THE ACCOUNT OF CONSCIENCE AND THE RIGHT TO PRIVACY IN THE GOVERNANCE OF THE SOCIETY OF JESUS

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ABSTRACT

The papal bull *Regimini militantis Ecclesiae* of Pope Paul III on 27 September 1540 gave the approval for the Society of Jesus. This approval was revised and confirmed by Pope Julius III with the papal bull *Exposcit debitum* on 21 July 1550. This document is known as the Formula of the Institute of the Society of Jesus and is the fundamental law of the Society. The document was elaborated in the Constitutions of the Society, which clarified the hierarchical structure of governance of the Society and the membership. The general congregation which is the supreme legislative body of the Society is comprised of professed members of four vows, and these members are the Society in essence.

The Formula of the Institute placed the superior general at the helm of the Society, and he is assisted in the governance of the Society by other major superiors, whom he appoints to head structures known as provinces, regions, or conferences of major superiors. These major superiors have the central role of caring for the members and the apostolates. In order to do this, the major superiors receive the account of conscience from each member periodically. They are under the obligation to observe secrecy, whilst the members are obliged to be transparent without hiding anything.

The dissertation analyzes the practice of the account of conscience in the Society and the protection of the right to privacy. Following the abuses of the account of conscience in the late 18th and early 19th centuries, the Church prohibited superiors of both clerical and lay institutes to mandate their members to manifest their consciences to them. The Church protects the privacy of the Christian faithful most prominently in c. 220 of the 1983 Code of Canon Law. Meanwhile, c. 630 §5 governs the exercise of manifestation of conscience, spiritual direction, confessors and the sacrament of confession in religious institutes. The Church acknowledges the spiritual benefits of the account of conscience and encourages members to freely approach their superiors for the manifestation of conscience and for the sacrament of reconciliation.

The confidential nature of the account of conscience has raised the question whether the right to privacy of the members is protected, and what procedures are there to vindicate one's rights if one feels his right to privacy has been violated.

TABLE OF CONTENTS

ABSTRACT ---------- ii

TABLE OF CONTENTS ---------- iii

ACKNOWLEDGEMENTS ---------- viii

ABBREVIATIONS ---------- ix

GENERAL INTRODUCTION ---------- 1

CHAPTER ONE

THE PRACTICE OF SPIRITUAL DIRECTION IN MONASTIC TRADITION AND THE ACCOUNT OF CONSCIENCE IN EARLY RELIGIOUS INSTITUTES

Introduction ---------- 8

1.1 Practice of Spiritual Direction in Religious Life ----------10

1.1.1 Spiritual Direction in Early Forms of Monasticism ---------- 11

1.1.2 St. Antony the Great ----------17

1.1.3 St Basil ----------20

1.1.4 John Cassian ----------23

1.1.5 St. Benedict of Nursia ---------- 25

1.1.6 St. Francis of Assisi and St. Bonaventure ----------29

1.1.7 St. Ignatius of Loyola ---------- 32

1.2 Transition from Spiritual Direction to Account of Conscience ---------- 34

1.2.1 Religious Institutes of Women ---------- 34

1.2.2 Religious Institutes of Men ---------- 38

1.3 Practice of the Account of Conscience from the 17th century ---------- 40

1.3.1 The Account of Conscience and **Its** Abuses in Early Religious Institutes 41

1.3.2 The Church's Response to Abuses of the Account of Conscience: Decree *Quemadmodum* of 1890 ---------- 46

1.4 Legislation on the Account of Conscience in the 1917 and 1983 Codes of Canon Law ---------- 51

1.4.1 1917 Code of Canon Law (c. 530, §§ 1,2) ---------- 51

1.4.2 The 1983 Code of Canon Law (c. 630, §5) ---------- 56

CONCLUSION ---------- 64

CHAPTER TWO

THE VOW OF OBEDIENCE IN THE GOVERNANCE OF THE SOCIETY OF JESUS

Introduction ---------- 67

2.1 Early Years of Ignatius of Loyola and His Conversion ---------- 68

2.1.1 The Battle of Pamplona and Recuperation at Loyola ---------- 69

2.1.2 The Experiences at Manresa ---------- 70

2.1.3 The First Companions ---------- 72

2.2 Founding of the Society of Jesus ---------- 74

2.2.1 The Deliberations of the First Fathers ---------- 75

2.2.2 The Formula of the Institute ---------- 80

2.3 The Essential Elements of the Internal Organization of the Society of Jesus --- 82

2.3.1 Substantials of the Institute ---------- 84

2.3.2 The Structure of Governance of the Society ---------- 87

2.3.2.1 The General Congregation ---------- 88

2.3.2.2 The Superior General ---------- 93

2.3.2.3 The Provincial Superior ---------- 97

2.3.2.4 The President of the Conference of Major Superiors ---------- 100

2.3.2.5 The Local Superior ---------- 102

2.4 Obedience in Governance of Religious Institutes ---------- 104

2.4.1 *Perfectae caritatis* and the Call for Renewal of Religious Life ---------- 105

2.4.2 Obedience to Legitimate Authority of the Church ---------- 109

2.4.3 The Evangelical Counsel of Obedience (c. 601) ---------- 111

2.5 Understanding of Obedience in the Society of Jesus ---------- 112

2.5.1 Ignatius' Letter on Obedience ---------- 113

2.5.2 Membership in the Society – the "Grades" ---------- 116

2.5.3 The Fourth Vow of Obedience to the Pope *circa missiones* ---------- 123

2.6 Obedience in the Pronouncements of the Most Recent General Congregations 129

2.6.1 31st General Congregation, Decree no. 17 on Life of Obedience --------- 129

2.6.2 32nd General Congregation and the interventions of Pope Paul VI ------- 132
2.6.3 34th General Congregation on Brothers and Governance ----------134
2.6.4 35th General Congregation, Decree no. 4 on Obedience in the Life of the Society ---------- 137
2.7 Superiors General on Obedience ---------- 139
2.7.1 Claudio Aquaviva (1581-1615) ---------- 139
2.7.2 Pedro Arrupe (1965-1983) ---------- 145
2.7.3 Peter-Hans-Kolvenbach (1983-2008) ---------- 147
2.8 Specific Aspects of Obedience in the Society ---------- 150
2.8.1 Discernment and Obedience ---------- 151
2.8.2 Representation and Obedience ---------- 152

Conclusion ---------- 154

CHAPTER THREE

THE PRACTICE OF THE ACCOUNT OF CONSCIENCE FOR MEMBERS OF THE SOCIETY

Introduction ---------- 157

3.1 The Context of the Account of Conscience ---------- 158
3.1.1 The Notion of the Account of Conscience ---------- 159
3.1.2 The Essential Elements of the Account of Conscience ---------- 163
3.1.3 The Account of Conscience in the General Examen ---------- 166
3.1.4 The Account of Conscience in the Constitutions and Complementary Norms ---------- 171
3.1.5 The Manner of Giving the Account of Conscience ---------- 177
3.1.6 The Matters Revealed in the Account of Conscience ---------- 181
3.1.7 Regularity and Frequency of the Account of Conscience ---------- 185
3.2 The Recipient of the Account of Conscience ---------- 188
3.3 General Congregations and General Superiors on the Account of Conscience -197
3.3.1 General Congregations After the Second Vatican Council ---------- 198

3.3.2 General Superiors and the Account of Conscience ---------- 202
3.3.2.1 Fr. Claudio Aquaviva ---------- 203
3.3.2.2 Fr. Wlodimir Ledóchowski ---------- 203
3.3.2.3 Fr. Pedro Arrupe ---------- 206
3.3.2.4 Fr. Peter-Hans Kolvenbach ---------- 207
3.3.2.5 Fr. Arturo Sosa ---------- 209
3.4 Collecting Confidential Information about Members for Administrative Purposes ---------- 212
3.4.1 The Notion of *Informationes* ---------- 212
3.4.2 *Informationes* for Holy Orders ---------- 213
3.4.3 *Informationes* for Final Profession ---------- 215
3.4.4 *Informationes* on Aptitude for Governing ---------- 216
Conclusion ---------- 218

CHAPTER FOUR
ACCOUNT OF CONSCIENCE IN THE LIGHT OF THE RIGHT TO PRIVACY AND PROTECTION OF GOOD REPUTATION

Introduction ---------- 221
4.1 The Notions of Confidentiality and Privacy ---------- 222
4.2 The Right to Privacy and the Protection of Good Reputation ---------- 224
4.2.1 Magisterial Teachings on Right to Privacy and the Right to Reputation -- 225
4.2.2 Canon 220 as an Expression of the Church's Protection of the Right to Privacy and the Good Name ---------- 228
4.3 Ecclesiastical Legislation on the Right to the Protect Good Reputation --------- 231
4.3.1 The Notion of Good Reputation ---------- 232
4.3.2 Legitimate Actions Resulting in a Harm to Another's Reputation ------ 236
4.4 Ecclesiastical Legislation on the Right to Privacy ---------- 238
4.4.1 The Canonical Principles of the Right to Privacy in the Church ---------- 238

4.4.2 The Right to Privacy in the Context of the Distinction between the Internal and External Forum ---------- 241

4.5 Protection of Privacy in the Church: Privileged Communication ---------- 245

4.5.1 The Notion of Secrecy ---------- 245

4.5.2 Pontifical Secret ---------- 249

4.5.3 The Sacramental Seal ---------- 255

4.6 **Collecting Confidential Information in the Church** ---------- 268

4.6.1. Background Checks before Admission to the Novitiate or Seminary --- 269

4.6.2. Admission to the Profession of Vows ---------- 272

4.6.3. Admission to Holy Orders ---------- 274

4.6.4. Psychological Testing, Records, and the Right to Privacy ---------- 275

4.7 The Safeguards of Privacy Implemented in the Current Praxis of the Account of Conscience in the Society of Jesus ---------- 280

4.7.1 The Subject and His Obligation to Transparency and the Corresponding Obligation of the Superior to Preserve Privacy ---------- 281

4.7.2 Obligation of Secrecy and Protecting the Privacy of Individuals in the Account of Conscience in Recent Discussions of Jesuit Scholars ------ 284

4.7.3 Inviolability of the Account as a Foundation of Good Governance Practices ---------- 292

Conclusion ---------- 297

GENERAL CONCLUSION ---------- 300

APPENDIX ---------- 308

Appendix 1: Informationes Before Holy Orders ---------- 308

Appendix 2: Informationes Before Final Profession ---------- 311

Appendix 3: Informationes on Aptitude for Governing ---------- 314

Appendix 4: Sample Policy for Background Checks ---------- 316

BIBLIOGRAPHY ---------- 317

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Ad Majorem Dei Gloriam.

Ndinotenda, Ngiyabonga kakhulu.

ABBREVIATIONS

AAS	*Acta Apostolicae Sedis*
ASS	*Acta Sanctae Sedis*
AR	*Acta Romana Societatis Iesu*
AHSI	Archivum Historicum Societatis Iesu, Rome, 1932-.
ARSI	Archivum Romanum Societatis Iesu, Curia of the General Superior of the Society of Jesus (central archives), Rome
c.	canon
cc.	canons
CCEO	Code of Canons for the Eastern Churches, promulgated by Pope John Paul II
CIC	Code of Canon Law (1983)
CIC/17	Code of Canon Law (1917)
CLSA	Canon Law Society of America
d.	Decree of a general congregation
Deliberations	Deliberations of the First Fathers (1539)
Examen	General Examen of the Constitutions
Institute	Formula of the Institute
GC	General Congregation
FLANNERY1	A. FLANNERY (gen. ed.), *Vatican Council II: The Conciliar and Post-Conciliar Documents*, vol. 1, new rev. ed., Collegeville, MN, Liturgical Press, 1996.
Formula	Formula of the Institute, *Regimini militantis Ecclesiae* approved by Pope Paul III or *Exposcit debitum* approved by Pope Julius III.
MHSI	*Monumenta Historica Societatis Iesu*, Madrid – Rome, 1894 - 1969.
n.	number

GENERAL INTRODUCTION

St Ignatius of Loyola and his early companions incorporated into the structures of the Society of Jesus various forms of dialogue for governance purposes. Even though governance in the Society of Jesus is hierarchical and highly centralized at the universal and province levels, there are some specific provisions for dialogue between the major superiors and their members [subjects]. Some of the forms of dialogue include the general examen, spiritual conversations, *informationes,* visitations, and the account or manifestation of conscience. Among these forms of dialogue, the account or manifestation of conscience has stood out as not merely a spiritual discourse, but rather, a fundamental instrument of governance with regard to both the individual and the Society.

By virtue of the confidential nature of the information shared in the account of conscience, concerns have been raised about the protection of the right of the members of the Society to their privacy. Therefore, the following main question will be addressed in this study, "What is the guarantee, if any, to the privacy of the individuals in the account of conscience?"

To manifest one's conscience is "to reveal one's hidden faults, one's interior or hidden acts of virtue, one's intentions, the affections or repugnance to which one is yielded, the temptations or trials which God sends, the lights and good desires received from him."[1] Decree 4 of the 35th General Congregation (GC) of the Society of Jesus states that "[…] three strands come together in the account of conscience which is itself essential to the

[1] J. CREUSEN, *Religious Men and Women in Church Law*, Milwaukee, WI, Liturgical Press, 1958, 94.

practice of obedience."[2] These three strands, "to be sent effectively, to serve completely and to create ever stronger bonds of union among ourselves"[3] are the main goals of obedience. Obedience is central to the government of religious institutes, more so to the Society of Jesus, because of its specific hierarchical structures. The purpose of the account of conscience is governance of the Society, and to achieve this, superiors "should have a complete understanding of the subjects, that by means of this knowledge they may be able to direct and govern them better, and while caring for them, guide them better into the paths of the Lord."[4] On his part, the subject "[…] must manifest his conscience with great humility, transparency, and charity, without concealing anything which is offensive to the Lord of all men."[5] However, the practice of the account of conscience has not been without its criticisms.

The account of conscience is peculiar to the Society of Jesus as a mandatory practice. Several questions have emerged around the mandatory nature of the practice in the face of an individual's right to privacy. Even though universal law prohibits the superiors to coerce their members to manifest their conscience to them, this practice is one of the administrative tools for the Society of Jesus since its foundation. Schaefer remarks that, "Although […] manifestation of conscience can produce excellent fruits, nevertheless the very gravest inconveniences can also result if this opening [of the state of the soul to

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[2] GC [General Congregation] 35, Decree 4, no. 111, in J.W. PADBERG (ed.), *Jesuit Life and Mission Today: The Decrees and Accompanying Documents of the 31st – 35th General Congregations of the Society of Jesus*, St. Louis, MO, Institute of Jesuit Sources, 2009, 761. Cf. also J.W. PADBERG et al. (ed.), *The Constitutions of the Society of Jesus and Complementary Norms: A Complete English translation of the Official texts*, St. Louis, MO, Institute of Jesuit Sources, 1996 (=*Constitutions*), no. 543 and 627.

[3] GC 35, Decree 4, no. 110, in PADBERG (ed.), *Jesuit Life and Mission Today*, 761. Cf. *Complementary Norms*, nos. 149-156.

[4] *Constitutions*, no. 91.

[5] Ibid., no. 92.

the superior] is obligatory."[6] Because of the "gravest inconveniences," the Church had prohibited superiors from mandating their members to manifest their consciences to them. The prohibition initially concerned superiors of lay institutes (the decree *Quemadmodum* of the Congregation of Bishops and Regulars in 1890), but later was extended to all superiors, in accordance with the norm of c. 530 of the 1917 Code of Canon Law and, subsequently c. 630 §5 of the 1983 Code of Canon Law.

Despite the prohibitions mentioned above, the Society of Jesus has continued with the mandatory practice of the account of conscience, after receiving an exemption from the law that prohibited the mandatory practice in virtue of a rescript of Pope Pius XI granting the favour on 29 June 1923 and confirmed it in 1929.[7] Even though the practice has been maintained, giving the account of conscience in the sacrament of penance was abolished, pursuant to c. 984 §2 and c. 734 §2 of the Code of Canons of the Eastern Churches [*CCEO*]. This abolition of the practice in the context of the sacrament of confession has led to concerns about the protection of the secrecy of the material disclosed by members to their superiors.

The topic of the account of conscience has become a focus of some prior studies, especially of a doctoral dissertation of J.L. Sánchez-Girón, *La cuenta de conciencia al superior en el derecho de la Compañía de Jesús*, Rome, Pontificia Università Gregoriana, 2007. It is a study of the account of conscience according to c. 630 §5 and the legislation of the Society of Jesus in the perspective of a close relationship between the superior and

[6] T. SCHAEFER, *De religiosis ad normam Codicis juris canonici*, Rome, Typis polyglottis Vaticanis, 1947, 686.

[7] PIUS XI, rescript, 29 June 1929, in *Manual for Juridical Practice of the Society of Jesus*, Rome, Curia of the Superior General of the Society of Jesus, 1997, 197.

the subject, the Ignatian spirituality and the process of discernment building mutual trust between the superior and the secrecy which this practice entails. However, our study differs in that it will focus specifically on the question of protecting privacy of the member giving an account and include the *informationes*,[8] an external process of collecting information about an individual.

This dissertation attempts, therefore, to analyze the practice of the account of conscience in the Society of Jesus in view of the right of each Jesuit to protect his privacy. The right to privacy, recognized in c. 220 under the "Rights of the Christian Faithful" in the 1983 Code of Canon Law and in *CCEO* c. 23, will be studied in two ways, firstly, the protection of an individual's confidential information shared in the account of conscience and other related practices by which information is collected and used for administrative purposes in the Society, and secondly, the limitations which are placed on the recipients of such confidential information, that is, the prohibition to reveal to a third-party the information received in the account of conscience, unless the express consent of the individual concerned has been granted. Violation of this prohibition is penalized by both the universal law of the Church and the proper law of the Society.

The first chapter presents the origin of the account of conscience, that is, the monastic practice of spiritual direction, and highlights the proponents of spiritual direction in both the Eastern and the Western Churches. The notable change in the purpose of spiritual direction from personal spiritual growth to governance of the community, evident in several monasteries and adapted by St. Ignatius of Loyola in the legislation of the

[8] *Informationes* are collected at various stages, to facilitate an evaluation for member towards change of grades, and mostly done before missioning a member for theology studies, for holy orders, for final profession or assignment to some office of governance within the province or some other apostolate or at a house of formation.

Society, will be brought forward, and the practice of the account of conscience becoming increasingly popular with new religious institutes in the 18th century will be presented. Finally, abuses of the practice of the account at the end of that century, prompting the Church to intervene, will be given attention, with the subsequent prohibitions of superiors from compelling their subjects to manifest to them, culminating in the norms of 1917 Code of Canon Law and the 1983 Code of Canon Law.

The second chapter focusses on the role of the vow of obedience in the governance of the Society of Jesus. The chapter will analyze the structure of governance of the Society, the understanding of the evangelical counsel of obedience in general and the fourth vow of obedience to the Pope as undertaken in the Society of Jesus, and the various interpretations of obedience in religious institutes since the Second Vatican Council. In particular, St. Ignatius' Letter on Obedience of 1553, which has subsequently been adopted as one of the foundational documents of the Society will be included in the presentation, together with other essential documents, like the Formula of the Institute, the Constitutions, the Complementary Norms, and the decrees of general congregations. Then, the structure of government of the Society, that is, the general congregation, which is the supreme legislative body of the Society, the general superior, who is elected for life to govern the whole Society, the major superiors who head the different jurisdictions of the Society, either provincial or regional and the conference of major superiors will be analyzed in order to properly understand and evaluate the practice of the account of conscience. The duties of the major superior with regard to the care for the men and the apostolates under their jurisdiction will be highlighted and the "grades" as a distinct way of membership in the Society will be examined. Finally, the chapter will present the understanding of obedience

by three general superiors, Claudio Aquaviva, Pedro Arrupe, and Peter Hans-Kolvenbach as consequential to the current debate on the account of conscience in the Society, significantly contributing to the way in which the account is understood and currently practised.

The third chapter presents both the legislation on the account of conscience and the way it is practiced. The chapter will explore the declarations by subsequent general congregations and superiors general on both the account of conscience and the *informationes* as another means by which the major superior collects confidential information about individuals, to help him to make informed decisions for the good of the individual and the good of the Society. The challenges and opportunities created by the confidential nature of the information gathered in both procedures will be identified and discussed. The legislation of the Society prohibiting disclosure to third parties any confidential information shared that way, unless with the consent of the individuals concerned, will be presented and evaluated.

The last, fourth chapter examines the current ecclesiastical legislation on the right to privacy and the protection of one's good name as applied to the account of conscience in the Society of Jesus. Canon 220 (*CCEO* c. 23) will be examined to enlighten the understanding of the protection of the right to privacy and the right to have no illegitimate injury of someone's good name. Diverse interpretations of the right to privacy in the account of conscience in the context of the Church's law of secrecy in privileged communication will be reviewed. The sacramental internal forum (sacrament of confession) and the non-sacramental internal forum (spiritual direction and the account of conscience) and the pontifical secrecy will be used to demonstrate how the Church protects

confidential information. The inviolability of the sacramental seal will be appropriated, by analogy, to the interpretation of the account of conscience as similarly inviolate and an overview of the Church's application of secrecy will shed additional light on the inviolability of the account of conscience. Further, other methods of collecting confidential information will be discussed to demonstrate the Church's ways of protecting the right to privacy and the right to the protection of a good name.

By way of conclusion, the research will attempt to respond to the main concern, that is, whether there is a sufficient guarantee of confidentiality and privacy in the account of conscience as offered in both the universal law and the proper law of the Society. Lastly, the possible ways by which a Jesuit who feels that his right to privacy in the account of conscience has been violated can vindicate his right before a higher authority will be signalled.

Chapter One

The Practice of Spiritual Direction in Monastic Tradition and the Account of Conscience in Early Religious Institutes

Introduction

Two forms of monasticism evolved at the same time in Egypt in the 3rd century, the eremitic or hermit form and the cenobitic form.[1] The concept of solitude in the desert, that is, to be alone with God is an ancient Christian tradition. Scholars, including St. Jerome have debated over the motivations for the origin of monasticism. Some argued that desert fathers had been driven into the desert to escape arrest during the persecution of Decian and Diocletian, whilst others argued that the origin was purely for ascetic reasons. Apparently, the debate remains unresolved.

The development of monastic life was gradual and differed between those who practised solitary life and those who lived in communities around a leader. For larger groups, a structure of governance developed to promote both the spiritual perfection of the individual and the harmony of the group. Concrete steps were taken by various spiritual fathers or abbots to ensure respect of freedom of conscience for each member and the respect due to the conscience of others. Individual members were obliged to bring matters of concern to the attention of the leader of the community so as to be guided through the wisdom and experience of the spiritual father or abbot.[2] This form of spiritual guidance aimed at helping the individual in perfecting his spiritual life and it appeared at the beginning of the monastic era with St. Antony in the 3rd century. By the time of St.

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[1] See C.H. LAWRENCE, *Medieval Monasticism: Forms of Religious Life in Western Europe in the Middle Ages*, London and New York, Longman Group Limited, 1984, 1.

[2] See A. RODRIGUEZ, *The Practice of Christian and Religious Perfection*, vol. 3, Dublin, James Duffy and Company, 1914, 336.

Bonaventure in the 13th century and St. Ignatius of Loyola in the 16th century, it had become clear that the objective of the encounter between the individual or the subject and the spiritual father or abbot, was not strictly the individual's spiritual growth, but had evolved towards governance of monastic life or of the institute. The development of this concept both in theory and in practice, the exercise of authority in early religious institutes and ultimately, the governance of the Society of Jesus, form the basis of this study.

The perspective and evolution of spiritual direction leading towards the account of conscience changed notably by the 16th century. Prior to the end of that century, the purpose of spiritual direction changed gradually from the spiritual growth of the individual member, to the good of the entire religious community or institute. This change also meant that the spiritual father was replaced in his role by the leader of the community or superior, with the new goal being to know the individual well, so that the superior be able to direct both the individuals and the affairs of the community. The superior became more involved in the life of members, and because of the daily interactions, a fine line separated what he heard in the confession and what he gathered through other means. The use of privileged information from either spiritual direction or the manifestation of conscience became common to the point that accusations of abuse of the sacrament of penance were made to the Holy See. The Congregation of Bishops and Regulars intervened in order to protect the privacy and the reputation of the subjects and issued the decree *Quemadmodum* in 1890, which became the first universal legislation to protect the subjects from abuse in the account of conscience.[3]

[3] See A. SABETTI, "Commentary on the Decree *Quemadmodum*," in *American Ecclesiastical Review*, vol. 6, no. 3 (1892), 163. See also A. DEVINE, *Commentary on the Decree* Quemadmodum *of the Sacred Congregation of Bishops and Regulars on Manifestation of Conscience, Holy Communion and Extraordinary Confessors*, Dublin, M.H. Gill and Son, 1897, 5.

The first section of the present chapter provides an outline of the evolution of spiritual direction in the Eastern and Western monastic traditions. The chapter traces this development starting from the 3rd century and attempts a critical analysis of the teachings of the protagonists of monastic life, that is, St. Antony the Great, St. Pachomius of Egypt, St. Basil, St. John Cassian, St. Benedict, St. Francis of Assisi, St. Bonaventure and St. Ignatius of Loyola, who made the account of conscience mandatory for the Society of Jesus. The second part of the chapter is an analysis of the transition of spiritual direction into the manifestation of conscience[4] according to St. Ignatius of Loyola, together with an extensive discussion (the third part of the chapter) on the abuses of the practice in religious institutes and the universal Church's effort to curb these abuses by means of the decree *Quemadmodum*. Finally, the chapter will focus on an analysis of c. 530 of the 1917 Code, and the development of the legislation of c. 630 in the 1983 Code, respectively.

1.1 Practice of Spiritual Direction in Religious Life

The beginning of monasticism is attributed to the desert fathers. They were the precursors of early monasteries and later religious orders under various forms, rules and constitutions. The formal rules and structures of government which became prominent in most monasteries were adopted by new religious institutes from the 12th century until the present day. Examples of contemporary religious institutes that adopted or modified the practice of the monastic spiritual direction include the Franciscans, Dominicans and Jesuits, among others. The sections below demonstrate the processes followed by some

[4] The expressions "manifestation of conscience" and "account of conscience" will be used interchangeably in this research and will appear in the short form as "the account."

remarkable persons who have contributed to the foundation and development of monastic life from the 3rd century in the East and 4th century in the West.

1.1.1 Spiritual Direction in Early Forms of Monasticism

The two forms of Christian monasticism,[5] the anchoritic (hermit)[6] and the cenobitic,[7] evolved at the same time in Egypt, in the late 3rd century and experienced significant growth from the 4th century onwards. St. Jerome claims that the first hermits had been driven into the desert escaping arrest during the persecution of Decian and Diocletian in the middle of the 3rd century in Rome. The Diocletian persecution lasted from A.D. 303 to A.D. 311 and its goal was to wipe out the Church.[8] Consequently, Christian leaders took flight to the desert to avoid persecution and martyrdom. Some went to the desert and lived in solitude, known as hermits or anchorites, whilst others lived in groups,

[5] Monasticism is "the ascetical withdrawal from the society and the world, the renunciation of marriage, wealth or property, and the ordinary pleasures and comforts of life, in order to discipline the senses and free the mind for supernatural contemplation, towards spiritual perfection" (LAWRENCE, *Medieval Monasticism*, 1).

[6] *Anchorite* or hermit is the Greek word for the withdrawal of the hermit into the desert to escape contact with all other persons. See H.B. WORKMAN, *The Evolution of Monastic Ideal from the Earliest Times down to the Coming of the Friars: A Second Chapter in the History of Christian Renunciation*, Boston, Beacon Press, 1962, 5.

[7] *Cenobite*, the Greek word for hermits who collectively withdrew from contact with the ordinary human societies and came together to form part of a community of those who share the same devotion. See ibid.

[8] See P.S. DAVIES, "The Origin and Purpose of the Persecution of A.D. 303," in *The Journal of Theological Studies*, vol. 40, no. 1 (1989), 67. The question whether the Roman emperor Diocletian or his assistant, Galerius was the chief enthusiast of the persecutions has remained unresolved, even though it is commonly believed that the persecution started after a private conversation between Galerius and Diocletian (see EUSEBIUS, *The History of the Church from Christ to Constantine*, G.A. WILLIAMSON [trans.], London, Penguin Books, 1965, 256-281. See also W.H.C. FREND, *Martyrdom and Persecution in the Early Church*, Oxford, James Clarke and Company, 1965, 490; cf. J.J. WILKES, *Diocletian's Palace Split: Residence of a Retired Emperor*, Sheffield, University of Sheffield, 1986).

known as cenobites. The persecutions ended with the Edict of Toleration which was issued by Galerius in 311.[9]

Apparently, the reasons for the flight into the desert were not necessarily limited to the persecution. According to Henri Marrou, Latin and Greek ascetics withdrew into the desert for entirely spiritual reasons.[10] This type of withdrawal into the desert had a scriptural foundation, that is, the imitation of "the voice of the one crying in the wilderness," John the Baptist (Mark 1:4-13) and Jesus portrayed in the desert, praying and fasting (Matthew 3:1-11). Evidently, the motive for choosing the ascetic life in the desert, either as a hermit or as a cenobite was spiritual, that is, the imitation of great biblical figures and the contemplation of God.

The development of monasticism finds meaning in the original word, *monachos*[11] (Greek) or *monachus* (Latin) which is translated into English as *monk*, that is, living in solitude. St. Jerome uses the term *monachos* in his famous letter to Eustochium in 384 to refer to any monk who lived in a hermitage or a monastery.[12] If the origin of the term refers to "solitary" or "hermit," then it would be difficult to understand how the meaning changed

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[9] See LACTANTIUS, *De mortibus persecutorum*, 37, as cited in G.T. ARMSTRONG, "Church and State Relations: The Changes Wrought by Constantine," in *Journal of Bible and Religion*, vol. 32, no. 1 (1964), 1-7.

[10] Henri Marrou presents a clear distinction between anchorites and cenobites, citing as the reasons of the emergence of monasticism both political persecution as a drive to the desert, and spiritual attraction to the ascetic life. See A. DE VOGÜÉ**,** *Saint Benedict: The Man and His Work*, G. MALSBARY (trans.), Petersham, MA, St. Bede Publications, 2001, 15. The cenobites [from the Greek *koinos bios*, "common life"] live in the *cenobium (koinobiont)*, the character of the life and its system, that is, live in common. Benedict offers the term *monasterium* or "house of monks" as a synonym. See also JOHN CASSIAN, *Conferences*, C. LUIBHEID (trans.), The Classics of Western Spirituality, New York, Paulist Press, 1985, 9-10.

[11] The term *monachos* came into common use in large part through the influence of St. Athanasius' (bishop of Alexandria in the middle of the 4th century) work, *Life of Antony* (*Vita Antonii*). In that work, "solitary" is always understood in the original strict sense as alone. For a detailed discussion of the origin and meaning of the term *monachos*, see T. FRY (ed.), *The Rule of St. Benedict in Latin and English with Notes*, Collegeville, MN, The Liturgical Press, 1981, 301-313. In this thesis, the term "monk" will be used in its general sense except in specific instances demanding clarity or differentiation.

[12] See FRY (ed.), *The Rule of St. Benedict*, 314.

to include cenobites who lived in communities. The First Chapter of the *Rule of Benedict* makes references to several traditional monastic terms, such as monk, anchorite, cenobite, hermit and eremite.[13]

In his letter to Eustochium (384), Jerome identified three distinct forms of monastic life found in Egypt.[14] The first was the anchoritic life (*anachorein*)[15] and hermits were generally regarded as belonging to the highest form of the ascetical life. Jerome, John Cassian and other authors held that anchorites were a more advanced form, not simply because they came historically first, but they were more rigorous in their ascetical practice. They lived in the desert or in caves and followed the most severe ascetical practices, that is separation from society, restrictions in food and sleep, and long hours spent in prayer.[16] Each hermit organized his own prayer and worked for his own food. Some hermits lived for more than ten years without seeing human beings.

The second form of monastic life is the cenobitic life which was founded by St. Pachomius in Upper Egypt. The cenobites lived in association with each other and were

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[13] See T.G. KARDONG, *The Life of Saint Benedict by Gregory the Great: A Translation and Commentary*, Collegeville, MN, The Liturgical Press, 12.

[14] See E. COLEIRO, "Monasticism in St. Jerome's Letters and Lives of the Hermits," in *Merita theologica*, vol. 11, no. 3 (1957), 20.

[15] The term *anachoresis* refers to retirement or withdrawal. It has been used in pre-Christian history indicating the practice of withdrawing oneself from society for the sake of contemplation and peace of mind. Such a practice is popular in the writings of Cicero, John Chrysostom, Plotinus and others. In Christianity, biblical references can be obtained in the precedents of Jesus, who "withdrew himself into the desert" (Matthew 14:13), and "withdrew to the mountain by himself" (John 6:25). Jesus also spent forty days in the desert fasting and praying (Matthew 4:2-10). But Jerome regards John the Baptist as the first biblical hermit to separate himself from society, but also argued that St. Antony was the first hermit, during his own time. However, some information from Antony's disciples indicate that there was one Paul of Thebes who had taken the eremitical life at the time of the Decian persecution, and that would place him earlier than Antony. Other scholars cite St. Pachomius, who is known to have apprenticed himself with a certain man named Palamon to learn the ascetic life (see P. SCHAFF, *History of the Christian Church: The Middles Ages, A.D. 1049-1294*, vol. 5, Grand Rapids, MI, Christian Classics Ethereal Library, 1882, 167). Biblical quotations in this work will be taken from *The New Jerusalem Bible*, London, Darton, Longman and Todd, 1985.

[16] See FRY (ed.), *The Rule of St. Benedict*, 313.

governed by an abbot. They numbered anywhere between ten and hundreds. They spent most of their time in common prayer, reading spiritual literature and occupied in spiritual conferences. They observed an ascetic diet, practiced long periods of silence and engaged in various kinds of manual labour.

The word *cenobite* is loosely translated to mean a collection or company; thus, it became a popular reference to monastic communities or monasteries in general. In support of Jerome's analysis, John Cassian concurred that most cenobites evolved into anchorites, therefore the first hermits, Paul of Thebes and St. Antony were originally cenobites.[17] John Cassian is credited for introducing the cenobitic life into the Western monastic tradition and contends that the cenobitic life was a preparation for the more rigorous anchoritic life.

According to Jerome, the sarabaites are the third form of monastic life. These were the monks who strayed away from the strict monastic tradition, thus were breakaway groups from the cenobites. They lived together in very small groups, usually between two and five. They had no form of leadership, that is, no abbot to obey and therefore they lived together but independent of each other. Sarabaites lived in separate cells and they only assembled for divine service or spiritual conferences. They were characterised by an undisciplined lifestyle because they lacked the strictness of monastic communities. Jerome and Cassian contrasted sarabaites with the more disciplined cenobites and judged them as deserters from the strict and rigorous style of monastic life.

[17] See ibid., 317. Cassian rarely distinguishes between the practices of northern and southern Egyptian monastic traditions, or between those of cenobites and anchorites. For detailed discourse of Cassian's failure to differentiate clearly between these two, refer to A. DE VOGÜÉ, "*Sub regula vel abbate*: A Study of the Theological Significance of the Ancient Monastic Rules," in M.B. PENNINGTON (ed.), *Rule and Life: An Interdisciplinary Symposium*, Spencer, MA, Cistercian Publications, 1971, 28-29.

Meanwhile, the monastic tradition regards female monastic life as a late occurrence in comparison to male monasteries. But several studies have revealed the presence of women ascetics as early as the 5th century, though their exact number will never be known since the majority were associated with existing male monasteries or with their relatives who were monks.[18] Most scholars have distinguished the major differences in perceptions of religious life of male and female ascetics. These differences were not only in theory, but in the regulations and in practical life.

Most of the early women ascetics were either widows or unmarried virgins who set up convents as mother and daughter, or sisters or such relationships. Most of these women established convents either because they were widowed or because their brothers or husbands had become monks. Macrina, the sister of Basil of Caesarea and Gregory of Nyssa, their mother and other women close to the family are famous examples.[19] When Jerome was secretary to Pope Damasus, he became a spiritual father and guide to a circle of women who included Marcella, Paula and her daughter Eustochium. Paula and Eustochium had been influenced by the life of St. Antony and encouraged by the example of ascetism set by Jerome. Paula founded a convent of her own near Nitria in 372 and later two more convents or cloisters for women in Bethlehem and a monastery for men.[20]

There is evidence that the cloister for women was more restrictive than the monasteries for men. The strict cloister was justified because at that time, in the Syrian desert, women "were regarded as a danger to their male counterparts [because] some

[18] See COLEIRO, "Monasticism in St. Jerome's Letters and Lives of the Hermits," 22.

[19] See M. DIETZ, *Wandering Monks, Virgins and Pilgrims: Ascetics Travel in the Mediterranean World A.D. 300-800,* University Park, PA, Pennsylvania State University Press, 2005, 108.

[20] Ibid.

women were judged from the perspective of their former lives, for example, Mary of Egypt was formerly a prostitute."[21] Every precaution was taken to forestall abuses of women.[22] The strict cloister for women had become the norm of Western monasticism by the 5th century, remarkably different in practice and the authority structures with the monasteries for men.

In the male monasteries, the abbot was charged with the threefold responsibilities, that of exercising the role of spiritual father, educating the monks and governing them. It was in this context that the practice of spiritual direction[23] gained popularity in both male and female communities. Spiritual direction meant that the subject made known to the spiritual father (abbot) his spiritual journey. The subject revealed his inner struggles through the manifestation of thoughts (*logismoi*), and this included bad thoughts that would be temptations and, in some cases, actual sins. The manifestation of thoughts was more elaborate than confession of sin or evil because the subject opened up his inner self to the examination of the spiritual father. In most cases, the subject lacked experience with the spiritual battles, therefore, would approach an experienced guide, usually spiritual father who had the ability to make sound judgments through "discernment of spirits."[24] During

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[21] *Lives of St. Mary of Egypt, Pelagia, Thais and Maria,* in B. WARD (trans.), *Harlots of the Desert: A Study of Repentance in Early Monastic Sources,* London, Cistercian Studies Series, 1987, as cited in M. DUNN, *The Emergence of Monasticism: From the Desert Fathers to the Early Middle Ages,* Oxford, Blackwell Publications, 2003, 53.

[22] See COLEIRO, "Monasticism in St. Jerome's Letters and Lives of the Hermits," 22.

[23] Spiritual direction is the guidance in spiritual matters, given by a more experienced Christian to another, leading the recipient to greater attention to God's promptings and responding to them in a personal way, and thus growing in intimacy with God, whilst appropriating the consequences of that relationship (see W.A. BARRY and J.W. CONNOLLY, *The Practice of Spiritual Direction*, San Francisco, CA, HarperOne, 1982, 8).

[24] T. MERTON, "The Spiritual Father in the Desert Tradition," in *Contemplation in a World of Action*, Garden City, NY, Doubleday, 1971, 269-293. For detailed reading of the discernment of spirits in monastic tradition, refer to ID., *Cassian and the Fathers: Initiation into the Monastic Tradition*, P.F. O'CONNELL (ed.), Kalamazoo, MI, Cistercian Publications, 2005.

this encounter, the subject was obliged to reveal his conscience and humbly receive the counsel and even penance given by the spiritual father. The practice of spiritual direction was more devotional than structured, but later evolved with the introduction of rules for monasteries.

1.1.2 St. Antony the Great

St. Antony the Great (251-356) is held among the first ascetics of Christian monasticism in Egypt, dating between the 3rd and 4th centuries. Even though he is regarded as the father of Eastern monasticism, there is evidence that there already existed a community of virgins in his hometown, because before he left for the desert, he made arrangements for his sister to stay in a community of virgins at Parthenon. Among those who disputed the perception that Antony was the first hermit was Jerome, who drew his arguments from the information received from some of Antony's disciples.

Meanwhile, Athanasius of Alexandria claimed that even though Antony was the founder of Christian monasticism, he was not the first desert anchorite as he might have been helped by other solitaries.[25] The hypothesis that St. Paul of Thebes was the first known hermit influenced many scholars to doubt that Antony was indeed the founder of Eastern monasticism.[26] Some scholars argue that Paul of Thebes had lived in the desert for more than ninety years, and that no one knew about him, until later through Antony who had

[25] Athanasius, bishop of Alexandria (c. 296 – c. 373) wrote the *Vita Antonii* between 356 and 362, most probably whilst hiding from Emperor Constantius and his Arian policies. Meanwhile, Jerome, in his *Vita Pauli*, written between 374 and 379, mentions the *Vita Antonii*, although he does not cite Athanasius as the author. See ATHANASIUS, *The Life of St. Antony*, R.T. MAYER (trans.), Westminster, MD, Newman Press, 1950; cf. E.F. BOWDEN, *The Fathers of the Desert*, Milwaukee, WI, Aeterna Press, 2015, 80-91.

[26] See FRY (ed.), *The Rule of St. Benedict*, 12; See also S. COLUMBA, "The Desert Fathers on Radical Self-History," in *Vox Benedictina*: *A Journal of Translations from Monastic Sources*, vol. 1 (1991), 13. See also C.W. CURRIER, *History of Religious Orders: A Compendious and Popular Sketch of the Rise and Progress of the Principal Monastic, Canonical, Military, Mendicant and Clerical Orders and Congregations of the Eastern and Western Churches*, Boston, MA, MacConnell Brothers and Company, 1896, 24.

visited him (and found him dead) and made him known to the world.[27] Meanwhile, Antony's ascetic life had attracted many young men who flocked to him seeking to be instructed so that they could advance their spiritual lives.

The young men who joined Antony built their cells around his, forming the first semi-eremitical communities on the mountains.[28] These young men became his disciples and renounced their possessions, left the world and begged that he give them a clear rule of life which they would observe. The communities around Antony grew rapidly so much so that he had to train others who were more advanced to become guides and spiritual fathers to the aspirants. Unlike Paul of Thebes and the anchorites who lived by themselves or sarabaites who lived in a group but with individually regulated daily routines, Antony transformed the anchoritic solitary lifestyle to a communal or cenobitic lifestyle. Such new dynamics changed the relationship between the members and the spiritual father, who gained prominence as the father or *abba*[29] of the community. Gradually, authority became centralized into the person of the abbot or superior of the cenobites.

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[27] P. SCHAFF, *History of the Christian Church: Nicene and Post-Nicene Christianity, A.D. 311-600,* vol. 3, Grand Rapids, MI, Christian Classics Ethereal Press, 1997, 179.

[28] The gathering of ascetics into one community marked the end of solitary monks, or hermits, and saw the emergence of the formation of communities, or cenobitical monastic lifestyle. See COLUMBA, "The Desert Fathers on Radical Self-History," 20; see also P. ROUSSEAU, *Pachomius: The Making of Community in Fourth Century Egypt,* London, University of California Press, 1985, 63.

[29] See N. BAUER, "Three Perspectives on Obedience: Benedict of Nursia, Ignatius of Loyola and the 1983 Code of Canon Law," in *The Jurist*, 65 (2005), 71. The abbot is described in the Rule of Benedict as the father of the monks, *paterfamilias*; cf. P. BARRY (trans.), *Saint Benedict's Rule*, Mahwah, NJ, Hidden Spring, 2004, 53. In a similar way, Dupont stresses the role of the abbot in a monastery, as acting *in loco Christi*, or being the representative of Christ. The title of abbot comes from the Hebrew *abba*, meaning "father." The Rule grants the abbot complete authority over the monks who vowed obedience to him, and responsibility for assigning duties accordingly. This would be seen by some scholars as the equivalent of the Pachomian system of governance, with the abbot as the *de facto* superior with unlimited authority. See also F. DUPONT, *Daily Life in Ancient Rome*, C. WOODALL (trans.), Cambridge, MA, Blackwell Publishing, 1993,104.

To facilitate efficient administration of these communities, Antony required that the members become entirely known to the abbot through self-revelation in spiritual direction.[30] This requirement of revealing one's conscience to the abbot or spiritual father introduced specific rules[31] or regulations for individual monks that were distinct from those of the entire community. The emergence of rules in Antony's cenobitic communities did not only have as its goal the promotion of certain ascetic ideals but aimed at the formation of an organised way of life.[32] These rules formed what became known as the Rule of Antony.

The first reference to the *Rule of Antony* appeared in the *Regulae ac praecepta S.P.N. Antonii ad filios suos monachos*, "Do not open your thoughts to all men but only to those who are able to save your souls."[33] This rule obliged the members to reveal their

[30] See PENNINGTON, *Rule and Life*, 26.

[31] A "rule" or *regula* in Western monastic tradition was given, not necessarily in a written form, by the abbot to regulate the life of the community. The Rule of Antony was made up of seventy-three brief chapters and it was a summary of the principles directing how the life of a monk should be lived and how the monastery should be governed. The Rule established that monastic life consisted of "celibacy, habitual residence in the enclosure, obedience to an abbot who was *de facto* the superior, common ownership and prayer in common" (PENNINGTON [ed.], *Rule and Life*, 26-63). See FRY (ed.), *The Rule of St. Benedict*, 85. "A rule was considered approved either because it had received the approbation of a proper authority or because it had stood the test of time in the life of the Church," (J.F. CONWELL, *Impelling Spirit: Revisiting a Founding Experience, 1539, Ignatius of Loyola and His Companions*, Chicago, IL, Loyola Press, 1997, 517). For a detailed analysis of the history of approving rules, see J. TORRES, "Documenti pontifici di approvazione," in *Dizionario degli istituti di perfezione,* vol. 3 (1973), arts. 751-777. See also C.R. ORTH, *The Approbation of Religious Institutes*, Canon Law Studies, no. 71, Washington, DC, Catholic University of America Press, 1931.

[32] See N. ALLIES, The Monastic Rules of Visigothic Iberia: A Study of Their Text and Language, Ph.D. thesis, University of Birmingham, 2009, 4. St. Pachomius adopted the monastic style of St. Antony, and further organized community lifestyle of the desert fathers. It was St. Pachomius who specifically ruled that chastity and poverty were required from members of a community of monks. In Pachomian time, the fulfillment of precepts of the rules was not given any significant status among monastic virtues or practices but became more pronounced in Eastern monasticism only with the teachings of St. John Cassian. Cassian's literature while assuming the status of monastic tradition in the Eastern world, became a common heritage in the 6th century Western monasticism.

[33] ANTHONY, "Regulae ac praecepta S.P.N. Antonii ad filios suos monachos," in *Antanasio: vita di Antonio con le lettere e la Regola*, S. DI MEGLIO (ed.), Milan, Fabbri, 1998, 41, English translation in SCHAFF, *History of the Christian Church,* vol. 3, 157. Regulations on obedience to the abbot and the discipline of daily life in a monastery were originally recorded in JEROME, *Vita S. Pauli Thebes*, in J.P. MIGNE, *Patrologiae cursus completes, Series Graeca*, vol. 40, J.P. Paris, J.P. Migne, col. 1070, English translation in SCHAFF,

consciences to the abbot, whose responsibility it was to guide the members towards ascetical perfection. Apparently, this rule did not gain much popularity in Anthony's communities, as it would in the 4th century with St. Basil.

1.1.3 St. Basil

St. Basil (329-379) was born in Cappadocia and studied at Athens. Together with his friend Gregory of Nazianzen, they abandoned secular studies for the ascetic way of life. They went to Syria, Palestine and the northern part of Egypt, where they learnt about the Pachomian communities and their way of life.[34] The Pachomian lifestyle influenced Basil so much so that he withdrew to a place near Annesi, Asia Minor. At Caesarea, he founded and organized a cenobitic community.[35] This community flourished both in the East where it had originated and the West where it developed. Basil adapted the community lifestyle to the culture of the milieu. He maintained the tradition of the East while keeping in mind the political, cultural, social and ecclesiastical circumstances of the West.[36]

History of the Christian Church, vol. 3, 153. The cenobitic lifestyle also entailed absolute obedience to the will of the superior, as the visible representative of Christ. Cf. K. HOLL, *Der Enthusiasmus und Bussgewalt beim griechischen Mönchtum: eine Studie zu Symeon dem neuen Theologen*, Hildesheim, G. Olms, 1969, 197. See R. GREGG, "The Life of Antony and the Letter of Marcellinus," in *Classics of Western Spirituality Series*, New York, 1980, 52-64; cf. A. VON HARNACK, *Monasticism: Its Ideals and History and the Confessions of St. Augustine*, E.E. KELLETTE and F.H. MARSEILLE (trans.), Oxford, Williams and Norgate, 1901, 60.

[34] See P. ROUSSEAU, *Pachomius: The Making of Community in the Fourth Century Egypt*, 67. Pachomian communities were founded by St. Pachomius of Egypt (290-346). He began as an anchorite, and it was only when he was joined by other ascetics that his communities grew, giving rise of standardized structures of governance. The Pachomian communities were a fellowship of brothers, a *koinonia*. Pachomius provided monastic instruction through his emphasis on mutual respect and collaboration among the brothers, encouragement of spiritual goals and development of personal responsibility for one's own growth and also for the entire community. The responsibilities of the superior in Pachomian communities included monitoring the conduct of each member and offering counsel in individualized spiritual conversations. See D.J. CHITTY, *The Desert a City: An Introduction to the Study of Egyptian and Palestinian Monasticism Under the Christian Empire*, Oxford, Blackwell, 1966, 24.

[35] See D. KNOWLES, *From Pachomius to Ignatius: A Study in the Constitutional History of the Religious Orders*, Oxford, Clarendon Press, 1966, 5; see also M.M. POLIT, *Perfect Obedience: Commentary on the Letter on Obedience of St. Ignatius of Loyola*, Westminster, MD, The Newman Bookshop, 1972, 182.

[36] See KNOWLES, *From Pachomius to Ignatius*, 1.

According to Knowles, Basil is "considered to hold a privileged status in the Eastern Church as the father of Eastern Orthodox monasticism."[37] The popular debate among scholars was whether or not Basil left a rule and this debate was advanced by two of his most outstanding works, the *Regulae fusius tractatae* (the Longer Rule) and the *Regulae brevius tractatae* (the Shorter Rule).[38] These two works had huge influence on the monastic life of Eastern Christianity.

Firstly, Basil adopted and established the concept of vows which had no known ecclesiastical origin. The vows of poverty and chastity were meant to legitimately supervise the monks and instil discipline and mortifications for each member.[39] Church authorities subsequently accepted these vows and they gradually assumed an ecclesiastical character. Secondly, Basil introduced ascetic writings with the Longer and Shorter Rules. Thirdly, he customised the monastic rule for subjects to manifest their thoughts and inner movements to a spiritual father for their growth in the ascetical life.[40] Based on these observations, it becomes clear that Basil left a rule.

Basil was enthusiastic about promoting the union of an individual's soul with God, which would ultimately lead to unity among the monks and improved interpersonal relations between the members and the abbot.[41] This stressed the role of the abbot and the

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[37] LAWRENCE, *Medieval Monasticism,* 14. "Basil's conferences and replies to questions were treated as a guide and were often quoted as a rule by St. Benedict and others. He did not form a religious order, but he made his monasteries home of charity, thus became precursor to the western orders of the later Middle Ages" (KNOWLES, *From Pachomius to Ignatius,* 4).

[38] See LAWRENCE, *Medieval Monasticism,* 4.

[39] See C.L. BROOKE, *Monasteries of the World: The Rise and Development of the Monastic Tradition,* New York, Crescent Books 1982, 20.

[40] See CURRIER, *History of Religious Orders*, 25; cf. BASIL THE GREAT, *Sermones quinque asceticos et regulas fusius tractatas,* Rome, Typis Bernabo and Lazzarini, 1747, 126-127.

[41] See DE DREUILLE, *From East to the West,* 121.

importance of obedience. Evidently, when Basil was appointed bishop, he insisted on obedience to the Church hierarchy. While in principle abbots were subject to the diocesan bishop, nevertheless some had managed to make themselves independent of episcopal jurisdiction through papal grants.[42] It was for this reason that Basil made numerous attempts to bring monastic communities under the control of ecclesiastical authorities.[43]

It is evident that among Basil's major contributions to monastic traditions was an emphasis on the full integration of the individuals in the life of the entire community. For example, the *Rule* obliged members to be transparent with their superiors in the regular spiritual conversations, also known as manifestation of faults, thus:

> […] if subjects have a desire to make any considerable progress in virtue and to attain perfection, they ought to keep nothing hidden from their superiors, because by an entire manifestation of themselves, it will happen that they [superiors] will confirm them in what is good and will suggest convenient remedies for what is bad within them, and so by means of this reciprocal communication they shall by little and little attain perfection.[44]

To promote transparency, the rule required that if any member left the monastery for whatever reason, he was required upon his return to make to the abbot a detailed report of his encounters.[45] The report helped the abbot to detect any possible threats to the spiritual life of the monk, especially those that posed a danger to his monastic commitment.[46] Upon noticing any such threats or semblance of sin, the abbot would immediately offer spiritual direction to the concerned member. It was conducted in private without exposing to others the weakness or the sin, thereby guaranteeing the right to privacy of each member.

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[42] See SCHAFF, *History of the Christian Church,* vol. 3, 148.

[43] Ibid.

[44] *Vita Basili,* in J.P. MIGNE, *Patrologiae cursus completes, Series Latina*, vol. 31, Paris, J.P. Migne, cols. 986-987. Cf. RODRIGUEZ, *The Practice of Christian and Religious Perfection*, 373.

[45] See RODRIGUEZ, *The Practice of Christian and Religious Perfection*, 373.

[46] See W. HUMPHREY, *The Religious State: A Digest of The Doctrine of Suarez Contained in His Treatise 'De statu religionis',*" vol. 3, London, Burns and Oates, 1884, 345.

1.1.4 John Cassian

John Cassian (365-435) was born near the Black Sea and brought up in Syria and Palestine. He experienced monastic life with the Middle East cenobites, known as the desert fathers. He visited a hermitage near Bethlehem and remained there for three years as a monastic intern. From Bethlehem, he moved to the desert of Scete in Egypt, before settling in Gaul (France), near Marseilles.

Cassian is renowned for being the most influential writer of the patristic period and his writings include the *Institutes* and the *Conferences of the Fathers*.[47] Through these writings, he brought the practice and ideals of Eastern monasticism to the West. Among others, he influenced Benedict of Nursia. The *Institutes*, written about 415 was a framework of monastic life and the process of attaining a deeper knowledge of God. The *Conferences* which was written between 415 and 429 suggested that contemplation by the individual monk in his own cell was the highest form of life leading towards perfection.[48]

Although Cassian never considered his writings as having juridic sense, subsequent ecclesiastical authorities promulgated his rules for monastic life. His major consideration

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[47] The *Institutes* (*Collationes instituta*) are Cassian's summary of the guiding principles of Eastern and mostly Egyptian monasticism. The *Conferences* of the Fathers (*Collationes Patrum*) are Cassian's memories of his interviews with the desert fathers. The *Conferences* were written some 20 years after he left Egypt for Southern France. *Institutes* and *Conferences* meant to be guidebooks and sources of inspiration for those in search of holiness. They were also read as apologetic literature for the ascetic movement in an unsettled environment to impress upon others the respect and trust of Church hierarchy. The *Conferences* had influence on later rules, for example, they are mentioned twice in the Rule of Benedict, ch. 42, no. 5 and in ch. 73, no. 5; the *Institutes* is referred to in ch. 73, no. 5. For further reading on the *Conferences* and the *Institutes*, see C. KELLY, *Cassian's Conferences: Scriptural Interpretation and the Monastic Ideal*, London, Routledge, 2016. Both the *Institutes* and the *Conferences* of the Fathers were meant to assist in the foundations of monastic processes. The *Institutes* deal with the monk's external observances whilst the *Conferences* deal with the internal disposition of the person. The full spiritual program of the Cassian community was inclusive of the progress of souls as well as external discipline and observances (see DUNN, *The Emergence of Monasticism*, 74 -75).

[48] See BROOKE, *Monasteries of the World*, 29; see also J. NUZZ, "Rule of Saint Benedict: The Debates over the Interpretation of an Ancient Legal and Spiritual Document," in *Harvard Journal of Law and Policy*, 1997, 871.

focused on transparency and spiritual support. The progress of each member's monastic life depended much on the superior "[…] one mortifies himself in his preferences of all things if he conceals neither his actions nor even his thoughts from his elder, or if he leaves nothing to his own discretion but to commit everything to the judgment of his elder and listens with eagerness to the latter's exhortations."[49]

For the sake of transparency of conscience, Cassian recommended that every community must have an elder to whom members would have recourse and open their consciences to, that is, on matters of prayer, the presence of distractions or temptations, and how they have dealt with them.[50] The rule was clear that each member had recourse to a spiritual father, to whom he confided the motions of his souls and received guidance.

Subsequently, all the men who joined any of the monastic communities were obliged to "[…] take great care to disclose to their superiors whatsoever temptations or bad thoughts they had, or whatsoever passed within them."[51] Cassian held that the devil could not deceive a subject who constantly sought guidance from an abbot (or superior), to whom he would have recourse. To help the subjects remember their activities and mental dispositions, Cassian obliged them to carry a small book to write down thoughts that were sinful, temptations, negative feelings or dispositions towards authority or others, and later give the abbot an account of these. This practice of revealing one's conscience to the abbot or superior, was an exercise of establishing transparency and accountability on the part of the subject, ultimately building trust between the authority and the subject.

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[49] JOHN CASSIAN, *Collationes instituta*, in MIGNE, *Patrologiae cursus completus*, *Series Latina*, vol. 49, col. 199, English translation in D.D. DEE, *The Manifestation of Conscience*, Catholic University of America, Canon Law Studies, no. 410, Washington, DC, Catholic University of America Press, 1960, 9.

[50] See DUNN, *The Emergence of Monasticism*, 75.

[51] RODRIGUEZ, *The Practice of Christian and Religious Perfection*, 336.

The success of a transparent revelation was based on three principal acts, that is, revelation of thoughts or disposition to abbots, acceptance of their judgments and obedience, that is, carrying out their advice as a practical norm of action.[52] Just like St. Basil, John Cassian sternly warned abbots against revealing to another person, whatever they learnt in the personal disclosures.[53] The emphasis on confidentiality and the warning placed on abbots who disobeyed this obligation guaranteed the subject's right to privacy and the good of the community.

1.1.5 St. Benedict of Nursia

St. Benedict (480-550), the father of Western monasticism was born in Nursia, in Italy. He went to Rome for studies where he found out that his teachers and companions lived unchristian and corrupt lives. He abandoned his studies to choose a life of solitude and lived in a cave in the wilderness, "unknown to anyone except one monk, Romanus, who lived in a monastery close by."[54] Upon the death of the abbot at the nearby monastery, the monks invited Benedict to become their abbot. Within a short time, Benedict had established twelve monasteries, each with twelve monks and he resided in the 13th monastery in Subiaco as the abbot. He appointed other monks to be priors over the other monasteries, thus following the Pachomian system of the East. The monasteries had no rule of government, but they were subject to Benedict himself.

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[52] See JOHN CASSIAN, *Collationes Patrum,* in MIGNE, *Patrologiae cursus completus*, *Series Latina*, vol. 31, col. 537, DEE, *Manifestation of Conscience*, 9. Cf. C.S. GIBSON (trans.), *The Conferences of John Cassian: A Select Library of Nicene and Post-Nicene Fathers of the Christian Church*, New York, 1894.

[53] See F. KORTH, The Evolution of "Manifestation of Conscience" in Religious Rules, III-XVI Centuries, JCD thesis, Rome, Pontifical Gregorian University, 1949, 56.

[54] P.J. GEARY (ed.), *Readings in Medieval History: The Early Middle Ages*, Toronto, University of Toronto Press, 2010, 189.

In 529, Benedict left these initial communities and established an entirely cenobitic monastery at Monte Cassino.[55] He opened another cenobitic monastery at Terracina for men, then another one for women, with his sister St. Scholastica as the abbess. The foundations of the Benedictine Order at Monte Casino soon spread beyond Italy to France, Spain and England.

The main source of the evidence of the foundations of the Rule of Benedict is the *Dialogues* (known as *Dialogorum libri*) written by Pope Gregory the Great (589-604).[56] The *Dialogues* was "written by Gregory in the form of a conversation between a master and his student, Peter."[57] It is presumed that Gregory might have had a personal acquittance with the Rule of Benedict or indirectly through other sources. The Rule of St. Benedict played a major influence in early Eastern monasticism such that it was chosen as the basic rule for monastic life at the Council of Aix-la-Chapelle in 817.[58] It remains contestable though, whether Benedict originated a rule or simply compiled regulations from other sources.

The argument that Benedict borrowed his principles from an earlier document, the Rule of the Master (*Regula Magistri*) has been ongoing in scholarly debates.[59] A major

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[55] See FRY (ed.), *The Rule of Benedict*, 77; see also F. LEONARDO, "From Fleeing Away from People to Seeking Their Company," in *Ignis: Ignatian Spirituality*, vol. 45, no. 2 (2015), 16-38. For a detailed reading of the life and work of Saint Benedict, see KARDONG, *The Life of Saint Benedict by Gregory the Great*.

[56] *The Dialogues* was written by Pope Gregory who presented Benedict as a model of asceticism (GEARY, *Readings in Medieval History*,189). *The Dialogues* contains the bibliography of St. Benedict as reported by four abbots who were his followers. A second book by Pope Gregory, *The Life of Benedict of Nursia* was adopted as a model for monastic life by emerging desert communities.

[57] J. AUMANN, *Christian Spirituality in the Catholic Tradition*, San Francisco, CA, Ignatius Press, 1985, 63.

[58] Ibid., 69.

[59] Scholars have debated over which of the two rules, the Rule of the Master or the Rule of Benedict was written earlier. Some authors argued that the Rule of the Master is a later work of the 7th or 8th centuries,

similarity in the Rule of Benedict and the Rule of the Master which is relevant to our study is the requirement of the revelation of one's faults to the abbot. Both rules obliged the abbot to "solicit revelations from [his] guides, in case they were embarrassed and omit some temptations, thoughts or actions that might harm their spiritual growth."[60] This obligation differs with St. Antony's practice in which it was the responsibility of the subject to initiate the encounter to reveal himself to the abbot. On the contrary, Benedict obliged the abbot to initiate the encounter with the individual monk for the purposes of listening to his self-revelation and offering him the necessary spiritual support.

During the time of Benedict, the transition from spiritual direction to the manifestation of conscience was beginning to become clear. This clarity concerns the person who initiates the encounter or meeting, an obligation that Benedict placed on the abbot. Prior to this obligation, spiritual direction was motivated by a desire for personal spiritual growth of the individual. It was the responsibility of the subject who knew his spiritual state at any given moment to initiate the meeting and seek advice. Whereas for Benedict, the abbot whose primary goal was the harmony of the community, was responsible for initiating the meetings with the individuals and gathering from them whatever information was necessary for the good governance of the entire community.[61]

The transformed spiritual encounters entailed three dynamics; a) the abbot was not to reject anyone who came to him for manifestation, b) the abbot was not to communicate

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and that the anonymous author lacked originality and might have borrowed from the Rule of Benedict to which he added his own, thus making the rule longer. See FRY (ed.), *The Rule of St. Benedict*, 71, 79-83.

[60] D. KNOWLES, *The Monastic Order in England: A History of Its Developments from the Times of St. Duncan to the Fourth Lateran Council 940-1216*, 2nd ed., Cambridge, Cambridge University Press, 1963, 395.

[61] See KARDONG, *The Life of Saint Benedict by Gregory the Great, 13.*

to others the matters of conscience revealed to him by any subject and c) the abbot was obliged to offer appropriate counsels to the subject.[62]

In order to guarantee the right to privacy, Benedict emphasized the importance of secrecy on the part of the abbot and transparency on the part of the subjects, whom he obliged not to hide anything from the abbot. The Rule of Benedict stressed that:

> […] hidden and internal faults are to be revealed only to the abbot and spiritual elders and not to be concealed from the abbot any evil thoughts that enter into the heart or the evil deeds one has secretly committed and he [the subject] must reveal them [hidden faults] only to the abbot or one of the spiritual elders, who knows how to heal their own wounds as well as those of others, without exposing them and making them public.[63]

The question of the "internal faults" that had to be revealed seem to limit the material that the subject had to reveal to the abbot. However, according to Rule 49, it was not only imperfections that had to be confessed to the abbot, but also virtuous works: "Everyone should make known to the abbot what he intends to do, since it ought to be done with the abbot's approval […] whatever is undertaken without the permission of the spiritual father will be reckoned as presumptuous and vainglory, not deserving a reward."[64] By order of Rule 49, the abbot had access to both the faults (vices) and the virtues of the members, thereby he was in the most privileged position to make decisions based on what was revealed to him as already accomplished or what one aspired to accomplish. St.

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[62] See GREGORY THE GREAT, *Dialogorum,* in J.P. MIGNE, *Patrologiae cursus completus, Series Latina*, vol. 46, col. 980, English translation in DEE, *Manifestation of Conscience*, 16; "Qui cogitationum impugnationes consolationis suae secretius confituer, non opertet eum despici, nec aliis publicari, sed quantum in est, blanda exhortation foveri" (FRY (ed.), *The Rule of Benedict,* 247). For further details on the role of the abbot, reference is made to D. KNOWLES, *The Monastic Order in England: A History of Its Developments from the Times of St. Duncan to the Fourth Lateran Council 940-1216*, 2nd ed. Cambridge, Cambridge University Press, 1963, 395.

[63] FRY (ed.), *The Rule of Benedict,* 199. Cf. CURRIER, *History of Religious Orders*, 28.

[64] FRY (ed.), *The Rule of Benedict,* 253.

Bonaventure was to adopt and further develop this method into the manifestation of conscience.

1.1.6 St. Francis of Assisi (1181-1226) and St. Bonaventure (1217-1274)

Francis was born in Assisi, Italy, into a wealthy merchant family. He gave up his family status at the age of 24 and opted for a profound Christian mission. He began to spend time in solitude, prayer and sharing what he had with the needy. Even though he did not intend to found a religious community, some people began to gather around him, including his sister, St. Clare. He founded the Friars Minor and the association of lay members, known as the Third Order, or the Tertiaries. Both the ordained and lay members were equal in decision making. The Rule of Francis stressed poverty, simplicity and obedience to ecclesiastical superiors.

In order to regulate the life of the members of his followers, Francis drew up a draft of the Rule which was approved verbally by Pope Innocent III in 1209.[65] Francis had rejected the Rules of Augustine, Benedict and Bernard of Clairvaux and insisted on a new form of life. The earlier approval by Pope Innocent III in 1209 meant that Francis was exempted from the prohibition of the 4th Lateran Council (1215) against founding new religious orders, since the order had already been implicitly approved before the Council. The final text of the Rule governing the Friars was approved by Pope Honorius III in 1223.[66]

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[65] See C. BROOKE, *The Age of the Cloister: The Story of Monastic Life in the Middle Ages*, Mahwah, NJ, Hidden Spring, 2003, 223.

[66] Ibid. The final form of the Rule of the Friars Minor was approved by Pope Honorius III by the bull *Solet annuere*, which was issued on 29 November 1123. The text of the Rule is incorporated into the bull.

By the time of Francis' death, the Friars Minor had become "a large and powerful organization composed predominantly of uneducated lay people on one hand and later attracted highly learned men on the other hand."[67] The divergent views of the uneducated and the educated members were a source of tensions in the communities.

The organizational structure of the Order experienced radical changes when St. Bonaventure succeeded Francis as the prior. Bonaventure is known as the "second founder" of the Order by his confreres, mainly because he codified the legal statutes under which Franciscans lived. He supported a hierarchical but participative style of leadership in his *Constitutions of Narbonne*.[68]

According to Bonaventure, "a superior [ought] to have 'mores et conscientias et vires perspicue agnoscat,' that is, immediate and precise knowledge of the conduct, qualifications and conscience of his subjects."[69] This requirement indicates the beginning of the practice of using the material shared in the manifestation of conscience in external governance in religious communities.

In one of his writings on the *negotia exteriora*, Bonaventure emphasized that the superior has the right to question the subjects on matters pertaining to their conscience. It was through the knowledge of "their inclinations, habits and the extent of their spiritual and corporal strength that the superior may better know how to govern them [and] that he

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[67] R.B. BROOKE, *Early Franciscan Government: Ellias to Bonaventure*, London, Cambridge University Press, 1959, 4. See also J.R.H. MOORMAN, *The Sources for the Life of Saint Francis of Assisi*, Manchester, Manchester University Press, 1940, 4.

[68] BONAVENTURE, *The Life of Saint Francis of Assisi*, E.G. SALTER (trans.), New York, Dutton Publishers, 1904, 49.

[69] *Doctoris Seraphici S. Bonaventurae S.R.E Episcopi Cardinalis opera omnia*, vol. 8, Ad Aquas Claras (Quaracchi), Typographia Collegii S. Bonaventurae, 1889, 143, English translation in DEE, *Manifestation of Conscience*, 21. For further reading on the history and rule of the Franciscans, refer to D.V. MONTI, *Writings concerning the Franciscan Order*, New York, St. Bonaventure Franciscan Institute Publications, 1994.

may better distribute the burdens of religion according to each one's capacity."[70] To facilitate effective governance, Bonaventure introduced the rule that the information received by the superior in the manifestation could be shared with others in authority to help him to govern the community.[71] Scholars like Korth have questioned whether or not Bonaventure permitted superiors to reveal material shared in the non-sacramental forum in specific instances only or in all cases. Korth argues that St. Bonaventure "was thinking primarily of the spiritual advancement and guidance of the individual religious and only incidentally at times, did he imply the use of information gained from manifestation for purposes of external government."[72] This argument is not supported by most scholars who are rather convinced that for Bonaventure, the purpose of the manifestation was to obtain information from the subject, information which would be used for the external governance of the community. This understanding meant that the protection of the right to privacy was compromised.

Even though scholars are not in agreement as to the specific understanding of Bonaventure's innovation, many religious institutes adopted the use of material revealed in the manifestation of conscience, for external governance. St. Ignatius of Loyola adopted and further developed this practice, with papal privileges granted to the Jesuits, while otherwise the mandatory manifestation of conscience was prohibited by c. 530 of the 1917 Code and remains such in virtue of c. 630 §5 of the 1983 Code.

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[70] A. RODRIGUEZ, *The Practice of Christian Faith and Religious Perfection,* vol. 3, Dublin, James Duffy and Company, 1882, 383. See HUMPHREY, *The Religious State, 346.*

[71] See R. WELCH, The Manifestation of Conscience in Religious Life and the Canonical Effects of the Psychological Instruments: A Study of c. 630 §5, JCD thesis, Rome, Pontifical University of St. Thomas Aquinas, 1998.

[72] KORTH, The Evolution of "Manifestation of Conscience" in Religious Rules, 93.

1.1.7 St. Ignatius of Loyola

Ignatius of Loyola (1491-1556) is the founder of the Society of Jesus (the Society) and his style of leadership and the practice of the mandatory account of conscience are at the root of this study. The practice of the account of conscience appeared prominently in the Constitutions of the Society of Jesus so much so that Ignatius wrote: "After having well examined the thing before God, it seemed to me in the presence of his divine majesty, that it was very much to the purpose that all religious should make themselves perfectly known to their superiors."[73] Alphonsus Rodriguez, one of the early Jesuits, offers three main reasons for the practice of the account of conscience:

> [that] superiors may better be able to govern and direct their subjects; that superiors have entire knowledge of the inclinations and temptations of the subjects, and of the defects and sins to which they are most inclined, that they may better guide and direct them, not putting on anyone a burden beyond his strength, not exposing them to greater dangers and hardships than what they are severally well able to bear; and that the practice enables the superiors to better order and promote what is fitting for the whole body of the Society, to the good and honour of which, along with yours, he is bound to look.[74]

Rodriguez compares the importance of an honest self-revelation by the subject to his superior to that of a patient to a physician: "If a sick man hides his ailment from the physician, he is most likely not to get the best treatment [but] if he reveals his ailment completely to the physician, he will be accorded the best treatment possible […] it will be

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[73] *General Examen,* 91, in J.W. PADBERG (gen. ed.), *The Constitutions of the Society of Jesus and Their Complementary Norms: A Complete English Translation of the Official Latin Text,* Saint Louis, MO, The Institute of Jesuit Sources, 1996, 43. See RODRIGUEZ, *The Practice of Christian Faith and Religious Perfection,* 336. Suarez defines the account of conscience as "Per rationem autem conscientiae, intelligimus manifestationem status conscientiae propriae, quam subditus facit superiori, ut ab eo intime cognoscatur, tam in moribus, quam in affectibus vel propensionibus suis, ex qua vocis interpretatio, statim oritur dubitandi ratio, quia vel haec manifestatio superiori facienda est, in confessione sacramentali, vel exra illam" (F. SUAREZ, *Tractatus de religione Societatis Jesu*, Brussels, Typographi editoris, 1857, 1529).

[74] RODRIGUEZ, *The Practice of Christian Faith and Religious Perfection,* 337.

easier for superiors to direct those under their charge and to take care of them."[75] According to Korth, Ignatius modified Bonaventure's remarkable innovation of the account:

> No longer is the spiritual good and guidance of the individual the only purpose of the manifestation, to it are added the external government of the whole Society. The object matter of manifestation is affected. Stress is placed on a very complete manifestation, so that the entire religious becomes known to his Superiors. Manifestation is to be made to the Superior or to a confessor. Such manifestation is to be made at stated intervals.[76]

No mention is made for the account of conscience to be made to the spiritual father, an indication that for the Society, the practice was meant more for governance than for individual spiritual perfection.

To protect the privacy of the subject, the Constitutions oblige the superior to keep inviolable whatever is said to him in the account of conscience.[77] Rodriguez underscored the assurance that whatever was said to the superior in giving an account of one's conscience remained in the superior's heart, without anyone else ever knowing it, without the subject being prejudiced, unless with his permission or consent.[78]

In order to protect the individual's right to privacy, Fr. Claudio Aquaviva, the 5th Superior General of the Society (1581-1615) issued regulations for the practice of the account of conscience, obliging superiors not to reveal what they hear in the account. He wrote that "[…] any superior who violated this secret [shall] be deposed of his office or rigorously punished."[79] Even though such a strong warning has been given, questions have

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[75] St. Jerome said, "quod ignorat medicina non sanat (medicine cures not what it knows not)" (RODRIGUEZ, *The Practice of Christian and Religious Perfection,* 337).

[76] KORTH, The Evolution of "Manifestation of Conscience" in Religious Rules, 93.

[77] Ibid., 97.

[78] See RODRIGUEZ, *The Practice of Christian and Religious Perfection*, 372.

[79] Ibid., 372-373. See S. MOSTACCIO, *Early Modern Jesuits between Obedience and Conscience during the Generalate of Claudio Aquaviva* (1581-1615), New York and London, Routledge Taylor and Francis Group, 2014, 1-11.

been raised over the procedure used by the superior to obtain consent from the subject, in particular, whether the subject was free in giving or withholding consent without compromising his relationship with the superior.

1.2 Transition from Spiritual Direction to Account of Conscience

The practice of spiritual direction or the account of conscience for the purpose of spiritual support for the individual members of monasteries and religious institutes was revised after the Council of Trent. Gradually, monasteries and religious institutes began to use the account of conscience for the purposes of external governance. This change in emphasis was not without its own challenges. Reports of abuses of the practice began to appear in both male and female institutes of religious life and these reports prompted the Church authorities to respond in order to protect the rights of the subjects.

1.2.1 Religious Institutes of Women

The development of women and men religious had a distinctly different pattern. Most female religious communities were founded by women who attached themselves to male religious or by women who emerged from unstructured communities around male abbeys. The rule of the female religious was regulated by the rule of the founding male institute or the superiors of the founding male religious orders, or the local bishops. It was rare that the rules for women religious were entirely dependent upon themselves, such that some Church authorities were suspicious of women communities that attempted autonomous governance. For example, the Ursulines and the English Ladies of the Institute of Mary attempted to be approved as autonomous religious institutes of women but were not approved until the pontificate Leo XIII.

Pope Pius V's constitution *Circa pastoralis* (1566)[80] imposed the cloister[81] on nuns and determined who could enter it. The legislation allowed only the priests appointed to the monasteries for the celebration of the Eucharist, sacrament of confession and for spiritual direction, to enter the cloister.[82] Other than these needed permission from the ordinary.

The general norms of *Circa pastoralis* remained in force between the period of the founding of new religious orders in the 16th century to the 19th century. Two years after *Circa pastoralis*, Pius V's constitution *Libricum vitae genus* (1568) further legislated that all religious institutes were to either accept solemn vows and full monastic discipline or to be suppressed.[83] Meanwhile, in his attempt to relax the strictness with which women

[80] See PIUS V, apostolic constitution *Circa pastoralis*, 29 May 1566, in *Magnum Bullarium Romanum*, vol. 2 (1692), 183-184. See also GALLAGHER, "The Church and the Institutes of Consecrated Life" 5.

[81] The term 'cloister' refers to both the living space reserved for religious, which was marked by walls separating the monastery from the outside world and to the grills that separated the nuns or monks from visitors. Nuns and monks were forbidden to leave the enclosure without permission, nor were outsiders to enter the enclosure without permission. This permission was to be granted by the bishop, whereas before *Periculoso*, it was given by the head of the order, the abbot or abbess. Before these restrictions, monasteries had governed themselves and promulgated their own legislation which needed neither the Apostolic See or the bishop's approval (see B.H. ROSENWEIN and L.K. LITTLE, "Social Meaning in the Monastic and Mendicant Spiritualities," in *The Past and Present Society*, 63 [1974], 4-32). See also E.M. MAKOWSKI, *Canon Law and Cloistered Women:* Periculoso *and Its Commentators, 1298-1545*, Washington, DC, The Catholic University of America Press, 1997, 1 and 33. The norms on the cloister were renewed by the Second Vatican Council, see Decree on the Up-to-Date Renewal of Religious Life *Perfectae caritatis*, 28 October 1965, nos. 15 and 16, in *AAS*, 58 (1966), 709-710, English translation in *FLANNERY1*, 620. The norms were further revised by Pope Francis, see Apostolic Constitution on Women's Contemplative Life *Vultum Dei quaerere*, 29 June 2016, https://press.vatican.va/content/salastampa/en/bollettino/pubblico/2016/07/22/160722a.html (15 June 2020).

[82] See COUNCIL OF TRENT, Session 25, *De regularibus et monialibus*, ch. 5, in N.P. TANNER (ed.), *Decrees of the Ecumenical Councils*: *Trent to Vatican II*, vol. 2, Sheed and Ward, London and Georgetown University Press, DC, 1990, 778. Among some of the reasons for strict enclosure for women institutes were the desire to prevent scandal and the socially accepted understanding of protecting women from the world.

[83] See PIUS V, apostolic constitution *Libricum vitae genus*, 17 December 1568, in *Magnum Bullarium Romanum*, vol. 2 (1692), 217. Most monasteries of nuns only permitted simple vows and in rare cases, had nuns who had solemn vows.

religious institutes were governed, Pope Pius approved some institutes that were not observing the traditional monastic cloister.

Pope Leo XIII's apostolic constitution *Conditae a Christo*[84] provided formal papal approval of institutes of simple vows and this provision was a remarkable departure from the previous legislation. *Conditae a Christo* established the canonical status of the congregations of simple vows, recognising their members under a superior general, as religious and made a distinction between diocesan and pontifical institutes.[85]

The Constitution *Conditae a Christo* was followed by the *Normae* of 1901, issued by the Congregation of Bishops and Regulars.[86] The Norms consisted of a series of principles and requirements which the Congregation considered when it examined constitutions submitted by religious orders for approval. Even though the Norms did not have the force of law, they had received official approval *in Conditae a Christo*, which was the law.[87]

Pope Pius XII noted that the apostolic Constitution *Conditae a Christo* had not made any provisions for pious sodalities, that is, the groups of men and women who felt called to live fully the most radical demands of evangelical life but remained in the world. Since these new groups did not meet the requirements of religious life, not even of newly recognized congregations of simple vows, nevertheless became more and more popular,

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[84] LEO XIII, apostolic constitution *Conditae a Christo*, 8 December 1900, in *ASS*, 33 (1900), 341-347, English translation in D.I. LANSLOTS, *Handbook of Canon Law for Congregations of Women under Simple Vows*, 4th enl. ed., New York, F. Pustet, 1910, Appendix A, 246-258.

[85] See GALLAGHER, "The Church and the Institutes of Consecrated Life," 5.

[86] SACRED CONGREGATION OF BISHOPS AND REGULARS, *Normae secundum quas Sacra Congregatio Episcoporum et Regularium in novis religiosis congregationibus approbandis procedere solet*, Rome, Typis S.C. de Propaganda Fide, 1901.

[87] See I.M. MACPHERSON, The Exercise of Authority in Apostolic Religious Institutes of Women According to the 1983 Revised Code of Canon Law, JCD thesis, Ottawa, Saint Paul University, 1984, 17.

they eventually were recognized by Pope Pius XII in his Constitution *Provida Mater Ecclesia* (1947) as secular institutes and conferred juridical status:

> Having more than once considered all this view of Our conscientious duty and Our paternal affection for the souls who so generously seek holiness in the world; and to the end that a wise and searching discrimination may be exercised in regard to these Societies, and that those only which authentically profess the full life of perfection be acknowledged as true Institutes; in order to avoid the dangers of the continual erection of new Institutes which are sometimes founded without prudent consideration, and at the same time that those Institutes which do merit approval may have the special juridical regulations which corresponds suitably and fully to their purposes and conditions, We have considered and decided upon doing for Secular Institutes what Our Predecessor of immortal memory, Leo XIII, so prudently and wisely provided for Congregations of simple vows by the Apostolic Constitution *Conditae a Christo*.[88]

The decree of the Second Vatican Council, *Perfectae caritatis* clarified the juridical status of the pious associations, that "[…] secular institutes are not religious institutes [but] the profession of the evangelical counsels made by the members in the world and with the recognition of the Church is genuine and complete."[89] The new law on consecrated life that emerged from the Second Vatican Council established equality in law, for institutes of men and institutes of women religious and their members, according to c. 606.[90] Furthermore c.

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[88] PIUS XII, Apostolic Constitution concerning Secular Institutes *Provida Mater Ecclesia*, in *AAS*, 39 (1947), 120-121, BOUSCAREN and O'CONNOR (eds.), *The Canon Law Digest*, 149. In *Provida Mater Ecclesia*, Pope Pius XII established special laws for secular institutes, stating in Article 1: "Societies, whether clerical or lay, whose members in order to attain a Christian perfection and to exercise a full apostolate, profess the evangelical counsels in the world, that they may be properly distinguished from other common associations of the faithful (Part 3, Book 2 of the 1917 Code of Canon Law) are rightly called Institutes, or secular Institutes, and are subject to the norms of this Apostolic Constitution" (in *AAS*, 39 [1947], 120, BOUSCAREN and O'CONNOR [eds.], *The Canon Law Digest*, 150).

[89] SECOND VATICAN COUNCIL, Decree on the Up-to-Date Renewal of Religious Life *Perfectae caritatis*, in *AAS*, 58 (1966), 710, *FLANNERY1*, 616-617.

[90] See *Codex iuris canonici, auctoritate Ioannis Pauli PP. II promulgatus, fontium annotatione et indice analytico-aphabetico auctus*, Libreria editrice Vaticana, 1989, English translation *Code of Canon Law: Latin-English Edition, New English Translation*, prepared under the auspices of the CANON LAW SOCIETY OF AMERICA, Washington, DC, Canon Law Society of America, 1999, c. 606: "Those things which are established for institutes of life consecrated life and their members are equally valid in law for either sex, unless it is otherwise evident from the context of the wording or the nature of the matter." All references to the canons of the 1983 Code will be taken from this translation, unless otherwise indicated, and styled "c." for canon and "cc." for canons, followed by the canon number(s).

605 encourages diocesan bishops to promote and protect institutes of religious life.[91] A review of subsequent promotion of new charisms in the forms of religious life that were autonomous in internal governance and discipline is beyond the scope of this study, but are manifest in cc. 576, 586, 587, 593 and 598 of the 1983 Code of Canon Law.

1.2.2 Religious Institutes of Men

Of the male religious institutes, we single out three that had the most influence on Ignatius of Loyola and the Society of Jesus. These are the Carthusians (1084), the Dominicans (1216) and the Franciscans (1223). The Carthusians were founded at La Grande Chartreuse by Bruno and Robert of Molesme who presided over a group of monks and hermits between the late 11th century in Cîteaux.[92] Guigo, who was superior general from 1110 to 1136, formulated customs and principles of the institute, one of which was adopted by St. Ignatius, the election of a Superior General for life.

Dominic of Guzmán, a Castilian priest, founded the Order of Preachers which was approved by Pope Honorius III in 1216. The Dominican rule, had a few adaptations of the rule of St. Augustine and it combined the apostolic life and the conventional monastic lifestyle, organized according to the rules of life of the canons regular.[93] The Dominicans defied monastic stability and preferred mobility which influenced the popular perception of a Jesuit as "a man with one foot off the ground".

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[91] Canon 605: "The approval of new forms of consecrated life is reserved only to the Apostolic See. Diocesan bishops, however, are to strive to discern new gifts of consecrated life granted to the Church by the Holy Spirit and are to assist promoters so that these can express their proposals as well as possible and protect them by appropriate statutes; the general norms contained in this section are especially to be utilised."

[92] BROOKE, *Monasteries of the World,* 79.

[93] See R. CANNING and T. J.V. BAVEL, The *Rule of Augustine*, *London*, Darton Longman and Todd, 1984, 3-6. See also A.M. SILVAS (trans.), *The Rule of St. Basil in Latin and English: A Revised Critical Edition*, Collegeville, MN, Liturgical Press, 2013, 14.

Francis of Assisi's rule was informally approved in 1209 by Pope Innocent III and it was formally approved in 1223 by Pope Honorius III. The Franciscan rule put much stress on obedience to the ecclesiastical authorities and strict poverty. Because of the emphasis on obedience, the Franciscan rule made a profound impression on Ignatius' concept of blind obedience.

In its decree *De regularibus et monialibus,* the Council of Trent addressed men and women religious with solemn vows who were legally considered religious. The decree also prepared regulations and sanctions that were meant to reform the religious life.[94] The approval of the Society of Jesus in 1540 shows the radical departure from the principles of the traditional monastic lifestyle to a more apostolic lifestyle. The reforms at Trent endorsed the new type of institute which had no distinctive habit, unlike most religious orders, and that the life of their members was not exclusively contemplative, but also apostolic.

Several other innovations introduced by the Society brought in some newness to religious life in the Church. Among them, the most pertinent one concerned the governance of the institute. The Society has a central authority structure, headed by the superior general who is elected for life and he has the authority to appoint provincial superiors and other major superiors. The provincial superiors are subject to both the superior general and

[94] The decree states "[…] both men and women religious should order and arrange their lives according to the provision of the rule they profess and […] faithfully observe what belongs to the perfection of their profession, such as the vows of obedience, poverty and chastity, and any other special precepts particular to any rule or order […] superiors [are] to exercise the utmost diligence in general and provincial chapters and in their visitations, which they must not omit to conduct at the proper times and […] they cannot relax rules which belong to the substance of religious life" (COUNCIL OF TRENT, Session 25, *De regularibus et monialibus*, ch. 1, in TANNER, *Decrees of the Ecumenical Councils*, 776).The decree also renewed Pope Benedict VIII's decree *Periculoso* (1298), which commanded bishops to ensure that the cloister was maintained for nuns and that after profession, the nuns were not allowed to go outside of their monasteries, except for a legitimate reason with the approval of the bishop (see ibid., 778).

general congregation. Ordinarily, the members of the Society manifest their consciences to the provincial superiors, and provincial superiors manifest to the superior general.

Initially, the practice of manifestation of conscience was not peculiar to the Society but it had appeared in many rules and constitutions of religious orders. However, reports of abuses of the practice became widespread from the middle of the 19th century. The Congregation of Bishops and Regulars responded to reports of these abuses in the decree *Quemadmodum,* of 1890[95] and prohibited superiors of lay institutes from requesting manifestation of conscience from their subjects. The 1917 Code of Canon Law (c. 530)[96] and the 1983 Code of Canon Law (c 630 §5)[97] extended the prohibitions to all superiors.

1.3 Practice of the Manifestation of Conscience from the 17th century

In the early 17th century, Pope Clement VIII's Constitution of 19 March 1603, *Cum ad regularem* gave approval of the use of the account of conscience in new religious institutes. Although the document did not use the precise terms "manifestation" or "account

[95] See CONGREGATION OF BISHOPS AND REGULARS, decree *Quemadmodum*, 17 December 1890, in *ASS*, 23 (1890), 505-508. All English translations from the decree *Quemadmodum* are taken from SABETTI, "Commentary on the Decree *Quemadmodum*," 161-178.

[96] *Codex iuris canonici, Pii X Pontificis Maximi iussu digestus, Benedicti Papae XV auctoritate promulgatus,* Typis polyglottis Vaticanis, 1917, English translation E.N. PETERS (ed.), *The 1917 Pio-Benedictine Code of Canon Law*, San Francisco, CA, Ignatius Press, 2001, 205; c. 530 §1: "All religious Superiors are strictly forbidden to induce in any manner persons subject to them to make a manifestation of conscience to them. §2 But subjects are nevertheless not prohibited from freely and voluntarily opening their [hearts] to their Superiors; indeed, it is expedient that with filial trust they go to Superiors and before them, if they are priests, even set forth their anxieties of conscience." All references to the canons of the 1917 Code will be taken from this translation, unless otherwise indicated, and styled "*CIC*/17 c." for canon and "*CIC*/17 cc." for canons, followed by the canon number(s).

[97] Canon 630 §5: "Members are to approach superiors with trust, to whom they can freely and on their own initiative open their minds. Superiors, however, are forbidden to induce the members in any way to make a manifestation of conscience to them."

of conscience," it stated that "a daily opening of the interior movements of the heart and a manifestation of temptations,"[98] should be made by novices to their masters.

1.3.1 The Account of Conscience and Its Abuses in Early Religious Institutes

The account of conscience in the law of religious is defined by Joseph Creusen as "the disclosure of one's state of the mind and soul, outside of confession, by revealing one's virtues, defects, temptations, trials, passions, difficulties, doubts, inclinations, intentions, in order that the person to whom the disclosure is made may acquire a satisfactory knowledge of one's spiritual condition and lead the way to one's spiritual perfection."[99] The subject reveals his conscience to a legitimate authority in the internal non-sacramental forum, in an atmosphere of confidentiality and acceptance of the use of this disclosure in matters of governance. As to its content, the account of conscience consists of revealing one's life of prayer, his inclinations, dispositions, intentions or aspirations and fears that are not external.[100] Therefore, not every revelation of one's state of mind constitutes an account of conscience. In the practice of the Society of Jesus, the account made to a superior is directly related to the vow of obedience and to the governance of the Society.

The office of the one receiving the account is very important because of the nature of the material revealed in the account. Traditionally, the account was made in the sacrament of confession to the major superior who acted in both roles, as confessor and

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[98] *Codicis iuris canonici fontes,* P. GASPARRI and I. SERÉDI (eds.), vol. 6, Rome, Typis polyglottis Vaticanis, 1926, no. 189, 19, English translation in DEE, *Manifestation of Conscience*, 31.

[99] VERMEERSCH, N.A. and J. CREUSEN, *Epitome iuris canonici cum commentariis,* vol. 1, Paris, Descleé de Brouwer, 1954, 650. See J. CREUSEN, *Religious Men and Women in the Code*, Milwaukee, WI, The Bruce Publishing Company, 1940, 94.

[100] See A. LARRAONA, "Commentarium Codicis," in *Commentarium pro religiosis*, 12 (1931), 128.

director.[101] The fact that the joint roles include hearing confession means that the one receiving the account of conscience must be a priest.

As the practice of manifestation of conscience concerns very delicate aspects of a person's life, there is always a danger of its abuse. The decree *Quemadmodum* showed that the abuse of the account of conscience in early religious institutes had four aspects: the invasive nature of the account, denying Holy Communion to subjects, denying them access to extraordinary confessors and attempting to coerce confessors to disclose penitent's confession to help the superior in making decisions.[102]

Regarding the first abuse of the account of conscience, some superiors were invasive into the state of the subjects' conscience. It was common that superiors "[…] have introduced the practice of thoroughly inquiring into the state of their subject's conscience, which is a thing reserved exclusively to the Sacrament of Penance."[103] In doing this, they violated the separation of the respective fora. However, there was no violation if the account of conscience was made to a priest "in the tribunal of penance and concerned sins, temptations and all that related to the internal [sacramental] forum and concluded with absolution."[104] Even though the account could have been made to superiors of lay institutes and include revelations of temptations and sins, the superiors of lay institutes were

[101] See P. VOLTAS, "De aperienda, directionis causa, superioribus conscientia," in *Commentarium pro religiosis*, 1 (1920), 84.

[102] See CONGREGATION OF BISHOPS AND REGULARS, decree *Quemadmodum*, in *ASS*, 23 (1891), 506-508, in SABETTI, *The Decree Quemadmodum,* 164.

[103] CONGREGATION OF BISHOPS AND REGULARS, decree *Quemadmodum*, in *ASS*, 23 (1891), 506, in SABETTI, *The Decree Quemadmodum,* 162. See DEVINE, *Commentary on the Decree* Quemadmodum, 5; cf. DEE, *The Manifestation of Conscience*, 33.

[104] A. DEVINE, *Convent Life: The Duties of Sisters Dedicated in Religion to the Service of God Intended Chiefly for Superiors and Confessors with Commentary on the Decree* Quemadmodum, 4th ed., Dublin, M.H. Gill and Son, 1897, 212.

prohibited from intruding into the conscience of the subject in order to avoid giving semblance of the sacrament of penance.

The second abuse pertained to the decisions of superiors who, after inquiring thoroughly into the conscience of their subjects, imposed non-reception of Holy Communion as a form of punishment. Directing the penitent to refrain from Holy Communion is exclusively the prerogative of the confessor because "[…] he alone can judge the interior disposition of the soul whether the subject should approach Holy Communion or not."[105] Especially, if a superior of a clerical institute was acting as confessor, he ought not impose a penance outside the sacrament of reconciliation.

The third abuse concerned the denial of access to extraordinary confessors.[106] The Council of Trent had stipulated that apart from the ordinary confessor and at least twice a year, superiors were to invite extraordinary confessors whom members were to approach freely for the sacrament. Neither was this right to be denied nor was any superior to question the motive of the subject's request. Furthermore, the law prohibited superiors from hearing the confessions of their subjects, unless the subject presented himself freely.[107] These provisions and prohibitions aimed at protecting the sacrament of penance from violation by religious superiors and to ensure protection of the rights of the subjects.

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[105] See DEVINE, *Convent Life and the Duties of Sisters,* 211. Cf. F.X. GAUTRELET, *Traité de l'état religieux: Notions théologiques sur la nature et les obligations de cet état,* Paris, Delhomme et Briguet, 1885, art. 2, sec. 8.

[106] See DEVINE, *Convent Life and the Duties of Sisters,* 6.

[107] See ibid. 7. See also *CIC*/17 c. 518 §2: "Religious Superiors having the power of hearing confessions can, those things being observed that in law ought to be observed, hear the confessions of subjects who ask for it from them by their own decision and act accordingly, but without grave cause they shall not do this in the manner of a habit." Furthermore, c. 518 §3 states that "Superiors shall be cautious lest one of their subjects be induced either by them or through another, or by force, fear or inappropriate suggestion, or other reason to confess his sins to them." The current legislation, c. 630 §4 states: "Superiors are not to hear the confessions of subjects unless the members request it on their own initiative."

The fourth abuse was committed by superiors who were coercing spiritual directors or confessors to disclose a penitent's confession before assigning the member to an apostolate or to a community or judging the suitability of a member for profession of vows or ordination.[108] This was not only an abuse of the account of conscience, but also a violation of the sacramental seal. The Fourth Lateran Council (1215) had earlier decreed that the sacramental seal was inviolable, thus the priest was obliged not to disclose what he hears in the confession, directly or indirectly. In the words of the Council:

> […] Let him take the utmost care, however, not to betray the sinner at all by word or sign or in any other way. If the priest needs wise advice, let him seek it cautiously without any mention of the person concerned. For if anyone presumes to reveal a sin disclosed to him in confession, we decree he is not only to be deposed from this priestly office, but also to be confined to a strict monastery to do perpetual penance.[109]

On the one hand, in his decree *Sanctissimus* of 1593, Pope Clement VIII had obliged religious superiors not to make use in external governance of any knowledge of the sins of others they have gained in confession.[110] On the other hand, the Fourth Lateran Council and Pope Clement VIII strongly taught against violation of the sacramental seal.

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[108] While spiritual direction is not absolutely necessary for all Christians, Pope Leo XIII taught that it provides spiritual benefits to all, particularly those who seek a higher spiritual perfection (LEO XIII, Apostolic Letter concerning New Opinions, Virtue, Nature and Grace, with regard to Americanism *Testem benevolentiae nostrae*, 22 January 1899 in *ASS*, 31 [1898-1899], 470-479, English translation in https://www.papalencyclicals.net/Leo13/l13teste.htm [2 July 2020]). Cf. PIUS XII, Apostolic Exhortation to the Clergy of the Entire World on the Development of Holiness in Priestly Life *Menti nostrae*, 23 September 1950, in *ASS*, 42 (1950), 657-702, English translation in *The Furrow*, 1 (1950), 623. See also J. HILLMAN, "Soul Mates and Collaborators: Spiritual Direction in Late Medieval and Early Modern Europe," in *History Compass*, 13 (2015), 476; see also DEVINE, *Convent Life and the Duties of Sisters*, 6.

[109] THE FOURTH LATERAN COUNCIL, Constitutions, no. 22, in N.P. TANNER (ed.), *Decrees of the Ecumenical Councils*, vol, 1, Washington DC, Georgetown University Press, 1990, 245. See H.C. LEA, *A History of Auricular Confessions and Indulgences in the Latin Church*, Philadelphia, PA, Lea Brothers and Company, 1896, 230.

[110] See CLEMENT VIII, Decree to All Religious Superiors on the Use of Confessional Material *Sanctissimus*, 26 May 1593, in *Bullarum amplissima Collectio*, vol. 5, Rome, Ex Typographia Camerae Apostolicae, 1756, 254, as quoted in R.L. FASTIGGI, *The Sacrament of Reconciliation: An Anthropological and Scriptural Understanding*, Chicago, IL, Hillenbrand Books, 2019, Kindle edition, 1074 of 3729. See also H. DENZINGER and P. HÜNERMANN (eds.), *Compendium of Creeds, Definitions and Declarations on Matters of Faith and Morals*, 43rd ed., San Francisco, CA, Ignatius Press, 2012, 1939.

Furthermore, the Sacred Congregation of the Holy Office decreed that any confessor who discloses material from the confession, "[…] incurs a *latae sententiae* excommunication, not excluding loss of the clerical state."[111] More recently, the 1983 Code reserved to the Apostolic See the absolution from the *latae sententiae* excommunication for a direct violation of the seal and determined that a priest violating the seal indirectly be punished "according to the gravity of the delict" (c. 1388 §1).

Contrary to the norms on spiritual direction and the inviolability of the sacramental seal, some superiors insistently accessed confidential material shared in either the internal sacramental forum or the internal non-sacramental forum. Reports of such abuses had reached the ecclesiastical authorities prior to 1890. For example, in 1860, the Congregation of Bishops and Regulars had written to an institute of sisters that had presented its constitutions for approval, that:

> That on account of the abuses that had crept in the account of conscience, the Sacred Congregation at the present day will not approve of the manifestation of conscience being made to a Reverend Mother or Mother Superior, but it only permits the sisters, if they wish to do so, to make known their defects as regards the Rule and their progress in virtue, but of other faults and sins, they must deal only with their Confessor.[112]

In other cases, in the constitutions submitted to the Congregation for approval, it simply struck off these sections that treated on the manifestation of conscience to superiors.[113] In 1863, the Congregation had stated that it will not approve any constitutions

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[111] See SACRED CONGREGATION OF THE HOLY OFFICE, decree *Cum ex expresso,* 21 July 1924, in *AAS,* 26 (1934), 550, English translation in M. MULLANEY, "*Graviora delicta:* The Duty to Report Clerical Sexual Abuse to the Congregation for the Doctrine of the Faith," in *Irish Theological Quarterly*, 68 (2003), 292. The Decree listed offences in the Code which were reserved to the Congregation for the Doctrine of the Faith (then Holy Office) and included, among other offences, the violation of the seal of confession (c. 2369).

[112] See CONGREGATION OF BISHOPS AND REGULARS, rescript (private reply), in *Analecta iuris pontificii,* no. 38 (1890), col. 2396, no. 4, English translation in DEVINE, *Commentary on the Decree Quemadmodum*, 15.

[113] See CONGREGATION OF BISHOPS AND REGULARS, rescript (private reply), in *Analecta iuris pontificii,* 42 (1861), col. 510, no. 7, English translation in DEVINE, *Commentary on the Decree Quemadmodum,* 15. See also F. HUYSMANS, *La manifestation de conscience en religion d'après le canon 530,* JCD thesis, Rome, Pontifical Gregorian University, 1953, 32. See J.L.R. SÁNCHEZ- GIRÓN, *La cuenta*

that had obligatory manifestation of conscience.[114] For example, to enforce these norms, the Congregation did not approve the proposed constitutions of the Passionist nuns of Italy in 1790, which had a section on the manifestation of conscience.[115]

1.3.2 The Church's Response to Abuses of the Account of Conscience: Decree *Quemadmodum* of 1890

The Sacred Congregation of Bishops and Regulars issued the decree *Quemadmodum* on 17 December 1890 which became the first universal attempt to legislate on the account of conscience and to eliminate abuses that had crept in the practice. *Quemadmodum* had the force of law because it was not only approved by the Roman Pontiff, but it was published and promulgated by his command. It abrogated old laws and customs and gave new legislation for the better government of lay religious institutes.

The decree *Quemadmodum* began:

> His Holiness annuls, abrogates and declares of no force in the future, all regulations contained in the Constitutions of Pious Societies and Institutes, both of women with simple or solemn vows, and also men of the purely lay order (even though the aforesaid Constitutions may have been approved by the Holy See in any form whatsoever, even that which is called most special), in this one point, in which these Constitutions regard the secret manifestation of conscience in whatsoever manner or under whatever name. He therefore seriously enjoins on all Superiors, whether men or women, of such Institutes, Congregations and Societies, to absolutely cancel and expunge altogether from their respective Constitutions, Directories and Manual, all the aforesaid regulations. Likewise, he declares whatsoever usages and customs in this manner even such as are from time out of mind, to be null and void and to be abolished.[116]

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de consciencia al superior en el derecho de la Compañía de Jesús, Rome, Pontifical Gregorian University, 2007, 327-328.

[114] See See CONGREGATION OF BISHOPS AND REGULARS, rescript (private reply), in *Analecta iuris pontificii*, 42 (1861), col. 510, no. 7, English translation in DEVINE, *Commentary on the Decree Quemadmodum*, 14. See also HUYSMANS, *La manifestation de conscience en religion d'après le canon 530*, 32.; C.A. NASELLI, *History of the Passionists (1775-1839)*, vol. 2, Rome, Edizioni Eco, 1988, 135-176; cf. C.P. GIORGINI, *History of the Congregation of the Passion of Jesus (1710-1775)*, Rome, Passionist General Curia, 2004.

[115] See DEVINE, *Convent Life and the Duties of Sisters*, 212.

[116] SABETTI, *The Decree Quemadmodum*, 23. See WELCH, The Manifestation of Conscience in Religious Life, 33-34; see also DEE, *The Manifestation of Conscience*, 35.

The decree revoked all the prescriptions of the constitutions, rules and directories of women religious, both of simple or solemn vows and lay institutes of men religious. It directed that existing references to the practice in constitutions, rules and directories of lay institutes be deleted. Any customs to the contrary, even immemorial, were also abrogated.

All superiors of women religious and lay institutes of men religious were strictly forbidden to induce or elicit in any manner the account of conscience from their subjects. The question that remained unclear to some male religious superiors was whether or not lay brothers belonging to institutes of clerics were forbidden from manifesting their conscience to superiors.[117] On 15 April 1891, the Congregation responded that the prohibition was on the part of the superiors forbidding them requesting the mandatory account of conscience from their subjects.[118] Furthermore, the expression "in whatsoever manner or under whatsoever name" became a subject of debate among canonists, most of whom agreed that the expression meant "either directly or indirectly, by precept, counsel, fear, threats or trickery."[119]

The precept containing the prohibition of mandatory account of conscience in lay institutes would be meaningless without canonical sanctions. Therefore, the decree commanded subjects to denounce superiors who violated this norm through any attempts to induce them to make such manifestation. In the case of a violation, subjects were obliged

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[117] See N. GILL, *The Spiritual Prefect in Clerical Religious Houses of Study: A Historical Synopsis and Commentary*, Canon Law Studies, no. 216, Washington, DC, Catholic University of America, 1945,100.

[118] See CONGREGATION OF BISHOPS AND REGULARS, rescript (private reply), in *ASS*, 24 (1891-1892), 190-191.

[119] GILL, *The Spiritual Prefect in Clerical Religious Houses of Study*, 100. See WELCH, The Manifestation of Conscience in Religious Life, 33.

to report a major superior to the general superior, and if the violation was done by the general superior, the report was to be made to the Congregation of Bishops and Regulars.[120]

The account of conscience as a practice, was not abolished, rather the decree eliminated the mandatory practice, and encouraged subjects to freely approach their superiors to manifest their conscience. Part of the decree stated that "[this] however, in nowise hinders subjects from freely and of their own accord opening their hearts to their superiors, for the purpose of obtaining from their prudence, counsel and direction, in doubts and perplexities, in order to aid them in acquiring virtues and advancing in perfection."[121] This provision was an attempt to restore the purpose of the practice to its original status. The legislation promoted in the subjects an awareness of the end for which the practice was initially intended.

The decree maintained the teaching concerning confessors as laid down by the Council of Trent[122] and the order of Pope Benedict XIV in the constitution *Pastoralis curae* (5 August 1748), with regards to ordinary and extraordinary confessors of nuns.[123] Miguel Flores clarified that Benedict XIV made the provision that the extraordinary confessor was to hear the confessions of those nuns who wished to confess to him, and those who did not,

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[120] See SABETTI, *The Decree Quemadmodum*, 11; cf. DEVINE, *Commentary on the Decree Quemadmodum*, 7.

[121] SABETTI, *The Decree Quemadmodum,* 14.

[122] The Council states that "Bishops and other superiors of monasteries of nuns should carefully see to it that the nuns are enjoined in their constitutions to make confessions of their sins at least once a month and to receive the most Holy Eucharist […] In addition to their ordinary confessor, the bishops or other superiors should offer an extraordinary confessor two or three times a year who should hear the confessions of all…" (Session 25, *De regularibus et monialibus,* ch. 10, in TANNER, *Decrees of the Ecumenical Councils*, 779).

[123] See BENEDICT XIV, Apostolic constitution *Pastoralis curae*, 5 August 1748, English translation in M.P. FLORES, "The Superior General of the Congregation of Mission and of the Daughters of Charity," in *Vincentian Heritage Journal*, vol. 5, no. 2 (1984), 36. See also SABETTI, *The Decree Quemadmodum,* 16.

might only receive a blessing, spiritual advice or direction.[124] Meanwhile, responding to the denial of access to extraordinary confessors, the decree *Quemadmodum* retained the obligation on superiors and ordinaries:

> Moreover, while the prescriptions of the Holy Council of Trent, Session 25, Chap. 10, *de Regularibus*, retain their full vigour, as well as the decree of Benedict XIV of holy memory in the Constitution *Pastoralis curae*, His Holiness admonishes Prelates and Superiors not to deny their subjects an extraordinary confessor as often as the need of their conscience requires it, and without seeking to find out in any way the reason why their subjects make such a demand, or without showing that they resent it.[125]

Prelates, that is, bishops, or the ordinaries and superiors, that is, general superiors were admonished not to deny access to extraordinary confessors to their subjects, or to question a subject's motive in requesting an extraordinary confessor or even to show any disapproval of such a request. If the superiors were to question the need of an extraordinary confessor, that would violate the freedom of the subject to access an extraordinary confessor. Finally, "prelates are to grant necessary faculties to any confessor for as often as he is reasonably called for."[126] The decree made provisions for more than one qualified priest, but that several confessors should be made available for ease of access and freedom of choice.

With regards to superiors who were prohibiting subjects from reception of Holy Communion, the decree was explicit that such permissions or prohibitions belong to the

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[124] See FLORES, "The Superior General of the Congregation of Mission and of the Daughters of Charity," 36.

[125] SABETTI, *The Decree Quemadmodum,* 5.

[126] Ibid., 16. Most recently, the Directives on Formation for Religious Institutes prohibited novice directors and their assistants from hearing the confessions of their novices on a habitual basis (See CONGREGATION FOR THE INSTITUTES OF RELIGIOUS LIFE AND SOCIETIES OF APOSTOLIC LIFE, Directives on Formation in Religious Institutes *Potissimum institutioni,* 2 February 1990, no. 52, in *AAS*, 82 [1990], 499, English translation in *Origins*, 19 [1989-1990], 685). "Superiors should accompany religious along the path of the Lord, by means of direct and regular dialogue, always respecting the proper role of the confessor and spiritual director in the strict sense of the words" (CONGREGATION FOR THE INSTITUTES OF RELIGIOUS LIFE AND SOCIETIES OF APOSTOLIC LIFE, Directives on Formation in Religious Institutes *Potissimum institutioni,* 2 February 1990, no. 30, in *AAS*, 82 [1990], 493, English translation in *Origins*, 19 [1989-1990], 677).

jurisdiction of the confessor or the extraordinary confessor in the sacrament of confession. However, a superior could only prohibit a subject from receiving Holy Communion if the subject had been charged with a violation in the external forum that would create public scandal if the person continued receiving the Eucharist.

The decree made other general provisions; a) that the decree must be translated into relevant languages, b) that translated copies of the decree must be appended in the constitutions, manuals and directories, c) that the decree should be read at regular intervals in the public refectory, or at least annually or in Chapter.[127]

Furthermore, the decree commanded and sanctioned superiors to strictly observe the prescribed regulations, or risk incurring *ipso facto* the penalties directed towards superiors who violate the mandates of the Holy See. This command excluded subjects, bishops or ordinaries and confessors because it was addressed explicitly to superiors. Canonists have criticized this exclusion of other ordinaries except superiors, as a major weakness of *Quemadmodum*.

Another criticism raised by canonists was the ambiguity of the degree of the penalties referred to in the decree. The decree assumed that such penalties were established and common to all, yet the penalties varied according to the severity of the violation, ranging from censures, deposition from office, loss of active and passive voice in the religious institute, to whatever the superior general or the Congregation for Bishops and Regulars determined as a suitable penalty.

Furthermore, the decree was silent on superiors of clerical religious institutes. Since the decree explicitly addressed superiors of lay institutes, it had no juridic effect on

[127] See SABETTI, *The Decree Quemadmodum,* 21-22.

superiors of clerical institutes, even if they abused the practice. The reason for that silence might have been the fact that superiors of clerical institutes were almost always priests, thus had the power of orders and the assumption was that they would receive the manifestation of conscience in the sacrament of penance and were bound by the seal of confession. However, abuses by superiors of clerical institutes were reported even after the decree *Quemadmodum* was issued; therefore, the Church had to act in order to rectify this situation.

1.4. Legislation on the Account of Conscience in the 1917 and 1983 Codes of Canon Law

At the promulgation of the 1917 Code, the provisions of the decree *Quemadmodum* were summarised into two paragraphs of canon 530. The new law eliminated the penalties that were imposed by the earlier decree. Canon 630 of the 1983 Code on the other hand, has five paragraphs, inclusive of the manifestation of conscience, spiritual direction and the sacrament of penance.

1.4.1 The 1917 Code of Canon Law (c. 530 §§1, 2)

Parts of the jurisprudence of *Quemadmodum* regarding the account of conscience were codified for the first time in the 1917 Code of Canon Law. The canon that addressed the manifestation of conscience directly, c. 530 has two paragraphs with two distinct variations from the prior law, that is, its extension and a restriction of it. It is an extension because the first paragraph includes superiors of "all religious institutes". It is a restriction because it omits the obligation on subjects to denounce superiors who violate the norm as it was the case in the previous legislation.

The second paragraph is an extension because it broadens the prohibition from superiors of lay institutes to all superiors of religious institutes. These variations with regard to the stipulations of the decree *Quemadmodum* result from the development of the canon's wording in the *Schema Codicis iuris canonici* of 1912 and 1914. Apparently, the *Schema Codicis iuris canonici* of 1912 didn't make any mention of the account of conscience. The text of c. 528 of the *1914 Schema* reads:

> §1. Omnibus religiosis Superioribus districte vetantur personas sibi subditas quocumque modo inducere ad conscientiae manifestationem sibi aut aliis superioribus peragendam (All religious superiors are strictly forbidden to induce in any manner persons subject to them to make a manifestation of conscience to them or to other superior).
>
> §2. Subditi tenetur Superiorem qui eos ad id inducere audeat, denuntiare Superiori majori, et si de supremo moderator agatur, Sanctae Sedi (Subjects are obliged to denounce to the major superior and if it is the supreme moderator, to denounce to the Apostolic See).
>
> §3. Non tamen prohibetur quominus subditi ac ultro aperire suum animum superioribus valeant (It is however not forbidden for the subject to voluntarily open up their own mind to the superior).[128]

The major change in the final text of c. 530 is the omission of the second paragraph of the *1914 Schema*, that is, the obligation of the subject to report to a higher authority, the superior who violated the norm. The omission meant that the new legislation did not directly oblige subjects to report superiors who imposed on them a mandatory account of conscience.

Canon 530 reads:

> §1. Omnes religiosi superiores districte vetantur personas sibi subditas quoquo modo inducere ad conscientiae manifestationem sibi peragendam (All religious superiors are strictly forbidden to induce in any manner persons subject to them to make a manifestation of conscience to them).
>
> §2. Non tamen prohibentur subditi quominus libere ac ultro aperire animum suum superioribus valeant; imo expedit ut ipsi filiali cum fiducia Superiores adeanat, eis, sis sint sacerdotes, dubia quoque et anxietates suae conscientiae exponentes (But subjects are nevertheless not prohibited from freely and voluntarily opening their hearts to their

[128] *Schema Codicis iuris canonici*, Rome, 1912 and 1914, in LARRAONA, "Commentarium Codicis," 124. See WELCH, The Manifestation of Conscience in Religious Life, 38-39. Wherever the source of a translation into English is not indicated, the translation is our own.

> superiors; indeed, it is expedient that with filial trust they go to the superiors and before them, if they are priests, even set forth their anxieties of conscience).[129]

The first paragraph of c. 530 is an extension of the former law of the decree *Quemadmodum* because it imposes the prohibition to all religious superiors from compelling subjects to make an account of conscience to them. This understanding must be interpreted according to the proper meaning of terms. The expression *omnes religiosi superiores* [all religious superiors] indicates all those, who according to law, are religious superiors, that is, superiors general, provincial superiors, or local superiors.[130] This extension marks a departure from the legislation of *Quemadmodum* which limited the prohibition explicitly to superiors of women religious and of lay brothers.

The second paragraph of c. 530 retained the provision of the prior legislation. Though worded differently from *Quemadmodum*, c. 530 §2 stressed the freedom given to the subjects to voluntarily approach their superiors to manifest their conscience for the purposes of spiritual growth: "[…] subjects are nevertheless not prohibited from freely and voluntarily opening their [hearts] to their superiors; indeed, it is expedient that with filial trust they go to superiors and before them, if they are priests, even set forth their anxieties of conscience."[131] By retaining this provision, the account of conscience was not totally prohibited; rather, what was prohibited was the mandatory practice which obliged subjects to manifest to superiors.

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[129] *CIC*/17 c. 530 §1, *Codex iuris canonici, Pii X Pontificis Maximi iussu digestus,* Benedicti Papæ XV *auctoritate promulgatus,* Typis polyglottis Vaticanis, 1917, English translation in E.N. PETERS, *Incrementa in Progressu 1983 Codicis iuris canonici,* Montreal, Wilson and LaFleur, 2005.

[130] See GILL, *The Spiritual Prefect in Clerical Religious Houses of Study*, 101.

[131] "This however, in nowise hinders subjects from freely and of their own accord opening their hearts to their superiors, for the purpose of obtaining from their prudence, counsel and direction, in doubts and perplexities, in order to aid them in acquiring virtues and advancing in perfection" (SABETTI, *The Decree Quemadmodum,* 14).

While the Congregation for Bishops and Regulars had ordered that the decree must be read at least once every year at a chapter or in the refectory, the new law abrogated this order. The new legislation was also silent on the requirements of translating the legislation into applicable languages, or to paste its copy in the constitutions, directories or manuals of religious institutes. Since the 1917 legislation did not mention these commands either explicitly or implicitly, "they must be considered as without any juridic force."[132] Furthermore, the ecclesiastical penalties which were incurred *ipso facto* by the violation of the decree *Quemadmodum* were abrogated by the new legislation.[133]

Even though *Quemadmodum* was abrogated, the decree retained its value as a source for the interpretation of c. 530. The prohibition of superiors from demanding a manifestation of conscience from their subjects by solicitation, coercion, force or by law remained unchanged. The new legislation placed no obligation on the subject to report any superior who violated the law but the subject could have recourse against any sanctions resulting from disobeying a superior who imposed mandatory account.

In his thesis, Richard Welch indicated that the Sacred Congregation for Religious Institutes in six documents issued after the promulgation of the 1917 Code restated the norm of c. 530 §2, that subjects can approach superiors freely and spontaneously, with filial

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[132] DEE, *Manifestation of Conscience*, 44.

[133] The legislation of *CIC/17* c. 6 provided norms for the interpretation of omissions, provisions or commands from previous legislation. The canon reads: "The Code for the most part retains the discipline now in force, although it brings about opportune changes, therefore: 1°. Any laws, whether universal or particular, opposed to the prescriptions of this Code are abrogated, unless something else is expressly provided regarding particular laws." With regards to the ipso facto penalties imposed by the decree *Quemadmodum* on a superior who coerced a subject to make an account of conscience, which do not appear anymore in c. 530, interpretation of the absence of these penalties is sought from *CIC*/17 c. 6, 5° which reads: "As applying to penalties, if no mention is made of them in the Code, whether they are spiritual or temporary, medicinal or as they say, vindictive, automatic or formally imposed [such] are considered abrogated."

confidence and reveal their doubts and anxieties of conscience.[134] The relevant documents were: (1) Instruction *Num serventur canonica statuta*,[135] (2) Statutes for Extern Sisters,[136] (3) Norms on Constitutions of Institutes of Diocesan Right,[137] (4) Questionnaire for the Quinquennial Report of Religious,[138] (5) Motu proprio *Postquam apostolicis* of Pius XII

[134] See WELCH, The Manifestation of Conscience in Religious Life, 37.

[135] SACRED CONGREGATION FOR RELIGIOUS, Instructio, seu elenchus questionum ad quas respondendum est a moderatoribus seu moderatricibus generalibus institutorum vota simplicia profitentium in relatione ad S. Sedem quinto quoque anno transmittenda, in *AAS*, 14 (1922), 278-286. Most pertinent to our work was Question 68 of the Questionnaire for the Quinquennial Report with regards to the discipline of the religious life: "Are the canonical statutes being observed, insofar as they prohibit the manifestation of conscience and the value of the sacramental confession?" (DEE, *Manifestation of Conscience*, 39).

[136] SACRED CONGREGATION FOR RELIGIOUS, Statuta pro sororibus externis monasteriorum monialium cuiusque ordinis servanda, 16 July 1931, in *Commentarium pro religiosis*, 12 (1931), 419. In particular, no. 79 is a summary of *CIC*/17 c. 530: "Omnes religiosis superiores ac superiorissae districte vetantur personas sibi subditas quoquo modo inducere ad conscientiae manifestationem sibi peragendam. Non tamen prohibentur subditae quominus libere ac ultro aperire animum suum superioribus vel antistitis valeant" (All religious superiors and superioresses are strictly forbidden to induce their subjects by any means whatever to manifest their consciences to them. Subjects on their part, however, are not forbidden to open their souls freely and spontaneously to their superiors or superioresses" (ibid., 419, English translation in DEE, *Manifestation of Conscience*, 39). The Holy See has provided for monasteries of contemplative nuns to have sisters who serve the external business of the convent, in accordance with the statutes of each monastery. See Instructio et statuta de sororibus externo monialium monasteriorum servitio addictis, in *AAS*, 53 (1961), 371-380, in *Periodica*, 52 (1961), 36-50. For detailed reading on extern sisters, see also CONGREGATION FOR RELIGIOUS AND SECULAR INSTITUTES, Instruction on the Contemplative Life and on the Enclosure of Nuns *Venite Seorsum*, 15 August 1969, in *AAS*, 61 (1969), 674-690, English translation in *FLANNERY1*, 656-675.

[137] SACRED CONGREGATION FOR THE PROPAGATION OF THE FAITH, Normae pro constitutionibus Congregationum iuris diocesani, Rome, Typis polyglottis Vaticanis, 1940, 18-30. "Superiorissae omnes et magistrae novitiarum districte vetantur sorores sibi subditas quoquo modo inducere ad conscientiae manifestationem sibi peragendam. Non tamen prohibentur subditae religiosae quominus libere ac ultro animum suum aperient superioribus" (Norms to be Applied to the Constitutions of Diocesan Congregations Under its Care explains the prohibition to novice mistresses). "All superioresses and mistresses of novices are strictly forbidden to induce in any manner sisters subject to them to make a manifestation of conscience to them. The religious subjects are not forbidden to open their soul freely and spontaneously to their superiors" (ibid., 18, English translation in DEE, *Manifestation of Conscience*, 39).

[138] SACRED CONGREGATION FOR RELIGIOUS, Elenchus quaestionum, quibus a religionibus et societatibus in relatione ad S. Sedem quinto quoque anno transmittenda respondendum est ad normam Decreti "Cum transactis," in M.L. BRADY, "The Quinquennial Report of Religious Institutes to the Holy See," Canon Law Studies, no. 422, Washington, DC, The Catholic University of America, 1963, 77-80. The Questionnaire for the Quinquennial Report of the Religious referred expressly to c. 530, in no. 82 of the List of Questions: "Whether Superiors, in accordance with Canon Law (c. 530 §§1, 2) leave their subjects free to making a strict manifestation of conscience" (Decree on the Quinquennial Report of Religious and Others, and on the Annual Prospectus, in AAS, 40 [1947], 378-381, English translation in BOUSCAREN and O'CONNOR [eds.], *The Canon Law Digest*, vol., 1, 238). Kelly O'Connors highlighted that the purpose of the five-year report was to provide the Holy See with sufficient information about the religious institute, as an instrument of supervision (see K. CONNORS, The Role of the Major Superior with Particular Reference to Apostolic Women's Religious Institutes in the United States, JCD thesis, Ottawa, Saint Paul University, 2011, 60).

introducing the new law for religious of the Oriental Churches,[139] and (6) Apostolic Constitution *Sedes Sapientiae*.[140] These documents maintained the prohibition of the mandatory account and encouraged voluntary manifestation of conscience.

1.4.2 The 1983 Code of Canon Law (c. 630, §5)

The reform of the discipline of *CIC*/17 c. 530 has as its immediate source, the Second Vatican Council's Decree on the Up-to-date Renewal of Religious Life *Perfectae caritatis* (1965) which mandated religious superiors to grant freedom to their subjects with regards to the sacrament of penance and the manifestation of conscience. Part of article 14 of the decree reads:

> [Superiors] should allow their subjects due liberty with regard to the sacrament of penance and the direction of conscience […] Superiors, therefore, ought to listen to their subjects willingly and ought to promote cooperation between them for the good of the institute and of the Church, retaining however their authority to decide and to prescribe what is to be done.[141]

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[139] PIUS XII, Motu Proprio on the Canons on Religious, Temporal Goods and the Definition of Terms for the Oriental Churches *Postquam apostolicis*, 22 February 1952, in *AAS*, 44 (1952), 65-150. Canon 62 §1 used the same wording found in c. 530 §1 of the 1917 Code, except for the phrase *severe vetantur* (severely forbidden) instead of c. 530's wording *districte vetantur* (strictly forbidden). Canon 62 reads: "§1. Omnes religiosi superiores severe vetantur personas sibi subditas quoquo modo inducere ad conscientiae manifestationem sibi peragendam. §2 Non tamen prohibentur subditi quominus libere et ultro aperire animum suum Superioribus valeant; imo expedit ut ipsi filiali cum fiducia Superiores adeant, iis, si sint sacerdotes, dubia quoque et anxietates, suae conscientiae exponentes" (PIUS XII, Motu Proprio on the Canons on Religious, Temporal Goods and the Definition of Terms for the Oriental Churches *Postquam apostolicis* in *AAS*, 44 [1952], 83).

[140] PIUS XII, Apostolic Constitution on the Religious, Clerical and Apostolic Training to Be Imparted to Clerics in the States of Perfection to Be Acquired *Sedes Sapientiae*, 31 May 1956, in *AAS*, 48 (1956), 354-365, English translation in *The Apostolic Constitution* Sedes Sapientiae, Washington, DC, The Catholic University of America Press, 1957. The Constitution paraphrases c. 530 §2 "[…] the Church desires most eagerly that they [novices and clerical students] open their soul confidently not only to superiors properly so called according to the norms of law (c. 530 §1) and of the Constitutions, but more especially to their Spiritual Masters and Prefects. Moreover, it is fitting that according to the mind of the law (c. 530 §2), they go to them with filial confidence, revealing to them freely and spontaneously their doubts and anxieties of conscience," (no. 1, in *AAS*, 48 [1956], 356). See *The Apostolic Constitution* Sedes Sapientiae, 40). See also HUYSMANS, *La manifestation de conscience en religion d'après le canon 530*, 43-44.

[141] SECOND VATICAN COUNCIL, Decree on the Up-to-date Renewal of Religious Life *Perfectae caritatis*, no. 14, in *AAS*, 58 (1966), 709, *FLANNERY1*, 619-620.

The drafts of March 1969 (Session 6) and of November 1979 (Session 7) had retained the prohibition of *CIC*/17 c. 530: "Let superiors grant proper freedom to all subjects regarding the sacrament of penance and the account of conscience (without infringing on the discipline of the institute). However, it is strictly forbidden to induce those subjects in whatever way to make a manifestation of conscience."[142] Additionally, both drafts, in Session 6 and Session 7 (c. 12) expanded the substance of the former *CIC*/17, c. 530 governing the manifestation of conscience to include legislation on provision of ordinary confessors and prohibition of superiors from hearing confessions of their subjects in a habitual manner.[143] This expansion became clear in the four paragraphs of the *Schema canonum de institutis vitae consecratae per professionem consiliorum evangelicorum* (=*Schema* Vita consecrata), c. 36,[144] which were further revised to the five paragraphs of the 1980 and 1982 Schemata, and the final text of the 1983 Code.

Schema Vita consecrata, c. 36 §1 reads: "Moderatores sodalibus omnibus debitam relinquant libertatem circa paenitentiae sacramentum et conscientiae moderamen, salva tamen instituti disciplina,"[145] and this wording was maintained in the 1980 and 1982

[142] "Superiores sodalibus omnibus debitam agnoscant libertatem circa paenitentiae sacramentum et conscientiae moderamen salva tamen instituti disciplina. Districte autem vetantur eos quoquo modo inducere ad conscientiae manifestationem sibi peragendam" (PONTIFICIA COMMISSIO CODICI IURIS CANONICI RECOGNOSCENDO, *Coetus studiorum* "De institutis vitae consecratae per professionem consiliorum evangelicorum," c. 15, in *Communicationes*, 12 [1980], 161). This first part was taken verbatim to the *1980 Schema Codicis,* c. 556 and was maintained in the *1982 Schema Codicis* 630 §1 and in the final text of c. 630 §3 of the 1983 Code.

[143] See PONTIFICIA COMMISSIO CODICI IURIS CANONICI RECOGNOSCENDO, *Coetus studiorum* "De institutis vitae consecratae per professionem consiliorum evangelicorum," c. 15, in *Communicationes*, 12 (1980), 161. See also PETERS, *Incrementa in Progressu 1983 Codicis Iuris Canonici,* 578.

[144] PONTIFICIA COMMISSIO CODICI IURIS CANONICI RECOGNOSCENDO, *Schema canonum de institutis vitae consecratae per professionem consiliorum evangelicorum*, Typis polyglottis Vaticanis, 1977.

[145] "Moderators are to grant proper liberty to all subjects regarding the Sacrament of penance and the account of conscience without infringing on discipline of the institute."

Schemata, and in 1983 c. 630 §1, but with three changes. Firstly, the term "moderatores" (directors) was replaced by "superiores" (superiors),[146] secondly, "relinquant" (to grant) was replaced by "agnoscant" (to recognize), and thirdly, the qualification "omnibus" (all) was dropped entirely in the *1980 Schema Codicis,* c. 556, the *1982 Schema Codicis*, c. 630 §1 and the final text of c. 630 §1 of the 1983 Code. With these changes in place, the final text of the first paragraph the c. 630 reads: "Superiores sodalibus debitam agnoscant libertatem circa paenitentiae sacramentum et conscientiae moderamen, salva tamen instituti disciplina sacramentum et conscientiae moderamen, salva tamen instituti disciplina."[147] Even though the canon grants freedom to the subject, it equally protects the common good of the institute.

The third paragraph of c. 36 of the *Schema* Vita consecrata, read: "Moderatores solliciti sint ad normam Constitutionum ut sodalibus idonei confessarii praesto sint apud quos regulariter confiteri possint, quin tamen ullus sodalis ad confitendum determinato sacerdoti invitus teneatur.[148] This text was changed in the *1980 Schema,* c. 556 §2 to: "Solliciti sint superiores ad normam iuris propria ut sodalibus idonei confessarii praesto sint apud quos frequenter confiteri possint."[149] "Moderatores" was thus replaced with "superiores" whilst "constitutiones" (constitutions) was replaced by "ius proprium"

[146] "The term 'superiors' must be understood to include those to whom the Code gives that title, that is, those who govern institutes, its provinces, and its individual houses, also to include those who substitute them, such as vice provincials, rectors, and priors of abbeys" (A.C. ELLIS, "Superiors and Manifestation of Conscience," in *Review for Religious*, 2 [1943], 104).

[147] "Superiors are to recognize the due freedom of their members regarding the sacrament of penance and direction of conscience, without prejudice, however, to the discipline of the institute."

[148] "Moderators should be anxious that in accordance with the constitutions suitable confessors may be at hand among those who are able to be confessors rather than any member should feel pressure to confess to a particular priest unwillingly."

[149] "Superiors should be anxious that in accordance with the institute's proper law suitable confessors may be at hand among those who are able to be confessors rather than any member should feel pressure to confess to a particular priest unwillingly."

(proper law), and the last part of the *Schema* Vita consecrata, c. 36 "[…] quin tamen ullus sodalis ad confitendum determinato sacerdoti invitus teneatur" was dropped entirely. The text of c. 556 as it appeared in the *1980 Schema,* remained unchanged in both the *1982 Schema*, c. 630 and the final text of c. 630 §2 of the 1983 Code which reads: "Solliciti sint superiores ad normam iuris proprii, ut sodalibus idonei confessarii praesto sint, apud quos frequenter confiteri possint."[150]

An entirely new paragraph which did not appear in the previous *Schema* Vita consecrata, was introduced as §3 in the *1980 Schema*. It read: "In monasteriis monialium, in domibus formationis et in communitatibus numerosioribus laicalibus habeantur confessarii ordinarii ab Ordinario loci probati collatis consiliis cum communitate, nulla tamen facta obligatione ad illos accedendi."[151] The legislation of this canon affirms the exercise of the right of the members to choose a confessor or spiritual director, whilst at the same time maintaining the obligation of the enclosure. This norm emphasizes the responsibility of the superior to provide that ordinary confessors, approved by the local ordinary, are appointed to the communities, where subjects are free to approach them, with no obligation. This new paragraph was retained in both the *1982 Schema*, c. 630 §3 and the final text, c. 630 §3 of the 1983 Code.

The original *Schema* Vita consecrata, c. 36 §2 which read: "Subditorum confessiones moderatores ne audiant nisi motu proprio ac sponte sua id petant sodales"[152]

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[150] "According to the norm of the proper law, superiors are to be concerned that suitable confessors are available to the members, to whom the members can confess frequently."

[151] "In monasteries of nuns, in houses of formation and in more numerous lay communities, there are to be ordinary confessors approved by the local ordinary after consultation with the community, nevertheless, there is no obligation to approach them."

[152] "Directors are not to hear the confession of subjects unless the members request it on their own initiative."

was revised and became the fourth paragraph of the *1980 Schema,* c. 556. Just like its predecessor, *Schema* Vita consecrata, c. 36 §1, the word "moderatores" (directors) was replaced with the word "superiores" (superiors) in both the *1980 Schema,* c. 556 and the *1982 Schema*, c. 630, §4. Both Schemata dropped the words "motu proprio ac" which was in the original *Schema* Vita consecrata, and changed the arrangement of the second part of the canon to read: "Subditorum confessiones superiores ne audiant nisi, sponte sua sodales id petant,"[153] therefore addressing only the superiors of all religious institutes. The wording of the *1980 Schema* was retained in the final text of the 1983 Code, c. 630 §4.

Prior to the 1983 Code, the Sacred Congregation for the Sacraments had issued an instruction with regards to the daily communion and provision of confessors in monasteries of nuns, religious communities of men and women.[154] Most notable in the instruction was the norm that "Superiors must be careful that they do not either in person or through any other means, induce any of their subjects to go to confession to themselves."[155] The instruction expanded on *CIC/17,* cc. 518-528; the text of these eleven canons, however, was reduced and finally encompassed in c. 630 §§1-3 of the 1983 Code.

The initial *Schema* Vita consecrata, c. 36 §4 read: "Optandum est ut sodales cum fiducia adeant moderatores, quibus etiam animum suum libere ac sponte aperire possunt," received some major revisions in the *1980 Schema*, c. 556 §5. The expression "optandum est ut" (it is desirable that) was dropped, "moderatores" (directors) was replaced by

[153] "Superiors are not to hear the confession of subjects unless the members request it on their own initiative."

[154] See SACRED CONGREGATION FOR THE SACRAMENTS, Reserved Instruction on Daily Communion and Precautions to Be Taken against Abuses, 8 December 1938, English translation in BOUSCAREN and O'CONNOR (eds.), *The Canon Law Digest*, vol. 1, 445.

[155] Ibid.

"superiores" (superiors), and the conjunction "etiam" was eliminated. A new phrase was introduced, and the new canon read: "Sodales cum fiducia superiores adeant, quibus animum suum libere ac sponte aperire possunt. Vetantur autem superiores eos quoquo modo inducere ad conscientiae manifestationem sibi peragendam."[156] Both the *1982 Schema,* c. 630 §5 and the final text of the 1983 Code, c. 630 §5 maintained the revised version of the *1980 Schema*. The fifth paragraph of the new canon was, therefore, a combination of the first and second paragraphs of c. 530 of the 1917 Code.[157]

Just like its predecessor, c. 630 §5 departs from the requirements of the decree *Quemadmodum,* which obliged members (subjects) to report superiors who attempted to coerce them directly or indirectly to manifest consciences to them. The deliberation of the *coetus,* of 7 November 1979, concerned the obligation of a member to report a superior who violated the prohibition, including the possibility of the superior's removal from office.

The final text of c. 630 in the 1983 Code reads:

> §1 Superiores sodalibus debitam agnoscant libertatem circa paenitentiae sacramentum et conscientiae moderamen, salva tamen instituti disciplina (Superiors are to recognize the due freedom of their members regarding the sacrament of penance and direction of conscience, without prejudice, however, to the discipline of the institute).
>
> §2 Solliciti sint superiores ad normam iuris propri, ut sodalibus idonei confessarii praesto sint, apud quos frequenter confeterri possint (According to the norm of the proper law, superiors are to be concerned that suitable confessors are available to the members, to whom the members can confess frequently).
>
> §3 In monasteriis monalium in domibus formationis et in communitatibus numerosioribus laicalibus habeantur confessarii ordinarii ab Ordinari loci probati, collatis

[156] "Members are to approach superiors with trust, to whom they can freely and on their own initiative open their minds. Superiors, however, are forbidden to induce the members in any way to make a manifestation of conscience to them."

[157] *CIC*/17 c. 530: "§1. All religious Superiors are strictly forbidden to induce in any manner persons subject to them to make a manifestation of conscience to them. §2. But subjects are nevertheless not prohibited from freely and voluntarily opening their [hearts] to their Superiors; indeed, it is expedient that with filial trust they go to Superiors and before them, if they are priests, even set forth their anxieties of conscience."

> consiliis cum communitate, nulla tamen facta obligatione ad illos accedendi (In monasteries of nuns, in houses of formation and in more numerous lay communities, there are to be ordinary confessors approved by the local ordinary after consultation with the community, nevertheless, there is no obligation to approach them).
>
> §4 Subditorum confessions superiores ne audient, nisi sponte sua sodales id petant (Superiors are not to hear the confession of subjects unless the members request it on their own initiative).
>
> §5 Sodales cum fiducia superiores adeant, quibus animum suum libere ac sponte aperire possunt. Vetantur autem superiores eos quoquo modo inducere ad conscienctiae manifestationem sibi peragendam (Members are to approach superiors with trust, to whom they can freely and on their own initiative open their minds. Superiors, however, are forbidden to induce the members in any way to make a manifestation of conscience to them).

The current c. 630 is silent on the distinctions between superiors of clerical and lay institutes, as it was in the decree *Quemadmodum* or in *CIC/17* c. 530 which had the qualification "omnes religiosi superiores" (all religious superiors), but instead uses the plural "superiores" with no qualifying adjective. Furthermore, unlike the previous norm of *CIC/17* c. 530, c. 630 legislates beyond the account of conscience; in §§1, 2 and 3, it is now inclusive of the norms on the provision of ordinary confessors.

The first paragraph of c. 630 is prescriptive, and it obliges superiors to make provisions for the good of their subjects, respecting their due freedom concerning the sacrament of penance and the account of conscience, in accordance with the norms of universal law and proper law of the institute. The second and third paragraphs are also prescriptive, as they oblige the superior to be concerned that there are suitable confessors available for their subjects and that there are to be ordinary confessors in monasteries of nuns and formation houses, whom subjects would be free to approach. The fourth paragraph, however, is a direct prohibition: that superiors are not to habitually hear the confessions of their subjects, unless the subjects freely approach them.

The fifth paragraph, which forms the basis of the present study, addresses the freedom of the members to manifest their conscience to their superiors and the prohibition

on the part of superiors to induce members to do so. The main focus of c. 630 §5 is the protection of the rights of the members of religious institutes. The fifth paragraph retains the norm of c. 530 of the 1917 Code, which prohibited all religious superiors (clerical or lay) from coercing subjects to manifest their conscience to them and gave freedom to subjects to approach their superiors freely and open their minds for account of conscience for the sole purpose of spiritual progress, thereby retaining the original purpose of spiritual direction in the monastic era, which was the spiritual progress of the subject.

Even though c. 630 §5 does not indicate any penal consequences for superiors who violate the freedom of the subjects or their privacy, the significance of the protection of the fundamental rights remains, as demonstrated by the word "vetantur" (forbidden), making the canon a prohibitive law.[158] Meanwhile, superiors are obliged to observe and promote the right to freedom of the members in both the sacrament of penance and the account of conscience, without compromising the proper law of the institute. Even though not referred to directly in c. 630 §5, the Church guarantees the protection of the privacy of the members in accord with the norms of c. 220.[159] For canons 220 and 630 §5 must be read simultaneously, because both refer to the fundamental right to privacy which is stated explicitly in c. 220 and implicitly in c. 630 §5. In a commentary on c. 630, Rosemary Smith notes that "[t]he canon is located in the section on governance, placing the burden

[158] "The nature of the prohibition in c. 630 §5 would appear to be preventive rather than restrictive. A prohibition in law by its nature is always a grammatically negative proposition. Prohibitions are restrictions of rights, or are of preventive nature, designed to protect the rights of others. The violation of a prohibition may result in the imposition of penalties. While prohibitions are negative statements, such as the *vetantur* clause of c. 630 §1 and c. 630 §5, this does not mean that the effect produced by their imposition are negative" (M. BROWNE, "The Manifestation of Conscience," in *The Irish Ecclesiastical Record,* 64 [1934], 85).

[159] "No one is permitted to harm illegitimately the good reputation which a person possesses nor to injure the right of any person to protect his or her own privacy" (JOHN XXIII, Encyclical Letter on Establishing Universal Peace in Truth, Justice, Charity and Liberty *Pacem in terris*, 11 April 1963, in *AAS*, 55 [1963], 260, English translation in *The Pope Speaks*, 9 [1963], 28).

primarily on superiors to respect appropriate boundaries and ensure the availability of confessors and spiritual directors, while at the same time maintaining religious discipline."[160] Prior to c. 530 of the 1917 Code and subsequently c. 630 §5, directories and constitutions mandated members to manifest their consciences to superiors. However, the first sentence of c. 630 §5 calls for personal responsibility on the part of the members, to approach the superior for an account of conscience, for his personal spiritual nourishment and growth.

One has to acknowledge, nevertheless, that the prohibition of the mandatory account of conscience in both the 1917 and 1983 Codes impacted negatively on the Society of Jesus, to which this practice is a constitutive element of their understanding of obedience and governance. This prohibition prompted the Society to seek for further privileges with regards to the mandatory nature of the practice.

Conclusion

The chapter demonstrated the origin of spiritual direction and the progression of its practice in ascetical life. The early anchorites and cenobites practiced spiritual direction for the purposes of spiritual perfection of the individual; however, with the expansion of these communities and the growth in the numbers of the members, it was necessary to introduce some structures of governance.

The emergence and growth of monasticism in both the East and the West, forms the foundation of the current practice of the account of conscience. New structures were

[160] R. SMITH "Chapter II - The Governance of Institutes (cc. 617-640)," in J.P. BEAL, J.A. CORIDEN, and T.J. GREEN (eds.), *New Commentary on the Code of Canon Law*, New York/Mahwah, NJ, Paulist Press, 2000, 792.

established in most communities for the purposes of assisting the monks individually to attain spiritual perfection and, most importantly, for governing the community as a whole, leading to the establishment of rules and constitutions and founding of religious institutes. Throughout the centuries, the Church promulgated universal legislation to promote the religious institutes, their apostolates and also to protect the rights of the members.

Several constitutions or rules of many new religious institutes contained the mandatory practice of the account of conscience. In view of the obvious abuses of the account of conscience by superiors, the Congregation of Bishops and Regulars had made prior attempts to discourage religious institutes from including the practice of the account of conscience in their constitutions or rules. The decree *Quemadmodum* of 1890 became the first attempt to legislate the account of conscience for the universal Church. The decree prohibited superiors of lay religious institutes from the mandatory practice of the account, yet it was silent on superiors of clerical institutes and the practice by lay members who belonged to clerical institutes.

Canon 530 of the 1917 Code regulated the practice of the account of conscience, retaining the prohibition to all superiors from mandating or coercing subjects to manifest to them. Just like the decree *Quemadmodum,* the second paragraph of the canon encouraged subjects to freely approach superiors for the account of conscience. Essentially, the provision was made for subjects to approach superiors who are priests and in trust, for their own spiritual perfection.

Canon 630 of the 1983 Code retains the freedom of subjects to manifest freely to superiors. On the other hand, the prohibition of the mandatory account of conscience to the

superior protects the right to privacy for the subjects in both the account and the sacrament of penance and ultimately serves the good of the institute.

To understand the justification for the continued practice of the mandatory account of conscience in the Society of Jesus, the following chapter presents the life of the founder, Ignatius of Loyola, the founding documents and the establishment and governance of the Society.

Chapter Two

The Vow of Obedience in the Governance of the Society of Jesus

Introduction

To fully understand and appreciate the account of conscience and the system of governance of the Society of Jesus, it is important to study the life of St. Ignatius of Loyola, his spirituality and the documents that govern the institute: the Deliberations of the First Fathers,[1] the Formula of the Institute,[2] the Constitutions of the Society of Jesus and the documents of subsequent general congregations.

The first part of the chapter points at the battle at Pamplona where Ignatius was wounded in 1521, marking the beginning of his spiritual conversion. This will be followed by a narrative of Ignatius' spiritual development at Manresa, the formulation of the Spiritual Exercises, the gathering of friends in Paris and the deliberations that led to the founding of the Society of Jesus.

The third section will offer a comprehensive study of the hierarchical structure of governance of the Society, with the general congregation being the supreme legislative

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[1] Ignatius and his six companions gathered in 1539 to deliberate on whether they should form a religious order or not, and whether they should vow obedience to one member of the group. This process is known as the Deliberations of the First Fathers (*Deliberatio primorum patrum*). Following the affirmative responses to these two fundamental questions, the First Fathers prepared a proposal of the *Five Chapters* stating their identity and mission, which was subsequently presented to Pope Paul III with a petition to be approved as a religious order.

[2] The *Formula of the Institute* is the fundamental rule of the Society of Jesus which was approved by Pope Paul III in the apostolic letter *Regimini militantis Ecclesiae*, on 27 September 1540 and was confirmed by Pope Julius III in the apostolic letter *Exposcit debitum* in 1550 after it had been revised. For the purposes of our study, the primary source for *Regimini militantis Ecclesiae* and *Exposcit debitum* is *Institutum Societatis Iesu*, vol. 1, Florence, Ex Typographia a SS. Conceptione, 1892-1893, English translation in J.W. PADBERG (gen. ed.), *Constitutions of the Society of Jesus and Their Complementary Norms*, St. Louis, MO, The Institute of Jesuit Sources, 1996. This will also be used as the primary text of reference for the Examen, the Constitutions and the Complementary Norms. Other translations will be used for comparison, where necessary.

body, the superior general who is elected for life and the major superiors, focusing on the provincial superior who receives the account of conscience.

The subsequent sections of the chapter will scrutinize the famous letter of Ignatius on obedience, the general understanding of obedience in the Society and the special vow of obedience to the Pope.

Various challenges to the system of governance of the Society ranging from the prohibition of the mandatory account of conscience in the 1917 Code of Canon Law to the proposal by the 32nd General Congregation to abolish the "grades" (classes of membership in the Society) and papal interventions in the governance of the Society with regard to the exercise of the fourth vow of obedience to the Pope will be discussed. The final section will present the understanding and application of the vow of obedience according to the five general congregations after the Second Vatican Council (1962-1965) and treat on some specific aspects of obedience.

The influence of St. Ignatius in the acts of subsequent superiors general and their interpretations of, and exhortations on obedience and its practice will demonstrate the centrality of obedience in the governance of the Society. It is precisely after drawing from these developments and experiences of the Society that it would be possible to present the practice of the account of conscience as a fundamental tool of governance in the Society.

2.1 Early Years of Ignatius of Loyola and His Conversion

Íñigo López de Oñaz y Loyola[3] was born in 1491 into the noble Loyola family on the outskirts of Azepeitia village in Spain. The Basque Loyola family was a practicing

[3] The narratives of the early life of St. Ignatius were written by Diego Laínez at the insistence of Juan de Polanco, then secretary of the Society. Polanco later complemented Laínez's narrative with

Catholic family, so Íñigo was baptised at Saint Sebastian Parish Church.[4] When he was about 16 or 17 years of age, he was sent to live with Juan Velázquez de Cuéllar, treasurer of the royal court of King Ferdinand and Queen Isabella. Whilst at the royal court, he was trained to be a nobleman and courtier. He later left for Pamplona in Navarre, where he became part of the duke's command and took part in military battles, of which the battle at Pamplona became significant in his life.[5]

2.1.1 The Battle of Pamplona and Recuperation at Loyola

Ignatius' right leg was shattered by a cannonball on 20 May 1521 during the six-hour long battle when the French army struck Pamplona. This incident led to the surrender of the Spanish army and it marked the end of Ignatius' military career. The French army treated Ignatius with courtesy and allowed him to be carried to the Loyola castle.

At the family castle, Ignatius underwent two surgeries to fix the broken bone of his leg. A couple of months later, he insisted on another surgery to align the bones of his leg. As he spent months in recuperation, he requested books for reading to keep himself occupied. He didn't get the books he would have preferred, that is on fashion, chivalry or romance. On the contrary, he was given the *Life of Christ* (*Vita Jesu Christi),* written by

information he received from Gonçalves da Camara and other sources, thereby composing a longer narrative of the story of St. Ignatius. See D. LAÍNEZ, "Epistola Patris Laínez de Ignatio (1547)," in *Fonte narrativi de Sancto Ignatio de Loyola et de Societatis Iesu initiis,* vol. 1, in *Monumenta Historica Societatis Iesu*, 1943, 54-145, English translation in J.F. CONWELL, *A Brief and Exact Account: The Recollection of Simão Rodrigues on the Origin and Progress of the Society of Jesus*, St. Louis, MO, The Institute of Jesuit Studies, 2004. The early life of Ignatius and the earliest years of the Society are collected and published in a series of four volumes known as *Fontes narrativi.* Cf. A. ALBUQUERQUE, *Diego Laínez SJ: First Biographer of Saint Ignatius of Loyola, His Life, the Biography and Polanco's Narrative*, St. Louis, MO, The Institute of Jesuit Sources, 2010.

[4] See G.E. GANSS, *Ignatius of Loyola: The Spiritual Exercises and Selected Works*, New York and Mahwah, Paulist Press, 1991, 12.

[5] See W.V. BANGERT, *A History of the Society of Jesus*, St. Louis, MO, The Institute of Jesuit Sources, 1986, 5.

the Carthusian Ludolph of Saxony (d. 1377) and the *Lives of the Saints* by the Dominican Jacobs de Voragine (d. 1298).[6] These books were to play a significant role in his conversion, as he reflected on being a soldier of Christ, just like the saints he read about.

The preface of the *Lives of the Saints* in the translation of the Cistercian Gauberto Vagal referred to saints as "Knights of God who did great works in their service of the eternal prince, Christ Jesus […] whose ever-victorious banner they were following."[7] This statement left a remarkable impression on Ignatius, who was to later appropriate it in Formula of the Institute as "[to] serve as a soldier of God beneath the banner of the Cross in our Society […] and to strive especially for the progress of souls in the Christian life and doctrine and the propagation of the faith by ministry of the Word, the *Spiritual Exercises* and works of charity […]."[8] As a matter of fact, there are striking similarities between Ludoph and Ignatius' thought of serving God, that is, the means by which human beings come to know, revere and praise God, technically referred to as the "Principle and Foundation" in the Spiritual Exercises.

2.1.2 The Experiences at Manresa

Inspired by the *Life of Christ* and the *Lives of the Saints* and his own personal experiences of prayer, Ignatius desired to serve the Eternal King whom he had experienced over the months of recuperation. He considered the way of being a pilgrim, and how he ought to bring others to this new way of life. Therefore, after having recovered, he left

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[6] See BANGERT, *A History of the Society of Jesus*, 6. See also W.J. O'MALLEY, *The Fifth Week*, Chicago, IL, Loyola Press, 1996, 6.

[7] GANSS, *Ignatius of Loyola*, 16.

[8] PAUL III, apostolic letter *Regimini militantis Ecclesiae*, 27 September 1540, in *Institutum Societatis Iesu*, vol. 1, Florence, Ex Typographia a SS. Conceptione (1892-1893), 3, English translation in PADBERG, *Constitutions and Complementary Norms*, 3.

Loyola in February 1522 for the Benedictine monastery in Montserrat. At this shrine, Ignatius laid down his military regalia, gave his mule to the monastery and his gentleman's clothing to a beggar, dressed like a pilgrim and spent a night in prayer before the altar of Our Lady's chapel.[9] He then made his general confession on 25 March, after spending three days in spiritual preparation. Soon after the general confession, he departed for the small town of Manresa, a few kilometres from Montserrat.

It was at Manresa that he encountered the book, *The Imitation of Christ* by Thomas a' Kempis. Meanwhile, he drew more spiritual formation from the writings of Dominicans, Carthusians, Cistercians and Franciscans.[10] He compiled reflections of his spiritual journey which he continued to revise as he gained more insights due to further experiences at Manresa. The manuscripts of these reflections were later organized in a book, the *Spiritual Exercises* [11] which was first published in 1548. The Exercises helped form Ignatius's spiritual life and he "gave" them to other people he was to later deal with.

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[9] See BANGERT, *A History of the Society of Jesus,* 7. See also O'MALLEY, *The Fifth Week,* 8.

[10] See J.W. O'MALLEY, *Jesuits: A History from Ignatius to the Present,* New York and Toronto, Sheed and Ward Books, 2014, 13.

[11] The *Spiritual Exercises* are "a manual of exercises and reflections used to help an individual grow along a spiritual path, to gain a better self-understanding and how God acts in the individual's life" (O'MALLEY, *Jesuits,* 9). In making the Spiritual Exercises, the person making the retreat, the retreatant, withdraws from everyday life duties following the practice of withdrawal by the ascetics in the early monastic period. The goal of the withdrawal is "[...] to create a situation where the Creator deals directly with the creature and the creature directly with his Creator and Lord" (GANSS, *Ignatius of Loyola,* 15). The Spiritual Exercises are divided into four weeks: (a) the "First Week" comprising of the general and particular examination of conscience, the meditation on the King and the Two Standards, the contemplation on the life of Christ, Rules for the Discernment of Spirits and the Principle and Foundation; (b) the "Second Week" is a contemplation on Christ's call to participate with him to spread the Kingdom message. This week includes the meditations on making choices, or the "Election" (choosing a state of life), the three classes of persons, that is, the postponers, half-hearted and wholehearted; (c) the "Third Week" focuses on the passion and death of Jesus and (d) the "Fourth Week" contemplates the resurrection and ascension of Christ into heaven. The four weeks of the Spiritual Exercises enable the retreatant to review God's entire plan of creation and salvation and how the retreatant places himself within the context of the Old Testament and the New Testament, Church doctrine and dogma. During this prayerful period, the retreatant is guided by a retreat director, to whom he opens up the movements of his soul, that is, how the Lord is working in him, and how he is responding. The entire Spiritual Exercises are done within a period of "four weeks" but can also be

He remained in solitude at Manresa for almost a year before finally departing for Jerusalem in February 1523. He reached the Holy Land and visited Jerusalem, Bethlehem and Jericho in September 1523. His intention was to stay there helping souls, but the superior of the Franciscans who hosted him in Jerusalem advised him against his plan due to the danger posed by the unstable situation between the Christians and the Turks.[12] After the failure of this mission, Ignatius realized that if he was going to help souls, he needed an academic formation. Upon his return to Spain, he undertook higher academic studies.

Ignatius, then aged 33, studied Latin grammar at Barcelona in 1524 before embarking on to study the Arts (philosophy) at Alcala University in 1526.[13] It was at Alcala that he changed his name from Iñigo to Ignacio (Ignatius). Apart from the studies, he was giving the Spiritual Exercises and teaching Christin doctrine. Just as had happened to him in Manresa, he was brought before the Spanish Inquisition in 1527 because he was teaching Christian doctrine before the completion of the required training. He was briefly imprisoned. Upon his release, he moved to Salamanca, then to Paris, where he stayed from 2 February 1528 until April of 1535. He finally graduated with a Licentiate in Arts in 1533 and a Master of Arts in 1535.

2.1.3 The First Companions

Whilst studying at the University of Paris in 1529, he gave the Spiritual Exercises to his two roommates, Peter Faber (Pierre Favre) and Francis Xavier (Francisco de Javier). Then he gave the Spiritual Exercises in 1534 to the two Spaniards, Diego Laínez and

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adapted to shorter periods, normally eight (8) days or longer periods, depending on the spiritual disposition of the retreatant.

[12] See BANGERT, *A History of the Society of Jesus,* 11.

[13] See GANSS, *Ignatius of Loyola,* 35. See also BANGERT, *A History of the Society of Jesus,* 11-12.

Alfonso Salmeron, followed by the Portuguese, Simão Rodrigues and another Spaniard, Nicolás de Bobadilla.[14] These seven men made an agreement to live in poverty as an imitation of Christ and to devote themselves to the spiritual good of other persons. They called themselves the "Friends in the Lord."

The Friends in the Lord developed two plans. Their primary plan was to go on a pilgrimage to Jerusalem to convert the infidels and Muslims.[15] If this plan was not successful, their secondary plan was to offer themselves to the Roman Pontiff for whatever mission he would have for them. The second plan was to be the basis of their identity and apostolic mission.

Peter Faber was the only member among the group who had been ordained (30 May 1534), therefore, he celebrated the Mass during which the others pronounced their vows.[16] They made their vows of poverty and chastity in a small chapel on Montmartre in Paris on the Feast of the Assumption of Our Lady, 15 August 1534.[17] After the profession of the vows, the group agreed to meet later in Venice, in 1537, for the trip to Jerusalem. The following year, three young men from France, Claude Jay and Paschase Broët who were already priests, and Jean Codure joined the group, which now numbered ten.[18] Meanwhile, while waiting for the passage to the Holy Land, seven of the companions, including Ignatius, were ordained to the priesthood on 24 June 1537, the feast of St. John the Baptist.

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[14] See GANSS, *Ignatius of Loyola,* 36.

[15] Several sections of the Constitutions make reference to the initial plans of the first companions of going to the Holy Land: Part 5, c. 3, no. 527; 204; Part 5, c. 3, no. 3 (c), 529 and 280; Part 7, c. 2, no. 612 (see PADBERG, *Constitutions and Complementary Norms*).

[16] See BANGERT, *A History of the Society of Jesus*, 15.

[17] See GANSS, *Ignatius of Loyola,* 37.

[18] See J.W. O'MALLEY, *The First Jesuits*, London, Harvard University Press, 1993, 32. See also C. DE DALMASES, *Ignatius of Loyola: Founder of the Jesuits, His Life and His Works,* St. Louis, MO, The Institute of Jesuit Sources, 1985, 122.

Simão Rodrigues, aged 21 then, was ordained a deacon and was ordained a priest the following year, in October of 1538.[19]

The waiting period in Venice continued to be extended because of the wars in the Mediterranean. It became clear to Ignatius and his companions that the pilgrimage to the Holy Land was no longer possible. With this realization, they offered themselves to the Roman Pontiff, according to their second plan.

2.2 Founding of the Society of Jesus

The question of the identity of the group remained ambiguous, even though they presented themselves as *una compagnia di Gesù.*[20] Commenting on the unusual choice of the title, the Jesuit, John O'Malley suggests that *compagnia* "which in Italian and in such a context meant nothing more than an association, was a title that was commonly used to designate various kinds of religious confraternities or brothers."[21] The equivalent of this title in Latin was *societas,* thus, the official name at the approval of their Formula of the Institute became *Societas Iesu.*

[19] See GANSS, *Ignatius of Loyola,* 41.

[20] See *Fontes narrativi*, vol. 1, 204 and *Fontes narrativi*. vol. 2, 595-596. See also BANGERT, *A History of the Society of Jesus*, 256.

[21] O'MALLEY, *The First Jesuits,* 34. A more extensive commentary on this title is given in G.E. GANSS (ed. and trans.), *The Constitutions of the Society of Jesus, Translated with an Introduction and Commentary,* St. Louis, MO, The Institute of Jesuit Sources, 1970 (=GANSS, *Constitutions*). Ignatius later revealed that this title was confirmed to him in one of his mystical experiences (see *Fontes narrativi*, vol. 1, 313, footnote no. 37; see also *Fontes narrativi*, vol. 2, 132-135; T.H. CLANCY, *An Introduction to Jesuit Life: The Constitutions and History Through 435 Years*, St. Louis, MO, The Institute of Jesuit Sources, 1976, 40-42). Meanwhile, Blangiardi is convinced that the term *compagnia* is closely linked to Ignatius' military background, and the military obedience and refers to sacrifice, service and the concept of hierarchy and authority (see B.J. BLANGIARDI, The General Congregation as an Instrument of Governance in the Society of Jesus, Ottawa, St. Paul University, 1997, 17).

2.2.1 The Deliberations of the First Fathers

The companions realized that apart from missioning them within the city of Rome, the pope also intended to send them individually or in smaller groups outside Rome. They became anxious due to the imminent separation, therefore, they embarked on a three-month period (March to June 1539) of deliberations on whether they should dissolve their community or they should form a religious institute. This process of discernment is known as the Deliberations of the First Fathers (*Deliberatio primorum Patrum*).[22] In other words, it was a process of communal discernment in which each member shared with the group the fruits of his reflections and prayer.[23]

[22] See *Delibaratio primorum Patrum (1539),* nos. 1-9, in *Monumenta Constitutionum praevia*, ch. 1, in *Monumenta Historica Societatis Iesu,* vol. 63, 1-7, English translation in D. MARUCA, "The Deliberation of Our First Fathers," English translation in *Woodstock Letters*, vol. 95, no. 3 (1966), 325-333. The *Monumenta Constitutionum praevia* are the sources and records that were published earlier than the texts of the *Constitutiones Societatis Iesu,* and these records include the Deliberations of the First Fathers and the Formula of the Institute, *Regimini militantis Ecclesiae* and *Exposcit debitum.* The documents were compiled together with later documents and published in the *Monumenta Historica Societatis Iesu* (see J.C. FUTRELL, *Making an Apostolic Community of Love: The Role of the Superior according to St. Ignatius of Loyola,* St. Louis, MO, The Institute of Jesuit Sources, 1970, 187). Even though it is not clear who exactly composed the text of the Deliberations, the authorship is attributed to Jean Codure or Peter Faber (see J.F. CONWELL, *Impelling Spirit: Revisiting a Founding Experience; 1539 Ignatius of Loyola and His Companions*, Chicago, IL, Loyola Press, 1997, 21). The Deliberations have been studied by various authors because of their significance prior to the founding of the Society and the Society's model of governance. The Institute of Jesuit Sources has devoted to this topic the following four issues of the series: J.C. FUTRELL, "Ignatian Discernment," in *Studies in the Spirituality of Jesuits,* vol. 2, no. 2 (1970), 47-86; J.J. TONER, "A Method for Communal Discernment of God's Will," in *Studies in the Spirituality of Jesuits,* vol. 3, no. 4 (1971), 121-151; L. ÖRSY, "Toward a Theological Evaluation of Communal Discernment," in *Studies in the Spirituality of Jesuits,* vol. 5. no. 5 (1973), 139-188; and J.J. TONER, "The Deliberation That Started the Jesuits," in *Studies in the Spirituality of Jesuits* vol. 6, no. 4 (1974), 179-212.

[23] The companions considered the practical ways of entering into the discernment period. The first method proposed that all the members would withdraw to some monastery for a 30 to 40 days retreat, fasting and doing penance until God showed them some light. They rejected this proposal because they didn't want to take a long break from the work that they were doing, because such a long absence would appear in the eyes of the public as if they had abandoned the work they had started. The second proposal was to have only half of the companions to withdraw to a monastery for a retreat, fasting, penance and discernment on behalf of the others, whilst the rest of the members continue with their different apostolates of preaching and hearing confessions. In as much as this option drew support, they rejected it because the results of the discernment would be binding for the entire group, therefore it was in the best interest of the entire group that all members participate. The third proposal was that all the companions would remain in Rome and continue with their current works, but they would gather at night to share the fruits of their prayer. They adopted the third proposal because it meant that they would not have to interrupt their works, from which they were gaining

They posed two fundamental questions for reflection in the process of understanding the will of God for their future. The first question was whether they should join together into a religious body and not be separated by any physical dispersal.[24] The second question was whether, in binding themselves together, they should vow obedience to one of them in order to be perfectly coordinated in the work of the Lord.[25]

They were faced with one major challenge, the prohibitions of founding new religious institutes ordered by the Fourth Lateran Council (1215) and the Council of Lyons (1272). As a matter of fact, the two councils decreed that no new religious orders would be formed without the permission of the Holy See, rather, any new orders will have to adopt the rules of an already established rule.[26] For the companions, adopting the rule of an existing religious order would mean that they would lose their initial charism.

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popularity and members participated directly without abandoning their works (see FUTRELL, *Making an Apostolic Community of Love*, 190).

[24] See *Delibaratio primorum Patrum*, no. 3, in *Monumenta Historica Societatis Iesu,* vol. 63, 3, in MARUCA, "The Deliberation of Our First Fathers," 328. See also FUTRELL, *Making an Apostolic Community,* 189.

[25] See *Delibaratio primorum Patrum*, no. 8, in *Monumenta Historica Societatis Iesu,* vol. 63, 4, in MARUCA, "The Deliberation of Our First Fathers," 328. See also FUTRELL, *Making an Apostolic Community,* 190. Cf. J. BRODRICK, *Origins of the Jesuits,* New York, Longmans, 1940, 69-72.

[26] By the time of the deliberations in 1539, the only approved rules were the rule of Augustine, the Rule of Basil and the Rule of Benedict. Even though the Order of Preachers (Dominicans) and the Franciscans were approved earlier, the Dominicans had adopted the Augustinian Rule, whereas the Rule of Francis had obtained prior verbal approval in 1209 from Pope Innocent III, before the prohibition of Lateran Council (1215). Some scholars argue that they were not outlawed because of the difference in the understanding of *religiones* and *ordo*. The difference in the two is beyond the scope of this study. For a detailed study of the difference, we recommend the article of E. FREEMAN, "Fourth Lateran Council of 1215: The Prohibition Against New Orders and Religious Women," in *The Journal of Medieval Religious Cultures,* vol. 44, no. 1 (2018), 1-23. However, the Rule of Francis was formally approved in 1223. The Fourth Lateran Council forbade the founding of any order or congregation or taking the habit of a new congregation. The Council of Lyons was summoned by Pope Gregory X on 31 March 1272 and outlawed all the mendicant congregations and orders that were founded after the Fourth Lateran Council, that is, those that had not been approved by the Holy See. Meanwhile, Pope Gregory X decreed that any members from the orders that were not approved would remain in the orders if they wished, but the orders were not to admit any new members or to acquire any new house or property and would not be able to alienate any house or other such without papal approval. Mendicants, like the Dominicans and the Franciscans had emerged in the 13th century as a new form of religious life and they were similar to monastics in that they lived and prayed together in community (see THE FOURTH LATERAN COUNCIL, canon 13, in TANNER, *Decrees of the Ecumenical Councils*, vol. 1, 242).

After much deliberation and discernment, they unanimously agreed on 15 April 1539 to take the vow of obedience to one of their own and to establish a new religious institute.[27] A further discernment followed from mid-April through June, regarding the composition of the proposed religious institute. At the conclusion of this period, Ignatius was tasked to prepare in summary, a document outlining the juridical structure of the company, their identity and mission. When he had completed the draft, he presented it to the companions for their approval, before sending it to Cardinal Gaspari Contarini.[28]

The draft was known as the *Five Chapters* or the *First Sketch of the Institute of the Society of Jesus* (*Prima Societatis Iesu Instituti Summa*). The Jesuit scholar, Joseph Conwell summarized the *Five Chapters* which he referred to as decrees: (1) Chastity and

[27] See TONER, "The Deliberations That Started the Jesuits," 6. Cf. FUTRELL, *Making an Apostolic Community*, 187-194. It was essential to them to vow obedience, to attain three aims: "First, that they might better and more exactly pursue their supreme goal of fulfilling the divine will in all things, secondly that the Company might be more securely preserved, and finally, that proper provision might be made of those individual spiritual and temporary matters" (*Delibaratio primorum Patrum*, no. 8, in *Monumenta Historica Societatis Iesu*, vol. 63, 4, in MARUCA, "The Deliberation of Our First Fathers," 334. See also FUTRELL, *Making an Apostolic Community of Love*, 193).

[28] See A.M. DE ALDAMA, *The Constitutions of the Society of Jesus: The Formula of the Institute*, St. Louis, MO, The Institute of Jesuit Sources, 1990, 29. Cf. J. F. O'CALLAGHAN, *The Autography of St. Ignatius Loyola, with Related Documents*, J. C. OLIN (ed.), New York and London, Harper and Row, 1974, 106-109.

Mission,[29] (2) Obedience to the Pope,[30] (3) Obedience within the Society,[31] (4) Poverty,[32] and (5) Religious Observances.[33] At the recommendation of Cardinal Contarini, Pope Paul III gave a verbal approval (*viva voce*) of the document on 3 September 1539.[34] The following year, on 27 September 1540, the Society of Jesus was formally approved by Pope Paul III by the apostolic letter *Regimini militantis Ecclesiae*.[35]

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[29] See PAUL III, apostolic letter *Regimini militantis Ecclesiae,* no. 1, in *Institutum Societatis Iesu*, vol. 1, 3, in PADBERG, *Constitutions and Complementary Norms*, 3-4. Furthermore, "[a]ll the members should know [...] that this entire Society and each one individually is campaigning for God under faithful obedience to His Holiness (the pope) and other Roman Pontiffs who will succeed him" (PADBERG, *Constitutions and their Complementary Norms*, 6-7).

[30] See PAUL III, apostolic letter *Regimini militantis Ecclesiae*, no. 3, in *Institutum Societatis Iesu*, vol. 1, 4, in PADBERG, *Constitutions and Complementary Norms*, 7 "[...] we have judged that it is of the greatest profit to us to go beyond the ordinary obligations and bind ourselves by a special vow, so that whatever the present Roman Pontiff and others to come will wish to command us with regard to the progress of souls and the propagation of faith, or wherever he may be pleased to send us to any region whatsoever, we will obey without subterfuge or excuses as far as in us lies" (CONWELL, *Impelling Spirit*, 387-389).

[31] See PAUL III, apostolic letter *Regimini militantis Ecclesiae*, no. 6, in *Institutum Societatis Iesu*, vol. 1, 5, in PADBERG, *Constitutions and Complementary Norms*, 8: "All should likewise vow that in all matters that concern the observance of this Rule, they will obey the superior of the Society [...]." See also CONWELL, *Impelling Spirit*, 389-390.

[32] See PAUL III, apostolic letter *Regimini militantis Ecclesiae*, no. 7, in *Institutum Societatis Iesu*, vol. 1, 6, in PADBERG, *Constitutions and their Complementary Norms*, 10: "Therefore one and all should vow perpetual poverty, declaring that they cannot, either individually or in common, acquire any civil right to any stable goods or to any annually recurring produce or fixed income for the sustenance or use of the Society [...]" (PADBERG, *Constitutions and Complementary Norms*, no. 555, nos. 9 and 10; no. 557, nos. 11 and 13; no. 561, no. 14 and no. 562, no. 15). See also CONWELL, *Impelling Spirit*, 390-391.

[33] See CONWELL, *Impelling Spirit*, 392-393. We will discuss in detail the first decree on chastity and mission and the themes in the second and third decrees, that is obedience to the pope and obedience within the Society.

[34] See A. RAVIER, *Ignatius of Loyola and the Founding of the Society of Jesus*, trans. M. DALY, J. DALY and C. DALY, San Francisco, CA, Ignatius Press, 1987, 218.

[35] The apostolic letter *Regimini militantis Ecclesiae* restricted the total membership of the new Society to sixty only (see BANGERT, *A History of the Society of Jesus*, 21-22; CLANCY, *An Introduction to Jesuit Life*, 55-56). However, this restriction was lifted by Paul III in 1544 by the bull *Iniunctum nobis*, 14 March 1544, in *Institutum Societatis Iesu*, vol. 1, 5-8, English translation in P.R. AMIDON, "Papal Documents from the Early Years of the Society," in *Studies in the Spirituality of Jesuits*, vol. 52, no. 2 (2020), 17). The same bull gave permission to the Society to establish the constitutions. Two years later, Paul III gave permission to the Society to admit spiritual and temporal coadjutors (see PAUL III, bull *Exponi nobis*, 5 June 1546, in *Institutum Societatis Iesu,* vol. 1, 12-13, in AMIDON, "Papal Documents from the Early Years of the Society," 21). The status of "priestly order" has been a subject of debate in an attempt to respond to questions whether the Society was a priestly order, since it had in its membership non-clerical members (brothers). Even so, several ecclesiastical authorities have consistently referred to the Society as a clerical order. For example, Pope Paul VI addressed the Jesuits as a priestly order, "[...] you are members of an order that is religious, apostolic, priestly and united with the Roman Pontiff by a special bond of love and service in the manner described in the Formula of the Institute" (PAUL VI, Address to the members of the 32nd General

Following the approval of the Formula of the Institute, Ignatius was elected the first superior of the Society of Jesus on 19 April 1541.[36] Three days later, on 22 April 1541, Ignatius and five of his companions who were still in Rome, made their solemn profession in the new Society. Afterwards, Ignatius was given the task to compile the Constitutions following the permission granted by Pope Paul III in 1544.[37] Ignatius worked on the draft of the Constitutions with the help of his secretary, Jean Codure. Unfortunately, Codure died the same year. Even though the work on the Constitutions was slow, the first part of

Congregation, 3 December 1974, in PADBERG, *Decrees and Documents of the 31st and 35th General Congregations*, 382). Internally within the Society, the 32nd General Congregation referred to the Society in the same words as had been used by Pope Paul VI quoted above (GC 32, d. 4, no. 15, in PADBERG, *Decrees and Documents of the 31st – 35th General Congregations*, 300). A general congregation of the Society is what other religious institutes and the universal law call a general chapter (c. 631 §1). It is the supreme authority and legislative body of the Society. The documents of the first 26 congregations were published as Decreta congregationes generalium Societatis Iesu, in *Examen et Constitutiones, decreta congregationum generalium, formulae congregationum*, vol. 2, Florence, Institutum Societatis Iesu, 1893. After the promulgation of the 1917 Code of Canon Law, the Society updated its laws at the 27th General Congregation (1923) and produced a collection of decrees from the previous general congregations. The collected decrees of GC 27, also known as *Collectio decretorum*, and decrees of GC 28 - GC 30 were published in *Collectio decretorum congegationum generalium Societatis Iesu, a Congregatione Generali XXVII approbata et Congretionibus Generalibus XXVIII, XXIX et XXX retractata*, Rome, Curia of the Society of Jesus, 1968, English translation in J.W. PADBERG, M.D. O'KEEFE, and J.L. MCCARTHY (eds.), *For Matters of Greater Moment: The First Thirty Jesuit General Congregations, A Brief History and Translations of the Decrees*, St. Louis, MO, The Institute of Jesuit Sources, 1994. Subsequent decrees and documents of GC 31- GC35 are published as follows: *Decreta congregationis generalis, XXXI*, 1965-1966, in *Acta Romana Societatis Iesu*, 1967; *Decreta congregationis generalis, XXXII, 1974-1975*, in *Acta Romana Societatis Iesu*, 1975*; Decreta congregationis generalis, XXXIII, 1983*, in *Acta Romana Societatis Iesu*,1983*; Decreta congregationis generalis, XXXIV, 1995*, in *Acta Romana Societatis Iesu*, 1995*; Decreta congregationis generalis, XXXV, 2008*, in *Acta Romana Societatis Iesu*, 2008. Our main source of the translated decrees and documents of GC 31 - GC 35 is J.W. PADBERG (ed.), *The Decrees and Accompanying Documents of the 31st – 35th General Congregations*, St. Louis, MO, The Institute of Jesuit Sources, 2009; Documents of the 36th General Congregation of the Society of Jesus, 2016, in *Acta Romana Societatis Iesu*, 2017. Documents of GC 36 were published in the three official languages of the Society, English, French and Spanish.

[36] See CLANCY, *An Introduction to Jesuit Life*, 56. Six members of the new Society were present in Rome to cast ballots. These were: Diego Laínez, Alfonso Salmeron, Claude Jay, Paschase Broët and Jean Codure, and Ignatius himself. Meanwhile, the other members who were not in Rome at the time, Francis Xavier, Peter Faber, Simão Rodrigues and Nicolás de Bobadilla had left behind their marked ballots of their choice. Apart from Ignatius' own vote, all the others member voted for him (see BANGERT, *A History of the Society of Jesus*, 22).

[37] PAUL III, bull *Iniunctum nobis*, 14 March 1544, in *Institutum Societatis Iesu*, vol. 1, 10, English translation in AMIDON, "Papal Documents from the Early Years of the Society," 17.

the draft, the *General Examen*[38] was completed in 1546. The *General Examen* introduces the manifestation of conscience and determines its role in governance of the Society.[39]

2.2.2 The Formula of the Institute

The Formula of the Institute [hereafter referred to as the Formula] is the decree of approval of the Society, issued by Pope Paul III and confirmed ten years later by Pope Julius III. The Formula "[…] has primacy of dignity and authority in the Institute"[40] and it can only be changed by the Roman Pontiff.[41] According to the Jesuit historian, Fr. Antonio de Aldama "[…] the most important document in the law of the Society […] is the document that is papal law and has the greatest authority for the Society, even for the general congregation."[42] The Formula enjoys supreme authority and dignity over all documents and legislation of the Society, including the Constitutions. In other words, "the

[38] The *General Examen* is the document that preceded the Constitutions, whose purpose is to introduce to a candidate the nature of the Society, the means of attaining the end, the spiritual welfare of the members and all their fellow human persons (see GANSS, *Ignatius of Loyola*, 56).

[39] See *General Examen*, nos. 91-97, in PADBERG, *Constitutions and Complementary Norms*, 43-44.

[40] GC 31, d. 4, no. 2 §1, in PADBERG, *Decrees and Documents of the 31st – 35th General Congregations*, 59. See GANSS, *Constitutions*, 36. Cf. GANSS, *Jesuit Religious Life Today*, 3-4.

[41] See GANSS, *Constitutions*, 45.

[42] A.M. DE ALDAMA, *The Formula of the Institute: Notes for a Commentary*, I. ECHÁNIZ (trans.), St. Louis, MO, The Institute of Jesuit Sources, 1990, 7. For the Formula of the Institute, see PAUL III, apostolic letter *Regimini militantis Ecclesiae*, no. 1, in *Institutum Societatis Iesu*, vol. 1, 3, in PADBERG, *Constitutions and Complementary Norms*, 3; see also JULIUS III, apostolic letter *Exposcit debitum*, no. 1, 15 July 1550, in *Institutum Societatis Iesu*, vol. 1, 28-31, in PADBERG, *Constitutions and Complementary Norms*, 4. Ignatius used the expression in the very first words of the "formula of the institute," what the group stood for: "Whoever wishes to serve as a soldier of God beneath the banner of the cross in our Society [...] is a member of a community founded chiefly for this purpose, to strive especially for the progress of the souls in Christian life and doctrine for the propagation of the faith by the ministry of the Word, by spiritual exercises and works of charity and specifically the education of children and unlettered persons in Christianity [...]" (PAUL III, apostolic letter *Regimini militantis Ecclesiae*, no. 1, in *Institutum Societatis Iesu*, vol. 1, 3, in PADBERG, *Constitutions and Complementary Norms*, 3).

Formula of the Institute or the fundamental rule of the Society has primacy of dignity and authority in the Institute."[43]

The Formula of the Institute was approved by Pope Paul III (1534-1549) on 27 September 1540 by the apostolic letter *Regimini militantis Ecclesiae*.[44] With this approval, the Society of Jesus was canonically established. However, between 1540 and 1550, Paul III introduced several changes to the original Institute. He issued the bull *Iniunctum nobis* (14 March 1544)[45] which removed the restriction in *Regimini militantis Ecclesiae* that had limited the membership of the Society to sixty priests only. In 1546, by the bull *Exponi nobis*, the pope authorized the Society to receive spiritual and temporal coadjutors among its members.[46] In 1548, the Spiritual Exercises were approved by the brief *Pastoralis officii cura*.[47] In October 1549, Paul III expanded the privileges and concessions of the Society by the authority of the bull *Licet debitum*.[48] Finally, with the apostolic letter *Exposcit*

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[43] GC 31, d. 4, no. 2 §1, in PADBERG, *Decrees and Documents of the 31st – 35th General Congregations*, 60. See GC 27, d. 1, in PADBERG, *For Matters of Greater Moment*, 528. See also *Complementary Norms*, no. 9 §1. "The Constitutions, the General Examen […] Laws enacted by general congregations and rules approved by them or by their authority […] General rules of particular offices, ordinations and instructions whether for a limited territory or for the whole Society, enacted by the superiors general within their competence," are also parts of the Institute (see *Complementary Norms*, no. 10, 1° - 3°).

[44] See PAUL III, apostolic letter *Regimini militantis Ecclesiae,* in *Institutum Societatis Iesu*, vol. 1, 3, in PADBERG, *Constitutions and Complementary Norms,* 3.

[45] See PAUL III, apostolic letter *Iniunctum nobis*, 14 March 1544, in *Institutum Societatis Iesu*, vol. 1, 7-10, English translation in AMIDON, "Papal Documents from the Early Years of the Society of Jesus," 14-18.

[46] See PAUL III, bull *Exponi nobis*, in *Institutum Societatis Iesu*, vol. 1, 12-13, English translation in AMIDON, "Papal Documents from the Early Years of the Society of Jesus," 21-23; see also CLANCY, *An Introduction to Jesuit Life,* 57.

[47] See PAUL III, brief *Pastoralis officii cura*, 31 July 1548, in *Institutum Societatis Iesu*, vol. 3, 443-445, English translation in AMIDON, "Papal Documents from the Early Years of the Society of Jesus," 23-25; see also CLANCY, *An Introduction to Jesuit Life,* 57.

[48] See PAUL III, bull *Licet debitum,* 18 October 1549, in *Institutum Societatis Iesu,* vol. 1, 13-21, English translation in AMIDON, "Papal Documents from the Early Years of the Society," 26-38. Pope Paul III granted Ignatius and subsequent superiors general the permission to increase the number of coadjutors (brothers) beyond the twenty that were initially permitted in *Exponi nobis* (see CLANCY, *An Introduction to Jesuit Life,* 57).

debitum of 21 July 1550, Pope Julius III confirmed and approved the revised Formula of the Institute.[49] *Exposcit debitum* expanded the declarations of *Regimini militantis Ecclesiae* and was explicit on the writing or changing of the Constitutions. It spelt out quite clearly the powers of the superior general and addressed the position of the non-professed members, that is, scholastics and coadjutors, both of whom were hardly mentioned in *Regimini militantis Ecclesiae.* Just like its predecessor, *Exposcit debitum* was incorporated in the Formula of the Institute of 1550.

The importance of the Formula of the Institute to our study is summarized by Joseph Conwell that "[…] the Formula assumes prayer and listening to God […] after listening to God and to each companion, the superior has the responsibility to decide in the light of what he has heard."[50] Most of this listening happens in the prayerful context of the account of conscience.

2.3 The Essential Elements of the Internal Organization of the Society of Jesus

By the time of Ignatius' death in 1556, three Spanish texts of the drafts of the Constitutions of the Society of Jesus existed, all of which were written by him, with explanations and corrections entered into several sections. The oldest of these drafts was written between 1547 and 1549 and is known as *Text a*. This draft contained ten parts that would remain in the final text of the Constitutions. *Text a* was followed by *Text A* in 1550, which Ignatius submitted to the professed fathers whom he had summoned to Rome to

[49] See JULIUS III, apostolic letter *Exposcit debitum*, in *Institutum Societatis Iesu*, vol. 1, 22-28, in PADBERG, *Constitutions and Their Complementary Norms*, 3-13.

[50] CONWELL, *Impelling Spirit*, 384.

approve the draft in early February 1551.[51] Ignatius continued to edit the draft that had been approved by the companions, until his death. The edited draft came to be known as the *Autograph (Text B)*, even though it had very few corrections in his handwriting. The final draft (*Text C*) was approved and decreed as the official Constitutions by the First General Congregation on 10 September 1558.[52]

The Constitutions of the Society of Jesus comprises of two documents: the General Examen[53] and the Constitutions proper,[54] and the Complementary Norms, which were introduced by GC 34 in accordance with the revisions of the universal law and proper law.[55] Both Formula of the Institute of 1540 and 1550 were added as preface to the Constitutions

[51] See *Monumenta Historica Societatis Iesu Constitutiones*, vol. 1, nos. 77-85, 390-396; see also *Monumenta Historica Societatis Iesu Constitutiones*, vol. 2, no. 194; P. DUDON, *St. Ignatius of Loyola*, W.J. YOUNG (trans.), Milwaukee, WI, The Bruce Publishing Company, 1949, 288-289.

[52] GC 1, d. 78, in PADBERG, *For Matters of Greater Moment*, 88.

[53] See GANSS, *Constitutions*, 36. The *General Examen* introduces the candidate to the life of the Society of Jesus, the impediments for admission and presents the norms to evaluate the candidate's distinctive qualities in order to judge his suitability for admission into the Society. In order to assess the candidate's determination, questions are asked about his background, his physical and mental health and his intellectual capabilities. The main characteristics of the Society introduced to the candidate include: the name of the Institute, the mission, the vow of poverty, the vow of obedience to the pope, the vow of obedience to the superior, the grades of membership and incorporation into the Society. The final part of the General Examen is the account of conscience, which will be discussed in depth in the third chapter of this study.

[54] The First General Congregation decreed that the Latin text of the Constitutions of the Society of Jesus would be the official text and ordered its printing and distribution throughout the entire Society (see GC 1, d. 78 and 79, in PADBERG, *For Matters of Greater Moment*, 88-89). GC 5 commissioned a committee of professed Spanish fathers to study *Text C* (approved and official Constitution) and the Autograph (*Text B*) in order to produce a Spanish translation. They produced an amended text, called *Text D*. The congregation approved this text and decreed that the two texts, *Text C* (approved by GC 1, d. 78) and *Text D* (approved by GC 5, d. 61) are the official Latin and Spanish texts of the Constitutions of the Society of Jesus (see BLANGIARDI, General Congregation as an Instrument of Governance, 38).

[55] The *Complementary Norms* came at the request of the 33rd General Congregation (1983) to the Superior General, Fr. Peter-Hans Kolvenbach, to revise and update the law of the Society in view of the conciliar and post-conciliar documents, mainly the 1983 Code of Canon Law (see SECOND VATICAN COUNCIL, Decree on the Up-to-Date Renewal of Religious Life *Perfectae caritatis*, nos. 2 and 3, in *AAS*, 58 [1966], 702-712, in *FLANNERY1*, 611-623). Also necessitating the revision of the contemporary norms were the subsequent acts of general congregations after GC 33. Fr. Kolvenbach appointed a committee headed by Fr. Urbano Valero, which revised the legislation of the Society. The proposed *Complementary Norms* (*Notae complementariae*) were approved by the Superior General and were further revised and adopted by the 34th General Congregation (1995). The norms provide an update to the Constitutions, and they give a contemporary account of the life and mission of the Society as described in the Constitutions.

and they precede the preamble known as the General Examen. According to Ganss, the Constitutions are "an application of Ignatius' worldview, his inspiration and the government of the religious order he founded."[56] As stated previously, the Formula is the fundamental law of the Society, and contained within it are substantial elements, which constitute the Society's *raison d'etre*.

2.3.1 Substantials of the Institute

The question of what entails the so-called "substantials of the Institute" appeared in a number of postulates (proposals) at several general congregations. The 5th General Congregation (1593-1594) defined substantials as:

> […] primarily those matters particularly are substantials of the institute that are contained in the *formula* or rule of the Society, proposed to the Supreme Pontiff Julius III and confirmed by him and by his successors and [these are substantials of the first rank or order] and those matters without which that first group cannot retain their identity at all or can do so only with difficulty [substantials of the second rank or order].[57]

In his presentation at the 5th General Congregation, Fr. Ribadeneira insisted that "[…] the substantials of the Institute were indubitably divinely revealed and [he] argued the case with 'proofs' from the lives of Pachomius, Benedict, Bernard and Francis, that their rules were also gifts of divine inspiration through the dictation of an angel or some other extraordinary means."[58]

The source and meaning of substantials were subjects of discussion at the 2nd and 5th General Congregations. GC 5 set up a commission to deliberate on this matter, leading

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[56] GANSS, *Ignatius of Loyola,* 55.

[57] See GC 5, d. 44 and d. 45, in PADBERG, *For Matters of Greater Moment,* 200. See also GC 5, d. 58, in PADBERG, *For Matters of Greater Moment*, 208. The same definition is given in GC 27, d. 12 and d. 13, in PADBERG, *For Matters of Greater Moment*, 531. However, Decree no. 12 of GC 27 was abrogated by GC 34, d. 4, no. 51 (see DE ALDAMA, *The Formula of the Institute,* 34). Cf. A. RODRIGUEZ, *The Practice of Christian and Religious Perfection*, vol. 3, Dublin, James Duffy and Company, 1914, 241.

[58] A. JIMÉNEZ OÑATE, El origen de la Compañia de Jesús carisma fundacional y génesis histórica, Rome, Institutum Historicum Societatis Jesu, 1966, 176-177, cited in FUTRELL, *Making an Apostolic Community of Love*, 151.

to three decrees that clarified and defined the substantials.[59] The importance of the substantials of the Institute cannot be understated. The placement of substantials under Title 3 of GC 27, the "Preservation of the Institute," implies their significance; without them the existence of the Institute would be compromised.

There are three sources of substantials of the Institute. The 1st General Congregation decreed that the primary source of the substantials is the Formula of the Institute and these substantials which have the status of pontifical law cannot be changed without the permission of the Holy See.[60] Meanwhile, the general congregation and the superior general are the sources of the substantials of the second order.[61]

GC 31 made three important clarifications regarding substantials, a) "[…] the general congregation has the authority to declare which matters are substantials,"[62] b) the general congregation has the power to interpret the meaning of the substantials of the Formula of the Institute of 1540 and 1550, but not necessarily to change them,[63] and c) the superior general has the same power to declare the meaning of substantials, "[…] to be

[59] See GC 5, d. 44, 45, 48, in PADBERG, *For Matters of Greater Moment*, 200-201.

[60] See GC 1, d. 16, in PADBERG, *For Matters of Greater Moment*, 76. Decree nos. 12, 13 and 15 of GC 27 revised the declarations of GC 1. The revised decrees of GC 27 were confirmed in GC 31, d. 4, no. 3, in PADBERG, *Decrees and Documents of the 31st – 35th General Congregations*, 60-61; *Complementary Norms,* no. 20 §1.

[61] See GC 27, d. 14, §§1-4, in PADBERG, *For Matters of Greater Moment*, 533. See also *Complementary Norms*, nos. 20 §2 and 21 §1. The 27th GC was convoked by Fr. Wlodimir Ledóchowski in order to adapt the proper law and the Constitutions of the Society to the 1917 Code. The decrees from previous general congregations that were collected and approved by the 27th General Congregation are commonly referred to as *Collected Decrees*. Those decrees that appear in the *Collected Decrees* with no prior citation or source indicate that they are new decrees of the 27th GC or at least newly elevated from the level of recommendations to the status of a decree (see *Complementary Norms*, no. 17).

[62] GC 31, 4, no. 2, in PADBERG, *Decrees and Documents of the 31st – 35th General Congregations*, 59. This decree revised Decree 12 §2 of GC 27.

[63] See GC 31, d. 4, no. 3 §2, in PADBERG, *Decrees and Documents of the 31st – 35th General Congregations*, 61. This decree revised Decree 14 § 1 of GC 27.

exercised in matters of practice on a temporary basis."[64] The emphasis is placed on the stability of the substantials of the first order which cannot be changed by the general congregation except with the permission of the Holy See.

The substantials of the first order are: the name of the institute, that is Society of Jesus (*Societas Iesu*); the apostolic end of the Society, that is the defense and propagation of the faith and the progress of souls; the government of the Society in general with the supreme legislative power vested in the general congregation, with the superior general enjoying full executive power, and the composition of the Society, including the different classes of membership (grades of members), the fourth vow of obedience to the pope with regard to missions.[65]

Substantials of the second order are: the essential impediments from admission into the Society; the non-juridical form of dismissal of the members, except of the professed; the mandatory account of conscience to the superior (approved and confirmed by the Holy See); the election of the superior general for life; the two-year duration of the noviciate; the non-jurisdictional status of provincial congregations; the third probation or tertianship before the definitive incorporation into the Society, and the effects of the vow of poverty for the coadjutors and the professed fathers.[66]

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[64] GC 31, d. 4, no. 3, in PADBERG, *Decrees and Documents of the 31st – 35th General Congregations*, 60-61.

[65] For a complete list of the substantials of the first order, see GC 27, d. 13, §§1-6, in PADBERG, *For Matters of Greater Moments*, 531-532. Both GC 5, d. 58, in PADBERG, *For Matters of Greater Moments*, 208 and GC 7, d. 40, in PADBERG, *For Matters of Greater Moments*, 265, indicate that the Formula of the Institute approved by Pope Julius III is the source of the substantials of the first order.

[66] For a complete list of the substantials of the second order, see GC 27, d. 13, §7, 1º - 11º, in PADBERG, *For Matters of Greater Moments*, 532. Substantials of the second order are declared as such by a general congregation.

The account of conscience, which is the subject of this research, belongs to the substantials of the second order, which form part of the fundamental law of the Institute.[67] In spite of the universal prohibitions of the mandatory account of conscience, the Society has maintained its mandatory nature due to its fundamental role in the governance of the Society.

2.3.2 The Structure of Governance of the Society

The structure of governance of the Society is hierarchical and comprises of the general congregation and major superiors. According to the Complementary Norms, major superiors in the Society are: the superior general (no. 341 §1, 1°), provincial superiors, regional superiors (no. 341, §1, 2°),[68] and presidents of conferences of major superiors (no. 398 §4).[69] The other superiors are local superiors (no. 341, §1, 1° - 3°) and those superiors whose appointment might be deemed necessary by the superior general. Even though the local superiors are beyond the scope of our study because they are not major superiors, nevertheless they still can receive the account of conscience of members of their communities, though not for the purposes of governance but for the personal spiritual growth of the individual.

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[67] See GC 27, d. 58, in PADBERG, *For Matters of Greater Moments*, 539.

[68] A regional superior is the superior of a mission which has not been established as a province (see c. 621). There are two types of regions, an independent region and a dependent region. For a region that is dependent on a provincial superior, the regional superior's powers are limited, whereas a region that is independent, is subject immediately to the superior general. The authority of the superior of an independent region is thus equivalent to that of a provincial superior because he is a major superior and he attends a general congregation by virtue of his office. Therefore, "[...] whatever in the Institute is said of provincial superiors is, unless the contrary is clear, to be understood as well of superiors of independent regions" (*Complementary Norms*, no. 394). See B.T. GEGER, "*Cura Personalis*: Some Ignatian Inspirations," in *A Journal on Jesuit Higher Education*, vol. 3, no. 2 (2014), 18.

[69] The Conference of Major Superiors (=Conference) is a new structure of governance which was established by GC 34 at the recommendation of GC 31. It is headed by a president who is appointed by the superior general and his primary duty is to coordinate the works that are common within a geographical jurisdiction, bringing together the provincial superiors of the same region.

2.3.2.1 The General Congregation

What the Society calls a general congregation is known as a general chapter in most religious institutes and in universal law.[70] A general chapter is either ordinary or extraordinary. It is ordinary when it is convoked at the expiration of the term of office of the supreme moderator or as regulated in proper law. It is extraordinary when it is "[...] convoked for a grave unforeseen reason, for example the vacant or impeded office of the superior general or for some other singular issue pertinent to the governance of the institute, such as the merger or union with another institute."[71] Universal law identifies five principal functions of a general chapter, [72] however, for the sake of this study, we will discuss the legislative function and election of the superior general only.

The general congregation is the ultimate governing body which "possesses full legislative power"[73] and has "[…] judicial, disciplinary and administrative power, within

[70] See Canon 631 §1: "The general chapter, which holds supreme authority in the institutes according to the norm of the constitutions, is to be composed in such a way that, representing the entire institute, it becomes a true sign of its unity in charity. It is for the general chapter principally to protect the patrimony of the institute mentioned in c. 578, promote suitable renewal according to that patrimony, elect the supreme moderator, treat affairs of greater importance and issue norms which all are bound to obey."

[71] R. MCDERMOTT, "Governance in Religious Institutes: Structures of Participation and Representation: Canons 631-633," in *The Jurist*, 69 (2009), 449. On mergers and unions of religious institutes, see R. MCDERMOTT, "External and Internal Reconfiguration of Religious Institutes (cc. 581-582)," in *Commentarium pro religious et missionariis*, 86 (2005), 59-72.

[72] The five principal functions of a general chapter according to universal law are: (a) protecting and promoting the patrimony of the institute, that is, its nature, character, spirit and ends (cc. 578 and 587 §§1-4), (b) promoting suitable renewal (c. 661), (c) electing the supreme moderator or superior general (c. 624), (d) treating affairs of great importance (c. 631 §1), and (e) issuing norms that bound all the members under obedience (see c. 630 §§1).

[73] *Complementary Norms*, no. 333 §1; see also JULIUS III, *Exposcit debitum*, no. 2, in *Institutum Societatis Jesu*, vol. 1, 22, in PADBERG, *Constitutions and Complementary Norms*, 5; see also Formula of a General Congregation, in *Acta Romana Societatis Iesu*, vol. 26, no. 3 (2018), 935; GC 4, d. 19, in PADBERG, *For Matters of Greater Moment*, 173; GC 7, d. 76, in PADBERG, *For Matters of Greater Moment*, 272; GC 27, d. 3 §1, in PADBERG, *For Matters of Greater Moment*, 517-518; GC 27, d. 9, in PADBERG, *For Matters of Greater Moment*, 530.

the norms of common (universal) law and of the special (particular) law of the Society."[74] For the Society, the general congregation is empowered to "authentically interpret the Constitutions and laws passed by a general congregation."[75] A general congregation is governed by the proper law of the institute, most recently revised by both GC 32 (1974) and GC 34 (1995).

According to the bull of Paul III *Iniunctum nobis,* the general congregation is empowered to modify the Constitutions in so far as it does not compromise the Formula of the Institute.[76] The First General Congregation (1558) made an important distinction between the matters contained in the Constitutions, that is, the substantials of the first order, which cannot be changed by the authority of the general congregation and the substantials of the second order, which can be changed by the authority of the general congregation.[77] However, care must be taken that if the substantials of the second order are altered, such alteration would not subsequently affect the substantials of the first order, thereby compromising the very essence of the Society.

There are various reasons for convoking a general congregation (general chapter) as provided for by universal law (cc. 631-633) and by the proper law of institutes of consecrated life and societies of apostolic life.

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[74] Formula of the General Congregation, no. 17 §1, in *Formulae Congregationis generalis 31 et auctoritate retractata*, Rome, Curia of the Superior General of the Society, 1973. See Complementary Norms, no. 333 §1. The Formula of a General Congregation was revised and for the purposes of our work, the references to the Formula of a General Congregation will be derived from the most recent Formula of 2017, unless otherwise stated.

[75] GC 27, d. 9, in PADBERG, *For Matters of Greater Moment*, 521.

[76] See PAUL III, bull *Iniunctum nobis*, 14 March 1544, in *Institutum Societatis Jesu*, vol. 1 (1892-1893), 7-10, English translation in AMIDON, "Papal Documents from the Early Years of the Society of Jesus," 14-18.

[77] See GC 1, d. 101. See also GC 31, d. 50, no. 118 §1, in PADBERG, *Decrees and Documents of the 31st – 35th General Congregations*, 215; GC 31, d. 4. no. 3, in PADBERG, *Decrees and Documents of the 31st – 35th General Congregations,* 61.

In the Society, a general congregation *ad electionem* is convoked by the vicar general at the death of the superior general,[78] and in two other instances, that is, a) when the superior general is incapacitated[79] and b) when the superior general is seriously impeded from fulfilling his duties.[80] In both instances, the vicar general, if one is already appointed, convokes the general congregation to determine the status of the superior general (incapacitated or impeded) and, if proven, to elect a new superior general, according to the Complementary Norms.[81]

Likewise, a general congregation *ad electionem* is convoked by the superior general to present his resignation; if the resignation is accepted,[82] the general congregation proceeds to elect a new superior general.

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[78] See *Constitutions*, no. 677; see also Formula of a General Congregation, no, 1, §1, 1°, in *AR*, vol. 26, no. 3, 917.

[79] See *Constitutions*, no. 773. "If the superior general, through illness or advanced age should be quite careless or remiss in the important matters of his office, without hope of his improvement in this regard and with the result that the common good suffers notably, a coadjutor or vicar should be chosen who is to perform the office of the superior general" (*Constitutions*, no. 773). If there is no vicar appointed, one is to be chosen according to the provisions of "Electing a Temporary Vicar General" (*Complementary Norms*, no. 366, §1).

[80] See *Constitutions*, nos. 774, 782-788. See also *Complementary Norms*, no. 366, §§ 1-4; Formula of a General Congregation, no. 1, §1, 3°, in *AR*, vol. 26, 917. "[...] For reasons of deposing the superior general, the four assistants *ad providentiam* should bring the matter to the attention of the Society and summon the Society to a congregation" (*Constitutions*, nos. 782; see Complementary Norms, no. 366 §§ 1-2; Formula of a General Congregation, nos. 1, §1, 4° and 93, §1-6). The reasons for deposing an impeded superior general include, among others, "[…] where mortal sins involving external actions are present, for example, sexual intercourse, inflicting a wound, misappropriation of fixed revenues of colleges for his own expenses or giving them to someone outside the Society, alienation of immovable goods of houses or colleges or holding false doctrine…" (*Constitutions*, no. 774).

[81] See *Complementary Norms*, no. 366, §§2-4 modified *Constitutions* no. 773, therefore, the vicar general, after consulting the assistants *ad providentiam*, convokes a general congregation which will in turn assess the condition and reasons presented to it by the vicar. If convinced, the general congregation will declare the superior general incapable of governing the Society and will proceed to elect a new superior general.

[82] See *Complementary Norms*, no. 362 §1: "Although the superior general is elected for life and not for any determined time, he may nonetheless in good conscience and by law resign from his office for a grave reason that would render him permanently unequal to the labours of his post." The procedures for accepting the resignation of the superior general are outlined in Formula of a General Congregation, no. 92, §1-8, in *AR*, vol. 26, no. 3, 960 (see Formula of a General Congregation, no. 1, §1, 3°, in *AR*, vol. 26, no. 3, 917). There have only been three congregations in recent history that were convoked by the incumbent and tasked

A general congregation is also convoked by the superior general, on his own authority or if the congregation of procurators decrees it,[83] to deal with what he determines as matters of greater importance.[84]

The general congregation for the Society is either ordinary or extraordinary. The decision whether the general congregation is ordinary or extraordinary is made by the authority that summons the congregation, either the superior general or the vicar general with the consent of the general council[85] or by the superior general if decreed by the congregation of procurators.[86]

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with accepting his resignation and to elect his successor. GC 33 (1983) was convoked by Fr. Pedro Arrupe to present his resignation. The Congregation accepted Fr. Arrupe's resignation and elected Fr. Peter-Hans Kolvenbach as general superior. Pedro Arrupe later died on 5 February 1991. GC 35 (2008) was convoked by Fr. Kolvenbach, and it accepted his resignation and elected Fr. Adolfo Nicolás to succeed him. Fr. Kolvenbach later died in Beirut on 26 November 2016. GC 36 (2016) was convoked by Fr. Adolfo Nicolás, and it accepted his resignation and elected Fr. Arturo Sosa as superior general. Fr. Adolfo Nicolás died on 20 May 2020 in Japan.

[83] The Congregation of Procurators is a consultative body which is convoked by the superior general every four years to deliberate whether or not to convoke a general congregation. It is composed of "[…] the superior general, the vicar or coadjutor vicar, the assistants *ad providentiam*, the general counsellors, and the procurators or their substitutes who are elected at province congregations for this purpose (see Formula of a Congregation of Procurators, nos. 1-3, in *AR*, vol. 26, no. 3, 997 -998; see also GC 34, d. 23, no. C, 6 §1°-7°, in PADBERG, *Decrees and Documents of the 31st – 35th General Congregations*, 650-651).

[84] See *Constitutions*, nos. 680-681; see also Formula of a General Congregation, no. 2, in *AR*, vol. 26, no. 3, 918. For the Society, "The council (general congregation) must necessarily be convoked to establish or change the Constitutions and for other matters of more than ordinary importance" (JULIUS III, apostolic letter *Exposcit debitum*, no. 2, in *Institutum Societatis Iesu*, vol, 1, 23, English translation in PADBERG, *Constitutions and Complementary Norms*, 5). The other matters of greater importance are those issues that the superior general by his own authority cannot establish but requires the deliberation of the entire Society (see *Constitutions*, nos. 680-681; *Complementary Norms*, no. 366, § 3, 1°; cf. Formula of a General Congregation, no. 1, §2, in *AR*, vol. 26, no. 3, 918).

[85] See Formula of a General Congregation, no. 3, in *AR*, vol. 26, no. 3, 918.

[86] See Formula of a Congregation of Procurators, no. 28, 1°, in *AR*, vol. 26, no. 3, 1003. See also Formula of a General Congregation, no. 3, in *AR*, vol. 26, no. 3, 918. An ordinary general congregation is preceded by ample planning time, that is, meetings of the members of the Conference of Major Superiors and Province Congregations (see Formula of a General Congregation, no. 2, §§1-3, in *AR*, vol. 26, no. 3, 918). "Extraordinary general congregation allows the election of a superior general and/or the conduct of business to be completed sooner" (Formula of a General Congregation, no. 2, §1; See nos. 2, §2 and no. 5, §§1-3, in *AR*, vol. 26, no. 3, 918-920).

Apart from general congregations convoked *ad electionem*, only nine (9) out of thirty-six (36) general congregations were convoked to deal with matters of greater importance, that is, without electing a new superior general. The most recent general congregations that were convoked to deal with matters of greater importance are: a) GC 27 which was convoked in 1923 to update the proper law of the Society after the promulgation of the 1917 Code of Canon Law, b) GC 31 (1965-1966) which took place in the context of the Second Vatican Council and ended a year after the conclusion of the Council, c) GC 32 (1974-1975) which was convoked to update the proper law of the Society and respond to the call for renewal of religious life by the Second Vatican Council's decree *Perfectae caritatis*, and d) GC 34 convoked in 1995 "to complete and approve the updating of the Society's proper law"[87] after the promulgation of the 1983 Code of Canon Law. GC 34 approved the publication of the *Complementary Norms to the Constitutions*.[88]

[87] M. ROTSAERT, "Continuity and Innovation: The Thirty-Fourth General Congregation of the Society of Jesus (1995)," in *The Way* (1995), 124. Such approval of the proper law of the Society is a prerogative of the general congregation.

[88] Other general congregations convoked to deal with matters of greater importance other than to elect a new superior general are: GC 5 convoked by Fr. Claudio Aquaviva in 1593; GC 6 convoked by Aquaviva in 1608; GC 14 convoked by Tirso Gonzalez in 1696; GC 23 convoked by Fr. Beckx and Anton Anderledy, vicar in 1883; GC 28 convoked by Fr. Ledóchowski in 1938; GC 30 convoked by Fr. John Baptiste Janssens in 1957.

2.3.2.2 The Superior General

The superior general of the Society is elected for life (*ad vitam*)[89] and not for a determined time.[90] Part 8 of the Constitutions, nos. 694-709, and the updated Formula of a General Congregation (2017) provide detailed procedures for the election of a superior general.[91] It is important to point out that "Only those professed of four vows [will] have

[89] See GC 27, d. 13 §2, 6°, in PADBERG, *For Matters of Greater Moment*, 532. The *ad vitam* term of the superior general in the Society was challenged just a year after the death of Ignatius. Fr. Nicolas Bobadilla, one of the founding fathers, wrote to Pope Paul IV denouncing the situation in the Society and sought that the draft of the Constitutions be revised along the tradition of medieval religious orders (see S. MOSTACCIO, *Early Modern Jesuits: Between Obedience and Conscience during the Generalate of Claudio Aquaviva (1581-1615)*, London and New York, Routledge, 2014, 67). With regards to the *ad vitam* term (after the death of Ignatius), Pope Paul IV insisted that the superior general should be elected for a limited, three-year term rather than for life. The pope therefore instructed Fr. Diego Laínez, the second superior general to change the duration of the term of office for a superior general. Fr. Laínez ignored this request until the death of Paul IV in 1559. However, Pope Paul V who succeeded Pope Paul IV did not follow up on his predecessor's request for a determined term of office of the superior general (see O'MALLEY, *Jesuits: A History from Ignatius to the Present*, 26). Paul V confirmed in the bull *Quantum, religio* that the superior general must be elected for life (see PAUL V, bull *Quantum religio*, 4 September 1606, in *Institutum Societatis Iesu*, vol. 1, 131; see also A.M. DE ALDAMA, *The Constitutions of the Society of Jesus: The Superior General*, R.E. DELIUS and I. ECHÁNIZ (trans.), St. Louis, MO, The Institute of Jesuit Sources, 1999, 16.

[90] See *Complementary Norms*, no 362, §1. The term of office of the supreme moderator, known as the superior general in the Society, is in accordance with c. 624 §1, "Superiors are to be constituted for a certain and appropriate period of time according to the nature and need of the institute, unless the constitutions determine otherwise for the supreme moderator and for superiors of an autonomous house." Even though the superior general is elected for life, there are provisions for his resignation (see *Complementary Norms*, no. 362 §1) or deposition from office (see *Constitutions*, nos. 773-777 and *Complementary Norms*, no. 366 §§1-4). The following superiors general resigned from office: Fr. Pedro Arrupe (1983), Fr. Peter-Hans Kolvenbach (2008), Fr. Adolfo Nicolás (2016). Meanwhile, Fr. Kolvenbach submitted to Pope Benedict XVI a question whether or not to maintain the *ad vitam* term for the superior general. In his response on 29 January 2007, Pope Benedict XVI retained the life term for the superior general but also confirmed the right to resign in special circumstances (P. KOLVENBACH, Letter to Major Superiors and Electors of GC 25 Conveying the Response of Pope Benedict XVI, 21 February 2007, in PADBERG, *Decrees and Documents of the 31st – 35th General Congregations*, 803). With this approval of Pope Benedict XVI, the 36th General Congregation modified *Complementary Norms*, no. 362 §1 to state: "Although the superior general is elected for life and not for any determined time, he may, nonetheless in good conscience and by law resign from his office for a just and proportionate cause that would render him permanently unequal to the labours of his post" (Documents of the 36th General Congregation, 42-43). For example, the resignation of Pope Benedict XVI on 28 February 2013 set a precedent for the very rare papal resignation, even though it is provided for in law. Benedict XVI's statement, "After having repeatedly examined my conscience before God, I have come to the certainty that my strengths, due to an advanced age, are no longer suited to an adequate exercise of the Petrine ministry," indicated the freedom with which he had in stating his resignation. It is important to note that in accordance with c. 332 §2, a papal resignation need not be accepted by anyone, whereas the resignation of the superior general of the Society must be accepted by a general congregation.

[91] Formula of a General Congregation, nos. 39-96, in *AR*, vol. 26, no. 3, 942-963.

the right to vote in the election of the superior general."[92] The qualities of the superior general, his authority and his functions are determined in Part 9 of the Constitutions.

The main function proper to the superior general is "to govern the whole body of the Society in such a manner that it's well-being and proper functioning may through the divine grace be preserved and increased for the glory of God our Lord, by employing his authority as is expedient for that end."[93] According to Antonio de Aldama, three points emerge from the Constitutions and the Formula of the Institute: a) the superior general should have complete authority over the Society, b) the purpose of this authority is to build up the Society, and c) the good governance of the Society.[94] For the best management of the business of the Society, the superior general is aided by other officials, that is, the assistants *ad providentiam* (for provident care) and admonitor (elected by a general congregation),[95] general counsellors[96] and major superiors (provincial superiors, presidents of conferences of major superiors and regional superiors).[97]

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[92] *Constitutions*, no. 699. Furthermore, "If the general congregation is held for the election of the superior general, no one who is not professed of four vows will have active or passive voice in that election" (*Constitutions*, no. 683).

[93] *Constitutions*, no. 789. In maintaining the observance of the Constitutions, the superior general keeps himself informed of the status of the provinces by constantly communication with the provincial superiors.

[94] See DE ALDAMA, *The Superior General*, 74. See also *Constitutions*, nos. 736-738.

[95] See GC 28, d. 44, nos. 129-130, in PADBERG, *For Matters of Greater Moment*, 614-615.

[96] The general counsellors who serve as regional assistants are appointed by the superior general from a *ternae* prepared by members of each Assistancy (see Formula of a General Congregation, no. 127, in *AR*, vol. 26, no. 3, 976). There are six assistances in the Society. GC 1 established the role of the assistants (see GC 1, d, 80-90, in PADBERG, *For Matters of Greater Moment*, 89-91). The assistants *ad providentiam* and the counsellors form together the General Council (see *Complementary Norms*, no. 380 §1).

[97] See *Constitutions*, nos. 757-761. The prerogative of the superior general to appoint major superiors has been challenged several times from within and outside the Society. During the reign of Sixtus V (1585-1590), some Jesuits sought the intervention of the pope to limit what they perceived as the excessive power of the superior general and requested that the authority to appoint major superiors be transferred to provinces or general congregations (in *Acta Romana Societatis Iesu Institutiones*, 225, 1-72). However, Pope Gregory XIV declared that the Constitutions and the government structure as laid out by St. Ignatius is to be

An important function of the superior general which pertains to our study is that the superior general exercises his power personally to admit members to full incorporation (final profession, including the fourth vow of obedience to the Pope) and decide on the grades. The superior general receives the account of conscience of the major superiors at regular intervals within the term of office of the major superior. The superior general has the faculty to dismiss a finally professed member, according to the norms of universal law and the proper law of the Society.[98]

With the rapid growth of the Society, it became practically impossible for the pope to be directly involved in every case of exercising his prerogative of sending a Jesuit for a mission, therefore in ordinary practice, the pope entrusts this task to the superior general. The authority of the superior general to mission the members on behalf of the pope (*circa missiones*) was granted by Paul III in the bull *Licet debitum* (1549): "The superior in office at the time may also go and send his men to any place, even among the infidels, which he will judge expedient in the Lord, and recall them, and he can freely and licitly transfer to other places those sent to some place for no set time by us and our successors, when it is expedient to the glory of God […]."[99] On one hand, therefore, the superior general has the authority to act on behalf of the pope with regards to the practice of the fourth vow in view

preserved (see GREGORY XIV, bull *Ecclesiae Catholicae*, 28 June 1591, in *AR*, vol. 1, 119-125, quoted in DE ALDAMA, *The Superior General*, 77).

[98] See *Constitutions*, no. 736. See also JULIUS III, apostolic letter *Exposcit debitum*, no. 9, in *Institutum Societatis Iesu*, vol. 1, 26, English translation in PADBERG, *Constitutions and Complementary Norms*, 13. "Only the superior general can dismiss the professed of solemn vows, according to the norms of universal law or our own law" (*Complementary Norms*, no. 33 §3; see cc. 691, 694-704).

[99] PAUL III, bull *Licet debitum*, no. 3, in *Institutum Societatis Iesu*, vol. 1, 14, English translation in AMIDON, "Papal Documents from the Early Years of the Society," 27.

of the missions, and on the other hand, to act within the sphere of religious obedience, that is, for the internal government of the Society.

Regarding internal government, *Exposcit debitum* empowers the superior general in that he "[…] should possess all the authority and power over the Society which are useful for its good administration, correction, and government."[100] The expression "all the authority and power" became a subject of debate on whether the superior general has legislative power or not. In response, the 1st General Congregation had declared that it is the prerogative of the superior general to establish rules.[101] A further ambiguity over the meaning of "establish rules" developed. To clarify it, GC 4 abrogated Decree no. 143 of GC 1, and declared that it is the prerogative of the general congregation only to establish rules.[102] GC 4 declared:

> […] the superior general, using the ordinary power of his office, can clarify the Constitutions and general decrees, but these interpretations do not have the force of universal law and they pertain only to the practice of good governance. For it is the role of the general congregation to establish laws, so it is also proper to it to make interpretations with the force of law.[103]

Additionally, the 7th General Congregation (1615-1616) clarified that GC 4 had established that there are rules or orders whose establishment or revocation depend on the superior general, whereas the question about the power to establish laws that have authority of the constitutions and general decrees lies with the general congregation only.[104]

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[100] JULIUS III, apostolic letter *Exposcit debitum*, no. 6, in *Institutum Societatis Iesu*, vol. 1, 25, English translation in PADBERG, *Constitutions and Complementary Norms*, 9.

[101] See GC 1, d. 143, in PADBERG, *For Matters of Greater Moment*, 102.

[102] See GC 4, d. 19, no. 21, in PADBERG, *For Matters of Greater Moment*, 173.

[103] GC 4, d. 19, in PADBERG, *For Matters of Greater Moment*, 173. See GC 7, d. 76, in PADBERG, *For Matters of Greater Moment*, 272. See DE ALDAMA, *The Constitutions of the Society*, 5.

[104] See GC 7, d. 76, in PADBERG, *For Matters of Greater Moment*, 272.

Therefore, the superior general cannot abrogate laws that have the force of constitutions or general decrees.[105] The norm of the Formula maintained that the superior general has the authority "to officially explain doubts which may arise in connection within our Institute as comprised in this Formula."[106] Finally, the ambiguity was put to conclusion by the Complementary Norms reiterating no. 2 of *Exposcit debitum*, "Only the general congregation possesses legislative power."[107]

2.3.2.3 The Provincial Superior

Among the prominent appointments made by the superior general is that of the provincial superiors, who are heads of provincial jurisdictions known as provinces of the Society.[108] The provincial superior is an ordinary by virtue of c. 134 §1.[109] His power is ordinary and proper.[110] As in all clerical institutes of pontifical right, Jesuit superiors

[105] See GC 7, d. 76, in PADBERG, *For Matters of Greater Moment*, 272. See also GC 27, d. 3 §1, in PADBERG, *For Matters of Greater Moment*, 517.

[106] JULIUS III, apostolic letter *Exposcit debitum*, no. 2, in *Institutum Societatis Iesu*, vol. 1, 23, English translation in PADBERG, *Constitutions and Complementary Norms*, 5. See GC 4, d. 19, in PADBERG, *For Matters of Greater Moment*, 172; see also GC 7, d. 79, in PADBERG, *For Matters of Greater Moment*, 273.

[107] *Complementary Norms*, no. 333 §1. See T.M. MCCOOG, *With Eyes and Ears: The Role of Visitors in the Society of Jesus*, Boston and Leiden, Brill, 2019, 34-35. See also R.R. ELIOT, "The Society of Jesus as Originally Formed and Approved by Pope Paul III," in *The American Catholic Quarterly Review*, 24 (1904), 514.

[108] See *Complementary Norms*, nos. 341 §1, 3° and 341 § 2. See also c. 620; *CCEO* c. 441. Before the general superior appoints either a provincial superior or other superior, the appointment must be preceded by suitable consultations, according to the norm of *CIC/*83 c. 625 §3.

[109] See c. 134 §1: "In addition to the Roman Pontiff, by the title of ordinary are understood in the law, the diocesan bishops, and others, who, even if only temporarily, are placed over some particular church or a community equivalent to it according to the norm of c. 368 as well as those who possess general ordinary executive power in them, namely vicars general and episcopal vicars; likewise, for their own members, major superiors of clerical religious institutes of pontifical right and of clerical societies of apostolic life of pontifical right, who at least possess ordinary executive power."

[110] See c. 131: "§1. The ordinary power of governance is that which is joined to a certain office by the law itself; delegated, that which is granted to a person but not by means of an office. §2. The ordinary power of governance can either be proper or vicarious." See also *Guidelines for Provincials*, 29 June 2003, no. 4, Rome, General Curia of the Society of Jesus, 2003, 8.

possess ecclesiastical power of governance for the internal and external forums (c. 596 §2). The source of the authority of the religious superior, his rights and responsibilities are governed by cc. 618 and 619. As major superiors, provincial superiors have a passive and active voice at a general congregation by virtue of their office.

The provincial superior governs the province under his jurisdiction according to universal law and the proper law of the Society. Even though the provincial superior does not possess legislative power, he can give instructions for the governance of the province under his jurisdiction. However, "Without the consent of the superior general, provincial superiors do not have power to make rules or ordinances binding an entire province for an indeterminate period of time."[111]

To be appointed a major superior in the Society, one must be "[…] professed of four vows [...]."[112] Thus, provincial superiors should possess the same qualities as the superior general, most especially for fulfilling effectively their main duty, i.e., care of the persons and care of the apostolate (*cura personalis* and *cura apostolica*).[113] Regarding *cura personalis,* the provincial superior "should strive to be faithful to secrecy in confidential

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[111] *Complementary Norms*, no. 334 §2. See GC 1, d. 143, in PADBERG, *For Matters of Greater Moment*, 102, see also GC 27, d. 4 §4, in PADBERG, *For Matters of Greater Moment*, 518.

[112] *Complementary Norms,* no. 344 §1. Cf. c. 623. Cf. *CCEO* c. 513 §1.

[113] See P. KOLVENBACH, "Cura Personalis," in *Review of Ignatian Spirituality*, vol. 38, no. 114 (2007), 10. According to Fr. Gabriel Codina, the expressions *cura personalis* and *cura apostolica* are fairly recent in the tradition of the Society, even though the experience of "care" is reflected in the Autobiography, the Spiritual Exercises and in the Constitutions (see G. CODINA, "Our Way of Proceeding in Education – The *Ratio Studiorum*," in *Jesuit Institute London*, 1 (2017), 12. See also J.A. MESA, *La pedagogía Ignaciana, Textos clásicos y contemporáneos sobre la educación de la Compañía de Jesús desde san Ignacio de Loyola hasta nuestros días*, Madrid, Universidad Pontificia Comillas, Sal Terrae, 2019, 148-149).The first known reference to the expression *cura personalis* is in the Instruction on the Universities and Colleges of the American Assistancy, issued by Father General Wlodimir Ledóchowski, on 15 August 1934. The expression was further used in the revised instruction of Father General John Baptiste Janssens, of 27 September 1948. Of late, the concept formed the theme of a letter of the superior general to the Society (see A. SOSA, "Care in the Governance of the Life-Mission of the Society in this Change of the Eras," in *Curia of the General of the Society of Jesus*, 2020, 3).

matters so as to create the conditions necessary for a deep spiritual dialogue and the fostering of an opening of one's conscience,"[114] and this is the basis of the account of conscience.

To provide *cura personalis* and *cura apostolica*, the provincial superior must visit the houses and works of his province or region at least once a year, in order to offer help to local superiors, rectors and individual Jesuits in carrying out their functions and apostolates.[115] This visit to communities is central to the provincial superior's role of governance because it is during such visits that he meets personally with each Jesuit for the account of conscience.

The fundamental principle of government in the Society reiterated in the decrees of the 31st General Congregation is that provincial superiors "[…] become well acquainted with all who are ascribed or applied to their province and […] competently adopt decisions that affect these persons and their ministries."[116] Another important duty of the provincial superior is the appointment of local superiors and others responsible for specific ministries, "[…] by virtue of the faculty habitually communicated to him by the superior general."[117] In other words, "[…] if he (the superior general) communicates his own authority to the

[114] *Guidelines for Provincials*, no. 20, 13. The provincial superior must seek the advice of the consultors, but he retains the right to make the decisions, most especially with regards to matters of the conscience of individuals (see *Constitutions*, nos. 667, 810; *Guidelines for Provincials*, no. 30, 16).

[115] See *Complementary Norms*, no. 398 § 3. See also Norms of Governance for Provincials, nos. 60-66, in *Acta Romana Societatis Iesu*, vol. 16, 85-88; GC 31, d. 46, no. 3, in PADBERG, *Decrees and Documents of the 31st – 35th General Congregations*, 204.

[116] GC 31, d. 48, no. 8, 1° (a), in PADBERG, *Decrees and Documents of the 31st – 35th General Congregations*, 207.

[117] *Complementary Norms*, no. 343, 3°. The terms "communicated" and "delegated" are used interchangeably in the law of the Society. Therefore, no. 343, 3° is guided by the norm of c. 132 §1: "Habitual faculties are governed by the prescripts for delegated power." For parallel places, see *Constitutions*, nos. 490, 757.

provincial superior for the appointment of local superiors and rectors, it will remain his part to confirm or remove them."[118]

The provisions for the provincial superior and local superiors are adapted from those for the superior general, according to the Constitution no. 811. Since the Formula of the Institute of Paul III, *Regimini militantis Ecclesiae* (1540) did not foresee any superior below the one superior [later to be superior general], the Constitution clearly indicates that what pertains to the superior general pertains to the provincial superior, within his jurisdiction or according to the norm of the proper law and universal law. The offices of provincial superiors and other lower superiors were established in the Society in 1546 by Paul III, in his bull *Exponi nobis*.[119]

2.3.2.4 The President of the Conference of Major Superiors

The Conference of Major Superiors was established by the 33rd General Congregation in 1983 at the recommendation of the 31st General Congregation.[120] The Conference is headed by the president (formerly known as moderator), who is a major superior and is appointed by the superior general for a period of three years, renewable for

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[118] *Constitutions*, no. 759.

[119] See PAUL III, bull *Exponi nobis*, 5 June 1546, in *Institutum Societatis Iesu*, vol. 1, 13, English translation in AMIDON, Papal Documents from the Early Years of the Society, 22.

[120] See GC 31, d. 48, no. 8, in PADBERG, *Decrees and Documents of the 31st – 35th General Congregations*, 207. The principal objectives of the conferences of major superiors are "[...] to foster a sense of universality in the provinces, to facilitate unity, communication and a common vision among superiors, to point out priorities and coordinate common activities, and to stimulate those superiors to offer mutual assistance in fulfilling their responsibilities for the Society and the Church" (*Complementary Norms*, no. 398 §3). There are six conferences designated by geographical regions: Africa-Madagascar, Asia Pacific/Oceania, Europe, Latin America, South Asia and Canada and the United States of America. The common apostolic works within the Conference include, among others, pastoral institutes, retreat houses, colleges and universities, research and publications. Similarly, houses of formation which are common for the same jurisdictions include institutions established for the formation of Jesuits in the first cycle studies of philosophy and theology, or houses erected for scholastics in further studies, in view of the initial and on-going formation (see GC 36, d. 2, nos. 20-21, in Documents of the 36th General Congregation, 243).

another term. By virtue of his office, he is an *ex officio* elector at a general congregation.[121] The main functions of the conference are described in the Contemporary Norms, but of concern to us is the president's responsibility for the collaboration with the provincial superiors of the same conference, including apostolic planning, and mobilizing human and financial resources for common houses of formation and common works.[122]

Even though he is a major superior, the president is not a "super-provincial" and he has no authority to supervise the internal governance of provinces nor are provincials accountable to him, except in those matters that are within his competence. The functions of the president must be clearly spelt out in the statutes of each specific conference and these statutes must be approved by the superior general.[123]

According to GC 34, the conference is a new way of interconnection and interdependence which is oriented toward cooperation; therefore, the president should be involved in the apostolic discernment of provinces and regions.[124] It is important that the president engages in extensive consultations before he makes decisions or appoints men to common works.

As a major superior, the president has the responsibility for the *cura personalis* of the Jesuits missioned to common apostolic works. By virtue of this responsibility, the

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[121] See GC 34, d. 21, no. 27, in PADBERG, *Decrees and Documents of the 31st – 35th General Congregations*, 646. See also GC 35, d. 5, no. 22, in PADBERG, *Decrees and Documents of the 31st – 35th General Congregations*, 774.

[122] See *Complementary Norms*, no. 398 §4. See also GC 34, d. 21, nos. 20, 21 and 28, in PADBERG, *Decrees and Documents of the 31st – 35th General Congregations*, 645-647; GC 35, d. 5, no. 21, in PADBERG, *Decrees and Documents of the 31st – 35th General Congregations*, 774.

[123] See *Complementary Norms*, no. 398 §3. See also GC 34, d. 21, nos. 16, 18-20, in PADBERG, *Decrees and Documents of the 31st – 35th General Congregations*, 644-645; GC 31, d. 48, no. 7, in PADBERG, *Decrees and Documents of the 31st – 35th General Congregations*, 207.

[124] GC 35, d. 5, no. 20, c. 1, in PADBERG, *Decrees and Documents of the 31st – 35th General Congregations*, 773.

president is a recipient of the account of conscience of the Jesuits on a stable assignment to the works of the Conference.[125] Furthermore, the president has the responsibility for the *cura apostolica* of the works of the Conference, and because of this responsibility, provincial superiors are accountable to him in the strict areas of his competence.

Some Jesuits have criticized the structure of the Conference as not having foundation in the governance of the Society as envisaged by St. Ignatius and the Constitutions; it appears rather as a new level of governance between the provincial superior and the superior general. Concerns are that this level alienates the central governance of the Society from the provinces. GC 35 refuted the claim that the Conference was a middle level structure of governance;[126] according to Fr. Lisbert D'Souza, the Conference is rather "[...] a structure of facilitation that enables the provincials to care for aspects of the mission beyond their province or even the Assistancy, thereby helping the superior general in the governance of the entire Society, through accessing personnel and financial resources through mediation of the Conference president."[127]

2.3.2.5 The Local Superior

Among the superiors appointed by the provincial superior, in virtue of a faculty habitually communicated to him by the superior general,[128] is the local superior, who is the head of a local community.[129] Like all the other superiors other than the superior general,

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[125] Ibid., no. 21, a, in PADBERG, *Decrees and Documents of the 31st – 35th General Congregations*, 774.

[126] Ibid., no. 18, b, in PADBERG, *Decrees and Documents of the 31st – 35th General Congregations*, 772.

[127] L. D'SOUZA, "Governance in a New Key," in *Promotio Iustitiae*, 98-99 (2008), 23.

[128] *Complementary Norms*, no. 343, 3°.

[129] "The authority of the local superior should be understood as applying to himself what is said about superiors in general in *Constitutions* nos. 349 – 354" (*Complementary Norms*, no. 403 §1).

local superiors are generally appointed for a three-year period, which is renewable for another three years without confirmation.[130]

The 32nd General Congregation stated that the main responsibility of the local superior is to take care of the members and the community in order to achieve their apostolic mission.[131] In the words of the Congregation, as part of his job, the local superior "[…] should take care that every Jesuit [must] be able to find in the organization of community life whatever is necessary for recollection and for a suitable balance between work and rest."[132] Meanwhile, GC 35 further emphasized that the life of the local community depends on the efficiency of the local superior and proceeded to call for a better understanding of this office.[133]

A fairly novel concept of the local community was clarified in the remarks of Fr. Dan Huang, General's Assistant for East Asia who noted that, in the traditional sense, the Jesuit community was described as community for mission, but "the way we Jesuits live together is not just an adjunct or a support to mission, but should be seen as a constitutive element of mission."[134] The understanding of community solely as an aid to engage its

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[130] See *Complementary Norms*, no. 348 §2. See also GC 27, d. 247 §§2 and 3, in PADBERG, *For Matters of Greater Moment*, 576.

[131] See GC 32, d. 11, no. 41, in PADBERG, *Decrees and Documents of the 31st – 35th General Congregations*, 349.

[132] Ibid., no. 41, in in PADBERG, *Decrees and Documents of the 31st – 35th General Congregations*, 349. See *Complementary Norms*, no. 407 §2. See also Guidelines for Local Superiors, no. 31, in *Acta Romana Societatis Iesu*, no. 26, 2016, 368-373 on the collaboration between the local superior and director of works, if the latter is not a Jesuit. Guidelines to provide a distinction between the role of the local superior and director of a work were written by Fr. Arrupe in 1976, at the recommendation of the GC 31 (see Guidelines for the Distinction and Relationship between the Director of a Work and the Superior, in *AR*, vol. 16, 1976). These Guidelines were revised most recently in 2016.

[133] See GC 35, d. 5, no. 37, in PADBERG, *Decrees and Documents of the 31st – 35th General Congregations*, 778-779. See also GC 36, d. 2, no. 25, in Documents of the 36th General Congregation, 246.

[134] D.P. HUANG, "Report from Nairobi: Reflections on the Jesuit Identity from the 70th Congregation of Procurators," 31 July 2012, in *International Colloquium on Jesuit Higher Education*, 3. The Colloquium

members in the apostolic ministries has been therefore challenged by the view that community itself is a mission.[135] Decree no. 5 of GC 36 noted the proximity of the local superior to the members of his community, thus calling for the promotion of the responsibility of the local superior.[136] However, even prior to GC 36, the question whether the local superior can legitimately receive the account of conscience of the members of his community, be they approved scholastics, formed coadjutors or the professed, remained unclear.

2.4 Obedience in Governance of Religious Institutes

Just like its predecessor, the 1983 Code legislates the common principles of living the religious counsels of obedience, chastity and poverty. In particular, the Holy See or the diocesan bishop approve the constitutions or statutes of religious institutes and therefore provide an oversight in their overall governance. Indeed, the Church possesses the authority "[…] under the Holy Spirit, to interpret [the] evangelical counsels, to regulate their practice and also to establish stable forms of living according to them."[137] Therefore, the practice of obedience is regulated by both the proper law of each institute and the universal law.

works towards strengthening the global network of Jesuit schools through sharing ideas, examining the Jesuit mission and identity so that educators in Jesuit schools can help prepare students to become global leaders.

[135] See SOSA, Care in the Governance of the Life-Mission, 11; see also GC 36, d. 1, nos. 8-9, in Documents of the 36th General Congregation, in *Acta Romana Societatis Iesu*, vol. 26 (2017), 241.

[136] See GC 36, d. 2, no. 24, in Documents of the 36th General Congregation, in *Acta Romana Societatis Iesu*, vol. 26 (2017), 246 confirmed the recommendations to promote the role of the local superior and proper training of local superiors, made in GC 35, d. 5, nos. 36-39, in PADBERG, *Decrees and Documents of the 31st – 35th General Congregations*, 778-779. See also *Complementary Norms*, no. 351.

[137] SECOND VATICAN COUNCIL, Dogmatic Constitution on the Church *Lumen gentium*, no. 43, 21 November 1964, in *AAS*, 57 (1965), 49, in *FLANNERY1*, 402.

2.4.1 *Perfectae caritatis* and the Call for Renewal of Religious Life

The Second Vatican Council's Decree on the Renewal of Religious Life *Perfectae caritatis* presented in a succinct way the theological value of religious vows in the Church. The Decree traces the origin of the vows practiced in religious institutes[138] to the early Church:

> […] from the very beginning of the Church, there were men and women who set out following Christ with greater liberty and to imitate Him more closely by practicing of the evangelical counsels. They led lives dedicated to God, each in his own way. Many of them, under the inspiration of the Holy Spirit, became hermits or founded religious families. These the Church by virtue of her authority, gladly accepted and approved.[139]

Sharon Euart noted that *Perfectae caritatis* calls "for the renewal of religious life to be centred on the following of Jesus Christ as proposed by the Gospel and the spirit of the religious founder adapted to the changed conditions of modern times."[140] The call for renewal however, brought with it divisions in religious institutes between those who desired to maintain the status quo and those who were in support of renewal. The 1960s and 1970s saw a large number of religious men and women leaving religious life, departures being sometimes attributed to the renewal processes in institutes of consecrated life. This upheaval was followed by a period of respect of the charism of the institutes of consecrated life, which finally led to a period of stability, unity, and diversity.

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[138] Members of religious institutes make public vows of chastity, poverty and obedience, vows that the Church officially accepts through someone authorized to do so on her behalf. The members share a common life as brothers and sisters (see cc. 573 §2; 607 §2; 1192 §1), which normally entails living together under the authority of a superior (see c. 608).

[139] SECOND VATICAN COUNCIL, Decree on the Up-to-date Renewal of Religious Life *Perfectae caritatis*, no. 1, in *AAS*, 58 (1966), 702, in *FLANNERY1*, 611.

[140] S.A. EUART, "Reflections on the Code's Response to the Council's Call for Unity in Diversity," in *CLSA Proceedings*, 56 (1994), 11. See SECOND VATICAN COUNCIL, Decree on the Up-to-date Renewal of Religious Life *Perfectae caritatis*, no. 2, in *AAS*, 58 (1966), 703, in *FLANNERY1*, 612.

The renewal finds its manifestation in the 1983 Code, with nearly half of the canons on institutes of consecrated life and societies of apostolic life identify various matters which must or may be determined by proper laws of the institutes.[141] The Decree calls on superiors to exercise their authority for the service of their institutes, in response to God's will.[142] The Decree established two principles, a) by virtue of their authority, superiors must maintain a relationship of mutual respect, and b) superiors must respect the subjects' freedom in the matters of sacramental confession and the direction of conscience.[143] The text of *Perfectae caritatis*, no. 14 is retained in the five paragraphs of c. 630 on freedom of subjects regarding confession, and the availability and provision of suitable confessors, spiritual direction, prohibition of superiors from hearing confession of their subjects and manifestation of conscience to a superior. The canon encourages subjects to freely approach their superiors for the account of conscience. While *Perfectae caritatis* no. 14 reaffirmed the basic principle of religious life, that religious should be humbly obedient to the superiors and the superior must be docile to God's will, c. 630 §5 is based on a trusting relationship between the superior and the religious, and encourages the subject to approach the superior voluntarily to manifest his or her conscience. In short, religious obedience is grounded in mutual trust.

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[141] Ibid., 12.

[142] See SECOND VATICAN COUNCIL, Decree on the Up-to-date Renewal of Religious Life *Perfectae caritatis*, no. 14, in *AAS*, 58 (1966), 709, in *FLANNERY1*, 619; see also c. 601: "The evangelical counsel of obedience, undertaken in a spirit of faith and love in the following of Christ obedient unto death, requires the submission of the will to legitimate superiors, who stand in the place of God, when they command according to the proper constitutions."

[143] See SECOND VATICAN COUNCIL, Decree on the Up-to-date Renewal of Religious Life *Perfectae caritatis*, no. 14, in *AAS*, 58 (1966), 709, in *FLANNERY1*, 619.

Perfectae caritatis further emphasizes that religious men and women are able to do God's will by means of obeying their legitimate superiors and the constitutions and rules of institutes of consecrated life. In the words of *Perfectae caritatis*:

> […] through their vow of obedience, religious surrender to God in self-sacrifice, the free determination of their lives. They confirm themselves more authentically, more intimately to the saving design of God […]. They entrust their lives to superiors, led by the Spirit of God's authority in them. They accept the leadership of superiors in the service of Christ's whole body [therefore] religious obey their superiors in humility and under the direction of their constitutions and rules.[144]

Pope John Paul II consistently returned to this interpretation of obedience, in most of his teachings, and especially in the apostolic exhortation *Redemptionis donum*. Quoting from the decree *Perfectae caritatis*, John Paul II reiterates the importance of "[…] religious submission which is shown in a spirit of faith [by] consecrated persons to their legitimate superiors, who hold the place of God."[145] The emphasis on superiors holding the place of God appears in several places in the Constitutions of the Society of Jesus, especially in the sections on obedience, as will be demonstrated later.

Pope John Paul II's apostolic exhortation, *Redemptionis donum* echoes the mutual trust alluded to above, underlining the significance of discernment, which must always be preceded by a dialogue between the superior and the subjects: "[…] superiors will bear in mind that they must exercise in a spirit of service the power conferred on them through the ministry of the Church, and they will show willingness to listen to their brothers or sisters in order to discern more clearly what the Lord asks of each one. At the same time, they

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[144] SECOND VATICAN COUNCIL, Decree on the Up-to-date Renewal of Religious Life *Perfectae caritatis*, no. 14, in *AAS*, 58 (1966), 709, in *FLANNERY1*, 619.

[145] JOHN PAUL II, Apostolic Exhortation to Men and Women Religious on Their Consecration in the Light of the Mystery of the Redemption *Redemptionis donum*, 25 March 1984, no. 13, in *AAS*, 76 (1984), 515, English translation in *Origins*, 13 (1983-1984), 723. See SECOND VATICAN COUNCIL, Decree on the Up-to-date Renewal of Religious Life *Perfectae caritatis*, no. 14, in *FLANNERY1*, 619.

retain the authority proper to them to decide and order what they consider appropriate."[146] For the Society of Jesus, discernment for the mission is preceded by the dialogue between the superior and the subject in the account of conscience.

Pope John Paul II's post-synodal apostolic exhortation on consecrated life *Vita consecrata* (1996) offered significant reflection on religious obedience after the Synod on Consecrated Life.[147] Having witnessed the crisis in the priesthood and in religious life after the Second Vatican Council, the pope reflected on the renewal of religious institutes and the manner in which these institutes are governed. To facilitate this renewal, *Vita consecrata* ordered the suppression of laws that were outdated and invited the religious institutes to adapt their constitutions and directories according to the principles of renewal found in the decree *Perfectae caritatis* of the Second Vatican Council.[148] The 1994 Instruction on Fraternal Life in Community says the following on the understanding of religious obedience:

> Obedience binds together the various wills and unites them in one single fraternal community, endowed with a specific mission to be accomplished within the Church. Furthermore, obedience is a "yes" to God's design, by which He has entrusted a particular task to a group of people. It brings with it a bond to the mission, but also to the community which must carry out its service here and now. It also requires a clear-sighted vision of faith regarding the superiors who "fulfill their duty of service and leadership" and who are to see that there is conformity between apostolic work and the mission. It is in communion with them that the divine will, the only which will save, must be fulfilled.[149]

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[146] JOHN PAUL II, Apostolic Exhortation to Men and Women Religious on Their Consecration in the Light of the Mystery of the Redemption *Redemptionis donum*, 25 March 1984, no. 13, in *AAS*, 76 (1984), 515, English translation in *Origins*, 13 (1983-1984), 723. See SECOND VATICAN COUNCIL, Decree on the Up-to-date Renewal of Religious Life *Perfectae caritatis*, no. 14, in *AAS*, 58 (1966), 709, in *FLANNERY1*, 621.

[147] See JOHN PAUL II, Post-Synodal Apostolic Exhortation on the Consecrated Life and Its Mission in the Church and in the World *Vita consecrata*, 25 March 1996, no. 13, in *AAS*, 88 (1996), 377-486, English translation in *Origins*, 25 (1995-1996), 618-719.

[148] See SECOND VATICAN COUNCIL, Decree on the Up-to-date Renewal of Religious Life *Perfectae caritatis*, nos. 3-4, in *AAS*, 58 (1966), 704, in *FLANNERY1*, 613.

[149] CONGREGATION FOR INSTITUTES OF CONSECRATED LIFE AND SOCIETIES OF APOSTOLIC LIFE, Instruction on Fraternal Life in Community *Congregavit nos in unum Christi amor*, 2 February 1994, no. 44, in *Enchiridion Vaticanum*, vol. 14 (1994), 695, English translation in *Origins*, 23 (1994), 279.

Commenting on the renewal of the understanding of obedience, Antje Schnoor makes a distinction that canonical obedience refers to the subordination to ecclesiastical authority and is regulated by canon law, whereas religious obedience is regulated by constitutions and statutes of religious institutes.[150] He points out that the crisis of authority and of religious obedience is an aftermath of the misunderstanding of the Council's call for renewal. Focusing on the Society, he observes that "[…] the notions of responsibility and conscience came to the fore in the Jesuit definition of obedience, and the reassessment of the concept of religious obedience as a service to humanity."[151] The promotion of the freedom of conscience gave rise to the question whether obedience in the Society had changed or it was the practice which had changed.

2.4.2 Obedience to Legitimate Authority of the Church

In as much as the Council recognizes the authority and self-government of each institute, the Code makes a distinction between the supreme authority of the Church (c. 590 §1), obedience to the Supreme Pontiff (c. 590 §2) and obedience to legitimate superiors of each the institute (c. 601). The supreme authority of the Church referred to in c. 590 §1[152] includes the Roman Pontiff and the college of bishops, by the norm of cc. 330, 331 and

[150] See A. SCHNOOR, "Transformational Ethics: The Concept of Obedience in Post-Conciliar Jesuit Thinking," in *Religions*, 10 (2019), 3.

[151] Ibid., 4.

[152] Canon 590 §1: "Inasmuch as institutes of consecrated life are dedicated in a special way to the service of God and of the whole Church, they are subject to the supreme authority of the Church in a special way."

336. Ellen O'Hara remarks that "the religious institutes are subject to the supreme authority as a result of their recognized juridic state in the Church."[153]

Meanwhile, c. 590 §2 binds the individual members in obedience to the Pope in a specific way, "Individual members are also bound to obey the Supreme Pontiff as their highest superior by reason of the sacred bond of obedience." The paragraph was taken directly from c. 499 of the 1917 Code.

The government of religious institutes is organized at three levels: local, provincial and the general. The power of the legitimate superiors at each of these levels is granted to them by virtue of c. 596.[154] The authority of the superior is personal; however, for a given purpose, this authority may be delegated according to the norms of cc. 132-133 and cc. 137-142. The superior exercises his power with the help of consultative bodies, knowns as councils.[155]

According to c. 617, superiors possess the authority to govern religious institutes and they exercise this authority in accordance with the norms of universal law and the proper law of the institute. Furthermore, c. 618 identifies the origin of this authority, that is, it is received from God through the ministry of the Church. There are four basic responsibilities for superiors indicated in this canon. Accordingly, with the authority

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[153] E. O'HARA, "Norms Common to All Institutes of Consecrated Life: Canons 573-606," in J. HITE, D. WARD, and S. HOLLAND (eds.), *A Handbook on Canons 573-746: Religious Institutes, Secular Institutes and Societies of Apostolic Life*, Collegeville, MN, Liturgical Press, 1985, 46.

[154] Canon 596: "§1. Superiors and chapters of institute enjoy the power over members which is defined in universal law and the constitutions. §2. In clerical institutes of pontifical right, however, they possess ecclesiastical power of governance for both the external and internal forums."

[155] See CONGREGATION FOR RELIGIOUS AND FOR SECULAR INSTITUTES, Essential Elements in the Church's Teaching on Religious Life as Applied to Institutes Dedicated to Works of the Apostolate, no. 43, 31 May 1983, https://www.vatican.va/roman_curia/congregations/ccscrlife/documents/rc_con_ccscrlife_doc_31051983_magisterium-on-religious-life_en.html.

received from the Church, superiors: a) promote voluntary obedience in their subjects with reverence to the human person, b) govern their subjects as sons or daughters of God, c) listen to their subjects willingly, d) foster their common endeavour for the good of the institute and the Church.[156] Rosemary Smith states that "The authority of the office of the major superior exists for the good of the institute and of the Church." [157]

2.4.3 The Evangelical Counsel of Obedience (c. 601)

Canon 601 reads: "The evangelical counsel of obedience, undertaken in a spirit of faith and love in the following of Christ obedient unto his death, requires the submission of the will to legitimate superiors, who stand in the place of God, when they command according to the proper constitutions."[158] This canon has no parallel in the 1917 Code.

The canon refers to the attitude of the subject in obeying his superior in appealing both to the virtues of faith and love[159] and to the juridic elements, that is, the legitimacy of the superior[160] and the object of a command which needs to correspond to the constitutions of the institute.[161]

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[156] See SECOND VATICAN COUNCIL, Decree on the Up-to-date Renewal of Religious Life *Perfectae caritatis*, no. 14, in *AAS*, 58 (1966), 709, in *FLANNERY1*, 619.

[157] R. SMITH, "Election of Major Superiors," in P.J. COGAN (ed.), *Selected Issues in Religious Law*, Washington, DC, Canon Law Society of America, 1997, 25.

[158] "Evangelicum oboedientiae consilium, spiritu fidei et amoris in sequela Christi usque ad mortem oboedientis susceptum, obligat ad submissionem voluntatis erga legitimos Superiores, vices Dei gerentes, cum secundum proprias constitutiones praecipiunt."

[159] "[…] the canon begins with a spiritual affirmation in describing the attitude with which those who have made the consecration must assume the counsel of obedience, that is, in a spirit of faith and love" (A. KAPTIJN, "Submission of the Will and Violation of the Vow of Obedience: Contributions to the Discussion of Canon 601," in *The Jurist*, 56 [1996], 310). Faith and love enable the subjects to act in juridic terms through achieving harmony between their internal disposition and external actions.

[160] Legitimate superiors are designated by canonical election or in other way according to the norms of the constitutions (c. 625 §§1,3).

[161] This implies that the subject is not obliged to obey a superior, who is acting contrary to the proper law of the institute.

First, canon 601 refers to "following of Christ obedient unto death" and "superiors who stand in the place of God." These phrases express the supernatural attitude with which religious men and women obey their superiors, just as Christ obeyed the Father. The vow of obedience is therefore expressed in the following of Christ as the perfect example. According to Kaptijn, the theological way of speaking about superiors as representatives of God is common in religious life.[162]

Another important element of the canon is that the vow of obedience "requires the submission of the will." Submission of the will is an internal conviction which suggests the internal disposition of the subject. Submission of the will is not a juridic obligation, but "[…] is situated on the moral level as a characteristic of the attitude of religious who live according to the counsel of obedience."[163] The canon does not state the specific content of the command or the way the superiors are to exercise their authority. These elements must be explained in detail in the proper law of the institutes.

2.5 Understanding of Obedience in the Society of Jesus

The typical Jesuit understanding of obedience is apostolic, that is in the context of the mission of the individual Jesuit and the mission of the entire Society. For Ignatius, apostolic obedience was rooted in mutual trust built out of an ongoing dialogue between the superior who is sending and the individual Jesuit who is sent or entrusted with a particular apostolic mission. The understanding of obedience in the Society is shaped by the writings of Ignatius, and especially by his famous Letter on Obedience. Beyond

[162] See KAPTIJN, "Submission of the Will and Violation of the Vow of Obedience," 311.

[163] Ibid., 313.

Ignatius' letters, several general congregations have legislated on religious and apostolic obedience and general superiors have written extensively on that topic.

2.5.1 Ignatius' Letter on Obedience

The articulation of obedience in the documents of the Society has been influenced by Ignatius' understanding of obedience drawn from his personal letters to individual Jesuits, communities, or entire provinces. Four such letters have been significant. The first prominent letter was written to the College of Gandia, on 29 July 1547, in which Ignatius expressed what he called "perfect obedience to the superior."[164] The following year, on 27 March 1548, he wrote a second letter to the same community. It was addressed to the rector, Fr. Andres de Oviedo and reprimanded the entire community over its disregard of the previous letter.

Two other important letters were written to the province of Portugal. For a long time, the province had been overwhelmed with dissent and disobedience. The first letter was dated 14 January 1548. Since the dissent in the province did not cease even after the first letter, Ignatius then wrote the second letter addressed to the "Fathers and Brothers of the Society of Jesus in Portugal," dated 26 March 1553.[165] This letter was written as a

[164] Ignatius wrote: "[...] he who is not ready to obey and to allow himself to be ruled in the manner I have described, whether he be among those now in Gandia or those who are to come after, whether he be the present rector, or another who shall succeed him by order of the General of the Society, let him make up his mind to follow some other way of life and leave your community to which no one should be admitted who is not able or willing to submit to the obedience I have described" (Letter to the College of Gandia, 29 July 1547, in *Monumenta Ignatiana Societatis Iesu*, vol. 1, 1903-1914, 561, English translation in M.M. ESPINOSA POLIT, *Perfect Obedience: Commentary on the Letter on Obedience of St. Ignatius of Loyola*, Westminster, MD, The Newman Bookshop, 1947, 41).

[165] See IGNATIUS OF LOYOLA, Letter on Obedience, 26 March 1553, in *Monumenta Ignatiana Societatis Iesu*, vol. 4, 1906, 669-681, English translation in ESPINOSA POLIT, *Perfect Obedience*, 1-2. Even though the letter was written by Juan de Polanco, scholars have argued and proved that it was dictated to him by St. Ignatius. This thesis therefore retains Ignatius as the author. Reacting to this form of disobedience, Ignatius wrote the letter explaining obedience both as an ascetic and an apostolic virtue. In one of his remarkable statements, Ignatius said: "We may allow ourselves to be surpassed by other religious orders in fasts, vigils, and other austerities. However, in the purity and perfection of obedience together with the true resignation of our wills and the abnegation of our judgement, our Society should be conspicuous, so that by

response to Fr. Luis Gonçalves da Camâra who had written from Lisbon describing the anarchy in the province, where the subjects had become what he termed, "the real superiors."[166] According to Fr. Juan Jose de la Torres, "this letter is the most celebrated and best known and widely read of all the letters of St. Ignatius."[167] It has also been translated from Spanish into various languages and has also been studied intensely.[168]

Scholars have identified three degrees of obedience influencing governance in the Society originating from this letter. The first degree consists of the subject simply performing what has been commanded without appropriating the will of the superior.[169] This is known as the obedience of execution and it is imperfect because it lacks the willingness of the acting subject. The result of the order is achieved, but the actor is not necessarily of the same mind with the one giving the order.[170] In short, it is mechanical obedience and lacks discernment on the part of the one who is acting.

The second degree is the obedience of the will which "[…] consists in making the superior's will one's own in such a way that there is not merely the effectual execution of the command, but an interior conformity, whether to wish or not to wish a thing done."[171]

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this virtue its true sons may be recognized as men who regard not the person whom they obey, but in him Christ our Lord, for whose sake they obey" (Letter on Obedience, no. 3, in *Monumenta Ignatiana Societatis Iesu*, vol. 4, 671, in ESPINOSA POLIT, *Perfect Obedience,* 21. See also YOUNG [trans.], *Letters of St. Ignatius of Loyola*, 288).

[166] ESPINOSA POLIT, *Perfect Obedience*, 41.

[167] W.J. YOUNG (trans.), *Letters of St. Ignatius of Loyola*, Chicago, IL, Loyola University Press, 1959, 287. Some members of the Province of Portugal were very much attached to Fr. Simon Rodrigues, such that when he was removed as provincial superior, they refused to obey any other superior.

[168] See ESPINOSA POLIT, *Perfect Obedience*, 30.

[169] See IGNATIUS OF LOYOLA, Letter on Obedience, no. 5, in *Monumenta Ignatiana Societatis Iesu*, vol. 4, 673, in ESPINOSA POLIT, *Perfect Obedience,* 22.

[170] See *Constitutions*, no. 550.

[171] IGNATIUS OF LOYOLA, Letter on Obedience, no. 5, in *Monumenta Ignatiana Societatis Iesu*, vol. 4, 674, in ESPINOSA POLIT, *Perfect Obedience*, 22. See YOUNG, *Letters of St. Ignatius of Loyola*, 288.

By this is meant that the subject submits his will and allows the will of the superior to guide him.

Ignatius termed the third and highest degree "perfect obedience" and it entails a total surrender in which the subject disposes of himself to Jesus Christ who is acting in the superior. The third degree of obedience is the most desired, for the acting subject participates in the order with a sense of ownership and obedience to Christ. Ignatius emphasized that the superior must be obeyed because he acts in the place of Christ:

> […] I am very desirous, my dear brothers, that they who serve God in the Society should be conspicuous, so that by this virtue its true sons may be recognized, men who regard not the person whom they obey but in him Christ our Lord, for whose sake they obey. For the superior is to be obeyed not because he is prudent, or good, or qualified by any other gift of God, but because he holds the place and authority of God, as Eternal Truth has said, 'He that hears you, hears me, and he that despises you, despises me (Luke 10:16)'.[172]

Several general superiors have commended the letter of Ignatius on obedience as a hallmark of governance in the Society. The 27th General Congregation decreed this letter to be an official document of the Society.[173] Fr. Francis Borgia, the 3rd Superior General of the Society (1565 - 1572) recommended the Letter on Obedience to the whole Society in these words:

> […] As to the virtue of obedience which is the purpose and guide of the Society and its tower of defence, although I might call attention to some things, I shall rather refer you to the excellent and admirable letter which our Father Ignatius, of happy memory, has written on that virtue; he has said all, and left nothing more to be said. *Hoc fac et vives* (do this and you shall live), Luke 10:28; I hope in the Lord that if we do what is there set down, we shall be true sons of obedience.[174]

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[172] Ibid., no. 3, in *Monumenta Ignatiana Societatis Iesu*, vol. 4, 561, in ESPINOSA POLIT, *Perfect Obedience*, 21. Cf. YOUNG, *Letters of St. Ignatius of Loyola*, 288.

[173] GC 27, d. 7, nos. 1- 2, in PADBERG, *For Matters of Greater Moment*, 529. By means of this Decree, Ignatius' letter on obedience has become one of the essential documents of the Society and one of the authentic sources of the spirit of obedience.

[174] FRANCIS BORGIA, *Epistola*, vol. 5, 80, cited in ESPINOSA POLIT, *Perfect Obedience*, 31.

Other general superiors who recommended in a direct way the virtue of obedience as demonstrated in the Letter on Obedience include Frs. Claudio Aquaviva (1581-1615), Mutius Vitelleschi (1615-1645) and Lorenzo Ricci (1758-1773), Peter Beckx (1853-1887) and Luis Martin. For his part, Fr. Peter Beckx challenged Jesuits to perfect obedience in his Letter on the Observation of the Vows, after the restoration of the Society in 1814.[175] Likewise, Fr. Luis Martin (1892-1906), in his Letter on Some Dangers of Our Times honours Ignatius' letter with high praise "[…] in my judgment, [it] is the most perfect and complete pronouncement on obedience that could be made."[176] The principle and practice of obedience in the Constitutions and other essential documents of the Society is unquestionably influenced by the Letter on Obedience.

2.5.2 Membership in the Society – the "grades'

There are four grades in the Society, that is, the approved scholastics,[177] temporal coadjutors (approved and formed brothers),[178] spiritual coadjutors,[179] and the professed of

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[175] See *Epistola de votorum observantia*, no. 27, in *Epistola PP. Generalis*, vol. 3, 72, cited in ESPINOSA POLIT, *Perfect Obedience*, 31.

[176] *Epistola de periculis temporum nostrorum cavendis*, no. 44, in *Epistola PP. Generalis*, vol. 4, 320-321, English translation in ESPINOSA POLIT, *Perfect Obedience*, 31-32.

[177] See *Constitutions*, no. 511. After the two-year noviciate, the members profess simple perpetual vows. Approved scholastics are those members who are still in formation and are destined for holy orders.

[178] See *Constitutions*, no. 511. Cf. PADBERG, *Constitutions and Complementary Norms*, 192. Temporal coadjutors are those members who are not destined for holy orders, that is, the (lay) brothers. Initially in the Society, brothers had neither passive nor active voice, especially at a general congregation, where they were not elected as delegates. It was not until GC 34 that a certain quota of the delegates was reserved to formed brothers. For detailed reading on the Jesuit brother, refer to P. ARRUPE, "Contribution of the Jesuit Brothers to the Apostolic Community in the Society," in *AR*, vol. 27 (1978), 381. See also P.-H. KOLVENBACH, "The Vocation and Mission of the Jesuit Brother," in *CIS*, 78 (1995), 1-12; C.J. JACKSON, "One and the Same Vocation: The Jesuit Brother, 1957 to the Present; A Critical Analysis," in *Studies in the Spirituality of Jesuits*, vol. 30, no. 5 (1998), 1-38; G.E. GANSS, "Toward Understanding the Jesuit Brother's Vocation Especially as Described in the Papal and Jesuit Documents," in *Studies in the Spirituality of Jesuits*, vol. 13, no. 3 (1981), 1-61; W. REHG, "The Value and Viability of the Jesuit Brother's Vocation: An American Perspective," in *Studies in the Spirituality of Jesuits*, vol. 40, no. 4 (2008), 1-39.

[179] The Council of Trent had decreed that those religious who would be priests needed to make final vows or be incorporated into the institute before ordination, so as to avoid instances of having priests who were not incardinated dismissed from their religious order, and therefore making them the *vagi*. The Society

four vows. The 34th General Congregation abrogated the term "temporal coadjutor" and instructed the use of the term "Jesuit brother" or simply "brother",[180] a term which will be used throughout this study except where a distinction is necessary. The focus of this section is on the professed for the main reason that:

> […] the most proper meaning of this name, the Society, means only the professed. The reason is, not that the body of the Society contains no other members, but that the professed are the principal members, some of whom […] have active and passive voice in the election of the superior general and in other such matters.[181]

The first companions had envisaged an institute of ordained clerics but due to the scarcity of men of "sufficient learning" (i.e., who had excelled in both philosophy and theology)[182] and the ever-increasing requests for Jesuits by the universal Church, Ignatius petitioned the pope for permission to include among the Society membership coadjutors. In response to Ignatius' petition, Pope Paul III gave permission to recruit collaborators to help in spiritual and temporal affairs.[183] The permission granted by the bull *Exponi nobis* of 1546 established the different grades (*gradus*) and it was later confirmed by the same pope in his apostolic letter *Exposcit debitum* of 1550, the revised Formula of the Institute.

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got a privilege to have its members to get ordained before making their final vows or incorporation. Apparently, Pope Pius V (1566-1572) obliged the superior general then, Fr. Borgia, to accede to the rule that Jesuit scholastics make final profession before ordination. Some Jesuits made final vows before ordination, but not the fourth vow, giving rise to what was known as the professed of three vows. However, some made the fourth vow later after ordination. The section on religious profession (cc. 654–658) of the Code of Canon Law does not distinguish between simple and solemn vows but only between temporary and perpetual profession. The distinction is made in c. 1192 §2, "A vow is solemn if the Church has recognized is as such; otherwise, it is simple." The Society has enjoyed the privilege of distinguishing between solemn profession of those with four vows and the simple perpetual profession of the spiritual coadjutors and formed brothers.

[180] See GC 34, d. 7, no. 12, in PADBERG, *Decrees and Documents of the 31st – 35th General Congregations*, 574.

[181] *Constitutions*, no. 511. There are many instances when one who is a spiritual coadjutor of three vows is appointed to an office of major superior, for example, appointed as a provincial superior and then invited to enter into the grade of the professed of four vows, in order to govern.

[182] See M. LEWIS, "Unfinished Business: The Spiritual Coadjutor in the Society of Jesus Today," in *Studies in the Spirituality of Jesuits*, vol. 47, no. 3 (2015), 10.

[183] See PAUL III, bull *Exponi nobis*, in *Institutum Societatis Iesu*, vol. 1, 12-13, in AMIDON, "Papal Documents from the Early Years of the Society," 21.

In *Exposcit debitum*, the pope declared that "[…] some persons will be admitted to become coadjutors either for spiritual or temporal concerns […]."[184] Accordingly, the revised Formula shows that scholastics or coadjutors should be admitted into the Society after they have been examined diligently and considered to be suitable for the grade of the professed of four vows.

The first grade, the approved scholastics are those men who are still in formation and studies, destined for holy orders, who will be admitted for the grade of the professed of four vows or the spiritual coadjutors. The second grade is that of the brothers, that is, lay men who were initially meant to remain in the Society for as long as their services were needed and would be dispensed of their vows when no longer needed. They were expected to be helpers of the professed members in household chores and other practical skills. The presence of the brothers freed the professed members to engage in more intense ministry or governance of the Society, and make them available for the missions.

The third grade is that of spiritual coadjutors, who are ordained men who have not attained the "sufficient learning" envisaged for members of the Society. Some spiritual coadjutors would be invited later to make profession of the four vows, therefore becoming the professed of the fourth grade. The majority however, remained as spiritual coadjutors.

The fourth grade are the professed of four vows, who are in the strict sense, the Society. Those belonging to this grade profess the vow of obedience to the pope *circa missiones*, a special vow which is particular to the Society, and exercised in conjunction with obedience to superiors of the institute.[185] It is from this grade that major superiors are

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[184] PAUL III, apostolic letter *Exposcit debitum*, no. 9, in *Institutum Societatis Iesu*, vol. 1, 26, in PADBERG, *Constitutions and Complementary Norms*, 13-14.

[185] See GC 32, d. 2, no. 14, in PADBERG, *Decrees and Documents of the 31st – 35th General Congregations*, 292. "A Jesuit, therefore, is essentially a man on a mission, a mission which he receives

appointed, [186] that is, the superior general, his assistants and counsellors, provincial and regional superiors, presidents of conferences of major superiors, rectors and also others whose responsibility involves governance.

The major revision of the qualifications necessary for one to be advanced to the grade of professed of four vows happened at GC 27. The new qualifications included, among others, that one must be ordained and of sufficient learning, that is, be a holder of either a doctorate or at least a licentiate in philosophy, theology or canon law, or any other approved discipline of study.[187] Most recently, the 31st General Congregation revised the qualifications for the professed and broadened them.[188] The Congregation maintained the academic qualifications of a licentiate or doctorate or some equivalent degrees in the sacred sciences and decided that those who have excelled in either teaching or writing were to be exempted from the *examen ad gradum*.[189] In as much as the qualifications for the grade of

immediately from the Holy Father and from his own religious superiors, but ultimately from Christ himself, the one sent by the Father" (ID., in PADBERG, *Decrees and Documents of the 31st – 35th General Congregations*, 292).

[186] See GC 31, d. 11, no. 2, 5°, in PADBERG, *Decrees and Documents of the 31st – 35th General Congregations*, 90. See also *General Examen*, no. 12 and *Complementary Norms*, 344 §1: "For anyone to be validly appointed a major superior in the Society, he must have been professed of four vows after having spent the period of time in the Society that our law requires, according to the norm of no. 119." This period of time spent in the Society, according to no. 119 of the *Complementary Norms* is at least ten years, the time which can be lengthened or shortened by the superior general. See c. 623; cf. *CCEO* c. 513 §1.

[187] See GC 27, d. 158-165 included among some of the qualifications: higher learning in the sacred sciences; sound judgment and prudence in action, as well as tested and basic strength of character; a more than ordinary talent for Jesuit ministries; high level of learning in conformity with Decree no. 118 (which pertained to the "examination of grades" before one was promoted to solemn profession); the priesthood; at least thirty years of age; at least ten years in the Society; at least three years after the completion of the course in theology and in addition to tertianship and special studies (see PADBERG, *For Matters of Greater Moment*, 558-560). All these qualifications have their origin in the General Examen (see c. 1, no. 8 and Pat 10, no. 7), the Formula of the Institute of Julius III, no. 9 and several general congregations (see GC 8, d. 17 and 33; GC 9, d. 42; GC 10, d. 13, GC 11, d. 24, no. 6; GC 12, d. 23; GC 13, d. 9; GC 16, d. 20; GC 23, d. 19).

[188] See GC 31, d. 11, nos. 2-7, in PADBERG, *Decrees and Documents of the 31st – 35th General Congregations*, 90-92 which revised the qualifications to solemn profession and therefore abrogated several decrees of GC 27.

[189] See GC 31, d. 11, no. 3 §1, in PADBERG, *Decrees and Documents of the 31st – 35th General Congregations*, 91. The *examen ad gradum* was the examination that was used to adjudicate whether one had sufficient learning to qualify him to be admitted to four vows. The Society was, however, not limited to these

the professed have been revised, there have been disgruntlement and debates among members of the Society over the grading system.

One major challenge to the grading system was raised at GC 31 when some delegates proposed that the grades be entirely abolished, whilst others wanted to retain the grades as they appear in the Formula of the Institute.[190] The other proposal was to extend the fourth vow to all the spiritual coadjutors. Meanwhile, some delegates had no problem with the status quo, nor the proposed abolition of the grades, but expressed dissatisfaction over the power of the superior general, who alone admits members to the grades.[191] These delegates questioned the objectivity of the recommendations made by the major superiors to the superior general on the grade to which one is admitted.

In as much as the superior general calls a member to profession, the task of ascertaining readiness and suitability belongs to the provincial superiors.[192] The provincial superior must hear the opinion of his consultors, but he alone makes a recommendation to the superior general.[193] Since the members manifest their consciences to the provincial superior, there are concerns that the advancement of one to the grades might be highly

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qualifications, since some members who had neither the requisite degree nor excellence in teaching or writing were exempted from the *examen ad gradum* if they had shown noteworthy preaching or governing. Consequently, those who were exempt on the basis of the revised qualifications included "[...] men who are proficient in literature or the sciences and have received higher qualifications in these, or those who have taught at advanced levels, or those who have held outstandingly a post or ministry in the Society" (GC 31, d. 11, nos. 4, 2°, in PADBERG, *Decrees and Documents of the 31st – 35th General Congregations,* 92). For the updated qualifications, see *Complementary Norms*, nos. 120-123.

[190] See PADBERG, *Decrees and Documents of 31st – 35th General Congregations,* 16.

[191] See PADBERG, *Decrees and Documents of 31st – 35th General Congregations,* 17.

[192] See *Complementary Norms,* no. 113 §2. The list of qualifications for one to be appointed a major superior was extended in no. 121 §§1-4. See GC 30, d. 67 in PADBERG, *For Matters of Greater Moment,* 684.

[193] See GC 31, d. 11, no. 5, in PADBERG, *Decrees and Documents of the 31st – 35th General Congregations,* 92. This was a new decree at the Congregation which calls upon the provincial superior and his consultors to make the necessary enquiries before proposing an approved scholastic or a spiritual coadjutor to Father General for the profession of four vows.

subjective. These apprehensions cannot be objectively proved but they remain as sentiments of concern.

In order to address the anxieties raised by the delegates, GC 31 established a sub-commission of experts in law and history to study the origin and establishment of the grades. In spite of this study and recommendations of the sub-commission, the Congregation did not pass any decree on the grades but recommended to the superior general that he sets up a commission to further study the distinction of grades in a more detailed way.[194] A commission was later set up by Superior General Fr. Arrupe and it comprised of Frs. Antonio de Aldama (Spain), Laslo Lukacs (Hungary) and Gervais Dumeige (France). Fr. Aldama and Fr. Lukacs provided the historical perspective on the grades, whilst Fr. Dumeige's doctoral dissertation addressed the relevant canonical issues.[195]

The commission submitted its report to Fr. Arrupe in 1969 and, at his invitation, it presented the report to the congregation of procurators that met in October 1970. In summary, while the report recommended that it would be appropriate to change the institution of grades in the Society, it stated clearly that this required the approval of the entire Society and most importantly, the consent of the Roman Pontiff since the matter belonged to pontifical law. Even though the report was extensive, the concerns about the

[194] Two recommendations were made, a) to set up a commission to study the whole matter of suppressing the grade of the spiritual coadjutor, either in law or in practice, b) the commission should also study "the advantages and disadvantages involved in granting solemn profession also to the temporal coadjutors" (GC 31, d. 5, nos. 1 and 2, in PADBERG, *Decrees and Documents of the 31st – 35th General Congregations*, 62).

[195] See L. LUKACS, "De diversitate gradum inter sacerdotes in Societate Iesu," in *Archivum Historicum Societatis Iesu*, vol. 37, no. 74 (1968), 237-316. For a historical perspective, see A. DUMEIGE, "Gradus in Societate Iesu iuxta S. Ignatium de Loyola necnon iuxta posteriorum evolutionem historicam," in *Periodica de re canonica*, 80 (1991), 265-309.

grades have remained unsolved and they continue to appear in one way or another at subsequent general congregations.

The question of the fourth vow re-emerged at the 32nd General Congregation (1974-1975), with proposals from some delegates to abolish the grades and admit all members to the profession of four vows. The spirit of renewal of institutes of consecrated life and societies of apostolic life, emanating from the Second Vatican Council seems to have provided strong reasons for the call to renew the membership structure of the Society. The determination of the delegates to review the system of grades attracted the attention of Pope Paul VI. The pope expressed his disapproval and unwillingness to approve such a change if it were presented to him.[196]

In a letter addressed to the Superior General, Pope Paul VI wrote: "[…] we repeat with all regard for you and the Fathers of the Congregation: no change can be introduced related to the fourth vow. As the supreme guarantor of the Formula of the Institute and as universal pastor of the Church, we cannot allow this point in any way to be infringed upon, since it constitutes one of the pivotal points of the Society of Jesus […]."[197] In making sure that the Congregation did not defy his instructions, the Pope requested that before the publication of the decrees of the general congregation, they ought to be sent to him first. Thus, having been deprived of a possibility of making any changes with regards to the fourth vow, the Congregation declared:

> […] the participation of temporal coadjutors (brothers) in the life and apostolic activity of the Society (must) be further promoted, fulfilling the commends of the 31st General Congregation completely, and […] the norms for the promotion of priests to the profession of four vows, better adapted by the 31st General Congregation to today's

[196] See J. VILLOT [Card.], Letter of the Cardinal Secretary of State to Father General, 3 December 1974, in PADBERG, *Decrees and Documents of the 31st-35th General Congregations of the Society*, 391.

[197] PAUL VI, Autograph Letter of His Holiness Paul VI to Father General, 15 February 1975, in PADBERG, *Decrees and Documents of the 31st-35th General Congregations of the Society*, 392.

> circumstances, be put into practice both for those who are present spiritual coadjutors and for approved scholastics. Candidates, however, are to be selected in such a way as in fact to meet the demands of those criteria of selection.[198]

This declaration did not in any way alter either the existing grades in the Society or the criteria for promotion. Earlier on, Decree no. 7 of the 31st General Congregation had stated in an explicit way that brothers who are qualified may be appointed to administrative offices in the Society "excluding of course (those involving) the power of jurisdiction."[199]

Fr. Adolfo Nicolás, then superior general (2008 – 2016) acknowledged in his letter of September 2009 that the Society was conscious of the concern that the distinction of the grades had led to the perception that brothers were "second class members" in the Society. He went on to clarify that "[…] those who are admitted to final vows, no matter what grade […] are completely embraced and esteemed by the Society of Jesus as brothers and companions."[200] Even after the declaration of GC 32 and the clarification given by Fr. Nicolás, it is apparent that the question of the system of grades has not been resolved to the satisfaction of the members of the Society and is most likely to be raised as a postulate topic at future general congregations.

2.5.3 The Fourth Vow of Obedience to the Pope *circa missiones*

At its foundation, the Society was distinct from the other religious orders which were localized either by nationality or charism. Whereas the first companions of the Society originated from Spain, Portugal and France, they did not limit themselves to any

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[198] GC 32, d. 8, nos. 1, 2 (a) and (b), in PADBERG, *Decrees and Documents of the 31st – 35th General Congregations*, 334.

[199] The same Decree urges equality in community life and apostolic life of the members. The Decree ends by making recommendations to Father General with regards to the non-priestly vocation in the Society, especially the formulation of guidelines for the formation of brothers and a revision of the rules and regulations concerning brothers (see GC 31, d. 7, nos. 1-8, in PADBERG, *Decrees and Documents of the 31st – 35th General Congregations*, 64-66).

[200] A. NICOLÁS, Letter to the Society, 7 September 2009, in *AR*, vol. 24 (2009), 777.

particular country or particular charism, but they viewed themselves as collaborating with the Roman Pontiff in the universal mission.[201]

Obedience to the Roman Pontiff and to the superiors of the Society appears in Chapter 1 of Part 6 of the Constitutions (nos. 547-552) and Section 3 of Part 6 of the Complementary Norms (nos. 149-156). Chapter 1 of Part 6 of the Constitutions relates to the overall understanding of obedience in the Society, its apostolic value and what makes it perfect in the spirit of recognizing God in the superior.[202] The superior is considered as the representative of Christ or "holding the place of Christ," a theme which is repeated in several sections of Part 6 of the Constitutions. For example, in one place in the Constitutions, Ignatius emphasizes that "[…] we should be ready to receive its (obedience) command just as if it were coming from Christ our Savior […] members should keep in view God our Creator and Lord for whom such obedience is practiced […]."[203]

The vow of obedience to the pope has its origin even before the foundation of the Society. Primarily, Ignatius and the first companions decided that if their desire to go to the Holy Land fails, they would offer themselves to the pope for any mission that he might have for them. By this pronouncement the vow of obedience to the pope with regards to the missions was born. This offer or vow has given a unique character to the identity and

[201] See ibid. See also J.W. O'MALLEY, "The Fourth Vow in Its Ignatian Context: A Historical Study," in *Studies in the Spirituality of Jesuits,* vol. 15, no. 1 (1983), 26.

[202] See *Complementary Norms,* nos. 149 – 156.

[203] *Constitutions,* no. 547. The concept of the superior standing in the place of Christ appears further in the same section thus, members are "[...] to have and show great reverence, especially internal reverence, for their superiors, by considering and revering Jesus Christ in them [...]" (*Constitutions,* no. 551). Further still, the subject, "[...] will get it with the consent of the superior as from the one who holds the place of Christ our Lord for him" (*Constitutions,* no. 552). This understanding of obedience originates from the cenobitic life which required absolute obedience of the monks to the will of the superior, who was regarded as the visible representative of Christ (see P. SCHAFF, *History of the Christian Church,* vol. 3, New York, Charles Scribner's Sons, 1891, 159).

mission of the Society. Accordingly, the Formula of the Institute first approved by Pope Paul III stated that:

> […] we have judged that it is of the greatest profit to us to go beyond the ordinary obligations and bind ourselves by a special vow, so that whatever the present Roman Pontiff and others to come will wish to command us with regard to the progress of souls and the propagation of the faith, or wherever he may be pleased to send us to any regions whatsoever, we will obey at once, without subterfuge or excuse, as far as in us lies. We pledge to do this whether he sends us among the Turks or to other infidels, even to the land they call India, or to any heretics or schismatics, or to any of the faithful.[204]

Both *Regimini militantis ecclesiae* (1540) and *Exposcit debitum* (1550) reiterate that this special obedience regards the missions. By virtue of the Formula being pontifical law, the fourth vow cannot be altered without papal approval. Furthermore, the Constitutions legislated the character and purpose of the fourth vow:

> […] to have the members distributed throughout the various parts of the world. For those who first united to form the Society were from different provinces and realms and did not know into which regions they were to go, to avoid erring in the path of the Lord, they made that promise or vow in order that His Holiness might distribute them for greater glory to God.[205]

A mere analysis of the quote above indicates that the fourth vow, by which members of the Society profess availability to the Roman Pontiff remains very significant to the identity of the Society. Any changes, even if it were duly approved, would change the very essence of the Society, that is, being missioned by the pope where the needs are greatest. In fact, at GC 32, Fr. Kolvenbach briefed the delegates about the reply to his request to Pope John Paul II for permission to discuss at the general congregation a proposal that in the future all formed Jesuits would be incorporated into the Society by the

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[204] PAUL III, apostolic letter *Regimini militantis Ecclesiae,* no. 3, in *Institutum Societatis Iesu*, vol. 1, 4, in PADBERG, *Constitutions and Complementary Norms,* 7. See JULIUS III, apostolic letter *Exposcit debitum,* no. 3, in *Institutum Societatis Iesu,* vol. 1, 24, in PADBERG, *Constitutions and Complementary Norms,* 7; DE ALDAMA, *The Formula of the Institute,* 61.

[205] PADBERG, *Constitutions and Complementary Norms,* no. 605.

same solemn vows of poverty, chastity and obedience. He reported that, "His Holiness judged that the matter […] should not be treated in the next general congregation."[206]

Contemporary scholars have engaged in research on this critical topic in the life and functioning of the Society. John W. O'Malley demonstrated in his well-researched article, "The Fourth Vow in Its Ignatian Context: A Historical Study" the primary resolve that led the companions to offer themselves at the disposal of the supreme pontiff. O'Malley emphasized that it was important to the first companions to remain united and that they needed to be under the jurisdiction of the pope so that they could avail their services to the universal Church.

Meanwhile, Antonio de Aldama, historian and former Secretary General of the Society explored the canonical and spiritual principles of the fourth vow. Firstly, he noted that all members of institutes of consecrated life are bound to obedience to the pope by virtue of the norms of c. 590 §§1 and 2. Secondly, the Society's professed "are bound to obedience to the pope *circa missiones* because the pope has reserved these *missions* to himself."[207] According to Fr. Aldama, the second principle pertains to the internal governance of the Society and concerns the legislative norms on the actual practice of this vow, that is, the practical matters regarding obedience.[208]

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[206] PADBERG, *Decrees and Documents of the 31st – 35th General Congregations,* 500.

[207] DE ALDAMA, *The Formula of the Institute,* 59. Two principles emerge, one from the Formula of the Institute in which the professed members of the Society bind themselves to obey the pope *circa missiones,* that is, in regard to "missions." In drafting the Constitutions, Nadal was clear in emphasizing that the object of the special vow refers only to the missions (see M.R. JURADO, "Nadal y Polanco sobre la Fórmula del Instituto de la Compañía de Jesus," in *Acta Historicum Societatis Jesu,* vol. 47, 1978, 237). Then the second principle, drawn from the canonical legislation through which all religious bind themselves to obedience to the pope by means of the norms of c. 273 and c. 590 §2. Canon 273 states "Clerics are bound by a special obligation to show reverence and obedience to the Supreme Pontiff and to their own Ordinary." The expression "their own ordinary" refers to the superior general and the provincial superior or any other legitimate authority equivalent to him.

[208] See DE ALDAMA, *The Formula of the Institute,* 59.

The normative aspect of the vow is discussed by Michael Doiron in his doctoral research.[209] For Doiron, the professed of the Society participate in both the mission of evangelization of the Vicar of Christ[210] and the apostolic mission and the salvation of souls.[211] By the fourth vow, the professed fathers have the obligation to render special obedience to the pope.[212]

As indicated previously, the question of system of grades, and by extension, the fourth vow appeared at several general congregations and generated heated debates.[213] Of the most recent congregations, the 31st General Congregation paid much attention to obedience to the Jesuit superiors and to the pope. GC 31 stated: "With all our force and energy, we should strive to obey first the Sovereign Pontiff, then the superiors of the Society, not only in matters of obligation, but also in others, even to the mere hint of the superior's will, apart from any express command."[214]

Furthermore, the 35th General Congregation (2008) articulated the fourth vow in the following words: "By means of the fourth vow pronounced by the professed, the whole body of the Society puts itself at the disposal of the ministry of the Successor of St. Peter,

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[209] See M.J. DOIRON, An Historical Juridical Consideration of the Jesuit Fourth Vow: Special Obedience to the Pope with Regard to Missions, JCD thesis, Ottawa, Saint Paul University, 1995, 49.

[210] See JULIUS III, apostolic letter *Exposcit debitum*, no. 3, in *Institutum Societatis Iesu*, vol. 1, 24, in PADBERG, *Constitutions and Complementary Norms*, 6-7.

[211] The salvation of souls remains a central focus for the mission of the Society. Cf. c. 1752.

[212] See DE ALDAMA, *The Formula of the Institute*, 56: "The distinction between the entire Society and the individual member can be read as indicating that it is not yet referring to the obligation that binds the professed in virtue of his special vow but to a wider obligation affecting the Society as such."

[213] See PADBERG, *Decrees and Documents of the 31st – 35th General Congregations*, 16.

[214] GC 31, d. 17, no. 10, in PADBERG, *Decrees and Documents of the 31st – 35th General Congregations*, 120. This Decree clearly places obedience to the pope as the primary one, after which obedience to Jesuit superiors follows.

for distribution into the vineyard of our Lord."[215] This declaration returns to the initial objective of Ignatius and the first companions, offering themselves at the service of the Supreme Pontiff.

The discussion on the essence of the fourth vow has been extended outside the Society. For example, Cardinal Girolamo Ghinucci opposed the fourth vow and claimed that it was needless to vow special obedience to the Roman Pontiff because every Christian, lay or clergy, was obliged to obey the pope according to the norms of universal law.[216] It is important though to note that the legislation of the 1917 and 1983 Codes was preceded by the *Deliberatio* in 1539, and the Formula of 1540 and 1550. In dismissing the concerns of Cardinal Ghinucci, Fr. Aldama states that:

> All that time religious were not considered to be subject to the pope in virtue of the common vow of obedience, as to the highest superior of all religious orders, but only by virtue of his universal jurisdiction as the supreme shepherd of the Church. Hence, to say that the whole Society lives its religious commitment under obedience to the pope is tantamount to stating a peculiar kind of dependence, not common to the other religious orders. It was this kind of dependence that led to the vow of special obedience.[217]

Finally, the general understanding of the fourth vow when it was approved by Paul III in the Formula of 1540 and by Pope Julius III in the revised Formula of 1550 indicates that the special vow did not entail whatever the pope commands but was specific to the missions.[218]

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[215] GC 35, d. 4, no. 30, in PADBERG, *Decrees and Documents of the 31st – 35th General Congregations*, 762-763.

[216] See DE ALDAMA, *The Formula of the Institute*, 57. See also *CIC*/17 c. 499 §1: "All religious, as to a supreme superior, are subject to the Roman Pontiff, whom they are bound to obey even in virtue of the vow of obedience." The new Code repeats the same norm in c. 590 §2: "Individual members are also bound to obey the Supreme Pontiff as their highest superior by reason of the sacred bond of obedience." See also P. DUDON, *St. Ignatius Loyola*, Milwaukee, WI, Bruce Publishing Company, 1949, 258.

[217] DE ALDAMA, *The Formula of the Institute*, 56.

[218] See PAUL III, apostolic letter *Regimini militantis ecclesiae*, no. 3, in *Institutum Societatis Iesu*, vol. 1, 4, in PADBERG, *Constitutions and Complementary Norms*, 6-7. See also JULIUS III, apostolic letter *Exposcit debitum*, no. 3, in *Institutum Societatis Iesu*, vol. 1, 24, in PADBERG, *Constitutions and Complementary Norms*, 6-7.

2.6 Obedience in the Pronouncements of the Most Recent General Congregations

The Second Vatican Council's call to renewal of religious life has transformed the understanding of obedience in the Church in general and in the Society in particular, on one hand. On the other hand, the secular world's emphasis on the autonomy of the human being, human rights and privacy laws have challenged structures of governance in the Church and influenced contemporary legislation in the Church. The Society has responded positively in the most recent general congregations (GC 31 to GC 36), to both the conciliar and post conciliar documents with regards to a renewed understanding of obedience.

2.6.1 31st General Congregation, Decree no. 17 on Life of Obedience

The 31st General Congregation was convoked on 13 January 1965 by the vicar general, Fr. John L. Swain,[219] after the Superior General, Fr. John Baptist Janssens had died on 5 October 1964. The Congregation was held in Rome in two sessions, 7 May 1965 to 15 July 1965 and 8 September to 17 November 1966.

On 22 May 1965, the Congregation elected Fr. Pedro Arrupe as superior general. Until then, he was the provincial superior of the Province of Japan. After the election of the superior general, the Congregation set out to deal with other matters of greater importance. Six commissions were set up to deal with the different themes.

The first commission, on "Governance" delt with matters of governance in general, universal governance, governance of provinces, congregation of provincials and congregation of procurators. The second commission, on "Ministries and Apostolates," deliberated on foreign missions, the education and scientific apostolate, pastoral ministries,

[219] Fr. John L. Swain was formally appointed the vicar general of the Society in accord with the letter left by Fr. Janssens.

ecumenism and finally the social and media apostolate. The third commission, on the "Studies of Jesuits," included formation in general, the ordinary course of studies and special studies. The fourth commission, which is especially pertinent to our study was on "Religious Life" and included these themes: the nature and purpose of religious and apostolic life in the Society, the vows in general, the vow of poverty, the spiritual life, spiritual formation, tertianship, common life and discipline. The fifth commission on the "Preservation and Renewal of the Institute" is also pertinent to this study as its themes included the substantials of the Institute, admission to the Society, admission to holy orders, the grades in the Society, brothers or temporal coadjutors and dismissal from the Society. The sixth and last commission was on the "Mission of the Society Today." The choice of the themes points to the influence that the Second Vatican Council's decree *Perfectae caritatis* had in the gathering and selection of the postulates and ultimately on the decrees of the Congregation.

The high number of the postulates submitted on obedience indicated to the delegates that there might have been a crisis of obedience in the Society. Some delegates suggested that the crisis was a result of a relaxation of the principles of Ignatian obedience. Therefore, there was need to go back to the original ideals of obedience. The sub-commission on the theme of obedience provided a report which was not finalized but deferred for further research. Finally, the second session of the Congregation voted on the report on 11 November 1966, resulting in Decree no. 17.

Decree no. 17, on the "Life of Obedience" considered obedience as "a hallmark of the Society and her principle of vitality […] and called for renewal in the spirit and practice of obedience."[220] The Congregation decreed that:

> […] we embrace obedience as a distinctive grace conferred by God on the Society through its founder, whereby, we may be united the more surely and constantly with God's salvific will, and at the same time made one in Christ among ourselves. For the Society of Jesus is a group of men who seek close union with Christ and a share in the saving mission which He realized through obedience unto death. Christ invited us to take part in a mission […] through obedience, then strengthened by the vow, we follow Jesus Christ carrying His Cross in the Church militant, to whom the eternal Father gave us as servants and friends, that we may follow Him with our cross, and be made his companions in glory […]. Hence, neither our religious life nor our apostolic action can survive or be renewed unless we hold firmly to sincere obedience.[221]

In the Decree, the Congregation reaffirmed that Christ is the head of the Society and further defined the apostolic nature of obedience to the superior(s). The Decree restated the confidence which Ignatius had in superiors, that "every superior must be obeyed in the place of Christ and for the love of Christ […] [and] the superior truly represents Christ."[222] In obedience thus, each member of the Society is called to the theological virtue of obedience, like Christ who was obedient to the Father in all things. Ignatius called this "perfect obedience."[223]

Further to the assertion of the superior being the representative of Christ, the Decree reiterated the qualities and responsibilities of a superior. The superior must possess three major qualities: firstly, he should be free from ill-ordered affections, secondly, he must be

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[220] GC 31, d. 17, no. 1, in PADBERG, *Decrees and Documents of the 31st – 35th General Congregations*, 115.

[221] Ibid., no. 2, in PADBERG, *Decrees and Documents of the 31st – 35th General Congregations*, 115-116.

[222] *General Examen*, nos. 83, 85. See also *Constitutions*, nos. 286, 424, 547, 551. Cf. GC 31, d. 17, no. 3, in PADBERG, *Decrees and Documents of the 31st – 35th General Congregations*, 116.

[223] See IGNATIUS OF LOYOLA, Letter on Obedience, no. 5, in *Monumenta Ignatiana Societatis Iesu*, vol. 4, 674.

a man closely united with God in prayer and obedient to God's will,[224] thirdly, the superior must be a man who is knowledgeable of the Formula of the Institute and the Society's ways of proceeding,[225] according to the Constitutions and subsequent documents.

In order to promote unity in the universal Society, the Decree called upon the superior and the subject to develop an open communication so that the subject makes himself known to the superior "[…] through a confiding, familiar and candid colloquy."[226] The subject is assured that whatever is revealed to the superior remains protected and cannot be revealed to a third party without his consent. The Congregation's assurance of safeguarding the privacy of the subject guarantees the transparency and confidentiality, necessary for the account of conscience.[227] The Decree concludes by explaining that obedience does not inhibit the individual's maturity or freedom, rather it expands his freedom and creates a bond of unity in the universal Society.[228]

2.6.2 32nd General Congregation and the interventions of Pope Paul VI

The 32nd General Congregation was convoked by the Superior General, Fr. Pedro Arrupe in his letter of 8 September 1973. The Congregation took place from 2 December 1974 to 7 March 1975 and was preceded by two important events, the 65th Congregation of Procurators in 1970 and the International Congress of Brothers in 1970. The Congregation of Procurators had recommended against holding a general congregation, at

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[224] See GC 31, d. 17, no. 5, in PADBERG, *Decrees and Documents of the 31st – 35th General Congregations*, 117-118.

[225] See ibid., 118.

[226] Ibid., no. 8, in PADBERG, *Decrees and Documents of the 31st – 35th General Congregations*, 119.

[227] See ibid.

[228] See ibid., no. 5, in PADBERG, *Decrees and Documents of the 31st – 35th General Congregations*, 122.

least not in the immediate future. Meanwhile, the Congress of Brothers indicated that the delegates wanted an exclusive study of "[…] the whole problem of the distinction of grades."[229] The report of the Congress of Brothers seemed to have contributed significantly to the postulates that sought clarifications on the meaning and significance of the fourth vow.

At the beginning of the Congregation, the following six themes were chosen and corresponding sub-commissions were established: a) the criteria of the Congregation's apostolic service today, b) the mission of the Society as drawn from its apostolic character and purpose, c) poverty, d) the promotion of justice as a criterion of the apostolic life and apostolate, e) the fourth vow and its significance to the Church and to the hierarchy and f) the formed members of the Society.

In as much as all the sub-commissions presented their reports, the report of the sub-commission on the fourth vow is significant to our study because it touches on the substantials of the Formula of the Institute, a matter of pontifical law. As the Congregation deliberated on this report, the Superior General, Fr. Pedro Arrupe received a letter from Cardinal Jean Villot, the Secretary of State, dated 3 December 1974. Pope Paul VI, through the Cardinal's letter, indicated that the delegates had gone against his will by considering extending the fourth vow to all Jesuits. Apparently, in an earlier communication to Fr. Arrupe, the Pope had instructed the Congregation not to take any action with regards to this matter. In Cardinal Villot's letter, the Holy Father emphasised that as the guarantor of

[229] PADBERG, *Decrees and Documents of the 31st – 35th General Congregations*, 272.

the Formula of the Institute, it was his duty to protect the fundamental law of the Society from any proposed alteration.[230]

Furthermore, in his address marking the end of the 32nd General Congregation on 7 March 1975, the Pope emphasized what he had earlier on indicated in Cardinal Villot's letter:

> Some of you, perhaps in order to inject a new vigour into the life of your Society, thought that it would be necessary to introduce substantially new elements into the Formula of the Institute, that is, to its primary norms or into its adaptation to the present social milieu. For our part, we cannot allow changes based on such reasoning to enter into your religious institute […]. We shall continue to take a solicitous part in all your affairs as often as the good of the Society or the Church seems to demand such involvement.[231]

Duty bound by these two interventions, the Congregation did not alter the distinction of the grades, but rather confirmed the *status quo*. Thus, Decree no. 3 of the Congregation reaffirmed the Society's commitment to obedience to the Supreme Pontiff. In as much as the Congregation was silenced, the question of the grades and the fourth vows were to emerge again at the 34th General Congregation.

2.6.3 34th General Congregation on Brothers and Governance

The Very Reverend Fr. Peter-Hans Kolvenbach, then Superior General of the Society convoked the 34th General Congregation in his letter of 8 September 1993. On the same day that he convoked the Congregation, he also convoked the Symposium on the Vocation and Mission of the Jesuit Brother, which was to be held 12-24 June 1993.[232] In the letter of convocation of the Symposium, Fr. Kolvenbach reported that he had requested permission from the Holy See to discuss (in the forthcoming general congregation) the

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[230] See PAUL VI, Address to the Presence of Father General and the General Assistants, 7 March 1975, in PADBERG, *The Decrees and Documents of the 31st – 35th General Congregations*, 394.

[231] Ibid., 394-395.

[232] See P.-H. KOLVENBACH, "The Vocation and Mission of the Jesuit Brother," in *AR*, 21 (1994), 54-59.

"[…] possibility that all formed Jesuits would be incorporated in the Society by the same solemn vows of poverty, chastity and obedience."[233] He quoted in the same letter the reply from the Holy See indicating that "[…] the matter should not be treated in the next general congregation."[234]

However, the Congregation considered the theme of the vocation of the brother and expressed that "[b]rothers, in the same way as priests, are integrated into the Society by reason of the one common call of the Lord to follow him in living out the evangelical radicality of religious life."[235] Additionally, the Congregation highlighted the success of the implementation of GC 31's recommendation to appoint brothers to administrative responsibilities, including as community and province consultors.[236] It is important to highlight here that the Congregation encouraged in a remarkable way that brothers participate in the unity and vocation of the Society.

The Congregation proceeded to make several changes to the manner in which the vocation of brothers was considered. Most importantly, it abolished the title "temporal coadjutors" and encouraged the use of the term "Jesuit brother" in future official documents.[237] Further to this, the Decree no. 7 established that, in order to prepare them for ministries in the Society (such as vocation directors, formators, local community or provincial consultors), brothers must have the same spiritual and intellectual formation as

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[233] PADBERG, *Decrees and Documents of the 31st – 35th General Congregations*, 500.

[234] Ibid.

[235] GC 34, d. 7, no. 6, in PADBERG, *Decrees and Documents of the 31st – 35th General Congregations*, 572.

[236] See ibid., no. 9, in PADBERG, *Decrees and Documents of the 31st – 35th General Congregations*, 573.

[237] See ibid., no. 12, in PADBERG, *Decrees and Documents of the 31st – 35th General Congregations*, 574.

scholastics. Therefore, the legislation that forbid brothers from pursuing higher studies was abolished.[238] This decision opened for brothers the ways to engage in special studies which would qualify them to be appointed to administrative positions and fulfill other duties requiring higher intellectual or professional excellence. Furthermore, the program of tertianship (third probation) was revised in order to create equality in the Society.[239]

Two other important changes to the law of governance in the Society appeared in Decree no. 7 regarding the participation of formed brothers in province or general congregations. Formed brothers were granted "[…] passive voice for election as electors in a province congregation."[240] However, if chosen as electors or substitutes to the general congregation, "[…] formed coadjutors will not have passive voice for election to an office which the profession of four vows is required."[241] The Congregation recommended that formed brothers be appointed as consultors to the local or provincial superiors.[242]

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[238] See ibid., no. 21, in PADBERG, *Decrees and Documents of the 31st – 35th General Congregations*, 575.

[239] See ibid., in PADBERG, *Decrees and Documents of the 31st – 35th General Congregations*, 575. Equality would be created by novitiate in common for brothers and scholastics (*Complementary Norms*, no. 43, §1) and modifying the parts of the *General Examen*, no. 119 and the *Constitutions*, nos. 514 and 516, that refer to tertianship only for scholastics.

[240] GC 34, d. 7, no. 21. The granting of passive voice to brothers necessitated the revision of the "Formulas for the General and Province Congregation," therefore, "[...] of the elected and *ex officio* participants in the province congregation, there must be at least one formed brother and two approved members, of whom at least one is not ordained" (ibid., d. 23, no. D. 5, §§1° and 2°, in PADBERG, *Decrees and Documents of the 31st – 35th General Congregations*, 651).

[241] Ibid., no. A. 1, 1°, in PADBERG, *Decrees and Documents of the 31st – 35th General Congregations*, 648. The norm provided that in case the number of formed coadjutors elected and *ex officio* is more than fifty percent of the general congregation, the elected delegates who are recently admitted to final vows will be replaced by substitutes elected from the same province who are professed of four vows (see ibid., no. A. 2°, in PADBERG, *Decrees and Documents of the 31st – 35th General Congregations*, 648). In a similar context, the Decree allowed the Superior General or the Vicar General to provide for the participation of formed brothers (at least as procurators *ad negotia*) (see ibid., no. A, 3°, in PADBERG, *Decrees and Documents of the 31st – 35th General Congregations*, 649).

[242] See ibid., d. 7, no. 9, in PADBERG, *Decrees and Documents of the 31st – 35th General Congregations*, 573.

The work accomplished by four of the sixteen commissions set up for the 34th General Congregation, i.e., the commissions on the revision of proper law, on leadership in the Society, on the Jesuit brother and on the priestly character of the Society are relevant to this study. Their relevance stems from the fundamental questions regarding the vocation of the brothers and the resultant Decrees nos. 7 and 23 of the General Congregation. Finally, we note here that brothers now participate in both the legislative and governance structures of the Society on the basis of the revised norms on the composition of both the province and general congregations. Though limiting the eligibility of brothers to those offices which do not entail the fourth vow or holy orders, GC 34 has succeeded in bringing brothers to the decision-making fora of the Society.

2.6.4 35th General Congregation, Decree no. 4 on Obedience in the Life of the Society

Fr. Peter-Hans Kolvenbach, then superior general, formally convoked the 35th General Congregation on 2 February 2006. In his letter of convocation, he wrote: "It has become more and more clear that the Society had arrived at a situation […] which required a general congregation to provide for the supreme government."[243] Fr. Kolvenbach intended to tender in his resignation to the Congregation as he was advanced in age. The Congregation opened on 7 January 2008 and accepted Fr. Kolvenbach's resignation on 14 January.[244] Fr. Adolfo Nicolás, former provincial superior of Japan and then president of the Conference of Major Superiors of East Asia and Oceania, was elected superior general

[243] PADBERG, *Decrees and Documents of the 31st – 35th General Congregations*, 709.

[244] See KOLVENBACH, Letter of Father General to all Major Superiors and Electors of GC 35 Conveying the Response of Pope Benedict XVI, 21 February 2007, in PADBERG, *Decrees and Documents of 31st – 35th General Congregations*, 803. See also BENEDICT XVI, Allocution to the Members of the Society of Jesus, 22 April 2006, in *AR*, 29 (2006), 677.

on 19 January. After the election, the Congregation proceeded with matters of greater importance.

The Congregation produced six decrees, of which Decree no. 4 and Decree no. 5 focused on obedience and governance, respectively. The opening statement of Decree no. 4 reiterates the apostolic aspect of obedience in the governance of the Society as well as obedience to the pope with regards to the mission. The Decree states: "Obedience is central to the mission and union of the Society of Jesus and a special bond of obedience links the Society to the Holy Father [...]."[245]

The fourth vow is at the centre of the relationship between the Society and the pope. In other words, the fourth vow guarantees the availability of the Society to the mission and the service to the pope. Through this availability, "[…] the whole body of the Society puts itself at the disposition of the ministry of the Successor of Peter for distribution into the vineyard of Christ the Lord," [246] that is, to fulfil the will of God. To properly communicate this goal in practical terms, the Congregation analyzed the contemporary context and the contextual challenges and proceeded to invite the Society to focus on fidelity to the mission that is based on the availability of the subjects for the mission of the Society and the Church.

[245] GC 35, d. 4, no. 1, in PADBERG, *Decrees and Documents of the 31st – 35th General Congregations*, 755. See PADBERG, *The Decrees and Documents of the 31st – 35th General Congregations*, 709.

[246] GC 35, d. 4, no. 30, in PADBERG, *Decrees and Documents of the 31st – 35th General Congregations*, 763.

2.7 Superiors General on Obedience

Obedience has not only been a subject of deliberation at general congregations, but it has also been addressed by several superiors general in different contexts. Some addresses by superiors were reactions to what would have transpired within the body of the Society or some part of it, whereas other addresses were linked to changes in universal law leading to the updating of proper law of religious institutes. Three general superiors have been chosen for our study because of their contributions to the renewed understanding of the value of obedience in governance and the relationship of the account of conscience to obedience.

2.7.1 Claudio Aquaviva (1581-1615)

Inasmuch as Ignatius is renowned as the founder of the Society of Jesus, the Society owes much of its expansion to the fifth Superior General, Fr. Claudio Aquaviva, who was elected in 1581, at the age of 37.[247] At the time of his election, he was the provincial superior of the Province of Rome.

The generalate of Fr. Aquaviva was remarkable for the growth in the membership of the Society across the world, which also meant an increase in the apostolates. The number of Jesuits nearly tripled from about 5 000 to about 13 000 men and the number of provinces and regions increased from 21 to 34. The rapid expansion of the Society led to the rapid dispersal of the members, immersed into different cultures and nations. The interactions with new cultures and attempts to evangelize presented challenges with regards

[247] Fr. Aquaviva was elected at the 4th General Congregation. He studied the humanities, philosophy, theology and law. He served as superior general for nearly 35 years, thus staying in office for the longest time in the history of the Society (see W.V. BANGERT, *A History of the Society of Jesus*, St. Louis, MO, The Institute of Jesuit Sources, 1986, 97).

to maintaining an authentic identity and unity of the Society. Therefore, in his attempts to maintain unity, Fr. Aquaviva developed a structure of government which encouraged building closer relationships between the members and the superior general. It was his response to the allegations of micro-managing provinces as some members accused him of being obsessed with centralization of authority in the superior general and the general curia. This crisis nearly destroyed the unity of the Society.

The most severe conflict originated in the Spanish Province where some of the members requested Fr. Aquaviva to convoke a general congregation to deal with the matter which they referred to as the over-centralization of power in the hands of the superior general and the question of the powers of the superior general which they considered excessive.[248] They raised one other objection that required amendment of the Constitutions, that is, the absence of a definite period before a member, whether a scholastic or a brother, could be called for final vows - the decision which solely depended on the superior general. In their letter to the Holy See, they misrepresented the extent of their concerns and signed it off in the words: "The entire Society makes this petition"[249] as if it represented the concerns of the entire Institute, yet it was only an initiative of a part of a single province.[250] In the letter, they made the proposal to overturn the substantials of the Institute, thereby

[248] See BANGERT, *A History of the Society of Jesus*, 98 - 99.

[249] GC 5, d. 54, in PADBERG, *For Matters of Greater Moment,* 205.

[250] Dionisio Vazquez, one of the Spanish Jesuits made several trips to Rome and approached Pope Sixtus V and Pope Clement VIII. Under pressure from King Philip, Pope Sixtus sent the bishop of Cartagena, Jeronimo Manrique as a visitor to the Society. Meanwhile, Enrique Enrique, one of those behind this instability in the Society had requested that the visitor to the Society be given the right to change the Formula of the Institute of the Society. These plans failed because Aquaviva, in his defence, had invited the provincials of Spain and Portugal to draw up arguments against the visitation. These arguments were presented to King Philip, leading Pope Sixtus V to cancel the visitation (see BANGERT, *A History of the Society of Jesus*, 98 - 99).

changing the structure of governance expressed in the Formula.[251] They proposed that the appointment of major superiors, most especially provincial superiors and rectors, be done at the province level and not by the superior general.

The Spanish Jesuits made use of their connections in the Vatican Curia and managed to persuade Pope Sixtus V to subject the Constitutions to an inquisition. On his part, the Pope himself had his own concerns which he wanted to be investigated and resolved. His concerns ranged from the name of the Institute, the monarchical structure of governance and authority of the superior general, the nature of the vows (the first vows were simple yet perpetual, thus there was no temporary profession) and the account of conscience made to a superior.[252] After listening to the Spanish malcontents, the Pope conceded to their request for an inquisition of the Constitutions of the Society.

During the inquisition, the Pope sought the opinions of bishops outside the Vatican Curia. Luckily, the testimonials from bishops and princes were favourable to the Jesuits and the reports that came through were affirming the great work that was done by members of the Society.[253] The concern of the Spanish Jesuits lost its basis, and this nearly brought the inquisition to a halt. Nonetheless, the pope still felt that his own concerns, most especially the title of the Institute, that is, Society of Jesus, was a sign of pride for a religious order. He was determined to have the Society change its name and directed Fr. Aquaviva to present to him a formal petition for a change of name. Fr. Aquaviva submitted the petition; however, Pope Sixtus V died on 27 August 1590 whilst the petition still sat on his desk. Fortunately, his successor, Pope Gregory XIV issued the bull *Ecclesiae*

[251] See PADBERG, *For Matters of Greater Moment,* 11.

[252] Ibid., 100.

[253] See ibid.

Catholicae[254] which confirmed the Formula of the Institute, marking the end of the first challenges to the generalate of Aquaviva.

A second wave of attacks during the reign of Aquaviva came during the pontificate of Clement VIII (1592-1605). Just like during the pontificate of Sixtus V, some disgruntled Jesuits from Spain still wanted a general congregation to be convoked to amend the Constitutions. The Spanish Province sent to Rome (without the knowledge of Fr. Aquaviva) Fr. Jose de Acosta, a Jesuit missionary from Peru who was bitter for not having been appointed provincial superior. De Acosta met with Pope Clement VIII and brought allegations that he termed as the excessive and unlimited powers of the superior general.[255] He also accused the superiors in the Society of having been consumed by materialism. The Pope was convinced of the charges presented to him by Fr. De Acosta.

Apart from the Spanish Jesuits, Fr. Vincent Julien, a French Jesuit, submitted a formal complaint to the Holy Office, regarding the system of obedience in the Society. He claimed that there was an excessive centralization of power in the superior general, who was most likely to become an absolute authority. Again, the Pope was persuaded by these allegations and ordered Aquaviva to summon a general congregation. Fr. Aquaviva convoked the 5th General Congregation on 3 November 1593.

The Spanish Jesuits had sent Fr. Francisco de Toledo, a theologian and a known critic of Fr. Aquaviva to influence the Congregation in their favour.[256] At the start of the

[254] See GREGORY XIV, constitution *Ecclesiae Catholicae,* 28 June 1591, in *Institutum Societatis Iesu*, vol. 1, 119-125, English translation in PADBERG, *For Matters of Greater Moment*, 188.

[255] See BANGERT, *A History of the Society of Jesus,* 100.

[256] To reward his services, the influential Jose de Acosta convinced King Phillip to request from the Pope that he create Francisco de Toledo a cardinal and make him the Vatican representative at the general congregation. The tactic seemed to work insofar as Toledo was made a cardinal but failed when Aquaviva persuaded the Pope against sending Toledo to the general congregation. Aquaviva asked Roberto Bellarmine,

Congregation, a committee was set up to consider the conduct of Fr. Aquaviva as superior general. This committee presented its report and vindicated the superior general of all allegations. Furthermore, the committee's report confirmed Fr. Aquaviva's leadership and expressed its confidence in him.[257] In absolving Fr. Aquaviva, two decrees (nos. 15 and 54) dealt with the conduct of the malcontents who had attempted to "[make] requests that would overturn the substantials of the Formula of the Institute, would change the method of governance expressed in the Formula and to introduce a completely new structure and concept which would destabilise the entire edifice of the Society and topple it from its foundations."[258]

Decree no. 15 referred to chapter 1 of Part 8 of the Constitutions: "Anyone seen to be a cause of division among those who live together, estranging them either from among themselves or from their head, ought with great diligence to be separated from that community, as a pestilence which can infect it seriously if a remedy is not quickly applied."[259] The following norm clarified what is meant by "separate:" "[…] [it] can mean either expelling the person from the Society altogether or transferring him to another place if this seems sufficient and more expedient for the divine service and the common good in the judgment of the one responsible for it."[260] Meanwhile, Decree no. 54 returned to the question of the penalties for those who had caused harm to the reputation of the Society and possible harm to the Formula. According to the Decree, "these men had all the penalties

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then professor at the Roman College, to defend the Ignatian concept of obedience before the inquisition (see MOSTACCIO, *Between Obedience and Conscience during the Generalate of Claudio Aquaviva*, 87-88).

[257] See GC 6, d. 2, in PADBERG, *For Matters of Greater Moment,* 217.

[258] GC 5, d. 54, in PADBERG, *For Matters of Greater Moment,* 205.

[259] *Constitutions*, no. 664. See also GC 5, d. 15, in PADBERG, *For Matters of Greater Moment,* 191.

[260] *Constitutions*, no. 665.

and censures contained in the apostolic bulls."[261] The ultimate penalty was dismissal from the Society in accord with the norm of Part 8 of the Constitution cited above.[262] However, the Congregation left it to the superior general's discretion to either impose penances before dismissal or to dismiss the offenders immediately.[263] The Congregation decreed further that those who will not be dismissed from the Society will "incur the penalty of incapacity to hold any office, honour or prelacy, and deprivation of active and passive voice."[264]

Those who were less culpable were to swear under oath that they will embrace the Formula of the Institute and obey the Constitutions and any decrees of this General Congregation and future congregations. Decree no. 54 concluded by pleading for the support of Pope Clement VIII, that with his authority, the sanctions of the Decree may be put into practice. Finally, members of the Society were encouraged to report to the superior general any companion who held such ill thoughts or engaged in actions that possibly could harm the Formula or the reputation of the Society. After receiving such reports, the superior general was mandated to effectively dismiss these men from the Society, "even if it meant risking to shed his own blood."[265]

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[261] GC 5, d. 54, in PADBERG, *For Matters of Greater Moment,* 204.

[262] Ibid. Following the norms of the Constitutions, nos. 664 and 665, and Decree no. 54 of the 5th General Congregation, some of the Spanish malcontents were dismissed from the Society for having driven the Society into disrepute.

[263] See GC 5, d. 54, in PADBERG, *For Matters of Greater Moment,* 205.

[264] Ibid. Meanwhile, Decree no. 52 of the same Congregation barred admission to the Society of those of Jewish ancestry (see PADBERG, *For Matters of Greater Moment,* 204; BANGERT, *A History of the Society of Jesus*, 101). This impediment was revoked by GC 29 in 1946. For a detailed reading on the norm impeding Jews from admission into the Society and the revocation of the impediment, see an extensive study by J.W. REITES, "St. Ignatius of Loyola and the Jews," in *Studies in the Spirituality of Jesuits*, vol.13, no. 4 (1981), 1-48.

[265] GC 5, d. 54, in PADBERG, *For Matters of Greater Moment,* 206.

2.7.2 Pedro Arrupe (1965-1983)

Fr. Pedro Arrupe's election at GC 31 (1965-1966) coincided with the conclusion of the Second Vatican Council, therefore most of his activity centred around aligning the proper law of the Society with the conciliar and post-conciliar documents. Furthermore, in the period immediately after the Second Vatican Council, the statistics of men and women who were leaving religious life and the priesthood signalled a crisis in the universal Church. The reasons for the departures and the total number of those who left have never been accurately established and remain debatable.

Arrupe's primary task was to shape a new understanding of religious life influenced by the Council's decrees, especially the Decree on the Up-to-Date Renewal of Religious Life *Perfectae caritatis*. There was pressure from within the Society to review the Constitutions in order to abolish some elements of the institute's proper law that were outdated. Such pressure ran the risk of abolishing the charism of the founding fathers, thereby harming the *raison d'etre* of the Society. It was therefore Fr. Arrupe's responsibility to direct the processes of revising the proper law of the Society, without harming the identity and mission of the Institute.

In his attempts to align the proper law of the Society with the mind of the Church reflected in the conciliar and post-conciliar documents, Fr. Arrupe convoked the 32nd General Congregation (2 December 1974 - 7 March 1975). One of the topics under discussion was the postulate on abolishing the distinction of the grades. Apparently, in a prior preparatory meeting with the Holy See regarding the postulates of the General Congregation, Pope Paul VI had indicated his reluctance to have any of the substantials of the Institute to be a subject of discussion. As if in defiance of the Pope, Fr. Arrupe allowed

the discussion of the grades, as was the wish of the Congregation. Upon hearing of this act of defiance, the Holy See immediately intervened, firstly by sending a letter (3 December 1974) signed by Jean Cardinal Villot and reminding Fr. Arrupe that the Pope did not approve of holding any deliberations with regard to possible changes to the substantials of the Institute.[266]

As was stated earlier, the intervention of the Holy See presented a challenge to the general congregation's role as the supreme legislative body of the Society. In as much as the desire of the Congregation was to abolish the system of grades, which would have had effects on both obedience to the superiors in general and obedience to the pope in particular, the proposal to abolish the grades would have also affected the understanding of the account of conscience which is a tool for governance. Nevertheless, the debacle ended peacefully, but not before the Pope had addressed the Congregation in strong terms against defying his authority.[267]

Fr. Arrupe demonstrated throughout his generalate that obedience grows from trust and that it is essential to promote a deeper relationship between superior and subject, based on this trust, whereas the absence of trust results in a relationship that is based on fear, tension or suspicion, effects which are detrimental to both the individual members and the

[266] See VILLOT, Letter of the Cardinal Secretary of State to Father General, in PADBERG, *Decrees and Documents of the 31st-35th General Congregations of the Society*, 391.

[267] See POPE PAUL VI, Address of Pope Paul VI in the presence of Father General and the General Assistants, in PADBERG, *Decrees and Documents of the 31st – 35th General Congregations*, 394-395. Fr. Arrupe later clarified and justified the intervention of the Holy Father: "The Holy Father intervened only because we had not then understood certain points that he wanted us to take into consideration, particularly in what concerns the 'grades' in the Society. We had believed and even voted that this was an open question about which the members of the Congregation were able to exchange their opinions. But for the Holy Father, this was a matter of the fundamental point of our Institute and could not in any way be changed" (J.C. DIETSCH, *Pedro Arrupe: One Jesuit's Spiritual Journey*, R. BRADLEY [trans.], St Louis, MO, The Institute of Jesuit Sources, 1986, 96).

universal Society. He maintained that when a subject is aware that his superior trusts him and when the superior knows that his subject has trust in him as well, it creates a harmony which guarantees apostolic initiative and creativity. This trust is built through an open dialogue between the superior and the members of his institute and, for the Society, this happens in the context of the account of conscience. It was from this conviction that he stated firmly that "[…] the most characteristic form of government of the Society and the form most specific to it, is found is what is called the manifestation of conscience."[268] Fr. Arrupe also acknowledged that he was conscious of the anti-institutional attitude which was widespread in the universal Church and in the Society, an influence of contemporary secular consciousness which promotes radical autonomy and unlimited freedom of the person, an ideology which posed challenges to obedience in religious life.[269]

2.7.3 Peter-Hans Kolvenbach (1983-2008)

As far back as 1980, Fr. Arrupe had indicated to Pope John Paul II his intention to summon a general congregation to submit his resignation. However, in a private reply, the Pope had asked Fr. Arrupe to postpone his resignation until an appropriate moment.[270] Unfortunately, on 7 August 1981, Fr. Arrupe had a massive stroke on his way back to Rome from a foreign trip. Pope John Paul II immediately named the Italian Jesuit, Fr. Paolo Dezza as his delegate for the government of the Society until an appropriate time when a general

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[268] DIETSCH, *Pedro Arrupe*, 87.

[269] See P. ARRUPE, "The Modern Religious Superior," in J. AIXALA (ed.), *Challenge to Religious Life Today: Selected Letters and Addresses*, St. Louis, MO, Institute of Jesuit Sources, 1979, 81.

[270] See JOHN PAUL II, letter of 3 July 1980, in *Acta Romana Societatis Iesu*, 18 (1980), 225, in PADBERG, *Decrees and Documents of the 31st – 35th General Congregations*, 413.

congregation could be summoned.[271] The appointment of a delegate to govern the Society was unprecedented because it defied the proper law of the Society which has provisions for the election of a vicar general to run the affairs of the Society and prepare for and convoke a general congregation. In a way, this direct intervention was an occasion of testing and proving the Society's obedience to the pope.

The following year (1982), Pope John Paul II addressed the provincials of the Society who had gathered at Villa Cavalletti for a meeting with Fr. Dezza. The Pope indicated that a general congregation could be convoked in the following year. Fr. Dezza summoned the 33rd General Congregation on 1 September 1983, with two main tasks, firstly to review the resignation of Fr. Arrupe and, if accepted, to elect a new superior general. Thereafter the congregation would deal with other matters of greater importance.

The 33rd General Congregation (1 September 1983 – 25 October 1983), after having accepted the resignation of Fr. Arrupe elected Fr. Peter-Hans Kolvenbach as superior general. Fr. Kolvenbach, a former provincial of the Vice Province of the Near East was at the time of his election serving as rector of the Pontifical Oriental Institute in Rome.

Fr. Kolvenbach's generalate, just like that of Fr. Wlodimir Ledóchowski (1915-1952), coincided with the promulgation of a new Code of Canon Law. The main task for Fr. Kolvenbach was aligning the proper law of the Society to the conciliar and post-conciliar documents, the task already started by Fr. Arrupe, and additionally with the 1983 Code of Canon Law. On another note, his mission was also to restore the relationship with

[271] See ibid., in *Acta Romana Societatis Iesu*, vol. 18 (1980), 225, in PADBERG, *Decrees and Documents of the 31st – 35th General Congregations*, 413. In the same letter, the Pope also named Fr. Giuseppe Pittau (Japan) the delegate's coadjutor.

the Pope and the confidence of the Society in the Roman Pontiff, following the unprecedented intervention that has been referred to above.

However, in order to preserve the substantials of the Institute, the Congregation tasked Fr. Kolvenbach with seeking from the Holy See appropriate dispensations from the laws of the new Code that negatively affected the Society.[272] Among these substantials was the mandatory account of conscience which the new Code prohibited in c. 630 §5, just like its predecessor, in c. 530.

Furthermore, the Congregation authorized the superior general:

> […] a) to compose decrees which would harmonize the Constitutions of the Society with the new Code, in accordance with c. 587 §1,[273] b) to adapt the proper law of the Society to the demands of the new Code, and these adaptations were to be submitted for examination at the next general congregation, and c) to prepare a review of the proper law of the Society and privileges, which would also be examined at the next general congregation.[274]

In order to harmonize the Constitutions of the Society with the new Code, whether by continuation of the use of privileges, seeking appropriate dispensations or making suitable adaptations, the norm of c. 587 §2 which demands the approval of the competent authority of the Church for any changes in the constitutions of an institute of consecrated life must be observed. In the intervening period, the Holy See confirmed several norms of the Society which are contrary to the universal norms of law, notably, the mandatory nature

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[272] GC 33, d. 6, no. 1°, in PADBERG, *Decrees and Documents of the 31st – 35th General Congregations*, 460.

[273] Canon 587 §1: "To protect more faithfully the proper vocation and identity of each institute, the fundamental code or constitutions of every institute must contain, besides those things which are to be observed as stated in c. 578, fundamental norms regarding governance of the institute, the discipline of members, incorporation and formation of members, and the proper object of the sacred bonds." Meanwhile, c. 578 reads: "All must observe faithfully the mind and designs of the founders regarding the nature, purpose, spirit and character of an institute, which have been sanctioned by competent ecclesiastical authority, and its sound traditions, all of which constitute the patrimony of the same institute."

[274] GC 33, d. 6, no. 1, 2°, in PADBERG, *Decrees and Documents of the 31st – 35th General Congregations*, 461.

of the account of conscience, stating that "[w]hat St. Ignatius set down in the Constitutions of the Society of Jesus about the account of conscience to be given to superiors, applies also (contrary to common law) even after the promulgation of the Code of Canon Law of 1917."[275] This dispensation was not revoked by the 1983 Code, therefore remains binding.

2.8 Specific Aspects of Obedience in the Society

The Section on "Some Specific Aspects of the Practice of Obedience in the Society" of Decree 4 of the 35th General Congregation's is pertinent to the understanding and practice of the vow of obedience in the Society. The Decree states that "[…] the practice of obedience has its roots in the spiritual experience of Ignatius and the first companions […]. Drawn together by the Spiritual Exercises, they came to have but one goal: to be sent on mission in the image of the Son and so serve the Lord in companionship. Therefore, obedience in the Society is grounded in the desire to be sent effectively, to serve completely and to create ever stronger bonds of union among ourselves."[276]

To that distinctive feature, GC 34 adds another specific aspect of obedience in the Society, that is, the value of discernment and representation,

> Ignatian obedience, in accord with the tradition of Catholic theology, has always recognized that our first fidelity must be to God, to the truth, and to a well-formed conscience. Obedience then, cannot exclude our prayerful discernment of the course of action to be followed, one that may in some circumstances differ from the one suggested by our religious and Church superiors. Such discernment and its respectful representation to superiors, is an authentic element of our Ignatian tradition confirmed in GC 31 and clarified in GC 32.[277]

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[275] *Manual for Juridical Practice of the Society of Jesus*, Rome, Curia of the Superior General of the Society, 1997, no. 380.

[276] Ibid.

[277] GC 34, d. 11, no. 14, in PADBERG, *Decrees and Documents of the 31st – 35th General Congregations,* 601-602. See GC 32, d. 11, no. 55, in PADBERG, *Decrees and Documents of the 31st – 35th General Congregations,* 352.

2.8.1 Discernment and Obedience

The Deliberations of the First Fathers in 1539 are a clear example of both individual and communal discernment. Each of the companions took time in prayer regarding whether they should form a new religious order and whether they should vow obedience to one of them. The fruits of this period of discernment culminated in affirmative answers to the questions. This Ignatian method of prayerful discernment was described by GC 34 as "a constant interplay between experience, reflection, decision and action, in line with the Jesuits ideal of being contemplatives in action."[278]

In practice, the missioning of a subject must be preceded by discernment through prayer, consultations and dialogue with the individual involved. Once the discernment is accomplished, the Jesuit submits himself to the judgment of the Holy Spirit, who is acting through the superior, that is, to grant or deny the request made or to send him to a particular apostolic ministry or community. This state of indifference or submitting oneself to the will of the superior is a crucial aspect of obedience.

According to the Complementary Norms, "Obedience is always an act of faith and freedom whereby the religious recognizes and embraces the will of God manifested to him by the one who has authority to send in the name of Christ. Both the superior who sends and the companion who is sent gain assurance that the mission is really God's will if it is preceded by special dialogue."[279]

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[278] Ibid., d. 26, no. 8, in PADBERG, *Decrees and Documents of the 31st – 35th General Congregations,* 660. See GC 32, d. 4, no. 73, in PADBERG, *Decrees and Documents of the 31st – 35th General Congregations,* 315.

[279] *Complementary Norms*, no. 150 §1. Cf. GC 32, d. 11, no. 31, in PADBERG, *Decrees and Documents of the 31st – 35th General Congregations,* 347; GC 31, d. 17, no. 11, in PADBERG, *Decrees and Documents of the 31st – 35th General Congregations,* 121.

Both obedience to the superior and obedience to the pope indicate in a clear way the meaning of "availability for apostolic mission."[280] Even though the superior's duty is to send subjects "to whatsoever place the superiors think it expedient,"[281] the Constitutions instruct that major superiors should discern properly before sending their members among unbelievers. Discernment before a mission is fundamental to obedience in the Society. However, "[…] the part of the subject will always be to accept his mission joyfully as coming from God our Lord."[282]

Chapter 1 of Part 7 of the Constitutions, "Missions from the Supreme Pontiff" provides the norms that guide the missions entrusted to the Society by the pope.[283] Referring to the same matter, the Complementary Norms explain that "[…] to be truly Christian, our service to the Church must be anchored in fidelity to Christ, who makes all things new; to be proper to the Society, it must be done in union with the successor of Peter."[284]

2.8.2 Representation and Obedience

The aspect of representation first appeared in Ignatius' Letter on Obedience, and it refers to the freedom with which members have concerning making their minds known to the superior. After discerning in prayer, the subject should make "a representation" to the same superior or to another, even to a non-Jesuit, in the hope that the superior reconsiders

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[280] H. ALPHONSE, *Placed with Christ the Son: Glimpses into the Spirituality of the Jesuit Constitutions*, Anand, Gujarat Sahitya Prakash, 1993, 78.

[281] *Constitutions*, no. 621.

[282] Ibid. Emphasis is placed on sending the members where there is greater profit for the people of God and for the Society. Superiors should avoid sending members where their faith would be endangered. This provision will be discussed in detail in the next chapter.

[283] *Constitutions*, nos. 603-605. See also *Complementary Norms*, nos. 252 §1-254.

[284] *Complementary Norms*, no. 252 §1. See also GC 34, d. 11, no. 28, in PADBERG, *Decrees and Documents of the 31st – 35th General Congregations*, 605.

his order or command.[285] This way of acting promotes dialogue between the superior and the subject in those cases where the subject, in his conscience, is conflicted about obeying an order. Jerónimo Nadal speaks of representation as the Jesuit's ability to "live in freedom of spirit even in the face of authority."[286]

Representation is described by GC 31 as obedience with reason. "[…] obedience of judgment does not mean that our intellect is bereft of its proper role, and that one should assent to the superior's will against reason, rejecting the evidence of truth."[287] Rather, "the Jesuit should use his own intelligence [and] make his own the will and judgment of superiors, and with his intellect endeavours to see their orders as more conformed to the will of God."[288]

Representation is understood in terms of the value of dialogue in those moments when a Jesuit may be justified or even obliged to speak out his mind against a decision made by the superior. In the Letter on Obedience, Ignatius described the representation as another practical way through which a subject makes a recourse against a decision by a superior.[289] Before making one's representation to the superior, Ignatius encourages the subject to pray for guidance of the Spirit of God. After making the representation, the subject should remain indifferent to the outcome of the representation.

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[285] See ibid., no. 19, in *Monumenta Ignatiana Societatis Iesu*, vol. 4, 679, in ESPINOSA POLIT, *Perfect Obedience*, 29. See also *Constitutions*, no. 552; *Complementary Norms*, no. 154.

[286] N. MIGUEL (ed.), *Pláticas espirituales del P. Jerónomo Nadal en Coimbra* (1561), Granada, Northwestern University, Facultad Teológica de la Compañia de Jesús, 1945, 209, as cited in MOSTACCIO, *Between Obedience and Conscience during the Generalate of Claudio Aquaviva,* 80.

[287] GC 31, d. 17, no. 11, in PADBERG, *Decrees and Documents of the 31st – 35th General Congregations,* 121.

[288] Ibid. See *Constitutions*, nos., 284, 550, 619.

[289] See IGNATIUS OF LOYOLA, Letter on Obedience, in *Monumenta Ignatiana Societatis Iesu,* vol. 4, 669-681, in ESPINOSA POLIT, *Perfect Obedience,* 29.

Both discernment and representation are methods of dialoguing between the individual Jesuit and the superior or between superiors and larger community, at the local, province or the universal level of the Society. Further to discernment and representation are other platforms to dialogue; indeed, one of them is the account of conscience.

Conclusion

The chapter has examined the influence that St. Ignatius had on the foundation and development of the Society. Prior to the approval of the Formula of the Institute, the companions had engaged in a period of the deliberations in 1539, which was followed by the composition of the "Five Chapters" after they had agreed on founding a religious order and vowing obedience to one of their own. After the approval of the Formula, Ignatius was elected as the first superior and was subsequently assigned to draft the Constitutions. It is evident that Ignatius played a major role in the formation and growth of the Society.

The importance of the letter of St. Ignatius on obedience to the Jesuits in Portugal cannot be underestimated. This letter has been recommended by several superiors general and has been constituted as one of the essential documents of the Society. Furthermore, the Letter on Obedience has influenced the understanding of obedience in the Church. Pope Pius XI once remarked that "[…] whoever studies him more profoundly will find without difficulty that Ignatius excelled to a notable degree in the spirit of obedience, and that he received from God, as a work especially entrusted to him, the mission of bringing men to the practice of this same virtue with greater earnestness.[290]

[290] See POPE PIUS XI, Apostolic Letter on the Third Centenary of the Canonization of St Ignatius of Loyola and Francis Xavier *Meditantibus Nobis*, 3 December 1922, in *AAS*, 14 (1922), 629.

The discussion of the structure of governance in the Society highlighted the general congregation as the supreme legislative body and the fact that the responsibilities of the major superiors vis-a-vis care of the persons and care of the apostolates remain critical, most especially in our times. The Society's growth in various parts of the world has necessitated more collaboration which has resulted in the establishment of the new structure, the conference of major superiors. Even though some members of the Society have criticized the Conference as an unnecessary structure between the central government of the Society and the provincial superiors, in response to this criticism, the chapter has demonstrated the principle of subsidiarity in the governance of the Society as essential for collaboration and networking.

Almost all the general congregations that were celebrated after the Second Vatican Council received numerous postulates on the status of brothers, on abolishing the grades, on extending the fourth vow to all members and to modify the practice of obedience in the Society, yet these questions have remained unresolved. In as much as the meaning of obedience has come under attack in recent years, it hasn't reached the crisis levels witnessed during the generalate of Fr. Aquaviva, with the Spanish and Portuguese Jesuits even petitioning the popes to intervene in what they termed "excessive power of the superior general."

Most of the scholars we consulted concur that there is a deep conviction among most Jesuits that the traditional teaching and practice of religious obedience is incompatible with the contemporary principles of the individual person's freedom, and this conviction is evidenced by the recurrent proposals to modify both the spirit and practice of obedience. In these assertions, they underlined the opportunities and the implications on living out

obedience, most especially with regards to the preservation of the identity and mission of the Society.

Chapter Three

The Practice of the Account of Conscience for Members of the Society

Introduction

The Society of Jesus has developed several practices through which the members make themselves known to superiors for both administrative and spiritual purposes. The disclosure of one's inner soul or conscience takes place in any of the three forums: spiritual direction, account of conscience or the sacrament of penance. Whereas the three practices entail the revelation of one's conscience to another person (spiritual director, confessor or provincial superior), the purposes differ, so do the norms protecting the privacy of the individuals concerned and the officials who participate in each of them. Based on everything that has been considered so far, this chapter focuses on the practice of the account of conscience as a tool for governance in the Society of Jesus. We note that the account of conscience and spiritual direction have been central themes resulting in several decrees issued by the most recent general congregations and recent documents of the Society.

The chapter seeks to offer a critical analysis of the account as practiced in the Society as an administrative tool for governance. The chapter presents in a systematic way the current practice and the norms of the proper law regarding the account of conscience as established in the General Examen, the Constitutions, the Complementary Norms and subsequent documents of the general congregations and writings of general superiors of the Society.

The last part of the chapter presents an overview of the procedures closely related to the account of conscience, especially in view of the importance of collecting accurate information and the norms on privacy, that is, the *informationes*, an administrative tool used to collect confidential information on certain individuals for three main purposes: determining suitability for holy orders, tertianship or final vows, and for establishing aptitude of a member for the task of governing.

3.1 The Context of the Account of Conscience

The purpose of the account of conscience is twofold. Firstly, just like in the monastic era and early religious communities, the account is practiced for spiritual perfection of the individual, and secondly, for the purposes of governance, that is, as an administrative tool that enables the major superior to mission the men under his jurisdiction to appropriate communities and apostolic works of the Society and the universal Church.

The revelation of one's conscience by a subject to a superior has been practised in the Society of Jesus over nearly five centuries, notwithstanding the prohibition by the universal Church of its mandatory nature. For the Society, the account of conscience is fundamental in governance and the spiritual growth of the members and as we demonstrated previously, it belongs to the second order of the substantials of the Institute, that is, the fundamental law of the Society. In the account of conscience, the subjects reveal their inner core to the superior and the superior is then well-informed to mission the subjects according to their disposition and availability for the needs of the Society. Perhaps, the most sensitive theme to be dealt with in contemporary times with regards to the account

of conscience is the right to privacy and how this right is protected, especially in an era where information can be used for purposes other than those which it was intended.

3.1.1 The Notion of the Account of Conscience

The Vatican Council's pastoral constitution *Gaudium et spes* offered a theological definition of conscience based on man's relationship with God and addressed the significance of conscience in decision making.

> In the depth of his conscience, man detects a law which he does not impose upon himself, but which holds him to obedience. Always summoning him to love good and avoid evil, the voice of conscience, when necessary, speaks to his heart, do this, shun that. For man has in his heart a law written by God, to obey it is the very dignity of man, according to it he will be judged. Conscience is the most secret core and sanctuary of man. There he is alone with God, whose voice echoes in his depth.[1]

The Catechism of the Catholic Church repeated this passage of *Gaudium et spes* verbatim in no. 1776. Besides, no. 1778 defined moral conscience as "[…] a judgement of reason whereby the human person recognizes the moral quality of a concrete act that he is going to perform, is in the process of performing or has already completed."[2] Accordingly, it is imperative that the conscience of each person must be formed[3] and it is the duty of the

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[1] SECOND VATICAN COUNCIL, Pastoral Constitution on the Church in the Modern World *Gaudium et spes*, no. 16 in *AAS*, 58 (1966), 1037, English translation in *FLANNERY1*, 916. For a detailed reading of the Church's teaching on conscience, the following magisterial and post-conciliar documents are recommended: PIUS XII, Radio messagio di sua Santita Pio XII in occasione della Giornata della Famiglia, 23 March 1952, in *AAS*, 44 (1952), 270-278, English translation in A. GUERNSEY, "Radio Address on the Occasion of the Family Day," https://www.catholicculture.org/culture/library/view.cfm?recnum=11581 (12 June 2021); JOHN PAUL II, Encyclical Letter on the Splendor of Truth *Veritatis splendor*, no. 32, 6 August 1993, in *AAS*, 85 (1993), 1179-1182, English translation in *Origins*, 23 (1993-1994), 303; SECOND VATICAN COUNCIL, Declaration on Religious Freedom on the Right of the Person and of Communities to Social and Civil Freedom in Matters Religious *Dignitatis humanae*, in *AAS*, 58 (1966), 929-946, English translation in *FLANNERY1*, 799-812; SECOND VATICAN COUNCIL, Pastoral Constitution on the Church in the Modern World *Gaudium et spes*, no. 16, in *AAS*, 58 (1966), 1059-1060, English translation in *FLANNERY1*, 916.

[2] *Catechism of the Catholic Church*, no. 1778, Ottawa, Canadian Conference of Catholic Bishops, 1994, 377.

[3] "Conscience must be informed and moral judgment enlightened. A well-formed conscience is upright and truthful. It formulates its judgments according to reason, in conformity with the true good willed by the wisdom of the Creator. The education of conscience is indispensable for human beings who are subjected to negative influences and tempted by sin to prefer their own judgment and to reject authoritative teachings" (ibid., no. 1783, 378).

Church to form the conscience correctly. When conscience is formed correctly, the human person can freely make the right decisions, for without proper formation conscience may make erroneous judgements that are contrary to the law of God. The account of conscience is concerned with the disclosure of that which is held in the depth of the heart.

Vermeersch and Creusen defined the account of conscience as "[…] the disclosure of one's state of mind and soul by revealing one's virtues, defects, temptations, trials, passions, difficulties, doubts, inclinations, intentions, in order that the person to whom the disclosure is made may acquire satisfactory knowledge of one's spiritual condition and lead the way to one's spiritual perfection."[4] In light of this definition, we shall proceed to analyse the various phrases contained therein, with the aim of understanding the concept and practice of the account of conscience.

The expression "state of mind and soul" encompasses a broad range of inclinations that one experiences towards both good and evil, or the trials and temptations that one encounters, or the difficulties encountered in the practice of virtue, or the inspirations one has received from God.[5] The phrase "revealing one's virtues, temptations […]" suggests the deliberate choice made by the individual to disclose information that is not known to others, but is strictly personal. The individual chooses who to reveal the information, the information to reveal, that is, either in part or whole and the way of revealing it.

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[4] VERMEERSCH and CREUSEN, *Epitome iuris canonici*, vol. 1, no. 650, 477. See A. LARRAONA, "Commentarium Codicis," in *Commentarium pro religiosis*, 12 (1931), 128.

[5] See A.C. ELLIS, "Superiors and the Manifestation of Conscience," in *Review for Religious*, vol. 2, no. 2 (1943), 101.

The next three phrases describe the purpose of the practice, (a) "in order that the person to whom the disclosure is made may acquire satisfactory knowledge," (b) "so that he may direct the individual" and (c) "to lead the way to one's spiritual perfection." Expressed in simple terms, the account is the revelation of secretly held personal information to a trusted person, with the purpose of being guided to achieve spiritual progress. However, the practice of the account in the Society does not only aim at enabling the individual to acquire spiritual growth as was the case in monastic times, but according to the innovation of St. Ignatius, the principal aim is for governance and the good of the Society.

The context of the account of conscience, that is, the conversation or dialogue between the superior and the subject is guided by both Church and the proper law of the Society to protect the subject's right to privacy, notwithstanding the good of the Institute. Therefore, the Society has preserved the purpose of the account, that is, to inform the superior of the interior state of each Jesuit in order to determine his availability for a particular mission. According to Fr. Peter-Hans Kolvenbach, the purpose of the account is "[…] the opening of one's conscience as a form of spiritual care into a revelation of everything that is going on in us so as to receive our apostolic mission […]."[6] The account serves as a symbol of Jesuit obedience by which the Jesuits trustingly make themselves available to the superior for the mission, confident that the superior knows them well, thus knows what is good for them and for the Society. Each member of the Society "[…] is to give the account of conscience at the appointed times, he is to give it with completeness,

[6] P.-H. KOLVENBACH, Letter to All Major Superiors on the Account of Conscience, 21 February 2005, in *AR*, vol. 23, no. 3 (2005), 557.

with great humility and charity, deeming it a happiness to have his whole soul unfolded before the superior."[7]

The manner of practicing the account of conscience in the Society has been criticized by various scholars as an invasion of the privacy of the individuals. There have been significant apprehensions in the Society regarding the mandatory nature of the account, most especially after the mandatory nature was abolished by both the 1917 and the 1983 Codes. However, it is important to point out here that the legislation of the Society precedes the Codes and has expressly maintained the obligation to safeguard the right to privacy of the individuals in the practice, in both the General Examen and in the Constitutions.

The wide-ranging interpretations of the Decree on the Up-to-Date Renewal of Religious Life *Perfectae caritatis* of the Second Vatican Council and the promotion of the principle of the autonomy of the person in the secular world might have contributed to numerous controversies and misconceptions regarding both obedience in religious life and the practice of the account in the Society. The period after the Second Vatican Council has witnessed an increased recurrence of postulates seeking to redefine or give new meaning to the substantials of the Institute, mainly the grades, the practice of obedience, the account of conscience, the role of local superiors and governance of the Society in general. In his address to the 32nd General Congregation, Pope Paul VI was prompt to remind the Society of its identity, "[…] we once more remind you of availability of obedience, this we say is the characteristic of the Society […]."[8] The recurrent postulates on the subjects of

[7] F.X. MCMENAMY, *The Account of Conscience*, El Paso, TX, Revista Catolica Press, 1944, 10.

[8] PAUL VI, Address of Pope Paul VI to the Members of the 32nd General Congregation, 3 December 1974, in PADBERG, *Decrees and Documents of the 31st – 35th General Congregations*, 389. Earlier on, decrees of the 31st General Congregation had responded to the postulates on fundamentals of the Institute and that

obedience, structures of government at the general congregations after the Council and the subsequent decrees and pronouncements of superiors general indicate what has been called a "crisis of obedience."

3.1.2 The Essential Elements of the Account of Conscience

As was alluded to earlier, the account of conscience takes place in the context of a meeting between the major superior[9] and his subjects, that is, the members of his province. This meeting gives the superior the opportunity to listen to each member carefully, to get to know him more and to assess a variety of issues. In other words, "[…] the account is the intimate personal communication of each Jesuit with the provincial superior, to guarantee good apostolic governance and the spiritual welfare of the individual."[10] This encounter provides a way for the superior to assess how the Jesuit is responding in his religious vocation and to the inspiration of God, the quality of his relations with other Jesuits in the

included Decree no. 4 on the Preservation and Renewal of the Institute, Decree 5 on the Distinction of the Grades, Decree 17 on the Life of Obedience, and Decrees 38 - 40 on the governance at all levels (general congregations, province congregations and congregation of procurators), Decree 41 on the Office of the Superior General, Decree 44 on the Assistants and Consultors of the Superior General. The address of Pope Paul VI at the conclusion of the 32nd General Congregation appears to indicate the concerns that the Holy See had on the subsequent proposals of radical renewal of religious life as a result of external influence (from the secular world). Paul VI wrote, "We think we are not asking you too much when we express the desire that the Congregation should profoundly study and restate the essentials (*essentialia*) of the Jesuit vocation in such a way that all your confreres will be able to recognize themselves, to strengthen their commitment, to rediscover their identity […]. The moment requires it, the Society expects a decisive voice. Do not let that voice be lacking" (Address of Pope Paul VI to the Members of the 32nd General Congregation, in PADBERG, *Decrees and Accompanying Documents of the 31-35 General Congregations*, 390). See also J.W. PADBERG, "The Society True to Itself: A Brief History of the 32nd General Congregation of the Society of Jesus," in *Studies in the Spirituality of Jesuits*, vol. 15, no. 4 (1983), 76-77.

[9] We will use the terms major superior and provincial superior interchangeably, unless clarity demands the use of a particular term. Apart from the provincial superior, there are other superiors who are major superiors and are recipients of the account of conscience by virtue of their office; these include the regional superior of an independent region or the president of a conference of major superiors.

[10] J.M. RAMBLA and J.M. LOZANO (eds.), "Apostolic Discernment in Common: Basic Texts of the Society of Jesus," in *Guides*, 13 (2020), 101.

community and his suitability and availability for a particular apostolic work. Meanwhile, with this information, the superior confirms the Jesuit's "mission."[11]

The major superior's main responsibility is the care for the persons (*cura personalis*) and care for the apostolic work (*cura apostolica*). "[T]he expression *cura personalis* was not used by Ignatius and early Jesuits. Its earliest usage appears to come from Fr. Wlodimir Ledóchowski, Superior General of the Society from 1915 to 1942, in an instruction he sent in 1934 to the Jesuits of the United States of America regarding the important characteristics of Jesuit education."[12] After Fr. Ledóchowski's use of the expression, its use in official documents of the Society increased. Fr. Kolvenbach popularized the expressions *cura personalis* and *cura apostolica* in a speech given at a workshop "Spiritual Accompaniment in the Ignatian Tradition."[13] Even though the meaning of *cura personalis* is rooted in the Ignatian spirituality, Fr. Barton T. Geger

[11] The term "mission" first appears in the Formula of the Institute in relation to the vow of obedience to the pope, alluding to three main ideals, a) to go to whatsoever province the Roman Pontiff may choose to send any member of the Society, b) to be apostolically available to be sent to any regions or provinces by the superior general, and c) not to enter into direct negotiations with the Roman Pontiff regarding their preferred missions, but be apostolically available (see JULIUS III, apostolic letter *Exposcit debitum* (1550), in *Institutum Societatis Iesu*, vol. 1, 25, in PADBERG, *Constitutions and Their Complementary Norms*, 8). The meanings of "mission" as it appears in the Formula of the Institute and in the Constitutions are either "send" or "the apostolic assignment," meanings which we use interchangeably in this study, unless otherwise stated. For a detailed reading of the meaning of the term "mission" see DOIRON, An Historico-Juridical Consideration of the Jesuit Fourth Vow, 155-162).

[12] See also B.T. GEGER, "*Cura Personalis*: Some Ignatian Inspirations," in *A Journal on Jesuit Higher Education*, vol. 3, no. 2 (2014), 7. Earlier on, Fr. Ledóchowski had written an instruction to the Jesuits in the United States of America in 1934 regarding the important characteristics of Jesuit education which are "[…] the personal care of the students, by which Jesuits, beyond the teaching and example provided in the classes, endeavour to direct and help individuals by means of good counsel and exhortation" (W. LEDÓCHOWSKI, Letter to the Fathers and Scholastics of the American Assistancy Announcing the New Instruction on Studies and Teaching, 15 August 1934, in *Jesuit Educational Association*, 1934, 3).

[13] KOLVENBACH, "Cura Personalis," in *Review of Ignatian Spirituality*, vol. 38, no. 114 (2007), 10. The meaning of the term "cura" with specific reference to *cura animarum*, was extensively used by Ignatius in the Spiritual Exercises and the Constitutions. A proximate reference is the expression *cura bonum* (care of goods) which was used in Roman law with regards to the distribution of a debtor's goods to creditors (see W. SMITH [ed.], *Dictionary of Greek and Roman Antiquities*, Boston, C. Little and J. Brown, 1870, 376). The expressions *cura personalis* and *cura apostolica* have thus gained much usage after being used by Fr. Pedro Arrupe in 1972, in a homily at St. Peter's College in Jersey City for its centennial celebrations.

indicated that Ignatius never used the expression *cura personalis*, even though he extensively used the expression *cura animarum*.[14]

The account of conscience makes it possible for the superior to acquire the necessary information that will enable him to fulfill the obligation to care for the spiritual well-being of the members and care for the apostolic works of the Society and the mission of the Church. In the letter on apostolic availability, Fr. Pedro Arrupe, reflected on the importance of the superior to know the subject before missioning him. Fr. Arrupe challenged superiors with the following pertinent questions, "Before entrusting a subject with a new mission, have I spoken and listened to him, and do I have the necessary information to be sure that this apostolate is really the will of God and that the subject has the necessary qualities and apostolic resources to carry it out?"[15] In other words, the account is a form of direct consultation conducted by the superior about the spiritual and apostolic disposition of the concerned subjects in relation to the entire body of the Society.[16] Furthermore, Fr. Arrupe underlined the significance of the information gathering process, the confidential nature of the forum and thereby stressed the superior's obligation to protect the individual's right to privacy according to the norms of the Society and the legislation of the Church.[17]

Even though the Church prohibits the superior to coerce or force the subject to make an account of conscience, according to c. 630 §5, the same canon encourages the subject,

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[14] GEGER, "*Cura Personalis,*" 7.

[15] P. ARRUPE, "Apostolic Availability," in J. AIXALA (ed.), *Challenge to Religious Life Today, Selected Letters and Addresses,* St. Louis, MO, The Institute of Jesuit Studies, 1979, 233.

[16] See T. O'GORMAN, *Jesuit Obedience from Life to Law: The Development of the Ignatian Idea of Obedience in the Jesuit Constitutions 1539-1556,* Manila, Loyola House of Studies, 1971, 63.

[17] See ARRUPE, "Apostolic Availability," 233.

for spiritual benefits, to freely approach the superior for the account of conscience. The practice is mandatory in the Society and there are provisions that guarantee confidentiality and safeguarding the individual member's right to privacy.

3.1.3 The Account of Conscience in the General Examen

The first reference to the account of conscience appears in no. 91 of the General Examen and it establishes the purpose of the practice: "After pondering the matter in our Lord, we consider it to be of great and even extraordinary importance in his Divine Majesty that the superior should have a complete understanding of the subjects, that by means of this knowledge they may be able to direct and govern them better, and while caring for them, guide them better into the paths of the Lord."[18] According to the above statement, the matter of the account is a result of a thorough discernment before the Lord[19] and the practice occupies a significant purpose in the life of the Society and its members. The practice places a serious obligation on the superior, that is, to know the subject fully, in order "to direct, to govern, and to guide them."[20] Whereas, the spiritual purpose of the practice is to direct, govern and guide the subjects "into the paths of the Lord" on the one hand, on the other hand, the purpose of the practice is for the governance of the Society. One can readily infer that the good of the institute is promoted indirectly by way of the

[18] *General Examen*, no. 91, in PADBERG, *Constitutions and Complementary Norms*, 43.

[19] The term "to discern" or "discernment" is used forty times in the Constitutions and in the half of these cases, discernment is the superior's first responsibility. Used broadly, it refers to the superior's duty to evaluate better what is appropriate "for the greater praise and a greater glory of our Lord and God" (*Constitutions*, no. 292); how to do one thing or another is left to the discernment of "the one in charge of the others" (*Constitutions*, no. 149). The Constitutions attribute the power of discernment to the superiors more than to the others, for example, discernment "in view of the circumstances of places, times and persons" (*Constitutions*, no. 382). Discernment is judged to be "extremely necessary" for the superior general in dealing with exterior matters (see *Constitutions*, no. 729).

[20] *General Examen*, no. 91, in PADBERG, *Constitutions and Complementary Norms*, 43

spiritual perfection of the members of the Society,[21] whereas the purpose of the account for the subject, is "[…] to obtain help and direction from men experienced in leading souls to perfection."[22] Subsequently, the Society has maintained the initial purpose (of the account) which was intended in spiritual direction in early monastic times and early institutes of religious life.

Evidently, Ignatius' thoughts were influenced by the monastic fathers, as was discussed in the first chapter. Thereafter, Ignatius modified the purpose of the disclosure of one's conscience to the superior beyond the spiritual growth of the individual to governing the entire body of the Society. It is from this background that, for Ignatius, the superior is obliged to acquire a complete knowledge of each member, so that he can support the member spiritually and in doing so, promote the mission of the Society. According to section no. 91 of the Examen, "[…] superiors should have a complete understanding of the subjects, that by means of this knowledge they may be able to direct and govern them better, and while caring for them guide then better into the paths of the Lord."[23]

Meanwhile, the purpose of the account in no. 91 of the Examen is further developed in no. 92, which describes the responsibility of the superior:

> […] the more thoroughly they are aware of the interior and exterior affairs of their subjects, with so much greater diligence, love and care will they be able to help the subjects and to guard their souls from the various difficulties and dangers which might occur later on. Later, in conformity to our profession and manner of proceeding, we must always be ready to travel about in various parts of the world, on all occasions when the supreme pontiff or our immediate superior orders us. Therefore, to proceed without error in such missions, or in sending some persons and not others or some for one task and other for different ones, it is not only highly but even supremely important that the superior have complete knowledge of the inclinations and motions of those who are under his charge, and to what defects or sins they have been or are more moved and inclined, so that he may direct them better without placing them beyond the measure of their capacity in dangers or labours greater than they could in our Lord endure with a spirit of love, and also so that the

[21] See LARRAONA, "Commentarium Codicis," 128.

[22] GILL, The Spiritual Prefect in Clerical Religious Houses of Study, 98.

[23] *General Examen*, no. 91, in PADBERG, *Constitutions and Complementary Norms*, 43.

> superior, while keeping to himself what he has learnt in secret may better be able to organize and arrange what is expedient for the whole body of the Society.[24]

Therefore, no. 92 legislates beyond the spiritual perfection of the individual persons which is the basis of no. 91 of the Examen.

The same section of the General Examen (no. 92) intends to protect the subject from spiritual harm that the superiors "[…] be able to help the subjects and to guard their souls from the various difficulties and dangers which might occur later on."[25] The section further connects the account to the mission, "[…] in conformity with our profession and manner of proceeding, we must always be ready to travel about in various parts of the world, on all occasions when the supreme pontiff or our immediate superior orders us."[26] Therefore, the *cura personalis* enables the superior to mission the right person to the suitable apostolic work or community, thereby avoiding the error of making appointments that are detrimental to either the individual or the Society.

In order for the superior to acquire a complete knowledge of the subject as indicated in Sections 91 and 92, Section no. 93 obliges the candidates to transparency:

> […] whoever wishes to follow this Society […] must be obliged to the following. Before he enters the first probation or after entering it, before going through the general examination or some months later (if postponement should seem wise to the superior) […] He must give an account of his whole life, or at least of the more essential matters, to him who is the superior of the Society, or to one whom he assigns to the candidate from among the superiors or subjects, according to what he thinks best, so that everything may be provided for better in our Lord, to the greater spiritual help of each one with the more copious grace of God for the greater glory of his divine Goodness.[27]

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[24] Ibid., no. 92, in PADBERG, *Constitutions and Complementary Norms*, 43.

[25] Ibid., in PADBERG, *Constitutions and Complementary Norms*, 43.

[26] Ibid., in PADBERG, *Constitutions and Complementary Norms*, 43. This statement is the basis of the special vow of obedience to the pope and the *raison d'etre* of the Society (also known as the "principle and foundation") that is, to be sent by the Pope wherever the need is great.

[27] Ibid., no. 93, in PADBERG, *Constitutions and Complementary Norms*, 43-44.

The expression "before he enters the first probation or after entering it […]" shows in a clear way that the practice is essential to judge the suitability of the candidate prior to joining, or immediately after joining, so the superior have complete knowledge of the person. The Examen places the candidate under the obligation to make himself known and he does this by revealing all about himself, without hiding anything. The goal of this revelation is that he might be known, "[…] so that everything may be provided for the better in our Lord to the greater spiritual help of each one with the more copious grace of God for the greater glory of his divine goodness."[28] Even prior to admitting a candidate into the Society, the norms of no. 93 oblige the candidate that "[…] he must manifest his conscience with great humility, transparency and charity without concealing anything which is offensive to the Lord of all men. He must give an account of his whole past life or at least of the more essential matters, to him who is the superior of the Society or to one whom he assigns the candidates from among the superiors or subjects, according to what he thinks best […]."[29]

In practice, the process of gathering personal information is done by the vocations director whose responsibility is to compile a personal file of those who have shown interest in joining the Society. The vocations director must seek information about the individual from trustworthy persons. This information may include psychological and physical health reports from experts, an evaluation of the candidate's spiritual maturity and his personal qualities and character, mostly from his pastor, and, where possible, information about his

[28] Ibid., in PADBERG, *Constitutions and Complementary Norms*, 43-44.

[29] Ibid., in PADBERG, *Constitutions and Complementary Norms*, 43-44. The obligation to transparency will be discussed in detail later in this chapter.

family, and proof of his academic qualifications.[30] The candidate is then interviewed by four examiners, to whom he is obliged to tell the truth in order to facilitate their judgment about his suitability for admission into the Society.[31]

Even though nos. 22 and 23 of the Examen suggest a framework of the information that has to be gathered about the candidate, there is need for clear guidelines on what is really necessary in order to know the candidate and what is merely intrusive. In keeping with the prescriptions of the law, nos. 22-33 of the Examen introduce a list of the impediments that exclude one from admission into the Society. These impediments include "schism"[32] or "committed homicide or having been publicly infamous because of enormous sins,"[33] or " [taking] the habit of another religious institute of friars or clerics, by living under obedience with them for a time, whether profession was made or not, or the case of having been a hermit in a monastic garb,"[34] or being "under the bond of consummated matrimony or legal servitude,"[35] or "suffering from some illness which make judgment become obscured and unsound, or that of having a notable disposition to fall ill

[30] For a detailed list of the qualities sought after in the candidate, see *Practica quaedam*: *Norms for Correspondence with Father General and Other Concrete Business Matters*, no. 4.2.2, Rome, General Curia of the Society of Jesus, 2019, 13. *Practica quaedam* is the manual for the provincial superior and the province executive secretary (commonly known as the *socius*) which provides the norms for official correspondence with the Superior General.

[31] See *General Examen*, nos. 34 and 35, in PADBERG, *Constitutions and Complementary Norms*, 30-31 "The examination of the candidate should make it possible to know his suitability for apostolic religious life, either as a priest or a brother in the Society. The examiner must verify the experience of his calling to the Society, examine his motivation and ascertain his capacity for relationships. To the extent possible, the advice of experts may be requested" (*Practica quaedam*, no. 4.2.2, 13).

[32] Ibid., no. 22, in PADBERG, *Constitutions and Complementary Norms*, 28.

[33] Ibid., no. 25, in PADBERG, *Constitutions and Complementary Norms*, 29.

[34] Ibid., no. 27, in PADBERG, *Constitutions and Complementary Norms*, 29.

[35] Ibid., no. 28, in PADBERG, *Constitutions and Complementary Norms*, 29.

into such an illness."[36] The Examen obliges the superior to access the relevant information so as to determine if the candidate is not impeded from reception in the Society.[37]

3.1.4 The Account of Conscience in the Constitutions and Complementary Norms

According to Section no. 551 of the Constitutions, members "should have and show great reverence, especially interior reverence, for their superiors, by considering and reverencing Jesus Christ in them […] keeping nothing exterior or interior hidden from the superiors and desiring them to be informed about everything, so that the superiors may be better able to direct them in everything along the path of salvation and perfection."[38] Just like the directive in no. 93 of the Examen, no. 551 of the Constitutions obliges the subject to open his inner soul to the superior, so that "the superior may be better able to direct them in everything along the path of salvation and perfection."[39] Unlike the Examen whose purpose is to know the candidate before he joins the Society, the purpose of the account in the Constitutions is to help the superior to mission his subject to a particular apostolate or community.

Likewise, no. 551 of the Constitutions repeats the legislation of no. 93 of the Examen regarding the context of the account, "[…] in confession, or in secret or in another manner […]." The repetition of the forum of the account (in confession or in secret) indicates the value which Ignatius placed on privacy and protection of the individuals' personal information.

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[36] Ibid., no. 29, in PADBERG, *Constitutions and Complementary Norms*, 29.

[37] These impediments were revised, see *Complementary Norms*, nos. 27-30.

[38] *Constitutions*, no. 551.

[39] Ibid.

Part VII of the Constitutions was evidently central to Ignatius right from the founding of the Society. Part VII gives the apostolic vision of the Society, that is, its mission. This is the oldest section of the Constitutions because its principles derive directly from the original plan in the Deliberations of the First Fathers, that is, to go to Jerusalem and if that was not possible, to offer themselves to the Pope for his mission.

According to the Jesuit historian, Fr. Clancy, Part VII forms "the summit of the Constitutions and the *raison d'etre* of the Society."[40] Michael Buckley concurs with Clancy, adding that Part VII of the Constitutions "[…] maps the life of a Jesuit like a pilgrim's progress moving towards God."[41] Furthermore, "the authority to send any of the Society's members to whatsoever place the superiors think it more expedient to send them, although the members, wherever they are, will always be willing at the disposition of His Holiness."[42] The Constitutions places the authority to send on the Roman Pontiff and on the superiors of the Society and obliges the members to obedience. There is a notably deep connection between the account of conscience and obedience as a fundamental structure for governance of the Society.[43]

In practice, discernment by both the superior who is sending and the subject who is sent precedes the actual missioning or sending. The principle of discernment in the context of obedience and mission in the Society is expressed in the Complementary Norms:

> […] the superior becomes able to take part in each one's discernment and to help him to preserve its value and vitality as an element of great moment in the spiritual

[40] CLANCY, *An Introduction to Jesuit Life,* 94. Fr. Urbano Valero supported the understanding of the mission as central to the purpose of the Society (see U. VALERO, "Revision of Our Law and of Our Life," in *Centre for Ignatian Spirituality,* 25 [1994], 109).

[41] M. BUCKLEY, "The Revision of our Law and of our Life," in *Promotio justitiae,* 56 (1994), 11.

[42] *Constitutions,* no. 618.

[43] See A.M. DE ALDAMA, *The Constitutions of the Society of Jesus: An Introductory Commentary on the Constitutions*, trans. A.J. OWEN, St. Louis, MO, The Institute of Jesuit Sources, 1989, 14.

> governance of the Society. Therefore, all should give an account of conscience to their superiors, according to the norms and spirit of the Society, inspired by charity, with any obligation under pain of sin always precluded. In addition, the relationships between superiors and their brethren in the Society should be such as to encourage the manifestation of conscience and conversation about spiritual matters.[44]

The Complementary Norms further establish that "[…] to receive and fulfil our mission through obedience, we must be faithful to that practice of spiritual apostolic discernment, both personal and communal […] and the openness to superiors through the account of conscience that inclines us toward obedience."[45] In other words, discernment in view of the mission is both spiritual and apostolic, that is, through prayer with the intention of making the right mission of a Jesuit to either an apostolate or a community.

The argument that the government of the Society is anchored on obedience cannot be overemphasized. For the Society, spiritual governance means obedience to the superior which is ultimately obedience to Jesus Christ. The expression of the image of the superior "[…] who stands in the place of Christ or holds the place of Christ" appears in the Constitutions twelve times[46] and eight times in the famous letter of St. Ignatius on obedience.[47] In his commentary and interpretation of this phrase, Manuel Maria Polit pointed out that "[…] he who obeys considers clearly and explicitly the superior as being clothed with the character of minister and instrument of God and endeavours to calm his mind and dispose himself to recognize as just and proper whatever is arranged by him who

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[44] *Complementary Norms*, no. 155 §1.

[45] Ibid., no. 150 §2.

[46] See *Constitutions*, nos. 264, 284, 343, 424, 434, 542, 547, 552, 618, 619, 627, 661.

[47] See IGNATIUS OF LOYOLA, Letter on Obedience, in *Monumenta Historica Societatis Iesu*, vol. 4, 669-681, English translation in POLIT, *Perfect Obedience,* 151.

takes the place of God […]"[48] Hence, in the exercise of obedience, the subjects "[…] should be ready to receive the command of the superior just as if it were coming from Christ."[49]

In his letter on obedience referred to earlier, and in the Constitutions, St. Ignatius insisted on the complete submission to the authority exercised by a legitimate superior, who is the concrete representation of Christ. For Ignatius, the subject ought to obey the superior, with what he termed "blind obedience." Still, the concept of blind obedience has been criticized by several authors, among them Manuel Maria Polit and Fr. Jose Manuel Aicado, who judged it to be unworthy of free members.[50] Some superiors might demand blind obedience as a way of enforcing their decisions, without allowing the subject to participate in the decision-making process. On the other hand, some subjects might constantly resort to hierarchical recourse or representation whenever a decision has been made against their disposition. Such subjects will "represent" themselves to change the mind of the superior, thereby compromising their availability to the mission. Ignatius often reminded the Society that it is Christ who is obeyed.

Furthermore, even after the superior has listened to the subject in the account of conscience, the superior must reach an informed decision even if the decision might not be what the subject prefers. The superior is not limited to make decisions that always appeal to the individuals, but he makes decisions primarily for the good of the institute. Apparently, it is possible that after the dialogue in the account, some superiors still make poor judgments due to a lack of prudence or poor discernment.

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[48] Ibid.

[49] *Constitutions*, no. 547.

[50] See JOSÉ MANUEL AICADO, *Comentario à làs Constituciones de la Compañía de Jesús*, vol. 1, Madrid, Blass y Cia, 1913, 794. See c. 601.

Markus Friedrich attributes the challenges of referring to the superior as the one representing Christ to the influence of the 21st century theological reflections and general administrative culture. He further attributes this shift to Decree no. 4 on Obedience in the Life of the Society of the 35th General Congregation, which states that "[…] while stressing the idea that obedience should directly connect the Jesuit to Christ, does not explicitly mention Ignatius' claims that the superior should be seen as representing Christ."[51] However, other scholars felt it is indefensible to still rely on the concept of blind obedience in modern times, yet supporting the view that the legitimate superior stands *in persona Christi*, and they offer two reasons in support. Firstly, members ought to "[…] obey their superiors perfectly in all things, where manifestly there appears no sin."[52] If the subject determines the presence of sin in an order or command from a superior, he is permitted to legitimately defy it. Secondly, if it occurs to the subject that, after prayerful discernment, his conviction about an order differs from that of the superior, he must make a representation to the superior asking the superior to re-consider his decision.[53] In practice, if the subject feels the decision or appointment made by the superior is ill conceived, he is entitled to make a self-representation to the same superior or to another, even to a non-Jesuit in an attempt to make the superior change his decision. Even though there are provisions for representation, such a practice must be rare if the decision-making process

[51] M. FRIEDRICH, "Governance in the Society of Jesus 1540-1773: Its Methods, Critics and Legacy Today," in *Studies in the Spirituality of Jesuits*, vol. 41, no. 1 (2009), 39. Friedrich clarifies that governance in the Society has its foundation in the concept that superiors represent Christ, "[…] our obedience seeks to fulfill the will of God" (GC 35, d. 4, no. 9). For a detailed study of the change in the idea of seeing the superior as representing Christ, refer to O'GORMAN, *Jesuit Obedience from Life to Law,* 71.

[52] IGNATIUS OF LOYOLA, "Letter on Obedience," in POLIT, *Perfect Obedience,* 28.

[53] Ibid.

(discernment) has involved both the superior and the subject, and the superior's decision is informed by the results of the dialogue in the account of conscience.

Decree no. 4 on obedience in the life of the Society of Jesus takes a departure from referring to the superior as representing Christ, even though it maintained the concept that obedience should directly connect the Jesuit to Christ. Part III of the Decree entitled "The Theological Aspects of Obedience" expresses the obedience necessary in all as modelled on the obedience of Jesus to the Father:

> We will only be able to live our vow of obedience as freedom and true self-realization if the mystical experience of passionate love for Christ, the one who is sent by the Father and who is obedient to the Father's will, remains alive in us and if we daily renew our unconditional commitment to be his companions. It is precisely our love for Jesus Christ that will make our work in service to his mission fruitful […].[54]

The practice of obedience is rooted in the spiritual experience of Ignatius and the first companions. By the vow of obedience, the members undertake "[…] to be sent on mission in the image of the Son and to serve the Lord in companionship […] to be sent effectively, to serve completely, and to create ever stronger bonds of union among ourselves."[55] It is important therefore, to reiterate that the account of conscience is a constitutive element of obedience, which is essential for governance of the institute. In this regard, GC 35 reiterates the important connection between obedience and mission: "For Ignatius and for the Jesuit, obedience is both grace and gift. It is a path to which we are called by the Lord, and it is the Lord who enables us to follow this path of his service."[56]

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[54] GC 35, d. 4, no. 17, in PADBERG, *Decrees and Documents of the 31st – 35th General Congregations*, 759.

[55] Ibid., no. 23, in PADBERG, *Decrees and Documents of the 31st – 35th General Congregations*, 761. See *Complementary Norms*, no. 149-156.

[56] GC 35, d. 4, no. 29, in PADBERG, *Decrees and Documents of the 31st – 35th General Congregations*, 762.

Moreover, the Society intends to foster in its members the virtue of communal discernment that makes them available for the apostolic works of the Society rather than discernment that is self-serving.[57] The strong sense of autonomy had misled some members of the Society into believing that personal discernment was more important to communal discernment. To counter this sense of autonomy, the practice of the account of conscience promotes one of the superior's main responsibilities, that is, discernment, through which the Jesuits are available to be missioned by the superior who has a wider perspective of the mission of the Society. Therefore, the Jesuit's personal discernment is always subject to the discernment of the major superior, with regards to the mission.

3.1.5 The Manner of Giving the Account of Conscience

The account of conscience takes place during the major superior's canonical visit[58] to the houses in his province or when he visits the religious of his province who are assigned to other provinces in a stable manner or for studies. This annual visit provides three valuable opportunities, a) the superior meets the subject in a non-sacramental internal forum, where confidential information is shared,[59] b) the superior visits the apostolic ministries which are entrusted to the members and c) the superior addresses the community in a special feedback meeting.

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[57] See ibid., no. 20, in PADBERG, *Decrees and Documents of the 31st – 35th General Congregations,* 760.

[58] Canon 638 §1: "The superiors whom the proper law of the institute designates for this function are to visit the houses and members entrusted to them at stated times according to the norms of this same proper law."

[59] According to no. 551 of the Constitutions, the account is to be done "once a year, or as many times as the superior thinks good," depending on the disposition of each member, that is, on a case-by-case basis.

The canonical visit gives the major superior a first-hand experience of the conditions in which the members live and work and enables him to provide the members with necessary support. At the end of the visit, the superior prepares a written *memoriale*,[60] that is, a report that he sends to the superior general, giving his assessment of the life of the members and the quality of the community life, and an evaluation of their apostolic ministries. Normally, he presents this *memoriale* to the community as he addresses them at the end of the visit, or he sends the *memoriale* to the community for their further reflections. According to the *Practica quaedam*, the *memoriale* provides an account of what is commendable, what needs to be improved or corrected, the quality of community life in general and the quality of financial management.[61] This report does not include confidential material shared by individuals in the account. The emphasis on sending the report to the superior general signals the importance of both the canonical visit and the account of conscience.

In practice, the account of conscience "takes the form of an oral account in which the individual Jesuit discusses with his provincial superior the course of his life."[62] The dialogue includes intimate information, that is, about his strengths and weaknesses, aspirations and challenges in his religious life and his response to God's calling.[63] By

[60] See section on Reports on Visitation of Houses and Works, in *Practica quaedam,* no. 2.2.2 (3), 7.

[61] Ibid., no. 2.2.2 (2), 7. See Guidelines for Provincials, no. 91, Rome, General Curia of the Society of Jesus, 2003, 35. *Practica quaedam* states that "the provincial superior may, for grave and unavoidable reasons, delegate another to visit a house and work, and receive the account of conscience of the members. The delegate will write the *memoriale* to the community and the report about the community to be sent to Father General […]" (Reports on Visitation of Houses and Works, no. 2.2.2 [4], 7). Grave reasons might include among others, visa challenges, security reasons, or disease outbreak and travel restrictions imposed because of a pandemic like COVID-19.

[62] J.A. BENTO DA SILVA, "Oral-Aural Accounting and the Management of the Jesuit Corpus," in *Accounting, Organizations and Society*, 59 (2017), 50.

[63] See EZHAKUNNEL, "Performance Appraisal," 57.

means of the account, the provincial superior receives in a direct way, first-hand information of the life and undertakings of the individual concerned. He acquires personal knowledge about the concerned person, his competencies and challenges, knowledge which is essential for discerning appointments to some apostolic ministries at a given time. We dare emphasize here that the act of missioning members imposes a serious obligation on the superior, a duty which requires a profound and informed knowledge of the individual. The provincial superior accesses this intimate knowledge from the direct self-disclosure of the account over and above any other methods of gathering information.

GC 31 regarded the account as more advantageous than the merely written reports on an individual's personality or his competencies in ministry:

> The religious, for his part, should try to make himself known, with his gifts and limitations, his desires, difficulties, and ideas, through continuing, confiding, familiar, candid and colloquy, about which the superior is held to strict secrecy. In this way an account of conscience is obtained which is sincere and open in form, and not reduced to a formal periodic inquiry about actions already performed.[64]

This study endorses the emphasis of Decree no. 46 of GC 31 that the account of conscience is rooted in trust between the superior and the subject. In order to build and retain trust, "[…] the provincial superiors should carefully listen to their subjects and direct them in the Lord, taking into consideration the internal knowledge which they have of them."[65] When the subject gains assurance that whatever he shares with the superior remains confidential, he is ready to open up, even to what might be shameful or surprising to the listener.

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[64] GC 31, d. 17, no. 8, in PADBERG, *Decrees and Documents of the 31st – 35th General Congregations*, 119. Cf. GC 31, d. 48, no. 8a, in PADBERG, *Decrees and Documents of the 31st – 35th General Congregations*, 207. See GILL, "A Jesuit's Account of Conscience," 255.

[65] GC 31, d. 17, no. 3, in PADBERG, *Decrees and Documents of the 31st – 35th General Congregations*, 204.

Bento da Silva pointed out that "the provincial can gain unexpected knowledge about the individual, such as the geographical whereabouts of the individual's family and friends or particularly idiosyncratic tastes and preferences, allowing him to make an informed decision."[66] The information about one's background, that is, his early formative years or family history, can best be gained by means of dialoguing directly with the concerned individual. Such information allows the provincial superior to understand and appreciate the individual member and thereby relate with him accordingly. Similarly, information regarding one's aspirations or preferences and fears is acquired directly in a personal meeting, while it might not be as clear in a mere written report.

Furthermore, the provincial superior gets to know how the community collaborates with the apostolate in supporting the members to accomplish their vocation. The experience of community life has a direct influence on one's apostolate because community and apostolic work are significant parts of the mission to which one is entrusted. Such pertinent information might not be easily accessible if the reports about the individuals were only textual. Bento supports the "oral-aural" method over written reports and compares it to the corporate organizations where the human resources management meets subordinates in person for the purposes of performance appraisal.

By the very nature of the account of conscience, the provincial superior can make suggestions, offer encouragement, or give recommendations to the individual. The encounter provides the opportunity for follow-up questions, which is not ordinarily the case with written reports. Moreover, the individual can take this occasion as an opportunity to make a representation to the superior, over a decision which the subject is convinced needs

[66] BENTO DA SILVA, "Oral-Aural Accounting and the Management of the Jesuit Corpus," 52.

further deliberation and discernment. After listening, the superior discerns about the disclosed information or part of it, as he reflects on using the information to make decisions. If the account is done according to the spirit of the Jesuit tradition, it enables the superior to gain full knowledge of the interior and exterior things, or the inclinations and motions of the concerned persons, and therefore fulfil the purpose for which the account of conscience is intended.

In as much as the superior is expected to listen attentively, the Constitutions are silent about the attitudes of the superior while receiving the account. Sánchez-Girón suggests that the superior must be non-confrontational and must not involve the language of interrogation (*ni convertir la cuenta en un interrogatorio*).[67] The superior may, however, ask questions to assist the member to focus on a theme of particular concern or to clarify a point.

3.1.6 The Matters Revealed in the Account of Conscience

The matter of the account of conscience can be identified in general terms as expressed by Decree 17 of GC 31, "The religious, […] should try to make himself known, with his gifts and limitations, his desires, difficulties and ideas, through a confiding, familiar and candid colloquy about which the superior is held to strict secrecy."[68] This description does not identify any specific matter for the account but rather points to the general aspects of what is to be shared in the account. Two Jesuits, Frs. Francis N. Korth and Adam C. Ellis researched extensively on the practice of the account and offered

[67] See R.J.L, SÁNCHEZ-GIRÓN, "La cuenta de consciencia al superior," in C.E. O'NEILL and J.M. DOMINGUEZ (eds.), *Diccionario historico de Compañía de Jesús*, Madrid, Universidad Pontificia Comillas, 2001, 524.

[68] GC 31, d. 17, no. 8 in in PADBERG, *Decrees and Documents of the 31st – 35th General Congregations*, 119.

suggestions on the material shared in the account and how that material disclosed is used for governance purposes.

Korth defined the account of conscience as the sharing of "one's hidden faults […], one's interior or hidden acts of virtue, one's intentions, the affections and repugnance to which one has yielded, the temptations or trials which God sends, the lights and the good desires received from him."[69] In his definition, Korth seems to focus more on the sharing of negative attitudes or actions of the subjects. He somewhat refers to the positive information revealed, which he describes as "lights and good desires achieved from God." Meanwhile, Ellis confirms that the subject "gives the director complete and clear sight into his soul, so that the director may help him to correct faults, overcome his evil tendencies, correspond with the inspirations of grace and practice virtue more effectively."[70]

Both Korth and Ellis stress that the material shared in the account varies from virtues to vices, this revelation enables the superior to give helpful insights to the member how to live positively for the good of the Society. The superior takes this opportune moment to commend the subject on the good that has been accomplished or intended. However, the specifics vary from one superior to another and from one subject to another.

Meanwhile, another Jesuit, Fr. Howard Gray suggested a list of areas or matters for the account of conscience in a personal letter of advice that he wrote to a new rector:

> […] an individual's prayer life, awareness of God's presence in one's life, sense of consolation or desolation, the way one is living the vows, experiences in community life, the general state of one's physical and mental health, reflections on one's apostolic work, whether this is satisfying to them or not, if any, acts of virtue, examination of conscience, reflections, scruples and faults, the means through which one is tempted and fights

[69] KORTH, The Evolution of the "Manifestation of Conscience" in Religious Rules, 1.

[70] ELLIS, "Superiors and Manifestation of Conscience," 101-102.

> temptations and sin, one's disposition towards authority, fears, passions, and how one relates to other Jesuits, or lay people in his apostolate.[71]

This list is not exhaustive but offers an insight into what a superior should be concerned about in the life of his subjects. Even though most provincial superiors leave the matters to be revealed to the individual's discretion, it is most certain that one's prayer life, spiritual direction and the Spiritual Exercises,[72] personal health, ministry and community life are central aspects of the account.

The question of whether there are guidelines on the matter of the account has remained unclear. Scholars like Fr. Gray have attempted to list the material shared in the account. It includes but is not limited to, virtues, aspirations, and progress on the one hand, and vices, evil inclinations, and sins, on the other hand. Alonso Sabino notes that the former is permitted to be given freely and spontaneously in every institute, clerical or lay, whereas the latter is only permitted if done freely and spontaneously, and the recipient is a priest, because it involves sinful acts and thus resembles the sacrament of penance.[73]

The lack of a well-defined matter and of an established procedure of the account has been noted by several scholars. Bento da Silva is concerned with the bare structure of the account yet praises the effectiveness of the practice:

> […] the Society of Jesus is known in accounting for its written and calculative practices which were salient from its inception in the mid sixteenth century. However, these

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[71] H.J. GRAY, "An Experience in Ignatian Government: Letters to a New Rector," in *Studies in the Spirituality of Jesuits*, vol. 14, no. 4 (1982), 11. A rector is a local superior whose main responsibility is to govern a university, a house of formation, a college of the Society, or a school. The rector is appointed by the superior general (see *Constitutions*, nos. 490-494, 740 and 757).

[72] See GC 32, d. 11, no. 42 (a), in PADBERG, *Decrees and Documents of the 31st – 35th General Congregations*, 349. "The Spiritual Exercises should be made yearly by all, according to the method of St. Ignatius, for eight successive days. Adaptations may be allowed because of particular circumstances, the provincial is to be the judge of the merits of each case" (GC 31, d. 14, no. 16, in PADBERG, *Decrees and Documents of the 31st – 35th General Congregations*, 105). See also GC 27, d. 55 §§1, 3, in PADBERG, *For Matters of Greater Moment*, 539.

[73] See A. SABINO, "La cuenta de la conciencia entre los religiosos," in *Salmanticensis*, 4 (1957), 576.

> practices do not tell the full story of how the organization managed and manages the global population of the Jesuits. Alongside highly developed textual accounts and reports relaying into and out of Rome, the Society's oral accounting practice (the account of conscience) grounded in the Christian pastorate, produces truths that are not written or relayed to Rome. Rather, truths emanating from this practice are fiercely local and inform all human resources allocation decisions relating to where individual Jesuits should be placed within the Society in which country and in what type of mission.[74]

Similarly, Paulo Quattrone observed that "the account of conscience is a good example of a general governance practice with no formally prescribed content [and], there is little by way of procedure […]."[75] On the contrary, Bento poses the fundamental question arising from the practice, "How remarkable then, that an apparently highly centralized and hierarchical organization, which functions through finely honed procedures and rigorous, standardized textual relays, should have at its very centre, a locally developed, largely unspecified, oral-aural accounting practice of which no written record is made."[76] The question of lack of written records is relevant, especially in the context of the right to privacy of the members, as will be discussed in the fourth chapter.

Viewed from the perspective of corporate governance, the account is a mechanism for human resources management which has neither a very refined methodology nor definite themes, apart from guidelines on what constitutes the matter of the conscience. Of concern to other scholars is that the manner of giving the account depends ultimately on each superior. Some superiors prepare a set of questions or themes from which they expect the members to reflect upon prior to the visit, whereas other superiors simply allow the individual to speak spontaneously about any aspects of his life. Obviously, there is

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[74] BENTO DA SILVA, "Oral-Aural Accounting and the Management of the Jesuit Corpus," 45.

[75] P. QUATTRONE, "Governing Social Orders, Unfolding Rationality and Jesuit Accounting Practices: A Procedural Approach to Institutional Logistics," in *Administrative Science Quarterly*, 60 (2015), 412. See BENTO DA SILVA, "Oral-Aural Accounting and the Management of the Jesuit Corpus," 55.

[76] BENTO DA SILVA, "Oral-Aural Accounting and the Management of the Jesuit Corpus," 55.

significant autonomy in both the procedure and the content or material to be shared. Quattrone makes the observation that "[…] despite the supposed rigidity implied by the hierarchical structure, the Society is characterized by great flexibility and a capacity for adaptation to the most disparate lands and situations in which they operate […]. This approach was enabled by a system of self-discipline outlined in the Spiritual Exercises and in the Constitutions."[77]

3.1.7 Regularity and Frequency of the Account of Conscience

One of St. Ignatius' notable innovations regarding the account of conscience, apart from making it mandatory, was its regularity. St. Ignatius envisioned that the practice of the account takes place regularly, that is not only prior to making important decisions, but to provide the provincial superior with up-to-date knowledge of his men.[78] The frequency of the account vary according to the different stages of formation, that is, for candidates and novices, for those in formation (scholastics and brothers) and spiritual coadjutors, formed brothers and the professed of four vows. Though each grade has a determined regularity, St. Ignatius maintained that the provincial superior establishes the frequency subject to the spiritual disposition and apostolic context of each member.

The frequency of the practice is introduced in the Constitutions which directs that "the superior must visit the houses and works of their province of region"[79] in order to help

[77] P. QUATTRONE, "Accounting for God: Accounting and Accountability Practices in the Society of Jesus: Italy 16th – 17th Centuries," in *Accounting, Organizations and Society*, 29 (2004), 654.

[78] See SÁNCHEZ- GIRÓN, *La cuenta de consciencia al superior en el derecho de la Compañía de Jesús*, 239.

[79] *Constitutions,* 391 §1. "The duty of the provincial superiors is to foster in the provinces or regions entrusted to them religious life, the training of our men, apostolic ministries and observance of the Constitutions and our institute, and with the aid of assistants, they are to take care of the temporary administration, seeking always in all things, the greater glory of God" (GC 31, d. 4, no. 3, in PADBERG, *Decrees and Documents of the 31st – 35th General Congregations,* 60).

local superiors, rectors and individual Jesuits in carrying out their functions and apostolates.[80] Beginning with novices, no. 95 of the Examen stipulates that after the first account of their entire life, novices repeat this process for the following six months or more often as might be determined by the superior, or anyone tasked with this responsibility. The final manifestation in the noviciate happens at least thirty days before the novice takes vows at the end of the two-year noviciate.[81]

No. 96 of the Examen establishes that after the profession of the first vows, the scholastics make the account at least once a year and sets up a general rule for the formed brothers, spiritual coadjutors and the professed of four vows, that "when they find themselves in a place where they are under obedience to a superior of the Society, [the professed] should give him an account of their conscience every year, or more often if the superior thinks they ought to [...]."[82] The expression "when they find themselves under a superior […]" was included in no. 97 probably because in the early days of the foundation of the Society it was common that members were sent to missions where there was no superior, or the superior was not resident in the same place with the subjects. In such situations, the account could not be given within the prescribed intervals, but at any time when it was reasonably possible, that is, when the member visited a place where there was a legitimate superior to whom he was obliged to give the account.

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[80] See C*onstitutions*, no. 292.

[81] "They should manifest their conscience to the Superior, that is to the provincial or to the one the provincial assigns, who will usually be the director of novices" (Manual for Juridical Practice of the Society, Rome, Curia of the Superior General of the Society of Jesus, 1997, 25). See *General Examen*, no. 93, in PADBERG, *Constitutions and Complementary Norms*, 43-44.

[82] Ibid., no. 97, in PADBERG, *Constitutions and Complementary Norms*, 44.

The Constitutions determine that professed fathers and formed brothers should make an account of conscience once a year, or more often if the superior makes such a determination based on the situation of each member.[83] Whereas the prescription of no. 97 of the Examen allows for flexibility depending on the circumstances of each person, no. 551 of the Constitutions is specific to those who are directly under a superior.

The 1st General Congregation declared that "[…] the superior general has the authority to order the provincial superiors to make annual visits or he can leave it to their own judgment."[84] Fr. Diego Lainez, the second superior general (1558-1565), upheld the obligation of the superiors to make annual visits to communities and he introduced it as a rule of the office of the provincial superior.[85] His successor, Fr. Francis Borgia (1565-1573) maintained this rule and since then, it has remained a fundamental part of the governance system of the Society.[86] Most recently, the Guidelines for Provincials recommended that the "[…] annual visitation is the most appropriate time for the provincial superior to receive the account of conscience of every member of the community."[87] The connection between

[83] *Constitutions,* no. 551. "The discreet but decisive presence of the Spirit of God demands two fundamental attitudes, humility, which makes one resign oneself to the wisdom of God and the knowledge and practice of spiritual discernment. It is, in fact, important to be able to recognize the presence of the Spirit in all the aspects of life and of history, and through human mediation. Among these last must be included openness to a spiritual guide, this openness is prompted by the desire of having a clear knowledge of oneself and by a readiness to let oneself be advised and directed with the intent of correctly discerning the will of God" (CONGREGATION FOR INSTITUTES OF CONSECRATED LIFE AND SOCIETIES OF APOSTOLIC LIFE, Directives on Formation in Religious Institutes *Potissimum institutioni,* 2 February 1990, no. 19, in *AAS*, 82 (1990), 486, English translation in *Origins*, 19 (1989-1990), 673.

[84] GC 4, d. 40, in PADBERG, *For Matters of Greater Moment,* 178-179. See *Epitome,* in *Archivum Historicum Societatis Iesu,* 37 (1968), 61; A.M. DE ALDAMA, *The Constitutions of the Society of Jesus: Union Among Jesuits*, St. Louis, MO, The Institute of Jesuit Sources, 1998, 32.

[85] See GC 4, d. 40, in PADBERG, *For Matters of Greater Moment*, 178-179.

[86] See *Constitutions*, no. 670. See also *Complementary Norms*, no, 391 §3; Guidelines for Provincials, no. 82, 32; Norms of Governance for Provincials, nos. 60-66, in *AR*, vol. 16, no. 3 (1975), 585-588.

[87] Guidelines for Provincials, no. 82, 32.

the account and the canonical visit has therefore become the norm. Accordingly, the member who has been called to final profession must make the account of conscience at least thirty days before his final vows.[88]

3.2 The Recipient of the Account of Conscience

The proper recipient of the account of conscience is a major superior,[89] that is, the superior general, the provincial superior, the president of the conference of major superior,[90] and to some extent, the regional superior of an independent region. The superior general receives the manifestation of conscience of the other major superiors.[91] The legislation on the account of conscience points at the provincial superior as the ordinary recipient of the account of conscience for members of his province.

In extraordinary circumstances, the ordinary recipient of the account can delegate another member to receive the account. The superior general can also delegate anyone to receive the account of any member of the Society, especially where there are grave reasons for the provincial superior not to hear the accounts of any of his members. Grave reasons

[88] *Complementary Norms, no*. 127, 1º.

[89] See *Complementary Norms*, no. 341 §2. See also GC 34, d. 21, no 22, in PADBERG, *Decrees and Documents of the 31st – 35th General Congregations,* 645.

[90] The Conference of Major Superiors was established by GC 31, d. 48, no. 7 as a structure for collaboration and networking of provinces within the same geographic region. GC 34 confirmed the composition of the Conference, the objectives, the authority, or competence of the president over common works (see GC 34, d. 21, no. 16, in PADBERG, *Decrees and Documents of the 31st – 35th General Congregations,* 644). In a letter to major superiors, Fr. Ignacio Echarte, then Secretary of the Society clarified the difference between a "conference" and an "assistancy." He wrote, "A 'Conference' refers to a body (that is, the group of major superiors of the same region or similar cultures) or a structure of cooperation among provinces and regions [whereas] an 'Assistancy' designates a territory or geographic area" (I. ECHARTE, Letter to all Major Superiors, 22 March 2010, in *AR*, vol. 24, no. 3 [2010], 962).

[91] *Constitutions*, no. 764 states that "He [superior general] should know the consciences, as far as possible, of those whom he has in his charge, especially of the provincial superiors and others to whom he entrusts important responsibilities." See GC 32, d. 46, no. 5, in PADBERG, *Decrees and Documents of the 31st – 35th General Congregations,* 204.

include instances where the subject believes that the provincial superior has not been treating the information shared in the account of conscience as confidential or when there is a penal procedure instituted by the same major superior against the subject and, subsequently, we postulate that receiving the subject's account might be considered prejudicial to the penal process in progress.

It is important to state here that apart from the provincial superior, the president of the conference of major superiors receives the account of conscience for a designated group of Jesuits. In the words of GC 35, "[the] president hears the manifestation of conscience of the Jesuits assigned on a stable basis to common houses and works."[92] These common houses include common apostolic works for various provinces and houses of formation where scholastics from various provinces are assigned for studies. The superior general, by virtue of his authority, designates a house or an apostolic ministry (work) as "common" to the conference.[93]

There are six conferences for the entire Society and each conference is guided by statutes which must be approved by the superior general.[94] The objectives of the Conference are:

> […] to open the Society of a given region to the universal dimension of the Society; to help major superiors become more aware of their reasonability for the Society and the Church throughout the entire region; to facilitate unity, communication, a common vision and effective leadership among superiors; to set priorities, to plan for and coordinate

[92] GC 35, d. 5, no. 21 (b), in PADBERG, *Decrees and Documents of the 31st – 35th General Congregations*, 774. The president is appointed by the superior general and he "[…] has the faculties of a major superior to carry out the specific responsibilities entrusted to him by the Statutes of the Conference" (GC 35, d. 5, no. 19, in PADBERG, *Decrees and Documents of the 31st – 35th General Congregations*, 772).

[93] See ibid., no. 21, in PADBERG, *Decrees and Documents of the 31st – 35th General Congregations*, 774.

[94] See GC 34, d. 21, nos. 16-20, in PADBERG, *Decrees and Documents of the 31st – 35th General Congregations*, 644. See also *Complementary Norms*, no. 398 §3. For some examples of statutes, see Statutes of the Jesuit Conference of Africa and Madagascar, in *AR*, vol. 24, no. 2 (2009), 876-881; see also Statutes of the Jesuit Conference of Asia Pacific, in *AR*, vol. 24, no. 3 (2010), 1053-1061.

> common activities; and to stimulate those superiors to offer mutual assistance in fulfilling their responsibilities for the Society and the Church.[95]

The president is a major superior for the Jesuits assigned to the Conference on a stable basis, therefore he is responsible for their personal care (*cura personalis*) and the care for specific or common works of the Conference (*cura apostolica*). The president must always consult with the provincial superior of the concerned man prior to appoint him to a common house or common work because the provincial superior is the primary recipient of the account of conscience before the man is assigned elsewhere, thus he has knowledge of the man's availability.

Indeed, GC 35 emphasized that "[…] respecting the centrality of the account of conscience in missioning, any assignment requires the consultation of the man's major superior, who is the one who makes him available for mission in a Conference."[96] The consultation referred here excludes matters of the account of conscience but regards suitability for the appointment which is determined from what is externally known, like professional qualifications and experience.

The 35th General Congregation stressed that "[…] the president does not have any direct authority in the internal governance of the provinces, nor does he supervise them. Provincial superiors are subject only to the superior general. They are accountable to him in what concerns the internal governance of provinces, whereas they are accountable to the president only in the strict sense of his competence."[97]

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[95] GC 34, d. 21, no. 18, in PADBERG, *Decrees and Documents of the 31st – 35th General Congregations*, 644. See *Complementary Norms*, no. 398 §3.

[96] GC 35, d. 5, no. 20 (a), in PADBERG, *Decrees and Documents of the 31st – 35th General Congregations*, 772-773. Cf. Statutes of the Jesuit Conference of Asia Pacific, 1056. See also Statutes of the Jesuit Conference of Africa and Madagascar, 879.

[97] Ibid., no. 20, c. 2, in PADBERG, *Decrees and Documents of the 31st – 35th General Congregations*, 772.

The account given to the president is limited to the matters that pertain to the Jesuit with regards to the duration of his assignment in the common house or common work. However, the superior general can extend the authority of the president to some other specific tasks or persons where there is a need.[98]

The competence of the local superior to receive the account of conscience has been debated extensively over the years. The question whether the reception of the account by a local superior has juridic force is answered definitively by the assertion that the local superior is not a major superior, and only a major superior has the ordinary faculty to receive the account of conscience with juridic force.[99] Therefore, if the local superior receives the account of conscience of any member, it is done in the spirit of c. 630, for the spiritual progress of the individual. The local superior's responsibility only concerns the welfare of the local community.[100] However, some Jesuits have proposed that it would be advantageous to grant the local superior the faculty to receive the account of the members of his local community because his role to guide the members both spiritually and

[98] A common example of temporary competence given to a president of a conference has been to lead the deliberations around merging provinces or regions. This is justified by the reason that the president possesses some wider knowledge as a result of the wider interactions with major superiors at the conference level.

[99] *Regimini militantis Ecclessiae* did not anticipate any other superiors in the Society other than the "superior" who was later (after 1546) to be referred to as the superior general when Pope Paul III granted the permission for the appointment of subordinate superiors, both provincials and local (see PAUL III, bull *Exponi nobis,* in *Institutum Societatis Iesu,* vol. 1, 12-13, English translation in AMIDON, "Papal Documents from the Early Years of the Society of Jesus," 21-23). With the expansion of the Society, Paul III also granted the faculties to admit coadjutors to the superiors, leading to the establishment of numerous provinces and local communities (houses) (see DE ALDAMA, *The Formula of the Institute,* 48).

[100] GC 32, d. 11 read, "The local superior is also responsible for the spiritual vitality of the community. He should take care that the community is a true faith community precisely because he is concerned with its apostolic mission. For this reason, he should consider it part of his job to provide conditions that foster personal and community prayers, the sacramental life and communication on a spiritual level. He should also take care that every Jesuit be able to find in the organization of community life whatever is necessary for recollection and for a suitable balance between work and rest (no. 41, in PADBERG, *Decrees and Documents of the 31st – 35th General Congregations,* 349).

communally can be compromised if he does not know well enough their inner dispositions. Among the proponents of this view were some French superiors. Even though this proposal seems reasonable, it has been criticized because of the potential conflict of interest between the community member and the local superior since they interact practically on daily basis. The constant interaction between the local superior and the members of his community demands that he exercises prudence in keeping secret some confidential matters that pertain to the individuals or the community.[101] Such confidential information might have been confided to him by the members themselves in confidential conversations or other sources of privileged communication, for instance, *informationes*, evaluations and reports from the apostolate, formal and informal complaints from the people of God.

In February 1981, Fr. Pedro Arrupe, clarified that only the major superiors are the proper recipients of the account.[102] His immediate successor, Fr. Peter-Hans Kolvenbach was unenthusiastic about having local superiors receive the account of conscience of their members. Fr. Kolvenbach pointed out that it is the primary responsibility of the provincial superior to hear the account of conscience of all the members in his province. However, "[the member] may always open his conscience to his local superior […] and indeed the latter would be permitted to request this if need be."[103] The proper law of the Society does not impose an obligation on the local superior to receive the account of his subjects. Fr. Kolvenbach used the conditional clause "the subject *may* always open his conscience to

[101] GC 32, d. 17, no. 8, in PADBERG, *Decrees and Documents of the 31st – 35th General Congregations*, 119.

[102] See P. ARRUPE, The Local Superior: His Apostolic Mission, in *AR*, vol. 18, no. 2 (1981), 565.

[103] KOLVENBACH, Letter on the Account of Conscience, 558. See Guidelines for Local Superiors, no. 16, in *AR*, vol. 22, no. 2 (1996-2002), 369; see also GC 35, d. 4, no. 43, in PADBERG, *Decrees and Documents of the 31st – 35th General Congregations*, 765.

the local superior" [emphasis our own], thereby disqualifying the local superior as a proper recipient of the account of conscience. According to Decree no. 4 of the 35th General Congregation:

> It is of vital importance that all Jesuits consider the account of conscience essential for the practice of obedience and that they offer it according to the guidelines set down by Fr. Kolvenbach in his letter to the Society of Jesus on 21 February 2005. Because "the mission is conferred, or changed in the account of conscience, it should be given in the first place to the provincial superior."[104] However, what the letter says regarding opening one's conscience to the local superior should also be noted: "A Jesuit may always open his conscience to his local superior, or indeed the latter would be permitted to request this if need be" […].[105]

However, the same decree seems to suggest that the local superior is a recipient of the account of conscience for those Jesuits who are in formation and who have not yet made their final profession. Section no. 51 of the Decree reads: "The local superior shares with the whole community responsibility for the care and formation of Jesuits who have not yet pronounced final vows. Local superiors are asked to take special care to request the account of conscience twice a year, to provide for the renewal of vows, and to ensure a community atmosphere that encourages the Jesuits in formation to grow as a person and as a religious."[106] The implication of this statement deserves further investigation.

The expression "local superiors are asked to take special care to *request* the account of conscience" [emphasis mine] does not place a mandatory obligation, but an *ad hoc* practice with no juridic value. Furthermore, the frequency suggested in the decree "twice a year" appears to relate to the "the renewal of vows" which is customarily devotional in the Society and has no juridic force, since the vows professed in the Society are not

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[104] KOLVENBACH, Letter on the Account of Conscience, 558.

[105] GC 35, d. 4, no. 43, in PADBERG, *Decrees and Documents of the 31st – 35th General Congregations*, 765.

[106] Ibid., no. 51, in PADBERG, *Decrees and Documents of the 31st – 35th General Congregations*, 766.

temporary, but they are perpetual. Therefore, the expression "[…] to ensure a community atmosphere that encourages the Jesuit in formation to grow as a person and as a religious" implies spiritual perfection as the goal as opposed to the purpose of governance.

Decree no. 5 of GC 35, under the sub-title of "Local Governance," makes a recommendation of the support that the superior provides for his community members in their apostolates and in the manner they understand and live their religious life. The Decree further points out that the assignment (or mission) is done by the major superior and has as its basis the account of conscience. In the words of the Decree:

> In a spirit of service, the superior supports the members in their apostolic responsibilities and religious lives as servants of Christ's mission. These duties require an intimate knowledge of each man made possible by regular spiritual conversation and, where appropriate, manifestation of conscience. With such aids, the superior can help each Jesuit to see how his apostolic work, assigned by the major superior, is properly integrated into the universal mission of the Society, promoting the sense of apostolic solidarity of all the community members, even those who may be engaged in very diversified activities.[107]

In the Constitutions, the person entrusted with "complete knowledge of the members" is the major superior. The statement that his "[…] duties require an intimate knowledge of each man," seem to imply that the local superior has the same access to "complete or intimate knowledge of each man" as the major superior. In as much as the Decree does not specifically indicate that the said superior is a local superior,[108] one can infer it because this statement appears under the sub-heading "Local Superior." However, the conditional clause "where appropriate" seem to imply that the manifestation to the local superior depends on unspecified circumstances. Furthermore, "With such aids, the superior can help each Jesuit […]" does not specify which superior; however, we conclude that it

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[107] Ibid., no. 33, in PADBERG, *Decrees and Documents of the 31st – 35th General Congregations*, 777.

[108] The source of the section on local superiors in Decree no. 5 is the *Complementary Norms*, which does not mention the local superior as a recipient of the account, but as cooperating "to promote the sense of apostolic solidarity of all members of the community" (*Complementary Norms*, no. 402 §2).

refers to the local superior. The direct reference to the major superior in the immediately following part of this quotation "to see how his apostolic work, assigned by the major superior," is a reminder that missioning a subject is the responsibility of the major superior, who does so for the universal mission of the Society. What is true of the local superior though, is the "regular spiritual conversation" with the members of his community, a practice which does not have the same juridic force (if any) as the account.

Earlier on, GC 32 had deliberated on the duties of a local superior and offered "guidelines" in Decree no. 11. The section "Obedience: The Bond of Union" appropriately refers to the major superior as the proper recipient of the account. However, the guidelines are silent on whether or not the account can be given to the local superior. The mention of the account in the guidelines comes after the statement that "Every community of the Society should have its own superior."[109] The following section which makes reference to the account of conscience's importance for the spiritual governance of the Society and that it should be promoted, states that "[…] all must give an account of conscience to their superiors, according to the norms and spirit of the Society."[110] The fact that this statement appears in the section on "Local Governance" seems to imply that the account of conscience must be given to the "local superior." A clear distinction appears, however, in Decree 11 of GC 32, "[But] both the superior who sends and the companion who is sent gain assurance that the mission is really God's will if it is preceded by the dialogue that the

[109] GC 32, d. 11, no. 45, in PADBERG, *Decrees and Documents of the 31st – 35th General Congregations*, 350.

[110] Ibid., no. 46, in PADBERG, *Decrees and Documents of the 31st – 35th General Congregations*, 350.

account of conscience."[111] The responsibility of "sending or missioning" does not belong to the local superior, therefore the local superior is excluded from receiving the account, unless for merely spiritual reasons.

Fr. Howard Gray shared his concern on the lack of clarity in this regard, writing in his personal letter of advice to a new rector:

> I know that it was not clear at GC 32 that local superiors should indeed hear the account of those with final vows. But nonetheless, some sort of serious one-on-one religious discussion ought to mark a rector's relationship with each member of his community. Even when the account of conscience is not bypassed, it is an elective exercise which frequently those who need help most manage to avoid. When the account does not take place, the rector has a hard time doing more than listening to a quick survey of work-performance and granting permission for sabbatical sites or vacations.[112]

The observation made by Fr. Gray is critical in the sense that the local superior may create opportunities for spiritual conversations in the community which enables him to have complete knowledge of each member. This knowledge helps in building an integrated community life and effective apostolic ministry. In order to avoid the confusion whether the local superior receives the account or not, the United States of America Conference uses a different title, calling it an "annual conference" between the local superior and his community members: "In our efforts to strengthen the role of the local superior, we affirm that the annual conference between the local superior and each Jesuit in the community be a norm."[113] Therefore, use of a different title to the meeting definitely avoids misunderstandings. Other conferences use different titles, for example, spiritual conversations or annual meeting.

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[111] Ibid., no. 31, in PADBERG, *Decrees and Documents of the 31st – 35th General Congregations,* 347.

[112] GRAY, "An Experience of Ignatian Government," 9.

[113] "Assistancy Strategic Discernment: Decisions and Commitments of the United States Provincials," 21 June 2008, Washington, DC, Jesuit Conference of the United States of America, 2008, 30.

Decree no. 4 of GC 35 is significant to our discussion because it recommends the letter of Fr. Kolvenbach dated 21 February 2005, which indicates that the proper recipient of the account of conscience with juridic force is a major superior. In other words, if the Jesuit is to give his account to anyone other than the major superior, it would be for personal spiritual perfection in accord with c. 630 §5: "Members are to approach superiors with trust, to whom they can freely and on their own initiative open their minds […]." Decree no. 4 clearly indicates that the legitimate recipient of the account is the major superior because "the mission is conferred, confirmed or changed" in the account, as specified in Fr. Kolvenbach's letter.[114] Accordingly, the major superiors possess the authority to govern religious institutes, according to c. 617 and they exercise this authority in accordance with the norms of universal law (c. 596) and the proper law of the institute

3.3 General Congregations and General Superiors on the Account of Conscience

The theme of conscience was addressed in conciliar and several post-conciliar documents of the Church. Admittedly, after the 1948 Universal Declaration of the Human Rights the understanding of conscience was influenced by the secular world. Moreover, the practice of the account, with its general understanding as allowing access to one's conscience to a provincial superior, has attracted much attention, with some Jesuits questioning the practice in the face of the right to privacy and concomitant privacy laws. Fr. Arrupe and Fr. Kolvenbach addressed promptly the essence of the practice and emphasized its centrality in governance of the Society.

[114] See GC 35, d. 4, no. 43, in PADBERG, *Decrees and Documents of the 31st – 35th General Congregations*, 765.

3.3.1 General Congregations After the Second Vatican Council

The five general congregations after the Second Vatican Council all confirmed the practice of the account of conscience as enshrined in the Examen and the Constitutions. Immediately after the Council, the Decree on the Life of Obedience of the 31st General Congregation confirmed the revised decrees of the 27th General Congregation on the obligation to transparency for the subject and the obligation to secrecy for the superior. GC 27 had declared that the account of conscience belongs to the second order of the substantials of the Institute:

> […] an account of conscience must be rendered to the superior, this is a prescription that, subsequent to the Code, the Holy See has approved and confirmed. Furthermore, each one should be content that anything whatsoever that is noted in his regard should be manifested to superiors by whoever knows it outside of confession, the account of conscience or the revelation of a secret by someone seeking advice.[115]

Pursuant to the decrees of GC 27, GC 31 further confirmed that the subject is obliged, "[…] to make himself known, with his gifts and limitations, his desires, difficulties, and ideas, through a confiding, familiar and candid colloquy, about which the superior is held to strict secrecy."[116] Parallel to the obligation placed on the subject, Decree no. 46 of the same Congregation confirmed the norms binding the superior in the forum of the account, "[…] provincial superiors should listen carefully to their subjects and direct them in the Lord, taking into consideration the internal knowledge which they have of them."[117] The emphasis on listening to subjects before making decisions is fundamental for spiritual governance and external governance of the Society.

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[115] GC 27, d. 13, § 7, 3°-4°, in PADBERG, *For Matters of Greater Moment*, 532. See also GC 27, d. 57, in PADBERG, *For Matters of Greater Moment*, 539.

[116] GC 31, d. 17, no. 8, in PADBERG, *Decrees and Documents of the 31st – 35th General Congregations*, 119. See *Complementary Norms*, no, 155 § 1.

[117] Ibid., d. 46, no. 3, in PADBERG, *Decrees and Documents of the 31st – 35th General Congregations*, 204. See *General Examen*, no. 97, in PADBERG, *Constitutions and Complementary Norms*, 44.

One significant development in the 32nd General Congregation was the discussion and the Decree no. 11, on the role of the local superior. The Decree sought to underline the role of the local superior, since community is no longer viewed only as a place of residence for the members who are engaged in different apostolic missions, but rather as a "mission in itself and as support for mission."[118] Accordingly, the local superior "[…] retains the responsibility to confirm his brothers in their apostolic mission and to see to it that their religious and community life is such as to enable them to fulfil that mission with God's grace. Moreover, the task of the local superior is not only to support the mission of the members of his community, but at times to determine it more precisely [...]."[119] In short, it is the responsibility of the local superior to enhance the life, both religious and apostolic, of the members of his community.

The decree noted that a) "[…] unless we make fuller use of the special instrument for spiritual governance bequeathed to us by St. Ignatius […]"[120] the sense of mission and obedience would be obscured; b) that "vowed obedience […] is always an act of faith and freedom, whereby the religious recognizes and embraces the will of God manifested to him by the one who has authority to send him in the name of Christ;"[121] the Decree also encouraged a dialogue that should precede the sending of a subject so that the subject obtains the assurance that the mission is truly God's will; and c) that "[…] the more the

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[118] P.-H. KOLVENBACH, Letter to Major Superiors on Recommendations Made at Loyola 2005, in *AR*, vol. 23, no. 4 (2006), 732.

[119] GC 32, d. 11, no. 28, in PADBERG, *Decrees and Documents of the 31st – 35th General Congregations*, 346.

[120] Ibid., no. 30, in PADBERG, *Decrees and Documents of the 31st – 35th General Congregations*, 347.

[121] Ibid., no. 31, in PADBERG, *Decrees and Documents of the 31st – 35th General Congregations*, 347.

account of conscience is genuinely practiced, the more authentic will our discernment be of God's purpose in our regard and the more perfect that union of minds and hearts from which our apostolate derives its dynamism."[122] The third point demonstrates the importance of transparency and sincerity on the part of the subject as the virtues necessary not only to sustain the structures of governance, but for "the bond of union which is produced, in great part, by the bond of obedience."[123]

Section no. 46 of the same Decree reiterates the subject's obligation to give the account of conscience to the superior and the purpose of the account of conscience:

> The account of conscience is of great importance for the spiritual governance of the Society and its practice is to be esteemed and cultivated. Therefore, all should give an account of conscience to their superiors, according to the norms and spirit of the Society. In addition to the relationships between superiors and their brethren in the Society should be such as to encourage the account of conscience and conversation about spiritual matters.[124]

The same section confirms the spiritual aspect of the account, the respect with which the practice should be given by all the members, and the emphasis on openness and building of relationships between the superior and the subjects.

Meanwhile, the 33rd General Congregation did not receive any proposals on the account of conscience, neither did it deliberate on this practice. However, the postulate on the account of conscience reappeared at the 34th General Congregation. Decree no. 8 of GC 34 acknowledged that the account of conscience and spiritual direction had received attention in the recent documents of the Society and both practices have remained

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[122] Ibid., no. 32, in PADBERG, *Decrees and Documents of the 31st – 35th General Congregations,* 347.

[123] Ibid., no. 27, in PADBERG, *Decrees and Documents of the 31st – 35th General Congregations,* 346. See *Constitutions*, no. 659.

[124] Ibid., no. 46, in PADBERG, *Decrees and Documents of the 31st – 35th General Congregations,* 350.

significant in religious life in general and the Society in particular.[125] Decree no. 26, "Our Way of Proceeding" stressed that the bond of unity is a necessity for the dispersed members and this bond is realized "[…] especially through the account of conscience."[126] Decree no. 4 of the 35th General Congregation confirmed the importance of the account of conscience as the cornerstone of obedience in the Society.

Decrees nos. 4, 5 and 6 of GC 35 were dedicated to the importance of the role of the local superior. The question whether a local superior should receive the account of conscience resurfaced after the Decree no. 4 had stated that it would be good also for a member to open his conscience to a local superior. The fundamental question rests on the juridic force of this practice, if the account is given to a local superior, yet the local superior cannot make any binding decisions regarding matters of governance regarding the subject, even if he has good intentions.

GC 35 deliberated on the proposed ways of promoting the qualities of local superiors because they deal with the members of the Society on a daily basis. If the local superior is to be an extra-ordinary recipient of the account of conscience of a member of his community, it is also important that he be formed in dealing with any material revealed to him according to the norms of c. 630 §5, to avoid the abuses as happened prior to the 1917 Code. Most superiors are experienced spiritual directors; therefore, they are capable of handling an account whose purpose is spiritual perfection.

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[125] See GC 34, d. 8, no. 35, in PADBERG, *Decrees and Documents of the 31st – 35th General Congregations*, 587.

[126] Ibid., d. 26. no. 10, in PADBERG, *Decrees and Documents of the 31st – 35th General Congregations*, 661.

Furthermore, it was feared that a possible complexity in the relationships between the local superior and the member and between the superior and the entire community would develop since their interactions are regular or on daily basis. If a subject has revealed something sensitive, would the local superior be able to relate with this subject daily without compromising confidentiality or his leadership role in the community? Rotsaert was cautious in interpreting Decree no. 4 of GC 35, and he stressed that, in most of the provinces, it was not customary for a Jesuit to open his conscience to a local superior.[127]

GC 35 made attempts to address the concerns centred around the qualities of local superiors. The Congregation made several recommendations, one of which was the formation or training of local superiors. This proposal was adopted, even though the dynamics of the formation of local superiors was not finalized. It is therefore important to follow up with guidelines for the formation of local superiors, so as to build confidence in the subjects, if they are to approach local superiors for the account.

3.3.2 General Superiors and the Account of Conscience

In the early years of the Society several general superiors have written extensively on the account of conscience. The period after the promulgation of the 1917 Code saw several changes in the governance of religious institutes, and the Society responded to the prohibition of the mandatory practice of the account of conscience, according to the norms of c. 530 of the 1917 Code. Subsequent general superiors have either confirmed the legislation of the Society with regards to the account in the decrees of general congregations. Some of the general superiors were prompted to write about the account in

[127] See ROTSAERT, "Obedience in the Life of the Society of Jesus," 34.

response to pertinent concerns around the delicate aspects of confidentiality and the right to privacy.

3.3.2.1 Fr. Claudio Aquaviva

Fr. Claudio Aquaviva was elected the fifth superior general of the Society in 1581. In his first official letter to all provincials, he reminded them of their responsibility regarding "winning over the wills" (*guadagnar le volunta*) of their own members.[128] Regarding the purpose of the account of conscience, he instructed that, "If subjects give the account of conscience as they ought to do, and superiors on their part receive as they ought to, the account given them by their subjects will, without doubt, be of great efficacy to renew in us a spiritual life and to contribute to our spiritual progress."[129] He reiterated that the principal duties of the provincial superior is the annual visitations which he is obliged to make to communities and works of his province.[130] He placed emphasis on giving and receiving the account according to the proper law of the Society, mainly because of the fundamental role the account plays in understanding obedience and the effect of obedience on governance. It is not clear whether Fr. Aquaviva was responding to a question surrounding the practice, or he was re-emphasizing the importance of the practice.

3.3.2.2 Fr. Wlodimir Ledóchowski

Fr. Wlodimir Ledóchowski, was the superior general at the time of promulgation of the 1917 Code of Canon Law, hence his primary task was aligning the proper law of the Society with the new Code. The new canon c. 530 which prohibited the mandatory

[128] See S. MOSTACCIO, *Early Modern Jesuits: Between Obedience and Conscience During the Generalate of Claudio Aquaviva (1581-1615)*, London and New York, Routledge, 2014, 15.

[129] RODRIGUEZ, *The Practice of Christian and Religious Perfection*, vol. 3, 373.

[130] See Guidelines for Provincials, no. 1, 32.

manifestation of conscience in both clerical and lay institutes and which directly affected one of the substantial elements of the governance of the Society prompted the superior general to take several actions.[131] Immediately after the promulgation, several major superiors wrote to the superior general seeking clarification since the new Code had prohibited what was a fundamental part of the proper law of the Society. The first written instruction of Fr. Ledóchowski regarding the prohibition of the mandatory account in the new Code, dated 6 November 1921, instructed masters of novices and spiritual fathers that they ought to explain to younger men and those who held doubts on the prohibition that Pope Benedict XV gave his approval of the practice of the account, "[…] an oral reply given to the Society by the Supreme Pontiff [that] this Constitution of ours, on which as on a foundation the spiritual plan of our Institute rests, is very acceptable to the Holy See and fully approved by it."[132]

Fr. Ledóchowski offered an interpretation of the meaning of the prohibition in c. 530 of the Code and indicated that the practice had to continue in the Society. He clarified that the Code:

> (1) in no way prohibits rendering an account of conscience to one's superior,
> (2) but only forbids the superior to demand it or to induce anyone to make it,
> (3) leaves to the superior in accordance with his office the obligation of hearing the account of anyone who of his own will wishes to give it,
> (4) gives everyone permission freely and of his own accord to render an account to his superior,
> (5) clearly teaches, moreover that it is expedient to make such an account.[133]

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[131] See *CIC*/17 c. 530 §1: "All religious superiors are strictly forbidden to induce in any manner persons subject to them to make a manifestation of conscience to them" and §2: "But subjects are nevertheless not prohibited from freely and voluntarily opening their [hearts] to their superiors and before them, if they are priests, even set forth their anxieties of conscience."

[132] W. LEDÓCHOWSKI, Response on the Account of Conscience to Be Given to a Superior, 19 March 1918, in *AR*, vol. 2, no. 2 (1918), 577. See also *Selected Writings of Fr. Ledóchowski*, Chicago, IL, The American Assistancy of the Society of Jesus, 1945, 848.

[133] LEDÓCHOWSKI, Response on the Account of Conscience to Be Given to a Superior, 577. See also W. LEDÓCHOWSKI, Letter covering *Paterna Caritas*, 25 March 1933, in *AR*, vol. 7, no. 1 (1933), 403; *Selected Writings of Fr. Ledóchowski*, 847-848.

Meanwhile, Fr. Ledóchowski petitioned the Holy See to grant the Society the permission to continue with the mandatory practice of the account, mainly because the account belongs to the second order of the substantials of the Institute, a discontinuation of which would be detrimental to the governance of the Society. Pope Benedict XV had declared by word of mouth on 29 June 1918, through the Pontifical Commission appointed to interpret the new Code, that he did not intend to change the Formula of the Institute and the Constitutions of the Society in the newly promulgated Code.[134] His successor, Pope Pius XI confirmed certain prescriptions of the Formula of the Institute and the Constitutions and restored privileges granted by previous popes in order to maintain the spirit and regulations of St. Ignatius and the traditions of the Society.

Fr. Ledóchowski had two audiences with the pope during which he explained the parts of the Formula of the Institute, the General Examen and the Constitutions applicable to the account of conscience. In his formal petition of 16 June 1921, he wrote, "Holy Father. I, Wlodimir Ledóchowski, Superior General of the Company of Jesus, prostrated at the feet of Your Holiness, humbly ask that, should nothing hinder, you would deign to approve and confirm with Your Apostolic authority what St. Ignatius established in the Constitutions regarding the account of conscience that ought to be given, except when it is forced under sin, even slightly so."[135] Pope Pius XI granted oral approval of the mandatory practice of

[134] See BENEDICT XV, private communication, 29 June 1918, in *AR*, vol. 2, no. 2 (1918), 607-610; LEDÓCHOWSKI, Letter covering *Paterna Caritas*, 403; *Selected Writings of Fr. Ledóchowski*, 847-848.

[135] W. LEDÓCHOWSKI, De confessione, 16 June 1923, in *AR*, vol. 3, vol. 2 (1923), 580-581: "Beatissime Pater, Wlodimirus Ledóchowski, Praepositus Generalis Societatis Iesu, ad pedes Sanctitatis vestrae provolutus humiliter ut ea quae Sanctus Ignatius in Constitutionibus de ratione conscientiae reddenda statuerat, exclusa semper qualibet obligatione sub peccato etiam levi, suprema Sua Apostolica auctoritate approbare atque confirmare, quibuscumque non obstantibus […].

the account in the Society on 29 June 1923. The formal approval was granted on 29 June 1929[136] and confirmed in the privilege of 12 March 1933.[137]

3.3.2.3 Fr. Pedro Arrupe

Fr. Pedro Arrupe was elected at the 31st General Congregation as the Council was coming to an end in 1965. Consequently, Fr. Arrupe's initial responsibility as superior general was to align the proper law of the Society with the documents of the Second Vatican Council. Among the themes under scrutiny in the Society was the question of the mandatory account of conscience and the practice of obedience in the Society. Fr. Arrupe referred to the account as "sacred," and underlined the superior's obligation to secrecy.

> The manifestation of conscience given to Superiors and to Father General makes it possible for us to know a person well, a person whom we are responsible with regards to his apostolic work. For the Society and for the success of the mission, […] it is essential that the Society is the only religious institute which is able to impose it juridically. It is however preferable that the manifestation of conscience be given freely and without obligation. But when the obligation of manifestation of conscience was suppressed for all religious congregations, Pope Pius XI granted to Fr. Ledóchowski then Superior General, that it be maintained in the Society of Jesus. For, through our vocation and for the greater good of the Church and the Society, we ought to have the greatest efficiency possible in our government.[138]

To some extent, Fr. Arrupe was not clear about the obligatory nature of the practice when he wrote that "it is preferable that the manifestation be given freely and without obligation" yet, he mentions in the same paragraph that the practice is juridically imposed in the Society, which would give it a mandatory force. The expression "it is preferable" is misleading as it implies an option, yet the nature of the account was not optional at any point but has always been mandatory.

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[136] See PIUS XI, rescript, 29 June 1929, in *AR*, vol. 4 (1929), 261.

[137] See PIUS XI, Apostolic letter Confirming the Institute of the Society of Jesus after the Promulgation of the New Code of Canon Law *Paterna caritas*, 12 March 1933, in *AR*, vol. 7, no. 1 (1933), 245-246.

[138] DIETSCH, *Pedro Arrupe*, 87-88.

In his writings Fr. Arrupe stressed that the principle and practice of the account relies on the goodwill of the members. On the one hand, the subject is assured of the benefits he derives from the practice and the assurance that whatever he shares with the superior remains private and protected. On the other hand, the superior relies on the benevolence of the subjects, that they are open with him and share the same common purpose, the good of the Society. Therefore, the practice presumes the existence of mutual trust between the subject and the superior, and that both have the purpose of the practice in sight, that is, the good of the Society.

3.3.2.4 Fr. Peter-Hans Kolvenbach

The 69th Congregation of Procurators which was held in September 2003 in Loyola, Spain, recommended to the Superior General, Fr. Kolvenbach to make a study of the reasons why the meaningful use of the account had declined in the Society. According to Mark Lewis, one of the questions raised at the Congregation of Procurators concerned the self-identity of the Society, that is "How do Jesuits see themselves and articulate their corporate identity in terms of their mission?"[139] One way the Congregation of Procurators responded to this question was through the recommendation that the Society must be reminded of the value of the account and must be warned that most members seem to treat the account as a mere formality.[140]

Guided by this recommendation, Fr. Kolvenbach wrote a masterpiece letter to all provincial superiors about the account and its relationship to obedience in the Society. In

[139] M. LEWIS, "The State of the Society of Jesus in the New Millennium: A Historical View," in *Review of Ignatian Spirituality*, vol. 3, no. 107 (2004), 4.

[140] See KOLVENBACH, Letter on the Account of Conscience, 554. See also LEWIS, "The State of the Society in the New Millennium," 6.

his letter, he expressed the understanding of the account according to St. Ignatius' mind, that the account is not merely an annual visit by the superior, but it is both a spiritual and administrative dialogue between them. It is spiritual in that the provincial superior and the subject come together to find what is God's will for the individual and for the Society. It is a discerning dialogue where the Jesuit makes himself known to the superior and, guided by the personal information received, the superior makes his discernment to either confirm or change the apostolic mission of the concerned member. Because of his privileged position of having a broader understanding of the entire province and its men, the superior is able to prayerfully discern the apostolic and community priorities for the entire province.

Fr. Kolvenbach's letter appealed to the Society for a proper understanding of the account, which by its nature is apostolic, that is, each Jesuit must avail himself to the mission of the Society and of the Church. Fr. Kolvenbach restated the observation made by the 32nd General Congregation, that "[…] the contemporary stress on individual initiative, combined with the wide range of opportunities open for such initiative, tends to obscure the sense of mission essential to Ignatian obedience and may dislodge it altogether, unless we make fuller use of the special instrument for spiritual government that St. Ignatius has bequeathed to us, namely the account of conscience."[141] By stressing these words, Fr. Kolvenbach demonstrated that the account is not merely a canonical fulfilment of the annual visitation, but it is an opportunity to discern the will of God for the individual and for the Society.

[141] GC 32, d. 11, no. 30, in PADBERG, *Decrees and Documents of the 31st – 35th General Congregations*, 7347. See KOLVENBACH, Letter on the Account of Conscience, 554.

Additionally, the account of conscience is an opportunity for the superior to come to know what he does not know about the one who gives the account, and an opportunity for the subject to open himself transparently to the superior, such that "[…] nothing interior or exterior shall be kept concealed from the superior."[142] Just like his predecessor, Fr. Kolvenbach echoed the importance of trust, "[…] discernment based on a trusting dialogue guides the personal responsibility of the superior to sustain the mission […]."[143] In the same letter, he stressed that the spiritual aspect of the account does not limit one to the disclosure of the self only, but "[…] includes our relationships with God and his plans for us [and] the account is such an integral aspect of our mission that it is no longer left to our good will but is embedded in our apostolic life as a regular requirement."[144] In other words, the goal of the practice is that the right man is assigned or missioned to the right apostolate and the right community.

3.3.2.5 Fr. Arturo Sosa

Fr. Arturo Sosa started the reflection on *cura apostolica* and *cura personalis* in the invitation for *ex officio* letters for 2018 and asked for a reflection on the complementarity of these two elements in the governance of the Society, "[t]hat is why, after discussing the matter with my counsellors, I have decided that the letters for 2018 should focus on how, in ordinary government, the relationship between *cura aspostolica* and *cura personalis* is lived."[145] The responses he received enabled him to formulate an address to the Society,

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[142] *Constitutions*, no. 551.

[143] KOLVENBACH, Letter on the Account of Conscience, 560.

[144] Ibid., 2.

[145] A. SOSA, *Ex officio* Letters for 2018, in *AR*, vol. 26, no. 2 (2017), 794. *Ex officio* letters are either "annual" when they deal with ordinary questions related to the office of a major superior, the socius, consultors, or revisor of finances for the province, or they are "occasional" when they are written following a request from the superior general to the major superiors on a particular theme. Occasional *ex officio* letters may also address issues related to the responsibilities of local superiors, directors of work, tertian directors,

on 25 March 2020.[146] He admits that the connection between the account of conscience and mission to an apostolic work has been complicated by the fact that, in some cases, directors of work are not Jesuits but are either religious men or religious women, or lay persons, or even non-Christians. Since in such cases the director of work is not connected anymore with the interior disposition of the Jesuits, the duty of *cura apostolica* and *cura personalis* for the provincial superior has been complicated. Prior to this new dynamic of having non-Jesuits as directors of work, the charism of the apostolic works was derived from the life of the Jesuit and the community. Such an arrangement created what his immediate predecessor, Fr. Adolfo Nicolás referred to as "a disordered relationship to work."[147] Though not mentioned in Fr. Sosa's letter, there is a high likelihood that most Jesuits lack the support they traditionally had from the community for the apostolic work and vice versa. There is need to engage in serious study on the effect of this collaboration on the vocation and identity of the Society and mostly of the individual members.[148]

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novice directors, delegates of the major superiors in specific apostolic works, and selected Jesuits in formation (see *Practica quaedam*, no. 2.1, 7).

[146] A. SOSA, Care in the Governance of the Life-Mission of the Society in this Change of the Eras, in *AR* vol. 27, no. 3 (2020), 803-814.

[147] A. NICOLÁS, State of the Society Address to the 70th Congregation of Procurators, 9-15 July 2012, in *AR* vol. 25, no. 2 (2012), 532. The provincial superior missions a Jesuit based on his knowledge of the man's inner disposition obtained from the account of conscience, therefore, if the director of the work is not a Jesuit, he/she might not have the same appreciation of the charism as would a Jesuit director. Some delegates shared their discomfort and indicated that having a non-Jesuit as a director of work can complicate the essence of mission, as understood from its basis in the account. Having one who does not have a complete appreciation of the charism would limit Jesuits to being professional at work, thus diminishing the virtue of obedience or apostolic availability. For example, the performance appraisal that is carried out by a non-Jesuit director of the work might not contribute to the charism of the Society or the vocation of an individual Jesuit, but it might be result oriented in professional excellence, with little or no regard to the spiritual dimension of the concerned Jesuit.

[148] Both GC 32 and GC 35 studied and made recommendations regarding the concept of having directors of works who are not Jesuits (see GC 32, d. 11, no. 30, in PADBERG, *Decrees and Documents of the 31st – 35th General Congregations*, 347; GC 35, d. 5, nos. 40-42, in PADBERG, *Decrees and Documents of the 31st – 35th General Congregations*, 779). For further detail, see Guidelines for the Relationship Between the Superior and the Director of the Work, in *AR*, vol. 22, no. 3 (1996-2002), 386-391.

Fr. Sosa also observed problems in engaging in spiritual conversation and discernment in common: "without the account of conscience, it is difficult to see ways forward, without it, we risk walking in darkness and desiring God's will but without employing the means required."[149] On the one hand, Fr. Sosa reiterated that "[…] the annual visitations of the provincial superior to the communities and works and the account of conscience given to him by the Jesuits under his responsibility are instruments of fundamental importance."[150] On the other hand, the Complementary Norms state that "It is the responsibility of the superior, after he has shared with the individual his discernment, to see to it that the apostolic work of each is properly integrated into the global mission of the Society. It pertains to him to focus the mission assigned to each by the major superior and to promote the sense of apostolic solidarity of all the members of the community, even of those who may be engaged in very diversified activities."[151] Therefore, the proper responsibility of the major superior with regards to *cura apostolica* and *cura personalis* is confirmed and promoted.

[149] SOSA, Care in the Governance of the Life-Mission, 6.

[150] Ibid., 8. To promote transparent conversation, Sosa's letter asks Major Superiors to thoroughly examine the ways of receiving the account of conscience and put mechanisms to create space for in-depth exchange, aiming at employing this as an instrument for the care of the apostolic body and the life-mission of the Society (see ibid., 9).

[151] *Complementary Norms*, no. 403 §2. See Certain Directives Concerning the Distinction and Mutual Relations Between Directors of Work and Superiors, in *AR*, vol. 16, no. 3 (1975), 102. See also P. KOLVENBACH, Letter on Apostolic Discernment in Common, in *AR*, vol. 19, no. 3 (1986), 692-693.

3.4 Collecting Confidential Information about Members for Administrative Purposes

Although the *informationes* is an entirely different process than the account of conscience, nevertheless it relates closely to the account and similarly provokes some important questions concerning confidentiality and the right to the protection of good name and privacy.

3.4.1. The Notion of *Informationes*

The *informationes* is a tool used in the Society to collect personal information on its members,[152] essentially to inform the major superior on the status of a member who has applied for holy orders, or who is being called for final profession, or earmarked for appointment to a responsibility of governance.

Unlike the account whose frequency is at least once a year for all members of the province, the *informationes* collect information about a given Jesuit from the third parties. The process involves a questionnaire sent out to selected members, known as the informants, who are requested to evaluate the Jesuit and recommend him for either holy orders, final vows or governing duties.

This process differs from the account in that it seeks personal information about a member without his participation or even the knowledge who has received the invitation to evaluate him. The informants are bound by confidentiality according to the norms of the process, such that they must not reveal to the concerned member or another that they have been invited to participate in this process. The provisions for collecting confidential

[152] For detailed reading of this theme, refer to J.F. KEENAN, "Are *Informationes* Ethical," in *Studies in the Spirituality of Jesuits*, vol. 29, no. 4 (1997), 1-33.

information for members of the Society appear in the Complementary Norms, in the decrees of earlier general congregations and, most especially, in the *Practica Quaedam*. The superior general makes the determinations regarding the process of collecting confidential information to aid him, especially before admission of a member to final vows or appointment to an office of governance.[153]

3.4.2 *Informationes* for Holy Orders

The provincial superior must seek written information, either before assigning a scholastic for theological studies preceding ordination or at the moment the scholastic applies for holy orders.[154] The provincial superior invites several Jesuits who know the member very well to provide information about the candidate's suitability to holy orders. Consequently, the informants are chosen from the past and present formators and former local superiors, those who have lived in the same communities with the candidate or have studied with him. The candidates may also suggest the names of Jesuits or other people who know him well and whom he feels might give an honest evaluation regarding his suitability for ordained ministry.[155]

After the selection of the informants, the provincial superior must write personally to them and "[…] underlin[e] to them the importance, responsibility, objectivity and confidentiality required for providing the information."[156] It is also recommended that, in

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[153] See *Complementary Norms*, no. 360. See also *Constitutions*, nos. 516 and 737; GC 7, d. 98, in PADBERG, *For Matters of Greater Moment*, 279; GC 8, d. 45, in PADBERG, *For Matters of Greater Moment*, 295; GC 9, d. 37, in PADBERG, *For Matters of Greater Moment*, 310; GC 27, d. 258 §1, in PADBERG, *For Matters of Greater Moment*, 578.

[154] See *Practica quaedam*, no. 5.7.1.

[155] See *Practica quaedam*, no. 6.3.3. For a sample of the questionnaire for *informationes* for holy orders, see Appendix 1.

[156] *Practica quaedam*, no. 6.3.3. See KEENAN, "Are Informationes Ethical," 9.

order to collect as much information as possible, the names of those who have requested ordination be published throughout the province and a general invitation extended to all Jesuits to communicate to the provincial superior their opinion on the candidate's suitability for ordained ministry.[157] The local superior of the candidate is encouraged to send his evaluation of the member, if he was not included among the selected informants.[158] However, this invitation to the local superior would most likely result in a conflict of interest, if the local superior was, at some point, the recipient of the candidate's account of conscience made in accordance with the norms of c. 630 or was a confessor to the candidate, therefore prohibited by virtue of c. 240.

The provincial superior and his consultors deliberate on the assessments made by the informants, before he makes the final decision.[159] The consent of the consultors is not required for admission to holy orders, even though the major superior must seek the counsel of the consultors.[160] In virtue of his knowledge of the member, information gathered in the account of conscience and the reports from the informants and any members who would have provided discreet reports, he makes the decision whether to approve the candidate for ordination, or defer the approval, or exclude definitively the member from ordination.[161]

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[157] See *Practica quaedam*, no. 6.3.5.

[158] See *Practica quaedam*, no. 6.3.4. Regarding ordination to the diaconate or priesthood, "[…] the role of the superior of the community to which the candidate belongs as well as of the community itself, is also of paramount importance" (See Guidelines for Provincials, no. 47, 22; see also *Complementary Norms*, no. 112; GC 32, d. 4, no. 43, in PADBERG, *Decrees and Documents of the 31st – 35th General Congregations*, 308).

[159] See *Practica quaedam*, no. 6.3.6.

[160] See *Constitutions*, no. 810. See also *Complementary Norms*, no. 355 §2.

[161] See *Practica quaedam*, no. 6.2.1. "The approval of candidates for sacred orders (diaconate and priesthood) is one of the most serious responsibilities of the provincial superior" (see Guidelines for Provincials, no, 47, 22).

3.4.3 *Informationes* for Final Profession

Before calling a man to final profession, the provincial superior should ask the man who has completed the required number of years in the Society, at least ten, and who has completed tertianship, if he is ready for definitive incorporation into the Society.[162] The number of years can be shortened or lengthened at the determination of the superior general. The provincial superior initiates the process by enquiring, either orally or in writing, if the Jesuit is ready for final incorporation and if there is any impediment to it.[163] To decide on calling a Jesuit for final vows, the provincial superior should consider the qualities listed in nos. 120 and 121 of the Complementary Norms.[164] Besides, an account of conscience must be received by the provincial superior to help him to acquire up-to-date knowledge about the individual, and to enable him to determine what grade he would propose: either a professed of four vows, or spiritual coadjutor and formed brother.

After the provincial superior has ascertained that the man is ready for final incorporation, he proceeds to identify at least four Jesuits to provide *informationes*. The determination of the informants is made by the provincial superior, who freely chooses the informants.[165] Upon receiving the reports from the informants, the provincial superior

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[162] See *Complementary Norms*, no. 119. See also *Practica quaedam*, no. 7.1.6. Tertianship or the third year of probation precedes final vows, and it aims at bringing to completion spiritual, apostolic and intellectual formation in the ways of the Society and prepares the individual for the final integration into the Society and is done according to a program approved by the superior general (see *Complementary Norms*, nos. 119-129).

[163] For example, a Jesuit who has been ordained a bishop, or created a cardinal, cannot be promoted to a grade, or receive final incorporation in the Society, whereas vicars, delegates and apostolic prefects cannot be promoted to a grade during the duration of their appointment (see *Complementary Norms*, no. 129).

[164] The qualities to be considered include, among others, sound judgement and prudence in action, more than average talent for ministries, availability for mission and ministries of the Society, outstanding level of learning in sacred sciences (at least a licentiate) or social sciences, priestly ordination (see *Complementary Norms*, no. 121).

[165] See *Practica quaedam*, no. 7.1.3. There are provisions for those candidates for final vows who have applied to another province or region (no. 7.1.4), or those who reside in an international house or province other than their own (ibid., no. 7.1.5). It is the duty of the provincial superior of the candidate to

deliberates on the reports with his consultors. He prepares a summary of the reports, and sends it, with his own opinion and that of the consultors to the superior general.[166] Sections 7.1.7 and 7.1.8 of the *Practica quaedam* emphasize the responsibility of the provincial superior, acting on behalf of the superior general, in gathering information. The consultors send in their opinions in sealed envelopes. Moreover, the provincial superior, after discernment, that is, basing his judgment on his knowledge of the member, most especially from the account of conscience, proposes the grade for the member. Information gathered through the account of conscience remain very critical throughout this process. Even though the provincial superior cannot reveal to the consultors or to the superior general the reasons why he is proposing a deferral of the final vows, nevertheless he can use knowledge obtained from the external forum to justify his reasons. Finally, it is the superior general who calls the man to final vows and assigns the grade. If someone decides eventually not to make the final vows, or does not accept the assigned grade, the provincial superior should notify the superior general immediately.[167]

3.4.4 *Informationes* on Aptitude for Governing

The appointment of major superiors and others who assist the major superior in his role of governance, among them is the socius, treasurer of the province and the provincial

initiate, with the approval of the provincial superior of the place of residence, the process of gathering the *informationes*. After receiving the *informationes* and the opinion of the consultors, together with his own opinion, the major superior sends the dossier to the Superior General for the final determination. The norms emphasize three reasons why the provincial superior has this particular responsibility of calling a Jesuit to final vows, a) because he has deeper knowledge of the candidate, his background, training, fidelity to the mission, community life, strengths and weaknesses, and how he has contributed to life and mission in the province; b) because he can evaluate the reliability of the informants, and c) because he receives the candidates' account of conscience (see *Practica quaedam*, no. 7.1.7).

[166] See ibid., no. 7.1.3. For a sample of the questionnaire for *informationes* for final vows, see Appendix 2.

[167] See *Practica quaedam*, no. 7.4.3.

consultors, is made by the superior general.[168] Just as it is the practice in the Society, these appointments must be preceded by collecting the *informationes*, that is "information on the aptitude of an official who accompanies the provincial superior."[169] The opinion of the provincial superior and of each of the provincial consultors,[170] and a summary of the *informationes* must be sent to the superior general for his determination.

Apart from the superiors appointed by the superior general, there are other appointments that are made according to *Practica Quaedam* by the provincial superior with the approval of the superior general.[171] These include the local superiors, tertian masters, master of novices, revisor of province financial administration, and other curia officials.[172] Part of the information sought out includes whether the particular Jesuit has achieved any degree of success in performing tasks entrusted to him, the extent to which the man is prudent yet courageous, capable, responsible, self-directed yet obedient as a leader.[173]

Some reviewers have regarded the *informationes* as a highly effective instrument of gathering information, whereas others have viewed it as problematic because of possible

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[168] See *Constitutions*, no. 667.

[169] *Practica quaedam*, no. 8.2.8; See also *Complementary Norms*, nos. 340-341. "For anyone to be validly appointed a major superior in the Society, he must have been professed of four vows after having spent the period of time in the Society that our law requires, according to no. 119" (*Complementary Norms*, no. 344 §1). The norm of no. 119 stipulates the period that one must have spent in the Society, that is ten years. According to the norm of GC 32, the period before the final incorporation into the Society varies according to circumstances of each person, however, "At least ten full years in the Society, including the years spent in initial studies of philosophy and theology in the Society" (GC 32, d. 10, no. 1b, in PADBERG, *Decrees and Documents of the 31st – 35th General Congregations*, 336).

[170] Consultors participate in the deliberations and decisions as required by universal and proper law, especially in matters dealing with persons and apostolic works (See Guidelines for Provincials, no. 30, 16). The socius is automatically a consultor, and together with the other members of the consult, they help the major superior in his discernment and governance of the province and for the good of the universal Society.

[171] See *Practica quaedam*, no. 8.3.1.

[172] See ibid., no. 8.3.2.

[173] See W.P. HARRY, "Jesuits and Leadership," in *Woodstock Letter*, vol. 94, no. 1 (1965), 33-44. See Appendix 3 for the questionnaire on *informationes* for aptitude for governing.

biases of the informants. Moreover, the secretive manner of this procedure, involving people who might have been recipients of confidential information from the concerned member, might lead to the abuse of entrusted secrets. However, the process is commendable in that it collects information from independent sources, information which might not otherwise be known by the provincial superior in particular, or the superior general.

Conclusion

The organizational structures of the Society provide for a flow of information from the various levels of government that enables the major superiors to make decisions that are profitable both for the individual members and for the good of the Society. The words of Fr. Jeronimo Nadal summarize the Jesuit vocation and, in extension, the procedures that facilitate its realization: "We first meet the Society of Jesus and then follow it; we are instructed and obtain the faculty to be sent on a mission; we are sent and practice our ministry; we are prepared to die for Christ while we are fulfilling our ministry duties."[174]

The present chapter established that the mandatory practice of the account has been a subject of debate, and especially, since the promulgation of the 1917 Code of Canon Law. The first part of the chapter, while highlighting the essential elements of the account of conscience, nevertheless noted that the matters revealed in the account of conscience differ according to individuals manifesting and according to the major superior receiving the account who are the legitimate recipients of the account of conscience. It was also

[174] J. NADAL, *Orationis observationes*, M. NICOLAU (ed.), Rome, Institutum Historicum Societatis Iesu, 1964, 151.

determined that the local superior is not competent to receive the manifestation of his conscience of the members of his community, unless the member freely approaches him. This conclusion has been arrived at because the purpose of the account is governance of the Society, therefore, the local superior lacks the faculty to mission a member in the Society because the responsibility of missioning belongs to major superiors only.

It has been demonstrated in the third section of the chapter that several general congregations have confirmed the account of conscience. The 27th General Congregation, which reviewed the law of the Society after the promulgation of the 1917 Code of Canon Law, retained the mandatory nature of the account. The most recent General Congregations (31, 32 and 34) have all issued decrees in justifying the account of conscience and its status as one of the substantials of the Formula of the Institute. The perspective taken by general congregations was confirmed and developed by numerous superiors general, mostly and especially, to clarify the objective use of the account.

Furthermore, we noted a few concerns that have remained unsolved with regards to the practice of the account of conscience, among them the lack of clear guidelines or procedural law regarding the practice and the specific material that must be shared. Ultimately, both the procedure and the content of the account are left to the determination of each major superior. Because of this obscurity, some misunderstanding arose over the procedures and the matter for the account.

In the Society, the *informationes* has been recommended as an objective means of collecting information to determine suitability of the members for admission to holy orders, final incorporation and assuming the function of governing. This way, other members of

the Society collaborate in the process of evaluation and recommendation conducted by the competent superiors.

Finally, the context and way the account of conscience is given calls for a careful evaluation of the obligation of the subject to transparency in his sharing, and the obligation to secrecy placed on the superior who receives the account. It is important now to make a critical analysis of the protection of the right to privacy and the protection of reputation of the members of the Society. There is always a likelihood of abuse of the information shared in the account and sharing information in the process of the *informationes.* The next chapter will demonstrate the safeguards of confidentiality and privacy in the practice of the account of conscience and gathering of personal information about members.

Chapter Four

Account of Conscience in the Light of the Right to Privacy and Protection of Good Reputation

Introduction

Every person possesses the right to privacy and the right to control who has access to some or all aspects of his or her life. The legislation of the Church protects all members of the Christian faithful from having their good reputation harmed unlawfully and also protects their right to privacy. However, when there are competing interests, and the good of the community is in danger, it is legitimate for the public authority to determine the parameters of the exercise of these rights. Fundamental to this chapter is the balancing of competing interests, that of safeguarding the privacy and spiritual well-being of members of the Society of Jesus on one hand, and that of safeguarding the proper governance of the Society and the good of the Church, on the other hand.

This chapter will present the notions of confidentiality, privacy and secrecy and then attempt an analysis of c. 220 on the right to one's good name or reputation and the right to one's privacy.

Furtherly, the specific categories of privileged communication will serve to demonstrate the significance of confidentiality in the account of conscience. An investigation of the law of secrecy in the Church, with specific emphasis on the pontifical secrecy and the sacramental confession and the norms that protect the right of individuals to privacy will follow.

Then, the chapter will present an evaluation of the right to privacy in the praxis of the Society, with an emphasis on the obligation to transparency on the part of the member

who makes a manifestation and the obligation to secrecy on the superior who receives the account, according to the proper law of the Society and the universal laws of the Church.

Lastly, the chapter will offer an analysis of the "inviolability" of the account of conscience, the legislation, and the praxis of the Society with regards to the protection of the right to privacy in serving the purpose of the account, the governance of the Society.

4.1 The Notions of Confidentiality and Privacy

We often use the terms "confidentiality" and "privacy" interchangeably, even though they have different meanings in the legal sense. In simple words, confidentiality is a right and a corresponding duty, rooted in both natural law and positive legal law. Confidentiality refers to personal information shared with someone in his or her capacity as a professional (attorney, therapist, physician, counsellor, pastor) and other individual persons, with the expectation that such information cannot be disclosed to a third party without the consent of the owner of the information. For instance, a "confidentiality clause" in most employment contracts oblige the employee not to disclose to a third party (without permission from the one who is authorized to do so) some information about the employer (individual, business, company, agent), or company policies, projections, strategic plans, to prevent any advantage of the company's competitors to whom this information might have been disclosed.

Confidentiality is the object of the privilege of professional relationships, that is, attorney-client, physician-patient, therapist-client, priest-penitent, just to mention a few. For example, a physician-patient relationship establishes an implied contract of confidentiality since the physician collects and analyses personal information which

otherwise is private to the patient. Within his employment, the physician has both a moral and a professional duty to observe confidentiality, even though he can share that information with, say, a pharmacist or another expert without breaching confidentiality. In such a scenario, there is assumed consent of the patient that the physician can share this information with others who are able to help with the management of his health. In some cases, to protect the right of privacy of the individual, the physician may not share the identity of the patient, but only the information chart. The attorney-client privilege serves the purpose of assuring the clients to share in detail facts about their cases. The attorney's privilege is not to disclose such information even in a court of law, to incriminate or harm the client.

On the other hand, the right to privacy is defined as the "right to be left alone,"[1] that is, an individual's claim to freedom from interference by the government, public scrutiny or undesired publicity.[2] In other words, "[p]rivacy refers to a person's desire to control the access of others to themselves. For example, persons may not want to be seen entering a place that might stigmatize them, such as a pregnancy counseling center that is clearly identified as such by signs on the front of the building. Privacy concerns people, whereas confidentiality concerns data."[3]

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[1] S.D. WARREN and L.D. BRANDEIS, "The Right to Privacy," in *The Harvard Law Review*, vol. 4, no. 5 (1890), 193. The expression "the right to be left alone" was first expressed by Judge T. Cooley, however, it is generally associated with the article by the two American lawyers, Samuel Warren and Louis Brandeis in the Harvard Law Review.

[2] Some consider this conception of the right to privacy unrealistic for two reasons. Firstly, an individual by nature interacts with others, therefore his behaviour always has the potential to impact on others. Secondly, "Recognizing an inviolable sphere of personhood […] must consider that society, to a great extent defines its individual members […] Public dissemination about private matters directly affects how society views an individual and may affect that individual's role in society" (F.S. CHLAPOWSKI, "The Constitutional Protection of Informational Privacy," in *Boston University Law Review*, 71 [1991], 153).

[3] "Privacy vs. Confidentiality: What's the Difference?" https://www.research.uky.edu/uploads/ori-d320000-privacy-vs-confidentiality-whats-difference-pdf (12 August 2022).

The notions of privacy and of secrecy are related. “At the most elemental level, both are based on confidentiality, the prevention of dissemination of items of information. Privacy implies the retention of interest by the data subject in the information about herself or himself. Secrecy is a higher level of interest by the data owner in limiting knowledge of certain information.”[4]

Confidentiality, that is the expectation of non-disclosure of certain facts pertaining to a person, physical or juridical, to a third party without the consent of the interested person, and secrecy, that is non-disclosure of something that by its very nature or by virtue of a special contract may not be divulged are constitutive of the protection of the right to privacy considered as the freedom from intrusion into one’s personal matters and personal information.

4.2 The Right to Privacy and the Protection of Good Reputation

The term privacy (*propria intimitas*) finds its place only once in the 1983 Code, in c. 220. The canon has three sources, that is c. 2355 of the 1917 Code, the encyclical *Pacem in terris* and the conciliar constitution *Gaudium et spes*. The teachings of the Roman Pontiffs, beginning with Pope Leo XIII’s encyclical *Rerum novarum*[5] of 1891 acknowledged the dignity which belongs to the human person. Conciliar and magisterial teachings have endorsed the sanctity and privacy of conscience, and the legislation

[4] S.J. ROSS, “Information Security Matters: Secrecy and Privacy,” in *ISACA Journal*, 2021, vol.1, https://www.isaca.org/resources/isaca-journal/issues/2021/volume-1/secrecy-and-privacy (12 August 2022).

[5] See LEO XIII, Encyclical on Capital and Labour *Rerum novarum*, 15 May 1891, in *Acta Leonis XIII*, 11 (1892), 97-144, https://www.vatican.va/content/leo-xiii/en/encyclicals/documents/hf_l-xiii_enc_15051891_rerum-novarum. html (12 December 2021).

protected the individual's right to privacy and the right to protect good reputation, both of which are natural rights and positive legal rights.

4.2.1 Magisterial Teachings on the Fundamental Human Rights

In the modern era, the concept of "human rights"[6] gained prominence in Pope Leo XIII's encyclical letter *Rerum novarum*, of 1891. The fundamental principle of the encyclical laid out the relationship between capital and labour. Pope Leo XIII addressed the relative rights and conditions of the workers in the context of injustices practiced by employers. Stated clearly was the need to protect private property from the socialists who attempted to turn private property into common property to be administered by the State. Rather, the purpose of work is to acquire private property for the satisfaction of one's needs, that is, a right to acquire temporal goods, to invest in land, to ownership of resources and a right to dispose of such property without State interference. Pope Leo XIII contended that the right to property is a natural right that ought to be safeguarded.

Pope John XXIII later took up the idea of human rights in the Church in his encyclical letter *Pacem in terris*.[7] He referred to the principle of innate and inviolable rights declaring that "[…] it follows that in human society one man's natural right gives rise to a corresponding duty in all other persons, that is, of acknowledging and respecting that right. For every fundamental human right draws its moral force from the natural law, which in

[6] For detailed Catholic theological discussion on human rights, see INTERNATIONAL THEOLOGICAL COMMISSION, "Human Dignity and Human Rights," in *Gregorianum*, 65 (1984), 231-481. See also D.A. SEEBER, "Menschenrechte – eine neune Moralität," in *Herderkorrespondenz*, vol. 31 (1977), 217-221; D. HOLLENBACH, *Claims in Conflict: Retrieving and renewing the Catholic Human Rights Tradition*, New York, Paulist Press, 1979.

[7] See JOHN XXIII, Encyclical Letter on Establishing Universal Peace in Truth, Justice, Charity, and Liberty *Pacem in terris*, nos. 7-27, 11 April 1963, in *AAS*, 55 (1963), 257-304, English translation in *The Pope Speaks*, 9 (1963), 12-48. The Pope elaborated the rights that man has, and central to these is the right to live, which is a natural right.

granting it, imposes a corresponding obligation."[8] Sections 7-27 of the encyclical illustrate the rights of the individual, whilst Sections 28-36 lay the foundation of freedom inherent in man, confirming that the human person, by his very nature, is a subject of rights that no one must violate.[9]

The Second Vatican Council addressed the issue of rights in various documents, but most significantly in the Pastoral Constitution *Gaudium et spes* which emphasized that each human being is endowed with intelligence and free will, thus he has rights and duties that are "[…] universal and inviolable, and therefore altogether inalienable."[10] The Pastoral Constitution considers all human rights to be based on the dignity which men and women are endowed by God himself:

> […] there is a growing awareness of sublime dignity of the human person, who stands above all things and whose rights and duties are universal and inviolable. He ought therefore, to have ready access to all that is necessary for living a genuinely human life, for example, food, clothing, housing, the right to freely choose his state of life and set up a family, the right to education, work, to his good name, to respect, to proper knowledge, the right to act according to the dictates of conscience, and to safeguard his privacy, and the right to freedom even in matters of religion.[11]

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[8] "[…] consequens est etiam, ut in hominum consortione unius hominis naturali cuidam iuri officium aliorum hominum respondeat, officium videlicet ius illud agnoscendi et colendi. Nam quodvis praecipuum hominis ius vim auctorita temque suam a naturali lege repetit, quae illud tribuit, et conveniens iniungit officium" (JOHN XXIII, Encyclical Letter on Establishing Universal Peace in Truth, Justice, Charity and Liberty *Pacem in terris*, 11 April 1963, no. 30, in *AAS*, 55 [1963], 264, English translation in *The Pope Speaks*, 9 [1963], 51). See D.L. SCHINDLER and N.J. HEALY (trans), *Freedom, Truth and Human Dignity: The Second Vatican Council's Declaration on Religious Freedom,* Cambridge, William B. Eerdmans Publishing Co (2015), 281.

[9] Janet Smith notes that "[…] one considerable challenge that the Church faces in modern times is finding a way of conveying its moral teaching to an age that most manifestly does not share the moral presuppositions of the Church […] since Leo XIII, and very much in the last decades of this century, 'rights language' has played an almost dominant role in the Church encyclicals about moral and political matters" (J. SMITH, "Rights, the Person and Conscience in the Catechism," in *Catholic Dossier*, 3 (1997), 1). Even though some Catholic thinkers, notably John Murray and Jacques Maritain supported the adoption of the "rights language," arguing that they are compatible with natural law and the tradition of the Church, there is some strong reservation with the adoption of the rights language by most scholars (See ibid. 2).

[10] SECOND VATICAN COUNCIL, Pastoral Constitution on the Church in the Modern World *Gaudium et spes*, no. 26, 7 December 1965, in *AAS*, 55 (1963), 296, English translation in *FLANNERY1*, 927.

[11] See SECOND VATICAN COUNCIL, Pastoral Constitution on the Church in the Modern World *Gaudium et spes*, no. 26, in *AAS*, 58 (1966), 709, English translation in *FLANNERY1*, 927.

Notwithstanding of any claims of civil society that the human rights are granted by positive law, the Church considers them as innate to human condition. Walter Kasper makes a distinction between the origins of innate rights and positive human rights:

> Human rights are not just claims which people reciprocally grant to each other, nor are they given to the individual by the State or the society. They are innate rights, given to men and women by their very being. These rights are antecedent to and transcend the State and society yet must be recognized and transferred into positive law by them. Since they are founded in the God given being of men and women, they are exempt from all discretionary or arbitrary whim.[12]

The Second Vatican Council recognized the right to the protection of good reputation and to privacy among those "inviolable rights common to all people by virtue of the extraordinary dignity which belongs to the human person."[13]

Gaudium et spes, no. 16 expressed the relationship of man to his conscience, "[…] His conscience is man's most secret core, and his sanctuary. There he is alone with God whose voice echoes in his depths."[14] This conciliar expression of the inviolability of conscience points therefore to the dignity of conscience and the freedom of conscience as an inalienable right. In fact, post conciliar documents strengthen the protection of the right to privacy and the right to a good name.[15]

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[12] W. KASPER, "The Theological Foundations of Human Rights," in *The Jurist*, vol. 50 (1990), 157. Kasper noted that "[…] there is a danger of the misuse of human rights to serve self-interested ends and their consequence […] they are used to serve the ideological safeguarding of particular interests and privileges, they are exploited as a publicity weapon in the confrontation of systems or personal interests. Such cynicisms and opportunism bring human rights into disrepute and can only be countered by a demonstration of their normative character" (ID., 150).

[13] SECOND VATICAN COUNCIL, Pastoral Constitution on the Church in the Modern World *Gaudium et spes*, no. 7, in *AAS*, 58 (1966), 1046, English translation in *FLANNERY1*, 890. See R.E. JENKINS, "Defamation of Character in Canonical Doctrine and Jurisprudence," in *Studia canonica*, 36 (2002), 419.

[14] PIUS XII, radio message on Rightly Forming the Christian Conscience in Youth, 23 March 1952, in *AAS*, 44 (1952), 271; See SECOND VATICAN COUNCIL, Pastoral Constitution on the Church in the Modern World *Gaudium et spes*, no. 26, in *AAS*, 58 (1966), 709, English translation in *FLANNERY1*, 927.

[15] See Catechism of the Catholic Church, no. 2477.

The Council's teaching on human dignity significantly influenced the formation of c. 220 that prohibits any member of Christian faithful from illegitimately harming another's good reputation and protects the right to one's privacy, thereby forming the basis of the legislation on the manifestation of conscience in religious institutes, according to c. 630.

4.2.2 Canon 220 as an Expression of the Church's Protection of the Right To Privacy and the Good Name

Although all people possess the human rights regardless of one's baptismal status as they derive their origin from natural law, nevertheless, in recognizing them the Church imposes an obligation to protect these rights also in the community of the people of God.

Canon 2355 of the 1917 Code is indicated as the first source of c. 220 of the 1983 Code. Canon 2355 articulated penalties on those who violate another's good name. It reads, "If anyone, not by [physical acts] but by words or writings, or in any other way, imposes injuries on another and wounds his good reputation, not only can he be coerced according to the norms of cc. 1618 and 1938 to offer satisfaction for the repair of the damage, but he can also be punished by suitable penalties, not exceeding, if the case involves clerics, suspension or removal from office or benefice." The canon combined three elements, that is, the delict of defamation or harm to someone's reputation, the obligation on the one who perpetrated the harm to remedy the damage caused and the imposition of penalties. Richard Welch notes that even though c. 2355 did not envisage personal rights, "[…] the canon defends the right to a good name and infers that its violation constitutes defamation of character."[16] The canon foresaw the imposition of remedies for the violation of one's

[16] WELCH, The Manifestation of Conscience in Religious Life, 157.

reputation in two ways, firstly, repair of the damage caused, and secondly, the imposition of penalties by the legitimate authority according to the gravity of the harm; if the harm was caused by a cleric, the penalty proposed was either suspension or removal from office or benefice.

At the revision of the Code, c. 2355 of the 1917 Code passed through several revision stages and produced several drafts. In the Schema *De populo Dei* there were two canons addressing the issue, that is, c. 32 which read "Fidelibus ius es ut bona fama qua gaudent ab omnibus in honore habeantur; quapropter nemini licet illegitime eandem laedere"[17] (to the faithful belongs the right to the protection of good reputation by which they enjoy being respected by all. It is unlawful for anyone to injure it illegitimately) and c. 33 which read "Christifideles officium et ius habent servandi secretum commercii epistolaris aliusve personalis indolis"[18] (the Christian faithful have an obligation and a right to respect the privacy of a correspondence by letter or of other communication of personal character).

The *1982 Schema* revised c. 32 of the *Populo Dei* text into the new c. 220 which read, "Nemini licet bonam famam, qua quis gaudet, illegitime laedere, nec ius cuiusque personae ad propriam intimitatem tuendam violare"[19] (no one is permitted to harm illegitimately the good reputation which a person possesses nor to injure the right of any

[17] PONTIFICIA COMMISSIO CODICI IURIS CANONICI RECOGNOSCENDO, *Schema Canonum Libri II De Populo Dei (reservatum),* Typis polyglottis Vaticanis, 1977, 30. See also PONTIFICIA COMMISSIO CODEX IURIS CANONICI AUTHENTICE INTERPRETANDO, Coetus studiorum « De laicis » (Sessio II), in *Communicationes*, 17 (1985), 211. See also PETERS, *Incrementa in Progressu*, 158.

[18] PONTIFICIA COMMISSIO CODICI IURIS CANONICI RECOGNOSCENDO, *Schema Canonum Libri II De Populo Dei (reservatum),* 30. See also PETERS, *Incrementa in Progressu*, 158.

[19] PONTIFICIA COMMISSIO CODICI IURIS CANONICI RECOGNOSCENDO, *Schema Canonum Libri II De Populo Dei (reservatum),* Typis polyglottis Vaticanis, 1977, 30. See PONTIFICIA COMMISSIO CODEX IURIS CANONICI AUTHENTICE INTERPRETANDO, Coetus studiorum « De laicis » (Sessio II), in *Communicationes*, 17 (1985), 211. See also PETERS, *Incrementa in Progressu*, 158. Canon 33 was dropped from the 1982 Schema.

person to protect his or her right to privacy). Canon 220 of the 1982 *Schema* remained unchanged and formed c. 220 of the 1983 Code.[20]

Canon 220 is a prohibitive law. A prohibitive law, "is by its nature always a grammatically negative proposition."[21] Prohibitions restrict the exercise of rights or protect the rights of others. The violation of a prohibition that restricts the exercise of a right may result in the imposition of a penalty.

The norm of c. 220 has its implications in c. 630, which governs the rights and freedoms enjoyed by the members of religious institutes, that is, freedom to choose spiritual directors and confessors and to approach superiors for the manifestation of conscience without being coerced. Canon 630, in §2 and §3 obliges superiors to make confessors available to their members, and in §4 and §5 prevents superiors from hearing the confessions of their subjects and forbid superiors to coerce the subjects to manifest their conscience to them, unless the member freely approaches them. All in all, c. 630 makes provisions aimed at protecting the right to privacy of members of religious institutes, the spiritual edification of the members and promotes among the members of institutes the freedom to choose confessors and spiritual directors.

The placement of c. 220 in Book II of the Code, under Title I "The Obligations and Rights of All Christ's Faithful," is pivotal as it pertains to the rights of persons, both physical and juridic persons. However, although the Code acknowledges that every person possesses the right to the protection of good reputation and the right to protect his or her own privacy, nevertheless, the canon also recognizes that these rights are not absolute.

[20] Canon 23 is the equivalent norm in the Code of Canons of the Eastern Churches.

[21] M. BROWNE, "The Manifestation of Conscience," in *The Irish Ecclesiastical Record*, 64 (1934), 85.

Indeed, the Code prohibits "to harm illegitimately" those rights, therefore implying that there might be instances when it is legitimate to act in the way that will bring, as one of its concomitant results, some harm to an individual's good name. In other words, those in authority can lawfully act in such a way when there are competing interests, that is, the right of the person (physical or juridic) to a good name on the one hand and the obligation to protect the common good on the other.[22]

4.3 Ecclesiastical Legislation on the Right to the Protect Good Reputation

The obligation in c. 220 provides the most fundamental protections against injury to one's right to privacy. Richard Bill and Virginia Bartolac describe the right to a good name and the right to privacy as "[…] fundamentally inalienable and [derived] from the dignity of a human person. They are commonly joined together in actual practice in as much as the violation of the privacy of a person can easily result in unlawful and immoral harm to that person's good name."[23]

The account of conscience includes "the disclosure of one's state of the mind and soul, […] revealing one's virtues, defects, temptations, trials, passions, difficulties, doubts, inclinations, intentions."[24] Disclosure of anything that concerns the inner life of a member, and especially of some negative aspects of his inner dispositions, risks damaging his

[22] According to James Provost, "Rights in the Church are not claims of individuals against a social structure, but rather the recognition of the action of Christ taking place among those in ecclesial communion. […] the meaning of the common good within the Church becomes more apparent, rather than the good of the collectivity, it means the sum of those conditions which are necessary so that each Catholic may truly hear and follow the call of Christ," (J.H. PROVOST, "Promoting and Protecting the Rights of Christians: Some Implications for Church Structure," in *The Jurist*, 46 [1986], 293).

[23] R. HILL and V. BARTOLAC, "Recognition and Protection of Rights in Consecrated Life," in *CLSA Proceedings*, 57 (1995), 182.

[24] VERMEERSCH and CREUSEN, *Epitome iuris canonici cum commentariis,* vol. 1, 650.

reputation. The right to privacy of the one who revealed his conscience to his superior implies the retention of the sensitive and highly personal data by the recipient of the account. Therefore, privacy of the account serves to protect the right of a member to good reputation.

4.3.1. The Notion of Good Reputation

In the judgement of the public, that is, two or more people, one is judged as having good reputation in accordance with what is determined by the societal values and expectations. The same public can judge a person as having lost his reputation when he fails to meet the societal values or expectations. In the strict sense, an opinion held privately over someone does not constitute a person's reputation until it is expressed publicly to others. This public expression either acknowledges the good reputation that the person possesses or denies the good reputation that the person possesses. A harmful judgement of another person may result in damage or loss of someone's good reputation. The Code therefore protects against defamation which injures a person's reputation.

The concept of good reputation is not defined in the Code. However, the Pontifical Council for Legislative Texts clarified that "Canon 220 establishes a principle of general character responding to the natural law and the imperative that prohibits detraction and defamation (*CCC*, nos. 2477-2479), detraction concerns the dissemination of true information, even when such is public, if done in an unjustifiable manner."[25]

Karl Holböck defined the concept of defamation and explained the essence of protecting good reputation from harm, as understood in civil law:

> Good reputation is externally wounded by defamation, that is, by revelation without a just cause of a true and secret crime (detraction) or by falsely imputing a crime

[25] PONTIFICAL COUNCIL FOR LEGISLATIVE TEXTS, *Response*, Prot. No. 15512/2016, 15 September 2016, Vatican City, 2016.

> (calumny) […] Defamation is the denigration of another's reputation made publicly, that is, in the presence of many, with the direct or indirect intention of divulging the iniquity of another. There can be no defamation without, at least, an indirect and responsible intention of wrongdoing.[26]

Holböck points at two common types of defamation, that is detraction and calumny. "Detraction is the revelation without cause of a fault or crime committed by another."[27] Detraction includes the act of wilful revelation to others of what has been previously an occult crime or fault of another. However, when the crime or fault was already known to the public, there is no defamation if it is established to have been known already in the external forum. Calumny consists of the injury to a person's good reputation by making false accusations or dissemination of false allegations.

Calumny is the subject of c. 1390 §§1-2.[28] Meanwhile, "A person who makes the false allegation must make reparations for the damage caused" (c. 1390 §3). The person whose rights have been violated can vindicate or defend their rights by virtue of c. 221 §1 and in accordance with c. 128, "Whoever illegitimately inflicts damage upon someone by a juridic or by any other act placed with malice or negligence is obliged to repair the damage inflicted."

The reputation of a physical person is important to the preservation of the reputation of the institute where he or she is a member. The reputation of a member of a religious institute must be protected by the superiors for both his personal integrity and his good

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[26] K. HOLBÖCK, *Tractatus de jurisprudentia Sacrae Romanae Rotae*, Vienna, Styria, 1957, 387, English translation in JENKINS, "Defamation of Character in Canonical Doctrine and Jurisprudence," in *Studia canonica*, 36 [2002], 420. See Jenkins offers a concise definition of defamation, "[…] a general expression for any type of injury to a person's right to a good reputation" (ID, 422).

[27] JENKINS, "Defamation of Character in Canonical Doctrine and Jurisprudence," 422.

[28] Canon 1390 §1, "A person who falsely denounces a confessor of the offence mentioned in c. 1385 to an ecclesiastical superior incurs a latae sententiae interdict and if a cleric, he incurs also a suspension, §2 A person who calumniously denounces some other offence to an ecclesiastical superior, or otherwise unlawfully injures the good name of another, is to be punished according to the provision of c. 1336 §§ 2-4, to which moreover a censure may be added."

name and for the reputation of the institute itself. If a person's reputation is harmed by extension the reputation of the religious institute or community is diminished or damaged.

Similarly, bad reputation of a member can reflect badly on the reputation of the institute to which he belongs. Apparently, a good name for the religious institute is important if the institute is to retain its members, or to gain new ones. Membership is important for the sustenance of the institute's patrimony and, in a practical sense, that the institute be able to raise resources to support its mission. If the institute's reputation has been damaged, the institute is likely to lose public trust, that is, the trust of the civil authorities, ecclesiastical authorities, other members of the Church and the public as such. A damaged reputation of a member who belongs to an institute poses also a great danger to the ministries associated with the institute. Consequently, "[…] it seems logical to apply, by extension, the presumptions of c. 220 to juridic persons since the importance of a juridic person's reputation with the community cannot be overemphasized."[29]

A good reputation is important for a physical person not only with regards to his or her dignity, but also in view of appointment to ecclesiastical offices.[30] For instance, loss of good reputation can make one ineligible for admission to holy orders,[31] to ministries or functions in the Church, for an appointment to an office, or it can become the cause of

[29] D.L. BARR, The Right to One's Reputation: Applicable Legislation in the United States of America, JCD thesis, Ottawa, Faculty of Canon Law, Saint Paul University, 1993, 166.

[30] Good reputation is a qualification for the following ecclesiastical offices: chancellor and notary (c. 483), judicial vicar (c. 1420 §4), judge (c. 1421 §3), promoter of justice and defender of the bond (c. 1435), advocate and procurator (c. 1483). Loss of good reputation can lead to removal of a pastor (c. 1741, 3º). Good reputation is one of the qualities for a superior general in the Society (see *Constitutions*, no. 735).

[31] See c. 1029: "Only those are to be promoted to order who, in the prudent judgement of the proper bishop, or the competent major superior, all things considered, have sound faith, are motivated by the right intention, are endowed with the requisite knowledge, enjoy a good reputation, and have moral probity, proven virtue and the other physical and psychological qualities appropriate to the order to be received."

removal from an office [32] or the reason for the loss of an ecclesiastical dignity or title. However, loss of good reputation does not in itself disqualify an office holder from exercising his office, unless the law expresses that specifically.

Moreover, cognisant of the right to the protection of good reputation and to provide for the good of souls, c. 1335 §2 permits the individual under a censure:

> If a censure prohibits the celebration of the sacraments, or sacramentals or the performing of acts of the power of governance, the prohibition is suspended whenever this is necessary to provide for the faithful who are in danger of death. If a *latae sententiae* censure has not been declared, the prohibition is also suspended whenever one of the faithful requests a sacrament or sacramental or an act of the power of governance; for any just reason it is lawful to make such a request.[33]

Canon 1335 pertains to the celebration of the sacraments or sacramental and performing acts of governance, especially when the one making the request is in danger of death. Furthermore, c. 1352 §2 offers similar provisions: "The obligation of observing a *latae sententiae* penalty which has not been declared and is not notorious in the place where the offender actually is, is suspended either in whole or in part to the extent that the offender cannot observe it without the danger of grave scandal or loss of good name."

In certain instances, it is important to oblige participants to secrecy in order not to harm the reputation of others. For instance, in contentious trials and penal cases, judges should consider, where necessary, to bind participants to observe secrecy to protect the reputation of those involved. Canon 1455 §3 states that, "Whenever the nature of the acts or proofs is such that disclosure of the acts or proofs will endanger the reputation of others, provide opportunity for discord, or give rise to scandal or some other disadvantage, the

[32] A pastor can be legitimately removed from his office for the following reason, c. 1741, 3º: "the loss of good reputation among upright and responsible parishioners or an aversion to the pastor which it appears will not cease in a brief time."

[33] Canon 1335 §2.

judge can bind the witnesses, the experts, the parties and their advocates or procurators by oath to observe secrecy." The oath is meant to enforce the observance of secrecy in order to protect the reputation of those concerned and to protect the good of the Church.

4.3.2 Legitimate Actions Resulting in a Harm to Another's Reputation

Both positive and natural law condemns the act of maliciously accusing another person of a false crime or making a false allegation. The ecclesiastical law acknowledges, however, that someone's good reputation can be harmed as a result of some legitimate actions. By stating that "no one is permitted to harm illegitimately," the canon establishes that all Christian faithful have a right to a good name, however, "[…] sometime, injury to reputation can be legitimate by reason of [protecting] the superior good of persons or communities."[34] For instance, if harm results from a lawful action of an ecclesiastical superior, then the harm is not inflicted unlawfully.[35]

The imposition or a declaration of a penalty by a legitimate superior is one way in which a person's reputation is legitimately harmed in the exercise of both judicial and extra-judicial power. In a penal procedure, administrative or judicial, even though the member's right to privacy is safeguarded, his reputation might be harmed by means of the proofs and the testimony of witnesses. However, the norm of c. 1455 §3 obliges the judge, if necessary, to bind by oath those persons participating in a trial to observe secrecy in order to protect the reputation of the accused, the victims, the witnesses, the tribunal officials, and all those who participate in a penal process and for the good of the Church.

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[34] PONTIFICAL COUNCIL FOR LEGISLATIVE TEXTS, *Private reply*, Protocol no. 15512/2016, 15 September 2016, Vatican City State, 2016.

[35] See M.S. POLL, The Reparation of Harm: A Canonical Analysis of c. 128 with Reference to its Canon Law Practices, JCD thesis, Ottawa, Faculty of Canon Law, St. Paul University, 2002, 42.

The Code does not only prohibit causing illegitimate harm to the good reputation of another person, but it also imposes penalties on the offender.

Canon 1390 in Title VI of Book VI on "Offences Against Reputation and the Offence of Falsehood" addresses both the imposition of penalties and the awarding of damages to the injured person. Of concern to us are the two parts of c. 1390, §1 on falsely accusing a confessor of the crime of solicitation (c 1385) and c. 1390 §2 on calumniously denouncing an ecclesiastical superior of some other offence to an ecclesiastical superior. The canon imposes the penalties for the offender, that is, in §1, an automatic excommunication and if he is a priest, additionally a suspension. In §2, the penalty for the one who falsely accuses an ecclesiastical superior is punished according to the provisions of c. 1336 §§2-4, to which a censure maybe added. Moreover, an aggrieved person must be compensated and c. 1390 §3 states that "The calumniator must also be compelled to make appropriate amends." The term "appropriate amends" is not defined, thereby the amends are left to the determination of the judge or an ordinary.

In the Society, the faculty to impose or declare penalties is reserved to the superior general, who, "[…] can freely proceed according to customs and proper law, except for the declaration or imposition of an excommunication."[36] The provincial superior can only collect evidence and proofs which the superior general will use for his determination of a delict. In this way, there is need at the province level to safeguard the testimonies and proofs collected and avoid unnecessary publicity which may harm the reputation of the

[36] GREGORY XIV, Bull *Ecclesiae Catholicae*, 28 June 1591, in *Institutum*, no. 1, 122, English translation in Manual for Juridical Practice of the Society of Jesus, Rome, Curia of the Superior General of the Society of Jesus, 1997, 201. See c. 1341 "The ordinary must start a judicial or an administrative procedure for the imposition or the declaration of penalties when he perceives that neither by the methods of pastoral care, especially fraternal correction, not by a warning or correction, can justice be sufficientialy restored, the offender reformed and the scandal repaired." See also c. 1720 and *CCEO* c. 1402.

concerned member. Throughout the process, the individual's right to protect his privacy and the right to defend himself is retained. The presumption of innocence until proven otherwise is also to be maintained.

4.4 Ecclesiastical Legislation on the Right to Privacy

The term "right to privacy" does not appear in isolation in c. 220 in the Code. Rather, there are other canons that refer to privacy and obligations to safeguard the privacy of an individual, whereas c. 220 explicitly obliges all Christian faithful not to injure the right to privacy that the other is entitled to. The legislation on the sacramental internal forum and the non-sacramental internal forum gives a synopsis of the application of the understanding of right to privacy in the Church.

4.4.1 The Canonical Principles of the Right to Privacy in the Church

The second part of c. 220 pertains to the right to privacy, "No one is permitted […] to injure the right of any person to protect his or her own privacy." The canon is inclusive of all Christian faithful. It addresses the right to control who has access to personal information, or information that someone has acquired about someone in the exercise of his legitimate duties or when such information has been entrusted in confidence. For this reason, each person possesses the right to control who has access to one's private information, how that information is disseminated and for what purposes.[37]

[37] See A. MILLER, "The New Technology's Threat to Personal Privacy," in *Assault on Privacy*, Ann Arbor, MI, University of Michigan Press, 1971, 25: "[t]he concept of privacy is difficult to define because it is […] often meaning strikingly different things to different people. Of late, however, lawyers and social scientists have been reaching the conclusion that the basic attribute of an effective right of privacy is the individual's ability to control the circulation of information relating to him – power that often is essential to maintaining social relationships and personal freedom."

The expression "no one is permitted […] to injure the right of any person to protect his or her own privacy" implies that the right to privacy does not allow for any exceptions that would allow another person to violate the one's privacy. Elizabeth Kim Meng Ong rightly notes that "When something private or intimate is revealed about an individual, it is irreversible and the damage is irreparable."[38] When privacy is lost, it is not possible to restore it, while a good name, once unjustly lost, can be vindicated and restored. The truth can vindicate the one whose name was maliciously defamed, by retraction of falsehoods. Furthermore, reparation and certain amends can be made to restore the dignity of the individual (c. 128). However, when something private about an individual has been disclosed, the damage is irreparable, it is irreversible. Once what is private has been revealed, it cannot be restored.

Like any other organization (the government, health institutions, banks, security authorities etc.), the Church collects, processes, uses, and stores information about individuals and institutions, for historical and research purposes and for administrative purposes. Even though such information is considered confidential, there is always a possibility that it would be disclosed inappropriately or used for purposes other than those for which it was intended.[39]

The Church guarantees the right to privacy in its laws on collecting personal information, use of such information, communication procedures and storage of information as governed by the norms on ecclesiastical archives. Access to Church records

[38] E.K.M., ONG, "The Revised Canons 1390 and 1391: The Impact on the Rights to Good Reputation and Privacy," in *The Canonist*, 13 (2022), 40.

[39] See E. MCDONOUGH, "The Protection of the Rights in Religious Life," in *The Jurist*, 46 (1986), 201.

is limited only to those who are authorized. The canons on the archives and diocesan curia demonstrate the preservation necessary for Church documents, but also the protection of the right to privacy of institutions and physical persons.[40]

Within the diocesan archives there is to be an archive with restricted access: "In the diocesan curia there is also to be a secret archive, or at least in the common archive there is to be a safe or cabinet, completely closed and locked, which cannot be removed; in it documents to be kept secret are to be protected most securely" (c. 489 §1). In the secret archive are kept documents related to criminal cases in matters of morals (c. 489 §2). Access to the secret archive is restricted. Canon 490 §1 determines that "Only the bishop is to have the key to the secret archive," and c. 490 §2 stipulates that "When the see is vacant, the secret archive or safe is not to be opened except in a case of true necessity by the diocesan administrator himself."

Apart from documentary records and non-documentary records (e.g., cassettes, CDs, DVDs, other digital devices), some confidential information is shared in the sacramental internal forum and the non-sacramental forum. Spiritual direction, the account of conscience, psychological tests, interviews of candidates to the seminary or novitiate, scrutunies before admitting a person to holy orders or the profession of vows, preliminary investigations and penal processes are some examples of practices in the Church where personal information is accessed, for legitimate purposes. Negligence in handling personal information, even if collected legitimately, can lead to unlawful violation of one's privacy, thus subject of penalties.

[40] Canon 486 §1 "All documents which regard the diocese or parishes must be protected with the greatest care." Canon 487 §1, "The archive must be locked and only the bishop and chancellor are to have its key. No one is permitted to enter except with the permission of either the bishop or both the moderator of the curia and the chancellor."

4.4.2 The Right to Privacy in the Context of the Distinction between the Internal and External Forum

In order to understand the right to privacy in the Church in all its complexity, it is necessary to make a distinction between the internal forum and the external forum.[41] The distinction between the notions of the external forum and of the internal forum first appeared in the decrees of the Council of Trent (1545 - 1563) and later found its place in the 1917 Code.[42] It was also adopted in the 1983 Code and the Code of Canons of the Eastern Churches.

The original notion of "forum" is derived from the Roman understanding as the "field where juridical acts are conducted in general [and] the strict meaning of this notion is tied to the exercise of jurisdiction."[43] In other words, "forum" refers to the "place" or "sphere" in which certain matters are considered to exist.

The internal forum has two categories, the sacramental internal forum and the non-sacramental internal forum. Juan Arrieta states that "[t]he concept of internal forum is

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[41] "*Forum,* can be translated as […] territorial jurisdiction, either ecclesiastical or civil, according to its use in the Roman law," (A. FOSSIER, "What Exactly is the Forum Confessionis? – Secrecy and Scandal in Church Governance 12th -14th Centuries," in J. MEIRINHOS, C. LÓPEZ and J. REBALDE [eds.], *Secrets and Discovery in the Middle Ages*, Barcelona, Fédération Internationale des Instituts d'Études Médiévales, 2017, 239).

[42] *CIC*/17 c. 196 states that the power of jurisdiction is exercised *alia fori externi, alia fori interni* that is, "either … or" but also "partly…partly." Apparently, the drafters of the *CIC*/17 did not want to separate the power of jurisdiction into two different forums with two different effects, which is made manifest in the construct that jurisdiction for the external forum incorporates the internal forum (K, MÖRSDORF, "*Der Rechtscharakter der Iurisdictio fori interni*," in *Münchener Theologische Zeitschrift*, vol. 8, no. 3 (1957),168). For a detailed distinction of the internal forum and external forum in canonical trials, refer to J. CHIFFOLEAU, "'Ecclesia de occultis non iudicat'? L'Eglise, le secret, l'occulte du XIIe au XVe siècle," in *Micrologus*, vol. 14 (2006), 359-481. For the internal forum, see cc. 64, 74, 142 §2, 144 §1, 508, 1077 §3, 130 and 595 §2. Canons with the external forum 37, 74, 130, 1074, 1081 and 1082. See *CCEO* cc. 511, 791, 796, 798, 799, 815, 842, 856, 893, 979, 980, 993, 994, 1075, 1361, 1403, 1514. See also G. NEDUNGATT, *A Guide to the Eastern Code: A Commentary on the Code of Canons of the Eastern Churches*, Rome, Pontifical Oriental Institute, 2002.

[43] J.I. ARRIETA, "The Internal Forum: Notion and Juridical Regime," in *Studia Canonica*, vol. 41 (2007), 28.

usually employed either as a synonym for, or at least in the logical context of, the idea of 'privacy' as the field of personal autonomy and thus, not subject to external laws. The internal forum is also used to designate issues pertaining exclusively to personal conscience, which can be found in the moral field."[44] The confidentiality of the sacramental internal forum is protected by the seal of confession, according to the norms of cc. 983 and 984.

Spiritual direction and the account of conscience belong in the category of non-sacramental internal forum. Spiritual direction is a confidential conversation "in which an individual entrusts his own path of conversion and sanctification to a specific priest, consecrated or lay person […] and freely reveals his conscience's secret to the spiritual director or guide, in order to be oriented and supported in listening and fulfilling the will of God."[45] Spiritual direction, as discussed in the first chapter, has its origins in the early monastic periods. It is from this practice that the practice of the manifestation of conscience developed, therefore the manifestation is governed by similar principles of confidentiality as those of spiritual direction.

Spiritual direction involves matters that are considered private. The Code underlines the right to privacy and limits the spiritual directors' acts in the external forum with regards to their directees. For example, in protecting the confidentiality of spiritual direction, c. 240 §2 and *CCEO* c. 339 §2 prohibit a spiritual director from giving his opinion regarding the admission to sacred orders or dismissal of a seminarian from the

[44] ARRIETA, "The Internal Forum: Notion and Juridical Regime," 28.

[45] See APOSTOLIC PENITENTIARY, Note of the Apostolic Penitentiary on the Importance of the Internal Forum and the Inviolability of the Seal of Confession, no. 2, https://www.vatican.va/roman_curia/tribunals/apost_penit/documents/rc_trib_appen_pro_20190629_foroin terno_en.html (20 December 2021).

seminary, an important safeguard to exclude from a discussion in the external forum any confidential material that might have been revealed in spiritual direction.[46] Still, for the purposes of spiritual growth and counsel, c. 246 §4 recommends that each student (seminarian) should have a director of his spiritual life, whom he chooses freely and to whom he entrusts matters of his conscience. Similarly, members of religious institutes and of societies of apostolic life (cf. c. 734) are granted the freedom to open their consciences to their superiors in confession by virtue of c. 630 §1. Paragraph 5 of the same canon encourages subjects, at their own initiative to approach superiors for the manifestation of conscience. However, superiors are prohibited to coerce the members to manifest their consciences to them (c. 630 §5). Canon 719 §4 grants freedom to members of secular institutes to obtain spiritual direction, and when so desired, even from their moderators.

Wolfgang Müller states that, "[…] *secretus, occultus, in foro conscientiae, in foro poenitentiali* and *in foro animae* or *confessionis* have been used interchangeably as belonging to the internal forum and with proceedings that would fall under the seal of secrecy."[47] However, it is important to make a distinction between the internal forum (sacramental and non-sacramental) and the forum of conscience. In the forum of conscience (*in foro conscientiae*), the person makes rational judgments, that means, is

[46] The Instruction *Sanctorum Mater* of 2007 forbids the admission of testimony from both confessors and spiritual directors of the servant of God who is under consideration for canonization, in order to protect the spiritual director from disclosing what he learnt in the forum of conscience (see CONGREGATION FOR THE CAUSES OF SAINTS, "Instruction for Conducting Diocesan or Eparchial Inquiries in the Causes of Saints *Sanctorum Mater*," 17 May 2007, art. 101 §2, https://www.vatican.va/roman_curia/congregations/csaints/documents/rc_con_csaints_doc_07021983_ norme_en.html [24 January 2022]). According to the norm of c. 239 §2, there must be a spiritual director in every seminary, because of the spiritual benefits to the seminarians.

[47] W.P. MÜLLER, "The Internal Forum of the Later Middle Ages: A Modern Myth?" in *Law and History Review*, vol. 33, no. 4 (2015), 896.

discerning choices based on the capacity to hear the voice of God.[48] The category of the forum of conscience is important and must not be confused with the internal forum. The magisterial teaching regards conscience as the ability to make the distinction between what is right and what is wrong and then act accordingly.[49] This ability is realized in the external forum, that is, how the person makes choices in life and how he behaves. It is in the forum of conscience that the person, alone with God whose voice speaks directly to him, discerns his actions free from external coercion.

On the other hand, the external forum pertains to matters of the public and common good, that is, actions that are performed by members of the faithful under the authority of the Church. These actions have externally evident consequences for the Church society.[50]

Canon 130 establishes that "Of itself, the power of governance is exercised for the external forum, sometimes, however, it is exercised for the internal forum alone, so that the effects which its exercise is meant to have for the external forum are not recognized there, except insofar as the law establishes it in determined cases." Myriam Wijlens provides a rule of thumb to decide which forum is applicable in a given case, "[…] what is legally or factually known or possibly going to be known, is to be decided in the external forum; what is secret and likely to remain secret may be decided in the internal forum."[51]

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[48] See PETKOFF, "Forum Internum and Forum Externum in Canon Law and Public International Law with a Particular Reference to the Jurisprudence of the European Court of Human Rights," in *Religion and Human Rights*, 7 (2012), 184.

[49] The understanding of the "manifestation of conscience" as practiced by the Society of Jesus is not typically associated with the external behaviour of a member as influenced by what he holds in the privacy of his heart or in his conscience, but it is the practice by which the individual reveals to the major superior what is private to him, his internal disposition.

[50] See GILL, *The Spiritual Prefect in Clerical Religious Houses of Study,* 30.

[51] WIJLENS, "Power of Governance," 186. The secrecy of the internal forum is also demonstrated in the Instruction *Sanctorum mater* which identifies the persons who cannot testify in the of a cause for sainthood, that is, a priest who has knowledge obtained in the sacramental confession and the spiritual director of the candidate who might have known some facts about the Servant of God in the spiritual direction

In the account of conscience, in accordance with c. 596 §2,[52] the superior has power of governance for both the external and the internal forum.

4.5 Protection of Privacy in the Church: Privileged Communication

The law of secrecy in the Church is related to the moral teaching of the Church, and the Code imposes the obligation to secrecy on various ecclesiastical officials. In the Church, the purpose of secrecy is to protect the rights of persons, to protect the reputation of persons, to safeguard personal confidential information shared in either the sacramental internal forum or the non-sacramental internal forum, to preserve the dignity of ecclesiastical offices and procedures, to honour treaties entered into between the Church and states or secular organizations. Twenty-two canons in the 1983 Code bind members to secrecy one way or the other.

4.5.1 The Notion of Secrecy

Ian Waters presents the Latin origin of the term "secret," "[…] the noun *secretum* (secrecy) and the adjective *secretus* (secret) originate from the verb *secerno*, which means 'to put apart, to sunder, sever, separate'."[53] For the purposes of this study, the description of a secret given by Aloysius Sabetti is relevant, "A secret is knowledge of a thing, that by its very nature or by virtue of a special contract may not be divulged. Secrecy is the

(see CONGREGATION FOR THE CAUSES OF SAINTS, Instruction for Conducting Diocesan or Eparchial Inquiries in the Causes of Saint *Sanctorum mater*, art. 101 §§ 1 and 2, 17 May 2007, https://www.vatican.va/roman_curia/congregations/csaints/documents/rc_con_csaints_doc_20070517_sanctorum-mater_en.html, [20 December 2020]).

[52] Canon 596 §2: "In clerical religious institutes of pontifical right, superiors have in addition the ecclesiastical power of governance, for both the external and the internal forum."

[53] I. WATERS, "The Law of Secrecy in the Latin Church," in *The Canonist*, vol. 7, no. 1 (2016), 76.

obligation not to disclose what is known and is not intended to be disclosed, mostly without the consent of the one it concerns."[54]

There are three fundamental categories of secrecy in the Church which pertain to our study,[55] that is, natural secret, promised secret and professional secret, also known as office secret.

In a general sense, "natural secrets include all hidden truths or facts whose revelation by the very nature of the case would here and now violate justice or charity."[56] This category of secrecy originates from the dignity of the human person who is created in the image and likeness of God, with the innate right to freely choose what can be revealed and to whom he can reveal such information. From this understanding emanates the teachings of the Church, notably in *Gaudium et spes*, that man's conscience is his secret core; there he hears the voice of God (see no. 16), and decides, with an informed conscience or an erroneous conscience, to act in one way or the other. What the person possesses in his conscience belongs to the category of natural secrecy which is preserved according to the circumstances of his life. Only he can reveal such information to those he chooses. This secret is natural in that it is not acquired or given by the state, or the Church but is a natural right.

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[54] A. SABETTI, *Compendium Theologiae Moralis*, 27th Edition, New York, Frederick Pustet Co., 1919, 309.

[55] See APOSTOLIC PENITENTIARY, Note on the Apostolic Penitentiary on the Importance of the Internal Forum and the Inviolability of the Sacramental Seal, 29 June 2019, https://www.vatican.va/roman_curia/tribunals/apost_penit/documents/rc_trib_appen_pro_20190629_foroin terno_en.html, accessed (20 December 2021). The Note intends to "[…] reaffirm the importance of and to promote a better understanding of […] the sacramental seal, the confidentiality inherent in the extra-sacramental internal forum, the professional secrecy, the criteria and the limitations proper to all other communications."

[56] B. HÄRING, *The Law of Christ,* vol. 3, Cork, The Mercier Press, 1966, 568, as cited by WATERS, "The Law of Secrecy in the Latin Church," 77.

The second category, "the promised secret embraces all hidden truths or facts which one has lawfully promised not to disclose, even though apart from the promises there may be no obligation to secrecy."[57] Promised secrets include, for example, information that one has acquired from another with the assurance that he will safeguard this information and not disclose it without the consent of the one whom it concerns. For instance, if a member of a religious institute seeks advice from a companion regarding matters of his conscience, and the one who advises promises to keep secret the matter of concern, the confidential nature of this "contract," though unwritten, falls under the category of promised secrets.

The third category, professional secret is also referred to as entrusted or committed secret and to this category belongs the secret of the office. Professional secrecy is binding on those who gain confidential information or knowledge of facts about someone or something by virtue of an office employment.[58] In the Church, the secrecy binds those people who hold ecclesiastical offices and are obligated to maintain confidentiality of any or all information received in the exercise of their duty.[59] The Code imposes the obligation

[57] HÄRING, *The Law of Christ*, 568, as cited by WATERS, "The Law of Secrecy in the Latin Church," 77.

[58] See APOSTOLIC PENITENTIARY, Note on the Apostolic Penitentiary on the Importance of the Internal Forum and the Inviolability of the Sacramental Seal, 29 June 2019, https://www.vatican.va/roman_curia/tribunals/apost_penit/documents/rc_trib_appen_pro_20190629_foroin terno_en.html (20 December 2021).

[59] See R.E. REGAN and J.T. MACARTNEY, "Professional Secrecy and Privileged Communications," in *The Catholic Lawyer*, 2 (1956), 4. The value of professional secrecy is best described by Lord Lindley, "[…] where a person obtains information in the course of a confidential employment, the law does not permit him to make any improper use of the information so obtained, and an injunction is granted if necessary, to restrain such use, as for instance a clerk from disclosing his master's accounts, or an attorney from making known his client's affairs learned in the course of such employment" (J. NORTH, in Pollard v. Photographic Co., Chapter Division, 40 (1888), 345, quoted in WARREN and BRANDEIS, "The Right to Privacy," 209). Among the professions that are bound by the professional secrecy are attorneys, physicians, journalists, therapists. The communication between these professionals and their clients is considered privileged and the law protects such privileged communication from violation. However, this privilege is not absolute, e.g., most professions are mandated to report if they obtain any information regarding sexual abuse of children. Mandatory reporting has been a vigorously contested issue in the debate on the priest-penitent privilege, as pitting canon law against civil law in most jurisdictions.

to secrecy on various ecclesiastical officials, including, but not limited to the dicastery officials, curial officials, notaries, judges, advocates, experts, bishops, cardinals, papal legates and all those whose exercise of duty entails preservation of confidential information.[60] Regan and Macartney stress that professional secrecy:

> […] is required to protect the rights of either physical or moral persons in various *bona*, for example, the right to reputation. It arises from legal justice in so far as it is necessary for the common welfare (*bonum commune*) that persons who are in distress of soul or mind or body be not unduly restrained from seeking the assistance of qualified persons. And it is in the common judgment of moralists and ethicists that individuals in such distress would be restrained from seeking such assistance – with incalculable harm to society – if they had no assurance that their confidences would not be betrayed by those persons to whom they might appeal for help.[61]

According to Regan and Macartney, the rights enjoyed by physical or juridic persons in the Church impose on certain officials the obligation to observe secrecy, to

[60] Canons that oblige secret of the office include, c. 269 §2, in which the incardinating bishop may seek proof that excardination has been granted, and where necessary, he must also gather appropriate testimonials from the excardinating diocesan bishop, under secrecy if necessary, concerning the life, behaviours and studies of the cleric. Canon 413 §1 which obliges a bishop soon after taking possession of the diocese, that he must draw up a list of the names of those clerics who can be appointed, in case the see is impeded. This list is to be renewed after every three years and must be communicated to the metropolitan. The list is preserved in the secret archive by the chancellor. Canon 1548 §2, 1º provides a list of those who, in the context of ecclesiastical trials, are obliged to secrecy connected with their office or function. Canon 1548 §2, 1˚ determines that "Without prejudice to the prescript of c. 1550 §2, n. 2, the following are exempted from the obligation to respond: 1˚ clerics regarding what has been made known to them by reason of sacred ministry, civil officials, physicians, midwives, advocates, notaries, and others bound by professional secrecy even by reason of having given advice, regarding those matters subject to this secrecy." Other canons that require committed or entrusted secret include c. 127 §3 by which an ecclesiastical superior can oblige councillors (consultors) to secrecy in serious matters; c. 471 º2 obliges all officers of the diocesan curia to "observe secrecy within the limits and according to the manner determined by law or by the bishop"; c. 489 §1 legislates on the secret archive or a safe which must be closed and locked. Documents in the secret archives are to be protected most securely. Canon 645 § 4 by which superiors of religious institutes "can seek information even under secrecy, if it seems necessary to them," before admitting candidates; c. 983 §2 and c. 1386 §2 obliging interpreters in sacramental confession and anyone who overhears a confession. Included among the obligation to secrecy are judges and other tribunal personnel as stipulated in c. 1455 §§1-3. The others referred to in §3 include witnesses, experts, the parties and their advocates or procurators. Canon 1602 §2 prohibits the making copies of briefs along with the principal documents, unless with prior permission of the judge, and secrecy must be observed where necessary.

[61] REGAN and MACARTNEY, "Professional Secrecy and Privileged Communications," 4.

protect reputation of certain persons (physical and juridic),[62] and to protect the good of the Church.

The category of professional secrecy is relevant to this study because it pertains to clerics, religious and lay persons who exercise ministry as spiritual directors, confessors or major superiors who receive the account of conscience of their members, and therefore to whom the secrets of a person's spiritual, social, professional, and moral life are revealed.

4.5.2 Pontifical Secret

The pontifical secrecy and the seal of confession are categories of secrecy that are specific to the Catholic Church. Even though the pontifical secret can be equated to the secret of the office (or professional secret), it is governed by ecclesiastical laws, whereas the sacramental seal is governed by both divine and ecclesiastical laws. The concept of the pontifical secret dates to the 12th century when secrecy was imposed on those conducting investigations into allegations or suspicions of heresy. The Supreme Sacred Congregation of the Roman and Universal Inquisition, which was established by Pope Paul III in 1542 delt with inquiries into heresy against the Catholic faith. The name of the Congregation was changed in 1908 by Pope Pius X's constitution *Sapienti Consilio* to the Congregation of the Holy Office, which was further changed by Pope Paul VI's 1965 motu proprio *Integrae servandae* to the Congregation for the Doctrine of the Faith.

The pontifical secrecy includes the ordinary business of the Apostolic See, the appointment of bishops, communication and treaties entered between the Apostolic See and civil governments and international organizations, some internal administrative aspects

[62] The distinction of persons in the Code is made in the following canons, cc. 96-112 for physical persons, c. 113 §1 for moral persons, that is the Catholic Church and the Apostolic See, and c. 113 §2 for juridic persons.

of dicasteries. Included under the pontifical secrets are some facts and circumstances of investigations related to canonical delicts and penal trials.[63]

Pontifical secret is a "[…] special case of secrecy, which is binding by virtue of the oath connected to the exercise of certain offices in the services of the Apostolic See. The oath of secrecy binds *coram Deo*. The pontifical secret has as its ultimate *ratio*, the public good of the Church and the *salus animarum*."[64] The understanding of the "secret of the Holy Office" has gone through different changes, and it is important to trace the origin and the development of the pontifical secrecy, prior to and after the Second Vatican Council.

Earlier on, in 1741, Pope Benedict XIV had issued the apostolic constitution *Sacramentum poenitentiae* which established norms on dealing with solicitation in the confessional. Part 14 of the Constitution indicated that:

> In handling these cases, either the Apostolic commission or the appropriate ruling of the bishops, the greatest care and vigilance must be exercised so that these procedures, in as much as they pertain to matters of faith, are to be completed in absolute secrecy, and after they have been settled and given over to sentencing, are to be completely suppressed in perpetual silence. All the ecclesiastic ministers of the curia, and whoever else is summoned to the proceedings, including the advocates for the

[63] See PAUL VI, Apostolic letter *Integrae Servandae*, 7 December 1965, in *AAS*, 57 (1965), 954, https://www.vatican.va/content/paul-vi/en/motu_proprio/documents/hf_p-vi_motu-proprio_19651207_integrae-servandae.html (21 January 2022), "Quae hactenus appelata est *Sacra Congregatio Sancti Officii*, in posterum appelabitur *Congregatio pro doctrina fidei*, cuisu munu est doctrina de fide et moribus in universe catholico orbe tutari" (That which was hitherto called the Sacred Congregation of the Holy Office will become the Congregation for the Doctrine of the Faith, whose duty is to safeguard the doctrine of faith and morals in the whole Catholic world). Most recently, Pope Francis changed the name to the Dicastery for the Doctrine of the Faith by his Apostolic Constitution *Predicate evangelium* issued on 9 March 2022. FRANCIS, Costituzione apostolica sulla curia romana e il suo servizio alla chiesa nel mondo *Praedicate evangelium* Predicate evangelium, 9 March 2022, https://www.vatican.va/content/francesco/it/apost_constitutions/documents/20220319-costituzione-ap-praedicate-evangelium.html (7 June 2022). With the changes in the name of the office, reference to the "secret of the Holy Office" was changed to the "pontifical secret" by Paul VI's apostolic letter *Secreta continere* in 1974.See B. DALY, "The Instruction Crimen Solicitationis on the Crime of Solicitation: Confusion or Cover-up of Pedophilia?" in *The Canonist*, vol. 7, no. 1 (2016), 27.

[64] APOSTOLIC PENITENTIARY, Note on the Apostolic Penitentiary on the Importance of the Internal Forum and the Inviolability of the Sacramental Seal, no 3, 29 June 2019, https://www.vatican.va/roman_curia/tribunals/apost_penit/documents/rc_trib_appen_pro_20190629_foroin terno_en.html (20 December 2021). The object of the pontifical secret is a juridical fact, that is, penal causes, and the secret is necessary in order that the justice may be pursued without compromising the other values such as the good of persons.

> defense, must submit oaths of maintaining secrecy, and even bishops themselves and any local ordinaries are obligated to keep the secret.[65]

An illustrative case of pontifical secret and an evolution in its application, including some adaptation to the external demands of public perception, is provided by the norms issued for dealing with some grave delicts. After the promulgation of the 1917 Code, on 9 June 1922, the Holy Office issued the instruction *Crimen sollicitationis* which established procedures for canonical causes of priests accused of solicitation in sacramental confession. The instruction, which was signed by Cardinal Merry del Val and approved by Pope Pius XI, imposed secrecy on those taking part in penal cases concerning crimes against the sixth commandment of the decalogue.

The 1922 instruction remained largely unknown because the document "[…] was given as needed to bishops who had to deal with cases concerning solicitation (*crimen sollicitationis*), clerical homosexuality (*crimen pessimum*), sexual abuse of children (*contra sextum cum minore*) and bestiality."[66] The document was distributed only to bishops who needed or requested it. The instruction was not published in the *Acta Apostolicae Sedis*, the official publication of the Holy See and it was not permitted to be commented on.

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[65] *Codicis Iuris Canonici Fontes*, Rome, vol. 4 (1926), 267, English translation in T. DOYLE, "The 1922 Instruction and the 1962 Instruction *Crimen sollicitationis* Promulgated by the Vatican," 3 October 2008, http://www.awrsipe.com/doyle/2008/2008-10-03-Commentary-on-1922-and-1962-documents.pdf (31 December 2021). Prior to the 1922 Instruction and prior to the 1917 Code, Pope Benedict XIV issued the Apostolic Constitution *Sacramentorum poenitentiae* (see CONGREGATION OF THE DOCTRINE OF THE FAITH, The Norms of the Motu Proprio *Sacramentorum sanctitatis tutela* [2001], https://www.vatican.va/resources/resources_introd-storica_en.html [30 December 2021]).

[66] CONGREGATION FOR THE DOCTRINE OF THE FAITH, Historical Introduction to The Norms of the Motu proprio *Santatorum sanctitatis tutela* (2001), in *Communicationes*, 42 (2010), 450, English translation in J.A RENKEN, *Penal Law of the Roman Catholic Church: Commentary on Canons 1311-1399 and 1717-1731 and Other Sources of Penal Law*, Ottawa, Faculty of Canon Law, Saint Paul University, 2015, 481.

At the commencement of the Second Vatican Council, the Holy Office reissued the instruction *Crimen sollicitationis* in 1962, as a revision of the 1922 instruction.[67]

Just like its predecessor, the 1962 instruction *Crimen sollicitationis* was not published in the *Acta Apostolicae Sedis.* It was issued in strict secrecy and instructed bishops and superiors of religious institutes neither to reproduce nor publish the document or comment on it. Some commentators have erroneously misinterpreted the secretive nature of *Crimen sollicitationis* and maintained that it was meant to conceal crimes of sexual abuse of children committed by priests. John Beal argued that the non-publication of *Crimen sollicitationis* in the official publication of the Holy See and the related secrecy were not attempts to conceal failures of the canonical discipline in the Church, because the nature of secrecy required by the instruction did not prevent bishops from reporting the crime of sexual abuse of children to civil authorities.[68]

Pope John Paul II issued the motu proprio *Sacramentorum sanctitatis tutela* of 2001, which had revised *Crimen sollicitationis*. Ten years later, Pope Benedict XVI revised *Sacramentorum sanctitatis tutela* and established the procedures to be used by bishops and religious superiors in cases of clerical sex abuse. [69] Cases of sexual abuse of minors fell

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[67] See SACRED CONGREGATION OF THE HOLY OFFICE, Instruction on the Manner of Proceeding in Causes of Solicitation *Crimen sollicitationis*, 16 March 1962, http://www.awrsipe.com/doyle/2008/2008-10-03-Commentary-on-1922-and-1962-documents.pdf (31 December 2021). See also B. DALY, "The Instruction *Crimen solicitationis* on the Crime of Solicitation: Confusion or Cover-up of Pedophilia?" in *The Canonist*, vol. 7 (2016), 25.

[68] J.P. BEAL, "The 1962 Instruction *Crimen sollicitationis*: Caught Red-Handed or Handed a Red Herring?" in *Studia canonica*, 41 (2007), 227. Even though it is argued that the reason for secrecy was to avoid scandal, it appears that the secrecy itself promoted more scandals as bishops were transferring perpetrators of child abuse from one parish to another, without following due process. Most transfers were made without informing the civil authorities, therefore giving the semblance of cover-up.

[69] CONGREGATION OF THE DOCTRINE OF THE FAITH, Norms on Delicts Reserved to the Congregation for the Doctrine of the Faith, 21 May 2010, in *AAS*, 102 (2010), 430, English translation in RENKEN, *Penal Law of the Roman Catholic Church*, 473. See CONGREGATION OF THE DOCTRINE OF THE FAITH, Norms of the Motu proprio *Sacramentorum sanctitatis tutela* (2001): Historical Introduction, in *Communicationes*, 42 (2010), 349-353.

under the pontifical secret and could not be published as they were reserved to the Congregation for the Doctrine of the Faith. Article 30 of *Sacramentorum sanctitatis tutela* states that, §1 "Cases of this nature are subject to the pontifical secret," and §2 "Whoever has violated the secret, whether deliberately (*ex dolo*) or through grave negligence and has caused some harm to the accused or to the witnesses, is to be punished with an appropriate penalty by the higher turnus at the insistence of the injured party or even *ex officio*."[70]

The pontifical secret concerning some grave delicts was abolished by Pope Francis in 2019 by the *Rescriptum ex audientia* granted to the substitute of the Secretariat of State.[71] The purpose of this decision is to encourage cooperation with civil authorities in the prosecution of grave delicts and preventing the secret from obstructing justice. Such cases included sexual abuse of minors and child pornography. According to Juan Ignacio Arrieta:

> The Instruction is intended to specify the degree of confidentiality with which news or reports of sexual abuse committed by clerics or consecrated persons against minors and other subjects determined herein must be handled, as well as any conduct by ecclesiastical authorities that might tend to silence or cover them up. As will be seen, the purpose of the new Instruction is to erase in these cases the subjection to what is called 'papal' secrecy', instead bringing the 'level' of confidentiality, duly required to protect the good reputation of the persons involved, back to the normal 'official secrecy' established by c. 471 §2 (*CCEO* c. 244 §2, 2º), which each pastor or holder of a public office is required to observe in different ways depending on whether they are subjects who have the right to know said information or whether, on the other hand they do not have this right.[72]

[70] CONGREGATION OF THE DOCTRINE OF THE FAITH, Norms on Delicts Reserved to the Congregation for the Doctrine of the Faith, 21 May 2010, in *AAS*, 102 (2010), 430, English translation in RENKEN, *Penal Law of the Roman Catholic Church*, 473.

[71] POPE FRANCIS, Rescript on the Instruction on the Confidentiality of Legal Proceedings, 17 December 2019, https://press.vatican.va/content/salastampa/en/bollettino/pubblico/2019/12/17/191217b.html (29 December 2021). Needless to say, the pontifical secret still applies to other areas of ecclesial life, as the conclave and papal election proceedings, consultation prior to the appointment of bishops and creation of cardinals, drafts of treaties made with states, financial details of the Holy See. The pontifical secrecy also applies to personnel in the tribunals and pontifical diplomats.

[72] See J.I. ARRIETA, "Contribution on the Publication of the Rescript of the Holy Father Francis on the Confidentiality of Legal Proceedings," 17 December 2019, https://press.vatican.va/content/salastampa/en/bollettino/pubblico/2019/12/17/191217f.html (30 December 2021). Cf. JOHN PAUL II, Apostolic letter *Sacramentorum sanctitatis tutela*, art. 6, 30 April 2001, in *AAS*, 93 (2001), 737-739, https://www.vatican.va/resources/resources_introd-storica_en.html [30 December 2021]). Article no. 4 of the rescript of 17 December 2019 states that "Office confidentiality shall not prevent the fulfilment of the obligations laid down in all places by civil laws, including any reporting obligations, and

Meanwhile, Andrea Tornielli's commentary on the rescript elaborates that, "[t]his means that any reporting, testimony and documents produced in canonical trials related to such cases of sexual abuse, those kept in the Vatican Dicastery archives as well as those found in diocesan archives, which until now were subject to the pontifical secret, can now be handed over when requested to lawful authorities in their respective countries."[73]

However, the Rescript of Pope Francis maintained that confidentiality of legal proceedings must be observed in accordance with c. 471, 1º. The purpose of which is to protect the reputation of the accused, the victims and any witnesses.

Apart from the delicts and penal processes highlighted above, the pontifical secrecy also pertains to the election of the pope, the appointment of bishops,[74] of papal legates,[75] and of certain ecclesiastical officials.

Canon 1371 §4 of the new Book VI establishes the penalty for the violation of a pontifical secret: "A person who violates the obligation of observing the pontifical secret is to be punished with the penalties mentioned in cc. 1336 §§2-4." Therefore, one who violates a pontifical secret can be ordered to reside in a particular place, to pay a monetary fine for the Church's purposes (c. 1336 §2, 1º and 2º), can be prohibited from residing in a

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the execution of enforceable requests of civil judicial authorities" (https://press.vatican.va/content/salastampa/en/bollettino/pubblico/2019/12/17/191217b.html) [8 July 2022].

[73] A. TORNIELLI, "Editorial Comment on the Publication of the Rescript of the Holy Father on the Instruction on Confidentiality of Legal Proceedings," 17 December 2019, https://press.vatican.va/content/salastampa/en/ bollettino/pubblico/2019/12/17/191217d.html (30 December 2021).

[74] Canon 413 §1 "the list with the names of those whom the diocesan bishop determines for the governance of the diocese when the see is impeded, is kept under secrecy by the chancellor."

[75] The papal legate is bound by the pontifical secrecy with regards to his function in the selection and nomination of bishops, in accordance with the provisions of c. 377 §3 which states that "[…] the papal legate may seek individually and in secret, the opinions of other clerics, both secular and religious and of lay persons of outstanding wisdom […]"

certain place or territory, from exercising all or some ministries, offices, or from performing all or some acts of the power of orders (c. 1336 §3, 3º). The offender can also be prohibited from performing all or some acts of the power of governance (c. 1336 §3, 4º), exercising any right or privilege or using insignia or titles (c. 1336 §3, 5º), can lose the right to active or passive voice in canonical elections or taking part with a right to vote in ecclesial councils or colleges (c. 1336 §3, 6º), or can be prohibited from wearing ecclesiastical or religious dress (c. 1336 §3,7º). The fourth paragraph of c. 1336 establishes that a violation of a pontifical secret can lead to deprivation of all or some offices, duties, ministries of functions or only of certain functions attached to offices or duties (c. 1336 §4, 1º), of the faculty of hearing confessions or preaching (c. 1336 §4, 2º), a delegated power of governance (c. 1336 §4, 3º), of some right or privilege or insignia or title (c. 1336 §4, 4º), and of ecclesiastical remuneration or part of it (c. 1336 §4, 5º).

4.5.3 The Sacramental Seal

In the practice of the Society until some recent times, the sacrament of confession was one of the contexts within which members made manifestation of conscience to their superiors. As the seal of confession is inviolable, this situation naturally provoked some important questions concerning the use in external governance of what was obtained within the sacramental confession.[76]

The inviolability of sacramental confession is rooted in the very nature of the sacrament, that is, the confessor is acting *in persona Christi capitis* and he gets to know

[76] "A sacramental confession is defined as a true and sincere confession made to a priest for the purpose of obtaining sacramental absolution or forgiveness" (A. BEVILACQUA, "Confidentiality Obligation of Clergy from the Perspective of Roman Catholic Priests," in *Loyola of Los Angeles Law review*, 29 [1996], 1733).

the sin of the penitent, "not as a man, but as God," as taught by St. Thomas Aquinas.[77] The aim of the sacrament of confession is forgiveness of sins or absolution and reconciliation of the penitent with God. Accordingly, "a priest alone is the minister of the sacrament of confession" (c. 965). The qualifications of the minister are established in c. 966.[78]

The confidentiality of the sacrament of confession is protected by the sacramental seal (seal of confession). The seal of confession is inviolable and incomparable to the pontifical secret or any office secret (professional secrecy).[79]

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[77] THOMAS AQUINAS, *The Summa Theologica of St. Thomas Aquinas: Supplement to the Third Part*, THE FATHERS OF THE ENGLISH DOMINICAN PROVINCE (trans.), London, Burns Oates and Washbourne, 1921. The Supplement to the Third Part of the Summa Theologica was probably compiled by Thomas Aquinas' companion, Friar Rainaldo da Piperno, from Aquinas' commentary on the Fourth Book of the Sentences of Peter Lombard. "In order to express this truth, the Church has always taught that priests, in the celebration of the Sacraments, act "in persona Christi capitis," that is, in the very person of Christ the Head […] (APOSTOLIC PENITENTIARY, Note on the Importance of the Internal Forum and the Inviolability of the Sacramental Seal, 29 June 2019, https://www.vatican.va/roman_curia/tribunals/apost_penit/documents/rc_trib_appen_pro_20190629_forointerno_en.html [12 January 2022]).

[78] See canon 966: "§1. The valid absolution of sins requires that the minister have, in addition to the power of orders, the faculty of exercising it to the faithful to whom he imparts absolution. §2. A priest can be given this faculty by the law itself or by a grant made by the competent authority according to the norm of c. 969." Canon 969 reads: "§1. The local ordinary alone is competent to confer upon any presbyters whatsoever the faculty to hear the confessions of any of the faithful. Presbyters who are members of religious institutes, however, are not to use the faculty without at least the presumed permission of their superior. §2. The superior of a religious institute or society of apostolic life mentioned in can. 968, §2 is competent to confer upon any presbyters whatsoever the faculty to hear the confessions of their subjects and of others living day and night in the house.

[79] See APOSTOLIC PENITENTIARY, Presentation of the Note of the Apostolic Penitentiary on the Importance of the Internal Forum and the Inviolability of the Sacramental Seal, 1 July 2019, https://press.vatican.va/content/salastampa/en/bollettino/pubblico/2019/07/01/190701e.html (20 December 2021). See APOSTOLIC PENITENTIARY, "Note on the Importance of the Internal Forum and the Inviolability of the Sacramental Seal," 29 June 2019, https://www.vatican.va/roman_curia/tribunals/apost_penit/documents/rc_trib_appen_pro_20190629_forointerno_en.html (12 January 2022). For a detailed historical development of the seal of confession see H.C. LEA, *A History of Auricular Confession and Indulgences in the Latin Church: Confession and Absolution*, vol. 1, Philadelphia, PA, Lea Brothers and Company, 1896, 228-230; B. KURTSCHEID, *A History of the Seal of Confession*, trans., F. MARKS, St. Louis, MO, Herder, 1927; J. MCCARTHY, "Seal of Confession," in the *New Catholic Encyclopedia*, vol. 4, New York, McGraw Hill, 1967; L. ÖRSY, *The Evolving Church and the Sacrament of Penance*, Denville, NJ, Dimension Books, 1978; J.R. ROOS, *The Seal of Confession*, Washington, DC, Catholic University of America, 1960; C. VOGEL, *Le pêcheur et la pénitence dans l'Eglise ancienne*, Paris, Cerf, 1982; W.H. WOESTMAN, *Sacraments: Initiation, Penance, Anointing of the Sick: Commentary on Canons 840—1007*, Ottawa, Faculty of Canon Law, Saint Paul University, 2004, 215-292. For the magisterial teaching on the sacrament of confession, see JOHN PAUL II, Post-Synodal Apostolic Exhortation on Reconciliation and Penance in the Mission of the Church Today *Reconciliatio et paenitentia*, 2 December 1984, in *AAS*, 77 (1985), 185-275; JOHN PAUL II, Address to the Apostolic Penitentiary, Confessors, and Priests and Seminarians, 12 March 1994, in *L'Osservatore Romano*, 16 March 1994, 1-2;

The form of celebration of the sacrament has developed over the centuries from public to private confession of sins. In 459, Pope Leo the Great wrote the letter *Magna indignatione* to all the bishops of Campania, Samnium and Picenum to abrogate any surviving practice of public confession and directed that thereafter, confession must always be in secret.[80] Meanwhile, St. Augustine emphasized the secrecy of confession, "[…] heal the sins in secret, without exposing them."[81] St. Thomas Aquinas expressed the same sentiments in the *Summa theologica*, "A man should by no means give evidence on matters secretly committed to him in confession, because he knows such things not as a man but as God's minister, and the sacrament is more binding than any human precept."[82] The practice of private confession assures the believer that he discloses his conscience not to

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JOHN PAUL II, Apostolic Letter with Accompanying Norms on More Grave Delicts reserved to the Congregation for the Doctrine of the Faith *Sacramentorum Sanctitatis Tutela*, 30 April 2001, in *AAS*, 93 (2001), 737-739; JOHN PAUL II, Letter on Certain Aspects of the Celebration of the Sacrament of Penance *Misericrodia Dei*, 7 April 2002.

[80] POPE LEO I, Letter *Magna indignatione* to "All Bishops of Campania, Samnium and Picenum," 6 March 459, in P. SCHAFF, *The Essential Writings of Phillip Schaff: History of the Christian Church and the Creeds of Christendom*, Leipzig, 1886, 224. The Pope wrote, "I decree also that the presumption contrary to the apostolic regulation, which I recently learned is being committed by some in an illegal usurpation, is by all means to cease. With regard to penance, certainly what is required of the faithful is not that the nature of individual sins be written in a document and recited in a public profession, since it is sufficient that the guilt of consciences be indicated to priests alone in a secret confession. For although that fullness of faith may seem to be praiseworthy which, for fear of God, is not afraid to blush before men, nevertheless, because the sins of all are not of such kind that those who seek penance do not fear to make them public, such an unapproved custom is to cease" (ibid.). Meanwhile, Anthony Fisher states that "[…] long before it was a matter of the canonists, secret confession was recognized in the faith and pastoral practice of Christians" (A. FISHER, "Safeguarding the Seal of Confession," in *The Australasian Catholic Record*, vol. 95, no. 2 [2018], 133).

[81] CONAGHAM, "Seal of Confession and Issues of Law," in L. ÖRSY, *The Evolving Church and the Sacrament of Penance*, Denville, NJ, Dimension Books, 1978, 145.

[82] THOMAS AQUINAS, *Summa theologica*, II-II, q. 70, art. 1 and 2, English translation by THE FATHERS OF THE ENGLISH DOMINICAN PROVINCE, Cincinnati, Chicago, Benziger Bros., 1947, at *la Questio*, 47, article 1. Aquinas emphasized that "Sometimes they (secrets of trust) are of such a nature that he is bound to make them known as soon as they come to our knowledge, for instance if they conduce to the spiritual or corporal corruption of the community. […] Against such a duty a man cannot be obliged to act on the plea that the matter is committed to him under secrecy […]" (ibid.). Some theologians have argued that the threat to the common good must be serious before the obligation ceases to bind (see KENRICK, *Theologia moralis*, no. 123, 1842, as quoted in REGAN and MACARTNEY, "Professional Secrecy and Privileged Communications," 8).

the priest in his capacity as a private person, but as Christ's consecrated instrument, acting *in persona Christi*.

Later on, the Fourth Lateran Council (1215) declared the secrecy of confession as universal law of the Church, thereby codifying the practices which subsisted in local Churches. The Council also established the penalty for violation of the sacramental seal:

> […] Let him take the utmost care, however, not to betray the sinner at all by word or sign or in any other way. If the priest needs wise advice, let him seek it cautiously without any mention of the person concerned. For if anyone presumes to reveal a sin disclosed to him in confession, we decree that he is not only to be deposed from his priestly office but also to be confined to a strict monastery to do perpetual penance.[83]

Both the 1917 Code and the 1983 Code maintained the same penalty for the offender, that is, *latae sententiae* excommunication reserved to the Apostolic See.[84]

In the sacrament of confession, the penitent discloses to the confessor, matters of his or her conscience, that is, sins committed, and also, as the case may be, temptations, other personal secrets (relational challenges, struggles with thoughts or passions) and in the process seeks counsel and absolution. The penitent is guaranteed that the entire conversation with the confessor is protected and cannot be disclosed to any third party. This assurance of confidentiality does not originate from the penitent but is imposed by the very nature of the sacrament itself. By virtue of the seal of confession, the confessor is prohibited to reveal to third persons, the identity of the person (penitent), and the matter of the confession or the sins confessed. Therefore, the confessor must avoid any indication of the facts and circumstances to third parties.

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[83] FOURTH LATERAN COUNCIL, Constitution on Confession Being Made and Not Revealed by the Priest, and on Communicating at Least at Easter, no. 21, in TANNER, *Decrees of the Ecumenical Councils*, vol. 1, 245. See LEA, *A History of Auricular Confession and Indulgences in the Latin Church*, 1896, 228-230.

[84] See c. 1386: "§1. A confessor who directly violates the sacramental seal incurs a *latae sententiae* excommunication reserved to the Apostolic See; he who does so only indirectly is to be punished according to the gravity of the offence." Cf. *CCEO* c. 1456.

Apart from the confessor who is bound by virtue of the seal, c. 889 of the 1917 Code obligated others to maintain secrecy if they, by accident or by design, overheard the confession of someone. The first part of the canon stated that, "The sacramental seal is inviolable, therefore a confessor will diligently take care that neither by word nor by sign nor in any other way or for any reason will he betray in the slightest anyone's sin." The second part regarded interpreters and others, "Interpreters are likewise bound by the obligation of preserving the sacramental seal, as well as all those who in any way come into knowledge of the confession."[85] Moreover, c. 890 of the 1917 Code prohibited any use of knowledge that the confessor acquired in the confession and prohibited superiors from using such knowledge in the external forum.[86]

The present cc. 983 and 984 are the equivalents of cc. 889 and 890 of the 1917 Code. Specifically, c. 983 §1 pertains to the inviolability of the sacramental seal, "The sacramental seal is inviolable; therefore, it is absolutely forbidden for a confessor to betray in any way a penitent in words or in any manner and for any reason."

Though not necessarily under the sacramental seal, c. 983 §2 imposes secrecy onto interpreters who participate in a confession of someone, and others who happen to be within earshot of a confession. Meanwhile, c. 984 prohibits the confessor from revealing the identity of the penitent and the contents of the confession, or to use the information obtained in the confession in the external forum.[87] According to c. 1386 §1, a priest who

[85] *CIC*/17, c. 889.

[86] *CIC*/17, c. 890 §1, Any use to the detriment of the penitent of knowledge acquired by confession is entirely prohibited to the confessor, even excluding all danger of revelation" and §2 "Both superiors at the time and confessors who become superiors after they resign, who have notice concerning sins from confession, cannot use this knowledge in any way for external governance."

[87] Canon 984 §1 "A confessor is prohibited completely from using knowledge acquired from the confession to the detriment of the penitent even when any danger of revelation is excluded." §2 "Any person

violates the seal of confession incurs a *latae sententiae* penalty of excommunication reserved to the Apostolic See,

The new Book VI re-arranged the canon on the seal of confession and the obligation to secrecy on interpreters and others who happen to hear a confession. The canon's novelty is in the introduction of the new third paragraph, which was not there in the 1983 Code, but was introduced in the later norms on grave delicts. The new c. 1386 reads:

> §1. A confessor who directly violates the sacramental seal incurs a latae sententiae excommunication reserved to the Apostolic See; he who does so only indirectly is to be punished according to the gravity of the offence.
> §2. Interpreters, and the others mentioned in c. 983 §2, who violate the secret are to be punished with a just penalty, not excluding excommunication.
> §3. Without prejudice to the provisions of §§ 1 and 2, any person who by means of any technical device makes a recording of what is said by the priest or by the penitent in a sacramental confession, either real, or simulated, or who divulges it through the means of social communication, is to be punished according to the gravity of the offence, not excluding, in the case of a cleric, by dismissal from the clerical state.

The sacramental seal prohibits the priest to reveal the contents of the confession, even if the penitent attempts to waive the privilege of confidentiality, because "[…] once celebrated, the penitent does not have the power to relieve the confessor of the obligation to maintain the secret."[88]

The question of whether a penitent can release a priest from the sacramental seal has been a subject of debate among scholars, and in the current social circumstances, especially in the context of sexual abuse of minors. The issue is also pertinent to the situation of hypothetical release of the recipient of the manifestation of conscience made in the course of sacramental confession from maintaining the sacramental secret. Even

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who has been placed in authority cannot use in any manner for external governance the knowledge about sins which he has received in confession at any time."

[88] APOSTOLIC PENITENTIARY, "Note on the Importance of the Internal Forum and the Inviolability of the Sacramental Seal," 29 June 2019, https://www.vatican.va/roman_curia/tribunals/apost_penit/documents/rc_trib_appen_pro_20190629_forointerno_en.html (12 January 2022).

though the Church's position regarding the inviolability of the seal of confession is clear, the question of potential disclosure of crimes of sexual abuse of a minor revealed in the account of conscience has recently been raised.

In civil legislation, some professions are designated as mandatory reporters in any known cases of sexual abuse of children, yet some professions report voluntarily if the client waives the privilege or right to confidentiality. Such waiver frees the professional to share the contents of that which was made known in a professional setting.

Nowadays, most civil jurisdictions recognize the priest-penitent privilege, which entails immunity from judicial inquiry and protects a priest from giving a testimony regarding matters disclosed to him in sacramental confession,[89] whereas the same jurisdictions allow limited immunity for other ministers of religion (pastor, rabbi, imam, spiritual director) and can compel the minister to testify in civil courts. Such limited privileges can be equated to the privilege granted by statutes, for example, attorney-client privilege, physician-patient privilege, husband-wife privilege, just to mention a few. These privileges can also be revoked by the same statutes, where compelling interests justify so. The privilege of the minister of religion is, therefore, broad and interpreted differently in different civil jurisdiction.

[89] See C. DONZE, "Breaking the Seal of Confession: Examining the Constitutionality of the Clergy-Penitent Privilege in Mandatory Reporting Rights," in *Louisiana Law Review*, vol. 78, no. 1 (2017), 275. A case of instance in an American Court occurred in People v. Philips, a criminal case in New York in 1813. A Catholic priest, Fr. Anthony Kohlmann, had received stolen goods from a couple with the instruction that he returned them to the rightful owner. When he was being indicted to testify at trial to confirm the identity of the thieves, Kohlmann argued against testifying because he had received the information in sacramental confession and was therefore bound by the sacramental seal. In response, "[t]he Court noted that the secrecy is essential to the sacrament of confession because penitents would have no incentive to pronounce their sins to a priest if the veil of confidentiality were removed," (ID, 276). See W. SAMPSON, Privileged Communications to Clergymen, in *The Catholic Lawyer,* vol. 1, no. 3 (1955), 199.

The principles of confidentiality in non-Catholic religious groups or faith groups differ by reason of the sacramental seal which governs the priest in the context of the sacrament of confession. Though not strictly similar, the equivalent of the priest-penitent privilege in non-Catholic churches is the minister-congregant privilege. The minister-congregant privilege covers the confidentiality expected in any communication between a congregant and a minister of religion. The minister-congregant privilege has been judged to be inapplicable in some civil courts, thereby compelling the minister to testify. The inapplicability stems from the fact that the congregant possesses the privilege and therefore he can waive it, unlike the priest-penitent privilege, which privilege is not possessed by the penitent but belongs to the sacrament itself.

The priest-penitent privilege is not universally considered absolute in civil jurisdictions. In Canada, this was partly solved by the R. v. Gruenke case, "[…] in which the Supreme Court decided that there is no absolute privilege in relation to religious communications, and rejected [the view] that there should never be any such privilege, rather the determination of whether or not disclosure should be required is to be made on a case-by-case basis by the courts."[90] The Court rejected the concept of an absolute

[90] M.H. OGILVIE, *Religious Institutions and the Law in Canada*, 4th edition, Scarborough, Thomson Canada, Ltd (1996), 213. "Since Gruenke, the courts have been committed to developing the law relating to clergy-penitent privilege on a case-by-case basis, few cases come before the courts so it will be a long time before the scope and content of the privilege, if any, will be known. It will be absolute, but how qualified it might be remains to be seen" (ID.). The Wigmore Test establishes four principles to be considered to create a common law privilege: a) the communication originate in a confidence that it would not be disclosed, b) confidentiality is essential to the full and satisfactory maintenance of the relationship between the parties, c) in the opinion of the community, the relationship ought to be fostered, d) will the injury to the relationship by the disclosed be greater than the benefit gained from using the information (See R. v. GRUENKE, SCR, 1991, 284, https://scc-csc.lexum.com/scc-csc/scc-csc/en/item/802/index.do [8 June 2022]). For a detailed reading of the Wigmore Test, see J.H. WIGMORE, *A Treatise on the System of Evidence in Trials at Common Law, Including the Statutes and Judicial Decisions of All Jurisdictions of the United States, England and Canada*, Boston, Little Brown Company, 1905. See also B. MCLACHLIN, "Confidential Communications and the Law of Privilege," in *University of British Columbia Law Review*, 11 (1977), 266-284.

privilege to religious communications, but it did not completely rule out that there should never be any such privilege.

The legislation of the Church prohibits the priest from disclosing to a third party the contents of the confession. Over the last two decades, volumes of scholarly works have been published in attempts to explain the seal of confession and the privilege of the non-sacramental forum, in the face of sexual abuse of children by priests, and in view of the efforts to compel confessors to mandatory reporting where a confession concerned sexual abuse of children.[91] Subsequent magisterial teachings have maintained that the seal of confession is inviolable. The Catechism of the Catholic Church explains:

> Given the delicacy and greatness of this ministry and the respect due to the person, the Church declares that every priest who hears confessions is bound under very severe penalties to keep absolute secrecy regarding the sins that his penitents have confessed to him. He can make no use of knowledge that confession gives him about penitent's lives. This secret which admits of no exceptions, is called the sacramental seal, because what the penitent has made known to the priest remains sealed by the sacrament.[92]

Pope John Paul II remarked in an address regarding the confessional secrecy that, "a priest cannot even break the confessional seal to defend himself even from false accusations by a penitent."[93] More recently, Pope Francis defended the absolute inviolability of the seal of confession:

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[91] The following scholarly works regarding mandatory reporting and the seal of confession are recommended: J. HARMAN, "The Power of Confession: Mandatory Reporting, Confession and the Evidence Act," in *Alternative Law Journal*, no. 38 (2013), 213-239. P. WINTERS, "Whom Must the Clergy Protect? The Interests of At-Risk Children in Conflict with Clergy-Penitent Privilege," in *DePaul University Law Review*, vol. 62 (2012), 187-226; S. MOSKOWITZ and M.J. DEBOER, "When Silence Resounds: Clergy and the Requirement to Report Elder Abuse and Neglect," in *DePaul University Law Review*, vol. 49 (1999), 1-8; B. MATTHEWS and D.C. BROSS (eds.), *Mandatory Reporting Laws and the Identification of Severe Child Abuse and Neglect*, Dordrecht Netherlands, Springer, 2015; John Jay College of Criminal Abuse Report, The Nature and Scope of Sexual Abuse of Minors by Catholic Priests and Deacons in the United States, 1950-2002: A Research Study Conducted by the John Jay College of Criminal Justice, Washington, DC, United States Conference of Catholic Bishops, 2004.

[92] CATECHISM OF THE CATHOLIC CHURCH, no. 1467, 315. See WOESTMAN, *Sacraments: Initiation, Penance, Anointing of the Sick*, 272-273.

[93] JOHN PAUL II, Address to the Apostolic Penitentiary, Confessors, and Priests and Seminarians on Seal of Confession Must be Kept, 12 March 1994, in *L'Osservatore Romano,* 16 March 1994, 1, English

> […] Although it is not always understood by the modern mentality, it is indispensable for the sanctity of the sacrament and for the freedom of conscience of the penitent, who must be certain at any time, that the sacramental conversation will remain within the secrecy of the confessional, between one's conscience that opens to grace, and God, with the necessary mediation of the priest. The sacramental seal is indispensable, and no human power has jurisdiction over it, nor can lay any claim on it.[94]

Following upon cases of sexual abuse of children by priests and the negligence by ordinaries, several countries have set up independent commissions to investigate these crimes and recommend remedies. In recent times, the Independent Commission on Sexual Abuse in the Catholic Church in France made recommendations that included attempts to compel priests to testify in court, and to compel the Church to change sacramental law and allow disclosure of the content of confession in some specific cases.[95] Neither of these two recommendations is acceptable because the sacramental seal is not imposed merely by an ecclesiastical authority but is of divine nature. The Apostolic Penitentiary referred to this external pressure, "Any political action or legislative initiative aimed at breaching the inviolability of the sacramental seal would constitute an unacceptable offense against *libertas Ecclesiae*, it would constitute a violation of religious freedom, [rightfully] fundamental to all other freedoms, including the freedom of conscience of individual

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edition. To stress the inviolability of the sacrament, John Paul II pointed out that "Let the faithful who approach the sacrament of penance consider that in accusing the priest in confession they are attacking a defenseless man, the divine institution and Church law bind him in fact to total silence *usque ad sanguis effucionem* (even to the shedding of his blood)" (ibid., 1).

[94] APOSTOLIC PENITENTIARY, "Note on the Importance of the Internal Forum and the Inviolability of the Sacramental Seal," 29 June 2019, https://www.vatican.va/roman_curia/tribunals/apost_penit/documents/rc_trib_appen_pro_20190629_forointerno_en.html (12 January 2022).

[95] See INDEPENDENT COMMISSION ON SEXUAL ABUSE IN THE CATHOLIC CHURCH (1950-2020), Sexual Violence in the Catholic Church, France 1950 – 2020, Summary of the Final Report, Recommendation no. 43, 28, https://www.google.com/url?sa=t&rct=j&q=&esrc=s&source=web&cd=&ved=2ahUKEwiJl_PR85_8AhVDlXIEHTreAOgQFnoECAwQAQ&url=https%3A%2F%2Fwww.ciase.fr%2Fmedias%2FCiase-Summary-of-the-Final-Report-5-october-2021.pdf&usg=AOvVaw3ALrJQb7FiIRrEOAs4UQGC (29 December 2022). The Independent Commission was set up at the initiative of the Catholic Church in France with four objectives, 1) to shed light on the sexual violence committed in its institutions since 1950, 2) to examine the extent to which these cases were, or were not, dealt with, 3) to assess the measures taken by the Church to treat this scourge, and 4) to make all useful recommendations.

citizens, both penitents and confessors."[96] Pope Francis summarized the inviolability of the sacramental seal in these words, "[t]he internal forum is an internal forum, and it cannot [reach] outside."[97]

Throughout the history of the Society, to protect the personal information revealed to a superior in the account of conscience, the proper law of the Society instructed that the account must be given "in confession or in secret."

The matter of sacramental confession is limited to sins committed, while the matter of the account of conscience is inclusive of both virtues and vices, that is, sins committed or occasions of sin, imperfections, temptations, disposition towards community life, prayer life inclusive of spiritual exercises, devotions, sacramental life, penances and mortifications, aspirations, inclinations, self-appraisals,[98] just to mention a few. The superior thus must have knowledge of all these in order that the spiritual government of the individual and the Society be realized.

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[96] APOSTOLIC PENITENTIARY, "Note on the Importance of the Internal Forum and the Inviolability of the Sacramental Seal," 29 June 2019, https://www.vatican.va/roman_curia/tribunals/apost_penit/documents/rc_trib_appen_pro_20190629_forointerno_en.html (12 January 2022).

[97] FRANCIS, Address to Participants at the Course Organized by the Apostolic Penitentiary, 29 March 2019, https://www.vatican.va/content/francesco/en/speeches/2019/march/documents/papafrancesco20190329penitenzieria-apostolica.html (20 December 2021). The Apostolic Penitentiary affirms the often-asked question whether the penitent can waive the sacramental seal. The Apostolic Penitentiary stated that the penitent does not have the power to relieve the confessor of the obligation to secrecy, because this duty comes directly from God. Regarding turning himself to the civil authorities, the confessional seal does not permit the confessor to defer absolution on the condition that the penitent reports himself to the civil authorities. If the penitent is a victim of others, the confessor must instruct him regarding his rights and the practical juridical instruments to refer to in order to report the fact in a civil or ecclesiastical forum to seek justice (ID., no. 1).

[98] See HUMPHREY, *The Religious State*, 347. "The manifestation is ordained to direct life for the future, and this requires manifestation of past acts in so far as knowledge of the past is necessary to make provisions for the future. Since this direction is ordained not only for the avoidance of evil, but also towards progress in good and not only in necessary good but in that which is better and perfect, a manifestation not only of vices but also of virtues is necessary" (ibid., 347).

The revelation of the inner soul which is done in confession has absolution and the forgiveness of sins as its main objective, whereas the account of conscience, even though it might include disclosure of sins or sinful ways, aims at informing the superior of both virtues and vices for the purposes of external governance.[99] The account does not absolve sin, even though the material shared might include sins.

There was great wisdom in Ignatius' drafting of the Constitutions in placing the account of conscience within the sacramental confession. The nature of the material that an individual reveals in the account of conscience deserves of the highest assurance of confidentiality and protection from disclosure to a third party. The sacramental seal offered the necessary protections. Therefore, the clause that the account of conscience must be done in sacramental confession or in secret indicated the seriousness with which Ignatius intended to safeguard the privacy of the members. Giving the account during sacramental confession also meant that the major superior was always guided by the norms of the sacramental seal in his dealings with material that had been disclosed to him.

Even though St. Ignatius was thorough in drafting the norms for preserving confidentiality and prescribed that the examen or the account, "[…] is made either in confession, or in secret or another manner which is more pleasing and spiritually consoling […],"[100] nevertheless superiors faced some very practical problems. If the general examen was done in confession, the seal of confession bound the confessor so that nothing of what has been confessed or shared could be revealed outside the confession for other purposes,

[99] See HUMPHREY, *The Religious State,* 347.

[100] General Examen, no. 92, in PADBERG, *Constitutions and Complementary Norms*, 43; see *Constitutions,* no. 551.

governance or otherwise.[101] Even though the practice of the account is guaranteed secrecy, still the danger of violating the sacramental seal was considerable, as the semblance between the account and the sacrament of penance was remarkably close.[102] To avoid any possible violation of the seal, most superiors insisted on separating the forum for the account from the sacramental confession. Some superiors suggested simply changing the physical location.

Ultimately, the practice of the account of conscience in sacramental confession was abolished by GC 34, to make it compatible with the norms of c. 984 §§1-2.[103] Most provincial superiors welcomed the change, for it freed their conscience from fear of any unlawful use of the material shared in the account. This might be especially relevant in the case of the penitent's purported release of the confessor (the superior to whom the manifestation of conscience has been made) from the sacramental seal: "The seal […] lies beyond the reach of the volition of the penitent who, once the sacrament has been celebrated, does not have the power to relieve the confessor of the obligation to secrecy, because this duty comes directly from God.[104]

On the other hand, since this abolition questions have surfaced from some members of the Society about the seemingly lowered level of protection of the confidential

[101] Cf. the prescripts of cc. 983 and 984.

[102] See J.A. BENTO DA SILVA, The Organizing Principles of the Society of Jesus: From Pastorate to Governmentality, PhD thesis, Warwick, University of Warwick, 2012, 137.

[103] Canon 984: "§1. A confessor is prohibited completely from using knowledge acquired from confession to the detriment of the penitent even when any danger or revelation is excluded. §2. A person who has been placed in authority cannot use in any manner for external governance the knowledge about sins which he has received in confession at any time." See *CCEO* c. 734 §2.

[104] APOSTOLIC PENITENTIARY, Note of the Apostolic Penitentiary on the Importance of the Internal Forum and the Inviolability of the Seal of Confession, no. 1, https://www.vatican.va/roman_curia/tribunals/apost_penit/documents/rc_trib_appen_pro_20190629_foroin terno_en.html (20 December 2021).

information shared in the account. Those who criticized the abolition were concerned of the possibility of the secrets from being compromised, as had happened prior to the decree *Quemadmodum* of 1890.

It must be stated, however, that although after the abolition of the account in sacramental confession, one's internal dispositions are no longer "protected by the seal of confession," nevertheless the superior is bound by the norms of natural secret and entrusted secret. Moreover, it can be argued that all information disclosed in the account of conscience is protected by professional secrecy.[105]

4.6 Collecting Confidential Information in the Church

In certain instances, the Church collects confidential information. This also involves necessarily storage or retention of such information, and processing it for specific purposes. The process of collecting the information, the persons responsible for handling the information, the storage or retention of such information require utmost diligence to protect the reputation and the right to privacy of the individuals concerned. Because so much personal information is collected prior to joining the novitiate, during the years of formation, for consideration to admission to holy orders or determination for final professions and the grade of the individual proposed to the superior general, there is likelihood that some of this information may be vulnerable to abuse, thus harming the reputation of the individual person concerned or injuring the right to his privacy.

[105] "Professional secret has a particular relevance in the Church. Clerics, lay persons and religious who exercise the ministry of spiritual direction or counseling come to know matters pertaining to a person's spiritual life, family, social or professional life and are therefore bound to observe secrecy in respect of all these matters" (I. WATERS, "The Law of Secrecy in the Latin Church," in *The Canonist*, 7 [2016], 77). The types of secrets will be discussed in detail in the fourth chapter of our study.

4.6.1 Background Checks before Admission to the Novitiate or Seminary

The practice of background checks has become a common practice in the Church. Most dioceses, religious institutes and societies of apostolic life have established policies for background checks as a way of screening candidates before admission to the seminary or to the novitiate.[106] Such reports in themselves do not determine suitability but provides the necessary information which enables the major superior, or the bishop to determine whether to admit the individual or not. Since the background checks are normally done by civil authorities, there might be no way to control what they find and what they provide, including what in the law of the Church might be considered matters pertaining to the non-sacramental internal forum.

In as much as the practice of background checks has become the norm in most institutions, some scholars argue that privacy is violated. To some extent there is possible harm to the name or reputation of the candidate if some facts about his life appear in the public domain.[107] However, background checks are justifiable in as much as they enable the legitimate authority to gather information about the candidate from law enforcement authorities or other agencies. Such knowledge is helpful to avoid admitting someone who would harm the institution, the persons served, and most especially the children (minors).

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[106] See W.H. WOESTMAN, *The Sacrament of Orders and the Clerical State: A Commentary on the Code of Canon Law, Ottawa*, Faculty of Canon Law, Saint Paul University, 2006, 41. Background checks (also known as background screening or investigations or criminal background checks) are conducted on seminarians, deacon candidates, clerics, religious and lay Church staff, including volunteers (see "Program of Priestly Formation," 5th Edition, Washington, DC, United States Conference of Catholic Bishops [2005], 20). See Appendix 4 for a sample of a diocesan policy on background checks.

[107] See Independent Commission on Sexual Abuse in the Catholic Church in France (1950-2020), Recommendation no. 43, Summary of the Report, 28. See also Australia's Royal Commission into Institutional Responses to Child Sexual Abuse made 189 recommendations, one of which was that priests must be prosecuted for failing to report evidence of pedophilia heard in the confessional.

Background checks have also been used to find out if there is any information that a candidate has not disclosed, which might be an impediment for admission to religious life or admission into the seminary, or an irregularity for reception of holy orders. The proper law of the Society indicates the following persons as ineligible for admission: one who has "[…] committed homicide, or have been publicly infamous of enormous sins,[108] […] one who has publicly committed voluntary homicide or has effectively brought about an abortion, and all who have positively cooperated […] and one who because of a crime committed or because of depraved morals, has lost his good reputation in the region where this occurred."[109] The persons mentioned above are admitted illicitly unless with the permission of the superior general.[110] It is therefore important to establish the facts, and where necessary, seek the superior general's intervention before admitting the person.

On one hand, background checks are justifiable for the purpose of protecting the religious institute. Admitting public offenders might cause scandal in the eyes of the public, and more so in the eyes of other institutions that cooperate with the mission of the religious institute. On the other hand, background checks are important to protect the religious institute from admitting into the novitiate a candidate who is on the sex offender's register. Erroneously admitting such persons to the novitiate would be deemed negligent on the part of the superior or would be illicit and subject to the imposition of penalties. [111]

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[108] *General Examen*, no. 25, in PADBERG, *Constitutions and Complementary Norms*, 29. See *Complementary Norms*, no. 28, 2º.

[109] *Complementary Norms*, no. 28 §1,2º and 3º.

[110] See *Complementary Norms*, no. 28 §3.

[111] See c. 1378 §2, "A person who, through culpable negligence, unlawfully and with harm to another, or scandal, performs or omits an act of ecclesiastical power or office or function, is to be punished according to the provision of c. 1336 §§3-4, without prejudice to the obligation of repairing the harm."

Chapter 3 of the General Examen entitled "Some Questions Toward Gaining a Better Knowledge of the Candidate," directs that the candidate's prior life must be investigated thoroughly. Some of the responses from the candidate may require secrecy and this "[…] will be kept to the extent that reason demands and the one questioned request."[112] Even though the law does not explicitly indicate the methods of investigation to be used, the right to privacy is guaranteed to the candidate, to the extent of him having the liberty to request some of his personal information to be kept secret. Because of the nature of the information revealed, the candidate must be informed before the process begins that the information he discloses will be used to determine whether to accept him or not into the Society. It is recommended to get his consent, preferably in writing, for the future use of some or all the information. When consent has been given and the process done according to the law, the person's rights are not violated when some information is made available to other religious members or lay people who are part of the admissions team, lawfully participating in the evaluation of the candidate. It is important to assure the person that whatever information is obtained will be used only for the intended purposes, therefore assuring necessary confidentiality.

The process of gathering personal information by the vocation director includes an interview conducted by four examiners in order to help the director to form his judgment about the suitability of the candidate for admission into the Society.[113] In order to protect

[112] *General Examen*, no. 34, in PADBERG, *Constitutions and Complementary Norms*, 30. The questions pertain to what is personal about the individual, the state of his family, that is, if the parents are legitimately married and under what circumstances, if from his family anyone has been accused or censured for errors against the faith, if he has personally made a promise to enter marriage, or if he has any illnesses or defect on some part of his body. This list is not exhaustive but presented to demonstrate the details of the investigation or examination meant to know the candidate fully.

[113] See *General Examen*, nos. 34 and 35, in PADBERG, *Constitutions and Complementary Norms*, 30-31 "The examination of the candidate should make it possible to know his suitability for apostolic religious life, either as a priest or a brother in the Society. The examiner must verify the experience of his

the right to privacy, the four examiners are bound by confidentiality with regard to the information obtained in the interview "[…] to the extent that reason demands and the one questioned requests."[114] Furthermore, Section no. 92 of the Examen obliges the superior to "[…] keeping to himself what he learns in secret [...]."[115]

Although the manifestation of conscience is not a part of background checks, the principles guiding the background checks may be at least illustrative for an effective assurance of the protection of an individual's right to privacy. Moreover, some matters about the individual's past may surface later in the person's manifestation of conscience and become subject of determination whether to admit the member to the temporary or perpetual profession or to the sacred orders, especially in view of any potential concealment of some relevant information which could have directly influenced the superior's decision of not admitting the candidate in the first place.

4.6.2 Admission to the Profession of Vows

Apart from the testimony of the formators, the Society uses the *informationes* to judge suitability of the candidate for admission to final profession. Although this method of gathering information can be perceived as a violation of the privacy of an individual, they are lawful if used within the confines of the law.

In accordance with the proper law of the Society, the following are impeded from admission to the Society and to the vows: a) the one who has publicly withdrawn from the

calling to the Society, examine his motivation and ascertain his capacity for relationships. To the extent possible, the advice of experts may be requested" (*Practica quaedam*, no. 4.2.2, 13).

[114] *General Examen*, no. 34, in PADBERG, *Constitutions and Complementary Norms*, 30.

[115] Ibid., no. 92, in PADBERG, *Constitutions and Complementary Norms*, 43.

Catholic faith after his sixteenth year of birth […],[116] b) one who has publicly committed voluntary homicide[117] or has effectively brought about an abortion and all who have positively cooperated,[118] c) one who because of some crime committed or because of depraved morals, has lost good reputation,[119] d) one who has made temporary profession in another religious institute, or has made first incorporation in a secular institute or society of apostolic life or common life in the manner of religious, or one who as a hermit has professed the evangelical counsels into the hands of the diocesan bishop and confirmed them by a vow or other sacred bond, and has observed his own plan of life under the direction of the same bishop,[120] e) one who is bound by the bond of matrimony,[121] f) one who is suffering from a mental illness making the practical judgment of a person afflicted obscured and unsound, or one having a notable disposition toward such illness,[122] and lastly, one who has completed fifty years of age.[123]

In the practice of the Society, the members who participate in the *informationes* are obliged to provide accurate information which they consider helpful to enable the major superior to reach a decision. The informant makes an honest assessment of the individual under consideration. In doing so, the informant can provide information that can potentially harm the reputation of the individual. However, harming the reputation of the individual in

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[116] See *Constitutions*, no. 165. See also *Complementary norms*, nos. 27 and 28, §1, 1º.

[117] See *Constitutions*, no. 168. See also *Complementary norms*, no. 28, §1, 2º.

[118] See *Constitutions*, no. 168. See also *Complementary norms*, no. 28, §1, 2º.

[119] See *Constitutions*, no. 168. See also *Complementary norms*, no. 28, §1, 3º.

[120] See *Constitutions*, no. 171. See also *Complementary norms*, no. 28, §1, 4º.

[121] *Constitutions*, no. 173; see c. 643 §1; *CCEO* c. 450, 6ª.

[122] *Constitutions*, no. 175; see c. 689 §2; The persons who are irregular to the reception of holy orders according (cc. 1041, §1º- 6º), cannot be admitted into the Society because of these impediments.

[123] *Complementary norms*, no. 28, §1, 6º.

the process of the *informationes* is lawful only when the object of the action is assisting the provincial superior to make an administrative decision. Moreover, withholding information about a person being assessed with the intention of protecting that person's good name, might ultimately be harmful to the Society and to the Church. Still, the informants are governed by the obligation to observe secrecy so as not to harm the individual's reputation by disclosing information that was directly entrusted to them in confidence.

4.6.3 Admission to Holy Orders

An important responsibility of the diocesan bishop or the major superior pertains to judging suitability of the candidate for holy orders. According to c. 1029, "Only those are to be promoted to orders who, in the prudent judgment of their own bishop or of the competent major superior, all things considered, have integral faith, are moved by the right intention, have the requisite knowledge, possess good reputation, and are endowed with integral moral and proven virtues and the other physical and psychic qualities in keeping with the order to be received." The canon lists six qualities upon which the bishop or the major superior need moral certainty before approving a candidate for ordination, that is, right intention, requisite knowledge, good reputation, moral virtues, and physical or psychic qualities. These qualities are assessed and judged using various tools. Admittedly, canon 1029 on the qualities for determination of suitability for holy orders must be read in conjunction with c. 1041 which lists the irregularities for receiving orders and c. 1042 which lists the impediments to the reception of holy orders.[124]

[124] The fifth section of c. 1041 reads, "a person who has mutilated himself of another gravely and maliciously or who has attempted suicide." Included in this part is surgical transitioning for sex or gender reassignment, or tampering with the reproductive organs, for example vasectomy.

The determination of the right intention and requisite knowledge is evaluated in interviews, spiritual direction, or in the account of conscience. Meanwhile, experts help the diocesan bishop or the major superior to determine the physical or psychic qualities of the candidate. The two other remaining qualities, that is, moral virtues and reputation are evaluated through observation or testimonies given by the rector of the seminary and formators, or in the case of the Society, by fellow Jesuits through the *informationes*.

The responsibility to investigate the qualities necessary for ordination belongs to the rector of the seminary or rector of a house of formation for the religious. According to the provisions of c. 1051 §1º, "There is to be a testimonial of the rector of the seminary or house of formation about the qualities required to receive the order, that is, about the sound doctrine of the candidate, his genuine piety, good morals, and aptitude to exercise the ministry, as well, after a properly executed inquiry, about his state of physical and psychic health." Furthermore, "[…] the diocesan bishop or the major superior can employ other means which seem useful to him according to the circumstances of time and place, such as testimonial letters, public announcements, or other sources of information" (c. 1051, 2º). The diocesan bishop or the major superior is, therefore, permitted to use reasonable tools to evaluate suitability for holy orders, and to consult experts where necessary. Prior to this consultation, the free and informed consent of the candidate must be sought and given in writing.

4.6.4 Psychological Testing, Records, and the Right to Privacy

The use of psychological testing has not been without its challenges in recent years with regards to the violation of the right to privacy. In 1976, the Secretariat of State issued an instruction to all papal representatives on the use of projective psychological and other

types of tests and related therapies, including those preceding entry into religious life.[125] For the tools used by experts might cause the subject to disclose that what is the preserve of sacramental confession, or his innermost thoughts, fantasies, fears, and anxieties in the most intimate sense and his inner psychic realities. For instance, taking the polygraph test, in as much as it assists the expert in obtaining the information he needs, can be invasive beyond what the member consented to, or sought assessment for.

Following the 1976 instruction, on 8 October 1998, the Congregation for the Clergy rendered a decision which prohibited bishops and religious superiors from coercing or ordering priests or religious to submit to psychological tests:

> It is the consistent teaching of the Magisterium that investigation of the intimate psychological and moral status of the interior life of any member of the Christian faithful cannot be carried on except with the consent of the one to undergo such evaluation, as is clearly written about in the instruction of the Secretariat of State in their 6 August 1976 letter to pontifical representatives.
>
> Therefore, this Congregation concludes that Your Excellency cannot, in this case, under pain of obedience, oblige your priest, the Reverent Priest, to undergo psychological evaluation.[126]

However, a constructive use of psychological testing is recommended because it may contribute meaningfully to the process of determining the suitability of the candidates

[125] "On 6 August 1976, Cardinal Villot, Secretary of the Secretariat of State, issued an instruction to the pontifical representatives throughout the world. Prior to the instruction, the United Nations Economic and Social Council had addressed questionable psychological methods and related treatments which were being used in certain nations. Later on, the Congregation for the Clergy, in a decision stated that "to violate the privacy of the human person, without the free and informed consent of the interested party and without respect for the obligatory and rigorous secrecy which their use entails" (Instruction of the Secretariat of State, 6 August 1976, Prot. No. 311157, cited in G. INGELS, "Protecting the Right to Privacy when Examining Issues Affecting the Life and Ministry of Clerics and Religious," in *Studia Canonica*, 34 (2000), 440). The priest cited in the letter had petitioned for hierarchical resource against his ordinary who had coerced him to undergo psychological assessment.

[126] CONGREGATION FOR THE CLERGY, Decision, 8 October 1998, Prot. no. 980, cited in INGELS, "Protecting the Right to Privacy when Examining Issues Affecting the Life and Ministry of Clerics and Religious," 58.

for admission into the seminary and holy orders,[127] or for admission into the novitiate for religious institutes. The use of psychological tests as a tool to assist the determination of mental health is the subject of c. 1041 and c. 1044. Canon 1041 states that, "The following are irregular for receiving orders: 1º; a person who labours under some form of amentia or other psychic illness due to which, after experts have been consulted, he is judged unqualified to fulfil the ministry properly." Additionally, c. 1044 establishes those who are irregular for the exercise of orders received, "a person who is affected by amentia or some other psychic illness mentioned in c. 1041, 1º, until the ordinary, after consulting an expert, permits the exercise of the orders" (c. 1044 §2, 2º). The other means at the ordinary's disposition include the reports of the rector and seminary formators. For the Society, over and above the reports mentioned above, the *informationes* and the major superior's own knowledge of the candidate obtained in the account of conscience, are the necessary determining factors for admission to holy order, admission to profession and for judging suitability for appointment to an office of governance.

Even though the practice of psychological tests is widespread in contemporary times, the Church has warned against any uncritical reliance on the psychological tests to determine suitability in various categories. In recent times, the Congregation for Bishops advised that, "[…] In some difficult cases, when selecting candidates for admission to the seminary, it will be appropriate to ask them to undergo psychological testing, but only *si causa ferat*, because recourse to such means cannot be generalized and must be undertaken

[127] See CONGREGATION FOR THE CLERGY, The Gift of the Priestly Vocation: *Ratio Fundamentalis Institutionis Sacerdotalis*, no. 39, Vatican City, 2016. See also "Program of Priestly Formation," no. 39, 5th ed., Washington, DC, United States Conference of Catholic Bishops (2005), 20.

with the greatest prudence so as not to violate the person's right to privacy."[128] The one who seeks this admission must be informed about the use of psychological testing and grant consent to disclose the results to those who are tasked with admission.[129] Furthermore, the Church places restrictions on the use of psychological tests, and the access to the results of the tests. Moreover, the use of the results must be limited only to the purposes intended. There must be a firm guarantee for the individual's right to privacy, and care as to not harm unlawfully the good name that the person enjoys (c. 220). Finally, it has been stated unambiguously that the expert's opinion does not in itself conclusively determine the candidate's suitability; rather, this determination is made by the bishop or the competent major superior.[130]

The issue of mental health is significant in this study because of the dynamics of a Jesuit community, where, if a member is suffering from mental health disorders, he might be disruptive and destructive to community life, and more so harmful to the apostolate. Charles Shelton observed that, "[…] the single greatest challenge facing the United States Assistancy of the Society today is the prevalence of mental health issues in all degrees in

[128] CONGREGATION FOR BISHOPS, Directory for the Pastoral Ministry of Bishops *Apostolorum successors*, no. 88, 22 February 2014, Libreria editrice Vaticana, 2004.

[129] For a detailed overview of the use of psychological testing and granting of consent [by the candidate or the cleric, or the religious member] to those who are legitimate to access the results of a psychological testing, refer to the CONGREGATION FOR CATHOLIC EDUCATION, Guidelines for the Use of Psychology in the Admission and Formation of Candidates for the Priesthood, 29 June 2008, in *Enchiridion Vaticanum*, 25 (2011), 1268-1269; M. JOHNSON, "Psychology and the Seminarian: Historical Development and Praxis in the United States," in *The Jurist*, 76 (2016), 531-580.

[130] Robert Kaslyn notes that the Congregation for the Holy Office "[…] rejects the opinion that a psychological test is a necessary prerequisite prior to receiving the sacrament of holy orders and /or solemn profession, or more directly rejects the requirement that all candidates for Orders and for profession must undergo psychological assessment," (KASLYN, "Current Priestly Formation," 175, See CONGREGATION OF THE HOLY OFFICE, *Monitum*, no. 4, 15 July 1961, in *AAS*, 53 (1961), 571.

the lives of individual Jesuits."[131] Mental health illness compromises a Jesuit's availability for mission and his apostolic effectiveness. Therefore, the major superior must be always attentive to concerns surrounding mental health, and where the need be, he must help the affected member to seek professional assessment and treatment.

The major superior must pay attention also to some direct and indirect signals of potential psychological problems which may come up in the account of conscience, e.g., signs of depression, irritation, dislike for one's apostolate or community, and pay close attention to the reports from the local community superior about the conduct of the members, like alcoholism and other addictions. The major superiors should be able to identify members who exhibit low self-esteem, or obsessively identify themselves with the apostolate more than with their vocation to religious life, or define themselves only by the results their work, or disregard the vows or the obligations of the priestly life. Some members might mention negative childhood experiences, like history of abuse in the family. In some cases, the members indicate directly what they might perceive as mental illnesses, and even suggest to the major superior possible remedies.

In some instances, for the good of the individual and/or the good of the community, the major superior would recommend to a member to undergo a psychological test or therapy when there are grave symptoms present. The member is to be encouraged to release the results of the tests so as to facilitate treatment, where necessary. The case of the member's refusal to release the results presents a real challenge to the major superior's *cura personalis,* since it would be difficult, if not impossible for him, to care for an

[131] C.M, SHELTON., "Reflections in the Mental Health of Jesuits," in *Spirituality of the Jesuits*, vol. 43, no. 4 (1991), 3.

individual whose state of health is unknown to him. It is advantageous for the member to share the results of the psychological tests with the competent superior so as to help the superior in his decision-making process leading to an assignment to a community or to an apostolate, or to a referral of a member for treatment. Given that the apostolate is an important dimension in the vocation of a Jesuit, the major superior's *cura apostolica* would equally be compromised if he does not know the psychological disposition of some members. However, the superior cannot compel any member, even under obedience, to undergo psychological testing, or to disclose the results of such a test. Needless to say, each case must be treated according to its merits.

Even though an individual's mental health is his own responsibility, the major superior's role of *cura personalis* obliges him to care for all the members in order to create healthy communities that are conducive for the effective ministry of the Jesuits, promote their spiritual growth and contribute to the good of the entire Society and the Church. We cannot overemphasize the importance of transparency and the necessary guarantee of confidentiality whenever an individual manifests his conscience, be it in the account, in spiritual direction, in interviews, or in psychological testing or therapy.

4.7 The Safeguards of Privacy Implemented in the Current Praxis of the Account of Conscience in the Society of Jesus

Our examination of general congregations has indicated that the value of confidentiality has been a subject of several decrees concerning governance in general, official consultations, information gathering procedures, provincial congregations, or general congregations. According to GC 6, the provincial superior can impose a precept

requiring secrecy, when the matter warrants it, to protect the congregation or persons involved.[132]

4.7.1. The Subject and His Obligation to Transparency and the Corresponding Obligation of the Superior to Preserve Privacy

Earlier on, we noted that the manifestation of thoughts to the spiritual father was an indispensable practice, and the monk was encouraged never to hide his secret thoughts, that is, all the positive or negative stirrings of his heart.[133] Ignatius was influenced by the principle of the monastic manifestation of conscience to facilitate openness by the monks, therefore he adopted this practice for the purposes of governance in the Society.

Consequently, the Constitutions impose on the subject that "[…] in everything they should proceed in charity, keeping nothing exterior or interior hidden from the superiors and desiring them to be informed about everything, so that superiors may be better able to direct them in everything along the path of salvation and perfection."[134] Through access to the subject's inner soul, "the superior becomes able to take part in one's own discernment and to help him therein."[135] Several sections of the Constitutions require that the subjects confidently open their minds to the superior with the hope to receive counsel:

> […] they ought not to keep secret any temptation which they do not reveal to him or to their confessor or to the superior, being happy to have their entire soul entirely open to him. Moreover, they will tell him not only their defects but also their penances or mortifications, or their devotions and all their virtues, with a pure desire to be directed, if in anything they have gone astray and not wishing to be guided by their own judgment

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[132] See GC 6, d. 25, no. 8: "It seemed good to add in that same formula a paragraph, in which provincials are advised, when they judge it appropriate and the matter requires it, that they can by reason of their office, impose a precept of secrecy" (PADBERG, *For Matters of Greater Moment*, 229).

[133] See *Way of Silent Love: Carthusian Conferences: The Beatitudes*, Kalamazoo, MI, Cistercian Publications, 1993, 5.

[134] *Constitutions*, no. 551.

[135] *Complementary Norms*, no. 155 §1. "This kind of responsibility on the part of the superior cannot be exercised without the practice of the account of conscience, by which the superior is made capable of taking part in the discernment done by each of the members and can help him therein" (GC 32, d. 4, no. 67, in PADBERG, *Decrees and Documents of the 31st – 35th General Congregations,* 313-314).

> unless it is in agreement with the opinion of him whom they have in the place of Christ our Lord.[136]

The question of transparency and how it binds the subjects has been deliberated upon several times. Of primary concern in this regard was the freedom of the subject to choose not to reveal some information to the superior.

To demonstrate the importance of the transparency between the superior and the subject, Fr. Adam Ellis likens the openness in spiritual direction to the authentic openness of a sick person who gives his physical information to a doctor to help him make the correct diagnosis and prescribe the best remedy to restore the patient to good health.[137] Without the patient's openness, the doctor would not be able to make the correct diagnosis and the prescription offered might even be harmful. The same analogy applies to the transparency expected between the superior and the subject or between the spiritual director and the directee, or between the confessor and the penitent. In spiritual direction, the directee gives the spiritual director complete access to his inner soul so that the director helps him to identify virtues and vices, and ultimately offers him help to correct his faults or overcome his evil tendencies. The director commends virtues and offers spiritual counsel to enable the directee to grow in self-awareness and discern his paths in the Lord.

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[136] *Constitutions*, no. 263. See GC 31, d. 8, no. 19, in PADBERG, *Decrees and Documents of the 31st – 35th General Congregations,* 73. To promote openness from the moment a person joins the novitiate, the novice master is granted the freedom to inquire about things that pertain to his office without interfering with sacramental matter. Such matter includes how one relates with other fellow novices, his attitudes towards others, his progress in prayer, attraction to certain kinds of spirituality, difficulties with the novitiate program or rules, his general appreciation of religious life, the vows and even his ambitions. This information helps the novice director to judge the suitability of the novices for admission to profession of first vows. The norms of c. 650 makes provisions for the office of the novice director: "§1 The scope of the novitiate demands that novices be formed under the guidance of a director according to the program of formation defined in proper law. §2 Governance of the novices is reserved to one director under the authority of the major superiors."

[137] See ELLIS, "Superiors and Manifestation of Conscience," 101.

Another Jesuit, Fr. Rodriguez used a similar analogy to describe the concept of transparency: "As when water is very clear we see the least gravel or sand at the bottom, so our manifestation ought to be clear that our superior may be able to see even the least defects and imperfections which are at the bottom of our soul."[138] Even though this analogy refers to negative aspects of the person, the account is not necessarily about negatives only, that is, desolations, struggles, or sins, but it is also about consolations, triumphs, aspirations, and graces received.

Transparency and the guarantee of confidentiality are necessary for creating a trusting relationship between the member and the superior. A trusting relationship guarantees the member that whatever information he is sharing will not be abused or used otherwise without his consent, most especially what concerns direct revelation. The atmosphere of trust also guarantees the superior that whatever the member is sharing is truthful and intended for the purposes of mission or governance, and to some extent, for his spiritual growth. The absence of trust will result in suspicions between the two, thereby defeating the purposes of the account.

The Second Vatican Council promoted the responsibility of the superior to build trust and promote open dialogue with their subjects.[139] It is in this spirit that the legislation of the Society on the account of conscience after the Council places emphasis on the role of the account in governance, most specifically in the major superior's responsibility of *cura personalis* and *cura apostolica*. Elsewhere the Council stated that, "Superiors ought to listen to their subjects willingly and ought to promote cooperation between them for the

[138] RODRIGUEZ, *The Practice of Christian and Religious Perfection*, vol. 3, 373.

[139] See SECOND VATICAN COUNCIL, Decree on the Up-to-date Renewal of Religious Life *Perfectae caritatis*, no. 14, in *AAS*, 58 (1966), 709, in *FLANNERY1*, 619-620.

good of the institute and of the Church, retaining however their own authority to decide and to prescribe what is to be done."[140]

The obligation to transparency is complemented by the duty to observe confidentiality. The legislation of the account of conscience obliges the member to be transparent with the major superior, hiding nothing from him: "[…] in confession or in secret or in another manner which may be more pleasing or spiritually consoling to him, he must manifest his conscience with great humility, transparency and charity without concealing anything which is offensive to the Lord of all men. He must give an account of his whole life, or at least of the more essential matters […]."[141] Moreover, the major superior is obliged to observe maximum confidentiality in his handling of the information that has been disclosed to him.

4.7.2. Obligation of Secrecy and Protecting the Privacy of Individuals in the Account of Conscience in Recent Discussions of Jesuit Scholars

The discussion on the obligation to secrecy in the context of the account of conscience followed the promulgation of the 1917 Code of Canon Law. Fr. John Ford, a trained ethicist, argued that the prohibitions of the mandatory account of conscience according to c. 530 of the 1917 Code, placed restrictions on the superior's use of the secrets disclosed in the account. Because the initiative is being made by the subject, therefore the purpose must be what is intended by the subject, his spiritual growth. This restriction empowers the subject to initiate the process at his own volition and to choose the material to be shared.[142] In this way, the subject can refuse to answer any questions when he feels

[140] Ibid.

[141] *General Examen*, nos. 93.

[142] See P. CAJKA, "Each Individual Catholic Can and Does Form His Own Conscience on This and Every Other Subject: J. Ford and The Theology of Conscience, 1941-1969," in K.B. ROBERT and S.R.

that the superior is being intrusive or suspects that the superior intends to use the material for reasons other than his spiritual development. Cognisant of this, in a manuscript written at the request of a Jesuit superior in the early 1940s, Fr. Ford admonished superiors to use the manifestation material only for the spiritual growth of the Jesuit subject.[143] This argument was contrary to the Society's belief, held for centuries, of using the account for governance.

Fr. Ford's discourse on the ethical use of the material received in the account was influenced by the prohibition of the coerced manifestation of conscience by c. 530 of the 1917 Code. Even though he supported the account of conscience for personal spiritual edification, he wrote extensively against use of the information disclosed in the account for governance purposes. Writing in the 1940s, he maintained that the prohibitions of the decree *Quemadmodum* and of c. 530 of the 1917 Code were a result of superiors who had abused the information they obtained in the internal forum and used it in the external forum.

In the general scope of things, Ford's argument that the material received in the account of conscience must not be used for governance suffices and his insistence on the same for the Society of Jesus seems to ignore the proper law of the Society, the privilege granted orally on 29 June 1923[144] and formally on 29 June 1929,[145] and the renewed approval in 1933.[146] We find this position defective because, it appears that Fr. Ford did

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SCHLOESSER (eds.), *Crossings and Dwellings: Restored Jesuits, Women Religious, American Experience, 1814-2014*, Leiden, Brill Academic Publishing, 2017, 575.

[143] See Ibid., 574. Fr. Ford wrote a 48-page long manuscript which he entitled "Secrecy of the Manifestation of Conscience."

[144] See PIUS XI, rescript, 29 June 1923, in *AR*, vol. 2, no. 2 (1923), 577.

[145] See PIUS XI, rescript, 29 June 1929, in *AR*, vol. 4, no. 1 (1929), 261.

[146] See PIUS XI, Apostolic letter Confirming the Institute *Paterna caritas*, 12 March 1933, in *AR*, vol. 7, no. 2 (1933), 274.

not fully acknowledge the basis for which the Society had obtained the special privilege to continue with the mandatory practice of the account for the purpose of governance.

Fr. Ford was particularly concerned with the possible abuse of the material shared in the account of conscience and other meetings with the major superior. He pointed out that "[…] sometimes during these interviews, superiors take occasion to fulfil their obligation of admonishing subjects of their defects, whilst some subjects use the opportunity to make complains, to ask for a change of status, or to make a fraternal denunciation of some other religious, or to talk of other matters."[147] The phrase "other matters" leaves the understanding of what material will be disclosed in the account open to interpretation. Similarly, this openness in interpretation might lead to the question of what does and what does not constitute an account of conscience. Fr. Ford maintained that, in order to protect his right to privacy, a subject can refuse to answer some questions to protect the matters which he does not intend to share at the given moment. Even though this refusal might appear to contradict what St. Ignatius meant by "not hiding anything interior or exterior," it is important to state that though obliged to openness, the subject still retains the right to choose what to disclose.

The context of the account of conscience was elaborated in Chapter 14 of the Rules of the Provincial which distinguished between the questions that the major superior might raise in the context of an account of conscience and those in other formal meetings with a subject.[148] Basically, apart from the direct questions referring to one's ministry, most questions are directed towards the personal, spiritual, or moral disposition of the individual.

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[147] J. FORD, "Secrecy in the Manifestation of Conscience," quoted in ROBERT and SCHLOESSER, *Crossings and Dwellings*, 574.

[148] See CAJKA, "Each Individual Catholic Can and Does Form His Own Conscience," 574.

Care must be taken so that in answering such questions, the subject will not disclose what he initially did not intend to disclose. The recipient of the account may ask some follow-up questions for the sake of clarity or invite the subject to share what might have been omitted yet is fundamental in terms of specific discernment procedures. In asking these questions, the superior must always maintain a respectful disposition and observe the provisions of privacy such that he does not coerce the subject in any way, and that the account does not turn into an interrogation or violation of his privacy. There is a fine line separating protection of his right to privacy and the obligation to openness aiming at upholding the spiritual patrimony of the Society. For example, the question "Does your community support the integral growth of your spiritual life?" is not to be answered by a simple "yes" or "no." To elaborate one's answer entails searching within the mind and heart, how one feels about the support or lack of it from the community and might proceed to appreciating or disapproving some individuals in the community, or the local superior.

The question whether a professed religious has the personal rights or whether he can exercise these rights has been a central concern regarding the right to privacy. Some scholars went to the extreme of alleging that the religious loses all rights personal to him, whilst others correctly argued that the rights remain, but the exercise of those rights is limited. J.E. Risk noted that "[b]y virtue of his profession, the religious enters into an agreement with the institute, promising to seek perfection according to the Society's way of proceeding, or way of life […] the Society assumes certain obligations to be honoured in favour of the religious."[149] From this quote from Risk, it is understood that there is an implied or rather presumed agreement that when the individual joins the Society, he grants

[149] J.E. RISK, "A Bill of Rights for Religious," in *Review for Religious*, vol. 5, no. 2 (1946), 85.

to the Society the consent to make use of the information shared in secret for external governance.[150] This presumption does not mean the Jesuit loses the right to privacy, but it is presumed that the individual's privacy is protected and that the provincial superiors make use of the information without revealing the identity of the person or making it obvious. Therefore, superiors ought to make certain that they are not revealing the identity of the member, at least not without his consent.[151]

Fr. Pedro Arrupe once remarked in an interview that "[…] if the superior lacks discretion, even indirectly and without quoting anyone about the content of the manifestation of conscience, the relations are ended. The secrecy of the manifestation of conscience is sacred."[152] Elsewhere, he remarked that "[…] with mutual, personal and intimate communication, which can lead to the very intimate contact of consciences, there comes into being that spiritual intimacy so essential for good governance."[153]

The close link between the account and obedience in the Society cannot be overemphasized, as expressed by Fr. Mark Rotsaert, "[…] the account of conscience is the cornerstone of obedience in the Society."[154] Fr. Gray concurs with him and emphasizes that the foundation for good governance comprises of "[…] confidentiality and concerns

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[150] See SABINO, "La cuenta de la conciencia entre los religiosos," 570.

[151] See *Complementary Norms*, no. 155. See also GC 27, d. 59, in PADBERG, *For Matters of Greater Moment*, 540. See also GC 12, d. 15, in PADBERG, *For Matters of Greater Moment*, 337. Examples of instances when the superior can use information obtained from the account, yet without revealing the identity of the person directly are far-fetched. However, such could be when a superior must transfer a person from a community or an apostolic work before the due time, and does not give or indicate the reasons for the immediate transfer.

[152] DIETSCH, *Pedro Arrupe*, 91.

[153] ARRUPE, "The Modern Religious Superior," in AIXALA, *Challenge to Religious Life Today*, 89.

[154] M. ROTSAERT, "Obedience in the Life of the Society of Jesus," in *Review of Ignatian Spirituality*, vol. 11, no. 120 (2009), 34.

with the reputation of an individual or of a community […].”[155] Therefore, the provincial superior and anyone delegated to receive the account of conscience is obliged to secrecy for the sake of trust among his brothers and good governance of the Society.

A related aspect of the use of the matter revealed in the manifestation of conscience concerned the right of the subject to request the superior not to use for governance purposes the information that he has disclosed.[156] Fr. Ford supported this school of thought and argued that “the subject is perfectly free to forbid any external use of knowledge [and] in a case where the subject refuses permission to make use of the manifestation, the superior’s hands are tied.”[157] Apparently, other scholars disagreed and Fr. Francis McMenamy, former provincial superior of the Jesuits of the Midwestern Province pointed out that Fr. Ford gave the wrong impression that the superior is never permitted to make use of the secret he has obtained in the account of conscience when the subject is unwilling. He rejected Fr. Ford’s argument because, according to him, Fr. Ford’s interpretation might have been focused solely on revealing the secret in a *direct way*, and not simply using the secret or the information for the purposes of governance.[158] Fr. McMenamy argued that Fr. Ford needed to present an objective exposition of the Society’s proper law, as opposed to

[155] GRAY, “An Experience in Ignatian Government,” 2. Even though the context of Fr. Gray’s research was limited to local superiors and rectors, the principles dealt therein remain the same with those that pertain to the account of conscience with the provincial superior. Though his research is not scholarly but merely an experiential investigation, he indicated his great desire for someone to undertake scholarly research on matters of government, obedience, authority, community life and *cura personalis*. To this extent, this study explores in depth and in a scholarly fashion, the significance of the practice.

[156] CAJKA, “Each Individual Catholic Can and Does Form His Own Conscience,” 576.

[157] FORD, “Secrecy in the Manifestation of Conscience,” in *Archives of the New England Province of the Society of Jesus*, Ford Papers, Box 10, Folder 11 (undated).

[158] See F.X. MCMENAMY, private letter to John Ford, 24 May 1944, in *Archives of the New England Province of the Society of Jesus*, Ford Papers, Box 10, Folder 9.

his manuscript's inclination to favour the secret "[…] of protecting the liberty and security of the subject who manifests."[159]

Fr. Ford's persistence on the protection of the secret seems to emanate from his prejudice of an ethicist. His argument was rooted in no. 551 of the Constitutions, which legislated on the proper forum of the account, that is, "in confession or in secret or in another manner [...]." Since the manifestation could be turned into sacramental confession, all disclosed information would be subject to the sacramental seal, and therefore could not be revealed or used outside of confession. In his zealous insistence on the observance of the confessional seal, Fr. Ford strongly believed in the separation of the sacramental internal forum and non-sacramental internal forum, and, in doing so, clarified how the superior can use the material shared in the account of conscience without violating the seal. The careful separation of the two fora provides an adequate protection for both the subjects and whatever information they disclosed and the superior in using all or any part of the information for external governance.

Admittedly, Fr. Ford wrote in the 1940s before the abolition of the practice of the account of conscience in the course of sacramental confession. In that historical context, Fr. Ford's arguments were reasonable and valid. Nonetheless, the abolition of the practice of the account within the sacramental confessional renders his argument irrelevant. Finally, the proper law of the Society protects secrecy or confidentiality in the account of conscience, made outside confession, as has been the practice since GC 34. Even though the purpose of the account is to inform the provincial superior so that he can govern in the

[159] MCMENAMY, private letter to John Ford, Ford Papers, Box 10, Folder 9. See also FORD, "Secrecy in the Manifestation of Conscience," Ford Papers, Box 10, Folder 11 (undated); CAJKA, "Each Individual Catholic Can and Does Form His Own Conscience," 577.

external forum, the obligation to secrecy remains, and the superior cannot disclose any part or all of an individual's account without obtaining the individual's express consent, most often granted in writing.

The process of collecting and handling personal information for any of the three purposes discussed above, must remain confidential and the reports or documents must be kept in the archives of the province.[160] The Complementary Norms direct that any information that a member reveals about himself to another as entrusted secret or in the process of seeking advice, must not be included in any information report. Even though this norm stands, there is a likelihood that some of the information that is presented in formal evaluation reports like the *informationes*, might have come from confidential exchanges between the individual concerned and the informant. There is no easy way for the provincial superior to ascertain that the informants respect this norm.

The spiritual director of a member under consideration is excluded from the process of the *informationes*.[161] The reasons for this prohibition is that, "the subject gives a director complete and clear insight into his soul, so that the director may help him to correct his faults, overcome his evil tendencies, correspond with the inspirations of grace, and practice virtue more effectively."[162] Furthermore, a Jesuit who is a consultor to the provincial

[160] *Practica quaedam*, nos. 6.3.3; 6.3.8; and 7.2.2.

[161] W. LEDÓCHOWSKI, *Informationes* Not to Be Asked or Accepted from Spiritual Fathers, 19 November 1921, in *Selected Writings of Father Ledóchowski*, 848. Fr. Ledóchowski instructed that "[…] the spiritual fathers cannot participate in affairs which pertain to the *forum externum.* Accordingly, *informationes* are not to be asked of them in such cases, but they are not even to be accepted or listened to if spiritual fathers, perhaps, incorrectly understanding the sphere of their office, offer them on their own accord. [T]herefore, our members will approach the spiritual father with greater confidence and entrust to him the inmost secrets of their hears and their spiritual needs" (ibid.).

[162] ELLIS, "Superiors and the Manifestation of Conscience," 101-102. The term "director" would refer to all those who have access to an individual's conscience either as spiritual director, provincial superior or a confessor.

superior, if he is a spiritual director to some members, is *ipso facto* not eligible to evaluate the concerned Jesuits or to participate in the evaluation or *informationes* of his directees or his guides.

4.7.3 Inviolability of the Account as a Foundation of Good Governance Practices

The reference to the "inviolability" of the account can be compared to the inviolability of the sacramental seal because the superior who receives the account cannot share directly or indirectly what he has heard. In fact, because of the intimate nature of the information disclosed in the account for the purpose of one's own spiritual progress and the goal of the account of conscience, that is, the efficient governance of the Society, the provisions in the law of the Society protect the right to privacy of the members and the good of the Society. No one is exempt from the protection of the right to privacy in the account of conscience, as intended by St. Ignatius in the Constitutions, and confirmed by general congregations and general superiors.

Even though the account of conscience taking place in the sacramental confession was abolished, the superior is, nevertheless, prohibited from revealing directly or indirectly to third parties the identity of the person or the information he received, unless with the express consent of the one who manifested his conscience.[163]

The 12th General Congregation declared the secrecy of the account of conscience in strict terms, "[…] matters communicated to a superior during the account of conscience were not to be revealed or even hinted at to anyone, not even to the Superior General

[163] See *Complementary Norms*, no. 155 §2. See GC 31, d. 17, no. 8, in PADBERG, *Decrees and Documents of the 31st – 35th General Congregations* 118-119. See also GC 27, d. 59, in PADBERG, *For Matters of Greater Moment*, 523; GC 23, d. 16, no. 1, in PADBERG, *For Matters of Greater Moment*, 468; GC 21, d. 15, in PADBERG, *For Matters of Greater Moment*, 441.

without the express consent of the one who communicated them."[164] It is important to highlight here that the proper law prohibits any superior from revealing directly the information he received in the account of conscience, so as to protect the right to privacy of the concerned individual. However, the concerned person can waive the right to privacy and give his consent to the superior to reveal matters that he learnt in the account of conscience. This consent has to be given expressly and most preferably in written form.

Moreover, revealing confidential information pertaining to persons or offices was decreed as a punishable offence by GC 7, stating:

> A proposal was made that the congregation agree to provide an effective safeguard against those who reveal what has taken place in consultations, congregations (both provincial and general), or in examinations concerning studies or the profession, and in seeking information with respect to grade or governance. The congregation decreed that careful provision should be made in a matter as serious as this, upon which in large part, the good governance of the Society depends. Wherefore, it held that all superiors should be warned to be on guard with great care against this potentially destructive situation, and cautioned that they are held to investigate those who violated these confidences and in their good judgment to punish those found to be offenders of this sort, in proportion to the extent and gravity of their guilt, even going as far as to deprive them of office of consultor, or of offices of not less dignity, so that by the example made to them others will be deterred from this offence.[165]

GC 12 and GC 27 addressed the matter of the "inviolability" of the account of conscience. GC 12 decreed that "[…] the secrecy is to be so religiously observed that it is not permissible for a superior who has received the account of conscience ever to make known to anyone at all, not even to the general [superior] or to the provincial [superior], or even to hint at anything of what the subject reveals about himself, unless perchance the

[164] GC 12, d. 15, in PADBERG, *For Matters of Greater Moment*, 337.

[165] GC 7, d. 23, in PADBERG, *For Matters of Greater Moment*, 258. See GC 10, d. 6, in PADBERG, *For Matters of Greater Moment*, 316, recommended to the superior general the prescription of GC 7, d 23 which admonished superiors "[…] to search out with all diligence those responsible for divulging secrets and after learning their identity, punish them in proportion to the gravity of the matter and the extent of the guilt, even to the point of depriving them of office."

very person who makes the manifestation of conscience expressly gives his consent."[166] It is evident in this decree that not even the superior general is exempt from the privacy of the account. GC 31 upheld the strict secrecy which binds the provincial superior.[167]

The "inviolability" of the account was highlighted by Decree 59 of GC 27 which expressed the norm in a similar fashion to c. 220, "No one without exception may directly or indirectly make known what has been revealed in an account of conscience unless it is with the explicit consent of the one rendering the account."[168] The Complementary Norms repeated the same expression verbatim.[169] The expression "explicit consent" implies that consent must not be presumed, therefore the superior or the delegate who receives the account on his behalf must obtain prior consent, preferably in writing.

Most recently, Fr. Arturo Sosa, superior general (2017-) responded to the question whether a delegate can reveal to the one who has delegated him the material shared by a subject. Fr. Sosa stated that no one is permitted to reveal what has been obtained in the account of conscience without the consent of the one concerned. He described the three ways that a delegate can use the content revealed in the account if he judges that some matter of concern ought to be known to the delegating authority:

> a) Demander à la personne concernée son consentement pour rapporter une telle communication au Provincial (Ask the person concerned for their consent to report such communication to the provincial),

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[166] GC 12, d. 15 in PADBERG, *For Matters of Greater Moment*, 337.

[167] See GC 31, d. 17, no. 8, in PADBERG, *Decrees and Documents of the 31st – 35th General Congregations*, 119. *Practica quaedam* emphasizes in several sections the importance of confidentiality related to personal information.

[168] GC 27, d. 59 in PADBERG, *For Matters of Greater Moment*, 540. See GC 23, d. 34 in PADBERG, *For Matters of Greater Moment*, 540.

[169] See *Complementary Norms*, no. 155, § 2, "No one, without exception, may directly or indirectly make known what has been revealed in an account of conscience, unless it is with the express consent of the one rendering the account."

> b) Conseiller à l'intéressé, en lui rappelant également son devoir de conscience si nécessaire, de communiquer directement au Provincial ce qu'il a communiqué au vice-provincial (Advise the person concerned, also reminding him of his duty in conscience, if necessary, to communicate directly to the provincial what he has communicated to the vice-provincial or the delegate),
>
> c) Indiquer discrètement au Provincial qu'il serait nécessaire ou opportun d'ecouter directement le compte de conscience d'une personne en particulier (Discretely indicate to the provincial that it would be necessary or advisable for him to receive the account of conscience of the specific person).[170]

Accordingly, the delegate is not permitted in any way to breach the confidentiality, unless he fulfils the requirements indicated above in the responses of Fr. Sosa. Similarly, even the delegating authority himself, regardless of his good intentions, is not permitted to induce the delegate to reveal whatever information he received in the forum of the account, unless the concerned person has given his consent.

A major question has been asked whether the provincial superior is bound by the same secrecy when there is possible harm to the individual or the good of the Society, or when what the individual has shared concerns about his own physical or mental health. Direct disclosure remains prohibited; however, the superior can use the same information for the purposes of governance without revealing the identity of the member. The superior can use other tools to mitigate the situation, without necessarily breaching the right to privacy of the individual. The conversation between the superior and the member can continue beyond the forum of the account, and the superior may take such opportunity to reprimand, to coerce or to persuade the member to resolve any matters of concern.

What happens then if the superior violates the obligation to secrecy or privacy in the account of conscience? Unlike the decree *Quemadmodum*, both c. 530 of the 1917 Code

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[170] A. SOSA, A Response of Father General on the Delegation of the Account of Conscience, 26 June 2020, in *AR*, vol. 27, no. 3 (2020), 996. Translation is our own. The provincial superior is obliged to personally make visits to communities and works, and "only for grave and unavoidable reasons should he delegate this duty to someone else" (Guidelines for Provincials, no. 1, 7).

and c. 630 of the 1983 Code do not mention denunciation of a superior who coerces a subject to manifest his conscience to him,[171] neither do the two canons mention denunciation of a superior who violates secrecy of the account. The revised norms of the 27th General Congregation declared that those who violated the confidence in meeting of consultors, congregations, or in any information gathering processes must be punished according to the extent of their guilt,[172] not excluding depriving them from office.[173] Given that this norm was never abolished, it remains in force. The Complementary Norms safeguard confidentiality in official communications and other documents in the Society, "[T]hose who reveal confidential information are to be reproved according to the gravity of the deed."[174] The determination of the gravity of the deed and the penalties imposed is reserved to the superior general.

All the sources we consulted indicate that the Society does not have clearly stated procedures to be followed by a subject who intends to denounce a superior, apart from seeking recourse to the superior general. There is no study to prove or disprove if this possibility is known by most members of the Society, or how often it has been used. However, the only practical way in which a subject can denounce a major superior for the abuse of the account of conscience, or confidentiality, is through the so-called *soli* letters sent to the superior general. The *soli* is the official way in which any Jesuit can address his concerns directly to the superior general. *Practica quaedam* states that "[…] only

[171] See WELCH, The Manifestation of Conscience in Religious Life, 65.

[172] GC 27, d. 23, in PADBERG, *For Matters of Greater Moment*, 534. See also GC 10, d. 6, in PADBERG, *For Matters of Greater Moment*, 316.

[173] See GC 7, d. 23, in PADBERG, *For Matters of Greater Moment*, 258.

[174] *Complementary Norms*, no. 361. See GC 27, d. 258, no. 3, in PADBERG, *For Matters of Greater Moment*, 578.

absolutely confidential material which Father General can resolve by himself and without the assistance of others should be marked *soli*."[175] Through the *soli* provision, the subject directly communicates his concerns to the superior general for his determination.

The value of the practice cannot be underestimated. The right to privacy in the account has been long cherished in the Society. The Constitutions, the Complementary Norms and the decrees of general congregations offer an uncontestable assurance that the right to privacy in the account of conscience remains inviolable.

Conclusion

While every person possesses the right to privacy and the right to have his good reputation protected from any unlawful injury, some careful harmonization of opposing interests, that of safeguarding the privacy and spiritual well-being of members of the Society of Jesus, and of providing for a proper exercise of governance of the Society of Jesus is necessary.

The chapter showed that the current legislation of the Church protects all members of the Christian faithful from having their good reputation harmed unlawfully and also protects their right to privacy. An analysis of the canonical norm of c. 220 showed the firm foundations for the demands of necessary confidentiality and privacy in the life of the Church's community. A presentation of the law of secrecy in the Church was found especially convenient for clarifying the argument behind the inviolability of the account of conscience, not only in the context of the sacramental confession where the communication

[175] "The term *soli* is reserved only for correspondence between Jesuits and their Superior, in this case with the Superior General" (*Practica quaedam*, no. 1.2.2, 4).

between the penitent and confessor is firmly protected by the sacramental seal, but also in the case of the account of conscience made outside of the sacrament of penance, which is presently the norm in the Society.

It was demonstrated that the non-sacramental internal forum of the account of conscience, although no longer covered by the sacramental seal, still provides the necessary protection of the privacy of a subject making the account. Even though the material disclosed in spiritual direction and in the account of conscience might be vulnerable to violation, those responsible for such information are bound to observe the highest standard of secrecy. To disclose such confidential information, the competent superior must always obtain the consent of the person concerned, preferably in writing.

The chapter has illustrated the recurring challenge of balancing the conflicting values of the right to privacy and the right to a good reputation and the obligation to transparency in the account of conscience. Though the object of the practice is good governance, the account also promotes the right to vindicate and defend one's rights according to the norms of c. 221 and the Complementary Norms, no. 155 §2.[176]

The chapter demonstrated the importance of safeguarding confidentiality in the other ways in which the Church collects personal information and the possible violation of confidentiality if a superior reveals such information without consent. Even though the norms of the Society are strict in the handling of the information received in the account of conscience, the procedures for a recourse to the superior general remains ambiguous. Accordingly, we recommended two possible ways of vindicating one's rights against a

[176] *Complementary Norms*, no. 155 §2: "No one, without exception, may directly or indirectly make known what has been revealed in an account of conscience unless it is with the express consent of the one rendering the account."

major superior (or his delegate) who is believed to have violated the secrecy of the account. The first way is the representation to the same major superior according to the norms of no. 552 of the Constitutions and no. 154 of the Complementary Norms.[177] The second way is by having recourse to the superior general through the *soli* letter. However, it remains unproven how often the second way has been used, or if at all members are aware of it as a mean to vindicate one's right to privacy.

[177] *Complementary Norms*, no. 154: "If it should happen that a member sincerely considers himself bound by a dictate of conscience not to follow the superior's will and thinks that in a given case he is morally obliged to act contrary to it, the following norms are to be observed: 1ºAfter prayer and appropriate consultation, the individual should enter into a sincere dialogue with his superior, to whom he explains his reasons according to the Ignatian principle of representation, 2º He is always free to have recourse to a higher superior." Even though this norm does not explicitly refer to instances when the superior violates the individual's rights in the account of conscience, the same method can be used.

GENERAL CONCLUSION

The present study has attempted to examine the question of the protection of the right to privacy in the practice of the account of conscience in the Society of Jesus. In order to do so in an academically rigorous manner, the thesis presented the gradual evolution of the purpose of spiritual direction from personal spiritual growth to governance of the community, the adaptation of the institution of the account by St. Ignatius of Loyola in the legislation of the Society, the abuses of the practice of the account prompting the Church to intervene, the pivotal role of the vow of obedience in the governance of the Society of Jesus, the proper legislation of the Society on the account of conscience and the way it is practiced today, the current ecclesiastical legislation on the right to privacy and the protection of one's good name and its particular application to the account of conscience in the Society of Jesus.

The present research has established that the account of conscience appears prominently in the foundational documents of the Society of Jesus, both the General Examen (the structure of the account of conscience in the general examen comprises of two parts, nos. 91-92 and 93-97) and the Constitutions proper of the Society of Jesus. The analysis of the norms guiding the account and of its practice stresses the obligation of the superiors to know their subjects for the good of both the individuals and the institute. It is a firm conviction in the Society that only through this knowledge of the individuals, the superior can make informed decisions regarding appointments based on strengths, talents and, at the same time, avoid placing individuals where their vocation would be at risk, or where the apostolate and the people of God would not be best served; "[…] that they may

direct them better without placing them beyond the measure of their capacity in dangers or labours greater than they could in our Lord endure with a spirit of love" (General Examen, no. 92). This knowledge further helps the superior to mission the members where the good of the Society and the Church is promoted, and to "[…] better […] organize and arrange what is expedient for the whole body of the Society" (General Examen, no. 92). In the spirit of safeguarding the right to privacy, already the General Examen instructed the superior that "[…] while keeping to himself what he learns in secret […]" (General Examen, no. 92), he strives to make informed decisions, therefore introducing the obligation to observe secrecy in the account of conscience at the very beginnings of the history of the Society.

The thesis underlines the corresponding obligation of the Jesuit, "to manifest his conscience with great humility, transparency and charity" (General Examen, no. 93) and also emphasizes the importance of the preservation of secrecy, either in the context of the account of conscience made in the sacramental confession [the practice abrogated by GC 34], or made "in secret or in another manner which may be more pleasing or spiritually consoling to him" (General Examen, no. 93). Immediately after, no. 94 of the General Examen introduces the regularity of the account, firstly before joining the institute and then during the different stages of formation. We have observed that St. Ignatius had already placed a high value on the account of conscience, and was fully conscious of the importance of safeguarding the secrets shared in the account to protect of the privacy of the members.

The Constitutions [no. 551] and the Complementary Norms [no. 155] regulate the frequency of the account of conscience for all the members of the Society and further emphasize the obligation to observe secrecy. The question of the right to privacy has been a subject of concern as shown by the many postulates at general congregations held after

the Second Vatican Council, and in multiple pronouncements of several general superiors made as a response to the challenges, both within the Society and without. Because of the Church's understanding of the dignity of the human person and a potential for the violation of the human right to privacy in the context of the account, this study has analyzed the current practice of the account of conscience in the Society of Jesus, and addressed the protective measures instituted by both the Church and the Society.

Our research pointed to the importance of a proper application of c. 618 of the 1983 Code on the role of superiors of religious institutes. It was found that the General Examen had already foreseen the important features of superiors' task. The Code notes that in exercising oversight over the apostolate, superiors are "[…] to govern their subjects as sons and daughters of God and promote the voluntary obedience of their subjects with reverence for the human person, they are to listen to them willingly and foster their common endevour for the good of the institute and the Church […]." Indeed, even before the Code, the Society obligated superiors to make periodic visits to their subjects for the account of conscience, to listen to them, to encourage them in their vocation, to make decisions about their mission for the good of the Society and the Church. Just as stated by Fr. Kolvenbach's letter to the Society in February 2005, "the mission is conferred, confirmed or changed" in the account of conscience and "it should be given, in the first place to the major superior."[1] The responsibility placed on the major superior extends, therefore, beyond merely external governance to include listening to their subjects opening their inner self to them, with the concurring obligation to observe the revealed secrets.

[1] KOLVENBACH, Letter on the Account of Conscience, 558.

The utmost protection of any manifestation of one's conscience in the Church is envisioned by the sacramental seal which is inviolate. However, the crucial difference with the level of protection of the material obtained in the account of conscience made outside of sacramental confession has been stressed: in the course of sacramental confession, the penitent is obliged to reveal the matter necessary to receive absolution, and those revelations are protected by the seal of confession, while in manifestation of conscience to a spiritual father (or to a superior) outside of confession, the subject may be obliged to reveal himself fully and unreservedly to receive spiritual direction, "with his revelations protected by the strictest secrecy short of the seal."[2]

The thesis established that the change in the purpose of spiritual direction, that is, from spiritual perfection of the individual to the good of the wider community or institute, led to abuses by some superiors. This situation prompted the Church to intervene at three significant periods; in 1890 by the decree *Quemadmodum* which prohibited superiors of lay institutes to coerce their members to manifest their consciences to them, then in c. 530 of the 1917 Code which prohibited all superiors, clerical and lay, to induce their subjects to manifest their consciences to them, and finally, in c. 630 §5 of the 1983 Code of Canon Law which maintained the previous prohibitions. These interventions demonstrated the Church's continuous concern to protect the right to privacy. Our study also demonstrated that despite the prohibitions of the mandatory practice in religious institutes, the Church recognizes the spiritual value of the account of conscience and encourages subjects to freely approach their superiors to open their minds to them. The Church has been consistent in her teaching on the right to privacy and the right to protect a good name. These rights

[2] MCKENNA, The Right of Confidentiality, 115.

gained their rightful prominence in the 1983 Code of Canon Law, in c. 220 which put into a legal frame Article 26 of the Pastoral Constitution on the Church in the Modern World *Gaudium et spes* of the Second Vatican Council.

The Second Vatican Council's Decree on the Up-to-date Renewal of Religious Life *Perfectae caritatis* called for the examination and renewal of structures of government for religious institutes, adaptation of their constitutions, directories, books of customs, and most importantly, for suppression of those practices that were obsolete. In view of this call, the second chapter analyzed the structures of governance of the Society, the substantials of the Institute, the vow of obedience in general and the vow of obedience to the Pope, specific to the Society's professed members and the distinct grades of membership in the Society. The chapter demonstrated the centrality of obedience in the governance of the Society. It was also found that the hierarchical structure of the Society implies the application of the principle of subsidiarity in exercising authority at different levels. The prominence of the provincial superior in the exercise of obedience appears in his delicate task of the administration of the province and dealing directly with the membership. It is in fact the provincial superior who is the primary recipient of the account of conscience of the members under his jurisdiction and is under the obligation to safeguard the confidential information he receives in the account.

We have also established that the protection of privacy is extended to other administrative practices through which the Society collects and uses confidential information about individuals. Mentioned in this research is the collection of personal information to assist the superior to make informed decisions, that is, the *informationes* for admission to holy orders, to final profession and for judging suitability to offices of

governance. The information thus collected remains protected from any form of violation. The legislation of the Society insists on those who participate in the collection or handling of confidential information to observe secrecy.

The study has established that the account of conscience is inviolate, and this inviolability was emphasized by the response of the present Superior General, Fr. Arturo Sosa, that a recipient of the account, be it the major superior or his delegate, cannot disclose the information to a third party, unless he obtains the consent of the person concerned. This acknowledgement was declared earlier on by the 12th General Congregation, "[…] the secrecy is to be so religiously observed that it is not permissible for a superior who has received the account of conscience even to make known to anyone at all, not even to the [superior] general or to the provincial [superior], or even to hint at anything of what the subject reveals about himself, unless perchance the very person who makes the manifestation of conscience expressly gives his consent."[3] Accordingly, anyone who violates the secrecy must be punished according to the gravity of the transgression, not excluding removal from office.[4]

We also observed the complexity of the duty of the major superior of *cura personalis* and *cura apostolica*. In the examination of the structure of governance in the Society, we concur with Fr. Lisbert D'Souza's observation that most major superiors suffer from burnout by the end of their term of office, and that some superiors reach the end of the term as "damaged goods." Fr. D'Souza is critical of what he sees as a simplistic

[3] GC 12, d. 15, in PADBERG, *For Matters of Greater Moment*, 337. See GC 6, d. 33, in PADBERG, *For Matters of Greater Moment*, 234.

[4] See GC 27, d. 258 §3, in PADBERG, *For Matters of Greater Moment*, 578. See also GC 7, d. 23, in PADBERG, *For Matters of Greater Moment*, 258.

approach to governance which regards the major superior as a superhuman who is immune to professional mistakes. Apparently, the diverse nature of the contemporary Society, the influence of social and political dimensions of life, the numerous cultural and social contexts in which Jesuits live and work, and the civil legislation in various jurisdictions with regard to mandatory reporting and access to private files, places on the superiors in the Society responsibility which can easily become overwhelming.

Having studied the account of conscience and the right to privacy, we make a few recommendations: (a) we recommend that superiors who receive the account of conscience be fully aware of the civil laws governing privacy in the places in which they govern. This knowledge will assist them in determining the way they deal with private matters shared in the account, especially in those jurisdictions that do not recognize the privilege regarding confidential communication enjoyed by the Church and mandate all 'professionals' to report cases of the [sexual] abuse of minors by clerics and religious, or where the non-sacramental internal forum of the account of conscience or spiritual direction is liable to interference with the demands of civil authorities. This does not, in any way, imply that the superiors must conceal criminal acts committed by their members, but they must use different approaches to achieve, on one hand, what is demanded by justice and, on the other hand, to govern the province effectively, (b) we recommend that even where there are competing interests, the basic rule of safeguarding the subject's right to privacy be considered non-negotiable, unless with the consent of the concerned member. However, if it concerns the safety and protection of children or vulnerable adults from any form of abuse, the superior should defer to the legislation of the universal Church without any delay, (c) we recommend a more accessible provision of the *soli* letters to the superior

general to vindicate one's rights in the case of a violation of these rights, and finally, (d) we recommend that the superior general write a formal letter to the whole Society on the dynamics of the *representation* in the context of the account of conscience, as one way to vindicate one's rights, when a member feels that his rights, and most especially the right to privacy and the right to protect his good name have been violated.

The effectiveness of both the *soli* letter and the representation remains ambiguous because of the confidential nature of the account of conscience. Therefore, (e) we recommend further studies to examine the effective application of these two methods for the good of individuals and the Society of Jesus.

APPENDICES

Appendix 1

INFORMATION BEFORE HOLY ORDERS

NOTE: In order to facilitate photocopying of this document for the Consultors, **PLEASE**:
A. Write in **black or dark blue ink**; B. If you type **on separate sheets**, 1. put (e.g. as header) the **name of the person, your own name**, and the **page number on each page**; 2. Limit these extra sheets to **FOUR pages** (using single line spacing or smaller characters); & 3. Put **your signature** on these sheets. **Thank you for your cooperation!**

Date: 16 March 2020

From: Rector,

To: Provincial/Regional Superior of the candidate by 16 May 2020.

Mr. . . . has freely asked for ordination to the Diaconate and to the Priesthood in the near future.

The Province Consultors and I are required to assess the fitness of the candidate for ordination. I ask your help in making this assessment. Your name is among those suggested by him and by others as one who may be qualified and willing to offer such an evaluation. If you are unable or reluctant to do so, please let me know immediately, so that I may ask someone else.

May I suggest you read over these questions and spend some days reflecting and praying about your response. Please reply to this evaluation form, using this form or a typewritten letter, concerning the four following headings: Human Qualities, Christian Dedication, Priesthood, and Apostolic Life in the Society. Under each heading I have suggested some issues, but do not feel obliged to address all, or only, those issues. Please answer in your own words referring, as much as possible, to concrete examples of attitude and behavior. Describe your own personal experience of the candidate. If you make reference to the observations of others, please indicate that these are others' views and not necessarily your own.

Finally, I ask that you keep in strictest confidence the contents of this evaluation, not communicating to candidates that you have or have not received a request to evaluate their suitability for Orders.

Thank you for your assistance to me and the Consultors and for your service to the Church in this important matter.

Provincial/Regional Superior.

PRELIMINARY QUESTIONS	**Replies:**
Do you know the candidate well? Does he seem to you to be a person who is open and easy to know?	

I. Human Qualities: [Responsible for his own growth; accurate self-knowledge and realistic self-acceptance; psychologically balanced, com-bining a zest for life with an emotional steadiness; balanced in his feelings and judgment about persons and situations and ability to act on such judgment; healthy relationships with men and women; alert to the issues of his time, both national and international, and open to the legitimate values and aspirations of his culture;	**Replies:**

ability to accept appropriate criticism; healthy flexibility in his viewpoints; sense of humor and ability to play; healthy rela-tionships with authority figures in his life; ability to act free of peer-pressure; compassion and em-pathy for others; good use of his natural talents.] 1. What are the candidate's personal and social strengths? 2. What do you consider to be his personal and social limita-tions? 3 What is your overall judgment regarding his human qualities and his behavior, both personal and social?	

II. Christian Dedication: [Firmness of faith; freedom from repeated crises of faith; ability deeply to love and hope in the Lord; intimate knowledge of Christ; ability to speak about his faith and to act out of faith convictions; a man of prayer and of the Church's sacra-mental life; alive to the ways God is working in our world; rootedness in the living tradition of the Church with a faithful and critical appropriation of its teaching.] 1. What, as far as you can judge, are the candidate's strengths as a person of faith? 2. Is there anything notably lacking in him in this area? 3. What is your overall judgment of him as a person of faith?	**Replies:**

III. Priesthood: [A healthy understanding of priesthood rooted in the Church's tradition and open to contemporary pastoral needs; credibility as a public representative of the Church; the ability and desire effectively to lead the Church's prayer and engage in Ministry of the Word; a personal integration of his Jesuit apostolic identity and his growing priestliness; ability to interact appropriately with members of the hierarchy, lay persons, diocesan priests and religious of other orders after he is ordained; authentic motives for seeking priesthood and freedom in seeking it; ability and desire to be a prophetic witness to Gospel Values.] 1. Is this man personally, academically and spiritually ready at this time for ordination to the diaconate and priesthood in the Catholic Church? 2. What are the major reasons for (or against) his ordination? 3 Is there something that could cause him future problems as a Jesuit priest? How can he be helped to recognize and deal with it?	**Replies:**

IV. Apostolic Life in the Society: [Evidence of generous concern about the well-being of others, especially those different from himself; his contribution as a member of his community; his desire to engage in collaborative ministry with other Jesuits and non-Jesuits; his evangelical simplicity in manner of living; his lived commitment to peace-making and justice; ability to live a religiously celibate and chaste life, without excessive stress or conflict; truthful representation of himself to superiors, his availability and obedience in the Society and the larger world; ability to discern the Lord's movements in himself and the Society; freedom from career-ism and openness to being assigned to various works of the Society; great-hearted in his dedication to God's reign at work in the world; creative and bold in his vision of what the Church and the Society can become.]	**Replies:**

1. How does the candidate live the three vows of poverty, chastity and obedience as a Jesuit apostle living in community? 2. For what works of the Society of Jesus is the candidate best suited as a Jesuit priest? In what works might he have difficulty? 3 Would you like to work closely with him in the future or live in the same community with him?	

Finally, please express your judgment by checking one or more of the following statements:

- I think he is well suited for the priesthood in the Society _____
- I have some doubts about his suitability for ordination at this time _____
- I have serious doubts about his suitability for ordination at this time _____
- I recommend that further information be obtained about his suitability _____
- I recommend that his ordination be deferred and that he be further tested. _____
- I think he is suited for the priesthood, but not in the Society _____
- I think it would be a mistake to ordain this man _____

Explain your judgment, if necessary:

Date: _____ Signature: _____

Appendix 2

INFORMATION BEFORE FINAL PROFESSION

About: _____

by Fr./Br./Sch. _____

Please return to Fr. Provincial by: 20th January 2020

N.B. It is not necessary to respond in detail to every question. These are meant as suggestions to stimulate responses that are both free and concrete.

I. Preliminary Questions
1. How well do you know the candidate?
2. What is your community and apostolic activity?
3. In what context do you know him?
4. For how long have you known him?
5. How would you describe his physical and psychological health?

II. *"In the case of all who are to be admitted to last vows, they must be outstanding in the following of Christ proposed to us in the Gospels since this is the ultimate norm of religious life"* (CN 120).

N.B. The following questions provide a summary of the requirements for last vows according to Complementary Norms 120 and 123.

A. In what ways does he regularly act according to the demands of virtue that is rooted in the love of Christ? (cf. CN 120,1).
   a. What are some signs that manifest he is rooted in Christ?
   b. How do you perceive the integration of work and prayer in his life?
   c. In what ways does he demonstrate spiritual depth and familiarity with God in prayer?
   d. Is he transparent, open, and prudent in his words and actions, in dealing with fellow Jesuits and others, in different areas of life (ministry, community life, finances, public engagements, social media, etc.)?

1. What are examples of the ways he follows Christ as a man with a vow of poverty?
   a. What is his standard of living?
   b. What kind of freedom does he show in using material goods?
   c. How does he share what he earns or receives?
   d. How has experienced the reality of poverty and injustice?
   e. How does he seek to live in solidarity with the poor?

2. What are examples of how he follows Christ as man with a vow of chastity?
   a. How does he seek to be a man for others?
   b. How does he demonstrate maturity and prudence in his dealings with others?
   c. What are examples of his capacity for friendship and interpersonal relationships? Is he able to relate to fellow Jesuits and others (e.g. people of different faith traditions, lay women and men of good will, adults or minors) in a way that is mature and respectful of social and cultural boundaries?
   d. How does he express his feelings and affections?

3. What are examples of how he follows Christ as a man with a vow of obedience?
   a. How does he share his thoughts, desires, and initiatives?
   b. In what ways does he show he is capable of true dialogue and spiritual discernment with superiors and directors of works?
   c. How does he carry out his work as a mission received from the Society and under the direction of superiors?

d. What are examples of how he is available?

B. What are some examples of how he accepts correction with peace of mind? (cf. CN 120, 2; 235-236)
   a. What are examples of his knowledge of his strengths and weaknesses?
   b. How does he relate to other members of his Jesuit community?
   c. How does he relate to superiors?
   d. What are examples of how he fosters unity in Jesuit community life?
   e. How does he deal with conflict and difficult situations?
   f. What kind of reputation does he have among laity, priests and other religious? Is he able to respectfully and humbly collaborate with non-Jesuit Directors of Work and partners in mission?
   g. Does he manifest professionalism in his ministry and work?

C. How does he show his desire to live more and more for Christ and his Body which is the Church through witness to Jesuits and to others? (cf. CN 120, 3)
   a. How does he participate in and contribute to the life of the Church?
   b. How does he share his faith, his prayer, and his experience of the Eucharist with others?
   c. How does he participate in the life of the community and the Province?
   d. What does he contribute to communal discernment?
   e. How does he relate affectively with the local hierarchy?
   f. How does he participate in the life of the local Church?
   g. How does he deal with conflicts within the Church today?

D. How familiar is he with the works of the Society? What are his talents for the works and ministries that are proper to the Society? (cf. CN 123).

a) To what extent is he available to serve Christ's mission in our world?
b) How has he personally appropriated the Society's way of proceeding, especially as it is expressed by the recent General Congregations?
c) How does he demonstrate his love for the poor?
d) How does he show interest in his own culture and the cultures of others?
e) How does he show his respect for others and his ability to collaborate with both Jesuits and non-Jesuits?
f) What knowledge, experience, and potential does he have for giving the Spiritual Exercises?
g) In what ways does he feel part of the Society?

III. Do you have further observations that would be helpful for the decision regarding his definitive incorporation into the Society, or for the candidate himself, or for explaining your assessment of him?

If you happen to know, how would you describe his tertianship experience?
Do you believe this man should be admitted to final vows?

IV. Regarding admission of Jesuit priests to profession of four vows, please read attentively the following texts from the Formula of the Institute and the Complementary Norms.

Formula of the Institute, 9:
"By experience we have learned that the path (our way of life) has many and great difficulties connected with it. Consequently we have judged it opportune to decree that no one should be permitted to pronounce his profession in this Society unless his life and doctrine have been probed by long and exacting tests. For in all truth this Institute requires men who are thoroughly humble and prudent in Christ as well as conspicuous in the integrity of Christian life and learning."

Complementary Norm 121:
§1. For someone to be admitted to the solemn profession of four vows the following are required:
1° An outstanding level of virtue in conformity with n. 120, one that is positively demonstrated and is so

obvious that the individual stands out by reason of his good example to others; a deficiency in this regard cannot be supplied by any other endowments.
2° Sound judgment and prudence in action, as well as basic virtue tested and necessary;
3° A more-than-average talent for our ministries, demonstrated for at least three years;
4° Complete availability and mobility for missions and ministries of the Society;
5° Sufficient physical and psychological health;
6° An outstanding level of learning in sacred studies or other outstanding endowments from God in conformity with §§ 2 and 3 below;
7° Priestly ordination.

§2. The high level of learning in sacred sciences must be shown by a higher academic degree, at least the licentiate, or by having taught them or written about them with distinction, or by the examination for grade according to n. 93, §§1 and 2.

§3. For other outstanding endowments from God (mentioned in §1, 6°, above) those men can be promoted who exhibit outstanding apostolic or ministerial capability for any post or ministry proper to the Society, demonstrated respectively by having earned higher academic degrees or by having exercised the ministry for at least three years (cf. §1, 3°, above) and always presupposing that adequate theological learning commonly required by the Church in a well-educated priest.

§4. Major superiors and their consultors must have proof that candidates proposed for profession of four vows have all the qualifications required for it.

V. Based on your experience of the candidate's human, religious, and apostolic qualities, how does he meet the requirements for profession described in the Formula and Complementary Norm 121?

1. What are his most outstanding virtues?
2. What are examples of his sound judgment and prudence? In what ways has he shown himself to be deficient in these areas? How has he grown in these areas during the time you have known him?
3. What are his most outstanding talents for ministry? In what ways is he deficient? How does he need to continue to grow?
4. What are examples of how he has shown himself available for diverse ministries? What do you think are the limits of his availability?
5. How might his present physical or psychological health limit his availability for ministry?
6. What kind of intellectual and academic training does he have for ministry in the Church?

Please indicate the grade to which he should be definitively incorporated into the Society of Jesus: Formed Brother, Spiritual Coadjutor or Professed of four vows.

This is my opinion in the Lord,

(signature, place and date)

Appendix 3

INFORMATION ON APTITUDE FOR GOVERNING
(Please submit as soon as possible or by 20th May 2020)

About: .....

By: .....

Your community and apostolic activity: .....

Do you know him well? .....

In what context? / For how long? .....

N.B. it is not necessary to scrupulously respond to every question. They are meant only as suggestions to stimulate responses that are both unconstrained and concrete.

1. As a Jesuit:

Does his life reflect the characteristics of our way of living and of proceeding?

Is he mature, psychologically healthy, affectively stable, balanced in his judgments?

Is he open to the problems of our time, to the values of different cultures?

Is he tactful and gracious in his human relations?

Is he authentic and sincere, capable of making personal decisions, decisive in assuming responsibility?

Is he creative? Does he demonstrate initiative? Does he have good physical health?

Does his life show him to be a man of firm faith in God, of personal relationship with the Lord, of personal prayer, a contemplative-in-action, a good companion for others?

How would you describe him as a person and as a Jesuit? What are the main characteristics of his personality?

2. As a Superior:

The Complementary Norms (340, 349-354; 403) highlight some talents and qualifications that are found in a somewhat idealized portrait of the superior. Some of the qualities deemed of greater importance are: a spirit of service, self-sacrifice in response to the demands of his office, trust and respect, *cura personalis* (account of conscience), commitment to the mission, special attention to the young and the aged, ability to listen to different opinions, fostering apostolic and communal unity, discretion and a spirit of discernment, integration of all apostolic service into the global mission of the Society, accord with the Church and the orientations of the recent General Congregations.

After having read this list of qualities of a superior, respond to the following questions:

a) Which aspects are to be found in him?

b) Which are lacking?

c) Is there something which could in the future cause problems in his task as superior?

3. As an apostolic leader:

The Complementary Norms (151; 406-407) reaffirm the following qualities of the superior as an apostolic leader: ability to lead communal discernment and take decisions, ability to delegate responsibility and to collaborate with others (Jesuits and non-Jesuits), administrative ability, ability to collaborate with

other organizations in the Church and with the hierarchy, ability to see the whole of the apostolic body of the Society, a vision of the future.

After having reflected upon this list of abilities, respond to the following questions:

a) In which does he excel? .....

b) In which would he have some difficulty? .....

c) What relationship would you anticipate his having with a director of a work? .....

d) Do you feel his style of government would be consultative, subsidiary, participative, transparent, fraternal, efficient?

4. Has he served or is currently serving as superior or in some other work of governance or of directing others?

With the satisfaction of Jesuits and laity? Is there anything that should be singled our for praise or criticism?

5. Anything else? .....

6. In your judgement, is he capable of governing:

- a small community? .....
- a large community? .....
- a house of important apostolates? .....
- a secondary school? .....
- an institute of higher learning? .....
- a community of professors or writers? .....
- a house of probation? .....
- a house of formation (or scholasticate) of philosophy or theology? .....
- a province? .....

7. Would you like to have him as your Superior? .....

This is my judgment in the Lord,

..... **.....**

Place and date **Name:**

Please return to Fr. Provincial as soon as possible or by: ***20th May 2020***

Appendix 4

Policy for Background Investigations

Policy Statement

For the safety of children, the well being of the community, the integrity of the Church and to hire the most qualified employees, it is the policy of Diocese of Alexandria to conduct background investigations on all, but not limited to seminarians, clerics, religious and lay church workers, paid or commissioned volunteers, and certain subcontractors. (Cf. USCCB Charter, Art. 13)

Policy Guidelines

I. Background investigations cannot be conducted on employees who are under eighteen (18) years of age.

II. Types of background investigations are conducted:
   A. Seminarians, clerics, religious and lay church workers, paid or commissioned volunteers Background/Screening (conducted on all current and new volunteers and employees)
      a. Social Security Number – Reveals the names and addresses associated with a Social Security Number (SSN) using credit bureau records. The SSN Trace provides the essential information necessary for other services and can detect an incorrect or compromised SSN.
      b. 7 Year Criminal Record Search - a search in every civil parish/county in which the person lived in the past seven years, traced by his/her social security number.
      c. Sex Offender Search - State level search to access available subjects who are registered sex offenders.
      d. Motor Vehicle Reports (MVR) – Reports on Driver's License validity, driving violations and suspensions. An MVR will be conducted on any individual that operates a diocesan vehicle or who is insured under the diocesan auto insurance policy. This includes individuals who are using rental cars for business purposes.

III Appropriate background screening must be conducted on all candidates for ordination (cf. National Conference of Catholic Bishops, Program of Priestly Formation, 1993, no. 513). In addition, the Diocese must conduct background screening on all seminarian and deacon candidates. This background screening also applies to all current clerics and deacons.

IV Appropriate background screening must be conducted on all new employees and potential commissioned volunteers of the Diocese of Alexandria as a condition of employment. This background screening also applies to current employees and commissioned volunteers.

V No applicants or volunteers can be hired until results of the background investigations have been received.

VI Background investigations on any individual must be conducted for an employee/volunteer who is **rehired more than 60 days** after his/her termination regardless of his/her previous position with the Diocese of Alexandria.

Procedures

I. The applicant completes the Application for Employment and the applicable Background/Screening Release Form. The Interviewer reviews the Application for Employment for completeness.
   The potential volunteer completes only the appropriate Background/Screening Release Form.
   Incomplete applications are not processed.

II. The interviewer thoroughly reviews completed applications.

BIBLIOGRAPHY

1. Sources

Acta Apostolicae Sedis, Commentarium officiale (=*AAS*), Rome, Typis polyglottis Vaticanis, 1909-.

Acta Sanctae Sedis (=*ASS*), Rome, Typis polyglottis Vaticanis, 1865-1909, 41 vols.

ALBERIGO, J., J.P. PERIKLE, and J.L. DOSSETTI (eds.), *Conciliorum Oecumenicorum Decreta*, Bologna, Institute for Religious Sciences, 1973.

APOSTOLIC PENITENTIARY, Note on the Importance of the Internal Forum and the Inviolability of the Sacramental Seal, 29 June 2019, https://www.vatican.va/roman_curia/tribunals/apost_penit/documents/rc_trib_appen_pro_20190629_forointerno_en.html (20 December 2021).

BENEDICT XIV, Apostolic constitution *Pastoralis curae*, 5 August 1748, English translation in P. FLORES, "The Superior General of the Congregation of Mission and of the Daughters of Charity," in *Vincentian Heritage Journal*, vol. 5, no. 2 (1984), 1-36.

_____, Apostolic constitution *Quamvis iusto*, 30 April 1749, in *Magnum Bullarium Romanum, Bullarium Benedict XIV*, Tome III, (1749), 54-68, English translation in M. WRIGHT, *Mary Ward's Institute: The Struggle for Identity,* Dallas, TX, Crossing Press, 1997.

BENEDICT XV, private communication, 29 June 1918, in *AR*, vol. 2 (1918), 607-610.

BENEDICT XVI, Apostolic Letter on Certain Modifications to the Norms Governing the Election of the Roman Pontiff *Normas monnullas*, 22 February 2013, in *L'Osservatore Romano*, English ed., 25 February 2013, 7.

_____, Encyclical on Integral Human Development in Charity and Truth *Caritas in veritate*, 29 June 2009, in *AAS*, 101 (2009), 642, English translation Libreria editrice Vaticana, 2009.

Catechism of the Catholic Church, Libreria editrice Vaticana, 1993, English translation *Catechism of the Catholic Church,* Ottawa, Canadian Conference of Catholic Bishops, 2000.

CLEMENT VIII, Decree to All Religious Superiors on the Use of Confessional Material *Sanctissimus*, 26 May 1593, in *Bullarum amplissima Collectio*, vol. 5, Rome, Ex Typographia Camerae Apostolicae, 1756, 254, as quoted in R.L. FASTIGGI, *The Sacrament of Reconciliation: An Anthropological and Scriptural Understanding*, Chicago, IL, Hillenbrand Books, 2019, Kindle edition, 1074 of 3729.

CLEMENT XIV, Decree of Suppression of the Society *Dominus ac Redemptor*, 21 July 1773, in T. MCCOOG, "Promising Hope": *Essays on the Suppression and Restoration of the English Province of the Society of Jesus,* J. MURPHY (trans.), Rome, Institutum Historicum Societatis Iesu, 2003.

Codex canonum Ecclesiarum orientalium, auctoritate Ioannis Pauli PP. II promulgatus, fontium annotatione auctus, Libreria editrice Vaticana, 1995, English translation *Code of Canons of the Eastern Churches: Latin-English Edition, New English Translation*, prepared under the auspices of the CANON LAW SOCIETY OF AMERICA, Washington, DC, Canon Law Society of America, 2001.

Codex iuris canonici, Pii X Pontificis Maximi iussu digestus, Benedicti Papæ XV auctoritate promulgatus, Typis polyglottis Vaticanis, 1917, English translation E.N. PETERS (ed.), *The 1917 Pio-Benedictine Code of Canon Law*, San Francisco, CA, Ignatius Press, 2001.

Codex iuris canonici, auctoritate Ioannis Pauli PP. II promulgatus, fontium annotatione et indice analytico-alphabetico auctus, Libreria editrice Vaticana, 1989, English translation *Code of Canon Law: Latin-English Edition, New English Translation*, prepared under the auspices of the CANON LAW SOCIETY OF AMERICA, Washington, DC, Canon Law Society of America, 1999.

CONGREGATION FOR BISHOPS AND REGULARS, decree *Quemadmodum*, 17 December 1890, in *ASS*, 23 (1890), 505-508.

CONGREGATION FOR BISHOPS AND REGULARS, rescript (private reply), in *Analecta iuris pontificii*, 38 (1890), col. 2396, no. 4, English translation in A. DEVINE, *Commentary on the Decree Quemadmodum on the Manifestation of Conscience, Holy Communion and Extraordinary Confessors,* Dublin, M.H. Gill and Son, 1897.

CONGREGATION FOR BISHOPS, Directory for the Pastoral Ministry of Bishops *Apostolorum successors*, 22 February 2014, Libreria editrice Vaticana, 2004.

CONGREGATION FOR CATHOLIC EDUCATION, The Gift of the Priestly Vocation: *Ratio fundamentalis institutionis sacerdotalis*, in *L'Osservatore Romano*, English ed., 8 December 2016, 1-87.

_____, Guidelines for the Use of Psychology in the Admission and Formation of Candidates for the Priesthood, 29 June 2008, in *Enchiridion Vaticanum*, 25 (2011), 1268-1269.

_____, Instruction concerning the Criteria for the Discernment of Vocations with regard to Persons with Homosexual Tendencies in View of Their Admission to the Seminary and to Holy Orders, 4 November 2005, in *AAS*, 97 (2005), 1007-1013.

_____, Instruction on the Study of the Fathers of the Church in the Formation of Priests, 10 November 1989, in *AAS*, 82 (1990), 617-618, in *Origins*, vol. 19 (1989-1990), 549-561.

CONGREGATION FOR THE CLERGY, *Directory for the Ministry and the Life of Priests*, Libreria editrice Vaticana, 2013.

_____, *The Priest, Minister of Divine Mercy: An Aid for Confessors and Spiritual Directors*, Libreria editrice Vaticana, 2011.

_____, The Gift of the Priestly Vocation: *Ratio Fundamentalis Institutionis Sacerdotalis*, no. 39, Vatican City, 2016.

CONGREGATION FOR THE DOCTRINE OF THE FAITH, A Brief Introduction to the Modifications Made in the *Normae de gradioribus delictis* Reserved to the Congregation for the Doctrine of the Faith, in *AAS*, 102 (2010), 432-434, in J.A. RENKEN, *The Penal Law of the Roman Catholic Church: Commentary on Canons 1311-1399 and 1717-1731 and other Sources of Penal Law*, Ottawa, Faculty of Canon Law, St. Paul University (2015), 474-477.

_____, Instruction on Certain Aspects of the 'Theology of Liberation' *Libertatis Nuntius*, 6 August 1984, in *AAS*, 76 (1984), 867-877.

_____, Instruction on Christian Freedom and Liberation *Libertatis conscientia*, 22 March 1986, in *AAS*, 79 (1987), 554-599.

_____, Letter Concerning More Grave Delicts Reserved to the Congregation for the Doctrine of the Faith *Ad exsequendam ecclesiasticam legem*, 18 May 2001, in *AAS*, 93 (2001), 785-788, English translation in W.H. WOESTMAN, *Ecclesiastical Sanctions and the Penal Process: A Commentary on the Code of Canon Law*, 2nd ed., Ottawa, Faculty of Canon Law, Saint Paul University, 2003.

_____, Norms on Delicts Reserved to the Congregation for the Doctrine of the Faith, 21 May 2010, in *AAS*, 102 (2010), 419-430, in J.A. RENKEN, *The Penal Law of the Roman Catholic Church: Commentary on Canons 1311-1399 and 1717-1731 and other Sources of Penal Law*, Ottawa, Faculty of Canon Law, St. Paul University (2015), 462-473.

_____, Norms of the Motu Proprio *Sacramentorum sanctitatis tutela* (2001), https://www.vatican.va/resources/resources_introd-storica_en.html (30 December 2021).

_____, Norms of the Motu Proprio "Sacramentorum sanctitatis tutela" (2001): Historical Introduction, in *Communicationes*, 42 (2010), 349-353.

_____, Rescript *ex audientia* derogating from SST/2010, 3 December 2019, in *Communicationes*, 51 (2019), 364–365.

_____, *Vademecum* on Certain Points of Procedure in Treating Cases of Sexual Abuse of Minors Committed by Clerics, 16 July 2020, version 1.0, in *L'Osservatore Romano*, English ed., 17 August 2020, https://www.vatican.va/roman_curia/congregations/cfaith/ddf/rc_ddf_doc_20220605_vademecum-casi-abuso-2.0_en.html (12 December 2021).

CONGREGATION OF THE HOLY OFFICE, decree *Cum ex expresso*, 21 July 1924, in *AAS*, 26 (1934), 550, English translation in M. MULLANEY, "*Graviora delicta:* The Duty to Report Clerical Sexual Abuse to the Congregation for the Doctrine of the Faith," in *Irish Theological Quarterly*, 68 (2003), 292.

_____, *Monitum*, no. 4, 15 July 1961, in *AAS*, 53 (1961), 571, English translation in R.J. KASLYN, "Current Priestly Formation: *Status quaestionis*," in *Canon Law Society of America Proceedings*, 79 (2017), 175.

CONGREGATION FOR INSTITUTES OF CONSECRATED LIFE AND SOCIETIES OF APOSTOLIC LIFE, Directives on Formation in Religious Institutes *Potissimum institutioni,* 2 February 1990, in *AAS*, 82 (1990), 472-532, English translation in *Origins*, 19 (1989-1990), 677, 679-699.

_____, Essential Elements in Church Teaching in Religious Life as Applied to Institutes Dedicated to Works of the Apostolate, 31 May 1983, in *Origins*, 13 (1983-1984), 133-142.

_____, *Instruction on Consecrated Life in the Third Millennium* Starting Afresh from Christ, 19 May 2002, Libreria editrice Vaticana, 2002, also in *Origins*, 32 (2002-2003), 129, 131-148.

_____, Instruction on Fraternal Life in Community *Congregavit nos in unum Christi amor*, 2 February 1994, in *Enchiridion Vaticanum*, vol. 14 (1994), 220-283, English translation in *Origins*, 23 (1993-1994), 693, 695-712.

_____, Instruction on the Service of Authority and Obedience *Faciem tuam, Domine, requiram,* 11 May 2008, in *Enchiridion Vaticanum*, vol. 25 (2011), 297-344, English translation in *Origins*, 38 (2008-2009), 65-83.

CONGREGATION FOR RELIGIOUS AND SECULAR INSTITUTES, Instruction on the Contemplative Life and on the Enclosure of Nuns *Venite seorsum*, 15 August 1969, in *AAS*, 61 (1969), 674-690, English translation in A. FLANNERY (gen. ed.), *The Conciliar and Postconciliar Documents: Vatican Council II,* new revised edition, Collegeville, MN, Liturgical Press, 1996, 656-675.

_____, Instruction on the Renewal and Adaptation of Formation for Living the Religious Life *Renovationis causam*, 6 January 1969, in *AAS*, 61 (1969), 103-120, English translation in A. FLANNERY (gen. ed.), *The Conciliar and Postconciliar Documents: Vatican Council II*, new revised edition, Collegeville, MN, Liturgical Press, 1996, 634-655.

CONGREGATION FOR RELIGIOUS AND SECULAR INSTITUTES and CONGREGATION FOR BISHOPS, Directives for Mutual Relations Between Bishops and Religious in the Church *Mutuae relationes*, 14 May 1978, in *AAS*, 70 (1978), 484-489, English translation in *Canon Law Digest*, vol. 9 (1979), 296-340.

Constitutions of the Order of Cistercians of the Strict Observance, Dublin, M.H. Gill and Sons, 1925.

DICASTERY FOR THE DOCTRINE OF THE FAITH, Vademecum on Certain Points of Procedure in Treating Cases of Sexual Abuse of Minors by Clerics, version 2.0, 5 June 2022, https://www.vatican.va/roman_curia/congregations/cfaith/ddf/rc_ddf_doc_20220605_vademecum-casi-abuso-2.0_en.html (5 June 2022).

FRANCIS, Apostolic Constitution on Reforming Book VI of the Code of Canon Law *Pascite gregem Dei*, 23 May 2021, in *Communicationes*, 53 (2021) 9-12, https://www.vatican.va/content/francesco/en/apost_constitutions/documents/papa-francesco_costituzione-ap_20210523_pascite-gregem-dei.html (22 December 2021).

_____, Apostolic Constitution on Women's Contemplative Life *Vultum Dei quaerere*, 29 June 2016, in *AAS 108* (2016), 835-861, English translation in *L'Osservatore Romano*, English ed., 29 July 2016, 1-6.

_____, Post-Synodal Apostolic Exhortation on Love in the Family *Amoris laetitia*, 19 March 2016, in *AAS*, 108 (2016), English translation Libreria editrice Vaticana, 2016.

_____, Post-Synodal Apostolic Exhortation on the Proclamation of the Gospel in Today's World *Evangelii gaudium*, 24 November 2013, in *AAS*, 105 (2013), English translation Libreria editrice Vaticana, 2013.

_____, Rescriptum to Promulgate the Instruction on the Confidentiality of Legal Proceedings, 17 December 2019, https://press.vatican.va/content/salastampa/en/bollettino/pubblico/2019/12/17/191217b.html (29 December 2021).

JOHN XXIII, Encyclical Letter on Establishing Universal Peace in Truth, Justice, Charity and Liberty *Pacem in terris*, 11 April 1963, in *AAS*, 55 (1963), 257-304, English translation in *The Pope Speaks*, 9 (1963), 13-48.

JOHN PAUL II, Address to the Apostolic Penitentiary, Confessors, and Priests and Seminarians: Seal of Confession Must Be Kept, 12 March 1994, in *L'Osservatore Romano*, English ed., 16 March 1994, 1-2.

_____, Apostolic Constitution on the Vacancy of the Apostolic See and the Election of the Roman Pontiff *Universi Dominici gregis*, 22 February 1996, https://www.vatican.va/content/john-paul-ii/en/apost_constitutions/documents/hf_jp-ii_apc_22021996_universi-dominici-gregis.html (15 December 2021).

_____, Apostolic Exhortation to Men and Women Religious on Their Consecration in the Light of the Mystery of the Redemption *Redemptionis donum*, 25 March 1984, in *AAS*, 76 (1984), 513-546, English translation in *Origins*, 13 (1983-1984), 721, 723-731.

_____, Encyclical Letter on the Holy Spirit in the Life of the Church and the World *Dominum et vivificantem*, 18 May 1986, in *AAS*, 78 (1986), 809-900, English translation in *Origins*, vol. 16, no. 4 (1986), 77, 79-102.

_____, Encyclical Letter on the Splendor of Truth *Veritatis splendor*, 6 August 1993, in *AAS*, 85 (1993), 1179-1182, English translation in *Origins*, 23 (1993 - 1994) 297-334.

_____, Post-Synodal Apostolic Exhortation on the Consecrated Life and Its Mission in the Church and in the World *Vita consecrata*, 25 March 1996, in *AAS*, 88 (1996), 377-486, English translation in *Origins*, 25 (1995-1996), 681-719.

_____, Post-Synodal Apostolic Exhortation on the Formation of Priests in the Circumstances of the Present Day *Pastores dabo vobis*, 25 March 1992, in *AAS*, 84 (1992), 657–804, English translation in *Origins*, 21 (1992-1993), 717–759.

_____, Post-Synodal Apostolic Exhortation on Reconciliation and Penance in the Mission of the Church Today *Reconciliatio et paenitentia*, 2 December 1984, in *AAS*, 77 (1985), 185-275, English translation in *Origins*, 14 (1984-1985), 433-458.

_____, Post-Synodal Exhortation on the Role of the Christian Family in the Modern World *Familiaris consortio*, 22 November 1981, in *AAS*, 74 (1982), 123. http://www.vatican.va/content/john-paul-ii/en/apost_exhortations/documents/hf_jp-ii_exh_19811122_familiaris-consortio.html (12 July 2020).

_____, Letter on the Centenary of Cardinal Henry Newman's Death, *L'Osservatore Romano*, English ed., 16 July 1990, at 1149.

_____, Letter on Certain Aspects of the Celebration of the Sacrament of Penance *Misericrodia Dei*, 7 April 2002, https://www.vatican.va/content/john-paul-ii/en/motu_proprio/documents/hf_jp-ii_motu-proprio_20020502_misericordia-dei.html#fnref28 (2 January 2022).

_____, Letter to Dr. Kurt Waldheim, Secretary General of the United Nations, on the Occasion of the Thirtieth Anniversary of the Universal Declaration on Human Rights, in *AAS*, 71 (1979), 121-125, in *L'Osservatore Romano*, English ed., 2 December 1978, 5, 8.

_____, Message of His Holiness Pope John Paul II for the 24th World Day of Peace, 1 January 1991, Libreria editrice Vaticana, 1991.

JULIUS III, Apostolic letter *Exposcit debitum*, no. 1, 15 July 1550, in *Institutum Societatis Iesu*, vol. 1, 28-31, English translation in J.W. PADBERG (gen. ed.), *Constitutions of the Society of Jesus and their Complementary Norms*, Saint Louis, MO, Institute of Jesuit Sources, 1996.

LEO I, Letter to all Bishops of Campania, Samnium and Picenum *Magna indignatione*, 6 March 459, in P. SCHAFF, *The Essential Writings of Phillip Schaff: History of the Christian Church and the Creeds of Christendom*, New York, Charles Scribner, 1886.

LEO XIII, Apostolic constitution *Conditae a Christo*, 8 December 1900, in *ASS*, 33 (1900-1901), 341-347.

_____, Apostolic Letter concerning New Opinions, Virtue, Nature and Grace, with regard to Americanism *Testem benevolentiae nostrae*, 22 January 1899, in *ASS*, 31 (1898-1899), 470-479, English translation in https://www.papalencyclicals.net/Leo13/l13teste.htm (2 July 2020).

_____, Encyclical Letter on Capital and Labour *Rerum novarum*, 15 May 1891, in *Acta Leonis XIII*, 11 (1892), 97-144.

_____, Encyclical Letter on the Nature of Human Liberty *Libertas praestantissimum*, 20 June 1888, in *Acta Leonis XIII*, 8 (1889), 212-246.

PAUL III, Apostolic letter *Regimini militantis Ecclesiae*, 27 September 1540, in *Institutum Societatis Iesu*, vol. 1, 3, English translation in J.W. PADBERG (gen. ed.), *Constitutions of the Society of Jesus and their Complementary Norms*, Saint Louis, MO, Institute of Jesuit Sources, 1996.

PAUL VI, Address in the Presence of Father General and the General Assistants, 7 March 1975, in *AR*, 17 (1975), 641-642.

_____, Address to the Thirty-Second General Congregation of the Society of Jesus, 3 December 1974, in *AR*, 16 (1975), 431-445, in J.W. PADBERG (ed.), *Documents of the 31st and 32nd General Congregations of the Society of Jesus: An English Translation of the Official Latin Texts of the General Congregations and of the*

Accompanying Papal Documents, THE JESUIT CONFERENCE OF THE UNITED STATES OF AMERICA (trans.), St. Louis, MO, Institute of Jesuit Sources, 1977, 519-536.

_____, Allocution to the Fathers Provincial, 2 May 1975, in *AR*, 18 (1975), 721-723.

_____, Allocution to Presidents of Provincial Conferences, 2 May 1975, in *AR*, 17 (1975), 639-641.

_____, Apostolic Exhortation on the Renewal of the Religious Life *Evangelica testificatio*, 29 June 1971, in *AAS*, 63 (1971), 497-526, English translation in *FLANNERY*, 680-706.

_____, Apostolic letter *Integrae servandae*, 7 December 1965, in *AAS*, 57 (1965), 952-955, English translation in https://www.vatican.va/content/paul-vi/en/motu_proprio/documents/hf_p-vi_motu-proprio_19651207_integrae-servandae.html (21 January 2022).

PIUS XI, Apostolic Letter Confirming the Institute of the Society of Jesus after the Promulgation of the New Code of Canon Law *Paterna caritas,* 12 March 1933, in *AR*, vol. 25 (1933), 245-246.

_____, Apostolic Letter on the Third Centenary of the Canonization of St Ignatius of Loyola and Francis Xavier *Meditantibus nobis,* 3 December 1922, in *AAS*, 14 (1922), 627-634 English translation in W.J. YOUNG, "The Letter on Obedience," in *The America Press*, 1953, 2-9.

_____, rescript, 29 June 1929, in *Acta Romana Societatis Iesu*, vol. 4, no. 1 (1929), 261.

PIUS XII, Allocution on Applied Psychology, 10 April 1958, in *AAS*, 50 (1958), 276, English translation in J.C. FORD, *Religious Superiors, Subjects and Psychiatrists*, Westminster, MD, Newman Press, 1963.

_____, Apostolic Constitution on the Religious, Clerical and Apostolic Training to Be Imparted to Clerics in the States of Perfection to Be Acquired *Sedes sapientiae,* 31 May 1956, in *AAS*, 48 (1956), 354-365, English translation in The Apostolic Constitution *Sedes sapientiae*, Washington, DC, The Catholic University of America Press, 1957.

_____, Apostolic Constitution concerning Secular Institutes *Provida Mater ecclesia*, 2 February 1947, in *AAS*, 39 (1947), 114-124, English translation in T.L. BOUSCAREN and J.I. O'CONNOR (eds.), *The Canon Law Digest for Religious*, Milwaukee, Bruce Publishing Co., 1964, vol. 3, 135-146, 5 vols.

_____, Apostolic Exhortation to the Clergy of the entire World on the Development of Holiness in Priestly Life *Menti nostrae*, 23 September 1950, in *ASS*, 42 (1950), 657-702, English translation in *The Furrow*, vol. 1, no. 11 (1950), 609-628.

_____, Encyclical Letter on the Unity of Human Society *Summi pontificatus*, 20 October 1939, in *AAS*, 31 (1939), 413-453.

PIUS XII, Motu Proprio on the Canons on Religious, Temporal Goods and the Definition of Terms for the Oriental Churches *Postquam apostolicis*, 22 February 1952, in *AAS*, 44 (1952), 65-150.

_____, Radio Address on the Occasion of the Family Day, 23 March 1952, in *AAS*, 44 (1952), 270-278, https://www.vatican.va/content/pius-xii/it/speeches/1952/documents/hf_p-xii_spe_19520323_la-culla.html (24 August 2022).

PIUS V, apostolic constitution *Circa pastoralis*, 29 May 1566, in in *Magnum Bullarium Romanum*, vol. 2 (1692), 183-184.

_____, Apostolic letter on Poverty, Obedience and Enclosure for Regular Communities *Lubricum vitae genus*, 17 December 1568, in *Magnum Bullarium Romanum*, 2 (1692), 217.

PIUS VII, Papal bull on Re-establishing the Society of Jesus *Sollicitudo omnium ecclesiarum*, 7 August 1814, in *Institutum Societatis Iesu*, vol., 1, 340-343.

PONTIFICAL COMMISSION FOR THE INTERPRETATION OF LEGISLATIVE TEXTS, *Acta et documenta Pontificiae commissionis Codici iuris canonici recognoscendo, Congregatio plenaria, diebus 20-29 October 1981*, Rome, Typis polyglottis Vaticanis, 1991.

PONTIFICAL COMMISSION FOR THE REVISION OF THE CODE, *Coetus studorium de institutis vitae consecrate per perfessionem conciliorum evangelicorum perfectionis*, Series Altera, Session 7, Novermber 1979, Canon 15, English translation in *Schema of Canons on Institutes of Life Consecrated by Profession of the Evangelical Counsels: Draft*, Washington, DC, Publications Office, United States Catholic Conference, 1977.

_____, *Schema Canonum Libri II De Populo Dei* (reservatum), Typis polyglottis Vaticanis, 1977.

_____, *Schema Codicis iuris canonici iuxta animadversiones S.R.E Cardinalium, Episcoporum Conferentiarum, Dicasteriorum Curiae Romanae, Universitatum Facultatumque ecclesiasticarum necnom Superiorum Institutorium vitae consecratae recognitum*, Typis polyglottis Vaticanis, 1980.

PONTIFICAL COUNCIL FOR LEGISLATIVE TEXTS, response, prot. no. 15512/2016, 15 September 2016, in *Eastern Legal Thought*, 13 (2017), 13-15.

SACRED CONGREGATION OF BISHOPS AND REGULARS, *Convent Life or The Duties of Sisters' Dedicated in Religion to the Service of God, Dublin Intended Chiefly for Superiors and Confessors with Commentary on the Decree 'Quemadmodum'*, M.H. Gill and Son, 1897, 206-221.

_____, Decree *Quemadmodum*, 17 December 1890, in *ASS*, 23 (1891), 505-508, English translation in A. SABETTI, *The Decree 'Quemadmodum,' with Explanations*, in *American Ecclesiastical Review*, vol. 6, no. 3 (1890), 161-178.

_____, *Normae secundum quas Sacra Congregatio Episcoporum et Regularium procedere solet in approbandis novis institutis votorum simplicium,* Rome, Typis S. C. de Propaganda Fide, 1901.

SACRED CONGREGATION FOR THE RELIGIOUS, The Apostolic Constitution *Sedes Sapientiae and the General Statutes" Annexed to it on the Religious, Clerical and Apostolic Training to be Imparted to Clerics in the States of Perfection to be Acquired,* 31 May 1956, in *AAS*, 48 (1956), 354-365.

_____, Decree on the Quinquennial Report of Religious and Others, and on the Annual Prospectus, 9 July 1947, in *AAS, 40,* English translation in T.L. BOUSCAREN, and J.I. O'CONNOR (eds.), *The Canon Law Digest*, Milwaukee, Bruce Publishing Co., vol., 1, 1964, 223-271, 3 vols.

_____, *Instructio de candidatis moderatoribus reservata,* 2 February 1961, Rome, Typis polyglottis Vaticanis, 1961.

_____, *Instructio, seu elenchus questionum ad quas respondendum est a moderatoribus seu moderatricibus generalibus institutorum vota simplicia profitentium in relatione ad S. Sedem quinto quoque anno transmittenda*, in *AAS,* 14 (1922), 278-286.

_____, *Normae secundum quas Sacra Congregatio de religiosis in novis religiosis congregationibus approbandis procedere solet,* Rome, Typis polyglottis Vaticanis, 1922.

SACRED CONGREGATION FOR THE SACRAMENTS, Reserved Instruction on Daily Communion and Precautions to be Taken Against Abuses, 8 December 1938, English translation in T.L. BOUSCAREN, and J.I. O'CONNOR (eds.), *The Canon Law Digest*, Milwaukee, WI, Bruce Publishing Co., vol., 1, 1964, 442-449, 3 vols.

SECRETARIAT OF STATE, Instruction on the Pontifical Secrecy *Secreta continere*, 4 February 1974, in *AAS*, 66 (1974), 89-92, English translation in *Canon Law Digest*, 8 (1974), 205-210.

SECOND VATICAN COUNCIL, Declaration on Religious Freedom *Dignitatis humanae*, 7 December 1965, in *AAS*, 58 (1966), 929-946, English translation in *FLANNERY1*, 799-812.

_____, Decree on Priestly Training *Optatam totius*, 28 October 1965, in *AAS*, 58 (1966), 713-727, English translation in *FLANNERY1*, 707-724.

_____, Decree on the Up-to-Date Renewal of Religious Life *Perfectae caritatis*, 28 October 1965, in *AAS*, 58 (1966), 702-712, English translation in *FLANNERY1*, 611-623

_____, Norms for Implementing the Decree on the Up-to-Date Renewal of Religious Life *Ecclesiae Sanctae II*, 6 August 1966, in *AAS*, 58 (1966), 775-782, English translation in *FLANNERY1*, 624-633.

_____, Pastoral Constitution on the Church in the Modern World *Gaudium et spes*, 7 December 1965, in *AAS*, 63 (1966), 1025-1120, English translation in *FLANNERY1*, 903-1001.

2. Documents of the Society of Jesus

Acta Romana Societatis Iesu (=*AR*), Rome, Typis polyglottis Vaticanis, 1906, 1910-1913, Prati, Ex Officina Libraria Giachetti, Filii et Soc., 1914, Rome, Apud curiam praepositi generalis, 1915- .

Archivum Historicum Societatis Iesu (=*AHSI*), Rome, Apud curiam praepositi generalis, 1932-.

Archivum Romanum Societatis Iesu (=ARSI), Rome, Curia of the Superior General of the Society of Jesus (central archives).

ARRUPE, P., *Allocatio Secundo P. Generalis ad Patres Procuratores,* 4 October 1970, Rome, Apud curiam praepositi generalis, 1970, English translation in *AR,* vol. 15, no. 4 (1970), 613-614.

_____, "Apostolic Availability," in J. AIXALA (ed.), *Challenge to Religious Life Today: Selected Letters and Addresses*, St. Louis, MO, Institute of Jesuit Sources, 1979, 227-238.

_____, Contribution of Jesuit Brothers to the Apostolic Community of the Society, in *ARSI*, 27 (1978), 381.

_____, Letter to All Major Superiors, 2 May 1975, in *AR*, 17 (1975), 823-827.

_____, Letter to the Whole Society on the 31st General Congregation, 31 July 1965, in *Woodstock Letters,* vol. 94, no. 4 (1965), 365-371.

_____, Letter to the Whole Society, Promulgating the Decrees of General Congregation 32, 8 May 1975, in J.W. PADBERG (ed.), *Documents of the 31st and 32nd General Congregations of the Society of Jesus: An English Translation of the Official Latin Texts of the General Congregations and of the Accompanying Papal Documents,* St. Louis, MO, Institute of Jesuit Sources, 1977, 339-341.

_____, The Local Superior: His Apostolic Mission, in *AR*, 18 (1981), 565-567.

_____., "The Modern Religious Superior," in J. AIXALA (ed.), *Challenge to Religious Life Today: Selected Letters and Addresses*, St. Louis, MO, Institute of Jesuit Sources, 1979, 79-94.

_____, Report of Father General on the State of the Society, 27 September 1978, in *AR*, 27 (1978), 451-454.

Assistancy Strategic Discernment: Decisions and Commitments of the United States Provincials, 21 June 2008, Jesuit Conference of the United States of America, 2008, 1-48.

Bibliotheca Instituti Historici Societatis Iesu, Rome, Institutum Historicum Societatis Iesu (=*IHSI*), 1941-1987, 46 vols.

BOTTEREAU, M. et al. (eds.), *The Formula of the Institute,* Rome, Centrum Ignatianum Spiritualitatis, 1982.

Certain Directives Concerning the Distinction and Mutual Relations Between Directors of Work and Superiors, in *AR*, 16 (1975), 102.

CENTRUM IGNATIANUM SPIRITUALITATIS, *Constitutions of the Society of Jesus: Incorporation of a Spirit,* Rome, Secretariatus spiritualitatis Ignatianae, 1993.

Compendium practicum iuris Societatis Iesu, 2nd ed., Rome, Apud curiam praepositi generalis, 1986.

Compendium privilegiorum et gratiarum Societatis Iesu, Rome, Collegio eiusdem societatis, 1584.

70th Congregation of Procurators in Nairobi, in *AR*, vol. 25, no. 2 (2012), 526-545.

DALMASES, C. DE (ed.), *Vita Ignatii Loyolae,* Rome, Monumenta Historica Societatis Iesu, 1965.

Decrees and Accompanying Documents of the 36th General Congregation of the Society of Jesus, JESUIT CONFERENCE OF THE UNITED STATES OF AMERICA, Chestnut Hill, MA, Institute of Jesuit Sources, Boston College, 2017.

Decrees of the 35th General Congregation of Society of Jesus, 7 January – 6 March 2008, in *AR*, vol. 24, nos. 1 and 2, 2009.

Decreta Congregationis Generalis 34, A restituta Societate XV, Rome, Apud curiam praepositi generalis, 1995, English translation in J.L. MCCARTHY (ed.), *Documents of the 34th General Congregation of the Society of Jesus: The Decrees of the General Congregation Thirty-Four, the Fifteenth of the Restored Society, and the Accompanying Papal and Jesuit Documents*, St. Louis, MO, Institute of Jesuit Sources, 1995.

Documents of the 31st and 32nd General Congregations of the Society of Jesus: An English Translation of the Official Latin Texts of the General Congregations and of the Accompanying Papal Documents, J.W. PADBERG (ed.), JESUIT CONFERENCE OF THE UNITED STATES OF AMERICA (trans.), St. Louis, MO, Institute of Jesuit Sources, 1977.

Documents of the 33rd General Congregation of the Society of Jesus: An English Translation of the Official Latin Texts of the General Congregation and of Related Documents, D.R. CAMPION and A.C. LOUAPRE (eds.), JESUIT CONFERENCE OF THE UNITED STATES OF AMERICA (trans.), St. Louis, MO, Institute of Jesuit Sources, 1984.

Documents of the 34th General Congregation of the Society of Jesus: The Decrees of the General Congregation Thirty-Four, the Fifteenth of the Restored Society, and the Accompanying Papal and Jesuit Documents, J.L. MCCARTHY (ed.), CURIA OF THE SUPERIOR GENERAL OF THE SOCIETY OF JESUS (trans.), St. Louis, MO, Institute of Jesuit Sources, 1995.

Documents of the 36th General Congregation of the Society of Jesus, in *AR*, vol. 26, no. 2,1 (2017), 207-319.

ECHARTE, I., Letter to All Major Superiors, 22 March 2010, in *AR*, vol. 24, no. 3 (2010), 962.

Epitome Instituti Societatis Iesu additis praecipius praescriptis ex iure communi regularium, Rome, Curia of the Superior General of the Society of Jesus, 1962, 5 vols.

Formula of the Congregation to Elect a Temporary Vicar General, in *AR*, vol. 27, no. 3 (2018), 983-992.

Formula of the Congregation of Procurators, in *AR*, vol. 25, no. 1 (2012), 413-422.

Formula of the Congregation of Procurators, in *AR*, vol. 26, no. 3 (2018), 993-1004.

Formula of the General Congregation of the Society of Jesus, in *AR*, vol. 25, no. 4 (2014), 1141-1216.

Formula of the General Congregation of the Society of Jesus, in *AR*, vol. 26, no. 3 (2018), 911-981.

Formula of the Province Congregation, in *AR*, vol. 25, no. 1 (2012), 259-307.

Formula of the Province Congregation, in *AR*, vol. 25, no. 4 (2014), 1141-1216.

Formula of the Province Congregation, in *AR*, vol. 26, no. 3 (2018), 1005-1061.

FRANCIS XAVIER, *Epistola: PP. Claudio laio et Didaco Laynez, Romam, Ulyssipone,* 18 March, 1541; and *Epistola: Sociis Rome Degentibus, Cocino,* 15 January 1544, in *Epistolae Saint Francisci Xaverii aliaque eius scripta*, G. SCHURMAMMER and J. WICKI (eds.), vol. 1, 1535-1548 and vol. 2, 1549-1552, New edition, Rome, in *MHSI,* vol. 1, 1944-1945, Epistola 12, no. 6, 87 and vol. 1, Epistola 20, no. 14, 176.

GANSS, G.E. (ed.), *Jesuit Religious Life Today: The Principal Features of Its Spirit, in Excerpts from Papal Documents, St. Ignatius' Constitutions, the 31st and 32nd General Congregations and Letters of Father General Pedro Arrupe*, St. Louis, MO, Institute of Jesuit Sources, 1977.

GRAMATOWSKI, W., *Jesuit Glossary: Guide to Understanding the Documents*, Rome, Archivum Romanum Societatis Iesu, 1992.

Guide for Delegates to a Province Congregation Preceding a Congregation of Procurators, Revised after the 33rd General Congregation, Rome, Curia of the Superior General of the Society of Jesus, 1984.

Guidelines for the Distinction and Relation between the Director of a Work and the Superior, in *AR*, 16 (1976), 1036.

Guidelines for the Distinction and Relationship between the Superior and the Director of Work, in *AR*, 22 (1998), 381-391.

Guidelines for Local Superiors, in *AR*, vol. 16, no. 3 (1973-1976), 595-610.

Guidelines for Local Superiors, in *AR*, 17 (1978), 365-379.

Guidelines for Local Superiors, in *AR*, 22 (1996-2002), 368-373.

Guidelines for Major Superiors, in *AR*, 26 (2016), 44-55.

Guidelines for Provincials, in *AR*, 16, vol. 3 (1973-1976), 560-594.

Guidelines for Provincials, in *AR*, vol. 23, no. 1 (2003), 247-298.

Guidelines for the Relationship between the Superior and the Director of the Work, in *AR*, 22 (1996-2002), 386-387.

IGNATIUS OF LOYOLA, *The Autobiography of St. Ignatius Loyola, with Related Documents,* J.C. OLIN (ed.), J.F. O'CALLAGHAN (trans.), New York and London, Torchbooks, Harper and Row, 1974.

_____, *Constitutiones Societatis Iesu*, Monumenta Ignatiana: Tomus secundus: Textus Hispanus, Rome, in *MHSI*, vol. 64, 1936.

_____, *Constitutiones Societatis Iesu*, Monumenta Ignatiana: Tomus Tertius, Textus Latinus, Rome, in *MHSI*, vol. 65, 1938.

_____, *Constitutiones Societatis Iesu et normae complementatiae,* Rome, Apud curiam praepositi generalis, 1556, English translation J.W. PADBERG (gen. ed.), *Constitutions of the Society of Jesus and Their Complementary Norms: A Complete English Translation of the Official Latin Texts,* St. Louis, MO, Institute of Jesuit Sources, 1996.

_____, An Epistle of Our Holy Father St. Ignatius on the Virtue of Obedience, in *Rules of the Society of Jesus*, Roehampton, The Manresa Press, 1929.

_____, Letter on Obedience, 26 March 1553, in Santi Ignatii de Loyola: Epistolae et Instructiones, in *Monumenta Ignatiana Societatis Iesu,* series 1, vol. 4, 1906, 669-681, English translation in W.J. YOUNG (trans.), New York, The America Press, 1953.

_____, *A Pilgrim's Journey, The Autobiography of Ignatius of Loyola*, translation and commentary J.N. TYLENDA, Wilmington, DE, Michael Glazier, 1985.

_____, *Selections From the Constitutions of the Society of Jesus*, G.E. GANSS (ed. and trans.), *The Spiritual Exercises and Selected Works*, New York, Paulist Press, 1991.

_____, Some Methods of Dealing with Superiors: Letter IX, 5400, in *Letters of St. Ignatius of Loyola,* selected and translated by W.J. YOUNG, Chicago, IL, Loyola University Press, 1959, 390.

_____, *The Spiritual Exercises of St. Ignatius Loyola: A New Translation and Commentary*, G.E. GANSS (trans.), St. Louis, MO, Institute of Jesuit Studies, 1992.

INSTITUTUM SOCIETATIS IESU, *Bullarium et compendium privilegiorum*, Florentiae, Ex Typographia a SS. Conceptione, 1892, 4 vols.

Instruction V, De notitia habita per confessionem, in B. KURTSCHED and A. PREUSS, *A History of the Seal of Confession,* Whitefish, MT, Literary Licencing, 2012.

Jesuit Life and Mission Today: The Decrees and Accompanying Documents of the 31st - 35th General Congregation of the Society of Jesus, J.W. PADBERG (ed.), St. Louis, MO, Institute of Jesuit Sources, 2009.

Jesuit Life and Mission Today: The Decrees and Accompanying Documents of the 36th General Congregation of the Society of Jesus, Chestnut Hill, MA, Institute of Jesuit Sources, 2017.

Jesuit Religious Life: A Summary of Orientations and Norms on Our Manner of Life, Personal and Communitarian, as Excerpted from the Decrees of the General Congregations 31st and 32nd, and from the Letters of Very Reverend Father General Pedro Arrupe to the Whole Society, Rome, Curia of the Superior General of the Society of Jesus, 1976.

KOLVENBACH, P.H., "Cura personalis," in *Review of Ignatian Spirituality,* vol. 38, no. 114 (2007), 9-20.

_____, "La cuenta de conciencia," in *Revista de espiritualidad Ignaciana,* 79 (2007), 183-190.

_____, Final Address to the 67th Congregation of Procurators, 8 September 1987, in *AR,* 19 (1987), 1081-1084.

_____, Letter to All Major Superiors on the Account of Conscience, 21 February 2005, in *AR,* vol. 23, no. 3 (2005), 554-561.

_____, Letter to All Major Superiors on Apostolic Discernment in Common, 5 November 1986, in *AR,* 19 (1986), 720-740.

_____, Letter to All Major Superiors on Community Life, 12 March 1988, in *AR,* vol. 22, vol. 2 (1996-2002), 276-289.

_____, Letter to All Major Superiors on the Recommendations Made at Loyola in 2005, 23 January 2006, in *AR,* vol. 23, no. 4 (2006), 729-733.

_____, Letter to Friends and Colleagues in the Society of Jesus, 27 September 1991, in *AR,* 20 (1991), 606.

_____, Letter to Provincial Superiors on the Manifestation of Conscience in the Society of Jesus, 23 February 1984, in *AR,* 20 (1988-1993), 546-549.

_____, "The Vocation and Mission of the Jesuit Brother," in *Loyola Symposium, CIS,* 78 (1995), 1-12.

LEDÓCHOWSKI, W., Response on the Account of Conscience to Be Given to a Superior, 19 March 1918, in *AR,* 2 (1918), 571-583.

_____, De confessione, 16 June 1923, in *AR,* 3 (1923), 580-581.

_____, De conscientiae ratione superiori reddenda, 6 November 1921, in *AR*, 3 (1919-1923), 387.

_____, Instructions for the United States Assistancy on the Governance of Universities, Colleges and High Schools and on the Formation of Their Teachers, in *Woodstock Letters*, vol. 64, no. 1 (1935), 5-16.

_____, Letter covering *Paterna caritas*, 25 March 1933, in *AR*, 7 (1933), 403.

_____, *Selected Writings of Father Ledóchowski,* Chicago, IL, The American Assistancy of the Society of Jesus and Loyola University Press, 1945.

Manual for Juridical Practice of the Society of Jesus, Rome, Curia of the Superior General of the Society of Jesus, 1997.

MONUMENTA HISTORICA SOCIETATIS IESU, *Constitutions of the Society of Jesus and Their Complementary Norms: A Complete English Translation of the Official Latin Texts*, J.W. PADBERG (gen. ed.), St. Louis, MO, Institute of Jesuit Sources, 1996.

_____, *Constitutions of the Society of Jesus, Translated with an Introduction and Commentary*, G.E. GANSS (ed. and trans.), St. Louis, MO, Institute of Jesuit Sources, 1970.

_____, *Fontes narrativi de S. Ignatio de Loyola*, Rome, 1943, 4 vols., English translation J.F. CONWELL (trans.), *A Brief and Exact Account: The Recollection of Simão Rodrigues on the Origin and Progress of the Society of Jesus*, St. Louis, MO, Institute of Jesuit Studies, 2004.

_____, *Fontes narrativi de Sancto Ignatio de Loyola et de Societatis Iesu initiis,* Rome, 1943, 4 vols., revised English translation D.F. ZAPICO, C. DE DALMASES, and P. LETURIA (eds.), Rome, The Society of Jesus, 1943-1960.

_____, *Sancti Ignatii de Loyola epistolae et instructiones,* Madrid, 1894 – 1928 and Rome, 1929 -, 12 vols., English translation M. LECINA et al., Madrid, The Society of Jesus, 1903-1911.

MURPHY, E. C. and M. E. PALMER (eds.), *Spiritual Writings of Pierre Favre: the Momoriale and Selected Letters and Instructions,* St. Louis, MO, Institute of Jesuit Sources,1996.

NICOLÁS, A., State of the Society Address to the 70th Congregation of Procurators, 9-15 July 2012, in *AR*, vol. 25, no. 2 (2012), 526-545.

Norms of Governance for Provincials, in *AR*, vol. 16, no. 3 (1975), 585-588.

O'GORMAN, T., *Jesuit Obedience from Life to Law: The Development of the Ignatian Idea of Obedience in the Jesuit Constitutions 1539-1556,* Manila, Ateneo University of Manilla, 1971.

OSWALD, A., *Commentarius in Decem Partes Constitutionum Societatis Iesu*, 3rd ed., Roermond, 1902.

Our Jesuit Life, St. Louis, MO, Institute of Jesuit Sources, 1990.

PADBERG, J.W (ed.), *Documents of the 31st and 32nd General Congregations of the Society of Jesus: An English Translation of the Official Latin Texts of the General Congregations and of the Accompanying Papal Documents,* St. Louis, MO, Institute of Jesuit Sources, 1977.

PADBERG, J.W., M. PALMER, and J.L. MCCARTHY (eds.), *Ignatius Loyola, Letters and Instructions*, St. Louis, MO, Institute of Jesuit Sources, 2006.

PADBERG, J.W., M.D. O'KEEFE, and J.L. MCCARTHY (eds.), *For Matter of Greater Moment: The First Thirty Jesuit General Congregations, A Brief History and a Translation of the Decrees,* St. Louis, MO, Institute of Jesuit Sources, 1994.

Practica quaedam: *Norms for Correspondence with Father General and Other Concrete Business Matters*, Rome, Curia of the Superior General of the Society of Jesus, 2019.

Regula Magistri: *The Rule of the Master*, L. EBERLE (trans.), Kalamazoo, MI, Cistercian Publications, 1977.

Regulae Societatis Iesu, Brussels, Prostat apud procuratorem provinciae Belgicae, 1910.

Religiosa gubernatione: Monita collecta ex varii scriptis et nominatim ex præpositorum generalium documentis, Brussels, Prostat apud procuratorem Provinciae Belgicae, 1935.

RIBADENEIRA. P., *Societatis Iesu Sacerdotis: Confessiones, epistolae aliaque scripta inedicta,* Madrid, La Editorial Iberica, 1920.

Societatis Iesu Constitutiones ex Epitome Instituti, Rome, Apud curiam praepositi generalis, 1949.

Societatis Iesu Constitutiones ex Epitome Instituti, Rome, Apud curiam praepositi generalis, 1962.

SOSA, A., Letter to Major Superiors on Care (*cura*) in the Governance of the Life-Mission of the Society in this Change of the Eras, in *AR*, vol. 27, no. 3 (2020), 803-814.

_____, Letter to Major Superiors on Delegation – Compte de conscience, in *AR*, vol. 27, no. 3 (2020), 993-996.

_____, Letter to Major Superiors on Discernment in Common, in *AR*, vol. 26, no. 2 (2017), 739-746.

_____, Letter to Major Superiors on *Ex officio* Letters for 2018, in *AR*, vol. 26, no. 2 (2017), 794-795.

_____, Letter to Major Superiors on Our Life is Mission, Mission is Our Life, in *AR*, vol. 26, no. 2 (2017), 635-641.

Some Aspects of Formation from the Novitiate to Regency, in *AR*, 20 (1988-1993), 80-116.

VILLOT, J. [Cardinal Secretary of State], letter to Father General, 3 December 1975, Rome, Apud curia praepositi generalis, 1975, in J.W. PADBERG (ed.), *Documents of the 31st and 32nd General Congregations of the Society of Jesus: An English Translation of the Official Latin Texts of the General Congregations and of the Accompanying Papal Documents*, THE JESUIT CONFERENCE OF THE UNITED STATES OF AMERICA (trans.), St. Louis, MO, Institute of Jesuit Sources, 1977, 537-538.

ZAPICO, D.F. (ed.), *Regulae Societatis Iesu (1540-1556)*, Rome, Institute of Jesuit Historical Sources, 1948.

3. Books

ABBASS, J., *The Consecrated life: A Comparative Commentary of the Eastern and Latin Codes*, Ottawa, Faculty of Canon Law, St. Paul University, 2008.

AERTNYS, J. and C. DAMEN, *Theologia moralis secundum doctrinam S. Alfonsi de Ligorio*, 16 ed., Turin, Marietti, 1950.

ALBERIGO, C.J., J.P. PERIKLE and J.A. DOSSETTI, *Conciliorum oecumenicorum generaliumque decreta*, Bologna, Institute of Religious Science, 1973.

ALBUQUERQUE, A., *Diego Lainez SJ: First Biographer of Saint Ignatius of Loyola, His Life, the Biography and Polanco's Narrative*, St. Louis, MO, Institute of Jesuit Sources, 2010.

ALDAMA, A.M. DE, *The Constitutions of the Society of Jesus: An Introductory Commentary on the Constitutions,* Rome, Centrum Ignatianum Spiritualitatis 1979, A.J. OWEN (trans.), St. Louis, MO, Institute of Jesuit Sources, 1989.

_____, *The Constitutions of the Society of Jesus: The Formula of the Institute - Notes for a Commentary*, I. ECHÁNIZ (trans.), Rome, Centrum Ignatianum Spiritualitatis, 1981.

_____, *The Constitutions of the Society of Jesus: The Superior General,* I. ECHÁNIZ (trans.), Rome, Centrum Ignatianum Spiritualitatis, 1982.

_____, *The Constitutions of the Society of Jesus: Union Among Jesuits,* I. ECHÁNIZ (trans.), Rome, Centrum Ignatianum Spiritualitatis, 1989.

_____, *The Formula of the Institute: Notes for a Commentary,* I. ECHÁNIZ (trans.), St. Louis, MO, Institute of Jesuit Sources, 1990.

ALFÖLDI, A., *The Conversion of Constantine and Pagan Rome*, Oxford, Clarendon Press, 1948.

ALLIES, N., The Monastic Rules of Visigothic Iberia: A Study of Their Text and Language, Ph.D thesis, London, University of Birmingham, 2009.

ALLSOPP, M.E. and J.O. O'KEEFE (eds.), *Veritatis Splendor: American Response,* London, Sheed and Ward, 2001.

ALPHONSE, H., *Placed with Christ the Son: Glimpses into the Spirituality of the Jesuit Constitutions*, Anand, Gujarat Sahitya Prakash, 1993.

AIXALA, J. (ed.), *Challenge to Religious Life Today: Selected Letters and Addresses*, St. Louis, MO, Institute of Jesuit Sources, 1979.

ANDRÉS, D.J., *Los superiores religiosos según el Código: Guía de súbditos y de superiores*, Madrid, Publicaciones Claretianas, 1985.

AQUINAS, T., *The Summa Theologica of St. Thomas Aquinas: Supplement to the Third Part,* THE FATHERS OF THE ENGLISH DOMINICAN PROVINCE (trans.), London, Burns Oates and Washbourne, 1921.

ARRIETA, I., *Governance Structures within the Catholic Church,* Montreal, Wilson & Lafleur, 2000.

ATHANASIUS, *The Life of Antony: The Coptic Life and the Greek Life*, T. VIVIAN and A.N. ATHANASSAKIS (trans.), Kalamazoo, MI, Cistercian Publications, 2003.

_____, *The Life of Antony and the Letter to Marcellinus*, R.C. GREGG, (trans.), New York, Paulist, 1980.

_____, *The Life of St. Antony*, R.T. MAYER, (trans.), Westminster, MD, Newman Press, 1950.

ATHANASSAKIS, A.N., *The Life of Pachomius: Vita Prima Graeca*, Atlanta, GA, Society of Biblical Literature, 1975.

AUMANN, J., *Christian Spirituality in the Catholic Tradition*, San Francisco, CA, Ignatius Press, 1985.

BACHOFEN, C.A., *A Commentary on the New Code of Canon Law*: *Clergy and Hierarchy,* vol. 2, St Louis, MO, B. Herder Books Company, 1920.

BARR, D.L., The Right to One's Reputation: Applicable Legislation in the United States of America, JCD thesis, Ottawa, Saint Paul University, 1993.

BARRETT, T., *Compendium theologiae moralis*, 27th ed., New York, Frederick Pustet Co., 1919.

BARRY. P. (trans)., *Saint Benedict's Rule*, Mahwah, NJ, HiddenSpring, 2004.

BARRY, W.A., *Our Way of Proceeding: To Make the Constitutions of the Society of Jesus and Their Complementary Norms Our Own*, St. Louis, MO, Institute of Jesuit Sources, 1997.

_____, *Spiritual Direction and the Encounter with God: A Theological Inquiry*, New York, Paulist Press, 2005.

BARRY, W.A. and W.J. CONNOLLY, *The Practice of Spiritual Direction,* San Francisco, CA, HarperOne, 1982.

BARTH, M.D., The Canonical Legitimacy of Asking Applicants to Reveal Their Sexual Orientation and History during Entrance Interviews at Seminaries in the USA, JCL thesis, Ottawa, Saint Paul University, 2007.

BARTHES, R., *Sade, Fourier, Loyola,* Berkeley, CA, University of California Press, 1989.

BANGERT, W., *A History of the Society of Jesus,* 2nd ed., St. Louis, MO, Institute of Jesuit Sources, 1986.

BASSETT, B., *The English Jesuits*, New York, Herder and Herder, 1967.

BEAL, J.P., J.A. CORIDEN, and T.J. GREEN (eds.), *New Commentary on the Code of Canon Law,* commissioned by the CANON LAW SOCIETY OF AMERICA, New York and Mahwah, NJ, Paulist Press, 2000.

BECK, J. (ed.), *Confidentiality versus the Duty to Protect,* Washington, DC, American Psychiatric Association, 1990.

BENEDICT XVI, *Church Fathers and Teachers: From Saint Leo the Great to Peter Lombard,* Libreria editrice Vaticana, 2010.

BENTO DA SILVA, J.A., The Organizing Principles of the Society of Jesus: From Pastorate to Governmentality, PhD thesis, Warwick, University of Warwick, 2012.

BEYER, J., *Il diritto della vita consacrata*, Milan, Editrice Ancora, 1989.

BIER, W.C., *Privacy: A Vanishing Value?* New York, Fordham University Press, 1980.

BIRELEY, R., *The Jesuits and the Thirty Years War: Kings, Courts and Confessors*, Cambridge, Cambridge University Press, 2003.

_____, *The Refashioning of Catholicism, 1450-1700: A Reassessment of the Counter Reformation,* Washington, DC, Catholic University of America Press, 1999.

BISHOP, G., *Pedro Arrupe: Twenty-Eighth General of the Society of Jesus,* Herefordshire, Gracewing Publishing, 2000.

BLACK, H., *Black's Law Dictionary: Definitions and Terms and Phrases of American and English Jurisprudence, Ancient and Modern*, 5th ed., St. Paul, MN, West Publishing Co., 1979.

BLANGIARDI, J., The General Congregation as an Instrument of Governance in the Society of Jesus, JCD thesis, Ottawa, Saint Paul University, 1997.

BLAT, A., *Commentarium textus Codicis iuris canonici,* Rome, Collegio Angelico, 1924, 5 vols.

BONAVENTURE, ST., *Doctoris Seraphici S. Bonaventurae S.R.E Episcopi Cardinalis opera omnia* vol. 8, Ad Aquas Claras Typographia Collegii S. Bonaventurae, 1882-1902, 10 vols.

_____, *The Life of Saint Francis of Assisi,* E.G. SALTER (trans.), New York, Dutton Publishers, 1904.

_____, *The Soul's Journey into God, The Tree of Life, The Life of Saint Francis*, (trans.), E. COUSINS, The Classics of Western Spirituality, New York, Paulist Press, 1978.

_____, *The Virtues of a Religious Superior: Instructions by the Seraphic Doctor St Bonaventure*, (trans.), S. MOLLITOR, London and St. Louis, MO, B. Herder Book Company, 1921.

BOON, A. (ed.), *Pachomiana Latina. Règle et épitres de S. Pachome, épitre de S. Théodore et "liber" de S. Orsiesius*, Leuven, Bureaux de la Revue, 1932.

BOWDEN, F.E., *The Fathers of the Desert*, Milwaukee, WI, Aeterna Press, 2015.

BOYD, C.E., *A Cistercian Nunnery in Medieval Italy: The Story of Rifreddo in Saluzzo, 1220-1300*, Harvard University Press, 1943.

BRADY, B.V., *Be Good and Do Good*, New York, Maryknoll, 2014.

BRADY, M.L., The Quinquennnial Report of Religious Institutes to the Holy See, JCD thesis, Canon Law Studies, no. 422, Washington, DC, Catholic University of America, 1963.

BRETT, A.S., *Liberty, Right and Nature: Individual Rights in Later Scholastic Thought,* Cambridge, Cambridge University Press, 1997.

BROCKEY, R.J., *The Visitor: Andre Palmeiro and the Jesuits in Asia,* Cambridge, The Belknap Press of Harvard University, 2014.

BROOKE, C.N.L., *The Age of the Cloister: The Story of Monastic Life in the Middle Ages,* Mahwah, NJ, Hidden Spring, 2003.

_____, *Monasteries of the World: The Rise and Development of the Monastic Tradition*, New York, Crescent Books, 1982.

BROOKE, R.B., *Early Franciscan Government: Ellias to Bonaventure,* London, Cambridge University Press, 1959,

BROWN, D.A., The Origins of the Grades in the Society of Jesus, 1540 to 1550, JCD thesis, Rome, Pontifical Gregorian University, 1971.

BUCCERONI, I., *Institiones theologiae moralis,* 6th ed., Rome, Typographia Pontificia in Instituto Pii X, 1914-1915, 4 vols.

BURKE, W.J., *The Spiritual Direction of Claudio Aquaviva, General of the Society of Jesus, 1581-1615: A Study of Ascetical Tradition,* Cambridge, University of Cambridge Press, 1969.

BURNS, J.H. and M. GOLDIE, *The Cambridge History of Political Thought 1450-1700*, Cambridge, Cambridge University Press, 1991.

BUSH, J.C. and W.H. TIEMANN, *The Right to Silence: Privileged Clergy Communication and the Law,* 3rd ed., Nashville, TN, Abingdon Press, 1989.

Canon Law Digest, vols. 1–6, Milwaukee, WI and New York, Bruce Pub. Co., 1934-1969; vols. 7-10, Chicago, IL, Canon Law Digest, 1975-1986; vols. 11-, Washington, DC, *CLSA*, 1991-.

CALLAHAN, F.J., The Centralization of Government in Pontifical Institutes of Women with Simple Vows, Rome, Gregorian University, 1984.

CAPARROS, E., H. AUBÉ, and M. THÉRIAULT (eds.), *Code of Canon Law Annotated*, 2nd ed. rev., Gratianus Collection, Montreal, Wilson & Lafleur Limitée, 2004.

CARTHUSIAN, A., *Way of Silent Love: Carthusian Conferences: The Beatitudes*, Kalamazoo, MI, Cistercian Publications, 1993.

CARRERA, E., *Teresa of Avila's Autobiography: Authority, Power and the Self in the Mid-Sixteenth Century Spain*, Oxfordshire, Taylor and Francis, 2019.

CASSIAN, J., *Conferences,* (trans.), C. LUIDBHEID, *The Classics of Western Spirituality*, New York, Paulist Press, 1985.

_____, *The Conferences*, trans., B. RAMSEY, "Ancient Christian Writers," 57, New York, Paulist Press, 1997.

_____, *Collationes*. Latin text with French trans., *Jean Cassien: Confèrences,* E. PICHERY (ed.), Sources chrétiennes, Paris, Éditions du Cerf, 1955-1959, vols. 42, 54, 64.

_____, *Jean Cassien: Institutions Cénobitiques*, J.C. GUY (ed.), Sources chrétiennes, vol. 109, Paris, Éditions du Cerf, 1965.

CATTO, M., *La compagnia divisa: il dissenso nell'ordine gesuitico tra '500 e '600,* Brescia, Morcelliana, 2009.

CHADWICK, O., *John Cassian: A Study in Primitive Monasticism*, Cambridge, Cambridge University Press, 1950.

CHESTERSON, G.K. and P. BOER (eds.), *St. Francis of Assisi,* London, Veritatis Splendor Publications, 2013.

CHITTY, D.J., *The Desert a City: An Introduction to the Study of Egyptian and Palestinian Monasticism under the Christian Empire*, Oxford, Blackwell, 1966.

CLANCY, T.H., *An Introduction to the Jesuit Life: The Constitutions and History through 435 years*, St Louis, MO, Institute of Jesuit Sources, 1976.

CLARK, E.A., *Jerome, Chrysostom and Friends: Essays and Translations*: *Studies in Women and Religion*, 2nd ed., New York, Edwin Mellen, 1982.

CLARKE, L.W.K., *St. Basil the Great: A Study in Monasticism*, Cambridge, Cambridge University, 1913.

COEMANS, A., *Commentary on the Rules of the Society of Jesus*: *Summary of the Constitutions, Common Rules and Rules of Modesty*, St Louis, MO, Missouri Province Educational Institute, 1948.

COLERIDGE, E.H., *Life and Correspondence of John Duke Lord Coleridge, Lord Chief Justice of England*, London, William Heinemann, 1904.

COLOMBO, M.D., *La protección de la intimidad (Canon 220 CIC) y el examen psicológico en la admisión a la formación sacerdotal,* Rome, Pontificia studiorum universitas a S. Thoma Aquinate in Urbe, 1995.

COLUMBA, S., *The Conversational Word of God: A Commentary on the Doctrine of St. Ignatius of Loyola concerning Spiritual Conversation with Early Jesuits*, St. Louis, MO, Institute of Jesuit Sources, 1978.

CONNOLLY, M.C., Structures of Communication in the Constitutions of the Society of Jesus, Ph.D. thesis, Washington, DC, Catholic University of America, 1977.

CONNORS, K., The Role of the Major Superior With Particular Reference to Apostolic Women's Religious Institutes in the United States, JCD thesis, Ottawa, St. Paul University, 2011.

CONWELL, J.F., *Impelling Spirit: Revisiting a Founding Experience, 1539, Ignatius of Loyola and His Companions*, Chicago, IL, Loyola Press, 1997.

CORECCO, E., *Canon Law and Communio: Writings on the Constitutional Law of the Church*, Libreria editrice Vaticana, 1999.

CORIDEN, J.A., *The Rights of Catholics in the Church*, New York and Mahwah, NJ, Paulist Press, 2007.

CORIDEN, J.A., T.J. GREEN, and D.E. HEINTSCHEL (eds.), *The Code of Canon Law: A Text and Commentary*, New York and Mahwah, NJ, Paulist Press, 1985.

COSSE, D.E. DE and K.E. HEYER (eds.), *Conscience and Catholicism: Rights, Responsibilities and Institutional Responses,* New York, Orbis Books, 2015.

COSTELLO, T., *Forming a Priestly Identity: Anthropology of Priestly Formation in the Documents of the VIII Synod of Bishops and the Apostolic Exhortation* Pastores dabo vobis, Rome, Pontifical Gregorian University, 2002.

COUGHLIN, J.J., *Law, Person and Community: Philosophical, Theological and Comparative Perspectives on Canon Law,* Oxford, Oxford University Press, 2012.

COURTOIS, G., *The States of Perfection according to the Teaching of the Church, Papal Documents from Leo XIII to Pius XII,* J.A. O'FLYNN (trans.), Westminster, Newman Press, 1961.

CREUSEN, J., *Religious Men and Women in Church Law,* 6th ed., Milwaukee, WI, Bruce Publishing Company, 1958.

_____, *Religious Men and Women in the Code*, Milwaukee, WI, The Bruce Publishing Company, 1940.

CULLAN, C., *The Origins of Moral Theology in the United States: Three Different Approaches,* Washington DC, Georgetown University Press, 1997.

CURRIER-WARREN, C., *History of Religious Orders: A Compendious and Popular Sketch of the Rise and Progress of the Principal Monastic, Canonical, Military, Mendicant and Clerical Orders and Congregations of the Eastern and Western Churches together with a Brief History of the Catholic Church in Relation to Religious Orders*, Boston, MacConnell Brothers and Company, 1896.

CUSCHIERI, A.J., *The Sacrament of Reconciliation: A Theological and Canonical Treatise*, Lanham, MD, University Press of America, 1992.

DALEY, R., The Confessors of Men Religious, JCD thesis, Rome, Pontifical University of St. Thomas Aquinas, 1956.

DALMASES, C. DE., *Ignatius of Loyola, Founder of the Jesuits: History, Life and Works*, trans. J. AXIALA, St. Louis, MO, Institute of Jesuit Sources, 1985.

DALY, B., *Canon Law in Action,* Strathfield, St Paul's Publications, 2015.

DARCY, C.C., The Institute of the Sisters of Mercy of the Americas: The Canonical Development of the Proposed Governance Model, JCD thesis, Ottawa, Saint Paul University, 1992.

DANIEL, W.L., *The Art of Governance: A Guide to the Administrative Procedure for Just Decision Making in the Catholic Church,* Montreal, Wilson & Lafleur Limitée, 2015.

DEE, D.D., *The Manifestation of Conscience*, Catholic University of America, Canon Law Studies, no. 410, Washington, DC, Catholic University of America Press, 1960.

DELATTE, D.P., *The Rule of St. Benedict: A Commentary,* London, Burns Oates and Washbourne Ltd, 1921.

DENZINGER, H. and P. HÜNERMANN (eds.), *Compendium of Creeds, Definitions and Declarations on Matters of Faith and Morals*, 43rd ed. by R. FASTIGGI and A.E. NASH, San Francisco, CA, Ignatius Press, 2012.

DEVINE, A., *Convent Life: The Duties of Sisters Dedicated in Religion to the Service of God Intended Chiefly for Superiors and Confessors with Commentary on the Decree 'Quemadmodum',* 4th ed., Dublin, M.H. Gill and Son, 1897.

_____, *Commentary on the Decree 'Quemadmodum' of the Sacred Congregation of Bishops and Regulars on Manifestation of Conscience, Holy Communion, and Extraordinary Confessors*, Dublin, M.H. Gill and Son, 1897.

DIETSCH, J.C., *Pedro Arrupe: One Jesuit's Spiritual Journey*, R. BRADLEY (trans.), St Louis, MO, Institute of Jesuit Sources, 1986.

DIETZ, M., *Wandering Monks, Virgins and Pilgrims: Ascetic Travel in the Mediterranean World A.D. 300-800*, Pennsylvania, PA, Pennsylvania State University Press, 2005.

DOIRON, M.J., An Historico-Juridical Consideration of the Jesuit Fourth Vow, Special Obedience to the Pope with Regard to Missions, JCD thesis, Ottawa, Saint Paul University, 1995.

DREUILLE, M. DE, *From East to West: A History of Monasticism*, New York, The Crossroad Publishing Company, 1999.

DUDON, P., *St. Ignatius Loyola*, Milwaukee, WI, Bruce Publishing Company, 1949.

DUGAN, M.P. (ed.), *The Penal Process and the Protection of Rights in Canon Law: Proceedings of a Conference Held at the Pontifical University of the Holy Cross, Rome,* 2004, Montreal, Wilson & Lafleur Limitée, 2005.

DUMEIGE, G., *On the Mind of St. Ignatius and the Later Historical Evolution on the Question of Grades in the Society of Jesus*, Washington, DC, JESUIT CONFERENCE OF THE UNITED STATES OF AMERICA, 1970.

DUNN, M., *The Emergence of Monasticism: From the Desert Fathers to the Early Middle Ages*, Oxford, Blackwell Publishing, 2003.

EBERLE, L., *The Rule of the Master*, (trans.), A. DE VOGUE, Kalamazoo, MI, Cistercian Publications, 1977.

EGAÑA, F.J., *Orígenes de la congregación general en la Compañía de Jesús: Estudio histórico-jurídico de la octava parte de las constituciones*, Rome, *IHSI*, 1972.

EMERTON, E. (trans.), *The Correspondence of Pope Gregory VII: Selected Letters from the Registrum*, New York, Columbia University Press, 1990.

ESPINOSA-POLIT, M.M., *Perfect Obedience: Commentary on the Letter on Obedience of Saint Ignatius Loyola*, Westminster, MD, The Newman Bookshop, 1947.

EUSEBIUS, *The History of the Church from Christ to Constantine*, translated by G.A. WILLIAMSON, London, Penguin Books, 1965.

FABRE, P.A. and F. RURALE (eds.), *The Acquaviva Project: Claudio Acquaviva's Generalate (1581-1615) and the Emergence of Modern Catholicism*, Boston, Institute of Jesuit Sources, 2017.

FARIS, J.D., *The Code of Canons of the Eastern Churches: A Pastoral-Canonical Manual for Bishops*, Washington, DC, National Conference of Catholic Bishops, 1992.

_____, *The Eastern Catholic Churches: Constitution and Governance according to the Canons of the Eastern Churches*, New York, Saint Maron Publications, 1992.

FARRELL, T.P. (ed.), *The Jesuit Ratio Studiorum of 1599*, Washington, DC, JESUIT CONFERENCE OF THE UNITED STATES OF AMERICA, 1970.

FASTIGGI, R.L., *The Sacrament of Reconciliation: An Anthropological and Scriptural Understanding*, Chicago, IL, Hillenbrand Books, 2017.

FAVALE, A. (ed.), *Per una presenza viva dei religiosi nella Chiesa e nel mondo*, Rome, LDC, 1970.

FEDWICK, J.P., *The Church and the Charism of Leadership in Basil of Caesarea*, Toronto, Pontifical Institute of Mediaeval Studies, 1979.

FLANNERY, A. (gen. ed.), *Vatican Council II: The Conciliar and Post-Conciliar Documents*, vol. 1, new rev. ed., Collegeville, MN, Liturgical Press, 1996.

_____, *Vatican Council II: More Post Conciliar Documents*, vol. 2, new rev. ed., Northport, NY, Costello Publishing Co., 1998.

FORD, J.C., *Religious Superiors, Subjects and Psychiatrists*, Westminster, MD, Newman Press, 1963.

FRASSETTO, M. (ed.), *Medieval Purity and Piety: Essays on Medieval Clerical Celibacy and Religious Reform*, London, Routledge, 1998.

FREND, W.H.C., *Martyrdom and Persecution in the Early Church*, Oxford, James Clarke and Company, 1965.

FRY, T. (ed.), *The Rule of St. Basil in Latin and English: A Revised Critical Edition*, Collegeville, MN, The Liturgical Press, 1981.

_____, *The Rule of St. Benedict in Latin and English with Notes*, Collegeville, MN, The Liturgical Press, 1981.

FUTRELL, J.C., *Making an Apostolic Community of Love: The Role of the Superior according to St. Ignatius of Loyola*, St. Louis, MO, Institute of Jesuit Sources, 1970.

GASPARRI, P. and I. SERÉDI (eds.), *Codicis iuris canonici fontes*, Rome, 1923-1939, 9 vols.

GAUTRELET, F.X., *Traité de l'état religieux: notions théologiques sur la nature et les obligations de cet état,* Paris, Delhomme et Briguet, 1885.

GENILO, E.M.O., *John Cuthbert Ford, SJ: Moral Theologian at the End of the Manualist Era*, Washington, DC, Georgetown University Press, 2007.

GEARY, P.J. (ed.), *Readings in Medieval History: The Early Middle Ages*, Toronto, University of Toronto Press, 2010.

GERHARTZ, J.G., "Insuper Promitto..." *Die Feierlichen Sondergelübde Katholischer Orden*, Rome, Pontificia Università Gregoriana, 1966.

GILL, N., *The Spiritual Prefect in Clerical Religious Houses of Study: A Historical Synopsis and Commentary*, Canon Law Studies, no. 216, Washington DC, Catholic University of America, 1945.

GIORGINI, C.P., *History of the Congregation of the Passion of Jesus Christ (1720-1775)*, vol. 1, Rome, Passionist General Curia, 2004.

GOUGAUD, D.L., *Christianity in Celtic Lands: A History of the Churches of the Celts, Their Origin, Their Development, Influence and Mutual Relations* (trans.), Joynt Maud, London, Sheed and Ward, 1932.

GREG, R.C., *The Life of Anthony and the Letter to Marcellinus*, Mahwah, NJ, Paulist, Press, 1979.

GUIBERT, J. DE, *La spiritualité de la Compagnie de Jésus: Esquisse historique*, Rome, IHSI, 1953, English translation W.J. YOUNG, *The Jesuits: Their Spiritual Doctrine and Practice: A Historical Study*, St. Louis, MO, Institute of Jesuit Sources, 1994.

HALKIN, F., *Sancti Pachomii vitae graeca*, Brussels, Société des Bollandistes, 1932.

HÄRING, B., *The Law of Christ: Moral Theology for the Priests and Laity*, Westminster, The Newman Press, 1963.

HARNACK, A. VON, *Monasticism: Its Ideals and History and the Confessions of St. Augustine: Two Lectures,* E.E. KELLETTE and F.H. MARSEILLE (trans.), Oxford, Williams and Norgate, 1901.

HARNEY, M. P., *The Jesuits in History: The Society of Jesus Through the Four Centuries,* New York, The America Press, 1941.

HARTMANN, W. and K. PENNINGTON (eds.), *The History of Canon Law in the Classical Period, 1140-1234: From Gratian to the Decretals of Pope Gregory IX,* Washington, DC, Catholic University of America Press, 2008.

HILL, M., *Religious Liberty and Human Rights*, Cardiff, University of Wales Press, 2002.

HINZE, H., *Practices of Dialogue in the Roman Catholic Church: Aims and Obstacles, Lessons and Laments,* New York, Continuum Press, 2006.

HITE, J., D. WARD, and S. HOLLAND (eds.), *A Handbook on Canons 573-746: Religious Institutes, Secular Institutes, Societies of Apostolic Life,* published under the auspices of the CANON LAW SOCIETY OF AMERICA, Collegeville, MN, The Liturgical Press, 1985.

HOGAN, L., *Confronting the Truth: Conscience in the Catholic Tradition,* New York, Paulist, 2000.

HOLBÖCK, K., *Tractatus de jurisprudentia Sacrae Romanae Rotae*, Vienna, Styria, 1957.

HOLL, K., *Der Enthusiasmus und Bussgewalt beim griechischen Mönchtum: eine Studie zu Symeon dem neuen Theologen,* Hildesheim, G. Olms, 1969.

HOLLENBECK, D., *Claims in Conflict: Retrieving and Renewing the Catholic Rights Tradition,* New York and Toronto, Paulist Press, 1979.

HONORE, L., *Le secret de la confession*: *étude historico-canonique,* Bruges, C. Beyaert, 1924.

HOPFL, H., *Jesuit Political Thought: The Society of Jesus and the State, c. 1540-1630*, Cambridge, Cambridge University Press, 2004.

HOUNTONDJI, P., *African Philosophy: Myth and Reality*, E. HENRIC and J. REE (trans.), 2nd ed., Bloomington, IN, Indiana University Press, 1996.

HUMPHREY, W., *The Religious State: A Digest of the Doctrine of Suarez Contained in his Treatise 'De statu religionis'*," vol. 3, London, Burns and Oates, 1884.

HUYSMANS, F., *La Manifestation de Conscience en Religion d'apres le canon 530,* JCD thesis, Rome, Pontifical Gregorian University, 1953.

IGLESIAS, J., *Derecho romano: Instituciones de derecho privado,* Barcelona, Editorial Ariel, 1958.

IVERS, T., Canonical Protections against Unwarranted Intrusions into the Conscience: Privacy Issues in the Church, JCL thesis, Rome, Pontifical University of St. Thomas Aquinas, 2008.

JAER, A. DE, *Together for Mission: A Spiritual Reading of the Constitutions of the Society of Jesus,* St Louis, MO, Institute of Jesuit Sources, 2001.

JARRELL, L.M., The Development of Legal Structures for Women Religious Between 1500 and 1900: A Study of Selected Institutes of religious Life for Women, JCD thesis, Washington, DC, Catholic University of America, 1985.

JIRI, K., *The Right of Defense in Administrative Procedures: A Comparative and Analogical Study*, Canon Law Studies, no. 555, Washington, DC, Catholic University of America, 1998.

JOHNSTON, W.M. (ed.), *Encyclopedia of Monasticism*, London, Dearborn, 2000.

KARDONG, T.G., *The Life of Saint Benedict by Gregory the Great: A Translation and Commentary*, Collegeville, MN, The Liturgical Press, 1996.

KEKUMANO, C.A., *The Secret Archives of the Diocesan Curia*, Canon Law Studies, no. 350, Washington, DC, Catholic University of America, 2013.

KELLY, C., *Cassian's Conferences: Scriptural Interpretation and the Monastic Ideal,* London, Routledge, 2016.

KEMPIS, T.A., *De imitatione Christi*, Libreria editrice Vaticana, 1982, English translation *The Imitation of Christ*, W.C. CREASY (ed.), Notre Dame, IN, Ave Maria Press, 1989.

KENNEDY, T.R., State Protection of Confessional Secrecy in the United States of America, JCD thesis, Rome, Pontifical Lateran University, 1975.

KNOWLES, D., *The Monastic Order in England: A History of Its Developments from the Times of St. Duncan to the Fourth Lateran Council 940-1216,* 2nd ed. Cambridge, Cambridge University Press, 1963.

_____, *Christian Monasticism*, London, Weidenfeld and Nicolson, 1969.

_____, *From Pachomius to Ignatius: A Study in the Constitutional History of the Religious Orders*, Oxford, Clarendon Press, 1966.

KORTH, N.F., The Evolution of the 'Manifestation of Conscience' in Religious Rules, III-XVI Centuries, JCD thesis, Rome, Pontifical Gregorian University, 1949.

KOROWAY, E., The Relation between the Internal and the External Forum in the New Canonical Penal Law, JCD thesis, Rome, Pontifical Gregorian University, 1985.

KURTSCHEID, B., *Das Beichtsiegel in seiner geschichtlichen Entwicklung*, Freiburg im Breisgau, 1912, English translation *A History of the Seal of Confession*, Z. MARKS (trans.), St. Louis, MO, Literary Licencing, 2012.

LADEUSE, P., *Étude sur le cénobitisme pakhomien pendant le IVe siècle et la première moitié du Ve,* Frankfurt, Minerva, 1961.

LANGOGNE, O.M., *Confessions and Communions in Religious Communities: A Commentary on the Decree "Quemadmodum" of 17 December 1890, with the Original Decree and the Official Translation*, New York, Benziger, 1892.

LANSLOTS, D.I., *Handbook of Canon Law for Congregations of Women under Simple Vows*, 10th ed., New York, Frederick Pustet Publishers, 1922.

LAWLESS, G., *Rule for Monasteries*: *Augustine of Hippo and His Monastic Rule*, Oxford, Oxford University Press, 1987.

LAWRENCE, C.H., *Medieval Monasticism: Forms of Religious Life in Western Europe in the Middle Ages*, 3rd ed., New York and London, Routledge Taylor and Francis Group, 2000.

LEA, H.C., *A History of Auricular Confessions and Indulgences in the Latin Church: Confession and Absolution*, Philadelphia, PA, Lea Brothers and Company, 1896, 2 vols.

LECLERCQ, J., *The Love of Learning and the Desire for God: A Study of Monastic Culture*, New York, Fordham University Press, 1974.

LEITES, E. (ed.), *Conscience and Casuistry in Early Modern Europe*, Cambridge, Cambridge University Press, 1988.

LEONARD, J.W., *The Letter Carrier: The Autobiography of William J. Leonard, S.J.*, London, Sheed and Ward, 1993.

LEVERT, F., La confidentialité en droit canonique et en common law: une étude comparée appliquee au Canada, JCL thesis, Ottawa, Saint Paul University, 2002.

LEWIS, J., *Le gouvernement spirituel selon Saint Ignace de Loyola,* Bruges, Desclée de Brouwer, 1961.

LUKACS, J., *Ignatian Formation: The Inspiration of the Constitutions*, Herefordshire, Gracewing, 2016.

LUX-STERRITT, L., *Redefining Female Religious Life: French Ursulines and English Ladies in Seventeenth Century Catholicism,* London and New York, Routledge Taylor and Francis Group, 2005.

MACDONALD, H.L., Hermits: The Juridical Implications of Canon 603, JCD thesis, Ottawa, Saint Paul University, 1990.

MACPHERSON, I.M., The Exercise of Authority in Apostolic Religious Institutes of Women according to the 1983 Revised Code of Canon Law, JCD thesis, Ottawa, Saint Paul University, 1984.

MADRWA, P., *Fundamental Individual Rights of the Human Person in the Teachings of Pope Paul VI,* Rome, Pontifical Lateran University, 1983.

MAKOWSKI, E. M., *Canon Law and Cloistered Women:* Periculoso *and Its Commentators, 1298-1545*, Washington, DC, Catholic University of America Press, 1997.

MALCOLM, E. and P. PETKOFF (eds.), *Changing Nature of Religious Rights under International Law*, Oxford, Oxford University Press, 2015.

MARCELLO, A., *Vocation for Mission: The Challenge of Religious Life Today,* New York, Paulist Press, 1988.

MARTIN, J.F., The Religious State according to Suarez, JCD thesis, Ottawa, St. Paul University, 1984.

MARTOS, J. and P. HEGY (eds.), *Equal at the Creation: Sexism, Society and Christian Thought,* Toronto, University of Toronto Press, 1998.

MARYKS, R.A. (ed.), *A Companion to Ignatius of Loyola: Life, Writings, Spirituality, Influence*, Leiden, Brill, 2014.

_____, *Census of the Books Written by Jesuits on Sacramental Confession (1554-1650)*, Milan, Vita e Pensiero, 2004.

_____, *Exploring Jesuit Distinctiveness: Interdisciplinary Perspectives on Ways of Proceedings within the Society of Jesus*, Leiden, Brill, 2016.

MARYKS, R. and J. WRIGHT (eds.), *Jesuit Survival and Restoration: A Global History 1773-1900*, Leiden, Brill, 2014.

MATTHEWS, B. and D.C. BROSS (eds.), *Mandatory Reporting Laws and the Identification of Severe Child Abuse and Neglect*, Dordrecht Netherlands, Springer, 2015.

MARZOA, A., J. MIRAS, R. RODRIGUEZ-OCAÑA (eds.), and E. CAPARROS (gen. ed.), English translation *Exegetical Commentary on the Code of Canon Law,* Montreal, Wilson & Lafleur Limitée, 2004, 8 vols.

MCCOOG, T.M. (ed.)., *With Eyes and Ears: The Role of Visitors in the Society of Jesus*, Boston and Leiden, Brill, 2019.

_____, *The Society of Jesus in Ireland, Scotland and England, 1589-1597: Building the Faith of Saint Peter upon the King of Spain's Monarchy*, Ashgate, IHSI, 2012.

MCCORMACK, A., *The Term "Privilege": A Textual Study of its Meaning and Use in the 1983 Code of Canon Law*, Tesi Gregoriana, Serie diritto canonico, no. 23, Rome, Editrice Pontificia Università Gregoriana, 1997.

MCCORMICK, R., *Confessors of Religious*, Canon Law Series, no. 33, Washington, DC, The Catholic University of America Press, 1926.

MCDERMOTT, R., *Consecrated Life: Cases, Commentary, Documents, Readings*, Alexandria, VA, Canon Law Society of America, 2006.

MCDONALD, W.J. (ed.), *New Catholic Encyclopedia*, vol. 12, New York, McGraw-Hill Book Company, 1967.

MCDONOUGH, P., *Men Astutely Trained: A History of the Jesuits in the American Century*, New York and Toronto, The Free Press, Macmillan, 1992.

MCKENNA, K.E., *The Battle for Rights in the United States Catholic Church,* New Jersey, Paulist Press, 2007.

_____, *For the Defense: The Work of Some Nineteenth Century American Canonists in the Protection of Rights,* Montreal, Wilson & Lafleur Limitée, 2014.

_____, The Right of Confidentiality and Diocesan Clergy Personnel Records, JCD thesis, Ottawa, Saint Paul University, 1990.

MCMENAMY, F.X., *The Account of Conscience*, El Paso, Texas, Revista Catolica Press, 1944.

MEIRINHOS, J., C. LÓPEZ and J. REBALDE (eds.), *Secrets and Discovery in the Middle Ages*, Barcelona, Fédération Internationale des Instituts d'Études Médiévales, 2017.

MEISSNER, W.W., *Ignatius of Loyola: The Psychology of a Saint*, London, Yale University Press, 1992.

MELON, R.L. DE. (ed.), *Religious Orders of the Catholic Reformation: In Honour of John C. Olin on His Seventy-Fifth Birthday*, New York, Fordham University Press, 1994.

MERTON, T., *Cassian and the Fathers: Initiation into the Monastic Tradition*, P.F. O'Connell (ed.), Kalamazoo, Mich, Cistercian Publications, 2005.

MESA, J.A., *La pedagogía Ignaciana, Textos clásicos y contemporáneos sobre la educación de la Compañía de Jesús desde san Ignacio de Loyola hasta nuestros días*, Madrid, Universidad Pontificia Comillas, Sal Terrae, 2019.

MEZZADRI-LUIGI, C.M. and J.M. ROMAN, *The Vincentians: A General History of the Congregation of the Mission: From the Foundation to the End of the Seventeenth Century, 1625-1697*, New York, New York City Press, 2009, 5 vols.

MIGNE, J.P. (ed.), *Patrologiae cursus completus: Series Graeca*, Paris, J.P. Migne, 1886, 167 vols.

_____, *Patrologiae cursus completus:* Series *Latina*, Paris, J.P. Migne, 1844, 221 vols.

MILLER, D. and E. JARAMILLO (eds.), *Procedural Handbook for Institutes of Consecrated Life and Societies of Apostolic Life*, Washington, DC, Canon Law Society of America, 2021.

MITCHELL, D.W. and J.A. WISEMAN (eds.), *The Gethsemane Encounter: A Dialogue on the Spiritual Life by Buddhist and Christian Monastics*, New York, Continuum, 1998.

MONTI, D.V., *Writings Concerning the Franciscan Order*, New York, St. Bonaventure-Franciscan Institute Publications, 1994.

MOORMAN, J.R.H., *A History of the Franciscan Order: From Its Origins to 1517*, New York, Oxford University Press, 1968.

_____, *The Sources for the Life of Saint Francis of Assisi*, Manchester, Manchester University Press, 1940.

MOSTACCIO, S., *Early Modern Jesuits between Obedience and Conscience during the Generalate of Claudio Acquaviva (1581-1615)*, C. COPELAND (trans.), New York and London, Routledge Taylor and Francis Group, 2014.

MORALES, M.M. (ed.), *A mis manos han illegado: Cartas de los PP. Generales a la Antigua Provincia del Paraguay (1608-1639)*, Madrid, Comillas Pontifical University, 2005.

MORELLI, D., Stato, chiese e pluralismo confessionale, PhD thesis, Universita degli Studi di Milano, 2012.

MORISON, E.F., *St. Basil and His Rule: A Study in Early Monasticism*, London, Oxford University Press, 1912.

_____, *St. Francis Assisi: Writings and Early Biographies*, Chicago, IL, Franciscan Herald Press, 1977.

MUNITIZ, J.A. and P. ENDEAN (eds.), *Ignatius Loyola: Personal Writings, Reminiscences, Spiritual Diary, Select Letters Including the Text of the Spiritual Exercises*, London, Penguin Books, 1996.

NADAL, J., *Orationis observationes*, NICOLAU, M. (ed.), Rome, Institutum Historicum Societatis Iesu, 1964.

NASELLI, C. A., *History of the Passionists: The Italian Epoch: Revolutions and Suppressions (1775-1839)*, vol. 2, Rome, Edizioni Eco, 1988.

NEDUNGATT, G., *A Guide to the Eastern Code: A Commentary on the Code of Canons of the Eastern Churches*, Kanonika, no. 10, Rome, Pontifical Oriental Institute, 2002.

_____, *A Companion to the Eastern Code: For a New Translation of Codex canonum Ecclesiarum orientalium*, Kanonika, no. 5, Rome, Pontifical Oriental Institute, 1994.

NICOLINI, G. B., *History of the Jesuits: Their Origin, Progress, Doctrines and Designs*, London, Henry. G. Bohn, 1854.

OCHOA, X., *Index verborum ac locutionum codicis iuris canonici*, 2nd ed., Rome, Libreria editrice Lateranense, 1984.

O'CONNELL, F (ed.), *The Rule of Saint Benedict: Initiation into the Monastic Tradition*, Collegeville, MN, Liturgical Press, 2009.

O'CONNELL, T.E., *Principles for a Catholic Morality*, rev. ed., San Franscisco, HarperCollins, 1990.

O'CONOR, J.F.X (ed.), *The Autobiography of St. Ignatius*, New York, Benziger Brothers, 1900.

OGILVIE, M.H., *Religious Institutions and the Law in Canada*, 4th ed., Toronto, Irwin Law Inc., 2017.

O'GORMAN, T.H., *Jesuit Obedience from Law to Life: The Development of the Ignatian Idea of Obedience in the Jesuit Constitutions, 1539-1556*, Manila, Ateneo de Manila University, 1971.

O'MALLEY, J.W., *The First Jesuits,* London, Harvard University Press, 1993.

_____, *Saints or Devils Incarnate: Studies in Jesuit History*, Leiden and Boston Brill Publishing, 2010.

_____, *Trent: What Happened at the Council*, London, The Belknap Press of Harvard University Press, 2013,

_____, *The Jesuits: A History from Ignatius to the Present*, Lanham, MD, Rowman and Littlefield Publishing Group, 2014.

_____, *The Jesuits and the Popes: A Historical Sketch of their Relationship*, Philadelphia, PA, Saint Joseph's University Press, 2016.

OOSTHUIZEN, G.C. (ed.), *Professional Secrecy in South Africa: A Symposium*, Oxford, Oxford University Press Southern Africa, 1984.

ORTH, C., *The Approbation of Religious Institutes,* Canon Law Studies, no. 71, Washington, DC, Catholic University of America, 1931.

PADBERG, J., *Together as a Companionship: A History of the Thirty-First, Thirty-Second, and Thirty-Third General Congregations of the Society of Jesus*, St. Louis, Institute of Jesuit Sources, 1994.

PAPI, H., *The Government of Religious Communities: A Commentary on Three Chapters of the Code of Canon Law, Preceded by a Commentary on the Establishment and Suppression of Religious Communities,* New Yok, P.J. Kennedy and Sons, 1919.

PAUL, E.F., F.D. MILLER, and J. PAUL (eds.), *The Right to Privacy,* Cambridge, Cambridge University Press, 2000.

PAVONE, S., *The Wily Jesuits and the* Monita secreta: *The Forged Secret Instructions of the Jesuits, A History and a Translation,* St. Louis, MO, Institute for Jesuit Sources, 2005.

PELLEGRINI, M., *Religione e umanesimo nel primo Rinascimento: da Petrarca ad Alberti,* Florence, Le Lettere, 2012.

PENNINGTON, M.B. (ed.), *Rule and Life: An Interdisciplinary Symposium*, Spencer, MA, Cistercian Publications, 1971.

PETERS, E.N., *Incrementa in Progressu 1983 Codicis Iuris Canonici*, Montreal, Wilson and Lafluer Limitée, 2005.

PIERRE, S., *The Abbot in Monastic Tradition: A Contribution to the History of the Perpetual Character of the Office of Religious Superiors in the West*, Washington, DC, Cistercians Publications, 1972.

Protection of Rights of Persons in the Church: Revised Report of the Canon Law Society of America on the Subject of Due Process, Washington, DC, Canon Law Society of America, 1991.

PO-CHIA, H., *The Cambridge History of Christianity, Reform and Expansion 1500-1660,* vol. 6, Cambridge, Cambridge University Press, 2007.

POLANCO, J.A. DE, *Vita Ignatii Loiolae et rerum Societatis Jesu historia*, Madrid, MHSI, 1894-1898, 6 vols.

PORTILLO, A. DEL, *Faithful and Laity in the Church: The Bases of Their Legal Status*, Shannon, Ecclesia Press, 1972.

QUINN, J.G., Towards an Understanding of c. 220: The Right to Privacy, JCL thesis, Ottawa, Saint Paul University, 1988.

RAHNER, H., *The Spirituality of St. Ignatius of Loyola: An Account of Its Historical Development,* Chicago, IL, Loyola University Press, 1980.

RAHNER, K. et al. (eds.), *Ignatius of Loyola: His Personality and Spiritual Heritage, 1556-1956, Studies on the 400th Anniversary of His Death,* St. Louis, MO, Institute of Jesuit Sources, 1977.

RAHNER, K., *Obedience and the Church*, Cleveland, OH, Corpus Books, 1968.

RANKIN, W.W., *Confidentiality and Clergy: Churches, Ethics and the Law*, Harrisburg, PA, Morehouse Pub., 1990.

RANUM, P.M., *Beginning to be a Jesuit: Instructions for the Paris Novitiate circa 1685*, St. Louis, MO, Institute of Jesuit Sources, 2011.

RAPLEY, E., *The Devotes: Women and Church in Seventeenth Century France*, Montreal, McGill Queens University Press, 1993.

RATZINGER, J., A *Values in a Time of Upheaval: Meeting the Challenges of the Future*, San Francisco, CA, Ignatius Press, 2007.

RAVIER, A., *Ignatius Loyola and the Founding of the Society of Jesus,* M. DALY, J. DALY and C. DALY (trans.), San Francisco, CA, Ignatius Press, 1987.

REGAN, R.E., *Professional Secrecy in the Light of Moral Principles with an Application to Several Important Professions,* Washington, DC, Augustinian Press, 1943.

_____, *The Moral Principles Governing Professional Secrecy with an Inquiry into Some of the More Important Professional Secrets*, Washington, DC, Catholic University of America, 1941.

REGATILLO, E., *Ius sacramentarium*, 3rd ed., Santander, Sal Terrae, 1960.

REGATILLO, E. and M. ZALBA, *Theologiae moralis summa iuxta constitutionem apostolicam* Deus scientiarum Dominus, Madrid, Biblioteca de Autore Cristianos, 1954.

REINHARDT, N., *Voices of Conscience: Royal Confessors and Political Counsel in Seventeenth Century Spain and France*, Oxford, Oxford University Press, 2016.

RIBADENEIRA, P. DE, *Tratado en el qual se da razón del instituto de la religión de la Compañía de Jesús,* Madrid, Colegio de la Compañía de Jesús de Madrid, 1605.

_____, *Treatise on the Governance of St. Ignatius of Loyola*, J.A. MUNITIZ (trans.), Oxford, The Way Books, 2016.

RICHARDSON, W., *The Presumption of Innocence in Canonical Trials of Clerics Accused of Child Sexual Abuse: An Historical Analysis of the Current Law,* Leuven, Peeters, 2011.

RISK, J.E., An Instruction to the Superiors of Religious Communities, Societies without Vows and Secular Institutes on the Careful Selection and Training of Candidates for the States of Perfection and Sacred Orders, JCD thesis, Rome, Pontifical Gregorian University, 1962.

ROBERT, K.B. and S.R. SCHLOESSER (eds.), *Crossings and Dwellings: Restored Jesuits, Women Religious, American Experience, 1814-2014*, Leiden, Brill Academic Publishing, 2017.

RODRIGUEZ, A., *The Practice of Christian and Religious Perfection, vol. 2,* Dublin, James Duffy and Company Ltd, 1882.

_____, *The Practice of Christian and Religious Perfection, vol. 3,* Dublin, James Duffy and Company Ltd, 1914.

ROE, J.E., *Cases of Conscience*, Cambridge, Cambridge University Press, 1975.

_____, *The Seal of Confession*, Canon Law Studies, no. 413, Washington, DC, Catholic University of America Press, 1960.

ROUSSEAU, P., *Pachomius: The Making of Community in Fourth Century Egypt*, Berkeley, CA, University of California Press, 1985.

RYNNE, X., *Vatical Council II*, New York, Maryknoll, Orbis Books, 1999.

SALTZMAN, B.A., *Bonds of Secrecy: Law, Spirituality, and the Literature of Concealment in Early Medieval England*, Philadelphia, PA, University of Pennsylvania Press, 2019.

SAMPSON, W., *The Catholic Question in America: Whether a Roman Catholic Clergyman Be in Any Case Compellable to Disclose the Secrets of Auricular Confession; Decided at the Court of General Sessions in the City of New York*, reprint, New York, Forgotten Books, 2018.

SÁNCHEZ-GIRÓN, R.L., La cuenta de conciencia al Superior en el derecho de la Compañía de Jesús, JCD thesis, Rome, Editrice Pontificia Università Gregoriana, 2007.

SCHAEFER, J., The *Evolution of a vow: Obedience as Decision Making in Communion*, London, Transaction Publishers, 2008.

SCHAEFER, T., *De religiosis ad normam Codicis juris canonici*, 4th ed., Rome, Typis polyglottis Vaticanis, 1947.

SCHAFF, P., *History of the Christian Church*, Grand Rapids, MI, Christian Classics Ethereal Press, 1997, 8 vols.

SCHINDLER, D.L. and N.J. HEALY (trans.), *Freedom, Truth and Human Dignity: The Second Vatican Council's Declaration on Religious Freedom,* Cambridge, William B. Eerdmans Publishing Co, 2015.

SCHOEMAN, F.D. (ed.), *Philosophical Dimensions of Privacy: An Anthology*, Cambridge, Cambridge University Press, 1984.

SCHROEDER, H.J., *Disciplinary Decrees of the General Councils: Text, Translation and Commentary*, St. Louis, MO, B. Herder, 1937.

SCHMIDT, A.G. (ed.), *Selected Writings of Father Ledóchowski*, Chicago, IL, Loyola University Press, 1945.

SCHURHAMMER, G., *Francis Xavier, His Life and Times*, M.J CONSTELLOE (trans.), Rome, IHSI, 1973.

SHANAHAN, T., The Jesuit Vow of Obedience to the Pope: Universal Service in the Vineyard of Christ, Ph.D. thesis, New York, Fordham University, 1975.

SHEEHY, G. et al. (eds.), *The Canon Law: Letter and Spirit, A Practical Guide to the Code of Canon Law*, prepared by the CANON LAW SOCIETY OF GREAT BRITAIN AND IRELAND in association with the CANADIAN CANON LAW SOCIETY, Collegeville, MN, Liturgical Press, 1995.

SILVAS, A.M. (trans.), *The Rule of St. Basil in Latin and English: A Revised Critical Edition*, Collegeville, MN, Liturgical Press, 2013.

SKONIECZNY, P. (trans.), La buona fama: problematiche inerenti alla sua protezione in al can. 220 del Codice di diritto canonico latino, JCD thesis, Rome, Pontifical University of St. Thomas Aquinas, 2010.

SMITH, R., *Conscience and Catholicism: The Nature and Function of Conscience in Contemporary Roman Catholic Moral Theology,* Lanham, MD, University Press of America, 1998.

SMITH, W. (ed.), *Dictionary of Greek and Roman Antiquities*, Boston, C. Little and J. Brown, 1870.

SMITH, W.B., *Modern Moral Problems: Trustworthy Answers to Your Tough Questions*, D. HAGGERTY (ed.), San Francisco, CA, Ignatius Press, 2012.

SOLER, J.P and MONTES DE OCA VALERO, R. G., *Transparency and Secrecy Within the Catholic Church*, Downers Grove, IL, Midwest Theological Forum, 2022.

STEINMETZ, A., *History of the Jesuits: From the Foundation of Their Society to Its Suppression by Pope Clement XIV: Their Missions throughout the World, Their Educational System and Literature, with Their Revival and Present State*, London, Richard Bentley, 1848.

STERK, A., *Basil of Caesarea and the Rise of the Monastic Episcopate: Ascetic Ideals and Episcopal Authority in the Fourth Century Asia Minor,* Princeton, NJ, Princeton Theological Seminary, 1994.

SUAREZ, F., *Tractatus de religione Societatis Jesu,* Brussels, Typographi editoris, 1626.

_____, *Tractatus de religione Societatis Jesu,* Lugduni, Sumptibus Iacobi Cardon, 1625.

_____, *Tractatus de religione Societatis Jesu*, Brussels, Typographi editoris, 1857.

SULLIVAN, J. (ed.), *Carmelite Studies: Spiritual Direction,* Wellesley, MA, Christus Publishing, 2012.

SUSO, K.F. and J.T. LIENHARD, *With Greater Liberty: A Short History of Christian Monasticism and Religious Orders*, Kalamazoo, MI, Cistercian Publications, 1993.

TANNER, N.P. (ed. and trans.), *Decrees of the Ecumenical Councils*, Washington, DC. Georgetown University Press, 1990, 2 vols.

TAUNTON, E., *The Law of the Church: A Cyclopaedia of Canon Law for English Speaking Countries,* St. Louis, MO, Kegan Paul, Trench and Company Ltd, 1906.

THOMPSON, A.K., *Religious Confession Privilege and the Common Law,* Leiden, Martinus Nijhoff Publishers, 2011.

THORNTON, J.F. and S.B. VARENNE (eds.), *The Essential Pope Benedict XVI: His Central Writings and Speeches*, London, HarperCollins Publishers, 2007.

TONER, J.J., *A Commentary on Saint Ignatius' Rule for the Discernment of Spirits: A Guide to the Principles and Practice*, Chestnut Hill, MA, Institute for Advanced Jesuit Studies, 2011.

TYLENDA, N.J., *The Autobiography of Ignatius of Loyola*, San Francisco, CA, Ignatius Press, 1985.

UROFSKY, M.I. and D.W. LEVY (eds.), *Letters of Louis Brandeis: 1870-1907: Urban Reformer*, New York, State University of New York, 1971, 5 vols.

VERHEYEN, B., *Rule for Monasteries*: *The Holy Rule of St. Benedict of Nursia*, Atchison, KS, St. Benedict's Abbey, 1949.

VERMEERSCH, A., *Theologiae moralis principia, responsa, concilia*, Rome, Pontifical Gregorian University Press, 1945.

VERMEERSCH, N.A. and J. CREUSEN, *Epitome iuris canonici cum commentariis,* Paris, Descleé de Brouwer, 1954, 3 vols.

VOGÜÉ, A. DE, *The Rule of Saint Benedict: A Doctrinal and Spiritual Commentary,* Kalamazoo, MI, Cistercian Publications, 1983.

_____, *Saint Benedict: The Man and His Work*, G. MALSBARY (trans.), Petersham, MA, St. Bede Publications, 2001.

VORAGINE, J. DE., *The Golden Legend: Readings on the Saints*, W.G. RYAN (trans.), Princeton, NJ, Princetown University Press, 1993, 2 vols.

WARD, B. (trans.), *Harlots of the Desert: A Study of Repentance in Early Monastic Sources,* London, *Cistercian Studies Series,* 1987.

WARD, D.J., R. BRANIGAN, and M. FORMAN, *Monastics: Life and Law - Reflections of a Benedictine Canonist,* Collegeville, MN, American Benedictine Academy, 1998.

WATERWORTH, J. (ed. and trans.), *The Council of Trent: The Canons and Decrees of the Sacred and Oecumenical Council of Trent*, London, Dolman, 1848.

WEBB, C.J. (ed.), *Devotions of Saint Anselm, Archbishop of Canterbury*, London, Methuen and Company, 1903.

WELCH, R., Manifestation of Conscience in Religious Life and the Canonical Effects of the Use of Psychological Instruments: A Study of Canon 630 §5, JCD thesis, Rome, Pontifical University of St. Thomas Aquinas, 1998.

WETTER, I., *Mary Ward: Under the Shadow of the Inquisition*, Oxford, Way Books, 2006.

WIGMORE, J.H, *A Treatise on the Anglo-American System of Evidence in Trials at Common Law*, 3rd ed., Boston, MA, Little Brown and Company, 1961, 11 vols.

WIJLENS, M., *Theology and Canon Law: The Theories of Klaus Mörsdorf and Eugenio Corecco*, Lanham, MD, University Press of America, 1992.

WILKES, J.J., *Diocletian's Palace Split: Residence of a Retired Emperor*, Sheffield, University of Sheffield, 1986.

WILLIAM, R., *Confidentiality and the Clergy*, Harrisburg, PA, Morehouse, 1990.

WOESTMAN, W.H., *Ecclesiastical Sanctions and the Penal Process: A Commentary on the Code of Canon Law*, Ottawa, Faculty of Canon Law, Saint Paul University, 2003.

_____, *The Missionary Oblates of Mary Immaculate: A Clerical Religious Congregation with Brothers*, Ottawa, Faculty of Canon Law, Saint Paul University, 1995.

_____, *Sacraments: Initiation, Penance, Anointing of the Sick: A Commentary on Canons 840-1007*, 3rd ed., Ottawa, Faculty of Canon Law, Saint Paul University, 2004.

WOLTER, M., *The Principles of Monasticism*, B.A. SAUSE (ed. and trans.), London, B. Herder Book Company, 1962.

WORKMAN, H.B., *The Evolution of the Monastic Ideal from the Earliest Times Down to the Coming of the Friars: A Second Chapter in the History of Christian Renunciation*, Boston, MA, Beacon Press, 1913.

_____, *The Evolution of the Monastic Ideal from the Earliest Times Down to the Coming of the Friars: A Second Chapter in the History of Christian Renunciation*, London, Beacon, 1967.

WOODALL, G.J., *A Passion for Justice: An Introductory Guide to the Code of the Canon Law*, Herefordshire, Gracewing, 2011.

WORCESTER, T. (ed.), *The Cambridge Companion to the Jesuits*, New York, Cambridge University Press, 2008.

WORCESTER, T., M.C. ARMSTRONG, and J. CORKEY (eds.), *The Cambridge Encyclopaedia of the Jesuits*, Cambridge, Cambridge University Press, 2017.

WOYWOD, S., *The New Canon Law: A Commentary and Summary of the New Code of Canon Law*, New York, Joseph. F. Wagner, Inc., 1918.

WYNNE, E.A., *Traditional Catholic Religious Orders: Living in Community*, Oxford, Transaction Books, 1988.

YONG, T., Jesuit Leadership as Companionship in the Lord, Ph.D. thesis, Boston, MA, Boston School of Theology and Ministry, 2011.

YOUNG, J. W. (ed.), *Letters of St Ignatius of Loyola*, Chicago, IL, Loyola University Press, 1959.

ZELZER, K. (ed.), *Basili Regula: A Rufino Latine Versa*, Vienna, Hölder-Pichler-Tempsky, 1986.

ZIZIOULAS, J., *Communion and Otherness: Further Studies in Personhood and the Church*, London, T & T Clark, 2006.

ZUBACZ, J.G., *The Sacramental Seal of Confession and the Canadian Law,* Montreal, Wilson & Lafleur Limitée, 2009.

4. Articles

ALLEN, J.L., "1962 Document Orders Secrecy in Sex Cases: Many Bishops Unaware Obscure Missive Was in Their Archives," in *National Catholic Reporter*, 7 August 2003, https://www.nationalcatholicreporter.org/update/bn080703.htm, (30 December 2021).

ALLESANDRO, J.A., "Dismissal from the Clerical State in Cases of Sexual Misconduct: Recent Derogation," in *Canon Law Society of America Proceedings*, 56 (1994), 28-67.

AMIDON, P.R., "Papal Documents from the Early Years of the Society of Jesus in English Translation," in *Studies in the Spirituality of Jesuits,* vol. 52, no. 2 (2020), 14-18.

ANDERSON, C.C., "When Magisterium Becomes Imperium: Peter Damian on the Accountability of Bishops for Scandal," in *Theological Studies*, 65 (2004), 741- 766.

APPELBAUM, P., "Tarasoff and the Clinician," in *American Journal of Psychiatry*, 142 (1985), 425-429.

ARAUJO, R.J., "International Tribunals and Rules of Evidence: The Case for Respecting and Preserving the 'Priest-Penitent' Privilege Under International Law," in *American University International Law Review*, vol. 15, no. 3 (2000), 639-666.

ARMSTRONG, G.T., "Church and State Relations: The Changes Wrought by Constantine," in *Journal of Bible and Religion*, vol. 32, no. 1 (1964), 1-7.

ARRIETA, J.I., "The Internal Forum: Notion and Juridical Regime," in *Studia canonica*, 41 (2007), 27-45, 299.

BARTOLAC, V., "Recognition and Protection of Rights in Consecrated Life, Part II," in *Canon Law Society of America Proceedings*, 53 (1991), 180-189.

BAUER, N., "Three Perspectives on Obedience: Benedict of Nursia, Ignatius of Loyola and the 1983 Code of Canon Law," in *The Jurist*, 65 (2005), 55-97.

BEAL, J.P., "The Rights Stuff: Canon Law and the Rights of the Faithful," in *New Theology Review*, 7 (August 1994), 6-22.

_____, "The 1962 Instruction *Crimen sollicitationis*: Caught Red-Handed or Handed a Red Herring?" in *Studia canonica*, 41 (2007), 199-234.

BENTO DA SILVA, J., N. LLEWELLYN, and F. ANDERSON-GOUGH, "Oral-Aural Accounting and the Management of the Jesuit Corpus," in *Accounting, Organizations and Society*, 59 (2017), 44-57.

BEVILACQUA, A., "Confidentiality Obligation of Clergy from the Perspective of Roman Catholic Priests," in *Loyola Law Review*, 29 (1996), 1733-1746.

BIER, W.C., "Psychological Testing," in *Review for Religious*, 12 (1956), 291-304.

BLOUSTEIN, E., "Privacy as An Aspect of Human Dignity," in *New York University Law Review*, 39 (1964), 962-1007.

BORROMEO, A., art. "Gregorio XIV," in *Enciclopedia dei papi*, vol. 3, Rome, Istituto della Enciclopedia Italiana, 2000, 230-240.

BRADLEY, M., "The Evolution of the Right to Privacy in the 1983 Code: Canon 220," in *Studia canonica*, 38 (2004), 527-574.

BRATMAN, B., "Brandeis and Warren's 'The Right to Privacy and the Birth of the Right to Privacy'," in *Tennessee Law Review*, 69 (2002), 623-651.

BRAUN, H.E., "Jesuits as Counsellors in the Early Modern World," in *Journal of Jesuit Studies*, vol. 4, no. 2 (2017), 175-185.

BRETZKE, J.T., "Conscience and *Veritatis splendor* in the Church Today," in *Studia moralia*, vol. 55, no. 2 (2017), 271-295.

BREWER, D.S., "The Right of the Penitent to Release the Confessor from the Seal: Considerations in Canon Law and American Law," in *The Jurist*, 54 (1994), 424-476.

BROUILLARD, R., "Le secret dans la vie religieuse," in *Revue des communautés religieuses,* 3 (1927), 34.

BROWNE, M., "The Manifestation of Conscience," in *The Irish Ecclesiastical Record*, 64 (1934), 79-99.

BUCKLEY, M., "The Revision of our Law and of our Life," in *Promotio Iustitiae*, 56 (1994), 10-12.

_____, "Freedom, Election and Self-Transcendence: Some Reflections upon the Ignatian Development of a Life of Ministry," in G.P. SCHNER (ed.), *Ignatian Spirituality in a Secular Age,* Waterloo, Wilfred Laurier University Press, 1948, 68-82.

BUSH, T., "The Origins of Natural Rights Language, Texts and Context, 1150-1250," in *History of Political Thought,* vol. 10, no. 4 (1997), 615-646.

CARTWRIGHT, S., "Political Theology: The Call of heavenly Citizenship," in *The Journal of Ecclesiastical History*, vol. 67, no. 2 (2016), 241-264.

CALLAHAN, M.J., "Historical Inquiry into the Priest-Penitent Privilege," in *The Jurist*, 36 (1976) 329-337.

CALVO, R.R., "Admission to the Seminary and HIV Testing," in *Roman Replies and CLSA Advisory Opinions*, 1991, Washington, DC, Canon Law Society of America (1991), 72-75.

CASTELLI, E., "Virginity and Its Meaning for Women's Sexuality in Early Christianity,", in *Journal of Feminist Studies in Religion*, vol. 2. no. 1 (1986), 61-88.

CAMPBELL-JOHNSON, M., "Pedro Arrupe Remembered," in *The Way,* 51 (2012), 77-89.

CHIFFOLEAU, J., "'Ecclesia de occultis non iudicat'? L'Église, le secret, l'occulte du XII au XV siècle," in *Micrologus,* 14 (2006), 359-481.

CHLAPOWSKI, F.S., "The Constitutional Protection of Informational Privacy," in *Boston University Law Review,* 71 (1991), 133-160.

CIAPPARA, F., "Trent and the Clergy in the Late Eighteenth Century Malta," in *Church History,* vol. 78. no. 1 (2009), 1-25.

CITO, D., "The New Delicta Graviora Laws," in *Ave Maria International Journal,* 1 (2011), 90-116.

CLARK, E.A., "John Chrysostom and the *Subintroductae*," in *Church History,* vol. 46. no. 2 (1977), 171-185.

_____, "Jerome, Chrysostom and Friends: Essays and Translations," in *Studies in Women and Religion,* 2 (1979), 164-208.

CODINA, G., "Our Way of Proceeding in Education: The Ratio Studorium," in *Jesuit Institute London,* 1 (2017), 1-17.

COGAN, P., "The Sacrament of Reconciliation: Issues, Praxis and the Future," in *Canon Law Society of America Proceedings,* 66 (2004), 89.

COLE, W.A., "Religious Confidentiality and the Reporting of Child Abuse: A Statutory and Constitutional Analysis," in *Columbia Journal of Law and Social Problems,* 21 (1987), 1-51.

COLEIRO, E., "Monasticism in St. Jerome's Letters and Lives of the Hermits," in *Merita theologica,* vol. 11, no. 3 (1957), 1-30.

COLUMBA, S., "The Desert Fathers on Radical Self-Honesty," in Vox Benedictina: *A Journal of Translations from Monastic Sources,* 8 (1994), 7-54.

COTTER, E., "Canon 631 and the Juridic Act," in V.G. D'SOUZA (ed.), *In the Service of the Truth and Justice: Festschrift in Honour of Prof. Augustine Mendonça, Professor Emeritus*, Bangalore, St. Peter's Pontifical Institute, 2008, 365-388.

CORIDEN, J., "A Challenge: Make the Rights Real," in *The Jurist,* 47 (1985), 1-23.

_____, "Reflections on Canonical Rights," in J. PROVOST and K. WALF (eds.), *Studies in Canon Law,* Leuven, Leuven University Press, 1991, 21-36.

COUGHLING, J. J., "Separation, Cooperation, and Human Dignity in Church-State Relations," in *The Jurist,* 73 (2013), 539-554.

COUPEAU, J.C., "The Constitutions of the Society of Jesus: The Rhetorical Component," in *Studies in the Spirituality of Jesuits,* 14 (2004), 199-208.

COX, M.P., "A Walk-Through Section 552 of the Administrative Procedure Act: The Freedom of Information Act; The Privacy Right and the Government in the Sunshine Act," in *University of Cincinnati Law Review*, 46 (1977), 969-987.

CREECH, C.D., "The Clergy-Communicant Privilege: Blessed Are the Meek, for They Shall Remain Silent," in *North Carolina Law Review*, 65 (1987), 1390-1408.

DALY, B., "The Instruction Crimen Solicitationis on the Crime of Solicitation: Confusion or Cover-up of Pedophilia?" in *The Canonist*, 7 (2016), 10-30.

_____, "Power of Governance in the Internal Forum and the External Forum," in *The Canonist,* 6 (2014), 44-64.

DARMANIN, A., "Governance in the Society of Jesus: What's New?" in *Review of Ignatian Spirituality*, 119 (2008), 70-77.

_____, "Ignatian Spirituality and Leadership in Organizations Today," in *Review of Ignatian Spirituality,* 109 (2005), 1-14.

DAVIES, P.S., "The Origin and Purpose of the Persecution of A.D. 303," in *The Journal of Theological Studies*, vol, 40, no. 1 (1989), 66-93.

DECOSSE, D., "The Primacy of Conscience, Vatican II, and Pope Francis: The Opportunity to Renew Tradition," in P. Crowley (ed.), *From Vatican II to Pope Francis: Creating a Catholic Future,* New York, Maryknoll, Orbis, (2014), 156-169.

DELICATA, N., "Amoris Laetitia and Veritatis Splendor on the Object of the Act," in *Melita Theologica*, 67 (2017), 237-265.

DILLON, E., "Confidentiality of Ecclesiastical Records," in *The Catholic Lawyer*, 30 (1986), 177-197.

DONNELLEY, J.P., "New Religious Orders for Men," in R. PO-CHIA HSIA (ed.), in *The Cambridge History of Christianity: Reform and Expansion 1500-1660,* Cambridge, Cambridge University Press, 2007, 162-179.

DONZE, C., "Breaking the Seal of Confession: Examining the Constitutionality of the Clergy-Penitent Privilege in Mandatory Reporting Law," in *Louisiana Law Review*, 78 (2017), 267-310.

DOUGHTY, R., The Confidentiality of HIV-Related Information: Responding to the Resurgence of Aggressive Public Health Interventions in the AIDS Epidemic," in *California Law Review*, vol. 82, no. 1 (1994), 111-184.

DOYLE, T., "The 1922 Instruction and the 1962 Instruction *Crimen Solicitationis* Promulgated by the Vatican," 3 October 2008, http://www.awrsipe.com/doyle/2008/2008-10-03-Commentary-on-1922-and-1962-documents.pdf (31 December 2021).

D'SOUZA, L., "Whither Jesuit Leadership," in *General Curia of the Society of Jesus*, 4 (2005), 12-23.

_____, "Governance in a New Key," in *Promotio Iustitiae*, 98 (2008), 21-25.

DUMEIGE, A., "Gradus in Societate Iesu iuxta S. Ignatium de Loyola necnon iuxta posteriorum evolutionem historicam," in *Periodica de re canonica,* 80 (1991), 265-309.

DYAN, E., "Alternative Intimacies: Men, Women and Spiritual Direction in the Twelfth Century," in S. FANOUS and LEYSER, H., *Christina of Markyate: A Twelfth Century Holy Woman*, London, Routledge, 2004, 160-183.

_____, "Women and Confession: From Empowerment to Pathology," in ERLE M.C. and M. KOWALESKI (eds.), *Gendering the Master Narrative: Women and Power in the Middle Ages*, New York, Cornwell University Press, 2003.

ELLIS, A.C, "Superiors and the Manifestation of Conscience," in *Review for Religious,* 2 (1943), 101-108.

ELIOT, R.R., "The Society of Jesus as Originally Formed and Approved by Pope Paul III," in *The American Catholic Quarterly Review*, 24 (1904), 510-534.

ELSBERND, M., "The Reinterpretation of Gaudium et Spes in Veritatis Splendor," in *Horizons,* 29 (2002), 224-239.

EUART, S.A., "Religious Institutes and the Juridical Relationship of Members of the Institute," in *The Jurist,* 51 (1991), 103-118.

_____, "Reflections on the Code's Response to the Council's Call for Unity in Diversity," in *Canon Law Society of America Proceedings*, 56 (1994), 11.

EZHAKUNNEL, F., "Performance Appraisal in the Society of Jesus," in *Ignatian Spirituality (South Asia)*, vol. 45, no. 2, 2015, 51-64.

FISHER, A., "Safeguarding the Seal of Confession," in *The Australasian Catholic Record*, vol. 95, no. 2 (2018), 131-151.

FIORITO, M.A., "St. Ignatius' Intuitions on Obedience and Their Written Juridical Expression: The Superior's Decision Ought Not to Be Isolated," in *Woodstock Letters,* vol. 95, no. 2 (1966), 137-143.

FLORES, M.P., "The Superior General of the Congregation of Mission and of the Daughters of Charity," in *Vincentian Heritage Journal,* vol. 5, no. 2 (1984), 1-36.

FORD, J.C., "Manifestation of Conscience," in *Archives of the New England Province of the Society of Jesus,* Box 10, Folder 7 (1942-1962), Folder 8 (1930-1949), Folder 9 (1944-1963), Folder 11 (1943-1963).

_____, "Paternal Governance and Filial Confidence in Superiors," in *Review for Religious,* 2 (1943), 146-155.

_____, "Religious Superiors, Subjects and Psychiatrists," in *Archives of the New England Province of the Society of Jesus,* Box 11, Folder 6 (undated).

FREEMAN, E., "Fourth Lateran Council of 1215, the Prohibition Against New Orders and Religious Women," in *The Journal of Medieval Religious Cultures,* vol. 44, no. 1 (2018), 1-23

FRIEDRICH, M., "Circulating and Compiling the *Litterae Annuae*: Towards a History of the Jesuit System of Communication," in *Archivum Historicum Societatis Iesu,* 2008, 1-39.

_____, "Governance in the Society of Jesus 1540-1773: Its Methods, Critics and Legacy Today," in *Studies in the Spirituality of Jesuits,* vol. 41, no. 1 (2009), 1-42.

_____, "Government and Information Management in Early Modern Europe: The Case of the Society of Jesus (1540-1773)," in *Journal of Early Modern History,* 12 (2008), 539-563.

_____, "Ignatius' Governing and Administrating the Society of Jesus," in R.A. MARYKS, *A Companion to Ignatius of Loyola: Writings, Spirituality, Influence,* Leiden, Brill, 2014, 130-133.

FUTRELL, J.C., "Ignatian Discernment," in *Studies in the Spirituality of Jesuits,* vol. 2, no. 2 (1970), 47-49.

GALANTE, J., "The Relationship of the Diocesan Bishop and Institutes of Pontifical Right," in *Canon Law Society of America Proceedings,* 56 (1994), 90-96.

GALLAGHER, C., "The Church and the Institutes of Consecrated Life," in *The Way Supplement,* 50 (1984), 3-15.

GANSS, E. G., "Toward Understanding the Jesuit Brother's Vocation, Especially as Described in the Papal and Jesuit Documents," in *Studies in the Spirituality of Jesuits,* vol. 13, no. 3 (1981), 1-61.

GAVIN, E.J., "Membership: Fully Incorporated Members," in *Procedural Handbook for Institutes of Consecrated Life and Societies of Apostolic Life,* Washington DC, Catholic University of America, 2001, 111-133.

GEARY, P.F., "Confidentiality of Chancery Documents," in *The Catholic Lawyer,* 24 (1978-1979), 246-250.

GEGER, B.T., "*Cura Personalis*: Some Ignatian Inspirations," in *Jesuit Higher Education,* vol. 3, no. 2 (2014), 6-20.

GEISINGER, R., "Religious Authority in the Society of Jesus," in *Angelicum,* 85 (2008), 965-973.

GERHARTZ, J., "The Fourth Vow in Respect of Missions and Its Influence on the Constitutions: An Historico-Canonical Enquiry," in *Constitutions of the Society of Jesus: Incorporation of a Spirit,* Rome, Secretariatus Spiritualitatis Ignatianae, 1993, 75-103.

GILL, J.J., "A Jesuit's Account of Conscience: For Personal and Organizational Effectiveness," in *Studies in the Spirituality of Jesuits*, vol. 9, no. 5 (1977), 249-275.

GLANCY, D.J., "The Invention of the Right to Privacy," in *Arizona Law Review,* vol. 21, no. 1 (1979), 1- 39.

GODKIN, E.L., "The Rights of the Citizen: IV.-To His Own Reputation," in *Scribner's Magazine*, 65 (1890), 58-68.

GOERING, J., "The Internal Forum and the Literature of Penance and Confession," in W. HARTMANN, and K. PENNINGTON (eds.), *The History of Medieval Canon Law in the Classical Period, 1140-1234: From Gratian to the Decretals of Pope Gregory IX,* Washington, DC, Catholic University of America Press, 2008, 379-428.

_____, "The Origins of Monasticism," in *Ascetics, Society and the Desert: Studies in Early Egyptian Monasticism*, Harrisburg, PA, Trinity Press International, 1999, 13.

GOYENECHE, S., "Consultationes," in *Commentarium pro religiosis,* 5 (1924), 154-166.

GRAY, H.J., "An Experience in Ignatian Government: Letters to a New Rector," in *Studies in the Spirituality of Jesuits*, vol. 14, no. 4 (1982), 5-37.

GREENAWALT, K., "The Use of Religious Convictions by Legislators and Judge," in *Journal of Church and State*, 36 (1994), 541-555.

GREINACHER, N., "Human Rights and Christian Rights," in *Concilium,* vol. 155, no. 5 (1982), 40-50.

GRIFFITHS, F.J., "The Cross and the *Cura monilium*: Robert of Arbrissel, John the Evangelist, and the Pastoral Care of Women in the Age of Reform," in *Speculum: A Journal of Medieval Studies,* vol. 83. no. 2 (2008), 303-330.

GUENTER, L., "The Struggle for Constitutional Government in the Early Years of the Society of Jesus," in *Church History,* vol. 29, no. 2 (1960), 141–160.

GUTIERREZ, A., "The New Code of Canon Law and the Internal Law of Institutes of Consecrated Life," in *Consecrated Life*, 9 (1983), 81-97.

_____, "De *manifestatione conscientiae et directione spirituali in religione*," in *Commentarium pro religiosis et missionariis*, 34 (1955), 153-174.

HALPERN, S.W., "The 'Inviolate Personality'- Warren and Brandeis After One Hundred Years: Introduction to a Symposium on the Right to Privacy," in *Northern Illinois University Law Review*, 10 (1990), 387-399.

HANIGAN, J.P., "Conscience and the Holy Spirit," in *Catholic Theological Society of America Proceedings,* 51 (1996), 227-246.

HANSEN, C., "Newman, Conscience and Authority," in *New Blackfriars,* 92 (2011), 209-223.

HANSLIK, R., (ed.), Benedicti Regula, vii, 42, in *Corpus scriptorium ecclesiasticorum latinorum,* 75 (1960), 47.

HARMAN, J., "The Power of Confession: Mandatory Reporting, Confession and the Evidence Act," in *Alternative Law Journal,* 38 (2013), 213-239.

HARVANEK, R.F., "The Status of Obedience in the Society of Jesus," in *Studies in the Spirituality of Jesuits,* vol. 10, no. 4 (1978), 169-214.

HEREFORD, A., "Records Management and Archives of Religious Institutes," in *Religious Law and Consultation*, 2019, http://www.ahereford.org/subscription/post/newsletter93 (1 June 2022).

HILL, R., "Screening Candidates: The Need to Know," in *Review for Religious,* 45 (1986), 461.

HILL, R. and V. BARTOLAC, "Recognition and Protection of Rights in Consecrated Life," in *Canon Law Society of America Proceedings,* 57 (1995), 180-189.

HILLMAN, J., "Soul Mates and Collaborators: Spiritual Direction in Late Medieval and Early Modern Europe," in *History Compass*, vol. 13, no. 9 (2015), 476-484.

HOGAN, E.A., "A Modern Problem on the Privilege of the Confessional," in *Loyola Law Review*, 6 (1951), 1-15.

HUANG, D.P., "Report from Nairobi: Reflections on the Jesuit Identity From the 70th Congregation of Procurators," 31 July 2012, in *International Colloquium on Jesuit Higher Education*, 1-10.

HULME, J., "Vindicating Reputation: An Alternative to Damages as a Remedy for Defamation," in *The American University Law Review*, 30 (1981), 375-414.

HUSSEY, J.M. "Historical Revision: 89 – Byzantine Monasticism," in *New Series*, vol. 24, no. 93 (1939), 57-62.

INTERNATIONAL THEOLOGICAL COMMISSION, "Human Dignity and Human Rights," in *Gregorianum*, 65 (1984), 231-481.

INGELS, G., "Protecting the Right to Privacy When Examining Issues Affecting the life and Ministry of Clerics and Religious," in *Studia canonica*, 34 (2000), 439-466.

IOPPOLO, D.K., "Civil Law and Confidentiality," in *Confidentiality in the United States of America: A Legal and Canonical Study*, Washington, DC, Canon Law Society of America, (1988), 3-45.

IVERS, W.N., "When Must a Priest Report under a Child Abuse Reporting Statute? – Resolution to the Priest's Conflicting Duties," in *Valparaiso Law Review*, 21 (1987), 431-465.

JACKSON, C.J., "One and the Same Vocation: The Jesuit Brother 1057 to the Present; A Critical Analysis," in *Studies in the Spirituality of Jesuits*, vol. 30, no. 5 (1998), 1-38.

JARAMILLO, E., "Are there Canonical Implications in the Post-Synodal Apostolic Exhortation Amoris Laetitia?' in *Canon Law Society of America Proceedings*, 78 (2016) 229-247.

JARRELL, L., "The Development of Legal Structures for Women Religious Between 1500-1900: A Study of Selected Institutes of Religious Life for Women," in *U.S Catholic Historian: Women Religious Historical Explorations* vol. 10. no. 1/ 2 (1991/1992), 25-35.

JENKINS, R.E., "Defamation of Character in Canonical Doctrine and Jurisprudence," in *Studia canonica*, 36 (2002), 419-462.

JEROME, SAINT., Letter to Eustochium, 383-384, in *Sancti Eusebii Hieronymi Epistulae*, in *Corpus Christianorum Series Latina,* Vienna, F. Tempsky (1910-1918), 54-56.

JOHN JAY COLLEGE OF CRIMINAL JUSTICE, The Nature and Scope of Sexual Abuse of Minors by Catholic Priests and Deacons in the United States, 1950-2002: A Research Study Conducted by the John Jay College of Criminal Justice, Washington, DC, United States Conference of Catholic Bishops, 2004.

JOHNSON, M., "Psychology and the Seminarian: Historical Development and Praxis in the United States," in *The Jurist*, 76 (2016), 531-580.

JURADO, M.R., "Nadal y Polanco sobre la Fórmula del Instituto de la Compañía de Jesús," in *Acta Historicum Societatis Jesu*, 47 (1978), 225-239.

KAPTIJN, A., "Submission of the Will and the Violation of the Vow of Obedience: Contributions to the Discussion of Canon 601," in *The Jurist,* 56 (1996), 307-337.

KARDONG, T., "The Abbot as Leaders," in *American Benedictine Review*, 42 (1991), 53-72.

KASPER, W., "The Theological Foundations of Human Rights," in *The Jurist,* 50 (1990), 148-166.

KEENAN, J.F., "Are Informationes Ethical?" in *Studies in the Spirituality of the Jesuits,* vol. 29, no. 4 (1997), 1-33.

_____, "Confidentiality, Disclosure and Fiduciary Responsibility," in *Theological Studies,* 54 (1993), 152-159.

_____, "HIV Testing of Seminary and Religious-Order Candidates," in *Review for Religious,* 55 (1996), 297-314.

_____, "Receiving *Amoris Laetitia*," in *Theological Studies,* 78 (2017), 193-212.

_____, "Redeeming Conscience," in *Theological Studies*, 76 (2015), 129-147.

KELLY, C.M., "The Role of the Moral Theologian in the Church: A Proposal in Light of *Amoris Laetitia*," in *Theological Studies*, 77 (2016), 922-948.

KNIGHT, D.B., "Joy and Discernment in Religious Obedience," in *Studies in the Spirituality of the Jesuits*, vol. 6, no. 3 (1974), 131-169.

KRAMER I.R., "The Birth of Privacy Law: A Century Since Warren and Brandeis," in *Catholic University Law Review*, vol. 39, no. 3 (1990), 703-724.

KURUMBATH, S., "The Canonical Basis of Statutes and Constitutions of Religious Institutes according to *CCEO* and *CIC*," in *Eastern Legal Thought,* vol. 9, no. 10 (2010-2011), 124-172.

LARRAONA, A., "Commentarium Codicis," in *Commentarium pro religiosis*, 12 (1931), 119-130.

LEBLANC, C. M-A. NADON and E. FORFUES-BUNDOCK, "The Journalist-Source Privilege in Quebec Civil Law: Globe and *Mail v. Canada* (Attorney General)," in *Supreme Court Law Review*, 54 (2011), 273-306.

LEORNANDO, F., "From Fleeing Away from People to Seeking Their Company," in *Ignatian Spirituality (South Asia),* vol. 55, no. 2 (2015), 16-38.

LEWIS, M., "The State of the Society of Jesus in the New Millennium: A Historical View," in *Review of Ignatian Spirituality,* vol. 3, no. 107 (2004), 1-10.

_____, "Unfinished Business: The Spiritual Coadjutor in the Society of Jesus Today," in *Studies in the Spirituality of Jesuits,* vol. 47, no. 3 (2015), 1-19.

LINDSAY, J.R., "Privileged Communications Part 1: Communications with Spiritual Advisors," in *Northern Ireland Legal Quarterly,* 13 (1959), 160-172.

LINSCOTT, M., "Basic Governance Structures in Religious Institutes," in *Review for Religious*, 49 (1990), 928-932.

_____, "Leadership, Authority and Religious Government," in *Review for Religious,* 52 (1993), 188-190.

_____, "The Service of Religious Authority: Reflections on Government in the Revision of Constitutions," in *Review for Religious*, 42 (1983), 197-217.

LOPEZ-GALLO, P., "Are Confidential Communications Protected by Common Law Privilege?" in *Monitor Ecclesiasticus*, 121 (1996), 305-324.

LOUISELL, D.W., "Confidentiality, Conformity and Confusion: Privileges in Federal Court Today," in *Tulane Law Review*, 31 (1956), 101-124.

LUKACS, L., "De diversitate gradum inter sacerdotes in Societate Iesu," in *Archivum Historicum Societatis Iesu,* vol. 37, no. 74 (1968), 237-316.

LUSCOMBE, D., "From Paris to the Paraclete: The Correspondence of Abelard and Heloise," in *The Proceedings of the British Academy*, 74 (1988), 247-283.

LUSVARDI, A.R., "The Law of Conscience: Catholic Teaching on Conscience from Lei XIII to John Paul II," in *Logos: A Journal of Catholic Thought and Culture*, vol. 15, no. 2 (2012), 13-41.

LUX-STERRITT, L., "An Analysis of the Controversy Caused by Mary Ward's Institute in the 1620s," in *Recusant History*, 25 (2001), 636-647.

LYNCH, J.J., "Notes on Moral Theology," in *Weston College Theological Studies*, vol. 14, no. 3 (1962), 233-265.

MACCARRONE, A., "Riforma e sviluppo della vita religiosa con Innocenzo III," in *Rivista di storia della chiesa in Italia*, 16 (1962), 29-72.

MACINTYRE, A., "The Splendor of the Truth," in *The Thomist*, 58 (1994), 171-195.

MAHER, M., "Confession and Consolation: The Society of Jesus and it's Promotion of the General Confession," in K.L. LUALDI and A.T. THAYER (eds.), *Penitence in the Age of Reformation*, Aldershot, Ashgate, 2000, 184-200.

MAKOWSKI, E., "Cloister Contested: *Periculoso* as Authority in Late Medieval Consilia," in *The Jurist*, 71 (2011), 334-348.

MARKUS, F., "Governance in the Society of Jesus 1540-1773: Its Methods, Critics and Legacy Today," in *Studies in the Spirituality of Jesuits*, vol. 41, no. 1 (2009), 3-42.

MAROUF, H., "Remembering and Forgetting: A Postmodern Interpretation of the Origins of the 'Right of Privacy'," in *Journal of Communication Inquiry*, vol. 19, no. 2 (1995), 33-49.

MARYKS, R.A., "The Jesuit Order as a 'Synagogue of Jews': Discrimination against Jesuits of Jewish Ancestry in the Early Society of Jesus," in *Archivum Historicum Societatis Iesu*, 78 (2009), 156-177.

MARTIN, J. and P. LEWIS, "Veil of Privilege or Cover-Up?" in *The Seattle Times*, 15 December 2005, https://archive.seattletimes.com/archive/?date=20051215&slug=sundborg15m, (12 December 2021).

MAYER, J.E., "Striking Down the Clergyman-Communicant Privilege Statutes: Let Free Exercise of Religion Govern," in *Indiana University Law Journal*, vol. 62, no. 2 (1987), 397-423.

MCCORMICK, R.A., "Notes on Moral Theology," in *Weston College Theological Studies*, vol. 26, no. 4 (1965), 596-660.

MCDERMOTT, R., "External and Internal Reconfiguration of Religious Institutes (cc. 581-582)," in *Commentarium pro religious et missionariis,* vol. 86, no. 3 (2005), 59-72.

_____, "Governance in Religious Institutes: Structures of Participation and Representations Canons 631-633," in *The Jurist*, 69 (2009), 442-471.

MCDONOUGH, E., "The Evangelical Counsel of Obedience: Background and Development," in *Review for Religious*, 57 (1998), 434-546.

_____, "The Evangelical Counsel of Obedience: Concrete Expression and Practical Consequences," in *Review for Religious,* 57 (1998), 650-655.

_____, "The Evangelical Counsel of Obedience: Key Current Legislation," in *Review for Religious,* 57 (1998), 541-542.

_____, "The Protection of Rights in Religious Institutes", in *The Jurist*, 46 (1986), 164-204.

_____, "The Troubling Religious: Further Considerations," in *Review for Religious,* 49 (1990), 618-624.

MCKENNA, K., "Confidential Matters and the Secret Archives," in *Studia canonica,* 26 (1992), 401-412.

MCLACHLIN, B., "Confidential Communications and the Law of Privilege," in *University of British Columbia Law Review*, 2 (1977), 266-284.

MCMONAGLE, M.X., "The Service of Authority: The Abbot in the Rule of Benedict," in *Cistercian Studies* 17 (1982), 316-337.

ONG, K.M.E., "The Revised Canons 1390 and 1391: The Impact on the Rights to Good Reputation and Privacy," in *The Canonist*, 13 (2022), 36-48.

MERTON, T., "The Spiritual Father in the Desert Tradition," in *Contemplation in a World of Action,* Notre Dame, IN, University of Notre Dame Press, 1978, 269-293.

MESZAROS, J.C., "Procedures of Administrative Recourse," in *The Jurist*, 46 (1986), 107-141.

MICHAEL, S., "The Pastor on the Witness Stand," in *The Catholic Lawyer,* 29 (1984), 1-21.

MILLER, A., "Personal Privacy in the Computer Age: The Challenge of a New Technology in an Information-Oriented Society," in *Michigan Law Review*, vol. 67, no. 6 (1969), 1091-1246.

_____, "The New Technology's Threat to Personal Privacy," in *Assault on Privacy*, Ann Arbor, MI, University of Michigan Press, 1971.

MIRANDA, D.M., "A New Configuration for the Society of Jesus: Our Institute in the Face of Socio-Cultural Changes," in *Review of Ignatian Spirituality*, 125 (2010), 40-53.

MITCHELL, M.H., "Must Clergy Tell? Child Abuse Reporting Requirements Versus the Clergy Privilege and Free Exercise of Religion," in *Minnesota Law Review*, 71 (1987), 723-825.

MODDE, M., "Governance in Institutes of Consecrated Life," in *Canon Law Society of America Proceedings*, 43 (1981), 184-193.

MONGINI, G., "Per un profilo dell'eresia gesuitica: La Compagnia di Gesù sotto processo," in *Alle origini della Compagnia di Gesù*, special issue in *Rivisita storica italiana*, vol. 117, no. 1 (2005), 26-63.

MORRISEY, F., "Confidentiality, Archives and Records Management," in *Catholic Archives*, 26 (2006), 10-31.

_____, "Issues of Confidentiality in Religious Life," in *Bulletin on Issues of Religious Life*, vol. 4, no. 1 (1988), 1-10.

_____, "Papal and Curial Pronouncements: Their Canonical Significance in Light of the 1983 Code of Canon Law," in *The Jurist*, 50 (1990), 102-125.

MÖRSDORF, K., "Der Rechtscharakter der *iurisdictio fori interni*," in *Münchener Theologische Zeitschrift*, vol. 8, no. 3 (1957), 161-173.

MOSKOWITZ S. and M.J. DEBOER, "When Silence Resounds: Clergy and the Requirement to Report Elder Abuse and Neglect," in *DePaul University Law Review*, 49 (1999), 1-84.

MULLANEY, M., "*Graviora delicata:* The Duty to Report Clerical Sexual Abuse to the Congregation for the Doctrine of the Faith," in *Irish Theological Quarterly*, 68 (2003), 291-295.

MÜLLER, W.P., "The Internal Forum of the Later Middle Ages: A Modern Myth?" in *Law and History Review*, vol. 33, no. 4 (2015), 887-913.

NADAL, J., *Hieronymi Nadal orationis observationes*, M. NICOLAU (ed.), Rome, Institutum Historicum Societatis Iesu, 1964.

NICETAS-STENTHATUS, *Vita Symeonis junioris*, I. HAUSHER and G. HORN (eds.), *Orientalia Christiana*, vol. 12, no. 45 (July-August 1928), 18-32.

NORTON, M.P., "A New Form of Religious Community Government," in *Review for Religious,* 28 (1969), 907-909.

NUZZO, J.J.L., "The Rule of Saint Benedict: The Debates Over the Interpretation of an Ancient Legal and Spiritual Document," in *Harvard Journal of Law and Public Policy,* vol. 20, no. 3 (1997), 867-886.

O'BRIEN, R.W., "Absence and Departure from the Cloister," in *The Jurist*, vol. 15, no. 4 (1955), 359-373.

O'COLLINS, G., "The Joy of Love *Amoris Laetitia*: The Papal Exhortation in Its Context," in *Theological Studies*, 77 (2016), 905-921.

OMBRES, R., "Confidentiality in Church and State," in *Canon Law Society Newsletter,* 101 (1995), 68-70.

_____, "L'autorità religiosa nei Frati Predicatori come ordine mendicante," in *Angelicum,* 85 (2008), 947-963.

_____, "The Right of Religious to Confidentiality," in *Canon Law Society Newsletter*, 104 (1995), 40-44.

O'MALLEY, W.J., "Five Missions of the Jesuit Charism, Content and Method," in *Studies in the Spirituality of Jesuits,* vol. 38, no. 4 (2006), 19-21.

_____, "The Fourth Vow and Its Ignatian Context: A Historical Study," in *Studies in the Spirituality of Jesuits*, vol. 15, no. 1 (1983), 1-59.

_____, "The Historiography of the Society of Jesus: Where Does It Stand Today?" in J. O'MALLEY, A. BAILEY, and F. KENNEDY (eds.), *The Jesuits, Culture, Sciences and Arts, 1540-1773*, Toronto, University of Toronto Press, 1999, 3-37.

OPOKU, F., "Constantine and Christianity: The Formation of Church-State Relations in the Roman Empire," in *Ilorin Journal of Religious Studies*, vol. 5, no. 1 (2015), 17-34.

ÖRSY, L.M., "Fundamental Rights in the Church: Personal Report on the Convention of the International Association for the Study of Canon Law," in *The Jurist,* 41 (1981), 181-184.

_____, "Government in Religious Life," in *The Way Supplement,* 2 (1966), 90-107.

_____, "Some Questions about the Purpose and Scope of the General Congregation," in *Studies in Spirituality of Jesuits*, vol. 4, no. 3 (1972), 85-113.

_____, "Towards a Theological Evaluation of Communal Discernment," in *Studies in the Spirituality of Jesuits,* vol. 5, no. 5 (1973), 139-86.

PADBERG, J.W., "The Society True to Itself: A Brief History of the 32nd General Congregation of the Society of Jesus," in *Studies in the Spirituality of Jesuits*, vol. 15, nos. 3 and 4 (1983), 1-106.

PARIS, J.J. and M. P. MOORE, "The Role of Conscience in the Delivery of Health Care,' in D. E. DECOSSE and T. A. NAIM (eds.), *Conscience and Catholic Health Care: From Clinical Contexts to Government*, Maryknoll, New York, Orbis Books, 2017.

PATI, R., "Rights and Their Limits: The Constitution for Europe in International and Comparative Perspective," in *Berkeley Journal of International Law*, 23 (2005), 268-296.

PAUL, D., "Confidentiality and the Pastoral Minister," in *The Journal of Pastoral Care*, 45 (1991), 61-69.

PETKOFF, P., "*Forum internum* and *forum externum* in Canon Law and Public International Law, with a Particular Reference to the Jurisprudence of the European Court of Human Rights," in *Religion and Human Rights*, 7 (2012), 183-214.

POST, J.R., "The Novice Master and Secrecy," in *Review for Religious*, 15 (1956), 11-21.

PROSSER, W.L., "Privacy," in *California Law Review*, 48 (1960), 338-423.

PROVOST, J., "Promoting and Protecting the Rights of Christians: Some Implications for Church Structure," in *The Jurist*, 46 (1986), 289-342.

PROVOST, J., "The Nature of Rights in the Church," in *Canon Law Society of America Proceedings*, 53 (1991), 1-18.

_____, "Rights in Canon Law: Real, Ideal or Fluff?" in *Canon Law Society of America Proceedings*, 61 (1999), 317-342.

QUATTRONE, P., "Accounting for God: Accounting and Accountability Practices in the Society of Jesus, XVI-XVII Centuries," in *Accounting, Organizations and Society*, 29 (2004), 647-683.

_____, "Governing Social Orders, Unfolding Rationality and Jesuit Accounting Practices: A Procedural Approach to Institutional Logics," in *Administrative Science Quarterly*, 60 (2015), 411-445.

R. v. GRUENKE, SCR, 1991, 263-316, https://scc-csc.lexum.com/scc-csc/scc-csc/en/item/802/index.do (8 June 2022).

RACHELS, J. "Why Privacy is Important," in *Philosophy and Public Affairs*, vol. 4, no. 4 (1975), 323-333.

RAHNER, K. and E. W. GEISSMAN, "Reflections on Obedience: A Basic Ignatian Concept," in *Cross Currents,* 10 (1960), 363-373.

RAMBLA, J.M. and J.M. LOZANO (eds.), "Apostolic Discernment in Common: Basic Texts of the Society of Jesus," in *Guides,* 13 (2020), 1-104.

RATZINGER, J., "Conscience and Truth," in J. RATZINGER, *Values in a Time of Upheaval: Meeting the Challenges of the Future,* San Francisco, CA, Ignatius Press, 2007.

_____, "Keynote Address of the Tenth Bishops' Workshop of the National Catholic Bioethics Centre on 'Catholic Conscience: Foundation and Formation'," February 1991, in *On Conscience: Two Essays by Joseph Ratzinger*, Libreria editrice Vaticana, 1991, 11-42.

REGAN, R.E. and J.T. MACARTNEY, "Professional Secrecy and Privileged Communications," in *The Catholic Lawyer,* 2 (1956), 3-14.

REHG, W., "The Value and Viability of the Jesuit Brother's Vocation: An American Perspective," in in *Studies in the Spirituality of Jesuits,* vol. 40, no. 4 (2008), 1-39.

REITES, J.W., "St. Ignatius of Loyola and the Jews," in *Studies in the Spirituality of Jesuits,* vol. 13, no. 4 (1981), 1-48.

RINERE, E., "The Individual's Right to Confidentiality," in P. COGAN (ed.), *Bulletin on Issues of Religious Law*, Washington, DC, Canon Law Society of America, 1997, 142-147.

RISK, J.E., "A Bill of Rights for Religious," in *Review for Religious,* 5 (1946), 85-91.

ROBINSON, P., "Rule of St. Francis," in R. PASCAL (ed.), *The Writings of St. Francis of Assisi*, Philadelphia, PA, 1906.

ROSENWEIN, B.H. and L.K. LITTLE, "Social Meaning in the Monastic and Mendicant Spiritualities," in The *Past and Present Society*, no. 63 (1974), 4-32.

ROSS, B.S., "Confidentiality, Privacy and Disclosure in and out of the Courtroom: The American Experience," in *Trusts and Trustees,* vol. 21, no. 1&2 (2015), 206-215.

ROSS, S.J., "Information Security Matters: Secrecy and Privacy," in *ISACA Journal*, 2021, vol.1, https://www.isaca.org/resources/isaca-journal/issues/2021/volume-1/secrecy-and-privacy (12 August 2022).

ROTSAERT, M., "Obedience in the Life of the Society of Jesus," in *Review of Ignatian Spirituality*, vol. 11, no. 120 (2009), 26-36.

_____, "Continuity and Innovation: The Thirty-Fourth General Congregation of the Society of Jesus (1995)," in *The Way* (1995), 124-132.

RUDINSKAS, A., "The Procedure of Administrative Recourse: A Comparative Study of the Latin and Eastern Code," in *Studia canonica*, 54 (2020), 265-290.

SABETTI, A., "Commentary on the Decree Quemadmodum," in *American Ecclesiastical Review*, vol. 6, no. 3 (1892), 161-178.

SABINO, A., "La cuenta de la conciencia entre los religiosos," in *Salmanticensis*, 4 (1957), 565-584.

SAMPSON, W., "Privileged Communications to Clergymen," in *The Catholic Lawyer*, 1 (1955), 199-213.

SÁNCHEZ-GIRÓN RENEDO, J.L., "La cuenta de conciencia al Superior: relación entre carisma y derecho" 1ª y 2º parte," in *Periodica de re canonica,* 102 (2013), 212-240.

_____, La Cuenta de conscencia al superior," in C.E. O'NEILL and J.M. DOMÍNGUEZ (eds.), *Diccionario histórico de Compañía de Jesús*, Madrid, Universidad Pontificia Comillas, 520-529.

SCHINELLER, J.P., "The Pilgrim Journey of Ignatius: From Soldier to Labourer in the Vineyard and Its Implications for Apostolic Lay Spirituality," in *Studies in the Spirituality of the Jesuits*, vol. 31, no. 4 (1999), 10-11.

SCHNEIDER, B., "Nuestro principio y fundamento. Zum historischen Verständnis des Papstgehorsamgelübdes," in *Archivum Historicum Societatis Iesu*, 25 (1956), 488-513.

SEEBER, D.A., "Menschenrechte – eine neune Moralität," in *Herderkorrespondenz*, 31 (1977), 217-221.

SERRITELLA, J.A., "Confidentiality, the Church and the Clergy," in *Canon Law Society of America Proceedings,* 48 (1988), 88-102.

SHEA, P.T., "Clergy Records: Civil Law Considerations," in *Canon Law Society of America Proceedings,* 58 (1996), 326-345.

SHELTON, C.M., "Reflections on the Mental Health of Jesuits," in *Studies in the Spirituality of Jesuits*, vol. 23, no. 4 (1991), 1-48.

SMITH, J., "Rights, the Person and Conscience in the Catechism," in *Catholic Dossier*, vol. 3, no. 1 (1997), 1-13.

SMITH, M.C., "The Pastor on the Witness Stand: Toward a Religious Privilege in the Courts," in *The Catholic Lawyer*, 29 (1984), 1-21.

SMITH, P., "What are Acquired Rights in Canon Law?" in *Health Progress* (2007), 16-17.

SMITH, S.D., "The Tenuous Case for Conscience," in *Roger Williams University Law Review*, 10 (2005), 325-358.

Society of Jesus of New England v. Commonwealth, Supreme Judicial Court of Massachusetts, Suffolk, 441, Mass., 662 (2004), in https://caselaw.findlaw.com/ma-supreme-judicial-court/1393430.html (20 January 2022).

SPADARO, A., An Interview with Pope Francis, 19 August 2013, English translation https://w2.vatican.va/content/franscesco/en/speeches/2013/september/documents/papa-frascesco_20130921_intervista-spadaro.html (28 March 2019).

SPOHN, W.C., "Conscience and Moral Development," in *Theological Studies*, 61 (2000), 122-138.

STAKE, R.P., "Professionalism and Confidentiality in the Practice of Spiritual Direction," in *The Jurist*, 43 (1983), 214-232.

STOYLES, R.L., "The Dilemma of the Constitutionality of the Priest-Penitent Privilege: The Application of the Religion Clauses," in *University of Pittsburgh Law Review*, 27 (1967), 27-63.

TIERNEY, T.T., "The Right of the Faithful to the Sacraments," in *The Catholic Lawyer*, vol., 23, no. 1 (1977), 57-68.

TONER, J.J., "The Deliberation That Started the Jesuits: A Commentary on the *Deliberatio Primorum Patrum*," in *Studies in the Spirituality of the Jesuits*, vol. 6, no. 4 (1974), 179-212.

_____, "A Method for Communal Discernment of God's Will," in *Studies in the Spirituality of Jesuits*, vol. 3, no. 4 (1971), 124-125.

TORRES, J., "Documenti pontifici di approvazione," in *Dizionario degli istituti di perfezione*, vol. 3 (1973), arts.751-777.

TREVISAN, G., "Osservatore il segrato secondo la costituzione Universi dominici gregis," in *Quaderni di Diritto Ecclesiale*, 22 (2009) 290-291.

TURKINGTON, R.C., "Confidentiality Policy for HIV-Related Information: An Analytical Framework for Sorting Out Hard and Easy Cases," in *Villanova University Law Review*, vol. 34, no. 5 (1989), 871-908.

_____, "Legacy of the Warren and Brandeis Article: The Emerging Unencumbered Constitutional Right to Informational Privacy," in *Villanova University Law Review*, vol. 10, no. 3 (1990), 479-520.

URRUTIA, F., "Internal Forum – External Forum: The Criterion of Distinction," in R. LATOURELLE (ed.), *Vatican II: Assessment and Perspectives Twenty-Five Years After (1962-1978)*, New York, Paulist Press, 1987, 632-647.

VALERO, U., "Identity, Community, Mission: Reflections around a Kind of Triptych," in *Review of Ignatian Spirituality*, vol. 41, no. 3 (2010), 54-66.

_____, "Revision of Our Law and of Our Life," in *Centre for Ignatian Spirituality*, vol. 25, no. 75 (1994), 108-113.

VELEZ, J., Freedom of Conscience in Ethical Decision Making, in *Linacre Quarterly*, vol. 76, no. 2 (2009), 120-132.

VEREECKE, L., "Théologie morale et magistère, avant et après le Concile de Trente," in *Revue d'éthique et théologie morale,* 177 (1991), 7-22.

VOGÜÉ, A. DE, "Sub regula vel abbate: A Study of the Theological Significance of the Ancient Monastic Rules," in M.B. PENNINGTON (ed.), *Rule and Life: An Interdisciplinary Symposium*, Spencer, MA, Cistercian Publications, 1971, 21-63.

VOLTAS, P., "De aperienda, directionis causa, superioribus conscientia," in *Commentarium pro religiosis*, 1 (1920), 83-125.

WARREN, S.D. and L.D. BRANDEIS, "The Right to Privacy," in *Harvard Law Review*, vol. 4, no. 5 (1890), 193-220.

WALSH, W.J., "The Priest-Penitent Privilege: An Hibernocentric Essay in Postcolonial Jurisprudence," in *Indiana Law Journal*, vol. 80, no. 4 (2005), 1037-1088.

WARD, D., "Privacy and Confidentiality in Religious Institutes," in *Canon Law Society of America Proceedings*, 61 (1999), 305-315.

WATERS, I., "The Law of Secrecy in the Latin Church," in *The Canonist*, vol. 7, no. 1 (2016), 75-87.

WEISBERG, R. and M. WALD, "Confidentiality Laws and State Efforts to Protect Abused and Neglected Children: The Need for Statutory Reform," in *American Bar Association, Family Law Quarterly*, vol. 18, no. 2 (1984), 143-212.

WHITTAKER, L. K., "The Priest-Penitent Privilege: Its Constitutionality and Doctrine," in *Regent University Law Review*, 13 (1998), 145-168.

WILLIAM, S., "The Return of Virtue Ethics," in *Theological Studies,* 52 (1992), 60-76.

WINTERS, P., "Whom Must the Clergy Protect? The Interests of At-Risk Children in Conflict with Clergy-Penitent Privilege," in *DePaul University Law Review*, 62 (2012), 187-226.

WIRTZ, P., "Governance and Missionary Effectiveness of the Company of Jesus: Lessons from an Extended Theory of Governance," in *Laemos* (2014), 1-28.

WOJTYŁA, K., "On the Dignity of the Human Person," in T. SANDOK (trans.), *Person and Community: Selected Essays*, New York, Peter Lang, 1993, 181-207.

WOLGANG, P. M., "The Internal Forum of the Later Middle Ages: A Modern Myth," in *Law and History Review,* 33 (2015), 887-913.

WORCESTER, T., "Confession, Confessor," in T. WORCESTER (ed.), The *Cambridge Encyclopaedia of the Jesuits*, Cambridge, Cambridge University Press, 2017, 187.

YELLIN, J.M., "The History and Current Status of the Clergy-Penitent Privilege," in *Santa Clara Law Review,* 23 (1983), 95-156.

ZIMMERMAN, D.L., "False Light Invasion of Privacy: The Light that Failed," in *New York University Law Review*, 64 (1989), 364-451.

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