

CONGREGATION
FOR INSTITUTES OF CONSECRATED LIFE
AND SOCIETIES OF APOSTOLIC LIFE

Circular Letter
on the Motu Proprio
of Pope Francis

Communis vita



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APOSTOLIC LETTER
ISSUED MOTU PROPRIO

BY THE SUPREME PONTIFF
FRANCIS

COMMUNIS VITA

WHICH PROVIDES FOR THE
MODIFICATION OF SEVERAL NORMS
OF THE CODE OF CANON LAW

Life in community is an essential element of religious life, and “religious are to live in their own religious house and are not to be absent from it except with the permission of their superior” (Can. 665 §1 CIC). The experience of recent years has, however, demonstrated that situations occur that are related to illegitimate

absences from the religious house, during which religious distance themselves from the jurisdiction of the legitimate Superior and at times cannot be located.

The Code of Canon Law requires the Superior to seek out the illegitimately absent religious in order to help him or her to return and persevere in his or her vocation (cf. can. 665 §2 CIC). Quite often, however, it may happen that the Superior is unable to locate the absent religious. Pursuant to the Code of Canon Law, after at least six months of illegitimate absence (cf. can. 696 CIC), it is possible to begin the process of dismissal by the institute, according to the established procedure (cf. can. 697 CIC). However, when the religious' place of residence is unknown, it becomes difficult to accord juridical certainty to the *de facto* situation.

Therefore, notwithstanding what is established by the law on dismissal following six months of illegitimate absence, in order to help institutes apply the necessary discipline and be able to proceed to the dismissal of the illegitimately absent religious, especially

in cases in which his or her location is unknown, I have decided

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to add to can. 694 §1 CIC, among the reasons for dismissal *ipso facto* from the institute, also a prolonged illegitimate absence from the religious house lasting at least 12 consecutive months, with the same procedure described in can. 694 §2 CIC. In order to produce juridical effects, the statement of the case by the Major Superior must be confirmed by the Holy See; for institutes of diocesan right, the confirmation rests with the Bishop of the principal See.

The introduction of this new article to §1 of can. 694 requires, moreover, a modification of can. 729 with regard to secular institutes, for which the application of discretionary dismissal for illegitimate absence is not provided.

Considering the foregoing, I now dispose as follows:

Art. 1. Can. 694 CIC is entirely replaced by the following text:

§1. A religious must be held as dismissed *ipso facto* from an institute who:

1) has defected notoriously from the Catholic faith;

2) has contracted marriage or attempted it, even only civilly;

3) has been illegitimately absent from the religious house, pursuant to can. 665 §2, for 12 consecutive months, taking into account that the location of the religious himself or herself may be unknown.

§2. In such cases the Major Superior, with his or her Council and without hesitation, having gathered the evidence, must issue the statement of the case so that the dismissal may be juridically constituted.

§3. In the case envisaged by §1 n. 3, in order to be juridically constituted, this statement must be confirmed by the Holy See; for institutes of diocesan right the confirmation rests with the Bishop of the principal See.

Art. 2. Can. 729 CIC is entirely replaced by the following text:

Dismissal of a member of the institute proceeds pursuant to cann. 694 §1, 1 and 2; and 695. The constitutions may also define other causes for dismissal, provided that they be commensurately serious, external, attributable and juridically proven, and that the procedure established in cann. 697-700 also be observed. The provisions of can. 701 are applicable to the dismissed member.

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As deliberated with this Apostolic Letter issued *Motu Proprio*, I dispose that it take firm and permanent effect, despite any matters to the contrary even if worthy of special mention, and that it be promulgated by publication in *L'Osservatore Romano*, entering into force on 10 April 2019, and thereafter be published in the official commentary *Acta Apostolicae Sedis*.

Given in Rome at Saint Peter's on 19 March 2019 Solemnity of Saint Joseph seventh year of my Pontificate.

FRANCIS

Congregation for
Institutes of consecrated life and
Society of apostolic life

Circular Letter
on the Motu
Proprio by Francis

Communis vita

To all general moderators,

We are aware that the expression of life in community “reveals many transformations of what was lived in the past. These transformations, as well as the hopes and disappointments which have accompanied them, and continue to do so, require reflection in light of the Second Vatican Council. The transformations have led to positive results, but also to results which are questionable. They have put into a clearer light not a few Gospel values, thus giving new vitality to religious community, but they have also given rise to questions by obscuring some elements characteristic of this same fraternal life

lived in community. In some places, it seems that religious community has lost its relevance in the eyes of women and men religious and is, perhaps, no longer an ideal to be pursued." This resulted in the Instruction "*Fraternal life in community*" published by this *Congregation for Institutes of Consecrated Life and Society of Apostolic Life* on 2 February 1994. It is a document which, despite the passage of time, remains relevant in the examination of both the positive and more questionable aspects in the experience of life lived in common.

Among these are cases of illegitimate absence from community joined with the inability of contacting the religious. The m.p. *Communis vita* of Pope Francis – promulgated on March 19 of this year – which modified can. 694 of the Code of Canon Law addresses the questionable aspect of distancing oneself from community, an essential element of religious identity. A third reason for *ipso facto* dismissal from a religious Institute has been added to §1 of can. 694: a protracted illegitimate absence from a

religious house, for twelve uninterrupted months in accord with can. 665 §2, together with the inability of contacting the religious.

In the *motu proprio*, which added §3, the Holy Father clarified the procedure to be followed in the new reason for dismissal, integrating what is already described in §2 of the same canon, which remained unchanged. The aforementioned change offers the opportunity to find a solution to the cases of illegitimate absence with particular reference to members who “sometimes cannot be located” and who, therefore, are not able to be contacted.

1. The Congregation for Institutes of Consecrated Life and Societies of Apostolic Life, in the exercise of its daily tasks has highlighted, some situations, in particular:

- members of religious institutes, male and female, who have left the religious house without permission from their superior, or, illegitimately with the intention of avoiding the power of superiors (cf. can. 665 §2);

- religious who, having obtained the permission of legitimate absence (cf. can. 665 §1) or the granting of an indult of exclaustation (cf. can. 686 §1), did not return to the community at the expiration of the term;
- religious who, having left illegitimately, have become unable to be contacted, or have not communicated to the Superior his/her address or place of residence, or at least some indications of how he/she may be contacted.

2. Therefore, can. 694 §1, 3° applies exclusively to religious and members of a Society of apostolic life, who are illegitimately absent and not able to be contacted. It does not apply to:

- religious who are legitimately absent but cannot be found;
- religious who are illegitimately absent but are able to be contacted;

A person is to be considered unable to be contacted if one knows only:

- a telephone number
- an e-mail address

- a profile on social networks
- a fictitious address

3. The Major Superior has the duty to look for the religious who is absent illegitimately and cannot be found by requesting information:

- from confreres, sisters, the previous Major Superiors, Bishops, local clergy, family members and relatives;
- In cases of civil authorities in compliance with national legislation and privacy legislation.

The commitment of the competent Superior is not limited to occasional and hasty inquiries, but rather is to be a research that truly expresses his/her concern for the religious so that he/she may return to community and persevere in his/her own vocation (cf. can. 665 §2).

4. Often the results of the research give negative results, even if repeated over time. At other times, however, it must be acknowledged that members are intentionally not able to be contacted. The competent Superiors, faced with these situations, have asked the Dicastery how

to behave on order to “give legal certainty to the de facto situation”.

To respond to this it is useful to clarify that the competent Superior:

- has to produce certain proof through verifiable documentation of the research carried out and of the attempts at contacting or communicating with the member.
- in the face of a negative outcome of the aforementioned research, the competent Superior proceeds with the declaration of the inability to contact the member.

5. The competent Superior evaluates the case with his/her Council and issues a declaration of inability to be contacted. This declaration is necessary for the certainty of the accounting of time:

- the day *a quo* from which the religious cannot be found cannot remain uncertain, because it would make the twelve continuous month period undefined (cf. can. 203 §1);

- the expiration of the terms to fix the deadline of the twelve continuous months.

6. Once the twelve months have

elapsed, during which the situation of unavailability of the illegitimate absentee was not changed in any way, the competent Superior must proceed to the *declaration of the fact* to legally establish the *ipso facto* dismissal according to the norm of can. 694.

In order for the dismissal to be legally valid, this declaration must be confirmed by the Holy See if the Institute from which the member is dismissed is of Pontifical Right, while it must be confirmed by the Bishop of the principal seat if the Institute is of Diocesan Right.

7. The new provision (can. 694 §1, 3°) does not apply to cases prior to 10 April 2019, in other words it cannot be said to be retroactive, otherwise the Legislator should have expressly declared it (cf. can. 9). The m.p. *Communis vita* called for the modification of can. 729 which regulates

the life of secular institutes, because dismissal from the Institute for illegitimate absence does not apply to members of such Institutes.

Hoping for the correct application of the third paragraph of can. 694, the Dicastery invites Major Superiors to make use of the implementation instructions formulated here, aware that religious are “called to offer a concrete model of community which, by acknowledging the dignity of each person and sharing our respective gifts, makes it possible to live as brothers and sisters”,

as Pope Francis states in the *Apostolic Letter to consecrated persons* (21 November 2014).

Vatican City, 8 September 2019

Nativity of the Blessed Virgin Mary

João Braz Card. de Aviz

Prefect

c José Rodríguez Carballo, O.F.M.
Archbishop Secretary