

DISCERNMENT, ACCOMPANIMENT AND RECOGNITION OF A NEW REALITY OF CONSECRATED LIFE

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Introduction

My speech will be divided into two parts, separated by a short interval. The first talk will cover the beginnings of a new reality of consecrated life. Bearing in mind the documents of the Church's Magisterium, canonical norms and the practices in use at the Congregation for Institutes of Consecrated Life (CICL) and Societies of Apostolic Life (SAL), I will try to highlight some of the theological and canonical criteria, useful in the work of discerning, accompanying and providing ecclesial recognition of the new gifts of consecrated life, entrusted to diocesan bishops. The second presentation instead will touch on problems related to the declining stages of ICL, related to aging and the reduction in numbers of members, until extinction, with reference to provisions in the Code for some cases of mergers, unions and suppression and to the practice of the Department.

As in the past, even today the Spirit helps to foster the sanctity of the Church, "giving new charisms to men and women of our time, so that they give birth to institutions responding to the challenges of today." ¹ While it is the Spirit who continues to inspire new charisms in the Church, on the other hand, as recalled by the Second Vatican Council, the task to discern their authenticity, usefulness for today and well ordered use belongs to those who exercise the service of authority in the Church, that is, the bishops in communion with the Roman Pontiff (cf. LG 12).

It is therefore up to the diocesan bishops and those who are equivalent to him, in accordance with canons 134 § 1 and 368, to discern the new charisms which the Holy Spirit entrusts to the Church and to constitute stable forms of living the evangelical counsels, helping the founders and foundresses to express their plans in the best way possible and protecting them with suitable statutes (cf. can. 576 and can. 605). It is the duty then of the same diocesan bishops, "each in his own territory, to establish a formal decree ICL, provided that the Apostolic See has been consulted" (can. 579)².

As it is easy to understand, it is a very demanding task, which requires special attention and care, which go well beyond the legal aspects, touching firstly that which is doctrinal. In

¹ JOHN PAUL II, Post-Synodal Apostolic Exhortation *Vita Consecrata* on the Consecrated Life and its mission in the Church and in the world [= VC], March 25, 1996, n. 62, in *Enchiridion Vaticanum* [= EV] 15 / 619-620.

² Also cf. Congregation for Bishops, Directory *Apostolorum Successores* (= AS), for the Pastoral Ministry of Bishops, 22 February 2004, n. 107, in EV 22 / 1827-1828. In the cited number it is stated: "To the Bishop it falls to discern the new charisms that arise in the diocese, in order to welcome those which are authentic with gratitude and joy, and to prevent Institutes arising which are superfluous and without vigour. The erection of an ICL of diocesan right by the bishops, however, does not have an exclusive character. Although, at least since 1854, it is the practice of the Roman Curia that every new Institute begins with the canonical erection of diocesan right, it is clear that this does not prevent the Holy See to directly erect Institutes of consecrated life, as has happened in the past for the great monastic orders. Cf. G. GARLAND, *Iter per l'approvazione degli Istituti di vita consacrata a livello diocesano e pontificio e delle nuove forme di vita consacrata*, in *Periodica* 94 (2005) 622.

fact, in discerning new charisms, or gifts of consecrated life, the diocesan bishop is not simply performing an act of government or jurisdiction. Discerning the authenticity of the charism of a founder or a foundress, he first of all makes a magisterial act, acting primarily not as Ordinary of the place, but as a Bishop, a member of the episcopal college and then in communion with the other Bishops and with the Roman Pontiff.³ On top of this, when a Bishop erects an institute of diocesan right, by the very fact that each institute of consecrated life is a gift to the whole Church, the act made by the individual Bishop goes well beyond its legal and local value, concerning instead the Church in its entirety. Bishops must always be conscious of such a responsibility, reiterated at no. 107 of the Directory for the Pastoral ministry of bishops *Apostolorum Successores*, in order to avoid the "appearing of institutes that are unnecessary or lacking in sufficient resources" (PC 19). Hence the importance of your task: to help the bishops in the exercise of their proper *munus*.

Despite the norms established by the Council and the subsequent Magisterium, in reality, especially in recent decades, diocesan bishops have erected many Institutes of Consecrated Life – above all religious institutes, especially of women - and Societies of Apostolic Life without adequate discernment and without observing the indications offered by the Church and, in some cases, without carrying out the necessary consultation mentioned in can. 579. It must be said with sincerity: several of these institutions, in that they had neither originality of charism nor their own specificity, neither true ecclesial necessity nor real possibilities of development, neither, in some cases, the essential features of consecration through the evangelical counsels, simply should not have been erected.

The fact that the canonical establishment of an institute of consecrated life is an act that transcends the limits of the particular Church, touching the whole Church, together with the need to ensure that institutes that are useless or lacking in sufficient resources do not arise recklessly, and to avoid unpleasant situations that have needed the urgent intervention of the Apostolic See, were at the basis of the request our Dicastery presented to the Holy Father for a clarification regarding the value of the prior consultation mentioned in can. 579. As is well known, with the written reply of 11 May 2016, signed by the Cardinal Secretary of State, the Holy Father Francis made clear the value of that consultation, establishing that "the prior consultation of the Holy See is to be understood as being necessary *ad validitatem* for the erection of a diocesan institute of consecrated life, on pain of nullity of the decree of erection of the Institute. " The norm is effective from last September 1st.

From what has been said up to now, one can understand of what great importance it is to have suitable theological and juridical criteria that would facilitate the task of discernment and the approval of new gifts of consecrated life entrusted to the bishops, and from them in many cases delegated to you here present. Let's look at the main ones, drawn in particular from *Mutuae relationes* (MR),⁴ nos. 12 and 51.

³ Cf. V. DE PAOLIS, *Consecrated Life in the Church*, 2010 Venice, 148.

⁴ The document, published jointly by the then Sacred Congregation for Religious and by the Sacred Congregation for Bishops on 14 May 1978, known at the beginning as *Mutuae relationes* (= MR), but with a full title should not be overlooked: *Criteria governing the relations between Bishops and Religious in the Church*. These notes use the Italian edition edited by the two Roman Congregations, Vatican City 1978. Cf. also *Informationes SCRIS* 4 (1978/1) 4-91 (document text), 93-230 (studies and comments). The document, in the form of instruction or directives standards, has appeared in Latin in the official bulletin of the Holy See with the title *Notae directivae pro mutuis relationibus inter Episcopos et Religiosos in Ecclesia*, in *AAS* 70 (1978) 473-506.

I. Main criteria of discernment

1. Authenticity and genuineness

A first criterion of discernment is that related to the **authenticity** of the charism.

- a. Pastors must first check, through every possible indication, that the charism has "its special origin from the Spirit, distinct, even though not separate, from special personal talents, which become apparent in the sphere of activity and organization" (MR 51). In other words, **it is necessary to ascertain its divine origin or not**, making sure that the judgment is not made on the basis of a particular person's way of acting or from devotional phenomena, in themselves ambiguous and contradictory.
- b. This **genuineness** is apparent in reality, in the person who embodies and proposes it, of "a profound ardor of love to be conformed to Christ in order to give witness to some aspect of His mystery; (MR 51). In other words, the work of discernment needs to recognize in the person of the founder or foundress a special "conformative" adhesion of their whole life with Christ, lived in the desire to put the Lord at the centre of their lives and not themselves; and to make a particular aspect of the life of the Son of God who came to this earth their own and to repropose it for others.⁵
- c. The **genuineness** of the charismatic gift is then manifested in "a constructive love for the Church, which absolutely shrinks from causing any discord" (MR 51), particularism or divisions. It is this *thinking with the Church*, rooted in a convinced attachment to the Word of God, to the Church-communion, in a sincere adherence to doctrine and the magisterium of the Bishops, without ambiguity or exaggeration.⁶

In this sense, the judgment touches the actual **genuineness** of the **figure of the founder or foundress**, in which one must recognise the following attitudes, well described in MR n. 12:

- fidelity to the Lord,
- docility to the Holy Spirit,
- intelligent attention to circumstances and to the signs of the times
- desire for inclusion in the Church,
- respect and obedience to the hierarchy,

⁵ The centrality and importance of adhesion to or "conforming" to Christ, as a fundamental trait of the life of special consecration, are illustrated in particular in VC 16: "[...]. Consecrated life, then, is not just about following Christ with all my heart, loving him "more than father or mother, more than son or daughter (cf. Mt 10, 37) as is required of every disciple, but it is about living and expressing this by a "conforming" adhesion of one's whole existence to Christ in an all-encompassing tension which foreshadows, to whatever extent possible "the way of life that the Son of God took when he came into the world" (LG 44) "(EV 15 / 478-479).

⁶ An attachment to the Church must always be seen in founders and foundresses. Illuminating in this respect is what is expressed in VC 46: "In founders and foundresses we see a constant and lively sense of the Church, which they manifest by their full participation in all aspects of the Church's life, and in their ready obedience to the Bishops and especially to the Roman Pontiff. [...]. A distinctive aspect of this ecclesial communion is the allegiance of mind and heart to the magisterium of the Bishops, which must be lived with loyalty and witnessed clearly before the People of God "(EV 15 / 574-575).

This verification, anything but simple, is up to the Bishop personally or to his collaborators. With the help of experts in the behavioral sciences, while respecting the right to privacy (cf. can. 220), "it is important to ensure the human and spiritual balance of the founder/foundress, the internal relationships of the group, especially between the founder/foundresses and group members."⁷ Often, in fact, a rapid growth in some groups, rather than being a solid spiritual project verified in the light of the Spirit, is based on human means and capabilities, with somewhat uncomfoting, if not disastrous, results.⁸ In this sense it is good to be wary of easy achievements, simple assertions and sudden growth.

2. Newness and specificity

"In time every authentic charism brings with it a certain element of genuine originality" (MR 12). In conjunction with the judgment of authenticity, it should be investigated if we are faced with a real novelty, understood as originality. Church authority is required to assess if it is faced with an original charism, which "must bring to the Church, not only, let's say, a practical contribution, in the sense that it responds concretely to real needs, but it must bring with it a new spiritual impulse in the life of the Church, there where it originates. It must introduce a presence of the Spirit that has its own originality and specificity compared to similar realities already existing."⁹

Such originality is usually expressed through a "special spirituality", to be understood - as the Apostolic Exhortation *Vita Consecrata* affirms - as a "concrete program of relationship with God and with the environment, characterized by specific spiritual emphases and apostolic decisions, which show forth and re-present one or another aspect of the one mystery of Christ" (n. 93). Authority's task will be to verify the existence of this particular spirituality. If, on the other hand, especially on the examination of the foundational texts, it is clear that one is dealing with a copy - in not a few cases with a bad copy - of a charism of an existing Institute, the Bishop should not proceed with the approval of a foundation. Indeed, in the absence of such features, it is best that the Bishop or whom he delegates directs the people that belong to the group to other existing institutes.¹⁰

3. Necessity or at least great usefulness

Who is responsible for discerning the authenticity of each foundation also needs to "ponder well - says the Decree *Perfectae Caritatis* - the necessity or at least the great

⁷ G. GHIRLANDA, *Approval of Institutes of Consecrated Life*, cit., 626.

⁸ "In cases like this - says P. Torres, CMF, former Undersecretary of the Congregation for ICL and SAL - the founding and subsequent growth sets in motion a series of psychological and social mechanisms that are difficult to control and potentially dangerous, in that they tend to become more of a sect, with its characteristics, than a family of consecrated life" (J. TORRES, the IVC and SVA. *Exegetical commentary to part III of Book II of the CIC (Can. 573-746)*, in *Commentarium pro Religiosis* 92 (2011) 45.

⁹ G. GHIRLANDA, *I, Iter per l'approvazione degli Istituti di vita consacrata a livello diocesano e pontificio e delle nuove forme di vita consacrata*, in *Periodica* 94 (2005) 623-624. It is therefore of great value as stated in VC 12. Dealing with "new or renewed forms of the consecrated life", risen in abundance in the decades following the Second Vatican Council and even today, the document states: "In many cases these are Institutes similar to those already existing, but inspired by new spiritual and apostolic impulses. Their vitality must be judged by the authority of the Church, with whom the responsibility of examining them rests: to test the authenticity of their inspired aims and to prevent the proliferation of institutions similar to one another, with the consequent risk of a harmful fragmentation into groups that are too small. In other cases, we are dealing with these new experiences, that are seeking their own identity in the Church."

¹⁰ Cf. G. GHIRLANDA, *Iter per l'approvazione*, cit., 625.

benefit "(n. 19) of a new charism. It is a criterion not always easy to understand and apply. Certainly any new charism of consecrated life is a gift from God and, as such, holds the traits of freedom and gratuity that just don't blend with those of utility and convenience. In this sense therefore, the document specifically citing the abovementioned conciliar decree, says it would be an understatement, as well as dangerous, to make a judgment based only on a view of usefulness or convenience.

On the other hand, though, it is true that each Institute is a gift to the Church; and therefore it must respond to the concrete needs of the Church. For practical needs, of course, it does not simply mean that the new charism of consecrated life is to supply for the deficiencies of a given particular Church, such as the lack of clergy or by taking over the works and apostolates left vacant by other religious institutes. The usefulness in question is instead that inherent in every gift of the Spirit. According to the teaching of Holy Scripture, every charism is given, in fact, for "the common good" (1 Cor 12.7). In this case, therefore, the necessity or at least the many useful services is to be understood in the sense that every new charism is called to bring a new impetus to the spiritual vitality of the Church where it originates.¹¹

4. Real possibilities for growth

Closely linked to the criterion of usefulness there is a careful and prudent assessment of the **real possibility of growth**. In fact,

- The lack of a strong spiritual content,
 - A vague apostolic purpose,
 - The lack of quality of its members,
 - Insufficient growth factors
 - The lack of integration in a particular geographical, socio-cultural and linguistic context,
- are often the basis of problem situations or of a sense of meaninglessness that develops, with the passing of the years, in various new foundations.

Often the intention of the founders and the foundresses in starting new foundations, as well as the decision to approve and to erect them canonically by the bishops, are not sufficiently supported by a **careful and thoughtful consideration of the real possibilities of growth**. In view of this - warns Mutuae relations again - "those who have the responsibility of discerning each foundation should consider, certainly with humility, but also objectively, constantly, and thoroughly looking at future prospects and every clue of a credible presence of the Spirit. "

II. Stages of institutional discernment

In the work of the Church's discernment of the charisms of consecrated life, there is a second aspect closely linked to the first. It concerns the two aids that the Bishop must offer to founders or founding groups: one linked to the clear definition of the nature, purpose and spirituality (cf. can. 578) and that relating to the various stages of the process of

¹¹ Cf. V. DE PAOLIS, *La vita consacrata nella Chiesa*, cit.,150. The author points out that "apparently one can also gather the contradictions. On one side one notes that the rise of institutes of consecrated life must respond to requirements of necessity or utility, on the other side one says that the judgment should not be based only on advantage or convenience. In fact the authenticity of a charism cannot be located or easily dismissed. Consecrated life is a gift of God, it demands a vocation from God. No one can therefore found an institute for the sole purpose of utility and for apostolic convenience: it would lack a soul, that is the call to consecration. But every institute is a gift to the Church; and so must respond to the concrete needs of the Church. Even if it must be admitted that a judgment is not always easy, "(ibid.).

institutionalization until canonical erection as an ICL. This is the process of accompaniment.

1. Identification of the main features

Having recognized the authenticity of the charismatic intuition, the bishop, either personally or through his Vicar or Delegate for Consecrated Life continues the discernment by helping the founder or the foundress to define the main characteristics of the foundation.

a) The nature

Firstly, the nature needs to be clarified. By nature it normally means those characteristics that fit the range of groups approved: Institute of consecrated life, religious or secular; Society of Apostolic Life, new form, etc .; clerical or lay, male or female, etc.¹² Given, however, the vagueness and complexity that exist at the base of many foundations, especially the so-called new ones and although it may seem obvious, it is necessary that the diocesan Ordinary helps the founder or foundress to determine the real nature or not of consecrated life.

Many of the realities of consecrated life arising in today's Church are, in fact, presenting original features, bringing together priests and laity, men and women, single and married, Catholic and non-Catholics, in a form of common fraternal life with an apostolic, monastic or secular style and with strong tones of gospel radicalism. Internally, some members embrace the evangelical counsels with ties of a private nature, while others limit themselves to simple participation, with no particular links or legal ties (cf. VC 62).

In discerning such gifts, the Bishop has to have a very clear idea about the essential nucleus of consecrated life. Not all types of groups with a common life, or in which there are members practicing the evangelical counsels and who call themselves "new forms of consecrated life," really are. For them to be so, they will need to respond to the requirements of can. 573.¹³

After the promulgation of the Code of Canon Law, even before the publication of the exhortation *Vita Consecrata*, the Dicastery, in the face of pressing demands from some Founders and Foundresses, who wanted to see their work approved as a new form of consecrated life, approved in a Congress on January 26th January 1990 some guiding criteria to identify the so-called *new forms*, establishing the procedure to be followed in view of their approval.

¹² At present there are, within the institute of consecrated life category, entities of various kinds and types, all recognized as such by the Church, but having specific characteristics that distinguish them: 1. religious institutes, including monastic orders, canonical, mendicants, regular clergy, clerical congregations and lay, male and female; 2. Secular Institutes, also male and female, made up of members of the clergy or lay / secular; 3. Societies of Apostolic Life who embrace the evangelical counsels, which are also made up of clerics and laymen / laywomen; 4. New forms or institutes referred to as "Ecclesial Families", groups made up of an organic unity with distinct branches, consisting of clerics and laymen / laywomen consecrated, joined by a branch or group of faithful associates, sharing the spirituality, life and apostolic activities of the Institute.

¹³ Cf. VC 62. On this question we refer in particular to S. Paciolla, *Le nuove comunità. Precisazioni terminologiche e prassi del Dicastero*, in *Sequela Christi* 37 (2011/2) 221-227.

According to these criteria, you can identify a *new form* of consecrated life when it includes the essential elements described in can. 573-605. The apostolic exhortation *Vita Consecrata*, dealing with *new or renewed forms of the consecrated life and new forms of evangelical life* in numbers 12 and 62, confirmed the substance of the criteria identified by the Dicastery, establishing others, including in particular the fundamental one on the exclusion of spouses.

The novelty of these so-called "new forms", as compared with those already approved or existing, consists mainly in that they include a variety of members, with full rights and not, in the unicity of one legal entity. Obviously it is something that needs a deeper understanding that has not been arrived at yet.

b) The aims

In the work of discernment the bishop has to help the founder or foundress clarify the purpose, that is, the Church's mission for which the group was founded, for which it is approved and which it aims to carry out in the Church. Not infrequently, in fact, the finality tends to be somewhat vague or too generic, such that the actual physiognomy and apostolate of the group remains nondescript.

b) The spirit

A clear nature and precise finality contribute to the identification of the spirit of the Institute, that is, the point unifying the life and action of the group. In the work of discernment it is important to help the interested parties draw out and give shape to that mystery of the Christian faith, in that portion of the Lord's life that normally characterizes a charismatic intuition, which gives unity to everything and that inspires the apostolic activity of the group

2. The main stages of the process of canonical approval

Continuing the work of accompaniment, the Bishop is called to promote the necessary inclusion of the new gift of consecrated life into the ecclesial community, guiding the choice of canonical form to be taken.

According to the practice established by CICALSAL, the diocesan Bishops concerned, in order to ensure the human, religious and ecclesial quality of a group of faithful intending to be established as one of the forms of consecrated life approved or societies of apostolic life or "new form", are invited to follow a gradual path of inserting the emerging realities into the context of the diocese, according to certain institutional steps or stages.

Generally, at the beginning of the itinerary for the establishment of an ICL or SAL, or a "new form"¹⁴, there is an informal group of the faithful who live a particular way of life, characterized by a charismatic project with an unwritten but internalized and demanding rule for those who join it, and that has the founder as its main reference. Gradually the group, which lives within a particular local Church, is driven, especially in meeting with ecclesiastical authority, to an ever greater and more complex organization and to spell out

¹⁴ In this regard, see, among others S. RECCHI, *Gli stadi evolutivi dell'associazione: dal gruppo all'Istituto di vita consacrata*, in *Quaderni di Diritto Ecclesiale* 3 Notebooks (1990) 356-364. And again: J. BEYER, *Il diritto della vita consacrata*, Ancora, Milano 1989, 23-25, 71-73; G. GARLAND, *Iter per l'approvazione*, cit., 625-629; D.M. HUOT, *Les associations des fideles et la SCRIS*, in *Informations SCRIS* 10 (1984/2) 97-117.

in the Statutes, which are gradually taking shape and becoming more explicit, its spirituality, as well as the goals and the means by which it intends to carry out its mission.

At this stage, it the competent authority that needs to do a thorough examination, checking:

- The orthodoxy and witness of life of the founder and of the group's members;
- the lifestyle and type of governance assumed within the group;
- the absence of exaggerations, extravagances, critical issues (eg. Improper mingling between the internal and external forum, imprudent management of assets, too severe penances, absolute secrecy in relation to outsiders, eccentric devotions etc.);
- the ability and willingness to insert the charism into the global dynamism of life in a local Church and to interact and collaborate with other institutions present;
- the content and methods of formation;
- procedures for incorporation into the community;
- docility to the directions of the hierarchy;
- the apostolate and ecclesial sensitivity in fulfilling the mission.

After this review, the group could be erected as a *private association of the faithful* (can. 299, 310) with the necessary examination (*recognitio*) of the Statutes (can. 299 § 3). The same bishop could also *praise* or *recommend* (can. 299 § 2) the association and, if he considers it appropriate, proceed to another step, erecting it as a private juridical person with the approval (*probatio*) of the Statutes (can. 322). In this stage the group, whilst having a first legal physionomy, substantially retains its freedom of life and organization, while remaining open to possible amendments and changes. At the same time the Bishop would have more time for his work of discernment¹⁵.

Subsequently the group, constituted as a private association, where appropriate as a legal entity, after having acquired a certain inner maturity regarding their own self-consciousness, and external maturity, especially in reference to the consolidation of its structures and to a certain diffusion, is ready to be erected by the competent Bishop (cf. can. 312) as a public association of the faithful (can. 313)¹⁶, taking care that in the decree these words are inserted: with a view to becoming in the future an ICL or SAL, or a "new form".

The members of such an association, can take on the evangelical counsels by making private vows, avoiding that this happens with external solemnity or that they are received by the moderator / presenter on behalf of the Church. Only then, and not before, the members can wear a habit, whose style (possibly sober and adapted to time and place)

¹⁵ Mark Recchi notes: "It is essential, in these early stages of the canonical journey, to maintain a great freedom of structures that should therefore not be rigidly fixed and codified: it is good to maintain an openness and flexibility that allows one to always understand better and therefore change its own structure according to the Spirit that brought the group forth." (S. RECCHI, *Gli stadi evolutivi dell'associazione*, cit., 357).

¹⁶ It should be, however, remembered that "the public association is not the development or the natural evolution of a private association, its definition is different, depending on the ecclesiastical authority's intentions regarding them. The configuration of a "public" [...] it would seem perhaps be the most appropriate, this without forgetting that public organizations do not offer their faithful a different canonical state to those that are private.": S. RECCHI, *Le associazioni di consacrati*, in GRUPPO ITALIANO DOCENTI DI DIRITTO CANONICO (a cura di), *La vita consacrata nella Chiesa*, Glossa, Milano 2006, 75.

and use should be regulated in the statutes. Because associations in the pipeline are called to live what they hope to be, the statutes must clearly specify, with rigor and seriousness, not only what relates to assuming and practising the evangelical counsels and their content, as well as rules relating to the admission and formation of members, but also their separation and the procedures to be followed for any dispensation from the sacred bonds, in particular the vows, and the rules concerning the internal government and administration of goods.¹⁷

An association on a journey may remain in this canonical condition for a long time. Precisely for this reason it is even more necessary that all sections in the Statutes are applied in the proper way, taking into account, in addition to the provisions of can. 304, legislation relative to ICL and SAL. Numerous canons must be taken directly into account, while others will have to be considered in an analogous manner and, therefore, suitably adapted.

When, eventually, the association of the faithful is believed to have reached sufficient charismatic maturity, good institutional stability and a degree of diffusion and numerical strength¹⁸, then it may ask the bishop of the principal seat to be erected as an ICL or SAL of diocesan right, after consultation with the Apostolic See (can. 579)¹⁹. The required documentation, as indicated by a specific guidelines used at the Department, needs to be sent to the dicastery.

Similarly, when the institute spreads to several dioceses in different geographical contexts, has at least 100 members, most of whom have perpetual vows or have been definitively incorporated, if at least ten years have elapsed since erection as a diocesan Institute (so that the individual members and the Institute as a whole have gained the necessary experience of this new state of life), having gathered favorable opinions from diocesan bishops (who are asked to speak on some points relating to ecclesial maturity and institutional solidity) then it is possible to request recognition as an Institute of pontifical right. Ordinarily this request and procedure is made by the Bishop where the Institute's headquarters are.

¹⁷ De Paolis rightly notes in this regard: "Bishops have to resort to the rules that canon law provides for institutes of consecrated life, particularly the standards common to all Institutes (cc. 573-606), to help the people concerned to mature and discern their intentions and their vocation in the Church": V. DE PAOLIS, *Le associazioni nate con l'intento di divenire Istituti religiosi*, in *Informationes SCRIS* 21 (1995/2) 178.

¹⁸ As confirmed by the Plenary Congregation of 2005, the Congregation for the ICL and the SAL for the erection of an institute or society of diocesan right at least 40 members are required, of which most of perpetual or definitive incorporation, and this rises to 100 for papal recognition.

¹⁹ Prior consultation of the Holy See is clearly an obligation *ad validatem* for the Bishop. Therefore, as stated in the rescript of 11 May 2016, signed by the Cardinal Secretary of State, the erection of an institute of consecrated life or society of apostolic life, without consulting the Apostolic See, is considered invalid. Different instead is the practice followed by the Congregation for the approval of so-called "new forms" of consecrated life, mentioned in can. 605. Holding the uncertainty of the matter, especially with regard to the definition, both theological and legal, of "new form", up to now, in contrast to what is provided by can. 579, it is the Dicastery which, carefully examining all the documents, including the text of the Constitutions, and only when there are all the required elements of consecrated life from the canons 573 ff., authorizes the diocesan bishop of the principal seat to erect the association as a new institution of consecrated life and to approve the text of the Constitutions "*ad experimentum for five years*", with such amendments as set out by the Department itself. In this case, the possible erection without prior consultation of the Holy See would be considered invalid.