

# RELIGIOUS GOVERNMENT:

## PERMANENT PRINCIPLES AND NEW TRENDS

By LADISLAS ÖRSY

FOR A LONG TIME to come, the decree *Perfectae Caritatis* will be considered the great charter of the renewal of religious life; for many years it will be the principal source of our inspiration. But if we are to obtain from it all the benefits that the Council intended, it will be necessary to bear in mind that the decree is not a full codification of the doctrine and the practice of religious life; it is rather a spring-board to launch us into a new way of living the consecrated life. In other words, the decree should not be considered as the last act of a development, but rather the first step of many in a new direction. The intention of the Council was not to promulgate rigid regulations, but to give us an instrument that would help us to create new life. In this exposition I shall follow the policy of the Council. It is not my intention to give detailed rules on government in religious life, but rather to reflect on some of its principles and problems, in order to find new insights and new practical solutions.

It is necessary at the outset to situate the problem of government in the whole context of religious life. To govern is to fulfil a function in the community: so that the problem of government is part of a broader problem of life in community. Life in community has two elements: the internal inspiration that brings the members together, and the external structure which is the visible framework of community life. The internal inspiration is the work of the holy Spirit and is a permanent grace; the external is man-made, and subject to change and development. The first step, then, in the work of renewal is to distinguish clearly what is spiritual and permanent from that which is external and easily changeable. Divine inspiration is to be distinguished from its incarnation in this world. Spiritual gifts to a religious community can be for all times;

read more at [www.theway.org.uk](http://www.theway.org.uk)

their practical expression in history bears the mark of the age in which men live. As long as this distinction has not been clearly worked out within a religious institute, and applied to constitutions, rules and customs, the road for renewal is neither clear nor free. Progress will be continually hampered by a confusion of values. Accidental and temporal manifestations of the internal spirit will be considered as being of the essence of the charism the institute has received; or else the permanent gift of the Spirit will be mistaken for a human idea. The result of the first mistake will be a resistance to necessary changes with the consequent decline and demise of the institute; the result of the second will be illimitable changes, with the consequent and permanent loss of the personality of the institute. To separate the permanent gifts from the transient elements in the life of a community requires both a warm and loving heart and a cool and detached mind. The balance of these qualities is likely to bring the right solution.

In fact, it is not even enough for an institute to discover the initial spiritual inspiration; it has to bring it to fulfilment with the present graces that the Spirit is offering now. The inspiration of the founder is the initial grace of the institute. Since grace is a living gift, it has to grow, it has to be further enriched by the never-ceasing action of the Spirit. The first grace of a religious community could be compared to the grace of baptism. As baptism is the beginning of christian life, so the grace given to the founder is the beginning of the life of an institute. As the baptizmal grace has to develop and be enriched by further gifts, so the grace given to the founder has to increase and multiply by gifts given to every member of the institute in the course of history. While we take it for granted that the Church must develop and find new insights into old truths and renew her practical life at every age, we forget that religious institutes must evolve in the same way. When an institute refuses to accept new spiritual gifts, it cuts itself off from the dynamic life of the Spirit in the Church. It immediately begins to age and to decline. When an institute is open to new inspirations, it is alive and it grows. New wine should never be put into old bottles.

Today God gives new wine to religious; they have to find new bottles for it. New graces cannot be put into old structures; we have to find new structures for new graces. This is a participation in the mystery of incarnation. The same God manifests himself in different ways to different ages. Spiritual gifts should inspire external

structures. But external structures should grow and develop according to the law of history. They have their roots in God's permanent gifts, but today they must bring forth their fruit for the men of our own age. This is valid of all external structures, including forms of government.

In my exposition I shall distinguish permanent values from changeable structures; values to be preserved from forms to be renewed. I shall try to present new inspirations about the incarnation of spiritual gifts in the modern world. Also, whenever I feel it necessary to recall general principles, I shall try to illustrate them by practical examples. The exposition itself will fall into two main parts. In the first part I shall discuss the theological principles of government in religious life. In the second part I shall suggest practical solutions.

#### THE PRINCIPLES ON WHICH GOOD GOVERNMENT SHOULD REST

##### 1. *Religious life is consecration to God in a community*

Virginity, poverty and consecration in a community are all charisms. Virginity and poverty can be given to persons who do not live in any type of ecclesial community; an individual christian can lead a life of virginity and of poverty. Religious life arises when those who have received the gift of virginity and poverty form or join a community, in order to be incorporated in a special way into the visible Church, and to continue the saving acts of Christ according to the directions they receive from the Church, from the bishops. When these persons, virginal and poor, ask to be associated with the visible Church in such a close way, they do the same as the twelve apostles did, who left behind their families, their ordinary work, their worldly goods, and joined Christ, in order to be with him in his specific apostolic ministry. There was a covenant between Christ and his apostles, which began by an invitation from the Spirit to follow Jesus. It was continued in the clear profession of faith by the apostles in Jesus of Nazareth: the Father revealed to them that Jesus was the Messiah. It was concluded by Christ's promising to share his eternal kingdom with his apostles. There is a similar covenant between Christ and a human person who dedicates himself to the work of the visible Church in an ecclesial community, in a religious institute. The covenant begins by an

invitation of the holy Spirit to the person to profess his faith in the visible Church. It is continued when the person joins an ecclesial community, in order to further in it the saving work of Christ. It is finally concluded by the promise of Christ to take care of this person so generously dedicated to his service. The charism of religious life includes this visible union with the visible Church. It is Christ who lives and works in the visible Church. Although virginity and poverty are essential in the consecration of the person to God, dedication to the work of Christ in a community approved by the Church, and incorporated in a special way into the visible structure of the Church, makes this consecration a specifically *religious* consecration. It introduces us into the heart of religious life. The foundation of religious life is consecration to God in an ecclesial community.

2. *Life in a community means relationships to various members*

Every human community, whether christian or not, is an organic unit. Not unwisely it has been compared to a human body. In the body there is unity and there is diversity. The unity of the body comes from the soul that penetrates every organ, makes it function properly, and makes all organs into one. The body and the soul itself form a unity; and this unity we describe as a human person. In a community, too, there has to be a source of unity. It is in the common inspiration of the members, in their unique purpose, in the *one* spirit that moves them. Yet there has to be diversity: the members are many. Each one of them is fulfilling a different function, contributing in a different way to the oneness of the whole community. As the body, so the community has to be one and diverse at the same time. Without this balance between unity and diversity there cannot be a body and there cannot be a community.

In every community there has to be a principle of unity. The deep source of unity is in the common inspiration and in the common purpose of the members. But this unity has to be expressed externally. Therefore the community must have a head. Someone has to lead the community. There must be one to coordinate the efforts of the many. At the same time, the diversity in the members has to be fostered. Otherwise there would not be an organic unity, a community, but monotonous uniformity only.

It is obvious that in such organic unity there are various relationships among the members. Every member must help the head of the

community to live up to his vocation, which is that of being a principle of unity. The head must help the members to contribute in the right measure to the welfare of the whole body. When we speak about the relationship of the members to the head, we usually describe it by using the term 'obedience'. When we explain the relationship of the head to the members we call it government. Clearly enough, all these relationships are not static. Both obedience and government mean actions that keep the community alive. Our description may be static; life in community is dynamic. Apart from the relationships between the head and the members, there are also mutual relationships among all of the members. These could be called horizontal, if we called the other ones vertical. All these mutual relationships are equally important. To have a healthy body it is necessary that all the organs function properly; they rely on each other and help each other all the time.

We can understand now that obedience is only one aspect of consecrated life in community. Government is another aspect, no less important. Mutual love and charity are the pre-eminent duty of everyone; they put flesh and blood on the body which, with mere obedience and government, would remain a skeleton. To keep the body healthy in a community, all these relationships – obedience, government and mutual charity – have to function well: if their union and delicate balance are disturbed, the body will suffer from an internal illness. Bad government will harm the body no less than bad obedience. And the lack of mutual charity will be like cancer in the body: neither devoted obedience nor wise government will save it. I am not saying that a person of good will is not guaranteed salvation and spiritual progress even in an unhealthy community: I am saying that a community cannot be healthy unless all its members function properly.

3. *The charism of dedication to the work of Christ in an ecclesial community must be distinguished from living in a community*

Religious communities in the Church reproduce and continue the life of the apostles. The apostles gathered around Christ, through their presence with him they confessed that he was the Messiah, and with Christ they announced that the kingdom was at hand. Religious gather around the visible Church; through their incorporation into the structure of the Church they confess that she is a sign of salvation and a source of life for all nations. With the

Church they declare that the kingdom is at hand. The foundation of any religious community is an act of faith in the Church. Its purpose is the continuation of the saving work of Christ in the Church. The specific charism of religious is dedication to the work of the Church, dedication in and through a community whose way of life has been approved by the Church. Also, the Church communicates a certain power to the community, power necessary for their work – which is the work of Christ. This power is present in the organic life of the community: it is present in government and obedience.

To live in a community which is not incorporated in this way into the visible Church can be a gift of God too. It can be a charism. But it is not identical with the former one. Two examples will help us to understand the difference. Firstly, we could think again of the group of apostles, who left their home and their work to be with Christ and to announce the good news. They formed a specific group, with a particular purpose, and they had a unique blessing on them. They had a unique covenant with God. Secondly, we could think of some good persons who had heard Christ teaching, believed in his doctrine and formed a community to help each other to do what they heard, but without setting out to follow him on his apostolic journey. Obviously the second group would have had faith in Christ and would have demonstrated their love in him; but without going on a journey into the unknown with him. They would have remained at home and continued their work, without sharing his every day life, without taking up a specific apostolic vocation. Religious, living in an ecclesial community, have a covenant with the visible Church. Others forming a private group do not have such a covenant. To live in a community is not the same as to be a member of a consecrated community. The difference is in their relationship to the visible Church; in their act of faith in the Church, in the type of their dedication.

This is not to say that to live in a non-ecclesial community is not good. It is good. And if anyone is called to that way of life, he has to follow the call. Yet, to be 'more intimately consecrated to divine service'<sup>1</sup> ordinarily postulates membership in an ecclesial religious community. If one tried to describe the difference between the two ways of life (in an ecclesial and in a non-ecclesial community) the comparison with virginity and marriage might come to mind. Both

---

<sup>1</sup> *Lumen Gentium*, 44.

are good; each person has to follow his own vocation. Yet virginity means total consecration to God immediately, directly; marriage means total consecration to God through a human person. Religious life means an act of faith in the visible Church: a journey into the unknown under the guidance of the same Church. Since the holy Spirit is with the Church, a vow of obedience makes sense. To live and to work in a non-ecclesial group can be holy and sometimes necessary. Rarely will it be a journey into the unknown; the members will reserve for themselves the direction of their life and work. A vow of obedience in such circumstances is unwise – to say the least.

4. *In every religious community there is a divine mystery within the framework of the human reality*

The divine mystery consists in the living presence of the Word of God and in the presence of the living Spirit of God. In every religious community the Word of God comes alive. There is more in the life of the community than the imitation of the example of Christ, or the fulfilment of his commands or counsels. In the life of the community the Word of God takes on a new existence. Christ declared that virginity was a gift of God. He told us that the poor were blessed. And he promised his hundredfold to those who undertake the work of spreading the kingdom, and for the sake of it leave behind their families and possessions. To read the word of God is refreshing for all christians. But these specific words of Christ about virginity, poverty and apostolic charity turn into living reality in the life of religious. In them the Word of God receives a new existence. In them the Word is alive and active, bringing fruit. They represent a new dimension in the kingdom of God on earth.

The Spirit of God is present with every community. The institute has its origin in the inspiration that the founder received from the Spirit. This inspiration was kept alive and enriched by new graces all through history. In spite of all the difficulties that we may encounter in the life of the Church or of religious institutes, in spite of the pessimism that one occasionally finds among good people, I believe that the Spirit of God is being poured out again in an unusual abundance on the children of God, and in particular on those who have received the charism of religious life. The Spirit of God is with God's consecrated people. The very existence of

religious communities is a continuous demonstration and celebration of the truth that God is with us. If the holy Spirit abandoned them, the result would be a general exodus out of the cloister and religious houses. This is not imagination. It is simply the translation of a great religious truth into small everyday facts. The Spirit of God is being given to God's consecrated people today in greater abundance. The anxious search among religious for authentic spiritual values, for full christian commitment, their aversion for formalities, are all signs of the action of the Spirit among them.

There is a divine mystery in every religious community. But God's gift is present within the framework of a human reality, within a human community. Since the community is human, it has all the limitations, shortcomings and failures of our human nature. The members are children of God. But their transformation is not complete. They are children of man too. Their community has to follow the law of Christ, but they must conform to the law of a human community as well. Therefore it is evident that whatever good has been produced by such sciences as sociology, personal management, human relations or group dynamics, must be studied and integrated into the life of the human community. Otherwise, we are tempting God and asking for miracles. If care is not taken of this human reality in a human way, then the gift of God, the divine mystery's presence in the community, simply cannot operate.

One of the most important characteristics of a human community is fallibility: to make mistakes and to correct them belong to its way of life. The charism of infallibility was given to the whole Church, to the college of the bishops and to the pope, and to no-one else. Religious communities have to operate on the basis of fallibility. The life of the community has thus to include a steady and painful search for truth, a never-ending search for the right solutions of its problems. It has to include also all sorts of corrective measures for the frequent mistakes made on the part of the community, of the superior or of the subjects. Given the fallible character of the community, such mistakes have to be anticipated, taken for granted, and in due course corrected. Christ never promised that small communities in the Church, or individual members of the Church, would be infallible, would have the security of a sure judgement and the perfect execution of decision. He promised only that, through human vicissitudes, he would stand by them and lead them to his Father.

## PRACTICAL PROBLEMS AND PRACTICAL SOLUTIONS

In every religious community the power of the Spirit of God is somehow present. This power becomes manifest externally through the structured life of the community. My concern will be with one aspect of this life, which is government.<sup>1</sup>

Government in religious life is frequently understood as the function and activity of the superior of a local community, or of the major superior, be he the head of a province or of a whole institute. This is, however, an undue restriction of the concept of government. Government is a far more complex and extensive activity, in which the superiors have an eminent but by no means exclusive place.

Government means the leading of the whole community towards the kingdom of God. Government means to free the whole community from all encumbrances, so that they can be fully open to the impact of the Spirit of God. Government means the coordination of all the graces and gifts of the community. It means also a religious respect for every person in the community. This complex activity of leading the community to the kingdom, of freeing them to the Spirit, of uniting them without destroying the diversity of the members, requires legislation, execution of the laws and, when it is necessary, arbitration. There has to be legislation: general norms have to be given to the whole institute. These norms should act as main directives, clear guide lines and also as a liberating force achieving a deep union with the Spirit. They should be a source of unity with respect for diversity. Then there should be in the community instruments for executing these laws. Their concern should be the application, not the making, of the laws. Finally there should be some judicial procedure in every institute to resolve doubts about the interpretation of laws, and to redress injustices if and when they happen. Because every community is human, it is to be expected that there will be doubts about the meaning of laws, there will

---

<sup>1</sup> I repeat here that government is only one of many aspects of community life. The consideration of the role of government should be complemented by others on obedience and on mutual respect and charity among the members of an institute. It also needs to be shown that there is a unity in these three different aspects of community life; they are different expressions of one mind and one heart that make a group of people into a community. For practical reasons, at present, I am concerning myself with government only; but my exposition must be understood in the broad context of all the aspects of community life.

be conflicting interpretations of the constitutions, and sometimes there will be unintended or even intentional injustices. Every community, then, needs some sort of machinery to resolve doubts and conflicts, and to examine complaints and grievances. In the technical language of jurisprudence we speak about the legislative, executive and judicial branches of power. No human community should be deprived of the wisdom that is in this division of power. Experience has proved abundantly that the life of a community is happier and more balanced, and that their work is more efficient, if the *one* power is divided among *three* organs. Such a division is not the invasion of politics into religious life. The division existed in religious life long before it became the creed of modern political philosophy.

#### LEGISLATIVE POWER IN RELIGIOUS LIFE

The problems concerning legislative power in religious life fall into three groups: first, there is the problem of representation – who should be the legislators; secondly, there is the problem of the openness of the legislative body to the holy Spirit and to the needs of the world and of the institute – how can they provide promptly new laws for new needs; finally, there is the problem of guiding principles for legislation – how are wise laws made.

##### 1. *The composition of the legislative body*

The Council states that renewal should be the common work of the whole institute. It states also that this work of renewal cannot be done once for all; it has to be progressive. Religious will always have the task of renewing themselves. The chief instrument of renewal is the legislative body of the institute, the general chapter. Since the chapter is acting in the name of the whole institute, it must in some way represent the best aspirations of the community as a whole and of the individual members. In other words, the chapter must have a quality and quantity representation. In every institute there are members or small groups blessed with special graces, talents or experience. It is fitting that these exceptional gifts should be present somehow within the legislative body. Also in every institute there is a basic equality among all the members, independently of their personal qualities. Therefore it is also

fitting that somehow all the members should be represented. A wise balance in the composition of the chapter will be reached when there is a balance of quality and quantity. A system of representation based merely on a majority of votes obtained would not necessarily bring out what is the best in the community. It could lead to the impoverishment, spiritual and material, of the institute, if the majority of its members is not well-informed or well-inspired. A system of representation which would take into account quality alone could easily lead to the domination of the institute by one group representing one school of thought and not the variety of graces. In the past, this problem of quality and quantity representation was resolved by giving the right to attend the chapter to those who held major administrative offices, and admitting also a certain number of freely elected delegates. The system of election may have been either by the direct vote of the members or by a smaller body of electors chosen by the direct vote of the members.

No chapter can be truly representative of the institute unless about two-third of the chapter-members are freely elected, and no more than about one-third enter the chapter by right of office. If this proportion is not preserved, a dangerous situation can develop. If those who enter the general chapter by right of office are in the majority, or are present in such numbers that they can impede any motion contrary to their ideas, then one school of thought, one interpretation of the traditions, one vision of the future will be perpetuated. Another school with other ideas will have no opportunity to assert themselves; they will always lose when it comes to voting. The spirit of an institute is much richer than the vision and interpretation of one group in it. If one group of superiors were able to impose its own ideas and administrative ways on the general chapter and on the institute by appointing persons of the same mind as local superiors, the institute gradually would lose its riches, including a number of vocations, would be subject to a one-sided leadership and would not grow in a healthy and vigorous way. This is why the right balance between those who participate at the general chapter by right of office and those who enter it by election is essential. Those who enter the chapter by election should have the power and the possibility to change the whole administration if they judge it necessary for the good of the institute. A healthy admixture of persons of various schools of thought is likely to give a greater scope to all the graces and gifts present in the institute.

With the expansion and growth of an institute a new problem may

emerge: the great number of representatives at the general chapter. If there are many provinces there will have to be many provincials at the chapter. For each provincial there should be two freely elected delegates. The result may well be an unduly large chapter which is by necessity an unwieldy legislative instrument. The solution to this problem is simple in theory and hard to accept in practice: the number of the members of the chapter has to be reduced without sacrificing any of the principles of representation explained earlier. This can be done in many ways: for example, by permitting only some of the provincial superiors to enter the chapter (perhaps by election), and by having two delegates elected for each provincial. Such elections could be made on a regional basis.

The possibility of electing representatives on the basis of the different types of work performed by the institute should also be explored. For example, if the institute has secondary or high schools, then the principals of high schools could elect a representative; if it also has hospitals, the administrators of hospitals could elect a representative; if the institute has parishes, the pastors could elect one, and so on. In this way, different types of work could be represented. This leads to another question: could the general chapter be divided into two chambers? One would consist of superiors (one-third) and freely elected members on a territorial basis (two-thirds); the other would be composed of eminent specialists, partly appointed by the superiors (one-third), partly elected by their peers (two-thirds). The size of both chambers should be kept reasonably small, and, for the passing of the laws, the consent of both groups would be necessary, with the proviso that, in case of disagreement after attempts at reconciliation, the opinion of the territorial chamber should prevail.

Is such an idea realistic and practical? There are certainly good elements in it, but it is untried. I am putting it forward not by way of advocating it, but by way of research. Should not we explore *all* alternatives in order to select the best ones?

## 2. *Openness to the Spirit and to the needs of the world*

The very essence of religious life is that the members have the spiritual mission of the prophets. Not in the sense of foretelling the future, but of being charged by God to transmit a message to his people. By accepting their vocation of virginity, poverty and obedience to the Church in a community, they let the word of God

come alive in themselves. They preach that 'the kingdom is at hand' even before they say a word; but they have to announce it by word of mouth as well. And this is prophetic activity. The source of this mission is the holy Spirit: he gives it, he keeps it alive. Now such a vocation cannot be fulfilled unless the religious institute as a whole, and its members as individual persons, is continually open to the Spirit: he it is who gives the message.

At the same time, all must be aware of the needs of the world: the world has to receive the message. Prophets always carry a topical message, meant for their particular times and for the men with whom they live. Obviously, such a vocation cannot be fulfilled unless there is openness in both directions, towards God and towards the world. This openness must be present in the individuals, and also in the institute. It cannot be present in the life of an institute, unless it is present in their legislative body, that is, in their general chapter.

Openness means listening to the holy Spirit; and it means watching for the signs of the times in the world. The practical conclusion to this is that a general chapter which is convoked rarely, and perhaps with little preparation, cannot have this openness. An institute in which the supreme legislative power does not function except once every six or nine years, for some two or three months, cannot keep up with the inspiration of the Spirit for a fast moving world, or with the needs of the Church in this modern world. Such a system may have been useful in the past; it is not satisfactory in the present. Yet most religious institutes have an anachronistic way of convoking and celebrating their general chapter. Only a few, if any, have the machinery for a quick and efficient legislation. Small wonder that many communities fall behind their time. The solution towards a new openness may well be in more frequent convocations of the general chapter: provided, of course, that the numbers of those taking part in it are kept reasonably small. Major policy decisions and the framing of new laws to meet new needs may well require that the general chapter should meet every two years.

However, there might be also an intermediate solution. The general chapter could lay down the main lines of legislation; then it could itself elect a standing committee, whose duty would be to continue working after the general chapter is dissolved and to fill out the details in legislation passed by the chapter. The same committee might also have the task of preparing the next general

chapter. In this way there would be steady legislative activity in the institute. The upheaval that chapters convoked every six or nine years are bound to cause would become a thing of the past. Any member in the institute with a proposal for future legislation could be allowed to approach this committee at any time. Needless to say, such a committee would be a legislative organ, part of, and subject to, the general chapter; and, as far as legislation or its preparation is concerned, not subject to the general superior. To avoid any conflict in practice, the general superior or his delegate could be its chairman.

A living legislative body, functioning with continuity, would be the best instrument of openness both to the inspirations of the Spirit and to the needs of the world.

### 3. *The spirit of laws*

The legislative power will function in the best way if the members of the chapter keep in mind that their vocation is not so much to bind the religious who belong to the institute, as to free them for the inspirations of the Spirit and the needs of men. Their task is not to give detailed regulations for the daily life of various communities, but rather to provide a framework that brings balance and order into the life of the institute, from which peace will follow. And where there is peace, the community is wide open to the Spirit. In a way, we should say that the task of the general chapter is not to bind but to loose. Not to bind by a great quantity of laws, but to loose the ties that may be impediments to the free movement of the Spirit and to the service of our fellow men.

The right policy in legislation is to make a few laws only, formulated with clarity and simplicity. The temptation will be always there to build up an elaborate legal system that would eliminate all loopholes and abuses. But such is not the purpose of our legislation, which should trust and serve the brethren and humbly accept that there will be some evasions and abuses. When they come we shall be humiliated and suffer from them; yet we should not penalize the whole community. Laws should not be conceived in function of the worst member of the community. Our limitations should be humbly accepted, and failures and abuses eliminated in some other way than by general legislation. The legal system itself should be flexible and open, trusting and respecting the persons.

The members of the general chapter should keep also in mind that their task is to make *general* laws for the whole institute. They should leave plenty of room for differences in the various provinces. Diversity comes from God just as much as unity; not to respect diversity is to go against the divine plan. If particular laws are really needed, then particular legislation could be provided for by the provincial chapters.

The right order between laws, rules and customs should be restored. These terms have frequently been used synonymously. In the past, Constitutions, rule books and custom books have been promulgated by various organs of an institute, and a uniform importance attached to them, usually under the mistaken principle that a generous soul never distinguishes between great things and small: he wants to give all. Therefore, it was concluded, there should be no difference in observance and no difference in the machinery of dispensation. The fact is that God distinguishes between great things and small. And a generous soul must have the same mind that God has. He should distinguish between great commandments and small recommendations; and he should use his own judgment in adapting the written code to living persons and practical situations. Laws should be few and respected; no one wants anarchy. Rules should operate as guidelines, leaving a great amount of discretion to the individual, so that he can follow more the spirit than the letter of the rule. Customs should be what they are called: a common way of doing things. From this common way the person should be able to depart easily, whenever the circumstances demand it, without any need for formal dispensation. Since customs are not rules, no one can dispense from them. I am not suggesting that some customs cannot become laws; I am simply explaining the role of customs. It would be, however, a rare case in modern times when a custom really becomes a law.

The legislative body of a religious community should keep in mind the great difference that exists between the enclosed way of life and the apostolic way of life. In the enclosed way of life, a great deal of uniformity is essential for the peace of the community; in the apostolic way of life, such uniformity is harmful to the work. Thus, the binding force of laws that do not deal with essential problems will be different in the two differing types of institute. The devotion of the enclosed religious is strongly to the Holy Rule. The devotion of those who follow the apostles' way of life should be strongly to the people of God who are entrusted to them. One of the primary needs

of an enclosed religious is steadiness, stability. The primary need of an apostle is flexibility. The very character of laws, rules and customs in an apostolic institute is different from that in an enclosed or monastic community. For the apostle working in the world, laws are instruments to help him to receive, to carry and to announce God's message. Their value lies in the fact that they are instruments. This is one of the reasons why the legislation in an apostolic institute needs constant revision. Care should also be taken that laws do not accumulate; those which are antiquated should be cancelled before they become an intolerable burden. In any case, the principle of the scholastic theologians is as valid today as it was in earlier times: when a law is useless it is no longer law.

Finally, the subsidiary character of man-made laws should never be lost from sight. Priority over them should be given always to the authentic action of the holy Spirit, and to the exigencies of the word of God. The children of God, especially those consecrated to God, should feel and experience their freedom, as St Paul experienced it. They should not be servants of the law; the law should be at their service. Part of the good news is that God is interested in persons, not in observances. But full love will be always practical, doing the will of the Father as it is revealed through the Spirit, through the Word and through men sent by God.

#### THE EXERCISE OF THE EXECUTIVE POWER

By the term government in religious life we usually understand the exercise of executive power. But it is obvious, even after brief reflection, that the right government of an institute depends greatly on the right function of the legislative power. Superiors are charged only with the execution of the laws, with putting them into practice. As a rule, no institute should give legislative power to superiors; this should always be reserved for the chapters. Normally, the superior is entitled to interpret the laws for the sake of good government. In ordinary language, he is entitled to take a practical decision without giving a final sentence about the meaning of the law. This is a wise rule, since life has to go on. Someone must be there to cut short interminable discussions about the meaning of the law, and call the community to action.

There is good executive government when it is equally poised between the legislator and those who hold judicial power or

authority to arbitrate. Day to day government will be healthy insofar as the superior faithfully follows the spirit and mind of the legislator, and is aware that he too can be called to account by another branch of authority in the institute. If the superior tries to invade the field of legislation, or if he becomes the sole arbiter of right and wrong, the delicate balance of the institute will be upset and crisis will follow crisis. Therefore every superior's first virtue is obedience: he is bound by the constitutions. He should also have the humility to realize that he is helping with the dispensation of God's graces in a human situation, where he does not have the gift of infallibility. He is permanently in need of help and correction.

Let us recall two principles which will help us toward creating a balanced type of executive government. Firstly, the gifts of God for the institute are given to the whole community, through every one who is a member of it. Secondly, there must be a source of unity, a unifying principle in every community. The first statement upholds diversity; the second affirms the need for unity.

Diversity is necessary. Unless every member of the body functions fully and properly, the body cannot be healthy. The superior is bound in conscience to preserve diversity. Uniformity in itself has no religious value. The truth of this is so obvious that no further explanation is needed. This diversity should be everywhere present, in the daily routine, in work, in relaxation, since in all these activities different persons are taking part.

Unity is necessary. The effort of the community has to be coordinated and guided. This has to be done with authority. Otherwise there will be no community, but merely a loose group exposed to dissolution at any time. This is a rule of common sense before being a rule of religious life. No business committee is allowed to function without a chairman. There is no state in which there is not *one* person who is finally entrusted with the execution of laws, be he called president or prime minister. In fact, no human community could exist if the final execution of the laws were entrusted to several persons: they would inevitably pull the community in different directions and would bring about its dissolution. The action of the community in a given case cannot be more than one; therefore one mind must somehow lead the rest. If there is a community operating there must be at the last resort one person in charge of the operations.

Although the community must have one head, the executive power itself can be variously distributed between the head and the

members. To say that there must be one head does not mean that all the executive power must be with the head. In practice it is never so. But there are different ways of exercising power in government: one allows a large sharing of the power by the community; another concentrates most of the power in the hands of the superior. Both forms are good, both are confirmed by the experience of centuries. Their adoption in practice should depend on the traditions, purpose and character of the institute. It would be quite wrong to pretend that there is a common solution for all. There is not. Communities are like human beings; each of them has its own personality. Also, while we are discussing these matters, let us recall that however important the external structure of government is, the persons who are in charge are far more important.

In the one system (the more traditional one), the power to govern is shared by the community. Basic problems of policy and important administrative issues must be brought before the brethren who have the right to decide by the vote of the majority. The superior is bound by the decision, but he will remain fully in charge of its execution. There is, of course, both authority and obedience in this way of proceeding. Authority is exercised mainly in a corporate way, and all are bound to obey it. This type of government was familiar in monasteries and a good deal of it was taken over by the friars of the middle ages. It is still practiced successfully in orders of ancient foundation. There are also some new congregations who are feeling their way in the same direction.

The key to the successful application of such a system is an extremely rigorous selection of candidates, and the maintaining of the highest standards of religious life. Since decisions are taken by the majority, the spirit of the institute will reflect, in everything, the view of the majority. The community will have an exceptional spirit if the majority is of exceptional quality; if it is not, the institute will sink into mediocrity. Therefore, when a new foundation opts for this type of government, it should lay down exacting norms for admission, it should give an excellent training, and it should find some way to help those back to secular life who do not reach their high standards.

In the other system (the more recent one), most of the power of governing is concentrated in the hands of one person, the superior. In this case, since of necessity the superior represents the limited wisdom of one person, it will be necessary to establish well-functioning machinery for steady consultation with the community, and with

various experts inside and even outside the community, so that the wisdom of one can be completed by the wisdom of many. There also should be an efficient machinery for correction in case the decision taken does not happen to be the right one. The power to correct can be exercised in a binding way by a higher superior, or it can be exercised by way of advice through counsellors.

In no circumstances should the consultations or corrections be reduced to mere formalities. Care should also be taken to choose the advisors or counsellors of the superior in such a way that they represent different points of view. As a rule, it would not be good policy to confer on the superior the right to appoint his own council. The temptation to choose persons who would easily agree with him would be strong. They could be elected by the community, or appointed by a higher superior after consultation with the community.

The constitutions of religious institutes founded around or after the Council of Trent favour this type of government. If the superior is faithful to his duty of consultation, and humble enough to take correction, this type can greatly increase speed in government and consequently apostolic efficiency.

The person of the superior is of capital importance in this system. He must be well-versed in the art of discerning the will of God in this world, since his duty is not to create it but to find it. Also he must be well-trained in those human sciences helpful in directing persons. He should have qualities of leadership with an abhorrence of dictatorship.

It should be noticed that a combination of the two systems is possible and does exist in some communities. This happens when the whole community elects a group of persons who will share the executive power of the superior, so that major issues are decided by the vote of the majority in this elected group, the superior remaining in charge of execution. Such a group is sometimes called a senate: it is there to help the superior by truly sharing his power. It may well be that such a solution will prove itself the best for many institutes. This system does not give the power of government to the majority, and hence it helps to avoid a tendency to mediocrity. At the same time it sets up a structure which will enlarge the wisdom of the superior and correct an imprudent course of action.

There is a promising field here for experimentation.

## JUDICIAL POWER IN RELIGIOUS INSTITUTES

The problem of judicial power in religious institutes remains a challenge for us. It can be stated with reasonable accuracy; but a good practical solution is not in view as yet. I am sure that some sort of judicial power is needed in every community to keep the right balance between general laws and their particular applications, between the common good and personal rights. Further, it is desirable that doubts about the interpretation of the constitutions, the meaning of the rules, the observance of customs, should be resolved by a panel of wise persons who are not immediately involved in the administration, and have no personal interest in the case. I am uncertain as to what is the best practical answer to this need. I can only indicate some ideas that may help us to find in due course the best answer.

The judicial power, or power of arbitration, should not be conceived exclusively as a legal institution to protect the rights of individuals. It has to protect all rights: those of the Church, of the institute, of the superior and of the individual. It is in the interest of all that if there is doubt about the law it should be resolved objectively without human respect. Also, it is for the good of all that, where there is an accusation of injustice, a group of people, not involved in the dispute, should give a considered and independent opinion. This would protect the superior just as much as the individual. The institution of a tribunal with proper judicial power is not alien to the law of religious. Exempt clerical orders have the right and duty to set up such a tribunal in some cases of great importance, such as the dismissal of one of their solemnly professed members. So when we speak about judicial power we are moving on solid and traditional ground.

The modern problem is how far should we extend the use of this power and its field of operation today. It does not seem either necessary or wise to set up many judicial courts with jurisdiction. Rather we should think of establishing a board of arbitrators composed of trusted, independent and wise persons to whom cases of doubt and of apparent injustice could be referred. They could act on the petition according to their own discretion, and they could bring a judgment that would have authority because of the integrity and prudence of the arbitrators. It would not be necessary to give them jurisdiction. Such boards could be established within the framework of major institutes of men or women.

They could function on a provincial, regional or universal basis, depending on the circumstances. For smaller institutes, perhaps, the diocese or the ecclesiastical province could establish such a board. Once the board is established, opportunity could be given to superiors and members in religious congregations to refer cases to the board.

If the arbitrators were rightly selected, they could make a great contribution toward increasing respect for religious life. Through them it would be manifest to all, inside and outside the Church, that in our religious houses the legitimate authority and the dignity of the christian person are consistently upheld, and, if an injustice happens, it is neither covered up nor approved of. Also, if the constitutions are finally interpreted by an independent tribunal, no arbitrary government could ever establish itself in a religious institute. To avoid such governments forever in the future would greatly serve the cause of the Church and the greater glory of God.

By way of conclusion, it should be stressed that the changing of some structure in government in no way destroys authority. The power given by the Church to a religious institute remains, whether the government is exercised in a more corporate or in a more personal way. Obedience in all cases is exactly the same: the emptying of a person to the will of God. In fact, this paper could be described also as a search for how a religious institute and those in government can best empty themselves for receiving the will of God.

In this search, my intention was not so much to offer ready made solutions, as to present some ideas that may serve as a point of departure for further reflection, and perhaps for eventual experiment. The gifts of the Spirit and of nature are given to each one of us; with their help we should go on searching. Each institute should build up the type of government that best suits its traditions and its vocation in the future. To find the right type of government is to set out on the road to progress. Good administration and good persons in office will open up the institute to the holy Spirit, will help the members to follow Christ closely, and will make them servants of their fellow man.<sup>1</sup>

---

<sup>1</sup> This article will appear in Fr Örsy's forthcoming book, *Open to the Spirit: Religious Life after Vatican II*, to be published next year by Corpus Books, Washington, D.C.