

A Comparative Study of Sacred Bonds in Institutes of Consecrated Life

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Abstract: In the course of history, different forms of consecrated life have emerged in the Church. Two of these, the religious and consecrated seculars, are recognized in the 1983 Code as Institutes of Consecrated life. Although distinct from one another, members of these institutes assume the practice of the evangelical counsels through vows or other sacred bonds. Religious take public vows whereas consecrated seculars have private vows, oaths, promises or consecration binding in conscience.

The article compares and contrasts the vows of religious institutes and the vows or other sacred bonds of secular institutes with regard to their juridical nature and juridical effects on the canonical status of a person in the Church, on the status of the person in relation to the Institute and on the practice of the evangelical counsels and then identifies the implications of the distinction. The article concludes with some proposed practical matters for consideration, and some issues for clarification, particularly in relation to the nature of secular consecration.

Keywords: *Sacred Bonds, Public Vows, Secular Institutes, Religious Institutes, Institutes of Consecrated Life, Consecration*

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By virtue of Baptism, all Christ's faithful are consecrated to God.¹ They receive the sacramental character, which consecrates them for Christian religious worship.² Though all the faithful are consecrated to God, there are some who are called to live this consecration in a special and radical way.³ In the course of history, different forms of consecration emerged in the Church. Two of these, religious and secular institutes, are recognized in the 1983 Code as Institutes of Consecrated life and are canonically established by competent ecclesiastical authority.⁴ As such, they possess juridical entities into which members are incorporated and obtain specific rights and obligations in accord with the law.⁵

Prior to the issuance of the document *Provida Mater Ecclesia* by Pope Pius XII in 1947, only religious life was canonically recognized as a special state of life in the Church. With the issuance of the aforementioned landmark document, the Church officially sanctioned or canonically recognized the unique vocation of secular institutes.⁶

Based on the 2017 statistics, the official website of the World Conference of Secular Institutes records 184 secular institutes all over the world and 32,352 members. *Regnum Mariae*, *Servitium Christi*, and *Caritas Christi* are among the 184 secular institutes.⁷

Servitium Christi is a secular institute of Pontifical Right. Its members consist of single women and widows who take the vows of poverty, chastity in celibacy,

¹ Second Vatican Council, *Lumen gentium* [Dogmatic Constitution on the Church], November 21, 1964, no. 44, in *Documents of Vatican Council II*, ed. James Kroeger (Philippines: Paulines Publishing House, 2011), 105.

² Cf. Catechism of the Catholic Church, Definitive edition (Makati: Word and Life Publications, 2001), no. 1273.

³ Cf. John Paul II, *Vita consecrata* [Post-synodal apostolic exhortation on the consecrated life and its mission in the Church and in the world], Vatican Website, March 25, 1996, no. 1 (Pasay City: Paulines Publishing House, 1996), 2.

⁴ Cf. *Codex Iuris Canonici. Auctoritate Ioannis Pauli P.P. II Promulgatus* in AAS 75 (1983) 1-317, c. 573 §2. This and subsequent English translations of the 1983 Code of Canon Law are taken from *The Code of Canon Law In English Translation* (Pasay City: Paulines Publishing House, 2007). "Christ's faithful freely assume this manner of life in institutes of consecrated life which are canonically established by the competent ecclesiastical authority. By vows or by other sacred bonds, in accordance with the laws of their own institutes, they profess the evangelical counsels of chastity, poverty, and obedience. Because of the charity to which these counsels lead, they are linked in a special way to the Church and its mystery."

⁵ Cf. Elizabeth McDonough, "Categories of Consecrated Life," *Review for Religious* 50, no.2, (March-April 1991): 302.

⁶ Cf. Jean Beyer, *Religious Life or Secular Institute*, (Rome: Gregorian University Press, 1970), 126.

⁷ Cf. CMIS Website, accessed February 22, 2019, <https://www.cmis-int.org/en/institutes/national-and-international-conferences>.

and obedience.⁸ *Regnum Mariae*, also a secular institute, undertakes the three vows, binding themselves to their practice at the service of the Church and bearing witness to the Gospel in the footsteps of Mary of Nazareth.⁹ Another secular institute, *Caritas Christi*, is an institute founded for Catholic laywomen who seek to commit themselves to the Church and her teachings. Its members bind themselves to a life of celibacy through “dedication” and to poverty and obedience through promises.¹⁰

The emergence of secular institutes, which are quite similar to religious institutes with regard to the stability of the status of their members, the practice of the evangelical counsels and the sacred bonds, brought to the fore the importance of understanding the uniqueness of the vocation of each institute. This objective can be attained by underlining the essential distinction between these institutes and the canonical and practical implications of such a distinction.

Furthermore, it is in the understanding of the distinctiveness of each institute that true communion of different forms of consecrated life and greater witnessing can be attained. Pope Francis emphasized the urgency of this witness in his letter to consecrated people on the celebration of the Year of Consecrated life in 2014:

In a polarized society, where different cultures experience difficulty in living alongside one another, where the powerless encounter oppression, where inequality abounds, we are called to offer a concrete model of community which, by acknowledging the dignity of each person and sharing our respective gifts, makes it possible to live as brothers and sisters. So, be men and women of communion!¹¹

This echoes the document “Starting Afresh from Christ,” which calls on all consecrated persons to open themselves to communion with other institutes and forms of consecration to spread communion, rediscover their common Gospel roots and together, grasp with greater clarity the beauty of their own identity in the variety of charisms. In line with this, they are invited to venture in a joint search for common ways of serving the Church.¹²

⁸ Cf. Servitium Christi Website, accessed February 22, 2019, <http://www.servitiumchristi.org/>

⁹ Cf. Regnum Mariae Website, accessed February 22, 2019, <http://www.regnummariae-istitutosecolare.eu/index.php/en/who-are-we/history-of-the-regnum-mariae.html>

¹⁰ Cf. Caritas Christi website, accessed February 22, 2019, <https://ccinfo.org/who-we-are-4>.

¹¹ Pope Francis, *Apostolic letter to consecrated people on the occasion of the year of consecrated life*, Vatican Website, November 21, 2014, no.2, accessed December 7, 2016, https://w2.vatican.va/content/francesco/en/apost_letters/documents/papa-francesco_lettera-ap_20141121_lettera-consacraati.html.

¹² Cf. Congregation for Institutes of Consecrated Life and Societies of Apostolic Life (hereafter CICLSAL), *Starting Afresh from Christ: A Renewed Commitment to Consecrated Life in the Third Millennium*, May 16, 2002, no. 30 (Pasay City: Paulines Publishing House, 2002), 66.

This comparative study on the nature and juridical consequences of the sacred bonds in Institutes of Consecrated Life aims to help these institutes of consecrated life to complement each other's unique vocation and consecration at the service of communion in the Church.

Likewise, since the vow or sacred bond is so crucial to the nature of the institute and its membership,¹³ an adequate understanding of the essential distinction among different forms of sacred bond can assist emerging Institutes of Consecrated Life in drafting their fundamental norms with regard to the practice of observing the evangelical counsels and the obligations arising from them, keeping in mind their identity, that is, whether they are religious or secular.

To expose the essential distinction between the public vows in religious institutes and the sacred bonds in secular institutes, the article first delves into the similarities and dissimilarities in these three aspects of the sacred bonds: their juridical nature, their juridical effects in the status of the person in relation to the Church and the institute, and in the practice of the evangelical counsels, and their means of cessation. The article then discusses the canonical and practical implications of such a distinction. Appended to this discussion is a brief presentation of two points of contention and argumentation concerning secular institutes.

Before proceeding to the comparison of the sacred bonds, the following terms are herein defined:

a. Vow: It is a deliberate and free promise made to God, concerning some good which is possible and better, the fulfillment of which is required by the virtue of religion. It is public if it is accepted in the name of the Church by a lawful Superior; otherwise, it is private.¹⁴

b. Oath: It is an invocation of the divine Name as a witness to the truth. It may be assertory or promissory. An assertory oath is an invocation of God's name to bear witness to the truth of an affirmation or to the denial of some fact. A promissory oath, on the other hand, is an invocation of God's name to attest to the sincerity of the intention of the oath-taker with regard to the promised act or omission of an act.¹⁵

¹³ Cf. Gerard Sheehy et al., *The Canon Law Letter & Spirit: A Practical Guide to the Code of Canon Law*, (London: Geoffrey Chapman, 1995), 316. Henceforth, it is referred to as *Letter and Spirit*.

¹⁴ Cf. CIC 1983, c. 1191 §1, "A vow is a deliberate and free promise made to God concerning some good which is possible and better. The virtue of religion requires that it be fulfilled." Cf. CIC 1983, c. 1192 §1. "A vow is public if it is accepted in the name of the Church by a lawful Superior; otherwise, it is private."

¹⁵ Cf. CIC 1983, c. 1199 §1. "An oath is the invocation of the divine Name as witness to the truth. It cannot be taken except in truth, judgement and justice."; Cf. CIC 1983, c. 1200 §1. "A person who

c. Consecration: It is a “donation of one present made to God (a votive donation) with the obligation and implicit promise to persevere, that is, to never take back that which is given.”¹⁶ The obligations arising from it must be grave by nature.¹⁷

d. Promise: It “constitute[s] a single act of self-giving to Christ, which expresses and characterizes the choice of evangelical radicality in the secular state.”¹⁸ It also involves a commitment to remain faithful to the words given and to fulfill the substance of the promise, by virtue of justice.¹⁹

Similarities

The point of convergence of the public vows of religious institutes and all the forms of sacred bonds in secular institutes lies in some of their constitutive elements and juridical effects as well as in their means of cessation.

Their Juridical Nature

In regard to their juridical nature, these sacred bonds are similar in five terms, namely, their **content**, **matter**, **juridical function**, **the nature of the obligation** which arises from them and the **requirements** before undertaking them. As to the content, public vows and the other sacred bonds all involve either an explicit or an implicit promise. A vow, either public or private, is an **explicit promise** to practice the evangelical counsels.²⁰ In an oath, particularly a promissory oath, the oath-taker makes a **promise** and then, invokes God’s name to attest to the sincerity

freely swears on oath to do something is specially obliged by the virtue of religion to fulfill that which he or she asserted by the oath.”; cf. Huels, *Other Acts of Divine Worship*, 1420-1421.

¹⁶ A. Gutierrez, “I Vincoli sacri negli istituti di vita consacrata,” in *Commentarium pro Religiosis* 67 (1986): 333, quoted and translated in Virginia Louise Bartolac, *The Practice of the Evangelical Counsels in Secular Institutes* (Michigan: UMI Information Dissertation Service, 1989): 268.

A 1971 reply from the Sacred Congregation for Divine Worship affirms that members of secular institutes may use the 1970 Revised Rite of Consecration of Virgins. It further clarifies that men cannot use this rite as well as those women who were previously married. Cf. Thomas O’Brien (ed.), *Documents on the Liturgy, 1963-1979: Conciliar, Papal, Curial Texts* (Minnesota: The Liturgical Press, 1982): 1027; Cf. Bauer, “Profession by Votum or by Vinculum,” 373; Cf. Sharon Holland, “Consecrated Virgins for Today’s Church,” *Consecrated Life* 24, no. 2 (2002):4, accessed January 9, 2018. <http://consecratedvirgins.org/usacv/sites/default/files/documents/VocRes/holland.pdf>.

¹⁷ Cf. Virginia Louise Bartolac, *The Practice of the Evangelical Counsels in Secular Institutes* (Michigan: UMI Information Dissertation Service, 1989): 268-269. The author made a referral to the decree which is contained in *Commentarium Pro Religiosis et Missionariis* 28 (1949): 293.

¹⁸ Cf. *Ibid.*, p. 270.

¹⁹ Cf. *Ibid.*

²⁰ Cf. CIC 1983, c. 1191 §1.

of his intention to fulfill it.²¹ Consecration likewise involves an “**implicit promise** to persevere, that is, to never take back that which is given and received.”²² Lastly, a promise, as a form of sacred bond in secular institutes, is essentially a **promise** made to an institute.

With respect to their matter, all forms of sacred bonds undertaken in institutes of consecrated life involve the practice of any of the evangelical counsels. It is to be noted, however, that the matter of a public and private vow may be any of the three evangelical counsels whereas an oath or consecration is taken only with regard to the counsel of chastity. A promise may be taken as a sacred bond of the evangelical counsel of poverty or obedience.²³

As to their juridical function, both public vows and other sacred bonds constitute the means by which one binds himself to the obligations of the evangelical counsels of chastity, poverty, and obedience.²⁴ Both also serve as a means of incorporation.

Concerning the nature of the obligation which arises from them, it is notable that all these forms of sacred bonds give rise to an obligation, the fulfillment of which is demanded by the virtue of religion. Since undertaking a sacred bond is aimed primarily at rendering to God the worship that is due to Him, it is logical to conclude that the fulfillment of the promise, which is the object of the sacred bond, is a demand of the virtue of religion.²⁵ The Code of Canon Law affirms this with regard to vows and oaths, specifically in can. 1191 §1 (vows) and can. 1200 §1 (oaths). As to the consecration or a promise, neither the Code nor the Law on Secular Institutes or *Provida Mater Ecclesia* discusses the nature of the obligation arising from these sacred bonds. However, in the light of St. Thomas’ definition, it could rightly be said that obligation arising from a consecration and a promise is likewise required by the virtue of religion. The religious intent or motive in undertaking them, which is

²¹ Cf. John Huels, “Other Acts of Divine Worship,” in *New Commentary on the Code of Canon Law*, eds. John Beal, et al. (New York: Paulist Press, 2000), 1420.

²² Cf. Bartolac, *The Practice of the Evangelical Counsels*, 268.

²³ Cf. Pius XII, *Provida mater ecclesia* [Apostolic constitution concerning secular institutes], Vatican Website, February 2, 1947, Art. III, §4, accessed January 10, 2016, http://w2.vatican.va/content/pius-xii/en/apost_constitutions/documents/hf_p-xii_apc_19470202_provida-mater-ecclesia.html, Art. III, §§1-3.

²⁴ Cf. Rose McDermott, “Commentary on Canons 573-616,” in *New Commentary on the Code of Canon Law*, eds. John Beal, et al. (New York: Paulist Press, 2000), 744.

²⁵ Cf. Silvestre Pettinato, “Introduction to Vows and Oaths,” in *Exegetical Commentary on the Code of Canon Law*, English language edition eds. Ernesto Caparros et al. (Chicago and Montreal: Midwest Theological Forum and Wilson & Lafleur, 2004), 3/1: 1718. St. Thomas defines the virtue of religion as “the moral virtue that leads people to worship God as He deserves <...>.” *Summa Theologica*, II-II, q. 81, a. 5.

to dedicate oneself to God, is tantamount to the intention of rendering to God the worship He deserves, albeit in a limited way.

Lastly, all forms of sacred bonds have the same pre-requisites. Undertaking either public vows or other sacred bonds necessitates the fulfillment of some requisites provided by law. First of which is the capacity to undertake the sacred bond. Capacity primarily refers to the sufficient use of reason. For public and private vows alike, the use of reason is explicitly required by can. 1191 §2. Although nothing is mentioned about the required use of reason with respect to the other sacred bonds, the fact that can. 721 §1 requires of the candidates a certain degree of maturity to live properly the life of the institute is an implicit affirmation of the requirement of sufficient use of reason.

Another requirement is freedom from grave and unjust fear, or deceit. This requirement is explicitly provided for by law for a public and a private vow²⁶ as well as for an oath.²⁷ Again, for a consecration and a promise, this requisite is not explicitly provided for in the law. However, considering the gravity and seriousness of the commitment and its consequent obligations which restrict some rights of a person, this necessarily requires freedom from elements which could unduly influence the will.

Their Juridical Effects

As regards their juridical effects, the sacred bonds impinge on three areas namely, the canonical status of the person in the Church, the status of the person in relation to the institute, and the practice of the evangelical counsels.

a. On the canonical status of the person in the Church

All forms of sacred bonds incorporate one into a unique status in the Church, a status which does not belong to the hierarchical structure of the Church but to its life and holiness. This is the state of consecrated life. The canonical status of the consecrated person with respect to the hierarchical structure of the Church does not change. Hence, a cleric remains a cleric and a lay faithful remains a lay faithful.²⁸ Consequent to a person's incorporation in this canonical state is his subjection to the legitimate ecclesiastical authorities of his state such as the Roman Pontiff and the

²⁶ Cf. CIC 1983, c. 1191, §3. "A vow made as a result of grave and unjust fear or of deceit is by virtue of the law itself invalid."

²⁷ Cf. CIC 1983, c. 1200 §2. "An oath extorted by malice, force, or grave fear is null by the law itself."

²⁸ Cf. CIC 1983, c. 207 §2.

Congregation for the Institutes of Consecrated Life and the Societies of Apostolic Life.²⁹

b. On the Status of the Person in Relation to the Institute

In both institutes, the vows and other sacred bonds are undertaken not only as a means to embrace the evangelical counsels but also as a means of incorporation into the institute.³⁰ As a consequence of incorporation, either in religious or in secular institutes, a member acquires the rights and obligations derived from membership in a particular institute.³¹ Likewise, it binds him to the observance of the proper laws of the institute and subjects him to the legitimate authorities of his institute.³²

c. On the Practice of the Evangelical Counsels

As mentioned above, the matter of the sacred bonds is the practice of the evangelical counsels of chastity, poverty, and obedience. With regard to the evangelical counsel of chastity, the sacred bonds oblige the person to live perfect continence in celibacy. In consequence, he is to renounce the natural right to marry. He is also duty-bound to abstain from any act against the sixth and ninth commandments.³³ Transgression against this obligation merits a *latae sententiae* dismissal in both kinds of institutes.³⁴ As to the evangelical counsel of poverty, all forms of sacred bonds require the person who undertakes them to live a life of poverty both in fact and in spirit. Accordingly, the sacred bond of poverty binds a person, first, to cultivate and maintain an interior attitude of detachment from material goods and second, to use and dispose of his material goods with certain dependence and limitation.³⁵ Finally, the evangelical counsel of obedience undertaken by any form of sacred bond has, as its primary consequence, the obligation to submit one's will to lawful superiors who act in the place of God when they give commands which are in accord with the

²⁹ Cf. CIC 1983, cc. 590, 586, 591.

³⁰ Cf. Nancy Bauer, "Profession by Votum or by Vinculum: is one bond better than another," *Studia Canonica* 50 (2016): 374.

³¹ Cf. Elizabeth McDonough, "Incorporation into an Institute of Consecrated Life or a Society of Apostolic life," *Review for Religious* 60 (March-April 2001): 206-207.

³² Cf. Joseph Gallen, *Canon Law for Religious: an Explanation* (New York: Alba House, 1983), 135.

³³ Cf. CIC 1983, c. 599; Cf. Gallen, *Canon Law for Religious*, 39; Cf. Lobo, *New Canon Law for Religious*, 92-93.

³⁴ Cf. CIC 1983, c. 694 §1, 2°. "A member is to be considered automatically dismissed if he or she has contracted marriage or attempted to do so, even civilly"; CIC 1983, c. 729: "A member is dismissed from the institute in accordance with the norms of cc. 694 and 695 ..."

³⁵ Cf. Gallen, *Canon Law for Religious*, 152-153. Cf. CIC 1983, c. 712, 600.

Constitution of the institute.³⁶ To fulfill this, mediation and continuous guidance of the authority is needed.³⁷

Either by a public vow or any other form of sacred bond, the evangelical counsel of obedience requires necessary and perfect obedience. Necessary obedience obliges him to abide by the precepts or commands of his legitimate authority, provided it is not against law or morals or can cause harm, loss, or danger. Likewise, he is bound to the observance of the Rule, the Constitutions, the obligations arising from sacred bonds, and the norms of the Church.³⁸ All members of the Institutes of Consecrated Life are likewise bound to live and cultivate perfect obedience. This means that they are to heed the admonitions, counsels, or penal precepts of their lawful superior, with promptness, enthusiasm, diligence, courage, perseverance, and constancy.³⁹

Their Cessation

The sacred bonds in Institutes of Consecrated Life cease in three ways, namely, by lapse of time, by dispensation, and automatic dismissal. In both institutes, the cessation of the sacred bonds by lapse of time is applicable only to those who have temporarily undertaken them, that is, the temporarily professed religious or the temporarily incorporated consecrated secular.

As to the cessation of sacred bonds by dispensation, can. 692, the canonical provision on dispensation in religious institutes, is parallel to can. 728 of secular institutes. Both of these canons speak of an indult of departure which automatically results in the dispensation.

“Can. 692: “An indult to leave the institute which is lawfully granted and notified to the member, by virtue of the law itself carries with it unless it has been rejected by the member or temporarily professed/incorporated, a dispensation from the vows and from all obligations arising from the profession.

Can. 728: “When an indult to leave the institute has been lawfully granted, all bonds, rights, and obligations deriving from incorporation cease.”

In addition, the norms governing the granting of dispensation in both types of institutes are similar as well. In both institutes, this dispensation can be given in two

³⁶ Cf. CIC 1983, c. 601.

³⁷ Cf. Jean Jerome Hamer, *The Conclusions of the Synod and its Consequences for secular institutes*, CMIS Website, August 24, 1988, accessed December 11, 2017. http://cmis-int.org/cmisiswebsite/magisterio/magisterio%20en/hamer_1988.pdf, 11.

³⁸ Cf. Gallen, *Canon Law for Religious*, 169-171.

³⁹ Cf. *Ibid.*, 175-176.

instances. The first is with regard to the temporarily professed. In religious institutes, the indult can be granted by the Supreme Moderator who has to obtain the consent of the council.⁴⁰ The canon governing dispensation from sacred bonds in secular institutes is parallel to this. Can. 726 §2 thus provides: “A temporarily incorporated member who freely requests it, can for a grave reason be granted an indult to leave the institute by the Supreme Moderator, with the consent of his council.”

The second instance is when a perpetually professed/incorporated asks for dispensation. In this regard, can. 691 states that the granting of an indult of departure to a perpetually professed requires a grave reason weighed before the Lord, and a request which is presented to the Supreme Moderator. For institutes of pontifical right, this request is then submitted to the Apostolic See, attached to the opinion of the Supreme Moderator and her council. The bishop of the place of assignment of the religious grants the dispensation for institutes of diocesan right.

For a consecrated secular, can. 727 merely reiterates the requirements mentioned in can. 691. The Apostolic See is the lawful authority to grant the indult in secular institutes of pontifical right. For secular institutes of diocesan right, the authority capable of granting dispensation is the diocesan bishop indicated in the Constitutions of the institute.

Lastly, all sacred bonds cease by lawful dismissal. Canon 701 explicitly rules that lawful dismissal causes an automatic cessation of the vows and the rights and obligations derived from the profession. In the norms of secular institutes, the particular provision concerning dismissal refers to can. 701.⁴¹

Dissimilarities

Although the vows and other sacred bonds are similar in many respects, dissimilarities are also gleaned from an analysis of their juridical nature and effects.

Their Juridical Nature

Firstly, the forms of the sacred bonds are distinct in terms of the addressee of the promise. All sacred bonds involve a promise. However, the addressee of this promise differs. The promise in a public or a private vow is addressed to God. Thus, God is a party to the “promise.” He himself receives the promises through a human

⁴⁰ Cf. CIC 1983, c. 688 §2.

⁴¹ Cf. CIC 1983, c. 729. “A member is dismissed from the institute in accordance with the norms of cann. 694 and 695. The constitutions are also to determine other reasons for dismissal, provided they are proportionately grave, external, imputable, and juridically proven. The procedure established in cann. 697-700 is to be observed, and the provisions of can. 701 apply to the person who is dismissed.”

representative, who is the lawful Superior of the institute.⁴² In contrast, a promise taken with an oath in secular institutes is not received by God. They are accepted by the legitimate authority in the name of the institute while God stands as a witness. The oath-taker invokes His name to testify to his or her sincerity in regard to the fulfillment of the promises.⁴³

Consecration, on the other hand, contains only an implicit promise. The implicit promise that accompanies it is addressed to the institute because as the CIC 1983 says, a promise made to God is necessarily a vow.⁴⁴ Since consecration is a form distinct from the vow, it can be inferred that the implicit promise made in the rite or act of consecration is addressed not to God but to the institute. In the same vein, the promise as a sacred bond in secular institutes is addressed directly to the Church, to an institute, to a person, or to the representative of a group and only indirectly to God.⁴⁵

Secondly, they differ in terms of the capacity of the authority receiving the sacred bonds. While public vows are accepted *in nomine ecclesiae* by a legitimate authority, the private vows of secular institutes, although accepted by a legitimate authority, are not accepted in the name of the Church.⁴⁶ Likewise, the other sacred bonds such as an oath, consecration, and a promise are not officially received in the name of the Church. The Church merely assists in the undertaking of such sacred bonds and regulate the practice of the evangelical counsels, which is their object, by approving the Constitutions of the institute.⁴⁷

Lastly, in terms of their effect on the practice of the evangelical counsels, there is only one distinction found in the Code, that is, the juridical effect of the sacred bond of chastity in the consecrated person. For a perpetually professed religious, the vow of chastity incapacitates him or her to enter into marriage without lawful dispensation. If he attempts marriage, such marriage is not only unlawful but also invalid. In the case of a temporarily professed religious, the marriage is valid but illicit. In contrast, a member of a secular institute who has undertaken the sacred

⁴² Cf. CIC 1983, c. 1191 §1; c. 1192 §1.

⁴³ Cf. CIC 1983, c. 1199. "An oath is an invocation of the divine Name as witness to the truth. It cannot be taken except in truth, judgement, and justice."

⁴⁴ Cf. CIC 1983, c. 1191, §1.

⁴⁵ Cf. Bartolac, *The Practice of the Evangelical Counsels*, 270.

⁴⁶ Cf. CIC 1983, c. 1192 §1. "A vow is public if it is accepted in the name of the Church by a lawful Superior; otherwise, it is private."

⁴⁷ Cf. Donnell Anthony Walsh, *The New Law on Secular Institutes: A Historical Synopsis and a Commentary*, (Washington D.C: The Catholic University of America Press, 1953), 71-72.

bond of chastity, either temporarily, definitively, or perpetually, does not acquire the diriment impediment mentioned in can. 1088.⁴⁸

The Essential Distinction and Its Implications

Although there are similarities in the nature of the vows and the other sacred bonds, particularly with regard to the content, the matter, the function, the nature of the assumed obligation, and the requirements, by their very nature, these sacred bonds are distinct from one another.

Despite this distinction, they have similar effects with regard to incorporation in the state of Consecrated Life, incorporation into the institute, and the practice of the evangelical counsels, except chastity. It is likewise noteworthy that the mode of cessation of the public vows in religious institutes and the vows and other sacred bonds are similar. The private vow and the other sacred bonds do not cease solely at the will of the person. Some formalities and requirements of the law have to be fulfilled first.

With respect to the practice of the evangelical counsels, the distinctions in the consequent obligations arising from the sacred bonds are not provided in the CIC 1983. Instead, the Code entrusts to the proper law of the institute the determination of the nature and manner of observing the evangelical counsels.

In the light of the comparison and observations given above, it appears that, generally, the essential distinction in the juridical nature of the sacred bonds does not have a direct correlation with their juridical effects. The only exception to this is the juridical effect of a public perpetual vow of chastity in the juridical capacity of a person to enter into marriage. To put it simply, whatever the nature of the sacred bond assumed in institutes of consecrated life, the juridical effect is generally the same.

The above statement implies the following: Firstly, as to the practice of the evangelical counsels, the distinction rests not on the nature of the sacred bond but in the nature of the institute itself, that is, whether it is a religious or a secular institute. In consequence, the institute is duty-bound to furnish its members with specific norms or guidelines on how to live the evangelical counsels in fidelity to their unique vocation and charism in the Church. These norms or guidelines must not compel the religious to appropriate to themselves the obligations which are fitting for consecrated seculars and vice versa. Since religious institutes are, by nature, distinct

⁴⁸ Cf. CIC 1983, c. 1088. “Those who are bound by a public perpetual vow of chastity in a religious institute invalidly attempt marriage.”

from secular institutes, the manner of practicing the evangelical counsels and their consequent obligations must reflect this distinction. This explains why can. 598 §1 instructs the institutes to take into consideration their special character and purposes in determining the manner of living out the evangelical counsels of chastity, poverty, and obedience.

This determination is particularly relevant to the secular institutes. Since the life of their members ought to be characterized by the harmonious integration of consecration and secularity, secular institutes must provide norms concerning the practice of the evangelical counsels, in keeping with the secularity of their consecration.⁴⁹ They are not to impose obligations which are impossible to fulfill considering the conditions and circumstances of their members.

Secondly, the sacred bonds merely provide stability to the commitments taken by the person in relation to God, to the Church, and to the institute. When one dedicates himself to God and promises to observe the evangelical counsels, he likewise embraces the consequent obligations. When he does so by means of vows or other sacred bonds, his commitment to God, the obligations arising from his promise becomes stable. This stability means that some norms govern their fulfillment as well as their termination.

Some Practical Implications

1. The demand for an adequate formation in living the evangelical counsels, taking into account the distinctive characteristics of their consecration

The obligations arising either from the public vows of religious institutes or the vows and other sacred bonds of secular institutes are all part of the virtue of religion. On account of its importance, each institute must see to it that candidates to be admitted for profession or incorporation are properly and adequately formed and informed as regards the distinctive characteristics of their consecration and the consequences of undertaking the sacred bonds.

2. The role of the institute and its proper law in the practice of the evangelical counsels in secular institutes

⁴⁹ Cf. CIC 1983, c. 712. "Without prejudice to the provisions of cc. 598-601, the constitutions are to establish the sacred bonds by which the evangelical counsels are undertaken in the institute. They are to define the obligations which these bonds entail, while always preserving in the manner of life the secular character proper to the institute." ; cf. C.R.I.S, *Secular Institutes and the Evangelical Counsels*, CMIS Website, May 15, 1981, no. 5, accessed December 11, 2017, http://cmis-int.org/cmisiswebsite/magisterio/magisterio_en/cris_1981.pdf.

The vows and other sacred bonds in secular institutes are accepted by a lawful Superior of an institute in which a person wishes to be incorporated. At the moment these sacred bonds are undertaken, certain rights and obligations arise between the institute and the consecrated person, and between the consecrated person and the Church. Hence, by nature, the vows and other sacred bonds in secular institutes are not completely private. They do not only pertain to the internal forum since their juridical effects do not bind the person solely to God but also to another juridical entity – the institute. In addition, the fulfillment of the obligations arising from them is governed by the proper law of the institute and approved by the Church.

In consequence, a member of a secular institute, although he lives on his own and outside a common residence, is bound to live the evangelical counsels of poverty, chastity, and obedience, in accordance with the proper law and directives of his own institute. The observance of the evangelical counsels is not a matter of exclusive personal interpretation, expression or discretion but it must also be governed by the norms of the institute.

Points of Contention and Argumentation

The secular institutes are relatively new compared to religious institutes. Their emergence and recognition in the Church is both a fruit of the change in the Church's understanding of perfection and consecration. Because of their newness, several aspects are still subject to contention.

The first point of contention concerns the juridical nature of the vows in secular institutes. Vows in secular institutes are considered private. In accord with the canonical description, private vows are not received by the legitimate Superior in the name of the Church.⁵⁰ However, several canonists are of the opinion that the term “private” in relation to the vows in secular institutes does not sufficiently reflect their nature. Arcadio Larraona, Anastacio Gutierrez, and Salvador Canals used the terms “private-recognized” and “semi-public.” Salvador Canals also referred to them as “social” while Antoine Delchard called them “juridically recognized.”⁵¹

Likewise, Jean Beyer and Daniel Walsh opined that any of the terms “recognized private vows,” “semi-public vows,” “social vows,” could be more appropriate for the following reasons: (1) The vows in secular institutes are known

⁵⁰ Cf. CIC 1983, c. 1192 §1. “A vow is public if it is accepted in the name of the Church by a lawful Superior; otherwise, it is private.”

⁵¹ Cf. Sharon Holland, “The Concept of Consecration in Secular institutes,” quoted in Bauer, “Profession by Votum or by Vinculum,” 372. Accessed January 9, 2018, <http://consecratedvirgins.org/usacv/sites/default/files/documents/VocRes/holland.pdf>.

and approved by the Church, (2) The vows do not pertain exclusively to the external forum because they produce definite juridical effects as discussed herein.

J. Beyer also suggested “secular public vows.”⁵² Sharon Holland added that “the regulation of these vows by the code and proper law, and the manner of dispensing from their obligations, argue against calling them purely private vows.”⁵³

On this point, the author argues by clarifying first the sense of the term “public.” This term is used several times in the CIC 1983, but has not been defined. Its sense, therefore, could only be understood by its usage in the Code. Firstly, the term “public” implies a certain external manifestation. It means anything that could be externally proven. Thus, can. 194 §1 speaks of public defection from the Catholic faith. Similarly, can. 351 §2 speaks of making public a decree of the Roman Pontiff. This sense is, of course, the same with the common English usage.

Secondly, public also implies a certain intervention of the ecclesiastical authority. For this reason, there are public juridical persons and public associations. Public juridical persons:

are aggregates of persons (*universitates personarum*) or of things (*universitates rerum*) which are constituted by competent ecclesiastical authority so that, within the purposes set out for them, they fulfill in the name of the Church, according to the norm of the prescripts of the law, the proper function entrusted to them in view of the public good....⁵⁴

Public associations are defined as associations of the Christian faithful which are erected by competent ecclesiastical authority.⁵⁵

The third sense is connected to the second, and specific to the vows. The usage of this term in can. 1192 §1 implies that the acceptance of a lawful superior in the name of the Church makes the vows public.

⁵² Cf. Beyer, *Religious Life or Secular Institute*, 21-38. J. Beyer also underlines that the private vows of secular institutes do not involve and affect only the individual's personal life and conscience but entails a time of probation, admission by superiors, incorporation into an institute recognized by the Church. Their practice is regulated by the statutes approved by the Church and they are fulfilled under the authority mandated by the Church; Cf. Walsh, *The New Law on Secular Institutes*, 71-72.

⁵³ Sharon Holland, “Secular Institutes,” in *New Commentary on the Code of Canon Law*, eds. John Beal, et al. (New York: Paulist Press, 2000), 881.

⁵⁴ Cf. CIC 1983, c. 116 §1. “Public juridic persons are aggregates of persons (*universitates personarum*) or of things (*universitates rerum*) which are constituted by competent ecclesiastical authority so that, within the purposes set out for them, they fulfill in the name of the Church, according to the norm of the prescripts of the law, the proper function entrusted to them in view of the public good; other juridic persons are private.”

⁵⁵ Cf. CIC 1983, c. 301 §3. “Associations of the Christian faithful which are erected by competent ecclesiastical authority are called public associations.”

Taking into consideration the three senses of the term “public,” it appears that all these elements are present in the sacred bonds of the secular institutes. The undertaking of the sacred bonds is externally manifested and is done publicly in some institutes. These sacred bonds are also approved by the ecclesiastical authority.⁵⁶ Lastly, in reality, the sacred bonds in secular institutes are received by the lawful superior. However, they are not considered “accepted in the name of the Church,” merely because the Code says so. Therefore, it is clear that a private vow of a consecrated secular is not simply taken in conscience or in the purely internal forum, contrary to what other canonists argue.

The author is of the opinion that the directive for religious to take a public vow and for consecrated seculars to take a private vow is meant to highlight the distinction between religious and secular consecration. However, the classification “private” with regard to the vows in secular institutes create a misconception or misunderstanding that the consecration in secular institutes is of lesser value or dignity compared to religious consecration. For the said reasons, the researcher concurs with Beyer’s opinion that “secular public vow” is a more apt term for a vow in a secular institute. This term captures more closely the “public” nature of the vow of consecrated seculars while at the same time, distinguishes it from the public vow of religious.

The second point of contention refers to the cause of incorporation into the state of Consecrated Life. Consecration incorporates one into the special juridical status in the Church, which is the state of consecrated life. What brings about this incorporation? In this regard, canonists have a varying opinion. T. Molloy claims that the special juridical status of the religious in the Church is derived not from their consecration to God but to the common life which is their specific character and which sets them apart from other Christian people.⁵⁷ On the other hand, G. Sheehy et al., by affirming that this juridical status pertains not only to the religious but also to consecrated seculars and those who live other forms of consecration, indirectly opposes this.⁵⁸

⁵⁶ Cf. CIC 1983, c. 576. “It is the prerogative of the competent authority in the Church to interpret the evangelical counsels, to legislate for their practice and, by canonical approval, to constitute the stable forms of living which arise from them. The same authority has the responsibility to do what is in its power to ensure that institutes grow and flourish according to the spirit of their founders and to their sound traditions.”

⁵⁷ Cf. Thomas Molloy, “Secular Institutes: canon 710-730,” in *A Handbook on Canons 573-746*, eds. Jordan Hite, et al. (Minnesota: The Liturgical Press, 1985), 276.

⁵⁸ Cf. Gerard Sheehy et al., *The Canon Law Letter & Spirit: A Practical Guide to the Code of Canon Law*, (London: Geoffrey Chapman, 1995), 118.

This author argues that attributing to common life the incorporation of a person to a special juridical status in the Church would exclude the consecrated seculars. This then would run in contrast to the provision of can. 207 §2:

Drawn from both groups [clerics and lay people] are those of Christ's faithful who, professing the evangelical counsels through vows or other sacred bonds recognized and approved by the Church, are consecrated to God in their own special way and promote the salvific mission of the Church. Their state, although it does not belong to the hierarchical structure of the Church, does pertain to its life and holiness.

The description given in this canon fits the religious as well as the consecrated seculars. A religious or a consecrated secular professes the evangelical counsels through vows or other sacred bonds recognized and approved by the Church. Both of them are consecrated to God in their own special way and promote the salvific mission of the Church.⁵⁹ This canon does not mention common life, precisely because it speaks about institutes of consecrated life in general. It does imply, on the other hand, that the cause of incorporation into a special juridical status of the consecrated person in the Church is the **practice of the evangelical counsels which is made more stable by the undertaking of vows or other sacred bonds, recognized and approved by the Church.**⁶⁰

Conclusion

The public vows and the other sacred bonds have essential differences. Their nature, although distinct, brings about similar consequences in their status in the Church and in an institute of consecrated life. As to the practice of the evangelical counsels, the fundamental obligations are the same in both institutes. The main difference is that the perpetual public vow of chastity constitutes an impediment to marriage while a definitive or perpetual private vow or any other sacred bond does not. A further distinction in the consequent obligations is provided by the proper law of the institutes.

This comparative study shows that the sacred bonds are essentially distinct in nature. Yet, regardless of their nature, they constitute the means by which a person is bound more firmly to the obligations pertaining to his vocation and mission.

Lumen Gentium, 44 says that the 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.” Since both the public vows in religious

⁵⁹ Cf. CIC 1983, c. 207 §2.

⁶⁰ Emphasis belongs to the researcher.

institutes and the vows and other sacred bonds in secular institutes are stable, especially when taken perpetually or definitively, it follows that these two forms are equal in dignity as institutes of consecrated life. Neither the religious institutes nor the secular institutes belong to a state of a “more perfect” consecration. Both are called to fulfill the mission of contributing to the life and holiness of the Church, each in the ways proper to their vocation.

Although equal in dignity, these forms of consecrated life vary in expression. Religious men and women live their consecration by embracing the evangelical counsels, living fraternal life in common, and being separated from the world to a certain degree. The consecrated seculars live as a leaven of the Kingdom of God, assuming the practice of the evangelical counsels while remaining in the world. Despite their differences, the self-giving or self-dedication in both institutes is total and firm. In this diversity, they complement each other and together, they give testimony to the splendor and supremacy of the Kingdom over earthly realities. Together, they work for the sanctification of the world. This diversity must be safeguarded and respected by all Christ’s faithful.

On the part of the religious and consecrated seculars, this stability calls for more fidelity, confidence in God’s grace, and perseverance. Consecrated life has a special place in the bosom of the Church. Consecrated persons ought to seek not only the exact fulfillment of the duties and obligations proper to their state but also their perfection. The sacred bonds ought to be a reminder of their duty to worship God as well as the firmness of the graces and blessings of God, from whom consecrated persons draw the strength and fidelity to live the demands of their vocation.

To conclude this paper, the author proposes the following:

1. Clear delineation of canonical concepts and terminologies in regard to Consecrated Life. This researcher noted some inconsistencies in the use of the terminologies concerning the institutes of consecrated life. For example, while the Code does not use the term “profession” in relation to the secular institutes, the documents of the Church and some canonical articles indiscriminately use this term in reference to the undertaking of vows or other sacred bonds. When speaking about consecrated life in general, many often speak of community life, religious house, and terminologies which are not applicable to secular institutes. Even in *Lumen Gentium*, the term “religious life” is used to refer to institutes of consecrated life in general. Secular consecration is a peculiar vocation in the Church. Their mission and relevance in the Church also need to be acknowledged and promoted.

2. Quality Formation. The sacredness of the obligations, assumed by sacred bonds, calls for fidelity and perseverance. A quality formation empowers consecrated persons to keep up with the demands of their vocation. It is good to incorporate in this formation an orientation on the different forms of consecrated life, their unique and distinct vocation in the Church.

3. Practical guidelines on the determination of the nature of the sacred bonds and the manner of observing the evangelical counsels. Lastly, it is the researcher's hope that practical guidelines on the determination of the nature of the sacred bonds and the manner of observing the evangelical counsels be given for the benefit of the emerging charisms and institutes in the Church. At times, some institutes adopt practices or promulgate norms that are not in harmony with their religious or secular vocation. A set of practical guidelines will direct and help them in the formulation of their Constitutions or statutes.^{PS}

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