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THE SAME DUTIES AND LIMITATIONS OF RELIGIOUS AND CLERGY

Introduction

Life in a religious institute differs in its character from the clerical state. However, numerous aspects of both the first and the second forms of living are alike. Thus, in the 1983 Code of Canon Law¹, the legislator states that: “religious are bound by the prescripts of can. 277, 285, 286, 287, and 289, and religious clerics additionally by the prescripts of can. 279, § 2; in lay institutes of pontifical right, the proper major superior can grant the permission mentioned in can. 285, § 4” (can. 672). This article discusses several duties and limitations which bind the members of religious institutes, and which derive from the norms set forth by the legislator in the quoted canon.

The primary aim of comparing the norms applicable for clerics and religious is to distance oneself from the world the way clerics and religious do due to the religious reality in which both of them live. Religious, because of their special lives constituting the observance of evangelical counsels, are obliged to adopt the style of living which is not be disturbed by the worries of this world to the extent which would make it impossible for them to fulfill their special vocation. Thus, through the creation of these legal norms, the legislator ensured that there is no such threat.

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¹ *Codex Iuris Canonici auctoritate Ioannis Pauli PP. II promulgatus* (25.01.1983), AAS 75 (1983), pars II, p. 1-317 [henceforth cited as: CIC/83].

1. The duty to observe celibacy

The legislator states that “clerics are obliged to observe perfect and perpetual continence for the sake of the kingdom of heaven and therefore are bound to celibacy which is a special gift of God by which sacred ministers can adhere more easily to Christ with an undivided heart and are able to dedicate themselves more freely to the service of God and humanity” (can. 277 § 1). This norm binds all members of religious institutes.

It needs to be pointed out that in this prescript, the legislator mentions continence and celibacy as two distinct realities which, when combined, constitute the vow of chastity or other sacred bond pronounced in institutes of consecrated life [Saj 2009, 120]. In case of religious, the continence means refraining from any act, be it internal or external, against the sixth and the ninth commandments of the Decalogue. Whereas, celibacy is, in itself, understood as singleness, that is as the renunciation of the great value of marriage in human life [Gogola 1998, 11-12]. The distinction between the two terms results in them providing incomplete picture of what constitutes the observance of the vow of chastity in case of religious, and the observance of clerical life by a celibate. Celibacy may only indicate that a given person lives in the state of singleness, but it does not entail the observance of continence. On the other hand, continence, as such, can also be observed in marriage [Szewczul 2008, 174]. Only by combining the meanings of the two terms as perfect continence in celibacy, one can fully understand how it should be observed in consecrated life.

In the formulation of this norm, the legislator clearly states that perfect continence in celibacy does not have clear human basis, but it is observed because of higher values adopted by clerics and religious. In this context, it is also worth mentioning that, similarly to clerics, religious are also in support of perfect chastity which is to be observed until death, and which is a consequence of celibacy. Both of them are adopted for the sake of the kingdom of heaven [Bogdan 1988, 295].

Moreover, the legislator indicates a kind of help whose aim is to aid both clerics and religious to observe the said perfect continence in celibacy. The legislator states that it is required to behave with due prudence towards

persons whose company can endanger its observance or give rise to scandal among the faithful (cf. can. 277 § 2). Not only does this prescript correlate with can. 627 in which the legislator prescribes its observance by the religious, but it also pertains to the part of the code discussing evangelical counsel of chastity (can. 599). According to the code legislator, it includes the duty of perfect continence in celibacy. It relates to persons, both women and men, whose company could pose a threat of failure to observe perfect continence in celibacy [Krukowski 2005, 99].

In the discussion of this issue, it is worth underlying that the legislator provides that other, more specific norms may exist in this matter, which are established by a diocesan bishop for diocesan clerics, and by a proper ordinary for religious (§ 3). They are also competent to evaluate the applicable law in regard to their proper subjects.

2. The duty to refrain from those things which are unbecoming to the state of life

In can. 672, in regard to religious, the legislator also makes reference to another applicable norm which is to be observed by clerics, stating that they are to refrain from all those things which are unbecoming to their state, according to the prescripts of particular law, and that they are to avoid those things which, although not unbecoming, are nevertheless foreign to the clerical state (can. 285 § 1-2).

What is foreign, meaning not able to be accommodated with clerical state and, in this case, also with religious life, is to be completely avoided. Nevertheless, what is unbecoming is to be avoided too, but in this case, a dispensation is easier to obtain, provided that a just cause exists [Bogdan 1988, 289]. With respect to this matter, the words of the Second Vatican Council can be introduced in regard to religious, which observed that clerics “cannot be ministers of Christ unless they be witnesses and dispensers of a life other than earthly life. But they cannot be of service to men if they remain strangers to the life and conditions of men. Their ministry itself, by a special title, forbids that they be conformed to this

world; yet at the same time it requires that they live in this world among men”².

Some activities are forbidden not because they are bad in themselves, but because they are inappropriate for the character of life chosen by religious and clerics, and because they cannot be accommodated with the clerical mission adopted by them [Krukowski 2005, 109]. In the 1917 Code of Canon Law³, the legislator enumerates some of the activities which meet this criterion, such as exercising medicine or acting as public notaries, except in the ecclesiastical Curia (can. 139). It was also forbidden to follow the professions such as: bartenders, firefighters or taxi drivers, which required less liability, but which also were inappropriate for clerics and religious. Furthermore, the CIC/17 prohibited gambling and playing games in which the stakes involved substantial monetary amounts, as well as carrying arms. Moreover, clerics and religious also could not participate in certain entertainments such as spectacles which were inappropriate, or which could give rise to scandal among people (can. 138). The current law does not enumerate any specific activities which are prohibited because of the state of clerics and religious, but, in this respect, it makes reference to particular law, that is to the law of a proper institute.

Religious are also to avoid some actions or participation in various kinds of activities which are natural, and which do not have any characteristics of inappropriateness, evil or sin for other persons living in the world, but which, because of the kind of life that they have chosen, are unbecoming (can. 285 § 2). In CIC/17, the legislator considers hunting, going to theatres and cinemas, as well as attending horse races as such activities (can. 140). At present, according to CIC/83, the evaluation of such kinds of situations is subject the proper law and to the conscience of each religious.

² Sacrosanctum Concilium Oecumenicum Vaticanum II, *Decretum de presbyterorum ministerio et vita Presbyterorum ordinis* (7.12.1965), AAS 58 (1966), p. 991-1024, no. 3.

³ *Codex Iuris Canonici Pii X Pontificis Maximus iussu digestus Benedicti Papae XV auctoritate promulgatus* (27.05.1917), AAS 9 (1917), pars. II, p. 1-593 [henceforth cited as: CIC/17].

It is also worth mentioning that the criteria of what is unbecoming and what is foreign to religious life have undergone changes over the years. On the one hand, the society in which a modern man lives is more tolerant. On the other hand, however, the maturity of persons consecrated to God allows them, to a large extent, to independently evaluate what activity stands in opposition to the chosen life according to the evangelical counsels. In such situation, the main criterion of evaluation of activities of this kind is always the fact that both clerics and religious are special witnesses of values which exceed the world in the spiritual dimension. Thus, they are to avoid the situations and activities which could pose a threat to obtaining spiritual values and which could give rise to scandal among other people [Krukowski 2005, 109].

The practice of professions of different kinds by religious also needs to be discussed. A few criteria need to be considered when examining the possibility of exercising certain professions by religious. These are: the dynamic fidelity toward the aims of an institute, attempting to give evangelical witness in a given place, strengthening the spheres of consecrated life justifying the exercise of different professions by religious, and their brotherly sharing of everyday experiences which sustain the spirit of an institute [Gambari 1998, 529].

3. The prohibition against assuming public offices

Another duty, pursuant to can. 672, obliging both religious and clerics, is the prohibition against assuming any public offices which entail participation in the exercise of civil power (can. 285 § 3).

The distinction of several elements included in the regulation of this prescript is necessary. Firstly, it needs to be underlined that the prohibition introduced here is universal for all clerics of the Latin Church, that is for both diocesan clerics and for clerics who are members of institutes of consecrated life. It also binds members of religious institutes who have not received orders. This prohibition is valid for all of them, regardless of the socio-political situation in which they are. Secondly, it pertains to exercising civil power in any form, be it legislative, executive, or judicial. The third issue is the fact that the said norm is categorical, that is it does not allow any modifications in particular law [Krukowski 2005, 110]. Thus,

there is no possibility to obtain the permission of one's ordinary to assume any of the enumerated functions, offices, or activities relating to the exercise of this kind of power.

The legislator does not enumerate offices which are not to be assumed by clerics and religious in the norm of this canon. It is only stated that the said prohibition pertains to the offices which entail the participation in the exercise of civil power. Thus, the understanding of this prescript is extensive, and it includes: exercising the office of a president, mayor, vogt, Member of Parliament, senator, minister, judge, and even a notary public [Rincón-Pérez 2011b, 267].

By choosing to lead a life according to evangelical counsels, religious have to be aware of the fact that the said offices are foreign to their way of living and that they are not to assume them. Because of the nature of their vocation, similarly to clerics, they are to foster peace, unity, and the sense of brotherhood among people in the world. At the same time, they are not to engage in any disputes, arguments or controversies of ideological or political character. It is not a part of the mission of either a religious or a cleric to be a representative or a decision-maker in political issues, or to be a civil power official. Each of them is to function above any divisions, as a Christ's representative for whom he serves in Church [ibid., 268].

At this point, it is worth mentioning that, although nothing is said in this canon about the possibility of exceptions to this matter, the provisions of CIC/83 allow the possibility of introducing a prescript which would allow an ordinary to grant permission for exercising the aforementioned public offices, especially to the clerics who have already exercised them. However, such postulate has been ultimately rejected, and this prohibition has been reinforced in its final version through the use of the word *vetantur* in the Latin version of CIC/83 [Lynch 2000, 376], which derives from *veto* meaning 'to forbid', 'to prohibit' [Jougan 1958, 727]. Can. 1042, 2° is a kind of confirmation of this prohibition, in which the legislator provides the reference to can. 285 as one of the impediments to receive orders.

Also, the question arises whether a diocesan bishop or a religious ordinary can dispense their subjects from the prohibition against exercising public offices. Pope Paul VI clearly restricted the dispensation of "assuming public offices which relate to exercising civil jurisdiction or

administration”⁴ to The Holy See which can, however, dispense from this prescript, or, alternatively, grant permission to assume such office, after prior close examination of the circumstances of the whole case of a given religious. Similarly, it can dispense from other ecclesiastical prescripts, such as this one [Bogdan 1988, 297].

4. The prohibition against administration of material goods, assuming civil offices, guaranteeing and signing promissory notes

This duty derives from well-understood observance of the evangelical counsel of poverty which binds religious in a special way. The legislator indicates that “the evangelical counsel of poverty in imitation of Christ who, although he was rich, was made poor for us, entails, besides a life which is poor in fact and in spirit and is to be led productively in moderation and foreign to earthly riches, a dependence and limitation in the use and disposition of goods according to the norm of the proper law of each institute” (can. 600). The norm discusses two issues which are of the utmost importance in the described prescript, that is: dependence and limitation in the use of goods and in disposition of goods, according to the proper law.

The prohibition described here includes the activity of economic nature and of income character as the one standing in opposition to clerical state and to being a religious. Two elements are included in the norm. The first one is administration of goods being the property of lay persons, institutes or offices, conducted by a religious, which relates to the obligation of issuing receipts. This does not relate to trade discussed by the legislator in the subsequent canon. The second element is signing promissory notes upon which the signer obliges himself to issue payment without any prior examination of the case [Krukowski 2005, 110]. This prescript repeats the norm from CIC/17 in which the legislator discusses the same in can. 137.

While discussing this issue, it is worth mentioning that when the administration of individual or social goods is concerned, it is prohibited only when such activity relates to the obligation of issuing reports. Without

⁴ Paulus PP. VI, *Normae Episcopis impertiuntur ad facultatem dispensandi spectantes. De episcoporum muneribus* (15.06.1966), AAS 58 (1966), p. 467-72.

such obligation, common law does not set any limitations in this case, but it needs to be noted that proper law of a given institute can establish such limitations. The grounds for the existence of such prohibition is the fact that obligations of this kind can disturb a religious from his duties to which he shall devote [Bogdan 1988, 297].

The same pertains to the matter of guaranteeing or issuing promissory notes, since these services can also be a source of problems and issues of various kinds which are foreign to the state of life of religious. However, situations, in which the right to love to another requires accepting administration or guaranteeing, may arise. Yet, these are the situations in which the superiors hold the right to the preliminary decision, due to the fact that the content of this prescript indicates that such permission is required for a religious to accept such activity [ibid.]. Thus, the permission from a superior is required in a situation in which the person who is subject to this prohibition, that is a cleric or a member of a religious institute, was to assume guardianship of a minor, the role of a last will executor or a trustee. The prohibition also includes guaranteeing based on own goods [Lynch 2000, 378].

5. The prohibition against conducting business

The next prescript applicable also to religious pertains to the issue related to material goods: “clerics are prohibited from conducting business or trade personally or through others, for their own advantage or that of others, except with the permission of legitimate ecclesiastical authority” (can. 286).

To discuss this legal norm, the legislator’s understanding of the meaning of ‘business’ and ‘trade’ mentioned in this prescript needs to be explained first. It is a permanent, meaning not one-time or occasional, act of purchasing and selling material things with profit. In all kinds of trade discussed here, it is important to underline the profit aspect, and, in particular, the intention, that is the intent of a person who conducts business, even in a situation in which no profit has been gained. The intention of generating profit through the conduct of various activities undertaken for this purpose stands in opposition to the religious vocation, and therefore it is prohibited. The reason for being an exception to this

prohibition is a true necessity which may arise in extraordinary circumstances, and due to which competent authority can grant approval to exercise such activities [Bogdan 1988, 298].

Business understood in this way, as something aiming to generate profit, includes purchasing of merchandise or other things of various kinds in order to sell them in unchanged condition or altered or improved with the use of industry contract labour, in subsequent transactions, in order to generate profit. In this case, the problem arises of simple speculation or of conducting trade of labour of a man who has been used to gain the set business aim [ibid.].

The next issue which needs to be considered while discussing this prescript are permanent stock market operations. Generally, it is to be assumed that they are prohibited by the power of the legislator. However, it is allowed to allocate financial funds on safe and profit-generating securities, especially when these are bonds of honest associations and companies, even commercial ones. The condition is that one does not participate directly in the management of such institutions. Bonds, which are a kind of money deposit, and which generate profit, are not a problem. But stocks may be a problem. Since they are a part of another capital, they can more easily be perceived as business generating profit. A religious who is a shareholder may, under no circumstances, be a member of the board of directors of such association, or purchase such stocks in order to sell them for a higher price [ibid., 298-99].

This prohibition remains unchanged since CIC/17, in which the legislator also prohibited conducting business or other economic activity (can. 142). In the currently applicable code, however, a significant amend to this norm has been introduced, because now it is possible to obtain permission of legitimate ecclesiastical authority to engage in such activities. According to the traditional understanding, this prohibition binds religious persons more strictly than clerics, which is a result of the form of living followed by them [Zubert 1990, 177].

Nevertheless, it is important to be aware of the fact that, according to the legislator, such permissions for the aforementioned activity are not to be granted too often, if the prudent rule, applicable in the Church, stating that clerics and religious are not to engage in business and trade, is to

maintained. The decree of Council Congregation dated March 22, 1950⁵ imposes the penalty of excommunication, previously reserved for The Holy See, on those who breach this prohibition. In the situation of a significant and very blatant violation of this norm, the penalty of demotion could be imposed [Rincón-Pérez 2011b, 268]. In CIC/83, the violation of the norm set forth in can. 286 also qualifies as a delict: “clerics or religious who exercise a trade or business contrary to the precepts of the canons are to be punished according to the gravity of the delict” (can. 1392).

6. Fostering the peace and harmony and the prohibition against having an active part in political parties and labour unions

Another prescript to be discussed is fostering peace and harmony and the prohibition against having an active part in political parties and labour unions (can. 287). The legislator states that clerics are always to foster peace and harmony based on justice which are to be observed among people (§ 1). This prescript is a novelty in ecclesiastical law and in the law of institutes of consecrated life. It was introduced because of the threats posed to the whole world and humanity, especially nowadays. Today, various kinds of ideological and political divisions, which often lead to armed conflicts, can be observed. The legislator uses the Latin phrases *quam maxime and semper* which mean ‘serious and permanent duty’ [Bogdan 1988, 299].

This duty means that religious are to adopt all and any possible initiatives and activities the aim of which is to defend human rights, but on condition that they conform with the rules of natural or legal justice. It is worth mentioning here that the person who fulfills this duty in its correct meaning does not, in any case, unjustly or unnecessarily interfere in the issues pertaining to temporal society [Rincón-Pérez 2011b, 269].

Also, the Second Vatican Council, considering it of the utmost importance, commented this issue: “at all times and in all places, the Church should have true freedom to preach the faith, to teach her social doctrine, to exercise her role freely among men, and also to pass moral

⁵ Sacra Congregatio Concilii, *Decretum de vetita clericis et religiosis negotiatione et mercatura* (22.03.1950), AAS 42 (1950), p. 330-31.

judgment in those matters which regard public order when the fundamental rights of a person or the salvation of souls require it. In this, she should make use of all the means - but only those – which accord with the Gospel and which correspond to the general good according to the diversity of times and circumstances”⁶.

Through their lives, activities, education, teaching, and maintaining permanent contact with different people whom they are always to treat as brothers and sisters, religious lead to the unity of people as God’s children. Thus, they have to reject any kind of discrimination based on race, skin color, or social class. People who have devoted their lives to God by the profession of evangelical counsels, because of their specific prophet and eschatological role, are bound by this norm to foster peace and harmony based on justice, as well as to promote these values. They are also to do it through fidelity toward their mission and through leading exemplary individual and community lives [Gambari 1998, 526, 529]. This positive duty aims to promote and foster peace and justice, as well as to defend the rights of each person. It has its ultimate basis in the human dimension of Redeeming conducted in Jesus Christ [Rincón-Pérez 2011b, 269].

In the subsequent part, the legislator sets forth the prohibition of having an active part in political parties and in managing labour unions by religious, except that, in the evaluation of a competent authority, it will be required to defend the Church or to develop common good (§ 2). This prohibition is of a general norm character and it was formulated preventatively. On the one hand, situations may arise in which, because of more important reasons such as the ones enumerated by the legislator, that is the defense of the rights of the Church or development of common good, a properly prepared religious will need to actively participate in membership in a political party or in leading of a labour union. On the other hand, he is not to do it by himself, but after prior evaluation and issuance of permission by a competent authority [Bogdan 1988, 300]. It can be concluded that the prohibition codified by the legislator does not pertain to the sole membership in labour unions, because it mentions active

⁶ Sacrosanctum Concilium Oecumenicum Vaticanum II, Constitutio pastoralis de Ecclesia in mundo huius temporis *Gaudium et spes* (7.12.1965), AAS 58 (1966), p. 1025-115, no. 41.

membership, that is managing them, and not just being a member which does not fulfill the definition of this phrasing [Rincón-Pérez 2011b, 269].

7. The prohibition against volunteering for military service and exercising civil functions foreign to the clerical state

Other limitations imposed on clerics and religious by the legislator are: the prohibition against volunteering for military service except with the permission of a competent superior, and the necessity to use exemptions from exercising public civil offices foreign to the lives adopted by them (can. 289). Military service hampers the preparation to priesthood and profession. It is also the source of objective difficulties in exercising evangelical counsels, because the atmosphere of military life does not enhance fidelity toward vocation, and it is also a threat which may cause the loss of religious spirit [Zubert 1990, 177].

The legislator prohibits volunteering for military service where it is not mandatory, unless a competent major superior decides that a justified reason for this exists. Such reason could exist, for example, in case where one would like to fulfill this duty by serving in military earlier than necessary, which would be more convenient for a given person, e.g. in relation to studying [Bogdan 1988, 300]. In CIC/17, the legislator granted privileges to both clerics and religious. One of them was the immunity which exempted them from military service and other civil public offices (can. 121). Due to the fact that the socio-political world situation is completely different today, this kind of privilege would have no power of the law with respect to a state law. Therefore, CIC/83 cannot guarantee such privileges to those persons, but it can only exempt them from activities which are foreign to the given character of life [Krukowski 2005, 113].

A professed religious who is bound to do military service still remains the member of an institute, holding the rights and duties which are possible to be exercised in his military life. In case of coming back with any kind of disability resulting from the military service, it is forbidden to exclude that person from pronouncing further religious professions. If, during the military service, the member of an institute earns any money, or if he receives any income after serving, then the funds are transferred to the

institute as long as the professed religious remains its member [Bogdan 1988, 301].

Proper law of each institute can, according to the norms of the common law, regulate the issues which are not set forth in CIC/83. It can elaborate on the criteria which should be followed by a major superior while granting permission or refusal to volunteer for military service. Proper law can also include penal sanctions for volunteering for military service without the consent of a superior, and it can define legal consequences arising for a professed religious who has been forced to accept such service [ibid.]. In case of an international institute, the prescripts should rather be included in proper law of a given administrative body, because there are different legal regulations on this duty in different states.

In Polish law, the norm of the concordat⁷ correlates with the provision of can. 289 § 1, where the prescript can be found according to which priests and deacons, as well as members of institutes of consecrated life and associations of apostolic life, who have taken their vows, shall be categorized as reservists. For seminarians, those under temporary vows and novitiates, military service shall be deferred in order that they finish their studies (art. 16 par. 3). This guarantee is motivated by the fact that the style of living represented by these persons is incompatible with doing usual military service.

According to the legislator, religious, similarly to clerics, are to use exemptions from exercising functions in public civil offices foreign to the clerical state which are granted by various acts, treaties, customs or agreements (can. 289 § 2). It is worth mentioning that if civil power considers the nature of clerical state or religious life and exempts persons who have chosen this kind of living, then it would be very unwise not to use these exemptions [Zubert 1990, 178]. On the other hand, however, the possibility of such exemption should not be treated as a special privilege granted to clerics or religious. It should rather be perceived in the categories of a compensation for the service rendered for the society. The profession exercised by these persons, whose aim is to fulfill people's spiritual and moral needs, is of a social character [Krukowski 2005, 113].

⁷ The Concordat between The Holy See and the Republic of Poland, signed in Warsaw on July 28, 1993, Dz. U. [*The Polish Journal of Laws*] dated 1998, No. 51, item 318.

Polish law accepts this postulate deriving from the canon prescripts. In the act on the guarantee of the freedom of conscience and religion⁸, the legislator indicates that clerics and the persons consecrated in churches and in other religious associations are subject to all rights and duties as any other Polish national. However, within the limits of prescripts of applicable acts, they are exempt from duties which are hardly in keeping with the clerical or religious state (art. 12, item 1).

8. The duty of further formation

Religious, who are also clerics, apart from the duties discussed hereinabove, are also subject to another duty defined by the legislator: “according to the prescripts of particular law, priests are to attend pastoral lectures held after priestly ordination and, at times established by the same law, are also to attend other lectures, theological meetings, and conferences which offer them the opportunity to acquire a fuller knowledge of the sacred sciences and pastoral methods” (can. 279 § 2). The norm derived from this prescript shall be correlated with can. 601, in which the legislator binds religious to eagerly continue their spiritual, scientific, and practical formation through all their lives, and it obliges superiors to provide religious with the means to achieve this goal. It does not pertain to further pastoral formation of newly ordained priests in religious institutes only, but also to permanent formation of other religious clerics [Zubert 1990, 178].

The legislator indicates two distinct duties resulting from this legal norm. One of them binds only clerics, both diocesan and religious, who have just received priestly ordination. This is to be understood by a few years’ time frame after receiving the ordination. Their number depends on proper law of a given institute which specifies these issues. However, the second duty binds all clerics after ordination, which has been underlined by the legislator by the use of the ‘and’ word [Bogdan 1988, 256].

Religious who are clerics at the same time, after ordination, are strictly obliged to participate in pastoral lectures organised by an institute. They are

⁸ The Act dated May 17, 1989 on the guarantees of the freedom of conscience and religion, Dz. U. [*The Polish Journal of Laws*] dated 2017, item 1153.

understood as a kind of courses, the form and specific requirements of which are to be established by proper law. Moreover, all clerics, that is not only those who are just a few years after receiving orders, are also to attend the meetings mentioned in the canon, pursuant to the proper law norms [ibid.].

With respect to this matter, only clerics are strictly obliged; however, taking into consideration can. 661, proper law of each institute, which is to further educate its members, can establish such education also for those who have not received orders [ibid.]. It needs to be underlined that one organically consistent formation process is required for all members of an institute, both clerics and those who have not received orders. It shall be properly diversified according to the ordination criterion, but the values to be achieved remain the same. The subject of the said formation process are spiritual, scientific, and practical aspects [Zubert 1990, 156]. Second Vatican Council also comments this issue: “religious should strive during the whole course of their lives to perfect the culture they have received in matters spiritual and in arts and sciences. Likewise, superiors must, as far as this is possible, obtain for them the opportunity, equipment and time to do this”⁹. The norms included in can. 661, as well as the guidelines of Second Vatican Council with respect to this issue, are to be elaborated in proper law of each institute [Rincón-Pérez 2011a, 531].

Conclusions

The life of religious who pronounce the profession of evangelical counsels is similar in numerous aspects to the life of clerics in Church. Thus, some of the legal issues of this life, especially those pertaining to functioning in the world, are the same for religious and clerics. This article discusses the issue resulting from the legislator’s intention set forth in can. 672, in which it is clearly stated that some of the issues pertaining to clerics are also binding for religious, both those who have received priestly ordination and those who have not.

⁹ Sacrosanctum Concilium Oecumenicum Vaticanum II, Decretum de accomodata renovatione vitae religiosae *Perfectae caritatis* (28.10.1965), AAS 58 (1966), p. 702-12, no. 18.

It is important that in the context of changing reality in the world, the prescripts of CIC/17 have undergone significant modification, and that present law has been adjusted to the world in which religious and clerics currently live. An example of such changes is the immunity present in the previous code, and which is granted by the contemporary legislator to clerics and religious, giving them the opportunity of exemption from military service. There is no such prescript in CIC/83, because it would have no power of the law with respect to the law of distinct states. There is only a provision stating that clerics and religious are not to volunteer for military service. Present law, however, confirms some of the existing prescripts from CIC/17 and relaxes some of the norms. Thus, it would be justified to claim that the law follows life.

It is also worth mentioning that in his intention, the legislator granted the competences of control and supervision to a proper ordinary of a religious or of a cleric, who also has the authority to grant permission to undertake some of the aforementioned activities by an individual person. This underlines the roles of a major superior in the context of religious and of a bishop with regard to diocesan clerics.

Learning about the prescripts which introduce the same duties and limitations for clerics and religious makes it possible to perceive differences, on the one hand, but also similarities, on the other hand, which connect religious and clerics in the Latin Church.

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The Same Duties and Limitations of Religious and Clergy

Summary

Although religious life differs from the life of non-religious clergy, from the point of view of everyday life and legal regulations, there are certain duties and restrictions which are similar for both. The legislator, in the part of Code of Canon Law where the rights and duties of religious are mentioned, in can. 672, refers to several provisions which are found in the section on the rights and duties of clergy. This article discusses exactly those issues which, on the legislator's decision, equally obligate both clergy and religious. Getting acquainted with the rules and regulations by their proper analysis allows to understand why some behaviours or decisions, which are something normal and good for a lay man, may not be beneficial to the religious or clergy men.

Key words: order, priesthood, military, property, management

Tożsamy obowiązki i ograniczenia zakonników i duchownych

Streszczenie

Chociaż życie zakonne różni się od tego, które prowadzą duchowni nie będący zakonnikami, to na gruncie zarówno codzienności, jak i w regulacjach prawnych, istnieją pewne obowiązki i ograniczenia, które są tożsame zarówno dla jednych, jak i dla drugich. Prawodawca w części KPK/83, gdzie jest mowa o prawach I obowiązkach zakonników, w kan. 672 odsyła do kilku przepisów, które znajdują się w części o obowiązkach i uprawnieniach duchownych. W niniejszym artykule zostały omówione właśnie te kwestie, które na mocy decyzji prawodawcy w równym stopniu obowiązują zarówno duchownych, jak i zakonników. Zaznajomienie się z tymi przepisami i właściwe ich przeanalizowanie, pozwala na zrozumienie dlaczego niektóre zachowania, czy podejmowane decyzje, które dla człowieka świeckiego są normalne i dobre, dla zakonnika czy duchownego wcale takimi nie muszą być.

Słowa kluczowe: zakon, duchowieństwo, wojsko, majątek, zarząd

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