

THE RELIGIOUS STATE ACCORDING TO SUAREZ

by

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BIOGRAPHICAL NOTE

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ABBREVIATIONS

C., cc.	canon, canons
CIC	<u>Codex Juris Canonici . . . Benedicti Papae XV Auctoritate Promulgatus</u> , praef. et al. Petro Card. Gasparri, Westminster, Maryland, The Newman Book Shop, 1944.
CIC (1983)	<u>Codex Juris Canonici Auctoritate Ioannis Pauli PP. II Promulgatus</u> , Vatican City, Libreria Editrice Vaticana, 1983.
D.R.	Francisco SUAREZ, S.J., <u>Opus de Religione</u> . (For method of citation, v. INTRODUCTION, pp. 4-5, n. 8.)
O.O.	Francisco SUAREZ, S.J., <u>Opera Omnia</u> . (For method of citation, v. INTRODUCTION, pp. 4-5, n. 8.)
S.T.	THOMAS AQUINAS, <u>St, Summa Theologiae</u> . (For method of citation, v. INTRODUCTION, p. 9, n. 14.)

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INTRODUCTION

In the year 1592, Father Claudio Aquaviva, the Superior General of the Society of Jesus, wrote to two of the Order's most eminent theologians, the Spaniards, Luis de Molina and Francisco Suarez. In his letter, Aquaviva expressed both a concern and a desire. His concern was that the Society, despite the numerous papal approbations and confirmations it had received over the half century of its existence, was still the object of fierce polemics against many elements of its institute. Aside from the Reformers, some Catholics continued to be upset by the "novelties" which had been introduced into the traditional religious life in the Church by Saint Ignatius Loyola and his fellow companions. Accordingly, Aquaviva felt that the Jesuits needed to offer a precise and sound defense of their institute in order to silence its critics. His desire in writing to the Spaniards was that they include in their published writings such an apologia for the Society.¹ Molina, absorbed as he was in

1. Raoul de SCORRAILLE, S.J., Francois Suarez de la Compagnie de Jésus, d'après ses lettres, ses autres écrits inédits et un grand nombre de documents nouveaux, Paris, P. Lethiellieux, [1912-1913], v. 2, pp. 130-131. This definitive account of Suarez' life and work remains the primary resource for understanding the circumstances in which one of the greatest thinkers of the post-reformation period labored. V.q. Joseph FICHTER, S.J.,

the great controversies de auxiliis and nearing the end of his life, was not at all responsive to the Superior General's suggestion. Suarez, on the other hand, was more sympathetic to the commission, but pleaded in his reply to Aquaviva for more time to fulfill it.²

At this point, Suarez was at the height of his career. While lecturing in theology at Alcala and Salamanca, he was also preparing for publication two of his major works, the sections of De Sacramentis concerning Baptism, Confirmation and the Eucharist, and the controversial Disputationes Metaphysicae. Neither of these seemed to him, moreover, to provide a proper context for a polemical defense of the Society's institute.³ Nor was Suarez ever one to attack a task in piecemeal fashion. In this case, he argued that an apologia for the Order ought to be well-grounded in an historical, theological and canonical study of the religious state in the Church, if he was going to show that the

Man of Spain: Francis Suarez, New York, Macmillan, 1940, p. 277. The only full-length biography of Suarez in English, this work depends in part on the foregoing study. Although his presentation is more in the popular style than is Scorraille's, Fichter maintains a consistently high quality.

2 SCORRAILLE, op. cit., v. 2, p. 131.

3 SCORRAILLE, ibidem; FICHTER, op. cit., p. 270.

Jesuits truly belonged in this category. This kind of study needed, furthermore, to be preceded by a thorough consideration of the virtue of religion, from which the state of life in question derives both its name and its inner significance. Such a work also happened to coincide with a personal project of Suarez, in short, to cover in his theological writings the entire scope of the Summa Theologiae of Saint Thomas Aquinas. The proposed study would nicely take care of questions 80-91 and 183-189 of the IIaIIae. Thus the Opus de Virtute et Statu Religionis was conceived. Despite Aquaviva's anxious concern, however, it would take some time to come to birth.

During the decade beginning in 1592, Suarez was forced to pursue his teaching, writing, and preparation of works for publication in the midst of numerous controversies and consultations, which involved extensive travel throughout the Iberian peninsula, and even to Rome. It was over ten years after Aquaviva's original letter, when Suarez had finally settled into the principal chair of theology at Coimbra in Portugal, before he was able to devote much attention to the Opus de Religione.⁴ The work turned out

4 SCORRAILLE, op. cit., v. 2, pp. 131-132.

to be monumental. Altogether, there were four volumes. The first two contained six treatises dealing with the virtue of religion. Suarez himself managed to get them prepared for publication in 1608 and 1609 respectively.⁵ The two volumes containing the four treatises on the religious state--the last of these being the original reason for the entire work, namely, the apologia for the Society--remained unpublished at his death in 1617.⁶ They were finally committed to print in 1624 and 1625 through the efforts of Jesuit Father Balthasar Alvares, the editor of the posthumous Suarezian corpus.⁷ Only in 1634 were the four volumes finally published together.

The Opus de Religione (or simply the De Religione) constitutes a massive theological and canonical study. In the last edition of Suarez' Opera Omnia, the most recent, critical edition of the Suarezian corpus, it takes up five separate tomes, Volumes XIII to XVI inclusive.⁸ The last of

5 FICHTER, op. cit., p. 275.

6 SCORRAILLE, op. cit., v. 2, pp. 141-142; FICHTER, op. cit., p. 326.

7 SCORRAILLE, op. cit., v. 2, pp. 386-387.

8 Francisco SUÁREZ, S.J., Opus de Religione (hereafter, D.R.) in the author's Opera Omnia, edd. M. Andre [et C. Berton], Parisiis, Apud L. Vives, 1856-1878

these volumes was so long that it had to be bound as two books. The work averages over a thousand pages per volume. Suarez' reputation for thoroughness and careful scholarship was never more in evidence than here. The six treatises on the virtue of religion are concerned respectively with the nature and essence of the virtue, positive precepts respecting the worship of God, negative precepts prohibiting vices contrary to the virtue, prayer, oaths, and vows. The final four treatises deal with the religious state. The first of these, Treatise VII of the entire De Religione, covers the nature of the state of perfection in general and then, in great detail, the religious state in particular. Treatise VIII is devoted to the obligations of religious. The diversity of religious institutes, according to which a typology of the religious state is developed, is the subject of Treatise IX. Finally, Treatise X comprises the explanation and defense of the institute of the Society of Jesus. These treatises amount to well over two thousand pages and

(hereafter, O.O.). Citations of D.R. here may include the number of the treatise (tractatus) in u.c. Roman numerals, followed by the number of the book (liber) within the treatise also in u.c. Roman numerals, and the number of the chapter (caput) within the book in l.c. Roman numerals. Paragraphs within each chapter are denoted by Arabic numerals. Each citation of D.R. is followed by a reference to O.O. cited by volume and page numbers in u.c. Roman and Arabic numerals, respectively.

present the comprehensive Suarezian doctrine of the religious state in the Church.

The present study is an attempt to treat of only a small, but nonetheless important, portion of Suarez' De Statu Perfectionis et Religionis on the state of perfection and religion, the last four treatises of the De Religione. Its focus is the first three books of Treatise VII, which include a general consideration of the canonical state of perfection, a more specific explication of the essential elements of the state of religion, in the strict sense of the term, and a brief investigation of the scriptural and historical foundations of the religious state.⁹ After this fundamental examination of the matter, Suarez proceeds in the final seven books of the treatise to expand at great length on more particular aspects of the state, namely: the vow to enter religion, entrance into the religious state and the novitiate, religious profession, invalid profession, and finally, the vows of poverty, chastity and obedience, each of which is treated in a separate book. Despite the interest, in some cases only historical, of the topics considered in these latter books, the fundamental Suarezian

⁹ These three books are to be found in O.O. XV, pp. 1-245.

teaching on the religious state, which is contained in the nearly two hundred and fifty pages of Books I to III, is what is of concern here.

Although Suarez' De Statu Religionis has long been admired as a major theological-canonical treatment of its subject matter, the imposing length of the work seems to have discouraged much critical discussion of its content. A few individual passages have been routinely cited in studies of the religious life and related topics, but there have been no comprehensive studies of the Suarezian doctrine in modern times.¹⁰ Among Spanish and Italian authors, there has been some interest in Suarez' doctrine of Christian perfection, and their contributions will be noted in the course of this study. The only monograph dealing with the work as a whole is little more than an uncritical summary.¹¹ One important

10 In the later scholastic period--the eighteenth and nineteenth centuries--there appeared extended "summas", that is to say, elaborate paraphrases of Suarez' work. Among these, for example, are to be found Conrado VOGLER, Summa Francisci Suarez . . . Operum de Religione Summa, conscripto a P. . . ., Dilingae, 1734, and Francois NOËL, S.J., Theologiae R.P. Fr. Suarez e Societate Jesu summa seu compendium, Parisiis, Apud L. Vives, 1888, 4 vv. Such works appear rather mechanical and contribute little or nothing to a critical understanding of the Suarezian doctrine.

11 Miguel NICOLAU, S.J., "Francisco Suárez y et estado religioso", Manresa, XXI (1949), pp. 121-138.

endeavor in English should also be noted here. About one hundred years ago, Father William Humphrey, an English Jesuit at Oxford, published what he called a "digest" of Suarez' doctrine on the religious state in three substantial volumes.¹² This is a free and freely abridged translation of the four treatises in question, and runs to about eleven hundred pages. Yet, in giving only "the marrow of the doctrine", Humphrey has covered less than a fourth of all the matter contained in the original work.¹³ Apart from providing an initial translation of some of the passages cited below, the "digest" has been of little help here. The main source for the present study has, of course, been the text of Suarez itself. What is attempted here is a critical exposition of the most fundamental portion of the Suarezian doctrine on the religious state in order to make it more accessible for study and discussion.

In general, there has been no attempt here to embark upon a study of Suarez' sources in this work. He copiously

12 William HUMPHREY, S.J., The Religious State: A Digest of the Doctrine of Suarez, Contained in His Treatise "De statu religionis", London, Burns and Oates, [1884], 3 vv.

13 HUMPHREY, op. cit., v. 1, p. v; cf. FICHTER, op. cit., pp. 276-277.

cites Sacred Scripture, the Fathers of the Church, and the theological and canonical tradition up to his own time. A comprehensive treatment of these sources would itself entail a massive study. Because Suarez was a Thomist, however, notice will be taken throughout this study of his use of Saint Thomas.¹⁴ What has been emphasized in the present consideration of the Suarezian doctrine is the inter-relationship between theology and canon law in the text. Indeed, it has been difficult to avoid. Suarez was accomplished in both fields of study, even though he is better known as a theologian and as a philosopher of law and society. In this work of "practical theology", however, he amply illustrates the ease and ability with which he can move from theory to practice, from theology to canon law. The De Statu Religionis, even in the limited portion treated here, provides a striking example of how speculative

14 THOMAS AQUINAS, St, Summa Theologiae: Latin text and English translation, Introduction, Notes, Appendices and Glossaries, New York, McGraw-Hill, 1964-1980, 61 vv. (hereafter S.T.). Citations of S.T. here follow this edition. These may include the number of the part (pars) in u.c. Roman numerals, followed by the numbers of the question (quaestio) within the part and the article (articulus) within the question in Arabic numerals. Most of Suarez' references are to questions 183 to 186 of IIaIIae, which are to be found in v. 47 of the above-mentioned edition of S.T. This volume is entitled The Pastoral and Religious Lives.

reflection and practical considerations may interact in a single work. It is revealed as an achievement, not only of profound scholarship, but also of both theological inspiration and practical insight.

CHAPTER I: THE PERFECTION OF CHRISTIAN LIFE

The religious state exists in the Church. This is the factual supposition with which Suarez begins Treatise VII of his Opus de Religione, the first of four treatises on the religious state. What he is seeking to understand here is the phenomenon of the religious life as lived throughout the history of the Church up to and including his own time.¹ In Book III of this treatise, he will explore the biblical origins and historical development of this phenomenon.² The purpose of Books I and II, however, is to examine the nature and essential conditions of the religious state as an ecclesial institution. This task requires that Suarez take note initially of the important distinction between the state of perfection and the religious state. Although the religious state is, in the traditional manner of speaking, a state of perfection (status perfectionis), not every state of Christian perfection falls under the heading of the religious state (status religiosus or religionis). Consequently, Suarez follows the standard scholastic procedure

1 D.R. VII, I, [introductory paragraph]: O.O. XV, p. 2.

2 Cf. section II of Chapter III, infra.

in treating first of the more universal of these concepts, the state of perfection, in Book I.³ Only then does he proceed in Book II to that particular species of the state of perfection which is the religious state.⁴ The present chapter is concerned with his treatment in Book I of the preliminary question of the nature of Christian life and perfection, while the nature of the canonical state of perfection is left to the chapter following.

I

THE STATE OF CHRISTIAN LIFE

It is quite common to speak of a state of perfection as one among many states of life within the Church. What is somewhat more unusual is to call the Church as a whole the state of Christian life, as Suarez does here. Such a designation implies that Christian life as such can be conceived of as a general or universal state of life which encompasses all of the particular states of life that are to be found within the Christian community. Any individual

3 Suarez' complete title for the book is: De statu perfectionis, variisque illius modis, seu speciebus (O.O. XV, p. 2).

4 Cf. Chapter IV, infra.

Christian, whatever may be his or her particular state--clerical or lay, religious or secular, married or single, to name a few--may thus be said to be in the general state of Christian life simply because of his or her Christian Baptism. The state of Christian life is common to all Christians, and all particular Christian states of life can be seen as subdivisions or substates of this overall state.

In order to distinguish the state of perfection from the state of Christian life in general, as well as from other particular Christian states of life, Suarez must first give an account of the concept of a state of life as such. Then he can deal with that general state of life which is specifically Christian and with its particular substates, among which the state of perfection is numbered.⁵ Of course, it is not necessary to speak of Christian life--or even the practice of perfection and the religious life--in terms of the philosophical-juridical concept of a state. When, however, one wishes to consider such formally-

5 The most recent and thorough consideration of Suarez' doctrine of "state" is to be found in Juan FORNÉS, La noción de "status" en Derecho Canónico, Pamplona, Ediciones Universidad de Navarra, 1975, pp. 149-161. This historico-canonical study investigates the concept of status as it has been used from patristic times up to the period of Vatican II.

recognized, ecclesial states as the canonical state of perfection and the religious state, then the use of this concept contributes greatly to the continuity and consistency of the discussion.

A. THE CONCEPT OF A STATE OF LIFE

The term, "state" (status), is, generally speaking, quite abstract in its meaning. In ordinary discourse, it has a wide variety of uses. For many specialists, moreover, from doctors and lawyers to scientists and philosophers, it is accorded very precise meanings in the contexts of their respective disciplines. A theologian and canonist like Suarez, when he is considering states of life, uses it in a personal sense. "State", he remarks at the beginning of his discussion here,

. . . when it is used in speaking of a person, always indicates two things, namely, the completeness of some condition or mode in which the person exists, and rest or immutability in that condition.⁶

If a person is said to be in a given state, therefore, the condition of that person must be in some sense complete, as

6 D.R. VII, I, i, 1: O.O. XV, p. 2: ". . . cum vero personae attribuitur, duo semper indicat, scilicet, perfectionem in aliqua conditione, vel modo existendi ejus, et quietem seu immutabilitatem in illa". The Latin perfectio is here translated literally as "completeness". When it is used in a more technical sense, as in perfectio Christiana or status perfectionis, it will be translated as "perfection".

opposed to inchoate or partial, and immutable or stable. Completeness (perfectio) and stability (stabilitas or immutabilitas), at least of a relative sort, are for Suarez the two basic attributes which characterize a personal state. But even this characterization is too abstract when one is speaking about states of life.

A state or condition in which a person exists may, among other distinctions that might be made, be either physical or moral. A state or way of life is primarily a moral, as opposed to a physical, condition of the person. As such it requires a moral completeness and stability. Suarez thus defines a moral state as ". . . an habitual disposition, so to speak, which is difficult to change because it is reinforced by custom or law or other like means".⁷ Such reinforcement induces obligation (obligatio), the element of moral stability without which a state of life cannot exist.⁸ It is obvious, however, that a given state of life, the unmarried state, for example, may be constituted not by the presence, but by the absence of obligation.

7 D.R. VII, I, i, 4: O.O. XV, p. 3: ". . . veluti habitum, qui est difficile mobilis, quia est vel consuetudine, vel lege, vel alio modo simili firmatus".

8 D.R. VII, I, i, 5: O.O. XV, p. 3; cf. S.T. IIaIIae. 183, 1, resp.

Following Saint Thomas, therefore, Suarez concludes that

. . . in general every [moral] state is constituted either through some obligation or through a lack of obligation; it is not obligation, therefore, that finally characterizes the concept of a state in general, but rather a relationship to obligation.⁹

This "relationship" (ordo) is, of course, either the presence or the absence of obligation.

On the other hand, it would seem that a lack of obligation, although it might be relatively complete in the case of a particular state of life, would fail to provide the stability requisite for a state of life. A single person may for the present be free of the obligations of marriage. At the same time, he may not intend, nor is he necessarily obliged, to remain so. It is also quite clear that not every obligation assumed by a person, a short-term debt, for example, would constitute a person in a particular state of life. This further element, according to Suarez, again following Saint Thomas, is that the obligation or lack thereof stems from a cause which is permanent (causa

⁹ D.R. VII, I, i, 6: O.O. XV, p. 4: ". . . in universum omnis status constituitur, vel per obligationem aliquam, vel per carentiam ejus; ergo obligatio determinate non est de ratione status in communi, sed ordo ad obligationem". Cf. S.T. IIaIIae. 184, 4, resp.

permanens).¹⁰ "Permanent" here is not taken in an absolute sense, but means "not easily changeable" or "difficult to change". Absolute immutability is not required since persons can and do change states of life with greater or lesser difficulty depending upon the particular states involved. In addition, it does not seem possible to determine a single kind of permanent cause for the stability of moral states in general. A vow may be such a cause in the case of some religious states of life, but not in the case of states which are secular or merely civil. Accordingly, Suarez reaches the following conclusion:

I hold, therefore, that a permanent cause of this kind, one sufficient to constitute a state, is not determinate with respect to mode or species, but is rather varied and manifold in accordance with the limitations of the matter with which the state is concerned. It can be said in general that a certain immobility proportionate to the matter is what is required for the concept of a state.¹¹

In other words, the immutability or stability of a given

¹⁰ D.R. VII, I, i, 8: O.O. XV, p. 4; cf. S.T. IIaIIae. 183, 1, resp.

¹¹ D.R. VII, I, i, 10: O.O. XV, p. 5: "Dico ergo hujusmodi causam permanentem, et ad statum constituendum sufficientem, quoad modum vel speciem non esse determinatam, sed esse variam et multiplicem, juxta capacitatem materiae in qua status versatur. Ratio in generali reddi potest, quia ad rationem status solum requiritur immobilitas aliqua materiae proportionata".

state of life is relative to the nature and character of that state.

The foregoing account of the concept of a state of life indicates an important characteristic of this concept as it is used in the Thomistic tradition. The central notions of obligation and lack of obligation here are derived from the social institution of slavery, still morally tolerated in the Europe of Suarez' day. It is this institution which provides the prime analogates for his consideration of states of life in general, and of the state of perfection and the religious state. All states of life are understood analogously in terms of bondage (servitus) and freedom (libertas). Any given state is seen as either a state of bondage or a state of freedom. The concept of a state of life does not, as has been noted, demand an absolutely immutable bond of obligation, but rather one that is morally, as opposed to physically, fixed and permanent.¹² In the case of a state of bondage, the bond is an obligation arising from a just and permanent cause. A state of freedom, on the other hand, ultimately finds the permanent cause of its stability in the natural law, although for a just and serious reason a person may

12 D.R., ibidem.

either have his natural freedom taken away or surrender it of his own free will. When these notions of bondage and freedom are applied to public and external states of persons, they can be used fairly literally. Their application to private and internal states, however, is understandably more analogous.

To illustrate the characterization of private and internal states in terms of bondage and freedom, Suarez offers examples of the use of the term "state" drawn from Christian theology, specifically, the state of sin and the state of grace. Although the former might appear to be a state of freedom from one's obligations owed to God, nevertheless, rebellion against God does not extinguish these obligations. Rather, it brings on for the sinner a debt of punishment and the bond of an inclination to evil. Thus mortal sin results in a permanent state of bondage which is difficult, in fact, humanly impossible, to change. The state of mortal sin is a complete and permanent, albeit unnatural, alienation from God, even though it is not constituted by any obligation, properly speaking, to live a certain way. The state of grace, on the other hand, is understood almost paradoxically as a state of freedom from bondage to sin and from the debt of punishment which follows upon it. Although it is principally a state of

bondage to God, nevertheless, such bondage is seen from a Christian perspective as true freedom for a human being, making him, in fact, God's friend. The state of grace does entail an obligation to love and serve God and to remain in His friendship, and its stability is derived from a permanent cause, grace itself, even though this may be lost through human frailty.¹³

Examples of public and external states are drawn by Suarez from the context of canon law. Here one may speak of the regular state and the secular state, the clerical and lay states, and the states of marriage, widowhood and virginity. The regular state, life lived under a religious rule, the completeness and stability of which is the result of the obligations of religious profession, vow, or some other kind of contract, is a state of bondage. Life lived "in the world", the secular state, is, on the other hand, a state of freedom from such obligations, deriving its permanence from the natural freedom of the individual human being. This latter state is generally divided into the clerical and lay states, which are respectively states of bondage and freedom, although Suarez considers the clerical

13 D.R. VII, I, i, 11-12: O.O. XV, pp. 5-6.

state as such to lack the stability requisite for a state of life.¹⁴ The married state is a state of bondage, having the marriage bond as the permanent cause of its obligations. Widows and virgins, however, are in a state of freedom from such obligations. Their state may, however, be transformed into a state of bondage if they, for example, should make vows of chastity.¹⁵ The state of perfection and the religious state, which are the principal subjects of Suarez' inquiry here, are canonical states like the foregoing, and are likewise to be treated in terms of bondage and freedom.

B. CHRISTIAN LIFE AS A STATE

The state of perfection and the religious state are ways of living the Christian life. They exist within the Church, which is, ". . . an association of human beings who through faith and works are tending toward supernatural happiness: and so the Church itself is a state of Christian, or spiritual, life".¹⁶ When it is viewed in this way,

14 Suarez' view on this point is discussed at greater length in FORNÉS, op. cit., pp. 157-159. V.q. section I, A of Chapter II, infra.

15 D.R. VII, I, i, 13-14: O.O. XV, p. 6.

16 D.R. VII, I, i, 16: O.O. XV, p. 7: ". . . congregatio hominum per fidem et opera tendentium in supernaturalem beatitudinem; et sic ipsamet Ecclesia est status vitae christianae, seu spiritualis". "Church"

however, the Church is not a single, unified state of life. It is divided into a state of the end or goal, "the Church triumphant", and a state of the way leading to that end, "the Church militant". And it is obviously the latter with which Suarez is concerned in the present context.

Although from its very name the state of the way seems to imply motion and change, and thus to lack the stability required of a state of life, nevertheless,

. . . the condition of a person, or way of life, oriented to moving toward and acquiring happiness, is called the state of the way because in it is found both a completeness and stability which fulfills the definition of a state within the limitations of the present life.¹⁷

The state of the way may be further divided into "the state of innocence", which unfortunately no longer exists, and the present state of the world, "the state of fallen nature". This latter might well be considered a state of

(Ecclesia) is here used in a general and inclusive sense. In the context of sixteenth-century theology, Suarez would hardly consider Orthodox or Protestant groups as "separated ecclesial communities", nor would he be aware of such twentieth-century questions as that of an "anonymous Christianity". For him, of course, the Church is concretely the Roman Catholic Church.

17 D.R. VII, I, i, 17: O.O. XV, p. 7: ". . . conditio personae, vel modus vivendi aptus ad tendendum in beatitudinem, acquirendo illam, dicitur status viae, quia in illo, et perfectio, et stabilitas ad rationem status juxta hujus vitae capacitatem sufficiens, invenitur".

death, rather than of life. Suarez remarks, however, that to the extent that in it there has been granted to humanity the grace sufficient to recover its lost health and to obtain eternal life, it is in fact a state of the life of faith, that is to say, a state ordered to obtaining life.¹⁸ He then adds immediately another division within the state of fallen nature:

And this state can be further divided into the state of the law of nature, the state of the old law, . . . and the state of the Church of Christ; and, leaving aside for the present the first two, we call the third the state of Christian life with which we are now dealing.¹⁹

This Christian way of life derives its completeness and stability from the visible community of Christ's Church, from the profession of faith made by Christians in Baptism, and from the support and helps available within the Church to maintain this faith in its members.

The state of Christian life, however, even when taken in the precise sense just outlined, manifests a further diversity of particular states of life. Some of these are

18 D.R. VII, I, i, 18: O.O. XV, p. 7.

19 D.R., ibidem: "Et hic status potest rursus distingui in statum legis naturae, statum legis veteris, . . . et statum Ecclesiae Christi; et duobus primis pro nunc omissis, tertium vocamus statum vitae christianae, de quo nunc tractamus".

primarily oriented to temporal concerns, for example, the married state, considered in itself and apart from its sacramental character in the Church. Others, spiritual states, are mainly directed toward the good of the soul and the attainment of eternal happiness, that is to say, with the Christian life as such.²⁰ These latter can be again subdivided in terms of whether they are chiefly concerned with the common good and spiritual government of the Church--clerical and lay states--or with the spiritual good of the individual--that is to say,

. . . various states of religion; and other ways of life of those persons who either profess continence or are especially dedicated to the service of the poor or to other works of religion or mercy.²¹

But the distinction within the state of Christian life with which Suarez is chiefly concerned in the second chapter

20 D.R. VII, I, i, 15 and ii, 1-2: O.O. XV, pp. 6-8.

21 D.R. VII, I, ii, 3-5: O.O. XV, pp. 9-10: ". . . varii status religionis; et alii modi vivendi earum personarum, quae vel continentiam profitentur, vel pauperum obsequiis, aut aliis operibus religionis et misericordiae [sic] specialiter dicatae sunt". With respect to their essential aspects, all such spiritual states are, of course, considered by Suarez to exist in the Church by divine institution. In reference to the former, he cites I Corinthians XII, 28, and Ephesians IV, 11-12. And he finds warrant for the latter in Matthew XIX, 11-12, and I Corinthians VII, 7 and 25. The use of such "proof-texts" reflects the polemical context of the post-Reformation period.

of Book I is that between the state of common life and the state of perfection.

The essential, or necessary and sufficient, completeness (perfectio) of Christian life

. . . consists in the life of grace and charity, and the profession of the Christian faith is ordered to the attainment of at least this completeness, and offers the necessary and sufficient means to attain it; in this respect, therefore, it is sufficient to constitute a state.²²

This general state of Christian life is called by Suarez the state of common life because it is necessary for salvation and is thus common to all of the Christian faithful. It derives its permanence and stability as a state from Christian Baptism, through which human beings become members of Christ's Church, and from the spiritual obligations which follow thereupon. The sacrament of Confirmation, as the complement to Baptism, adds no further obligation, but is seen rather as enhancing the completeness and stability of this state by endowing Christians with the means to defend and preserve their Christian way of living and thus to obtain salvation. "Completeness" and "stability"

22 D.R. VII, I, ii, 8: O.O. XV, p. 10: ". . . consistit in vita gratiae et charitatis, et ad hanc perfectionem ad minimum consequendam christiana professio ordinatur, et necessaria et sufficientia media proponit; ergo ex hac parte sufficiens est ad status constituendum".

must, however, be understood here in a relative sense because there also exists in the Church a state of life which, with reference both to obligations and to means, is more specific, and which embraces further means beyond those which are necessary for salvation.²³ This state possesses, therefore, a peculiar completeness and stability in comparison with the state of common life. Traditionally, it has been called the state of perfection.

The state of perfection is distinguished from the state of common life to the extent that it adds to the latter something better and more complete in the way of obligations and means. In reference to completeness, the state of perfection is the more inclusive state:

. . . Christian life contains the foundation of all salvation, and is necessary for [attaining] it; it is necessarily included, therefore, in every other state of salvation; and so the state of perfection exists, as it were, by addition to the state of Christian life.²⁴

Thus the state of perfection is, relatively speaking, more

23 D.R. VII, I, ii, 7: O.O. XV, p. 10.

24 D.R. VII, I, ii, 9: O.O. XV, p. 11: ". . . in vita christiana est fundamentum totius salutis, et ad illum [sic] est necessaria; ergo illam includi in omni alio salutari statu necessarium est; ergo status perfectionis habet se, quasi per additionem ad status vitae christianae".

complete and more precisely defined than the state of common life in terms of its obligations and its means for attaining salvation; whereas the state of common life is more fundamental because it is the substance and foundation of all other states of life in the Church. Suarez does add, however, the following caution:

The state of common life is so called not because in it human beings cannot perform works of supererogation and increase in spiritual perfection as much as they might wish, with God's help, of course; but rather because the state does not oblige them to do this, nor does it provide special means, nor in that kind [of state] do works possess a special stability.²⁵

On the other hand, he asserts that the state of perfection is more advantageous than the state of common life because it is more helpful in leading a Christian life as such. Although this state possesses a higher degree of obligation, nevertheless, it is more complete and well-defined, and thus a great help in following a Christian way of life.²⁶

25 D.R. VII, I, ii, 8: O.O. XV, p. 11: "Dicitur autem status vitae communis, non quia in illo non possint homines opera supererogationis facere, et in perfectione spirituali crescere, quantum voluerint, utique a Deo adjuti; sed quia status ad hoc non obligat, nec specialia media confert, nec in illo genere opera peculiarem stabilitatem habent".

26 D.R. VII, I, ii, 10: O.O. XV, p. 11.

Finally, this division of the state of Christian life into the state of common life and the state of perfection is formally adequate and comprehensive. Every Christian, whatever his state of life may be, is in either a state of common life or a state of perfection with respect to his final end. In terms of completeness and stability, there is no third kind of state.²⁷ If a person, by reason of his state of life, is bound by the obligations and is provided with the means necessary for salvation, he is in a state of common life. If his state of life, however, binds him by obligations and provides him with means which are added to those necessary for salvation, then he is in a state of perfection. Other proposed divisions of the state of Christian life are either mere enumerations of states of life in the Church, made without any formal principle of division and thus formally inadequate, or refer to degrees of Christian perfection actually attained by an individual within his particular state of life, whether it be of common life or perfection.²⁸ It remains for Suarez

27 D.R. VII, I, ii, 12: O.O. XV, pp. 11-12.

28 D.R. VII, I, ii, 11 and 13-15: O.O. XV, pp. 11-13
The latter type of division is treated by Suarez in the
thirteenth chapter of Book I. V. section I, B of chapter
III infra.

to determine more precisely the nature of the state of perfection as it exists within the Church.

II

THE NATURE OF CHRISTIAN PERFECTION

As a state of Christian life, the state of perfection is not primarily concerned with moral perfection in general, but rather with that kind of perfection which is specifically Christian. It is necessary, therefore, for Suarez to deal first with the nature of Christian perfection, the end or goal (finis) of the state of perfection. Only then can he proceed to treat the nature of the state of perfection itself, which is his main interest in Book I. The nature of Christian perfection is a theological question of great interest in itself, as well as being pertinent to the matter at hand. It is hardly feasible to discuss Suarez' treatment of it here in great detail.²⁹ For present purposes, it will be sufficient to indicate the two major foci of the

²⁹ The most recent detailed study is to be found in Jesús OLAZARÁN, S.J., "El concepto de perfección Cristiana según Francisco Suárez", Manresa, XXI (1949), pp. 9-52. Olazarán is especially helpful in pointing out the relationship between Suarez' account of Christian perfection and the doctrine of justification and sanctification to be found in his De Gratia (O.O. IX).

Suarezian argument: A) that the theological virtue of charity (charitas) is the essential perfection of Christian life, and B) that the perfection of charity consists in the habitual disposition of an individual to perform acts of the virtue. It is Christian perfection thus understood that is the goal of the state of perfection.

A. CHARITY AS THE PERFECTION OF CHRISTIAN LIFE

The term "perfection" (perfectio) means literally "completion", either the act of completing or the state of being completed. Taken in the latter sense, it indicates the relative completeness or fullness of a state. Suarez has already applied this notion of completeness to the more specific concepts of a personal state of life and the state of Christian life as such. Now he must come to a more precise and technical understanding of what it means to speak of the perfection of Christian life, both in general and as the goal or end (finis) of that particular state of Christian life which is the state of perfection. In the course of this discussion, the complexity of the concept of Christian perfection becomes apparent.

A key notion in the treatment of the concept of Christian perfection is that of virtue, the habitual disposition of a person to do what is good. Although

Christian perfection seems to require the presence of a number of particular virtues, both supernatural and moral, in the life of the believer, Suarez holds, along with Saint Thomas and the consistent theological tradition, that the perfection of Christian life consists solely in the theological virtue of charity (in sola charitate). He argues the truth of this fundamental viewpoint as follows:

. . . the perfection of anything whatsoever is its union with its ultimate goal; our ultimate goal is God, who is revealed to us by faith; therefore our perfection depends on union with God; but it is charity that unites us with God; for through it we remain particularly close to God; and thus through it we are made one spirit with Him, . . . for in this life we can be united to Him in no more complete way than through love. For it tends toward God as He is in Himself and subjects human beings especially to Him and renders them conformed to His will, which is the height of perfection; therefore the entire fullness of Christian life resides in the perfection of charity.³⁰

30 D.R. VII, I, iii, 5: O.O. XV, p. 14: ". . . unuscujusque rei perfectio est unio ejus ad suum ultimum finem; noster autem ultimus finis est Deus, qui nobis per fidem manifestatur; ergo perfectio nostra in unione ad Deum consistit; charitas autem est, quae nos Deo unit; nam per illam maxime adhaeremus Deo; et ita per illam unus spiritus cum ipso efficimur, . . . nullo enim perfectiori modo illi in hac vita uniri possumus, quam per amorem. Nam ille tendit in Deum prout in se est, et homines maxime illi subicit, ejusque voluntati conformes reddit, quae est perfectionis summa; ergo tota vitae christianae perfectio in charitatis perfectione posita est". Cf. S.T. IIaIIae. 184, 1, resp.: ". . . secundum caritatem specialiter attenditur perfectio vitae christianae". Suarez, along with the Thomistic tradition in general, finds St. Thomas'

Despite this argument, however, it would seem inappropriate to call the life of a Christian perfect or complete without the presence of other virtues, at least, of the other theological virtues of faith and hope and the cardinal moral virtues. Furthermore, charity alone seems hardly sufficient for the state of perfection, which entails much more specific obligations.

Suarez, on the other hand, finds the problem here to be one mainly of terminology. Accordingly, he states more precisely what it means to assert that in charity alone is found the perfection of Christian life in general and the state of perfection in particular:

. . . since it can be to a great extent a question of terminology, we observe that perfection can be ascribed to charity alone in three ways: first, essentially or substantially; secondly, principally; thirdly, totally, as to the uniquely adequate cause of all perfection.³¹

Each of these three ways in which charity is seen to be the perfection of Christian life, that is to say, as its

expression here--specialiter--to be equivalent to his own locution--sola charitas. Cf. D.R. VII, I, iii, 7: O.O. XV, p. 15.

31 D.R., ibidem: ". . . quia magna ex parte potest esse quaestio de modo loquendi, advertimus, tribus modis posse perfectionem tribui soli charitati: primo, essentialiter, seu substantialiter; secundo, principaliter; tertio, totaliter, ut causae unicae et adaequatae totius perfectionis".

essential, principal and total or all-embracing element, requires more detailed explanation.

In the first place, Suarez explains how charity is the essential perfection of Christian life:

In the first sense the matter is evident, because without doubt the essence of holiness and perfection resides in charity alone. . . . When we say "alone", however, either we do not exclude sanctifying grace, which provides a bond of friendship with God, which bond is sometimes indicated by the word "charity", . . . or the expression refers to perfection, which consists in an activity and in its proximate principle. For undoubtedly Christian perfection essentially consists in love of God and in charity as its principle. Both because it is this which unites a human being to God in this life; and also because it is this which sanctifies and purifies the heart, so to speak; in this, moreover, lies the essence of perfection.³²

Here Suarez makes clear that his doctrine of perfection does not deny the primacy of God's grace in the life of the Christian. "Charity alone" cannot exclude "sanctifying

32 D.R. VII, I, iii, 6: O.O. XV, p. 14: "In primo sensu res est clara, quia sine dubio essentia sanctitatis et perfectionis in sola charitate posita est. . . . Cum autem dicitur sola, vel non excluditur gratia gratum faciens, quae vinculum amicitiae cum Deo complet, quod vinculum nomine charitatis interdum significatur, . . . vel sermo est de perfectione, quae in operatione et in proximo ejus principio consistit. Sic enim absque dubio christiana perfectio in dilectione Dei, et in charitate, ut ejus principio, essentialiter consistit. Tum quia illa est quae in hac vita unit hominem Deo; tum etiam quia illa est quae sanctificat et purificat cor, ut dicimus; in hoc autem essentia perfectionis consistit".

grace" (gratia gratum faciens) because the reality described by the latter is the source and cause of the reality referred to by the former. In other words, perfection presupposes justification; charity exists in the believer only in virtue of the presence of "the grace which makes him pleasing" to God.³³ It is also clear that, beyond sanctifying grace, perfection necessarily involves love of God, an activity, which is not humanly possible without the infused supernatural virtue of charity, the proximate principle from which that activity flows. Charity is thus absolutely essential to Christian perfection, as well as to the state of perfection, which is oriented to the cultivation of that perfection.³⁴

The virtue of charity, however, is not only essential to the perfection of Christian life, but also its principal element. For Suarez, this is basically a corollary of the previous assertion:

. . . this part follows from the preceding one; for in anything whatsoever, that which is concerned with its essence is the more principal [element]; but the perfection of the soul consists essentially in charity; therefore the perfection of charity is

³³ For a lengthier discussion of this point, v. OLAZARÁN, op. cit., pp. 16-18.

³⁴ D.R. VII, I, iii, 8: O.O. XV, p. 15.

also more principally concerned with the perfection of the soul itself.³⁵

This conclusion also follows from the general nature of the state of perfection which is specifically oriented to the perfection of Christian life:

. . . but all those things which are found in and are demanded by the state of perfection, as such, are related to the perfection of charity, . . . therefore, it is in the perfection of charity itself that the perfection of Christian life principally consists.³⁶

Even granting the fairly obvious truth of such assertions, however, there still remains a question concerning the precise sense in which it is true to say that the perfection of Christian life resides in charity alone.

As the essential and principal element of Christian perfection, charity does not, of course, exclude the presence of other virtues. To assert, therefore, as Suarez does, that this perfection consists totally in the virtue of

35 D.R. VII, I, iii, 10: O.O. XV, p. 16: ". . . sequitur haec pars ex praecedenti; nam in unaquaque re id est principalius, quod ad ejus essentiam spectat; sed perfectio animae essentialiter in charitate consistit; ergo ejusdem charitatis perfectio principalius etiam ad ejusdem animae perfectionem spectat".

36 D.R., ibidem: ". . . sed omnia quae in statu perfectionis, ut talis est, inveniuntur et requiruntur, ad perfectionem charitatis ordinantur, . . . ergo perfectio ipsius charitatis est, in qua principaliter perfectio vitae christianae consistit".

supernatural charity is not to say that the presence of this virtue to the exclusion of others, whether theological or moral, is sufficient for Christian perfection, but rather that other virtues must be accompanied by charity and are dependent upon its presence in bringing about such perfection in the believer. Accordingly, Suarez makes the following distinction:

. . . it must be said that, in certain respects, that of final cause, at any rate, and of efficient cause, perfection consists in charity alone; but that formally, with respect to the immediate instrumental, or auxiliary cause, the perfection of Christian life embraces not only the perfection of charity, but also [the perfection] of all the rest of the virtues.³⁷

Thus it is as final cause or goal (finis) and as principal efficient cause (principalis movens) that charity uniquely constitutes the perfection of Christian life. In other words, as Suarez has already noted, charity unites a human being with God, the end or goal of Christian perfection, and purifies the heart, that is to say, removes the internal obstacles to this union, which would otherwise be impossible.

37 D.R. VII, I, iii, 11: O.O. XV, p. 16: ". . . dicendum est, secundum quasdam rationes, utique finis, et principalis moventis, perfectionem in unica charitate consistere; at vero formaliter, et in ratione causae proximae elicentis, seu ministratis, perfectionem vitae christianae non tantum perfectionem charitatis, sed etiam virtutum caeterarum includere". Cf. S.T. IIaIIae. 23, 3, ad 3.

As the goal toward which all other virtues are oriented, therefore, charity alone brings them to bear on the ultimate goal of Christian life, union with God, and is their principal effective cause.³⁸ In this sense, it alone is the total or all-embracing perfection of Christian life.

On the other hand, as Suarez observes,

. . . we cannot say without qualification that Christian or spiritual perfection consists entirely in charity alone, or that the sole formal perfection of Christian life is charity.³⁹

Other virtues are necessary as instrumental causes (causae proximae elicientes) of Christian perfection. They are very useful means for attaining perfection, "the instruments of charity itself" (instrumenta ipsius charitatis), and thus morally or practically necessary.⁴⁰ To put the matter in even more scholastic terms, they bring about perfection "accidentally" (per modum accidentis), or in a relative way (secundum quid):

Because every perfection of anything created is either essential or accidental. If, therefore, in

38 D.R. VII, I, iii, 12: O.O. XV, pp. 16-17.

39 D.R. VII, I, iii, 16: O.O. XV, p. 17: ". . . absolute dicere non possumus in sola charitate totaliter consistere christianam vel spiritualem perfectionem, vel unicum formalem perfectionem vitae christianae esse charitatem". Cf. S. T. IIaIIae. 184, 1, ad 1-3.

40 D.R. VII, I, iii, 17: O.O. XV, p. 18.

the spiritual life, charity alone, as has been stated, belongs to essential perfection, and all the rest of the virtues contribute also some perfection, it seems correct to conclude that [the latter] can add only accidental perfection.⁴¹

Without the presence of other virtues, charity itself will be something less than absolutely perfect; nevertheless, if even such imperfect charity resides in the believer, he can still be considered essentially perfect even though in an accidental or relative sense his perfection is still deficient. Conversely, the presence of other virtues without charity is, from a Christian point of view, a pointless perfection, as Saint Paul attests in I Corinthians XIII, 1-3. In the context of Christian perfection, the value of all other virtues is "absolutely relative" to the essential perfection of charity.⁴²

The only serious objection to the foregoing account of charity as the perfection of Christian life might arise in the case of the other theological virtues, faith and

41 D.R. VII, I, iii, 18: O.O. XV, p. 18: "Quia omnis perfectio alicujus rei creatae, vel essentialis est, vel accidentalis. Si ergo in vita spirituali sola charitas ad essentialem perfectionem pertinet, ut dictum est, et caeterae virtutes aliquam etiam perfectionem conferant, recte concludi videtur, solam accidentalem perfectionem addere posse".

42 D.R. VII, I, iii, 19-20: O.O. XV, pp. 18-19; cf. the fairly lengthy discussion of this question in OLAZARÁN, op. cit., pp. 39-45.

hope. Surely they differ from the merely moral virtues in that they are essential, not accidental, to Christian life and its perfection, at least in this world (in statu viae). One can love God out of charity only if one first knows Him by faith and trusts Him in hope.⁴³ Suarez agrees, of course, but goes on to make a further distinction in this manner of speaking between justification and perfection based upon the doctrine of the overall primacy of grace in Christian life. Just as perfection presupposes justification, so also does charity, the essential, principal, and all-embracing perfection of Christian life, presuppose faith, the essential foundation of that life, and hope, its essential support. The latter are thus seen to be materially necessary (materialiter necessariae) in a way that the merely moral virtues are not, for Christian perfection in the present life, without contradicting the thesis that the formal essence of such perfection consists in charity alone.⁴⁴

B. THE PERFECTION OF CHRISTIAN CHARITY

If charity is the essential perfection of Christian

43 D.R. VII, I, iii, 21: O.O. XV, p. 19.

44 D.R. VII, I, iii, 22-23: O.O. XV, pp. 19-20.

life, and if the state of perfection is concerned with cultivating in the Christian the perfection of charity, then it is important to be able to say precisely in what this perfection formally consists.⁴⁵ This has been a matter of controversy in the history of the Thomistic tradition, both before and after Suarez, whose treatment of it does differ in emphasis, although not radically, with the bulk of that tradition.⁴⁶ The crux of the question is whether one is to give more weight to the virtue of charity itself, the habit (habitus), or to acts (actus) of the virtue in characterizing its perfection. All the commentators agree that both aspects, the habitual and the actual, must be present to some degree if charity is to be called perfect. Some place this perfection more in the intensity of the habit. Others emphasize the frequency of acts of charity as the characteristic of perfection. Suarez, on the other hand, seeks a middle ground between

45 Obviously, in statu viae, perfection in loving God cannot be absolute and unlimited since this is totally impossible for a finite creature. Nor can it consist in love of God which is actually immutable and lacking in even venial defect. Such perfection belongs only to the blessed in statu finis. (D.R. VII, I, iv, 1-2: O.O. XV, pp. 20-21.)

46 V. OLAZARÁN, op. cit., pp. 23-25, cf. S.T. IIaIIae. 184, 2, where Saint Thomas' ambiguity on the question gives rise to the dispute.

these two extremes.

The basic statement of the Suarezian thesis is found in the fourth chapter of Book I:

Others . . . designate this perfection as a habit, not because it is found in habitual--even intense--charity alone; but in it being in such a state that it is able, promptly and without hindrance on the part of the subject, to perform its own acts, both those elicited and those commanded, even though it elicits no [particular] act.⁴⁷

The perfection of charity is thus understood to consist in two elements. First, there is the infused supernatural virtue, which makes acts of Christian charity possible. This element alone is necessary for the essential perfection of Christian life, but it is insufficient for the kind of perfection which is the goal of the state of perfection. For the latter, the essential virtue must be completed by a disposition of the virtue (in habitu ita disposito) which not only makes acts of charity possible, but also enables them to be performed with ease and promptness. Obviously, such perfection is not possible unless the impediments to

47 D.R. VII, I, iv, 5: O.O. XV, p. 22: "Alii . . . constituunt hanc perfectionem per modum habitus, non quod in sola charitate habituali, etiam intensa, posita sit; sed in illa talem statum habente, ut prompte et sine impedimento ex parte subjecti actus suos tam elicitos, quam imperatos exercere valeat, etiamsi actum nullum eliciat".

the unhindered and prompt performance of acts of charity have been removed, that is to say, that the human passions which might be opposed to such performance have been restrained by the acquisition of other, ancillary virtues.⁴⁸ The perfection of Christian charity, therefore, consists, properly speaking, in the virtue itself along with the habitual disposition which makes its possessor capable of performing acts of the virtue promptly and with ease. Both the virtue and its disposition, of course, presuppose and are essentially dependent upon God's grace.

There are two main arguments which Suarez makes in support of the foregoing thesis. Both clearly indicate that the proper perfection of the virtue of charity does not consist in acts of the virtue. The first argument is from the general character of the state of perfection:

. . . one is not inclined by this state to one particular act or continual activity, but [rather] to the acquisition of virtues, the control of affections, and the removal of all hindrances; so that a human being attains that permanent and stable disposition, in which he loves God connaturally, as it were, at certain times, and at others performs other works of the virtue, and always, insofar as human frailty permits, avoids even the least transgressions. And so this disposition and state of the person, permanent in the manner of a habit, so to speak, is the perfection of Christian life with

48 V. OLAZARÁN, op. cit., pp. 25-26.

which we are dealing.⁴⁹

The second argument follows immediately from the first:

. . . one can be perfect in this life, even though one were to elicit no particular act which is very perfect. This indicates, then, that this perfection does not consist in any most perfect act, but in the permanent disposition, which the observance of a state of perfection with frequent repetition of acts leaves unaffected.⁵⁰

Such a permanent disposition can exist even where intense feeling is lacking in a person's acts of charity. Thus it is clear that a particular act or acts of charity, even if intense and fervent, do not make one who performs them perfect in the virtue. If that were possible, it would mean that Christian perfection is either achievable by

49 D.R., ibidem: ". . . non tenditur per illum statum ad unum aliquem actum vel continuam operationem, sed ad virtutes acquirendas, et frenandos affectus, et tollenda omnia impedimenta; ita ut homo ad eam dispositionem permanentem et stabilem perveniat, in qua veluti connaturaliter quibusdam temporibus Deum amet, et aliis alia opera virtutis exerceat, et semper, quantum fragilitas hujus vitae patitur, minima etiam peccata evitet. Haec ergo dispositio et status personae, quasi per modum habitus permanens, est perfectio vitae christianae, de qua tractamus". Status personae here refers not to the public state of perfection, as understood canonically, but rather to the actual personal condition of one who is in fact perfect, whatever his state of life may be.

50 D.R., ibidem: ". . . potest quis esse perfectus in hac vita, licet nullum specialem actum valde perfectum elicerit. Ergo signum est hanc perfectionem non consistere in actu aliquo perfectissimo, sed in permanente dispositione, quam observantia status perfectionis cum frequentia actuum relinquit".

human effort alone, or a merely extrinsic moral perfection.⁵¹ In either case, the primacy of grace would be denied.

It might seem, however, that some frequency of acts of charity of a morally continuous nature would be necessary for the perfection of the virtue. Even here Suarez will not give ground:

. . . in fact this designation of a perfect human being is real, intrinsic, and permanent and lasting, even while the person is actually doing nothing; and so it must be derived from an intrinsic form [which is] real and permanent; and so neither one act nor the frequent repetition of acts alone can be the form, or perfection, by which a human being is designated as perfect.⁵²

In fact, Suarez goes on to assert that a person--the Blessed Virgin is the obvious example here--can be made perfect by God's efficacious will alone, apart from any activity of the person herself. Although this is not usually the case in the present life where a certain frequency of acts is morally necessary for the acquisition

51 D.R. VII, I, iv, 6: O.O. XV, p. 22.

52 D.R. VII, I, iv, 7: O.O. XV, p. 22: ". . . revera haec denominatio hominis perfecti, realis, intrinseca, et permanens ac durabilis est, etiam dum homo nihil operatur in actu; et ideo ab intrinseca forma reali ac permanente sumi debet; et ideo neque unus actus nec actuum frequentia sola potest esse forma, seu perfectio, a qua homo perfectus denominatur".

and preservation of perfection, nevertheless, the fundamental Suarezian thesis holds. Continuous acts of charity are proper only to the state of beatitude.⁵³ In this life however, the perfection of charity consists, formally speaking, in an habitual disposition of the person to perform acts of the infused virtue with ease and promptness, not in the acts themselves or their frequency.

If, on the other hand, the perfection of charity is not to be placed essentially in activity, perhaps it may be constituted by a certain intensity of the virtue beyond that found in the ordinary believer. To be called perfect according to this criterion, a person would have to possess some minimum "degree" (gradus) of grace and charity. Again, however, Suarez rejects the extreme position:

But this does not seem right to us. Hence I assert that no definite intensity of habitual charity is necessary for this perfection, and it follows that neither intensity alone, however great, suffices for this perfection, nor is it demanded, although, everything else being equal, it contributes

53 Further on, Suarez does admit that the highest degree of perfection in this life does in fact demand something beyond the intrinsic formal element of habitual disposition: "Hic autem charitatis gradus sine adminiculo et consortio aliarum perfectionum, quales sunt moderatio passionum, abnegatio rerum temporalium, et similes, haberi non potest . . .". (D.R. VII, I, iv, 19: O.O. XV, p. 27.)

greatly to this perfection.⁵⁴

Given that today it is not as common as it was in Suarez' time to speak of the degree or intensity of grace and charity, the general argument is nevertheless clear. A person may be quite correct in his fundamental relationship with God without being particularly disposed to perform either acts of supererogation or acts of other virtues by means of which inordinate affections are restrained and the practice of charity is facilitated. Such a person may be far from doing anything to break off completely his relationship with God--in other words, not in danger of sinning mortally--and quite faithful to the necessary obligations of Christian life, while being quite imperfect in almost everything beyond the absolute necessities--in other words, while often sinning venially. He would hardly be called perfect, despite the fact that the degree or intensity of grace and charity he possessed, considered strictly and essentially, could be said to be quite "high".

The converse of the foregoing example, moreover, is

54 D.R. VII, I, iv, 10: O.O. XV, p. 23: "Sed hoc nobis non placet. Unde dico nullam certam intensionem charitatis habitualis ad hanc perfectionem esse necessarium, ac subinde nec solam intensionem, etiam magnam, ad hanc perfectionem sufficere nec requiri, quamvis caeteris paribus multum ad hanc perfectionem conferat".

also possible. Someone who is endowed with a degree or intensity of grace and charity which is quite modest may, nonetheless, be strongly disposed to acts of supererogation and the moral virtues which support the practice of charity. Accordingly, Suarez can draw the following conclusion:

And so no degree of intensity is sufficient or necessary for this kind of perfection. The reason, moreover, is that this perfection is found in a certain appropriate disposition or related aptitude for acting perfectly in accordance with the precepts and counsels of Christ; but this virtuous disposition can be maintained and subsist along with a greater or lesser intensity of charity, because it does not come from intensity alone, and although intensity may help, what may be partly lacking in it could easily be made up from elsewhere.⁵⁵

If, therefore, the intensity of grace and charity in a person is a measure of his holiness, then clearly, in the Suarezian view, holiness and perfection are distinct realities, albeit not entirely, or even usually, separate conditions of the person.⁵⁶ Perfection is, moreover, a

55 D.R. VII, I, iv, 11: O.O. XV, p. 24: "Ergo nullus gradus intensiōis sufficit, vel necessarius est ad hoc perfectionis genus. Ratio autem est, quia haec perfectio in quadam convenienti dispositione seu habilitate proxima ad perfecte operandum juxta Christi praecepta et consilia, posita est; haec autem bona dispositio cum majori et minori charitatis intensiōe obtineri et subsistere potest, quia nec ex sola intensiōe provenit, et licet intensiō juvet, quod ex ea parte defuerit, facile poterit aliunde suppleri".

56 As OLAZARÁN, in op. cit., p. 33, points out,

disposition of the person to the practice of charity beyond what is essentially required in Christian life. This disposition is habitual, having a degree of permanence which is rooted in the infused supernatural virtue or habit of charity and, of course, in sanctifying grace. This perfection can thus be called a state, although not a state of life, but rather a relatively permanent condition of the person which is essentially dependent on neither the intensity of the virtue, nor the frequency of acts, of charity.⁵⁷ It is the perfection of charity, thus understood, that is the goal of the canonical state of perfection.

Finally, it should be noted that Suarez has thus far considered the perfection of charity only insofar as it extends to the love of God. Before he concludes his discussion of the nature of Christian perfection, however,

perfection does presuppose holiness, the presence of grace and charity, at least to some degree, even if no particular degree suffices or is necessary.

57 Cf. Eleuterio ELORDUY, S.J., "La moral suareciana", Anuario de la Asociación Francisco de Vitoria, IV (1943-45), pp. 97-189, where the present chapter of D.R. is discussed under the heading, "the perfection-state" (la perfección-estado), on pp. 174-183. Elorduy is obviously not dealing here with the canonically-recognized state of perfection, except in passing (p. 178). While his account is essentially correct, his concern in the article as a whole with Suarez' doctrine of purely moral perfection fails to accentuate the special character of Christian perfection as such.

he goes on to indicate how the perfection of charity is necessarily extended to two other objects: the love of neighbor and the fulfillment of the divine will. The latter is not really a separate object since it is an integral and primary aspect of the perfection of love of God:

Both because love is in this way not only affective, but also obediential, as they say. And in addition because, whatever good is striven after by such love, is loved for the sake of God Himself, as a person loved out of benevolence; therefore all of this belongs to the primary perfection of charity, which is [found] in the love of God.⁵⁸

Charity necessarily includes, therefore, doing what God commands, and its perfection seeks in addition to do what He counsels.⁵⁹

The two great precepts of God's law, moreover, are concerned with both the love of God and the love of neighbor.⁶⁰ Suarez follows Saint Thomas in commenting on these commandments when he asserts that

58 D.R. VII, I, iv, 16: O.O. XV, p. 25: "Tum quia hoc modo amor non solum est affectivus, sed etiam obedientialis, ut vocant. Tum etiam quia, quidquid boni per talem amorem concupiscitur, ipsi Deo, tamquam personae ex benevolentia amatae, diligitur; ergo totum hoc ad perfectionem primariam charitatis, quae est in amore Dei, pertinet".

59 D.R. VII, I, iv, 17: O.O. XV, p. 26; cf. S.T. IIaIIae, 184, 2, resp.

60 Matthew XXII, 34-40 and the synoptic parallels.

. . . both precepts are united, because both belong to charity by their essential nature. Principally, to be sure, and of themselves firstly, they are fixed upon God, and secondarily upon the neighbor.⁶¹

In other words, God is to be loved for Himself, while the neighbor is to be loved on account of God. Charity, however, essentially demands both loves. God is the primary object of charity, while the neighbor is its secondary object, yet, for that reason, no less essential. The perfection of charity necessarily entails the perfection of love in both cases.⁶² The essential formal element of Christian perfection, therefore, consists in a habitual disposition of the infused supernatural virtue of charity which is oriented to the easy and prompt performance not only of acts of love of God Himself, including the fulfillment of His will, but also of acts of love of neighbor. In both cases, this perfect charity seeks to go beyond what is absolutely necessary for salvation to a more perfect love of God and neighbor.

61 D.R. VII, I, iv, 14: O.O. XV, p. 25: ". . . utrumque praeceptum conjungi, quia utrumque per se et essentialiter pertinet ad charitatem, principaliter vero ac per se primo prout ad Deum, secundario vero prout ad proximum terminatur". Cf. S.T. IIaIIae. 184, 2, ad 3, and 3, resp.

62 D.R. VII, I, iv, 15: O.O. XV, p. 25.

The canonical state of perfection, the subject of the chapter which follows immediately, is a substate of the general state of Christian life. In the initial chapters of Book I, Suarez has made use of the philosophical-juridical concept of a state of life to interpret the nature of that way of life which is common to all Christians. He has, in addition, provided a theological elucidation of the concept of Christian perfection, especially as it might be utilized in discussing the state of perfection. The perfection of Christian life, in the essential sense of the supernatural virtue of charity, is demanded of all Christians and is characteristic of the state of Christian life in general. In its special or "accidental" sense, however, Christian perfection denotes the way of life which characterizes the canonical state of perfection. In his treatment of the latter, Suarez will make use of all of the concepts, both theological and juridical, which have been thus far introduced. Furthermore, these concepts will enable him to offer an account of the ecclesial institution of the religious state which is both theologically sound and canonically precise.

CHAPTER II: THE CANONICAL STATE OF PERFECTION

Christian perfection itself and the canonical state oriented to its attainment and practice are distinct realities. At the beginning of the fifth chapter of Book I, Suarez makes this distinction between perfection and its state very clearly. He argues here from everyday experience. For surely a Christian could be perfect, in the sense discussed in the previous chapter, without formally professing the state of perfection. On the other hand, a Christian could live in a state of perfection, formally speaking, but not in fact be perfect, just as a person can assume the obligations of marriage and then not fulfill them. Any religious will verify that this can and does happen, even in a state of perfection such as a religious community. It is obvious, therefore, that although the canonical state of perfection is quite useful for becoming and remaining perfect, it is in no way either a necessary or a sufficient means to that end.¹ Accordingly, in view of the scholastic dictum that two realities which can exist separately from one another are really distinct, Suarez'

1 D.R. VII, I, v, 1-2: O.O. XV, p. 27.

distinction between Christian perfection and its canonical state follows directly.² These are distinct realities, related to each other respectively as end or goal and means, albeit non-essential, to that end.

The foregoing distinction, along with the preceding discussion of the nature of Christian perfection, enables Suarez to present an initial definition of the state of perfection as ". . . a certain professed way of life, or particular mode of living, which is lasting and stable, devised for the attainment and practice of the perfection characteristic of Christian life".³ This spiritual, yet canonically-recognized, state of life is oriented primarily to the good of the individual who professes it, in contrast to ministries or offices in the Church, which are oriented primarily to the good of others. Of course, a particular state of perfection, for example, a religious community, can be instituted to help others since service of the neighbor is an act of perfection.⁴ In any case, it

2 D.R. VII, I, v, 3: O.O. XV, p. 27-28.

3 D.R., ibidem: O.O. XV, p. 28: ". . . quaedam vitae professio, seu quidam vivendi modus, firmus et stabilis, ad propriam perfectionem vitae christianae obtinendam vel exercendam institutus". Cf. S.T. IIaIIae. 184, 4.

4 D.R. VII, I, v, 4: O.O. XV, p. 28.

is of the essence of the state of perfection that it has as its goal an habitual disposition in one who professes it to perform special works or acts of Christian life.⁵ What these acts are, and how their practice is institutionalized in a permanent and stable way of life--that is to say, the nature of the canonical state of perfection --is the subject of the present chapter.

The nature of the state of perfection can be most conveniently understood from the Suarezian point of view in terms of the ordinary scholastic distinction between matter and form. The matter, the material aspect of the state, is, of course, Christian perfection itself, which in the present context is discussed in terms of the observance of the evangelical precepts and counsels. Suarez follows, in general, the traditional approach. The form, the formal aspect of the state, on the other hand, consists in its essential conditions, those canonical conditions necessary to verify the existence of the state either in an individual or in a communal way of life. Suarez treats of these conditions in the fifth and twelfth chapters of Book I. In the intervening chapters, we find his lengthy discussion of the role of the precepts and counsels as the

5 D.R. VII, I, v, 5: O.O. XV, p. 28.

material aspect of the state of perfection. The present exposition first considers this latter section before proceeding to Suarez' formal characterization of the canonical state.

I

THE MATTER: EVANGELICAL PRECEPTS AND COUNSELS

According to Suarez' account of the nature of Christian perfection, the perfection of charity consists in an habitual disposition in the believer to perform works of supererogation, acts of charity and of other virtues as well which go beyond what is absolutely necessary for salvation. Works required for salvation are those commanded by God, and thus obligatory, acts of precept (praeceptum). Works of supererogation, on the other hand, are those which God invites the believer to perform freely. Because there is no obligation involved here, they are called acts of counsel (consilium). Both precepts and counsels are called evangelical (evangelica) because they are rooted in the teachings of the Christian Gospel, and the practice of the evangelical counsels is held to be characteristic of the state of perfection. In the history of the Church, however, and especially in the post-

Reformation period, this distinction between precepts and counsels has not always been accepted without controversy. It is important, therefore, for Suarez' arguments A.) to vindicate the distinction itself, primarily in terms of obligation, B.) to defend the notion of an evangelical counsel in the strict sense of this term, and C.) to explain how both precept and counsel constitute the matter of the canonical state of perfection and which of these is the principal element in this context.⁶ Accordingly, he devotes ample attention to each of these topics.

A. THE DISTINCTION BETWEEN PRECEPT AND COUNSEL

The distinction between precept and counsel can be set

⁶ The most extensive discussion in the literature concerning the argument of this section of D.R. is found in Francesco CULTRERA, S.J., Carità e vocazione nel "De Religione" di Suarez, Roma, Herder, 1967: Ch. I, "I Consigli Evangelici nel Suarez", pp. 23-45, and Ch. iii, "Il Precetto della Carità nel Suarez", pp. 71-90. The focus of Cultrera's work is the question of vocation and the obligation of an individual to follow a vocation to the religious state. Suarez treats of this subject primarily in Books IV and V of Treatise VII, but Book I is of obvious relevance since it deals with the basic obligations of Christian life and perfection. The question of vocation seems to have been a topic of more interest a generation ago than at the present time. Other applications of Suarezian thought to this question may be found in U. OLIVERO, S.D.B., "La vocazione religiosa secondo il pensiero di Francesco Suarez (1548-1617)", Salesianum, XV (1953), pp. 268-283, and Ladislaus RAVASI, C.P., De vocazione religiosa et sacerdotali, Romae, Edizioni Fonti Vive, [1957], pp. 72-79.

forth very simply and clearly. Precepts are God's commandments, whose observance is absolutely necessary for salvation. They are concerned with matters of obligation. Counsels, however, are invitations by God to do something more and, in some sense, better than what is absolutely necessary. Their observance is a free response of the believer to such invitations. In themselves, they involve no external obligation. Suarez states the distinction in these words:

. . . I submit that a counsel is like a precept in that it must be concerned with a good action. . . . it belongs to the definition of "counsel" that it concern an action which is not prescribed; for this is the first condition by which we distinguish counsel from precept.⁷

The basic distinction is, therefore, negative, but is not itself sufficient to characterize a counsel:

. . . because there can be a good action which is neither a precept nor a counsel, but merely virtuous, yet of a lesser order. Such is the act of matrimony, or getting married . . . Secondly, therefore, it is required for an act of counsel that it be an action which is better than its opposite, or than something else which is incompatible with it. . . . hence, comparatively speaking,

7 D.R. VII, I, vii, 1 and 6: O.O. XV, pp. 34 and 36: ". . . suppono consilium in hoc convenire cum praecepto, quod esse debet de opere bono . . . de ratione consilii est, ut sit de opere non praecepto; nam haec est prima conditio, in qua distinguimus consilium a praecepto".

the act of counsel may be called simply good,
but the other [act] relatively [good].⁸

In addition to involving a good action performed not from obligation, but as a free response to the divine invitation, a counsel must be concerned with an action which is also better, in some sense, than its opposite, even though the latter is itself good. The superiority of an act of counsel is, of course, rooted in its utility or helpfulness, at least in the abstract, in acquiring the perfection of charity in one's life.

However, considering that charity is a matter of precept for all Christians, controversy arises on the question of whether there can exist a counsel, the matter of which would be necessarily non-obligatory, with respect to this absolutely essential Christian virtue. In other words, is not charity always a matter of precept, that is, of obligation? If this is so, then the distinction between precept and counsel disappears. Such a question was, to be

8 D.R. VII, I, vii, 6-7: O.O. XV, p. 36: ". . . quia potest esse opus bonum, nec praeceptum, nec consilium, sed tantum honestum, inferioris tamen ordinis. Hujusmodi est actus matrimonii, seu nubendi . . . Secundo ergo requiritur ad opus consilii, ut sit opus melius quam oppositum ejus, seu quam aliud sibi impossibili. . . . unde comparative opus consilii dici poterit bonum simpliciter, aliud vero secundum quid".

sure, the subject of many heated polemics between Catholics and Protestants in Suarez' day, as well as in succeeding centuries.⁹ Of course, Suarez assumes that any denial of the distinction between precept and counsel is heretical.¹⁰ This assumption does not, however, prevent him from arguing the case for the distinction in a thoroughgoing manner. The polemical context of his time demanded it, and the question itself is important.

The present study is concerned with the positive content of the Suarezian viewpoint, rather than with its controversial aspects. The argument here is developed primarily from scriptural exegesis. For the Christian, God's precepts and counsels are fundamentally evangelical, that is to say, they are communicated to the believer through the words of Jesus Christ in the gospels and the teachings of the apostolic writings. Only after Suarez has dealt with such scriptural passages in the sixth chapter of Book I does he turn to certain speculative

9 Among the Reformers whom Suarez confronts on this question are Luther, Melancthon and Calvin. He also refers to earlier adversaries of the distinction, among them Pelagius, Jovinian and Wycliff. (D.R. VII, I, vi. 1-2: O.O. XV, p. 31). CULTRERA, op. cit., pp. 33-35, cites Luther, Calvin and Peter Martyr in this connection.

10 D.R. VII, I, vi, 6, p. 32.

theological considerations. His purpose throughout is to show that there truly exist evangelical counsels given by God in addition to His precepts. A few examples will suffice to indicate how Suarez argues from scripture.

In support of the existence of the counsel of virginity, Suarez adduces Matthew XIX, verses 10-12, arguing as follows:

. . . when the Jews had contended: "If such is the case of a man with his wife, it is not expedient to marry", he [Jesus] approved the judgment, and admitting the consequence, so to speak, said: "Not everyone can accept this teaching", and: "Let him accept this teaching who can". And afterwards He said, "there are eunuchs who have made themselves eunuchs for the sake of the kingdom of heaven", that is to say, voluntarily refraining from marriage, so that they might better, more completely, and more easily attain the kingdom of heaven".¹¹

He goes on immediately to argue for the existence as a counsel of the renunciation of temporal goods, using verses 17-21 of the same chapter of the Gospel:

Of a second counsel, in fact, Christ said: "If you would be perfect, go, sell what you possess",

¹¹ D.R., ibidem: O.O. XV, p. 32: ". . . cum Judaei [sic] intulissent: Si ita est causa hominis cum uxore, non expedit nubere, ipse approbat sententiam, et quasi consequens admittens, ait: Non omnes capiunt hoc verbum, et: Qui potest capere capiat. Et postea dicit, esse quosdam eunuchos, qui se castraverunt propter regnum coelorum, utique voluntarie abstinentes a conjugio, ut melius, perfectius et facilius regnum coelorum consequantur".

where the phrase, "if you would be perfect", reveals that the matter has been set forth in a free and lawful choice, apart from precept. For he had already stated concerning what is of necessity: "If you would enter life, keep the commandments". The expression, however, "Go, sell", etc., shows that the counsel concerns a matter which is plainly free and most useful, although morally necessary on the assumption of a prior purpose of attaining perfection.¹²

Although Suarez' exegesis of these passages may not exhibit the sophistication of contemporary scholarship, he has made a plausible case for the scriptural basis of the two counsels in question.

Suarez also makes use of the apostolic teachings of the New Testament to argue for the existence of evangelical counsels as distinct from precepts. For example, again in connection with virginity, he cites Saint Paul in I Corinthians VII, especially verses 25 and 40:

"Now concerning the unmarried, I have no command of the Lord, but I give a counsel". Not, to be sure, by his own, and human, inspiration, but by that of God; and so he says: "As one who by the Lord's

¹² D.R., ibidem: O.O. XV, pp. 32-33: "De altero vero consilio ait Christus: Si vis perfectus esse, vade, et vende omnia quae habes, ubi particula, si vis perfectus esse, ostendit rem esse positam in libera et licita electione, absque praecepto. Nam de necessitate jam dixerat: Si vis ad vitam ingredi, serva mandata. Verbum autem Vade et vende omnia, etc., monstrat esse consilium de re simpliciter libera et utilissima, quamvis necessaria moraliter ex suppositione prioris voluntatis consequendi perfectionem, . . .".

mercy is trustworthy". And at the end of the chapter he says again concerning the widow, or chaste woman: "She will be happier if she remain as she is in accordance with my counsel. And I think that I have the Spirit of God". Clearly then, Paul distinguishes an action commanded by God from an action which the Spirit of God counsels but does not command. And he is speaking explicitly about a spiritual counsel, or about a matter which, of its nature, is pleasing¹³ to God and most useful for spiritual progress.

Suarez goes on to treat in similar fashion the saying of Jesus about "useless servants" in Luke XVII, 10, Paul's assertions about his ministry in I Corinthians IX, 15-16, and Peter's words to Ananias in Acts V, 4.¹⁴ Finally, he refers briefly to the abundant testimony he finds in the Fathers of the Church to support his exegesis here.¹⁵ Using this kind of exegesis, he provides a grounding in scripture for the fundamental distinction between precept and counsel.

13 D.R. VII, I, vi, 7: O.O. XV, p. 33: "De virginibus praeceptum Domini non habeo, consilium autem do. Non utique spiritu proprio, et humano, sed divino; et ideo ait: Tamquam misericordiam consecutus a Domino, ut sim fidelis. Et in fine capitis iterum dicit de vidua, seu casta muliere: Beatior erit si sic permanserit secundum meum consilium; puto autem quod et ego spiritum Dei habeam. Evidenter ergo Paulus distinguit opus praeceptum a Deo, ab opere quod Spiritus Dei consulit, et non praecipit. Et loquitur aperte de consilio spirituali, seu de re quae et per se Deo placet, et ad spiritualem profectum utilissima est; . . .".

14 D.R. VII, I, vi, 8-9: O.O. XV, pp. 33-34.

15 D.R. VII, I, vi, 10: O.O. XV, p. 34.

This basic scriptural exegesis is completed by a more speculative theological reflection on the distinction between precept and counsel. The Suarezian argument here can be conveniently paraphrased in rather simple terms: A counsel is, by definition, concerned with an action or actions which are good. But not all actions which are good are commanded by God, that is to say, matters of precept. There are some good actions, therefore, which are left to the free choice of the individual, that is to say, matters of counsel.¹⁶ Crucial to the argument is the demonstration that not all good actions are matters of precept. From a common-sense point of view the truth of this assertion seems obvious. Prayer and almsgiving are good actions, but one is not commanded to be praying or giving alms, at least, not all the time. As a matter of fact, Suarez notes, it is of the nature of affirmative precepts, those that command actions, that they do not oblige continuously. If such precepts did so oblige, and if all good actions were matters of precept, then one would be obliged to perform all good actions all of the time, an absurd and impossible task. An affirmative precept, therefore, obliges one to do something at a particular time or

16 Cf. D.R. VII, I, vii, 1: O.O. XV, p. 34.

times, for example, the precept to attend Mass on Sundays and holydays. At other times, such a precept does not oblige one to do anything. What is a matter of precept for a particular time is for the rest of the time a matter of counsel.¹⁷ Thus it follows that, since not all good actions are, or even could be, commanded, some of them must be matters of counsel only. The distinction between precept and counsel is again vindicated.

In the remainder of the seventh chapter, Suarez develops the speculative approach even further. Most of the argumentation is of little interest for the present study. At the end of the chapter, however, there is a passage worthy of note. In discussing the requirement that an act of counsel should be, in some sense, better than its opposite, the action or actions incompatible with it, Suarez observes that, among good actions which are not matters of precept, some are in fact better than their opposites. Arguing inductively, he asserts this state of affairs

17 D.R. VII, I, vii, 2: O.O. XV, pp. 34-35. Of course, there are also negative precepts, those which prohibit actions which are absolutely or relatively evil, such as those of the Ten Commandments which begin with "Thou shalt not . . .". Such precepts do oblige continuously. To observe them all the time may be difficult, but it is not an impossible or absurd obligation.

. . . can be made evident and proven in the case of virginity and marriage, in that of the ownership of wealth, or poverty, [and] in that of the bond of obedience, and freedom of the will. It should only be observed in these and other matters that not only individual positive actions are brought together under the heading of good actions which are not commanded, but also a number of privations which, although they are not acts, nor are they always brought into being and maintained through positive acts, are nevertheless good and virtuous objects which, insofar as they can be loved, or willingly maintained, are said to fall under the heading of counsel.¹⁸

That counsels can have as their objects deprivations or renunciations is important, especially in the case of the three examples given here, namely, virginity, poverty and obedience. For it is these three renunciations that provide the matter for the evangelical counsels in the strict sense of the term, that is to say, the counsels traditionally associated with the canonical state of perfection and the religious state. It is to these particular counsels and their vindication that Suarez now turns.

18 D.R. VII, I, vii, 10: O.O. XV, p. 38: ". . . potest declarari et probari in virginitate et matrimonio, in divitiarum dominio, vel paupertate, in obedientiae jugo, et libertate voluntatis. Solum est in his et aliis observandum, sub operibus bonis non praeceptis comprehendi non tantum propria opera positiva, sed etiam nonnullae privationes, quae licet non sint actus, nec per positivos actus semper fiant aut conserventur, nihilominus sunt objecta bona et honesta, quae quatenus amari possunt, vel voluntarie conservari, dicuntur sub consillium cadere".

B. THE EVANGELICAL COUNSELS AND THE PRECEPT OF CHARITY

All counsels, as well as all precepts, of the Lord are for the Christian evangelical, incorporated in the Gospel message. It is a fact, nevertheless, that the practice of some virtues--namely, chastity, poverty and obedience, along with some kind of commitment to their practice, usually made in the form of a vow or vows--is peculiarly characteristic of the canonical state of perfection. Accordingly, these virtues are called evangelical counsels in a special and strict sense of the term. On the other hand, it would seem that the acts of any virtue, insofar as such acts are not matters of precept, could be considered to be counselled by the Gospel teaching.¹⁹ Suarez handles this difficulty, however, with his usual incisiveness:

Counsel can be distinguished as general and particular. I call [a counsel] general or universal not because it is not concerned with particular and defined matter. That indeed is impossible, since actions are concerned with individual [objects]; but because it is not given solely on account of its own goodness, but also on account of its usefulness for other virtues, especially for the acquisition of the perfection of charity. For this reason such a counsel can be called universal in its causality, not in its essence. On the other hand, I call that counsel particular which is given about a certain action solely on account of its

19 D.R. VII, I, viii, 1: O.O. XV, p. 38.

own goodness, and is preferred to other [actions] which are less good.²⁰

There is a clear distinction, therefore, between general and particular counsels. And among the former are numbered chastity, poverty and obedience because of their usefulness in bringing about in the individual who practices them other virtues, especially the perfection of charity.

To the three major evangelical counsels can be added a fourth general counsel, not from the point of view of matter, but rather from that of manner. This is the counsel to confirm the practice of the other three by vow. The counsel of vowing can, of course, be applied universally to any virtue and has the general effect of transforming matters of free choice into matters of obligation by virtue of a promise made to God. It is not, however, usually counted among the evangelical counsels in the special and

20 D.R. VII, I, viii, 2: O.O. XV, p. 38: "Distingui . . . potest consilium in generale et particulare. Voco generale seu universale, non quia non versetur circa materiam particularem et determinatam, id enim est impossibile, cum actiones sint circa singularia; sed quia non datur solum propter suam honestatem, sed etiam propter utilitatem ad alias virtutes, praesertim ad perfectionem charitatis obtinendam, ratione cujus dici potest tale consilium universale in causando, non in essendo. Particulare autem consilium voco illud, quod de aliquo opere solum propter suam ipsius honestatem datur, et aliis minus bonis praefertur".

strict sense previously noted.²¹ Poverty, chastity, and obedience are thus commonly called the evangelical counsels, or the counsels of perfection, or simply the counsels. Because of their preeminence in the teaching and example of Jesus, moreover, they are characteristic of the canonical state of perfection in general, and are, when confirmed by vow, essential to that particular state of perfection which is the religious state in the Church.²² Although they are primarily negative in character, essentially involving renunciation and deprivation of lesser goods, nevertheless, they are oriented to removing obstacles to the attainment of a greater good, the perfection of Christian charity.

At this point in the argument, however, a major difficulty arises concerning the perfection of the virtue of charity since it is central to Christian life and to the state of perfection. The problem involves particular counsels and is broached by Suarez in the following manner:

Very many particular counsels can be enumerated, and they have a place in the matter of every virtue . . . And this can be made evident because, especially in the very actions of precept in the case of

21 D.R. VII, I, viii, 3: O.O. XV, pp. 38-39.

22 D.R. VII, I, viii, 6-7: O.O. XV, pp. 39-40.

whatever virtue, counsel has a place by reason of circumstances.²³

Thus the mere performance of acts of a given virtue--for example, attendance at Mass, an act of the virtue of religion--is often a matter of precept for particular individuals at particular times. A Catholic is obliged to attend Mass on Sundays and holydays. Certain circumstances accompanying such acts--for example, the frequency of their performance or the manner in which they are performed --are matters of particular counsel. So also are measures taken to avoid an evil if the evil is a relative one. To take measures to avoid an absolute evil is, of course, always a matter of precept. In any case, if particular counsels have a place in the matter of any virtue whatsoever, even a virtue whose actions are sometimes a matter of precept, then they must have a place in the matter of charity.²⁴ But this is precisely where the difficulty appears. Does the distinction between precept and counsel hold for the unique case of the virtue of Christian charity, or is this virtue always a matter of precept? To state

23 D.R. VII, I, viii, 4: O.O. XV, p. 39: "Particularia . . . consilia quam plurima recenseri possunt, et in omni materia virtutis habent locum . . . Et declarari potest, quia imprimis in ipsismet operibus praecepti in quacumque virtute habet locum consilium ratione circumstantiarum".

24 D.R. VII, I, viii, 5: O.O. XV, p. 39.

the question even more generally: Does the centrality of the precept of charity for Christian life and perfection leave room for any evangelical counsels, matters which are not of obligation, but which may be freely embraced out of love for God and in response to His invitation?

Because the problem of the distinction between precept and counsel with respect to charity in particular is linked with the controversy about the distinction in general, Suarez again bases his argument on scriptural exegesis and supplements it with speculative reflection. Here in the ninth chapter of Book I, however, the two aspects of the argument are quite closely intertwined. The Suarezian view is focused on the great precept of charity found in Matthew XXII, 37, and its synoptic parallels: "You shall love the Lord your God / with your whole heart, / with your whole soul, / and with all your mind". This "greatest and first commandment" would, at first glance, seem to demand virtually a continuous and intense act of love of God to the exclusion of all other actions, virtuous or otherwise, and to the exclusion of all other objects of love. In short, there would appear to be no limits to the requirements of the precept of charity.

Suarez disagrees with the foregoing thesis, understood

in this absolute sense, not simply because of the precept of love of neighbor which follows it almost immediately (v. 39), but also for more intrinsic reasons:

. . . when it is said "with your whole heart", nothing else is commanded except that "we love" God as "our final end", for there "heart" means the will. Hence "with your whole heart" is the same as "with your whole will"; the whole will, moreover, is adequately supposed, so to speak, to tend towards its final end, because it prefers it to all things, and desires all things somehow on account of it, and in it, and consequently loves it above everything else. Thus we are not bound by that precept to love God with supreme effort and intensity, but rather with supreme estimation, as they say. Likewise we are not commanded to be engaged in this act of love all the time, because that precept is affirmative, and does not bind at all times.²⁵

Nor is love of anyone or anything other than God forbidden by this commandment:

. . . because that [phrase], "with your whole heart", does not exclude an orientation of the will towards other things which are genuinely lovable,

25 D.R. VII, I, ix, 5: O.O. XV, p. 41: ". . . cum dicitur ex toto corde, nihil aliud praecipitur, nisi ut Deum, tamquam ultimum finem nostrum diligamus, ibi enim cor voluntatem significat. Unde ex toto corde, idem est quod ex tota voluntate; voluntas autem tota quasi adaequate censetur tendere in ultimum finem, quia illum praefert omnibus, et omnia vult aliquo modo propter ipsum, et in ipso, et consequenter illum super caetera diligit. Sic ergo illo praecepto non obligamur diligere Deum summo conatu vel intensione, sed summa appreciatione, ut aiunt. Item non praecipimur ut semper in hoc actu dilectionis versemur, quia praeceptum illum affirmativum est, et non obligat pro semper".

since they are not incompatible with the love of God. . . . on the strength of that phrase, therefore, we are only forbidden to fix our whole heart on something other than God, that is, to say, by loving something else as final end.²⁶

Thus the precept of charity, which commands one to love God as the "final end" of one's life, does not demand continuous and intense love of God, nor does it require good actions of other virtues, except such as are morally necessary to preserve one's love for God in the sense understood here. Taken negatively, moreover, it prohibits whatever excludes this love, namely, mortal sin.

The Suarezian interpretation of the precept of charity obviously makes room for the existence of counsels in the Gospel teaching, both in the matter of charity and in the practice of other virtues:

. . . it is clear that counsels are not excluded by this precept because it does not follow from it that all good actions in particular, seeing that they can be performed both at different times and in great diversity, are enjoined by this precept. . . . Therefore, good actions, which are not commanded of their nature or by other positive laws, are not commanded in virtue of the single precept of love of

26 D.R., *ibidem*: O.O. XV, p. 42: ". . . quia illud, ex toto corde, non excludit intensionem voluntatis ad alias res honeste amabiles, cum illae non repugnent amoris Dei. . . . solum ergo prohibemur ex vi illius particulae, ut totum cor in alio, praeter Deum, non figamus, utique aliquid aliud ut ultimum finem diligendo".

God; and correspondingly they can be of counsel, notwithstanding that precept of love of God.²⁷

It follows that there are many acts of charity, as well as of other virtues, that are matters of counsel, at least when they are not mandated by other precepts. Suarez follows such a line of argumentation throughout much of this rather lengthy chapter (ix), both in the interpretation of scripture and in confronting possible objections. It is hardly necessary, however, to enter into greater detail at this point. The Suarezian position is clear in holding that the evangelical precept of charity does leave room for the observance of evangelical counsels in both the broad and the strict sense of the term.

Suarez concludes his argument with several summary observations on the notion of a counsel. A counsel is clearly not a matter of obligation. It does not bind under pain of sin, even venial.²⁸ Actions performed in response

27 D.R. VII, I, ix, 6: O.O. XV, p. 42: ". . . manifestum est per hoc praeceptum non excludi consilia, quia ex eo non sequitur omnia bona opera in particulari, et prout in diversis temporibus, et in magna varietate fieri possunt, esse per hoc praeceptum mandata Ergo opera bona quae ex se, vel aliis positivis legibus praecepta non sunt, ex vi solius praecepti dilectionis Dei non praecepiuntur; et consequenter possunt esse sub consilio, non obstante illo praecepto dilectionis Dei".

28 D.R. VII, I, ix, 22-23: O.O. XV, p. 47.

to a counsel must, therefore, be done freely and spontaneously, and the omission of such actions involves no guilt, except, of course, in the case where such an omission is a rejection of the counsel as a more useful means of attaining salvation and perfection.²⁹ For a counsel is a sign of the Divine Will, not as commanding, but rather as inviting, or, as Suarez puts it, "in the manner of a desire" (per modum desiderii). As such, a counsel is not sufficient to induce obligation.³⁰ It is the canonical state of perfection, moreover, characterized by the observance of evangelical counsels, which most commonly embodies this invitation and desire of God in a concrete manner within the Christian community.

C. THE PRINCIPAL MATTER OF THE CANONICAL STATE

In considering the nature of the perfection of Christian life, which is the goal of the canonical state of perfection, Suarez made a fundamental distinction between

29 D.R. VII, I, ix, 24-25: O.O. XV, pp. 47-48.

30 D.R. VII, I, ix, 26: O.O. XV, p. 48. As an example here, Suarez observes: ". . . licet Deus voluerit efficaciter me esse religiosum, non me ad id obligavit". Obviously, Suarez' understanding of a counsel as not at all inducing obligation has great relevance for the question concerning the obligation to follow a religious vocation. V. CULTRERA, op. cit., pp. 36-43.

essential and accidental perfection.³¹ Now that he has vindicated the further distinctions between precepts and counsels in general, and between the evangelical counsels and the precept of charity, he is able to state more precisely what the original distinction between essential and accidental perfection entails with respect to the matter of the state of perfection. The essential perfection of Christian life consists in the fulfillment of the evangelical precept of charity, the two great commandments of love of God and love of neighbor, at least to the extent necessary for salvation--in other words, for the avoidance of mortal sin. The accidental perfection of Christian life, on the other hand, not only presupposes this essential perfection, but also involves an habitual disposition of the believer to perform works of counsel, both of charity and of other virtues which facilitate the practice of charity. The canonical state of perfection, insofar as it is distinguished from that state of life which is common to all the Christian faithful and which demands at least the essential perfection of charity, adds to the latter the accidental perfection of charity by means of the observance of evangelical counsels as a more useful

31 Cf. section II, A, of Chapter I, supra.

means to the attainment of salvation.³²

In light of the foregoing analysis, two questions need ultimately to be considered: Which are the evangelical counsels whose observance is necessary for the existence of a canonical state of perfection? And which is the more principal element of the state of perfection, the essential fulfillment of God's precepts or the observance of His counsels? The answer to the latter question is somewhat complicated, while the former can be handled relatively simply.

Suarez' response to the first question is succinct and to the point:

You might ask which are the counsels whose observance and profession is necessary for the state of perfection. I reply that Saint Thomas deals with this at question 186, article 2, while treating of the religious state, and so we shall say more in detail in the following book. For the present we can establish only a negative principle, namely, that not all counsels are necessary for every single state of perfection . . . For it is evident from reason, both because not all counsels can be implemented at the same time; and because not all are fitting and appropriate for every state.³³

32 D.R. VII, I, x, 1-5: O.O. XV, pp. 49-50.

33 D.R. VII, I, x, 6: O.O. XV, p. 50: "Inquires quorum consiliorum observantia vel professio ad statum perfectionis necessaria est. Respondeo, de hoc agere D. Thomam ad q. 186, art. 2, dum tractat de statu religionis, et ideo in libro sequenti plura in particulari

The important point established here is that the general concept of a state of perfection is not univocal, but includes the notion of a diversity of substates. Neither the general concept of a state of perfection nor that of a particular substate requires the observance of all possible counsels since this would be absurd. Rather, each particular state of perfection, whether embodied in an individual or a community, entails the following of those counsels which are appropriate (proportionata) to it.³⁴ Various canonically recognized states of perfection are thus distinguished from one another, at least in part, according to their particular matter, that is to say, those counsels whose observance is appropriate to each state respectively.

The second question, whether Christian perfection, along with the state of life oriented to its attainment,

dicemus. Nunc solam negativam regulam statuere possumus, nimirum non omnia consilia esse necessaria ad omnes et singulos perfectionis status . . . Ratione enim est evidens, tum quia non omnia consilia possunt simul impleri; tum quia non omnia sunt consona et proportionata cuicumque statui". Cf. S.T. IIaIIae. 186, 2-5.

34 D.R. ibidem: O.O. XV, pp. 50-51. Suarez discusses this question in more detail later in Book I and in Book II. V. Chapters III and IV, infra.

consists more principally in the fulfillment of precepts or in the observance of counsels, cannot be treated as summarily as the first. Furthermore, it is at the heart of the matter of the state of perfection. At this point, moreover, Suarez must resolve an apparent disagreement with Saint Thomas on the question. The latter, in the relevant article of the Summa, seems to hold that the fulfillment of God's precepts, especially the great precept of charity, is a more principal element in the matter of perfection and its state than the observance of evangelical counsels.³⁵ Suarez takes the argument of the Angelic Doctor quite seriously, presenting it very cogently at the beginning of the eleventh chapter of Book I.

The Thomistic argument involves two main points: First, what is of the essence of a thing is a more principal element of it than its accidental characteristics; but the fulfillment of God's precepts is of the essence of Christian perfection, while the perfection of the counsels is accidental, or non-essential, since Christian perfection can exist without the latter kind of perfection, but not without the former. The conclusion is obvious in light of

35 S.T. IIaIIae, 184, 3: cf. CULTRERA, op. cit., pp. 81-88 for a more complete discussion of the positions of the two authors.

the great precept of charity--in Matthew XXII, 37, and its synoptic parallels, as well as Deuteronomy VI, 5--and the established thesis that the essence of perfection consists in charity. Secondly, the principal goal of the state of perfection is the substantial love of God, which is a matter of divine precept, and the fulfillment of God's commandments are a necessary means to that end; the counsels, on the other hand, are only a more useful means to that end. The fulfillment of the precepts is accordingly, absolutely required for perfection and, therefore, its more principal element.³⁶ Clearly, then, Saint Thomas' argument has force.

Suarez contends, however, that there is a very important sense in which the counsels and their observance are the more principal element of Christian perfection. In so doing, he makes use of a position taken by Saint Thomas in another part of the Summa:

Nevertheless, that the observance, or profession, of the counsels is more principally necessary for the state of perfection can in the first place be argued from a certain doctrine of Saint Thomas, . . . where he says that a created thing is not simply

36 D.R. VII, I, xi, 1-2: O.O. XV, p. 51. Suarez also adduces here patristic evidence to support the view of charity as end, other precepts as necessary means, and counsels as remote and non-essential means of Christian perfection and its state.

good, nor perfect by its essence, but through the accidents which complete the essence. From this principle we conclude that, although Christian life essentially consists in acts of the precepts, nonetheless it is established in a state of being simply good and perfect through acts of the counsels. From this, therefore, it seems right that it be inferred that the counsels are more principally required for the state of perfection, than are the precepts.³⁷

The crux of the argument here is that what makes Christian life perfect, in the strict sense, (simpliciter perfecto), is the addition of the observance of the counsels to the fulfillment of the precepts. Thus the observance of the counsels is, properly speaking, said to pertain to the form of Christian perfection, that which makes it essentially what it is (quae [eam] in tali esse formaliter constituit). Accordingly, Suarez goes on to argue that this is so,

. . . because the perfection of charity is not enjoined, neither is it acquired nor aimed at, by the precepts, but only the substantial elements of

37 D.R. VII, I, xi, 3: O.O. XV, p. 51: "Nihilominus consiliorum observantiam, seu professionem ad statum perfectionis principalius necessariam esse, imprimis suaderi potest ex quadam doctrina D. Thomae, . . . ubi ait rem creatam non esse bonam simpliciter, nec perfectam per suam essentiam, sed per accidentia, quae essentiam perficiunt. Ex quo principio colligimus, quod licet vita christiana essentialiter consistat in actibus praeceptorum, nihilominus in statu simpliciter bono et perfecto constituitur per actus consiliorum. Hinc ergo videtur concludi consilia principalius requiri ad statum perfectionis, quam praecepta". Cf. S.T. Ia. 5, 1, ad 1.

charity, so to speak; by the counsels, however, the perfection of charity is aimed at and acquired, although not enjoined; therefore they more principally coincide with the state of perfection than do the precepts.³⁸

What God's precepts command is substantial charity, the essential perfection of love of God and neighbor. It is the counsels, which are not of themselves necessary or obligatory for the Christian, which aim at the perfection of charity, in the strict sense.

Since the perfection which is aimed at in the canonical state is not an absolute necessity of Christian life, but rather a better and more useful way of Christian living, it is most appropriately not a matter of precept. Within the canonical state, however, the intention to become thus perfect in charity, is transformed into a freely-accepted obligation. The matter of this obligation is precisely the observance of counsels in addition to precepts. To the possible objection that the precepts, in addition to containing the essential perfection of charity

38 D.R., ibidem: O.O. XV, p. 52: ". . . quia per praecepta non mandatur, nec acquiritur, nec intenditur perfectio charitatis, sed solum substantialia charitatis, ut sic dicam; per consilia autem intenditur et acquiritur perfectio charitatis, licet non mandetur; ergo principalius concurrent ad statum perfectionis quam praecepta".

as a matter of obligation, in the same way contain the accidental perfection of the counsels as their end (finis), Suarez responds in the negative. This is because there would then be no proper proportion between end and means. The fulfillment of precepts is by itself not appropriate means to attaining the added perfection which comes only through the observance of counsels.³⁹ With regard to the canonical state of perfection, moreover, the greater perfection to which it is oriented is simply not capable of being effected through the necessary fulfillment of God's commandments alone. No one is bound, therefore, to profess the perfection of the evangelical counsels in virtue of the obligation of the precepts.⁴⁰ For Suarez there remains the difficulty of reconciling this viewpoint with the position of Saint Thomas that the fulfillment of the precepts is the more principal element of Christian perfection.

At this point, Suarez returns to the distinction, mentioned at the beginning of this chapter, between Christian perfection itself and the canonical state of life oriented

39 D.R. VII, I, xi, 4: O.O. XV, p. 52.

40 D.R. VII, I, xi, 5: O.O. XV, p. 52.

to its attainment, a distinction between end and means. The perfection of charity, as the goal of all Christian living and of the state of perfection, may be considered in itself without respect to any other end. The canonical state, on the other hand, can be viewed in two ways: first, with respect to the perfection of charity to which it is oriented, its end (finis), and secondly, in itself, that is, in terms of its formal or proximate efficient constitutive principles (id quo in suo esse formaliter vel efficienter proxime constituitur).⁴¹ It is in light of this distinction that Suarez is able to draw the following three conclusions: First, Christian perfection, considered in itself, demands the fulfillment of God's precepts as an element more principal than the observance of the counsels. Perfection includes both elements, of course, but the former is essential, and thus more principal here, while the latter is accidental. In this context, Saint Thomas' argument holds.⁴² In the second place, the state of perfection, considered with respect to its end, the perfection of charity, includes both the fulfillment of precepts and the observance of counsels, but more prin-

41 D.R. VII, I, xi, 6: O.O. XV, pp. 52-53.

42 D.R. VII, I, xi, 7: O.O. XV, p. 53.

cipally the former. For it is clear that the fulfillment of God's commandments is the more principal element of the perfection of Christian charity. The observance of the evangelical counsels, which is not an essential element here--and can, in fact, exhibit a variety of forms--is oriented only to achieving, preserving and enhancing the essential perfection of Christian life, the perfection of charity. Again the Thomistic position is upheld.⁴³ The third conclusion is, however, different.

When Suarez considers the canonical state of perfection in itself without respect to its final end, he finds that its formal essence is constituted more principally by the observance of the counsels than by the fulfillment of the precepts. This conclusion follows from the fact that the state of perfection is itself a matter of counsel, not of precept. In addition, it is clear that the necessary fulfillment of all God's precepts, however perfect it may be, does not itself place a person in the state of perfection.⁴⁴ To these considerations Suarez adds the argument that a person can be in a canonical state of perfection--for example, by having professed the vows of

43 D.R. VII, I, xi, 8-10: O.O. XV, pp. 53-54.

44 D.R. VII, I, xi, 12: O.O. XV, pp. 54-55.

the religious state--while at the same time being very imperfect in the fulfillment of God's commandments. It follows that it is the profession of the evangelical counsels rather than the fulfillment of the precepts that is the formal and proximate efficient cause of the state of perfection, and thus its more principal element.⁴⁵ With this conclusion, moreover, Saint Thomas seems to be in accord. For he would agree that the canonical state of perfection is a state of bondage in that it is constituted by some kind of obligation, not imposed by precept, but rather freely assumed by an individual in response to a counsel of the Lord.⁴⁶ Such an obligation is one of the formal constitutive elements which make the state of perfection what it is. The freely-assumed observance of the counsels is the formal principle which has the moral effect of inducing a permanent obligation in the state.⁴⁷ In the context of the canonical state, therefore, the counsels become not merely instruments of perfection, but also, through some kind of commitment to their observance, the principal matter of the state.

45 D.R. VII, I, xi, 13: O.O. XV, p. 55.

46 D.R. VII, I, xi, 14: O.O. XV, p. 55; cf. S.T. IIaIIae, 184, 4 resp.

47 D.R., ibidem.

Accordingly, the perfection of the counsels, which is intrinsic to the state of perfection, is not to be found, strictly speaking, in the fulfillment of the precepts, even as an ultimate goal. As Suarez argues the point,

. . . if we are to speak strictly and rigorously, the perfection of supererogation is not only not commanded as matter on which the obligation of precept falls, but it is also not contained in the precepts in the manner of an end, because the precepts are not, in fact, given for the sake of that end, nor do they of themselves tend in that direction.⁴⁸

He would add a qualification here, namely, that this modus loquendi applies only to perfection in this life (in statu viae). Obviously, the fulfillment of the commandments, as a necessary means of salvation, does contain as its final cause the more comprehensive perfection of beatitude in the life to come (in statu finis). The distinction between precepts and counsels is concerned, however, with states of life in statu viae. Within this context of the present life, the fulfillment of God's precepts is absolutely necessary for the essential perfection of Christian life in

48 D.R. VII, I, xi, 15: O.O. XV, p. 55: ". . . si proprie et in rigore loquamur, perfectionem supererogationis non solum non praecipi ut materiam, in quam obligatio praecepti cadat, verum etiam nec per modum finis in praeceptis contineri, quia praecepta revera non dantur propter illum finem, nec per se illuc tendunt".

the world, while the practice of evangelical counsels is required for the added perfection which is the goal of the canonical state.

Finally, Suarez takes note of a distinction between two kinds of counsels in terms of their respective roles in bringing about Christian perfection. There are some counsels whose proper matter and activity is charity, the love of God and neighbor. For example, there is the willingness to give one's life, either literally or figuratively, for the love of God or of one's neighbor, where this is not demanded by essential charity. Other counsels, however, are properly concerned with other virtues which support and facilitate the practice of charity. The obvious example here is the profession of the evangelical counsels, in the strict sense. In light of this distinction, Suarez remarks that

. . . counsels which are given in matters of other virtues, especially the moral ones, are properly called instruments, so to speak, for acquiring perfection. . . . But the counsels which have a place in the very acts of charity contribute not only instrumentally, but of themselves, as it were, to the excellence of perfection, either formally in the very act of charity, or, if the discussion concerns habitual perfection, of themselves increasing the habit, at least dispositionally.⁴⁹

49 D.R. VII, I, xi, 16: O.O. XV, p. 56: ". . .

Even considering the counsels alone, therefore, there is a definite primacy awarded to charity in the matter of perfection.

To summarize the Suarezian position concerning the matter of the canonical state of perfection, it can be said that this matter includes both the fulfillment of God's precepts and the observance of His counsels as they are found in the Gospel teaching. From the perspective of the end, or final cause, of the state, which is the attainment and practice of the perfection of Christian charity, the fulfillment of the precepts is the more principal element of perfection, because their fulfillment is absolutely essential to Christian perfection, whether within or outside the canonical state. In relation to the formal or efficient causes of the state, however, the counsels are the more principal element, because a freely-assumed commitment, or obligation, to observe them is the element which specifically characterizes the canonical

consilia quae dantur in materiis aliarum virtutum, praesertim moralium, recte vocari quasi instrumenta perfectionis acquirendae At vero consilia, quae in ipsis actibus charitatis locum habent, non solum instrumentaliter, sed quasi per se conferunt ad excellentiam perfectionis, vel formaliter in ipso actu charitatis, vel, si de habituali perfectione sermo sit, per se augendo habitum saltem dispositive".

state. In this respect, the practice of evangelical counsels is the more principal or essential matter of the canonical state of perfection.

II

THE FORM: ESSENTIAL CONDITIONS OF THE STATE

Already, in his discussion of the matter of the canonical state of perfection, Suarez has found it necessary to consider a formal element of the state, namely, obligation. Unlike actions which are matters of precept, acts of counsel are not of themselves matters of obligation. Only when a person freely assumes an obligation to perform at least some acts of counsel, do such actions become an element--and, in one sense, the principal element--of the matter of the state of perfection. Obligation, however, which is in some form a condition of any state of life because of the requirement of moral immutability or stability in such a state, is not the only formal condition of the canonically recognized state of perfection. In fact, Suarez finds the essential formal conditions of the state to be five in number: A.) that the state be an external way of life; B.) that it involve an obligation to remain permanently in this way of life; C.)

that the aforesaid obligation come into existence with some kind of canonical solemnity; D.) that the state be established for the purpose of practicing perfection; and E.) that the acts of perfection proper to the state be external.⁵⁰ These five conditions do require some explanation, especially the third (C.) and the fifth (E.). Otherwise, they can be understood more or less in a straightforward manner.

A. THE EXTERNAL CHARACTER OF THE STATE

The state of perfection with which Suarez is concerned here is said to be canonical because it is publicly recognized in the Church. The way of life it embodies must, therefore, be so recognizable. Hence the necessity of the first condition:

. . . that this way of life be external and visible, and consequently that it be undertaken by an external action or profession, so to speak, . . . since this state is considered not only in relation to God, who alone sees into the heart, but also in relation to the Church, which is visible and does not pass judgment on hidden matters. Hence, as I would

50 D.R. VII, I, v, 6-10: O.O. XV, pp. 28-30; cf. S.T. IIaIIae. 184, 4, resp., where, according to Suarez, Saint Thomas expressly states two of these conditions. The text of Saint Thomas, however, seems actually to enumerate three, namely, obligation, solemnity, and the externality of actions, whereas the other two, the externality of the state and the purpose of practicing perfection, can be said to be implicit or presupposed there.

put it, it is not an angelic, but rather a human state; there is a need, therefore, that it be established through actions which can become known to human beings and to the visible Church.⁵¹

Ecclesiastical states, both clerical and lay, come into existence, properly speaking, through external actions which are "visible" to the Christian community. For example, the conjugal state is initiated through the celebration of matrimony, the sacerdotal state through ordination, and even the all-encompassing state of Christian life itself through the celebration of Baptism. If a person attains a certain degree of perfection without, however, professing any external state of perfection, such a person may well be in a "state of perfection" in the sight of God, but that state will not be, properly speaking, canonical, that is to say, publicly recognizable by the Church. This would be true even if the person had made a private vow to follow a particular way of life leading to the attainment of perfection.⁵² Of course, such

51 D.R. VII, I, v, 6: O.O. XV, p. 28: ". . . ut hic vivendi modus sit externus et visibilis, et consequenter ut per externam actionem vel quasi professionem assumatur, . . . quia hic status non tantum attenditur in ordine ad Deum, qui solus intuetur cor, sed etiam in ordine ad Ecclesiam, quae visibilis est, et de occultis non judicat. Unde, ut sic dicam, non est status angelicus, sed humanus; ergo opus est ut per actiones constituatur quae omnibus et visibili Ecclesiae innotescere possint".

52 D.R., ibidem.

a private "state of perfection" would in its structure be imitating the model of the canonical state, but would lack the first essential condition of the latter, an external or public character.

One further point should be noted here. Throughout his entire discussion of the canonical state of perfection, Suarez does not make any distinction between the state as it may be realized in the life of an individual and as it is embodied in the institutional structures of a concretely existing religious community--in other words, as what is called an institute of perfection. Of itself, the general concept of a state of perfection demands no such distinction and, in fact, embraces both forms, the individual and the communal, in which the state may be realized concretely. Because the discussion remains quite general at this stage, Suarez does not need to make the distinction explicit. When he comes to treat specifically of the religious state, however, which is almost exclusively undertaken, according to the traditional practice of the Church, by an individual entering a community which is formally recognized as religious in terms of its institutional structures, then he does consider the distinction at some length.⁵³ At this

⁵³ Cf. the introductory paragraphs of Chapter IV, infra.

point, however, he ignores it, even though someone accustomed to thinking of the state of perfection only in terms of the communal form which it takes in the religious state might be looking for it here. In the Suarezian account, the general notion of the canonical state of perfection admits of a great deal more diversity in its concrete modes of realization than does the more restricted concept of the religious state.

B. THE OBLIGATION OF PERMANENCE

It follows from the general concept of a state of life that any particular state possess a relative immutability or permanence. Thus the second essential condition of the canonical state of perfection requires

. . . that such a style, or profession, of life have some obligation connected [with it], at least, of remaining in such a way of life . . . Thus in the state of perfection a proportionate permanence is necessary; but it cannot possess that permanence from any source other than obligation, since it does not possess it from the nature of the matter, since it would [then] depend on free will; it is proper, therefore, that it be reinforced by some obligation.⁵⁴

54 D.R. VII, I, v, 7: O.O. XV, p. 29: ". . . ut hujusmodi ratio, seu professio vitae aliquam obligationem conjunctam habeat, utique permanendi in tali genere vitae . . . In statu ergo perfectionis immobilitas proportionata necessaria est; non potest autem aliunde illam habere, quam ex obligatione, quia ex natura rei illam non habet, cum a libera voluntate pendeat; ergo oportet ut per aliquam obligationem firmetur".

A simple intention or resolution, freely made, to perform particular works of perfection or to live in a certain way does not produce the permanence requisite to a state of life, since it can just as freely be changed. Such an intention does not of itself bring about a change in one's state of life. For this kind of change, some moral bond of obligation is required. Of course, the obligation must be freely accepted. Once this is done, however, there comes into existence a moral bond which cannot be changed by the individual who has accepted the obligation simply at will. This bond of obligation is what provides the moral immutability necessary for any state of life. The canonical state of perfection in particular is not, of course, exempt from this second condition, the obligation of permanence.

C. CANONICAL SOLEMNITY

How the aforementioned bond of obligation comes into existence is the subject of the third essential condition. According to Suarez, it requires ". . . that such obligation come into being with some kind of solemnity".⁵⁵ Here the term "solemnity" is, to be sure, technical in nature.

⁵⁵ D.R. VII, I, v, 8: O.O. XV, p. 29: ". . . ut talis obligatio cum aliqua solemnitate fiat".

The solemnity demanded in this context may be defined as some external action of an individual which would, in general, be sufficient to establish a publicly recognized obligation in any human situation. If this notion of solemnity is applied to the canonical state of perfection, it can be said ". . . that at least it is necessary that such obligation be produced by some external and visible act of which the Church can be certain".⁵⁶ When it comes to specifying more exactly just what kind of act is required, however, there is possibly a controversy involving certain canonical aspects of the matter. The dispute here is concerned with whether the public act necessary to constitute a person in a canonical state of perfection must be a solemn promise to God, that is to say, a vow, in the strict sense of the term.⁵⁷ Suarez takes up the question in the twelfth chapter of Book I. His position can be summarized as follows.

Obviously, the canonical state of perfection does not come into existence either by nature or by grace alone, but

56 D.R., ibidem: ". . . saltem necessarium esse ut talis obligatio per actum aliquem externum et visibilem, de quo Ecclesia constare possit, contrahatur".

57 Cf. D.R. VI, the treatise De Voto (O.O. XIV, pp. 753ff.), for Suarez' detailed treatment of the subject of vows in general.

rather by some special action which is not of itself a matter of obligation for the individual who performs it, but which creates the bond of obligation necessary to the state. In the particular case of the religious state, this act has traditionally been held to be the profession of the evangelical counsels by vow. A state of perfection which is not initiated in this specific manner cannot be called, strictly speaking, a state of religion. This was certainly true in Suarez' time. It was not clear, however, whether or not the same could be said of the canonical state of perfection in general. Saint Thomas is of little help on this point. He sees the state of perfection as a state of bondage, but does not specify how the required bond of moral obligation is created, except in the general expression, "with a certain solemnity" (cum aliqua solemnitate).⁵⁸ Suarez seeks, on the other hand, to be more precise about the kind of act in question here. In the first place, he affirms that the act must be free: ". . . this state cannot come into being from outside, nor can its obligation be introduced without the personal consent of the will of the one who takes on such a

58 S.T. IIaIIae. 184, 4, resp., cited in D.R. VII, xii, 1: O.O. XV, p. 56.

state".⁵⁹ An individual enters the state of perfection by freely placing himself under obligation. This condition may or may not be required for any particular moral state. But it is certainly necessary for the various forms of the canonical state of perfection to be found throughout the history of the Church, since the state itself and its specific obligations have always been held to be matters of counsel. No power, therefore, either human or, in the ordinary course of events, divine, can impose them on an individual.⁶⁰ The act which brings about the obligations of the canonical state must, accordingly, be free and uncoerced.

Suarez wants to be even more specific, however, about the free act of self-obligation which initiates the canonical state:

. . . the act by which the state of perfection is established is ordinarily performed by pronouncing some kind of vow in the presence of God, . . . and it can sometimes be established without a vow in the proper sense through another manner of contracting obligation.⁶¹

59 D.R. VII, I, xii, 2: O.O. XV, p. 57: ". . . hic status non potest ab extrinseco fieri, nec obligatio ejus induci, sine consensu propriae voluntatis ejus, qui talem statum assumit".

60 D.R. VII, I, xii, 3-4: O.O. XV, pp. 57-58.

61 D.R. VII, I, xii, 5: O.O. XV, p. 58: ". . . actus

Profession of vows is, for Suarez, the ordinary way of entering the state of perfection because the religious state, which requires such profession, strictly speaking, was in his day--and probably still is--the most common form of the canonical state. This does not mean, of course, that in the realm of human activity there are not other ways than by vow by which one can contract obligations, or that such ways are limited to less solemn promises or acts of commitment. An example from the canonical realm would be the contracting of obligation through the acceptance of an ecclesial office or ministry which has definite obligations attached to it.⁶² In any case, whether the act in question is a vow or not, it must be external and public, at least in the essential sense of these terms. This means that, to be valid, it must be done in a manner which is canonically prescribed by the Church, and also be verifiable as such, even if it is done privately with respect to its actual circumstances (occulte

quo status perfectionis constituitur, ordinarie fit emittendo votum aliquod apud Deum, . . . et aliquando potest sine proprio voto per alium modum contrahendi obligationem constitui".

62 D.R. VII, I, xii, 6-7: O.O. XV, pp. 58-59. As will be seen at the beginning of the next chapter, there is at least one such ministry, namely, the episcopal office, which has attached to it obligations which constitute it as a state of perfection.

per accidens).⁶³ In other words, even an act which is circumstantially private or "occult" will be sufficient to constitute a person in a canonical state of perfection provided that it is freely performed by that person, and that whatever formalities are stipulated in canon law as necessary for its validity have been observed, along with the other essential conditions of the state. Such is the essential solemnity which accompanies the act of undertaking the obligations of the state of perfection.

It should be noted that, with respect to the object of the aforesaid act, it must be an action which obliges the person who performs it to remain permanently in a definite way of life in which he will seek to practice perfection, that is, to carry out certain works of supererogation. This requirement of permanence is the second essential condition of the state of perfection.⁶⁴ It entails some obligation of perseverance in the state, as Suarez observes:

. . . without doubt a moral permanence is necessary for the state, properly speaking, and likewise an obligation of always remaining in such

63 D.R. VII, I, xii, 8-10: O.O. XV, p. 59.

64 D.R. VII, I, xii, 11: O.O. XV, pp. 59-60. The intention to practice perfection is the fourth condition, to be considered next.

manner and style of living, to the extent that this belongs to the one who undertakes such a state; otherwise he does not undertake the state, but is always, as it were, testing or considering whether the state is appropriate for himself.⁶⁵

This observation indicates that one who has made only a temporary commitment, whether by vow or in some other manner, to a way of life involving the practice of perfection, has not thereby entered into the canonical state in the strict sense. Without the requisite perpetual commitment, there does not exist the stability characteristic of a true state of life. Furthermore, Suarez notes that the two-fold obligation, namely, to the practice of perfection and to a relatively permanent way of life, can be contracted either by a single act, as in the case of religious profession, or by several, as in the case of the acceptance of an office in the Church, which also requires some canonical institution, or ecclesial act, which attaches obligations to the office.⁶⁶ With this point, Suarez completes his treatment of the third essential

65 D.R. VII, I, xii, 12: O.O. XV, p. 60: ". . . sine dubio ad proprium statum necessariam esse moralem immobilitatem, ac perinde obligationem semper manendi in tali modo ac ratione vivendi, quantum est ex parte ejus qui talem statum assumit, alioqui non assumit statum, sed semper est quasi in probatione vel deliberatione de statu, an sibi conveniens sit".

66 D.R. VII, I, xii, 16: O.O. XV, p. 66.

condition, the canonical solemnity necessary to introduce an individual into the state of perfection.

D. THE PURPOSE OF PRACTICING PERFECTION

The fourth essential condition of the canonical state requires that the state be entered for the purpose of practicing perfection, that is to say works of supererogation which go beyond what is necessary for salvation. This condition thus introduces the specific difference between the state of perfection and the state of life common to all Christians:

. . . the state of perfection adds something to that general state; this fact must be understood, therefore, in relation to activity, and can be nothing else but that it has been set up for the purpose of carrying out works of perfection.⁶⁷

The works of perfection to be practiced are, of course, the matter of the state, which has been considered previously in terms of evangelical precepts and counsels. Such works may be actions

. . . which, though they may be indifferent by reason of their objects, are useful or very advantageous for the excellent purposes to which they are referred; for example, teaching, journeying

67 D.R. VII, I, v, 9: O.O. XV, p. 29: ". . . status perfectionis aliquid addit illi statui communi; ergo illud ex habitudine ad operationem sumendum est, et nihil aliud esse potest, nisi quod ad perfectionis opera exercenda institutus sit".

by ship, and the like, because taken individually they are most respectable actions, and can be very perfect.⁶⁸

Likewise included here are voluntary renunciations (privationes) of things or actions which may be obstacles to the perfection of charity. At any rate, the intention and commitment to practice some such works of counsel is a necessary formal condition of the canonical state of perfection.

E. THE EXTERNAL CHARACTER OF THE ACTS

Finally, it is an essential condition--the fifth, according to the Suarezian reckoning--of the canonical state that the works of perfection to which the state is ordered be external acts.⁶⁹ The argument here is from the formal nature of the canonical state itself, especially as expressed in the first and third essential conditions stated above:

For the perfection to which this state is oriented must be proportionate to the same state; therefore, if it belongs to the character of this state that it be external and visible, its perfection

68 D.R., ibidem: ". . . quae, licet ex objectis sint indifferentia, ad optimos fines, ad quos referuntur, sunt utilia, vel commodiora, ut docere, navigare, et similia, quia in individuo sumpta sunt honestissima opera, et possunt esse valde perfecta".

69 D.R. VII, I, v, 10: O.O. XV, pp. 29-30.

must also be external and visible; hence particular ways of living which are visible and external are not set up in the Church for the sake of merely internal acts alone, since the Church cannot be certain about acts which are merely internal; and it is no less a property of an ecclesiastical state that the Church be able to be certain about its actions than about the state itself which is oriented to them.⁷⁰

In other words, there would be no reason to have a public state of perfection in the Church if the community as a whole could not ascertain whether an individual was, in fact, practicing the works of perfection to which he had publicly committed himself. If the acts of perfection to be practiced in the state were merely internal, verification of actual practice would not be possible. Furthermore, even though Christian perfection consists primarily in gifts and activity which are essentially internal--that is to say, in sanctifying grace and supernatural charity--nevertheless, external acts of perfection and the renunciation of external hindrances thereto are morally and humanly

70 D.R. VII, I, v, 11: O.O. XV, p. 30: "Nam perfectio ad quam hic status ordinatur, debet esse eidem statui proportionata; ergo, si de ratione hujus status est ut sit externus et visibilis, etiam perfectio debet esse externa et visibilis; unde propter solos actus mere internos non instituuntur in Ecclesia speciales modi vivendi visibiles et externi, cum de actis mere internis Ecclesiae constare [non] possit; et non minus pertineat ad ecclesiasticum statum, ut de actionibus ejus possit Ecclesiae constare, quam de statu ipso, qui ad illas ordinatur".

necessary for its attainment and practice in this life.⁷¹

On the other hand, the foregoing argument does appear to present an important difficulty. For if Christian perfection is mainly an internal matter, and if the canonical state of perfection is somehow necessarily limited to external acts, then that state would not seem to be truly concerned with perfection, since the Church cannot deal canonically with the internal realities which are of the essence of perfection.⁷² Suarez, of course, strongly denies this conclusion. In so doing, he returns to the key notion in his treatment of the perfection of charity, namely, habitual disposition.⁷³ In the first place, he contends that not all actions proper to the state of perfection are, as a matter of fact, external, and that those which are merely internal need not be verifiable, even by their external effects. The most essential and principal activities of this state of life are contemplation and mental prayer. These activities are clearly internal, and not publicly verifiable as such. The individual who

71 D.R., ibidem.

72 D.R. VII, I, v, 12: O.O. XV, p. 30.

73 Cf. section II, B, of Chapter I, supra.

embraces the state, however, can become habitually disposed to engage in such internal activities by means of performing external acts, including renunciations, which are subject to public verification. It is through the mediation of such dispositive external actions that the more important internal acts of perfection are included in the matter of the canonical state. Suarez thus offers the following as the correct conclusion:

In this way, therefore, can the state of perfection be oriented to internal contemplation, not only as to an intrinsic and immediate end, so to speak, whether partial or even principal, but also as its matter, and as an act necessary for the complete observance of such a state, since these two are not incompatible.⁷⁴

The practice of internal contemplation is, at the same time, a proximate end or goal of the state of perfection and also a means to the perfection of charity, the essence of Christian perfection. As such, it is essential matter of the canonical state, to which an individual can be obliged by binding himself to perform external acts which dispose him to it. In this manner, Suarez vindicates

74 D.R., ibidem: "Hoc ergo modo status perfectionis potest ad internam contemplationem ordinari, non solum ut ad finem quasi intrinsecum et proximum, vel partialem, vel etiam principalem, sed etiam ut materia, et ut actus necessarius ad perfectam observantiam talis status, quia illa duo non repugnant".

the fifth essential condition of the canonical state.

The five essential conditions of the canonical state of perfection, as expounded by Suarez, may be summarized briefly as follows. Two of the conditions, the second and fourth, formally specify the matter of the state. The second requires that the state of perfection be a way of life which one obliges oneself to follow permanently. The fourth condition further specifies that this permanent way of life include, in addition to the fulfillment of God's precepts, at least some works of perfection or supererogation beyond what is necessary for salvation, that is to say, at least some acts of counsel. The remaining three conditions properly pertain to the form of the state, considered precisely as canonical. According to the first condition, the state must be an external and visible way of life, undertaken by means of some publicly verifiable act. The third condition adds that this act, by which one obliges oneself to the state and its proper works of perfection, must be accompanied by "some solemnity", that is, it must be done in the publicly verifiable manner which has been set down canonically in the law of the Church. Finally, the fifth condition stipulates that at least some--not, to be sure, the most important--works of

perfection to which one publicly commits oneself in undertaking this state of life must be external actions. When and wherever in the Church these five conditions are fulfilled, either in an individual Christian or in the institutional structures of a community of Christians, then the canonical state of perfection is essentially realized.

CHAPTER III: THE RELIGIOUS STATE IN THE CHURCH

The religious state, or the state of religion, is a way of living Christian life in the Church which is subsumed under the heading of the canonical state of perfection. This fact is as true today as it was in Suarez' time. What is, perhaps, more apparent at present than it was in the seventeenth century is that the state of perfection may take on a great diversity of forms. For example, in Chapter VI of Lumen Gentium, the Dogmatic Constitution on the Church, the fathers of the Second Vatican Council (1962-1965) describe the vocation of religious in the Church in very general terms which are more akin to what Suarez calls the state of perfection than to the religious state in the strict sense.¹ In so doing, the Council Fathers recognize

¹ This has been suggested by Jean BEYER, S.J., in an article on this very chapter of Lumen Gentium ("De statu vitae professione consiliorum evangelicorum consecratae", Periodica, LV (1966), pp. 3-48), where he argues with explicit reference to the Suarezian concept of the state of perfection that ". . . Concilium Vaticanum II . . . notionem illam in Constitutione 'de Ecclesia' non explicite assumit, rem autem retinet loquendo simul de institutis perfectionis uti de statu canonico perfectionis". (p. 37). Cf. Documents of Vatican II, ed. Austin P. Flannery, [O.P.], Grand Rapids, Eerdmans, 1975, pp. 402-407. The religious state, understood in a stricter sense, is treated in the Decree on the Renewal of Religious Life, Perfectae Caritatis, to be found in the same volume, pp. 611-623. For Suarez' explicit treatment of the broad and strict

the historical development of many diverse forms of religious life and institutes, especially in the post-Reformation period. Today many "institutes of perfection" in the Church would fail to meet the requisite conditions of the religious state as it was understood by Suarez and his contemporaries. In theory, of course, he would admit a wide variety of forms of the state of perfection. But in the actual practice of the Church at the time, the terms "state of perfection" and "religious state" were treated as nearly synonymous.

The foregoing assertion must, however, be qualified, not only on historical, but also theoretical grounds. For in the medieval scholastic tradition to which Suarez was heir, there is a major division of the canonical state of perfection. The main subdivisions here are the episcopal state, the status of the diocesan bishop, and the religious state.² Suarez is, of course, quite cognizant of this twofold division of the state of perfection. He treats of

senses of the term status religiosus, see the beginning of Chapter IV below.

2 The most obvious example in the tradition before Suarez is in Saint Thomas. In S.T. IIaIIae, q. 184 is devoted to the state of perfection in general, while qq. 185 and 186-189 consider the episcopal and religious states respectively.

it with his usual thoroughness, although he devotes proportionately much greater attention to the religious state than did Saint Thomas, for example.

In order to locate and define more adequately, therefore, the place of the religious state in the Church according to Suarez, the first section of the present chapter will examine his consideration at the end of Book I of Treatise VII of these two major subdivisions of the canonical state and their relationship to each other. In the second section of this chapter, Suarez' account of the biblical origins and historical development of the religious state in Book III of the treatise will be noted, in order to clarify further his view of the religious state as an institution in the Church. Chapter IV below will then take up Book II of the treatise, the Suarezian analysis of the essential elements of the religious state.

I

THE SUBDIVISIONS OF THE STATE OF PERFECTION

It is not usual nowadays to think of bishops as being in a state of perfection. The episcopal office in the Church has, especially in recent times, been looked upon more as a ministry, the service performed by those who are

the primary pastors and teachers of the Christian community, rather than as a state of life.³ The canonical state of perfection, on the other hand, has increasingly come to be identified with the religious life. Yet the traditional understanding of the state of perfection, which is reflected in the Suarezian account, encompasses a twofold division into a state of perfection to-be-acquired (status perfectionis acquirendae) and a state of perfection to-be-practiced (status perfectionis exercendae).⁴ The former subdivision most commonly finds its concrete embodiment in the religious state, which is of itself a lay state, while the latter is generally identified with the highest of the clerical states, the episcopate. This division of the state of perfection is outlined by Suarez in the fourteenth chapter of Book I. Here, and in subsequent chapters, his explication of what is involved in each of the two subdivisions and of the relationship between them contributes to a sharper delineation of the nature of the religious state in the strict sense. Suarez' treatment of each of these subdivisions will be considered in turn.

3 Cf. Vatican II, "Decree on the Pastoral Office of Bishops in the Church", in Documents of Vatican II, pp. 564-590.

4 D.R. VII, I, xiv, 1: O.O. XV, p. 67; cf. S.T., IIaIIae. 183, 5 et. seq.

More attention is given at this point to the episcopal state since the religious state will be considered in greater depth in the next chapter.

A. PRACTICING PERFECTION: THE EPISCOPAL STATE

At first glance, it might seem strange to speak of a state of practicing perfection which is not also a state of acquiring perfection. As Suarez states this ratio dubitandi about whether the former is a distinct way of life,

. . . the state in which perfection is at the same time to be practiced presupposes of its nature that very perfection; and thus [the latter] will be, as it were, the end of [the state], and so will not establish it as a distinct state; for the state of perfection to-be-acquired endures, even after the attainment of its goal, and puts into practice its actions.⁵

On the other hand, if such a state requires the practice of perfection, but does not furnish suitable means for acquiring perfection, then it would seem to be defective as a state of life. An individual who entered upon such a way of life would seem to be undertaking an unjustifiably risky venture. The state of life would not only not offer

5 D.R. VII, I, xiv, 2: O.O. XV, p. 68: ". . . status in quo simul exercenda est perfectio, per se supponit ipsam perfectionem; et sic erit quasi terminus ejus, sicque non constituet statum distinctum; nam status perfectionis acquirendae, etiam post acquisitum suum terminum, perseverat, ejusque opera exercet".

any special helps to attaining its goal, but would also, because of the special obligations it entailed, be a positive danger to the salvation of the individual. Nevertheless, the distinction between the two main species of the state of perfection is well grounded in the Catholic tradition.⁶ As evidence of this fact, Saint Thomas is cited by Suarez:

. . . "the perfection of religious and that of bishops are perceived differently. The perfection of religious involves the effort one exerts for his own salvation, but the perfection of the episcopal state involves the effort for the salvation of others". In these words, Saint Thomas describes, as it were, those two members which we call [states] of perfection to-be-practiced or to-be-acquired.⁷

Thus the episcopal state, the concrete embodiment of the state of perfection to-be-practiced, is a state of life distinct from the religious state.

The foregoing passage indicates something further

6 Cf. D.R. VII, I, xv, 5-7: O.O. XV, pp. 72-73, where Suarez adduces the evidence of sources extending from the post-Apostolic Fathers of the Church to the Council of Trent.

7 D.R. VII, I, xiv, 3: O.O. XV, p. 68; S.T. IIaIIae. 185, 4, ad 1: ". . . perfectio religiosorum et Episcoporum secundum diversa attenditur; nam ad perfectionem religionis pertinet studium, quod quis adhibet ad propriam salutem; ad perfectionem autem status Episcopalis pertinet adhibere studium ad proximorum salutem. Per quae verba quasi describit D. Thom. illa duo membra, quae nos appellamus exercendae vel acquirendae perfectionis".

about the state of perfection to-be-practiced. According to the tradition articulated by Saint Thomas, the actions of perfection to be performed by bishops in virtue of their specific state of life are not directed immediately to their own perfection, but rather to the salvation and perfection of others, especially to that portion of the Christian community committed to their particular care. The episcopacy is primarily a ministry in the Church, chiefly concerned with the welfare of the Christian faithful, that is to say, with their perfection in both the essential and accidental senses of the term. However,

. . . we conceive that . . . there exists in the Church another state of perfection, [that] of practicing, or communicating it to others, in the state of the bishops. For we assume that bishops are in a state of perfection in virtue of their office, . . . But they are not in the state of perfection to-be-acquired; in them there exists, therefore, the state of perfection to-be-practiced, . . . And so one who is established in that state, even though he may lack personal perfection in his own right, does not receive, in virtue of the state, the means of acquiring it, but rather of practicing it for the sake of others.⁸

8 D.R. VII, I, xiv, 7: O.O. XV, p. 69: ". . . [q]uod . . . detur in Ecclesia alius status perfectionis exercendae, seu communicandi aliis, in Episcoporum statu concipimus. Nam supponimus Episcopos esse in statu perfectionis ex vi suae dignitatis, . . . At non sunt in statu perfectionis acquirendae; ergo in illis datur status perfectionis exercendae, . . . Et ideo, qui in illo statu constituitur, licet indigeat propria et personali perfectione, non recipit ex vi status media quibus illam acquirat, sed quibus illam exercent erga alios".

Because of the essential orientation of the episcopal state to the perfection of others, it cannot be primarily a state of perfection to-be-acquired by those who hold the office of bishop. Rather, it presupposes perfection in them.

On the other hand, it is not absolutely necessary for a bishop to have already acquired perfection in order to be able to fulfill the obligations of this state of life. It is obvious, however, that a man will prudently undertake the episcopate and be likely to carry it out effectively for the good of others only if he himself is already perfect to some degree. There is a moral obligation on the part of both him who confers and him who accepts the episcopal office to make discerning judgments in this regard. In any case, a bishop's personal holiness need not be the result of his having lived in a state of acquiring perfection.⁹ Thus, in light of its essentially outward orientation, the episcopal state exists in the Church as a distinct state of perfection:

. . . it must indeed be asserted that bishops are, by reason of the pastoral office, in a state of perfection, not as progressing toward it, but as [having attained] the goal which is properly called the state of perfectors, those who make

9 D.R. VII, I, xiv, 8: O.O. XV, p. 70.

perfect. . . . For the episcopal functions, such as to enlighten, to purify and to perfect others, are most perfect.¹⁰

It is certainly not inconsistent with the nature of the episcopal office that an individual, who undertakes it while not yet perfect, may and should seek to acquire perfection therein.¹¹ In virtue of his state of life, however, a bishop is strictly obligated only to perform works directed primarily, not to the acquisition of his own perfection, but rather to promoting the perfection of others.

At this point, Suarez recalls that there are two basic conditions necessary to any state of life, namely, that it be a way of living which is sufficiently complete to achieve the purpose for which it is established, and that it possess an appropriate degree of stability and permanence.¹² The episcopal state does, in fact, fulfill

10 D.R. VII, I, xv, 5 and 11: O.O. XV, pp. 72 and 74: ". . . omnino asserendum est Episcopos, ratione pastoralis muneris, esse in statu perfectionis, non tamquam in via ad illum, sed tamquam in termino, qui proprie dicitur status perfectorum et perficientium. . . . Nam munera episcopalia perfectissima sunt, ut illuminare, purgare, ac perficere alios".

11 D.R. VII, I, xiv, 9: O.O. XV, p. 70.

12 D.R. VII, I, xv, 8: O.O. XV, p. 73. Cf. section I, A of Chapter I, supra.

these two conditions so that it can be properly called a state of life. It satisfies the first condition, that of completeness, if it is understood correctly, that is to say,

. . . as entailing not only consecration along with the power of orders, but also prelation, or the episcopal office along with its own obligation, and the power of jurisdiction, as we now speak of it.¹³

It is prelation, the appointment to an office involving "the care of souls", and the so-called power of jurisdiction that follows upon such an appointment, that are the essential constituents of the episcopacy as a state of life. The power of orders conferred in episcopal ordination is not by itself sufficient to constitute the episcopal state properly speaking. The episcopate is a complete way of life only if it includes the responsibility and authority to exercise the power of orders for the salvation and perfection of others. As Suarez points out, the responsibility of the bishop is quite extensive, including even the obligation to lay down his life for those committed to his care if circumstances require this. Otherwise, it

13 D.R., ibidem: ". . . ut includit non solum consecrationem cum potestate ordinis, sed etiam praelationem, seu Episcopale munus cum obligatione sua, et potestate jurisdictionis, prout nunc de illo loquimur".

demands constant vigilance and care for the spiritual good of the Christian faithful.¹⁴ Thus understood, the episcopal state is a total and demanding way of life, calling for the practice of Christian perfection to the highest degree.

The second condition required for a true state of life, that of stability and permanence, or immutability, is, according to Suarez, not very easily discovered in the episcopate. It is insufficient in his view to recognize a merely relative obligation of a bishop to practice the perfection proper to his state only for as long as he is willing to remain in it, that is, only as long as he wishes to hold the episcopal office.¹⁵ There must also be a more absolute obligation to remain in the state,

. . . because, whenever a matter depends solely on the free will of a human being, it cannot be said to be sufficiently firm and permanent, and so it must be said simply that the episcopate has an absolute, moral immutability; because, by the very fact that once it is accepted, it brings with it the perpetual obligation of remaining in that office such that it cannot be resigned by one's own decision.¹⁶

14 D.R. VII, I, xiv, 9: O.O. XV, p. 70.

15 D.R. VII, I, xv, 9: O.O. XV, p. 74.

16 D.R. VII, I, xv, 10: O.O. XV, p. 74: ". . . quia utcumque res pendeat ex sola libera hominis voluntate,

The assertion here that a bishop is morally obliged not only to fulfill the other obligations of his state of life, but also to persevere in that state, is generally accepted. The nature of this obligation, however, was a matter of controversy throughout the medieval period. At this point, therefore, Suarez devotes a long chapter (xvi) to a discussion of the episcopal bond of permanence.

The major contention that Suarez is at pains to refute here is the claim that the immutability of the episcopal state is ex jure divino, that it is a matter of divine law. In other words, it is asserted that the obligation under which a bishop is required to persevere in this state of life stems from either divine positive or natural law--depending upon which among many possible arguments are used to support this contention.¹⁷ Neither way of justifying the ex jure divino nature of the episcopal bond of permanence, however, is acceptable to Suarez,

. . . because, from the nature of the matter, no one is bound to remain throughout his entire life

non potest dici satis firma et permanens, ideoque dicendum est simpliciter Episcopatum habere absolutam immutabilitatem moralem; quia, eo ipso quod semel acceptatur, secum affert perpetuam obligationem permanendi in tali munere, ita ut non possit pro arbitrio proprio relinqui".

17 D.R. VII, I, xvi, 1-3: O.O. XV, pp. 75-76.

in a ministry, or office, which he has at some time undertaken voluntarily. Neither is a bishop, therefore, held to this by natural, divine law.¹⁸

He finds, moreover, that the episcopate has, as a matter of fact, always been an office or ministry in the Church the acceptance of which was voluntary, and

. . . since from the beginning acceptance has been voluntary, continuance in it will also be voluntary, unless by reason of some promise or covenant [made] in the very acceptance of the office someone may be bound to continue in it.¹⁹

Such a promise or covenant (pactum) would, of course, bind in virtue of the natural law. But no such promise or covenant appears to be attached ex jure divino to the episcopal office, any more than to other offices, whether ecclesial or secular. Nor does it seem that Christ, in instituting the episcopate, attached such a condition to the assumption of the office.²⁰ Accordingly, Suarez rejects the view that the immutability of the episcopal

18 D.R. VII, I, xvi, 4: O.O. XV, p. 76: ". . . quia ex natura rei nullus obligatur ad permanendum toto suae vitae tempore in ministerio, vel munere quod semel voluntarie suscepit. Ergo nec Episcopus ad hoc tenetur ex jure naturali divino".

19 D.R., ibidem: ". . . cum a principio acceptatio fuerit voluntaria, etiam perseverantia in illa erit voluntaria, nisi ratione alicujus promissionis, vel pacti in ipsa susceptione muneris aliquis obligetur ad perseverandum in illo".

20 D.R. VII, I, xvi, 5: O.O. XV, pp. 76-77.

state is derived from a bond of obligation which is ex jure divino, either of natural or of divine positive law.

The foregoing position is defended by Suarez at great length. His argument here is partly in the form of a dialogue with much of the theological and canonical tradition on the question, and partly an examination of the practice of the Church with respect to the permanence of the episcopal bond throughout its history.²¹ The details of this lengthy discussion are of little relevance here. Nor is it necessary to give extensive consideration to another contention in this regard, namely, that the immutability of the episcopal state is derived from a vow by which a bishop obliges himself to care in perpetuo for the local church committed to him. Such a vow is neither essential to the episcopal office, nor has it been attached to that office by either divine or human positive law or by the traditional practice of the Church.²² Suarez is thus able to conclude that

. . . for the immutability of the state of a bishop there suffices a moral obligation of remaining in that office, which arises from a covenant entered into with the Church, entailed in the very

21 D.R. VII, I, xvi, 6-23: O.O. XV, pp. 77-82.

22 D.R. VII, I, xvi, 24-27: O.O. XV, pp. 82-83.

acceptance of the episcopacy along with the prescribed conditions, or from the mutual consent of the contracting parties, or from pontifical law.²³

The kind of covenant which Suarez indicates here is one from which the bishop cannot withdraw without the consent of the other covenanting party, namely, the Church. A bishop is constituted in a state of perfection, therefore, not by his episcopal ordination, but rather by his selection for and acceptance of the episcopal office. The covenant thus established between a bishop and the Church is recognized and confirmed in canon law as intrinsic to the episcopal office.²⁴ This covenant, in the Suarezian view, provides the requisite moral stability of the episcopal state.

A final question to be considered at this point in the discussion is whether secular prelates, those holding offices in the Church to which is attached the power of jurisdiction for "the care of souls", but who are not bishops, are also to be said to be in a state of perfection

23 D.R. VII, I, xvi, 28: O.O. XV, p. 83: ". . . ad immutabilitatem status Episcopi sufficere moralem obligationem permanendi in illo munere ortam ex pacto inito cum Ecclesia, incluso in ipsa acceptatione Episcopatus cum conditionibus praescriptis, vel ex mutuo consensu contrahentium, vel ex jure pontificio".

24 D.R. VII, I, xvi, 30-31: O.O. XV, p. 84.

to-be-practiced. This group of clerics would include even parish priests, or pastors, and, through delegation, their ordained assistants. Certainly, all such prelates are obliged to a greater or lesser degree, in accordance with their rank and the extent of their responsibilities, to practice the same kind of works of perfection for the spiritual good of others as are bishops. As Suarez indicates, again at length, in the seventeenth chapter of Book I, there is no simple answer to the question. In the first place, the "clerical state" as such, both in Suarez' day and up to the fairly recent past, was not seen as a state of life in the strictest sense of the term, that is, a state distinct from that common to all Christians.²⁵ "Simple priests", on the other hand, are said to be in a state of perfection inchoatively (inchoative), not only in virtue of their ordination, but primarily because of the nature of their ministry, which demands of them a significant degree of perfection.²⁶ Nevertheless, simply as priests, they are, in the Suarezian view, in a state of perfection only in a qualified sense.

Secular prelates, in the proper sense of the term,

25 D.R. VII, I, xvii, 1: O.O. XV, pp. 84-85.

26 D.R. VII, I, xvii, 4: O.O. XV, p. 85.

are divided by Suarez into three classes.²⁷ First, there are those who are equivalent to a diocesan bishop in the power of jurisdiction, but who lack episcopal ordination, for example, abbots nullius. These can be considered similar to bishops with respect to the state of practicing perfection. Secondly, there are those who share by law in ordinary episcopal jurisdiction, but in a limited way. In the present canon law, this group would include vicars general, episcopal vicars, and officiales (judicial vicars).²⁸ Finally, there are ordinary pastors (parochi), who are not properly speaking prelates, but who do possess in law some degree of jurisdiction for "the care of souls". All three of these classes exhibit in varying degrees the immutability of state and obligation to the practice of perfection which is proper to bishops. Suarez holds, therefore, that it is probable that the prelates who fall into these classes are in some qualified way in the state of practicing perfection.²⁹ Their state of life is, of

27 D.R. VII, I, xvii, 22-24: O.O. XV, pp. 90-91. Religious prelates, such as abbots and other major religious superiors, are, to be sure, in a state of perfection to-be-acquired, the religious state. They may also be considered to be in a state of perfection to-be-practiced in virtue of their respective offices.

28 Cf. CIC (1983), cc. 475 ff. and 1420.

29 D.R. VII, I, xvii, 29: O.O. XV, p. 92.

course, relative to that of the diocesan bishop, which embodies in the most complete way the state of perfection to-be-practiced for the spiritual good of others.

B. ACQUIRING PERFECTION: THE RELIGIOUS STATE

In considering the process by which Christian perfection is acquired, it is not unusual to find a threefold division employed in writings on spirituality. When the division is applied to a particular virtue, such as charity, the virtue itself, as practiced by an individual, may be said to be either incipient, or proficient, or perfect. More commonly, however, this way of speaking is used directly of the individual practicing the virtue, and the person thus designated is called either a beginner (incipiens), or one who is making progress (proficiens), or one who is perfect (perfectus) in the practice of the virtue.³⁰ If this mode of division is applied to the practice of charity, the essential and primary perfection

30 D.R. VII, I, xiii, 2: O.O. XV, pp. 61-62. Such a threefold division is exemplified in Suarez' own Jesuit tradition of spirituality by the "Three Pairs of Men", and the "Three Manners of Humility", from The Spiritual Exercises of Saint Ignatius Loyola, nn. 153-155 and 165-167, respectively, in David L. FLEMING, S.J., The Spiritual Exercises of St. Ignatius: A Literal Translation and a Contemporary Reading, St. Louis, The Institute of Jesuit Sources, 1978, pp. 92-94 and 100.

of Christian life, it does not, as has been noted, indicate progressive degrees of intensity in the practice of the virtue. The perfection of charity does not consist in any particular degree of intensity, nor does there exist in this life any perfect state of intensity in the practice of this virtue.³¹ Nor does the threefold distinction connote progressive degrees of the extension of charity to ever more numerous objects of love.³² The basis of the Suarezian position here is the argument for the dispositive or habitual nature of the perfection of charity articulated earlier in Book I.³³ The threefold division may thus be interpreted in terms of greater or lesser perfection, that is to say, different degrees of promptness, ease and enjoyment with which an individual performs acts of perfection, acts of supernatural charity.

The three degrees of the perfection of charity are described by Suarez as follows: The charity which is called incipient is

. . . that which is not only hindered by longings and other passions which have not yet been mortified, so that it does not put the virtue into practice easily and with delight, but is also in danger of

31 D.R. VII, I, xiii, 5: O.O. XV, pp. 62-63.

32 D.R. VII, I, xiii, 6-7: O.O. XV, p. 63.

33 V. section II, B of Chapter I, supra.

being overcome and driven out by some sin.³⁴

This situation is easily recognizable as the via purgativa of the ascetical tradition, a state of inner conflict arising from disordered and uncontrolled spiritual movements in the individual. Although this state is quite imperfect in itself, nevertheless, in the context of the process of acquiring perfection, it can be called the initial stage of the state of perfection. The second stage, called the charity of one who is progressing in perfection, exists

. . . when passions have already been so calmed in that person that the battle against concupiscence is not such a matter of concern for the soul that loves God, especially in respect to serious failing, because it is already promptly and easily inclined to the performance of the virtue and to the growth of this same charity.³⁵

This is clearly a description of the traditional via illuminativa. Although it is still an imperfect spiritual state, it is nevertheless, an advanced stage in the process

34 D.R. VII, I, xiii, 8: O.O. XV, p. 63: ". . . illa, quae a concupiscentiis et aliis passionibus nondum mortificatis, non solum impeditur, ne facile et delectabiliter virtutem operetur, sed etiam in periculo versatur, ut a peccato aliquo superetur et expellatur".

35 D.R. VII, I, xiii, 9: O.O. XV, pp. 63-64: ". . . quando jam in illo passiones ita sedatae sunt, ut pugna contra concupiscentiam non ita sollicitet animum diligentem Deum, praesertim de lapsu gravi, quia jam prompte et faciliter incumbat operationi virtutis, ejusdemque charitatis incremento".

of acquiring perfection. The final stage of the process comes into being

. . . when passions are already so subdued and the soul is so accustomed to the performance of the virtue that it occupies itself promptly and with delight in the special and most perfect function of charity, which is to love God.³⁶

Here is the final state of the via unitiva where the individual is most completely united with God in love. Although this union can and should continue to grow, it is at this point that Christian perfection may be said to have been acquired.

Individuals who are at any given stage in the process just outlined may be found within all of the different states of Christian life. The different stages or degrees of the perfection of charity are not, according to Suarez, to be assigned to specific states of life--for example, to see non-religious as beginners, religious as those advancing, and bishops as the perfect.³⁷ Any person who is at any stage of the process of acquiring perfection, and who is in a canonically-recognized state of life which is

36 D.R., ibidem: O.O. XV, p. 64: ". . . quando jam sunt passiones ita edomitae, et animus operationi virtutis adeo est assuetus, ut in proprio et perfectissimo munere charitatis, quod est diligere Deum, prompte et delectabiliter se exercent".

37 D.R. VII, I, xiii, 13-15: O.O. XV, pp. 64-65.

essentially oriented to supporting that process, can be said to be in a state of perfection to-be-acquired, since the three stages are not in themselves complete and distinct states of life, but rather "accidental" qualities of persons or of their practice of charity. Such persons or such practice can, moreover, be found in any state of life whatsoever.³⁸ Whereas the state of perfection to-be-practiced, the episcopal state, is essentially suitable only for those individuals who have reached the final stage in the process of acquiring perfection, the state of acquiring perfection properly includes persons who may be characterized as being at any of the three stages. A state of perfection is so-called, not because it denotes any particular degree of the perfection of charity which has been actually acquired, but rather because of its goal or final cause, which is perfection. With respect to the state of practicing perfection, the goal is primarily the perfection of others, that is, those outside the state. On the other hand, in the state of acquiring perfection, the goal is chiefly the perfection of those within the state, whatever may be the degree of perfection they have already attained.

38 D.R. VII, I, xiii, 16-19: O.O. XV, pp. 65-66.

In Suarez' day, the canonical state of acquiring perfection had come to be identified, for the most part, with the ecclesial institution of the religious state. This has held true even up to the present. The reason for this seems to be that a distinguishing characteristic of any state of acquiring perfection is that it is

. . . like a course of study and a school in which human beings are instructed to learn and attain perfection. . . . And the religious state is especially noteworthy in this way, for in it there is a striving after the acquiring of perfection through the observance of the precepts and counsels.³⁹

Thus the religious state stands out as the prime example in the Church of the state of perfection to-be-acquired. It encompasses, moreover, both the acquisition and the practice of perfection:

. . . a religious, after he has arrived at the state of the perfect, continues to be a religious; and he performs actions of perfection which are especially suitable for that state. . . . For just as a habit acquired through acts puts into practice similar acts, so also the perfection attained in a given state puts into practice acts similar to those through which it has been attained, and so the practice as well as the acquisition of

39 D.R. VII, I, xiv, 1: O.O. XV, pp. 67-68: ". . . veluti studium et schola in qua doceantur homines perfectionem addiscere et obtinere Et praesertim notum est huiusmodi esse statum religiosum, nam in eo per observationem praeceptorum et consiliorum ad perfectionem acquirendam tenditur".

perfection belongs to the same state.⁴⁰

Both those who are beginners or are advancing in the perfection of charity and those who are rightly considered to be perfect may, therefore, be found in the religious state. It is thus correctly called a state of perfection because Christian perfection is its ultimate rationale.⁴¹ And because of its dominant role in the history of the Church, the religious state has come to be considered one of the two main subdivisions, along with the episcopal state, of the canonical state of perfection.

It should be noted, however, that the two major subdivisions of the state of perfection are not of equal importance in the life of the Church. As Suarez puts it, it must be concluded that

. . . the state of bishops is more perfect than any religious state whatsoever, and consequently the state of perfection to-be-practiced is of its

40 D.R. VII, I, xiv, 2: O.O. XV, p. 68: ". . . religiosus, postquam ad statum perfectorum pervenit, religiosus durat; et opera perfectionis illi statui maxime consentanea exercet Sicut enim habitus per actus acquisitus similes actus exercet, ita perfectio in aliquo statu comparata exercet actus similes illis, per quos comparata est, ideoque tam exercitium quam acquisitio perfectionis ad eundem statum pertinet". The status perfectorum here is not, to be sure, the episcopal state, but rather the third and final state in the process of acquiring perfection.

41 D.R. VII, I, xiv, 6: O.O. XV, p. 69.

nature more perfect than the state of perfection to-be-acquired.⁴²

The comparison here is not, to be sure, between bishops and religious as individuals, but rather between their respective states of perfection.⁴³ The episcopal state is "more perfect" than the religious state because the works of perfection demanded by the former are more important for the welfare of the Christian community as a whole than are the demands of the latter. To a great extent, this is a result of the episcopal state being attached to the office of bishop, the most universal of the Church's ministries.⁴⁴

42 D.R. VII, I, xviii, 2: O.O. XV, p. 93: ". . . episcoporum statum esse perfectionem quocumque statu religioso, ac subinde statum perfectionis exercendae perfectionem ex suo genere esse, quam statum acquirendae perfectionis". This point seems to have been a matter of some controversy in the medieval period. In the nineteenth and twentieth chapters of Book I, Suarez reviews the extensive theological and canonical literature concerning questions such as whether a man who had made a vow to enter religion fulfilled that vow by accepting the episcopate. Such disputes obviously involved different opinions about the relative degrees of perfection to be found in the respective states of life, and were occasioned by actual cases of bishops who wished to resign their sees in order to fulfill previously-made vows to enter religion. The argument were usually quite complicated, and papal intervention seems to have been decisive in the concrete cases. Suarez finds, of course, that such decisions support his position on the priority of the episcopal over the religious state.

43 D.R. VII, I, xviii, 1: O.O. XV, pp. 92-93.

44 D.R. VII, I, xviii, 3-4: O.O. XV, pp. 93-94.

It also stems from the respective natures of the two states. Ideally, the episcopal state, as a state of "communicating" perfection to others presupposes in the one who assumes it an acquired perfection, as this is understood by Suarez. There is, on the other hand, no such presupposition for the religious.⁴⁵ It follows, therefore, that the episcopal state is in some sense more perfect than the religious state, and certainly more central to the life and mission of the Church.⁴⁶

In summary, it can be said that Suarez finds within the Church two main subdivisions of the canonical state of perfection. These distinct states of life are the state of practicing perfection to assist others to become perfect, and the state of acquiring perfection in oneself. They are identified with the episcopate and the religious state respectively. The division here is not exhaustive, however, since the general notion of a state of perfection allows for a greater diversity of concrete realizations.

45 D.R. VII, I, xviii, 9: O.O. XV, p. 95.

46 In Suarez' view, however, the participation of prelates who are not bishops and pastors in the state of practicing perfection is not more perfect than the religious state. For his argumentation on this point, v. D.R. VII, I, xxi: O.O. XV, pp. 108-111.

But in practice, throughout much of the history of the Church, bishops and religious have most commonly exemplified the canonical state. Of the two states of life, that of bishops is, generally speaking, more crucial for the life of the entire Christian community than is that of religious, so that Suarez asserts that the former is "more perfect" than the latter. This superiority is, to be sure, a relative one. For the important contributions of the religious state to the Church over the centuries that have passed since New Testament times manifests its integral and vital role in the panorama of Christian life.

II

THE ORIGINS AND HISTORY OF THE RELIGIOUS STATE

The Suarezian account of the origins and history of the religious state in Book III of Treatise VII is not, as might be expected, up to the standards of more recent biblical and historical scholarship.⁴⁷ This fact is attributable in part to the progress which has been made over the intervening centuries in the disciplines of

⁴⁷ The full title of Book III is: De auctore seu causa efficiente religiosi status, ac praesertim de ejus origine et antiquitate (O.O. XV, p. 223.).

scriptural exegesis and historical inquiry with their increasing emphasis on scientific objectivity. Although Suarez does make great efforts to treat his sources with a critical objectivity which was probably notable for his time, nevertheless, it is still necessary to recall the polemical context of the post-Reformation period in which he was writing. From this perspective, he was undoubtedly concerned to vindicate the ecclesial institution of religious life in the face of the attacks of the Reformers--as well as those of earlier adversaries--not simply in regard to the problem of abuses, but more importantly with respect to the validity of the religious state as a truly evangelical way of life.⁴⁸ His treatment of the topic, however, is not without value in revealing something of his view of the religious state from a scriptural and historical perspective which is not entirely apologetic.

48 That the polemical context of discussions of religious life is not confined to the immediate post-Reformation period can be seen in the relatively recent article of Miguel NICOLAU, S.J., on Suarez and the religious state (V. Introduction, p. 7, n. 11, supra.). Even though Nicolau asserts there that Suarez' treatment of the religious state is "no en forma primariamente apologetica, sino expositiva y declarativa" (p. 128), nevertheless, he emphasizes Suarez' polemical concerns. Book III, which is so strongly colored by the polemical context, is the only section of the D.R. which Nicolau considers in any detail. Here he is most concerned to use Suarez apologetically to prove the "entronque evangelico del estado religioso" (pp. 130-133).

Book III consists of four chapters. The first two deal with the roots of the religious state in biblical times, with special focus on the difficult question of its institution by Christ Himself. Then, in the third and fourth chapters, Suarez seeks to establish the continuity of institutional religious life throughout the history of the Church, as well as the continued fidelity of the religious state to its New Testament origins.⁴⁹ The intent of the present study in considering these chapters will be, of course, to present what they contribute to the positive Suarezian doctrine on the religious state.

A. BIBLICAL ROOTS

At the beginning of his account of the biblical origins of the religious state, Suarez appears to be defending the following rather unusual thesis: "The religious state is more ancient than the state of the law of grace".⁵⁰ The religious state is, strictly speaking, an ecclesial institution, and thus it would seem that it could not have antedated the beginnings of the Church, "the state of the

49 Cf. D.R. VII, III, ii, 1: O.O. XV, p. 230, for Suarez' own outline of this argument.

50 D.R. VII, III, i, 1: O.O. XV, p. 224: "Status religiosus antiquior est statu legis gratiae".

law of grace". There are, nevertheless, ways of life to be found both in pre-Christian, pagan religions and in the Old Testament which resemble in many respects the religious state with its three vows.⁵¹ Suarez does not, however, affirm the above thesis in any absolute sense. Rather he qualifies it:

"Nevertheless I consider the state of perfection and religion [understood] absolutely and simply, and as including everything which belongs to its substantial perfection, to be proper to the law of grace, and before that to have been foreshadowed, and in part inaugurated, but not perfected."⁵²

Although elements of what came to be called the religious state by Christians, especially the concrete practice of works of perfection, were present in the pre-Christian era, nevertheless, the state itself did not exist with any substantial completeness.

The Suarezian argument here manifests a good deal of caution and sophistication. The full notion of the

51 D.R. VII, III, i, 2-4: O.O. XV, pp. 224-225. Following the Fathers of the Church, Suarez here speculates about the ancient institution of eunuchs, the practices of some of the Hebrew prophets, and the sectarian Jewish community, the Essenes.

52 D.R. VII, III, i, 5: O.O. XV, p. 225: "Nihilominus existimo perfectionis et religionis statum absolute et simpliciter, ac prout includit omnia quae de illius substantiali perfectione sunt, esse proprium legis gratiae, anteaque fuisse adumbratum, et ex parte inchoatum, non vero perfectum".

perfection proper to the religious state is seen to be rooted in the Christian gospel. For Christians, moreover, a state of perfection specifically involves the following and imitation of Christ in both His life and His teachings, and thus was not possible before His appearance in the world.⁵³ In the remainder of the chapter, however, Suarez does consider various pre-Christian examples of the practice of perfection in order to show how they foreshadow the religious state, rather than embody it in any full sense. That virginity, poverty and obedience were sometimes practiced in Old Testament times cannot be denied. But to assert that this practice was perpetual and confirmed by vow in all cases goes beyond the scriptural evidence as Suarez sees it.⁵⁴ He arrives at similar conclusions concerning the way of life of the sectarian Essene community, described by the Jewish-Egyptian philosopher, Philo, and the Jewish historian, Josephus, as well as that of the Nazarites and Rechabites mentioned in the Old Testament.⁵⁵ Furthermore, he finds nowhere in the ancient

53 D.R. VII, III, i, 6: O.O. XV, p. 226.

54 D.R. VII, III, i, 7-11: O.O. XV, pp. 226-228. In the Catholic tradition, Our Lady and Saint Joseph were held to have vowed perpetual virginity. Suarez attributes this apparent exception to his argument to a special revelation of God or inspiration of the Holy Spirit.

55 D.R. VII, III, i, 12-15: O.O. XV, pp. 228-

pagan or Jewish religious practice anything parallel to the canonical solemnity of vows and other formal conditions characteristic of the religious state in the Church.⁵⁶

According to Suarez, therefore, it is only the material element of the practice of some "works of perfection" that offers during the period before the coming of Christ a foreshadowing of the latter-day state of religion.

Suarez' main concern at this point, however, is with the New Testament. He wishes to affirm that the religious state which has existed in the Church throughout much of its history was instituted or founded by Jesus Christ Himself. This thesis, although it has long occupied a prominent place in the Catholic tradition, has never been completely uncontested.⁵⁷ In addition, it is not obviously true of itself. The gospels certainly do not say in so many words that Jesus instituted a state of religion. Nor

229. Suarez here questions both the orthodoxy, even in a Jewish context, of the Essenes, and the completeness, as a state of perfection, of their way of life. Concerning the Nazarites and Rechabites, v. Numbers VI and Jeremiah XXXV, respectively.

56 D.R. VII, III, i, 16: O.O. XV, pp. 229-230.

57 Cf. D.R. VII, III, ii, 1: O.O. XV, p. 230, where Suarez lists as "adversaries" of the thesis, the Arians, the Donatists, Helvidius, Jovinian, Wycliffe, and the Waldensians--all from the pre-Reformation period.

do any particular religious institutes in the Church claim Him as their founder in the same way that He is asserted to have instituted the episcopate and the presbyterate. It is not even clear why the religious state needed to be instituted by Christ.⁵⁸ For present purposes, however, it is not really important to determine whether Suarez has answered such objections adequately or actually proved his thesis. Rather, his argument is chiefly valuable for what it reveals about his view of the biblical roots of the religious state. Whether, and in what precise sense, Christ may be said to have instituted it is of secondary concern here.

The basic thrust of the Suarezian argument is that Christ instituted the religious state in a general sense, that is to say, with respect to its substance, without determining any particular religious rule of life which appeared in the Church subsequent to His time. The main assertion here is that Christ instituted the state substantially, that He communicated directly to His disciples all that is essential to it. A secondary assertion, which follows from the first, is that Christ

58 D.R. VII, III, ii, 2: O.O. XV, pp. 230-231.

did not, as far as is known, hand over to His followers a particular or detailed religious rule. Suarez' main assertion depends immediately upon a fundamental distinction:

. . . that it is one thing to speak about the religious state pure and simple with respect to those things which are of its substance, but that it is quite another thing to speak of it as bound to a particular rule, or particular way of living, or, to put it another way, as clothed in specific trappings. I assert, therefore, in the first place: the religious state in itself and as far as its substance goes, was directly instituted and handed down by Christ the Lord Himself; and thus it can be said to be of divine law, not commanding, but counselling.⁵⁹

Thus Suarez makes the assertion that the religious state was instituted by Christ, that it is a matter of divine law (de jure divino), but not a law which commands, but rather counsels. The assertion is based on the distinction between the substance or essence of the state and the concrete circumstances in which it may actually exist in a particular individual or community. Furthermore, the assertion is supported almost exclusively by an argument from authority.

59 D.R. VII, III, ii, 3: O.O. XV, p. 231: ". . . aliud esse loqui de statu religioso puro ac nudo, quoad ea quae illi substantialia sunt, aliud vero esse loqui de illo ut determinato ad certam regulam, seu certum vivendi modum, vel, quod perinde est, ut talibus circumstantiis vestitum. Dico ergo primo: status religionis secundum se, et quoad substantiam suam ab ipso Christo Domino immediate traditus et institutus fuit; atque ita dici potest esse de jure divino non praecipiente, sed consulente".

In the first place, the authorities that Suarez cites are the Fathers of the Church and other representatives of the Catholic tradition. The ultimate and most crucial authority, however, is the Christian gospel itself:

This truth is principally founded . . . on the gospel, in which Christ encourages human beings, with respect to those three counsels, poverty, chastity and obedience, to make perpetual vows concerning them, . . . But the substance of the religious state consists of these three vows; therefore, this state was handed down by Christ Himself.⁶⁰

That Jesus actually linked together what later came to be known as the vows of religion in His exhortations to His disciples seems rather problematic in the light of modern gospel criticism. From this perspective, Suarez' arguments, based on such passages as Matthew XIX, 21 ("Go, sell your possessions . . ."), and XVI, 24 ("If a man wishes to come after me . . ."), are somewhat strained interpretations. And using these and similar gospel texts, he does arrive at the rather strong conclusion that

60 D.R. VII, III, ii, 5: O.O. XV, p. 231: "Fundatur . . . praecipue haec veritas in Evangelio, in quo Christus homines ad tria illa consilia, paupertatis, castitatis et obedientiae exhortatur, et ad vota perpetua de illis facienda, . . . At vero substantia status religiosi in his tribus votis consistit; ergo hic status ab ipso Christo traditus est". The essential necessity of the three vows for the religious state is proposed in Suarez' general treatment of the state in Book II. V. section I, A of Chapter IV, infra.

. . . although [the counsels] could in some sense be applicable to all the faithful, and be presented as having the obligation of precept, in preparing the soul for a case of necessity, etc., nevertheless, they are properly and strictly understood to concern the actual renunciation of all things in order to follow Christ completely, . . . and so Christ has quite clearly invited us to a certain manner and state of life, which entails that total self-denial along with immutability and stability.⁶¹

But even if Suarez does not thereby really prove all that he claims, he does indicate, nevertheless, that at least some of the substance of the religious life finds its origin in evangelical teaching.

Suarez proceeds, however, to make his previous affirmation that the religious state was instituted by Christ even stronger when he further asserts that

. . . Christ the Lord has instituted the religious state, with respect to everything which belongs to the substance of such a state, even if he has not instituted its concrete limitation to a specific rule or circumstances. That is a sufficient reason, however, to say simply that he has instituted such a state. This last point is obvious in itself, because a thing is said simply

61 D.R., ibidem: O.O. XV, p. 232: ". . . licet in aliquo sensu possint ad omnes fideles pertinere, et de obligatione praecepti exponi, in praeparatione animi pro casu necessitatis, etc., tamen proprie et in rigore intelleguntur de actuali renuntiatione omnium ad Christum perfecte sequendum, . . . ergo satis aperte invitavit nos Christus ad quamdam vivendi rationem et statum, omnem illam abnegationem cum immobilitate et stabilitate includentem".

to be what it is by reason of its substance and essence, and so one who produces the substance of a thing, produces it absolutely, even if he does not bestow on it non-essential elements.⁶²

A parallel case of such substantial institution by Christ where the non-essential elements are left to be determined by the Church is that of the sacraments. According to Suarez' own view, therefore, he has at least shown that the religious state was substantially instituted by Christ in the same way that the sacraments were.⁶³ Accidental elements of the state, on the other hand, since they are not of its essence and may vary with time and place, need not be proven to have been instituted by Christ Himself.

It would seem to have been sufficient for Suarez to have demonstrated that Christ Himself instituted the religious state in general, that is to say, with respect to its substance or essence. At this point, however, he

62 D.R. VII, III, ii, 6: O.O. XV, p. 232: ". . . Christum Dominum instituisse religiosum statum, quantum ad omnia quae sunt de substantia talis status, etiamsi non instituerit particularem determinationem ejus ad talem regulam vel circumstantias. Illud vero sufficit ut simpliciter dicatur talem statum instituisse. Haec ultima pars per se nota est, quia res simpliciter dicitur talis ratione suae substantiae et essentiae, et ideo qui rei substantiam producit, absolute illam producit, etiamsi non conferat accidentaria".

63 D.R. VII, III, ii, 8: O.O. XV, pp. 232-233.

boldly advances the argument even further. It is certain, to be sure, that Jesus Christ was not the direct founder of any particular religious institute which has arisen in the Church since the end of the apostolic era. But Suarez does maintain that He did in fact, call His apostles to the religious state in a well-defined way of life which combined both contemplative and active elements.⁶⁴ Furthermore, Christ is asserted to have done this, not simply by His teaching and exhortation, but also by actually and authoritatively (per potestatem) founding a particular institute of religion.⁶⁵ Obviously, for polemical reasons, Suarez wishes to show by this rather strained argument that Christ instituted the state of religion in a full and complete way, that is, not only through the content of His teaching, but also by establishing it in a very concrete way in the life of the early Christian community. What the argument is really getting at is the public nature of the religious state, which entails not simply the profession by an individual of an external way of life, but also the formal and authoritative acceptance of that profession by the Church, as represented in its pastors, acting in the

64 D.R. VII, III, ii, 9-10: O.O. XV, pp. 233-234.

65 D.R. VII, III, ii, 11-12: O.O. XV, pp. 234-235.

name of God.⁶⁶ Taken literally, the Suarezian position seems extreme and, from a contemporary point of view, untenable. In its intent, however, it indicates an important and essential aspect of the religious state in the Church.

If the Church has been empowered in some way by God to accept the profession of religious, it must have somehow received this authority from Christ Himself. At least, that is how Suarez argues here:

. . . in religious profession a human being is bound and handed over to God, not directly [to Him] in Himself, but through the mediation of some [other] human being by means of an outward surrender and an irrevocable self-giving which must in turn be accepted outwardly by the Church . . . [T]his state is public and under the jurisdiction of the Church. Because of this it was necessary, therefore, that [religious profession] be accepted publicly through a special power given by Christ Himself.⁶⁷

Thus the reason that Suarez wishes to show that Christ

66 D.R. VII, III, ii, 13: O.O. XV, p. 235. Cf. section I, B of Chapter IV, infra.

67 D.R. VII, III, ii, 14: O.O. XV, p. 235: ". . . in religiosa professione obligatur et traditur homo Deo, non immediate in seipso, sed medio aliquo homine per externam traditionem, et donationem irrevocabilem, quam oportet exterius etiam acceptari per Ecclesiam . . . hic status est publicus, et in foro Ecclesiae. Ob hanc ergo causam necessarium fuit publice acceptari per specialem potestatem a Christo datam"; S.T. IIaIIae. 184, 4.

Himself actually founded a particular religious institute to which He called His apostles is to affirm the divine institution of an essential element of the religious state. This element, as has been noted, is the authority (specialis potestas), which is entrusted to the primary pastors of the Church, "the successors of the apostles", to accept on behalf of God the self-oblation of one who is entering the state. The Church would not possess such authority unless it were given by Christ. According to Suarez, this was done in a concrete manner through His institution of the religious state, not only in general, but also in particular, and not simply through His teaching, but primarily by His calling and accepting the apostles into a particular state of religion, that is to say, by founding a religious institute of which they were the members. The literal argument here is, as might be expected, not especially convincing. It does reveal, however, an important and essential aspect of the Suarezian view of the religious state.

B. HISTORICAL CONTINUITY

From a present-day perspective, the third chapter of Book III is the least convincing of the four chapters being considered here. In this chapter, Suarez attempts to demonstrate that the religious state enjoyed a continuous

existence in the Church from apostolic times to his own day. He admits that it is more difficult to prove such continuity than it is to show that the religious state was instituted by Christ Himself. Although there exists in the Catholic tradition a good deal of testimony, mainly from the Fathers of the Church, in favor of the uninterrupted existence of the state, nevertheless, it is for the most part in the form of speculation rather than of factual data.⁶⁸ On the other hand, it seems to be important to Suarez' overall argument to establish that the religious state, not merely as an idea, but also as a concrete, existing institution, was handed down from one generation of Christians to another throughout the entire span of the Church's history, even though its specific form may have changed and multiplied as new ways of embodying the state were introduced under the influence of the Holy Spirit. And yet his reasoning in this matter still tends to be more speculative than it is historical, in the modern sense of the term. Here Suarez argues chiefly from the authority of the theological and canonical tradition, rather than from the basis of critical-historical research.

Initially, Suarez considers--but ultimately rejects--

68 D.R. VII, III, iii, 1-2: O.O. XV, p. 236.

the speculative thesis that the whole of the apostolic Church was, so to speak, a religious institute, an embodiment of the religious state in the strict sense. Despite support for this position in the tradition, as well as in certain passages of the New Testament, especially from the Acts of the Apostles, this conclusion proves to be too sweeping.⁶⁹ Accordingly, he opts for the more modest, but nonetheless speculative, view that ". . . from the beginning of the apostolic preaching there have always been some who have followed the apostles in the state of religion".⁷⁰ Relying on the authority of canonical arguments from the medieval period, which are hardly a model of critical-historical method, Suarez concludes that, after the apostolic era, the religious state was first lived by clerics and priests who were also religious. It is, of course, only "very probable" (valde verosimile [sic]) that this was actually the case since no historical evidence in support of such a conclusion exists, at least,

69 D.R. VII, III, iii, 3-4: O.O. XV, pp. 236-238. Cf. Acts II, 42-47 and IV, 32-37, where a certain form of communal life is said to characterize the early Church in Jerusalem.

70 D.R. VII, III, iii, 5: O.O. XV, p. 238: ". . . a principio praedicationis Apostolicae, semper fuisse aliquos, qui Apostolos in statu religionis secuti et imitati sunt".

up to the time of Augustine in the fourth century.⁷¹ Using the same type of argument from authority and probability, Suarez goes on to insist that there must have also been a form of the religious state open to lay people, even in apostolic times, namely, monasticism.⁷² Here again the earliest supporting evidence dates from the second century at best. And it is highly questionable whether it provides any certain examples of what later came to be called the religious state than does the "religious institute" which, according to Suarez, Christ Himself is supposed to have founded for His apostles.

In the fourth and final chapter of Book III, Suarez undertakes the major task of definitely establishing the thesis that the religious state, strictly speaking, has existed continuously throughout the history of the Church. This means that, from apostolic times, the state of religion must always have been the same, at least in some substantial or essential sense. Thus the conclusion for which Suarez argues here is twofold:

I assert in the first place, therefore, that the religious state, with respect to the substance and essence of this same manner [of living], has

71 D.R. VII, III, iii, 6-8: O.O. XV, pp. 238-239.

72 D.R. VII, III, iii, 9-12: O.O. XV, pp. 239-241.

always existed in the Church. This assertion is certain among all Catholics. . . . The religious state has, therefore, with respect to substance, always been the same in the Church from its beginning up to the present. Nor have heretics produced an objection of any import against this truth, to which it would be necessary to respond.⁷³

Clearly this thesis of substantial continuity and identity is the major point in the Suarezian polemic against the Reformers and other adversaries of the religious state in the history of the Church. His conclusion, however, is extended even further to accidental or circumstantial aspects of the state:

Secondly, it must be asserted: even in rituals, or religious customs, at least taken generically or in general, significant agreement is to be found between religious of the primitive and contemporary Church. These include dress, common life, practices and activities, and the manner of their holy interaction.⁷⁴

73 D.R. VII, III, iv, 2 and 5: O.O. XV, pp. 241 and 243: "Dico ergo primo statum religiosum quoad substantiam et essentiam ejusdem rationis fuisse semper in Ecclesia. Haec assertio certa est apud omnes Catholicos. . . . Religiosus ergo status quoad substantiam idem semper fuit in Ecclesia ab exordio ejus usque nunc. Neque contra veritatem hanc afferunt haeretici objectionem alucujus momenti, cui satisfacere necessarium sit".

74 D.R. VII, III, iv, 6: O.O. XV, p. 243: "Secundo dicendum est: etiam in caeremoniis, seu ritibus religiosis, saltem in genere, seu in communi sumptis, magna invenitur convenientia inter religiosos primitivae et praesentis Ecclesiae, quae sunt habitus, communis habitatio, exercitia et actiones, modusque sanctae conversationis eorum".

Whether these conclusions can be proven in any strict historical sense is, as has been noted, rather doubtful, given the limitations of Suarez' sources and methodology. In the course of his argument he is, nonetheless, able to clarify further his view of what is substantial or essential to the religious state in the Church, and what is merely accidental or conditioned by historical circumstances.

The foregoing twofold conclusion is again grounded in the fundamental distinction between substance and accident introduced by Suarez in his discussion of the institution of the religious state by Christ:

The religious state can be considered either in itself or as attached to a specific rule or institute with trappings of one kind or another; we can call the former the substance of this state; all of the latter is non-essential with regard to the religious state, even though it seems to encompass the manifold differences among religious communities which are counted as specifically distinct.⁷⁵

75 D.R. VII, III, iv, 1: O.O. XV, p. 241: "Religiosus status considerari potest, vel secundum se, vel prout applicatus ad talem regulam, vel institutum, cum his vel illis circumstantiis; illud prius vocare possumus substantiam hujus status; totum hoc posterius etiamsi videatur comprehendere varias differentias religionum, quae veluti specie diversae reputantur, accidentale est respectu status religiosi". Cf. D.R. VII, III, ii, 3: O.O. XV, p. 231, and section II, A of the present chapter, supra.

According to Suarez, the religious state was in substance founded by Christ and is to this extent, that is, in its essentials, unchangeable. He briefly describes this unchanging, essential character in the following words:

. . . the religious state consists substantially of this, that it is a particular way of living in which a human being dedicates himself totally to the divine service by professing those three great counsels of poverty, chastity and obedience; but the religious state, as it existed in the primitive Church, also exists today; thus they are of the same character with respect to substance and essence.⁷⁶

This total consecration to the service of God through the profession of the evangelical counsels is further specified in a threefold manner:

In order that this point may be corroborated in a few words, moreover, I note that three things can be distinguished in this state, namely, observance of those three counsels along with everything that is attached to them, obligation and consecration to them, [and] a way of contracting obligation, which would, of course, be through solemn or simple vows.⁷⁷

76 D.R. VII, III, iv, 3: O.O. XV, p. 242: ". . . status religiosus substantialiter est in hoc, quod sit quaedam vivendi ratio, in qua homo se totum divino servitio consecrat, profitendo illa tria magna consilia paupertatis, castitatis et obedientiae; sed talis fuit status religiosus primitivae Ecclesiae, et qui nunc est; ergo sunt ejusdem rationis quoad substantiam et essentiam".

77 D.R., ibidem: "Ut autem hic breviter confirmetur, adverto tria posse in hoc statu distingui, scilicet, observantia illorum trium consiliorum, cum omnibus quae illis annexa sunt, obligatio et dedicatio ad illa, modus obligationis, quod, scilicet, sit per vota solemnia vel

Thus the substance of the religious state, which in the Suarezian view, has always existed in the Church, consists in the full observance of evangelical poverty, chastity and obedience under a permanent obligation assumed by vow.

On the other hand, the accidental diversity to be found in different historical embodiments of the religious state provide it with its changeable elements. These latter need not have always been present in the religious state from the beginning:

Concerning these things which are non-essential, therefore, if they are understood specifically, there is no difficulty, because it is clear that they have changed with the passage of time, and that not all forms of religious community are equally ancient; for since they have been devised by human beings--and especially for this reason--they are subject to change . . . The approval of the Church is necessary for the establishment of religious institutes, because it is not the mere substance of the religious state that is undertaken in them, but rather [the substance] together with different trappings and non-essential elements whose appropriateness and worth⁷⁸ must be assured by official approbation.

simplicia". Suarez' more complete exposition of these essentials of the state is discussed in section I of Chapter IV, infra.

78 D.R. VII, III, iv, 1: O.O. XV, p. 241: "De his ergo quae accidentaria sunt, si in particulari sumantur, nulla est quaestio, quia manifestum est pro temporum varietate esse mutata, et non omnes religionis modos esse aequae antiquos; cum enim illi ab hominibus inventi sint, mutationem accipiunt, et ob hanc praecipue causam . . .

The "accidentals" of religious life have exhibited a great deal of variety throughout history. Nevertheless, they do possess a constant element in the Suarezian view, namely, that they have always been in some way officially approved by the Church as worthy and appropriate forms of the religious state. Hence, the formal approbation of particular and diverse religious institutes by Church authority is seen to be an essential condition for the existence of the religious state in its concrete forms. Again it should be noted that it is questionable whether the historical data which Suarez adduces to support this conclusion, as well as those which preceded it, are absolutely compelling. But his argument reveals clearly, if only in general terms at this point, his position on what is essential to the religious state in the Church, as opposed to the "accidental" forms it has acquired through the course of history.

Ecclesiae approbatio in religionibus constituendis necessaria est, quia in eis non nuda substantia religiosi status sumitur, sed cum variis circumstantiis et accidentibus, de quorum convenientia vel probitate oportet per publicam approbationem constare". On the need for ecclesial approbation, v. section II, A of Chapter IV, infra.

The present study is not concerned primarily with the Suarezian view of the historical development of the religious state, or even with the dispute about its evangelical institution. Rather, it is what Suarez calls the substance or essence of the religious state, its necessary elements, that are the focus of attention here and in the following chapter. The substance of the state, that is, the profession of the specific vows of religion, as well as the formal approbation of religious communities, has been treated here in general terms. Now it will be considered in greater detail in order to present a more complete picture of the essential nature of the religious state, and to define more precisely its specific character as a subdivision of the canonical state of perfection.

CHAPTER IV: THE ESSENTIALS OF THE RELIGIOUS STATE

The definitive Suarezian account of the essential elements of the religious state in the Church is the subject of the second book of Treatise VII of the De Religione.¹ An examination of the eighteen chapters of this book reveals what Suarez considers to be the conditions necessary for the completeness of the state of religion in general, as well as for its valid existence in a concrete, historical form. Particular forms of the state, that is, specific types and individual instances of religious institutes, are dealt with in the final two treatises of the work (IX and X). Here the concern is with the essentials of the religious state as such. These essential elements are to be found not so much in the theology of the state, which is fundamentally the theology of the general state of perfection, but rather in the canonical specifications which have become attached to the concept of the religious state in the course of the history of the Church. Those canonical specifications which the Christian community has judged to be absolutely necessary for the state are distinguished

¹ The complete title of Book II is: De religiosi status essentia, origine, et votis, ac de aliis quae ad illum spectant (O.O. XV, p. 113).

by Suarez from others which are relative and conditioned by historical circumstance. Needless to say, what is to be considered here are the elements which were perceived to be essential to the religious state in the sixteenth and seventeenth centuries. They further specify Suarez' essential conditions for the canonical state of perfection in general.²

Before the essentials of the religious state can be adequately dealt with, however, two preliminary distinctions are to be noted. The first is concerned with the very term, "religious state", and the fact that

. . . there can be a certain analogy in the use of this term, and diversity is encountered in the reality itself; for the full and complete religious state, properly speaking, is one thing; but there can be other [states] which are incomplete, and [religious] according to a certain participation; in the course of this book, therefore, we shall delineate and explain both kinds of the state of perfection to-be-acquired.³

According to Suarez, therefore, there is both a strict and

2 Cf. section II of Chapter II, supra.

3 D.R. VII, II, [introductory paragraph]: O.O. XV, p. 113: ". . . in usu vocis hujus potest esse quaedam analogia, et in re ipsa invenitur varietas; nam quidam est status religiosus proprius, completus atque perfectus; alii vero esse possunt imperfecti, et secundum quamdam participationem; ideo in discursu hujus libri utrumque modum status perfectionis acquirendae distinguemus et explicabimus".

a broad sense of the term "religious", which may be generally defined in light of the canonical usage of the Church:

. . . the title of "religious", or regular, understood in the strict sense, denotes one who has professed the three essential vows in an approved religious community; but in the broad sense, it embraces all who are consecrated to the service of God through some vow and a particular way of living.⁴

In this latter or broad sense, the term, "religious state", may be understood to be roughly equivalent to "the state of perfection to-be-acquired", which was discussed in Chapter III above. These two expressions designate essentially the same reality, namely, consecration by vow or other form of commitment to a special way of life which has as its ultimate end (finis ultimus) the worship and glorification of God through the perfection of charity, which is its proximate and intrinsic end (proximus finis intrinsecus).⁵ The means (medium) to these ends, moreover, is implicit in both expressions, namely, the observance of

4 D.R. VII, II, i, 1: O.O. XV, p. 113: ". . . nomen religiosi vel regularis, stricte sumptum, significare eum, qui tria substantialia vota in religione approbata professus est, late vero comprehendere omnes, qui per aliquid votum et specialem vivendi modum Dei Servitio consecrantur".

5 D.R. VII, II, i, 2-3 and 12: O.O. XV, pp. 114 and 117.

at least some counsels in addition to the fulfillment of God's precepts.⁶ As has been seen in the previous chapters of the present study, Suarez treated these matters which pertain to the state of perfection in general in Book I of his treatise.

In Book II, on the other hand, the focus of attention is the religious state in the stricter sense of the term. The two main sections of the present chapter, therefore, are devoted respectively to the two general elements of the state which Suarez sees to be essential, namely, the profession of what are commonly called the vows of religion (tria substantialia vota . . . professus est) and the ecclesial approbation of particular religious institutes (in religione approbata). Both of these essential elements entail a second preliminary distinction, which Suarez states explicitly a little further on:

I presuppose that the religious state can, essentially speaking and when the very nature of the matter is considered, be established in two ways: one way is in a religious community; the other is in a solitary life, or in an individual way of living.⁷

6 D.R. VII, II, i, 4: O.O. XV, p. 114.

7 D.R. VII, II, iv, 1: O.O. XV, p. 127: "Suppono statum religiosum duobus modis constitui posse per se loquendo, et ipsa rei natura considerata: unus modus est in communitate religiosa, alius est in vita solitaria, seu in peculiari vivendi modo".

In theory, religious life can be either cenobitic, lived in community, or eremitical, lived individually. In both cases, the essence of the religious state can be realized, provided that there is a valid profession of the vows of religion.⁸ But by the sixteenth century, as a matter of fact, only the communal form of the religious state was formally recognized by the Church. Accordingly, when Suarez considers the essential elements of the religious state, he deals with the profession of religious vows by an individual within an approved religious community, as well as the ecclesial approbation of particular religious communities, rather than with individual ways of life. While the possibility of individual forms of the religious state is not excluded, the emphasis on community here corresponds generally to the form of religious life more prevalent in the Church today.

I

THE PROFESSION OF THE VOWS OF RELIGION

The first essential element of the religious state, generally speaking, the profession of the vows of religion,

⁸ For Suarez' defense of the "solitary" life as a possible form of the state of religion, v. D.R. VII, II, iv, 2-4: O.O. XV, pp. 127-128.

is chiefly concerned with the conditions required of an individual who enters a religious community. Secondly, it involves the essential institutional components which such a community must possess in order to be considered a valid form of the religious state. For Suarez, the presence of such components is a necessary condition for the approval by the Church of any particular institute of perfection as a formally recognized state of religion in the strict sense. The necessity and nature of the ecclesial approbation of religious institutes will be discussed in the second section of this chapter. Here, however, the focus of attention will be on what is essentially entailed in the profession of religious vows.

The Suarezian account of the profession of the vows of religion may be outlined in the following manner:

- A.) The first consideration includes the vows themselves, both with respect to their substance, the profession of the evangelical counsels of poverty, chastity and obedience, and in their more formal aspect, perpetual obligation.
- B.) In addition to the three vows and flowing from them, there is the requirement that in the very profession of the vows the individual who is assuming the religious state deliver himself to, or put himself at the disposal of, either some particular human being or some religious

community that accepts the profession on behalf of God. Suarez calls this self-donation of the religious, among other things, the surrender of one's person (traditio personae). The total dedication of the religious to God which is embodied therein is an essential element of the religious state. C.) Finally, Suarez examines the canonical distinction between simple and solemn vows and the question of whether the latter are essential to an integral state of religion. The consideration of more detailed canonical questions concerning each of the vows is taken up by Suarez in the final books of the treatise.⁹ Likewise, the question of the specific canonical requirements for the validity of religious profession as such is deferred to Books VI and VII.¹⁰ These latter matters are beyond the scope of Book II to the extent that they are less essential and more historically-conditioned elements of the state. As such, they are not included among the more absolute essentials of the religious state which are treated here.

A. THE THREE PERPETUAL VOWS

The religious state, as a state of life, must fulfill two basic conditions. First, it must be a way of life which

9 Books VIII, IX and X: O.O. XV, pp. 544ff.

10 O.O. XV, pp. 381ff.

is sufficiently complete (perfectus) for the attainment of its goal, which is the perfection of Christian charity, the love of God and neighbor. Secondly, as a state of bondage, it must be constituted by a moral bond which imparts to it the stability or immutability needed for a true state of life.¹¹ According to Suarez, the religious state fulfills these conditions because it involves the public profession of perpetual vows of poverty, chastity and obedience. This profession is a necessary condition for the existence of the religious state in the Church. It is not, however, a sufficient condition, since other elements may be required in the concrete, historical situation.¹² Nevertheless, Suarez wishes to show, in the first place, that for the religious state, properly speaking, to exist in any substantial sense, the three evangelical counsels must be professed, and, in the second place, that the form of this profession must be the moral bond of perpetual vows.

1. The Three Evangelical Counsels

Concerning the profession and practice of the

11 Cf. section I, A of Chapter I, supra.

12 D.R. VII, II, ii, 2: O.O. XV, pp. 117-118. Because the religious state is a public ecclesial state, of course, it always requires formal recognition as such, that is, ecclesial approbation.

evangelical counsels of poverty, chastity and obedience as essential elements of the religious state, Suarez asserts and defends three theses. The first is concerned with the necessity of all three counsels for the religious state in the proper and strict sense. The second thesis deals with their sufficiency in constituting the substance of the state. The final thesis sets forth the relationship of the counsels to the religious state in the broad sense. The most important of these three theses is the first, which Suarez states and supports in a general way as follows:

I assert in the first place: those three counsels of poverty, chastity and obedience are necessary and essential to the religious state simply speaking, that is to say, spoken of as complete and in the strict sense. . . . because the religious state is a school or course of study in the acquisition of perfection; but a complete and perfect way of perfection ought to propose primarily that those three counsels be observed; the same elements, therefore, are necessary in a complete state of religion.¹³

It is not entirely obvious, however, why the observance of these particular counsels is necessary for the acquisition

13 D.R. VII, II, ii, 3: O.O. XV, p. 118: "Dico primo: ad religiosum statum simpliciter, seu perfectum ac proprie dictum, necessaria sunt et essentialia illa tria consilia paupertatis, castitatis et obedientiae. . . . quia status religiosus est schola seu studium perfectionis acquirendae; sed integra perfectionis via et consummata, illa tria consilia imprimis proponere debet observanda; ergo eadem sunt necessaria in statu perfecto religionis". Cf. S.T. IIaIIae. 186, 2 and 3.

of perfection in the religious state. The respective renunciations of material goods and of marriage and the sexual expression proper to it, as well as the offering of obedience to another human being as God's representative, may in some cases--and perhaps in most--be morally necessary for a person to make progress in and finally attain Christian perfection. On the other hand, the rich, the married, and those who have not committed themselves to any special form of obedience, have never been excluded from becoming perfect in Christian charity, either in possibility or in fact. The question arises, therefore, as to why the evangelical counsels are so necessary for the religious state.

To answer the foregoing question, Suarez recalls his basic distinction between perfection itself and the state of perfection. These are related to each other as end and means to that end respectively.¹⁴ The religious state, as a state of acquiring perfection, not only has perfection as its goal, but also provides specific means for attaining that goal. It can be argued, as Suarez does, that these means, the observance of the three counsels, while not

¹⁴ Cf. the introductory section of Chapter II, supra.

absolutely necessary for the acquisition of Christian perfection, is especially helpful for attaining this goal. In the case of poverty and of chastity, this special helpfulness is both straightforward and essentially negative, namely, the removal, in a manner of speaking, of possible and likely hindrances to perfect love of God and neighbor. By the observance of poverty, one removes from oneself, so to speak, the desires and cares connected with material goods which may distract one from God.¹⁵ Likewise, the observance of chastity is directed to the same end with regard to sexual desire and the concerns of marriage. In fact, the renunciation of material goods entails, practically speaking, the renunciation of marriage, that is, celibate chastity and sexual continence.¹⁶ The usefulness for acquiring perfection of voluntary religious obedience--as opposed to the necessary obedience to God and to duly constituted human authorities--is, however, both a bit more complex and not entirely negative.

What is meant by religious obedience, according to Suarez, is the obedience

. . . which is offered chiefly to Christ and

15 D.R. VII, II, ii, 4-5: O.O. XV, pp. 118-119.

16 D.R. II, ii, 6-7: O.O. XV, p. 119.

then to a human being as His representative, ordered to the spiritual welfare of the soul, indeed, in order that [Christ's representative] might guide and assist the person entrusted to his obedience in the path of salvation.¹⁷

When such obedience is professed, and especially when it is confirmed by vow, it can be most helpful in attaining perfection. Suarez makes use of the traditional arguments here. Negatively speaking, religious obedience is a safer way to perfection because it removes the dangerous obstacle of self-will. On the positive side, it is more pleasing to God because it entails greater self-abnegation and humility, as well as a greater subjection of one's own will to God's.¹⁸ Furthermore, obedience provides "some definite rule and systematic procedure" (certam aliquam regulam et rationem operandi) for an individual's progress toward perfection in the religious state. It also removes to some extent anxiety about oneself and the disposition of one's life and actions which might hinder one's growth in love of God and neighbor.¹⁹ And since the religious state is most commonly lived

17 D.R. VII, II, ii, 8: O.O. XV, p. 119: ". . . quae Christo principaliter offertur, et proxime homini, tamquam vicem ejus gerenti, in ordine ad spirituale animae bonum, nimirum, ut hominem suae obedientiae commissum in via salutis dirigat et adjuvet".

18 D.R., ibidem: O.O. XV, pp. 119-120.

19 D.R. VII, II, ii, 9: O.O. XV, p. 120; cf. S.T. IIaIIae. 186, 7 resp.

"in some kind of community and societal life" (in aliqua communitate et sociali vita), obedience is an obvious necessity.²⁰ The observance of obedience provides an element which is at least morally necessary for living in the religious state.

The observance of the three evangelical counsels is not only necessary when they are considered individually, but also when they are taken together (simul). The religious state demands of a human creature the total renunciation (integram renuntiationem) of created goods--both external and internal, physical and spiritual--in favor of the Creator. All three counsels together ensure the totality of such a renunciation.²¹ The reason for this total renunciation may be stated, according to Suarez, as follows:

. . . just as it is not sufficient for virtue to avoid evil, but it is necessary to do good, so too it is not sufficient for a state of perfection to shun dangers, or to remove obstacles to progress in the perfection of charity, but it is also necessary to offer one's entire life to God in order to serve Him in works of perfection.²²

20 D.R., ibidem.

21 D.R. VII, II, ii, 10: O.O. XV, p. 120.

22 D.R., ibidem: ". . . sicut ad virtutem non satis est vitare malum, sed necessarium est bonum operari, ita

As the primary and most complete form of the state of acquiring perfection in the Church, the religious state requires the observance of all three counsels together. And the inclusion of the counsel of religious obedience is crucial in this respect. It adds to the essentially negative intent of the other two counsels the positive element of a total consecration of oneself, through the renunciation of one's own will, to the service of God.

Suarez' second thesis on the evangelical counsels is simply a corollary to the first: "Secondly, it must be asserted that these three counsels are sufficient in themselves to constitute the substance of the religious state".²³ Although the observance of the three counsels is not alone sufficient to bring about the existence of the state of religion in a concrete, historical form, nevertheless, the

ad status perfectionis non satis est fugere pericula, vel impedimenta tollere proficiendi in perfectione charitatis, sed etiam necesse est totam vitam suam ad Deo serviendum in operibus perfectionis ipsi offerre". For a classic, contemporary treatment of the theme of renunciation and the counsels, cf. Karl RAHNER, S.J., "Reflections on the Theology of Renunciation", in Theological Investigations III: The Theology of the Spiritual Life, tr. Karl-H. and Boniface Kruger, Baltimore, Helicon, 1967, pp. 47-57.

23 D.R. VII, II, ii, 11: O.O. XV, p. 120: "Secundo, dicendum est haec tria consilia per se sufficere ad substantiam status religiosi constituendam".

practice of poverty, chastity and obedience does constitute the substance of the state. In defending this thesis, Suarez simply elaborates a traditional Thomistic argument.²⁴ According to the argument, the three counsels are sufficient to constitute the substance of the religious state for the following three reasons: 1.) Their observance removes, in a manner of speaking, all obstacles, both internal and external, to growth in the perfection of charity.²⁵ 2.) Their observance excludes to a great extent the spiritual restlessness and "undue anxiety about things of the world" (nimiam sollicitudinem secularem) which often hinders progress in perfection. And 3.), the observance of all three together entails the total offering of oneself and all that one has to God which is essential to the religious state.²⁶ Thus Suarez is able to conclude that

. . . in a state of religion, those three [counsels] are said to comprise the substance of the religious state; because they are its first and principal foundations to which all other elements that can be appropriate for attaining the purpose of that state are reduced. For in those [counsels] all means, that can be suitable either for taking away obstacles or for making a total offering of

24 Cf. S.T. IIaIIae. 187, 7.

25 D.R. VII, II, ii, 11-12: O.O. XV, pp. 120-121.

26 D.R. VII, II, ii, 14: O.O. XV, p. 121.

oneself and one's possessions to God, are virtually included.²⁷

The three counsels, considered individually and together, are universal or general in character.²⁸ Because of their generality, they virtually (virtute) include in their scope any particular counsel which might be appropriate to the way of life of a given state of religion or religious institute.

The third and final thesis is concerned with what Suarez here calls the incomplete (imperfectus) religious state. He is obviously speaking of the religious state in the broad sense of the term:

I assert in the third place: one who professes only one or another of these principal counsels, or all of them partly and incompletely, even though he does not undertake the state of religion, strictly speaking, nevertheless participates in some manner in the religious state, and that state can be called religious in a broad sense or by analogy.²⁹

27 D.R. VII, II, ii, 16: O.O. XV, p. 122: ". . . in statu religionis, illa tria dicuntur substantiam religiosi status continere; quia sunt prima ac principalia ejus fundamenta, ad quae caetera omnia reducuntur, quae ad finem illius status consequendum convenientia esse possunt. Nam in illis virtute continentur omnia, quae vel ad removenda impedimenta, vel ad perfectam oblationem sui et suarum rerum Deo faciendam opportuna esse possunt".

28 Cf. section I, B of Chapter II, supra.

29 D.R. VII, II, ii, 17: O.O. XV, p. 122: "Dico tertio: qui tantum unum vel alterum ex his principalibus consiliis, vel omnia incomplete et imperfecte profitetur,

The defense of this thesis is quite straightforward and need not be detailed here. What should be noted is that, although the three counsels of poverty, chastity and obedience have been shown to be at least morally or practically necessary for the religious state and to constitute its substance or essence, nevertheless, according to Suarez, a true state of life which involves the complete or partial observance of only one or two of these counsels, or only the partial observance of all three, or even the practice of other counsels of perfection, can in a valid, but analogous, sense be called a state of religion, at least in substance. Such a state is incomplete or imperfect, not because it is not a way of life oriented to the acquisition of perfection, but rather because it lacks something of the full substance of what is recognized in the Church as the prime analogate of the state of acquiring perfection, namely, the religious state, strictly speaking.

2. The Bond of Perpetual Vows

The observance of the three counsels is not alone

quamvis simpliciter statum religionis non assumat, nihilo-
minus statum religiosum aliquo modo participat, et in lata
significatione seu analogia quadam status ille dici potest
religiosus". Cf. S.T. IIaIIae. 184, 4.

sufficient to constitute fully a state of religion--even though it is the substance or essence of such a state. The religious state must also be constituted by some special bond of obligation which confers on it a moral stability or immutability proportionate or appropriate to its character as a state of life.³⁰ Because of the difficulty of consecrating oneself totally to God as is required in the religious state, such a consecration needs to be confirmed by an adequate bond of moral obligation. This is especially true for the practice of the counsel of obedience. A way of life in which poverty and/or chastity are to be observed might well be maintained by a firm, individual resolve, along with the help of God's grace. Of its very nature, however,

. . . obedience in the case of a matter which is not of precept, but rather voluntary, cannot be practiced without some previous bond. Because obedience presupposes the directive, or even coercive, power to command; this cannot exist, however, concerning a matter otherwise unencumbered by an obligation of precept, unless a voluntary subjection comes first, . . . The religious state, therefore, since it is a state of voluntary obedience, cannot be established through intention alone.³¹

30 D.R. VII, II, iii, 1: O.O. XV, p. 123.

31 D.R. VII, II, iii, 2: O.O. XV, pp. 123-124: ". . . obedientia in materia non praecepta, sed voluntaria, sine aliquo praecedenti vinculo exerceri non potest. Quia

Again the crucial role of the counsel of obedience stands out in the Suarezian account. Without it, the state of religion would not need a special bond of obligation and could remain purely a matter of counsel. Just as obedience contributes a unique element to complete the substance of the religious state, so also it demands the voluntary subjection of one's own will to that of another human being, seen as God's representative, a subjection which is the characteristic mode of the moral stability of the state.

For Suarez, then, the bond of obligation which creates the moral immutability requisite for the religious state is essentially the profession of perpetual vows, specifically, vows of poverty, chastity and obedience. As he himself puts it:

. . . we presuppose that this obligation falls primarily and in itself on those three principal counsels which are essential to the religious state, . . . and that it ought to be unlimited and, accordingly, of itself perpetual for an entire lifetime.³²

obedientia supponit potestatem praecipiendi directivam, vel etiam coactivam; haec autem esse non potest circa materiam alias liberam ab obligatione praecepti, nisi praecedat voluntaria subiectio, . . . Ergo status religiosus, cum sit status voluntariae obedientiae, non potest per solum propositum constitui".

32 D.R. VII, II, iii, 3: O.O. XV, p. 124: ". . .

The principal obligations of the religious state, therefore, should deal with those matters which constitute the substance of the state, namely, the three evangelical counsels. That the obligations ought to be perpetual, that is, for a lifetime, follows from the nature of the state as a true and complete state of life, and from its end or goal, which is the perfection of charity both in this life and the next. If this goal is to be attained, then the individuals who profess the religious state must be committed to persevere in fulfilling its substantial obligations to the end of their lives. Such is the moral immutability which is proportionate to the state by its very nature and purpose. The only controversial point in the Suarezian position is the requirement that the moral bond which brings about this immutability be the obligation of vow. Nevertheless, Suarez does hold that only the profession of vows provides the appropriate moral stability of the religious state.

In support of the view that vows are essential to the religious state, Suarez appeals to the traditional

supponimus hanc obligationem primo, et per se cadere in tria illa principalia consilia statui religioso essentialia, . . . et debere esse indefinitam, ac subinde de se perpetuam pro toto vitae tempore".

practice of the Church. But he also argues from the very nature of the state that the bond of vows is necessary:

This bond cannot, however, be extrinsic, that is, resulting from an outside power, as does a precept, because this state, and its principal foundations, which are poverty, chastity and obedience, are such that they neither fall under an obligation of precept from the nature of the matter, nor have been ordered by God, nor could be commanded by the Church, unless a human being voluntarily binds himself beforehand.³³

The bond of obligation proper to the religious state, therefore, must be imposed "from within" by the voluntary consent of the person assuming the state. A vow, by its very nature as a freely-made promise to God, creates such an intrinsic bond. The same, however, could be said of a simple promise made to, or an agreement made with, another human being or a community to observe certain counsels. Such a human promise or agreement, not involving God directly, could certainly create the intrinsic bond of obligation.³⁴ In the making of this kind of promise or

33 D.R. VII, II, iii, 5: O.O. XV, p. 124: "Hoc autem vinculum non potest esse extrinsecum, id est, ab extrinseca potestate proveniens, quale est praeceptum, quia hic status, et fundamenta principalia ejus, quae sunt paupertas, castitas et obedientia, talia sunt, ut nec ex natura rei cadant sub obligatione praecepti, nec a Deo imperata sint, nec ab Ecclesia praecipi possint, nisi voluntaria obligatio hominis antecedit".

34 D.R. VII, II, iii, 6: O.O. XV, pp. 124-125. Among states of perfection, the episcopal state is undoubtedly

agreement, the object may well be closer union with God through the perfection of charity, without, however, there being any promise made directly to God, that is, without any vow.³⁵ Thus the question remains concerning why, apart from the tradition and practice of the Church, the bond of vows is necessary to constitute the religious state in the full sense.

Suarez' answer to the foregoing question makes appeal first to the name, and thus to the nature of the state. It is a state of religion and is, therefore, somehow concerned with the virtue of religion, which primarily regulates a human being's relationship with God. The religious state must, accordingly, be constituted essentially by promises made to God, that is to say, by vows.³⁶ Suarez further argues that vows are necessary here

. . . because a human promise alone, if it be

constituted, not by a vow, but rather by a covenant (pactum) between a bishop and the Church. Cf. section I, A of Chapter III, supra.

35 D.R. VII, II, iii, 7: O.O. XV, p. 125.

36 D.R. VII, II, iii, 8: O.O. XV, p. 125. For Suarez' treatment of the virtue of religion, cf. "De objecto et materia virtutis religionis" (D.R. I, I: O.O. XIII, pp. 3ff.), and for the same concerning vows, cf. "De essentia et honestate voti" (D.R. VI, I: O.O. XIV, pp. 753ff.).

private, and it can be dissolved by the mutual consent of the promiser and the promissary, is incomplete, and it is insufficient for an ecclesiastical religious state in the proper sense, unless it is confirmed by some law of a public authority; a promise of obedience, however, is not reinforced in this way, unless it is dedicated principally to God through a vow in the proper sense.³⁷

This argument again alludes to the practice of the Church in permitting the publicly recognized observance of obedience and chastity only if such be undertaken by vow. It is clear that Suarez is here speaking of the religious state in the strict sense. A merely human promise to observe the evangelical counsels, involving only the mutual consent of promiser and promissary, is not formally recognized by the Church as fully constituting the religious state. Such a promise needs formal confirmation by ecclesial law and public authority. Furthermore, this kind of confirmation is given only if the promise is a vow in the proper sense. Thus, the profession of vows is, at least in practice, absolutely necessary to the religious state.

37 D.R. VII, II, iii, 8: O.O. XV, p. 125: ". . . quia sola promissio humana, si privata sit, et per mutuum consensum promittentis et promissarii dissolvi potest, imperfecta est, et ad proprium statum religiosum et ecclesiasticum non sufficit, nisi jure aliquo et auctoritate publica firmetur; hoc autem modo non confirmetur promissio obedientiae, vel castitatis, nisi per proprium votum Deo principaliter consecratur".

Finally, Suarez contends that it is equally as much a part of the acquisition and practice of perfection to vow to observe a counsel as it is simply to observe the counsel. In fact, to practice works of perfection under the obligation of a vow is itself said to be a matter of counsel.³⁸ One who observes a counsel under the obligation of a vow is thus said to have attained "a double perfection" (duplicem perfectionem). Again, however, it should be noted that Suarez is speaking here of the state of perfection to-be-acquired in the full and strict sense, that is, what is publicly recognized in the Church as the religious state. States of acquiring perfection which do not have the bond of vow are states of religion only relatively speaking.³⁹ And the perpetual vows must be three in number. Poverty and chastity cannot be subsumed under the single vow of religious obedience. Their perpetual observance is integral to the religious state, and so cannot be merely contingent upon the command of a religious superior.⁴⁰ All three vows must be made directly and principally to God, whereas what is promised to God in

38 D.R. VII, II, iii, 9: O.O. XV, p. 125. Cf. section I, B of Chapter II, supra.

39 D.R., ibidem; O.O. XV, p. 126.

40 D.R. VII, II, iii, 11: O.O. XV, p. 126.

the vow of obedience is only that one will obey some religious superior.⁴¹ Thus Suarez has argued that the profession of the three perpetual vows of poverty, chastity and obedience is essential to the religious state in the strict sense.

B. THE TRADITIO PERSONAE

Implicit in the contention that the religious state is essentially constituted by the total consecration of an individual to God through the profession of the three vows of religion is a significant element of the state, which Suarez now explicitly introduces:

. . . by means of religious vows a human being is handed over to God in such a way that ownership of himself is conveyed in a special manner to God; this does not happen, however, except when such vows are received by the Church on behalf of God.⁴²

This surrender of one's entire person (traditio personae)--also called a giving of oneself or self-donation (donatio sui)--is here considered, following Suarez, as a distinct, essential element of the religious state. From another

41 No promise, however, is necessarily made to the superior when such a vow is pronounced. Cf. D.R. VII, II, iii, 7: O.O. XV, p. 125.

42 D.R. VII, II, iv, 5: O.O. XV, p. 128: ". . . per vota religiosa ita homo traditur Deo, ut speciali modo dominium sui in Deum transferat; id autem non fit nisi quando talia vota nomine Dei per Ecclesiam acceptantur".

point of view, the traditio could also be understood as a concise expression of the essence of the state. This viewpoint is reinforced, moreover, by Suarez' appeal here to the teachings of the Fathers of the Church on the religious state, and especially to Saint Thomas.⁴³ Again he recalls the traditional Thomistic conception of the religious state as a state of bondage:

. . . this is to be understood, moreover, in terms of bondage to God, as the very word "religion" indicates. . . . But slavery does not come about through a promise alone, but requires a surrender and transfer of title. Analogously, therefore, it is necessary in the case of this state.⁴⁴

The notion of traditio is an elaboration of this metaphor in terms of the legal concept of transference of title or ownership (dominium). In the case of the religious state, an individual who professes religious vows transfers the ownership of his entire person in a special way to God.

43 D.R., ibidem: O.O. XV, pp. 128-129; cf. S.T. IIaIIae. 184, 4 and 5, and 186, 1.

44 D.R., ibidem: O.O. XV, p. 129: ". . . hoc autem intelligendum est de servitute Dei, ut ipsum nomen religionis prae se fert. . . . At servitus non fit per solam promissionem, sed traditionem et dominii translationem requirit. Ergo cum proportionem in hoc etiam statu necessaria est". Cf. Suarez' speculation at the beginning of D.R. (I, I, i, 6-9: O.O. XIII, pp. 5-6) on the meaning of "religion" as used of the virtue. There he states that the virtue is so called because it "binds human beings to God" (religat homines Deo), and refers to it as "a bond" (vinculum, seu ligamen).

The concept of traditio carries with it the corresponding concept of acceptatio, the acceptance of title or ownership, as a further essential condition of the religious state:

. . . a surrender does not have the strength or efficacy to convey ownership to another, unless it is accepted by him; acceptance by God, therefore, is necessary in the case of the surrender being considered here.⁴⁵

The traditio of the religious thus requires an acceptatio by God because a donation is a kind of contract which does not take effect without the mutual consent of donor and donee.⁴⁶ The matter of God's acceptance, however, is not as simple as acceptance in an ordinary human contract because

. . . God Himself does not receive directly any particular donation made to Him; it is necessary, therefore, that this acceptance be made by the

45 D.R. VII, II, iv, 6: O.O. XV, p. 129: ". . . traditio non habet valorem nec efficaciam ad transferendum dominium in alterum, nisi ab eo acceptatur; ergo etiam in praesenti traditione necessaria est acceptatio Dei".

46 D.R., ibidem. Suarez' language throughout this discussion is quite similar to that of CIC, c. 1081, 2, which reflects a contractual view of marriage: "Consensus matrimonialis est actus voluntatis quo utraque pars tradit et acceptat . . .". This is not surprising since he states elsewhere: ". . . per religionis professionem fit quaedam spiritualis desponsatio inter Deum et hominem, . . . ergo ad illam necessarius est utriusque partis consensus". (D.R. VII, III, ii, 13: O.O. XV, p. 235.) Cf. CIC (1983), c. 1057, 2.

Church, or by an agent delegated by it, and consequently, for that reason it is necessary that this surrender be made in the hands of a particular human being.⁴⁷

The profession of religious vows, therefore, needs to be accepted in some way by the Church acting as God's representative. Furthermore, the religious state is a public, ecclesial state. Accordingly, for the traditio by which a person becomes a religious to be recognized as valid, it must be made and accepted under conditions set forth in canon law as necessary.⁴⁸ In the traditional practice of the Church, the correlative elements of traditio and acceptatio are thus essential to the religious state in the strict sense.

According to Suarez, the necessity for the Church to intervene in some way in the acceptance of the traditio of the religious stems from two factors. The first is that a traditio is not simply a promise to do or not do something. A promise obliges the person making it to do only what has been promised. It is not, however, a total

47 D.R., ibidem: ". . . Deus non acceptat immediate per seipsum aliquam donationem sibi factam; ergo necesse est ut per Ecclesiam seu ministrum ab ea deputatum haec acceptatio fiat, et consequenter, ratione illius necessarium est traditionem hanc in manibus alicujus hominis fieri".

48 D.R., ibidem; cf. S.T. IIaIIae. 184, 4.

surrender of the individual's legitimate ownership of his own person. In virtue of the latter, God's power over his creature is, so to speak, reacquired (de novo acquisitum) as a result of a human being freely undertaking obligations toward his Creator which go well beyond what is essential to their fundamental relationship.⁴⁹ On the other hand, if this undertaking, or traditio, is to be valid and effective, it must be accepted by God. And the ordinary mode of this acceptance is the second factor which demands ecclesial intervention:

The surrender or donation, however, although it could be made directly in the sight of God, nevertheless, is not received by Him, nor is it pleasing to Him, unless it is made to some human being by whom it could be accepted or rejected, and who acquires a right to the thing surrendered in order to make use of it, or to govern it, and to administer it.⁵⁰

In the ordinary course of His providence, God does not directly and personally administer and care for things or persons which have been specifically dedicated to Him. Thus

49 D.R. VII, II, iv, 7: O.O. XV, p. 129.

50 D.R., ibidem: "At vero traditio vel donatio, licet possit immediate fieri intuitu Dei, non tamen acceptatur ab ipso, nec est illi grata, nisi fiat alicui homini, a quo acceptari vel repudiari possit, et qui jus acquirat in rem traditam ad utendum illa, vel illi imperandum, curamque gerendi ejus".

He must act through some human, secondary cause in accepting the self-donation of the religious.⁵¹ And the intervention of the Church, acting in the person of its ministers, is the secondary cause through which God accepts the traditio of religious profession.

The concept of the traditio personae has an important canonical consequence for one who assumes the religious state in the ordinary manner, that is to say, by entering a religious community as opposed to undertaking an eremitical form of religious life. Suarez considers this consequence to have been very much neglected in the canonical tradition, which up to his time was more preoccupied with questions concerning the solemnity of vows and the like. He states the consequence as follows:

. . . in addition to the above-mentioned three vows, which are made directly to God, [and] by means of which a religious is bound to Him, a special human obligation, in the manner of a reciprocal covenant, by which [the religious] himself both presents himself to a religious institute, and is bound to the institute, is necessary for the bond characteristic of the religious state when it is undertaken in a religious community; and the religious institute receives his surrender and is bound to him in turn, to nourish, maintain and govern him as one of its members in accordance with its institute.⁵²

51 D.R. VII, II, iv, 8: O.O. XV, pp. 129-130.

52 D.R. VII, II, iv, 9: O.O. XV, p. 130: ". . . ad

Whereas in the traditio the self-donation of the religious is made essentially to God, and the Church in accepting it is only acting as God's representative, the covenant (pactum) spoken of here is strictly on the human level, between the religious and the community he is joining. Without such a reciprocal agreement, with its special obligations for both parties, there cannot be a canonically valid religious profession.

According to Suarez, this is why the practice of a year of probation, or novitiate, was introduced by the Church for religious institutes. Both the prospective religious and the institute need such a period of testing in order to determine on a mutual basis whether such an agreement should be entered into.⁵³ Again Suarez appeals to the traditional practice of the Church in confirming religious professions only when such a covenant has been

proprium vinculum religiosi status, quando in communitate religiosa assumitur, praeter tria vota supradicta, immediate Deo facta, quibus religiosus ipsi obligatur, necessaria est peculiaris obligatio humana per modum pacti reciproci, quo et ipse religioni se donat, et obligatur religioni; et religio ejus traditionem acceptat, eique vicissim obligatur ad illum tamquam membrum suum alendum, conservandum, et juxta suum institutum gubernandum".

53 D.R., ibidem.

made between the individual religious and a religious institute. In entering a religious community, an individual becomes a member of "a single mystical body" (unius corporis mystici). The religious and the institute are thus united by a moral bond of mutual obligation which comes into being in virtue of the traditio of the religious and its acceptatio by a duly authorized human agent in the name of God. When the human agent is, as is almost exclusively the case in the practice of the Church, a religious community--then the bond of mutual obligation is established between the individual and the community.⁵⁴

It should be noted that the bond of mutual obligation does not necessarily come into being in the rarer case of an individual assuming the religious state in its eremitical form. Here there is, to be sure, a special relationship between the person professing the vows of religion and another human being. But the obligation is not mutual. Rather, it rests solely on the individual who vows to God that he will obey the other human being as His representative.⁵⁵ The power of the other party to command

54 D.R. VII, II, iv, 10: O.O. XV, p. 130.

55 D.R. VII, II, iv, 11: O.O. XV, pp. 130-131.

obedience here does not stem from any ecclesiastical jurisdiction with which he might otherwise be endowed, but from the very profession of vows--especially the voluntary subjection of obedience--and the traditio of the individual, and their authorized acceptance by a minister of the Church.⁵⁶ Furthermore, Suarez argues that the religious state thus "privately" assumed does not necessarily demand a purely human covenant between the one who professes vows, and either the one to whom obedience is vowed or the one who accepts the vows with their accompanying traditio.⁵⁷ Such an agreement is not excluded here, but neither is it necessary. In the case of the religious state assumed in community, on the other hand, an agreement of this kind, with its mutual obligations for both individual and community, is of the substance or essence of the state.

C. SIMPLE AND SOLEMN VOWS

In the fifth through the fourteenth chapters of Book II, Suarez engages in an extended discussion of the question of whether the vows of religion must be solemn vows. This discussion is less crucial nowadays than it was in the

56 D.R. VII, II, iv, 12-13: O.O. XV, p. 131.

57 D.R. VII, II, iv, 14-16: O.O. XV, pp. 131-132.

sixteenth and seventeenth centuries, since the sufficiency of canonically simple vows to constitute a true and valid state of religion has long been accepted. As Suarez often indicates, however, it was still a matter of controversy in his day as to whether those members of his own religious order, the Society of Jesus, who made only simple vows were to be considered true religious in the strict sense. For there was a long-standing, theological and canonical opinion that simple vows did not suffice for the religious state properly speaking.⁵⁸ Although the controversies over the question have long been resolved, nevertheless, a brief summary of the Suarezian view of the canonical distinction between simple and solemn vows and the conditions for the solemnity of the vows of religion will serve to elucidate further the essentials of the religious state.

Both simple and solemn vows are truly vows, that is to say, both are instances of what a vow essentially is, namely, a promise made directly to God.⁵⁹ In general, the

58 D.R. VII, II, xiv, 1-3: O.O. XV, pp. 181-182. In the chapter De voto, CIC (1983) retains a general distinction between solemn and simple vows (c. 1192, 2), but omits any mention of it in the section De Institutis Vitae Consecratae. The distinction may still enter into the particular law of a given institute.

59 D.R. VII, II, v, 2: O.O. XV, pp. 132-133.

difference between the two kinds of vows may be stated as follows:

. . . a solemn vow differs from a simple one insofar as it adds and contains something which a simple vow does not contain; so that a simple vow is, and is called, such precisely because it contains the essential notion of a vow without any of the special solemnity which a solemn [vow] adds beyond the essential notion of a vow.⁶⁰

A simple vow is thus defined negatively (privative). It lacks something that a solemn vow possesses. But since both possess the essential character of a vow, what is added in the case of a solemn vow must be non-essential or accidental. "Accidental solemnity" does not, of course, refer here to the circumstances which may surround the profession of vows, such as special rites, numbers of witnesses, or the like. A simple vow, properly speaking, might be accompanied by solemnity of this kind, and still remain simple.⁶¹ On the other hand, a vow which is substantially solemn, even though its profession must be

60 D.R. VII, II, v, 3: O.O. XV, p. 133: ". . . votum solemne differre a simplici, tamquam addens et includens aliquid quod votum simplex non includit; ita ut votum simplex ideo tale sit et appeletur, quia praecise includit essentialem rationem voti, absque peculiari aliqua solemnitate, quam solemne addit ultra essentialem rationem voti". Cf. the relevant chapter of Suarez' De voto: "Utrum votum sit promissio Deo facta". (D.R. VI, I, xiv: O.O. XIV, pp. 805-810.)

61 D.R. VII, II, v, 9-12: O.O. XV, pp. 135-136.

external and canonically public, need not be accompanied by any solemnity of circumstances.⁶² It should also be noted that any extrinsic conditions and circumstances which are required in canon law for the validity of a substantially solemn vow are not to be identified with the intrinsic solemnity of the vow.⁶³ Its accidental character consists simply in the fact that what it adds to a simple vow is not of the essence of a vow as such.

According to Suarez, the intrinsic solemnity of a solemn vow of religion will vary according to the respective matter of each of the three, essential vows. Nevertheless, he does indicate throughout three general characteristics of a solemn vow of religion: canonical effects, the absolute necessity of the traditio, and institution by the Church. The first and most fundamental difference between simple and solemn vows resides in the canonical effects of the latter. A solemn vow of religion not only induces obligation by prohibiting certain actions or the exercise of certain rights, but also possesses the moral efficacy to render the person who professes it perpetually

62 D.R. VII, II, v, 5-8: O.O. XV, pp. 133-135. Cf. section II, C of Chapter II, supra, on the kind of solemnity essential to any canonical state of perfection.

63 D.R. VII, II, v, 13: O.O. XV, pp. 136-137.

incapable (moralem efficaciam ad inhabilitandam perpetuo personam) of such actions or the exercise of such rights under canon law.⁶⁴ In the particular case of chastity, the solemn vow not only prohibits marriage and the sexual expression proper to it as the simple vow does, it also renders a person juridically incapable of contracting a marriage which will be recognized as valid in the eyes of the Church.⁶⁵ In effect, by making a solemn vow of chastity, an individual cedes his or her natural right to marry, that is to say, becomes canonically incapable of valid marriage in perpetuo. The canonical effects of the solemn vows of poverty and obedience may be seen in a similar light.

With respect to poverty, the solemn vow not only prohibits a person from actually retaining and using temporal goods as his or her own. This is the effect of a merely simple vow. In addition, the solemn vow renders one who professes it perpetually incapable in canon law of the ownership and possession (proprietas et dominii) of such

64 D.R. VII, II, x, 1: O.O. XV, p. 159.

65 D.R., ibidem; cf. CIC, c. 1073. Suarez also notes that solemn profession of chastity dissolves the bond of a marriage ratum non consummatum (cf. CIC, c. 1119). CIC (1983), c. 1088 transfers the effect of invalidating marriage to any public perpetual vow of chastity. The provision of CIC, c. 1119, has been dropped from c. 1142 of the revised code.

goods, as well as of coming into any inheritance.⁶⁶ The incapacitating effect of the solemn vow of poverty thus deprives an individual of his or her natural right--even as limited by considerations of the common good--to own or acquire the ownership of material things. A simple vow does not have this effect, and may in fact be only partial with respect to its matter, that is to say, may not apply to all temporal goods.⁶⁷ In the particular case of obedience, however, the matter is a bit more complex. Suarez concedes that it is at least arguable that the vow of obedience can possess no substantial solemnity.⁶⁸ He will not, however, accept that this is actually so. He asserts that, in addition to the obligation of a simple vow of obedience to obey a superior,

. . . this vow has a special effect which a simple vow of obedience cannot bring about, namely, that it so subjugates the will of one who is making the vow to a superior that, without the consent of the latter, the former would be incapable of bringing about any civil or natural obligation, by contract or by any other means whatsoever of incurring [an obligation].⁶⁹

66 D.R. VII, II, xii, 7: O.O. XV, p. 169. Suarez also notes that the vow ipso facto excludes the ownership of any property which a person may have previously possessed.

67 D.R. VII, II, xii, 5: O.O. XV, p. 169.

68 D.R. VII, II, xiii, 3: O.O. XV, p. 174.

69 D.R. VII, II, xiii, 4: O.O. XV, p. 174: ". . .

Thus the incapacitating effect of this vow bears upon the natural right of an individual to assume obligations in general. This effect is, as Suarez admits, more problematic than the canonical effects of the solemn vows of poverty and chastity.⁷⁰ Nevertheless, the Suarezian doctrine is clear that, in the case of all three essential religious vows, the perpetually incapacitating effect of the solemn vow is what distinguishes it canonically from a merely simple vow.

A second general characteristic of solemn vows is concerned with the traditio personae discussed above. According to Suarez, the solemn profession of each of the vows of religion, and of all of them together, must be accompanied by the surrender of one's entire person, a total commitment or consecration of oneself to God. In considering the vow of chastity, he asserts that

. . . a simple vow is only a promise which is not joined to a surrender; a solemn vow of chastity, however, always has some surrender connected with

votum hoc peculiarem effectum habere, quem votum simplex obedientiae facere non potest, nimirum, quia ita subjicit voluntatem voventis Praelato, ut sine illius consensu inefficax sit ad omnem civilem vel naturalem obligationem, per contractum, vel quemcumque alium modum contrahendum".

70 D.R. VII, II, xiii, 6-10: O.O. XV, pp. 174-176. This is especially true today when the civil law in most places does not necessarily, or even ordinarily, recognize canonical effects.

it, which is made not to God Himself directly, but through His ministers, and is also accepted by them; and so the thing thus surrendered remains under their care and governance.⁷¹

Likewise, in the case of poverty and obedience, such a traditio is an essential condition of the canonical solemnity of the respective vows.⁷² This is not to say, however, that the traditio is either the source of, or a sufficient condition for, the solemnity of the vows of religion. The traditio and canonical solemnity are, as Suarez warns, distinct realities, even if in practice they are always found together. The former does not of itself have the effect of solemnizing a vow.⁷³ In general, the reason for this is that the traditio is not itself a vow or a promise, but rather a self-donation, which may or may not be made through the agency of vows. Nor does it entail of itself the incapacitating effects of solemn vows. Thus

71 D.R. VII, II, vii, 13: O.O. XV, p. 149: ". . . vota simplex est sola promissio non conjuncta traditioni; votum autem solemne castitatis semper habet aliquam traditionem conjunctam, quae non ipsi Deo immediate, sed per ministros suos fit, et per illos etiam acceptatus; ideoque res sic tradita sub illorum cura et gubernatione manet".

72 D.R. VII, II, xii, 4: O.O. XV, pp. 168-169 (poverty), and D.R. VII, II, xiii, 13: O.O. XV, p. 177 (obedience).

73 D.R. VII, II, vii, 14 and 18: O.O. XV, pp. 149 and 150, with regard to chastity and poverty respectively.

the traditio of a religious which accompanies a simple vow of chastity does not by its very nature invalidate canonically a subsequent marriage of that religious.⁷⁴ The same argument applies in the case of the incapacitating effects of poverty and obedience, although the latter is, as has been noted, somewhat problematic.⁷⁵ Such effects are the result, not of the traditio of a religious, but of his vows, if they are recognized by the Church to be substantially solemn.

The solemnity of the vows of religion, therefore, exhibits two general characteristics, namely, that it entails certain incapacitating or invalidating effects in canon law, and that it is always accompanied by the traditio personae, which is characteristic of the religious state as such. Both of these characteristics, which are essential conditions of solemn religious vows, imply the third general characteristic of solemnity, namely that it is canonical. The first two characteristics, which are essential for vows to be recognized as solemn, are set forth by ecclesial ordinance, or, to put it more concretely, by

74 D.R. VII, II, ix, passim.

75 D.R. VII, II, xii, 12: O.O. XV, p. 171, and D.R. VII, II, xiii, 13-21: O.O. XV, pp. 177-180, respectively.

canon law. The solemnity of religious vows stems neither from divine ordinance, nor from the essential nature of the vows or traditio made by the religious. Rather it is essentially a formal determination or institution of Church law.

Suarez' clearest statement of this position occurs in his discussion of the solemnity of the vow of chastity;

. . . this solemnity depends on the law of the Church. Although this law, to the extent that it introduces juridical incapacity, presupposes a desire to live in a particular religious institute approved by the Church, nevertheless, in its duration, or in the removal even of its effect, [its solemnity] does not depend on the desire or intention of the one making the vow. And so the solemnity of a vow, that is to say, its power to incapacitate a person juridically, resides principally in law.⁷⁶

That the solemnity of religious vows does not depend on the will or intention of the individual religious should not be surprising since it involves the loss or deprivation, so to speak, of the basic human rights to marry, to own, and

76 D.R. VII, II, xi, 1: O.O. XV, p. 163: ". . . haec solemnitas pendet ex lege Ecclesiae, quae lex licet quoad inducendam inhabilitatem supponat voluntatem . . . vivendi in tali religioso instituto ab Ecclesia approbato, nihilo-minus in sua duratione, vel in ablatione legis et effectus ejus, non pendet ex voluntate vel intentione voventis. Et ideo solemnitas voti seu virtus ad inhabilitandam personam, praecipue est in lege". Cf. D.R. VII, II, viii, passim, for a lengthier argument, which appeals to the canonical tradition on this point.

to contract obligations. Only the Church as a whole, with a view to the common good and in virtue of the power it has received from Christ, may validly determine that such rights be "forfeited" by an individual. Of course, it is also required for solemnity that the individual be willing to live in an approved religious community, that is to say, make his traditio to an institute of solemn vows. This too is an ecclesial ordinance, a requirement of canon law.

Having shown that the solemnity of religious profession is an institution of the Church which, while it is a most appropriate way of entering the religious state, is accidental or non-essential to the vows of religion in themselves, Suarez can conclude that solemn vows are not absolutely necessary--and thus that simple vows are essentially sufficient--to constitute a true and valid state of religion.⁷⁷ In his day, it was still being argued, sometimes with an appeal to the authority of Saint Thomas, that the proper solemnity of the three essential vows was of the substance and essence of the religious state.⁷⁸ This

77 D.R. VII, II, v, 17-18: O.O. XV, p. 138.

78 Cf. S.T. IIaIIae. 184, 4, resp., where solemnitas as a condition of religious profession may be taken in a broad sense--as in section II, C of Chapter II, supra--rather than in the strict sense used here, and 189, 2, ad 4, where the simple vow which is said to be insufficient

was the case, despite the fact that, as late as 1584, Pope Gregory XIII, in the bull, Ascendente Domino

. . . asserted against those who falsely regarded religious of the Society who do not pronounce solemn vows as not to have been established in a true religious state: "They do not consider that the solemnity of a vow has been devised solely by an ordinance of the Church".⁷⁹

Such controversies belong to earlier centuries, not to the present. It is not necessary to argue today, as Suarez had to, that "it is not an evil situation" (non est iniqua conditio) that not all religious are bound by solemn vows.⁸⁰ The evolution of the Church in both doctrine and practice has brought about a greater appreciation of the diversity possible within the ecclesial institution of religious life.

to constitute one a true religious is a vow to enter a religious order, not one of three vows of religion.

79 D.R. VII, II, xiv, 9: O.O. XV, p. 183: ". . . contra eos, qui falso existimabant religiosos Societatis, non emittentes vota solemnia, in vero religioso statu constituendos non fuisse, dixit: Non considerantes voti solemnitatem sola constitutione Ecclesiae esse inventam". For a succinct account of the controversy over the simple vows of the Jesuits, v. William V. BANGERT, S.J., A History of the Society of Jesus, St. Louis, The Institute of Jesuit Sources, 1972, pp. 112-113.

80 D.R. VII, II, xiv, 12: O.O. XV, p. 184.

II

THE APPROBATION OF THE CHURCH

The second essential element of the religious state, speaking generally, is the approval (approbatio) of the Church. The necessity of ecclesial approbation is not in itself obvious, nor has it always seemed essential. In Suarez' day, as at present, both canon law and the long-standing practice of the Church demanded that any particular state of religion or religious institute be formally recognized as such by appropriate ecclesial authority. As Suarez himself admits, however, the requirement of approbation only gradually appeared and came to be accepted in the Christian community. Because of this and other more intrinsic reasons, the necessity of ecclesial approbation for the religious state is clearly not to be considered of divine institution (de jure divino).⁸¹ It is a matter of special concern for Suarez, therefore, to explain in what sense and to what extent the formal approval of the Church is essential to the religious state. This he does in the fifteenth chapter of Book II. He then proceeds in the final three chapters (xvi-xviii) of the book to

81 D.R. VII, II, xv, 1-4: O.O. XV, pp. 191-193.

examine certain aspects--canonical norms and effects--of ecclesial approbation.

A. THE NECESSITY OF ECCLESIAL APPROBATION

It is clear, as has been noted already, that the formal approbation of the Church is not absolutely necessary for the religious state.⁸² On the other hand, it is also clear that the Church may set forth conditions for the validity of the profession of the vows which are undoubtedly essential to any state of religion in the strict sense.⁸³ The necessity of approbation, therefore, can be understood, according to the Suarezian view, in a negative way:

. . . it is required only that the Church not forbid nor invalidate every way of undertaking this state that has not been specifically approved by it. For no Catholic can deny that the Church could do this, both because it already seems to have done this to a great extent, . . . and also because it is able to prescribe conditions without which vows or traditio would not hold.⁸⁴

82 It should be understood here that Suarez is dealing with the formal recognition of the religious state primarily in communitate, that is to say, with the approval of religious communities or institutes, the ordinary and almost exclusive embodiment of the state in the modern Church. His observations, however, might be applied equally well, mutatis mutandis, to the individual or eremitical form of the state.

83 D.R. VII, II, xv, 5-6: O.O. XV, p. 193.

84 D.R. VII, II, xv, 7: O.O. XV, p. 193: ". . . solum

Beyond the power to prescribe conditions for validity, no further intervention of ecclesial authority--that is, no positive, formal approbation--is necessary, strictly speaking, for religious vows or traditio to be valid.⁸⁵

In virtue of this prescriptive power, however, the Church can and does prohibit the establishment of the religious state, both in general and in particular cases. Thus Suarez concludes that a particular way of living out the religious state must at least not be disapproved (non reprobetur) by ecclesial authority.⁸⁶ It is this negative power to "reprobate" or disapprove which is the basis for, and the essential meaning of, the necessity for positive and formal approbation of religious institutes.

In practice, the formal approbation of religious communities takes on a positive form which is twofold. Suarez characterizes this double approbation as follows:

requiri ut Ecclesia non prohibeat, nec irritet omnem modum assumendi hunc statum ab ipsa specialiter non probatum. Nam quod hoc possit facere Ecclesia, nemo Catholicus negare potest, tum quia jam magna ex parte fecisse videtur, . . . tum etiam quia potest condiciones praescribere sine quibus vota vel traditio non teneant".

85 D.R. VII, II, xv, 7-8: O.O. XV, pp. 193-194.

86 D.R. VII, II, xv, 9: O.O. XV, p. 194.

"One belongs to the understanding, that is to say, proceeds from its judgment, the other is more properly the task of the will".⁸⁷ The first may be called a "judicial approbation" (approbatio judiciaria), and the second, a "practical approbation" (approbatio practica). Suarez describes these two forms of approbation in greater detail as they would be applied to a given religious institute or community. To approve a community in the first way,

. . . is nothing other than to judge internally after adequate investigation, and externally to make an authentic declaration, that this way of living is holy, free from any error or superstition, and that it holds to the path of perfection in its means as well as in its end, and that it is suitable, therefore, to be erected canonically and consecrated as a religious state; hence nothing is conferred on a religious institute through this kind of approbation, but rather what it does possess is acknowledged.⁸⁸

In this form of approbation, the Church makes a well-founded judgment that the way of life of a particular

87 D.R. VII, II, xv, 11: O.O. XV, p. 195: "Unum ad intellectum pertinet, seu ex iudicio illius procedit, aliud voluntatis opus est magis proprium".

88 D.R., ibidem: ". . . nihil aliud est quam post sufficiens examen iudicare interius, et exterius authentice declarare, hunc vivendi modum esse sanctum, sine ullo errore vel superstitione, et tam in fine quam in mediis perfectionis viam obtinere, ideoque esse aptum ut in religiosum statum erigatur et consecratur; unde per talem approbationem nihil tali instituto confertur, sed quod habet, innotescit".

community fulfills the essential definition of the religious state, and contains nothing opposed to it. The truly religious character of the institute's manner of proceeding is recognized. This recognition does not in itself, however, constitute the community as a formally approved religious order or congregation. On the other hand, to approve a community in the second, or "practical", way,

. . . is, as it were, to create effectively, in other words, to erect a given community of persons into an ecclesiastical and authentically religious state. This is done directly through the effective intention of the one approving, which morally confers upon such a society whatever can be conferred upon an authentic religious state on the part of the one approving; that is to say, the power to admit to such a state those whom God will have called, the power to establish statutes, to elect superiors, to take advantage of the privileges of ecclesiastical persons, and the like.⁸⁹

This second form of approbation is thus equivalent to the formal, canonical erection of an institute of perfection as a moral or juridical person, and, as such, an approved religious community in the Church.

89 D.R., ibidem: ". . . est quasi efficaciter creare, seu erigere talem communitatem personarum in statum ecclesiasticum et vere religiosum, quod immediate fit per voluntatem efficacem approbantis, quae moraliter confert tali congregationi quidquid ad verum statum religiosum ex parte approbantis conferri potest; ut est potestas admittendi ad talem statum, quos Deus vocaverit, potestas condendi statuta, eligendi Praelatos, et fruendi privilegiis ecclesiasticarum personarum, et similia".

These two forms of approbation, the judicial and the practical, are two distinct and essential stages in the procedure through which the Church formally approves religious institutes. Both stages are necessary, but the reasons for the necessity of each are different. In the first case,

. . . in order to found a religious institute which both professes a way of living in a mutual companionship, or society, and is proposed to the entire Church, judicial approbation, that is to say, [approval] with respect to the intellect, is necessary.⁹⁰

Judicial approbation is the authentic, public declaration that a community possesses the essential character of a religious institute which is a necessary condition for its canonical erection as such. Suarez compares this action of the Church to the declaration made concerning the sanctity of an individual in the canonization process. Judicial approbation is, as it were, a kind of canonization (veluti quaedam canonizatio) of a community's way of life.⁹¹ The necessity for this kind of approbation is

90 D.R. VII, II, xv, 13: O.O. XV, pp. 195-196: ". . . ad instituendum religionem quae et modum vivendi in communi societate, seu congregatione profitetur, et toti Ecclesiae proponitur, necessaria est Ecclesiae approbatio judiciaria, seu ad intellectum spectans".

91 D.R., ibidem: O.O. XV, p. 196.

grounded not merely in canon law, but also in the factual diversity of religious communities. Religious institutes are constituted not only by the essential profession of vows, but also by certain accidental characteristics, that is, practices and observances which are proper to their respective ways of life. Such non-essential characteristics are what make religious institutes different from one another. Without them, there would be only one religious community or state of religion existing concretely. It is these accidental characteristics which the Church must judge to be appropriate to the religious state, in order that no harmful error or superstitious practice be introduced among them to the detriment, not only of the particular institute, but also of the wider Christian community.⁹² Judicial approbation of the entire way of life of a given community, therefore, is necessary to determine whether, with respect to both essential and non-essential elements, the community is suited for formal approval as a religious institute.

Judicial approbation of an institute is, of course, not sufficient for the formal approval of a particular

92 D.R. VII, II, xv, 14-15: O.O. XV, p. 196.

religious community. Such approbation could be purely speculative. It is one thing for the Church to make a judgment about the religious value of a particular communal way of life. But the permission (licentia et facultas) for it to be lived or followed as a public, ecclesial state, that is to say, as an approved state of religion, is another matter. Suarez observes, therefore, that

. . . it is also necessary for there to be a practical approbation through which the power may be granted to a particular society or its superiors to receive and admit in the name of Christ, and to establish in an authentic religious state, those who might desire to profess that life.⁹³

Through this practical approbation, the Church's process of formally approving a religious community is brought to completion, and a religious institute, properly speaking, is canonically erected. The necessity of this second stage of approbation rests mainly on practical grounds, such as the actual need for a new religious institute in the Church, or the dangers of an excessive multiplication of institutes. Such needs and dangers will, of course, vary in accordance with the actual situation of the Church at

93 D.R. VII, II, xv, 18: O.O. XV, p. 197: ". . . necessarium etiam esse approbationem practicam, per quam detur tali congregationi vel Praelatis ejus potestas acceptandi et recipiendi in Christi nomine, et in vero statu religioso constituendi illos, qui vitam illam profiteri voluerint".

a given point in history.⁹⁴ The essentially negative power of the Church to prohibit the founding of new religious institutes without its formal approval is thus the immediate reason for the necessity of positive, practical, as well as judicial, approbation. Ultimately, this necessity is rooted in the ecclesial character of the religious state, in virtue of which it is subject to regulation by public authority in the Church.

B. CANONICAL ASPECTS OF APPROBATION

In the final three chapters of Book II, Suarez considers several canonical aspects of the ecclesial approbation necessary for the establishment of a valid state of religion in the Church. The sixteenth chapter is concerned with certain canonical effects which result from the Church's exercise of its power to prohibit the founding of new religious communities. The question of where in the Church the ordinary power to approve new religious institutes resides is the subject of the chapter following (xvii). In the last chapter (xviii), the relationship between the ecclesial power of jurisdiction, properly speaking, and the dominative power characteristic of the religious state, is discussed in general terms.

94 D.R., ibidem.

The law of the Church which requires the formal approbation of religious institutes, has, according to Suarez, both prohibitive force and invalidating effects in canon law.⁹⁵ What is prohibited by this law (lex) is the foundation of any religious institute whatsoever without the approbation of the Pope or of some other legitimate authority in the Church.⁹⁶ The law, moreover, has invalidating effects. It invalidates (irritat) any religious community whose foundation is attempted without due approbation, with the effect that such a community is not recognized by the Church as a true religious institute (vera religio).⁹⁷ And there are, according to Suarez, important corollaries to the foregoing conclusion. One is that a person does not become a religious in the strict sense except in an approved religious community (nisi in communitate approbata).⁹⁸ A further corollary concerns

95 In CIC, this "law" is presupposed in c. 488, 1^o, where a religious institute (religio) is defined as a society, a legitima ecclesiastica auctoritate approbata. In CIC (1983), cc. 573 and 576, similar stipulations are made concerning institutes of consecrated life in general.

96 D.R. VII, II, xvi, 8: O.O. XV, p. 200; cf. S.T. IIaIIae. 188, 1, ad 4. Suarez here refers to a law and practice dating from the time of Pope Innocent III at the beginning of the thirteenth century.

97 D.R. VII, II, xvi, 9: O.O. XV, p. 200.

98 D.R. VII, II, xiv, 11: O.O. XV, p. 201; cf. D.R.

the position of the Pope, in whom resides, as will be seen below, the principal and ordinary power to approve or prohibit any religious institute in the Church, and to allow or forbid the profession of religious vows in the public ecclesial forum (in publico Ecclesiae foro). Suarez here notes that ". . . for this reason the highest superior of any religious institute whatsoever is [the Supreme Pontiff] himself, without whose authorization no one can be incorporated into it".⁹⁹ Thus the power to receive the religious profession and to accept the traditio through which a person becomes a religious and is incorporated into community is ultimately dependent, in the Suarezian view, upon the approval of the community by the Apostolic See. And the necessity of such approval, as has been seen, is rooted in the prohibiting power of the Church with respect to religious communities.

The ordinary power of approving religious institutes (potestas ordinaria approbandi) resides, according to Suarez, in the Supreme Roman Pontiff by divine institution

VII, II, xvi, 27: O.O. XV, p. 205: "Extra communitatem approbatam nemo fit vere religiosus".

99 D.R. VII, II, xvi, 13: O.O. XV, p. 201: ". . . ob hanc rationem ipsum esse supremum Praelatum cujuscumque religionis, sine cujus auctoritate nemo potest illi incorporari". CIC (1983), c. 590, explicitly makes this stipulation concerning all institutes of consecrated life as well as their individual members.

(jure divino).¹⁰⁰ He does admit, however, that bishops participate in this power in some way (aliquo modo in Episcopis).¹⁰¹ The potestas ordinaria approbandi has clearly been exercised by bishops in their own dioceses throughout the history of the Church. Suarez himself refers to the approval of monasteries in the early centuries.¹⁰² At any rate, he obviously considers this power of approving religious communities to belong to the Pope in a special way (altiori et excellentiori modo).¹⁰³ The reasons given here for the superiority of the papal power are manifold, although not all are equally compelling. Canonically speaking, the most important reason is the fact that the episcopal power of approbation can be limited

100 D.R. VII, II, xvii, 1: O.O. XV, p. 207. The monarchical view of the hierarchical structure of the Church which underlies this position differs, as might be expected, from the collegial approach of the Second Vatican Council. On the latter, v. Lumen Gentium, the Dogmatic Constitution on the Church, n. 22 and the "explanatory note", and also Christus Dominus, the Decree on the Pastoral Office of Bishops in the Church, n. 8, in Documents of Vatican II, pp. 374-376, 423-426, and 567, respectively.

101 D.R. VII, II, xvii, 2: O.O. XV, p. 207. This fact is reflected in CIC (1983), c. 579, although the suppression of any institute is reserved to the Holy See in c. 584.

102 D.R. VII, II, xvii, 8-14: O.O. XV, pp. 209-210.

103 D.R. VII, II, xvii, 15: O.O. XV, pp. 210-211.

or suspended by papal reservation.¹⁰⁴ The most significant reservation concerns the power to solemnize religious vows by imposing incapacitating effects.¹⁰⁵ It may be said in general, moreover, that a bishop can approve religious communities relatively (secundum quid), for his own diocese or territory, whereas the Pope is able to do so for the universal Church, and thus absolutely (simpliciter).

Finally, Suarez considers the necessity for the religious state of two kinds of power, namely, ecclesial jurisdiction, properly speaking, and dominative power. Neither of these is a further essential condition of the state, and both are implicit in the essentials already discussed. These two species of power in the Church may be defined as follows:

. . . it should be noted that nowadays the term "jurisdiction" indicates the spiritual power belonging to the keys of the Church, and that, accordingly, it is bestowed or distributed by Christ the Lord through the agency of His Vicar or the other bishops. By "dominative power" should be understood the acquired right of a religious institute and its superiors to govern religious and to make use of the works of the latter as they may judge appropriate.¹⁰⁶

104 D.R. VII, II, xvii, 25: O.O. XV, p. 214.

105 D.R. VII, II, xvii, 26-30: O.O. XV, pp. 214-215; cf. section I, C of the present chapter, supra.

106 D.R. VII, II, xvii, 5: O.O. XV, p. 218: ". . .

The so-called power of jurisdiction is clearly necessary for the religious state because of two essential conditions of the latter. The first is the necessity of ecclesial approbation. A religious institute cannot be approved in the full sense, that is, actually erected canonically, as well as judged worthy of such erection, without the action of someone who can validly and legitimately exercise in the Church the power to do this. In other words, full approbation can be granted only by someone possessing proper jurisdiction.¹⁰⁷ The second essential condition of the state, which requires the exercise of jurisdiction is the acceptance of religious profession. Such profession, as has been seen, involves the vows and the accompanying traditio of the religious, which must be accepted in the name of God by someone who has the power to do this, that is, by someone who can exercise proper ecclesial jurisdiction.¹⁰⁸ Thus, without the action of someone who is

oportet animadvertere nomine jurisdictionis in praesenti significari potestatem spiritualem ad claves Ecclesiae pertinentem, et consequenter a Christo Domino datam vel derivatam, medio Vicario suo, vel aliis Episcopis. Per potestatem dominativam intelligi oportet jus acquisitum religioni et Praelatis ejus, ad imperandum religiosis, et utendum operibus eorum prout conveniens judicaverint".

107 D.R. VII, II, xviii, 1: O.O. XV, p. 216.

108 D.R. VII, II, xviii, 2: O.O. XV, pp. 216-217.

duly authorized to exercise jurisdiction in the Church, no religious institute can be validly approved, nor can anyone validly enter such an institute through religious profession.

Although his position is not entirely uncontroversial, Suarez clearly asserts that jurisdiction, properly speaking, is not necessary for the ordinary governance of a religious community by its superiors. What is necessary in this respect is the dominative power--also called power of governance (potestas gubernativa)--mentioned above, which is distinct and separable from proper jurisdiction.¹⁰⁹ Suarez goes on to make an even stronger assertion:

. . . this so-called dominative power . . . without other spiritual jurisdiction, properly speaking, . . . is sufficient for the constitution of an authentic religious state.¹¹⁰

"Constitution" here refers to the proper internal functioning of an institute. The clearest example of dominative power being sufficient thus to constitute--but not to establish--a true state of religion is the case of

109 D.R. VII, II, xviii, 6: O.O. XV, p. 218.

110 D.R. VII, II, xviii, 8: O.O. XV, p. 219: ". . . haec potestas quasi dominativa . . . sine alia propria spirituali jurisdictione. . . . sufficiens est ad verum status religiosum constituendum".

communities of women religious, whose superiors do not possess jurisdiction in the proper sense. Yet the superiors of such communities undoubtedly have the legitimate power to govern their own communities in accordance with their rule and constitutions. It is true that for the complete government (ad perfectum regimen) of a religious community, it is necessary that some superior of the community, either within or outside the community itself, possess the proper power of jurisdiction.¹¹¹ For a community in which the internal superiors, that is, those who are also members of the community, do not possess jurisdiction, there would also have to be some external superior, a bishop or other cleric, to whom the community is subject, who could exercise jurisdiction in necessary matters, such as formal incorporation of new members and acceptance of profession.

Although jurisdiction is not a necessary constituent--that is to say, internal component--of a genuine religious institute, nevertheless, no such institute can come into or continue in existence without it since a public, ecclesial state must in some way be subject to proper, ecclesial authority. Dominative power, on the other hand, is both necessary and sufficient for the internal constitution and

111 D.R. VII, II, xviii, 11: O.O. XV, p. 220.

functioning of a religious institute. But such power, because it resides with superiors in virtue of religious profession and its accompanying traditio personae in an approved religious community, depends ultimately for its existence on some exercise of proper, ecclesial jurisdiction from either within or outside the institute.

The key element in the Suarezian account of the religious state, in the strict sense of the term, is the concept of traditio personae or total self-surrender. This concept provides the crucial link between Suarez' theological understanding of religious life in the Church and the canonical structures in which that essence has found concrete expression. The traditio is, first of all, an expression of an individual's complete dedication to the service of God through the following of Christ by vowing evangelical poverty, chastity and obedience. But the concrete realization of such a traditio requires some kind of canonically-regulated, institutional expression, namely, the formal acceptance (acceptatio) by the Church on God's behalf of the individual's self-donation. In the usual case, where the Church is represented by a particular religious community or its superiors, there comes into being a mutual covenant between the individual

and the community. It is in the context of this covenant that the individual religious lives out his or her religious commitment. Finally, in order for this traditio and acceptatio to be valid and binding in the eyes of the Church, it must be contracted within an approved religious institute, endowed either internally or externally with the ecclesial power (jurisdictio) necessary to effect such a mutual covenant. It is within such canonical structures that evangelical religious life necessarily finds concrete, institutional expression in the life of the Church. Thus it is the concept of traditio personae that sums up for Suarez an understanding of the essentials of the religious state which is both theologically grounded and canonically articulate.

CONCLUSION

The Suarezian conception of the religious state in the Church, along with the broader concept of the canonical state of perfection, may be summarized in terms of their most characteristic emphases. In the first place, Suarez' account of the canonical norms and basic institutional structures of both the state of perfection and the religious state is strongly rooted in a sound and well-developed theology of Christian perfection. Secondly, the general concept of the canonical state of perfection provides a firm basis for his more specific treatment of the religious state, as well as for the possible consideration of other particular states of perfection--even in addition to the episcopal state--which could be formally recognized by the Church. Thirdly, Suarez' distinction, quite perceptive for his time, between the necessary, evangelical elements of the religious life and the more relative and varied institutional forms which the religious state has acquired throughout the history of the Church, enables him to make clear what is of the essence of the state and what is accidental to it. Finally, he carefully delineates the basic juridical norms and structures of the religious state as it existed in his day--and as it still

exists, for the most part, today--in accordance with his deeply theological understanding of the essence of religious life. Each of the foregoing characteristics of the Suarezian account can be briefly explained as follows.

The theology of Christian perfection which Suarez offers here is ultimately derived from the teachings of Christ in the Gospels. The great precept of Christian charity (Matthew XXII, 34-40 and the synoptic parallels) is the key element of his theological exposition. For it is the infused, supernatural virtue of charity, the proximate principle from which flows love of God and neighbor, that completes and brings to perfection the life of Christian faith. And since the state of perfection can be viewed as a substate of what may be called the state of Christian life, the former has as its intrinsic end or goal the perfection of the virtue of charity. Thus Christian perfection is the perfection of the supernatural virtue of charity, that is to say, of an infused, habitual disposition in the believer to love of God and neighbor. On the other hand, Suarez clearly holds that such a disposition does not usually come into being, nor is it maintained and nourished in this life, without the cultivation of other virtues in the life of the believer. Charity is the primary, and the only absolutely essential, element of Christian perfection,

whereas other virtues are morally or practically necessary in this life if charity is to be born and to grow. The perfection of Christian charity in general, and especially in the state of perfection, thus demands of the believer the practice of at least some moral virtues.

Those virtues which are especially useful in promoting the growth of supernatural charity are discussed in the Suarezian account of the distinction between precepts, or matters of obligation, and counsels in the Gospel. Christ's precept of charity is of obligation for all Christians, at least in the negative sense that whatever would result in the complete loss of charity, namely, mortal sin, is absolutely prohibited. Actions, including renunciations, which are counselled by Christ, however, do not in themselves oblige all believers. Rather they are means by which essential Christian charity is aided in growth to perfection. Outstanding among the counsels of Christ are those commonly called evangelical: poverty, chastity and obedience. In the case of an individual who professes a state of perfection in the Church, at least some counsels of Christ ought to be practiced as matters of freely-accepted obligation. Thus it is characteristic of a state of perfection that it includes as matters of precept, not only supernatural charity, but also at least some virtues which are only

matters of counsel for Christians in general. The distinction between precept and counsel may seem unnecessarily juridical. Without it, however, Suarez would be unable to characterize the state of perfection and the religious state in terms of their obligations as states of life distinct from the way of life common to all Christians.

The canonical state of perfection, of which the religious state, properly speaking, is a substate, is defined not only in terms of its matter, the practice of at least some counsels in addition to the fulfillment of God's precepts, primarily that of charity, but also in terms of the formal conditions of the state which result in the free acceptance of additional obligations by an individual. Any state of perfection is canonical insofar as at least some of the actions essential to it, especially the act of undertaking a given way of life oriented to the perfection of charity, are public, that is to say, in principle verifiable by and formally recognized by the Church. The act by which the specific obligations of the state are freely accepted, whether it be the profession of vows or some other form of commitment, must be done in a way or under conditions which have been stipulated by the Church in canon law. On the other hand, Suarez' definition of the canonical state of perfection shows clearly that it is not to be identified

completely with the religious state, as has become common practice. His material and formal conditions for the former are broad enough to embrace the possibility of formal recognition by the Church of types of this state which do not meet all the specific conditions of the religious state as it has evolved in the history of the Christian community. The episcopate, which is quite distinct in character from the religious state, satisfies the Suarezian definition of a state of perfection. Institutes of perfection--societies of common or apostolic life and secular institutes--have, in fact, appeared in the Church since Suarez' time, and have been formally approved by ecclesial authority. Furthermore, the Suarezian conception is sufficiently general to allow in the future for further diversification of formally recognized institutes of perfection as new needs arise in the Church.

A clear recognition of the distinction between the essential nature of the religious state, properly speaking, and its historically contingent elements is another characteristic of the Suarezian account. The necessary elements of the state are seen to be rooted in the scriptural accounts of Jesus' invitation to a more perfect way of life and the response to that invitation in the apostolic Church. On the other hand, the specific juridical

and institutional forms which the state has assumed over the centuries are understood to be at least partly relative to concrete, historical circumstances. Such forms are the ways in which the Church has realized, under the guidance of the Holy Spirit, at particular periods of history and in particular places, the original evangelical inspiration of the religious life. Although not all of Suarez' particular exegetical and historical judgments in these matters would stand up to a modern critique, nevertheless, his strong awareness of the distinction between what is essential and what is accidental to the religious state colors his entire account. For example, the practice of all three evangelical counsels together is held to express the essence of religious life as lived in a canonical state of religion, whereas the fact that the Church has come to recognize this state formally only when it is lived in community is considered to be a contingent historical development. Thus Suarez is able to emphasize, often for polemical reasons, the essential continuity of the religious state through the centuries, while taking account of its varied and evolving institutional forms.

Finally, Suarez' presentation and interpretation of the necessary ecclesial norms and juridical structures of the religious state, considered in the strict sense of the

term, always rests upon a sound theological understanding of its essential nature. In the first place, the total orientation of the state to the perfection of Christian charity requires and makes intelligible the profession of the three perpetual vows of religion, along with the traditio personae, the complete self-donation of the religious to God through the agency of the Church. Likewise, Suarez' clear apprehension of what is truly essential to the state grounds his assertion that the canonical solemnity of vows is a most appropriate, but not absolutely necessary way of committing oneself to the obligations of this way of life. Furthermore, Suarez' strong emphasis on the public nature of the religious state in the Church entails the necessity of ecclesial approbation of religious institutes and of the basic canonical norms which govern their establishment and functioning. In brief, the Suarezian account reveals that the institutional and juridical forms of the religious state, as it exists at a given point in the history of the Church, are not arbitrary, but rather the concrete, albeit contingent, historical expressions of the essence of the evangelical religious life.

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