



The Constitutions of the Congregation of the Mission in the Context of Various Canon Law Amendments

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Abstract

During the twelve years of his pontificate, Pope Francis has issued a number of amendments to the 1983 Code of Canon Law (CIC). These amendments were generally promulgated in the form of *motu proprio*, and only once in the form of an Apostolic Constitution. Such changes to the Universal Law of the Catholic Church naturally carry implications for our particular law, namely the Constitutions, insofar as the Constitutions directly refer to the Code of Canon Law. It is both interesting and important to review some of these modifications, not only to update our knowledge of ecclesiastical norms, but also because our Constitutions have not yet been revised in light of the various amendments to the CIC itself.

Au cours des douze années de son pontificat, le pape François a promulgué plusieurs amendements au Code de Droit Canonique de 1983 (CIC). Ces amendements ont généralement été publiés sous la forme de *motu proprio*, et une seule fois sous la forme d'une Constitution Apostolique. De tels changements dans le Droit Universel de l'Église catholique entraînent naturellement des implications pour notre droit particulier, à savoir les Constitutions, dans la mesure où celles-ci se réfèrent directement au Code de Droit Canonique. Il est à la fois intéressant et important de revoir certaines de ces modifications, non seulement pour actualiser notre connaissance des normes ecclésiastiques, mais aussi parce que nos Constitutions n'ont pas encore été révisées à la lumière des divers amendements apportés au CIC lui-même.

Durante los doce años de su pontificado, el Papa Francisco ha emitido una serie de enmiendas al Código de Derecho Canónico de 1983 (CIC). Estas enmiendas fueron generalmente promulgadas en forma de *motu proprio*, y solo una vez en forma de Constitución Apostólica. Tales cambios en el Derecho Universal de la Iglesia Católica llevan naturalmente consigo implicaciones para nuestro derecho particular, es decir, las Constituciones, en la medida en que éstas se refieren directamente al Código de Derecho Canónico. Resulta tanto interesante como importante revisar algunas de estas modificaciones, no solo para actualizar nuestro conocimiento de las normas eclesiásticas, sino también porque nuestras Constituciones aún no han sido revisadas a la luz de las diversas enmiendas introducidas en el mismo CIC.

Keywords: Constitutions, Canon Law, Amendments, *Motu proprio*

Introduction

The Constitutions and Statutes of the Congregation of the Mission that we possess, approved by the Sacred Congregation for Religious and Secular Institutes on 29 June 1984 and entered into force on 25 January 1985, are not merely a collection of regulations. They are an instrument that affirms our identity within the mission of the



Church, as well as a guide for walking the path of vocation from one generation to the next.¹ For this reason, the Constitutions must always remain open to renewal, so that they may respond to the ever-evolving pastoral needs.

Nevertheless, our identity can never be understood solely within a juridical framework. The Congregation is not the mere product of human design, but is born of the work of the Spirit of God. It grows within the Church through the gifts and charism entrusted to us, for the building up of the Body of Christ in every local Church where we serve.² In this light, the Constitutions must be seen not only as legal norms, but also as a spiritual heritage that guides us. Saint Vincent himself, when introducing the *Regulae Communes* on 17 May 1658, emphasized that “these rules should not be regarded as the product of human reasoning, but as something originating from the Spirit of God”.

In this regard, it becomes urgent for us to pay attention to the various changes occurring within the Church, including those of a juridical nature. This is important not only for the effectiveness of our service, particularly for the superiors responsible for maintaining discipline within the Congregation, but also so that we may remain aligned with the concerns of the Church. Therefore, what follows will present several amendments that may assist us in correctly reading the “actual” text, while at the same time briefly understanding the background of these changes.

A Brief History of Our Constitutions

Before the *Regulae Communes* were introduced by Vincent de Paul in 1658, the earliest law or *Codex* in our Congregation, at least in an official sense, was the *Codex Sarzana*. This collection of norms was produced in the Assemblies presided over directly by Vincent in 1642 and 1651. That compilation of rules later became the foundation of the *Regulae Communes*. The *Codex Sarzana* received approval from the Archbishop of Paris on August 23, 1653.

Revisions of the Constitutions, as has occurred throughout the history of the Congregation of the Mission, can only take place through the supreme assembly of the institute (cf. c. 631 §1). This general assembly holds the highest authority in every institute of consecrated life as well as in societies of apostolic life. In our Congregation, general assemblies discussing the Constitutions were held even shortly after Vincent’s death and subsequently followed the major developments in the Church, including the codifications of Canon Law in 1917 and 1983.

After the promulgation of the *Regulae seu Constitutiones Communes*, which included both Vincent’s legal and spiritual-apostolic dimensions, the Congregation possessed a constitutional text in the disciplinary and organizational sense, namely the *Constitutiones Miores*. This text was approved by the Archbishop of Paris, Hardouin de Péréfixe, on October 24, 1668. These Constitutions, which remained in force for a long period until 1954, began to be drafted at the first General Assembly after Vincent’s death (January 15–20, 1661) under René Alméras, Vincent’s first successor. The work continued until the second General Assembly (July 15–September 1, 1668). Out of the many collections of norms, the 1668 Assembly selected only the most important ones to be presented to the Holy See. Pope Clement X approved these Constitutions (*Constitutiones selectae*) on June 2, 1670.

With the promulgation of the 1917 *Codex Iuris Canonici*, the particular law of the Congregation also required renewal. The 1947 General Assembly began preparing this

¹ This is expressed with particular clarity in the first part of our Constitutions (nn. 1–9, concerning our “vocation”).

² Cf. R. McCullen, *Sixteen years ago*, p. 85.

revision. One of the main themes was the affirmation of the canonical identity of CM members as “not religious,” in accordance with the Church’s juridical categories. In the 1917 Code, our Congregation was placed under the title *De societatibus sive virorum sive mulierum in communi viventium sine votis* (cc. 673–681). *De facto*, this category of “*De societatibus sine votis*” was divided into two types: (1) those founded since the 16th century whose members did not wish to be considered religious due to their particular apostolic character, for example, the Oratory of St. Philip Neri, the Lazarist Fathers, and the Daughters of Charity; (2) missionary societies founded since the 17th century, such as the Paris Foreign Missions (MEP) and the Pontifical Institute for Foreign Missions (PIME).

This revision process advanced rather quickly. In 1953, Pope Pius XII, through the brief *Evangelium ad pauperes*, approved the new Constitutions of the CM, adapted to the universal norms of the Church. However, these Constitutions remained in force only briefly (1953–1968), since several elements were deemed not fully aligned with the founding purposes, whether in juridical-canonical terms concerning our identity and apostolate as non-religious priests, or in practical, organizational, and administrative aspects of the Congregation.

Revisions were undertaken once more. Various studies and draft schemas of new Constitutions were prepared. In the Extraordinary Assembly of 1968–1969, a first draft text was indeed produced; however, due to disagreements among the delegates, the text could not be adopted collectively. One of the major issues under discussion was the definition of the “purpose” of the Congregation. The subsequent Assemblies (1974 and 1980) revisited the draft of the Constitutions. At the 1980 General Assembly, the entire framework of the draft was finally approved for study by the Holy See.³

1. Recourse to the Holy See after receiving a Decree of Dismissal (Const. 75, c.700)

By the *Motu Proprio Competentias quasdam decernere* dated February 11, 2022, Pope Francis amended certain canonical norms, one of which concerns the “*useful time*” granted for making *recourse* to the Holy See, which is the right of a member in regard to the process of dismissal from the Congregation. This norm, in universal law, refers to c.700.

Recourse itself means *a challenge to an administrative decision*. In cases where the member believes that he has been wronged by a particular administrative decision issued through a decree by a superior authority, that person may lodge a recourse, which contains an objection against that decision, to a higher hierarchical authority. In relation to c. 700, moreover, the decree itself must explicitly state the right of recourse available to the member; this is required for its validity. Generally, the lodging of a recourse suspends the execution of the decision (cf. c. 1734 §1).

In the former text of c. 700, prior to the amendment introduced by the *Motu Proprio Competentias quasdam decernere*, in article 7, which is referenced by our Constitution at const. 75, the time granted to a member for submitting recourse was *ten days*. Following the amendment, however, the currently binding norm extends this *useful time* to *thirty days*. The expression “*useful time*” is understood as that period during which a person is able to exercise or pursue a right, such that it does not run against a person who is unaware or unable to act (c. 201 §1).

The background of this amendment recalls one of the key principles proposed by the canonists who prepared the revision of the 1917 Codex after the Second Vatican

³ Cf. C. Braga, *The Constitutions of the Congregation of the Mission*, pp. 300-306.

Council. One of the guidelines for revision, established by that commission in 1967, was that the personal rights of the faithful must be clearly formulated and their protection guaranteed.

It is easy to grasp the fundamental reason for this amendment. Pope Francis clearly perceived the juridical risk of undercutting the right of a member of an institute if the time for recourse were too short. Extending the useful time for recourse is indeed important to ensure that the member can adequately understand his or her concrete situation, verify the validity of the document and its procedure, and not be technically hindered or pressured by the constraints of an unduly brief time limit, which could compromise their freedom.

Therefore, every decree of dismissal within our Congregation, following the amendment of c. 700, is to be as follows: the decree must contain a concise statement of the legal and factual reasons. The decree must also explicitly state the right of the member being dismissed to lodge recourse with the competent authority, and indicate the useful time available, which is thirty days. The decree must be notified to the member concerned, and only if all these requirements are fulfilled is the decree considered valid. If the member deems it necessary to submit a recourse, assistance must be provided. Once recourse is submitted, the execution of the decision is suspended.

The consequences of a valid decree of dismissal are the termination of the vows professed by the member, as well as the cessation of all obligations arising from those vows (cf. c. 701). The member can request nothing for activities carried out within the institute; nevertheless, the institute is obliged to observe equity and the charity of the gospel toward the dismissed confrere (cf. c. 702 §§1–2). If the member is a cleric, he may not exercise sacred orders until he obtains a bishop who receives him into his diocese or at least permits him to carry out his sacred ordination (cf. cns. 693, 701).

2. Indult to Live Outside the community for Members of Societies of Apostolic Life and the Extension of “Exclaustration” for Religious (const. 70, c. 745)

In the same Motu Proprio, *Competentias quasdam decernere* (2022), in article 5, Pope Francis revised the granting of the indult of exclaustration for religious. Exclaustration (*exclaustratio*) is an official permission granted by the supreme moderator of the institute, with the consent of the council, to a member who has professed perpetual vows, allowing them to leave the community temporarily without breaking their vows or canonical bonds with the institute (cf. c. 686 §1). Juridically and practically, exclaustration differs from definitive dismissal, because this permission is temporary and does not create a formal termination of the relationship with the institute.

Exclaustration is usually granted during the period of discernment of a religious vocation, particularly when the member is experiencing a crisis or seeks to clarify his or her life choice, whether considering definitive departure from consecrated life, transfer to another institute, or a diocese. In certain cases, exclaustration may also be granted in urgent circumstances where a member, out of filial duty, must care for parents in old age or illness. Although a religious has the right to ask, superiors are not obliged to grant it. In principle, exclaustration is granted only when there are grave reasons justifying it.

Although the member resides outside the community, the obligations arising from vows that cannot be reconciled with the new life situation are considered *relaxed*, yet the member remains dependent upon and under the care of the superiors and, if the member is a cleric, also the local ordinary (cf. c.687). The member may wear the habit of the institute unless the indult specifies otherwise. However, the member lacks active and passive voice in internal governance.

Previously, the indult of exclaustation was granted for no more than three years, with the prior consent of the ordinary of the place where the member would reside if he is a cleric. The amendment now establishes a new standard period of five years. Extensions beyond five years or granting the indult for more than five years are reserved to the Holy See for pontifical institutes, or to the diocesan bishop if the institute is of diocesan right (cf. c. 686 §1).

Now we turn to a fundamental canonical question for our Congregation: does the change introduced regarding exclaustation of religious in c. 686 §1 also affect c. 745, concerning the time-limit of an indult granted to members of Societies of Apostolic Life who reside outside their own community?

Several points must be noted. In Book II of the Code of Canon Law, particularly in Part III on Institutes of Consecrated Life and Societies of Apostolic Life, there are some canons that apply generally to both. At the same time, the number of canons specifically proper to Societies of Apostolic Life is 16 (cns. 731–746). In addition, there are 21 canons from the general norms (for all Institutes of Consecrated Life) in Title I that also apply to them, plus 46 canons proper to Religious Institutes that are likewise applied to Societies of Apostolic Life. Thus, in total, there are 83 canons in the 1983 Code applicable to Societies of Apostolic Life. Nevertheless, although in the end some canons, even from the norms of Religious Institutes, for example, need to be referred to by Societies of Apostolic Life, the distinctive character of these groups is still preserved.⁴

Is c. 686 itself one of the shared canons that is also applied to Societies of Apostolic Life? The answer is no. This canon is reserved only to Religious Institutes.

First, the term *exclaustation* refers to the condition in which a perpetually professed religious is authorized to reside temporarily outside the religious house (*extra clausura*) without being directly subject to the authority of his or her superiors. Only religious institutes are subject to the discipline of cloister (cf. c. 667 §1). By contrast, we do not have such a form of life, since we are not religious (cf. c. 731 §1).

In *Venite Seorsum*, the Instruction on the Contemplative Life and on the Enclosure of Nuns, issued by the Sacred Congregation for Religious and for Secular Institutes on August 15, 1969, article 3 describes the scope of cloister or enclosure:

*“The area of the convent subject to the law of enclosure must be circumscribed in such a way that material separation be ensured (Motu Proprio Ecclesiae Sanctae II, n. 31), that is, all coming in and going out must be thereby rendered impossible (e.g., by a wall or some other effective means, such as a fence of planks or heavy iron mesh, or a thick and firmly rooted hedge). Only through doors kept regularly locked may one enter or leave the enclosure.”*⁵

Second, according to its purpose, this *Motu Proprio Competentias quasdam decernere*, in article 5, clarifies that the main subject of the amendment to c. 686 §1 indeed refers to exclaustation for members with perpetual vows of Religious Institutes. The term “*perpetual vows*” refers to the public vows professed by religious:

“Canons 686 §1 CIC and 489 §2 CCEO, on the granting of an indult of exclaustation, for a grave cause, to a member professed by perpetual vows, extend the time limit for five years, after which, competence for

⁴ Cf. M. Lloret, *Le nouveau Droit Canon*, p. 481.

⁵ Sacra Congregatio pro Religiosis et Institutis Saecularibus. *Venite Seorsum: Institutio de Vita Contemplativa et de Monialium Clausura*. Rome 15 August 1969.

*an extension or grant is reserved to the Holy See or to the diocesan bishop”.*⁶

Third, on 13 September 2024, the author submitted a canonical question to the Dicastery for Institutes of Consecrated Life and Societies of Apostolic Life regarding the following “anomaly”: although it is clear that members of Societies of Apostolic Life are not bound by c. 686 §1, why has c. 745, which specifically regulates the indult to reside outside the community for them, not been amended so that the time-limit is extended to five years?

This seems somewhat peculiar. In reality, it is purely a practical issue, intended to prevent the Supreme Moderator from having to request permission from the Holy See repeatedly. There is no reason why this provision should not apply to members of Societies of Apostolic Life, since it does not concern theological or spiritual matters. Indeed, such a rule should be applied to them first, considering that members of Societies of Apostolic Life are not strictly bound by the public vows as professed by religious.

On 27 February 2025, an official reply from the Undersecretary of the Dicastery, Fr. Aitor Jiménez Echave, C.M.F., was received in response to that question. Unfortunately, the Dicastery did not provide any reason, stating only that the *Motu Proprio Competentias quasdam decernere*, concerning the extension of the indult to reside outside the community under c. 686 §1, does not apply to members of Societies of Apostolic Life. In such cases, the indult is granted to members of Societies of Apostolic Life for a period not exceeding three years, and any extension beyond three years is reserved to the same Dicastery.

3. New Type of *Ipsa Facto* Dismissal for Cases of illegitimate absence from community joined with the inability of contacting the religious (const. 73 §1, c. 694)

Through the *Motu Proprio Communis Vita* (2019), Pope Francis established a new and serious cause for *ipso facto* (by the fact itself) dismissal, applicable to religious, as well as to members of Societies of Apostolic Life, since this canon also applies to them. The new provision in c. 694, n. 3 states, a religious must be held as dismissed *ipso facto* from an institute who:

*“has been illegitimately absent from the religious house, pursuant to c. 665 §2, for twelve consecutive months, taking into account that the location of the religious himself or herself may be unknown.”*⁷

In the context of community life, the union and unity of members are shaped through two complementary aspects. The first is spiritual, known as “fraternity” or “fraternal communion,” which arises from a shared vocation, charism, and interpersonal relationships understood in the Christian sense, namely among fellow disciples of Jesus. The second is more tangible, called “life in common” or “community life,” which involves residing in a house lawfully established according to canonical norms and living

⁶ Francis, Pope. *Apostolic Letter Issued “Motu Proprio”: Competentias Quasdam Decernere, Introducing Changes to Some Norms of the Code of Canon Law and the Code of Canons of the Eastern Churches*. Given on 11 February 2022, entered into force on 15 February 2022.

⁷ Francis, Pope. *Apostolic Letter Issued Motu Proprio: Communis Vita*. Given on 19 March 2019; entered into force on 10 April 2019.

together faithfully according to the same rules, participating in shared activities, and collaborating in the community's service.⁸

The Code of Canon Law commands Superiors to seek out members who are absent without legitimate cause (i.e., not present at the community house to which they are assigned), in order to assist them in returning and remaining faithful to their vocation (cf. c. 665 §2 CIC). In practice, it often happens that the Superior is unable to locate the member in question, making the implementation of the procedures established for such cases extremely difficult. To ensure legal certainty in real situations and to assist the Institute in maintaining the necessary discipline, the new type of *ipso facto* dismissal was therefore established.

The conditions required for *ipso facto* dismissal due to illegitimate absence for twelve consecutive months are as follows:

First, there must be established facts regarding the illicit absence of the member, meaning that no formal permission was ever granted.

Second, there must be established facts regarding the member's inability to be contacted, i.e., the member is factually untraceable or unreachable by any reasonable means. A member is considered unable to be contacted if:

- a) he has not provided an address, place of residence, or other information that would allow the Superior to reach him;
- b) he is known only through insufficient or unreliable information, such as a telephone number, an e-mail address, a social media profile, or a fictitious address.⁹

Third, the absence must persist for twelve consecutive months. The twelve-month period is calculated from the date on which the Superior formally declares the member to be untraceable by letter. This declaration is necessary to ensure certainty in the computation of time: the day *a quo* from which the religious cannot be located must not remain uncertain, for this would render the twelve continuous months period undefined (cf. c. 203 §1). If no direct communication or verifiable proof of presence occurs during this period, then upon completion of the twelve months, *ipso facto* dismissal may be declared. For juridical validity, this declaration must be confirmed by the Holy See; for institutes of diocesan right, the confirmation rests with the Bishop of the principal seat (cf. c. 694 §3).

4. References to Canonical Penal Canons Post-Apostolic Constitution *Pascite Gregem Dei* (2021)

On 1 June 2021, Pope Francis promulgated the Apostolic Constitution *Pascite Gregem Dei*, which reformed Book VI of the 1983 Code of Canon Law concerning sanctions in the Church. Of the total 89 canons in Book VI, 74 were amended, including those that underwent only minor adjustments. In addition, in some norms, the order of the canons was modified, and a number of “new” types of offenses were introduced.

The term “new types of offenses” does not imply that the Church previously did not consider certain acts to be offenses, but rather that these offenses had not been directly integrated into the Code. Some were already regulated in norms outside the Code, such as sexual abuse of minors and vulnerable adults (cc. 1398 §§1–2); the crime of recording the sacramental confession by any means of communication (c. 1386 §3); the ordination of women (c. 1379 §3), and others.

⁸ Cf. Congregation for Institutes of Consecrated Life and Societies of Apostolic Life. *Fraternal Life in Community: “Congregavit nos in unum Christi amor”*. 2 February 1994.

⁹ Congregation for Institutes of Consecrated Life and Societies of Apostolic Life. *Circular Letter on the Motu Proprio by Francis, Communis Vita*. 8 September 2019.

In our Constitution, even if only indirectly, references to canons whose numbers have changed must still be observed. For example, regarding mandatory dismissal, const. 74 §1 refers to c. 695 §1. This canon itself was amended by Pope Francis through the *Motu Proprio Recognitum Librum VI* (April 2022). Its current text, with the correct cross-references to canons in Book VI, reads as follows:

*“A member must be dismissed for the delicts mentioned in cc. 1395, 1397, and 1398, unless, in the delicts mentioned in cc. 1395 §§2–3 and 1398 §1, the major superior decides that dismissal is not completely necessary and that correction of the member, restitution of justice, and reparation of scandal can be resolved sufficiently in another way.”*¹⁰

Concluding: What does our Congregation need next?

St. Vincent was fully aware of the importance of the proper and orderly structuring the Congregation of the Mission. He consistently sought ways to ensure that the norms for his Congregation were thoughtfully established, while putting into practice all that had become the Tradition of his community, including disciplinary matters, and carefully assessing their benefits. He sought advice from many people and, without hesitation, drew inspiration from and learned from the disciplinary practices of other institutes of his time.¹¹

Adaptation has always been key. *Ecclesia semper reformanda!* The world changes, and the challenges of each era emerge anew, this is what moves the Church to act in a timely and concrete way. The needs of the Church call for revisions in its laws so that contemporary challenges can be addressed effectively, in order to support the Church’s mission of saving souls.

Within this framework, the revision and amendment of our Constitutions have become an urgent necessity. There are at least two main motivations for this. *First*, our particular law fundamentally derives from the 1983 Code of Canon Law. When amendments are made to universal law, all subordinate laws, unless explicitly exempted, logically adjust, especially since several major changes pertain to canonical penal discipline. *Second*, such revisions are necessary to ensure that the rights and obligations of members, as well as those of the superiors authorized to implement the law, are fully protected and that no one is disadvantaged.

The categories to be revised all concern fundamental matters, particularly regarding the rights of members: the period for recourse in cases of dismissal, the new types of *ipso facto* dismissal, and so on. All of these must be clearly stated within our Congregation. We must ensure that, due to any negligence in updating current law, fundamental decisions that we have lawfully made do not become invalid.

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¹¹ Cf. Y. Danjou, *The government of the Congregation according to the New Constitutions*, pp. 379-380.

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