eastern Churches, promulgated October 18, 1990, included canon 570: "Consecrated virgins and widows living apart in the world, having publicly professed chastity, can also be established." The 1994 *Catechism of the Catholic Church* includes consecrated virginity as a form of consecrated life (*CCC* 922-924). It is interesting that the English translation of *accedit* in *CCC* 924 is rendered "*as with* other forms of consecrated life," while the English translation of the word *accedit* in the 1983 Code of Canon Law (trans. Canon Law Society of America) is rendered "*similar to* these forms of consecrated life." The 1996 Post-Synodal Apostolic Exhortation of John Paul II, *Vita Consecrata*, includes the Order of Virgins as one of the varied forms of consecrated life present in the life of the Church (*VC* 7). The 2004 Directory for the Pastoral Ministry of Bishops *Apostolorum Successores* 104, urges bishops to "show particular concern for the order of virgins, who are dedicated to the service of the Church, entrusted to the Bishop's pastoral care and consecrated to God at his hands."

of Canon Law, the denominator common to all of the forms is perhaps made most evident by an assertion of John Paul II in *Vita Consecrata*: "The Church has always taught the preeminence of perfect chastity for the sake of the Kingdom, and rightly considers it the 'door' of the whole of consecrated life."[111] The words echo those of Jesus recorded in the Gospel according to Matthew: "there are eunuchs who have made themselves eunuchs for the sake of the kingdom of heaven. He who is able to receive this, let him receive it."[112] The common denominator for all forms of consecrated life is the living of perfect chastity for the sake of the Kingdom.[113]

Dating back, as it does, to the earliest days of the Church, the *Ordo virginum* pre-dates forms of consecrated life that are characterized by communal life and profession of vows. The virgin who offers her *propositum* to live in the state of virginity throughout her life, for the sake of Christ and His kingdom, is consecrated by God at the hands of the bishop during the solemn rite of consecration to a life of virginity. The virgin is thus placed in a new juridical condition as one who is mystically betrothed to Christ. The *propositum* has not been accompanied by explicit pronouncement of the counsels of poverty and obedience, because these two counsels are expected, to an appropriate degree, in the lives of all serious followers of Christ. What was, and continues to be, distinctive to the *Ordo virginum* is the living of the evangelical counsel of chastity in the permanent state of virginity; the virgin is "mystically espoused to Christ,"[114] as

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[111] John Paul II, post-synodal apostolic exhortation *Vita Consecrata* 32, March 25, 1996: *AAS* 88 (1996) [hereafter *VC*] 406: "Etenim castitatis perfectae propter Regnum excellentia, optimo quidem iure tamquam totius vitae consecratae reputata ianua perpetui Ecclesiae magisterii est argumentum." English translation from *Consecrated Life* (Boston, MA: Daughters of St. Paul, 1996) 53.
[112] Mt. 19:12.
[113] In this sentence, and in future places in this study, I am generically using the term "consecrated life" to cover all the forms of life included in Part III of Book II of the Code of Canon Law. Thus, the term includes religious institutes, secular institutes, diocesan hermits, consecrated virgins, and societies of apostolic life.
[114] Canon 604 §1: "Christo Dei Filio mystice desponsantur."

"an eschatological image of the world to come and the heavenly bride of Christ."[115] Just as "perfect chastity for the sake of the Kingdom" is considered the gateway to all consecrated life, so the vocation of consecrated virginity may be seen as the substratal path through that gateway.

For his part, in a 1995 audience with consecrated virgins gathered in Rome, Pope John Paul II discussed the revision of the rite of consecration called for in *Sacrosanctum Concilium*, 80. With the revision of the rite of consecration to a life of virginity, the pontiff noted, not only was a liturgical rite revised, but also the *Ordo virginum* itself was reinstated. The legislator of the 1983 code went on to explain that in canon 604 the *Ordo virginum* finds "its own juridical configuration, distinct from that of institutes, in canon 599 of the new Code of Canon Law."[116] Examining the content of surrounding canons places canon 599 in proper context: canon 598 establishes that each institute of consecrated life is to define in its constitutions the way in which the evangelical counsels are to be observed by its members. Canons 599, 600, and 601 then address each of the counsels individually: chastity, poverty, and obedience. By stating that the *Ordo virginum* finds its distinctive juridical configuration in canon 599, the canon on chastity, John Paul affirms that chastity—lived in virginity—is the distinguishing juridic characteristic of a member of the *Ordo virginum*.[117]

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[115] *OCV Praenotanda* 1: "signum transcendens amoris Ecclesiae erga Christum, imago eschatologica Sponsae caelestis vitaeque futurae." *Roman Pontifical*, 293.

[116] John Paul II, Address to Consecrated Virgins in Rome, June 2, 1995, "May Christ Be Your Total and Exclusive Love," n.1, *OssRomEng*, June 14, 1995, p. 3.

[117] The consecrated virgin does not publicly profess the evangelical counsels; she lives the counsel of chastity in virginity, but does not bind herself to the counsels of poverty and obedience. See Holland, "Consecrated Virgins for Today's Church," 81: "Consecrated Virgins do not make vows of poverty and obedience, but united to Christ and the Church in a special way through their virginity, they must be exemplary in that evangelical detachment from material things, and that obedience to God and the Church which is required of all of the Baptized (cfr. *VC* 30)."

c. Code Revision Principles for Law on Religious: Applicability to Ordo virginum

After having studied the development of canon 604 and its placement in the code of canon law, it is pertinent to consider in hindsight the four code revision principles that were used to direct this revision of the law. Application of the principles is evident in the legislation of the 1983 code in regard to institutes of consecrated life and societies of apostolic life, and in regard to the single canon on the *Ordo virginum*. As well, the principles may prove applicable to the development of particular law for the *Ordo virginum*. With that in mind, a summary of each of the four principles follows, with comments on the potential applicability of the principle to guide the development of norms for the *Ordo virginum*.

1. It should "be apparent in the canons 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 dedicated to God so that they may attain to the perfection of charity, and guard them from dangers."[118] While rights and obligations must be clearly and precisely stipulated, "the impression also was to be avoided that the legislator might be or seem to be more solicitous about an external aspect of the consecrated life than about the true and actual following of Christ on the part of the members and their communities."[119] As a principle, any juridic norms developed for the *Ordo virginum* should promote God's gift of a divine

[118] Pontifical Commission for the Revision of the Code of Canon Law, *1977 Schema*, 12: "ut appareat normas iuridicas, etsi thesauros gratiae vitae consecratae nec plene contineant nec multo minus exhauriant, fovere tamen donum Dei vocationis divinae, adiuvare gratiae opus in animabus Dei dicatis ut ad perfectionem caritatis pertingant easque custodire a periculis." English from *1977 Schema*, 13.
[119] Pontifical Commission for the Revision of the Code of Canon Law, *1977 Schema*, 12: "Idea etiam vitanda erat iuxta quam legislator magis sollicitus esset vel appareret circa aspectum externum vitae consecratae quam circa veram et realem sequelam Christi ex parte sodalium et communitatum." English from *1977 Schema*, 13.

calling to a life of virginity, and assist the work of grace so that consecrated virgins can attain to the perfection of charity and be guarded from danger.

2. Universal law should decree only the more general principles, which can be applied to each institute. Universal law is to "foster, promote, and stimulate in institutes a deep study of their own character, purpose, inspiration, and place they occupy in the Church of Christ."[120] The particular law of institutes "should enjoy appropriate freedom to express all these things in their own Constitutions or statutes suitably and in keeping with the circumstances."[121] While the *Ordo virginum* is not organized in institutes, it is present in particular Churches under the direction of the local bishop. Universal law should establish principles that identify the character, purpose, inspiration, and place in the Church of the *Ordo virginum.* It should be left to local bishops to be free to apply these in regard to the *Ordo virginum* present in his diocese, within the parameters of universal law.
3. "A distinction is to be made between norms which stand as principles constitutive of the consecrated life and purely disciplinary norms. [Constitutive norms] are substantially lasting and can be changed only in regard to external formulation or expression. [Disciplinary norms], on the contrary, should be adapted to the very great variety of institutes of consecrated life, to the diversity of their character, purpose, apostolic works,

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[120] Pontifical Commission for the Revision of the Code of Canon Law, *1977 Schema*, 12: "foveant, promoveant et exstimulent in Institutis stadium profundum eorum indolis, propositi, inspirationis et loci quem in Ecclesia Christi occupant." English from *1977 Schema*, 13.

[121] Pontifical Commission for the Revision of the Code of Canon Law, *1977 Schema*, 12: "gaudere debent congrua libertate ut haec omnia convenienter et opportune exprimantur in propriis constitutionibus seu statutis." English from *1977 Schema*, 13.

etc."[122] The principle emphasizes the diversity in circumstances of members of religious institutes that must be respected in the development of particular disciplinary law. The principle is particularly apt when considering the diverse circumstances of members of the *Ordo virginum*; local bishops can best adapt purely disciplinary norms to the situation and culture of their own dioceses.

4. Universal canons that regulate the internal government of institutes should, with prudence, "stipulate the greatest possible degree of participation of all members in the governance of the institute, and above all in making decisions which are of greater moment or of concern to all."[123] While not directly applicable to the *Ordo virginum* because the *ordo* is not governed as an institute, in principle, the virgins in a diocese ought to be heard about the development of norms that would concern them.

C. Theological/Juridical Implications of Mystical Espousal to Christ in the Rite of Consecration, Prescribed in Canon 604

Canon 604 briefly defines the order of virgins as being comprised of those who, through expressing their holy resolution to follow Christ more closely, are mystically espoused to Christ, the Son of God, and dedicated to the service of the Church. These theological elements of the canon are affirmed in the juridical requirement that entry into the *Ordo virginum* occurs upon consecration at the hands of the diocesan bishop, according to the approved liturgical rite. As we

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[122] Pontifical Commission for the Revision of the Code of Canon Law, *1977 Schema*, 14: "Instituti distinctio facienda est inter normas quae statuunt principia constitutiva vitae consecratae, etsi vitae Instituti applicatae, et normas mere disciplinares. Illae sunt substantialiter perennes et mutari possunt tantum quoad externam exarationem seu expressionem. Istae, e contra, adaptari debent ad maximam varietatem Institutorum vitae consecratae, ad diversitatem indolis, finis, operum apostolicarum, etc." English from *1977 Schema*, 13, 15.

[123] Pontifical Commission for the Revision of the Code of Canon Law, *1977*, 14: "debeat participationem quantum possibile omnium sodalium in regimine Instituti et potissimum in decisionibus ferendis quae maioris sunt momenti vel quae omnium intersunt." English from *1977 Schema*, 15.

turn now to each line of the first paragraph of canon 604, we find there a synthesis of the key elements of consecration, expressed in the juridic language of canon law.

1. "Similar to these forms of consecrated life is the order of virgins"[124]

Shortly after promulgation of the 1983 Code of Canon Law, D. M. Huot, a consultor for the Sacred Congregation for Religious and Secular Institutes (SCRIS), wrote a commentary on the consecration of virgins for the Sacred Congregation's periodic publication *Informationes*.[125] Huot's commentary focused on the juridical nature of the *consecratio virginum* as he emphasized, in the first place, that there could be no doubt that historically the consecration of virgins constituted the virgins "in a public state of virginity, in a public state of consecration, [and] in a public state of consecrated life."[126] The 1970 *Ordo Consecrationis Virginum*, he continued, "restores the practice from its origins by stating that secular persons can be admitted to this rite."[127] The consecration "supposes the perpetual commitment to perfect chastity '*propter regnum*' and entails a spousal union with Christ."[128]

Huot's commentary noted that while the new code includes consecrated virgins in the part of the code that concerns consecrated life, by use of the word "*accedit*," the canon is specifying

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[124] Canon 604 §1: "Hisce vitae consecratae formis accedit ordo virginum."
[125] D.M. Huot, "La Consécration des Vierges," *Informationes* 9 (1983) 155–172..
[126] Huot, "La Consécration des Vierges 16," 164–165: "Les vierges consacrées étaient donc vraiment constituées dans un état public de virginité, dans un état public de 'consécration,' dan un *état public de vie consacrée*." See also Maroto, "*Annotationes* Sacra Congregatio de Religiosis (1927)," 155: "Aliae vero sunt virgines, quae coram Ecclesia statum virginitatis externe et publice profitentur et coetum virgineum, ab ipsa Ecclesia canonice recognitum, efficiunt.: However, there are other virgins who before the Church profess the state of virginity externally and publicly before the Church, and the company of virgins is brought about by canonical recognition from the Church herself."
[127] Huot, "La Consecration des Vierges 16," 165: "rétablit la pratique des origines en précisant que les personnes séculières peuvent être admises à ce rite."
[128] Ibid.: "Une telle consécration suppose l'engagement perpétuel à la chasteté parfaite 'propter regnum' et comporte l'union *sponsale* avec le Christ."

that the *ordo* does not belong to "official forms" of consecrated life.[129] Huot explained that the *Ordo virginum* is not identical to the institutes of consecrated life, for as an institution, the life of consecrated virginity is lived at the service of the local Church according to the pastoral guidelines of the bishop, and is most often lived within the context of a virgin's own family and society.[130] Consecrated virginity, however, is similar to the institutes of consecrated life, and thus the apostolate of the *Ordo* must be characterized as belonging to the state of consecrated life.[131] Sylvia Recchi notes that the use of the word "*accedere*" emphasizes that the *Ordo virginum* is added to the preceding forms of consecrated life as its own distinct form, with its own peculiarities and distinctions.[132]

Canonical discussions have also arisen over the meaning of the order of virgins as a "form" of consecrated life, and the use of the word "order" rather than "state." The distinctions bring to the forefront the ancient roots of the vocation, when the *ordo* was recognized simply as consisting of virgins who were mystically betrothed to Christ.

2. "who, expressing the holy resolution of following Christ more closely"[133]

The object of the virgin's *propositum* is described in canon 604 as "following Christ more closely," a reality that inherently connects the *ordo virginum* to the institutes of consecrated life. The same phrase is employed in the canon that opens the title of the code defining norms

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[129] Huot, "La Consécration des Vierges 19," 168: "Il les inclut dans la partie générale de la *vie consacrée*, tout en précisant qu'elles n'appartiennent pas aux formes officielles de celle-ci."
[130] Ibid.
[131] Ibid. See also Sylvia Recchi, "Il verbo 'accedere' nei cc. 604 e 731 del Codice di diritto canonico," *Vita Consacrata* 26 (1990) 953.
[132] Recchi, "il verbo 'accedere," 954: "Il verbo 'accedere' sottolinea piuttosto ci sembra, che oltre le precedenti forme, anche l'ordine delle vergini appartiene alla vita consacrata, anche se la posizione di esse è peculiare, e anche se per esse sono esigite condizioni formalmente differenti.: The verb 'accedere' emphasizes, it seems to us, that beyond the previous forms, even the order of virgins belongs to consecrated life, even if its position is peculiar, and even if for them formally different conditions are required."
[133] Canon 604 §1: "quae, sanctum propositum emittentes Christum pressius sequendi."

common to all insitututes of consecrated life: "the life consecrated through the profession of the evangelical counsels is a stable form of living by which the faithful, *following Christ more closely u*nder the action of the Holy Spirit, are totally dedicated to God who is loved most of all."[134] The words are drawn from the Second Vatican Council's Decree on the Adaptation and Renewal of Religious Life *Perfectae caritatis*:

> Indeed from the very beginning of the Church men and women have set about following Christ with greater freedom and imitating Him more closely through the practice of the evangelical counsels, each in his own way leading a life dedicated to God.[135]

Perfectae caritatis, in fact, summarizes as the ultimate norm and highest rule of religious life, "the following of Christ set forth in the Gospels."[136] The specific reference to *Christum pressius sequendi* within canon 604 thus juridically relates the *Ordo virginum* to other forms of religious life as conceived by the Second Vatican Council.

Canon 604 does not therefore need to mention expressly the evangelical counsels of chastity, poverty, and obedience as the specific object of the *sanctum propositum*, and the legislator recognized that it was not necessary to do so, as these are encompassed in the formula *Christum pressius sequendi*.[137] Distinct from the act of religious profession is the act of

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[134] Canon 573 §1: "Vita consecrata per consiliorum evangelicorum professionem est stabilis vivendi forma qua fideles, Christum sub actione Spiritus Sancti pressius sequentes, Deo summe dilecto totaliter dedicantur."

[135] *PC* 1: *AAS* 58 (1966) 702: "Inde ab exordiis quidem Ecclesiae fuerunt viri ac mulieres, qui per praxim consiliorum evangelicorum Christum maiore cum libertate sequi pressiusque imitari intenderunt et suo quisque modo vitam Deo dicatam duxerunt." *The Documents*, 273. These words themselves reflect back on *Lumen gentium* 44, which presents religious consecration as a deepening of a person's baptismal consecration in order to free himself from obstacles to following Christ more closely.

[136] *PC* 2a): *AAS* 58 (1966) 703: "Cum vitae religiosae ultima norma sit Christi sequela in Evangelio proposita, haec ab omnibus institutis tamquam suprema regula habeatur." *The Documents*, 274. See also 1983 *CIC*, c. 662: "Religious are to have as the supreme rule of life the following of Christ proposed in the gospel and expressed in the constitutions of their own institute."

[137] Pontifical Commission for the Revision of the Code of Canon Law, "Acta Commissionis Can. 39," *Communicationes* 11 (1979) 333: "Un nono Consultore preferisce che si dica 'sanctum propositum Christum pressius sequendi,' perché cosi anche la povertà e la obbedienza vengono sottintese come unite implicitamente alla castità."

consecration of religious, an act which pertains to the natural state of religious as those who are consecrated in order to follow Christ more closely.[138] It is this natural state of religious that canon 604 likewise correlates to the *Ordo virginum*, who express the *sanctum propositum* "of following Christ more closely."

a. Sanctum Propositum of the Virgin

The Rite of Consecration to a Life of Virginity refers to the candidate's lifelong commitment to follow Christ in the holy state of virginity not as a vow or a sacred bond, but instead as a resolve or decision (*volo*) to persevere in a firm resolution or decision (*propositum*). The bishop opens the Examination of the Candidate with the question: "*Vultis in sanctae virginitatis proposito ac Domini Ecclesiaeque servitio ad extremum vitae perseverare* (Are you resolved to persevere to the end of your days in the holy state of virginity and in the service of God and his Church)?" [139] The "Renewal of Intention (*Castitatis propositi renovatio*)" just before the Solemn Prayer of Consecration employs similar words, as the candidate states: "Father, receive my resolution (*propositum*) to follow Christ in a life of perfect chastity."[140] Likewise, in the Solemn Prayer of Consecration the bishop addresses the Lord, asking his favor upon these handmaids who "place in your hands their resolve (*propositum*) to live in chastity," and acknowledging that it is the Lord Himself who "prompt(s) them in this, their intention."[141]

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[138] Xaverius Ochoa, "Professio, consecratio et vota religiosa ante et post Concilium Vaticanum Secundum," *Commentarium pro religiosis et missionariis* 57 (1976) 208. After discussing the decree of *PC* 1, Ochoa states: "Attamen consecratio, qua talis, prout etiam a Concilio Vaticano II concipitur, distinguitur vere a professione religiosa, et pertinet ad naturam 'statum' religiosi.: Nevertheless the consecration, which is so excellent, as actually conceived by the Second Vatican Council, is truly distinguished from religious profession, and pertains to the natural state of the religious."

[139] *OCV* 17. *Roman Pontifical*, 299.

[140] *OCV* 22: "Accipe, Pater, perfectae castitatis et Christi sequelae propositum." *Roman Pontifical*, 299.

[141] *OCV* 24: "Respice, Domine, super has famulas tuas, quae in manu tua continentiae suae propositum collocantes, ei devotionem suam offerunt, a quo ipsa vota sumpserunt." *Roman Pontifical*, 304. Beyond the three examples (*OCV* 17, 22, and 24), the rite also refers to the virgin's *propositum* as follows:

Thirteen years after the revision of the rite, canon 604 of the 1983 Code of Canon Law employed the same language of *propositum*, rather than the language of vows or sacred bonds, when it juridically identified the order of virgins as those who, "expressing the holy resolution (*sanctum propositum)* of following Christ more closely, are consecrated to God by the diocesan bishop according to the approved liturgical rite."[142]

Different forms of bonds exist for different forms of consecrated life.[143] Members of religious institutes "according to proper law, pronounce public vows, either perpetual or temporary which are to be renewed, however, when the period of time has elapsed."[144] Members of secular institutes assume the evangelical counsels by sacred bonds, as established by the constitutions.[145] Diocesan hermits "publicly profess in the hands of the diocesan bishop the three evangelical counsels, confirmed by vow or other sacred bond."[146] Members of some societies of

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OCV Appendix, Prayer over the offerings: "Oblatis hostiis, quaesumus, Domine, his famulabus tuis perseverantiam suscepti propositi benignus accommoda, ut, apertis ianuis summi Regis adventu, regnum caeleste cum laetitia mereantur intrare." *Roman Pontifical*, 329: "As we offer sacrificial gifrs, we pray, O Lord: grant generously to these your servants, perseverance in the resolve they have made their own, so that when the doors are opened at the coming of the most high King, they may merit to enter with joy into the heavenly Kingdom."

OCV Praenotanda, listing of Mass parts 7e): "Propositi castitatis renovatio." *Roman Pontifical*, 294: "the renewal of the intention of chastity."

OCV Appendix, Collect: "Da, quaesumus, Domine, his famulabus tuis, quibus virginale infudisti propositum, inchoate operis consummatum effectum, et, ut perfectam tibi offerant plenitudinem." *Roman Pontifical*, 329: "Grant, we pray, O Lord, to these your servants, in whom you have instilled a resolve to live in virginity, that the work you have begun in them may be brought to fulfillment."

OCV Appendix, Intercessions Eucharistic Prayer III: "Confortare quoque, Domine, in sancto proposito digneris has famulas tuas." *Roman Pontifical*, 330: "Strengthen in their holy resolve, O Lord, these your servants."

OCV 36, Solemn Blessing at end of Mass: "Omnipotens Pater, beatae virginitatis propositum, quod pectoribus vestris infudit, sua protectione inviolatum custodiat." *Roman Pontifical*, 308: "May the almighty Father, by his protection, keep intact the resolve he has poured into your hearts to live in blessed virginity."

[142] Canon 604: "sanctum propositum emittentes Christum pressius sequendi, ab Episcopo dioescesano iuxta probatum ritum liturgicum Deo consecrantur."

[143] Nancy Bauer, "Profession by *Votum* or by *Vinculum*: Is One Bond Better than Another?" *Studia canonica* 50 (2016) 360.

[144] Canon 607 §2: "secundum ius proprium vota publica perpetua vel temporaria, elapso tamen tempore renovanda, nuncupant."

[145] Canon 712: "constitutiones statuant vincula sacra, quibus evangelica consilia in instituto assumuntur."

[146] Canon 603: "tria evangelica consilia, vota vel alio sacro ligamine fermata, publice profiteatur in manu Episcopi dioecesani."

apostolic life "assume the evangelical counsels by some bond defined in the constitutions."[147] It is by means of these public vows or sacred bonds that the member of the religious institute, secular institute, or society of apostolic life, and the diocesan hermit, are constituted into the juridical state of consecrated life in the Church.

In striving to identify the juridical status of virgins consecrated according to the rite of consecration to a life of virginity, canonists have considered whether the *propositum virginitatis* of the virgin is equivalent to a solemn vow of chastity. The language and concept of "solemn vow" was not used in the early centuries of the Church, and yet the key effect of what came to be understood as a solemn vow of chastity was recognized as the effect of solemn consecration in the early Church, namely that a subsequent marriage was rendered invalid.[148] Writing in 1924 as a consultor to the Sacred Congregation, in preparation for the Plenary Assembly that would discuss the possibility of re-opening the rite of consecration to women living in the world, R.P. Haegy discussed the matter:

> There can be no doubt that this rite created a legal state. To say that it corresponded to a solemn vow, while the *propositum* represented the simple vow, could be to carry modern conceptions too easily into antiquity, and exaggerate the distinction between the two degrees. But we can not equate consecration with a simple devotional ceremony, solely destined to honor and encourage virginity; it consecrates the commitment, it constitutes the espousal between the virgin and Christ, represented by the Bishop.[149]

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[147] Canon 731 §2: "*aliquo vinculo* constitutionibus definito, consilia evangelica assumunt."
[148] Huot, "La Consécration des Vierges 16," 164.
[149] R.P. Haegy, presentation March 19, 1924, in preparation for the Plenary Assembly of February 25, 1927, in Huot, "La Consécration des Vierges 16," 164: "On ne saurait douter que ce rite créait un état juridique. Dire qu'il correspondait au vœu solennel, tandis que le *propositum* représentait le vœu simple, serait peut-être transporter trop facilement dans l'antiquité des conceptions toutes modernes, et exagérer la distinction entre les deux degrés. Mais on ne peut assimiler la consécration à une simple cérémonie de dévotion, uniquement destinée à honorer et encourager la virginité; elle consacre l'engagement, elle constitue les épousailles entre la vierge et le Christ, représenté par l'Evêque."

b. Understanding the Concepts: "Propositum," Vow, Solemn, Simple

The etymology of the word *votum* (vow) reveals a link to the concept of *propositum* (a resolution or decision). Derived from the Latin word *voveo* (I desire), the Latin noun *votum* holds a range of meanings, each of which is based upon a person's internal consideration and desire: "*votum*" can refer to an intention for salvation, a considered opinion, a plege, or a longing.[150] The 1983 Code of Canon Law presents the juridical meaning and implications of a *votum* as an act of divine worship, thus highlighting that the taking of a vow is an act of the virtue of religion when what is vowed is for the worship and service of God.[151] Canon 1191 §1 defines a vow as "a deliberate and free promise made to God about a possible and better good," and states that it "must be fulfilled by reason of the virtue of religion."[152] The canon underscores that by the action of the taking of a vow, a person promises a good to God, but the fulfillment of the vow lies within the realm of the virtue of religion, that is, in repeated acts supportive of the vow. The canon continues by stating that unless prohibited by law, all persons who possess suitable use of

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[150] A traditional definition of *votum* refers to the intention "to use the divinely appointed means of salvation" and is "used in the technical description of a doctrine elaborated to show that God's salvific will embraces those who inculpably cannot actually use the indispensable means of salvation, i.e., the Church and the Church's Sacraments." F.X. Lawlor and D.M. Doyle, *New Catholic Encyclopedia*, 2nd ed. (Washington, DC: The Catholic University of America, 2003) s.v. "*votum*." A *votum* can also refer to "a recommendation, opinion, or evaluation sought by a competent ecclesiastical superior before rendering a decision in a certain case." James T. Bretzke, *Consecrated Phrases: A Latin Theological Dictionary* (Collegeville, MN: The Liturgical Press, 2003) s.v. "votum." The word "*votum*" can refer to "a promise to a god, solemn pledge, religious engagement, vow," and also to "a wish, desire, longing, prayer." Charlton T. Lewis, *An Elementary Latin Dictionary* (Oxford: Clarendon Press, 1966 printing of 1891 edition) s.v. "votum." The derivation of the word "*votum*" from "*voveo*" is apparent in each of these meanings, as the sense of "*votum*" in each case is based upon a person's internal consideration and desire: an intention for salvation, a considered opinion, a pledge, or a longing.

[151] 1983 *CIC*, canon 1191 is situated as the first canon in Title V "A Vow and An Oath" of Part II "Other Acts of Divine Worship" in Book IV "The Sanctifying Function of the Church." See also P.F. Mulhern, "Vow (Practice and Theology of)," vol. 14 in *New Catholic Encyclopedia* (Washington, DC: The Catholic University of America, 1967) 757.

[152] 1983 *CIC*, c. 1191 §1: "Votum, idest promissio deliberata ac libera Deo facta de bono possibili et meliore, ex virtute religionis impleri debet."

reason are capable of making a vow, and that a vow is null by the law itself if made out of grave fear or malice.[153]

Canon 1307 of the 1917 Code of Canon Law defined a vow in the same terms as the 1983 Code. Commentators on the 1917 code highlighted that a vow is an act of religion, that it is made freely and deliberately, that the object of the vow must be morally possible and better than if omitted, and that capacity for making a vow "requires sufficient use of reason in proportion to the object of the vow."[154] J.D. King further explained, "thus, a boy or girl of 11 would not have sufficient use of reason to make a valid vow of perfect and perpetual chastity, unless by special supernatural enlightenment."[155] This last point is reminiscent of ancient law concerning the age at which a bishop could consecrate a young virgin who had made a *propositum* of virginity.

Neither the 1917 nor the 1983 Code of Canon Law establishes a juridical definition of "*propositum*." Lewis' *An Elementary Latin Dictionary* defines "*propositum*" as "that which is proposed, a plan, intention, design, resolution, purpose" or "an aim, main point, principal subject, theme" or a "plan of life."[156] Leo Stelten's *Dictionary of Ecclesiastical Latin* likewise defines "*propositum*" as a "design, purpose, plan, proposition, resolution."[157] The English translation of the words "*sanctum propositum*" in canon 604 of the 1983 code as "holy resolution" places the resolution of the virgin in the realm of religion: it is a "*holy* resolution." The noun "*propositum*" as used in the Rite of Consecration to a Life of Virginity is rendered

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[153] 1983 *CIC*, c. 1191 §§2–3.
[154] J.D. King, "Vow (Canon Law of)," vol. 14 in *New Catholic Encyclopedia* (Washington, DC: Catholic University of America, 1967) 756.
[155] Ibid.
[156] Lewis, *An Elementary Latin Dictionary*, s.v. "propositum," 664.
[157] Leo F. Stelten, *Dictionary of Ecclesiastical Latin* (Peabody, Massachusetts: Hendrickson Publishers, Inc., 1995) s.v. "propositum," 213.

"resolve" or "intention" or "resolution" in the 2012 English translation of the Roman Pontifical. One sentence from the Solemn Prayer of Consecration includes the word "*propositum*" as well as the word "*vota*": "Respice, Domine, super has famulas tuas, quae in manu tua continentiae suae *propositum* collocantes, ei devotionem suam offerunt, a quo ipsa *vota* sumpserunt. (Lord, look with favor on your handmaids. They place in your hands their *resolve* to live in chastity. You prompt them in this, their *intention*.)"[158] The translation of the word "*vota*" in this sentence was corrected in the 2012 English edition of the Roman Pontifical to read "intention," rather than "vow"; the phrase changed from "You inspire them to take this *vow*," in the 1978 English edition of the Roman Pontifical, to "You prompt them in this, their *intention*" in the 2012 edition. Rather than taking a *vow* to live in virginity from this time forward, the revised translation underscored the nature of the rite as a consecration of the virgin's firm *intention to continue* to live in virginity for the Lord.

Canon 1192 of the 1983 code and canon 1308 of the 1917 code further distinguish various types of vows: a vow is *public* "if a legitimate superior accepts it in the name of the Church," otherwise it is *private.*[159] A vow is *solemn* "if the Church recognizes it as such," otherwise it is *simple.*[160] A vow is *personal* "if the person making the vow promises an action"; it is *real* "if the person making the vow promises some thing"; and it is *mixed* "if it shares the nature of a personal and real vow."[161] Vows can also be temporary or perpetual; reserved to the

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[158] *OCV* 24. *Roman Pontifical*, 304.
[159] 1983 *CIC*, c. 1192 §1: "Votum est *publicum*, si nomine Ecclesiae a legitimo Superiore acceptetur; secus *privatum.*" 1917 *CIC*, c. 1308 §1: "Votum est *publicum*, si nomine Ecclesiae a legitimo Superiore ecclesiastico acceptetur; secus *privatum.*"
[160] 1983 *CIC*, c. 1192 §2 and 1917 *CIC*, c. 1308 §2: "*Sollemne*, si ab Ecclesia uti tale fuerit agnitum; secus *simplex.*"
[161] 1983 *CIC*, c. 1192 §3 and 1917 *CIC*, c. 1308 §4: "*Personale*, quo actio voventis promittitur; *reale*, quo promittitur res aliqua; *mixtum*, quod personalis et realis naturam participat."

Holy See as regards their dispensation, or unreserved; absolute or conditional. Among these classifications of vows, it is the long-standing distinctions between *simple* and *solemn*, and *public* and *private*, that most directly impact our understanding of the binding force of the *sanctum propositum* of the consecrated virgin.

Although *solemn* and *simple* vows are defined in canonical law of both 1917 and 1983, the canons on Institutes of Consecrated Life and Societies of Apostolic Life in the 1983 Code do not distinguish between *solemn* and *simple* vows. As discussed in the previous chapter, a distinction was prominent in legislation preceding the 1917 code: prior to the fourteenth century, a solemn (or public) vow was understood to infer certain canonical obligations, while a simple (or private) vow was pronounced in institutes not yet recognized by the Church[162]; with legislation of the sixteenth century, it became clear that only an order with solemn vows was considered a true and juridical religious state (referring particularly to an order that adopted the enclosure).[163] Not until promulgation of the 1917 Code of Canon Law was the religious state canonically recognized as including those in simple vows, as well as those in solemn vows.[164] Writing in 1967 and applying the definition of a solemn vow as that which is recognized as such by the Church, P. F. Mulhern regarded solemn vows as those taken in "the older religious orders

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[162] Maria Casey, "The Evolution of New Forms of Consecrated Life," *Studia canonica* 36 (2002) 478: "prior to the fourteenth century, a public vow of religion was deemed to be solemn and brought with it certain canonical impositions and undertakings. A private vow was called simple as was a vow pronounced in an institute that had not yet been recognized by the Church. The terms solemn and public were interchangeable as were private and simple."
[163] Casey, "The Evolution of New Forms of Consecrated Life," 478–479. Casey refers to *Circa pastoralis* of Pius V, issued May 27, 1566, which was "legislation forcing [religious women] to take solemn vows and, consequently, placing them in the cloister."
[164] Leo XIII's apostolic constitution *Conditae a Christo*, December 6, 1900, is often asserted as offering the first juridical recognition of congregations with simple vows as belonging to the religious state. See Pope Leo XIII, Apostolic Constitution *Conditae a Christo*, December 6, 1900: *ASS* 33 (1900–1901) 341–347.

after a period of temporary, simple vows, and those taken by some members of the Society of Jesus, according to the special rules of the society."[165]

Of most consequence in this nomenclature prior to the 1983 code was the difference in *effect* of solemn and simple vows. Solemn vows rendered an act contrary to the vows invalid as well as illicit (an attempted marriage, for example, would be invalid).[166] Simple vows rendered a contrary act illicit, but not invalid. A person in solemn vows relinquished ownership of goods; a person in simple vows, however, gave up the use and administration of goods, but not ownership.

The effect of a simple vow on the validity of a subsequent marriage was well-defined in canon 1058 of the 1917 Code of Canon Law:

> § 1. A simple vow of virginity, of perfect chastity, of not marrying, of receiving sacred orders, and of embracing the religious state, is a prohibiting impediment to marriage.
>
> § 2. No simple vow invalidates marriage unless an invalidating effect is established for some by a special provision of the Apostolic See.[167]

As discussed previously, this inclusion in canon 1058 §1 of a simple vow of virginity as an impeding impediment to marriage was the only allusion to a virginal vow in the 1917 Code of Canon Law.[168] Writing in 1957, Bouscaren commented on this general principle regarding

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[165] Mulhern, "Vow (Practice and Theology of)," 757. Mulhern also discusses whether the difference between a simple and solemn vow is intrinsic or purely extrinsic; he cites St. Thomas Aquinas and most Thomists as asserting that the difference is intrinsic. He notes others, however, including Duns Scotus, who consider the difference as purely extrinsic to the vow and dependent solely upon the declaration of the Church.

[166] Dede, "Vow (Impediment to Marriage)," in *New Catholic Encyclopedia*, vol. 14 (Washington, DC: Catholic University of America, 1967) 758.

[167] 1917 *CIC*, c. 1058: "§1. Matrimonium impedit votum simplex virginitatis, castitatis perfectae, non nubendi, suscipiendi ordines sacros et amplectendi statum religiosum. §2. Nullum votum simplex irritat matrimonium, nisi irritatio speciali Sedis Apostolicae praescripto pro aliquibus statuta fuerit." English translation from J.F. Dede, "Vow (Impediment to Marriage)," 758.

[168] The order of virgins is not mentioned as a distinct form of religious life in the 1917 code; at the time, usage of the rite of consecration to a life of virginity found in the Roman Pontifical was reserved to nuns.

simple vows that was addressed in canon 1058 §2: "no simple vow is a diriment impediment to marriage, unless it has been declared such by the Holy See."[169] He also cited the example of vows taken by Jesuit scholastics and brothers after the two years of noviceship as perpetual, but simple, vows which were nonetheless a diriment impediment to marriage.[170] The five simple vows named in canon 1058 §1 were all designated as prohibitive impediments to marriage, meaning that marriage could not licitly be contracted; these were impediments of ecclesiastical law and could also be impediments by divine law, in certain conditions.[171]

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[169] T. Lincoln Bouscaren and Adam C. Ellis, *Canon Law: A Text and Commentary* (Milwaukee: The Bruce Publishing Company, 1951) 513.
[170] Ibid.
[171] Ibid. Canon 1058 §1 of the 1917 Code listed five types of simple vows. The discussion of commentators is pertinent to consideration of the meaning of a *propositum* to virginity:

1) Vow of virginity: "has as its object the excluding of the first complete and voluntary use of the generative faculty, in or out of wedlock. Once virginity has been lost by an external act, it cannot be regained; and thus the fulfillment of this vow is rendered impossible." Dede, "Vow (Impediment to Marriage)," 758. It is the initial consummation of marriage that is excluded by a vow of virginity (see Dede, 758). See also T. Lincoln Bouscaren, "Marriage: Impedient Impediments (cc. 1058–1066)," in *Canon Law: A Text and Commentary*, 512: "The vow of virginity has for its object the exclusion of the *first complete act* of carnal pleasure, whether merely internal or also external, and whether otherwise licit, as in lawful wedlock, or otherwise illicit, out of wedlock. . . . If a voluntary venereal act is consummated externally, virginity is irretrievably lost. The state of grace may be restored, but the flower of virginity is gone forever; the fulfillment of the *vow of virginity* has become impossible, and the obligation of the vow accordingly ceases." Bouscaren also includes a substantial discussion on the material and formal elements comprising virginity as a virtue.
2) Vow of perfect chastity: "excludes not only the first but every use of the generative faculty. Therefore even if virginity has been lost, the fulfillment of this vow remains possible" (Dede, 758). It is the use of marriage that is excluded by a vow of perfect chastity (Dede, 758). Bouscaren (503–504) comments that even after virginity has been lost, the fulfillment of a vow of perfect chastity remains possible for the future "and consequently does not expire." A vow of perfect chastity may be public if it is taken in religion, and in that case it may be solemn or simple. A vow of perfect chastity may be private if it is taken outside of religion, in which case it is always simple, "even when reserved as provided in canon 1309, that is, when taken unconditionally by one who has completed his eighteenth year."
3) Vow not to marry: "excludes directly the celebration of marriage" (Bouscaren, 504). Dede comments that because a subsequent marriage is illicit (since it is wrong to break a vow made to God), the Church cannot dispense directly from the impediment in the sense of permitting marriage while a person remains under the vow. The Church could, he argues, dispense from the obligation arising from the vow, if a just cause is present, in which case the impediment would cease to exist (Dede, 758). Bouscaren comments that it is the direct celebration of marriage that is excluded, but the vow "does not render the use of marriage illicit, since that is outside the scope of the vow" (Bouscaren, 504).
4) Vow to receive a sacred order: "has for its object the reception of the subdiaconate, diaconate, or priesthood. It is indirectly violated by marriage, since marriage makes its fulfillment practically impossible,

Measuring the relative juridic strength of a particular type of vow of chastity by its effect on the validity and liceity of a subsequent marriage has been a long-standing ecclesial practice that reflects the commonality of human situations giving rise to marriage questions. We have already examined the discussion of such cases by Gratian and Gregory IX. The same result was affirmed in 1917 law: when a *votum* of virginity or religion is simple, a subsequent marriage is not permitted (it is valid, but illicit), but when a *votum* is made firm by a solemn vow, a subsequent marriage is invalid.[172]

Although a distinction between solemn and simple vows was abrogated in the 1983 code in relation to religious, differences in the effects of types of vows continue to exist among the various institutes and societies today.[173] Differences in the ownership of goods are addressed in the constitutions of an institute or society, rather than in the type of bond. The effect of rendering an attempted marriage invalid is the direct result of the type of vow or bond that exists. Nancy Bauer explains:

> The public vows of religious have at least one juridical effect that distinguishes them from all other forms of bonds: the perpetual public vow of chastity in a religious institute constitutes a diriment impediment to marriage. Furthermore, a religious who attempts marriage without a dispensation from vows may incur a *latae sententiae* interdict. This

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but if the marriage is dissolved, the vow will remain binding against any future marriage" (Bouscaren, 504).

5) Vow to enter religion: "remains a prohibitive impediment to marriage as long as its fulfillment remains possible. The impediment arises from a vow to enter a religious order with solemn vows, or a religious congegation with simple vows, perpetual or temporary" (Bouscaren, 504).

[172] See discussion of Causa 27 of Gratian's *Decretum* and discussion of Title VI of Book IV of the Liber Extra of Gregory IX, pp. 99–103 of this study. Questions addressed in the canons of X.4.6 asked if it was the taking of the vow; the taking of the habit; the leaving of the world for life in enclosure; the profession of vows before a priest, a Bishop, or an Abbot or Abbess; or the length of time in religious life that determined the firmness of a simple or solemn vow of chastity.

[173] See *Communicationes* 7 (1975) 90: "Professio vero fit *cooptatio* quae non amplius erit simplex vel sollemnis sed tantum *temporanea* vel *perpetua* aut *definitiva*. Professi consequenter appellari debent *cooptati*." The distinction between solemn and simple vows was formally dropped from canons regarding institutes of consecrated life and societies of apostolic life in the 1983 code. In discussing the revision of terminology, the Code Commission stated that profession would no longer properly be referred to as "simple" or "solemn," but only "temporary" or "perpetual or definitive."

indicates that public religious vows have a more binding nature than the bonds of secular institutes, societies, and hermits, even if hermits are able to profess the counsels by public vows, as seems to be the case.[174]

c. *Effect of the "Sanctum Propositum Virginitatis"*

Generally speaking, a *propositum virginitatis* is not equivalent to a vow: a vow of virginity cannot exist without a *propositum* of virginity, but the converse is not true.[175] A person can form a *propositum* about conserving chastity forever without wanting to pronounce a vow, or without using the particular formulation of a vow.[176] Distinct from a more general, or initial, *propositum virginitatis*, is the *propositum virginitatis* of the virgin during the rite of solemn consecration, which is a *propositum* that does take on the character of a vow. Huot asserts that "it is only after having received the certitude that the virgin is committed to be united exclusively and indissolubly with Christ, that the Church agrees to proceed to this rite of consecration."[177] The virgin implores the favor of consecration, and the texts of the rite "involve the definite, perpetual, spousal union with the Son of God, the commitment of perpetual fidelity in love."[178]

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[174] Bauer, "Profession by *Votum* or by *Vinculum*," 381. A related point of interest is the definition of a "nun," used in common parlance to describe any professed religious woman, but not used or defined in the 1983 Code of Canon Law. The definition has changed over time, and is most currently defined in the CICLSAL Instruction "*Cor orans*" April 1, 2018 [hereafter *CO*]. *CO* 1: "According to the law, the term *nuns*, in addition to the religious of solemn vows, refers to those who profess simple vows in monasteries, both perpetual or temporary. The Church, among the women consecrated to God through the profession of the evangelical counsels, designates only to nuns the commitment of public prayer, raising to God in its name the Divine Office as a praying community to be celebrated in chorus." Thus, the term "nuns" now refers to contemplative women religious, as distinguished from "sisters," who engage in apostolic works.. This is slightly different than the definition understood through canon 488 of the 1917 Code and the 1951 apostolic constitution *Sponsa Christi* of Pius XII, which used the term "nun" in reference to "a religious woman professed of solemn vows or of simple vows, temporary or perpetual, in a monastery in which solemn vows are actually or should be taken, and in which at least the minor papal cloister is observed." See W. B. Ryan, "Nun" in *New Catholic Encyclopedia* (1967), vol.10: 575. The author also points out that by way of apostolic privilege some congregations were also permitted to use the title "nun."

[175] Urquiri, "Circa 'Ordinem consecrationis virginum' quaestiones três," 155.

[176] Huot, "La Consécration des Vierges 17," 165.

[177] Ibid., 166: "C'est uniquement après avoir reçu la certitude que la vierge s'est engagée à s'unir exclusivement et indissolublement au Christ, que l'Eglise consent à procéder à ce rite de la consécration."

[178] Ibid., 166: "et les textes eux-mêmes de la consécration impliquent l'union sponsale définitive, perpétuelle avec le Fils de Dieu, l'engagement de fidélité perpétuelle dans l'amour."

Huot finds that such a promise made to God, while missing the words, "I promise," or "I vow," clearly includes the matter and intention to commit forever, and that the Church officially and solemnly receives this in the name of God:

> We can therefore affirm, it seems to me, that the propositum, of which speaks the Ordo Consecrationis Virginum, Pius XII, Saint Jerome, etc. . . . is nothing other than a VOW of virginity, of perfect chastity pronounced by the virgin, a vow not only heard or approved by the Bishop but officially and solemnly received by him in the name of the Church (*OCV* 22), a vow that allows the Bishop to proceed to the consecration of this virgin.
>
> It is certainly not here a private vow in terms of the current law, but a public vow (cf. canon 1192 of the 1983 Code; 1308 of that of 1917), which introduces the one that pronounces it in the public state of consecrated life even if she does not become a religious nor a member of a secular institute or a society of apostolic life. [179]

A *propositum* of virginity refers to an individual's inner decision to live the Gospel as a virgin; it is a private decision. The *sanctum propositum* of the virgin which is received by the bishop in the name of the Church, during the solemn rite of consecration to a life of virginity, binds the virgin in a way that is equivalent to a *public vow* of chastity.[180] In the rite of consecration to a life of virginity, the bishop consecrates the virgin who has publicly affirmed her *sanctum propositum*, thereby constituting her in the public state of consecrated life in the Church as one who is perpetually, mystically espoused to Christ.

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[179] Ibid., 166: "Nous pouvons donc affirmer, il me semble, que le *propositum*, dont parlent l'Ordo Consecrationis Virginum (voir les références déjà citées), Pie XII (AAS 1959, pp. 5-6), saint Jérôme, etc. . . . n'est rien autre qu'un VŒU de virginité, de chasteté parfaite prononcé par la vierge, vœu non seulement entendu ou approuvé par l'Evêque mais officiellement et solennellement reçu par lui au nom de l'Eglise (cf. OCV, p. 21, n.22), vœu qui permet ainsi à l'Evêque de procéder à la consécration de cette vierge. Il ne s'agit certainement pas ici d'un vœu privé aux termes du droit actuel, mais d'un vœu *public* (cf. can. 1192 du Code 1983; 1308 de celui de 1917), qui introduit celle qui le prononce dans un *état public de vie consacrée* même si elle ne devient pas religieuse ni membre d'un institut séculier ou d'une société apostolique."

[180] Urquiri, "Circa 'Ordinem consecrationis virginum' quaestiones três," 156. In denoting the vow of the consecrated virgin as public, Urquiri cites c. 1308 §1 of the 1917 code and c. 1192 §1 of the 1983 code, both of which define a public vow as that which is accepted in the Church by a legitimate Superior.

3. "are consecrated to God by the diocesan bishop according to the approved liturgical rite"[181]

The entire tradition of the Church reserves to the bishop himself the work of accepting the virgin's *propositum* and consecrating her, on behalf of the Church.[182] This reservation has been imposed by liturgical law, as established by the rite itself in the Roman Pontifical.[183] Huot asserts that the reservation to the bishop is not related to the nature of the consecration or to the power of orders, because the *consecratione virginum* is not a sacrament.[184] Rather, canon 604 requires the use of the liturgical rite of consecration, and the rite establishes that it is the diocesan bishop who admits and consecrates a virgin requesting consecration.[185]

St. Thomas Aquinas points to a theological harmony in the reservation of consecration to the diocesan bishop.[186] The quote of Aquinas follows his observation about the meaning of virginal consecration as representative of the integrity of the spiritual marriage of Christ and the Church:

> Therefore, as spiritual marriage is represented by carnal marriage as to its fecundity, so it is necessary for there to be something that represents the spiritual marriage as to its integrity; and this is done in the veiling of virgins, as is shown by all the things that are brought forth and done there. And because of this only a bishop, to whom the care of the Church is commited, espouses the virgins, by veiling them not for himself but for Christ, like a friend and attendant of the bridegroom.[187]

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[181] Canon 604 §1: "ab Episcopo dioecesano iuxta probatum ritum liturgicum Deo consecrantur."
[182] Huot, "La Consecration des Vierges 20," 168.
[183] *OCV Praenotanda* 5c): "Pro virginibus vitam saecularem agentibus requiritur ut ab Episcopo loci Ordinario ad consecrationem admittantur. 6): Minister ritus consecrationis virginum est Episcopus Ordinarius loci." *Roman Pontifical*, 293–294: 5c): "In the case of women living in the world it is required that they be admitted to this consecration by the Bishop who is the Ordinary of the place. It is for the Bishop to decide on the conditions under which women living in the world are to undertake a life of perpetual virginity. 6) The minister of the rite of consecration is the Bishop who is the Ordinary of the place."
[184] Huot, "La Consecration des Vierges 20," 168.
[185] Ibid.
[186] Urquiri, "Circa 'Ordinem consecrationis virginum' quaestiones três," 159, fn. 58.
[187] Aquinas, *Commentum Lombardi* Liber IV, Dist. 38, Q. 1, art. V, solutio: "Sicut ergo per matrimonium carnale repraesentatur matrimonium spirituale quantum ad fecunditatem, ita oportuit aliquid esse quod repraesentaret praedictum spirituale matrimonium quantum ad ejus integritatem; et hoc fit in velatione virginum, sicut per omnia

The virgin's consecration according to the approved liturgical rite is an indication, too, of the public nature of the consecration, just as a wedding is a public event. The liturgical act also distinguishes this form of consecrated life from that of the religious or secular institute, the society of apostolic life, and diocesan hermits—the emphasis in the *Ordo virginum* is the consecration of a person, at the hands of the bishop, according to a liturgical rite found in the Roman Pontifical.

In addressing the consecration to a life of virginity, writers have also discussed in some depth the nature of the rite as a "consecration," juxtaposed on the one hand to "religious profession," and on the other hand to a "benediction."

a. Consecration/Profession

An act of religious profession (*actus profitendi*) is a declaration or manifestation; it is an act by which a person openly, publicly, and freely confesses one's state and embraces the religious rule of one's own institution.[188] Vows of chastity made by unmarried women in a rite of religious profession are public canonical acts that are accepted by the Church; they are subjective in that a woman offers herself and binds herself to live in accord with the constitutions of an institute or society. There is a distinction between this action and the public canonical action of the consecration of a virgin, by which the virgin renews her *propositum* (her intention) to live in perpetual virginity and accepts consecration as a bride of Christ.[189] Through the celebration of the rite of consecration, the Holy Spirit acts to consecrate the resolve of the virgin to remain in

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quae ibi proferuntur et geruntur, ostenditur; et propter hoc solus episcopus, cui cura Ecclesiae committitur, virgines desponsat, velando non sibi, sed Christo, quasi sponsi paranymphus et amicus."

[188] Urquiri, "Circa 'Ordinem consecrationis virginum' quaestiones três," 155. See also Xaverius Ochoa, "Professio, consecratio et vota religiosa" 196. Ochoa also points out that the Second Vatican Council speaks of the profession of the evangelical counsels as an act common to the religious state, but that the Council does not define the term "religious profession."

[189] *OCV* 17.

the virginal state for her lifetime,[190] thus constituting her a sacred person in the Church. The *consecratio virginum* is "an act of the Church by which the bishop, as its recognized representative, chooses a virgin within her humanity and dedicates her totally, radically and forever for the service of God, for the triumph of his Love."[191] Reflecting on the availability of the rite of consecration both to nuns and to women living in the world, Huot considers, in fact, that "the rite loses all its substance and its deepest meaning when it is applied to a nun already consecrated forever by her solemn profession."[192]

The apostolic constitution *Sponsa Christi*, promulgated in 1950 by Pope Pius XII, had encouraged use of the solemn rite of consecration to a life of virginity, but at the same time had restricted its use to nuns alone.[193] With this constitution, "consecration became, in law, a privilege of religious institutes with solemn vows. The religious of congregations with simple

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[190] Raymond L. Burke, "*Lex orandi, lex credendi*," 60. See also Behrendt, "Conferences to Benedictine Sisters," 65: "it is God and the Church who take the initiative, and not the virgin herself. The virgin is simply asked if she wishes to receive the sacramental."

[191] Huot, "La Consecration des Vierges 9," 160: "La *consecratio virginum*, ne l'oublions pas, est un acte de l'Eglise qui, par l'Evêque son représentant attitré, choisit une vierge au sein de l'humanité et la consacre totalement, radicalement et pour toujours au service de Dieu, au triomphe de son Amour."

[192] Ibid.: "Le rite perd tout son mordant et sa signification la plus profonde lorsqu'il s'applique à une Moniale déjà consacrée pour toujours par sa profession solennelle." Huot explains further that in the consecration of a virgin, the Church solemnly and publicly confirms the *propositum* of virginity that has been pronounced. What, the author asks, can the Church *confirm* after the solemn profession of poverty, chastity, and obedience by a nun, who, by her solemn profession, is already totally, radically dedicated to the exclusive service of God?

On the contrary, Huot does find reason why individual female members of secular institutes might beneficially request the consecration of virgins. In such a case the consecration would not establish the person in the public state of consecrated life, since she has already been so instated by virtue of membership in the secular institute, but the individual does remain a secular person acting freely within society. The prayer of consecration has not been prayed by virtue of membership in the secular institute, and would serve "to consecrate her union to Christ in a more solemn way and give it a special grace and strength." See Huot, "La Consecration des Vierges 23," 171: "elle consacrerait toutefois son union au Christ d'une façon plus solennelle et lui conférerait une grâce et une force particulières."

[193] René Metz, "La Consécration des vierges?" *Vie consacrée* 41/1969, 7. Also see reference to *Sponsa Christi* in this study, Ch. 2, fn. 25, p. 68 and p. 117.

vows, even after perpetual profession, were not *habiles* (able) to receive the consecration."[194] Although the rite of consecration was not in common use at the time, there was also no juridical restriction on its use prior to *Sponsa Christi*. Thus, probably unwittingly, "Pius XII accentuated the separation that existed since the 16th century between religious profession as such and the consecration."[195] By definitively separating categories of religious between those who were able to be admitted to consecration and those who were not, the result was to emphasize the act of profession over the act of consecration as the common and defining element for admittance to religious life.[196] The act of consecration by God came to be seen, in a sense, as superfluous.[197] A gradual change occurred in the ecclesial interpretation of what constituted entrance to the religious state: from an understanding that entrance to the religious state came about by the subjective act of an individual together with the objective act of consecration by God, to an understanding that the subjective act of profession alone brought about entry to the religious state. The Second Ecumenical Vatican Council addressed the matter with renewed attention to the act of religious consecration. The Vatican Council emphasized that religious profession is a consecration,[198] derived from the baptismal consecration:

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[194] Metz, "La Consécration des vierges?" 8: "De la sorte, la consécration devenait, en droit, un privilège des instituts religieux à vœux solennels. Les religieuses des congrégations à vœux simples, même après la profession perpétuelle, n'étaient pas habilitées à recevoir la consécration."

[195] Ibid: "Ainsi, Pie XII a accentué la séparation qui existait en fait depuis le xvi siècle entre la profession religieuse comme telle et la consécration."

[196] Ibid. Metz holds that Pius XII acted with the best intentions by reserving the consecration to nuns, and this consequence of giving priority to profession over consecration was certainly unintended.

[197] Ibid.

[198] Ochoa, "Professio, consecratio et vota religiosa," 200–205. Ochoa defines an *actus consecrandi* as an act that moves something or someone from the profane to the sacred, and a religious consecration as an act by which a person is publicly admitted and embraced in the state of religion. He explains that the Second Vatican Council uses the words "to consecrate" and "consecration" to designate the concept of surrendering, or handing over (*traditum*), and uses the word in many different senses: the consecration and mission of Christ himself; baptismal consecration; episcopal consecration; priestly consecration; consecration of virginity and chastity to God or Christ, in or outside of institutes; matrimonial consecration; consecration of time, of day and night to God through liturgical prayer; consecration of the world to God; and consecration of virgins according to the liturgical rite.

> Indeed through Baptism a person dies to sin and is consecrated to God. . . . By his profession of the evangelical counsels, [then] he is more intimately consecrated to divine service. This consecration will be the more perfect, inasmuch as the indissoluble bond of the union of Christ and His bride, the Church, is represented by firm and more stable bonds.[199]

In light of this and conscious of the call for renovation of the rite of consecration to a life of virginity, the commission drafting the revised rite of religious profession proposed to solemnize the consecration that was part of any religious profession with a new "prayer of consecration" to be used not only for nuns but for any religious.[200] As a member of the Commission, Cardinal Antoniutti wrote on May 23, 1969: "To give all the Religious the benefit of the 'consecratio'—which officially confirms, on the part of the Church, the donation that the religious makes of herself in perpetual profession—[the Commission] was asked to introduce a 'prayer of consecration' into the new rite of perpetual profession. This desire was happily received and the new rite was enriched by the 'prayer of consecration.'"[201]

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[199] *LG* 44: *AAS* 57 (1965) 50: "Per baptismum quidem mortuus est peccato, et Deo sacratus; ut . . . consiliorum evangelicorum professione in ecclesia . . . , et divino obsequio intimius consecratur. Tanto autem perfectior erit consecratio, quo per firmiora et stabiliora vincula magis repraesentatur Christus cum sponsa ecclesia indissolubili vinculo coniunctus." *Roman Pontifical*, 58.

[200] Huot, "La Consécration des Vierges 13," 163.

[201] From SCRIS Archives, file of *consecratio virginum*, in Huot, "La Consecration des Vierges 13," 163: "Per dare a tutti i Religiosi il beneficio della 'consecratio'—che viene a confermare ufficialmente, da parte della Chiesa, la donazione che il religioso fa di se stesso nella professione perpetua—è stato chiesto di introdurre una 'prex consecratioria' nel rito della professione perpetua. Tale desiderio è stato benevolmente accolto ed il nuovo rito si è arricchito della 'prex consecratoria.'"

The revised Rite of Perpetual Profession During Mass includes seven parts: a) the calling of those to be professed; b) the homily; c) the examination of those to be professed; d) the litanies; e) the profession, made in the presence of the Church, the lawful superior of the institute, the witnesses, and the congregation; f) the solemn consecration of the professed, by which the Church ratifies profession through a liturgical consecration; and g) the presentation of the insignia of profession. The revised Rite of Consecration to a Life of Virginity includes the same seven parts, tailored to the consecration of women living in the world (chapter one of the rite) or for nuns (chapter two of the rite): a) the calling of the candidates; b) the homily; c) the examination of the candidates; d) the litanies; e) the renewal of the *propositum* of virginity (for women living in the world) or the making of religious profession (for nuns receiving consecration together with making religious profession); f) the solemn prayer of consecration of a virgin, *Deus, castorum corporum* . . . (same for women living in the world and for nuns); and g) the presentation of the insignia of consecration. Note that a prayer of consecration exists in each rite, but the ancient prayer of consecration of a virgin is present only within the rite for the consecration to a life of virginity. See *The Rites of the Catholic Church as Revised by the Second Ecumenical Council,* Vol. 2 of 2, ed. International Commission on

A religious sister enters the state of consecrated life through religious profession, but the consecrated virgin enters through a consecration that does not involve canonical vows. In the words of Sharon Holland:

> The Rite [of Consecration of Virgins] is not a religious profession and does not call for vows of poverty or obedience, or living 'according to the constitutions of X.' It is a life of consecrated virginity . . . of charity . . . of prayer and service of the Church. Consecrated virgins do not make vows of poverty and obedience, but united to Christ and the Church in a special way through their virginity, they must be exemplary in that evangelical detachment from material things, and that obedience to God and the Church which is required of all of the baptized (cf. *VC* 30).[202]

Initial questions posed to the Sacred Congregation for Divine Worship after the May 31, 1970 promulgation of the Rite of Consecration to a Life of Virginity and the February 2, 1970 promulgation of the Rite of Religious Profession, reflected some concern about "degrees of consecration" in that the new consecration to a life of virginity was reserved to nuns taking solemn vows, members of women's secular institutes, and virgins living in the world, but was not open to women religious taking simple vows.[203] The relator of the study group that had prepared both rites responded to the questions by clarifying that both rites have the nature of genuine consecrations, according to the intention of the Church and the words of each rite, and that there are not degrees of consecration.[204] His explanation maintained the distinction between the profession of a vow in the Rite of Religious Profession and the consecratory prayer that is present in both rites. In regard to the consecration of virgins, he said, "Strictly speaking, for consecration a vow is not necessary, in the technical sense that 'vow' has taken on in the last

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English in the Liturgy, approved for use in the Dioceses of the United States of America by the National Conference of Catholic Bishops and confirmed by the Apostolic See (Collegeville, MN: The Liturgical Press, 1991).
[202] Holland, "Consecrated Virgins for Today's Church," 81.
[203] *Circa OCV*, 107–110.
[204] *Circa OCV*, *ad* 2, 108.

centuries. Rather the essential requirements are the person's intention of self-offering to God in a total and perpetual way and the Church's acceptance of that intention."[205] The relator clarified that the very nature of consecration "presupposes totality and perpetuity," and it is for this reason that in the rite of religious profession "such terms as 'consecration' or 'consecrated' are not used in temporary profession; they are kept exclusively for final profession."[206]

Both the professed religious and the consecrated virgin have given a total donation to God. Through her profession, the religious also binds herself to a religious family; both aspects—the total donation to the Lord and the bond with the institute—are essential elements for religious profession.[207] The consecrated virgin gives this total donation in her *propositum*,

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[205] *Circa OCV*, *ad* 3, 109: "Strettamente parlando non è necessario un 'voto,' nel senso tecnico che questo termine ha acquisito negli ultimi secoli, per determinare la consacrazione. È invece indispensabile che il soggetto abbia la volontà di offrirsi a Dio in modo totale e perpetuo, e che tale volontà sia accettata dalla Chiesa. Tale è il criterio cui pare ispirarsi il n. 5c dei *Praenotanda* OCV." English translation in *DOL* 395, fn. R2.

De Urquiri refers to this response published in *Notitiae* as affirmation of the *propositum* of virginity being considered as a general vow of religion. See Urquiri, "Circa 'Ordinem consecrationis virginum' quaestiones três," 156: "Age vero, iam a diebus S. Hieronymi, cuiús depositio die 30 septembris anni 420 in Bethleem communiter recensetur, sacrum virginitatis propositum ut *votum generale religionis* habitum est. Aliis verbis, virginitatis propositum non votum explicitum, certe vero *votum implicatum* sonat. Ni fallor, responsio in ephemeridibus *Notitiae* publica, de qua supra, sic est intelligenda.: In truth, already in the days of St. Jerome, there is commonly counted testimony of this on September 30 of the year 420 in Bethlehem, the sacred *propositum* of virginity was considered a general vow of religion. In other words, the propositum of virginity may not be spoken of as an explicit vow, but it would certainly express a true implicit vow."

See also Ochoa, "Professio, consecratio et vota religiosa," 210: "At consecratio et traditio Deo, qua talis, non requirit necessario emissionem votorum. Specifica quidem a consecratio 'totalis' et 'radicalis,' prout convenit Institutis perfectionis, continet certe materiam et observantiam consiliorum evangelicorum; sed consilia evangelica non indigent necessario et absolute, ad eorum perfectam observantiam, aliquo voto, cum simpliciter ob eorum valorem theologicum et evangelicum, absque ullo adiuncto vinculo humano vel sacro, perfecte possint et mereantur servari. De facto primi monachi vere consecrati erant, et stricte consilia evangelica prosequebantur, quin voto fuerint vinculati." Writing in 1976 about distinctions between religious profession and consecration, Ochoa observes that a total and radical consecration to God does not necessarily require the emission of vows. Without referring specifically to the consecration of virgins, he comments that such a consecration, simply for the sake of theological and evangelical moral value, without an added human or sacred bond, ought to be preserved. He recalls that the first monks were consecrated and strict evangelical counsels were described in detail, but they were bound without vows.

[206] *Circa OCV*, *ad* 4, 109: "Una persona viene consacrata dalla professione *perpetua* e dalla concomitante azione liturgica della Chiesa (*prex consecratoria*). Lo richiede la natura stessa della consacrazione, che presuppone totalità e perpetuità. Su questo sono concordi oggi liturgisti e cononisti. Nel cap. II di OPR (professione temporanea) non si adoperano mai termini quali 'consecratio,' 'consecrari' . . . che sono riservati esclusivamente al cap. III (professione perpetua)." English translation in *DOL* 395, fn. R2.

[207] Dion, "Les effets du rite de la consécration des vierges," 284.

and "the Church confirms the donation (the vow of virginity) and, by this, passes the virgin to the domain of the sacred, which is a direct effect of the rite of consecration."[208]

b. Consecration/Benediction

Prior to its revision in 1970, the ceremonial for the consecration of virgins in the Roman Pontifical carried a double title that dated back to the thirteenth century: *De benedictione et consecratione virginum.*[209] It was an unusual title because of the disparity in meaning of a "benediction" and a "consecration," and discussion ensued after the Second Vatican Council as to the most proper denomination for the rite.[210] Liturgists distinguished a *consecratio* by its use of holy oil for anointings, such as in the consecration of chalices, patens, and altar stones, whereas a *benedictio* included only the formulary of prayers.[211] By this analysis, the sanctifying rite of virgins would fall into the category of blessings, because it does not include an anointing with holy oil. Metz argued, however, that rather than drawing what might seem to be the obvious conclusion in favor of the name *benedictio* for the ancient rite, the Church should instead consider adding the use of holy oil to the rite, in order to better mark its "consecratory"

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[208] Ibid.: "l'Eglise confirme la donation (le vœu de virginité) et, par lè, fait passar la vierge au domaine sacré, ce qui est un effet direct d'un rite de consécration."

[209] Metz, "La Consécration des Vierges?" 16. Metz explains that from the 4th to the 10th century, the terminology floated indifferently among "consecration" (*consecratio*), "blessing" (*benedictio*), and "veiling" (v*elatio*). Roman liturgists in the 12th century abandoned the term *velatio*, probably because by that time the ring and crown had also been added to the rite as marriage symbols; the designation *consecratio* or *benedictio* continued to be used indifferently in liturgical books of the 12th and 13th centuries. When Guillaume Durand composed his pontifical between 1292 and 1295, "rather than choose, he resolved to keep both [titles]," and thus was born the double title that endured until the 1970 revision of the rite. For a detailed study of the question, see René Metz, "*Benedictio sive consecratio virginum?*" *Ephemerides liturgicae* 80 (1966) 265–293.

[210] Ibid., 19–25. Writing in 1969, Metz himself favored the term *consecratio*. He reported that H. Hofmeister had pronounced for *benediction*; see Metz fn. 1, p. 19.

[211] Ibid., 20. See also Bouscaren and Ellis, *Canon Law*: *A Text and Commentary*, 646. Bouscaren-Ellis consider a "blessing *constitutive* if it changes the person or thing from profane to sacred by definitely setting it apart for purposes of worship; the effects are then chiefly attached to the thing [or person] itself." Consecrations are "certain more solemn constitutive blessings in which the use of sacred oils is prescribed."

character.[212] The title "consecration" prevailed for the revised rite, pointing to the nature of the consecrated virgin herself as *sanctimoniales*, a sacred person, made so through the rite of consecration at the hands of the bishop.[213] The rite, in fact, changes the juridical condition of the virgin to that of a sacred person in the Church, as was also affirmed in *Praenotanda* to the revised rite.[214]

Canons 1166–1172 of the 1983 Code of Canon Law address sacramentals, defined in canon 1166 as "sacred signs by which effects, especially spiritual effects, are signified in some imitation of the sacraments and are obtained through the intercession of the Church."[215] In defining who is able to impart sacramentals validly, canon 1169 distinguishes between sacramentals that are consecrations (*consecrationes*), and those that are blessings (*benedictiones*); men marked with episcopal character and presbyters permitted by law or legitimate grant can validly perform consecrations (c. 1169 §1); any presbyter can impart blessings except those reserved to the Roman Pontiff or bishops (c. 1169 §2); and a deacon can impart only those blessings expressly permitted by law (c. 1169 §3). With its indication that the ordinary minister of consecrations is one with episcopal character, the law further affirms the

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[212] Metz, "La Consécration des Vierges?" 22: "Certes, il y aurait un moyen de satisfaire aux deux exigences: la logique du vocabulaire technique et le maintien du terme *consecratio*. Ce serait d'introduire dans le cérémonial une onction d'huile sainte.: Certainly, there would be a way to satisfy both exigencies: the logic of the technical vocabulary and the maintenance of the term consecration. This would be to introduce into the ceremony an anointing with holy oil."

[213] Ibid., 20–21. Among others, Metz refers to the words of Saint Ambrose that the person has been made "la chose de Dieu" (the thing of God) and to the experience of monasteries who would recognize a change from "*consecratio*" to "*benedictio*" as a depreciation in the meaning of the gift of the Church in this rite. For prior discussion in this study of the consecrated virgin as *sanctimoniales*, see pp. 78–81.

[214] *OCV Praenotanda* 1: "Mos virgines consecrandi, . . ., effecit ut conderetur sollemnis ritus, quo virgo constitueretur persona sacrata." *Roman Pontifical*, 293: "The custom of consecrating women to a life of virginity, . . . It led to the formation of a solemn rite constituting the candidate a sacred person."

[215] Canon 1166: "Sacramentalia sunt signa sacra, quibus, ad aliquam sacramentorum imitationem, effectus praesertim spirituales significantur et ex Ecclesiae impetratione obtinentur."

consecration of virgins as a true consecration, in that the liturgical rite of consecration of virgins is reserved to the diocesan bishop himself.[216]

4. "are mystically betrothed to Christ, the Son of God"[217]

Canon 604 expressly states that through the approved liturgical rite, the virgin is mystically espoused to Christ, the Son of God. As has been discussed at length above, the mystical betrothal is the key juridical effect of the rite of consecration. In the words of Dion: "this is to say clearly that one of the major effects of the consecration of virgins is to constitute the woman in a condition similar to that of a married woman and that, consequently, from the rite of consecration of virgins arises the fact that a subsequent natural marriage is not permitted."[218] A question arises regarding why the drafters of the 1983 code chose to use the juridical term "*desponsatur*," which is usually translated "betrothed," rather than simply use the word "married." Dion explains that while it is clear from the time of the early Church that the virgin is constituted as one married to Christ, there has been an evolution in the understanding of what legally constitutes marriage; the term "*desponsata*" has come to mean what is referred to as *matrimonium ratum et non consummatum.*[219] The *desponsata* is a true marriage, as was the marriage of Mary and Joseph; for the consecrated virgin, the *desponsata* is given its precise sense in canon 604 with the use of the adverb "mystically."[220]

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[216] *OCV Praenotanda* 6: "Minister ritus consecrationis virginum est Episcopus Ordinarius loci." *Roman Pontifical*, 294: "The minister of the rite of consecration is the Bishop who is the Ordinary of the place."
[217] Canon 604 §1: "Christo Dei Filio mystice desponsantur."
[218] Dion, "Les effets du rite de la consécration des vierges," 286: "C'est dire clairement qu'un des effets majeurs de la consécration des vierges soit de constituer la femme dans une condition semblable à celle d'une femme mariée et que, par conséquent, du rite de la consécration des vierges naît le fait qu'un mariage naturel subséquent n'est pas permis."
[219] Ibid., 290.
[220] Ibid.

5. *"are dedicated to the service of the Church"*[221]

Drawing from the rite of consecration, canon 604 also expressly states that consecrated virgins are dedicated to the service of the Church.[222] *Praenotanda* to the rite spell out three principal duties of those who are consecrated: works of penance and of mercy, apostolic activity, and prayer.[223] These duties flow from the consecration, and are done "for the sake of more fervent love of Christ and of greater freedom in the service of their brothers and sisters."[224] The *Praenotanda* elaborate on the particular obligations the virgin must fulfill in regard to prayer, but in regard to works of penance, mercy, and apostolic activity, the rite prudentially indicates that these will be carried out "according to their state of life and spiritual gifts,"[225] thus allowing for the varying circumstances of each virgin. The virgin is consecrated at the hands of the diocesan bishop, and as it is for him "to decide on the conditions under which women living in the world are to undertake a life of perpetual virginity,"[226] it is often (*plerumque*) that virgins "take part in

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[221] Canon 604 §1: "Ecclesiae servitio dedicantur."

[222] The *OCV Praenotanda* and Rite of Consecration indicate that the consecrated virgin is dedicated to the service of the Church. In *OCV* 16, *Roman Pontifical*, 208, the suggested homily encourages virgins in self-denial, Scripture study, untiring prayer, and works of mercy. It also states, "*never forget that you are given over entirely to the service of the Church and of all your brothers and sisters*. You are apostles in the Church and in the world, in the things of the Spirit and in the things of the world. . . . Help the poor, care for the weak, teach the ignorant, protect the young, minister to the old, bring strength and comfort to widows and all in adversity." The examination of candidates, *OCV* 17, *Roman Pontifical*, 299, includes the question: "Are you resolved to persevere to the end of your days in the holy state of virginity *and in the service of God and his Church*?" In the presentation of the insignia, *OCV* 25, *Roman Pontifical*, 306, the Bishop states, "Keep unstained your fidelity to your Bridegroom, and *never forget that you are bound to the service of Christ and of his Body, the Church*."

[223] *OCV Praenotanda* 2, *Roman Pontifical*, 293: "Those who consecrate their chastity under the inspiration of the Holy Spirit do so for the sake of more fervent love of Christ and of greater freedom in the service of their brothers and sisters. They are to spend their time in works of penance and of mercy, in apostolic activity and in prayer, according to their state of life and spiritual gifts. To fulfill their duty of prayer they are strongly advised to celebrate the Liturgy of the Hours each day, especially Lauds and Vespers. In this way, by joining their voices to those of Christ the High Priest and of his Church, they will offer unending praise to the heavenly Father and pray for the salvation of the whole world."

[224] *OCV Praenotanda* 2: "Ut constat, virgines sacrae, Spiritu Sancto impulsae, suam castitatem devovent quo Christum ardentius diligant fratribusque expeditius deserviant." *Roman Pontifical*, 293.

[225] *OCV Praenotanda* 2: "pro suo quaeque statu suisque charismatibus." *Roman Pontifical*, 293.

[226] *OCV Praenotanda* 5: "Episcopi autem est statuere quo modo ac ratione virgines vitam saecularem agentes se obligent ad vitam virginalem perpetuo amplectendam." *Roman Pontifical*, 293.

the good works of the diocese."[227] The canon, reflecting the rite of consecration, emphasizes the connection of the virgin to her bishop and diocese.

The theological foundation of the vocation identifies the consecrated virgin as one who is mystically espoused to Christ, as an eschatological image of the heavenly Bride of Christ. The consecrated virgin's service to the Church stems directly from this identity: in her prayer, works of penance and mercy, and in her apostolic activity, she is to live faithfully her vocation in testimony to the tenderness of the love of the Church for her Bridegroom, Christ. In the first place, it is not an apostolic project that motivates the virgin, but instead her love for Christ, sealed by her espousal to him.[228] "The consecration of virgins is not given in order to exert a specific apostolate among the marginalized, the poor, or some other group of people, but a consecrated virgin, by her consecration, is dedicated to the service of the Church, and first of the diocesan Church."[229]

D. "Mystically Espoused to Christ" as the Basis for Development of Juridic Norms

Magisterial texts issued subsequent to the 1983 Code of Canon Law have identified and addressed the newly restored *Ordo virginum.* The 1988 Apostolic Constitution on the Roman Curia *Pastor Bonus* established the Congregation for Institutes of Consecrated Life and Societies of Apostolic Life as having competence regarding the Order of Virgins and their associations.[230]

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[227] *OCV* 3: "Quod autem virgines vitam saecularem agentes ad consecrationem virginalem admittuntur consilio et auctoritate Episcopi et plerumque dioeceseos operibus deserviunt." *Roman Pontifical*, 295.
[228] Dion, "Les effets du rite de la consécration des vierges," 317.
[229] Ibid.: "La consécration des vierges n'est pas donnée en vue d'exercer un apostolat spécifique auprès des marginaux, des pauvres, ou de quelqu autre groupe de personnes, mais une vierge consacrée, de par sa consécration, est dédiée au service de l'Église, de l'Église diocésaine d'abord."
[230] John Paul II, apostolic constitution *Pastor bonus* 110, June 28, 1988: *AAS* 80 (1988) 888: "Congregationi etiam subiciuntur … ordo virginum harumque consociationes." English translation from *Code of Canon Law, Latin-English Edition: New English Translation* (Washington, DC: CLSA, 1998) 718. All subsequent English translations of *Pastor bonus* will be taken from this source unless otherwise indicated.

The Code of Canons of the Eastern Churches, promulgated October 18, 1990, includes canon 570: "Consecrated virgins and widows living apart in the world, having publicly professed chastity, can also be established."[231] The 1996 Post-Synodal Apostolic Exhortation *Vita Consecrata* identifies the Order of Virgins as one of the forms of consecrated life in the Church.[232] The 2004 Directory for the Pastoral Ministry of Bishops *Apostolorum Successores* urges bishops to "show particular concern for the order of virgins, who are dedicated to the service of the Church, entrusted to the Bishop's pastoral care and consecrated to God at his hands."[233] The 2018 Instruction, *Ecclesiae sponsae imago* opens by identifying consecrated virgins as women who with spousal love are dedicated to the Lord Jesus and in a unique way express the mystery of the Church as the image of the Bride of Christ.[234]

Each of these sources of universal law issued after the 1983 Code of Canon Law, and the 2018 Instruction, expressly concern members of the *Ordo virginum,* who are mystically espoused to Christ, the Son of God.

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[231] *Codex Canonum Ecclesiarum Orientalium auctoritate Joannis Pauli PP. II promulgatus* (Vatican City: Libreria Editrice Vaticana, 1990) c. 570: "item virgines et viduae consecratae seorsum in saeculo castitatem professione publica profitentes constitui possunt." English translation from *Code of Canons of the Eastern Churches, Latin-English Edition* (Washington, DC: CLSA, 1992). All subsequent English translations of canons from this code will be taken from this source unless otherwise indicated.
[232] *VC* 7: *AAS* 88 (1996) 382. *Consecrated Life*, 17–18.
[233] Congregation for Bishops, "Directory for the Pastoral Ministry of Bishops, *Apostolorum Successores* 104," February 22, 2004 (Vatican City: Libreria Editrice Vaticana, 2004) [hereafter *Directory*]: "Una particolare sollecitudine il Vescovo dovrà averla per l'Ordine delle Vergini, che sono state consacrate a Dio attraverso le sue mani, e sono affidate alla sua cura pastorale, essendo dedicate al servizio della Chiesa." The original language of the document is Italian. Accessed in Italian and English at: http://www.vatican.va/roman-curia.
[234] *ESI* 1.

PART II

JURIDIC PRINCIPLES TO GUIDE DEVELOPMENT OF NORMS FOR TODAY'S *ORDO VIRGINUM*

The Church's esteem for espousal to Christ in the *Ordo virginum*, as well as the Church's esteem for human matrimony, is founded upon God's revelation of the spousal relationship that exists between Jesus Christ and His Church. The Church's antiphon for the Canticle of Zechariah on the Solemnity of Epiphany displays this nuptial theme of redemption in its reference to the three epiphanies of our Lord Jesus Christ, thus pointing to the nuptial meaning of the entire Christian life:

> Today the Bridegroom claims his bride, the Church, since Christ has washed her sins away in Jordan's waters; the Magi hasten with their gifts to the royal wedding; and the wedding guests rejoice, for Christ has changed water into wine, alleluia.[1]

In the first part of this study, we observed that both in human matrimony and in the *Ordo virginum*, the Church has acknowledged stable ways of life that corporeally represent the nuptial bond between Christ and the Church. We have likewise observed that ecclesial law has guided and protected the perduring good of each of these types of marital unions.

Attention is turned in this second part to consideration of the *ius vigens* governing both marriage and various forms of consecrated life (religious and secular institutes, diocesan hermits, and societies of apostolic life), and from this to the proposal of principles to guide the development of norms for today's *Ordo virginum*. Chapter 4 examines the universal ecclesial law governing marriage and how provisions of matrimonial law might analogously be applied to

[1] Catholic Church, "Antiphon for the Canticle of Zechariah, Solemnity of Epiphany" in *Advent Season/Christmas Season*, Vol. 1 of 4, *The Liturgy of the Hours According to the Roman Rite.* English translation from International Committee on the English Language (New York: Catholic Book Publishing Company, 1975) 564.

the *Ordo virginum*; following this, Chapter 5 looks at universal ecclesial law governing consecrated life and how this, too, might analogously be applied to the *Ordo*. In Chapter 6, concrete juridic principles are proposed to guide the development of norms for the *Ordo virginum*.

CHAPTER IV

UNIVERSAL LAW ON MARRIAGE: ANALOGOUS APPLICABILITY TO THE *ORDO VIRGINUM*

Reflecting the divine reality of human marriage as "the living image of that most fruitful union of Christ and the Church,"[1] the 1983 Code of Canon Law identifies the essential properties of marriage as unity and indissolubility (c. 1056). The law defines the matrimonial covenant as establishing between a man and a woman "a partnership of the whole of life," which is ordered by nature to "the good of the spouses" and "the procreation and education of offspring."[2] Between the baptized, Christ the Lord has raised the matrimonial covenant "to the dignity of a sacrament."[3] We have seen that each of these characteristics of human matrimony—unity, fidelity, permanence, and fruitfulness—is also a characteristic common to the mystical betrothal of a virgin to Christ, for both of these nuptial unions (natural and mystical) share as a common archetype the marriage of Christ and the Church.[4]

Following the foundational canons 1055 to 1062, the 1983 Code of Canon Law presents precepts regarding the sacrament of marriage in ten chapters: I) Pastoral Care and Those Things Which Must Precede the Celebration of Marriage; II) Diriment Impediments in General; III) Specific Diriment Impediments; IV) Matrimonial Consent; V) The Form of the Celebration of

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[1] Pius XI, Encyclical *Casti Connubii* 42, December 31, 1930: *AAS* 22 (1930) 556: "viva imago fecundissimae illius unionis Christi cum Ecclesia." English translation from *Casti connubii: On Christian Marriage* (Middletown, DE: St. Athanasius Press, 2016) 41.

[2] *Codex Iuris Canonici auctoritate Ioannis Pauli PP. II promulgatus* (Vatican City: Libreria Editrice Vaticana, 1983) c. 1055 §1: "totius vitae consortium constituunt, indole sua naturali ad bonum coniugum atque ad prolis generationem et educationem ordinatum," English translation from *Code of Canon Law, Latin-English Edition: New English Translation* (Washington, DC: CLSA, 1998). All subsequent English translations of canons from this code will be taken from this source unless otherwise indicated.

[3] 1983 *CIC*, c. 1055 §1: "a Christo Domino ad sacramenti dignitatem inter baptizatos evectum est."

[4] See ch. 1, especially pp. 14–15 and 26–28.

Marriage; VI) Mixed Marriages; VII) Marriage Celebrated Secretly; VIII) The Effects of Marriage; IX) The Separation of Spouses; X) The Convalidation of Marriage.

Because canonical marriage law is written to govern human relationships between a man and a woman, much of the law is inapplicable to consideration of a mystical espousal to Christ. As proposed below, however, certain key aspects of marriage law do seem to aptly and analogously apply to the situation of a virgin's espousal to Christ in the *Ordo virginum*.

A. Sacrament of Marriage: Foundational Canons (cc. 1055–1062)

1. Canons 1055–1056

Canons on the sacrament of marriage in the 1983 code begin with a description of the natural human institution of marriage, which Christ has raised to the dignity of a sacrament between the baptized. The words of canons 1055 and 1056 have been introduced above but warrant repeating in full:

> Canon 1055 §1: The matrimonial covenant, by which a man and a woman establish between themselves a partnership of the whole of life and which is ordered by its nature to the good of the spouses and the procreation and education of offspring, has been raised by Christ the Lord to the dignity of a sacrament between the baptized. §2: For this reason, a valid matrimonial contract cannot exist between the baptized without it being by that fact a sacrament.
>
> Canon 1056: The essential properties of marriage are unity and indissolubility, which in Christian marriage obtain a special firmness by reason of the sacrament.[5]

While written in regard to sacramental human marriage, the fundamental theological and existential concept of marriage depicted in the canons reflects in human terms the eternal nuptial

[5] Canon 1055 §1: "Matrimoniale foedus, quo vir et mulier inter se totius vitae consortium constituunt, indole sua naturali ad bonum coniugum atque ad prolis generationem et educationem ordinatum, a Christo Domino ad sacramenti dignitatem inter baptizatos evectum est. §2: Quare inter baptizatos nequit matrimonialis contractus validus consistere, quin sit eo ipso sacramentum." Canon 1056: "Essentiales matrimonii proprietates sunt unitas et indissolubilitas, quae in matrimonio christiano ratione sacramenti peculiarem obtinent firmitatem."

union of Christ and His Church: the union is covenant and contract, characterized by unity and indissolubility. The canonical description of the ends of human marriage might likewise be said to express, at least in limited human terms, the eternal ends of the nuptial union of Christ and the Church: it is "a partnership of the whole of life ordered by its nature to the good of the spouses" (c. 1055) in that this union between Christ the Head and His Body the Church procures the salvation of mankind in fulfillment of his plan "to raise men to a participation of the divine life"[6]; as well, it is a union which has as an end the "procreation and education of offspring" (c. 1055) as Christ and His bride, the Church, beget new children of God, not of flesh, but of the waters of baptism.

If a human marriage fails to achieve the ends referred to in canon 1055, the validity of the marriage is not affected.[7] If, for example, the marriage is childless, or the spouses fail to have a loving relationship reflecting the good of each, the marriage is still presumed to be valid.[8] The essential qualities of marriage referred to in canon 1056, however, are inherent to the institution of marriage itself, in virtue of natural law.[9] As an essential property of marriage, "unity" means

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[6] Vatican II, dogmatic constitution *Lumen gentium* 2, November 21, 1964: *AAS* 57 (1965) [hereafter *LG*] 5–6: "homines ad participandam vitam divinam elevare decrevit." English translation in *The Documents of Vatican II: with Notes and Index*, trans. Vatican (Strathfield NSW, Australia: St. Pauls Publications, 2009) [hereafter *The Documents*] 17. All subsequent English translations of documents of Vatican II will be taken from this source unless otherwise indicated.

[7] John Beal, "Book IV, Title VII Marriage, Foundational Canons (cc. 1055–1062)," 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*] 1243.

[8] Ibid., 1243–1246. Beal explains that "the good of the spouses" was not spoken of as an end of marriage in the 1917 Code, and the juridical meaning of the phrase remains unclear. While "reluctant to identify the good of the spouses with the right to a loving relationship," Beal notes that mainstream jurisprudence does insist "that the interpersonal dimension is essential to a valid marriage." Citing cases, he sets forth that the good of the spouses "is not to be identified with the spouses' subjective happiness, sense of fulfillment, or achievement of personal aspirations but is "the sum of all the goods which flow from the interpersonal relationship of the spouses," which, "at least as to their substance, bring about and promote the spiritual, intellectual, physical, moral, and social good of the spouses."

[9] Ibid., 1249.

that "marriage is an exclusive relationship between one man and one woman," and as such excludes "anyone else within this privileged sphere of marital intimacy."[10] The essential property of "indissolubility" means that the marital relationship is perpetual and "cannot be terminated, even if the couple's existential relationship is irretrievably broken."[11] With the acknowledgement in canon 1056 of a special firmness to the indissolubility of the sacramental Christian marriage, canonical tradition has come to distinguish between the intrinsic and extrinsic indissolubility of marriage.[12] Intrinsic indissolubility is characteristic of all marriages, whether or not the spouses are baptized, and means that the spouses themselves cannot dissolve a marriage by a later withdrawal of consent.[13] Extrinsic indissolubility is characteristic of sacramental marriages that have been consummated, meaning that such marriages cannot be dissolved by external authorities or by the realization of certain conditions.[14]

As we have seen, the nuptial bond of a virgin with Christ through consecration in the *Ordo virginum*, juridically depicted in canon 604, can be assessed as having these same qualities of human marriage: unity (a covenantal partnership of the whole of life eschatologically oriented); fidelity (exclusivity); permanence; and fruitfulness. In the case of the virgin's bond with Christ, the ends of the marriage are stated in terms of eschatological goods, rather than in terms of earthly goods (the good of the spouses and the procreation and education of children). The ends of the mystical marriage thereby point beyond the individual virgin to the ultimate ends

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[10] Ibid.
[11] Ibid.
[12] Ibid.
[13] Ibid.
[14] Ibid. Under certain limited circumstances, the Church claims the authority to dissolve marriages involving at least one unbaptized person (a non-sacramental marriage) and sacramental marriages that have not been consummated. See canons 1142–1150.

of marriage for all the baptized: the virgin is constituted "a surpassing sign of the Church's love for Christ, and an eschatological image of the world to come and the glory of the heavenly Bride of Christ."[15] As the virgin offers the use of her time "in works of penance and of mercy, in apostolic activity and in prayer,"[16] the nuptial bond of the virgin with Christ, by no merit of the virgin, is ordered by its nature towards these ends, in order to bear eternal fruit for the kingdom of God. In mystical marriage, such ends are supernatural and their achievement is not measurable in earthly terms. Drawing upon an analogy to human marriage, it might be observed that if some human assessment would surmise that the ends of the mystical marriage are not being met, the validity of the mystical union would not be affected. The end of human marriage that has to do with the *education* of offspring might also be analogously considered: while physical procreation can be measured in earthly terms, the education of children takes place largely on a spiritual plane that is often not measurable in human terms.[17] It is in this spiritual dimension of education

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[15] Sacred Congregation for Divine Worship, *Ordo Consecrationis Virginum, Prænotanda* 1, May 31, 1970, in *Notitiae* 6 (1970) 314 [hereafter *OCV Prænotanda*]: "quo virgo constitueretur persona sacrata, signum transcendens amoris Ecclesiae erga Christum, imago eschatologica Sponsae caelestis vitaeque futurae." English translation, "Consecration to a Life of Virginity Introduction" 1, in *The Roman Pontifical—Rites of Ordination of a Bishop, of Priests, and of Deacons; The Institution of Lectors and Acolytes; The Blessing of Abbots and Abbesses; The Consecration of Virgins; The Rite of Confirmation; The Rite for the Blessing of Oils and the Consecration of Chrism* (Vatican City: Congregation for Divine Worship and the Discipline of the Sacraments Vox Clara Committee, 2012) [hereafter *Roman Pontifical*] 293. All subsequent English translations of *OCV Praenotanda* will be taken from this source unless otherwise indicated.

[16] *OCV Praenotanda* 2: "Virgines christianae enim, paenitentiae et misericordiae operibus, apostolicae actuositati sanctaeque orationi, pro suo quaeque statu suisque charismatibus, debent vacare." Roman Pontifical, 293.

[17] Vatican II, declaration on Christian Education *Gravissimum Educationis* 2, October 28, 1965: *AAS* 58 (1966) 730 [hereafter *GE*]: "Since all Christians have become by rebirth of water and the Holy Spirit a new creature so that they should be called and should be children of God, they have a right to a Christian education. A Christian education does not merely strive for the maturing of a human person as just now described, but has as its principal purpose this goal: that the baptized, while they are gradually introduced to the knowledge of the mystery of salvation, become ever more aware of the gift of Faith they have received, and that they learn in addition how to worship God the Father in spirit and truth (cf. John 4:23) especially in liturgical action, and be conformed in their personal lives according to the new man created in justice and holiness of truth (Eph. 4:22–24); also that they develop into perfect manhood, to the mature measure of the fullness of Christ (cf. Eph. 4:13)." English translation in *The Documents*, 377.

that the fruitfulness of human marriage can perhaps most clearly be viewed as analogous to the spiritual fruitfulness of the mystical marriage between a virgin and Christ.

The covenantal, or contractual, aspect of human marriage referenced in canon 1055 and throughout the canons on marriage, is entered into by free consent of the man and woman.[18] This covenantal language highlights the sacredness of the bond and the personal commitment of the spouses necessary to achieve the ends of marriage[19]; the reference to "covenant" is directly reminiscent of the Old Testament language used to describe the sacred nuptial bond of God with the people of Israel.[20] The language likewise offers an apt description of the mystical nuptial bond between the virgin and Christ effected by the consecration of the virgin according to the liturgical rite in which she has offered her *sanctum propositum* to live in definitive, perpetual, spousal union with the Son of God. For His part, the divine Spouse is ever faithful to the covenantal bond He extends to His people (and specifically to the virgin). With her consecration, the Church attests to the virgin's free consent to fulfill her end of the marriage covenant, that is, to fulfill her resolution "to persevere to the end of [her] days in the holy state of virginity and in

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[18] See Beal, "Book IV, Title VII Marriage, Foundational Canons (cc. 1055–1062)," 1240–1242 for discussion of the language of "covenant" and "contract" used in regard to marriage in the 1983 code. According to long canonical tradition, marriage was understood "according to the model of a Roman law consensual contract." The 1983 code continues to use contractual language, but also inserts the language of covenant, following the lead of *Gaudium et Spes* 48.

[19] Ibid., 1242. Beal points to at least three advantages of the language of "covenant" over "contract" in discussion of human marriage, advantages which augment our present consideration of the analogous applicability of marriage law to the mystical betrothal of a virgin and Christ: 1) "a covenant is a sacred reality, while a contract is essentially secular in nature"; 2) "the covenantal model of marriage, while recognizing that marriage gives rise to mutual rights and obligations, places primary emphasis on the mutual personal commitment of the spouses"; 3) "the covenantal model with its emphasis on the personal aspects of marriage can foster more balanced attention to both dimensions of marriage [not only *matrimonium in fieri*, the moment of the marriage bond itself, but also *matrimonium in facto esse*, the daily living out of the marital commitment of the spouses] and more effective pastoral support to the married."

[20] See, for example, Gen. 17: 1–2: "the Lord appeared to Abram, and said to him, "I am God Almighty; walk before me, and be blameless. And I will make my covenant between me and you, and will multiply you exceedingly."

the service of God and his Church," and "to follow Christ in the spirit of the Gospel that [her] whole life may be a faithful witness to God's love and a convincing sign of the Kingdom of Heaven."[21]

The two essential properties of human marriage identified in canon 1056—unity and indissolubility—are rooted in the divine reality of the indissoluble nuptial union of Christ and the Church.[22] The prayer of consecration to a life of virginity speaks of divine union as what is ardently aspired to by the virgin bride of Christ, and symbolized by human marriage:

> While they highly esteem the sacrament [of holy matrimony], they do not imitate what is wrought in marriage, but ardently aspire to that divine union which is symbolized by earthly espousals. Holy Virginity has recognized its Author, and striving to emulate the purity of the angels, pledges itself to the bridal chamber and couch of Him who is at once the Spouse of perpetual virginity and the Son of a perpetual Virgin.[23]

As discussed in chapter one, the notion of union is based not on an obliteration of differences but on a co-existence of unity and differences in a relationship. The union of husband and wife in matrimony involves the right to a mutual giving and receiving, each to the other, and even a

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[21] Pontificale Romanum ex decreto Sacrosancti Oecumenici Concilii Vaticani II Instauratum auctoritate Pauli PP. VI promulgatum, "De consecratione Virginum" 17, in *Ordo consecrationis virginum* (Vatican City: Libreria Editrice Vaticana, 1978) 16 [hereafter *OCV*]: "Christi sequelam in Evangelio propositam ita amplecti ut vita vestra peculiare praebeat testimonium caritatis atque futuri Regni signum exsistat manifestum." *Roman Pontifical*, 299.

[22] In addition to the references in Chapter One of this study discussing the indissoluble nuptial union of Christ and the Church, see Benedict XVI, post-synodal apostolic exhortation *Sacramentum Caritatis* 28–29, February 22, 2007: *AAS* 99 (2007) 128: "Fidele vinculum, indissolubile et exclusivum quod Christum coniungit cum Ecclesia, quodque notionem invenit sacramentalem in Eucharistia, cum pristino congreditur anthropologico elemento, ex quo definitum in modum vir coniungatur oportet una cum femina et vicissim (cfr Gn 2, 24; Mt 19, 5). . . . Si Eucharistia irreversibilitatem exprimit amoris Dei in Christo pro eius Ecclesia, intellegitur cur ea postulet, pro Matrimonii Sacramento, hanc indissolubilitatem, ad quam omnis verus amor haud tendere non potest." English translation in *The Sacrament of Charity* (Ijamsville, MD: The Word Among Us Press, 2007) 43–44: "The indissoluble, exclusive and faithful bond uniting Christ and the Church, which finds sacramental expression in the Eucharist, corresponds to the basic anthropological fact that man is meant to be definitively united to one woman and vice versa (cf. Gen. 2:24; Mt. 19:5). . . . If the Eucharist expresses the irrevocable nature of God's love in Christ for his Church, we can then understand why it implies, with regard to the sacrament of Matrimony, that indissolubility to which all true love necessarily inspires."

[23] *OCV* 24. For Latin and English reference, see ch. 1, fn. 197, p. 60.

possession of one another, in love. This human marital union is manifest in the many details of sharing a lifelong living arrangement, and is realized preeminently in the physical marriage act. Marriage law protects the exclusivity of this union between the spouses, demanding that the affections of husband and wife not be given to another.

The nuptial union of the consecrated virgin to Christ is a mystical union in which the virgin offers a free and complete donation of her integral self—body and soul—to Christ, in order that there might be mutual possession of the virgin by the Lord, and the Lord by the virgin. The virgin consecrated in the *Ordo virginum* belongs in exclusivity to Jesus Christ, her divine Spouse, and she strives on this earth towards a union that will not be fully realized until eternity. This spirituality of mystical union has been described by two doctors of the Church, Saint John of the Cross and Saint Teresa of Avila. John of the Cross quotes the prophet Hosea, "I will espouse you to me in faith," as he speaks of faith as the means toward union with God.[24] Teresa of Avila refers to the vast difference between spiritual betrothal and spiritual marriage, explaining that those in the spiritual marriage are "two who can no longer be separated."[25] The consecrated virgin is "mystically espoused to Christ, the Son of God" (c. 604) in an espousal that

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[24] John of the Cross, "The Spiritual Canticle: Stanza 12 Commentary," in *The Collected Works of St. John of the Cross*, trans. Kieran Kavanaugh and Otilio Rodriguez (Washington, DC: ICS Publications, 1991) 516: "Since the soul longs so ardently for union with the Bridegroom and is aware that she finds no means or remedy in any creature, she turns to speak to faith, as to that which most vividly sheds light concerning her Beloved, and takes it as a means toward this union. Indeed, there is no other means by which one reaches true union and spiritual espousal with God, as Hosea indicates: *I will espouse you to me in faith* [Hos. 2:20]."

[25] Teresa of Avila, "The Interior Castle, the Seventh Dwelling Places, Ch. 2," in *The Collected Works of St. Teresa of Avila* Vol. 2 of 3, trans. Kieran Kavanaugh and Otilio Rodriguez (Washington, D.C.: ICS Publications, 1980) 433: "Between the spiritual betrothal and the spiritual marriage the difference is as great as that which exists between two who are betrothed and two who can no longer be separated. . . . in this state there is no more thought of the body than if the soul were not in it, but one's thought is only of the spirit. In the spiritual marriage, there is still much less remembrance of the body because this secret union takes place in the very interior center of the soul, which must be where God Himself is, and in my opinion there is no need of any door for Him to enter."

is characterized by the essential properties of unity and indissolubility,[26] thus opening her to living life on earth as a prelude to the mystical eternal spousal union of each of the faithful with Jesus Christ, Bridegroom, in the heavenly Kingdom.[27] Marriage law serves to promote and protect these essential qualities of human marriage, and by extension the same must be true of law that governs the *Ordo virginum*. In a particular way, as is true in the law governing human marriage, the exclusivity of the virgin's union with Christ must be guarded by ecclesial law and pastoral care.

2. Canons 1057–1062

Canon 1057 establishes that it is the consent of the parties that makes marriage:

> § 1: The consent of the parties, legitimately manifested between persons qualified by law, makes marriage; no human power is able to supply this consent.
>
> § 2: Matrimonial consent is an act of the will by which a man and a woman mutually give and accept each other through an irrevocable covenant in order to establish marriage.[28]

The consent of the parties is what makes marriage, and that consent is an act of the will. In one sense, the same can be established concerning the consecration of a virgin as a bride of Christ. The virgin's initial intention, her *propositum*, to live as a virgin for Christ does not make her a bride of Christ. Rather, it is only after the Church, through the bishop, has offered consent by

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[26] The question is raised as to whether or not the bond between the consecrated virgin and Christ can be termed "indissoluble" rather than "permanent." "Indissolubility" is language used in reference to matrimony, and seems most fitting to represent the mystical espousal of the virgin with Christ, which images the indissoluble nuptial bond of Christ and the Church. More will be discussed in reference to this point in the discussion on dispensations and the possibility of departure from the *Ordo virginum*.

[27] That essential properties of unity and indissolubility characterize the union between the consecrated virgin and Christ is demonstrated in the three resolutions proclaimed by the virgin during the rite: to "persevere to the end of [her] days in the holy state of virginity and in the service of God and his Church"; to "follow Christ in the spirit of the Gospel that [her] whole life may be a faithful witness to God's love and a convincing sign of the Kingdom of Heaven"; and to "accept solemn consecration as a bride of our Lord Jesus Christ, the Son of God."

[28] Canon 1057 §1: "Matrimonium facit partium consensus inter personas iure habiles legitime manifestatus, qui nulla humana potestate suppleri valet. §2: Consensus matrimonialis est actus voluntatis, quo vir et mulier foedere irrevocabili sese mutuo tradunt et accipiunt ad constituendum matrimonium."

accepting the formal manifestation of the virgin's own consent, her *sanctum propositum*, as expressed in her three-fold resolutions during the rite of consecration, that the bishop then proclaims the prayer of consecration establishing the perpetual marriage bond between the virgin and Christ. In other words, matrimonial consent in the form of the virgin's proclamation of her *sanctum propositum*, and the consent of the Church to accept her for consecration, leads to her consecration at the hands of the bishop, which is what makes the mystical marriage between the virgin and Christ. The bishop espouses the virgin by consecrating her, "not for himself but for Christ, like a friend and attendant of the bridegroom."[29] Thus, while it is true that consent is necessary and leads to the virginal consecration, it is the act of consecration, not consent, that makes the mystical marriage with Christ.

A difference that appears when comparing the object of the consent in the natural marital bond to that of the mystical union is in regard to death. Human marital consent binds "until death do us part,"[30] but the virgin's consent to mystical nuptial union with Christ is not of body alone, but body and soul, extending into eternity and witnessing to the eternal union of Christ and His Bride, the Church.

Canon 1058 references the natural right of any person to marry: "All persons who are not prohibited by law can contract marriage."[31] Regulation of the right to marry occurs by the establishment of impediments to marriage, a process which itself protects the natural right by limiting the ability to legitimately establish (or declare) impediments to the supreme authority of

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[29] Aquinas, *Commentum Lombardi* Liber IV, Dist. 38, Q. 1, art. V, solutio: "et propter hoc solus episcopus, cui cura Ecclesiae committitur, virgines desponsat, velando non sibi, sed Christo, quasi sponsi paranymphus et amicus."
[30] "Rite of Marriage 25," in *The Rites of the Catholic Church*, vol. 1 of 2 (Collegeville, MN: The Liturgical Press, 1990) 728.
[31] Canon 1058: "Omnes possunt matrimonium contrahere, qui iure non prohibentur."

the Church (c. 1075).[32] As well, the Church provides a method for receiving dispensations from ecclesial law impediments, "when adequate precautions have been taken to prevent the dangers threatened by certain marriages (cc. 1078–1080)."[33]

Does the same natural right exist for a virgin to enter a mystical espousal with Christ in the *Ordo virginum*? In the broadest sense, the answer would seem to be affirmative, for mystical espousal with Christ is the end of every Christian life, and it would therefore seem undeniable that such an espousal should be available to any soul who would seek it during this earthly life. Furthermore, the law upholds the right of the Christian faithful to be free from any kind of coercion in choosing a state of life (c. 219). Contrariwise, Christ himself did not mandate or call all to consider celibacy: "he who is able to receive this, let him receive it," and "not all men can receive this precept, but only those to whom it is given."[34] In the case of the *Ordo virginum* as well as each state of life involving a commitment to celibacy, the Church takes an active and decisive role in the vocational discernment. While a natural right may exist for the virgin to *seek* mystical espousal with Christ in the *Ordo virginum*, there is no corresponding right for her to *receive* the consecration. As such, the natural right is analogous to that of human marriage: every person has a natural right to seek marriage, but the natural right to contract marriage becomes applicable only in the case of two persons who, while not prohibited by law, seek to marry one

[32] Beal, "Book IV, Title VII Marriage, Foundational Canons (cc. 1055–1062)," 1254.
[33] Ibid.
[34] Mt. 19:11–12.

another. The virgin may seek consecration, but it is the bishop who decides whether or not to admit her to consecration, and under what circumstances. [35]

Canon 1059 states that marriage is governed not only by divine law but also by canon law, even if only one party is Catholic, and even as the competence of civil authorities is acknowledged in regard to the merely civil effects of a marriage. By analogous extension, mystical espousal to Christ in the *Ordo virginum* might likewise be said to be governed by both divine and canon law,[36] and in some cases may perhaps additionally have merely civil effects.

Canon 1060 holds that a human marriage is presumptively valid: "Marriage possesses the favor of the law; therefore, in a case of doubt, the validity of a marriage must be upheld until the contrary is proven."[37] The canon is undergird by the general legal principle stated in canon 124 §2: "A juridic act placed correctly with respect to its external elements is presumed valid."[38] The principle would seem applicable to the mystical espousal effected by the consecration of a virgin in accord with canon 604. As with human marriage, this would not mean that there is a presumption that, in fact, the marriage (the consecration) was celebrated or celebrated properly, but only a presumption that if properly celebrated, the bond between the virgin and Christ is presumed valid.[39]

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[35] *OCV Praenotanda* 5: "In the case of women living in the world it is required: . . . c) that they be admitted to this consecration by the Bishop who is the Ordinary of the place. It is for the Bishop to decide on the conditions under which women living in the world are to undertake a life of perpetual virginity."

[36] Law governing the *Ordo virginum* would seem to rise to the level of divine law in aspects related to the mystical spousal bond that is constituted between the virgin and Christ as a result of the act of consecration. Only the supreme authority of the Church, however, can declare authentically when divine law prohibits or nullifies marriage (c. 1075 §1).

[37] Canon 1060: "Matrimonium gaudet favore iuris; quare in dubio standum est pro valore matrimonii, donec contrarium probetur."

[38] Canon 124 §2: "Actus iuridicus quoad sua elementa externa rite positus praesumitur validus."

[39] Beal, "Book IV, Title VII Marriage, Foundational Canons (cc. 1055–1062)," 1256. Beal explains: "The presumption is considered necessary from the viewpoint of the community to protect the stability of marriage

Canon 1061 speaks to the distinction in fact between a valid marriage that is *ratum tantum* and a valid marriage that is *ratum et consummatum*:

> §1. A valid marriage between the baptized is called *ratum tantum* if it has not been consummated; it is called *ratum et consummatum* if the spouses have performed between themselves in a human fashion a conjugal act which is suitable in itself for the procreation of offspring, to which marriage is ordered by its nature and by which the spouses become one flesh.
>
> §2. After a marriage has been celebrated, if the spouses have lived together consummation is presumed until the contrary is proven.
>
> §3. An invalid marriage is called putative if at least one party celebrated it in good faith, until both parties become certain of its nullity.[40]

A marriage to which a man and a woman have given their expressed consent is *ratum* (ratified).[41] The difference in effect of a valid sacramental marriage that is *ratum tantum* (merely ratified), and one that is *ratum et consummatum* (ratified and consummated) is addressed in canons that discuss the separation of spouses. A marriage between the baptized that is *ratum tantum* is a sacramental marriage that possesses the essential properties of unity and indissolubility (c. 1056).[42] There is additional firmness, however, in a valid sacramental marriage that has been

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against all the more or less well-founded reasons that can be used to call the validity of any marriage into question. It is also considered necessary from the viewpoint of couples to prevent possible doubts of overscrupulous spouses about the validity of their marriages from discouraging them from dedicating themselves to salvaging difficult marriages and carrying out their marital obligations." While there are comparatively fewer reasons that the validity of a consecration may be called into question, there are reasons, as we will consider, and the same concerns arise that warrant the presumption of validity: "to protect the stability of [the institution of consecrated virginity]" in the ecclesial community, and "to prevent possible doubts of overscrupulous [virgins] about the validity of their [consecrations]."

[40] Canon 1061 §1: "Matrimonium inter baptizatos validum dicitur ratum tantum, si non est consummatum; ratum et consummatum, si coniuges inter se humano modo posuerunt coniugalem actum per se aptum ad prolis generationem, ad quem natura sua ordinatur matrimonium, et quo coniuges fiunt una caro. §2: Celebrato matrimonio, si coniuges cohabitaverint, praesumitur consummatio, donec contrarium probetur. §3: Matrimonium invalidum dicitur putativum, si bona fide ab una saltem parte celebratum fuerit, donec utraque pars de eiusdem nullitate certa evadat."

[41] Leo F. Stelten, *Dictionary of Ecclesiastical Latin* (Peabody, MA: Hendrickson Publishers, Inc., 1995) 322 *s.v.* "*ratum*": "ratified; a marriage for which a man and woman have given their expressed consent to each other."

[42] Beal, "Book IV, Title VII Marriage, Foundational Canons (cc. 1055–1062)," 1257.

consummated, for it cannot be dissolved by any human power and by no cause, except death (c. 1141). For a just cause, a marriage that is *ratum tantum* (not consummated) can be dissolved by the Roman Pontiff at the request of one of the parties (c. 1142).

It is clear that there is no physical consummation of the mystical marriage of a virgin and Christ in the *Ordo virginum*.[43] As such, is it juridically possible for the nuptial union of the virgin with Christ to be considered a true marriage, with properties of unity and indissolubility? The significance of the concept of *ratum tantum* comes to the forefront in responding to the question. The Church's distinction between marriages *ratum tantum* and marriages *ratum et consummatum* stems from the Roman celebration of marriage as two solemnities: the engagement (*sponsalia* or *desponsatio*) and the wedding (*nuptiae*).[44] As matrimonial rites developed in the early Christian Church, all the acts by which the exchange of consent were best manifested were included in the *desponsatio*, which thus became understood as the marriage itself; following this, the marriage reached its natural conclusion, the *copula carnalis*, on the day of the *nuptiae*.[45] It is with this understanding, as discussed earlier, that we can best grasp the intentional use of the word *desponsatur* in canon 604: the mystical betrothal to Christ of the *Ordo virginum* is *ratum tantum,* a true marriage which, although not consummated by carnal union, enjoys the essential properties of unity and indissolubility (c. 1134). A *ratum tantum*

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[43] Authors sometimes speak of a spiritual consummation of mystical espousal with Christ that occurs and deepens with each celebration of the Eucharist, but such discussion is unrelated to juridical consideration of whether or not the essential properties of marriage are present in the mystical marriage of a virgin and Christ. Klimisch, for example, speaks of the summit of union of the virgin and Christ (and any soul and Christ) celebrated in the Eucharistic banquet. See Mary Jane Klimisch, *The One Bride: The Church and Consecrated Virginity* (New York: Sheed and Ward, 1965) 127.

[44] Marie-Paul Dion, *La Consécration de Vierges: Implications Juridiques* (Ottawa, Canada, 1983. UMI Microform DC53614, Ann Arbor, Michigan: ProQuest LLC, 2011) 128.

[45] Ibid.

earthly marriage can be dissolved for a just cause by the Roman Pontiff (c. 1142), but the possible dissolution of the espousal of the virgin with Christ is not addressed in current ecclesial law.[46]

In assessing the analogous applicability of canon 1061 §3 to the *Ordo virginum*, we consider instances in which use of the descriptor "putative" might be apropos. While the circumstances under which a virgin's consecration might be deemed invalid are limited, there is potential for scandal for the virgin and the community in such a case. A virgin's consecration might correctly be called putative if celebrated in good faith, until the Church and she becomes certain of its nullity.

The final foundational canon on marriage, canon 1062, addresses the engagement (promise) to marry. An analogous comparison might be made to a latter stage of the process towards consecration, a stage at which the diocesan Bishop has decided to admit a particular virgin to consecration after she has undergone the requisite period of discernment and formation. Canon 1062 §2 asserts: "a promise to marry does not give rise to an action to seek the celebration of marriage; an action to repair damages, however, does arise if warranted."[47] In the case of the candidate for consecration, it would likewise be true that a promise, or plan, for consecration could not give rise to an action to seek the celebration of consecration. The candidate, or the

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[46] In light of the counsels of the Fathers of the Church and the meaning of mystical espousal as an image of the integrity of the indissoluble nuptial bond between Christ and the Church, it would seem that the mystical betrothal of the virgin and Christ, which points not to a carnal consummation but to the eternal heavenly consummation with the Bridegroom, should be treated juridically as a marriage *ratum et consummatum*, intrinsically and extrinsically indissoluble.

[47] Canon 1062 §2: "Ex matrimonii promissione non datur actio ad petendam matrimonii celebrationem; datur tamen ad reparationem damnorum, si qua debeatur."

bishop, remains freely able to decide not to proceed with consecration up until the time the virgin is actually consecrated according to the liturgical rite.[48]

B. Pastoral Care and Those Things Which Must Precede the Celebration of Marriage (cc. 1063–1072)

Canons concerning pastoral care and those things which must precede the celebration of human marriage can be viewed as largely analogous to the pastoral care and preparations that should be required for the celebration of the rite of consecration to a life of virginity.

1. Canons 1063–1065: Marriage Preparation

Canons 1063 to 1065 highlight the importance of marriage preparation not only for the spouses, but also for the extended Christian community.[49] Canon 1063 presents pastoral objectives of remote, proximate, and immediate preparation for marriage; these may be profitably and analogously applied to the preparation necessary for consecration to a life of virginity. The canon opens with the directive: "Pastors of souls are obliged to take care that their ecclesiastical community offers the Christian faithful the assistance by which the matrimonial state is preserved in a Christian spirit and advances in perfection."[50] The text continues by denoting how this assistance must be offered, establishing first the necessity of remote preparation through preaching and catechesis directed to children, youth, and adults on the meaning of Christian marriage (c. 1063, 1°). This type of remote preparation is likewise alluded to in the suggested homily for the rite of consecration, wherein the Christian faithful are

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[48] The process that the Bishop uses to decide whether or not to admit a virgin to consecration is a process that may profitably benefit by the development of universal or particular law, as is the case with marriage law (cc. 1063–1072), admission to institutes of religious life (cc. 641–661), and the incardination of a cleric (cc. 265–272).
[49] Lynda Robitaille, "Book IV, Title VII Marriage, Pastoral Care and Those Things Which Must Precede the Celebration of Marriage (cc. 1063–1072)," in *New Commentary*, 1261.
[50] Canon 1063: "Pastores animarum obligatione tenentur curandi ut propria ecclesiastica communitas christifidelibus assistentiam praebeat, qua status matrimonialis in spiritu christiano servetur et in perfectione progrediatur."

addressed as those who have nourished the lives of candidates for consecration, and the vocation of consecrated virginity is presented as being lived in the heart of the Church. Remote preparation for Christian marriage to a human spouse is complementary to preparation for mystical marriage to the divine Spouse, and preparation for both vocations can be beneficially enriched by understanding the two vocations in relationship to one another.

Canon 1063, 2° asserts the necessity of proximate preparation for a man and a woman who plan to marry, describing it as a preparation that is personal, and "disposes the spouses to the holiness and duties of their new state."[51] Analogous to this stage of marriage preparation is the specific vocational preparation required of candidates for the vocation of consecrated virginity lived in the world. It is a time during which the bishop can be assured, as *Praenotanda* to the rite of consecration require, "that by their age, prudence, and universally approved character [candidates] give assurance of perseverance in a life of chastity dedicated to the service of the Church and of their neighbor."[52] Like marriage preparation, a preparation program for life in the *Ordo virginum* is personal and normally takes place through dialogue with those who are living the same vocation or have a solid understanding of it. In the case of preparation for admission to consecration as a virgin, what can happen is that the bishop or his delegate "assess[es] the overall formation needs of the candidate, i.e., spiritual formation, human formation, intellectual formation, and pastoral/apostolate formation," and from this develop an individualized plan of formation for the candidate.[53] In a manner analogous to marriage

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[51] Canon 1063, 2°: "qua sponsi ad novi sui status sanctitatem et official disponantur."
[52] *OCV Praenotanda* 5b): "ut aetate, prudentia, moribus omnium consensu probatis, fidem praebeant in vita casta atque Ecclesiae proximique servitio dicata se perseveraturas." *Roman Pontifical*, 293.
[53] Mary Kay Lacke, "Stages of Admission," in *Ordo Virginum*: *The Restoration of the Ancient Order of Virgins in the Catholic Church*, vol. 2, *Discernment and Formation for the Vocation of Consecrated Virginity Lived in the*

preparation,[54] such a program must include specific instruction regarding the nature of the vocation of consecrated virginity as an exclusive and indissoluble spousal relationship with Christ, and it must discuss the practical and human dimensions of living a lifelong vocation of virginity.[55]

Canon 1063, 3° addresses immediate preparation for the fruitful liturgical celebration of marriage, "which is to show that the spouses signify and share in the mystery of the unity and fruitful love between Christ and the Church."[56] The introduction to the liturgical celebration for the rite of consecration to a life of virginity for women living in the world in like manner addresses immediate preparation for fruitful liturgical celebration of consecration. The introduction highlights the involvement of the local Church and the formative value of the rite of consecration in several ways. It asserts that the rite of consecration should take place in the cathedral because the women to be admitted "often take part in the good works of the diocese"[57];

World, ed. United States Association of Consecrated Virgins (Lansing, MI: USACV, 2017) [hereafter USACV *Discernment and Formation*] 21.

[54] The Pontifical Council for the Family, "Preparation for the Sacrament of Marriage 35," May 13, 1996: "instruction regarding the natural requirements of the interpersonal relationship between a man and a woman in God's plan for marriage and the family: awareness regarding freedom of consent as the foundation of their union, the unity and indissolubility of marriage, the correct concept of responsible parenthood, the human aspects of conjugal sexuality, the conjugal act with its requirements and ends, and the proper education of children." Accessed January 22, 2019 at http://www.vatican.va/roman_curia/pontifical_councils/family/documents/rc_pc_family_doc_13051996_preparation-for-marriage_en.html#.

[55] In summary, the objectives of proximate preparation for consecration are to assure an understanding of the nature and good of consecration to virginity, the principal duties of those consecrated, who it is that may be consecrated, and the minister and form of the rite and ritual Mass of consecration, as outlined in the *Praenotanda* to the Rite of Consecration.

[56] Canon 1063, 3°: "fructuosa liturgica matrimonii celebratione, qua eluceat coniuges mysterium unitatis et fecundi amoris inter Christum et Ecclesiam significare atque participare."

[57] *OCV* 3: "Quod autem virgines vitam saecularem agentes ad consecrationem virginalem admittuntur consilio et auctoritate Episcopi et plerumque dioeceseos operibus deserviunt, ritus congruenter fit in ecclesia cathedrali, nisi res moresque loci hoc dissuadeant." *Roman Pontifical*, 295: "It is at the discretion of the Bishop and by his authority that women living in the world are admitted to this consecration, and often they take part in the good works of the diocese. It is therefore fitting that the rite of consecration should take place in the cathedral, unless local circumstances or custom suggest otherwise."

it suggests that the faithful be notified of the celebration in good time, in order "to promote an esteem for chastity, to deepen understanding of the Church, and to encourage a greater attendance of the people"[58]; and it encourages that seats in the sanctuary be arranged in such a way "that the faithful may have a complete view of the liturgical rites."[59]

Canon 1063, 4° speaks to pastoral assistance that should be afforded to those who are married, "so that faithfully preserving and protecting the conjugal covenant, they daily come to lead holier and fuller lives in their family."[60] The same is true of the ongoing pastoral assistance that the Church states should be afforded to the consecrated virgin. The fact of a pastoral relationship between the bishop and the consecrated virgin is introduced in the rite, as the bishop is encouraged to meet with candidates on a day scheduled close to the day of the consecration "so that the father of the diocese may begin a pastoral dialogue with his spiritual daughters."[61] The Church has also addressed this point in the Directory for the Pastoral Ministry of Bishops:

> The Bishop should show particular concern for the order of virgins, who are dedicated to the service of the Church, entrusted to the Bishop's pastoral care and consecrated to God at his hands. Bearing in mind the formation needs of consecrated women today, not dissimilar to those of consecrated men, the Bishop should assign chaplains and confessors

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[58] *OCV* 4: "Tunc pro opportunitate maxime ad castitatis laudem, sensum ecclesialem, aedificationem concursumque populi Dei fovendum, fideles de ritus celebratione tempestive certiores fiant." *Roman Pontifical*, 295.

[59] *OCV* 6: "Virginum consecratio de more fit ad sedem; ad participationem autem fidelium expediendam, sedes pro Episcopo ante altare opportune paretur; in presbyterio scamna pro virginibus sacrandis sic disponantur ut tota actio liturgica a fidelibus bene conspici possit." *Roman Pontifical*, 295: "The consecration ordinarily takes place at the chair. To enable the faithful to take part more easily, the Bishop's chair may be placed in front of the altar. Seats for the candidates should be so arranged in the sanctuary that the faithful may have a complete view of the liturgical rites."

[60] Canon 1063, 4°: "ut ipsi, foedus coniugale fideliter servantes atque tuentes, ad sanctiorem in dies plenioremque in familia vitam ducendam perveniant."

[61] *OCV* 2: "Die constituta, consecrationis ritui proxima, vel saltem pridie, virgines consecrandae praesentantur Episcopo ad pastorale colloquium instituendum inter filias et dioeceseos Patrem." *Roman Pontifical*, 295.

> to them from among the best at his disposal, distinguished by a good understanding of consecrated life and by their piety, sound doctrine, ecumenical and missionary spirit.[62]

As well, the 2018 Instruction *Ecclesiae sponsae imago* emphasizes the need for ongoing formation and pastoral assistance for members of the *Ordo virginum.*

Canon 1064 asserts that it is the role of the local ordinary to assure that fitting forms of assistance are given, by experienced persons with appropriate expertise, to carry out the pre- and post matrimonial pastoral care called for in canon 1063. The same is true for the *Ordo virginum*, and in an even more particular way. Because it is the diocesan bishop himself who admits a virgin to a life of perpetual virginity,[63] he is also called to a "particular concern for the order of virgins."[64] Canon 1065 addresses sacramental preparation for matrimony, calling for those who have not yet received the sacrament of confirmation to do so before marriage if it can be done without grave inconvenience, and urging spouses to approach the sacraments of penance and the Most Holy Eucharist before marriage, in order to receive it more fruitfully. To assure the most fruitful reception of the sacramental of consecration, the candidate for consecration to a life of virginity, in addition to other spiritual preparation, should likewise be urged to approach the sacraments of penance and the Most Holy Eucharist before consecration.

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[62] Congregation for Bishops, "Directory for the Pastoral Ministry of Bishops, *Apostolorum Successores* 104," February 22, 2004 (Vatican City: Libreria Editrice Vaticana, 2004) [hereafter *Directory*]. The original language of the document is Italian. Accessed in Italian and English at: http://www.vatican.va/roman-curia.
[63] *OCV Praenotanda* 5: "It is for the Bishop to decide on the conditions under which women living in the world are to undertake a life of perpetual virginity." Also see canon 604: "the order of virgins who, . . . are consecrated to God by the diocesan bishop."
[64] *Directory* 104.

2. Canons 1066–1072: Pre-Nuptial Inquiries and Permissions

Canon 1066 establishes that "before a wedding is celebrated, it must be evident that nothing stands in the way of its valid and licit celebration."[65] Canon 1067 assigns responsibility to the conference of bishops to establish norms to accomplish the investigations necessary before a pastor can proceed to assist at a wedding. Canon 1068 addresses pre-nuptial inquiries in danger of death situations. Canon 1069 obliges all the faithful to reveal known impediments before the celebration of marriage and canon 1070 addresses the communication necessary in a circumstance in which someone other than the pastor who is to assist at the wedding has conducted the investigations.

These canons addressing pre-nuptial inquiries (cc. 1066–1072), while written in regard to human marriage, are readily analogous to what might be required in the case of a candidate seeking consecration to a life of virginity. In both cases, individuals are petitioning the Church to recognize a lifelong marital bond that they seek to enter, and in both cases, the Church has responsibility to ascertain that nothing stands in the way of a valid and licit celebration of the union (between husband and wife, or between the virgin and Christ). Marriage law assigns the conference of bishops the responsibility of establishing norms for carrying out pre-marital investigations; in like manner, it would seem appropriate for universal or particular law to establish norms for carrying out investigations that must precede consecration, and communicating results of these investigations to the consecrating bishop. In order to avoid the potential for scandal and to further assure the validity of a consecration, as with human

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[65] Canon 1066: "Antequam matrimonium celebretur, constare debet nihil eius validae ac licitae celebrationi obsistere."

matrimony, it would be important that the faithful be encouraged to reveal any impediments that are known in the external forum, before the celebration of consecration.

Canon 1071 lists circumstances under which a person is not to assist at a marriage without the permission of the local ordinary.[66] The circumstances are inapplicable or unlikely to be present in the case of a woman seeking consecration as a virgin. In the case that one of the circumstances might apply, it is already the case that the virgin is admitted to the consecration by the diocesan bishop who will have considered the results of investigations and is likely to have learned of such circumstances.

Canon 1072 advises pastors of souls "to take care to dissuade youth from the celebration of marriage before the age at which a person usually enters marriage according to the accepted practices of the region."[67] Historically, the Church has also linked the minimum age that a young woman could make a *propositum* to virginity to the age of marriage.[68] The 2018 instruction, *Ecclesiae sponsae imago*, establishes eighteen years as the minimum age to begin a preparatory period for consecration.[69] The instruction does not state a minimum age for consecration, but indicates that "ordinarily consecration is not celebrated before the candidate has reached her

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[66] Canon 1071 §1: "Except in the case of necessity, a person is not to assist without the permission of the local ordinary at: 1° a marriage of transients; 2° a marriage which cannot be recognized or celebrated according to a norm of civil law; 3° a marriage of a person who is bound by natural obligations toward another party or children arising from a previous union; 4° a marriage of a person who has notoriously rejected the Catholic faith; 5° a marriage of a person who is under censure; 6° a marriage of a minor child when the parents are unaware or reasonably opposed; 7° a marriage to be entered into through a proxy as mentioned in can. 1105. §2. The local ordinary is not to grant permission to assist at the marriage of a person who has notoriously rejected the Catholic faith unless the norms mentioned in can. 1125 have been observed with necessary adaptation."

[67] Canon 1072: "Curent animarum pastores a matrimonii celebratione avertere iuvenes ante aetatem, qua secundum regionis receptos mores matrimonium iniri solet."

[68] See discussion of age for consecration, pp. 81–84 of this study.

[69] Congregation for Institutes of Consecrated Life and Societies of Apostolic Life, instruction *Ecclesiae sponsae imago* 82, June 8, 2018. [hereafter *ESI*]. English translation accessed July 4, 2018. http://www.vatican.va/roman_curia/congregations/ccscrlife/documents/rc_con_ccscrlife_doc_20180608_istruzione-ecclesiaesponsae

twenty-fifth birthday."[70]

C. Diriment Impediments in General (cc. 1073–1082)

Before considering specific diriment impediments to marriage, the code addresses general principles in regard to marriage impediments, their dispensation, and the recording of dispensations. As we proceed to examine the potential analogy of these canons to the *Ordo virginum*, it is important first to address more generally the topic of juridic impediments to admission to recognized states of life in the Church. In addition to impediments to marriage,[71] the 1983 Code of Canon law addresses impediments to admission to an institute of consecrated life,[72] to the novitiate of a religious institute,[73] to initial probation to a secular institute,[74] to a society of apostolic life,[75] to ordination,[76] as well as several other actions unrelated to admission to a state in life.[77] An *impedient* impediment prohibits the lawfulness of the admission; if the impediment is unchecked, the admission is merely illicit.[78] A *diriment* impediment, however, results in the invalidity of the admission and binds even when a person is ignorant or in error about the impediment and its effects (c. 15, §1).[79] Diriment impediments to admission to marriage, ordination, or a form of consecrated life disqualify a person for admission, and thus the

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imago_en.html.
[70] Ibid.
[71] Impediments to marriage are addressed in cc. 1068, 1073–1094, 1107, 1129, 1156 §1, 1158, 1161 §1, 1163, 1165 §2, and 1686.
[72] Canon 597 §1.
[73] Canons 643, 645 §3.
[74] Canon 721.
[75] Canon 735 §2.
[76] Canons 1025 §1, 1038, 1040-1049.
[77] The code also considers impediments preventing the election of a person (cc. 180 §1, 181 §2, 182 §§1-2); impediments preventing a member from attending a diocesan synod (c. 464); and impediments of a witness (c. 1558 §3).
[78] John Beal, "Book IV, Title VII, Chapter II, Marriage, Diriment Impediments in General (cc. 1073-1082)," in *New Commentary*, 1272.
[79] Ibid.

laws establishing such impediments must "expressly establish that an act is null or that a person is unqualified (c. 10)."[80]

Admission requirements for the *Ordo virginum* are juridically delineated in *Praenotanda* to the liturgical rite of consecration to a life of virginity and are not addressed in canon 604 nor in other canons of the 1983 code.[81] The 2018 instruction *Ecclesiae sponsae imago* offers clarification of the admission requirements; provisions in the instruction do not constitute new law, nor can they derogate from existing law.[82] As we move to consider the analogous applicability of canons on marriage impediments, below, and the analogous applicability of canons on impediments to admission to other forms of consecrated life and societies of apostolic life, in the next chapter, we do so in light of the three admission requirements that are expressly established in *Praenotanda* to the rite of consecration to a life of virginity:

> III Those Women to Whom the Virginal Consecration May be Imparted (*Quibus Mulieribus Consecratio Virginalis Impertiri Possit)*[83]
>
> > 3. This consecration may be received by nuns or by women living in the world (*Ad consecrationem virginalem admitti possunt sive moniales sive mulieres vitam sæcularem agentes*).[84]
> >
> > 4. In the case of nuns it is required (*Pro monialibus requiritur*): [85]

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[80] Canon 10: "Irritantes aut inhabilitantes eae tantum leges habendae sunt, quibus actum esse nullum aut inhabilem esse personam expresse statuitur."
[81] See *OCV Praenotanda* 5. *Roman Pontifical*, 293.
[82] See canon 34 §1: "Instructions clarify the prescripts of laws and elaborate on and determine the methods to be observed in fulfilling them. They are given for the use of those whose duty it is to see that laws are executed and oblige them in the execution of the laws. Those who possess executive power legitimately issue such instructions within the limits of their competence. §2. The ordinances of instructions do not derogate from laws. If these ordinances cannot be reconciled with the prescripts of laws, they lack all force. §3. Instructions cease to have force not only by explicit or implicit revocation of the competent authority who issued them or of the superior of that authority but also by the cessation of the law for whose clarification or execution they were given."
[83] *OCV Praenotanda* 3 heading. English translation is mine. *Roman Pontifical*, 293: "Those Who May Be Consecrated."
[84] *OCV Praenotanda* 3. *Roman Pontifical*, 293.
[85] *OCV Praenotanda* 4. *Roman Pontifical*, 293.

a) that they have never married or lived in public or open violation of chastity (*ut numquam nuptias celebraverint neque publice seu manifeste in statu castitati contrario vixerint*);

b) that they have made their perpetual profession, either in the same rite or on an earlier occasion (*ut professionem perpetuam aut in eodem ritu aut antea emiserint*);

c) that their religious family uses this rite either by established custom or by new permission of the competent authority (*ut familia religiosa hoc ritu utatur ex antiqua consuetudine aut nova competentis Auctoritatis permissione*).

5. In the case of virgins living in the world it is required (*Pro virginibus vitam sæcularem agentibus requiritur*):[86]

a) that they have never celebrated marriage and that they have not publicly or manifestly lived in a state contrary to chastity (*ut numquam nuptias celebraverint neque publice seu manifeste in statu castitati contrario vixerint*);[87]

b) that by their age, prudence, and universally approved character they give assurance of perseverance in a life of chastity dedicated to the service of the Church and of their neighbor (*ut ætate, prudentia, moribus omnium consensu probatis, fidem præbeant in vita casta atque Ecclesiæ proximique servitio dicata se perseveraturas*);[88]

c) that they be admitted to this consecration by the Bishop who is the Ordinary of the place (*ut ab Episcopo loci Ordinario ad consecrationem admittantur*).[89]

Canons 1073–1076 discuss essential notions concerning diriment impediments to marriage, concepts that are equally fundamental to consideration of diriment impediments to mystical marriage in the *Ordo virginum*.

Canon 1073: A diriment impediment renders a person unqualified to contract marriage validly.[90]

Canon 1074: An impediment which can be proven in the external forum is considered to be public; otherwise it is occult.[91]

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[86] *OCV Praenotanda* 5. English translation is mine. *Roman Pontifical*, 293: "In the case of women living in the world it is required:"
[87] *OCV Praenotanda* 5a). English translation is mine. *Roman Pontifical*, 293: "that they have never married or lived in public or open violation of chastity;"
[88] *OCV Praenotanda* 5b). *Roman Pontifical*, 293.
[89] *OCV Praenotanda* 5c). *Roman Pontifical*, 293.
[90] Canon 1073: "Impedimentum dirimens personam inhabilem reddit ad matrimonium valide contrahendum."
[91] Canon 1074: "Publicum censetur impedimentum, quod probari in foro externo potest; secus est occultum."

> Canon 1075: §1. It is only for the supreme authority of the Church to declare authentically when divine law prohibits or nullifies marriage. §2. Only the supreme authority has the right to establish other impediments for the baptized.[92]
>
> Canon 1076: A custom which introduces a new impediment or is contrary to existing impediments is reprobated.[93]

Canon 1077 establishes that in a special case, the local ordinary can prohibit a particular marriage for his own subjects. The canon is not likely to apply to those seeking admission to the *Ordo virginum* because it is already the responsibility of the diocesan bishop himself to admit (or not) a candidate to consecration.

Canons 1078–1080 concern the granting of dispensations from impediments to marriage under various circumstances. Certain points about marriage dispensations must be kept in mind during a discussion about potential applicability to the mystical marriage of the consecrated virgin. By definition, a dispensation is the relaxation of a merely ecclesiastical law in a particular case (c. 85), for a just and reasonable cause (c. 90). Marriage laws that are of divine origin are thus not subject to dispensation. Also not subject to dispensation are laws to the extent that they define those things which are essentially constitutive of juridic institutes or acts (c. 86).

Canon 1078 §1 gives the local ordinary the authority to dispense his own subjects from all marriage impediments of ecclesiastical law except those reserved to the Apostolic See.[94] Canon 1078 §2 identifies the impediments that are reserved to the Apostolic See: 1° the impediment from sacred orders or from a public perpetual vow of chastity in a religious institute

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[92] Canon 1075 §1: "Supremae tantum Ecclesiae auctoritatis est authentice declare quandonam ius divinum matrimonium prohibeat vel dirimat. §2: Uni quoque supremae auctoritati ius est alla impedimenta pro baptizatis constituere."
[93] Canon 1076: "Consuetudo novum impedimentum inducens aut impedimentis exsistentibus contraria reprobatur."
[94] In full, canon 1078 §1 states: "The local ordinary can dispense his own subjects residing anywhere and all actually present in his own territory from all impediments of ecclesiastical law except those whose dispensation is reserved to the Apostolic See."

of pontifical right; and 2° the impediment of crime (causing the death of one's spouse or the spouse of a person one desires to marry). Canon 1078 §3 forbids dispensations from certain impediments of consanguinity.

If canon 1078 were to be applied analogously to admission requirements for the *Ordo virginum*, the local ordinary would be given the authority to dispense from impediments of ecclesiastical law. The three cases in which the dispensation of a marriage impediment is reserved to the Apostolic See are not applicable in the case of one seeking admission to the *Ordo virginum*: the impediment of sacred orders would be inapplicable because the consecration of virgins is reserved to women; the impediment of a public perpetual vow of chastity in a religious institute of pontifical right would be inapplicable because such a woman is already living a form of consecrated life (and perhaps has been consecrated as a virgin within her institute), and her desire to belong instead to the *Ordo virginum* would be treated in accord with norms for departures from a religious institute or norms for transfers to another institute or form of consecrated life[95]; and the impediment of crime would be inapplicable in other than a human marriage. Canon 1078 §3, barring dispensations from the impediment of consanguinity in certain cases, would also be inapplicable to the *Ordo virginum*. In summary, therefore, analogous application of canon 1078 to the *Ordo virginum* would grant the local ordinary the authority to dispense from impediments of ecclesiastical law.

Canons 1079 and 1081 address the question of authority to grant marriage dispensations in danger of death situations, and canon 1080 addresses the authority required for marriage

[95] See cc. 684–704 on transfers to other religious institutes, departures from a religious institute, and dismissal of members from religious institutes.

dispensations in cases when everything is prepared for the wedding (*omnia sunt parata*). The canons are not analogously applicable to the *Ordo virginum* because it is the diocesan bishop who admits a virgin to consecration, in any case, and therefore it already would fall within his authority to consider any such particular circumstances.

Canon 1082 addresses the recording of dispensations from occult impediments granted in the non-sacramental internal forum.[96] If such a case might arise concerning admission to the *Ordo virginum*, the canon could be analogously applicable.

D. Specific Diriment Impediments (cc. 1083–1094)

While the specific diriment impediments to human marriage may not directly apply to mystical marriage in the *Ordo virginum*, certain of the impediments can be analogously applied in light of the three admission requirements for the *Ordo virginum*.

1. Canon 1083: Lack of Age; Canon 1084: Impotence

Canon 1083 §1 establishes the age at which a man and a woman can enter a valid marriage and canon 1083 §2 authorizes the conference of bishops to establish a higher age for the licit celebration of marriage. The prerequisites for consecration to a life of virginity, as stated in *Praenotanda* to the rite, do not establish a minimum age for consecration, but instead offer a qualitative description of the maturity candidates must have: "by their age, prudence, and universally approved character they give assurance of perseverance in a life of chastity dedicated to the service of the Church and of their neighbor."[97] The assessment of maturity is left to the

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[96] Canon 1082: "Unless a rescript of the Penitentiary provides otherwise, a dispensation from an occult impediment granted in the non-sacramental internal forum is to be noted in a book which must be kept in the secret archive of the curia; no other dispensation for the external forum is necessary if afterwards the occult impediment becomes public."

[97] *OCV Praenotanda* 5 b): "ut ætate, prudentia, moribus omnium consensu probatis, fidem præbeant in vita casta atque Ecclesiæ proximique servitio dicata se perseveraturas." *Roman Pontifical*, 293.

bishop's discretion. The 2018 instruction, *Ecclesiae sponsae imago* establishes eighteen years as the minimum age to begin a preparatory period for consecration, and indicates that consecration is ordinarily not celebrated before a woman has reached the age of twenty-five.[98] Neither the language of the *Praenotanda*, nor the directives of the instruction, reference a minimum age for the validity of the consecration. It would be within the discretion of the diocesan bishop to legislate a minimum age for consecration within his diocese, for it is he who is responsible for setting parameters for admission to consecration.

Canon 1084 establishes that antecedent and perpetual impotence to have intercourse nullifies marriage. The canon is applicable only to human marriage and is not analogous to a virgin's mystical marriage to Christ in the *Ordo virginum*.

2. Canon 1085: Prior Marriage Bond

a. Prior Marriage Bond as Impediment for Admission to the Consecration of Virgins

Canon 1085 asserts that "a person bound by the bond of a prior marriage, even if it was not consummated, invalidly attempts marriage."[99] In the case that a prior marriage is invalid or dissolved for any reason, the canon further states that another marriage may not be contracted "before the nullity or dissolution of the prior marriage is established legitimately and certainly."[100] An impediment of prior marriage bond likewise exists for admittance to the consecration of virgins (*OCV Praenotanda* 5), as well as for admission to the novitiate of a religious institute (c. 643 §1, 2°), initial probation in a secular institute (c. 721 §1, 3°), and

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[98] *ESI* 82.
[99] Canon 1085 §1: "Invalide matrimonium attentat qui vinculo tenetur prioris matrimonii, quamquam non consummati."
[100] Canon 1085 §2: "Quamvis prius matrimonium sit irritum aut solutum qualibet ex causa, non ideo licet aliud contrahere, antequam de prioris nullitate aut solutione legitime et certo constiterit."

admission to a society of apostolic life (c. 735 §2). In each case, the candidate must be free of the bond of a prior marriage before admittance, just as canon 1085 mandates for the validity of marriage.

There is, however, an even more stringent admittance requirement for the woman who seeks consecration in the *Ordo virginum*. In this case, what is required is that candidates must "have never celebrated marriage and that they have not publicly or manifestly lived in a state contrary to chastity."[101] By its emphasis on the *celebration* of marriage, rather than on the validity of a bond or the consummation of a marriage, the requirement for admission to the consecration of virgins makes clear that the virgin's first and only *propositum* for marriage is to Christ. If a woman has already celebrated marriage, she has engaged in an act which definitively contradicts a *propositum* to live a life of virginity for the sake of the kingdom of heaven.[102] If a woman has ever entered marriage through an ecclesiastical or civil ceremony,[103] regardless of

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[101] *OCV Praenotanda* 5 a): "ut numquam nuptias celebraverint neque publice seu manifeste in statu castitati contrario vixerint." English translation is mine. *Roman Pontifical*, 293: "that they have never married or lived in public or open violation of chastity."

[102] For another viewpoint on the possible reason for the prohibition on a former marriage by a woman seeking consecration as a virgin, see Edward Peters, "Toward Reform of the First Criterion for Admission to the Order of Virgins," in *Studia canonica* 48 (2014) 474–475. Writing in regard to the two aspects of criterion one, namely they have never "been married or lived in public or flagrant violation of chastity," Peters observes, "If, however, these two inquiries were intended to ascertain the virginity of candidates for consecration to virginity, they fail to accomplish that end. First, mere marriage does not cause one to lose one's virginity. . . . Whatever considerations led the *Consilium* to avoid plain words like 'virgin,' 'virginity,' or equivalent terms of art when describing the conditions impacting a woman's eligibility for consecration as a virgin, what the revised rite does by making marriage a prime factor in assessing eligibility for consecration is to substitute an inquiry about a condition under which many women lose their virginity for an inquiry about the possession of virginity itself."

[103] See Annibale Bugnini, *The Reform of the Liturgy 1948–1975*, trans. M. O'Connell (Collegeville, MN: Liturgical Press, 1990) 789, fn. 4. Bugnini reports that in its review of the schema for the new rite, the Sacred Congregation for the Doctrine of the Faith asked that the consecration be permitted only for those who "have never married in a religious or merely civil rite," but the Congregation for Religious requested exclusion of the phrase "in a religious or merely civil rite."

consummation, declaration of nullity, death of a spouse, or a marriage before baptism, she may not validly receive the consecration of virgins.

In a 1993 advisory opinion, Catherine Darcy responded to a question about whether or not the status of consecrated virgin is appropriate for someone who had been previously married and either widowed, divorced, or the recipient of an ecclesiastical annulment. Darcy responded by identifying the state of virginity as a constitutive element of the requirements for a woman to be consecrated:

> It appears as though this restored rite considers virginity as a permanent state, open only to the woman who has never married or is known to have never participated in sexual relations. It seems that the woman who has been married previously, whether widowed or divorced, with or without an ecclesial annulment, is not eligible to be consecrated a virgin according to the rite promulgated in 1970. These requirements are signs that the candidate is, in fact, a virgin. The state of virginity which is a constitutive element of the requirements for admission to the Rite of Consecration cannot be dispensed. However, a person who may have 'legally' married but perhaps never cohabitated or can prove non-consummation, may present a compelling case for dispensation from the requirement of non-marriage.[104]

The premise that the virginity of a woman is constitutive for admission to the consecration is founded on the meaning and raison d'être of the consecration of virgins in the life of the Church[105]; the very title of the rite, "Consecration to a Life of Virginity," points to an admission requirement that holds "the inviolability of virginity as an essential qualification."[106] As

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[104] Catherine C. Darcy, "Canon 604: Previously Married Person Becoming a Consecrated Virgin," in *Roman Replies and CLSA Advisory Opinions 1993*, ed. Kevin W. Vann and James I. Donlon (Washington, DC: CLSA, 1993) 49.
[105] See *OCV Prænotanda* 1: "In the rite of consecration the Church reveals its love of virginity."
[106] Sacred Congregation for Religious, "Consecration of Virgins: Indult to Benedictine Sisters in the United States, With Its Interpretation," October 24, 1950, and September 24, 1952, in *CLD* 4 (1958) 167. See also Raymond L. Burke, "*Lex orandi, lex credendi*: The Rite of Consecration and the Vocation of Consecrated Virginity Lived in the World," in *Ordo Virginum: The Restoration of the Ancient Order of Virgins in the Catholic Church,* vol. 1, *An Introduction to the Vocation of Consecrated Virginity Lived in the World*, ed. United States Association of Consecrated Virgins (Lansing, Michigan: USACV, 2012) 38–39: "In other words, the consecration is for a woman who has preserved her virginity and offers her virginity to Christ and His Church for consecration. Public or manifest acts are committed with another and, therefore, are clearly known by another, even if by only one individual. An act contrary to chastity in what pertains to the state of virginity is the conscious and deliberate giving

discussed earlier, however, the wording of the first criterion for admission has been a source of confusion, leading some canonists to opine that a woman who has lost her virginity might be admitted to the consecration as long as the act violating virginity was discreet and thereby did not rise to the level of a public or flagrant violation of chastity.[107]

Thus we observe that the requirement for admission to the consecration of virgins goes a step further than even the prohibition on a previous celebration of marriage; the candidate for the *Ordo virginum* must also have the gift of virginity to offer to Christ,[108] and she must "have not

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of one's body for sexual union by which the state of virginity is lost. Once the virgin has knowingly and willingly given up her virginity, even by a single act, she no longer has the gift of virginity to offer to Christ and the Church. In the case of rape or involuntary incest, one can rightly say that the woman still has the gift of her virginity to offer, for she has not knowingly and willingly given it up." See also Judith M. Stegman, "Discernment of the Vocation of Consecrated Virginity: Integral Virginal Chastity," in USACV *Discernment and Formation*, 40–41: "The prerequisite that a woman has 'never lived in public or open violation of chastity' most certainly refers to a state of virginal chastity, making physical virginity—not having knowingly and willingly engaged in genital intercourse—the minimum requirement for a vocation of consecrated virginity." See also, Christina Hip-Flores, *Hermits and Consecrated Virgins* (USA: Fiat Press, 2018) 35–36: "Is physical virginity required of the candidate? Unquestionably yes; physical virginity is required of the candidate. Although the *Praenotanda* to the liturgy does not say so explicitly, one must read the *Praenotanda* in the context of canonical tradition, which has always categorically established the need for bodily integrity. Virginity is lost through a *voluntary*, completed sexual act."

[107] See Edward N. Peters "Toward Reform of the First Criterion for Admission to the Order of Virgins," *Studia Canonica* 48 (2014) 483. Peters argues that while it is clear from the ecclesiastical history of the rite that material virginity is required for consecration, one would not come to this conclusion from the wording of criterion one: "Thus, contrary to the unanimous expectation of the ecclesiastical tradition on virginity, but quite comfortably within the flawed current criteria of the Rite of Consecration, such a non-virgin woman qualifies for admittance to the order of virgins." See also Rose McDermott, "Case 11: The Order of Virgins and Consecration by the Diocesan Bishop Canon 604," in *The Consecrated Life: Cases, Commentary, Documents, Readings* (Washington, DC: CLSA, 2006) 58: "It would seem that a woman who may have lost her virginity through an indiscreet act as a teenager, is contrite and has lived chastely for a significant period of time would not be barred from this consecration. In this case the woman should discuss this situation with her spiritual director or her confessor. Since her indiscretion was not public or flagrant, the diocesan bishop's decision to admit her to the order of virgins would not seem to cause *admiratio* on the part of the Christian faithful." Likewise, see Aitor Jiménez Echabe, "Directorio marco del 'Orden de vírgenes' consagradas," *Apollinaris*, 73 (2000) 249 and 256, fn. 34. Jiménez likens the vocation of consecrated virginity to the vocation of the Virgin Mary, and holds that virginity consists of "not knowing man," in testimony to the world. Nevertheless, he also offers that the first admission criterion may permit the consecration of a candidate who may have "by chance lost her physical integrity (in modo fortuito avevano perso la propria integrità fisica)" as long as she had never married or lived in a state publicly contrary to chastity.

[108] As noted above, some canonists dispute that physical virginity is required in the candidate for consecration. Like Darcy, and in keeping with the long tradition of the Church, I suggest that a prerequisite of virginity in the candidate for consecration is constitutive to the consecration to a life of virginity.

publicly or manifestly lived in a state contrary to chastity."[109] Among the various ecclesially recognized states of life, including marriage, sacred orders, and forms of consecrated life and societies of apostolic life, it is only admission requirements for the *Ordo virginum* that prescribe an antecedent state of chastity or virginity.

b. Prior Bond of Mystical Espousal in the "Ordo virginum" as an Impediment to Marriage?

Canon 1085 raises another consideration in regard to the *Ordo virginum*, a matter of more consequence than the question of admission to consecration. Canon 1085 states that a person bound by the bond of a prior marriage, even if it was not consummated, invalidly attempts marriage. This impediment of prior bond is a diriment impediment to marriage. Is not the virgin who is mystically espoused to Christ in the *Ordo virginum* bound by the bond of marriage? Is it not then reasonable to conclude that the consecration to virginity should juridically be treated as a diriment impediment to marriage, due to the impediment of prior bond that exists from her mystical espousal to Christ?[110] If the virgin's espousal to Christ (her consecration) is invalid or dissolved for any reason, should it not be required that the nullity or dissolution of her prior bond with Christ is established legitimately and certainly before she would be permitted to contract a new (human) marriage, in accord with canon 1085 §2? Let us consider the nature of the virgin's espousal to Christ.

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[109] *OCV Praenotanda* 5 a): "ut numquam nuptias celebraverint neque publice seu manifeste in statu castitati contrario vixerint." English translation is mine. *Roman Pontifical*, 293: "that they have never married or lived in public or open violation of chastity."

[110] Marie-Paul Dion, "Les effets du rite de la consécration des vierges," *Église et Théologie* 16 (1985) 299. Dion asks: "*Est-il logique que l'émission du sanctum propositum suivie du rite de la consécration n'ait aucune conséquence canonique sur un éventuel mariage*?: Is it logical that the issuance of the sanctum propositum followed by the rite of consecration has no canonical consequence on a possible marriage?"

We have observed that certain canonists and theologians writing before the 1983 code opined that the consecration of virgins living in the world gives rise to an impediment that invalidates a later marriage. Canon 604 of the 1983 code defines the member of the *Ordo virginum* as one who is constituted "mystically betrothed to Christ, the Son of God" when she is "consecrated to God by the diocesan bishop according to the approved liturgical rite."[111] The canon thus confirms the nature and force (*natura et vi*) of the consecration to virginity that is rooted in the rite itself: the virgin accepts "solemn consecration as a bride of our Lord Jesus Christ, the Son of God"[112]; she is "constituted a sacred person, a transcendent sign of the love of the Church towards Christ, and an eschatological image of the heavenly Bride and of the future life."[113] As a form of consecrated life, or at least as a state of life that is "similar to" (*accedit*) other forms of consecrated life, what publicly binds the virgin and establishes her in the state of consecrated life is her consecration by the bishop through the solemn rite of consecration, after he accepts her *sanctum propositum virginitatis*. The virgin's *sanctum propositum* binds her as a public vow of chastity, thus obliging the virgin to fulfill the matter of her *propositum*.[114]

The matter of the virgin's *propositum* is crystallized in the three questions of intention posed to the candidate by the bishop during the examination preceding the prayer of consecration: the virgin resolves to "persevere to the end of [her] days in the holy state of

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[111] Canon 604 §1: "ab Episcopo dioecesano iuxta probatum ritum liturgicum Deo consecrantur, Christo Dei Filio mystice desponsantur."
[112] *OCV* 17: "Episcopus: Vultis consecrari, ac Domino nostro Iesu Christo, summo Dei Filio, sollemniter desponsari? Virgines: Volo." *Roman Pontifical*, 300. This is the third and final interrogation of the virgin by the bishop preceding the prayer of consecration.
[113] *OCV Praenotanda* 1: "quo virgo constitueretur persona sacrata, signum transcendens amoris Ecclesiae erga Christum, imago eschatological Sponsae caelestis vitaeque futurae." English translation from Raymond L. Burke, "*Lex orandi, lex credendi*," 34.
[114] See canon 1191 §1: "A vow, that is, a deliberate and free promise made to God about a possible and better good, must be fulfilled by reason of the virtue of religion."

virginity and in the service of God and his Church"[115]; she resolves to "follow Christ in the spirit of the Gospel that [her] whole life may be a faithful witness to God's love and a convincing sign of the Kingdom of Heaven"[116]; and she resolves to "accept solemn consecration as a bride of our Lord Jesus Christ, the Son of God."[117] These elements—living perpetually in the holy state of virginity; following Christ in the spirit of the Gospel with her whole life; and receiving consecration as a bride of Christ—are the essential elements of the mystical betrothal to Christ that distinctively identifies the *Ordo virginum*. The consecration of a virgin is public and perpetual, and since the earliest days of the Church has been juridically regarded as an indissoluble espousal to Christ. The virgin who abandonned her vocation and attempted natural marriage was treated in law as an adulteress or bigamist.

The indissoluble union between Christ and His Church is the archetype both for human marriage and for mystical marriage to Christ in the *Ordo virginum*. We recall once again words from the prayer of consecration of virgins:

> While they highly esteem the sacrament [of holy matrimony], they do not imitate what is wrought in marriage, but ardently aspire to that divine union which is symbolized by earthly espousals. Holy Virginity has recognized its Author, and striving to emulate the purity of the angels, pledges itself to the bridal chamber and couch of Him who is at once the Spouse of perpetual virginity and the Son of a perpetual Virgin.[118]

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[115] *OCV* 17: "Episcopus: Vultis in sanctae virginitatis proposito ac Domini Ecclesiaeque servitio ad extremum vitae perseverare? Virgines: Volo." *Roman Pontifical*, 299. This is the first of the three interrogations of the virgin by the Bishop preceding the prayer of consecration.

[116] *OCV* 17: "Episcopus: Vultis Christi sequelam in Evangelio propositam ita amplecti ut vita vestra peculiare praebeat testimonium caritatis atque futuri Regni signum exsistat manifestum? Virgines: Volo." *Roman Pontifical*, 299. This is the second of the three interrogations of the virgin by the Bishop preceding the prayer of consecration.

[117] *OCV* 17: "Episcopus: Domino nostro Iesu Christo, summo Dei Filio, sollemniter desponsari? Virgines: Volo." *Roman Pontifical*, 300.

[118] *OCV* 24: "Concupiscerent Sacramentum, nec imitarentur, quod nuptiis agitur, sed diligerent quod nuptiis praenotatur. Agnovit auctorem suum beata virginitas, et aemula integritatis angelicae, illius thalamo, illius cubiculo se devovit, qui sic perpetuae virginitatis est Sponsus, quemadmodum perpetuae virginitatis est Filius." English translation from "The Consecration of Virgins According to the Roman Pontifical" (Clyde, MO: Benedictine Convent of Perpetual Adoration, 1952).

A prior bond of human marriage is treated in law as a diriment impediment to marriage. It seems logical to assert that the solemn consecration of a virgin in the *Ordo virginum* is likewise, or perhaps even moreso, a prior bond that creates a diriment impediment to marriage in accord with canon 1085.

3. Canon 1086: Disparity of Worship; Canon 1087: Sacred Orders

Canon 1086 concerns the impediment to marriage that exists between a Catholic and a person who is not baptized. The impediment is inapplicable, even analogously, to the candidate for consecrated virginity. Canon 1087 states that those in sacred orders invalidly attempt marriage. This canon is also not applicable in regard to admission to the *Ordo virginum*, because sacred orders applies only to men, while the *Ordo virginum* is open only to women.

4. Canon 1088: Perpetual Public Vow of Chastity

a. Perpetual Public Vow of Chastity as an Impediment for Admission to the Consecration of Virgins

Canon 1088 also poses two distinct considerations in regard to the *Ordo virginum*. The canon states: "Those bound by a public perpetual vow of chastity in a religious institute invalidly attempt marriage."[119] The first consideration is in reference to the person who seeks mystical espousal to Christ through admission to the *Ordo virginum*, and yet is bound by a public perpetual vow of chastity in a religious institute. A diocesan bishop considering whether or not to admit a person to the consecration of virgins should evaluate closely the circumstances not only of a woman bound by a public perpetual vow of chastity in a religious institute, but any woman bound by vow or other sacred bonds to an institute of consecrated life or society of apostolic life.

[119] Canon 1088: "Invalide matrimonium attentant, qui voto publico perpetuo castitatis in instituto religioso adstricti sunt."

As discussed above in regard to canon 1078 §2, 1°, because she is already living a form of consecrated life (and perhaps has been consecrated as a virgin within her institute), a desire to belong instead to the *Ordo virginum* would normally be treated in accord with norms for departures from a religious institute or norms for transfers to another institute or form of consecrated life.[120] If the woman is in a secular institute,[121] or if she is a nun whose religious family has used the rite by established custom or new permission,[122] she may be eligible to receive the consecration of virgins at the hands of the diocesan bishop while remaining in her institute. While the decision to admit to consecration rests in the hands of the diocesan bishop, such a decision could be made only in accord with appropriate authorities in the institute to which a woman belongs.

b. Perpetual Propositum in the "Ordo virginum" as an Impediment to Marriage?

The second consideration in regard to canon 1088 is that it brings to the forefront once again the question of whether or not the consecration to virginity should be considered a diriment impediment to marriage. Our consideration of canon 1085 led to the conclusion that the virgin's mystical espousal to Christ in the *Ordo virginum* might rightly be treated as a prior bond, and thus as a diriment impediment to marriage. In the case of canon 1088, the question turns to

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[120] See cc. 684–704 on transfers to other religious institutes, departures from a religious institute, and dismissal of members from religious institutes.

[121] A 1971 response from the Sacred Congregation for Divine Worship affirmed that women in secular institutes are eligible to receive the consecration of virgins. Sharon Holland discussed this in "Consecrated Virgins for Today's Church" in *Informationes—SCRIS* 24/2 (1998) 78: "The reply does not discuss the potential incongruity between the public nature of the consecration of virgins and the leaven imagery typical of secular institutes. There is the similarity of consecrated persons living in the midst of the world and there is diversity of practice among secular institutes regarding the practice of discretion. Nevertheless, this appears to be a question which merits further reflection."

[122] *OCV Praenotanda* 4 c): "In the case of nuns it is required (*Pro monialibus requiritur*): c) that their religious family uses this rite either by established custom or by new permission of the competent authority (*ut familia religiosa hoc ritu utatur ex antiqua consuetudine aut nova competentis Auctoritatis permissione*)."

whether or not the consecration of virgins, as a form of consecrated life in the Church, rather than as a prior bond of marriage, should be treated as a diriment impediment to marriage. It is clear under the current law of the Church, as defined in canon 1088, that the consecration to virginity is not a diriment impediment to marriage, because the consecrated virgin is not "bound by a public perpetual vow of chastity in a religious institute." The question thus presents itself: should the consecration be a diriment impediment to marriage not only due to it being a "prior bond" under canon 1085, but also because in its essence, the character of the consecration is equivalent to the character of a public perpetual vow of chastity in a religious institute? It seems reasonable to raise the question.

While the 1917 code distinguished between the effect of a solemn versus a simple vow of chastity on a subsequent marriage, the 1983 code, as we have seen, makes no distinction between solemn and simple vows in the law for institutes of consecrated life. Rather than assigning the characteristic of a diriment impediment to marriage to "religious who are professed by solemn vows" as the 1917 code did, the 1983 code instead assigns this characteristic to "those bound by a public perpetual vow of chastity in a religious institute (c. 1088)."[123] Neither the 1917 nor the 1983 Code of Canon Law directly attributes to the *propositum* of the consecrated virgin, or to the

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[123] *Codex Iuris Canonici Pii X Pontificis Maximi iussu digestus Benedicti Papae XV auctoritate promulgatus* (Rome: Typis Polyglottis Vaticanis, 1917) c. 1073: "Item invalide matrimonium attentant religiosi qui vota sollemnia professi sint, aut vota simplicia, quibus ex speciali Sedis Apostolicae praescripto vis addita sit nuptias irritandi." 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) 370. All subsequent English translations of canons from this code will be taken from this source unless otherwise indicated.

1983 *CIC*, c. 1088: "Invalide matrimonium attentant, qui voto publico perpetuo castitatis in instituto religioso adstricti sunt."

consecration, the effects of a solemn vow.[124] In fact, the only mention of a vow of virginity in the 1917 code was canon 1058, which established that a simple vow of virginity impedes marriage (c. 1058 §1), but does not invalidate marriage except in the case that invalidity is established by special prescription of the Apostolic See (1058 §2). What we have also observed, however, is that the solemn consecration of a virgin by a bishop who has accepted her *sanctum propositum* in the name of the Church is much more than a simple vow of chastity; rather, the consecration binds the virgin in a way that is equivalent to a public vow of chastity.[125]

The law favors marriage: canon 1058 states that all persons who are not prohibited by law can contract marriage, and canon 1075 establishes that only the supreme authority of the Church is able to declare authentically when divine law prohibits or nullifies marriage, and to establish other impediments for the baptized. The disqualification of a person from marriage is also subject to the norm of canon 10 which requires that disqualifying laws expressly establish that a person is unqualified.[126] Canon 1088 is clear in indicating that only the public perpetual

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[124] D.M. Huot, "La Consecration des Vierges 18," *Informationes* 9 (1983) 167. See also Timothaeus de Urquiri, "Circa 'Ordinem consecrationis virginum' quaestiones tres," *Commentarium pro religiosis et missionariis* 64 (1983) 157.

[125] Huot, "La Consecration des Vierges 17," 166 observes that the *propositum virginitatis* takes on the character of a vow in the rite of consecration, and that it is not a private, but a public vow (c. 1192) "which introduces the one that pronounces it in the public state of consecrated life even if she does not become a religious nor a member of a secular institute or a society of apostolic life." See also Xaverius Ochoa, "Professio, consecratio et vota religiosa ante et post Concilium Vaticanum Secundum," *Commentarium pro religiosis et missionariis*, 57 (1976) 208: "Placet tamen referre synthesim doctrinae quam Constitutio synodalis *Lumen Gentium* proponit." Ochoa notes the pertinence of the "synthesis of doctrine" proposed in *Lumen Gentium*, concerning the relative firmness of vows or sacred bonds binding a person in dedication to God. See *LG* 44: *AAS* 57 (1965) 50: "Tanto autem perfectior erit consecratio, quo per firmiora et stabiliora vincula magis repraesentatur Christus cum sponsa ecclesia indissolubili vinculo coniunctus." *The Documents*, 58: "This consecration [of those bound by vows or other sacred bonds] will be the more perfect, inasmuch as the indissoluble bond of the union of Christ and His bride, the Church, is represented by firm and more stable bonds."

[126] Canon 10: "Only those laws must be considered invalidating or disqualifying which expressly establish that an act is null or that a person is unqualified." Also see Urquiri, "Circa 'Ordinem consecrationis virginum' quaestiones três," 157. The author points to canon 10 as he asserts that the vow of the consecrated virgin does not invalidate marriage: "Denique, hoc votum *non irritat matrimonium*, iuxta notissimam regulam canonicam: 'Irritantes aut

vow of chastity in a religious institute constitutes a diriment impediment to marriage. While the consecration to a life of virginity may bind a virgin in an equivalent way, the consecrated virgin living in the world is not a member of a religious institute,[127] and thus does not meet the express conditions of canon 1088 for establishment of a diriment impediment to marriage.

In this light, an historical argument might be presented in support of the thought that the consecration of virgins ought to be considered a diriment impediment to marriage. The impediment for a person bound by a public perpetual vow of chastity in a religious institute stems in part, at least for women religious, from the historical development that limited the consecration of virgins to those in solemn vows; it was the act of sacred consecration to a life of virginity that created an indissoluble bond with Christ that could not be transgressed by a subsequent human marriage. Marie-Paul Dion addresses the point:

> The consecration of virgins was the prototype for the commitment from which was born a diriment effect on marriage. It is true that the rite has undergone centuries of obsolescence, but its restoration logically calls for the revival of the effects that it had prior to its disappearance. Since only the supreme authority of the Church can constitute other impediments than those indicated in the CIC, it is not for us to interpret the silence of the CIC.[128]

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inhabilitantes eae tantum leges habendae sunt, quibus actum esse nullum aut inhabilem esse personam expresse statuitur.'"

[127] In a broad sense, the *Ordo virginum* can be considerd an "institute," in that canon 604 is presented in the section of the code that concerns institutes of consecrated life. The *ordo virginum* is not a "religious institute," however, which are treated in canons 607 to 709.

[128] Dion, "Les effets du rite de la consécration des vierges," 299–300: "La consécration des vierges a été le prototype de l'engagement d'où nassait un effet dirimant le mariage. Il est vrai que le rite a subi des siècles de désuétude, mais sa restauration appelle logiquement que revivent les effets antérieurs à la disparition. Vu que seule l'autorité suprême de l'Église peut constituer d'autres empêchements dirimants que ceux indiqués dans le *CIC*, il ne nous revient pas d'interpréter le silence du *CIC*."

In her article, Dion also traced, side-by-side, the evolution of impediments created by ordination and by vow. The Lateran Council of 1139 (cc. 7–8) established that a diriment impediment to marriage was created by ordination, and by the vow of the *sanctimonialibus feminis* (understood at the time as a term that designated consecrated virgins: those living in the world or those living in convents); the *Liber Sextus* of Boniface VIII in 1298, C. 1, III, 15 in VI°, col. 1053, legislated a diriment impediment in regard to ordination and to the vow of a professed religious in an order (no mention was made of the consecration of virgins, which by that time had fallen into disuse except for those professed in religious orders); the 1917 code (cc. 1072–1073) established a diriment impediment in

Because the consecration of a virgin binds in a way that is equivalent to a public vow of chastity, and because historically the diriment impediment is linked not only to members of a religious institute but to those who received the solemn consecration of virgins, it seems legitimate to raise the question of why the solemn consecration of a virgin in the *Ordo virginum* is not explicitly treated as a diriment impediment to marriage in the 1983 Code of Canon Law, and to suggest that the consecration should be treated as such in future legislation.[129]

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regard to ordination and in regard to the solemn vow of one professed in a religious order, and an impeding impediment in regard to the simple vow of one professed in a religious congregation (again no mention was made of the consecration of virgins, which continued to be rarely used); and finally the 1983 code (cc. 1087–1088) establishes a diriment impediment in regard to ordination and to a public perpetual vow in a religious institute, but makes no mention of the consecration of virgins although canonically re-established in canon 604.

[129] See Urquiri, "Circa 'Ordinem consecrationis virginum' quaestiones três," 157. Writing in 1983, Urquiri notes that other authors have held that because nuns who have received the virginal consecration may not validly celebrate the sacrament of marriage, the same line of reasoning might logically be applied to consecrated virgins living in the world. Countering this, he holds that not all nuns have received the consecration of virgins, and that the impediment to marriage does not arise from the consecration but from the law itself. He explains that the history of the development of canon 1088 confirms that the establishment of an impediment to marriage only for persons bound by a public perpetual bond of chastity is explicitly directed only to those in a religious institute, and not to those in other institutes of consecrated life. Also see Pierre Raffin, retired bishop of Metz, who considers it a discrepancy in the 1983 Code of Canon Law that the consecration of virgins does not constitute a nullifying impediment to marriage, for "Tradition is unanimous in suggesting the consecration constitutes a diriment impediment to marriage." See Pierre Raffin, "The Vocation and Mission of Consecrated Virgins According to *Ordo Consecrationis Virginum*," in *Information Packet* (Lansing, MI: USACV, 2011) 90. Accessed March 8, 2019 at https://consecrated virgins.org/usacv/sites/default/files/documents/VocRes1-1InfoPkt_new.pdf. See also René Metz, who notes that the commitment by the virgin does not constitute an impediment to marriage as does the perpetual vow in a religious institute (canon 1088), even though the commitment made by virgins is also perpetual and no less demanding than the vow of chastity in a religious institute, and it is not clear why the virgin's *propositum* would not constitute a marriage impediment. This difference in canonical effects might be seen as a depreciation of the virgin's *propositum*, however, Metz holds, it must not be forgotten that failures are inevitable and are the lot of all human beings, including consecrated virgins, and it thus seems even very wise not to change the current law as to the canonical effects of the virginal commitment. Metz, *La consécration des vierges: hier, aujourd'hui, demain* (Paris: Les Éditions du Cerf, 2001) 200: "On notera cependant que l'engagement pris par la vierge ne constitue pas un empêchement de mariage, contrairement au vœu perpétuel émis dans un institut religieux qui rend invalide le mariage, selon le canon 1088 du Code de droit canonique de 1983. Certes, l'engagement pris par les vierges lors de la consécration est, lui aussi, perpétuel et il n'est pas moins exigeant que le vœu de chasteté émis dans un institut religieux; on ne voit pas la raison pour laquelle il ne constituerait pas un empêchement de mariage. C'est pourquoi on pourrait être tenté de voir dans cette différence quant aux effets canoniques une dépréciation de l'engagement virginal par rapport au vœu. . . . Il ne faut pas oublier que les défaillances sont inévitables; c'est le lot de la créature humaine, qui n'est pas épargné aux vierges consacrées. . . . Aussi paraît-il sage, même très sage, de ne pas modifier le droit actuel quant aux effets canoniques de l'engagement virginal."

5. *Canons 1089–1094: Abduction; Crime; Consanguinity; Affinity; Public Propriety; Adoption*

Continuing discussion of the specific diriment impediments to marriage, we turn to canons 1089 to 1094, each of which deals with a human contingency relevant to marriage between a man and a woman. Canon 1089 asserts that no marriage can exist between a man and a woman he has abducted with a view of contracting marriage, unless the woman is freed to choose the marriage herself.[130] Although the circumstance of abduction would not be applicable in the case of a virgin's nuptial bond with Christ, canon 1089 does highlight the free choice that must be present for any valid matrimonial contract, including the mystical bond between a virgin and Christ. Canon 1090 forbids valid marriage of one who commits the crime of conjugicide; the circumstance is inapplicable in the case of a virgin seeking admittance to a nuptial bond with Christ in the *Ordo virginum*.[131] Canons 1091 to 1094 concern the invalidity of certain marriages in cases of consanguinity or affinity; the canons are inapplicable to the virgin seeking consecration as a bride of Christ in the *Ordo virginum*.[132]

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[130] Canon 1089: "No marriage can exist between a man and a woman who has been abducted or at least detained with a view of contracting marriage with her unless the woman chooses marriage of her own accord after she has been separated from the captor and established in a safe and free place."

[131] Canon 1090 §1: "Anyone who with a view to entering marriage with a certain person has brought about the death of that person's spouse or of one's own spouse invalidly attempts this marriage. §2. Those who have brought about the death of a spouse by mutual physical or moral cooperation also invalidly attempt a marriage together."

[132] Canon 1091 §1: "In the direct line of consanguinity marriage is invalid between all ancestors and descendants, both legitimate and natural. §2. In the collateral line marriage is invalid up to and including the fourth degree. §3. The impediment of consanguinity is not multiplied. §4. A marriage is never permitted if doubt exists whether the partners are related by consanguinity in any degree of the direct line or in the second degree of the collateral line." C. 1092: "Affinity in the direct line in any degree invalidates a marriage." C. 1093: "The impediment of public propriety arises from an invalid marriage after the establishment of common life or from notorious or public concubinage. It nullifies marriage in the first degree of the direct line between the man and the blood relatives of the woman, and vice versa." C. 1094: "Those who are related in the direct line or in the second degree of the collateral line by a legal relationship arising from adoption cannot contract marriage together validly."

Among this last group of canons, canon 1093 is interesting in regard to its defining of the impediment of public propriety as arising "from an invalid marriage after the establishment of common life or from notorious or public concubinage" (*ex matrimonio invalido post instauratam vitam communem aut ex notorio vel publico concubinatur*). Similar words are found in the first requirement for admission to the consecration of virgins: "that they have never celebrated marriage and that they have not publicly or manifestly lived in a state contrary to chastity (*ut numquam nuptias celebraverint neque publice seu manifeste in statu castitati contrario vixerint*).[133] In each case, consideration is given not only to a prior valid marriage, but also to a life lived publicly or notoriously ("notoriously" in the case of c. 1093; "manifestly" in the case of admittance to the consecration of virgins) opposed to the sixth commandment ("concubinage" in the case of c. 1093; "state contrary to chastity" in the case of admittance to the *Ordo virginum*).

The 1983 Code of Canon Law lacks a controlling definition of the term "public," and, in fact, employs the word in a number of different senses depending on the context.[134] Two fairly distinct understandings of the word emerge in the code: "public" may refer to a matter that is "external" versus a matter that is "internal"; and "public" may refer to a matter that is "divulged" versus a matter that is "occult."[135] In the case of canon 1093, both meanings are in play. The

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[133] *OCV Praenotanda* 5a). English translation is mine. *Roman Pontifical*, 293: "that they have never married or lived in public or open violation of chastity."

[134] Xaverius Ochoa, *Index Verborum ac locutionum Codicis iuris canonici* (Vatican City: Libreria Editrice Lateranense, 1984) s.v. "publice" and "publico, -are" and "publicus, -a, -um." Fifty-five occurrences of the three terms are cited in the 1983 Code of Canon Law: three in Book I; sixteen in Book II; five in Book III; seventeen in Book IV; five in Book VI; and nine in Book VII.

[135] These two understandings of "public" may overlap or be further nuanced in the context of particular canons: a *public* matter may simply refer to a matter *of the external forum* or it may refer to a matter that is *provable in the external forum*; as well, a *public* matter may refer simply to the fact that a matter *has been divulged,* or that the matter *risks being divulged*, or *both*, or it may refer to a matter that is *widely and intentionally divulged.* For

canon concerns a marriage impediment, and as such the definition of canon 1074 applies: an impediment is public if it can be proven in the external forum. The canon is also addressing the specific situation of notorious and public concubinage, which is "the more or less stable cohabitation of a man and a woman. Concubinage is considered public if it is known in the community and notorious if it is publicly known and carried out in such circumstances that it cannot be concealed or excused."[136]

The meaning of "public and manifest" differs as used in the first criterion for admission to the consecration of virgins. Rather than the notorious and public *concubinage* of canon 1093, what is described in the first criterion is the public and manifest living of *a state contrary to chastity*. A state contrary to chastity would certainly include concubinage, but in itself concubinage is a moral state, and not necessarily a legal or stable state. The phrase "lived in a state contrary to chastity" is subject to interpretation in regard to determining a precise legal meaning of "lived in," "state," and "chastity." When used in conjunction with the terms "*publice*" and "*manifeste*," the phrase "lived in a state contrary to chastity" perhaps best refers to non-occult habitual behaviors that are contrary to the virtue of chastity. Whether the translation of the text is "that they have never lived in public or open violation of chastity," or "that they have not publicly, as in manifestly, lived in a state contrary to chastity," the meaning implies

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examples of "public" in the sense of "the external forum," or "provable in the external forum," see cc. 1074 and 1192 §1. For examples of "public" in the sense of "divulged," or "risks being divulged," see cc. 1044 §1, 2°; 1340 §2; 1395 §2; 1369 and 1373.

[136] John Beal, "Book IV, Title VII Marriage, Chapter III Diriment Impediments Specifically (cc. 1083–1094)" in *New Commentary*, 1294.

habitual behaviors that are contrary to the virtue of chastity.[137] Depending on the understanding of "public," the disqualifying unchaste behavior may need to rise to the level of being known to others "publicly, as in manifestly," or the unchaste behavior may need only to be "external," that is, non-solitary. These distinctions are not without meaning, as the criterion is one that must be considered by the bishop in determining a woman's eligibility for consecration. More will be discussed in the final chapter with the proposal of juridic principles to guide the development of norms in the area of eligibility for consecration.

E. Matrimonial Consent (cc. 1095–1107)

Consent alone makes human marriage (c. 1057). Consent on the part of the virgin and on the part of the Church is also necessary for the virginal consecration, but it is the bishop's prayer of consecration that makes the mystical espousal between the virgin and Christ. Keeping this in mind, we can yet observe that some of the canonical requirements for matrimonial consent, and in particular those based in natural law, would also apply to the consent that must be manifest by the virgin seeking consecration. There is a pressing distinction, however, in the manner in which assurance of these canonical requirements for consent would be obtained in regard to a woman seeking consecration as a virgin.

In the case of the consecration of a virgin, the bishop (assisted by trusted and knowledgeable advisors) is responsible for deciding whether or not a candidate is suitable for admittance to consecration. He should thus take steps in advance of his decision to assure that the virgin freely seeks consecration, and in doing so be attentive to whether or not applicable

[137] Use of the conjunction "*seu*" between the words "*publice*" and "*manifeste*" opens the possible meaning of the phrase: perhaps "*publice*" is to be interpreted as a matter of the external forum with "*manifeste*" being applied as a separate and distinct modifier, or perhaps "*manifeste*" indicates the intended sense of "*publice*."

canonical requirements for marital consent are met in the virgin seeking consecration. In much the same way as the diocesan bishop must assure that required documents are assembled and investigations have been carried out attesting to the suitability of a candidate for sacred orders, before he proceeds to the ordination,[138] so must the diocesan bishop be attentive to his responsibility to assure that requirements are met before admitting a woman to consecration as a virgin.[139]

In human marriage, because consent makes marriage, the conditions for consent established in canons 1095–1107 are a matter of validity of the marriage. If an ecclesiastical tribunal determines that a condition for consent was not present at the time of the celebration of marriage, it may issue a declaration of the nullity of the marriage on those grounds. However, in the consecration of a virgin, it is the act of consecration that espouses the virgin to Christ. The nullity of a consecration might later be called into question based on grounds of the lack of an element constitutive to consecration, such as, I would argue, the later discovery that a woman was not, in fact, a virgin at the time of her consecration, but the nullity of a consecration could not be called into question based on grounds of a lack of consent.

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[138] Canon 1052 §1: "For a bishop conferring ordination by his own right to proceed to the ordination, he must be sure that the documents mentioned in can. 1050 are at hand and that, after the investigation has been conducted according to the norm of law, positive arguments have proven the suitability of the candidate. §2. For a bishop to proceed to the ordination of someone who is not his subject, it is sufficient that the dimissorial letters mention that the same documents are at hand, that the investigation has been performed according to the norm of the law, and that the suitability of the candidate has been established. Moreover, if the candidate is a member of a religious institute or a society of apostolic life, the same letters must also attest that he has been received definitively into the institute or society and is a subject of the superior who gives the letters. §3. If, all these notwithstanding, the bishop doubts for specific reasons whether a candidate is suitable to receive orders, he is not to promote him."

[139] *OCV Praenotanda* 5c), 6. *Roman Pontifical*: 5c): "In the case of women living in the world it is required: . . . c) that they be admitted to this consecration by the Bishop who is the Ordinary of the place. It is for the Bishop to decide on the conditions under which women living in the world are to undertake a life of perpetual virginity. 6: The minister of the rite of consecration is the Bishop who is the Ordinary of the place." See also canon 604: "Similar to these forms of consecrated life is the order of virgins who, . . ., are consecrated to God by the diocesan bishop according to the approved liturgical rite."

Canon 1095 establishes that certain people are incapable of consent. The bishop evaluating a woman for consecration should pay close attention to the prescriptions in canon 1095 to assure that the woman seeking consecration is able to freely and knowingly do so. As such, it would seem evident that a bishop should not admit to consecration those who would be incapable of contracting marriage in accord with canon 1095:

> Can. 1095: The following are incapable of contracting marriage:
>
> 1° those who lack the sufficient use of reason;
>
> 2° those who suffer from a grave defect of discretion of judgment concerning the essential matrimonial rights and duties mutually to be handed over and accepted;
>
> 3° those who are not able to assume the essential obligations of marriage for causes of a psychic nature.[140]

While the "essential matrimonial rights and duties" and "essential obligations of marriage" differ in kind in regard to the mystical espousal of a virgin to Christ, such rights, duties, and essential obligations do exist and should be articulated during the preparation and evaluation of a virgin prior to consecration. The bishop (and those who assist him) are preparing a woman for a lifelong, indissoluble bond with Christ, and the woman must have a realistic and complete understanding of the life of consecrated virginity. She should be evaluated to assure that she has a sufficient use of reason, that she does not suffer from a grave defect of discretion of judgment concerning her rights and duties as a consecrated virgin, and that she is psychologically able to assume the essential obligations of her consecration. As discussed above, because a woman enters mystical marriage in the *Ordo virginum* as a result of the act of consecration, and only

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[140] Canon 1095: "Sunt incapaces matrimonii contrahendi: 1° qui sufficienti rationis usu carent; 2° qui laborant gravi defectu discretionis iudicii circa iura et officia matrimonialia essentialia mutuo tradenda et acceptanda; 3° qui ob causas naturae psychicae obligationes matrimonii essentiales assumere non valent."

indirectly through a manifestation of consent, it would be difficult to argue invalidity of the consecration due to a lack of sufficient use of reason or other psychological impairment. It is incumbent upon the bishop to thoroughly assess a candidate before admitting her to consecration.

Canon 1096 asserts that for matrimonial consent to exist, the parties must at least not be ignorant about the substance of marriage (c. 1055), namely, that marriage is a permanent partnership between a man and a woman ordered to the procreation of offspring by means of some sexual cooperation.[141] For ignorance to be invalidating, it must concern the substance of the act (c. 126).[142] In an analogous consideration of the case of a woman mystically espoused to Christ in the *Ordo virginum*, is it possible that a woman could receive the consecration of virgins and yet be ignorant of the substance of the act?[143] In such a case, would her ignorance invalidate the consecration? It would seem most likely that the answer to both questions is "no." Unlike human marriage, which is open to all men and women and is arguably understood in general society, mystical marriage to Christ is not likely to be sought unless a woman has received the gift of virginity from God and has specific knowledge of the vocation that has drawn her to seek it. As well, the diocesan bishop's scrutiny before admitting a virgin to consecration should address in depth the essential substance and meaning of the vocation, and the maturity of the virgin's *propositum*. This will culminate with the bishop's three interrogatories to the candidate during the rite of consecration itself before he prays the solemn prayer of consecration. The

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[141] Canon 1096 §1: "For matrimonial consent to exist, the contracting parties must be at least not ignorant that marriage is a permanent partnership between a man and a woman ordered to the procreation of offspring by means of some sexual cooperation. §2. This ignorance is not presumed after puberty."

[142] Beal, "Book IV, Title VII, Chapter IV Marriage, Matrimonial Consent (cc. 1095–1107)," in *New Commentary*, 1303–1304.

[143] Ignorance of the substance of the act in the case of consecration in the *ordo virginum* might mean, for example, that a woman is ignorance of the fact that she is entering a permanent virginal bond with Christ as Spouse.

second question posed above, concerning the potential invalidity of a consecration due to ignorance of its substance, is probably moot, in that it is unlikely that a candidate would proceed to consecration and yet remain ignorant of the substance of consecration. As discussed above, it is the prayer of consecration by the bishop that constitutes the consecration, rather than consent or vow. The virgin offers herself for consecration, and the effect of the bishop's prayer of consecration is her mystical espousal to Christ.

Canon 1097 states that error concerning the person renders a marriage invalid. Canon 1098 asserts that a person contracts marriage invalidly who enters into a marriage deceived by malice, perpetrated to obtain consent, concerning some quality of the other partner which by its very nature can gravely disturb the partnership of conjugal life. These two canons are not applicable in the case of mystical marriage to Christ.

Canon 1099 addresses error concerning the unity or indissolubility or sacramental dignity of marriage, stating that such error does not vitiate matrimonial consent provided that it does not determine the will. The essential properties of unity and indissolubility also characterize mystical marriage to Christ, and must be emphasized as such in any program of preparation for consecration. Canon 1100 concerns the possibility that matrimonial consent might perdure even in the face of the knowledge or opinion of nullity of a marriage. Because mystical marriage to Christ in the *Ordo virginum* is constituted by the act of consecration rather than by the consent of spouses, the canon holds little relevance in the case of the consecration of virgins.

Canon 1101 concerns the fact that consent is an act of the will. Internal consent of the mind is presumed to conform to words and signs used in celebrating a marriage but if a party by a positive act of the will excludes an essential element or property of marriage, that party

contracts invalidly.[144] It is unlikely that such an instance could arise in the case of mystical marriage to Christ in the *Ordo virginum*. If, however, a woman by a positive act of the will was to exclude an essential element of life as a spouse of Christ, even as she was speaking the words of her *propositum* during the rite of consecration, for the same reason stated above it would seem that her consecration would be valid. It is not by the words of her consent *(propositum*) that she is constituted a bride of Christ, but by the prayer of consecration.

Canon 1102 concerns marriages that may be subject to past, present, or future conditions, and as such is not applicable to the mystical marriage of a virgin with Christ.

Canon 125 establishes the invalidity of any juridic act placed out of force, and the rescindability of an act placed out of grave fear and unjustly inflicted.[145] "Force (*vis*) is physical or moral coercion brought to bear on another person; fear (*metus*) is the result of this force on the one on whom it is inflicted."[146] Canon 1103 takes the general law a step further as it establishes the invalidity of a marriage entered into because of force, or grave fear from without, if a person is compelled to choose marriage in order to be free of it.[147] Although a circumstance in which a woman would receive the consecration of a virgins because of irresistible force or grave fear from without is unlikely, it is nonetheless possible. If this did occur and the criteria were met, the

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[144] Canon 1101 §1: "The internal consent of the mind is presumed to conform to the words and signs used in celebrating the marriage. §2. If, however, either or both of the parties by a positive act of the will exclude marriage itself, some essential element of marriage, or some essential property of marriage, the party contracts invalidly."
[145] Canon 125 §1: "An act placed out of force inflicted on a person from without, which the person was not able to resist in any way, is considered as never to have taken place. §2. An act placed out of grave fear, unjustly inflicted, or out of malice is valid unless the law provides otherwise. It can be rescinded, however, through the sentence of a judge, either at the instance of the injured party or of the party's successors in law, or *ex officio*."
[146] John Beal, "Book IV, Title VII, Chapter IV Marriage, Matrimonial Consent (cc. 1095-1107)," in *New Commentary*, 1320.
[147] Canon 1103: "A marriage is invalid if entered into because of force or grave fear from without, even if unintentionally inflicted, so that a person is compelled to choose marriage in order to be free from it."

act of consecration itself would be invalid or rescindable based on canon 125, and invalid based on canon 1103.

Canon 1104 requires the contracting parties to a marriage to be present together, either in person or by proxy, in order to contract a marriage validly. The same canon states that matrimonial consent is to be expressed in words or, if the parties cannot speak, through equivalent signs. The canon is not applicable to the virgin's mystical betrothal to Christ, in that the efficient cause of betrothal to Christ is consecration, rather than matrimonial consent. If a virgin is unable to speak, however, it would be reasonable to permit her to render equivalent signs in order to express her *propositum* and respond to the bishop's interrogatories during the rite of consecration. Canon 1105 concerns the requirements for a valid marriage by proxy, and would not be applicable in the case of mystical betrothal to Christ in the *Ordo virginum*.

Canon 1106 establishes that a marriage can be contracted through an interpreter, but that the pastor is not to assist unless he is certain of the trustworthiness of the interpreter. Although the circumstances would be objectively different in the rite of consecration (a pastor is not present to assist, and the consecration is not based upon an exchange of consent), it would seem possible that an interpreter could be used in the consecration of a virgin, if necessary, for example in the case of the rite being celebrated in a language different than the language of a woman receiving consecration.

Canon 1107 concerns the presumption that consent persists until its revocation is established even if a marriage was entered invalidly by reason of an impediment or defect of form. The canon is inapplicable to the mystical betrothal of a virgin with Christ because the mystical marriage is not founded upon consent.

F. The Form of the Celebration of Marriage (cc. 1108–1123)

The marriage of a Catholic is ordinarily recognized as valid only if the canonical form of marriage is observed. John Beal explains:

> The form of marriage is the complex of external formalities and ceremonies required by law for its proper celebration. The *canonical* form consists in those solemnities required for the Church to recognize the union as a valid marriage. The *liturgical* form consists in those rites required to ensure that the celebration adequately expresses 'the mystery of the unity and fruitful love between Christ and the Church' in which the spouses share (c. 1063, 3°).[148]

Because the efficient cause of marriage (what "makes" marriage) is the consent of the parties, the canonical form of marriage in the Latin church emphasizes the role of consent:

> The form of marriage has evolved in different ways in the churches of the East and West. The Latin church has primarily emphasized the role of the consent of the spouses in bringing marriage into existence and so has considered them the ministers of the sacrament of matrimony. The Eastern churches, while acknowledging the necessity of the spouses' personal consent, have primarily emphasized the role of the priest's crowning and blessing of the couple in effecting the sacrament and so see him as its minister.[149]

The efficient cause of the mystical union of the virgin and Christ is not consent, but is instead the rite of consecration itself. While it is a necessary part of the rite of consecration, the expression of the virgin's consent (her *propositum*) does not "make" the mystical union. The Church does not assume the role of a witness through the pastor or other person authorized to assist at the union, as in marriage. Rather, the Church acts through the agency of the diocesan bishop to consecrate the virgin as a bride of Christ. The consecration "is accomplished by the heavenly

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[148] John Beal, "Book IV, Title VII, Chapter V Marriage, The Form of the Celebration of Marriage (cc. 1108–1123)," in *New Commentary*, 1325.
[149] Ibid.

grace of God, by the outpouring of the Holy Spirit, which the Church implores and for which she asks with insistence" in the rite of consecration.[150]

1. Canon 1108: Requirements for Validity of the Form of Marriage

Canon 1108 establishes that marriage is valid only if it is contracted before an authorized representative of the Church, who assists, and before two witnesses. The canon likewise asserts that the person who assists must be present, ask for the manifestation of the consent of the contracting parties, and receive it in the name of the Church.

In the 1983 code, only canon 604 addresses the *Ordo virginum*. The canon explicitly references the "approved liturgical rite" as the means by which virgins "are consecrated to God by the diocesan bishop," and "mystically betrothed to Christ, the Son of God."[151] The canon thus reflects the historical tradition of the Church in regard to the required form for effecting mystical betrothal to Christ in the *Ordo virginum*: it is not the virgin's firm *propositum* alone that is constitutive; rather, it is the consecration of the virgin by the diocesan bishop according to the approved liturgical rite that is constitutive of mystical betrothal in the *Ordo virginum*. Use of the approved liturgical rite is constitutive of the act of consecration of the virgin, and is therefore required for the validity of the act (c. 124 §1).[152] The validity of mystical betrothal to Christ in the *Ordo virginum* requires the proper canonical form delineated in canon 604: "expressing the

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[150] Raymond L. Burke, "*Lex orandi, lex credendi*," 35."
[151] Canon 604 §1: "sanctum propositum emittentes Christum pressius sequendi, ab Episcopo dioecesano iuxta probatum ritum liturgicum Deo consecrantur, Christo Dei Filio mystice desponsantur."
[152] Canon 124 §1: "For the validity of a juridic act it is required that the act is placed by a qualified person and includes those things which essentially constitute the act itself as well as the formalities and requirements imposed by law for the validity of the act."

holy resolution of following Christ more closely, [the candidates] are consecrated to God by the diocesan bishop according to the approved liturgical rite."[153]

2. Canons 1109–1116: The Minister of the Rite of Consecration (Requirements for Valid, or Licit, Assistance at Marriage)

We turn now to examine what is required for valid, or licit, celebration of the mystical espousal of a virgin and Christ, in regard to the minister of the rite of consecration. In addition to requiring that a juridic act include those things which essentially constitute the act itself, canon 124 §1 requires for validity that the juridic act be placed by a qualified person. Who is qualified to celebrate the rite of consecration to a life of virginity? *Praenotanda* to the rite state that the minister of the rite is the bishop who is the ordinary of the place.[154] Canon 604 states the same, but using the revised language of the 1983 code, the canon instead refers to the diocesan bishop.[155] Ecclesial tradition, dating to early centuries of the Church, indicates that the rite of consecration to a life of virginity was celebrated by the bishop, and centuries of Roman pontificals have reserved celebration of the liturgical rite of consecration to a life of virginity to the bishop. Is the consecration of a virgin valid if the celebration of the rite is delegated by the bishop?

Canon 1169 §1 of the 1983 code addresses who can validly perform consecrations: "Those marked with the episcopal character and presbyters permitted by law or legitimate grant (*legitima concessione*) can perform consecrations and dedications validly."[156] Canon 1169 §1 is

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[153] Canon 604 §1. See Latin above, fn. 151, p. 228.
[154] *OCV Praenotanda* 6.
[155] Sharon Holland, "Consecrated Virgins for Today's Church," 81.
[156] Canon 1169 §1: "Consecrationes et dedicationes valide peragere possunt qui charactere episcopali insigniti sunt, necnon presbyteri quibus iure vel legitima concessione id permittitur."

in a section of the code devoted to sacramentals, and the footnote to the canon specifically references the 1970 Rite of Consecration of Virgins. In light of canons 604 and canon 1169 §1, it would seem that a consecration performed by any bishop (not only the diocesan bishop) would be valid, as would a consecration by a presbyter who was permitted by legitimate grant (*legitima concessione*). Likewise, it seems clear that if a presbyter who was not legitimately delegated attempted to perform a consecration, the consecration would be invalid. The law does not specify what makes a "*legitima concessione*" in the case of the consecration of a virgin.

Writing in 1998 for *Informationes*, a publication of the Sacred Congregation for Religious and Secular Institutes,[157] Sharon Holland opines: "It could be concluded then that the delegation of a priest would not invalidate the consecration, but would be inadequate in its symbolism . . . under normal circumstances it would not seem necessary to delegate the role of Minister. If this should be necessary, delegation to another Bishop would be more appropriate."[158] In an address to an international gathering of consecrated virgins in Rome in

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[157] The name of the congregation of the Roman Curia that serves consecrated life has undergone many changes throughout history. The Sacred Congregation was first formed with the formal organization of the Roman Curia in 1588. The Congregation was re-named the "Sacred Congregation for Religious and Secular Institutes" (*Sacra Congregatio pro Religiosis et Institutis saecularibus*) with the 1967 apostolic constitution *Regimini Ecclesiae universae* of Pope Paul VI. The most recent name change of the dicastery, to the "Congregation for Institutes of Consecrated Life and Societies of Apostolic Life" (*Congregatio pro Institutis Vitae Consecratae et Societatibus Vitae Apostolicae*), came with the 1988 apostolic constitution *Pastor bonus* of John Paul II.

[158] Sharon Holland, "Consecrated Virgins for Today's Church," 81–82. The author's fuller quote is informative: "Despite the emphasis on the role of the Bishop and the Rite's expressed preference for the ceremony being celebrated in the Cathedral, doubts have been raised about the minister who is the Ordinary of the place. Canon 604 states the same, using the revised language of the Code, the Diocesan Bishop. Although some, including de Urquiri, express the opinion that this could be delegated to a priest as an extraordinary minister, taking into consideration the entire symbolism of the bond with the local Church, represented by the Diocesan Bishop, it becomes clear that much would be lost by delegation. The Rite states clearly that the Diocesan Bishop is the minister. As noted above, one of the decisions in drafting the canon was to remove reference to another being delegated by him for this celebration. Huot states that it is the use of the Pontificals imposed by the liturgical rite which requires the bishop as minister, more than the necessity of orders or the power of government. As chief pastor of the local Church, it belongs to the Diocesan Bishop to choose and consecrate for the service of the diocese. It could be concluded then that the delegation of a priest would not invalidate the consecration, but would be inadequate in its symbolism. On a

2008, later published by the United States Association of Consecrated Virgins, Raymond Burke concluded the same:

> What about the validity of the consecration imparted by a priest or Bishop other than the Diocesan Bishop? It would seem to me that the consecration carried out by a priest or auxiliary Bishop at the explicit direction of the Diocesan Bishop is validly imparted, even though the full sign of the consecration by the Diocesan Bishop is not rightly respected. In other words, in the case of the consecration imparted by a priest or auxiliary Bishop at the direction of the Diocesan Bishop, it seems clear that the Church intended to consecrate the virgin. It must be observed, nevertheless, that liturgical law indicates only one minister of the Consecration of Virgins Living in the World, namely, the Diocesan Bishop.
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> I note the commentary of the late Father René Metz on the question: "It is then, indeed, the bishop who is competent, and he alone, in principle, to consecrate virgins. The ritual (Preliminary Notes, no. 6), furthermore, makes clear that the true minister is not just any bishop but the bishop who has the actual charge of a diocese: 'the Bishop ordinary of the place' (*episcopus ordinarius loci*). That means that the role which falls to the minister of the consecration is not that of a simple executor, especially when the candidate for the consecration has decided to lead the independent life in the world. The Church confides to the Bishop the effective responsibility for this woman and for the life which she will lead subsequently as a consecrated virgin."[159]

The 2018 instruction *Ecclesiae sponsae imago*, issued by the Congregation for Institutes of Consecrated Life and Societies of Apostolic Life likewise addressed the matter of the minister of consecration:

> With the celebration of consecration, the Bishop presents the consecrated women to the ecclesial community as a sign of the Church as the Bride of Christ. Since the ordinary minister of consecration is the diocesan Bishop, it will not be possible to celebrate it when the see is vacant (*sede vacante*). Only in the case of true necessity will the diocesan Bishop resort to the delegation of the faculty to celebrate it.[160]

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practical note, since this is a relatively infrequent ceremony for which considerable time of preparation is needed and which does not have to take place according to a specific time sequence, under normal circumstances it would not seem necessary to delegate the role of Minister. If this should be necessary, delegation to another Bishop would be more appropriate."

[159] Raymond L. Burke, "*Lex orandi*, *lex credendi*," 41–42. Reference quoted from Metz, *La consécration des vierges: Hier, aujourd'hui, demain*, 166–167.

[160] *ESI* 47.

With the revision of the rite of consecration in 1970, and the opening of the consecration once again to women living in the world, cases have arisen in which the minister of the rite of consecration has been a presbyter, rather that a bishop.[161] The liceity and validity of such consecrations has been questioned and should be addressed by the Church in a definitive manner. I suggest that if a presbyter (or another bishop) has been explicitly delegated by the diocesan bishop to be the minister of the rite of consecration, the consecration is valid in accord with canon 1169 §1. There remains a question not only of liceity, but also of validity, however, in cases where explicit delegation did not occur. The consecration of a virgin is imparted by the diocesan bishop according to the approved liturgical rite. It is the diocesan bishop alone, the successor to the Apostles to whom the care of the local Church is commited as a spiritual father,[162] "who espouses the virgins, by veiling them not for himself but for Christ, like a friend and attendant of the bridegroom."[163]

3. Canon 1117: Those Subject to Ecclesial Requirements for Form

Canon 1117 asserts that the prescribed form for marriage must be observed if at least one of the parties contracting the marriage is Catholic.[164] The provision is not applicable to mystical espousal to Christ in the *Ordo virginum*.

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[161] See Raymond L. Burke, "*Lex orandi*, *lex credendi*," 41, for example. Addressing the situation in 2008, Cardinal Burke notes that there has been significant confusion regarding the minister of the rite of consecration, at least in the United States of America. As well, the author of this study is aware of dioceses in countries other than the United States, in which priests are regularly assigned as the minister of the rite of consecration to virginity.
[162] Canon 375.
[163] Aquinas, *Commentum Lombardi* Liber IV, Dist. 38, Q. 1, art. V, solutio: "virgines desponsat, velando non sibi, sed Christo, quasi sponsi paranymphus et amicus."
[164] Canon 1117: "The form prescribed above must be observed if at least one of the parties contracting the marriage was baptized in the Catholic Church or received into it, without prejudice to the provisions of can. 1127 §2."

4. Canon 1118: Where Marriage is to be Celebrated

Canon 1118 indicates where a marriage is to be celebrated, circumstances under which permission must be granted for the celebration to occur elsewhere, and who has the authority to grant permission.[165] The canon concerns the liceity of a marriage.

Analogously, the rite of consecration to a life of virginity indicates: "it is fitting that the rite of consecration should take place at the cathedral, unless local circumstances or custom suggest otherwise."[166] The diocesan bishop, in consultation with the virgin being consecrated, decides on the place of consecration. The cathedral is the preferred place because of its pre-eminent connection with the diocesan bishop who admits the woman living in the world to consecration.

5. Canons 1119–1120: The Liturgical Form to be Used for Marriage

Canon 1119 directs that, outside the case of necessity, marriage rites prescribed in approved liturgical books are to be observed in the celebration of marriage.[167] Canon 1120 indicates that while the conference of bishops can produce its own rite of marriage, in keeping with local customs, in any case, "the law remains in effect that the person who assists at the marriage is present, asks for the manifestation of consent of the contracting parties, and receives

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[165] Canon 1118 §1: "A marriage between Catholics or between a Catholic party and a non-Catholic baptized party is to be celebrated in a parish church. It can be celebrated in another church or oratory with the permission of the local ordinary or pastor. §2. The local ordinary can permit a marriage to be celebrated in another suitable place. §3. A marriage between a Catholic party and a non-baptized party can be celebrated in a church or in another suitable place."

[166] *OCV* 3: "Quod autem virgines vitam saecularem agentes ad consecrationem virginalem admittuntur consilio et auctoritate Episcopi et plerumque dioeceseos operibus deserviunt, ritus congruenter fit in ecclesia cathedrali, nisi res moresque loci hoc dissuadeant." *Roman Pontifical*, 295.

[167] Canon 1119: "Outside the case of necessity, the rites prescribed in the liturgical books approved by the Church or received by legitimate customs are to be observed in the celebration of marriage."

it."[168] The customs and rituals for the celebration of marriage, throughout the time of human civilization, have been deeply enmeshed with the culture of particular peoples, times, and places.[169] As discussed above, the marriage rite used in the Latin Church has developed over centuries and is distinct from that used in Eastern Catholic Churches. As long as the essential elements of canonical form are present, assuring the validity of the manifestation of consent, the universal Church permits a conference of bishops to produce its own rite of marriage, subject to review by the Holy See. The code and liturgical law require that the form of the celebration of marriage follow approved liturgical rites in which the readings, prayers, and blessings point to the place of marriage in the mystery of salvation.[170] What is necessary for the *validity* of the form of marriage, however, is simply the manifestation of consent of the contracting parties, in the presence of a person who assists at the marriage, in accord with canon 1108.

In regard to the mystical espousal of a virgin with Christ in the *Ordo virginum*, canon 604 similarly requires that the virgin's consecration by the diocesan bishop be celebrated according to the approved liturgical rite. There is a distinction, nonetheless, in that use of the solemn rite of consecration is constitutive to the consecration of virgins, and is thus required for validity. The question may be raised as to what elements of the rite actually confer consecration. A response moves us beyond consideration of the rite as it parallels celebration of the sacrament of marriage

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[168] Canon 1120: "The conference of bishops can produce its own rite of marriage, to be reviewed by the Holy See, in keeping with the usages of places and peoples which are adapted to the Christian spirit; nevertheless, the law remains in effect that the person who assists at the marriage is present, asks for the manifestation of consent of the contracting parties, and receives it (*firma tamen lege ut assistens matrimonio praesens requirat manifestationem consensus contrahentium eamque recipiat*)."

[169] See Beal, "Book IV, Title VII, Chapter V Marriage, The Form of the Celebration of Marriage (cc. 1108–1123)," in *New Commentary*, 1339.

[170] See Beal, "Book IV, Title VII, Chapter V Marriage, The Form of the Celebration of Marriage (cc. 1108–1123)," in *New Commentary*, 1338–1339.

to an acknowledgement that aspects of the rite of consecration are analogous to the celebration of the sacrament of ordination. The consecration of virgins is essentially different from the ordination of priests and yet the form of the two rites is similar by intention.[171] In each of the rites, the candidate is called forward after the gospel is proclaimed; the homily follows, after which the bishop examines the candidates; the people are called to pray the litany of the saints as the candidate is prostrate[172]; following this, in the rite of virginal consecration, the candidate places her joined hands between the hands of the bishop and renews her *propositum*,[173] while in the rite of priestly ordination, the bishop lays his hands on the head of the candidate; in each rite, the prayer of consecration follows.[174]

Raymond Cardinal Burke considers the effect of the prayer of consecration in each of the two rites:

> In both cases, the whole person is consecrated. The priest is consecrated to act in the person of Christ the Shepherd and Head of the flock . . . The consecration of the priest is a sacrament which imprints an indelible character upon his soul. The consecration of the virgin is a sacramental with the force of conferring the lasting identity of a Bride of Christ, a living sign of the love of the Church for her Bridegroom, Christ, and of the destiny of the

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[171] Metz, *La consécration des vierges: hier, aujourd'hui, demain*, 91. Metz explains that parallels between the ceremonial for the consecration of virgins and the ordination of priests date to the thirteenth century pontifical of Guillaume Durand, the Bishop of Mende. Metz notes, "But Guillaume Durand is not content with nuptial symbolism [in the rite of consecration of virgins]: he also makes comparisons between the consecration of virgins and the ordination of clerics.: *Mais Guillaume Durand ne se contente pas du symbolisme nuptial: il fait également des rapprochements entre la consécration des vierges et l'ordination des clercs.*" See also Raymond L. Burke, "*Lex orandi*, *lex credendi*," 35–36

[172] *OCV* 19. Prostration during the litany of the saints is optional in the rite of consecration of virgins: "Where it is customary for the candidates to prostrate themselves, this may be done." *Roman Pontifical*, 300.

[173] *OCV* 22–23. *Roman Pontifical*, 303. The renewal of intention to follow Christ in perfect chastity takes place in the form of the rite used for virgins living in the world, and an option is given for the intention to be stated by the virgin without placing her hands in the hands of the bishop. If the rite of virginal consecration is being celebrated with religious profession, this is the point in the ceremony at which the virgin makes her religious profession (rather than renewal of her *propositum*).

[174] Another parallel can be observed between the two rites after the prayer of consecration and before the celebration of the Liturgy of the Eucharist. At this point, the newly ordained priest is vested with stole and chasuble, and the bishop anoints the palms of his hands with chrism. Similary, the insignia of consecration—ring, veil, book of the Liturgy of the Hours—are presented to the newly consecrated virgins.

> Heavenly Wedding Feast. The consecration sets the virgin apart as a sacred person in the Church. . . . Once the consecration has been conferred, it cannot be taken back.[175]

Canon 1009 §2 states that the sacrament of orders is conferred by the imposition of hands and the consecratory prayer which the liturgical books prescribe. Likewise, in the sacramental of consecration to virginity, the identity of a sacred person, a bride of Christ, is conferred by the consecratory prayer prescribed in the liturgy for the consecration of virgins. [176]

6. Canons 1121–1123: The Recording of Marriages

As a public institution that affects the status of the spouses both in the Church and in civil society, it is important that public marriage records be maintained that attest to the certain celebration of a marriage and to definitive changes to the status of the marriage.[177] Canon 1121 establishes the procedure by which the names of the spouses, the person who assisted, and the witnesses, and the place and date of the celebration, are to be recorded in the parish marriage register.[178] Canon 1122 requires that the marriage also be noted in the baptismal registers in which the baptism of the spouses has been recorded, and explains the process for doing so.[179] Canon 1123 requires notification of the pastor of the place of the celebration of marriage

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[175] Raymond L. Burke, "*Lex orandi*, *lex credendi*," 36.

[176]The prayer of consecration that the bishop prays over the virgins is the most ancient prayer of consecration that is still in use in the Church and is the same prayer of consecration that appeared in the Leonian Sacramentary, composed in about the fifth century. See Metz, *La consecration des vierges: Hier, aujourd'hui, demain*, 189.

[177] See Beal, "Book IV, Title VII, Chapter V Marriage, The Form of the Celebration of Marriage (cc. 1108-1123)," in *New Commentary*, 1340.

[178] Canon 1121 §1: "After a marriage has been celebrated, the pastor of the place of the celebration or the person who takes his place, even if neither assisted at the marriage, is to note as soon as possible in the marriage register the names of the spouses, the person who assisted, and the witnesses, and the place and date of the celebration of the marriage according to the method prescribed by the conference of bishops or the diocesan bishop."

[179] Canon 1122 §1: "The contracted marriage is to be noted also in the baptismal registers in which the baptism of the spouses has been recorded. §2 If a spouse did not contract marriage in the parish in which the person was baptized, the pastor of the place of the celebration is to send notice of the marriage which has been entered into as soon as possible to the pastor of the place of the conferral of baptism."

whenever a marriage is convalidated, declared null, or legitimately dissolved by other than death, so that notation is properly made in marriage and baptismal records.

The consecration to a life of virginity confers upon a virgin the public status of a sacred person in the Church, and in a manner analogous to that prescribed for marriage in canon 1121, consecration records maintained at the diocese of consecration would include the name of the consecrated virgin, the name of the consecrating bishop, the name of her two attendants in the consecration, and the date and place of the consecration. In accord with canon 1122, it would also be appropriate for the consecration to be noted in the baptismal register in which the baptism of the virgin has been recorded. The diocesan registry, in accord with canon 1123, would also record any change in the status of the consecration. The 2018 instruction *Ecclesiae sponsae imago* offers further clarification on each of these points and describes in some detail the information to be maintained in a diocesan registry.[180]

G. Mixed Marriages (cc. 1124–1129)

Canons 1124 to 1129 describe the permissions and conditions required before the celebration of marriage between two baptized persons, one of whom was baptized in the Catholic Church or received into it after baptism, and the other a member of a Church or ecclesial

[180] *ESI* 51: "The Bishop will give the necessary instructions for the inscription of women to be consecrated in a suitable book to be safeguarded in the diocesan curia, and for the careful collection of documentation concerning the *Ordo virginum*. In particular, the following must be recorded: the deaths of consecrated women; the ascription or temporary acceptance into the diocesan *Ordo virginum* of consecrated women from other Dioceses; the temporary or definitive transfer of consecrated women to other Dioceses; transfer to an Institute of consecrated life; the granting of dispensations from the obligations of consecration; and dismissal from the *Ordo virginum*. Documentation will also be kept about the formative program of each separate aspirant and candidate for consecration." In regard to recording of the consecration in the baptismal registry, see *ESI* 107: "It is also appropriate for the Bishop to make arrangements to inform the competent parish priest about the consecration so that it can be annotated in the baptismal register."

community not in full communion with the Catholic Church. The canons are not analogous to the mystical espousal of a virgin and Christ in the *Ordo virginum*.

H. Marriage Celebrated Secretly (cc. 1130–1133)

Canons 1130 to 1133 discuss the permission required and obligations imposed for a marriage which the local ordinary, for a grave and urgent cause, permits to be celebrated secretly. The rite of consecration to a life of virginity is a public ceremony to which the faithful are encouraged to attend.[181] There would seem to be an analogous applicability of canon 1130 to the consecration of virgins, especially in the case that civil strife, or perhaps even the strong objections of family, would cause the public celebration of the rite of consecration to be deemed unsafe or unsuitable for a grave and urgent cause.[182] Analogous application of canon 1131 would require that in the case of a secret consecration, the pre-consecration investigations would be conducted secretly and the minister of consecration, the attendants, and the consecrated virgin herself observe secrecy about the consecration.[183] Canon 1132 would analogously indicate that the obligation of observing secrecy ceases on the part of the bishop if grave scandal or grave harm to the holiness of marriage or virginity is imminent due to the observance of the secret.[184] Application of canon 1133 would require that a consecration celebrated secretly be noted only in a special register kept in the secret archive of the curia.[185]

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[181] See *OCV* 3, 4, 6, 7.
[182] Canon 1130: "For a grave and urgent cause, the local ordinary can permit a marriage to be celebrated secretly."
[183] Canon 1131: "Permission to celebrate a marriage secretly entails the following: 1° the investigations which must be conducted before the marriage are done secretly; 2° the local ordinary, the one assisting, the witnesses, and the spouses observe secrecy about the marriage celebrated."
[184] Canon 1132: "The obligation of observing the secrecy mentioned in can. 1131, n. 2 ceases on the part of the local ordinary if grave scandal or grave harm to the holiness of marriage is imminent due to the observance of the secret; this is to be made known to the parties before the celebration of the marriage."
[185] Canon 1133: "A marriage celebrated secretly is to be noted only in a special register to be kept in the secret archive of the curia."

I. The Effects of Marriage (cc. 1134–1140)

Based upon the ends of marriage (c. 1055) and the essential properties of marriage (c. 1056), canons 1134–1140 proceed to describe the effects of the bond of marriage for the spouses themselves (cc. 1134–1135) and their rights and obligations as parents (c. 1136).[186] The final four canons (cc. 1137–1140) concern the legitimacy of children, and as such do not have an analogous applicability to mystical espousal to Christ in the *Ordo virginum*.

Canon 1134 describes the effects that arise in the lives of the spouses from a valid marriage bond:

> From a valid marriage there arises between the spouses a bond which by its nature is perpetual and exclusive. Moreover, a special sacrament strengthens and, as it were, consecrates the spouses in a Christian marriage for the duties and dignity of their state.[187]

The essential properties of marriage (c. 1056) are indissolubility and unity, and thus the bond that arises from a valid marriage is, by its nature, perpetual and exclusive. In its indissolubility and unity, human marriage, as well as mystical espousal to Christ, images its archetype, the union of Christ and the Church. The effects of perpetuity and exclusivity are equally applicable to the nuptial bond of the virgin with Christ that is constituted through the rite of consecration to a life of virginity. The canon refers to the special sacrament that strengthens the spouses in a Christian marriage for the duties and dignity of their state; the same can readily be said of the sacramental of consecration to a life of virginity.[188]

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[186] Lynda A. Robitaille, "Book IV, Title VII, Chapter VIII Marriage, The Effects of Marriage (cc. 1134-1140)," in *New Commentary* 1356.

[187] Canon 1134: "Ex valido matrimonio enascitur inter coniuges vinculum natura sua perpetuum et exclusivum; in matrimonio praeterea christiano coniuges ad sui status officia et dignitatem peculiari sacramento roborantur et veluti consecrantur."

[188] *OCV Praenotanda* 1: "Consecrationis ritu Ecclesia suum erga virginitatem amorem patefacit, supernam Dei gratiam in virgines implorat Sanctique Spiritus effusionem instanter rogat." *Roman Pontifical*, 293: "In the rite of

Canon 1135 states: "each spouse has an equal duty and right to those things which belong to the partnership of conjugal life."[189] In her commentary on canon 1135, Robitaille observes that all of the rights and obligations entailed in marriage stem from the understanding that marriage is a partnership of the whole of life (c. 1055).[190] As a lifelong partnership, marriage is an interpersonal relationship; "it is impossible to make a complete listing of the rights and obligations that the spouses have toward one another and to the marriage."[191]

It is interesting to consider analogous applicability of canon 1135 to the virgin espoused to Christ in the *Ordo virginum*. One cannot assign duties and rights to a divine spouse, nor can one speak of equal duties and rights existing between a human and a divine spouse. The virgin has duties that result from her consecration, and she has rights that correspond to duties that the diocesan bishop holds as a result of her consecration.[192] In regard to Christ, her hope and assurance is in the anointing she has received from God in the grace of her consecration, through which He has given her "the dignity of being a bride of Christ and [bound her] to the Son of God in a covenant to last forever."[193] The virgin has the right to call Christ her divine Spouse, and in confidence she lives in the hope of the relationship the bishop spoke of to her in his homily on the day of her consecration:

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consecration the Church reveals its love of virginity, begs God's grace on those who are consecrated, and prays with fervor for an outpouring of the Holy Spirit."

[189] Canon 1135: "Utrique coniugi aequum officium et ius est ad ea quae pertinent ad consortium vitae coniugalis."

[190] See Robitaille, "Book IV, Title VII, Chapter VIII Marriage, The Effects of Marriage (cc. 1134–1140)," in *New Commentary*, 1357.

[191] Ibid.

[192] More will be discussed about obligations and rights of members of the *Ordo virginum* in chapter six.

[193] *OCV* 16: "itemque vos, ad sponsae Christi dignitatem provectas, indissolubili vinculo Dei Filio coniungit." *Roman Pontifical*, 298.

> Your joy and your crown, even here on earth, will be Christ, the Son of the Virgin and the Bridegroom of virgins. He will call you to his presence and into his Kingdom, where you will sing a new song as you follow the Lamb of God wherever he leads you.[194]

Canon 1136 asserts the grave duty and primary right that parents have "to take care as best they can for the physical, social, cultural, moral, and religious education of their offspring."[195] The canon is in regard to parents and their offspring and as such is not analogous to the nuptial bond of the virgin with Christ in the *Ordo virginum*. As noted above, canons 1137 to 1140 concern the legitimacy of children and are also inapplicable to the *Ordo virginum*.

J. The Separation of Spouses (cc. 1141–1155)

Canons on the separation of spouses are divided into two articles in the 1983 code, with the first article addressing dissolution of the bond of marriage (cc. 1141–1150) and the second article addressing separation with the bond remaining (cc. 1151–1155). Canon 1141 opens the section with the foundational principle: "A marriage that is *ratum et consummatum* can be dissolved by no human power and by no cause, except death."[196] The principle proceeds from the teaching of Jesus,[197] faithfulness to which "prompted the early Church to reject the rather permissive attitude toward divorce enshrined in Roman law and to treat remarriage after a divorce as a grave sin."[198] Jesus' affirmation of the indissolubility of marriage as it was understood "in the beginning" reveals a consequence of the human imaging of the divine

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[194] *OCV* 16: "Christus, Virginis filius ac virginum sponsus, iam nunc in terris vestrum gaudium erit vestraque corona, dum inducat vos in caelestem thalamum atque in regnum suum, ubi canticum novum canentes, ipsum divinum Agnum, quocumque ibit, sequemini." *Roman Pontifical*, 299.
[195] Canon 1136: "Parentes officium gravissimum et ius primarium habent prolis educationem tum physicam, socialem et culturalem, tum moralem et religiosam pro viribus curandi."
[196] Canon 1141: "Matrimonium ratum et consummatum nulla humana potestate nullaque causa, praeterquam morte, dissolvi potest."
[197] See Mk. 10: 2–12; Mt. 5:31–32, 19:3–12; Lk. 16:18.
[198] John P. Beal, "Book IV, Title VII, Chapter IX Marriage, The Separation of the Spouses (cc. 1141–1155)," in *New Commentary*, 1359.

espousal of Christ and the Church.[199] The revelation of God likewise admitted the state of virginity as a reflection of the spousal relationship between Christ and the Church, and from the time of the early Church, both states—human marriage and mystical betrothal to Christ—were accorded nuptial attributes.

While surviving sources from the first four centuries do not explicitly note the juridical effects of divorce among Christians, it is apparent that in many places those who divorced and remarried were not permitted to receive the Eucharist for a period of time, and were subjected to a period of penance.[200] In the history of legislation dealing with veiled virgins we observe parallel treatment, as those who attempted human marriage after veiling were seen as adulterous, not to any husband, but to Christ himself. Stemming from Augustine's teaching on marriage, the Church came to the understanding that remarriage after divorce was not possible as long as the original spouse was alive; Christian marriage was indissoluble, for it could be sundered only by death.[201]

The understanding of Christian marriage as indissoluble necessitated that the Church establish criteria "to clearly identify those unions that it would recognize as marriages."[202] During the time of Pope Alexander III (1159–1181) and his successors, this process led to the determination that a valid sacramental marriage, indissoluble in principle, was established by the consent of the spouses; before consummation, however, "the marriage could be dissolved or

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[199] Mt. 19:8: "He said to them, 'For your hardness of heart Moses allowed you to divorce your wives, but from the beginning it was not so." Also see discussion ch.1, pp. 26–28.
[200] Beal, "Book IV, Title VII, Chapter IX Marriage, The Separation of the Spouses (cc. 1141–1155)," in *New Commentary*, 1360.
[201] Beal, "Book IV, Title VII, Chapter IX Marriage, The Separation of the Spouses (cc. 1141–1155)," in *New Commentary*, 1360.
[202] Ibid.

dispensed by solemn religious profession on the part of one of the spouses or, for a proportionate cause, by the intervention of ecclesiastical authority."[203] A similar process occurred with the consecration of virgins: as the Church came to understand the permanent nuptial nature of the virgin's bond with Christ, the Church likewise recognized the need to establish criteria to determine that the bond was firmly established. To that end, the distinction was made in the early Church between the virgin who was consecrated and the virgin who had made a *propositum* of virginity, but was not consecrated. In the early centuries of the second millennium, the question became one of determining when a vow of chastity in religious profession was deemed "solemn" and thus invalidating of a subsequent marriage.

What we discover are parallels in ecclesial law for human marriage, ecclesial law for the consecrated virgin's mystical marriage to Christ, and ecclesial law for the vowed religious life, due to each bond's (potential) effect as a diriment impediment to marriage. In each case, the strength and validity of the bond must be measured, based on the efficient cause of the bond: "consent" in marriage; "consecration" in the *Ordo virginum*; and "the profession of vows" in the religious institute.

1. Canons 1141–1150: Dissolution of the Bond

As referenced above, canon 1141 expresses the foundational principle regarding the separation of spouses: "A marriage that is *ratum et consummatum* can be dissolved by no human power and by no cause, except death."[204] Canon 1142 proceeds to explain an exception in the case of the *ratum tantum* marriage: "For a just cause, the Roman Pontiff can dissolve a non-

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[203] Ibid., 1361.
[204] See above fn. 196, p. 241, for Latin text of canon 1141.

consummated marriage between baptized persons or between a baptized party and a non-baptized party at the request of both parties or of one of them, even if the other party is unwilling."[205] It is only the *ratum et consummatum* sacramental bond of marriage that is both intrinsically and extrinsically indissoluble[206]; the human marriage bond that is not consummated (*ratum et non consummatum*) is a true marriage with the essential properties of unity and indissolubility, but can be dissolved by the Roman Pontiff for a just cause.

When considering applicability to the *Ordo virginum*, we must revisit the question of the nature of the nuptial bond of the virgin with Christ. In purely human terms, that bond is, of course *ratum tantum*, for there is no pretended bodily consummation of the marriage. The question of dissolution of the bond of mystical espousal to Christ in the *Ordo virginum* is not explicitly addressed in the 1983 code. Is the bond intrinsically and extrinsically indissoluble—can it be dissolved by no human power and by no cause, except death (c. 1141)? Or is the bond intrinsically, but not extrinsically indissoluble, meaning there may be an exception to its indissolubility based upon some factor analogous to the non-consummation of a human marriage? Are these the correct questions to ask?

A *ratum tantum* marriage is a true marriage that enjoys the essential properties of unity and indissolubility (c. 1056). Since the earliest days of Christianity, Church teaching and legislation has used the same nuptial language of covenant, fidelity, and adultery, in regard to the

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[205] Canon 1142: "Matrimonium non consummatum inter baptizatos vel inter partem baptizatam et partem non baptizatam a Romano Pontifice dissolvi potest iusta de causa, utraque parte rogante vel alterutra, etsi altera pars sit invita."

[206] An intrinsically indissoluble bond is one that cannot be dissolved by the will of the spouses themselves. An extrinsically indissoluble bond is one that cannot be dissolved by an external intervention, e.g., competent ecclesiastical authority. For further discussion, see Beal, "Book IV, Title VII, Chapter IX Marriage, The Separation of the Spouses (cc. 1141–1155)," in *New Commentary*, 1362.

mystical marriage of a virgin with Christ as has been used in regard to human marriage. In light of this, and in light of the archetype of all marriage, the nuptial bond between Christ and the Church, there seems to be no doubt that the essential properties ascribed to marriage in the 1983 code equally apply to the mystical espousal of the consecrated virgin with Christ in the *Ordo virginum*. It would therefore follow that the mystical espousal of a virgin with Christ in the *Ordo virginum* is at least intrinsically indissoluble, in accord with canon 1142. This finding is consistent with the fact that it is the act of consecration by the bishop, and not the consent or vow of the virgin, that constitutes (makes) the nuptial union between the virgin and Christ. Is the spousal bond of the virgin and Christ also extrinsically indissoluble, as is the case with a human sacramental marriage that is *ratum et consummatum*?

In human marriage, additional strength is attributed to the marital bond that is consummated, and in defining the *ratum tantum* marriage, canon 1061 §1 establishes the reason for the importance placed on consummation:

> Canon 1061 §1: [A valid marriage between the baptized] is called *ratum et consummatum* if the spouses have performed between themselves in a human fashion a conjugal act which is suitable in itself for the procreation of offspring, to which marriage is ordered by its nature and by which the spouses become one flesh.[207]

The canon is clear: in the first place, consummation of a marriage through the conjugal act is necessary in order to procreate (and then educate) children, an end to which marriage is naturally ordered (c. 1055 §1); as well, consummation through the marital act is the manner in which the spouses become one flesh (Gen. 2:24) thus promoting the good of the spouses, another end to which marriage is ordered (c. 1055 §1). In summary, consummation gives the marriage bond

[207] For Latin of canon 1061, see above, fn. 40, p. 188.

additional strength, resulting not only in its intrinsic, but also its extrinsic indissolubility, because consummation is the means of achieving the ends to which marriage is ordered. How does this apply to the mystical marriage?

The ends (the consummation) of the mystical marriage of the virgin (and the Church) with Christ are not ends that are achieved on earth. The consummation occurs, instead, with the eternal wedding feast of heaven. *Praenotanda* to the rite of consecration speak to this end with the assertion that has frequently been referenced within this paper: the solemn rite of consecration constitutes the candidate "a sacred person, a transcendent sign of the love of the Church towards Christ, and an eschatological image of the heavenly Bride and of the future life."[208] Perhaps most striking is the conspicuously nuptial moment of the rite when the newly consecrated virgin is presented the insignia of the ring. The bishop directs the virgin to a heavenly vision of the consummation of her marriage:

> *OCV* 26: Receive the ring that marks you as a bride of Christ. Keep unstained your fidelity to your Bridegroom, that you may one day be admitted to the wedding feast of everlasting joy.[209]

Jesus himself pointed to this new meaning of marital consummation that will occur in eternity, where He himself is the eternal Bridegroom. The Levirate law may be valid on earth, but Jesus taught that it has no meaning in eternity, "for in the resurrection they neither marry nor are given in marriage, but are like angels in heaven."[210] The mystical marriage of the virgin with Christ is a

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[208] *OCV Praenotanda* 1. For Latin, see above, fn. 113, p. 209.
[209] *OCV* 26: "Accipite anulum sacri cum Christo connubii et fidem Sponso vestro intactam servate ut ad aeterni gaudii nuptias admitti mereamini." *Roman Pontifical*, 306.
[210] The Levirate law (Dt. 25:5) required that if a married man died without children, it was the duty of a brother or other near relative to marry the widow and bear offspring for the first husband. In the Gospel (Mt. 22: 23-33), the Sadducees challenged Jesus about how the Levirate law would be applied in the time of resurrection in the case of a widow who married seven brothers without offspring: "in the resurrection, therefore, to which of the seven will she

human reality that images the nuptial union of the Church with the Bridegroom Christ, a marriage to be consummated not on this earth but in the heavenly life to come.

I suggest, therefore, that the mystical espousal of the virgin consecrated in the *Ordo virginum* can be ascribed the same consequence that is presented in canon 1141 for the consummated marriage: the mystical espousal of the consecrated virgin with Christ can be dissolved by no human power and by no cause [except death].[211] The virgin's divine Spouse is eternal, and thus the qualifier of death is inapplicable.

Canons 1143 to 1147 address the Pauline privilege, which allows in certain circumstances for the dissolution of the marriage of two non-baptized persons after one party receives baptism. The circumstance addressed by the canons is not analogous to the mystical espousal of a virgin with Christ. Canons 1148 and 1149 also concern non-baptized spouses, and are not directly analogous to the *Ordo virginum*. Likewise, canon 1150 closes the article on dissolution of the bond with the statement that in a doubtful matter the privilege of faith

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be wife?" (Lev. 28). Jesus answered: "You are wrong, because you know neither the Scriptures nor the power of God. For in the resurrection they neither marry nor are given in marriage, but are like angels in heaven."

[211] *ESI* 70 refers to the possibility of dispensation "from the obligations arising from consecration," rather than the possibility of dispensation "from the consecration" itself; this will be discussed in more depth later in this study. Prior to *ESI*, the episcopal conference of Argentina, in *Directorio para el Orden de las Virgenes* 49, referred to the possibility of dispensation from the *propositum* and the obligations that derive from the consecration for a most grave cause: "Esta consagración es pública, personal y perpetua. La virgen consagrada sólo puede solicitar la dispensa de su propósito y de las obligaciones que se derivan de la consagración, por causas gravísimas consideradas en presencia de Dios. En tal caso ha de presentar la petición por escrito al Obispo diocesano, quien luego de agotadas las instancias necesarias, podrá conceder la dispensa." Also before *ESI*, the episcopal conferences in Germany referred to the possibility of dispensation from the consecration itself. See German Episcopal Conference, "Consecrated Virgins in the World: A German Pastoral Letter," trans. Robert Barringer, in *Canadian Catholic Review* (January 1988) 19: "For grave reasons the consecrated virgin may make request to the bishop of the diocese to be dispensed from her consecration." Contrary to the view that the consecration can be dispensed, Raymond L. Burke, "*Lex orandi, lex credendi*," 36–37: "Once the consecration has been conferred, it cannot be taken back. From the early centuries of the Church, the difficulty of the unfaithful consecrated virgin was confronted. The virgin once consecrated remains consecrated. Hence, the Bishop should not proceed with the consecration of a virgin until he is assured that she is firm in her resolve to give her virginity to Christ for the rest of her life."

possesses the favor of the law. This canon, too, would not have analogous applicability to the *Ordo virginum*.

2. Canons 1151–1155: Separation with the Bond Remaining

In principle, following canon 1055's description of marriage as "a partnership of the whole of life," spouses in human marriage have a duty to live together as a way of assuring that the natural ends of marriage are met: the good of the spouses and the procreation and education of children.[212] Canon 1151 states the principle in terms of both a duty and a right: "spouses have the duty and right to preserve conjugal living unless a legitimate cause excuses them."[213] Canons 1152 and 1153 identify serious situations in which the separation of the spouses is legitimately permitted, while the matrimonial bond remains intact. Canon 1154 asserts that after the separation of the spouses, adequate support and education of the children must be suitably provided. Lastly, canon 1155 upholds the primacy of the matrimonial bond and the norm that a marriage involves the duty of spouses to live together: "the innocent spouse laudably can readmit the other spouse to conjugal life; in this case the innocent spouse renounces the right to separate."[214]

The canons are not directly applicable to the consecrated virgin's espousal to Christ, but they do raise a question in light of the indissoluble bond of the virgin with Christ. Is it possible for the virgin in some sense to have a "separation" and yet have the bond continue to exist? Given that the nuptial bond of the virgin is established by the act of consecration by the bishop,

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[212] Beal, "Book IV, Title VII, Chapter IX Marriage, The Separation of the Spouses (cc. 1141–1155)," in *New Commentary*, 1375.
[213] Canon 1151: "Coniuges habent officium et ius servandi convictum coniugalem, nisi legitima causa eos excuset."
[214] Canon 1155: "Coniux innocens laudabiliter alterum coniugem ad vitam coniugalem rursus admittere potest, quo in casu iuri separationis renuntiat."

rather than by the consent, or the religious profession of vows by the virgin, departure from the *Ordo virginum* has been referred to by some canonists, and now by the instruction *Ecclesiae sponsae imago*, as a dispensation "from the obligations arising from consecration."[215] A release from the obligations arising from consecration is not a dissolution of the consecration itself, nor from the bond that results from the consecration, for dissolution of the consecration is impossible both because of the indissoluble nuptial bond that is formed and because of the nature of an act of consecration. In an analogous application of canons 1151–1155, a release from the obligations arising from consecration would perhaps seem to parallel a separation with the bond remaining. But does such a parallel logically exist?

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[215] *ESI* 70: "If a consecrated woman, for very serious reasons evaluated before the Lord in careful discernment, wishes to be dispensed from the obligations arising from consecration, she will approach her diocesan Bishop with a written request. The Bishop must not neglect to offer her appropriate assistance and adequate time for her discernment. He will grant the dispensation only after an in-depth scrutiny of the reasons for her request." For commentaries written before *ESI*, taking a similar approach, see Rose McDermott, "Canon 604: Admission to the Order of Virgins," in Patrick M. Cooney, ed., *CLSA Advisory Opinions on Institutes of Consecrated Life and Societies of Apostolic Life* (Washington, DC: CLSA, 2017) 56: "A consecrated virgin who petitions for a grave reason can be dispensed by the diocesan bishop from the obligations of the state (c. 691 §2)." Also see Sean O. Sheridan, "Consecrated Virgins and Hermits," *The Jurist* 73/2 (2013) 502–503: "The distinction to be made here appears to lie in whether the diocesan bishop has the ability to dispense from the obligations of the state rather than from the state itself. This is comparable to a cleric who is dispensed from the obligations of the clerical state. Canon 290 reminds us that 'once validly received, sacred ordination never becomes invalid. A cleric, nevertheless, loses the clerical state' under certain circumstances, one of which is by rescript of the Apostolic See for grave causes in the case of deacons or most grave causes in the case of presbyters. Similarly, the consecration of a virgin would never become invalid, but she could be dispensed from the obligations that result from the consecration." For another view, see Magalis Aguilera and Judith M. Stegman, "Discernment of the Vocation of Consecrated Virginity," in USACV *Discernment and Formation*, fn. 60, p. 46: "In respect to the irrevocability of the consecration of virgins, it is important to distinguish between the consecration of virgins and a vow of chastity made as part of perpetual profession in a religious institute. While it is appropriate to speak of dispensation, for the gravest of causes, from a vow of chastity made during religious profession (cc. 691–692), the language of dispensation is not appropriate in regard to the consecration of virgins. It is perhaps appropriate to speak in terms of a dispensation from the obligations that arise from the consecration of virgins, but even this is not without controversy because the essential obligation involved in the consecration of virgins is virginity itself. In much of the tradition of the Church, the attempted marriage of a woman who had been consecrated as a virgin (veiled) was treated as a more serious offense than adultery, because the veiled virgin had been married not to a human bridegroom, but to the Immortal Bridegroom (see, for example, *Causa* 2, question 1, canon 10 of Gratian's *Decretum*, drawn from decrees of Pope Innocent.)"

In the case of marital separation with the bond remaining, with the granting of a canonical separation, spouses are dispensed from the right and obligation to live a common life, the lack of which can readily have "a deleterious effect" on the spouses' ability to establish a partnership of the whole of life.[216] And yet, in the case of a canonical separation, while spouses are dispensed from the right and duty of a common life, they are not dispensed from those obligations that are essential to marriage, namely unity and indissolubility. The indissoluble bond of their marriage remains, preventing the spouses from validly contracting marriage with another person or acting against the exclusive unitive bond that continues to exist between the separated spouses. If either spouse were to attempt marriage with a third party, the impediment of prior bond would invalidate the act.

What does it mean that a consecrated virgin might be dispensed from the obligations that arise from consecration? If this means that she is dispensed from certain obligations of prayer and service to the Church, or perhaps from public recognition as a consecrated virgin, while remaining faithful to living a virginal life as a bride of Christ alone, the idea of dispensation from the obligations of consecration may parallel the marital notion of a separation with the bond remaining. It would seem, however, that such a case is not the most likely scenario. The most likely reason a consecrated virgin would request dispensation from the obligations of her consecration is that she desires to marry. As discussed above and in the discussion concerning diriment impediments to marriage, however, it is not logical to assert at one and the same time that by her consecration the virgin has entered a true and indissoluble nuptial union with Christ,

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[216] Beal, "Book IV, Title VII, Chapter IX Marriage, The Separation of the Spouses (cc. 1141-1155)," in *New Commentary*," 1375.

and to assert that she is free to enter human marriage validly while the marital bond with Christ remains. I propose that it is not possible for a virgin who is merely dispensed from the obligations that arise from consecration to contract matrimony validly, due to the diriment impediment of prior bond. Before she would be free to contract marriage validly, the nullity of her consecration (her mystical espousal with Christ) would need to be established legitimately and certainly (c. 1085 §2).

K. The Convalidation of Marriage (cc. 1156–1165)

Convalidation is the act of making valid, according to the norms of canon law, "a marriage that was invalid from its origin because of a defect of consent, a diriment impediment, or a defect of the required form."[217] The chapter of the code is divided into two articles, the first dealing with simple convalidation (cc. 1156 to 1160), and the second dealing with radical sanation (cc. 1161 to 1165). Simple convalidation involves a renewal of consent, and may be considered as a remedy for marriages that are invalid due to a diriment impediment (cc. 1156–1158), a defect of consent (c. 1159), or a defect of form (c. 1160). Radical sanation is the convalidation of an invalid marriage without the renewal of consent, for the sanation is granted only from the moment consent was given (c. 1162); radical sanation may be considered as a remedy for marriages that are invalid due to a diriment impediment or a defect of form. Because consent makes marriage, all of the canons on the convalidation of marriage focus on assuring the validity of the exchange of consent between spouses.

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[217] John P. Beal, "Book IV, Title VII, Chapter X Marriage, The Convalidation of Marriage (cc. 1156-1165)," in *New Commentary*," 1378.

A defect of consent is not directly applicable to the validity of mystical espousal in the *Ordo virginum*, but a diriment impediment or a defect in form could cause the nullity of a consecration. For the purposes of considering the possible analogous applicability of marriage canons on convalidation, it is useful to name the potential diriment impediments or defects in form that may nullify an act of consecration. In light of what is understood to be constitutive to the consecration itself, and in light of the previous consideration of marriage law, I propose the following:

- Requirements in regard to the candidate for consecration, the absence of which would be an invalidating impediment to consecration: the candidate must be a woman[218]; she must

[218] The *Praenotanda* to the rite of consecration refers to women in its description of the nature and value of consecration to virginity, and in its listing of those who may be consecrated. In fact, every reference within the *Praenotanda* and the rite itself is explicitly feminine in regard to those who receive the consecration to a life of virginity. Soon after the revision of the rite of consecration in 1970, the Sacred Congregation for Divine Worship responded to a query about the matter. See Sacred Congregation for Divine Worship, "Circa Ordinem Consecrationis Virginum" 5 and Reply 5 in *Notitiae* 7 (1971) 107, 109. English translation in International Commission on English in the Liturgy, *DOL* 395, fn. R2. Query 5: "Is the rite of consecration restricted to women or is it also open to men belonging to secular institutes? If to women, is this for historical or for cultural reasons or is the possibility of consecration based on the nature of women?" The response from the Congregation clarifies that the current rite of consecration is not intended for use by men, but leaves open the possibility that another rite might be developed for men living in the world if men expressed such an interest. The response does not address the inherently feminine nature of a state that images the Church as Bride. Response 5: "There is in the OPR [Rite of Religious Profession] an advance regarding men. If they have embraced the religious life, the Church also pronounces over them on the day of their final profession a solemn prayer of consecration and regards them as consecrated men (*LG* ch. 4 provides a sound doctrinal foundation on this point). But no rite has been composed for laymen paralleling that of consecration to a life of virginity open to laywomen. That is undoubtedly due in great measure to historical and cultural reasons and to a tradition that reaches back almost to the era of the apostles. We do not know about the future. It is possible that the attitude of the faithful may evolve to the point that there will be a consecration of men like that of women. At present the presuppositions for this do not seem to exist. This is probably the present mind of the Church—of both pastors and people. There is no evidence that a petition in regard to men has ever been made."

be a virgin[219]; she must have never celebrated marriage[220]; she must have never publicly or manifestly lived in a state contrary to chastity[221]; and she must be approaching consecration free of force, grave fear, or malice.[222]

- Defects in form that may be considered invalidating include: attempted consecration not in accord with the approved liturgical rite[223]; a minister of consecration other than the diocesan bishop or a bishop or presbyter legitimately and specifically delegated by the diocesan bishop to perform the consecration[224]; or a diocesan bishop who consecrates a virgin induced by force, grave fear, or malice.[225]

Although there may be disagreement that certain of the above would be invalidating impediments or invalidating defects in form, the following analysis of the analogous

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[219] The author of this study recognizes that especially in today's culture, it is a point of contention to assert that virginity is required of a woman seeking the consecration of virgins, and perhaps even moreso to assert that this is a requirement constitutive of the act of consecration. By explanation, I offer that the rite itself is named "*Ordo consecrationis virginum*" or in English "Consecration to a life of virginity," and many references within the original Latin text of the P*raenotanda* and rite are to "virgins," rather than to "women." Chapter one of this study has investigated the underlying theological significance of the virginal basis for consecration as an imaging of the Blessed Virgin Mary and the virgin Church, Bride of the Virgin Bridegroom. As a matter of definition, a life of virginity cannot exist unless virginity itself exists, and once virginity is lost, virginity no longer exists. My research indicates that in the history of the Church, it has not been argued (until perhaps very recently with the introduction of pastoral terminology such as "second virginity") that virginity is not founded upon a physical state. It has been argued (and I concur) that the state of virginity is not lost if physical virginity is compromised unwillingly or unknowingly, for example, in cases of rape or incest. It would seem to be the case that defining the state of virginity in terms of both a material and formal component (as Aquinas and others do) is consistent with stating that the requirement of virginity for the consecration of virgins is a matter of natural law.

[220] *OCV Praenotanda* 5 a). For Latin and English source, see above fn. 101, p. 205.

[221] Ibid.

[222] Canons 1103 and 125.

[223] For discussion on the required form for the consecration of virgins in the *Ordo virginum*, see pp. 227–229 and 234–236.

[224] See discussion on the required minister of consecration, above, pp. 229–232.

[225] We have discussed canon 125 in terms of the virgin herself, but in the case of the act of consecration, which is an act administered by the diocesan bishop, it is possible (though highly unlikely) that canon 125 could likewise apply to the bishop. Canon 125 §1: "An act placed out of force inflicted on a person from without, which the person was not able to resist in any way, is considered as never to have taken place. §2: An act placed out of grave fear, unjustly inflicted, or out of malice is valid unless the law provides otherwise. It can be rescinded, however, through the sentence of a judge, either at the instance of the injured party of of the party's successors in law, or *ex officio*."

applicability of the marriage canons on convalidation will use the above lists as examples of circumstances that would invalidate a mystical espousal to Christ in the *Ordo virginum*.

1. Canons 1156–1160: Simple Convalidation

Canons 1156 to 1158 concern the simple convalidation of marriages that are invalid due to a diriment impediment. Canon 1156 §1 establishes an overriding condition for such a convalidation: it is required that the impediment ceases or is dispensed. If an impediment is by nature perpetual, then it cannot cease or be dispensed, and convalidation is rendered impossible. Most of the invalidating impediments listed above in regard to the consecration of virgins would be considered perpetual impediments, in that they will not cease with the passage of time: being a woman, the state of virginity, never having celebrated marriage, and never having publicly or manifestly lived in a state contrary to chastity are all statuses that are perpetual by nature.

Can these perpetual impediments be dispensed in the case of the consecration of a virgin in the *Ordo virginum*? According to marriage law, only the supreme authority of the Church is able to declare when divine law prohibits or nullifies marriage, and only the supreme authority of the Church has the right to establish ecclesiastic impediments (c. 1075). These provisions of marriage law are grounded in the underlying acknowledgement that there is a natural right for persons to contract marriage (c. 1058). In regard to the consecration of virgins, however, whether or not a perpetual impediment might be dispensed would seem to hinge not on marriage law, but on the law governing any juridic act that is placed by the Church. Canons 86 and 124 §1 state the principle:

> Canon 86: Laws are not subject to dispensation to the extent that they define those things which are essentially constitutive of juridic institutes or acts.[226]
>
> Canon 124 §1: For the validity of the act it is required that the act is placed by a qualified person and includes those things which essentially constitute the act itself as well as the formalities and requirements imposed by law for the validity of the act.[227]

The answer to our question thus hinges on what is constitutive of the act of consecration of virgins. That the candidate must be a virgin would seem to be constitutive to the act in that the condition of virginity is the natural basis underlying the meaning of consecration to a life of virginity. That the candidate must be a woman would also be constitutive to the act in that the consecrated virgin images the Church as bride of Christ, and only a female can be a bride. Neither of these impediments (not a woman, or not a virgin) would be eligible for dispensation, and thus a consecration that is invalid due to one of these impediments could not be sanated.

Is the same the case for the two other perpetual impediments noted above: is it possible to dispense from the impediment that a woman has "never celebrated marriage" or "lived publicly or manifestly in a state contrary to chastity"? The *Praenotanda* clearly require these conditions to be present in a candidate for consecration as tangible evidence of the constitutive requirement of virginity. I would argue, therefore, that these should likewise be treated as impediments that are not subject to dispensation by a diocesan bishop.[228] A difficulty must be acknowledged,

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[226] Canon 86: "Dispensationi obnoxiae non sunt leges quatenus ea definiunt, quae institutorum aut actuum iuridicorum essentialiter sunt constitutiva."

[227] Canon 124 §1: "Ad validitatem actus iuridici requiritur ut a persona habili sit positus, atque in eodem adsint quae actum ipsum essentialiter constituunt, necnon sollemnia et requisita iure ad validitatem actus imposita."

[228] The counter-argument might be that the conditions are not in themselves constitutive to the consecration of a virgin. Thus, if the candidate is a woman, and a virgin, the argument would be that perhaps it would be possible for the diocesan bishop to dispense from these requirements in a particular case. Thus, he would be able to sanate a consecration that was later discovered to have been invalid because the virgin had previously celebrated marriage (while remaining a virgin) or had lived publicly or manifestly in a state contrary to chastity (while remaining a virgin). It must be noted, however, that it would seem unlikely that a bishop would dispense from these requirements, or sanate a consecration under such circumstances, due to the very real potential for scandal among the faithful.

however, in that the phrase "lived publicly or manifestly in a state contrary to chastity" is subject to interpretation. A diocesan bishop might interpret that a virgin is eligible for consecration (without a dispensation) if at a point in her life she had lived in a state contrary to chastity that did not rise to the level of what would objectively be considered a serious and well-known violation of chastity.[229] Applying the canons that concern the simple sanation of a marriage, we find that a consecration that is invalid due to a perpetual impediment that cannot be dispensed is not able to be sanated.

Of the examples given above, it is only in the rare case that a woman may have proceeded to request consecration out of force or grave fear that an invalidating impediment may arise that could later cease. It would also be rare that such a case would become the object for convalidation; if it did, it would seem that a virgin's free renewal of her *propositum* before the bishop would be required (analogous to the renewal of consent required in canons 1156–1158 for the simple convalidation of a marriage after an invalidating impediment ceases or is dispensed.)

Canon 1159 concerns the convalidation of a marriage which is invalid due to a defect of consent. The situation is not analogous to mystical marriage in the *Ordo virginum*.

Canon 1160 is analogously applicable to the *Ordo virginum*: "A marriage which is null because of defect of form must be contracted anew in canonical form in order to become valid, without prejudice to the prescript of can. 1127 §2."[230] (Canon 1127 §2 concerns mixed marriages and is thus not analogous to mystical espousal in the *Ordo virginum*.) In regard to the *Ordo*

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[229] *ESI* 93 interprets the phrase "never lived in public or open violation of chastity" as meaning "in a stable situation of cohabitation or in similar situations that would have been publicly known."
[230] Canon 1160: "Matrimonium nullum ob defectum formae, ut validum fiat, contrahi denuo debet forma canonica, salvo praescripto can. 1127 §2."

virginum, valid canonical form requires use of the approved liturgical rite and consecration by the diocesan bishop (or his legitimate delegate). In the case that a consecrated virgin or her bishop were to discover later the invalidity of a consecration due to lack of form,[231] the remedy would seem to be the same as that prescribed in canon 1160 for marriage: the consecration would be conducted anew in canonical form.

2. Canons 1161–1165: Radical Sanation

Canon 1161 defines the radical sanation of an invalid marriage as "its convalidation without the renewal of consent, which is granted by competent authority and entails the dispensation from an impediment, if there is one, and from canonical form, if it was not observed, and the retroactivity of canonical effects." In radical sanation, convalidation occurs at the moment of the granting of the favor, and yet its retroactive effect extends back to the celebration of the marriage (c. 1161 §2) unless consent was lacking at the time of celebration of the marriage but was given afterwards, in which case the sanation is effective at the time consent was given (c. 1162). Radical sanation can be utilized only in cases in which consent has been given at some point in time (c. 1162 §1), and only when it is probable that the parties "wish to persevere in conjugal life" (c. 1161 §3). In the case of a marriage that is invalid due to an impediment of natural law or of divine positive law, the sanation can occur only after the impediment has ceased (c. 1163 §2). Canon 1165 § states that the Apostolic See can grant a

[231] In regard to use of the approved liturgical rite, an invalidating defect in form might include a significant alteration of the liturgical rite, such as not including a definitive part of the rite, i.e., the prayer of consecration or the *propositum* of the virgin, or altering the language of the rite such that its meaning is changed, i.e., replacing the word "virgin" with "woman."

radical sanation; canon 1165 §2 specifies the cases in which the diocesan bishop can grant a radical sanation.

Using an analogous application to the *Ordo virginum*, would an invalid consecration be eligible for radical sanation, with retroactive effects extending back to the celebration of the consecration? For reasons discussed above, in the case of a perpetual impediment to consecration, neither simple nor radical sanation could apply to those conditions deemed constitutive to the consecration because such impediments are not able to be dispensed.

Regarding the radical sanation of a consecration due to a defect in form, it would seem that there is not an analogous applicability of the marriage provision to the consecration of a virgin. Marriage law permits a radical sanation due to a defect of legitimate form provided that the consent of each party perseveres (c. 1163 §3). In such a case, the effect of the sanation is retroactive and no renewal of consent is required. An invalidating defect in form for the consecration of a virgin, however, indicates that the liturgical rite of consecration was not used or that the minister of consecration was not qualified. As we have discussed, constitutive to the consecration of a virgin is that she is consecrated by the diocesan bishop according to the approved liturgical rite. In the case of the invalidity of a consecration due to a defect in form, including celebration by a non-qualified minister, it would appear that sanation of the consecration could occur only by a new celebration of the consecration.

Summary: Aspects of Marriage Law Analogous to the *Ordo virginum*

While marriage law is written to govern human relationships between husband and wife, key aspects of the law aptly and analogously apply to the mystical espousal of a virgin with Christ in the *Ordo virginum*. The foundational canons on marriage law (cc. 1055–1062) point out

key similarities and an important distinction. Mystical betrothal to Christ in the *Ordo virginum* might readily be considered a *ratum tantum* marriage, that is, a true marriage which, although not consummated by carnal union, enjoys the essential properties common to human marriage, unity and indissolubility. What "makes" the union is essentially different, however, as consent is what effects human marriage and the act of consecration effects the mystical union of the virgin with Christ.

Canons on the pastoral care and things which are to precede the celebration of marriage (cc. 1063–1072) are largely analogous: pre-nuptial inquiries, as well as remote, proximate, and immediate preparation are necessary for the celebration of each type of espousal.

Canons on diriment impediments in general (cc. 1073 to 1082) establish essential notions concerning impediments to marriage that are equally fundamental to consideration of diriment impediments that may apply to a mystical marriage in the *Ordo virginum.* Our focus turned particularly to the law of canon 1075 establishing that only the supreme authority of the Church can declare authentically when divine law prohibits or nullifies marriage, and only the supreme authority of the Church has the right to establish other impediments to marriage for the baptized. We also noted that canon 86 precludes from dispensation laws that define those things that are essentially constitutive of juridic acts. In an analogous application of canon 1078, we determined that the impediments listed as being reserved to the Holy See for human marriage would not be applicable to the *Ordo virginum*, and that the local ordinary would have the authority to dispense from impediments of ecclesiastical law that might affect the *Ordo virginum*.

Examination of the canons on specific diriment impediments (cc. 1083–1094) identified the impediment of lack of age as something that is necessary for the validity of human marriage

but not for the validity of consecration. In this regard, the diocesan bishop would have the authority to establish a minimum age of consecration for his diocese (the question of whether he could do so for validity is perhaps moot, in that it is he who admits a candidate to consecration, in any case). The impediment of prior bond is a diriment impediment that also exists for admittance to the *Ordo virginum*. The impediment of a perpetual public vow of chastity would also impede admittance to the *Ordo virginum*, and would need to be treated in accord with norms for departures or transfers from a religious institute. Other specific marriage impediments were not found to be analogous. Consideration was also given in some depth to whether the consecration of virgins should, in future law, be deemed a diriment impediment to marriage, either under canon 1085 as a prior bond, or under canon 1088, as a bond that is equivalent to that of a perpetual vow of chastity in a religious institute.

Canons on matrimonial consent (cc. 1095–1107) were particularly interesting to consider in regard to the *Ordo virginum*. While none of the canons could analogously apply, for the very reason that it is not consent that in itself effects the mystical union, a number of the canons offer prudent advice to the bishop who is considering whether a virgin is truly free and prepared to enter a lifelong espousal with Christ. To this end, the bishop would want to evaluate that the virgin has sufficient use of reason and does not suffer from a grave defect of discretion of judgment concerning her rights and duties as a consecrated virgin, and that she is psychologically able to assume the essential obligations of her consecration (c. 1095). The bishop's scrutiny before admitting a virgin to consecration would be wise to address in depth the essential substance and meaning of the vocation of consecrated virginity, and the virgin's maturity (cc. 1096, 1099). In regard to an act of force, grave fear, or malice, we noted that canon

125 is also at play, invalidating an act placed out of force and rendering rescindable an act placed out of grave fear or malice.

Canons on matrimonial form (cc. 1119–1120) are analogous not in the specifics of form, but in the general consideration that proper form is a matter of validity for the formation of a marital bond or for the celebration of consecration. For validity, the consecration of a virgin must be in accord with the approved liturgical rite, which also calls for celebration of the rite to be by the diocesan bishop. For validity, however, the celebration of the rite might be by the bishop's legitimate delegate. Canons on the secret celebration of marriage (cc. 1130–1133) could be analogously applied to the Ordo.

Canons on the effects of marriage (cc. 1134–1140), the separation of spouses (cc. 1141–1155) and the convalidation of marriage (cc. 1156–1165) led to a consideration of the factors that might affect the validity of a consecration, and whether such factors could be dispensed. Such factors are summarized as follows:

<u>Required for the validity of consecration</u>

In regard to the candidate:	*Can be dispensed? By whom?*
• Must be a woman	No—constitutive to act of consecration
• Must be a virgin	No—constitutive to act of consecration
• Must have never celebrated marriage	Perhaps, if a virgin and if not currently bound by marriage, the diocesan bishop may dispense, although this is unlikely due to the concern for scandal
• Must have never publicly or manifestly lived in a state contrary to chastity	Perhaps, if a virgin and if not currently living in a state contrary to chastity, the diocesan bishop may dispense, although this is unlikely due to the concern for scandal

• Must be free of force, grave fear, or malice	No—validity of all juridic acts (c. 125) (note that grave fear or malice is valid, but rescindable)

In regard to form:

• Must use the approved liturgical rite	No—constitutive to act of consecration
• Minister must be diocesan bishop	No—constitutive to act of consecration (unless legitimately delegated)
• Minister must be free of force, grave fear, or malice	No—validity of all juridic acts (c. 125) (note that grave fear or malice is valid, but rescindable)

CHAPTER V

UNIVERSAL LAW ON INSTITUTES OF CONSECRATED LIFE AND SOCIETIES OF APOSTOLIC LIFE: ANALOGOUS APPLICABILITY TO THE *ORDO VIRGINUM*

It is as a form of consecrated life, or more precisely as a form that is similar to—*accedit*—other forms of consecrated life, that the Church juridically recognizes the *Ordo virginum* and proceeds to define the *Ordo* as consisting of those who are mystically espoused to Christ. As such, there is a unique meshing of the state of matrimony and the state of consecrated life that exists within the *Ordo virginum*. The *Ordo* cannot directly be assigned all of the juridic features of matrimony, because the virgin's marriage to Christ is mystical and is effected by the Church, rather than by mutual consent with a human spouse. On the other hand, the *Ordo* cannot directly be assigned all of the juridic features of other forms of consecrated life and societies of apostolic life, because membership in the *Ordo virginum* is not effected by the profession of the evangelical counsels, as is the case with other forms of consecrated life (c. 573 §1), nor are consecrated virgins members of societies of apostolic life (c. 731 §1). After looking in depth at analogous applicability of law governing marriage, we turn now to consideration of what might be gleaned from the law governing consecrated life and societies of apostolic life.

Already in this study, we have considered that a defining feature of the *Ordo virginum* is the virgin's mystical espousal to Christ through an act of consecration by the diocesan bishop. Also distinguishing the *Ordo virginum* from other forms of consecrated life and societies of apostolic life is the very fact that the *Ordo virginum* is not an institute or society. An institute or society is a group whose members share a common spirituality and have common aims and activities according to a shared charism; as well, an institute or society is governed by its own

constitutions and internal authority.[1] Belonging to an institute or society means actively engaging in its mission and subordinating one's own plans to those of the group.[2] These characteristics of membership in an institute or society do not occur in the life of the member of the *Ordo virginum*. The consecrated virgin is free to choose her own spirituality and apostolic activities in her condition as an individual Christian bride of Christ, rather than as a member of a group. These three distinctions will present themselves repeatedly as we consider the analogous applicability of the law concerning institutes of consecrated life and societies of apostolic life, to the *Ordo virginum*: firstly, the consecrated virgin is mystically espoused to Christ through her consecration; secondly, the consecrated virgin does not live communally or subject to the constitutions of an institute or society; and thirdly, the consecrated virgin freely chooses her own apostolate.

The 1983 Code of Canon Law treats "Institutes of Consecrated Life and Societies of Apostolic Life" as part 3 of book II, The People of God, following part 1, "The Christian Faithful," and part 2, "The Hierarchical Constitution of the Church." Part 3 is further divided into two sections: "Institutes of Consecrated Life (cc. 573–730)" and "Societies of Apostolic Life (cc. 731–746)." The section covering institutes of consecrated life consists of three titles, the first

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[1] Francesco Coccopalmerio, "L'*Ordo Virginum*: note di esegesi del can. 604" in John Paul II, C.M. Martini, Francesco Coccopalmerio, and C. Magnoli, *Ordo Virginum* (Milan: Ancora, 1999) 106.

[2] Coccopalmerio, "L'*Ordo Virginum*," 106. Coccopalmerio contrasts the life of two secularly lived vocations, that of the consecrated virgin and that of a member of a secular institute: "Pertanto l'appartenenza a un Istituto comporta il fare proprie: la spiritualità, le finalità-attività, l'azione comune; quest'ultima significa: deliberare congiuntamente le attività da compiere e quindi eseguirle o congiuntamente o affidandone l'esecuzione a singoli membri del gruppo. Quindi appartenere a un Istituto significa subordinare la propria volontà e la propria attività a quella dell'insieme.: Therefore belonging to an Institute involves making one's own: the spirituality, the purpose of activity, the common action; this means jointly deliberating the activities to be performed and then executing them jointly or entrusting them to individual members of the group. Therefore belonging to an Institute means subordinating one's will and activity to that of the whole."

covering norms common to all institutes of consecrated life (cc. 573–606), the second covering norms governing religious institutes (cc. 607–709), and the third covering norms on secular institutes (cc. 710–730). It is at the end of the title on norms common to all institutes of consecrated life that two individually lived forms are treated: canonical hermits (c. 603) and consecrated virgins (c. 604). Although placed within different sections and titles, there are common themes that arise in the norms that govern the various types of institutes and societies. As we proceed to consider analogous applicability of the norms to the *Ordo virginum* (c. 604), we will first review the norms common to all institutes of consecrated life (cc. 573–602; c. 606). Following this, we will turn to the common themes presented in norms for religious institutes (RI), secular institutes (SI), and societies of apostolic life (SAL).

A. Norms Common to All Institutes of Consecrated Life (cc. 573–606)

Although societies of apostolic life are treated separately from institutes of consecrated life, twenty-six of the common norms for institutes of consecrated life also apply to all or certain of the societies of apostolic life, and many of the norms for religious institutes also apply to secular institutes, or to societies of apostolic life, or both.[3] Rose McDermott explains that "this juridical overlapping shows the unity and complementarity of the Spirit's gift and the difficulty of describing spiritual realities in legal terms."[4] Earlier in this study, we addressed the shift in understanding of religious life that took place after the Second Vatican Council and the dilemma that was faced by those who drafted the 1983 code about how to frame the canonical status of

[3] Rose McDermott, "Book II, Part III Introduction Institutes of Consecrated Life and Societies of Apostolic Life (cc. 573–746)," 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.
[4] Ibid.

those who profess the evangelical counsels.[5] The foundational norms of canons 573 to 606 reflect this shift in understanding of religious life from the "state of perfection" to its perception as a stable way of life lived in accord with the evangelical counsels. Pope Saint John Paul II opens *Vita consecrata* with an explanation of the purpose of the consecrated life (*vita consacrata*): "By the profession of the evangelical counsels *the characteristic features of Jesus* – the chaste, poor and obedient one—*are made constantly 'visible' in the midst of the world* and the eyes of the faithful are directed toward the mystery of the Kingdom of God already at work in history, even as it awaits its full realization in heaven."[6]

1. Canons 573–576: Defining Consecrated Life

Canon 573 §1 opens the common norms by setting forth the nature of consecrated life in juridic terms:

> The life consecrated through the profession of the evangelical counsels is a stable form of living by which the faithful, following Christ more closely under the action of the Holy Spirit, are totally dedicated to God who is loved most of all, so that, having been dedicated by a new and special title to His honor, to the building up of the Church, and to the salvation of the world, they strive for the perfection of charity in service of the kingdom of God and, having been made an outstanding sign in the Church, foretell the heavenly glory.[7]

The canon references characteristics specific to institutes, characteristics which embed consecrated life in the "life and holiness" of the Church (c. 297 §2): "a stable form of living";

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[5] See pp. 128–133 of this study.

[6] John Paul II, post-synodal apostolic exhortation *Vita Consecrata* 1, March 25, 1996: *AAS* 88 (1996) [hereafter *VC*] 377: "Evangelicorum enim consiliorum professione *dotes Iesu propriae*—virginis pauperis oboedientis—singularem constantemque *suam obtinent 'visibilem formam' in mundo* simulque fidelium mens ad illud regni Dei mysterium dirigitur quod in historia iam operatur, sed suam in caelis adhuc exspectat consummationem." English translation from *Consecrated Life* (Boston, MA: Daughters of St. Paul, 1996) 11.

[7] Canon 573 §1: "Vita consecrata per consiliorum evangelicorum professionem est stabilis vivendi forma qua fideles, Christum sub actione Spiritus sancti pressius sequentes, Deo summe dilecto totaliter dedicantur, ut, in Eius honorem atque Ecclesiae aedificationem mundique salutem novo et peculiari titulo dediti, caritatis perfectionem in servitio Regni Dei consequantur et, praeclarum in Ecclesia signum effecti, caelestem gloriam praenuntient."

"following Christ more closely under the action of the Holy Spirit"; "totally dedicated to God who is loved most of all"; "dedicated by a new and special title to His honor, to the building up of the Church, and to the salvation of the world"; "they strive for the perfection of charity in service of the kingdom of God"; and as "an outstanding sign in the Church, [they] foretell the heavenly glory." Each of these aspects of institutes of consecrated life seems likewise to be applicable to the *Ordo virginum*, and may also characterize various societies of apostolic life, although the canon has not been invoked in reference to societies.[8]

It is the first phrase of canon 573 §1 that cites a differentiating characteristic that is defining of institutes of consecrated life: a "life consecrated through the profession of the evangelical counsels." As noted earlier, societies of apostolic life are treated in a separate section largely because members do not publicly profess the evangelical counsels; canon 731 §1 states that they "resemble" (*accedunt*) institutes of consecrated life. Likewise, the *Ordo virginum* is treated apart from the specific norms for institutes of consecrated life in part because members do not profess the evangelical counsels of poverty and obedience; canon 604 states that the *Ordo* is "similar to" (*accedit*) the forms of consecrated life.

Canon 573 §2 continues to define the nature of consecrated life, specifying the meaning of life in institutes of consecrated life:

> 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 institutes, they profess the evangelical counsels of 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.[9]

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[8] Sharon Holland, "Book II, Part III, Section II, Societies of Apostolic Life (cc. 731–746)," 894. Holland indicates that "as a rule, where religious law has not been invoked, it should not be considered applicable to societies."

[9] Canon 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

The characteristics of an institute described in canon 573 §2 connote a communal form of life—a group whose members share a number of commonalities and relationships among themselves. Although in the broadest sense, an institute might be defined as "something that is instituted,"[10] in the case of institutes of consecrated life, an institute is a community. Institutes of consecrated life are thus distinguished from two individually lived forms of consecrated life, canonical hermits (c. 603) and the *Ordo virginum* (c. 604), both of which are also addressed in the code under the umbrella of "Norms Common to all Institutes of Consecrated Life."

The *Ordo virginum* is a stable form of life that is canonically recognized in virtue of canon 604, but the *Ordo virginum* as an *Ordo* does not have canonical juridic personality.[11] It also does not meet the canon 573 §2 definition of an institute of consecrated life because consecrated virgins do not profess the evangelical counsels of poverty and obedience. In regard to the evangelical counsel of chastity, the consecrated virgin's *sanctum propositum* of virginity is received by the diocesan bishop and affirmed as he consecrates her a bride of Christ. The evangelical counsel of chastity is implicit in her consecrated life of virginity, and made explicit in her *propositum*, but it is not professed through vows or other sacred bonds according to the proper law of an institute of consecrated life.

Canon 574 speaks to the good of consecrated life in the Church, and is likewise applicable to the *Ordo virginum*. Canon 575 speaks to the good of the evangelical counsels as a

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evangelica castitatis, paupertatis et oboedientiae profitentur et per caritatem, ad quam ducunt, Ecclesiae eiusque mysterio speciali modo coniunguntur."

[10] *Merriam-Webster*, s.v. "institute." Accessed February 20, 2019 at http://www.merriam-webster.com/dictionary /institute.

[11] Francesco Coccopalmerio, "L'*Ordo Virginum*," 119.

"divine gift which the Church has received from the Lord and preserves always through his grace."[12] The evangelical counsels represent "a radical living of gospel spirituality and a continuance of Christ's life and mission,"[13] which also holds true for the *Ordo virginum*. The consecrated virgin "express[es] the holy resolution of following Christ more closely,"[14] and is thus implicitly bound to live the evangelical counsels, even though the counsels are not explicitly professed.

Expressing juridically the teaching of *Lumen gentium* chapter 5, canon 576 asserts the manner in which the Church will interpret and preserve the divine gift of the evangelical counsels: "it is for the competent authority of the Church to interpret the evangelical counsels, to direct their practice by laws, and by canonical approbation to establish the stable forms of living deriving from them."[15] In an analogous way, although consecrated virgins do not profess the counsels, diocesan bishops might consider how the *Ordo virginum* in their dioceses should witness to the poor and obedient Christ in their lives. The consecrated virgin lives independently and must provide for herself throughout her life; the bishop should help to interpret how the counsels of poverty and obedience might be lived by the virgins in his diocese so that an exaggerated or incorrect understanding does not lead to an inability to provide for themselves.[16]

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[12] Canon 575: "donum sunt divinum, quod Ecclesia a Domino accepit Eiusque gratia semper conservat."
[13] McDermott, "Book II, Part III, Section I, Title I Norms Common to All Institutes of Consecrated Life (cc. 573–606)," 745.
[14] Canon 604 §1: "sanctum propositum emittentes Christum pressius sequendi."
[15] Canon 576: "Competentis Ecclesiae auctoritatis est consilia evangelica interpretari, eorundem praxim legibus moderari atqui stabiles inde vivendi formas canonica approbatione constituere itemque."
[16] Those inquiring about or discerning the consecration of virgins sometimes request to add a vow of poverty or a vow of obedience to the consecration ceremony. Diocesan bishops should be alert to this during a discernment process. See McDermott, "Book II, Part III, Section I, Title I Norms Common to All Institutes of Consecrated Life (cc. 573–606)," 746. McDermott discusses the diocesan bishop's responsibility for vigilance over the life and activity of groups within his diocese who at some point may seek recognition as an institute of consecrated life. In regard to canon 576, she points out: "The practice of Christian virtue and expressions of the evangelical counsels

2. Canons 577–578: Variety of Institutes, Patrimony

Canon 577 acknowledges the variety of institutes and charisms that exist for the benefit of the people of God:

> In the Church there are a great many institutes of consecrated life which have different gifts according to the grace which has been given them: they more closely follow Christ who prays, or announces the kingdom of God, or does good to people, or lives with people in the world, yet who always does the will of the Father.[17]

Pope Saint John Paul II echoes the words of the *Praenotanda* to the rite of consecration when he indicates the particular grace given to the *Ordo virginum*: "Either alone or in association with others, they constitute a special eschatological image of the Heavenly Bride and of the life to come, when the Church will at last fully live her love for Christ the Bridegroom."[18]

Canon 578 establishes a "sacred obligation" for institutes and their members to remain faithful to the distinctive patrimony of their institutes,[19] a patrimony that includes "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."[20] The canon seems readily applicable to the *Ordo virginum*, a form of consecrated life whose nature, purpose, spirit, and character is grounded in the practice of consecrating virgins in the early

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can be misguided or carried to excess. Competent church authority judges the genuineness of a founding charism and the manner in which the counsels are lived so as to build up the life and holiness of the Church."

[17] Canon 577: "Permulta in Ecclesia sunt instituta vitae consecratae, quae donationes habent differentes secundum gratiam quae data est eis: Christum, enim, pressius sequuntur sive orantem, sive Regnum Dei annuntiantem, sive hominibus benefacientem, sive cum eis in saeculo conversantem, semper autem voluntatem Patris facientem."

[18] *VC* 7: *AAS* 88 (1996) 382: "Solae aut consociatae, singularem praebent eschatologicam Sponsae caelestis imaginem vitaeque venturae, cum denique amorem plenissime erga Christum sponsum vivet Ecclesia." *Consecrated Life*, 18.

[19] McDermott, "Book II, Part III, Section I, Title I Norms Common to All Institutes of Consecrated Life (cc. 573-606)," 747. McDermott opens her commentary on canon 578 stating, "Fidelity to the spiritual patrimony of the institute becomes a sacred obligation for all institutes and their members."

[20] Canon 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."

Church: "It is a source of joy and hope to witness in our time a new flowering of the ancient Order of Virgins, known in Christian communities ever since apostolic times."[21] In order to carry out the directive of canon 578, diocesan bishops and those who assist in preparing women for a life of consecrated virginity should themselves have an understanding of the true patrimony and sound traditions of the *Ordo* so that they can impart this understanding to those in formation.[22] In this regard, it would seem important to place a particular emphasis on that which is most distinctive (and most countercultural) about consecrated virginity: the meaning of virginal spousal love for Christ, and why it is that the Church desires in the rite of consecration to "reveal[s] its love for virginity."[23]

3. Canons 579–585: Erection and Suppression of Institutes

Canons 579–585 address the erection, aggregation, division, merger, union, and suppression of institutes of consecrated life and their parts. Because the *Ordo virginum* is not an institute, this set of canons is generally inapplicable. Canons 579 and 583 are notable, however, if the *Ordo* is considered an institute, in the broadest sense of the word, that has been canonically erected as a form of consecrated life in virtue of canon 604. Canon 579 establishes that diocesan bishops can erect institutes of consecrated life by formal decree in their own dioceses. The

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[21] *VC* 7: *AAS* 88 (1996) 382: "Vera est laetandi beneque sperandi causa quod iterum hodie efflorescere videtur antiquus virginum Ordo quem christianae communitates exinde a temporibus apostolicis testificantur." *Consecrated Life*, 17–18.

[22] The word and concept of "patrimony" in canon law is used in regard to institutes of consecrated life (c. 578) and societies of apostolic life (c. 732). While the word "patrimony" is not used directly in reference to the individually lived forms of consecrated life (canonical hermits and the *Ordo virginum*), and these forms are not readily or directly associated with human founder(s), the word "patrimony" seems an apt description for the nature, purpose, spirit, character, and sound traditions which have been handed down in regard to these individually lived forms of consecrated life.

[23] *OCV Praenotanda* 1: "Consecrationis ritu Ecclesia suum erga virginitatem amorem patefacit." *Roman Pontifical*, 293.

question has arisen as to whether a bishop, before consecrating the first virgin in his diocese, ought to issue a decree establishing the *Ordo virginum*. Acknowledging the establishment of the *Ordo virginum* by universal law, the 2018 instruction *Ecclesiae sponsae imago* responds in the negative: "Through the celebration of the rite, even if it is carried out for a single person, the *Ordo virginum* is rendered present in the particular Church, without the necessity of another act of establishment by the Bishop."[24] Canon 583 might likewise be considered in regard to the universal establishment of the *Ordo virginum*: "Changes in institutes of consecrated life affecting those things which had been approved by the Apostolic See cannot be made without its permission."[25] While the diocesan bishop has the authority "to decide on the conditions under which women living in the world are to undertake a life of perpetual virginity,"[26] he would need the permission of the Apostolic See in order to make a substantive change to the *Ordo* as it has been canonically and liturgically established.

4. Canons 586–596: Governance and Types of Institutes

Canons 586 and 587 specify ways in which the patrimony of each institute of consecrated life is to be preserved, in accord with canon 578. In regard to the *Ordo virginum* as an institute in the broad sense of the word, and especially as we consider the proposal of juridic principles to guide the development of norms for the *Ordo virginum*, these canons provide relevant guidance.

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[24] Congregation for Institutes of Consecrated Life and Societies of Apostolic Life, instruction *Ecclesiae sponsae imago* 47, June 8, 2018. [hereafter *ESI*]. English translation accessed July 4, 2018. http://www.vatican.va/roman_curia/congregations/ccscrlife/documents/rc_con_ccscrlife_doc_20180608_istruzione-ecclesiaesponsae imago_en.html.

[25] Canon 583: "Immutationes in institutis vitae consecratae ea afficientes, quae a Sede Apostolica approbata fuerunt, absque eiusdem licentia fieri nequeunt."

[26] *OCV Praenotanda* 5: "Episcopi autem est statuere quo modo ac ratione virgines vitam saecularem agentes se obligent ad vitam virginalem perpetuo amplectendam." *Roman Pontifical*, 293.

Canon 586 acknowledges the just autonomy of life, especially in governance, that is possessed by each institute, and obliges local ordinaries with the responsibility to preserve and safeguard this autonomy. Once again, it seems that there is a natural application to the "institute" of the *Ordo virginum*: there is a certain autonomy of life of the individual consecrated virgin, and of the *Ordo* as an *Ordo*, that must be respected and safeguarded by the diocesan bishop. This autonomy applies to the virgin as she lives her life in accord with the patrimony of the *Ordo virginum*, a patrimony which includes a particular relationship with the diocesan bishop as spiritual father.[27] The autonomy of the virgin must also be understood in relationship to the rightful authority of the diocesan bishop over any apostolate in which the consecrated virgin might engage.[28]

Canon 587 concerns the proper law of each institute, "the practical instrument through which the patrimony of an institute of consecrated life is preserved and lived."[29] The canon states that the fundamental code or constitutions of every institute must join together "spiritual and juridic elements"[30] and contain, in addition to what is required by canon 578 (i.e., the mind and

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[27] *OCV* 2: "On a day scheduled close to the day of the rite of consecration, or at least on the day before the consecration, the candidates are presented to the Bishop, so that the father of the diocese may begin a pastoral dialogue with his spiritual daughters."

[28] See canon 678 §1 in regard to religious, a canon which may be analogously applied to the apostolate of an individual consecrated virgin, especially as the canon reflects the duties of the bishop as described in canons 386 and 392. Canon 678 §1: "Religious are subject to the power of bishops whom they are bound to follow with devoted submission and reverence in those matters which regard the care of souls, the public exercise of divine worship, and other works of the apostolate." Canon 386 §1: "[A diocesan bishop] is also to take care that the prescripts of the canons on the ministry of the word, especially those on the homily and catechetical instruction, are carefully observed so that the whole Christian doctrine is handed on to all." Canon 392 §2: "[A bishop] is to exercise vigilance so that abuses do not creep into ecclesiastical discipline, especially regarding the ministry of the word, the celebration of the sacraments and sacramentals, the worship of God and the veneration of the saints, and the administration of goods." See also McDermott, "Book II, Part III, Section I, Title I Norms Common to All Institutes of Consecrated Life (cc. 573–606)," 753.

[29] McDermott, "Book II, Part III, Section I, Title I Norms Common to All Institutes of Consecrated Life (cc. 573–606)," 753.

[30] Canon 587 §3: "In hoc codice elementa spiritualia et iuridica apte componantur."

design of the founders regarding the nature, purpose, spirit, and character of the institute), "fundamental norms regarding governance of the institute, the discipline of members, incorporation and formation of members, and the proper object of the sacred bonds."[31] Analogously, as the universal Church and diocesan bishops develop norms to govern the *Ordo virginum*, attention should be paid to including spiritual and juridic elements in regard to the patrimony of the *Ordo virginum*, appropriate governance of the *Ordo*, discipline of members, criteria for admission to consecration, formation, and the proper understanding of the nature of the consecration and the indissoluble mystical bond with Christ that is effected by the consecration.

Canon 588 distinguishes between those institutes of consecrated life that are clerical and those that are lay. Because the *Ordo virginum* does not include men, it is necessarily lay. Canon 589 distinguishes institutes of consecrated life of pontifical right from institutes of diocesan right, and canon 590 highlights the relationship of all institutes to the Church as a whole: "institutes of consecrated life are dedicated in a special way to the service of God and of the whole Church, and thus are subject to the supreme authority of the Church in a special way."[32] This directive would seem to be particularly applicable to the *Ordo virginum*, whose juridic status is granted through the universal law of the Church and whose membership is determined by consecration by a diocesan bishop according to a liturgical rite found in the Roman Pontifical.

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[31] Canon 587 §1: "normae fundamentales circa instituti regimen et sodalium disciplinam, membrorum incorporationem atque institutionem, necnon proprium sacrorum ligaminum obiectum."
[32] Canon 590 §1: "Instituta vitae consecratae, utpote ad Dei totiusque Ecclesiae servitium speciali modo dicata, supremae eiusdem auctoritati peculiari ratione subduntur."

Canon 604 specifies, furthermore, that the order of virgins is "dedicated to the service of the Church."[33]

Canon 591 establishes that under certain circumstances the Supreme Pontiff can exempt institutes of consecrated life from the governance of local ordinaries. The canon would seem not to be applicable to the *Ordo virginum*. Canon 592 requires that the supreme moderator of each institute report on the state and life of the institute to the Apostolic See, in a manner established by the Apostolic See. While the canon is not directly applicable to the *Ordo virginum*, a similar reporting function is being carried out in regard to the *Ordo* through the *ad limina* reports submitted every five years by diocesan bishops; the reports address the presence of the *Ordo virginum* in each diocese.[34] Canon 593 states that "institutes of pontifical right are immediately and exclusively subject to the power of the Apostolic See in regards to internal governance and discipline."[35] Although the *Ordo virginum* is not an institute of pontifical right, canon 593 is analogously applicable: the *Ordo* is subject to the Holy See under the competence of the Congregation for Institutes of Consecrated Life and Societies of Apostolic Life.[36] Canon 594 addresses institutes of diocesan right, stating that they remain "under the special care of the diocesan bishop."[37] This canon, too, is analogously applicable to the *Ordo virginum*, whose members are consecrated at the hands of the diocesan bishop and remain specially in his care. Canon 595 concerns the authority of diocesan bishops in regard to approval of the constitutions

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[33] Canon 604 §1: "ordo virginem quae, . . . Ecclesiae servitio dedicantur."
[34] See canon 399 §1. The quinquennial report, required to be submitted by each diocesan bishop to the Supreme Pontiff in preparation for his *ad limina* visit, inquires about the number of consecrated virgins in the diocese.
[35] Canon 593: "instituta iuris pontificii quoad regimen internum et disciplinam immediate et exclusive potestati Sedis Apostolicae subiciuntur."
[36] John Paul II, apostolic constitution *Pastor bonus* 110, June 28, 1988: *AAS* 80 (1988) 888.
[37] Canon 594: "permanet sub speciali cura Episcopi dioecesani."

of institutes and the granting of dispensations from the constitutions in particular cases; canon 596 concerns the power that superiors of institutes possess over members. The provisions of these canons 595 and 596 are not applicable to the *Ordo virginum*.

5. Canons 597–602: Admission, Evangelical Counsels, Fraternal Life

Canon 597 addresses the essential factors to be considered for admission to any institute of consecrated life or society of apostolic life (c. 732)[38]:

> Canon 597 §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.[39]

These same fundamental requirements apply to those who seek consecration in the *Ordo virginum*: the woman must be Catholic; she must have the right intention; she must have the specific qualities required for the *Ordo virginum* (as denoted in *Praenotanda* to the rite of consecration) and she must not be prevented by an impediment (such as having celebrated marriage in the past).[40] The second paragraph is likewise applicable to the applicant for the *Ordo virginum*: she must have suitable preparation under the guidance of the diocesan bishop, who "decides on the conditions under which women living in the world are to undertake a life of perpetual virginity."[41]

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[38] McDermott, "Book II, Part III, Section I, Title I Norms Common to All Institutes of Consecrated Life (cc. 573–606)," 763.

[39] Canon 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."

[40] A contrast can be observed between the natural right that all persons have to contract marriage if they are not prohibited by law (c. 1058) and the additional factors that must be considered in the person who seeks to enter consecrated life. (See discussion p. 186 of this study). The difference is reflective of Jesus' own words in Mt. 19:12 where He indicates that the committed celibate life is not mandatory, but is a gift from God: "He who is able to receive this, let him receive it."

[41] *OCV Praenotanda* 5: "Episcopi autem est statuere quo modo ac ratione virgines vitam saecularem agentes se obligent ad vitam virginalem perpetuo amplectendam." *Roman Pontifical*, 293.

Canons 598 to 601 present common norms concerning the evangelical counsels of chastity, poverty, and obedience that are professed by members of each institute of consecrated life (c. 573). Canon 598 specifies that it is the responsibility of each institute to define the manner in which the evangelical counsels are to be lived:

> Canon 598 §1: Each institute, attentive to its own character and purposes, is to define in its constitutions the manner in which the evangelical counsels of chastity, poverty, and obedience must be observed for its way of living. §2: 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.[42]

Profession of the evangelical counsels by vow or other sacred bond is a defining feature of all institutes of consecrated life, and the specific manner in which the evangelical counsels are lived out by members of a particular institute is often a defining feature of the way of life of that institute. In their mystical betrothal to Christ, consecrated virgins express "the holy resolution of following Christ more closely" and although not bound by vow or sacred bond to the counsels of obedience and poverty, they are bound nuptially to Christ, the poor, chaste, and obedient one. By professing the evangelical counsels, Pope Saint John Paul II taught in *Vita consecrata* that "consecrated persons not only make Christ the whole meaning of their lives but strive to reproduce in themselves, as far as possible, 'that form of life which he, the Son of God, accepted in entering this world.'"[43] The same must be true of the consecrated virgin, not by virtue of vow, but by virtue of her consecration as the bride of Christ. The *Ordo virginum* is not an institute that

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[42] Canon 598 §1: "Unumquodque institutum, attentis indole et finibus propriis, in suis constitutionibus definiat modum quo consilia evangelica castitatis, paupertatis et oboedientiae, pro sua vivendi ratione, servanda sunt. §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."

[43] *VC* 16: *AAS* 88 (1996) 390: "Per consiliorum namque professionem non modo de Christo haurit homo consecratus vitae suae significationem, verum in se redintegrare, quantum fieri potest, nititur 'formam quoque vitae, quam Filius Dei accepit mundum ingrediens.'" *Consecrated Life*, 29.

is governed by proper law; the manner of living out the counsels of poverty and obedience by the consecrated virgin will depend largely upon her individual circumstances in life, and will thus be an important part of ongoing conversations with her bishop.

Canon 599 addresses the meaning of the evangelical counsel of chastity for all institutes of consecrated life:

> Canon 599: The evangelical counsel of chastity assumed for the sake of the kingdom of heaven, which is a sign of the world to come and a source of more abundant fruitfulness in an undivided heart, entails the obligation of perfect continence in celibacy.[44]

All baptized Christians are called to chastity, in accord with their particular states of life.[45] The obligation to live chastity in perfect continence in celibacy is required of members of institutes of consecrated life (c. 599), clerics (c. 277 §1), and of members of societies of apostolic life (c. 739).[46] "By embracing chastity," Saint Pope John Paul explains, "[consecrated persons] make their own the pure love of Christ and proclaim to the world that he is the Only-Begotten Son who is one with the Father (cf. Jn 10:30, 14:11)."[47] In his address to consecrated virgins gathered in Rome in 1996, Pope John Paul II explained that with the 1970 restoration of the rite of consecration for virgins living in the world, "there was also a restoration of the *Ordo virginum*, which was to find its juridical expression, as distinct from that of institutes, in canon 599 of the

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[44] Canon 599: "Evangelicum castitatis consilium propter Regnum coelorum assumptum, quod signum est mundi futuri et fons uberioris fecunditatis in indiviso corde, obligationem secumfert continentiae perfectae in caelibatu."
[45] *CCC* 2348.
[46] An exception from the obligation of celibacy for clerics exists for married men who are destined to the permanent diaconate (c. 1042, 1°). In regard to societies of apostolic life, while not all societies require members to assume the evangelical counsels (c. 731 §2), all members "are bound by the common obligations of clerics unless it is otherwise evident from the nature of the thing or the context" (c. 739).
[47] *VC* 16: *AAS* 88 (1996) 390: "Virginitatem amplectens suum efficit virginalem Christi amorem quem hominibus confitetur uti unigenitum Filium, unum cum Patre (cfr. *Io* 10, 30; 14, 11)." *Consecrated Life*, 29.

new *Code of Canon Law*."[48] After situating the *Ordo virginum* directly within the context of the evangelical counsel of chastity, Pope John Paul went on to reflect with specificity on the vocation of *virginity* that has been acclaimed by bishops since the early days of the Church.[49] Among the variety of states of life which are committed to live chastity in perfect continence in celibacy, it is only the *Ordo virginum* that necessarily lives this commitment also within the state of virginity.[50] For this reason, any norms written in regard to the *Ordo virginum* ought to recognize virginity as the key distinguishing aspect of the *Ordo*, and place an emphasis on the fruitful living of perpetual virginity.

Canon 600 concerns the evangelical counsel of poverty. In the sermon on the mount, Jesus taught, "blessed are the poor in spirit," so that the crowds who heard his words might know the holiness of a Christian life lived in poverty of spirit. The poverty that is lived by those who profess the evangelical counsels is a poverty not only in spirit, but also in fact.[51]

> Canon 600: The evangelical counsel of poverty in imitation of Christ who, although he was rich, was made poor for us, entails, besides a life which is poor in fact and in spirit and is

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[48] John Paul II, address to consecrated virgins "May Christ Be Your Total and Exclusive Love," June 2, 1995, n.1, in *OssRomEng,* n. 24, June 14, 1995, p. 3.

[49] Ibid. n. 2, p. 3. John Paul emphasizes virginity in his reference to the "Bishops of old": "For my part, I would like to speak to you with the warm affection expressed by Bishops of old when they addressed the virgins of their Churches: the warmth of Methodius of Olympus, the first to sing of Christian virginity; of Athanasius of Alexandria and Cyprian of Carthage, who considered consecrated virgins to be the chosen portion of Christ's flock; of John Chrysostom, whose writings are rich in ideas for nourishing the spiritual life of virgins; of Ambrose of Milan, whose works testify to an extraordinary pastoral concern for consecrated virgins; of Augustine of Hippo, the astute, profound theologian of virginity embraced for the kingdom of heaven (cf. Mt. 19:12); of the great and holy Pope Leo I, who is most likely the author of the marvelous consecratory prayer *Deus castorum corporum*; of Leander of Seville, who wrote an exquisite letter to his sister, Florentina, on the occasion of her consecration as a virgin. It is an episcopal tradition with which I am pleased to be associated."

[50] The distinction of virginity as a requirement for the *Ordo virginum* has been addressed throughout this study. In his 1995 address, Pope John Paul further explained: "According to the teaching of the Fathers, virgins receive from the Lord the 'consecration of virginity' and become a visible sign of the Church's virginity, a means of her fruitfulness, a witness of her fidelity to Christ. Virgins are also a reminder that the Church is oriented towards the good things to come and a warning to keep the eschatological tension alive." (n. 5, p. 4).

[51] McDermott, "Book II, Part III, Section I, Title I Norms Common to All Institutes of Consecrated Life (cc. 573–606)," 765.

> to be led productively in moderation and foreign to earthly riches, a dependence and limitation in the use and disposition of goods according to the norm of the proper law of each institute.[52]

The evangelical counsel of poverty is to be embraced and lived personally by members of institutes, even as it is also witnessed to in the collective life of the institute itself, in imitation of Christ's poverty.[53] Evangelical poverty "admits of a wide variety of expressions in accord with the nature, spirit, and purpose of each institute"[54]; the counsel may be lived much differently and its juridical effects may be much different, for example, in a contemplative or monastic institute as compared to an apostolic or secular institute.[55]

The consecrated virgin lives her life as an individual and remains responsible for her own livelihood; this affects the manner in which she will live out the evangelical counsel of poverty. The consecrated virgin will look to the virgin Christ and the Blessed Virgin Mary for the example and reasons for her poverty: that she might be free from material attachments in order to empty her heart and spirit to receive the riches of the will of the Father. The Blessed Virgin emptied herself in her *fiat* and in her *pieta*, giving herself not to the riches of this world, but to the plan of God for its salvation. Jesus emptied Himself that He might accept the will of the Father for the salvation of the world through the shedding of His own blood; rather than seeking

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[52] Canon 600: "Evangelicum consilium paupertatis ad imitationem Christi, qui propter nos egenus factus est cum esset dives, praeter vitam re et spiritu pauperem, operose in sobrietate ducendam et a terrenis divitiis alienam, secumfert dependentiam et limitationem in usu et dispositione bonorum ad normam iuris proprii singulorum institutorum."
[53] Canons 634 §2, 635 §2, and 640 address the collective poverty of religious institutes.
[54] McDermott, "Book II, Part III, Section I, Title I Norms Common to All Institutes of Consecrated Life (cc. 573–606)," 765.
[55] Ibid.,766.

the riches of the world, He sought only the riches of His Father. This is the poverty of spirit and fact that the consecrated virgin must seek.

Some commentators have observed that there is nothing to prevent a consecrated virgin from publicly or privately professing vows or other sacred commitments to the evangelical counsels of poverty and obedience.[56] This may be true, but it is at the same time important to assert the distinctive nature of the *Ordo virginum,* which does not entail explicit vows of poverty and obedience because the consecrated virgin is called to live her vocation of mystical espousal to Christ in the heart of the diocesan Church, as a sign of the love of the Church for her Bridegroom, rather than in accord with the nature, spirit, and purpose of a particular institute or society. Norms that are developed in regard to the *Ordo virginum* should maintain that the consecrated virgin is called to live the evangelical counsel of poverty (and of obedience), not by virtue of her bond to an institute or society that professes the evangelical counsels, but by virtue of the nature of her mystical espousal to Christ. An explicit vow of poverty, in addition to her consecration as a virgin, is not necessary and should not be encouraged.[57]

Canon 601 addresses the evangelical counsel of obedience, which entails an obedience that goes beyond the submission required of everyone to obey the divine law, and beyond the

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[56] See, for example, Tomás Rincón-Pérez, "Commentary on Book II, Part III, Title I Norms Common to All Institutes of Consecrated Life (cc. 573-606)," in *Exegetical Commentary on the Code of Canon Law*, English language edition ed. Ernest Caparros et al. (Chicago and Montreal: Midwest Theological Forum and Wilson & Lafleur, 2004) [hereafter *Exegetical Commentary*] II/2: 1570.

[57] The bishop should examine the underlying reasons that an applicant for the consecration of virgins or a consecrated virgin herself, may want to make an explicit vow of poverty and what such a vow might mean to her. It is not possible for members of the *Ordo virginum* to live the vow of poverty in the manner in which such a vow is lived within a religious institute, for example, for the very reason that consecrated virgins do not have an institute upon which they can depend to supply them "with all those things which are necessary to achieve the purpose of their vocation" (c. 670).

obedience owed by the Christian faithful to sacred pastors of the Church in their role as teachers of the faith.[58]

> Canon 601: The evangelical counsel of obedience, undertaken in a spirit of faith and love in the following of Christ obedient unto death, requires submission of the will to legitimate superiors, who stand in the place of God, when they command according to the proper constitutions.[59]

By binding themselves to the configuration of Christ in His filial obedience, those who live the evangelical counsel of obedience, "through the sacrifice of their own freedom, . . . profess that he is infinitely loved and loving, as the one who delights only in the will of the Father (cf. Jn 4:34), to whom he is perfectly united and on whom he depends for everything."[60] In institutes of consecrated life and those societies of apostolic life whose members assume the evangelical counsels, canon 601 places the evangelical counsel of obedience directly in the context of submission of the will to legitimate superiors when they command according to the proper constitutions.

The consecrated virgin, whose life is lived individually as a bride of Christ, lives out the the evangelical counsel of obedience in a different context than the member of an institute or society, but to the same end. The consecrated virgin's obedience to Christ and the Church must be exemplary, as the Church herself is obedient to her Bridegroom Jesus, who Himself was obedient to the will of the Father. As stated above in regard to the evangelical counsel of

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[58] See canon 212 §1: "Conscious of their own responsibility, the Christian faithful are bound to follow with Christian obedience those things which the sacred pastors, inasmuch as they represent Christ, declare as teachers of the faith or establish as rulers of the Church."

[59] Canon 601: "Evangelicum oboedientiae consilium, spiritu fidei et amoris in sequela Christi usque ad mortem oboedientis susceptum, obligat ad submissionem voluntatis erga legitimos Superiores, vices Dei gerentes, cum secundum proprias constitutiones praecipiunt."

[60] *VC* 16: *AAS* 88 (1996) 390: "suae libertatis sacrificio adhaerescens ad filialis eius oboedientiae mysterium, infinito modo et amatum et amantem eum profitetur, qui sola Patris voluntate gaudet (cfr *Io* 4,34), quocum coniungitur perfecte et a quo in omnibus dependet." *Consecrated Life*, 30.

poverty, although some have pointed to the possibility of a consecrated virgin making an explicit vow of obedience, such a vow is not necessary and must be closely scrutinized. The virgin lives her mystical espousal to Christ in the heart of the diocesan Church, as a transcendent sign of the love of the Church for Christ, poor, chaste, and obedient.

Canon 602 concerns the fraternal life of institutes of consecrated life and those societies of apostolic life whose members assume the evangelical counsels by some bond defined in their constitutions (c. 731 §2).

> Canon 602: The life of brothers or sisters proper to each institute, by which all the members are united together as a special family in Christ, is to be defined in such a way that it becomes a mutual support for all in fulfilling the vocation of each. Moreover, by their communion as brothers or sisters rooted and founded in charity, members are to be an example of universal reconciliation in Christ.[61]

The fraternal life described in this canon is "distinguished from life in community or the canonical common life prescribed for religious institutes."[62] This fraternal life is lived in various ways in the Church, reflecting in human terms some of the mystery of the nuptial union within the Trinity, and between the Church and Christ. The post-synodal apostolic exhortation *Vita consecrata* speaks to these various ways, and specifically references the *Ordo virginum*:

> The fraternal life, understood as a life shared in love, is an eloquent sign of ecclesial communion. It is practiced with special care in religious institutes and in societies of apostolic life, where community living acquires special significance. Nor is the dimension of fraternal communion alien to secular institutes, or even to forms of the consecrated life lived individually. Hermits, in their profound solitude, do not withdraw from ecclesial communion but serve that communion by their specific charism of contemplation.

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[61] Canon 602: "Vita fraterna, unicuique instituto propria, qua sodales omnes in peculiarem veluti familiam in Christo coadunantur, ita definiatur ut cunctis mutuo adiutorio evadat, ad suam cuiusque vocationem adimplendam. Fraterna autem communione, in caritate radicata et fundata, sodales exemplo sint universalis in Christo reconciliationis."
[62] McDermott, "Book II, Part III, Section I, Title I Norms Common to All Institutes of Consecrated Life (cc. 573–606)," 767.

> Consecrated virgins in the world live out their consecration in a special relationship of communion with the particular and universal Church.[63]

Norms that are developed for the *Ordo virginum* ought to emphasize that while the vocation of the consecrated virgin is lived individually, it is lived much like the vocation of a married person in that the life is not lived in isolation, but in the context of communion with the particular and universal Church.

6. Canons 603–606: Hermits, Virgins, New Forms, Either Sex

Canon 603 addresses diocesan hermits as a form of life recognized by the Church "in addition" (*praeter*) to institutes of consecrated life. The eremetical form of life is individually lived, as is life in the *Ordo virginum*, and both forms of life are lived in total dedication to God, under the direction of the diocesan bishop. A stark contrast between the two forms of life emerges as one compares the life of the diocesan hermit as described in canon 603 to the life of the consecrated virgin presented in canon 604. Diocesan hermits "devote their life to the praise of God and the salvation of the world through a stricter withdrawal from the world, the silence of solitude, and assiduous prayer and penance"[64]; the diocesan hermit is "recognized by law as one dedicated to God in consecrated life if he or she publicly professes in the hands of the diocesan bishop the three evangelical counsels, confirmed by vow or other sacred bond, and observes a

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[63] *VC* 42: *AAS* 88 (1996) 415: "Vita fraterna, quae veluti vita in amore participata habetur, signum est manifestum communionis ecclesialis. Ea ab Institutis religiosis et Societatibus vitae apostolicae peculiari studio colitur, ubi vita in communitate singularem significationem adipiscitur. At communionis fraternae ratio nec a Saecularibus Institutis nec a formis singularibus vitae consecratae seiungitur. Eremitae, sua in vasta solitudine, non modo sese ab ecclesiali communione non subducunt, sed peculiari suo contemplationis charismate ei serviunt; virgines in saeculo consecratae suam explent consecrationem peculiari quadam communionis ratione cum Ecclesia particulari et universali." *Consecrated Life*, 68–69.

[64] Canon 603 §1: "qua christifideles arctiore a mundo secessu, solitudinis silentio, assidua prece et paenitentia, suam in laudem Dei et mundi salute vitam devovent."

proper program of living under his direction."[65] The *Ordo virginum* of canon 604, by contrast, is described as "mystically espoused to Christ, the Son of God, and dedicated to the service of the Church"[66]; the virgin does not publicly profess the evangelical counsels but is "consecrated to God by the diocesan bishop according to the approved liturgical rite."[67] The member of the *Ordo virginum* does not live in withdrawal from the world.

Canon 605 addresses the approval of new forms of consecrated life, and as such is not analogously applicable to the *Ordo virginum*.

Canon 606 closes the title on norms common to all institutes of consecrated life by stating that the law established for institutes of consecrated life is equally valid for either sex, "unless it is otherwise evident from the context of the wording or the nature of the matter."[68] In reference to the *Ordo virginum*, although canon 604 does not explicitly state that the *Ordo* is open only to women, there are three indications that this is so within the canon. In the first place, the Latin word "*virgo*," used in two forms in the canon ("*virginum*" and "*virgines*") refers specifically to the female sex.[69] Secondly, the virgin is to be consecrated to God according to the approved liturgical rite, a rite which solely refers to consecrated virgins with feminine references and pronouns. Thirdly, canon 604 refers to mystical betrothal to Christ, implying the feminine as a bride.

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[65] Canon 603 §2: "Eremita, uti Deo deditus in vita consecrata, iure agnoscitur si tria evangelica consilia, vota vel alio sacro ligamine firmata, publice profiteatur in manu Episcopi dioecesani et propriam vivendi rationem sub ductu eiusdem servet."
[66] Canon 604 §1: "Christo Dei Filio mystice desponsantur et Ecclesiae servitio dedicantur."
[67] Canon 604 §1: "ab Episcopo dioecesano iuxta probatum ritum liturgicum Deo consecrantur."
[68] Canon 606: "Quae de institutis vitae consecratae eorumque sodalibus statuuntur, pari iure de utroque sexu valent, nisi ex contextu sermonis vel ex rei natura aliud constet."
[69] Charlton T. Lewis, *An Elementary Latin Dictionary* (Oxford: Clarendon Press, 1966 printing of 1891 edition) s.v. "virgo," 923: "A maid, maiden, virgin; a young female, young woman, girl."

Having considered the norms common to all institutes of consecrated life, we proceed to consider the norms directed specifically to religious institutes (RI, cc. 607–709), secular institutes (SI, cc. 710–730), and societies of apostolic life (SAL, cc. 731–746). In this study, as we consider analogous applicability of the law to the *Ordo virginum*, we will group the canons according to nine natural themes that occur for each form of life: 1) theological identity of the life; 2) juridical definition of the life; 3) erection and suppression of houses; 4) governance; 5) admission of candidates and formation; 6) obligations and rights of institutes (societies) and members; 7) apostolate; 8) separation of members; and 9) religious raised to the episcopate.

B. Theological Identity of the Life (RI c. 607 §1; SI c. 710; SAL c. 731 §1)

The first canon, or first paragraph of the first canon, of the norms regulating each type of institute or society, lays out the theological identity of that form of life, giving further specification to what was offered in the common norms. It is useful to begin by first recalling the elements of theological identity listed in canon 573 §1 that are applicable to all institutes of consecrated life: "life consecrated through the profession of the evangelical counsels"; "a stable form of living"; "following Christ more closely under the action of the Holy Spirit"; "totally dedicated to God who is loved most of all"; "dedicated by a new and special title to His honor, to the building up of the Church, and to the salvation of the world"; "they strive for the perfection of charity in service of the kingdom of God"; and as "an outstanding sign in the Church, foretell the heavenly glory."

Turning first to religious institutes, the theological identity, in addition to the above, also includes per canon 607 §1: "consecration of the whole person [that] manifests in the Church a wonderful marriage brought about by God, a sign of the future age"; that thus "brings to

perfection a total self-giving as a sacrifice offered to God"; and through this, "his or her whole existence becomes a continuous worship of God in charity."[70] Drawing from the Second Vatican Council's decree *Perfectae caritatis*, this canon identifies the eschatological witness of religious, who "recall to the minds of all the faithful that wondrous marriage decreed by God and which is to be fully revealed in the future age in which the Church takes Christ as its only spouse."[71] Characterized by a total spousal self-giving, the religious state "not only witnesses to the fact of a new and eternal life acquired by the redemption of Christ, but it foretells the future resurrection and the glory of the heavenly kingdom."[72] The eschatological witness of the religious state is key to identifying the purpose and place of religious life in the life and holiness of the Church; as religious are freed from earthly cares to foster the perfection of love of God and neighbor, "the Kingdom of God and its needs, in a very special way, are raised above all earthly considerations."[73] One cannot help but note the striking similarity between the theological identity of religious life and that of the *Ordo virginum*, which is likewise characterized by eschatological witness to the eternal wedding feast. This is a striking but not surprising similarity, for the two forms of consecrated life share a common root in the

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[70] Canon 607 §1: "Vita religiosa, utpote totius personae consecratio, mirabile in Ecclesia manifestat conubium a Deo conditum, futuri saeculi signum. Ita religiosus plenam suam consummat donationem veluti sacrificium Deo oblatum, quo tota ipsius exsistentia fit continuus Dei cultus in caritate."

[71] Vatican II, decree *Perfectae caritatis* 12, October 28, 1965: *AAS* 58 (1966) [hereafter *PC*] 707: "Sic ipsi coram omnibus Christifidelibus mirabile illud evocant connubium a Deo conditum et in futuro saeculo plene manifestandum quo Ecclesia unicum sponsum Christum habet." English translation in *The Documents of Vatican II: with Notes and Index*, trans. Vatican (Strathfield NSW, Australia: St. Pauls Publications, 2009) [hereafter *The Documents*] 279. All subsequent English translations of documents of Vatican II will be taken from this source unless otherwise indicated.

[72] Vatican II, dogmatic constitution *Lumen gentium* 44, November 21, 1964: AAS 57 (1965) 51: "tum vitam novam et aeternam redemptione Christi acquisitam testificat, tum resurrectionem futuram et gloriam Regni caelestis praenuntiat." English translation in *The Documents*, 59.

[73] Ibid.: "Regni Dei denique super omnia terrestria elevationem eiusque summas necessitudines peculiari modo patefacit."

consecrated virgins of the early Church, and the rite of consecration to a life of virginity has been in continual use in certain monastic orders throughout the history of the Church.

The theological identity of the secular institute, in addition to the characteristics above from canon 573 §1, also includes per canon 710 that members: are "Christian faithful, living in the world"; who "strive for the perfection of charity"; and "seek to contribute to the sanctification of the world, especially from within."[74] The theological identity of the society of apostolic life is not stated in reference to canon 573 §1. Rather, canon 731 §1 establishes that while societies "resemble" (*accedunt*) institutes, their members: "without religious vows"; "pursue the apostolic purpose proper to the society"; "lead a life in common as brothers or sisters according to their proper manner of life"; "strive for perfection of charity through the observance of the constitutions."[75]

While the theological identity of the *Ordo virginum* is presented in *Praenotanda* to the rite of consecration and in the prayer of consecration itself, its key characteristics are gleaned in canon 604 §1: the *Ordo virginum* consists of those who: "expressing the holy resolution of following Christ more closely"; "are consecrated to God by the diocesan bishop according to the approved liturgical rite"; "are mystically betrothed to Christ, the Son of God"; and "are dedicated to the service of the Church."[76] The *Ordo virginum* thus shares with religious institutes a focus

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[74] Canon 710: "Institutum saeculare est institutum vitae consecratae, in quo christifideles in saeculo viventes ad caritatis perfectionem contendunt atque ad mundi sanctificationem praesertim ab intus conferre student."
[75] Canon 731 §1: "Institutis vitae consecratae accedunt societates vitae apostolicae, quarum sodales, sine votis religiosis, finem apostolicum societatis proprium prosequuntur et, vitam fraternam in communi ducentes, secundum propriam vitae rationem, per observantiam constitutionum ad perfectionem caritatis tendunt."
[76] Canon 604 §1: "Hisce vitae consecratae formis accedit ordo virginum quae, sanctum propositum emittentes Christum pressius sequendi, ab Episcopo dioecesano iuxta probatum ritum liturgicum Deo consecrantur, Christo Dei Filio mystice desponsantur et Ecclesiae servitio dedicantur."

on eschatological witness, with secular institutes the aspect of living in the world, and with societies of apostolic life a participation in the apostolate. The primary differenece, theologically, is the focus of the *Ordo virginum* on a mystical betrothal to Christ

C. Juridical Definition of the Life (RI c. 607 §§2–3; SI cc. 711–713, 716 §2; SAL c. 731)

Beyond the theological identity of its nature and ends, also inherent to the identification of each form of consecrated life and society of apostolic life is its juridic configuration in terms of the nature of the bonds of members to the institute or society, how the fraternal life of the institute or society is lived, and the degree to which the life is intended to be lived in or apart from the world. Juridical distinctions in the life of religious institutes, secular institutes, and societies of apostolic life might be categorically summarized as follows:

. In regard to the nature of the bonds: members of religious institutes pronounce public vows that can be either perpetual, or they can be temporary and renewed when the period of time has elapsed (c. 607 §2).[77] Members of secular institutes assume the evangelical counsels by sacred bonds as determined by the constitutions (c. 712)[78]; as well, the law specifies that a person's consecration as a member does not change his condition as lay or cleric (c. 711). Members of societies of apostolic life do not profess religious vows (c. 731 §1), but members of some societies "assume the evangelical counsels by some bond defined in the constitutions" (c. 731 §2).[79]

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[77] Canon 607 §2: "Institutum religiosum est societas in qua sodales secundum ius proprium vota publica perpetua vel temporaria, elapso tamen tempore renovanda, nuncupant."
[78] Canon 712: "constitutiones statuant vincula sacra, quibus evangelica consilia in instituto assumuntur."
[79] Canon 731 §2: "Inter has sunt societates in quibus sodales, aliquo vinculo constitutionibus definito, consilia evangelica assumunt."

In regard to how the fraternal life is lived: members of religious institutes lead a life of brothers and sisters in common (c. 607 §2). Members of secular institutes follow the constitutions in regard to obligations entailed by the bonds, while always maintaining proper secularity (c. 712); they do not usually live a life in common, but preserve communion among themselves in "a spirit of unity and a genuine relationship as brothers or sisters" (c. 716 §2)[80]; members live out their consecration in the context of their own lives and apostolates (c.713 §§1–2), with lay and clerical members distinctively participating in the evangelizing function of the Church (c. 713 §§2–3).[81] Members of societies of apostolic life lead a life in common as brothers or sisters (c. 731 §1).

In regard to the degree to which the life is meant to be lived apart from or in the world: the public witness of a religious institute entails some separation from the world (c. 607 §3)[82]; secular institutes observe a proper secularity living in the world (cc. 710, 712, 713 §2, 714); and societies of apostolic life lead a life in common according to their proper law (c. 731 §1). Considering canon 731 in full, it is apparent that what is common to all societies of apostolic life

[80] Canon 716 §2: "spiritus unitatem et genuinam fraternitatem."
[81] Canon 713 §1. "Members of these institutes express and exercise their own consecration in apostolic activity, and like leaven they strive to imbue all things with the spirit of the gospel for the strengthening and growth of the body of Christ. §2. In the world and from the world, lay members participate in the evangelizing function of the Church whether through the witness of a Christian life and of fidelity toward their own consecration, or through the assistance they offer to order temporal things according to God and to inform the world by the power of the gospel. They also cooperate in the service of the ecclesial community according to their own secular way of life. §3: Through the witness of consecrated life especially in the *presbyterium*, clerical members help their brothers by a particular apostolic charity, and by their sacred ministry among the people of God they bring about the sanctification of the world."
[82] Canon 607 §3: "Testimonium publicum a religiosis Christo et Ecclesiae reddendum illam secumfert a mundo separationem."

is "to be active in the apostolate, living a common life and pursuing charity through observance of their constitutions."[83]

These juridical distinctions are helpful in attempting to place and understand any form of consecrated life. In regard to those who are mystically espoused to Christ in the *Ordo virginum*, the nature of the bond is the consecration itself, which establishes the virgin's nuptial bond with Christ and at the same time constitutes her a sacred person in the Church. The fraternal life of the *Ordo virginum* is not led in the context of an institute or society but rather in the context of the particular Church in which a consecrated virgin lives. In regard to the degree of separation from the world, the rite of consecration to a life of virginity itself indicates that the consecration can be received by nuns (who live apart from the world) and by virgins living in the world. It is this latter group, as we have discussed, that is the *Ordo virginum*. The consecrated virgin lives her mystical espousal to Christ in the world, as a married woman lives in the world, and as members of secular institutes live in the world.

D. Living Arrangements (RI cc. 608–616; SI cc. 714, 716; SAL c. 733)

Members of religious institutes "must live in a legitimately established house under the authority of a superior designated according to the norm of law" (c. 608).[84] Canons 608 to 616 establish the law in regard to the legitimate establishment and suppression of religious houses. Religious houses are required "to have at least an oratory in which the Eucharist is to be celebrated and reserved so that it is truly the center of the community" (c. 608).[85] Members of

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[83] Sharon L. Holland, "Book II, Part III, Section II Societies of Apostolic Life (cc. 731–746)," in *New Commentary*, 894.
[84] Canon 608: "Communitas religiosa habitare debet in domo legitime constituta sub auctoritate Superioris ad normam iuris designate."
[85] Ibid: "singulae domus habeant saltem oratorium, in quo Eucharistia celebretur et asservetur ut vere sit centrum communitatis."

secular institutes do not live in religious houses; rather, they "lead their lives in the ordinary conditions of the world according to the norm of the constitutions, whether alone, or in their own families, or in a group living as brothers and sisters" (c. 714),[86] while participating actively in the life of the institute according to proper law (c. 716 §1). The canons reflect the fact that members of secular institutes do not, as a matter of law, live together in a communal lifestyle. Societies of Apostolic Life "lead a life in common as brothers or sisters" (c. 731 §1). Canon 733 addresses the erection and suppression of a house and local community of a society. Consent of the diocesan bishop is required for the erection of a house, and this consent "entails the right to have at least an oratory in which the Most Holy Eucharist is to be celebrated and reserved."[87]

The virgin who is mystically espoused to Christ in the *Ordo virginum* lives her life in the ordinary conditions of the world, in a way that is analogous to the member of the secular institute: alone, with her family, or in a shared living space with other consecrated virgins, as sisters. The 2018 instruction *Ecclesiae sponsae imago* states: "They can live alone, with their family, together with other consecrated women or in other situations that facilitate the expression of their vocation and the fulfillment of their plan of life. They support themselves from the proceeds of their own work and their personal resources."[88] The *Ordo virginum*, however, is not an institute, and the consecrated virgin lives her fraternal life within the diocesan family rather than according to the proper law of an institute. This means that while the virgin will have a natural and Christian concern for other virgins in the *Ordo virginum*, and especially for those in

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[86] Canon 714: "Sodales vitam in ordinariis mundi condicionibus vel soli, vel in sua quisque familia, vel in vitae fraternae coetu, ad normam constitutionum ducant."
[87] Canon 733 §2: "Consensus ad erigendam domum secumfert ius habendi saltem oratorium, in quo sanctissima Eucharistia celebretur et asservetur."
[88] *ESI* 37.

her own diocese, she does not have the same level of responsibility towards other members of the *Ordo virginum* as a member of a secular institute may have towards members of the institute, in accord with the proper law of the institute.

In regard to reservation of the Most Holy Eucharist in an oratory in religious houses and the houses of societies of apostolic life, it is pertinent to note that consecrated virgins sometimes request permission from the diocesan bishop to have a private chapel or oratory in their homes, in which the Most Holy Eucharist is reserved. The consecrated virgin, mystically espoused to Christ, loves Him above all, and while her normal habit is to attend daily Mass (as possible), she also desires to spend as much time as possible in the presence of the Most Blessed Sacrament. Pope Benedict XVI observed the close connection between consecrated virginity and the Most Holy Eucharist in the post-synodal apostolic exhortation *Sacramentum caritatis*:

> In addition to its connection to priestly celibacy, the eucharistic mystery also has an intrinsic relationship to consecrated virginity, inasmuch as the latter is an expression of the Church's exclusive devotion to Christ, whom she accepts as her Bridegroom with a radical and fruitful fidelity. In the Eucharist, consecrated virginity finds inspiration and nourishment for its complete dedication to Christ. From the Eucharist, moreover, it draws encouragement and strength to be a sign, in our own times too, of God's gracious and fruitful love for humanity.[89]

In a private letter recommending the practice to a consecrated virgin in the United States, the episcopal moderator of the United States Association of Consecrated Virgins wrote in 2007:

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[89] Benedict XVI, post-synodal apostolic exhortation *Sacramentum caritatis* 81, February 22, 2007: *AAS* 99 (2007) 167–168: "Namque praeter vinculum cum sacerdotali caelibatu commonstrat eucharisticum Mysterium intimam cum virginitate consecrata coniunctionem, quatenus haec declaratio est deditionis Ecclesiae Christo factae sine condicionibus, quae illum nempe veluti Sponsum suscipit fidelitate tota ac fecunda. Virginitas enim consecrata in Eucharistia impetum detegit et nutrimentum suam ad universalem Christo dedicationem. Trahit praeterea ex Eucharistia solacium atque incitamentum ut nostris aequabiliter diebus amoris gratuiti signum sit et feracis quem erga homines colit Deus." English translation in *The Sacrament of Charity* (Ijamsville, MD: The Word Among Us Press, 2007) 107.

> Given the essential relationship of consecrated virginity to the Eucharistic mystery, if, in the judgment of the local Ordinary, all of the requirements for the reservation of the Most Blessed Sacrament have been met and can continue to be met, the Most Blessed Sacrament may be reserved in a fitting chapel in the home of the consecrated virgin. Such permission is a great gift to the consecrated virgin, who experiences through the possibility of this time in the presence of the Most Blessed Sacrament a strong confirmation of her vocation and mission in the Church.[90]

Canons 934 to 944 regulate the reservation and veneration of the Most Holy Eucharist, and canons 1223 to 1229 concern oratories and private chapels. A diocesan bishop who is developing norms in regard to the *Ordo virginum*, should consider these canons and the conditions under which he might permit reservation of the Most Blessed Sacrament in a fitting chapel in the home of a consecrated virgin.[91]

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[90] Raymond L. Burke, August 14, 2007, private letter to a consecrated virgin who had requested information about "the practice of permitting consecrated virgins, when it is possible, to have the Most Blessed Sacrament reserved in a fitting chapel in their homes."

[91] For example, note the requirements of the following canons: c. 934 §2: "in sacred places where the Most Holy Eucharist is reserved, there must always be someone responsible for it and, insofar as possible, a priest is to celebrate Mass there at least twice a month."; c. 938 §2: "The tabernacle in which the Most Holy Eucharist is reserved is to be situated in some part of the church or oratory which is distinguished, conspicuous, beautifully decorated, and suitable for prayer."; c. 938 §3: "The tabernacle in which the Most Holy Eucharist is reserved habitually is to be immovable, made of solid and opaque material, and locked in such a way that the danger of profanation is avoided as much as possible."; c. 938 §5: "The person responsible for the church or oratory is to take care that the key of the tabernacle in which the Most Holy Eucharist is reserved is safeguarded most diligently."; c. 939: "Consecrated hosts in a quantity sufficient for the needs of the faithful are to be kept in a pyx or small vessel; they are to be renewed frequently and the older hosts consumed properly."; c. 940: "A special lamp which indicates and honors the presence of Christ is to shine continuously before a tabernacle in which the Most Holy Eucharist is reserved."; c. 941 §1: "In churches or oratories where it is permitted to reserve the Most Holy Eucharist, there can be expositions with the pyx or the monstrance; the norms prescribed in the liturgical books are to be observed." Canon 1223 defines an oratory: "a place for divine worship designated by permission of the ordinary for the benefit of some community or group of the faithful who gather in it and to which other members of the faithful can also come with the consent of the competent superior."; c. 1226 defines a private chapel: "a place for divine worship designated by permission of the local ordinary for the benefit of one or more physical persons." Of particular importance to bishops considering the private chapel (or oratory) in the home of a consecrated virgin: c. 1224: §1: "The ordinary is not to grant the permission required to establish an oratory unless he has first visited the place destined for the oratory personally or through another and has found it properly prepared. §2: After permission has been given, however, an oratory cannot be converted to profane use without the authority of the same ordinary."; c. 1228: "the permission of the local ordinary is required for Mass or other sacred celebrations to take place in any private chapel." Canon 1229: "It is fitting for oratories and private chapels to be blessed according to the rite prescribed in the liturgical books. They must, however, be reserved for divine worship alone and free from all domestic uses."

E. Governance (RI cc. 617–640; SI cc. 717–718; SAL cc. 734, 741)

Canons 617–630 address the role of superiors and their councils, who govern religious institutes according to the norm of universal and proper law (c. 617). The role of the superior is perhaps best summarized in canon 619: "Superiors are to devote themselves diligently to their office and together with the members entrusted to them are to strive to build a community of brothers or sisters in Christ, in which God is sought and loved before all things."[92] Canons 631–633 address the role of chapters in the governance of a religious institute. Canons 634–640 address the administration of temporal goods in a religious institute; the article ends in canon 640 with an admonition for institutes themselves to be "a collective witness of charity and poverty." Canon 717 addresses the role and manner of designation of moderators as those in charge of the governance of secular institutes; canon 718 addresses the administration of goods in a secular institute, also placing an emphasis on the evangelical poverty which must be expressed and fostered in this administration. Canon 734 states that the constitutions of a society of apostolic life determine its governance; the canon also incorporates applicable canons on the role of superiors and chapters in the governance of religious institutes. Canon 741 addresses the administration of temporal goods belonging to a society; it likewise asserts that members of societies are also capable of owning and administering their own goods.

As an individually lived form of consecrated life, these canons concerning governance and administration of goods are not analogously applicable to the *Ordo virginum*. It might also be added at this point that the canons are not directly applicable to associations of consecrated

[92] Canon 619: "Superiores suo officio sedulo incumbent et una cum sodalibus sibi commissis studeant aedificare fraternam in Christo communitatem, in qua Deus ante omnia quaeratur et diligatur."

virgins, even if those associations are canonically erected as public juridic persons. This is because membership in an association of consecrated virgins is always voluntary for a consecrated virgin, and such an association is not formed to exercise governance over some portion of the *Ordo virginum* or over the individual consecrated virgins who may choose to be members.[93] The consecrated virgin's only ecclesiastical superior, if the word is fitting to apply, would be the diocesan bishop under whose pastoral care the virgin remains. If an association of consecrated virgins is formed as a canonically recognized association of the faithful, it would be subject to the provisions of canons 298 to 329; if it is a public association of the faithful, it is likewise subject to the provisions of Book V of the Code in regard to the administration of temporal goods (c. 1257).

F. Admission of Candidates and Formation of Members (RI cc. 641–661; SI cc. 720–725; SAL cc. 735–736)

While the stages and elements that comprise a person's path towards full membership in a religious institute, a secular institute, or a society of apostolic life differ substantively from one to another, the universal law covering admission and formation can be divided somewhat naturally into four topics: initial admission, novitiate/initial probation, the vows/bond, and formation. The specifics of admission and formation are distinctive for the *Ordo virginum*, and yet these same four elements are also useful in consideration of the pathway to entry to the *Ordo*.

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[93] Canon 604 §2: "In order to observe their own resolution more faithfully and to perform by mutual assistance service to the Church in harmony with their proper state, virgins can be associated together." See discussion of the Code Commission's decisions in regard to the development of canon 604, pp. 136–137 of this study. In particular, it was questioned by the Code Commission "whether or not there was a need for the canon to reference the possible formation of associations of virgins, because, in any case, all of the Christian faithful are free to associate." In the end, "the members of the *coetus* voted to include paragraph two, closing with the words 'virgins can be associated together.'"

Four stages in the process towards admission to the consecration of virgins might be identified[94]: firstly, the informal state of "inquirer"; secondly, "applicant/aspirant"; thirdly, "candidate"; and fourthly, "consecrated virgin." This study proceeds now to consider analogously the dimensions of the admission of candidates and formation of members in four parts: Initial Admission (applicant/aspirant in the *Ordo virginum*); Novitiate/Initial Probation (candidate in the *Ordo virginum*); The Vows/Bond (consecrated virgin in the *Ordo virginum*); and Formation.

1. Initial Admission

Admission to the novitiate of a religious institute is treated in canons 641–645. The canons address: who has the right to admit candidates to the novitiate (c. 641); the qualities required in a person to be admitted (c. 642); those who are invalidly admitted to the novitiate (c. 643); restrictions concerning admittance of secular clerics and those burdened by debts they cannot repay (c. 644); and proofs required to be obtained before admittance (c. 645). Admission into a secular institute, either for probation or for the assumption of sacred bonds, is treated in canons 720–721. The canons address who has the right to admit persons to a secular institute (c. 720); those who are invalidly admitted (c. 721 §§1–2); and a necessary quality in one to be admitted (c. 721 §3). Admission to a society of apostolic life is addressed in canon 735. The canon states that admission of members is determined in accord with the proper law of each society (c. 735 §1); and it incorporates the provisions of canons 642–645 of religious law in

[94] Mary Kay Lacke, "Stages of Admission," in *Ordo Virginum*: *The Restoration of the Ancient Order of Virgins in the Catholic Church*, vol. 2, *Discernment and Formation for the Vocation of Consecrated Virginity Lived in the World*, ed. United States Association of Consecrated Virgins (Lansing, MI: USACV, 2017) [hereafter USACV *Discernment and Formation*]15–24. *ESI* 78 refers to the same three formal stages as "aspirant," "candidate," and "consecrated woman."

regard to the qualities required in a person to be admitted to a society, those who are invalidly admitted, restrictions concerning admittance of secular clerics and those burdened by debts they cannot repay, and the proofs required to be obtained before admission (c. 735 §2).

In regard to initial admission to the *Ordo virginum*, we might consider the informal stage of "inquirer" and the stage of "applicant/aspirant." The inquirer stage is that stage during which time a woman learns of the vocation of consecrated virginity: she "gradually recognizes that she has been gifted with virginity and invited by the Divine Bridegroom to offer that gift for consecration"[95]; she seeks information about the vocation, consults with a knowledgeable spiritual director, and personally lives the vocation of perpetual virginity for Jesus Christ for a significant period of time.[96] The inquirer stage is an informal stage because the woman is discovering and has not yet formally approached her bishop. The stage of "applicant" is the stage during which the diocesan bishop considers whether or not to admit the woman to candidacy: the woman "approaches her diocesan bishop to request consecration of the life that she has already been living"[97]; the bishop initiates an application process by requiring certain documentation to be returned to him with a completed application form[98]; the bishop also takes "steps necessary to

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[95] Lacke, "Stages of Admission," 15.
[96] Ibid., 15–17.
[97] Ibid., 18.
[98] Ibid., 18–19. USACV *Discernment and Formation* includes a sample application form (Appendix A, pp. 189-192) that the bishop may use. This form includes a signed statement from the applicant requesting to begin formal preparation to receive the consecration; the form asks name, address, contact information, place and date of birth, baptism, first Holy Communion, and confirmation. The form asks: 1. if the person has ever been a member of a religious institute or other form of consecrated life; 2. if she has ever applied to this diocese or another diocese for the consecration of virgins living in the world; 3. if she has ever been married; and 4. if she has ever lived in open or flagrant violation of chastity. The form requests a personal life history that indicates reasons for seeking the consecration and it requests a list of education and work experiences, both salaried and volunteer, with approximate dates. Proofs of baptism, first Holy Communion, confirmation, and citizenship are also requested. The form also includes a series of questions concerning the financial condition of the applicant, as it asserts to the applicant that the diocese is not responsible for the financial care of consecrated virgins. The application form requests the names and

assure himself of the applicant's eligibility for consecration as well as her readiness to enter a process of discernment and formation"[99]; and finally, the diocesan bishop "accepts or rejects the applicant's request to be admitted to a period of further discernment and formation as a candidate for the consecration of virgins. His decision at this stage is a decision to admit her as a candidate; it is not a final decision to admit her to the consecration."[100] In this light, let us now consider applicability of the law on initial admission in institutes and societies to the *Ordo virginum*.

a. Those Who Have the Right to Admit Candidates

Admission to the novitiate of a religious institute is the right of major superiors according to the norm of proper law (c. 641). The right of admission to probation in a secular institute

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contact information for three references who will be contacted to answer questions; these three references are not to include the woman's spiritual director.

[99] *USACV Discernment and Formation*, 19–20, lists the following criteria that the bishop will verify as he makes a determination on the eligibility for consecration and readiness of an applicant to enter a process of discernment and formation:

1. "The applicant is a Catholic in good standing with the Church. She provides documentation of having received the Sacraments of Baptism, First Holy Communion, and Confirmation.
2. The applicant has never married or lived in public or open violation of chastity. She is aware that the vocation is open only to those who have the gift of virginity to offer to Christ.
3. The applicant is free to enter the vocation of consecrated virginity. She is of sufficient age; she is not bound by a sacred bond to some institute of consecrated life or incorporated in some society of apostolic life. She is not seeking admission to the consecration of virgins induced by force, grave fear, or malice.
4. She has the health, suitable character, and sufficient qualities of maturity as an integrated person to embrace a life of consecrated virginity.
5. By her age, prudence, and universally attested good character, the candidate gives assurance of perseverance in a life of chastity dedicated to the service of the Church and of her neighbor. She must demonstrate in some way that her call to perpetual virginity has been tested over time.
6. Psychological health, character, and maturity are to be attested to, as necessary, by using experts.
7. She is actively involved in the evangelical life of the Church, i.e. she witnesses to the Gospel by her lifestyle and occupation. Whatever her profession or work, it is appropriate for one living a life of consecrated virginity lived in the world.
8. She is aware that the diocese is not responsible for the financial care of consecrated virgins. She demonstrates that she has the means for financial independence.
9. The applicant understands and accepts the public nature of the vocation.
10. References attest to her suitability for consecration. The applicant's spiritual director has testified in writing to the diocesan bishop that the applicant has been receiving regular and appropriate spiritual direction."

[100] Ibid., 21.

likewise belongs to the major moderators with their councils according to the norm of constitutions (c. 720). Proper law of a society of apostolic life determines admission to the society (c. 735 §1). In regard to the *Ordo virginum*, it is required that the diocesan bishop admit a virgin to consecration, and it is he who has the responsibility for admission to a process of preparation for consecration.[101]

b. The Qualities Required in a Person to be Admitted

In regard to the qualities required in a person to be admitted, canon 642 lists such qualities for a person being considered for admission to a religious institute, and canon 735 §2 applies these same provisions to a society of apostolic life. Canon 721 §3 addresses a necessary quality in one to be admitted to a secular institute.

> Canon 642: 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 (society). This health, character, and maturity are to be verified even by using experts, if necessary, without prejudice to the prescript of can. 220.[102]
>
> Canon 721 §3: Moreover, to be received, the person must have the maturity necessary to lead rightly the proper life of the institute.[103]

For the consecrated virgin, *Praenotanda* to the rite of consecration list similar qualities: "by their age, prudence, and universally approved character they give assurance of perseverance in a life of chastity dedicated to the service of the Church and of their neighbor."[104] Notably,

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[101] See *OCV Praenotanda* 5c).

[102] Canon 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." Canon 220: "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."

[103] Canon 721 §3: "Praeterea, ut quis recipiatur, habeat oportet maturitatem, quae ad vitam instituti propriam recte ducendam est necessaria."

[104] *OCV Praenotanda* 5b): "ut ætate, prudentia, moribus omnium consensu probatis, fidem præbeant in vita casta atque Ecclesiæ proximique servitio dicata se perseveraturas." *Roman Pontifical*, 293.

health is not included in the list of qualities in the *Praenotanda* as a requirement for admission to the *Ordo virginum*. It is understandable that an applicant's health plays a decisive role when a person is being considered for a life that is lived in community, due to the potential impact of the health of an individual on the life (and resources) of an institute of consecrated life or society of apostolic life. Nonetheless, physical and mental health also play a role in how fruitfully a virgin may be able to live out her *propositum* for a lifetime, and should be considered by a bishop in his evaluation of an applicant for the *Ordo virginum*, even by using experts, as necessary.

c. Those Who are Invalidly Admitted

In regard to those who are invalidly admitted, canon 643 addresses admission to the novitiate of a religious institute; canon 735 §2 asserts that these same provisions apply in the case of admission to a society of apostolic life; and canon 721 addresses invalid admissions to secular institutes. The canons are cited below, followed by analysis of how these diriment impediments may be analogously applicable to the *Ordo virginum.*

Canon 643 §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 whom a superior, induced in the same way, received;

5° one who has concealed his or her incorporation in some institute of consecrated life or in some society of apostolic life.

Canon 643 §2: Proper law can establish other impediments even for validity of admission or can attach conditions.[105]

Canon 721 §1: A person is admitted to initial probation invalidly:

1° who has not yet attained the age of majority;

2° who is bound currently by a sacred bond in some institute of consecrated life or is incorporated in a society of apostolic life;

3° a spouse, while the marriage continues to exist.

Canon 721 §2: The constitutions can establish other impediments to admission even for validity or can attach conditions.

In the case of invalid admission due to age (c. 643 §1, 1°; c. 721 §1), *Praenotanda* to the rite of consecration indicate that age is a factor in the bishop's consideration of an applicant's readiness, but no minimum age is established for validity of admission to the *Ordo virginum*, as it is for admission to institutes and societies. As noted earlier, the instruction *Ecclesiae sponsae imago* establishes eighteen years as the minimum age to begin a preparatory period for consecration, and indicates that consecration is ordinarily not celebrated before a woman has reached the age of twenty-five, but neither of these age factors are a matter of validity.[106]

In regard to not having a spouse while a prior bond of marriage continues to exist (c. 643 §1, 2°; c. 721 §1, 3°), the requirement for the *Ordo virginum* is more stringent than the requirement for admission to an institute of consecrated life or society of apostolic life. In order to be admitted to consecration in the *Ordo virginum*, not only must a person not currently be

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[105] Canon 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 potest alia impedimenta etiam ad validitatem admissionis constituere vel condiciones apponere."

[106] *ESI* 82.

married, but she must "have never celebrated marriage and not publicly or manifestly lived in a state contrary to chastity." The reason for this impediment in the life of an institute or society is to assure that the person is free to enter a new bond with the institute or society. The reason for the more restrictive requirements in regard to the consecration of a virgin is to assure that the candidate for the *Ordo virginum* has lived her *propositum* of virginity throughout her life and that she is able to witness to the good of virginity in her mystical betrothal to Christ.

In regard to the diriment impediment to admission that results from being bound by a sacred bond in an institute of consecrated life or incorporated in a society of apostolic life (c. 643 §1, 3°; c. 721 §1, 2°), it is interesting to contrast this to the similar diriment impediment that exists for entrance into marriage, e.g. canon 1088: "those bound by a public perpetual vow of chastity in a religious institute invalidly attempt marriage." While a professed or incorporated member of any institute or society invalidly enters the novitiate or initial probation of another institute or society, it is only those bound by a public perpetual vow of chastity in a religious institute who invalidly attempt marriage. The difference can be attributed to the fundamental difference between the state of life of marriage and that of a state of life that entails the obligation of perfect continence in celibacy. The law prohibits entrance to an institute or society while one is bound to another institute or society because the law also provides a means to validly transfer or depart from one institute or society and to enter another while remaining bound to celibacy. On the other hand, all persons who are not prohibited by law can contract marriage (c. 1058), and thus even among those bound to celibacy in an institute or society, it is only those bound by a public perpetual vow of chastity in a religious institute who invalidly attempt marriage (c. 1088).

What was indicated earlier in regard to an analogous application of canon 1088 to the *Ordo virginum* is also true in regard to consideration of an analogous application of canon 643 §1, 3°: A diocesan bishop considering whether or not to admit a person to the consecration of virgins should evaluate closely the circumstances of any woman bound by vow or other sacred bonds to an institute of consecrated life or society of apostolic life. Because she is already living a form of consecrated life (and perhaps has been consecrated as a virgin within her institute), a desire to belong instead to the *Ordo virginum* would normally be treated in accord with norms for departures from a religious institute or norms for transfers to another institute or form of consecrated life.[107]

The invalidity of admission to the novitiate of a religious institute of a person who is induced by force, grave fear, or malice, or who is received by a superior who was induced in the same way (c. 643 §1, 4°), may be analogously applicable to the *Ordo virginum*. As discussed previously, Canon 125 establishes the invalidity of any juridic act placed out of force, and the rescindability of an act placed out of grave fear or malice. In the case of a woman induced into receiving the consecration of virgins due to irresistible force, grave fear from without, or malice, or in the case of a diocesan bishop who consecrated a virgin induced by the same, the act of consecration itself would be invalid or rescindable based on canon 125. The canon under discussion concerns the invalidity of admission to a novitiate based on force, grave fear, or malice, and its analogous applicability to the *Ordo virginum* would depend upon the process of admission in a particular diocese. If that process includes a juridic act on the part of the bishop to

[107] See cc. 684–704 on transfers to other religious institutes, departures from a religious institute, and dismissal of members from religious institutes.

admit a virgin to candidacy, for example, that act would also need to be free of force, grave fear, or malice on the part of the virgin and of the bishop.

Regarding the invalidity of admission due to concealment of one's incorporation in some institute of consecrated life or society of apostolic life (c. 643 §1, 5°), the canon "ties the invalidity to the *dishonesty* evidenced in failing to disclose such important information."[108] In a religious institute or society of apostolic life, this impediment invalidates the novitiate (or initial admission, per proper law of a society of apostolic life). The concept of invalidity is not directly applicable to an entry stage of discernment of the vocation of consecrated virginity, but discovery of such dishonesty in the applicant or candidate for consecration in the *Ordo virginum* should be taken most seriously by a diocesan bishop.

d. Other Considerations or Restrictions Regarding Admittance

Canon 643 §2, regarding religious institutes and societies of apostolic life, and canon 721 §2, regarding secular institutes, indicate that proper law can establish other impediments even for the validity of admission, or can attach conditions. This stands in contrast to the law governing marriage, which states that only the supreme authority of the Church has the right to establish other marriage impediments (c. 1075). Although the *Ordo virginum* is under the direction of the diocesan bishop, the *Ordo virginum* of a diocese does not have its own constitutions and proper law, as is the case with an institute or society. Rather, the *Ordo virginum* is established by universal law in canon 604 and entrance to the *Ordo* is through celebration of the approved liturgical rite, found in the Roman Pontifical. Universal law of the Church assigns the diocesan

[108] Rosemary Smith, "The Admission of Candidates and the Formation of Members (cc. 641–661)," in *New Commentary*, 809.

bishop the responsibility for admission of a virgin to the *Ordo*, and it would seem that he would have the authority to establish other requirements or impediments to admission.

Two other restrictions are noted in the canons regarding admittance. Canon 644 addresses the admittance of secular clerics to a religious institute; by reference, canon 735 §2 applies the same to admittance of secular clerics to societies of apostolic life. The provisions are not applicable to the *Ordo virginum*. Canon 644 also states, however, that superiors are not to admit to the novitiate of a religious institute "those who, burdened by debts, cannot repay them."[109] Canon 735 §2 likewise incorporates the same restriction on admittance to a society of apostolic life. The restriction is not noted in canons regarding secular institutes. While the consecrated virgin in the *Ordo virginum* will not depend upon an institute or society, or the diocesan Church for her support, and her debts will also not obligate an institute, society, or the diocesan Church, it is likewise true that she must provide for her own support throughout her life. An accumulation of debt could also indicate an inability to manage money or, for example, a gambling, alcohol, or shopping addiction. Therefore, it would seem prudent for a bishop to consider debt that a virgin has accumulated in his consideration of whether or not to admit her to candidacy, and ultimately to consecration in the *Ordo virginum*.

e. Proofs Required Before Admittance

Canon 645 §1 requires that before admittance to the novitiate of a religious institute, candidates must show proof of baptism, confirmation, and free status; canon 645 §2 requires additional proofs in the admission of clerics to religious institutes; canon 645 §3 establishes that proper law can require other proofs about the suitability of candidates and freedom from

[109] Canon 644: "Superiores ad novitiatum ne admittant . . . aere alieno gravatos qui ad solvendum pares non sint."

impediments; and canon 645 §4 states that superiors can seek other information that seems necessary, even under secrecy. Canon 735 §2 makes the same requirements applicable for admittance to a society of apostolic life. As a perpetual consecration, it would be important for a any norms written in regard to the *Ordo virginum* to establish a comparable list of proofs that must be presented for admittance to candidacy for the *Ordo virginum*.

2. Novitiate/Initial Probation

The novitiate and formation of novices in a religious institute is treated in canons 646–653. The canons address: the purpose and ordering of the novitiate (cc. 646–647); the length, for validity, of the novitiate (cc. 648–649); the content, scope, and supervision of the novitiate (cc. 650–652); and the end of the novitiate (c. 653). Initial probation in a secular institute is treated in canon 722. The canon addresses: the purpose and ordering of initial probation (c. 722 §1); the length of the initial probation (c. 722 §3); the content and scope of initial probation (c. 722 §2); and the end of initial probation (c. 723 §1). The manner of probation and formation of candidates for a society of apostolic life is treated in canons 735–736. Canon 735 §3 assigns to proper law the determination of the manner of formation, noting especially the purpose, ordering, content, and scope of the probation and formation. Canon 736 specifically addresses the admission and formation of clerics in clerical societies. Because the manner of probation and formation in societies of apostolic life is left to proper law, societies will not generally be referenced in the following analysis of the law concerning probation and formation and its analogous applicability to the *Ordo virginum*.

Analogous to this stage of the novitiate/initial probation, we might consider the stage of candidacy for admittance to the consecration of virgins. The candidate stage begins with the

bishop's approval for a virgin to enter a period of formation and ongoing discernment. This period of time:

> is designed to enable the virgin and those involved with her in the formation process to delineate the life that is proper for this divine vocation to consecrated virginity lived in the world; to prepare the virgin in mind and heart to live this life; and to discern whether this is truly a suitable vocation for her. The period should further test and strengthen her resolve of perpetual virginity.[110]

a. <u>The Purpose and Ordering of the Novitiate/Initial Probation</u>

In regard to the purpose and ordering of the novitiate/initial probation, canon 646 describes the purpose of the novitiate in a religious institute, canon 722 §1 similarly describes the purpose of the time of initial probation in a secular institute, and canon 735 §3 briefly considers the purpose of the time of probation and formation in a society of apostolic life:

> Canon 646: The novitiate, through which life in an institute is begun, is arranged so that the novices better understand their divine vocation, and indeed one which is proper to the institute, experience the manner of living of the institute, and form their mind and heart in its spirit, and so that their intention and suitability are tested.[111]
>
> Canon 722 §1: Initial probation is to be ordered in a way that the candidates understand more fittingly their own divine vocation, and, indeed, the one proper to the institute, and that they are trained in the spirit and way of life of the institute.[112]
>
> Canon 735 §3: Proper law must determine the manner of probation and formation . . . in such a way that the members, recognizing their divine vocation, are suitably prepared for the mission and life of the society.[113]

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[110] Lacke, "Stages of Admission," in USACV *Discernment and Formation*, 21.
[111] Canon 646: "Novitiatus, quo vita in instituto incipitur, ad hoc ordinatur, ut novitii vocationem divinam, et quidem instituti propriam, melius agnoscant, vivendi modum instituti experiantur eiusque spiritu mentem et cor informent, atque ipsorum propositum et idoneitas comprobentur."
[112] Canon 722 §1: "Probatio initialis eo ordinetur, ut candidati suam divinam vocationem et quidem instituti propriam aptius cognoscant iidemque in spiritu et vivendi modo instituti exerceantur."
[113] Canon 735 §3: "Ius propriam determinare debet rationem probationis . . . ita ut sodales vocationem divinam agnoscentes ad missionem et vitam societatis apte praeparentur."

The three canons emphasize that the purpose and plan for a time of initial formation in an institute or society is to be arranged so that the applicant better understands and recognizes her own divine vocation, experiences and is formed in the manner of living of the particular institute or society, and is suitably tested and prepared to live the life of the institute. The same purpose and plan ought to be presented for the period of preparation (candidacy) for receiving the consecration of virgins. In a manner that is specific to the *Ordo virginum*, the candidate must be fully living the life of the consecrated virgin and be tested in her resolve to continue to live this life, to the satisfaction of the diocesan bishop. Canon 647 sets forth requirements for the residential novitiate required for the novice in a religious institute, a requirement that would not be applicable to the time of candidacy for the *Ordo virginum.*

b. <u>The Length, for Validity, of the Novitiate/Initial Probation</u>

In regard to the length, for validity, of the novitiate or initial probation, canons 648–649 establish a strict period of time and conditions that must be met in a religious institute; canon 722 §3 establishes that the constitutions of a secular institute are to define the length of probation before first taking on sacred bonds in the institute, a length that is not to be less than two years; and canon 735 similarly leaves this determination to the proper law of a society of apostolic life. In regard to the *Ordo virginum*, the diocesan bishop will determine the length of a period of candidacy as part of his responsibility to assess a candidate's readiness for admittance to consecration. The length of this formation period may vary from one diocese to another and from

one candidate to another, depending on the candidate's background.[114] The 2018 instruction *Ecclesia sponsae imago* indicates a one to two-year period of time for this preparatory period.[115]

c. The Content, Scope, and Supervision of the Novitiate/Initial Probation

In regard to the content and scope of the novitiate or initial probation period, canon law establishes that in a religious institute, novices are to be under the governance and formation of a director according to a program of formation defined in proper law (c. 650) and the novice director must meet certain qualifications (c. 651). The content of the program of formation during the novitiate or initial probation period is of particular interest as we consider the content of such a program for the *Ordo virginum*. Canon 652 addresses this content within a religious institute and canon 722 §2 within a secular institute. The provisions of the canons are in large part analogously relevant to the content of a formation program for the *Ordo virginum*, and are quoted below followed parenthetically by an assessment of applicability to the *Ordo*:

> Canon 652 §1: It is for the director and assistants to discern and test the vocation of the novices and to form them gradually to lead correctly the life of perfection proper to the institute.[116]
>
> (The same is applicable to those charged with assisting the diocesan bishop in his work of discerning and testing the vocation of consecrated virginity lived in the world).
>
> Canon 652 §2: Novices are to be led to cultivate human and Christian virtues; through prayer and self-denial they are to be introduced to a fuller way of perfection; they are to be

[114] The USACV has suggested a minimum two-year period of formation, noting that "it is essential to appreciate the importance of this period of formation and preparation for a life of perpetual virginity lived in the world." See Lacke, "Stages of Admission," in USACV *Discernment and Formation*, 21.

[115] *ESI* 92: "The goal of the preparatory period is to verify the qualifications and prerequisites necessary for a beneficial course of formation with a view to consecration. The length of this course and the manner in which it takes place must allow an effective knowledge of the aspirant on the part of the Bishop, the Delegate and the consecrated women who participate in the service of formation, and at the same time allow the aspirant to acquire knowledge of the essential aspects of consecration and of the form of life proper to the *Ordo virginum*, in a way that helps her to relate them to her own vocational intuition. Ordinarily, one or two years duration should be given for this."

[116] Canon 652 §1: "Magistri eiusque cooperatorum est novitiorum vocationem discernere et comprobare, eosque gradatim ad vitam perfectionis instituti propriam rite ducendam efformare."

taught to contemplate the mystery of salvation and to read and meditate on the sacred scriptures; they are to be prepared to cultivate the worship of God in the sacred liturgy; they are to learn a manner of leading a life consecrated to God and humanity in Christ through the evangelical counsels; they are to be instructed regarding the character and spirit, the purpose and discipline, the history and life of the institute; and they are to be imbued with love for the Church and its sacred pastors.[117]

(The content of a formation program for the *Ordo virginum* is likewise founded on the spiritual, intellectual, and human aspects of living a life of consecrated virginity in accord with the character and spirit, purpose and discipline, history and life of the *Ordo*).[118]

Canon 652 §3: Conscious of their own responsibility, the novices are to collaborate actively with their director in such a way that they faithfully respond to the grace of a divine vocation.[119]

(It is likewise necessary that candidates for consecration to a life of virginity take personal responsibility for their own formation and actively collaborate with a formation program).

Canon 652 §4: Members of the institute are to take care that they cooperate for their part in the work of formation of the novices through example of life and prayer.[120]

(While the participation and example of other consecrated virgins is encouraged, it may not be possible, due to the nature of the *Ordo virginum* as a vocation that is individually lived).

Canon 653 §5: The time of the novitiate mentioned in can. 648 §1 is to be devoted solely to the task of formation and consequently novices are not to be occupied with studies and functions which do not directly serve this formation.[121]

(Not applicable to the *Ordo virginum*).

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[117] Canon 652 §2: "Novitii ad virtutes humanas et christianas excolendas adducantur; per orationem et sui abnegationem in pleniorem perfectionis viam introducantur; ad mysterium salutis contemplandum et sacras Scripturas legendas et meditandas instruantur; ad Dei cultum in sacra liturgia excolendum praeparentur; rationem addiscant vitam ducendi Deo hominibusque in Christo per consilia evangelica consecratam; de instituti indole et spiritu, fine et disciplina, historia et via edoceantur atque amore erga Ecclesiam eiusque sacros Pastores imbuantur."
[118] Judith M. Stegman, "The Four Pillars of Formation," in USACV *Discernment and Formation*, 93–98. See also *ESI* 97–103.
[119] Canon 652 §3: "Novitii, propriae responsabilitatis conscii, ita cum magistro suo active collaborent ut gratiae divinae vocationis fideliter respondeant."
[120] Canon 652 §4: "Curent instituti sodales, ut in opere institutionis novitiorum pro parte sua cooperentur vitae exemplo et oratione."
[121] Canon 653 §5: "Tempus novitiatus, de quo in can. 648, §1, in opus formationis proprie impendatur, ideoque novitii ne occupentur in studiis et muniis, quae huic formationi non directe inserviunt."

> Canon 722 §2: Candidates [for admission to a secular institute] are properly to be formed to lead a life according to the evangelical counsels and are to be taught to transform their whole life into the apostolate, employing those forms of evangelization which better respond to the purpose, spirit, and character of the institute.[122]
>
> (As a vocation that is lived individually, in the world, formation for the *Ordo virginum* also rightly entails a focus on transformation of one's whole life to live according to the nature of the *Ordo*. Within any particular apostolate that a consecrated virgin might have, she must learn to carry out that apostolate by witnessing distinctively to the love of Christ as Bridegroom in the midst of everyday life in the world.)

d. <u>The End of the Novitiate/Initial Probation</u>

In regard to the end of the novitiate or initial probation, canon 653 §1 affirms that at any time during the novitiate in a religious institute, the novice can freely leave and competent authority can likewise dismiss the novice. Canon 653 §2 asserts that, at the end of the novitiate, the novice is either to be admitted to temporary profession or is to be dismissed; if there is doubt about the suitability of the novice, the novitiate can also be lengthened. Likewise, canon 723 §1 states that when the period of initial probation in a secular institute has elapsed, a candidate is either to be judged suitable to assume the three evangelical counsels strengthened by a sacred bond, or is to depart from the institute.

In considering applicability to the *Ordo virginum*, these considerations regarding the end of formation bring to light an essential distinction with the *Ordo*. Religious institutes and secular institutes place the programs of formation (novitiate or initial probation) before, and as a condition for, temporary profession in the religious institute or first incorporation in the secular institute. Temporary profession and first incorporation, however, are temporary, and there is

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[122] Canon 722 §2: "Ad vitam secundum evangelica consilia ducendam candidati rite instituantur atque ad eandem integre in apostolatum convertendam edoceantur, eas adhibentes evangelizationis forrmas, quae instituti fini, spiritui et indoli magis respondeant."

additional time that occurs before perpetual profession in a religious institute or perpetual/definitive incorporation in a secular institute. In the *Ordo virginum*, however, the period of candidacy does not end with a temporary or initial profession, but rather ends with the decision to admit the candidate, or not, to perpetual consecration by the diocesan bishop in the rite of consecration to a life of virginity.

In regard to the *Ordo virginum*, therefore, rather than being a precursor to a firm but temporary bond, the period of candidacy is the *final* period for the living out and testing of the virgin's already existing *propositum* to live a life of virginity. Although not required, it may be pastorally desireable in certain cases for the bishop and virgin to decide that she formalize this first *propositum* with a private vow of chastity at some point during her candidacy. This may be especially appropriate in the case of a young candidate for consecrated virginity whose period of candidacy will necessarily be longer; she may be encouraged and supported in her continued discernment if she formalizes her *propositum* periodically by making private temporary vows of chastity, before her perpetual consecration.

As has been discussed earlier, during the rite of consecration, the candidate makes firm her *propositum* by renewing her resolution to continue to live in virginity. This distinction between the initial period of formation for life in a religious or secular institute and the period of formation for the *Ordo virginum* is important, for in the case of the *Ordo virginum*, the formation period ends with the bishop's decision to admit (or not admit) the virgin to perpetual consecration as a bride of Christ.

3. The Vows/Bond

Profession by public vows in a religious institute is treated in canons 654–658. The canons address: what constitutes religious profession (c. 654); the length and validity of temporary profession (cc. 655–656); the end of temporary profession (c. 657); and the validity of perpetual profession (c. 658). The assumption of the three evangelical counsels by a sacred bond in a secular institute is addressed in canon 723; what constitutes the sacred bond (c. 723 §1); the length of first (temporary) incorporation (c. 723 §2); the end of first incorporation and admission to definitive incorporation (c. 723 §3); and juridic effects of definitive or perpetual incorporation are established in the constitutions (c. 723 §4). Canon 735 §1 assigns to proper law determination of the manner of probation and incorporation in a society of apostolic life. Because it is a matter of proper law, the following analysis will not consider societies of apostolic life.

a. What Constitutes the Bond

This study has addressed the nature of the bond effected by the rite of consecration of virgins, both in the sense of the nuptial bond with Christ and the bond established with the Church as the virgin is constituted a sacred person. The study has also contrasted the act of consecration of a virgin with the act of religious profession. Canon 654 asserts that the act of religious profession consists of a member's assumption of the observance of the three evangelical counsels by public vow; the juridical effects of the act include the obligation to observe the evangelical counsels and incorporation into the institute with the rights and duties defined by law; a further spiritual effect of the act is that the member is consecrated to God through the ministry of the Church. Canon 723 defines incorporation into a secular institute as

assumption of the three evangelical counsels strengthened by a sacred bond; other juridical effects of perpetual or definitive incorporation are established in the constitutions of the secular institute. By contrast, as has been discussed, the mystical espousal of a virgin to Christ in the *Ordo virginum* is effected not by profession of vows or assumption of the evangelical counsels by a sacred bond, but by the act of consecration by the diocesan bishop during the rite of consecration to a life of virginity. The juridical effects of the act of consecration are that the virgin is constituted a sacred person in the Church,[123] is mystically betrothed to Christ, the Son of God (c. 604 §1), and is dedicated to the service of the Church (c. 604 §1).

b. <u>The Length and Validity of Temporary Profession/First Incorporation</u>

The required length and validity of temporary profession are defined by law for a religious institute and for a secular institute. Although there is not formally a comparable period of temporary profession for the *Ordo virginum*, it could be beneficial for a bishop to consider the stipulations listed in canon 656 in assessing the period of candidacy of a virgin before deciding to admit her to consecration. The bishop might thus analogously consider: 1° that the person has completed the minimum age requirements; 2° that the agreed-upon program of formation during her candidacy has been completed; 3° the opinions and assessments of others entrusted by the bishop with the responsibility of formation of the candidate; and 4° that she is not seeking consecration from a motivation of force, grave fear, or malice.[124]

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[123] *OCV Praenotanda* 1: "sollemnis ritus, quo virgo constitueretur persona sacrata." *Roman Pontifical*, 293.

[124] Canon 656: "For the validity of temporary profession it is required that: 1° the person who is to make it has completed at least eighteen years of age; 2° the novitiate has been validly completed; 3° admission has been given freely by the competent superior with the vote of the council according to the norm of law; 4° the profession is expressed and made without force, grave fear, or malice; 5° the profession is received by a legitimate superior personally or through another."

c. The End of Temporary Profession/First Incorporation

The end of temporary profession in a religious institute is defined by law. Canon 657 §1 states: "When the period for which profession was made has elapsed, a religious who freely petitions and is judged suitable is to be admitted to renewal of profession or to perpetual profession; otherwise, the religious is to depart."[125] Canon 723 §3 is comparable in regard to the member whose period of first incorporation in a secular institute has lapsed. In regard to the *Ordo virginum*, at the end of the period of candidacy, there should be a definitive determination by the diocesan bishop to admit the virgin to consecration, to require additional time of formation and preparation, or to require her departure from a program of candidacy.

d. The Validity of Perpetual Profession

The validity of perpetual profession in a religious institute is addressed in canon 658, and includes the conditions of age (minimum twenty-one years); completion of the required period of temporary profession (minimum of three years); admission given freely by the competent superior with the vote of the council according to the norm of law; profession is expressed and made without force, grave fear, or malice; the profession is received by a legitimate superior personally or through another. "If any of these five requirements is lacking, the profession is invalid."[126] In considering applicability to the *Ordo virginum*, we recall that what effects the bond to a religious institute is the act of profession and what effects the bond to Christ and His Church in the *Ordo virginum* is the act of consecration by the bishop. Both are juridic acts subject to general norms of the Church regarding all juridic acts (cc. 124–128). Are the five

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[125] Canon 657 §1: "Expleto tempore ad quod professio emissa fuerit, religiosus, qui sponte petat et idoneus iudicetur, ad renovationem professionis vel ad professionem perpetuam admittatur, secus discedat."
[126] R. Smith, "The Admission of Candidates and the Formation of Members (cc. 641–661)," in *New Commentary*, 825.

requirements for the validity of perpetual profession in a religious institute likewise applicable to the validity of consecration of a virgin in the *Ordo virginum*?

The condition of age is a requirement of universal law for valid profession. As noted previously, age is a factor that must be considered by a bishop as he evaluates a virgin's maturity and readiness for consecration; a minimum age of twenty-five years is suggested in the instruction *Ecclesiae sponsae imago*, but no minimum age is asserted for the validity of the consecration. A diocesan bishop could legislate a minimum age of consecration in his diocese.

Completion of the required period of temporary profession is likewise a requirement of universal law for valid profession, and successful completion of a required period of formation must be considered by a bishop as he evaluates a candidate's readiness for perpetual consecration in the *Ordo virginum*. A minimum one to two-year period is suggested in *Ecclesiae sponsae imago*, but no minimum period of formation is asserted for validity; a diocesan bishop could legislate in this regard for the *Ordo virginum* in his diocese.

Admission by the competent superior with the vote of council is required for valid profession; admission to the *Ordo virginum* is by the diocesan bishop, as a matter of validity.

As juridic acts, for validity, both the act of profession and the act of consecration must be free from force (c. 125 §1). For validity, the act of profession must also be free from grave fear or malice (c. 658). In the case of a woman induced into receiving the consecration of virgins due to irresistible force, or in the case of a diocesan bishop induced by irresistible force to consecrate a virgin, the act of consecration would be invalid (c. 125 §1). In the case of a woman induced into receiving the consecration of virgins due to grave fear or malice, or a diocesan bishop who consecrates a virgin induced by the same, the act of consecration would at least be rescindable

based on canon 125 §2.[127] An analogous application of canon 658 or an analogous application of canon 1103 from marriage law, would hold that such an act would also be invalid.

Lastly, for validity, religious profession must be received by a legitimate superior. The provision is not applicable to the *Ordo virginum* because the virgin does not make a profession of vows that are received by another.

4. Formation

The formation of religious after first profession in a religious institute is addressed in canons 659–661. The canons address the program and duration of formation (cc. 659–660) and ongoing formation throughout their entire lives (c. 661). Canon 724 addresses ongoing formation after the first assumption of sacred bonds in a secular institute. The canon considers both the duration of formation (c. 724 §1) and the content of formation (c. 724 §2). The formation of members of societies of apostolic life is determined by proper law (c. 735 §1). Certain elements to be emphasized in the program of formation are addressed in canon 735 §3.

The formation of members in a religious institute is to continue after first profession "so that they lead the proper life of the institute more fully and carry out its mission more suitably" (c. 659 §1).[128] This program of formation is to be defined by proper law so that it is "attentive to the needs of the Church and the conditions of people and times, insofar as the purpose and character of the institute require it" (c. 659 §2).[129] The formation program "is to be systematic, adapted to the capacity of the members, spiritual and apostolic, doctrinal and at the same time

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[127] An analogous application of canon 658 (religious institutes) or an analogous application of canon 1103 (marriage law) would hold that an act of consecration induced under grave fear or malice, at least on the part of the virgin, would be invalid.
[128] Canon 659 §1: "ad vitam instituti propriam plenius ducendam et ad eius missionem aptius prosequendam."
[129] Canon 659 §2: "attentis Ecclesiae necessitatibus atque hominum temporumque condicionibus, prout a fine et indole instituti exigitur."

practical. Suitable degrees, both ecclesiastical and civil, are also to be obtained when appropriate" (c. 660 §1).[130] The time of formation is to take precedence over other offices and tasks which may impede it (c. 660 §2). Canon 724 §1 likewise requires ongoing formation of members of secular institutes after the first assumption of sacred bonds. "Members are to be formed in divine and human things at the same time; moreover, moderators of the institute are to have a serious concern for the continued spiritual formation of the members" (c. 724 §2).[131] Ongoing formation in societies of apostolic life is to be "doctrinal, spiritual, and apostolic, adapted to the purpose and character of the society" (c. 735 §3).[132]

Requirements for formation of religious and members of secular institutes and societies of apostolic life are readily applicable to the *Ordo virginum*. As a public form of consecrated life in the Church, the consecrated virgin must have sufficient formation in order to lead the life proper to one who is mystically espoused to Christ, and to fulfill her role as witness to the love of the Church for her divine Spouse:

> There *must* be formation for the one preparing to live lifelong virginity, because the gift of virginity itself is a rare and mystical gift. It is a gift that demands attentive nurturing throughout the life of the virgin, as she continues to discover its plenitude, deepening in her life as an icon of the Church, and progressing in union with her Divine Spouse. Formation is key to living a life of mystical espousal to Jesus Christ, the Son of God.[133]

Formation in the *Ordo virginum* should address spiritual, human, intellectual, and pastoral areas, and might draw upon a variety of sources, such as Pope John Paul II's *Vita consecrata*,

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[130] Canon 660 §1: "Institutio sit systematica, captui sodalium accommodata, spiritualis et apostolica, doctrinalis simul ac practica, titulis etiam congruentibus, tam ecclesiasticis quam civilibus, pro opportunitate obtentis."
[131] Canon 724 §2: "Sodales in rebus divinis et humanis pari gressu instituantur; de continua vero eorum spirituali formatione seriam habeant curam instituti Moderatores."
[132] Canon 735 §3: "Ius proprium determinare debet rationem probationis et institutionis fini et indoli societatis accommodatam, praesertim doctrinalem, spiritualem et apostolicam."
[133] Stegman, "The Four Pillars of Formation," in USACV *Discernment and Formation*, 93.

documents on formation from the Congregation on Institutes of Consecrated Life and Societies of Apostolic Life, the *Program for Priestly Formation*, and the *National Directory for the Formation, Ministry, and Life of Permanent Deacons in the United States.*[134] Key to the current study is the recognition that pre-consecration formation, as well as lifelong formation, is necessary for the fruitful and successful living of consecrated virginity, just as it is for the religious life, life in a secular institute, or life in a society of apostolic life.

G. Obligations and Rights of Institutes (Societies) and Members (RI cc. 662–672; SI c. 719; SAL cc. 737–740)

Canon 662 introduces the chapter in the code on the obligations and rights of institutes and their members by stating the foundation from which all obligations and rights flow: "Religious are to have as the supreme rule of life the following of Christ proposed in the gospel and expressed in the constitutions of their own institute."[135] The statement is derived from *Perfectae caritatis* 2: "Since the ultimate norm of the religious life is the following of Christ set forth in the Gospels, let this be held by all institutes as the highest rule."[136] The norm is reflected for secular institutes in canon 719 §1: "For members to respond faithfully to their vocation and

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[134] See *VC*: *AAS* 88 (1996) 377–486; Congregation for Institutes of Consecrated Life and Societies of Apostolic Life [hereafter CICLSAL], instruction *Potissimum institutioni*, February 2, 1990: *AAS* 82 (1990) 470–532; CICLSAL, instruction *Starting Afresh from Christ*, May 19, 2002; John Paul II, apostolic letter *Mulieris dignitatem*, August 15, 1988: *AAS* 80 (1988) 1653–1729; John Paul II, post-synodal apostolic exhortation *Pastores dabo vobis*, March 25, 1992: *AAS* 84 (1992) 657–804; various addresses and documents in *The Christ of Formation*, 2nd ed., ed. Ángel Pardilla (Washington, DC: United States Conference of Catholic Bishops, 2010); *The Program of Priestly Formation*, 5th ed. (Washington, DC: USCCB, 2006); USCCB, *National Directory for the Formation, Ministry, and Life of Permanent Deacons in the United States* (Washington, DC: USCCB, 2005).

[135] Canon 662: "Religiosi sequelam Christi in Evangelio propositam et in constitutionibus propria instituti expressam tamquam supremam vitae regulam habeant."

[136] *PC* 2: *AAS* 58 (1966) 703: "Cum vitae religiosae ultima norma sit Christi sequela in Evangelio proposita, haec ab omnibus institutis tamquam suprema regula habeatur." *The Documents*, 274.

for their apostolic action to proceed from their union with Christ . . . ,"[137] and for those in societies of apostolic life in canon 737: ". . . on the part of the society concern for leading the members to the purpose of the proper vocation according to the constitutions."[138] The norm is reflected for the *Ordo virginum* in canon 604 as the way of life of the *Ordo* is prefaced by the reason for consecration: ". . . expressing the holy resolution of following Christ more closely."[139]

Canons 663 to 672 address specific obligations and rights of religious institutes and their members; each of these will be considered below in relationship to what the law also specifies for secular institutes, and in regard to analogous applicability to the *Ordo virginum*. Societies of apostolic life will not be separately addressed because obligations and rights of members are determined according to proper law.

1. Canon 663–664: Obligations in the Spiritual Life

Obligations in the spiritual life for religious are introduced in canon 663 §1: "The first and foremost duty of all religious is to be the contemplation of divine things and assiduous union with God in prayer."[140] Members of secular institutes are likewise directed "to devote themselves diligently to prayer" in order that all that they do proceeds from their union with Christ (c. 719 §1).[141] The duty of union with God in prayer is also obligatory for the virgin who is mystically espoused to Christ, whose consecration is "for the sake of more fervent love of Christ and of

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[137] Canon 719 §1: "Sodales, ut vocationi suae fideliter respondeant eorumque actio apostolica ex ipsa unione cum Christo procedat."
[138] Canon 737: "ex parte autem societatis, curam sodales ad finem propriae vocationis perducendi, iuxta constitutiones."
[139] Canon 604: "sanctum propositum emittentes Christum pressius sequendi."
[140] Canon 663 §1: "Rerum divinarum contemplatio et assidua cum Deo in oratione unio omnium religiosorum primum et praecipuum sit officium."
[141] Canon 719 §1: "sedulo orationi vacent."

greater freedom in the service of their brothers and sisters."[142] "Illuminated by the mystery of eternal union with her Divine Spouse," the consecrated virgin must "be constantly vigilant about deepening her faith and her spirit of prayer" in order to be fully prepared to live her proper vocation in the world.[143]

Members of religious institutes are "to make every effort to participate in the eucharistic sacrifice daily, to receive the most sacred Body of Christ, and to adore the Lord himself present in the sacrament" (c. 663 §2).[144] Members of secular institutes are also encouraged to participate in daily Mass: "the celebration of the Eucharist, daily if possible, is to be the source and strength of their whole consecrated life (c. 719 §2).[145] Saint Pope John Paul II sets forth this need for the centrality of the Eucharist in *Vita consecrata*: "By its very nature the Eucharist is at the center of the consecrated life, both for individuals and communities. It is the daily viaticum and source of the spiritual life for the individual and for the institute."[146] Among the listing of principal duties of the consecrated virgin, *Praenotanda* to the rite of consecration do not specify participation in daily Mass, perhaps because the opportunity for daily celebration may not be readily available to her. As referenced earlier, Pope Benedict XVI wrote of the intrinsic relationship of the

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[142] *OV Praenotanda* 2: "quo Christum ardentius diligant fratribusque expeditius deserviant." *Roman Pontifical*, 293.
[143] Magalis Aguilera, "Spiritual Formation," in USACV *Discernment and Formation*, 109, 126. The author adds, "she must be strongly contemplative in action, so that even when working in a secular environment her testimony is always that of a consecrated virgin whose reality transcends the temporal and is rooted in the words that the Church speaks to her on the day of her consecration."
[144] Canon 663 §2: "Sodales cotidie pro viribus Sacrificium eucharisticum participent, sanctissimum Corpus Christi recipiant et ipsum Dominum in Sacramento praesentem adorent."
[145] Canon 719 §2: "Eucharistiae celebratio, quantum fieri potest cotidiana, sit totius eorum vitae consecratae fons et robur."
[146] *VC* 95: *AAS* 88 (1996) 471: "Suapte natura medium vitae consecratae locum obtinet Eucharistia, ut pro singulis sodalibus ita pro communitate. Viaticum cotidianum est spiritalitatisque fons singulis membris et universo Instituto." *Consecrated Life*, 152. The text continues: "By means of the Eucharist all consecrated persons are called to live Christ's Paschal Mystery, uniting themselves to him by offering their own lives to the Father through the Holy Spirit. Frequent and prolonged adoration of Christ present in the Eucharist enables us in some way to relive Peter's experience at the Transfiguration: 'It is well that we are here.'"

eucharistic mystery to consecrated virginity, noting that it is from the Eucharist that the virgin draws "encouragement and strength to be a sign, in our own times too, of God's gracious and fruitful love for humanity."[147] The duty of members of religious and secular institutes to participate daily in the eucharistic celebration, as possible, seems particularly applicable to the consecrated virgin who is mystically espoused to Christ.

Members of religious institutes are also called "to devote themselves to the reading of sacred scripture and mental prayer, to celebrate worthily the liturgy of the hours according to the prescripts of proper law, without prejudice to the obligation for clerics mentioned in can. 276, §2, n. 3, and to perform other exercises of piety" (c. 663 §3).[148] In reference to members of secular institutes, canon 719 §1 requires members "to give themselves in a fitting way to the reading of sacred scripture."[149] *Praenotanda* to the rite of consecration to a life of virginity explicitly state the consecrated virgin's obligation in regard to celebration of the Liturgy of the Hours:

> To fulfill their duty of prayer they are strongly advised to celebrate the Liturgy of the Hours each day, especially Lauds and Vespers. In this way, by joining their voices to those of Christ the High Priest and of his Church, they will offer unending praise to the heavenly Father and pray for the salvation of the whole world.[150]

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[147] Benedict XVI, *Sacramentum Caritatis* 81.
[148] Canon 663 §3: "Lectioni sacrae Scripturae et orationi mentali vacent, iuxta iuris proprii praescripta liturgiam horarum digne celebrent, firma pro clericis obligatione de qua in can. 276 §2, n. 3, et alia pietatis exercitia peragant."
[149] Canon 719 §1: "sacrarum Scripturarum lectioni apto modo incumbent."
[150] *OCV Praenotanda* 2: "Ad orationis munus explendum, virginibus sacratis vehementer suadetur ut Officium divinum, Laudes et Vesperas praesertim, cotidie recitent; ita, vocem suam cum Christo summo Sacerdote sanctaque consociantes Ecclesia, caelestem Patrem sine intermissione laudabunt et pro totius mundi salute intercedent." *Roman Pontifical*, 293.

Religious are also enjoined "with special veneration, to honor the Virgin Mother of God, the example and protector of all consecrated life, also through the marian rosary" (c. 663 §4).[151] Specific mention of the Virgin Mother of God is not made in the canons regarding secular institutes, however members are "to perform other spiritual exercises according to proper law" (c. 719).[152] While not mentioned explicitly in *Praenotanda* to the rite of consecration, it is most fitting for the consecrated virgin also to honor the Blessed Virgin Mother of God with special veneration.[153]

Members of religious institutes are also "to observe faithfully an annual period of sacred retreat" (c. 663 §5).[154] A period of sacred retreat is not mentioned in the universal law for secular institutes, but may be specified in proper law. The same is true in regard to the *Ordo virginum*: while universal law does not specify the expectation of an annual retreat, it would seem that the diocesan bishop might reasonably establish such an expectation for consecrated virgins in his diocese, as he carries out his pastoral responsibility "to decide on the conditions under which women living in the world are to undertake a life of perpetual virginity."[155]

Lastly, spiritual obligations for religious include a call for them "to strive after conversion of the soul toward God, to examine their conscience, even daily, and to approach the

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[151] Canon 663 §4: "Speciali cultu Virginem Deiparam, omnis vitae consecratae exemplum et tutamen, etiam per mariale rosarium prosequantur."
[152] Canon 719: "atque alia spiritualia exercitia iuxta ius proprium peragant."
[153] The formation text of the USACV presents essential elements of the spirituality of the consecrated virgin as being derived from the life of the Blessed Virgin Mary, who "is the first person chosen to receive the gift of virginity and to live the mystery of the Church as Spouse of the Son of God." Aguilera, "Spiritual Formation," in USACV *Discernment and Formation*, 104.
[154] Canon 663 §5: "Annua sacri recessus tempora fideliter servent."
[155] *OV Praenotanda* 5: "Episcopi autem est statuere quo modo ac ratione virgines vitam saecularem agentes se obligent ad vitam virginalem perpetuo amplectendam." *Roman Pontifical*, 293.

sacrament of penance frequently" (c. 664).[156] Universal law similarly addresses members of secular institutes: "they are to approach freely the sacrament of penance which they are to receive frequently" (c. 719 §3).[157] Members of secular institutes are also "to obtain freely necessary direction of conscience and to seek counsel of this kind even from the moderators, if they wish" (c. 719 §4).[158] The same provisions would be analogously applicable to members of the *Ordo virginum*, whose lives of consecrated chastity are also lived "for the sake of more fervent love of Christ and of greater freedom in the service of their brothers and sisters."[159]

2. Canons 665–672: Other Obligations and Rights

Obligations and rights of the member of the religious institute in regard to observing common life are addressed in canon 665, which is thus not analogously applicable to the *Ordo virginum*.

Concerning the use of means of social communication, canon 666 advises members of religious institutes that "necessary discretion is to be observed and those things are to be avoided which are harmful to one's vocation and dangerous to the chastity of a consecrated person."[160] It is interesting that a similar provision does not appear in the canons for secular institutes, where the celibate vocation is properly lived in the world. The consecrated virgin also lives in the world, and it is particularly true that she must be self-aware of the inherent risk in living a life of

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[156] Canon 664: "In animi erga Deum conversione insistant religiosi, conscientiam etiam cotidie examinent et ad paenitentiae sacramentum frequenter accedant."
[157] Canon 719 §3: "Libere ad sacramentum paenitentiae accedant, quod frequenter recipiant."
[158] Canon 719 §4: "Necessarium conscientiae moderamen libere obtineant atque huius generis consilia a suis etiam Moderatoribus, si velint, requirant."
[159] *OV Praenotanda* 2: "quo Christum ardentius diligant fratribusque expeditius deserviant." *Roman Pontifical*, 293.
[160] Canon 666: "In usu mediorum communicationis socialis servetur necessaria discretio atque vitentur quae sunt vocationi propriae nociva et castitati personae consecratae periculosa."

virginal chastity in the midst of what is often a hostile environment.[161] She must be ready to use discretion to avoid those things which may prove harmful to her vocation.

Other obligations and rights are discussed in canon 667 in regard to cloisters and monasteries which are ordered entirely to the contemplative life. The canon is not analogously applicable to the *Ordo virginum*.

The administration of temporal goods of members of religious institutes is addressed in canon 668, and is also not analogously applicable to the *Ordo virginum*. Living the evangelical counsel of poverty in a religious institute, regulated in canon 600, is closely tied to canon 668:

> Canon 668 regulates the practical expression of the obligations assumed with that evangelical counsel, distinguishing between the personal property of the individual religious and income generated by the individual but belonging to the institute. This canon encourages simplicity, communal sharing, and detachment from all that is not God. Each institute, in keeping with its nature, character, and spirit, will express these values and specify these practicalities in its own distinct manner.[162]

The commentary above is quoted in order to demonstrate the contrast between how the evangelical counsel of poverty is lived by religious and how the same counsel might be lived by consecrated virgins, although not assumed by vow. The consecrated virgin living in the world is not expected to cede administration of her personal property to another, nor does she engage in communal sharing of possessions, but she is able to live simply and with detachment.

According to canon 669, religious are to wear the habit of the institute, made according to the norm of proper law, as a sign of their consecration and as a witness of poverty, while clerical religious of an institute which does not have a proper habit are to wear clerical dress according to

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[161] Stegman, "Discernment of the Vocation of Consecrated Virginity: Lived in the World," in USACV *Discernment and Formation*, 69.
[162] Rosemary Smith, "The Obligations and Rights of Institutes and Their Members (cc. 662–672)," in *New Commentary*, 835.

the norm of can. 284. There is not a comparable canon regulating the dress of lay members of secular institutes. John Paul II explicates canon 669 §1 in *Vita consecrata*:

> Since the habit is a sign of consecration, poverty and membership in a particular Religious family, I join the Fathers of the Synod in strongly recommending to men and women religious that they wear their proper habit, suitably adapted to the conditions of time and place. Where valid reasons of their apostolate call for it, religious, in conformity with the norms of their institute, may also dress in a simple and modest manner, with an appropriate symbol, in such a way that their consecration is recognizable.
>
> Institutes which from their origin or by provision of their constitutions do not have a specific habit should ensure that the dress of their members corresponds in dignity and simplicity to the nature of their vocation.[163]

Although as an individually lived, secular vocation, the *Ordo virginum* does not have dress or a religious habit designated by proper law, it does seem appropriate to consider the reasons for the religious habit—a sign of consecration and a witness to poverty—and to apply these to the *Ordo virginum*. The words of *Vita consecrata* also seem apropos to any norms that may be written in regard to dress for consecrated virgins: dress should correspond in dignity and simplicity to the nature of the vocation, and be appropriate for the consecrated virgin's profession and station in life.[164] Because consecrated virgins properly live and minister in the world, it is not appropriate for them to dress in clothing that is similar to a religious habit; the sign of the virgin's consecration through dress is in wearing the ring that she received at her consecration.

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[163] *VC* 25: *AAS* 88 (1996) 398–399: "Cum consecrationis plane sit indicium habitus sacer et paupertatis et cum certa quadam religiosa Familia coniunctionis, una cum Synodi Patribus sodalibus religiosis viris ac mulieribus studiose Nos persuademus ut proprium induant habitum, temporum locorumque condicionibus apte accommodatum. Quotiens vero valida id postulant apostolica adiuncta, licebit eis secundum Instituti sui mores regulasque etiam simplex et decorum gestare vestimentum, addito tamen congruo insigni unde eorum agnosci valeat consecratio. Instituta vero quae a propria origine aut legum suarum vi peculiarem non postulant habitum, curent tamen ut membrorum vestitus sua dignitate et simplicitate vocationis illorum indoli respondeat."

[164] Stegman, "Human Formation," in USACV *Discernment and Formation*, 142–144. Page 144: "in today's culture, the witness of a woman's dress continues to be a powerful witness, for better or for worse. The feminine, simple, modest, dress of a virgin, suited to the occasion, offers a striking testimony to a self-confident and poised life lived as a bride of Christ."

For the same reason, it is not appropriate for the consecrated virgin to wear a veil in daily life as a religious habit; rather, her dress should be simple, modest, and appropriate. *Ecclesiae sponsae imago* speaks to the question of dress and the wearing of a veil by the consecrated virgin:

> Desirous of irradiating the dignity and beauty of their vocation with a relational style towards the people of their own time, their way of dressing follows the local customs, combining dignity and the expression of their own personality with the virtue of moderation, in accordance with the requirements of their social situation.
>
> Except for special reasons, they wear the ring that is given to them during the rite of consecration as a sign of their spousal covenant with Christ the Lord.
>
> In places where married Christian women do not customarily cover their head with a veil, normally consecrated virgins do not wear the veil that they may have received during the rite of consecration as an ordinary part of their clothing. They follow the guidelines of the diocesan Bishop or the Episcopal Conference, who can allow the use of the veil in liturgical celebrations, or in other situations where the use of this visible sign of total dedication to the service of Christ and the Church is considered appropriate, considering different contexts and developments in socio-cultural conditions.[165]

According to canon 670, "an institute must supply the members with all those things which are necessary to achieve the purpose of their vocation, according to the norm of the constitutions."[166] The canon is analogously applicable to the *Ordo virginum* in regard to responsibilities of the diocesan bishop and diocese to assure that the consecrated virgin has what is necessary for her to achieve the purpose of her vocation as one who is mystically espoused to Christ and thus dedicated to the service of the Church. The diocese is not expected to provide for material needs of the consecrated virgin, but communication between the diocesan bishop and

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[165] *ESI* 38.
[166] Canon 670: "Institutum debet sodalibus suppeditare omnia quae ad normam constitutionum necessaria sunt ad suae vocationis finem assequendum."

the virgin should entail discussion of what the virgin needs in order to fully live her vocation.[167] As a sacred person in the Church, the consecrated virgin has the right to expect that the Church will provide her with the necessary spiritual aids to live her vocation. Norms for the *Ordo virginum* might delineate obligations on the part of the diocesan bishop, e.g.: availability for an annual personal meeting with each consecrated virgin; opportunities for ongoing formation; assignment of "chaplains and confessors to them from among the best at his disposal, distinguished by a good understanding of consecrated life and by their piety, sound doctrine, ecumenical and missionary spirit"[168]; "sufficient opportunities for participation in different diocesan structures, such as diocesan and parish pastoral councils, where these exist, in the various diocesan commissions and delegations, and in the direction of apostolic and educational initiatives in the diocese."[169]

By canon 671, it is prohibited for a religious "to accept functions and offices outside the institute without the permission of a legitimate superior."[170] The canon reflects practical implications of the assumption of the evangelical counsel of obedience and its purpose "is to ensure the availability of the members for the life and mission of the institute and to foster

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[167] See Congregation for Bishops, "Directory for the Pastoral Ministry of Bishops, *Apostolorum Successores* 104," February 22, 2004 (Vatican City: Libreria Editrice Vaticana, 2004) [hereafter *Directory*]: "The Bishop should show particular concern for the order of virgins, who are dedicated to the service of the Church, entrusted to the Bishop's pastoral care and consecrated to God at his hands." The original language of the document is Italian. Accessed in Italian and English at: http://www.vatican.va/roman-curia.
[168] Ibid., n. 104.
[169] Ibid. It should be noted that this directive to the bishop (to provide opportunities for participation in different diocesan structures) is written in regard to all "consecrated women" in a diocese, rather than specifically in regard to the "consecrated virgins" in the diocese.
[170] Canon 671: "Religiosus munera et officia extra proprium institutum ne recipiat absque licentia legitimi Superioris."

congruence between the activities of the members and the charism of the institute."[171] The restriction of the canon is not directly analogous to the *Ordo virginum* because the virgin has not assumed the evangelical counsel of obedience in regard to a superior who is concerned to assure that members are available for the mission of the institute. There is an indirect application, however, in that the functions and offices that a consecrated virgin might assume need to be congruent with the purpose and witness of her life as a consecrated virgin. Although a consecrated virgin would not be required to have the permission of the diocesan bishop, she should desire his counsel if there is question concerning the appropriateness of roles she might assume.

A number of obligations written in regard to clerics are applied to religious through canon 672: "Religious are bound by the prescripts of cann. 277, 285, 286, 287, and 289, and religious clerics additionally by the prescripts of can. 279 §2; in lay institutes of pontifical right, the proper major superior can grant the permission mentioned in can. 285, §4."[172] Canon 277 §1 concerns the obligation to observe perfect and perpetual continence in celibacy; canon 277 §2 obliges "[religious] to behave with due prudence towards persons whose company can endanger their obligation to observe continence or give rise to scandal among the faithful."[173] Both provisions are, of course, analogously applicable to the *Ordo virginum*. Canon 285 obliges religious to refrain completely from things unbecoming to their state (c. 285 §1); to refrain from

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[171] Rosemary Smith, "The Obligations and Rights of Institutes and Their Members (cc. 662-672)," in *New Commentary*, 840.
[172] Canon 672: "Religiosi adstringuntur praescriptis cann. 277, 285, 286, 287 et 289, et religiosi clerici insuper praescriptis can. 279, §2; in institutis laicalibus iuris pontificii, licentia de qua in can. 285, §4, concedi potest a proprio Superiore maiore."
[173] Canon 277 §2: "Debita cum prudentia clerici se gerant cum personis, quarum frequentatio ipsorum obligationem ad continentiam servandam in discrimen vocare aut in fidelium scandalum vertere possit."

things, if not unbecoming, that are foreign to their state (c. 285 §2); not to assume public offices (c. 285 §3); and not to take on various financial and management matters without the permission of their ordinary (c. 285 §4). The provisions of canon 285 §1 and 285 §2 would likewise be analogously applicable to members of the *Ordo virginum*, whose status as sacred persons places them in a public position of witness in the Church. The provisions of canon 285 §3 and 285 §4 would not necessarily be analogously applicable to the consecrated virgin, who lives and works in the world; her involvement in such affairs may be a matter of discussion with the diocesan bishop. Canon 286 prohibits the personal conduct of business or trade and would not be analogously applicable to the consecrated virgin who is responsible for earning her own livelihood. Canon 287 prohibits active participation in political parties and the governing of labor unions; this canon would also not be analogously applicable to the consecrated virgin. Canon 289 prohibits volunteering for military service except with the permission of the ordinary; the provision would seem to be analogously applicable to the consecrated virgin, to assure that the service is in keeping with her life as a bride of Christ.

H. Apostolate (RI cc. 673–683; SI c. 715)

Canon 673 introduces the canons on the apostolate of institutes with a statement that applies analogously to those who are mystically espoused to Christ in the *Ordo virginum*: "The apostolate of all religious consists first of all in the witness of their consecrated life, which they are bound to foster by prayer and penance."[174] The apostolate of those in the *Ordo virginum* is asserted in *Praenotanda* to the rite, in words we have previously considered:

[174] Canon 673: "Omnium religiosorum apostolatus primum in eorum vitae consecratae testimonio consistit, quod oratione et paenitentia fovere tenentur."

> Those who devote their chastity under the inspiration of the Holy Spirit do so for the sake of more fervent love of Christ and of greater freedom in the service of their brothers and sisters. They are to spend their time in works of penance and of mercy, in apostolic activity and in prayer, according to their state of life and spiritual gifts.[175]

It is the witness of her life as a "surpassing sign of the Church's love for Christ, and an eschatological image of the world to come and the glory of the heavenly Bride of Christ" that is the primary apostolate, that is, the primary service to the Church of the consecrated virgin.[176]

The apostolate of institutes which are entirely ordered to contemplation is commended in canon 674, and canon 675 addresses institutes dedicated to works of the apostolate. In a particular way, canon 675 §2 speaks to the individual apostolate of a consecrated virgin: "apostolic action is to proceed always from an intimate union with God and is to confirm and foster this union."[177] Canon 676 likewise provides an apt description of the diverse apostolates offered to the Church by members of the *Ordo virginum*, although the canon is directed to lay institutes: "Lay institutes, whether of men or of women, participate in the pastoral function of the Church through spiritual and corporal works of mercy and offer the most diverse services to the people. Therefore, they are to persevere faithfully in the grace of their vocation."[178]

Through canon 677, the need for superiors and members to remain faithful to the proper mission and works of the institute is addressed. The canon is not directly applicable to the

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[175] *OCV Praenotanda* 2: "Ut constat, virgines sacrae, Spiritu Sancto impulsae, suam castitatem devovent quo Christum ardentius diligant fratribusque expeditius deserviant. Virgines christianae enim, paenitentiae et misericordiae operibus, apostolicae actuositati sanctaeque orationi, pro suo quaeque statu suisque charismatibus, debent vacare." *Roman Pontifical*, 293, however, I translated the Latin word "devovent" as "devote" rather than "consecrate," as appears in the English translation.
[176] *OCV Praenotanda* 1: "signum transcendens amoris Ecclesiae erga Christum, imago eschatologica Sponsae caelestis vitaeque futurae." *Roman Pontifical*, 293.
[177] Canon 675 §2: "Actio apostolica ex intima cum Deo unione semper procedat eandemque confirmet et foveat."
[178] Canon 676: "Laicalia instituta, tum virorum tum mulierum, per misericordiae opera spiritualia et corporalia munus pastorale Ecclesiae participant hominibusque diversissima praestant servitia; quare in suae vocationis gratia fideliter permaneant."

Ordoevirginum. The law asserts in canon 678 that religious, who are subject to their proper superiors in regard to the exercise of external apostolates, are likewise subject to the power of bishops in matters which regard the care of souls, divine worship, and other apostolic works. This canon was discussed earlier in regard to the autonomy of the consecrated virgin, who would also be subject to the authority of the diocesan bishop in any apostolate in which she is engaged in the diocese. Canon 679 states that for a most grave cause, under certain circumstances, a diocesan bishop can prohibit a member of a religious institute from residing in the diocese. The provision is not applicable to the consecrated virgin.

Although not directly applicable to the *Ordo virginum*, there is analogous applicability of canons 680 and 681 inasmuch as they address the coordination and cooperation that must exist among all those involved in apostolic works in a diocese, under the direction of the diocesan bishop. Canons 682 and 683 concern matters that are not applicable to the *Ordo virginum*.

I. Separation of Members (RI cc. 684–704; SI cc. 726–730; SAL cc. 742–746)

Three manners of separation of members from an institute or society are considered in the 1983 Code of Canon Law: transfer to another institute (RI cc. 684–685; SI c. 730; SAL c. 744), departure from an institute (RI cc. 686–693; SI cc. 726–728; SAL cc. 742–743, 745), and dismissal of members (RI cc. 694–704; SI c. 729; SAL c. 746). In the previous chapter, we addressed the matter of a consecrated virgin's “separation” in light of marriage law and thus considered the dissolution of the bond or separation with the bond remaining. Keeping firmly in mind that the virgin's nuptial bond with Christ, as well as her bond with the Church in consecrated life, is effected by the act of consecration, we proceed now to address the matter of a

consecrated virgin's "separation" in light of the law on institutes of consecrated life and societies of apostolic life, thus considering the concept of transfer, departure, and dismissal.

1. Transfer to Another Institute

Canons 684 and 685 address the transfer of a perpetually professed member of a religious institute to (or from) another religious institute or a secular institute or society of apostolic life. In considering analogous applicability of the canons to the *Ordo virginum*, we note in the first place that transfers from one institute or society to another is not automatic (religious institute to religious institute, secular institute to secular institute, society of apostolic life to society of apostolic life); such transfers involve the consent of the authorities in each institute or society (c. 684 §§ 1, 3; c. 730; c. 744 §1) and a new period of probation (c. 684 §§ 2, 4; c. 730). In the case of a transfer between a religious institute and another form of consecrated life (secular institute or society of apostolic life), permission of the Holy See is required (c. 684 §5; c. 730; c. 744 §2). The canons also address the rights and obligations of members during the period of transfer.

The 1983 code does not address transfers to or from the *Ordo virginum*. Membership in the *Ordo virginum* is effected, as we have discussed, not by the profession of vows or assumption of sacred bonds in an institute or society, but by the rite of consecration itself. With this in mind, it seems clear that the concept of a "transfer" is not applicable. Three possible cases might be considered. In the first place is the case of a member of an institute or society who discerns for serious reasons a desire to be a member of the *Ordo virginum*; it would seem that she would need the permission of the Holy See because the transition would be to a different form of consecrated life, that she would need to obtain an indult of departure from her institute or society, and that she would need to be accepted by a diocesan bishop for a formation program

leading to her consecration in the *Ordo virginum*. A second case might be a member of an institute or society who desires to receive the consecration of virgins while she remains in her institute or society; she would need to examine if the rite of consecration is permitted within her monastery or secular institute and obtain necessary permissions.

The third case would be that of a member of the *Ordo virginum* who desires to enter a religious institute, secular institute, or society of apostolic life; from analogous canons, it would seem that she would need the permission of the Holy See, that she would need to be in close discussion with her diocesan bishop, and that she would need to follow the normal path of entrance and formation in the institute or society she desires to join. *Ecclesiae sponsae imago* affirms such an approach:

> If a consecrated woman, after careful evaluation in prayer, in the context of spiritual direction and in dialogue with the Bishop, wishes to enter an Institute of consecrated life or Society of Apostolic Life, she will communicate her intention in writing to the Bishop, accompanied by a declaration from the Supreme Moderator of the Institute concerning the contact that the consecrated woman has had with that Institute or Society.
>
> The Bishop will undertake to transmit the request to the Holy See and his possible observations on the matter. Transfer to the Institute will take place according to the arrrangements made for each particular case by the Holy See.[179]

2. Departure from an Institute

Indults of exclaustration from a religious institute may be granted for certain periods of time by appropriate authority (c. 686), and the rights and obligations of an exclaustrated member are discussed (c. 687). A person may freely depart a religious or secular institute after the period of temporary profession or incorporation has been completed (c. 688 §1; c. 725 §1); a person may depart during a time of temporary profession or incorporation for a grave cause with

[179] *ESI* 69.

appropriate permissions (c. 688 §2; c. 726 §2); for a just cause, and with certain exceptions, a competent superior can exclude a member from making a subsequent profession of vows or renewal of sacred bonds when a period of temporary profession or incorporation has been completed (c. 689; c. 725 §1); and competent authority can readmit a person who has left an institute, with appropriate probations (c. 690). A perpetually professed religious or perpetually incorporated member of a secular institute may request an indult of departure from an institute only after serious consideration before the Lord (c. 691 §1; c. 727 §2)[180]; in institutes of pontifical right, an indult of this type is reserved to the Apostolic See, in other cases, there is provision for a diocesan bishop to grant the indult (c. 691 §2; c. 727 §1); "an indult of departure granted legitimately and made known to the member entails by the law itself dispensation from the vows and from all the obligations arising from profession" (c. 692; c. 728).[181] The law concerning departure from a society of apostolic life is not significantly different from the law discussed above in regard to religious and secular institutes.

a. Recalling Historical Realities

Departure from the *Ordo virginum* is not definitively spoken of in the *ius vigens* of the Church. In order to address the question, it is useful first to recall historical realities regarding the *Ordo virginum* that have been presented in this study. When the consecration of virgins was lived individually, rather than communally, in the early centuries of the Church, emphasis was

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[180] Canon 691 §1 refers to "the gravest of causes considered before the Lord" in reference to the request of a religious to depart from the religious institute. Canon 727 §1 refers to "after having considered the matter seriously before the Lord" in reference to the request for departure on the part of a perpetually incorporated member of a secular institute.

[181] Canon 692: "Indultum discedendi legitime concessum et sodali notificatum . . . ipso iure secumfert dispensationem a votis necnon ab omnibus obligationibus ex professione ortis." In regard to a secular institute, canon 728 states the same: "When an indult of departure has been granted legitimately, all the bonds as well as the rights and obligations deriving from incorporation cease."

placed on the spousal bond with Christ that was effected by the bishop's prayer on the day of the virgin's consecration. This nuptial bond with Christ was treated as perduring even in the case of a consecrated virgin who violated her *propositum* and attempted to enter a human marriage; the consequences of adultery were applied in such a case. Although the concept of diriment impediment cannot be ascribed to a time in history when this precise legal terminology was not yet developed, it is clear that in those early centuries of the Church, the attempted human marriage of a veiled virgin (i.e., she who was solemnly consecrated when her *sanctum propositum* was received by the bishop) was not recognized as a true marriage. In order to be reconciled to the Church, the unfaithful virgin was required to repent and leave the man she had joined. The act of consecration by the bishop placed a virgin in a juridic state that was equivalent to the state of a married woman.

As centuries passed, many of those living a life of consecrated virginity in the world, and the bishops who cared for them, sensed a desire and perhaps a need for the virgins to live in community with others of like mind; cenobitic life was seen as protective of the virginal commitment. But something beyond the woman's firm virginal *propositum* was also involved in cenobitic life for consecrated virgins; the woman also professed (vowed) to live according to the rule, or the way of life, of the community she was joining. This act of profession to live according to a particular rule was distinguished from a woman's consecration as a virgin, as was highlighted in the fact that widows, too, could profess vows and live in the same monastic community with those who were also consecrated as virgins. Likewise, men could live according to a monastic rule and were not consecrated as virgins.

As time continued to progress, we observed that use of the rite of consecration to a life of virginity, although instituted initially to solemnize the virginal spousal bond of an individual woman with Christ, fell into disuse for women living in the world and became the sole prerogative of enclosed nuns. We observed, too, that over time use of the rite of consecration of virgins became rare even within monasteries, and the act of religious profession of vows began to be emphasized more than use of the rite of consecration. This reality was heightened as apostolic institutes gained recognition and members were inclined more to a focus on their proper apostolic works than to a focus on virginity or a bridal spirituality (this is not to say that such an understanding was lost in these orders, but that it was not viewed as integral to the active mission of the apostolate). In the early twentieth century, it was interesting to observe that requests began to come in to the Sacred Congregation for Religious, from bishops and women alike, asking permission for the rite of consecration to a life of virginity to be opened once again to women living in the world. Individual women, as in the early Church, once again expressed desire to receive the consecration of virgins at the hand of the diocesan bishop.

This is all relevant, because we must look at the law today in light of the full tradition of the Church: the *Ordo virginum* pre-dates the development of communal forms of religious life and pre-dates today's juridic categories of religious institutes, secular institutes, and societies of apostolic life. The historical reality of the *Ordo virginum* is highlighted, in fact, by the response of the Church in 1927 to those requests from bishops for permission to confer once again the consecration of virgins on women living in the world. The response was a resounding "no" from the Sacred Congregation, for reasons expounded at the time by Philip Maroto, on behalf of the congregation. He explained that the rite could not be re-opened to women living in the world

because the consecration would necessarily place the virgins in a particular ecclesial status in the Church that would be regulated by a diocesan bishop and not through monastic life—a way unknown in the modern Church. As well, he explained, the consecration would place a virgin in an inviolable mystical espousal with Christ, on par with a solemn vow, and yet such an impediment to marriage had not been recognized in the 1917 Code of Canon Law. Thirdly, he considered the risks to purity of a virgin living freely in the world. It was clear that any restoration of the ancient *Ordo virginum* would need to wait for a new day in the Church.

That day came with the Second Vatican Council's call for the revision of the rite of consecration to a life of virginity, along with the simultaneous anticipation of a new code of canon law that could recognize a restored *Ordo virginum*. The decision to allow the revised rite of consecration to be used only for women living in the world and religious families which used the rite by established custom or new permission highlighted the historical roots of the practice of consecration and definitively opened the door to the restoration of the ancient *Ordo virginum*. A revised rite of religious profession was also promulgated in response to a mandate of the Council, and the commission drafting that rite included a new prayer of consecration in order to "officially confirm, on the part of the Church, the donation that the religious makes of herself in perpetual profession."[182] As was discussed earlier, the promulgation of the two revised rites within a few months of one another in early 1970 resulted in questions being raised to the Sacred Congregation for Divine Worship about the nature of consecration. The relator of the study group that had prepared both rites clarified that both rites have the nature of genuine

[182] From SCRIS Archives, file of *consecratio virginum*. See ch. 3, fn. 201, p. 165 of this study.

consecrations, according to the intention of the Church and the words of each rite, and that there are not degrees of consecration.[183] He was clear in his explanation to maintain the distinction between the profession of vows in the Rite of Religious Profession and the consecratory prayer that is present in both rites.

In regard to the code revision process that took place a few years later, consideration was given as to where to place a canon on the *Ordo virginum*, in light of the fact that membership in the *Ordo virginum* did not involve a profession of the evangelical counsels; the *Ordo* instead was characterized by the single juridic act of consecration of the virgin as a bride of Christ. The decision was made to relate the *Ordo* to other forms of consecrated life, and yet to distinguish it: "Similar (*accedit*) to these forms of consecrated life is the order of virgins (c. 604 §1)."[184] Those drafting the new code recognized that the *Ordo virginum* was "the flourishing anew of a very ancient and traditional form of consecration, without well-defined contours" and that it was most prudent not to say more in the canon, leaving room for future development.[185] It has been the purpose of this study to assist in considering how the single canon on the *Ordo virginum* might be further developed, reflecting the two thousand year history of the rite of consecration that arguably served as a springboard for the development of many forms of consecrated life that are familiar to us today.

b. Juridical Effects of Consecration

The point of all this discussion is to say that we are dealing with a form of consecrated life that is at once new, and at once ancient, and that is similar, and yet dissimilar to other forms

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[183] Sacred Congregation for Divine Worship, "Circa OCV." See ch. 3, fn. 204, p. 166 of this study.
[184] Canon 604 §1: "Hisce vitae consecratae formis accedit ordo virginum."
[185] See Intro., fn. 8, p. 3 of this study.

of consecrated life. The key juridical effect of the consecration of a virgin is her mystical betrothal to Christ (c. 604), a spiritual effect of consecration, but also the primary juridical effect of consecration. The words of *Ecclesiae sponsae imago* reflect the words of the *Praenotanda* and the rite of consecration itself: "The *propositum* of those to be consecrated is accepted and confirmed by the Church through the solemn prayer of the Bishop, who invokes and obtains for them the spiritual anointing that establishes the spousal bond with Christ and consecrates them to God under a new title."[186]

By virtue of espousal to Christ, the juridical status of the consecrated virgin can be likened to that of a married woman; by virtue of consecration at the hands of the bishop, she is also juridically constituted as a sacred person in the Church. These two aspects of the identity of the member of the *Ordo virginum* at one and the same time define her juridic status, which is distinct: the *Ordo* "approaches (*accedit*)" other forms of consecrated life with the distinctive characteristic of members who live virginal chastity in nuptial union with Christ. This study has considered the concepts of separation of spouses and validity of human marriages of consecrated virgins in light of marriage law; we proceed now to consider the question of departure from the

[186] *ESI* 19. Also see *OCV Praenotanda* 1 and *OCV* 16, 24. Preceding the quoted paragraph is the following: "In the rite, those to be consecrated express the *sanctum propositum* (the holy resolution). This is the firm and definitive resolve to persevere for their whole life in perfect chastity, and in the service of God and the Church, following Christ in accordance with the Gospel, to give the world a living witness of love and to be a clear sign of the future Kingdom." And the paragraph following the paragraph quoted in the text above: "In this way, these virgins become consecrated persons, a sublime sign of the love of the Church for Christ and an eschatological image of the heavenly bride and of the life to come. Their exclusive belonging to Christ, ratified by the nuptial bond, nourishes in them a vigilant expectation of the return of the glorious bridegroom (Mt. 25: 1-13). It associates them in a particular way with his redemptive sacrifice and dedicates them to the development of the Church and to its mission in the world (Col. 1:24)."

Ordo virginum and dispensation of obligations of consecration, in light of the law regulating institutes of consecrated life and societies of apostolic life.

c. Distinguishing the Act of Consecration

We have observed that the law permits a perpetually professed religious or perpetually incorporated member of a secular institute to request an indult of departure from the institute, and that if granted, this indult entails dispensation from the vows and from all the obligations arising from profession or incorporation. The indult that is granted does not mention a dispensation from the professed religious' consecration as a religious, but speaks only to dispensation from the vows and from all the obligations that arise from profession. Similarly, when departure from the *Ordo virginum* is discussed, as in *Ecclesiae sponsae imago*, for example, there is not mention of a dispensation from the consecration itself, but from the obligations that arise from consecration. This distinction is important, and itself points to the understanding that an act of consecration entails, or at least connotes, permanence and irrevocability, as it changes the status of a person or thing from the profane to the sacred.[187]

d. Dispensation from the Obligations that Arise from Consecration?

Three distinct effects of religious profession are delineated in canon 654: 1) members assume the observance of the three evangelical counsels by public vow (a juridical effect); 2) they are consecrated to God through the ministry of the Church (a spiritual effect); and 3) they

[187] While there are varying uses of the term "consecration" in the Church and there is no explicit juridical definition, Ochoa defines an *actus consecrandi* as an act that moves something or someone from the profane to the sacred, and a religious consecration as an act by which a person is publicly admitted and embraced in the state of religion (see ch. 3, fn. 198, p. 164). Also see ch. 3, fn. 206, pp. 166–167 for discussion of the understanding of the permanence of "consecration" in the rite of religious profession. The relator of the study group that had prepared both the revised rite of consecration of virgins and the revised rite of religious profession noted that the very nature of consecration "presupposes totality and perpetuity."

are incorporated into the institute with the rights and duties defined by law (a juridical effect). Consecration by God through the ministry of the Church is one of the effects of religious profession. By comparison, the juridical effects of the act of consecration of a virgin delineated in canon 604 §1 are: 1) the virgin is mystically espoused to Christ, the Son of God; and 2) she is dedicated to the service of the Church. The juridical effect of mystical espousal to Christ is a result of the consecration of the virgin; the permanence of mystical espousal is thus indicated not only by marriage law but also by the fact of the espousal being effected by an act of consecration. This stands in contrast to the assumption of the evangelical counsel of chastity by the member of the religious institute; in the case of the religious, the assumption of the evangelical counsel of chastity is a juridic effect of religious profession rather than an effect of consecration. The religious is also consecrated at the time of her profession, thus "officially confirming, on the part of the Church, the donation that the religious makes of herself in perpetual profession,"[188] but it is by profession, and not by the act of consecration, that the religious assumes the evangelical counsel of chastity. The distinction between the two cases is not a distinction without a difference and has relevance to a discussion of possible dispensation.

In the case of religious profession, canon 692 speaks of a dispensation from the obligations that arise from profession, rather than from obligations that arise from consecration. Of the three effects of profession, two represent obligations of the religious: she publicly vows to live the evangelical counsels, and she is bound to the duties of the institute as defined by law. If the religious is legitimately granted an indult of departure from her institute, by law, she is

[188] Antoniutii, member of the commission drafting the revised rite of religious profession in SCRIS Archives. See ch. 3, fn. 201, p. 165 of this study.

dispensed from these two obligations, and she is explicitly dispensed from her vows (c. 692). The third consequence of religious profession—consecration—is not a juridical obligation that results from religious profession and is thus not affected by an indult of departure. Does the consecration of the religious also entail other obligations? This question is not addressed in law. What is addressed, as we have seen, is the authority of the Church to dispense the religious from her vows and the obligations arising from profession.

An act of consecration implies permanence (see above), and the law itself is silent in regard to departure from the *Ordo virginum* or dispensation from attendant obligations. The instruction *Ecclesiae sponsae imago*, however, addresses the possibility of a dispensation from the obligations of consecration: "If a consecrated woman, for very serious reasons evaluated before the Lord in careful discernment, wishes to be dispensed from the obligations arising from consecration, she will approach her diocesan Bishop with a written request. The Bishop must not neglect to offer her appropriate assistance and adequate time for her discernment. He will grant the dispensation only after an in-depth scrutiny of the reasons for her request."[189] The concept presented in this statement of *Ecclesiae sponsae imago*—that one can be dispensed from the obligations arising from consecration—seems to be novel in ecclesial law. A religious may be dispensed from obligations arising from profession, and a priest may be dispensed from the obligation of celibacy (c. 290, 3°), but in neither case does the obligation that is dispensed arise from the act of consecration (or ordination).[190] Two related theological questions might be

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[189] *ESI* 70.

[190] Assumption of the obligation of celibacy is a prerequisite for admission to the order of diaconate (c. 1037). The obligation can be assumed in the presecribed rite publicly before God and the Church or through perpetual vows in a religious institute. In either case, the obligation is assumed in a public rite that is distinct from ordination.

raised: in the first place, whether or not obligations that arise from the consecration of a person can be distinguished from the consecration itself; and secondly, whether or not the Church has the authority to dispense from obligations that arise solely from an act of consecration, which by its nature is an action of God through the ministry of the Church. It does not appear that these questions have been juridically addressed by the Church.[191]

If we presume that the statement of *Ecclesiae sponsae imago* is juridically sound in regard to permitting dispensation from the obligations that arise from the consecration of a virgin in the *Ordo virginum*, then we must ask what this means. What are the obligations that arise from the act of consecration of a virgin? Specifically, does an obligation not to contract marriage arise from the act of consecration, and thus, would a dispensation from obligations of consecration allow a consecrated virgin to contract marriage? The effects of consecration, as we have seen, are two-fold: mystical espousal to Christ and constitution as a sacred person in the Church/dedication to the service of the Church. The consecration does not as an isolated act create an obligation that the virgin not contract marriage; rather, the consecration establishes a spousal bond with Christ, characterized by unity and indissolubility. It is only as a consequence of her nuptial bond with Christ that the virgin is obligated not to contract another marriage. Although the consecrated virgin who seeks dispensation from the obligations of consecration most likely does so because she desires to marry, this is not possible. A release from the obligations that arise from consecration does not release a consecrated virgin from her spousal bond with Christ and thus cannot release her from an obligation not to enter a subsequent human

[191] It is beyond the scope of this study to consider in depth the theological nature of consecration of a person.

marriage. Other obligations that arise directly from consecration, such as her duties of prayer and her dedication to the service of the Church, could perhaps be dispensed.

Such an understanding is in line with the long tradition of the Church in regard to the *Ordo virginum*, as discussed above and throughout this study. In summary, in regard to a virgin who is validly consecrated by the diocesan bishop according to the liturgical rite of consecration to a life of virginity, it is not possible to speak of a dispensation from the obligation that she not contract marriage, because the primary juridical effect of the act of consecration is the virgin's indissoluble nuptial union with Christ. The obligation not to enter another marriage is a result of this indissoluble bond; dispensation from the obligations resulting from consecration may release her from other obligations resulting from consecration, but cannot release her from an indissoluble nuptial bond.

3. Dismissal of Members

Canons 694 to 696 list reasons that a member can be dismissed from a religious institute. Canons 697 to 700 consider the process for dismissal, assuring that rights of the member and institute are protected. Canon 701 to 702 assert the results of dismissal, which include that vows and all rights and obligations deriving from profession cease *ipso facto.* Canon 729 incorporates the same canons nearly identically in regard to secular institutes and canon 746 does likewise in regard to societies of apostolic life. Canon 703 addresses the case in which a member can be expelled immediately due to grave external scandal or grave imminent harm. Canon 704 requires reporting to the Apostolic See of members who have been separated from an institute in any way.

The reasons that an institute or society may seek dismissal of a member are serious, and it must likewise be considered that it is possible that such reasons might, unhappily, arise in the case of a consecrated virgin. There should be a process established by which a bishop requires that a particular consecrated virgin no longer publicly present herself as a member of the *Ordo virginum* and that he record in diocesan records the process by which he has determined that she loses the rights of a member of the *Ordo virginum*. Such a dismissal, for the same reasons stated above, cannot release the virgin from her indissoluble nuptial bond with Christ.

J. Religious Raised to Episcopate (RI cc. 705–709)

The canons concerning religious raised to the Episcopate are not analogously applicable to the *Ordo virginum*.

K. Summary: Aspects of Law on Institutes of Consecrated Life and Societies of Apostolic Life Analogous to the *Ordo virginum*

As a state of life that is similar to—*accedit*—other forms of consecrated life, many aspects of the law addressing institutes of consecrated life and societies of apostolic life are relevant to the *Ordo virginum*. The inapplicability of certain facets of the law is generally due to one of three key characteristics that distinguish the *Ordo virginum* from institutes and societies: in the first place, the consecrated virgin is mystically espoused to Christ through her consecration, and does not profess the evangelical counsels; secondly, the consecrated virgin lives individually, not subject to the constitutions of an institute or society; and thirdly, the consecrated virgin freely chooses her own apostolate. The norms common to all institutes of consecrated life (cc. 573–606) open by setting forth the nature of consecrated life in terms readily applicable to the *Ordo virginum*, except that members of the *Ordo* do not explicitly profess the evangelical counsels, a defining characteristic of religious and secular institutes. The

common norms affirm the variety of gifts present among the many institutes and establish a "sacred obligation" for institutes to remain faithful to their founding nature, purpose, spirit, and character (c. 578); the affirmation and norm are notably applicable to the *Ordo virginum* and serve as a guidepost to authentic restoration of this ancient vocation in the context of today's Church. Canons in the general norms that describe the evangelical counsels of poverty and obedience (cc. 600–601) are likewise relevant to consecrated virgins who live the counsels not by virtue of vows, but by virtue of consecration as brides of Christ, the poor, chaste, and obedient one. In particular, it is noted that chastity (c. 599) lived in the state of virginity is the singular juridical expression of the *Ordo virginum*.

The opening canons on religious institutes, on secular institutes, and on societies of apostolic life theologically identify each of the forms of life. The *Ordo virginum* shares with religious institutes a focus on eschatological witness, with secular institutes the aspect of living in the world, and with societies of apostolic life a participation in the apostolate. The key theological distinction of the *Ordo* is the virgin's mystical espousal to Christ; in fact, we find that mystical espousal is both a theological and juridical distinction of the *Ordo*. Contrasting the juridical definition of the *Ordo virginum* to other forms of consecrated life, one finds: the nature of the bond with Christ (and with the Church) is constituted by the virgin's consecration, rather than by public vow (religious), sacred bond (secular institutes), or other bond (society); the fraternal life of the virgin is lived within the context of the particular Church, rather than a life in common as brothers and sisters (religious and societies), or in communion as entailed in the constitutions (secular institute); and that the member of the *Ordo virginum* lives in the world, rather than in some degree of separation from the world (religious). In regard specifically to

living arrangements, members of religious institutes and societies of apostolic life must live in houses of the institute or society, while consecrated virgins live in the ordinary conditions of the world, alone, with family, or by sharing living space with other consecrated virgins.

Canons that address the admission of candidates and formation of members for life in religious institutes, secular institutes, and societies of apostolic life can in many ways be analogously applied to admission of candidates and formation of members in the *Ordo virginum.* This is true particularly in the classification of the stages of admission, the supervision of the process of admission and formation, and the content and scope of formation programs. An important distinction is discovered in that the first stages of admission and formation in a religious or secular institute, and in a society of apostolic life, do not lead directly to perpetual profession or perpetual incorporation. Rather, there is a stage of temporary profession or incorporation that precedes additional formation and finally perpetual profession or incorporation. Within the *Ordo virginum*, however, the process does not decisively contain an interim stage of a temporary vow; rather, the process of formation leads directly to a decision by the bishop to admit or not admit a woman to consecration. Because of the finality of consecration as an indissoluble nuptial bond with Christ, bishops must be firmly assured of a candidate's readiness for consecration. In order to test the initial *propositum*, bishops may recommend or even require that an applicant live out a probationary and temporary private vow of chastity before being admitted to the consecration.

Initial admission to an institute or society is closely regulated by universal and proper law in regard to who can admit candidates, the qualities required in a person to be admitted, those who are invalidly admitted, and the proofs required before admittance. Each of these aspects

must likewise be addressed in regard to the *Ordo virginum*: universal law already asserts that the diocesan bishop is the one who admits to the *Ordo*[192]; universal law law also establishes qualities in the person to be admitted to the *Ordo virginum* similar to the qualities required for admission to an institute or society—age, prudence, universally approved character that gives assurance of perseverance in a life of chastity dedicated to the service of the Church and of their neighbor[193]; universal law addresses requirements for valid admission to institutes or societies, as well as to the *Ordo virginum*, in regard to age and free status of the applicant/candidate (see below for a summary)[194]; and universal law addresses specific proofs to be obtained before initial admittance to an institute or society, and a comparable list of required proofs should be established for admittance to the *Ordo*.

In regard to the period of probation and formation required before final profession or incorporation in an institute or society, and the ongoing formation of members of the institute or society, many aspects of analogous applicability to the *Ordo virginum* can also be identified. Before consecration, a purpose and plan for the time of formation must be arranged so that applicants not only understand but also fully live the life of consecrated virginity, and are tested in their resolve to persevere. While such formation plans are individualized to respond to the needs of each applicant, plans must always include elements of spiritual, human, and intellectual formation and be of sufficient length. Following consecration, diocesan bishops should be attentive to providing opportunities for ongoing formation for the virgins of the diocese.

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[192] *OCV Praenotanda* 5 c).
[193] *OCV Praenotanda* 5 b).
[194] *OCV Praenotanda* 5 a), b).

Universal and proper law of institutes and societies also address requirements for valid admission to perpetual profession in a religious institute or admission to definitive or perpetual incorporation in a secular institute or society of apostolic life. Although what it is that constitutes the vows or bond in an institute or society differs from the nature of the bond effected in the consecration of virgins, requirements for valid admission can be analogously applied. The resulting list of requirements for valid admission to consecration is comparable to the list compiled as a result of an analogous application of marriage laws. In the law for institutes or societies, admission requirements are applied both at the stage of initial admission to candidacy and at the stage of admission to perpetual profession or definitive or perpetual incorporation. The stages are not distinguished in the following list; the requirements are simply considered in view of admission to consecration.

Requirements for valid admission

Valid admission to consecration	*Analogous law in 1983 CIC for Institutes of Consecrated Life and Societies of Apostolic Life*:
• Must be a woman	Proper law determines men or women.
• Must be a virgin	Proper law; no universal law requirement.
• Must have never celebrated marriage	Must not have a spouse, while the marriage continues (cc. 643 §1, 2°; 721 §3, 3°).
• Must have never publicly or manifestly lived in a state contrary to chastity	Proper law; no universal law requirement.
• Woman living in the world	A person currently bound by a sacred bond to an institute of consecrated life or incorporated in a society of apostolic life is invalidly admitted to the novitiate/ initial probation (cc. 643 §1, 3°; 721 §1, 2°).

• Must be free of force, grave fear, or malice	Canon 658 (RI, for validity, must be free from force, grave fear or malice); canon 125 §1 for validity, all acts must be free of force; canon 125 §2 valid but rescindable if grave fear or malice).
• Age and maturity gives assurance of perseverance in the life	Canon 658 (RI, for validity, minimum twenty-one years for perpetual profession).
• Bishop is to decide on conditions for admission	Canon 658 (RI, for validity, must complete a required period of temporary profession, minimum of three years).
• The minister of consecration is the diocesan bishop	Canon 658 (RI, for validity, profession is received by a legitimate superior).
• Implied conditions, not specified in universal law for *Ordo virginum*:	
○ Candidate must not have concealed: prior membership in institute/society; a prior marriage; or having publicly or manifestly lived in a state contrary to chastity	canon 643 §1, 5° (RI, for valid admission to novitiate: must not have concealed membership in an institute / society).
○ Candidate must provide proof of baptism, confirmation, free status, other proofs or information	canon 645 §1, 3, 4 (RI, for valid admission to novitiate: proof of baptism, confirmation, free status; other proofs required under proper law; other information needed by a superior).

Canons on institutes of consecrated life and societies of apostolic life also address the obligations and rights concurrent with membership in the institute or society. Obligations listed in regard to the spiritual life are readily applicable to the *Ordo virginum* and analogous to requirements that are stated in *Praenotanda* to the rite of consecration: consecrated virgins "are to spend their time in works of penance and of mercy, in apostolic activity and in prayer,

according to their state of life and spiritual gifts."[195] They are strongly advised to celebrate the Liturgy of the Hours, especially Morning and Evening Prayer.[196] In regard to other obligations and rights, canon 666 and related canons hold a particular relevance for the vocation of consecrated virginity lived in the world; the canons carry admonitions towards prudence in the use of social media and avoidance of things dangerous, potentially scandalous, or unbecoming to the virgin's state and public witness. The dress of a consecrated virgin should not be that of a religious habit, but it should be simple, modest, and appropriate to the circumstances; the consecrated virgin does wear the ring she received at her consecration as a sign of her spousal union with Christ. Obligations that religious obtain the permission of a superior before accepting certain positions and functions of secular life are not directly relevant to the *Ordo virginum* but may be appropriate matters for discussion with the diocesan bishop.

Members of the *Ordo virginum* are free to choose individually their own apostolate, in accord with their personal gifts and state. The *Ordo* shares with institutes that the fundamental apostolate of any consecrated person is the witness of their consecrated life (c. 673).

Finally, in regard to the separation of members from institutes and societies, canon law addresses transfers, departures, and dismissals. In regard to transfers, the law pertaining to transfers from one form of consecrated life to another form is largely analogous to the circumstance of a move between the *Ordo virginum*, on the one hand, and a religious institute, secular institute, or society of apostolic life, on the other. The relocation or "transfer" of a member of the *Ordo virginum* from one diocese to another is not a transfer in the same sense,

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[195] *OCV Praenotanda* 2: "paenitentiae et misericordiae operibus, apostolicae actuositati sanctaeque orationi, pro suo quaeque statu suisque charismatibus, debent vacare."
[196] Ibid.

and is considered in the final chapter of this study. In regard to departures from the *Ordo virginum*, this study has given significant attention to the nature of the consecration and the juridical effect of the virgin's nuptial union with Christ. In regard to a virgin who is validly consecrated by the diocesan bishop, while acknowledging that the *ius vigens* does not address the situation of her departure from the *Ordo*, this study holds that consistent with tradition and the nature of the virgin's indissoluble nuptial bond with Christ, she cannot be released from an obligation not to contract marriage, even in the case that she is granted a dispensation from obligations that arise from consecration. In regard to dismissal, there should be a process established whereby a bishop, for serious reasons analogous to those stated in the canons on dismissal from an institute or society, might require that a consecrated virgin no longer publicly present herself as a member of the *Ordo virginum*.

CHAPTER VI

PROPOSAL OF JURIDIC PRINCIPLES TO GUIDE THE DEVELOPMENT OF NORMS FOR THE *ORDO VIRGINUM*

"Similar to these forms of consecrated life is the order of virgins who, expressing the holy resolution of following Christ more closely, are consecrated to God by the diocesan bishop according to the approved liturgical rite, are mystically betrothed to Christ, the Son of God, and are dedicated to the service of the Church" (c. 604 §1).[1] The *Ordo virginum* in today's Church is at once both ancient and new, and norms that are established to guide the *Ordo* must reflect both realities. This study has examined the theological underpinning of a vocation of virginal espousal to Christ and the two-thousand-year development of virginal espousal as a stable way of life in the Church. Guided by the identity of the vocation both as a mystical espousal and as stable way of life in the Church, the study has considered analogous applicability of marriage law and analogous applicability of the law on institutes of consecrated life and societies of apostolic life. Juridic principles to guide the development of norms for the *Ordo* are proposed in light of these four factors: the theological and juridical identity of the *Ordo virginum*; the holy ecclesial tradition of the *Ordo virginum*; application to the *Ordo* of the essential elements of marriage, unity and indissolubility; and, consideration of the *Ordo* as a stable form of living that is similar to, and distinct from, other forms of consecrated life.

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[1] *Codex Iuris Canonici auctoritate Ioannis Pauli PP. II promulgatus* (Vatican City: Libreria Editrice Vaticana, 1983) c. 604 §1: "Hisce vitae consecratae formis accedit ordo virginum quae, sanctum propositum emittentes Christum pressius sequendi, ab Episcopo dioescesano iuxta probatum ritum liturgicum Deo consecrantur, Christo Dei Filio mystice desponsantur et Ecclesiae servitio dedicantur." English translation from *Code of Canon Law, Latin-English Edition: New English Translation* (Washington, DC: CLSA, 1998). All subsequent English translations of canons from this code will be taken from this source unless otherwise indicated.

Guided by the classifications in canon law of the norms for marriage and for institutes of consecrated life and societies of apostolic life, the proposal of juridic principles to guide the development of norms for the *Ordo virginum* will be considered under the following titles: the juridical/theological identity of the *Ordo virginum*; the relationship of the *Ordo virginum* to the diocesan bishop (governance of the *Ordo* and its members); admission and formation; validity of consecration; obligations and rights connected to the *Ordo virginum*, with consideration of the apostolate of the *Ordo*; and separation of members from the *Ordo virginum*.

In the introduction to this study, I noted that it was after I had begun work on this dissertation that the Congregation for Institutes of Consecrated Life and Societies of Apostolic Life published the instruction *Ecclesiae sponsae imago* regarding the *Ordo virginum*. As I proceed on the following pages to propose juridic principles to guide the development of norms for the *Ordo virginum*, I also offer references to the instruction and evaluative comments on it, noting points in agreement, *lacunae*, and aspects that are found to be contrary to the principles proposed in this study. In view of the perspectives that will be offered, a brief detour is warranted at this point in order to consider the purpose and authority of an ecclesial instruction. The juridical definition and authority of an instruction is presented in canon 34:

> § 1: Instructions clarify the prescripts of laws and elaborate on and determine the methods to be observed in fulfilling them. They are given for the use of those whose duty it is to see that laws are executed and oblige them in the execution of the laws. Those who possess executive power legitimately issue such instructions within the limits of their competence.
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> §2: The ordinances of instructions do not derogate from laws. If these ordinances cannot be reconciled with the prescripts of the laws, they lack all force.

> §3: Instructions cease to have force not only by explicit or implicit revocation of the competent authority who issued them or of the superior of that authority but also by the cessation of the law for whose clarification or execution they were given.[2]

Ecclesiae sponsae imago was issued by the Congregation for Institutes of Consecrated Life and Societies of Apostolic Life on June 8, 2018, and is signed by Cardinal João Braz de Aviz, Prefect, and Archbishop José Rodríguez Carballo, O.F.M., Archbishop Secretary. The instruction was "approved by the Holy Father in an audience on June 8, 2018," and was not issued "*in forma specifica*."[3] Issued in response to requests of the congregation to provide guidance to diocesan bishops in regard to the *Ordo virginum*, the instruction itself states that it "establishes the normative principles and directive criteria that the Pastors of every Diocese and individual Churches assimilated to the Dioceses must apply in the pastoral care of the *Ordo virginum*."[4]

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[2] Canon 34 §1: "Instructiones, quae nempe legum praescripta declarant atque rationes in iisdem exsequendis servandas evolvunt et determinant, ad usum eorum dantur quorum est curare ut leges exsecutioni mandentur, eosque in legum exsecutione obligant; eas legitime edunt, intra fines suae competentiae, qui potestate exsecutiva gaudent. §2. Instructionum ordinationes legibus non derogant, et si quae cum legume praescriptis componi nequeant, omni vi carent. §3. Vim habere desinunt instructiones non tantum revocatione explicita aut implicita auctoritatis competentis, quae eas edidt, eiusve superioris, sed etiam cessante lege ad quam declarandam vel exsecutioni mandandam datae sunt."

[3] The fact that *Ecclesiae sponsae imago* was not issued in *forma specifica* stands in contrast to another widely anticipated instruction issued by CICLSAL just a few months earlier. "*Cor orans*" was approved by the Holy Father on March 16, 2018 in specific form with notations of specific derogations and abrogations of prior law.

[4] Congregation for Institutes of Consecrated Life and Societies of Apostolic Life, instruction *Ecclesiae sponsae imago* 10, June 8, 2018. [hereafter *ESI*]. English translation accessed July 4, 2018. http://www.vatican.va/roman_curia/congregations/ccscrlife/documents/rc_con_ccscrlife_doc_20180608_istruzione-ecclesiaesponsae imago_en.html.: "In recent years, requests have reached this Dicastery from many places to provide instructions to guide the action of diocesan Bishops in applying the norms in the Roman Pontifical which are implicitly referenced in can. 604 of the *Code of Canon Law*, as well as to draw up more comprehensive, structured regulations, with specific reference to the particularities of the *Ordo virginum*, based on principles common to the law of consecrated life in all its different forms.

The renewed presence of this form of consecrated life in the Church, whose reappearance is so closely linked to the event of the Second Vatican Council, and the rapidity of its growth in so many particular Churches, makes it appropriate to respond to these requests, so that in the necessary adaptations to different cultural contexts, the specific identity of the *Ordo virginum* might be safeguarded.

This Instruction establishes the normative principles and directive criteria that the Pastors of every Diocese and individual Churches assimilated to the Dioceses must apply in the pastoral care of the *Ordo virginum*."

With these understandings in place, we proceed to a proposal of juridic principles to guide the development of norms for the *Ordo virginum*, within the six areas stated above.

A. The Juridical/Theological Identity of the *Ordo virginum*

***1. Principle*:** Validly conferred, the solemn rite of consecration to a life of virginity effects a mystical espousal between a virgin and Jesus Christ, the Son of God.[5] This nuptial bond of the virgin to Christ is a true marriage, characterized by the essential properties of unity and indissolubility (c. 1056).[6]

As an image of the nuptial bond between Christ and the Church (Eph. 5:32), the nuptial bond of human marriage is "a partnership of the whole of life" ordered by nature to the "good of the spouses" and the "procreation and education of offspring" (c. 1055). The mystical espousal of the virgin with Christ likewise images the nuptial bond between Christ and the Church in its permanence, integrity, and spiritual fruitfulness. Only a woman who is a virgin, that is, who has received the gift of virginity (Mt. 19:12), is able to enter validly a marriage covenant with the virgin Christ, imaging the virginal nuptiality of the all-holy God, the virginal conception of Christ, and the bond between Christ and the virgin Church.

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[5] Canon 604 §1. See also *OCV* 16: "Today through our ministry he anoints you with a new grace and consecrates you to God by a new title . . . He gives each one of you the dignity of being a bride of Christ and binds you to the Son of God in a covenant to last forever."; *OCV* 26: "Receive the ring that marks you as a bride of Christ."; *ESI* 18: "For love of Christ, who is supremely loved, [women who receive virginal consecration] renounce the experience of human matrimony to be united with him with a spousal bond, to experience and to give witness in the virginal condition (*1 Cor.* 7:34) to the fruitfulness of this union, anticipating the reality of definitive communion with God to which all humanity is called (*Lk.* 20:34-36)."; and *ESI* 19: "The *propositum* of those to be consecrated is accepted and confirmed by the Church through the solemn prayer of the Bishop, who invokes and obtains for them the spiritual anointing that establishes the spousal bond with Christ and consecrates them to God under a new title."

[6] See also *ESI* 24: "Thus Christian virginity is an experience of spousal union, intimate, exclusive and indissoluble, with the divine bridegroom, who has given himself to humanity without reserve and forever, thus acquiring a holy people, the Church."

***2. Principle*:** Validly conferred, the solemn rite of consecration constitutes the candidate a sacred person in the Church.[7] As well as effecting a nuptial union with Christ, the consecration of a virgin effects a certain bond with the Church as the virgin becomes a member of the *Ordo virginum*, a form of life that is similar to (*accedit*) other forms of consecrated life in the Church.[8]

Akin to other forms of consecrated life, the *Ordo virginum* is a form of life in which the faithful follow Christ more closely in total dedication to God who is loved most of all[9]; members of the *Ordo*, however, do not profess the evangelical counsels. They live the counsel of chastity within the permanent state of virginity and follow the example of the Blessed Virgin Mary in detachment from material things and obedience to God and the Church. The *Ordo virginum* shares in a particular way with religious institutes a focus on eschatological witness (c. 607 §1), with secular institutes the aspect of living in the world (c. 710), and with societies of apostolic life, a participation in the apostolate (c. 731 §1).

Rather than being tied to the Church through membership in an institute or society, the consecrated virgin lives in the ordinary context of her life in the world and is connected to the

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[7] Sacred Congregation for Divine Worship, *Ordo Consecrationis Virginum, Prænotanda* 1, May 31, 1970, in *Notitiae* 6 (1970) 314 [hereafter *OCV Prænotanda*]: "effecit ut conderetur sollemnis ritus, quo virgo constitueretur persona sacrata." English translation, "Consecration to a Life of Virginity Introduction" 1, in *The Roman Pontifical—Rites of Ordination of a Bishop, of Priests, and of Deacons; The Institution of Lectors and Acolytes; The Blessing of Abbots and Abbesses; The Consecration of Virgins; The Rite of Confirmation; The Rite for the Blessing of Oils and the Consecration of Chrism* (Vatican City: Congregation for Divine Worship and the Discipline of the Sacraments Vox Clara Committee, 2012) [hereafter *Roman Pontifical*] 293. All subsequent English translations of *OCV Praenotanda* will be taken from this source unless otherwise indicated.

[8] Canon 604 §1. See also John Paul II, post-synodal apostolic exhortation *Vita Consecrata* 42, March 25, 1996: *AAS* 88 (1996) [hereafter *VC*] 415. English translation from *Consecrated Life* (Boston, MA: Daughters of St. Paul, 1996) 69: "Consecrated virgins in the world live out their consecration in a special relationship of communion with the particular and universal Church."

[9] Canons 573 §1 and 604 §1. Also see *ESI* 55: Beyond their presence in the diocesan Church, the Instruction also recognizes the *Ordo virginum* as "an *ordo fidelium* with the same essential characteristics in the whole Catholic Church."

Church in a particular way through the diocesan bishop, who is her spiritual father.[10] The nature of the virgin's bond with the Church in the *Ordo virginum* is constituted by the act of consecration rather than by profession of vows or assumption of the evangelical counsels by sacred bond.[11] The *Ordo virginum* looks to the Blessed Virgin Mary and the consecrated virgins (and virgin martyrs) of the early Church regarding the nature, purpose, spirit, and character of the *Ordo* (c. 578). The apostolate of the *Ordo* is dedication to the service of the Church, expressed according to each virgin's state of life and spiritual gifts.[12]

Comments on the Juridical/Theological Identity of the Ordo virginum in ESI

As indicated in the preceding footnote disclosures, *Ecclesiae sponsae imago* likewise asserts the two principles presented above in regard to the juridical/theological identity of the *Ordo virginum.* The solemn rite of consecration effects a nuptial bond between a virgin and Jesus Christ, the Son of God, and it places the virgin in a new state in the Church as a member of the *Ordo virginum*. The instruction describes the spousal union with Christ as "intimate, exclusive, and indissoluble" without, however, directly asserting an application of marriage law to the *Ordo virginum*.[13]

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[10] Pontificale Romanum ex decreto Sacrosancti Oecumenici Concilii Vaticani II Instauratum auctoritate Pauli PP. VI promulgatum, "De consecratione Virginum" 2, in *Ordo consecrationis virginum* (Vatican City: Libreria Editrice Vaticana, 1978) 10 [hereafter *OCV*]. *Roman Pontifical*, 295. See also *ESI* 7: "Virginal consecration has again found explicit ecclesial recognition for women who remain in their ordinary context of life, rooted in the diocesan community, gathered around the Bishop in the manner of the ancient *Ordo virginum*, without being ascribed to an Institute of consecrated life."

[11] See cc. 654, 723, and 735 regarding the nature of bonds in a religious institute, a secular institute, and a society of apostolic life.

[12] Canon 604 §1. Also see *OCV Praenotanda* 2: "They are to spend their time in works of penance and of mercy, in apostolic activity and in prayer, according to their state of life and spiritual gifts."

[13] *ESI* 24.

B. The Relationship of the *Ordo virginum* to the Diocesan Bishop (Governance of the *Ordo* and its Members)

***3. Principle*:** The *Ordo virginum* is inherently connected to the diocesan bishop, who is the successor to the apostles entrusted with the pastoral care of the local Church.[14] The diocesan bishop has the duty, as well as the joy, to welcome the presence of the *Ordo virginum* as a sign of the Church's love for Christ, and a sign of the Church's esteem for the Blessed Virgin Mary.[15]

The presence of the *Ordo virginum* in the local Church can be a blessing and opportunity to highlight the virtue of chastity, lived in marriage, virginity, and celibacy.[16] The local Church should not be embarrassed to use the word "virgin" but should instead learn to esteem this virtue as the foundation for all Christian states of life. There exists a certain analogy between the diocesan priesthood and the diocesan *Ordo virginum*, as both exist in dependence upon the diocesan bishop and represent the spiritual identification of the Church in its relationship to Jesus Christ: the diocesan priest imaging in his person the love of Christ the head for His spouse, the Church; the consecrated virgin imaging in her person the love of the Church for Christ, the Bridegroom. The bishop's relationship with the consecrated virgin is of a spiritual nature and does not entail financial responsibility for the virgin.[17]

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[14] *VC* 7: "Consecrated by the diocesan bishop, these women acquire a particular link with the Church, which they are committed to serve while remaining in the world." See also cc. 375 and 381 in regard to the identification and role of the diocesan bishop.

[15] *VC* 7: "It is a source of joy and hope to witness in our time a new flowering of *the ancient Order of Virgins*, known in Christian communities ever since apostolic times." *ESI* 46: "The diocesan Bishop has the duty to welcome vocations to consecration in the *Ordo virginum* as a gift of the Spirit. He is to foster conditions so that the insertion of consecrated women in the Church entrusted to him will contribute to the path of holiness and the mission of the people of God."

[16] *OCV* 4: "As occasion offers, and especially to promote an esteem for chastity, to deepen understanding of the Church, and to encourage a greater attendance of the people, the faithful should be notified of the celebration in good time."

[17] *OCV* 2. The virgin lives in the ordinary conditions of the world and the law and rite assign no financial responsibility for the virgin to the diocesan bishop or the local Church. See Sharon Holland, "Consecrated Virgins

***4. Principle*:** It is the responsibility of the diocesan bishop to decide on the conditions under which women living in the world are to undertake a life of perpetual virginity.[18] Women living in the world are admitted to consecration by the diocesan bishop, who is himself the ordinary minister of the rite of consecration.[19]

The diocesan bishop should establish particular law addressing with specificity the admission process to the *Ordo virginum*.[20] Such a process should be established at least in the form of guidelines to address the process, admission requirements and proofs to be gathered, points of scrutiny, the minimum length of the process, personnel who will assist at various stages of a process, and other requirements the bishop may enact.[21] The diocesan bishop should consider assembling a team of people to assist him with carrying out his responsibility in regard

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for Today's Church," in *Informationes—SCRIS* 24/2 (1998) 83: "Practical questions regarding the finances of a consecrated virgin and the diocese's responsibility for her in that area, find a response in the fact that this is an individual vocation to consecration, and, as distinct from religious, is a secular one. There is no religious community of goods into which they put all that they receive and from which they receive what is needed. In a way more similar to members of a secular institute, the consecrated virgins earn their living and spend themselves in the service of the local Church. One is reminded of St. Paul who wished to earn his own way while bringing the Good News." See also *ESI* 49, which assigns no financial responsibility to the local Church, but indicates a pastoral and Christian sense of care: "together with the other consecrated women, [the bishop] is attentive towards consecrated women who are going through times of serious suffering or hardships due to advanced age, poor health or other difficult situations."

[18] *OCV Praenotanda* 5c).

[19] *ESI* 47: "Since the ordinary minister of consecration is the diocesan Bishop, it will not be possible to celebrate it when the see is vacant (*sede vacante*). Only in case of true necessity will the diocesan Bishop resort to the delegation of the faculty to celebrate it."

[20] The admission process established for the *Ordo virginum* finds analogies in what is required by marriage law (cc. 1063–1072), admission to institutes of consecrated life and societies of apostolic life (see especially cc. 641–661), and admission to the clerical state (see especially cc. 265–272). *ESI* 47: "As the one responsible for admission to consecration, the diocesan Bishop oversees the collection of information about each candidate, establishes the ways in which a suitable course of formation is carried out and finalizes the vocational discernment."

[21] Examples of other requirements the bishop may wish to enact include: minimum or maximum age requirements (addressed below); requirement that young virgins enter a probationary period that includes temporary private vows of chastity before being admitted to consecration; and since her vocation witnesses to spiritual, rather than physical maternity, a requirement that a virgin not be raising children as an adoptive or foster parent. *ESI* 25 addresses spiritual maternity. Regarding admission processes, see also *Ordo Virginum*: *The Restoration of the Ancient Order of Virgins in the Catholic Church*, vol. 2, *Discernment and Formation for the Vocation of Consecrated Virginity Lived in the World*, ed. United States Association of Consecrated Virgins (Lansing, MI: USACV, 2017) [hereafter USACV *Discernment and Formation*] 15–24 and *ESI* 74–107.

to admitting and assuring formation for the *Ordo virginum*; as possible, this team should include qualified consecrated virgins from his diocese or other dioceses.[22] Those involved must have proper training and an accurate understanding of the distinct vocation and form of life of the *Ordo*, so that they can assist the bishop in assuring that those admitted to the consecration "by their age, prudence, and universally approved character give assurance of perseverance in a life of chastity dedicated to the service of the Church and of their neighbor."[23]

***5. Principle*:** The diocesan bishop should show particular concern for members of the *Ordo virginum*, "who are dedicated to the service of the Church, entrusted to the Bishop's pastoral care and consecrated to God at his hands."[24] The bishop's ongoing relationship with consecrated virgins of the diocese is as a spiritual father.[25]

Even in the case that a diocesan bishop appoints another person to guide spiritually or organize activities of the *Ordo virginum* in the diocese, it continues to be his responsibility to admit and to celebrate consecration, to maintain a pastoral dialogue with his spiritual daughters

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[22] *ESI* 76: "For this purpose, taking into account the number of consecrated women in the Diocese and their opinion on the matter and other practical considerations, the Bishop can also establish a service or team for vocational discernment and formation prior to consecration and a service or team for permanent formation, as expressions of the service of communion for the *Ordo virginum*. These services or teams shall consist of the Delegate, if the Bishop has appointed one, and consecrated women endowed with the necessary aptitudes, who are designated by the Bishop or the Delegate after consulting the consecrated women."

[23] *OCV Praenotanda* 5 b): "ut aetate, prudentia, moribus omnium consensu probatis, fidem praebeant in vita casta atque Ecclesiae proximique servitio dicata se perseveraturas." *Roman Pontifical*, 293.

[24] Congregation for Bishops, "Directory for the Pastoral Ministry of Bishops, *Apostolorum Successores* 104," February 22, 2004 (Vatican City: Libreria Editrice Vaticana, 2004) [hereafter *Directory*]. Accessed at: http://www.vatican.va/roman-curia. See also *ESI* 46: "[The diocesan bishop's] pastoral concern towards the *Ordo virginum* is in fact a part of the ordinary ministry of sanctification, teaching and governing of the diocesan Bishop. He has this obligation with respect to each individual consecrated woman, to women who aspire to receive consecration and also to the *Ordo virginum* of his Diocese as a group."

[25] *OCV* 2. For reference to Fathers of the Church addressing consecrated virgins as their spiritual daughters, see Ch. 5, fn. 49, p. 279. See *ESI* 46: "In continuity with the ancient ecclesial tradition, the *Ordo consecrationis virginum* outlines the role of the diocesan Bishop, not only in his task as priestly dispenser of divine grace, but also as teacher who points out and confirms the path of faith, and as pastor who lovingly cares for the people entrusted to him."

throughout their lives, and to make the "final decision concerning acts of major importance."[26] This pastoral dialogue is not in the nature of spiritual direction but does entail times of personal meeting, at least annually, for spiritual conversation and consultation concerning significant events or decisions in the virgin's life. In his relationship with the consecrated virgins of the diocese, the bishop should be attentive to respect the personal autonomy of the virgin in light of the responsibility she has to provide for herself financially, often by engaging in professional work, and the freedom she has to determine her apostolate in accord with her own gifts. The bishop may intervene to correct a situation, to suggest, or to invite, but he should be attentive not to overwhelm a virgin with duties.

In his relationship to the *Ordo virginum* in the diocese and his pastoral concern for them and for their witness as consecrated virgins within the diocese, the diocesan bishop should consider stating his expectations and preparing guidelines in regard to the virgins' dress and conduct, including presentations of themselves.[27] He should consider establishing policies in regard to permitting a private chapel in the home of a consecrated virgin. The bishop should encourage relationships and gatherings among consecrated virgins in his diocese and with

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[26] See *OCV* 2. See also *ESI* 52 in regard to the possible appointment of a delegate for the pastoral care of the *Ordo virginum*, and *ESI* 50 lists acts of major importance in regard to the Ordo virginum for which it remains the competence of the diocesan bishop to make the final decision: "admission to consecration, inscription of a consecrated woman from another Diocese into the diocesan *Ordo virginum*; dispensation from the obligations of consecration; dismissal from the *Ordo virginum*; provision of directives for the formation prior to consecration and for permanent formation; approval of programs for carrying out the service of communion of the diocesan *Ordo virginum*; the establishment of canonical foundations to provide support and financial management for the activities of the *Ordo virginum* and possible authorization to request their civil recognition; recognition and approval of the statutes of the diocesan association of consecrated virgins, as well as possible authorization to request their civil recognition."

[27] See *ESI* 38 and discussion of the dress of consecrated virgins in this study, ch. 5, pp. 327–328. In regard to questions of how to present themselves, a bishop may be asked, for example, if a consecrated virgin should be addressed as "Sister" or use the initials "ov" or "ocv" after her name. In the United States, these practices are discouraged to avoid confusion of the *Ordo virginum* with membership in a particular religious family.

consecrated virgins of other dioceses.[28] Lastly among the ordinary responsibilities of the diocesan bishop to the *Ordo virginum* is his responsibility in regard to departure and dismissal, to be discussed below.

***6. Principle*:** Although a consecrated virgin normally remains in the diocese of her consecration, it is possible for her to move her residence to another diocese, if necessary.[29] The instruction *Ecclesiae sponsae imago* establishes a procedure for the orderly transfer of a consecrated virgin's canonical domicile, with the agreement of the bishop of the diocese *a quo* as well as the bishop of the diocese *ad quem*.[30]

7. Principle: A diocesan registry should be maintained in regard to the *Ordo virginum*, keeping record of each consecration in the diocese, including name of the consecrated, the names of the two attendants at the consecration, the date and location of the consecration, and the consecrating bishop. The registry should also record deaths, transfers to or from other dioceses, departures,

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[28] Relationships with other consecrated virgins is important to fostering the vocation. Especially in countries where there are few consecrated virgins in a diocese, or where they live at a distance from one another, as possible, the diocese may consider ways to financially assist a virgin in need, in order to help her attend a regional, national, or international gathering of consecrated virgins. *ESI* 48: "[The diocesan bishop] supports communion among the consecrated women and the sense of co-responsibility for the vitality of their ecclesial witness. He promotes opportunities for gatherings, activities and common formation programs. At the diocesan level, in agreement with the consecrated women, he arranges ways in which the service of communion can be planned, taking into account the particular circumstances. He also encourages contacts and collaboration with consecrated women in other Dioceses."

[29] *ESI* 60.

[30] See *ESI* 61–63 for the procedure concerning transfer of a consecrated virgin from one diocese to another. While different in substance from incardination, the procedure in regard to the move of a consecrated virgin brings to mind the procedures for a cleric to obtain excardination from one particular church and incardination in another particular church.

and dismissals.[31] Certificates attesting to consecration should be issued to consecrated virgins and sent to the baptismal registry of the virgin's place of baptism.[32]

Comments on the Relationship of the Ordo virginum to the Diocesan Bishop in ESI

As indicated in the preceding discussion, the clarifications and elaborations offered by the instruction *Ecclesiae sponsae imago* in regard to the relationship of the *Ordo virginum* to the diocesan bishop are in full agreement with the findings of the current study. The instruction most clearly identifies how the vocation of consecrated virginity, lived individually and autonomously by each virgin in the *Ordo virginum*, fits into the life of the diocesan Church and the universal Church.

There is, however, one concern in regard to vocabulary used in *Ecclesiae sponsae imago.* While the opening part of the instruction faithfully articulates the nature of a vocation to Christian virginity and speaks clearly of the state of life and historical reality of consecrated virginity in the Church, the vocabulary of the instruction notably changes as it begins to address the form of life in today's Church, and the configuration of the *Ordo* in the particular and universal Church. Beginning in paragraph thirty-seven and for the remainder of the instruction, reference is no longer made to *consecrated virgins* of the *Ordo virginum,* but instead to *consecrated women* of the *Ordo virginum* or simply to *consecrated women.* The change in vocabulary not only downplays virginity as the distinguishing feature of this vocation, thereby

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[31] *ESI* 51 indicates that documentation is also to be kept about the formative program of each separate aspirant and candidate for consecration.

[32] *ESI* 107: "After the celebration [of consecration] has taken place it will be documented with an entry in the register of the *Ordo virginum,* adding the personal signature of the celebrating minister, the consecrated woman herself and two witnesses. This register is ordinarily safeguarded in the diocesan curia. A certificate of the event will be issued to the consecrated woman. It is also appropriate for the Bishop to make arrangements to inform the competent parish priest about the consecration so that it can be annotated in the baptismal register."

compromising a particular "teaching moment" about the beauty of virginal chastity, but also, the generic references to *consecrated women* do not clearly identify the group being referenced.[33]

C. Admission and Formation

***8. Principle*:** Processes for admission to the *Ordo virginum* should address the remote, proximate, and immediate stages of preparation and formation for consecration. These processes for admission should draw from applicable aspects of marriage law and from the law that addresses entrance to institutes of consecrated life and societies of apostolic life.

Universal law for the *Ordo virginum* does not address processes for admission, but does address the necessary outcome, or end, of each stage of preparation. In regard to remote preparation, the outcome is implicitly stated in the introductions to the rite of consecration to a life of virginity: to promote an esteem for chastity, to deepen understanding of the Church, and to reveal the Church's love for virginity. In regard to proximate preparation, as we have observed, *Praenotanda* to the rite present the three requirements for a woman living in the world to be admitted to the virginal consecration. In regard to immediate preparation, the introduction to the form of the rite of consecration for women living in the world establishes conditions in regard to the date, place, and other advance preparations for the liturgical celebration of the rite of consecration to a life of virginity.

In fulfilling his responsibility to establish and guide the admission process for the *Ordo virginum*, the diocesan bishop may seek to collaborate with other dioceses, with the country's conference of bishops, or with associations of virgins dedicated to the work of discernment and

[33] For example, *ESI* 48 refers to the diocesan bishop's exercise of pastoral care of the consecrated women, his support of communion among the consecrated women, and his encouragement of collaboration with consecrated women in other dioceses.

formation for the *Ordo virginum*. Such collaboration may be beneficial in the development of educational programs for remote preparation; in designing the content of discernment and formation programs for proximate preparation in order to assure adequate formation for a life of perpetual virginity; and in the immediate preparation for the celebration of the rite of consecration, a rite that is not often celebrated by diocesan bishops.

***9. Principle*:** Remote preparation for the vocation of consecrated virginity involves incorporation of teaching on a vocation to Christian virginity into curriculum at appropriate ages, whenever Christian marriage is addressed.[34]

Christian revelation indicates two paths for offering a total gift of self in nuptial love, the path of Christian marriage and the path of virginity or celibacy lived for the Kingdom of God.[35] Each path is understood more deeply in the context of the other, and both should be presented in order to assure that the Christian faithful are aware of the deepest eschatological meaning of Christian marriage. Such education will also help to assure freedom in vocational discernment as the young are made aware of vocational choices while all such choices remain available to them.

***10. Principle*:** Proximate preparation for consecration to a life of virginity involves a process with determined goals, responsible persons, content, and endpoints for each of three stages: inquiry, application/aspirancy, and candidacy.[36]

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[34] Canon 1063, 1°.

[35] John Paul II, apostolic exhortation *Familiaris Consortio* 11, November 22, 1981: *AAS* 74 (1982) 92 [hereafter *FC*]. English translation from *On the Family: Apostolic Exhortation Familiaris Consortio* (Washington, DC: United States Conference of Catholic Bishops, 1982) 9.

[36] Much of the process and content of the stages of proximate formation discussed in these principles was presented in USACV *Discernment and Formation*. The instruction *Ecclesiae sponsae imago*, issued ten months later, includes many of the same points. Both will be referenced in the following footnotes. *ESI* discusses programs of formation to be offered for aspirants, candidates, and the consecrated women; USACV *Discernment and Formation* refers to those who are inquirers, applicants, candidates, and consecrated virgins.

Proximate preparation is personal, involving both discernment and formation conducted under the direction of the diocesan bishop and ending with his decision to admit (or not admit) a woman to the consecration of virgins.[37] Like preparation for marriage and for other forms of consecrated life, proximate preparation for life in the *Ordo virginum* normally includes dialogue with those who are already living the vocation. Proximate preparation for the *Ordo* seeks to discern the gift and invitation of God and to assure that a woman fully understands and is both qualified and able to undertake a vocation of lifelong virginity.

***11. Principle*:** The "inquiry" stage of proximate preparation is informal as a person seeks information about the vocation of consecrated virginity and diocesan personnel respond to inquiries about the *Ordo virginum*. For any individual inquirer, the stage ends with the person's request to be considered for the vocation of consecrated virginity.

A diocese should have in place a policy on how to respond to inquiries regarding the vocation of consecrated virginity. They may refer a person to appropriate information on the diocesan website or to accurate vocational materials available from other trusted sources.[38] A woman seeking vocational information should be encouraged to deepen her life of prayer and to consult a knowledgeable spiritual director during her discernment.[39] She should be encouraged to seek information about various forms of consecrated life and to attend informational gatherings and experiences offered in regard to the *Ordo virginum* as well as those sponsored by religious

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[37] *ESI* 77 addresses the individualized nature of formation for the Ordo: "attention is to be paid so that [formation programs] are not reduced to standard or generic plans that do not take sufficient account of the specific needs and charisms of each person. At the same time vigilance is to be exercised about the risk of individualistic tendencies, which hinder the acquisition and development of a true sense of ecclesial belonging and the spirit of communion within the *Ordo virginum*." See also USACV *Discernment and Formation*, 21.
[38] Information can be found, for example, on the website of the USACV, www.consecratedvirgins.org.
[39] See *ESI* 79 for discussion of spiritual accompaniment during the process of discernment and formation.

institutes, secular institutes, and societies of apostolic life. At some point in time, generally during discussion with her pastor, spiritual director, or the diocesan vocation director, if she expresses a desire to move ahead to be considered for the vocation of consecrated virginity, she should be directed to the appropriate person to assist her to begin an application process.

***12. Principle*:** The "applicant/aspirant" stage of proximate preparation has as its goal the assurance that a woman fully understands and has no impediments for entry to the *Ordo virginum*.[40] The stage ends with the bishop's decision to admit, or not admit, a woman to candidacy and formation for consecration to a life of virginity; the bishop must assure himself that nothing stands in the way of a valid and licit consecration, and that the woman's life offers assurance of perseverance in chastity dedicated to the service of the Church and her neighbor.[41] The applicant stage is ordinarily one to two years in length, and the bishop's decision at the end of the stage to admit a woman to candidacy is not a decision to admit her to the consecration.[42]

The applicant stage is generally initiated by a woman with a written request to the diocesan bishop asking that she be considered for the *Ordo virginum*. The diocesan bishop should arrange for the woman to work with assigned personnel to gain awareness of the admission requirements and the substance of a life of virginal espousal. It may be appropriate and desireable for the bishop himself to have an initial introductory meeting with the woman. Collection of the following information and assurances is an important pastoral and educative step, for both the applicant and the bishop:

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[40] See discussion of the applicant/aspirant stage, ch. 5, pp. 298–299. Also see *ESI* 81, 92 and USACV *Discernment and Formation*, 18–21.
[41] See USACV *Discernment and Formation*, 21 and *ESI* 96.
[42] *ESI* 83, 92.

1. The candidate must be a woman.
2. Documentation of age, baptism, and confirmation.
3. Attestation in writing from the applicant, accompanied by any necessary documentation, that she: a) has never celebrated marriage; b) has not ever publicly or manifestly lived in a state contrary to chastity; and c) is either not currently a member of an institute of consecrated life or society of apostolic life, or has received an indult of departure that will take effect at the time of her consecration.
4. Attestation from the applicant that she understands that in order to receive validly the consecration of virgins, a woman must be a virgin; she must have the gift of virginity to offer to Christ. The woman is not required to make a manifestation of conscience, but is required to attest to understanding that the state of virginity is required.[43] It is important to note that an involuntary loss of physical integrity (for example, through rape or involuntary incest) is not an impediment to receiving the consecration of virgins.
5. Assessment that the applicant already has a solid spiritual life and is approaching this consecration out of a proper motivation of love for God and desire to offer herself fully to Him and in service to the Church. She must demonstrate, even at this applicant stage,

[43] A private response from Albert Malcolm Ranjith, Archbishop Secretary of the Congregation of Divine Worship and the Discipline of the Sacraments to an inquiry from then-Archbishop Raymond L. Burke, is relevant. Burke served at the time as Episcopal Moderator of the United States Association of Consecrated Virgins. Letter April 4, 2007, Prot. N. 231/06/L: "It seems reasonable to assume that the wording of n. 5a of the *Prænotanda* of the *Ordo Consecrationis Virginum*, cited in Your Excellency's letter, contains the phrase *publice seu manifeste* in order to avoid a possible inference that anyone should be required to make a manifestation of conscience in the external forum, since such a requirement would clearly violate the church's ancient praxis regarding all matters of conscience. Still, it seems clear that if a loss of the gift of virginity is ascertained in the external forum during the course of one's petition for reception as a consecrated virgin, then such a woman should not be so received. If the same is ascertained in the internal forum, however, then the woman should simply be counseled to withdraw voluntarily—even though there would be no way for such a counsel to be enforced as a precept."

that she has an understanding of the essential elements of the life of consecrated virginity. To this end, the bishop may require that she submit a spiritual autobiography and a general plan of how she will live a life of consecrated virginity.[44] The bishop may likewise require reference letters from those who can attest to her suitability for consecration.

6. Assessment of psychological stability in the applicant (using experts, as necessary): sufficient use of reason; no grave defect of discretion of judgment concerning the essential rights, duties, and meaning of a life of consecrated virginity; no hindrance in her ability to assume the essential obligations of living a lifetime of integral virginal chastity for causes of a psychic nature.
7. Assessment that the applicant has the health, suitable character, and sufficient qualities of maturity as an integrated person to enter a period of formation and embrace a life of consecrated virginity. This includes that the applicant has an integrated sexuality and properly ordered affectivity.
8. Attestation from the applicant that she understands that the diocese assumes no financial obligations on behalf of consecrated virgins. An initial assessment should be made of the applicant's financial stability and the likelihood that she will be able to provide for herself throughout her life. To this end, the candidate may be asked to provide documentation of her education and work history.

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[44] Among other resources, see *ESI* 93. The submission of a general plan of how she will live a life of consecrated virginity is understood not to be an horarium but rather a description of how she anticipates integrating life in the *Ordo virginum* with her own state (family, profession, apostolate).

9. Attestation from the applicant that she has disclosed prior membership or application for membership in a religious institute, secular institute, or society for apostolic life, and that she has disclosed any prior application for admittance to the *Ordo virginum* in this diocese or another diocese.[45]
10. Assessment that the applicant's living situation is congruent to a life of consecrated virginity and is supportive of her ability to engage successfully in a formation process.

With the collection of the above attestations, assessments, and documentation, the bishop should receive the recommendations of those engaged in the application process and decide whether or not to admit the applicant to formation in a period of candidacy for the vocation.[46]

***13. Principle*:** The "candidate" stage of proximate preparation includes formation in spiritual, human, intellectual, and apostolic dimensions of the life of consecrated virginity, and normally extends for a period of two to three years.[47] The stage ends with the candidate's written request to be admitted to consecration followed by the bishop's firm decision to admit her, to extend the period of candidacy and formation, or to dismiss the woman from the process.[48] The bishop must have moral certainty before deciding to admit a woman to the consecration; he must be assured that nothing stands in the way of a valid and licit consecration (these factors were assessed at the woman's entry to candidacy) and assess that the virgin by her age, prudence, and universally

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[45] *ESI* 95.
[46] *ESI* 81, 96.
[47] In regard to the suggested length of preparation, see USACV *Discernment and Formation*, 21, and *ESI* 92 and 97.
[48] See *ESI* 81 and *ESI* 104: "At the end of the formation course as agreed with the Bishop, after a careful discernment, both personally and with the spiritual accompanier, the candidate will present her request for admission to the Bishop. It is appropriate that this request be written in her own hand and that it mentions the recommendation of the spiritual accompanier." Also see USACV *Discernment and Formation*, 22.

attested good character, gives assurance of perseverance in a life of chastity dedicated to the service of the Church and her neighbor.[49]

The diocesan bishop or his delegate should work with the candidate to assess her need for formation and to design a plan to carry out the formation.[50] The bishop will assure that qualified persons direct the formation and assess the candidate's progress; the candidate's spiritual director does not participate in offering evaluations of the candidate's progress.[51] Formation takes place through regular meetings and open discussions with formation personnel as well as through participation in formation activities that might be recommended[52]; emphasis is placed on formation through fully living the life of consecrated virginity and growing in union with Christ.[53] The bishop himself should be apprised at regular intervals of the candidate's progress and be available as needed to meet personally with a candidate.[54] As the agreed-upon period of formation draws to a close, the bishop will receive the recommendations of those working in the process of formation with the candidate as to whether or not to admit her to the consecration.[55]

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[49] *ESI* 105: "Admission to consecration requires moral certainty about the authenticity of the candidate's vocation, the real existence of a virginal charism and the presence of the conditions and prerequisites for the candidate to accept and respond to the grace of consecration, and be able to bear eloquent witness of her own vocation, persevering in it and growing in generous self-giving to the Lord and to her neighbor." See also *ESI* 84 and USACV *Discernment and Formation* 21–22.
[50] USACV *Discernment and Formation*, 21–22 suggests the following roles for those involved in the period of formation: the virgin's spiritual director (internal forum); a diocesan preparation coordinator who is knowledgeable about the vocation of consecrated virginity and is appointed by the diocesan bishop to coordinate the formation process for the candidate (this person may be, for example, the diocesan delegate for consecrated life or a consecrated virgin); a consecrated virgin mentor (this person may be from another diocese or may also be fulfilling the role of the diocesan preparation coordinator). See also *ESI* 76, 83.
[51] *ESI* 79 and 85–87.
[52] *ESI* 78, 94.
[53] *ESI* 99–100. See also USACV *Discernment and Formation*, 21, 93–97.
[54] *ESI* 41; USACV *Discernment and Formation*, 22.
[55] *ESI* 79.

The content of formation will focus on the meaning of life in the *Ordo virginum* as virginal espousal to Christ; on the nature of the unitive and indissoluble nature of this nuptial bond; on the meaning and witness of nuptial virginity in the Blessed Virgin Mary *imago Dei*; on the eschatological witness of the life of the consecrated virgin; and on the life of the consecrated virgin as one who is dedicated to the service of the Church.[56] Spiritual formation will center on understanding virginity as a gift and consecration as a response to the gift[57]; on living a life centered about the Most Holy Eucharist, the sacraments of the Church, and deepening union with God through prayer; and on living the evangelical counsels of obedience and poverty not by vow, but by counsel.[58] Human formation will focus on the virgin's personal responsibility for determining how she will live out her consecration, including her spiritual life, personal relationships, and apostolate[59]; on living and guarding her life of virginal chastity while in the midst of an often hostile world; and on the need for an orderly life and living situation.[60] Intellectual formation is understood in light of the virgin's being a public person in the Church, and should focus both on the need for her to have an adequate foundation to be able to present the faith and live it fully, and on the importance of gaining and maintaining the intellectual and professional training necessary to carry out her own profession and apostolate.[61] Formation in the apostolate will focus on integrating the apostolate and work or profession of the virgin with her

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[56] See *ESI* 97–98 description of the overall focus of a formation program for the *Ordo virginum*. Also see USACV *Discernment and Formation*, 93–97.
[57] *ESI* 86, 88.
[58] *ESI* 80, 86. Also see Aguilera, "Spiritual Formation," in USACV *Discernment and Formation*, 99–126.
[59] See *ESI* 77, 78, 87, 100, 102. Human formation also includes discussion of the meaning of spiritual motherhood.
[60] *ESI* 87. Also see Stegman, "Human Formation," in USACV *Discernment and Formation*, 127–164.
[61] *ESI* 102. Also see Magalis Aguilera and Mary Kay Lacke, "Intellectual Formation," in USACV *Discernment and Formation*, 165–175.

identity as a bride of Christ, that is, in realizing that her key apostolate and service to the Church is the faithful living of her own consecration.[62]

***14. Principle*:** Immediate preparation for the celebration of the rite of consecration to a life of virginity occurs in accord with liturgical instructions in the Roman Pontifical. After celebration of the rite of consecration, a certificate of consecration should be issued and the consecration recorded in the diocesan registry.

As discussed extensively in this study, consecration in accord with the approved liturgical rite, celebrated by the diocesan bishop, is constitutive to the consecration of virgins. The diocesan bishop himself is to celebrate the consecration, and only in cases of true necessity will he "resort to the delegation of the faculty to celebrate it."[63] The liturgical rite should be celebrated as in the *Roman Pontifical*, without additions or changes (for example, a private vow of poverty or obedience should not be added to the rite, and the words "virginity" and "virgin" should not be changed). The date, time, and place of consecration should be established in good time, and preparations should be made following instructions in the introductory notes for the celebration of the rite for women living in the world, which address: 1) when the celebration may be held; 2) a meeting to be held between the bishop and each candidate, close to the day of consecration; 3) where the celebration is to be held; 4) announcement of the consecration to the people of God; 5–7) liturgical preparations to be made; and 8) preparation of the insignia of bridal consecration.[64]

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[62] Stegman, "Pastoral (Apostolate) Formation," in USACV *Discernment and Formation*, 177–186.
[63] *ESI* 47.
[64] *OCV* 1–8. *Roman Pontifical*, 295.

***15. Principle*:** Consecrated virgins should be attentive to engaging in ongoing formation throughout their lives.

Opportunities for ongoing formation may be made available to consecrated virgins from a variety of sources, including the diocese, the conference of bishops, and associations of consecrated virgins.[65] Consecrated virgins and diocesan bishops hold co-responsibility for assuring the availability of ongoing formation and virgins' participation in the programs.[66]

Comments on Admission and Formation in ESI: Prerequisite of Virginity

Ecclesiae sponsae imago devotes significant attention to the areas of admission to consecration and formation for the life of consecrated virginity. The instruction's treatment of the stages of admission and the content of formation are largely consonant with the findings of the current study, especially as these are presented analogously to stages of admission and the content of formation in institutes of consecrated life and societies of apostolic life. A key emphasis is on the role of the diocesan bishop in the admission and formation process, and especially in his decisive role both in appointing those responsible for carrying out formation and for making the decision at the end of the process to admit, or not admit, a woman to consecration.

Two areas are highlighted in matrimonial law and are thus highlighted in the current study to a greater extent than in *Ecclesiae sponsae imago*: firstly, the necessity of remote preparation for the vocation of virginal espousal to Christ, in the form of educational programs that discuss vocations to celibacy or virginity at an early age, side by side with presentations of

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[65] *ESI* 111–113. Also see USACV *Discernment and Formation*, 187–188.
[66] *ESI* 110.

Christian marriage. A second area that is highlighted in matrimonial law, and thus in this study, is the significance of virginity itself in the marital bond that is established between the virgin and Christ. Section 88 of the instruction opens by referencing "the condition of virginity" as a requirement for admission to consecration.[67] The section is several paragraphs in length, and rightly emphasizes that "this vocation is an undeserved gift" and that "the call to give witness to the Church's virginal, spousal and fruitful love for Christ is not reducible to the symbol of physical integrity." These sentences lead, however, to a conclusion that is unclear in regard to the requirement that a woman must be a virgin in order to be admitted to the consecration of virgins: "Thus to have kept her body in perfect continence or to have practiced the virtue of chastity in an exemplary way, while of great importance with regard to the discernment, are not essential prerequisites in the absence of which admittance to consecration is not possible." If this statement means that there are instances in which a voluntary loss of the state of virginity would not disqualify a woman from admission to the consecration of virgins, then it stands in contrast

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[67] *ESI* 88: "In vocational guidance and when there is need to describe the characteristics of this vocation and the requirements for admission to consecration, the condition of virginity will be presented starting with the rich symbolism of its biblical foundations, within the framework of an anthropological vision solidly based on Christian revelation. On this basis the different dimensions, physical, psychological and spiritual, are integrated and considered in their dynamic connection to the lived history of the person and in openness to the unceasing action of divine grace that directs, guides and invigorates her on the path of holiness.

As a treasure of inestimable value that God pours into clay vessels (cf. *2 Cor*. 4:7), this vocation is truly an undeserved gift. It encounters the person in her actual humanity, always in need of redemption and yearning for the full meaning of her existence. It finds its origin and dynamic centre in the grace of God, who unceasingly acts with the tenderness and the strength of his merciful love in the often complex and sometimes contradictory events of human life, helping the person to grasp her uniqueness and the unity of her being, enabling her to make a total gift of self. In this context it should be kept in mind that the call to give witness to the Church's virginal, spousal and fruitful love for Christ is not reducible to the symbol of physical integrity. Thus to have kept her body in perfect continence or to have practiced the virtue of chastity in an exemplary way, while of great importance with regard to the discernment, are not essential prerequisites in the absence of which admittance to consecration is not possible.

The discernment therefore requires good judgement and insight, and it must be carried out individually. Each aspirant and candidate is called to examine her own vocation with regard to her own personal history, in honesty and authenticity before God, and with the help of spiritual accompaniment."

to the tradition of the Church and the essential meaning of the witness of virginal espousal to Christ, as discussed in this study.

Two inter-related concerns are raised in regard to the prerequisite of virginity in a woman seeking consecration to a life of virginity. The first question involves what virginity is, and the second question involves how to enforce a requirement of virginity without violating the internal forum of the woman seeking consecration. Both questions have been addressed to some degree in the current study. To summarize, in regard to virginity, the gift of Christian virginity offered to Christ involves both a formal and a material component, but the gift cannot be offered if the material component—that is, physical virginity—has been voluntarily given to another. Due to the nature of the vocation of consecrated virginity, which has as its very essence a witness to the virginal integrity of the nuptial bond between Christ and the Church, the gift of virginity must be carefully discerned.

In regard to the second question, canon 630 safeguards individuals from any inducement to make a manifestation of conscience to superiors and formation personnel in religious institutes, whether the inducement is direct, "through questioning, threats, promises, etc., or indirect, e.g., through praise of the practice, disapproval of those who fail to use it, or other forms of manipulation."[68] In the case of consecration of a virgin, the analogous religious superior would be the diocesan bishop and the analogous formation personnel would be those assisting the bishop, such as his delegate (or vicar) for consecrated life. The responsibilities of the

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[68] Rosemary Smith, "The Governance of Institutes (cc. 617–640)," in *New Commentary*, 793, referencing G. McKay, "Spiritual Direction in the Diocesan Seminary," in *Studia canonica* 26 (1992) 401–413. See also canon 630 §5: "Members [of religious institutes] 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 the members in any way to make a manifestation of conscience to them."

diocesan bishop are clear—without in any way inducing a woman to make a manifestation of conscience, the bishop must clearly make it known to any woman seeking admittance to the *Ordo virginum*, that physical virginity is a requirement for consecration. This is true in order to safeguard the integrity of the vocation of consecrated virginity, to avoid scandal, and for the spiritual wellbeing of the faithful, especially the woman seeking consecration. To avoid embarrassment on the part of the bishop and the woman, and to avoid any potential concerns regarding even an indirect inducement for a manifestation of conscience, it seems most prudent that the bishop include a definitive discussion of the requirement of physical virginity in diocesan vocation literature and website postings about consecrated virginity. Priests and spiritual advisors to whom a woman might freely choose to manifest her conscience, for example in sacramental confession, should also be aware of the necessity of physical virginity so that they might counsel a woman not to seek the vocation, if she does not have the gift of virginity to offer to Christ for consecration. As indicated above in the discussion of Principle 12, this study suggests that the applicant simply be asked to attest (verbally or in writing) that she understands that a prerequisite for consecration is that a woman have the gift of virginity to offer to Christ.[69]

[69] A petitioner for the consecration of virgins who learns of the requirement and who does not, in fact, have the gift of virginity to offer, is morally bound to withdraw her petition for consecration voluntarily. Although she may have originally sought consecration in good faith, the judgment of her conscience would have been an erroneous judgment, due to a misunderstanding of the truth. At the time that she becomes aware of the authoritative teaching of the Church, she would be responsible for forming her conscience in accord with such knowledge (*CCC* 1783–1785). To choose to move forward with the consecration in violation of her conscience would be to risk imposing scandal for the Church and would be a violation of the Eighth Commandment, which "forbids misrepresenting the truth in our relations with others" (*CCC* 2464). Although not mandated to manifest her conscience, truth would require that she act in accord with truth, and thus withdraw her petition for consecration. Moving forward in the process towards consecration would be a deception and would call into question the validity of the consecration on the grounds of such deception as well as the grounds of an essential matter of the consecration—virginity—not being present.

D. Validity of Consecration

***16. Principle*:** The validity of the act of consecration to a life of virginity concerns both the validity of the virgin's mystical espousal to Christ and the validity of the virgin's bond to the Church as a sacred person in the *Ordo virginum*.[70] The validity of an act of consecration is determined in regard to the candidate, who must be qualified to receive consecration, and in regard to the form of celebration of the rite.[71]

***17. Principle*:** In regard to the candidate for consecration, the following are required for validity:

1. The candidate is a woman.
2. The candidate is a virgin. She must have the gift of virginity to offer to Christ.
3. The candidate has never celebrated marriage.
4. The candidate has not publicly or manifestly lived in a state contrary to chastity.[72]
5. The candidate approaches consecration free of force, grave fear, or malice.
6. By analogy, the candidate must not currently be bound by a sacred bond to some institute of consecrated life or be incorporated in some society of apostolic life,

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[70] See Principles One and Two, in this study.

[71] In accord with the general norms of canon law, in order for a law to be considered invalidating or disqualifying, it must expressly establish that an act is null or that a person is unqualified (c. 10). Laws are not subject to dispensation to the extent that they define what is essentially constitutive to a juridic act (c. 86).

[72] Judith M. Stegman, "The Meaning in Law and Tradition of the First Criterion for Admission to the Consecration of Virgins" (JCL Thesis, The Catholic University of America, 2016) 61: "While certainly not every violation of chastity from a woman's past disqualifies her for admission to the consecration of virgins, some past actions do disqualify her, according to criterion one. I submit, for example, that actions violating chastity that are carried out over a period of time, are known to others, and are particularly grievous in that they offend against nature or involve a violation of the integrity of the body (such as oral or anal intercourse and habits of mutual masturbation with a woman or a man), would certainly disqualify a woman from consecration as a virgin." *ESI* 93 states: "At the beginning it is necessary to . . . ascertain that she has never lived in public or open violation of chastity, that is, in a stable situation of cohabitation or in similar situations that would have been publicly known."

unless she has received an indult of departure that will take effect at the time of her consecration.

7. The candidate must be admitted to consecration by the diocesan bishop who has assessed that by her age, prudence, and universally approved character she gives assurance of perseverance in a life of chastity dedicated to the service of the Church and of her neighbor.

***18. Principle*:** In regard to the form of celebration of the rite, and the minister of the rite, the following are required for validity:

1. The consecration is according to the approved liturgical rite.
2. The minister of consecration is the diocesan bishop or a bishop or presbyter legitimately delegated to celebrate the rite.
3. The minister of consecration must be free of force, grave fear, or malice.

***19. Principle*:** Canons 1095 to 1107, concerning matrimonial consent, are not analogously applicable as grounds for validity or invalidity in regard to the mystical betrothal of a virgin to Christ because the bond with Christ in the *Ordo virginum* is effected by the act of consecration, rather than by the consent of the spouses.

Comments on Validity of Consecration in ESI: Pastoral Considerations Regarding Virginity

Ecclesiae sponsae imago does not address the consecration of virgins in terms of validity or invalidity.

Several matters might be raised in regard to pastoral application of the points of validity and invalidity discussed in this study. In regard to the requirement of the state of virginity in a

woman seeking consecration, it is important to present the requirement in terms of the distinctive nature of this vocation, and in light of the *gift* of virginity.[73] Questions may also arise from those who have received the consecration of virgins when, in fact, they were not virgins. If the woman seeks to marry, she should approach the diocesan bishop who may work with the diocesan marriage tribunal to issue a declaration of nullity of her consecration. If the woman desires to continue to live a life of perfect chastity for the Lord, and if the situation is not known to others, she should be encouraged to continue to live out her life of consecration without drawing attention to herself or her situation.

Questions may likewise arise from those who have been consecrated by a priest, rather than by the diocesan bishop. This happened with some frequency, it seems, when the rite was restored in 1970 for use with women living in the world. If the minister of the rite was a priest, or a bishop other than the diocesan bishop, who was specifically delegated by the diocesan bishop to perform the rite, the woman should be assured of the validity of the consecration. If the minister of the rite was not delegated, it would seem that a process analogous to that of the sanation of a marriage would be warranted; in accord with canon 1160, simple convalidation of the consecration would require that the consecration be conducted anew in canonical form. This

[73] A response such as the following might be given by a diocese to a person who inquires about the prerequisite of virginity: "A woman must have received the gift of virginity in order to offer it back to God for consecration as a virgin. Her virginity is modeled after the virginity of our Blessed Mother; the consecrated virgin represents the virgin Church in her relationship to her Bridegroom, the virgin Christ. Her virginity has both the material and the formal aspect: both the physical and the will and intention to live this solely for Christ. Prerequisites for consecration specifically state that in order to be admitted to the consecration, a virgin must have 'never married or lived in public or open violation of chastity.' Virginity is a gift from God, and as St. Jerome once said, 'it is a rare and precious gift.'"

is a matter, however, that invites a remedy from the Church in that often the consecration was conducted in a public ceremony, using the full rite of consecration.

E. Obligations and Rights Connected to the *Ordo virginum*, With Consideration of the Apostolate of the *Ordo*

***20. Principle*:** "Those who consecrated their chastity under the inspiration of the Holy Spirit do so for the sake of more fervent love of Christ and of greater freedom in the service of their brothers and sisters. They are to spend their time in works of penance and of mercy, in apostolic activity and in prayer, according to their state of life and spiritual gifts."[74]

The rite is imprecise, intentionally, about the nature of a virgin's service, in order that each virgin might serve in accord with her own personal gifts and state of life.[75] This can be likened to the married woman, who also serves the Church in accord with her own gifts.[76]

***21. Principle*:** "To fulfill their duty of prayer they are strongly advised to celebrate the Liturgy of the Hours each day, especially Lauds and Vespers. In this way, by joining their voices to those of Christ the High Priest and of his Church, they will offer unending praise to the heavenly Father and pray for the salvation of the whole world."[77] The Eucharist is the center of life of the consecrated virgin, and she should make every effort to attend daily Mass and spend time before the Blessed Sacrament. Consecrated virgins should devote themselves diligently to the "contemplation of divine things and assiduous union with God in prayer"[78]; they should "strive

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[74] *OCV Praenotanda* 2. *Roman Pontifical*, 293. See also *ESI* 27, 39.
[75] Renée de Tryon-Montalembert, "Virginité consacrée dans le monde," *Vie consacrée*, 48 (1976) 167.
[76] Sylvia Recchi, "La vergine consacrata nella Chiesa particolare. Responsabilità ecclesiale e corresponsabilità personale," *Quaderni di diritto ecclesiale* 19 (2006) 359.
[77] *OCV Praenotanda* 2. *Roman Pontifical*, 293. See also *ESI* 30, 34.
[78] Canon 663 §1 in regard to members of religious institutes. See also *ESI* 29, 36.

after conversion of the soul toward God, examine their conscience, even daily, approach the sacrament of penance frequently," and, as possible, observe an annual period of retreat.[79]

***22. Principle*:** Consecrated virgins hold a special devotion to the Virgin Mother of God, Mother of the Church, whom they hold as their model in all. The spirituality of the consecrated virgin resembles closely the spirituality of the Blessed Virgin, Mother of the Church, for the virgin professes her resolution to follow Christ not in a particular religious family, but before the diocesan bishop and God's holy people.[80]

***23. Principle*:** Consecrated virgins are "dedicated to the service of the Church."[81] The primary service the consecrated virgin offers as her apostolate is the living of her consecration as a bride of Christ and eschatological witness to the life to come. The living of her consecration, in all its concrete implications, transcends any particular functions a virgin may have in her diocese.[82]

***24. Principle*:** In witness to her life as a bride of Christ, the consecrated virgin must guard her chastity, exercise discretion in situations that may pose a risk, and be particularly on guard to protect the unity and exclusivity of her relationship with Christ.

***25. Principle*:** The dress of the consecrated virgin should reflect the dignity of her state as a sacred person in the Church; dress should be modest, simple, feminine, and appropriate. She should not wear a religious habit or wear a veil in everyday life, for these are reflective of life in

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[79] Canons 663 §5 and 664 in regard to members of religious institutes. See also *ESI* 33, 35.
[80] Aguilera, "Spiritual Formation," in USACV *Discernment and Formation*, pp. 99–100. See also *ESI* 26, 31.
[81] Canon 604 §1: "Ecclesiae servitio dedicantur." See also *OCV* 17: "Are you resolved to persevere to the end of your days in the holy state of virginity and in the service of God and his Church?"
[82] Recchi, "La vergine consacrata nella Chiesa particolare," 357–359.

a religious community. The consecrated virgin should continually wear the ring she received at her consecration as a sign of her spousal union with Christ.[83]

***26. Principle*:** There is a certain autonomy in the life of the consecrated virgin, who may freely choose her profession, work, and apostolate.[84] She may freely decide her own living arrangement—alone, with other consecrated virgins, with family or another appropriate situation.[85] If there is a question concerning the witness or suitability of a particular activity, she should discuss this with the diocesan bishop.[86]

***27. Principle*:** The consecrated virgin is responsible to support herself financially throughout her life. The diocese is not responsible for her living expenses, medical care, retirement, etc.[87]

***28. Principle*:** The consecrated virgin has the right to an ongoing pastoral dialogue with the diocesan bishop, as her spiritual father; as far as possible, this should include at least an annual meeting.[88] The virgin has the right to expect the local Church to offer her the spiritual aids needed to live her vocation, including opportunities for ongoing formation and the assignment of "chaplains and confessors to them from among the best at [the bishop's] disposal, distinguished by a good understanding of consecrated life and by their piety, sound doctrine, ecumenical and missionary spirit."[89]

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[83] *ESI* 38.
[84] *ESI* 40.
[85] *ESI* 37, 66.
[86] *ESI* 43.
[87] In the case that the consecrated virgin works for a Church-related organization, she would be compensated as any other lay employee is compensated.
[88] *OCV* 2; *ESI* 28.
[89] *Directory*, 104.

***29. Principle*:** The consecrated virgin is constituted a sacred, public person in the Church. She has the right to identify herself as a consecrated virgin of the diocese.

***30. Principle*:** Consecrated virgins have the right to form or belong to voluntary associations of consecrated virgins, per canon 604 §2.

Comments on Obligations and Rights in ESI

In terms of the obligations and rights of members of the *Ordo virginum*, the points in *Ecclesiae sponsae imago* are congruent with the findings of this study.

F. Separation of Members from the *Ordo virginum*

***31. Principle*:** If a consecrated virgin desires to enter an institute of consecrated life or society of apostolic life, she should follow procedures established by the Congregation for Institutes of Consecrated Life and Societies of Apostolic Life. *Ecclesiae sponsae imago* states that the consecrated virgin should "communicate her intention in writing to the Bishop, accompanied by a declaration from the Supreme Moderator of the Institute concerning the contact that the consecrated woman has had with that Institute or Society. The Bishop will undertake to transmit the request to the Holy See and his possible observations on the matter. Transfer to the Institute will take place according to the arrangements made for each particular case by the Holy See."[90]

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[90] *ESI* 69. See also Sharon Holland, "Consecrated Virgins for Today's Church," in *Informationes – SCRIS*, 24/2 (1998) 79: "It may also occur that one who has lived as a consecrated virgin for some time, seeks entry into a religious institute. Once again, a simple transfer process (which of itself requires three years of probation cf. c. 684 §2) is not sufficient. While the consecrated virgin would not need to be dispensed from her consecrated state of life, it would be expected that she would discuss the matter with her bishop; later, if seeking admission to the religious institute, she would present a letter from him. Such a person needs to enter the congregation in the normal way, making a novitiate. While it is true that the consecrated virgin has spiritual experience and perpetual commitment in consecrated chastity, she is not accustomed to community life lived in common, and she has not been living the vows of religious poverty or religious obedience. She needs to learn the history, spirituality and mission of the

***32. Principle*:** If a consecrated virgin requests departure from the *Ordo virginum* or obligations of the *Ordo virginum*, she should first approach her bishop to discuss her concern and request. The bishop may refer her to the diocesan tribunal if there is a question of the validity of her consecration. The bishop and those assisting him should encourage the virgin to persevere in her vocation, offering her every means of spiritual support and counsel. She should be assured that the eternal Father does not take back a gift that he has given, and that the consecration itself has bestowed upon her all the necessary graces to persevere generously in her consecrated state. If she persists with the request, and if the consecration is valid, the diocesan bishop may consider a release from the obligations of consecration, which will not free her to marry, because her marriage bond with Christ is valid and indissoluble.

***33. Principle*:** The Church has not legislated on the meaning or possibility of "departure" of a virgin from the *Ordo virginum*. In their concern for a consecrated virgin who faces a crisis in her vocation, a bishop should consider the following points:

1. The instruction *Ecclesiae sponsae imago*, as well as others who have addressed the matter, do not speak in terms of a dispensation from the consecration, but instead of a dispensation from "the obligations arising from consecration."[91] It seems clear from this language that the understanding of an act of consecration implies permanence—an act that cannot be dispensed or revoked; consecration by definition involves moving from the profane to the sacred. A bishop should also recognize, however, that language of

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institute and discern her vocation to live it, according to the institute's constitutions. Likewise, the institute has the same right and obligation to discern with her."

[91] *ESI* 70.

"dispensing a person from the obligations that arise from consecration" seems to present a novel concept in ecclesial law; it is possible that a religious may be dispensed from obligations arising from profession (c. 692), and a priest may be dispensed from the obligation of celibacy (c. 290, 3°), but in neither of these cases does the obligation that is dispensed arise from the act of consecration (or ordination). Not only is there a question of whether or not it is possible to dispense from obligations that arise from consecration, but there is also the question of distinguishing what those obligations are.

2. Valid consecration to a life of virginity in the *Ordo virginum* has resulted in a true marriage bond with Christ, a bond that enjoys the essential properties of unity and indissolubility (c. 1056). Marriage law permits the dissolution of a nonconsummated marriage, but this is not applicable to those consecrated in the *Ordo virginum*, whose nuptial bond with Christ has its end in heaven, not on this earth. Even in the case of a legal separation of spouses, the bond remains and neither spouse is able to contract a new marriage. For these reasons, the finding of the current study is that dispensation from the obligations arising from consecration cannot dissolve a virgin's nuptial bond with Christ and thus cannot free her to contract marriage. Likewise, a bishop should consider that the Fathers of the Church and the practice of the early Church did not allow for a consecrated virgin to marry later; if she united with a man she was subject to the juridic penalties afforded at the time to an adulteress. Writing in 1970 shortly after the publication of the revised rite of consecration to virginity, the words of Bugnini might also be recalled, as he cautioned bishops not to be too hasty to impart the consecration of virgins, "for it is irrevocable by its very nature and entails permanent giving."

3. What, then, are the effects of a release from the obligations arising from consecration? It seems that there exists a presumption that a release from the obligations would result in the ability of a consecrated virgin to contract marriage validly. After all, it would seem that a desire to marry is the most probable reason that a consecrated virgin would request such a release. In truth, however, *ESI* is silent on the subject. A bishop must consider, as discussed above, that the consecration has effected a nuptial union with Christ that is not simply an obligation of consecration and thus cannot be dissolved by a release from obligations of consecration. The virgin's consecration resulted in her being constituted a sacred person in the Church, and perhaps the obligations thus associated could be dispensed, such as the obligation that the virgin pray the Liturgy of the Hours and present herself publicly as a consecrated virgin.

***34. Principle*:** In the case of most serious reasons, such as those indicated for the dismissal of a member from an institute of consecrated life or society of apostolic life, a procedure should be established that could result in a diocesan bishop's decision to require that a consecrated virgin no longer publicly present herself as a member of the *Ordo virginum* and that she no longer have the rights of a member of the *Ordo virginum* in his diocese.[92] Such a dismissal could not release the virgin from her indissoluble nuptial bond with Christ.

Ecclesiae sponsae imago 71 to 73 considers "dismissal from the *Ordo virginum*." The Instruction is silent concerning the effect of such a dismissal on the virgin's nuptial bond with

[92] See canons 694 to 696 for the reasons that a member can be dismissed from a religious institute, and canons 729 and 746 which apply the same to secular institutes and societies of apostolic life. Also see *ESI* 71–73 in regard to dismissal from the *Ordo virginum*.

Christ and on her state of consecration. In so far as "dismissal from the *Ordo virginum*" refers to dismissal from the rights associated with the virgin's bond with the Church as a member of the *Ordo virginum*, the reasons and process for dismissal are congruent with the findings of this study. In accord with this study, however, any discussion of dismissal should respect the first two principles presented in this study: the solemn rite of consecration effects an indissoluble mystical espousal between a virgin and Jesus Christ, the Son of God; and the solemn rite of consecration constitutes the candidate a sacred person in the Church.

Comments on Separation of Members from the "Ordo virginum" in ESI

Ecclesiae sponsae imago treats the topic of separation of members from the *Ordo virginum* in the same categories that are used in the Code of Canon Law in regard to separation of members from institutes of consecrated life and societies of apostolic life: transfers, departure, and dismissal. The categories are apropos. The instruction does not, however, consider the effect of the consecration of virgins as a nuptial bond with Christ, nor does it directly consider that the consecration itself, which is irrevocable by nature, cannot readily be distinguished from the effects of the consecration.

G. Summary: Proposal of Juridic Principles to Guide the Development of Norms for the *Ordo virginum*

The final chapter of this study has presented thirty-four juridic principles to guide the development of norms for the *Ordo virginum*, in six categories. The first two principles, which address the juridical/theological identity of the *Ordo virginum*, form the foundation: validly conferred, the solemn rite of consecration to a life of virginity both 1) effects a true nuptial bond between the virgin and Christ, characterized by the essential properties of unity and

indissolubility; and 2) constitutes the virgin a sacred person in the Church, a member of the *Ordo virginum*. In regard to these first principles, it was observed that *Ecclesiae sponsae imago* likewise speaks of the virgin's spousal union with Christ and her particular relationship with the Church as a member of the *Ordo virginum*, but it does not speak in terms of an application of marriage law to the *Ordo*.

The second set of five principles concern the relationship of the *Ordo virginum* to the diocesan bishop and the local Church. The principles largely address the responsibilities of the diocesan bishop towards the *Ordo virginum* and the virgin's intimate tie to the diocese. It is a tie that is spiritual in nature, and not one of incardination, as the bishop relates to the consecrated virgins as his spiritual daughters. As he exercises his responsibility for the *Ordo*, among other things, the bishop should establish particular law addressing with specificity the admission process for the *Ordo virginum*, and he should establish a pattern that allows him to maintain a pastoral dialogue with each of the virgins. *Ecclesiae sponsae imago* clarifies and elaborates on the relationship of the *Ordo* to the diocesan bishop, in agreement with this study.

Eight principles are proposed in regard to admission and formation for the *Ordo virginum*. The principles draw from both the law on institutes of consecrated life and societies of apostolic life as well as from marriage law, and are meant to provide a procedural outline for a diocesan bishop who seeks to establish particular law regarding the *Ordo*. The admission steps asserted in *Ecclesia sponsae imago*, and the irreplaceable role of the diocesan bishop in the process, are consonant with the findings of this study. The closing comments in regard to admission and formation emphasized the need to assure that there be an inviolable respect for an

applicant's conscience, even as physical virginity is clearly asserted as a requirement for admission to candidacy for the *Ordo virginum*.

Four principles are named in regard to determining the validity of consecration; the principles are derived from the distinctive nature of the *Ordo virginum*, enlightened by both marriage law and the law for institutes and societies concerning validity. The points for validity have been developed in various parts of this study and are presented in culmination in principles seventeen and eighteen which respectively state seven requirements for validity in regard to the candidate for consecration and thee requirements for validity in regard to the form of celebration of the rite, and the minister of the rite. While *Ecclesiae sponsae imago* addresses the various points of validity, the instruction does not discuss the points in terms of validity of the consecration.

Eleven principles are proposed concerning obligations and rights that are connected to the *Ordo virginum* in regard to: the virgin's prayer and spiritual life, her apostolate and service to the Church, her dress, her autonomy of life, the virgin's responsibility to be financially self-supporting, and the consecrated virgin's right to receive spiritual aid from the Church. The points are consonant with those in *Ecclesiae sponsae imago*, and are often elaborated upon in the instruction.

Lastly, four principles are proposed concerning separation of members from the *Ordo virginum.* These are addressed in the categories presented in law on institutes of consecrated life and societies of apostolic life: transfers, departure, and dismissal. In regard to transfers to other forms of consecrated life, procedures established by the Congregation for Consecrated Life and Societies of Apostolic Life should be followed. In regard to departure from the *Ordo*, emphasis

is placed on the importance of dialogue and encouragement of the woman in her vocation, before all else. Principle 33 details three points that a bishop should consider when a consecrated virgin persists in request for departure from the *Ordo*. These points are presented in light of the fact that the Church has not legislated on the meaning or possibility of "departure" as such from the *Ordo*, and in light of the conceptual difficulty of granting "dispensation from the obligations arising from consecration," as is discussed in *Ecclesiae sponsae imago*. Based upon an analogous application of marriage law, this study finds that dispensation from the obligations arising from consecration cannot dissolve a virgin's nuptial bond with Christ and thus cannot free her to contract marriage. In regard to "dismissal from the *Ordo*," this study, in Principle 34, discusses instead the possibility of "dismissal from the rights associated with membership in the *Ordo virginum*."

In summary, there is overall agreement between the findings of this study and the presentation of the *Ordo virginum* in the instruction *Ecclesiae sponsae imago*. There are two areas of concern, if not disagreement, between this study and the instruction. While the instruction faithfully articulates the nature of a virginal vocation in its opening paragraphs, I have noted the concern that beginning in paragraph 37 and for the remainder of the instruction, reference is no longer made to *consecrated virgins* of the *Ordo virginum*, but instead to *consecrated women* of the *Ordo virginum* or simply to *consecrated women*. With this and the unclarity of paragraph 88 in regard to physical virginity as a prerequisite for admission to consecration, the document downplays virginity as the most distinguishing feature of a vocation of mystical betrothal to Christ in the *Ordo virginum.*

The second area of concern in *Ecclesiae sponsae imago* is its presentation of the possibility of a dispensation from the obligations arising from consecration. As discussed above, if the instruction interprets such a dispensation as permitting a consecrated virgin to enter marriage validly, it is in contrast to the assertion that is the very premise of this dissertation and is stated in Principle 1: "Validly conferred, the solemn rite of consecration to a life of virginity effects a mystical espousal between a virgin and Jesus Christ, the Son of God. This nuptial bond of the virgin to Christ is a true marriage, characterized by the essential properties of unity and indissolubility (c. 1056)." The essence of a vocation in the *Ordo virginum*—the essence of the distinctive patrimony handed down by the virgin saints and martyrs, to which the *Ordo* must be faithful—is at once virginal and nuptial. Remaining in the holy state of virginity throughout her life, the virgin accepts solemn consecration as a bride of our Lord Jesus Christ, the Son of God. For His part, it is the Lord who first imparts the grace of virginity, pours forth grace upon her at her consecration, and sustains the virgin throughout her life as her glory, her joy, and her whole desire.[93]

[93] *OCV* 24.

CONCLUSION

In the 1970 decree promulgating the revised rite for the consecration of virgins, the Sacred Congregation for Divine Worship referred to consecrated virginity as being "among the most excellent gifts bequeathed by Our Lord to His Bride, the Church."[1] This study has been dedicated to considering why the eternal Father has given the Church this excellent gift, and how the law of the Church safeguards this gift. Nearly two thousand years after virgins of the apostolic Church chose to offer their virginity to Christ, and sixteen hundred years after the first recorded public consecrations of virgins at the hands of their bishops, the law of the Church has codified its juridical recognition of the *Ordo virginum* in the 1983 Code of Canon Law. Canon 604 builds upon the earliest understanding of the *Ordo*: "expressing the holy resolution of following Christ more closely, [they] are consecrated to God by the diocesan bishop according to the approved liturgical rite, are mystically betrothed to Christ, the Son of God, and are dedicated to the service of the Church."

"Virginal" and "nuptial" are not terms normally joined in reference to the same reality, and yet it is this very reality of virginal nuptiality that undergirds God's self-revelation as Trinity, and His bond with created man, revealed in both the Old and New Testaments. This dichotomy is explored in chapter one of the present study: the virgin's betrothal to Christ through the rite of consecration is understood to represent the integrity of the nuptial union of Christ and the Church, even as the married couple images in their married state the fecundity of that same

[1] Sacred Congregation for Divine Worship, decree *Novus consecrationis virginum ritus promulgatur*, May 31, 1970: *AAS* 62 (1970) 650: "Sacram enim virginitatem, donum in primis excelsum, Christus Iesus quasi hereditate Sponsae suae reliquit." English translation by the International Committee on the English Language, in *Ordo Virginum—The Restoration of the Ancient Order of Virgins in the Catholic Church*, vol.1, *An Introduction to the Vocation of Consecrated Virginity Lived in the World* (Lansing, MI: USACV, 2012) iii.

nuptial bond between Christ and His Bride. Virginal betrothal to Christ is unveiled as an earthly image of the betrothal that all Christians hope for in the life to come when union with Christ will be direct, full, and perpetual. Chapter 1 of this study thus reflects on the theological underpinnings of virginal espousal to Christ and closes with words of Pope Saint John Paul II to consecrated virgins gathered in Rome in 1995 to celebrate the twenty-fifth anniversary of the promulgation of the revised rite. Reflecting on Christ's entire life as being "marked by the sign of the mystery of his wedding with the Church," Pope John Paul II told the gathered virgins, "Dear sisters, you also belong to that mystery through the gift of the Holy Spirit and by virtue of a 'new spiritual anointing.'"[2]

Chapters 2 and 3 study the development of the *Ordo virginum* as a distinct and stable state of life in the Church. Chapter 2 looks at ecclesial law and liturgy in regard to virginal espousal to Christ from the earliest days of the Church through the first codification of the law in 1917. It is a revealing excursion, stretching from a time when the early virgins lived out their vocations in the midst of a secular society to the virgins of the second millennium whose consecrations were lived primarily as nuns in enclosure. Over the two millennia covered by this period of time, although the rite of consecration to a life of virginity itself underwent little change, usage of the rite thus became limited to virgins living in monastic life. Ecclesial legislation concerning those consecrated as virgins likewise reflected this change: legislation of the early centuries had reflected the bishop's key role in admitting a virgin to the consecration, in supporting the life of the *sponsae Christi* (brides of Christ) through pastoral guidance, and in

[2] John Paul II, Address to Consecrated Virgins in Rome, June 2, 1995, "May Christ be Your Total and Exclusive Love," *OssRomEng*, June 14, 1995, p. 4, quoting *OCV* 16.

guarding the vocation and the virgin's own salvation by imposing strict discipline on virgins who strayed. The shift in focus of ecclesial legislation was notable as virgins were consecrated in the context of monastic life, a life that was directly governed by a monastic superior and a rule, rather than by the diocesan bishop. Throughout this time, even in monastic life, the diocesan bishop continued as the minister of the rite of consecration of virgins and in accord with the rite continued to be responsible to assure that each candidate met the criteria for admission to consecration.

The third chapter of this study addresses the restoration in the Church of the ancient way of life of the *Ordo virginum*—a way lived not in the context of monastic life but in the context of the diocesan Church, under the guidance of the diocesan bishop as spiritual father. The chapter explores how this restoration came about and where the Church stands today in regard to juridical guidance for diocesan bishops who must now re-learn, after millennia, the meaning of the presence of the *Ordo virginum* in the life of the particular Church. The 1917 Code of Canon Law did not address the *Ordo virginum* because by that time the rite of consecration to a life of virginity had fallen into disuse for virgins living in the world. Beginning after World War One, however, new and persistent requests began to come to the Vatican asking permission to use the ancient rite to consecrate virgins living in the world. This study considers the reasons for the 1927 denial of these requests, the unexpected call of the Second Vatican Council for a revision in the rite of consecration of virgins, and perhaps the more unexpected provision in the 1970 revised rite to once again allow for the consecration of virgins living in the world. The chapter considers the process that was entailed in the 1970 revision of the rite of consecration of virgins, the process entailed in the juridical inclusion of the restored *Ordo virginum* in the 1983 Code of

Canon Law, and the theological-juridical implications of mystical espousal to Christ through the rite of consecration, as prescribed in canon 604.

Chapter 4 of the study introduces Part II, which focuses attention on offering juridical principles to guide the Church in developing norms to govern the restored *Ordo virginum* in the twenty-first century. Drawing upon the earliest tradition and law of the Church that recognizes the nature of the consecration of virgins as a true, albeit mystical, espousal to Christ, chapter 4 analyzes the universal law on marriage in the 1983 code and considers analogous applicability of this law to the *Ordo virginum*. The study is revealing in its application of the essential properties of marriage—unity and indissolubility—to the mystical espousal of a virgin to Christ in the *Ordo virginum*, as well as the implication of this application on an analogous determination of the factors to be considered in determining the validity or invalidity of a consecration. The effects of a valid consecration are also considered in light of marriage law on the separation of spouses and the convalidation of marriage, and are reflected in the resulting principles proposed in the final chapter.

Recognizing also the long tradition of the *Ordo virginum* as a form of life that is similar to (*accedit*) other forms of consecrated life in the Church, chapter 5 of the study proceeds to analyze universal law on institutes of consecrated life and societies of apostolic life in the 1983 code. The chapter uncovers analogous applicability of many canons to the *Ordo virginum*, especially in regard to norms on admission and formation of members, the theological identity of the life, and the rights and obligations of members. What are found to be inapplicable are those laws that touch on three characteristics distinctive to the *Ordo virginum*: firstly, that the consecrated virgin is mystically espoused to Christ through her consecration and does not profess

the evangelical counsels; secondly, that she lives individually, not subject to the constitutions of an institute or society; and thirdly, that she freely chooses her own apostolate. As is true in the analysis of marriage law, what is perhaps of most import to be derived from the analysis of the law on institutes and societies is consideration of the requirements for valid admission and the law regarding the separation of members from institutes and societies. The effects of valid admission and separation are also reflected in the resulting principles proposed in chapter 6.

Finally, chapter 6 offers thirty-four principles to guide the development of norms for the *Ordo virginum*, principles that are derived from analogous application of both marriage law and the law of consecrated life to the *Ordo virginum*. Grounded in the theological underpinning of a life of mystical espousal to Christ, and based on the sound tradition of the Church through millenia, principle 1, reflecting marriage law, and principle 2, reflecting the law of consecrated life, together offer a foundation for the remaining thirty-two principles:

Principle 1: "Validly conferred, the solemn rite of consecration to a life of virginity effects a mystical espousal between a virgin and Jesus Christ, the Son of God. This nuptial bond of the virgin to Christ is a true marriage, characterized by the essential properties of unity and indissolubility (c. 1056)."

Principle 2: "Validly conferred, the solemn rite of consecration constitutes the candidate a sacred person in the Church. As well as effecting a nuptial union with Christ, the consecration of a virgin effects a certain bond with the Church as the virgin becomes a member of the *Ordo virginum*, a form of life that is similar to (*accedit*) other forms of consecrated life in the Church."

Consecrated virginity is "among the most excellent gifts bequeathed by Our Lord to His Bride, the Church." The vocation to consecrated virginity is itself a rare and precious gift from

God. Perhaps the question this author is asked most frequently about the vocation of consecrated virginity is in regard to virginity itself. In the prevailing culture not only of the twenty-first century, but also of previous centuries, the good of remaining in the state of virginity for the sake of Christ is not a good that is widely understood. In fact, it is a good that is often derided. Perhaps it is for that very reason that the Lord has chosen to raise up once again a vocation that witnesses in a most particular way to the virginal love of Jesus Christ as Spouse, a love that is offered to his Bride, the Church, and extended through her to all the world. It is for this reason that the law of the Church must protect virginal spousal love for Christ, lived by virgin martyrs throughout the centuries. As well, those who are consecrated to Christ in the *Ordo virginum* must guard against the temptation of pride and give themselves fully to following the Lamb wherever He leads, dedicated in perpetuity to divine worship and the service of humanity.[3]

[3] *OCV* Appendix: Ritual Mass for the Consecration of Virgins, Prayer Over the Offerings.

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