

THE CHARISM OF THE CONSECRATED LIFE AND THE EXERCISE OF AUTHORITY IN THE CHURCH

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1. Preamble:

Today more than ever before, many people make a contraposition of the terms, charism and authority, as if they were opposed one to the other. At times, some members of the institutes of consecrated life are caught between fidelity to their superiors/institutes and to the particular churches in which they are serving. It does happen on the one hand that the diocese of residence is regarded as a temporary abode and hence the tendency to adopt a tenant posture and on the other hand a diocese may regard a consecrated person as a visitor or a "bird of passage". These conflicting attitudes do not certainly reflect the mind, teaching and mission of the Church in context.

The above stated forms the substratum of this essay. The work revolves around three themes, namely, charism, authority and the **consecrated life** (henceforth rendered as *Vita Consecrata*) in the context of the Church's life and practice. An attempt is made now to clarify these terms.

2. Clarification of Some Terms Resurgent in the Work

Canonical science just like any other legal science is preoccupied with the right use of words. Hence, one of its tasks is that of deciphering the meanings attached to terms adopted. It therefore becomes imperative to clarify some of the key terms resurgent in this work.

(i) **Charism:** The Council Fathers refer several times to charismatic gifts in relation to the life and nature of the Church.¹ The term charism was actually never used explicitly, especially in reference to the religious institutes or institutes of *vita consecrata*. This notwithstanding, the word found its way into the *Schemata Canonum* of 1977 (in C. 89), 1980 (C. 516 #3) and 1982 respectively.² At the wake of the promulgation of the New Code, the word charism, to the chagrin and consternation of many fathers was substituted with the word gifts. The juridical reason adduced by scholars for this change is that the word appears to be too vague, imprecise, and as such indeterminable.³ However, because of its biblical resonance, the reality which the word charism stands for has always been found in

3. B. Haring, *The Law of Christ*, Vol. 1 (Theological Publications, Dublin, 1966), p. 108.
4. *Idem*, *Free and Faithful in Christ*, Vol. 1 (St. Paul Publications, Slough, 1978) p. 255 Cf. also M.I. Mozia, *Solidarity in the Church and Solidarity and the Igbo of Nigeria*. (Tipografica, Leberit Rome, 1982) p. 547.
5. *Gaudium et Spes*, No. 12 (the emphasis is mine).
6. The Tablet op. cit America October 9 and 23, 1993, Pp. 8-11
7. The Tablet October 16, 1993, p. 1356
8. America, October 30, 1993, Vol. 169, No. 13
9. The Tablet, October 23, 1993, p. 1378. It should be noted that the extreme positions are not found in Catholic Theology but the latter is not exonerated from other positions.
10. *Ibid.*, p. 1379
11. *Idem.*, October 16, 1993, p. 1356
12. G.S No. 16
13. Cf. M.I. Mozia, *Morality and Charism* (Shaneson C.I Ltd. Ibadan) Pp. 37-39. Also Grindel J. "Natural Law" in K. Rahner ed., *Law of Christ*, vol. 1, p. 245
14. G.S No. 62
15. The Tablet, October 23, 1993, p. 1379
16. N.A No. 1 AAS 58 (1996), pp. 728-744 A. Flannery, Vatican II, p. 1006
17. Cf. 1 Thess. 5:12b, 19-21, *Lumen Gentium* No. 12
18. Pope John Paul II, "Discourse for Inauguration of Catholic Institute of East Africa, Doc. Catholic, 1903 (1985) p. 963 *Lineamenta* For Synod of Bishop Special Assembly for African, Vatican City, 1992, No. 53
19. Cf. Synod of Bishop Special Assembly for Africa, *Lineamenta* Vatican City, 1992, No. 53
20. The error of Ecclesiology is an error of seeking the Church as existing for itself instead of seeking it as exist cf. M.I. Mozia *Solidarity in the Church and Solidarity and the Igbo of Nigeria*, p. 113, Pope John Paul II warns against this same error which he calls "ecclesiocentricism" cf. *Redemptoris Missio* No. 17
21. John Paul II, *Pastores Dabo Vobis*, No. 10

the Code of law. While c. 575 talks about divine gift received from the Lord, c. 578 contains elements proper to charism. The patrimony which the latter canon talks about cannot but be the charism of the institute, that is to say, what distinguishes the institute: its nature, character, spirit and all the elements of divine origin. When this is received and sanctioned by the competent authority, it becomes a true gift of the Lord to the Church. At the origin of each institute, there was particular gift of the Spirit or charism, which distinguishes one from the other. This charism is characterized by the life-style of the members and their mission. This issue will be discussed further under the section on the charism of the institutes or *vita consecrata*.

(ii) **Authority:** Authority directs the attention of the faithful to the common good and commitment to the spiritual goals for which the Church exists.⁴ This spiritual aspect of authority must always be kept in view. It is in this context that this work situates the relationship between the Church's authority and the institutes of *Vita Consecrata*.

(iii) **Vita Consecrata:** The 1983 Code of Canon Law discusses the institutes of *vita consecrata*, under book two, part three, section one. The second section discusses the societies of Apostolic Life. They do not come under the focus of this essay as such. From the delineation of the code, there are two major types of the institutes of *vita consecrata*, namely: (a) religious institutes and (b) secular institutes.

(a) **Religious Institutes:** This is the primary form of *vita consecrata*, C. 607 in a manner resonant of the conciliar doctrine attempts the specificity of the religious institutions *qua talibus*. In #1, the canon attempts a theological elucidation of the religious life using a sort of sponsal language. #2 indicates the two-fold characteristic of this form of life, namely, public vows and fraternal life in common. The public nature of the vows means that they are received in the name of the Church by the competent authority (1192, #1). There is also the mention of two types of vows, namely, temporary and perpetual. It must be noted that in practice, the temporality of the vows is not as much in relation to the quality or intensity of the vows as to the time-factor. Fraternal life in common is much more than residing together, it entails sharing of daily life and love that entails prayer, work, meal, friendship and collaboration in the norms stipulated by the constitution of each institute. In #3, the canon touches on the *figura mundi* which varies according to the nature and purpose of each institute. This withdrawal is not to be understood as a form of alienation rather it points to the need to maintain a certain self-identity and cultivate the contemplative spirit. It is enlightening to note that there are some varieties of religious institutes, namely: (i) Orders which embrace regular canons virgins, hermits, monks

mendicant orders, religious clerics; (ii) Clerical Religious Congregations (c. 588, #2); and (iii) Lay institutes dedicated specifically to contemplative and monastic life and some others dedicated to mission or active life.

(b) **Secular Institutes:** This form of *vita consecrata* was first given official recognition by the Holy See in the Constitution, *Provida Mater*, of February 2, 1947. C. 710 places the emphasis of this form of life on secularity of life and sanctification of the world from within. Secular institutes differ essentially from the religious ones in the sense that they do not have public vows or common life as essential ingredients. It goes without saying that within the same secular institutes, the lay and clerical members have different functions. While the life of the clerics is particularly characterized by the priestly spirituality and apostolate, that of the lay members is given to a special reference to the sanctification of the temporal order. So, when the *vita consecrata* is mentioned, all these various forms of life are implied in accordance with their spirit and condition.

3. THE FUNDAMENTAL ELEMENTS OF VITA CONSECRATA

For a better understanding of the nature, meaning and mission of the *vita consecrata*, a consideration of the fundamental elements that distinguish it from other forms of life is unavoidable.

C. 573, #1 indicating the essential constitutive elements of *vita consecrata* states:

Life consecrated through the profession of evangelical counsels is a stable form of living, in which the faithful follow Christ more closely under the action of the Holy Spirit, and are totally dedicated to God, who is supremely loved. By a new and special title they are dedicated to seek the perfection of charity in the service of the kingdom for the honour of God, the building up of the Church, and the salvation of the world. They are a splendid sign in the Church, as they foretell the heavenly glory.

While this canon applies the baptismal spirituality to the *vita consecrata*, it focuses a theologico-canonical delineation of this reality cutting out its Trinitarian, Christological, pneumatic, ecclesial and apostolic dimensions. The concrete medium of consecration is the evangelical counsels, which typify the life of Jesus Christ, our model and master. One who is thus consecrated is dedicated to God in a new and radical way and follows Christ more closely, hence the special title. The new title endows a subjective juridical condition or a stable form of living. This stability evokes some permanence which c. 207, #2 translates as a state. One who is professed enters into a permanent relationship with the Lord, loving him above all else. This love moves the consecrated to seek perfection with each passing day and thus contribute to the salvific mission of the Church in the world. This new consecration in respect of the baptismal consecration involves an esteemed public testimony of the eschatological nature of the Church. This life is undertaken under the impulse of the Holy Spirit.

One cannot but notice the absence of two elements from this text, namely, community life and withdrawal from the world. The explanation is that these do not form part of the constitutive elements of *vita consecrata*.

With the #2 of this canon comes the juridical definition of *vita consecrata*:

Christ's faithful freely assume this manner of life in institutes of consecrated life which are canonically established by the competent ecclesial 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.

This text introduces four essential elements, namely:

- (i) the formal profession *Coram Ecclesia* of the three evangelical counsels of poverty, chastity, and obedience. This is made within the context of the proper law of the institute in which one professes these vows.
- (ii) the obligation that is assumed by means of vows or other sacred bonds (oaths, promises).

- (iii) canonical erection on the part of the competent ecclesiastical authority. It is only with a formal decree of erection that this form of life acquires juridical personality.

C. 579 makes a notable explication of this point.

- (iv) freedom in assuming such a life. This is to make it a truly human act though divinely inspired (c. 125, #1). Interestingly, later legislation even extends this freedom to include the authority who receives the intention of the Christ's faithful concerned (c. 656, 3).

It is to be noted that the elements of consecration are three, namely, (i) the action of God who calls to Himself; (ii) the person who is called and freely responds; and (iii) the action of the Church who exercises authority.

One can hardly argue against the fact that there exists today a crisis of authority.⁵ The church is not spared of this crisis. This work then briefly examines the import of the term, authority.

Pazuyampallil, a legal scholar of Indian origin, underlines the fact that the focus of authority is the *bonum* (good) of the particular *societas* (society), construed as a necessary condition in order that the end of the society may be efficaciously obtained.⁶ Commenting on this *bonum societatis*, however, Molinski opines on the one hand that there needs to be a balance between freedom and authority. Hence authority must not only respect freedom, it must promote it by avoiding authoritarian measures which would degrade it to mere power or coercion.⁷ On the other hand, however, freedom has to be liberated from liberty and chaos by an effective application of authority. This point cannot be over-emphasized. I would like to underline the fact that this approach does not in any way diminish the binding force of authority, rather it challenges the possessor to a proper use of it.

It is noteworthy that the question of authority in the Church can be said to be primarily a theologico-ecclesiological question. This is to say that the vision and understanding of the Church goes a long way to shape, construct and determine the notion and use of authority.

To the Pauline community, authority was one of the gifts (charismata) given by the Spirit for the common good (cf. 1 Cor 12:7). In this vein, authority is a function of the spirit. It is not the possession of the one who exercises it; rather it is the purposeful manner in which he/she in the context of his/her life in the community is possessed by the Spirit. In as much as the Church is hierarchically structured so also is her notion of authority. Hierarchical authority is however a service, directed toward the spiritual welfare of God's people.⁸ This service of leadership in the opinion of Provost, implies the development of the personality of the leader who midwives the consecration and recognizes the effects accruing therefrom.

4. THE CHARISM OF VITA CONSECRATA

C. 574, #1 articulating on the distinctive feature of *vita consecrata* establishes that "the state of the persons who profess the evangelical counsels in these institutes belongs to the life and holiness of the Church". This is a very significant canon for two reasons, namely: (i) it shows some profound innovation in respect of the *vita consecrata*. The new law shifts the focus from the religious state to all the institutes that profess the evangelical counsels.¹ This state of life means some concrete form of stability in Christian living through a definitive form of life; (ii) it establishes the spirituality of this form of life — hinges on the holiness of the Church. In this ambience of holiness, it is to be recognized that the *vita consecrata* has an objective superiority. In the words of John Paul II, "it is an especially rich manifestation of Gospel values and more complete expression of the Church's purpose, which is the sanctification of humanity".²⁰ In #2, the canon talks of a special gift in the life of the Church. So, the *vita consecrata* is a special gift of God to his Church²¹ which has to be understood in the global reality or in the different expressions that are developed in the course of history. As it has been clarified earlier, it is obvious that it is in this gift-centered context that we speak of the charism of *vita consecrata*. Talking about charism in relation to the institutes of *vita consecrata*, there are various levels, namely:

(i) the charism of the founder or foundress which is combination of his/her personal and collective charism. While the personal charism(s) may influence the collective, it does not bind the members of the institute as such. The collective charism however, does bind the members.

(ii) there is the collective charism of foundation which is a combination of the collective charism of the founder/foundress enriched by the charism of the first nucleus of the membership of the institute. So, properly speaking, the origin of the institute is encapsulated in the charism of foundation.

(iii) there is the charism of each member of the institute which comes either as a participation in the collective charism of the institute or as a personal charism given by the Lord to act out the proper vocation in the institute. Invariably, the individual charism which must never be at variance with the collective charism does enrich it and continue to clarify and explicate itself in the course of history. These eventually form the basis of the sound tradition of the institute. With the legitimate approval of the Church, this charism is then lived as a gift to the whole Church and to humanity.

The Constitution on the Church, *Lumen Gentium*, Art. 42 while articulating the *vita consecrata* as a precious gift of grace underscores a tripartite benefit accruing therefrom, namely, the edification of the Church, the benefit of humankind and the needs of the world. This gift evidencing the particularity of the mystery of

Christ and the life of the Church calls for a deep sense of gratitude on the part of Christ's faithful. In a further treatment, c. 577 stresses the variety of charismatic gifts in the Church which forms the *fundamentum*, for the great variety of forms of *vita consecrata*. It reads:

In the church there are many institutes of consecrated life, with gifts that differ according to the graces given them: they more closely follow Christ praying, or Christ proclaiming the kingdom of God, or Christ doing good to people, or Christ in dialogue with the people of this world, but always Christ doing the will of the Father.

The pluriform nature of *vita consecrata* among others evidences an intrinsic tension between her prophetic character and her institutional ordering.²² On the one hand, the charism of a consecrated state is a gift of the Lord which invariably determines the kind of life, the spirit, and particular structure of each institute. On the other hand, the charism is a gift made by the Lord to the whole Church and not only to the institute. Hence the Church must recognize this gift and guarantee its authenticity. It is in this connection that charism and institution blend. Indubitably, charism without the framework of institution is bound to collapse while institution without the energizing impact of charism will eventually become moribund. In respect of religious vocation, Archbishop John Quinn says it so well:

*Every religious institute comes into existence through the action of the charismatic and hierarchical factors in the Church. The Holy Spirit gives a certain gift to a foundress or founder and only by canonical recognition of that gift does the religious institute as such come into being in the Church. On the other hand, it is this very integrity of the charism of each religious institute including its autonomy of life, especially of governance.*²³

The interplay of the charismatic and the hierarchical framework sets the tone for the role of the hierarchy in *vita consecrata*.

5. VITA CONSECRATA AND THE ROLE OF THE HIERARCHY

In discussing the involvement of the hierarchy with the *vita consecrata*,

we must keep in view the two levels of the hierarchical structure that are pre-eminently concerned, the diocesan bishop representing the diocesan level and the Supreme Pontiff representing the universal Church. The diocesan bishop being the chief pastor of the particular Church naturally has the responsibility of coordinating the whole pastoral activity in the diocese. So whenever an institute exists in a diocese, it falls under the authority of the diocesan bishop. The papal power in the universal Church is normally exercised by the Dicastery for the Religious (SCRSI) for the universal Church, and by *Propaganda Fidei* for the institutes based in mission territories. This comes about through decrees, instructions, replies as well as approval of the constitutions or of their revision. Particular matters are also handled by the same organs. In respect of this two-fold structure, the code of canon law makes a distinction between the institutes of diocesan right and those of the pontifical right.¹⁴ While institutes of *vita consecrata* are called to live the ecclesial life more deeply and are to be models of mature obedience to the whole hierarchy, the hierarchy is called to respect, cherish and preserve the gifts received by each institute from the Lord.

The inalienable connection between the hierarchy and the *vita consecrata* is to be situated in the perspective of the life and holiness of the Church. For it is already established that the gift of the consecrated state is not only given to the individual institute but to the entire Church. The conciliar Fathers established that it belongs properly to the hierarchy to rule the entire people of God¹⁵ and this cannot exclude those who embrace and profess the evangelical counsels. In respect of this, it belongs to the hierarchy a two-fold major task, namely: discernment and eventual canonical approval. In delineating this point, c. 576 stipulated thus:

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 sound traditions.

A good reading of this canon reveals four areas of competence of the hierarchy, namely: (i) interpreting the evangelical counsels; (ii) regulating the practice of the evangelical counsels; (iii) constituting stable forms of living through canonical approbation; (iv) ensuring that the institutes grow and flourish according to the spirit

of their founders and sound traditions. The prerogative takes place more often than not¹⁶ in the indirect form especially in relation to the approval or refusal of the interpretation of the counsels given by the founders or by a group of consecrated or by an individual consecrated (c. 603, #2). That of regulating however takes place in the direct form (especially as it has to do with emanating norms that will guide the practice of the counsels. It is to be noted that a concrete form of living the evangelical counsels only becomes recognized as a state of life in the Church with the canonical approbation of the competent authority. In other words, the charism of a foundation is transformed canonically into institutes of *vita consecrata* with the definitive sanction of ecclesiastical authority. As a gift of grace, this life must be recognised, received, guided, defended and sustained. It goes without saying that the Church defends and sustains the proper character of various institutes as a revelation of the experience of the Spirit transmitted to the disciples, to be lived, preserved, deepened and constantly developed in conformity with the body of Christ as lived in history.¹⁷ The hierarchy no doubt has very important role to play in this connection, however, it is enlightening to note a two-fold diminishing clauses in respect of her competency, namely:

(i) In accordance with the spirit of the founders and sound traditions. These two though connected, are not in any way to be confused. While the spirit of the founders¹⁸ renders the evangelical intentions, the project and model of sanctity of the founders, sound traditions¹⁹ on the other hand signify all that has not fallen into disuse, received and observed by the institute over the ages. These two elements taken together therefore form the *nomina* (in canonical parlance known as the patrimony) of each institute and have to be preserved and nurtured. This is precisely the *mens* of c. 587²⁰ once approved legitimately, therefore, they become for all, the hierarchy inclusive, something to be handled with care. Hence the incisive phraseology of the canon just quoted above, *ab omnibus fideliter servanda sunt*. In other words, no member of the hierarchy is allowed to interfere indiscriminately in this regard.

(ii) to do what is in its power (*pro parte sua*). This is an enhancing as well as a preventive clause. It encourages the authority on the one hand to do what is within his power. On the other hand, he should not do more than (especially in

negative term) that, for to do more than that will result in abuse of power. This norm definitely has as its scope to safeguard the institutes from undue interference. It need be said however that the purpose of canonical legislation is precisely to protect the patrimony of religious institutes and to ensure development of all its potentialities. It means to protect it from *ad extra* intrusions, and *ad intra*, from the whims and prejudices of some members. It is in this context that the paper now discusses the relative autonomy of the institutes of *vita consecrata*.²¹

6. THE RELATIVE AUTONOMY OF THE INSTITUTE OF VITA

CONSECRATA

The New Law applying the principle of subsidiarity leaves a greater freedom and responsibility to the various institutes in determining the concrete expression of their proper charism. So charism becomes the basis of this prerogative. No wonder T. Rincon asserts: "the *raison d'être* of this autonomy of governance is the safeguarding of the patrimony of each institute..."²² c. 586, #1, articulates this point thus:

A true autonomy of life, especially of governance, is recognized for each institute. This autonomy means that each institute has its own discipline in the Church and can preserve whole and entire the patrimony described in c. 578.

Autonomy here must never be construed to mean independence. For a genuine charism presupposes the willingness to insert and subordinate oneself to the hierarchy of the Church.²³ A true autonomy of life simply means the right of each institute to have its own proper law and internal structures of government. It does mean the preclusion of any undue involvement of the local ordinary in the internal life and government of an institute. For #2 of the same canon puts the onus of safeguarding and preserving this autonomy on the local ordinary. This right however does not preclude regulations and the control which the Church exercises over various institutes either at the universal or at the particular levels. What this point does imply therefore is that the autonomy relative to each institute is given in terms of her internal

governance and discipline without external interference. That is to say, in matters which concern the patrimony of the institute, the profession of the evangelical counsels, fraternal life, internal organization, formation of members, their obligations and rights. This autonomy also concerns the type of apostolate to be carried out by each institute.²⁴ All these are to form the *ius proprium* of each institute.²⁵ It must not be forgotten however that this autonomy is not absolute of the Apostolic See²⁶ or of the diocesan bishop. This authority of the Apostolic See or of the diocesan bishop is not absolute either. While both are limited by the lawful autonomy of each institute,²⁷ the diocesan bishop can also be limited by the Apostolic See through an instrument of law known as *exemption*.²⁸ This *gioco di relatività* must be interpreted in the light of cc. 578, 586 and 593-594. While made subject to the authority of the Apostolic See and the diocesan Bishop, their internal autonomy to realize their patrimony is not to be jeopardized. At this juncture, this paper now examines some particular issues.

7. EXAMINATION OF SOME PARTICULAR ISSUES

From the discussion made so far, there is a litany of issues that could be raised. This paper takes on a few of these to bring the paper to a logical conclusion. These issues are, namely: (i) Who can found a(n) congregation/institute? (ii) Ecclesiality cum diocesanity of Vita Consecrata; (iii) Proliferation of Vita Consecrata (i) Who can found a(n) congregation/institute?²⁹

The Code of Canon Law does not address this question directly? While c. 579 deals with who is competent to erect new institutes, c. 605 discusses approving new forms of consecrated life. While some people think that anybody can found a congregation, some others think that only a diocesan bishop can found a congregation since he is competent to erect such in his territory. Praxis does not approve of either position. While the founding of congregations has not and cannot be limited to the diocesan bishops for this would amount to stifling the spirit, not anybody can found a congregation! From the previous discussion, it is obvious that for one to be qualified to be a founder/foundress, he/she must have a personal charism which is derived from and built on the gospels. Furthermore, he/she must have received a gift of the Spirit worthy enough to be offered to the Church. That is to say, he/she has discovered a real felt-need for this gift in the life of the church. It needs to be added also that he/she must have thought about the funding of the project. These are the issues, among others, that the competent authority will actually examine

before a congregation/institute is recognized and approved.

(ii) Ecclesiality cum Diocesanity of Vita Consecrata

This paper had already underlined the fact that *vita consecrata* belongs indisputably to the sanctity of the Church. C. 574, #2 circumscribes the charismatic character of this life and its ecclesial finality, that is to say, a radical way of living the gospel that is necessary for the fulfilment of the mission of the church to the world. Indeed, it could be said that it would have been unthinkable to have a Church where there is no form of life that embraces the evangelical counsels. For this reason the Church continues to follow and guide the institute. With its erection and the approval, there comes about a particular link with the Church. And the new foundation becomes part and parcel of the spiritual and apostolic patrimony of the church. This link with the church comes about concretely in the insertion of an institute into a particular church known as diocese, which the Code of Canon Law defines as a portion of the people of God entrusted to a bishop to be nurtured of by him (c. 369). Hence the ecclesiality of the institutes of *vita consecrata* carries on correspondingly its diocesanity. The implication of this fact is that these institutes exist within the structure of a diocese not as extraneous structures but as part and parcel of the diocesan life and structure. Therefore, while the consecrated persons have significant roles to play in particular churches, the diocesan bishops as the chief shepherds of these churches are implored to welcome and esteem the charisms of *vita consecrata* and give them a place in the pastoral plans of the diocese.³⁰ A living sign of this respect is that the work which the consecrated persons are asked to undertake in a diocese should be in keeping with the charism and proper character of their institutes. It must be said that the relationship that should exist between the two entities must be that of mutual respect and it goes without saying that the consecrated persons in line with the proper character of their institutes are bound to treat the diocesan bishop with sincere obedience and reverence especially in the matters stated in c. 678, #1. By the token, the bishop is implored to grant them the possibility of undertaking only the works that are in consonance with their charism and proper character.

One cannot argue against the fact that some consecrated persons do not regard themselves as belonging fully to the particular church in which they are working. This feeling often breeds crisis of identity and clash of interest. Sometimes a particular church may appear unwelcoming in her attitude to the consecrated person or insensitive to their charisms and the proper apostolate(s). This situation leads to conflict.

At times, this conflict might be resolved if the two parties keep to the rule of law. Furthermore, there is the need to draw up a contracted agreement before an

institute is signed on in a particular church. This is to preclude arbitrariness on the part of the authority. Consistency of acting on the part of the institute can guarantee equitable protection and revindication of the rights of both parties.

(iii) Proliferation of Vita Consecrata

In the *Instrumentum Laboris* for the Synod of Bishops – Special Assembly for Africa, there was a pungent remark. It is needful to produce a significant part of that remark:

Many new diocesan institutes are springing up in many places on the continent. These are welcome as they contribute to the fullness of the being and apostolate of the Church. It would seem, however, that some of these new diocesan institutes are being created for apostolates already being undertaken by many others... To avoid duplications the amalgamation of institutes with similar charisms and apostolic goals would seem to be in order. Multiplying diocesan institutes for their own sake could be a counter-witness by creating jealousy, prejudice, possessiveness and narrowness of outlook.³¹

The language of the document is not conclusive but suggestive. The underlining phrase, reads: "It would seem". Our individual and collective experience can only bear witness to this or deny it. Perhaps, it is not out of place to suggest that, if it happens that there exists some sort of proliferation of institutes of *vita consecrata*, this cannot be short of a misuse of an otherwise very powerful instrument of evangelization. This paper agrees fully with the position of this Instrument of Work and dares to say that all hands need be on deck to ensure a maximum use of the institutes that are already founded. Furthermore, and if when there is real felt-need for another, that it meet with our favour and encouragement. For one cannot possibly conclude that we have exhausted all possible charisms. After all, the New Code of Canon Law even gives room for the formation and creation (c. 605) of entirely new forms of *vita consecrata*. In forming new ones however, greater and more prayerful attention should be paid to the laid down norms, both procedural and

8. CONCLUDING REMARKS

As this paper draws to a close, it is necessary to make a few remarks:

- (i) In a post-conciliar understanding of the Church, charism and authority have to be understood as partners in progress. They are at the service of realizing the mission which Christ left with the Church.
- (ii) The charism of *vita consecrata* exists in and for the Church. It is a special gift of God, which can be used with maximum benefits or abused. To ensure a maximum benefit from this grace, all hands must be on deck.
- (iii) The members of the institutes of *vita consecrata* need a diocese in which to function. As well, the diocese needs them to be complete, hence there should exist a mutual esteem and love between these institutes and the respective particular churches in which they exist should contribute to the promotion, growth and sustenance of this form of life.
- (iv) Obviously, one does not need to be a diocesan bishop to found a congregation, however, one must have the basic prerequisites and be ready to submit to the authority of the Church.
- (v) Concerted efforts are needed to preclude proliferation of the institutes of *vita consecrata* for this may lead to a kind of domestication of the charism of religious life.
- (vi) To better co-ordinate, and to ensure fairness and equity and as a matter of serious cause, an assembly comprising the hierarchy and the major superiors of the institutes of *vita consecrata* be constituted and where they exist, they be made to function.

NOTES AND REFERENCES

¹ L.G. Art. 4a; L.G. 12b; Ad Gentes, Art. 4.

² Cf. Communications, 11 (1979) 39.

³ Carlos Corral Salvador, Veslasio De Paolis, Gianfranco Ghirlanda, (a cura di), Carisma Collettivo di un Istituto di Vita Consecrata in Nuovo Dizionario di Diritto Canonico, Torino consecrata e le Società di Vita Apostolica, in Il Diritto nel mistero della Chiesa, II, Roma 1990 pp. 205-7.

⁴ J.H. Provost, "Some Rules for Governance", in Code, Community, Ministry - Sacred Studies for the parish minister introducing the code of law, Washington 1992, p.21.
⁵ Ibidem pp. 2-7. I find the discussion of George Puthusseril very inclusive in this connection. Lambert in his stead suggests that the actual question is not how to get rid of power but to use it, cf. J. Lambrecht Power as Service, in *Louvain Studies*, 12 (1987) 54-61, especially at p.54.

⁶ T. Pakkayampallil, A Commentary on the New Code of Canon Law, Bombay 1985, p. 10.
⁷ W. Molinski, Authority, in *Encyclopedia of Theology - the Concise Sacramentum Mundi*, London 1986, pp. 61-64. He argues that authority should be distinguished from power and coercion. Whereas authority beings where it is freely recognized, it ends where it becomes power. He concludes by saying that true authority is aware of its limitations and tries the method of persuasion, respecting the personal dignity and the fundamental equality of those it addresses.

⁸ *Christus Dominus*, 19. See, John Paul II Apost. Const. *Sacrae disciplinae* lges, 25 January 1983, AAS 75 (1983) xli; Church, in *Problems of Authority*, Baltimore 1964 pp. 120-123; cf., M. Midali, *Costituzione gerarchica della chiesa*, op. cit., pp 626-635. The Fathers of the Second Vatican Council reiterated this Lord committed to the pastors of his people, is, in the strict sense of the term, a service, which is called very expressly in sacred scripture a diakonia or ministry", (*Lumen Gentium*, 24); see also, v. Gomez-Iglesias, *Acercas de la autoridad como servicio en la Iglesia*, in *Ius in Vita*, op. cit., pp 193-217 (henceforth V. Gomez-Iglesias, *Acercas de la autoridad*).

⁹ The 1917 code in c. 487 spoke of the religious state only. The new perspective goes beyond the religious to embrace all other institutes.

¹⁰ John Paul II, *Apost. Exhort., Vita Consecrata*, op. cit., n. 32.
¹¹ C. 575.

¹² G. Lobo, *New Canon Law for Religious*, Bombay 1990, pp. 24-38.

¹³ John Quinn, *Reflections on the New Code in USIG Bulletin*, 1983, n. 63, p. 5.

¹⁴ c. 589: "An institute of consecrated life is of pontifical right if it has been established by the Apostolic See, or approved by it by means of a formal decree. An institute is of diocesan right if it has been established by the diocesan Bishop and has not obtained a decree of approval from the Apostolic See".

¹⁵ L.G. 45

¹⁶ The conciliar decree, *Perfectae caritatis* has provided detailed interpretation of the counsels. This was further developed by Pope Paul VI in *Encyclica Testificatio* which considers the counsels and their importance in *vita consecrata* from the point of view of their global witness and eschatological Significance.

¹⁷ Sinodo dei Vescovi, *Lineamenta - La vita consecrata e la sua missione nella chiesa e nel mondo*, Bologna 1999, n. 16, pp 22-23.

⁵⁵¹ Cf. Paul VI, *Apos. Exhort., Evangelica Testificatio*, Roma 1971, I/10/10, n. 11.

⁵⁵² Cf. Paul VI, *Motu Proprio, Ecclesiae Sanctae*, Rom 1966, II, 2/856-7, n. 14.

⁵⁵³ C. 587: "The whole patrimony of an institute must be faithfully preserved by all. This patrimony is comprised of the intentions of the founders, of all that the competent ecclesiastical authority has approved concerning the nature, purpose, spirit and character of the institute, and of its sound tradition".

⁵⁵⁴ G. Lobo, *New Canon Law for Religious*, op. cit., p. 27.

⁵⁵⁵ 22 *J. Rincon, Institutes of Consecrated Life and Societies of Apostolic Life in Code of Canon Law Annotated*, Montreal 1993 pp. 409-492.

⁵⁵⁶ Congregation for the Institutes of Life Consecrated and of the Bishops, directives, *Munne Relationes*, Roma 1978, n. 12.

⁵⁵⁷ C. 611, §2.

⁵⁵⁸ C. 587, §1: "To protect more faithfully the vocation and identity of each institute, the fundamental code or constitutions of the institute are to contain, in addition to those elements which are to be preserved in accordance with c. 578, basic norms about the governance of the institute, the discipline of the members, the admission and formation of members, and the proper object of their sacred bond".

⁵⁵⁹ C. 590, §1 & 2.

⁵⁶⁰ For a more extensive reading on the limitedness of the authority of the Supreme Pontiff and the diocesan Bishop, cf. Jude A. Asanbe, *The Authority of the Diocesan Bishop and the Decisions of the Conference of Bishops in the light of recent studies*, an appraisal of c. 455, §1, Roma 1996, pp. 120-133.

⁵⁶¹ C. 591.

⁵⁶² At the face value this question appears quite irrelevant. But then when I asked a few of my friends just casually, I discovered that it may not be a waste of time giving some time to attend to this issue.

⁵⁶³ John Paul II, *Post-Synodal Apostolic Exhortation, Vita Consecrata*, Roma 1996 n. 48.

⁵⁶⁴ Synod of Bishops - Special Assembly for Africa, *Instrumentum Laboris, The Church in Africa and her Evangelizing Mission Towards the Year 2000*, "You shall be my witness" (Acts 1:8), Vatican City 1993, n. 32, p. 29.

EDMUND HUSSERL'S RECOMPILATIONS AND RECONSTRUCTIONS IN TRADITIONAL EPISTEMOLOGY

BY KOLAWOLE A. OWOLABI

INTRODUCTION

Edmund Husserl is to twentieth century philosophy, what Plato, Descartes and Kant were to their times. Husserl, like these earlier philosophers, was determined to solve the problems of philosophy, particularly that of epistemology which he regarded as the core of philosophy. It is this ambition that generated not only his phenomenology but also his epistemic foundationalism. The problem that he seeks to resolve is the antagonism between various orientations in traditional philosophy. It was in this bid to reconcile the warring parties in philosophy, particularly epistemology that he went in search of a common ground for the opposing views. This common ground Husserl later referred to as phenomenology, which he calls the foundation of philosophy.

This mission to reconcile the conflicting views in traditional philosophy gave birth to Husserl's phenomenology. He saw his phenomenology as a renewal of the Kantian "Copernican revolution". He wanted, like Kant, to reconcile the warring parties in philosophy and to bring together in a common system, the multiple and divergent theories in philosophy so that they would all become unified as one. Husserl, like Kant, wanted to commence this reconciliatory exercise with epistemology, which he saw as the heart of philosophy.

The phenomenology of Husserl was therefore an attempt in the Cartesian and Kantian spirit to rebuild philosophy, to build a castle that will accommodate all the conflicting theories within it. It is an attempt at bringing under the same roof rationalism and empiricism. This was what led to his foundationalism. To attain this objective, Husserl would have to go the beginning and start from the index of zero. All existing philosophical theories will have to be suspended until further notice. Husserl aimed at this reconciliation in his book, *Ideas: General Introduction to Pure phenomenology*, where he states:

In the fundamental position we have set up we have presupposed nothing, not even the concept of philosophy and we intend to hold on to this policy henceforth. The philosophic epoch, which we propose to adopt, should consist