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The Jurist: Studies in Church Law and Ministry, Volume 67, Number 1,
2007, pp. 227-244 (Article)

Published by The Catholic University of America Press

DOI: <https://doi.org/10.1353/jur.2007.0028>

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NEW SOCIETIES FOR A NEW WORLD

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“So, what *is* the difference between a society of apostolic life and a religious institute?” The question comes year after year. And, although the author always insists that this is the wrong question, the fact remains that juridically the two realities are treated very similarly. To appreciate the uniqueness of societies, and of each society, one must revisit their emergence in a particular historical context as a response to particular needs in the Church and world of the time.

We are aware of course, that throughout the centuries, the Church has made laws and has issued warnings to prevent the proliferation of new religious institutes. The effort of the Fourth Lateran Council (1215) to prohibit new Rules, resulted in St Dominic adopting the Rule of St. Augustine. Nevertheless, as is well known, St. Francis managed to get papal approval for his new Rule.

Vatican Council II echoed the warning, insisting that those considering new foundations must seriously question “whether they are necessary, or even very useful, and whether it will be possible for them to increase” (*Perfectae caritatis*, 19). Long experience has shown that this prudence is not misguided. Nevertheless, as the same council recognized, the Holy Spirit has continued to raise up founders of new religious families in a wonderful variety. These equip the Church for every good work in its ministry of building up the Body of Christ (*Perfectae caritatis*, 1).

Indeed, in his encyclical *Deus caritas est*, Benedict XVI recognizes that among the first to realize the need for a new approach to the issue of the just ordering of society were “the new religious orders founded in the nineteenth century to combat poverty, disease and the need for better education.”¹ Another particular impetus of the Spirit in recent centuries has been the rise and evolution of societies of apostolic life—new societies, distinct from religious institutes—at the service of new needs in the “new world.”

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¹ Benedict XVI, encyclical letter *Deus Caritas Est*, December 25, 2005, n.27 (Vatican: Libreria Editrice Vaticana, 2006).

As will be seen, the fundamental identity of societies of apostolic life is found, above all, in their apostolic or missionary purpose. The formation of members, their common life and their governance, are all ordered around an apostolic mission. Like all Christians, members of societies pursue the perfection of charity; as members of their particular society, they pursue a particular purpose according to their constitutions.

Canon 731 states:

§1 Societies of apostolic life resemble institutes of consecrated life; their members, 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.

§2 Among these are societies in which members assume the evangelical counsels by some bond defined in the constitutions.²

Who are these societies? It is impossible to know much from any particular name. The Society of Jesus is not a society; the Jesuits are a religious congregation. The Congregation of the Mission is not a religious congregation; the Vincentians are a society of apostolic life.

The 2006 *Annuario Pontificio* lists 32 pontifical societies of men and 12 of women. Of the men's societies, 15 depend on the Congregation for the Evangelization of Peoples and one on the Congregation for the Oriental Churches. The others, and all of the societies of women, depend on the Congregation for Institutes of Consecrated Life and Societies of Apostolic Life.³

To better understand this charismatic and juridic figure, this study will briefly review the history of societies, and then seek to draw from the canons their juridic profile, indicating certain particular characteristics.

² The Code of Canons for the Eastern Churches, in contrast, presents two types of society in two canons and sections. The type in CCEO canon 554 is seen almost as a religious institute, with sacred bonds and common life lived in the manner of religious. In CCEO canon 572, however, there is a type of society very similar to that of CIC canon 731 §1.

³ Pope John Paul II's June 28, 1988 apostolic constitution on the Roman Curia *Pastor bonus*, in identifying the competencies of the Congregation for the Evangelization of Peoples, states "... those societies of apostolic life that were founded for the missions are subject to this Congregation." Art. 90 §2.

Historical Overview

An overview of history immediately indicates two broad periods in the foundation of these new societies. The first, in the sixteenth and seventeenth centuries, and the second in the nineteenth and the beginning of the twentieth century.⁴

The first period

The first period comes in the wake of the Council of Trent (1545–1563). Although there were already movements of both men and women engaged in apostolic activity and living a common life, there was a reluctance on the part of the Church to recognize a new form of *religious* life, founded on the apostolate. Still, the needs of society and Church addressed by the council were critical.

The first of the new societies to respond was the Oratory of St. Philip Neri, founded in Italy in 1575. Its broad purpose was individual formation to spiritual culture and piety by means of instruction, personal contacts, spiritual direction, the ministry of confession, preaching and the liturgical apostolate, especially among students and youth.⁵

In France, where the majority of the most famous societies of the first period were founded, there was widely diffused poverty and misery. The situation was even worse due to a new social mentality, less disposed to help needy neighbors. A clergy, ill-prepared for its role despite the efforts of Lateran Council III (1175), was one of the issues of Trent. This context gave rise to the foundation of the Oratory of Jesus and Mary Immaculate under the guidance of Pierre de Bérulle in 1611. Under Jean-Jacques Olier in 1642 came the foundation of the Company of Priests of St. Sulpice (Sulpicians) and in 1643, the Congregation of Jesus and Mary (Eudists) was established by St. John Eudes.

The founders of these societies were also the fathers of the French school of spirituality which contributed much to the formation of French society in that difficult time. The formation of priests, desired by Trent, was one important part of the apostolic purpose of two of them. The *Annuario* states the purpose of the Sulpicians as the direction of seminaries,

⁴ See Jean Bonfils. *Les Sociétés de Vie Apostolique* (Paris: Cerf, 1990) 16–19.

⁵ The statements of purpose and other information regarding the men's societies of apostolic life may be found in the *Annuario Pontificio*, 2006, pp. 1498–1499. Women's societies, without the statement of purpose, are listed on pp. 1730–1731.

and that of the Eudists as the direction of diocesan seminaries, missions and colleges.

The other two great societies of this first historical period are the Congregation of the Mission (Vincentians) founded by St. Vincent de Paul in 1625, and the Daughters of Charity, also founded by St. Vincent together with St. Louise de Marillac in 1633.

In his concern for the poor, especially in the rural areas, St. Vincent wanted to revitalize the faith by means, among other things, of the popular missions. Their purpose would be to reinforce the work of parishes. The society would also have as an apostolate the direction of seminaries, spiritual exercises and courses of renewal for clergy. Their newness or diversity was in the accent on missions, a socio-ecclesial work of the society. Its priests would be secular priests, living in community, for the salvation of the rural people. Their particular identity would be mission, not the consecration of life through profession of the evangelical counsels.

The founders also sought a flexibility of life for the Daughters of Charity which was not possible for women in the religious life of that time. St. Vincent had observed the experience of St. Francis de Sales with the Visitandines—destined for an apostolate among the people but, in the climate of the counter reformation, obliged to take up religious life within the cloister. The words of St. Vincent are well known. The Daughters were to have as their monastery the houses of the poor; for their cell, a rented room; as chapel, the parish church; for cloister, the streets of the city.

Begun with this intention, the Daughters of Charity have become the largest and best known of the feminine societies of apostolic life, and for centuries, have been a symbol of charity in the streets of the world.

The second period

During the first historical period of societies, the accent was placed on the needs of people in the places of the founders, the needs of the poor, and the need for a trained and holy clergy to teach and minister to them.

However, the world scene had been changing. Spain and Portugal were among the great powers of world exploration, and accompanying the explorers were the early evangelizers, religious men, especially Dominicans, Franciscans, and Jesuits.

The bond between colonial governments and the Church was not without difficulty. In 1622, Pope Gregory XV founded the Congregation

for the Propagation of the Faith (today the Congregation for the Evangelization of Peoples) thus giving a centralized authority to the mission *ad gentes*. This would serve, at least in part, to separate the missions from national governments.

At the same time, the responsibility for these foreign missions presented difficulties for the religious orders. They had not really been founded with this work in mind. It could be difficult to maintain traditional community life and religious discipline in the midst of the demands of a missionary life. Great missionaries did, in fact, arise among these orders, in spite of the difficulties. However, this missionary expansion of the Church became the impetus toward the creation of structures which were more flexible, permitting a greater mobility. The life of the new societies for the evolving new world, would be sustained by community life, but without all of the obligations of religious.⁶

A model for many of the societies of the nineteenth century was the Paris Foreign Mission Society, founded in 1660, thanks to a particular collaboration between bishops, priests, and laity. Bishops had to be willing to release priests of the diocese for this evangelization beyond their frontiers. Priests had to be willing and able to respond to the new needs. Zealous laity were needed to make the mission possible through their financial assistance. The Paris Foreign Mission Society is seen as the first society of secular priests exclusively dedicated to the missions. By its date of foundation, it is part of the first historical period; in view of its purpose, it constitutes a bridge to the second.

The founders of the Paris Society had seen the difficulty of having the missions dependent on states. They saw the need of a local clergy, but also the impossibility of realizing this goal until there would be bishops named in the places of mission. They spoke of the necessity of knowing the language and the culture of the peoples. The Church must truly be implanted in the place. Theirs was the first step in a long and continuing process. The members of the Paris Foreign Mission Society were, in the end, missionaries, formators, and supporters of missionaries. They continue to be identified by their purpose of preaching the gospel for the building up of the Church among non Christians.

In this second historical period, various models appear, but most frequently, new societies were founded for this mission *ad gentes*. Among

⁶ For historical background on this period, see Charles J. Duster. *The Canonical Status of Members of Missionary Societies of Apostolic Life of Pontifical Right* (Rome: Colombari Fathers, 1994) 7-41.

others, there appeared the Society of the African Missions (France, 1856), the Society of Missionary Priests of St. Paul the Apostle (USA, 1858), the Missionary Society of St. Joseph of Mill Hill (England, 1866), the Missionaries of Africa, "White Fathers" (France, 1868), the Society of St. Joseph of the Sacred Heart, "Josephites" (USA, 1892), the Society for the Foreign Missions of the United States, "Maryknoll" (USA, 1911), the Society for the Foreign Missions of the Province of Québec (Canada, 1921), the Malabar Vincentian Congregation (India, 1927), the Home Missionaries of America, "Glenmary" (USA, 1939). Another society of this period is the Society of the Catholic Apostolate, "Pallotines" (Italy, 1835). The purpose of the Pallotines is somewhat broader: missions among Christians and non believers; cooperation of the faithful in the Catholic apostolate.

Societies of Women

With the exception of the Daughters of Charity, all of the above indicates the predominance of clerical societies. Although most have some non-ordained members, essentially they follow the pattern above of secular (non-religious) priests engaged in priestly formation and in missionary activity at home and abroad. Why are there so few societies of women? Even when there is a women's foundation related to the society of men, it is most frequently a religious congregation. This is the case, for example, with the Pallotine Sisters, the Sisters of Our Lady of Charity of Refuge, founded by St. John Eudes, the "White Sisters," the Colombar Sisters and the Maryknoll Sisters. Often these foundations came with the discovery of the necessity of sisters for reaching women in mission lands. Behind each, there is undoubtedly a story, perhaps of foundational prudence or perhaps of church law; perhaps consecration through religious profession seemed more appropriate for women since the priests were already consecrated through ordination. Two examples of societies of women, not related to clerical societies, can provide some specific insights from history.

In 1925, Anna Dengel, a young Austrian doctor and missionary founded the Medical Mission Sisters. The beginning of this group was in Washington, DC, with three others who were already doctors or nurses. She had responded to the search of Agnes McLaren, a pioneer woman doctor from Scotland, for women ready to serve sick and poor Muslim women in Northern India at a time when taboos prevented the treatment of women by male doctors. Anna envisioned a religious congregation dedicated to this medical mission, but church law at the time did not per-

mit religious women to be involved in obstetrics and the full practice of medicine. The new foundation thus became a "pious society."

On February 11, 1936, the Sacred Congregation for the Propagation of the Faith issued an Instruction on Maternity Training for Missionary Sisters. There was an increased awareness of the danger and of the deaths occasioned by the inadequacy of health care available to mothers and infants. As a result, the Sacred Congregation, with the approval of Pius XI, encouraged the foundation of new institutes dedicated to this work, and opened the way for existing institutes to prepare some sisters for this mission.⁷ Following this change, Anna Dengel's "pious society," which had already been living a religious life, but with private vows, was permitted public vows and became the religious institute she had intended.

A different kind of example is provided by the Society of the Sisters of Social Service. Founded in Hungary in 1908, originally as the Social Mission Society, its work was inspired by Pope Leo XIII's encyclical *Rerum novarum* (1891). There was no intention to found a religious congregation, but rather a group of women, growing out of the Catholic Women's Movement, free to respond according to the needs of the social mission of the Church.

After some members chose to become religious, Sister Margaret Slachta, one of the founding members, became the leader of those who chose to remain with the original charism and established them as the Society of the Sisters of Social Service in 1923. Their works of charity, of social service, and involvement with movements also included the possibility of political ministry. Sr. Margaret, who organized a political party, the "Christian Women's Corps," was herself elected three times to the Hungarian Parliament in the 1920's and 1940's. Social Service Sister Sara Salkahazi was killed in Budapest by the Nazis for her efforts to save persecuted Jews, and was beatified by the Church as a martyr on September 17, 2006. Others were imprisoned in Bucharest, Romania for their efforts to defend the rights of the Church.

The Sisters of Social Service continue as a society of apostolic life, participating in the social mission of the Church according to their constitutions, addressing the needs of society arising from social, religious, economic, environmental, cultural and civil conditions. Here, as with the Daughters of Charity, there has been a clear and deliberate decision to retain the founding identity.

⁷ CLD 2:153-155.

From this history, traced ever so briefly, it becomes understandable that it was not easy adequately to insert the Societies into the Code of Canon Law.

Canonical Profile of Societies

Before the 1917 code, clerical societies were often called "secular congregations," since the members were members of the secular clergy. In the code, however, they were located in Book II, *De Personis*, Part II, *De Religiosis*, where a special title XVII was added: *De Societatibus sive virorum sive mulierum in communi viventium sine votis*. In the 1917 text we read:

Can. 673 §1: A society of men or of women, in which the members imitate the manner of life of religious by living in community under the government of superiors according to approved constitutions, but are not bound by the three customary public vows, is not properly a religious institute and its members are not properly called religious.⁸

Positively stated, the canonical profile of such societies indicates that there are societies of men and of women. Their way of living in common is like (*imitantur*) that of religious, under the government of a superior, according to the constitutions of each society. Negatively, the canon clarifies that neither the society nor its members are religious and consequently they are not obliged to observe the three vows customary for religious.

To better understand the societies, it will be useful to compare what is written in the 1917 canon with the parallel canon of the 1983 code. The context in the present code is also Book II, now entitled "The People of God," and in Part III entitled "Institutes of Consecrated Life and Societies of Apostolic Life." The title is long, as is the story of the work of the *coetus* charged with the rewriting of *De Religiosis*. However, the title itself indicates that Part III deals with two distinct categories of life in the Church, institutes of consecrated life and societies of apostolic life. In Section I, following the canons common to all institutes of consecrated

⁸ Can. 673 §1: "Societas sive virorum sive mulierum, in qua sodales vivendi rationem religiosorum imitantur in communi degentes sub regimine Superiorum secundum probatas constitutiones, sed tribus consuetis votis publicis non obstringuntur, non est proprie religio, nec eius sodales nomine religiosorum proprie designantur." English translation taken from John A. Abbo and Jerome D. Hannan, *The Sacred Canons A Concise Presentation of the Current Disciplinary Norms of the Church* 2 vols. (Saint Louis & London: B. Herder Book Co., 1952) 1:683.

life, that is, religious institutes and secular institutes (cc. 573–606), come those which deal explicitly with each type. Section II then follows with the title “Societies of Apostolic Life” (cc. 731–746) The first canon 731, quoted earlier, corresponds to the above canon 673 of the 1917 code, profiling the identity of the societies.

In the 1983 code we see a positive identity which is clearer and more realistic. The accent is immediately on the apostolic end, both in the title, “Societies of Apostolic Life,” and in the explanation: the members “pursue the apostolic purpose proper to the society.” They conduct their life in common (*vitam fraternam in communi ducentes*) “according to their proper manner of life.” It could be said that this positive identity of the society has not significantly changed, but it is given clearer expression. The societies are said to “resemble” institutes of consecrated life, but it is no longer written that their common life is like that of religious.

The “negative” identity has been limited, stopping at the point that the members do not have “religious vows.” While the text does not repeat the fact that neither the society nor the members are religious, its placement in this separate section, indicates a more significant distinction.

Societies in the 1977 Schema

Before arriving at the 1983 code’s positioning and wording of canons on societies there was the journey through the 1977 draft.⁹ In that schema, following 88 canons of a general preliminary nature (cc. 1–6) and canons common to all institutes of consecrated life (cc. 7–88), individual kinds of institutes were treated. Three basic types were identified: religious institutes (cc. 93–118) institutes of associated apostolic life (cc. 119–122) and secular institutes (cc. 123–126). Thus, all three were identified as institutes of consecrated life, in which the evangelical counsels were assumed through sacred bonds.

Draft canon 119, the predecessor of canon 731, stated:

Institutes of associated apostolic life, whether they be priestly or lay, are not religious; they support their apostolic life by a bond of fraternal union, and, in accord with the character of their life assume the evangelical counsels stabilized by some sacred bond.

⁹ Pontificia Commissio Codici Iuris Canonici Recognoscendo. *Schema Canonum de Institutis Vitae Consecratae per Professionem Consiliorum Evangelicorum*. (Vatican: Typis Polyglottis Vaticanis, 1977). The English translation used is from the USCC Publications Office bilingual edition.

Consultation on this 1977 draft was extensive, and one may imagine that the results were disheartening to the *coetus* which had labored over its articulation. The draft was subsequently expanded, restructured, and revised drastically. Pertinent to the present discussion was the new distinction made, by title and location, between institutes of consecrated life and societies of apostolic life.

Commission member, Jean Beyer, SJ, in his 1988 commentary states that the new expression was the result of inevitable compromise.¹⁰ Consultation with general superiors had resulted in contradictory positions on their societies being or not being institutes of consecrated life. Beyer himself continued to believe that in a more objective future climate, it would be necessary to re-examine the structure of this part of Book II.¹¹

Identity

As presently expressed, canon 731 states that societies "resemble" (*accedunt*) institutes of consecrated life. Although this is a change from the 1917 expression, *imitantur*, the meaning of the phrase continues to be discussed as part of the broad issue of identity.¹² In all societies, the members "strive for the perfection of charity through the observance of the constitutions." In canon 731 §1, which applies to all societies, the silence regarding the evangelical counsels is noteworthy.

In the second article of the canon, the diversity which already existed historically among societies, but which was not stated in the previous code, is clearly recognized. Among the societies are some in which the members assume the evangelical counsels with a bond defined by their constitutions. There is a diversity also in how the counsels are assumed; in the canons, the phrase "according to the constitutions" appears fre-

¹⁰ "La position du Code repose sur un compromis. La commission qui prépara la deuxième projet ne put faire autrement." Jean Beyer. *La Droit de la Vie Consacrée* 2 vols. (Paris: Tardy, 1988) 1:273.

¹¹ *Ibid.*, 274. See also *Communicationes* 13 (1981) 377-387. The debate continued in such writings as Jacques Arragain. "Est-il canoniquement possible que des sociétés de vie apostolique (SVA) soient des instituts de vie consacrée (IVC)?" *Commentarium pro Religiosis* 69 (1988) 31-53. and Agnès Sauvage. "Est-il canoniquement possible que des sociétés de vie apostolique (SVA) soient des instituts de vie consacrée (IVC)?" *CpR* 70 (1989) 39-48.

¹² Bonfils offers an interesting interpretation that the word here must be read as something like "in addition to" institutes of consecrated life. Jean Bonfils. "De societatis vitae apostolicae," in *Comentario Exegético al Código de Derecho Canónico*. (Navarra: EUNSA, 2002) II/2:1882-1883.

quently. All members strive for the perfection of charity; some do so through assumption of the evangelical counsels with some defined bond.

It must be noted that the canons say "some bond," without the word "sacred," that is, a bond binding under the virtue of religion. Religious, for example, are obliged to assume the counsels by public vow (c. 1191 §1). Secular institutes, according to the norms established for the first time in the document *Provida mater* (1947), have a choice among various types of bonds. However, the code prescribes that they be "sacred bonds" as established by the constitutions (c. 712). Here we have the fundamental distinction between societies and institutes of consecrated life as described in canon 573.

Those societies which assume the evangelical counsels do not use *religious* vows (c. 731 §1), but are free to employ vows, promises, an oath, or a written contract, always observed according to the constitutions.¹³

While the code insists on the unique nature of societies, their juridic similarity to institutes of consecrated life is indicated by the frequent references to the norms common to all institutes of consecrated life. In accordance with canon 732, canons 578–597 and 606 apply to all societies. Briefly, these deal with the spiritual patrimony of each society; their erection, aggregation, suppression, and just autonomy; their typology as clerical and lay; exemption; communion with the Holy See; rapport with ecclesial authority; the authority of superiors and chapters, general norms for admission, and the fundamental equality between societies of women and of men.

The societies which assume the evangelical counsels according to canon 731 §2 are obliged also to observe canons 598–602 from the common norms for institutes of consecrated life. These are the canons dealing broadly with the evangelical counsels (cc. 599–601), the obligation of the constitutions to establish the way of observing the counsels (c. 598) and the canon on *vita fraterna* (c. 602). Given the nature of societies in general, the members of which live a life in common (*vitam fraternam in communi*, c. 731 §1), it is unclear why canon 602 is applied specifically to the societies of canon 731 §2.

It is evident that many canonical areas are dealt with in this way, not repeating the content of the canons, but simply citing them with the cau-

¹³ See Luis Antonio Luna Varrera. *Las Sociedades de Vida Apostólica que Asumen los Consejos Evangélicos* (Lima: Misioneros de los Santos Apostoles, 2001). The author identifies various types of societies, indicating if vows or other bonds are used.

tion that they are to applied "without prejudice . . . to the nature of each society" (c. 732). It is important to note at the same time, that the canons which define consecrated life, as such, are not invoked (cc. 573–577).

Government

The governance of societies is presented in the canons, again by citing other canons, but this time from the law for religious institutes. Again, space is left for diversity in the constitutions of every society. Thus canon 734 states: "The constitutions determine the governance of a society, with cann. 617–633 observed according to the nature of each society." The canons cited are all of those which regulate the role of religious superiors and their councils (cc. 617–630) and the canons which deal with chapters and other organs of participation or consultation (cc. 631–633).

The administration of goods in societies, which also forms part of governance, is addressed in canon 741. This section begins with the principle that the society and its parts (provinces etc.) are juridic persons, unless the constitutions state otherwise. As such, they have the capacity to acquire, possess, administer, and alienate temporal goods. As in the case of other ecclesial juridic persons, in particular those which are public, all is done according to Book V "The Temporal Goods of the Church." In addition, canon 741 §1 makes further reference to the canons for religious, invoking canon 636 on the requirement of treasurers, canon 638 on ordinary and extraordinary administration, and canon 639 which distinguishes between the responsibility of the society and that of individual members for debts, contracts etc.

Once again, it is interesting to note the canons for religious which are not cited. Canon 637 is omitted because it deals with *sui iuris* monasteries. Also omitted is canon 640 which speaks of the "collective witness of charity and poverty" expected of religious. Although there is a common life, perhaps this flows in part from the diversity in assuming and in the possible meaning of the counsel of poverty in societies.

The point most characteristic about societies in this area is that of the second article of canon 741. This deals with the members as individuals. The members, always according to the norm of proper law, "are capable of acquiring, possessing, administering and disposing of temporal goods." Here it is clear that the members do not have the *religious* vow of poverty which obliges strictly to the community of goods, even though religious of the simple vow tradition do not lose radical ownership but only the administration of "personal patrimony." The practice

presented in the canon for societies is more similar to the state of secular clergy; and recalling the history of many societies, this is logical. Once again, the value of the phrase "according to proper law" is demonstrated. Other parts of the canon distinguish between goods at the disposition of the member or not. That which comes to them on behalf of the society is acquired for the society.

Admission, formation, incardination

Once again, canon law give ample space to proper law in matters of the admission, probation, incorporation, and formation of the members of societies (c. 735). Nevertheless, norms from universal law are also applied. From the law for religious, canons 642–645 dealing with the admission of new members are invoked. These canons contain the requirements, the necessary documents, and the impediments to valid admission, as well as prudent criteria for superiors in making such decisions.

Canon 735 §3, while leaving all of the particulars to proper law, highlights more precisely the necessity of formation according to the purpose and nature of the society. There is an echo of the norms for the novitiate, giving importance to candidates being able to discern their divine vocation. Here too, attention is paid to the apostolic nature of the societies. There must be doctrinal, spiritual, and apostolic formation which has the end of preparing new members "for the mission and life of the society."

As has been noted, the majority of existing societies are clerical. For them, formation must follow the plan of studies for secular clerics (c. 736 §2). A point of particular historical interest is the treatment of incardination.

The canon itself is simple, with the customary reference to proper law:

In clerical societies, clerics are incardinated in the society itself unless the constitutions establish otherwise. (c. 736 §1)

Historically, we have seen that the members of the first societies, the so called "secular congregations," were diocesan priests, incardinated in their dioceses. However, they had gathered together around a particular mission, either at home or *ad gentes*. Obviously, this required a particular agreement with the bishop, or some entirely new arrangement.

While the Council of Trent had required a title or sustenance, the societies of the seventeenth and eighteenth centuries, dedicated to foreign missions, were in a new situation. Consequently, Propaganda Fide provided for ordaining under the *titulus missionis*, when candidates did not

qualify under the other titles. These candidates were required to make a promissory oath of perpetual service to the missions. Thus they were allowed to be ordained and were given the assurance of sufficient sustenance from the mission where they served. Duster puts the first formal use of this title in 1631, as granted by Urban VIII, on behalf of the Irish College in Rome.¹⁴

The 1917 code did not speak of incardination in the societies, but only obliged members of clerical societies to follow the norms for secular clerics regarding studies and the reception of orders (1917 code, c. 678). Canon 979 §1 of that code provided for the traditional titles for ordination: benefice, patrimony, or subsidy (*pensio*). Where these were not possible, however, the title of service to the diocese, or, in territory subject to Propaganda Fide, the title of mission could be used.¹⁵

In canon 111 of the 1917 code, which prohibited *clerici vagi*, there was a reference to incardination only in dioceses and in religious institutes. However, following the 1917 code, Propaganda Fide also gave indults for excardination from dioceses in favor of incardination in societies.¹⁶

The present code now clearly provides for societies, even in their diversity:

Every cleric must be incardinated either in a particular church or personal prelature, or in an institute of consecrated life or society endowed with this faculty, in such a way that unattached or transient clerics are not allowed at all. (c. 265)

Thus, without imposing the practice on all societies, canon 736 §1 expresses a certain preference for incardination in the society. In this way, the members of the society are at the service of the mission of the society (its very reason for being in existence); they are sustained by their own society; and, if pontifical, they have their own ordinary, within the society. Canon 134 §1 includes the major superiors of societies of pontifical right in the definition of ordinaries.

If, in a particular case, a society does not enjoy the faculty of incardination, the constitutions or particular agreements must "define the relations of a member incardinated in a diocese with his own bishop" (c. 738 §3).

¹⁴ Duster, 154-155.

¹⁵ "... suppleri potest titulo servitii dioecesis, et, in locis Sacrae Congregationi de Prop. Fide subiectis, titulo missionis," 1917 code, c. 981 §1.

¹⁶ See Duster, 175-176.

Obligations and rights of members, moderators, and bishops

As in any organization, obligations and rights come with incorporation in a society (c. 737). Although in the canons there is no list of obligations and rights for societies as such, canon 739 adds to the obligations of the constitutions, all of the common obligations of clerics, "unless it is otherwise evident from the nature of the thing or the context." This last phrase covers the situation of lay societies, either of women or of men, and of the lay members of clerical societies. Canon 737 adds, on the part of the society, the obligation to guide its members in the realization of their particular vocation according to the constitutions. There follows a treatment of the respective authority of moderators of societies and of diocesan bishops with particular reference to the ministry of members (c. 738).

Regarding the internal life and discipline of the society, members are subject to their moderators according to the norms of the constitutions (c. 738 §1). As had been seen, a particular aspect of this is the obligation of common life. Beyer notes that certainly the 1917 code's indication of a common life like that of religious was not realistic. An apostolic purpose, and not common life, was the societies' characteristic trait. By 1980, those societies had prevailed which wanted the specific title "societies of apostolic life" to distinguish them from institutes of consecrated life. Others regretted this decision. While there are diverse opinions on the centrality of a common life, it remains certain that a fraternal life is envisioned, which is possible even with great mobility.¹⁷

Canon 740 expresses the obligation of members to live in a house or in a legitimately constituted community, and to observe life in common according to proper law. Canon 733 gives general norms for the erection of houses and the constitution of a community, without really distinguishing between them. In both cases, the previous written consent of the diocesan bishop is necessary; but the act itself is accomplished by the competent authority of the society. It seems possible to deduce that a house has a greater stability and a larger number of members, and as a result, may involve greater formality in its erection. This is not written in the canons; in fact, in this it seems important to note that the canons for the erection and the constitution of religious houses (cc. 609–610), and the canons on the rights which follow from the consent of the diocesan bishop for the erection of a religious house (c. 611), are not applied to so-

¹⁷ Beyer, 298.

cieties. There is a parallel only in canon 733 §2; the consent of the bishop for the erection of a house brings with it the right to have at least an oratory, in which the Eucharist is celebrated and reserved.

Beyer distinguishes between houses erected by the competent authority of the Society, and local communities living in places which do not belong to them. The latter might be mission posts, diocesan seminaries, rectories, or schools where members are in ministry.¹⁸

In contrast with the practice for religious, it is left entirely to the proper law of each society to give norms which regulate absences from the house or the community.

As in other cases, it is necessary to consult the proper law of each society in order to know the content of its common life. Nevertheless it may be noted that *Vita Fraterna in Comunità* (1994) was directed not only to religious but also to societies of apostolic life. As was seen earlier, from the beginning of societies, the majority of members were secular priests who went on mission, frequently outside their own countries. Their community life was always at the service of their mission. The intent, notes Pinto, was to create communities as stable centers of the apostolate, rather than of religious life.¹⁹

Following the recognition of the authority of moderators for the internal life and discipline of the societies, canon 738 §2 presents the authority of diocesan bishops. The members of societies are "subject to the diocesan bishop in those matters which regard public worship, the care of souls, and other works of the apostolate, with attention to cann. 679-683."

Here, above all, is the recognition of the pastoral role of the bishop in his diocese. He must exercise his office with solicitude (c. 383); he must give particular attention to the truths of faith and to preaching (c. 386); he must give an example of holiness and promote the celebration of the sacraments (c. 387). As bishop, he must favor the various forms of apostolate and take care that "in the entire diocese . . . all the works of the apostolate are coordinated under his direction, with due regard for the proper character of each" (c. 394 §1). The members of societies participate in the mission of the universal Church, in the local church, and in a spirit of ecclesial communion.

¹⁸ Ibid., 299.

¹⁹ *Commento al Codice di Diritto Canonico*, ed. Pio V. Pinto (Rome: Urbaniana Press, 1985) 465.

The canons taken from the law for religious touch on other particular points. Canon 679 deals with the possibility of the bishop prohibiting a member to reside in the diocese for "a most grave cause." However, the bishop must present the case to the moderator first.

Canon 680 is that which in the spirit of *Mutuae relationes* promotes an "ordered cooperation" among institutes (societies) and the secular clergy "and a coordination under the direction of the diocesan bishop of all the works and apostolic activities, without prejudice to the character and purpose of individual institutes and the law of the foundation."

In the two other canons borrowed from religious law, there is the distinction between works entrusted to a society, as such, (c. 681) and the appointment of a member of a society to an ecclesiastical office (c. 682). In the first instance, it is very important to note the second article of the canon. When a work, for example, a school, parish, clinic etc. is entrusted to the society, there is to be a written agreement drawn up which, among other things, is

... to define expressly and accurately those things which pertain to the work to be accomplished, the members to be devoted to it, and economic matters. (c. 681 §2)

This clarity, in writing, and mutually agreed upon, serves to create a good relationship between a bishop and a society, and to protect justice. Obviously, this rapport and this justice facilitate the common mission of the Church.

When, on the other hand, it is a question of the appointment of a member to an ecclesiastical office, the authority of the bishop and that of the moderator are equally recognized. A typical example for a clerical society might be the appointment of a pastor. Since it is an ecclesiastical office, the appointment is made by the diocesan bishop. But, since it is the appointment of a member of a society, it is made upon the presentation by, or at least with the consent of, the competent moderator (c. 682 §1). In a similar way, either the bishop or the moderator may remove the member from office (c. 682 §2).

The final canon from this section again recognizes the determining role of the bishop in the apostolate. For societies, as for religious institutes, the bishop, on the occasion of his pastoral visit, may visit the churches and oratories to which the faithful generally have access, the schools and the other works of religion and charity, spiritual or temporal, entrusted to the society. Excluded are the school open exclusively to the members of the society (c. 683 §1).

Conclusion

A review of the history of societies of apostolic life clearly reveals the action of the Holy Spirit, giving rise to a new form of dedication in the Church. The new societies responded to particular new needs in the countries of their foundation and in the expanding "new world."

The treatment of these societies in the 1983 code was difficult due to their variety. Frequent references to the canons for institutes of consecrated life and, in particular, for religious institutes, accented their similarity to these. Still, the creation of a new title and section in the code announced that a distinction was being maintained. This sought to respect the work of the Spirit. Only time will tell if Beyer's suggestion of a re-examination of the structure of Book II will be considered necessary.

In the end, one can understand the persistence of the question, "What is the difference . . . ?" Nevertheless, today's societies of apostolic life can take heart from the words of *Vita consecrata* in their praise: "The specific identity of this form of life is to be preserved and promoted; in recent centuries it has produced many fruits of holiness and of the apostolate, especially in the field of charity and in the spread of the Gospel in the Missions."²⁰

²⁰ John Paul II, apostolic exhortation *Vita consecrata*, March 25, 1996, n. 11 (Vatican: Libreria Editrice Vaticana, 1996).