

Pope Francis: New rules for religious life

Pope Francis changes the Code of Canon Law, to provide for the dismissal 'ipso facto' of religious who are illegitimately absent from their religious house for a full year.

By Christopher Wells

Pope Francis has made several changes to ecclesial canons concerning the dismissal of consecrated persons from the religious institutes to which they belong.

According to the revised canons, religious who have been “illegitimately absent” from their religious house for a full twelve months are dismissed *ipso facto* from their Institutes. The new canons also stipulate that the superior of the institute must gather evidence of facts and issue a declaration, which must be confirmed, for the dismissal to be legally recognized.

In his letter, with the incipit *Communis vita*, Pope Francis notes that “community life is an essential element of religious life”, and that religious cannot leave the common life without permission from their superior. In recent years, however, the Pope says there have been cases where religious have left their communities without that permission, and sometimes cannot be traced. Although canon law had provided for such cases, the Pope said it was sometimes difficult to provide a legal remedy, especially when the whereabouts of the religious was unknown.

It was for that reason, Pope Francis said, that he has decided to make changes to canon law by making a prolonged illegitimate absence from one’s religious house one of the reasons for dismissal, *ipso facto*, from one’s religious institute. In order for this dismissal to have legal effect, the declaration of the fact must be confirmed by the Pope, for institutes of pontifical right; or by the Bishop of the principal See, for institutes of diocesan right.

The new regulations were promulgated by publication in *L’Osservatore Romano*, and will go into effect on 10 April 2019. Subsequently, they will be published in the *Acta Apostolicae Sedis*.

Below, please find the full Latin text of the Apostolic Letter *Communis vita*, issued motu proprio, and dated 19 March 2019:

LITTERAE APOSTOLICAE
MOTU PROPRIO DATAE
COMMUNIS VITA
QUIBUS NONNULLAE CODICIS IURIS CANONICI NORMAE MUTANTUR
FRANCISCUS PP.

Communis vita praecipua est religiosae vitae pars atque “religiosi in propria domo religiosa habitent vitam communem servantes, nec ab ea discedant nisi de licentia sui Superioris” (can. 665 § 1 CIC). Attamen quod postremis annis usu venit, ostendit a domo religiosa illegitimas absentias fieri, quibus intervenientibus, religiosi legitimi Superioris potestati se subducunt ac nonnumquam reperiri non possunt.

Codex Iuris Canonici Superiorem iubet religiosum perquirere illegitime absentem, ut is de reditu iuветur ipseque sua in vocatione perseveret (cfr can. 665 § 2 CIC). Haud semel tamen accidit ut Superior religiosum absentem reperire nequeat. Ad normam Codicis Iuris Canonici, sex mensibus saltem illegitimae absentiae elapsis (cfr can. 696 CIC), ab instituto dimissionis processus incohari potest, ad statutam procedendi rationem (cfr can. 697 CIC). Attamen, cum nescitur ubi religiosus degat, difficile est iuridicam certitudinem condicioni quae re est tribuere.

Itaque, firma manente iuris norma de sodalis dimissione sex mensibus transactis illegitimae absentiae, ut ad necessariam disciplinam servandam instituta iuventur utque ad religiosi illegitime absentis dimissionem procedatur, praesertim in casibus irreperibilitatis, can. 694 § 1 CIC addere statuimus, inter causas dimissionis ipso facto ab instituto, etiam illegitimam a domo religiosa continuatam absentiam, saltem per duodecim menses continue productam, eadem adhibita procedendi ratione in can. 694 § 2 CIC significata. Declaratio facti ex parte Superioris maioris, ut iuridicos effectus sortiatur, oportet a Sancta Sede confirmetur; quod ad instituta iuris dioecesani attinet, confirmatio ad Episcopum sedis principis spectat.

Introductio huius novi numeri in can. 694 § 1 secum fert insuper commutationem can. 729, pertinentis ad instituta saecularia, in quibus dimissionis facultativae applicatio de illegitima absentia non comprehenditur.

His omnibus consideratis, nunc decernimus quae sequuntur:

Art 1. Can. 694 CIC textu qui sequitur integre substituitur:

§1. Ipso facto dimissus ab instituto habendus est sodalis qui:

- 1) a fide catholica notorie defecerit;
- 2) matrimonium contraxerit vel, etiam civiliter tantum, attentaverit;

3) a domo religiosa illegitime absens fuerit, secundum can. 665 § 2, duodecim continuos menses, prae oculis habita eiusdem sodalis irreperibilitate.

§2. His in casibus Superior maior cum suo consilio, nulla mora interposita, collectis probationibus, declarationem facti emittat, ut iuridice constet de dimissione.

§3. In casu de quo in § 1 n. 3, talis declaratio ut iuridice constet, a Sancta Sede confirmari debet; quod ad instituta iuris dioecesani attinet, confirmatio ad principis Sedis Episcopum spectat.

Art. 2. Can. 729 CIC sequenti textu integre substituitur:

Sodalis ab instituto dimittitur ad normam cann. 694 § 1, 1 et 2 atque 695; constitutiones praeterea determinent alias causas dimissionis, dummodo sint proportionate graves, externae, imputabiles et iuridice comprobatae, atque modus procedendi servetur in cann. 697-700 statutus. Dimisso applicatur praescriptum can. 701.

Quaecumque vero a Nobis hisce Litteris Apostolicis Motu Proprio datis decreta sunt, ea omnia firma ac rata esse iubemus, contrariis quibuslibet non obstantibus, peculiari etiam mentione dignis, atque decernimus ut promulgentur per editionem in actis diurnis *L'Osservatore Romano* ac vim suam exserant a die X mensis Aprilis anno MMXIX, et deinde in commentariis officialibus *Acta Apostolicae Sedis* edantur.

Datum Romae, apud Sanctum Petrum, die XIX mensis Martii, anno MMXIX, in Sollemnitate S. Ioseph, Pontificatus Nostri septimo.

FRANCISCUS PP.