

THE RULE OF SAINT BENEDICT: THE DEBATES OVER THE INTERPRETATION OF AN ANCIENT LEGAL AND SPIRITUAL DOCUMENT

JAMES L.J. NUZZO*

The letter of the Rule contains life within itself, and this life can be awakened in the heart of the disciple who listens Down the centuries countless monks have drawn life from these words, through the action of their communities which have begotten them in the Spirit, and especially through the seniors who have taught them the meaning of these words.¹

On any Sunday in every Trappist² monastery after Lauds³ and Mass have been celebrated, all of the brethren gather in the Chapter Room to hear a lecture from the abbot or another senior monk on an aspect of the Rule of St. Benedict. The main meal of each day is eaten in silence, with one of the monks designated to read a portion of the Rule aloud to the community.⁴ The solemn profession, made by all members wishing to join the community, is to live a life in accord with the Rule of Saint Benedict. This document, written in the Sixth Century, continues to occupy a central place in the lives of all Trappists.

* Adjunct Scholar, National Legal Center for the Public Interest, and Lecturer, Harvard University.

1. ANDRÉ LOUF, *THE CISTERCIAN WAY* 33 (1983).

2. The Trappist order, formally known as the Order of Cistercians of the Strict Observance, is a branch of the Benedictine tradition of Christian monasticism. Its foundation, as will be discussed later in this Article, was the result of a series of "schisms" over the proper role of custom in the interpretation of the Rule of St. Benedict. *See infra* text at 880.

3. Lauds is a series of psalms and prayers recited at dawn as part of the Liturgy of the Hours, also known as the Divine Office. The format of the Divine Office was established by the Rule. *See Regula Benedicti* 8-20 [*The Rule of St. Benedict*] [hereinafter *R.B.*].

4. *See R.B.* 38. It is the practice at St. Joseph's Abbey, Spencer, Massachusetts, to read the Rule during the noon meal. *See* Letter from Rev. Laurence Bourget, Archivist and Secretary to the Abbot of St. Joseph's Abbey, to the author 2 (Nov. 4, 1993) (on file with author).

Although American jurists and legal scholars have difficulty reconciling their two-hundred-year-old Constitution with the needs and concerns of today, Trappist monks still adhere to the precepts laid out in an ancient set of regulations spelling out in considerable detail the day-to-day life of the monk.⁵ The continued viability of this document provokes a number of questions to the secular legal observer: how is it that such a text can continue to occupy such an important position after fourteen-hundred years? Does the text of the Rule continue to influence the monastery, or have the layers of interpretations and customs made the original document merely a symbol of an otherwise unwritten Rule?

The history of the interpretation of the Rule provides the scholar of the American legal system with a laboratory in which to examine the effects that differing interpretative styles upon a written central charter can have upon that document's adherent community.⁶ Although the American legal system is still grappling with the debate between textualists and supplementers, as described by Thomas Grey in his article *The Constitution as Scripture*,⁷ the monastic tradition has come down in favor of the supplementers. But rather than providing a clean resolution to the argument, such a decision merely prompted another dilemma—what evidence and style of argument are appropriate in resolving which supplemental materials are authentic and which should be eschewed? This Article examines two historical eras during which the resolution of that debate

5. Exactly what role the Rule plays in the life of the monk is the issue that has been at the center of the controversy between the various branches of the monastic community devolving from St. Benedict since the Middle Ages. Whether the Rule should be regarded as a spiritual template whose sagacity represents the ideal expression of the monk's life or as a binding legal code whose precepts remain the touchstone for the running of a community has caused the divisions within the Benedictine family.

6. It is important to recognize that for the Trappist, the Rule continues to be a juridical, not just a spiritual, document. This was reaffirmed at the seminal General Chapter of 1969 by a vote of 73 to 3. See M. Basil Pennington, *Rule and Life: The Role of the Rule in Cistercian Life*, 5 CISTERCIAN STUD. 228, 237 n.43 (1970) (citing *Declarations and Decisions of the General Chapter of 1969*). Indeed, the term "juridical" is used by Pennington to describe the "primary legislation" of the Trappists. See M. Basil Pennington, *The Rule of St. Benedict and the Charter of Charity are Our Fundamental and Primary Legislation*, 5 CISTERCIAN STUD. 278, 279, 282, 283 (1970). For other branches of the Benedictine community, the Rule has ceased to have such authority. For example, Jean Leclercq, a noted scholar of Benedictine spirituality and history, who is a member of the Order of St. Benedict, rejects viewing the Rule in a legal light. See Jean Leclercq, *Profession According to the Rule of Saint Benedict: A Historical Study*, 5 CISTERCIAN STUD. 252, 264 (1970).

7. See Thomas C. Grey, *The Constitution as Scripture*, 37 STAN. L. REV. 1 (1984).

resulted in “schisms”⁸ within Benedictine monasticism and analyzes the special role of the abbot as interpreter of the Rule.

Such an analysis is in counterpoint to the current trend in legal academe, which has been to analogize legal textual analysis with the criticism of literary texts.⁹ The history of the monastic experience living with the Rule provides a better tool for understanding the relationships between the various components of the interpretative triad. The present legal style of literary criticism as an analogy for legal reasoning is not quite apposite, for there is a critical distinction between literary criticism and legal interpretation. Even for the serious scholar, literary interpretation does not require the same personal “commitment” to its results as do the actions of the jurist. This “unconcerned criticism” permits interpreters to be less circumspect with the outcome of their analysis. Legal analysis does not have that luxury. The choice of textual styles by judges has real effects on real people. Thus, rather than the literary theorist, the more appropriate analogy is to the religious believer, whose investment in the correctness of the interpretation places significant personal constraints upon the analytic activity. The analysis of a long-standing monastic rule, presented here, is a unique opportunity to understand the importance that caring about outcomes holds for textual interpretative techniques.

Grey expositis the distinctions within both the Jewish and Christian traditions over the interpretation of sacred scripture as an analogy to constitutional hermeneutics,¹⁰ but this analogy may overstate the issue. Although the Constitution has often

8. The term “schism” is the best, if inadequate, way to express the creation of divisions within the ambit of Benedictine monasticism. Technically, the term “schism” refers to breaks due to doctrinal or jurisdictional causes. At the times these splits occurred, however, there was no formal “Order” from which such a separation could occur. Instead, there were creations of new “congregations” of monasteries that shared similar ways of interpreting the Rule. See Letter from Rev. Laurence Bourget, Archivist and Secretary to the Abbot of Saint Joseph’s Abbey, to the author 2 (Apr. 29, 1995) (on file with author).

9. See generally STANLEY FISH, *IS THERE A TEXT IN THIS CLASS?: THE AUTHORITY OF INTERPRETIVE COMMUNITIES* (1980); JAMES BOYD WHITE, *JUSTICE AS TRANSLATION: AN ESSAY IN CULTURAL AND LEGAL CRITICISM* (1990) (arguing that there is no single appropriate response to the Constitution and that judges must therefore remain open to alternative voices).

10. See Grey, *supra* note 7, at 1.

assumed a totem-like quality in American political discourse,¹¹ no serious commentator has held it to be the revealed word of the Almighty. Unlike sacred scripture to the believer, its legitimacy is not *ipso facto*,¹² but rather is based upon its congruence with its societal *grund-norm*.

Nevertheless, the analysis of "concerned criticism" could be explored though an understanding of religious law, which is also an order removed from the *grund-norm*—in this case, the "revealed truth" of the Roman Catholic religious tradition. For example, Church lawyers clearly state that although Roman Catholic church law is rooted in the Gospels, it is the work of humans.¹³

The same is true for the Rule of St. Benedict. The traditional Roman Catholic catechism teaches that humans exist to worship the Bible's God,¹⁴ whereas Trappist monks see the Rule as merely a tool to guide their particular way of life. As M. Basil Pennington, a modern Trappist canonist, has put it: "Certainly the Rule is for the monk, not the monk for the Rule."¹⁵

Although the monks recognize the hand of God behind the Rule, they also recognize that the text has incorporated within it several hundred years of monastic experience and philosophy. Benedict of Nursia was not the founder of Christian monasticism, nor was he the first promulgator of rules for monasteries in the western world.¹⁶

In order to understand the wisdom underlying the Rule, it is important to have an appreciation of its historical

11. See generally MICHAEL KAMMEN, *A MACHINE THAT WOULD GO OF ITSELF* (1987) (tracing popular understandings of the Constitution from its framing to the late-Twentieth Century).

12. See Ladislav M. Orsy, *The Interpretation of Laws, in THE ART OF INTERPRETATION: SELECTED STUDIES ON THE INTERPRETATION OF CANON LAW* 77 (1982).

13. See Ladislav M. Orsy, *Towards a Theological Conception of Canon Law, in READINGS, CASES, MATERIALS IN CANON LAW: A TEXTBOOK FOR MINISTERIAL STUDENTS* 12-14 (Jordan F. Hite et al. eds., 1990).

14. See *Baltimore Catechism No. 3*, Lesson 1, Question 12 in HUGH HEWITT, *SEARCHING FOR GOD IN AMERICA* 301 (1996) ("Why did God make you? God made me to know Him, to love Him, and to serve Him in this world, and to be happy with Him forever in the next.").

15. M. Basil Pennington, *Introduction to RULE AND LIFE: AN INTERDISCIPLINARY SYMPOSIUM* xiii (M. Basil Pennington ed., 1971) [hereinafter *RULE AND LIFE*].

16. Although most scholars accept the authorship of St. Benedict, it has not been definitively settled. Thus the terms "Rule *Obsculta*" and "Rule *Ausculta*" (from the first word of the Rule in the original Latin) will occasionally be used by those who are agnostic as to the Rule's authorship. See Leclercq, *supra* note 6, at 253-54.

underpinnings. The notion of entering the “desert” to be alone with God is an ancient tradition, common to most religious heritages.¹⁷ Christian monasticism is said to date from the Third Century when hermits in Egypt began to seek out acknowledged holy men to lead them in community. Church history holds that the first of these leaders was Anthony,¹⁸ who left his village for the desert in A.D. 270. He set up hermitages around a central location for the believers who were attracted to his leadership and his devotion to the worship of God through the solitary life. Shortly thereafter, other primitive communities sprang up throughout the Middle East. The first monastic rule was developed by St. Pachomius.¹⁹ Although that rule was primitive and closer to a set of parables than law in any Western sense, it did lay out the requirement that monks lead lives of chastity and poverty. The requirement of obedience, which was to figure so prominently in Benedict’s conception of monasticism, was first mentioned in the Rule of Pachomius, though it is not given any special status among monastic virtues.²⁰

The most prolific and influential writer of the patristic period was John Cassian, who wrote his *Institutes* and *Conferences* between A.D. 415 and 429. His principles of monastic life were derived from living with those primitive Middle Eastern cenobites²¹ whom Cassian termed the “Desert Fathers.”²² Cassian demanded that monks radically reject both power and physical passions in order to devote themselves more fully to God. To do that, Cassian stated, “[a] good monk ought by all means to flee from bishops and women.”²³ More important, Cassian first

17. See THOMAS MERTON, *THE WISDOM OF THE DESERT* 3-24 (1960) [hereinafter MERTON, *WISDOM*].

18. See LOUF, *supra* note 1, at 26.

19. The term “monk” was coined at about that same time. It comes from the Latin *monachus*, which means one who lives alone. 9 OXFORD ENGLISH DICTIONARY 1004 (2d ed. 1989).

20. See DAVID KNOWLES, *CHRISTIAN MONASTICISM* 14 (1969).

21. The term “cenobite” refers to those monks who live in community and enjoy at least a modicum of a common life. 3 OXFORD ENGLISH DICTIONARY 433-34 (2d ed. 1989). “Hermits,” also known as anchorites, live completely solitary lives. 5 OXFORD ENGLISH DICTIONARY 367 (2d ed. 1989). Following Benedict’s edict that the cenobitic monk is the “best kind of monk,” *R.B.* 1, modern Christian monasticism is principally a cenobitic experience. Only the Carthusians, who do not follow the Rule of St. Benedict, continue an eremitic lifestyle.

22. See generally Benedicta Wald, *Foreword* to *THE SAYINGS OF THE DESERT FATHERS* (Benedicta Wald trans., 1975).

23. JOHN CASSIAN, *INSTITUTES* 11.18, *quoted in* KARL SUSO FRANK, *WITH GREATER LIBERTY: A SHORT HISTORY OF CHRISTIAN MONASTICISM AND RELIGIOUS ORDERS* 32-34

emphasized the primary role that the leader of the monastic community must play. Although Pachomius recognized the importance of the leader of an ascetic community and believed that the leader was owed deference by his fellows, he saw the leader's authority as charism-based rather than formally established.²⁴ Cassian was the first writer to speak of the monastic state as a vocation, rather than a temporary calling.²⁵

Cassian lectured on the lessons of the Desert Fathers in the monasteries of Gaul, and his writings were widely known among early European monastic communities.²⁶ His writings were quite influential in the drafting of the Rule²⁷ and have been considered part of the materials used by the monks in understanding it. Benedict, in the Rule, specifically recommends the reading of the *Conferences* and the *Institutes* as adjuncts to the Rule.²⁸ The historian David Knowles noted that selections of Cassian's *Conferences*, along with the Rule, were read nightly to the monks in early medieval monasteries.²⁹ A perusal of modern monastic scholarship demonstrates a continued interest in his work.³⁰

Whereas Cassian never saw his role as that of a legislator nor considered his writings in a juridic light,³¹ three other leaders did promulgate rules for monastic living. The Rule of St.

(Joseph T. Leinhard trans., 1993). Frank believes that Cassian meant this literally. Cassian was convinced that the widespread *synesaktōi*, ascetic communities comprised of both sexes, were inherently unstable. With few exceptions, such as the Nada Hermitages of the Carmelite order in Colorado and Nova Scotia and the Episcopal Church's Order of Julian of Norwich, Christian monasticism has adopted and adhered to Cassian's admonition.

24. See ADALBERT DE VOGÜÉ, *THE RULE OF SAINT BENEDICT: A DOCTRINAL AND SPIRITUAL COMMENTARY* 67 (John Baptist Hasbrouck trans., 1983). For a definition of charism, see *infra* note 55.

25. See Anthony C. Meisel & M. L. del Mastro, *Introduction to THE RULE OF SAINT BENEDICT* 24 (Anthony C. Meisel & M. L. del Mastro trans., Image Books 1975).

26. See KNOWLES, *supra* note 20, at 15.

27. His influence has been noted by monastic scholars in a number of the rules, most notably *R.B.* 2, 7. See Adalbert de Vogüé, *Sub-Regula uel Abbate*, in *RULE AND LIFE*, *supra* note 15, at 29 n.27. Although some archaic versions of the Rule may refer to "*sub regula uel abbatae*", the "*textus criticopracticus*" from the Saint Gall Codex 914 gives it as "*militans sub regula uel abbate*." Letter from Rev. Laurence Bourget, *supra* note 4, at 2.

28. See *R.B.* 73.

29. See KNOWLES, *supra* note 20, at 15.

30. Indeed, the lead article of a recent issue of *Cistercian Studies Quarterly* is a study of the influence of Augustine upon Cassian. See Boniface Ramsey, *John Cassian: Student of Augustine*, 28 *CISTERCIAN STUD.* Q. 4 (1993).

31. See de Vogüé, *supra* note 27, at 28.

Augustine,³² the Rule of St. Basil,³³ and especially the Rule of the Master³⁴ were quite influential upon Benedict. Indeed, prior to the adoption of Benedict's Rule throughout the western Christian world, there were nearly thirty monastic rules being followed by various monastic communities,³⁵ and it is quite likely that Benedict was aware of many of them.

In addition to his knowledge of the strong tradition of monasticism, Benedict was well acquainted with the Roman civil law system. He was born to a family of Roman nobles in A.D. 480. In Rome, he enjoyed a liberal arts education appropriate to his station and was considered a good scholar.³⁶ But, after watching his contemporaries live lives of debauchery, he abandoned his studies and his inheritance and began the life of an ascetic.³⁷ He shortly attracted a group of disciples wishing to associate themselves with his pursuit of God. The number of his followers grew quickly and became so plentiful that he founded twelve monasteries. His Rule became a compilation of his personal experience and his understanding of both the Christian monastic tradition and the Roman legal tradition.³⁸

32. The Rule of St. Augustine is followed today by a number of Orders, such as the Augustinians, the Dominicans, and the Canons Regular of St. Augustine. See Letter from Rev. Laurence Bourget, *supra* note 8, at 2. The Carmelites follow a rule promulgated by St. Albert, as modified by Pope Innocent IV. See PETER SLATTERY, *THE SPRINGS OF CARMEL* 1-21, 55 (1991).

33. Saint Basil's Rule in the Eastern Orthodox tradition occupies a place similar to that of the Rule of St. Benedict in the Western Church. Indeed, it is the basis for the "civil" law in the world's only autonomous monastic state, Mount Athos, a peninsula jutting into the Aegean from the southern Peloponnese. See generally, M. BASIL PENNINGTON, *O HOLY MOUNTAIN!* (1984) (describing an extended stay on Mount Athos).

34. The author of *The Rule of the Master* is unknown. See *Preface to THE RULE OF THE MASTER* 7-9 (Adalbert de Vogüé et al. eds. & trans., 1977).

35. See *id.* at 35.

36. See Meisel & del Mastro, *supra* note 25, at 25. The only information about the life of Benedict has come from his biography, written by Gregory the Great over one hundred years after Benedict's death. Of course, Gregory's biography of Benedict is not written in the objective historical style required by modern historiography. It is closer to hagiography, which uses a saint's life as a parable to the faithful. The melding of myth and fact is a common technique for the hagiographer. See generally GREGORY THE GREAT, *THE DIALOGUES, BOOK II: SAINT BENEDICT* (Myra L. Uhlfelder trans., 1967).

37. See M. REGINA GOBERNA, *OUR FATHER ST. BENEDICT* 14-16 (1982). This book is an example of recent hagiography.

38. The Rule is made up of seventy-three brief chapters. It is a summary of the principles of monastic life, ordaining how the life of a monk should be lived and how the monastery should be governed. It is simultaneously thematic and concerned with the details of a monk's day-to-day existence. It is the Rule that established that a monastic life must consist of "celibacy, habitual residence in the enclosure, obedience to an abbot, common ownership and choral prayer." Leclercq, *supra* note 6, at 130.

One of the clearest examples of the blending of the monastic tradition and the Roman legal system is Benedict's conception of the role of the abbot in the monastic community. In the person of the abbot, Benedict conceived a unity of power. This concept of father of the monks is directly parallel to the Roman concept of *paterfamilias*, where the senior male of the family was its "singular authority" figure.³⁹ Unlike the American system, in which the *grund-norm* of popular consent requires the legal tradition of separation of powers to prevent the accumulation of authority in any one power center,⁴⁰ the legitimacy of monastic law is not based upon popular will. Benedict's understanding of abbatial authority is scripturally based. Much like the Pope, whose mandate is scriptural,⁴¹ an abbot holds his office in the name of God. As the Rule states: "In a monastery, [the abbot] is Christ's representative."⁴² The abbot is further described in the Rule as "the father of the monks."⁴³ Thus, there is no need to constrain power through elaborate governmental structure. Just as the Pope possesses all of the executive, legislative, and judicial power⁴⁴ for the Church Universal, abbots are granted full authority within the abbey.⁴⁵ In addition, although the Rule discusses the need for, and the role of, other officers and advisors to an abbot, the Rule makes it clear that they serve at

39. FLORENCE DUPONT, *DAILY LIFE IN ANCIENT ROME* 104 (Christopher Woodall trans., 1992). The *paterfamilias* was responsible in Roman civil law for the misdeeds of his children. This is as far away from the concept of "unconcerned commentator" as it could be. Thus, although it may appear that the Rule grants the abbot almost unbridled authority, it also ensures that this power will be used conservatively.

40. See, e.g., *Morrison v. Olson*, 487 U.S. 654 (1988) (upholding the use of independent counsel to investigate improprieties in the executive branch against the contention that such an office violates constitutional separation of powers). After *Morrison*, the strict interpretation of separation of powers into executive, legislative, and judicial has given way to Justice White's balance of powers approach, which emphasizes the absence of an aggrandizement of power by any one branch. Indeed, Professor Richard Neustadt's famous nostrum that the American system is "a government of separated institutions *sharing* powers" is a very accurate description. RICHARD E. NEUSTADT, *PRESIDENTIAL POWER: THE POLITICS OF LEADERSHIP FROM FDR TO CARTER* 26 (1980).

41. See *Matthew* 16:18 ("I for my part declare to you, you are my 'Rock' and on this rock I will build my church . . .") (New American Bible 1970).

42. *R.B.* 2. Note that the same sort of language is used to describe the Pope: Christ's vicar. See 14 *NEW CATHOLIC ENCYCLOPEDIA* 641 (1966).

43. The title of abbot comes from the Hebrew *abba*, meaning father. 1 *OXFORD ENGLISH DICTIONARY* 14 (2d ed. 1989).

44. See *THE CODE OF CANON LAW: A TEXT AND COMMENTARY* chs. 135, 331, 391 (James Coriden et al. eds., 1985) [hereinafter 1983 CODE]. The 1983 Code was given by Pope John Paul II at Rome on January 25, 1983.

45. See *R.B.* 2.

their abbot's pleasure and that he is free to reject their counsel if he believes it wise to do so.⁴⁶ Finally, each monk makes a vow of obedience to the abbot. This vow requires the monk to undertake whatever assignment his abbot gives him.⁴⁷

Such discretion might appear absolute and unbridled, but it does not come without significant constraints upon the believing abbot. Unlike the brethren who vow to adhere to the precepts of the Rule only once, at their acceptance into the community,⁴⁸ the Rule requires an abbot to make two vows of fidelity to the Rule, once at his acceptance into the community and another after his election as abbot. In addition, abbatial discretion is tempered by St. Benedict's admonition that an abbot will be called to account for the souls of his monks before the throne of God on the day of Judgment.⁴⁹

The issue as to what constitutes a legitimate abbatial decision under the Rule is a problem that has vexed a thousand years of Benedictine history. As Thomas Grey discusses in his article, much of the debate over the interpretation of religious texts has been between the textualists—who, like Justice Scalia, have held that the text must be viewed in its own terms, without the need for external sources to translate its meaning or message to a contemporary audience⁵⁰—and the supplementers, who have held that an authentic interpretation is possible only by having an appreciation of both the historical context of the text and its subsequent understanding by the faith community.

46. See *R.B.* 3, 21, 31, 65.

47. If the brother is asked to do the impossible, he is to inform the abbot respectfully that the task is beyond his means. "If the superior keeps to his decision despite the brother's reasons, the brother, in charity, will do as told, trusting in God's help." *R.B.* 68.

48. Whereas the original practice was for all those seeking admission to the community to make a vow at the end of a single year as a novice, see *R.B.* 58, the modern practice requires the aspirant to make simple (temporary) vows after a year and solemn (life) profession six or seven years after entering the monastery. See M. BASIL PENNINGTON, *THE MONASTIC WAY* 66 (1990).

49. See *R.B.* 2.

50. See Grey, *supra* note 7, at 5-6. Grey uses the Lutheran term *sui ipsius interpres*, which I roughly translate as "the thing interprets itself." See *id.* at 6. Under this tradition, God will directly imbue the believer with an understanding of the meaning of the text. Although the textualist is not formally bounded by external materials, unlike the interpretationalist, his discretion is not complete either. His interpretation must be acceptable to the rest of the believing community, or he will risk approbation.

In a sense, this is not dissimilar to Guido Calabresi's notion of interpretative legitimacy in the common-law tradition. Calabresi states that an acceptable judicial decision must adhere to the nation's "legal topography." Those which depart from this understanding of societal values will be discarded. See GUIDO CALABRESI, *A COMMON LAW FOR THE AGE OF THE STATUTES* 129-31 (1982).

This dilemma is further complicated by the fact that the Rule must be viewed as a subset of canon law,⁵¹ which has a very different understanding of the process of legal legitimization than the one that is emphasized in the common-law tradition. It is important to recognize that canon law is a subset of the civil-law system. It shares with that system the reverence for a code of statutes possessing an internal theoretical coherence. In the secular civil-law tradition, statutory legitimacy came from the authority of the centralized governmental structure.⁵² Unlike the legal positivism of the secular civil-law tradition, Church law is based upon its understanding of natural law.⁵³ In order to evidence a congruence with the natural law, the Church states that a law must be properly promulgated by an official whose authority is scripturally based.

In the canon law system, however, the mere promulgation of precepts by the proper authority does not make those precepts legally binding. In order to take on the binding force of law, a rule must be received by the community to which it is directed.⁵⁴ The members of the community, as part of the people of God, are also receivers of God's charism.⁵⁵ Therefore, they play a vital role as legal ratifiers in the legislative process of the Church. This two-step process acts as a check against those directives that

51. Canon law is the law of the Roman Catholic Church. As Church Universal, the Roman Catholic Church is divided into several semi-autonomous "rites," each of which has its own unique liturgy, hierarchy, and canon law. Because Benedictine monasticism is a creature of the Western church, the Rule should be seen in light of the canon law of the Latin rite. The Latin rite's canon law was last revised in 1983. See generally 1983 CODE, *supra* note 44.

52. John Merryman points out that Emperor Justinian, the original codifier of *Corpus Juris Civilis*, saw the Code as an attempt to impose rationality upon the hodge-podge of Roman legal materials, recognizing at the same time that the supremacy of statutory authority would enhance the central government's power. See JOHN HENRY MERRYMAN, THE CIVIL LAW TRADITION 6-8 (2d ed. 1985).

53. Gratian, the original codifier of canon law, held that there were two aspects of natural law. The term referred to both scripturally-based law and law that has its origins in our "natural instincts." There were areas of congruence between the two aspects, but there were areas of radical divergence as well. See LLOYD L. WEINREB, NATURAL LAW AND JUSTICE 51 (1987).

54. Once received by the community, however, no individual or group is free to disregard the law. The notion of civil disobedience of the law because of a claim that the received law violates a protester's conscience does not make sense within the canon law tradition. "Believers may not make a smorgasbord of law of the Church." Interview with Rev. Richard Cunningham, Professor of Canon Law, St. John's Seminary, in Boston, Massachusetts (Nov. 1993).

55. Charism is a theological term of art. It refers to the human reception of holiness and sanctity through the grace of the Holy Spirit. See ENCYCLOPEDIA OF CATHOLICISM 299-300 (Richard P. McBrien ed., 1995).

do not undertake the will of God.⁵⁶ The Rule of St. Benedict fulfills the mandates necessary to be juridically binding upon the monastic community: it was promulgated by Benedict as the abbot of his community, and it was received by the monks. Indeed, the formula of solemn profession for any monk within the Benedictine tradition is to accept, and therefore ratify, the Rule.

Because officially-promulgated and publicly-received law represents the natural-law *grund-norm*, care must be given within the canon-law tradition to assure the supremacy of its legislative process. Alterations of the law to changing circumstances must be done in a manner that does not invalidate the authority of the law. In addition, if the law is to be a set of precepts capable of commanding the obedience of the community, there must be a judicial system able to apply the written text to individual circumstances. Whereas the common-law tradition vests both functions in an independent and equal judiciary, canon law, along with the rest of the civil-law system, separates the two functions between distinct institutions. Individual cases are heard and decided by tribunals whose decisions have no precedential value, and legislatively-sponsored commissions establish authorized interpretations of the text.⁵⁷

56. The only canonically acceptable exception is on those occasions when the Supreme Pontiff speaks *ex cathedra*. Despite popular conceptions to the contrary, such pronouncements are exceedingly rare. Obviously, such power is not vested in an abbot. See 5 NEW CATHOLIC ENCYCLOPEDIA 699 (1966).

57. The commissions appointed by the "legislator" do not operate in a manner that students in the common-law tradition would recognize as judicial. Their actions are more legislative. They do not use the dialectic process of opposing viewpoints presented by interested advocates, but rather view their issues theoretically and abstractly, concentrating on the societal implications of their actions rather than the impact of a decision upon individual parties in a lawsuit. Their decisions are considered authoritative and are subject to the same check of popular ratification as the underlying legislation.

The decisions of the individual canon jurist do not possess such law-making authority. Each bishop, as the ecclesiastical authority for his diocese, possesses the diocesan executive, legislative, and judicial power. He vests the judicial power in his Tribunal, who interpret canon law for each individual case using the text of the canon, the official legislative history of the canon as promulgated by the legislator, and the official interpretative norms. Although he may refer to prior decisions of the Tribunal or appellate bodies, they cannot be regarded as binding precedents in any way. Even the decisions of the Roman Rota, the final court of appeals for the Church, are only binding upon the parties involved. In this sense, the Church's judicial process is not dissimilar to a system of private binding arbitrators.

For an analysis of this bifurcated system in the civil-law tradition, see MERRYMAN, *supra* note 52, at 39-47.

Although the monastic world could use the legislative commission structure to update the Rule for a modern world, it has not done so. The text of the Rule professed by monks at St. Joseph's Abbey in 1997 is unchanged from that accepted by Benedict's original disciples in Monte Cassino. Yet circumstances have changed, even within the cloistered monastic world. Some of the norms appropriate for the monastic vocation in sixth-century southern Italy would be an impediment for even the most God-seeking contemporary monk.⁵⁸ Thus, the rulings of abbots must reflect both the Rule that they have twice vowed to accept and the needs of the monks under their care, for whose welfare they will be held to account on the Day of Judgment.

What should guide an abbot's discretion? Are decisions based merely on the internal constraints of an abbot's conscience and his fidelity to his vows? Or must an abbot's decisions conform to external materials? If they are confined to external materials, which ones? What rules exist for their interpretation? If his decisions must adhere to the text of the Rule, how closely must they be confined to the Rule's most strict and literal construction?

Fortunately, the text of the Rule provides the answer. The final chapter of the Rule states that the Rule is not a closed system.⁵⁹ It requires the monk to use additional sources to understand the meaning of the Rule and make it a useful tool for monastic living. It also speaks of respecting the "customs of the place,"⁶⁰ and the "customs of fasting."⁶¹

The use of customs is not unique to monastic law. It is also an important aspect of canon law.⁶² As previously noted, the community, as the people of God, is imbued with charism. Therefore, the actual practice of the faithful provides an

58. A number of the prescriptions in the Rule, such as flogging of child monks for infractions of the Rule, see *R.B.* 30, 45, and the admonition that healthy monks should only bathe rarely, see *R.B.* 36, are antiquated and would not be acceptable to even the most traditionalist of monastic commentators.

59. See *R.B.* 73.

60. *R.B.* 61:2.

61. *R.B.* 53:11.

62. See 1983 CODE, *supra* note 44, chs. 23, 25, 26 (stating that although customs can create law, only those customary laws that have been endorsed by the regular legislative mechanism have binding authority, unless the custom has been continuously observed for thirty years and the community observing the custom intends to be bound by it).

authentic understanding of the written text.⁶³ As the Pharisees did,⁶⁴ the Church holds that revelation of the Word of God is not static but evolving, and that, through the actions of the faith community, the text can be adapted in a manner in which the natural law is maintained.

Unfortunately, whereas the Rule and the principles of canon law provide resolution of the debate between the textualists and the supplementers, this resolution does not end the problems of interpretation of the Rule. As with many disputes about legal theory, the resolution of a jurisprudential debate on one level—in this case between the textualists and the supplementers—merely shifts the debate over the same underlying issues at a deeper level. For the monastic legal scholar, the question whether a custom must be grounded in the materials, or whether it may develop independently, remains.

History provides many examples wherein the implementation of an authoritative text by an interpretative community is done in a manner contrary to that text. The history of Benedictine monasticism has demonstrated the significant consequences of varying the practice of living the Rule from the text of the Rule itself. As can be expected, such divergence between the text and the practice will cause a rift between those for whom the text has primary authority and those who accept a more equal role for custom as a source of continuing revelation.⁶⁵ Thus, although the debate about which Thomas Grey has written has been resolved by canon law and the Rule, another debate, that over the necessity of grounding customs in acceptable external materials, has not been settled.

63. See *id.* at ch. 27; James A. Coriden, *Rules for Interpreters*, in *THE ART OF INTERPRETATION: SELECTED STUDIES ON THE INTERPRETATION OF CANON LAW* 12 (1982).

64. In the Jewish religious tradition, the debate between textualism and interpretatism occurred in the First Century of the Common Era. The Sadducees held that only the written law (Torah) was authoritative, whereas the Pharisees held that divine revelation continues through the oral law (Talmud). The debate became moot with the destruction of the Second Temple and the emergence of the rabbi (Pharisees) as the primary Jewish religious professionals. See generally Bernard J. Bamberger, *THE STORY OF JUDAISM* 107-16 (1957) (detailing the rise of Rabbinism). Recently, however, the return to Israel of the Ethiopian Jewish community, which does not accept Talmud as valid law, briefly revived the issue. The Israeli rabbinical hierarchy refused to accept the validity of the Ethiopian position.

65. This is in miniature the same issue that is at the heart of the schism between Roman Catholicism and Protestantism. Although Catholics hold that the actions of the Church are part of the authentic, continuing revelation of God, Protestants hold fast to the singularity of divine revelation through the text of the Bible.

The founding of the Cistercian order was a direct result of the rejection of the monastic practices of the Eleventh and Twelfth Centuries by those who felt that the customs of the period were outside of the spirit of the Rule and therefore lacked authenticity and authority. By the time of the founding of the New Monastery in Cîteaux on March 21, 1098,⁶⁶ there was much concern within the monastic world that the spirit of the Rule had become observed more in the breach than in the practice. Rather than living a life "in the desert alone only for God," the monasteries had taken on a significant role in the secular medieval world.⁶⁷ They had become landholders with a large number of lay men and women working for them as servants and serfs.⁶⁸ They had long since ceased the agrarian pursuits laid out in the Rule, exchanging them for far more elaborate liturgical services in choir than had been set out by St. Benedict. The notion of the monastic asceticism of the Desert had given way to a deputized religious caste having the function of "public adorer for the whole of his society and for the entire Church."⁶⁹ The simple robe required by the Rule⁷⁰ had given way to furs.⁷¹

The most important Benedictine abbey of the Eleventh Century was the motherhouse at Cluny, which at the height of its influence had over two-thousand daughter foundations.⁷² It was Cluny that exemplified the expansion of the role of custom in monastic law.

The language used to justify these changes theoretically is important. The modernizers always accepted the Rule's precepts as valid, and their customary changes were explained as being in accord with the spirit of the Rule. They were said to be customary adaptations necessary to make the Rule operate in the conditions of the particular monastery⁷³ and were based

66. See Letter from Rev. Laurence Bourget, *supra* note 4, at 1.

67. M. BASIL PENNINGTON, *MONASTIC LIFE: A SHORT HISTORY OF MONASTICISM AND ITS SPIRIT* 30-31 (1989).

68. See LOUIS J. LEKAI, *THE CISTERCIANS: IDEALS AND REALITY* 12 (1977).

69. THOMAS MERTON, *THE WATERS OF SILOE* 7 (1949) [hereinafter MERTON, *WATERS*].

70. See *R.B.* 55:2.

71. The use of linens and furs, among other fineries, was specifically cited in *The Little Exordium*, one of the founding documents of the Cîteaux, which was also known as the other New Monastery. See *The Little Exordium*, reprinted in M. BASIL PENNINGTON, *THE CISTERCIANS* 97, 106 (1992).

72. See PETER LEVI, *THE FRONTIERS OF PARADISE: A STUDY OF MONKS AND MONASTERIES* 103 (1987).

73. See LEKAI, *supra* note 68, at 12.

upon the continuing charism, as manifested by the acceptance of the customs by the community. Indeed, custom, as the result of the continuing charism, took on an increasingly important place in the legal hierarchy of the monastery.⁷⁴

The reformers from the New Monastery at Cîteaux did not deny the validity of custom as law. They recognized that the Rule was silent on a number of issues and that changing conditions did require adaptation. They refused, however, to accept customs that were superior to or on par with the text of the Rule.⁷⁵ They rejected the assertion that “[c]ustom had replaced the law.”⁷⁶

The reformers’ style of argumentation was quite doctrinal. It was based upon a narrow reading of the materials. The Cistercian reformers demanded that each custom be grounded in some aspect of the “material”—either the Gospel or other sacred scripture, or the work of Cassian or another of the founders of Christian monasticism who had influenced Benedict or the Rule itself. Customs that could not be so grounded were to be rejected as expedient and thus illegitimate. The reformers held that an abbot’s discretion was not complete, but, rather, was quite narrowly bound by the requirement that he adhere to the external materials. As Idung of Prufening, an early Cistercian monk and scholar, put it in his recreated dialogue between a Cistercian and a Cluniac:

CLUNIAC: Do you mean that abbots cannot dispense from the precept of the Rule?

74. See IDUNG OF PRUFENING, CISTERCIANS AND CLUNIACS: THE CASE FOR CÎTEAUX (Jeremiah F. O’Sullivan et al. eds. & Jeremiah F. O’Sullivan et al. trans., 1977). Idung, a monk of the New Monastery, wrote in A.D. 1124 or 1125 a series of dialogues between a monk of Cîteaux (New Monastery) and a monk of Cluny, the most powerful motherhouse in the Benedictine community. In these dialogues, Idung discusses both the extent of the Cluniac variation from the literal Rule and the rationalization for these changes. As one could expect from a monk of the New Monastery, he found the Cluniac explanations wanting. *See id.*

When Alberic, a prior of Cluny, criticized the Cluny monks, many of whom were former nobles and knights, for their deviation from the simplicity of monastic life as mandated by the Rule, the Cluny monks held him in the monastery’s jail. *See* MERTON, WATERS, *supra* note 69, at 11.

75. *See* Jeremiah F. O’Sullivan, *Introduction to IDUNG OF PRUFENING*, *supra* note 74, at 12.

76. Letter from Rev. Laurence Bourget, *supra* note 4, at 1.

CISTERCIAN: They cannot except as the Rule provides. They too are subject to the Rule, which teaches that the abbot is to do everything in accordance with the Rule (R.B. 2,3,22).⁷⁷

To the reformers, the inability to ground properly a custom in the materials was proof that the custom was not in accord with the natural law and, therefore, not part of the ongoing charism of revelation.⁷⁸

This difference in interpretative styles ultimately led to a schism within the Benedictine tradition.⁷⁹ The Cistercians pledged in their founding documents⁸⁰ to hold fast to the text⁸¹ and to accept only those Cluniac customs that could be justified by reference to the external materials.

Cistercian historians often consider the next three centuries the "golden age of the Order."⁸² The number of monasteries devoted to reform grew dramatically. By A.D. 1153, there were 343 Cistercian monasteries.⁸³ The Cistercian philosophy had a profound effect upon the entire Church,⁸⁴ but, with time, the Order began to move away from its demand that all customs be justified by the text of the Rule or the other external materials. Once again, customs that were not based upon the Rule were adopted. The most pernicious was the custom of appointing an "abbot *in commendam*," that is, an abbot selected by secular authorities outside of the monastery.⁸⁵ These abbots most commonly were not monks and occasionally were still children

77. IDUNG, *supra* note 74, at 37.

78. "[T]he Customs of Cluny are a deviation from the law given us by God, that is, from the Rule. And thereby they bring dishonor on the giver of the law, that is on God, and on the expounder of the law, that is on St. Benedict." *Id.* at 38.

79. See FRANK, *supra* note 23, at 91-94.

80. The most important of these is *The Charter of Charity*. It was originally written by Stephen Harding, the third abbot of Cîteaux, in A.D. 1119. This document went through several revisions before being finalized in A.D. 1165. The text of an English translation of this finalized text is reprinted in PENNINGTON, *supra* note 67, at 113. A good collection of other important writings of the earliest Cistercians is *THE CISTERCIAN WORLD: MONASTIC WRITINGS OF THE TWELFTH CENTURY* (Pauline Matarasso ed., 1993).

81. "*Ad apicem litterae*." FRANK, *supra* note 23, at 92.

82. LOUF, *supra* note 1, at 39.

83. See GEORGE A. HILLERY, JR., *THE MONASTERY: A STUDY IN LOVE, FREEDOM, AND COMMUNITY* 8 (1992).

84. See LERAI, *supra* note 68, at 63-64.

85. Unlike the other customs discussed in this Article, however, this was not one adopted by the monastic community itself. Rather, it was imposed upon the monasteries by secular civil authorities against which the monks were powerless to fight. See LOUF, *supra* note 1, at 39.

at the time of their appointment.⁸⁶ Such appointments violated the very heart of the Rule.⁸⁷

In 1638, the Cistercian abbey at La Trappe appointed a twelve-year-old, Armand Jean le Bouthillier, Abbe de Rancé, abbot.⁸⁸ However, unlike other *in commendam* abbots, Rancé became a priest and entered the monastery upon reaching adulthood.⁸⁹ Noticing the degeneration of the spirit of the Rule in the observances of the monks,⁹⁰ he instituted another set of reforms in the spirit of Cîteaux.⁹¹ The Trappists, as they were commonly known, stated that they were going further than merely demanding a return to the justification of customs by reference to external materials. Rancé stated that his monks would reject any practice that did not conform to the letter of the Rule, which was read in its most strict interpretation.⁹² However, this was a bit of hyperbole. In reality, this was not a reopening of the debate between Thomas Grey's supplementers and textualists. Even Rancé's monks viewed the text through external materials.⁹³

How then does a modern Trappist abbot interpret the Rule? Following Vatican II, each religious order was instructed by the Holy See to reevaluate its practices and statutes to ensure that its observances had not become sterile but rather "flowed from a

86. See HILLERY, *supra* note 83, at 10. Such "abbots" continued to live in the secular world. Their only tangible contact with "their" abbey was the receipt of income from the abbey's property holdings.

87. Thomas Merton, a modern Trappist theologian, has commented that obedience to the abbot is at the center of Benedict's conception of monastic life. See Thomas Merton, *Obedience: A Means of Letting Go* (date uncertain) (recorded lecture to the novices at Our Lady of Gethsemani Abbey, Kentucky) (on file with the author).

88. See LOUF, *supra* note 1, at 40.

89. See LEVI, *supra* note 72, at 173.

90. The monks did not make all of these mitigations of the Rule unilaterally. Some of them, such as the eating of meat, which is direct violation of R.B. 39, were accepted by the papacy. See A. J. KRAILSHEIMER, RANCÉ AND THE TRAPPIST LEGACY 30 (1985).

91. For a detailed history of the battle between Rancé's reformers and those who did not wish to abandon their customs, see LEKAI, *supra* note 68, at 138-52.

92. See generally RANCÉ, DE LA SAINTETE ET DES DEVOIRS DE LA VIE MONASTIQUE [ON THE SANCTITY AND THE DUTIES OF THE MONASTIC LIFE] (1683) (providing a theoretical analysis of the monastic life), cited in KRAILSHEIMER, *supra* note 90, at 49.

The Trappists' formal name, the Order of Cistercians of Strict Observance, is quite a *propos*. Those Cistercians that did not embrace Rancé's reforms have become known as Cistercians of the Common Observance. The two orders formally separated in 1892. Today, Common Observance Cistercians, made up of fourteen congregations, have abandoned the cloistered life of prayer and engage in an active ministry of parish work and teaching.

93. Recall that the text of the Rule itself required the monk to interpret the Rule through the use of other materials.

deep awareness of the spiritual dimension of consecrated life."⁹⁴ Following this instruction, the Trappists began both a formal⁹⁵ and an informal⁹⁶ analysis of their way of life under the Rule.

It was found that once again, the Trappists had begun to move away from the requirement that all customs be justified by reference to the materials.⁹⁷ Indeed, to some Trappists and other monastic scholars, the Rule itself has lost its universality. As the Summation of a symposium on the Trappist renewal following the Second Vatican Council stated: "Any written rule, such as the Rule of St. Benedict, is a *partial* and *transitory* crystallization of this universal rule, specifying and concretizing it in service of a particular time and place."⁹⁸ Instead, the modern Trappists have placed a great deal of emphasis upon the fact that the monk vows obedience "to live under a Rule *and an Abbot*."⁹⁹ Thus, the traditional need for justification of customs by reference to the text of the Rule or the materials is based upon an incorrect and incomplete understanding of the abbatial role.

This parallels a recent trend in Roman-Catholic canon-law jurisprudence toward a deeper appreciation of episcopal¹⁰⁰ charism, which has long been a facet of Orthodox theology. *Oikonomia* refers to the process of continuing divine revelation to proper episcopal authority. By virtue of their offices as direct successors of the Apostles, individual bishops or synods of bishops can receive the solution to a dilemma by charism.¹⁰¹

94. Francis G. Morrissey, *Introduction to A HANDBOOK ON CANONS 573-746, 715* (Jordan Hite et al. eds., 1985).

95. This was done through the aegis of the Order's General Chapter.

96. The symposium of monastic scholars that produced *RULE AND LIFE*, see *supra* note 15, was an example of the informal analytic process that occurred throughout the Order.

97. See *id.* at 209.

98. *Id.* (emphasis added).

99. Letter to Rev. Laurence Bourget, *supra* note 4, at 2.

100. In this context, "episcopal" refers to the Roman Catholic bishopric, not the Anglican Communion.

101. See *LUMEN GENTIUM* § 20 (1964); *THE DOCUMENTS OF VATICAN II* 14, 39-40 (Walter M. Abbott ed., 1966); *CATECHISM OF THE CATHOLIC CHURCH* §§ 861-62 (1994). Bishops of both the Roman Catholic Church and the various Orthodox churches possess *oikonomia* because their authority has been transmitted by those whose authority can be traced without break to the original followers of Jesus. This concept of transmitted authority is common to a number of religious traditions. For example, eastern religions often employ direct transmissions of authority from masters to their designated successors. Zen Buddhists call a roshi's designated successor as his "dharma heir." See generally HELEN TWORKOV, *ZEN IN AMERICA* (1989).

Although abbots are not bishops, their ecclesiastical status¹⁰² grants them the same authority within their communities as ordinary bishops have over their dioceses.¹⁰³ Thus, *oikonomia* may be present to them as well.¹⁰⁴ To be sure, modern Trappist practice has increased the discretionary power of the abbots. Modern abbots are not obliged to refer to external sources for their decisions.¹⁰⁵ Reviews by other abbots¹⁰⁶ and the General Chapter¹⁰⁷ of the Order are felt to prevent decisions inconsistent with the spirit of Trappist monasticism from being made or enforced.¹⁰⁸

It is too early to see if this positivism by the Trappists is merely a passing trend, or if it represents a rejection of their legal heritage as Cistercians of the Strict Observance. What is clear is that the debates over the interpretation of their primary legal document, which peaked in the Twelfth and Seventeenth Centuries, will continue to vex the monks in the centuries to come.

The interpretive history of the Rule of St. Benedict demonstrates that textual analysis has real and profound

102. See 1983 CODE, *supra* note 44, at ch. 5. Although the present Code does not mention ecclesiastical privileges of abbots, the customs designated by chapter 625 of the 1917 Code have been incorporated by reference the 1983 Code.

103. However, the sacerdotal authority of bishops to ordain priests or confirm the faithful is not within the purview of any abbot.

104. See conversation with Rev. Laurence Bourget, Archivist and Secretary to the Abbot of St. Joseph's Abbey, and Rev. Placid McSweeney, at St. Joseph's Abbey, Spencer, Mass. (March 1994).

105. Cf. Letter from Rev. Laurence Bourget, *supra* note 4, at 2 (stating that an abbot "has broad, discretionary powers given him by the RB itself").

106. Commentators have noted that even according to the most literal understanding of the Rule, it cannot be viewed as a closed legal system, but must be supplemented with additional "legislation." For example, abbatial reviews, as with many of the legal structures of the Order, are not part of the Rule, but of a later reform: "[T]he Holy See has always understood the phrase 'profession according to the Rule of St. Benedict' to include, at least implicitly, 'and according to the Constitutions.'" AUGUSTINE ROBERTS, *CENTERED ON CHRIST* 158 (2d ed. 1993).

107. The General Chapter is the official gathering of all of the abbots of the Order. It acts as the governing body for the whole Order. In particular, it takes care to monitor the observance of the Rule. "*Temporibus statutis omnes abbates in unum conveniant, ibique de salute animarum suarum sibi commissarum tractent, in observatione sanctae Regulae vel Ordinis si quid emendandum est vel augendum ordinent. . . . Potestas ecclesiastica regiminis in totum Ordinem in Capitulo Generali abbatum residet.*" CONSTITUTIONS AND STATUTES OF THE MONKS AND NUNS OF THE CISTERCIAN ORDER OF THE STRICT OBSERVANCE ch. 77, ¶¶ 1-2 (1990).

108. Such reviews take place through the yearly visit to an abbey of a "Father Visitor" who interviews the abbot and all of the monks about the practices of that abbey. In addition, each abbot must submit reports to the General Chapter on a regular basis. See *id.* at chs. 74, 75, 77.

consequences. Unlike the “unconcerned criticism” of literary scholarship, Benedictine monastic history should provide a valuable lesson to secular American law scholars wrestling with the appropriate mode of interpretation of their relatively young Constitution. As interpretation moves further away from a close reliance upon external materials for its justification, there arises a strong possibility that these internally justified interpretations will become considered illegitimate by a significant percentage of the community. Yet the desire on the part of textual purists to avoid augmenting the basic written document will be almost certainly impossible to achieve for any length of time. This creates the need for the development of a constant dialogue between those whose natural predilection is to view modification of a text as illegitimate and those who see the text in a more free-form style. Ideally, such a conversation would limit the excesses of both interpretive traditions. Although it took centuries for the Benedictine tradition to suffer two profound splits, care must begin early in our constitutional tradition to ensure that small interpretive fault lines do not develop or enlarge because although a monastic order can subdivide and peacefully co-exist, the same cannot be said for a nation.