THE SPIRITUAL DIRECTOR IN ORDERS OF MONKS: A CANONICAL ANALYSIS

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ABSTRACT

Spiritual direction enjoys a prominent place within the monastic vision and ascetical discipline. Monks, however, have struggled to answer one simple question: Who is a monk's spiritual director? Over the long development of universal and proper law and monastic customs, various answers have emerged sometimes emphasizing the superior's spiritual paternity, at other times emphasizing the common good and discipline of the religious institute, and still at other times, especially in recent history, emphasizing the freedom of conscience as an application of the right to privacy. Since the Second Vatican Council has given religious a dual mandate for reform in *Perfectæ caritatis* to return to the sources and make suitable adaptations in the contemporary context, the canonical analysis of the spiritual director in orders of monks offers a tangible pattern of how the historical notion of the spiritual director can be adapted to the *ius vigens* without conflation of the fora and spiritual abuse.

This dissertation, therefore, purposes to analyze the canonical norms governing the spiritual director, to identify the resultant challenges in post-conciliar monasticism, and therefrom to offer a legal opinion of what might be done in orders of monks to address licitly these challenges in practice. Methodologically, this study commences with the historical evolution of the spiritual director from nascency in the desert experience and as promulgated in the monastic rules (chapter one) before considering the juridic treatment of the spiritual director in the 1917 and 1983 codifications (chapter two). Finally, the study considers the spiritual director post-codification in Church documents and monastic custom (chapter three) before surveying practical circumstances to offer a canonical appraisal and modest suggestions towards greater canonical observance (chapter four).

RÉSUMÉ

La direction spirituelle occupe une place de choix dans la vision monastique et la discipline ascétique. Les moines, toutefois, ont eu des difficultés à répondre à une question simple: « Qui est le directeur spirituel d'un moine? » Au cours du long développement du droit universel et propre ainsi que des coutumes monastiques, diverses réponses ont émergé, soulignant parfois la paternité spirituelle du supérieur, d'autres fois le bien commun et la discipline de l'Institut religieux et, surtout dans l'histoire récente, la liberté de conscience comme application du droit à la vie privée. Puisque le Concile Vatican II a donné aux religieux un double mandat de réforme dans *Perfectæ caritatis* de revenir aux sources et de faire les adaptations appropriées au contexte contemporain, l'analyse canonique du directeur spirituel dans les ordres de moines offre un modèle tangible de la façon dont la notion historique du directeur spirituel peut être adapté au *ius vigens* sans confondre les fora et les abus spirituels.

Cette thèse a donc pour objectif d'analyser les normes canoniques régissant le directeur spirituel, d'identifier les défis qui en résultent dans le monachisme postconciliaire et, à partir de là, d'offrir un avis juridique sur ce qui pourrait être fait dans les ordres de moines pour répondre licitement à ces défis dans la pratique. Méthodologiquement, cette étude commence par l'évolution historique du directeur spirituel depuis ses origines dans l'expérience du désert et telle que promulguée dans les règles monastiques (chapitre premier) avant d'envisager le traitement juridique du directeur spirituel dans les Codes de droit canonique de 1917 et 1983 (chapitre deux). Enfin, l'étude considère le directeur spirituel après la codification dans les documents de l'Église et la coutume monastique (chapitre trois) avant d'analyser les circonstances pratiques pour offrir une appréciation

canonique et des suggestions modestes en vue d'une plus grande observance canonique (chapitre quatre).

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May God reward each of you, as He alone can!

ABBREVIATIONS

1980 *Schema*	*Schema Codicis iuris canonici iuxta animadversionses* (1980)
AAS	*Acta Apostolicae Sedis*, *Commentarium officiale,* Rome, 1909-
AP	*Apophthegmata Patrum*
art(t).	article (articles)
ASS	*Acta Sanctae Sedis,* Rome, 1865-1908
c.	canon
ca.	*circa*
cc.	canons
CCEO	*Codex canonum Ecclesiarum orientalium, auctoritate Ioannis Pauli PP. II promulgatus, fontium annotatione auctus*
CCLA	E. CAPARROS et al. (eds.), *Code of Canon Law Annotated*
CCLS	Canadian Canon Law Society
CIC	*Codex iuris canonici, auctoritate Ioannis Pauli PP. II promulgatus*
CIC/17	*Codex iuris canonici, Pii X Pontificis Maximi iussu digestus*
CICLSAL	Congregation for Institutes of Consecrated Life and Societies of Apostolic Life (prior to 5 June 2022)
CLD	T. BOUSCAREN and J. O'CONNOR, *Canon Law Digest*, 13 vols.
CLSA	Canon Law Society of America
CLSA Comm1	J.A. CORIDEN, T.J. GREEN, and D.E. HEINTSCHEL (eds.), *The Code of Canon Law: A Text and Commentary*
CLSA Comm2	J.P. BEAL, J.A. CORIDEN, and T.J. GREEN (eds.), *New Commentary on the Code of Canon Law*
CLSAP	*Canon Law Society of America Proceedings*
CLSGBI	Canon Law Society of Great Britain and Ireland

CLSGBI Comm	G. SHEEHY et al. (eds.), *The Canon Law: Letter & Spirit*
Comm	*Communicationes*
DH	SECOND VATICAN COUNCIL, Decree on Religious Liberty *Dignitatis humanae*
DICLSAL	Dicastery for Institutes of Consecrated Life and Societies of Apostolic Life (since 5 June 2022)
EG	FRANCIS, Apostolic Exhortation on the Proclamation of the Gospel in Today's World *Evangelii gaudium*
Exegetical Comm	A. MARZOA, J. MIRAS, R. RODRÍGUEZ-OCAÑA (eds.) and E. CAPARROS (gen. ed. of English translation), *Exegetical Commentary on the Code of Canon Law*
FLANNERY1	A. FLANNERY (gen. ed.), *Vatican Council II: The Conciliar and Post-Conciliar Documents*, vol. 1
FLC	CONGREGATION FOR INSTITUTES OF CONSECRATED LIFE AND SOCIETIES OF APOSTOLIC LIFE, Instruction on Fraternal Life in Community *Congregavit nos in unum Christi amor*
GS	SECOND VATICAN COUNCIL, Pastoral Constitution on the Church in the Modern World *Gaudium et spes*
J	*The Jurist*
LG	SECOND VATICAN COUNCIL, Dogmatic Constitution on the Church *Lumen gentium*
Normis	PONTIFICIA COMMISSIO CODICI IURIS CANONICI RECOGNOSCENDO, *Schema canonum Libri I de normis generalibus*
Note	APOSTOLIC PENITENTIARY, *Note on the Importance of the Internal Forum and the Inviolability of the Sacramental Seal*
NW-NW	CONGREGATION FOR INSTITUTES OF CONSECRATED LIFE AND SOCIETIES OF APOSTOLIC LIFE, Guidelines *New Wine in New Wineskins: The Consecrated Life and Its Ongoing Challenges since Vatican II*
PC	SECOND VATICAN COUNCIL, Decree on the Up-to-date Renewal of Religious Life *Perfectæ caritatis*

PG	J.P. MIGNE (ed.), *Patrologiae cursus completus, series graeca*
PI	CONGREGATION FOR INSTITUTES OF CONSECRATED LIFE AND SOCIETIES OF APOSTOLIC LIFE, Directives on Formation in Religious Institutes *Potissimum institutioni*
PL	J.P. MIGNE (ed.), *Patrologiae cursus completus, series latina*
PMDM	CONGREGATION FOR THE CLERGY, *The Priest, Minister of Divine Mercy: An Aid for Confessors and Spiritual Directors*
Populo Dei	PONTIFICIA COMMISSIO CODICI IURIS CANONICI RECOGNOSCENDO, *Schema canonum Libri II de populo Dei*
RA	AUGUSTINE, *The Rule of Our Holy Father, St. Augustine: Bishop of Hippo*
RB	BENEDICT OF NURSIA, *The Rule of Saint Benedict*
RBas	BASIL, *The Rule of St. Basil in Latin and English: A Revised Critical Edition*
RColM	COLUMBANUS, "Rule of Monks"
Relatio	PONTIFICIA COMMISSIO CODICI IURIS CANONICI RECOGNOSCENDO, *Relatio complectens synthesim animadversionum ab Em.mis atque Exc.mis Patribus Commissionis ad novissimum schema CIC exhibitarum cum responsionibus a Secretaria et Consultoribus datis*
RFIS	CONGREGATION FOR THE CLERGY, Ratio fundamentalis institutionis sacerdotalis *The Gift of the Priestly Vocation*
RfR	*Review for Religious*
RLR	*Religious Life Review*
RM	*Rule of the Master*
SAFC	CONGREGATION FOR INSTITUTES OF CONSECRATED LIFE AND SOCIETIES OF APOSTOLIC LIFE, Instruction on a Renewed Commitment to Consecrated Life in the Third Millennium *Starting Afresh from Christ:*

SAO	CONGREGATION FOR INSTITUTES OF CONSECRATED LIFE AND SOCIETIES OF APOSTOLIC LIFE, Instruction on the Service of Authority and Obedience *Faciem tuam, Domine, requiram*
Ss.	Saints
St.	Saint
USCC	United States Catholic Conference (prior to 1 July 2001)
USCCB	United States Conference of Catholic Bishops (since 1 July 2001)
VC	JOHN PAUL II, Post-synodal Apostolic Exhortation on the Consecrated Life and Its Mission in the Church and in the World *Vita consecrata*
Vita cons.	PONTIFICIA COMMISSIO CODICI IURIS CANONICI RECOGNOSCENDO, *Schema canonum de institutis vitae consecratae per professionem consiliorum evangelicorum*

GENERAL INTRODUCTION

Following the Second Vatican Council, newfound attention has been given to the significance of spiritual direction in the lives of Christian disciples.[1] With the ecclesiastical rediscovery and renewal of spiritual direction to advance the conciliar affirmation of the universal call to holiness, spiritual direction in the monasteries has become an important archetype—albeit one model amongst many.[2] Although a critical dimension of Western history, orders of monks are not historical *data* relegated simply to textbooks, but orders of monks continue to exist and, in some instances, to thrive today.[3]

As the second part of the thesis title suggests, this canonical investigation concerns orders of monks. The writer concedes this necessary circumscription to orders of monks in the Latin Church, excluding amongst others, orders of nuns, not to minimize the importance of their proper law and traditions on the spiritual director, but simply to establish manageable parameters of study. In view of decisions made during the preparation of the 1983 Code of Canon Law—as will be seen—monks are not treated canonically in a separate section from members of other religious institutes in the Latin

[1] The *Catechism of the Catholic Church* underscores that spiritual direction, amongst other exercises in the spiritual life, aids the Christian in the perennial life project of conversion; see *Catechismus Ecclesiae Catholicae*, Libreria editrice Vaticana, 2019; English translation *Catechism of the Catholic Church*, Washington, DC, USCCB, 2019, 1435.

[2] See JOHN PAUL II, Address on pilgrimage to the Holy Monastery of Rila, 25 May 2002, in *L'Osservatore Romano*, English ed., 29 May 2002, 9: "I am in fact convinced that the monastic experience constitutes the heart of Christian life, so much so that it can be proposed as a point of reference for all the baptized." Concerning practical application, see P. PRYCE, "Forming 'Mediators and Instruments of Grace:' The Emerging Role of Monastics in Teaching Contemplative Ambiguity and Practice to the Laity," in G. PETERS (ed.), *Exploring the Future of Christian Monasticisms,* Basel, MDPI, 2019, 82-92.

[3] For an introduction to Canadian realities of consecrated life—including monasticism—see J. ZUIDEMA (ed.), *Understanding the Consecrated Life in Canada: Critical Essays on Contemporary Trends,* Waterloo, ON, Wilfrid Laurier University Press, 2015. Therein, an array of authors considered not only statistical realities, but contextualized that data within the history and modern trajectory of Canadian consecrated life.

Church.[4] Monks, then, share with other consecrated men that some monks are clerics and other monks as non-clerics are lay (c. 588, §1). As members of a religious institute, monks profess public vows of chastity, poverty, and obedience (cc. 573, §2) in accordance with their proper law (cc. 578, 587, §§1-4) and lead fraternal life in common (607, §2). All monks are true religious.

Monks, however, are differentiated from their consecrated brothers and sisters by separate laws and indications in the existent universal law.[5] The word "monks" (*monachorum*) only appears once in the 1983 Code when speaking of an autonomous monastic house in canon 613, §1. Canon 667 alludes to a wide assortment of monastic vision when prescribing that "[a] stricter discipline of cloister must be observed in monasteries ordered to contemplative life;" thus, not all monks are exclusively contemplative and, consequently, a great variety of forms of cenobitic life exist including the eremitical in fraternal community. Moreover, there are multiple references to "monasteries of women" (*CIC,* cc. 609, §2; 614; 616; 630; §3; 667, §§3-4) and autonomous monasteries with no relationship to a religious order (*CIC,* cc. 615; 625, §2; 628; §2, 1°; 637; 638, §4; 684, §3; 688, §2; 690, §2; 699, §2; 1427, §1). Concerning transfers of perpetually professed members to another institute, c. 684, §3 distinguishes autonomous

[4] See *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 CLSA, Washington, DC, CLSA, 1999. All references to the canons of the 1983 Code will be styled "*CIC*, c." for canon and "*CIC*, cc." for canons, followed by the canon number(s).

[5] Ward synthesizes the presence of monks in the 1983 Code: "Although the Code has not adopted a special section on monastic life as such, it does include various canons and references to monastic communities, which indicate that the Code does distinguish in some ways the monastic life from other forms of the consecrated life" (D.J. WARD, "Monastic Life under the Rule of St. Benedict and the New Code," in J. HITE, S. HOLLAND, and D. WARD [eds.], *A Handbook on Canons 573-746*, Collegeville, MN, The Liturgical Press, 1985, 307).

monasteries from monastic institutes, federations, and confederations or plainly "orders of monks." Whereas autonomous monasteries organized into a federation or confederation in one "religious family" such as the Benedictine Confederation retain autonomy in each monastery but unite for purposes such as common formation or apostolate, other orders of monks have centralized governance. In fine, orders of monks are hardly a homogenous group apart from the monastic hallmarks of prayer, work, and study.

The difficulty of typology is not only a theological hardship, but in practice a challenge for uniform canonical discipline. Concerning the typology of monks, Beyer summarized the question: "Is he only a monk who has assumed the [Benedictine] Rule of Monks and lives under an abbot? Historically and canonically, they are certainly called monks who follow the rule of Saint Benedict, even if their whole lives are dedicated to the apostolate!"[6] The emergence of new communities of monks in the process of becoming diocesan right—and eventually pontifical right—institutes albeit following other normative texts than the Benedictine Rule (including this author's own community) suggests that the question of who is a monk remains open to theological and juridical debate. The simple answer is that "a monk" is a consecrated man recognized by the Church and his proper law as such.

There are existent presently in the Latin Church seven (7) pontifical orders of monks that are both the primary subject and audience of this juridic investigation, namely: the (1) autonomous monasteries that comprise the Benedictine Confederation; (2) Congregation of Camaldolese Hermits of Monte Corona; (3) Order of Cistercians; (4)

[6] J. BEYER, *De vita per consilia evangelica consecrata*, Rome, Libreria editrice Universita' Gregoriana, 1969, 75.

Order of Cistercians of the Strict Observance (Trappists); (5) Order of Carthusians; (6) Order of Brothers of Saint Paul the First Hermit (Pauline Fathers); and, (7) Order of Saint Jerome (Hieronymites or *Los Jerónimos*); whereas the first five aforesaid orders fundamentally observe the Benedictine Rule, the latter two orders of monks observe the Augustinian Rule—regularly with accompanying constitutions, statutes, and other legislative texts to complete their proper law. As will be seen, the founders and founding charisms of these seven pontifical orders of monks influenced one another frequently, sometimes in imitation and sometimes in response to variances of legislative interpretation and observance, including the discipline of spiritual direction and the identification of the spiritual director.[7] New monastic communities, presently in the process of assuming their own place in ecclesiastical life and mission, are also the subject of this dissertation, albeit to a lesser degree, and the scientific investigation that follows may assist them advantageously towards greater canonical observance and the critical task of developing proper law and discipline on spiritual direction.[8]

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[7] See C. DAWSON, *Religion and the Rise of Western Culture,* New York, Doubleday, 1991, 125. For an introduction to the historical context see A. DIEM and C. RAPP, "Research in Late Antique and Early Medieval Monasticism," in A.I. BEACH and I. COCHELIN (eds.), *The Cambridge History of Medieval Monasticism in the Latin West,* vol. 1, Cambridge, Cambridge University Press, 2020, 32 where "[…] lack or decline of discipline and motivations, uprisings, the challenge of institutionalizing charisma, economic constraints, and the necessity of fending off external control and interference" are named.

[8] Leclercq foretold the present reality: "The monks of tomorrow will be diverse, as those of yesterday have been. But we can see that more and more they will be monks, in forms which will vary with continents and cultures, and with the social environment in every type of civilization. It would not be surprising if there were founders or reformers among them. There will be in any case—and there are already—renewers" (J. LECLERCQ, *Aspects of Monasticism,* Kalamazoo, MI, Cistercian Publications, 1978, 182).

Three types of new monastic communities can be seen: (1) the restoration of a monasticism gone extinct following civil persecution and even martyrdom (e.g., the Order of the Most Holy Savior [Brigittine Monks] of Amity, OR, USA); (2) new spiritualities with resultant new traditions (e.g., the Monastic Fraternities of Jerusalem who practice "urban monasticism" dwelling in the city and the Monastic Family of Bethlehem, of the Assumption of the Virgin Mary, and of St. Bruno who prefer Byzantine liturgical traditions with less emphasis upon ascetical practice and an openness to the world through hospitality and public liturgies); and, (3) the observance of rules other than the Benedictine and Augustinian—finding in other normative texts monastic inspiration that weds monasticism to spiritualities other than that of Ss. Benedict, Augustine, and

In a 2009 address to a general audience, Benedict XVI identified the relation between monasticism's "[…] intense attention and concentration on the inner experience" and the consequent "[…] essential importance of the spiritual father of the monastery." Therefrom, Benedict XVI extended the importance of holy and learned spiritual directors beyond solitary monasteries, presenting an opportunity to modern man:

> And I would like to say that the invitation to have recourse to a good spiritual father who can guide every individual to profound knowledge of himself and lead him to union with the Lord so that his life may be in ever closer conformity with the Gospel still applies for all priests, consecrated and lay people, and especially youth. To go towards the Lord, we always need a guide, a dialogue. We cannot do it with our thoughts alone. And this is also the meaning of the ecclesiality of our faith, of finding this guide.[9]

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their followers (e.g., the Monks of the Most Blessed Virgin Mary of Mount Carmel of Meeteetse, WY, USA). See the sociological study and categorization—with particular emphasis on new Piedmontese monastic communities—of S. PALMISANO, *Exploring New Monastic Communities: The (Re)invention of Tradition*, New York, Ashgate Publishing, 2015 where Palmisano distinguished between pre- and post-conciliar monasticism with the ideological categories of "innovational," "ultrainnovational," "traditionalist" and "ultratraditionalist" (14-17). Therein, Palmisano reorientated the analysis between orders of monks and emerging monastic communities away from questions of pedigree and "legitimacy" towards the "transmission of monasticism" and the resultant "[…] source of meanings, in order to develop new symbolism and cultural imagery" (172).

Considered as pastoral service, the canon lawyer has been called to not thwart the activity of the Spirit, but to aid the Church in a ministry of service by assisting consecrated men, women, and their associates. Here the canon lawyer is called to assist in the Church's discernment by methodologically proceeding and never skipping a step in the handling of cases effecting institutes of consecrated life and their members. After all, not all ideas brought forth are the work of God nor advantageous for the life and mission of the Church. At the same time, however, the canonist must diligently examine lest he become an obstacle, rather than an instrument, to the divine. While some canonists may be weary of new groups, the novelty of these charisms provides an opportunity for juridical creativity in the flexibility envisioned by the law itself. In assisting these institutes and societies in the preparation and revision of proper law, canonists have an opportunity to be "[…] creative, yet safeguarding; helpful, yet not simply popular, demanding, without becoming over-legalistic" (F.G. MORRISEY, Institutes of Consecrated Life and Societies of Apostolic Life [Canons 573-746], class notes, Ottawa, Faculty of Canon Law, Saint Paul University, 2018, 252). Put another way, service to consecrated persons provides an opportunity for encounter with the Spirit, with God's holy people, and with the Church. It is lamentable indeed that some canon lawyers express little interest in assisting the Church in these matters because experience makes apparent the assorted problems, challenges posed to communion, and real violations of rights that can and have occurred when the law of the Church is not made known to consecrated persons and followed. This author's attitude echoes that of Morrisey: "If we can help the members of newer institutes of consecrated life and societies of apostolic life, as well as groups in the process of becoming such institutes or societies, express their projects clearly, then we are rendering a great service, not only to the members and those they serve, but also to the Church as a whole" (ibid.).

[9] BENEDICT XVI, Address to a general audience on Symeon the New Theologian, 16 September 2009, in *L'Osservatore Romano*, English ed., 23 September 2009, 12. Benedict XVI here spoke of an invitation to direction, while simultaneously suggesting its necessity. With the real hardship of identifying a capable and available director, Parente earlier offered a solution: "It is evident that we cannot provide a constant spiritual guide—as every director should be—all through life for all the faithful. What is practically impossible for the great majority of the faithful at all times cannot be regarded as necessary. It is, however, possible for

Nearly half a millennium earlier, John of the Cross signaled the value of a capable spiritual director when he exhorted, "[I]t is very important that individuals, desiring to advance in recollection and perfection, take care into whose hands they entrust themselves, for the disciple will become like the master, and as is the father so will be the son."[10] From the modern-day commendation of spiritual direction to all Christians, the question follows of the present canonical provision for spiritual directors.

The current canonical enquiry also arises in response to the Apostolic Penitentiary's 29 June 2019 *Note on the Importance of the Internal Forum and the Inviolability of the Sacramental Seal*. Published with papal approbation, the *Note* renewed the earlier legal differentiation of spiritual direction from sacramental confession and professional secrecy. Whereas the Sacrament of Penance concerns the inviolable seal belonging to the internal sacramental forum, the *Note* underlined that spiritual direction too pertains to "[t]he juridical-moral sphere of the internal forum [but] belongs to the internal extra-sacramental forum."[11] Spiritual direction is, therefore, different from juridic acts placed in the external forum as publicly known and externally provable. Endorsing spiritual direction in its

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everybody to have a guide at the beginning of the spiritual life […] There is ample opportunity for spiritual guidance during the formative years of the religious life and the theological courses. There are frequent opportunities to see a director later in life and, at times, necessity demands that we see one, even though he is no longer the same person that had introduced us in the way of perfection" (P.P. PARENTE, *Spiritual Direction,* St. Meinrad, IN, The Abbey Press, 1950, 12).

[10] JOHN OF THE CROSS, "Living Flame of Love," in K. KAVANAUGH and O. RODRIGUEZ (eds.), *The Collected Works of St. John of the Cross*, Washington, DC, Institute of Carmelite Studies, 1991, 684. For an analysis of the sanjuanist notion of the spiritual director, see GABRIEL OF ST. MARY MAGDELENE, *The Spiritual Director: According to the Principles of St. John of the Cross,* trans. A BENEDICTINE OF STANBROOK ABBEY, Westminster, MD, The Newman Press, 1951 and D.R. GRAVISS, *Portrait of the Spiritual Director in the Writings of Saint John of the Cross*, Rome, Institutum Carmelitanum, 1983.

[11] APOSTOLIC PENITENTIARY, *Note on the Importance of the Internal Forum and the Inviolability of the Sacramental Seal*, 29 June 2019, no. 2, http://www.vatican.va/roman_curia /tribunals/apost_penit/documents /rc_trib_appen_pro_20190629_forointerno_en.html (24 April 2022) (=*Note*).

essentially ecclesial nature, the *Note* stated, "In it too the Church exercises her mission and saving authority: not by forgiving sins, but by giving graces, breaking juridical constraints (such as censures) and caring for all that concerns the sanctification of souls and, therefore, the proper, intimate and personal sphere of each believer" (no. 2). Although brief, the *Note* revealed contemporary ecclesial concern to safeguard the exercise of the power of governance (*potestas regiminis*) without conflict in the external and internal fora.

Accordingly, the present dissertation aims to advance a juridic understanding of the spiritual director in orders of monks. Ergo, this study analyzes principally the canonical norms on spiritual direction found in the 1983 Code of Canon Law to probe the supreme legislator's envisioned balance between the common good of a religious institute and an individual religious's due freedom to open his soul in spiritual direction to whom the directee wills and in a manner that the directee pleases without prejudice to a religious institute's discipline as an application of the right to privacy of all the Christian faithful enshrined in canon 220. Whereas chapters one and two of this dissertation survey the emergence of the spiritual director in the early monastic movement through institutionalization in the monastic rules and orders until the 1983 codification, chapter three examines the post-codification ecclesial vision of the spiritual director and responses in monastic proper law and custom. Chapter four treats of contemporary difficulties in orders of monks to measure these challenges and offer some considerations and recommendations in the spirit of service to monks facing these questions in practice.[12] In

[12] See J.A. CORIDEN, *Canon Law as Ministry: Freedom and Good Order for the Church*, New York/Mahwah, NJ, Paulist Press, 2000, 20: "Canon law's primary identity is that of a Church ministry. As a ministry canon law is grounded in theology, yet adapted to the pastoral needs of God's people in specific places and times, under the guidance of God's Spirit. It stands for the freedom of the faithful and strives for good order in their communities as it embodies Christ's authority as service."

studying the spiritual director in the monastic and canonical sciences, this dissertation analyzes within this framework the adequacy and flexibility of universal law to accord with monastic proper law and tradition.[13]

While spiritual direction has grown in popularity far outside monastery walls, the juridic provisions for spiritual direction arose and received extensive development in monastic orders. First, this study therefore considers the origins of spiritual direction in the early monastic movement, later institutionalization in orders of monks, and the identity of the spiritual director as found in the *regulae.* Chapter one also surveys pre-codification juridic evolution to identify further influences upon the spiritual director in orders of monks, including the emergence of new monastic expressions, the advent of the two fora, and the concurrent and subsequent development in universal law, albeit limited because spiritual direction was already well founded in monastic orders of men, to better ascertain the relationship between universal and proper law before the 1917 Code.[14]

Continuing to investigate the canonical tradition, the 1917 Code's treatment of spiritual direction, beginning with the distinction between the external and internal fora, subdivided into the sacramental and extra-sacramental, as well as the identification of a spiritual director are recounted to begin chapter two. Next, chapter two explores the governing principles of the juridic revision, the 1966 *Propositum monasticum*, and the later

[13] The author here intentionally refers to a "monastic science" to signify both that monasticism is an organized body of knowledge founded upon first principles and to communicate that monasticism as a science must be respected for its uniqueness from other sciences and legitimate traditions and disciplines.

[14] Knowles synthesized the historical relation between orders of monks and the papacy, including between proper and universal law: "Speaking generally, the papacy has taken little part in the framing of religious rules and constitutions, and the endeavors of later popes to eliminate novelties from the Ignatian constitutions were never more than temporarily successful" (D. KNOWLES, *From Pachomius to Ignatius: A Study in the Constitutional History of the Religious Orders*, Oxford, Clarendon Press, 1966, 40).

Schemae. Building thereupon, chapter two elucidates the text and context of the canonical provisions for the spiritual director in orders of monks found in the 1983 Code, including recourse to parallel places on spiritual direction in novitiate houses, secular institutes, and seminaries to overcome doubt and obscurity following c. 17. From this juridic analysis, canonical principles appear, namely the (1) right to privacy; (2) freedom of choice; (3) personal responsibility of the directee in spiritual direction; (4) coordination between the internal and external fora; and (5) discipline of the religious institute and proper law.

Chapter three studies the response to the 1983 Code to explore how, in practice, orders of monks have sought to observe the universal law of the Church while also remaining faithful to the monastic tradition and discipline surrounding spiritual direction. First, chapter three attends to some of the Church documents on spiritual direction and monasticism promulgated after the 1983 Code to identify further development post-codification that might reveal the *mens legislatoris* (c. 17) and current areas of canonical ambiguity and abiding divergence of opinion. Next, revisions of proper law, modifications in practice, and creation of new monastic structures for the spiritual director in orders of monks are all considered after analyzing the results of a 2022 survey of pontifical orders of monks. From this perspective, this thesis examines the place of monastic custom as interpreter of the law *iuxta legem, praeter legem,* and *contra legem* to suggest how the customs of the monasteries might contribute to further canonical development of the spiritual director in orders of monks.

Chapter four appropriates the earlier findings to current challenges for spiritual direction in orders of monks. After an appraisal of some of the central veracities facing monastic orders, chapter four looks to the implementation of *Perfectæ caritatis* in the

present milieu to identify concretely how monastic communities can both (1) return to the original sources and inspirations of the spiritual director in monasticism and (2) adapt spiritual direction to the needs of today's monks considering the *ius vigens*. Applying the existent canon law on spiritual direction to the ecclesial vision for orders of monks and existent circumstances, chapter four concludes with concrete recommendations to recondition spiritual direction as personal accompaniment with lifelong formative value and to offer modest potential canonical revisions aimed at a better balance between personal freedom and communal discipline in orders of monks, including some observations on terminology and the importance of canonical precision in the use of terms. Recommendations are also made for the rediscovery of the *common* spiritual paternity of the monastic superior and an increased use of custom in monasteries to better provide for spiritual directors in these orders of monks.

Cognizant that studies in monasticism are sentenced frequently before written to amass copious amounts of library dust, this thesis hopes instead to further the perennial value of Western monasticism by studying the juridical provisions for a spiritual director in orders of monks. In this canonical analysis on spiritual direction, questions faced by monks materialize as relevant to all men and women seeking holiness. Wherefore, this dissertation aspires to promote the Christian practice of spiritual direction through its canonical assessment while celebrating that "[i]n the heart of the Church and the world, monasteries have been and continue to be eloquent signs of communion, welcoming abodes for those seeking God and the things of the spirit, schools of faith and true places of study,

dialogue and culture for the building up of the life of the Church and of the earthly city itself, in expectation of the heavenly city."[15]

[15] 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. 6, in *AAS*, 88 (1996), 381-382, English translation in *Consecrated Life*, Boston, MA, Pauline Books and Media, 1996 (=*VC*), 11.

CHAPTER I

THE JURIDIC EVOLUTION OF THE SPIRITUAL DIRECTOR

Introduction

Neither the 1983 Code of Canon Law nor its legal predecessor offer a canonical definition of "spiritual direction," while nonetheless making both explicit and implicit reference to this ascetical practice suggestive of the importance of spiritual direction in Christian living. Since spiritual direction is confused frequently with the sacrament of confession and other related practices seeking personal healing and growth such as moral guidance and psychological counseling, this investigation must begin necessarily by disencumbering spiritual direction from related terms and practices.[16] Without an understanding of spiritual direction, any analysis of the canonical vision for a spiritual director is inconceivable.

Spiritual direction is understood theologically as a relationship between three persons: the Holy Spirit, the director, and the directee that purposes to aid the directee in realizing his perfect fulfillment in the beatific vision by entering a dynamic relationship of love with the Triune God in the communion of the Church while in this earthly life.[17]

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[16] Parente differentiated three types of "spiritual direction" that he termed "pastoral," "sacramental," and "personal" to distinguish (1) explication of spiritual theology *en masse* such as a superior's instruction to the assembled community from (2) spiritual guidance offered in the context of sacramental confession from (3) habitual, individualized personal guidance outside the Sacrament of Penance; as used in this study, unless otherwise noted, "spiritual direction" refers to what Pascal has termed "*personal* spiritual direction." See PARENTE, *Spiritual Direction*, 3-4. For a table visually differentiating spiritual direction from other pastoral ministries, counseling, and therapies based upon goals, subjects, practices, frequencies, and roles of the director/therapist, see G.J. SCHEMEL, *Beyond Individuation to Discipleship: A Directory for Those Who Give the Spiritual Exercises of St. Ignatius,* Scranton, PA, Institute for Contemporary Spirituality, University of Scranton, 2000, 82-83.

[17] See JOHN OF THE CROSS, "Living Flame of Love," stanza 3, 29, 684: "God is the principal agent in this matter." Barry and Connolly defined spiritual direction "[…] as help given by one believer to another that enables the latter to pay attention to God's personal communication to him or her, to respond to this personally communicating God, to grow in intimacy with this God, and to live out the consequences of the

Accordingly, spiritual direction is focused necessarily on the directee's experience of the divine that presupposes the divine presence and purposes to explore divine encounters, "[…] not simply a doctrinal consultation."[18] The goal of Christian spiritual direction is not, however, merely an attentiveness to the divine communications of light, love, and grace, but to solicit a personal and integrated response leading to charity towards God and neighbor expressed in virtuous acts that form virtuous habits. Traditionally, spiritual direction has been viewed as a type of pastoral counseling, decidedly ecclesiastical in nature and exercised within the Church.

In early hagiography, Christian doctrine, and the monastic rules, spiritual direction is referred to frequently by the Latin terms *confessio, manifestatio,* and *aperitio* to signify different aspects of spiritual direction: the non-sacramental confession of challenges, temptations, and even sins; the manifestation of the divine and all that concerns the relationship between God and man; and the opening of the soul to the director in a spirit of humility. Consequently, great caution is necessary in the assessment of antique and early

relationship" (W.A. BARRY and W.J. CONNOLLY, *The Practice of Spiritual Direction*, San Francisco, CA, HarperOne, 2009, 8). May detailed, "In the classic form of spiritual direction there is a director and a directee, the one helping the other to discern the work of the Lord in his or her life and to distinguish among the various forces or 'spirits' which seem to beckon in different directions" (G.G. MAY, *Care of Mind/Care of Spirit: A Psychiatrist Explores Spiritual Direction*, San Francisco, CA, Harper & Row, 1992, 8).

[18] CONGREGATION FOR THE CLERGY, *The Priest, Minister of Divine Mercy: An Aid for Confessors and Spiritual Directors*, 9 March 2011, Libreria editrice Vaticana, 2011 (=*PMDM*), no. 69, 30. A practical example is found in the Servant of God Rafael Merry del Val, the reputed spiritual director who "[…] was above all firm yet gentle, precise yet full of feeling. He never got lost in mere theories or empty formulas. With a few well-chosen words he would point out the right road to follow and would inspire a soul with courage and strength […] He had acquired the difficult art of listening with the utmost attention and always showed such kindness that souls would lay bare all their secrets with trust and confidence" (J. DAL GAL, *The Spiritual Life of Cardinal Merry del Val,* trans. J.A. MCMULLIN, Post Falls, ID, Mediatrix Press, 2014, 113). Because of the holy nature of direction, Barry suggested that times of spiritual direction themselves become "[…] privileged times when both directee and director can experience God. The heightened awareness that talking about experiences of God produces in both director and directee makes the spiritual direction sessions themselves times to savor the religious dimension of experience" (W.A. BARRY, *Spiritual Direction and the Encounter with God: A Theological Inquiry,* New York/Mahwah, NJ, Paulist Press, 2004, 36).

medieval texts to not ascribe to spiritual direction what text and context reveal to refer instead to sacramental confession or catechetical instruction and the communal confession and correction of faults in the external forum.[19] A further preliminary caution must be made against an anachronism that would equate haphazardly the contemporary understanding of spiritual direction with the ascetical practice of the earliest Christian monks. While finding in the primitive monastic experience the origins of present-day spiritual direction, real theological, pastoral, and juridical developments have occurred as this thesis explores canonically under the limited aspect of the identification of "a spiritual director."[20]

As this introduction exposes, spiritual direction must be understood then as a broader notion and practice than the more limited sacrament of confession, the Jesuit institution of manifestation of conscience, and other forms of Christian outreach, counseling, and pastoral ministry.[21] In its original conception, spiritual direction included all that pertained to the relationship between the individual living in society and God, not

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[19] Leclercq offered a method to differentiate: "Every time we read, in St. Bernard or some other text of his time, the word *confessio*, we should determine by the context if it means sacramental confession made to a priest or a disclosure of conscience between monks or nuns, and if the accent is on the avowal of sins or gratitude for pardon" (J. LECLERCQ, "St. Bernard of Clairvaux and the Contemplative Community," in M.B. PENNINGTON [ed.], *Contemplative Community: An Interdisciplinary Symposium,* Washington, DC, Cistercian Publications, 1972, 102).

[20] In the original eremitical vision, the spiritual director was the superior. Thus, the directee was obliged to obey the director by virtue of his vow of obedience. Today, the directee does not regularly have an obligation of obedience to the director, nor can the director thus invoke obedience of the directee, but nevertheless the fruitfulness of spiritual direction certainly requires a receptivity to the guidance of the director in a spirit not of obedience, but of mutual respect and discernment. Ward agreed that even the term "*spiritual* direction" differs from early monastic thought that stressed the unity of man—body, soul, and spirit—and thus was not restrained to the immaterial and invisible realm of the spirit but likewise to the material and visible elements of man while stressing the one governance and direction of God over all creation. See B. WARD, "Traditions of Spiritual Guidance: Spiritual Direction in the Desert Fathers," in *The Way*, 24 (1984), 61.

[21] See BARRY and CONNOLLY, *The Practice of Spiritual Direction*, 11: "[S]piritual direction may be considered the core form from which all other forms of pastoral care radiate, since ultimately all forms of pastoral care and counseling aim, or should aim, at helping people to center their lives in the mystery we call God." Dubay helpfully identified what spiritual direction is not; see T. DUBAY, *Seeking Spiritual Direction: How To Grow the Divine Life Within*, Ann Arbor, MI, Servant Publications, 1993, 41-44.

being constrained but instead characterized by breadth to aid the whole man in pursuit of integral or authentic holiness.[22] As will be seen, spiritual direction became slowly more limited regarding both agency and content, sometimes even subsumed completely into the sacrament of confession or the manifestation of conscience. Recently, however, the merit of spiritual direction—precisely because of its extensiveness, individualization, and liberty of content and structure—has been rediscovered in the quest for holiness as distinct from sacramental confession and other pastoral and professional care.[23] As experience manifests, a spiritual director characterized by openness and listening, one who appreciates the uniqueness and dignity of the individual, can reach many who might otherwise be ill inclined or not yet prepared for full ecclesial, sacramental life. Spiritual direction thus becomes a most effective means of not only discipleship, but evangelization and conversion. Without an understanding of spiritual direction in relation to holiness within the integral monastic idea and attention to coordination of the fora, spiritual direction in orders of monks becomes subject to abandonment and abuse—including abuses of power and conscience and spiritual abuse.[24]

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[22] While spiritual direction is necessarily broad and seeks integrity, this extension risks transforming direction into other types of care including psychotherapy. May acknowledged that "[…] all of life's experiences can appear legitimately in spiritual direction, but they need to be seen in the light of spiritual concern, and at all costs they should not be allowed to eclipse that light" (MAY, *Care of Mind/Care of Spirit*, 17).

[23] Since pastoral care "[…] has the task of putting the Christian tradition in dialog with the world [such that b]oth the Church and world can critique and learn from each other to promote the more humane and enriched life which God intends for us all" (P. LYNCH, *The Church's Story: A History of Pastoral Care and Vision,* Boston, Pauline Books & Media, 2005, 303), it will be important in the practical application of this dissertation to understand how the identification and qualifications of a spiritual director might advance pastoral care in general.

[24] See the similar confession of *PMDM,* no. 80: "Without a sincere desire for holiness, spiritual direction would never have a specific objective or purpose in Christian life." Cernuzio offered a present example in "Sr. Lucy" when knowledge gained in the internal forum of spiritual direction was communicated to third parties resulting in real harm to Sr. Lucy's good reputation (*tutto per screditarmi*); see S. CERNUZIO, *Il velo del silenzio: abusi, violenze, frustrazioni nella vita religiosa femminile*, Milan, Edizioni San Paolo s.r.l., 2021, 148. See also the findings of recurrent abuse perpetrated by Vanier and Philippe under the guise of spiritual

Spiritual direction and monasticism are linked closely because of the weight monks enduringly have attributed to spiritual direction to achieve the aims of Christian monasticism.[25] From the origins of the monastic movement, monks have not only distinguished themselves by the practice of spiritual direction, but they have sought to recommend spiritual direction to both monastic neophytes and the larger Christian faithful. Curiously, however, spiritual direction was not for the monks so much a juridic reality in the sense of constituting a canonical duty imposed by exacting norms, as occurs later in the Society of Jesus with the manifestation of conscience, but rather an ascetical practice that the monastic *regulae* sought to facilitate while respecting the freedom of the individual monk. In other words, the earliest monastic proper law purposed to create the possibility and limited structure for spiritual direction while avoiding simultaneously excessive legislative norms for a practice viewed by the first Christian monks as intimate and personal, albeit vital for monastic identity, observance, and individual and communal holiness of life.[26] Örsy articulated the legal philosophy plainly manifest in primitive monastic legislation: "Laws should be few and respected; no one wants anarchy. Rules

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direction in STUDY COMMISSION MANDATED BY L'ARCHE INTERNATIONALE, Control and Abuse Investigation on Thomas Philippe, Jean Vanier and L'Arche (1950-2019), 30 January 2023, https://commissiondetude-jeanvanier.org/commissiondetudeindependante2023-empriseetabus/wp-content/uploads/2023/01/Report_Control-and-Abuse_EN.pdf (3 February 2023) especially the accounts on 544-545, 554. Of particular interest to this study is the attempt made by Vanier and Philippe to justify their abusive conduct, often within monastic circles, by misappropriating monastic doctrine and spirituality as cautioned by this dissertation; see ibid., 152.

[25] See M. WOLTER and B.A. SAUSE, *The Principles of Monasticism,* St. Louis, MO, B. Herder Book Co., 1962, 656-764.

[26] As one example, of many, the little-known Second Rule of the Fathers that scholars generally accept as influencing the Benedictine Rule never speaks explicitly of spiritual direction but in its treatment of the monastic value of silence makes an exception that clearly implies the practice of spiritual direction: "[I]f someone wants to receive comfort or hear a word in private, let him seek an opportune time" (C.V. FRANKLIN, I. HAVENER, and J.A. FRANCIS [eds.], *Early Monastic Rules: The Rules of the Fathers and the Regula orientalis,* Collegeville, MN, The Liturgical Press, 1982, 35).

should operate as guidelines, leaving a great amount of discretion to the individual so that he can follow the spirit rather than the letter of the rule."[27]

1.1. - The Origins of the Spiritual Director

The Desert Fathers—Egyptian Christians who withdrew from urban life to the deserts surrounding the Nile from the middle of the third to the end of the fourth centuries—witness to a personal, individual commitment to the *sequela Christi*. Their lives have been recounted in classic hagiography—including *Vita Antonii* and *Vita Pachomii*, their manner of life related by alleged pilgrim accounts counting the *Historia monachorum* and Cassian's *Conferences,* and their sage teachings collected—most famously in *The Sayings of the Desert Fathers*—so that the wisdom of these solitaries might continue to illumine and the early monastic experience might be perpetuated. The author of this dissertation does not intend to discount the monastic experience of Syria and Palestine, so little studied in contrast with the deserts of Egypt, but rather hopes that such a project might be undertaken in the not-so-distant future as it promises rich results—particularly in establishing the influence of Palestinian monks on religious movements that arose in and around Jerusalem, such as the author's own Carmelite family, and contrasting the teaching and discipline of Egyptian, Syrian, and Palestinian monasticism.[28]

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[27] L.M. ÖRSY, *Open to the Spirit: Religious Life after Vatican II,* Washington, DC, Corpus Books, 1968, 199. Örsy here requires clarification since religious life according to the ecclesial vision is unimaginable without rules as merely "a spiritual inspiration." The 1983 Code makes multi-tiered proper law obligatory for every institute of consecrated life "[t]o protect more faithfully the proper vocation and identity of each institute" (*CIC*, c. 587, §1).

[28] In the interim, the author notes CYRIL OF SCYTHOPOLIS, *Lives of the Monks of Palestine,* trans. R.M. PRICE, Kalamazoo, MI, Cistercian Publications, 1991 and applauds the accessible work J. BINNS, *Ascetics and Ambassadors of Christ: The Monasteries of Palestine, 314-631,* Oxford, Clarendon Press, 2002.

1.1.1. - The *Life* of Anthony the Abbot

Anthony the Abbot, sometimes Anthony of the Desert (†356), has enjoyed a universal acceptance as "the Father of Monks" from antiquity indicative of his importance in the desert experience.[29] His life, as related in Athanasius's *Vita Antonii*, has functioned as an incarnate rule providing both monastic formation and defense of the primitive monastic movement, the characteristics of the Antonian monastic regimen having "[…] become integral elements in the definition of ascetic piety."[30] Subsequently, each monastic reform looked in some manner to Anthony's hagiographical account as a reference point.[31]

In his monastic observance, Anthony modeled the utility of spiritual direction to seek personal holiness of life; having experienced the fecundity of spiritual direction, Anthony recommended this guidance of others.[32] First, Anthony placed himself under "[…] an old man who had practiced from his youth the solitary life," imitating his virtue,

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[29] Technically speaking, the cenobitic life is accredited to Pachomius, and Anthony's confreres are better spoken of as anchorites or recluses stressing not the communal, but the solitary life; see P.H. GÖRG, *The Desert Fathers: Saint Anthony and the Beginnings of Monasticism,* trans. M.J. MILLER, San Francisco, Ignatius Press, 2011, 27.

[30] R.C. GREGG, "Introduction," in ATHANASIUS, *The Life of Antony and the Letter to Marcellinus,* trans. R.C. GREGG, Mahwah, NJ, Paulist Press, 1980, 7. For the historical dating and transmission, including Elliott's classification as "hagiographic romance," see A.G ELLIOTT, *Roads to Paradise: Reading the Lives of the Early Saints*, Hanover, NH, University Press of New England, 1987, especially 44-45. Concerning authorship and the historical merit of *Vita Antonii*, see also GÖRG, *The Desert Fathers,* especially 3-5.

[31] See J. LECLERCQ, *The Love of Learning and the Desire for God: A Study of Monastic Culture*, trans. C. MISRAHI, New York, Fordham University Press, 1982, 98-99: "During each monastic revival, they hark back to ancient Egypt; they want, they say, to revive Egypt, to inaugurate a new Egypt, and they call upon St. Anthony, his example, and his writings. This is true in the Carolingian period; later also, in the eleventh century, at Monte Cassino, Cluny, Camaldoli, and in the twelfth century at Cîteaux and Tiron, in England as well as in France and in Italy […] St. Anthony represents for all an ideal whose essential characteristic is its potential for realization in different ways. St. Anthony's life, then, for the medieval monks is not simply an historical text, a source of information about a definitely dead past. It is a living text, a means of formation of monastic life."

[32] See GÖRG, *The Desert Fathers,* 13: "In his efforts to make progress along the way of Christian perfection through prayer and asceticism, Anthony assimilated from the numerous role models whom he consulted the best practices in fasting, prayer, generosity, and the love of Christ and soon earned in his village the honorary title 'Beloved of God.'"

and seeking counsel from those advanced in the monastic life whom he sought "[…] like the wise bee."[33] Listening to the direction of the *senex*, however, was not enough for Anthony, who also willingly obeyed (*libenter obsequebatur*) the direction received with humility, teaching by example the importance of obedience if progress is to be made in virtue.[34] In the midst of terrific temptations, the *Vita Antonii* further recounts, Anthony sought direction, even requesting permission to live with the *senex* to better escape the devil's snares; this request suggests the importance of frequent, reoccurring spiritual direction.[35] In the early monastic movement, the spiritual director first received direction himself.[36]

After leading the solitary life and summoned forth by appeals to his personal holiness, Anthony becomes a teacher who, through "regular conversation" (*frequentibus autem colloquiis*), counsels laymen to leave the world for the monastery and monks to persevere.[37] Nemeck and Coombs contextualized the spiritual care given by the desert

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[33] ATHANASIUS, *Vita et conversatio S.P.N. Antonii*, no. 3, in *PG*, vol. 26, 843B-C, English translation in ATHANASIUS, *The Life of Antony and the Letter to Marcellinus,* R.C. GREGG, Mahwah, NJ, Paulist Press, 1980, 32. Cassian later used Anthony's example to suggest a multiplicity of models and counselors who may be able to help the monk acquire different virtues at distinct moments in the monastic journey; see JOHN CASSIAN, *De cœnobiorum institutis,* no. 5.4, in *PL*, vol. 49, 207A-B, English translation in *The Institutes*, trans. B. RAMSEY, New York/Mahwah, NJ, Newman Press, 2000, 118-119. Cassian's text, however, does not make explicit whether he intends a true multiplication of directors or rather a multiplication of models in the spiritual life based upon the different virtues, so some caution seems in order.

[34] See ATHANASIUS, *Vita Antonii*, no. 4.

[35] See ibid., no. 11.

[36] See E.C. SELLNER, *Mentoring: The Ministry of Spiritual Kinship,* Cambridge, MA, Cowley Publications, 2002, 30-31.

[37] ATHANASIUS, *Vita Antonii*, no. 15. Although the *Vita* is silent, and caution must be had against straining the evidence, the earlier commendation of personalized direction and the nature of vocational discernment suggests, albeit not conclusively, that Anthony the directee has assumed the role of director. For an introduction to the pastoral care early monks offered in spiritual direction, both within the coenobium and to the larger Christian community, see LYNCH, *The Church's Story*, 87-89.

abbas and *ammas* as directly consequent to personal holiness while never originally intended:

> The fact that they were indeed freely sought out pertains to the very core of what it means to be abba or amma. They did not presumptuously decide to direct others. They did not proudly set out on their own initiative to be spiritual masters or leaders. We never find a true abba or amma wandering around looking for someone to direct. Such behavior, if it occurs, would indicate either that one's solitude is probably no more than an attempt to seek honor and glory by living differently from others, or at least that one is trying to escape the exigencies of the desert.
>
> The abbas and ammas in fact did all within their power to live in obscurity and hiddenness. The more they were sought out, the more they risked going even further into the desert in order to secure the solitude they so desired.
>
> Not that they begrudgingly gave of themselves to those who sought their assistance. On the contrary, they welcomed readily those who generously sought help, and ministered to them with deep love, compassion, gentleness, and empathy. Nonetheless, this involvement with others had the positive effect of leading the desert solitaries to seek God even more ardently in solitude.
>
> Actually, the fact that they were sought out by others was but the external sign that they possessed the God-given charism of engendering the life of the Spirit in those sent to them.[38]

Athanasius recounts some of Anthony's common counsels: persevere in the faith, combat viciousness by prayer, and examine one's conscience daily to "[…] please the Lord and trample on the deceptions of the enemy."[39] Athanasius attributes to Anthony's direction a healing power received from God and communicated through the holy man.[40] Thus, Anthony's monastic life demonstrates the importance of personalized spiritual direction from a director advanced in the spiritual life whose counsel can assist in spiritual progress and overcoming temptation.

1.1.2. - The *Institutes* and *Conferences* of John Cassian

John Cassian's influence upon the evolution of the spiritual director consisted in his two primary works—the *Institutes* and *Conferences* (sometimes called the *Conlationes*

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[38] F.K. NEMECK and M.T. COOMBS, *The Way of Spiritual Direction*, Collegeville, MN, The Liturgical Press, 1985, 44-45.

[39] ATHANASIUS, *Vita Antonii*, no. 56.

[40] See ibid.

or *Collationes*)—that respectively provide a model of common discipline and spiritual and ascetical teaching from Cassian's purported experiences of Egyptian monasticism.[41] In both works, Cassian makes frequent recourse to the *regula monasteriorum* or *regula seniorum,* the unwritten way of life and doctrine of the Desert Fathers.[42] Though Cassian certainly added his own emphasis and ideas, historians generally hold that Cassian did not fabricate these teachings.[43] Simply, Cassian is "[…] the popularizer of Oriental monachism."[44] Cassian himself explained, "I consider it necessary to lay out the most ancient constitutions of the fathers, which is being observed by the servants of God even

[41] In his monastic texts, Cassian responded to the dual needs of Gallic monasticism: an interpretation of Egyptian monasticism possible in Gaul and communal discipline; see O. CHADWICK, *John Cassian: A Study of Primitive Monasticism*, Cambridge, Cambridge University Press, 1950, 45. Lest Cassian's abiding influence be doubted, the monastic evening meal or "collation" is named because of the custom "[…] for a chapter of the *Collations* to be read before the service of Compline in the evening in many monasteries; when this became an hour of refreshment, the collation, from referring to a monastic conference—the heart and center of the ascetic life—became also a meal" (C. BROOKE, *Monasteries of the World: The Rise and Development of the Monastic Tradition*, New York, Crescent Books, 1982, 26).

[42] See C. STEWART, *Cassian the Monk,* New York, Oxford University Press, 1998, 160, footnote 9.

[43] See the defense at A.M.C. CASIDAY, *Tradition and Theology in St. John Cassian,* Oxford, Oxford University Press, 2007, 129-130: "Cassian's entire corpus is founded on his belief that the content of tradition can justifiably be adapted by a discerning teacher to meet the needs of his disciples" (129). Later Casiday synthesized Cassian's thought and contribution: "Cassian thought it completely appropriate for a spiritual father to rework old tales so as to benefit his disciples. Even though he may have disavowed the idea, Cassian probably thought of himself as being just such a discerning father; or anyway he certainly cast himself in that role" (160). See the similar hypothesis of CHADWICK, *John Cassian*, 32-33 who defended Cassian not as a "reporter," but as "[…] an architect, selecting and adapting his materials, not a historian with a conscious desire to portray Egyptian monachism" (33) and again O. CHADWICK, *Western Asceticism*, Philadelphia, PA, The Westminster Press, 1958, 191. See also B. WARD, "Introduction," in N. RUSSELL (ed.), *The Lives of the Desert Fathers*, Kalamazoo, MI, Cistercian Publications, 1981, 10: "[T]he *Institutes* and *Conferences* are not verbatim accounts of conversations with the monks of Egypt; they are a carefully constructed interpretation of the aims and methods of monastic Egypt for the use of the monks of the West, and they are also shaped by the theological and ethical ideas of John Cassian. While they remain an authoritative presentation of the early ascetic life in Egypt which Cassian knew at first hand, their aim was to show men how to understand that life and adapt it to different conditions."

[44] T. MERTON, *The Silent Life,* London, Sheldon Press, 1975, 147. Brooke agreed, identifying Cassian as "[…] one of the most acute observers of the monks of the desert and their most profound interpreter" (BROOKE, *Monasteries of the World*, 22). See CHADWICK, *Western Asceticism*, 25; see also C.H. LAWRENCE, *Medieval Monasticism: Forms of Religious Life in Western Europe in the Middle Ages,* New York, Routledge, 2015, 11; and GÖRG, *The Desert Fathers*, 102-104 where Görg gave John Cassian the moniker "mediator between East and West" (103).

until now throughout Egypt, so that the uninstructed infancy in Christ of your new monastery may be initiated in the most time-tried customs of the most ancient fathers."[45]

The *Institutes* and *Conferences* are not legislative texts, but their juridic value resides in the authority and pervasive influence of Cassian's teaching upon later monastic rules—most notably the Benedictine Rule.[46] As Chadwick has written, Cassian contributed to monastic institutionalization as "[…] the teacher of Benedict and one of the principal architects of the western monastic system; through the charge of the Benedictine Rule that [Cassian's] writings should be read in religious communities, [Cassian's] teaching upon the ascetic life and the road to perfection dominated the origins and affected the spiritual ethos of medieval and modern monasticism."[47]

Consonant with other desert literature, Cassian proffers the importance of spiritual direction, but Cassian uses Scripture, selecting Samuel in the Old Testament and Paul in the New Testament as examples. Theologically, Cassian recognizes spiritual direction's mediating role wherein God reveals "[…] the way of perfection [through] the teaching and the instruction of the elders."[48] Cassian rhetorically concludes, "Who, then, would be so presumptuous and blind as to dare to trust in his own judgment and discretion when the vessel of election [Paul the Apostle] testifies that he needed to confer with his fellow

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[45] CASSIAN, *Institutes,* no. 2.2.2.

[46] See STEWART, *Cassian the Monk*, 25. See also H. FEISS, "Benedict's Rule," in P.L. REYNOLDS (ed.), *Great Christian Jurists and Legal Collections in the First Millennium*, Cambridge, Cambridge University Press, 2019, 336.

[47] CHADWICK, *John Cassian*, 5. See also DAWSON, *Religion and the Rise of Western Culture*, 46.

[48] JOHN CASSIAN, *Collationum XXIV,* no. 2.15, in *PL*, vol. 49, 549A, English translation in *The Conferences*, trans. B. RAMSEY, New York/Mahwah, NJ, Newman Press, 1997, 99. For a contemporary assessment of spiritual direction as "mediation," see DUBAY, *Seeking Spiritual Direction* where Dubay simplified, "God has chosen to lead us to himself through our brothers and sisters, that is, in ways that go beyond informal friendships" (20).

apostles?"[49] Cassian appears skeptical towards infallible elders since the charismatic abbas have died and each monk, whether superior or inferior, is best identified as a disciple of these earlier abbas; consequently, Cassian restricts the director's authority by upholding the rule of Scripture that offers certainty of sound teaching.[50]

Concerning the indication of *who* may function as spiritual director, Cassian prefers an experienced monk who has been tried in virtue and whose holiness has been well established—someone who can serve as a pattern for imitation. Accordingly, the *Institutes* and *Conferences* situate spiritual direction between the novice or "young man" (*iuvenes* or *iunior*) and the abba or "elder" (*senex* or *senior*). For Cassian, the selection of an elder corresponds to the holiness of the elder's life and, as Ramsey has summarized, "The words of the elders are valid only because their deeds are valid—and observably so."[51] The authority of the spiritual director for Cassian, then, arises not only from the free selection of an *abba* by the novice, but also the director's personal holiness grounded in the monastic belief "[…] that if one imitated others, if one modelled one's own life on theirs, one would arrive at a similar state of perfection […] Their visible example was a lesson, in other words, as forceful as wisdom and spiritual insight."[52] As a charismatic figure, a monastic pedigree or lineage develops from the elders that can be seen in the *Sayings of the Desert*

[49] CASSIAN, *Conferences,* no. 2.15.

[50] See P. ROUSSEAU, *Ascetics, Authority, and the Church in the Age of Jerome and Cassian,* Notre Dame, IN, University of Notre Dame Press, 2010, 191: "Scripture itself became a work of reference, against which to check the opinions of men, and in which to find a literal blueprint for the organization of the ascetic life."

[51] B. RAMSEY, "Introduction," in JOHN CASSIAN, *The Conferences,* B. RAMSEY (ed), New York /Mahwah, NJ, Newman Press, 1997, 16.

[52] ROUSSEAU, *Ascetics, Authority, and the Church*, 20-21.

Fathers where one abba cites another to support custom, monastic tradition, and interpretation of the dubious.

According to Cassian's presentation of spiritual direction in the monastery, the practice appears in its utility for juniors, the monastic neophyte, as suggested by its inclusion in the Cassian vision for initial formation. As Chadwick has noted, "[T]here is no evidence that the seniors also made regular [spiritual direction] though it was permissible."[53] In the development of spiritual direction, then, a lacuna is noted in Cassian, consistent with the earlier silence of the desert experiment that seemed to emphasize the transition from directee to director, leaving unresolved the importance of the director availing himself of lifelong spiritual direction to also exercise humility and obedience to a spiritual father.[54] In his desire to transplant monasticism to Gaul, Cassian appears preoccupied with initial formation, and thus spiritual direction in ongoing formation can only at best be inferred.

In his treatment of the direction of conscience in the monastery, Cassian emphasizes the value of a transparency that does not conceal from the senior any thought, however shameful, that the neophyte might progress in the spiritual life and conquer the devil.[55]

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[53] CHADWICK, *John Cassian*, 58-59.

[54] Without personal spiritual direction, the director can erroneously equate the divine will with his will. As May has noted, "In my opinion, the relationship between personal and divine will is the most fierce and treacherous confrontation faced by modern spiritual guides and leaders. It demands that they be constantly attentive to and critical of their own spiritual inclinations, and it absolutely requires that they have competent spiritual direction for themselves. The question is deceptively simple to ask and exquisitely difficult to answer: Am I truly seeking to do Thy will … or mine?" (MAY, *Care of Mind/Care of Spirit*, 20).

[55] See CASSIAN, *Institutes*, no. 4.9. This desert wisdom finds later formulation in the so-called *Regula ad monachos* attributed to Abba Isaias and included in the collection of Benedict of Aniane: "De nulla re ita laetantur diaboli sicuti laetantur de eo, qui cogitationes suas spiritualem suum magistrum celat" (*Regula ad monachos,* no. 65, in *PL*, vol. 103, 434A). The identification of the director here as "*magister spiritualis*" would suggest a later composition (or revision?) as this expression is foreign to the thought of the Egyptian abbas, although the earlier norm 6 in the same *Regula ad monachos* simply exhorts openness to "your fathers" (*patribus tuis*) and norm 42 admonishes the neophyte to confide the secrets of his soul to "the old man"

Thus, Cassian exhorts the novice to not only obey his seniors, but "[…] everything that arises in our hearts should be brought to them without embarrassment."[56] Cassian, however, does not shy away from an honest recognition of how difficult transparency can be, particularly in shameful matters, but rather desires to excite transparency by presenting its efficacy by way of analogy: "[…] the loathsome serpent—drawn out as it were into the light from its dark and subterranean cave by the power of the confession—departs as a king of laughingstock and object of dishonor."[57] Transparency between abba and monk is a powerful tool for Cassian towards self-knowledge, spiritual growth, and exposure of the obstacles to salvation. Logically following, the director chosen must be someone with whom the directee is comfortable opening his soul.

Accordingly, Cassian establishes the link between humility, transparency, and spiritual direction. For Cassian, the second sign of humility is transparency that "[…] conceals from his elder not only none of his deeds but also none of his thoughts,"[58] and relatedly the third indication of humility is distrust of self, rendering the directee capable of receiving direction. Of course, the direction of the abba is without the desired result if the monk does not receive the counsel in a spirit of humility and seek to act accordingly in

(*senex*)—terminology more consistent with earlier desert texts. It seems likely that in the compilation of this spurious rule, that cannot be confirmed to have been observed in practice, Benedict of Aniane reframed the wisdom of some of the desert fathers—including Isaias—into a legislative text.

[56] CASSIAN, *Conferences,* no. 2.11. Cassian returns to shame in no. 20.8 acknowledging that shame can be so strong as to cause the directee to be "restrain[ed]" and even "blush," but that does not excuse him from "[…] ceas[ing] to confess them in constant supplication to the One from whom they cannot be concealed, who is accustomed to healing without disclosing what is shameful and to forgiving sins without reproachfulness."

[57] Ibid., no. 2.10.

[58] CASSIAN, *Institutes*, no. 4.39. The ten *signs* of humility are transformed by the Master into twelve *degrees* of humility that further influenced Benedict's rule. See also CASSIAN, *Conferences,* no. 2.10.

humble obedience to the direction given. To make his point, Cassian praises monks who obey seemingly absurd counsels, including John the Dwarf, who watered a dried kindling stick with the belief that nothing is impossible to those who obey the direction given by the abba.[59] Humility for Cassian, as tested and proven in direction, is "[…] a fundamental virtue, secured by obedience and allowing one to move on to purity of heart."[60]

Cassian counsels not only the directee to transparency but also the director to compassion and mercy, admonishing "[…] that not only are someone's openly confessed sins not to be reproached, but also that the pain of a suffering person is not to be despised in belittling fashion."[61] Cassian here seems to acknowledge that not everyone is able to guide souls advantageously, conceding that sometimes the directee will even encounter "[…] ignorance or shallowness [wherein the devil] misuses their grey hairs to deceive the young."[62] In fine, the director in Cassian is freely chosen based upon experience and veritable holiness of life before whom the directee is able to be transparent and who receives these confidences with compassion and understanding.

1.1.3. - *Apophthegmata Patrum* or *Sayings of the Fathers*

The *Sayings of the Desert Fathers*, the principal collection of sayings (*apophthegmata*), offers a glimpse of the sublime wisdom that meets practicality in early Egyptian monasticism.[63] Originating in communal spiritual colloquy and private direction,

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[59] See CASSIAN, *Institutes*, no. 4.24.

[60] STEWART, *Cassian the Monk,* 168, footnote 40. In the same place, Stewart treated Cassian's hierarchy of virtues in contrast to the Master and Benedict: "[F]or the Master and for Benedict, humility is the summit of monastic perfection, analogous to Cassian's 'purity of heart.'"

[61] CASSIAN, *Conferences,* no. 2.13.

[62] Ibid.

[63] The historical, monastic, and juridic value of the *Sayings* consists, as Chadwick has noted as "[…] raw material of history: here we find ourselves close to the men who founded the monastic movement, for we are

the dicta were first transmitted orally, later recorded, and finally collected "[…] as words of power, life, and salvation addressed to particular persons in concrete situations."[64] As sundry sayings spoken to individuals in a multitude of circumstances, and each enjoying its own historical transmission before collection, the *Sayings*—whether exhortations, expositions, or eulogies—do not offer a unified discipline of direction, but nonetheless common characteristics as practiced in the Egyptian desert can be seen.[65]

The very structure of the *Apophthegmata,* regularly beginning with an appeal to the abba for "a word" (*rhema*), reveals direction of conscience in the desert to be personal, focused, and memorable or, as Rousseau has characterized, "[…] like the flash of a signaling lamp—brief, arresting, and intense."[66] Merton too has suggested the longevity and abiding significance of the dicta in relation to regulated living: "The memorable phrases which have been preserved are remarkable not so much for their special depth, as

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not seeing the desert through the spectacles of an individual (like Cassian or Jerome or Palladius or Sulpicius Severus) with a particular and unifying interest" (CHADWICK, *Western Asceticism*, 33-34). See also G. GOULD, *The Desert Fathers on Monastic Community,* Oxford, Clarendon Press, 2002, 4 where Gould argued that the *Apophthegmata partum* is "[…] the most important single source for our knowledge of the monasticism of fourth- and fifth-century lower Egypt."

[64] D. BURTON-CHRISTIE, *The Word in the Desert: Scripture and the Quest for Holiness in Early Christian Monasticism*, Oxford, Oxford University Press, 1993, 78. Gould added that the abba's words "[…] enjoy a special authority which compels respect, attention, and obedience, both from an abba's immediate disciples and from visitors and others who consulted him on one occasion or another" (GOULD, *Desert Fathers on Monastic Community*, 37).

[65] See J.C. GUY, "Les Apophthegmata Patrum," in *Théologie de la vie monastique: études sur la tradition patristique,* Paris, Aubier, 1961, 79: "[T]here is no single theology of the monastic life which is expressed in the *Apopthegmata Patrum* […] but many theologies of the monastic life."

[66] ROUSSEAU, *Ascetics, Authority, and the Church*, 12. Harmless observed three characteristics of the abbas' sayings: (1) personal; (2) prayerfully discerned by the abba before spoken; and (3) subject to the monk's obedience for fecundity; see W.J. HARMLESS, *Desert Christians: An Introduction to the Literature of Early Monasticism*, Oxford, Oxford University Press, 2004, 172-173. See also A. LOUF, "Spiritual Fatherhood in the Literature of the Desert," in J.R. SOMMERFELDT (ed.), *Abba: Guides to Wholeness and Holiness East and West,* Kalamazoo, MI, Cistercian Publications, 1982, 38-51 where Louf developed the abba's word as a "blessing": "For the father's word which allows a son to act in one way or another brings at the same time the power to succeed" (50).

for the fact that someone was struck very deeply by them and held on to them as coming from God. They became a rule of life for *him.*"[67] Considered stylistically, the directions given enjoy a penchant for simplicity of expression and candor of thought absent philosophical argumentation or scholastic deduction, but instead wherein each word reflects experience in such a way that these interactions "[…] take on an almost oracular quality."[68]

In the *Sayings,* spiritual direction appears as obligatory for the identity and life of a monk. The man seeking to overcome vice and draw close to God is counseled, "Go, and join a man who fears God, and live near him; he will teach you, too, to fear God."[69] The *Sayings* attribute to Anthony the difficult instruction that "[…] a monk ought to tell his elders confidently how many steps he takes and how many drops of water he drinks in his cell, in case he is in error about it."[70] While extreme, Anthony here reveals the monk as someone who submits his will to that of the elders to avoid misjudgment in all matters, however trivial. In another place, a certain monk, already well advanced in the ascetical life and the practice of virtue, was tempted by the devil to vainglory; recalling the Pauline admonition of 2 Cor 3:5 to seek counsel, he purposed to seek direction "[…] as guidance from God [from an abba] great and renowned; greatly advanced in contemplation, [who]

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[67] T. MERTON, *Cassian and the Fathers: Initiation into the Monastic Tradition*, Kalamazoo, MI, Cistercian Publications, 2005, 75.

[68] HARMLESS, *Desert Christians*, 171.

[69] B. WARD (ed.), *The Sayings of the Desert Fathers*, Poemen, Kalamazoo, MI, Cistercian Publications, 1984 (=*AP*), no. 65, 176. (In citing the *Sayings*, to facilitate additional study, the name of the abba will be identified after "*AP*" followed by saying and page numbers respectively.) Interesting in Abba Paësius's teaching adopted by Abba Poemen is that the man is counseled not merely to self-disclose and listen, but to "join" and "live near;" the teacher-pupil relationship is intimate and personal, even living in close physical proximity.

[70] *AP,* Anthony, no. 38, 9.

could be beneficial to those who appealed to him and edify appropriately those who asked him questions."[71] Other well educated monks, such as Abba Arsenius, affirm that no one is excused from seeking the counsel of another, bluntly replying, "I have indeed been taught Latin and Greek, but I do not know even the alphabet of this peasant."[72] Thus, the *Sayings* present spiritual direction as an indispensable foundation of the ascetical life in the monastic movement; without the abba's paternal presence to offer words of light and life, monks could only lament that they had become "orphans."[73]

The selection of a director is not only paramount, but the director chosen must be truly holy himself, having first lived what he teaches that his teaching might demonstrate an "authority or efficiency" born from "integrity" of teaching and life.[74] The disciple selected his abba as a personal choice based upon the sanctity of the old man and the director's gifts of discernment and healing. The monk, however, remained free to find a new abba if he was not making progress or to seek outside opinion if the old man "[…] did not understand."[75] As Abba Agathon stated, "If someone were very specially dear to me, but I realized that he was leading me to do something less good, I should put him from

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[71] J. WORTLEY (ed.), *The Anonymous Sayings of the Desert Fathers: A Select Edition and Complete English Translation*, no. 641, Cambridge, Cambridge University Press, 2013, 519.

[72] *AP,* Arsenius, no. 6, 10.

[73] *AP*, Isaac, Priest of the Cells, no. 3, 100.

[74] GOULD, *The Desert Fathers on Monastic Community*, 59. Gould detailed, "Words alone were not enough; the abba's teaching should be offered in the form of a united witness of word and life."

[75] *AP,* Zacharias, no. 4, 68; it is important, however, to note that even though Zacharias's director did not understand him, and Poemen sent him to another director, the latter simply sent the monk back to his original director with the command, "[S]ubmit yourself to your father." Gould elaborated, "It is of course difficult to tell from these examples how common such strained relationships were—only how the Desert Fathers thought it was right to respond and that they thought that even in these strained circumstances the relationship could bear spiritual fruit, for one party and sometimes for both. Similarly, it is difficult to tell how often the problem was expected to arise of an abba being unable to respond to a disciple's particular problems or temptations" (GOULD, *The Desert Fathers on Monastic Community,* 73).

me."[76] Before seeking a new abba permanently, though, the monk must discern whether he is moved by self-will or truly finds himself in an unhealthy or unhelpful director-directee relationship.[77]

The *Sayings* suggest that the director and directee met frequently: Paphnutius had bi-monthly spiritual direction, and John the Dwarf regularly made himself available in front of the church.[78] There are likewise accounts of emergency spiritual direction when a monk might even visit his abba multiple times on a given night.[79] Even during liturgical seasons dedicated to greater silence and solitude, spiritual direction remains paramount with the abba available to all those who might seek his wisdom.[80] These meetings between director and directee are characterized by warm hospitality and charity with the directee being received as sent by God and invited even for some refreshment and to take a little nap, but without idle chatter or dissipation.[81] A final characteristic of the identification of a spiritual director in monasticism's nascency, then, is the director's availability to meet with the directee and dedicate the time required to helping the monk advance in the spiritual life. As will be seen in later monastic legislation, availability explains much of the development

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[76] *AP*, Agathon, no. 23, 23.

[77] Parente offered a more modern application: "A change in spiritual direction may be brought about by God Himself, by taking away the director by death, or having him or us transferred to a distant place. In general, one must guard against the common illusion of believing that by changing director all the difficulties of our spiritual life will disappear" (PARENTE, *Spiritual Direction*, 36).

[78] See *AP,* Paphnutius, no. 3, 202-203 and *AP,* John the Dwarf, no. 8, 87.

[79] See J. WORTLEY (ed.), *The Book of the Elders: Sayings of the Desert Fathers-The Systematic Collection*, no. 5.16, Collegeville, MN, The Liturgical Press, 2012, 64.

[80] See *AP*, Poemen, no. 58, 174-175: "We have not been taught to close the wooden door but the door of our tongues." The abba always remained available for direction with "an open door policy."

[81] *AP,* Anthony, no. 34, 8; *AP*, Apollo, no. 3, 37; and *AP,* Ammoes, no. 1, 30: "It is for fear that, after edifying words, irrelevant conversation should slip in, that I do not keep you with me."

as monasticism becomes less small, simple, and personal and more institutionalized, and, as Rousseau clearly articulated, there is a consequent de-emphasis upon "the insight and authority of holy men, and more on a sense of corporate tradition, custom, and experience."[82]

1.2. - The Monastic Rules

The monastic *regulae* constitute a particular genre of juridic texts—disparate in size, format, and purpose—with the use of the term *regula* to describe these texts emerging quite late with the Augustinian Rule only being identified as a rule by Eugippius of Lucullanum (†535).[83] The normativity of the monastic *ius proprium* must not be understood univocally, but rather as "[…] equivocal, for these texts regulated monastic life in diverse ways and different senses."[84] For the sake of clarity, the author of this study will refer to this genre of normative texts as "rules" or "*regulae*" while conceding from the outset a real diversity in the *genre littéraire*. Monastic legislation suggests great influence between the texts, in some cases even borrowing directly from one rule to another.[85] While

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[82] ROUSSEAU, *Ascetics, Authority, and the Church*, 198.

[83] For an introduction to the breadth of monastic legislation and etymology of "*regula*" or "rule," see P.L. REYNOLDS, "Normative Texts and Practices of the First Millennium," in P.L. REYNOLDS (ed.), *Great Christian Jurists and Legal Collections in the First Millennium,* Cambridge, Cambridge University Press, 2019, 16-18. Even the naming of these legal texts demonstrates great variance: "*vitae, vita vel regula, regula, horoi kata platos, peri tēs askēsos tōn makariōn paterōn, instituta coenobiorum, praecepta, praecepta atque instituta, statuta partum, ordo monasterii, historiae monachorum, askētikai diataxeis*" (G. AGAMBEN, *The Highest Poverty: Monastic Rules and Form-of-Life,* trans. A. KOTSKO, Stanford, CA, Stanford University Press, 2013, 3).

[84] A. DIEM, "Monastic Rules," in P.L. REYNOLDS (ed.), *Great Christian Jurists and Legal Collections in the First Millennium,* Cambridge, Cambridge University Press, 2019, 221. Surveying this unity in diversity, de Vogüé concluded, "In other words, rules were not lacking and it was hardly important whether one was formed or proven by this rule or that rule, for they all resembled one another. The important thing was effective submission to one of these authentic and authorized rules of which a good number existed" (A. DE VOGÜÉ, "Sub Regula uel Abbate," in M.B. PENNINGTON [ed.], *Rule and Life: An Interdisciplinary Symposium,* Spencer, MA, Cistercian Publications, 1971, 37).

[85] See FRANKLIN, HAVENER, and FRANCIS (eds.), *Early Monastic Rules*, 14: "These rules illustrate once again that the most striking characteristic of early monastic literature was a very extensive and increasingly

influence will be duly noted, development can also be observed in the progression of the norms regarding the spiritual director, including the change in terminology as monasticism grew from the solitary hermitages of the Egyptian deserts into great cenobitic centers of culture and learning in continental Europe.[86] The following *regulae*, far from exhaustive, have been chosen and curated because of both their juridic consideration of the spiritual director and their abiding influence—albeit often indirect—upon today's pontifical orders of monks.

1.2.1. - *Rule of Pachomius*

Pachomius (†356) is credited with the establishment of Christian cenobitism characterized by communal religious life. Emerging from the anchoritic tradition through a personal apprenticeship under Palamon, Pachomian monasticism displays the personal holiness, paternal tenderness, and sagacity of Pachomius whose "[…] entire career as a founder demonstrated his persistent ineradicable desire to give humble physical service as

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complex network of borrowing from each other." See also C.J. PEIFER, "The Rule of St. Benedict: The Present State of the Question," in W. SKUDLAREK (ed.), *The Continuing Quest for God: Monastic Spirituality in Tradition and Transition,* Collegeville, MN, The Liturgical Press, 1982, 149 who observed that monks' rules "[…] are filled with citations and allusions to earlier monastic and patristic writings to such an extent that it becomes an exacting task to track down the numerous references and parallels." This thesis attempts this difficult labor surrounding the norms on the spiritual director in the monasteries.

[86] See FRANKLIN, HAVENER, and FRANCIS (eds.), *Early Monastic Rules*, 13-14 where the editors cite the development of juridic terms referring to the superior as monastic communities become increasingly institutionalized: "In the Rule of Pachomius as translated by Jerome, the head of the monastery is called the *pater monasterii* ("father of the monastery") or *princeps* ("prince, head"). *Is qui praeest* ("he who presides") is the term used in Basil as well as in the Rule of the Four Fathers and the Second Rule of the Fathers. In the Second Rule of the Fathers, however, we see, as well, a new term, *praepositus*, used to address the superior. This term is also used in the later II recension of the Rule of the Four Fathers. In the *Regula orientalis* and the Rule of Macarius, as well as in the contemporary rules of the Master and Caesarius of Arles, the word *abbas* ("abbot") to refer to the superior is introduced, and the word *praepositus* has acquired the new meaning of the second in command. This distinction, however, is not always maintained yet. In chapter 7 of the Rule of Macarius, for example, the word *praepositus* probably still refers to the head of the monastery. No such confusion arises in the Third Rule of the Fathers, contemporary with the Rule of Benedict; here the abbot is always referred to as *abbas*, and the *praepositus* is clearly the abbot's lieutenant, Benedict's prior."

well as spiritual direction."[87] Although possibly recorded after his death, the Pachomian Rule, eminently of a practical nature and the first known monastic rule indicative of "[…] a new desire to codify ascetic practice,"[88] communicates the central characteristics of Pachomian monasticism in four separate legislative documents: the *Praecepta, Praecepta et Instituta* (hereafter simply *Instituta*), *Praecepta atque Judicia* (hereafter *Judicia*), and *Praecepta ac Leges* (hereafter *Leges*).[89] Butler suggested the significance of Pachomius's legislation as "[…] the most authentic epitome of the earliest Christian Rule for Monks."[90] Originating in the monastery at Tabennesi, the Pachomian norms were practiced throughout the network of monasteries that looked to Pachomius as spiritual father and

[87] A. DE VOGÜÉ, "Foreword," in A. VEILLEUX (ed.), *Pachomian Koinonia,* vol. 1, Kalamazoo, MI, Cistercian Publications, 1996, xvii. De Vogüé cited four Palamonian influences on Pachomius: "asceticism, the experience of spiritual kinship, orthodoxy, and—at the heart of eremitism—communion with the Church" (xviii). If de Vogüé's theory is accepted, these four characteristics traverse with Pachomius from the anchoritic experience of the desert to cenobitic monasticism later codified in the *regulae*. Although now extinct, Pachomius's communities endured into the medieval epoch as reported by Anselm von Havelberg in the 12th century who "[…] had seen in a monastery in Constantinople five hundred monks who lived according to the Rule of Pachomius" (GÖRG, *The Desert Fathers*, 87).

[88] ROUSSEAU, *Ascetics, Authority, and the Church,* 69. Rousseau developed a theory of composition of the Pachomian Rule—both written and oral—where the normative text "[…] was not handed to each monk as a complete text, but developed over a long period, and designed in different parts for different persons" (74). Agamben argued this characteristic as common to all monastic *regulae* prior to Benedict as a "dialectic:" "Neither written word nor living voice, the rule constantly moves between these polarities, in search of an ideal of the perfect common life that is precisely meant to define" (AGAMBEN, *The Highest Poverty*, 75).

[89] The Pachomian Rule was allegedly gifted to the legislator by an angel on a bronze tablet, which Lacarrière theorized as an explanation for the novelty of Pachomius's cenobitic project: "[…] so strange to his contemporaries that they considered it to have been inspired by an angel" (J. LACARRIÈRE, *Men Possessed by God: The Story of the Desert Monks of Ancient Christendom,* trans. R. MONKCOM, Garden City, NY, Doubleday & Company, 1964, 73). See also J.A. MOHLER, *The Heresy of Monasticism,* Staten Island, NY, Alba House, 1971, 58 where Mohler theorized that the angelic origins support the identity of Pachomius as "the Coptic Moses." Diem, invoking Rousseau, and in support of his own thesis of regular evolution, suggested that the Pachomian text as written and codified law "[…] was superimposed onto an older hagiographic tradition long after Pachomius's lifetime" (DIEM, "Monastic Rules," 220). Although scholars have argued for the development of the four normative texts arising sequentially, the diverse purposes intended for different audiences and realities, coupled with internal references to the other texts, makes it seem more plausible that "[…] they were parallel texts which evolved at the same time in different contexts, along with the development of the *Koinonia*" (A. VEILLEUX, "Introduction," in A. VEILLEUX [ed.], *Pachomian Koinonia,* vol. 2, Kalamazoo, MI, Cistercian Publications, 1981, 7).

[90] C. BUTLER, "Monasticism," in H.M. GWATKIN and J.P. WHITNEY (eds.), *The Cambridge Medieval History,* vol. 1, Cambridge, Cambridge University Press, 1964, 524.

founder. As living documents, the Pachomian Rule developed not only during Pachomius's life but also during the lives of his successors.[91]

From the richness of his own experience as a son to the old Palamon, Pachomius's monastic vision celebrates the father-son relationship that Pachomius first practiced and later modeled in his paternal charity for his numerous spiritual sons, including his beloved son and successor Theodore.[92] Harmless identified in these apprenticeships of Anthony and Pachomius under experienced anchorites "[…] one of the faint clues that hint at traditions of monasticism that predate our sources."[93] De Vogüé further explored the emergence of monastic legislation in Pachomius to safeguard monastic values:

> Pachomius was not called to be a spiritual father in the anchoritic mode, that is, through simple moral authority and personal influence. If he was to direct souls, to form monks, to accomplish his mission, his desire for self-effacement and service had to be coupled with a frank acknowledgment of his own role as legislator and master. The common rule, to which he first of all submitted himself, became the foundation of his authority while at the same time satisfying his personal need for humility. This instrument would provide the basis for his influence on others as well as his own abasement at the feet of all. This rule and the hierarchy it set up, and through which it was maintained, would establish a communal lifestyle, a society endowed with the structures of the Church in which the perfect *Koinonia* of the apostolic days could be re-established.[94]

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[91] See VEILLEUX, "Introduction," 7.

[92] See B.P. MCGUIRE, *Friendship & Community: The Monastic Experience 350-1250,* Kalamazoo, MI, Cistercian Publications, 1988, 22: "Most prominent are spiritual father-son links, as between Pachomius's first master, Palamon, and himself, or between Pachomius and his successor Theodore. In a transition from eremitic to cenobitic forms of monastic life, such personal bonding is only to be expected […] Pachomius seems to have institutionalized the father-son link, or at least to have approved its transference from the isolated world of a few cells around a master to the crowded daily existence of the new monasticism." In "The Boharic Life of Pachomius," the spiritual kinship between Pachomius and Palamon is manifest, going so far as to reveal that the father and son "[…] lived together as one man, practicing a hard and exhausting *ascesis*" (32) and that when Pachomius was called to begin a monastery at Tabennesi, the father and son "[…] would go and mutually pay each other visits with joy and love of God, counselling on many points" ("The Bohairic Life of Pachomius," no. 17, in A. VEILLEUX [ed.], *Pachomian Koinonia,* vol. 1, Kalamazoo, MI, Cistercian Publications, 1996, 40).

[93] HARMLESS, *Desert Christians*, 118. Lawrence argued that the relation between abba and novice for initial formation is "[…] a cardinal principle of ascetical teaching" (LAWRENCE, *Medieval Monasticism*, 5).

[94] DE VOGÜÉ, "Foreword," xx-xxi.

Distinct from desert anchoritism, Pachomius's experience revealed the importance of not only personal holiness and leadership marked by paternity but also legislation to preserve and foster monastic observance and discipline in the bourgeoning Pachomian network.

Pachomian monasticism clearly evinced the vital place of spiritual direction wherein Pachomius taught, "It is a great evil not to confess one's temptation quickly to someone who has knowledge, before the evil has matured."[95] Considering the importance attached to spiritual direction as proven in Pachomius's life and recorded in his teaching,[96] a reader of the *Praecepta* may be surprised to discover that the 144 paragraphs of the normative text offer no explicit norms on spiritual direction and spiritual directors. While a wide range of topics are addressed in fine details, including the admission of new members, monastic organization and governance, liturgical practices, work, dietary norms, penances to be imposed, and even practical regulations on weekly laundry and not gathering in the bakery around freshly baked bread, the *Praecepta* is silent on spiritual direction. Without straining the evidence, the silence on spiritual direction certainly indicates that the legislator had no intention to prescribe for or against spiritual direction and its director. Furthermore, this silence may reveal two principles for Pachomius on spiritual direction: (1) spiritual direction is so constitutive to monasticism that were it absent from a monk's life, monasticism would not exist at all (and therefore no rule would be needed), and (2) spiritual direction from the beginning in the monastic tradition was a

[95] "The First Greek Life," no. 96, in A. VEILLEUX (ed.), *Pachomian Koinonia,* vol. 1, Kalamazoo, MI, Cistercian Publications, 1996, 363.

[96] Pachomius's successor, Theodore testifies to the frequent, private spiritual direction Theodore gave to one of the monks named Mousaios: "Did I not tell you when I met alone with you in your cell night and day […]" (AMMON, "The Letter of Ammon," no. 24, in J.E. GOEHRING [ed.], *The Letter of Ammon and Pachomian Monasticism,* Berlin, Walter de Gruyter, 1986, 174).

matter not for minute regulation but for an ascetical discipline left to the liberty of the monk and the movements of divine grace in his soul under the guidance of the spiritual father.[97] Similarly, the *Instituta* too is found silent on the practice of spiritual direction despite instructions to superiors and housemasters; the admonitions, however, that conclude the *Instituta* serve themselves as something of spiritual direction insofar as they seek to instill virtue and dispel vice. The *Judicia*, as the name suggests, contains the norms for judgment and penance to maintain order in the coenobium; although not explicit, the *Judicia* in norm eight clearly treats of the importance of the virtue of filial piety towards one's seniors and establishes that punishment shall endure until the offender no longer "[…] make[s] light of the counsels of the elders."[98] While one would err in seeing here a clear reference to spiritual direction in the strict sense, the importance the legislator attaches to seeking discernment and wisdom from others is unmistakable. The final Pachomian normative text, the *Leges* is also silent on spiritual direction, treating questions of prayer, work, and discipline without any explicit or implicit reference to the direction of conscience.

In the sayings of Pachomius recorded in the hagiographical account, Pachomius admonished his monks to seek the counsel of other monks to grow in virtue and overcome

[97] For this understanding of monastic interpretation, see A CAMALDOLESE HERMIT, *In Praise of Hiddenness*, Bloomingdale, OH, Holy Family Hermitage, 2020, 61-62: "[O]ne does not speak, or speaks very little, of what is self-evident and of first importance. It only becomes urgent to speak of the oxygen in the air when it is lacking. It is given us in abundance, so we do not even mention it." See also the discussion of monastic regulation in relation to freedom in S. TUGWELL, *Ways of Imperfection: An Exploration of Christian Spirituality,* Springfield, IL, Templegate Publishers, 1985, 78-79 where Tugwell reframed monastic legislation: "The pessimistic view of monastic life as largely a way of keeping people out of mischief can be subsumed into a much more positive view of monastic life as providing space within which the new creature in Christ can come to maturity […] The common observances provide an objective point of reference, which allows the monks to relax with themselves and with each other; the monastic life as a whole, undisturbed by individual quirks, becomes both a unique 'school of charity' and a continual drama of charity."

[98] PACHOMIUS, "Judicia," no. 8, in *PL*, vol. 23, 87, English translation in VEILLEUX (ed.), *Pachomian Koinonia,* vol. 2, 177.

vice, often having recourse to common prayer. The *Life of Pachomius* relates that "Pachomius would tell all of them as an answer to go and find [Theodore] and to get from him consolation in their temptations and tribulations. And they would go and see him, so much so that they called him 'the brothers' comforter.' By the unction of his words, he would restore calm to all. Often, he would pray with many among them until the Lord put an end to their temptations."[99] As this account of the non-ordained Theodore's direction illustrates, the spiritual director in the Pachomian monastery was not limited to the occasional monastic cleric, but the suitable director was the holy man—cleric or not—who could console through paternal counsel and bring healing and peace to the soul.[100] Interestingly, Pachomius seems to even offer spiritual counsel to individual monastic superiors and the members of distant communities by means of a system of coded correspondence suggestive of the importance Pachomius attached to spiritual direction and its essential confidentiality by whatever means possible, including secret languages.[101]

[99] "The Bohairic Life," no. 32, 57-58.

[100] Although a fascinating and important canonical question, this dissertation for reasonable circumscription and want of space is not *per se* exploring the related question of lay power of governance although the historical evolution from lay to clerical directors is here introduced. "The fact is, spiritual direction does not require the offices of a priest, either historically or theologically" (J. LAPLACE, *Preparing for Spiritual Direction,* trans. J.C. GUINNESS, Chicago, Franciscan Herald Press, 1975, 45).

[101] Later monastic legislation and custom would regularly frown upon—if not condemn—the practice of spiritual direction via correspondence, but Pachomius seemed to use this practice to guide souls while devising a system to protect the secrecy of the communications "[…] when he had no time to visit them" (*The Life of Pachomius* [*Vita prima graeca*], trans. A.N. ATHANASSAKIS, Missoula, MT, Scholars Press, 1975, 141).

1.2.2. - *Asceticon of Basil*

Basil of Caesarea (†378), "the Patriarch of the Greek Monks," legislated a cenobitic way of life that exercises abiding influence upon Eastern monasticism and monks in the West as well.[102] Benedict XVI elucidated the contribution of Basil:

> Indeed, Basil created a very special monasticism: it was not closed to the community of the local Church but instead was open to it. His monks belonged to the particular Church; they were her life-giving nucleus and, going before the other faithful in the following of Christ and not only in faith, showed a strong attachment to him—love for him—especially through charitable acts. These monks, who ran schools and hospitals, were at the service of the poor and thus demonstrated the integrity of Christian life.[103]

In his *Asceticon* of two parts in questions and answers—the Greek Longer Rules (*Regulae fusius tractatae*) and Shorter Rules (*Regulae brevius tractatae*) joined into a single Latin Rule (*Regulae sancti Basilii episcopi Cappadociae ad monachos*) by Rufinus—Basil made provision for an ascetical, communal Christian life derived from Scripture.[104] For Basil,

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[102] See JOHN PAUL II, Apostolic Letter for the 16th Centenary of the Death of Saint Basil *Patres ecclesiae*, 2 January 1980, no. 2, in *L'Osservatore Romano,* English ed., 25 February 1980, 6. Benedict of Nursia acknowledged the influence of Basil not only in the East, but in the West, referring to Basil's legislative texts as "[…] nothing less than tools for the cultivation of virtues" (*RB*, 73.5). Going further, Butler argued that Benedict drew most heavily upon the legislation of Basil; see C. BUTLER, *Benedictine Monachism: Studies in Benedictine Life and Rule,* London, Longmans, Green and Co., 1919, 16. See also, albeit dated, W.K.L. CLARKE, *St. Basil the Great: A Study in Monasticism,* Cambridge, At the University Press, 1913, 144-154. The exploration of Basilian influence on Benedictine regulation has been more recently studied in J.G. CLARK, *The Benedictines in the Middle Ages,* Woodbridge, UK, The Boydell Press, 2011*,* 13-14 where Clark identified Basilian inspiration on both institutional structure and the cultivation of monastic virtues whereas Feiss added that Basil's emphasis on fraternity "[…] counterbalanced the largely vertical approach of the *Rule of the Master*, which emphasizes the relationship of each monk individually to the abbot" (FEISS, "Benedict's Rule," 337). See also A.M. SILVAS, "Introduction," in A.M. SILVAS (ed.), *The Rule of St. Basil in Latin and English: A Revised Critical Edition*, Collegeville, MN, The Liturgical Press, 2013, 7 where Silvas developed the relation between Basilian speculative and practical theology arguing that the communitarian thrust of Basilian monasticism results from Basil's Trinitarian thought.

[103] BENEDICT XVI, Address to a general audience on Saint Basil, 4 July 2007, in *L'Osservatore Romano*, English ed., 11 July 2007, 11. See also KNOWLES, *From Pachomius to Ignatius*, 4-5 where Knowles described Basil's monastic vision to include "[…] homes of charity, containing orphanages, hospitals, workhouses, farms, and hospices […] anticipating the western orders of the later Middle Ages."

[104] For an introduction to the history of the *Asceticon* in its present format and historical transmission, see P. ROUSSEAU, *Basil of Caesarea,* Berkeley, CA, University of California Press, 1994, 354-359. Also SILVAS, "Introduction," 8-9. See also J.M. LOZANO, *Discipleship: Towards an Understanding of Religious Life*, trans. B. WILCZYNSKI, Chicago, Claret Center for Resources in Spirituality, 1983, 234 where Lozano described the Basilian community as "[…] a small group of young people who come together in order to follow an evangelical life. They have no Rule except the Gospel (Basil's *Asceticon* is a catechism), nor do they have a

the biblical passages are "[…] the norm or standard in accordance with which his monks were to render obedience: that is, he gave to the Divine Scriptures the sanction ordinarily accorded to a formal monastic Rule."[105] In contrast with Pachomius, Basil proposed "[…] a spiritual handbook for monastic life that is based principally on Sacred Scripture."[106]

In the Longer Rule of Basil question 26 contextualized within questions of good order (*eutaxia*), an important canonical advancement occurs concerning the spiritual director: the legislator proposes the spiritual director of the monks is the superior (*praepositus*) within the Basilian monastery. Basil prescribes:

> Every subject, if he intends to make any progress worth mentioning and to be confirmed in a mode of life that accords with the precepts of our Lord Jesus Christ, ought not conceal within himself any movement of his soul, nor yet utter any thoughtless word, but he should reveal the secrets of his heart to those of his brethren whose office it is to exercise a compassionate and sympathetic solicitude for the weak. In this way, that which is laudable will be ratified and that which is worthy of rebuke will receive the correction it deserves, and by the practice of such co-operative discipline, we shall by a gradual advance attain to perfection.[107]

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charismatic Father or Mother." Holmes explored the literary genre, concluding that as *quaestio-responsio* the so-called "Rules of St. Basil" represent "[…] a particular monastic way of spiritual teaching" arising in some instances orally and in others likely in writing; see A. HOLMES, *A Life Pleasing to God: The Spirituality of the Rules of St. Basil,* Kalamazoo, MI, Cistercian Publications, 2000, 51-52.

[105] M.G. MURPHY, *St. Basil and Monasticism,* Patristic Studies*,* no. 25, Washington, DC, The Catholic University of America Press, 1930, 97.

[106] GÖRG, *The Desert Fathers*, 94. See also E.F. MORISON, *St. Basil and His Rule: A Study in Early Monasticism*, London, Oxford University Press, 1912, 20: " [Basil] effaces himself, in order to show that the sole authority for his monastic precepts and instructions is Holy Scripture. The Bible is to be the foundation upon which all monastic legislation is to rest. Scripture itself is [to] be the only Rule, and the life of the monk is to be truly 'evangelical.'" See also Kardong's critical assessment of biblical suitability to Basilian vision: "We might sometimes wonder how appropriate some of these texts are for that purpose, but we have to admit that the author is deeply rooted in the texts of Sacred Scripture" (T.G. KARDONG, *Pillars of Community: Four Rules of Pre-Benedictine Monastic Life,* Collegeville, MN, The Liturgical Press, 2010, 59).

[107] BASIL, "Regulae fusius tractatae," in *PG*, vol. 31, 937-938, English translation in M.M. WAGNER (ed.), *The Fathers of the Church,* vol. 9, Washington, DC, The Catholic University of America Press, 1970, (=*RBasL*), 288-289. Commenting on the juridic significance of this Basilian development, Korth suggested that this is "[…] the first instance of a Rule clearly stating that manifestation of faults for the sake of guidance and advancement in the spiritual life is to be made to a *praepositus*—one assigned to receive such confidences because of his prudence and ability in helping souls along the paths of virtue" (F.N. KORTH, *The Evolution of "Manifestation of Conscience" in Religious Rules, III-XVI Centuries,* Rome, Pontificia Universitas Gregoriana, 1949, 32-33). Note, however, that the Basilian legislation uses an assortment of words for superiors wherefore Holmes charged that "Basil's Superior is not as clearly defined as Benedict's Abbot;"

Thus, this director determined by office within Basil's monasteries, "compassionate and sympathetic" is entrusted with encouraging and admonishing the directee-monk towards perfection. Basil attaches great importance to the directee's openness to the director, encouraging the monk to "[…] not conceal within himself any movement of his soul, nor yet utter any thoughtless word, but he should reveal the secrets of his heart" (*RBasL*, 26). Basil likewise admonishes that upon returning from a journey outside the monastery, the monk is to render an account, including the events, personages, and even his thoughts in a spirit of humble transparency:

> After the return, moreover, examination should be made of the journey as to the incidents which occurred, the sort of persons met with by the traveler along the way, the discourse held with them, the musings of his soul, and as to whether he passed every day and night in the fear of God or went astray and violated any precept, either by yielding to external circumstances or by giving in to his own natural indolence (*RBasL*, 44).[108]

The reference in question 44 to "the musings of his soul" suggests that Basil intends here a revelation to the *praepositus* not merely of matters of external discipline, but spiritual direction and those occasions where the monk might have struggled, "either by yielding to external circumstances or by giving in to his own natural indolence" (*RBasL*, 44).[109]

Augmenting the legislative text, in *On Renunciation of the World* Basil enumerated desirable characteristics of an "unerring director of your life," namely someone "[…]

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concerning the question of the "superior" in the Basilian Rule, see HOLMES, *A Life Pleasing to God*, 174-179.

[108] Commenting upon the Basilian text, Zecher highlighted in the original Greek Basil's marked clinical approach to spiritual direction within a doctor-patient framework: "Basil regularly uses medical analogies and expectations familiar from Galenic and Hippocratic literature, which together characterize spiritual directors *as* physicians and their work *as* medicine" (J.L. ZECHER, *Spiritual Direction as a Medical Art in Early Christian Monasticism,* Oxford, Oxford University Press, 2022, 246).

[109] In contrast, while *RBasL*, 46 might initially appear pertinent to this study from its title: "That no one should conceal sins either in his own interest or for a brother's advantage," the content suggests instead the legislator's focus not on occult sins but external faults in fraternal correction.

adorned with virtues, bearing witness by his own works to his love for God, conversant with the Holy Scripture, recollected, free from avarice, a good, quiet man, tranquil, pleasing to God, a lover of the poor, mild, forgiving, laboring hard for the spiritual advancement of his clients, without vainglory or arrogance, impervious to flattery, not given to vacillation, and preferring God to all things else."[110] Thus, Basil's spiritual director—the *praepositus* or superior by office—has first become a true disciple of Jesus Christ by the acquisition of Christian virtues before guiding others. In the determination of spiritual director by office, there results a moral vision in Basil for monastic leadership necessary for effective spiritual direction. Basil, however, is silent on what is to be done when the superior is a gifted leader, but not a suitable spiritual director for every member of the community.

1.2.3. - *Praeceptum* of Augustine

The Rule (*praeceptum*) of Augustine, a "little book" or *libellus* (*RA*, 8.2) has received widespread acceptance by both founders of monastic orders and orders of mendicants and canons as well.[111] Augustine, however, had no intention of founding an

[110] BASIL, "On Renunciation of the World," in *PG*, vol. 31, 632B, English translation in M.M. WAGNER (ed.), *The Fathers of the Church,* vol. 9, Washington, DC, The Catholic University of America Press, 1970, 19.

[111] AUGUSTINE, The Rule of Our Holy Father, St. Augustine: Bishop of Hippo, trans. R. RUSSELL, Villanova, PA, Province of St. Thomas of Villanova, 1976 (=*RA*). For the sake of clarity and precision, when speaking of the Augustinian Rule or the Rule of Saint Augustine, this dissertation refers to the Latin text sometimes known as the *Praeceptum* or *Regula tertia* that is presently followed by institutes of consecrated life that observe the "Augustinian Rule." Thus, the "Augustinian Rule" herein understood is distinct from the *Ordo monasterii*, *Obiurgatio*, and the *Regularis informatio* also regularly attributed to Augustine and sometimes also confusingly referenced as the "rule." Lawless offered a philological assessment, outside the scope of this canonical study, but nonetheless significant, of questions of authorship, audience, and dating of the Augustinian Rule in G. LAWLESS, *Augustine of Hippo and His Monastic Rule*, Oxford, Clarendon Paperbacks, 1991, 121-154. Brooke posited three explanations for the pervasive acceptance of the Augustinian Rule, namely "[…] for its combination of practical sense and vagueness which allowed a pile of useful customs to be attached to it, and several quite different ways of life to be based on it; and because it came in due course to seem to its adherents that it was closer to the life of the Apostles than Benedict's Rule" (BROOKE, *Monasteries of the World*, 125-126). Concerning the divergent observance of the Augustinian Rule within orders of monks and other religious institutes as a "*turba magna*," see P. VAN GEEST, "The Rule of

order according to contemporary canonical understanding, but rather the Augustinian Rule in its original conception served "[…] as a set of 'house rules' for a particular community."[112] Nonetheless, the Rule of Saint Augustine (*ca*. 395) offered monks in the Latin Church "[…] all that could be helpful in leading the monastic life."[113] Attributable to its legal flexibility and emphasis upon apostolic living, the Augustinian Rule continues to serve presently two pontifical orders of monks.[114]

The Augustinian Rule purposes in the main not to delineate precise details of discipline and asceticism but to serve as an amalgamation of Augustine's teaching on the monastic life synthesized from the Western Doctor's copious writings.[115] In the absence of

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Saint Augustine," in K. PANSTERS (ed.), *A Companion to Medieval Rules and Customaries*, Boston, Brill, 2020, 152.

[112] G. BONNER, *The Monastic Rules,* Hyde Park, NY, New City Press, 2004, 93. Lawless and Verheijen have suggested that the Augustinian Rule emerged for the "brothers" living in the monastery Augustine founded in the garden at Hippo in 391, but from which Augustine had been called away; see LAWLESS, "Foreword," 11; L. VERHEIJEN, *La Règle de Saint Augustin*, vol. 1, Paris, Études Augustiniennes, 1967, 62; and the description of this "garden monastery" in A. ZUMKELLER, *Augustine's Ideal of the Religious Life,* trans. E. COLLEDGE, New York, Fordham University Press, 1986, 35-40. This theory is supported by absences in the legislation for how members are admitted or superiors determined, indicative that the Augustinian Rule arose to maintain a community in existence with established officials and perhaps other norms in supplemental legislation.

[113] LECLERCQ, *Love of Learning*, 98. Louth attributed this more to "[…] the authority of the African doctor than any tradition of its use" (A. LOUTH, "The Literature of the Monastic Movement," in F. YOUNG, L. AYRES, and A. LOUTH [eds.], *The Cambridge History of Early Christian Literature,* Cambridge, Cambridge University Press, 2004, 373).

[114] See LAWLESS, *Augustine of Hippo and His Monastic Rule*, xi.

[115] See A. ZUMKELLER, *Augustine's Rule: A Commentary*, trans. M.J. O'CONNELL, Villanova, PA, Augustinian Press, 1987, 95; in the same work, Zumkeller noted that Augustine "[…] had no liking for the multiplication of regulations and laws, as can be seen from the very brevity of his Rule" (114). For another presentation of the fundamental distinctions between the Augustinian and Benedictine Rules, see G.B. LADNER, *The Idea of Reform: Its Impact on Christian Thought and Action in the Age of the Fathers*, Cambridge, MA, Harvard University Press, 1959, 384-385 where Ladner argued for an Augustinian emphasis upon "[…] the *cor unum et anima una in Deo* of the Acts of the Apostles and of the Augustinian Rule." Ladner continued that the lack of precise details in the Augustinian Rule "[…] forms a contrast to St. Benedict's, the great lawgiver's, rule, which, too, is pervaded by the spirit of fraternal charity, but on the whole expresses it implicitly rather than explicitly and pays much more attention to organization." While the Augustinian Rule is admittedly less concerned with ascetical practices than the Benedictine Rule, it cannot be held that the Augustinian Rule lacks an appreciation for asceticism altogether. For example, see *RA*, 2.4 that corrects unmortified and distracted singing, as well as *RA*, 4.4 and 4.6 that castigates a lack of custody of the eyes. "Moreover, for Augustine, it is not a matter of austerity for austerity's sake; that is, as mere

a multiplication of norms, Augustine's Rule emphasizes—explicitly and implicitly—the importance of freedom and grace, affirming inclusion and diversity corresponding to man's dignity as a child of God called into the communion of the Church and the fraternity of the monastic life; thus, freedom marks a central part of Augustinian monasticism.[116]

Taking the example of the early Church as model, particularly as found in Acts 4:31-35, the Augustinian Rule reasons to make present in contemporary circumstances the apostolic Christian community as a *societas*.[117] As Lawless has written, "Common life is easily the most distinctive feature of the *Rule*."[118] Consequently, the Rule of Saint Augustine also demonstrates a different approach to leadership arising not from the superior's personal holiness but from the community itself united in the bonds of Christian friendship.[119] Thus, the Augustinian Rule, organizing the community under the precept of

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training in self-control. The goal of asceticism extends further than this. In fact, others must be advantaged by your acts of self-denial. As Augustine repeatedly points out, there is no value in fasting unless one gives to the poor what is thereby saved" (T.J. VAN BAVEL, "Commentary on the Rule," in *The Rule of Saint Augustine: Masculine and Feminine Versions*, trans. R. CANNING, London, Darton, Longman & Todd, 1984, 66).

[116] From his own initial observation of monasticism, Augustine identified this trio of charity, holiness, and freedom; see AUGUSTINE, *The Catholic and Manichaean Ways of Life*, trans. D.A. GALLAGHER and I.J. GALLAGHER, Washington, DC, The Catholic University of America Press, 1966, 54.

[117] Van Bavel elaborated, "For them [Pachomius, Basil, and Augustine] the first community of Jerusalem plays the role of an ancient dream which becomes an ideal for the present and for the future" (T.J. VAN BAVEL, "Introduction to the Rule," in *The Rule of Saint Augustine: Masculine and Feminine Versions*, trans. R. CANNING, London, Darton, Longman & Todd, 1984, 8). Concerning the apostolic community as archetype of Augustinian monasticism, see also ZUMKELLER, *Augustine's Rule: A Commentary*, 28. Of course, recourse to Acts 4 is not unique to Augustine, but can also be found in earlier and later monastic texts including the Pachomian Rule, Cassian, and Basil's Long Rule. Augustine, however, understands Acts 4 "[…] in a particular way: as emphasizing the importance of the communal character of the monastery, not simply as an association of monks living under a common rule but as a band of brothers held together by love of God and love of each other" (BONNER, *The Monastic Rules,* 64). For a theologically rich reflection on Augustine's interpretation of Acts 4, see L. VERHEIJEN, *Saint Augustine's Monasticism in the Light of Acts 4.32-35*, Villanova, PA, Villanova University Press, 1979.

[118] G. LAWLESS, "Enduring Values of the Rule of Saint Augustine,' in *Angelicum,* 59 (1982), 65.

[119] See BONNER, *The Monastic Rules,* 65-66. "For Augustine, as opposed to the desert fathers, it was undesirable that such human bonds [of friendship] be outlawed, and so he argued that we must accept the consequence: some friends will die, others will betray us, but friendships will remain and persist, despite a world filled with disasters and uncertainties" (MCGUIRE, *Friendship & Community,* 54). See also Kardong's

divine and fraternal friendship, implicitly views spiritual direction in relation to Christian fraternal living. Commenting upon this dimension of the Rule of Saint Augustine, Hugh of Saint Victor stated, "But we live together in order that we may protect one another, correct one another, and advise one another, so that when one would prove to be weak by herself, another may come to [his] aid."[120] The Western Doctor's treatment of spiritual direction, then, arose from fraternal solicitude and purposed fraternal support in pursuit of perfection.

Another dimension of the Augustinian monastic vision that contributed to the juridical evolution of the spiritual director consists in Augustine's "[…] union of the monastic ideal and priestly activity."[121] Augustine, in disparity to Benedict's largely lay vision, joined monastic consecration and priestly life from the richness of Augustine's own double vocation as monk and cleric.[122] In Augustine, the lay ascetical discipline of spiritual direction becomes a priestly duty necessitating that the priest be himself spiritual for

affirmation that Augustinian monasticism arose not from the legislator's "[…] need for ascesis but for *philia*: Augustine needed friends and he needed a life of conviviality. He knew from Scripture and from his own experience that 'it is not good for the human to be alone.' This was the characteristic form that monasticism took under his creative genius. For him all other aspects of monastic life must serve community" (KARDONG, *Pillars of Community*, 165).

[120] HUGH OF SAINT VICTOR, *Explanation of the Rule of St. Augustine*, trans. A. SMITH, London, Sands & Company, 1911, 54.

[121] L. HERTLING, "Kanoniker, Augustinusregel und Augustinerorden," in *Zeitschrift für Christliche Theologie*, vol. 54, no. 3 (1930), 359. Augustine was not original in the unification of the monk-priest, a reality seen earlier in Eusebius's community of monk-priests at Vercelli *ca*. 363. Zumkeller suggested Augustine's contribution thus more modestly: "Whether Augustine knew of Eusebius and his foundation is not certain; but it is clear that he was to give this new institution a stronger basis" (ZUMKELLER, *Augustine's Ideal of the Religious Life*, 45).

[122] Benedictine monachism was only later exposed to the Augustinian notion of "monk-priest" when the Benedictine monks fled to Rome after being attacked by the Lombards around 581; see DAWSON, *Religion and the Rise of Western Culture*, 48. For further consideration, see L. CILLERUELO, *El monacato de san Agustin*, Valladolid, Archivo teológico agustiniano, 1966, 163-169 where Cilleruelo theorized that the Augustinian monastery became a training ground for "[…] los atletas que iban a luchar en favor de la Iglesia" (169).

harmony of life and teaching.[123] By way of proliferation, the desert's charismatic abba was transformed into a clerical spiritual director. Interestingly, Rousseau conjectured that this transition from charismatic abba to clerical director of souls occurred with Pachomius, although the author of this study believes that this evolution is better attributed to Augustine since historians generally agree that Pachomius was not a cleric but remained the spiritual father of his monks and likewise was succeeded by a lay monk.[124]

In Chapter Four of the Augustinian Rule, aptly entitled "Mutual Responsibility in Good and Evil," Augustine prescribes a canonical process for the correction of faults using as an example failure to practice custody of the eyes.[125] An integral part of this process, if the offender does not amend his ways, is to inform the superior: "But if [the offender] fails to correct the fault despite this admonition, he should first be brought to the attention of the superior before the offense is made known to the others who will have to prove his guilt, in the event he denies the charge. Thus, corrected in private, his fault can perhaps be kept from the others" (*RA* 4.9). Here Augustine explicitly states that matters discussed were not to be shared outside of the superior and monk, and other monks were not to be included in these secret communications to safeguard the right to privacy and the offender's

[123] See ZUMKELLER, *Augustine's Ideal of the Religious Life,* 193-195. As a logical consequence of the emergence of the priest as spiritual director and the consequent recognition of the primacy of the spiritual in priestly life, Augustine launched a program of priestly reform wherein apostolic activity emerges from and returns to a vibrant, priestly ascetical and contemplative life.

[124] See ROUSSEAU, *Ascetics, Authority, and the Church*, 63: "It was clerics, now, who gave spiritual assurance, when famous holy men were no longer able to 'speak the word;' it was clerics who possessed visionary power; and the peace of soul that had previously come from hearing the words of the fathers could now be brought about by formal penance, performed in company perhaps more numerous and less familiar than the group of disciples around their spiritual master."

[125] Kardong suggested the juridic value of this process within the integrity of Augustinian vision as "[…] a strongly therapeutic approach to human community and to spiritual life" (KARDONG, *Pillars of Community*, 186).

reputation.[126] The context, however, suggests that Augustine is referring here to correction in the external forum and not spiritual direction.

In his treatment on the evangelical counsel of obedience in chapter seven, Augustine established the superior (*praepositus*) as "a father" (*RA*, 7.1) who is to be respected lest the monks "offend God in him" (*RA*, 7.1) and who has been called to exercise sacrificial service in charity:

> The superior should be obeyed as a father with the respect due him so as not to offend God in his person, and even more so, the priest who bears responsibility for all of you. But it shall pertain chiefly to the superior to see that these precepts are all observed and, if any point has been neglected, to take care that the transgression is not carelessly overlooked but is punished and corrected. In doing so, he must refer whatever exceeds the limit and power of his office to the priest who enjoys greater authority among you (*RA*, 7.1-2).

The superior, then, has a duty to correct and admonish the erring in accordance with the normative text, but his power is circumscribed by office and spiritual vision by fraternal charity.[127] Augustine continues:

> The superior, for his part, must not think himself fortunate in his exercise of authority but in his role as one serving you in love. In your eyes he shall hold the first place among you by the dignity of his office, but in fear before God he shall be as the least among you. He must show himself an example of good works towards all. Let him "admonish the unruly, cheer the faint-hearted, support the weak, and be patient towards all" (1 Thess. 5.14). Let him uphold discipline while instilling fear. And though both are necessary, he should strive to be loved by you rather than feared, ever mindful that he must give an account of you to God (*RA*, 7.3).

The Augustine conception of leadership is immediately recognizable as distinct from the deserts and later Benedictine houses. Commenting on the notion of governance as service in the Augustinian Rule, Verheijen synthesized that for Augustine, "[…] leaders and teachers are the humble servants who can only give their 'modest help,' but who should

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[126] For a commentary on the importance Augustine attaches to safeguarding one's reputation as legislated here in practice, see P.A. DEVOUCOUX, *La Religieuse selon S. Augustin: Explication de la Règle du saint Docteur*, Abbeville, C. Paillart, 1901, 355-359.

[127] Bonner succinctly synthesized the Augustinian notion of the superior: "[…] the superior's authority ultimately rested upon the love and affection of his brethren" (BONNER, *The Monastic Rules,* 90).

not refuse it, and who always run the risk of proudly placing a screen between God and his people."[128] Within this call to servant leadership, the Augustinian Rule invokes the words of Paul to the Church at Thessalonica in 1 Thess 5:14, namely to correct, to encourage, to assist, and to exercise compassion.[129] The leader in Augustine's vision, then, is someone who remains open to the promptings of the Holy Spirit in a spirit of love and discernment.[130] Although not explicit, one way that a superior might realize this admonition could be in spiritual direction although these duties of spiritual paternity can also be fulfilled completely through teaching, leading, and the correction of external faults.[131] Accordingly, the Augustinian presentation on obedience is too indefinite to be of much help in the question of the spiritual director.

The question persists, then, why Augustine does not offer a more comprehensive presentation on spiritual direction in his monasteries nor any norms to govern the practice.

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[128] L. VERHEIJEN, *Saint Augustine: Monk, Priest, Bishop*, Villanova, PA, Augustinian Historical Institute, 1978, 61. For his synthesis of the Augustinian relation between obedience and spiritual direction, noting a difference between Augustine and Cassian "*particulièrement nette*," see L. VERHEIJEN, *Nouvelle approche de la Règle de saint Augustin,* Bégrolles en Mauges, Abbaye de Bellefontaine, 1980, 283-289. See also VAN BAVEL, "Commentary on the Rule," 102: "Despite the fact that the person responsible is the leader, he is still one of many. He remains a member of the group and there is no essential difference between him and other members of the group. He does not stand above the group, he remains a part of it. Therefore, he has a rather modest role to play. For the group as a whole is emphasized more than anything else; the mutual relationships among its members are the matter of primary concern."

[129] In his commentary, Hugh of St. Victor draws the parallel between the religious superior and a "[…] physician of souls [who] must adopt the healing power of virtue to counteract the ills of vice. For this purpose, the superior should first study carefully the dispositions of [his] subjects that [he] may know what help to offer to each" (HUGH OF SAINT VICTOR, *Explanation of the Rule of St. Augustine*, 113).

[130] Commenting, Sr. Agatha Mary wrote, "The work of sustaining the monks is above all God's work, and the prior's chief part is to keep the channels open for the incoming of God in their individual and corporate lives. It is for this task that he is accountable to his *praepositus*, God" (AGATHA MARY, *The Rule of Saint Augustine: An Essay in Understanding,* Villanova, PA, Augustinian Press, 1992, 321).

[131] Lozano noted that the superior's caritative service as envisioned by the Augustinian legislator aims that religious "[…] should obey not as servants, *sub lege*, but as free people, *sub gratia*" (LOZANO, *Discipleship*, 235). Here is a practical application in the legislative text of Augustine's celebrated theology of grace.

Viewed within the totality of the Augustinian corpus, the Western Doctor's perspective on leadership surely influences the limited explicit references to spiritual direction in the Augustinian legislation in favor of spiritual friendship. Perhaps more important, consequent to Augustine's experience as a sinner and emphasizing the primacy of God Who unites the community, Augustine clearly recognizes the danger of the human director becoming an obstacle rather than an aid. Thus, Augustine gives precedence to the Lord in spiritual direction such that any human norms would seem to his point of view as attempting to govern a divine reality. According to Augustine, the true director in spiritual direction is not the human director, but instead "[…] you must hold most firmly what he who is the interior teacher of the interior human being will teach you. For, even if through me you can come to know something conducive to salvation, he shows you in your heart that what is said is true."[132] The teacher, formator, and director of the interior life for Augustine is, in the realest sense, God: "Without is the planter of the tree, within is the tree's Creator."[133] Ergo, Augustine's legislation recognizes that spiritual direction is not properly a subject for exacting legal norms, but rather Augustine purposes to create a divine society built on fraternity and friendship conducive to prayer, study, and discernment while largely leaving to the Divine Legislator God's dealings with individual human souls.

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[132] AUGUSTINE, *Letters 211-270, 1*-29**, B. RAMSEY (ed.), trans. R. TESKE, Hyde Park, NY, New City Press, 2005, 221.

[133] M. DODS (ed.), *The Works of Aurelius Augustine, Bishop of Hippo: A New Translation*, vol. 10, Edinburgh, T&T Clark, 1873, 372. Zumkeller developed therefrom two notes of Augustinian spiritual direction: the spiritual director must first be himself a man of prayer for divine enlightenment and the director's personal life must reflect his teaching in action (ZUMKELLER, *Augustine's Ideal of the Religious Life*, 194-195).

1.2.4. - *Rule of the Master*

The Rule of the Master, legislated by an anonymous "Master," consists in answers the legislator claims are given by God. The Rule of the Master, thus, self-confesses to promulgate its norms as absolute, immutable, and inerrant by divine authority and consequently is characterized by a hesitancy to delegate power in contrast to the discretion and moderation of the Benedictine Rule.[134] King labeled the Master's legislative posture: "The Master failed to understand the principle of legislation, which is to formulate the general principle clearly and leave the rest to case law. He wanted to cover every eventuality. As a result, his rule is very lengthy."[135]

Consequently, the Rule of the Master unsurprisingly envisions spiritual direction by way of spiritual paternity institutionalized in the office of the superior.[136] The Rule of the Master admonishes, "Then the disciple mounts the fifth rung of humility on the ladder

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[134] Concerning questions of the interdependence and dating of *RM* and *RB*, see D. KNOWLES, *Great Historical Enterprises and Problems in Monastic History*, Edinburgh, Thomas Nelson and Sons Ltd., 1963, 139-195. See also the major proponents of "the traditional thesis," "the new thesis," and a common source for *RM* and *RB* identified in A. de VOGÜÉ, "Preface," in *The Rule of the* Master, trans. L. EBERLE, Kalamazoo, MI, Cistercian Publications, 1977, 8. Dunn has more recently argued the question of *RM* and *RB* influence based predominantly upon the sanctoral cycle and liturgical discipline. Dunn, against de Vogüé, advocated "[…] a more northerly area of origin" of *RM* as well as "[…] a date of composition *after* that of *RB*" (M. DUNN, "The Master and St. Benedict: A Rejoinder," in *English Historical Review*, 107 [1992], 111). The Master's attitude towards the abbot is well contrasted by Feiss: "Whereas Benedict warns the abbot that he must render an account to God, the *Rule of the Master* does not envisage the abbot's making mistakes or violating the rule" (FEISS, "Benedict's Rule," 341).

[135] P. KING, *Western Monasticism: A History of the Monastic Movement in the Latin Church*, Kalamazoo, MI, Cistercian Publications, 1999, 90-91.

[136] Deseilles described the original monastic conception of the superior as a "spiritual father:" "Originally the spiritual father's authority was based above all on his personal experience in the ways of holiness. He had received the full outpouring of the Spirit at the end of a long spiritual combat, to which he himself had been initiated by another spiritual father. Henceforth by counsels based on supernatural insight, by his prayer, the efficacy of which is influenced both by his own holiness and the simple faith of his disciples, and by the radiance of his life, he can in turn beget sons to whom he will transmit this Spirit" (P. DESEILLES, *Principles of Monastic Spirituality in the Cistercian Tradition,* Bégrolles en Mauges, France, Abbaye N.-D. de Bellefontaine, 1962, 50-51). See also LOZANO, *Discipleship*, 238-240: "We, perhaps, might say that the abbot or abbess is the interpreter and intermediary of the spiritual tradition for the individual" (240).

of heaven if, making humble vocal confession, he does not conceal from his abbot any evil thoughts that come into his heart or sins that he has secretly committed."[137] The normative text therewith lauds transparency to the abbot (*abbati*) as indicative of humility and later the Master exhorts, "When an evil thought comes to the heart of one of the brothers and he feels that it is causing him to waver, therefore, let him immediately confess it to his deans (*hoc praepositis*), and they will inform the abbot of this after quickly saying a prayer" (*RM*, 15.12-13).[138] The communication of the knowledge from the deans to the abbot indicates the importance the Master attaches to centralization of the power of governance in the abbot—even if that means the sharing between deans and the abbot as a compromise to privacy.[139] The advancement from the desert experiment is evident: transparency to a charismatic old man has been transformed into transparency to one's religious superior or his delegate.[140]

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[137] *Rule of the Master,* no. 10.61, in *PL,* vol. 88, 969, English translation in *The Rule of the Master*, trans. L. EBERLE, Kalamazoo, MI, Cistercian Publications, 1977 (=*RM*), 159. This verbiage is almost identical to *RB*. The relation between obedience, humility, and spiritual direction is further developed by Dorotheos of Gaza who exhorted his disciples to the practice of both obedience and humility, "Just as horses are yoked together in a chariot so that one does not outstep the other, so obedience needs to have humility yoked together with it. How can a man be worthy of this grace, unless, as I said, he treats himself harshly to cut off the desires of his own and to give himself, after God to his [spiritual] father, without hesitation, doing everything with full confidence as though obeying God" (DOROTHEOS, *Discourses and Sayings*, trans. E.P. WHEELER, Kalamazoo, MI, Cistercian Publications, 1977, 90-91).

[138] According to *RM*, every ten monks are under the governance of two deans (*RM*, 11.20) entrusted with special vigilance as a concrete delegation of abbatial paternity and power. De Vogüé footnoted Pachomius and the Oriental Rule as likely sources of *RM*'s institution of the system of deans; see A. DE VOGÜÉ (ed.), *La règle du maître,* vol. 2, Paris, Éditions du Cerf, 1964, 8-9, footnote 4.

[139] Contrasting *RB*, 46 to *RM*, 15, Kardong observed here in the Master a "[…] much more public process than what Benedict proposes" (T.G. KARDONG, *Benedict's Rule: A Translation and Commentary,* Collegeville, MN, The Liturgical Press, 2021, 377). Stewart offered a more nuanced reading: "A benign interpretation of the Master's policy would note his emphasis on the concern of the monks for a brother in difficulty; a more severe reading would regret the loss of the desert's privileged relationship between elder and disciple and the controlling effect of publicizing spiritual troubles" (C. STEWART, "Manifestation of Thoughts in the Rule of Benedict," in *Studia patristica*, 25 [1993], 456).

[140] Hausherr disparagingly apprised this development from a decidedly Eastern perspective noting: "Spiritual fatherhood is frozen into administrative, official, regulated relationships. Where the primitive practice had begun with the disciple going to the man of the Spirit towards whom his confidence bore him,

A further noteworthy evolution has occurred in the Rule of the Master: movement away from a complete manifestation of conscience and all the directee's thoughts to only confessing sinful or "evil thoughts" (*cogitationes malas*). As de Vogüé observed, the ascetical practice of spiritual direction here transforms in the Rule of the Master from a practice of obedience in the desert experience to a practice of humility, "[…] an act of self-abasement in which [the directee] confesses his sins. For the object of the confession no longer consists in actions or thoughts of uncertain quality on which one expects a senior's verdict, but *evil* thoughts and actions already judged to be such by the one confessing them."[141] While an explicit explanation for the transition from *all* thoughts to *only* evil thoughts is not given in the normative text, the movement towards formality and the reality of larger institutionalized monasteries intimates practicality.

The Rule of the Master, in chapter 15 on the revealing of thoughts, further counsels the superior to even question the monk who may be too embarrassed or ashamed to reveal his soul: "Moreover the deans themselves should on their own initiative interrogate their charges about [evil thoughts], lest perhaps because of the simplicity of some of [the monks] or indeed for very shame brought on by what is evil the brother is too shy to confess

codification and control by authority little by little replace them […] The filial laying-open of the soul, which envisaged especially the healing to come, becomes a painful accusation regarding little more than the past. The 'spiritual father' is nothing more than an absolution-giver and penance-assessor" (I. HAUSHERR, *Direction spirituelle en Orient Autrefois*, Rome, Pont. Institutum Orientalium Studiorum, 1955, 227-228). Hausherr's view is concordant with the existent practice of the Eastern Churches that emphasize the free selection of a spiritual director, distinct from one's pastor and confessor, selected not because of Holy Orders or an ecclesiastical office, "[…] but solely because of the charismatic gifts which people think they see in him" (P. DE RÉGIS, "Confession and Spiritual Direction in the Oriental Church," in M.B. CARRA DE VAUX SAINT-CYR et al., *The Sacrament of Penance,* Glen Rock, NJ, Paulist Press, 1966, 94).

[141] A. DE VOGÜÉ, *Reading Saint Benedict: Reflections on the Rule,* trans. C. FRIEDLANDER, Kalamazoo, MI, Cistercian Publications, 1994, 88.

depraved and obscene things" (*RM*, 15.14-15).[142] While the problem of shame appeared earlier in Cassian, this interrogation by the superior-director of member-directee represents an innovation by the Master purposed to advance transparency and solicit healing, especially when the temptation concerns "[…] depraved and obscene things" (*res pravas aut turpes*).[143] Again, however, the Rule of the Master demonstrates a shift away from the primacy of freedom of the directee towards good order and the exercise of power in governance, albeit apparently aimed at the monk's spiritual growth.

1.2.5. - *Rule of Benedict*

The Rule of Benedict (*ca*. 540),[144] written for "[…] a single self-contained, self-supporting, and self-sufficient family,"[145] became the official monastic rule in the Latin Church at the Council of Aachen (817) through the influence of Benedict of Aniane (†821).[146] Knowles noted the Benedictine Rule's humble beginnings:

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[142] As will be seen, this interrogation of the directee by the director is absent in Benedict's text.

[143] Dee proffered the historical significance: "Up to this time, as a general rule, the inaugural step of the manifestation rested with the religious, for the spiritual master was not to assume a more active role than that of a fatherly recipient. Here the position is reversed. Lest shame or simplicity induce a harmful reticence in their disciples, the spiritual elders are themselves here empowered to make the first effort" (D. DEE, *The Manifestation of Conscience*, Canon Law Studies, no. 410, Washington, DC, The Catholic University of America Press, 1960, 16).

[144] BENEDICT OF NURSIA, *Rule of Saint Benedict,* no. 4.50, trans. B.L. VENARDE, Cambridge, MA, Harvard University Press, 2011.

[145] KNOWLES, *From Pachomius to Ignatius*, 6. The Cistercian reformers had to wrestle with this historical reality to reconcile it to external supervision and the relation between the Cistercian signature relationship between mother- and daughter-houses in centralized governance.

[146] See J. KERR, *Life in the Medieval Cloister,* London, Continuum, 2009, 5: "Not least, Aachen made the [Benedictine] *Rule* and obedience to it the defining characteristic of the monk. This was no longer a term used to describe any member of a community of religious men but denoted followers of the *Rule of St. Benedict*; accordingly, the monastic life was now the life of the *Rule*." Some restraint, however, is in order since, while the Council of Aachen had succeeded in establishing solely a Benedictine monastic observance, *una regula-una consuetudo*, the non-Benedictine customs endured that had been long-instilled by the practice of "mixed rules;" see A. GRAVOWSKY and C. RADL, "A Review of Recent Scholarship," in A. CABANISS (ed.), *Benedict of Aniane, the Emperor's Monk: Ardo's Life*, Kalamazoo, MI, Cistercian Publications, 2008,

> St. Benedict founded no order; he did not even send out from Monte Cassino a succession of colonies; he lived with and for his relatively small community of the hill; he left them the memory of a holy life and the codex of the Rule. The influence of that Rule on the religious and cultural life of the West was enormous. It was never imposed as a code; there was no order to grow from a mustard-seed as did Cîteaux in later centuries. The Rule supplanted other rules or gained a foothold alongside of them simply by reason of its intrinsic excellence and practicability; it gradually came to color the whole of Western monachism as a powerful chemical ingredient might gradually color and saturate a liquid. It was not till the heyday of Cluny that the idea became current that all monks were a *familia S. Benedicti*, with a single patriarch; not till 1215 were the autonomous houses of Europe loosely joined in provincial chapters; not till *ca.* 1400 were black monks known as Benedictines; and not till the last decade of the nineteenth century were all Benedictines united in the loosest of confederations. Yet for all that the Rule is one of the basic documents of the Middle Ages.[147]

Despite its unexceptional start, the Benedictine text demonstrates legislative brilliance that has governed countless monasteries, formed numerous saints, served as a model for other juridic texts—both canonical and civil, and proven itself by remaining relevant in diverse times, places, and circumstances even unto the present.[148] Perhaps the fecundity of the Benedictine Rule can be found in the assorted intratextual meanings of *regula*, counted by Diem as eight divergent conceptions, that allowed the preeminent monastic rule to be recognized as "[…] a multifunctional, adaptable text, with special meanings for particular communities and in particular situations."[149] The Rule of Benedict demonstrates marked development from earlier rules, most noticeably "[…] in its strongly practical character, its

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13-14. Concerning questions of authorship, sources, and transmission of *RB*, see the recent study CLARK, *Benedictines in the Middle Ages*, 12-26.

[147] D. KNOWLES, *Saints and Scholars: Twenty-Five Medieval Portraits,* Cambridge, Cambridge University Press, 1963, 8. Even the Benedictine authorship, however, has not escaped contemporary criticism and appeals from academia to remain "an open question" (DIEM, "Monastic Rules," 228).

[148] Knowles lauded the significance and merit further still: "The moderation, the humanity, the supple, articulated and yet tightly knit ordering of all the parts and activities of a monastery, the liturgical genius which was to impose its creation on the whole of the Western church, the streamlined constitution, so comprehensive and yet so adaptable, all these are Benedict's, and his alone" (KNOWLES, *Great Historical Enterprises*, 190).

[149] DIEM, "Monastic Rules," 232. Von Balthasar theologically developed this characteristic, noting that the normative text had "[…] developed in all directions [because the legislator] did not set [the Rule] up as a rival to the Gospel, [but instead the Rule] remained so open in its readiness to serve" (H.U. VON BALTHASAR, *Church and World,* trans. A.V. LITTLEDALE with A. DRU, New York, Herder and Herder, 1967, 98).

regulation of the details of common life and common work and its concern with the monastic economy."[150] An array of expressions of Benedictine life organically followed.[151]

In the Benedictine conception of cenobitic life, the monastery is a school of spirituality with resulting great importance attached to the direction of conscience.[152] Consequently, Benedict treats of spiritual direction on three occasions expressive of the legislator's understanding of direction as a tool of good works (*RB*, 4.50), tell-tale of real humility (*RB*, 7.44), and a means of formation and correction towards monastic perfection (*RB,* 46.5-6).

In the first mention, Benedict admonishes monks to reveal evil thoughts to a spiritual elder (*seniori spiritali*): "When wicked thoughts come into your heart, quickly smash them against Christ and reveal them to a spiritual elder" (*RB*, 4.50).[153] While the exhortation to transparency to overcome the treachery of the enemies of man's salvation is not new, and Benedict appears to follow closely the earlier treatment of Cassian in the *Institutes*, 4.9, it is noteworthy that Benedict's revelation is not merely to the "seniors" as

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[150] DAWSON, *Religion and the Rise of Western Culture*, 48.

[151] According to the legislative vision of Benedict, the Benedictine Confederation has characterized itself by the legitimate autonomy of each house under the leadership of the abbot; for a brief history and commentary on some particular difficulties to Benedictine autonomy with the *ius vigens*, see WARD, "Monastic Life under the Rule of St. Benedict and the New Code," 307-330. This autonomy too helps to explain the divergence of expressions of Benedictine life and the consequent difficulty introducing a patrimony that enjoys such breadth of expression that has been so profoundly marked by Western history and so intimately linked to the development of Western culture. Benedictine monasticism, from its conception, has not only endured through the rise and fall of secular regimes and historical epochs, but has seen within itself both periods of bourgeoning as well as deterioration. These historical realities of growth and decline not infrequently correspond to "indefatigable zeal" and "laxness in administration and observance" (C. VAN DE WIEL, *History of Canon Law*, Louvain, Peeters Press, 1991, 83).

[152] A fundamental conception of Benedictine monasticism is the monastery as a "*schola*." While modern English regularly renders "*schola*" as a "school," the classical meaning is a military or civil-service training where the stated "[…] goal was learning and service to the master" (MCGUIRE, *Friendship & Community,* xli).

[153] Here Benedict suggests how the monk is to practice the "holy art" of destroying evil thoughts found earlier in *RM*, 3.56, namely through self-disclosure in spiritual direction.

in Cassian that might be misunderstood as simply those who have passed many years, but to the "spiritual elders" signifying those advanced in the life of the Spirit.[154] Furthermore, in contrast with the legislation of the Master, Benedict does not here specify the abbot or the deans, but rather simply "spiritual elders" emphasizing the legislator's clear intention to safeguard free selection of a personal spiritual director.[155] Attributable to the divergent gifts and needs of souls, Benedict supports a monk's freedom to open his soul to whomsoever the monk freely chooses and apparently to even seek out a different spiritual elder if the situation demands.[156] The normative text seems to indicate no enduring obligation on the part of either director or directee. Stewart therefrom concluded that the

[154] Böckmann identified the significance of "spiritual elders" writing, "They generally share in the responsibility of the abbot, in contrast to *RM*, which provides for deans who are chiefly supervisors. In *RB* the seniors help provide a good spiritual atmosphere […] A senior is someone with life experience, but he need not necessarily be older in years; one must possess maturity and wisdom (human and spiritual), and a younger person may also have these" (A. BÖCKMANN, *A Listening Community: A Commentary on the Prologue and Chapters 1-3 of Benedict's Rule,* trans. M. HANDL and M. BURKHARD, Collegeville, MN, The Liturgical Press, 2015, 199). De Vogüé experientially conceded that while a monk might be a capable spiritual director, he might not be "[…] fit to govern a *coenobium*, however. It can happen that someone who knows perfectly how to direct one or two disciples and to communicate the Word of God to all visitors besieging him has not received the grace to exert the same teaching activity at the level of the cenobitic society" (A. DE VOGÜÉ, *Community and Abbot in the Rule of St. Benedict,* Kalamazoo, MI, Cistercian Publications, 1979, 122). Stewart opined that the Benedictine expansion "[…] is no innovation, but is a return by Benedict to a source he shares with the Master, the *Institutes* and *Conferences* of John Cassian" (STEWART, "Manifestation of Thoughts in the Rule of Benedict," 451).

[155] Louf agreed that the Benedictine norm arose not simply from practical utility concerning the size of the abbey, but because "[f]reedom of conscience must also be respected. So for help of a more personal kind the brethren can address themselves to either the abbot or to one of the 'seniors,' spiritual men in the community able to give the same service" (LOUF, *The Cistercian Way*, 122). Nonetheless, as Kardong has pointed out, the Benedictine dean of *RB*, 21.4 appears to meet the demands of a "spiritual senior" as he is determined by "[…] worthiness of life and learned wisdom;" see KARDONG, *Benedict's Rule: A Translation and Commentary,* 371. And Louf footnoted that although Benedictine history does not reveal this in practice, some monasteries today are considering the division of the community into groups of ten under the vigilance of a dean (see LOUF, *The Cistercian Way*, 123), although the author of this study could not confirm this experiment in concrete practice at the present time.

[156] See the importance of free selection independent from offices in BARRY, *Spiritual Direction and the Encounter with God,* 94: "It would be foolhardy to entrust myself to a fool or a mountebank; it would be equally foolhardy to entrust myself to someone who gave no indication that he or she would know how to receive what I have to share or how to respond to it. Office in the Church does not guarantee such gifts."

monastic values of Benedict "[…] are openness and humility, not thought control."[157] And Holzherr exposed the legislator's underlying belief, at open contrast with the Rule of the Master: "Benedict does not intend to restrict the gift of discernment of spirits to the abbot alone."[158] In the recommendation of spiritual direction beyond the abbot to all spiritual elders, whether lay or cleric, Benedict shows pastoral wisdom;[159] spiritual direction, for it to be effective, necessitates "[…] a certain affinity of soul, a spontaneous confidence, the lack of which cannot always be supplied even by a strong spirit of faith, without any culpability on the part of the subject."[160] This substantial juridic contribution, appropriating the practice of spiritual direction from eremitic to cenobitic life, is contextualized by Kardong:

> We must remember that Benedictine cenobitism is not desert anchoritism. In the latter system, one chose an attractive and inspiring master suited to further one's own personal development. If, however, this master proved less than helpful, one was free to depart. In the cenobitic system, though, abbots succeed one another and the individual cannot hope to find each abbot ideally suited to his personal needs. Therefore, there must be some freedom to choose another spiritual confidant. This does not eliminate the abbot as the

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[157] C. STEWART, *Prayer and Community: The Benedictine Tradition*, Maryknoll, NY, Orbis, 1998, 101.

[158] G. HOLZHERR, *The Rule of Benedict: An Invitation to the Christian Life,* trans. M. THAMERT, Collegeville, MN, The Liturgical Press, 2016, 98. Faber expounded upon the utility of free selection according to disposition and needs: "Then directors have very various gifts. Some have a benediction for beginners, others for the more advanced, others for the perfect. Some are quite wonderful in their management of newly-converted persons. Some have a peculiar aptitude for educated and refined people, who make sad blunders with the poor. Some revel in cases of vocation, while others are not at all at home in them. Some have the magnificent grace of making the laboring poor interior, and supernaturalizing poverty and sufferings. Some are experts at scruples, others with interior trials. Some seem inevitably, with the holiest intentions and purest science, to involve their penitents in fancies and delusions, making them sentimental and unreal; while others have the gift of disenchanting the deluded, and of making their penitents at once spiritual, and yet natural common-sense persons. Hardly anyone is a good director for all, and not often for one person all his life long" (F.W. FABER, *Growth in the Holiness; or, The Progress of the Spiritual Life*, Baltimore, MD, John Murphy & Co., 1902, 340).

[159] Rosenthal elaborated that Benedict's expansive view of the spiritual director beyond the abbot without doing violence to the spiritual paternity of the abbot corresponds to real life hardships of availability: "[…] the 'Superior Syndrome' which now and then obstructs access to the Abbot" (A. ROSENTHAL, "'*Seniori spiritali patefacere.*' Überlegungen zur geistlichen Begleitung des einzelnen in unseren Gemeinschaften," in *Monastische Informationen,* no. 42 [1985], 15).

[160] F. ACHARYA, *Christian Spirituality: An Ashram Perspective,* Collegeville, MN, The Liturgical Press, 2011, 51.

> spiritual father of each monk: he must have a pastoral concern for each one. Nor does it make the spiritual confidant the superior of the monk.[161]

If the historical dating of the aforementioned *regulae* is conceded, Benedict appears to be responding to abuses in the restriction of a monk's freedom in the selection of a spiritual director from Basil and the Rule of the Master and to a naïveté that selected a director simply because of advanced years as previously signaled by Cassian.

Nevertheless, Benedict affirms the importance of the foundational monastic relationship between abbot and monk by returning to the relation between humility and self-disclosure to the common spiritual father of the monastery.[162] Benedict incorporates into his legislation, nearly letter-perfect, the teaching on the fifth step or grade of humility that had appeared earlier in the Master and earlier still in Cassian writing: "The fifth step of humility is that in humble confession one reveals to his abbot any wicked thoughts entering into his heart and any wickedness done in secret" (*RB*, 7.44).[163] While accepting the anonymous Master's change from Cassian's "elder" to "abbot," Benedict does not here make provision for spiritual revelation to the aforesaid spiritual seniors, indicative that

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[161] KARDONG, *Benedict's Rule: A Translation and Commentary*, 370.

[162] Lawrence compared the abbot in *RM* and *RB*: "In both treatises the sheet-anchor of the community is the personality of the abbot, and both authors were clearly influenced here by Roman notions of paternal authority. But the authority of Benedict's abbot is less autocratic. In decision-making he is instructed to take the opinion of the whole community, including its most junior members, whereas the Master insists that no one is to proffer advice unless it is asked for. And Benedict's abbot is elected by the brethren, whereas the Master's abbot is given the power to designate his successor. Unquestioning obedience to the will of the superior is demanded by both Rules, but Benedict tempers this doctrine with a repeated emphasis upon the bond of mutual love. All in all, his Rule is gentler and more humane than its prototype" (LAWRENCE, *Medieval Monasticism,* 23).

[163] Recalling that Benedict himself was not a priest nor was it common in the sixth century for abbots to be priests, Suarez affirmed that the Benedictine Rule does not here speak of sacramental confession, but rather spiritual direction—an important distinction this dissertation has repeatedly made; see F. SUAREZ, "De regimine societatis," no. 10.4, in *Opera omnia*, vol. 16, Paris, apud Ludovicum Vivès, 1856, 1083-1084. For a comparison of the verbiage in *RM* and *RB*, see B. GUEVIN, *Synopsis fontesque RM-RB,* Eresing, Germany, EOS Verlag Erzabtei St. Ottilien, 1999, 49.

Benedict also does not intend to reverse the Master's development of the abbot's role in the spiritual lives of each of the monks. Clearly, Benedict recognizes the sacrosanct relationship between monk and superior as an expression of faith wherein the monk opens his soul, always freely, to the Lord "[…] Whom faith causes us to see in our superior […] assured that if we act as children, God will act towards us like a Father full of loving kindness."[164] Moreover, by positioning this revelation to a more advanced exercise of the virtue of humility, Benedict concedes that monks may make disclosures to others that too demands humility but of a different kind, while affirming that humility before the abbot is laudatory. Benedictine Abbot Guibert of Nogent (†1124) depicts this legislative norm in practice: "When I entered this monastery [as abbot], however, these monks by no means hid what they were thinking from me. They opened their hearts to me with confident confessions, and once their hearts were open we felt closer than I have ever felt with any other monks I have known."[165]

Perhaps the clearest answer to the question of the Benedictine spiritual director can be seen in chapter 46 that offers a primitive distinction between what later becomes solidified as the external and internal fora: "If it is a matter of sin lying hidden in the soul, he should reveal it only to the abbot or his spiritual elders, who know how to care for their own wounds and others' without revealing and making them public" (*RB*, 46.5-6). Whereas the hidden sin must be revealed, as Benedict's use of the subjunctive of obligation manifests, the legislator nonetheless offers an option of self-disclosure to *either* the abbot

[164] C. MARMION, *Christ the Ideal of the Monk: Spiritual Conferences on the Monastic and Religious Life*, Ridgefield, CT, Roger A. McCaffrey Publishing, n.d., 233.

[165] GUIBERT OF NOGENT, *A Monk's Confession: Memoirs of Guibert of Nogent,* trans. P.J. ARCHAMBAULT, University Park, PA, Pennsylvania State University Press, 1996, 105.

or the spiritual elders. Reserve seems merited towards a hasty conclusion that the monastic spiritual director is then simply an extension of the superior or that permission to consult a spiritual elder must be given by the abbot, which seems to place restrictions upon the directee's freedom that are foreign to the text and context of the Benedictine Rule; after all, the abbot is bound to obey the Benedictine Rule and the permission to consult the abbot or spiritual elders does not arise from the abbot, but from the legislator.[166] Benedict does not even seem to establish an ongoing relationship between the monk and the spiritual director to whom he brings his vice since nothing prohibits the monk from seeking out a different spiritual elder when confronted by sin in the future. In extending the permission of seeking direction of conscience from someone other than the abbot, Benedict appears cognizant of Cassian's earlier acknowledgment that not all are suited as physicians of souls to which Benedict adds the danger of disclosing and publicizing spiritual direction. Benedict thus exhibits true canonical wisdom in apparently conceding the danger of an abbot receiving knowledge in spiritual direction that cannot be used in external governance.

In norm 46.5, the legislator distinguishes the person of the abbot from the spiritual elders to make plainly apparent that in the Benedictine monastery there exists only one spiritual father (*pater spiritalis*): the abbot to whom all the monks render the vow of obedience. Benedict uses an example to legislate the abbot's fatherly office, "Let each tell his abbot what it is he will offer [for Lent], and let it be done with [the abbot's] prayer and consent, because what is done with the permission of the spiritual father will be considered

[166] De Vogüé argued that when exercising spiritual direction these "'spiritual seniors' appear to have the same powers as the abbot, whom they purely and simply replace when someone approaches them" (DE VOGÜÉ, *Reading Saint Benedict: Reflections on the Rule*, 231). Acharya similarly opined, "The role of these spiritual fathers, however, can have meaning only with reference to that of the abbot. They are only his prolongation, and, if they truly represent Christ before their children, they receive this function from the abbot, and they exercise it only in strict union with him" (ACHARYA, *Christian Spirituality*, 51).

presumptuousness and vainglory, not reward. Therefore, all things are to be done with the abbot's consent." (*RB*, 49, 8-10).[167] Frankly, the Benedictine Rule confesses that the abbot is "the spiritual father" without necessarily being "the spiritual director" of each individual member, and the monk has freedom to seek out a different spiritual elder if he pleases according to circumstance.

1.2.6. - *Rule of Columban*

Columban (†615) in his *Regula monachorum* offers a legislative text that reveals monastic normativity outside the Egyptian and continental experience but likewise affirms essential monastic values including spiritual direction.[168] O'Hara and Wood explore the contribution of Columban to the movement of Christian monasticism:

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[167] "The monk's 'spiritual father' then is the superior of the monastery. We modern religious find this definition slightly surprising, for we instinctively separate the two tribunals. Our canonical superior and our spiritual father are frequently two different people, and the least one can say is that their combination in the same person is no longer necessary today. All the more does Benedict's language call for emphasis. If he speaks elsewhere of *seniores spiritales* who may receive confidences as well as the abbot (*RB* 4.50; 46.5), he never styles them *patres spiritales*. This title is reserved solely for the superior of the community. In effect, *pater spiritalis* recalls the alternative designation *pater monasterii*, but above all it recalls the name of *abbas*. This name of *abbas*, whose identity with *pater* was pointed out by St. Paul himself, was so clearly understood that both the Master and Benedict made it the starting-point of their directives concerning the abbot" (A. DE VOGÜÉ, "Experience of God and Spiritual Fatherhood," in *Monastic Studies,* 9 [1972], 84).

[168] For a survey of the early Irish monastic experience, see the detailed study J. RYAN, *Irish Monasticism: Origins and Early Development,* Shannon, Ireland, Irish University Press, 1972. For an introduction to the life, times, and contributions of Columban, see B.W. REYNOLDS, *Columbanus: Light on the Early Middle Ages,* Saddle River, NJ, Pearson Education Inc., 2012. In contrast to the origins of other monastic rules, and suggestive of the equivocacy of the rules, the Columbanian text arose to make Columban's vision and governance present in his physical absence; see A. O'HARA and I. WOOD (eds.), *Life of Columbanus, Life of John of Réomé, and Life of Vedast,* Liverpool, Liverpool University Press, 2017, 117-118. Diem, however, theorized that the *Regula Columbani* is better viewed not as a single, written legislative text arising from Columban's pen, but instead from a multiplicity of texts indicative of Columban's monastic dream; see A. DIEM, "Was bedeutet Regula Columbani?" in M. DIESENBERGER and W. POHL (eds.), *Integration und Herrschaft. Ethnische Identitäten und soziale Organisation im Frühmittelalter*, Vienna, Verlag der Österreichischen Akademie der Wissenschaten, 2002, 63-89. Some restraint is in order, however, as historians continue to debate the extent to which the Columbanian legislation represents a purely insular text and the influence of continental monasticism; see A. DIEM, "Disputing Columbanus's Heritage: The *Regula cuiusdam patris,*" in A. O'HARA (ed.), *Columbanus and the Peoples of Post-Roman Europe*, New York, Oxford University Press, 2018, 287. See also E. DE BHALDRAITHE, "Obedience: The Doctrine of Irish Monastic Rules," in *Monastic Studies*, 14 (1983), 63-84 and C. STANCLIFFE, "Columbanus's Monasticism and the Sources of His Inspiration: From Basil to the Master?" in F. EDMONDS and P. RUSSELL (eds.), *Tome: Studies in Medieval Celtic History and Law in Honor of Thomas Charles-Edwards,* Cambridge, Cambridge University Press, 2011, 17-28. Walker introduced the hallmarks of Columban's *Regula monachorum*: "[…]

> As a monastic founder Columbanus established two monasteries—Luxeuil and Bobbio—which were to have lasting impact on their host societies as vibrant centers of religious life, hubs of economic exchange, culture, and learning. His monastic foundations sidestepped the oversight of bishops and provided Frankish aristocrats with an attractive model for establishing monasteries, by which they could maintain control over their land, while simultaneously providing for their salvation and enhancing their status. By seeking to remain independent from external authorities so that he could remain true to his vocation as an ascetic exile, Columbanus inadvertently served as a catalyst for an explosion in monastic foundations that reconfigured the spiritual and economic topography of Merovingian Gaul.[169]

Suggestive of the Irish abiding contribution to monasticism and canon law, Columban's *Regula monachorum* has survived together with his *Regula coenobialis*—a true Irish penitential text prescribing concrete penances for monastic offenses committed.[170]

A distinctive quality of monasticism in Ireland consisted in the *anamchara*, the Gaelic word for a soul-friend or what might be referred to in contemporary English as a "soul mate," from whom the monk sought counsel; so essential was the anamchara to Irish monasticism that each monk had his own anamchara, often a layman or laywoman chosen because of his or her reputation for holiness, wisdom, and discernment.[171] An ancient

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love of God and neighbor expressed in an obedience even unto death; at all times the peaceful silence of self-recollection; poor food, taken late and sparingly in a perpetual fast; an utter poverty in all external things; humility and chastity in thought no less than deed; discretion, fortified by prayer and temperance, instinctively to choose the better path; the mortification of self-will by an entire dependence on the senior's word; and by all these, a common growth in grace to the joint perfecting of all" (G.S.M. WALKER, "Introduction," in *Sancti Columbani opera,* Dublin, The Dublin Institute for Advanced Studies, 1970, xxiv).

[169] O'HARA and WOOD (eds.), *Life of Columbanus,* 27. For a portrait of Columban "[…] afire with Irish enthusiasm […] if only he might stir anew monastic fervor in Europe and guide into the fold the souls wandering unfed," see E.S. DUCKETT, *The Gateway to the Middle Ages: Monasticism,* Ann Arbor, MI, The University of Michigan Press, 1988, 89-90.

[170] The *Regula coenobialis* has received criticism for its harshness both as regards faults and the penalties imposed, including physical punishment; to better balance this penitential text of the saint in view of Columban moderation, see F. MACMANUS, *Saint Columban,* New York, Sheed and Ward, 1962, 57-60.

[171] See the introduction of the Irish *anamchara* in relation to the desert *abbas* and *ammas* in SELLNER, *Mentoring: The Ministry of Spiritual Kinship*, 70-71 and BARRY, *Spiritual Direction and the Encounter with God,* 95. See also J. TANNER, "The Irish Penitentials and Contemporary Celtic Christianity," in *The Way*, 48 (2009), 70 and E.C. SELLNER, *Stories of the Celtic Soul Friends: Their Meaning for Today,* New York/Mahwah, NJ, Paulist Press, 2004, 41-47 who both suggested that *anamchara* arose from a joining of the traditions of the Desert Fathers and the pagan druids.

adage, attributed to Columban's teacher Comgall (*ca.* †570), held, "Anyone without an anamchara is like a body without a head."[172] Sellner contrasted the Irish *anamchara* to the earlier Egyptian *abba*:

> Unlike the *abbas* and *ammas,* these Irish saints [anamcharas] did not go into the barren wilderness of the deserts; they are found near blue-green lakes or within dark forests or in the shadows of heather and gorse-covered mountaintops. Unlike the desert spiritual guides who, following the example of St. Antony, at first sought solitude as hermits, these Irish saints seem for the most part determined to found monastic communities for the glory of God. Unlike the desert guides, who tended to settle in one place for the rest of their lives, these Irish pioneers were true missionaries and pilgrims, imitators of Patrick and Brendan. They did, however, often reside in hermitages or cells, at least for a while and, as one of the lives of Ciaran of Saighir reveals, practiced an asceticism similar to the desert fathers and mothers.[173]

In this relationship of friendship, the monk would seek personalized guidance and discuss his shortcomings before receiving a penance.[174] In fine, the anamchara reveals an enculturated director in the Celtic reality in the evolution of spiritual direction.

Irish monasticism adhered to the Rule of Columban, but once removed from the insular context in continental Europe found moderation when wedded with the Benedictine Rule.[175] Since the Columban Rule did not concern itself with organizational details, the

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[172] J.T. MCNEILL, *A History of the Cure of Souls,* New York, Harper & Brothers Publishers, 1951, 116.

[173] SELLNER, *Mentoring: The Ministry of Spiritual Kinship*, 76.

[174] Note well the carefully chosen confession of "shortcomings" and not *per se* "sins" since the anamchara need not be a priest and no absolution is given; see C. THOM, *Early Irish Monasticism: An Understanding of its Cultural Roots,* New York, T&T Clark, 2006, 31. The question of how spiritual direction in the monasteries contributed to the development of sacramental confession surpasses this thesis, but reference is readily made to H. CONNOLLY, *The Irish Penitentials and Their Significance for the Sacrament of Penance Today*, Dublin, Four Courts Press, 1995. McNeill offered a helpful introductory response: "Both St. Brendan of Clonfert and the great missionary saint, Columbanus of Bobbio, are reported in early lives to have confessed to women and acted on their advice. But the tendency to restrict the function to priests is manifest in Columbanus himself, whose Penitential requires laymen guilty of certain offenses to 'confess to a priest.' The Penitential of Theodore, in some of the manuscripts in which it is preserved, explicitly excludes women from prescribing penance, since this is a function of priests alone" (MCNEILL, *A History of the Cure of Souls*, 118).

[175] See DAWSON, *Religion and the Rise of Western Culture*, 58 and CHADWICK, *Western Asceticism*, 30 that clarifies that "[…] though this joining of severe [Columban] to gentle [Benedict] might seem a prodigy, it was often the houses already under Celtic influence who looked towards St. Benedict—for the reason that the Celts were interested in the Roman see, and the Rule of St. Benedict was coming to be the Rule peculiarly associated with the Roman see." For a modern translation of other obscure and little-known rules of Irish

observance of the Rule of Columban necessitated other legislative texts that prompted the observance of what became known as "mixed rules" such as the Rule of Waldebert of Luxeuil (†668) wherein a composite of customs and traditions from different source texts were joined to fill lacunae.[176] The phenomenon of "mixed rules"—unknown in later monasticism—resulted "[w]hen composing a rule for his community, the founder of a monastery not uncommonly drew from existing rules, and combined this material with new elements meeting the specific requirements of his community."[177] An important characteristic of the Columbanian Rule, then, is the resultant influence it exercised on monastic observance *in practice* within houses that also ascribed to the Rule of Saint Benedict, routinely reaffirming and renewing the penitential character of monasticism.[178]

Columban offered his vision on monastic perfection at the conclusion of his legislation: "Let the monk live in a monastery under the discipline of one father and in company with many, so that from one he may learn lowliness, from another patience. For one may teach him silence and another meekness."[179] Here Columban is not original, but

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monks, apart from the Rule of Columban, see U. Ó MAIDÍN, *The Celtic Monk: Rules and Writings of Early Irish Monks*, Kalamazoo, MI, Cistercian Publications, 1996.

[176] See GÖRG, *The Desert Fathers*, 110. See also KING, *Western Monasticism,* 104. Macmanus articulated the underlying spirit of the Columbanian legislation: "Except for a section that deals in seasonal and mathematical detail with the Divine Office, it consists of general principles, and it is more of a treatise on the monastic life than a monastic constitution. In military terms, it is a statement of objectives and expression of an *espirit de corps*, not a handbook of drill, tactics, and strategy" (MACMANUS, *Saint Columban*, 50).

[177] A. GRAVOWSKY and C. RADL, "A Review of Recent Scholarship," 5.

[178] See CLARK, *Benedictines in the Middle Ages*, 28. On the place of penance in Irish monasticism, including a historical introduction to both sacramental and non-sacramental "confession," see A. LARSON, *Master of Penance: Gratian and the Development of Penitential Thought and Law in the Twelfth Century,* Washington, DC, The Catholic University of America Press, 2014, 4-5. With the diffusion of Irish private auricular confession on the continent, public penance for public sins vanished; see G.J. ZUBACZ, *The Seal of Confession and Canadian Law,* Montréal, Wilson & Lafleur, 2009, 10.

[179] COLUMBAN, "*Regula monachorum,*" in *PL*, vol. 80, 216B, English translation in WALKER, *Sancti Columbani opera*, 141 (="*RColM*").

instead copies verbatim Jerome in Letter 125 to Rusticus with only the change from Jerome's second person singular as addressed to Rusticus modified by Columban to third person singular suitable to Columban's purpose in a normative text. Columban afterwards praises the monk who seeks counsel to make proper discernment: "So anyone who has always asked, if he follows will never err, since if the other's reply has erred, there will be no error in the faith of him who believes and the toil of him who obeys, nor will he lack the reward of his asking" (*RColM,* 9). Columban here stresses not only seeking counsel but also obedience to the counsel received as seen in the following sentence that corrects the monk who acts contrary to the counsel received; the monk's only duty (*officium tantum*) is to obey (*RColM,* 9).

1.3. - Subsequent Critical Developments before the Pio-Benedictine Code

With the proliferation of monasticism in the medieval and modern epochs and therewith the practice of spiritual direction both within and without the monastic enclosure, the development of canonical norms continued not only in proper law but also in universal law, particularly following the Council of Trent with its renewed attention to discipline and formation. Admittedly, abuses of spiritual direction also prompted canonical review and modification characterized by the dual aims of safeguarding the directee's freedom of conscience and shunning any real or apparent confusion between the exercise of the power of governance in the fora.[180] While monastic reformers continued to cast a historical glance

[180] Here is a concrete application of the recent historical analysis of the evolution of the Church's reflection on the dignity of the human person: "The Church's Magisterium progressively developed an ever-greater understanding of the meaning of human dignity, along with its demands and consequences, until it arrived at the recognition that the dignity of every human being prevails beyond all circumstances" (DICASTERY FOR THE DOCTRINE OF THE FAITH, Declaration on Human Dignity *Dignitas infinita,* 8 April 2024, no. 16, https://press.vatican.va/content/salastampa/en/bollettino/pubblico/2024/04/08/240408c.html [8 April 2024]).

towards the primitive model of spiritual direction in its simplicity and informality, an ecclesiastical awareness slowly emerged that the direction of conscience demands protection from abuse, particularly the directee's freedom and privacy that necessarily trump any over-zealous attempt to recreate an overgeneralized, often highly imaginative Egyptian monasticism.

1.3.1. - New Interpretations, New Monasteries, New Laws

Initially, the Gregorian Reform with its resultant new expressions of monastic life including the Camaldolese, Carthusians, and Cistercians, may appear to have little to do with questions of spiritual direction and the identification of a monk's spiritual director. A closer look, however, reveals that the monastic reform movements all commonly sought an *ad literam* observance of the Benedictine Rule, such as a common restoration of the abbot as spiritual father with all its consequences, including for spiritual direction.[181] Characteristic of the Camaldolese, Carthusian, and Cistercian reforms of Benedictine life, both founders and successors had recourse to the Desert Fathers, renewing—and often times creatively reappropriating—the primitive monastic experience and finding therein

[181] The Gregorian Reform is distinguished by this "[…] appeal to the model of the primitive […] to restore what they conceived to be the discipline and order of the primitive Church" (LAWRENCE, *Medieval Monasticism,* 135). Depicting the situation prior to renewal, Hilpisch detailed: "The abbots were no longer spiritual fathers who taught their monks the life in God and served them as spiritual directors. For the most part they lived outside of the enclosure, had their own residence in the neighborhood of the monastery, were lords and prelates, belonged to the nobility of the country, and in Germany and Italy were even princes" (S. HILPISCH, *Benedictinism through the Changing Centuries*, trans. L.J. DOYLE, Collegeville, MN, St. John's Abbey Press, 1958, 74); see also D.M. LACORTE, "The Expositio and Monastic Reform at Cîteaux," in SMARAGDUS OF SAINT-MIHIEL, *Commentary on the Rule of Saint Benedict,* trans. D. BARRY, Kalamazoo, MI, Cistercian Publications, 2007, 18-23. Knowles situated the historical climate of reform that aimed "[…] to return to the authentic documents of the famed and fabled past; the same movements had set the papal reformers looking for the ancient canons and decrees, the Italian monastic reformers restoring the practices of the Egyptian desert, and the early Cistercians observing the letter of St. Benedict's Rule. It was, in fact, part of the critical movement to get hold of the old authentic documents and then to observe them" (D. KNOWLES, *The Evolution of Medieval Thought,* London, Longman, 1988, 142). Diem and Rapp criticize the project of seeking to "[…] proclaim, restore or adapt a seemingly timeless monastic ideal, an ideal state that had been established in a distant past" (DIEM and RAPP, "Research in Late Antique and Early Medieval Monasticism," 25).

"[…] the example for changes in monasticism [and] a purer form of monasticism, to which the Rule of St. Benedict was the antechamber."[182]

1.3.1.1. - The Camaldolese

The Camaldolese—Benedictines who accept the eremitical-cenobitic reform instituted by Romuald of Ravenna (†1027) between 1012 and 1024—trace their origins to the Sacred Hermitage of Camaldoli and the monastery below.[183] Romuald reintroduced individual separate cells situated in a *laura* formation around a central chapel, arrogating the Benedictine provision for a monk trained in the coenobium to enter into the greater solitude and silence of the eremitical life (*RB*, 1.3-4, 73.5, 8).[184] Therefore, Camaldolese

[182] B. WARD, "The Desert Myth: Reflections on the Desert Ideal in Early Cistercian Monasticism," in M.B. PENNINGTON (ed.), *Monastic Tradition East and West: One Yet Two,* Kalamazoo, MI, Cistercian Publications, 1976, 193. Ward opined that the reforms approximated the desert more in personal experiences of the extraordinary and miraculous than in practice and imitation, finding in the desert "[…] a familiar way of thinking and acting, a sense of friendship and similar thinking" (198). See also E. GILSON, *The Mystical Theology of Saint Bernard*, trans. A.H.C. DOWNES, Kalamazoo, MI, Cistercian Publications, 1990, 15-18. For a historical survey of the eleventh and twelfth century eremitical movement with development of influence and contrast, including some of the surviving orders of monks treated in this dissertation, see K. JASPER and J. HOWE, "Heremitism in the Eleventh and Twelfth Centuries," in A.I. BEACH and I. COCHELIN, *The Cambridge History of Medieval Monasticism in the Latin West,* vol. 2, Cambridge, Cambridge University Press, 2020, 684-696.

[183] Since 1967, the Camaldolese have belonged to the Benedictine Confederation as "The Camaldolese Congregation of the Order of Saint Benedict." The name "Camaldolese" is attributed to the land first given to Romuald by Count Maldolo known as "Campus Maldoli" shortened to "Camaldoli;" see L. VIGILUCCI, *Camaldoli: A Journey into Its History & Spirituality,* trans. P.D. BELISLE, Trabuco Canyon, CA, Source Books, 1995, 47-48. The classical hagiography of the life of Romuald can be found in PETER DAMIAN, "The Life of Blessed Romuald," in P.D. BELISLE (ed.), *Camaldolese Spirituality: Essential Sources*, Bloomingdale, OH, Ercam Editions, 2007, 105-175, together with BRUNO-BONIFACE OF QUERFURT, "The Life of the Five Hermit Brothers," in P.D. BELISLE (ed.), *Camaldolese Spirituality: Essential Sources*, Bloomingdale, OH, Ercam Editions, 2007, 39-103. For a contemporary biography of Romuald, see A CAMALDOLESE HERMIT, *In Praise of Hiddenness*, 79-108 and T. MATUS, "Romuald of Ravenna," in *The Mystery of Romuald and the Five Brothers*, Trabuco Canyon, CA, Source Books, 1994, 1-73.

[184] See M. BEDE, *The Hermits of New Camaldoli*, Camaldoli, Italy, Anselm Giabbani, 1958, 2: "To understand the Order founded by St. Romuald, it is important to grasp that it is not a deviation from the Benedictine ideal nor a constriction of it, but rather a true development and expansion." See also P.D. BELISLE, "Primitive Romualdian/Camaldolese Spirituality," in *Cistercian Studies Quarterly*, 31 (1996), 417. Romuald left only a "Brief Rule" that recommends in its short lines the Camaldolese hallmarks of (1) staying in the cell; (2) praying the psalter; (3) assiduous application to prayer; (4) practicing the presence of God; and (5) mortification. For Romuald's compact text, more spiritual than juridic, see BRUNO-BONIFACE OF QUERFURT, "The Life of the Five Hermit Brothers," 102.

life dwells in an enduring tension—historical and real—between life in common and life in solitude with different houses permitting the cenobitic, eremitic, or even reclusive life, as well as some mixed expressions.[185] The fourth Prior of Camaldoli, Rudolf I (†1088) wrote the *Consuetudo Camaldulensis* (*ca*. 1080) that emphasized eremitical, ascetical spirituality.[186] Subsequently, the *Book of the Eremitical Rule* of Rudolf II augmented the earlier *Constitutions* and renewed the Benedictine Rule's attention to humility and obedience in paragraphs 39 and 40 with the affirmation that humility "[…] is the ladder of salvation for everyone, the gate of life, the beginning of holiness, and, above all, necessary for hermits because where the life is stricter, self-awareness must be all the humbler."[187] Rudolf makes nearly the same claim for the importance of obedience in no. 40 urging that obedience "[…] is necessary above all for solitaries because, as they live a harder life, so they must more fully observe obedience."[188] While nothing explicit is added on the spiritual

[185] For a study of this conflict, including its architectural manifestation, see N. D'ACUNTO, "Camaldolese Settlements: Hermitages and Monasteries as Sites of Conflict between Different Projects of Religious Life," in M. BREITENSTEIN, J. BURKHARDT, S. BURKHARDT, and J. RÖHRKASTEN (eds.), *Rules and Observance: Devising Forms of Communal Life,* Berlin, Lit Verlag, 2014 and E. GUSTAFSON, "Camaldolese and Vallombrosan: Architecture and Identity in Two Italian Reform Orders," in S. BONDE and C. MAINES (eds.), *Other Monasticisms: Studies in the History and Architecture of Religious Communities Outside the Canon, 11th - 15th Centuries*, Turnhout, Belgium, Brepols, 2022, 161-208 where Gustafson argued that the locale of early Camaldolese houses manifests a focus more "[…] on the solitary life rather than withdrawal from the world, suggesting that rural or urban distinctions were unimportant once inside the monastery" (169). Corcoran argued that this multiplicity within one tradition is the "[…] merits of the Camaldolese charism" (D. CORCORAN, "A Wild Bird, with God in the Center: The Hermit in Community," in P.D. BELISE [ed.], *The Privilege of Love: Camaldolese Benedictine Spirituality,* Collegeville, MN, The Liturgical Press, 2002, 147).

[186] See VIGILUCCI, *Camaldoli*, 65. Merton too celebrated these *Constitutions*: "Here we see, first of all, an observance that is austere but not extreme. It is marked, on the contrary, by a spirit of remarkable discretion and breadth of view. In an age which produced many monuments of monastic legislation, this is one of the most admirable documents as well as one of the least known. It certainly merits to rank with the *Consuetudines* of Guigo the Carthusian or the *Usages of Cîteaux*" (MERTON, *The Silent Life*, 155).

[187] RUDOLF OF CAMALDOLI II, "Eremitical Rule," no. 39, in P.D. BELISLE (ed.), *Camaldolese Spirituality: Essential Sources*, Bloomingdale, OH, Ercam Editions, 2007, 252.

[188] Ibid., no. 40, 253.

director, a noted characteristic of the Romualdian reform is the smallness of Camaldolese houses that rehabilitated the intensity of the communal experience and made it possible for the superior to be more personally involved in a monk's life than larger Benedictine abbeys apparently allowed.[189]

1.3.1.2. - The Order of Cistercians

The Order of Cistercians finds its origins in the inspiration of Robert of Molesme (†1111), who on Palm Sunday 1098 set out with Prior Alberic, Sub-Prior Stephen, and 18 other companions to "literally observe" the Benedictine Rule by founding a "New Monastery" in the marshy woodlands at Cîteaux.[190] Brooke identified the diverse influences upon the Cistercian enterprise:

> They accepted from the traditional monasticism a monastic plan and a way of life essentially communal; they pruned the liturgy, but it remained a major part of their life. They accepted from the hermit tradition that prayer and spiritual reading should have a larger place in the daily round and the *raison d'être* of a community than could be squeezed out of the customs of Cluny; they inherited something of the ferocious asceticism of the Italian hermits. Above all, their early leaders were exceedingly well educated and had grasped the basic principle of the intellectual revival of their day—to study ancient texts as fresh and living books composed for their benefit. They took the Rule off the shelf and read it as if it had just been written; they tried to forget the accretion of customs which gathered round it elsewhere, and to follow Benedict to the letter.[191]

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[189] For size in relation to vision, see BELISLE, "Primitive Romualdian/Camaldolese Spirituality," 418.

[190] Cîteaux is known in Latin as "*Cistercium*" from which the order receives its name. The early narrative of the founding, the *Exordium Cistercii* noted a parallel between the wilds of Cîteaux and the austerity of the regular observance; see "Exordium Cistercii," in L.J. LEKAI, *The Cistercians: Ideals and Reality*, Kent, OH, Kent State University Press, 1977, 443. For an introduction to the early history of the Cistercian Order, see J.B. VAN DAMME, *The Three Founders of Cîteaux: Robert of Molesme—Alberic—Stephen Harding,* trans. N. GROVES and C. CARR, Kalamazoo, MI, Cistercian Publications, 1998.

[191] BROOKE, *Monasteries of the World,* 138-139. See the similar depiction in VAN DE WIEL, *History of Canon Law*, 86 and J. BURTON and J. KERR, *The Cistercians in the Middle Ages*, Woodbridge, UK, The Boydell Press, 2011, 1-7. Leclercq expounds this literal understanding of regular observance in Bernard of Clairvaux writing, "The monks made profession and promised obedience according to 'the Rule of St. Benedict,' and the first words of this formula, *secundum Regulam*, excluded everything that would be opposed (*contra*), outside of (*praeter*), beyond (*ultra*), or short of (*citra*) the prescriptions of the text" (J. LECLERCQ, *Bernard of Clairvaux and the Cistercian Spirit,* trans. C. LAVOIE, Kalamazoo, MI, Cistercian Publications, 1976, 40). Concerning St. Bernard's limited doctrinal and practical development of spiritual direction, see J. LECLERCQ, "Spiritual Guidance and Counseling according to St. Bernard," in J.R. SOMMERFELDT (ed.), *Abba: Guides to Wholeness and Holiness East and West,* Kalamazoo, MI, Cistercian Publications, 1982, 64-87.

An additional hallmark of the Cistercian reform consisted in the penchant for simplicity, understood as both all that opposes charity and any *indirect* means—however good and useful—to attaining union with God; the spirituality of simplicity is plainly patent in the characteristic starkness of Cistercian liturgy, architecture, and decoration.[192]

The third abbot of Cîteaux, Englishman Stephen Harding (†1134), gave the order its juridic shape in the *Carta caritatis* where Harding made explicit the Cistercian aspiration to live "[…] the straight path of the rule" (*rectitudo regulae*) and "[…] the purity of the rule" (*puritas regulae*).[193] While the founders of Cîteaux purposed to observe the Benedictine Rule without aberration, they too augmented the Rule with such noteworthy

[192] T. MERTON, "Foreword," in J.B. CHAUTARD, *The Spirit of Simplicity*, trans. T. MERTON, Notre Dame, IN, Ave Maria Press, 2017, xvii. Compton added, "To the Cistercian ideal [simplicity] meant all that poverty did to the Franciscan or preaching to the Dominican" (P. COMPTON, *The Great Religious Orders,* London, Elkin Mathews & Marrot, 1931, 67). The import of simplicity is clear in a special study surveying the presence of simplicity in texts and personages: *The Spirit of Simplicity: Characteristic of the Cistercian Order: An Official Report, Demanded and Approved by the General Chapter*, trans. T. MERTON, Cincinnati, OH, The Joseph Berning Printing Co., 1948; a modern translation of this report has been made available in J.B. CHAUTARD, *The Spirit of Simplicity*, trans. T. MERTON, Notre Dame, IN, Ave Maria Press, 2017.

[193] Varden explained Cistercian regular purity as not about "grim-faced 'strict observance,'" but "the shedding of encumbrances" (E. VARDEN, "Epilogue II: The Challenge of History," in G. SIMMONDS [ed.], *A Future Built on Faith: Religious Life and the Legacy of Vatican II*, Dublin, The Columba Press, 2014, 156). For an introduction to the life and contribution of Stephen Harding, see C. STERCAL, *Stephen Harding: A Biographical Sketch and Texts*, trans. M.F. KRIEG, Collegeville, MN, The Liturgical Press, 2008. Harding's enduring legal success can be seen in the fact that Innocent III determined that the canonical organization of the Order of Cistercians was to serve as a model for all other orders defining the canonical concept of a "religious order" as it came to be understood: "[…] a body of religious houses, scattered in different regions, linked together by legislation and disciplinary control, and based upon a focal point, the first mother, Cîteaux" (KNOWLES, *From Pachomius to Ignatius*, 27). Schnitker synthesized the juridic contribution of Harding: "He was the organizational genius whose deft touch in managing people and creating structures enabled the phenomenal growth of the new order" (H. SCHNITKER, *Great Orders of the Catholic Church: From the Benedictines to the Carmelites,* London, The Incorporated Catholic Truth Society, 2014, 22). Knowles offered a historical-critical review of the early legislation as regards authorship and juridic development affirming both the initial contribution of Harding and later additions by subsequent legislators; see KNOWLES, *Great Historical Enterprises*, 199-222 and C. BOCK, *Les codifications du droit cistercien,* Westmalle, Belgium, Imprimerie de l'Ordre, 1955. For a novel critique of the authorship of the legislative texts, see C.H. BERMAN, *The Cistercian Evolution: The Invention of a Religious Order in Twelfth-Century Europe*, Philadelphia, PA, University of Pennsylvania Press, 2000 where Berman theorized that "[…] the Cistercian Order was not founded in 1098, [and] it was not even founded before the death of Bernard of Clairvaux in 1153" (236). The burden of this supposition, contrary to commonly accepted ecclesiastical history, rests with Berman; the author of this dissertation, however, is not convinced.

institutions as lay brothers (*fratres conversi*) to till the fields and labor in the workshops, the prohibition against educating children, and a daily Conventual Mass.[194] A critical development in the observance of the Benedictine Rule was the movement away from the autonomy of each abbey to an annual general chapter and regular visitations of the houses to maintain uniformity of observance and discipline.[195] The celebrated relationship between mother- and daughter-houses in the law of filiation, characteristic of the Cistercian reform and enshrined in the founding legislation, represented a further major juridic revision qualifying the regular Benedictine emphasis on autonomy and self-governance.[196]

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[194] Concerning the early customs of the lay brothers in the Order of Cistercians, see C. WADDELL (ed.), *Cistercian Lay Brothers: Twelfth-Century Usages with Related Texts*, Brecht, Belgium, Cîteaux: Commentarii cistercienses, 2000. "Lay brothers" as non-ordained members of the community, often illiterate, who did not aspire to Holy Orders, but embraced a simpler manner of daily prayer and performed much of the monastery's manual labor were not a novelty of the Cistercians strictly speaking although their origins are admittedly difficult to discern. The Order of Cistercians, however, solidified the institution of lay brothers within the community as indispensable to monastic life. See G. CONSTABLE, *The Reformation of the Twelfth Century*, Cambridge, Cambridge University Press, 1996, 77 where Constable attributed lay brothers to the Italian eremitical movement of the 11th century. See also VAN DAMME, *The Three Founders of Cîteaux,* 14 where the origins are to the Vallombrosian reform of St. John Gualbert (†1073). See also J.S. DONNELLY, *The Decline of the Medieval Cistercian Laybrotherhood,* New York, Fordham University Press, 1949 who held that "St. Romuald introduced the system of lay brothers at Camaldoli, that St. Peter Damian recognized Fonte Avellana in accordance with the experiences of Romuald, and that St. John Gualbert also adopted the Camaldolese innovation" (9). Also helpful is K. HALLINGER, "Woher kommen die Laienbrüdern," in *Analecta Sacri Ordinis Cisterciensis*, 12 (1956), 1-104 and KNOWLES, *From Pachomius to Ignatius*, 29-30. Clark, however, rejected lay brothers as novel to the reformed monks, holding that lay brothers existed to an equal degree amongst the black monks or Benedictines; see CLARK, *The Benedictines of the Middle Ages*, 71-72.

[195] See DAWSON, *Religion and the Rise of Western Culture,* 200-201 wherein Dawson positioned this development within the overarching "principle of unity" that characterized the eleventh and twelfth centuries: "Thus the abbey was no longer an end in itself; it was part of a larger whole, which in turn was an organ of the universal society of Christendom" (201). See also LYNCH and ADAMO, *Medieval Church,* 224-225 that explored the juridic significance of the general chapter for ecclesial unity as "[…] the only time, aside from infrequent ecumenical councils, that representatives from every corner of Christendom met to discuss not only the specific business of the Cistercian Order, but also the religious and secular politics of Europe." For a more historical exploration of the successes and failures of early Cistercian visitations, see BURTON AND KERR, *The Cistercians in the Middle Ages,* 91-95.

[196] Seeking to reconcile innovation and literal interpretation, Newman argued that Stephen supported his novelty on Benedict's common governance over multiple monasteries related in the *Dialogues* where Stephen "[…] found in the text the inspiration to preserve what Benedict had already established" (M.G. NEWMAN, "Text and Authority in the Formation of the Cistercian Order: Re-assessing the Early Cistercian Reform," in C.M. BELLITTO and L.I. HAMILTON [eds.], *Reforming the Church before Modernity: Patterns, Problems, and Approaches,* Burlington, VT, Ashgate Publishing Company, 2005, 191).

Trying to reconcile regular observance with originalities, Lekai clarified, "[P]aradoxically though it may sound to us—Cîteaux did not shrink from conspicuous innovations in monastic life, if such measures promoted closer observation of the Rule."[197]

The Cistercian legislative texts, however, do not make any direct renovations to spiritual direction and its director, but the renewal of the abbot's paternity and a literal interpretation of the *regula* carried a strict reading of the previously commented norms 4.50, 7.44, and, 46.5-6.[198] The medieval Cistercian views on spiritual direction and its director were not always universal, however, as exemplified in Aelred of Rievaulx (†1167), who advanced the director-directee relationship from mutuality and Christian friendship more reminiscent of Augustine and the Irish *anamchara* than the Benedictine Rule. Aelred extolled:

> But what happiness, what security, what joy to have someone to whom you dare to speak on terms of equality as to another self; one to whom you need have no fear to confess your feelings; one to whom you can unblushingly make known what progress you have made in the spiritual life; one to whom you can entrust all the secrets of your heart and before whom you can place all your plans! What, therefore, is more pleasant than so to unite to oneself the spirit of another and of two to form one, that no boasting is thereafter to be feared, no suspicion to be dreaded, no correction of one by the other to cause pain, no praise on the part of one to bring a charge of adulation from the other.[199]

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[197] L.J. LEKAI, *The White Monks: A History of the Cistercian Order,* Okauchee, WI, Cistercian Fathers, 1953, 31. To further justify their reform, the early Cistercians cited chapter 73 of the Benedictine Rule that referred to the example and teaching of earlier monks as sources.

[198] For example, see William of Saint-Thierry who recommended spiritual direction using analogies taken directly from the Benedictine Rule: "If then you wish to be cured quickly, take care not to act on your own responsibility even in the least matter, or without consulting your doctor. If you expect him to do for you what a doctor should, you must never be ashamed to show him your ulcer. Be ashamed, yes, but none the less reveal everything and do not hide anything" (WILLIAM OF SAINT-THIERRY, *The Golden Epistle: A Letter to the Brethren at Mont Dieu,* trans. T. BERKELEY, Spencer, MA, Cistercian Publications, 1971, 45).

[199] Aelred of Rievaulx, *Spiritual Friendship*, no. 2.11, trans. M.E. LAKER, Kalamazoo, MI, Cistercian Publications, 1977, 72. Burton and Kerr advance Aelred's spiritual friendship as integral to the early Cistercian vision for the goals of both Christian instruction/formation and protection against the demonic; they cite as exemplary the monk assigned to attend to a dying monk who would keep him company and the Cistercian practice of not leaving the corpse alone between death and burial; see BURTON AND KERR, *The Cistercians in the Middle Ages*, 120.

1.3.1.3. - The Order of Carthusians

Celebrated for austerity of life and discipline, the Carthusian Order appeared as another fruit of the eleventh century reform movement when its founder, Bruno of Cologne (†1101), settled in the French Alps to lead an eremitical or hermit life with his companions in 1084.[200] Guigo I or Guigues de St-Romain (†1136) furnished the Carthusian Order with its first *ius proprium* known as the *Consuetudines Cartusiae* as approved by Innocent II in 1133.[201] Distinct from many orders of monks, the Carthusians spend almost the entirety of

[200] Knowles speculated that the Carthusian founder "[…] may have imitated […] " the Camaldolese in the eremitical characteristics and the Vallombrosians as regards lay brothers and their relation to the community; see KNOWLES, *From Pachomius to Ignatius*, 21. Knowles further explored the significance of the Carthusian project in contrast to other hermits in France: "Numerous as these groups were north of the Alps, the call to solitude was only very occasionally so strong and so resolutely followed as to remain pure after the lapse of a generation. More often, if the congregation did not become extinct, the early settlers attracted companions and formed themselves into a monastery of the traditional type, following the Rule of St. Benedict" (D. KNOWLES and W.F. GRIMES, *Charterhouse: The Medieval Foundation in the Light of Recent Discoveries,* London, Longmans, Green and Co., 1954, 1). Like other reforms before and after, Bruno and his first followers began as a monastic "experiment," without official legislation or even a proper name, calling themselves simply "Christ's poor men" (E.M. THOMPSON, *The Carthusian Order in England,* London, Society for Knowing Christian Knowledge, 1930, 12).

[201] Guigo's legislative text continues to inform Carthusian observance and has only seen modest modification in the intervening millennium reflective of both the legislator's canonical wisdom and faithful observance by the order's members. Guigo's foundational legislation was augmented by the general chapters and compiled as *Statuta antiqua* (1271)*, Statuta nova* (1368), *Tertia compilatio* (1509)*, Nova collectio* (1581)*, Statuta Ordinis Cartusiensis* (1926), *Statuta renovata* (1971), and most recently—following the 1983 codification—as the *Statuta Ordinis Cartusiensis* (1991). For a concise historical sketch of the evolution of legislation, see *The Carthusians: Origin, Spirit, Family Life*, Westminster, MD, Newman Press, 1952, 88-89. Before Guigo, the Carthusians observed an oral tradition from Bruno, but without their own distinct juridic norms; see THOMPSON, *The Carthusian Order in England*, 20 who offered insight into the *mens legislatoris*: "[…] a written customary became necessary, if these new communities, situated at a distance from one another and from the parent house, were to continue the same observance as that of Bruno and his disciples" (ibid., 20-21). See also A CARTHUSIAN MONK, *The History of the Great Chartreuse*, trans. E. HASSID, London, Burns Oates & Washbourne Ltd., 1934, 25-26 where the anonymous author argued that Guigo, on the authority of the oft repeated Latin invocation in the *Consuetudines* "*haec agere consuevimus*," "[…] acts not as a legislator, but as a witness, he *records* […] St. Bruno himself, by his words and his example, gave in his person the living ideal of the true Carthusian." See also PIUS XI*,* Apostolic Constitution Approving the Statutes of the Carthusian Order, *Umbratilem,* 8 July 1924, in *AAS*, 16 (1924), 385-391 and J. HOGG, "The Carthusians: History and Heritage," in K. PANSTERS (ed.), *The Carthusians in the Low Countries: Studies in Monastic History and Heritage,* Leuven, Peeters Publishers, 2014, 35. Despite the suggestion, Bruno promulgated no known legislation for the Carthusians; therefore while meriting the titles of Founder (*Conditor*) and Father (*Pater*), the title of Lawgiver (*Legifer* or *Legislator*)—at least in the strict sense of promulgating written proper law to the religious—belongs to Guigo I. Knowles perhaps best captured this tension between Carthusian founder and legislator by identifying Bruno as "[…] la[ying] the foundations of a celebrated institute almost unconsciously" (KNOWLES, *From Pachomius to Ignatius*, 20).

their religious lives within their separate hermitages where they pray, work, study, eat, and rest.[202] The Carthusian writer John Justus of Landsberg (†1539) depicted Carthusian life:

> In the Carthusian Order you have both the eremitical life and the cenobitic life, and both are so well-tempered by the Holy Spirit, that whatever could in either one have been a danger to you no longer exists […] Solitude, as it is found in a Charterhouse, is without danger for the monks are not allowed to live according to their whims because they are under the law of obedience and the governance of their superiors. Then, they are not alone because they can receive assistance and encouragement whenever necessary. And yet they are truly anchorites, so that if you perfectly observe silence, you are in your cell just as hidden in the most secret chambers […] Carthusian solitude, is not inferior, but purer and more secure than that of the first anchorites.[203]

The patrimony of the Carthusians, wherefore, demonstrates a marked proclivity for silence, solitude, simplicity, and austerity of life that permits the purely contemplative life to flourish; consequently, Carthusian proper law has exhibited throughout the centuries the widest possible latitude in spiritual matters, deferring ascetical practices and devotions to discernment and inspiration beyond limited prescriptions on communal life.[204] The current *Statutes* plainly affirm the importance of the virtue of liberality in the eremitical tradition: "Liberty of spirit is a mark of the solitary life."[205]

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[202] The hermitage safeguarded the reality of a "community of hermits" and has thus accompanied the Carthusian legislation's "[…] communal harmony and collective spiritual progress [with the characteristic Carthusian goal] to establish a strong personal routine and exploit the full possibilities of the silent life" (K. PANSTERS, "The Carthusians in the Low Countries: Introduction," in K. PANSTERS [ed.], *The Carthusians in the Low Countries: Studies in Monastic History and Heritage,* Leuven, Peeters Publishers, 2014, 26-27).

[203] J.J. LANSPERGIUS, "Enchiridion christianae militiae," ch. 49, in *Operum minorum,* Cologne, Joannes Novesianus, 1555. See also J. SKINNER, *Hear Our Silence: A Portrait of the Carthusians*, London, Fount Paperbacks, 1995, 79-80.

[204] The present *Statutes* of the Carthusian monks underscore the primary aim of their venerable vocation "[…] in praise of God—for which the hermit Order of Carthusians was founded in a special way," a goal realized by means of singular Carthusian dedication "[…] to the peace and silence of our cells and striv[ing] to offer [God] unceasing worship, so that, sanctified in truth, we may be those true worshippers whom the Father seeks" (ORDER OF CARTHUSIANS, *Statuta ordinis Cartusiensis,* no. 34.5, in J. HOGG [ed], *The Evolution of the Carthusian Statutes from the* Consuetudines Guigonis *to the* Tertia compilatio, vol. 12, Salzburg, Institut für Anglistik und Amerikanistik, Universität Salzburg, 1992, 210).

[205] CARTHUSIANS, *Statuta ordinis Cartusiensis,* no. 21.7.

The Carthusian legislator in *Consuetudines,* 15.2 not only entrusts the duty of vigilance (*sollicite gerere curam*) to the Prior, but also prescribes that the Carthusian confesses on Sunday to "[…] our Prior, or to one of those enjoined by him (*ab eo iniunctum est*)."[206] Noteworthy here, an option has been given to the monk to approach the Prior or anyone legitimately designated by him.[207] While the context makes certain that this norm is immediately concerned with sacramental confession as a legitimate exception to Carthusian solitude and silence, by analogy the spiritual director in the Charterhouse can also be reasonably inferred as the Prior or those designated by him.[208] Herein again, the monk possesses a freedom to select a spiritual director of his choosing, and the Carthusian balance between primitive monasticism, the influence of the Benedictine Rule, and the greatest spiritual latitude are perceptible. There are, however, no indications in the normative text of *how* the Prior might designate another suitable confessor to receive the monks' manifestations of conscience leaving unresolved how frequently such a designation actually occurred in practice; apparently, the matter was left to the Prior's vigilance and his pastoral care of the members.

1.3.1.4. - The Fourth Lateran Council

A critical moment in the juridic history of orders of monks occurred with the Fourth Lateran Council (1215) that sought to limit the establishment of new religious orders to

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[206] GUIGO, *Consuetudines,* no. 7.2, in *PL*, vol. 153, 647.

[207] Commenting upon this freedom of choice in view of the ecclesiastical office of Prior in the Order of Carthusians, an anonymous monk has remarked, "There is certainly great advantage in being able freely to choose a confessor. However, it does not seem necessary systematically to exclude the Prior from this role, and it would be harmful to the highest degree to want to confirm him [the Prior] to the realm of 'purely external matters'—this would be monastic nonsense" (A CARTHUSIAN, *The Freedom of Obedience: Carthusian Novice Conferences,* Kalamazoo, MI, Cistercian Publications, 1998, 146).

[208] Carthusian proper law historically assigned the responsibility of the spiritual care of the lay brothers (*conversi*) to the procurator.

maintain good order in the Church, declaring in the thirteenth canon known by its incipit *Ne nimia religionum*:[209]

> Lest too great a variety of religious orders lead to a grave confusion in God's Church, we strictly (*firmiter*) forbid anyone henceforth to found a new religious [order] (*novam religionem*). Whoever wants to become a religious should enter one of the already approved [orders]. Likewise, whoever wishes to found a new religious house should take the rule and institutes (*regulam et institutionem*) from already approved religious [orders].[210]

As a practical effect of *Ne nimia religionum*, the mendicant Dominicans adapted the Augustinian Rule and succeeding monastic houses too in the main observed existent rules.[211] Considered from the limited purview of the spiritual director, the Fourth Lateran Council restricted the development of innovative *regulae*. Later juridic evolution of spiritual direction transpired in constitutions and statutes that accompanied, expanded, and clarified the earlier aforesaid rules forming a multitiered, sophisticated, and legally complex *ius proprium*. Custom also would become an important means for safeguarding

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[209] Maccarrone held that despite appearances and effects, canon 13 purposed to "[…] promote religious life in the Church [and] to discipline religious life and succeeded in preventing the indiscriminate variety and multiplication that had characterized the twelfth century" (M. MACCARRONE, "Riforma e sviluppo della vita religiosa con Innocenzo III," in *Rivista di storia della Chiesa in Italia*, 16 [1962], 72).

[210] LATERAN COUNCIL IV, c. 13, in N.P. TANNER (ed.), *Decrees of the Ecumenical Councils,* vol. 1, Washington, DC, Georgetown University Press, 1990, 242. This conciliar norm blatantly digressed from Innocent III's papal acts, both before and after the Fourth Lateran Council, having for example only shortly before approved the Franciscan Rule. Consequently, historians speculate that canon 13 of the Fourth Lateran Council reflects more the influence of the monks and canons in attendance who "[…] put pressure on the pope" (J. SAYERS, *Innocent III: Leader of Europe 1198-1216,* London, Longman, 1995, 99). While acknowledging this line of argumentation, Constable disagreed, citing the involvement of Innocent III in the development of the conciliar canons, writing, "It would be surprising if he and/or his curia had included a decree with which he fundamentally disagreed. Indeed, Innocent very likely shared the view that an excessive variety of types of religious life would introduce confusion into the Church" (G. CONSTABLE, "The Fourth Lateran Council's Constitutions on Monasticism," in A. LARSON and A. MASSIRONI [eds.], *The Fourth Lateran Council and the Development of Canon Law and the* ius commune, Turnhout, Belgium, Brepols, 2018, 151). See also KNOWLES, *From Pachomius to Ignatius*, 43-44 where Knowles speculated that the primary target of this restriction was the lay-preaching movements popular at the time in France and Italy.

[211] B. BOLTON, "Innocent III and the *Humiliati,*" in J.M. POWELL (ed.), *Innocent III: Vicar of Christ or Lord of the World?* Washington, DC, The Catholic University of America Press, 1994, 120. For examples of the influence of the thirteenth canon on nascent religious groups, see CONSTABLE, "The Fourth Lateran Council's Constitutions on Monasticism," 156-157 and F. ANDREWS, *The Other Friars: The Carmelite, Augustinian, Sack and Pied Friars in the Middle Ages,* Woodbridge, UK, The Boydell Press, 2006, 13.

and flourishing spiritual direction and regulating its director through the establishment of monastic customs.

1.3.1.5. - The Order of Brothers of Saint Paul the First Hermit

The Order of Brothers of Saint Paul the First Hermit trace their origins to thirteenth century Hungary where they claimed Saint Paul the First Hermit as patriarch and patron.[212] The order was born in 1250 from the inspiration of the canon Eusebius of Esztergom (†1270), who, following a mystical experience, organized into one community the hermits dwelling on the forested Mount Pilis with another group of hermits founded earlier by Bishop Bartholomew of Pécs around 1225.[213] On 13 December 1308, the monks received papal approbation and the Rule of Saint Augustine in the decree *Qui saecularia*, and at a general chapter in Buda the monks promulgated constitutions.[214] Originally, the Pauline Fathers had no external apostolate, leading the eremitical life without parochial duties.[215]

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[212] The Order of Brothers of Saint Paul the First Hermit are now best known for the icon of Our Lady of Częstochowa, "the Black Madonna," venerated at their generalate at Jasna Góra, Poland. For a history of the monks' presence at Częstochowa beginning in the latter half of the 14th century at the invitation of Duke Ladislaw II of Opole, including their foundation from the monastery of Maria Nostra in Buda, Hungary, see J. ZWIĄZEK, "Dzieje Instytucji Diecezjalnych w Częstochowie," in *Folia historica Cracoviensia,* 6 (1999), 67-72. See also the dissertation on the origins and contributions of the Pauline Fathers at Jasna Góra, including the monks' pastoral care at the shrine and the corresponding contributions to liturgical worship and art, in S. SZAFRANIEC, *Konwent Paulinów Jasnogórskich 1382-1864*, Rome, Institutum Studiorum Ecclesiasticorum, 1966. The Hungarian roots of the Pauline Fathers remain evident in the devotion of the people of Hungary. For example, to the Hungarian Jesuit statesman and cardinal prelate Péter Pázmány (†1637) is attributed the ode: "*És te Magyarország, édes hazám, a pálosokkal együtt növekedsz és velük hanyatlasz*" ("And you, my sweet homeland, will grow with the Paulines and fall with them").

[213] The hagiographical account of Eusebius's life can be found in G. GYÖNGYÖSI, *Vitae fratrum Eremitarum Ordinis Sancti Pauli Primi Eremitae*, Budapest, Akadémiai Kiadó, 1988. See also A.A. HESZ, "Boldog Özséb, a pálos rend alapítója a történeti irodalom tükrében," in *Magyar Sion Új folyam*, 15 (2021), 41-61 and M. SCHEFFER, "Legenda vagy valóság? Boldog Özséb személye Gyöngyösi Gergely rendtörténeti krónikájában és szerepe a Pálos Rend megalakulásában," in *Egyháztörténeti Szemle*, 21 (2020), 21-39.

[214] Prior to the reception of the Augustinian Rule in response to the Fourth Lateran Council in 1308, the monks observed a rule written by Bishop Bartholomew of Pécs, a new rule again in 1263 from the diocesan bishop, and yet a third rule of Bishop Andrew of Eger following the death of the founder, Eusebius.

[215] ZWIĄZEK, "Dzieje Instytucji Diecezjalnych w Częstochowie," 67.

In 1474, the Pauline Fathers assumed pastoral care of the parish at Częstochowa, appointing monks on a permanent basis and assigning others to assist at the parish, revealing the evolution of the charism by the second half of the 15th century from a purely contemplative observance to a semi-contemplative expression of monasticism.[216] The existent proper law synthesizes the charism of the Order of Saint Paul the First Hermit "to join contemplation, apostolic witness and prayer with works of active ministry." After a period of rapid growth, particularly in Central Europe, a further modification to the charism occurred when Guillaume Callier brought the monks to France with statutes approved by Paul V in 1620. Subsequently, the Pauline Fathers became commonly known, particularly in their French reiteration, as "the Brothers of Death" with a distinctive scapular embroidered with a skull to signify continual consideration of death. The pre-Codal proper law and charism do not offer anything remarkable concerning the selection of a spiritual director.

1.3.1.6. - The Order of St. Jerome

The Order of St. Jerome was born in the fourteenth century when two Spanish hermits, Pedro Fernández Pecha (†1402) and Fernando Yáñez de Figueroa (†1412), joined with other hermits in a common monastic observance at the Monastery of Saint Bartholomew in Lupiana.[217] Finding inspiration in Jerome's scriptural contemplation and

[216] GENERAL CURIA OF THE PAULINE ORDER, *The Constitutions and the General Directory of the Order of St. Paul the First Hermit,* no. 47, Doylestown, PA, Order of St. Paul the First Hermit, 1995, 20.

[217] Following a swell of vocations after the Second World War with the establishment of four monasteries in Spain, the Order of Saint Jerome now exists only in the Monastery of Saint Mary at Parral. The story of the Hieronymites is inseparable from that of the Iberian Peninsula, historically enjoying the favor of the Spanish and Portuguese monarchs who enriched the monks' patrimony with architecturally significant edifices and artistic masterpieces in exchange for the holy prayers of the community; one particularly significant monk, Hernando de Talavera was the confessor to Isabella the Catholic and eventually became archbishop of Granada in 1492. For an interesting study of the possible relations between the Hieronymite founders and St. Bridget of Sweden, see M. GOULARD DE WESTBERG, "Santa Brigida de Suecia y la Orden

monastic way of life at Bethlehem, the first Hieronymite monks took Jerome as their "[…] spiritual father and master in the following of Jesus."[218] Practically, the Hieronymite influence can be seen in the emphasis given to the practice of *lectio divina* and to the appropriation of Jerome's monastic vision: "[…] measured, centered on the choir and the cell."[219] The Hieronymites were approved by Gregory XI, who erected the "Brothers or Hermits of Saint Jerome" as a religious order on 18 October 1373, giving them the Augustinian Rule later supplemented by proper constitutions. The order's proper law before the 1917 Code is not noteworthy concerning the selection of a spiritual director.

1.3.1.7. - The Congregation of Camaldolese Hermits of Monte Corona

The present-day Congregation of Camaldolese Hermits of Monte Corona, initially named "the Company of Hermits of St. Romuald," was begun by Paul Giustiniani (†1528), who sought to reform the Camaldolese hermits by limiting the expressions of Romualdian life to the eremitical solely with the possibility of still further anchoritic reclusion within the community in his *Regula vitae eremiticae* that received approbation from Leo X in 1520.[220] In his legislation that complements the Benedictine Rule, Giustiniani devotes a

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Jeronima," in *Boletín Aepe*, 19 (1978), 157-167. The hypothesis of mutual influence reveals the significance of the founding of the Order of Saint Jerome in fourteenth-century ecclesial life.

[218] FRANCIS, letter to Rev. Miguel Ángel Orcasitas, O.S.A., Delegate of the Holy See to the Order of Saint Jerome, 15 September 2020, https://monjesjeronimos.es/wp-content/uploads/2020/09/CARTA-DEL-PAPA-Centenario-San-Jeronimo-15-09-2020-scaled.jpg (1 July 2022). For a discussion of Jerome as model for 14th century monasticism—both the problems and advantages of distance of time, place, and circumstance—see P. RENOUX-CARON, "L'image du fondateur: saint Jérôme dans la Historia de la Orden de San Jerónimo de José de Sigüenza (1600-1605), entre modèle spéculaire et ferment de réforme," in *Images Re-vues: Histoire, anthropologie et théorie de l'art*, 8 (2020), 1-41.

[219] RENOUX-CARON, "L'image du fondateur," 29.

[220] For Giustiniani's monastic career, see VIGILUCCI, *Camaldoli*, 144-148 where Vigilucci wrote that Giustiniani did not set out to "[…] split with Camaldoli. What was probably in his heart was a greater autonomy and to try with his little band, to live the former eremitical ideal" (ibid., 147). The institution of reclusion in the Congregation of Camaldolese Hermits of Monte Corona remains. Leclercq explained that reclusion "[…] offers an example and inspires emulation, keeping within the hermitage the ideal of a more perfect life. Just as cenobitic life should keep its windows open on the vista of hermit life, so the eremitic life

section to the theme of "Instruments of the Eremitic Life" where he concedes, "To teach and exhort one another insofar as competent to do so."[221] Although the text's brusqueness precludes certitude, the maxim intimates that Giustiniani desired for the monks to offer one another spiritual guidance according to the Benedictine Rule and each hermit's gifts and training.

1.3.1.8. - The Order of Cistercians of the Strict Observance

Seeking a return to the original ideals of the Cistercian Order, Abbot Armand-Jean le Bouthillier de Rancé (†1700) embarked upon a program of reform characterized by penance, silence, simplicity, and charity as principally codified in the *Constitutions de la Trappe* and further delineated in *Règlements de la Trappe* and explained in *Descriptions de la Trappe*.[222] The Trappist reformer desired a more exacting observance of the

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in its 'unsecluded' form should retain possibilities of a stricter form. Without reclusion, the rule of the hermitage seems a maximum that cannot be surpassed; the hermit life is closed upon itself; rejecting all possibility of progress, it risks regress. By reclusion we are reminded that the hermitage is only a minimum; it can be surpassed by an existence even more remote from other men, by a seclusion that has its only outlook on heaven itself" (J. LECLERCQ, *Alone with God,* trans. E. MCCABE, New York, Farrar, Straus and Cudahy, 1961, 64).

[221] P. GIUSTINIANI, "Rule of the Eremitic Life," no. 2.26, in CAMALDOLESE HERMITS OF MONTE CORONA (ed.), *Camaldolese Extraordinary: The Life, Doctrine, and Rule of Blessed Paul Giustiniani,* Bloomingdale, OH, Ercam Editions, 2008, 342.

[222] For a discussion of the use of the term "constitutions," and Rancé's preference for "regulations," see D.N. BELL, *Everyday Life at La Trappe,* Collegeville, MN, The Liturgical Press, 2018, 32-34. In his choice of words, Rancé—like other monastic reformers before and after—clearly purposed to emphasize the Cistercian character and not to suggest that he had created a new monastic order. Lekai offered a critical view, however, of the Trappist reformer opining, "The main reason for his numerous innovations—as was true of so many similar cases of reformations in the past—was the incompleteness of his Cistercian education and his extremely self-conscious and combative personality" (LEKAI, *The White Monks*, 106). Lekai viewed the Trappist life in a most unfavorable light, comparing it to a "[…] prison [where the monks] were to be considered as criminals, doomed to spend the rest of their lives in severe penances [and where] the main force behind their admirable efforts was the guilt-complex of a highly sophisticated society" (107). Bremond too offered a critical view of the reformer, theorizing that Rancé exchanged Cistercian prayer for penance creating an aberration; see H. BREMOND, *The Thundering Abbot: Armand de Rancé, Reformer of La Trappe,* trans. F.J. SHEED, London, Sheed & Ward, 1930, 289-290. To better understand the need for reform, even simply the living conditions of the monks, the depiction given by Dom Dominique Georges in 1686 is helpful: "What was the abbey like at this time? It was quite simply almost entirely in ruin. Doors were open day and night, the entrance hall was filthy, access to the upper story, where the floorboards were rotten, was by means of a rickety ladder, the cloister had lost its columns and its roof, the parlor was now a stable, the refectory

Benedictine Rule to seek the primacy of the spiritual life while embellishing the order with his own penitential discipline in pursuit of religious perfection.[223] Rancé proposed to lead a regular observance by "[…] appealing to the sources and refusing to accept later accretions […] judged to be mitigations of the original rule and incompatible with the spirit of voluntary penitence."[224] In his reform at La Trappe, Rancé not only reinstituted the meat abstinence of the Benedictine Rule but also established the Trappist hallmarks: abstinence from fish, eggs, cheese, and butter as well as the observance of enclosure, silence, fasts, and manual labor in a daily ebb and flow between physical manual labor and the Liturgy.[225]

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was used as a bowling alley, the dormitory housed only nightbirds, the archives were scattered all over the floor, and in the church one saw only broken pavement, fallen stones, ruin, filth, and cobwebs. The walls were ready to collapse and the bell tower ready to fall. The monks slept where they could, and the commendatory abbot's bailiff, with his whole family, lodged with them" (BELL, *Everyday Life at La Trappe,* 21). Though one may readily concede hyperbole in this description of the living conditions, nonetheless the need for reform at La Trappe seems justified.

[223] A.J. KRAILSHEIMER, *Rancé and the Trappist Legacy,* Kalamazoo, MI, Cistercian Publications, 1985, 50: "Mitigations of any kind were anathema to Rancé, and in the end even the most harmless adaptations to changed circumstances (for example, the erection of solid stone buildings instead of simpler, more combustible, materials after a fire destroyed most of the Grande Chartreuse) were denounced as infidelity to the original rule. In a word, he made his own, highly personal, interpretation of monastic life and spirit the rule, rather than an exceptional option." Some further nuance, however, is necessary in fairness to Rancé who admitted dispensation from external observances for a just cause, while dispensation without such a cause constituted for the Trappist reformer a mortal sin; see ID. (ed.), *The Letters of Armand-Jean de Rancé: Abbot and Reformer of la Trappe,* vol. 1, Kalamazoo, MI, Cistercian Publications, 1984, 228. Often overshadowed by Trappist austerity, Rancé clearly advocated first for purity of mind and heart that found external expression in the ascetical life; see ID., *Armand-Jean de Rancé, Abbot of La Trappe: His Influence in the Cloister and the World,* Oxford, Clarendon Press, 1974, 330-331.

[224] ID., *Armand-Jean de Rancé*, 23-24. See ID., *Rancé and the Trappist Legacy,* 73 where Krailsheimer explored Rancé's Trappist reform in a juridic framework that sought regularity and objectivity based upon the normative Cistercian texts: "He wanted to push endurance to the limit, it is true, but not by extraordinary mortifications or spectacular austerity. Instead, he accepted the Rule of St. Benedict, as interpreted by the Usages of Cîteaux, rejecting all subsequent mitigations and making no concessions to special cases except those provided for in the Rule." Krailsheimer strived after academic objectivity by likewise synthesizing the position of the Order of Cistercians who argued against the need for reform: "The members of the Common Observance, now and then, maintain very reasonably that new circumstances require new measures, and that a fossilized and stagnant rule is less healthy than one evolving by constitutional means" (24). See also Krailsheimer's reflection on the motivation of the men who entered La Trappe and of the Trappist founder himself in pursuit of holiness on pages 112-117.

[225] Rancé offered "essential points" in a letter to Nicolas Pinette 7 February 1683: "[…] separation from outside people, strict silence, manual labor, hard beds" and as regards the monastic diet total abstinence, apart from illness: no butter, fish, or eggs; see KRAILSHEIMER (ed.), *The Letters of Armand-Jean de Rancé,* vol. 2, 3. For a detailed account of the monastic life, both observance and discipline as established by the reformer

Instituting acts of supererogation surpassing the Benedictine Rule, Rancé cited the discipline of the deserts, particularly John Climacus and Mary of Egypt to whom he was greatly devoted—even writing proper Offices for liturgical use and having chapels built in their honor.[226]

In his reform of Cistercian life, Rancé gave attention to the practice of spiritual direction and contributed to the juridic understanding of the director. Expressive of the importance attributed to direction of conscience, while shunning all conversation and even community recreation, Trappist sign language gave way to speech not only in the liturgy, chapter, and conferences, but for the sacrament of confession and spiritual direction.[227] Moreover, Rancé interpreted the Benedictine Rule's liberality of selection beyond the abbot to other spiritual seniors as a relaxation and mitigation of monastic discipline:

> But as to those who direct and exercise the functions of the ministry in the tribunal of penance; there are some who are thus deputed only by reason of the indocility of the brethren, who not having the esteem and confidence they should have for their superior, are unwilling to be directed by him; these directors are to be placed in the second rank, because they are nominated only in condescension for the weak and imperfect, and merely allowed on account of their hardness of heart.[228]

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at La Trappe, see BELL, *Everyday Life at La Trappe,* 65-153. For a list of the dietary restrictions established by Rancé, see ID., *Armand-Jean de Rancé,* 88; Krailsheimer also detailed the labor of the first Trappists (89), their liturgical practices (90), and periods of rest (90).

[226] See KRAILSHEIMER, *Armand-Jean de Rancé,* 334-335 and C. WADDELL, "The Eastern Monastic Fathers and the Reform of Rancé," in M.B. PENNINGTON (ed.), *Monastic Tradition East and West: One Yet Two,* Kalamazoo, MI, Cistercian Publications, 1976, 429-430. See also KRAILSHEIMER (ed.), *The Letters of Armand-Jean de Rancé*, vol. 1, 293; Rancé desired to observe the Benedictine Rule after the manner of the first Cistercians "[…] with literal exactness [believing the] first Constitutions of Cîteaux are most holy, and if they added to the Rule, that is because the Rule had not provided for everything and supplements were necessary" (ibid.). Avaux revealed Rancé's primitive monastic inspirations when he claims to have heard Rancé state that were the monks to lack proper monastic structures they would "[…] make little huts in these woods and around these lakes, just like the ancient solitaries of the Thebaid" (A.F. DES AVAUX, "*Description de l'Abbaye de la Trappe [1689]*," in D.N. BELL [ed.], *Everyday Life at La Trappe,* Collegeville, MN, The Liturgical Press, 2018, 91).

[227] See KRAILSHEIMER, *Rancé and the Trappist Legacy*, 79. See also the account of direction with the abbot "[…] when the burden of silence was more than a monk could bear" in BREMOND, *The Thundering Abbot,* 103.

[228] A.J. DE RANCÈ, *Treatise on the Sanctity and on the Duties of the Monastic State*, vol. 1, Dublin, Richard Grace, 1830, 116-117.

According to Rancé, seeking direction from directors other than the superior evinces a lack of confidence, and a diversity of directors endangers communal unity and threatens discord. Rancé critically apprises a diversity of directors in the monastery as contrary to the notion of the cenobitic community as *mystici corporis:*

> It is moreover to be remarked, that a community is a body that cannot subsist, unless the members and parts are properly connected with one another, and that the whole are in perfect union with the head; now it is almost impossible to preserve this concord and union, if the brethren forsake their superior's direction, and follow that of another, and it will be very difficult to find a means to prevent the diversity of direction from producing a division of hearts.[229]

Avaux detailed instead the reformer's practice:

> Sometimes, too they use this time to speak with Monsieur l'Abbé [Rancé] when they have something to disclose to him regarding the state of their soul. They go to him as to a source of living and beneficial water by which they are refreshed, and they never leave him without being strengthened and filled with new graces. For I will tell you here in passing that when they enter the novitiate, they begin by making a general confession to him to reveal the depths of their conscience, and thereafter they make their confession to no other but him. It is in this way that he knows their spirit perfectly, that he sees whether they have a true vocation to embrace the austere life of the house, and that he judges their capacity for the tasks he intends for them. The especial care that he takes for the conduct of their souls in no way offends or constrains them. Indeed, it is so much to their taste that they find it difficult to make their confession to anyone else, even when he gives them leave to do so. And even if he is so rigorous in correcting them that, in public, he appears too severe, he nevertheless addresses all their specific concerns with so great a love and tenderness that they never find greater joy than when they can converse with him.[230]

Noteworthy here is the characterization of the monks as possessing a due liberality to select a spiritual director other than the superior but electing not to do so. Thus, the spiritual

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[229] Ibid., 114.

[230] AVAUX, "Description de l'Abbaye de la Trappe (1689)," 83. Avaux offered examples of the first members and the way they opened their souls to the abbot; see ibid., 107-108: "He listened in profound humility to the advice and instructions that he [Rancé] gave him with regard to his conduct, and he never failed to put them into practice on every necessary occasion. It may even be said of him that he was as faithful in following [the advice of Monsieur l'Abbé] as if he knew it had been given to him by God himself through the mouth of his prophets" (108).

director of all monks in Rancé's reformed houses was the abbot, even being seen as so beneficial to the quest for holiness as to inspire monastic entrants.[231]

1.3.2. - The Historical Emergence of the Internal Forum

Although this study thus far has concerned the conception of the spiritual director in the lives and rules of the first monks and as then revisited and renewed in monastic reform and new orders, canonists were not immune from considering the ascetical discipline of spiritual direction to ensure adequate canonical provision in universal law. Medieval canonists turned to the Roman concept of a *forum* to signify not only *where* but also the *manner* or way in which the power of governance is exercised in the Church.[232] Arising from 12th century attention to sacramental confession as distinct from the public court of magistrates, both theologians and jurists after Gratian separately treated the forum of penance or conscience (*forum poenitentiale*, *forum conscientiae*) and the external or judicial forum.[233] This distinction between the ecclesiastical courts or *fora* can be found,

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[231] See the account of the abbot Jacques Minguet who resigned his office as abbot of Châtillon-en-Lorraine to be under Rancé's spiritual direction in ibid., 115: "I ask of you to be utterly subject to your direction, for I value the condition of being a servant of Jesus Christ more than being an abbot in my own monastery."

[232] Van de Kerckhove, citing Simon of Bisignano and Huguccio, clarified that canonists of the thirteenth century referred to power in the internal forum as the "*potestas clavium*" exercised by priests and sometimes thus shortened to simply the "*potestas sacerdotalis*" or "*potestas ordinis*" (M. VAN DE KERCKHOVE, "De notione jurisdictionis apud decretistas et priores decretalistas [1140-1250]," in *Ius pontificium*, 18 [1938], 13).

[233] In his introduction to the historicity of the fora, Arrieta identified the origin of the internal forum as arising from the "hidden or penitential judgment" of Bernard of Pavia (†1213) and the "penitential forum" of William of Auvergne (†1249); see J.I. ARRIETA, "The Internal Forum: Notion and Juridical Regime," in *Studia canonica*, 41 (2007), 28. Mansfield summarized the effect of the emergence of the two fora: "The exterior forum came to be defined as the sphere of excommunication, the interior as that of penance" (M.C. MANSFIELD, *The Humiliation of Sinners: Public Penance in Thirteenth-Century France,* Ithaca, NY, Cornell University Press, 1995, 50). For more exhaustive historical surveys, see G. SARACENI, *Riflessioni sul foro interno. Nel quadro generale della giurisdizione della Chiesa,* Padua, CEDAM, 1961; A. MOSTAZA RODRÍGUEZ, "*Forum internum-Forum externum*. En torno a la naturaleza jurídica del fuero interno," in *Revista Española de Derecho Canónico,* 23 (1967), 253-331; A. MOSTAZA RODRÍGUEZ, "*Forum internum-Forum externum*. Naturaleza de la jurisdicción del fuero interno," in *Revista Española de Derecho Canónico,* 24 (1968), 339-364; and A. MOSTAZA RODRÍGUEZ, "De foro interno iuxta canonistas postridentinos," in

for example, in Thomas Aquinas's (†1274) *Scriptum super Sententiis* where Aquinas distinguished between the judicial or contentious forum and the penitential forum or forum of conscience. According to Aquinas, the penitential forum is "[…] more dignified [while the judicial forum demands] greater solemnity, because in it [man] is reconciled not only with God, but also with man."[234] The parish priest absolves in the *forum poenitentiali* while the judge excommunicates in the *forum judicale*. Following Aquinas, the agent, act, and effects differentiate the contentious or judicial forum from that of conscience or penance.

As Goering has astutely noted, the term "*internal* forum" originated later and only after the Council of Trent (1545-1563) to refer to the earlier medieval notion of the *forum poenitentiae* or *conscientiae*.[235] Citing Aquinas, Francisco Suarez (†1617) first demarcated ecclesiastical power "[…] to be twofold, namely, of the internal and external forums."[236] Suarez maintained the former teaching of Aquinas that the two fora are made distinct by effect with the internal forum concerning man and God (*inter hominem et Deum*) and the external forum man to man (*hominis ad hominem*). While overshadowed by questions of sacramental law, the juridic framework was thus established for the spiritual director's exercise of the power of governance in spiritual direction in the internal forum.

PONTIFICIA COMMISSIO CODICI IURIS CANONICI RECOGNOSCENDO (ed.), *Acta Conventus Internationalis Canonistarum Romæ diebus 20-25 mai 1968 celebrati*, Typis polyglottis Vaticanis, 1970, 269-294.

[234] THOMAS AQUINAS, *Scriptum super Sententiis magistri Petri Lombardi*, 4.18.2.2.1 ad 2, trans. M.F. MOOS, Paris, P. Lethielleaux, 1947, 956.

[235] See J. GOERING, "The Internal Forum and the Literature of Penance and Confession," in *Traditio*, 59 (2004), 175.

[236] F. SUAREZ, "De legibus," 4.12.10, in *Opera omnia*, vol. 5, Paris, apud Ludovicum Vivès, 1856, 376: "potestatem ecclesiasticam in tota sua latitudine sumptam, duplicem esse, scilicet, fori interni et externi."

1.3.3. - *Sanctissimus* and *Cum ad regularem* of Clement VIII

Clement VIII, in his decree *Sanctissimus* (1592) treated for the first time in universal law the question of superiors hearing the private, sacramental confessions of their subjects. In no. 9, §2, Clement VIII declared that it was not lawful for superiors to hear the confessions of their subjects except in the case of reserved sins or when the subject spontaneously and of his own free will (*sponte ac proprio motu*) requested this of the superior.[237] In this norm, the importance of freedom of choice—albeit of a confessor—denotes ecclesial concern in the sixteenth century for freedom of conscience: the superior is not forbidden from hearing the subject's confession, but these occasions must be unprompted and motivated not by the superior but by the subject. Consequently, Clement VIII instructed superiors to designate suitable confessors "[…] endowed with prudence and charity" (no. 9, §3).[238] Evocative of his motivation for this prohibition, Clement VIII admonished those who previously served as community confessors and now as superiors lest they use in external governance knowledge of sins they previously heard confessed (no. 9, §4). In his doctoral study on the history of regular confessors, McCormick proposed the significance of Clement VIII's teaching apropos to the current study and the topic of spiritual direction: *Sanctissimus* "[…] was the most important step towards liberty of conscience that the penitential discipline for regulars had manifested up till this time."[239]

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[237] *Magnum bullarium Romanum: bullarum, privilegiorum ac diplomatum Romanorum Pontificum amplissima collectio*, vol. 13, Graz, Akademische, Druck-u. Verlagsanstalt, 1964, 212.

[238] The relation between spiritual direction and prudence is not here novel but can be found in Aquinas who earlier situated direction in relation not only to justice, but prudence; see THOMAS AQUINAS, *Summa theologiae*, II-II, q. 49, in English translation by FATHERS OF THE ENGLISH DOMINICAN PROVINCE, *Summa theologica: Complete English Edition in Five Volumes*, vol. 3, Notre Dame, IN, Christian Classics, 1981, 1395-1400.

[239] R.E. MCCORMICK, *Confessors of Religious*, Canon Law Studies, no. 33, Washington, DC, The Catholic University of America Press, 1926, 21.

Clement VIII further balanced the injunction found in *Sanctissimus* with later norms in *Cum ad regularem* of 19 March 1603 that concerned in the main the formation of novices and the corresponding duties of the novice master.[240] Therein, Clement VIII affirmed the custom in religious orders of novices revealing to the novice master the inner workings of conscience, including the revelation of temptations. In his identification of the components of initial formation, Clement noteworthily included the practice of the "[…] daily opening of the internal movements of the heart and manifestation of temptations."[241] Clearly, Clement viewed the novice-novice master relationship differently from that of subject-superior because in contrast to the aforementioned legislation of *Sanctissimus*, *Cum ad regularem* permitted the novice master to hear the confessions of the novices as part of the master's overall pastoral care, and even the superior was permitted to hear the novices' confessions "[…] once or twice a year if [the superior] judged it expedient" (*si ita expedire iudicaverit*).[242] This consideration of expediency may be a reference to Clement's earlier concern in *Sanctissimus* for the mixing of the fora and threats to the integrity of the sacramental seal. Nevertheless, following *Sanctissimus* and *Cum ad regularem*, the universal juridic conception of the ordinary confessor in religious houses was not the superior, and the primacy of freedom of self-disclosure in matters of conscience had been

[240] It is interesting to note the novice master was only introduced into Carthusian life a short time before (1567), supplanting the earlier vicar responsible for novices; see Hogg, "The Carthusians," 48-49. Both in practice and in Clement VIII, ecclesial concern post-Trent for the quality of formation is plainly manifest.

[241] *Bullarium diplomatum et privilegiorum sanctorum Romanorum pontificum*, vol. 13, 217: "[…] per aperitionem quotidianam motuum internorum cordis et tentationum manifestationem."

[242] Ibid., 218.

affirmed from an awareness of the clear and imminent danger of mixing the external and internal fora.[243]

1.3.4. - *Quemadmodum:* Conscience and Freedom

The decree of the Congregation of Bishops and Regulars of 17 December 1890 *Quemadmodum* is not addressed to orders of monks, and its immediate subject matter—"the manifestation of conscience"—does not equate with spiritual direction in the monasteries.[244] As Korth clarified, "the manifestation of conscience" is an Ignatian "great innovation" different from spiritual direction in orders of monks because the purpose surpasses the individual religious and includes the good order of the Jesuit Society, emphasizing the completeness of the manifestation obligatory to the superior at regulated

[243] In the event, however, that the superior was also the novice master, canonists opined that the superior would on account of the latter office be the ordinary confessor of the novices; see N. GILL, *The Spiritual Prefect in Clerical Religious Houses of Study: An Historical Synopsis and Commentary*, Canon Law Studies, no. 216, Washington, DC, The Catholic University of America Press, 1945, 86.

[244] The "manifestation of conscience" as commonly understood in contemporary canon law refers to a novel institution of Ignatius of Loyola who assumed the act of opening one's conscience from the aforestated monastic context to advance the apostolic mission of the Jesuits as a legal obligation in the Ignatian *Constitutions*, a constitutive element for governance, and an essential dimension of Jesuit mission theology; see KNOWLES, *From Pachomius to Ignatius*, 58, 67; B. O'LEARY, *Sent into the Lord's Vineyard: Explorations in the Jesuit Constitutions,* Oxford, The Way, 2012, 102; and J. DE GUIBERT, *The Jesuits: Their Spiritual Doctrine and Practice,* Chicago, Loyola University Press, 1964, 100. The 1996 *Constitutions of the Society of Jesus* explain that thereby the superior is better equipped "[…] to proceed without error in such missions, or in sending some persons and not others, or some for one task and others 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 in his charge, and to what defects or sins they have been or are more moved and inclined" (J.W. PADBERG [ed.], *The 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, 43). De Vogüé elaborated, "Such a context is modern, though its links with monastic tradition cannot be denied. In this context the ancient manifestation of thoughts to the superior assumes the appearance of a juridical and moral obligation imposed by the *Constitutions,* an obligation all the more onerous in that the superior, given the institute's active nature, is responsible not only for the sanctification of the subjects but also for the exterior activity. This fact makes the distinction between the two fora more tangible and their union in one and the same person more delicate" (DE VOGÜÉ, *Community and Abbot in the Rule of St. Benedict,* 135). For a more comprehensive investigation concerning the manifestation of conscience and contemporary questions, the author recommends the fine doctoral studies of J.L. SÁNCHEZ-GIRÓN, La cuenta de conciencia al superior en el derecho de la Compañia de Jesús, JCD thesis, Roma, Pontificia Università Gregoriana, 2007 and C. MUROPA, The Account of Conscience and the Right to Privacy in the Governance of the Society of Jesus, JCD thesis, Ottawa, Saint Paul University, 2022.

moments in the religious life to which Korth added, "The above changes were justified because of the great variety of apostolic works in which the Society was engaged."[245] The importance of spiritual direction in the Christian life, and especially in the life of consecrated persons, received separate treatment and accolade from Leo XIII shortly later when he affirmed that those seeking holiness stand in "greater need" (*magis quam ceteri*) of teacher and guide.[246]

Rather, *Quemadmodum* addressed congregations, societies, and institutes of women in both simple and solemn vows as well as non-clerical religious men where abuses of regulated manifestations of conscience had been "[…] imperiling the salvation of souls, in deeply disturbing consciences, and, moreover, in the disturbance of exterior peace."[247] In *Quemadmodum,* Leo XIII abrogated any mandatory manifestation of conscience, together with corresponding customs, in these institutes, congregations, and societies, and the Supreme Pontiff required the *ius proprium* to be modified accordingly.[248] Thus,

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[245] KORTH, *The Evolution of "Manifestation of Conscience,"* 97. Korth's phraseology is telling, affirming—even from Korth's Jesuit perspective—the novelty of the Society's "manifestation of conscience" as distinct from monastic spiritual direction. See also O'LEARY, *Sent into the Lord's Vineyard*, 133 where the Jesuit "manifestation of conscience" is understood as "[…] an aid to missioning, to governance, not merely to personal growth."

[246] LEO XIII, Letter Concerning Some of the Opinions regarding Americanism *Testem benevoloentiae nostrae* 22 January 1899, in *ASS*, 31 (1898-1899), 475, English translation in D. SCHWINDT (ed.), *The Leonine Encyclicals: 1878-1902*, McPherson, KS, Agnus Dei Publishing, 2014, 341.

[247] CONGREGATION OF BISHOPS AND REGULARS, decree *Quemadmodum*, 17 December 1890, in *ASS*, 23 (1891), 506, English translation in A. SABETTI, *The Decree "Quemadmodum," with Explanations*, Baltimore, John Murphy & Co., 1892, 6. The abuses prompting *Quemadmodum* are ennumerated in the text itself, namely the forced manifestation of conscience to superiors that negated the religious's rightful liberty, access to extraordinary confessors, and the reception of the Eucharist. Cotel theorized the prohibition of *Quemadmodum* not to clerical institutes, but only lay institutes: "The former have the knowledge and the grace of the priesthood, both of which are wanting to the latter. The former being capable of jurisdiction and, in fact, possessing it, the religious may confide to them the secrets of his conscience under the sacramental seal of confession, whilst this is impossible with the latter" (P. COTEL, *The Principles of the Religious Life*, Baltimore, MD, J.B. Piet, 1894, 237).

[248] See the canonical opinion of Sabetti that *Quemadmodum* here "[…] reaches not only to the repealing of any approbation given in specific form, which embraces any special approbation given spontaneously, from certain knowledge and personally by the Roman Pontiff himself, but, that it also embraces the

Quemadmodum extended the earlier discipline of the Congregation of Bishops and Regulars to not approve in proposed proper law the obligatory manifestation of conscience (*aperitio conscientiae*) to lay superiors, whether women religious or in lay institutes of men religious, while nonetheless permitting inferiors to "[…] disclose their defects in the observation of the rules and their progress as regards virtues [voluntarily to the lay superior, but] as to other points, they must treat them with the confessor."[249]

Ergo, *Quemadmodum* revealed the Church's desire to not deter "[…] 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" (*Quemadmodum*, no. 4). The critical word here is that such an opening of the soul must be made *freely* for the sake of progressing in the spiritual life. In discussions of the effects of *Quemadmodum*, it is often forgotten that the decree does not prohibit religious in these congregations, societies, and institutes from freely and voluntarily opening their souls to superiors, but rather from being commanded to do so in virtue of the evangelical counsel of obedience. This is not, then, an instance of threatening the monastic tradition of spiritual direction, but instead an

annulment of any law whatsoever, even unwritten and coming from long established customs" (SABETTI, *The Decree "Quemadmodum," with Explanations*, 11-12).

[249] CONGREGATION OF BISHOPS AND REGULARS, "Mélanges," in *Analecta iuris pontificii*, 38 (May and June 1860), 2396. Sabetti opined that the prohibition extends especially to all those matters "[…] touching upon the vow of chastity [that] are so naturally connected with danger and shame that they should be manifested only to the confessor in the sacred privacy of the tribunal of Penance" (SABETTI, *The Decree "Quemadmodum," with Explanations*, 15). See also J.F. LOVER, *The Master of Novices: An Historical Synopsis and a Commentary,* Canon Law Studies, no. 254, Washington, DC, The Catholic University of America Press, 1947, 95: "Indeed, in 1860 alone the Sacred Congregation disapproved of at least seven sets of constitutions submitted to it, all of which purported to require the practice of manifestation of conscience *as an obligation*. In one instance the Sacred Congregation refused to allow the practice of the manifestation of conscience because it resembled sacramental confession too much and deserved to be censured as a false mysticism."

affirmation of the original monastic inspiration that recognized spiritual direction necessitates a duly recognized liberality that can only be reconciled with great care to the modern institution of the manifestation of conscience celebrated and legislated by Ignatius of Loyola in his Constitutions.[250] Taunton precisely articulated that in *Quemadmodum,* "The Holy Father did not wish to interfere with the liberty of the subject who may desire to have advice from an experienced and trusted superior. The evil aimed at is the compulsory manifestation and the abuses therefrom arising."[251] While the prohibition against the manifestation of conscience will only later apply to orders of monks with the promulgation of c. 530 of the 1917 Code, nonetheless, *Quemadmodum* signaled an increased ecclesial awareness of the great danger of abuse of conscience even in orders of monks and the importance of eradicating practices that do violence to this freedom within the monasteries.[252]

Consequently, the opening of conscience must never be abusively forced or in any way manipulated, including "[…] endeavoring, directly or indirectly, by command, counsel, fear, threats, or blandishments, to induce their subjects to make to them any such manifestation of conscience" (*Quemadmodum*, no. 2). Watterott posed the question facing religious after the promulgation of *Quemadmodum*:

> Are all religious therefore left to their own resources? Are all supposed to direct themselves and find their own way amid the difficulties of spiritual life in spite of the well-known

[250] See SABETTI, *The Decree "Quemadmodum," with Explanations*, 14 that refers to these freely made manifestations as "amicable" to signify that they arise from "[…] intimate friendship and confidence." Here the writer of this study finds a strongly Augustinian note to the legitimate and freely made manifestation.

[251] E. TAUNTON, *The Law of the Church: A Cyclopaedia of Canon Law for English-Speaking Countries*, London, Kegan Paul, Trench, Trübner & Co. Ltd., 1906, 405.

[252] Bergh argued that the extension of the ban on manifestation of conscience to all regulars represented one of the most significant modifications to religious law in the 1917 codification; see E. BERGH, "Accommodata renovatio legislationis canonicae communis relate ad status perfectionis," in *Periodica*, 40 (1951), 32.

> insufficiency of their own judgment which, in their own cause, is too easily obscured by passions and perverted judgment and therefore often led into error? By no means. A vast field remains open for direction on the part of superiors, even though subjects withhold from them the domain of their inmost conscience. In a religious community much shows itself outwardly and needs direction and often even correction.[253]

Conclusion

This review of the spiritual director from Christian origin in desert monasticism through the monastic rules and reformers until the 1917 codification reveals legitimate juridic development and an overarching concern for both good order and the practice of spiritual direction. The spiritual director in the Egyptian desert did not desire to direct souls, but rather was prompted by charity to this apostolate of service from which he offered direction based upon the authority of his experience evinced in personal holiness of life. The desert director first sought direction and then transitioned from directee to director, but as this chapter has shown there is little evidence that the director continued to receive lifelong spiritual direction. The title *abba* appears, thence, as a term of respect for the abba's personal wisdom and holiness and was generally only given to those advanced in age who had previously passed through a period of apprenticeship.[254]

Considered juridically, the very lives and sayings of the first desert monks initially offered a rule of life for others to follow—what Chitty has termed "a corpus of 'case law' of the deserts"—that was later replaced by the Pachomian legislation to normalize Egyptian

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[253] I. WATTEROTT, *Guidance of Religious: Considerations on the Duties of Religious Superiors*, trans. A. SIMON, St. Louis, MO, Herder, 1958, 92.

[254] HARMLESS, *Desert Christians*, 177. Gratton further expounded upon the significance of the title *abba* writing, "When these men are called 'Abba' this title refers to the fact that they were considered to be persons who did not simply pass on ideas about the spiritual life, but truly 'fathered' children in the faith. To these children they passed on a heritage of abundant life, of a richness that encompassed the whole person, and informed the heart as well as the mind about what it means to be a Christian" (C. GRATTON, *Guidelines for Spiritual Direction,* Denville, NJ, Dimension Books, 1980, 46).

cenobitic life.[255] The first Desert Fathers purposed not to promulgate proper norms as the later monastic lawgivers, but as Abba Poeman instructed, "No, be their example, not their legislator."[256] More precisely, the "legislation" that arose in early desert monasticism appeared not in the form of legal precepts but as *exempla* of monastic and ascetical discipline. The later *regulae* sometimes responded to perceived problems of this desert monasticism. Basil and Augustine, for example, both looked unfavorably upon exaggerated ascetical feats. The Benedictine Rule, on the other hand, recommended desert literature and reformers such as Guigo in the Carthusian *Consuetudines* and Rancé at La Trappe sought to renew the desert—albeit not without risk of oversimplification and caricature creating not a return but innovation.[257]

The classical superior-subject relationship appeared in the desert as master-disciple but is more readily understood to a modern audience as teacher-student.[258] While the desert abba or father served as the young monk's superior to whom the neophyte owed obedience, the relationship arose from, and emphasized not power but instead the teacher's didactic duty in all dimensions of monastic living, including the spiritual life.[259] To assist the novice

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[255] D.J. CHITTY, *The Desert a City: An Introduction to the Study of Egyptian and Palestinian Monasticism under the Christian Empire*, Yonkers, NY, St. Vladimir's Seminary Press, 1966, 67. Burton-Christie characterized this transition as a movement from a "pedagogy of spiritual direction" to a "pedagogy of the rule" (BURTON-CHRISTIE, *The Word in the Desert*, 77).

[256] *AP*, Poemen, no. 174, 191.

[257] See Chadwick's assessment of Basil's divergent view of Egyptian monasticism in CHADWICK, *Western Asceticism*, 17.

[258] See J.C. GUY, "Educational Innovation in the Desert Fathers," in *Eastern Churches Review,* 6 (1974), 44-51.

[259] The abba-monk relationship, while pedagogical in nature, must not be too narrowly construed as theorization and speculation, but instead understood as purposing to edify, accompany, and assist the novice. See T. MERTON, *Spiritual Direction & Meditation,* Collegeville, MN, The Liturgical Press, 1960, 17: "In the earliest days of Christian monasticism the spiritual father did much more than instruct and advise. The neophyte lived in the same cell with him, day and night, and did what he saw his father doing. He made known to the father 'all the thoughts that came into his heart' and was told, on the spot, how to react. In this

against temptations, manifested through honest self-disclosure to the abba, the virtues of obedience and transparency were emphasized "[…] to the end of personal development in the virtues of the monastic life."[260] The purpose, however, was not merely a dialogue about the spiritual life and virtue, but to aid the directee to know "[…] what he must inwardly do to be able to serve God with a free heart."[261]

Ergo, spiritual direction first appeared in the desert monastic experience not as a rule of law but as a "[…] significant habit: one had to obey others before claiming obedience to God alone."[262] According to the wisdom of the desert, the student made known his thoughts or "*logismoi*"—not only temptations, but whatever preoccupied him including perhaps "[…] a desire or a feeling, innocent enough in itself, such as missing one's family or wanting to go explore the nearby desert, feeling stung by someone's gossip or simply wondering what it really took to be a monk."[263] Based upon experiential knowledge and holiness, the abba would advantageously aid the directee to discern the origin of the thought and how to respond virtuously in action. Since many abbas were not

way he learned the whole spiritual life in a concrete and experimental way. He literally absorbed and reproduced in his own life the life and spirit of his 'father in Christ.'"

[260] GOULD, *The Desert Fathers on Monastic Community*, 57.

[261] LAPLACE, *Preparing for Spiritual Direction*, 27.

[262] LACARRIÈRE, *Men Possessed by God*, 55. See LOUF, "Spiritual Fatherhood in the Literature of the Dessert," 37: "[W]e can almost say that the literature of the desert identifies itself with the exercise of spiritual direction."

[263] HARMLESS, *Desert Christians*, 229-230. Stewart suggested the utility of openness to the director: "The principle behind the practice was that we cannot have a clear view into our own hearts. Spiritual vision is clouded by unresolved and often conflicting desires which are murkiest when our own lives are in question. Thoughts, questions, obsessions need to be brought into light and air where they can be seen for what they are" (STEWART, *Prayer and Community*, 99). See the similar assessment in R.C. BONDI, *To Love as God Loves: Conversations with the Early Church*, Philadelphia, PA, Fortress Press, 1987, 80.

priests, nor was any ritual prescribed or the subject matter confined to sins, the early monastic practice must not be equated to sacramental confession.

Considering their origins, history manifests that many—if not most—monastic rules were written and promulgated only when the community faced the need for uniformity of observance and discipline during rapid growth and after initial experimentation. Ergo, in the main the existent *regulae* record a way of life already being lived and seek to disseminate that way of life to a new place to be followed by new members. Accordingly, the rules are not immediately concerned with addressing problems *per se* nor offering a defense of the monastic vision, but rather their purpose is to proliferate the monastic life as lived and observed in a particular context.[264] Secondarily, as has been seen in the legislation on the spiritual director, "[w]hatever was obvious and self-evident appears, if at all, only on the sidelines as the unintentionally mentioned stage décor."[265] An anonymous Carthusian monk, reflecting on his order's body of legislation, expressed this truth: "[P]ractice and usage come before the law; tradition before the letter, essay before final sanction."[266] As a practical consequence, the monastic legislator or legislators are often distinct from the founder or founders, prompting canonists, medievalists, and students of monasticism to question regularly what developments may have occurred between the founding charism and the codification of that charism in early proper law.

[264] Diem exposed the difficulty: "Moreover, it is often difficult to discern whether a provision or a sanction indicated the urgency of a problem, a topic of dissent or reform, a challenge to monastic discipline, or whether we can assume that these problems and challenges were resolved by regulating them. Do, for example, the numerous provisions on preserving monastic chastity and imposing mutual supervision imply that this problem was under control, or do they rather point to the opposite" (A. DIEM, "New Ideas Expressed in Old Words: The *Regula Donati* on Female Monastic Life and Monastic Spirituality," in *Viator*, 43 [2012], 1).

[265] DIEM, "New Ideas Expressed in Old Words," 1.

[266] A CARTHUSIAN MONK, *The History of the Great Chartreuse*, 26.

Although much larger than this study's limited circumscription, the question must be asked, "Does the initial proper law accurately reflect the founding charism God willed to give to the Church? Or, perhaps has the legislator modified that charismatic vision, either for good or ill, as an exercise of his legislative power?" This thesis can only touch on this question within the much smaller question of the spiritual director.

This chapter too has shown that references to a spiritual director in the *regulae* are remarkably sparse despite the frequent extolling of the virtues of discernment and seeking counsel. For example, Pachomius's celebrated text offers no explicit indications of the spiritual director nor does Columban's. A difficulty is readily apparent in the analysis of these texts attributable to the ambiguity of the use of terms making it not always possible to distinguish with certainty whether the legislator of the rule intends confession, spiritual direction, or fraternal correction. Few, if any, indications are given of qualifications of the director although Cassian argues for the spiritual director to be either the abba or an elder (*senex*). Clearly Cassian is not referring merely to a spiritual director's age or number of gray hairs but instead to a director's spiritual wisdom that is remedied in Benedict's practical and prudent legislation as now spiritual elders (*seniori spiritali*). Although not explicit, it seems that the Benedictine Rule thus permits a spiritual director to be not only freely chosen, but freely discontinued; simultaneously, a spiritual elder could presumably determine that for whatever reason he is unwilling to serve as director for an individual monk. Other legislators such as Basil and the Master propose instead the superior as spiritual director of the monks, but not without some caution against abuse evidenced in Cassian and Basil's upholding of Sacred Scripture as the supreme rule of law.

The extension of the spiritual director to *spiritual elders* raises new questions. These spiritual elders—presumably monks—have a vow of obedience to the monastic superior, so it is reasonable to consider whether they need approval from the abbot to serve as spiritual director. A nuanced answer seems the most reasonable. If a monk approaches an elder for direction on a sole occasion when the elder is not otherwise employed in obedience, it seems the elder can freely serve. If, however, the directee seeks an ongoing relationship, it seems the elder should best seek permission from the abbot, since the director too has a vow of obedience and the abbot ought to know about the works undertaken by each monk.

Another current of thought emerges in Augustine and Irish monasticism—and later in Cistercian Aelred of Rievaulx—that identifies the spiritual director in monasteries not according to a particular office, exacting norms, or merely holiness of life, but rather arising organically from spiritual friendship. This theory is clearly indebted to Augustine's teaching on freedom and grace. Unsurprisingly, this theory also seems founded upon a different vision of leadership grounded in divine and fraternal friendship where there is a noteworthy concern for the spiritual director becoming a hindrance rather than an aid to the directee's divine encounter and journey of Christian discipleship. The spiritual director, then, could be the superior, but need not necessarily be either. Similarly, the spiritual director could be a monk, but a non-monastic spiritual director too seems plausible. Of course, the history of Irish monasticism makes certain that many monks sought counsel from female spiritual directors.

Simultaneously, spiritual direction in the monasteries, especially through the discipline of Irish monasticism with its imposition of penance, contributed to the rise of

auricular private confession of both public and private sins to a priest for private penance. Consequently, spiritual direction became commonplace within the Sacrament of Penance and less widely practiced apart from private confession, even in monasteries. With this wedding of spiritual direction to sacramental confession, non-clerical spiritual directors and women spiritual directors became relics of an earlier time. The eleventh century monastic reformers would even prescribe prohibitions against women directees that surely would exclude women directrices.

Emerging in the desert *exempla*, some attention must be paid too to the director's availability to ensure frequent recourse to spiritual direction by the monks, which likely explains practically the expansion from the superior to deans to other non-office holding directors with consequent greater availability who are freely chosen reflective of monasticism's growth from solitary desert hermitages into expansive cenobitic centers. Further reflective of practical considerations for busy spiritual directors, this chapter has shown that the subject matter of spiritual direction narrows from *all* thoughts to only *sinful* thoughts, but this too is surely attributable to the emergence post-Augustine of clerical spiritual directors in Augustine's double vision of monk and cleric that saw spiritual direction assumed into sacramental confession.

As *fontes* of canon law, the monastic rules have exercised varying degrees of effect throughout history corresponding to the influence of monastic life on society and the Church in particular times and places. Ferme further conjectured that the monastic rules have served as important sources for existent *ius vigens* because many of the legislators and/or drafters of canon law were monks bound to observe the monastic rules who viewed

the normative texts as regularizing sources of ecclesial life.[267] With the passing of time and continual development of canon law, the impact of the monastic rules, while not often explicit, is nonetheless implicit and recognizable through careful study and analysis. The next chapter, then, envisions to not only explore the codifications of universal law on spiritual direction and its director in the 1917 and 1983 Codes, but too to uncover how the treatment of spiritual directors in earlier monastic proper law became enshrined and perhaps reframed in universal norms.

[267] See B. FERME, *Introduction to the History of the Sources of Canon Law: The Ancient Law up to the Decretum of Gratian*, Montréal, Wilson & Lafleur Limitée, 2007, 22.

CHAPTER II

THE SPIRITUAL DIRECTOR IN THE 1917 AND 1983 CODES

Introduction

The 20th century codifications of universal law demarcate a significant advancement in Church discipline that has impacted all segments of ecclesiastical life, including orders of monks. Since the 1917 and 1983 Codes elected not to treat separately of orders of monks from different types of institutes, western monasticism has been stimulated to a legal observance that opens itself to collective experience of religious life in general and broader Church discipline. The proper law in orders of monks, then, was revised for correspondence to the 1917—and later the 1983—norms for conformity with universal values expressed in universal laws larger than the limited monastic tradition and experience.[268] Through this canonical encounter outside monastery walls, orders of monks have been challenged to renew juridically the foundational principals of spiritual direction and to articulate the monastic notion of a spiritual director in updated proper law while rediscovering spiritual direction's relationship to communal and personal holiness in a manner consonant with each order's patrimony (*CIC*, c. 578).[269]

Congruently, a hermeneutic of canonical interpretation has arisen within orders of monks to safeguard the canonical traditions of monasticism upon the premise that monastic

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[268] See *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, Ignatius Press, 2001, canon, §489. All references to the canons of the 1917 Code will be styled "*CIC/17*, c." for canon and "*CIC/17*, cc." for canons, followed by the canon number(s). See also *CIC*, c. 587.

[269] Ward clearly voiced this challenge: "It seems that monastics, like other Christians, find it difficult to apply the universal law of the Church" (WARD, BRANIGAN, and FORMAN, *Monastics: Life and Law*, 13).

life is different from other types of consecrated life and therefore necessitates a reading and application of the Code that considers the context of the consecrated life lived by monks in monasteries.[270] Since separate canonical recognition was not afforded in the sense of separate juridic provision, a hermeneutical method has sought to overcome this hardship in practice. This hermeneutic principle is well expressed for example by Ward who offers some examples of how a monastic reading of the 1983 Code might reconcile apparently concordant canons with monastic tradition.[271] This hermeneutic, of course, assumes that the existent universal norms on consecrated life, often arising from earlier laws and the development of those laws, includes a regard for monastic law that illumines the current norms as an application of c. 6, §2: "Insofar as they repeat former law, the canons of this Code must be assessed also in accord with canonical tradition." Ward offered a more detailed presentation of "monastic context" towards a monastic hermeneutic: "For monastics the context of the law is the monastic life, and more specifically, the lived monastic life of a given monastery. It is not merely Christian or religious life in general."[272]

2.1. -Spiritual Direction, Spiritual Director, and the 1917 Code

The term "spiritual direction" is entirely absent from the 1917 Code's treatment of religious, but holiness is to be sought "[…] according to the rules and constitutions"

[270] Merton further detailed this effort and its importance to the future of monasticism, of "[…] defining a monk and bringing out the elements that make him essentially different from other religious:" "It is hoped that canonical recognition of the monastic state as one with needs and functions different from those of active Orders, will enable the monks to preserve their own way of life and their own methods of formation" (T. MERTON, "The Council and Monasticism," in J. FORD [ed.], *The Impact of Vatican II,* St. Louis, MO, B. Herder Book Company, 1966, 46-47).

[271] WARD, "Monastic Life under the Rule of St. Benedict and the New Code," 307-330.

[272] D.J. WARD, R. BRANIGAN, and M. FORMAN, *Monastics: Life and Law - Reflections of a Benedictine Canonist*, Collegeville, MN, American Benedictine Academy, 1998, 13.

(*CIC/17*, c. 593).[273] In Book II, Part II, under Title 13 entitled "De obligationibus et privilegiis religiosorum," the 1917 legislator identifies basic spiritual exercises of religious in canon 595, §1. Although canon 595, §1 includes such varied spiritual exercises as an annual retreat (1˚), daily Liturgies unless lawfully impeded and mental prayer (2˚), and weekly sacramental confession (3˚), there are surprisingly no explicit references to spiritual direction or its frequency. An implicit reference to spiritual direction, however, can be found in *CIC/17* c. 595, §1, 2˚ that references "[…] other offices of piety that are prescribed by the rule and constitutions." Consequently, the specification of time, place, manner, and frequency of spiritual direction as "*alia pietatis officia*" is left to proper law over which superiors are to ensure diligent (*sedulo*) application.

2.1.1. - The Juridic Act in the Internal and External Fora

The 1917 Code admits of the power of jurisdiction (*potestas iurisdictionis*) or governance (*regiminis*) as instituted by God and exercised in the Church in two distinct modes of acting, namely the external forum and the internal forum that the 1917 Code also terms the "forum of conscience" (*CIC/17*, c. 196).[274] Abbo and Hannan therefrom define "ecclesiastical jurisdiction," in contrast with secular or political jurisdiction and including acts of legislative, executive, and judicial power, as "[…] the public power of ruling the

[273] Woywod commented that the pursuit of perfection through the vows and in accord with proper law "[…] is similar to the obligation of the Christian to strive after Christian perfection by observing the commandments of God and the obligations he owes to his Church, his country and his fellow-men" (S. WOYWOD, *A Practical Commentary on the Code of Canon Law,* New York, Joseph F. Wagner, Inc., 1957, 281).

[274] In the admission of two names for the "internal forum" or "forum of conscience," the legislator equates the medieval "forum of conscience" or "penitential forum"—the later term being abandoned—to the post-Tridentine "internal forum" as first used by Suárez and introduced in section 1.3.2 of this thesis. For an exploration of the biblical origins of the fora in the New Testament, see C.A. BACHOFEN, *A Commentary on the New Code of Canon Law*, vol. 2, St. Louis, MO, B. Herder Book Co., 1919, 170-171.

faithful, given by Christ to His Church, for the purpose of leading them to eternal life."[275] Ecclesiastical jurisdiction—as a gift given by God to the Church—is so integral to ecclesiastical life and mission that canon 2334, 2˚ attaches the punishment of *latae sententiae* excommunication reserved *speciali modo* to the Holy See to those "[…] who impede directly or indirectly the exercise of ecclesiastical jurisdiction, whether in the internal or external forum, having recourse in this to any lay power."[276] According to the 1917 Code, only clerics can legitimately exercise the power of ecclesiastical jurisdiction (*CIC/17*, c. 118) and, for everyone except the Supreme Pontiff through election and acceptance, this power of jurisdiction arises through canonical appointment (*CIC/17*, c. 109). In fine, like canon 197, §1 states, ordinary power of jurisdiction in the 1917 Code is *ipso iure* joined to an ecclesiastical office and reserved to clerics.

2.1.1.1. - The Fora

As canon 196 makes certain, acts of jurisdictional power can occur either in the external or internal forum in a twofold manner of exercising this one power of governance: "The power of jurisdiction or governance, which exists in the Church by divine institution, is for the external forum and for the internal forum or conscience, whether sacramental or extra-sacramental" (*CIC/17*, c. 196). In his moral treatise, D'Annibale defined the legal term "*forum*," whether civil or ecclesiastical, as the place (*locus*) for the adjudication of all

[275] J.A. ABBO and J.D. HANNAN, *The Sacred Canons: A Concise Presentation of the Current Disciplinary Norms of the Church*, vol. 1, St. Louis, MO, B. Herder Book Co., 1960, 252. Bachofen added that the term "jurisdiction" arises from the Latin *ius dicendi* signifying "[…] the right of taking cognizance of a case and deciding it according to law or equity" (BACHOFEN, *A Commentary on the New Code of Canon Law*, vol. 2, 171). Reiffenstuel defined jurisdiction as "[…] *potestas publica circa aliorum regimen seu gubernationem*" (A. REIFFENSTUEL, *Jus canonicum universum,* Munich, Typis Mariæ Magdalenæ Riedlin, Viduæ, 1728, 468).

[276] Woywod practically noted that this excommunication "[…] completes the protest of the Church against all interference of the civil powers with the freedom and rights of the Church" (WOYWOD, *A Practical Commentary on the Code of Canon Law*, 529).

legal matters, agreements, and suits by the authority of a judge or superior.[277] Bouscaren and Ellis cautioned, however, that the *forum* must not be spatially construed, but conceived as "[…] a field or province of action."[278] A further danger consists in exaggerating the distinction between fora to such an extreme degree that "[…] the juridical ecclesiastical life or Christian social life is divided into two parts or diverse and separate orders of acting. In this world, or in the life of man, there is only one juridic order. One may distinguish many parts in it, however, and in turn subdistinguish many more."[279] Wherefore, the essential unity of the two ecclesiastical fora must be stressed, as Bender remarked, "These two forums are in a mutual relationship as part and whole."[280] Commentators of the 1917 Code understood the two places or manners of exercising jurisdiction or governance—the external and internal fora—as reflective of the Church's nature as a supernatural society of divinely instituted authority to be exercised for the salvation of souls and not solely over the faithful as a collective whole or group, but directly and immediately in the life of each of the individual baptized.[281]

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[277] See G. D'ANNIBALE, *Summa theologiae moralis*, vol. 1, Rome, Desclée, Lefebvre et Soc. Editores, 1908, 20. See also B.A. GARNER (ed. in chief), *Black's Law Dictionary, Tenth Edition*, St. Paul, MN, Thomson Reuters, 2014, 769: "A court or other judicial body; a place of jurisdiction."

[278] T.L. BOUSCAREN and A.C. ELLIS, *Canon Law: A Text and Commentary,* Milwaukee, WI, The Bruce Publishing Company, 1953, 133.

[279] B.F. DEUTSCH, *Jurisdiction of Pastors in the External Forum: A Historical Synopsis and a Commentary*, Canon Law Studies, no. 378, Washington, DC, The Catholic University of America Press, 1957, 90-91. An example of this exaggerated thought can be found in Maroto who dangerously argued that the two fora are "*omnino distinctio et separatio*" on the grounds that the exercise of jurisdiction in one forum does not "*necessario et semper*" indicate jurisdiction in another; see P. MAROTO, *Institutiones iuris canonici ad normam novi codicis,* vol. 1, Madrid, Editorial del Corazon de Maria, 1918, 536.

[280] L. BENDER, *Potestas ordinaria et delegata: Commentarius in canones 196-209*, Rome, Desclée, 1957, 14.

[281] MAROTO, *Institutiones iuris canonici ad normam novi codicis*, vol. 1, 536.

Applying canon 196, *CIC/17* c. 501, §1 affirms that religious superiors and chapters in accordance with proper law exercise "[…] dominative power over subjects; in clerical exempt religious [institutes], they have ecclesiastical jurisdiction both for the internal forum and for the external."[282] The power of governance granted to superiors and chapters, then, is a particular type of canonical power, *potestas dominativa* or "dominative or domestic power," that ensues from religious profession understood according to the classical sense of Innocent IV and Raymond of Peñafort in his *Summa*, 1.8 as a contract (*contractus*).[283] This *potestas dominativa*, however, is limited by proper law (*ad normam constitutionum et iuris communis*) and distinct from ecclesiastical jurisdiction granted to superiors of exempt clerical institutes as an application of cc. 118, 109, and 197 who thus "[…] enjoy a twofold power over their subjects, the dominative power arising from religious profession and the power of jurisdiction communicated to them by the Roman Pontiff."[284]

The 1917 codification likewise reveals concern for neither confusing nor mixing the fora. For example, c. 524, §1 in treating of the confessors of women religious affirms that since the confessor has power in the internal forum, he "[…] shall have no power in

[282] As Coronata noted, *CIC/17* c. 501 is limited in its exercise of dominative power and ecclesiastical jurisdiction "[…] to those things determined by [proper] law" (M.C. CORONATA, *Institutiones iuris canonici ad usum utriusque cleri et scholarum,* vol. 1, Turin, Marietti, 1928, 627).

[283] See G. KINDT, *De potestate dominitava in Religione*, Bruges, Belgium, Desclée, 1945, 65-69. Kindt argued that members of religious institutes do not merely enter a simple contract with the obligation of justice, but a "contract of incorporation:" a contract in which, through the profession of vows, the superior in the name of the Church admits the religious into the communal life, with all the resultant effects—both dignities and duties—as determined by law (293). For a contemporary assessment of the current disposition of domestic power in religious institutes according to c. 596, see F. PANIZZOLO, "De potestate quae in iure universali et constitutionibus definitur," in *Commentarium pro religiosis et missionariis,* 91 (2010), 47-95.

[284] H. PAPI, *The Government of Religious Communities: A Commentary on Three Chapters of the Code of Canon Law*, New York, P. J. Kenedy & Sons, 1919, 63.

the external forum over the same religious women."[285] The legislator here purposes to not bring the knowledge of the internal sacramental forum into the external forum, which would not only confuse the fora but constitute a canonical delict against the inviolable sacramental seal (*CIC/17*, cc. 889, §2; 2369). In contrast to the earlier norms of Clement VIII treated in chapter one of this thesis, the Pio-Benedictine Code too forbids novice masters, assistants to the novice master, the superior of a seminary, and the superior of a college from hearing the sacramental confessions of those who dwell in their houses unless two conditions are met: (1) "a grave and urgent cause in particular cases" (*ex gravi et urgenti causa in casibus particularibus*) and (2) spontaneous, free request on the part of the student (*sponte id petant*) (*CIC/17*, c. 891).[286] Larraona, citing Goyeneche, attributed this juridic novelty to "an express decision [of Pius X and his concern for freedom of conscience and the sanctity of the Sacrament."[287]

2.1.1.2. - The External Forum

The external forum treated in canon 196 of the Pio-Benedictine Code has been distinguished from the internal forum by 1917 commentators on four accounts: (1) the orientation or end of the juridic act, (2) whether the act is public or secret, (3) the purview

[285] Canon 399, §3 makes similar provision for the canon penitentiary "[…] prohibited from taking or exercising at the same time any office in the diocese to which there is attached jurisdiction in the external forum."

[286] Commenting upon this prohibition, Woywod added that if proper law previously required novices to confess to the novice master, proper law must be brought into conformity with *CIC/17* c. 891 "[…] to remove every possibility that the priest may use, even unconsciously, the knowledge gained in confession for the external government of the person who made the confession" (WOYWOD, *A Practical Commentary on the Code of Canon Law*, 497).

[287] A. LARRAONA, "Commentarium Codicis," in *Commentarium pro religiosis et missionariis*, 25 (1946), 11.

or scope, and (4) the act's relation to either the common or private good.[288] The author of this study, however, expresses a strong preference with Urrutia to distinguish the fora simply based upon the question of how the act is placed: in secret or in a manner recognized by the community.[289] Before considering the internal forum and the further subdivision between the internal sacramental forum and the internal extra-sacramental forum, the external forum as presented in the 1917 codification and commonly accepted by the commentators is helpfully distinguished, albeit not without some controversy and difficulty as will be seen.

Distinct from the internal forum, acts in the external forum govern man, as Regatillo noted, "[…] in relation to society."[290] The external forum principally treats of public matters between human persons dwelling together in civil and ecclesiastical society or—as Cappello described—man's "external social relations."[291] Beste likewise conceded that the external forum principally regards man's "social activity" (*actiones sociales*).[292]

Consequently, the commentators held that acts of the external forum are not occult or hidden but instead are "with public juridic effect" (*cum iuridicis effectibus publicis*).[293]

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[288] These criterion of distinction between the fora are here considered as representative of opinions routinely found in the 1917 commentators; originalities are duly noted.

[289] See F.J. URRUTIA, "Internal Forum-External Forum: The Criterion of Distinction," in R. LATOURELLE (ed.), *Vatican II: Assessment and Perspectives Twenty-Five Years After (1962-1987)*, vol. 1, New York/Mahwah, NJ, Paulist Press, 1988, 644-645 where Urrutia opined in part, "[T]he difference between the exercise of power for the internal forum and for the external forum lies neither in the matter ruled on, nor in the nature of the act itself, but in *the way* in which the power is exercised."

[290] E.F. REGATILLO, *Institutiones iuris canonici*, 6th ed., Santander, Spain, Sal Terrae, 1961, 273.

[291] F.M. CAPPELLO, *Summa iuris canonici in usum scholarum concinnata,* vol. 1, Rome, apud Aedes Universitatis Gregorianae, 1932, 308.

[292] U. BESTE, *Introductio in Codicem,* Naples, Italy, M. D'Auria Pontificius Editor, 1961, 222.

[293] CAPPELLO, *Summa iuris canonici in usum scholarum concinnata*, vol. 1, 308.

For example, a rescript in the external forum is to be executed in writing that it might be established in law (*CIC/17*, c. 56), and c. 2239, §2 similarly expresses the legislator's preference (*expedit*) for penalties to be remitted in writing.[294] Furthermore, the Pio-Benedictine norms establish that a public impediment can be proven in the external forum by either witness testimony or documentation (*CIC/17*, c. 1037). Since acts in the external forum carry external effects of which the community has legitimate knowledge, the condition of provability is attached.

Acts of the external forum bring effects before the Church and thus the power of governance is regularly exercised in the external forum. Beste earlier agreed, adding that according to this public exercise of an act of jurisdiction, an act in the external forum occurs "*in facie ecclesiae*" in a manner that is externally knowable and provable and as such "[…] is said to pertain to the forum of the forum (*forum fori*)."[295] Abbo and Hannan concluded that the external forum thus "[…] determines whether the faithful, in view of their conduct, are worthy of praise or blame before the visible Church."[296] Woywod elaborated, "[T]he external forum deals with matters of a public character, the public standing of persons in the Church."[297] The reasonableness of *CIC/17*, c. 202, §1 follows, arising from the integrity of the human person of body and soul before man and God, wherein an act placed in the

[294] Vermeersch expounded that this recommendation to remit penalties in writing, when possible, intends to add certainty to the remission should any questions arise in the future (A. VERMEERSCH, *Epitome iuris canonici cum commentariis ad scholas et ad usum privatum,* vol. 3, Malines/Rome, H. Dessain, 1936, 255).

[295] BESTE, *Introductio in Codicem*, 222. *Black's Law Dictionary* defined "*in facie ecclesiae*" as "[i]n the presence of the Church" (GARNER [ed. in chief], *Black's Law Dictionary*, 896). Beste is not here original, but in common with other commentators adapts Graziano's earlier "*ius* poli" and "*ius* fori" originally used by Graziano to refer to canon law and civil law; see A. MOSTAZA RODRÍGUEZ, "Forum internum—Forum externum. I. En torno a la naturaleza juridica del fuero interno," 257.

[296] ABBO and HANNAN, *The Sacred Canons*, vol. 1, 252.

[297] WOYWOD, *A Practical Commentary on the Code of Canon Law*, 91.

external forum, as publicly known and provable, also affects the internal forum. Abbo and Hannan explained that "[…] one who is dispensed from an impediment or a censure by an act of jurisdiction granted for and exercised in the external forum, i.e., before the visible Church, is freed also of the impediment of the censure in the internal forum, i.e., before God."[298]

Finally, the external forum is chiefly ordered to the common good. Cappello remarked that the external forum refers "primarily and directly" to the common good.[299] Beste supplemented that the external forum regards the public or common good not only primarily and directly but also "immediately."[300] Van Hove, therefrom, problematically suggested that because the power of jurisdiction and governance is properly ordered to the common good, and the internal forum principally concerns the private good of the individual, the *potestas iurisdictionis* of the internal forum is conceded and ordered (*conceditur et ordinatur*) by way of the juridical power of the external forum.[301] Urrutia acknowledged the deeply troublesome logical conclusion of this line of argumentation with which this thesis's author concurs: "[…] that only the external forum could properly be called juridical."[302]

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[298] ABBO and HANNAN, *The Sacred Canons*, vol. 1, 259.

[299] CAPPELLO, *Summa iuris canonici in usum scholarum concinnata*, vol. 1, 308.

[300] BESTE, *Introductio in Codicem*, 222.

[301] A. VAN HOVE, *De legibus ecclesiasticis*, Malines, H. Dessain, 1930, 181. Ciprotti similarly argued that the assertion that the external and internal fora are equally juridical in nature is "completely equivocal" and thus to be avoided (P. CIPROTTI, "Potestas iurisdictionis fori interni et productio iuris in Ecclesia," in PONTIFICIA COMMISSIO CODICI IURIS CANONICI RECOGNOSCENDO [ed.], *Acta Conventus Internationalis Canonistarum Romæ diebus 20-25 mai 1968 celebrati*, Typis polyglottis Vaticanis, 1970*,* 265).

[302] URRUTIA, "Internal Forum-External Forum: The Criterion of Distinction," 634-635.

2.1.1.3. - The Internal Sacramental Forum

Before considering the vital distinction between acts of the internal sacramental and extra-sacramental forum, the internal forum must first be differentiated from the aforesaid external forum according to its 1917 juridical notion. In contrast to the external forum, the internal forum is not principally ordered towards human society and social activity within that society, but "[…] directly to [man's] relation to God" as Cappello held.[303] From this divine orientation, Beste commented that the internal forum concerns man's actions insofar as they are "private (moral)."[304] The purview of the internal forum in the 1917 legislation, then, as the alternative name suggests, consists of matters of conscience between man and God that are, by their very nature not public knowledge; so, acts of the internal forum are "[…] exercised in secret."[305] Wherefore, acts of the internal forum are in general "[…] private and secret, not public."[306] Thus, canon 202, §1 provides that an act placed in the internal forum, as occult, does not have effects in the external forum except in those instances provided for by law in certain circumstances where the effects of the act in the

[303] CAPPELLO, *Summa iuris canonici in usum scholarum concinnata*, vol. 1, 308-309.

[304] BESTE, *Introductio in Codicem*, 222.

[305] REGATILLO, *Institutiones iuris canonici*, 273. See also WOYWOD, *A Practical Commentary on the Code of Canon Law,* 91; P. CAPOBIANCO, "De ambitu fori interni ante Codicem," in *Apollinaris,* 8 (1935), 590-591; and P. CAPOBIANCO, "De notione fori interni in iure canonico," in *Apollinaris,* 9 (1936), 366. Some restraint is, however, here needed since it is not the case that the matter is sufficient to distinguish the fora: "as if matters and objects of their very nature belonged to one or other forum" (URRUTIA, "Internal Forum-External Forum: The Criterion of Distinction," 642). Nonetheless, it must be said that the object and exercise of power in the internal forum is occult. For example, the remission of a public penalty in the internal extra-sacramental forum truly remits the penalty—and the person can freely act in the community to the extent that no scandal is caused—but the act of jurisdiction in the internal forum principally "[…] concerns the occult behavior of the believer, and in this sense, it can to some extent be claimed that the object of the remission is the *occult* dimension" (643). Of course, the act in the internal extra-sacramental forum can become public and be brought into the external forum by the production of proof.

[306] BESTE, *Introductio in Codicem*, 222.

internal forum become public and thereby recognized by the community.[307] Accordingly, an act of jurisdiction in the internal forum principally affects the conscience of the subject who is adjudicated in that forum to be "[…] worthy of praise or blame before God."[308] Beste concluded hence that the moral effects of an act in the internal forum are before God "only" (*tantum*).[309] Cappello added that although the effects of such an act are *per se* hidden, an act in the internal forum is nonetheless a true juridic act with juridical character albeit with no legitimate proofs and "ordinarily occult."[310] Thus, the internal forum from its divine orientation, exercised in secret with moral and juridic effects before God, has been termed by Beste and others the *forum poli*, the "forum of heaven," and the "forum of

[307] Within this framework, *CIC/17* c. 2251 appears as an exception to the norm permitting juridical effects in the external forum for an absolution of a censure in the internal forum. Commenting upon this canonical provision, Urrutia remarked that this ability for effects of an exercise of the power of governance in the internal forum to also have effects for the external forum makes plain that "[…] the same power is exercised" (URRUTIA, "Internal Forum-External Forum: The Criterion of Distinction," 641).

[308] ABBO and HANNAN, *The Sacred Canons*, vol. 1, 252.

[309] BESTE, *Introductio in Codicem*, 222.

[310] CAPPELLO, *Summa iuris canonici in usum scholarum concinnata,* vol. 1, 308-309. Against the flawed supposition that the exercise of power in the internal forum is less an act of jurisdiction than acts in the external forum insofar as it touches *per se* and ordinarily the conscience, Bachofen commented that the exercise of power in the internal forum is by "[…] the *public* authority of the Church which bestows that power over the consciences of the faithful" (emphasis mine) (BACHOFEN, *A Commentary on the New Code of Canon Law*, vol. 2, 171). Bachofen and Cappello here disagree with Salazar Arbisqueta who emphasized the moral nature of the internal forum to the detriment of the juridical ("*son morales y no jurídicas*") at odds with *CIC/17*, c. 196; see J. SALAZAR ARBISQUETA, "La jurisdicción social y el fuero interno," in J. FLORS (ed.), *La Potestad de la Iglesia. Análisis de su aspect jurídico. Trabajos de la VII Semana de Derecho Canónico,* Barcelona, Instituto San Raimundo de Peñafort, 1960, 185.

God."[311] In the internal forum, the principal aim is not the common good (as in the external forum), but immediately and directly the private good of the individual.[312]

According to canon 196 of the Pio-Benedictine Code, this internal forum is further subdivided into the sacramental forum and the extra-sacramental forum that are distinguished, as the name suggests, by whether "[…] a sacrament is required" (*CIC/17*, c. 202, §2).[313] The author of this thesis thus prefers to speak of the "internal forum" subdivided into "the internal sacramental forum" and "the internal extra-sacramental forum" to better express the commonality of the internal forum as well as the distinction between those acts placed both within and outside of sacramental confession as upheld by the Pio-Benedictine legislation. Certain acts of governance in the Pio-Benedictine Code, such as those detailed in cc. 1044, 2250, §3, 2254, and 2290, can occur "[…] only for the

[311] BESTE, *Introductio in Codicem*, 222. The question must be asked, then, what about acts of the external forum: Are they absent a divine and heavenly orientation towards man's fulfillment in the beatific vision? Urrutia poignantly asked this same question with a list of examples; see URRUTIA, "Internal Forum-External Forum: The Criterion of Distinction," 644. Surely the moralists and canonists who adopted these manners of referring to the internal forum did not mean to suggest that the external forum had nothing to do with man's salvation, since the defined aim of all ecclesiastical governance has eternal life as its primary aim, but rather to simply emphasize the opinion that the internal forum has *more to do* with man's salvation and his relation with the Triune God. As will be seen, this manner of thinking remains problematic and tends towards an unnecessary bifurcation of the unity of the human person.

[312] See REGATILLO, *Institutiones iuris canonici*, 273; BESTE, *Introductio in Codicem*, 222; CAPPELLO, *Summa iuris canonici in usum scholarum concinnata*, vol. 1, 308.

[313] Vermeersch annotated that acts of the internal sacramental forum "[…] can be exercised only in the sacrament of penance or on its occasion, either by divine law or by ecclesiastical law" (VERMEERSCH, *Epitome iuris canonici cum commentariis ad scholas et ad usum privatum,* vol. 1, 259). In his commentary prior to the 1917 Code, Ojetti distinguished in the internal forum between the "sacramental forum" and the "extra-sacramental forum," the latter being for Ojetii simply (*simpliciter*) the "forum of conscience;" see B. OJETTI, *Synopsis rerum moralium et iuris pontificii,* vol. 2, Rome, Ex Officina Polygraphica Editrice, 1911, 2025. See also S.B. SMITH, *Elements of Ecclesiastical Law*, vol. 1, New York, Benziger Brothers, 1891, 93 where Smith acknowledged a pre-Pio-Benedictine canonical distinction between the *jurisdictio fori poenitentialis* and *jurisdictio fori interni extrapoenitentialis* that the 1917 legislator termed simply *sacramentalis* or *extra-sacramentalis*. Certain canonical authors, therefore, refer to the "sacramental forum" and the "extra-sacramental forum."

internal forum in the act of sacramental confession (*CIC/17,* c. 1044)."[314] Abbo and Hannan explained, "Jurisdiction of the internal forum is either sacramental or extra-sacramental, accordingly as its exercise is restricted or not to the act of sacramental confession."[315] Regarding the question of the form for absolution of a censure in the internal sacramental forum, c. 2250, §3 specifies that the form given in the ritual books should be followed.

As the minister of sacramental confession, the priest—except *in periculo mortis*—must possess for validity either ordinary or delegated power of jurisdiction to act in the internal sacramental forum (*CIC/17*, c. 872) that, according to the 1917 legislator, has been "expressly granted (*expresse concessa*)" either orally or in writing (*CIC/17*, c. 879).[316] The secrecy of sacramental confession enjoys the inviolability of the sacramental seal that the confessor must never betray (*caveat diligenter confessarius*) through word or action (*CIC/17*, c. 889).[317] Woywod expounded upon the significance of the canonical notion of

[314] See *CIC/17*, c. 1044. For another example, *CIC/17*, c. 2254, §1 allows a confessor under certain conditions to absolve from *latae sententiae* censures "*in foro sacramentali*." Canons 991 and 1047, however, provide for dispensations from occult impediments "*in foro interno non sacramentali*," adding that these dispensations are to be made in writing and preserved in the secret curial archives; obviously, these written records would not be made for dispensations granted in the internal sacramental forum subject to the inviolable seal.

[315] ABBO and HANNAN, *The Sacred Canons*, vol. 1, 252.

[316] An important technical shift in terminology occurs in the drafting of the 1983 Code's norms on sacramental confession away from the 1917's employment of jurisdiction and governance towards instead "faculty" to shift the juridic emphasis from the *munus regendi* to the *munus sanctificandi*; see *Communicationes*, Rome, PONTIFICAL COMMISSION FOR THE REVISION OF THE CODE OF CANON LAW (PONTIFICIA COMMISSIO CODICI IURIS CANONICI RECOGNOSCENDO), 1969-1983, 10 (1978) (=*Comm*), 56. For the historical origin of the linking of *cura animarum* and *iurisdictio in interno foro* as a consequence of the mendicant movement, see LARSON, *Master of Penance*, 247, footnote 29.

[317] This obligation to not betray by word or deed the sins confessed extends not only to interpreters (if any), but also to "[…] all those who in any way come into knowledge of the confession" (*CIC/17*, c. 889, §2). Unlike the 1983 norm, *CIC/17*, c. 889 identifies the sacramental "seal" of confessor, interpreter(s), and all those with knowledge without making any distinction between the sacramental seal and secret.

inviolability as it pertains to sacramental confession: "In the case of all other secrets committed by one person to another, there may be reasons which excuse the revelation of what was entrusted to one's confidence. In the case of confession, however, the Church does not admit excuses of any kind, and binds the priest to secrecy, though it may entrail the sacrifice of his life, his honor, or anything else that is most dear to him."[318] Canon 890, §1 further safeguards the inviolable seal by commanding that the confessor is "entirely prohibited (*omnino prohibitus*)" from any use whatsoever of the knowledge gained in the internal sacramental forum, extending even to those matters that might endanger the essential occult nature of the sins confessed.[319]

2.1.1.4. - The Internal Extra-Sacramental Forum

As has been noted, acts of jurisdiction or governance can and do also occur outside of sacramental confession in the internal extra-sacramental forum for the private good of the faithful.[320] An act of jurisdiction in spiritual direction outside of sacramental confession

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[318] WOYWOD, *A Practical Commentary on the Code of Canon Law*, 496.

[319] Zubacz argued that the sacramental seal in the internal sacramental forum advances not only the personal good by making the faithful approach the Sacrament of Penance with frequency, confidence, and transparency, but also Zubacz studies the yet unresolved medieval debate between Aquinas and Scotus whether even a penitent himself may release a confessor from the seal of confession. According to Zubacz after the manner of Scotus, even if the penitent hypothetically were to release the confessor from the obligation of the seal, public confidence in the good of the sacrament would be harmed and the penitent might thus unwillingly "[…] embolden secular courts to pressure confessors to reveal what is disclosed in confession. This would put both penitent and confessor in a difficult position" (ZUBACZ, *The Seal of Confession and Canadian Law*, 26). Zubacz's study on the common good of the internal sacramental forum advances the aforesaid argument against the differentiation of the external and internal fora on the criteria of common and private good since the internal sacramental (and internal extra-sacramental) forum concerns not only the private, but common good. See also D.S. BREWER, "The Right of a Penitent to Release the Confessor from the Seal: Considerations in Canon Law and American Law," in *J*, 54 (1994), 424-476 where while Brewer criticized (with Aquinas) what he perceived as an exaggerated defense in denying the penitent's ability to release the confessor of the sacramental seal, Brewer nonetheless acknowledged the interplay of *both* personal and common goods in the internal sacramental forum: "To argue that the good of the institution is the only value that deserves protection in these circumstances brushes against sophism" (ibid., 453).

[320] For example, in the granting of dispensations and the absolution of censures; see L. MIGUÉLEZ DÓMINGUEZ, S. ALONSO MORÁN, and M. CABREROS DE ANTA, *Código de derecho canónico y legislacíon complementaria*, Madrid, Biblioteca de Autores Cristianos, 1954, 81.

would thus occur in this internal extra-sacramental forum. While the absolution of mortal sin by divine institution is limited to the internal sacramental forum, the power of dispensing and absolving from punishments and other bonds, together with other acts of governance, can occur lawfully in the internal extra-sacramental forum.[321] Although any method can be legitimately followed for the absolution of a censure in this internal extra-sacramental forum, c. 2250, §3 of the 1917 Code suggests a preference for the regular form of absolution found in the *Rituale Romanum*, title III. The otherwise noticeable silence on the internal extra-sacramental forum in the 1917 Code seems to suggest that while the Pio-Benedictine legislator recognized the canonical tradition and legitimacy of governance outside of the confessional while still in the internal forum, the practice commonplace at the time and apparently preferred was for such acts to occur most regularly in the internal sacramental forum.

In the juridical notion of a seminary, whether minor or major, the 1917 Code necessitates a "spiritual director" or *director spiritus* in c. 1358: "Care should be taken that in every Seminary there is a rector for discipline, teachers for instruction, an econome, distinct from the rector, for taking care of household matters, at least two ordinary confessors, and a spiritual director."[322] The term "spiritual director" received earlier universal canonical development in the instruction to the bishops of Hungary of the

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[321] See F.X. WERNZ and P. VIDAL, *Ius canonicum ad Codicis normam exactum,* vol. 2, Rome, apud Aedes Universitatis Gregorianae, 1928, 357.

[322] For a more comprehensive survey of the question of the Pio-Benedictine notion of a "spiritual director" in seminaries, see C.M. PETERSON, *Spiritual Care in Diocesan Seminaries: A Historical Synopsis and a Commentary*, Canon Law Studies, no. 342, Washington, DC, The Catholic University of America Press, 1966. See also F.D. SACKETT, The Spiritual Director in an Ecclesiastical Seminary, JCD thesis, Ottawa, University of Ottawa Press, 1945 where Sackett concluded that not only must a seminary have a spiritual director according to the norm of the Pio-Benedictine Code, but argued for the multiplication of confessors purposed to give the seminarians "a choice [of directors all of whom are] to be occupied only with the internal forum [and thus] have no teaching function at all" (136-137).

Congregation of Bishops and Regulars on 28 May 1896 that defined both the prerequisites of office and duties of the seminary's spiritual director. In the first place, the spiritual director was to be an experienced priest who had devoted many years to the spiritual life and the study of divine things; he was entrusted not only with hearing confessions, but also leading the seminarians in the spiritual exercises and other exercises of piety for the singular aim of inciting the seminarians towards the acquisition of priestly virtues.[323] Cappello summarized accordingly that the spiritual director in seminaries should be "[…] of the greatest prudence, doctrine, and piety."[324] In a private reply, the Congregation for Seminaries and Universities reaffirmed the importance of safeguarding the integrity of the internal forum of spiritual direction in the seminaries, cautioning that the spiritual director "[…] should never, for any reason whatsoever, interfere with the external discipline of the seminary, neither should he occupy himself with tasks incompatible with his true work."[325] Wherefore, Cappello declared that the spiritual director has "[…] a most grave duty."[326]

2.1.2. - *Moderator spiritualis*

The term "spiritual director" can nowhere be found in the 1917 Code's extensive treatment of religious although *CIC/17*, c. 520, §2 introduces the term "spiritual moderator" (*moderator spiritualis*) for women religious: "[I]f a religious woman, for the quieting of her spirit and for better progress in the way of God asks for a special confessor or spiritual

[323] See CONGREGATION OF BISHOPS AND REGULARS, instruction to the bishops of Hungary, 28 May 1896, in P. GASPARRI (ed.), *Codicis iuris canonici fontes*, vol. 4, Typis polyglottis Vaticanis, 1926, 1074.

[324] CAPPELLO, *Summa iuris canonici in usum scholarum concinnata*, vol. 2, 448.

[325] CONGREGATION FOR SEMINARIES AND UNIVERSITIES, Recommendations for Promoting Vocations and Government of Seminaries (private), 25 January 1928, English translation in *CLD*, vol. 1, 650.

[326] CAPPELLO, *Summa iuris canonici in usum scholarum concinnata,* vol. 2, 448.

moderator, the Ordinary shall grant it easy."[327] The language of this canon 520, §2 is derived—nearly verbatim—from the decree of the Congregation for Religious *Cum de sacramentalibus* of 3 February 1913, including the employment of the term *moderator spiritualis* without definition. As context reasonably suggests (*CIC/17*, c. 18), the "spiritual moderator" of *CIC/17*, c. 520, §2—distinct from the separately enumerated special confessor—is understood as equivalent in law to this thesis's previously introduced "spiritual director."[328] Unfortunately, however, no other instances occur in the 1917 codification of the *moderator spiritualis*, and the codification provides no clear definition of the juridic qualifications, canonical status, or rights and duties for this spiritual moderator apart from his apparent duty to bring peace to the religious woman and aid her progress "*in via Dei*."[329]

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[327] This same right is extended to religious seminarians in the *Statuta generalia* for studies promulgated shortly after Pius XII's Apostolic Constitution, *Sedes sapientiae* where art. 28, §3, 2˚ affirms: "Without prejudice to rule §2, 9˚, if any pupil requests a special confessor or spiritual director, and if he seems to need such, the Superiors must readily grant him one" (CONGREGATION FOR RELIGIOUS, *General Statutes on the Religious, Clerical, and Apostolic Training to Be Imparted to Clerics in the States of Perfection to Be Acquired*, art. 28, §3, 2˚, 7 July 1956, English translation in *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*, Washington, DC, The Catholic University of America Press, 1957, 40). Some examples of possible grounds for seeking a special spiritual director are given by Creusen: scrupulosity, severe trials and temptations, and extraordinary graces (J. CREUSEN, *Religious Men and Women in Church Law*, trans. A.C. ELLIS, Milwaukee, WI, The Bruce Publishing Company, 1958, 88).

[328] Coronata expounded that c. 520, §2 grants a woman religious to make this request "[…] even if she does not desire to confess to him, for a special spiritual direction" (CORONATA, *Institutiones iuris canonici ad usum utriusque cleri et scholarum,* vol. 1, 659). See the similar opinion of Tabera Aráoz who added that proper law regularly provides more detailed prescriptions on the nature of this special direction (A. TABERA ARÁOZ, *Derecho de los religiosos: manual teórico práctico,* Madrid, Editorial Coculsa, 1948, 153). As made plain, the canon recognizes that a religious may wish to go to spiritual direction, but not confession; while perhaps regularly joined in practice, the Sacrament of Penance must not be confused with the ascetical discipline of spiritual direction.

[329] As is manifest from the use of terms, however, the *moderator spiritualis* is distinct from the related, but distinct ecclesiastical offices of novice master (*magister novitiorum*) of *CIC/17*, cc. 559-565 and the spiritual prefect (*praefectus spiritus* or *magister spiritus*) of *CIC/17*, c. 588 who oversee the formation of those in initial religious and seminary formation respectively. The divergence of terms suggests the *mens legislatoris* that distinguishes without confusion between those in the external forum (*magister novitiorum* and *praefectus spiritus*/*magister spiritus*) and in the internal extra-sacramental forum (*moderator spiritualis*). This fact is made certain in the *Statuta generalia*, art. 28, §2, 9˚ that requires the spiritual prefect be assisted

A deepening of the 1917 codification's view of this spiritual director can be seen, however, by the variance between cc. 519 and 520 that treat separately of the confession of men and women respectively. Interestingly, c. 519 for religious men makes no mention of spiritual direction but offers a vision of sacramental confession "[…] for the quieting of [the religious man's] *conscience*." This language differs from the previously seen "[…] for the quieting of [the religious woman's] *spirit*" (*CIC/17*, c. 520, §2). Although subtle, a careful comparison of these norms suggests that confession concerns matters of conscience such as sin, temptation, and vice, whereas spiritual direction enjoys—in implicit reference to the earliest monastic vision—a breadth that encompasses the spiritual life in doctoring the human spirit.[330]

The primacy given to the good of souls in the spiritual life evinced in *CIC/17*, c. 520, §2 is remarkable.[331] The legislator clearly purposes to safeguard the freedom of choice: the Ordinary is not to deny to a woman religious freedom in the direction of conscience, although the Ordinary is admonished to exercise vigilance against abuses.[332] Even should abuse occur, the Ordinary in correcting the abuse is counseled to do so "*salva*

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by confessors and "[…] also, subject to the good judgment of the superiors, by another who would be a spiritual director in a more restricted sense."

[330] Creusen appears to agree when he writes, "We may observe that every confession which is sincere and earnest 'is made for peace of conscience'" (CREUSEN, *Religious Men and Women in Church Law*, 78).

[331] Papi opined that the "special" confessor or spiritual director does not necessitate repeated applications to the Ordinary on each occasion; once permission had been given, Papi held that the "special" confessor or spiritual director becomes an "ordinary" confessor or spiritual director; see PAPI, *The Government of Religious Communities*, 133.

[332] Applying *CIC/17*, c. 876, McCormick added that the Ordinary capable of granting jurisdiction is the Ordinary of the place where the confession will be heard (MCCORMICK, *Confessors of Religious*, 177). McCormick not only reaffirmed the duty of vigilance of the bishop, but reasonably added that the special confessor or spiritual director too has a duty of vigilance to dismiss the religious who lacks a just cause "[…] with kindness, but at the same time firmly, cautiously, and prudently" (ibid.).

conscientiae libertate."[333] The Ordinary is to grant the request for a special *moderator spiritualis* easily (*facile*), and *CIC/17*, c. 2414 instructs the bishop to warn a violating superior on the first occasion and on the second occasion to remove her from office and notify the Congregation for Religious to better safeguard the underlying right of freedom of conscience.[334] As Papi concluded, communal and personal goods are balanced in the Pio-Benedictine legislation in such a way that the Ordinary may refuse the request for a special spiritual director or confessor, but "[…] that *as far as possible* the bishop should endeavor to eliminate abuses without interfering with the liberty of conscience of religious and that he should not have recourse to this remedy except in cases when the abuses are certain and they cannot be removed in any other way."[335]

2.1.3. - Canon 530, §§1-2

Canon 530, §§1-2 of the 1917 Code, expanding the earlier prohibition of *Quemadmodum* beyond lay superiors, definitively states in paragraph 1 that *all* religious superiors—whether clerical or lay, men or women—are "strictly forbidden" (*districte*

[333] Possible abuses are identified by McCormick as arising from either the penitent or from others and can include too frequent recourse that is disruptive of the community's life, seeking out the special confessor/spiritual director because of human motives of affection or even carnal desire, and, if every female religious requests a special confessor/spiritual director, making the ordinary confessor obsolete in practice (MCCORMICK, *Confessors of Religious*, 177). Kirsch further identified abuses including "[…] going abroad frequently, the consequent loss of time, and general interference with community duties and exercises at home" (F.M. KIRSCH, *The Spiritual Direction of Sisters: A Manual for Priests and Superiors*, New York, Benziger Brothers, 1931, 31).

[334] Smith further commented, "The matter of liberty of conscience is so grave, that in order to insure against unlawful interference with it, the Church has enacted this grave penalty for such interference" (M.T. SMITH, *The Penal Law for Religious*, Canon Law Studies, no. 98, Washington, DC, The Catholic University of America Press, 1935, 149).

[335] PAPI, *The Government of Religious Communities*, 134.

vetantur) from inducing a manifestation of conscience from their subjects, i.e., those living with the community, postulants, novices, or professed:[336]

> § 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.

Fanfani contextualized the norm in concrete practice: "Therefore, even if the rules prescribe a so-called weekly or monthly conference with the superior, this is to be understood as referring only to external matters, such as occupation, work, corporal health, and the like. Concerning internal matters of conscience, neither the rule nor the superior can demand any revelation in any way, as long as the [religious] does not wish to do so of [his] own accord."[337] Regatillo suggested three reasons for c. 530, §1's prohibition: (1) the separation of the internal and external fora, (2) abuses committed, and (3) danger of the aversion of the subject to the superior.[338] A fourth reason can be readily deduced from the aforesaid as a direct consequence: an aversion to the venerable practice of spiritual direction.

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[336] The application of *Quemadmodum* to orders of monks, viewed as "prudent," had already occurred in some places, including a resolution of the General Chapter of the Cistercians in 1904 (V. HERMANS, *Commentarium Cisterciense: Historico-Practicum in Codicis Canones de Religiosis,* Rome, Tipografia Pio X, 1961, 232). While extending the earlier norm of *Quemadmodum*, c. 530 no longer requires subjects to report abuses. Concerning the question of the interpretation of c. 530 in its application to novice masters, see the analysis in LOVER, *The Master of Novices*, 101-106. Lover opined that the novice master is bound by the norm of c. 530, §1 and that observance of this prohibition in no way hinders the spiritual formation of the novices since "[…] it is not forbidden to the novice master to have periodical paternal talks with the novices, and to question them on the various [external] aspects of the novitiate life" (ibid., 108).

[337] L.G. FANFANI, *Catechism on the Religious State: In Conformity with the Code of Canon Law*, St. Louis, MO, B. Herder Book Co, 1956, 135. See Fanfani's treatment of the same question in ID. and K.D. O'ROURKE, *Canon Law for Religious Women*, Dubuque, IA, The Priory Press, 1961, 122-123 as well as PAPI, *The Government of Religious Communities*, 156 where Papi offered as example that the superior might inquire whether a religious knows how to meditate or examine his conscience, but not whether he is diligent in so doing.

[338] REGATILLO, *Institutiones iuris canonici*, 357.

The second paragraph of the same canon attempts to balance the negative norm of paragraph one with an affirmation that not only are subjects "[…] not prohibited from freely and voluntarily opening their souls to their superiors" but, what is more, the 1917 legislator confesses that it is indeed salvific and good (*expedit*) for the members to "[…] go to superiors and before them, if they are priests, even set forth their doubts and anxieties of conscience (*dubia quoque et anxietates suae conscientiae exponentes*) (c. 530, §2)."[339] Schaefer opined that these doubts and anxieties of conscience may concern either "[…] a sin committed or case of conscience."[340] Furthermore, Parente studiously concluded that canon 530 here appears to draw a distinction between the opening of *animum* and *conscientiam*, the latter being reserved to priests.[341] As was seen in cc. 519 and 520, then, there is some evidence that the spiritual director need not be a priest as a vestige of the first monastic experiences of spiritual direction.

Canon 530 of the Pio-Benedictine Code thus aimed to balance a tension between filial confidence and the freedom of the directee: nothing prohibited the directee from revealing his doubts and anxieties of conscience to the superior in a freely-willed,

[339] Chelodi noted that the opening of the soul to the superior must be both free *and* voluntary since "[e]ach word has its own force, for one can act *freely* even though he has been *induced*" (I. CHELODI, *Ius de personis iuxta Codicem Iuris Canonici praemisso tractatu de principiis et fontibus,* Trent, Libr. Edit. Tridentum, 1922, 402, footnote 2). Bachofen synthesized this tension, "Voluntary manifestation of conscience is not forbidden, but rather recommended" (BACHOFEN, *A Commentary on the New Code of Canon Law*, vol. 3, 171); see the similar comment of T. SCHAEFER, *De religiosis ad normam codicis iuris canonici*, Typis polyglttis Vaticinis, 1927, 367: "*Expedit dicitur, non tantum licet.*" Concerning the question of priesthood, Cappello argued that the formulation of paragraph 2 would suggest that anxieties and doubts of conscience "[…] are not regularly manifested to the superiors, who are not priests, and superioresses" (CAPPELLO, *Summa iuris canonici in usum scholarum concinnata*, vol. 2, 164). Woywod concurred; see WOYWOD, *A Practical Commentary on the Code of Canon Law,* 231.

[340] SCHAEFER, *De religiosis ad normam codicis iuris canonici*, 367.

[341] PARENTE, *Spiritual Direction*, 21.

unimpeded choice if the superior was a priest.[342] Cappello continued that while the subject is not prohibited, the superior must be on guard against any violence done to this freedom neither "[…] induced by force or fear or unreasonable entreaties or other means, i.e. neither invited nor requested."[343] Since the opening of one's heart to a superior is a free act of the subject, and therefore an act that a religious may or may not choose to do, it logically follows that such a manifestation is not essential to the observance of religious life and the pursuit of holiness.[344]

The prohibition against inducing a manifestation of conscience was not, however, intended by the legislator to become a cause for lack of vigilance or charity on the part of superiors, an unfortunate outcome perhaps in some instances. Creusen noted, "We ought to remember, however, that it will be no indiscretion on the part of a superior delicately to inquire the motives of the sadness or trouble which he sees afflicting one of his subordinates. In fact, to make such inquiries might be an obligation of charity, but he must be careful not to insist if he sees that the subject prefers not to explain the causes of his condition."[345]

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[342] WOYWOD, *A Practical Commentary on the Code of Canon Law*, 231.

[343] CAPPELLO, *Summa iuris canonici in usum scholarum concinnata*, vol. 2, 164.

[344] BESTE, *Introductio in Codicem*, 376.

[345] CREUSEN, *Religious Men and Women in Church Law*, 103. See also L. BECKETT, *The Canonical Understanding of Spiritual Leadership in Religious Life: From the Compilation of the 1917 Code to the Coming into Force of the 1983 Code*, Rome, Pontifical University of Saint Thomas Aquinas, 2011, 269-270: "The prohibition of canon 530 did not mean that the superior could ignore his essential function of being the official spiritual director [sic] of the community and its members, of whose souls he must give an account to God. Nor does it mean that the subject could twist the canonical norm and use it to stimulate or affect a hypersensitivity about liberty of conscience in order to defend himself from an action of his superior with respect to him, which formed part of the normal task of the superior. Nor should one confuse the prohibited manifestation of conscience with the spiritual direction which the superior can and should give in different ways: with acts of religious government, with dispositions, with paternal advice, with correction in difficult cases; if the subject is on the receiving end of these he must not think that the superior who calls attention to his failures of piety is thereby stepping on forbidden ground."

2.1.4. - Responses in Proper Law in Orders of Monks

The 1917 Code required monks to conform themselves to these universal norms regarding spiritual direction since proper laws contrary were abrogated (c. 6, 1˚) and disciplinary laws on spiritual direction of neither natural or divine law not explicitly nor implicitly legislated in the 1917 codification lost the force of law (c. 6, 6˚).

A striking example of monastic response to the 1917 codification can be found in the amended Carthusian proper law. The Latin text of the 1926 *Statuta Ordinis Cartusiensis* reads:

> Sit ergo Prior talis aut saltem curet ut fiat: ut oves ipsius, praesertim in tentationibus et tribulationibus positae, possint tanquam ad benignum parentis sinum confugere ei omnia secreta sua manifestare, animumque etiam suum, si velint, libere ac ultro aperire: ipse autem tamen illos ad hoc inducere ne audeat.[346]

Thus, the 1926 *Statuta Ordininis Cartusiensis* supplanted the earlier vision of monastic leadership from the original legislative thought of Guigo with a direct reference to *CIC/17*, c. 530 forbidding the superior from inducing the monk to open his soul in no. 1.3.19 ("*ab hoc inducer ne audeat*") while safeguarding the longstanding monastic tradition of seeking counsel from the superior in times of temptation and trial including "[…] to reveal to [the superior] all their secrets, and also their souls, if they wish (*si velint*)." The reference to the monk's freedom—*si velint*—is a clear allusion to the canonical principal of freedom emphasized in *CIC/17*, c. 530.

Other orders of monks similarly developed customs to support canonical observance such as the Order of Cistercians of the Strict Observance where the monks regularly received spiritual direction within the context of confession as Merton testifies.

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[346] ORDER OF CARTHUSIANS, *Statuta Ordinis Cartusiensis ad praescripta Codicis Juris Canonici conformata, ab obsoletis dispositionibus usibusque expurgata, ac nonnullis ordinationibus Capitulorum Generalium adaucta*, no. 1.3.19, Parkminster, Typis Cartusiae Sancti Hugnois Parkmonasteriensis, 1926, 49.

Curiously, however, the Trappist *Regulations* chose to renew the Trappist reformer's vision supported by a reading of the 1917 legislation by emphasizing the earnest recommendation of c. 530, §2 for male religious in clerical institutes freely to open their consciences to their superiors.[347] That the early-twentieth century Trappist legislator clearly viewed the importance of the practice of spiritual direction to the abbot can be evinced in the same Regulations that provide norms for conduct (seeking the abbot's blessing, kneeling) when visiting the abbot in his room for spiritual direction.[348]

The acceptance of the universal norms by pontifical orders of monks was not without strain and sparked some strong criticism. Trappist canonist Basil Pennington lamented, "Requiring a grave cause before a monk might go to his Father Abbot as his regular confessor does not accord well with this [monastic] tradition. Nor does the present provision of c. 530. A reversal of the paragraphs would be more consonant; the second paragraph expressed first and more positively, the '*si sint sacerdotes*' being omitted."[349] De Vogüé went further still, rejecting the later development of the external and internal fora as introducing a dualism contrary to monasticism's singular contemplative aim: "To the extent that a distinction between the external and internal fora corresponds to a society's dual aims (sanctification of its members and exterior action), this distinction has no place in the *coenobium*."[350]

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[347] See ORDER OF CISTERCIANS OF THE STRICT OBSERVANCE, *Regulations of the Order of Cistercians of the Strict Observance*, no. 308, Dublin, M.H. Gill and Son, Ltd., 1927, 152. See also T. MERTON, *The Hidden Ground of Love: The Letters of Thomas Merton on Religious Experience and Social Concerns*, W.H. SHANNON (ed.), New York, Farrar, Straus, Giroux, 1985, 365.

[348] See ORDER OF CISTERCIANS OF THE STRICT OBSERVANCE, *Regulations*, 152.

[349] M.B. PENNINGTON, "Monastic and Contemplative Life and the Code of Canon Law," in *Revue de l'Université d'Ottawa*, 36 (1967), 542.

[350] A. DE VOGÜÉ, *Community and Abbot in the Rule of St. Benedict*, Kalamazoo, MI, Cistercian Publications, 1979, 131. De Vogüé appeared to temper his extreme position later with a more comprehensive

In considering the canonical notion of "spiritual fatherhood" and "spiritual direction" emerging in the Pio-Benedictine Code, monks discovered newfound difficulties reconciling their longstanding traditions and co-vision of paternity and sonship enshrined in the monastic rules with the recently codified universal laws. Simply, monks apparently worried that they would be forced to accept a division of spiritual authority between the religious superior and the spiritual father; according to this line of argumentation, the simplicity of the monastic tradition would thus be threatened, if not destroyed:

> In addition, a trait largely original to the ancient *coenobium*, as distinguished from more recent forms of religious life, is the distinction within the spiritual authority itself between the internal forum and the external forum, between the religious superior and the spiritual father. The abbot is both. His social authority exercises itself, as we have said, in the extension and to the benefit of the direction accorded to individuals. The greatness of this society is precisely its exclusive ordering to spiritual formation, to the eternal salvation of its members. There is no secondary aim involving a special outwardly-orientated action. Because the society has no other end than the sanctification of its members, the superior does not have to promote a common good to be defined by secondary purpose for the institute or by some fixed work to be achieved.
>
> Blending the attributes of superior and spiritual father into the same person is for cenobitism, one the contrary, the symbol of its simple and exclusive orientation towards the brethren's spiritual progress. That the abbot is to be inseparably superior of the community and director of souls clearly means that the community has no other end than the promotion of the salvation of souls, and, let it be clearly stated, the souls of those living in the *coenobium*. The absence of any duality of aims in cenobitic life is thereby affirmed: the spiritual life is not just *one* element, even the chief one. It is everything. Even more than a symbol, this fusion of superior and spiritual father in the single abbot is for cenobitic society the safeguard of its true orientation. It maintains the social and economic life of the group in its genuine perspective, which is solely to serve its members' education.[351]

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notion of the fora, albeit footnoted: "In speaking this way, we remain aware that the distinction between the two fora does not correspond solely, even primarily, to the dual purpose of an active religious institute. The need to preserve freedom of conscience may require it even when no such dual purpose exists. Again, to look upon the superior merely as the organizer of community action would limit excessively the role of the external forum. In every religious institute, active or not, the external forum has as its primary duty to watch over—from without—the sanctification of the religious. These remarks made, it remains true that the distinction between the two fora is related both historically and by the very nature of things to the dual purpose introduced into the religious life by the existence of the 'active' orders" (ibid., 156 endnote 138). Here one senses something of the tangible reticence of monks to accept universal norms often developed and influenced by the experiences of other types of regulars from a fear of losing fundamental monastic principles.

[351] DE VOGÜÉ, *Community and Abbot in the Rule of St. Benedict*, 130-131.

As de Vogüé expressed, many monks evaluated the underlying canonical principles in the 1917 codification as a move away from monastic thought and principle, a threat against monasticism's true spiritual orientation and mission. Knowles synthesized the resultant challenge and its corresponding temptation:

> By a comprehensible, but in some ways regrettable, process of change the abbot, who is still the sole source of spiritual jurisdiction within the monastery, is canonically disabled from standing normally in the relationship of sacramental father to his monks, but the abbot who regarded himself as solely or principally the manager or the commanding officer of his monastery would throw the whole of St. Benedict's scheme of things out of gear.[352]

The fundamental question asked by orders of monks was whether there could exist within the monastic vision a spiritual director who was also a spiritual father, but not the abbot or religious superior.[353] As chapter one of this study earlier exposed, monasticism from its origins (even famously in *RB*) readily confessed a monk's freedom of conscience and admitted his ability to seek spiritual direction from someone distinct from the religious superior, even if particular reformers sought to curtail this practice labelled as "abuse." Here the glossing of monastic history, sometimes even by monks themselves, is proven most dangerous.

The special privilege afforded to the Jesuits by Pius XI to continue the manifestation of conscience against the prohibition of c. 530 prompted some monks to ask if the time had come for them too to request special permission to safeguard the monastic ascetical discipline of spiritual direction as codified in the *regulae* and practiced for

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[352] D. KNOWLES, "St. Benedict," in J. WALSH (ed.), *Spirituality through the Centuries: Ascetics and Mystics of the Western Church,* New York, P.J. Kenedy & Sons, 1964, 69-70.

[353] See for example the study of Benedictine Luke Beckett who has argued that the prohibition against a manifestation of conscience to superiors as found in the 1917 codification "[…] den[ied] the idea that the superior is a spiritual leader […]" (BECKETT, *The Canonical Understanding of Spiritual Leadership in Religious Life*, 378).

centuries.[354] Despite diligent efforts, including archival research into the records of prominent monastic canonists of this period, the author of this dissertation surprisingly has been unable to find any explicit requests made by orders of monks for such a privilege. The author opines that two explanations might be given for the want of any such request, either (1) monks did not believe that the universal norms were significantly detrimental or contrary to the observance of the *regulae* and the larger monastic tradition; or, (2)—and perhaps more likely—the divergence of monks and the independence of monasteries conjoined to the primacy of the contemplative life made monks little interested in the time consuming process of collectively pursuing extraordinary privileges. A third option too is possible why monks did not ask for a privilege, namely that the universal norm did not forbid revelation, but simply did not demand it. Nonetheless, prominent monastic voices such as De Vogüé and Pennington continued to express their concerns without concretely requesting this privilege.

2.2. - The Revision Process of the Code of Canon Law

In many instances, orders of monks anticipated the promulgation of the 1983 Code, seeking to apply the Second Vatican Council's teaching on monastic life in amended proper law; of course, this necessarily resulted in a second later emendation of proper law after the promulgation of the 1983 Code of Canon Law. Hogg summarized the model 1971 juridic modifications made by the Order of Carthusians, many of which would become universal norms in the 1983 Code:

> The strict separation of the choir monks and lay brothers in the church was abandoned. The liturgical calendar was also drastically revised, eliminating or reducing in rank many feast days and curtailing the offices of the dead to allow more time for solitary prayer. Matins

[354] See PENNINGTON, "Monastic and Contemplative Life and the Code of Canon Law," 542 where Pennington explicitly acknowledged as exemplary the actions taken by the Jesuits following the 1917 promulgation.

> and Lauds remained, however, as the Night Office, although until the Middle Ages they were sung early in the morning. The migration of religious from other Orders, under the privilege of transferring to a more severe observance, was restricted to exceptional cases to eliminate the influx of elderly candidates, whose habits were already firmly established and who could scarcely be integrated into the Carthusian way of life.[355]

Other post-conciliar, pre-1983 codification monastic proper legislation indeed reveal an encounter with the conciliar texts as evinced in the changes monks made that were still further augmented and modified following the extensive revision process of the 1917 Code.

The modifications to proper law immediately following the Second Vatican Council also included precepts concerning spiritual direction, particularly adaptations that reflected the newfound emphasis upon both a monk's freedom in choosing a director and the monk's personal responsibility seeking spiritual direction as epitomized in the 1971 Carthusian *Statuta renovata*: "Let no one, however, be wise in his own eyes; for it is to be feared that he who neglects to open his heart to an enlightened guide, will lose the quality of discretion and go less quickly than necessary, or too fast and grow weary, or stop on the way and quite fall asleep."[356] The *Statuta renovata* further explicitly specify that a monk can enter the hermitage of his confessor and spiritual director where they may speak while admonishing that these interactions must be confined to "[…] matters necessary for the welfare of their souls" (no. 14.8). Attention to spiritual direction is pervasive in the post-conciliar, pre-Codal legislative norms including prohibitions of spiritual direction by correspondence (no. 6.11) and to women (no. 6.13) and a noted preference for spiritual direction to be given by clerics in the monastery and not for the lay brothers to direct one

[355] HOGG, "The Carthusians," 55.

[356] ORDER OF CARTHUSIANS, *Statuta renovata Ordinis cartusiensis,* no. 33.2, s.l., The Order, 1975, 132.

another "[…] for the most part […] since they should not involve themselves in the affairs of another's conscience" (no. 19.9).

2.2.1. - The Governing Principles of Revision

In the formulation of ten governing principles of revision—a supplement to the ecclesial teaching of the Second Vatican Council—the second principle concerns the external and internal fora in canon law: "There is to be a coordination between the external forum and the internal forum, which is proper to the Church and has been operative for centuries, so as to preclude any conflict between the two."[357] The second principle of revision, then, sustains not only the two fora, but the importance of both the external and internal fora with ample provision made for the internal fora "[…] where the salvation of souls requires it."[358] Ghirlanda, commenting on this principle of revision, observed that the aim was to distinguish the fora but not to alienate them analogous to the mystery of the Church herself wherein "[…] the elements invisible and those visible must be distinguished, but not separated" (*distinguere, ma non separare*).[359] Likewise, the principle resolves not only to "maximally coordinate" (*optima coordinado*) the fora but also to "remove any conflict." With marked realism, however, the revisers concede that where the

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[357] PONTIFICIA COMMISSIO CODICI IURIS CANONICI RECOGNOSCENDO, *Principia quae Codicis iuris canonici recognitionem dirigant: A Pontificia Commissione proposita et Primi Generalis Coetus "Synodi Episcoporum" examini subiecta*, Typis polyglottis Vaticanis, 1967, 9. See also A. STICKLER, Preface to new Code of Canon Law *Praefatio*, 25 January 1983, in *AAS*, 75, pars II (1983), xxi, English translation in *Code of Canon Law: Latin-English Edition, New English Translation*, prepared under the auspices of the CLSA, Washington, DC, CLSA, 1999, xxxvi. Concerning the relation between the principles and the Second Vatican Council, see *Comm*, 2 (1970), 7: "Agitur de recognoscendo Codice Iuris Canonici post conclusum Concilium Vaticanum II, in quo Ecclesia aggressa est et ad exitum perduxit ingens sane opus semetipsam renovandi. Cuius operis veluti complementum est recognitio Codicis Iuris Canonici."

[358] In drafting this second principle, the earlier 1917 understanding of the internal forum's primary orientation towards questions of the relation between the soul and God can be clearly seen.

[359] G. GHIRLANDA, *Introduzione al diritto ecclesiale: Lineamenti per una teologia del diritto nella Chiesa*, Rome, Gregorian & Biblical Press, 2013, 94.

removal of conflict between the fora cannot be done, "[…] it is to be reduced to a minimum."[360] As the stated principle makes explicit, particular attention in the revision process is to be given by the drafters to dissonant canons in sacramental and penal law where the consultors of the Code Commission apparently perceived the greatest difficulties. Unfortunately, the difficult questions monks were asking about the dual fora and earlier monastic vision and custom on the superior acting as spiritual director—together with other questions concerning the identity of spiritual directors and monks serving as directors—were not to take center stage for the drafters.

2.2.2. - The 1966 *Propositum monasticum*

A curious phase of the revision process of the Pio-Benedictine Code consisted in the formation of the Consilium monasticum iuris canonici sponsored by the Canon Law Society of America and comprised of monastic canonists to consider—both academically and practically—"[…] problematic areas in canonical legislation" including the near silence on monastic law in the 1917 Code.[361] Under the leadership of its chairman, the Consilium monasticum consulted more than 20 monasteries that resulted in the circulation of a questionnaire to all monastic superiors in the United States and Canada.[362] Twelve

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[360] *Principia quae Codicis iuris canonici recognitionem dirigant*, 9: "Fori externi et interni optima coordinado in Codicis Iuris Canonici existat oportet, ut quilibet conflictus inter utrumque vel dispareat vel ad minimum reducatur. Quod in iure sacramentali et in iure poenali peculiariter curandum est."

[361] M.B. PENNINGTON, Report on the Propositum Monasticum de Codice Canonici Recognoscendo Prepared by the Consilium Monasticum Iuris Canonici under the Sponsorship of CLSA Given at the Twenty-Eighth Annual Meeting of the CLSA, October 11-13, 1966, CLSA 17/14, University of Notre Dame Archives, 1.

[362] The author of this thesis is indebted to Sr. Nancy Bauer, OSB who shared that this questionnaire was not in fact circulated to *all* monastic superiors, but *only* male monastic superiors in an unfortunate exclusion of the superiors of monasteries of nuns and sisters. This is at odds with Pennington's assertion to the CLSA that the questionnaire "[…] was prepared and sent to all the monastic superiors of the United States and Canada in January, 1965" (PENNINGTON, Report on the Propositum Monasticum, 1). The exclusion of superiors of female monastic communities in such a monumental work is indeed lamentable.

areas of concern were formulated for further study and presented for discussion and consideration in the spring of 1965 before drafting in the *Propositum monasticum de Codice iuris canonici recognoscendo* a concrete proposal as a fruit of such pervasive consultation, rigorous study, and lively discussion. Having received international attention and an additional summer workshop, the *Propositum monasticum* was disseminated in the fall of 1965 to both superiors and canonists for continued prayerful review and comment. Finally, on 2 February 1966 and nine months before the *coetus* on religious life first convened, the *Propositum monasticum* was submitted to all the members of the Pontifical Commission for the Revision of the Code of Canon Law and to the pertinent consultors with the conviction that "[…] there must be a concrete provision for this form of life [monasticism] in the revised Code of Canon Law."[363] The *Propositum monasticum* ushered a newfound hope amongst monastic leaders, members, and canonists that "[…] the revised Code will contain more specific legislation for monks [in the Latin Church]."[364]

As a proposal desiring to ensure adequate provision in the revised Code for orders of monks, and receiving the attention of both members and consultors in the revision process, the *Propositum monasticum* drafted by monastic canonists offers lived experiences of the concrete legislative needs and concerns of monks emerging from the belief that "[i]t is fitting that monks take part in the renewal of the law they are to live

[363] PENNINGTON, Report on the Propositum Monasticum, 2.

[364] M.B. PENNINGTON, "The Integration of Monastic Law in the Revised Code," in *J*, 25 (1965), 345. Canonist monks such as Pennington expressed a hope not only for adequate canonical vision but opined that the canonical needs of monks could best be met by juridic provision distinct from other forms of consecrated life.

by."[365] Comprised of 42 suggested norms and divided into two sections treating of monastic life in general before specific forms of monastic life, the *Propositum monasticum* reveals extensive labor with the inclusion not only of commentaries on each of the drafted canons but also the identification of the sources for the proposed norms including many of the foreconsidered monastic rules analyzed in chapter one of this thesis and legislative and magisterial texts after the 1917 Code.

Canon 13 of the *Propositum monasticum* as submitted reads in part: "The whole of monastic formation pertains properly to the father of the monastery." In c. 13 of the *Propositum monasticum*, the monastic canonists seek to renew the superior's identity as "*pater monasterii*" by placing under the superior's direction "the whole of monastic formation" (*tota institutio monastica*). While others may be delegated with the tasks of initial and ongoing formation, including of course the novice master for novice monks, the superior has the duty *ex officio* of overseeing formation. Although not explicitly mentioned, wholistic and integral formation necessitates spiritual formation that occurs not only in the external forum but also in the internal forum, including spiritual direction. Thus, the monastic superior according to c. 13 of the *Propositum monasticum* would have the duty to ensure not only that spiritual direction is practiced in the monastery but also that suitable spiritual directors are made available without any explicit prohibition against the monastery's superior acting as spiritual director.

Furthermore, and directly pertinent to the present study, c. 25 of the *Propositum monasticum* grants to the abbot jurisdiction: "From the day of his installation the abbot,

[365] CONCILIUM MONASTICUM IURIS CANONICI, "Propositum monasticum de Codice iuris canonici recognocendo," in *J*, 26 (1966), 332, English translation in "A Monastic Proposal for the Revision of Canon Law," in *RfR* 26 (1967), 22.

besides the other rights of major superiors, has jurisdiction in both forums, according to the norms of the constitutions." Justifying this *ex officio* conferral of the power of governance, the monk-drafters remark, "Jurisdiction is essential (*requiritur*) for an abbot to fulfill his obligations as spiritual father and shepherd of his community."[366] Here the proposal reveals an earnest desire by members of orders of monks "[…] to introduce into the common [universal] law" the wisdom of the Benedictine Rule and to reconcile later juridic development (such as the exercise of the power of governance in dual fora) with central monastic tenets found in the monastic rules "[b]ecause of this authority and the experience of centuries."[367]

In fine, the *Propositum monasticum* manifests a real concern on the part of members of orders of monks to safeguard legitimately the identity of the monastic superior as "[…] father and shepherd (*pater et pastor*) of his monks in the spiritual and temporal orders" (c. 24). This concern is plain throughout the *Propositum monasticum*, including such provisions as c. 24 for a "long, even life-tenure of office" conceived to offer stability to the abbot's paternity. The *Propositum monasticum* likewise concedes and emphasizes in accordance with the principal of subsidiarity the essential place of proper law to preserve and protect the customs and sound traditions in orders of monks, leaving specific treatment on spiritual direction to proper law.[368] In its final disposition, the *Propositum monasticum*

[366] CONCILIUM MONASTICUM IURIS CANONICI, "Propositum monasticum de Codice iuris canonici recognocendo," 37.

[367] CONCILIUM MONASTICUM IURIS CANONICI, "Propositum monasticum de Codice iuris canonici recognocendo," 38.

[368] For example, the *Propositum monasticum* expounds, "An eremitical order would be almost totally ruled by its own proper constitutions approved by the Apostolic See" (CONCILIUM MONASTICUM IURIS CANONICI, "Propositum monasticum de Codice iuris canonici recognocendo," 40).

was not directly incorporated into the 1983 codification, nor were orders of monks given a separate canonical section from other religious institutes as had been desired by the monks.

2.2.3. - The 1972-1977 *primae versiones*

Between 1972 and 1977, the committees published the drafted canons in first versions or *primae versiones* reflective of the progressive work to implement the ten governing principles of revision. Concerning this thesis's examination of the canonical notion of a spiritual director in orders of monks, the first relevant schema is the *Schema canonum Libri I de normis generalibus* of the Coetus de normis generalibus and the Coetus de personis that proposed in preliminary canon 97 the power of governance and the fora. While retaining the profession of the power of governance or power of jurisdiction as divinely instituted, the preliminary canon 97 suggested that this power "[…] is of itself exercised for the external forum, but sometimes for the internal forum alone, in such a way that the effects which its exercise is fitted to have in the external forum, are not recognized in this forum, except insofar as it is established by law for specific cases."[369] As drafted, the preliminary canon 97 clearly emphasizes the primacy of the exercise of the power of governance in the external forum where it enjoys the effects it is "fitted to have" while conceding that this one power is occasionally "*tamen pro solo foro interno*."

The Coetus de sacra hierarchia and the Coetus de laicis deque associationibus fidelium too published their own *Schema canonum Libri II de Populo Dei* in 1977. While not directly concerned with questions of religious law, the preliminary canon 89, §2 requires each seminary to have at least one spiritual director (*spiritus director*) while

[369] PONTIFICIA COMMISSIO CODICI IURIS CANONICI RECOGNOSCENDO, *Schema canonum Libri I de normis generalibus*, Typis polyglottis Vaticanis, 1977, English translation in D.J. BURNS (ed.), *Draft of the Canons of Book One: General Norms,* Rome, Vatican Polyglot Press, 1977 (=*Normis*), 30.

affirming the seminarian's freedom "[…] to go to other priests who have a responsibility for the spiritual formation of the students."[370] Preliminary canon 98, §4 therefrom prescribes that each seminarian is "[…] to have a spiritual director (*directorem spiritualem*), freely chosen, to whom he can confidently open his conscience." In a meeting of the secretary, relator, and consultors on 19 December 1979, the Commission agreed to temper the language of the preliminary canon 98 by modifying the requirement to a recommendation—"*commendantur ut*"—and changing the title from "*directionem spiritualem*" to "*moderatorem suae vitae spiritualis*."[371]

In early 1977, the Coetus de institutis perfectionis also circulated draft norms for review and comment in the *Schema canonum de institutis vitae consecratae per professionem consiliorum evangelicorum*. As proposed, the norms reflected five principles for the revision of religious law, namely the principles of spirituality, individuality, subsidiarity, shared responsibility, and equality.[372] As noted by Green, the 1977 norms reveal the Revision Commission's attempt to reflect canonically "[…] a profound respect for the internal governmental autonomy of each institute, which will facilitate the articulation of appropriate [proper] law enabling it to remain faithful to its charism and

[370] PONTIFICIA COMMISSIO CODICI IURIS CANONICI RECOGNOSCENDO, *Schema canonum Libri II de populo Dei*, Typis polyglottis Vaticanis, 1977, English translation in W.A. SCHUMACHER (ed.), *Draft of the Canons of Book Two: The People of God,* Rome, Vatican Polyglot Press, 1977 (=*Populo Dei*), 49. In the revision of preliminary canon 89, §2, mention of the care of spiritual formation was superseded by mention of episcopal appointment in the existent c. 239, §2 of the 1983 Code; see *Comm*, 14 (1982), 41.

[371] *Comm*, 14 (1982), 48-49. In reviewing the vote for this modification, it is interesting to note that the first consultor did not approve the movement from requirement to recommendation, while the other voting members cited *Presbyterorum ordinis* where a spiritual director is recommended, but not required.

[372] See K.D. O'ROURKE, "The New Law for Religious: Principles, Content, Evaluation," in *RfR,* 34 (1975), 23-49.

original inspiration."[373] Citing preliminary canon 96 of the *Schema canonum Libri I de normis generalibus*, preliminary canon 25, §1 maintains the provision of *CIC/17*, c. 501, §1 granting to superiors and chapters of clerical institutes power in the external and internal fora in accordance with an institute's proper law, but abandoning the earlier norm's mention of "jurisdiction" for instead "power" (*potestate*).[374]

Preliminary canon 36, §§1-4 treats of questions of the sacrament of penance and "direction of conscience" (*conscientiae moderamen*), specifying that with due respect for the discipline of the institute, superiors are to "[…] leave to all their members due freedom (*debitam libertatem*)" (*Vita cons.,* c. 36, §1). Clearly not speaking of the manifestation of conscience only later introduced in the 1980 *Schema Codicis*, preliminary c. 36, §4 adds, "It is desirable that members approach their moderators with confidence; they may also freely and spontaneously open up their hearts to them." Note that any mention of the priesthood is now absent. The drafted norm, however, is not free from criticism. In the discussion surrounding its subsequent amendment, four of the eleven voting members argued that apart from the exhortation to trust in one's superior, the norm does little more than "to affirm a right that is obvious, and that no one denies"—namely to open one's soul

[373] T.J. GREEN, "The Revision of Canon Law: Theological Implications," in *Theological Studies,* 40 (1979), 617.

[374] PONTIFICIA COMMISSIO CODICI IURIS CANONICI RECOGNOSCENDO, *Schema canonum de Institutis vitae consecratae per professionem consiliorum evangelicorum*, Typis polyglottis Vaticanis, 1977, English translation in *Schema of Canons on Institutes of Life Consecrated by Profession of the Evangelical Counsels: Draft*, Washington, DC, Publications Office, USCC, 1977 (=*Vita cons.*), 17. Similarly, the drafted canon 25 makes no mention of the earlier "dominative power," but only "power." Having received extensive discussion, the secretary and consultors voted to refer questions of the type of power of governance to the earlier preliminary canon 96's treatment of "potestate regiminis," acknowledging the difficulty of secular institutes and the incardination of their members; see *Comm*, 11 (1979), 307.

freely and spontaneously to the superior.[375] As summarized by one consultor, the principals underlying c. 36 as drafted are that "[…] authority has limits and cannot be arbitrary."[376]

In the juridic treatment of the basic spiritual exercises of religious, following the lead of *CIC/17*, c. 595, §1, 2˚, preliminary canon 72 does not make explicit mention of spiritual direction but instead refers to *alia exercitia spiritualia*. Here modern juridic advancement is made to accord with contemporary, colloquial understanding from the Pio-Benedictine's outmoded mention of *alia pietatis officia*. Spiritual direction must, then, be read into the category of "other spiritual exercises;" if this hypothesis of inclusion is not conceded, the drafted canons give no thought to spiritual direction as a spiritual exercise important to religious which seems absurd considering the traditional weight attached to spiritual direction by religious as examined in chapter one of this thesis.

2.2.4. - The 1980 *Schema Codicis iuris canonici*

The next phase in the drafting of the 1983 Code consisted in the 1980 *Schema Codicis iuris canonici*, a compilation of the earlier *primae versiones* following review and discussion after a period of external comment. Peters noted the canonical significance of the 1980 *Schema*: "The 1980 *Schema* represented the first time that these individual drafts were brought together into a single integrated work, allowing prelates and scholars to see at last how the different sets of provisions in the proposed code were supposed to work together. It is apparent that in the course of this wider examination some serious gaps in treatment were found."[377]

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[375] *Comm*, 12 (1980), 167.

[376] *Comm*, 11 (1979), 324.

[377] E.N. PETERS, *Incrementa in progressu 1983 Codicis iuris canonici*, Montréal, Wilson & Lafleur, 2005, xiii-xiv.

The preliminary canon 96 of *Normis* on the power of governance as c. 127 of the 1980 *Schema* is absent the earlier mention of *potestas iurisdictionis* as divinely instituted, being contented instead with *potesta regiminis* and otherwise unchanged.[378]

Canon 556 of the 1980 *Schema,* the earlier preliminary canon 36 of *Vita cons.* received two noteworthy modifications in the interim between the *primae versiones* and 1980:

[378] See PONTIFICIA COMMISSIO CODICI IURIS CANONICI RECOGNOSCENDO, *Schema codicis iuris canonici iuxta animadversiones S.R.E. Cardinalium, Episcoporum, Conferentiarum, Dicasteriorum Curiae Romanae, Universitatem Facultatumque ecclesiasticarum necnon Superiorum Institutorum vitae consecratae recognitum*, Typis polyglottis Vaticanis, 1980 (=1980 *Schema*), c. 127.

Vita cons., 36	1980 *Schema Codicis*, 556
§ 1. *Moderatores* sodalibus *omnibus* debitam *relinquant* libertatem circa Paenitentiae sacramentum et conscientiae moderamen, salva tamen Instituti disciplina.	§ 1. **Superiores** sodalibus debitam **agnoscant** libertatem circa Paenitentiae sacramentum et conscientiae moderamen salva tamen Instituti disciplina.
§ 3. *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*.	§ 2. Solliciti sint **Superiores** ad normam **iuris proprii** ut sodalibus idonei confessarii praesto sint apud quos **frequenter** confiteri possint.
	§ 3. 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.
§ 2. Subditorum confessiones *Moderatores* ne audiant nisi *motu proprio ac* sponte sua [id petant sodales.]	§ 4. Subditorum confessiones **Superiores** ne audiant nisi sponte sua [sodales id petant.]
§ 4. *Optandum es ut* sodales cum fiducia adeant *Moderatores*, quibus *etiam* animum suum libere ac sponte aperire possunt.	§ 5. 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.**

First, paragraph 1 no longer refers to the superior *passively* permitting or leaving the members their freedom of conscience in sacramental confession and spiritual direction (*relinquant*), but now superiors are to recognize *actively* or acknowledge (*agnoscant*) this freedom. Second, the ninth consultor introduced a contemporary danger of abuse he feared may occur when superiors oblige subjects to open their consciences to psychologists, anthropologists, counselors, etc.; this ninth consultor thus suggested a final sentence be added to the last paragraph: “Superiors, however, are forbidden to induce the members in

any way (*quoquo modo*) to make a manifestation of conscience to them" (1980 *Schema,* c. 556, §5).[379]

As this discovery makes plain: the late introduction of "the manifestation of conscience" in the 1983 Code did not arise in the preparation of the law concerning the previously treated Jesuit institution known as "the manifestation of conscience." Instead, the later promulgated and much discussed existent c. 630, §5 was historically introduced principally to safeguard against feared newly emerging abuses in the arena of mental health where the superior might not directly force the manifestation but instead attempt to invoke the vow of obedience to solicit a member's manifestation of conscience to a mental health practitioner who would then disclose the findings from the manifestation to the superior. In this manner, apparently passive-aggressive in style, the violence done to the member's rightful freedom of conscience is nonetheless plain, undeniable, and condemnable. Thus, the preparation of c. 630, §5 can help to add new insights into the purpose of the law as motive or *causa motiva*, while not exhausting the will of the legislator that may be further uncovered by the customary understanding of c. 630, §5 as referring to a prohibition against the Jesuit institution of manifestation of conscience.

Additionally, the 1980 *Schema* c. 589 adopted the earlier preliminary canon 72 on basic spiritual exercises but modified "other spiritual exercises" that perhaps more implicitly referenced spiritual direction to "other pious exercises" (*alia pietatis exercitia*). While the previously noted improvement in terminology from "offices" to "exercises" thus

[379] *Comm*, 12 (1980), 166. The introduction of legal provision for developments in medical and psychological testing as potential threats to the right to privacy are not confined to the Catholic Church. As Bradley noted, the United Nations voiced concern about these same dangers in 1968, "[…] warn[ing] of possible abuses of privacy posed by emerging methods of psychological testing" (M. BRADLEY, "The Evolution of the Right to Privacy in the 1983 Code: Canon 220," in *Studia canonica,* 38 [2004], 536).

remained, unfortunately the drafters elected to modify "spiritual exercises" to "pious exercises" making once again dubious the reference to spiritual direction. Though only the change of one word from "spiritual" to "pious," and still it seems an implicit reference to spiritual direction, the immediate relation to spiritual direction seems too diminished in favor of acts immediately identified as "pious exercises" such as particular prayers and devotional practices.

While not directly concerned with spiritual direction in orders of monks, the introduction into the 1980 *Schema* of canon 645 concerning basic spiritual exercises in secular institutes offers a different approach to the question of spiritual direction: the prohibition against a manifestation of conscience in religious institutes—a negative statement—is replaced by a positive statement in the corresponding norm for secular institutes. After affirming the members' freedom, the drafted norm continues that this freedom in secular institutes includes the ability "[…] to seek council of this kind (*huiusmodi*) [direction of conscience] even from their moderators, if they wish."[380]

Furthermore, the drafters gathered on 30 May 1980 to consider the question of the typology of religious institutes. At that critical meeting, the consultors reconsidered how different types of institutes were to be addressed juridically.[381] Suggestive of the aforementioned difficulty in legislating universal norms for a diversity of orders of monks, the consultors by a vote of 3 in favor and 6 against decided not to introduce into the *Schema* a more developed typology of religious institutes although at least one consultor noted in

[380] The only modification made between the 1980 *Schema* and the 1982 *Schema* to this drafted canon is the replacement of "*huiusmodi*" with "*huius generis*;" the extension of permission freely to seek *consilia* from the moderators remained unchanged.

[381] *Comm*, 13 (1981), 401.

the discussion that canons on typology would be especially useful for religious canons and for monks.[382] Reflective of the mind of the majority of drafters, the Cardinal President recalled that the revised code purposed to provide general norms (*norme generali*), leaving the rest to proper law (*diritto particolare*). The majority of consultors agreed that the typology of religious institutes was more doctrinal than legislative and therefore better left to the determination of proper law and the competent Roman dicastery.[383] This particular decision would have significant consequences post-Codal for members of orders of monks who would face challenges in canonical observance resulting from their juridical inclusion with members of other religious institutes who have vastly different practices, especially governance, as exemplified with apostolic institutes. A monastic hermeneutic to read the canons and apply universal law accordingly became urgent.

2.2.5. - The 1982 *Schema Codicis iuris canonici*

The 1982 *Schema* reflects the outcome of the fifth plenary session of the Revision Commission convened 20-29 October 1981 and best recalled for the insertion of legislation from the *Lex Ecclesiae fundamentalis*. While an extensive revision occurred to many proposed canons, the aforelisted general and related provisions directly or indirectly concerning the spiritual director in orders of monks remained unchanged apart from the minor detail previously noted.[384] Cardinal Bafile, a canonist, however, signaled a difficulty with the then-drafted canon 556, §1's (later the 1983's c. 630) attempt to balance the competing values of freedom of conscience and the common good of the institute by

[382] Ibid., 404.

[383] Ibid., 403-404.

[384] See footnote 378 above.

suggesting that a clause be added advocating that liberality be used by the institute's members "with discretion (*cum discretione*)."[385] Bafile argued for this addition on the grounds that the freedom of conscience could as drafted be abused by members to the detriment of the religious institute. The Fathers of the Commission decided against any such modification rebutting that Bafile's proposed addition "[…] is not a juridic norm" (*non est norma iuridica*).[386] In the decision not to modify the proposed canon, questions of how freedom of conscience and the good of the religious institute might be settled—if competing—remained unanswered.

2.3. - The Spiritual Director in the 1983 *Codex iuris canonici*

Before promulgation, the 1,776 canons of the 1982 *Schema Codicis* were personally studied by John Paul II, who oversaw several significant modifications, grammatical corrections, and even additions prior to promulgation on 25 January 1983. The involvement of John Paul II was not passive, therefore, but rather the 1983 Code reflects concrete contributions of the supreme legislator and reveals his legislative brilliance and pastoral concern. Castillo Lara thus remarked, "This Code, therefore, is a pontifical law, not merely because it was promulgated *by the authority of the Supreme Pontiff*, but also because it bears the imprint of the personal interest of the Roman Pontiffs and of their specific legislative will."[387]

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[385] PONTIFICIA COMMISSIO CODICI IURIS CANONICI RECOGNOSCENDO, *Relatio complectens synthesim animadversionum ab Em.mis atque Exc.mis Patribus Commissionis ad novissimum schema CIC exhibitarum cum responsionibus a Secretaria et Consultoribus datis*, Typis polyglottis Vaticanis, 1981 (=*Relatio*), 146.

[386] Ibid.

[387] R. CASTILLO LARA, "Discourse of the Pro-President, Archbishop Rosalio Castillo Lara, S.D.B.," in PONTIFICIA COMMISSIO CODICIS IURIS CANONICI RECOGNOSCENDO, *Promulgation and Official Presentation of the Code of Canon Law,* Typis polyglottis Vaticanis, 1983, 17-18.

While the fore introduced draft canons received no further modification by the supreme legislator, John Paul II inserted an entire clause to c. 220 that previously had dealt solely with the right of a good reputation as propounded in the *Lex Ecclesiae Fundamentalis.*[388] John Paul II joined to the right of a good reputation the right of privacy, prohibiting as unlawful "[…] to injure the right of any person to protect his or her own privacy." In this canonical novelty, no predecessor exists in the 1917 legislation although *Populo Dei* had initially proposed in draft canon 33—later removed—a germane right to private, personal, or confidential communications (*commercii epistolaris aliusve personalis indolis*).[389] While the right of a good reputation and the right of privacy are both assuredly important rights of the Christian faithful, the author of this thesis simply raises the question at this juncture whether they are effectively joined in the resultant, promulgated c. 220 that leaves canonical difficulties as drafted—likely a consequence of the right to privacy's last minute insertion.

[388] The author of this thesis is acutely aware of the related question of the right to a good reputation raised in conjunction with the right to privacy in c. 220, but for want of space and to circumscribe this investigation to manageable parameters will here only further consider spiritual direction and its director in relation to questions of privacy, leaving related and promising juridic questions of reputation to others.

[389] See *Comm*, 12 (1980), 86 where *Populo Dei*, c. 33 is viewed by the consultors as only concerning religious, superfluous, and therefore removed by majority vote. Some restraint is in order concerning the degree to which c. 220 of the 1983 Code is truly "novel." As Bradley has studied, the 1917 Code did not make any explicit reference to the right of privacy of *all the faithful* while granting to religious private communications, defending religious from forced manifestations of conscience, and of course affirming the inviolability of the sacramental seal together with novices and seminarians' freedom of choice regarding confessors and spiritual directors; see BRADLEY, "Evolution of the Right to Privacy in the 1983 Code," 540. Perhaps the equivalent in civil law to this right as originally proposed is that known as "confidential communication" and defined by *Black's Law Dictionary* as "[a] communication made within a certain protected relationship and legally protected from compelled disclosure in a legal proceeding unless the protected party waives that protection." *Black's* identifies as examples of "confidential communications" those between spouses, attorney-client, and confessor-penitent. See GARNER (ed. in chief), *Black's Law Dictionary*, 337.

2.3.1. - General Provisions

The canonical foundations for the later norms on spiritual direction principally rest upon two canons, namely c. 130 that admits of the exercise of the power of governance in the external and internal fora and c. 220 that safeguards a person's right to protect his privacy. First, c. 130 found in Book I of General Norms in the 1983 Code prescribes:

Potestas regiminis de se exercetur pro foro externo, quandoque tamen pro solo foro interno, ita quidem ut effectus quos eius exercitium natum est habere pro foro externo, in hoc foro non recognoscantur, nisi quatenus id determinatis pro casibus iure statuatur.	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.

Later, c. 220 in Title I of Book II enumerating the rights of all the Christian faithful stipulates:

Nemini licet bonam famam, qua quis gaudet, illegitime laedere, nec ius cuiusque personae ad propriam intimitatem tuendam violare.	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.

Taken together in view of privacy, licit acts of governance, whether in the external or internal forum (as in the case of the internal extra-sacramental forum of spiritual direction), can never violate a human person's innate right to safeguard his privacy.

The 1983 *Codex Iuris Canonici* contains 173 juridic norms pertaining to institutes of consecrated life—both religious and secular institutes—and societies of apostolic life, in Part III of Book II subdivided accordingly into two sections that separately treat of institutes and societies. The foremost explicit juridic norm on spiritual direction (*conscientiae moderamen*) for all religious institutes—including members of orders of monks—is canon 630 that aims to safeguard and protect the "due freedom (*debitam*

libertatem)" of members of religious institutes in both the sacrament of penance and the direction of conscience.[390] Consequently, the fecundity of both sacramental confession and spiritual direction will correspond to the faithful observance of the canonical precept and respect for the penitent and/or directee's freedom of conscience.[391] The 1983 Code does not, however, explicitly recommend spiritual direction nor does c. 630 impose spiritual direction where spiritual direction is only implicitly acknowledged as a practice that presumably occurs or could legitimately occur in religious institutes in accordance with an institute's *ius proprium*.[392]

The legislator of the 1983 Code likewise does not offer a definition of *conscientiae moderamen,* a matter more theological and pastoral than purely canonical. Noting that attempts have been made by reputable canonists to define *conscientiae moderamen,* the author of this study expresses concern about the oft resultant regular equation of distinct legal terms that confuses both the interpretation of the law and practice.[393] While praiseworthy attempts to define such an intimate and ancient reality, these definitions

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[390] Andrés explained the freedom of c. 630 as "due freedom" because (1) superiors are bound to recognize this freedom that (2) corresponds to the dignity of the person and (3) is required for the authenticity of spiritual direction as safeguarded in c. 220; see D.J. ANDRÉS, "Chapter II: The Governance of Institutes, Art. 1: Superiors and Councils," in A. MARZOA, J. MIRAS, R. RODRÍGUEZ-OCAÑA (eds.) and E. CAPARROS (gen. ed. of English translation), *Exegetical Commentary on the Code of Canon Law*, vol. II/2, Montréal, Wilson & Lafleur, 2004 (=*Exegetical Comm*), 1659-1660. Gambari, however, significantly distinguished this "due freedom" from an "arbitrary freedom;" see E. GAMBARI, *Religious Life According to Vatican II and the New Code of Canon Law*, trans. DAUGHTERS OF ST. PAUL, Boston, St. Paul Editions, 1986, 373.

[391] D.J. ANDRÉS, *El derecho de los religiosos: Commentario al Código*, 4th ed., Madrid, Publicaciones Claretianas, 1985, 154.

[392] Ibid.

[393] Nonetheless, canonists have not restrained themselves from seeking to proffer a definition such as that given by Andrés: "La dirección, moderación, manifestación o cuenta de conciencia o espiritual, se entiende propiamente aquí como el conocimiento, dado libre y espontáneamente por alguien, del estado actual de su conciencia, tanto en lo bueno como en lo malo, en todo lo relativo a la vida espiritual y comunitaria de la personada cuenta disciplinar, que toca solo y rigurosamente los aspectos exteriores y sociales de la convivencia, y que suelen imponer los derechos propios con solidas razones" (ANDRÉS, *El derecho de los religiosos,* 155).

nonetheless far-too-often equate *conscientiae moderamen* and *conscientiae manifestatio*. Unless plainly evident, different legal terms ought not hastily to be equated, but rather respected as different in meaning; if such were not the case, the legislator would more likely have used the same legal term—especially within the close proximity of one unified canon (e.g., c. 630, §1 and §5).

Nonetheless, the placement of c. 630 plainly shows the mind of the legislator (*mens legislatoris*) that this freedom of conscience must be both theoretically and practically acknowledged and safeguarded by religious superiors, as an obligation on superiors "[…] for whom these norms are especially intended."[394] Accordingly, a monastic superior who explicitly forbade spiritual direction or never made suitable and qualified spiritual directors available, as well as a superior who forced a monk to open his soul to that superior, would be negligent of his canonical duty and liable to claims of abuse of power and ecclesiastical office. Thus, the member enjoys freedom of choice in both selecting a spiritual director and frequenting spiritual direction as further determined in the institute's *ius proprium*, and the superior must correspondingly take appropriate steps to safeguard this right in accordance with a religious institute's legitimate discipline. Smith synthesized, "The canon is located in the section on governance, placing the burden primarily on superiors to respect

[394] E. CAPARROS et al. [eds.], *Code of Canon Law Annotated,* 2nd rev. ed., Montréal, Wilson & Lafleur Limitée, 2004 [=*CCLA*], 508. See also G. SHEEHY et al. (eds.), *The Canon Law: Letter & Spirit*, *A Practical Guide to the Code of Canon Law*, prepared by the CLSGBI in association with the CCLS, Collegeville, MN, The Liturgical Press, 1995 (=*CLSGBI Comm*), 346. Although outside the scope of this investigation, for an interesting discussion of the interpretive value of *mens legislatoris*, including development of Van Hove's opinion that context, parallel places, the purpose (or reason) of the law, etc. help to reveal the mind of the legislator, see W. KOWAL, *Understanding Canon 17 of the 1983 Code of Canon Law in Light of Contemporary Hermeneutics*, Lewiston, NY, The Edwin Mellen Press, 2000, 106-112 where Kowal opines in part, "For searching for the mind of the legislator indicates rather the supreme norm of every interpretation than its new subsidiary tool" (112).

appropriate boundaries and ensure the availability of confessors and spiritual directors, while at the same time maintaining religious discipline."[395]

Demonstrating "a certain structural harmony,"[396] the first paragraph of c. 630 provides the general canonical norm before paragraphs two to four make provision for sacramental confession; paragraph five returns to the relationship between superior and member before renewing the prohibition against forced manifestation of conscience. This thesis's author expresses regret that the 1983 codification treated of sacramental confession and spiritual direction of religious in the same norm, which seem to proliferate the longstanding confusion between the Sacrament of Penance and spiritual direction; this author wishes instead to affirm with Meyer "[…] that confession and spiritual direction are not opposed to each other, but that both might gain if they were practiced more intensely and instead of being too closely related to each other, were more sharply distinguished."[397]

Canon 630, §1 states:

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.

Thus, canon 630, §1 binds *all* superiors of all religious institutes, whether men or women, clerical or lay, and local, national, or international: all superiors must recognize the due

[395] R. SMITH, "Chapter II: The Governance of Institutes [cc. 617-640]," in *CLSA Comm2*, 792.

[396] ANDRÉS, *El derecho de los religiosos,* 152: "La norma, aunque larga y relativamente detallada por lo delicado del contenido, resulta muy aceptable y equilibrada, no desprovista, incluso, de cierta armonía estructural."

[397] H.B. MEYER, "Confession or Spiritual Direction?" in O. BETZ (ed.), *Making Sense of Confession: A New Approach for Parents, Teachers, and Clergy,* trans. H. GRAEF, Chicago, IL, Franciscan Herald Press, 1968, 142.

freedom of each member of the religious institute before confession and spiritual direction. The doctrinal foundation for the existent paragraph one is *Perfectæ caritatis*, no. 14 that similarly admonishes superiors to "[…] allow [their subjects] due liberty with regard to the Sacrament of Penance and the direction of conscience."[398] While both the conciliar decree and the canonical norm refer to "*debitam libertatem*," *Perfectæ caritatis* offers a theological grounding for this due liberty in the dignity of the human person: "[Superiors] should govern their subjects in the realization that they are sons of God and with respect for them as human persons, fostering in them a spirit of voluntary subjection (*PC*, no. 14).[399] As the imperative *agnoscant* and the nature of the subject matter and values of freedom and spontaneity demand, canon 630 accordingly concerns a most serious matter.[400] Canon 630, §1 further adjusts the doctrinal text, however, by asserting that this right is not limitless but curtailed by institutional discipline (*instituti disciplina*). The religious institute, then, can promulgate proper law on spiritual direction and its director, but such norms "[…] should likewise not infringe on the freedom of members in regard to

[398] SECOND VATICAN COUNCIL, Decree on the Up-to-date Renewal of Religious Life *Perfectæ caritatis*, 28 October 1965 (=*PC*), no. 14, in *AAS*, 58 (1966), 709, English translation in *FLANNERY1*, 619.

[399] Commenting upon paragraph 14 of *Perfectæ caritatis,* the Congregation for Religious and for Secular Institutes expounded earlier in the *Contemplative Dimension of Religious Life* that religious superiors prove their recognition for the due freedom of their members in matters of conscience "[…] by the availability of competent and qualified persons. Such availability should come especially from priests who, by reason of their specific pastoral mission, will promote appreciation for spiritual direction and its fruitful acceptance" (CONGREGATION FOR RELIGIOUS AND FOR SECULAR INSTITUTES, *The Contemplative Dimension of Religious Life*, 1981, no. 11, in *Origins*, 10 [1980-1981], 552). The origins of the relation between human rights and the dignity of the human person were identified by Dulles as the fruit of "[…] the medieval natural law tradition interact[ing] with modern democratic theory and 20th-century personalism. The atrocities of totalitarian dictatorships gave strong motivation to spell out binding norms that would limit the naked power of the state" (A. DULLES, "Human Rights: Papal Teaching and the United Nations," in *America*, 179 [5 December 1998], 14-15).

[400] ANDRÉS, *El derecho de los religiosos*, 154.

the sacrament or penance or spiritual direction."[401] A delicate balance is thus clearly envisioned by the supreme legislator between personal freedom and the common good of the religious institute.

Canon 630, §5 attempts to situate the member's due freedom within a relationship of trust with the religious superior, while simultaneously prohibiting superiors from inducing members to make a manifestation of conscience—more plainly stated as protecting members "[…] from receiving care they may not want."[402] Canon 630, §5 reads:

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.	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 legislator's unification of these two realities—trust on the part of the member towards the superior and a prohibition for the superior against inducing a manifestation of conscience in any way (*quoquo modo*) either direct or indirect—suggests unity in the *mens legislatoris* in a "double standard." Smith continues, "[This double standard] discourage[s] undue pressure on an individual religious in the internal forum and, at the same time, free[s] the superior from any perception by community members that information received in the internal forum has been used in the external forum."[403] Ergo, this "approach with trust" by the member to the superior that can never be commanded *may*—but need not necessarily—

[401] J.F. HITE, "Title II: Religious Institutes," in *CLSA Comm1,* 482. Morrisey suggested that this "[…] heavy reliance on the proper law of the institute to determine specific modalities […]" is reasonably attributable to the multiplicity of not only types of religious, but actual religious institutes; see MORRISEY, Institutes of Consecrated Life and Societies of Apostolic Life [Canons 573-746], 110.

[402] M.M. MODDE, "Religious Houses and Governance: Canons 607-633," in J. HITE, S. HOLLAND, and D. WARD (eds.), *A Handbook on Canons 573-746*, Collegeville, MN, The Liturgical Press, 1985, 89.

[403] SMITH, "Chapter II: The Governance of Institutes [cc. 617-640]," in *CLSA Comm2*, 793.

include an opening of the soul (*animum suum*) by the member to a superior who also serves as spiritual director, but if such an opening does occur, the juridic norm of c. 630, §5 legislates that the opening of soul must be free and spontaneous on the part of the member.[404] Aspe expresses this delicate balance: "[T]he canonical legislation has foreseen that [the religious] can be helped by his spiritual director or by his confessor or by his superior if he has sufficient confidence to open his heart freely and spontaneously. It is important to bear in mind that no one can be forced to open his interior to one who does not inspire confidence and that is why the canonical norm also permits [the religious] to freely choose a personal spiritual guide."[405] Although not explicitly stated in c. 630, §5, while the subject may express the desire to open his soul to the superior, the superior likewise has no obligation to receive this opening; the superior too has both due freedom in governance and an obligation to avoid receiving knowledge of the internal forum that might apparently or really endanger or confuse governance in the external forum.[406] The superior, then, could thoughtfully and prudently, yet firmly reject a request to serve as spiritual director for a member.

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[404] Gambari curtly defended the possibility of the superior also acting as spiritual director if freely requested by the directee and freely accepted by the director: "The superior can function in part also as a spiritual director, always safeguarding the full freedom of religious to open themselves" (GAMBARI, *Religious Life According to Vatican II and the New Code of Canon Law*, 504). The prudence of doing so, however, is a different question; see ibid., 551. Nonetheless, Modde contextualized how this encounter between superior and member might result in a manifestation of conscience writing, "This initial goodwill may lead them to share with each other the Spirit within them" (MODDE, "Religious Houses and Governance: Canons 607-633," 89). See also V. DE PAOLIS, *La vita consacrata nella Chiesa*, Venice, Marcianum Press, 2010, 381: "Il rapporto di fiducia spinto fino in fondo potrebbe portare anche a questo."

[405] R. ASPE, "La evolución del concepto de 'manifestación de conciencia' en el derecho de la Iglesia," in *Commentarium pro religiosis et missionariis,* 93 (2012), 283.

[406] See ANDRÉS, "Chapter II: The Governance of Institutes, Art. 1: Superiors and Councils," in *Exegetical Comm*, vol. II/2, 1661.

The canonical vision of superiors found in chapter II of Title II of Part III of Book II helps to advance a doctrinal interpretation of the 1983 presentation on spiritual direction by way of the context of c. 630 in the same chapter and article. First, c. 617 plainly manifests that the authority of superiors is not absolute, but rather superiors are called to "[…] exercise their power according to the norm of universal and proper law" (c. 617). Next, cc. 618 and 619 make certain that superiors are the first guarantors of the rights of the member of the institute whom they have been summoned to lead and serve "[…] with reverence for the human person […] " (c. 618), which necessitates, as c. 618 continues, that superiors "[…] listen to [the members] willingly and foster their common endeavor for the good of the institute and the Church." Of course, this respect for the freedom of the human person and voluntary listening find concretization in c. 630's provision for the due liberty of the member in spiritual direction and the ability freely to open one's mind to one's superior—even in spiritual direction should the member voluntarily request and the superior agree in accordance with the institute's proper law.

Canon 619 announces a tangible plan for successful community leadership rooted in Jesus Christ Who is the Word of God and truly present in the re-presentation of Calvary in the Holy Sacrifice of the Mass: "[…] to build a community of brothers or sisters in Christ, in which God is sought and loved before all things" (c. 619). This ecclesial view of leadership, however, is frustrated unless the superior leads by virtuous and faithful example. Surely, superiors are greatly assisted in this call to community animation by seeking spiritual direction that they first might be found "[…] docile to the will of God in fulfilling their function" (c. 618). A superior who regularly seeks spiritual direction will witness to the importance of spiritual direction in faithful "[…] observance of the laws and

traditions of [his] own institute" (c. 619). Furthermore, the canonical vision of religious leadership admonishes superiors "[…] to meet the personal needs of the members appropriately, solicitously to care for and visit the sick, to correct the restless, to console the faint of heart, and to be patient towards all" (c. 619). Obviously, the superior can realize this call to leadership without serving as spiritual director to any of the members of the religious institute, but it is also important to note that nothing here prohibits the superior from serving as spiritual director. In fact, this may organically and naturally arise—especially in orders of monks—precisely because the superior is exemplary in living the consecrated life and showing charity towards the monks as envisioned in the foundational canons on religious superiors in the 1983 Code.

Concerning the canonical exhortation to approach superiors with trust (*cum fiducia*) found in c. 630, §5, c. 628, §3 also instructs members "to act with trust" (*fiducialiter agant*) but in the context of a canonical visitation towards the legitimately designated visitator: "Members are to act with trust toward a visitator, to whose legitimate questioning they are bound to respond according to the truth in charity (c. 628, §3). Trust is philosophically distinct from belief; whereas belief arises from authority or inference from evidence, trust commences in a personal relationship characterized by freely giving and receiving and matures throughout the duration of the relationship. The relationship between visitator-member and superior-member then finds a parallel in the emphasis placed on *trust*. Whereas the member is obliged to answer the visitator's examination with honesty, the member of course has a legitimate freedom to open his soul or not to open his soul to his superiors as has been previously conceded. Insightfully, however, c. 628, §3 like the later c. 630, §1 establishes the relationship of trust between visitator-member as sacrosanct and

thus neither to be deterred or obstructed: "[I]t is not permitted for anyone in any way to divert members from this obligation or otherwise to impede the scope of the visitation."[407]

As previously signaled in the retracing of the drafting of c. 630, §5 from an emerging concern regarding mental health, great care must be had by the superior too in the use of psychological assessments to ensure not only that the member gives "previous, explicit, informed, and free consent"[408] but also that the member without coercion freely releases the confidential findings to designated persons according to the canonical principle of *volenti non fit iniuria*.[409] Attributable to the great risk such psychological assessments

[407] Gonçalves has drawn attention to the importance of the canonical visitation to combat abuse in institutes of consecrated life, acknowledging that regular canonical visitations are often best able to identify instances of abuse or risks to the integrity of the fora especially in cases where the superior makes himself "*en véritable gourou*" and consequently devolving the community into "*une secte*" (B. GONÇALVES, "For interne et autorité," in L.M. LE BOT [ed.], *Autorité en gouvernement dans la vie consacrée,* Toulouse, Les Presses Universitaires, Institut Catholique de Toulouse, 2016, 97).

[408] CONGREGATION FOR CATHOLIC EDUCATION, *Guidelines for the Use of Psychology in the Admission and Formation of Candidates for the Priesthood,* no. 5, 13 June 2008, in *Enchiridion Vaticanum*, 25 (2011), 716, English translation in F.J. ESTÉVEZ and A.H. COZZENS (eds.), *Spiritual Husbands-Spiritual Fathers: Priestly Formation for the 21st Century,* St. Louis, MO, En Route Books and Media, LLC, 2020, 486. This quadlet is repeated verbatim in no. 12 of the same document. The *ratio fundamentalis* prudently augments that this consent is to be given "in writing" (CONGREGATION FOR THE CLERGY, Ratio fundamentalis institutionis sacerdotalis *The Gift of the Priestly Vocation*, 8 December 2016, Libreria editrice Vaticana, 2017 [=*RFIS*], no. 194, 103). Interestingly, the *ratio* further argues that the findings of the psychological evaluation are rightly shared with the spiritual director; see *RFIS*, no. 195.

[409] Undeniably, psychological assessments may be of great advantage in admitting individuals to the monastery (c. 642) and during all stages of formation for members of orders of monks. Some of these benefits include: "[…] a more sure evaluation of the candidate's psychic state; it can help evaluate his human dispositions for responding to the divine call; it can provide some extra assistance for the candidate's human growth. These experts can offer formators an opinion regarding the diagnosis of—and, perhaps, therapy for—psychic disturbances. Moreover, by suggesting ways for favoring a vocational response that is more free, they can help support the development of the human (especially relational) qualities, which are required for the exercise of the ministry" (CONGREGATION FOR CATHOLIC EDUCATION, *Guidelines for the Use of Psychology,* no. 5). Nonetheless, the moral and canonical nature of a psychological assessment necessitates the patient's free consent as Pius XII emphasized in 1958: "If the consent is unjustly extorted, any action of the psychologist will be illicit; if the consent is vitiated by a lack of freedom (due to ignorance, error, or deceit), every attempt to penetrate into the depths of the soul will be immoral" (PIUS XII, allocution *Iis qui interfuerunt Conventui XIII Societatis internationalis 'de Pscyhologie appliquée*,' 10 April 1958, in *AAS*, 50 [1958], 277, English translation in *The Pope Speaks*, 5 [1958], 16). *Renovationis causam* repeated that psychological examinations must only be undertaken "[…] with the free agreement of the subject;" see CONGREGATION FOR RELIGIOUS AND SECULAR INSTITUTES, Instruction on the Renewal and Adaptation of Formation for Living the Religious Life *Renovationis causam*, 6 January 1969, no. 11 (3), in *AAS*, 61 (1969), 113, English translation in *FLANNERY1*, 645. Hite expands that this right to privacy binds mental health professionals who also must be diligent to "[…] not use methods that would violate privacy or in any way

inherently pose by being freely released by the patient, the Church admonishes, "[L]et particular care be taken so that the professional opinions expressed by the expert be exclusively accessible to those responsible for [initial and ongoing] formation, with the precise and biding proscription against using [the assessment] in any way other than for the discernment of a vocation and for the candidate's formation."[410] Equally important, and analogous to this thesis's consideration of questions of the spiritual director, the patient must be left free to approach a mental health expert "[…] who is either chosen from among those indicated by the formators [or superiors], or chosen by the candidate himself and accepted by the formators. According to the possibilities, the candidates should be guaranteed a free choice from among various experts who possess the requisites indicated."[411] Andrés opines therefrom that not only can an institute never obligate a candidate or a member to open his soul to psychological assessment but also that "[…] it

harm the reputation of the institute […] If there is information that an institute cannot have access to except by violating or seeming to violate an individual's right of privacy, it should forego seeking the information, but it should not place itself at a disadvantage by granting admission on inconclusive evidence of suitability" (J. HITE, "Admission of Candidates and Formation of Members: Canons 641-661," in J. HITE, S. HOLLAND, and D. WARD [eds.], *A Handbook on Canons 573-746*, Collegeville, MN, The Liturgical Press, 1985, 119-120). Morrisey offers some suggestions in a spirit of safeguarding the right to privacy of "who has access to the results:" "While most likely it would be the formation director and the major superior, the council members—it seems—should not have direct access to the documentation." Morrisey insightfully concludes, "Furthermore, the test results have validity only for a certain period of time, since a person changes with the years (and, hopefully, the formation programme produces good results!); therefore, they should not be kept on file indefinitely" (MORRISEY, Institutes of Consecrated Life and Societies of Apostolic Life [Canons 573-746], 127). Concerning the question of archives and personnel files, see also R.J. KASLYN, "Title I: The Obligations and Rights of All the Christian Faithful [cc. 208-223]," in *CLSA Comm2*, 278.

[410] CONGREGATION FOR CATHOLIC EDUCATION, *Guidelines for the Use of Psychology*, no. 13. Westin wrote similarly in his earlier treatise on the right to privacy: "Finally, it should be recognized that consent to reveal information to a particular person or agency, for a particular purpose, is not consent for that information to be circulated to all or used for other purposes […] Unless this principle of consent is well understood and accepted as the controlling principle for information flow in a data-stream society, we will be in for serious problems of privacy in the future" (A.F. WESTIN, *Privacy and Freedom,* New York, Ig Publishing, 1967, 420).

[411] CONGREGATION FOR CATHOLIC EDUCATION, *Guidelines for the Use of Psychology*, no. 12.

would be bad judgment to condition admission to the submission to said specialists."[412] Nonetheless, the religious institute may freely discern not to admit a candidate who has not undergone a psychological assessment if those responsible for admission are not able to ascertain consequently a candidate's suitability, particularly in difficult cases.[413] In like manner, a superior must be careful not to invoke the vow of obedience to demand a psychological assessment; that too violates the prohibition of c. 630, §5. Likewise, if a member of a religious institute should refuse to undergo a psychological consultation, the superior must not force the member's will while prudently seeking to accompany the member and taking all necessary licit and appropriate canonical action in a spirit of charity towards both the member and the religious institute.

Spiritual direction receives implicit mention likewise in chapter IV of Part III of Book II on the obligations and rights of religious institutes and their members as one way, amongst others, of realizing "[…] the supreme rule of life the following of Christ proposed in the gospel and expressed in the constitutions of their own institute" (c. 662). Canon 663 recommends basic spiritual exercises of members of religious institutes and includes in c. 663, §3 after *lectio divina,* mental prayer, and the recitation of the Liturgy of the Hours, "other exercises of piety (*alia pietatis exercitia*)":

[412] ANDRÉS, *El derecho de los religiosos*, 261. This opinion is, however, open to debate since canonists of the opposite opinion argue that a religious institute is free to establish conditions for admittance (c. 643, §2) and often one such condition is the completion of a psychological assessment. Surely, however, the point Andrés is making is not against such a condition being established in proper law, but rather merely a concern for a candidate's freedom in opening his soul if he feels pressured into the mental health assessment in such a way that his freedom is impaired by an overriding desire for admittance to the religious institute.

[413] See CONGREGATION FOR CATHOLIC EDUCATION, *Guidelines for the Use of Psychology*, no. 12.

§3. Lectioni sacrae Scripturae et orationi mentali vacent, iuxta iuris proprii praescripta liturgiam horarum digne celebrent, firma pro clericis obligatione de qua in can. 276, § 2, n. 3, et alia pietatis exercitia peragant.	§3. They are to devote themselves to the reading of sacred scripture and mental prayer, to celebrate worthily the liturgy of the hours according to the prescripts of proper law, without prejudice to the obligation for clerics mentioned in can. 276, §2, no. 3, and to perform other exercises of piety.

The author of this dissertation can only lament that an explicit reference to spiritual direction is not found in the canonical norms governing obligations and rights of religious lest spiritual direction be viewed in the negative light sometimes associated with additional pious exercises.[414]

Perfectæ caritatis makes no mention of these other acts of piety. The Second Vatican Council's Decree *Optatam totius*, however, offers an important source for c. 663, §3 where the Council Fathers speak of "*pietatis exercitia*" as longstanding in ecclesial life and thus worthy of being "strongly encouraged," while likewise counseling that "[…] care must be taken that spiritual formation does not consist in these alone, nor develop religious sentiment merely."[415] The context here seems to suggest that *Optatam totius* is speaking more of pious practices such as particular devotional acts than spiritual direction not readily associated with the danger of "[…] religious sentiment merely (*solum affectum religiosum*)."

[414] For example, Sebott critically refers to these extra exercises as cancer, "*ein Krebsschaden in der Ordensgeschichte*" (R. SEBOTT, *Ordensrecht: Kommentar zu den Kanones 573-746 des Codex iuris canonici*, Frankfurt am Main, Knecht, 1995, 185).

[415] SECOND VATICAN COUNCIL, Decree on the Training of Priests *Optatam totius*, 28 October 1965, no. 8, in *AAS*, 58 (1966), 714, English translation in *FLANNERY1*, 719. Another important *fons iuris* for c. 663, §3 is the Decree *Presbyterorum ordinis* where spiritual direction is explicitly recommended; see SECOND VATICAN COUNCIL, Decree on the Ministry and Life of Priests *Presbyterorum ordinis*, 7 December 1965, no. 18, in *AAS*, 58 (1966), 1019, English translation in *FLANNERY1*, 897.

Particular norms on these *alia exercitia* will be found in a religious institute's proper law according to the institute's patrimony or left to the member's discretion and personal devotion since necessarily "[…] the lifestyle, charism, and spirituality of each institute […] will order and regulate those exercises through the constitutions."[416] Smith offered some examples of these pious exercises including "[…] devotional renewal of vows, community feast days or fast days, ascetical practices during the penitential season, customary prayers for benefactors or on the occasion of a jubilee or upon the death of a member, the stations of the cross, and the like."[417] Andrés added that additional pious exercises could be legitimately introduced in a religious institute without detriment, however, to the other basic spiritual exercises outlined in c. 663.[418] Thus, spiritual direction could be further regulated and developed in proper law of these seven orders of monks as an additional pious exercise in concrete application of c. 663, §3.

Canon 663, §3 differs from its 1917 predecessor in *CIC/17*, c. 595, §1, 2˚ because these other spiritual acts are no longer "offices of piety (*pietatis officia*)" but "exercises of

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[416] G. DI MATTIA, "Chapter IV: The Obligations and Rights of Institutes and of Their Members," in *Exegetical Comm*, vol. II/2, 1768. See c. 587 that concerns an institute's proper law and includes "spiritual and juridic elements" (§3), most especially an institute's charism or "patrimony" that according to c. 578 includes the following components: (1) mind of the founder(s); (2) design of the founder(s); (3) nature; (4) purpose; (5) spirit or spirituality; (6) character; and (7) sound traditions. See also D.F. O'CONNOR, "Obligations and Rights: Canons 662-672, 277, 285-287, 289, 279, §2," in J. HITE, S. HOLLAND, and D. WARD (eds.), *A Handbook on Canons 573-746*, Collegeville, MN, The Liturgical Press, 1985, 172.

[417] R. SMITH, "Chapter IV: The Obligations and Rights of Institutes and Their Members," in *CLSA Comm2*, 830. Di Mattia added "the *Via Crucis,* the novenas of Christmas, the Holy Spirit at Pentecost, the Immaculate Conception, and other exercises of piety of special importance in the local Church where the religious house is located" (DI MATTIA, "Chapter IV: The Obligations and Rights of Institutes and of Their Members," in *Exegetical Comm*, vol. II/2, 1768-1769).

[418] See ANDRÉS, *El derecho de los religiosos,* 416-417. In the same place, Andrés expressed the preference for pious exercises that lead to the liturgy and that are not more time consuming than mental prayer, adding with practical canonical wisdom that the "elasticity" of such pious practices—especially new exercises—are best not included in a religious institute's constitutions that future adaptations might be made readily without constitutional amendment. The antiquity, success, and quasi-universal recommendation of spiritual direction suggest that spiritual direction overcomes this objection.

piety (*pietatis exercitia*).” This change from “offices” to “exercises,” as previously introduced in the rehearsal of the drafting process, not only modernizes the canonical language but more readily calls to mind spiritual direction popularly conceived as a spiritual *exercise* rather than a spiritual *office*. The 2001 *Directory on Popular Piety and the Liturgy* later defined “pious exercises,” however, in a relatively narrow and technical manner in nos. 70-75 that unfortunately does not count “spiritual direction” amongst its identification of “pious exercises.”

2.3.2. - Related Provisions

Admittedly, not only has the legislator’s ultimate decision to leave much concerning spiritual direction and its director to pastoral theology and proper law resulted in divergences of canonical opinion and practice, but the universal norms admit of some areas of doubt and obscurity as indicated. Only the legislator and those to whom he has entrusted the power, however, can authentically interpret universal canonical norms on spiritual direction (c. 16, §1) and resolve doubts of law (c. 14). Apparently, not every canonical interpretation is an authentic interpretation, yet the Christian faithful seek not only to know ecclesiastical law but also to understand and observe this same law so not only is the text and context previously considered helpful to resolve doubt and obscurity, but so too are non-authentic, doctrinal interpretations possible through recourse to parallel places (*locos parallelos*) (c. 17). Kowal expounds the procedure to be followed below: “Recourse to parallel places, then, presupposes comparison with the other laws which approach the same matter, however from a different perspective, or use the same expression, however on a different occasion or circumstances.”[419]

[419] KOWAL, *Understanding Canon 17 of the 1983 Code of Canon Law in Light of Contemporary Hermeneutics*, 72. See also Michiels’s definition of “parallel places” in G. MICHIELS, *Normae generalis iuris*

In pursuit of still greater clarity for the advancement of the canonical science and legal observance, the norms governing two moments of initial formation offer helpful clues for interpretation of spiritual direction in orders of monks, namely the norms on spiritual direction in the seminary and the novitiate. A third beneficial instance of parallel is the corresponding canons of the 1990 Code of Canons of the Eastern Churches that while revealing substantial correspondence nonetheless demonstrate not only notable terminological differences but also shifts of emphasis. Admittedly, the norms that follow on seminary, the novitiate, and monasteries of the Eastern Churches cannot and must not be automatically understood as offering a definitive and final interpretation of lingering questions on the spiritual director in orders of monks in the Latin Church. The analysis that follows in this section, wherefore, advances with marked caution cognizant that, as Örsy earlier stated, "[T]he legislator said what was meant; hence, the meaning of the text should not be changed on the basis of factors which are not expressed in the law itself."[420]

While turning to Title III, Chapter I of Book II in the 1983 Code on the initial formation of clerics with particular attention to the question of the seminary institution may seem a logical place to look for clarity on spiritual direction, confusion that first arose in the drafting process between the terms "*moderator vitae spiritualis*" (c. 246, §3) and "*spiritus director*" (c. 239, §2) present an abiding juridic challenge with divergence of opinion whether these terms are in fact legally equivalent despite the drafters' assertion that they are distinct, whether they underscore spiritual formation in the external forum that

canonici: commentarius libri I codicis iuris canonici, vol. 1, Paris, Desclée et Socii, 1949, 524: "loci […] in quibus aliquid statitur circa eamdem disciplinam, etsi forsan materialiter seu ad specialem disciplinae respectum quod attinet, et formaliter seu ad verba usitata quod spectat, aliter et aliter."

[420] ÖRSY, "Title I: Ecclesiastical Laws," in *CLSA Comm1,* 36.

might become spiritual direction, or how they could be distinct persons who both are in the internal forum.[421] Canon 239, §2 prescribes: "Every seminary is to have at least one spiritual director, though the students remain free to approach other priests who have been designated for this function by the bishop." A named spiritual director (*spiritus director*), then, is constitutive to the identity of a seminary, but the supreme legislator emphasizes free selection by the seminarians of "other priests." These priests, however, must be designated by the bishop. There is no mention of the possible hardships when a seminarian selects a spiritual director who does not have episcopal approval nor if the seminarian should propose a non-priestly director.

Furthermore, canon 240, §2, without a parallel canon in Book II, Part III, presents a concrete canonical defense against the confusion of the fora by forbidding the spiritual director's opinion to influence external governance.[422] Whereas the canons on religious

[421] For the origin of this confusion and debate, see *Comm*, 14 (1982), 163-164 where it was resolved that the "moderator vitae spiritualis" and "spiritus director" are "distinct juridic figures," but without the drafters expounding *how* they are distinct. McKay acknowledged the resultant juridic challenge, namely "[…] the lack of clarity in the terminology used has resulted in confusion about the functions implied and thereby about the rights of seminarians in these matters" (G. MCKAY, "Spiritual Direction in the Diocesan Seminary: An Interpretation of the Canonical Norms," in *Studia canonica*, 26 [1992], 409). See also the assessments of F. MANTARAS RUIZ-BERDEJO, *Discernimiento vocacional y derecho a la intimidad en el candidato al presbiterado diocesano*, Rome, Gregorian University Press, 2005, 161-162 and G. SARZI SARTORI, "La direzione spirituale nel cammino formativo dei candidati al presbiterato," in *Quaderni di diritto ecclesiale,* 21 (2008), 398-421 where Sartori concludes, "To achieve this awareness and, therefore, to decide freely before God, the practice of spiritual direction remains fundamental in the formative journey of candidates for the priesthood and in the journey of life and ministry of every priest" (421).

[422] Curiously, Aspe argues that c. 240, §2, prohibiting the vote of the spiritual director, introduces a novel "risk"—alien to the 1917 norms—where a superior may promote to Holy Orders a candidate that is indeed unsuitable because the superior does not adequately know the candidate and the spiritual director does not vote; see R. ASPE, "El director espiritual de los religiosos en la normative canonica actual," in *Commentarium pro religiosis et missionariis*, 92 (2011), 287-323. Aspe maintains that if the spiritual director was not the 1917's "ordinary confessor," he could intervene in the votation, but Aspe here fails to give due regard to the secrecy of spiritual direction affirmed in *Religiosorum institutio*, no. 17 as proper to the internal extra-sacramental forum; see CONGREGATION FOR RELIGIOUS, Instruction on Careful Selection and Training of Candidates for the State of Perfection and Sacred Orders *Religiosorum institutio*, no. 17, 2 February 1961, in *CLD*, vol. 5, 463. Aspe, thus, seems to admit exceptions to this secrecy "[…] since the Church needs to ensure, as far as possible, that pastors are worthy" (323). Aspe here endangers the integrity of spiritual

law do not address questions of votation by members of the monastic chapter who may serve as spiritual directors to their brothers, c. 240, §2 prohibits the opinion of a seminarian's freely selected spiritual director when determining questions of admittance to orders or dismissal.[423] Thus, c. 240, §2 through explicit mention of the spiritual director affirms the secret nature of communications in the internal, extra-sacramental forum of spiritual direction that can never be used by the director in the external forum to determine suitability or, by extension, other external decisions of governance.

Another parallel place concerning spiritual direction is the 1983 Code's norms on initial formation in the novitiate. These canons, however, make no explicit mention of the spiritual direction of the novices while asserting that novices are formed under the immediate direction of the novice master (c. 650, §1), and this same novice master alone has responsibility for the governance of novices (c. 650, §2). Apparently, the formation and governance by the novice master intended by the legislator in c. 650 occurs not in the internal but in the external forum as suggested by the prohibition of c. 985. The freedom of a novice freely to choose a confessor remains intact, and c. 985 prohibits the novice master and his assistant(s) from hearing the confession of novices unless spontaneously

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direction by seeming to admit of exceptions to secrecy that potentially threaten the openness and transparency prerequisite for fruitful direction and jeopardize popular confidence in spiritual direction.

[423] Whereas the preliminary canon 90 of *Populo Dei* had sought to safeguard the seal of the internal sacramental forum by specifying that the opinion of confessors in decisions about admitting seminarians to orders and dismissing them from initial priestly formation "is never allowed," canon 211, §2 of the 1980 *Schema* added to the prohibition "the spiritual director (*directoris spiritus*)" to safeguard the internal extra-sacramental forum as well; see *Comm*, 14 (1982), 42-43. Therein c. 211, §2 of the 1980 *Schema* surpasses *CIC/17*, c. 1361, §3 that only excused confessors with no mention of the spiritual director, suggestive of the drafters' abiding concern to not mix the internal forum with external governance and the realization in practice of spiritual direction as distinct from sacramental confession. Here c. 240, §2 codifies the principle of nos. 17 and 18 of *Religiosorum institutio* that earlier did not excuse spiritual directors from dissuading "unworthy" candidates to seek admission to orders, but only acting thus in the internal forum "[…] under the obligation to warn and privately urge those who are unfit, to withdraw voluntarily from the life they have embraced" (no. 18).

requested of the novice's own accord in a specific instance. Consequently, the 1983 canonical provision for novices in legitimately constituted novitiates under the care of the novice master must not be construed hastily as an exception to c. 630, §1's regard for "due freedom."

What, however, of a novice's choice of a spiritual director? Since the universal norms are silent, this question is best addressed in proper law of the individual religious institute, but the novice master's dual roles as formator and guide offer one possible solution as developed by Dom Dysmas de Lassus, Prior General of the Order of Carthusians. De Lassus opined that while all novices must freely accept the novice master's formative role safeguarded in canon law, the novice master's accompaniment of each novice as spiritual director admits of exception for the good of the novice's spiritual advancement. The Carthusian offered an example: "A novice master could, and sometimes should, suggest that a novice who has real difficulties with him might find someone else for spiritual companionship."[424] In fine, even in the more regulated time of novitiate formation, the legislator hesitates to equate the spiritual director with an office holder but rather favors the widest possible latitude to safeguard freedom of conscience and the correspondent freedom of choice of director.

In contrast to the limited lucidity offered by the universal norms on spiritual direction in the seminary and novitiate, the 1990 Code of Canons of the Eastern Churches opens new horizons for canonical interpretation of the spiritual director in orders of monks, likely attributable to the pervasive and abiding influence of monasticism upon the Eastern

[424] D. DE LASSUS, *Abuses in the Religious Life and the Path to Healing,* Manchester, NH, Sophia Institute Press, 2023, 220.

Churches that finds not only practical expression in separate canonical provision for monks and their monasteries (cc. 433-503) but also a definite priority in the division into institutional forms of consecrated life.[425] First, in contrast to the Latin c. 663 with only an implicit reference to "other exercises of piety" and c. 664's treatment solely of confession and the examination of conscience without mention of spiritual direction, c. 473 of the Eastern Code expressly provides for spiritual direction as a basic exercise of monastic spirituality. Canon 473, §2, 2˚ of the *CCEO* legislates that superiors are to ensure that the monks "can freely and frequently approach spiritual fathers and confessors." Eastern canon 339, §§1 and 3, a corresponding canon to *CIC*, cc. 239, §2 and 240 respectively, uses the term "spiritual father" in place of the Latin "spiritual director." Wherefore, the Eastern *pater spiritualis* corresponds to the Latin *director spiritualis* telling of a movement from Eastern paternity to Western direction.[426]

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[425] *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 CLSA, Washington, DC, CLSA, 2001 (=*CCEO*). John Paul II explained the significance of monasticism for the Eastern Churches: "Monasticism has always been the very soul of the Eastern Churches: the first Christian monks were born in the East and the monastic life was an integral part of the Eastern *lumen* passed on to the West by the great Fathers of the undivided Church" (JOHN PAUL II, Apostolic letter to Mark the Centenary of *Orientalium Dignitas* of Pope Leo XIII *Orientale lumen*, no. 9, 2 May 1995, in *AAS*, 87 [1995], 755, English translation in *Apostolic Letter* Orientale Lumen *of the Supreme Pontiff John Paul II to the Bishops, Clergy and Faithful to Mark the Centenary of* Orientalium Dignitas *of Pope Leo XIII*, Washington, DC, USCC, 1995, 20). While affording a prominence to monks in Eastern religious law, this prominence must not be misconstrued in the *CCEO* as "[…] a 'summum analogatum' for the other Religious Institutes, which have been established in the Catholic East for centuries and work with great success among the people and with full respect for the rites and traditions of the individual Churches" (PONTIFICIA COMMISSIO CODICI IURIS CANONICI ORIENTALIS RECOGNOSCENDO, "Progetto di Schema: *De Monachis ceterisque Religiosis necnon de sodalibus aliorum Institutorum vitae consecratae,*" in *Nuntia,* 8 [1979], 30). Abbass synthesized, "Accordingly, rather than attributing any superiority to monasteries, this chapter simply intends to give monasteries a precedence of treatment" (J. ABBASS, "Title XII. Monks and Other Religious as well as Members of Other Institutes of Consecrated Life," in J.D. FARIS and J. ABBASS [eds.], *A Practical Commentary to the Code of Canons of the Eastern Churches*, vol. 1, Montréal, Librairie Wilson & Lafleur, 2019, 849).

[426] *CCEO*, c. 732, §2's identification of the *confessor* as *pater spiritualis* does not negate this understanding of the spiritual director, but instead is a remnant of a longstanding tradition in both East and West of receiving spiritual direction in sacramental confession where the Eastern Code counsels that the

In open contrast with the Latin relegation of the discipline of the spiritual life to the individual members, the Eastern norm of c. 473, §2, 2˚ continues to place principally the responsibility upon the monastic superiors. The movement away from obliging superiors to making religious personally responsible as plain in the Latin Code seems to this author to be a genuine and important juridic development recognizing the maturity and personal accountability appropriate to adults with free will that is better realized in shared responsibility between superior and member.[427] While the Eastern norm together with the Latin presentation on spiritual direction recognizes the obligation of superiors to make suitable spiritual directors available following the lead of *PC*, no. 14, *CCEO* c. 473 goes further still through an explicit mention of these directors as an integral aspect of the basic plan of monastic asceticism. Together with providing for the monks' ability to have access to confessors, the superiors are tasked with ensuring that the monks not only go to spiritual direction but that they have access to spiritual directors to do so freely (*libere*) and frequently (*frequenter*).

Lest this right of the individual monk to approach spiritual directors fall upon deaf ears, *CCEO* c. 475, §1 creates a juridic structure in the monasteries for this free and frequent access to spiritual fathers in the interests of both personal freedom and the discipline of the institute: "In individual monasteries, according to the number of monks, several spiritual fathers and confessors are to be designated by the superior of the

confessor "[…] should also offer appropriate counsel so that the penitent might progress in his or her vocation to sanctity" (*CCEO*, c. 732, §2).

[427] Abbass has argued that this "rather striking difference" is softened when the Latin norm is contextualized within the larger obligations of a superior (c. 619) and the unique Latin c. 670 obliging institutes to supply all that is necessary for vocational realization; see J. ABBASS, *The Consecrated Life: A Comparative Commentary of the Eastern and Latin Codes,* Ottawa, Faculty of Canon Law, Saint Paul University, 2008, 162.

monastery." In a monastery with presbyter-monks, the superior may designate some of their number to serve as spiritual fathers; in monasteries without presbyter-monks, the local hierarch after consulting the superior—having first consulted the members—designates spiritual fathers in a manner akin to the appointment of spiritual directors in the Latin seminary delineated in c. 239, §2 (*CCEO*, c. 475, §1).

The Eastern Code possesses no canon corresponding to the Latin c. 630, §5; there is neither an exhortation *to* approach superiors with trust nor a prohibition to superiors *against* inducing a manifestation of conscience. Reflective of the distinct traditions of East and West, *CCEO*, c. 723, §2 instead explicitly grants to the priest-superior of a religious institute of pontifical or patriarchal right the faculty of hearing the confessions of his members. Nonetheless, as Abbass has noted, a monastic superior in the Eastern Churches who induces a monk's manifestation of conscience or illegitimately deprives a monk of due freedom in the direction of conscience would certainly violate the fundamental right to privacy of *CCEO*, c. 23 that precisely corresponds to c. 220 of the Latin Code.[428]

2.3.3. - Penal Sanctions

The new Book VI "*De sanctionibus poenalibus in Ecclesia*" of the Code of Canon Law promulgated by publication in *L'Osservatore Romano* by order of Francis on 23 May 2021 in the Apostolic Constitution Reforming Book VI of the Code of Canon Law *Pascite gregem Dei* and taking force on 8 December 2021 further illumines the universal norms on

[428] See ABBASS, *The Consecrated Life*, 166. Commenting upon *CCEO*, c. 23, Alles argued for the application of the right to privacy in relation to spiritual direction suggesting, "The primary purview of this right is the inner psychological and moral sphere of the person, as well as any communication made in the internal forum. Generally speaking, it is the right of the faithful not to have to divulge any information about themselves unless the one seeking that knowledge has a greater, or at least equal, right to it" (A.J. ALLES, "Title I. The Rights and Obligations of All the Christian Faithful," in J.D. FARIS and J. ABBASS [eds.], *A Practical Commentary to the Code of Canons of the Eastern Churches*, vol. 1, Montréal, Librairie Wilson & Lafleur, 2019, 106).

spiritual direction and spiritual directors in orders of monks through the lens of penal law that purposes to serve "[…] as a more flexible means of correction and salvation, capable of being applied swiftly and with pastoral charity in order to avoid more serious evils and to bring healing to injuries caused by human weakness."[429] In these recently promulgated norms, new criminal offenses or delicts have been added in an attempt to respond to emerging irregular situations and especially scandals and abuse, including questions of the abuse of power and conscience and spiritual abuse.[430] Without losing sight of the primacy

[429] FRANCIS, Apostolic Constitution Reforming Book VI of the Code of Canon Law *Pascite gregem Dei*, 23 May 2021, in *AAS*, 113 (2021), 535, English translation in *L'Osservatore Romano*, English ed., 4 June 2021, 5.

[430] The abuse of conscience, abuse of power, and spiritual abuse have become a triad, but each form of abuse has its own proper identity with "spiritual abuse" being the broader term. Wang defined "spiritual abuse" as comprised of "two related foci: one is corrupt or improper practice; the other emphasizes the damage incurred by this practice. It points to the improper use of power by a spiritual caregiver and its resulting spiritual damage" (C.A. WANG, Use and Misuse of Spiritual Power, PhD thesis, Toronto, University of Toronto, 2020, 17). Oakley and Humphreys, however, argued that ministers and spiritual leaders can also be victims of spiritual abuse; see L. OAKLEY and J. HUMPHREYS, *Escaping the Maze of Spiritual Abuse: Creating Healthy Christian Cultures,* London, Society for Promoting Christian Knowledge, 2019, 8. Borgoño and Hodge further differentiated the "abuse of conscience" from "abuse of power" while noting the relation often had between them: "On the one hand, whoever has formal authority can invade the conscience of the person subject to him by a bond (*vinculo*) of authority - which would formally be an abuse of power, not an abuse of conscience, since conscience is not of itself under the authority of the abuser, on the other hand, the person with charismatic authority can use that power to subdue the conscience of a person who voluntarily opens [his soul] to him. In this case, there would not be formally an abuse of power, although the abuser makes use of a form of power, which is his charismatic authority" (C. BORGOÑO and C. HODGE, "El abuso de conciencia: Hacia una definición que permita su tipificación penal canónica," in *Veritas*, 50 [2021], 182). See also the recommendations of Fernàndez concerning penal law and advocating for a definition and penalization of the abuses of power and conscience. Fernàndez importantly identified the difficulty, however: "On this subject, there is much room for prevention and formation because between healthy leadership and penalizing actions, there is a broad spectrum of greys. On the one hand, there are unhealthy ways of shepherding that, for different reasons, are not punishable, yet they should be avoided by prevention. On the other hand, formation should foster healthy ways of leadership that are not harmful to anyone and are fruitful and necessary for the development of Christian life" (S. FERNÁNDEZ, "Towards a Definition of Abuse of Conscience in the Catholic Setting," in *Gregorianum,* 102 [2021], 571). Despite the novelties of the new Book VI, Arrieta importantly challenged the supposition that "[…] the new provisions are intended to represent a kind of tightening of the canonical penal discipline, nor even less that these norms are intended to respond to the problem of the abuse of minors." Instead, Arrieta affirmed that the new penal norms, in continuity with the old penal norms, purpose quite simply "[…] to make possible the normal pastoral use of the means of sanctioning that the Church has always possessed as tools for her spiritual purposes" (J.I. ARRIETA, "A Presentation of the New Penal System of Canon Law," in *J*, 77 [2021], 245). Later, in the same article, Arrieta plainly confessed that these new penal norms were "[…] not meant in some way to intensify the punitive discipline against clerics and religious" (266).

of the salvation of souls, this new penal system confesses a threefold purpose, namely "[…] the restoration of justice, the reform of the offender, and the repair of scandal" (c. 1311, §2).[431]

The universal law of c. 1378, §§1-2 treats of offenses against the duties of ecclesiastical office:

> §1. A person who, apart from the cases already foreseen by the law, abuses ecclesiastical power, office, or function, is to be punished according to the gravity of the act or the omission, not excluding by deprivation of the power or office, without prejudice to the obligation of repairing the harm.
>
> §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, §§2-4, without prejudice to the obligation of repairing the harm.

Part II, Title II entitled "Offences Against Church Authorities and the Exercise of Duties" handles in c. 1378, §1 of the delict of abuse of ecclesiastical power or office by commission or omission necessarily including—unless exempted from penalty according to c. 1323—a superior's failure to concede a member's freedom in the direction of conscience (c. 630, §1) as well as inducing a member's manifestation of conscience (c. 630, §5).[432] Canon

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[431] Kimes commented upon the modification of the ordering of the three-fold mission of penal law to justice, offender, and scandal remarking, "This appears counter-intuitive, given the emphasis placed in *Pascite gregem Dei* on the concept of 'victim.' However, it could be argued that the fundamental message is that a more appropriate response to *eos qui forsitan victimae sunt* is first and foremost, in the Church, a response to the needs of justice within its own community" (J.P. KIMES, "Reclaiming 'Pastoral:' *Pascite gregem Dei* and Its Vision of Penal Law," in *J*, 77 [2021], 285).

[432] Commenting upon the new c. 1378 that supersedes the now-abrogated c. 1389 of the 1983 Code, Austin plainly remarked, "Canon 1378 substantially resumes the former discipline" (B.T. AUSTIN, "The Revised Book VI, Part II: Selected Norms and Commentary," in *J*, 78 [2022], 44). Canon 1378, then, is not as regards material constituted *de nova*, so Renken's commentary on the predecessor canon may be found helpful; see 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, Saint Paul University, 2015, 315-318. Nonetheless, as Austin astutely observed, the new norm incorporates the word *officium*, not strictly necessary since every ecclesiastical office is a function (*munus*) by definition, but perhaps suggestive of the supreme legislator's intention to draw clear, certain, and unambiguous attention to abuses of *office* such as those that this thesis aims to safeguard against by a correct canonical identification of spiritual directors in monasteries and a generous practice of spiritual direction by monks.

1378, §1 prescribes that the punishment imposed follows the criterion of proportionality and thus according to the gravity of the act or omission does not exclude privation of power or office "[…] without prejudice to the obligation of repairing the harm." Accordingly, after applying prudence in the application of the canon to the multiple unidentified abuses of ecclesiastical office and power that would include abuses against c. 630, §§1 and 5 as regards spiritual direction, the gravity might necessitate removal from office by a judicial sentence and perpetual in nature according to the norm of c. 1342, §2. Moreover, as c. 1378, §1 makes plain, there is now an obligation to make reparation in case of abuses of power or office. Similarly, c. 1378, §2 addresses culpable negligence in the acts or omissions of fulfilling an ecclesiastical office.

While the penalty "[…] must be diminished, or a penance substituted in its place" if the offense is committed by a perpetrator meeting the conditions of c. 1324, §1, a judge is given discretionary power in c. 1324, §2 to do likewise for other circumstances minimizing an offense's gravity. Nonetheless, "[a] judge must inflict a more serious punishment than that prescribed […]" upon a superior who has abused his power or office according to the norm on aggravating circumstances of c. 1326, §1, 2˚. As Austin notes, "This is a significant change, as 'one who is constituted in some dignity, or who abused authority or office in order to commit a delict' is now subject to obligatory punishment."[433] According to the new norm of c. 1362, §1, 2˚, a criminal action arising from the offenses of c. 1378 is extinguished by prescription after seven years. Clearly, the new canonical norms of Book VI reveal an increasing awareness of the Church of the horrific harm inflicted by abuses of power and office, including those of abuse in and surrounding

[433] B.T. AUSTIN, "The Revised Book VI, Part I: Selected Norms and Commentary," in *J*, 77 [2021], 302.

spiritual direction such as a religious' liberality in selecting a spiritual director and the prohibition against forced manifestations of conscience.

2.4. - Canonical Analysis in the Light of the 1983 Code

The presentation of the foregoing canons from the 1983 codification, both as regards general provisions, related provisions, and even penal sanctions suggests underlying values and principles of importance in the universal law for spiritual direction and its director in orders of monks including the (1) right to privacy, (2) freedom of choice by the directee, (3) directee's personal responsibility in spiritual direction, (4) coordination between the internal and external fora, and, (5) due regard for the discipline of the institute and its proper law. In the application of the aforesaid canons to concrete situations and questions surrounding spiritual direction and the spiritual director in orders of monks, great prudence must be exercised to ensure that these principals are upheld and not vitiated.

2.4.1. - Right to Privacy

Although perhaps the most frequently cited appropriation of c. 220's right to privacy in religious law is the explicit reference found in c. 642 regarding consultation with experts for admission that Sebott notes "[…] is not unproblematic" (*nicht unproblematisch ist*), nonetheless, the question of the right to privacy and c. 630 as it relates to spiritual direction in the monasteries, the qualifications and duties of the spiritual director, and questions of the superior-member relation too must be conceded "[…] is not unproblematic."[434] A brief excursion into the principle of the right to privacy arising from

[434] SEBOTT, *Ordensrecht*, 149. The *CLSGBI Comm* posits that c. 220 thus bears "[…] an implied warning to Superiors and others that, while observing the criteria laid down by the Church, they must seriously take into account these basic rights [including the right to privacy] of the individual" (*CLSGBI Comm*, 124).

the natural law as an obligation and right of the natural order is therefore advantageous at this stage.

The doctrinal foundation for the right to privacy is expressed in the Second Vatican Council's Pastoral Constitution on the Church in the Modern World, *Gaudium et spes* where paragraph 26 attempts to balance the common and personal goods. Benestad summarized this conciliar relation of common good to personal freedom: "The kind of regime or social order the council favored is one that makes possible the attainment of the common good […] For this to happen a continual effort must be made to establish a social order respectful of freedom, 'founded on truth, built on justice, and animated by love.'"[435] After defining the "common good" as "[…] the sum total of social conditions which allow people, either as groups or as individuals, to reach their fulfillment more fully and more easily," paragraph 26 of *Gaudium et spes* continues by affirming the "universal" and "inviolable" rights of the human person consequent to his inherent dignity, including "[…] to safeguard his privacy" (*ad vitae privatae protectionem*).[436] The author of this study

[435] J.B. BENESTAD, "Doctrinal Perspectives on the Church in the Modern World," in M.L. LAMB and M. LEVERING (eds.), *Vatican II: Renewal within Tradition*, Oxford, Oxford University Press, 2008, 157.

[436] SECOND VATICAN COUNCIL, Pastoral Constitution on the Church in the Modern World *Gaudium et spes*, 7 December 1965 (=*GS*), no. 26, in *AAS*, 58 (1966), 1046, English translation in *FLANNERY1*, 927; see also the foundational doctrinal confession of *GS*, no. 16 of the "sacredness of conscience:" "Conscience is the most secret core and sanctuary of man. There he is alone with God." Here the doctrinal text seems to follow the earlier lead of art. 12 of the United Nations' "Universal Declaration of Human Rights" that stated: "No one shall be subjected to arbitrary interference with his privacy, family, home, or correspondence, nor to attacks upon his honor and reputation. Everyone has the right to the protection of the law against such interference or attacks" (UNITED NATIONS, "Universal Declaration of Human Rights," in I. BROWNLIE [ed.], *Basic Documents on Human Rights*, 3rd ed., Oxford, Clarendon Press, 1998, 23). Accordingly, Ghirlanda referred to the personal and common goods as "*una stretta relazione*" before further distinguishing the common good anthropologically understood from the canonical notion of the common good "[…] constituted by the means and conditions for the attainment of the perfection of the human personal himself, inasmuch as they protect and promote these goods and values" (GHIRLANDA, *Introduzione al diritto ecclesiale,* 54). Later, Ghirlanda argued that the resultant "*tensione tra bene comune e bene del singolo*" is resolved "[…] only in relation to the human person, if this is considered the source and foundation of both common and individual values" (ibid., 55).

wishes to here draw attention to an unfortunate occurrence in the English translation of the notion of the "right to privacy" that is best translated from *GS* not simply as "privacy" but more comprehensively as "private life" connoting all the multifarious dimensions and moments of man's life that he wills to be kept private. As has been seen, however, the Code legislates passively in a prohibition against any violation of the "right to privacy" (*intimas*), not a "right to a private life," which Bradley reasonably argues reflects "[…] a reluctance to codify a person's right to a private life."[437]

Presently, the right to privacy faces significant peril on a universal scale as characterized by the commonplace reduction of the legal notion of "secrecy" to "suspect" that neglects adequate acknowledgment of the right to privacy as essential for the good of society.[438] Bradley depicts the present reality and the resultant real threat to the right to privacy:

> The safeguarding of privacy for each person is an increasingly important concern today. As technology advances at a breakneck pace, much personal information is being accessed and stored by governments and private agencies and organizations, as well as by other individuals; some of this information may not be secure from the prying eyes of those who have no right to know it. Technology has greatly accelerated the access to data, making it

[437] BRADLEY, "Evolution of the Right to Privacy in the 1983 Code," 571.

[438] Solove situated the right to privacy in relation to society and the common good writing, "Society involves a great deal of friction, and we are constantly clashing with one another. Part of what makes a society a good place in which to live is the extent to which it allows people freedom from the intrusiveness of others. A society without privacy protection would be oppressive. When protecting individual rights, we as a society decide to hold back in order to receive the benefits of creating free zones for individuals to flourish" (D.J. SOLOVE, *Nothing to Hide: The False Tradeoff between Privacy and Security,* New Haven, CT, Yale University Press, 2011, 50). Richards further reflected upon the essential relation between privacy and society in the 21st century context: "If we want to build a digital society consistent with our hard-won social values—a society that is fair, just, equitable, free, and sustainable—then a meaningful commitment to privacy must continue to be a part of that society. Privacy matters, and it will continue to matter, not just because privacy is a proxy for social power but because good privacy rules promote the essential human values of identity, freedom, and protection. If we want to retain our traditional commitments to these hard-won, precious, and sometimes fragile values, we need privacy rules to protect, safeguard, and encourage them" (N. RICHARDS, *Why Privacy Matters*, New York, Oxford University Press, 2022, 9-10). Another difficulty with the theory of privacy as secrecy is the apparent reality that while a person may desire to keep something secret from one person, he may want to share the same fact with another. Solove countered, "Secrecy as the common denominator of privacy makes the conception of privacy too narrow" (D.J. SOLOVE, *Understanding Privacy,* Cambridge, MA, Harvard University Press, 2008, 24).

> inexpensive and easy to store. There appears to be an erosion of privacy on a number of fronts: in the home, at the workplace, and now in cyberspace. At the dawn of this new millennium, there are many challenges to the protection of an individual's right to privacy.[439]

Admittedly, jurisprudence both civilly and canonically on the right to privacy is currently experiencing extensive debate and development.[440] Consequently, the Church and its legal system are challenged to not only defend but also proclaim and celebrate an innate right to privacy that affirms the dignity of the human person as a child of God, redeemed by Jesus Christ, and called to an eternal destiny in heaven's unending face-to-face.[441] All the while, it will be of great importance for the members of the Church and ecclesiastical law to seek to balance carefully and prudently individual rights and the common good with a newfound 21st century commitment to not only preserve secrecy but also educate modern man on the

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[439] BRADLEY, "Evolution of the Right to Privacy in the 1983 Code," 527-528. Later Bradley conceded that while the right to privacy and invasion of privacy are often identified as a uniquely American reality, the right and its threat are universal as the legislator's personal insertion of c. 220 in the 1983 Code makes plain (529).

[440] Provost prophesied the present situation nearly 40 years ago: "Even in civil law, the right to privacy is a developing area of jurisprudence. Its application in admissions to the seminary, disciplinary action in the Church, the conduct of ecclesiastical trials, dismissal of teachers, and a host of other concerns will be a source of debate and development over the coming years" (J.H. PROVOST, "Title I: The Obligations and Rights of All the Christian Faithful," in *CLSA Comm1,* 153). Indeed, the right to privacy is topical in not only canonical and civil legal discourse, but contemporary thought and culture.

[441] The Dicastery for the Doctrine of the Faith has recently confessed an intensified ecclesial awareness of the dignity of the human person and therewith defense of this dignity: "Paying attention only to the modern era, we see how the Church has progressively accentuated the importance of human dignity" (DICASTERY FOR THE DOCTRINE OF THE FAITH, Declaration on Human Dignity *Dignitas infinita,* footnote 4). For an introduction to the importance of "privacy" as foundational to the Christian religion and the Church, see J.A. CORIDEN, "Toward a New Policy for the Church," in W.C. BIER (ed.), *Privacy: A Vanishing Value?* New York, Fordham University Press, 1980, 397-398: "Since its inception, the Church has prized the singular sacredness of the human person […] For this reason the standards of privacy and confidentiality must be high in the Church, models to the world around—not poor and pale imitations of the norms arrived at in federal courts or national legislation. When it comes to respecting the person and the privacy surrounding the person, the Church should lead, not follow. A compromise with these standards, or a serious failure in this leadership, amounts to a betrayal of a central point of Christian witness."

fundamental importance of the right of privacy as the bedrock of a truly just and Christian society.[442]

The right to privacy (*intimitas*) necessarily underlies the canonical vision for spiritual direction and the consequent canonical norms that seek to preserve the freedom of the directee both in choosing a director and in opening his soul not only *to whom* the directee wills but also *in a manner* the directee wills with a reasonable expectation of privacy by the spiritual director in this extra-sacramental internal forum.[443] A foundational concern of the spiritual director must be to respect the right to privacy of the directee in spiritual direction's intimate revelation of the directee's relationship between God, himself, and neighbor.[444] A necessary quality of a spiritual director, then, according to the canonical vision is a director capable of bearing the burden of safeguarding the directee's right to privacy. A spiritual director unable or unwilling to protect the directee's right to privacy is unsuitable in so far as he lacks an essential quality for a spiritual director.

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[442] See *CLSGBI Comm*, 124. The canonical presentation of the "right to privacy" would be advanced by an affirmation that this right "serves not just individual interests but also common, public, and collective interests […] A recognition of this shared context provides the basis for a different calculation of the importance of privacy. Instead of being derived from an aggregation of individual preferences, privacy's importance derives from a sense of connection and mutuality" (P.M. REGAN, *Legislating Privacy,* Chapel Hill, NC, The University of North Carolina Press, 1995, 243).

[443] While arguably too far-reaching and unable to be verified independently in all applications and consequences by this thesis's author, nonetheless Hauch's supposition is insightful and appears reasonable within the limited concern of the right to privacy as it relates to the spiritual director in orders of monks: "[I]n one sense, all human rights are aspects of the right to privacy" (J. HAUCH, "Protecting Private Facts in France: The Warren and Brandeis Tort is Alive and Well and Flourishing in France," in *Tulane Law Review*, 68 [1994], 1219).

[444] The biblical pericope of Nicodemus visiting Jesus "by night" in Jn 3:1-21 offers an example of seeking spiritual direction from Christ and the privacy of that intimate encounter articulated by the evangelist as "night."

2.4.2. - Freedom of Choice by the Directee

The consecrated life as the *sequela Christi* arises from the consecrated person's free response to his vocation and receives its merit from a lifetime of consequent free choices in accordance with that vocation.[445] Canon 573, §2 wherefore affirms, "The Christian faithful freely assume (*libere assumunt*) this form of living in institutes of consecrated life canonically erected by competent authority of the Church." Rahner earlier affirmed the necessary relation between freedom and the consecrated person, writing:

> The religious therefore does not properly abdicate the freedom which is an essential and inalienable property of human existence. First of all, it must be seen that every use of freedom is also, existentially and in society inevitably, the acceptance of restrictions and constraints. The free assumption of religious life is no exception to this, and therefore needs no special justification. Every act of freedom is always at the same time the rejection of another possibility which could also have been realized, and creates objective situations which have their own legality—which also narrows freedom.[446]

Palliser further depicted the role of freedom in contemporary, post-conciliar consecrated life:

> Since Vatican II, as religious exercise considerable personal freedom in the way they live out their vows, each individual is more responsible for the clarity and integrity of his or her witness to the living of the evangelical counsels. As a result, today's religious have the opportunity to embrace the counsels, not by a blanket acceptance of a complex set of structures as a whole, but by a conscious discernment of God's call in every individual choice they make. As a result, the evangelical counsels and the institute's charism find expression in the life of a religious because he or she has owned them in a uniquely personal way rather than because structures have put them there. Paradoxically, while it is possible for religious to live with greater personal authenticity today, their corporate identity seems less clear because each member expresses that identity in an individual and original way.[447]

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[445] The 1983 Code affirms the freedom of "choosing a state in life" in c. 219 and entrance to the novitiate is invalid if this freedom is compromised by force, grave fear, or malice (c. 643, §1, 4˚). Temporary profession too requires for validity freedom "without force, grave fear, or malice" (c. 656, 4˚) as does perpetual profession (c. 658). Morrisey adds, "The choice to join must be 'free;' this implies a specific period of formation to determine true freedom" (MORRISEY, Institutes of Consecrated Life and Societies of Apostolic Life [Canons 573-746], 32).

[446] K. RAHNER, *The Religious Life Today,* trans. V. GREEN, New York, The Seabury Press, 1976, 61.

[447] M. PALLISER, "The Journey from the Side Chapel to the Main Aisle: Religious Life in the Postconciliar Church," in A.J. CERNERA (ed.), *Vatican II: The Continuing Agenda,* Fairfield, CT, Sacred Heart University Press, 1997, 187.

And Olivera further situated this conversation on freedom with particular attention to spiritual direction within the monastic milieu of living under the *regula* as a legislative and formative text:

> The spiritual accompaniment of a cenobitic monk or nun takes place in a very special context, namely "under a rule and an abbot." One might think that such a normative context would block inner freedom of the Spirit and render all forms of spiritual discernment superfluous, so a clarification needs to be made. We cenobites have chosen to live under a monastic Rule. This Rule brings an objective dimension to our lives, transmits the essential part of tradition, and provides the rules of the game that have been freely embraced by all the members. "All" here means everyone without exception, namely the abbot, the prior, the deans, the priests, and the novices. At the same time, however, we know very well that the Rule neither contains nor says everything.[448]

All consecrated religious, including monks, have thus through the assumption of the evangelical counsels chosen to live a particular patrimony in a religious institute within the communion of the Church; they have freely assumed the resultant obligations of their new state in life which will necessarily entail a certain prejudice to the discipline of the institute to which their freedoms—including the due freedom of direction of conscience—must be subject. Dipa thus noted that this right to freedom of choice necessarily consists of "[…] both positive and negative aspects."[449] Nonetheless, as Amaladoss has argued, the legitimate freedom of the consecrated person must not be vitiated by "[…] the over-institutionalization of the religious group itself, in terms both of internal structures and of institutional commitments."[450]

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[448] B. OLIVERA, *Light for My Path: Spiritual Accompaniment,* trans. A. ROBERTS, Collegeville, MN, The Liturgical Press, 2009*,* 110-111.

[449] D.N. DIPA, Le vœu d'obéissance dans le contexte de la liberté individuelle du membre d'un institut religieux, JCD thesis, Ottawa, Saint Paul University, 2021, 93.

[450] M. AMALADOSS, "The Mission of Religious," in UNION OF SUPERIORS GENERAL, *Consecrated Life Today: Charisms in the Church for the World, International Congress, Rome, 22-27 November 1993,* Montréal, Editions Paulines, 1994, 138.

Although penned nearly a century ago, the practical wisdom of Hubert Box remains insightful and valid:

> Spiritual direction must be free as air, and fresh as the morning sun. Neither temptation nor scruple, neither mortification nor obedience, must be able to infuse into it one element of bondage. The moment they do, let us break the direction, and take the consequence. For the end of spiritual direction in all stages of the interior and mystical life is one and single and invariable, and it is liberty of spirit. The opposite doctrine does not belong to the wisdom of direction, but to the superstition of direction.[451]

Ergo, freedom and man's free choice—beginning with the freedom to choose a spiritual director—is the foundation for all authentic direction of conscience. This freedom of choice arises from man's human dignity as affirmed by *Gaudium et spes*: "Human dignity requires man to act through conscience and free choice, as motivated and prompted personally from within, and not through blind internal impulse or merely external pressure. Man achieves such dignity when he frees himself from all subservience to his feelings, and in a free choice of the good, pursues his own end by effectively and assiduously marshalling the appropriate means" (*GS,* no. 75). In a word, the freedom of choice of director corresponds to the purported aim of spiritual direction, namely the formation of freedom in accord with Christian truth in matters of faith and morals or, as Nemeck and Coombs described, to "[…] leave the directee an emancipated pilgrim."[452]

The legitimate freedom of the monk, as previously introduced in the question of opening his conscience to whom he wills and in a manner he wills, may appear largely theoretical in nature with little practical application. Feltin countered, however, that "[f]reedom is a pastoral work. It is one of the Church's tasks to promote it where it is

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[451] H.S. BOX, *Spiritual Direction: A Short Introduction to the Ars Artium Regimen Animarum,* London, Society for Promoting Christian Knowledge, 1938, 38.

[452] NEMECK and COOMBS, *The Way of Spiritual Direction*, 94.

lacking by bringing to the world that freedom of God's sons. It is also its mission to give a just idea of it and assure its rightful exercise."[453] Freedom of conscience permits an act to be a true human act with moral character of praise or of blame. As Coriden powerfully concluded, "If there is no choice to be made, no range of human freedom, then there is no conscientious action, no opportunity for virtue or vice. A coerced compliance or an externally compelled conscience is no conscience at all. The communities within the Church, at every level, must strive to provide freedom to their members in their moral formation and decision-making, otherwise there is no real following of Christ."[454] De Lassus further developed the apparent enough—but not always so readily recognized—reality that if the monk has the freedom to choose his confessor and spiritual director, he likewise has the freedom to discontinue frequenting the confessional of a certain confessor or seeking the spiritual counsel of a particular spiritual director in favor of a new director.[455] Of course, the spiritual director in orders of monks must respect the freedom of the directee not only to discontinue spiritual direction with him, but also to choose freely whether or not to act upon the direction received aided by prudence and discernment. A coercive or manipulative spiritual director blatantly contradicts not only the directee's freedom of choice but the monastic vision of spiritual direction as a free act to usher forth free choices.

The Church steadfastly maintains the freedom of conscience, but canon law likewise purposes to safeguard two distinct *bona* that can and sometimes do come into conflict, namely the freedom of conscience of the individual monk and the discipline and

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[453] M. FELTIN, "Conclusion," in *Christianity and Freedom: A Symposium,* London, Hollis & Carter, 1955, 171.

[454] CORIDEN, *Canon Law as Ministry*, 88.

[455] DE LASSUS, *Abuses in the Religious Life and the Path to Healing*, 214.

order of the monastic community taken as a whole.[456] While the Church desires for the monk to have the widest possible freedom in the direction of his conscience, this freedom ought not to come unduly and irrationally at the expense of the monastic community's life and observance.

2.4.3. - Personal Responsibility of the Directee in Spiritual Direction

The spiritual exercises of *CIC/17*, c. 595, §1 are no longer in the 1983 Code a burden borne by superiors (*curent superiores*), but personally entrusted to the members. The legal presumption manifest in c. 663 and elsewhere in the 1983 codification is that members of religious institutes are mature adults who attend to their own spiritual well-being, growth, and development; the members themselves are responsible for performing (*peragant*) these other exercises of piety.[457] As adults in the Church, having both completed the seventh year making them capable of personal responsibility (*sui compos*) (c. 97, §2), and reached the age of majority (c. 97, §1), thus possessing "[…] the full exercise of [their] rights" (c. 98, §1) unless proven contrary (c. 99), members of religious institutes are presumed in law *iuris tantum* to be "[…] capable, knowledgeable, and responsible for their

[456] *Gaudium et spes* established the necessary correspondence between authentic human freedom and Jesus Christ: "By no human law can the personal dignity and liberty of man be so aptly safeguarded as by the Gospel of Christ which has been entrusted to the Church. For this Gospel announces and proclaims the freedom of the sons of God and repudiates all the bondage which ultimately results from sin; it has a sacred reverence for the dignity of conscience and its freedom of choice" (*GS*, no. 41). *Dignitas humanae* condemned any abuse of conscience continuing that man "[…] must not to be forced to act contrary to his conscience. Nor must he be prevented from acting according to his conscience, especially in religious matters" (SECOND VATICAN COUNCIL, Decree on Religious Liberty *Dignitatis humanae*, 7 December 1965 [=*DH*], no. 3, in *AAS*, 58 [1966], 932, English translation in *FLANNERY1*, 801-802); see also the resultant condemnation of "a hint of coercion [or] a kind of persuasion that would be dishonorable or unworthy, especially when dealing with poor or uneducated people" that the Council Fathers term "an abuse (*abusus*) of one's right [and] a violation of the rights of others" (*DH*, no. 4).

[457] Note that internal acts cannot be commanded by canon law, but rather exhorted and invited; see MORRISEY, Institutes of Consecrated Life and Societies of Apostolic Life [Canons 573-746], 145. Smith added that the spiritual exercises while legislated as obligations are also rights "[…] for the end result of all the recommended exercises is dependent upon the interior disposition of the individual religious" (SMITH, "Chapter IV: The Obligations and Rights of Institutes and Their Members," in *CLSA Comm2*, 829).

own actions."[458] Thus, the onus of seeking regular spiritual direction falls to the member according to the norm of c. 663, §3, and the superior is to both recognize and facilitate this freedom according to the aforesaid c. 630, §1. The legislator here clearly envisions a situation of shared responsibility between the religious superior and the member of the religious institute in relationship to spiritual direction and its director.[459]

The realization of this personal responsibility while clearly conceded in law has still—in some instances—been slow to be both acknowledged and practiced. Merton signaled the contemporary importance of not only freedom of the choice of the director but also personal responsibility in maintaining the director-directee relationship through frequent practice of spiritual direction:

> The monks will have to have much more initiative in running their own lives, and the abbot will have to concern himself more with genuine spiritual guidance than with institutional control. The spiritual role of the superior presupposes a certain freedom and discretion in the subject. The superior can no longer arrogate to himself the right to do all his subjects' thinking for them and to make all their decisions for them. Obviously, in the period of transition, mistakes will be made. But with the grace of God these mistakes themselves will be more fruitful than the stifling inertia of overcontrol. The monks will learn for themselves some lessons that they could never learn any other way.[460]

The fecundity of spiritual direction essentially hinges upon the directee's personal accountability in not only regularly seeking direction but also implementing the insights

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[458] SMITH, "Chapter IV: The Obligations and Rights of Institutes and Their Members," in *CLSA Comm2*, 829. The importance the legislator gives to this personal responsibility of consecrated persons who have reached the age of majority is still more clearly seen considering c. 656, §1 that requires for validity of temporary profession the completion of the 18th year where an adult has the full exercise of his rights although proper law might require a still greater age.

[459] Gambari introduced the Paraclete into this relation between superior and member adding, "Structures challenge, guide, support and protect the vital, free, and responsible activity of each member, interiorly enlightened and nourished by the Holy Spirit. Authority is not the sole principle of action, nor does it exhaust God's initiative and the assistance of the Holy Spirit; nor does authority exempt one from the obligation of listening to God, who reveals himself in many ways; nor does authority dispense one from initiative and personal contribution; rather, it challenges" (GAMBARI, *Religious Life According to Vatican II and the New Code of Canon Law*, 487).

[460] T. MERTON, *Contemplation in a World of Action,* Garden City, NY, Image Books, 1973, 37-38.

gleaned from the spiritual director and freely taking the necessary actions to lead a virtuous and Christian life.[461]

A spiritual director in orders of monks, then, not only respects the personal responsibility of the directee as an agent of his own actions but seeks to aid the directee to cultivate this responsibility before God, the Church, the monastic coenobium, and the world. From this principle, it is reasonable to conclude that the director himself has cultivated this sense of responsibility and exhibits in his actions an awareness of his responsibility to God and neighbor. After all, surely someone who is irresponsible hardly will be able to form responsibility in those he proposes to lead and guide. For example, a spiritual director would be entirely inappropriate who does not fulfill his Christian duties or who has espoused ideas contrary to Church teaching.

Similarly, a certain sense of responsibility by the spiritual director towards the monastic community and the monastic superior of the directee seems desirable. This is, of course, not to say that the spiritual director ought to meddle in affairs that are not his own—and certainly not matters of external governance that are the duty of the religious superior—but simply that the spiritual director of monks should show deference towards the community and its superiors as a mature, responsible adult seeking to accompany and solicit maturity and responsibility in the directee best achieved by example. It would, then, seem inappropriate for the director to tell the directee to communicate to the superiors and community external administrative decisions that are not his jurisdiction, which would

[461] Giordani agreed that spiritual direction purposes to *promote* freedom "[…] by encouraging the individual to speak freely about himself, to evaluate his actions, to determine the paths to follow and to decide what must be done [while the spiritual director] promotes awareness of the situation, draws attention to potential risks and proposes alternative ways to reach a reasoned and free decision" (B. GIORDANI, "Dirección espiritual: A. Aspectos Pedagógicos," in L. BORRIELLO, E. CARUANA, M.R. DEL GENIO, and N. SUFFI [eds.], *Diccionario de Mística,* Madrid, San Pablo, 2002, 573-574).

show irresponsibility on the part of the director and a lack of awareness of the proper purview of the spiritual director in the first place—let alone jeopardize and confuse the internal and external fora.

2.4.4. - Coordination between the Internal and External Fora

Conflicts between the internal and external fora are best remedied by coordination between the fora recalling the commonality between them as two spheres of exercising the one power of governance that are subject to ecclesiastical law and discipline whose aim is the same: *salus animarum*.[462] Nevertheless, as Visioli noted, the existence of both "unity and difference" between the fora—the unity of one juridic power and the real legal distinction between notorious and hidden effects except in cases determined by law—means that the avoidance of *all* conflicts in *all* circumstances is not realistic, so the external and internal fora must be coordinated—neither disconnected nor mixed—to maintain the proper canonical notion of unity while distinct.[463] Clearly, the legislator of the 1983 Code purposes to coordinate the fora in a manner that minimizes to the greatest extent possible the number of occurrences of conflict by not confusing the fora.[464]

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[462] Although Ciprotti rejected the internal forum as juridical, he nonetheless argued for commonality between the fora; see CIPROTTI, "Potestas iurisdictionis fori interni et productio iuris in Ecclesia," 265-268. Visioli concluded therefrom that even the denial of the juridical nature of the internal forum cannot overcome the dynamic tension between the fora as Ciprotti unsuccessfully attempted; see M. VISIOLI, *Il Diritto della Chiesa e le sue Tensioni alle Luce di un'Antropologia Teologica*, Rome, Pontifical Gregorian University, 1999, 174-175.

[463] See ibid., 175 especially: "Separare i fori significherebbe attentare all'unità della potestà; fonderli insieme in un rapport indistinto comporterebbe negare la dottrina circa i modi e gli effetti del suo esercizio."

[464] See V. DE PAOLIS, "Coordinatio Inter Forum Internum et Externum in Novo Iure Poenali Canonico," in *Periodica,* 72 (1983), 429. See also VISIOLI, *Il Diritto della Chiesa e le sue Tensioni*, 166-167 and M. VENTURA, *Pena e Penitenza nel Diritto Canonico Postconciliare,* Naples, Edizioni Scientifiche Italiane, 1996, 139-152.

Realistically and as experience manifests, conflicts can occur between the fora that in the most difficult cases make it impossible for the ecclesial community to ascertain the objective state or situation of the subject such as when a censure is remitted in the internal forum, but this remission is unknown to the wider community as having occurred.[465] Steczkowski simply expressed this juridic challenge as more commonly experienced in marriage and penal law: "[I]n the case of such a conflict, the objective state of the person does not correspond to his legal state."[466] Padillo soberly concluded to the unlikelihood of resolving all conflicts between the fora instead advocating for greater synchronization as sought after in the revision process and promulgation of the 1983 codification:

> While it may very well be impossible to avoid all potential instances of conflict between the two fora, it is, nevertheless, possible to minimize that potential by better coordinating them. It should be noted, however, that coordination is not mere avoidance of conflict, but is, rather, the greater even if not complete, harmonization of two distinct, but related, realities in such a way that maintains their distinction, while, at the same time, enabling them to more harmoniously cooperate in the governance and existence of the Church.[467]

This synchronization between the fora significantly depends upon the only person in both the external and internal fora: in the case of spiritual direction, the directee himself who, as Padilla elaborated, "[…] alone is able to freely act in and communicate between the two fora such that the two fora enhance and complement each other in a way that would provide the individual with an optimal, integrated, and comprehensive [monastic] formation, thus enabling him to properly and appropriately respond to the gift he has received."[468]

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[465] For some other concrete examples, see URRUTIA, "Internal Forum-External Forum: The Criterion of Distinction," especially 652.

[466] P. STECZKOWSKI, *Il conflitto fra foro interno e foro esterno nel diritto matrimoniale del CIC 1983*, Rome, Pontifical Gregorian University, 1998, 50.

[467] A.T. PADILLA, II, The Relationship Between the Internal and External Fora in Initial Priestly Formation, JCL thesis, Washington, DC, The Catholic University of America Press, 2022, 71.

[468] Ibid., 207. Padilla continued by expressing the harm that can result from a strained fragmentation between the fora that harms the integrity of the *iter* of formation in both moments when the directee/penitent "[…] may choose otherwise, acting in such a way so as to highlight and even exacerbate the tensions that

Ergo, the second principle of revision remains urgent and can be seen in the 1983 Code's norms governing spiritual direction and spiritual director: there always exists a danger of confusing the internal and external fora against which ecclesiastical law and discipline must be ever vigilant together with Church authority, superiors, and members alike. In selecting a spiritual director, the directee expects the protection afforded him by canon law: that knowledge gained in the secrecy of spiritual direction will not be publicly disclosed without the consent of the directee. This danger becomes more acute when one's spiritual director is entrusted with leadership to ensure that the fora are not only not mixed, but that the very appearance of confusion between the fora is avoided lest public confidence in spiritual direction be gravely harmed and the faithful less inclined to be transparent in spiritual direction if spiritual direction is still sought at all. A spiritual director cannot, then, act upon or share knowledge gained within spiritual direction without explicit permission of the directee.

The spiritual director in orders of monks has a serious duty to witness to the non-confusion of the fora, a challenge that may be heightened if a spiritual director is elected superior or entrusted with duties of external governance and administration. In such cases, prudence would suggest that the spiritual director and directee at these moments reconsider the relationship in the interest of not confusing the external and internal fora. Under no circumstances may the spiritual director use the knowledge previously acquired in direction

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exist between the two fora, even to the point of putting them in opposition against each other, which would serve only to create and then further amplify the formational tensions, leading only and inevitably to a fragmented, incoherent, and disintegrated *malformation*, and, thus, squandering the great gift he had received." While the author of this study concurs with Padilla's thoughtful argument, he also expresses concern lest this seem to suggest that the directee does not have a right to privacy (c. 220) or to lead to the condemnable mixing of the fora (c. 630, §1) and even manipulation and abuse of conscience by religious leaders (c. 630, §5).

in the external forum, a most grievous offense against the integrity and discipline of spiritual direction.

2.4.5. - Discipline of the Institute and Proper Law

There are limits to individual rights as the final canon of Title I, Part I of Book II of the 1983 Code affirms. The canonical enumeration of rights does not glorify the faulty notion of an individualism that posits individual rights at the expense of and without due regard for the common good of the Church, the rights of others, and one's duties to others, but rather c. 223, §2 affirms that individual rights may be legitimately directed and regulated by lawful authority with due consideration for the rights and freedoms of others in the interest of the common good of the Church.[469] Temptations to both extremes—by the community to annihilate the personal vocation of the member or of the member towards anarchy, competing egos, and self-loves—are overcome by realization of one's personal vocation coming from God in the community of the Church organized under the common good as an aim or goal according to the religious institute's legitimate discipline. Wherefore, canon 223, §1 insists that the exercise of individual rights "[…] must take into account the common good of the Church, the rights of others, and their own duties towards

[469] The doctrinal principle can be found in *Dignitatis humanae* of the Second Vatican Council: "In availing of any freedom men must respect the moral principle of personal and social responsibility: in exercising their rights individual men and social groups are bound by the moral law to have regard for the rights of others, their own duties to others and the common good of all. All men must be treated with justice and humanity" (*DH,* no. 7, 7, in *AAS,* 58 [1966], 934, *FLANNERY1*, 805). See also the Church's recent condemnation of the notion that "[…] the ability to express and realize every individual preference or subjective desire should be guaranteed […] based on merely individualistic standards [or] identified with the psychophysical well-being of the individual," which the Dicastery for the Doctrine of the Faith argued results in "[…] the most diverse forms of arbitrariness and power interests" (DICASTERY FOR THE DOCTRINE OF THE FAITH, Declaration on Human Dignity *Dignitas infinita,* no. 25). See also ibid., no. 26 that issued a warning apropos to spiritual directors of religious: "Indeed, there is an ever-growing risk of reducing human dignity to the ability to determine one's identity and future independently of others, without regard for one's membership in the human community."

others."[470] The Church has recently stressed, "Human dignity also encompasses the capacity, inherent in human nature, to assume obligations vis-à-vis others."[471]

Accordingly, monastic superiors will need to be vigilant that the common good of the institute, the rights of other members of the monastery, and a monk's duties to others are not impeded or harmed in the selection of a spiritual director, a monk's service as a director, and the personal practice of spiritual direction as an application of c. 223, §2: "In view of the common good, ecclesiastical authority can direct the exercise of rights which are proper to the Christian faithful." Apparently, this balancing of values—the private and common goods—demands both personal and communal discernment.[472] Nevertheless, c. 618 makes certain that the final decision rests with the superior "to decide and prescribe what must be done."

Consequently, a monk's right to free choice of director and all that pertains to the director-directee relationship is subject necessarily "[…] to the discipline of the institute" (c. 630, §1). The notion of a religious institute's discipline or *disciplina* emerges in c. 586, §1: "A just autonomy of life, especially of governance, is acknowledged for individual institutes, by which they possess their own discipline in the Church and are able to preserve their own patrimony intact, as mentioned in can. 578." Discipline is also treated in cc. 587,

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[470] When difficult situations and questions arise, it may be helpful to recall the practical wisdom of Gambari that the religious has "freely embraced" consecrated life, so there are not only rights but "[…] duties before God, the Church and the community" (GAMBARI, *Religious Life According to Vatican II and the New Code of Canon Law*, 371).

[471] DICASTERY FOR THE DOCTRINE OF THE FAITH, Declaration on Human Dignity *Dignitas infinita,* no. 27.

[472] Care should also be had to not suggest unnecessarily strife between personal and common good while avoiding both an exaggerated individualism and communitarianism. Solove has noted, "The problem with communitarianism is that it pits the individual against the common good. Individualism becomes not an element valued for its contributions to the common good, but a countervalue that stands in opposition to the common good" (SOLOVE, *Understanding Privacy*, 91).

§1; 593; 612; 628, §2; 652, §2; 667; and 678, §2. An institute's discipline is contained not only generally in its proper law as reflective of legislative power (c. 587, §1) but also particularly in acts of executive and judicial power.[473]

The *ius proprium* of a religious institute thus ought to include some guidance on how spiritual direction is to occur according to the institute's proper discipline and any institutional disciplines on the spiritual director. In the contemporary milieu, proper law might mention the relation between enclosure and spiritual direction, the vow of poverty and a spiritual director's fee or stipend (if any), and how spiritual direction may best accord with communal observance and fraternal life in common. More difficult questions should also be treated in the proper law of orders of monks including whether an institute's discipline permits the selection of spiritual directors who are not members of the institute, who are not monks, who are not clerics, and even the question of female directrices. Other indications might also be given in proper law such as the frequency of direction and any other proper disciplines surrounding direction according to the institute's patrimony.

Not only the members of the religious institute but too those discerning vocations should be introduced to the institute's discipline regarding spiritual direction and the determination of spiritual directors by studying the institute's proper law and candid conversations with leadership to answer concrete questions. Conversely, the spiritual

[473] Andrés continued that an institute's discipline purposes in the main to regulate daily life of persons and communities as "[…] usually found (*[s]uele contenerse*)" in proper law (ANDRÉS, *El derecho de los religiosos*, 539). Leclercq earlier recounted *disciplina* as a monastic concept connoting "education and formation [and arising etymologically from] military, family, and political life" (LECLERCQ, *Love of Learning*, 101). Leclercq too, however, signaled a contemporary challenge to this monastic notion redefined merely as right conduct and thus posing a serious hardship to a truly monastic hermeneutic in canonical interpretation (101-102).

director should be familiar with the directee's proper law that will make known to the director any proper disciplines surrounding spiritual direction.

Nevertheless, no proper law can adequately address the quasi-infinite number of questions that may potentially arise in balancing (1) a monk's freedom of choice in selecting a spiritual director, frequenting spiritual direction, and the director-directee relationship and (2) the common good of the institute found in communal discipline. Therefore, the religious superior will need to discern prudently in each case, and in open dialogue with the member, the rights of the individual monk arising from his human dignity and the collective good of the religious institute.

Conclusion

This chapter has considered the difficult progression of the canonical norms on spiritual direction and its director from the 1917 codification, through the drafting process, to the 1983 *Codex Iuris Canonici*. A juridic understanding of spiritual direction in relation to the internal extra-sacramental forum and within the broader question of the exercise of power in two distinct but related fora have proffered a clearer notion of the proper place of spiritual direction in ecclesial life and mission, especially in orders of monks. The internal extra-sacramental forum is a true juridic forum where acts can and do occur—albeit rarely; for example, irregularities as perpetual impediments can be dispensed by the Apostolic Penitentiary in response to requests made by written letter of the spiritual director on behalf of the directee.[474] The apparent and occasionally real discordance between universal values

[474] See C.E. COMMENTZ, *When and How To Have Recourse To the Apostolic Penitentiary*, Libreria Editrice Vaticana, 2013, 35-36: "An act that makes one irregular could be something secret and, therefore, it is best that it be resolved in the internal forum. If a person becomes aware of his irregularity through a conversation with a priest, he can ask for a dispensation without having confessed it. In this case it is helpful to use the non-sacramental internal forum which is also protected by secrecy."

and canonical norms and the monastic tradition has not been ignored but humbly acknowledged, while positing the utility of a monastic hermeneutic that interprets and applies the religious *ius vigens* in the monastic context from which it earlier originated. This chapter has too sought to show plainly that superiors have a vital role to play in animating the spiritual life of the community (including by safeguarding the ascetical discipline of spiritual direction), and this must indeed be a superior's first duty. As c. 630, §1 discloses the superior is called in virtue of his office to actively acknowledge, respect, and uphold the member's freedom as regards spiritual direction and its director.

In view of the grave danger and explicit canonical prohibition, it bears repeating that superiors can under no circumstances require of their members this *aperire animum*. The prohibition of c. 630, §5 is framed in the strongest language such that the superior can in no manner whatsoever—whether directly or indirectly—require or solicit a manifestation of conscience. As was previously noted in the drafting process, the canon was amended prior to promulgation by a great concern over the inducing of the manifestation of conscience indirectly by way of mental health professionals. Clearly, however, there is not a prohibition against the member freely and spontaneously opening his soul to the superior, nor against the member manifesting his conscience to his superior, but such an act must be an entirely free act on the part of the member as well as by the superior who receives such an opening or manifestation. Andrés goes too far, then, when he posits a legal "[…] aversion [to] the spiritual director-superior."[475] The juridic norm exhorts caution under the overarching banner of a right to privacy and freedom of

[475] ANDRÉS, "Chapter II: The Governance of Institutes, Art. 1: Superiors and Councils," in *Exegetical Comm*, vol. II/2, 1661.

conscience to not confuse the fora, but the legislator—while removing the 1917's *expedit*—does not show antipathy nor forbid such free acts on the part of the member but only a prohibition against coercion of any kind by the superior. De Paolis stated this plainly, "Il Codice non lo dice, ma non lo vieta" [476]

Canon 630, §5 has been noticeably modified from its predecessor, reversing the order of canon 530's two paragraphs in the 1917 Code; whereas the Pio-Benedictine Code began with the prohibition against a manifestation of conscience, the 1983 norm begins with the positive approach of trust (*cum fiducia*). This reversal suggests a certain priority to the personal relationship born from trust and implies that a forced manifestation of conscience not only violates the person in a dehumanizing act but robs trust of its essential personal relationship. Moreover, while the earlier clause of exposing anxieties of conscience to superiors who are priests has been removed, the 1983 norm no longer speaks of this free opening of the soul as expedient but rather uses the Latin jussive subjunctive *adeant*: "Members are to approach…"

The *ratio legis* of c. 630, §5 is the recognition by the supreme legislator of the danger of mixing the fora since the superior's office includes governance in the external forum, but the superior must not abuse this authority to acquire knowledge in the internal forum that is not freely and willingly offered to the superior by the member.[477] Andrés further conceded the practical foundation for the juridical norm, namely "[…] that the qualities required to become a good spiritual director are not automatically identified with

[476] DE PAOLIS, *La vita consacrata nella Chiesa*, 381.

[477] Smith exhorted, "Accordingly a superior should not lightly disregard this protective wall, weighing carefully the potential for a conflict of roles if a member requests sacramental confession, spiritual direction, or manifestation of conscience" (SMITH, "Chapter II: The Governance of Institutes [cc. 617-640]," in *CLSA Comm2*, 793-794).

the requirements to become a religious superior. These do not necessarily occur in the same person."[478] Doss agreed and identified some suitable themes for superior-member conversation that do not violate c. 630, §5:

> [R]espect for the internal forum should not be confused with the formative accompaniment of candidates by formators and superiors. It should be clear that the conversations of the candidates with formators should be frequent, so that the formators can assist them to become aware of both their talents and frailties. During such moments of dialogue, candidates should share with the formators their life history, including their experience of childhood and adolescence, the influence of their family upon them, their ability to establish mature and well-balanced interpersonal relationships, and their ability to handle solitude positively.[479]

The express juridical prohibition of c. 630, §5 must not, then, be misconstrued as prohibiting the superior's accompaniment of the member in the external forum regarding externally observable acts and discipline that are proper to the superior's obligation of external governance and the good order of the religious institute.

Similarly, the developments of canonical reform prior to the 1983 promulgation and the text, context, and parallel places of the existent universal norms have exposed the legislative importance of five underlying principles of inestimable value in analyzing the canonical vision of the spiritual director for monks—namely, (1) the right to privacy, (2) freedom of choice, (3) personal responsibility of the directee, (4) coordination between the fora, and (5) the discipline of a religious institute given canonical expression in its *ius proprium*. While these principles may seem to address principally the directee, conversely, they reveal much about the qualifications and duties of the director. A spiritual director in orders of monks, then, is one who respects the directee's right to privacy, the directee's

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[478] ANDRÉS, "Chapter II: The Governance of Institutes, Art. 1: Superiors and Councils," in *Exegetical Comm*, vol. II/2, 1661.

[479] M.J. Jesu Pudumai DOSS, "Challenges to Leadership in Religious Life Today: Some Canonical Considerations," in *Studia canonica,* 56 (2022), 135.

freedom and responsibility, and eschews conflicts between the fora—exercising prudence in the sometimes-awkward situations that may arise—while safeguarding an institute's proper discipline surrounding spiritual direction and its director. Some universal indications of the qualities of a spiritual director have been identified as implicit in the law including ecclesial responsibility, respect for legitimate rights, and a personal application by the director to the spiritual life and basic spiritual practices.

An assessment of the monastic literature in criticism of the 1917 and 1983 norms on spiritual directors has exposed an opinion in De Vogüé and others that the prohibition against a manifestation of conscience as currently found in the second part of c. 630, §5 is contrary to monastic tradition. While this author expresses caution against such an extreme stance, this chapter has nevertheless shown that a hasty reading of the law may suggest the reduction of the superiors to merely external activity. Of course, the drafting history does much to correct this erroneous view by exposing concerns about the use of psychology and medical clinicians to indirectly force a manifestation of conscience of the members. As Papi succinctly asserted concerning the spiritual director in spiritual direction, "The only purpose of the law is to leave subjects entirely free in this matter."[480]

It seems, however, that monks in general did not read the conjoined canon on sacramental confession and spiritual direction in this manner, but rather as an indirect contradiction to the notion of the monastic superior's primary duty as spiritual father of the cenobitic or eremitical community. The monks' frustration with the universal norms shows its reasonableness when it is recalled that monks were not given separate canonical provision from other vastly different types of religious life, and their attempt thoughtfully

[480] PAPI, *The Government of Religious Communities*, 157.

to create draft canons were scrapped. Morrisey, based upon first-hand knowledge of the development of the 1983 codification, may help to explain the lack of a separate section exclusively on the monastic life in the 1983 Code, acknowledging that while all involved with the drafting of the 1983 Code desired to see such a section at the same time the divergent expressions of monasticism in the Latin Church made this dream unrealizable in practice.[481] Plainly, the monks' canonical concerns seem overlooked at best and dismissed at worst. Attributable to the decision made by the drafters and supreme legislator not to include a typology of consecrated life and a separate section of norms for monks treating of the canonical tradition of monastic life, a notable lacuna must be acknowledged in the 1983 Code that has caused orders of monks to wrestle with the actual implementation of the universal norms.

With the completion of this analytical assessment of the universal norms towards an academic engagement with the current situation of spiritual direction in orders of monks, this study will now turn to post-codification ecclesial developments and a survey of monastic proper law and customs that have arisen surrounding spiritual direction in the interim to complete not only an appraisal of the juridic *status quo* but to identify continued canonical questions in a spirit of greater service to monks and their superiors for whom these challenges are not merely theoretical but eminently practical. With the emerging ecclesial awareness of the gravity of abuse of power and office, coupled with the recently

[481] See CONFÉRENCE RÉGIONALE CANADIENNE DE L'ORDRE DES CISTERCIENS DE LA STRICTE OBSERVANCE (TRAPPISTES), *Constitutions et droit canon: Conférence régionale canadienne 22-27 mars 1985*, s.l., Trappistes, 1985, 4. Gambari interestingly expressed the same reality as a reflection of the conciliar principle of subsidiarity: "The new Code, regarding as sufficient what the Council said about monasticism and presuming that the various centuries-old monastic families know well their own identity, has preferred not to delineate the picture of a monk, leaving it up to each one to underline some particular elements in its proper law" (GAMBARI, *Religious Life According to Vatican II and the New Code of Canon Law*, 194).

promulgated penal norms that seek to usher in a fresh application of restorative, reformative, and reparative justice, this canonical study of the spiritual director in orders of monks aspires to bring about a renewed practice of spiritual direction in these same orders of monks that is alien to the deplorable delicts of abuse of power and conscience as well as spiritual abuse in all of its forms.

CHAPTER III

THE SPIRITUAL DIRECTOR AFTER THE 1983 CODE

Introduction

The responses to the 1983 Code of Canon Law's legislation on spiritual direction—both within Church documents and within the proper law and customs of orders of monks—reveal further canonical development as monks have continued to wrestle with not only the letter of the universal norms but also their spirit while aiming to remain faithful to the monastic tradition enshrined in the monastic *regulae* and each order's *ius proprium*. Furthermore, the remarkable societal changes and resultant ecclesial awareness and response to these changes over the intervening 40 years have added new light and presented new challenges to the observance of the universal norms in the 1983 codification—including cases of abuse of power and conscience together with spiritual abuse necessitating ecclesial leadership in addressing these canonical delicts.

This chapter, wherefore, purposes to lay bare the existent situation by first examining some of the major Church documents treating of spiritual direction before exploring specific proper law and customs that have arisen in orders of monks. The author aspires that this chapter's analysis will better capture the current advancements and abiding hardships as seen from the universal juridic perspective apprehended in the Church's documents and more intimately and practically within the orders themselves as found in their amended proper law and customs *juxta, praeter,* and *contra legem.* The findings of the author's 2022 survey of superiors of orders of monks will offer a rare glimpse into the customs practiced concerning spiritual direction and suggest contemporary attitudes

towards spiritual direction within these pontifical orders to later maximize chapter four's novel subsequent contribution towards greater canonical observance.

3.1. - Documents after the 1983 Code

There has been no shortage of magisterial (both papal and curial) and juridical (legislative, administrative, and non-binding) documents promulgated by the Holy See since the 1983 Code addressed to religious institutes and consecrated persons, including orders of monks and their members. As suggested by assorted authorship, audience, and general focus, spiritual direction has emerged as a nexus of queries on formation, fraternal charity, obedience, and evangelization in the quest for personal and communal holiness. These assorted ecclesial documents too have arisen in a variety of situations—sometimes celebrating the gift of consecrated life to the Church, sometimes offering greater clarity to ambiguous questions or contemporary circumstances, and still at other times seeking to correct abuses within religious institutes. Accordingly, in the following assessment of the treatment of spiritual direction in each document, attention will be given to the source, the particular type of document, and the context to determine each document's juridic value in accordance with the 1983 Code; obviously, not every document carries the same juridic weight.[482] In this investigation, abiding divergences of opinion—even between the curial dicasteries—come into sharper focus as the Church seeks to proffer clearly the ascetical

[482] The author here follows the opinion of Huels who wrote: "Knowing the form and authorship of an ecclesiastical document frequently is not sufficient information to determine the document's significance. That is because a number of forms are used interchangeably for magisterial texts and for juridical texts of differing degrees of authority. It is impossible to classify ecclesiastical documents according to their form alone. However, juridical documents readily lend themselves to categorization on the basis of their juridical value or weight, and doing so is a helpful way to understand and explain their significance in relationship to each other" (J.M. HUELS, "A Theory of Juridical Documents Based on Canons 29-34," in *Studia canonica,* 32 [1998], 370). See the similar recommended methodology of Morrisey in F.G. MORRISEY, *Papal and Curial Pronouncements: Their Canonical Significance in Light of the 1983 Code of Canon Law*, 2nd ed., revised and updated M. THÉRIAULT, Ottawa, Faculty of Canon Law, Saint Paul University, 2001, 45.

discipline of spiritual direction to contemporary Christians while also legislatively attempting to safeguard spiritual direction against dangers of neglect, misuse, and abuse.

3.1.1. - Directives on Formation *Potissimum institutioni*, 1990

The Congregation for Institutes of Consecrated Life and Societies of Apostolic Life's Directives on Formation in Religious Institutes *Potissimum institutioni*—cognizant that the ecclesiastical renewal of consecrated life besought by the Second Vatican Council necessitates effective and fecund formation—purposes as a canonical instruction to express "[…] the position of the Holy See on the present problems of formation and the solutions which [the Holy See] suggests for resolving them."[483] Thence, *Potissimum institutioni*'s juridic weight as an instruction does not consist in the derogation of law, but rather the exposition of the *ius vigens* as an administrative document binding the executors of the law.[484] Morrisey explicitly identifies the juridic value of *PI* that "[…] build[s] upon the canons in the Code relating to formation in religious institutes."[485] Within the broader

[483] CONGREGATION FOR INSTITUTES OF CONSECRATED LIFE AND SOCIETIES OF APOSTOLIC LIFE, Directives on Formation in Religious Institutes *Potissimum institutioni*, 2 February 1990, no. 4, in *AAS*, 82 (1990), 474, English translation in *Origins*, 19 (1990) (=*PI*), 679. Concerning the juridic nature of an "instruction," see c. 34 that identifies an instruction's purpose to "[…] clarify the prescripts of law and elaborate on and determine the methods to be observed in fulfilling them" (§1). The purpose of *PI* is again repeated in its conclusion: "This document has aimed at (1) taking into account the experiments that have already been made since the Council and, at the same time, (2) at reflecting the questions that have been raised by major superiors" (no. 110).

[484] Concerning the juridic weight of *PI*, see E. MCDONOUGH, "Directives on Religious Formation: *Potissimum Institutioni*," in *RfR*, 54 (1995), 143-144.

[485] MORRISEY, *Papal and Curial Pronouncements,* 29. As Morrisey explained, the use of the commonplace curial instruction to elaborate on the canons is not new, but clearly indicated in Benedict XV's motu proprio *Cum iuris canonici* that affirmed the purpose of canonical instructions as "*explanationes et complementa canonum*" (BENEDICT XV, Apostolic letter motu proprio creating the Code Commission and the methods of making amendments to the Code *Cum iuris canonici*, no. 2, 15 September 1917, in *AAS*, 9 [1917], 484, English translation in *CLD*, vol. 1, 56).

theme of initial and ongoing formation in religious institutes, the figure of the spiritual director holds "[…] a particular interest."[486]

Potissimum institutioni first identifies "spiritual direction" (*ad spirituali directione*) as essential to "[t]he pedagogy of consecrated chastity" (*castitatis consecratae paedagogia*) where "regular" (*regulariter*) spiritual direction is recommended (*PI,* no. 13). Here *PI* clearly surpasses the previously noted treatment of spiritual direction in the 1983 Code where no frequency is established. Moreover, the instruction situates spiritual direction in relation to observance of the evangelical counsels, explicitly "[t]he pedagogy of consecrated chastity."

The Trinity is the primary and principal agent of formation, but formation does not occur without human instrumentality or what the instruction terms "human mediation" that facilitates authentic discernment. *Potissimum institutioni* here again cites the great advantage of spiritual direction, encouraging "[…] openness to a spiritual guide (*sese revelandi ad spiritualem magistrum*) [before whom the religious is to be dually] 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" (*PI,* no. 19).[487]

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[486] G. ACCORNERO, "Le tappe della formazione: Cap. III°," in M.J. ARROBA CONDE (ed.), *La Formacion de los religiosos: commentario a la instruccion "Potissimum institutioni*," Rome, Tip. Brasini di B. Brasini & C. s.n.c., 1991, 268.

[487] This thesis's author again has occasion to note with regret the ambiguous, sometimes exchangeable terms used (sometimes in Latin and most frequently in English) to reference external and internal formators. While context here seems to suggest that *PI* intends to include spiritual directors in the strict sense, the use of *spiritualis magister* makes the passage more dubious than this thesis's author would like as "a teacher of spirituality" or "spiritual guide" is the same term used to reference the novice master in no. 52 and spiritual director in no. 71 (although no. 71 in Latin is clear: "*directores seu monitores spirituales*"). Still another term is introduced in no. 36, most likely applying principally to external formators: *duces* or in English "leaders" or colloquially "coaches." As chapter 4 will introduce in this study, much of the resultant confusion in orders of monks is attributable to a less than lackluster employment of canonical terms wanting in both canonical definitions and consistent use. This thesis's author is reminded of a vital lesson learned as a young canonist: juridic precision is essential to the canonical science; wherefore, this author can only hope that this study may prompt a critical assessment of how the canonical "spiritual director" is termed in both Latin and the

Ergo, the instruction affirms spiritual direction as beneficial to man's relationship with God and discernment of the divine will, while conceding that the efficacy of spiritual direction is intimately linked to not only the directee's transparency but also docility to the director's counsel as reflective of the directee's personal responsibility and freedom.

Potissimum institutioni envisions each religious house as a "formative" community characterized by "[…] generous mutual assistance and by a continuous exchange of material and spiritual goods, in a spirit of poverty and with the help of friendship and dialogue" (*PI,* no. 27).[488] It is interesting to note the implicit reference to spiritual direction that arises within the earlier explored monastic themes of "friendship and dialogue" as essential to the ecclesial notion of a formative community. One way in which members of religious institutes *may* assist one another in life's project of formation is spiritual direction. Nonetheless, formation—both initial and ongoing—demands in all of its dimensions, *Potissmum institutioni* insists, a "personal responsibility" further understood as "[…] strongly appealing to the conscience and personal responsibility of each religious, so that they interiorize the values of religious life, and at the same time, the role of life which is proposed to them by the director of formation so that they find within themselves the justification for their practical choices, and find in the Creator Spirit their fundamental dynamism" (*PI,* no. 29).[489]

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vernacular, as well as the development of a comprehensive canonical definition of the spiritual director in collaboration with the theological and pastoral sciences.

[488] Gambari further depicted a formative community: "The community is formative in the measure that it allows the members to grow in fidelity to the Lord, experiencing together an active convergence of the various agents in an interaction of interpersonal relations characterized by simplicity and confidence and rooted in faith, hope, and charity: thus, the community is built up day by day through the personal contribution of each one" (GAMBARI, *Religious Life According to Vatican II and the New Code of Canon Law*, 233).

[489] Castellano Cervera synthesized the role of personal responsibility in *PI*'s vision for initial and ongoing formation: "Formation depends upon a free and progressive response to all its exigencies, to a practical assimilation of life-values, according to the unique and irrepeatable [sic] character of each person. To

An area of ambiguity, as has been seen, is the formative role of the superior in juxtaposition to the freely chosen spiritual director.[490] *Potissimum institutioni*, conceding this confusion, seeks to clarify *Mutuae relationes*, which ambiguously stated earlier that "[…] religious superiors have the competency and authority of spiritual directors in relation to the evangelical purpose of their institute. In this context, therefore, they must carry on a veritable spiritual direction of the entire Congregation and of its individual communities."[491] *PI* admonishes the superior to "[…] accompany religious along the paths 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" (*salva competentia confessoris et directoris spiritualis stricte dicti*) (*PI,* no. 30). The notion of "community spiritual direction," occurring in the external forum and more concerned with the unified community's spiritual journey and growth helps to disambiguate the apparent confusion such that the religious superior, as distinct from the personal, internal extra-sacramental forum spiritual director, is tasked "[…] to offer a service of discernment and guidance. Hence there is an urgent need to prepare a leadership that believes in the evangelical values

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personalize the values and integrate them into one's life, progressively to assimilate them into growth and at the same time to be open to creativity, is an essential task for each one to carry out under the guidance of the Church, the mediation of the one in charge of formation and the interior action of the Spirit" (J. CASTELLANO CERVERA, "Directives on Formation in Religious Institutes: Some Suggestions for a First Reading of the Document *Potissimum institutioni*," in *UISG Bulletin*, no. 84 [1990], 41).

[490] Gambari held that the role of the director of formation "surpasses that of a simple spiritual director;" see GAMBARI, *Religious Life According to Vatican II and the New Code of Canon Law*, 232.

[491] CONGREGATION FOR RELIGIOUS AND SECULAR INSTITUTES and CONGREGATION FOR BISHOPS, Directives for Mutual Relations Between Bishops and Religious in the Church *Mutuae relationes*, no. 13.a), 14 May 1978, in *AAS*, 70 (1978), 481, English translation in *Mutuae relationes and Excerpts from the Post-Synodal Apostolic Exhortations of Pope John Paul II Vita consecrata and Pastores gregis,* Washington, DC, USCCB, 2004, 12. The Latin is no less helpful in clarifying the ambiguity since two distinct terms, more regularly used to differentiate external and internal formators appear to be both applied to the *munus docendi* of religious superiors: "Superiores Religiosi competentiam habent et auctoritatem *magistri spiritus* secundum evangelicam proprii Instituti conformationem; quare in eius ambitu veram explere debent *spiritualem directionem* totius Congregationis et singularum ipsius Communitatum."

of community, and has the ability to foster unity among its members in dialogue, welcoming acceptance, listening, involvement, etc."[492]

Plainly, the Church views the religious superior as generally distinct from the spiritual director (and the confessor) since the power of governance of the superior is regularly exercised, without prejudice to c. 596, §2, in the external forum whereas the director (and confessor) exercise this one power of governance in the internal forum. For example, in the instruction's presentation on temporary profession the spiritual director is plainly distinguished from the superior: "[R]eligious should have a person available to them, who may be called a spiritual director or spiritual counselor, for the internal, even non-sacramental forum" (*PI,* no. 63).[493] Citing the earlier teaching of *Essential Elements in the Church's Teaching on Religious Life as Applied to Institutes Dedicated to Works of the Apostolate* no. 47, *PI* repeats, "Following the tradition of the early fathers of the desert and of all the great religious founders in the matter of provision for spiritual guidance, religious institutes each have members who are particularly qualified and appointed to help their sisters and brothers in this matter."[494] The implication here is that the spiritual directors in orders of monks, then, would be other monks who are both capable and duly appointed, although no indications are given of how these monk-directors are appointed

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[492] F. CIARDI, "The Communion of Religious," in UNION OF SUPERIORS GENERAL, *Consecrated Life Today: Charisms in the Church for the World, International Congress, Rome, 22-27 November 1993,* Montréal, Editions Paulines, 1994, 182.

[493] Once more the difficulty of inconsistent canonical terms appears in no. 63 where the internal "spiritual director" is identified in Latin as the "*rector vel monitor spiritualis*."

[494] CONGREGATION FOR RELIGIOUS AND SECULAR INSTITUTES, *Essential Elements in the Church's Teachings on Religious Life as Applied to Institutes Dedicated to Works of Apostolates*, 31 May 1983, no. 47, English translation in *CLD*, vol. 10, 64. Praiseworthy here is the invocation of the example of the first Christian monks and the role that spiritual direction occupied in the desert experience as later institutionalized in the now existent orders of monks. For a further juridic assessment, see the study S.A. EUART, "A Canonical Analysis of Essential Elements in Light of the 1983 Code of Canon Law," in *J*, 45 (1985), 438-501.

nor by whom although the context of c. 630 would suggest that the religious superior has the duty to appoint suitable spiritual directors.

This instruction, then, simply affirms a religious's right to have a freely chosen spiritual director according to the norm of c. 630, §1, recognizing that this due liberty is rendered possible, citing the earlier teaching of *The Contemplative Dimension of Religious Life*, "[…] by the availability of competent and qualified persons" (*PI,* no. 63).[495] The instruction evinces its purpose most helpfully by continuing that not only is spiritual direction to occur throughout the whole of religious life—at all of its moments—but also, as a minimum in large religious houses and in those residences of temporary professed, "[…] at least one officially designated religious [is] to assist their brothers and sisters with guidance of spiritual advice" (*PI,* no. 63).[496] It is interesting to note that the officially appointed spiritual director is "publicly" designated and what is more, he is designated "to this role" (*ad hoc munus*), suggestive that at least in 1990 CICLSAL viewed as best practice an actual office held by an officially designated member as spiritual director without prejudice to the norm of c. 630, §1. Unfortunately, *Potissimum institutioni* does not specify how this spiritual director is "officially designated," leaving this question to proper law. Ergo, *Potissimum institutioni* concedes a proper competence for both a religious's

[495] See also CONGREGATION FOR RELIGIOUS AND SECULAR INSTITUTES, *The Contemplative Dimension of Religious Life*, no. 11, 1981, in *Origins*, 10 (1980-1981), 552: "Such availability should come especially from priests who, by reason of their specific pastoral mission, will promote appreciation for spiritual direction and its fruitful acceptance. Superiors and directors of formation, who are dedicated to the care of the religious entrusted to them, will also contribute, although in a different way, by guiding them in discernment and in fidelity to their vocation and mission."

[496] The Latin is here much clearer: "necesse est saltem unus religiosus publice designetur ad hoc munus dirigendi vel monendi spiritualiter fratres."

confessor and spiritual director that is recognized by CICLSAL as distinct and separate from regular accompaniment in the external forum by religious superiors.

The author concedes some disappointment that spiritual direction is not returned to in *PI*'s treatment of ongoing formation, and he wonders if the instruction's silence reflects growing concern about the lifelong availability of qualified spiritual directors. Although the instruction affirms the "primacy" of the spiritual life and mentions as means of the spiritual life "annual spiritual exercises and other forms of spiritual renewal" (*PI*, no. 68), the absence of explicit mention of spiritual direction is a notable lacuna. Nonetheless, no. 71 does affirm the earlier assertion "that religious, all during their lives, have access to spiritual guides or counselors in accord with their course of initial formation and in ways adapted to their greater maturity and their actual circumstances."

As suggested by the canonical placement of c. 630 within the 1983 Code's treatment of leadership in religious institutes, the instruction confesses the duty of superiors and formators to make certain that religious are beneficially utilizing spiritual direction (*PI,* no. 30). Here can be found an interesting application of c. 630, §1: The superior in the external forum not only ensures the availability of capable spiritual directors, but that the individual member has a spiritual director who is guiding and directing him. The author of this dissertation wonders if CICLSAL believed that some members' failure to practice spiritual direction was in part due to the lack of oversight by superiors in the external forum. Obviously, the delicate relationship between the communal charism and life and personal choice and freedom remains or what *PI,* no. 29 insightfully terms "[…] the formation of the group and that of each person."[497] Later, the instruction exposes: "If it remains true that

[497] The move away from the philosophical terms "personal good" and "communal good" is noted in favor of "personal formation" and "communal formation." The change of terms suggests a shift in emphasis from

the disciple assumes a large part of the responsibility for his or her own formation, still the responsibility can only be exercised within a specific tradition, that of the institute, for which those responsible for formation are the witnesses and immediate exponents" (*PI,* no. 32). Thus, the instruction makes certain that the spiritual director as a true—albeit internal forum—formator cannot be entirely ignorant of the charism of the monastic institute of the directee. Curiously, *PI* is in this place silent on what is to be done when the spiritual director in the internal forum is at best ignorant of—and at worst at open odds with—an institute's charism, although a close reading of c. 630 in context would suggest that the superior's duty of vigilance necessitates intervention and dialogue to overcome this hardship. As will be seen, this concern is a real challenge to spiritual direction at this time in pontifical orders of monks.

The 52nd paragraph of *Potissimum institutioni* attempts to answer another unresolved question from the 1983 Code: "Who is the spiritual director of novices?" While the instruction plainly permits priests, religious, and laity to offer instruction and for priests to hear the confession of novices, *Potissimum institutioni* affirms the identity of the novice master as "the spiritual guide" or perhaps better "spiritual companion" (*spiritualis comes*) while conceding that the effectiveness of the exercise of this ministry depends "[…] if the novices are entirely free and open in his or her regard" (*libere ac plene adaperiant cor suum*). Although the instruction repeats the prohibition of c. 985 regarding sacramental confession outside of the prerequisite conditions, no explicit permission is given for

goodness in the abstract to formation in the concrete; personal and communal goodness then are partially realized in personal and communal formation.

novices to receive spiritual direction from whomsoever they choose.[498] *Potissimum institutioni* appears—albeit most ambiguously and urgently demanding further clarification—to create here a different norm for novices viewed as an exception to c. 630, §1's due freedom and an application of c. 630, §1's discipline of the religious institute.[499]

3.1.2. - Fraternal Life in Community *Congregavit nos in unum Christi amor,* 1994

In 1994, the Congregation for Institutes of Consecrated Life and Societies of Apostolic Life turned its attention to fraternity in religious institutes in the instruction *Congregavit nos in unum Christi amor* with the self-confessed purpose "[…] to examine the lived experience of today's religious communities."[500] Therefore, in accordance with its purpose, *FLC* broaches spiritual direction under the twofold lens of "lived experience" and fraternity.[501]

The first touch upon spiritual direction and its director occurs in the avowal of no. 4.b) that sketches a portrait of the present cultural "[…] demands for personal freedom and

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[498] *PI* admits its own limitations, partially attributable to its nature as a juridic instruction: "Several current questions have been raised. Though they have not all received a definitive response, the answers will at least provoke reflection" (no. 110). This spirit is further indicative of the diversity of patrimonies of religious institutes that often precludes a "one size fits all" response.

[499] Castellano Cervera's synthesis reflects the abiding ambiguity that recognizes the importance of other formators apart from the novice master, but Cervera's response can be read to either affirm the novice master's spiritual direction or spiritual direction by these other formators: "The pedagogical method to be used is one which pays close attention to each person, under the care of the director of novices, and with others, as necessary, working in close collaboration with the director and keeping complete discretion, providing authentic spiritual direction" (CASTELLANO CERVERA, "Directives on Formation in Religious Institutes," 47). Unfortunately, McDonough's earlier footnoted canonical review of *PI* is silent on the question of a novice's spiritual director.

[500] 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. 1, in *Enchiridion Vaticanum*, vol. 14 (1994), 220, English translation in *Origins*, 23 (1993-1994) (=*FLC*), 693, 695.

[501] Kallidukil detailed the style of *FLC* as "very down to earth" (J.M. KALLIDUKIL, *The Canonical Significance of the Synod of Bishops of 1994 on Consecrated Life: From the* Lineamenta *to the* Vita Consecrata, Bern, Peter Lang, Gmbh, 2003, 61).

human rights" that CICLSAL opines has at times become "[a] one-sided and exasperated stress on freedom [that has] contributed to the spread of a culture of individualism throughout the west, thus weakening the ideal of life in common and commitment to community projects." *FLC* later relates that this individualism "[…] has spread, with greater or less intensity depending on the regions of the world" before identifying as one such malaise "[…] an exaggerated insistence on personal well-being, whether physical, psychological, or professional [and] the absolute priority of one's personal aspirations and one's own individual path, regardless of others and with no reference to the community" (*FLC,* no. 39). *FLC* seeks to overcome a denial of fraternal life in common as constitutive to the ecclesial notion of a religious institute synthesizing: "Religious are not only 'called' to an individual personal vocation. Their call is also a "con-vocation"—they are called with others, with whom they share their daily life" (no. 44). CICLSAL notes the contemporary difficulty of harmonizing the values of personal and common good:

> On the other hand, we must continue to seek a just balance, not always easy to achieve, between the common good and respect for the human person, between the demands and needs of individuals and those of the community, between personal charisms and the community's apostolate. And this should be far from both the disintegrating forces of individualism and the levelling aspects of communitarianism. Religious community is the place where the daily and patient passage from "me" to "us" takes place, from my commitment to a commitment entrusted to the community, from seeking "my things" to seeking "the things of Christ" (*FLC,* no. 39).

Although this acknowledgment does not explicitly name a religious's due freedom in the choice of a director and the practice of spiritual direction, the resultant perceived tension between personal freedom and community discipline, and the apparently competing values of personal and communal good, is plainly identified as an area in need of further canonical and practical improvement in the larger ecclesial project of "[…] continued evangelical renewal of communities" (*FLC,* no. 11).

In no. 10, *FLC* expresses its understanding of the monastic calling: "The first monastic communities looked to the community of the disciples who followed Christ and to the community of Jerusalem as their ideal of life. Like the nascent Church, having one heart and one soul, so the monks, gathering themselves under a spiritual guide (*una guida spirituale*), the abbot, set out to live the radical communion of material and spiritual goods and the unity established by Christ." Thus, the relation between an individual monk, a community of monks, and the abbot becomes, from monasticism's conception in the early desert experience, a concrete expression of the communion of the Church. Apparently, *FLC* suggests that fraternal life in common emerges from this union between abba-monk, superior-subject, father-son, director-directee as a manifestation of union between persons reflective of, analogous to, and offering an authentic witness to the unity of the Trinity of Persons in the one God. *FLC* continues its exploration of the monastic community in relation to mission in no. 59 that considers the typology of consecrated life admitting a real difference further expounded in the *ius proprium* of each institute—a difference this dissertation has repeatedly stressed: "Monastics, conventuals, and religious of active life have maintained legitimate differences in their ways of understanding and living religious community" (no. 59.b). One of these differences is certainly the monastic superior-monk relationship and the practice of spiritual direction.

Congregavit nos in unum Christi amor explicitly addresses spiritual direction in relation to fraternal life within the context of a consecrated person's identity, that the instruction argues, "[…] depends on spiritual maturity […] brought about by the Spirit who prompts us to be conformed to Christ" (*FLC,* no. 36). The instruction proffers a means "most important" in attaining spiritual maturity: "[…] the help of a spiritual guide (*una*

guida spirituale), who knows well and respects the spirituality and mission of the institute" (*FLC,* no. 36). The instruction thus affirms after *PI* that a religious's spiritual director ought to both be familiar with and esteem a religious institute's charism if his direction is to be suited to the directee and efficacious. Undoubtedly, those most familiar and accepting of a religious institute's spirituality and mission are likely—but not exclusively—other members of the same institute; accordingly, the fraternal assistance envisioned by no. 43 may include the ministry of spiritual direction between confreres.[502] *FLC*, however, offers no further instruction on *who* or *how* a director is suitably judged, apparently leaving this question to the superior's vigilance, personal discernment, and proper law without repeating *PI*'s earlier commendation of an officially designated spiritual director.[503] Arguing that spiritual maturity is reached only through the personal appropriation of an institute's charism by each individual religious, the instruction identifies this guidance of a spiritual director as critical "[…] accompaniment [that is] particularly necessary in the initial stage of formation, but it is useful throughout life" (*FLC,* no. 36).

The instruction continues by identifying real challenges to fraternal life including the sufferings of members. Exploring some of the causes of these difficulties, *FLC* includes

[502] "Religious community is, for everyone, the place, and the natural setting of the process of growth, where all become co-responsible for the growth of others. Religious community is also the place where, day by day, members help one another to respond as consecrated persons, bearing a common charism, to the needs of the least and to the challenges of the new society" (*FLC*, no. 43). See also the similar statement of *FLC*, no. 57: "Within a true fraternal community, each member has a sense of co-responsibility for the faithfulness of the others; each one contributes to a serene climate of sharing life, of understanding, and of mutual help; each is attentive to the moments of fatigue, suffering, isolation or lack of motivating in others; each offers support to those who are saddened by difficulties and trials." While surely these moments surpass spiritual direction, they might also legitimately include spiritual direction amongst the confreres as well. In no. 68, *FLC* refers too to the assistance elderly religious might render a community together with the assistance elderly religious may require; as experience makes plain, elderly religious are sometimes selected as spiritual directors by younger members.

[503] This absence is even more glaring when considered how often *FLC* affirms the earlier instructions of *PI*.

"[…] excessively authoritarian forms of government, or by spiritual difficulties" (*FLC,* no. 38). Although no further details are identified, certainly abuses of power and office as prohibited in c. 630, §5 not only are canonical delicts but also pose grave threats to both member and community's health and holiness. In treating such difficulties, the instruction repeats that psychological and mental health interventions "[…] cannot substitute for an authentic spiritual direction" (*FLC,* no. 38).[504]

A further significant contribution to spiritual direction consists in *FLC*'s approach to the evangelical counsel of obedience and "[…] authority in the service of fraternity" that affirms personal- and co-responsibility in a religious institute but renews the emphasis upon a superior's "[…] service of the fraternity, of its being built up, of the achievement of its spiritual and apostolic goals" (*FLC,* no. 48). Accordingly, a religious superior who makes suitable spiritual directors available and provides opportunities for the members' regular spiritual direction realizes the ecclesial dream for authority in the service of community as reflective of "[…] the superior's main task [namely] the spiritual, community, and apostolic animation of his or her community" (*FLC,* no. 50.a). As *FLC* confesses, "The recent renewal has helped to redesign authority with the intention of linking it once again more closely to its evangelical roots and thus to the service of the spiritual progress of each one and the building up of fraternal life in community" (*FLC,* no. 49). The office of the superior, *FLC* maintains, "[…] is, evangelically, always service" (no. 49).

[504] The official French translation perhaps captures the distinction between other forms of counseling and spiritual direction rendered in French as "*un authentique accompagnement spirituel.*" See also *PI*, no. 52. Whereas no. 52 in *PI* concerns novitiate formation, no. 38 in *FLC* expands the recommendation for spiritual direction and other professionals beyond questions of the difficulties of novices to challenges in religious life in general and throughout all of life's moments.

3.1.3. - Post-Synodal Apostolic Exhortation *Vita consecrata*, 1996

The watershed magisterial document on consecrated life since the Second Vatican Council is undeniably the post-synodal apostolic exhortation *Vita consecrata* of John Paul II that illumines consecrated life as the *confessio Trinitatis*. *Vita consecrata* centrally teaches that consecrated life "[…] is a gift of God the Father to his Church through the Holy Spirit [by which consecrated persons] through the many charisms of spiritual and apostolic life bestowed on them by the Holy Spirit, have helped to make the mystery and mission of the Church shine forth, and in doing so have contributed to the renewal of society" (*VC*, no. 1).[505] *VC* plainly articulates John Paul II's intended purpose: "[…] a renewed and revitalized consecrated life [a]nd not only this. I also hope to increase the joy of the whole People of God. As they become better acquainted with the consecrated life, they will be able with greater awareness to thank Almighty God for this great gift" (*VC*, no. 13). *Vita consecrata* hence considers consecrated life not merely in a historical or theological framework but rather offers a pastoral aim to reinvigorate consecrated life with hope or, as John Paul II states, "[…] to face in a spiritual and apostolic manner the new challenges of our time" (*VC*, no. 13).[506] Within its purpose, *Vita consecrata* repeatedly

[505] See the similar statement of purpose in *VC*, no. 13: "[…] I hope that reflection will continue and lead to a deeper understanding of the great gift of the consecrated life in its three aspects of consecration, communion, and mission." *New Wine in New Wineskins* extols the importance of *VC* for any serious doctrinal or canonical reflection on consecrated life and religious law teaching, "The Post-Synodal Apostolic Exhortation *Vita consecrata,* in which the best results of post-conciliar *adjustment* are accepted and confirmed, must be considered a document of exceptional theological, ecclesial, and guiding value" (CONGREGATION FOR INSTITUTES OF CONSECRATED LIFE AND SOCIETIES OF APOSTOLIC LIFE, Guidelines on the Consecrated Life and Its Ongoing Challenges since Vatican II *New Wine in New Wineskins*, 6 January 2017, no. 6, English translation in *New Wine in New Wineskins: The Consecrated Life and Its Ongoing Challenges since Vatican II*, Libreria editrice Vaticana, 2017 [=*NW-NW*], 21). McDermott similarly described the significance of *VC* writing that "it is a fine synthesis of the Church's teaching on consecrated life and its lived reality in the various parts of the world" (R. MCDERMOTT, "Vita consecrata: A Vocation for the Third Millennium," in *RfR*, 55 [1996], 454).

[506] Kallidukil synthesized the juridic value of *VC* as "no breakthrough in the juridical sphere of consecrated life. At the same time, it has established a thorough theological foundation for the consecrated

returns to monasticism as an essential expression of religious consecration, "[…] a constant reminder that the primacy of God gives full meaning and joy to human lives, because men and women are made for God, and their hearts are restless until they rest in him" (*VC*, no. 27).[507] Considered juridically, as McDermott has noted, the apostolic exhortation is "[…] hortatory and not legislative, the developments indicated in the document will be the subjects of further theological and canonical study and authoritative deliberations."[508] Nonetheless, as Andrés has convincingly argued, the contents of *Vita consecrata* are not "exclusively" theological or sociological ideas and data, but concern a juridically recognized *formula vitae* and thus the exhortation has juridic value insofar as it exhorts fulfillment of the canonical obligations of the state of consecrated persons.[509]

An omnipresent theme of *VC* is the rejuvenation of consecrated life that arises from a "[…] renewed commitment to holiness [achieved t]o the degree that [consecrated persons] deepen their friendship with God" (*VC*, no. 39).[510] Holiness and the spiritual life

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life, leaving room for further legislative developments" (KALLIDUKIL, *The Canonical Significance of the Synod of Bishops of 1994 on Consecrated Life*, 301).

[507] For an introduction to some of the monastic themes earlier addressed in the synod itself by the Synod Fathers, see M. CHRISTIANS PICCARDO, "The Monastic Life," in *Consecrated Life*, vol. 21, no. 1 (1999), 184-191.

[508] See MCDERMOTT, "Vita consecrata: A Vocation for the Third Millennium," 455. Morrisey agreed writing that apostolic exhortations, "as the title explains, are exhortative in nature, and not legislative texts" (MORRISEY, *Papal and Curial Pronouncements*, 13). McDermott helpfully listed areas for further theological and canonical development in the same article on pages 457-461, many of which have been addressed in subsequent Church documents and given newfound consideration—and in many cases legislation—during Francis's pontificate. McDermott is silent, however, on questions of spiritual direction as investigated in this thesis, perhaps suggestive of an inability to conceive at that time of today's questions and challenges facing spiritual direction theologically, pastorally, and juridically.

[509] See D.J. ANDRÉS, "Meditaciones sobre la Exhort. Ap. '*Vita consecrata*,'" in *Commentarium pro religosis et missionariis,* 77 (1996), 139-155, especially 143.

[510] For example, in its presentation on consecrated persons as witnesses to Jesus, *VC* simply and powerfully proclaims, "The first missionary duty of consecrated persons is to themselves, and they fulfill it by opening their hearts to the promptings of the Spirit of Christ" (*VC*, no. 25). This primacy of the renewal of the spiritual life of consecrated persons appears again in no. 93: "The spiritual life must therefore have

are not, according to *VC*, restricted to sacramental celebration and times of prayer, but rather the witness of consecrated life must preach the fundamental truth that "[…] it is necessary to pass from the holiness communicated in the sacraments to the holiness of daily life" (*VC,* no. 33). *Vita consecrata,* without explicitly naming spiritual direction, identifies "[…] a need to rediscover the *ascetic practices* typical of the spiritual tradition of the Church and of the individual's own institute" (*VC,* no. 38). Called to "a transfigured life" (*VC*, no. 20), spiritual direction can greatly assist in the transformation of consecrated life's multifarious moments into occasions of divine encounter and mission to better realize the Church's dream for consecrated persons to be "[…] expert guides in the spiritual life" (*VC*, no. 55).

The practice of spiritual direction (*consultationis spiritalis*) finds again explicit recommendation in *Vita consecrata:* "Confident and humble recourse to *spiritual direction* is of great help on the path of fidelity to the Gospel, especially in the period of formation and at certain other times in life. Through it, individuals are helped to respond with generosity to the movements of the Spirit, and to direct themselves resolutely towards holiness" (*VC,* no. 95). Apparently seeking to realize greater opportunities for the members of religious institutes to practice spiritual direction, John Paul II recognizes not only the witness of elderly religious, but the great assistance they can render their confreres "[…] by their readiness to serve as spiritual directors, confessors or mentors in prayer" (*VC*, no 44).[511] Here the Latin use of terms is particularly insightful: "patris spiritus, confessarii,

first place in the program of families of consecrated life, in such a way that every institute and community will be a school of true evangelical spirituality."

[511] This text of *VC* cites the earlier explored no. 68 of *FLC*.

ductoris precationis." Clearly, three distinct roles are envisioned by John Paul II: spiritual director that he reframes as "spiritual father," "confessor," and "leader (or coach) of prayer;" while the first two terms clearly refer to someone within the internal forum, the latter is in the external forum and more regularly referred to as "spiritual formator." Persevering in the quest for personal holiness of life, consecrated persons are therefrom able to secondarily serve the Christian faithful by means of "[…] spiritual dialogue and direction" (*auditiones et moderationes spiritales*) (*VC*, no. 39) only after they themselves are practitioners of spiritual direction.

Another reoccurring leitmotif of *Vita consecrata* is the importance of freedom—inseparable from truth and moral goodness—hailed as "[…] a genuine value, closely connected with respect for the human person" (*VC*, no. 91).[512] *VC* acknowledges that while God calls, the religious freely chooses "[…] to respond [to that call] with complete and exclusive devotion" (*VC*, no. 17).[513] Thus, a constitutive dimension of consecrated life is a religious's freedom—namely, the freedom to serve God and neighbor or what *Vita consecrata* terms after the Virgin Mary's example "[…] *the acceptance of grace*" (*VC,* no. 28).[514] A consecrated person, then, is invited by God and the Church freely to choose this style of life and to persevere throughout the whole of one's life in fidelity to a religious

[512] Number 71 clearly maintains, "In present day circumstances, special importance must be given to the interior freedom of consecrated persons." Surely this freedom includes the freedom of choosing one's spiritual director without prejudice to an institute's legitimate discipline according to c. 630, §1.

[513] *VC* explains that this free will act represents "a demanding choice" understood as "a positive response" (no. 19). Later, *VC* expounds—drawing attention to the importance of freely willed acts—that a consecrated person's response and lifestyle are "*anything but passive*" (no. 27).

[514] *VC* is certain on this point: "Their witness helps the whole Church to remember that the most important thing is to serve God *freely*, through Christ's grace which is communicated to believers through the gift of the Spirit. Consecrated persons will be missionaries above all by continually deepening their awareness of having been called and chosen by God, to whom they must therefore direct and offer everything that they are and have, *freeing* themselves from the obstacles which could hinder the totality of their response" (no. 25).

institute's *ius proprium* as "[…] a map for the whole journey of discipleship, in accordance with a specific charism confirmed by the Church" (*VC*, no. 37).

These two prominent ideas of the renewal of holiness of life and the cultivation of authentic human freedom converge in *Vita consecrata*'s reflection upon vocational ministry where John Paul II writes, "[T]he pastoral work of promoting vocations should make use of suitable help, such as *spiritual direction* (*veluti spiritalem moderationem*), in order to nourish that personal response of love of the Lord which is the necessary condition for becoming disciples and apostles of his Kingdom" (*VC,* no. 64). Spiritual direction according to the teaching of *Vita consecrata* may assist in cultivating man's freedom, helping man realize his dignity as a child of God, and aiding man to follow Jesus in the ways of holiness. *Vita consecrata* suggests the contemporary value and importance of spiritual direction as a most helpful means to cultivate vocations to consecrated life.[515]

The principle of personal responsibility is also not overlooked in *Vita consecrata*, which argues that each consecrated person has "[…] the inescapable duty [of] taking personal responsibility for maturing in one's vocation" (*VC,* no. 65). In ongoing formation's *iter*, "[…] a journey of continual conversion, of exclusive dedication to the love of God and of your brothers and sisters, in order to bear ever more splendid witness

[515] See, for example, *VC,* no. 105. The utility of spiritual direction in vocational discernment is further developed for young men in the accessible B. CROELL and A. HOFER, *A Living Sacrifice: Guidance for Men Discerning Religious Life,* Valdosta, GA, Vianney Vocations, 2019, 27-28; therein, the authors recommend a priestly spiritual director "[…] to whom you can also go for the Sacrament of Confession" (27). The author of this study sincerely lauds the work of Croell and Hofer that importantly distinguished between internal and external fora in a canonically accurate and comprehensible manner for young men discerning; see the glossary entries on pages 257-258. Becquart echoed to religious women the value of accompaniment in vocational discernment: "In a word, our commitment, as religious women, to the vocations ministry should not firstly consist in recruiting for our own community, but in accompanying all the young people we meet with a chaste and truly selfless attitude as they discern, with great inner freedom, their personal vocation, whatever it may be" (N. BECQUART, "The 2018 Synod on 'Youth, Faith and Vocational Discernment:' A Strong Call to Our Religious Congregations!" in *UISG Bulletin,* no. 165 [2018], 9).

to the grace which transfigures Christian life" (*VC*, no. 109), where the religious is himself the primary agent under the impulse of the Paraclete, the exhortation proffers the importance of "[…] personal dialogue, a practice of irreplaceable and commendable effectiveness which should take place regularly and with a certain frequency" (*VC*, no. 66). While this lifelong personal dialogue (*singular colloquium*) necessarily occurs in various forms in the external forum, it also occurs in the internal forum, including spiritual direction recommended as steady and recurrent.[516]

Vita consecrata further recognizes that the efficacy of formation depends in part upon the adequate formation of formators, including spiritual directors: "Because sensitive tasks are involved, the training of suitable directors of formation, who will fulfil their task in a spirit of communion with the whole Church, is very important. It will be helpful to establish appropriate structures for the training of those responsible for formation, preferably in places where they can be in contact with the culture in which their pastoral service will later be carried out" (*VC*, no. 66). Platovnjak synthesizes the final disposition of spiritual direction and its director in *Vita consecrata:* "It seems important to identify, with greater precision, the characteristics, and specific tasks of the spiritual director of an institute of consecrated life by reason of his particular relationship to the confreres […]

[516] For a commentary on *VC*'s presentation on ongoing formation and the development of an integral *ratio*, see J. GIALLANZA, "Continuing Formation: Perspectives from *Vita consecrata*," in *RfR*, 56 (1997), 468-477 where Giallanza positively formulated ongoing formation within the spiritual life: "Fidelity to this journey is a grace of the Spirit at work within us […] This life in the Spirit characterizes the journey and guides us to the fullness of our religious life—union with the Lord. Continuing formation can provide us with some compelling insights and incentives for exploring and assimilating the many and varied blessings along the pathways of this graced journey, now and for the future" (ibid., 477).

especially in initial formation, and, consequently, to evaluate the modes and contents for his adequate preparation."[517]

3.1.4. – Instruction on a Renewed Commitment to Consecrated Life in the Third Millennium *Starting Afresh from Christ,* 2002

The 2002 instruction of the Congregation for Institutes of Consecrated Life and Societies of Apostolic Life *Starting Afresh from Christ* purposes not to repeat the analysis and earlier teaching of *VC* but instead to renew *VC'*s appeal at the beginning of the third millennium for consecrated persons "[…] *to focus primarily on spirituality.*"[518] More concretely, *Starting Afresh from Christ* aims to call consecrated persons away from "[…] the insidiousness of mediocrity in the spiritual life" (*SAFC,* no. 12) towards authentic conversion and renewal. As an instruction, *SAFC* binds the leaders of religious institutes indicating how universal law is to be enforced, but the instruction interests all members of religious institutes who "[…] can anticipate, and obviate the need for, enforcement on the part of the leader by conforming their actions to what is determined in the instruction before it is imposed by […] whoever is the intended executor."[519]

Starting Afresh from Christ begins with an acknowledgment of the witness consecrated persons offer to the world of "[…] the primacy of grace and to respond to it through a generous spiritual commitment" (*SAFC,* no. 8).[520] Through the witness of

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[517] I. PLATOVNJAK, *La direzione spirituale oggi: lo sviluppo della sua dottrina dal Vaticano II a Vita consacrata (1962-1996)*, Rome, Editrice Pontificia Università Gregoriana, 2001, 314.

[518] CONGREGATION FOR INSTITUTES OF CONSECRATED LIFE AND SOCIETIES OF APOSTOLIC LIFE, Instruction on a Renewed Commitment to Consecrated Life in the Third Millennium, *Starting Afresh from Christ*, 19 May 2002, no. 4, Libreria editrice Vaticana, 2002, in *Origins*, 32 (2002-2003) (=*SAFC*), 132.

[519] HUELS, "A Theory of Juridical Documents Based on Canons 29-34," 350.

[520] Mangan summarized this thrust of *SAFC*: "If consecrated life is to have the 'spiritual rebirth' that it needs, then the spiritual life must occupy the foremost position in each institute and in the heart of each

consecrated life, *Starting Afresh from Christ* teaches that the exercises of the spiritual life are preserved, fostered, and renewed. After enumerating such spiritual practices as sacramental celebration and *lectio divina*, the instruction explicitly names "[…] accompaniment through spiritual direction" (*SAFC,* no. 8). Taken within the whole of its teaching, the instruction urges spiritual direction as integral to an ongoing formation that forms religious "[…] by everyday life, by their own community, by their brothers and sisters, by everyday things, ordinary and extraordinary, by prayer and by apostolic fatigue, in joy and in suffering, until the moment of death" (*SAFC*, no. 15).

The expanse of *Starting Afresh from Christ's* formative vision readily dovetails with the previously considered extensiveness of subject matter for spiritual direction—perhaps explaining the recognition *SAFC* gives to spiritual direction's great merit in the Christian life and timeliness in ushering forth the earnestly sought renewal of consecrated life beginning with "[…] an intense spirituality in the strongest sense of the word, that is, *life according to the Spirit*" (*SAFC*, no. 20). Spiritual direction is of inestimable value in realizing the goal articulated in SAFC, no. 23: "walking the paths of a lived spirituality, a priority commitment in this time, taking the opportunity to re-read in life and in daily experiences the spiritual riches of one's own charism, through a renewed contact with the same sources which, inspired by the founders' and foundress' experience of the Spirit, gave rise to the spark of new life and new works, the specific re-reading of the Gospel found in every charism." In *SAFC*'s appeal for "[…] a deeper spirituality which is more ecclesial and communitarian," the accompaniment of spiritual direction that manifests the Church

consecrated man and woman" (C.M. MANGAN, "The Spirituality of CICLSAL's 'Starting Afresh,'" in *RfR*, 62 [2003], 18).

as a community of believers invites the development of, and accountability to, "[…] a *teaching and pastoral plan for holiness*" (*SAFC*, no. 20).

In its contemporary assessment, *SAFC* does not diminish the struggles of religious superiors who face "[…] a demanding and at times disputed task […] and to help those entrusted to them to live in a constantly renewed fidelity to the call of the Spirit" (*SAFC*, no. 14). The instruction therewith not only admits of real troubles conceiving the superior's office in the modern context but reaffirms the superior's "spiritual authority" in helping the members enkindle and persevere in the life of the Spirit: "A superior cannot renounce the mission of animation, of brotherly/sisterly support, of proposing, of listening and of dialogue" (*SAFC,* no. 14).

3.1.5. - The Service of Authority and Obedience *Faciem tuam, Domine, requiram,* 2008

The instruction of CICLSAL entitled *Faciem tuam, Domine, requiram* returns to questions of spiritual direction now from the perspective of religious obedience and the ecclesiastical offices of religious superiors called to serve the members of a religious institute in the "[…] use [of] every means available that helps one to know [the divine will] and sustain [the divine will] while bringing it to fulfillment."[521] Although spiritual direction may be inferred as a possible application of the document's repeated references to "listening," "dialogue," "sharing," and "co-responsibility" that uphold each member's legitimate freedom in relation with religious superiors within a common fraternal life, the instruction does not explicitly address questions of the superior's ability or suitability to act as spiritual director in the strict sense as previously canonically treated in c. 630 of the

[521] CONGREGATION FOR INSTITUTES OF CONSECRATED LIFE AND SOCIETIES OF APOSOTLIC LIFE, Instruction on the Service of Authority and Obedience *Faciem tuam, Domine, requiram*, 11 May 2008, no. 1, in *Enchiridion Vaticanum*, vol. 25 (2011), 298, English translation in *Origins,* 38 (2008) (=*SAO*), 65.

1983 Code.[522] Nonetheless, the instruction's study of the larger notions of dignity and communion, human mediation, authority and freedom offer clues to the contemporary ecclesial vision of spiritual direction and its director.

This instruction demonstrates an acute awareness of the perceived tension between personal and common good in religious institutes and to which superiors have been called to discernment as "[…] the sign of unity and the guide in the common search, both personal and communitarian, of carrying out the will of God" (*SAO*, no. 1).[523] The document begins with a sober appraisal of the contemporary situation:

> To all this one must add the realization that in recent years the way of listening to and living authority and obedience has changed both in the Church and in society. This is due to, among other things: the coming to awareness of the *value of the individual person*, with his or her vocation, and intellectual, affective and spiritual gifts, with his or her freedom and rational abilities; the centrality of the *spirituality of communion*, with the valuing of the instruments that help one to live it; a different and less individualistic way of understanding mission, in the *sharing* of all members of the People of God, with the resulting forms of concrete collaboration (*SAO*, no. 3).[524]

Consequently, *The Service of Authority and Obedience* readily admits a difficulty contemplated by this thesis: "[I]t is necessary to recognize that the task of being a guide for others is not easy, especially when the sense of personal autonomy is excessive or conflictive and competitive in its relations with others" (*SAO*, no. 12). The instruction thus

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[522] These keynotes, and others, are systematically treated in *SAO*, no. 20.

[523] *SAO* underscores the importance of "community discernment" in relation to leadership: "Even if true and appropriate discernment is reserved to the most important decisions, the spirit of discernment ought to characterize every decision-making process that involves the community. A time of individual prayer and reflection together with a series of important attitudes for choosing together what is right and pleasing to God, should never be missing prior to every decision […] Community discernment is not a substitute for the nature and function of persons in authority, from whom the final decision is expected. Nevertheless, persons in authority cannot ignore that the community is the best place in which to recognize and accept the will of God. In any case, discernment is one of the peak moments in a consecrated community where the centrality of God, that ultimate end of everyone's search, as well as the responsibility and the contribution of each one in the journey of all towards the Truth, stand out with particular clarity" (*SAO*, no. 20.e).

[524] Returning to this theme again later, *SAO* continues, "Today, it is not rare that the mission is addressed to people concerned with their own autonomy, jealous of their freedom, fearful of losing their independence" (*SAO*, no. 15).

acknowledges that rights with no regard for the rights of others and the common good amount to nothing more than a corruption of a human person's dignity and legitimate freedom where "one finds oneself before forms of idolatry that do not increase freedom but rather enslave" (*SAO*, no. 2).[525] There can be, then, perceived tension and a need by authority to overcome this false dilemma or what *SAO* calls "conflict" between "self-realization" and "community projects," as seen in the practical application of c. 630, §1: "[…] the search for *personal well-being*, be it spiritual or material, can render total dedication to the service of the common mission difficult" (*SAO*, no. 3). The religious superior is called, then, to restore harmonious equilibrium between the good of the person and the community arising from a common yet personal call from Jesus Christ.[526]

The Service of Authority and Obedience also affirms the veracity and importance of human mediation in relation to man's salvation while nonetheless "[…] respecting the freedom of all" (*SAO*, no. 20.d).[527] *SAO* teaches, "In effect, the history of salvation is a

[525] CICLSAL explains that one way in which man's legitimate freedom is corrupted occurs when the human person posits "independence from the Creator and from relationships with others" (*SAO*, no. 2), such as when personal good is no longer viewed in relation to the common good of the religious institute taken collectively. Gambari introduced in his analysis of the dignity of the human person the importance of sacrifice noting, "The common good, however, can and does require sacrifice on the part of individual members of the community. The sacrifice demanded for the common good must be such as to redound to the true good of the person himself" (GAMBARI, *Religious Life According to Vatican II and the New Code of Canon Law*, 485). And Merton expressed the immaturity resultant from a misguided "freedom:" "Personalism and freedom do not, for example, consist entirely in always being right, always being deferred to, always having the last word. If in fact the immaturity of some superiors has taken this form, and if some subjects are therefore misled into believing that maturity is simply immaturity made official, and if 'renewal' proceeds on such assumptions, the prospect is not encouraging. One of the marks of a mature mind is that it is able to get along without being at all times in a position of unquestioned superiority […] The renewal of the religious life cannot, then, mean a free-for-all in which everyone can expect to promulgate decisions that will be accepted with awe and with finality for all eternity by the entire Order" (MERTON, "The Council and Monasticism," 52).

[526] See *SAO*, no. 16 that reframes this balancing within "[…] the commandment of [fraternal] love in daily life."

[527] Areitio stressed that *la libertad máxima* is not opposed to religious obedience, but rather "[…] realized in obedience, aware that religious obedience does not annul the dignity of the person, but leads it to fullness, since it is obedience that starts from a radical willingness to do the will of God, to follow Christ, and to let oneself be guided by the Spirit as Christ himself did; and this through concrete mediations, guaranteed

story of mediation, which makes the mystery of grace which God completes in the intimacy of the heart visible in some way" (*SAO,* no. 9). The instruction further elaborates the reality of human mediation at work in the Church, in consecrated life, and plainly in spiritual direction:

> If the life of the believer is entirely a search for God, every day of life becomes a continual learning of how to listen to his voice in order to do his will. It is a question certainly of a demanding school, almost a struggle between the I who tends to be in control of oneself and one's history and God who is "the Lord" of every history, a school wherein one learns to entrust oneself so much to God and to his Fatherhood, as also to trust in men and women — his sons and daughters and our brothers and sisters. In this way the certitude grows that the Father never abandons anyone, not even when it is necessary to entrust the care for one's own life into the hands of the brothers or sisters and to recognize in them the sign of his presence and the mediators of his will (*SAO*, no. 29).

While conceding that human mediation occurs in a vast array of manners—including a religious institute's *ius proprium*—the instruction exhorts consecrated persons to approach human mediation with faith, freedom, and generosity since the fruitfulness of human mediation depends upon "[…] the desire to know and do the will of God, the awareness of one's own fragility and the acceptance of the validity of the specific mediations remain alive, even when the reasons presented are not fully grasped" (*SAO*, no. 9).

This cultivation of an ecclesial spirituality of communion necessitates that all seek guidance and direction from human mediators to better ascertain the will of God; even superiors are exhorted to fulfill their caritative and discerning service "[…] assiduously with the help of prayer, reflection, and the advice of others for what God really wills [lest] instead of representing God, superiors risk putting themselves carelessly in God's place" (*SAO*, no. 12). Again, the importance of a superior's example of seeking direction is emphasized in no. 13 that argues that a superior cannot be the spiritual animator of a

(*garantizadas*) by the Church, which has discerned the authenticity of a charism and continues to ensure that the various gifts of the Spirit multiply and bear fruit in the Church" (M. AREITIO, "Aspectos jurídicos de la Instrucción *El Servicio de la Autoridad y la Obediencia*," in *Ius Canonicum,* 49 [2017], 672).

religious institute without first "[…] listening to others and to the signs of the times through a daily familiarity with prayer and with the Word of God, with the Rule and the other norms of the life." Areitio argued that the exhortation for superiors to devote themselves first to their spiritual lives that their leadership might be spirit-filled reflects the ecclesial vision that "[…] authority and individual freedom come together to seek and to accomplish God's will. This search for God's will on the part of the superiors is a duty of great importance."[528]

The instruction further develops the relation between superiors and the human dignity of the members to whom the superior has been called in virtue of his office to render "[…] the appropriate appreciation and positive consideration, nurturing sincere affection towards all." *SAO* immediately identifies one manner—apparently of concern—in which a superior can promote human dignity: "[…] keeping reserved all that is said in confidence" (*SAO*, no. 13.c). Although no further explanation is given, certainly the safeguarding of a member's freedom to choose a spiritual director, to approach that spiritual director, and to have preserved as secret all that is said in spiritual direction is one critical way in which a religious superior concretely confesses the human dignity proper to each member.

Finally, the instruction cultivates "a relational anthropology" or "spirituality of communion" as contemporary and providential that necessarily includes "[…] the value of openness to someone other than oneself" (*SAO*, no. 19). This opening of one's life and soul to the other is foundational to Christian spiritual direction as seen from its original conception in the first desert experiences of monasticism that likewise experienced "[…] the fruitfulness of the relation with the diversity and enrichment that come to each one from it" (*SAO*, no. 19). Although spiritual direction is not explicitly named, it is readily

[528] AREITIO, "Aspectos jurídicos de la Instrucción *El Servicio de la Autoridad y la Obediencia*," 660.

understood as a concrete application of the instruction's appropriation of Mt. 18:20 further developed to suggest that "[…] brothers and sisters become sacraments of Jesus and of the encounter with God, a concrete possibility of being able to live the commandment of mutual love […] in the common search for the will of the Lord rich in grace and mercy" (*SAO*, no. 19). Further suggestive of the role that spiritual direction in orders of monks can play in the new evangelization, the *Service of Authority and Obedience* powerfully states that this "relational anthropology" supernaturalized in the "spirituality of communion" is "[…] the main pathway for the future of a believing life and of Christian witness" (*SAO*, no. 19).[529]

3.1.6. -*The Priest, Minister of Divine Mercy: An Aid for Confessors and Spiritual Directors*, 2011

The Congregation for the Clergy added its own voice to the Church's universal teaching on spiritual direction, approaching this topic in unison with questions of sacramental confession in the 2011 document *The Priest, Minister of Divine Mercy: An Aid for Confessors and Spiritual Directors*. As the title suggests, this instruction is principally addressed to priests in response to the Year for Priests with the dual purpose of serving as "[…] (1) a helpful instrument for the ongoing formation of the Clergy and (2) an aid in rediscovering the indispensable value of the Sacrament of Reconciliation and of

[529] Paul VI had earlier affirmed, "In the long run, is there any other way of handing on the Gospel than by transmitting to another person one's personal experience of faith? It must not happen that the pressing need to proclaim the Good News to the multitudes should cause us to forget this form of proclamation whereby an individual's personal conscience is reached and touched by an entirely unique word that he receives from someone else. We can never sufficiently praise those priests who through the sacrament of Penance or through pastoral dialogue show their readiness to guide people in the ways of the Gospel, to support them in their efforts, to raise them up if they have fallen, and always to assist them with discernment and availability" (PAUL VI, Apostolic Exhortation on Evangelization in the Modern World *Evangelii nuntiandi,* 8 December 1975, no. 46, in *AAS,* 68 [1976], 36, English translation in *On Evangelization in the Modern World,* Washington, DC, USCC, 1976, 31). Note that Paul VI here praised the direction given by priests and thus seemed to circumscribe the identity of the director—a theme treated elsewhere in this chapter.

Spiritual Direction" (*PMDM*, Presentation). Accordingly, *The Priest, Minister of Divine Mercy* is divided into two distinct parts that first treat of questions of sacramental confession (nos. 7-63) and later spiritual direction (*PMDM,* nos. 64-134). *PMDM* thus devotes thirteen more paragraphs to spiritual direction than to confession suggestive of the dicastery's acknowledgment of greater need for clearer teaching and reflection on spiritual direction.

PMDM suggests a unity in the mind of the dicastery regarding the Sacrament of Reconciliation and extra-sacramental spiritual direction that it argues are "closely connected" (*PMDM*, no. 2), so closely joined that it praises as "an excellent opportunity" (*PMDM*, no. 42) their unity in practice where "[…] this penitential celebration [of the Sacrament] can also provide an opportunity for spiritual direction or counsel" (*PMDM*, no. 15).[530] Attributable to this unified view of Sacrament and non-sacrament, the instruction argues that the priest "[…] is called to be a confessor and spiritual director, beginning also from his own experience. He is minister of the Sacrament of Reconciliation and servant of spiritual direction just as he is, at the same time, a beneficiary of both of these means of

[530] In no. 73, *PMDM* develops the union between confession and spiritual direction with the latter seen as "[…] a possible consequence, when the faithful request guidance on the path of holiness, including the specific journey of their personal vocation;" see also nos. 115 and 116 that concede that "[…] it is possible to pass to personal examination or to a personal encounter, to spiritual reading, to the spiritual exercises in personalized forms" (no. 115). Here *PMDM* is not original, but rather follows the earlier teaching of John Paul II: "Thanks then to its individual character, the first form of celebration makes it possible to link the Sacrament of Penance with something which is different but readily linked with it: I am referring to *spiritual direction*" (*moderatione spirituali*) (JOHN PAUL II, Post-synodal Apostolic Exhortation on Reconciliation and Penance in the Mission of the Church Today *Reconciliatio et paenitentia*, 2 December 1984, no. 32, in *AAS*, 77 [1985], 267-268, English translation in *On Reconciliation and Penance in the Mission of the Church Today*, Washington, DC, USCC, 1984, 129). The joining of sacramental confession and spiritual direction reappears in the *Directory for the Ministry and the Life of Priests*, seemingly as a repeated recommendation of the dicastery that "[…] confession could be lived also as a moment of spiritual direction" (no. 71), while admitting that spiritual direction can occur "[…] also at times outside the administration of Penance" (no. 73); see CONGREGATION FOR THE CLERGY, *Directory for the Ministry and the Life of Priests*, Libreria editrice Vaticana, 2013.

sanctification in his own personal spiritual and apostolic renewal." (*PMDM*, no. 5). In a similar vein, the instruction concludes: "The pastoral care of holiness, which is proclaimed and realized in a special way in the *Sacrament of Reconciliation and in spiritual direction*, and always in relation to the Holy Eucharist, is principally carried out by the priestly ministry, as the ministry that builds up unity (communion) at the heart of the human and ecclesial community" (*PMDM*, no. 137). The priestly vocation, then, entails the ministry of spiritual direction, but *PMDM* unambiguously reminds the priest-director that he can only direct other souls if he is first a lifelong directee, building upon the spiritual direction begun in seminary.[531] *PMDM* certainly emphasizes the ministry of spiritual direction as contemporarily relevant and urgently needed, "[…] a real pastoral priority" (*PMDM*, no. 71). The instruction further develops the theological foundation for the notion of the priest as spiritual director, teaching, "In this ministry or service of spiritual direction, as in the Sacrament of Penance, the priest represents Christ the Good Shepherd, who is our guide, our brother, our father, our merciful physician. This service is closely connected with the ministry of preaching, and of guiding the community and by the witness of life" (*PMDM*, no. 112).[532]

PMDM does not go so far, however, as to circumscribe spiritual directors to *only* priests. The instruction celebrates in its historical survey, "While spiritual direction was always imparted by monks and priests, other members of the faithful (religious and lay) - Saint Catherine for example - have also given spiritual counsel […] There are to be found

[531] See *PMDM*, no. 67 and *PMDM*, no. 68: "From the first moment in the seminary, spiritual direction is an essential part of initial formation for the priesthood."

[532] The instruction later develops the notion of the priest acting *in nomine Christi* in spiritual direction where the director "[…] is the servant of forgiveness and orients the journey of contemplation and of perfection, in full fidelity to the Magisterium and the spiritual tradition of the Church" (*PMDM*, no. 116).

also well-formed lay people—both men and women—who offer this service of counsel along the journey of holiness" (*PMDM,* no. 65).[533] The venerable monastic tradition of non-ordained spiritual directors thus offers credible witness to the common priesthood of all the Christian faithful affirmed by the Second Vatican Council and evinces the conciliar confession that "[…] the common priesthood of the faithful and the ministerial or hierarchical priesthood are nonetheless interrelated" (*LG*, no. 10).

The instruction yields the veracity of human mediation in God's plan of salvation in the Mystical Body of Christ where there exist "[…] diverse ministries, vocations, and charisms […] " (*PMDM*, no. 77) and the great utility of seeking direction from "[…] those who have the gift of counseling with greater intensity, and to those, who, according to the grace of their state of life, exercise this gift in the context of the mission given to them, remembering that the prime 'counselor' or 'director' is always the Holy Spirit, to whom we should pray constantly and with faith and trust" (*PMDM*, no. 76). While granting that "[…] spiritual direction can be exercised as an official office which has been entrusted by ecclesiastical authority or by the ecclesiastical community in which a person lives" (*PMDM*, no. 77), and thus acknowledging the designation of appointed spiritual directors as for example in seminary institutions and according to the proper law of certain religious institutes, *The Priest, Minister of Divine Mercy* nevertheless emphasizes that the best

[533] Thence, contemporary ecclesial teaching does not concur with the opinion of Carmelite Gabriel of St. Mary Magdelene who argued that the power to direct in spiritual direction is dependent on the reception of Holy Orders, while having to concede that non-clerics had also often historically received this mission directly from the Church such as novice masters; see GABRIEL OF ST. MARY MAGDALENE, "Direction spirituelle: Justification théologique," in M. VILLER, et al. (eds), *Dictionnaire de spiritualité ascétique et mystique,* vol. 3, Paris, Beauchesne, 1957, col. 1180-1185.

director has received a gift from God to exercise this ministry as a divine mission in the communion of the Church.[534]

The instruction also proffers qualifications for the spiritual director, whether cleric or lay, arising from the description of the spiritual director: "one who guides in making concrete applications, inspires generosity in self-giving, and proposes means of sanctification adapted to particular persons and circumstances, bearing in mind their specific vocations" (*PMDM*, no. 85). In nos. 101 to 105, the dicastery enumerates desirable qualities in a spiritual director understood as both father and friend including humility, prudence, discretion, good humor, and respect.[535] Undesirable qualities too are noted: "He should avoid giving any impression of authoritarianism, personalism, paternalism which induces affective dependence, haste or wasting time pursuing secondary questions" (*PMDM*, no. 101). Moreover, attributable to the difficulties of the spiritual life, the instruction proposes a spiritual director who is not only spiritual but has "[…] the ability of not being discouraged when he is unable to see the fruits of his labors" (*PMDM*, no. 104).

A further indication of the spiritual director emphasizes that the director-directee relationship necessitates familiarity: "The spiritual director should know the person he is directing very well. This allows him to be able to search out the will of God with the person being directed so as to assist them on their spiritual journey and at times when special graces are poured out by God. Such diagnosis is dependent on the way we live, our qualities

[534] See *PMDM*, no. 110 that reminds the spiritual director that "[…] he too has need of spiritual direction so as to be able to impart it better to others when asked to do so," and no. 114 that acknowledges that "[…] the one who appreciates spiritual direction and values it, not only recommends it in his ministry but also practices it personally."

[535] See *PMDM*, no. 101: "He should have a fatherly and friendly approach."

and defects, and the development of his personal spiritual life etc." (*PMDM,* no. 103). Spiritual direction, then, is *personalized* guidance or accompaniment that demands of the director a familiarity with the directee's life and context. A spiritual director in monasteries, then, needs familiarity with both the monk and the monastic milieu to provide appropriate spiritual accompaniment.

A central theme in *PMDM* is concern for the proper and suitable formation of spiritual directors: "In present circumstances, while there is an increasing demand for spiritual direction on the part of the faithful, there is, likewise, an increasing need to better prepare priests to give spiritual direction" (*PMDM*, no. 66). The instruction continues by enumerating the goals of formation for directors: "to afford spiritual counsel with greater diligence, discernment, and spiritual accompaniment" (*PMDM*, no. 66). Certainly, then, the spiritual director must be trained in the art of active listening and prayerful discernment. The dicastery too emphasizes the importance of a comprehensive study of spiritual or mystical theology to accompany souls in the spiritual life.[536] The instruction makes a book recommendation: "[…] the writings of the spiritual masters since they assist us in 'opening our hearts and rejoicing in his presence' in an exchange of glances, 'I look at him, he looks at me'" (*PMDM*, no. 83). Additionally, the dicastery recognizes the importance of the spiritual director having knowledge of temperaments to more effectively guide the directee.[537] Plainly, *PMDM* argues for the necessity of not only book knowledge, but practical knowledge too born from lived experience.[538]

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[536] See *PMDM*, no. 67: "The study of spiritual theology and the spiritual life become always more urgent during the period of preparation for the priesthood."

[537] See *PMDM*, no. 130.

[538] See *PMDM*, no. 102.

Furthermore, the instruction extols the utility of having only one spiritual director, whether "chosen, proposed or required," while acknowledging that the directee remains free to discontinue with one spiritual director and select another "[…] when there are serious reasons for suggesting that greater spiritual growth may require a change" (*PMDM*, no. 102). The question of free selection is made further clear in *PMDM*, no. 105: "In the context of formation for the priesthood and the religious life, as well as in certain apostolic initiatives, it is usual to appoint some spiritual directors so as to ensure an adequate spiritual formation. This system should leave ample space for personal choice in choosing a spiritual director, especially in matters relating to conscience and to the Sacrament of Penance." While certain circumstances and canonical institutions lawfully require the appointment of spiritual directors or make their appointment expedient, this must in no way vitiate the right of consecrated persons enshrined in c. 630, §1 that permits freedom of choice in accordance with a religious institute's proper discipline.[539]

The instruction, while lucidly commending the practice of spiritual direction, admits of a great diversity of practices—including even the frequency of spiritual direction that it argues is best left to the person's freedom and individual needs and circumstances: "Spiritual direction can be habitual or periodic or an occasional accompaniment *ad casum*" (*PMDM*, no. 86).[540] Clearly, the frequency of spiritual direction will depend upon the needs of the directee seeking direction; the onus of seeking direction, then, must be borne principally by the directee. Apparently, those in initial formation—attributable to the

[539] The instruction explicitly refers to this "freedom of choice of director," but admonishes that this does not lesson the importance of "[…] the attitude of respect [towards the director as freely chosen]" (*PMDM*, no. 107).

[540] See *PMDM*, no. 106 that concludes in part, "It is always better that spiritual direction is sought spontaneously rather than the subjects waiting to be called by their spiritual director."

intensity of formation and changed circumstances—will "[…] require a more frequent and assiduous use of spiritual direction" (*PMDM*, no. 106).

From the development of spiritual direction in the broadest terms, it is insightful to note that the instruction expresses a strictness concerning the director's duty to "[…] always take account of the specific ecclesial vocation of the person seeking direction or counsel. It must also look to their state of life, their particular charisms, and to the particular graces which have been given to them. Since a person is 'unitary,' it is necessary to know their particular circumstances: family, work, etc. When dealing with a specific charism or vocation, it is always helpful to note the various stages of its journey" (*PMDM*, no. 87).[541] In paragraphs 117 to 121, the instruction considers the spiritual direction of consecrated persons with a brief recounting of some central themes for their spiritual direction: "questions concerning physical or moral solitude, failures, affective immaturity, sincere friendships, interior freedom in fidelity to obedience, peacefully assuming celibacy as a sign of Christ the Spouse for his Spouse which is the Church, etc." (*PMDM*, no. 119). In the direction of consecrated persons, the director must have at least a rudimentary knowledge of the religious institute's charism including the rights and obligations of proper law since "[s]piritual direction of consecrated persons is marked by certain distinctive aspects" (*PMDM*, no. 120). The instruction further develops the uniqueness of spiritual direction of consecrated persons where "[…] it is necessary to take account of the specific charism ('foundational charism') and of the specific consecration that comes about (by

[541] Here the instruction footnotes c. 630 in the direction of consecrated persons in the Latin Church. Concretely, *PMDM*, no. 110 offers special guidance when offering spiritual direction to priests: "When a priest seeks spiritual direction, it is always necessary to bear in mind the fact that his charism and his particular spirituality has as its fulcrum 'unity of life' in the exercise of the sacred ministry."

profession), as well as the various forms of contemplative, evangelical, communitarian and missionary life, with their corresponding Constitutions, rules, etc." (*PMDM*, no. 117).

A potential canonical hardship, however, emerges in the instruction's presentation surrounding spiritual direction and the exercise of the power of governance in the internal extra-sacramental forum. First, no. 103 states, "The exercise of the power of jurisdiction in the Church should always respect the reserve and the silence of the spiritual director." Unfortunately, no further exposition is given nor any footnote, but the context of no. 103 concerning freedom of conscience and respect for conscience suggests that "the reserve and the silence of the spiritual director" is a reference to c. 240, §2: "When decisions are made about admitting students to orders or dismissing them from the seminary, the opinion of the spiritual director and confessors can never be sought." The difficulty, however, consists in the apparent denial of the internal extra-sacramental forum as a legitimate forum for the exercise of the one power of governance in accordance with c. 130 as seemingly implied in the subsequent no. 104 of *The Priest, Minister of Divine Mercy*: "The authority of the spiritual director is not one of jurisdiction, rather it is of counsel and guidance."[542] While the implication is clear that direction arises in a relationship of freedom and mutual respect and not authoritarian control, care must equally be had to not deny the juridic potentiality and effects of a true canonical act occurring in spiritual direction within the internal extra-sacramental forum—albeit rare—as erroneously might be inferred from a hurried reading of no. 104.

[542] The original Italian is also ambivalent: "*potestà di giurisdizione*."

3.1.7. - Apostolic Exhortation on the Proclamation of the Gospel in Today's World, *Evangelii gaudium*, 2013

As universal shepherd, Francis intends to incite a new evangelization of the modern world in his apostolic exhortation fittingly entitled *Evangelii gaudium,* concretely "[…] pointing out new paths for the Church's journey in years to come."[543] The apostolic exhortation principally aims, then, not to expound doctrine nor to legislate new juridic norms, but to goad a novel proclamation of the Gospel of Jesus Christ in the contemporary context.[544] Francis concedes from the beginning of his apostolic exhortation the centrality of the spiritual life of believers, understood as "[…] a renewed personal encounter with Jesus Christ" (*EG*, no. 3) upon which depends the future success of the evangelization of the modern world:

> Thanks solely to this encounter—or renewed encounter—with God's love, which blossoms into an enriching friendship, we are liberated from our narrowness and self-absorption. We become fully human when we become more than human, when we let God bring us beyond ourselves in order to attain the fullest truth of our being. Here we find the source and inspiration of all our efforts at evangelization. For if we have received the love which restores meaning to our lives, how can we fail to share that love with others? (*EG*, no. 8).

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[543] FRANCIS, Apostolic Exhortation on the Proclamation of the Gospel in Today's World *Evangelii gaudium*, 24 November 2013, no. 1, in *AAS,* 105 (2013), 1019, English translation in *The Joy of the Gospel: Evangelii gaudium*, Dublin, Veritas, 2013 (=*EG*), 9.

[544] Francis admits the limitations of his project in no. 16: "Nor do I believe that the papal magisterium should be expected to offer a definitive or complete word on every question which affects the Church and the world. It is not advisable for the Pope to take the place of local Bishops in the discernment of every issue which arises in their territory. In this sense, I am conscious of the need to promote a sound 'decentralization.'" Consequently, *EG* offers "[…] some guidelines which can encourage and guide the whole Church in a new phase of evangelization, one marked by enthusiasm and vitality" (*EG,* no. 17). Nonetheless, certainly the new evangelization depends upon canonical discipline as Burke wrote, "[T]he knowledge of and respect for canonical discipline is indispensable to the Church's response to the call to a new evangelization […] The first aspect is respect for the rule of law as the irreplaceable foundation for right relationships and coherent activities within the Church. In specific, we must confront the antinomian tendency of the culture, which is inimical to the organic unity which is inherent to the Body of Christ. A general ignorance of canon law, which sees it as some esoteric and surpassed aspect of Church life, must be overcome. At the same time, the false conflict between canon law and the pastoral nature of the Church, between truth and love, must be addressed" (R.L. BURKE, "The New Evangelization and Canon Law," in *J*, 72 [2012], 27).

Ergo, *Evangelii gaudium* cannot overlook the advantageous role of spiritual direction, nor does the "pastoral goal and missionary style" (*EG*, no. 35) advocated in the apostolic exhortation have no weight on spiritual direction and its director—both as regards free choice of director and Francis's identification of desirable qualities and duties of the spiritual director. Francis acknowledges, however, that the newness of the Gospel proclaimed and celebrated in the modern world may necessitate a newfound ecclesial awareness "[…] that certain customs not directly connected to the heart of the Gospel, even some which have deep historical roots, are no longer properly understood and appreciated. Some of these customs may be beautiful, but they no longer serve as a means of communicating the Gospel. We should not be afraid to re-examine them" (*EG*, no. 43).[545] Francis's confession of the need for updating, however, faces in practice many challenges as experience makes plain and as concretely evinced in the case of spiritual direction.[546]

In his exploration of contemporary hardships and threats to evangelization, Francis identifies "[…] a spiritual consumerism tailored to one's own unhealthy individualism" (*EG*, no. 89), an individualism, he continues, that effectively "[…] divides human beings, setting them against one another as they pursue their own well-being" (*EG*, no. 99). This "spiritual consumerism" that Francis later terms "[…] a 'spirituality of well-being'

[545] In *Proclaim,* the Congregation for Institutes of Consecrated Life and Societies of Apostolic Life applied Francis's teaching directly to religious institutes, conceding the need to reconsider contemporary realities and propose innovative responses to those realities against a dangerous spirit of rigidity and inflexibility: "Rethinking the structures will sometimes lead to taking existing structures, that are no longer suitable for transmitting the beauty of the Good News, out of consideration" (CICLSAL*,* Letter to Consecrated Men and Women Witnesses of the Gospel among Peoples *Proclaim,* no. 72, 29 June 2016, English translation in *Proclaim: To consecrated men and women witnesses of the Gospel among peoples*, Libreria editrice Vaticana, 2016, 114).

[546] Amaladoss frankly confessed this hardship in relation to freedom and contemporary exigencies: "The quest for internal and external freedom may not be easy, precisely because it is tied to objective structures that are not changed just by willing it, especially in a period of reducing numbers [of members], unless appropriate and bold strategies are devised" (AMALADOSS, "The Mission of Religious," 138).

divorced from any community life" (*EG*, no. 90) seeks to use spiritual means apart from the Church and with no regard for fraternal life and communion, which Francis concludes results with a new victimization: "[…] by being taken in by solutions which neither make life truly human nor give glory to God" (*EG*, no. 89). Apparently, then, spiritual direction as an integral dimension of spiritual accompaniment occurs in the communion of the Church and under ecclesiastical vigilance. Here Francis too attempts to balance the personal and communal good that can come into tension in practical questions of spiritual direction and its director by condemning the notion of absolute personal rights: "Sadly, even human rights can be used as a justification for an inordinate defense of individual rights […] To speak properly of our own rights, we need to broaden our perspective and to hear the plea of other peoples" (*EG*, no. 190). The reference in c. 630, §1 "to the discipline of the institute" calls to mind the necessary consideration for the rights of others and the common good in spiritual direction.

According to the apostolic exhortation, and as suggested by its treatment in chapter three, *Evangelii gaudium* identifies "spiritual accompaniment," which includes spiritual direction strictly understood, as an essential dimension of the Church's proclamation of the Gospel that has the power to "[…] lead others ever closer to God, in whom we attain true freedom" (*EG*, no. 170). Therefore, Francis writes, "The Church will have to initiate everyone—priests, religious, and laity—into this 'art of accompaniment' which teaches us to remove our sandals before the sacred ground of the other (cf. Ex 3:5)." (*EG*, no. 169). Plainly, any member of the Christian faithful can accompany, but this accompaniment is not simply an office or a function but necessitates a true *arte dell'accompagnamento* that is a gift given by God to respect the freedom of the accompanied and his personal faith

journey: "One who accompanies others has to realize that each person's situation before God and their life in grace are mysteries which no one can fully know from without" (*EG*, no. 172). Francis specifies that this "spiritual accompaniment" is to be "steady and reassuring," and thus not sporadic, infrequent, or rushed, that it may patiently witness to Christian charity that "[…] heals, liberates, and encourages growth in the Christian life" (*EG*, no. 169). Furthermore, this spiritual accompaniment aims to embrace all peoples in all circumstances as a concrete manifestation of the Church's universal, yet individual and personal, spiritual and pastoral care.[547]

Francis develops some of the characteristics of the art of accompaniment including "the art of listening" understood as "[…] an openness of heart which makes possible that closeness without which genuine spiritual encounter cannot occur. Listening helps us to find the right gesture and word which shows that we are more than simply bystanders" (EG, no. 171). This art is also foreign to "frustrations" and "fears," but instead characterized by an abiding invitation to the accompanied "[…] to let themselves be healed, to take up their mat, embrace the cross, leave all behind and go forth ever anew to proclaim the Gospel" (EG, no. 172). Born from personal experience in spiritual direction, the best director then will exhibit patience and compassion to gain the directee's "[…] trust, their openness, and their readiness to grow" (EG, no. 172).

Plainly, spiritual direction understood as integral to spiritual accompaniment is a critical dimension of the evangelization of the modern world that requires ready access to spiritual direction only possible by the appropriate formation of those who direct or

[547] For example, Francis's solicitude for the poor who "[…] have a special openness to the faith" and to whom Francis summons other Christians to accompany on "[…] a journey of growth and maturity in the faith" that might advantageously include spiritual direction; see *EG*, no. 200.

accompany. Thus, *Evangelii gaudium* confesses a vision of the Christian faithful who journey together as spiritual companions, including in the relationship of director-directee: "Missionary disciples accompany missionary disciples" (*EG*, no. 173). According to Francis, spiritual direction—assuredly a vital facet of "spiritual accompaniment"—is part of the Church's evangelizing mission that has the power not only to heal and to transform but also to proclaim the Gospel anew in the modern world.

3.1.8. – *The Gift of the Priestly Vocation,* 2016

In 2016, the Congregation for the Clergy promulgated a new Ratio fundamentalis governing priestly formation entitled *The Gift of the Priestly Vocation* that innovatively proposed four stages of priestly formation actualizing the four aspects or dimensions of initial and ongoing clerical formation earlier found in *Pastores dabo vobis*, namely the human, spiritual, intellectual, and pastoral.[548] The Ratio fundamentalis prescribes that "[…] initial formation is divided into various stages: the propaedeutic stage, the study of philosophy or discipleship stage, the study of theology or the configurative stage, and the pastoral stage or that of vocational synthesis" (*RFIS*, Introduction, no. 3). Viewing formation as an enduring and unified journey, the Ratio fundamentalis necessarily treats of spiritual direction in relation to the larger question of the integral formation of seminarians and priests where spiritual direction is seen as truly expedient to the cultivation of a priestly spirituality.[549] The Ratio boldly asserts that the accompaniment of a spiritual director is

[548] The juridical weight of this *ratio fundmentalis*, its extent of application, and normative value are delineated in *RFIS*, nos. 1-2. Critically, the episcopal conferences were then obliged to draft their own *ratio nationalis* to apply the norms of the *ratio fundamentalis*; see *RFIS*, nos. 3-8.

[549] See *RFIS*, no. 43 that lists spiritual direction's advantage in "[…] being honest with oneself [with] a special care of the inner life." For a consideration of the Marian dimensions of the Ratio fundamentalis's vision of initial and ongoing priestly formation, see also the author's licentiate thesis in mariology: SIMON MARY OF THE CROSS, Seminary Life and Formation under Mary's Mantle: An Exploration of Mary's

"irreplaceable accompaniment" (*RFIS,* no. 63)—"[…] a privileged means for the integral growth of the person" (*RFIS*, no. 107)—and entrusts the spiritual director, together with the other formators, with the task of developing "a pedagogical itinerary […] which sustains the candidate in the process of growth, helping him to become aware of his own poverty and, at the same time, of his need for the grace of God and fraternal correction" (*RFIS*, no. 65). Elsewhere, *RFIS* maintains the critical importance of spiritual direction in relation to spiritual accompaniment: "Indeed, the quality of spiritual accompaniment is important for the very effectiveness of the whole process of formation" (*RFIS,* no. 107). According to the Ratio's viewpoint, spiritual direction reflects the communitarian nature of formation and necessarily is ordered towards mission and evangelization.[550] Looking ahead, the Ratio recognizes the importance in initial priestly formation of giving seminarians knowledge of the ministerial discipline of spiritual direction, the *ars celebrandi* to include "[…] the discernment of spirits" (*RFIS*, no. 178).

In no. 49, *RFIS* details qualifications for formators in general that would surely include spiritual directors of seminarians and priests. First, the Ratio argues that formators need to have "[…] human, spiritual, pastoral, and professional abilities and resources, so as to provide the right kind of accompaniment that is balanced and respectful of the freedom and the conscience of the other person, and that will help him in his human and spiritual growth" (*RFIS*, no. 49). Interesting here to note is that the formator is not expected to have all the talents and skills necessary, but the means to acquire what is found lacking

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Presence and Mission in Initial Priestly Formation, STL thesis, Dayton, OH, Marian Library/International Marian Research Institute, 2019.

[550] See *RFIS,* Introduction, no. 3.

in other "resources." The Ratio too holds that formators require suitable formation and will succeed only if they have a "[…] generous dedication to this important task" (*RFIS*, no. 49). Formators in general, then, are viewed by the Ratio as present to the seminarians that they may witness to their own love of God, neighbor, and the Church.[551]

Concretely concerning the identification of suitable spiritual directors, the Congregation for the Clergy makes certain that the spiritual director is chosen freely by the seminarian "[…] from among the priests duly designated by the bishop" (*RFIS,* no. 107). Following the Ratio's vision, the freedom of selection of director by the directee in turn facilitates free disclosure in a healthy and holy relationship of confidence.[552] The bishop is similarly admonished to first identify spiritual directors who are "[…] competent and experienced priests […] The spiritual director, or spiritual father, must be a true master of the interior life and of prayer, one who helps the seminarian to welcome the divine calling and to develop a free and generous response" (*RFIS,* no. 136). *RFIS* further argues for the possibility of the freely chosen confessor also serving as spiritual director: "It is fitting, for an integral formation, that the spiritual director could also be the regular confessor […]" (*RFIS,* no. 107). Post-ordination, the Ratio views spiritual direction as organically arising from priestly fraternity.[553]

In its presentation on "the community of formators," the Ratio suggests the possibility of multiple spiritual directors in the seminary in proportion and adequate to the population of seminarians where one director will act as "coordinator of spiritual

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[551] See *RFIS*, no. 49.

[552] See *RFIS*, no. 107: "This freedom will only be authentic when the seminarian opens himself up with sincerity, trust, and docility."

[553] See *RFIS*, no. 88b.

formation" with a proper mandate: "He will oversee the liturgical life; coordinate the activities of the other spiritual directors and of any external confessors; set out the program of annual retreats and monthly recollection, as well as the celebrations of the liturgical year. Along with the Rector, he will encourage the ongoing formation of the spiritual directors" (*RFIS,* no. 136). Apparently, the Congregation for the Clergy recognizes the importance of ongoing formation for spiritual directors of seminarians.

The *RFIS* too addresses the frequency of direction that it recommends occur on "a regular schedule" (*RFIS*, no. 88b). According to the Ratio fundamentalis, spiritual direction best occurs not sporadically, "but scheduled and regular" (*RFIS*, no. 107).

An important aspect of *The Gift of the Priestly Vocation*'s presentation of the spiritual director consists in the non-linear character of spiritual direction accommodated to different moments in the *iter* of formation. For example, special attention is given to direction after a period of priestly ministry: "In every case, [the priest's] relationship with his spiritual director will need to be deepened so as to draw positive lessons from the difficulties, learning to look truthfully at his own life and to understand it better in the light of the Gospel" (*RFIS*, no. 84a). Later, the Ratio practically concedes, "It is particularly in moments of difficulty that priests will find in their spiritual director a brother, who can help them to discern the source of their difficulties, and put adequate means in place to address them" (*RFIS*, no. 88b). The document continues later with a message of hope to both directors and directees: "[…] moments of crisis, if adequately understood and addressed, with a willingness to learn from life, can and must become occasions of conversion and renewal" (*RFIS*, no. 96).

3.1.9. - Guidelines on the Consecrated Life and Its Ongoing Challenges since Vatican II, *New Wine in New Wineskins*, 2017

The Congregation for Institutes of Consecrated Life and Societies of Apostolic Life in the guidelines *New Wine in New Wineskins*, instructs religious institutes not only on how the Second Vatican Council's *accomodata renovatio* might occur through authentic renewal but also on how to accompany consecrated persons as they encounter ongoing challenges to bring about both immediate and future concrete responses in action to the Church's dream for consecrated life. Thus, the instruction invites consecrated persons to exhibit "[…] effort, skill, and willingness to change" (*NW-NW*, no. 22). First, *New Wine in New Wineskins* offers a largely critical appraisal of the existent circumstance in which many religious institutes find themselves:

> We must not be afraid to honestly acknowledge how, despite a series of changes, the old institutional framework struggles to give way to new models in a decisive manner. Perhaps the entire constellation of languages and models, values and duties, spirituality, and ecclesial identity that we are used to has not yet left room to for [sic] the testing and stabilizing of the new paradigm born of inspiration and post-conciliar practice. We are undergoing a period of necessary and patient revision of everything that makes up the heritage and identity of consecrated life inside the Church and before history (*NW-NW*, no. 9).[554]

Therefrom, the dicastery thoughtfully states its goal in this document "[…] to find unsuitable practices, point out blocked processes, pose concrete questions, and ask

[554] The author of this study is struck by the reality that this appeal is not new but quickly emerged after the Second Vatican Council. Perhaps monks and other consecrated men and women were simply not listening to this cry or consumed with other preoccupations? See, for but one example, C. PEIFER, "Monastic Renewal Revisited: *Ressourcement* and *Aggiornamento*," in *American Benedictine Review*, 17 (1966), 466: "We are living in a new age, for which the old solutions are no longer adequate. New ones must be boldly devised and fearlessly executed. We must banish defensiveness and fear and face the future with honesty and confidence. The providence of God has provided for us an opportunity to achieve an authentic renewal which could be truly a new beginning, an opportunity unparalleled for many centuries. Unless we are prepared to face and solve the truly fundamental problem, there is a serious danger that the renewal will peter out in superficial and insignificant trivialities. If we are resolved to respond to the challenge which the Church and the times extend to us, we must enter unhesitatingly upon the way of dialectic between *ressorucement* and *aggiornamento*."

questions about the structures of relationships, government, and formation in regard to the real support given to the evangelical form of life of consecrated persons" (*NW-NW*, Introduction). *New Wines in New Wineskins* seeks to offer not only practical guidelines, however, but also—apropos to this investigation—"[…] the legal advice needed to move forward" (*NW-NW*, no. 10).

The dicastery's instruction devotes ample attention to ongoing challenges in formation, including questions of best practices for the personalization of formation where *New Wines in New Wineskins* encourages the rediscovery of what it terms "the initiatory model" or, hearkening back to the earlier monastic infancy of religious life, "[…] contact between the master and the disciple, walking side by side in trust and hope" (*NW-NW*, no. 16). Although formation necessarily occurs in life's varied moments in both canonical fora, the recommendation of the master-disciple relationship likewise bears an implicit endorsement for spiritual direction by invoking monastic methods of formation and accompaniment.

New Wine in New Wineskins notes, however, a threat to healthy and holy religious institutes in the so-called "[…] leveled community life that does not leave room for originality, responsibility, and cordial fraternal relationships" (*NW-NW*, no. 26) exemplified in the gross abuse of authority by religious superiors in "[…] episodes and situations of manipulation of the freedom and dignity of people" (*NW-NW*, no. 20). This "manipulation of the freedom and dignity of people," acknowledged by the dicastery to have occurred in particular cases, is further detailed to include "[n]ot only reducing [the members] to a total dependence that mortified their dignity, and sometimes even their fundamental rights, but sometimes even leading them, with various means of deception

and the pretense of loyalty to God's plans through charism, to a form of submission even in the realms of morality and sexual intimacy" (*NW-NW,* no. 20). Although not further explicated here, canonical delicts against the right to privacy and freedom of choice and of conscience enshrined in c. 630, §§1, 5 would certainly be examples of such "[…] great scandal for all when the facts are brought to light" (*NW-NW,* no. 20).

With observable vulnerability, the guidelines in no. 25 express concern about "[t]he relationship between superiors and founders of new foundations [where the dicastery notes] perplexity concerning attitudes that often show a narrow conception of obedience, which can become dangerous" before detailing cases of "infantile subjection" and "scrupulous dependence." CICLSAL unequivocally condemns such affronts towards the dignity of the human person with particular attention to cases where the real distinction between the internal and external fora "[…] is not always properly considered or respected," citing c. 630 that "pays special attention to this matter" (*NW-NW*, no. 25).[555] The instruction thereby illumines the horrific effects of non-observance of c. 630—the inspiration of this doctoral study—namely, "[…] undue interference which can lead to reduced inner freedom and to psychological subjection, which could then give place to a kind of control of consciences" (*NW-NW*, no. 25).

According to *New Wines in New Wineskins,* the denial by religious superiors of both the freedom of choice of director and freedom of opening one's soul in spiritual direction may result in the related abuse of conscience by psychological manipulation and

[555] Morrisey experientially added the special danger of non-observance of c. 630 in emerging religious institutes and the disastrous results, "Personally, I must admit that in my experience with new groups being formed, it is most important to make certain that this norm is observed (even if the group is not yet a religious institute). Otherwise, there can be a type of mind control which can lead to most serious abuses (and eventual suppression of the group)" (MORRISEY, Institutes of Consecrated Life and Societies of Apostolic Life [Canons 573-746], 120).

denial of man's legitimate and natural freedom. Acutely aware of the egregious effects of the conflation of the fora, *New Wines in New Wineskins* identifies two evils—the "excessive dependence in members" and "forms of coercion bordering on psychological violence"—that the guidelines valuably counsel can be mitigated in new foundations by electing a religious superior distinct from the founder to better safeguard against the threat, and even perception, of spiritual abuse in all its forms.[556]

3.1.10. - Note on the Importance of the Internal Forum, 2019

In response to technological advancement and the resultant threats to the right to privacy termed "the 'massification' of communication," coupled with the alarming increase of "the de facto judgment of public opinion as the ultimate tribunal," the Apostolic Penitentiary issued the *Note on the Importance of the Internal Forum and the Inviolability of the Sacramental Seal* on 21 June 2019 "[…] to reaffirm the importance of and to promote a better understanding of those concepts, typical of ecclesial and social communication, which today seem to have become more alien to public opinion and sometimes to the same civil juridical systems: the sacramental seal, the confidentiality inherent in the internal extra-sacramental forum, the professional secrecy, the criteria and the limitations proper to

[556] Although certainly outside the scope of this investigation, further clarification and guidance from the dicastery would be helpful in this regard since many newly emerging communities freely choose, and are regularly counseled to maintain, a certain stability in leadership for the early years to solidify the charism in its newness; such is especially the case in new monastic groups according to the monastic principle of long-term, stable leadership. It appears that the Church's desire to receive these charisms as gifts from the Paraclete would be advanced by greater vigilance by the diocesan bishop to safeguard against c. 630 abuses often encountered in these groups; as Gonçalves has annotated, "L'histoire de l'Église nous apprend que cette vigilance est de toujours à toujours" (GONÇALVES, "For interne et autorité," 121). At the same time, generalizations can be equally dangerous; a balanced approach is paramount to remain open to the dynamism of the Holy Spirit: "Some founders have been outstanding in holiness; the first generations of the community benefited from that blessing in a profound way. Some founders have had serious psychological and moral problems, and the community members suffered greatly at their hands. The bottom line: keep your eyes wide open and use the virtue of prudence when investigating *any* community" (CROELL and A. HOFER, *A Living Sacrifice*, 133).

all other communication" (*Note*, Introduction).[557] Ergo, the Apostolic Penitentiary here purposes to affirm "[…] the sacredness of the internal forum [as] central to theology, law and the practice of the Church, extraneous to current public opinion."[558] In the face of an ever-increasing ecclesiastical awareness of the horror of abuse in all of its forms, and omnipresent questions of what might be done to better protect minors and vulnerable persons, the Apostolic Penitentiary sought to clarify the new obligation of mandatory reporting in Francis's apostolic letter motu proprio *Vos estis lux mundi* that excluded from mandatory reporting of abuse those instances envisioned in c. 1548, §2 including in ˚1 "[…] clerics regarding what has been made known to them by reason of sacred ministry."[559] The question immediately arises: "Is spiritual direction thus excused from the

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[557] While the *Note* names no explicit civil threats to canon law and canonical discipline, the Royal Commission into Institutional Responses to Child Sexual Abuse recommended in no. 16.26 that the Australian Catholic Bishops Conference "[…] clarify whether: a. information received from a child during the sacrament of reconciliation that they have been sexually abused is covered by the seal of confession [and] b. if a person confesses during the sacrament of reconciliation to perpetrating child sexual abuse, absolution can and should be withheld until they report themselves to civil authorities" (ROYAL COMMISSION INTO INSTITUTIONAL RESPONSES TO CHILD SEXUAL ABUSE, *Final Report Recommendations,* Canberra, Australia, Commonwealth of Australia, 2017, 52, 55). The *Note* thus appears to respond directly to this question in no. 1 that reads in part: "In the presence of sins that involve criminal offenses, it is never permissible, as a condition for absolution, to place on the penitent the obligation to turn himself in to civil justice […] Should there be a penitent who has been a victim of the evil of others, it will be the concern of the confessor to instruct him regarding his rights as well as about the practical juridical instruments to refer to in order to report the fact in a civil and/or ecclesiastical forum to invoke justice" (no. 1). See the commentary on this question by B.P. DALY, "Response of the Holy See to the Australian Royal Commission *Final Report*," in *Studia canonica*, 55 (2021), 245-274 where Daly opined that canonical observance is a part of the answer and not the problem: "The sexual abuse crisis was exacerbated by an arbitrary, antinomian approach to canonical procedures and penalties. If canon law had been implemented, the commission of many crimes could have been prevented and both victims and the Church at large could have been spared considerable pain" (ibid., 274).

[558] 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 (13 January 2024). Later, the Apostolic Penitentiary goes further explaining that contempt for the internal forum is not only popular but seems "[…] to be widely misunderstood or even, in some cases, opposed."

[559] The timing of the *Note* is surely suggestive; whereas Francis promulgated *Vos estis* on 7 May 2019, the penitentiary's note is dated 21 June 2019—a mere six weeks later. Apparently, the Apostolic Penitentiary recognized the need to respond quickly against the danger of violations of the inviolable sacramental seal as well as the secrecy proper to spiritual direction as affirmed at the time of the *Note's* promulgation: "It should be noted that the text of the *Note* cannot and does not seek to be in any way a justification or a form of

obligation of mandatory reporting by the spiritual director?" The *Note*, then, seeks to underscore earlier canonical legislation defending the right to privacy in the internal forum to safeguard ecclesiastical discipline that "[…] the necessary confidentiality connected to the exercise of the ecclesial ministry is always jealously guarded, having as its sole horizon truth and the integral good of persons" (*Note,* no. 3).[560] Although not directly concerned with *who* is the spiritual director, the *Note* nevertheless offers some adjuvant indications in its defense for "the confidentiality inherent" (*la riservatezza connaturata al foro interno extra-sacramentale*) to spiritual direction.

The *Note* confesses that the freely chosen spiritual director/guide (*direttore/accompagnatore spirituale*) may be "a specific priest, consecrated or lay person" before developing that "[t]he priest exercises this ministry by virtue of his mission to represent Christ, conferred upon him by the Sacrament of Orders and exercised in the hierarchical communion of the Church, through the so-called *tria munera*: the task of teaching, sanctifying and governing the laity by virtue of the baptismal priesthood and the gift of the Holy Spirit" (*Note,* no. 2). The *Note* here appears to express a preference, at least

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tolerance towards the execrable cases of abuse perpetrated by members of the clergy. No compromise is acceptable when it comes to promoting the protection of minors and vulnerable people, and of preventing and combating all forms of abuse, in the spirit of what Pope Francis has constantly reiterated and has recently regulated with the Motu Proprio *Vox estis lux mundi*" (APOSTOLIC PENITENTIARY, "Presentation of the Note of the Apostolic Penitentiary on the Importance of the Internal Forum and the Inviolability of the Sacramental Seal").

[560] Nemeck and Coombs suggested a further extension to the secrecy of this internal extra-sacramental forum arguing that "[…] the directee also has a serious corresponding responsibility […]" attributable to the personalized direction received which they argue it would be "[…] irresponsible and imprudent for a directee to indiscriminately pass on to friends and acquaintances directives received from a spiritual guide" (NEMECK and COOMBS, *The Way of Spiritual Direction*, 174). While the limitations of this dissertation make it impossible for the author of this study to do more than signal this question, he expresses an earnest hope that this topic might be further studied both canonically and pastorally in relation to the secrecy of spiritual direction for a more integral, coherent, and balanced presentation of the question of secrecy in the internal extra-sacramental forum.

theologically, for spiritual direction as a ministry of the sacred priesthood. The earlier historical survey, however, has shown that the spiritual director was chosen in monasticism's infancy not based upon Holy Orders, but instead based upon holiness of life and a charism for guiding others in the spiritual life where the directee not infrequently chose to be directed by a saintly, non-ordained *abba* or *amma*.[561]

After affirming the inviolability of the sacramental seal of confession without any exception, the *Note* turns in the second section to the juridical-moral reality of spiritual direction as *modo particolare* of the internal extra-sacramental forum, one in which, invoking c. 240, §2, "[…] canon law guarantees a special reserve for spiritual conversation, which involves the most intimate and personal sphere of the faithful in order to listen and discern the will of God."[562] According to the Apostolic Penitentiary, spiritual direction's freely willed opening of the conscience to the director "[…] demands a certain secrecy *ad extra*, inherent to the content of spiritual colloquies and deriving from each person's right to the respect of his or her privacy" (*Note,* no. 2). The knowledge of the directee acquired by the director in spiritual direction, analogous to that of the confessor in sacramental

[561] See ROUSSEAU, *Ascetics, Authority, and the Church,* 63. Gould further balances, "It is surely more likely that ordination marked a *recognition* of a monk's qualities than that the presence of priests in the community competed with and was essentially unrelated to 'personal sanctity, or capacity for leadership.' In fact, the evidence supplies no support for the claim that the 'proliferation of presbyters' was a late phenomenon marking a change from earlier charismatic forms of leadership" (GOULD, *The Desert Fathers on Monastic Community*, 84, footnote 212).

[562] APOSTOLIC PENITENTIARY, "Presentation of the Note of the Apostolic Penitentiary on the Importance of the Internal Forum and the Inviolability of the Sacramental Seal." The *Note* also cites no. 101, §2 in CONGREGATION FOR THE CAUSES OF SAINTS, Instruction for Conducting Diocesan or Eparchial Inquiries in the Causes of Saints *Sanctorum mater,* 17 May 2007, https://www.vatican.va/roman_curia/congregations/csaints/documents/rc_con_csaints_doc_20070517_sanctorum-mater_en.html (21 September 2023): "Regular confessors or spiritual directors of the Servant of God must not be admitted to testify concerning anything they have come to know about the Servant of God in the forum of conscience outside sacramental confession." Here *Sanctorum mater* merely repeats the earlier no. 20, §2 of *New Laws for the Causes of Saints* of 1983.

confession albeit extra-sacramentally in spiritual direction, the Apostolic Penitentiary maintains arises in direct consequence to the director's "[…] 'special' relationship with Christ, which derives from holiness of life and—if a cleric—from the received sacred order itself" (*Note,* no. 2).

Nevertheless, the question continues to be asked whether the confidentiality of spiritual direction admits of any exceptions whatsoever, although the Note argues that spiritual direction "demands" (*Note,* no. 2) this confidentiality attributable to the act of revealing one's conscience. Others have contended for exceptions to the internal extra-sacramental forum's secrecy as distinct from the sacramental seal such as Songy who earlier argued, "It is also possible for a spiritual director to make exceptions with confidentiality when there is a case of grave danger, e.g., a seminarian is dangerously suicidal, keeping in mind that the spiritual director may never break the seal of confession."[563] The author of this thesis finds it difficult to maintain that exceptions are possible to the inherent secrecy of spiritual direction following this *Note*, while conceding that the spiritual director has a most grave duty in certain dangerous situations to (1) implore the directee to bring the danger into the external forum, or (2) explicitly request permission from the directee to share this danger with his superiors in the directee's best interests.

3.2. - Some Reactions to the Post-Conciliar Canonical Reform by Monastic Orders

Ecclesiastical documents, however, only reveal one part of the story of spiritual direction and its director in the pontifical orders of monks following the 1983 codification. This chapter will now consider the reactions by the monks themselves as reflected in the

[563] D. SONGY, *Spiritual Direction for Priestly Celibacy,* Charleston, SC, CreateSpace, 2012*,* 188-189.

modifications of proper law, in practice, and even in the limited development of custom. Workman affirmed the importance of this contemporary inspection of spiritual direction in orders of monks as it relates to the integrity of monastic life and spirituality within monasticism's extensive, complicated history in the Latin Church:

> For the history of monasticism is not the study of a fixed idea the content of which was changeless, its expression undetermined by environment. On the contrary, monasticism shows its life by its adaptation to different local needs, and by the method in which it changed itself so as to suit the changing centuries. The essential elements of the idea, it is true, remain the same whether in the fourth or the fourteenth century; in the same way that chemical analysis reveals to us that the essential elements of water are the same whether it takes the form of cloud, rain, snow, or ice; and that diamonds, coal, blacklead, and soot are different forms of one basic principle. But, after all, the forms that the elements take cannot be neglected because, in the last result, science shows that they can be reduced to one. Similarly in the history of the doctrine of renunciation, nothing is more instructive than to note the institutional changes through which monasticism passed in the course of its long development.[564]

This appraisal, while not exhaustive, aims to reflect accurately the current state of spiritual direction in these orders that will concretely uncover (1) how the monks implemented the 1983 Code within the limited ambit of the spiritual director and (2) how monks attempted to join universal norms with the antique and medieval notion of spiritual direction in monasteries enshrined in the *regulae*.

Despite the best intentions and efforts of this thesis's author, the often ongoing post-conciliar and post-codification adaptations and implementations—albeit perhaps slower than in the fifty years immediately following the Second Vatican Council—make a comprehensive assessment impossible. The personal observation of Hereford as both canonist and consecrated woman reveals something of the exhaustion many religious, including monks, are facing before these apparently ever-changing structures: "An

[564] H.B. WORKMAN, *The Evolution of the Monastic Ideal: From the Earliest Times down to the Coming of the Friars*, London, Charles H. Kelly, 1913, 85-86.

accelerating rate of change in the late twentieth and early twenty-first centuries has made it nearly impossible to keep pace in growing and shaping structures."[565]

3.2.1. - Modifications to Proper Law in accordance with the 1983 Code

Following the promulgation of the 1983 Code, the seven pontifical orders of monks again embarked upon the necessary revision of proper law for conformity to the universal norms. As has been noted, monks had in many instances anticipated these revisions, especially in questions of a monk's due freedom in choosing a spiritual director and the prohibition against superiors directly or indirectly inducing a manifestation of conscience that had been an integral part of monastic proper law since the 1917 codification. A brief appraisal of the revised norms of proper law in these seven orders of monks discovers most commonly a simple quoting, paraphrasing, or merely a footnote reference to c. 630 §§1 and 5 with little juridic evolution or development. For example, the proper law of the Camaldolese Congregation of the Benedictine Confederation states, "Superiors are to allow all members of the monastic family due liberty with regard to the sacrament of Penance and spiritual direction."[566] The author here notes the difficulty of accurately paraphrasing canonical norms since this norm of proper law does not include all of the elements of c. 630, §§1-5 such as regard for the institute's *disciplina* or the prohibition against a manifestation of conscience. Sometimes, the monks seem to have even overlooked spiritual direction entirely in the paraphrasing of c. 630 such as the Congregation of Camaldolese Hermits of Monte Corona: "The superiors should not,

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[565] A. HEREFORD, *Religious Life at the Crossroads: A School for Mystics and Prophets*, Maryknoll, NY, Orbis Books, 2013, 171.

[566] THE CAMALDOLESE CONGREGATION OF THE ORDER OF SAINT BENEDICT, *The Constitutions and Declarations to the Rule of Saint Benedict,* no. 89, Big Sur, CA, Hermitage Books, 2000.

however, hear the confessions of their own subjects unless the latter request it spontaneously."[567]

Some modifications, however, reveal a true appropriation of c. 630 to the proper patrimony and uniqueness of the discipline of the religious institute. For example, *The Constitutions and The General Directory of the Order of St. Paul the First Hermit*, approved by the then-Congregation for Religious and Secular Institutes on 26 August 1986, seem to envision the Pauline monks seeking spiritual direction within the context of sacramental confession: "With proper preparation or [sic] monks should celebrate the Sacrament of Reconciliation at least once every two weeks. Insofar as possible they should choose for themselves a permanent confessor so that they might take advantage of spiritual direction and make sure progress on the road to perfect love."[568] Apparently, the Pauline Fathers and Brothers, then, are encouraged to avail themselves of bi-weekly confession and spiritual direction. Further applying the superior's duty of vigilance of c. 630, no. 22 of the Pauline proper law stipulates that if the religious superior observes a monk to be neglecting sacramental confession [and therewith presumably spiritual direction], this neglect should be brought to the attention of the monk who is to be exhorted "[…] to more zealous efforts in taking advantage of this gift of grace." Curiously, no explicit mention of the prohibition of c. 630, §5 is found in the proper law of the Pauline Fathers, but no. 80

[567] THE CONGREGATION OF THE CAMALDOLESE HERMITS OF MONTE CORONA, *The Customary of the Congregation of the Camaldolese Hermits of Monte Corona,* no. 77, Bloomingdale, OH, Holy Family Hermitage, 2015, 43.

[568] GENERAL CURIA OF THE PAULINE ORDER, *The Constitutions and the General Directory of the Order of St. Paul the First Hermit,* no. 22. The joining of confession and spiritual direction in the Pauline tradition is further manifest in no. 80 on novices: "Confessors are to be easily accessible in the Novitiate House. Each Novice should take advantage of the spiritual direction of a regular confessor, receiving the Sacrament of Reconciliation at least once every two weeks."

prohibits the novice master from hearing the novices' confessions while no. 145 defines that the "[p]rior's authority extends to the domain of both external and internal forums."

A hallmark of the more eremitical-monastic observances of the Carthusians and Camaldolese consists in the importance afforded to "[l]iberty of spirit."[569] The Carthusians express this distinguishing spiritual freedom:

> Each monk is placed in solitude from the very beginning of his new form of life and left to his own counsel. Now no longer a child, but a man, let him not be tossed to and fro and carried about with every new wind, but rather let him try to find out what would please God and do it of his own free will, enjoying with sober wisdom that liberty of God's children, concerning which he will have to render an account before God.[570]

There are not, then, miniscule details on spiritual direction, and the legislator of the *ius proprium* of these orders has made no manifest attempt to over-legislate an ascetical practice freely embraced and practiced for maximum benefit. The holy liberality characteristic of the Carthusian practice of spiritual direction has been privately expressed by a monk to this author: "Il n'y a pas de règle, ni pour la fréquence, ni pour le lieu, ni pour la manière."

This liberality of spirit, however, does not mean that there is no place in the monastery for spiritual directors. Instead, the Carthusian *Statutes* unmistakably maintain in no. 33.2: "Let no one, however, be wise in his own eyes; for it is to be feared that he who neglects to open his heart to an enlightened guide, will lose the quality of discretion and go less quickly than is necessary, or too fast and grow weary, or stop on the way and quite fall asleep."[571] There is, however, no indication of who may serve as "an enlightened

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[569] CARTHUSIANS, *Statuta ordinis Cartusiensis*, no. 21.7. See, for example, no. 5.5 that even encourages "[…] a certain liberty in arranging [the monk's] work."

[570] CARTHUSIANS, *Statuta ordinis Cartusiensis*, no. 33.2.

[571] The Carthusians here cite the authority of Jerome in his letter to Rusticus; see JEROME, *Epistola CXXV ad Rusticum monachum,* no. 9, in *PL*, vol. 22, 1077, English translation in *Select Letters of St. Jerome*, trans. F.A. WRIGHT, Cambridge, MA, Harvard University Press, 1963, 413: "I would prefer you to have the society

guide," again reflective of the monastic hallmark of freedom. Nonetheless, the Carthusian proper law gives "free access" to religious superiors—including permission to speak with superiors—in an attempt to affirm freedom of spirit, while encouraging the monks to approach the superior "[…] with simplicity and trust, seeing in him one chosen by divine Providence to guide and help them."[572] Conversely, superiors are counseled to receive the monks "kindly," even occasionally visiting them in their hermitages and "[…] showing to all, without partiality, the same concern."[573]

The proper law of the Congregation of the Camaldolese Hermits of Monte Corona similarly expresses concern for the superior's personal observance of the eremitical life to balance his office of governance with his individual religious observance to offer a holy example that would surely include seeking personal spiritual direction: "Let the hermits facilitate for their superior the burden of his office by accepting with docility his guidance and respecting his need of silence and retreat."[574] The monks, then, are to seek counsel—of whatever kind they may deem appropriate or necessary— apparently freely from the superior, being reminded that "[…] they can always approach him in their necessities with

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of holy men and not to be your own teacher. If you set out on a strange road without a guide, you may easily at the start take a wrong turning and make a mistake, going too far or not far enough, running till you weary yourself or delaying your journey for a sleep." This teaching has been colloquially expressed in private by a Carthusian: "I have known a certain number of monks who thought they could do without spiritual direction; in general, the result is something not very spectacular" (*pas très brillant*).

[572] CARTHUSIANS, *Statuta ordinis Cartusiensis*, no. 20.8.

[573] Ibid.

[574] THE CONGREGATION OF CAMALDOLESE HERMITS OF MONTE CORONA, *The Constitutions of the Congregation of the Camaldolese Hermits of Monte Corona,* no. 107, Bloomingdale, OH, Holy Family Hermitage, 2018, 39. See the similar provision of Carthusian law in CARTHUSIANS, *Statuta ordinis Cartusiensis*, no. 33.6 where the Carthusian leaders are exhorted to "[…] strive to do good by their example and practice first what they teach."

fraternal and filial confidence."[575] The pairing of "fraternal" and "filial" in the monk's approach is noteworthy since it seems to imply that the relationship with the superior is multi-dimensional: both brother-brother and father-son as an advantageous remedy against a paternalism that restricts due freedom and mature responsibility. The Carthusians espouse a similar view of the superior's leadership role where the superior is exhorted to meet with the newly professed "[…] talking with them simply and in private, he should give them fatherly even brotherly help."[576] Thus, although the freedom of the Carthusian and Camaldolese monks remains intact, they are encouraged to approach their superiors with trust, and the proper law continues to accord with the ancient monastic notion of the religious superior as "the common father."[577]

The *Constitutions of the Monks* of the Order of Cistercians of the Strict Observance have seen further renewal following the promulgation of the 1983 Code. In the *Constitutions* of 1990, the Trappists sought to balance their monastic tradition of spiritual paternity that received strong emphasis in the writings of Rancé with the universal norm: "The brothers should approach the abbot with confidence and be able to reveal to him freely and spontaneously the thoughts arising in their hearts. Nevertheless, the abbot should in no way induce them to manifest their consciences to him."[578] The revised *Constitutions* of 2016 slightly modify this vision, suggestive of greater attention to not confusing the fora: "As a master in Christ's school, the abbot is the guardian of his disciples' fidelity to

[575] CAMALDOLESE HERMITS OF MONTE CORONA, *Constitutions*, no. 107.

[576] CARTHUSIANS, *Statuta ordinis Cartusiensis,* no. 23.11.

[577] Ibid., no. 20.8.

[578] ORDER OF CISTERCIANS OF THE STRICT OBSERVANCE, *Constitutions and Statutes of the Monks and Nuns of the Cistercian Order of the Strict Observance and Other Legislative Documents*, no. 33.3, Rome, n.p., 1990, 26.

monastic tradition. He sustains them with the food of God's Word and by his example. He does not neglect to renew himself with Sacred Scripture and the wisdom of the Fathers. He makes himself available to all the monks for conversation."[579] In the current norm, the Trappists clearly apply c. 619's vision for superiors, adopting many of the same ideas, but interestingly appearing to appropriate the superior's instruction in c. 619 "to meet the personal needs of the members appropriately" by availability for familiar conversation with the members. Thus, the existent norm of Trappist proper law neither commands nor discourages individual monks to approach the abbot, but simply specifies that the abbot is to "[make] himself available to all the monks for conversation." Nothing precludes this "conversation" from spiritual direction in the strict sense if spiritual direction were sought by an individual monk and agreed to by the abbot, but the conversation could also just as likely be external formation or dialogue concerning monastic administration and discipline or merely friendly chatter.

A secondary consideration of spiritual direction in proper law arises concerning the place where spiritual direction might occur, including questions of entrance into the monastic cell or hermitage of a confrère. The *Constituciones Orden de San Jerónimo* permit a Hieronymite to enter the cell of the prior, novice master, and temporary professed master.[580] Similarly, *The Customary* of the Congregation of the Camaldolese Hermits of Monte Corona allows a Camaldolese hermit to enter the bedroom of another monk in cases of sickness, sacramental confession, or of some emergency, but the religious superior is

[579] ORDER OF CISTERCIANS OF THE STRICT OBSERVANCE, *Constitutions of the Monks,* no. 33.3, Rome, n.p., 2016, 14.

[580] ORDER OF SAINT JEROME, *Constituciones Orden de San Jerónimo*, no. 98, https://monjesjeronimos.es/constituciones/ (24 January 2023).

given a broader permission to receive monks "[…] in his study, even if the latter also serves as his bedroom."[581]

Finally, and responsive to popular attraction to the contemplative life, the proper law of the seven pontifical orders of monks routinely addresses acting as spiritual directors to non-members. For example, the Camaldolese hermits' *ius proprium* prohibits the monks, according to the custom of their reformer Paul Giustiniani, from serving as spiritual directors to women.[582] The Carthusian *Statutes* contain a similar prohibition in no. 6.13 that likewise extends to prohibiting spiritual direction by letter in no. 6.11. The Carthusian *Statutes* similarly argue concerning sacramental confession that the monks "[…] should avoid, as far as possible, hearing the confessions of those who are not members of our Order, and it is forbidden to hear the confessions of women."[583] Unfortunately, no references to female spiritual directors were found in the existent proper law, a notable lacuna considering the monastic tradition, which should be remedied. It hardly seems reasonable that proper law would prohibit a monk from directing a female directee but allow the same monk to receive direction from a female directrice!

3.2.2. - Modifications to Practice in accordance with the 1983 Code

Seeking to understand the responses more fully within orders of monks and the present practice of spiritual direction within these orders, the author of this thesis conducted a survey, approved by the Research Ethics Board of Saint Paul University in Ottawa,

[581] CAMALDOLESE HERMITS OF MONTE CORONA, *Customary*, no. 4.

[582] CAMALDOLESE HERMITS OF MONTE CORONA, *Constitutions,* no. 84.

[583] CARTHUSIANS, *Statuta ordinis Cartusiensis*, no. 62.3.

Ontario, Canada, of the major superiors of the seven pontifical orders of monks.[584] While acknowledging the universal and proper law norms on spiritual direction and spiritual directors in monasteries, questions still lingered: "But does effective guidance really exist in contemporary religious life? […] Do the older religious really reveal their innermost problems to an attentive and concerned spiritual director? Can such wise and helpful and trustworthy guides be easily found, in the average community?"[585]

It may indeed seem quite strange to make a sociological survey an important part of a canonical thesis. While readily conceding the distinct methodologies of the respective sciences, the author of this investigation deemed a survey of the seven pontifical orders of monks imperative because of the want of jurisprudence on spiritual directors in these monasteries. Although a voluntary survey cannot provide exhaustive indications of the practice of spiritual direction and its directors in the monasteries, nevertheless the survey's responses offer profound insights into a reality little known outside of monastery walls and clear indications of canonical developments as well as canonical hardships—albeit by way of a sociological survey as a tool to advance this canonical investigation.

Eleven respondents voluntarily completed the survey with another superior electing to communicate his order's discipline and experience directly to the author of this thesis via personal communication. These responses offer a unique glimpse of the practice of

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[584] This survey can be found in its entirety in Appendix II of this thesis. On 13 October 2022, the author communicated via e-mail with the superiors listed in the 2021 *Annuario pontificio* explaining goals and methods before requesting their free response to the author's 36-question survey hosted by SurveyMonkey. A second invitation followed directly from SurveyMonkey on 20 October 2022.

[585] The author of this thesis was not the first to ask these questions. Earlier Dominic Salman asked them rhetorically and opined in conclusion, "Circumstances no doubt vary. But I do not think that in these our times spiritual guidance is widely practiced in an effective way" (D.H. SALMAN, "Some Psychological Dimensions of the Contemplative Community," in M.B. PENNINGTON [ed.], *Contemplative Community: An Interdisciplinary Symposium,* Washington, DC, Cistercian Publications, 1972, 325).

spiritual direction within these orders of monks following the 1983 Code and identify experiential successes and failures in the implementation of the *ius vigens* on spiritual direction. While some margin of error must be acknowledged attributable to user mistakes and uncertain responses, the smallness of the data pool makes it impossible to calculate a scientifically verifiable percentage. However, the responses from these twelve major superiors furnish a clearer inter-order picture of spiritual direction and its director in these pontifical orders of monks at the present time.

The survey used a standardized questionnaire to collect data in a systematic manner as is quite common for quantitative and qualitative research with individuals as the basis of analysis. The methodology employed was exploratory in nature to measure preferences, attitudes, beliefs, and behaviors in the pontifical orders of monks. The strength of this survey research is it has permitted the author of this thesis to collect data about the monks dwelling in remote and international monasteries with due respect to the monastic and constitutional enclosure observed by these monks. The survey sought to be respondent-conscious in the formulation of questions that would provide advantageous results by way of questions that were brief, clear, and easy to understand. The questions were designed to use simple words as specific as possible. The author sought to avoid double-barreled and leading questions, or to force respondents' answers. Both open and closed questions were utilized to allow for both the respondents to interpret the question and other times to restrict the respondent to select a given answer. To allow for a multitude of responses corresponding to the legitimate diversity in orders of monks, "skip," "not applicable," and "other" functions were made available. The questions too were arranged in a logical order according to the perceived ease of answering with controversial questions reserved to the

end. A pre-testing with the author's own monastic community suggested the suitability of the questions and honed clearer questions in simpler language towards clearer answers for more ready analysis.

First, the survey confirmed that spiritual direction occurs in the monasteries of the seven pontifical orders—often distinct from sacramental confession—as a monastic practice that is encouraged but left to each monk's personal freedom. The responses indicate that the encouragement to have recourse to spiritual direction arises primarily from two sources: (1) oral exhortations including homilies, chapter talks, and meetings with religious superiors in the external forum and (2) proper law. Unsurprisingly, then, those persons most regularly encouraging spiritual direction in the monasteries are the confreres, religious superiors, initial formators, and spiritual directors themselves. The survey too revealed that spiritual direction is commonly recommended to occur regularly and at least monthly but that the frequency of direction remains left to each monk's personal determination; reasonably, a further consideration for the frequency of spiritual direction is whether the monk seeks direction within sacramental confession (often recommended to occur weekly) or if spiritual direction is sought apart from the Sacrament where it may thus occur less often. Consequently, the respondents nuanced that spiritual direction's practice by individual monks admits of a great variety that one respondent suggested correlated to age—with "younger generations" continuing to seek frequently spiritual direction as integral to ongoing formation.[586]

[586] While the survey respondent offered no further indications of how "younger generations" might be understood, Olivera perhaps indicated the same reality writing, "Sad to say, it seems that the two generations following Vatican II somewhat neglected cultivating this art [of spiritual accompaniment], which had been so deeply valued by previous generations and is so even now" (OLIVERA, *Light for My Path*, xvii).

An insightful finding emerged in the tenth question that sought to identify the term or expression most regularly used by monks to refer to the spiritual director. Acknowledging a diversity of terms in use within the monasteries, the most popular terms are "spiritual father," "spiritual director," and "spiritual companion" with "spiritual father" being the most common response. Terms that connote an equality of roles between "director" and "directee" such as "spiritual friend" or "brother" were not selected by the respondents. Curiously, however, the use of terms to refer to the spiritual director and the actual notion of spiritual direction appear to diverge at this time since most respondents characterized spiritual direction not as "paternal" but "accompaniment" while soberly acknowledging that the approach to spiritual direction often differs between members.

The great majority of respondents (eleven of twelve) indicated that the directee is free to choose a director independent of any office in the monastery. All the respondents who indicated that the directee is free to choose a spiritual director indicated that the monk may select someone who is not a member of the local community and not even a member of that order with only one respondent insisting that the spiritual director must be a cleric. Similarly, only one of the respondents held that the spiritual director must be a man with most of the respondents admitting the possibility of a monk choosing a man or a woman as his spiritual director. Another respondent, however, raised a resultant hardship related to a non-member director: the director is not able to observe the directee's conduct in community to offer more suitable direction to real exigencies and thus "[…] miss[ing] the community context of the directee." Although the respondent referred to an ignorance of "community *context*," this thesis's author suspects that the real issue is the director's ignorance of the community's *charism*, especially sound traditions, and a want of clear

communication by the directee to the director to contextualize the subject matter of spiritual direction.

Enduring confusion surrounding the relation between the religious superior and the spiritual director can also be seen in the survey's findings where one respondent expressed the tension when "[…] major changes in the course of a monk's life go forward with no check in with the abbot." Two of the respondents identified the abbot as the spiritual director of the monks, and later three of the respondents agreed that the abbot is the spiritual director of all the monks. Whilst it is not possible to ascertain whether these responses are attributable to user error (such as hastily confusing the Benedictine notion of the abbot as "spiritual father" with "spiritual director") or difficulties in translating since many of the respondents are not native English speakers, the responses—seen in other questions as well—hint at an abiding confusion about the relation between religious superior and spiritual director in orders of monks. Question 19 found that seven of the respondents admitted that "the abbot" or "the prior" is "the spiritual father of all the monks," while four respondents disagreed. Question 20 found that the monks preferred a still more carefully nuanced response when eight respondents confessed the abbot is "the primary spiritual father of all the monks" and only three disagreed. When the question was further refined to ask whether the abbot or religious superior is "the primary spiritual director of all the monks," five survey respondents agreed and only six respondents disagreed. An oversimplification of the norm of c. 630, suggestive of the need for greater canonical formation to arrive at the necessary legal distinctions, also emerges in one respondent's assertion that "[…] the abbot is forbidden by canon law." Another respondent indicated that although "*plutôt rare,*" the possibility exists for a monk in his order to ask a superior

to serve as his spiritual director, while conceding it more commonly occurs that an older monk is spontaneously chosen to act as spiritual director.[587] Concerning the selection of spiritual director, the respondents indicated that the availability of the director is often an important factor in the monk's selection of a director.

The survey further highlights legitimate advancement in the practice of spiritual direction in recent history. Perceived as attributable to the Second Vatican Council, the respondents especially cited individual members taking personal responsibility for seeking spiritual direction although one respondent opined that there had been no change following the Second Vatican Council and another respondent was uncertain. One monk noted that in the first half of the twentieth century, spiritual direction "[…] had tended to disappear a little and which was resumed in the second half of the twentieth century." An additional respondent contextualized that the two changes he had witnessed after the Second Vatican Council—likely influenced by some of the major points in the foreconsidered Church documents—were "[…] clearer expectations for the training of spiritual directors, with supervision [and] the separation of spiritual direction from the Sacrament of Reconciliation." Following the 1983 codification, the respondents overwhelmingly acknowledged a greater emphasis upon freedom of selection together with increased practice and personal responsibility although one respondent opined that there had been no change and another respondent was uncertain.

[587] Louf painted the scene of spiritual direction thus construed: "In an atmosphere of faith and trust, the monk tells this senior about his doubts and temptations, his problems, his faults and mistakes, his joys and what God has done for him. He looks for counsel, encouragement, and strength. He asks the senior to discern the work of the Holy Spirit, and to distinguish the voice of God from the babble of thoughts and desires which crowd in upon him. His question is: 'What must I do to have life?'" (LOUF, *The Cistercian Way,* 67-68).

Curiously, no respondent proposed any concrete modifications to universal law surrounding spiritual direction, perhaps indicative of a general neutrality towards the 1983 Code reflected in nearly half of the respondents neither agreeing nor disagreeing that the 1983 Code's current canonical provisions on spiritual direction adequately accommodate the needs of today's monks. Work, however, clearly remains to be done in the renewal of spiritual direction in orders of monks with only seven respondents indicating that spiritual direction is "[…] being successfully and actively practiced in my order" and three respondents simply disagreeing. One respondent admitted that it is possible that some monks do not even have spiritual directors. More plainly, nine respondents admitted that improvement is necessary, and only one respondent disagreed that "[t]here is room to improve the practice of spiritual direction in my order." One respondent candidly acknowledged that spiritual directors need greater formation in best practices of spiritual accompaniment to overcome what he observed as "[…] overly directive practices that are not respectful of freedom in the Holy Spirit."

A concrete hardship was further manifested by the respondents in the balancing of a monk's freedom in spiritual direction and community discipline where the respondents identified as challenges the selection of spiritual directors (1) ignorant of the charism, (2) holding opinions contrary to the monastery's leadership, (3) holding opinions contrary to Church teaching, and (4) situated at great distances from the monastery challenging the observance of monastic or constitutional enclosure. Conversely, one respondent replied that the practice of spiritual direction in orders of monks can be endangered by religious superiors who do not offer their members adequate time and resources to seek out spiritual

direction contrary to the norm of c. 661 that requires superiors to provide members with "the resources and time for [ongoing formation]."

3.2.3. - Spiritual Direction *iuxta legem, praeter legem, contra legem* in Monastic Orders

The 1983 Code affirms the canonical value of custom that can interpret, supply for, and even abolish law. Guilfoyle judiciously situated the role of custom in canon law:

> Through custom a Church, which is world-wide and intended for all peoples, insinuates its government like the action of leaven into the mass of every time and place. Of necessity there are not enough laws to provide for a society so immense. Custom, however, forms laws. When the legislator does not act, custom may *supply* laws for the Church.[588]

While canon 5 reprobates universal and particular customs before promulgation and contrary to the 1983 norms, and other contrary customs are suppressed, nonetheless centenary and immemorial customs, tolerable in the ordinary's judgment, and unable to be removed due to place or persons, "[…] can be tolerated (*tolerari possunt*)." Moreover, universal or particular *consuetudines vigentes* beyond the law (*praeter ius*) are to be retained (c. 5, §2).

Title II of Book I of the 1983 *Codex Iuris Canonici* further legislates for customs after the promulgation of the Code establishing that a custom can assume the force of law if the custom has been both introduced by the community as the efficient cause and approved by the legislator (c. 23).[589] For a custom to become a custom with the force of

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[588] M.J. GUILFOYLE, *Custom: An Historical Synopsis and Commentary,* Canon Law Studies, no. 105, Washington, DC, The Catholic University of America Press, 1937, xiii. Zacour expounded the historical view of custom in the Church, arising from Germanic influence, that found in new laws what were argued as old customs: "The law was revealed, declared, 'found'—not made" (N. ZACOUR, *An Introduction to Medieval Institutions,* New York, St. Martin's Press, 1976, 123).

[589] The ability for custom to obtain the force of law has been retained in the canonical legal system, while largely absent from civil law. Nonetheless, it would be a gross error to conclude therefore that statutory law is not necessary. As Guilfoyle noted, "Although it is said that custom has the force of law and is the same as statute law in its binding power, it is readily admitted that a system of customary law alone would not be workable. Customary law is not so uniform nor so certain as statute law. And this also why the logic of the [1917] Code of Canon Law deals in the first title with written law and then only in the second title introduces a secondary source of rights and obligations whereby the first is interpreted, supplemented and at times abolished" (GUILFOYLE, *Custom: An Historical Synopsis and Commentary*, 86). Örsy further related the

law (*consuetudo vim legis*), the custom must be observed with the intention of becoming a law—a legal conviction with a legal character—by the community possessing the *capax* or capacity of receiving the law (c. 26).[590] The canonical place of custom is further seen in the legal maxim famously repeated in canon 27 that custom is "the best interpreter of law" (*optima legum interpres*).[591]

Customs, then, can be not only *juxta legem* or in accordance with the law as interpretative, but beyond universal or particular law (*praeter legem*) as supplemental to the law or even contrary to universal or particular law as abrogative (*contra legem*).[592] Of course, such a custom contrary to the law cannot be contrary to the natural or divine law (c. 24, §1) nor expressly reprobated or forbidden *in iure* that would make such a custom unreasonable (c. 24, §2). In accordance with the classical definition of law, a custom contrary to or beyond canon law must be reasonable (c. 24, §2) and obtains the force of

present canonical use of custom: "Customs should be what they are called: a common way of doing things. From this common way the person should be able to depart easily, whenever the circumstances postulate it—without any need for formal dispensation. Indeed, since customs are not rules, no one can dispense from them. This is not to suggest that some customs cannot become laws; it is simply an explanation of the role of customs. It would, however, be a rare case in modern times for a custom to become a law" (ÖRSY, *Open to the Spirit*, 199).

[590] Huels posited three groups capable of receiving customs: (1) juridic persons composed of physical persons and governing bodies, (2) juridically erected institutes subject to ecclesiastical oversight, and (3) categories of persons within (1) and (2); see J.M. HUELS, "Back to the Future: The Role of Custom in a World Church," in *CLSAP*, 59 (1997), 12.

[591] For an analysis of this axiom of Roman jurist Paulus in the third century and its canonical evolution and interpretation, see the doctoral study J.L. CAVANAUGH, *Custom Is the Best Interpreter of Laws,* Rome, Catholic Book Agency, 1961 where Cavanaugh argued in part that customs are the best interpreters only if the custom is *juxta legem* to which Cavanaugh added that the interpretative custom's canonical merit arises "[…] not only from its juridic force, but also, in a secondary way, from its practical effectiveness when introducing the law's explanation into the practice of the community" (82).

[592] These three uses of custom (interpretative, supplemental, and abrogative) can be clearly found in Gratian as further explored with concrete examples by McIntyre; see J.P. MCINTYRE, *Customary Law in the* Corpus Iuris Canonici, San Francisco, CA, Mellen Research University Press, 1990, 87-116.

law "[…] only if it has been legitimately observed for thirty continuous and complete years" (c. 26).

3.2.3.1. - *Iuxta legem* Customs on Spiritual Directors in Orders of Monks

As a religious institute capable of receiving laws, a pontifical order of monks possesses the prerequisite *capax* of c. 25 to induce customs that can obtain the force of law, including customs surrounding the selection of a spiritual director, the rights and duties of the spiritual director, the director-directee relationship, and the ascetical discipline of spiritual direction in general. A canonically erected religious house or monastery likewise possesses the ability to institute customs.

As the aforementioned survey of the orders of monks indicates, the most apparent *iuxta legem* custom that has arisen in monasteries after the 1983 Code is the encouragement of monks to not only practice spiritual direction, but also freely select a spiritual director, even a director outside of the monastery and perhaps not a member of the same religious institute or someone of the opposite sex. Although perhaps not bold in any way, these *iuxta legem* customs are significant in so far as they apply the universal norms on spiritual direction and its director in a common manner of conduct that aids in canonical compliance.

3.2.3.2. - Monastic Customs *praeter legem canonicam*

The survey revealed a limited number of customs developing in the seven pontifical orders of monks that are outside of but not contrary to the norms of the 1983 Code. For example, one respondent indicated that many of the younger monks approach for spiritual direction a specific older monk apparently recognized for his holiness of life and availability. Although this older monk is not identified as "a spiritual director" by any official recognition or ecclesiastical office in the strict sense, he has become the *de facto*

spiritual director to many of the younger monks. The author of this thesis is left wondering whether a custom is truly forming within that order of selecting monks advanced in age or perhaps retired because of their greater availability. It is also possible that this *de facto* senior monk's holiness of life is the cause of his selection, hearkening back to monasticism's foundational view of the spiritual director.

Similarly, another respondent indicated that his order does provide a list of recommended spiritual directors. The individual monk remains free, however, to choose someone from that list of recommended directors or otherwise known to him. Regrettably, the curtness of the response does not manifest the duration of this custom nor suggest who composes this list or certifies the suitability of the possible spiritual directors named—whether the religious superior alone, the superior and his counsel, or perhaps the formation team. The use of custom to establish a manner of identifying capable spiritual directors within the order certainly seems laudable as long as the monks' freedom of selection is not violated according to the institute's discipline.

Another *praeter legem* custom that has arisen according to the respondents is the designation of suitable spaces in the monastery to serve as meeting rooms for spiritual direction apart from the private living quarters of the monks. These designated spaces—often the parlors of the community—can serve to prevent against either real or perceived abuse in more familiar and intimate settings such as a monk's sleeping quarters. As *praeter legem* customs, the designation of specific spaces or meeting rooms in the monastery for spiritual direction advances canonical observance both in encouraging spiritual direction and in safeguarding spiritual direction against abuse. Although silent in the survey, this thesis's author has independently verified that these meeting rooms for direction are

regularly fitted with windows that permit outsiders to observe the interactions between director and directee to also prevent against claims of abuse.

3.2.3.3. - Monastic Customs Contrary to the Law

The survey did not reveal any *contra legem* customs in the seven pontifical orders of monks. The author nonetheless cannot definitively eliminate that the superior-director confusion in several responses precludes in some monasteries the religious superior as the self-proclaimed spiritual director of all the monks—an alarming *contra legem* custom meriting renewed condemnation by ecclesiastical superiors as an afront to legitimate freedom, the right to privacy, and abiding canonical concern to not confuse the fora.[593] Whereas perhaps monks are told they have freedom to choose an outside spiritual director, and visitators learn of these outside directors—even women—the author of this investigation humbly questions the veracity especially considering emerging claims of abuse of conscience in monasteries.

Particularly suspect are occasions where the superior may promote himself in public exhortations and external formation as the *de facto* spiritual director of every individual monk not necessarily by threat of physical harm or violence but simply by holding up monasticism's nascency as exemplary without the careful nuances and legislative evolution discovered in chapter one of this dissertation. For example, this line of thinking reasons, "Monks of old always sought spiritual direction from their religious superior, so a *good monk* will do the same." Not desiring to fail to conform to this over-

[593] Cottier sounds forth a similar strong condemnation of these abuses that he rightfully concludes do little more than nullify the essential canonical distinction between the fora that he describes as "emotional blackmail (*ricatto affettivo*)" and verily "a caricature of authentic spiritual direction (*una caricatura dell'autentica direzione spirituale*)" (G. COTTIER, *Perfectæ caritatis: 50 anni dopo*, Siena, Edizioni Cantagalli S.r.l, 2016, 81).

simplified standard at odds with the much more complicated history of the growth of monasticism and the development of the canonical norm, a young monk may find his freedom curtailed and overridden by a fear that if he selects a director other than the superior, he will be a "lesser" or even "bad monk." De Lassus offered another example more discreet perhaps but nonetheless condemnable:

> "If I am going to guide you, I need to know you, so you have to open yourself totally." Or again: "You are free, but if you do not open yourself, you will not be the disciple whom the master has led to sanctity, and you will remain trapped in mediocrity." Despite the assertion—*You are free*—such an expression constitutes a demand when it is addressed to someone who, by his vocation, obviously wants to aim for sanctity. Deep down, the formula is a paradoxical demand: *You are free, but you do not have any choice*.[594]

Great care and vigilance are here necessary by ecclesiastical superiors in the face of the generosity of the youth and their high ideals to eschew the real and perceived abuse of office and violation of the prohibition of c. 630, §5.

Contra legem customs are not always, however, contrary to the personal and common pursuit of perfection. As they emerge, new *contra legem* customs must be carefully weighed for their theological, pastoral, and juridical value and concordance. Regrettably, the survey undertaken by the author of this study identified no explicit *contra legem* customs surrounding the free choice of a spiritual director in orders of monks to be here further vetted and considered, although chapter four may present an opportunity for some suggestions by this thesis's author.

Conclusion

This chapter has surveyed the state of spiritual direction after the 1983 Code in the seven pontifical orders of monks. A wide assortment of Church documents exposed spiritual direction's intimate connection to broader post-conciliar questions including

[594] DE LASSUS, *Abuses in the Religious Life and the Path to Healing*, 194.

formation, fraternity, obedience, and evangelization that found spiritual direction earnestly recommended—but never commanded—while emphasizing the freedom of the directee in selecting a spiritual director, seeking spiritual direction, and determining the subject matter of direction in accordance with a religious institute's discipline. As predominantly canonical instructions or exhortations exhortative in nature, the documents considered do not in the main promulgate binding universal norms although challenges to balancing the personal and common good are reoccurring. Therein, spiritual direction is repeatedly encouraged for not only its sanctifying efficacy but also its formative value, and the due liberty of c. 630, §1 and prohibition of c. 630, §5 are routinely renewed.

In pursuit of the qualifications of the spiritual director and his duties to the directee, the documents of the Congregation for the Clergy offer good insights on spiritual direction and even historical perspective with ecclesiastical, authoritative teaching. These ecclesial documents are helpful in their identification of important virtues of the director and the reoccurring admonition for the director to first be given to the spiritual life and to first personally seek spiritual direction. There are also helpful indications of the frequency of spiritual direction as recurrent and scheduled, while admitting of due accommodation to different moments in life when spiritual direction may become more urgent or frequent. Unfortunately, however, these same documents as issued by the Congregation for the Clergy are principally concerned with initial and ongoing priestly formation, so they express unsurprisingly a penchant for priestly directors and the conjoining of sacramental confession and spiritual direction not always in accordance with the monastic tradition and an institute's proper discipline. Moreover, the situation seems greatly eased in the seminary institution by the identification of at least one spiritual director as constitutive to the

juridical notion of a seminary and the appointment of this spiritual director (or spiritual directors) by the bishop.

The second half of this chapter turned to the legislation, practice, and customs of monks in the pontifical orders. In the post-codification revisions of the *ius proprium,* spiritual direction not only finds recommendation but also appears noteworthily unencumbered in favor of freedom of the choice of director and the practice of spiritual direction according to the disposition and needs of the individual monk. The proper law reflects a renewed attempt to not confuse the fora with some indications of suitable places and times for spiritual direction as well as repeating traditional prohibitions in some institutes against directing women and spiritual direction via correspondence. Notable gaps have also been discovered including questions of non-clerical and women directors as well as the abiding tension between the identification on the one hand of the monastic superior as common father and teacher of the spiritual life and on the other hand of the figure of the freely selected spiritual director. Silence too was seen surrounding how suitable spiritual directors are identified and what involvement—if any—the monastic superior would have in determining or approving these directors as in fact capable.

A survey of practice found spiritual direction in all the pontifical orders of monks, while conceding areas of difficulty and the need for continued renewal in practice. Finally, the survey affirmed the enduring need for additional canonical formation in the monasteries and the unshakable threat of confusing the identity of the religious superior in the external forum with the spiritual director in the internal forum that must be taken into consideration in formulating theoretical and practical recommendations to advance spiritual direction in these orders of monks.

Surprisingly, a limited number of *iuxta* and *praeter legem* customs were identified from the survey. The limited recourse to custom in the seven pontifical orders of monks seems truly regrettable considering monks' repeated concerns for the monastic superior's paternal identity and the ancient prominence monasticism has afforded to custom. The very monastic ethos cultivates an appreciation for custom as an essential dimension of religious piety wherein the ways of one's spiritual fathers or elders in the monastic community are not only respected but maintained and treasured that they may be handed on to successive generations as a concrete application of the fourth commandment of the decalogue.[595] Ward advocated the heightened juridic importance of custom within orders of monks:

> Within the monastic life, tradition or custom is the primary type of law. Usually, the written documents are only a codification of the lived tradition. Custom, according to the Code is the best interpreter of law. Specifically, how has a given law been lived out over the years in the monastery? For monastics, then, universal law must be interpreted within the context of monasticism guided by the principle of tradition or custom.[596]

While Ward's observation on the role of custom in orders of monks is insightful, Ward must not be misconstrued here as seeming to imply that custom supersedes the primacy of the monastic *regulae*. Leclercq to the contrary argues that custom's value is limited in contemporary monasticism lest it supplant the rule and thus—unlike the religious rule—custom remains fluid.[597]

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[595] The veracity of this claim is affirmed by the historian Christopher Dawson who observed on the authority of Christian history, "Ninety-nine out of a hundred monasteries could be burnt and the monks killed or driven out, and yet the whole tradition could be reconstituted from the one survivor, and the desolate sites could be repeopled by fresh supplies of monks who would take up again the broken tradition, following the same rule, singing the same liturgy, reading the same books and thinking the same thoughts as their predecessors" (DAWSON, *Religion and the Rise of Western Culture,* 66).

[596] WARD, BRANIGAN, and FORMAN, *Monastics: Life and Law*, 13.

[597] See J. LECLERCQ, "Profession According to the Rule of St. Benedict: An Historical Study," in M.B. PENNINGTON (ed.), *Rule and Life: An Interdisciplinary Symposium,* Spencer, MA, Cistercian Publications, 1971, 131: "Custom is an habitual way of doing things which, after it has been experimented with and has been proven beneficial, can be approved by authority. Nevertheless, it never becomes fixed; its proper

Nonetheless, while maintaining a reverential regard for an institute's sound traditions and legitimate customs, Merton sounded forth an important warning to monks:

> The monk should not imagine that in a chaotic age like ours his only function is to preserve the ancient attitudes and customs of his Order. These are necessary and valuable indeed in so far as they are vital and fruitful and help us to live more freely and more consciously in the mystery of Christ. The past should live on, and the monk is indeed a preserver of the past. However, the monastery should be something more than a museum. If the monk *merely* keeps in existence monuments of literature and art and thought that would otherwise decay, he is not what he ought to be. He will decay with what is decaying all around him.[598]

As Merton opined, custom retains its proper place in the monastic edifice, but custom must not prohibit organic growth and development to address contemporary needs and challenges in the service of the Church in accordance with the proper charism.

The establishment of customs by monks, too, is not without difficulty, including changes of governance that could interrupt the length of time required for customs to obtain the force of law and regular visitations that may abolish innovative customs.[599] Perhaps, the greatest obstacle, however, to the legitimization of new customs surrounding the spiritual director is the monks themselves who not infrequently view new customs with suspicion. Cummings well-articulated the complicated relationship between monks and customs:

> A loving respect for traditional customs seems to be part of the monastic spirit. Monks and nuns are generally not quick to leave tried and tested ways for ways that are novel and risky, however full of promise. Innovators are likely to be suspected of lacking humility because they give the impression of thinking that what was good enough for the seniors, and sanctifying for them, is no longer good enough. If monastic life is truly alive, however,

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character is to evolve, to adapt itself to the times, to places, to circumstances. Therefore, it excludes uniformity."

[598] T. MERTON, *The Monastic Journey,* P. HART (ed.), Garden City, NY, Image Book, 1978, 60.

[599] For common hardships to the evolution of new customs in religious institutes, see the extensive study of J.P. COOK, *Ecclesiastical Communities and Their Ability to Induce Legal Customs: A Historical Synopsis and Commentary,* Canon Law Studies, no. 300, Washington, DC, The Catholic University of America Press, 1950, particularly 112-113. As Cook notes, if a custom survives these and other obstacles that serve as "various checks" for the required duration "[…] then it seems to acquire true legal force" (ibid., 113).

> there will be growth and evolution. An unchanging community is a dead community. Customs need to be evaluated from time to time.[600]

The question of customs on the spiritual director in orders of monks will be returned to in the recommendations that follow.

[600] C. CUMMINGS, *Monastic Practices,* Kalamazoo, MI, Cistercian Publications, 1986, 76-77.

CHAPTER IV

THE CONTEMPORARY SPIRITUAL DIRECTOR IN ORDERS OF MONKS

Introduction

Spiritual direction enjoys great current interest and is experiencing a present-day rediscovery.[601] Moon and Benner proposed spiritual direction's utility to modern man as "[…] an ancient and time-honored relationship of accountability and accompaniment for walking the Christian path. It provides us with a place within which we can know ourselves as we are truly known. It gives us a place to meet God."[602] Accordingly, spiritual direction possesses an inherent ability to advance the Church's evangelizing mission by facilitating this divine encounter between modern man and God surpassing evangelization's routine challenges of language and culture.[603] In the contemporary context, then, spiritual direction must be restyled as not only an ascetical instrument but also a pastoral necessity effective for the mission and growth of the Kingdom of God. Monks are called not only to this renewal of spiritual direction within the seven pontifical orders of monks but also to lead

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[601] Reed suggested the place of spiritual direction in both Christian ecumenism and contemporary evangelization: "The ministry of spiritual guidance is particularly effective in bridging the gulf between spirituality and religion because it gives credence to the genuine spiritual yearnings of our time" (A.H. REED, *Quest for Spiritual Community: Reclaiming Spiritual Guidance for Contemporary Congregations,* London, T&T Clark International, 2011, 7). Hereford attributed increased interest in spiritual direction to the Second Vatican Council's liturgical renewal that she argued consequently stimulated the spiritual life in its multifaceted dimensions: "People began to use a wider variety of spiritual practices that were aimed at cultivating a deeper spiritual life" (HEREFORD, *Religious Life at the Crossroads*, 114).

[602] G.W. MOON and D.G. BENNER (eds.), *Spiritual Direction and the Care of Souls: A Guide to Christian Approaches and Practices*, Downers Grove, IL, InterVarsity Press, 2004, 246.

[603] See M. COSTA, *Direzione spirituale e discernimento*, Rome, Edizioni AdP, 2009, 190: "Eppure proprio a questo mondo, assetato di un nuovo slancio missionario *ad gentes* e di una 'nuova evangelizzazione,' la direzione spirituale lancia una sfida, proponendosi come sorgente capace di saziarne la sete. In quanto strumento di quella via dell'interiorità che permette alla comunicazione evangelizzatrice di partire dal cuore dell'evangelizzatore e di giungere al cuore dell'evangelizzando, essa si fa alleata della missione *ad gentes* e della 'nuova evangelizzazione,' offrendo ad esse un supplemento di anima e di efficacia vitale al di là di tutte le difficoltà poste dal problema delle differenze di linguaggio e di cultura."

in the ecclesiastical renewal and adaptation called forth by the Second Vatican Council.[604] Meanwhile, however, monastic orders face their own challenges in the present world as they seek to implement the universal laws for religious institutes while remaining faithful to monasticism's principal duty to witness to the preeminence of God and man's perfect fulfillment in eternal beatitude.[605]

Presently, a persistent question resounds within orders of monks and abroad: "Has monasticism reached its last age?" The specious tension between tradition and renewal, *ressourcement* and *aggiornamento*, is captured in a monastic proverb:

> A pilgrim was walking along a road when one day he passed what seemed to be a monk sitting in a field. Nearby, men were working on a stone building.
> "You look like a monk," the pilgrim said.
> "I am that," said the monk.
> "Who is that working on the abbey?"
> "My monks," said the man. "I am the abbot."
> "Oh, that's wonderful," the pilgrim said. "It's so good to see a monastery going up."
> "We're tearing it down," the abbot said.
> "Tearing it down?" the pilgrim cried. "Whatever for?"
> "So we can see the sun rise at dawn," the abbot said.[606]

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[604] Monastic history is resplendent with examples of renewal and adaptation; see O.J. MORGAN, "Vatican II: Pastoral Care and Practical Theology," in A.J. CERNERA (ed.), *Vatican II: The Continuing Agenda,* Fairfield, CT, Sacred Heart University Press, 1997, 228-229. See also CONGREGATION FOR RELIGIOUS AND FOR SECULAR INSTITUTES, *The Contemplative Dimension of Religious Life*, no. 11, 552: "Spiritual direction, in the strict sense, also deserves to be restored to its rightful place in the process of the spiritual and contemplative development of religious."

[605] Rutledge poignantly wrote, "Nothing could be more salutary for the world (and few things annoy it more) than this reminder that it is not the beginning and end of everything, that it is the beginning and end of nothing, that it is in itself inexplicable, merely sound and fury, unless it points to something beyond itself. The monastic order besides bearing witness to the primacy of the spiritual, demonstrates to men the true relationship between this present world and the unseen" (D. RUTLEDGE, *The Complete Monk,* London, Routledge and Kegan Paul, 1966, 103). Merton similarly situated monasticism's gift to the modern world: "In our age in which everyone else is carried away with the exigencies of a great cultural and political struggle, the monk has, as his primary function, the duty to be a monk—to be a man of God, that is to say a man who lives by and for God alone. Only by doing this can the monk preserve what is rich and vital in his monastic and Christian tradition" (MERTON, *The Monastic Journey*, 61).

[606] J. CHITTISTER, *The Fire in These Ashes: A Spirituality of Contemporary Religious Life,* Kansas City, MO, Sheed & Ward, 1995, 77. Commenting on this adage, Chittister sagely concluded, "To lose something is often to renew it." Note well, however, that Chittister does not say that this is always the case, but "often."

Appropriated to spiritual direction, the seven pontifical orders of monks are confronted with an opportunity to share the richness of their spiritual traditions and ascetical discipline with the world, but first the accretions of previous times—now obsolete—must be removed to reveal a coherent vision of spiritual direction to serve the millennial Christian beginning with the monks themselves.[607] Ergo, this chapter offers modest suggestions towards a renewal of spiritual direction that first considers today's monastic experiences and the *ius vigens*, while carefully seeking to strip monastic spiritual direction of late embellishments to make accommodation for current circumstances and concerns. For example, spiritual direction's uniqueness in relation to sacramental confession must be rediscovered to affirm the importance of both the sacramental and non-sacramental in the Christian spiritual life. In the renewal of spiritual direction in orders of monks, a return to monasticism's nascency must be balanced with present-day realities under the fundamental principal of *salus animarum*.

Simply, the moral virtue of prudence is paramount to the success of this endeavor. The author of this study thus intentionally proceeds with sensitivity and a spirit of humility characterized by juridic restraint that the following analysis of today's spiritual director might be truly advantageous to monks, their communities, and their superiors. While the following remarks purpose to reflect canonical creativity in a spirit of service, they also

[607] *Lumen gentium* thus refers to the ecclesial task of *purification* (here considered in the limited perspective of monastic spiritual direction) that can only arise through "penance and renewal:" "[T]he Church, embracing in its bosom sinners, at the same time holy and always in need of being purified, always follows the way of penance and renewal" (*LG*, no. 8). John Paul II hailed the fruitfulness of purification on the occasion of the dawn of the new millennium: "This 'purification of memory' has strengthened our steps for the journey towards the future and has made us more humble and vigilant in our acceptance of the Gospel" (JOHN PAUL II, Apostolic Letter at the Close of the Great Jubilee of the Year 2000, *Novo millennio ineunte,* 6 January 2001, no. 6, in *AAS*, 93 [2001], 270, English translation in *At the Beginning of the New Millennium,* London, Catholic Truth Society, 2002, 8).

advance cognizant of the marvelous diversity of charisms, circumstances, and contexts of today's monks within which prudent application will be of the utmost importance to achieve increased canonical conformity and usher forth an authentic renewal of spiritual direction beginning with the figure of the spiritual director, his canonical status, his qualities, and the spiritual director's rights and duties to both directee and the religious community in which the directee is a member.

4.1. - Modern Exigencies in Orders of Monks

This canonical investigation is not a sociological study, nor does it purpose to identify every contemporary challenge facing monks. Nevertheless, before offering some suggestions towards greater canonical observance, contemporary exigencies facing monasticism must be considered for their effects not only upon the more readily conceded fraternal life and monastic industry but apparently also the discipline of the ascetical life—including the practice of spiritual direction beginning with the choice and caritative service of the spiritual director.[608] Without a general awareness of contemporary realities in orders of monks, any recommendations made would fail to take into account the present strengths and weaknesses rendering such recommendations nothing more than wasted paper. A truly helpful recommendation, then, is not alien to the modern exigencies in the seven pontifical orders of monks. Existing realities surely pose numerous hardships to monks, raising questions about future viability let alone spiritual directors in monasteries.

A further caution should be noted before proceeding. While real and requiring attention and consideration, consecrated life—and here orders of monks—must never be

[608] See I. JONVEAUX, *Moines corps et âme: Une sociologie de l'ascèse monastique contemporaine*, Paris, Les Éditions du Cerf, 2018, 80.

reduced to merely mathematical statistics that ignore more fundamental questions of holiness, perseverance, fidelity, observance, witness, and the great influence of larger societal factors upon these numerical realities.[609] Hume prophetically confessed a commonly accepted theological, pastoral, canonical, and historical belief in the endurance of monks and proclaimed a message of hope for the future of monasticism: "Destroy it in one age, it will reappear in another; drive it out from one nation, it will take root elsewhere; if it dies in one place, it will be reborn somewhere [else] with an almost stubborn persistence."[610]

4.1.1. - Membership Census

The number of consecrated persons, particularly in Western Europe, North America, and Australia/New Zealand is dwindling. The diminishing census of members presents a real "[…] concern of the Church. It is an ecclesial question, an ecclesial vocation

[609] In a stirring and sobering assessment of the current cultural malaise at the beginning of the 21st century impacting vocations to consecrated life, Couturier has identified as a direct consequence of our consumeristic society "[…] the discourse about entitlements even in religious life because desires have been reorganized and dislodged from their traditional communal and transcendent moorings. We talk now not about what we can give but about what we can get, not about what we can offer but about what we are owed (D. COUTURIER, "Religious Life at a Crossroads," in *Origins,* 36 [2006], 183-184).

[610] G.B. HUME, *In Praise of St. Benedict A.D. 480-1980*, London, Hodder and Stoughton, 1981, 63. Keenan agreed that monasticism has had "[…] something of cultural universal, a relatively permanent feature on the social landscape" while conceding that monasticism has historically appeared and is likely to continue to appear "[…] under diverse guises and with variable spiritual and social effects" (W.J.F. KEENAN, "Twenty-First-Century Monasticism and Religious Life: Just Another New Millennium," in *Religion,* 32 [2002], 13). Not all agree. Wittberg posited as "[…] imminent in Western Europe and North America […]" a future without religious orders (P. WITTBERG, *The Rise and Decline of Catholic Religious Orders,* Albany, NY, The State University of New York Press, 1994, 273). Wittberg supported her pessimistic forecast by arguing that the theological foundation of monasticism has disappeared together with a lack of support by the laity, an increase in quality of life outside of religious communities, and self-doubt about the utility of consecrated life by religious themselves (ibid., 266). Wittberg wrote in 1994—more than thirty years ago—and, contrary to her opinion, not only religious orders but more specifically orders of monks continue to exist and sometimes even thrive today.

and therefore an ecclesial worry."[611] The available data from the *Annuario pontificio* of 2024 clearly manifests this hardship on a universal level within the seven pontifical orders of monks:

Name of Pontifical Order of Monks	Membership Total 1965[612]	Membership Total 2024[613]	1965-2024 Change	1965-2024 Change (%)
Benedictine Confederation	13,000[614]	6,486	-6,514	-50.1
Congregation of Camaldolese Hermits of Monte Corona	130	55	-75	-57.7
Order of Cistercians	1,665	1,570	-95	-5.7
Order of Cistercians of the Strict Observance (Trappists)	4,211	1,497	-2,714	-64.5
Order of Carthusians	591	276	-315	-53.3
Order of Brothers of St. Paul the First Hermit	220	460	+240	+109.1
Order of St. Jerome (Hieronymites)	34[615]	7	-27	-79.4
Total Monks in Pontifical Orders:	**19,851**	**10,351**	**-9,500**	**-47.9**

As this statistical data exposes, six of the seven pontifical orders of monks have experienced a decrease in membership from the end of the Second Vatican Council (1965) until the present (2024) while one pontifical order alone has experienced an increase in membership at a remarkable percentage increase of 109.1%. The average percent change between 1965 and 2024 for the seven pontifical orders of monks is soberly a decrease of

[611] J.W. TOBIN, "How Did We Get Here? The Renewal of Religious Life in the Church since Vatican II," in G. SIMMONDS (ed.), *A Future Built on Faith: Religious Life and the Legacy of Vatican II,* Dublin, The Columba Press, 2014, 27.

[612] This census data is taken from *Annuario pontificio per l'anno 1965*, Libreria editrice Vaticana, 1965, 821-831.

[613] This census data is taken from *Annuario pontificio per l'anno 2024*, Libreria editrice Vaticana, 2024, 1561-1569.

[614] For the sake of statistical comparison with the 2024 data, this number includes the later amalgamated Congregazione dei Monaci Eremiti Camaldolesi, Vallombrosians, and Sylvestrines.

[615] Likely attributable to the precarious nature of the Hieronymites in 1965, *Annuario pontificio* does not provide this datum although it is routinely cited as historically accurate and thus used here for initial statistical analysis.

47.9% representing a diminution in the number of members of the seven pontifical orders of monks by 9,500 members. Excluding the extraordinary increase of the Pauline Fathers, the average percent change of the remaining six pontifical orders of monks is a reduction of 51.8%.

The extraordinary growth of the Order of Brothers of St. Paul the First Hermit contrasted to the remaining six orders merits careful study for its exemplary value and perhaps reflective of methodologies and adaptations advantageous to the brother orders. Albeit outside the scope of this project, this author expresses the hope that a careful analysis of the situation of the Order of Brothers of St. Paul the First Hermit might be undertaken to assist the other pontifical orders of monks in discerning best practices of vocational recruitment and initial and ongoing formation. Likewise, the relative stability of membership in the Order of Cistercians deserves careful attention and further study and reflection. Perhaps allusive of the relative stability of Cistercian entrance rates, McDermott stressed the importance of stability to novices who seek not only constancy, but clear purpose and mission: "[T]he blurring of the identity of the religious institute has had serious ramifications on the decisions of potential candidates […] It is no easy thing to give oneself to a permanent commitment in these rapidly changing times. But observable ambiguity and instability in the lifestyle one is considering makes the decision more difficult, if not impossible."[616]

More foreboding still for the future of religious life in general, monasticism is routinely cited as exhibiting a statistical positivity foreign to other types of consecrated

[616] R. MCDERMOTT, "A Canonical Perspective on the Departures from Religious Life," in L. FELKNOR (ed.), *The Crisis in Religious Vocations: An Inside View,* New York, Paulist Press, 1989, 210-211.

life.[617] While the number of male religious has decreased in the United States over the previous 45 years, monks are becoming a larger percentage of the total number of male religious having "[…] increased from 7.8 percent to 9.8 percent of all men religious" The statistics speak forcefully and require attention, careful analysis, and a magnanimous response.

An integral dimension of the struggle to recruit not only young men to the monastic life but also foster their perseverance is an anti-Christian—often militantly so—context in which Western monasticism presently finds itself. A consequence of this moral malaise includes globally declining birthrates with entire cohorts of new recruits missing because they were never born. Orders of monks have attempted to respond by establishing new religious houses in places where birthrates indicate an openness to the gift of human life and where young vocations are thus thought more prevalent. The Camaldolese Hermits have relatively recent foundations in both Colombia and Venezuela. The Pauline Fathers have a presence in Cameroon and South Africa, while the Trappists have numerous houses in Africa and Asia, many of post-1965 origins. Hogg conceded this attempt in the Carthusian reality, but not without its own potential challenges: "Faced with diminishing vocations in Western Europe, the Order [of Carthusians] seems to be setting its hopes on foundations in the New World and Asia, though it remains to be seen whether latent

[617] M.L. GAUTIER, "Population Trends among Religious Institutes since 1970," in T.P. GAUNT (ed.), *Pathways to Religious Life,* New York, Oxford University Press, 2018, 33. For a comparison of membership statistics between 1965 and 2005, as well as an analysis of these changes in not only numbers of members, but numbers of priests and houses for all religious institutes and societies of apostolic life of men identified in the *Annuario pontificio*, see A. PARDILLA, "I religiosi dopo il Concilio: Dati statistici (1965-2005)," in *Commentarium pro religiosis et missionariis,* 88 (2007), 221-294 and updated in A. PARDILLA, *La realtà della vita religiosa: Analisi e bilancio di cinquant'anni (1965-2015) e prospettive*, Libreria editrice Vaticana, 2016.

vocations in such countries are stable enough to support the rigors of the Carthusian observance."[618]

The diminishment of the number of monks certainly influences spiritual directors in orders of monks. While there are fewer capable spiritual directors available in the monasteries to direct, there are likewise fewer monks seeking spiritual direction. Conversely, while other Christians discover the richness of monastic spiritual direction and its advantage to the project of personal holiness, there are a limited number of monks able to assist the Christian faithful with this undertaking by way of spiritual direction in accordance, of course, with the discipline of the religious institute. Considered positively, however, smaller monastic communities have generally resulted in more intimate communities where the members dwell in greater acquaintance and where spiritual direction can and often does naturally arise based upon familiar living not entirely different from the origins of spiritual direction in the Egyptian deserts.[619]

4.1.2. - Membership Age

Corresponding to census diminishment with fewer young men entering and persevering in these monastic orders, the average age of monks is increasing. As members of religious institutes age with fewer young people entering, the question of viability must also be considered, particularly in situations where more than half of the membership is

[618] HOGG, "The Carthusians," 56.

[619] Carlson expressed a preference that a spiritual director, whenever possible, be a member of the directee's religious community: "[I]n normal circumstances a person with whom one is in frequent and general contact will know him or her better than an outsider and can therefore listen and understand more perceptively than others" (G.I. CARLSON, "Spiritual Direction and the Paschal Mystery," in D.L. FLEMING [ed.], *The Christian Ministry of Spiritual Direction*, St. Louis, MO, *RfR*, 1988, 75). Note well that Carlson says such is the case "in normal circumstances" because spiritual directors who are not members of the local community or religious institute can also effectively serve as spiritual directors as Church history makes certain.

either retired or semi-retired. Although addressed to contemplative women and not to orders of monks, the instruction *Cor orans* offers some insights into the discernment of a monastery's viability and the question of suppression based upon membership census and age: "Among the criteria that can contribute to determine a judgment concerning the suppression of a monastery, after having examined all the circumstances, the following points should be considered as a whole: the number of nuns, the advanced age of the majority of the members, the real capacity for government and formation, lack of candidates for a number of years, lack of the necessary vitality in living and transmitting the charism in dynamic fidelity" [620] Hereford helpfully distinguishes in this regard what she terms "two age cohorts":

> It is fair to say that there are two age cohorts in religious life today: the dominant cohort between the ages of sixty and one-hundred, and the minority cohort between the ages of twenty and fifty-nine.
>
> The dominant cohort entered religious life between 1930 and 1970. They generally entered religious life with others in their entrance year and often entered in large groups. Those who entered were relatively homogenous in age, culture, and ethnicity. [Their] formation was received before, during, or shortly after Vatican II. The entire cohort experienced the turbulent years after the council and the exciting and challenging process of renewing their congregations. Deep and significant relationships in community were forged in this important time. This cohort has been sharing the life of its province or congregation for between forty and eighty years, with few new members entering but with increasing numbers dying as the entire cohort ages. This cohort now forms 90-95 percent of the community.
>
> The minority cohort entered after 1970 in smaller groups, often alone or with one or two others. More recently there may be several years between the arrival of new members. Those entering in this cohort are more diverse at entrance in age, education, ethnicity, and cultural background [. . .] The minority cohort is generally only 5-10 percent of the community and members of this cohort often report feeling unheard, and if heard, they remain a lone, dissonant voice whose ideas and energies cannot be incorporated into the life and plans of the dominant cohort. This remains true even when the community is making decisions about the future that the minority cohort will live with for another forty to eighty years. For example, in one community there are ten members under the age of sixty, but not a single one is in leadership, in formation work, or on the congregation's "futuring" committee.[621]

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[620] CONGREGATION FOR INSTITUTES OF CONSECRATED LIFE AND SOCIETIES OF APOSTOLIC LIFE, Implementing Instruction of the Apostolic Constitution *Vultum Dei quaerere*, *Cor orans,* 1 April 2018, no. 70, in *AAS*, 110 (2018), 827, https://www.vatican.va/roman_curia/congregations/ccscrlife/documents/rc_con_ccscrlife_doc_20180401_cor-orans_en.html (19 March 2023).

[621] HEREFORD, *Religious Life at the Crossroads*, xii-xiii.

In practice, the difficulties of multi-generational living present numerous challenges necessitating creativity, open dialogue, and a courageous vision for the future towards increased evangelical witness.

Francis has sought to reframe the reality of increasing membership age as an opportunity for mutual enrichment and growth: "The elderly bring with them memory and the wisdom of experience, which warns us not to foolishly repeat our past mistakes. Young people call us to renewed and expansive hope, for they represent new directions for humanity and open us up to the future, lest we cling to a nostalgia for structures and customs which are no longer life-giving in today's world" (*EG*, no. 108). The then-Congregation for Institutes of Consecrated Life and Societies of Apostolic Life has also presented membership age as a graced and defining moment for the future of religious institutes: "We invite you to accompany young consecrated men and women by creating bonds of knowledge and affection […] Constant listening and frank dialogue between generations becomes a place for encounter between the provocations of the modern world and consecrated life, a hermeneutical and creative space for new methods and languages."[622]

A recent anthropological assessment further establishes a positive note to this challenging reality of aging membership: consecrated persons regularly "[…] experience longevity and remarkable health and well-being at the end of life, [a fact attributed to the faith-based] culture of acceptance and grace around aging."[623] Corwin has argued that these

[622] CICLSAL*, Proclaim,* no. 69, 111-112.

[623] A.I. CORWIN, *Embracing Age: How Catholic Nuns Became Models of Aging Well,* New Brunswick, NJ, Rutgers University Press, 2021, 4. The author of this study expresses the hope that anthropological studies

documented positive outcomes are a consequence not only of physical and psychological health, diet, and education, but "the culture of consecrated life:" "How they pray, how they speak to each other, how they offer and receive social support, and how they understand what it means to be a human growing older in years: all of these cultural practices profoundly shape the nuns' experiences of aging, pain, and the end of life"[624]

However, an advanced membership age surely affects the ability to attract new members.[625] In *Evangelii gaudium*, Francis suggested one prominent cause for the relatively small number of new, younger members in religious institutes: "[…] a lack of contagious apostolic fervor in communities which results in a cooling of enthusiasm and attractiveness"; inversely, Francis confessed, "Wherever there is life, fervor, and a desire to bring Christ to others, genuine vocations will arise" (*EG,* no. 107). Mohler earlier prophesied the inevitable eventuality when an order, for want of recent recruits, "[…] consist[s] largely of old men" and thus may appear uninviting to new generations of monastic neophytes: "Barring a miracle, these groups will die, for as families they have

might be undertaken in the future on senior monks as well to identify possible corollaries and divergences between monks and nuns as regards aging populations.

[624] Ibid.

[625] Hereford identified some of the realities faced in these religious institutes, including an increased reliance upon pensions and investments for financial sustenance, challenges for newer members to integrate into the aging community, alienation of real property, and "[…] relinquishing control and many of the ongoing ties with important ministries and other partners. All of these are signs that 'what is' is passing away" (HEREFORD, *Religious Life at the Crossroads*, 86). Brown, however, contrasted declining membership with increasing interest in monasticism by non-monks suggestive of an enduring—and even popular—attraction to monastic values, including spiritual direction that presents an opportunity outside gothic cloisters: "According to the Center for Applied Research in the Apostolate, in 1970 there were approximately 41,886 male members of Catholic religious communities. By 2015, that number had dropped to 17,791—that is a loss of over 500 per year. It is increasingly common that the average age at a men's monastery will be in the 70s or even 80s. However, while vocations to monastic communities are, generally speaking, declining, interest in monastic and contemplative spirituality is being explored, rediscovered, and repurposed by an ever growing and wider variety of spiritual, social, political, and environmental movements" (J.M. BROWN, "The 'Greening' of Christian Monasticism and the Future of Monastic Landscapes in North America," in G. PETERS [ed.], *Exploring the Future of Christian Monasticisms,* Basel, MDPI, 2019, 125).

failed to reproduce themselves. Present monastic traditions could phase out or remain vestigially as the Egyptian and Irish monastic streams, supplanted by new reforming idealists founding families more adapted to the time."[626]

Aging communities of monks have impacted the spiritual director in the monasteries as well. The older monks are often approached to serve as spiritual directors because of greater availability and sometimes because of their noted holiness of life. Simultaneously, however, a few challenges might be noted. Many of the aged monks were formed in a very different understanding of authority and entered the monastery from a very different world. Sometimes older monks, as the survey suggests, are the least likely to seek spiritual direction which, according to the Church documents considered in 3.1, would suggest their want of suitability to serve as spiritual directors. Similarly, it seems important that spiritual directors have a knowledge not only of the religious context, but the social context of the directee. While not insurmountable, and often still quite effective, nevertheless an older spiritual director may struggle to guide a monk-directee facing challenges arising directly from the current post-Christian context and entirely unfamiliar to a monk who has been in the monastery for sixty years. Here it will be important for the superior to ensure that the spiritual director is receiving ongoing formation to include "suitable instruction, depending on [his] intellectual capacity and personal talent, in the currents and attitudes of sentiment and thought prevalent in social life today" (*PC*, no. 18). In such circumstances, great patience too will be required of both director and directee as they journey together in pursuit of holiness. Nevertheless, the witness of the old and young mutually assisting one another in spiritual direction is an important and antique monastic

[626] MOHLER, *The Heresy of Monasticism*, 239.

value, as evidenced in the early monastic literature, that should be retained and practiced in the contemporary director-directee relationship.

4.2. – Implementation of *Perfectæ caritatis*

Any serious contemporary investigation or discussion on consecrated life and its multifarious dimensions—including the following recommendations for the spiritual director in orders of monks—must begin necessarily by returning to the roadmap for consecrated life in the modern world furnished by the Fathers of the Second Vatican Council in *Perfectæ caritatis* that essentially hinges upon a dual mandate suggested in the decree's title: On the *Up-to-date Renewal* of Religious Life.[627] *Perfectæ caritatis* states, "The up-to-date renewal of the religious life comprises both [1] a constant return to the sources of the Christian life and to the primitive inspiration of the institutes, and [2] their adaption to the changed conditions of our times" (*PC*, no. 2). Wherefore, religious institutes and their members in the intervening half–century since the Second Vatican Council have born the critical task of *ressourcement* and *aggiornamento*, that is to say, of both returning to the sources and adapting to changed conditions of the modern world.[628] Likely attributable to the diversity of charisms, *Perfectæ caritatis* does not offer particularities of this *ressourcement* and *aggiornamento,* instead leaving concrete application to each religious institute in a spirit of subsidiarity that necessitates personal and communal

[627] Butler has argued that this "accommodated renewal" is "[t]he nearest the council ever came to defining *aggiornamento*" with the idea of *ressourcement* captured by "renewal" and *aggiornamento* in "accommodated," while making clear that the conjoined two-fold process "[…] therefore does not mean 'changing' but 'recovering' one's origins" (C. BUTLER, *The Theology of Vatican II,* Westminster, MD, Christian Classics, Inc., 1981, 18). Of course, some modifications may be found necessary as part of this renewal and accommodation but change not for change's sake rather for the aim of recovery and vibrancy.

[628] O'Malley argued for the abiding influence of the Second Vatican Council on current ecclesial life, including necessarily religious institutes: "Vatican II continues to be a reality very much alive in the Church today" (J. O'MALLEY, "Introduction: Trajectories and Hermeneutics," in J.L. HEFT and J. O'MALLEY [eds.], *After Vatican II: Trajectories and Hermeneutics*, Grand Rapids, MI, Eerdmans, 2012, xxii).

responsibility for a religious institute's future.[629] Within monastic renewal in the Latin Church, the diversity of monastic charisms "[…] makes it difficult to make universally valid concrete statements concerning the 'appropriate renewal' of monasticism."[630] Evidently, authentic and effective *ressourcement* and *renewal* of consecrated life according to the mind of the Church occurs, however, "[…] through the magisterium."[631] Unfortunately, *Perfectæ caritatis* has not always received suitable attention, appreciation, and application in the literature on consecrated life as well as in praxis.[632]

Although this dissertation must from practical necessity first consider *ressourcement* before turning to *aggiornamento* in the subsequent section, these two conciliar principles must always be held together. [633] Galot has helpfully termed these dual

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[629] Baum reasoned that religious must not expect particulars of reform and renewal from either the Second Vatican Council or the Roman dicasteries: "Religious life is much too complex and conditions in various countries far too varied to permit an Ecumenical Council of the Church to present religious orders with a set of particular norms of renewal. Religious communities should not expect this kind of guidance […] The particulars of renewal are the task of religious themselves" (G. BAUM, "Commentary," in *Decretum de accommodata renovatione vitae religiosae: The Decree on the Renewal of Religious Life of Vatican Council II*, New York, Paulist Press, 1966, 21-22).

[630] F. WULF, "Decree on the Appropriate Renewal of the Religious Life," in H. VORGRIMLER (gen. ed.), *Commentary on the Documents of Vatican II,* vol. 2, Freiburg, Herder and Herder, 1968, 353. Gambari thus cautioned that "[r]enewal differs from one institute to another. No institute can serve as a prototype for others to imitate" (GAMBARI, *Religious Life According to Vatican II and the New Code of Canon Law*, 188).

[631] GAMBARI, *Religious Life According to Vatican II and the New Code of Canon Law*, 154.

[632] *FLC,* no. 1b readily confesses that while *ressourcement* "[…] has been a vigorous impulse towards acquiring the true spirit […] and towards the structures and usages which must express it adequately" has likewise sometimes been "[…] partial or weak." See, for example, Alberigo's criticism that "[t]he decrees on the renewal of religious life and on priestly training were poor and destined to be forgotten" (G. ALBERIGO, "The Conclusion of the Council and the Initial Reception," in *History of Vatican II*, vol. 5, trans. M.J. O'CONNELL, Maryknoll, NY, Orbis Books, 2006, 550).

[633] Imbelli has articulated the danger this study aims to evade: "Without the compliment of *aggiornamento, ressourcement* risks becoming mere antiquarianism: a museum tour through ancient artifacts. Without *ressourcement*, *aggiornamento* can easily slip into a cultural accommodation that lacks substance" (R.P. IMBELLI, *Rethinking the Christic Imagination: Theological Meditations for the New Evangelization*, Collegeville, MN, The Liturgical Press, 2014, xv). Sammon concurred, advocating "[…] the new *and* the old, in the spirit of *both/and* rather than *either/or*" on the theological commendation that consecrated persons "[…] must rely both on the God of their experience and the God of their memory, on the One who is and the One who has brought them to where they are today. They must also rely on the God who is to come, the God of hope, since their concern is about the future of consecrated life" (S.D. SAMMON, "By

principles "*un paradoxe*," best conceived not as two separate acts but rather "[…] *un movement unique*."[634] Peifer similarly expressed the unity between *ressourcement* and *aggiornamento* in the conciliar dream for consecrated life:

> On the one hand, we can envisage the past only from the context of the present in which we stand; and, on the other hand, we cannot validly assess the present without an awareness of the past. A sense of tradition is indispensable to contemporary decision, and an awareness of the present is indispensable to an understanding of the past. Therefore, the two movements are not mutually exclusive, as if either could be conducted in isolation from the other; nor are they merely parallel, as two simultaneous components of the renewal process. Rather they are in a dialectical relationship to one another, and there must be a continual dialogue in progress between tradition and presence to the world of today.[635]

Cortese has further exposed this vision of renewing and dynamic dialogue as an opportunity for encounter and service within the larger spirituality of communion foundational to the teaching of the Second Vatican Council:

> Religious life today must explain the meaning of its existence to a secularized society. It must not simply return to the sources of its own life unless it can at the same time take into consideration the questions posed to it by contemporary society. These questions demand that it precise its particular place and integrate itself into the life of the Church. The fundamental blueprint for this has been proposed by Vatican II. There remains now the necessity of building upon this fundamental plan so that the Kingdom of God may shine forth in this world as the "Lumen Gentium."[636]

This return to the sources and updating necessarily do not occur, then, in a vacuum but rather in the communion of the Church as a communion of believers trekking together in

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Their Fruits You Shall Know Them: The Challenge of Renewal Among Men Religious in the USA Today," in *Social Compass*, 48 [2001], 226).

[634] J. GALOT, *Renouveau de la vie consacrée: Le décret du Concile Présentation et commentaire*, Paris, P. Lethielleux, Editeur, S.A., 1966, 102, 104.

[635] PEIFER, "Monastic Renewal Revisited: *Ressourcement* and *Aggiornamento*," 451. Later, Peifer concretized this "dialectical relationship:" "We cannot reshape the liturgy until we know what kind of worshipping community we are; we cannot devise a formation program until we know for what kind of life we are forming people; we cannot revise governmental and administrative structures until we know what values they are supposed to express and what ends they are supposed to serve" (ibid., 464). The apparent tension noted by Peifer and other commentators on the dialectic between *ressourcement* and *aggiornamento* must not be contrived as a Hegelian dialectic, an unceasing motion between contradictions, but rather according to the Aristotelian and Thomistic notion of dialogue as a search for truth in pursuit of the divine will for members, religious institutes, and the Church.

[636] F. CORTESE, A Theology of the Religious Life According to the Second Vatican Council, STD dissertation, Rome, Lateran University, 1968, 191.

dialogue. An authentic *ressourcement* and *aggiornamento* do not settle for a false dichotomy between them, but rather seek to move forward in the communion of the Church in a positive direction characterized by an abiding and ever deepening discernment of God's Will. Thus, the return to the sources on the monastic spiritual director and an adaptation of the monastic spiritual director to the 21st century are not projects to be borne by a monk alone, but rather in the communion of the monastic family and in dialogue with the other members of the Mystical Body who too have much to offer from the wisdom of the sciences as well as concrete experience.

4.2.1. - A Return to the Sources

Perfectæ caritatis first summons religious to "the constant return" (*continuum reditum*) both "to the sources of all Christian life" and "to the original spirit of the institutes" (*primigeniamque institutorum inspirationem*) (*PC,* no. 2). Thus, *ressourcement* as summoned forth by the Second Vatican Council is not a momentary historical glance at original inspirations, but as Poor Clare Mother Mary Francis suggested an enduring obligation "[…] of constantly recovering it. Only in this continual repossession of a heritage shall we be able to determine the best means of presently dispensing its riches, both to our own inner selves and to all the people of God."[637]

The conciliar conception of authentic *ressourcement* certainly consists in *both* a return to Scripture and Tradition *as well as* an institute's founding charism. Liénart

[637] MARY FRANCIS, *Marginals,* Chicago, IL, Franciscan Herald Press, 1967, 12. Cottier further cautioned against a corruption of *ressourcement* into a "*culto nostalgico del passato*" or a "*restaurazione, utopica perché anacronistica*" such that disregards the essential nature of *ressourcement* as a return to the "*fonte de vita*" (COTTIER, *Perfectæ caritatis: 50 anni dopo*, 23). *Ressourcement*, then, as a theological notion must be viewed as more concerned about life than death, returning to the source of life to triumph over death.

rightfully emphasized the importance of Scripture and Tradition in this return that offers the lens in which to then view an institute's original spirit:

> Founders, Rules, Constitutions, and venerable traditions must take second place to the Gospel, and they are only meaningful in so far as they ensure real contact with its life-giving power. It is to the light of the Gospel, a Gospel lived in the very heart of the Church of our own times, that we must consider all Rules and Constitutions, if we are to see how far they need modifying and adapting in order that authentic religious life may flourish in the midst of the modern world.[638]

Peifer continued by offering a methodology to realize conciliar *ressourcement* stressing the importance of historical research but moving still beyond monastic libraries and musty archives: "A religious ideal must be thoroughly and clearly delineated through historical investigation and theological reflection in order that it may be intelligently confronted with the exigencies of adaptation to the world of today."[639] Assuredly, the first step must be a careful and abiding re-reading of Scripture, Tradition, and the foundational literature of the religious institute. Merton has helpfully identified the temptation to "superficiality":

> The root difficulty however remains this: the renewal of the monastic life demands a knowledge and understanding of little-known primitive sources as well as a creative awareness of the Church's new needs. The danger is that since monastic tradition has been so often identified with *medieval* monastic tradition, and since even this tradition is poorly understood at least in America, the work of renewal might remain sadly superficial. Here above all, then, we must clearly realize the necessity of patient inquiry, tactful and charitable progress, sound theology, and above all, a sense of history.[640]

The method of the eleventh century monastic reformers is here most advantageous: to read source texts as if (and indeed they are) letters penned directly to the consecrated person by

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[638] A. LIÉNART, "Preface," in G. HUYGHE, K. RAHNER, J. HAMER, B. BESRET, A.M. CHARUE, and J. URTASUN, *Religious Orders in the Modern World: A Symposium,* Westminster, MD, The Newman Press, 1966, viii.

[639] C. PEIFER, "What Does It Mean to Live 'According to the *Rule*?'" in *Monastic Studies*, 5 (1968), 19.

[640] MERTON, "The Council and Monasticism," 60. The author of this thesis largely agrees with Merton's diagnosis but questions his treatment that unfortunately seems to relegate the place of theology to an afterthought and overlooks entirely the aid of canon law.

God and awaiting prayerful, courageous, prudent application today to advance the salvation of the world.

This return to original inspiration has routinely faced a great challenge: the frequent confusion between the founder's personal charism and the institute's founding charism—the founder's charism often being distinct if not entirely different from the charism given by the Holy Spirit to the religious institute through the ministry of the Church. The logical conclusion of this gross—and unfortunately often pervasive—error is the hasty conclusion that the founder's intention or lifestyle admitted of no change or modification as if to suggest that the dynamism of the Paraclete has ceased. John Paul II resolved this concrete obstacle to the implementation of *Perfectæ caritatis* by intentionally replacing the notion of a "*founder's* charism" with a more expansive and ecclesiologically weighty emphasis upon "[…] fidelity to the *founding* charism and subsequent spiritual heritage of each institute" (*VC*, no. 36). The author of this study notes with regret that while canonists have recurrently identified this shift from "the founder's charism" to "the founding charism," John Paul II's joined emphasis upon the "subsequent spiritual heritage" has not always enjoyed equal attention insofar as this "spiritual heritage" is of inestimable support to—and perhaps even inseparable from a true understanding of—"the founding charism."

A second challenge to *ressourcement*—but still more rudimentary—is simply the identification of a religious institute's founder since many religious institutes, including orders of monks, had a charismatic founder distinct from the principal legislator distinct still from the reformer.[641] Here, Nedungatt helpfully identified seven types of founders: "1)

[641] For a historical survey of these eventualities, see the earlier excurses in sections 1.1, 1.2, and 1.3 of this thesis.

charismatic leader, 2) primordial model, 3) patronymic founder, 4) original founder/reform founder/secondary founder, 5) monastery founder/monastic founder, 6) hierarchic [or episcopal] founder, and 7) putative founder."[642] The contribution of each founder has much to offer to the contemporary monk and the project of renewal. Therefore, the life and teaching of each founder merits careful independent study faithfully to discern an institute's founding charism in a manner that is not only honest and balanced but also integral and comprehensive. As Confoy succinctly noted, "It is the inspiration of the Holy Spirit that the founder is following that will be the source of renewal and adaptation, not simply a return to the rules and regulations of the early life of the institute."[643] Consequently, the order's first proper law must not be read in isolation from the often-accompanying spiritual texts but instead viewed within the larger societal and ecclesial context in which the proper law originally emerged.

Concerning this thesis's limited analysis of the spiritual director in pontifical monastic orders, a return to the sources as begun in chapter one will be paramount. For today's monks to return to the sources is not only an academically challenging task demanding much study and often paralyzed by the lack of credible historical evidence but further hampered by dwindling and aging membership regularly confronted with unmanageable workloads for mere survival or to achieve the adequate physical, emotional, and spiritual care of the members. Nonetheless, the monastic sources must be dusted off.

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[642] For a development of the notion of each and the resultant confusion in returning to the *source*, see the insightful canonical article of G. NEDUNGATT, "Typology of Founders," in *Commentarium pro religiosis et missionariis*, 79 (1998), 95-119 where Nedungatt offers a reasonable conclusion: "A typology of founders, however, should not make us lose sight of the fact that what is primary and paradigmatic of foundation is not the least common denominator but the figure of the charismatic founder" (119).

[643] CONFOY, *Religious Life and Priesthood*, 208.

These sources reveal the organic development of the spiritual director based upon a personal pursuit of evangelical holiness that has shown resilience in responding to changed circumstances and contexts as well as ready adaptation to different monastic programs and their reforms. The monastic sources too reveal a larger ecclesial awareness of the spiritual director within different types of religious institutes and a monastic adaptation to these emerging ecclesial concerns, as seen for example in the dual fora and the prohibition against a forced manifestation of conscience. Plainly, an encounter with the monastic sources on the spiritual director offers a renewal of the spiritual director as *ecclesial* in the communion of the Church. Without a return to the sources—including Scripture and Tradition—the renewal of spiritual direction in monasteries will neither be reinvigorating nor sustainable as it risks subjecting spiritual direction and its directors to dangerous generalizations of a complicated monastic history further jeopardized by temporal whims and the personal preferences of today's monks without a truly vitalizing encounter with the institute's founding charism as invited by *Perfectæ caritatis*'s *ressourcement*.

4.2.2. - Adaptation to the 21st Century

A mere returning to the sources, however, is not enough to bring about the desired renewal of consecrated life according to the conciliar vision of *Perfectæ caritatis* that too requires "[…] adaptation to the changed conditions of our time" (*PC*, no. 2). Ergo, an authentic renewal necessitates not merely the unrelenting and persistent return to the sources and original inspiration of charismatic living but entails also suitable adaptation. Consecrated life is lived in concrete times and places, and this lived experience challenges and forms consecrated life to renewed evangelical witness and apostolic zeal. As Rohrbach

has written, "When an order does not possess the wisdom to adapt its traditions to environmental conditions, it will then surely become a historical relic, lifeless, ineffective, and decaying."[644]

This adaptation of consecrated life to contemporary times, contemporary needs, and contemporary contexts is regularly understood according to the theological notion of *aggiornamento*, but this adaptation must not be corrupted into the dangerous, extremist ideologies of rupture and novelty. Instead, as Weigel has suggested, conciliar *aggiornamento* is better approached as a fitting renewal inseparable from the preservation of a religious institute's traditional heritage or juridic patrimony and thus a "constant deepening."[645] Again, renewal demands not solely adaptation, but a return to the sources; without *ressourcement, aggiornamento* can bring about changed structures in religious institutes, but not a renewed vision for consecrated life.[646]

Consequently, an authentic adaptation of *Perfectæ caritatis* is neither worldliness nor the abandonment of monasticism's rich heritage, but rather a credible and dynamic appropriation of monasticism to today as lived by new generations of monks and effectively witnessed to the 21st century world that can only arise if monks "[…] recognize

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[644] P.T. ROHRBACH, *Journey to Carith: The Story of the Carmelite Order,* Washington, DC, ICS Publications, 1966, 61. In this same place, Rohrbach continues by reasonably arguing that the success of authentic adaptation "[…] demands a leader of extraordinary ability—he must be a man of sanctity, a man who loves and respects the traditions of his order, a man who understands the contemporary scene, and a man of wisdom and prudence."

[645] G. WEIGEL, *To Sanctify the World: The Vital Legacy of Vatican II*, New York, Basic Books, 2022, 290-291.

[646] See M.B. PENNINGTON, *Vatican II: We've Only Just Begun*, New York, Crossroad, 1994, 159. See also O'Donnell who argued that *aggiornamento* "[…] gained ascendancy" and consequently that "[t]he broader theological meaning of *ressourcement* as a return to foundations of Christian life, as a call to become yet more authentically Catholic, was often overlooked" (G. O'DONNELL, "The Renewal of Religious Life: Strengthening the Trinitarian *Communio* in the Church," in S. BOGUSLAWSKI and R. FASTIGGI [eds.], *Called to Holiness and Communion: Vatican II on the Church*, Scranton, University of Scranton Press, 2009, 209-210).

and understand the world in which we live, its explanations, its longings, and its often dramatic characteristics" (*GS*, no. 4). To avoid a condemnable secularism contrary to the evangelical and monastic spirit, monks cannot indiscriminately embrace everything the world thrusts forward, but rather through prayer and discernment, they must "[…] scrutinize the signs of the times and [interpret] them in the light of the Gospel" (*GS*, no. 4).

All adaptation within the seven pontifical orders of monks, thenceforth, must be a true organic growth according to and building upon the foundational ideals of monasticism but this is impossible without a common understanding of the fundamental principles of monasticism, including the import of spiritual direction and its director as developed in the monastic *regulae* and *ius proprium* as well as in monastic custom and traditions thus far considered. The *aggiornamento* of monastic life—and more directly here spiritual direction—demands great prudence lest, as Schumacher warned, the outcome strays from ecclesial vision with the resulting "[…] mitigation or dropping of purposeful and meaningful rules, customs and practices with the consequent compromise, more or less, of the deeper realities of the consecrated life."[647]

Frankly, prominent monastic thinkers and orders of monks have sometimes been and continue to be not uncommonly uneasy about the concept of adaptation, recurrently fearing a spirit of novelty that leaves no place for an ancient monastic tradition.[648] Here

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[647] E.A. SCHUMACHER, *An Undivided Heart: Pope John Paul II on the Deeper Realities of the Consecrated Life*, Chicago, IL, Institute on Religious Life, 2002, 74-75.

[648] For example, see de Vogüé's stinging criticism arguing that fidelity to the monastic tradition "certainly does not consist in idly maintaining customs in ordinary use contrary to authentic tradition; or else in throwing aside elements that go to make it up by a reckless transition, under the pressure of a post-conciliar gale, from unenlightened conservatism to an unthinking progressiveness; or finally in sitting back at ease and removing from the monastic life the very restraints that contribute to its splendor. What matters is neither ultra-conservatism, nor change, nor comfort, but strength of observance and of doctrine" (DE VOGÜÉ, "Experience of God and Spiritual Fatherhood," 96-97).

monks do well to recall the commentary of Gambari on a true *aggiornamento* that "[…] cannot impair, redefine, or redimension what is essential in religious life, thus ignoring the two thousand-year experience of the Church."[649] Keenan, however, has encouragingly recalled that monasticism by nature, and as historically established, has demonstrated a remarkable ability to evolve in changed times and places, remaining "ever ancient, ever new":

> There is an elective affinity between the religious inventor's vision and the signs of the times. In due season, social change catches up with their invention, and the cycle begins anew. Routinization is the seedbed of religious life renewal. Each new age of monastic life addresses the perceived apostolic needs and ecclesiastical interests of the epoch, be that for grand monastic citadels; for hostels for crusaders and pilgrims; for sanctuaries from plague and persecution; or for hospitals, schools, orphanages, hospices, food kitchens or way stations for state policies of care in the community. Across the faith traditions of East and West, monasteries have been power houses of liturgical, musical, and architectural creativity, and also sites of practical wisdom in agriculture, animal husbandry and horticulture (grape growing and beekeeping being renowned monkish specialisms). As centers of godliness and good learning to whose "apostolate of the pen" we owe the antecedents of the modern inter-library loan and postal services, the monastic tradition continues unabated in cyberspace. The state-of-the-art web sites of many of the religious communities bear favorable comparison with the splendors of mediaeval illuminated manuscripts. Monasteries, as experiments in living, have also figured as prophetic centers of innovation in self-governance and welfare administration.[650]

If, therefore, the ecclesial vision of *Perfectæ caritatis* is to be realized and bring forth fruit, orders of monks cannot absent themselves from this ecclesial program of renewal of consecrated life.[651]

Monastic spiritual direction will find itself profoundly enriched by both scientific advancement and practical experience outside its walls. An adaptation to the 21st century

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[649] GAMBARI, *Religious Life According to Vatican II and the New Code of Canon Law*, 646.

[650] KEENAN, "Twenty-First-Century Monasticism and Religious Life: Just Another New Millennium," 18-19.

[651] Gambari condemned this flawed notion: "The position of contemplative institutes and their way of life (which keeps them, at least to some extent) separated from the constantly changing world must not be taken to imply that they have no need for renewal" (GAMBARI, *Religious Life According to Vatican II and the New Code of Canon Law*, 187).

requires some knowledge of the achievements of the modern world—its joys and its struggles—that the practice of spiritual direction may not be trapped in a medieval context, but truly advantageous to today's Christians. Apparently, this can and must occur without abandoning anything of monasticism's complex tradition on spiritual direction but instead by a better understanding of the real-life context of the modern directee suitably to accommodate timeless monastic wisdom readily to be embraced and applied in contemporary life.

4.3. - Recommendations

At the conclusion of this canonical assessment, a realistic outlook is urgently needed, not only of canonical limitations, but of any spiritual director's human limitations as well. Vanderwall offered a credible, grounded depiction of the spiritual director:

> Spiritual directors are sinners who through many failures are conscious of their own need for God. They are familiar with the workings of His ways and steep themselves daily in a humble listening to the Lord in their minds and hearts. They know of their own vulnerability and seek always to learn through various sources how to help people get closer to God; they are humble students never quite satisfied that they have all or even some of the answers as they listen, as attentively as they can, to another's account of prayer. But directors are confident in God's competence in helping others to come to him, and, knowing this, they feel competent in their own incompetence.[652]

Like spiritual directors, superiors and directees as well are sinners. Problems can thus arise in the identification of a spiritual director and the cultivation of mature and healthy relationships between director and directee and member and superior that, rather than revealing the Holy Spirit, become an obstacle to the pursuit of Christian perfection.

Canonical legislation and legal structures, despite their perennial value, cannot solve all problems and overcome all abuses. This sobering reality of fallen humanity must be humbly acknowledged from the outset. Salmon astutely commented, "In the government

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[652] F.W. VANDERWALL, *Spiritual Direction: An Invitation to Abundant Life,* New York/Mahwah, NJ, Paulist Press, 1981, 49-50.

of monasteries, as in other human affairs, abuses will never be completely avoided, nor will all the difficulties and failures ever be suppressed; but prudence requires that the necessary precautions be taken, all the more so when it is a question of the good of souls and the proper administration of Church goods."[653] In formulating recommendations, the balancing of sometimes competing monastic values with constant regard for the virtues of prudence and discernment must guide.

4.3.1. - Spiritual Direction as Personal Accompaniment in the Christian Life

As seen in section 3.1.7, Francis has drawn fresh attention to spiritual direction through the lens of "personal accompaniment." Francis is not here original. Theological, pastoral, and even canonical texts (as have been seen) earlier framed spiritual direction as more accompaniment than direction apparently to emphasize the essentially pneumatic nature of spiritual direction and the spiritual director's role as secondary and subordinate to the primacy of the divine. In recent times, appeals to rediscover spiritual direction as accompaniment have gained popularity.[654]

Developing the notion of accompaniment as "spiritual accompaniment," Francis has written that this accompaniment, characterized by freedom, listening, and fraternal

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[653] P. SALMON, *The Abbot in Monastic Tradition: A Contribution to the History of the Perpetual Character of the Office of Religious Superiors in the West*, trans. C. LAVOIE, Washington, DC, Cistercian Publications, 1972, 148.

[654] For example, see Y. RAGUIN, *Maître et disciple: La direction spirituelle,* Paris, Desclée de Brouwer, 1985, 112: "Arrivé à ce point, mieux vaut dire que le maître n'est plus guide, mais compagnon, un compagnon intérieur." Casto criticized this modification of terminology, however, arguing that this change in words betrays a change in understanding where the emphasis moves away from the authority or charism of the director to "[…] the advice itself, without having to evaluate whether the person who gave the counsel or admonition has a particular authority or charism to give it. In other words, speaking of accompaniment seems something different, freer, and less demanding for both parties, than speaking of spiritual fatherhood" (L. CASTO, *La direzione spirituale come paternità,* Torin, Effatà Editrice, 2003, 221). This question of terminology will be taken up momentarily.

closeness, aims "[…] to be a pilgrimage with Christ to the Father" (*EG*, no. 170).[655] Earlier, Francis concretely explained that this spiritual accompaniment is an "art" that "[…] teaches us to remove our sandals before the sacred ground of the other (cf. Ex 3:5). The pace of this accompaniment must be steady and reassuring, reflecting our closeness and our compassionate gaze which also heals, liberates, and encourages growth in the Christian life" (*EG*, no. 169). Thus, only those who have first personally experienced the healing power of grace and the potentialities of spiritual direction will be able to accompany others closer to the Lord and to the Church—beginning not from a place of judgment but rather from respecting the mystery of the human person and seeking to support the way God is leading the accompanied. Francis continued, "Someone good at such accompaniment does not give in to frustrations or fears. He or she invites others to let themselves be healed, to take up their mat, embrace the cross, leave all behind and go forth ever anew to proclaim the Gospel" (*EG,* no. 172).

By reconsidering "spiritual direction" in relation to "spiritual accompaniment," new notes emerge including the primacy of dialogue that does not diminish—but enhances—freedom. The Congregation for Institutes of Consecrated Life and Societies of Apostolic Life thus lists in *Cor orans* three prerequisite characteristics for the spiritual accompaniment of contemplative religious: "[…] discretion, wisdom, and prudence."[656]

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[655] See a similar note on personal accompaniment in FRANCIS, Address to a general audience, 14 December 2014, in *L'Osservatore Romano*, English ed., 19-26 December 2014, 4: "It is a most beautiful mission, like that of John the Baptist: to direct the people to Christ—not to ourselves!—for He is the destination to which the human heart tends when it seeks joy and happiness." See also SCHNEIDERS, *Finding the Treasure*, 221 where "spiritual direction" is defined by her as "[…] the ministry of one-to-one accompaniment in the life of faith without the spiritualist or authoritarian resonances that the term might carry."

[656] *Cor orans*, no. 243, in *AAS*, 110 (2018), 856, https://www.vatican.va/roman_curia/congregations/ccscrlife/documents/rc_con_ccscrlife_doc_20180401_cor-orans_en.html (19 March 2023).

The spiritual director of monks must be prepared to offer appropriate pastoral care in spiritual direction not to hijack the role of the Paraclete, but to "[…] accompany the journey […]."[657] Louf emphasized the centrality of dialogue in spiritual accompaniment, positing that "[…] the quality of spiritual accompaniment depends primarily on the quality of the human relationship, and the quality of a human relationship is to a great extent reflected in the quality of the dialogue which builds up between the two persons involved."[658]

Cornelius Wencel, a Camaldolese hermit, builds upon spiritual direction reimagined as spiritual accompaniment by returning to the classical understanding of spiritual companionship that arises from spiritual friendship:

> The hermit tries to be a friend to all, but especially to those who turn to him looking for advice and support. The presence of the hermit, familiar with the ways of God's wisdom, seems to be helpful and even indispensable to those seeking light on the ways of prayer. The hermit, humbly reluctant to undertake such a task, makes a good "travelling companion" on the ways of prayer. If he ever assumes the role of such a spiritual companion, he patiently and faithfully points out to all the obstacles standing in the way of reaching full communion with God in prayer.[659]

With the reassessment of spiritual direction as a form of spiritual accompaniment, a companion's presence on the journey to God is readily associated with holy and spiritual friendship, but reframing the spiritual director as "a spiritual friend" is not without its own challenges as it can falsely connote that spiritual direction is "casual and aimless," thus overlooking the importance of "[…] help[ing] the [directee] find [the] way [to God]."[660]

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[657] Ibid.

[658] A. LOUF, *Spiritual Accompaniment,* Ottawa, Canadian Religious Conference, 1986, 73.

[659] C. WENCEL, *The Eremitic Life: Encountering God in Silence and Solitude*, Bloomingdale, OH, Ercam Editions, 2007, 195.

[660] BARRY and CONNOLLY, *The Practice of Spiritual Direction,* 11. See also MAY, *Care of Mind/Care of Soul*, 9-10: "The notion of friendship can raise the issue of increasing mutuality in the relationship. This is a divergence from the classical model that can have both positive and negative consequences. It is not uncommon nowadays to encounter spiritual guidance relationships that are truly mutual, where two or even more people come together with no one being identified as 'the authority.' They provide guidance, discernment, and suggestions for each other at a completely 'co-equal level.' While such mutuality

The spiritual director serves in a professional capacity in a real Christian ministry or apostolate with a true responsibility to safeguard the integrity of the internal forum whereas friendships are personal relationships "[…] based on personal trust, with boundaries that are implicit, informal, and somewhat vague."[661]

Furthermore, the term "accompaniment" received contemporary renewal as a pastoral style in vocational discernment. Care must be had, then, to not reduce spiritual direction to only those discerning vocations to the consecrated life or priesthood or to moments of vocational discernment that would compromise the essential breadth and enduring quality of authentic Christian spiritual direction as ecclesiastically imagined.[662] Spiritual accompaniment, then, must be understood as a larger view of pastoral life and ministry than solely spiritual direction which is nevertheless certainly one way of many in which Christians are called to accompany their brothers and sisters.

After freshly considering spiritual direction within spiritual accompaniment, a new question also emerges: Can and does the monastic superior accompany a monk? Olivera proposed a solution by reaffirming the religious superior's legislative duty as "spiritual father" of the entire monastic community in accord with the canonical vision of cc. 617-619 and possibly, secondarily, as the spiritual director of individual members of that community: "This means that both abbot and abbess are, in the first place, spiritual accompanists of their respective communities. In the second place, they may perhaps also

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encourages greater intimacy and sharing among the parties, by removing the structure of the more formal relationship it courts the danger of turning spiritual direction into a 'spiritual conversation' in which there is little accountability, direct confrontation, or precision in discernment."

[661] COSTELLO, "Integrating Formative Roles," 247.

[662] See COSTA, *Direzione spirituale e discernimento*, 89.

be such for particular persons. This makes us aware of an important principle, namely that spiritual accompaniment of the monk or nun by the abbot or abbess takes place in a concrete community context."[663] Here Olivera reaffirmed the primacy of the monastic superior's role in the external forum as juridically founded too in the monastic *regulae*: of accompanying the entire community and its individual members within that forum without precluding the possibility of accompaniment of an individual monk in the internal forum according to the norms of c. 630.

Reconsidering the spiritual director as accompanying the directee underscores that the selection of a spiritual director is a personal choice that cannot be attached *ipso facto* to the holder of an ecclesiastical office if spiritual direction is to realize its purpose in the Christian life. Merton observed, "Spiritual direction cannot be really fruitful, ordinarily, unless there is real spiritual affinity between the director and his [directee]. Not necessary that there be a *natural* affinity or community of tastes on the human level, but the [directee] must have complete confidence in the director, and the director must have enough confidence in and respect for the [directee] to correct him firmly, lovingly, and without fear or passion, if the need should arise."[664] Also, the mere election to an ecclesiastical office within the monastery does not guarantee that the elected possesses the art of spiritual direction to make him a capable spiritual director of every monk individually. Furthermore, different ages, temperaments, and cultures must be given due consideration to ensure a

[663] OLIVERA, *Light for My Path*, xx.

[664] T. MERTON, *A Search for Solitude: Pursuing the Monk's True Life*, L.S. CUNNINGHAM (ed.), New York, HarperCollins Publishers, 1996, 8.

nourishing relationship between director and directee that truly offers healthy accompaniment.

4.3.2. - Spiritual Direction's Formative Value

Christian formation, whether initial or ongoing, is necessarily holistic in its prescribed aim of forming the whole man, as well as dynamic in its concern for the human person's relationship with the Trinity, and also integrative in its coordination with the other components of formation.[665] An essential dimension of this formation is formation in freedom so that the Christian can freely orientate his earthly life towards the pursuit of the love of God and neighbor in view of eternal beatitude. This formation in freedom that is characteristic of the whole man in his human, spiritual, intellectual, and pastoral dimensions finds positive reinforcement and reciprocity when joined to spiritual direction.

Ergo, it must be affirmed that spiritual direction is formative, and therefore the spiritual director is a true formator. While rediscovering the great merit and rightful place of spiritual direction within this vision of integral formation, care must likewise be had to not reduce spiritual direction to the only spiritual formation or a formation done in isolation from the other essential aspects of integral formation, but instead spiritual direction must be rightfully seen by superiors, formators, and those in formation as "[…] a piece (*un tassello*) of spiritual formation."[666] Understanding the spiritual director as a formator—albeit in the internal forum—provides some indications of the necessary qualities of a spiritual director in common with other formators on life's *iter*.

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[665] These three dimensions are clearly developed in *VC,* especially nos. 65, 68, 71, and 98, but further studied in COSTELLO, "Integrating Formative Roles," 242.

[666] COSTA, *Direzione spirituale e discernimento*, 168.

The foregoing examination of the monastic tradition and custom from its nascency has revealed that spiritual direction—or *confessio* as it was frequently called—was not only about struggles with viciousness or even graces received but also possessed an inherently formative characteristic that was later largely supplanted by more formal opportunities such as novitiate classes and conferences in common. Spiritual direction in the monasteries continues to enjoy a special formative quality according to both its breadth of subject matter and its inherently personal or one-on-one traditional nature.[667] Spiritual direction hence advances formation in all moments and dimensions so that man's response to God's call and God's will "[…] springs from the depths of the person."[668]

A renewed approach to spiritual direction as formative and its director as formator underscores too the foreconsidered importance ecclesiastical authority has attached to a spiritual director possessing knowledge of both the religious institute's proper law to which the directee is bound by virtue of his vow of obedience and the patrimony of the institute, especially its spirituality. This prerequisite knowledge does not, however, mean that the spiritual director *per se* must be either a member of the monastic order or male—matters left best to discipline as detailed in proper law, personal discernment in concrete settings, and the superior's decision in unforeseen circumstances. While the superior likely possesses a detailed knowledge of the institute's laws and patrimony, canon law has prohibited the gross oversimplification that the superior is thus *ipso facto* the personal spiritual director of each individual monk in the monastery.[669]

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[667] See LECLERCQ, "St. Bernard of Clairvaux and the Contemplative Community," 101-102.

[668] COTTIER, *Perfectæ caritatis: 50 anni dopo*, 81: "profondità della persona."

[669] Dom Dysmas agreed: "The superior may not necessarily be the most advanced in the ways of the spiritual life nor the most capable when it comes to companionship" (DE LASSUS, *Abuses in the Religious Life and the Path to Healing*, 177). Nevertheless, it is important to affirm that since the authority of the

Whereas the early desert experience of monasticism emphasized the importance of spiritual direction in a monk's initial journey, it will be important to rediscover spiritual direction's formative value throughout the whole of a monk's life.[670] As Reed expressed, "Many directees first seek out directors because they want to make sense of how God may be calling them to a particular purpose in life, perhaps a career or relationship. What they discover is that spiritual direction attends just as much to the Spirit's presence in everyday circumstances as to the big decisions of life. They grow more aware of the daily journey of companionship with the Spirit."[671] Chittister noted well the terrible consequence if spiritual formation and spiritual direction are not lifelong projects: "The formation program that does not form people in the history of spirituality, in the social role and servant status of religious life—whatever its form—in prayer and contemplation, and in spiritual reflection in a highly materialistic world, will at best reproduce a fruitless hierarchy of pseudo shamans—if it reproduces anything at all."[672]

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superior is principally spiritual in nature, the superior "[…] is chosen for his spiritual qualities and must put them at the service of the members […]" (A. DE LA TAILLE, L'exercice de l'autorité et l'obéissance volontaire dans les instituts religieux : Implications pratiques pour le respect de la personne humaine, JCD thesis, Ottawa, Saint Paul University, 2017, 84).

[670] Louf emphasized that according to its original conception, the relationship between father and son must nonetheless "progress," and thus it is sometimes found in the Egyptian desert experience that the son becomes the father of his spiritual father where "[n]ew heights of love and humility are reached" (LOUF, "Spiritual Fatherhood in the Literature of the Desert," 60).

[671] A. REED, "Rediscovering Mysticism: Theological Foundations for the Contemporary Practice of Spiritual Direction," in J.J. MARKEY and J.A. HIGGINS (eds.), *Mysticism and Contemporary Life: Essays in Honor of Bernard McGinn,* New York, The Crossroad Publishing Company, 2019, 120. See also D.L. FLEMING, "Beginning Spiritual Direction," in D.L. FLEMING [ed.], *The Christian Ministry of Spiritual Direction*, St. Louis, MO, *RfR*, 1988, 211: "Spiritual direction has no time limitations on it. We never totally outgrow it; and so it does not become outmoded according to the progress we have made in the spiritual life. The need is present throughout our lives because we are Christians who journey by faith."

[672] CHITTISTER, *The Fire in These Ashes*, 164.

The abiding nature of spiritual direction, then, surpassing a monk's earliest years in the community, must be restored not as a burden or obligation arising from law, but as a most helpful means of pursuing personal and communal holiness according to the cenobitic and eremitic vision: "Lifelong spiritual deepening is the effect of God's grace working through personal response, spiritual help, and the life of the monastery. In a good community life, a monk can find everything he needs to help him in the struggle to establish unity in his own being and to respond to love."[673] Consequently, the affirmation of spiritual direction as formative reveals that c. 661 on ongoing formation obliges monastic superiors "to provide [the members] with the resources and time for [spiritual direction]." The superior thus has a duty to not only make available suitable spiritual directors, but of providing the means and moments in the horarium for spiritual direction to regularly and steadily occur in accordance with the religious institute's proper discipline.

4.3.3. - Renewed in the Spirit: The Rediscovery of the Charism of Directing

The spiritual director faces a sublime task in leading souls—according to the directee's personal relationship with God and neighbor—to heaven; serving as a spiritual director is not for the faint of heart nor to be undertaken lightly. St. Gregory Nazianzen highlighted:

> To guide man, the most varied and complex animal of all, seems to me to be the art of arts and the science of sciences. This will become more manifest if we compare the spiritual care of souls with the medical care of bodies. We shall see then how much more laborious and toilsome, how by far superior is [the care of souls], and by the nature itself of the subject, and by the sublimity of the art, and by the aim of the act [of spiritual direction].[674]

[673] REES et al., *Consider Your Call*, 127.

[674] GREGORY NAZIANZEN, *Oratio Apologetica*, 2.16, in *PG*, vol. 35, 425-426B.

Wherefore, the proficient and truly advantageous spiritual director possesses more than the completion of academic degrees or election to an ecclesiastical office. For spiritual direction to be deeply fecund in the pursuit of Christian perfection, the spiritual director has received a gift from God to lead souls towards union with God in this life and the beatific vision in the life to come. Ordeig declared as "[…] the essential and indispensable condition [that the spiritual director] be spiritual and be recognized as such by those who seek [his direction]."[675] As has already been shown, the spiritual director in monasticism's nascency was chosen because he had proven himself to be a friend of God, to be inspired by God, to be a prophetic voice of God, and to have been called by God to direct other Christians along this same path. Thus, a spiritual director who does not replace the Holy Spirit but rather facilitates the divine encounter between the directee and God is rightly hailed "[…] a true treasure."[676]

As a gift freely given from divine benevolence to be freely received, the charism of spiritual direction must be rediscovered lest incompetent spiritual directors be chosen who might do great harm to directees, including the omnipresent danger of spiritual abuse. While the author of this study applauds the recent emergence of academic and pastoral programs to so-called "train" spiritual directors, he likewise cannot resist expressing concern that a spiritual director is selected simply because he has completed a series of courses or undergone a practicum. Of course, a particular preparation and ongoing formation for the ministry of spiritual director is of the greatest importance, but a real grace

[675] J.F. VALDERRÁBANO ORDEIG, "Direzione spirituale," in T. GOFFI and A. PALAZZINI (eds.), *Dizionario Teologico della Vita Consacrata,* Milan, Editrice Áncora Milano, 1992, 560.

[676] See DE LASSUS, *Abuses in the Religious Life and the Path to Healing*, 191-192.

for the art of spiritual direction is also necessary.[677] While this intentional formation for spiritual direction is indeed vital for the spiritual director, the author of this study repeats that it is not enough—a special grace must be supplied by God and confirmed by the Church as an authentic call to this ministry. Since an authentically Christian understanding of spiritual direction concedes the primacy of this relationship between God, the director, and the directee, the promptings of the Holy Spirit who first moves ought to be given ample prayer and discernment when selecting a spiritual director to identify whom the Holy Spirit has chosen to direct a particular monk. Candidly, spiritual directors must not be identified merely because they have the freest calendars although availability rightly may be one characteristic amongst others that should be evaluated when choosing a spiritual director.

There obviously is not, however, some sort of scientific instrument to ascertain whether a person has received a true charism to serve as spiritual director; this presents a challenge when directors are identified, appointed, or chosen. Some external indications can nonetheless be noted to assist in this process. Of course, it goes without saying that a director must himself first be not only given to prayer but a directee as well, striving to live a genuine Christian life and faithful to his state in life if he is to assist others along the Christian journey. Indications of suitable and capable spiritual directors by ecclesiastical superiors such as the diocesan bishop or religious superiors can offer testimony to the perceived presence of the grace to direct souls. Moreover, if a member of the monastic community is a possible candidate for spiritual director, the potential directee may wish to

[677] See COSTA, *Direzione spirituale e discernimento*, 138: "Personalmente ritengo che non sia sufficiente una generica preparazione, ma che si richieda un intervento specifico e peculiare."

speak with the monastic superior or his confreres who will know the candidate best to inquire concerning the possible director's love of God and neighbor as externally observed.

It would seem be appropriate to learn of the spiritual director's experience in spiritual direction and whether he has familiarity with different moments in consecrated life or certain spiritual illnesses such as scruples or a critical spirit. It may be advantageous too to meet with a potential director for "a spiritual direction interview" that would allow both director and directee to see if there is mutual understanding and signs of the potential for a fruitful spiritual relationship to grow. The directee in such an interview setting, while introducing his personal history and prayer life, could better ascertain how that director listens, questions, solicits, and guides without any obligation for future spiritual direction.

4.3.4. – Periodic Assessment of the Director-Directee Relationship

As has been shown in this chapter, diminishment of members and aging populations necessarily impact the ability of a particular monk to find a spiritual director who not only can direct the monk's soul according to the sound traditions and disciplines of his order but also has the time to do so. Kozlowski details this common difficulty in selecting a spiritual director:

> In our everyday life when we have problems of a technical nature beyond our competence, we seek out the best professionally competent advice we can obtain. If our car needs repair, we try to find an excellent, reliable mechanic. If the roof of our house leaks, we seek out a good roofing specialist. When the plumbing or electrical system breaks down, we look for a qualified plumber or electrician. If we are in need of spiritual advice we go to our priest, rabbi, or minister, or perhaps to a trusted, devout, and hopefully, learned friend or friends. However, in these our times such religious or clergy, ministers, and other servants of God are frequently so occupied, or overburdened with so many spiritual and temporal responsibilities that they simply do not have the time to devote to each individual person, and to give the serious consideration or attention needed concerning their spiritual and temporal problems. The problem becomes more complex as regards consulting spiritual directors, when we see clearly that at times a number of various spiritual directors may

> need to be consulted because of the unique individual nature of the particular spiritual problems one may be facing.[678]

Availability of the spiritual director must be given necessary consideration, particularly when selecting the spiritual director for a young religious or a religious whose spiritual life demands greater accompaniment at a given moment, but other considerations too must be made. While older religious may be more available to serve as spiritual directors, this availability does not necessarily mean that an older religious is always by that fact alone the most qualified to accompany the spiritual lives of a new generation of monks. Health, cultural shifts, and the contemporary nature of individual spiritual hardships may suggest instead, for example, that a younger monk might be a better choice.

Additionally, with the reality of diminishment in orders of monks, the spiritual director of a given monk—if a member of that same community—may find himself tasked also with duties in the external forum concerning that same monk—perhaps as teacher, infirmarian, or bursar, for example—which may result practically in some awkward situations and will require in this multiple role relationship great attention to safeguarding the internal extra-sacramental forum of spiritual direction.[679] Great vigilance and supervision, however, is needed in multiple role relationships to identify instances of

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[678] J.P. KOZLOWSKI, *Spiritual Direction and Spiritual Directors: St. Francis de Sales, St. Teresa of Avila, Thomas a Kempis, and St. John of the Cross*, Santa Barbara, CA, Queenship Publishing, 1998, 1-2.

[679] The sober conclusion of Costello demands attentive listening, prayerful discernment, and perhaps in some instances concrete action: "Multiple role relationships are unethical, not *per se*, but when they could reasonably be expected to impair the objectivity, competence, or effectiveness of the [spiritual director] in his dealing with the [spiritual directee]" (T. COSTELLO, "Integrating Formative Roles," in A. MANENTI, S. GUARINELLI, and H. ZOLLNER [eds.], *Formation and the Person: Essays on Theory and Practice,* Leuven, Peeters, 2007, 251).

boundary crossing and violation.[680] Costello bravely broached this reality: "[W]hen formators are asked to assume multiple roles and diverse responsibilities within the [monastic] formation structure, does this represent a creative response to the reality of limited resources, or does it create a dangerous confusion which is counter-productive to the goals of religious and priestly formation and perhaps even harmful to the good of individuals?"[681] This hardship is a challenging reality as monastic communities decrease in size and when the monks themselves are acting as spiritual directors for their brothers in religion.

If a spiritual director who is a member of the directee's monastic institute later assumes an external role in relation to the same directee, the director and directee prayerfully ought to consider whether a new spiritual director is more appropriate to avoid the appearance of confusing the fora. Further, what about those instances when a monk's spiritual director is later elected as monastic superior? In such instances, a great exercise of virtue is needed by the previous spiritual director lest knowledge gained in his earlier accompaniment in the internal extra-sacramental forum be abusively used in his new office in the external forum, which would result in a direct violation of the secrecy inherent to spiritual direction. In both selecting a spiritual director and agreeing to serve as spiritual director, even the appearance of confusion of the internal and external fora must be given adequate consideration.

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[680] The importance of spiritual directors who not only seek spiritual direction, but experience personal supervision as spiritual directors will be returned to in both additional suggested monastic customs and the general conclusion of this thesis.

[681] COSTELLO, "Integrating Formative Roles," 244.

From this vantage point, it is helpful too to recall that the *regulae* did not anywhere indicate that the director-directee relationship was lifelong, and a careful reading of Benedict's norms on humble transparency to spiritual elders nowhere suggests that the monk could not approach different directors at different moments for varying just causes. Even in the monastic literature about the first monks in the desert there are instances where a monk sought a new abba or, at the very least, where an abba recognized that a situation could arise where a different abba should be sought. It seems important to overcome the stigma attached to a monk obtaining a new spiritual director. Practical situations may necessitate the need such as when a spiritual director is transferred to a different location or if the spiritual director suffers failing health. What, however, about those cases where despite the best efforts of director and directee, they are not understanding one another and perhaps the relationship has become unfruitful or even strained? Surely in these instances a new spiritual director freely should be sought by the directee that the directee might continue to make progress in the spiritual life by way of a healthy director-directee relationship.

Periodic assessment of the director-directee relationship should become a reoccurring practice not only in monasteries but in all spiritual direction relationships. In a spirit of humility, truth, and charity, both director and directee should ask if the spiritual direction is bearing fruit. If not, it would be a good idea for them mutually to agree to discontinue and for the spiritual directee to seek a new director who might be more aptly suited for the present moment. Spiritual directors must have the maturity to recognize that they are not the only capable spiritual director for a given directee, and directees should not be ashamed to humbly disclose to the spiritual director when the relationship is no

longer advantageous.[682] Of course, this is not to say that the directee should haphazardly change spiritual directors without at least a just cause and only after ensuring that he is spiritually motivated. Monasticism's long history is full of stories of monks who changed spiritual directors merely because they wanted to do their own wills and not instead—as spiritual direction rightfully aims—to do the will of God.

4.3.5. – Updated Proper Law

Several of the seven pontifical orders of monks have not updated their constitutions since immediately after the promulgation of the 1983 Code of Canon Law; this is clearly a problem. In the intervening forty years, many new questions have arisen in a rapidly changing world, and the Church has continued her maternal teaching in a vast assortment of Church documents. Consequently, it will be important for these seven orders of monks to update their proper law if they have not done so recently. Such a review and updating process presents an ideal opportunity to consider spiritual directors in the monasteries to certify adequate provision in proper law to better safeguard the rights of the members, the common good of the institute, the order's legitimate patrimony, and the practice of spiritual direction in these orders of monks.

The author, thus, wishes at this interval to exhort superiors of religious institutes and those entrusted with vigilance over them to revisit the final clause of c. 630, §1: "*salva tamen instituti disciplina*." An institute's proper law ought to determine what requests by members concerning the Sacrament of Penance and spiritual direction are contrary to the

[682] Carlson invites this scrutiny of the relationship still more: "[A] good director will ask from time to time what the directee thinks of their relationship. This gives the directee a chance to say that the director is too judgmental, too restrictive of appropriate matter for conversation, not challenging enough, not compassionate enough, not willing to share his or her own experience. A good director will open the door to this kind of feedback regularly; but even when it is not sought, a directee should feel encouraged to offer it" (CARLSON, "Spiritual Direction and the Paschal Mystery," 76).

institute's discipline as well as any special disciplines of that institute regarding both sacramental confession and spiritual direction. For example, how might a religious institute handle a request to seek spiritual direction from a director at a great distance from the monastery, who is publicly antagonistic to the institute's superiors and other members, or who charges an exuberant fee for his services? More concretely, this study has found that the proper law of some of the existent orders of monks continues to prohibit the spiritual direction of women, which begs the question whether female spiritual directors would also be contrary to discipline. Simply, the development of an objective discipline clearly stated in the proper law would prevent against the arbitrary and provide those in initial discernment and formation, as well as a religious institute's members, with clear and unambiguous foreknowledge of the institute's discipline in these matters to avoid potentially difficult situations in the future.

Another important subject for proper law will be any indications on whether confession and spiritual direction are joined in practice according to the institute's discipline as seen previously in the constitutions of the Pauline Fathers. Certainly, pros and cons can and have been noted for both joining and separating the Sacrament and non-sacrament. For example, when spiritual direction occurs in the context of the Sacrament of Penance, McCarty convincingly has argued that the ecclesial nature of spiritual direction becomes more readily manifest.[683]

[683] See S. MCCARTY, "Pilgrim and Penitent: Direction and Sacramental Reconciliation," in D.L. FLEMING [ed.], *The Christian Ministry of Spiritual Direction*, St. Louis, MO, *RfR*, 1988, 416. Sudbrack seems to bring this argument for a preferential joining of sacramental confession and spiritual direction to its logical conclusion: "As Catholicism sees it, the most intimate transactions between man and God become authentically visible in the Sacrament of the Church. Now as a matter of fact, spiritual guidance has often taken place, historically, in the Sacrament of Penance. The modern practice of consulting with the priest in confession is a revivable of an old tradition […] Even when confession and spiritual guidance cannot be one and the same (e.g., when the director is a laywoman or nun), it is desirable that such guidance culminate in

This thesis's author would also draw attention to the importance of proper law incorporating c. 630 in a manner that is juridically true to the text and context of the universal norm. For example, it would not be correct for proper law to indicate that the monks have *complete* freedom concerning the Sacrament of Penance and spiritual direction because c. 630, §1 subjects this due freedom to the religious institute's proper discipline. Similarly, while constitutions will assuredly want to affirm that the monks are to approach the superiors with trust, and that the superior is forbidden to coerce either directly or indirectly the monk's manifestation of conscience, nevertheless the constitutions must not indicate that the monks cannot freely and spontaneously make this manifestation to their superiors if they please. Accordingly, the revision of proper law will invite a return to the universal norms of ecclesiastical law as a further formative moment for discernment and reflection about precisely what the universal norms legislate as well as the order of monk's proper charism.

Corresponding to this recommendation to update proper law, orders of monks and their superiors stand in need of canonical assistance in this task. While some orders of monks may have members who are trained canonists qualified for the assignment, this seems quite rare. Consequently, it will be important to form healthy and candid relationships with canonists who are experts in religious law to make certain that the universal norms of law are correctly appropriated to the monastic life and spirit. This is a delicate work that too assuredly will demand of canonists invited to this project a familiarity (or desire to become familiar with) the proper charism of the order of monks in

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sacramental confession" (J. SUDBRACK, *Spiritual Guidance*, trans. P. HEINEGG, New York/Mahwah, NJ, Paulist Press, 1983, 24-25).

question. This author cannot help but to express the hope that this encounter between monks and canonists will bring about greater mutual understanding advantageous to canonical practitioners regularly unfamiliar with monasticism and reciprocally monks sometimes unversed in the universal norms found in the 1983 Code.

4.3.6. – The Monastic Superior as Common Father

Throughout the foregoing detailed study of spiritual direction and its director in Latin monasteries, there has been an omnipresent attempt simultaneously to affirm the monastic superior as common father of the coenobium. Perhaps in reality much of the confusion about who is and who is not a spiritual director in the monastery is actually confusion about the modalities of common paternity of the monastic superior. Mindful that the examination of the origins of spiritual direction in the earliest monastic literature revealed a model of abba-son, superior-member, formator-novice, there seems to be a critical need to reassess how the monastic superior can be the common father of monks today in a more complex relationship that now includes not only the superior in whose hands the monk vowed obedience, but also regularly an assortment of external and internal formators including the monk's personal spiritual director. Surely, these formators are not a threat to the paternity of the monastic superior, but rather they can and must help to advance the relationship between the monk and his abbot or prior to realize in practice the monk's vow of obedience. The monastic superior's role as spiritual father ought to be recovered by a return to the sources and creatively, generously, and fully celebrated and practiced today in the seven pontifical orders of monks.

Problems arise when these other formators—often the spiritual director—do not affirm and appreciate the common paternity of the monastic superior for the individual

monk, and conversely when the monastic superior, perhaps from insecurities and fears, refuses to concede the rightful place of other formators and directors in a monk's religious life. When these situations occur, violence is clearly done to one if not multiple fundamental principles of monasticism either by infringing upon the superior's, spiritual director's, or member's rights and duties or more often still simply creating distrust, suspicion, or planting division by way of indiscreet and dangerous counsel.

The present state of monastic spiritual direction in relationship to the religious superior can be summarized as follows: "[C]anon law has put considerable barriers in the way of an abbot's hearing the confession of one of his monks, or even [a monk] discussing the state of his conscience with [the abbot]. This, combined with other factors, has produced the regrettable result that the abbot has sometimes been the last person to hear of the spiritual difficulties of his monks, which is quite alien to St. Benedict's idea."[684] Merton wrote likewise, conceding the organic development of the ecclesial notion of an abbot or monastic superior, but still maintaining—with the universal norm—the possibility of the abbot or superior freely being chosen to serve as spiritual director of a particular member of the community: "In early organized monasticism the abbot was at the same time not only the canonical superior of all the monks, but at the same time their spiritual director and confessor. Today the superior is forbidden to hear the confession of his subjects except in certain rare cases. He can, however, be their spiritual director."[685] Correspondingly, the

[684] D. REES et al., *Consider Your Call: A Theology of Monastic Life Today*, London, SPCK, 1978, 83.

[685] MERTON, *Spiritual Direction*, 25-26. Merton can be easily misunderstood here. The current canonical norm grants the faculty to superiors of clerical, pontifical religious institutes to hear the confessions of their subjects (c. 968, §2) with due regard for c. 630, §4's prohibition apart from instances where the member-penitent both (1) requests in a particular instance and (2) is motivated by his own freedom alien to any fear, force, or coercion.

Church summons the religious superior to guarantee that each monk freely can select a spiritual director and receive direction according to the institute's discipline: "[…] by explicit teaching concerning [spiritual direction's] necessity and its value, by the provision of an adequate number and variety of directors, and by a discrete supervision relative to its practice and effective functioning."[686]

The superior and the spiritual director are best able to realize their ecclesiastical duties towards the monk-directee if they safeguard the proper sphere of each in a spirit of mutual collaboration under the common aim of assisting the monk-directee to attain to personal holiness—each within his appropriate formative role and the exercise of his role in the proper juridical forum. As has been noted by de Lassus and experience makes certain, "The relationship appropriate to spiritual companionship is entirely different from that involved in leading a community, and the danger arises from transposing into the relationship of spiritual companionship a way of working that is proper to an authority relationship."[687] Walgrave too, however, issued an important caution against the opposite extreme where a monk supplants the authority of the monastic superior and the observance of the professed vow of obedience for instead a voluntarily selected spiritual director and the spiritual director's counsel that may or may not be followed; the survey undertaken as part of this research project alluded to these instances where the role of the abbot becomes secondary to spiritual direction and the good of the community for the good of the

[686] SALMAN, "Some Psychological Dimensions of the Contemplative Community," 326.

[687] DE LASSUS, *Abuses in the Religious Life and the Path to Healing*, 206. De Lassus is not here original; see Voltas's much earlier evaluation of the pros and cons of the religious superior serving as personal spiritual director of the individual members where he expressed the same concern conceding that someone possessing the qualities of a good religious superior may not possess the qualities of a good spiritual director at P. VOLTAS, "De Aperienda, directionis causa, Superioribus conscienta," in *Commentarium pro religiosis*, 1 (1920), 83-92, 117-125, 145-151.

individual.[688] Simply, the spiritual director is not a superior, and the superior is not in virtue of his office the spiritual director of every member of the monastic community. Consequently, superiors and spiritual directors should cultivate a mutual appreciation of and respect for each other's rights and duties to see themselves not in opposition or rivalry but in fruitful and fraternal cooperation for the good of souls.

The monastic superior is too, however, not a figurehead of the monastery, some sort of "father" in name only distant from his monks and their health and holiness, but instead verily "a spiritual leader." Beckett has succinctly summarized the identity of the monastic superior arising from the *regulae* together with the ancient monastic tradition: "The monastic vision of the abbot embraces the idea that the abbot is the spiritual leader of the community, both caring for the individual monks and for the spiritual progress of the community as a whole."[689] Although canon law has most wisely instituted the distinction between the external and internal fora and prohibits any attempts to force a manifestation of conscience as irreconcilable with the member's right to privacy, this does not leave

[688] Walgrave detailed this malady: "To find the right solution it may be useful to remember that, if the crisis in the matter of spiritual guidance is as serious in the Church as that of authority, it is because both are rooted in one and the same crisis: the impact on so many of that anthropocentric exaltation of personal fulfillment and of the demand for an unrestricted authenticity, from which attitudes Christ came to free us […T]he call to put stress on private guidance could too often veil a tendency to replace rule and authority by a counselor freely chosen and freely followed" (V. WALGRAVE, "Approaches to a Theology of Social Dynamics: With an Application to Contemplative Life," in M.B. PENNINGTON [ed.], *Contemplative Community: An Interdisciplinary Symposium,* Washington, DC, Cistercian Publications, 1972, 282).

[689] BECKETT, *The Canonical Understanding of Spiritual Leadership in Religious Life*, 9. In the same study, Beckett later further expanded this common paternity of the abbot spiritually understood: "[T]he Rule of St. Benedict offers a picture of a spiritual leader who is a teacher, a sanctifier, and a ruler, and who, moreover, is understood in precisely these terms, and whose role is expressed not merely spiritually but also legally. He is expected to be the one who instructs the monks, both individually and as a community, about how they should live out their journey of return towards God, to be the one who is both their model of holiness and their leader in the liturgical pursuit of holiness, and to be the one who guides and directs their lives in every detail, again both as individuals and as a community. This is what it means to be a spiritual leader, and it is clear that here at the very beginnings of religious life in the Latin West, the figure of the Superior is expected to be such a spiritual leader" (ibid., 175).

monastic superiors with no fatherly role in the life of the individual members. In fact, if a monastic superior is to realize his ecclesiastical office, he must correspond to his role as community animator who communicates the Spirit of God to the united fraternity—albeit not as the *sole* father, but always as the *common* father of all the members of the monastic community. The monastic superior's exercise of paternity thus principally occurs in the context of community life. The abbot, then, acts as common father by not only giving life to the monks through investiture in the religious habit, reception of solemn vows, and a myriad of duties in external governance and administration, but a monastic superior accompanies that gift of life as a true father by his paternal solicitude for each member cultivated in a personal and intimate relationship ordered towards ecclesiastical service and the salvation of souls in fidelity to the institute's juridical patrimony or charism.

Monks and their superiors are thereby challenged to return to the original monastic vision of a superior as a common father that does not necessarily demand that the religious superior must or even should be the spiritual director of any of the members of the monastery. De Vogüé similarly invited a monastic superior to rediscover his spiritual paternity in the external forum: "[…] primarily by the teaching he gives to the whole community in his conferences, by the collective direction he imposes on it, by the rules he establishes or interprets, by the officers he chooses to ally with himself in directing the brethren. This whole animation of the community by its head can and should be of a deeply spiritual nature and it does indeed reach, more or less directly, each of the souls who have confided themselves to the abbot."[690] Acknowledging the role of the monastic superior principally in "another order (*d'un autre ordre*)," De Lassus similarly sought to strike a

[690] DE VOGÜÉ, *Community and Abbot in the Rule of St. Benedict*, 124.

delicate balance in the superior's accompaniment of the individual lest it become a purely functionary reality that fails to acknowledge and witness to the monastic superior's genuine paternity by speaking to the monks, communally and individually, of God and the things of God, including offering vital instruction on the spiritual life.[691] As both de Lassus and de Vogüé signaled, the danger of reducing the role of the monastic superior to a merely social figure merits continued reflection: "[I]t can happen naturally enough that a head concerns himself mainly with the smooth running of the group and its exterior regularity or even, alas! merely with the success of its works. He will tend then to become a man of the rule or of regimentation, the latter term being understood not so much as a method of personal education and instrument for the salvation of souls, but as a group safeguard, the law of society, and expression of the common good."[692]

4.3.7. - Juridic Terms, Translations, Connotations

The aforementioned ambiguity of terms in referring to the "spiritual director" suggests the importance of precision in the use of terms. Much of the canonical uncertainty this thesis has identified results from the apparently arbitrary use of similar words, sometimes indicative of superiors and formators in the external forum and at other times clearly referencing the spiritual director in the internal forum. The resultant confusion by both superior and monk, director and directee, is unsatisfactory. The author of this study wishes to express a sincere hope that any future revision of the canonical norms of the Latin Church and future Church documents will be simplified to use a sole term—in both the official Latin text and in vernacular translations—to refer to the internal forum's

[691] DE LASSUS, *Abuses in the Religious Life and the Path to Healing*, 177.

[692] DE VOGÜÉ, *Community and Abbot in the Rule of St. Benedict*, 125.

spiritual director. The simplification and clear use of legal terminology will do much to overcome potential confusion between the fora and many of the hardships this thesis has examined.

Further attention ought to be given to the question of whether the term "spiritual director" best corresponds to the purposes of spiritual direction.[693] Unquestionably, canonical words intend to communicate some indications, however preliminary, "[…] of the nature of the relationship and the roles and the competencies of the persons involved."[694] Some authors, such as the Carthusian monk de Lassus, have even suggested that the employment in the Latin Church of the term "spiritual director" or "director of conscience" has contributed not only to confusion but also "[…] to many an abuse."[695]

A dialogue on terminology plays out even between the codifications of the Latin and Eastern Churches. Whereas, as has been seen, the Latin norms routinely prefer—albeit not without their own confusion as earlier discussed—to refer to "spiritual directors," the *CCEO* opts to use consistently the term "spiritual fathers (*patres spirituales*)." Perhaps another term, then, might aid in the continued renewal and rediscovery of spiritual direction and its director both within and outside monastery walls in the Latin Church? Mercatali,

[693] May captures the current debate on terminology: "Spiritual direction is an old—some would say archaic—term that has seen considerable misuse and misunderstanding. Most Protestants and increasing numbers of modern Catholics have trouble with its authoritarian connotations. Although there have indeed been directors who maintained excessive dominance over their directees, a correct understanding considers a director not as one who gives orders but rather as one who points directions. This point of direction becomes truly understandable only with an appreciation of the central role that discernment plays in spiritual direction" (MAY, *Care of Mind/Care of Soul*, 8-9). Ergo, May interestingly appears to argue that the name "spiritual director" has a stronger connotation of discernment than "spiritual companion." May thus seems to prefer the title "spiritual director" as more closely corresponding to the director's role of pointing possible directions for the directee to freely choose and then follow.

[694] COSTA, *Direzione spirituale e discernimento*, 77.

[695] DE LASSUS, *Abuses in the Religious Life and the Path to Healing*, 206.

however, has convincingly argued that while the term used may change, the figure and essential nature of spiritual direction remains the same, namely, "[…] of service for the brothers called in Christ and in the Church to realize the Father's salvific plan."[696] Perhaps Louf best captures the justification for this dilemma in the choice of terminology: "Each of these terms has a share of truth, but none of them completely describes the content of the experience."[697]

Olivera has advanced this discussion by theorizing that whereas the term "spiritual father" emphasizes "the purpose of accompaniment," other terms such as "director," "teacher," "shepherd," "doctor," "brother," or "friend" instead "[…] point to the functions that the father must fulfill."[698] Similarly, after noting the difficulties that the terms "spiritual director" and "director of conscience" place in the acceptance and practice of spiritual direction, Lucien-Marie de St. Joseph argued for the replacement with the term "spiritual father": "If there is a word that conveys the correct notion of the role played by one who helps the soul develop itself, it is the word 'father' or 'spiritual father.' Because God is truly our Father in the spiritual life, and because the spiritual father shares God's fatherhood, the term 'father' calls to mind the correct set of spiritual relationships."[699]

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[696] A. MERCATALI, "Padre spirituale," in S. DE FIORES AND T. GOFFI (eds.), *Nuovo Dizionario di Spiritualità,* Milan, Edizioni San Paolo, 1985, 1133. Nemeck and Coombs too argued for a reconditioning of terminology: "Furthermore, through the person of the spiritual father or mother, the Father allows directees to experience something of His own tender, compassionate, unfathomable love" (NEMECK and COOMBS, *The Way of Spiritual Direction*, 34).

[697] A. LOUF, *Grace Can Do More: Spiritual Accompaniment and Spiritual Growth*, trans. S. VAN WINKLE, Trappist, KY, Cistercian Publications, 2002, 44.

[698] OLIVERA, *Light for My Path*, 20.

[699] LUCIEN-MARIE DE ST. JOSEPH, "Spiritual Direction—Its Nature and Dimensions," in *Theology Digest,* 6 (1958), 41.

Songy similarly argued for a return to the identification of the spiritual director, strictly understood, as "a spiritual father":

> First, this has been by far the most enduring emphasis in the Christian tradition. Second, given a proper understanding of spiritual fatherhood, one can avoid the pitfalls that have led to the creation of many contemporary models. Third, the role of the father embraces more possibilities. Choosing the term "accompany," for example would make it more difficult to have as objectives "educating" or "forming." On the other hand, a father takes on almost any role when it serves the good of his child, including "accompanying" when this is necessary. Finally, focusing on spiritual fatherhood in helping the Holy Spirit lead a person to holiness suggests a goal that can easily be developed into the goal of spiritual direction.[700]

The conception of "a spiritual director" as "a spiritual father" indeed has the potential to recondition the director-directee relation to better reveal the primacy of God in spiritual direction's ascetical discipline as an encounter with the Eternal Father. Spiritual direction, thus rightly understood, does not become an obstacle to divine intimacy, but rather a spiritual director as spiritual father of the directee clearly recognizes his role as "[…] someone providing support, someone who invites the other person to keep moving forward, someone who takes a step back […] and somehow knows how to hand things over to the Holy Spirit, Who is the only real Master of the interior life."[701]

The term "spiritual father," however, is not without its own challenges, including the danger of authoritarian and manipulative models that cultivate—and sometimes even condemnably demand—infantilism or a perpetual spiritual immaturity and childishness in the directee rather than affective Christian maturity and freedom.[702] Chittister detailed this dangerous attitude for religious:

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[700] SONGY, *Spiritual Direction for Priestly Celibacy*, 176-177.

[701] DE LASSUS, *Abuses in the Religious Life and the Path to Healing*, 170.

[702] Dom Dysmas offered an example of this childishness associated with a real abuse of power, when the spiritual director "[…] treat[s the directee] like a child who is incapable of discerning for herself, and, most importantly, is imposing a pre-formed opinion on the [directee]" (DE LASSUS, *Abuses in the Religious Life and the Path to Healing*, 179-180).

> The only thing required to be a perpetual child is to refuse to grow up, to refuse to take responsibility for the self, to refuse to become a responsible part of the human race, a moral agent in the spending of the self. In that case, obedience saves us from ourselves, relieves us of the human condition, requires of us only enough endurance to withstand our attendant irritations with a basically repressive system. In this schema, perpetual adolescence becomes virtue. The price we pay for a guarantee of direction, for the assurance that we will not be held accountable for our own choices throughout life, is adulthood.[703]

Similarly, the use of the expression "spiritual father" must likewise not be misconstrued as to suggest a relationship of exclusivity such that only a directee's spiritual director can have a paternal or mentoring role in the directee's life and, perhaps still more dangerous, that the spiritual father is an oracle or mouthpiece of the Eternal Father. The connotation of "father" in the modern world where paternal relationships are sometimes unhealthy, broken, or non-existent must also be weighed for both the possibility of building healthy father-son relationships and the danger of jeopardizing the practice of spiritual direction born from real-life paternal wounds in the natural order.[704] The legal employment of the term "spiritual father" would necessitate first a theologically robust and pastorally sensitive understanding of the notion of spiritual paternity lest the term be replaced in juridic texts while the same earlier errors attached to the term "spiritual director" perdure.

Apparently, then, the nature of the spiritual director differs from natural fatherhood since it is often only temporary or situational and subject to change of time, place, and circumstance. Even in his advocacy of the rediscovery of the spiritual paternity of the director, Songy identified a clear distinction: the director is freely chosen unlike in the

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[703] CHITTISTER, *The Fire in These Ashes*, 127.

[704] Walgrave suggested that a contemporary mission of monasteries in general—and thus exceeding this limited scope of spiritual direction—is for the monastic superior (and by extension all the monks) to witness to the Heavenly Father to all those who encounter the monastic community as a way of combatting the divisions in modern family life: "This experience should put [monastic guests] on the road towards the Father in heaven and help them to live with Him already while here on earth" (WALGRAVE, "Approaches to a Theology of Social Dynamics," 281).

natural order and therefore may require in the future the selection of a new director or father.[705] As a further corrective of the dangers of abuse, Songy likewise emphasized that whereas the natural father truly gives life to his offspring—albeit through the cooperation of the mother and in the free reception of God's gift of life and the creation of the immortal soul instantaneously and directly by God at the moment of conception—the gift of divine life in the soul of the directee comes not from the director but rather "[…] is always the work of the Holy Spirit."[706] The paternity of the spiritual director is obviously secondary to and at the service of the primary paternity of God, a reality central to the health and fecundity of spiritual direction reimagined.[707] Moreover, the commutation of "spiritual director" for "spiritual father" begs the question of whether "spiritual mother" might be an advantageous and helpful title for a female directrix, which nevertheless raises similar questions of suitability and acceptability in contemporary circumstances.

While unable to say with certainty, perhaps the reticence to rediscover "the spiritual director" as "a spiritual friend" as was earlier popularized within the monastic world by the Irish monks and later by Aelred is attributable to the observations of Nemeck and Coombs:

> Rarely is a spiritual director an intimate friend with a directee. Indeed, a given person seldom has more than three or four really close friends during an entire lifetime. Intimate friendship requires mutual, personal sharing on all levels of human interrelatedness: social, intellectual, emotional as well as spiritual. Obviously, close friendship is a considerably

[705] See SONGY, *Spiritual Direction for Priestly Celibacy*, 256. Songy sagely counseled in situations of disfunction or failed relationships and incompatibility: "A spiritual director who realizes he is not the right choice or that a particular [monk] is not able to give himself truly to the relationship may have the unfortunate task of informing someone he cannot continue to work with him."

[706] SONGY, *Spiritual Direction for Priestly Celibacy*, 256. See also PARENTE, *Spiritual Direction*, 17-18.

[707] The exemplarity of Joseph, the foster father of Jesus and spouse of Mary, is a more precise model of the paternity of the spiritual director. John Paul II proffered the example of Joseph writing, "For Saint Joseph, life with Jesus was a continuous discovery of [Joseph's] own vocation as a father. He became a father in an extraordinary way, without begetting his son in the flesh. Isn't this, perhaps, an example of the type of fatherhood that is proposed to us, priests and bishops [and spiritual directors], as a model" (John Paul II, *Rise, Let Us Be on Our Way,* London, Jonathan Cape, 2004, 140)? See also SONGY, *Spiritual Direction for Priestly Celibacy*, 256.

> more all-embracing relationship than director-directee, and it implies a very different rapport of one with the other.[708]

Yet, the findings of preferential terms in the survey conducted of monastic superiors (found in section 3.2.2 of this study) did shock this thesis's author. Within a monastery where the monks dwell together in fraternal life in common with often a stricter observance of enclosure and a penchant for stability, it seems both reasonable and probable that spiritual directors would be chosen based upon the organic growth of spiritual friendships between the members. Surely such is sometimes the case, but it is interesting to note that the identification of "the spiritual director" as "the spiritual friend" or "the spiritual companion"—at least as regards terminology—remains rare. One necessarily wonders whether the relabeling of a brother-monk and friend as "spiritual director" would result in not only certain awkward situations but assuredly cause a noticeable shift in the relationship from informal friendship to formal spiritual direction.

4.4. - Suggested Canonical Revisions

The proposal of changes and additions to the existent universal *ius vigens* by a cloistered religious may appear brazen and distasteful, yet the author wishes to close this study not with mere theory but with practical application in a spirit of still greater service.[709] As a canonical practitioner, the author recognizes that a modification of the ecclesiastical norm has the ability to not only draw attention to the issues herein raised towards renewed

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[708] NEMECK and COOMBS, *The Way of Spiritual Direction*, 214.

[709] The author's motivation accords with that earlier confessed by Abbass: "To propose changes or additions to the current norms of the [Latin and] Eastern Code intends no lack of respect for the canons, which proceed in the line of canonical tradition from the sacred canons that governed the undivided Church of the first millennium. However, in the context of the continuing *aggiornamento* of the church and its institutions, such changes and additions should more aptly be seen as *Ius Ecclesiarum semper reformandum*" (ABBASS, "Title XII. Monks and Other Religious as well as Members of Other Institutes of Consecrated Life," 845-846).

legal observance but also safeguard against egregious crimes of spiritual abuse, abuse of power, and abuse of conscience. Consequently, modest modifications to two canons of the 1983 Code follow, leaving the norms of the Code of Canons of the Eastern Churches to canonists more versed in the Eastern Churches and their own rich legal history and influences.

4.4.1. - Canon 630, §§1, 5 on Spiritual Direction of Religious

As previously rehearsed, presented, and analyzed, the existent c. 630 treats in a unified canon of both the internal sacramental and internal extra-sacramental forum to safeguard the forum of conscience and a member's due freedom concerning the sacrament of penance and spiritual direction as succinctly stated in §1. The subsequent paragraphs 2-4 treat of the sacrament of penance and its confessors, norms outside the scope of this study. Paragraph 5 of c. 630, returns to the topic of spiritual direction and presents an opportunity for organic juridic development. First, §5 invites members of religious institutes to approach their superiors with trust and to open their minds freely and spontaneously. Next, however, the existent paragraph 5 might be improved by adding an explicit reference to spiritual direction—taken from the existent universal norm on secular institutes—to reaffirm the absolute freedom of selection of spiritual directors, including the selection of the superior as spiritual director "if they wish." This development would reflect a juridic harmony with earlier monastic discipline and make explicit that a religious is completely free with the immediately following admonition as it currently stands that religious superiors are prohibited from inducing a manifestation of conscience in any manner whatsoever. Moreover, the insertion would better balance any confusion that superiors are, as Beckett has argued, "[…] hedged around with so many restrictions as to

make [superiors] use [as spiritual directors] clearly not the legislator's intention."[710] Although admittedly this is not what the existent canon says, the common perception—albeit flawed—is troublesome insofar as it seems to militate against earlier monastic vision for leadership and superior-member relationships resulting in an intentional or unintentional monastic disenchantment with canon law. While the drafted clause admittedly could be inserted just as easily following c. 630, §1, the treatment in c. 630, §5 of the superior-member relationship surrounding sacramental confession and spiritual direction indicates that the fifth paragraph would be a more logical and organic location for the insertion in proximity to the corresponding ideas of trust and a ban on forced manifestations of conscience.

Finally, an unfortunate omission ought to be remedied in c. 630 by adding a prohibition in a sixth paragraph—like that for seminarians in c. 240, §2—against confessors and spiritual directors giving their opinions in any votes or decisions whatsoever involving penitents and directees as a direct violation of the internal sacramental and extra-sacramental fora respectively. Arguably, this revision is not strictly speaking necessary because c. 983, §1 already establishes the sacramental seal as inviolable and the silence of the spiritual director on decisions concerning the directee can be deduced currently by recourse to the parallel place on seminaries in c. 240, §2; nevertheless, the real threat to violations of the confessional seal and the secrecy *ad extra* of spiritual direction suggests the expediency of this suggested canonical modification at this time. Of course, the special confidentiality of spiritual direction consists in more than simply the director's silence when decisions are made in the external forum on his directee, but experience though

[710] BECKETT, *The Canonical Understanding of Spiritual Leadership in Religious Life*, 71.

suggests the merit of this suggested revision as a proscription sanctioned by law to overcome contemporary dangers to confusing the fora.

Thus, the existent and suggested c. 630, with its paragraphs concerning spiritual direction, might read as follows:

***Existent* c. 630, §§1, 5**	***Suggested* c. 630, §§1, 5, 6**	***Suggested* c. 630, §§1, 5, 6**
§1 Superiores sodalibus debitam agnoscant libertatem circa paenitentiae sacramentum et conscientiae moderamen, salva tamen instituti disciplina.	§1 Superiores sodalibus debitam agnoscant libertatem circa paenitentiae sacramentum et conscientiae moderamen, salva tamen instituti disciplina.	§1 Superiors are to recognize the due freedom of their members regarding the sacrament of penance and the direction of conscience, without prejudice, however, to the discipline of the institute.
§5 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.	§5 Sodales cum fiducia Superiores adeant, quibus animum suum libere ac sponte aperire possunt. **Necessarium conscientiae moderamen libere obtineant atque huius generis consilia a suis etiam Superiores, si velint, requirant.** Vetantur autem Superiores eos quoquo modo inducere ad conscientiae manifestationem sibi peragendam. **§6 In omnibus decisionibus ferendis de novitiis et sodales, numquam directoris spiritus et confessariorum votum exquiri potest.**	§5 Members are to approach superiors with trust, to whom they can freely and on their own initiative open their minds. **They are to obtain freely necessary direction of conscience and to seek counsel of this kind, even from the superiors, if they wish.** Superiors, however, are forbidden to induce the members in any way to make a manifestation of conscience to them. **§6 When decisions are made about novices and members, the opinion of the spiritual director and confessors can never be sought.**

4.4.2. - Canon 664 on the Spiritual Exercises of Religious

The other proposed modification of a universal norm concerns c. 664. Although this thesis has attempted to read a recommendation for spiritual direction in the *alia pietatis exercitia* of the current c. 663, the existent c. 664 is a more judicious place to treat explicitly of spiritual direction in relation to frequent sacramental confession on the grounds of a common aim: "conversion of the soul towards God." After the recommendation of examination of conscience, the canon might be modified to insert a short clause inviting religious to approach spiritual directors freely and frequently before the already legislated commendation of frequent reception of the Sacrament of Penance. Such a modification would invite a renewal of the practice of spiritual direction reflective of the importance attached to spiritual direction from monasticism's infancy.

A slightly modified c. 664, inclusive of a recommendation of free and frequent spiritual direction, might thus be promulgated:

***Existent* c. 664**	***Suggested* c. 664**	***Suggested* c. 664**
In animi erga Deum conversione insistant religiosi, conscientiam etiam cotidie examinent et ad paenitentiae sacramentum frequenter accedant.	In animi erga Deum conversione insistant religiosi, conscientiam etiam cotidie examinant, **libere ac frequenter ad directores spirituales accedant,** et ad paenitentiae sacramentum frequenter accedant.	Religious are to strive after conversion of the soul toward God, to examine their conscience, even daily, **to approach their spiritual directors freely and frequently,** and to approach the sacrament of penance frequently.

4.5. - Suggested Possible Monastic Customs on the Spiritual Director

The foreconsidered findings in the survey of the seven pontifical orders of monks has revealed a limited use by these orders of the canonical institution of custom to advance the practice of spiritual direction in the monasteries. This seems indeed most unfortunate

considering the time-honored relationship between monks and customs when coupled with the real and perceived difficulties monks have faced in identifying suitable spiritual directors and reconciling the monastic superior as the *common* father with an individual monk's spiritual director as a *spiritual* father. Customs may be able to aid this trouble.

For example, if these orders of monks are concerned about an alien attempt to divorce the monastic superior from the spiritual lives of his monks, a customary, scheduled, periodic, personal meeting between monk and superior to treat of the spiritual life in the external forum would prevent opportunities for open conversation about the institute's spirituality and whether the monk is availing himself of the Sacraments and the spiritual life. While the fora must be respected, it seems that the duty of vigilance necessitates attention to not just the physical, emotional, and pastoral needs of the members by the monastic superior, but especially the member's spiritual health. Again, customary conversations can offer spiritual leadership and stable accompaniment in the external forum, which admittedly too could result in a free, spontaneous, unsolicited request for spiritual direction as seems to have been often the case in monasticism's infancy. Similarly, these orders of monks may wish to consider establishing a custom of regular spiritual colloquies by the monastic superior with the gathered community to better affirm the superior's legitimate identity as common father and teacher of the spiritual life to the members; these conferences would present an ideal moment for the superior to realize the plan of c. 619 by "[…] nourish[ing] the members regularly with the food of the word of God and [drawing] them to the celebration of the sacred liturgy."

An additional helpful custom would be for the monastic superior, with the input of his council or formation team and analogous to Eastern monasteries and seminaries, to

propose a list of possible spiritual directors for the individual members. Such a list would reveal the superior's vigilance to safeguard the practice of spiritual direction in the monastery and safeguard a monk's freedom of conscience through the identification of a variety of potential capable spiritual directors together with their contact information. While the list could certainly include members of the community versed in the spiritual life and accepting new directees, the list also should include potential spiritual directors outside the monastery perhaps developed in conversation with the diocesan bishop, pastors, and neighboring religious and secular institutes together with societies of apostolic life to better identify suitable directors in the larger Christian community. This custom, however, must not be restrictive on the part of the superior apart from due regard for an institute's proper discipline; in other words, the listed potential candidates for spiritual director must not be seen as exhaustive, but suggestive.

Custom too should help to restore spiritual direction to its proper place in the monastic milieu by ensuring its regular and stable practice. A custom could, for example, specify the more practical details such as a recommended frequency of direction (weekly, bi-monthly, monthly, etc.), suggested days or times for spiritual direction to provide for regularity (perhaps a particular day in the week or a timeslot in the monastic horarium), and even locations within the monastery where spiritual direction could be practiced to better protect the secrecy proper to spiritual direction. If such a custom were established by the monastic community, those who only practice spiritual direction infrequently, if at all, would be invited to a more generous application of this ascetical practice. Moreover, superiors would show themselves more generously responding to their animating office by

making ample provision for the community's continued pursuit of holiness as both a fraternity and as individuals.

Finally, this thesis has exposed the importance of spiritual directors who not only seek spiritual direction, but who receive supervision in spiritual direction. Members of the seven pontifical orders of monks should consider the implementation of customary supervision to safeguard the practice of spiritual direction in the monastery. For example, one possible customary method for supervision that monks might consider would be for spiritual directors to prepare a weekly written report recounting a direction session and relating a portion of the dialogue that occurred between director and directee. Barry and Guy elaborate, "Immediately after a [direction session] the director takes notes on what happened during it, picks out a particular part of the interview and tries to reconstruct the conversation."[711] After submission to the supervisor, the spiritual director and supervisor meet to discuss the written report to both affirm the positive and offer assistance for areas of weakness or concern, especially any threats to boundary violations. Of course, it will be important that any custom about supervision of the spiritual director, including the selection of supervisors, neither confuses the fora nor betrays the secrecy proper to spiritual direction; thus, no identifying specifics are to be given in the written account that might reveal the directee's identity. It seems to this thesis's author that supervisors who are not members of the monastic community and who have an established history of directing souls would be ideal candidates to serve as supervisors to further enrich the ascetical practice of spiritual direction in orders of monks.

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[711] W.A. BARRY and M.C. GUY, "The Practice of Supervision in Spiritual Direction," in D.L. FLEMING [ed.], *The Christian Ministry of Spiritual Direction*, St. Louis, MO, *RfR*, 1988, 406.

Conclusion

This final chapter has sought to bring the preceding findings and conclusions to canonical service in the seven pontifical orders of monks. Accordingly, this final chapter began with a real assessment of the eventualities in these monastic orders, documenting the dramatic decline in membership and aging populations since the conclusion of the Second Vatican Council. Next, the author proposed a theological and pastoral analysis of *Perfectæ caritatis* to expose the renewal and adaptation of religious life—and here monastic orders—before soberly acknowledging challenges to the implementation of conciliar *aggiornamento* and *ressourcement* attributable to sometimes real obstacles, but more often perpetual motion that does not discern between probabilities often underscored by the challenge of arriving at a monastic hermeneutic with which to apply *Perfectæ caritatis*.

Therefrom, this chapter utilized the statistical data and ecclesiastical vision of reform to proffer a legal renewal of spiritual direction in monasteries as formative and charismatic accompaniment necessitating periodic assessment, up-to-date proper law, and the precise use of canonical terms to overcome current instances of ambiguity, evade confusion of the fora, condemn abuse, and—most especially—augment the practice of spiritual direction within and outside of monastic communities. Attention too was afforded to the identity of the monastic superior as common father of the monastic community, a leitmotif throughout this thesis and closely allied to the confusion surrounding the identification of spiritual directors in monasteries. Additionally, modest canonical recommendations were introduced to safeguard free selection of any spiritual director more explicitly with due regard for an institute's legitimate discipline while expressly prohibiting

a spiritual director's voting in external forum matters involving a directee, and an earnest recommendation of free and frequent recourse by religious to spiritual direction as an advantageous ascetical practice in the monasteries was made. Finally, this chapter identified a few potential customs on the spiritual director that the seven orders of monks may find advantageous to supplement the universal norms on spiritual direction and further the monastic vision of spiritual direction.

The Second Vatican Council's Pastoral Constitution on the Church in the Modern World presents a snapshot of this age's advancements and struggles:

> Never has the human race enjoyed such an abundance of wealth, resources and economic power, and yet a huge proportion of the world's citizens are still tormented by hunger and poverty, while countless numbers suffer from total illiteracy. Never before has man had so keen an understanding of freedom, yet at the same time new forms of social and psychological slavery make their appearance. Although the world of today has a very vivid awareness of its unity and of how one man depends on another in needful solidarity, it is most grievously torn into opposing camps by conflicting forces. For political, social, economic, racial, and ideological disputes still continue bitterly, and with them the peril of a war which would reduce everything to ashes. True, there is a growing exchange of ideas, but the very words by which key concepts are expressed take on quite different meanings in diverse ideological systems. Finally, man painstakingly searches for a better world, without a corresponding spiritual advancement. Influenced by such a variety of complexities, many of our contemporaries are kept from accurately identifying permanent values and adjusting them properly to fresh discoveries. As a result, buffeted between hope and anxiety and pressing one another with questions about the present course of events, they are burdened down with uneasiness. This same course of events leads men to look for answers; indeed, it forces them to do so (*GS*, no. 4).

These same circumstances and difficulties can and must, then, become opportunities to rediscover the gift of monasticism to the modern world, including the utility of spiritual direction to advance the contemporary pursuit of perfection in the Christian life.[712] In the

[712] Hostie depicted monasticism in the modern world as "[…] not just a remnant of the past […]," but possessing the ability to inspire today through the lived example of the contemporary monk; see R. HOSTIE, *Vie et mort des orders religieux,* Paris, Desclée de Brouwer, 1972, 98. The Congregation for Institutes of Consecrated Life and Societies of Apostolic Life captured the opportunity at present as opined by this thesis: "The generational gap, inculturation, multiculturalism, and interculturalism that increasingly characterize the institutes of consecrated life can change from a place of toil to a place of challenging oneself to true community dialogue in cordiality and charity of Christ" (*NW-NW*, no. 33). For an introductory assessment—outside the scope of this dissertation—on multiculturalism in religious life, see G.A. ARBUCKLE,

consideration of present-day accommodation towards greater canonical observance, these eventualities cannot be ignored.

Although the modern exigencies of monasticism are routinely reduced to the harsh realities of aging populations, decreased numbers of new recruits, and trials to an authentic monastic witness in a post-Christian society, this supercritical viewpoint limits itself solely to the realities of the so-called "First World": Western Europe, North America, and Australia/New Zealand. Global monastic realities cannot be overlooked as monasticism finds universal expression in varying contexts with consequent diversified challenges.[713] Jonveaux juxta positioned European and African monastic exigencies, exposing the trials facing both:

> At first glance, monastic communities in Africa present exactly what European communities no longer have: a young and dynamic community, a high rate of entrants, a present dynamic of foundation, etc. But monastic communities in Africa are also confronted with different challenges which are a result of the routinization of monastic life. The foundation of a monastery is a charismatic time where the founders […] are animated by a special enthusiasm. After this dynamic step, the time of routinization comes, where the monastery has to be rooted in daily life to develop a sustainable way of life.[714]

Superficially, the trials facing well-established monasteries dramatically differ from the hardships confronting new monastic communities in the traditionally so-called "Mission Lands." The challenge facing all, however, is plainly perseverance in Christian discipleship

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"Multiculturalism, Internationality, and Religious Life," in D.L. FLEMING and E. MCDONOUGH (eds.), *The Church & Consecrated Life,* St. Louis, MO, *RfR*, 1996, 217-229.

[713] Here the author is inspired by the challenge given by Jonveaux to monastic studies: "Studying Catholic monasticism, it is important to take a look at monasteries outside Europe. Today, Roman Catholic monasticism exists in all countries where Catholicism is widespread, even if it is officially forbidden, such as in China" (I. JONVEAUX, "Future of Catholic Monasteries on New Monastic Continents: The Case of Africa," in G. PETERS [ed.], *Exploring the Future of Christian Monasticism*, Basel, MDPI, 2019, 35).

[714] JONVEAUX, "Future of Catholic Monasteries on New Monastic Continents," 45. Although outside of Jonveaux's sociological reflection, this thesis's author would experientially note as well that some of the challenges facing monasticism on "new continents" are the same challenges facing "new monasticism" on "old continents."

in pursuit of consummate holiness according to one's personal vocation and an institute's legitimate charism as elucidated in its proper law.

Some institutes experience aggregation, division, merger, union, and even suppression.[715] Meanwhile, other new groups—including monastic communities—emerge, beginning as a voluntary group without recognition and organically advancing by God's grace to a private association of the faithful, a public association of the faithful, a religious institute of diocesan right, and finally perhaps to an institute of pontifical right.[716] In contemporary times, the Holy Spirit continues to guide and inspire men and women to embrace the evangelical counsels, albeit often in new forms and in a drastically changed world from even twenty-five years ago. The application of canon law to these changed times requires great sensitivity, prudence, and foresight, as well as a docility to the impetus of the Holy Spirit. New religious institutes and new forms of consecrated life ought to be tested to ensure vitality and fruitfulness in advancing the Kingdom of God. The rights of members must be safeguarded, and physical, mental, and spiritual needs must be adequately met. The practice of spiritual direction and the availability of capable spiritual directors must not be overlooked—neither in monastic communities nearing completion nor in new monastic foundations still in birth pangs.

In his Message to the Order of Carthusians for the Ninth Centenary of Saint Bruno's Death, John Paul II counseled a hope-filled response to today's monastic tests that can be fittingly extended to all seven pontifical orders of monks and this thesis's question of the spiritual director: "I encourage you never to abandon the intuitions of your founder, even

[715] See *CIC*, cc. 580-585 respectively.

[716] See *CIC*, c. 576.

if the shrinking of the community, the drop in those who enter and incomprehension provoked by your radical choice of life could make you doubt the effectiveness of your order and of your mission whose fruits belong mysteriously to God!"[717] Chittister likewise voiced a contemporary appeal not to discouragement but to hope:

> The topic of diminishment begs for resolution. Much of the institutional depression surrounding religious life at the present time has to do with age and numbers. Yet when Moses led the Israelites into the desert, no one asked them if they thought there were enough of them to find their way across it unguided or whether or not the median age of the group was low enough for the trip. The expectation was simply that everyone would go to the new land with whatever they had to take with them, and that having done that, Yahweh would raise them up a mighty people. If there is any question of faith, any room for hope in religious life today, this is surely it.[718]

Plainly, the monastic vocation, like any Christian vocation, faces crosses and challenges, wherever monks and nuns find themselves, that must be confronted with a spirit of faith, hope, and charity. Spiritual direction under the guidance of capable spiritual directors and in accordance with the norms of universal and proper law can help.

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[717] JOHN PAUL II, *Message for the Ninth Centenary of Saint Bruno's Death*, no. 5, 14 May 2001, https://www.vatican.va/content/john-paul-ii/en/messages/pont_messages/2001/documents/hf_jp-ii_mes_20010515_san-bruno.html (8 March 2023).

[718] CHITTISTER, *The Fire in These Ashes*, 70.

GENERAL CONCLUSION

This project began in the mind of its author nearly twenty years ago when he happened to find himself serving as a replacement to the brother porter on the telephone and confronted by an exasperated prioress who begged for prayers against a confessor whom she defiantly declared had overstepped his boundaries by assuming the role of "spiritual director" towards the nuns. Mother plainly asserted, "I am the sole spiritual director of the sisters. This is the teaching of the Rule of Saint Benedict." This sounded as peculiar to the author then as it does now, inaugurating an insatiable desire to know whether the monastic vision truly and definitively established the religious superior as *de facto* spiritual director in the internal forum of each and every member or whether this was yet another all-too-common oversimplification of monasticism's antique and medieval rules and traditions. The desire to answer this question was renewed of late with accusations in the media of spiritual abuse within monastic institutes of consecrated life.

Analogous to the transition from monasticism's nascency in the desert experience through regularization in the normative texts that saw a shift from charismatic spiritual fathers towards legitimately designated superiors in institutionalized expressions of consecrated life, the renewal of spiritual direction following the Second Vatican Council and the conjoined *ressourcement* and *aggiornamento* has rekindled the question of not only the merit of spiritual direction in the monastic program but the canonical notions of capacity and identification of the spiritual director together with the duties of both director and directee towards each other, the monastic superior, the monastic community, and the Church. Truly, the renewal and adaptation of consecrated life has revived the nearly two millennial legal discussion surrounding external and internal formation in the dual fora and,

more broadly, between the personal and common goods in consecrated life. Whereas monks commonly agree that the renewal of monasticism necessitates the personal holiness of the members of monastic institutes, including by increased availability and practice of spiritual direction, questions of the identification of spiritual directors who are capable continue to linger in the face of sometimes aberrant and abusive behavior that threaten not only the practice of spiritual direction, but monasticism's very future. A juridic instruction on spiritual direction, including the question of the spiritual director of novices, would be of inestimable value at this time.

The foregoing chapters have not been easy to either research or write with much monastic history and legislation difficult to analyze explicitly in its context against the omnipresent temptation to strain the evidence and countless documents forever lost to the passing of time. The existent canonical norms, together with their predecessors in the 1917 Code, have offered their own challenges both as regards interpretation according to a monastic hermeneutic and application within a monastic context that places a strong emphasis upon the importance of *regulae* and earlier customs—even those not easily reconciled with current universal norms expressive of universal values. Furthermore, a realistic understanding of the present circumstances in the seven pontifical orders of monks has not been easy to identify with monks generally preferring to lead quietly their monastic observance as received from their fathers and as they understand without readily welcoming outside inspection and criticism—even from a brother monk. Of course, a general reserve towards canonical lawyers has further hindered the author's ability to penetrate monastic walls to capture a faithful picture of the *status quo*. Finally, the frequent and reoccurring promulgation of modified or new universal canonical norms, together with

abundant canonical instructions broaching spiritual direction within wider areas of ecclesial concern such as governance, formation, and abuse have required not an infrequent late night or revision. Nonetheless, this investigation born nearly twenty years ago hopes to have humbly realized its initial ambition and to answer the nagging question, "Who is the spiritual director in orders of monks?"

Despite the sober acknowledgment of these challenges, this journey has brought its author into previously uncharted lands on a journey spanning years and the theological, pastoral, and canonical sciences in a personally and professionally rich encounter with expert canonists, theologians, practitioners, and historians. Along this voyage, the author has discovered the presence of the Holy Spirit in monasticism's birth, the paternal wisdom of monastic legislators, the contagious zeal of monastic reformers, the penetrating canonical analysis of twentieth-century jurists, and the real hardships faced by contemporary monks and their superiors in these seven pontifical orders. While wedding monastic sagacity of proper law to present-day ecclesiastical concerns articulated in juridic norms, this dissertation's author has been challenged as a man, a Christian, a monk, and a priest to reassess his own spiritual journey and his relationship to his spiritual director as well as his own ministry of spiritual direction towards greater canonical fidelity in a spirit of humble service. This reevaluation has had moments of isolation common in a project of this magnitude and has been a tremendously insightful, though sometimes painful, experience necessitating a candid look at not only the theory of monastic spiritual direction but also its actual application and terrible instances of abuse—born sometimes from ignorance and other times from malice—suggestive of spiritual direction's great

potentiality to aid modern man while demanding a true weaning from all that threatens its characteristic breadth and essential freedom.

This dissertation has attempted to provide a canonical analysis of the selection of a spiritual director with principal attention to the relation between the spiritual director and superiors as signaled by the 1983 Code's situating of spiritual direction in the section on religious superiors. This thesis's purpose has, then, been to provide a canonical analysis of the *ius vigens* and to signal abiding questions and possible threats to the right to privacy, legitimate freedom, personal responsibility, and fidelity to an institute's juridic patrimony or charism. To achieve this objective, this thesis began with an extensive survey of monasticism's beginnings, its legislative history, reforming movements, and increasing universal attention to the safeguarding of the fora (chapter one) where the original abba's tripartite mission of teaching, sanctifying, and ruling is now routinely in practice the mission of at least three distinct persons in the external, internal, and external fora respectively: the formator, the confessor/spiritual director, and the superior. The second chapter turned to the important consequences of the twentieth-century codifications with their treatment on spiritual direction in the monasteries, the attempt by monks to voice concerns to both perceived and real threats to monasticism's ascetical discipline, and the principles recognizable in the promulgated universal norms. Next, this thesis explored Church documents following the 1983 Code as well as modifications to proper law in pontifical monastic institutes and even customs as discovered in a survey of monastic superiors to shed light upon the current practice of spiritual direction. The final chapter considered first some of the challenges facing the seven pontifical orders of monks before analyzing how the conciliar instruction of *ressourcement* and *aggiornamento* might resolve

lingering questions of spiritual directors in monasteries, including modest recommendations and suggestions on terminology and even universal canonical modification and possible new customs on the spiritual director in orders of monks.

A cursory counting of pages—from the dense first chapter pregnant with monastic history to second chapter heavy with the minutiae of canonical codification and revision to the third chapter exploring post-codal development in Church documents and monastic responses to finally the fourth chapter recounting modern realities and *Perfectae caritatis*' dual mandate before offering recommendations—may seem to suggest by the dwindling page count that the author grew tired and weary as the project advanced, but such was most certainly not the case. Instead, the deep academic and personal encounter with the monastic and canonical vision of spiritual direction, coupled with an analysis of contemporary challenges, changed the author's mind and—frankly—his heart. Whereas he had begun thinking that he had much to fix and that modified and new laws would definitively resolve threats to spiritual direction, this project has humbled the author to realize that spiritual direction is not only ineffective but does not exist according to the monastic ideal if it is unduly encumbered. The vision for a spiritual director in seminaries, religious institutes founded after Trent, and other contemporary models simply cannot be superimposed on spiritual directors in monasteries. A monastic hermeneutic is needed to renew spiritual direction in monasteries!

At the end of this project, this author is fully cognizant that he has not answered all questions being asked by monks today, but he has sought to introduce at least the most common questions to invite a new dialogue between monks and canonists based upon his experience that monks with limited exception are largely disengaged from contemporary

canonical reflection. The author has sought not to overlook contrary opinions to his own nor avoided difficult questions centralized in the harsh reality of limited spiritual directors able and willing to direct monks, and he has critically raised timely issues surrounding (1) members providing direction to their own brothers resulting in awkward "dual relationships," (2) elderly members suitability as spiritual directors, (3) female spiritual directors of monks, and (4) not using information from the internal extra-sacramental forum in external governance (to name but a few identified hardships). And the author, of course, readily concedes his own monastic bias as a perpetually professed monk, which the author believes enhances rather than hinders this canonical investigation from the benefit of firsthand knowledge by an author intimately familiar with the monastic ethos.

Emerging as a simple question, this study concludes with a simple answer: "There is not *a* spiritual director in monasteries, but a blessed and juridically necessitated multiplicity of spiritual director*s* in monasteries." Accordingly, the original title of this dissertation, while remaining to reveal the real intellectual growth of its author expressed herein, is more faithfully expressed as "The Spiritual Directors in Orders of Monks." This expansive identification of capable spiritual directors for members of pontifical monastic institutes is not contrary to the *ressourcement* of *Perfectæ caritatis* as if to suggest that monasticism's infancy did not permit the members of primitive monastic communities to seek wide counsel in spiritual matters. Likewise, the acknowledgment of spiritual directors in monasteries is not born from acceptance by monks of worldly typecasts or a nod to contemporary concerns that might endanger the fundamental principles of monks in a misplaced *aggiornamento*. Instead, this dissertation has laid bare the reality that charismatic founders were freely chosen and freely approached, bequeathing a monastic

model that required legal protections against abuse when charismatic founders had gone to receive eternal rewards. While passionate reformers occasionally viewed the free selection of any spiritual director as an abuse of some prehistoric monastic ideal in a sad stereotype, the Church has steadfastly sought to affirm the dignity of the human person who has a natural right to privacy, demanding canonical protection in the arenas of conscience and spiritual direction. In the face of newly emerging cases of spiritual abuse, the Church and monastics in a special way are called to lead by affirming anew the freedom of selection of a spiritual director and the foundational freedom of the director-directee relationship once again that safeguards the external and internal fora as a rich monastic inheritance to future generations.

In pursuit of the canonical vision of spiritual directors in monasteries, this thesis has also sought to affirm unambiguously that—while not the inviolable sacramental seal—spiritual direction demands secrecy *ad extra*. This confidentiality in spiritual direction arises from the nature of spiritual conversation wherein the spiritual director aims to serve as an instrument of God to aid the directee in hearing the voice of God and following with the freedom of a Christian disciple. Both ecclesiastical and civil laws, if they be just, must safeguard the inherent secrecy *ad extra* of spiritual direction, and a violation of this confidentiality by the director certainly is contrary to the justice owed to the directee and the director's duty to safeguard the directee's privacy. Any compromise to this secrecy *ad extra* contradicts the whole monastic tradition on spiritual direction and jeopardizes the future practice of spiritual direction by harming directees' confidence in the confidential nature of direction. Consequently, spiritual directors in monasteries necessarily must be able to safeguard this confidentiality to uphold the correct manner of practicing spiritual

direction as proposed in the universal law and proper law of the seven pontifical orders of monks.

This project has likewise underscored the abiding importance of the monastic rules to today's seven pontifical orders of monks and their members. Although penned more than fifty years ago, Pennington's assessment of the pivotal role of the *regula* for an individual monk endures the succession of years:

> Certainly the Rule is for the monk, not the monk for the Rule. The Rule is there to protect the personal charism of the individual. The candidate coming to the monastic life studies the Rule and examines how it is lived in this monastery, to see if he can identify with it, if his way is to be found within. If so, he enters into life under it, and it protects and preserves, in face of the community, his right to live according to his own personal call.[719]

Knowing the significance of proper law for monks and acknowledging its often stereotypical or superficial assessment as a real threat to the future of monasticism, this study concludes with an urgent appeal for continued studies by medievalists and canonists to expose the text and context, and therefrom objectively interpret the monastic rules, while revealing the extensive and complex evolution of monasticism in the Latin Church. Likewise, there is a great need for members of orders of monks to discern humbly the authenticity of their observance—living in conformity to the legislative texts to which they have promised obedience by means of ongoing study and familiarity with all that this obligation entails.

The great value of spiritual direction in pursuit of Christian holiness necessitates supervision and vigilance against not only abuse but also poorly qualified and inexperienced directors. Both initial and ongoing formation of spiritual directors is

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[719] M.B. PENNINGTON, "Rule and Life: The Role of the Rule in Cistercian Life," in M.B. PENNINGTON (ed.), *Rule and Life: An Interdisciplinary Symposium*, Spencer, MA, Cistercian Publications, 1971, 16-17.

essential to the healthy practice of spiritual direction in monasteries.[720] Neither the completion of a certificate or degree program nor the election to leadership suffice to make someone a suitable spiritual director. The ideal spiritual director, returning to original identification in the Egyptian desert, is personally holy and has been given a special charism by God to lead other souls on the paths of holiness; he too possesses the prerequisite knowledge of the spiritual life, skill, and experience. Since this is not always easy externally to recognize when selecting a spiritual director, it will be important at the very least to make sure that those serving as spiritual directors are themselves persons of prayer and regularly seeking spiritual direction.

The practice of supervision of spiritual directors is of paramount importance to ensure not only best practices but also healthy director-directee relationships that advance rather than hinder the pursuit of Christian perfection. Supervision of spiritual directors is an often overlooked but extremely urgent need for the renewal of spiritual direction and its efficacy in the sanctification of both director and directee as well as to safeguard against abuse. Barry and Guy develop the aim of supervision: "the personal growth of the spiritual director precisely as spiritual director [meaning] that directors who seek supervision are not basically asking for help with technique or with spiritual diagnosis or with the proper use of scriptural texts. They are putting themselves on the line and are asking for help to become someone, namely spiritual directors."[721] The author of this study expresses the hope that universal, particular, or proper law may in the future consider the development

[720] Songy has outlined some key components of a program of formation for spiritual directors that may be helpful; see SONGY, *Spiritual Direction for Priestly Celibacy*, 242-255, especially 254-255 where Songy proposed both academic and practical requirements for the adequate formation of spiritual directors.

[721] BARRY and GUY, "The Practice of Supervision in Spiritual Direction," 403.

of concrete norms requiring supervision and ongoing formation of spiritual directors analogous to other caritative ministries.

Finally, this dissertation has revealed the critical role of the canonical institution of visitations to guarantee both the regular practice of spiritual direction and the legitimate freedom of monks in selecting spiritual directors without prejudice to an institute's legitimate discipline. Ironically, both visitations and spiritual direction arose within the monastic movements, so they are well-suited to be used together today to ensure that spiritual direction is fruitfully occurring in orders of monks according to the Church's vision. Of course, the success of visitations presupposes that members are able and willing to act towards visitators "[…] with trust or confidence" (*cum fiducialiter*) (c. 628, §3), paralleling the trust with which they are to approach superiors (c. 630, §5).

Nevertheless, there is still a lot to be done not only regarding the healthy practice of spiritual direction in these orders of monks and the formation and free selection of capable spiritual directors, but also this thesis has revealed several future areas of possible research that are helpfully identified before concluding this study. First, as spiritual direction is rediscovered as originating between non-clerical Christians, there is an urgent need to canonically advance a notion of the lay power of governance. For example, since the spiritual director can exercise the power of governance in the internal extra-sacramental forum, how does a lay spiritual director exercise this power? This question is particularly timely, and research into this question is promising since it is being actively and necessarily developed and explored simultaneously in connection with questions of synodality and leadership in clerical and lay religious institutes, let alone leadership in the Roman Curia. Second, the *Note on the Importance of the Internal Forum* made mention of threats to

privacy by way of different communication methods. In a rapidly changing world, a canonical investigation should be undertaken to consider the internal forum in relationship to these communication methods. Apropos to this study, but outside of its scope, does spiritual direction lawfully occur via telephone, letter, e-mail, or other means of remote communication and, if so, how is the secrecy of the internal extra-sacramental forum safeguarded? A third promising study consists in the disambiguation of c. 220 and the notions of reputation and privacy to not only offer a doctrinal interpretation of the existent universal norm, but also to manifest the relationship between a person's reputation and his private life as gestured by the legislator in the current conjoined norm. Plainly, the author of this study asks if a person's right to safeguard his right to privacy can ever be legitimately injured if his natural right to a good reputation can be legitimately harmed as this author reads in the existent c. 220. Moreover, how might the secrecy of spiritual direction, and the resultant burden born by the spiritual director, be maintaining not only the directee's right to privacy, but his right to a good reputation? A final promising area of canonical investigation might seek to juridically define in accordance with the canonical tradition the oft repeated terms "spiritual abuse," "abuse of office," "abuse of power," and "abuse of conscience." These notions seem to have ready acceptance as legal ideas—and even the author of this thesis has had frequent recourse to them—but these terms necessitate legal definition that they may be universally known, understood, and condemned to vindicate the rights of the Christian faithful. Without clear juridical development, the author fears that these crimes will become either bankrupt or unwieldy. Of course, a study of monastic institutes of women and their own discipline on spiritual

direction and spiritual directors would complete the picture of not just men as developed herein furnishing a more comprehensive assessment of monasticism and spiritual direction.

In a culture where young people have grown accustomed to a greatly diminished privacy with the advancement of technology, spiritual direction conceived as accompaniment and candid dialogue has the potential to surpass the confines of the monastic enclosure with a possibility for privacy in the internal forum that contemporary men and women long to realize while having grown accustomed to open sharing that earlier generations may have shied away from. A mere cursory glance at the popular genre of so-called "self-help" literature suggests an earnest pursuit for healing, advancement, and ultimately integrity—or in Christian parlance *sanctity*—which spiritual direction in the monastic tradition can extend to a new age of not only monks but also men and women of good will in pursuit of the divine.

Before concluding, two additional points must be made. First, this thesis's reader may be startled to not find anywhere within these voluminous pages a proposal for a new monastic custom—clearly *contra legem*—for the monastic superior to serve as internal-forum spiritual director to all his monks after the manner of the desires of the Trappist reformer earlier documented. Admittedly, as has been often stated, monastic superiors enjoy a unique status being elected by the chapter, serving longer terms of office within the stability of the monastery, and thus forming closer relationships with the monks. This question had been previously considered by Voltas at the beginning of the twentieth century who presented both the positive and negative qualities of this notion; on the positive side, Voltas held that a directee would be less likely to mislead a spiritual director

who observed his conduct in the external forum.[722] Voltas's argument could just as easily, however, be addressed by the selection of a confrere and not the superior. Nearly fifty years later, Gutiérrez defended superiors offering spiritual direction based upon the belief that the internal and external forum should be joined attributable to their common salvific aim.[723] Gutiérrez seemed to thus overlook, however, the importance of freedom of the directee and the tremendous danger of confusing and confounding the fora. The author of this thesis sees still, however, a greater problem than noted by these distinguished canonists: A custom *contra legem* cannot be contrary to the natural and divine laws although it may be contrary to positive law such as ecclesiastical law. The right to privacy, however, is integral to the natural law, arising not from baptism and not from mutable laws made by man but from man's very nature. A custom that forbids this right to protect the member's private life is contrary to the natural law and thus unreasonable and cannot exist or be tolerated. No such custom of establishing the religious superior as *de facto* spiritual director of the monks individually can therefore exist. The superior can be freely asked by a particular monk, and the superior can freely accept in individual cases, but a custom cannot demand this.

Secondarily, the author of this thesis cannot conclude this project without renewing the appeals made by earlier brother monks and canonists: Universal law of the Latin Church would be immeasurably enriched by a separate treatment of monks in a separate section.[724] Separate legal provisions would draw timely attention to the rich diversity of

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[722] See VOLTAS, "De Aperienda, directionis causa, Superioribus conscienta," 145.

[723] See A. GUTIÉRREZ, "De manifestatione conscientiae et directione spirituale in religione," in *Commentarium pro religiosis et missionariis*, 34 (1955), 169.

[724] See PENNINGTON, "Monastic and Contemplative Life and the Code of Canon Law," 770: "To place the canonical provisions for the monastic and contemplative life on the one hand, and the consecrated life

consecrated life in the Latin Church to counteract a tendency grossly to oversimplify the uniqueness and advantage of both the contemplative and active lives according to the Church's longstanding tradition. While the drafters' hardships and reservations in the face of the divergence of monks are understandable concerns, they do not seem to be proportionate to the canonical ambiguity that has arisen from this unfortunate decision.

This study has shown—even just within the very limited analysis of the spiritual director—that orders of monks are markedly different from non-monastic institutes. Monasticism enjoys a venerable history not only in the Eastern Churches, but too in the Latin Church; this rightful history and abiding influence stands in dire need of rediscovery and appreciation including in its presentation and treatment in universal norms. This thesis has exposed too that the canons of the 1983 Code as drafted do not offer immediate threats to monasticism, but neither do they bolster the uniqueness of the monastic tradition with separate laws that emerge from the monastic tradition. Monks have accepted for the past century universal laws on religious institutes that exhibit a noted penchant for grossly different apostolic institutes. While admittedly this experience has been not only challenging but enriching to eschew any isolationist tendencies in the monastic orders, nevertheless, the effects too have been unfortunate including a general neutrality if not disinterest in canon law by monks together with a perception that the institution of monasticism does not enjoy the prominence once celebrated in the Church and continued

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dedicated to the works of the sacred apostolate on the other hand, under separate rubrics, would produce a clearer, more orderly section on religious life and enable each provision to wholly respond to the proper needs and inner spirit of each of these particular forms of living the consecrated life of the counsels in the midst of and for the benefit of the people of God." See also J. BEYER, "Life Consecrated by the Evangelical Counsels: Conciliar Teaching and Later Developments," in R. LATOURELLE (ed.), *Vatican II: Assessment and Perspectives Twenty-Five Years After (1962-1987)*, vol. 3, New York/Mahwah, NJ, Paulist Press, 1989, 89, footnote 168: "It is certain that the present Code is defective in this regard, especially as it concerns the canonic life and the monastic life."

to be affirmed in the Eastern Churches. Practically, this most undesirable effect can be seen in the not uncommon disinterest by canonists of the problems facing monks.

How different, however, if a separate section emerging from the early monastic literature and *regulae* prepared by the monks and nuns themselves were to appear in a future universal codification of canon law! Would this not result in a newfound appreciation for the monastic tradition, the charisms of the monastic orders, and for the men and women who continue to observe this manner of life today? Assuredly, the aid to monastic observance as a true *ressourcement* not only in spirituality but in law, coupled with contemporary *aggiornamento* in the drafting of the norms, has the possibility to advance a new monastic springtime. As monks continue to wrestle with the overgeneralized and often foreign ideas found in the universal norms for religious institutes, including the connotations for the superior-member relationship in c. 630, this young canonist renews the pleas of his monastic forerunners for a separate section on orders of monks and monasteries that openly concedes before the entire Church not only the origins of consecrated life in the monastic experience of the desert but the Church's continued maternal solicitude for monastics including by way of canonical norms pregnant with the foundational monastic principles of Anthony, Pachomius, Basil, Augustine, Benedict, Columban, and all the other monastic legislators and reformers.

When the supreme legislator personally reviewed, analyzed, and amended the universal norms before the eventual 1983 promulgation, John Paul II made a monumental contribution to the canonical science and ecclesiastical discipline with the insertion of c. 220's right to privacy. From the vantage point of his office as pastor of the universal Church, the Roman Pontiff thus acknowledged this innate natural right corresponding to

the dignity of the human person and simultaneously sounded forth an alarm for modern threats to this same right. Current claims of spiritual abuse evince the prophetic nature of the now-saint's legislative genius and his pastoral solicitude. Unfortunately, this thesis has only been able to study the concrete application of this right to privacy within the very small question of spiritual directors further circumscribed to pontifical orders of monks. Much work remains not only to better understand threats to the right to privacy but also to safeguard faithfully this right. Perhaps this effort must best begin with clear, unambiguous affirmation of the external and internal fora and their rightful place in the lives of all the Christian faithful in pursuit of the universal call to holiness to witness anew with monastic simplicity: "Freedom and authority are not opposing terms, but rather values that complement each other; their mutual cooperation promotes the growth of the community and, at the same time, the capacities for initiative and enrichment of the individual members."[725]

[725] PAUL VI, allocution to the Roman Rota, 29 January 1970, in *AAS*, 62 (1970), 115, English translation in *The Pope Speaks*, 15 (1970-1971), 55.

APPENDIX I
The Evolution from the 1977 *Vita cons.* to Canon 630 in the 1983 Code

Vita cons., 36	1980 *Schema Codicis*, 556	1982 *Schema Codicis*, 630	1983 *CIC*, 630
§ 1. *Moderatores* sodalibus *omnibus* debitam *relinquant* libertatem circa Paenitentiae sacramentum et conscientiae moderamen, salva tamen Instituti disciplina.	§ 1. **Superiores** sodalibus debitam **agnoscant** libertatem circa Paenitentiae sacramentum et conscientiae moderamen salva tamen Instituti disciplina.	§ 1. Superiores sodalibus debitam agnoscant libertatem circa paenitentiae sacramentum et conscientiae moderamen, salva tamen instituti disciplina.	§ 1. Superiores sodalibus debitam agnoscant libertatem circa paenitentiae sacramentum et conscientiae moderamen, salva tamen instituti disciplina.
§ 3. *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*.	§ 2. Solliciti sint **Superiores** ad normam **iuris proprii** ut sodalibus idonei confessarii praesto sint apud quos **frequenter** confiteri possint.	§ 2. Solliciti sint Superiores ad normam iuris proprii ut sodalibus idonei confessarii praesto sint, apud quos frequenter confiteri possint.	§ 2. Solliciti sint Superiores ad normam iuris proprii ut sodalibus idonei confessarii praesto sint, apud quos frequenter confiteri possint.
	§ 3. 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.	§ 3. 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.	§ 3. 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.

§ 2. Subditorum confessiones *Moderatores* ne audiant nisi *motu proprio ac* sponte sua [id petant sodales.]	§ 4. Subditorum confessiones **Superiores** ne audiant nisi sponte sua [sodales id petant.]	§ 4. Subditorum confessiones Superiores ne audiant, nisi sponte sua sodales id petant.	§ 4. Subditorum confessiones Superiores ne audiant, nisi sponte sua sodales id petant.
§ 4. *Optandum es ut* sodales cum fiducia adeant *Moderatores*, quibus *etiam* animum suum libere ac sponte aperire possunt.	§ 5. 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.**	§ 5. 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.	§ 5. 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.

APPENDIX II
Survey *The Spiritual Director in Orders of Monks*

1. Is spiritual direction practiced in the monasteries of your order? Yes No

2. Is spiritual direction practiced separate from sacramental confession? Yes No

3. The monks most often seek spiritual direction in sacramental confession. True False

4. The monks of your order would most likely describe spiritual direction as:
Encouraged Recommended Neglected Forgotten
Left to each monk's freedom All of the above Other (please specify)

5. Are the members of your religious institute encouraged to practice spiritual direction?
Yes No

6. If so, what encourages them?
Proper law (i.e. Holy Rule, Constitutions, Formation Manuals, etc.)
Orally by exhortations, homilies, chapter talks, etc.
Designated times in the monastic horarium for spiritual direction
All of the above Other (please specify)

7. If the members are encouraged to practice spiritual direction, who encourages the practice or has historically encouraged the practice?
Religious Superior(s) Initial Formator(s) Confessor(s)
Spiritual Director(s) before entering the monastery Other monks in the community
All of the above Other (please specify)

8. Is there a recommended discipline in your religious institute regarding the frequency or how often the monks are to receive spiritual direction?
Weekly Bi-weekly Monthly Quarterly Annually Regularly
Other (please specify)

9. If a certain frequency of spiritual direction is recommended, where does this recommendation come from?
Proper law (Rule, Constitutions, Formation Manuals etc.)
Community Custom
Left to each monk's freedom to personally determine
None of the above Other (please specify)

10. In our order, the monks refer to the spiritual director by the name of:
Spiritual Director Confessor Spiritual Father Spiritual Friend
Brother Spiritual Companion All of the Above None of the above
Other (please specify)

11. Concerning the selection of a spiritual director, are the monks free to pick a spiritual director of their own choosing? Yes No

12. If the spiritual director is pre-determined, is the spiritual director the holder of an office in the monastery? Yes No

13. If the spiritual director of the monks is determined by holding an office, which office?
Abbot Prior Sub-Prior Community Confessor
Other (please specify)

14. If the monks are not able to freely choose a spiritual director, how is the spiritual director determined? By the religious superior By random selection By availability
None of the above All of the above Other (please specify)

15. If each monk freely chooses his spiritual director, is he free to select someone who is not a member of that local community? Yes No

16. If each monk freely chooses his spiritual director, is he free to select someone who is not a member of your order? Yes No

17. If each monk freely chooses his spiritual director, is he free to select someone who is not a cleric (i.e. a deacon, priest, or bishop)? Yes No

18. If each monk freely chooses his spiritual director, is he free to select a man or a woman? Yes No

19. The abbot or prior is the spiritual father of all the monks. True False

20. In virtue of his office, the abbot or prior is the primary spiritual father of all the monks. True False

21. In virtue of his office, the abbot or prior is the spiritual director of all the monks.
True False

22. In virtue of his office, the abbot or prior is the primary spiritual director of all the monks. True False

23. Since the Second Vatican Council, the most significant change in spiritual direction within the monasteries of our order has been:
Increased practice of spiritual direction
Greater emphasis on freedom of selecting a director
The members take responsibility for seeking spiritual direction
All of the above Other (please specify)

24. Since the promulgation of the 1983 Code of Canon Law, the most significant change in spiritual direction within the monasteries of our order has been:
Increased practice of spiritual direction
Greater emphasis on freedom of selecting a director
The members take responsibility for seeking spiritual direction
All of the above Other (please specify)

25. Has your order created any customs on spiritual direction, and particularly the selection of a spiritual director, that have been helpful or problematic? For example, have you designated a spiritual director or directors for the monks to choose from? Are there designated spaces in the monastery for spiritual direction? Do the monks seek spiritual direction from one another in their private cells or hermitages? Please explain.

26. The practice of spiritual direction in our order is best characterized as:
Accompaniment Friendship Paternal (Father-Son)
Fraternal (Brother-Brother) Depends on the monk All of the above
Other (please specify)

27. I believe that spiritual direction is being successfully and actively practiced in my order. True False

28. I believe there is room to improve the practice of spiritual direction in my order.
True False

29. I believe that a monk's freedom in spiritual direction (personal good) is well balanced with community discipline (common good). Agree Disagree

30. The greatest conflict between spiritual direction and the common good of the institute occurs when a monk chooses a spiritual director:
Who is at a great distance from the monastery and thus challenges the practice of enclosure
Who requires a fee for giving spiritual direction and thus challenges the community's poverty
Who is ignorant of our charism and spiritual tradition
Who holds opinions contrary to the monastery's leadership
Who holds opinions contrary to Church teaching
All of the above Other (please specify)

31. The most frequent complaint I hear from superiors about spiritual direction in our order is:

32. The most frequent complaint I hear from the monks of our order about spiritual direction is:

33. Are there any modifications to canon law that you or your members would like to see regarding spiritual direction and, if so, what?

34. If I were reading a study on the spiritual director in orders of monks, I think it would be helpful to learn more about:

35. I believe the current canonical provisions of the 1983 Code adequately accommodate the needs of today's monks. Strongly agree Agree Disagree Strongly disagree Neither agree nor disagree

36. Please provide your contact information below for statistical analysis:
Name
Order of Monks
Address
Address 2
City/Town
State/Province
ZIP/Postal Code
Country
Email Address
Phone Number

APPENDIX III
Note of the Apostolic Penitentiary on the Importance of the Internal Forum and the Inviolability of the Sacramental Seal

"By His incarnation the Son of God has united Himself in some fashion with every man;" with his gestures and his words, he illuminated his highest and inviolable dignity; in himself, dead and risen, he restored fallen humanity, overcoming the darkness of sin and death; to those who believe in him he opened the relationship with his Father; with the outpouring of the Holy Spirit, he consecrated the Church, a community of believers, as his true body and participated in his own prophetic, royal and priestly power, so that he would be in the world as the extension of his own presence and mission, announcing to men of all times the truth, guiding them to the splendor of its light, allowing their life to be truly touched and transfigured.

In this time of human history so troubled, the increasing techno-scientific progress does not seem to correspond to an appropriate ethical and social development, but rather to a real cultural and moral "involution" which, forgetting God — if not actually hostile — becomes unable to recognize and respect, in every sphere and at every level, the essential coordinates of human existence and, with them, the very life of the Church.

"If technical progress is not matched by corresponding progress in man's ethical formation, in man's inner growth […], then it is not progress at all, but a threat for man and for the world." Also in the field of private and mass-media communications the "technical possibilities" grow inordinately, but not love for the truth, the commitment in seeking it, the sense of responsibility before God and men; a worrying disproportion between means and ethics becomes apparent. Communicative hypertrophy seems to turn against the truth and, consequently, against God and against man; against Jesus Christ, God-made-man, and the Church, his historical and real presence.

A certain "longing" for information has spread in recent decades, almost regardless of its real trustworthiness and timeliness, to the point that the "world of communication" seems to want to "replace" reality, both by conditioning the perception of it and by manipulating the understanding of it. Unfortunately, from this tendency, which can take on the disturbing traits of morbidity, the ecclesial structure itself — which lives in the world and sometimes assumes its parameters — is not immune. Frequently, even among believers, precious energies are employed in the search for "news" — or true and proper "scandals" — suited to the sensitivity of a certain section of public opinion, with goals and objectives that certainly do not belong to the theandric nature of the Church. All this is to the grave detriment of the proclamation of the Gospel to every being, and the needs of the mission. It must be humbly admitted that at times, even the ranks of the clergy, up to the highest levels, are present in this trend.

Too often, invoking the de facto judgment of public opinion as the ultimate tribunal, information of all kinds is released concerning the most private and confidential spheres, which inevitably touches the life of the Church, which breeds — or at least favors — rash

judgments, unlawfully and irreparably damages the good reputation of others, as well as the right of every person to defend his or her reputation (cf. *CIC*, c. 220). In this scenario, Saint Paul's words to the Galatians sound particularly timely: "For you were called to freedom, brethren; only do not use your freedom as an opportunity for the flesh … But if you bite and devour one another take heed that you are not consumed by one another" (Gal 5:13-15).

In this context, there seems to be a certain disturbing "negative prejudice" expressed against the Catholic Church whose existence on one hand is culturally presented and socially re-constituted in light of the tensions that can occur within the hierarchy itself and, on the other, emanates from the recent dreadful scandals of abuse perpetrated by some members of the clergy. This prejudice, forgetful of the true nature of the Church, of her authentic history and of the real, beneficial presence that she has always had and has in human life, sometimes transforms into the unjustifiable "claim" that the Church herself, in certain matters, should conform her own juridical system to the civil systems of the States in which she is present, as the only possible "guarantee of correctness and rectitude."

In consideration of all this, the Apostolic Penitentiary has held it appropriate to intervene, with this *Note*, to reaffirm the importance of and to promote a better understanding of those concepts, typical of ecclesial and social communication, which today seem to have become more alien to public opinion and sometimes to the same civil juridical systems: the sacramental seal, the confidentiality inherent in the internal extra-sacramental forum, the professional secrecy, the criteria and the limitations proper to all other communication.

1. *Sacramental seal*

Recently, speaking of the Sacrament of Reconciliation, the Holy Father Francis wished to reaffirm the indispensability and the inaccessibility of the sacramental seal: "Reconciliation itself is a benefit that the wisdom of the Church has always safeguarded with all her moral and legal might, with the sacramental seal. Although it is not always understood by the modern mentality, it is indispensable for the sanctity of the sacrament and for the freedom of the 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 own 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 lay any claim to it."

The inviolable secrecy of Confession comes directly from the revealed divine right and is rooted in the very nature of the Sacrament, to the point of not admitting any exception in the ecclesial sphere, nor, least of all, in the civil one. Indeed, it is as if the celebration of the Sacrament of Reconciliation contained the very essence of Christianity and of the Church: the Son of God became man to save us and decided to involve the Church as a "necessary instrument," and in her, those whom he chose, called and constituted as his ministers.

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: “Christ allows us to use his ‘I’, we speak in the ‘I’ of Christ, Christ is ‘drawing us into himself’ and allows us to be united. He unites us to his ‘I’. […] It is this union with his ‘I’ which is realized in the words of the consecration. Also, in the ‘I absolve you’ because none of us could absolve from sins — it is the ‘I’ of Christ, of God, who alone can absolve.”

Every penitent who humbly goes to the priest to confess his sins bears witness to the great mystery of the Incarnation and the supernatural essence of the Church and of the ministerial priesthood, through which the Risen Christ comes to meet men, sacramentally — that is, really — touches their life and saves them. For this reason, the defense of the sacramental seal by the confessor, if necessary *usque ad sanguinis effusionem*, represents not only an act of dutiful “allegiance” towards the penitent, but much more: a necessary testimony — a “martyrdom” — rendered directly to the uniqueness and salvific universality of Christ and the Church.

The matter of the seal is currently expounded and regulated by cc. 983-984 and 1388, §1 of the *CIC*, and c. 1456 of the *CCEO*, as well as no. 1467 of the *Catechism of the Catholic Church*, where significantly, we read that the Church “establishes,” by virtue of her own authority, rather than that she “declares” — that is, recognizes as an irreducible datum, which derives precisely from the sanctity of the sacrament instituted by Christ — “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.”

The confessor is never allowed, for any reason whatsoever, “to betray in any way a penitent in words or in any manner” (*CIC,* c. 983, §1), just as “a confessor is prohibited completely from using knowledge acquired from confession to the detriment of the penitent even when any danger of revelation is excluded” (*CIC,* c. 984, §1). The doctrine also helped to further specify the content of the sacramental seal, which includes “all the sins of both the penitent and others known from the penitent’s confession, both mortal and venial, both occult and public, as manifested with regard to absolution and therefore known to the confessor by virtue of sacramental knowledge.” The sacramental seal, therefore, concerns everything the penitent has admitted, even in the event that the confessor does not grant absolution: if the confession is invalid or for some reason the absolution is not given, the seal must be maintained in any case.

The priest, in fact, becomes aware of the sins of the penitent “*non ut homo, sed ut Deus* — not as man, but as God,” to such an extent that he simply “does not know” what he was told during confession, because he did not listen to him as a man but, precisely, in the name of God. The confessor could therefore also “swear”, without any prejudice to his conscience, to “not know” what he knows only as a minister of God. Because of its peculiar nature, the sacramental seal manages to bind the confessor also “interiorly”, to the point that he is forbidden to remember voluntarily the confession and he is obliged to suppress any involuntary recollection of it. The secrecy deriving from the seal also binds those who, in any way, have become aware of the sins during confession: “The interpreter, if there is one, and all others who in any way have knowledge of sins from confession are also obliged to observe secrecy” (*CIC*, c. 983, §2).

The absolute prohibition imposed by the sacramental seal is such as to prevent the priest from speaking of the content of the confession to the penitent himself, outside of the sacrament, without the "explicit (and all the more so if not requested) permission" of the penitent. The seal therefore 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.

Defense of the sacramental seal and the sanctity of Confession can never constitute any form of connivance with evil. On the contrary they represent the only true antidote to the evil that threatens man and the whole world; they constitute the real possibility of surrendering to the love of God, of allowing oneself to be converted and transformed by this love, learning to correspond to it concretely in one's life. In the presence of sins that involve criminal offenses, it is never permissible, as a condition for absolution, to place on the penitent the obligation to turn himself in to civil justice, by virtue of the natural principle, incorporated in every system, according to which "*nemo tenetur se detegere*." At the same time, however, belonging to the very "structure" of the Sacrament of Reconciliation, as a condition for its validity, is sincere repentance, together with the firm intention to reform and not repeat the evil committed. Should there be a penitent who has been a victim of the evil of others, it will be the concern of the confessor to instruct him regarding his rights as well as about the practical juridical instruments to refer to in order to report the fact in a civil and/or ecclesiastical forum to invoke justice.

Any political action or legislative initiative aimed at "breaching" the inviolability of the sacramental seal would constitute an unacceptable offense against *libertas Ecclesiae*, which does not receive its legitimacy from individual States, but from God; it would also constitute a violation of religious freedom, legally fundamental to all other freedoms, including the freedom of conscience of individual citizens, both penitents and confessors. Breaking the seal would be tantamount to violating the wretched man within the sinner.

2. *Internal extra-sacramental forum and spiritual direction*

The juridical-moral sphere of the internal forum also includes the so-called "extra-sacramental internal forum", always concealed but external to the Sacrament of Penance. In it too the Church exercises her mission and saving authority: not by forgiving sins, but by giving graces, breaking juridical constraints (such as censures) and caring for all that concerns the sanctification of souls and, therefore, the proper, intimate and personal sphere of each believer.

In a particular way, the spiritual direction in which the individual faithful entrusts his own path of conversion and sanctification to a specific priest, consecrated or lay person belongs to the internal extra-sacramental forum.

The priest exercises this ministry by virtue of his mission to represent Christ, conferred upon him by the Sacrament of Orders and exercised in the hierarchical communion of the Church, through the so-called *tria munera*: the task of teaching, sanctifying and governing the laity by virtue of the baptismal priesthood and the gift of the Holy Spirit.

In spiritual direction, the believer freely reveals his conscience's secret to the spiritual director/guide, in order to be oriented and supported in listening and in fulfilling the will of God.

Thus, this particular area also demands a certain secrecy *ad extra*, inherent to the content of spiritual colloquies and deriving from each person's right to the respect of his or her own privacy (cf. *CIC,* c. 220). Although in a merely "analogous" way to what happens in the Sacrament of Confession, the spiritual director becomes aware of the individual believer's conscience by virtue of his "special" relationship with Christ, which derives from holiness of life and — if a cleric — from the received sacred order itself.

As evidence of the special confidentiality accorded to spiritual direction, consider the proscription, sanctioned by law, against asking not only the opinion of the confessor, but also that of the spiritual director, on the occasion of admission to sacred Orders or, vice versa, for the dismissal of candidates to the priesthood from the seminary (cf. *CIC*, c. 240, §2; *CCEO*, c. 339, §2). In the same way, the 2007 *Sanctorum Mater* instruction, concerning the carrying out of diocesan or eparchial inquiries in the Causes of Saints, forbids the admission of testimony not only of confessors, in defense of the sacramental seal, but also that of the Servant of God's spiritual directors, as well as all they learned in the forum of conscience, outside sacramental confession.

This necessary confidentiality will be all the more "natural" for the spiritual director, the more he learns to recognize and "be moved" before the mystery of the freedom of the faithful who, through him, turn to Christ; the spiritual director must understand his own mission and his own life exclusively before God, in the service of His glory, for the good of the person, of the Church and for the salvation of the whole world.

3. *Secrets and other limits inherent to communication*

Different in nature from the internal sacramental and extra-sacramental forum, are the confidences shared under the seal of secrecy, as well as the so-called "professional secrets" belonging to certain types of people, both in civil society and in the ecclesial structure as a whole, by virtue of a special office that they carry out for individuals or for the community.

Such secrets, by virtue of natural law, must always be preserved "save" — the *Catechism of the Catholic Church* states at no. 2491 — "in exceptional cases where keeping the secret is bound to cause very great harm to the one who confided it, to the one who received it or to a third party, and where the very grave harm can be avoided only by divulging the truth."

A special case of secrecy is that of the "pontifical secret", which is binding by virtue of the oath connected to the exercise of certain offices in the service of the Apostolic See. If the oath of secrecy always binds *coram Deo* the one who issued it, the oath connected to the "pontifical secret" has as its ultimate *ratio* the public good of the Church and the *salus animarum*. It presupposes that this good is the very requirement of the *salus animarum*, thus including the use of information that does not fall under the seal, can and must be correctly interpreted by the Apostolic See alone, in the person of the Roman Pontiff, whom

Christ the Lord constituted and placed as the visible principle and foundation of the unity of faith and of the communion of the whole Church.

With regard to the other areas of communication, both public and private, in all its forms and expressions, Church wisdom has always indicated as a fundamental criterion the "golden rule" pronounced by the Lord and contained in the Gospel of Luke: "as you wish that men would do to you, do so to them" (Lk 6:31). In this way, in the communication of truth as in the silence that pertains to it, when one who seeks it does not have the right to know it, one must always conform one's life to the precept of fraternal love, keeping before one's eyes the good and safety of others, respect for private life and the common good.

As a particular duty of communicating the truth, dictated by fraternal charity, one cannot fail to mention the "fraternal correction," in its various degrees, taught by the Lord. It remains the horizon of reference, where necessary and according to what the concrete circumstances allow and require: "If your brother sins against you, go and tell him his fault, between you and him alone. If he listens to you, you have gained your brother. But if he does not listen, take one or two others along with you, that every word may be confirmed by the evidence of two or three witnesses. If he refuses to listen to them, tell the Church" (Mt 18:15-17).

In a time of the "massification" of communication, in which all information is "frittered away" and with it, unfortunately, also a part of people's lives, it is necessary to re-learn the power of speech, its constructive power, but also its destructive potential; we must be vigilant so that the sacramental seal is never violated by anyone, and the necessary confidentiality connected to the exercise of the ecclesial ministry is always jealously guarded, having as its sole horizon truth and the integral good of persons.

Let us invoke from the Holy Spirit, for the whole Church, an ardent love for truth in every area and circumstance of life; the ability to preserve it in its entirety in the proclamation of the Gospel to every being, openness to martyrdom in order to defend the inviolability of the sacramental seal, as well as the prudence and wisdom necessary to avoid any instrumental and erroneous use of that information proper to private, social and ecclesial life, which can turn into an offense against the dignity of the person and the Truth itself, which is always Christ, Lord and Head of the Church.

In the careful safekeeping of the sacramental seal and the necessary discretion linked to the internal extra-sacramental forum and to the other acts of ministry shines a particular synthesis of the Petrine and Marian dimensions in the Church.

With Peter, the Bride of Christ guards, until the end of history, the institutional ministry of the "power of the keys;" like Mary Most Holy, the Church keeps "all these things in her heart" (Lk 2:51b), knowing that in them the light that illuminates every man is reverberated and that, in the sacred space between personal conscience and God, it must be preserved, defended and safeguarded.

The Supreme Pontiff Francis, on 21 June 2019, approved the present Note, and ordered its publication.

Given in Rome, from the seat of the Apostolic Penitentiary, 29 June, Year of the Lord 2019, on the Solemnity of Saints Peter and Paul, Apostles

Card. Mauro Piacenza, *Major Penitentiary*
Mons. Krzysztof Nykiel, *Regent*

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BIOGRAPHICAL NOTE

Fr. Simon Mary OF THE CROSS, M. Carm., was born Nicholas Todd MARONEY in Bennington, Vermont, on 26 January 1984, the oldest child of the late George and Maureen Maroney. After attending school with his two siblings in the small farming community of Cambridge, New York, he entered the Monks of the Most Blessed Virgin Mary of Mount Carmel, a public association of the Christian faithful in the Diocese of Cheyenne, Wyoming in 2004. On 15 August 2010, Fr. Simon Mary professed perpetual vows of obedience, chastity, and poverty and was ordained to the sacred priesthood by Bishop David Ricken on 14 December 2016, the Carmelite Feast of St. John of the Cross. He graduated *summa cum laude* with a ninety-credit MA in Theology from Holy Apostles College and Seminary in Cromwell, Connecticut in 2016. Fr. Simon Mary's academic pursuits continued in Marian Studies at the International Marian Research Institute, Dayton, Ohio, where he earned an STL (2019) after successfully defending his thesis entitled "Seminary Life and Formation under Mary's Mantle: An Exploration of Mary's Presence and Mission in Initial Priestly Formation." In April 2021, Fr. Simon Mary defended his doctoral thesis *summa cum laude* entitled "Mary, *Summa Contemplatrix* in Denis the Carthusian." Fr. Simon Mary simultaneously studied canon law at Saint Paul University, Ottawa, Ontario, where he earned a JCL *summa cum laude* (2018), and doctoral studies began thereafter. In 2023, Fr. Simon Mary began a two-year post-doc license in medieval studies at the celebrated Pontifical Institute of Mediaeval Studies in Toronto, Ontario under the tutelage of Dr. Greti Dinkova-Bruun. In addition to his membership on the Pontifical Academy of Mary (PAMI), Fr. Simon Mary presently serves his contemplative community at their cloistered monastery situated in the silence and solitude of Wyoming's Rocky Mountains.