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THE STATUS OF SOCIETIES OF APOSTOLIC LIFE, A CANONICAL OVERVIEW: FROM THE CODE OF 1917 TO VATICAN II

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Abstract. This article is the second in a series on societies of apostolic life published in *Landas*. While the first article[1] provided a historiographical account of the history of societies of apostolic life, that is, the fundamental circumstances and reasons underlying the creation of such societies, in this second article, the topic is addressed from the canonical aspect. It examines the canonical status of societies of apostolic life, beginning with the drafting process that led to canon 673 of the 1917 Code. It then explores the characteristics of these societies as outlined in that Code and in subsequent magisterial teachings up to the Second Vatican Council.

Keywords: *In communi viventium sine votis*, Second Vatican Council, state of perfection, vows

[1] Arnaud Touré, "The Evolution of Societies of Apostolic Life: From the Early Church to the 19th Century," *Landas* Vol. 38: no. 1 (2026): 229-253.

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Introduction[2]

Before the 1917 Code, there was no common norm that could be specifically identified as the law applicable to the group of societies that would later be referred to in that Code as *societies, whether of men or of women, living in common without vows*. Nor do the early efforts to reorganize the sources of canon law, nor the private attempts at codification, seriously address the subject. Notably, in these works, the law governing persons is approached from three perspectives: clerics, religious, and laypersons, without any specific treatment of the subject as a distinct type of ecclesial reality.[3] Not even the apostolic constitution *Conditae a Christo*, by which Leo XIII provided for the recognition of religious institutes with simple vows, as well as for the distinction between institutes of pontifical right and those of diocesan right, established specific norms for this type of institute. Even their very names were the result of their own initiatives or those of the canonists of the time, who wished to distinguish them from religious orders. The names, therefore, differed from one society to another. There were names such as *societas*, *institutum*, *societas vitae communis*, *congregatio saecularis*, *congregatio ecclesiastica*.[4] We must wait until work began on codifying the Pio-Benedictine Code to find any mention of them. One of the earliest manuals to mention them addresses the topic in the section on religious orders, classifying them

[2] This article draws on the author's doctoral dissertation on societies of apostolic life. Readers seeking a more comprehensive and detailed treatment of the issues discussed here are encouraged to consult the dissertation. See Serge Arnaud Touré Pelamifihi, *Società di vita apostolica nella chiesa: storia, natura giuridica e vincoli*, Tesi Gregoriana, Serie Diritto Canonico 123 (Rome: Gregorian & Biblical Press, 2022). GenAI Disclosure Statement: This paper used GenAI for the following components: grammar check, translation from Italian to English. The following GenAI technologies were used: Grammarly, DeepL.

[3] Cf. Albert Pillet, *Jus canonicum generale distributum in articulos: quos collegit et ordinavit* (Paris: *Sumptibus P. Lethielleux, Editoris*, 1900), pp. 442-447.

[4] Cf. Hubert Socha, "*La nature fondamentale e le caratteristiche di una SVA con particolare riferimento ai suoi tre tipi*," *Commentarium pro religiosi et missionariis* 80-81 (1999-2000): 30.

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among religious congregations.[5] Examples of such societies included the Oratory of St. Philip Neri, the Oratory of De Berulle in France, the Congregation of the Mission (or Lazarists), and the Daughters of Charity of St. Vincent de Paul.

Generally speaking, this lack of specific norms for their particular status was compensated for by the specific laws of each institute. In certain specific cases, ecclesiastical authority had issued a further set of norms for a particular society. It is not incorrect to assume, in the case of clerical societies, that this initial body of norms was supplemented with norms drawn from canon law on secular clerics. Indeed, because the majority of members of institutes of life in common without vows belonged to the secular clergy, such institutes were excluded from the law governing religious orders. This is what some manuals suggest.[6]

It should be noted, however, that several authors classified certain societies such as the Congregation of the Mission and the Oratory of St. Philip Neri as the third type within the category of regulars.[7] This alignment with the regulars, even before the promulgation of the Pio-Benedictine Code, was further evident in the apostolic constitution *Sapienti consilio*, which reorganized the Roman Curia. The *Congregatio Negotiis religiosorum sodalium praeposita*, now separate from the Congregation for Bishops, also had jurisdiction over societies without vows.[8] The criteria chosen by the constitution to identify them were

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[5] "*Societates sive clericorum sive laicorum, quae, ad peculiarem assequendum finem pietatis vel caritatis, accedunt ad Religionum rationem sed ab ea aliquo modo deficiunt, sive quia desideratur aliquod votum substantiale saltem perpetuum, sive qui vota a nullo superiore nomine Ecclesiae acceptantur. Hae nunc presse dicuntur Congregationes ecclesiasticae vel saeculares,"* Arthur Vermeersch, *De religiosis institutis et personis: tractatus canonico-moralis ad recentissimas leges exactus*, vol. I (Brugis: Stumptibus Bayaert, 1907), 42.

[6] Cf. Tommaso Michele Vincenzo Salzano, *Lezioni di diritto canonico pubblico, e privato considerato in se stesso e secondo l'attual polizia del Regno delle Due Sicilie*, vol. II (Naples: Saverio Giordano, 1852[8]), 217.

[7] Salzano, *Lezioni di diritto canonico pubblico*, 219.

[8] Pius X, *Apostolic Constitution Sapienti consilio*, 29 June 1908, *Acta Apostolicae Sedis* 1 (1909): p. 11-12, I: *Sacra congregationes*, 5º - *Congregatio Negotiis religiosorum*

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the absence of vows and life in common modeled on that of religious, elements that would also be used in can. 673 of the 1917 Code of Canon Law.

Following the promulgation of the Code, further interventions by the Church can be found in certain documents, such as the 1947 encyclical *Provida Mater Ecclesia*. Another key moment from which to discern the Church's thinking on the matter is undoubtedly the Second Vatican Council.

1. The First Codification and the Societies of Men or of Women, Living in Common without Vows

It was with the first codification that the first common and universal norms for this type of institution were established. This development cannot be fully understood without first taking into account the broader, general context of the entire codification process and the even more specific context of Title XVII of the *pars secunda* of Book II.

The idea of a code for the entire Latin Church originated long ago from the realization that the *Corpus Iuris Canonici* and other collections of law then in use within the Church were inadequate. Added to this, in more recent times, was the phenomenon of codification, which, beginning with the Napoleonic Code, which served as a model, exerted a significant influence on the legal system of the nineteenth century. Quite a few states, following France's example, also adopted a code that encompassed all the norms of a specific field. Thus, based on the conviction that the Church is a perfect society, many individuals and institutions within it put forward the idea that the Church, too, should have a code that systematically compiles its legislation. The need for such a code was then expressly articulated during the First Vatican Council, which was cut short by the socio-political events of

sodalium praeposita, n. 1.

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the time.[9] With the *motu proprio Arduum sane munus* of March 19, 1904, Pius X announced the drafting of a single code containing the laws of the Church in a reorganized form.[10]

After several years of work, the Church's first *Codex iuris canonici* was promulgated by Benedict XV through the apostolic constitution *Providentissima Mater Ecclesia* on May 27, 1917. Comprising 2,414 canons, its general structure was divided into five books covering the following topics: general norms, persons, things, processes, delicts, and penalties.

Book II, dedicated to persons, was divided into three parts: clerics, religious, and laypersons. Divided into titles like all the other parts, the *pars secunda* contained all the canons governing the life of the religious. At the end of this *pars secunda*, therefore, following the section on religious and preceding that on laypersons, canons 673–681 were placed under Title XVII, entitled: *De societatibus sive virorum sive mulierum in communi viventium sine votis*.

1.1 The Drafting Process of Title XVII: "*De societatibus sive virorum sive mulierum in communi viventium sine votis*"

The development of these canons is fundamentally embedded within the broader context of religious law. This close interconnection requires, in any attempt to understand Title XVII of Book II, that one continually and concurrently refer to the definition of the *status religiosus*.

The preparatory documents trace the first meetings for the preparation of the code back to the spring of 1904. For the initial discussions, the basic document was an outline that, in broad terms, followed the traditional division of the then-current *Corpus iuris canonici*, namely *pars generalis*, *de personis*, *de rebus*, *de iudiciis*, *de delictis et poenis*. Book II, *de personis*, was in turn divided into three parts: *De clericis*, *de religiosis*, and *de laicis*. The section on religious dealt with the status of religious,

[9] Cf. Brigitte Basdevant-Gaudemet, *Histoire du droit canonique et des institutions de l'Église latine: XVe-XXe siècle* (Paris: Economica, 2014), 644.

[10] Cf. Pius X, *motu proprio Arduum sane munus*, 19 March 1904, *Acta Sanctae Sedis* 36 (1903-1904): 549-551.

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the establishment of new orders, congregations, and religious institutes, the founding of new monasteries, houses, and provinces, admission, the novitiate, religious profession, constitutions and governance, the obligations and privileges of religious, and leaving orders and congregations. Regarding these topics, a consultant proposed that, after the section on leaving an institute, institutes with simple vows be added.[11]

However, in the very earliest reflections and proposals concerning the future Code of Canon Law, there is no mention of societies without vows. Two trends do emerge, however. On the one hand, there is a gradual broadening of the scope of what is to be considered; that is, the focus is no longer limited to religious orders alone. On the other hand, there is a concern for a rigorous definition of the religious state. This concern is illustrated by the effort to determine its essential elements. Furthermore, those who, while not professing the three vows of poverty, chastity, and obedience, nevertheless imitate the way of life of religious and have been approved in this form were included among the religious.

Starting with the partial and special consultations, an ever-greater awareness began to emerge of the existence of societies that do not take vows like religious orders, and which must certainly be taken into account in the drafting of the *Codex Iuris Canonici*. In this regard, it is interesting to note the proposal by the Jesuit Bucceroni. Under the title *De Congregatione saeculari*, he classified institutes approved by a competent ecclesiastical authority in which no religious vows are taken, or only some are taken, or in which the vows that are taken are private, not public. For him, an institute with this structure is neither a religious order of solemn vows nor a religious congregation of simple vows, but a secular congregation or a pious community.[12]

In the eleventh official draft, a sort of appendix titled *De Congregatione Ecclesiastica* finally appears. First and foremost, a lexical

[11] Cf. *Archivio Apostolico Vaticano, Commissione di codificazione del codice*, scat. 1.

[12] Cf. *Archivio Apostolico Vaticano, Commissione di codificazione del codice*, scat. 28.

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change emerges in this text. It is no longer a matter of an "institute" but of a "society;" furthermore, these societies may consist of either men or women. Their approval, as such, by ecclesiastical authority is also affirmed, which thereby sanctions this form of their existence. It is further stated that they lack religious vows or, in any case, public vows, that is, those accepted by the legitimate superior in the name of the Church. Finally, they lead a life in common in the manner of religious under the governance of superiors and in accordance with approved constitutions. The canon thus specifies that they are not religious orders, nor are their members religious, but rather ecclesiastical congregations.

During the drafting of the new code, objections were also raised by various institutes, including the Congregation of the Mission, the White Fathers, the Missionaries of the Most Precious Blood, and the Eudists, for example.

From the meetings of the commission of cardinals for codification emerged the proposal to use the title *De Congregationibus in communi viventium absque votis religiosis*. This proposal, at least in its final part, was indeed adopted by the 1917 Code in Title XVII of Book II.

The modifications that Cardinal Gasparri made to the official draft of 1909, without substantially altering the subject matter, help us better understand their terminology. Notably, it is to him that we owe the use of the word *society*.[13] Finally, it is in the 1914 draft that we find the definitive wording of the first canon on societies;[14] this canon was carried over into the 1916 draft and ultimately into the Code promulgated in 1917.

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[13] Cf. *Archivio Apostolico Vaticano, Commissione di codificazione del codice,* scat. 86.

[14] "*Societas sive virorum sive mulierum, in qua sodales vivendi rationem religiosorum imitantur in communi degentes sub regimine superiorum secundum probatas constitutiones, sed tribus consuetis votis publicis non obstringuntur, non est proprie religio, nec eius sodales nomine religiosorum proprie desigantur." Archivio Apostolico Vaticano, Commissione di codificazione del codice*, scat. 24.

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1.2 Nature of Societies Living in Common Without Vows in CIC 17

The 1917 Code addresses the subject of societies of life in common without vows in canons 673-681. Without providing an explicit definition of these societies, the first canon devoted to them sets forth their fundamental characteristics, thereby allowing for an indirect definition. In light of its provisions, those male or female societies in which the members first and foremost imitate the way of life of religious, through life in common under the governance of superiors in accordance with approved constitutions, and secondarily are not bound by the three customary public vows—such societies living in this manner are not strictly speaking religious orders, nor can their members be called religious.

An analysis of the canon allows us to deduce that the nature of these societies is primarily determined by two main criteria. The first consists essentially in imitating the way of life of religious, through two important elements: on the one hand, life in common under the governance of superiors, and on the other, such a life in accordance with approved constitutions. The second criterion, however, is negative and is characterized by the absence of the three customary vows.

1.2.1 The Imitation of Religious

As a positive criterion contributing to the identification of societies, the imitation of religious is evident first and foremost in the very structure of the 1917 Code, which places these societies at the end of, and not outside, the section on religious. Subsequently, the imitation of religious is highlighted by the provisions of canon 673 itself, namely, life in common under the governance of superiors and, above all, the validation of this way of life through the approval of the constitutions. Imitation, therefore, should not be understood as merely *doing a*s they do, taking religious as models and trying to live like them. The imitation of religious is a consequence of the legally established life in common.

By emphasizing this dimension, the Code has identified their organized life in common as the cornerstone of these institutes and has

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simultaneously identified life in common as one of the two essential legal criteria through which the imitation of the religious way of life takes shape.

The criterion of life in common is so important that it is even included in Title XVII.[15] Life in common has its roots in the example set by Jesus and his disciples, an example that the first apostolic communities then followed as a way of life conducive to making the apostolate more effective. Just as the Lord sent his disciples out two by two so that the world, seeing the love they had for one another, might know that they were his disciples, the apostolate carried out in community life is an illustration of that community of people already gathered together by the love of Christ.

Indeed, the history of communities of life in common reveals the original desire of every founder to engage in a specific apostolate together with a group of men or women. Although their primary concern was, first and foremost, the fulfillment of a specific apostolate, this original intent was also sustained by the desire to form a body dedicated to that particular apostolate. This original, purely functional aspect of life in common eventually became an indispensable part of these societies. Life in common within these societies, although aimed at the apostolate, is constitutive and therefore determinative of their legal form.

What constitutes the essence of life in common is not simply the fact of being gathered under the same roof. The heart of life in common, its principle and constitutive element, is the fact of having a common rule and observing it. It is the fact of sharing the same spirit, the same interests, and above all, common apostolic goals.

Generally, life in common is understood to involve at least two essential elements: legal membership in the community and the actual

[15] "*De societatibus sive virorum sive mulierum in communi viventium sine votis.*"

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living of a life in common; that is, incorporation into the community and actually living under the same roof.[16]

While the code identifies life in common as a distinctive and defining feature of the imitation of religious, it also makes a point of specifying that such life in common is lived under the governance of superiors in accordance with the approved constitutions. Two important elements emerge from this clarification: first of all, the life in common of societies, to be considered an imitation of religious, necessarily requires the presence of superiors. Secondly, this way of life must have received ecclesial approval through the approved constitutions.

The governance of superiors is therefore a further distinctive element of these societies and, above all, a further criterion that allows us to affirm that they imitate religious. Like religious, many of these societies have organized their lives and activities around a centralized government. Within this structure, superiors exercise their governance in accordance with the same provisions of the law governing religious.[17]

A further conclusion that can be drawn from the provisions of canon 673 is the requirement that life in common be under the responsibility of superiors in accordance with the constitutions duly approved by the competent authority. The lives of members, precisely because they are not only lived in community, but above all because they must be concretely directed toward the pursuit of identical goals, sometimes by equally identical means, require common rules. For these rules to fall within the scope defined by the code, that is, to be part of the criteria considered necessary for identifying societies as emulating religious orders, they require a further condition: they must become constitutions, and approved constitutions at that. It is not, therefore, a matter of just any rule for organizing life in common under the governance of superiors, but rather that set of norms enshrined by

[16] Cf. Andrea Caelli, *La vita comune del clero. Storia e spiritualità* (Rome: Citta Nuova, 2000), 85.

[17] Cf. can. 675, CIC 1917.

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the Church in the form of that specific legislation called a constitution. By this is meant that body of fundamental norms approved by the Holy See or by the diocesan bishop and distinct from other norms of particular law.

In light of all this, it becomes clearer just how much the lives of these societies actually resemble those of religious communities in terms of their organization. Their imitation of religious orders is not so much a matter of intending to copy what religious do, but rather the fact that the practical organization of their lives, through the community, superiors, and approved constitutions, even without intending to, becomes in some way similar to that already familiar from religious orders. Based on this observed imitation of religious orders, the 1917 Code establishes for them legislation consistent with that of religious orders, legislation applicable to the most diverse areas of their lives. Thus, for example, like religious institutes, societies may be clerical or lay, pontifical or diocesan, exempt or non-exempt.

1.2.2 *Sed tribus consuetis votis publicis non obstringuntur*

According to canon 673 §1 of the 1917 Code of Canon Law (CIC), the absence of the three customary public vows is the primary negative criterion that profoundly distinguishes these societies. Although they are not expressly named, in light of the process that led to canon 673 in its final form, it is nevertheless possible to infer that those three customary vows are certainly those habitually taken in the Church and that they concern obedience, chastity, and poverty.

For them to be truly such, that is, to correspond to the provisions of Title XII, *pars secunda* of Book II, these societies must not be bound by obedience, chastity, and poverty assumed through that particular bond called a vow, which has the additional attribute of being public. According to can. 1307 §1 CIC 17, a vow, that is, a deliberate and free promise made to God about a possible and better good, must be fulfilled in accord with the virtue of religion. The following canon, which outlines the vow in its various aspects, specifies that a vow

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is public if it is accepted in the name of the Church by a legitimate ecclesiastical Superior; otherwise, it is private.

Combining these two principles, it follows that what is essentially lacking in societies is primarily that deliberate and free promise made to God to bring about, through the virtue of religion, a possible and greater good, a good here relating to obedience, chastity, and poverty. Such a promise must be accepted by the legitimate superior in the name of the Church. In fact, the vows excluded here share the same characteristics as those made in religious orders, for which public vows are, moreover, indispensable elements. Indeed, *ex iure positivo*, they cannot be absent from such orders. What is lacking, therefore, in the societies referred to in canons 673-681 are precisely the religious vows, that is, the vows of those societies approved by the legitimate ecclesiastical authority, in which the members, according to the laws of the society itself, take public vows, whether perpetual or temporary, which must be renewed upon the expiration of the period for which they were taken and thus strive toward evangelical perfection.

Based on all this, it can be inferred that the concern of canon 673 is that such societies and their members not be bound by the same legal obligations as religious. To fall within the category addressed by Title XVII, that is, societies of men or women living in community without vows, they must necessarily lack the bonds characteristic of religious institutes.

The mandatory nature of the criterion outlined in can. 673 §1 CIC 17, while on the one hand it excludes the three customary public vows from the characteristics of a society, on the other hand, it inevitably leads to the conclusion that there may be societies that have no vows whatsoever; this is the case, for example, with the Oratory of France, the Sulpicians, and the *Missions étrangères de Paris*. This criterion also allows for the existence of any other bonds. It is therefore possible for societies to have bonds with different designations, including even those that might be called vows, provided they are not the ones specifically indicated in can. 673 §1, namely the three customary public vows. In such cases, those vows of the societies are certainly not the same as

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the vows found in religious institutes; indeed, they differ substantially. They are not public in the sense indicated by can. 1308.[18] According to the particular law of certain societies and according to well-known canonists, they are to be considered private vows and therefore not made in the name of the Church, even if they were made in public. Whether or not these vows are made with public external form does not in any way alter their intrinsic private nature. Even if, in certain cases, these private vows may have the same effects as public vows, this does not make them public vows. The bull of Alexander VII concerning the Lazarists is quite explicit on this point.[19]

Another conclusion that follows from the mandatory provision of can. 673 §1 of the 1917 Code is that, in addition to societies without bonds or with private vows, there may be societies whose bonds are designated by different terms, such as a promise or an oath.

2. From the Code of 1917 to the Second Vatican Council

After the 1917 Code, which for the first time recognized their distinct nature as separate entities, the issue of communities of life in common without vows was addressed, albeit indirectly, on further occasions. The starting point for these subsequent discussions always remained the framework established by the 1917 Code.

The most significant magisterial interventions following the 1917 Code are undoubtedly the Apostolic Constitution *Provida Mater Ecclesia* and the Second Vatican Council.

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[18] Cf. Anastasio Gutiérrez, *De natura voti publici et voti privati status publici et status privati perfectionis* (Rome: 1959), 39.

[19] "*Cum emissione votorum simplicium castitatis, paupertatis et oboedientiae, necnon stabilitatis in dicta Congregatione ad effectum se toto vitae tempore saluti pauperum rusticanorum applicandi post biennium approbationis faciendae, in quorum tamen votorum emissione nemo intersit qui ea acceptet, sive nomine congregationis, sive nostro et pro tempore existentis pontificis nomine.*" *Alexander VII, Brief Ex commissa nobis*, 22 September 1655.

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2.1 The Apostolic Constitution *Provida Mater Ecclesia*

Provida Mater Ecclesia is an apostolic constitution promulgated by Pius XII on February 2, 1947. Through it, the Roman Pontiff intended to recognize the general status of those associations that, from that day forward, would be called secular institutes. Although the apostolic constitution focuses entirely on the secular institutes whose official existence it establishes, it is possible to infer from it, based on the various references it makes, further considerations of the Magisterium regarding societies of life in common.

In this constitution, societies of life in common without vows are equated with the canonical state of perfection. Even though these societies are not formally included within the canonical state of perfection because they lack the legal elements necessary for it, such as public vows, for example, the closeness and similarity between them and religious institutes, which are the paradigm of the canonical state of perfection, are nonetheless recognized. This similarity is based on the fact that despite the aforementioned absence of certain legal elements, these societies nevertheless possess other elements that are considered essential to the life of perfection.[20]

2.2 The Second Vatican Council

At the heart of the Second Vatican Council lay the need to renew the Church, so as to enable it to adapt its salvific mission to the ever-changing demands of the contemporary era. This renewal was not intended to be limited solely to the doctrinal sphere, but was meant to permeate the entire social body of the Church in all its various

[20] "*Ecclesia tamen, magna qua gaudet animi mentisque largitate, tractuque vere materno, brevem titulum legislationi religiosae, veluti peropportuni complementi gratia, adiungendum censuit. In ipso (tit. XVII, Lib. II) ad statum canonicum perfectionis, satis plene Ecclesia aequiparare statuit Societates, de ipsa et frequenter etiam de civili societate optime meritas, quae quamvis aliquibus iuridicis sollemnitatibus ad statum perfectionis canonicum completum necessariis, ut votis publicis (cann. 488, 1° et 7°; 487), carerent, tamen in ceteris quae ad vitam perfectionis substantialia reputantur, veris Religionibus arcta similitudine et veluti necessitate coniunguntur*". Pius XII, *Provida Mater Ecclesia,* 2 February 1947, *Acta Apostolicae Sedis* 39 (1947): 117.

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structures and components. Such a project certainly could not have been carried out without consideration of the so-called institutes of perfection, whose purpose was, as their name indicates, a resolute commitment to holiness.

As for societies of life in common without vows, a review of the various conciliar documents does not indicate that the conciliar assembly was specifically concerned with them. This absence of specific discussion of societies of life in common in the Council might be explained, first of all, by the fact that, in general, the Council did not, in a certain sense, make a fundamental distinction between orders, congregations, societies of life in common without vows, and secular institutes. A second explanation might be linked to the persistence of a certain mindset inherited from the pre-Pio-Benedictine Code. As is well known, the 1917 Code had essentially established a single form of institute: the religious institute, of which all others were either derivatives or imitations. Thus, on the eve of the Council, the prevailing view regarding communities of men and women living in common without vows was that they were to be considered a subcategory of religious, incorporated into the canonical state of perfection as specified, respectively, by the Pio-Benedictine Code and the Apostolic Constitution *Provida Mater Ecclesia*.

Despite the lack of specific and systematic attention to this topic, it is possible, based on the various statements of the Council, to draw some valuable conclusions regarding these communities. Two documents are of considerable relevance in this regard: the dogmatic constitution *Lumen gentium* and the decree *Perfectae caritatis*.

2.2.1 The Dogmatic Constitution *Lumen gentium*

First and foremost, there is no explicit reference to communities of consecrated life in *Lumen gentium*. It is possible, however, to discern the Council's thinking on these communities within the text, always in relation to the constitution's overarching theme, namely, the Church. *Lumen gentium* brings profound innovations, in that for the first time, the topic of institutes of perfection is addressed in a dogmatic constitution.

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The term adopted was not *canonical state of perfection*. Chapter VI of *Lumen gentium* was titled *De religiosis*. This choice seems to have been motivated primarily by the profession of religious vows.[21] One might further consider that it was motivated by the fact that, beginning with the second session, the term *institute of perfection* became increasingly inoperative, both because the state of perfection was reserved for the episcopal order as *perfectores* (cf. LG 41; CD 15), but above all because the Council wished to emphasize that perfection, that is, holiness, was not an exclusive attribute of a narrow category of people within the Church but rather the vocation of all the Christian faithful.[22] Chapter VI was therefore titled *De religiosis*, a term referring to all those who commit themselves to observing the evangelical counsels through vows or other sacred bonds similar to vows, including also communities of life in common without religious vows.[23] However, the paradigm for this way of life is religious life, to which all other forms of life refer. From a theological perspective, therefore, *Lumen gentium* simply continued in the same vein as both the 1917 Code and *Provida Mater Ecclesia*. Nevertheless, the criterion established by the constitution itself remains valid, as it clearly delineated the boundaries of the religious state in the strict sense as a profession with a sacred bond sanctioned by the Church for the purpose of giving oneself totally to God. The fact of strictly limiting the conditions of the religious state simultaneously excludes from it those who do not meet the aforementioned criteria. Therefore, any institute that does not meet these criteria cannot, in and of itself, claim to be part of the religious state. Given that the purpose of societies is not primarily self-offering to God but rather the pursuit of a specific type of apostolate, even though the constitution *Lumen*

[21] "*Quoad questionem de titulo: unanimi consensu conventum fuit, ut in omni casu pars, quae reservatur profitentibus vota religiosa, inscriberetur simpliciter: De religiosis*." Cf. Vatican II, *Acta synodalia sacrosancti concilii oecumenici Vaticani II*, vol. 3, part 1, 325.

[22] Cf. Umberto Betti, "*Histoire chronologique de la Constitution*," in *L'Église de Vatican II. Études autour de la constitution conciliaire sur l'Église*, edited by Yves Marie-Joseph Congar and Guilherme Baraúna (Paris: CERF, 1966), 64-66.

[23] Cf. Gianfranco Ghirlanda, "*La tipologia degli istituti di vita consacrata dal Concilio al nuovo Codice,*" *Vita Consacrata* 21 (1985): 210.

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gentium equates societies without vows with religious, one can, above all, infer from it a substantial distinction between societies of life in common and religious institutes.

2.2.2. The Decree *Perfectae caritatis*

As for the decree *Perfectae caritatis*, to better understand its purpose and the place of communities of life in common without vows within it, we must begin with its history. Its drafting dates back to the early days of the Second Vatican Council. Among the commissions established by John XXIII through the *motu proprio Superno Dei nutu* to prepare for the Council was the Commission on Religious, headed by the prefect of what was then the Sacred Congregation for Religious.[24] The tasks entrusted to this commission by the pope himself were to study the renewal of religious life, unions or federations among institutes, exemption, and the religious habit.[25] In the final months of 1962, the first draft, the result of the commission's work, was presented, bearing the title: *Schema de statibus perfectionis acquisendae*. The second chapter of this draft states that there are three types of states of perfection: *religiones*, *societates sine votis*, and *instituta saecularia*. Regarding the second category, that is, societies without vows, paragraph 16 of the draft indicated that, in addition to the qualities of life in common, the pursuit of perfection based on the three evangelical counsels, and the absence of the status of religious, these societies are recognized as observing the state of perfection and sharing the same bond of union with religious orders. Noteworthy in this definition is the use of the verb *accedo* to indicate the relationship between religions and societies.

[24] Cf. John XXIII, *motu proprio Superno Dei nutu*, 5 June 1960, *Acta Apostolicae Sedis* 52 (1960): 433-437.

[25] Cf. Armand Le Bourgeois, "*Historique du décret Perfectae caritatis*," in *L'adaptation et la rénovation de la vie religieuse: Décret Perfectae caritatis*, edited by Jean-Marie Roger Tillard, Gerard Huyghe, Armand Le Bourgeois (Paris: Cerf, 1967), 52.

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Although this verb does not appear in the final text of *Perfectae caritatis*, it is nonetheless used in the current Canon 731.[26]

In the following points of the same draft, the difference between the three states was subsequently established. This difference is evident in three aspects: in the manner of pursuing perfection, in the way of life, and in the manner of carrying out their activities. In this regard, the draft indicated that societies pursue perfection through approved vows or certain traditions established by their own constitutions. Regarding their way of life, it was noted that they lead a life similar to that of the religious, applying certain norms of the legislation governing the religious. Finally, regarding their activities, it was noted that societies pursue specific activities in accordance with their own constitutions, both within and outside their houses.[27]

The final draft was finally discussed in November 1964. Among the various interventions by the Council Fathers, what stood out above all was the fear that changes beyond what was necessary might distort the nature and foundation of many institutes, and thus, the concern to safeguard the spirit and distinctiveness of each institute.[28]

In and of itself, the decree introduces, first and foremost, a conceptual and linguistic innovation: the expression *consecrated life*. About a year after the promulgation of *Lumen gentium*, it was stated that the profession of the evangelical counsels constitutes a life consecrated

[26] "*Religionibus accedunt societates vitae communis, scilicet, illae societates ab ecclesiastica auctoritate erectae, quorum sodales in communi viventes, christianae perfectionis adquirendae causa, tria consilia evangelica, quamvis publica vota emittant, stabiliter profitentur secundum proprias cuiusque societatis constitutiones. Licet enim aliquibus iuridicis sollemnitatibus status religiosi careant, tamen substantiam status perfectionis servant et Religionibus arcta similitudine coniunguntur. Iure igitur meritoque hus Societatibus magna ex parte ius religiosorum applicatur, non tamen absolute sed congura congruis referendo." Archivio Apostolico Vaticano, Conc. Vat. II, busta 1284.*

[27] Cf. Vatican II, *Schemata constitutionum et decretorum*, 194-195.

[28] Cf. Piero Doria, *Storia del Concilio Ecumenico Vaticano II da Giovanni XXIII a Paolo VI (1959-1965)* (Todi: Tau editrice 2016), 243-244.

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to God.[29] In doing so, the Fathers coined the expression *vita consecrata per consiliorum professionem* in that decree, which emphasizes religious life as both a consecration and a sign.

Furthermore, unlike *Lumen gentium*, the decree *Perfectae caritatis* was not intended to address the religious state doctrinally and thus define its essential constitutive elements. It was not conceived as a doctrinal treatise on consecrated life; rather, its doctrinal foundation lies in *Lumen gentium*. In this context of updating, the difference between the various institutes subsequently and incidentally emerges. In this sense, it can be said that the decree *Perfectae caritatis* was much bolder than *Lumen gentium*. *Lumen gentium* merely equated the vows and other bonds to establish the criterion for religious life, without formally indicating the difference between the various institutes.

The decree *Perfectae caritatis*, by explicitly providing societies with the conciliar guidelines that are to guide the renewal of religious life, goes beyond this limitation of *Lumen gentium*. By explicitly mentioning societies immediately after religious families and before secular institutes, the decree *Perfectae caritatis* acknowledges from the outset at least a formal difference between these various institutes. It also recognizes their distinct character and nature, thereby expressing a concern to avoid any confusion between them.

However, the recognition of each society's distinct character does not obscure the fact that the decree *Perfectae caritatis* consistently upholds the criterion of the profession of the evangelical counsels: "Now [The sacred synod] intends to treat of the life and discipline of those institutes whose members make profession of chastity, poverty and obedience and to provide for their needs in our time."[30]

In the spirit of the decree, the criterion for these institutes, including societies of life in common without vows, is life according

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[29] Cf. Yuji Sugawara, "*La normativa sulla vita consacrata alla luce dell'aggiornamento postulato dal Vaticano II*," *Periodica* 102 (2013): 549-550.

[30] Vatican II, *Decree on the Adaptation and Renewal of Religious Life Perfectae caritatis*, 28 October 1965, *Acta Apostolicae Sedis* 58 (1966): 702, n. 1.

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to the evangelical counsels, referred to here as the consecrated life. It is unequivocally affirmed that the state of the consecrated life is attained solely through the profession of the evangelical counsels.

On closer inspection, the systematic effort to distinguish individual institutes does not actually conceal the fact that, once again, they have been equated in some way with religious, who have once more been used as the paradigm of consecrated life.

This conclusion can be drawn not only from the adoption of the evangelical counsels as a necessary criterion, but above all from the consistent use of the term *religious life*, which appears more than ten times in the text to refer to every form of profession of the evangelical counsels. It cannot be denied that this approach also stems from a lack of clarity on the part of the societies themselves. This is the conclusion drawn from the correspondence of the then Superior General of the Daughters of Charity of St. Vincent de Paul in her observations. For her, there is primarily a unity and diversity of religious life within the variety of its forms. She wrote that there is a single religious life that is expressed and lived in different forms. Throughout her remarks, moreover, she refers only to religious life and to women religious, without any mention of communities of life in common without vows.[31]

Once again, although this decree does not clearly highlight the distinct nature of societies of apostolic life with respect to consecrated life, nor their specific characteristics from a canonical standpoint, the conditions outlined in the decree nevertheless aid in discernment. According to the criteria derived from *Perfectae caritatis*, the evangelical counsels are constitutive of consecrated life. The essential purpose of consecrated life is the achievement of perfect charity, and this is achieved through the surest path of the evangelical counsels. There is no consecrated life without the profession of the three evangelical counsels. Given this criterion, it can be said that, in light of the criterion of consecrated life, namely, the profession of the evangelical counsels,

[31] Cf. Caterina Ciriello, *Il contributo delle religiose uditrici al Perfectae caritatis. Fare memoria per cambiare il futuro. Saggio storico-teorico* (Todi: Tau editrice, 2015), 103-104.

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the decree *Perfectae caritatis* excludes from consecrated life those societies that do not profess these counsels.

Conclusion

At the conclusion of this overview, it can be noted that prior to the 1917 Code, there were generally various types of institutes. Those primarily recognized and regulated by the Church were religious institutes, which were in turn divided into two groups: orders with solemn vows and congregations with simple vows.[32] As for societies without vows, although they were approved on an individual basis, they did not have a common set of rules. One of the merits to be credited to the 1917 Code is that, for the first time, it recognized as a distinct group those societies whose history was discussed in the first part, grouping them under the common designation of *societas sive virorum sive mulierum in communi viventium sine votis*. Such a title was an absolute novelty in the history of canon law. With it, a reality called a *society*, whose members live in community and do not take vows, was formally recognized as part of the Church's heritage.

Despite this formal recognition, the 1917 Code reveals a marked emphasis on aligning the law governing these societies with that of religious orders. The fundamental criterion around which the entire structure of Part Two of Book II of the 1917 Code of Canon Law revolved was religious life with the profession of the three public vows. Thus, all communities that exhibited a certain affinity with religious orders were not only included in that section but were also discussed in close reference to religious orders, of which they were presented as an imperfect form. This applies above all to the societies mentioned in canons 673-681 of the Code of Canon Law.

Despite all this closeness, confirmed by the fact that in many cases they share the same legislation, societies of life in common without vows have not been formally recognized as religious institutes. Although the 1917 Code granted them legislation almost identical to

[32] Cf. Eutimio Sastre Santos, "*Gli Istituti secolari nell'ordinamento dei novelli istituti di voti semplici," Vita consacrata* 33 (1997): 422.

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that of religious, it did not go so far as to declare that these societies are religious. Out of respect for their history and the intent of their founders, it recognized them as a formally distinct entity.

As for the Apostolic Constitution *Provida Mater Ecclesia*, it established the concepts of *institute* and *state of perfection* as applicable to these societies as well. However, since the members did not profess public vows, *Provida Mater* considered them an incomplete form of the states of perfection, that is, a state of perfection that retained the life in common of religious, while everything else was left to the discretion of their proper law.

For its part, the Second Vatican Council, although it sought to move beyond the narrow view of religious status outlined in the 1917 Code, which recognized only one form of religious life, established the profession of the evangelical counsels as the criterion for consecrated life, as it broadened the concept through the adoption of this general notion. Thus, in the constitution *Lumen gentium*, the term *religious* was still used, a term that also included societies of life in common without vows. This is particularly true of the decree *Perfectae caritatis*, which is primarily based on the notion of consecrated life. This concept has a dimension that is both inclusive and exclusive. Included in consecrated life are not only religious, but also all institutes that profess the evangelical counsels. At the same time, this criterion excludes those institutes whose way of life is not based on the profession of the evangelical counsels. In this sense, it can be said that the Council first and foremost recognized the formal and autonomous existence of societies of life in common without vows, distinct from both religious and institutes of consecrated life. However, in line with previous legislation, namely, the 1917 Code and the constitution *Provida Mater Ecclesia* in particular, it extended to these societies all the legislation originally intended for religious and institutes of consecrated life.

At the Council, therefore, we once again see a sharing of the same legislative heritage, while nevertheless safeguarding the specific nature of societies. This tension would profoundly shape not only the discussions leading up to the 1983 Code, but also the legislation governing societies within that same 1983 Code.

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