

THE OBLIGATION OF RELIGIOUS RULES

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IN a series of Rules published by the Sacred Congregation of Bishops and Regulars in 1901, concerning the approval of new institutes with simple vows, it is stated that the constitutions of these institutes are to express that they do not bind under pain of sin. Similarly, an Instruction of the Sacred Congregation for the Propagation of the Faith concerning the foundation of religious Congregations in missionary territories insists that: 'Since these Constitutions are to be observed not out of fear but out of love, they do not of themselves bind under pain of sin . . .' And the 'Statutes to be observed by External Sisters of Monasteries of Nuns' (1931) affirm that nothing in these statutes, apart from what has been drawn from the Code of Canon Law or other laws of the Church, binds under pain of sin, though the Sisters are obliged to accept the penance imposed for infractions of their constitutions.

This matter of the obligation of religious rules has not always been as clear as these statements now make it. The early religious rules said nothing about their mode of obligation, probably because they were nothing other than a handing down of the counsels of the Desert Fathers. Their scope was rather to propose a form of monastic life than to impose an obligation, and they certainly do not have a juridical character as do later religious rules. They were more of the nature of private documents, needing no ecclesiastical authority for their compilation, nor any subsequent approval. From this it would seem that these rules did not bind under pain of sin.

At the end of the eleventh century, however, there arose a new concept of the obligatory force of religious rules. The rise of the Cistercian Order gave birth to prolonged discussions as to the obligation of observing the Rule of St Benedict to the letter and questioning the licitness of any mitigations. In 1140, in replying to questions proposed by certain monks, St Bernard decided that St Benedict's Rule bound those who professed it under pain of sin, though not always grave sin. This was the beginning of a controversy which spread rapidly. After the Fourth Lateran Council, when it appeared that religious rules were no longer

considered as private and personal documents, but required the approval of the Holy See, it is no wonder that there were enquiries as to the extent of their binding force.

There were those who held that all the prescriptions in the Rule of St Benedict were formal precepts by reason of the opening words: 'Hearken, O my son, to the *precepts* of thy Master', or because of the vows. Others maintained that the words which follow: 'and willingly receive and faithfully fulfil the admonition of thy loving Father', determine the sense of the word 'precept', and that the religious vow was nothing other than stability, etc. From his teaching in II-II q. 186, a. 9, ad 1, it would seem clear that St Thomas held transgressions of a rule in those things which do not fall immediately under the vows to involve venial sin, unless the rule itself provided otherwise. Such transgressions of the rule, he says, 'bind only under pain of venial sin because they are dispositions to the principal vows; and venial sin is a disposition to mortal sin inasmuch as it opposes those things which dispose one to observe the main precepts of Christ's law, which are the precepts of charity'. If the rule or constitutions state that any transgressions or omissions do not involve sin, then there is neither mortal nor venial sin, but simply the obligation to perform the penance imposed for the transgression, precisely because the religious 'are bound to observe such things in this way'. Nevertheless, he allows that even in this case a religious may sin, either mortally or venially, 'by reason of negligence, evil desire or contempt'.

There were similar arguments about the Rule of St Augustine, which begins with the words: 'The following things we command you, who live in the monastery, to observe . . .' and the sons of St Francis disputed keenly for more than a hundred years over the binding force of their rule, until, in 1312, Clement V declared the rule of St Francis to have the force of a precept wherever their were to be found in it preceptive words or their equivalent, and in conformity with this interpretation, the Minister General made a list of precepts contained in the rule—twenty-seven precepts, binding under pain of mortal sin!

By this time the Dominicans had, in their Chapter of 1236, introduced into their constitutions a clause that 'our constitutions do not oblige us under pain of sin but simply to punishment, unless a precept or contempt is involved'.

After this the controversy continued both as to the number of precepts in various rules, and as to whether or not those prescriptions which were not precepts obliged under venial sin. But gradually all religious Orders and Congregations solved this difficulty in the same way as the Order of Preachers had done, so that there now remains only one Order, that of Mount Carmel, which has declared its constitutions to bind under penalty, but its rule under venial sin. The Trappists have given no official declaration, but tend to the severer side in accordance with the tradition started by St Bernard.

For the most part, therefore, the rules and constitutions of religious Orders and Congregations do not oblige under pain of sin, but only to the acceptance of the penance imposed for transgressions. Yet it does not follow from this that religious are altogether free to observe them or not. On the contrary, transgressions of the constitutions frequently involve sin, not precisely in themselves, but as St Thomas says, because the transgression is often a result of negligence or disordered desire. In various ecclesiastical documents it is clearly stated that the proper and immediate matter of the vow of obedience is the formal precept only. It is the purpose of this article to discuss how far the observance of the rule and constitutions fall under the *vow*, and this, not from a legal or canonical point of view—whether religious rules are true laws or not—but by discussing some of the points St Thomas puts forward in his question ‘On the Religious State’ (II-II, 186).

In this question St Thomas repeatedly says that ‘the religious state is a kind of practice (*exercitium*) and training (*disciplina*) by which one arrives at the perfection of charity’ (a. 3 corp.; a. 1 ad 4; a. 2 corp.). The end and purpose of the religious state is the perfection of charity (a. 3 corp.), and so the religious life can be compared to a school because ‘one who enters religion does not profess to be perfect, but professes to apply himself to the attainment of perfection; in the same way as a person entering the schools does not profess to have knowledge but to study in order to acquire knowledge’ (a. 2 ad 1). In this St Thomas follows a true monastic tradition. St Benedict says in the Prologue of his Rule: ‘We have therefore to establish a *school* of the Lord’s service.’ Religious, therefore, are those ‘who make profession of *learning* to obtain perfection’ (a. 3 ad 5) ‘by means of certain practices

whereby the obstacles to perfect charity are removed' (a. 1 ad 4). This discipline or training which religious profess is nothing other than a body of instructions and practices which are ordered to the production of habits. The purpose of any training is to produce habits, intellectual, moral or physical. The 'school of the Lord's service', the religious life, produces moral habits, that is, virtues, and physical habits (such as silence, for example) which dispose to the virtuous life. 'By performing actions we contract certain habits . . . and so those who have not attained to perfection, acquire perfection by obeying' (a. 4 ad 2).

It is by his vow of obedience that the religious enters the 'school' and embarks on the training that is able to lead him to the perfection of charity. It is noteworthy that he promises obedience in accordance with the constitutions of his Order. Here we have a specification and determination of obedience: it is obedience according to *these* constitutions. 'The vow of obedience includes the other vows', says St Thomas, 'for a religious, though bound by vow to observe continence and poverty, yet these also come under obedience, *as well as many other things* besides the keeping of continence and poverty' (a. 8). 'He who professes a rule does not vow to observe all the things contained in the rule, but he *vows the regular life* which consists *essentially* in the three aforesaid things' (a. 9 ad 1). Religious 'are bound by vow to observe those things which are in the rule as precepts, and whatever his superior commands him (by way of precept) according to the tenor of the rule. All other things in the rule which are not precepts, do not fall *directly* under the vow' (Quodl. 1, 20). Apart from formal precepts and continence and poverty there are 'many other things' which fall under the vow. These, however, do not 'essentially' belong to the regular life, nor do they fall 'directly' under the vow. They come under the vow, therefore, but indirectly. How is this? St Thomas gives the reason: 'The vow of profession regards principally the three aforesaid things, namely poverty, continence and obedience; *all other things are directed to these*' (a. 9) because 'they are *dispositions* to the principal vows' (a. 9 ad 1).

The training or discipline which a religious embraces has, therefore, various elements. Yet these diverse elements are related to each other and form an organic whole. First there is the vow of obedience which has for its primary and strictly obligatory matter

formal precepts. Then there are the other two vows which are included in the vow of obedience. And finally there are the ordinary (not formal) precepts of the superior, and general religious observances, which fall indirectly under the vow of obedience and are directed to its exercise. When, for example, a religious is sent to teach in a university, he is obliged by his vow to go there and teach. But to fulfil his office well it is necessary to observe that chapter of the constitutions which regulates the life and office of teachers. It is really, therefore, in virtue of the formal precept that the religious conforms himself to these prescriptions of the constitutions. In this way the whole religious life falls under the vow of obedience, and the religious has the merit of his vow, not only when he acts in virtue of a formal precept, but also when he obeys his superior in ordinary daily precepts and when he observes the constitutions. 'The vow of obedience taken by religious extends to the disposition of a man's whole life, and in this way has a certain universality' (a. 5 ad 1).

Though the religious does not vow to observe all the particular dispositions of the training he has undertaken, he does vow to live according to it: 'he vows the regular life' (a. 9 ad 1). We have seen that the regular life is an organic whole made up of different elements related to each other. It follows, therefore, that no one element can be rejected without the whole being destroyed or changed into some kind of training other than that which the religious has vowed. And so, should a religious deliberately reject any one element, he sins against the regular life which he has professed. For example, if a religious considers that silence is not necessary for him and so quite deliberately rejects this part of the regular life, he sins against the vow of obedience. There is contempt of the rule. On this point St Thomas says: 'The vow of obedience regards chiefly the three things aforesaid, namely poverty, continence and obedience: all other things are directed to these. Consequently the transgression of these three involves a mortal sin, while the transgression of the others does not involve a mortal sin, except by reason of contempt of the rule, since this is *directly contrary to the profession whereby a man vows to live according to the rule*' (a. 9).

It is the purpose of any discipline or training to produce habits. If, by a repetition of acts, a religious forms a habit contrary to any element of the training, he does not sin against the vow of obedi-

ence, because he has not yet rejected any element of the training, which still remains intact. He is, however, in a dangerous state, because such a habit disposes to the total rejection of the regular life. Even less are individual and rare transgressions of the rule against the vow of obedience because one act does not produce a habit, and the habits produced by the regular life are destroyed, not by individual acts, but by contrary habits, produced by the repetition of acts contrary to the regular life. Furthermore, these acts are not venial sins because the organizer of the training, that is, the legislator, has determined that it involves no obligation under pain of sin, but simply to accept the penance imposed.

The wisdom of this legislation is obvious. By making clear that there is no obligation under pain of sin, all occasion of scruples in this matter is removed. The obligation to perform the penance imposed for any infraction of the rule or constitutions has a two-fold value. It must be borne in mind that transgressions of the rule are social faults in the sense that they are against the good of the community, and therefore out of justice to the community punishment is due. By this means order is restored. Secondly, punishment has a psychological value on the part of the person who has broken the rule. It helps him to return to his first fervour and destroys the bad disposition left by the transgression.

This gradation of offences against the regular life is expressed in various religious rules and constitutions. In the constitutions of the Order of Preachers, for example, one offence against the law of silence is considered a lesser fault to which corresponds a light penance such as the recitation of prayers. Whereas it is considered a grave fault to break the silence or commit any other small fault habitually, and in this case a severer penance is enjoined: 'to receive three corrections in chapter and to fast for three days on bread and water'. (Const. O.P. No. 909.)

Every transgression of the rule and constitutions, therefore, produces a disposition contrary to the training involved in the religious state. If these transgressions are repeated bad habits are formed and these dispose to the rejection of the whole training which the religious has embraced by his vow of obedience. The deliberate rejection of any one element involves, as we have seen, the rejection of all. 'An action or transgression proceeds from contempt when a man's will *refuses to submit to the ordinance of the law or rule*, and from this he proceeds to act against the law or rule.

On the other hand, he does not sin from contempt, but from some other cause when he is led to do something against the ordinance of the law or rule through some particular cause such as concupiscence or anger, even though he often repeat the same kind of sin through the same or some other cause. . . . Nevertheless, the frequent repetition of a sin disposes to contempt' (a. 9 ad 3).



DID CHRIST 'FOUND THE RELIGIOUS STATE?

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IN October 1950, the Holy Father, addressing a Congress of Religious, explained the positions of religious and seculars, especially religious and secular clergy, in the Church. One sentence in the important and far-reaching document is the following: 'It is of divine institution that clergy should be distinct from lay-people. Between these two grades is the state of the religious life, of ecclesiastical origin.' *'Inter duos hos gradus religiosae vitae status intericitur . . . ecclesiastica origine defluens. . . .'* (A.A.S., 1951, p. 27). Many of us then received a first impression that the Pope was reversing a teaching which we had regarded as traditional, and with some the impression seems to have lingered. The purpose of this article is to enquire whether it is true in any sense that Christ founded the religious life and what Pius XII really said in 1950.

Any who have claimed a divine institution have usually relied upon Matthew c. 19. The indissolubility of marriage led up to a counsel of chastity: 'There are eunuchs who have made themselves eunuchs for the kingdom of heaven. He that can take, let him take it.' (v. 12.) After a few words recalling the offering of little children and the injunction of humility—'The kingdom of heaven is for such'—we read of the rich young man: 'If thou wilt be perfect, go sell what thou hast . . . come, follow me.' (v. 21.) Here, very clearly distinguished from precepts, are counsels of poverty and chastity. The words, 'Come, follow me', imply a special obedience not binding upon all believers. Christ asks for stability in the one who thus follows, that having put his hand to the plough he should not look back. (Luke 9, 62.) There are