

HERMITS AND CANONICAL STATUS<sup>1</sup>

JACQUES WINANDY, O.S.B.

THE present code of canon law makes no mention of hermits. However, it would be wrong to interpret this silence as a condemnation. At the time when the code was compiled, indeed practically since the French Revolution, the solitary life had all but disappeared from the western Church. Those few who followed it, if there were any at all, did not justify any particular legislation. The Church had no intention of making laws for a manner of religious life that no longer existed and, from all appearances, no one had any intention of reviving.

But contrary to all one would have thought, since the last war the eremetical life has again come into favour.<sup>2</sup> In many places but especially in the monastic orders rather clear tendencies and desires have arisen for this ancient form of asceticism and for this way of giving oneself to God. And some of these aspirations have been realized with an admirable simplicity and seriousness. The Benedictine community of Solesmes alone has seen five of its members, all priests, leave their brothers 'to bury themselves', as Cassian says,<sup>3</sup> 'in the deep secret of the desert and there confront the Evil One in fearful struggles'. Perhaps it is symptomatic that the articles devoted to the eremetical life in the *Dictionnaire de Droit Canonique* and the *Dictionnaire de Spiritualité* are done by Benedictines.<sup>4</sup>

The eremetical 'movement' is not limited to Europe. 'There is', someone wrote to me recently, 'a good bit of activity in this direction in black Africa. African priests are thinking along these

1 This article, here translated by Robert F. Lechner, C.P.P.S., first appeared in *La Vie Spirituelle: Supplément* 50 (1959), to the editor of which we are indebted for his permission to reprint it here.

2 The example of Père de Foucauld has had an undeniable influence in this renewed interest. And yet we might ask whether the apostle of the Hoggar really had a hermit's vocation. He does not quite fit into any category, and seems a bit beyond all of them. But more than anyone else in our day he heard the call of solitude. And we have inherited from him such thoughts as these: 'We must pass by the desert and abide there to receive the grace of God'. (Quoted by Gorrée, *Charles de Foucauld*. Lyon, 1957.)

3 *Institutions*. IV, 36.

4 Dom Pierre Coyère, Prior of Saint-Paul de Wisques, is the author of the first (t. V, col. 413-429) and of the section in the second dealing with the eremetical life in the west. Dom Clément Lialine of Chevetogne writes of the eremetical life in the east in the *Dictionnaire de Spiritualité*.

lines and would like to see Europeans take the initiative. Bishops feel that especially for the Moslem countries the eremetical life would be not only the most fundamental but the only possible form of a state of perfection at the present time.<sup>7</sup>

Finally we might mention the case of the English prelate, Mgr Hawes, as a most simple example. For many years he was a missionary in Australia. In 1940 he retired to the Bahama Islands and passed the last sixteen years of his life (died 26 June 1956) in a most authentic solitude. He himself has written an account of his eremetical vocation and experiences in a spirited little work published by the Capuchins of Dublin.<sup>5</sup> His simple presence brought many natives to the faith.

But how can we give a canonical status to these contemporary rivals of the fathers of the desert, a status which they need both to satisfy the demands of the law and their own vocation? For the monks mentioned above, the Sacred Congregation of Religious chose to apply the formula of exclaustation *ad nutum Sanctae Sedis*. As opposed to exclaustation as it is ordinarily understood from canon 639, this form has the specific note of being for an indefinite period of time and does not aim at complete secularization. Nevertheless, the superiors of these monks seem to have no means to recall the monks back to the monastery without the consent of the Holy See. However, at the request of the superiors, the hermits were not obliged to put aside their religious habits.

Within the framework of the present law, the above arrangement is rather a happy solution to the problem. It gives the hermit a definite canonical status with no equivocation. The suspension of his capitular rights (active and passive voice) removes all cause of complaint from his *confrères* who remain in community. He is removed from the jurisdiction of the regular superiors. This gives him a relative independence which has its advantages and at the same time frees the superiors from a responsibility they would just as soon not have.<sup>6</sup>

This solution brings up two problems, one more apparent than real, the other really serious. First of all, exclaustation has the air, if not of failure—the word is too strong—at least of a lessening

<sup>5</sup> Fra Jerome, *Soliloquies of a Solitary* (Dublin: Capuchin Periodicals, 1952). See also *The Month*, November 1958. Peter Anson has written a biography of Mgr Hawes, *The Hermit of Cat Island* (New York: P. J. Kenedy and Sons, 1957).

<sup>6</sup> Whoever receives an indult of exclaustation is placed under the jurisdiction of the local ordinary (bishop, apostolic vicar, etc.) according to Canon 639.

or deterioration in relation to religious ideals and one's commitments to them. Rightly or wrongly, the exclaustated religious is often looked upon as a man who did not have the courage to face up to the demands of his profession. It is paradoxical that a religious should find himself at such a disadvantage, in a situation almost suspect, at the very moment when he is seeking to realize some of the most rich and highest possibilities of the religious state.<sup>7</sup> In the name of law he is put in a position that no one would dream of for a religious destined to be a bishop or to be away from his monastery for a long period by the demands of the ministry.

On the other hand, a religious who seeks to be a hermit is supposed to have already acquired obedience quite perfectly and a strong attachment to the demands of poverty. And exclaustation brings with it, in just these two areas, a great freedom. It is quite evident that a bishop would not deal with a hermit in the same way that a religious superior does.

Such objections are specious, for the idea that we ordinarily have about exclaustation is not a true one. In principle, the indult which permits a religious to remain outside any house of his institute removes no obligations, and in many cases circumstances completely independent of his will oblige him to ask for an indult of this kind. Again, while a good religious long accustomed to obedience might be a bit disorientated when left on his own, we might well feel that such relative autonomy should not harm his spiritual progress if he is sufficiently mature to follow the solitary life without danger. 'The wise man is self-sufficient', Aristotle remarks and St Thomas repeats.<sup>8</sup> This applies to dependence as it does to all the other helps community living brings with it. In other words, any hermit worthy of the name must have obedience *in praeparatione animi*.<sup>9</sup> It is not necessary, not even desirable, that a particular authority—little prepared by definition to understand such a personal vocation—should have detailed control

7 His Eminence Cardinal Larraona, former secretary of the Sacred Congregation for Religious, has pointed out so well that whenever canon law deals with religious life its intent is to make of it a style of life separated from the world (*Commentarium pro Religiosis* (1949), p. 153). Where then, if this is true, is the ideal better realized than in the eremetical life?

8 *Summa Theologica*. I-II, q 4, a viii.

9 St Thomas, *op. cit.*, II-II, q 188, a viii, ad 3. 'They are led by the Spirit to such an extent that they no longer have need of any other guidance. However, they do possess obedience as a disposition of soul so that they are ready to obey if there is an occasion.'

over the hermit's daily life. An approval in principle of the essential practices must suffice.

As has been remarked, the actual canonical solution of religious hermits brings with it other serious and real problems. First, if I am well informed, the Holy See is not particularly disposed to the multiplication of these requests. And the reason is not only that true eremetical vocations are rare exceptions. There is a kind of clumsiness about the whole situation, really. It is a matter of trying to reconcile facts with canonical legislation which did not foresee the case of hermits. There might well be a day when authentic vocations to solitude receive a clear refusal from Rome.

Further, the above solution is only for religious. It does not apply to diocesan priests, to members of societies without vows or secular institutes, less even to a lay person. And yet any of these who wish to be hermits need a canonical status, a situation clearly defined within the Church. They need such a life recognized as possible and legitimate by ecclesiastical authorities and superiors. But there is little hope that the trend toward solitude, quite evidently inspired by God, will develop as it should for the greater good of the Church as long as the eremetical state appears as exorbitant in relation to the present law.

Take, for example, the case of eremetical vocations among the diocesan clergy. We might think that here there would be no problems. Is it not sufficient that the priest wishing to be a hermit get the permission of his own Ordinary and of the local Ordinary where he intends to establish himself? From the purely canonical angle the thing is that simple. But in fact, would it be so simple to get the permissions? And even in the case of a favourable response from his present Ordinary, what guarantee is there that a successor would continue it? The problem of insecurity and instability is not imaginary.

As to the laity,<sup>10</sup> they are evidently free to follow a solitary life whenever they wish and wherever they wish. Nevertheless, it is difficult to do this without approval of diocesan authority, especially if they wish quite legitimately to use a garb that distinguishes them from those in secular life. This is particularly true of women. If they do not wear some kind of religious habit,

<sup>10</sup> Everything that is said here can be applied (*mutatis mutandis*) to members of societies without vows or secular institutes, clerical or lay. There is not much point in spelling out each case.

they will not be considered as living apart from the world and will be exposed to all kinds of dangers. And if they wish to wear a religious habit—observing canon 492 §3<sup>11</sup>—even more than men they must have recourse to the Ordinary. And then the people—not to speak of the clergy!—are going to ask what kind of religious these are who live outside their convent.

To sum up: as long as the solitary life consecrated to God has not received from the Church an appropriate status or at least an approval in principle, it will appear singular and reproachable in the eyes of many who see it as belonging to a past that is definitely over:

Let us return to the cases of monks and other religious, for these will be the more frequent. A new solution might be considered; at least, new as far as the present law of the Latin Church is concerned: the solution of the law of the Eastern Church. In the East, the hermit remains a monk in the full canonical sense. His style of life is recognized as legitimate by law on the condition—and this is capital—that he remain dependent upon his regular superior.<sup>12</sup> Until the time of the French Revolution, and even after that, the West knew a similar situation. Monks wishing to live a solitary life withdrew to hermitages in the proximity of the monastery.<sup>13</sup> They remained attached to their community and to their abbot by juridical bonds and were really dependent upon them. This was true at Cluny, at Montserrat and at Subiaco, to cite only a few instances.<sup>14</sup>

The solution suggested, then, looks to a long tradition. It is simple and has the advantage of maintaining an atmosphere of strict obedience for the hermit. This would appear to be favourable to his sanctification. It would leave room also for reintegra-

11 'Neither the name nor *the habit* of an institute already in existence can be taken by anyone who does not belong to this institute legitimately, nor by a new institute itself.'

12 'A hermit is a religious, who lives the life of an anchorite but still conforms to the statutes (of his monastery) and remains dependent upon the superiors of his Institute' (Motu Proprio *Postquam Apostolicis*, 9 February 1952, Canon 313, No. 4. *Acta Apost. Sedis* (1952), p. 147).

13 This proximity could be quite relative today, considering the ease and speed of communication.

14 See Dom J. Leclercq, 'Pierre le Vénérable et l'érémisme clunisien', in *Studia Anselmiana* 40 (1956), pp. 99–120. St Benedict (Ch. 1 of his Rule) seems to have thought it quite hazardous to retire in solitude unless one had spent a good time in community living. This is also the teaching of St Thomas (*Summa Theologica*, II-II, q 188, a 8). It should be pointed out, however, that both had in mind an eremitical life of the most strict kind with no contacts whatsoever. Without an authentic divine inspiration it would be foolish to undertake such a life without preparation.

tion without fuss into the community should he tire of his solitude or if illness or old age made such a life impossible. And we might well think that the Holy See would be favourable towards the renewal of such a form of eremetical life in connection with our abbeys. But even after considering these advantages there is no doubt that the solution meets serious objections in practice.

First of all, it is not easy to find an abbot or monastic community that would receive such an idea favourably. And they would not readily allow one or many of their monks to establish themselves in the neighbourhood of the monastery.<sup>15</sup> Right or wrong, there would be the fear of creating a precedent. The acceptance of such a plan might well offer a temptation to some members of the community in the form of an honourable escape from the discipline and burdens of common life; or it might simply raise the question of the sanctifying value of these elements of community life. To these fears can be added another not always admitted: the contagion of example. In brief, the risk of emptying the monastery of some of its best subjects.

Secondly, both history and experience bear witness that hermits and cenobites are not made to live side by side. We would not dare say that conflicts are inevitable. But what is certain is that, in the long run, a community would hardly put up with the proximate presence of a man appearing to live at its expense, contributing nothing, not sharing its burdens and its work. There is also the problem of the abbot exercising his authority over the hermit in a way which conforms to his vocation. Sooner or later he is tempted to seek out the hermit to fill a need or an office.

Furthermore, if the hermit responds to the grace of his vocation, if his life of retreat and silence sanctifies and spiritualizes him as it ought, he will not fail to exercise a certain attraction upon some members of the community. And this attraction might well overshadow the abbot's own authority. And naturally enough, the abbot will begin to suspect that the hermit, consciously or not, is turning the monks' minds from their cenobitical vocations. And he will probably not be wrong.

Finally—and this is not the least of the objections—the fact of easy recourse to the community for his needs is a danger for the

<sup>15</sup> I do not know what should be thought of such an hypothesis with reference to a religious institute that is not monastic. Perhaps the difficulties would be the same with some variations.

hermit. It makes compromise easy, compromise concerning what he is witnessing to with the purity of his ideal of poverty, of work and abandon to divine providence. A vocation to solitude is not a simple form of retreat or withdrawal. At least in our day, it is a call to share the neediness of the most disinherited, to preach silently to the world the flight from comforts, conveniences and riches.

We will conclude by saying that for religious hermits exclaustation seems definitely preferable. But at the same time we wish that they be given a new form of exclaustation, adapted to their ideals and bound up with a formal approbation of the eremetical life as a state of perfection.<sup>16</sup> This could be done through a document from the Holy See. It would lay down the conditions of the eremetical life, for religious and non-religious, which the Church would then recognize. It would determine in what way the hermit is dependent upon the local Ordinary.

Is it necessary to point out that the official recognition of the eremetical state would be a happy thing even beyond the practical order? If, as in past centuries, the Church would consecrate the legitimacy of this style of life by her approval, she would give it a guarantee that no one else could. In retiring in solitude, the hermit would then know that he had the blessing of the Church. And this blessing could take the form of a semi-liturgical rite.

16 We should recall here the remarkable words of Pius XII when he spoke with such encouragement of a contemplative life undertaken outside the formal structure of canon law (First Message to Cloistered Religious, 1 July 1958. *Documentation catholique* LV (1958), col. 973-974). The last phrase was this: 'Such a private style of contemplative life is not unknown to the Church. In principle she approves it.'