

Maria Van Scott

THE STATUS OF THE CONSECRATED PERSON
IN THE TEACHING OF JOHN PAUL II

Among the faithful, even those who are deeply engaged in Church matters, there is often an uncertainty about the canonical status of consecrated people. As canonists, many of us have had the experience of trying to explain the difference between religious brothers and priests, or of whether a religious is technically a lay person. And, although progress in this area is slow, we also need to become accustomed to differentiating between “religious” and “consecrated person” and knowing how and when to use the correct terminology.

1. THE PEOPLE OF GOD

Book Two of the Code of Canon Law of 1983¹ is entitled “The People of God,” reflecting the Code’s roots in Vatican II. In his apostolic constitution *Sacrae disciplinae leges*, St. John Paul II stated, “[T]he fundamental basis of the ‘newness’ which, while never straying from the Church’s legislative

MARIA VAN SCOTT JCL – Doctoral student of Canon Law at John Paul II Catholic University of Lublin; e-mail: mvanscott@yahoo.com

¹ *Codex Iuris Canonici auctoritate Ioannis Pauli PP. II promulgatus*, 25.01.1983, AAS 75 (1983), pars II, s. 1-317; *Kodeks Prawa Kanonicznego*. Przekład polski zatwierdzony przez Konferencję Episkopatu, Poznań 1984; *Codex Iuris Canonici auctoritate Ioannis Pauli PP. II promulgatus*, revised English translation of the Canon Law Society of America contained within *New Commentary on the Code of Canon Law*, edited by J. Beal, J. Coriden, T. Green, Mahwah, NY 2000.

tradition, is found in the Second Vatican Council and especially in its ecclesiological teaching, generates also the mark of ‘newness’ in the new Code. Foremost among the elements which express the true and authentic image of the Church are: the teaching whereby the Church is presented as the People of God (cf. *Lumen Gentium*, no. 2) [...] the teaching by which all members of the People of God share, each in their own measure, in the threefold priestly, prophetic, and kingly office of Christ, with which teaching is associated also that which looks to the duties and rights of Christ’s faithful [...]”².

Canon 207 states: “§ 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. § 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”. The legislator in can 588 § 1, reiterates that “By its very nature, the state of consecrated life is neither clerical nor lay”. The theology behind these two canons is clearly expressed in *Lumen Gentium*: “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. But, rather, the faithful of Christ are called by God from both these states of life [...]. [T]he state which is constituted by the profession of the evangelical counsels, though it is not the hierarchical structure of the Church, nevertheless, undeniably belongs to its life and holiness”³.

2. CONSECRATED LIFE

Canon 207 makes a single distinction among the faithful: those who share in the common priesthood of the faithful (the laity), and those who share in the ministerial priesthood (the clergy). While *Lumen Gentium*

² J o h n P a u l I I, *Sacrae Disciplinaes Leges*, translation appearing in: *Code of Canon Law Annotated*, edited by J. Beal, J. Coriden, T. Green, p. 53.

³ Concilium Vaticanum II, *Constitutio Dogmatica de Ecclesia “Lumen Gentium”* [hereafter: LG], 21.11.1964, AAS 57 (1965), p. 5-75, no 43-44.

states that these two types of sharing in the priesthood of Christ represent not a difference of degree but of essence (no 10), it also goes on to give its own definition of 'laity:' "The term laity is here understood to mean all the faithful except those in holy orders and those in the state of religious life specially approved by the Church" (LG 31). *Vita Consecrata* makes a similar three-way distinction of the types of vocation a member of the faithful may have: "The vocations to the lay life, to the ordained ministry and to the consecrated life can be considered paradigmatic [...]"⁴. Canonist Javier Hervada Xiberta offers a succinct analysis of the ideas presented in canon 207: "In short, while the bipartite distinction of canon 207 § 1 bases its criterion for division on the sacrament of Orders and the hierarchical constitution in its foundation, the tripartite distinction of canon 207 § 2 is based on the criterion of the condition of life and its foundation is in the different juridical positions of the faithful in relation to the Church and the world"⁵.

While it does not recognize consecrated life per se as a juridic state, canon law does provide a clear definition as well as detailed regulation of the life of consecration. The obligations and rights of all the faithful listed in canons 208-223 are "situated within the context of the vows or bonds as well as proper law"⁶ for those in the consecrated state.

The Code defines consecrated life as a stable form of living out the evangelical counsels, freely assumed, in an institute canonically erected by the competent hierarchical authority, with the profession by vows or other sacred bonds of chastity, poverty, and obedience (can. 573). It is the obligation and right of the competent Church authority 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" as well as to promote the growth of these institutes (can. 576) in their many gifts and forms (can. 577).

The forms of consecrated life recognized in canon law are:

1) Religious Institutes, whose members take permanent vows, live a common life, and bear a public witness which of its nature includes ele-

⁴ Ioannes Paulus II, *Adhortatio Apostolica post-synodalis "Vita Consecrata"* [hereafter: VC], 25.03.1996, AAS 88 (1996), p. 377-486, no. 31.

⁵ J. Hervada, *Commentary on "Christ's Faithful" (canons 204-231)*, in: *Code of Canon Law Annotated*, p. 190.

⁶ R. Kaslyn, *Commentary on Book II, Part I, Canons 204-223*, in: *New Commentary on the Code of Canon Law*, p. 253. Cf. canons 662-672, 711, 712, 718, 719, 723 for specific rights and obligations applicable to members of religious and of secular institutes.

ments of separation or distinction from the world “proper to the character and purpose of the institute” (can. 607). Religious institutes enjoy a primacy of distinction among forms of consecrated life as can be recognized by their long history in the Church, the public nature of their witness, and by the preeminence which they are given in the Code (there are significantly more canons dedicated to religious institutes than to other types of consecrated life; also, for many norms, the other types are referred to the canons in the section on religious institutes). In the Code of Canon Law of 1917⁷ only the religious state was considered as a way of life fully consecrated to God but with the advent of secular institutes and a renewed interest in the hermit and consecrated virgin states it became clear that the way of understanding the state of consecration in the evangelical counsels needed fresh attention and even change. This need was an important theme during the preparations for Vatican II⁸.

2) Secular Institutes, whose members “strive for the perfection of charity and seek to contribute to the sanctification of the world, especially from within” and whose “constitutions are to establish the sacred bonds by which the evangelical counsels are assumed in the institute and are to define the obligations which these same bonds bring about; the proper secularity of the institute, however, is always to be preserved in its way of life” (can. 710; 712). Secular institutes gained juridical status in 1947 in the apostolic constitution *Provida Mater Ecclesia*.

3) Canons 603 and 604 recognize the ancient traditions of hermits and consecrated virgins, giving them juridical status for the first time. Although these canons do not address individual institutes of consecrated life, they do institutionalize these two forms of consecrated life.

4) Canon 605 expresses also the Church’s openness to future forms of consecrated life, stating, “The approval of new forms of consecrated life is reserved only to the Apostolic See. Diocesan bishops, however, are to strive to discern new gifts of consecrated life granted to the Church by the Holy Spirit and are to assist promoters [...]”. Some new forms of institutes have already gained official recognition of the Church on an individual basis.

⁷ *Codex Iuris Canonici auctoritate Pii X Pontificis Maximi iussu digestus. Benedicti Papae XV auctoritate promulgatus*, 27.05.1917, AAS 9 (1917), pars II, s. 1-593.

⁸ A. Skorupa, *Koncepcje odnowy życia konsekrowanego w Antepreparatoria oraz ich recepcja w posoborowym prawie kościelnym*, Lublin 2008, p. 9 and 11.

All of these forms are clearly delineated in Book Two, Part Three of the Code in a section consisting of 157 canons and all come under the authority of the Congregation for Institutes of Consecrated Life and Societies of Apostolic Life⁹.

3. AN EVOLUTION OF THOUGHT

Despite the Code's statement that consecrated persons are laity except for the case of members in Holy Orders, who are clerics, confusion persists, and it even seems possible that there may be an evolution of thought in progress. The Code of Canons for the Oriental Churches states, "In this Code, the name of lay persons is applied to the Christian faithful whose proper and special state is secular and who, living in the world, participate in the mission of the Church, and are not in holy orders nor enrolled in the religious state"¹⁰. Although this Code is not binding to the Latin Church and reflects a slightly different tradition it is however noteworthy, especially since both codes are given by the authority of the same pope, and the Oriental code seven years later than the Latin rite code.

In the apostolic exhortation *Vita Consecrata*, another document issued later than either code (1996), and by the same author, St. John Paul II writes, "According to the traditional doctrine of the Church, the consecrated life by its nature *is neither lay nor clerical*. For this reason the 'lay consecration' of both men and women constitutes a state which in its profession of the evangelical counsels is complete in itself. Consequently, both for the individual and for the Church, it is a value in itself, apart from the sacred ministry" (VC 60). While this statement reaffirms the text of canon 207, we can see however a development beyond the idea that consecrated life is neither this nor that, but a more clear assertion that it has a very distinct identity of its own.

Vita Consecrata makes the assertion that consecrated life is a *constitutive element* of the Church: "In recent years, theological reflection on the nature of the consecrated life has deepened the new insights which emer-

⁹ Ioannes Paulus PP. II, *Constitutio apostolica de Romana Curia Pastor bonus*, 28.06.1988, AAS 80 (1988), p. 841-912, art. 105, 106, and 110.

¹⁰ *Code of Canons of the Oriental Churches* promulgated by Pope John Paul II 1990, internet English translation: <http://www.intratext.com/X/ENG1199.HTM> [retrieved 14 May, 2014], no. 339.

ged from the teaching of the Second Vatican Council. In the light of that teaching it has been recognized that the profession of the evangelical counsels *indisputably belongs to the life and holiness of the Church*. This means that the consecrated life, present in the Church from the beginning, can never fail to be one of her essential and characteristic elements, for it expresses her very nature [...]. The idea of a Church made up only of sacred ministers and lay people does not therefore conform to the intentions of her divine Founder [...]” (VC 29).

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Canon law assigns two juridic identities to the faithful: those who are in Holy Orders, and those who are not. This second, much larger, group is called the laity. From both these groups some of the faithful are called to live also the consecrated life. Their vocation may or may not include the call to the sacred ministry, thus consecrated life is not a kind of sub-category either of the lay vocation nor of the clerical vocation.

Although consecrated life is not considered in law as a third kind of calling (in addition to the lay and clerical states), it is very thoroughly described and defined in Church law. A person undertaking the public profession of the evangelical counsels binds himself or herself in a much more fully developed and regulated way to the life and the authority of the Church than what the general norms for “lay” people describe. The consecrated person’s entire way of life is set out by universal law, particularly the Code of Canon Law, and by the proper law of the individual institute, whose constitutions must be approved by the hierarchical Church. There seems to be a certain dichotomy between the juridic designation of “laity” and the understanding of the nature of consecrated life not only in theology and ecclesiology but even in the Code itself.

Most recently, as a fruit of the 1994 Synod on Consecrated Life, we have St. John Paul II’s apostolic exhortation *Vita Consecrata* of 1996 which makes the bold yet somewhat overlooked assertion that consecrated life is to be considered an indispensable element of the life of the Church.

It seems possible that consecrated life may be an example of evolving juridical theological thought and in fact the term itself “consecrated life” is new and reflects developments in the ways of dedicating oneself to the life of the evangelical counsels. Many important steps in this process have been made in recent history and even in our own times. It is interesting to

contemplate what lies ahead on this road, especially in light of the upcoming Year of Consecrated Life declared by Pope Francis.

BIBLIOGRAPHY

Sources of law

- Codex Iuris Canonici auctoritate Pii X Pontificis Maximi iussu digestus. Benedicti Papae XV auctoritate promulgatus, 27.05.1917, *Acta Apostolicae Sedis* 9 (1917), pars II, s. 1-593.
- Codex Iuris Canonici auctoritate Ioannis Pauli PP. II promulgatus, 25.01.1983, *Acta Apostolicae Sedis* 75 (1983), pars II, s. 1-317; Kodeks Prawa Kanonicznego. Przekład polski zatwierdzony przez Konferencję Episkopatu, Poznań 1984.
- Codex Iuris Canonici auctoritate Joannis Pauli PP. II promulgatus, revised English translation of the Canon Law Society of America contained within New Commentary on the Code of Canon Law, edited by J. Beal, J. Coriden, T. Green, Mahwah, NY 2000.
- Code of Canons of the Oriental Churches promulgated by Pope John Paul II 1990, internet English translation: <http://www.intratext.com/X/ENG1199.HTM> [retrieved 14 May, 2014].
- Concilium Vaticanum II, Constitutio Dogmatica de Ecclesia “Lumen Gentium”, 21.11.1964, *Acta Apostolicae Sedis* 57 (1965), p. 5-75.
- Concilium Vaticanum II, Decretum de apostolatu laicorum “Apostolicam Actuositatem”, 18.11.1965, *Acta Apostolicae Sedis* 59 (1966), p. 837-864.
- Ioannes Paulus II, Adhortatio Apostolica post-synodalis “Vita Consecrata”, 25.03.1996, *Acta Apostolicae Sedis* 88 (1996), p. 377-486.

Literature

- Hervada Javier, Commentary on “Christ’s Faithful” (canons 204-231), in: Code of Canon Law Annotated, eds. E. Caparros, M. Theriault, J. Thorn, Montreal 1993.
- Kaslyn Robert, Commentary on Book II, Part I, Canons 204-223, in: New Commentary on the Code of Canon Law (CLSA), eds. J. Beal, J. Coriden, T. Green, Mahwah, NY 2000.
- McDermott Rose, Commentary on Book II, Part III, Title I, in: New Commentary on the Code of Canon Law (CLSA), eds. J. Beal, J. Coriden, T. Green, Mahwah, NY 2000.
- Skorupa Ambroży, Koncepcje odnowy życia konsekrowanego w Antepreparatoria oraz ich recepcja w posoborowym prawie kościelnym, Lublin 2008.

Status prawny osoby konsekrowanej w nauczaniu Jana Pawła II

Streszczenie

Autor analizuje ostatnie zmiany dotyczące postrzegania statusu prawnego osoby konsekrowanej w ludzie Bożym. Pojęcia wprowadzone na Soborze Watykańskim II, jak i pojawienie się nowych form życia konsekrowanego w Kodeksie Prawa Kanonicznego z 1983 r. prowadzą do rozwinięcia tej myśli, a być może i eklezjologii w odniesieniu do statusu prawnego osoby konsekrowanej. Analizowanej problematyki dotyczy w szczególności nr 29 i nr 60 *Vita Consecrata*.

Key words: laity, consecrated life, cleric, clergy, religious

Słowa kluczowe: laicki, życie konsekrowane, klerycki, duchowny, zakonnik