

**THE ROLE OF THE MAJOR SUPERIOR
WITH PARTICULAR REFERENCE TO
APOSTOLIC WOMEN'S RELIGIOUS INSTITUTES
IN THE UNITED STATES**

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ABBREVIATIONS

<i>AAS</i>	<i>Acta Apostolicae Sedis</i>
<i>AG</i>	SECOND VATICAN COUNCIL, decree <i>Ad gentes</i>
<i>Ang</i>	<i>Angelicum</i>
<i>CCLA2</i>	CAPARROS, E. et al. (eds.), <i>Code of Canon Law Annotated</i> (2 nd ed.)
<i>CCEO</i>	<i>Codex canonum Ecclesiarum orientalium</i>
<i>CCLS</i>	Canadian Canon Law Society
<i>CD</i>	SECOND VATICAN COUNCIL, decree <i>Christus Dominus</i>
<i>CIC/17</i>	<i>Codex iuris canonici, Pii X Pontificis Maximi iussu digestus</i>
<i>CIC</i>	<i>Codex iuris canonici, auctoritate Ioannis Pauli PP. II promulgatus</i>
<i>CICLSAL</i>	Congregation for Institutes of Consecrated Life and Societies of Apostolic Life
<i>CLD</i>	<i>Canon Law Digest</i>
<i>CDF</i>	Congregation for the Doctrine of the Faith
<i>CLSA</i>	Canon Law Society of America
<i>CLSA Comm1</i>	CORIDEN, J.A., T.J. GREEN, and D.E. HEINTSCHEL (eds.), <i>The Code of Canon Law: A Text and Commentary</i>
<i>CLSA Comm2</i>	BEAL, J.P., J.A. CORIDEN, and T.J. GREEN (eds.), <i>New Commentary on the Code of Canon Law</i>
<i>CLSAP</i>	<i>Canon Law Society of America Proceedings</i>
<i>CLSGBI</i>	Canon Law Society of Great Britain and Ireland
<i>Comm</i>	<i>Communicationes</i>
<i>CpR</i>	<i>Commentarium pro religiosis et missionariis</i>
<i>Exegetical Comm</i>	MARZOA, Á., J. MIRAS, and R. RODRÍGUEZ-OCAÑA (eds.) and E. CAPARROS (gen. ed. of English translation), <i>Exegetical Commentary</i>
<i>EE</i>	CONGREGATION FOR RELIGIOUS AND FOR SECULAR INSTITUTES, <i>Essential Elements in the Church's Teaching on Religious Life as Applied to Institutes Dedicated to Work of the Apostolate</i>
<i>ES</i>	PAUL VI, motu proprio <i>Ecclesiae Sanctae</i>
<i>ET</i>	PAUL VI, apostolic exhortation <i>Evangelica testificatio</i>
<i>FL</i>	CONGREGATION FOR INSTITUTES OF CONSECRATED LIFE AND SOCIETIES OF APOSTOLIC LIFE, <i>Instruction on Fraternal Life in Community</i> <i>Congregavit nos</i>

FLANNERY1	FLANNERY, A. (gen. ed.), <i>Vatican Council II</i> , vol. 1
FLANNERY2	FLANNERY, A. (gen. ed.), <i>Vatican Council II</i> , vol. 2
<i>Fontes</i>	GASPARRI, P. and J. SERÉDI (dir./eds.), <i>Codicis iuris canonici fontes</i>
FT	CONGREGATION FOR INSTITUTES OF CONSECRATED LIFE AND SOCIETIES OF APOSTOLIC LIFE, Instruction on The Service of Authority and Obedience <i>Faciem tuam</i>
GS	SECOND VATICAN COUNCIL, pastoral constitution <i>Gaudium et spes</i>
HD	<i>Human Development</i>
J	<i>The Jurist</i>
LCWR	Leadership Conference of Women Religious
LG	SECOND VATICAN COUNCIL, dogmatic constitution <i>Lumen gentium</i>
MR	CONGREGATION FOR BISHOPS and CONGREGATION FOR RELIGIOUS AND FOR SECULAR INSTITUTES, <i>Mutuae relationes</i>
NCCB	National Conference of Catholic Bishops (of the USA – prior to 1 July 2001)
NMI	JOHN PAUL II, apostolic letter <i>Novo millennio ineunte</i>
ORE	<i>L'Osservatore romano</i> , weekly edition in English
PC	SECOND VATICAN COUNCIL, decree <i>Perfectae caritatis</i>
PCCICOR	<i>Pontificia Commissio Codici Iuris Canonici Orientalis Recognoscendo</i>
PCF	<i>Philippine Canonical Forum</i>
Per	<i>Periodica</i>
PO	SECOND VATICAN COUNCIL, decree <i>Presbyterorum ordinis</i>
RfR	<i>Review for Religious</i>
RR 19/20[xx]	<i>Roman Replies and CLSA Advisory Opinions 19/20[xx]</i> (1984-)
SCL	<i>Studies in Church Law</i>
StC	<i>Studia canonica</i>
USCCB	United States Conference of Catholic Bishops (since 1 July 2001)
VC	JOHN PAUL II, apostolic exhortation <i>Vita consecrata</i>
VC	<i>Vita Consecrata</i>

INTRODUCTION

During the past fifty to sixty years, Apostolic Religious Institutes in North America have focused a significant amount of energy and resources toward bringing their institutions and residences to the standards and requirements of government structures and corporate models. Attention was needed in this area as corporate and governmental expectations and demands on members of religious institutes changed. This issue was not among the strengths of many institutes. Now that apostolic endeavours, infirmaries, and motherhouses are civilly incorporated, major superiors are corporate chairpersons and councillors are corporate members. A meeting of a provincial superior with her council may have to be “adjourned” and “reconvened” several times in the course of a single gathering to keep the corporation minutes separate.

Again, it was necessary to align the structures of religious institutes with the demands of the government to ensure the stable patrimony and resources for the continuation of the mission and sustenance of the members. The shift has been gradual, but the expectations put on the major superior both by the members and the superior herself have become that of corporate management. This is evidenced by those who are being elected or appointed to office; management skills are highly sought and regarded as necessary for today’s leaders. The capacity to animate the community spiritually, preserve the [spiritual] patrimony, and be solicitous of the members is a secondary consideration. As such, religious institutes in North America can often give the appearance and sense of being “just another corporation” rather than the Gospel-based community called to live counter-culturally.

The managerial tasks of the major superior are enormous, and with often declining membership, fewer members are qualified to assume the role. Many institutes are looking at reconfiguring their structures with mergers, unions, fusions, or federations, but the end

result of this yields an even greater entity to be managed. Different structural models of ordinary governance are being proposed to institutes to solve this problem, some originating from the corporate world and some from the experiences of various religious institutes. There is not one perfect model that will suit every situation, but using the primary purposes of ordinary internal governance, as defined in canon law, could be the best place to start an assessment seeking the appropriate model for a given institute.

From this perspective, this dissertation will clarify the nature of the office of major superior. It will explore how the current law defines the ministry of major superior. This study will look at the various obligations and rights of the major superior and the ends toward which they move. In light of this research, we will assess the tasks essential to the ministry of the major superior and then distinguish those things that belong properly to the office. We will consider those tasks that can be and, for the sake of being able to attend to the essential elements, must be delegated. In reclaiming the office of major superior the mission of the institute will be promoted and therefore benefit the Church, the members, and the people of God.

Most studies regarding consecrated life and the exercise of governance therein focus on the concepts of authority and power.¹ D.J. Andrés did an extensive study on the function, obligations, and rights of religious superiors under the Code of Canon Law which was later

¹ M.M. SCHAUMBER, "The Evolution of the Power of the Lay Religious Superior in the Ecclesial Documents of the Twentieth Century," JCD thesis, Rome, Pontifical University of Santa Croce, 2003; J. KOCHUPURACKAL, "Religious authority and power in the particular law of the Little Flower Congregation," JCD thesis, Rome, Pontificium Institutum orientale, 1994; G. ZANE, "L'autorità fonte di comunione e di animazione nelle comunità di vita consacrata; La partecipazione dei fratelli laici al governo negli istituti clericali di diritto pontificio," Extract from the JCD Dissertation, Rome, Pontificia Universitas Urbaniana, 1991; J. AYMANATHIL, "Personal Authority of the Religious Superior in the Legislation of the Church: an Extract from the Doctoral Dissertation," Rome, Salesian Pontifical University, 1989; I.M. MACPHERSON, "The Exercise of Authority in Apostolic Religious Institutes of Women According to the 1983 Code of Canon Law," JCD thesis, Ottawa, Faculty of Canon Law, Saint Paul University, 1984; J.A. BARNHISER, "A Study of the Authority Structures of Three Nineteenth Century Apostolic Communities of Religious Women in the United States," Canon Law Studies, n. 487, Washington, DC, The Catholic University of America, 1975.

expanded into a series of nine articles published between 1997 and 2004.² Enumeration of the tasks of the major superior and studies on the exercise of power and authority by major superiors often overlook the structures of ordinary governance, the very context in which tasks are accomplished and power and authority are exercised. Within religious institutes, when structures are considered, it is often as a necessary evil rather than a means of stability which fosters the unity of an institute and promotes the ends for which it was founded. The combination of the exercise of authority, models of ordinary governance structures and the role of major superior as defined by ecclesiastical law has yet to be explored canonically, historically or sociologically.

American sociologist and member of a religious institute, Patricia Wittberg, has studied the unique perspective of pious women's associations that founded, staffed, and administered key institutions – health care, educational, and social work – in the 19th and early 20th centuries. Within this study, she analysed U.S. religious institutes and their administration of apostolic institutions and noted the shift of alienating these institutions. This work, as well as her other work and that of another American religious sociologist, Mary Augusta Neal, have contributed greatly to our study of the historical and contextual movement of apostolic consecrated life in the United States.³ The relatively narrow scope of our study has limited the pool of authors who would provide the most relevant and

² D.J. ANDRÉS, “Los superiores religiosos segun el Codigo: guia de subditos y de superiores,” Madrid, Publicaciones Claretianas, 1985; see the bibliography for the issues of *Commentarium pro religiosis et missionariis* in which the articles appear.

³ P. WITTEBERG, *From Piety to Professionalism – and Back? Transformations of Organized Religious Virtuosity*, New York, Lexington Books, 2006; and her other works: *Creating a Future for Religious Life: A Sociological Perspective*, New York, Paulist Press, 1991; *Pathways to Re-Creating Religious Communities*, New York, Paulist Press, 1996; *The Rise and Fall of Catholic Religious Orders: A Social Movement Perspective*, W. CLARK ROOF (ed.), Albany, State University of New York Press, 1994. M.A. NEAL, *Catholic Sisters in Transition: From the 1960's to the 1980's*, Consecrated Life Studies, v. 2, Wilmington, DE, Michael Glazier, Inc., 1984 and *ibid.*, *From Nuns to Sisters*, Mystic, CT, Twenty-Third Publications, 1990.

informative documentation on religious life in the United States, with the most helpful contributions coming from members of religious institutes.

Before engaging in a discussion on the role of the major superior, essential terms and concepts used throughout the work, that are often a source of controversy or confusion, will be clarified. Chapter 1 will establish the vocabulary and the foundational premises of the following chapters.

Chapter 2 will provide an analysis of various pertinent Vatican documents, decrees, norms, instructions, and legislation published between 1900 and 2008, with regard to their articulation of the role of the major superior. Through these ecclesial documents, the essential aspects of the role of the superior and therefore even more so of the major superior, will be elicited as well as the underlying motivations for various obligations.

In Chapter 3, the administrative shifts of ordinary governance within religious institutes and their institutions in the United States will be assessed through the contextual periods of the early 20th century, the age of renewal (1950-1965), and post Vatican II Church and society. This chapter, although neither directly canonical nor exclusively focused on the office of the major superior, is important for our study in establishing the context in which the major superior exercises her ministry. It is especially notable that the authors who contribute to recalling the various phases of the history of religious institutes in the United States seldom mention the structures of ordinary governance or their evolution.

Finally, in Chapter 4, the concept of bureaucracy and some modern management models will be assessed for their contribution to internal structures of religious institutes and their compatibility with canon law and its requirements. Areas of conflicts or contrary ideologies will be noted. Of utmost importance is the possibility and even encouragement by the law for autonomy of internal governance of religious institutes. At the same time, there

are certain canonical elements that must somehow be incorporated into the structures. Attention to the values behind the obligations of the law, while respecting an institute's autonomy, can help any assessment of an institute's current structures or creation of new structures. The previous chapters will be used as an analytical tool for determining the implications and applications of the role of major superiors on the life and administration of institutes of consecrated life and discerning potential governance models that will liberate them to be about the essential obligations of their office – preserving the unity of the institute, fidelity to the charism, promotion of the mission, and care of the members – while facilitating healthy participation of all the members in decision-making and exercising subsidiarity yet preserving the personal authority of the superior for the good of the whole.

Our purpose, then, is to evaluate how canon law defines the role of the major superior and how this definition informs the exercise and obligations of the office. Can returning to the canonical definition of the office relieve the major superiors of unnecessary burdens and renew and revive the mission, charism, and members of institutes of consecrated life in the United States?

1. FOUNDATIONAL ELEMENTS

The purpose of this chapter is to clarify some of the terms and concepts that can cloud any discussion on the office of major superior. In the first part of the chapter we will look at the power of governance – (1) what constitutes valid acts of the power of governance, regardless of who performs them, according to the current Code of Canon Law¹; (2) a summary of the debate over the lay exercise of jurisdiction between the 1917 and 1983 codes; and (3) the relevance of both the debate and current law to the exercise of the power of governance by a lay religious superior. The second part of the chapter will clarify the use of certain terms, both canonical and non-canonical, as they relate to the office of superior and structures of a religious institute.

1.1 THE POWER OF GOVERNANCE

The Latin word for “governance,” *regimen*, comes from the verb *regere*, which does not mean to rule over or to dominate, but rather to guide or direct, as a rider does a horse or the helmsman does a ship.² Like the documents of Vatican II, the 1983 Code of Canon Law makes only minimal use of *potestas iurisdictionis*; however according to Cusack, “every use of *potestas regiminis* means *potestas iurisdictionis*.”³ Coriden generalizes that the terms have replaced one for the other, “power of jurisdiction” by “power of governance,” but that the “power of governance” has a broader meaning than the previous “jurisdiction.”⁴ Schaumber

¹ When the Code is referred to in this thesis, it is to the Latin Code of Canon Law. References to the Code of Canons of the Eastern Churches will be clearly noted.

² J.A. CORIDEN, “Lay Persons and the Power of Governance,” in *J*, 59 (1999), p. 335.

³ B.A. CUSACK, “Power of Governance: Theoretical and Practical Consideration,” in *CLSAP*, 52 (1990), p. 190.

⁴ See CORIDEN, “Lay Persons and the Power of Governance,” p. 335.

conceptually agrees, stating that the Code equates jurisdiction with governing power, but prior to Vatican II *jurisdiction* “carried with it the understanding of the two-fold division of power (orders and jurisdiction) while the word *governing* referred to one of the three *functions* that make up the power of the Church.”⁵

Huels asserts that the power of governance as used in the 1983 Code of Canon Law “is related to but distinct from the power of order and the *munus regendi*. It is related to the power of order because certain powers of governance may be exercised only by the ordained, for example, the power to legislate for the Church, which is restricted in canon law to bishops or to priests with offices equivalent to the diocesan bishop (cc. 368, 381 §2).”⁶ The power of governance pertains to the *munus regendi*; it is one of the ways that the *munus regendi* is exercised. This ruling function of the Church is broader than the power of governance. The *munus regendi* involves governance in the wide sense, which corresponds to the traditional notion of jurisdiction⁷ – not merely power for specific juridic acts but the broad power of the Church’s leadership over the faithful in administration, oversight, apostolic and charitable works, and vigilance over church discipline.⁸ Viana is of the same opinion, that the *munus regendi* is the broader sense of governing, but still favours the use of jurisdiction for the more particular power that renders juridically binding decisions, among other things. Viana states: “We can define the power of governance or jurisdiction in the strict sense as an aspect of the function of governance that consists in juridical capacity, of divine institution and ecclesiastical regulation, of directing the social life of the Church

⁵ M.M. SCHAUMBER, “The Evolution of the Power of the Lay Religious Superior in the Ecclesial Documents of the Twentieth Century,” JCD thesis, Rome, Pontifical University of Santa Croce, 2003, p. 129.

⁶ J.M. HUELS, “The Power of Governance and its Exercise by Lay Persons: A Juridical Approach,” in *StC*, 35 (2001), p. 61.

⁷ The use and significance of “jurisdiction” will be discussed in subsequent sections.

⁸ See HUELS, “The Power of Governance,” p. 62.

according to the supernatural end of its members through the issuing of mandates and legislative, executive, and judicial decisions.”⁹

According to Huels, “The power of governance *exists* in the Church by the divine law, but the way that this power is *exercised* is a matter regulated by ecclesiastical law.”¹⁰ It is a legal power granted by law and attached to an office, by the law but not by means of office, or by personal delegation. Huels continues, “The power of governance, as treated in Book I of the Code, is not some vague, general power of ecclesiastical pastors, nor is it every kind of act of the *munus regendi*, but it is a precise legal power required for specific kinds of juridical acts.”¹¹ Specific effects recognized in law are brought about when a juridic act is validly performed. Acts of the power of governance are those acts that make a binding decision or confer or deny some right or favour.

Based on the text and context of the relevant canons we can say that: 1) the power of governance is a power exercised by *physical persons* in the Church (cc. 96-112); 2) these physical persons—officeholders (cc. 145-196), members of a college (c. 119), or delegates—are representative of *juridic persons* (cc. 113-123); and 3) this power makes them capable of validly performing certain kinds of *juridic acts* (cc.124-128).¹² Given this, the principal source of the power of governance is an office, although not the sole source as noted above, and the power granted by the law for ecclesiastical offices such as diocesan bishop, major superior, pastor, or judge is ordinary power. The kinds of juridic acts involved are identified

⁹ A. VIANA, “Power of Governance,” in *Exegetical Comm*, vol. I, p. 818.

¹⁰ HUELS, “The Power of Governance,” p. 64, emphasis in original.

¹¹ *Ibid.*, p. 67.

¹² See *ibid.*, p. 65.

as legislative, judicial, and executive¹³ and this power of governance can be ordinary or delegated.¹⁴

There is a facet of the power of governance within the “divine law” category that relates to the power of order but it is given its capacity for action, its potency, through appointment to an ecclesiastical office: a bishop to a diocese, a pastor to a parish community, or a rector to a seminary, for example. The *munera* of teaching and sanctifying as related to the power of order are clear, but the element of governance is also necessary and can be defined as the care of souls. A notable difference between the power of order and the power of governance is that the power of order cannot be delegated. The use or exercise of the power of order may be suspended but it is never lost. The power of governance can be delegated to others and it can be lost.

Coriden asserts, “The power of governance is never absolute, isolated, or entirely personal. It is an expression of an authority relationship within a community of faith, and it should be seen in that context, not apart from it.”¹⁵ Legislative, executive, and judicial acts always involve a relationship between some person or body with authority (or a delegate thereof) and some person or body who is subject to that authority. “With jurisdictional acts,” Huels clarifies, “one person has the power while the others do not; and the person who has

¹³ See c. 135: §1, The power of governance is distinguished as legislative, executive, and judicial. §2, Legislative power must be exercised in the manner prescribed by law; that which a legislator below the supreme authority possesses in the Church cannot be validly delegated unless the law explicitly provides otherwise. A lower legislator cannot validly issue a law contrary to higher law. §3, Judicial power, which judges or judicial colleges possess, must be exercised in the manner prescribed by law and cannot be delegated except to perform acts preparatory to some decree or sentence. §4, In what pertains to the exercise of executive power, the precepts of the following canons are to be observed. (English translation *Code of Canon Law: Latin-English Edition, New English Translation*, prepared under the auspices of the CANON LAW SOCIETY OF AMERICA, Washington, Canon Law Society of America, 1999. This translation is used for all subsequent citations of the canons of the 1983 Code unless otherwise noted.)

¹⁴ See 131 §1: The ordinary power of governance is that which is joined to a certain office by the law itself; delegated [power is] that which is granted to a person but not by means of an office.

¹⁵ CORIDEN, “Lay Persons and the Power of Governance,” p. 344.

the power can make a determination, whether favourable or unfavourable, which is legally binding on the subject.”¹⁶ For an act of governance, besides the qualifications necessary for any particular juridic act, the person must also be lawfully authorized for the specific legislative, executive, or judicial act in question (c. 131 §1). If one does not have the power, one cannot validly perform the act.

John Huels gives a succinct canonical definition of the power of governance, limited to the realm of activity determined by canon law. His intention is to be practical, juridically precise, and functional for canonists to determine which offices and functions involve the exercise of the power of governance: “The power of governance is the lawfully granted, public power necessary for validly performing a juridical act that is legislative, executive, or judicial.”¹⁷ Acts of the power of governance are those that actually make a binding decision or confer or deny some right or favour. These acts of the power of governance are regulated by ecclesiastical law. Starting from the divine law understanding of the threefold *munera* of teaching, sanctifying, and governing, and moving to the ecclesiastical law regulation of them, specifically of the governing function, the power of governance is then broken down again into legislative, judicial, and executive powers.

Executive power is a primary concern of this study. Executive acts of the power of governance are: issuing decrees – singular (c. 35) and general executory (cc. 31-33), instructions (c. 34), statutes and rules of order (cc. 94-95), precepts and rescripts (c. 35), and permissions (*licentia*) (c. 59 §2). General acts of executive power are the issuance of general executory decrees, instructions and statutes, while the others are considered singular administrative acts. Huels states, “In the strict sense, administrative power is one dimension

¹⁶ HUELS, “The Power of Governance,” p. 68.

¹⁷ *Ibid.*, pp. 65-66.

of executive power. Executive power is the broader power because it also involves the issuance of general acts of executive power.”¹⁸ The conclusion that can be drawn regarding the power of governance, using the Huels definition, is that anyone can exercise executive power of governance who legitimately has this power by law or delegation.

Given Huels’ definition of the power of governance as “the lawfully granted, public power necessary for validly performing a juridical act that is legislative, executive, or judicial,” the use of the word “public,” always in relation to the 1983 Code, can be understood as referring to a public juridic person. Huels clarifies, “An act of the power of governance can only be performed by an authorized representative of a public juridic person.”¹⁹ A distinction between public and private juridic persons is given in the 1983 Code. Public juridic persons act “in the name of the Church.”²⁰ This means they act “pursuant to a mission received from hierarchical authority and under the close supervision and direction of the hierarchy,” Kennedy explains.²¹ An act of the power of governance must be performed by a competent official or a collegial body, or one delegated for such action. This person or group must be performing these acts on behalf of the public juridic person or on behalf of a moral person of the divine law. Examples of public juridic persons are: a diocese, parish, religious institute, public association of the faithful, or conference of

¹⁸ Ibid., footnote 17, p. 67. Huels bases his distinction on the use of “administrative power” in cc. 1400 §2 and 1445 §2, and the clarification of the term “acts of administrative power” given in *Pastor bonus* art. 123 §1. Urrutia considers the terminology to be the exact opposite: “*Administrative power* in its broader sense includes every function of the power of governance, including the legislative and the judicial, since each of these functions plays a role in the *ruling* of the Church, whether universal or particular. Moreover, it also includes the teaching and sanctifying power by which the bishop “rules” or “administers” his Church. ...*Executive power* is thus part of a broader *administrative power*, and conveys a more restricted sense, that is, a power to apply or carry out legislation.” F.J. URRUTIA, “Administrative Power in the Church According to the *Code of Canon Law*,” in *StC*, 20 (1986), p. 262.

¹⁹ Ibid., p. 95.

²⁰ See cc. 116, §1 and 313.

²¹ R.T. KENNEDY, “Juridical Acts,” in *CLSA Comm2*, p. 162.

bishops. Juridic acts of private juridic persons and private associations are not acts of the power of governance since they do not have the public character.

1.1.1 THE DEBATE

Canonical doctrine before Vatican II recognized two powers, order and jurisdiction. The source of the power of jurisdiction was canonical mission, the election or appointment to office, not Episcopal ordination. Huels states, “Jurisdiction was often used in a broad sense to refer to the hierarchy’s power to rule.”²² Bishops, priests and deacons constituted the hierarchical order by divine institution; the pontiff and subordinate episcopate exercised jurisdiction; the competent ecclesiastical authority could institute other grades.²³ There was no dispute regarding the fact that power of orders was received directly from Christ in the sacrament. However, Cotter explains, “Only the pope received jurisdiction directly. Others received it as a consequence of the canonical mission given by the competent authority.”²⁴ The power of orders could never be lost or taken away, although ecclesiastical authority could regulate its lawful and valid exercise. “Unlike the power of orders,” Beal explains “the

²² HUELS, “The Power of Governance,” p. 62.

²³ See *CIC/17* c. 108: §1, Those who are taken into divine ministries at least by the reception of tonsure are called clerics. §2, [Clerics] are not all of the same rank, but among them there is a sacred hierarchy in which some are subordinated to others. §3, By divine institution, the sacred hierarchy in respect of orders consists of Bishops, priests, and ministers; by reason of jurisdiction, [it consists of] the supreme pontificate and the subordinate episcopate; by institution of the Church other grades can also be added. (*Codex iuris canonici Pii X Pontificis Maximi iussu digestus Benedicti Papae XV auctoritate promulgatus*, Typis polyglottis Vaticanis, 1917, English translation E.N. PETERS (ed.), *The 1917 Pio-Benedictine Code of Canon Law*, San Francisco, Ignatius Press, 2001. This translation is used for all subsequent citations of the canons of the 1917 Code.)

²⁴ E.M. COTTER, *The General Chapter in a Religious Institute with Particular Reference to IBVM, Loreto Branch*, Bern, Switzerland, Peter Lang, 2008, p. 70.

power of jurisdiction could be lost, restricted or taken away.”²⁵ Usually, the power of jurisdiction was conceded only to those who already enjoyed the power of orders.

Beal continues, “Canon law had accepted the bipartition of the Church’s power into the power of orders and the power of jurisdiction since the time of the decretists of the twelfth century.”²⁶ With the theological introduction of a three-fold dimension of ecclesiastical authority, paralleling that of Christ as priest, prophet and king, to that of sanctifying, teaching and governing, canonists still placed them generally under the two accepted categories: sanctifying as the power of orders and teaching and governing as the power of jurisdiction.²⁷

Canon 118 of the 1917 Code had restricted the exercise of jurisdiction to clerics explicitly stating that “clerics alone can obtain power either of orders or of ecclesiastical jurisdiction ...”²⁸ With this, lay people were “declared incapable of spiritual jurisdiction,”²⁹ and all public ecclesiastical functions that were conferred upon lay people were to be considered as mere ministry or mere administration, non-jurisdictional. This was not as unilaterally prohibitive as it would seem, since clerics included those who had received first tonsure,³⁰ in other words someone without the power of orders, as well as the fact that a lay man could be elected pope and would automatically acquire the power of jurisdiction at his

²⁵ J.P. BEAL, “The Exercise of the Power of Governance by Lay People: State of the Question,” in *J*, 55 (1995), p. 5.

²⁶ *Ibid.*, p. 6.

²⁷ However, it must be noted that some sanctifying functions do require jurisdiction such as the celebration of marriages and the hearing of confessions.

²⁸ *CIC/17* c. 118: *Soli clerici possunt potestatem sive ordinis sive iurisdictionis ecclesiasticae et beneficia ac pensiones ecclesiasticas obtinere.*

²⁹ SACRED CONGREGATION FOR THE COUNCIL, “Resolutio, Wratislaviensis,” 14 December 1918, in *AAS*, 11 (1918), p. 128, English translation in *CLD*, 1, p. 97.

³⁰ See *CIC/17*, c. 108 §1, in footnote 23.

acceptance of the office, before his episcopal consecration.³¹ Because of this, most canonists held that the restriction of the exercise of jurisdiction to clerics in the 1917 Code was a matter of ecclesiastical law, not divine law. In 1972, Paul VI acknowledged that functions previously connected with minor orders had been, and continued to be, discharged by laity.³²

The Council's treatment of the role of lay people in the mission of the Church is devoid of any explicit statement that lay people may participate in the exercise of *potestas regiminis*, but it also lacks any explicit denial that lay people can share in the exercise of this power. Theologians and canonists were left to interpret history, the evolution of laws, and the impact of the Council with regard to the legitimate exercise of power, and particularly the power of jurisdiction.

This lack of clarity led the *coetus* of the code commission dealing with the proposed *Lex Ecclesiae Fundamentalis* to pose a question to the Congregation for the Doctrine of the Faith regarding what ecclesiastical *munera* (to be exercised for a spiritual end) could be committed to lay people. Just over nine months later, on 15 December 1976, the CDF responded:

- (1) Dogmatically lay persons are excluded only from offices that are intrinsically hierarchical, the capacity for which is tied to the reception of the sacrament of orders. The concrete determination of such offices according to the norm of law belongs to the organisms established ad hoc by the Holy See.
- (2) Great caution must be observed to avoid creating a lay pastoral ministry in competition with the ministry of clerics.
- (3) It is recommended that the assumption of laity to ecclesiastical offices be contained within the limits of the present law without new extensions.³³

³¹ See PIUS XII, apostolic constitution *Vacantis Apostolicae Sedis*, 8 December 1945, in *AAS*, 38 (1946), p. 97, §101.

³² PAUL VI, motu proprio *Ministeria quaedam* and motu proprio *Ad pascendum*, 15 August 1972, in *AAS*, 64 (1972), pp. 529-533 and pp. 534-540, respectively, English translation in *CLD*, 7, pp. 690-695 and pp. 695-698.

³³ CONGREGATION FOR THE DOCTRINE OF THE FAITH, *Folium ex officio*, in PONTIFICAL COMMISSION FOR THE INTERPRETATION OF LEGISLATIVE TEXTS (ed.), *Congregatio Plenaria diebus 20-29 octobris 1981 habita*, Vatican City, Typis Polyglottis Vaticanis, 1991, p. 37, in English as translated by BEAL, "The Exercise of the Power of Governance," p. 57.

Most schools of thought were able to take this answer and use it to justify their position. A brief account of some of the more prominent schools of thought on the lay exercise of the power of governance will be addressed here.³⁴

Bertrams, considered to be of the German school of thought, did not absolutely exclude lay people from the exercise of all public power in the Church to teach and govern. Thus, for example, a lay person could be given a canonical mission to conduct catechetical instructions in the name of the Church, administer temporal goods, or govern lay religious institutes with public ecclesiastical power. “Bertrams explained that, while jurisdiction is a public power of the Church, not all the public power of the Church is reducible to the power of jurisdiction.”³⁵ For Bertrams, as long as the power exercised was not directly ordered toward a supernatural end (the salvation of souls) it would not absolutely require sacramental ordination. His criterion for distinguishing the public power that could be conceded to lay people from the public power that was strictly reserved to the ordained was whether the exercise of the power could establish, change, or abrogate rights and obligations in the supernatural order.

Beyer, of the Roman school of thought, concluded that “since it is a non-sacramental power that is conferred and exercised non-sacramentally,” the power of jurisdiction “may be conceded to men and women, especially religious, but even to other lay people as a power ‘to be exercised partially and dependently’ by those who possess the power either directly from God or by mediation of canonical mission.”³⁶ The only obstacle to the conferral of canonical mission on lay persons was the prohibition in the positive law of the 1917 Code.

³⁴ For a more thorough account see BEAL, “The Exercise of the Power of Governance by Lay People: State of the Question,” in *J*, 55 (1995), pp. 1-92.

³⁵ BEAL, “The Exercise of the Power of Governance,” p. 25.

³⁶ *Ibid.*, p. 41.

The Navarre school of thought considered traditional canon law as having excessively personalized the powers of order and jurisdiction. Beal assesses the effects of this personalization according to some in the Navarre school: “The result of this personalization of the two powers was forgetfulness of the fact that these powers were entrusted by Christ not to individuals but to the Church and that they are to be exercised by private individuals in and for the service of the Church.”³⁷ In reference to the current law, the Navarre school regards the juridic meaning of “power” as the faculty to give mandates. Therefore, only the power of jurisdiction is truly “power.” Acknowledging the theological aspects as well as its broader use, Hervada articulates that power is “the faculty or capacity to produce an ontological or juridic effect that proceeds from a position of superiority.”³⁸

The Navarre school holds that the power of jurisdiction consists in the power to direct the People of God toward its ends. Those with episcopal ordination are the primary successors of Christ and purveyors of the organizational structures of the Church. Because of this, they possess the power of jurisdiction in all of its aspects – legislative, executive, and judicial. Secondary offices are those offices that are subordinate and dependent upon the primary (episcopal) offices; their jurisdiction is derived from that of the pope or of the diocesan bishop. “Thus, there is no jurisdiction in the Church that is not episcopal, that is, derived from and dependent on the power of the successors of the Apostles,” Beal clarifies.³⁹ Secondary office holders do not act in the name and person of Christ but in the name of the primary office holder. They participate in the primary jurisdiction vicariously, by delegation, or by law. The conclusion drawn from this position is that the secondary offices

³⁷ Ibid., p. 42.

³⁸ J. HERVADA, *Elementos de Derecho Constitucional Canónico*, Pamplona, EUNSA, 1987, p. 236, as quoted in BEAL, “The Exercise of the Power of Governance,” p. 82.

³⁹ BEAL, “The Exercise of the Power of Governance,” p. 84.

can be held by lay people unless a particular office requires the exercise of the power of order.

The 1983 Code expressly acknowledges that lay persons may cooperate in the exercise of the power of governance.⁴⁰ The principal reason why canonists today have differing views on the exercise of power of governance by lay persons is because the universal law itself is somewhat ambiguous and therefore open to different interpretations. Despite this ambiguity in some places, Huels believes that “the evidence is conclusive that the universal law empowers certain lay officials and members of collegial bodies to perform juridical acts that are true acts of the power of governance, and that this was the intent of those who drafted the Code.”⁴¹ The Church has the authority to admit lay persons to certain offices and functions involving the exercise of the power of governance. Nowhere in the Code does it say that the laity are incapable of exercising the power of governance, it states that they may cooperate in the exercise of this power in accord with the norm of law. Without getting lost in the term “cooperate,” the Code has inductively permitted a number of ways in which the laity do indeed exercise the power of governance, as discussed in the previous section. They may cooperate in the exercise of this power when they are duly authorized by the law or by personal delegation. Huels concludes, “While neither lay persons nor deacons can exercise jurisdiction in the broad sense of governing a portion of the people of God, they are not excluded from that exercise of the power of governance necessary for

⁴⁰ See *CIC* c. 129 §2: Lay members of the Christian faithful can cooperate in the exercise of this same power according to the norm of law. See also *CCEO* c. 979 §2: Other members of the Christian faithful can cooperate in the exercise of the power of governance in accord with the norm of law. (*Codex canonum Ecclesiarum orientalium auctoritate Ioannis Pauli PP. II promulgatus, fontium annotatione auctus*, Libreria editrice Vaticana, 1995, English translation *Code of Canons of the Eastern Churches: Latin-English Edition, New English Translation*, prepared under the auspices of the CANON LAW SOCIETY OF AMERICA, Washington, Canon Law Society of America, 2001. This translation is used for all subsequent citations of the canons of the 1990 *CCEO*.)

⁴¹ HUELS, “The Power of Governance,” p. 94.

specific juridical acts that they must perform in the course of the office or task entrusted to them.”⁴²

Once again, Huels’ definition is of use: the power of governance is aptly defined as the lawfully granted, public power necessary for validly performing a juridical act that is legislative, executive, or judicial. Acts of the power of governance are those that actually make a binding decision or confer or deny some right or favour. An act of the power of governance has the same juridic nature whether exercised by a cleric or a lay person; the same rules for the valid execution of singular administrative acts or acts of general executive power apply, no matter who is exercising power. Laypersons are by law *rendered capable* of exercising power of governance in view of the office they hold.

1.1.2 THE EXERCISE OF THE POWER OF GOVERNANCE BY LAITY IN THE CONTEXT OF RELIGIOUS INSTITUTES

Power in the Church was considered to be distinctive because it came directly from Christ. It had two aspects, as previously discussed: the power of orders, which provided the moral faculty ordered to the worship of God in the sacraments and power of jurisdiction that enabled the person who possessed it to govern the Church. Dominative power, on the other hand, had its origin in the natural law, was primarily defined as a private power distinct from jurisdiction, and its authority was founded in the implied contract entered into by a religious and the institute he/she entered. Those with dominative power exercised authority in relation to their dependents or subjects only. Their power did not extend to the common good or have an impact upon the people of God; therefore it was not considered jurisdictional. Those with the power of jurisdiction had the capability of exercising authority

⁴² Ibid., p. 95.

in both the internal and external *fora* in the Church. In *CIC/17* c. 501 §1, the power of superiors and general chapters of non-exempt religious institutes was characterised as dominative.⁴³ If a lay superior or clerical superior of a non-exempt congregation performed the same acts, they were called acts of dominative power. When the Code described the power of superiors and chapters as dominative, it was, juridically speaking, a private power that was intended. It was generally accepted that dominative power was an authority that resulted in part from the vow of obedience. However, it shared many of the characteristics of public power. Since a religious congregation was a juridic society which shared a common nature with other juridic societies, dominative power did have a social aspect. Given that the influence of the exercise of power within a religious institute did not extend beyond the institute, it was considered private.

The general opinion of authors after the publication of the *CIC/17* was that dominative power was a private one that flowed from the full surrender of the members to the ends for which the institute was founded. Cotter explains, “The personal act of each member obliged him/her to obedience to the constitutions and the common law of the Church. The approval of the Church gave validity to the acts of authority undertaken in these circumstances, but the acts remained private, as did the exercise of authority.”⁴⁴ The matter continued to be disputed. Public power had its origin in the natural law and divine positive law, by which the structures of the Church were constituted. Belief in the public nature of religious institutes and therefore in the public nature of the power they exercised continued to grow. Some of the papal decisions that influenced the understanding and

⁴³ *CIC/17* c. 501 §1. Superiors and Chapters, according to the norm of constitutions and common law, have dominative power over subjects; in clerical exempt religious [institutes], they have ecclesiastical jurisdiction both for the internal forum and for the external.

⁴⁴ COTTER, pp. 42-43.

development of the nature of power exercised in lay religious institutes will be discussed briefly.

Pope Pius XII, in the apostolic constitution *Provida Mater*⁴⁵ of 1947, affirmed the public nature of the religious state, calling it a “public state of perfection.” The same ideas were expressed again by Pius XII in an allocution to the Delegates of the General Congress of Religious Orders, Congregations, Societies and Secular Institutes⁴⁶ in 1950, where he supported the custom of exemption, yet made it absolutely clear that whatever pertained to the care of souls was always under the authority of the bishop (n. 9). In 1958, Pope Pius XII referred directly to the two types of power of religious institutes, namely, the power of jurisdiction and dominative power. Although speaking to superiors of institutes of men, he gave expression to the mind of the legislator:

We have taken you as associates of Our supreme office, either directly by delegating to you through the Code of Canon Law some share of Our supreme jurisdiction, or by laying the foundations of your so-called “dominative” power by Our approval of your rules and Constitutions. And so We have it very much at heart that you should exercise this authority of yours according to Our mind and that of the Church.⁴⁷

Cotter adds, “This reference to ‘a share in jurisdiction’ was to be a key theme in discussion on the revision of *CIC/17* in the years ahead. The public nature of religious congregations was established clearly from this time but the nature of the power they exercised remained unclear.”⁴⁸

⁴⁵ PIUS XII, Apostolic Constitution *Provida Mater Ecclesia*, 2 February 1947, in *AAS*, 39 (1947), pp. 114-124, English translation in *CLD*, 3, pp. 135-146.

⁴⁶ PIUS XII, allocution to the Delegates of the General Congress of Religious Order, Congregation, Societies, and Secular Institutes, 8 December 1950, in *AAS*, 43 (1951), pp. 26-36, English translation in *R/R*, 14 (1955), pp. 170-180.

⁴⁷ PIUS XII, allocution to Superiors General of Religious of Religious Orders of Congregations of Men, 11 February 1958, in *AAS*, 50 (1958), p. 154, English translation in *CLD*, 5, p. 366.

⁴⁸ COTTER, p. 59.

*Lumen gentium*⁴⁹ stated that laypersons could be appointed to offices that had a spiritual purpose (*LG*, n. 33) and suggested that in the absence of, or when sacred ministers were impeded, laypersons could supply some of their functions (*LG*, n. 35). Vatican II did not provide answers as to what these offices might be nor did it comment on the nature of the authority thus exercised. This fuelled debate in the post-Conciliar period, particularly in relation to whether or not laypersons (including non-clerical religious) could exercise jurisdiction, as recounted in the previous section.

The understanding of dominative power and the exercise of the power of governance (still called jurisdiction) by laity continued to evolve. By the time of the revision of the Code, dominative power had come to be understood as at least some kind of public power. The 1917 Code (c. 501 §1) had attributed ecclesiastical power of jurisdiction to exempt clerical institutes. However, a series of decrees extended this power to others.

Responding to requests by superiors of lay religious institutes, the (then) Sacred Congregation for Religious, issued the rescript *Religionum laicalium*⁵⁰ in May 1966, which granted to non-ordained superiors general many of the faculties that had been granted in *Cum admotae*⁵¹ “insofar as these faculties [we]re not connected with the clerical character.” These extended faculties allowed lay superiors to dispense applicants from certain impediments, to alienate property beyond the then maximum limit, to permit extended absence from the religious house, and to transfer the location of the novitiate.

⁴⁹ SECOND VATICAN COUNCIL, Dogmatic Constitution on the Church *Lumen gentium*, 21 November 1964, in *AAS*, 57 (1965), pp. 5-75, English translation in FLANNERY1, pp. 1-96.

⁵⁰ SACRED CONGREGATION FOR RELIGIOUS, rescript *Religionum laicalium*, 31 May 1966, in *AAS*, 59 (1967), pp. 362-364, English translation in *CLD*, 6, pp. 153-156 (=RL).

⁵¹ SECRETARY OF STATE, rescript *Cum admotae*, 6 November 1964, in *AAS*, 59 (1967), pp. 374-378, English translation in *CLD*, 6, pp. 147-152.

In 1964, *Cum admotae*, n. 14 had directly granted to clerical superiors general and to heads of monastic institutes the faculty to grant secularization to their members under temporary vows. There was no question that this was considered an act of jurisdiction. In 1966, according to *Religionum laicalium*, n. 3, dispensation for members with temporary vows was reserved to the local ordinary, because this action was “connected with the clerical character.” Lay superiors could “obtain a dispensation from temporary vows for their subjects who request it, from the local Ordinary of the house to which the petitioner is assigned.”⁵² Then, by 1969, the lay superior general, with the consent of council, could “change the status” of a member in temporary vows who had freely requested it, and restore him or her “to the condition of a secular with the vows being dissolved by that very fact.”⁵³ This was obviously the same jurisdictional faculty, using precisely the same terminology, which had previously been granted to clerical superiors by *Cum admotae*, n. 14 and which was considered as “connected to the clerical character” by *Religionum laicalium*, n. 3. There is no question as to the jurisdictional significance of this decree, which is now incorporated into canons 688 §2 and 692 of the revised code.⁵⁴

Throughout the revision process of the Code of Canon Law, several study groups discussed other questions revolving around jurisdiction and whether or not it could be exercised by laypersons. Since religious institutes of sisters and brothers were characterised

⁵² *RL*, n. 3.

⁵³ SACRED CONGREGATION FOR RELIGIOUS AND SECULAR INSTITUTES, decree on the delegated faculty of Superiors General of Lay Religious Institutes to grant secularization to their members under temporary vows *Cum superiores*, 27 November 1969, in *AAS*, 61 (1969), pp. 738-739, English translation in *CLD*, 7, p. 77.

⁵⁴ *CIC* c. 688 §2: During the time of temporary profession, a person who asks to leave the institute for a grave cause can obtain an indult of departure from the supreme moderator with the consent of the council in an institute of pontifical right. In institutes of diocesan right and in the monasteries mentioned in c. 615, however, the bishop of the house of assignment must confirm the indult for it to be valid.
c. 692: Unless it has been rejected by the member in the act of notification, an indult of departure granted legitimately and made known to the member entails by the law itself dispensation from the vows and from all the obligations arising from profession.

as ‘lay,’⁵⁵ the results of these study groups had an impact on the question of the nature of authority in lay institutes of consecrated life. The discussions surrounding the revision and the question of power identified a number of convictions underlying the work of the study group.

From the outset it was clear that the wording of what would eventually be canon 596 on power in religious institutes related directly to the entire question of jurisdiction being treated elsewhere in the code revision process. The norm originally contained the phrase “dominative power,” but it was suggested that this term be suppressed; this immediately raised the question of whether laity could be granted the power of jurisdiction. At the March 1969 session of the study group *De institutis perfectionis*, it was again suggested that the adjective “*dominativa*” be eliminated from the proposed norm so that the word “power” would be unqualified. Some consultors thought that dominative power would still actually be understood as intended in this context.⁵⁶ In 1969, the study group *De normis generalibus* continued to distinguish between precepts of the power of governance and precepts emanating from dominative power; there was even a draft canon on such a precept.⁵⁷ In 1973 the issue arose again and the approach of the *coetus* had changed completely. This time the special canon on a precept of dominative power was dropped because the *coetus* recognized, “Today every supreme moderator enjoys executive power, which is equivalent to jurisdiction.”⁵⁸

⁵⁵ CIC/17 c. 488, 4^o: *Clerical religious [institute]* is a religious [institute] in which most of the members are priests; otherwise it is *lay*.

⁵⁶ See *Comm*, 25 (1993), pp. 283-284.

⁵⁷ See *Comm*, 19 (1987), pp. 202-216.

⁵⁸ *Comm*, 22 (1990), p. 304.

Members of the *De normis generalibus* study group appreciated that Vatican II had shed new light on the role of laity regarding the exercise of jurisdiction. It was noted that some actions taken by lay religious superiors under the rubric of dominative power – such as issuing precepts which eventually resulted in dismissal – actually had the same effect as actions originating from jurisdiction. Later *Relatio* comments for the canon on dismissal suggested that the technical term “decree” should not be used since these were ordinarily issued by those having jurisdiction, but the technical term was retained precisely because of its legal meaning and requirements.⁵⁹

The constantly shifting sands could be detected as, in 1971, it was the opinion of the *De sacra hierarchia* study group that it was the prerogative of the “supreme authority of the Church” to determine precisely what jurisdictional power(s) could be granted to laity.⁶⁰

By 1979, discussion again on what would eventually become canon 596 brought to the fore the recognition that dominative power was not merely private power and that it was possible for laity to participate in the power of governance. The resulting canon 596, according to McDonough, represents a grant by the supreme authority of the Church, in the Code of Canon Law, “of *potestas regiminis executiva* even to superiors of lay religious institutes in those cases specified in law.”⁶¹ Some would even concede, according to Andrés, that with canon 596, §§ 1 and 3, “The Superiors and the Chapters of all the Religious Institutes of Consecrated Life enjoy a power without name and without adjective in the Code, which

⁵⁹ See *Comm*, 15 (1983), p. 79.

⁶⁰ See *Comm*, 3 (1971) p. 195.

⁶¹ E. McDONOUGH, “Jurisdiction Exercised by Non-Ordained Members in Religious Institutes,” in *CLSAP*, 58 (1996), p. 307.

global definition consists in the universal law and in the Constitutions of every Religious Institute of Consecrated Life.”⁶²

It is simply not reasonable to suggest that when superiors in clerical pontifical religious institutes perform certain acts relative to their office⁶³ the actions stem from jurisdiction and *sacra potestas* but when lay religious superiors perform these same acts the actions stem from some other unspecified ecclesiastical power that is merely of a natural order. In fact, if these actions were held up to the requirements given in the 1976 response by the Congregation for the Doctrine of the Faith about the possibility of laity obtaining *munera* requiring the exercise of jurisdiction (see p. 14), it would be clear that these actions do fulfill them rather precisely. McDonough explains, “They are not ostensibly connected to orders per se. They do not establish a parallel ministry by laity in competition with that of clergy. And, with the notable exception of granting excommunication, they represent actions that were part of the responsibilities of religious superiors, both cleric and lay, for years before and up to promulgation of the revised code.”⁶⁴

According to the current law, for example, supreme moderators of pontifical institutes may grant an “indult of departure” for members with temporary vows. In diocesan institutes and autonomous monasteries, this indult must be confirmed by the proper bishop. For perpetually professed members who wish to leave their institute, whether autonomous, diocesan, or pontifical, the indult must be granted by the competent ecclesiastical authority –

⁶² D.J. ANDRÉS, “Los Superiores religiosos de los Religiosos: (I) Estatuto común a todos los Superiores,” in *CpR*, 78 (1997), p. 119.

⁶³ See cc. 581, 587, 609, 616, 625, 631, 634, 635, 638, 639, 641, 647, 649, 653, 656, 657, 658, 665, 668, 671, 672, 679, 682, 684, 686, 688, 689, 690, 699, 703, 720, 723, 726, 729, 730, 732, 733, 734, 743, 744, 746, 765, 832.

⁶⁴ McDONOUGH, “Jurisdiction,” pp. 306-307.

the Holy See or proper diocesan bishop.⁶⁵ In either case, it is not the granting of the indult that effects a dispensation from the obligations arising from the vows; it is the “law itself,” upon proper notification and acceptance of the indult of departure.⁶⁶

Further evaluation of indults granted by lay religious superiors reveals the on-going lack of clarity of the exercise of governance expressed in the law of the Church. In the process of revising the Code of Canon Law, study group *De institutis perfectionis* proposed that the authority to grant an indult of exclaustation be given to supreme moderators.⁶⁷ Abbass recounts, “In the study group’s reported deliberations, no one opposed giving the supreme moderator the faculty to grant exclaustation nor was the observation made that such an act of governance required the power of orders.”⁶⁸ The resulting canon, *CIC* c. 686 §1 confirms that supreme moderators of religious institutes have the authority to grant indults of exclaustation to perpetually professed members, provided: 1) they have the consent of their council, 2) there is a grave cause, 3) and it not exceed three years.⁶⁹ Any extension of time or an indult for more than three years is reserved to the competent ecclesiastical authority.⁷⁰

⁶⁵ See *CIC* c. 691.

⁶⁶ Although somewhat similar, the norms in the *CCEO* differ in a number of significant ways which are studied in J. ABBASS, “Departure from Religious Institutes in the Latin and Eastern Catholic Churches,” in *StC*, 32 (1998), especially pp. 110-116.

⁶⁷ See *Comm*, 13 (1981), pp. 329-330.

⁶⁸ J.ABBASS, “The Consecrated Life: ‘donum caritatis’ in the East and West,” in *Congregazione per le Chiese Orientali: Ius Ecclesiarum – Vehiculum Caritatis*, Libreria editrice Vaticana, 2004, p. 345.

⁶⁹ In the case of a cleric, the consent of the Ordinary of the place where the cleric will reside is required prior to the grant of the indult.

⁷⁰ *CIC* canon 686 §2 does keep an exception from the general grant to supreme moderators in cases of voluntary exclaustation: “It is only for the Apostolic See to grant an indult of exclaustation for nuns.” In cases of imposed exclaustation, the request is made by the supreme moderator, with the consent of council, and decreed by the competent ecclesiastical authority (c. 686 §3).

However, Abbass notes, “the Eastern study group viewed granting such an indult as an act of governance that required the power of orders.”⁷¹ They considered that both granting voluntary excommunication and the imposing involuntary excommunication were strictly administrative acts that could only be executed by those with *potestas regiminis*.⁷² Thus, the resulting *CCEO* canons read: c. 489 §1, “The indult of excommunication can be granted only to a member of a monastery *sui iuris* who is in perpetual vows. When this member petitions, the indult can be granted by the authority to whom the monastery is subject after hearing the superior of the monastery *sui iuris* along with the council,” and c. 548 §1, “The indult of excommunication can be granted by the authority to which the order or congregation is subject having heard the superior general and the council. The imposition of excommunication, however, can be decreed by the same authority at the request of the superior general acting with the consent of the council.”

The grant of an indult of excommunication does not carry with it a dispensation from vows, excommunicated members are “considered freed from the obligations which cannot be reconciled with their new condition of life.”⁷³ An indult is essentially a rescript, responding to a request and granting a favour, usually issued in writing. *CIC* c. 59 §1 clearly states: “A rescript is an administrative act ...,” but does this constitute an exercise of the power of governance?

The question of the participation of laypersons in the exercise of governance was clearly significant for understanding the type of power exercised in non-clerical religious institutes. However, despite the lack of description, the juridical effects of acts placed in

⁷¹ ABBASS, “The Consecrated Life,” p. 346.

⁷² See *Nuntia* 16, p. 64.

⁷³ See *CIC* c. 687. The same excerpt of c. 687 in the CLSGBI translation reads: “Members who are excommunicated are considered as dispensed from those obligations which are incompatible with their new condition of life.”

virtue of this unnamed power, are, in effect, the same as those placed in virtue of the ecclesiastical power of governance attributed to clerical religious institutes of pontifical right. The on-going debate in relation to the question of lay jurisdiction is relevant only to the extent that it clarifies the nature of the power of laypersons. The 1983 Code of Canon Law continues to move the debate further than *CIC/17* by acknowledging that this power is more like the former notion of jurisdiction than the defined private dominative power, and by stating, however ambiguously, that laypersons, and for our purposes lay superiors, could at least cooperate in its exercise (c. 129 §2). Because of the use of ‘cooperation,’ there is no longer any need to have different terminology for acts of the power of governance performed by laity.

In the canons on institutes of consecrated life and societies of apostolic life, frequent mention is made of juridic acts capable of being performed by superiors and collegial bodies, both clerical and lay, which have the nature of acts of executive power.⁷⁴ Among these are many singular administrative decrees, some general acts of executive power binding the community, and several rescripts. Numerous canons provide that major superiors may grant a permission. The granting of permission is an act of executive power of governance. Huels makes clear, “The capability of the lay person for performing that specific act of governance is granted in that instance by the law itself.”⁷⁵ Institutes of consecrated life and societies of apostolic life are public juridic persons in the Church and the determinations made by their superiors and collegial bodies have binding effect in canon law.

If one looks at the acts that both clerical and lay superiors perform, they are identical. “To call these acts the power of governance if performed by a clerical superior, but

⁷⁴ See footnote 63.

⁷⁵ HUELS, “The Power of Governance,” p. 78.

“domestic power,” “dominative power,” “associative power,” or merely “administrative power” if performed by a lay superior, is unnecessary and obsolete under the revised Code, since the Code does not reserve all acts of power of governance to the clergy alone.”⁷⁶

1.2 TERMINOLOGY

Now that the power of governance, what comprises its exercise, and who may validly perform acts of the power of governance, has been addressed, albeit briefly, the use of the terms “power” and “authority” within the canons on religious institutes shall be considered. It is important to distinguish clearly between these two words since they will be encountered throughout the next chapters, from several different perspectives, by many different authors. For this reason, it would be most helpful to articulate and ground our understanding of these words canonically before moving into various levels of ecclesial documents and the more sociological framework of governance models. Next, it is equally important to establish an understanding of “governance” and the canonical structures it implies with regard to religious institutes. Finally, context will be given to the non-canonical term of “leadership,” with the goal of eliminating confusion in its various uses, and refine its usage for our purposes.

1.2.1 POWER AND AUTHORITY

When defining the office of religious superior, the Code uses both terms *potestas* and *auctoritas*. The significance of the use of “power” in the Church as it relates to the exercise of the power of governance is clear. Some of the uses of the term will be delineated here with regard to the religious superior as well as the often parallel use of the term “authority.” In

⁷⁶ Ibid.

the next chapter, the role of the superior as articulated in the law will be addressed. Our current purpose is to assess the use of the terms “power” and “authority” in the Code of Canon Law as they relate to the office.

The parameters of the power of the religious Superiors are defined by canon 596:

- §1 Superiors and chapters of institutes possess that power over members which is defined in universal law and the constitutions.
- §2 In clerical religious institutes of pontifical right, however, they also possess ecclesiastical power of governance for both the external and internal forum.
- §3 The prescripts of cc. 131, 133 and 137-144 apply to the power mentioned in §1.

The canons referred to in §3 describe ordinary (proper and vicarious) and delegated power of governance (c. 131), the use of delegated power (c. 133), and the norms related to delegation and subdelegation of ordinary executive power and its interpretation, provisions and cessation or suspension (cc. 137-143). It is important to note that *all Superiors*, relative to their office, have the power of governance referred to in c. 131⁷⁷. Paragraphs 1 and 3 of c. 596 acknowledge that, while not actually *possessing* ecclesiastical power of governance, as clerical religious institutes of pontifical right do, major superiors of religious institutes do in fact *participate in the exercise* of the power of governance in virtue of the capability given by the law to exercise certain acts which require an executive power of governance.⁷⁸ The second paragraph refers to the additional (*insuper*) power related to the power of order and an ecclesiastical office which requires such. Major superiors in clerical institutes of pontifical right are Ordinaries. This classification is attached to the office which is important for the ability to incardinate members.

⁷⁷ Canon 131 §1, The ordinary power of governance is that which is joined to a certain office by the law itself; delegated, that which is granted to a person but not by means of an office. §2, The ordinary power of governance can be either proper or vicarious. §3, The burden of proving delegation rests on the one who claims to have been delegated.

⁷⁸ See COTTER, p. 119.

Beginning with canon 617, the office of superior is defined: “Superiors are to fulfill their office and exercise their power according to the norm of universal law and proper law.” Andrés states, “The *superiors* are the intended subjects of the norm. Here they have been taken in the strict sense, as physical persons who, by virtue of their office, in their own name or in another’s, fulfill for the benefit and in the service of their communities the functions of *magisterium*, governance, and sanctification, and exercise their religious power pursuant to the law.”⁷⁹ The explicit reference to the personal power of the superior is of primary importance in this canon. This will become clear in the next canons on the superior and in subsequent chapters, but it is a critical point to note and has been consistently and continually affirmed by the Holy See.

Canon 618: Superiors are to exercise their power, received from God through the ministry of the Church, in a spirit of service. Therefore, docile to the will of God in fulfilling their function, they are to govern their subjects as sons or daughters of God and, promoting the voluntary obedience of their subjects with reverence for the human person, they are to listen to them willingly and foster their common endeavor for the good of the institute and the Church, but without prejudice to the authority of superiors to decide and prescribe what must be done.⁸⁰

Rincón elaborates, “The *superior* is the physical person who exercises ordinary religious power, either proper or vicarious, received from God through the ministry of the Church (c. 618) and which is part of the internal hierarchy of the institute.”⁸¹ The Code is clear in using the term *potestas* in this case.⁸² Both “power” (*potestas*) and “authority” (*auctoritas*) are used in this canon; therefore continuing distinctions need to be made.

⁷⁹ D.J. ANDRÉS, Commentary, in *Exegetical Comm*, vol. II/2, p. 1617.

⁸⁰ Emphasis mine.

⁸¹ T. RINCÓN, “Institutes of Consecrated Life and Societies of Apostolic Life,” E. CAPARROS et al. (eds.), *Code of Canon Law Annotated*, 2nd rev. ed., Montréal, Wilson & Lafleur Limitée, 2004, p. 500.

⁸² It is interesting to note that in the CLSGBI translation of the Code, *potestas* is consistently translated as “authority” in this section. Perhaps this is to avoid the whole questions or controversy over the lay exercise of power.

Power, according to McDonough,

is canonically expressed by the technical term *potestas*, which is neither the same as – nor should it be confused with – the notion of authority, canonically expressed by the technical term *auctoritas*. In a general way the canonical term *potestas* might be described as the legal competence to act in a particular matter such that the action results in juridically recognized effects. [...] In contrast, *auctoritas* is often used in the code to convey a much broader concept such as the affirmation that religious are to live in houses under the authority of a legitimately designated superior (c. 608).⁸³

In the *Nota explicativa praevia* attached to *Lumen gentium* an understanding of the use of power is revealed: “The word *functions* [*munera*] is used deliberately, and not *powers* [*potestates*], because the latter word could be understood of power *all ready for action* (*ad actum expedita*).”⁸⁴ Such power, ready for action, requires a canonical or juridical determination through hierarchical authority. This determination can consist in the grant of a particular office or the care of particular members of the Christian faithful, and is given in accordance with the law as approved by the supreme authority. Power implies the possession of an ability to affect a substantial influence. Power renders a person capable.

The English word “power” comes from the Latin *posse* and means to be able. It implies the simple ability to do things. Kochupurackal asserts, “In the case of power over persons, it easily suggests being in a position to exercise physical coercion that cannot be resisted. Thus power describes the ability to compel others to do something, whether legitimately or not.”⁸⁵ Power, then, has more to do with the physical realm rather than the moral realm. Legitimate power does not call for a free response; it compels its own acceptance. People who exercise authority *de jure* have the power to enforce their authority.

⁸³ E. MCDONOUGH, “The *Potestas* of Religious Superiors: Background for Canon 596,” in *R/R*, 54 (1995), p. 934.

⁸⁴ *NEP 2*, as translated in BEAL, “The Exercise of the Power of Governance,” p. 13.

⁸⁵ J. KOCHUPURACKAL, “Religious authority and power in the particular law of the Little Flower Congregation,” JCD thesis, Rome, Pontificium Institutum orientale, 1994, p. 26. He continues, stating that “Power’ is an issue somewhat uncongenial to the modern mind. It is very often identified with an oppressive authoritarianism,” p. 28.

Power is an area of competence and authority is predominantly spiritual and rationally justified, according to Kochupurackal.

In general, *power* can be said to be “the subjective juridical situation capable of unilaterally producing effects in other persons,”⁸⁶ Arrieta offers, and generally directed to the common good. The terms *power* and *authority* are often used interchangeably, but the difference in their meaning does have juridic significance. Schaumber says, “Authority has come to mean one who has legitimate power and responsibility for guiding society.”⁸⁷ One may have authority without being in a position to exercise power. “Individuals elected or appointed lay religious superiors have authority; they hold a position which has particular functions of power capable of producing effects in other persons.”⁸⁸

The Latin *auctoritas* means cause, sponsor, promoter, surety. It means *auctor* or author, a source of something. The root meaning of *augeo*, *augere* is to cause to grow, to increase, to enlarge, to make something or someone grow. Growth is, therefore, an underlying meaning for the word “authority.” In its early usage, according to Kochupurackal, it implied “a creative and guiding function: that of directing the proper development of the affairs of a society. It then came to mean the respect, dignity and importance of the person concerned.”⁸⁹ A person possessing authority can bring about some effect and author or bring something into being, whether by persuasion, definition, or compliance. Therefore, authority conveys the idea of an ability or power to persuade, determine, command or even exact obedience. Although authority frequently implies power, authority is not the same thing as power. Just as “power” can conjure a negative response, so can “authority.”

⁸⁶ J.I. ARRIETA, “Power of Governance,” in *CCLA2*, p. 144.

⁸⁷ SCHAUMBER, p. 7.

⁸⁸ *Ibid.*, p. 8.

⁸⁹ KOCHUPURACKAL, p. 25.

However, neither should imply force, especially in the context of their exercise within a religious institute.

Smith states, “Power is the ability or capacity to act. All power, whether natural, physical, intellectual, or spiritual, has its source in God”⁹⁰ – as noted in canon 618. Authority, Smith continues, “connotes the possession or use of a power whose exercise is grounded in some moral or legal right. Superiors possess power by virtue or their office, and they are to exercise their authority in accord with its purpose.”⁹¹ Although not contrasting the definition of authority with power, Linscott suggests that authority also derives from a divine source, for service and the sake of the mission, “conferred for the achievement of the goals of the congregation.”⁹² Essential for the exercise of authority is that it also derives from the approved constitutions of the institute.⁹³ Both Smith and Linscott attribute the authority of religious superiors directly to the vow of obedience, they are innately connected, neither can be taken in isolation. “Whether one has authority in an institute or not, one cannot either command or obey without reference to mission.” (*PI*, n. 15)⁹⁴ The interrelatedness of these two elements [authority and obedience] will be addressed more specifically in Chapter 2, when studying the instruction *Faciem tuam*.⁹⁵ Let it be enough to say that each depends completely upon the mission of the institute and finds its source there; authority is at the

⁹⁰ R. SMITH, “Exercise of Authority,” in *CLSA Comm2*, p. 781.

⁹¹ *Ibid.*

⁹² M. LINSOTT, “Leadership, Authority, and Religious Government,” in *R/R*, 52 (1993), p. 168.

⁹³ See *ibid.* and c. 618.

⁹⁴ CONGREGATION FOR INSTITUTES OF CONSECRATED LIFE AND SOCIETIES OF APOSTOLIC LIFE, Directives on Formation in Religious Institutes *Potissimum institutioni*, 2 February 1990, in *AAS* 82 (1990), pp. 472-532, English translation in *Origins*, 19 (1989-1990), pp. 677, 679-699 (=PI).

⁹⁵ See CONGREGATION FOR INSTITUTES OF CONSECRATED LIFE AND SOCIETIES OF APOSTOLIC LIFE, Instruction on The Service of Authority and Obedience *Faciem tuam*, 11 May 2008, in *Sequela Christi*, 34(2008), pp. 321-351, and *Origins*, 38 (2008-2009), pp. 65-83.

service of mission and obedience is at the service of mission, they are not at the service of one for the sake of other.

While this is a valid and valuable analysis, Aymanathil asserts, “The basis of c. 596, §§ 1, 3 is from Baptism and can be related to the right of associations, (cc. 215, 225, §1).”⁹⁶ He goes on to parallel religious institutes to forms of associations. One voluntarily subjects themselves to the laws and designated leaders of the group, which is not part of the hierarchical structure of the Church, but which receives its juridic status from the Church. In looking at religious institutes, one could claim that the foundation of the authority of the superiors is in the vow of obedience. However, because canon 596 also applies to societies of apostolic life, to attribute it to the vow is not enough. Aymanathil’s argument that such authority is “based not only in the associative right, but also in the concession by the Church,”⁹⁷ provides an interesting contrast.

Canon 618 is clear that the source of the power of the religious superior is from God and through the ministry of the Church. Therefore, McDonough suggests, one must say that “it neither arose from nor could be arbitrarily restricted by the community in the fashion of governance by social contract,”⁹⁸ leaving Aymanathil’s associative source of authority lacking. Cotter elaborates further: “The principle [is] established here, that the power of the superior and chapter does not come from the members, nor is it implied in the profession of vows, sacred bonds or promises, but comes from God through the ministry of the Church, removes the power of superior and chapter from the private forum.”⁹⁹

⁹⁶ J. AYMANATHIL, “Personal Authority of the Religious Superior in the Legislation of the Church: an Extract from the Doctoral Dissertation,” Rome, Salesian Pontifical University, 1989, p. 65.

⁹⁷ AYMANATHIL, p. 66.

⁹⁸ MCDONOUGH, “Jurisdiction,” p. 300.

⁹⁹ COTTER, p. 111. The same assertion is echoed in SCHAUMBER, p. 124.

Although theories of how authority is transmitted in the Church continue to be the topic of theological discussion, *Mutuae relationes*¹⁰⁰ states rather explicitly: the authority of superiors in religious institutes is transmitted by way of ecclesiastical approval of the institute – originally through erection and approbation, and in a continuing way through the approbation of the constitutions which describe the offices of governance. Holland explains, “The religious superiors holding those offices share in the authority of Christ – who came to serve: to teach and sanctify and govern. The authority of the religious superiors’ office, then, is that described in universal law and in constitutions. It is real authority in the Church and comes through the Church.”¹⁰¹

The canon, 618, and reiteration of the 1978 document *Mutuae relationes*, is significant in rooting the power of the religious superior as coming from God, and affirming and acknowledging this by the hierarchical authority of the Church. Also fundamental in this canon is the reference to this power, or authority, as it is repeatedly referred to in various documents, as a service. The disposition of how religious superiors are to exercise this power is clearly expressed, beginning in canon 618. First, it is a ministry of service. This is taken directly from *Perfectae caritatis*, n. 14, which states that superiors “should exercise authority [*auctoritas*] in a spirit of service of their sisters or brothers, thus reflecting God’s love for

¹⁰⁰ See CONGREGATION FOR BISHOPS and CONGREGATION FOR RELIGIOUS AND FOR SECULAR INSTITUTES, Directives for Mutual Relations Between Religious and Bishops *Mutuae relationes*, 14 May 1978, in *AAS*, 70 (1978), pp. 473-506, English translation in *FLANNERY2*, pp. 209-243.

¹⁰¹ S. HOLLAND, “Internal Governance in Consecrated Life,” in *CLSAP*, 45 (1983), p. 43.

them.”¹⁰² The relationship of the superior with the members is likened to that of God’s representative toward Children of God, and members are as brothers and sisters.¹⁰³

Not only must this authority be exercised in a “spirit of service,” but the office of superior is indeed an office truly at the service of the institute, its members and mission, the Church, and the people of God. This exercise of authority received from God, is at the service of discernment and communion (*VC*, n. 92)¹⁰⁴, rendered for the good of the institute, its members and its mission, and is to be exercised through the personal authority of the superior. Religious authority “is a ministry of service which has as its object the fostering of unity in our diversity and the promotion of our mission in the life and work of the church,”¹⁰⁵ states Linscott.

Vatican II gave a renewed vision of authority as service (*LG*, n. 21). Cotter maintains, “Service is fundamentally service to God that obliges those in authority to seek the will of God through dialogue.”¹⁰⁶ Out of respect for the person and in acknowledgement of both human dignity and fundamental equality of all people, the principles of listening and dialogue form a necessary part of the exercise of authority. These principles enable those with authority to function more efficiently, enlightening them for the decisions to be made as well as those who will accept the decisions. “In other words,” Cotter continues, “respect

¹⁰² SECOND VATICAN COUNCIL, Decree on the Up-to-Date Renewal of Religious Life *Perfectae caritatis*, 28 October 1965, in *AAS*, 58 (1966), pp. 702-712, English translation in FLANNERY1, pp. 385-401.

¹⁰³ The term *subject*, used only in this canon, is reminiscent of the 1917 Code (see CIC/17, c. 501, §1), and reflects a hierarchical relationship which was affirmed with the image of a parent-child relationship used to define that of superior-subject. It is unfortunate that “subject” is used in this canon, which is clearly inconsistent with the disposition evoked throughout its remainder. Following canons abandon the term *subjects*, to be replaced with *members*.

¹⁰⁴ See JOHN PAUL II, Post-synodal Apostolic Exhortation on Consecrated Life *Vita consecrata*, 25 March 1996, in *AAS*, 88 (1996), pp. 378-486, English translation in *Origins*, 25 (1995-1996), pp. 681-719.

¹⁰⁵ LINSOTT, “Leadership,” p. 184.

¹⁰⁶ COTTER, p. 73.

for the person and the recognition of his/her dignity are characteristics of the exercise of authority as service.”¹⁰⁷

1.2.2 GOVERNANCE

Governance is the concrete process by which authority is exercised to unify and animate the institute so as to attain its goal. Part of any organized society and in the case of religious, governance maintains the inspiration, nature, and purpose of an institute as living realities. Linscott believes it is a matter of “duly chosen individuals inspiring, directing, and administering with authority the affairs of a congregation according to its spirit and sound traditions and according to church law and its own.”¹⁰⁸ Ordinary governance in a religious institute, ideally, is a concrete expression of the charism facilitating the actions toward the attainment of the purpose for which the institute was founded and its mission in the Church. Euart explains, “The concept of a religious institute is more *theological* than it is juridical; it is the underlying theological foundation that most deeply affects the life of its members.”¹⁰⁹

Vatican Council II placed increased emphasis on the unique spiritual inheritance of each religious institute (*PC*, nn. 1-2, 7-10). Holland summarises that “religious institutes are ecclesial (a) by their spiritual origin, (b) by their juridic erection, (c) by their participation in the Church’s mission, and (d) by bonds of charity.”¹¹⁰ Through the process of conferring juridic recognition on an institute, the institute’s role in the mission of the Church is recognized. The constitutions, which include the mind and design of the founder for the

¹⁰⁷ *Ibid.*, p. 74.

¹⁰⁸ M. LINSCHOTT, “Leadership,” p. 169.

¹⁰⁹ S. EUART, “Religious Institutes and the Juridical Relationship of the Members to the Institute,” in *J*, 51 (1991), p. 106; see c. 573.

¹¹⁰ S. HOLLAND, “Religious and Bishops as Custodians of Communion,” in *J*, 62 (2002), p. 314.

nature, purpose, spirit, and character of the institute, will also establish the formal structures of governance that animate the manner in which members of a particular institute will live their lives.

The description of the role of governance is deliberately broad. The Code of Canon Law does not really define it. We do know that authority in the Church is understood as service. The broadest possible view of the role of religious governance, according to Holland, is the “faithful ordering of the institute’s life toward its purpose.”¹¹¹

Morrissey relates, “To promote greater flexibility, the current legislation of the Church allows institutes to establish their own structures, or to restructure themselves, without requiring the prior permission of the Holy See (c. 581).”¹¹² *Perfectae caritatis* affirms: “It is for the good of the Church that institutes have their own proper character and functions. Therefore, the spirit and aims of each founder should be faithfully accepted and retained, as indeed each institute’s sound traditions, for all of these constitute the patrimony of an institute.”¹¹³

The province, a structural unit within a religious institute, is defined in the Code of Canon Law. It is identified as a union of several houses which, under one superior, constitutes an immediate part of the same institute, and is canonically established by lawful authority (c. 621). Since a province is, by law, a juridic person (c. 634), a number of requisites are presupposed, as just mentioned: 1) a union of several houses – usually considered to be at least three established houses; 2) under one superior – (a) a provincial superior who, by law, is a major superior (c. 622), and who is assisted by (b) a council (c. 627) and (c) a

¹¹¹ HOLLAND, “Internal Governance in Consecrated Life,” p. 38.

¹¹² F.G. MORRISSEY, “The Restructuring of Provinces in a Religious Institute,” in *J*, 62 (2002), p. 115.

¹¹³ *PC*, n. 2.

treasurer or finance officer (c. 636); 3) an immediate part of the same institute – either a defined territory, or a specified basis for the province, such as a particular apostolate or one common language (see, by analogy, cc. 372, 518); 4) and canonically established by lawful authority. Since, by its nature as a juridic person, the province is perpetual (c. 120), once it has been established, it is presumed that it will continue indefinitely, therefore the competent authority would want to ensure that the province, before being canonically erected, has sufficient financial means (c. 114 §3) and a level of internal autonomy to carry out its defined purpose (c. 114 §3).¹¹⁴

When the law speaks specifically of governance in a religious institute, it makes reference to several of the canons on ecclesiastical governance in Book I, General Norms, as mentioned previously (see c. 596). Religious governance, in particular, is treated in Chapter II of the law on Religious Institutes. It has three distinct articles that deal with Superiors and Councils (cc. 617-630), Chapters (cc. 631-633), and Temporal Goods and their Administration (cc. 634-640).

Proper law is intended to complete or supplement what is prescribed in the universal law. Euart emphasises, “Its importance can not be overestimated. Nearly half of the canons that apply to religious institutes in the 1983 code make reference to various items which must or may be included in the *ius proprium* of the institute.”¹¹⁵ Canon 587 indicates that the proper law of each institute is to include, but is not limited to, a fundamental code or constitutions, approved by competent ecclesiastical authority, and any other supplementary collections of norms used to govern an institute, established by the competent authority of the institute, in addition to the norms of universal law.

¹¹⁴ See MORRISEY, “The Restructuring of Provinces in a Religious Institute,” pp. 116-117.

¹¹⁵ EUART, “Religious Institutes,” p. 108.

With regard to the superiors and the different levels of this office, canon 622 defines: “The supreme moderator holds power over all provinces, houses, and members of an institute; this power is to be exercised according to proper law. Other superiors possess power within the limits of their function.” Among the primary juridic functions of superiors is the right and obligation to exercise personal authority in governing the institute and its members in accord with Church law and the proper law of the particular institute.

The code requires an immediate superior (c. 608), although only once called a local superior (c. 636 §1), as well as at least one major superior. In institutes divided into provinces or their equivalent, there will be at least two levels of major superiors: the supreme moderator or superior general and the provincial superiors (and their vicars).¹¹⁶ As to the office of governing, superiors must render the service of ordering the life of the community, of organizing its particular mission and seeing to it that it be efficiently inserted into ecclesial activity under the leadership of the bishops.¹¹⁷ The role of governing is once again described as being at the service of the community and its mission in the Church. At the same time, it is necessary to recognize the legitimate role of the superior as described in the universal law as holding an office which, in an indirect yet very real way, shares in the governing power of the Church.

The requirement that each superior have a council (c. 627 §1) serves a two-fold purpose in governance. Holland elaborates, “First, it provides expanded vision and experience which can and often must be brought to bear on decision making. Secondly, it

¹¹⁶ See c. 620.

¹¹⁷ See *MR*, n. 13.

builds on a protection against abuse or autocratic use of authority.”¹¹⁸ Councillors are another example of “officials” of ordinary internal governance in the broader sense.

The final “official” of ordinary internal governance, mentioned in Chapter II under Religious Institutes, is the finance officer. This particular office is carried out under the direction of the superior (c. 636 §1), and being established and mandated by the Code enjoys a certain stability. This is essential since it is a role which calls for a particular form of expertise that is of critical importance. Not only are the areas of financial management important, but the specifically religious dimension of stewardship, the corporate witness to poverty called for by the canons,¹¹⁹ and responsible investment in the face of social issues are serious concerns for the finance officer. In subsequent chapters, the possibility and efficacy of non-members of an institute holding this office of internal governance will be discussed.

1.2.3 LEADERSHIP

Because of negative experiences revolving around the words of power and authority, many religious institutes began to change their language during the period of renewal. The term “superior” is a relational term and implies that those who are not “superior” are, then, in fact, inferior. Preferring to define their offices by role, rather than relation, many institutes incorporated some use of “leader” to name those that hold office – congregation leader, or provincial or local leader, for example.¹²⁰ Those who held these titles were “in leadership.” Other officeholders, such as councillors or vicars, and perhaps even treasurers and

¹¹⁸ HOLLAND, “Internal Governance in Consecrated Life,” p. 44.

¹¹⁹ See cc. 634 §2, 640, 1284, 1286 in particular.

¹²⁰ Evidence of this shift in language is most obvious in the change of name of the U.S. Conference of Major Superiors of Women Religious (CMSW) to Leadership Conference of Women Religious (LCWR) between 1969 and 1970.

secretaries, were part of the “leadership team.” The adjective describing a personal characteristic has since become a noun delineating individuals who hold an office within a religious institute. This is not a canonical term. Because of its frequent use in the context of religious institutes, and its use in the proper law of some institutes, it is necessary to define the term as it is to be used in the context of this thesis.

Linscott offers, “Leadership is a charism, a spiritual reality given freely by God to individuals for some special purpose in a community. ... it is a personal gift in its own right. It is a charism expressed in personal qualities which inspire respect, trust, following, sometimes enthusiasm.”¹²¹ The charism of leadership cannot be legislated; it is not conferred or limited by constitutions. It derives from inner sources, it is a personal characteristic and it is linked much more with who a person is than what she or he does. The quality of leadership is found in many spheres other than governance and it exists quite apart from authority. Linscott continues, “Religious authority neither confers nor presupposed leadership, though leadership qualities are obviously desirable in a sister exercising authority.”¹²²

In the early stages of development of what we now recognize as religious life, in its various forms, when there was not any real form of structure or organization that required formal authority and government, a kind of leadership based on competence, personal qualities, and experience in the ways of the Lord brought into being the informal yet profound relationship of teachers and disciples. “The earliest elements of religious leadership

¹²¹ LINSKOTT, “Leadership,” pp. 167-168.

¹²² Ibid., p. 169

may be here: persons together seeking God's will and ways, with the gifts of the one at the service of the other and both persons helped towards the fullness of a Christian vocation."¹²³

It would be up to the natural leader and perhaps founder of the group to ensure fidelity to the accepted way of life, to lead in the deepening of spiritual values, to give direction, and to ensure the viability and future of the group. The founder would lead in virtue of an authority of competence recognized by the members and by the Church. Once the founder could no longer lead, resigned her/his role for varying purposes, or died, a new "leader" of the group had to be elected or appointed to exercise authority. When loyalty, support, and obedience were given to that person, "there came into being an authority that could be apart from that of competence [natural leadership qualities, such as that of the founder]: an ex officio authority derived from role or status,"¹²⁴ according to Linscott. At this point the combination of the authority of office and quality of leadership were first articulated; the natural qualities of leadership and the duties of office had to be articulated for the service of the common good.

Leadership is implied in statements about the charism, spirit, and vision of the institute, and in the qualities required for sisters exercising authority, as well as the details of responsibilities and job descriptions. "The ideal would seem to be that a sister who exercises religious authority is a leader and that her leadership qualities are evident in her governing."¹²⁵ Leadership is a quality desirable in sisters exercising authority, but not all leaders hold an office and not all who hold office are leaders. The qualities that characterize

¹²³ Ibid., p. 170.

¹²⁴ LINSKOTT, "Leadership," p. 171.

¹²⁵ Ibid., p. 190.

leadership, especially in the context of a religious institute of women in North America, will be discussed in Chapter 4.

1.3 SUMMARY

In the course of this chapter some of the terms and concepts that impact any discussion on the office of major superior have been clarified. In the first part of the chapter there was a brief study of the power of governance, that leads to the following conclusions: a) The power of governance exists in the Church by divine law and the manner of its exercise is regulated by ecclesiastical law; b) The exercise of the power of governance is always in relation to a community; c) An act of the power of governance must be performed by one competent by law, office, or delegation for such an action, and on behalf of a public juridic person [or moral person of the divine law]; d) Specific juridic effects, recognized in law, are brought about when a juridic act is validly performed – making a binding decision or conferring or denying some right or favour; and e) Anyone can exercise executive power of governance who legitimately has this power by law or delegation. The review of the debate has given the context for an understanding of “jurisdiction” and “dominative power” and how the exercise of power by lay religious superiors has evolved.

In the second part of the chapter the use of certain terms, both canonical and non-canonical, as they relate to the office of superior and structures of a religious institute, was explained. “Power” and “authority” can be distinguished in the following manner: authority is the execution of legitimate power; the power of office gives one the authority to act; authority has its source in the power of office, while the power of office is from God, through the ministry of the Church, and directed by the proper law of the institute.

Governance is the concrete structure through which power is obtained and authority is exercised for the purpose of promoting and animating the mission for which the institute was founded and its mission in the Church. Institutes have a “true autonomy of life” especially with regard to the structures of ordinary governance (c. 586). As a result, the Code provides only broad norms, and the manner of their execution should be suited to the nature, purpose, spirit, character and sound traditions of the institute (cc. 578 and 587).

Finally, varying uses of the term “leadership” were considered. For our purposes, we will try to be consistent in using it as an adjective – a personal quality or charism. In subsequent chapters, we will, no doubt, have to reconcile our use of the term with the use of “leadership” as the title of an office (instead of superior, provincial, or superior general), or of the group of office holders within the internal structure of the institute.

Upon the foundation of this chapter, we shall proceed to the relevant ecclesial documents with a common language and understanding of terms.

2. ECCLESIASTICAL LEGISLATION, DECREES, DOCUMENTS, AND INSTRUCTIONS ON THE ROLE OF THE MAJOR SUPERIOR

In this chapter we will look at various Church documents and legislation. Our purpose is not to assess the legislative or binding capacity of the documents,¹ but to glean the elements and characteristics deemed essential regarding the office of major superior. Documents and commentaries prior to the Second Vatican Council tend to limit their discussion of superiors to the tasks for which they are responsible. Our general concern is not so much to enumerate the superior's tasks, but to determine the essentials of the office, both in responsibilities and characteristics. In the case of these earlier documents, we will look at some of the requirements and tasks of the superiors and discern the underlying priorities that are being implicitly stated.

The tasks and duties of superiors are many. Again, it is not our purpose to compile a catalogue of the superior's responsibilities. Some of the points that we will study refer to superiors in general and are not specifically limited to major superiors. Certain responsibilities naturally fall to the local superiors due to their context and place of execution. Some of these elements will be discussed because of their fundamental relevance to good governance and, in the end, the responsibility of oversight or vigilance is proper to the major superior.

¹ Studies on this have been done, for example, in P. SMITH, "Religious Law: Present Reality/Future Possibilities," in *CLSAP*, 65 (2003), pp. 191-212 and M.M. SCHAUMBER, "The Evolution of the Power of the Lay Religious Superior in the Ecclesial Documents of the Twentieth Century," JCD thesis, Rome, Pontifical University of Santa Croce, 2003.

2.1 CONDITÆ A CHRISTO²

The apostolic constitution *Conditæ a Christo*, issued by Leo XIII at the end of the year 1900, was, as Jarrell suggests, “the long-sought formal, legal recognition of the non-cloistered, apostolic lifestyle for women religious. It represented a new era in the pattern of what the Church was requiring in order for a person to be juridically known as a women religious in the Church.”³ *Conditæ a Christo* established the theory and general principles governing institutes of simple vows. The document said very little about the organization and distribution of authority in such congregations. Rather, the primary purpose for the constitution was to clarify the limits of the bishops’ jurisdiction over these congregations, making the distinction between diocesan and pontifical congregations, and to give a general guideline of the authority to be entrusted to each kind of institute.

The constitution did not offer a complete set of rules for congregations of simple vows, but it established their rights in matters of government. Bowe indicates, “It supplied a foundation in law for what previously existed without express legal authorization.”⁴ In the document, the pope established that both the bishops and superiors “should know and respect in their integrity the rights of others”⁵ and that the document was designed for that end. Mutual recognition of each other’s rights is essential for effective governing, unity, and an harmonious ecclesial relationship.

² See LEO XIII, Apostolic Constitution, *Conditæ a Christo*, 8 December 1900, in *ASS*, 33 (1901), pp. 341-347, English translation in I. LANSLOTS, *Handbook of Canon Law for Women Under Simple Vows*, 9th ed. rev. and enl., New York, F. Pustet, 1920, Appendix A, pp. 246-258. (= *Conditæ*)

³ L.M. JARRELL, “The Development of Legal Structures for Women Religious between 1500 and 1900: A Study of Selected Institutes of Religious Women,” *Canon Law Studies*, no. 513, Washington, DC, The Catholic University of America, 1985, pp. 280-281. Although Jarrell focuses on institutes of women religious, *Conditæ* is concerned with both religious men and women of simple vows.

⁴ T.J. BOWE, “Religious Superiores, A Historical Synopsis and a Commentary,” *Canon Law Studies* n. 228, Washington, DC, The Catholic University of America, 1946, p. 40.

⁵ See *Conditæ*, Intro., §2: Concordem atque unanimem Praesidium Congregationum atque Episcoporum auctoritatem esse oportet; at ideo necesse est alteros alterorum iura pernoscere atque integra custodire.

This key point is made clear toward the end of the second paragraph of *Conditæ*. It stated:

On the one hand it is wrong for the superiors of these congregations to encroach on the jurisdiction of the bishops; and on the other, it is forbidden for the bishops to arrogate to themselves the domestic authority belonging to the superiors. For otherwise there would be as many superiors for the congregations as there were bishops in whose dioceses they worked and all unity of government and administration would be destroyed. Harmony and agreement between bishops and superiors is to be sought. For this it is necessary that they know each other's rights and respect them.⁶

The demarcation of the lines of competence was fairly clear. Those things that pertained to the internal governance of the institute, aspects which related to a person's membership in the institute, were within the competence of the superior. Those things that pertained to matters which affected one as a member of the Church rather than as a religious, were within the competence of the bishop. Temporal administration followed the same norm. Reports had to be made to the bishop only when the funds had been given for the enhancement of divine worship or for the promotion of public charitable works. During his visitation of an institute, the bishop could inquire into the discipline, sound doctrine, and the frequency of the reception of the sacraments in the institute or house of the institute.⁷

The constitution *Conditæ a Christo* together with the *Normæ*⁸ of 1901, according to Callahan, "brought the congregations of simple vows to full stature in the law."⁹ The *Normæ* followed *Conditæ* and, Jarrell asserts, "left no doubt that the Apostolic See had officially

⁶ Translation from: F.J. CALLAHAN, "The Centralisation of Government in Pontifical Institutes of Women with Simple Vows from Their Beginnings till the Legislation of Leo XIII," JCD thesis, Rome, Pontificia Universitas Gregoriana, 1948, p. 69.

⁷ See BOWE, pp. 40-41.

⁸ See SACRED CONGREGATION OF BISHOPS AND REGULARS, *Normæ secundum quas S. Congregatio Episcoporum et Regularium procedere solet in approbandis novis Institutis votorus simplicium*, 28 June 1901, in T. SCHAEFER, *De religiosis ad normam codicis iuris canonici*, 4th ed. aucta et emendata, Vatican City, Typis polyglottis Vaticanis, 1947, pp. 1102-1135. (= *Normæ*)

⁹ CALLAHAN, p. 70.

accepted and recognized institutes of simple vows.”¹⁰ Jarrell summarizes that in the *Normæ*, the Sacred Congregation of Bishops and Regulars dealt openly with the vows, the cloistered lifestyle, and the approbation process, “the very issues that had been the source of centuries of conflict between the papacy and those making new foundations. At last the papal perspective had expanded to see the model of simple vows and non-cloistered lifestyle as acceptable and of equal status to the monastic model for women religious.”¹¹

Through the *Normæ*, the Holy See sought to instruct bishops on the nature of the vows, the form of government, and other elements of religious lifestyle that would be essential in any new foundation. Offering a concise set of non-binding common norms, the Holy See presented a framework for religious groups and bishops who were to approve new congregations. Neither prescribing uniformity in its statements nor proposing anything that had not existed before, the Sacred Congregation of Bishops and Regulars merely showed what was recommended. Jarrell suggests that, through the *Normæ*, they encouraged “these new religious groups to use a centralized governmental model and to make use of those structures that had worked with previous religious groups.”¹²

Three types of superiors were proposed by the Holy See in the general plan of government: a superior general, provincials, and local superiors. Bowe maintains, “The three types of Superiors reflected the customary and accepted form of government for congregations of women religious.”¹³

Neither *Conditæ a Christo* nor the *Normæ* gave any guidance as to the characteristics of the various superiors, but merely the tasks that they were obliged to perform. These tasks do

¹⁰ JARRELL, p. 287.

¹¹ Ibid., p. 288.

¹² Ibid.

¹³ BOWE, p. 42.

inform us of those things essential to the office of superior and the priorities of the structures of governance for a religious institute, or an institute with the aim of Christian perfection.

According to the *Norma*, the supreme authority of government and administration of the congregation was vested in the general chapter and the superior general. The ordinary exercise of this authority was to be in the hands of the superior general together with her council; its extraordinary exercise was entrusted to the general chapter.¹⁴ Callahan indicates, “This is the all important first principle asserting that the authority to govern the institute belongs to the officials of the congregation and not to the bishops.”¹⁵

The superior general, lawfully elected, governs and rules the congregation according to its constitutions.¹⁶ Although the superior general receives her office through the election of the general chapter, her authority is derived from the lawfully approved constitutions of her institute. “These constitutions are at once the source and the limit of the powers vested in her,” asserts Callahan.¹⁷ Her object would be the observance of the constitutions, the command of the superior is limited to what is explicitly or implicitly conformable to them. Lanslots advises, “The Superior can command anything that is useful, reasonable, and conformable to the purpose of religious life or to the congregation.”¹⁸

¹⁴ See *Norma*, n. 203. All referenced norms can be found in Latin in Appendix A.

¹⁵ CALLAHAN, pp. 71-72.

¹⁶ See *Norma*, n. 252.

¹⁷ CALLAHAN, p. 80.

¹⁸ I. LANSLOTS, *Handbook of Canon Law for Congregations of Women Under Simple Vows*, 9th ed. rev. and enl., New York, F. Pustet, 1920, p. 171, n. 316.

The constitutions should determine what the superior general can do by herself, and for which cases she needs the consent of her council.¹⁹ Lanslots maintains, “The Superior General is not supposed to govern each individual in particular, directly and without the intermediary of the local Superiors, although she has the right to command and to correct each one in particular. The local Superiors govern the individuals, while the General Superiors govern the congregation.”²⁰ The power of the superior general does legitimately extend over the entire institute and each individual house in accord with the constitutions of each institute.²¹

With regards to the internal life of the institute, a primary function of the superior general is to make appointments within the congregation and transfer members from one place to another. “The Superiors have this right independently of the Bishop, even in congregations not yet approved by Rome,” confirms Lanslots.²² This right is most proper to dominative power and completely removed from the jurisdiction of the bishop. Likewise, the superior general holds the authority to designate the local superiors, provincials, and the major provincial officials according to the constitutions of the institute. The underlying motivation for these rights is the centralization of governance and overall unity of the institute.

A second essential task of the superior general is that of the visitation to all the houses of the institute, which should be done either personally or, when genuinely necessary,

¹⁹ See *Normæ*, nn. 271, 273, 274, and 279.

²⁰ LANSLOTS, p. 196, n. 363.

²¹ See SCHAUMBER, p. 45.

²² LANSLOTS, p. 197, n. 365. See *Normæ*, n. 254.

through a delegate, at least every three years.²³ “The purpose of the visitation,” Callahan affirms, “is to maintain discipline and the observance of the constitutions and rules of the institute as well as to promote good government and safeguard the administration of temporal affairs.”²⁴

The third essential task of the superior general is oversight of the administration of the temporal goods, without directly interfering with the duties of the general treasurer or of the local superiors.²⁵ Lanslots gives an interesting contextual relevance of this norm in his 1910 commentary²⁶ and the principle of subsidiarity is emphasized.

The reason of this is plain: it is the duty of the Superior General to govern the congregation in its entirety, but not to take upon herself the duties of her subordinates. Frequent interference on her part would hinder the official in the discharge of her duties, deprive her of the confidence of her subordinates, bring about undue centralization of power, which would be a source of dissatisfaction, criticism, and weakening of the spirit of obedience and submission. It is easy enough for the Superior General to form a correct idea of the temporal administration and the progress of particular houses, either by the canonical visitation, or from the regular reports of the Treasurer General and of local Superiors.²⁷

Neither *Conditæ a Christo* nor the *Normæ* explicitly articulated the disposition of the superior or the characteristics proper to the office but left these particulars to the constitutions of each institute. Basically, however, the suggested model of governance and its centralization did lead to descriptions of the superior general and other superiors based on the tasks proper to the office. Callahan states, “The superior general was to keep constant and careful watch over the members of the society and to see that the local Superiors fulfilled their duties with fidelity. She was to be like the soul animating the body of the

²³ See *Normæ*, n. 255.

²⁴ CALLAHAN, pp. 80-81.

²⁵ See *Normæ*, n. 263; see also *Conditæ*, Chapter 2, n. 9.

²⁶ The date of the 4th (enlarged) edition of his *Handbook of Canon Law for Women Under Simple Vows*.

²⁷ LANSLOTS, pp. 199-200, n. 368.

institute. And her good example and salutary counsel were to be a spur to the practice of virtue, the observance of the rule, and the fulfillment of duty.”²⁸ Schaefer offers,

Generally speaking, all religious Superiors have the grave obligation to strive for the attainment of the purpose of the religious state, namely, Christian perfection and the special ends of the institute. They must take care that the vows, Rules, and Constitutions are faithfully observed by all. They must invoke the help of God, and they are to lead by example and then by words if it is necessary. Also, using more severe means with prudence and charity, but always with courage and constancy, they are to urge the knowledge and execution of those things which have been prescribed by the common law of the orders or the particular constitutions of their order. They must be good shepherds who, like the Divine Shepherd, are also prepared to give their life for the sheep entrusted to them.²⁹

According to the *Norma*, the local superior had true authority for those over whom she was placed in charge and as defined by the constitutions; she was not merely a representative or vicar of the superior general or other higher superiors. On the strength of this authority she could, in particular cases, dispense from one or another article of the constitutions.³⁰ The governance model provided that each religious community was to have a local superior. Barnhiser states the importance of the office: “The purpose of having one person in charge of the group was to assure that the younger nuns would receive uniform direction. ... She was considered a representative of God and was responsible to Him for the spiritual and temporal welfare of her community.”³¹ Bowe summarizes the impact of these early norms and dispositions of the Holy See upon the office of the superior at the various

²⁸ CALLAHAN, p. 18.

²⁹ “In genere dicendum est omnes Superiores graviter obligatos esse procurare, ut finis generalis Religionis idest perfectio christiana et finis specialis impleatur. Debent igitur curare, ut vota, Regulae, Constitutiones fideliter ab omnibus observentur. Implorant Dei auxilium atque exemplo praecedant, deinde verbis et si opus fuerit, etiam severioribus mediis cum prudentia et caritate, verum etiam cum fortitudine et constantia urgeant cognitionem et executionem eorum, quae iure communi Religiosorum aut particularibus Constitutionibus suae Religionis ordinata sunt. Boni pastores debent esse, qui ad instar Divini Pastoris parati sint etiam vitam dare pro ovibus sibi commissis,” T. SCHAEFER, *De religiosis ad normam codicis iuris canonici*, 4th ed. aucta et emendata, Vatican City, Typis polyglottis Vaticanis, 1947, p. 265.

³⁰ See *Norma*, nn. 312-316; see also n. 266.

³¹ J.A. BARNHISER, “A Study of the Authority Structures of Three Nineteenth Century Apostolic Communities of Religious Women in the United States,” *Canon Law Studies*, n. 487, Washington, DC, The Catholic University of America, 1975, p. 59.

levels. “With the *Norma* of 1901 one sees the office of superior in communities of women religious reach the fullness of its development.”³²

2.2 1917 CODE OF CANON LAW

Like the earlier documents, the 1917 Code of Canon Law does not give a description of the characteristics of a religious superior,³³ but it does give a much more detailed list of tasks and the manner of their execution than any single previous legislation. In this section, we shall focus on the obligations of the superiors according to the common law of the Church as articulated in the 1917 Code. It is understood that, in particular cases, the proper law of an institute may have required more of superiors, both in qualities and in duties.

The 1917 Code required certain measurable external qualities of a member of an institute to be eligible to hold the office of superior according to the varying levels of the office. For a member of an institute to be appointed or elected as a major superior she was to (1) have at least *ten* years of religious profession in the same institute; (2) be of *legitimate* birth (canonical legitimation would suffice³⁴); (3) and have *forty* years of age for the superior general, or the superior of a monastery of nuns; *thirty* years for other major superiors. The Code had no special provision regarding the qualities required for local superiors.³⁵

³² BOWE, p. 42.

³³ In the 1917 Latin Code, the only “official” that has character requirements other than for age or years of profession is the Novice Master who is to be “conspicuous for prudence, charity, piety, and religious observance” (c. 559 §1).

³⁴ See *CIC/17* cc. 1116: By the subsequent marriage of the parents, whether true or putative whether newly contracted or convalidated, even if it is not consummated, children are legitimated, provided the parents were capable of contracting marriage between themselves at the time of conception, or impregnation. 1117: Children legitimated by a subsequent marriage, in what pertains to canonical effects, are in all respects equal to legitimate children, unless expressly stated otherwise.

³⁵ See *CIC/17* c. 504: With due regard for the constitutions of religious[institutes] that require more advanced age or other qualities, they are incapable of the office of major Superior who have not been professed in that same institute for at least ten years calculated from first profession, or who were not born from a legitimate

Obligations of Superiors³⁶

*Canon 508: Obligation of residence.*³⁷ All superiors must habitually reside in the house which is assigned to them, and must not absent themselves except according to the norm of the constitutions. All superiors are obliged by this law of residence, relative to their office. As such, the obligation seems to bind local superiors most directly, since provincial and general superiors have more frequent cause for legitimate absences on account of their obligation to conduct visitations of the members and houses under their care (which will be discussed below). The requirement of residence may appear to be a subtle continuation of the perceived preference for the model of enclosure for nuns, but the value of the fixed residence for superiors of religious with simple vows goes much further. The centrality of the system of governance of religious institutes is to promote the unity of the institute. This unity can best be maintained when members have central points of reference, first, the mission of the institute and the constitutions, and second, access to superiors.

Imperative to the office of superiors, according to Papi, is the obligation to “promote the spiritual and temporal welfare of the religious entrusted to their care, in accordance with their constitutions.”³⁸ This requires mutual access – superiors must know the members and their needs and members must have confidence that their superiors understand the context in which they live and work. Communication must be ongoing, not

marriage, or who have not completed forty years of age if it concerns the supreme Moderator of a religious [institute] of women or Superioress in a monastery of nuns; or [who are not yet] thirty years [of age] for other major Superiors. See also T. BOUSCAREN, et al., *Canon Law: A Text and Commentary*, 4th rev. ed., Milwaukee, Bruce Publishing Co., 1966, p. 243.

³⁶ This is not an exhaustive list of the obligations of superiors articulated in *CIC/17*. The elements addressed here are those which have broad implications for the overall mission of the institute.

³⁷ *CIC/17* c. 508: Superiors shall stay in their own house and shall not leave it except according to the norm of the constitutions.

³⁸ H. PAPI, *Religious in Church Law: An Exposition of Canon Law Concerning Religious*, New York, P.J. Kenedy & Sons, 1924, p. 326.

merely reserved to official acts of administration. This is facilitated through the obligation of residence of the superiors, especially the local superior. When a member is in need of spiritual or temporal support, she will know how and where to find her superior. The local superior is to be a model of fidelity to the constitutions; this example can be rendered only in the day-to-day life of the local community. The obligation of residence of superiors is for the mutual benefit of the members and the effective exercise of governance by superiors in promoting the ends of the institute.

Canon 509: §1, Making known decrees of the Holy See. Superiors must make known to their subjects all decrees of the Holy See that concern religious and promote their observance; §2, 1°, *The constitutions proper to each institute* must be read at least once a year in public on fixed days; §2, 2°, *Catechetical instruction* should be given twice a month to the lay members as well as to the domestic servants. In addition, especially in lay institutes, a *pious exhortation* should be given twice a month to all the [religious] members of the household.³⁹

The obligations of c. 509 fall primarily to the local superior. It is for the superior general to make known to the local superiors the decrees of the Holy See that are to be read and executed. The local superior then has the obligation to read publicly and to implement any decrees which the Holy See will prescribe. Bowe explains, “This is not a promulgation of the decrees, but rather an imparting of the knowledge of what they contain, in order that they may be known and obeyed.”⁴⁰

³⁹ *CIC/17* c. 509 §1, Every Superior must promote notice and execution of the decrees of the Holy See that concern religious among their subjects. §2, Let local Superiors take care: 1° That at least once a year on stated days their own constitutions are publicly read, and likewise the decrees that the Holy See prescribes be publicly read; 2° That at least twice a month, with due regard for the prescription of c. 565, §2, instruction on Christian catechesis be offered for lay brothers and familiars accommodated to the condition of the listeners and, especially in lay religious [institutes, that there be offered] a pious exhortation to the whole group.

⁴⁰ BOWE, p. 114.

The local superior must also see that the constitutions of the institute are read publicly at least once a year on fixed days, usually established in the constitutions. “This may be done in the refectory or in some other place at a time when the community is gathered together,” according to Bowe.⁴¹

Besides bringing a knowledge of the constitutions and of the decrees of the Holy See to their subjects, local superiors have an obligation to provide for catechetical instruction at least twice a month both to the lay members (in contrast to choir sisters or clerics in a clerical institute) and to the domestic servants living in the house. Over and above this, pious exhortations are to be given to all the religious members of the community, again, at least twice a month. Bowe advises, “The instruction and the exhortations should not merely consist of spiritual reading, unless circumstances make this to be the only feasible arrangement.”⁴²

The Code does not state who is to give these instructions and exhortations. Since it is the direct obligation of the superior, she may certainly do so, “especially by holding the so-called chapters or spiritual assemblies of the community,” suggest Fanfani and O’Rourke.⁴³ She may also arrange for a duly authorized priest or qualified religious to provide the catechetical instruction and/or pious exhortations, at least on occasion. The priority is that the spiritual and catechetical formation of the members be continued and maintained on a regular basis. Along this same line, provincial superiors and superiors general are encouraged to write circular letters to their subjects which could be a source of pious exhortation, spiritual formation, and a means of congregational unity.

⁴¹ Ibid.

⁴² Ibid., p. 116.

⁴³ L.G. FANFANI and K.D. O’ROURKE, *Canon Law for Religious Women*, Dubuque, IA, The Prioress Press, 1961, p. 65.

*Canon 510: Report to the Holy See.*⁴⁴ Every five years, or more often if the constitutions so prescribe, the abbot primate, the superior of every monastic congregation, and the superior general of every pontifical institute must send to the Holy See a written report on the state of the institute, signed by themselves and by the members of their council, and in the case of a congregation of women, by the Ordinary of the place where the superior general resides with her council.

The person always responsible for these reports is the supreme moderator of the institute or society.⁴⁵ The report must be in writing, and according to the law, must be submitted every five years. Bove indicates, “This five year interval is the maximum time interval allowed.”⁴⁶ The form of the report is determined by a list of questions as published by the Sacred Congregation of Religious.⁴⁷ For the first submission of a report from an institute, it should also describe the history of the institute and of its approbation by the Holy See, the internal government of the institute, the nature of the vows pronounced, and

⁴⁴ *CIC/17* c. 510: Abbots Primate, the Superiors of monastic Congregations, and the supreme Moderators of each religious [institute] of pontifical right must send by document to the Holy See a report on the status of the religious [institute] every five years, or more often if the constitutions so direct, signed by themselves with their Council and, if it concerns a Congregation of women, [signed] also by the Ordinary of the place in which the supreme Superioress with her Council resides..

⁴⁵ See also *CIC/17* c. 502: The supreme Moderator of a religious [institute] obtains power over all provinces, houses, [and] members of the religious [institute], exercising this according to the constitutions; other Superiors enjoy it within the limits of their responsibility.

⁴⁶ BOWE, p. 112.

⁴⁷ See SACRED CONGREGATION OF RELIGIOUS, Instruction, 25 March 1922, in *AAS*, 15 (1923), pp. 459-466, and *CLD*, 1, pp. 284-293, contains a list of 105 questions in the following categories: Preamble; I. Concerning the Persons; II. Concerning the Material Things; III. Concerning the Discipline; and *ibid.*, Private, 9 December 1948, in English in *CLD*, 3, pp. 162-201, which amends the previous document and poses 342 questions with the following breakdown – Preamble (2 Q’s); I. Concerning the Institute and Its Government (136 Q’s); II. Concerning the Religious and the Religious Life and Discipline (136 Q’s); III. Concerning the Works and Ministries of the Institute (54 Q’s); Summary (14 Q’s).

any changes in administration or in the constitutions that have taken place since the institute's foundation as well as any relaxations in the observance of the rule.⁴⁸

The overall purpose of the quinquennial report is to provide accurate information to the Holy See as an instrument of supervision and ecclesial unity and through this to enable the Holy See to supervise religious through guidance, instructions and directives.⁴⁹ In so doing, the Holy See may be able to “promote what is good, and correct what is wrong.”⁵⁰ The questionnaires formulated by the Sacred Congregation of Religious can readily be interpreted as expressions of the *praxis* of the Congregation and manifestations of the mind of the Holy See in regard to the government, the administration and the principal obligations of religious.⁵¹ The priorities of the religious life become evident through the questions that are asked for in the quinquennial report, which ultimately provide particular guidance for all levels of religious superiors.

At the same time, the information gathered by the report furnishes superiors with a means to exercise vigilance and supervision over their institutes. The questionnaire can also renew superiors in the basic principles which should guide the governance of an institute. Given the process of collecting the data for these reports, the preparation itself can serve as a valuable tool of self-evaluation for the local, provincial and general administrations. Brady

⁴⁸ See BOWE, p. 113 and M.L. BRADY, “The Quinquennial Report of Religious Institutes to the Holy See,” *Canon Law Studies*, n. 422, Washington, DC, The Catholic University of America, 1963, p. 37.

⁴⁹ See BRADY, p. 51; see SACRED CONGREGATION OF BISHOPS AND REGULARS, decree *In approbandis*, 16 July 1906, in *Fontes*, 4, n. 2052.

⁵⁰ PIUS XII, allocution, 9 December 1957, in *AAS*, 50 (1958), p. 42 as quoted in BRADY, p. 45.

⁵¹ See BRADY, p. 57.

summarizes that the preparations for the report can “effectively serve to foster zeal for a more perfect religious life among the members of the institute.”⁵²

*Canon 511: Canonical visitation.*⁵³ In religious institutes, the major superiors designated for this task by the constitutions shall visit, either in person, or by others if they themselves are legitimately impeded from doing so, all the houses subject to their jurisdiction, at the times defined by the constitutions.

In religious institutes, one of the principal obligations of major superiors is that they conduct a visitation of the members and houses subject to their jurisdiction. The particular aspects of the execution of this universal law are to be clarified in the proper law of the institute regarding which major superiors carry out the obligation and the times when the visitations are to be made. Bove counsels that “[t]he obligation to make the canonical visitation is a grave one.”⁵⁴ Because of this, the law admits that when superiors are legitimately impeded, they may delegate others⁵⁵ to perform the visitations.

The visitation would address both structural and personal matters. The structural matters would include an inspection of the buildings, an assessment of their repair and arrangement, and a correspondence to the work and needs of the members as well as to the witness of religious poverty. The personal matters would be in the area of religious discipline and financial management. Under general religious discipline of the house, a visitor would seek information on the observance of the vows, of the rules, and of the constitutions, the

⁵² Ibid., p. 78.

⁵³ *CIC/17* c. 511: The major Superiors of a religious [institute] whom the constitutions designate for this task shall visit personally or through others, if they are legitimately impeded, at times designated in the [constitutions], each house subject to them.

⁵⁴ BOWE, p. 108.

⁵⁵ Although not explicitly stated in the canon, delegating the task of visitation to “others” would necessarily indicate “other members of the institute,” given the meaning, purpose, and gravity of the obligation.

relations of the superiors with their subjects, the performance of their duties by the officials, the respect shown by superiors for the laws on the manifestation of conscience and the reading of the prescribed decrees, the carrying out of the spiritual exercises, the observance of the various fasts and abstinences, and the cultivation of fraternal charity.⁵⁶ For the assessment of the financial management, the visitor would need to examine the financial reports and accounting books for the accurate administration of the temporal goods of the local community. Finally, the visitor would, of course, want to be assured that the food, clothing, and shelter⁵⁷ of the members adequately provide for their needs and that too much work is not imposed on members to the detriment of their interior spiritual life.

Again, the underlying motivation and benefit of the obligation of the superior for the visitation is the preservation of the unity of the institute and promotion of the ends for which it was founded. The visitation can enable the superior to have a direct and accurate knowledge of her members, the religious discipline observed, and the financial condition of each house and, therefore, of the province or institute as a whole. Familiarity with the situation of each community enables her to correct errors or abuses and to promote the welfare of the community. According to Fanfani, the visitation is seen as a means to “reprove subjects who are not faithful to discipline and regular observance, punish the culpable in order that they may mend their ways, encourage and reward their good subjects

⁵⁶ See BOWE, p. 110.

⁵⁷ See *CIC/17* c. 594: §1, In the common life of each religious[institute] there shall be accurately observed by all those things that pertain to food, dress, and furnishings. §2, Whatever is acquired by a religious, even by a Superior according to the norm of cc. 580, §2, and 582, n. 1, is mixed with the goods of the house, province, or religious [institute], and every sort of money under *title* is to be deposited in the common safe. §3, The furniture of religious must be consistent with the poverty they have professed.

according to their merits, and suggest or even command means which are best suited to maintaining and developing the religious life and regular discipline ever more perfectly.”⁵⁸

In virtue of her office, the superior general is to command and direct the members of her institute in the fulfillment of the constitutions and rule.⁵⁹ All religious, superiors and members alike, are bound to observe faithfully and completely the vows which they have professed, but also to order their lives according to the rules and constitutions of their own religious institute, and strive for perfection in their state.⁶⁰ Religious who observe their vows and Rule faithfully, fulfill this obligation of striving for perfection. Bouscaren comments, “In this canon the Code does not impose a *new* obligation upon religious regarding the observance of the vows of religion and of the rules and constitutions, but it simply recalls to mind the obligations already accepted in their religious profession.”⁶¹

2.3 *PERFECTAE CARITATIS*⁶²

A product of the Second Vatican Council, the Decree on the Up-to-Date Renewal of Religious Life *Perfectae caritatis*, was promulgated by Pope Paul VI in 1965. Because *Perfectae caritatis* was issued almost one year after *Lumen gentium*,⁶³ which included a chapter dealing

⁵⁸ FANFANI, p. 70.

⁵⁹ See BARNHISER, pp. 63-64.

⁶⁰ See *CIC/17* c. 593: Each and every religious Superior as well as subjects must not only preserve the vows that they pronounced faithfully and completely, but also arrange their life according to the rules and constitutions of their own religious[institute] and strive for perfection in their state.

⁶¹ BOUSCAREN, p. 294.

⁶² See SECOND VATICAN COUNCIL, Decree on the Up-to-Date Renewal of Religious Life *Perfectae caritatis*, 28 October 1965, in *AAS*, 58 (1966), pp. 702-712, English translation in FLANNERY1, pp. 385-401.

⁶³ SECOND VATICAN COUNCIL, Dogmatic Constitution on the Church *Lumen gentium*, 21 November 1964, in *AAS*, 57 (1965), pp. 5-75, English translation in FLANNERY1, pp. 1-95.

with the theological questions relevant to religious life⁶⁴, *Perfectae caritatis* had the principal task to deal with juridical questions, according to the Congregation for Religious. This was evident in the early drafts of the document. Yet the Council Fathers preferred that it remain a theological document as well as juridical. The Council, once again, “stressed the unity of spirit (life) and law. It gave precedence to the living spirit, to lively spirituality and theology, before law; not law, but life, comes first; law follows life and has to protect and assure it.”⁶⁵

The decree is relatively short with only 25 numbers and follows a straight-forward progression through elements of consecrated life. The first article states the general purpose of the decree; it also notes that supplementary norms⁶⁶ will follow *Perfectae caritatis* to aid its implementation.

In order that the great value of a life consecrated by the profession of the counsels and its necessary mission today may yield greater good to the Church, the sacred synod lays down the following prescriptions. They are meant to state only the general principles of the adaptation and renewal of the life and discipline of Religious orders and also, without prejudice to their special characteristics, of societies of common life without vows and secular institutes. Particular norms for the proper explanation and application of these principles are to be determined after the council by the authority in question.⁶⁷

In the second article of the decree, the adaptation and renewal of religious life are defined as a constant return to the sources of Christian life along with the original spirit of the institute, while adapting to the changing conditions of the times. The principles under which the renewal must advance are then detailed: a) the “ultimate norm” is the following of Christ set forth in the Gospels and therefore must be the guiding principle for all institutes; b) honour and preserve the unique patrimony of each institute – particular characteristics,

⁶⁴ See *LG*, Chapter 6, nn. 43-47.

⁶⁵ WULF, F., “Decree on the Appropriate Renewal of the Religious Life,” translated by R. WALLS, in H. VORGRIMMLER (gen. ed.), *Commentary on the Documents of Vatican II*, vol. 2, Freiburg, Herder and Herder, 1967-1969, p. 334; see also *ibid.*, p. 333.

⁶⁶ These norms will be given in *Ecclesiae Sanctae* which will be addressed in the next section.

⁶⁷ *PC*, n. 1.

work, founders' spirit, special aims, and sound traditions; c) share in the life of the Church and its undertakings; d) promote among the members of each institute an adequate knowledge of the social conditions of the times they live in and of the needs of the Church; e) help members of institutes maintain the priority of following Christ and being united to God through the profession of the evangelical counsels over that of ministry.⁶⁸ First and foremost, this is to be a spiritual renewal, all else must be built on that spiritual foundation.

Critical to the articulation of this renewal, the third article lists concretely what must be renewed and adapted, following what the Congregation for Religious, for more than a century, has held as essential:

The manner of living, praying and working should be suitably adapted everywhere, but especially in mission territories, to the modern physical and psychological circumstances of the members and also, as required by the nature of each institute, to the necessities of the apostolate, the demands of culture, and social and economic circumstances.

According to the same criteria let the manner of governing the institutes also be examined.

Therefore let constitutions, directories, custom books, books of prayers and ceremonies and such like be suitably re-edited and, obsolete laws being suppressed, be adapted to the decrees of this sacred synod.⁶⁹

Effective renewal and adaptation requires the cooperation of all members of an institute of consecrated life, according to *PC*, n. 4. Superiors, therefore, must “take counsel in an appropriate way and hear the members of the order in those things which concern the future well being of the whole institute.”⁷⁰ Consultation, the fundamental equality of members of institutes, and the trends of society towards individualism need to be in balance with the exercise of authority and obedience. Genuine renewal can only occur through

⁶⁸ See *PC*, n. 2.

⁶⁹ *PC*, n. 3.

⁷⁰ *PC*, n. 4.

cooperation and collaboration in the Spirit. Gambari notes, “In no other organization in the Church is the character of co-responsibility and collegiality better expressed than in religious institutes,”⁷¹ and most especially in the form of the general chapter. The embodiment of the renewal would need to be translated into legislation through the vehicle of the general chapter. A multiplicity of rules or norms, historically characteristic of religious life, would hinder the desired renewal and is therefore discouraged by the last sentence of the article.⁷²

Before going on to describe the different types of consecrated life in nn. 7-11, *Perfectae caritatis*, in nn. 5-6, gives a few elements common to all types of institutes which were of concern to the decree. Article 5 discusses the divine call which inspires a vocation to profess the evangelical counsels and dedicate one’s life to the service of God and the Church. After dealing with the spiritual and theological basis of life according to the counsels, article 6 develops these elements more concretely. The vows, firstly, are directed toward God, which must result in the love of God above all else. Love of neighbour, desire for the salvation of the world, and building up of the kingdom of God all flow from this love of God. Therefore, according to *PC*, n. 6, the spirit and practise of prayer must be nourished and cultivated, especially through the Scriptures, the various liturgies, and particularly the Mass.

The different forms of consecrated life are given encouragement and exhortation, beginning with those communities which are entirely dedicated to contemplation (*PC*, n. 7), followed by apostolic communities (*PC*, n. 8). Monastic life, which does not entirely fall into either of the preceding categories, receives special consideration because of its unique

⁷¹ E. GAMBARI, *Religious Life According to Vatican II and the New Code of Canon Law*, English translation by THE DAUGHTERS OF ST. PAUL, Boston, MA, The Daughters of St. Paul, 1986, note 12, p. 493.

⁷² See WULF, p. 343; see also *PC*, n. 4: “Nevertheless everyone should keep in mind that the hope of renewal lies more in the faithful observance of the rules and constitutions than in multiplying laws.”

character (*PC*, n. 9). Religious life, defined as those who undertake the evangelical counsels as lay men or women, includes lay orders and societies which do also fall under *PC*, n. 8. Yet the Council Fathers wanted to confirm “these religious in their vocation and urges them to adjust their way of life to modern needs.”⁷³ Wulf notes that there was some controversy over the second paragraph of *PC*, n. 10: “The teaching brothers and their advocates did not seem to agree with the last passage ... which says that ‘there is no objection to religious congregations of brothers admitting some members to holy orders, to supply needed priestly ministrations for their own houses, ...’”⁷⁴ Finally, article 11 recognizes secular institutes among those consecrated to God through the evangelical counsels, yet who live in the world.

The next three articles refer directly to the evangelical counsels of chastity, poverty, and obedience (*PC*, nn. 12-14). Within the context of the vow of obedience, the relationship of members and those in authority is developed, as well as the fundamental role of the superior. Because of its relevance to the topic at hand, the role of the major superior, an extended quote of the decree is merited.

Religious, therefore, in the spirit of faith and love for the divine will should humbly obey their superiors according to their rules and constitutions. Realizing that they are contributing to building up the body of Christ according to God's plan, they should use both the forces of their intellect and will and the gifts of nature and grace to execute the commands and fulfill the duties entrusted to them. In this way religious obedience, far from lessening the dignity of the human person, by extending the freedom of the sons of God, leads it to maturity.

Superiors, as those who are to give an account of the souls entrusted to them (Heb. 13:17), should fulfill their office in a way responsive to God's will. They should exercise their authority out of a spirit of service to the brethren, expressing in this way the love with which God loves their subjects. They should govern these as sons of God, respecting their human dignity. In this way they make it easier for them to subordinate their wills. They should be particularly careful to respect their subjects' liberty in the matters of sacramental confession and the direction of conscience. Subjects should be brought to the point where they will cooperate with an active and responsible obedience in undertaking new tasks and in carrying those already

⁷³ *PC*, n. 10.

⁷⁴ WULF, p. 328. Wulf gives the statistics of the votes on all of the articles of the decree. Article 10 received 57 “No” votes, the most of any article of the decree, because of this opposition.

undertaken. And so superiors should gladly listen to their subjects and foster harmony among them for the good of the community and the Church, provided that thereby their own authority to decide and command what has to be done is not harmed.

Chapters and deliberative bodies should faithfully discharge the part in ruling entrusted to them and each should in its own way express that concern for the good of the entire community which all its members share.⁷⁵

Superiors are to recall that the exercise of their office is to be in the spirit of service and responsive to God's call. In so doing, they are to make it easier for members to submit their wills because their human dignity is respected. Implicit in a mature obedience is the recognition of the dignity of the person, therefore fostering the emulation of the obedience of Jesus Christ.⁷⁶ According to *PC*, general chapters are accorded the key role in the renewal of religious life; they are to lay down general norms and guidelines along which the institute is to undertake its experimentation and study. In this regard, according to the Second Vatican Council and the Holy See, the work of renewal is to come from within each institute, that the initiative belongs to the members, and that the Holy See will intervene only in a very general way and reserve to itself the final, definitive approval of what has been decided on through the chapters and experimentation by way of the revised constitutions.

The common life, papal cloister, and the religious habit are the next elements of consecrated life that receive treatment in *Perfectae caritatis* (*PC*, nn. 15-17). It is the hope of the Council Fathers that the renewal of religious life will yield a mature, true community life. Through common life, apostolic works, and a foundation of equality, the good of the individual and the whole will ideally be maintained and produce fruit.

⁷⁵ *PC*, n. 14.

⁷⁶ See M. LAMB and M. LEVERING (eds.), *Vatican II, Renewal within Tradition*, Oxford, Oxford University Press, 2008, pp. 264-265.

“Adaptation and renewal depend greatly on the education of religious.”⁷⁷ Such a declaration follows upon fifteen years of development toward an integrated education and religious formation, especially for apostolic religious.⁷⁸ The works of the apostolate should only be entered into after adequate education, pursuant to and unified with a member’s religious formation, in an environment that will foster proper spiritual, human, and professional growth. This formation of the member must not be considered temporary and passing, but a part of one’s life-long development: “Religious should strive during the whole course of their lives to perfect the culture they have received in matters spiritual and in arts and sciences. Likewise, superiors must, as far as this is possible, obtain for them the opportunity, equipment and time to do this.”⁷⁹

The final articles in this lengthy treatment of *Perfectae caritatis* consider: the founding of new institutes (*PC*, n. 19); the preservation and adaptation of ministries proper to institutes as well as promotion of the missionary spirit (*PC*, n. 20); the treatment of monasteries with no hope of further development (*PC*, n. 21); the formation of federations of independent institutes and of monasteries (*PC*, n. 22); the favour of the Council Fathers for conferences/councils of major superiors established by the Holy See, and the encouragement for the establishment of the same for secular institutes (*PC*, n. 23); and the fostering of religious vocations by priests, Christian educators, parents, and religious themselves (*PC*, n. 24). The decree concludes with the exhortation for a generous response from consecrated persons to their specific vocation from God as well as the Church’s call for adaptation and renewal (*PC*, n. 25).

⁷⁷ *PC*, n. 18.

⁷⁸ This development will be discussed in greater detail in Chapter 3.

⁷⁹ *PC*, n. 18.

An extended development of the content of *Perfectae caritatis* has been given because of the import of this document stemming from the Second Vatican Council and the fact that all subsequent documents are based upon this decree, especially the articulation of the canons regarding consecrated life in the 1983 Code of Canon Law.

2.4 *ECCLESIAE SANCTAE*⁸⁰

Ecclesiae sanctae provides the disciplinary norms that serve to implement certain conciliar documents. Our concern is primarily with Part II, for the implementation of *Perfectae caritatis* on both an interim and experimental basis. Numbers 18 and 19 of *Ecclesiae sanctae II*, which implement *PC*, n. 14, are of central importance for governance and the transitional period of the renewal.

The form of government should be such that "the chapters and councils... each in its own way express the participation and concern of all the members for the welfare of the whole community" (*PC*, n. 14). This will be realized especially if the members have a really effective part in selecting the members of these chapters and councils. Similarly the form of government should be such that the exercise of authority is made more effective and unhindered according to modern needs. Therefore, superiors on every level should be given sufficient powers so that useless and too frequent recourse to higher authorities is not multiplied.⁸¹

Nevertheless, suitable renewal cannot be made once and for all but should be encouraged in a continuing way, with the help of the zeal of the members and the solicitude of the chapters and superiors.⁸²

The role of government must be that of shared responsibility. Number 18 (of *Ecclesiae sanctae*) speaks of subsidiarity. This demands that anyone who holds an office should exercise subsidiarity. The movement towards strong centralization since *Conditae a Christo* is continually balanced by the insistence on the practice of subsidiarity. We find an early

⁸⁰ See PAUL VI, Motu proprio *Ecclesiae Sanctae*, II. Norms for Implementing the Decree on the Adaptation and Renewal of Religious Life, 6 August 1966, in *AAS*, 58 (1966), pp. 775-782, English translation in *CLD*, 6, pp. 284-293.

⁸¹ *ES*, n. 18.

⁸² *ES*, n. 19.

example of this in the *Normæ* of 1901, n. 312, in that the local superior has proper power and is not a vicar of the superior general; and n. 263, where the superior general should not impose herself upon the duties of others, such as the general treasurer.⁸³ Subsidiarity stands as a balance to the tendency of over centralization.

The citation from *PC* and its reiteration in *ES* is based upon the superiors' call to service in their communities in imitation of the servant-Christ. Superiors are to make it easy for their subjects to obey. They are to encourage initiative and active obedience. They are to listen to their companions. They are to promote harmony in their communities. Number 18 articulates the attitude that the sharing of responsibility at every level and in every dimension of the Church's life has become imperative. Authority in religious life is not to be exercised at a level higher than is truly necessary for the common good of the institute. This must become the object of continual re-examination on the part of all, because there is a consistent tendency toward centralization which is often easier than the practice of subsidiarity and broader consultation in institutional structures.

The provincial superior should never do what the local superior is competent to do; the general superior should never take on what can be left to lower superiors. This will dispel any attempt at total or even general uniformity in religious institutes, which had become the norm for so many, and although not its intent, the continued result of the 1901 *Normæ*. Such detailed uniformity can no longer be considered to be a common good of the community. Hill articulates, "Sharing authority is a most difficult thing for human authority and calls for the continual exercise of prudence. Sharing responsibility implies a notable growth in toleration of mistakes, of differing opinions and of diversity. But this principle is absolutely

⁸³ See *CIC/17* c. 516 §3: The Superior cannot perform the duties of general or provincial economer; but he can be a local economer, [and] although it is better if it is distinguished from the Superior, he can function thus together if necessity requires it.

necessary if religious life is to be a truly viable and dynamic reality for the individual religious of our day.”⁸⁴

At the local level, the superior must share her authority with her companions, leaving them room for personal initiative, invention and experimentation, and responsibility for their exercise and participation of the work of the community for the good of the Church. Hill again emphasises, “The whole thrust of nn. 18 and 19 of *Ecclesiae sanctae* is that every member of the community not only may, but must play an active role in every one of these phases of renewal and adaptation.”⁸⁵

2.5 EXPERIMENTA CIRCA REGIMINIS RATIONEM⁸⁶

There are two distinct elements of the structure of ordinary governance in a religious institute: the superior and the council. They are both required by law and they work in concert. The superior is obliged to have and use a council according to proper and universal law.⁸⁷ In the canonical structure the superior is not a councillor – she does not advise herself or give herself juridic consent.

During the period of experimentation and renewal after the Second Vatican Council, a question was asked to the Congregation for Religious and for Secular Institutes regarding the extent and parameters of the role of the council. The reply was issued in a 1972 decree of

⁸⁴ R.A. HILL, “Shared Responsibility and Subsidiarity: Nos. 18 and 19 of *Ecclesiae Sanctae*,” in CANON LAW SOCIETY OF AMERICA, *Discussions on the Motu proprio, “Ecclesiae sanctae II”: Norms for the Implementation of the Decree “Perfectae caritatis”*, [St. Meinrad], CLSA, 1967, p. 139.

⁸⁵ *Ibid.*, p. 140.

⁸⁶ See CONGREGATION FOR RELIGIOUS AND FOR SECULAR INSTITUTES, Decree on the form of ordinary government *Experimenta circa*, 2 February 1972, in *AAS*, 64 (1972), pp. 393-394, English translation in *CLD*, 7, pp. 484-485.

⁸⁷ *CIC/17* c. 516 §1: The Supreme Moderator or a religious [institute] or monastic Congregation, the provincial or local Superior, or at least [the Superior] of a house of formation, shall have counselors, whose consent or advice is necessary according to the norm of the constitutions and the sacred canons.

the Congregation responding to the particular question: Whether, contrary to canon 516, an exclusive and collegial form of ordinary government can be rightfully admitted for a total religious institute, or for a province, or for individual houses in such wise that the superior, if one is had, is merely an executor? The response was negative with the explanation: “According to the mind of the Second Vatican Ecumenical Council (*Perfectae caritatis*, n. 14) and the papal exhortation, *Evangelica testificatio* n. 25,⁸⁸ superiors must possess personal authority with consideration had of legitimate consultation and the limitations placed by both common and particular law.”⁸⁹ From this response, it is clear that the personal authority of the superior is not negotiable or dispensable.

2.6 MUTUAE RELATIONES⁹⁰

Mutuae Relationes addresses the relations between religious and the particular church. The Congregation for Bishops and the Congregation for Religious and for Secular Institutes held a mixed Plenary Assembly (16-18 October 1975) on the tenth anniversary of the promulgation of the Decrees *Christus Dominus* and *Perfectae Caritatis* (28 October 1965). The National Conferences of Bishops and of Religious, and also the International Unions of Superiors General, Men and Women, were consulted and collaborated. The Congregations for Oriental Churches and for the Evangelization of Peoples also contributed to the

⁸⁸ PAUL VI, Apostolic Exhortation on the Renewal of the Religious Life *Evangelica testificatio*, 29 June 1971, in *AAS*, 63 (1971), pp. 497-526, English translation in *CLD*, 7, pp. 425-449.

⁸⁹ *Experimenta circa*, in *CLD*, 7, p. 485. Later, a further question was posed [see PONTIFICAL COMMISSION FOR THE AUTHENTIC INTERPRETATION OF THE CODE OF CANON LAW, Replies, in *AAS* 77 (1985), p. 771, English translation in *RR* 1986, p. 91] regarding canon 127: When the law requires that the superior must have the consent of the council or of a body of persons in order to act, in keeping with canon 127 §1, does the superior have the right of voting with the others, at least to break a tie? The response was negative. So although there is no compromise as to the personal authority of the superior, there is just as much of an insistence upon a council whose opinion cannot be mitigated by the vote of the superior.

⁹⁰ See CONGREGATION FOR BISHOPS AND CONGREGATION FOR RELIGIOUS AND FOR SECULAR INSTITUTES, Directives for Mutual Relations Between Religious and Bishops *Mutuae relationes*, 14 May 1978, in *AAS*, 70 (1978), pp. 473-506, English translation in *FLANNERY*2, pp. 209-243.

document.⁹¹ Smith says, “The purpose of this document was to continue to implement that which was put forth in *CD*, nn. 33-35.”⁹² *Mutuae Relationes* is divided into two sections. Part I, comprises the first four chapters and deals with doctrinal points; Part II, chapters 5-7, sets forth directives and norms that address practical aspects of the relations between bishops and religious.

The 1983 Code was later to reorder integrally several of the norms set forth in the second part of *MR*. “However,” Smith continues, “the majority of the norms of *MR* that pertain to religious have not been abrogated. They continue to serve as directives for religious and are thus part of the *ius vigens*. While not having the force of *leges*, these norms provide juridic directives for religious in their relationship with bishops of a variety of issues.”⁹³ Useful for our discussion are the points that articulate the role of superiors within the institute, a role that is to be fostered and supported by the bishops on local, national, and international levels.

Mutuae Relationes reaffirms the origin of the superior’s authority, when in conformity with the institute’s character and according to its constitutions, as proceeding from the Spirit and through the hierarchy, “which has granted canonical erection to the institute and authentically approved its specific mission.”⁹⁴ The same number then goes on to delineate the foundational aspects of the service and leadership role of the superior within the three-

⁹¹ See *MR*, n. II.

⁹² P. SMITH, “Religious Law: Present Reality/Future Possibilities,” in *CLSAP*, 65 (2003), p. 203.

⁹³ P. SMITH, p. 204.

⁹⁴ *MR*, n. 13.

fold baptismal call common to all, prophetic, priestly, and royal, and the pastoral ministry of teaching, sanctifying, and governing.⁹⁵

Both the teaching and sanctifying functions of the religious superior, as described in *MR*, echo the duties enumerated in *CIC/17*, cc. 509, 593, and 595,⁹⁶ but in a far less legalistic manner and with the motivating factors incorporated into the directive. *Mutuae Relationes*, n. 13 states:

a) Regarding the office of teaching, religious superiors have the competency and authority of spiritual directors in relation to the evangelical purpose of their institute. In this context, therefore, they must carry on a veritable spiritual direction of the entire Congregation and of its individual communities. They should accomplish this in sincere harmony with the authentic magisterium of the hierarchy, realizing that they must carry out a mandate of grave responsibility in the evangelical plan of the Founder.

b) As to the office of sanctifying, the superiors ... must foster perfection in what concerns the increase of the life of charity according to the end of the institute, both as to formation, initial and ongoing, of the members and as to communal and personal fidelity in the practice of the evangelical counsels according to the Rule.

With regard to the governing function of superiors, the authority over the internal life of the institute is clear. The service to be rendered is that of ordering the life of the community, of organizing the members of the institute, and of caring for and developing its particular mission. In a spirit of collaboration with the local bishop, the superior is to see that the institute be efficiently inserted into ecclesial activity and the life of the local church.

⁹⁵ See *LG*, nn. 9, 10, 34, 35, 36.

⁹⁶ Recall *CIC/17* cc. 509 and 593 in notes 38 and 59 respectively; c. 595: §1, Let Superiors take care that all religious: 1° Undergo spiritual exercises each year; 2° Be present for Sacred [rites] each day, [if] they are not legitimately impeded, leave room for mental prayer, and apply themselves diligently in other offices of piety that are prescribed by the rule and constitutions; 3° Approach the sacrament of penance at least once a week. §2, Superiors shall promote among their subjects frequent and even daily reception of the most holy Body of Christ; rightly disposed religious shall be freely [allowed] frequent and indeed even daily access to the most holy Eucharist. §3, But if after the last sacramental confession a religious of the community gravely scandalizes [it] or commits a grave and external fault, then until he can approach the sacrament of penance again the Superior can prohibit him lest he approach holy communion. §4, If there are any religious [institutes], whether of solemn or simple vows, that have certain days fixed in the rule or constitutions or even in the community calendar [for reception of the Eucharist], these norms have only directive force.

The right to internal autonomy of governance is also affirmed as the proper field of competency of the religious superior.⁹⁷

Within the next doctrinal point is a most interesting statement: “Religious superiors have a grave duty, their foremost responsibility in fact, to assure the fidelity of the members to the charism of the Founder, by fostering the renewal prescribed by the Council and required by the times.”⁹⁸ Here we have the summation of the essence of the role of the superior – fidelity to the charism, in the context of the post conciliar renewal. This is identified as their foremost responsibility and a grave duty. There is nothing more pressing for the religious superior, no matter of supervision or administration that outweighs the priority of animating and inspiring to fidelity of the charism and pursuit of the mission proper to the institute.

Based clearly on *Perfectae caritatis* and *Ecclesiae sanctae*, MR again encourages full immersion into the life of the diocese of the local religious community. Here the contrast of centralized governance of a religious institute and the necessary autonomy of the local community is given its context in the local church. The benefits of subsidiarity and a certain level of autonomy of the local community are evaluated according to the needs of the apostolate and assessment for mission. To be available for mission and to meet the needs of the local church require a certain autonomy. As MR, n. 18 states: “These elements, however, are not to be regarded as signs of division, of particularism or nationalism; they are expressions of variety in the unity and fullness of that incarnation which enriches the entire Body of Christ.” The priority of unity is not lost, however. The experience of the religious institute is parallel to that of the Church in its universality.

⁹⁷ See MR, n. 13c.

⁹⁸ MR, n. 14c.

The mutual influence between the two poles, namely between the active co-participation of a particular culture and the perspective of universality, must be founded on unalterable esteem and constant protection of those values of unity, which under no circumstance may be renounced, whether the unity in question is that of the Catholic Church – for all the faithful – or that of each religious institute – for all its members.⁹⁹

2.7 *ESSENTIAL ELEMENTS*¹⁰⁰

The 1983 Code of Canon Law was promulgated six months before *Essential Elements*; however, the American translation of the Code was not available until six months after the document from the Congregation for Religious and for Secular Institutes. The document was published during the *vacatio* preceding the code’s effective date, 27 November 1983. Holland posits, “It is possible that the 49 “fundamental norms” at the end of the document [Part III] were provided because of these time factors.”¹⁰¹ Because *Essential Elements* focuses the law to the heart of the matter, especially addressed to the Bishops of the United States, and assisting them with these key elements of the law for apostolic religious institutes, we shall begin with this document before addressing the 1983 Code of Canon Law. Some would suggest that the chronological order would serve us better,¹⁰² but because the directives [not law] of this document were to be part of the praxis of the US Church before the Code was in effect, we shall begin here.

⁹⁹ MR, n. 23e.

¹⁰⁰ See CONGREGATION FOR RELIGIOUS AND FOR SECULAR INSTITUTES, *Essential Elements in the Church’s Teaching on Religious Life as Applied to Institutes Dedicated to Work of the Apostolate*, 31 May 1983, in *Origins*, 13 (1983-1984), pp. 133-142.

¹⁰¹ S. HOLLAND, “The Code and ‘Essential Elements,’” in *J*, 44 (1984), footnote 2, pp. 304-305.

¹⁰² *Essential Elements* as a whole, and the fundamental norms of part III, “represent a synthesis of a large body of church teaching reflected in the law. Perhaps more than any other section of the document, the fundamental norms of Part III require frequent reference to the conciliar and canonical texts on which they are based. . . . The fundamental norms of *Essential Elements* should be understood in light of the Code of Canon Law, not the law in light of the *Essential Elements* document.” S. EUART, “A Canonical Analysis of Essential Elements in Light of the 1983 Code of Canon Law,” in *J*, 45 (1985), p. 501. (=“Essential Elements”)

Essential Elements is composed of an introduction and three parts. The introduction indicates the sources and purpose of the document, its historical context, and enumeration of the essential elements of religious life. Parts I and II summarize the essential elements of the Church's teaching on religious life, its theological basis and principles and values as carried through magisterial teachings. "Part III reduces the reflections of the previous two sections to a set of fundamental norms gleaned from traditional teaching, the revised Code of Canon Law and current praxis," explains Euart.¹⁰³

Essential Elements bears no juridic weight in itself but is considered by many to be along the lines of a directory – providing basic principles of pastoral theology, taken from the magisterium of the Church, by which pastoral action can be more fittingly directed and governed, most often addressed to bishops to give them assistance in practical matters.¹⁰⁴ The papal letter that accompanied the document, as well as the text of *Essential Elements*, indicate that it is a summary of existing teaching and that its intent is not to introduce new doctrine or law. It was prepared specifically to assist the American bishops in their special pastoral service to religious. Article 2 of the document expresses its purpose: "to present a clear statement of the Church's teaching regarding religious life at a moment which is particularly significant and opportune."¹⁰⁵ Euart surmises, "This description implies that its

¹⁰³ EUART, "Essential Elements," p. 441.

¹⁰⁴ See F.G. MORRISEY, *Papal and Curial Pronouncements: Their Canonical Significance in Light of the 1983 Code Canon Law*, 2nd ed. revised and updated by M. THÉRIAULT, Ottawa, Faculty of Canon Law, Saint Paul University, 2001, p. 35.

¹⁰⁵ It is important to note that *Essential Elements* was not signed, although issued from the Congregation for Religious and for Secular Institutes; it was not signed by the prefect, secretary, or any other official. Moreover, it never appeared in the *AAS*. This must inform how much weight to attribute to the document, its lack of general support, and its limited influence on the praxis of the Congregation. Yet we cannot neglect to note that it was always meant to be accompanied by the letter of John Paul II, so cannot be dismissed entirely.

compilers composed the document in light of and in response to the present situation of apostolic institutes in the United States, as the reality is perceived in Rome.”¹⁰⁶

The document and the papal letter to the bishops of the US issued with it both enumerate the “essential elements” common to all religious institutes. The two lists are slightly different, but when held in comparison the differences are minor and all the elements are actually held in both lists. The papal letter has ten points while the document has nine, and does include asceticism, which does not appear in the Pope’s consideration.

Letter of John Paul II to the US Bishops ¹⁰⁷ (n. 3)	<i>Essential Elements</i> (n. 4)
There are elements which are common to all forms of religious life and which the Church regards as essential. These include:	The Church regards certain elements as essential to religious life:
<ul style="list-style-type: none"> ▸ a vocation given by God, ▸ an ecclesial consecration of Jesus Christ through the profession of the evangelical counsels by public vows, ▸ a stable form of community life approved by the Church, ▸ fidelity to a specific founding gift and sound traditions, ▸ a sharing in Christ’s mission by a corporate apostolate, ▸ personal and liturgical prayer – especially Eucharistic worship, ▸ public witness, ▸ a lifelong formation, ▸ a form of governance calling for religious authority based on faith, ▸ a specific relation to the Church. 	<ul style="list-style-type: none"> ▸ the call of God and consecration to Him through profession of the evangelical counsels by public vows; ▸ a stable form of community life; ▸ for institutes dedicated to apostolic works, a sharing in Christ’s mission by a corporate apostolate faithful to a specific founding gift and sound tradition; ▸ personal and community prayer; ▸ asceticism; ▸ public witness; ▸ a specific relation to the Church; ▸ a lifelong formation; ▸ a form of government calling for religious authority based on faith.

The list in *Essential Elements* seems to merge ideas under a single point which stand alone in the papal letter, such as vocation and consecration and mission and fidelity to the founding

¹⁰⁶ EUART, “Essential Elements,” p. 439.

¹⁰⁷ JOHN PAUL II, Letter to the Bishops of the United States, 3 April 1983, in *Origins*, 13 (1983-1984), pp. 129, 131-133.

gift and traditions. This merger of points is less helpful especially in light of the purpose of enumerating the elements that are essential to religious life. Is vocation only essential in light of consecration? Is the founding gift relevant only with regard to mission? Standing alone, the list in *Essential Elements* might have been fine, but since the document was issued together with the papal letter, the contrast, in a minute way, defeats the purpose of the document for clarity.

Essential Elements notes that the authority exercised within religious institutes “does not derive from the members themselves. It is conferred by the Church at the time of establishing each institute and by the approving of its constitutions.”¹⁰⁸ The exercise of this authority, always according to universal and proper law, is in a spirit of service, with reverence for the human person of each religious, fostering cooperation for the good of the institute, while always preserving the superior’s final right of discerning and deciding what is to be done,¹⁰⁹ which, Holland notes, is “always within the prescriptions of the gospel (c. 662) and the law, both universal and proper.”¹¹⁰

The purpose of religious governance, according to *Essential Elements*, is “the building of a united community in Christ in which God is sought and loved before all things, and the mission of Christ is generously accomplished.”¹¹¹ This kind of governance is seen as resulting from certain principles called for by the council and post-conciliar documents, the principles of personal authority, consultation, involvement of members, shared

¹⁰⁸ *EE*, n. 49.

¹⁰⁹ See *EE*, n. 49, which references *PC*, n. 14 and *ET*, n. 25.

¹¹⁰ HOLLAND, “The Code and ‘Essential Elements,’” p. 335.

¹¹¹ *EE*, n. 52.

responsibility, and subsidiarity.¹¹² With a balance of personal authority, which is strictly held,¹¹³ and shared responsibility, it is possible to see the whole of religious governance fulfilling its purpose as expressed in *EE*, n. 52.

The fundamental norms presented in Part III of the document give more specifics about the exercise of religious authority and governance. Norm 43 again identifies the legal sources of the authority of religious superiors, namely universal and proper law. Euart clarifies, “Religious superiors are understood to be physical persons who fulfill the functions of governance and exercise religious authority over members of the institute.”¹¹⁴ The norm further notes that the authority of the superior cannot be taken over by a group but may be delegated to a legitimately designated *person* for a defined period of time and for a specific purpose. Euart elaborates further:

Norms 43 and 44 and the canons they cite, particularly cc. 618-619, form a type of pastoral unity around the exercise of power by religious superiors. As a guide for the way in which superiors exercise their responsibilities, they reflect a harmony within the structures of religious governance which informs the process by which juridic norms come into existence, namely, law follows life.¹¹⁵

The provision for each superior to have a council, and the universal and proper law that regulates their use in cases of consent and advice, is affirmed in norm 46. This is important, on a consistent basis, within the framework of the internal governance of religious institutes and the legitimate role of the superior. The role of the council, as expressed in proper law, will vary greatly according to the nature and needs of each institute, as long as the purpose of the structure remains a safeguard for the rights of individuals and

¹¹² See *EE*, n. 52.

¹¹³ “Strictly speaking, this religious authority is not shared” (*EE*, n. 49); and “The authority of a superior at whatever level is personal and may not be taken over by a group” (*EE*, §43).

¹¹⁴ EUART, “Essential Elements,” p. 484.

¹¹⁵ *Ibid.*, p. 486.

provides balance in the exercise of authority. “It is important to note, however, that the role of the council and the responsibilities of councillors extend far beyond the scope of advice or consent on matters determined by law. Assisting superiors includes providing collective wisdom in planning, implementing and evaluating, as well as in deciding,” notes Euart.¹¹⁶ Just as the use of the council is essential in exercising authority in governance, it cannot replace a broader consultation with the members of the institute.

2.8 1983 CODE OF CANON LAW

Beginning with canon 617, the office of superior is defined: “Superiors are to fulfill their office and exercise their power according to the norm of universal law and proper law.” Andrés explains, “The *superiors* are the intended subjects of the norm. Here they have been taken in the strict sense, as physical persons who, by virtue of their office, in their own name or in another’s, fulfill for the benefit and in the service of their communities the functions of *magisterium*, governance, and sanctification, and exercise their religious power pursuant to the law.”¹¹⁷ The explicit reference to the personal power or authority of the superior is of primary importance in this canon. This will be affirmed in the next canons on the superior, but is a critical point to note and, as we have seen, has been consistently and continually affirmed by the Holy See.

Canon 618, Superiors are to exercise their power, received from God through the ministry of the Church, in a spirit of service. Therefore, docile to the will of God in fulfilling their function, they are to govern their subjects as sons or daughters of God and, promoting the voluntary obedience of their subjects with reverence for the human person, they are to listen to them willingly and foster their common endeavor for the good of the institute and the Church, but without prejudice to the authority of superiors to decide and prescribe what must be done.

¹¹⁶ EUART, “Essential Elements,” p. 490.

¹¹⁷ D.J. ANDRÉS, Commentary, in *Exegetical Comm*, vol. II/2, p. 1617.

The disposition of how religious superiors are to exercise this power is clear in c. 618. First, it is a ministry of service. This is taken directly from *Perfectae caritatis*, n. 14, which states that superiors “should exercise authority [*auctoritas*] in a spirit of service of their sisters or brothers, thus reflecting God’s love for them.” The relationship of the superior with the members is likened to that of God’s representative toward Children of God, and members are as brothers and sisters.¹¹⁸ Not only must authority be exercised in a “spirit of service,” but it is indeed an office truly at the service of the institute, its members and mission, the Church, and the people of God.

As *Mutuae relationes* states, “The authority of the religious superiors comes from the Spirit of the Lord in connection with the Sacred Hierarchy, which has canonically established the Institute and has genuinely approved its specific mission.”¹¹⁹ The canon and reiteration of the 1978 document is significant in establishing that the power of the religious superior comes from God, and affirming and acknowledging this by the hierarchical authority of the Church. Holland emphasises, “This statement of the source of authority is traditional doctrinally, but new in its inclusion in the law.”¹²⁰

Canon 618 clearly maintains the principle of authority vested in persons and, at the same time, suggests the principle of shared responsibility in its description of the role of religious superiors. The canon reflects *PC*, n. 14, in its call for active participation on the part

¹¹⁸ The term *subject* (*subditus*), used only in this canon, is reminiscent of the 1917 Code (see CIC/17, c. 501, §1), and reflects a hierarchical relationship which was affirmed with the image of a parent-child relationship used to define that of superior-subject. It is unfortunate that “subject” is used in this canon, which is clearly inconsistent with the disposition evoked throughout its remainder. The subsequent canons abandon the term *subjects*, to be replaced with *members* (*sodales*).

¹¹⁹ *MR*, n. 13.

¹²⁰ S. HOLLAND, “Internal Governance in Consecrated Life,” in *CLSAP*, 45 (1983), p. 42.

of all members in their “working together for the good of the institute and of the Church.”¹²¹

Canon 619, Superiors are to devote themselves diligently to their office and together with the members entrusted to them are to strive to build a community of brothers or sisters in Christ, in which God is sought and loved before all things. Therefore, they are to nourish the members regularly with the food of the word of God and are to draw them to the celebration of the sacred liturgy. They are to be an example to them in cultivating virtues and in the observance of the laws and traditions of their own institute; they are to meet the personal needs of the members appropriately, solicitously to care for and visit the sick, to correct the restless, to console the faint of heart, and to be patient toward all.

Within these canons, the incorporation of the conciliar teaching which promotes a greater participation of the members in internal governance is clear.¹²² Smith comments, “Superiors are to be open to the insights and opinions of the members, and are to foster the good of the institute and the Church. ... Although superiors have a personal responsibility to each member, they need not always exercise this responsibility personally. Superiors themselves, or the institute’s proper law, may designate other persons or structures at various levels of the institute to assist the superior in serving the members.”¹²³

The foundation of the office of superior consists in the duties or rights fundamental to all members. While all in the institute share many of these responsibilities by virtue of membership, the superior has a particular responsibility by virtue of the office. McDonough opines, “These obligations are placed on superiors precisely because of the experiential knowledge that, although each member of any institute should *theoretically* be afforded these considerations by other members of the institute, such is *practically* not always the case.”¹²⁴

¹²¹ EUART, “Essential Elements,” p. 486.

¹²² See *PC*, nn. 4 and 14.

¹²³ R. SMITH, “Exercise of Authority,” in *CLSA Comm2*, p. 781.

¹²⁴ E. MCDONOUGH, “Juridical Deconstruction of Religious Institutes,” in *StC*, 26 (1992), pp. 312-313.

In canon 619, the intention of linking the office of superior more closely to its evangelical roots and therefore to the service of the spiritual progress of members and the building up of fraternal life in community is apparent.¹²⁵ The canon clearly illustrates that the “superior’s main task will be the spiritual, community and apostolic animation of his or her community.”¹²⁶ At the same time, the obligation of the superior to “meet the personal needs of the members appropriately,” corresponds to the obligation of the institute and right of the member expressed in canon 670.¹²⁷ The listing of the responsibilities in c. 619, according to Euart, “reflects an understanding of authority and law which seeks to protect values related to the primary objectives of religious life and the means to attain them by the articulation of legal norms and the responsibility to act in their regard.”¹²⁸

Other points that reveal valuable insights about the nature and designation of superiors must also be considered. First, according to canon 624, superiors are to be constituted for a certain period of time –the duration of that period is left to the proper law of the institute. This norm is not limited to supreme moderators¹²⁹ or major superiors, but for all who serve in the office of superior. Several values are conveyed in this seemingly simple norm. It is not the nature of any institute to maintain itself, and while the service of

¹²⁵ See CONGREGATION FOR INSTITUTES OF CONSECRATED LIFE AND SOCIETIES OF APOSTOLIC LIFE, Instruction on Fraternal Life in Community *Congregavit nos*, 2 February 1994, nn. 2 and 49, in *Enchiridion Vaticanum*, vol. 14, pp. 220-283, English translation in *Origins*, 23 (1993-1994), pp. 693, 695-712.

¹²⁶ *FL*, n. 50.

¹²⁷ Canon 670, An institute must supply the members with all those things which are necessary to achieve the purpose of their vocation, according to the norm of the constitutions.

¹²⁸ EUART, “Essential Elements,” p. 486-487, footnote 93; see E. MCDONOUGH, “Religious Superiors and Government,” in *The Way Supplement*, 50 (1984), p. 65.

¹²⁹ According to §1 of the canon, the constitutions of an institute, because of its nature, could constitute that the supreme moderator would hold office “for life” or for an indefinite time. The ideal of the canon is honoured because the one elected knows this when entering the office – a certain, or previously determined, period of time; the autonomy of the internal governance of the institute is preserved based on the nature of the institute.

internal governance is necessary and good, members must be free and available for the mission of the institute. This canon supports the mobility of persons who serve the needs of the institute through the ministry of governance and, as Andrés notes, seeks to “free the superiors from the possible difficulties implied by an excessive time in office that could dull their own spirit.”¹³⁰ Generally speaking, circulation is preferred to stagnation. In religious governance, “circulation” benefits the health of the superiors, all of the members, and the institution as a whole. There is also the undoubted value in extending to all members the responsibility of participating in the tasks of governance, and, as characterized by Andrés, “without attachment and in the spirit of service and generosity.”¹³¹

Canon 625 directs the designation of superiors. For the office of supreme moderator (§1), canonical election – according to the norm of the constitutions – is the manner established. Andrés explains, “All other possible methods are rejected and the need for confirmation by the Holy See is suppressed.”¹³² The issue must be regulated in the constitutions. This is all of the direction given in the canon for the designation of the supreme moderator of a religious institute: canonical election, defined by the constitutions. Autonomy of governance is respected (c. 586) with the predominant phrase of the canon: “according to the norm of the constitutions.” The manner for designating other superiors is left to the norms of the constitutions (§3) – merely articulating that in the case of an election, confirmation by the competent major superior would be required, and in the case of appointment, a suitable preceding consultation would take place. The values of mutual

¹³⁰ ANDRES, Commentary, p. 1641.

¹³¹ Ibid.

¹³² Ibid., p. 1645.

accountability and unity of the whole are expressed in this simple and seemingly regulatory norm.

Canon 627 §1, According to the norm of the constitutions, superiors are to have their own council, whose assistance they must use in carrying out their function.

§2, In addition to the cases prescribed in universal law, proper law is to determine the cases which require consent or counsel to act validly; such consent or counsel must be obtained according to the norm of c. 127.

The Code leaves the composition of the council to the constitutions of each institute, as well as the manner of operating and the qualifications for the role of councillor. In cases prescribed by law, superiors will be aided by their respective councils, but the presence of the councils still leaves intact the personal power of the superiors in governance. The actions taken after receiving the necessary advice or consent are actions of the superior and not of the council. Smith explains, “The requirements of advice and consent are intended to serve the good of the community by bringing to the decision-making process a wider range of knowledge and experience, thereby preventing ill-advised or arbitrary actions regarding the members and the goods of the institute.”¹³³ This concept of a council is not a means to take over the governance of the institute, but, Andrés clarifies, “to condition and collegially amplify the personal power of the superior, and to be a guarantee of objectivity, impartiality, collaboration, and prudence in religious governance, especially when it is a matter of special importance, gravity, or of general interest.”¹³⁴

Andrés explains further, “Indirectly, in view of its structure, the legislator invalidates the unfounded claim of turning the community into a council, in every case, and for every issue. He has revalidated the traditional council.”¹³⁵ Having a “community council,” especially at the level of the generalate, would surely be unwieldy at the least and paralyzing

¹³³ R. SMITH, “The Governance of Institutes,” in *CLSA Comm2*, p. 790.

¹³⁴ ANDRES, Commentary, p. 1651.

¹³⁵ *Ibid.*, p. 1650.

at the most. The protection of each member's right to privacy, of great relevance today, could be compromised with such a structure. At the same time, McDonough remarks, no individual who functions in the office of superior can "be expected to possess all the broad experience, the relational skills, the intellectual knowledge, the native intuition and the practical reasoning necessary for prudential and effective governance. ... [C]ouncils provide a frequent and advisory "balance" to their exercise of authority in the regular governance of the institute."¹³⁶

2.9 1990 CODE OF CANONS OF THE EASTERN CHURCHES¹³⁷

In the Code of Canons of the Eastern Churches, the law specifically directed to "Monks and other Religious as well as Members of Other Institutes of Consecrated Life" is given in Title XII – immediately following Clerics (Title X) and Lay Persons (Title XI). The *CCEO* recognizes three states of the Christian vocation: clerical, lay, and religious, and explicitly uses the term "religious state" in c. 410. This is in contrast to a "life consecrated by profession of the evangelical counsels" in the *CIC/83*.¹³⁸

Chapter I of Title XII begins with an article of twenty-three general canons applicable to all religious (cc. 410-432), followed by Article II with seventy-one canons specific to monasteries (cc. 433-503), and Article III with forty-nine canons applicable to Orders and Congregations (cc. 504-553). "Thus," Holland observes, "while monasticism has a much more privileged place in the Eastern canons than in the Latin code, a fact which

¹³⁶ MCDONOUGH, "Juridical Deconstruction of Religious Institutes," p. 313.

¹³⁷ Canons in this section are from the *CCEO* unless otherwise noted.

¹³⁸ See R. MCDERMOTT, "Two Approaches to Consecrated Life: The Code of Canons of the Eastern Churches and the Code of Canon Law," in *StC*, 29 (1995), p. 198.

reflects Eastern ecclesial life, provision is, in fact, made for a diversity of forms of religious life.”¹³⁹

Title XII in the *CCEO* emphasizes religious life with monastic religious life as the exemplar for all other forms of consecrated life. At the same time, the *CCEO* clearly recognizes that not all institutes are monastic. Monasteries, orders, congregations, and other institutes of consecrated life are here described as pontifical, patriarchal, or of eparchial right in accord with the hierarchical ordering of the Eastern Churches.

The Eastern canons speak of the *typicon* of a monastery and the *statutes* of an order or congregation, and generally as particular law, whereas the Latin canons speak of the proper law of institutes, the principal code of which is identified as the constitutions. The *CCEO* continually defers to particular law; Holland explains, this deference “must be taken seriously. In them the members will find expressed, in a text approved by hierarchical authority (cf. c. 414), the intention of their founder or foundress (cf. c. 426) with structures appropriate to their mission and informed by their founding spirit.”¹⁴⁰

Canon 418 §1, Major superiors are: the president of a monastic confederation, the superior of a monastery *sui iuris*, the superior general of an order or congregation, the provincial superior, their vicars and others who have power corresponding to provincials, and also those who, if the aforementioned are missing, in the meantime legitimately succeed them in office.

§2, Under the designation of superior of monks and other religious does not come either the local hierarch or the patriarch, without prejudice to the canons which assign power over them to the patriarch or to the local hierarch.

Canon 418 §2 explicitly excludes external ecclesiastical authorities (local hierarchs and patriarchs) from the list of major superiors, thus implicitly acknowledging the rightful

¹³⁹ S. HOLLAND, “A Spirit to Animate the Letter: *CCEO*, Title XII,” in *J*, 56 (1996), p. 289.

¹⁴⁰ *Ibid.*, p. 302.

autonomy of the monasteries, orders, and congregations.¹⁴¹ The canon highlights and safeguards the internal discipline of religious institutes which is proper to its superiors therefore avoiding any unnecessary interference.¹⁴²

Canon 421, Superiors are bound by a grave obligation to take care that the members committed to them conduct their lives in accordance with the proper typicon or statutes; superiors shall help the members by example and exhortation in pursuing the purpose of the religious state, and they are to make suitable provision for their personal needs, to care zealously for the sick and to visit them, to reprove the unruly, to console the fainthearted, and to be patient towards all.

Canon 421 gravely obliges superiors to care for their members ensuring that they conduct their lives in accord with the typicon or statutes. Superiors are to assist the members by example and encouragement and by seeing to their personal needs with special attention to the sick, the unruly and the fainthearted. “The personal authority of the superior seems to be implicitly acknowledged,” notes McDermott.¹⁴³

Abbass explains, “Although *PCCICOR* decided that the new Eastern Code would be juridical, rather than, dogmatic in nature, *CCEO* c. 421 is nevertheless able to distill the essential elements from Latin cc. 618-619. As the Eastern draftsmen initially decided, in fact, a fuller formulation of the proposed drafts for *CCEO* cc. 419-422 would be left to the particular law of religious institutes.”¹⁴⁴ This canon, like its parallel Latin canon (c. 619), is largely drawn from *PC*, n. 14. The nearly identical concluding sentences underline the essential value that superiors are to meet the personal needs of the members appropriately with solicitous care for the sick, vigilance toward the restless, consolation of the faint of heart, and to have patience toward all.

¹⁴¹ See MCDERMOTT, “Two Approaches,” pp. 202 and 236.

¹⁴² See J. ABBASS, *The Consecrated Life: A Comparative Commentary of the Eastern and Latin Codes*, Ottawa, Faculty of Canon Law, Saint Paul University, 2008, pp. 46-47.

¹⁴³ MCDERMOTT, “Two Approaches,” p. 204.

¹⁴⁴ ABBASS, p. 53.

Canon 422 §1, states that superiors are to have their own permanent council according to the typicon or statutes, whose assistance they are to use in the exercise of their office. Superiors are obliged to seek their consent or counsel in accord with c. 934. Canon 422 §2,¹⁴⁵ leaves it to particular law to determine the need for a council in a house of fewer than six members. A striking difference between the Latin and Eastern Code, Abbass highlights, is the fact that, “while the Latin superior presiding at the council is not considered a member of the council and therefore does not vote, the Eastern superior is, according to tradition, counted as a member of the council and does vote.”¹⁴⁶

Canons 441 §1, and 511 §§ 1-2, are substantially the same as *CIC/83* c. 596 §§ 1-2. Canon 441 §2, provides that superiors in monasteries *sui iuris* and synaxes (chapters) have that power of governance granted to them in the law (universal or common – common to all of the Eastern Churches – and particular law) or by the authority to which they are subject without prejudice to c. 979,¹⁴⁷ referring to the power of governance.¹⁴⁸ *PCCICOR* dropped “dominative power” from the first draft of c. 441 and originally substituted *potestas religiosa publica*. Abbass explains, “In that way, the expert study group intended to bring the norm on superiors’ power in line with the new canon (now *CCEO* c. 979) that restricts the power of governance only to clerics.”¹⁴⁹ The phrase *potestas religiosa publica* was eventually omitted by the pope before promulgating Eastern Code.

¹⁴⁵ According to ABBASS (footnote 73, p. 54), this norm was added by the special study group on the *denua recognitio* of the 1980 Schema [see *Nuntia*, 16 (1983), p. 20 (c. 8)].

¹⁴⁶ ABBASS, p. 55.

¹⁴⁷ *CCEO* c. 979 §1, Those who have been constituted in a sacred order are qualified, in accord with the norm of law, for the power of governance, which exists in the Church by divine institution. §2, Other members of the Christian faithful can cooperate in the exercise of the power of governance in accord with the norm of law.

¹⁴⁸ See MCDERMOTT, “Two Approaches,” p. 212 and ABBASS, p. 91.

¹⁴⁹ ABBASS, p. 90.

Canons 442 and 513 give the qualities for election to the office of superior in the monasteries, orders, and congregations. Canon 442 restricts the office of superior of a monastery *sui iuris* to candidates *ten* years professed and *forty* years of age; a major superior of an order or congregation is to be professed at least *ten* years from first profession (c. 513 §1) and a superior general is to be *thirty-five* years of age for *validity* (c. 513 §2).¹⁵⁰ “The Eastern norm also indicates that the monastery’s typicon may require even more in terms of years of profession, age or even other qualifications for the office of superior,” notes Abbass.¹⁵¹

The office of superior in a monastery *sui iuris* is conferred for an indeterminate period of time, according to c. 444, unless stated otherwise in the typicon. Superiors who have completed their seventy-fifth year of age or are less capable of fulfilling the duties of office due to failing health or some other grave cause, must submit a resignation from office to the synaxis (chapter), which is to accept it (c. 444 §3). This unique norm intends to exclude a superior’s appointment for life, which is part of the Eastern tradition, but, in light of the discussions at the Second Vatican Council, is no longer held as reasonable. “If the monastery’s typicon does not determine the superior’s time in office,” Abbass remarks, “the office can be held for an indeterminate time but only until he or she is seventy-five years old. Just as bishops are to tender their resignations at the age of seventy-five, so also are the superiors of monasteries *sui iuris*.”¹⁵²

In orders and congregations, the superiors are constituted for a certain and appropriate term of office, unless the statutes decree differently for the superior general (c.

¹⁵⁰ Recall the similar norm in *CIC/17* c. 504, less the requirement of legitimate birth.

¹⁵¹ ABBASS, p. 94.

¹⁵² *Ibid.*, p. 97.

514 §1). The statutes are to provide suitable norms so that the members are not superiors for too long without interruption (c. 514 §3).

Parallel to the prescriptions of *CIC* c. 625 §3, the second paragraph of c. 444 [*CCEO*] requires that appointments of superiors of dependent monasteries need the consent of the council¹⁵³ after having an appropriate consultation preceding the appointment.¹⁵⁴ The *CIC* does not have any provision for the resignation from the office of superior as is seen in c. 444 §3.

Both codes maintain those elements that we assessed as essential from the 1917 code, namely: the requirement of residency (*CCEO* c. 446; *CIC* c. 629); reports to the Holy See (or the authority to which they are immediately subject in the case of *CCEO* cc. 419, 554 §2; *CIC* c. 592); and visitation (*CCEO* cc. 420 §§1-2, 554 §2; *CIC* c. 628 §§1 and 3).

2.10 VITA CONSECRATA¹⁵⁵

On 25 March 1996, the Solemnity of the Annunciation of the Lord, Pope John Paul II issued *Vita consecrata*, the apostolic exhortation following the ninth ordinary session of the Synod of Bishops, held through 2-29 October 1994.¹⁵⁶ The Pope, on the opening of the 1994 Synod of Bishops, stated that the Synod on Consecrated Life was to be the *kaïros*

¹⁵³ *CIC/83* c. 625 §3 does not require the consent of the council in the universal law, but it would be typical that the proper law of the institute would minimally require the advice of the council.

¹⁵⁴ See ABBASS, pp. 97-98.

¹⁵⁵ JOHN PAUL II, Post-synodal Apostolic Exhortation on Consecrated Life *Vita consecrata*, 25 March 1996, in *AAS*, 88 (1996), pp. 378-486, English translation in *Origins*, 25 (1995-1996), pp. 681-719.

¹⁵⁶ This document marked the completion of the study of the three principal vocations in the Church. The priesthood was discussed in the general sessions of 1971 and 1990 while the vocation to the lay state was discussed in the 1987 session. See R. MCDERMOTT, “*Vita consecrata*: A Vocation for the Third Millennium,” in *R/R*, 55 (1996), p. 454.

moment for the integration of the conciliar texts.¹⁵⁷ *Vita consecrata* is rooted theologically in *Lumen gentium*. As such, Castellano Cervera relays that it “mirrors the continuity of the practical guidelines of *Perfectae caritatis*.”¹⁵⁸ A subsequent document, *Starting Afresh from Christ*, to be considered in the next section, acknowledges the profound impact of *Vita consecrata* on religious life today, referring to it as “the most significant and necessary point of reference” for guiding institutes of religious life along the path of renewal.¹⁵⁹

One of the first considerations of *Vita consecrata* is the placement and role of consecrated life in the life and *mystery of the Church* (*VC*, n. 29). Castellano Cervera explains that by this exhortation, “the Magisterium of the Church now confirms and enriches the full ecclesial nature of the profession of the evangelical counsels as a distinctive state, in harmony with the hierarchy and the laity.”¹⁶⁰

In the light of that teaching [of the Second Vatican Council] it has been recognized that the profession of the evangelical counsels *indisputably belongs to the life and holiness of the Church* (*LG*, n. 44). This means that the consecrated life, present in the Church from the beginning, can never fail to be one of her essential and characteristic elements, for it expresses her very nature.¹⁶¹

The fundamental purpose of the structures of governance of religious institutes, namely, the role of the superiors is to safeguard the patrimony of the institute and regulate well the processes that assist members in living out their vocation and accomplishing the apostolic ends of the institute. Religious superiors, as living examples, are imbued with the

¹⁵⁷ See JOHN PAUL II, “The Start of the 1994 Synod of Bishops,” in *Origins*, 24 (1994-1995), p. 307.

¹⁵⁸ J. CASTELLANO CERVERA, “*Lumen gentium – Perfectae caritatis – Vita consecrata*: Dynamic Accord and Innovations in Three Texts of the Magisterium on Consecrated Life,” in *Consecrated Life*, 22 (1999), p. 164. [The original article: “*Lumen gentium – Perfectae caritatis – Vita consecrata*: unità dinamica e novità di tre testi magisteriali sulla vita consacrata,” in *Informationes SCRIS*, vol. 22, no. 2 (1996), pp. 164-184.]

¹⁵⁹ CONGREGATION FOR INSTITUTES OF CONSECRATED LIFE AND SOCIETIES OF APOSTOLIC LIFE, Instruction on consecrated life in the third millennium *Starting Afresh From Christ*, 19 May 2002, n. 4, Vatican City, Libreria editrice Vaticana, 2002, English translation in *Origins*, 32 (2002-2003), pp. 129, 131-148 (= *Starting Afresh*).

¹⁶⁰ CASTELLANO CERVERA, p. 161.

¹⁶¹ *VC*, n. 29.

charism of the institute. Out of this charism, McDermott states, they “teach authentic community life, encourage the members to fulfill their vocation, and facilitate the accomplishment of the apostolic mission of the institute.”¹⁶²

Superiors of institutes of consecrated life have the needed authority to accomplish these tasks, given by the Church and defined in universal and proper law.¹⁶³ Following the Second Vatican Council, the magisterium has directed that all members participate in decision-making that orders the life and course of the institute. According to McDermott, “This mandate follows from the theological understanding that the charism or gift of God is enfleshed in the members. It is fitting then, that they participate in forming decisions that enable them to live the charism so as to benefit the Church and society.”¹⁶⁴ During the years of experimentation, various forms of participation and inclusive governance structures were formed and tried. It is not an easy task to achieve a balance between a superior with personal authority and broad consultation and participatory governance. *Vita consecrata* acknowledges the challenge and the task at hand, but calls forth the singular and important obligation of the superior. *Vita consecrata*, n. 43, states:

In the consecrated life the role of Superiors, including local Superiors, has always been of great importance for the spiritual life and for mission. In these years of change and experimentation, the need to revise this office has sometimes been felt. But it should be recognized that those who exercise authority cannot renounce their obligation as those first responsible for the community, as guides of their brothers and sisters in the spiritual and apostolic life.

In an atmosphere strongly affected by individualism, it is not an easy thing to foster recognition and acceptance of the role which authority plays for the benefit of all. Nevertheless, its importance must be reaffirmed as essential for strengthening fraternal communion and in order not to render vain the obedience professed. While authority must be above all fraternal and spiritual, and while those entrusted with it must know how to involve their brothers and sisters in the decision-making

¹⁶² R. MCDERMOTT, “Consecrated Life and the *Novus habitus mentis*,” in *J*, 56 (1996), p. 279.

¹⁶³ See *CIC* c. 596 §1.

¹⁶⁴ MCDERMOTT, “Consecrated Life and the *Novus habitus mentis*,” p. 279.

process, it should still be remembered that the final word belongs to authority and, consequently, that authority has the right to see that decisions taken are respected.

This exercise of authority received from God, is at the service of discernment and communion,¹⁶⁵ rendered for the good of the institute, its members and its mission, and is to be exercised, in the end, through the personal authority of the superior.

Yet, since all the members share in the charism of the institute, superiors are obliged to be assisted through an effective use of councils and other appropriate consultative bodies¹⁶⁶ which vary according to the particular character and nature of each institute.

In community life which is inspired by the Holy Spirit, each individual engages in a fruitful dialogue with the others in order to discover the Father's will. At the same time, together they recognize in the one who presides an expression of the fatherhood of God and the exercise of authority received from God, at the service of discernment and communion. ... Contrary to the spirit of discord and division, authority and obedience shine like a sign of that unique fatherhood which comes from God, of the brotherhood born of the Spirit, of the interior freedom of those who put their trust in God, despite the human limitations of those who represent him.¹⁶⁷

Vita consecrata retains the priority of various aspects of the role of the superior that were important in previous documents. The superior is to have personal authority received from God, subject to the law and the Constitutions – as granted by the Church. This authority is a ministry of service within the institute, to preserve the patrimony of the institute, promote the mission, and care for the members. Although personal, this authority is not to be exercised in isolation, but is subject to the principle of subsidiarity, consultation, and mutual accountability, with the required and regulated use of a council, firstly, and other forms of broad consultation as feasible and appropriate. The superior, to be able to serve in this ministry, must exhibit a profound love of prayer, and the charism of the institute to

¹⁶⁵ See *VC*, n. 92.

¹⁶⁶ See cc. 618, 625, §3, 627, 631, 632, 633, 652 §§1 and 3.

¹⁶⁷ *VC*, n. 92.

which she belongs, elements that will be emphasised in subsequent documents. With these characteristics she will be able to lead primarily by example and foster respect and unity within the institute.

2.11 STARTING AFRESH FROM CHRIST

Starting Afresh from Christ is an Instruction issued by the Congregation for Institutes of Consecrated Life and Societies of Apostolic Life after the plenary session 25-28 September 2001. It expresses the Congregation's thinking after having reflected upon the five years that had passed since the publication of *Vita consecrata*. In particular, CICLSAL "considered the effectiveness with which [that document] has been received and put into practice within communities and Institutes and in the local Churches."¹⁶⁸ According to P. Smith, *Starting Afresh* is pivotal in moving from the present reality of the *ius vigens* for religious to the future possibilities or direction of religious law.¹⁶⁹

Their [the members of the Plenary Session] intention was not to produce another doctrinal document but rather to help consecrated life enter into the great pastoral guidelines of the Holy Father with the contribution of his authority and of charismatic service to unity and to the universal mission of the Church. A gift which is shared and put into practice with fidelity to the following of Christ through the evangelical counsels and with the strength of charity daily lived in fraternal communion and in a generous apostolic spirituality.¹⁷⁰

Starting Afresh presents many aspects of consecrated life, but it focuses "primarily on spirituality," notes Mangan.¹⁷¹ Moreover, she affirms that it is a "restatement at the beginning of this millennium of the cherished principles of consecrated life. The spiritual life is keenly

¹⁶⁸ *Starting Afresh*, n. 4; see also J. GIALLANZA, "Start Afresh: Present in New Ways," in *R/R*, 62 (2003), pp. 131-132.

¹⁶⁹ See P. SMITH, p. 209.

¹⁷⁰ *Starting Afresh*, n. 4.

¹⁷¹ C.M. MANGAN, "The Spirituality of CICLSAL's 'Starting Afresh,'" in *R/R*, 62 (2003), p. 18.

stressed because of its inarguable primacy for all consecrated men and women.”¹⁷² The document obviously highlights the spirit that is underlying the law. Smith adds, “It breaks open the possibilities and expands the horizons inherent in law, as do the documents on which it is based.”¹⁷³

As a document which focuses of the fundamental spirituality of consecrated life, those aspects are highlighted with regard to the role of the superior and the service of authority. The efforts of religious institutes to find a balance between personal authority and participation in their structures of governance is considered praiseworthy, in which they seek “to find an exercise of authority and obedience which affirms, enlightens, brings together, integrates and reconciles, more closely inspired by the Gospel.”¹⁷⁴

The instruction is very clear in articulating the essential tasks of the superior:

In rediscovering the meaning and quality of consecrated life a fundamental task is that of superiors, to whom the service of authority has been entrusted, a demanding and at times disputed task. It requires a constant presence which is able to animate and propose, to recall the *raison d'être* of consecrated life, and to help those entrusted to them to live in a constantly renewed fidelity to the call of the Spirit. A superior cannot renounce the mission of animation, of brotherly/sisterly support, of proposing, of listening and of dialogue. Only in this way can the entire community find itself united in full communion and in apostolic and ministerial service. The directives offered in our Congregation's document *Fraternal Life in Community* remain a topic of great interest, when, in speaking of the aspects of authority which should be evaluated today, recalls the task of spiritual authority, of authority conducive to unity and an authority capable of making final decisions and assuring their implementation (cf. *FL*, n. 50).

A personal and confident participation in the community's life and mission is required of all its members. Even if, in the end, according to proper law, it is the task of authority to make choices and decisions, daily living in community requires a participation which allows for the exercise of dialogue and discernment. Each individual, then, and the whole community can work out their own life with the plan of God, together carrying out God's will (cf. *VC*, n. 92). Co-responsibility and

¹⁷² *Ibid.*, p. 26.

¹⁷³ P. SMITH, p. 211.

¹⁷⁴ *Starting Afresh*, n. 7.

participation are also exercised even in various types of councils at various levels, in order to ensure the constant presence of the Lord who enlightens and guides.¹⁷⁵

There is a definite progression of the understanding of the role of the superior and how it is defined throughout these documents. In *Starting Afresh* we have the focus of the superior primarily on the meaning and quality of consecrated life, which requires a “constant presence” to animate well.¹⁷⁶ Superiors are to assist the members of their institute toward a constantly renewed fidelity to the action of the Spirit within their consecration, always remembering their very reason for being.

Superiors have the fundamental mission of animation for their members, for the continuation of the charism and the priority of the mission for the service of the Church. They are to offer and be an example of sisterly support, through challenging, listening, and in genuine dialogue. In this way, communion of the whole can be built up and preserved, and offer a unity of mission and ministry.

The instruction continues the progress of universal participation for true discernment, and brings it even further with the call for a disposition of co-responsibility, while the ultimate authority to decide remains with the superior. The next and final document addressed here will exhibit a continuation of this movement.

2.12 THE SERVICE OF AUTHORITY AND OBEDIENCE, *Faciem tuam*¹⁷⁷

During the Plenary Session of the Congregation for Institutes of Consecrated Life and Societies of Apostolic Life, 28-30 September 2005, the theme of the exercise of

¹⁷⁵ *Starting Afresh*, n. 14.

¹⁷⁶ Here we see the principal motivation of the requirement of residence of *CIC/17* c. 508; *CIC* c. 629.

¹⁷⁷ CONGREGATION FOR INSTITUTES OF CONSECRATED LIFE AND SOCIETIES OF APOSTOLIC LIFE, Instruction on The Service of Authority and Obedience *Faciem tuam*, 11 May 2008, in *Sequela Christi*, 34(2008), pp. 321-351, and *Origins*, 38 (2008-2009), pp. 65-83.

authority and obedience in consecrated life was the focus. The resulting instruction, *Faciem tuam*, was issued on Pentecost of 2008, and is addressed to members of institutes of consecrated life who live a community life.¹⁷⁸

The principal intent of the instruction is to reaffirm that, although exercised in a variety of ways, obedience and authority are modeled upon the life and obedience of Jesus. The theological position at the root of the whole instruction is: in consecrated life, all live obedience to God in Christ obedient to the Father.¹⁷⁹

The treatment of material follows the tripartite plan of the apostolic exhortation *Vita consecrata*, which introduced consecrated life in its three essential elements: consecration, fraternal life in community, and mission. The service of authority and obedience is analyzed from these three perspectives, with the intention of helping authority in its triple service: to persons called to live their consecration (*first part*); to build fraternal communities (*second part*); to participate in common mission (*third part*).¹⁸⁰

The considerations and directives in the instruction are proposed in continuity with those of the documents which have accompanied the path of consecrated life in recent years, “especially *Potissimum institutioni* of 1990,¹⁸¹ *Fraternal Life in Community* of 1994,¹⁸² the Post-

¹⁷⁸ See *FT*, nn. 3 and 31.

¹⁷⁹ See P.G. CABRA, “Le service de l’autorité et l’obéissance: Présentation de l’Instruction *Faciem tuam*,” in *Vie consacrées*, 80 (2008), p. 164.

¹⁸⁰ See *FT*, n. 3 and CABRA, p. 164.

¹⁸¹ CONGREGATION FOR INSTITUTES OF CONSECRATED LIFE AND SOCIETIES OF APOSTOLIC LIFE, Directives on Formation in Religious Institutes *Potissimum institutioni*, 2 February 1990, in *AAS* 82 (1990), pp. 472-532, English translation in *Origins*, 19 (1989-1990), pp. 677, 679-699, particularly nn. 15, 24-25, 30-32.

¹⁸² In particular nn. 47-52.

Synodal Apostolic Exhortation *Vita consecrata* of 1996¹⁸³ and the 2002 Instruction, *Starting Afresh from Christ: A Renewed Commitment to Consecrated Life in the Third Millennium*.^{184,185}

Our challenge in applying this instruction is that nearly the whole document is directed to the exercise of authority, and hence the role of the superior, with special attention to its relation to the vow of obedience. We will focus our assessment of this document in line with previously noted aspects of the office of superior, with some unique contributions of this particular instruction.

Faciem tuam brings together what the Vatican II documents and all that have followed with regard to the consecrated life have said about the obligations of all members of religious institutes, and in this context presents the role of the religious superior at the heart of the lived experience of consecrated life. For example: “While *all* in the community are called to seek what is pleasing to the Lord and to obey Him, *some* are called, usually temporarily, to exercise the particular task of being the sign of unity and the guide in the common search both personal and communitarian of carrying out the will of God. This is the service of authority.”¹⁸⁶

First, the source of the authority of the superior, consistent with previous documents, is from God through the ministry of the Church. *Faciem tuam* elaborates slightly on the role of the Church as an authority in and for members of institutes of consecrated life.

Approving a charismatic program that is a religious institute, the Church guarantees that the inspiration that animates it and the norms that regulate it can provide a path for seeking God and holiness. Therefore, the Rule and the other indications

¹⁸³ In particular nn. 42-43, 91-92.

¹⁸⁴ In particular nn. 7 and 14.

¹⁸⁵ *FT*, n. 3.

¹⁸⁶ *FT*, n. 1.

concerning the way of life also become means of mediating the will of the Lord: human mediation but still authoritative, imperfect but at the same time binding.¹⁸⁷

Subject to this legitimate authority, the Code reminds the religious superior that he or she is first of all called to be an example of obedience.¹⁸⁸ “In the strength of the assumed office, he or she owes obedience to the law of God, from whom his or her authority comes and to whom he or she must render an account in conscience, to the law of the Church, to the Roman Pontiff, and to the proper law of the institute.”¹⁸⁹

The Code also points out that the primary goal of the exercise of authority in the context of a religious institute is for the building of a community of brothers or sisters in Christ “in which God is sought and loved above all” (c. 619).¹⁹⁰ With this, *Faciem tuam* asserts that “in the religious community authority is essentially pastoral by its nature in that it is entirely in function of the building of fraternal life in community, according to the very ecclesial identity of consecrated life.”¹⁹¹

Some of the means for the building up of fraternal life in community are the use of the principle of subsidiarity, consultation, and mutual accountability, as always, in balance with the personal authority of the superior which is uncompromised. *Faciem tuam* continues in this vein very strongly.

Persons in authority promote the growth of fraternal life through the service of listening and dialogue, the creation of a favourable atmosphere for sharing and co-responsibility, the participation of everyone in the concerns of each one, service

¹⁸⁷ *FT*, n. 9.

¹⁸⁸ See cc. 617-619.

¹⁸⁹ *FT*, n. 14a.

¹⁹⁰ The instruction later reiterates this point: “Superiors, in union with the persons entrusted to them, are called to build a fraternal community in Christ in which God is sought and loved above things, in order to fulfil God’s redemptive plan (cc. 619, 602, 618).” (*FT*, n. 17.)

¹⁹¹ *FT*, n. 14c; cf. cc. 573, 607, 663 §1, 673.

balanced between the individual and the community, discernment and the promotion of fraternal obedience.¹⁹²

Persons in authority will have to be concerned with creating an environment of trust, promoting the recognition of the abilities and the sensitivities of individuals. Moreover, with words and deeds they will nourish the conviction that the community requires participation and therefore information.¹⁹³

Whoever is in charge has the responsibility for the final decision (*VC*, n. 43; *FL*, n. 50; *Starting Afresh*, n. 14), but must arrive at it not by him or herself but rather by valuing the greatest possible free contribution of all the brothers or sisters. The community is what its members make it. Therefore, stimulating and motivating a contribution from every person so that each one feels the duty to contribute his or her own charity, competence and creativity will be fundamental.¹⁹⁴

Community discernment is not a substitute for the nature and function of persons in authority, from whom the final decision is expected. Nevertheless, persons in authority cannot ignore that the community is the best place in which to recognize and accept the will of God.¹⁹⁵

Faciem tuam recognizes the growth in awareness of the value of the individual person and the unique gifts and contribution of one, and how this relates to the exercise of authority in both Church and society. Rather than becoming individualistic, the spirituality of communion is central and has its impact not only in life lived in common, but also in the exercise of the apostolate and the understanding of mission, both corporate and in collaboration with other members of the People of God.¹⁹⁶

All this implies that authority be recognized as an important task in carrying out the mission, faithful to the charism proper to each. ...persons in authority are not only responsible for the animation of the community but also for the coordinating of the various competencies in relation to the mission. Thus, they respect the roles and follow the internal norms of the Institute. Even if persons in authority cannot — and must not — do everything, they nevertheless have the ultimate responsibility for everything (*VC*, n. 43).¹⁹⁷

¹⁹² *FT*, n. 20.

¹⁹³ *FT*, n. 20b.

¹⁹⁴ *FT*, n. 20c.

¹⁹⁵ *FT*, n. 20e.

¹⁹⁶ See *FT*, nn. 2, 3, 13c, 13f.

¹⁹⁷ *FT*, n. 25; see also *FT*, n. 12.

Authority is presented in *Faciem tuam* as at the service of the community, as Christ served, in the end to build a community of brothers or sisters.¹⁹⁸ One of the primary services persons in authority render is for the continuation of the institute's charism. They are foremost at the service of the proper charism by knowing it, by living it, and by finding its appropriate application in ecclesial and social contexts.¹⁹⁹

After having reaffirmed the charismatic origin and the ecclesial mediation of religious authority, it is reaffirmed that, as all authority in the Church, so too the authority of the religious superior must be characterized by the spirit of service, in imitation of Christ who "came not to be served but to serve" (*Mk* 10:45) ... avoiding, on the one hand, any attitude of domination and, on the other, any form of paternalism or maternalism.²⁰⁰

The superior is a member of the community, and is elected or proposed by the community. She lives in the midst of the members and is always ready to help them.²⁰¹ It must not be a case of the superior on the one hand and the community on the other, as though these are opposing realities. There is no such thing as a superior without a community or a community for a superior. The members of the community are not at the service of the superior, but, Rovira adds, "are rather together at the service of the kingdom of God. In this context, the superior, the authority is an important service but it is not the only one."²⁰²

Reference has been made to the service that the superior is to render with regard to the charism and the promotion of the mission, neither of which can be carried out outside the context of the community. Most of the superior's time will be spent with the third aspect

¹⁹⁸ See CABRA, p. 168.

¹⁹⁹ See *FT*, n. 13e.

²⁰⁰ *FT*, n. 14b.

²⁰¹ See J. ROVIRA, "Authority and obedience in Religious Life: On the Instruction *Faciem Tuam*," in *UISG Bulletin*, 138 (2008), p. 18.

²⁰² ROVIRA, p. 19.

of her service: care of the members. *Faciem tuam*, n. 20a states, “Listening is one of the principal ministries of superiors for which they must always be available, above all for those who feel isolated and in need of attention.” Rovira emphasises, “Listening and being listened to is a duty and a right of every Christian if we truly wish to understand God’s will (cf. *MNI*, n. 45a).”²⁰³ Through attentive listening to the members of one’s institute, the superior can better coordinate “the energy and gifts that the Spirit gives to the community and also, when making decisions, to keep in mind the limits and the difficulties of some members.”²⁰⁴ Listening facilitates the preservation of the unity of the institute, connecting with each member and seeking together that which unites them.²⁰⁵ Finally, listening also enables the superior to accompany the journey of ongoing formation of members of the institute, for whom they are called to care throughout their lives. This, as any duty of the superior, is not merely for the other, “it will be the responsibility of persons in authority to keep a high level of openness to being formed as well as the ability to learn from life. In particular, this is important to do regarding the freedom of letting oneself be formed by others and for each one to feel a responsibility for the growth of others.”²⁰⁶

Called to inspire courage and hope, superiors, leaders of the community are to be like the Good Shepherd who gives his life for the sheep. They are to be personally involved in and present to the concerns and difficulties of those confided to their care.²⁰⁷

Superiors are chosen from among the members to be someone who will protect, stimulate and encourage cohesion and fidelity to communion²⁰⁸ and the mission of the

²⁰³ *Ibid.*, p. 13.

²⁰⁴ *FT*, n. 20a.

²⁰⁵ See *FT*, n. 12.

²⁰⁶ *FT*, n. 13g.

²⁰⁷ See *FT*, n. 13d.

institute to which God calls it. Rovira explains, “Communion and the search for God’s will are the work of all members and not the monopoly of one person, but the superior has this specific responsibility.”²⁰⁹ To accomplish this, the superior must be an example of that which she is to implement. He continues, “This authority must therefore be vested first of all in a spiritual person, one convinced of the primacy of the spiritual in personal life and in the building of community life and aware that the more love of God grows in hearts the more hearts will be united. (c. 619; *FT* 12d, 13a, 21c)”²¹⁰

Throughout the instruction, *Faciem tuam* emphasises this duty of modeling as the fundamental way for true authority to be exercised. “To be in the position of promoting the spiritual life, persons in authority will have to cultivate first in themselves an openness to listening to others and to the signs of the times through a daily familiarity in prayer with the Word of God, with the Rule and the other norms of the life.”²¹¹ The obligations of canon 619 for the spiritual nourishment of the members begin with the superior, called to guarantee the time for and quality of prayer, and by striving for such in her own personal life.²¹²

Persons in authority must assure that unity of life be preserved and that the greatest possible attention is paid to the balance between time dedicated to prayer and time dedicated to work, between individual and community, between commitments and rest, between attention to common life and attention to the world and the Church, between personal formation and community formation.²¹³

²⁰⁸ The Congregation clarifies its use of the word *communion*, “which cannot and must not be understood as a kind of delegation of authority to the community, but neither as a more or less veiled imposition of one’s own point of view.” (*FT*, n. 13c.)

²⁰⁹ ROVIRA, p. 17.

²¹⁰ ROVIRA, p. 18.

²¹¹ *FT*, n. 13a; see *Starting Afresh*, nn. 24-26; see also *FT*, nn. 12, 13b, 13d, 13g, 20b.

²¹² See *FT*, n. 13b.

²¹³ *FT*, n. 25c; see *FL*, n. 50.

Given the numerous tasks entrusted to those in authority, one might easily be discouraged and ask where such persons with these gifts and capacities can be found. *Faciem tuam* could be read as a compendium of the face of authority that is desired and needed, a tool for preparing superiors, and means to assess the effectiveness of the office.²¹⁴ Those who prepared the instruction are not naive to the challenge of this ministry of service. Rovira notes, “Authority has human limits and persons in authority would be mistaken if they were not aware of it.”²¹⁵ As stated in *Vita consecrata*, superiors are to exercise their authority despite their human limitations.²¹⁶ *Faciem tuam* encourages “leaders [to] humbly recognize their own limits and need help from others.”²¹⁷ Acknowledging one’s limitations is one challenge; other areas of caution have to do with resignation to mediocrity,²¹⁸ on the one hand, or the risk of self-sufficiency,²¹⁹ on the other.

As *Faciem tuam* notes, “The balance between the individual and community is not an easy one and thus neither is that between authority and obedience.”²²⁰ There is always the risk that emphasis on the importance of authority and obedience can favour authoritarianism and submission; but to underline the respectability of the human person as well as the respect for their talents and charisms can favour individualism and diminish the importance

²¹⁴ See CABRA, pp. 170-171.

²¹⁵ ROVIRA, p. 11; see *FT*, nn. 13d, 18a, 21a and c; *VC*, n. 92; cf. *FT*, nn. 20g, 25a.

²¹⁶ See *VC*, n. 92.

²¹⁷ *FT*, n. 13d.

²¹⁸ “What we see here then is the danger of becoming managers of the routine, resigned to mediocrity, restrained from intervening, no longer having the courage to point out the purposes of authentic consecrated life and running the risk of losing the love of one’s first fervour and the desire to witness to it.” (*FT*, n. 28)

²¹⁹ “Whoever exercises the service of authority will have to be attentive not to give into the temptation of personal self-sufficiency, to believe that everything depends on him or her and that it would not be important and useful to foster community participation.” (*FT*, n. 25a)

²²⁰ *FT*, n. 3.

of the Community and missionary dimension of consecrated life.²²¹ *Faciem tuam* seeks to help in finding this balance through the very means of both authority and obedience, and their mutual relationship to one another and at the service of the mission.

2.13 SUMMARY

In our survey of various documents and legislation for institutes of consecrated life since 1900, we have seen a consistency that enables us to articulate dimensions of the role of a religious superior with clarity and therefore fundamental for a major superior. With regard to the institute, the authority to govern the institute belongs to the officials of the congregation, not the bishop. Although elected, or appointed in the case of superiors who are not the supreme moderator, the authority of the superior is derived from the lawfully approved constitutions, not from the general chapter or the appointing superior. Hence, the authority of the superior is proper, not vicarious.

The foundation of the office of superior consists in the duties or rights fundamental to all members. While all in the institute share many of these responsibilities by virtue of membership, the superior has a particular responsibility by virtue of the office. The governing function of superiors, the authority over the internal life of the institute is clear. The service to be rendered is that of ordering the life of the community, of organizing the members of the institute, and of caring for and developing its particular mission, all the while fostering the exercise of subsidiarity. In a spirit of collaboration with the local bishop, the superior is to see that the institute be efficiently inserted into ecclesial activity and the life of the local church.

²²¹ See CABRA, p. 163.

At the same time, there is nothing more pressing for the religious superior, no matter of supervision or administration that outweighs the priority of animating and inspiring to fidelity of the charism and pursuit of the mission proper to the institute. The primary role of the superior is to safeguard the patrimony of the institute and regulate well the processes that assist members in living out their vocation and accomplishing the apostolic ends of the institute. Ultimately, this is to foster the preservation of the unity of the institute, as they themselves are to be the sign of unity, and promotion of the ends for which it was founded.

Ever present is the challenge to balance the principles of personal authority, consultation, involvement of members, shared responsibility, and subsidiarity. With a balance of personal authority and shared responsibility it is possible to see the whole of religious governance fulfilling its purpose. Canon 618 clearly maintains the principle of authority vested in persons and, at the same time, suggests the principle of shared responsibility in its description of the role of religious superiors. The canon reflects *PC*, n. 14 in its call for active participation on the part of all members in their working together for the good of the institute and of the Church. This disposition is critical, and surfaces in many ways and by many names over the years: broad consultation, shared responsibility, co-responsibility, and mutual accountability, but ultimately honours the principle of subsidiarity.

The primary field for this participation of members in consultation is the council. The role of the council is elaborated upon in proper law and will vary greatly according to the nature and needs of each institute, but the purpose of the structure is to be a safeguard for the rights of individuals and provide balance in the exercise of authority.

In the end, as stated in *Starting Afresh*, “a superior cannot renounce the mission of animation, of brotherly/sisterly support, of proposing, of listening and of dialogue. Only in this way can the entire community find itself united in full communion and in apostolic and

ministerial service.”²²² The result is that the role of the superior, and more so of the major superior, is essential to carrying out the ends for which an institute was founded and sharing the grace of its charism with the Church and the world.

²²² *Starting Afresh*, n. 14.

3. APOSTOLIC WOMEN'S RELIGIOUS INSTITUTES IN 20TH CENTURY AMERICA

The modalities of consecrated life have gone through enormous changes over the last century, as noted by the documents studied in the last chapter. Although, prior to the Second Vatican Council, religious were always considered to be *in* the world but not *of* the world, the changes in culture and society did have an impact on how institutes of consecrated life would be transformed. In the United States, the twentieth century was one of constant motion – from a pioneering and immigrant society, to an urban and upwardly mobile population, to a highly professional, efficient and wealth-driven value system; from community based government to distinctly regulated federalism. All of this influenced how institutes of consecrated life and the women who joined them responded to the needs of the times, the Church, and the people of God.

Women religious impacted several institutional structures of society – schools, hospitals, and centers of social service. The strength and service of these institutions set the standard for public service in health care and education. Sisters had an effect on these institutions, but these institutions also shaped their institutes – the internal structures, communal inter-relationships, and modes of operation.

In this chapter, we will explore the context and motivations for the changes in twentieth century American religious life. We will note the influences of the Church, both universal and domestic, the impact of the introduction of national conferences, the challenges posed by changing state and federal regulations, and the movement from anti-intellectualism to professionalism. The goal of this chapter is to give an overview and set the stage for how a major superior will operate in contemporary culture. To understand the

current situation, it is important to be able to trace how we got here. In this chapter, there will also be some mention of basic structures and the role that ordinary governance played in the renewal of religious life in the United States, but the particular analysis of the impact of the changes upon the office of major superior and ordinary governance structures will occur in Chapter 4.

3.1 PRIOR TO 1950

Prior to 1950, in the United States, apostolic religious institutes were fundamentally institutional. The congregations that came to the U.S. from Europe, as well as the institutes founded in the U.S., were often founded for the purpose of running institutions as the most efficient means of dispensing their gospel service of education, health care, or social service to the most people and to do the most good, with the most meagre resources.

3.1.1 THE BASIS IN COMMUNITY

Beginning in the fifth and sixth centuries and following, the monastic model of life became the ideal social order as well as the sole model for true religious virtuosity. Between the sixteenth and nineteenth centuries, a new form of religious life took hold in Western Christianity, in both Catholicism and Protestantism. The priority of dispensing needed services was held with equal if not greater weight as prayer, personal salvation and spiritual growth. By the seventeenth century, Catholic charitable works in Europe became more institutionalized as the most efficient way to assist the poor. The individual, one-to-one administration of services developed into large-scale institutions.

Wittberg notes that “more than 600 new religious orders were founded in Catholicism worldwide between 1800 and 1900, almost all of which were devoted to teaching, nursing, or social work.”¹ These services were administered by religious women in institutes expressly established for the purpose of apostolic service. Cada affirms, “For the most part, these groups were dedicated to the ideal of building institutions and having their members selflessly apply themselves to attaining the professional standards required for excellence in those institutions.”² As a result, this new model of religious virtuosity especially required the virtues of humility and simplicity. Cada continues, “The pursuit of holiness came to be seen as a humble and simple dedication to a community’s institutions, so that those institutions could become acceptable by secular standards and at the same time be apostolic tools suited to the new needs of the Church.”³

At the same time, in the United States, there was no unified system of highways to link various parts of the country. States, cities, and towns were self-contained and essentially self-sustaining. This reality and accompanying mentality was reflected in the religious institutions; “each school, hospital, orphanage or other institution in which the Sisters served was a unit.”⁴ Adherence to the past and to tradition gave the institutes themselves and their administration of apostolic works stability and security. Beginning with immigrant populations, Catholics centered themselves around the Church as tight-knit communities. In such an environment, the ideology of religious life inherited from the seventeenth century and earlier periods was able to be maintained.

¹ P. WITTEBERG, *From Piety to Professionalism – and Back? Transformations of Organized Religious Virtuosity*, New York, Lexington Books, 2006, p. 8.

² L. CADA et al., *Shaping the Coming Age of Religious Life*, 2nd ed., Whitinsville, MA, Affirmation Books, 1985, p. 40.

³ Ibid.

⁴ B. MEYERS, *Sisters for the 21st Century*, New York, Sheed and Ward, 1965, p. 23.

Women's apostolic religious life, as it was seen through the mid-twentieth century, is often idealized and recalled with nostalgia by outside observers. Morey and Piderit articulate this general impression in the following terms:

Prior to the 1960's, women religious were very distinguishable, and not only because of their habits. ... They operated as a witness community of role models and knowledge experts who sustained the Catholic culture of the institutions and guided [the young] as much by the power of how they lived as by what they taught. The vowed lives in community of these women reflected a carefully organized and painstakingly sustained balance built around a deep and abiding spiritual core. In every day there was time for prayers, meals, and work. Sisters also spent time with the community in recreation and doing the daily chores of community life. Maintaining balance was part of what religious women did. They also lived in communities that spanned an intergenerational life-cycle where young women entered and were taught by those who had gone before. Each sister worked in a particular religious institution, such as a school or hospital, but each sister also had great emotional interest in the well-being of the congregation and how the various undertakings of the congregation were prospering. When the sisters became old, they found a place in the heart of the community, where they were honored and embraced and their fellow sisters surrounded them and cared for them as they were dying.⁵

It was taken for granted that because religious lived together, worked and prayed together, there was a healthy community life. As idealistic as this may sound, Arbuckle notes that in reality, "[a] frightening amount of creative energy and time was turned inward just to maintain extraordinarily structured, unchanging rules and dress codes."⁶

The superiority of religious life over lay life was repeatedly affirmed through Church teachings and was held without question by the Catholic faithful. The isolation necessary for religious women (to maintain the schedule and life-style as noted above) was not seen as a deprivation, but a measure of their superior, heroically dedicated, and spiritually rich life. The most admirable characteristic of religious, especially in the view of laypersons, but also as perceived by religious themselves, was absolute obedience to the will of God as expressed through the religious superiors. "This common discipline enabled the sisters to act and to be

⁵ M.M. MOREY and J.J. PIDERIT, *Catholic Higher Education, A Culture in Crisis*, New York, Oxford University Press, 2006, 254.

⁶ G.A. ARBUCKLE, *Out of Chaos: Refounding Religious Congregations*, New York, Paulist Press, 1988, p. 71.

perceived as a unified group pursuing the will of God without reference to their own personal inclinations.”⁷ Although the vow of obedience has been nearly universally adopted by religious institutes for centuries, Wittberg notes that it is more indispensable for maintaining the unity and direction of the group than its attractiveness to the individual members.⁸ Yet, in historically patriarchal societies, unquestioning obedience would not have posed a significant obstacle for prospective members of religious institutes.

The concept of obedience and authority in the religious life of the time focused on the superior who commanded and the subject who obeyed. The interpretation was founded upon the model of hierarchy, centralization of governance, and control which mirrored the structure of the Church. There was a top-down pattern of decision-making that was reinforced by a member’s obedience to her superiors whose judgments were seen as reflecting the will of God. Acceptance of the authority of one’s religious superiors was part of the calling to religious life. The prevailing ideology was that the superiors had a special “grace of office” that enabled them to make wise decisions.

In the local community, the superior was also usually the administrator of the institution that the members staffed. The local superior also continued the formation of newer members once they completed their novitiate. She would give formal instructions in the spiritual life and private counselling to assist the young sister in the practice and growth of her religious virtues. As administrator of the apostolate, the local superior also assisted the new member in integration to her professional life. We also noted the responsibilities of the local superior in the ongoing formation of all of the members in the previous chapter, as expressed particularly in the 1917 Code of Canon Law.

⁷ MOREY and PIDERIT, pp. 260-261.

⁸ See P. WITTEBERG, *The Rise and Fall of Catholic Religious Orders: A Social Movement Perspective*, W. CLARK ROOF (ed.), Albany, State University of New York Press, 1994, p. 127.

Unlike previous periods in history, the nineteenth and early twentieth century Church did not respond with a new spirituality and theology to address the challenges of the day, but retreated to the security of the past. As a result, the gap widened between the static concepts prevalent in Catholic thinking and the positions stimulated by mainstream Western culture.⁹ The nineteenth century boon of religious foundations was based almost entirely on a resuscitation of the seventeenth-century apostolic model. Church doctrine continued to insist that the primary goal of religious institutes was the spiritual perfection of the members, while the service of the apostolate was secondary. Although the Christian institution was still seen as a means for the coming reign of God, and those who worked there and administered them were engaging in ministry of heavenly proportions, the disparity with a rapidly changing social and political culture became more and more evident.¹⁰

As the middle of the twentieth century approached, the formerly marginalized subpopulations of Catholics began to assimilate into mainstream culture. They were no longer the newest immigrants, the poorest or most oppressed. Catholics were becoming more educated and inculturated, finding employment in the mainstream, beyond the factory floors. Liberal democracies, with due process and consent of the governed, found the practice of religious obedience, as it was, unacceptable. Especially after World War II, any social model that expected blind obedience was morally offensive. Apostolic ministry through the religious institutions seemed to be limited to responding to the *effects* of the systemic injustices inherent in modern government rather than the causes. This position was

⁹ Wulf notes, "It has been said quite generally of the Church, that in modern times she has become increasingly removed from the world, especially since the nineteenth century, has inhabited her own ghetto, no longer holding any converse with the real, secularized world, thus contributing to that secularism by her very revulsion from it. It that can be said in general, it is true even more pointedly of the religious orders," (WULF, F., "Decree on the Appropriate Renewal of the Religious Life," translated by R. WALLS, in H. VORGRIMLER (gen. ed.), *Commentary on the Documents of Vatican II*, vol. 2, Freiburg, Herder and Herder, 1967-1969, p. 339).

¹⁰ See especially P. WITTEBERG, *Pathways to Re-Creating Religious Communities*, New York, Paulist Press, 1996, pp. 71-74.

to be expected, since authority was not to be questioned, yet it amplified the distance of the Church (and religious institutes) from the increasingly aware and integrated Catholic population.

On the other hand, by 1950, the demand for sisters to staff schools, hospitals, and welfare centers, as well as the call for missionaries all over the world, far exceeded the then approximately one million sisters of the world. The particular need for trained professionals directly correlated to the predominant professions of sisters: healthcare, education, and social work. As early as 1929, Pope Pius XI, in the encyclical on the Christian education of youth,¹¹ exhorted that religious should receive the full credentialed education necessary to carry out these important tasks. In the United States between the 1920s and 1950, sisters were responding to the need for professional credentials while maintaining the institutions at the pace which had become the norm. It was less than an ideal situation, as we will see in more detail in the next subsection, as sisters would follow university courses on weekends and during the summers. During the week they would see to their institutional commitments as well as fulfill the requirements of a prayer schedule that often took a full three hours a day.¹²

The positive aspect of all of the work and training cannot be overlooked. Running institutions empowered individual sisters, providing them with professional occupations that were unavailable in the larger society. Entering a religious institute had been a successful strategy for women who desired respect, independence, and social mobility without losing

¹¹ PIUS XI, Encyclical on Christian Education *Divini Illius Magistri*, 31 December 1929, in *AAS*, 22 (1930), pp. 49-86, English translation, *Christian Education of Youth*, Washington, DC, National Catholic Welfare Conference, 1936, pp. 3-39.

¹² See M.A. NEAL, *From Nuns to Sisters*, Mystic, CT, Twenty-Third Publications, 1990, p. 29.

their traditional identity and familial place. Because of institutional needs, religious superiors actively developed the administrative skills of their members. Historian J. Kenneally notes:

[Catholic sisters] were among the most liberated women in nineteenth-century America. They were self-supporting, owned property, were well educated, held administrative positions, lived in a community of women, and were free from the dominance of husbands and the responsibility of motherhood. Often they were envied by their Protestant sisters for their independence and hailed by businessmen for their acumen.¹³

The apostolic model of religious life advanced the ideal that ministerial work also contributed to religious virtuosity – one’s spiritual perfection was furthered by diligent service in the institution.

3.1.2 THE ISSUE OF EDUCATION

Up until the twentieth century, the cultural priorities of the United States were of growth and prosperity, and these did not necessarily require excessive education. It was not until the engagement with other countries during World War I (1914-1918) that the deficiency of education was exposed. It was revealed that in 1917, U.S. soldiers had a median of a sixth-grade education, and as Meyers explains, “there was an uncomfortable feeling that this quite possibly represented the nation as a whole in the field of learning.”¹⁴ From that point forward, advocates for education worked continually towards promoting the completion of high school as the basic standard. For this to be effective, emphasis was placed on the preparation of teachers and higher standards were set for schools all across the United States. Existing regional accrediting agencies began to enforce policies for teacher-certification and improvements of the physical plant of the schools, equipment, and

¹³ J.J. KENNEALLY, *The History of American Catholic Women*, New York, Crossroads, 1990, p. 43.

¹⁴ MEYERS, *Sisters for the 21st Century*, p. 26.

programmes. At the same time, standards for other occupations, such as nursing, were also increased or began to be enforced.

State and regional accrediting agencies began to demand that the minimum for teaching secondary school required a baccalaureate degree, with major and minors in the special fields of instruction. Elementary school teachers would be granted certification when half of the college programme was completed, with the understanding that the baccalaureate degree would be earned as soon as possible. Meyers reflects the impact that this had on religious institutes: “The State and regional accrediting agencies that made college degrees for teachers (and, a few years later, for nurses) mandatory had somewhat the effect of an earthquake in the hitherto tranquil lives of the Sisters in the immediate pre- and post-World War period.”¹⁵

These requirements could not be met immediately so the Bureau of Education enacted norms in 1920 and 1921 that would assist in getting the schools up to the new standards. The concessions that could be considered favourably toward meeting the accrediting standards were: successful teaching experience for five to fifteen years; post-secondary-school professional training; work toward completing two years of college (for elementary school teachers), and in the case of secondary school teachers, the faculty should have at least one member holding a college degree; evidence of progress of all faculty members toward attaining their baccalaureate degree within a reasonable time, with majors covering all subjects taught in the secondary school curriculum. These amendments were not limited to schools; it is a matter of history that all professions stepped up college requirements after the war. The changes in the schools, however, are the most foundational

¹⁵ MEYERS, *Sisters for the 21st Century*, p. 27. See also M.J. WEAVER, *New Catholic Women: A Contemporary Challenge to Traditional Religious Authority*, 2nd ed., Bloomington, IN, Indiana University Press, 1995, p. 79.

to all other changes and expansions. If the basic education of the population was not addressed, how could higher education and the growth of the other fields hope to flourish?

After the Second World War, along with the population explosion, there was an explosion of knowledge. Beginning with the natural sciences, courses in physics, chemistry, biology and mathematics were all updated. Social and behavioural sciences came to prominence with new discoveries and the studies of psychology and human relationships were deepened. History courses expanded into civilizations, culture, customs and mores of the countries, social studies, Middle-East and Far-Eastern civilizations, and Latin America were just the beginning. The burgeoning of television stimulated the speed of the progress – children learned new and exciting science discoveries at the same time, or even before their teachers.

The explosions in education did not limit fields of study, but instead broadened them. Education for the sake of certification was not sufficient and the importance of a truly liberal education was advanced. The ideal was for a cultured population with knowledge in the areas of history, literature, art, music, science and social studies. Such knowledge would stimulate one's power to think and be creative regardless of the profession in which one was engaged.

During the decades from 1920 to 1940, thousands of sisters attended colleges and universities throughout the United States. The financial burden on the institutes was enormous. Some communities, "sending four hundred Sisters to summer school alone, were spending close to thirty thousand dollars a year on tuition, books and fees, exclusive of transportation, board and room."¹⁶ Considering the circumstances which most sisters endured to obtain their requisite certifications – afternoon and weekend courses during the

¹⁶ MEYERS, *Sisters for the 21st Century*, p. 30.

school year and summer session of at least six weeks – it is understandable that education was seen as a burden and even penitential. Where state requirements allowed five to fifteen years of experience to count in place of a baccalaureate degree, older sisters could maintain the school while the younger members worked toward at least a two-year certificate. The completion of their degree often took another twenty years.

Sisters had been accustomed to on-the-job training: they had been teaching, nursing, or doing social work for years on a combination of goodwill, self-education, tutorial supervision, and holy obedience. With regard to educational ministry, Weaver states: “Because they concentrated on basic skills and had a reputation for teaching ... very well, sisters lived in an unreal educational world in which college degrees were luxuries and the intellectual life always a little suspect.”¹⁷

Their professional training and college education qualified a sister to teach, nurse, administer social services and the like, but what was the impact of such an education upon her religious life? Where was her formation in theology and scripture? Both major superiors and the sisters themselves were dissatisfied with what education had failed to do. The sisters were confident that higher education was not detrimental to one’s religious life and vocation, but the exhaustion from extensive professional study did not entice many to want to pursue further education for their spiritual enrichment.

A doctoral dissertation, *The Education of Sisters*, published in 1941¹⁸ assessed the results of twenty-five years of the sisters’ part-time study at universities and colleges. “The study brought out the growing sense of inadequate return from university work in many religious Communities and led to the strong premise that it was not higher education *per se*

¹⁷ WEAVER, p. 80.

¹⁸ B. MEYERS, *The Education of Sisters*, New York, Sheed and Ward, 1941.

that was so much at fault, but the manner in which it had been pursued by all the Sisters who could not attend college full-time – and their number was legion.”¹⁹ The impact of this study cannot be over-emphasized; the study itself in asking for the opinions of superiors and members and the honesty with which the sisters responded, as well as the assessment of the issues raised and proposed solutions, paved the way for what was to come in the 1950s.

Amidst the demands of obtaining their professional credentials in an anti-intellectual subculture, while trying to live within the rules of a medieval cloister, sisters endured education begrudgingly rather than flourished with the explosion of knowledge of the day. University costs were prohibitive, yet state requirements had to be met; at the same time priests and bishops demanded teachers immediately, either disagreeing with the state requirements or believing that their needs were more pressing than proper teacher preparation. The desire to change was not enough. Beginning with Pope Pius XI and extending through the time of Paul VI, papal support was necessary in motivating sisters (and convincing priests and bishops of the necessity) to adapt to the modern world and to upgrade their educational background in order to be able to stand in the forefront of the Church’s apostolic life.

3.1.3 THE INSTITUTIONAL IMPACT

The staffing and administering of religious apostolic institutions were the primary reasons for the existence of most of the nineteenth century religious institutes. Building a plethora of religious schools, hospitals, orphanages, settlement houses, and other institutions was a holy work that would effect the salvation of the world and bring about the kingdom of God. This was the work to which thousands of individual sisters gave their lives. The impact

¹⁹ MEYERS, *Sisters for the 21st Century*, p. 34.

of these institutions upon American Catholic life and religious life must be considered. The institution was the measure of the success of a religious institute, and the success of the institutions influenced the life and growth of the institute. The scope of the religious institutional influence on American culture is hard to grasp, numbers can give us only a glimpse.

Wittberg states, “The dominant presence of religious sisters serving as founders, administrators, and staff exerted a profound influence on the early years of their colleges, hospitals, and social service agencies.”²⁰ The religious institutes owned the facilities of the institutions, chose their original sites, and drew up the plans for their original and subsequent buildings. The lifestyle of the sisters set the pace for the functioning of the institution, whether they were entirely staffed by sisters or merely predominantly staffed by sisters. Often times, the members of the religious institutes were intimately linked to the existence of the apostolic institution; as a result, the institutions were run like a family business.

Commenting further, Wittberg remarks, “Control over their institutions gave the women’s groups a degree of power and influence in the larger society that was unusual for their sex.”²¹ Running most of the Church’s charitable institutions gave the sisters both influence and respect in the Catholic community and even with the local hierarchy. The sisters fought for their rights and often won, and if the situation warranted they would threaten to leave the institution or the locale, on occasion they did just that.

Hospitals: In the late nineteenth and early twentieth centuries, American sisters owned their hospitals outright and held overall authority and responsibility for policy formation and operating decisions. In these situations, the superior of the local community

²⁰ WITTBURG, *From Piety to Professionalism*, p. 57.

²¹ *Ibid.*, p. 92.

was also often the administrator of the facility. Her authority was supreme and nearly all actions required her permission. Some sisters served as the hospital's trustees, others were supervisors of the different departments; all reported to the superior. Many times, it was the superior who would set admission and filing policies, protect the assets of the hospital, promote the hospital to the public and the press, purchase equipment, assign nurses, approve applications for admission to the attending hospital staff and dismiss physicians whose competence was questioned. Within such a structure, sisters automatically had a position of authority, at least one or two sisters worked in each hospital department: from superintendent to librarian, director of nurses, chief dietician, chief X-ray technician, and the head of surgical or laboratory technicians.

“From the 18th century to the present, Catholic hospitals have had a phenomenal growth in the United States, a growth that had its inception in the early immigrant years when the Sisters, with little professional training but with great zeal and ‘educated hearts,’ served the sick in the historic epidemics of the 19th century.”²² By 1861, seventeen different women’s religious institutes were staffing thirty hospitals and their services were in high demand during the U.S. Civil War (1861-1865). Approximately twenty percent of all army nurses during the Civil War were Catholic sisters – a total of 617 women from 21 different institutes.²³ Between 1886 and 1966, 59 different women’s religious institutes founded over 300 hospitals in the United States. “The sisters also established nursing schools – 403 of them by 1931 – and had devised a rudimentary health insurance system as early as the 1880s.”²⁴ Much of the increased professionalization of nursing as a respectable career for

²² MEYERS, *Sisters for the 21st Century*, p. 19.

²³ See WITTEBERG, *From Piety to Professionalism*, pp. 31-32.

²⁴ *Ibid.*, p. 32.

women was due to the high standards and discipline established by women's religious institutes during the early nineteenth century.

By 1900, Catholic sisters ran 645 orphanages and at least 500 hospitals in the United States. Unlike the Catholic Church in other countries, the U.S. Catholic Church is unique for its maintenance of health services. Sixty percent of all hospital beds in the United States were in Catholic hospitals by the mid-1920s. In 1929, the American hospital system was largely comprised of private hospitals (70 percent), and most of these were Catholic, while only 12 percent of European hospitals were private/Catholic. This percentage remained unchanged until the 1970s.

Almost all of the Catholic hospitals in the United States were originally founded and owned by male or female religious institutes. The purpose of these hospitals was to offer charitable solace and save the souls of the dying; they were places where a patient's spiritual and social needs were attended. As in all apostolic ministries, the spiritual work came first. If the sisters could not attend to the patients' souls, then they would not be the ones to minister to their bodies. Wittberg provides the example: "One superior refused an offer of paid hospital work for her sisters until she could be assured that it would offer them the opportunity to save the souls of lapsed Catholic railroad workers."²⁵

As modern medicine developed, the purpose of the hospital changed. No longer was it a place to die, but it was increasingly likely that a hospital stay would actually cure a patient. With the advancement of the medical sciences, those who were ill sought to be admitted into hospitals for care and cure. Hospital populations swelled and members of religious institutes were forced to hire more lay nurses. Sisters began to employ lay nurses on a more extensive basis in the 1920s; by the late 1940s, there were more lay nurses in Catholic hospitals than

²⁵ WITTBURG, *From Piety to Professionalism*, p. 44.

sister-nurses.²⁶ Suddenly, religious ideology and the desire to attend spiritually to the dying were no longer sufficient motivations to merit employment in a Catholic hospital. Nurses and other hospital personnel needed to have superior educational credentials and technical expertise; the hospitals rapidly developed into more professional business institutions. Understandably, the state and for-profit institutions easily moved into a scientific and business model of operation. At the same time, even the charitable hospitals became “economic hybrids, proclaiming a charitable mission while operating like a business.”²⁷

Because of these advances and the evolution of charitable hospital institutions into a more professional business model, by the mid-twentieth century the sisters who were nurses or hospital administrators began to receive salaries closer to those earned by their lay counterparts. This economic parity helped to make up the shortfall of the stipends received by sisters in the ministries of teaching or social work, if the institute had sisters in the various apostolates.

Social Services: Initially, Catholic sisters began social services in the United States by informally caring for the orphans whose parents had died in their hospitals. Wittberg conveys the extensiveness of the works of the sisters:

Between 1870 and 1930, 35 infant and maternity hospitals were founded by sisters to care for unwed mothers and their babies. In 1919, the various branches of the Sisters and Daughters of Charity cared for 10,653 children in their maternity hospitals and orphanages. The plight of impoverished Catholic immigrant women inspired the sisters to initiate other endeavours as well: day care centers, rooming houses, Catholic probation offices, “Magdalen” houses, schools for the retarded, employment bureaus, and homes for the aged. Catholic sisters were also among the first to become involved in settlement house work. As a result of their efforts, and “because of the fairly rigid gender division which defined nuns’ work as that which

²⁶ See P.J. GONSORCIK, “The Canonical Status of Separately Incorporated Healthcare Apostolates in the United States; Current Status and Future Possibilities for the Public and Private Juridic Person,” JCD thesis, Ottawa, Faculty of Canon Law, Saint Paul University, 2001.

²⁷ G. RISSE, *Mending Bodies, Saving Souls: A History of Hospitals*, New York, Oxford University Press, 1999, p. 471, as quoted in WITTEBERG, *From Piety to Professionalism*, p. 125.

involved women, the services available to women exceeded those available to men.”²⁸

One example of employment services is that which was provided for immigrant women by the Sisters of Mercy in New York City between 1849 and 1864; they were able to place almost 17,000 women in respectable and safe situations.²⁹

After the Civil War, many of the one-to-one social services that the sisters were providing were consolidated into larger institutions, since this was seen as a more efficient way to stretch their limited funds to attend to the needs of the poor. Unlike the hospitals and schools founded by religious institutes, many Catholic social service institutions did not remain under the control of the sisters. The prevalent ideology, purported by the Charity Organization Society Movement, held that social problems were too complex to be dealt with by untrained volunteers. Diocesan officials were convinced that the allocation of alms to the various charitable social works had to be distributed by professional and efficient means. “By the early twentieth century, therefore, many Catholic social agencies were funded and overseen by governing boards of businessmen, with lay, credentialed social workers to supervise the nuns’ efforts.”³⁰

Schools: Catholic immigrants, especially from Europe, brought to the United States their expectation that elementary education was to be provided by members of religious institutes. The strong nationally Protestant leanings only increased their suspicion of state schools. In addition, since the American government did not subsidize religious institutes, as the European governments had, the religious themselves were forced to find their own source of income once they arrived in the United States. The women’s institutes typically

²⁸ WITTEBERG, *From Piety to Professionalism*, p. 35.

²⁹ See H.R. DINER, *Erin’s Daughters in America: Irish Immigrant Women in the Nineteenth Century*, Baltimore, Johns Hopkins University Press, 1983, p. 135, as referenced in WITTEBERG, *From Piety to Professionalism*, p. 10.

³⁰ WITTEBERG, *From Piety to Professionalism*, p. 35.

established residential academies for wealthy, invariably Protestant, girls, and used the money earned to subsidize their free schools for the Catholic poor.

In 1852, the First Plenary Council of Baltimore declared as national policy that Catholic children would attend Catholic schools. This was re-emphasized at the Second Council in 1866, and solemnly pronounced following the Council of 1884. Every pastor was required to build and maintain a school; parents were obliged to send their children to the parochial school unless they received a dispensation from their bishop, and only for very serious reasons. The pastoral letter that resulted from the 1884 Plenary Council held that no parish would be complete unless it could sufficiently educate all of its children and the parish community should not rest until this duty was met.³¹

According to Meyers, there were 2,697 Catholic elementary schools by 1887, several of which had been in existence before the First Council of Baltimore. Five years later the number had grown to 3,482. By 1900, approximately 63 percent of U.S. Catholic parishes had built elementary schools, and 50 percent of all Catholic school children were enrolled in them. In the decade from 1920 to 1930, the number of Catholic elementary schools had increased from 6,551 to 7,293.

In the United States, sisters staffed both parish grade schools and high schools. The parish or diocese that owned the school building was financially responsible for its upkeep. The pastor or bishop then contracted with religious institutes of women to instruct the pupils.³² The contracted arrangement between the clergy and religious frequently resulted in

³¹ The full text of the pastoral letter is found in H.J. NOLAN (ed.), *Pastoral Letters of the United States Catholic Bishops*, v. 1 (1792-1940), Washington, DC, National Conference of Catholic Bishops, United States Catholic Conference, 1984, pp. 209-240; see especially nn. 34 and 35 (p. 225) regarding the need for more Catholic schools.

³² Initially, the sisters taught the younger children and the older girls, while brothers taught the older boys. Before long, the men's institutes withdrew from teaching in the parish schools, possibly because they found their private high schools more lucrative.

conflict. There was often a lack of clarity as to who had the authority to assign a given sister to a school or to move her to a new assignment. Furthermore, pastors repeatedly did not honour their contracts and refused to pay the sisters, forcing them to support themselves by giving music lessons outside class. Moreover, by the early twentieth century, many dioceses had created the position of Superintendent of Schools (almost always filled by a priest), together with a diocesan school board composed entirely of clergy, whose task it was to investigate the schools in their districts, examine the teachers, test the pupils, reform the discipline and report the results to the bishop. The lack of voice at the administrative level by those engaged in the classroom ministry was often a source of frustration and conflict.

The institutes usually received small stipends from the parishes for the teaching sisters' living expenses. For the women especially, these stipends were extremely small: the average stipend for sisters in the late nineteenth century was between \$150 and \$200 per sister per year. This was not enough for the sisters to live on, let alone fund the education of the novices, care for the elderly sisters, and maintain the motherhouse. The stipends rose very slowly and not nearly at the rate of inflation: while the cost of living rose 43.7 percent between 1909 and 1921, the sisters' stipends rose only 24.9 percent.³³ As late as the 1940s, the average annual stipend per teaching sister was \$335.³⁴

Both male and female religious institutes owned their schools and comprised most of their staff. While Catholic sisters ran 3,811 of the parochial schools in 1900, they also had 633 of their own girls' academies. Some academies adopted the standard four-year high school curriculum and began admitting mostly students from the new Catholic middle class. Often they were more ambitious with regard to the curriculum; beyond the basic disciplines

³³ See WITTBURG, *From Piety to Professionalism*, note 12, p. 48.

³⁴ Prior to 1940, the stipends paid to religious brothers were more than twice what was paid to the sisters for the same work. See WITTBURG, *The Rise and Fall of Catholic Religious Orders*, p. 52.

of arithmetic, reading, grammar, religion, spelling and composition, they would add such classes as: “Logic for Young Ladies,” literature, the classics in translation, history, and mathematics, to expand the minds of the young women in their care.³⁵

Catholic religious institutes had more control over their own academies and colleges and the more consistent and just income provided greater stability for the institute. In the early twentieth century, Bishops pressured sisters to found or expand women’s colleges within their dioceses because they saw a need for well prepared Catholic lay teachers in the burgeoning Catholic school system. This was just another area in which women religious would excel in serving the needs of the Church and the people of God.

Women religious were distinguished in college leadership and the competence they exhibited in administering whole colleges or parts of them. While it was rare for women to have high-profile leadership positions in society, sisters led institutions, handled the finances, hired lay faculty, and raised funds, all while maintaining their life of prayer and community. As late as the mid-twentieth century, the religious institutes exercised control over their educational institutions in a variety of ways: 1. the religious institute might be the parent corporation that owned the institution’s property or facilities; 2. they might run the academy/college as one of their apostolic endeavours; 3. they might provide for most of the personnel, administrators, and faculty for the academy/college; 4. the religious superiors might comprise all or most of the board of trustees; 5. the religious superiors might move members to or from institutional positions without consulting the administrators of the academy/college; 6. the religious institute and/or its superior might exercise various types of

³⁵ See MEYERS, *Sisters for the 21st Century*, p. 21.

financial controls over the institution; 7. the superior of the order might also be the president of the college/academy.³⁶

3.2 1950 TO 1965

Although a narrow span of time, the fifteen years of 1950 to 1965 contain the most profound changes in apostolic religious life in the United States for women. The murmurs of dissatisfaction and inefficiency that began in the 1940s were given voice and momentum at the initiative of Pope Pius XII in 1950. It was another four years before the talk of change became effective change, but the years of dialogue and preparation proved to be invaluable when the mandates of the Second Vatican Council for renewal were given.

The transformation that occurred during these mere fifteen years has had a greater impact on U.S. women's religious life than any other period. Meyers adds, "It may well be said that during this decade [1950-1960] Major Superiors of religious Communities of women matched their predecessors of pioneer days in vision, courage and resourcefulness."³⁷ In this section, we will give an overview of the foundational stimuli to the changes as they occurred during these years and the basis that was established for the Post-Vatican II period.³⁸

³⁶ See MOREY and PIDERIT, p. 255 and WITTBERG, *From Piety to Professionalism*, p. 91. Dimensions of religious sponsorship of institutions will be addressed only briefly in the course of this chapter, and more specifically in section 3.4, but this is not the focus of this study.

³⁷ MEYERS, *Sisters for the 21st Century*, p. 59.

³⁸ For a very brief overview of this period see J.K. MCMAMARA, *Sisters in Arms: Catholic Nuns through Two Millennia*, Cambridge, MA, Harvard University Press, 1996, pp. 627-630.

3.2.1 RENEWAL – PIUS XII TO PAUL VI

By the late 1940s, “the total disjunction between convent life and the wider culture seemed increasingly indefensible,” according to Quiñonez and Turner.³⁹ The gap between religious and the people they served was beginning to hinder apostolic effectiveness and deter contemporary women from considering religious life. In 1950, some U.S. bishops issued an order that no sister was to be seen outside her convent after six o’clock in the evening. Such an order was not met with any question or protest, as at that time, no sister would think of being out after dark, except for evening classes. As presence at professional meetings, greater involvement in parish activities, and the needs of personal ministerial contacts became more pressing, the ability to attend to such things during the evening hours had to be reassessed.

Beginning with Pius XII’s Apostolic Constitution *Sponsa Christi*,⁴⁰ the need for renewal of the interpretation of laws and attention to their origins was recognized and articulated. Although written for monastic nuns, Pius also noted the evolution of certain fundamentally apostolic institutes that by necessity or history had, for some reason, assumed the papal cloister. “As these Orders now engage in education and other similar charitable works, which owing either to the habit of the people or to public regulations, are now practiced in such a way that they are almost or quite incompatible with some of the classical norms of the papal cloister, these norms have had to be judiciously modified, without prejudice to the common notion of cloister, so as to be compatible with these works.”⁴¹ It is

³⁹ L.A. QUIÑONEZ and M.D. TURNER, *The Transformation of American Catholic Sisters*, Philadelphia, Temple University Press, 1992, p. 67.

⁴⁰ PIUS XII, Apostolic Constitution *Sponsa Christi*, 21 November 1950, in *AAS*, 43 (1951), pp. 5-15, English translation in *CLD*, 3, pp. 221-232.

⁴¹ *Ibid.* The paragraphs or sections of this document are not numbered, but merely separated by a graphic [****], this citation is from the fourth segment of the document.

interesting to note that at the same time some U.S. bishops increased the strictness of the papal cloister upon religious, the Pope was calling for appropriate adaptations and moderation of excessive strictness. He continued, “There are some elements ... which are neither necessary nor complimentary, but merely external and historical, since they certainly owe their existence to the circumstances of former times which are now very much changed. These, if they are found to be no longer of any use or liable to hinder greater good, seem to have no special reason for being preserved.”⁴² The induction of this period of renewal was to be approached with caution and prudence, but definite change, with the hope of an increased effectiveness of the witness of religious life.

In that same year, 1950, Pius XII convoked the First General Congress of the States of Perfection, an international gathering of Superiors General in Rome. The stimulus for renewing religious life, for Pius XII, was the post-World War II decline in vocations. The delegates were told that clinging to antiquated customs, irrelevant traditions, and convent life geared to other centuries was the cause of the vocations shortage. The delegates were also advised that any proposed changes to an institute’s constitutions, rules, customs and ascetical practices that would update and renew the spirit and works of the institute would be met favourably by the Congregation for Religious.⁴³

A second purpose for this General Congress was to encourage collaboration among religious institutes, particularly the institutes of women. Such collaboration, especially among communities that engaged in the same or similar apostolates, Pius believed, would be a powerful instrument for the transformation of society. To facilitate this collaboration, Pope

⁴² Ibid., fifth segment.

⁴³ See MEYERS, *Sisters for the 21st Century*, pp. 45-46 and WEAVER, p. 81. For the proceedings of the Congress see CONGREGATION FOR RELIGIOUS, *Acta et documenta Congressus generalis de statibus perfectionis, 1us, Romae, 1950, Congressus et cursus speciales, 4 v.*, Rome, Libreria Internazionale Pia Società San Paolo, [1952-1953].

Pius XII and the Congregation for Religious encouraged the convening of national congresses which were to include the participation of all major superiors. Such gatherings might prove more useful and practical in addressing urgent and domestic problems. While not wanting to intrude on the terrain of local bishops, the Congregation for Religious did resolutely promote the national organization of major superiors.

The first U.S. National Congress of Religious was held August 9-13, 1952, in Notre Dame, IN, with the two main objectives – the same as those of the international congress – of renewal and collaboration. Planned in conjunction with the Congregation for Religious, the National Congress strongly advanced the programme of adaptation of the internal practices of religious life to the exigencies of the modern world. The updating of external works was also stressed, especially in line with the notion of an indispensable collaboration, which would make any renewal possible and effective.

One month later, Pope Pius XII convened the First World Congress for Mothers General in Rome, where the Church-inspired and Church-directed movement of renewal was continued. The goal was for each institute to keep pace with the times so that they could respond to the needs of modern peoples, within the context of their founding charism, and not for the Church to impose unilateral change upon the institutes. An official of the Congregation for Religious, Archbishop Arcadio Larraona, was very explicit with criticisms and the practical areas of religious life that needed attentive revitalization. He devoted an entire session of the Congress to practical changes. As Quiñonez and Turner summarize, in this conference, Larraona

observed bluntly that custom books, with their focus on the detailed regulation of minutiae, had become “oppressive” or at least “embarrassing.” He raised questions about specific areas: the archaic habits worn by many communities, the abolition of class distinctions in order to bring about “absolute equality of rights and

obligations” within communities, and the use of the vernacular languages (rather than Latin) for praying the Office if the change fostered spiritual development.⁴⁴

The changes advocated for and initiated by the Holy See during these first two international congresses dealt with external practices and flexibility in the order of the day, elimination of outmoded ascetical practices, modification of religious garb, and provision for better professional and religious formation⁴⁵. A true *aggiornamento* for religious institutes long before the term was widely known, these changes were to be made gradually and in an orderly manner, with the mutual support and collaboration among institutes, for the good of modern society and the people served by the religious.

Sisters were asked for their opinion by questionnaire, personal interview, and group discussion, as to what changes should be made for the renewal of the internal life of the institute. “Once obedience asked them to look at their life of work and prayer critically and objectively, to view their present practices and customs to which they had become habituated through long observance, and to give their frank opinion of them, in light of a 20th century world of rapid change and upheaval, they responded readily.”⁴⁶ It was the Church calling for an examination of their religious life, and obedience demanded that they do it well and thoroughly. No longer was it enough merely to follow the rules and traditions unquestioningly, now each sister had to assess the value of each rule and tradition in the current context. Sisters developed a sense of personal responsibility and esteem for their religious life – their prayer, work, spiritual maturity, and sanctification. Such renewed commitment by members had a revitalizing effect in the various institutes and on religious life as a whole. As such, in these early years of renewal, sisters were told in many ways they

⁴⁴ QUINONEZ and TURNER, p. 13. See *Acta et Documenta Congressus Internationalis Superiorissarum Generalium*, Rome, Editiones Paulinae, 1952, pp. 272-278, for Larraona’s complete remarks.

⁴⁵ This will be discussed in Section 3.2.2.

⁴⁶ MEYERS, *Sisters for the 21st Century*, p. 63.

were the strength and hope of the Church. It is reported that Paul VI said, “Pius XII once told me that the sisters of the United States are the strength of the Church. And I know it is true.”⁴⁷

In the spring of 1956, the Holy See initiated the formation of a permanent national religious conference in the United States. The proposal was made to the National Sisters Committee, which was responsible for planning the national congresses. After considering the merits of such a conference, the committee concluded that there was no need for such a body in the United States. Not satisfied, the Holy See insisted that a national conference was necessary. Quiñonez and Turner recall

Pius XII’s insistence on the organization of national conferences arose from his preoccupation with the ills of modern society. He was convinced that sisters could be a powerful force for the healing of the world if they shed the accretions that had left them an anomaly in current times. He was equally convinced that if religious communities were to succeed in updating customs and adapting their works to the needs of modern peoples, they would have to collaborate in an organized manner.⁴⁸

Preliminary statutes were prepared and approved, and it was determined that the women would form a conference, if this was to be the case, separate from the men because of the disproportionate ratio of women to men, among other reasons. On 24 November 1956, the committee proposed the foundation of a conference to a national gathering of 235 major superiors of women’s institutes. The major superiors also did not see the need for a national conference and the expenses that it would incur, but the prospect of refusing the Holy See was not within their realm of experience. Some proposed that a conference be formed on an experimental basis, for one year, and then voted upon. “And also from the floor came the argument that silenced all objections: ‘Rome wishes it, and ... as obedient

⁴⁷ QUIÑONEZ and TURNER, p. 76, this statement was made by Paul VI to A. Myerscough, president of CMSW, as recorded in the CMSW President’s Report, September 1971 (available through the archives of LCWR). See also WEAVER, note 44, p. 236.

⁴⁸ QUIÑONEZ and TURNER, p. 18.

children of the church, there should be no hesitancy in forming it.’ The vote was unanimous. Thus was born the Conference of Major Superiors of Women in the USA (CMSW).”⁴⁹

The formation of a national conference provided a forum for the exchange of ideas and a way to coordinate the professional, apostolic and religious life of members of institutes of consecrated life. The primary purpose of CMSW, as stated in their original statutes, was “the promotion of the spiritual welfare” of American sisters and “an ever-increasing efficacy in their apostolate.”⁵⁰ Other professional organizations existed that would assist sisters in the area of the apostolate – National Catholic Education Association and Catholic Hospital Association, for example. The focus, then, for CMSW, was to address issues dealing directly with religious life in light of modern demands and conditions.

When Pius XII convened a Second General Congress of the States of Perfection in 1957, twenty-five national organizations or conferences had come into existence. The Superiors General who attended the Congress now also represented their national conferences. A system of collaboration and support was presently in place and increased familiarity, ease, and generosity were evident.⁵¹

In 1961, Cardinal Agostino Casaroli of the Pontifical Commission for Latin America asked the superiors of U.S. religious institutes to volunteer 10 percent of their membership over the next ten years for service in Latin America: “To save the church of Latin America

⁴⁹ Ibid., p. 17. Our purpose here is not to recount the history of the Conference, but merely to highlight the movement towards and effects of the collaboration facilitated by the national conference. For a history of CMSW (and its transformation into LCWR) see QUIÑONEZ and TURNER, who present the formation and history of the Conference up to 1992; for broader overviews see also NEAL, *From Nuns to Sisters*, chapter 3; WEAVER, chapter 3; and WITTBERG, *The Rise and Fall of Catholic Religious Orders*, chapters 12 and 15. See also M.M. MODDE, *A Canonical Study of the Leadership Conference of Women Religious (LCWR) of the United States of America*, Ann Arbor, MI, University Microfilms International, 1977.

⁵⁰ As quoted in QUIÑONEZ and TURNER, p. 19.

⁵¹ Pius XII’s remarks at a special audience, 9 December 1957, for the participants of the Second General Congress of the States of Perfection can be found in French in *AAS*, 50 (1958), pp. 34-43.

from the ravages of communism and Protestantism.”⁵² Within two years, 662 U.S. women religious had gone to Latin America. This was a 55 percent increase of U.S. missionaries to Latin America, which was remarkable since the increase of membership to religious institutes in the U.S. was only 4 percent.⁵³

Sisters were perceived as a force within the Church, and they gradually became convinced that the world was the ground on which the Church’s mission was to be acted out.⁵⁴ By the beginning of the Second Vatican Council (1962), Cada recounts that, “membership in religious communities had reached the highest point in the history of the Church, surpassing even the maximums that had been achieved before the French Revolution.”⁵⁵ The United States of the 1960s was a society of questioning assumptions, rewording values, demanding an effective voice in public policy, protesting war and social injustice, and constructing solutions to the root causes of poverty, segregation, and war. Religious had been given a voice in the shaping of their future policies, they were told to question assumptions and reword their values in the context of the day. The temper of the world around them fed the renewal and self-awareness that was coming to light within religious institutes. Morey and Piderit observe:

Many religious women, as well as men, it must be said, looked at the Roman Catholic Church and saw an organization with a history of entrenched patriarchy, oppression of women, and discrimination against people of color and homosexuals. Horrified by what they saw as behavior contrary to the gospel message of love within their own Church and congregations – behavior they had themselves participated in – religious women set about trying to reform the injustice they saw in

⁵² QUIÑONEZ and TURNER, p. 68; see also WEAVER, p. 83.

⁵³ QUIÑONEZ and TURNER, p. 68; Weaver states that twenty thousand American sisters were trained and sent to work in Latin America, perhaps over the ten year period requested or perhaps to date of her book [1995]; it is unclear, especially with the numbers cited by Quiñonez and Turner.

⁵⁴ The Latin American experience, among other things, had a grounding and radicalizing impact on the development of American sisters which continues up to today. (See WEAVER, p. 83.)

⁵⁵ CADA, pp. 43-44.

their own house. The new perspective resulted in dramatic changes in institutional behavior.⁵⁶

Earlier, during the 1950s, obedience was considered the most important of the vows. Obedience required a profound trust in God's providence, that even if one was obliged to follow an unwise or imprudent command of a superior, God would bring it to good. Wittberg explains, "The highest form of obedience was *intellectual* obedience – to want what the superior wanted and to obey, not perforce, but with joy."⁵⁷ By the end of the 1950s, the traditional understanding and practice of the vow were being challenged as unhealthy by religious with psychological training. At a conference in 1962, "one paper outlined examples of 'the debilitating effects of some concepts of obedience on sisters' mental health.'"⁵⁸

By the late 1960s, the vow of obedience came to mean many different things to many different members of religious institutes and to those who observed them: blind compliance with a superior's command; exercise and initiative for the sake of the common good, even in spite of the superior's command; community consensus; questioning and arguing a command with a superior in the style of 'the new executives;' openness to God's providential plan; alertness to the Spirit; fidelity; actualization of one's own destiny.⁵⁹ Previously, there had been little incentive or time for sisters to do the ideological work that would have articulated a new model of religious life, but now the time and priority for such redefinition were ripe. Up to this point, the superior of the house was also the administrator of the local ministry in 80 percent of the situations. Eighty-one percent of local superiors were appointed by major superiors without any consultation of the members; only 4.6

⁵⁶ MOREY and PIDERIT, p. 258.

⁵⁷ WITTEBERG, *The Rise and Fall of Catholic Religious Orders*, p. 242.

⁵⁸ Ibid.

⁵⁹ See *ibid.*, p. 243.

percent of intermediary office-holders, such as councillors and provincial and/or regional superiors, were elected by the membership, and 35.6 percent of the time they were appointed without consultation.⁶⁰

As the documents of the Second Vatican Council became available and widely read, excitement, questions and alienation rippled through religious institutes. *Lumen gentium* emphasized that *all* members of the Church had received an equal call to the fullness of the Christian life and the perfection of charity, simply by virtue of their baptism.⁶¹ Wittberg underscores: “*In one stroke, it [the universal call to holiness] nullified the basic ideological foundation for eighteen centuries of Roman Catholic religious life.*”⁶² When the Council stated that *all*, including the laity, were called to holiness in the Church, those religious who believed that they alone had this vocation lost the meaning for all of the structures that had been built up to express the particular call to holiness of religious life.⁶³

The Council’s *Gaudium et spes* was eminently clear about the role of the Church in the world: The Church was *for* the world, its mission *in* the world.⁶⁴ This had tremendous ideological implications for religious life. Traditionally, one of the basic purposes for a

⁶⁰ See M.A. NEAL, *Catholic Sisters in Transition: From the 1960’s to the 1980’s*, Consecrated Life Studies, v. 2, Wilmington, DE, Michael Glazier, Inc., 1984, pp. 53-54. Most of the statistics offered in this chapter were gleaned from the first stage of the three stage Sisters’ Surveys done by sociologist, M.A. Neal, first at the request of the Conference of Major Superiors of Women [in 1966] and a follow-up by the renamed Leadership Conference of Women Religious [in 1982]. The first stage began with a survey of 437 major superiors; results were supplied to participating major superiors for use at renewal chapters. This survey was adjusted, replicated, and re-circulated in 1982. The information and analysis of both surveys were published in the cited source. The other stages of the Sisters’ Survey and its overall value will be briefly discussed later in the chapter.

⁶¹ See especially nn.32-42 of SECOND VATICAN COUNCIL, Dogmatic Constitution on the Church *Lumen gentium*, 21 November 1964, in *AAS*, 57 (1965), pp. 5-75, English translation in FLANNERY1, pp. 1-95.

⁶² WITTEBERG, *The Rise and Fall of Catholic Religious Orders*, p. 214; emphasis in original.

⁶³ See ARBUCKLE, p. 80. However, *Lumen gentium* does refer to those who profess the evangelical counsels as constituting “a gift of God which the Church has received from her Lord and which by his grace she always safeguards” (*LG*, n. 43).

⁶⁴ See especially Chapter 4, but throughout the entire document: SECOND VATICAN COUNCIL, Pastoral Constitution on the Church in the Modern World *Gaudium et spes*, 7 December 1965, in *AAS*, 58 (1966), pp. 1025-1115, English translation in FLANNERY1, pp. 163-282.

separate state of religious virtuosity within Catholicism, with a certain level of moral power based in sanctity and a quasi-clerical status, had been that such a lifestyle modeled the purity and perfection of the spiritual realm to a sinful and fallen world. The world had always been considered to be a polluting influence that was best avoided. *Gaudium et spes*, however, proclaimed that the Church was to be in *solidarity* with the same world that religious institutes had built a system to avoid and spurn.⁶⁵

When the Council's decree on the adaptation and renewal of religious life, *Perfectae caritatis*, was finally promulgated in 1965, members of religious institutes were disappointed. "In their eyes, the document did not advance the same kind of groundbreaking theology in redefining the place of sisters and male religious in the Church that *Lumen gentium* had exhibited in defining the role of the laity."⁶⁶ It was also confusing on a number of levels. *Perfectae caritatis* called for 'adaptive renewal' (*accommodata renovatio*),⁶⁷ and recommended putting together two movements which seem to point in opposite directions: adaptation to the modern world and a return to the origins of the institute; history should be normative, but dismantling of concepts and structures will be necessary; and distinctive qualities should be valued and inform the living, praying, and working of each institute.⁶⁸ *Perfectae caritatis* sent confusing signals about how the vow of obedience was to be renewed. The document emphasized that obedience was to be defined in such a way as to respect the dignity of the

⁶⁵ See QUIÑONEZ and TURNER, pp. 37-38 and WITTBERG, *The Rise and Fall of Catholic Religious Orders*, p. 214.

⁶⁶ WITTBERG, *The Rise and Fall of Catholic Religious Orders*, p. 232.

⁶⁷ See *PC*, nn. 2 and 18.

⁶⁸ See R. HARVANEK, "The Expectations of Leadership," in *The Way*, 15 (1975), p. 29 and QUIÑONEZ and TURNER, p. 41.

individual, while maintaining the superior's authority to decide and command what must be done.⁶⁹

As noted in the previous chapter, *Ecclesiae Sanctae* set norms for the implementation of renewal in religious communities. Perhaps the most important provision of *Ecclesiae Sanctae* in the context of the renewal and its effect on life within the religious institute was to mandate that every community had to hold a special general chapter within three years to determine the parameters of its renewal. The norms not only mandated a chapter, but directed that every sister be involved in the preparations.⁷⁰ Quiñonez observes, "This kind of universal participation was not just unusual, but revolutionary."⁷¹

Writing in 1965, Meyers expresses the dispositions and hopes of women religious in the United States with regard to the pervasive and now ongoing call for renewal.

Major Superiors know they have nothing to fear in following the program of adaptation for which the Church is asking. In strongly recommending some changes, the Church has two objectives in mind. The first is that through a reduction of tensions and frustrations resulting from the restricting influences of certain rules, customs and exercises, there should be effected a true renewal in the religious life by increasing the fervent participation of the Sisters in all that pertains to it. Secondly, the Church desires Communities to remove anything from their practices that would seem to be foreign to the temper of modern times; or which might prove an obstacle in attracting new recruits to the religious life, or prevent their perseverance.⁷²

After at least fifteen years of preparation, the rules and customs that needed to be modified or abrogated so as to have meaning in contemporary society were readily recognizable. Members could begin to approach the revisions with an eager intellectual obedience quite different from the emotionless acceptance previously practiced. This represented not so much a departure from the concept of "blind" obedience as a forward step in making

⁶⁹ PC, n. 14.

⁷⁰ See especially *ES*, nn. 1 and 9.

⁷¹ QUIÑONEZ and TURNER, p. 49.

⁷² MEYERS, *Sisters for the 21st Century*, pp. 81-82.

obedience a collaborative act, a sharing of the responsibility entailed. Superiors became able to listen to suggestions and to delegate authority with maturity and serenity. They began to take time to answer questions, especially of the younger members, with a view toward helping all of the members mature in their own practice of the virtues necessary in religious life.

3.2.2 FORMATION AND EDUCATION

Led and supported by Pope Pius XII and the Congregation for Religious, American sisters in the 1950s responded enthusiastically to challenges of formation and education. Higher education was considered essential to the modernization and proper evolution of religious life, and professional competency for apostolic service was paramount. Beginning with Pope Pius XI and extending through the time of Pope Paul VI, papal support was necessary in motivating sisters not only to adapt to the modern world, but also to upgrade their educational background in order to be able to stand in the forefront of the Church's apostolic life. Once they had the issue in hand, they worked together to address the situation. At the First General Congress of the States of Perfection in 1950, Pope Pius XII was concerned about the justice dimension of adequate training for sisters in their professional life as well as their religious formation.⁷³ As mentioned in the previous section, not only was there a concern for the proper education of members, but also the circumstances under which education was procured.

⁷³ See CONGREGATION FOR RELIGIOUS, *Acta et documenta Congressus generalis de statibus perfectionis, 1us, Romae, 1950*, v. 1, pp. 3-49, for a useful compendium of document excerpts of Pius XII as related to religious, illustrating limits and methods regarding renewal, discipline, and the apostolate, and especially pp. 17-20. Conferences concerning the renewal of education for religious can be found in v. 1, pp. 309-314; v. 2, pp. 153-157, 524-545, 566-579.

During the Second General Congress in 1952, Pius XII again spoke of the responsibility of superiors for the complete preparation of their sisters for the apostolate of the Church. He gives specific, clear, and all-inclusive advice:

[In] the training of your Sisters for the tasks that await them, be broad-minded and liberal here, and admit of no stinginess. Whether it be for teaching, the care of the sick, the study of art or anything else, the Sister should be able to say to herself, “My Superior is giving me a training that will put me on an equality with my secular colleagues.” Give them also the opportunity and the means to keep their professional knowledge up-to-date. ... We repeat [this] to emphasize its importance for your Sisters’ peace of soul and for their work.⁷⁴

This, along with a prescribed pattern for higher education provided by the Congregation for Religious, was a boon for superiors. In essence, they had received the authority, a mandate in fact, to withhold new members from the apostolate until their initial formation was complete – spiritual, intellectual, and professional formation and the integration of them together for the good of the sister and the work she would perform. This called for the organization of a post-novitiate, pre-apostolate “Juniorate.” With this support from the Holy See, superiors could now resist pastors and bishops who wanted to bypass the process to staff their institutions.

A 1952 survey of American teaching sisters conducted by the National Catholic Education Association (NCEA) revealed that relatively few institutes were meeting the requirements of most U.S. States that every teacher have a bachelor’s degree before entering the classroom.⁷⁵ In 1953, the NCEA formed a Sister Formation Conference (SFC) as a standing committee of the Association. By 1954 the Sister Formation Conference⁷⁶ was

⁷⁴ *Acta et Documenta Congressus Internationalis Superiorissarum Generalium*, p. 333, See also MEYERS, *Sisters for the 21st Century*, p. 57 and WEAVER, pp. 79-82.

⁷⁵ See MEYERS, *Sisters for the 21st Century*, p. 107 and QUIÑONEZ and TURNER, p. 6.

⁷⁶ For a full history of the Sister Formation Conference [eventually becoming the Religious Formation Conference in 1976] see K.M. KENNELLY, *The Religious Formation Conference, 1954-2004*, Silver Spring, MD, Religious Formation Conference, 2009; also see MEYERS, *Sisters for the 21st Century*, for a very comprehensive assessment of Sister Formation within and around the Conference up to 1965. Less detailed, but helpful

established in its own right, initially sponsored by the NCEA and later also by the Conference of Major Superiors of Women.

The purpose of Sister Formation was to stress the need for the integration of the spiritual, social, intellectual, and professional preparation of members of institutes of consecrated life. Meyers explains, “Its aim is to develop the Sister as a *whole* person, thus eliminating the dichotomy of the interior and the exterior life, of work and prayer, which ... inhibits her full development as a woman, a Sister, and a professional person.”⁷⁷ In order to achieve this goal, the SFC began by forming the formators. Membership was *positional*, open to major superiors and local superiors, novice directors and directors of sisters’ studies, and presidents and/or deans of Catholic women’s colleges that were owned and operated by the religious institutes.

A series of Institutes on Spirituality was initiated by the SFC, whereby they introduced a systematically planned training for the sisters who were in charge of integrating new members into religious life and the life of the institute, as well as those who directed the daily life of all the sisters, generally and locally. Since the local superiors were considered the spiritual leaders of their communities, members expected support and continuing formation from them as well as the professional help that they also needed. Meyers summarizes, “Major Superiors have been quite outspoken in their belief that if educating the local Superior on how to deal with young Sisters today is neglected, serious results will follow.”⁷⁸ To facilitate this movement, the SFC, in addition to giving Institutes and programmes, gave resources encouraging local superiors “to do wide reading in all areas that will help them to

insights and background can be found in NEAL, *From Nuns to Sisters*, pp. 29-30; QUINONEZ and TURNER, pp. 6-11; WEAVER, pp. 79-84; and MOREY and PIDERIT, pp. 254-258.

⁷⁷ MEYERS, *Sisters for the 21st Century*, p. 105.

⁷⁸ *Ibid.*, p. 342.

become spiritual and professional leaders of the late 20th and 21st centuries,”⁷⁹ through their bulletin.

Besides updated theological training, professional competency was also being emphasized by the Holy See and American religious superiors. With the introduction of the “juniorate,” a national effort was taken on to enable sisters to complete their baccalaureate degrees before they began full-time ministry. In 1956 the SFC was given a \$50,000 grant from the Ford Foundation to develop a college curriculum appropriate to and specific for sisters. Weaver states, “Almost overnight, 150 Sister Formation Centers sprang up in the United States and were instrumental in persuading bishops to endure a three-year wait while young sisters finished their education.”⁸⁰ Colleges and universities owned and operated by religious institutes, in a concerted effort, opened their doors to hundreds of sisters, institutes exchanged both faculty and students to facilitate the highest standards and most efficient means to take hold of the problem and resolve it. Therefore, by 1960, an organizational base had been established among American religious institutes focusing primarily on the educational and spiritual reforms requested by the pope ten years earlier.⁸¹

Bishops, pastors, and superintendents were also called upon to be generous. To accommodate fewer sisters in the classrooms, lay teachers had to be hired to carry on teaching in the elementary and secondary schools that were bursting at the seams. The increased enrolment at the Catholic colleges also required more lay faculty to be hired. “Major Superiors have likewise doubled and tripled the number of lay staff members in their

⁷⁹ Ibid., p. 343.

⁸⁰ WEAVER, pp. 82-83.

⁸¹ See WITTBERG, *From Piety to Professionalism*, p. 213.

hospitals and social agencies, so that Sisters can be given a longer pre-service formation in the religious, intellectual, social and professional facets of Community life.”⁸²

In her reflections on this period, Neal considers:

For women religious in massive number, this meant the first systematic formalization of their training into academic degree programs. The providing of degrees and of competent training gave members a new independence. For this very pragmatic reason, while some sisters became freer to make choices to leave their congregations, at the same time many more women chose to become sisters, admittedly attracted by the formation program itself.⁸³

The increase in ministerial competency was an extremely positive effect of the educational push, as was the awareness of current theologies emphasizing social responsibility, respect for human rights and life, among other things. Thus American sisters had the tools to deal with the internal changes occurring within religious life and external influences stimulating them – from society as well as the Church. If they had not had these years of preparation and growth, the documents of Vatican II could have had a far more harrowing effect than they did.

The Sister Formation Conference had a powerful influence on American sisters through the proper professional training afforded by the intentional curricula as well as a well-rounded liberal arts education and solid theological preparation, with an integrated ideology. It provided both the impetus and the resources to enable American sisters to become the most highly educated groups of consecrated women in the Catholic Church, and one of the most highly educated groups of women in the United States.⁸⁴ The SFC is

⁸² MEYERS, *Sisters for the 21st Century*, p. 128.

⁸³ NEAL, *From Nuns to Sisters*, p. 3.

⁸⁴ See MOREY and PIDERIT, p. 256; QUIÑONEZ and TURNER, p. 6; and WITTBERG, *The Rise and Fall of Catholic Religious Orders*, p. 212.

“without question, the single most critical ground for the radical transformative process following Vatican II.”⁸⁵

3.2.3 THE INSTITUTIONAL SHIFT

The promotion of the Catholic institution was to assure adherence to the true faith; in these institutions the “true faith could be nurtured, protected from falsehood, and triumphally proclaimed.”⁸⁶ Due to the growing influence of social agencies and government regulation, inter-institutional and diocesan collaboration, continual advancement of the relative sciences (healthcare, education, social work, and the like), and an increasing number of lay colleagues, likewise the demands grew for the time and attention of the local superior/administrator of the community apostolate. Such an escalation of complexity required a response of heightened efficiency.

Education and renewal were well aligned to facilitate growth and improvement in the functioning institution, but the motivating factors would change. Arbuckle asserts, “Gone was any official support for the maintenance of an inward-looking or ghetto triumphalistic Church.”⁸⁷ During this period, the call to missionary lands had been heard and answered. The fine-tuned institution went from developed to developing countries. The work, however, moved from the priority of the institution to the work of justice, and from there began to extend beyond the traditional institutional ministries.⁸⁸

⁸⁵ QUIÑONEZ and TURNER, p. 6.

⁸⁶ M. FROHLICH, “Toward a Theology of Religious Life, North American Women, and the Intellectual life,” in B. PUZON (ed.), *Women Religious and the Intellectual Life: The North American Achievement*, San Francisco, International Scholars Publications, 1995, p. 107.

⁸⁷ ARBUCKLE, p. 77.

⁸⁸ See CADA, p. 41 and MOREY and PIDERIT, p. 258.

Even within the existing and increasingly professional institutions there was a shift. While more than 90 percent of Catholic colleges were entirely governed by the founding religious institute, within the Catholic colleges, Wittberg remarks, “some of the lay faculty attacked the competence of the religious order faculty and administrators. Institutions were urged to abandon their ‘Catholic ghetto’ mentalities and embrace accepted secular standards of professional organizations and associations.”⁸⁹ In a conference at the American Catholic Philosophical Association in 1957, Journet Kahn of the University of Notre Dame “complained that Catholic universities were still operating under the assumption that the primary goal of higher education was the development of religious piety. Previous generations, of course, had never questioned this assumption.”⁹⁰ Many members of the religious institutes themselves had earned their graduate degrees from secular universities and had adapted to the academic freedom and professionalism experienced there.⁹¹

In 1965 Catholic elementary and secondary schools reached their peak: 4.5 million students attended Catholic schools in the United States. At that same time, approximately 40 percent of the teachers were lay teachers: 80,464.⁹² While the Catholic schools grew so did the Catholic hospitals. The changes that would begin for the hospitals during this period would foreshadow the changes to come in the schools, especially for the Catholic colleges and universities.

⁸⁹ WITTBURG, *From Piety to Professionalism*, p. 120.

⁹⁰ *Ibid.*, p. 119.

⁹¹ In 1965, 35.4 percent of American sisters possessed a Bachelor’s degree, 21 percent had a Master’s, and 1.7 percent possessed Doctoral degrees. Seventy-seven percent of the PhD’s earned by sisters between 1951 and 1961 were from Catholic universities. This fell to 30 percent between 1971 and 1990. See WITTBURG, *From Piety to Professionalism*, p. 226 and note 6, p. 239.

⁹² See *ibid.*, p. 122.

The beginnings of government aid in the 1950s led to the further growth of hospitals and hiring of even more lay personnel. Catholic hospitals began hiring their first lay department administrators in the late 1940s, and personnel departments were formed to codify labour policies. Around the same time, the rise of third-party payers such as Blue Cross required the adoption of more detailed accounting procedures. At the Catholic Hospital Association's 1953 annual convention, the issues surrounding the rapid transformation of Catholic hospitals into businesses was a primary topic of discussion.⁹³

Catholic religious institutes directed 950 hospitals and 376 homes for the aged in 1965. "Connected to these institutions were medical schools, dispensaries, and even world-renowned research institutions such as the Mayo Clinic."⁹⁴ The continual government, economic, and professional demands caused Catholic hospitals to become more and more like their secular counterparts. Catholic higher education would find itself in a similar situation in the 1970s. During the years after the Second Vatican Council, the challenge would be to reconcile professionalization and Catholic mission with a changing identity and accompanying theology.

3.3 Post-Vatican II

No one took the call for renewal mandated by the Second Vatican Council more seriously than American sisters. With more than a decade of preparation, education and organizational networking, sisters were able to approach this next phase of renewal with purpose and integrity. Most institutes and members took the renewal to heart, each in their

⁹³ See WITTBERG, *From Piety to Professionalism*, p. 127.

⁹⁴ *Ibid.*, p. 33.

own way and reflecting the character and unique and proper charism of their foundation. Each institute was affected differently by the events of the past 45 years. As in the previous sections of this chapter, we will provide a general overview of the context in American religious life. Our purpose is not to execute a historical study or furnish an exhaustive timeline of the notable events relevant to the Church and religious life since the Second Vatican Council. Our objective is to observe events or issues that generally, not necessarily universally, influenced U.S. women religious during this period of formal renewal.⁹⁵

3.3.1 The Changing Common Life

In 1966, as previously mentioned, the superior of the local community remained administrator of the local ministry in 80% of the situations. By 1982 this continued in only 29% of the local situations, and in 60% of the settings it was intentionally some other arrangement. In fact, by 1982, 75% of institutes of women religious in the United States reported having no local superior in some or all of their houses – 25% had no local superiors; 50% sometimes had none. For those who had local superiors, the manner of selection had also evolved. Whereas 81% of local superiors were appointed by major superiors without any consultation of the local members in 1966, such a scenario occurred in only 0.9% of the institutes questioned in 1982. The question of alternative methods of selection was not asked in 1966, but in 1982, local election occurred in 36.5% of the situations and 8% of local superiors were appointed after consultation with the local members.⁹⁶

⁹⁵ For a brief general history and assessment of this period, including events not mentioned here, see MCNAMARA, pp. 631-644.

⁹⁶ See NEAL, *Catholic Sisters in Transition*, p. 54; see also WITTEBERG, *The Rise and Fall of Catholic Religious Orders*, p. 244.

The selection of intermediary governance officials, provincial /regional superiors and their councillors, also shifted in the spirit of the Council. While only 4.6% were elected by the membership in 1966, 16% were elected as of 1982. In only 5% of the cases in 1982 were they appointed by the supreme moderator and council without consultation of the members,⁹⁷ down from 35.6% of the time in 1966. In 1982, the more participative method of selection for office-holders characterized 42% of the institutes, as compared to only 18% in 1966. A mere sixteen years between surveys indicates the depth at which the principles of the Second Vatican Council permeated the life of American religious.

After the Council, the emphasis clearly changed and collegiality, consultation, and respect for the individual became the driving principles behind an understanding of authority, leadership, and obedience within an institute. Women religious almost completely shed the hierarchical structure. The structures of leadership, officials of the institute's governance, were to function in teams with the same spirit of collegiality and respect that also vested a level of authority in the entire community. Participation and consultation eventually moved toward consensus for some institutes, consensus within the administrative team or consensus by the whole. Either scenario, in the extreme, has the potential to become organizationally paralyzing.⁹⁸ Wittberg notes that the implications of this internal movement were most likely not considered as things evolved: "Especially among women's communities, there is almost no documentary evidence that the possibility of organizational

⁹⁷ This possibility should no longer be considered, as c. 625 §3 requires: "Other superiors [not the supreme moderator] are to be constituted in accordance with the constitutions, but in such a way that if they are elected, they require the confirmation of the competent major superior; if they are appointed by the superior, the appointment is to be preceded by suitable consultation."

⁹⁸ See MOREY and PIDERIT, p. 263. As previously noted, the effects of the renewal on the office of the major superior will be addressed more directly in Chapter 4.

demise was a seriously considered reality that affected either the policies of the congregations or the daily lives of the sisters.”⁹⁹

This shift in responsibility brought many members to a level of moral maturity and ownership of their lives and the common good that was not typical prior to Vatican II. Virtually overnight, personal choice and discretion were no longer the sole realm of the superior and the need for various permissions became a mature dialogue when merited. Quiñonez and Turner enumerate some of the areas where the responsibility for decisions moved from the superior to the member: “Among these decisions were things great and small – choices about one’s life work, dwelling, companions, education, and medical care; choices about bed time, seating order in the dining room, approved television programs, and buying a pair of shoes.”¹⁰⁰ To illustrate that personal autonomy was not merely tolerated but facilitated, sisters began to be given private bedrooms (as opposed to “dorm” arrangements or shared accommodations) to provide for the now varying hours of retiring – not only did sisters no longer have to ask permission to stay up after the regulated hour, they were afforded the situational convenience to actually make a personal choice.¹⁰¹ Once this level of respect was attained, Quiñonez and Turner continue, members could no longer “settle for laws in whose making they played no part. No longer did it seem credible that decisions of authority, simply because they were decisions of authority, should have a claim on their conscience.”¹⁰²

This new way of functioning required a new understanding of the vow of obedience, the uniquely heroic characteristic of religious life throughout its history. Authors writing on

⁹⁹ WITTEBERG, *The Rise and Fall of Catholic Religious Orders*, p. 220.

¹⁰⁰ QUIÑONEZ and TURNER, p. 115.

¹⁰¹ See MEYERS, *Sisters for the 21st Century*, p. 78.

¹⁰² QUIÑONEZ and TURNER, p. 119.

religious life tended to shy away from the confusion and controversy around the meaning and role of authority and the unwillingness of members of religious institutes to accept the definitions of the past. Some who did address the subject placed the crisis of obedience into the context of the crisis of authority prevalent in the larger American society.¹⁰³ After the mid-1970s, almost all articles in *Review for Religious* referred to obedience as personally listening to the will of God, not necessarily that which was mediated through the superiors of the past. Wittberg considered that this was a “reaction to the excesses of the past,” and as a result “religious were now denying the very existence of *any* legitimate communal authority.”¹⁰⁴ She continues,

The reinterpretation of authority and obedience contributed to several of the conflicts and difficulties that arose in religious life during the 1970s and 1980s. ...[T]he redefinition of obedience as one’s own individual openness to the will of God had the net effect in many communities of reducing almost to nonexistence *any* instances when the vow of obedience impinged upon the life of the average sister. ... There was often little indication that the central administration could command the sisters to do anything.¹⁰⁵

Members still professed the evangelical counsel of obedience and were technically bound by it. This dilemma of the vow of obedience that surfaced in the 1970s continues to challenge American women religious today. Neal describes the dilemma as “on the one hand, obedience to the stated mission of the church and the mandated initiative to carry it out; and on the other, a sacralized mandate of obedience to the authority of a person whose will takes

¹⁰³ See E. KOLMER, *Religious Women in the United States: A Survey of the Influential Literature from 1950 to 1983*, Consecrated Life Studies, v. 4, Wilmington, DE, Michael Glazier, Inc., 1984, p. 55. Notable articles and books: T. DUBAY, *Ecclesial Women: Towards a Theology of the Religious State*, New York, Alba House, 1970; *idem*, *Can Religious Life Survive? An Urgent Question Confronts the Church Today*, New Jersey, Dimension Books, 1973; *idem*, “A Dialogue on Mediated Obedience,” in *R/R*, 33 (1974), pp. 861-879; T.H. CLANCY, “Three Problems Concerning Obedience,” in *R/R*, 33 (1974), pp. 844-860; and B. HENDRICKS, “Obedience to Mission,” in *R/R*, 35 (1976), pp. 321-329.

¹⁰⁴ WITTEBERG, *The Rise and Fall of Catholic Religious Orders*, p. 244. Emphasis in original.

¹⁰⁵ *Ibid.*, pp. 244 and 246.

precedence even over the doing of this mission.”¹⁰⁶ She essentially sees the conflict as that of the Church – that the vision of the Church articulated at Vatican II is irreconcilable with the structural execution of the obligation of the vow of obedience: “This dilemma takes the form of a conflict between honoring Vatican Council mandates to prophetic ministry and resuming the traditional form of the vow of obedience in the practice of submission to the will of a specific person in a position of authority.”¹⁰⁷ Wittberg adds that “the corporate dimensions of obedience and community life were never successfully reconciled with the assumptions of liberal individualism.”¹⁰⁸ Elsewhere she summates, “Obedience, therefore, had become almost totally vitiated in its *corporate* meaning by 1990, although *individual* religious might, personally, still live lives of great openness to the Holy Spirit.”¹⁰⁹

The very clear lines of hierarchy, where the commands of those in authority mediated the will of God, were now of the past; the “signs of the times” became that which mediated the will of God in directing the lives of women religious. Writing in 1992, Quiñonez and Turner, assert that the “ideals of participation, equality of access to power, and the inalienable responsibility of each person for self and common good drive communities to continue remaking their structures.”¹¹⁰ In fact, the commitment to the mission of the church by women religious has led several institutes to adopt a variety of participative models of decision-making.¹¹¹

¹⁰⁶ NEAL, *From Nuns to Sisters*, p. 37.

¹⁰⁷ *Ibid.*, p. 89.

¹⁰⁸ WITTBURG, *Pathways to Re-Creating Religious Communities*, p. 75.

¹⁰⁹ WITTBURG, *The Rise and Fall of Catholic Religious Orders*, p. 246.

¹¹⁰ QUIÑONEZ and TURNER, p. 141.

¹¹¹ We will discuss some of these models in Chapter 4.

It was not only the understanding of authority and the obligations of obedience that reflected the upheaval caused by the renewal. Cada purports that “[t]he purposes of religious communities, once clear and widely understood, have become vague and meaningless to some in the midst of the modern crisis,” and this modern crisis within the Church has had a dramatic effect on religious institutes.¹¹² As previously noted, *Perfectae caritatis* did not offer a new theology for religious life, nor did it redefine the place of members of religious institutes in the Church. Kolmer explains, “These years after the Council were years of tension and uneasiness for many religious, tensions wrought by uncertainty, by change and by inability to articulate in a satisfying way the role of religious in Church and world.”¹¹³ Following Vatican II, authors searched for a theology of religious life and attempted “to relate the commitment of religious life to Christian living based on the Gospels, Tradition, and the teachings of the Church.”¹¹⁴

The communal dimension of religious life was also emphasized after Vatican II, in the search for the unique role of religious in the life of the Church and for the members of the institutes themselves. Galot clarifies the need for this new attention.

Prior to the Council it was taken for granted that because religious lived together, worked and prayed together, there was a healthy community life. Because of changes in horarium, apostolic work, and adjustment to the needs of those for whom they worked, community life lost its appearance of external regularity. It was important to come to an understanding of what makes good community life beyond the externals of all members working, praying and being together at all times.¹¹⁵

¹¹² CADA, pp. 47 and 48.

¹¹³ KOLMER, p. 49.

¹¹⁴ *Ibid.*, p. 51.

¹¹⁵ J. Galot, *Inspiriter of the Community*, New York, Alba House, 1971, p. 64.

Too much attention on the structures reveals how they had become the measure of one's religious life and vocation. Haney gives helpful insights for the movement toward healthy renewal.

A community will result because of the friendly cooperation experienced in struggling to manifest mutual concerns and interests. It would also seem that the reform of any community should not be based on structural changes, for example, dress, horarium, rules, common prayers, but rather upon the investigation of the present concerns and interests of the community – whether these are commonly held and mutually espoused. The reason for the preoccupation with structure, which is the reinforcement of the “manifestation-as-community,” seems to be due to the fact that eventually structure had usurped the role of mutual concerns and interests as the binding force of the group. Mutual interests and concerns are processive and evolutionary. Structure is so often static and inflexible.¹¹⁶

Agendas of congregational General Chapters, in 1982, showed that 69% of the institutes considered “quality of community life” as the most important issue. Subsequent priorities were “corporate mission” – 63%; “simple lifestyle” – 56%; “justice agenda of the church” – 49%; “new direction of ministry” – 44.7%; and “choice of ministry” 35%. In summarizing these statistics, Neal states, “For many, what there was consensus on was a corporate orientation to the social mission of the church and experimentation with a communal style to implement it.”¹¹⁷

As the renewal moved into the 1980s, the reimagining of religious life had to continue since the demographics of American religious institutes changed dramatically¹¹⁸ and, due to the renewal of the previous thirty years, religious had developed into a “genuinely new breed.”¹¹⁹ There was a movement in some religious institutes where members no longer considered themselves to be primarily exemplars of holiness and

¹¹⁶ T.R. HANEY, “Politicalizing the Reform of Religious,” in *R/R*, 29 (1970), p. 424.

¹¹⁷ NEAL, *Catholic Sisters in Transition*, p. 61.

¹¹⁸ Writing in 1985, Cada notes, “In the last decade ... large numbers of religious withdrew from the life and recruitment figures plummeted.” (CADA, p. 44.)

¹¹⁹ See WEAVER, p. 86.

commitment to the Church. They were now promoters of justice who spoke and acted on behalf of the poor and marginalized. Sisters were educated and prepared to be individual witnesses. While members acted together on some issues, the collective witness and visibility of many institutes was diminished and the distinguishability of varying institutes also waned. Morey and Piderit assess, “Because common action became entirely optional in religious congregations, sisterhoods developed into a community of prophetic individuals rather than a prophetic community that was highly visible and speaking with one voice.”¹²⁰

In seeking to define and articulate a new post-Vatican II identity that embraced prophetic individuals yet gathered all into the whole to reveal a prophetic community, institutes attempted to consider the opinions of each and every member through varying processes. Wittberg describes the challenge, “While this new emphasis on increasing individuality was welcomed by some as a liberation from the previous ‘herd mentality,’ it in fact made it extremely difficult to agree on any goals at all for the community, other than to advance some very general aims that could encompass the works and interests of all the members.”¹²¹ New formulations of the role of religious life in the Church and world – as prophetic witnesses, as one lifestyle choice among many – proved to be insufficient replacements for their pre-Vatican II identity. “The promulgation – and repromulgation – of often vague mission statements in no way alleviated members’ loss of role clarity.”¹²²

With meaning lacking in their vocational life, religious began to find meaning through their professional life. The heart of the renewal saw to their professional preparation and integration, so it is not surprising that religious immersed themselves once again in their

¹²⁰ MOREY and PIDERIT, p. 261.

¹²¹ WITTEBERG, *The Rise and Fall of Catholic Religious Orders*, p. 239.

¹²² *Ibid.*, p. 238.

professional life, with renewed verve. By the 1980s 94% of sisters had at least a bachelor's degree and 43% had at least one master's degree. The percentage of sisters with at least a master's degree rose to 80% by 1990.¹²³ The efforts of the 1980s to find a communal style to be the centre point of a life dedicated to the mission of the Church were not sufficiently and timely enough to be able to satisfy the varying needs of the members. Community, then, became secondary to ministry in many institutes – a place to live and, to whatever extent practical, a place to take part in spiritual experiences – and almost incidental as opposed to integral to their apostolic witness. Referring to the work of M.J. Leddy, Wittberg suggests that “absorbing the dominant cultural values of professionalism and efficiency can interfere with a group’s ability (and willingness) to be prophetic.”¹²⁴

3.3.2 INFORMATION AND COLLABORATION

While some consider the movement toward greater collaboration among religious institutes as the demise of the uniqueness and autonomy of each institute,¹²⁵ the ongoing commitment to dialogue and collaboration envisioned by Pope Pius XII was revolutionary. Neal considers the Sister Formation Conference as the heart of the work and progress of the renewal.

The Sister Formation Movement was, without question, the single most critical ground for the radical transformative process following Vatican II. First, it converted American sisters into the most highly educated group of nuns in the church and placed them among the most highly educated women in the United States. Second, it became the vehicle for the transmission of common ideas and a

¹²³ See NEAL, *From Nuns to Sisters*, p. 32; WITTBERG, *The Rise and Fall of Catholic Religious Orders*, p. 239; and *idem*, *From Piety to Professionalism*, p. 226.

¹²⁴ WITTBERG, *The Rise and Fall of Catholic Religious Orders*, p. 240, referencing assertions by M.J. LEDDY, *Reweaving Religious Life: Beyond the Liberal Model*, 2nd ed., Mystic, CT, Twenty-Third Publications, 1990.

¹²⁵ See MOREY and PIDERIT, pp. 260-265.

common language about change in religious life. Third, it effected the first mass shift in the worldview of American sisters.¹²⁶

The SFC had its significant role to play, as did the Conference of Major Superiors of Women. Shortly after Vatican II, CMSW reassessed its goals and purpose, believing that the resources of the Conference must be directed toward an assertive advance of enacting the mission of the Church in the world. Quiñonez and Turner recall, “[CMSW] must invest itself in fashioning a church faithful to Gospel values, responsive to the concrete historical reality, and capable of offering alternatives to unjust systems and practices. ‘Participation in the transformation of the world’ became, as it were, a consuming passion of leaders of American communities.”¹²⁷

To assist institutes in assessing their readiness to adopt the renewal mandated by Vatican II, CMSW commissioned Sister Mary Augusta Neal, SND, a sociologist teaching at Emmanuel College in Boston, to conduct a survey of the entire professed membership of CMSW member institutes, approximately 157,000 sisters. “Despite the length of the survey (twenty-three pages, 649 questions), 88 percent of the sisters who received it responded.”¹²⁸

¹²⁶ NEAL, *From Nuns to Sisters*, p. 6.

¹²⁷ QUIÑONEZ and TURNER, p. 129.

¹²⁸ WITTBERG, *The Rise and Fall of Catholic Religious Orders*, p. 215.

This second stage of the Sisters’ Survey began in 1967, with follow-up surveys in 1980 and 1989. While the 1967 survey had over 139,000 participants, the 1980 survey involved just under 4,000 sisters, and secondary sources offer no number for the 1989 survey (the 1991 *Report of the National Profile of the Third Sisters’ Survey* was not formally published). The initial survey’s framework was adapted from the documents of the Council, noting that these documents would be the foundation for the agenda and direction of the renewal. The purpose of the data from the first survey was to allow institutes to assess the actual conditions of their group in light of the council mandates.

The 1967 survey was controversial and its content was questioned by the Holy See as early as 23 April 1967, with objections over some of the questions, how they were stated, and that possible answers were not limited. By far, the most controversial aspects of the 1967 survey were the “pre-Vatican II and post-Vatican II belief scales” and the findings derived from them. (See E. McDONOUGH, “The Sisters’ Survey Revisited,” *R/R*, 63 (2004), pp. 387-401, for a breakdown of the flaws of Neal’s scales of assessment.) Neal’s work “gradually seemed to transcend its original intent by becoming not merely an information base supplied by LCWR for resources on renewal but, rather, the exclusive LCWR basis for *shaping the direction* of renewal.” (E. McDONOUGH, “Juridical Deconstruction of Religious Institutes,” in *StC*, 26 (1992), p. 335.) McDonough, a strong critic of the Survey, goes as far as to say that “the three stage sociological survey initiated in 1965 by CMSW is arguably the

The fact of the survey itself, the broad participation it garnered, and the information (accurate or not, see note 128) gathered from it, had a tremendous influence on the renewal and development of religious life in the United States in the subsequent decades. The willingness of so many members to take the time to respond to such an extensive survey indicates their commitment to participate in the renewal of religious life. In the spirit of the documents of Vatican II, a significant portion of the survey sought the attitude of sisters with regard to issues of justice and service to the poor. This has been criticized, as no other “issue” was directly brought to the fore,¹²⁹ yet Neal herself remarks, “The research has a point of view, the social justice agenda of the Church.”¹³⁰ This commitment of CMSW, as a whole, toward issues of social justice was underscored in 1970 as they shifted their priorities “away from internal reorganization toward service to others,” according to Weaver.¹³¹

Compelled by the Vatican II document *Lumen gentium*, the 1971 Synod of Bishops’ *Justice in the World*, and Paul VI’s *Evangelica testificatio* and its challenge, “How then will the cry

single most significant factor for the observable systematic deconstruction of juridical structures in institutes of women religious in America and for the undeniable progressive polarization of American women religious and themselves.” (Ibid., p. 336.)

The third stage of the Sisters’ Survey began in 1974 with a survey of renewal chapters of 280 institutes and was followed-up in 1983 with a survey of interim constitutions from 20 institutes for comparison and analysis of the data. The findings of all three stages are the basis of Neal’s book *From Nuns to Sisters*. Early on, she reflects on the foundational aspects of the study. In so doing, her critics find evidence of the bias toward “justice issues” that Neal’s influence on all phases of the study had on the results and the use of the data. “The basic purpose of the entire study is to determine the degree of commitment of women religious to the mission of the Church, as highlighted by Vatican II, regarding social justice and an option for the poor.” (NEAL, *From Nuns to Sisters*, p. 5.)

For more information and application of the Sisters’ Surveys see especially NEAL, *Catholic Sisters in Transition*; QUINONEZ and TURNER; and WITTEBERG, *The Rise and Fall of Catholic Religious Orders*. For criticism of the Surveys regarding method, interpretation, or application see E. McDONOUGH, “Juridical Deconstruction of Religious Institutes,” in *StC*, 26 (1992), pp. 307-341, especially pp. 332-337; *idem*, “The Sisters’ Survey Revisited,”; G.A. KELLY, *The Battle for the American Church*, Garden City, NY, Image Books, 1981, especially pp. 257-261 and 295-302; and G.A. ARBUCKLE, *Strategies for Growth in Religious Life*, New York, Alba House, 1986, especially pp. 155-157.

¹²⁹ McDONOUGH, “Juridical Deconstruction of Religious Institutes,” pp. 332-337, see especially the extensive footnotes.

¹³⁰ M.A. NEAL, “Who They Are and What They Do: Current Forms of Religious Life in the U.S. Church,” in R.J. DALY et al. (eds.), *Religious Life in the U.S. Church: The New Dialogue*, New York, Paulist Press, 1984, p. 157.

¹³¹ WEAVER, p. 84.

of the poor find an echo in your lives?” (*ET*, 18), American sisters joined movements reshaping society.¹³² They began to incorporate action on behalf of social justice and global transformation for the sake of the Kingdom of God into their burgeoning identity statements. Weaver relays, “The decade of the 1970s was devoted to world solidarity, liberation themes and women’s issues.”¹³³ The second document that resulted from the 1971 Synod of Bishops¹³⁴ emphasized that ecclesiastical credibility depended upon the Church’s own accountability to the principles of justice. Principles of justice could be used to evaluate structures as well as individuals and were the true source of systematic change.

Dynamic thinking on authority after Vatican II, according to CMSW, no longer found expression in the use of the term “superior.” With the focus of institutes and the Conference toward “developing creative and responsive leadership,” and after input from a management consulting firm, in 1971, the Conference changed its name to the Leadership Conference of Women Religious (LCWR). The new corresponding bylaws defined sisters as “ecclesial people” and the Church as “the people of God.” The Conference sought to support the service of leadership, not only within institutes but in the Church, through the Church, and in the world, also supporting “those forms of service consonant with the evolving Gospel mission of women religious in the world through the Church.”¹³⁵ The new bylaws and name were presented to the Congregation for Religious for approval in October

¹³² SYNOD OF BISHOPS, Rescriptum ex audientia 30 November 1971, *Justice in the World*, in *AAS*, 63 (1971), pp. 923-942, English translation in *Origins*, 1 (1971-1972), pp. 383, 385-386, 393-397; PAUL VI, Apostolic Exhortation on the Renewal of the Religious Life *Evangelica testificatio*, 29 June 1971, in *AAS*, 63 (1971), pp. 497-526, English translation in *CLD*, 7, pp. 425-449.

¹³³ WEAVER, p. 85.

¹³⁴ The first document, on the priesthood, was received at the same papal audience as *Justice in the World*.

¹³⁵ See WITTBERG, *The Rise and Fall of Catholic Religious Orders*, p. 217; QUIÑONEZ and TURNER, pp. 21-27; and WEAVER, pp. 84-85.

of 1971, after the Assembly had adopted them;¹³⁶ the Congregation had not been consulted prior to the changes. While their previous statutes had spoken of “dependence” upon the Congregation, the new bylaws expressed a “relationship,” and more specifically, the Conference noted that they “related directly” to the Congregation (not mediated by the bishops). After dialogue between the National Board of LCWR and the Congregation for Religious, acknowledgment of “due regard for the authority of the Holy See and of the bishops” was added to the bylaws, as well as a provision requiring approval of the Holy See for future amendments to the bylaws. Vatican approval of the revised bylaws was granted in 1972, but the name change was not approved until 1974 with the condition that it [the name] be followed by the sentence, “This title is to be interpreted as: the Conference of Leaders of Congregations of Women Religious of the United States of America.”¹³⁷

Turner, executive director of LCWR between 1972 and 1978, believed that “a strong identification with the church is simultaneously a strong commitment to the transformation of the world.”¹³⁸ As one way to achieve this, LCWR’s National Board sought NGO (non-governmental organization) status at the United Nations for the Conference in 1977. Continuing in this vein, the first joint National Assembly of CMSM (the Conference of Major Superiors of Men) and LCWR, in 1978, examined “the systemic connections between

¹³⁶ The new movement of LCWR was not appreciated by all member-leaders. A relatively small group of superiors formed an organization called *Consortium Perfectae Caritatis* and contacted the Holy See in protest. Neal recalls, “They objected to the direction the renewal was taking and sought recognition as the true renewal group.” (NEAL, *From Nuns to Sisters*, p. 57.) The history and development of this group will not be addressed here. For information on what would later become the recognized Conference of Major Superiors of Women Religious (CMSWR) in 1992, see, in brief, WITTEBERG, *The Rise and Fall of Catholic Religious Orders*, pp. 220-222. For a sense of their disposition and self-perception, see COUNCIL OF MAJOR SUPERIORS OF WOMEN RELIGIOUS, *The Foundations of Religious Life: Revisiting the Vision*, Notre Dame, IN, Ave Maria Press, 2009.

¹³⁷ See QUIÑONEZ and TURNER, pp. 27-28.

¹³⁸ Cited in QUIÑONEZ and TURNER, p. 78.

American economic patterns and global poverty” which “forced them to take responsibility for the consequences of American choices.”¹³⁹

According to Quiñonez and Turner, as early as 1968 and again in 1973, “letters from the Vatican censured changes in ministry, the absence of superiors in convents, modified clothing, and “purely collegial” forms of government. American sisters were rebuked for failing to seek Roman approval of changes and sternly instructed that the Council’s mandate for renewal had not waived the authority of the hierarchy over religious communities.”¹⁴⁰ LCWR was instrumental in trying to allay the concerns of the Holy See, explain developments in religious life, and demonstrate that the changes were not a corruption of religious life. However, Pope John Paul II, notes Wittberg, “was more inclined than his predecessor to take an activist role in reasserting the Vatican’s authority over religious life. In several addresses and letters, he revealed his concern that religious orders were becoming too secularized, too preoccupied with social concerns, and not sufficiently involved in the service of the Church.”¹⁴¹ Yet, in the 1978 document *Mutuae relationes*, directives issued by the Congregation for Bishops and the Congregation for Religious and for Secular Institutes, leaders of religious institutes were charged with the duty of “ordering the life of the community, of organizing the members of the institute, of caring for and developing its

¹³⁹ QUIÑONEZ and TURNER, p. 81.

¹⁴⁰ Ibid., p. 84; see, for example, CONGREGATION FOR RELIGIOUS AND SECULAR INSTITUTES, private letter, 10 July, 1972, Prot. N. Sp. R. 194/72, in *CLD*, 7, pp. 477-483; and *ibid.*, private letter, 22 Jan., 1972, Prot. N. Sp. R. 164/72, in *CLD*, 7, pp. 534-535.

¹⁴¹ WITTBURG, *The Rise and Fall of Catholic Religious Orders*, p. 218. Examples of John Paul II’s thinking during this period can be found in: JOHN PAUL II, *Visible Signs of the Gospel: Messages of John Paul II on Consecrated Life*, compiled and indexed by the Daughters of St. Paul, Boston, MA, St. Paul Editions, 1980 and *idem*, *Faithfulness to the Gospel*, Boston, MA, St. Paul Editions, 1982. One assessment of John Paul’s thinking suggests that he “does not deny that religious should be involved in social concerns, but he does insist that these activities be within the evangelical mission of the Church” (KOLMER, p. 61). See also J. BLAND, *The Pastoral Vision of John Paul II*, The John Paul Synthesis, v. 3, Chicago, Franciscan Herald Press, 1982.

particular mission.”¹⁴² Arbuckle cites this as an articulation of the primary duties of religious superiors, requiring that they be “future or mission, not maintenance, oriented.”¹⁴³

By 1982, among other things indicating the shift within religious life, the external change in religious garb was paramount: 55.6 percent of American sisters had modified their habit with shortened, street-length, skirts and simplified veil; 34 percent had ceased wearing any form of habit at all.¹⁴⁴ Many sisters viewed the release of *Essential Elements* in 1983, a document that was never signed, as a repudiation of their lifestyle. At the very next National Assembly of LCWR, Archbishop Quinn, pontifical delegate and head of the Pontifical Commission on Religious Life in the U.S.,¹⁴⁵ spoke and listened as members articulated the priority of ministry, “the work of justice and peace, and deep involvement in the mission of the church in the world [as being] at the core of religious identity.”¹⁴⁶ In the end, the commission’s final report issued in 1986 affirmed the efforts of women religious and attributed the decline of religious vocations, not to the effects of their renewal, but to the negative impact American cultural changes and the Second Vatican Council’s elevation of the laity had had on their communities.¹⁴⁷

¹⁴² MR, n. 13.

¹⁴³ ARBUCKLE, p. 116.

¹⁴⁴ See QUIÑONEZ and TURNER, p. 48 and WITTBERG, *The Rise and Fall of Catholic Religious Orders*, p. 235.

¹⁴⁵ This commission was established by Pope John Paul II with the letter to U.S. Bishops that accompanied the publication of *Essential Elements*. Composed of three members, the commission consisted of Archbishop J. Quinn of San Francisco (chair), Archbishop T. Kelly of Louisville, and Bishop R. Lessard of Savannah. The purpose of this commission was “to facilitate the pastoral work of their brother bishops in the United States in helping (U.S. religious) whose institutes are engaged in apostolic works to live their ecclesial vocation to the full” (n. 4). This commission was to focus on and analyze the reasons for the decline in numbers of those entering religious life, “particularly in the case of institutes of apostolic life” (Ibid.). Such a study was to be conducted in collaboration with individual religious and major superiors.

¹⁴⁶ QUIÑONEZ and TURNER, p. 62.

¹⁴⁷ See J. QUINN, “A Summary Report of the Pontifical Commission on Religious Life in the United States,” in *Origins*, 16 (1986-1987), pp. 467-470, especially p. 468. Prior to the publication of the commission’s report, Bishop J. Malone, outgoing president of the National Conference of Catholic Bishops (NCCB), referred to the

The reality of the decline in vocations began to have a financial impact, as did the growing number of elderly and retired members of U.S. religious institutes. In 1986, the Tri-Conference Retirement Office was established.¹⁴⁸ The first of annual collections to benefit religious retirement funds was held in 1988. In 1995, the office was renamed the National Religious Retirement Office (NRRO).¹⁴⁹ The resource of this office was another example of the benefits of collaboration and addressing issues important to the health of religious life in the United States. Their programming and publications raised the consciousness of religious regarding the financial implications of the decline in and aging of membership and the fact that many institutes were in similar situations. Considerable administrative attention and financial resources continue to be dedicated to the care of the most elderly members, as well as preparation for those nearing retirement and those with health concerns. Schuth notes, “Most congregations are focusing on members in or entering ‘the third age,’ and providing short workshops, talks, and conferences on adjusting to physical limitations and maintaining healthy lifestyles and attitudes.”¹⁵⁰ The NRRO continues to be an essential resource for such information, formation, and collaboration.

A large study, funded by the Lily Endowment, was conducted between 1989 and 1992. It included a national survey of a random sampling of 9,999 religious priests, brothers,

collaborative nature of the study on U.S. religious life. He affirms: “As an episcopate united with the Holy Father, we have given over many hours to ‘listening sessions’ in which the experience and the desires of religious could be articulated, to ‘dialogue sessions’ in which discussion conducted in evangelical frankness could explore some of the difficult topics in contemporary spirituality and to evaluations in which we as *testes fidei* bore witness to the general health of religious life in the United States.” (J. MALONE, “The Church: Its Strengths and Its Questions,” Presidential address to U.S. Bishops, 10 November 1986, in *Origins*, 16 (1986-1987), p. 395.) See also S. SCHLARMAN, “Reflections on a Dialogue with Religious,” in *Origins*, 16 (1986-1987), pp. 665, 667-670.

¹⁴⁸ “Tri-Conference” referring to the three member Conferences: LCWR, CMSM, and NCCB.

¹⁴⁹ The office was renamed when CMSWR joined the three other Conferences in sponsorship of its work.

¹⁵⁰ K. SCHUTH, “The Intellectual Life as a Value for Women Religious in the United States,” in B. PUZON, (ed.), *Women Religious and the Intellectual Life: The North American Achievement*, San Francisco, International Scholars Publications, 1995, pp. 21-22.

and sisters, as well as detailed interviews with leaders of religious institutes and recognized “experts” on religious life. In September 1992, the preliminary conclusions of the study: “The Future of Religious Orders in the U.S.,” were published in the *New York Times*, the *Chicago Sun-Times*, the *Washington Post*, the *Boston Globe*, and in scores of other secular and church-related newspapers.¹⁵¹ For religious life to continue to be vital in the Church, U.S. and world, the authors of the study concluded that “dramatic changes must occur in most religious congregations in the United States.”¹⁵² In assessing the data, they acknowledge that most institutes have made significant studies and efforts to reclaim the “spirit of the founder,” but have not succeeded in expressing a corporate commitment to the unmet needs of society “in light of gospel imperatives” and with a collective vision and action “inspired by God that marked the birth of most apostolic, monastic, and contemplative congregations.”¹⁵³ Those institutes that confront the gap between the gospel and culture, “in union with God, in fidelity to their founding purpose, and in response to absolute human need,” will emerge revitalized, according to the conclusions drawn from the study.¹⁵⁴ The future of a religious institute, the study revealed, will depend upon the interaction of eight critical factors: individualism and vocation; leadership; authority; work and corporate

¹⁵¹ The report of the research has been published in a number of ways, partly due to the allocation of \$500,000 of the Lily Endowment grant specifically for dissemination. See D.J. NYGREN, and M.D. UKERITIS, *The Future of Religious Orders in the United States: Transformation and Commitment*, Westport, CT, Praeger Publishers, 1993; *idem*, “The Religious Life Future Project: Executive Summary,” in *R/R*, 52 (1993), pp. 6-55; and *idem*, “Research Executive Summary: Future of Religious Orders in the United States,” in *Origins*, 22 (1992-1993), pp. 257, 259-272.

¹⁵² NYGREN, and UKERITIS, “The Religious Life Future Project: Executive Summary,” p. 42.

¹⁵³ *Ibid.*

¹⁵⁴ *Ibid.*, p.42.

identity; affiliative decline and role clarity; racism and multiculturalism; materialism and the gospel; and charisms and parochial assimilation.¹⁵⁵

Wittberg notes, “The leadership of LCWR reacted somewhat defensively to the study’s conclusions, which seemed to imply that the renewal of religious orders over which LCWR had presided during the past thirty years had had less than positive results.”¹⁵⁶ Nygren and Ukeritis asserted that, in the early 1990s, many institutes lacked a sense of corporate identity. They go so far as to say, “Lack of clear focus regarding the group’s mission offers little to attract the commitment or capture the passion of potential new members,”¹⁵⁷ thereby being a significant source of the decline in vocations – which was the major concern of the day. The most compelling result of the study was considered to be the lack of role clarity found among a significant percentage of religious. The study documented what we have previously noted, that Vatican II “substantially reinforced the role of the laity in the church, but did not clarify for religious the unique contribution of their vocation.”¹⁵⁸ LCWR officials objected to the study’s findings in this area, “questioning how such a concept had been developed.”¹⁵⁹

In the decades following the Second Vatican Council, there has been much tension in clarifying the inherent dichotomy in the call to religious for adaptive renewal. The ambiguity of the Vatican’s stance on the renewal of religious institutes continued to

¹⁵⁵ See *ibid.*, pp. 42-51.

¹⁵⁶ WITTEBERG, *The Rise and Fall of Catholic Religious Orders*, p. 220.

¹⁵⁷ NYGREN, and UKERITIS, “The Religious Life Future Project: Executive Summary,” p. 47.

¹⁵⁸ *Ibid.*, p. 48.

¹⁵⁹ See WITTEBERG, *The Rise and Fall of Catholic Religious Orders*, note 58, p. 351.

resurface. On the one hand, the 1983 revised Code of Canon Law contains 137 canons¹⁶⁰ on religious institutes – fewer than the 186 canons “On Religious” in the 1917 code – and leaving many issues and policies to the proper law of individual institutes. “On the other hand,” observes Wittberg, “the hierarchy’s repeated attempts to dictate policy to individual communities appeared to contradict the decentralization and pluralism implied” in both the Council documents and the 1983 code.¹⁶¹ Quiñonez and Turner cite the eloquent remark, “The beauty of the Church is marred whenever uniformity is mistaken for unity.”¹⁶²

3.3.3 The Continuing Institutional Shift

Over time, Catholic (as well as other denominational) schools, hospitals, and social agencies have increasingly come to resemble their secular counterparts. In decades since Vatican II, the religious character of sponsored institutions has been diminished by “pressing economic constraints, as well as isomorphic pressures from government agencies, professional associations, and clients,” according to Wittberg.¹⁶³ She clarifies that the pressures toward institutional conformity come from a variety of sources:

“Coercive pressures” develop from government mandates, tax laws, or the requirements of accrediting agencies. “Normative pressures” are embodied in the training courses and expectations of the professional schools which provide the organization’s workers, and in the cultures of the foundations which provide its funds. And “mimetic pressures” arise in times of uncertainty, when each organization tends to model itself, consciously or unconsciously, on what its competitors are doing. Over time, the combined effect of these pressures is “institutional isomorphism”: a hospital, a college, or a social agency tends

¹⁶⁰ Not including the canons on Secular Institutes and Societies of Apostolic Life, with these two sections, there are 173 canons in Part III [Institutes of Consecrated Life and Societies of Apostolic Life] of Book II [The People of God] in the 1983 Code of Canon Law.

¹⁶¹ WITTEBERG, *The Rise and Fall of Catholic Religious Orders*, p. 219.

¹⁶² QUIÑONEZ and TURNER, note 17, p. 183, quote from the LCWR Archives’ “Letter to ‘Reverend Father’ [no name]” 25 March 1965.

¹⁶³ WITTEBERG, *From Piety to Professionalism*, p. 115.

increasingly to resemble all of the other hospitals, colleges, or social agencies – religious or secular – in its organizational field.¹⁶⁴

The presence of sisters working in and administering an institution would no longer be sufficient to ensure the religious identity of the institution. The incorporation of “Mission Effectiveness” departments has been one response in an attempt to define and retain what it is that makes these institutions uniquely Catholic.

In 1968, the decline in students enrolled at Catholic schools was considerable – from 4.5 million students in 1965 down to 3.9 million in a mere three years. Attendance continued to deteriorate into the 1970s. Throughout the 1980s, only about two million students attended Catholic schools each year. By the mid-1990s, the enrolment crisis appeared to be over, and many Catholic schools were even posting a slight increase. Statistics reported by Wittberg give the current context: “Some 2.5 million children attended in 1995, a number which has remained relatively constant ever since.”¹⁶⁵ The rise of the number of lay teachers and the need for just salaries for all of the teachers and staff had an impact on enrolment as the schools were increasingly dependent on tuition to meet expenses.¹⁶⁶

Two-hundred and twenty-three colleges were founded by women’s religious orders in the United States by 1967, enrolling approximately 25 percent of the 446,459 students

¹⁶⁴ Ibid., p. 14.

¹⁶⁵ Ibid., p. 123; see p. 122 for other useful statistics. In note 48 of Chapter 5 (p. 143), she adds that Catholic school enrolment for 2004 was 2,484,252. According to the NCEA 2009-2010 annual data report (D. McDONALD and M.M. SCHULTZ, *United States Catholic Elementary and Secondary Schools 2009-2010: The Annual Statistical Report on Schools, Enrollment and Staffing*, Washington, DC, National Catholic Educational Association, 2010), enrolment for that academic year was 2,119,341. The Report continues, “Between the 2000 and the 2010 school years, 1,603 schools were reported closed or consolidated (19.7%). The number of students declined by 533,697 (20.1 %). The most seriously impacted have been elementary schools.”

¹⁶⁶ Wittberg notes that, “According to the 2005 *Official Catholic Directory*, in 2004 there were 170,000 lay teachers in Catholic grade and high schools, as compared to 10,000 priests, brothers, and nuns. Today, in other words, lay teachers comprise over 95 percent of the teachers in Catholic schools.” (WITBERG, *From Piety to Professionalism*, note 44, p. 143.) For the 2009-2010 academic year, according to the NCEA annual data report, there were 154,316 teachers in Catholic schools, 96.3 percent of whom were lay persons, while 3.7 percent (5,749) were sisters, brothers or priests.

attending Catholic colleges and universities at the time. “Subsequent mergers reduced the number to 117 by 1994 – still more than half of the 230 U.S. Catholic institutions of higher education. By 2000, Catholic colleges and universities enrolled almost 20 percent of the students in private, degree-granting institutions.”¹⁶⁷

In the years following Vatican II, Catholic colleges faced mounting competitive pressures and had to endure escalating costs as, Morey and Piderit note, “New technology became de rigueur at sophisticated colleges and universities. ... To maintain solvency, these institutions had to scramble and innovate. They did so without sufficient time to ponder the impact that some of the changes made in haste would have, not only on the colleges themselves but also on their founding religious congregations.”¹⁶⁸

Some of these changes began as early as 1967, when various administrators and interested major superiors¹⁶⁹ of the largest [predominantly] North American Catholic universities met in Land O’ Lakes, Wisconsin, to articulate the role of Catholic universities. The resulting Land O’ Lakes Statement, among other things, recommended that colleges and universities be incorporated separately from their sponsoring religious institutes. The importance of this movement was evident in the second sentence of the Statement: “To perform its teaching and research functions effectively the Catholic university must have a true autonomy and academic freedom in the face of authority of whatever kind, lay or

¹⁶⁷ WITTBERG, *From Piety to Professionalism*, p. 29.

¹⁶⁸ MOREY and PIDERIT, p. 251.

¹⁶⁹ In attendance were presidents, vice-presidents, rectors, vice-rectors, members of Boards of Trustees, and other university administrators; bishops (representing dioceses as well as the Episcopal Committee for Catholic Higher Education; religious provincials, superiors general and vicars general with interest in the major universities in the U.S. (Georgetown, Boston College, Seton Hall, Catholic University of America, Saint Louis, Notre Dame, Fordham), Canada (Laval and Sherbrooke), Puerto Rico (Catholic University of Puerto Rico), and Peru (Universidad Católica del Peru).

clerical, external to the academic community itself.”¹⁷⁰ (Ninety-three percent of Catholic colleges and universities in the United States were founded and operated by Catholic religious orders.)¹⁷¹ During the next ten years, 98 percent of all Catholic colleges and universities complied with the recommendation.

Board membership also shifted during that period. By 1977, members of religious institutes were outnumbered by lay people on the boards of at least 77 Catholic colleges/universities; nearly 20 percent of the boards were chaired by men. By the late 1990s, religious institutes were finding it difficult to fill the required board positions reserved for them. As a result, some religious institutes have had to relinquish their corporate holding and administration of the institution, which has left some colleges/universities to become private, non-sectarian institutions, with no formal continuation of their Catholic identity.¹⁷²

Regarding the functioning of the institution, outside stakeholders – employees, clients, licensing agencies, and church-state watchdog groups – have pressed the colleges and universities to use secular criteria in their hiring and curricular policies. As with other types of nonprofit organizations, Catholic colleges find themselves “increasingly market driven,” viewed more as service providers to demanding customers rather than as educators. Educational priorities have also shifted from the religious development of the student through education to providing a high quality academic education – religious development

¹⁷⁰ “Land O’ Lakes Statement: The Nature of the Contemporary Catholic University,” in A. GALLIN, *American Catholic Higher Education: Essential Documents, 1967-1990*, Notre Dame, IN, University of Notre Dame Press, 1992, n.1, p. 7. The evolution of the Catholic university required academic freedom and institutional autonomy, according to this and subsequent statements, yet in an environment where “Catholicism is perceptibly present and effectively operative.” (Ibid.)

¹⁷¹ See WITTEBERG, *From Piety to Professionalism*, p. 28.

¹⁷² See *ibid.*, p. 119. As early as the 1970s, 21 percent of Catholic colleges dropped the use of the word “Catholic” from their legal documents and their publications in order to qualify for state or federal funds. For some, this was also reflected in their canonical relationship with the founding institute and status as a Catholic institution, but not necessarily. The disparity between the legal and canonical structures led to the “accidental” alienation of ecclesiastical goods by a number of institutes.

has fallen far from the sight of many administrators and is seldom a criterion for the success of a student's education.¹⁷³

By the end of the twentieth century, there were 637 Catholic hospitals and 122 Catholic home health care agencies in the United States – 17 percent of all the hospitals in the country.¹⁷⁴ As with the colleges and universities, the hospitals also became separated from their founding religious institute. Following recommendations of the CHA, the position of hospital administrator was separated from that of the local superior. Government and insurance payments, as well as independent fundraising campaigns also made the hospitals less dependent on the religious institute for financial support.¹⁷⁵

The diminishment of members of religious institutes within the institution and the empowerment of the laity to take a role in Catholic works was also quickly felt in Catholic health care. Between 1965 and 1970, there was an increase of twenty percentage points in the number of top administrative positions held by laity – from 3 percent to 23 percent. In 1985, approximately 70 percent of Catholic hospital CEOs were not members of the institute that had founded the hospital, and, by the late 1990s, the combined number of lay CEOs and board members of Catholic hospitals was over 90 percent.¹⁷⁶

Wittberg summarizes the institutional evolution that moved quickly after the Council. “As their schools, hospitals and social service agencies grew, the role of the sponsoring group often changed from *providing* the services themselves, to *supervising* others who provided them, and finally, to *controlling*, through their presence on the boards of

¹⁷³ See *ibid.*, pp. 116, 123-124.

¹⁷⁴ See *ibid.*, note 33, p. 50. (Statistics from the Catholic Health Association of the United States, January 2010, assess that Catholic hospitals currently comprise 12.4 percent of the hospitals in the U.S.)

¹⁷⁵ See *ibid.*, p. 128.

¹⁷⁶ See *ibid.* Wittberg also notes, “The lay board members were still predominantly Catholic, however: 82 percent in 1991.” (*Ibid.*, note 73, p. 144.)

directors, those who administered the provision of the services.”¹⁷⁷ The relationship of members of the founding religious institute to the institution has dramatically changed. Prior to the 1970s, if the members of the sponsoring religious institute were prepared to fill a staff or administrative position, they could reasonably expect to be hired for it. Today, this can no longer be assumed. The current hiring process at Catholic (as well as Protestant) institutions favours “the most professionally credentialed applicant, irrespective of religious affiliation.”¹⁷⁸ Professional credentials have in many cases surpassed apostolic zeal as the criterion for hiring and promotion. As a result, and sometimes with no advance warning, many sisters now find themselves without a job.

On the other hand, according to Schuth, “Even though individual sisters are more professionally qualified for their ministries today than two or three decades ago, they are less interested in the corporate and communal commitments of the past, and in fact generally resist them. Yet, by virtue of their religious and professional commitments, sisters continue to be affected on many levels by institutions.”¹⁷⁹ Whether by the loss or resignation of their institutions, the effect on the common identity within religious institutes cannot be denied. Also attributed, by some, to the absence of institutional ministry is the reduced capacity to attract new members and the limitations that more diverse and independent ministerial activity puts on the “scope for action” of the major superiors.¹⁸⁰

A pronounced characteristic of late twentieth and early twenty-first century Western society, considered to be the defining characteristic of Generation X, is a profound distrust

¹⁷⁷ Ibid., p. 11. Once the institutions move beyond the control of the religious institute, they no longer fall under our purview.

¹⁷⁸ Ibid., p. 215.

¹⁷⁹ SCHUTH, p. 17.

¹⁸⁰ See WITTBERG, *From Piety to Professionalism*, p. 17.

of *all* types of institutions: governmental, business, educational, and religious. Accordingly, the “institution” is no longer a helpful tool toward building the kingdom of God, but a source of corruption and injustice. This is one area where religious life can facilitate transformation. Puzon tells us, “religious life, to be an effective instrumentality in society, cannot do business as usual: by its nature it is authorized to take responsibility in affecting society in a way that builds from its religious traditions with principles appropriate to the contemporary situation.”¹⁸¹ For this to happen, administration of and service in explicitly religious institutions must have an ideology that responds to a call and a path to holiness. Otherwise, religious will find the need to compartmentalize facets of life into work and faith, which weakens the transformative potential of both. Wittberg cites Wolfteich for an illuminating example:

Few models officially sanctified by the Church show work in the world as a spiritual path – and fewer still reveal this path for women. In reality, women saints have been leaders, managers, preachers, teachers, and innovators. They have begun religious orders, built hospitals, resisted powerful critics, negotiated with popes and politicians. Yet their saintliness seldom is linked predominantly with their work or leadership.¹⁸²

3.4 CORPORATE AND CULTURAL DEMANDS

The demands of incorporating apostolates and the overall corporate culture have impacted religious life and the manner of governance in religious institutes, especially in the United States. The purpose of this section is to give a very general overview of some of the influential aspects of corporate life, particularly at their initial and ongoing points of

¹⁸¹ B. PUZON, “On the Intellectual Life of Women Religious in Contemporary American Society: An Overview,” in B. PUZON (ed.), *Women Religious and the Intellectual Life: The North American Achievement*, San Francisco, International Scholars Publications, 1995, p. 7.

¹⁸² WITTEBERG, *From Piety to Professionalism*, p. 261, citing C.E. WOLFTEICH, *Navigating New Terrain: Work and Women’s Spiritual Lives*, Mahwah, NJ, Paulist Press, 2002, pp. 143-144.

intersection with religious institutes and the members who have the canonical responsibility to lead them. Much has been written on the topic of sponsorship, as will be noted throughout the section.¹⁸³ Our intent is to draw attention to points of tension and to note the complexities of the dual roles that religious major superiors must assume between corporate member and canonical administrator of a public juridic person.

3.4.1 INSTITUTIONAL INCORPORATION

In the previous sections we have observed the movement toward the separate incorporation of various apostolates of religious institutes. Institutions that were predominantly involved in this shift were hospitals, colleges and universities, and private schools or academies, and to a lesser degree (early in this movement), smaller social service centres.¹⁸⁴ Catholic hospitals took on a more professional, business model of operation as early as the 1950s, while Catholic higher education made the shift at the end of the following decade.

The changing modalities of operation, as well as the changing structures of society – insurance, government aid, and tax law, to name but a few influences – would provide the impetus for institutional apostolates to be separately incorporated. Most religious institutes

¹⁸³ Healthcare has advanced the study and raised the questions earlier and more deeply than any other field to date. See especially J.F. HITE, *A Primer on Public and Private Juridic Persons: Applications to the Healthcare Ministry*, St. Louis, MO, Catholic Health Association, 2000; M. MCGOWAN, *Governance/Sponsorship Models of Canadian Catholic Health Care Organizations*, Ottawa, Catholic Health Association of Canada, 1998; B.K. DUNN, “Sponsorship of Catholic institutions, particularly healthcare institutions, by the Sisters of Providence in the western United States,” JCD thesis, Ottawa, Faculty of Canon Law, Saint Paul University, 1995. Other works to be noted throughout the section.

¹⁸⁴ As was mentioned in section 3.1, most social work agencies had been taken over by the dioceses or other private Catholic systems, Catholic Charities, for example, so few institutes still operated such centres. With the movement to respond to “the needs of the times,” in the course of the renewal, smaller, less institutional centres of ministry were established. As they grew, they too were often separately incorporated for many of the same reasons as the larger institutions. For an informative article on this movement as related to incorporation and legal issues see B. KENNY, “Church Law and Civil Law Issues for Self-Initiated Ministries,” in *The Legal Bulletin*, 69 (1998), pp. 3-20.

were incorporated early on in their U.S. foundations for the purpose of owning property and conducting business. Maida and Cafardi note that in the late 19th and early 20th centuries, “there was a legal disability on the part of the unincorporated associations, which is what religious institutes were considered to be, to hold legal title.”¹⁸⁵ A certain autonomy for the business operations of the institutions became more desirable and sometimes necessary for consideration of government funding.

Incorporation according to civil law does not have an effect on the canonical relationship of a religious institute and its apostolic institutions. Maida and Cafardi clarify: Canon law “perceives public juridic persons as a totality, encompassing all of their sponsored activities, regardless of their civil law status.”¹⁸⁶ In the past, according to Maida and Cafardi, a charitable trust was the favoured means for performing public charity. With the benefits of a charitable trust, there was no need to incorporate nonprofit charitable activities.¹⁸⁷ “Although the charitable trust still survives, it has been replaced by the nonprofit corporation as the preferred means for the performance of public charity.”¹⁸⁸

Oleck elucidates why incorporation is the most preferred and sound form of organization for group enterprises:

[The corporation] combines several advantages: freedom from personal liability, continuity of existence, flexibility – and great range and scope because of joinder of resources and efforts. Detailed and plentiful legislative, administrative, and executive studies, during the past century, have produced a wealth of plans for effective organization and operation, especially as far as business organizations are concerned. A corporation may be considered an artificial person. More precisely, it is a legal entity, organized to meet legal requirements, consisting of a number of individuals but considered by the law as an aggregate body distinct from its component

¹⁸⁵ A.J. MAIDA and N.P. CAFARDI, *Church Property, Church Finances, and Church-Related Corporations: A Canon Law Handbook*, St. Louis, MO, The Catholic Health Association of the United States, 1984, p. 140.

¹⁸⁶ MAIDA and CAFARDI, p. 57, see also p. 149.

¹⁸⁷ Cf. H.B. HANSMANN, “The Role of Nonprofit Enterprise,” in *The Yale Law Journal*, 89 (1979-1980), p. 840. He considers the charitable trust approach “uncommon in the United States.”

¹⁸⁸ MAIDA and CAFARDI, p. 119.

members, having a specific name or title and specific powers granted by the law, and having continuous existence though its membership changes.¹⁸⁹

Maida and Cafardi concur: “The legal entity of a corporation has two basic purposes for its existence: to grant protection from liability to those with an interest in the corporation and to allow an ease of administration in an organization’s affairs.”¹⁹⁰ The concept of the corporation is very much like that of the juridic person in canon law, making it the ideal option to maintain parallel structures. Cerullo reiterates that the corporation is a vehicle for making valid in civil law what exists in canon law: “The civil structure of the corporation with its various roles and responsibilities is created in order to give form to canonical obligations for church property and for the proper works of the order.”¹⁹¹ In the opinion of Maida and Cafardi, “there is no doubt that the proper civil law structure would require the separate incorporation of such apostolates, apart from any corporate form used by the sponsor itself. The injunction of the canon law to canonical administrators that they be ‘good householders’ reinforces this need for the separate incorporation of apostolates.”¹⁹²

The relevant kind of incorporation, for our purposes, is the nonprofit corporation.¹⁹³

While each state has its own statutory definitions, the general characteristics of all nonprofit corporations are (1) they are specifically designated as nonprofit when organized; (2) profits or assets may not be divided among corporate members, directors or officers in the manner

¹⁸⁹ H.L. OLECK, *Nonprofit Corporations, Organizations, and Associations*, 5th ed., Englewood Cliffs, NJ, Prentice Hall, 1988, p. 19.

¹⁹⁰ MAIDA and CAFARDI, pp. 141-142.

¹⁹¹ D.M. CERULLO, “Who Do You Serve? Fiduciary Duties of Leadership Personnel in Their Canonical and Corporate Structures,” in *The Legal Bulletin*, 79 (2005), p. 21.

¹⁹² MAIDA and CAFARDI, pp. 151-152, referring to c. 1284 (see note 201 for the text of the canon).

¹⁹³ Some states and /or authors prefer the term “not-for-profit” rather than nonprofit. They would argue that there is a subtle distinction between the two terms, the first being more accurate because nonprofits may seek profit as long as it goes toward the fulfillment of the organization’s purpose. The arguments for either term unravel at the same rate. In the end, there is no real distinction between the terms nonprofit and not-for-profit. See HANSMANN, note 17, p. 838, and OLECK, p. 6.

of equity shares or corporate share dividends; and (3) they may lawfully pursue only such purposes as are permitted for such organizations by statutes. Also for general consideration, nonprofit corporations are divided into three basic categories: (1) public benefit (such as museums, schools, and hospitals); (2) mutual benefit (such as cooperatives, trade or professional associations, and clubs); and (3) private benefit (such as tax-exemption-benefit-seeking organizations as low-cost housing developments, etc.).¹⁹⁴ Hansmann, writing in 1980, states that “nonprofit corporation law is poorly developed and varies in significant respects from one state to the next. Even the Model Nonprofit Corporation Act exhibits uncertainty about such basic issues as the purposes for which nonprofit corporations may be formed.”¹⁹⁵

A charitable corporation is one type of nonprofit corporation – one that has been organized for a charitable purpose, historically defined as providing aid to the poor, to religion, to education and science, to government, or to public health or social welfare.¹⁹⁶ Each state will define what is or is not a charitable corporation. “A nonprofit corporation is not necessarily a charitable corporation; but a charitable corporation necessarily is a nonprofit corporation. Nonprofit is a general term, while charitable is a specific one.”¹⁹⁷

¹⁹⁴ See OLECK, pp. 5-6. Cf. HANSMANN, especially pp. 836 and 839 where he refers to the purposes as defined in the American Law Institute-American Bar Association, Model Nonprofit Corporation Act of 1964, and its lack of clarity of purpose for nonprofit corporations allowing some states to be as nondescript as to say that a nonprofit corporation may be established “for any lawful purpose.”

¹⁹⁵ HANSMANN, p. 836. Regarding his claim that nonprofit corporation law is poorly developed, Oleck reiterates that any development is quite recent: “It was not until 1979, for example, that the Association of American Law Schools, Business Organizations Section, first made *nonprofits* the subject of one of its annual meetings. In the late 1980s the subject of nonprofit organizations law was still offered as an elective in only about twenty law schools.” (OLECK, p. 2, emphasis in original.)

¹⁹⁶ See MAIDA and CAFARDI, p. 120.

¹⁹⁷ OLECK, p. 7.

The most frequent modality of nonprofit corporation used for both religious institutes and their incorporated apostolates is the membership corporation.¹⁹⁸ For our purposes here, we will be looking exclusively at the nonprofit membership corporation as used for incorporated apostolates. “In a nonprofit membership corporation, the board of trustees runs the corporation within the framework of the corporate powers reserved to the corporate members.”¹⁹⁹ The members of a nonprofit corporation are the highest level of corporate authority. When founding the corporation, the initial members would establish a corporate structure through the corporation’s bylaws and articles (of incorporation), defining the powers reserved to the corporate members and the powers assigned to directors and/or a board of trustees. “Whatever allocation of membership powers is made by articles and bylaws is recognized as effective by the model act and by most state statutes, the majority of which follow the model act.”²⁰⁰ Corporate bylaws, which do not need to be filed with the state, define the structure of the corporation – delineating members, trustees, officers, and the various functions and powers of each, as well as manner of selection and duration of terms.

A certain autonomy of the apostolic institution is defined in incorporation. The accountability of the administration of the institution is assured through the requirements of the bylaws and the powers reserved to the corporate members, usually the officers of the

¹⁹⁸ During the Post-Vatican II renewal period, in a spirit of collegiality, a few institutes divided corporate power equally among all professed members of the institute, by denominating all professed members of the institute as corporate members. The desire was to involve the members of the institute as much as possible, but the corporate requirements – for notification of all corporation meetings, required quorum, voting, to name a few – rendered an inclusive corporate model, at the very least, unwieldy and usually unhelpful. Such a model was not an adequate parallel to the canonical structure of membership in a religious institute. One solution was to create a structure with class A members (all professed) and class B members (the superior general and council). This will be briefly discussed in Chapter 4. (See MAIDA and CAFARDI, p. 140 ff.)

¹⁹⁹ MAIDA and CAFARDI, p. 122.

²⁰⁰ *Ibid.*, p. 120, referring to the Model Nonprofit Corporation Act (1964).

religious institute²⁰¹ – at least in part.²⁰² It is important to note, as Cerullo reminds us, “Property that is controlled by the religious order, even though separately incorporated, is still considered church property and must be administered according to the fiduciary regulations of canon law and the proper law of the religious order.”²⁰³ The apostolate’s incorporation effectively transfers the duties associated with the obligations of canonical administration²⁰⁴ of the apostolate to others, “this civil law delegation must be respected.”²⁰⁵

²⁰¹ The corporate members, in this case, are so *ex officio* because of their position within the religious institute, yet they are not to act as agents or representatives of the religious institute in their acts of corporate membership. They have two separate roles, that of officials of the religious institute and that of corporate members. “In certain rare situations ... this may put them into a difficult position that is unavoidable because they are both corporate members and officials of the sponsoring religious group and have allegiance to both. They will have to resolve such conflicts in accord with their own conscience, making value judgments on what will benefit the corporation, in which they are sitting and exercising authority, as best they can.” (Ibid., p. 237.)

²⁰² The model of a “mixed” corporation, comprised of members of the institute – officers as well as other members – and laypersons or those who are not members of the religious institute, is increasingly being used as religious institutes have few members willing or able to take on the duties of corporate membership. The questions arise: how much power or control is enough to fulfill the obligations of canonical administration? Is a majority sufficient? Can the bylaws assure that the rights of the religious institute will be honoured? If the assurances are there, what, then, is the value of having mixed membership when sound, non-member advisement could suffice? These are some of the questions that will need to be addressed by canonists and advisors. MAIDA and CAFARDI, p. 156, clearly advocate for limiting corporate membership to the canonical stewards (e.g. the provincial superior and councillors) as the most effective means for safeguarding the ability to exercise proper canonical administration. We will not deal with this issue, as our primary purpose is to concentrate on the role of the major superior in light of corporate responsibilities. For more information on this model and its use, see R. SMITH, W. BROWN and N. REYNOLDS (eds.), *Sponsorship in the United States Context: Theory and Praxis*, Alexandria, VA, CLSA, 2006, also note the helpful select bibliography, pp. 143-147.

²⁰³ CERULLO, p. 23.

²⁰⁴ Specifically c. 1284: §1, All administrators are to perform their duties with the diligence of a good householder. §2, Therefore they must: 1°, be vigilant that no goods placed in their care in any way perish or suffer damage; to this end they are, to the extent necessary, to arrange insurance contracts; 2°, ensure that the ownership of ecclesiastical goods is safeguarded in ways which are valid in civil law; 3°, observe the provisions of canon and civil law, and the stipulations of the founder or donor or lawful authority; they are to take special care that damage will not be suffered by the Church through the non-observance of the civil law; 4°, seek accurately and at the proper time the income and produce of the goods, guard them securely and expend them in accordance with the wishes of the founder or lawful norms; 5°, at the proper time pay the interest which is due by reason of a loan or a pledge, and take care that in due time the capital is repaid; 6°, with the consent of the Ordinary make use of money which is surplus after payment of expenses and which can be profitably invested for the purposes of the juridical person; 7°, keep accurate records of income and expenditure; 8°, draw up an account of their administration at the end of each year; 9°, keep in order and preserve in a convenient and suitable archive the documents and records establishing the rights of the Church or institute to its goods; where conveniently possible, authentic copies must be placed in the curial archives. §3, It is earnestly recommended that administrators draw up each year a budget of income and expenditure. However, it is left to particular law to make this an obligation and to determine more precisely how it is to be presented.

²⁰⁵ MAIDA and CAFARDI, p. 167.

Since the institution is still part of the juridic person of the religious institute, delegation of administration does not relieve the officers of the religious institute (canonical stewards) of these same duties. “They still have a responsibility of oversight to see that this prudent management is actually the case, but they do not need to actually exercise these powers themselves to meet these responsibilities. The appointment of prudent managers, and their oversight of them, will suffice.”²⁰⁶

The canonical steward²⁰⁷ must be in a position to continue to ensure that the canonical obligations of administration are met, in a manner valid in civil law, in the incorporated apostolate. Maida and Cafardi explain:

This does not require the type of civil law control that would make the apostolate the agent of the canonical steward or of the sponsoring religious body, but it does require that certain safeguards be taken in the corporate structures of the incorporated apostolate to ensure that the canonical steward is in a position, in the civil law, to exercise his or her canonical duties in faith and in administration over the apostolate.²⁰⁸

This should not detract from appropriate delegation and ample lay participation in the administration of incorporated apostolates. “A special expertise is needed to manage institutions of higher education or health care facilities in today’s complex world. In their canonical obligations to be prudent managers of the property and affairs of their public juridic persons, canonical stewards are bound to find and use this expertise. If they do not, they run the risk of harming the apostolate through improper or unskilled management.”²⁰⁹

²⁰⁶ Ibid.

²⁰⁷ Maida and Cafardi equate the canonical administrator with the canonical steward (see p. 62). Ultimately, the canonical administrator/steward is the major superior of the juridic person. Financial administrators are obliged to administer the goods of the juridic person, but do so under the direction of the major superior (see c. 636). Therefore, in this section, when referring to the canonical steward, we are speaking of the major superior and her obligations with regard to appropriate oversight of the goods of the institute.

²⁰⁸ MAIDA and CAFARDI, p. 156.

²⁰⁹ Ibid., p. 176.

The levels of corporate complexity become more and more intricate. What if the incorporated apostolate wishes to create additional corporations? Maida and Cafardi provide typical examples:

Many factors in our modern economy have made necessary the corporate restructuring of incorporated apostolates, especially in the health care area. ... These avenues have included the creation of some profit-making enterprises, such as hospital-owned professional buildings or other type of real estate investment corporations, to supply the non-profit hospital with needed dollars. Another common creation in recent years has been the fund-raising foundation, which has as a major role the raising and investment management of funds for the use of the nonprofit institution.²¹⁰

One could also imagine several similar scenarios at an institution of higher education – a day care or Montessori school established by the education department, a small clinic founded by the school of nursing, and, the most common, investment or fund-raising functions created as separate corporations. These would be considered “multicorporate” apostolates, encompassing different types or levels of separate corporations.²¹¹ Once these separate corporations are established by the incorporated apostolate, one must ask what the relationship is to the original nonprofit corporation, and even more so, what is the relationship to the religious institute? According to Maida and Cafardi, even though each entity has been established separately in civil law, the multi-layered corporations are the activity of the original nonprofit incorporated apostolate, and this is documented in the legal relationship. “[T]he result is one public juridic person that sponsors apostolates in a multicorporate form and that as a result has canonical obligations over what may seem to be a hydra of corporate forms.”²¹²

²¹⁰ Ibid., pp. 179-180.

²¹¹ The pertinent terms that become familiar to the canonical steward are: holding corporation and operating corporation, parent corporation and subsidiary corporation, provider corporation and non-provider corporation. (See *ibid.*, p. 183.)

²¹² *Ibid.*, p. 182.

It remains the responsibility of the canonical stewards, through the exercise of reserved powers,²¹³ to see that these corporate relationships are structured or restructured in such a way that they can still exercise their canonical duties over the affairs of these individual corporations within the multicorporate format. It is important to note that the corporation is a legal person, much like the canonical juridic person, separate from its members and trustees. Incorporation limits the liability of corporation members and trustees as well as prevents the passing of corporate debt to individual members or trustees. Members and trustees act on behalf of the corporation, as human agents in a fiduciary relationship, operating the affairs of the corporation. Even with the basic protection from liability through incorporation, additional measures should be taken to protect from the risk of civil law liability passing from the apostolate back to the religious institute.

As mentioned in previous sections, religious institutions were often operated like a family business with much overlap and interaction. With time, accounts began to be kept separate, employees were distinguished between those working for the institution and those working for the religious institute, and operating funds were separated, even when the apostolate was operated out of a facility which also housed members of the institute. Incorporation of the apostolates provided a separate identity facilitating the delineation of separate bank accounts, assets, and employees. Wherever possible, incorporated apostolates should have separate corporate premises or at least a different mailing address, according to

²¹³ Reserved powers will not be discussed here, and only very briefly in the next subsection. For a concise explanation of reserved powers of corporate members by religious institutes in relation to incorporated apostolates, D.J. WARD, "Reserve Powers within a Ministry Corporation," in *The Legal Bulletin*, 82 (2006), pp. 31-34; MAIDA and CAFARDI (throughout); see also CERULLO; A. HEREFORD, "Civil Law Requirements for Corporation Documents of Religious Orders," in *The Legal Bulletin*, 78 (2004), pp. 11-20; M. DIPIETRO, "Sponsorship: A Word of Caution," in *The Legal Bulletin*, 78 (2004), pp. 21-30 and *idem*, "The Apostolate: Is a New Public Juridic Person Next?" in *The Legal Bulletin*, 75 (2001), pp. 3-13; F. MORRISEY, "Toward Juridic Personality," in *Health Progress*, July-August (2001), pp. 27-31, 51; S. HOLLAND, "Sponsorship and the Vatican," in *Health Progress*, July-August (2001), pp. 32-37, 52; and R. SMITH, W. BROWN and N. REYNOLDS (eds.), *Sponsorship in the United States Context*, for interesting insights and developments relating to reserved powers, sponsorship, and its various forms.

Maida and Cafardi, and the property and agents of the apostolate should never be treated as the property and agents of the religious institute.²¹⁴ The basic distinctions between the apostolate and the religious institute are fairly clear and logical – maintain separate bank accounts, ledger books, investments, and legal title to property. Other elements of distinction need to be made clear – the person with the authority to draw on the funds of the institute should not also have the authority to draw on the funds of the apostolate, the same is true for the authority to convey property. Clear leases and employment contracts should be used when the apostolate is using institute’s property or members of the institute are employed by the apostolate. Other boundaries that are less likely to be thought of, Maida and Cafardi point out, not using automobiles of the institute for apostolate purposes (or vice versa), not cutting the institute’s grass with the apostolate’s lawn mower, and other similar scenarios. “Where it is necessary that equipment or property be shared, complete records should be kept on the division of time and expenses in relation thereto, and the corporation and the diocese or institute should bear their separate expenses.”²¹⁵ Even the members of the corporation are advised not to relate to the members of the board of trustees outside the areas of reserved powers. “Since they have no powers outside the reserved areas, when corporate members act outside these areas, they are not really acting as members any longer; rather, they are acting as a sponsor in direct contact with the corporate board. ... The relationship must always be in terms of the civil law structure, in which the corporate members deal with the corporate trustees within their reserved corporate powers.”²¹⁶ These distinctions may seem overdone and alienate religious from the apostolate they established

²¹⁴ See MAIDA and CAFARDI, p. 206.

²¹⁵ Ibid., p. 207.

²¹⁶ Ibid., p. 240.

to minister to the people of God. They are necessary for the integrity of the separate incorporation and the protections that accompany it, so that the incorporation does not become a fiction, artificially imposed, for unjustified protections and rights.

3.4.2 IMPLICATIONS FOR RELIGIOUS INSTITUTES

As reiterated in the previous subsection, the canonical administrators or stewards of a public juridic person are canonically responsible for all the activity of the public juridic person, even when it is carried out by a separate civil law corporation. Maida and Cafardi give a clear summary of the relationship:

The canonical understanding of public juridic persons is a holistic one. It includes all apostolic activities of the public juridic person, even those activities to which the public juridic persona has taken steps to give a separate civil law identity through incorporation apart from the public juridic person. Although such a separate incorporation of an apostolic activity, e.g., a college or hospital, is civilly effective and does create a separate civil law activity apart from the founding public juridic persons, it does not normally have a canonical effect. All activities of a public juridic person, both incorporated and unincorporated, remain part of the canonical perception of the public juridic person.²¹⁷

The affirmative responsibility of the canonical steward is to ensure that the public juridic person acts in a way that recognizes the teachings of the Church, particularly in the apostolate which is exercised in the name of the Church,²¹⁸ and implements Catholic social justice teachings regarding treatment of personnel and distribution of resources.²¹⁹ The

²¹⁷ Ibid., pp. 25-26.

²¹⁸ See c. 675 §3, Apostolic action, to be exercised in the name and by the mandate of the Church, is to be carried out in its communion.

²¹⁹ See c. 1286: Administrators of goods: 1°, are to observe meticulously the civil laws pertaining to labor and social policy according to Church principles in the employment of workers; 2°, are to pay employees a just and decent wage so that they may provide appropriately for their needs and those of their family; c. 634 §2, [Institutes, provinces and houses] are to avoid all appearance of luxury, immoderate wealth and amassing of goods; and c. 640, Taking into account local conditions, institutes are to strive to give, as it were, collective witness of charity and poverty and are to contribute what they can of their own goods for the needs of the Church and the sustenance of the poor.

negative responsibility is to ensure that the public juridic person refrains from conduct considered morally objectionable by the Church.²²⁰

Canonical stewardship of a public juridic person is three-fold. Firstly, the steward holds a position of trust and acts on behalf of the public juridic person in a fiduciary relationship. Secondly, the property and goods being held belong to the public juridic person and are for the benefit of the public juridic person and not the steward. Thirdly, stewardship implies that one has been charged by a higher authority to see to the affairs of another, in this case, the public juridic person. “Every administrator of Church property is a trustee or fiduciary with respect to the property under his or her administration, is responsible and accountable for his or her actions in the law, and is ultimately answerable to those in higher authority for his or her stewardship.”²²¹

The ten obligations of all administrators of ecclesiastical goods, enumerated in note 204, are particularly subject to the vigilance of the canonical steward. Is the canonical steward personally obliged to attend to these affairs of separately incorporated apostolates (or even of the religious institute)? These duties can readily be met by those actually operating the corporation (directors, full-time administrators, and /or the board of trustees). It is the obligation of the canonical steward to assist in finding (or approve of) appropriate and expert persons to adequately manage, protect, and even improve the relevant portion of the public juridic person. Those involved in the daily operations of the incorporated apostolate assume the fiduciary duties for that corporation, but the responsibility of vigilance still belongs to the canonical steward. This vigilance is exercised through aligning corporate

²²⁰ See MAIDA and CAFARDI, pp. 55-56.

²²¹ Ibid., pp. 63-64. The higher authority could be the appointing superior or electing body, as well as the competent ecclesiastical authority, since the goods of a religious institute are ecclesiastical goods (see c. 635 §1).

documents with the canonical obligations, assuring that the canonical requirements are effective in civil law.

“Canonical stewardship is best accomplished in the religiously sponsored charitable, nonprofit corporation by placing the canonical stewards in the role of the corporate members, with reserved corporate powers sufficient to meet their canonical faith and administrative obligations.”²²² Morrisey encapsulates the essential reserved powers that would usually be maintained by the corporation members (canonical stewards): the power to amend the documents of the incorporated apostolate – statutes, bylaws, and other defining documents; the appointment or approval of persons – CEOs, board members, and perhaps other directors; and approval of property decisions – alienation of land and buildings, mortgages, bond issues, and acquiring of debts.²²³ The reservation of these powers to the members of the corporation can be used primarily to ensure the stability of the goods of the incorporated apostolate (and therefore that portion of the public juridic person), but the fiduciary duty of the canonical stewards also applies to ensuring the Catholicity of the work. Maintaining direct oversight of the philosophy, mission, and structure of the apostolate, as well as the appointment of trustees, directors, and officers, and their formation, will assist in ensuring the Catholic identity of the incorporated apostolate.

The obligations of the canonical stewards are clear; they are the same for the other portions of the public juridic person for which they have responsibility. The daily operations

²²² Ibid., p. 157.

²²³ MORRISEY, “Toward Juridic Personality,” p. 28; see also HOLLAND, “Sponsorship and the Vatican,” p. 36, where she adds reserving the power to change or alter the philosophy and mission of the incorporated apostolate (Morrisey perhaps includes this in the general category of documents) and exercise vigilance over fidelity to the norms of the Church. This second point is especially important to note. When an act would require the approval of a body outside of the immediate canonical steward (a superior general and council or the Holy See, for example), the corporate members need to have the authority to not act until appropriate canonical approvals have been obtained; and if approvals are not able to be obtained, they need to have the authority to prevent the act from proceeding (such as an alienation of property or an incursion of debt – see cc. 1291-1295).

of an incorporated apostolate are attended to by corporate officers, directors, and board members. A certain, significant amount of the responsibility to carry out the canonical as well as civil duties with regard to the corporation is conveyed to these persons. Proper, substantial, and faith-based education and formation of these critical personnel is fundamental to protecting, maintaining, and improving the incorporated apostolate and service that it provides to the people of God. This duty to educate and form the administrators of the apostolate belongs to the canonical stewards. Like other obligations, it does not have to be carried out personally, but they must use the powers allocated to them to ensure that it is carried out well for the good of the corporation and the public juridic person.

3.5 SUMMARY

Apostolic religious institutes have gone through major changes over the past one hundred years. Many events and movements, both within the Church and society have influenced the evolution of religious life in the United States. The influence of Pope Pius XII and the Congregation for Religious, beginning in 1950, called for renewal of all facets of religious life, especially in institutes dedicated to the apostolate. Concern over a “decline” in those entering religious life was perceived, reasons and solutions were sought, and collaboration among institutes was encouraged to yield resolutions.

The transformation within religious life was also largely influenced by the adjustments in the apostolic endeavours of the religious institutes – their institutions and the necessary emergence of a professionalism to be on par with secular institutions. This professionalism would facilitate a shift in the model of ordinary internal governance of

religious institutes, how members relate to officials of the institute and how these officials relate to the members.

Early in the calls for renewal, consultation of the members was broadened to the point of being customary. Initially, it was to assess those elements and practices of the religious life that were helpful and those that had become superfluous and therefore unhelpful. Vatican II encouraged the expansion of inclusion, collaboration, consultation, and greater overall participation of members both in the life of the Church and in the life of the institute. The personal responsibility that came with such participation was transformative for many members, deepening their commitment to the consecrated life and their institute, with intentionality to their actions and practices. Questions and challenges regarding the vow of obedience became an issue: when one personally discerned God's will in their life, what, then, is the obligation to obey the will of another? This immediate question brought to the fore the greater question of the role of superiors. With broader general participation, what is the role of the superior and how much authority can be exercised? The primary issue to be confronted was not the legal question but the one of expectations, freedoms, and limits on the exercise of authority and the respect of the individual person balanced by, or in contrast with, the common good.

Civil incorporation of apostolic institutions also had an impact on the evolution of the role of the major superior, beyond the professionalization of the exercise of the office. With incorporation, major superiors are now also corporate members with all of the civil obligations therein. Most members of religious institutes are unfamiliar with such obligations, and once elected or appointed to an office, they are suddenly thrust into an unfamiliar realm in which they have a great deal of responsibility. Clarifying the requirements of corporation membership with the obligations of canonical stewardship, and the sometime

conflicting values, as well as the appropriate business decisions and structures to parallel the canonical structure, is a time-consuming challenge for any new superior.

This is the context in which major superiors must act. The internal and corporate challenges affect how religious superiors can and must act, they also impact who is “qualified” to assume the office. Expectations of members and institute officials will have the most profound impact on how the structures of ordinary internal governance function. History and culture have done much to shape this context and these expectations. How institutes and members respond will determine the future of their institute, as past responses have brought them to where they are today.

4. THEORIES OF LEADERSHIP AND EFFECTIVE GOVERNANCE

The governance of religious institutes has become increasingly bureaucratic. Culture and context have influenced this bureaucratization of both apostolic institutions and the ordinary internal governance of the institutes. For better or for worse, it is a reality and needs to be considered and evaluated for the role it plays in the function and exercise of religious structures of ordinary governance.

The bureaucratic influence has led to the use of business models for the structures of ordinary governance in religious institutes. We will assess and apply four such models to our context in the second section of this chapter.

Finally, we will apply the usefulness of bureaucracy and governing models to the reality of modern apostolic religious life in North America, considering the current demographics, characteristics of leaders, and the requirements of legislation. The essential obligations of the major superior will be recalled from Chapter 2, and the priority of their exercise will be considered in offering structural considerations for the ministry of authority. The elements of the role of the major superior, as consistently articulated by the Church through the various documents issued by the Holy See over the past one hundred years, will help refine the priorities of the major superior today. This, along with the requirements of law, can offer a foundation on which an effective structure of ordinary governance can be established and exercised. Once this foundation is in place, it will be much easier to sift out those tasks which do and do not need to be done by the major superior herself, liberating her to be about the mission and the members.

4.1 THE BUREAUCRATIZATION OF GOVERNANCE IN RELIGIOUS INSTITUTES

According to Max Weber, who did much of the early writing on bureaucracy, it is an effective organizational form which developed into its current practice in eighteenth and nineteenth century Europe from which it spread throughout the modern industrial world. Wittberg adds, “The ascendancy of bureaucratic organization may or may not be desirable – Weber himself had misgivings on the subject – but its superior effectiveness has made it predominant.”¹ The key identifying characteristic of the bureaucratic form for Weber and the primary standard by which all of the other characteristics of a bureaucracy are measured: bureaucracy’s superior effectiveness at attaining the goal(s) of the organization.²

The increase of bureaucratic efficiency in business began to peak around the same time as the height of renewal within religious institutes and the professionalization of their institutional ministries. Therefore, it is not surprising that religious institutes in the United States moved toward greater bureaucratization of their internal structures.

Bureaucracy can have several meanings, four of which are enumerated by Thompson: 1) a particular form of organization; 2) an ailment of organization, obstructing effective operation; 3) ‘big government’ or centralization; 4) “blight, always for the worst, falling on liberty and individuality.”³ Our use of the term “bureaucracy” refers to a particular form of organization (n. 1), that may occasionally become over-centralized or an obstruction to the effective exercise of the charism or mission of a religious institute, but its primary intent is for efficient organization.

¹ P. WITTEBERG, *Creating a Future for Religious Life*, New York, Paulist Press, 1991, p. 37. In this book, Wittberg dedicates an entire chapter to the topic of Bureaucratic Organization and Religious Life (Chapter 3, pp. 36-60), which has been very helpful in the development of section 4.1 of this work.

² See *ibid.*, pp. 50-51.

³ K.A. THOMPSON, *Bureaucracy and Church Reform: The Organizational Response of the Church of England to Social Change 1800-1965*, Oxford, Clarendon Press, 1970, pp. 220-221.

4.1.1 EVOLUTION

Western society is a bureaucratic society. A society requiring ever increasing productivity demands nothing less. When religious institutes in North America entered their greatest period of membership growth and expansion during the 1950s and early 1960s, it is not surprising that a form of bureaucratization occurred both in animating the burgeoning ministries and organizing the expanding membership. A bureaucracy is simply a more efficient way of organizing a group to perform a task – or for our purposes, exercise an apostolate. Because of its adaptability, Wittberg states, “[T]he bureaucratic form has spread, both geographically and functionally, and occurs in societies ranging from the United States and France to Russia, Mexico and India, and in societal sectors such as hospitals, universities and religious denominations, as well as in its original strongholds of government and business.”⁴

In the previous chapter we observed that religious institutes had to adopt certain features of a bureaucracy in their ministries as state laws increasingly required the possession of administrative credentials to assume management of health and educational institutions. “Wherever provision for the need of a human group is carried out by private business,” Weber asserts, capitalism is present.⁵

Beyond the benefits that a bureaucratic form of governance may offer, immersion in western culture seems to require a certain level of bureaucracy to function. Without at least some concessions to the system, any organization might be denied the means of

⁴ WITTEBERG, *Creating a Future for Religious Life*, p. 41.

⁵ M. WEBER, *Max Weber on Capitalism, Bureaucracy and Religion: A Selection of Texts*, edited and in part newly translated by S. ANDRESKI, London, George Allen & Unwin, 1983, p. 109. Earlier in the same text, Weber necessarily equates capitalism with the pursuit of profit because, “in a wholly capitalistic order of society, an individual capitalistic enterprise which did not take advantage of its opportunities for profit-making would be doomed to extinction.” (Ibid., p. 24.) The idea of the nonprofit business, as we discussed in the last chapter, does not preclude the endeavour making a profit, but merely who benefits from that profit. It is true that if the nonprofit apostolic institutions were not profitable to some degree, their life-span would be short.

participation: banks may not extend credit; customers, clients, or even providers may refuse services; employees may be subject to unfair labour practices. Uniform accounting procedures are necessary for government reporting purposes and certifications regulated by government standards are necessary both to be hired for certain positions and to exercise certain ministries. Teachers must be certified as well as the programmes that they teach, the same is true in the medical field and any field that serves society. In these ways, religious institutes have experienced some pressure to adopt bureaucratic characteristics.

A certain level of bureaucratic functioning has therefore characterized the internal governance of religious institutes in North America. When religious institutes began collaborating with one another, there was exposure to other ways of doing things. The increased spectrum of possibilities led both members and office-holders to raise questions and seek more input from other religious institutes as well as “experts” in the various areas of their questioning. It was much easier to find resources and experts to consult for the institutional apostolates. Secular hospitals, schools, universities, and social service agencies existed so that there were plenty of professionals to contribute to refining the efficiency of the ministry. The only other organizations that oversaw similar numbers of people, properties, and works were from the corporate world. Businesses and business consultants became the resource for refining the internal structures of religious institutes.

In 1970, a member of the Sanford Research Institute (SRI) published an article in *Review for Religious* explaining a business model, organized entrepreneurship, adapted for religious institutes.⁶ This model, the article touts, had been successful in many corporations, such as Coca-Cola, Owens-Corning Fiberglas, Lockheed, Merck, and Cyanamid. Some of the

⁶ See J.D. MCCONNELL, “Good Stewardship Is Management and Planning,” in *R/R*, 29 (1970), pp. 646-657.

institutes that were involved in experimenting with the model called it “the key to survival.”⁷ According to the article, many members of the trial institutes were directly involved in the process, “[S]ome 250 members of each order in task forces and less directly involving all members through solicitation of information, opinions, attitudes, and issues important to them.”⁸ In so doing, the SRI believed that “[g]overnment has been democratized and strengthened. Management systems have been introduced. ... In addition, the management skills of these congregations have been added to greatly.”⁹ The introduction of “modern management techniques and planning” was vital to internal strengthening and the success of the renewal, according to the SRI. The quality of leadership within religious institutes began to be assessed by business management techniques and project planning with the language of providing benefits to stakeholders out of available resources.

CMSW made significant changes in 1971 after conferring with a management consulting firm. Several religious institutes would follow suit, a pattern which continues today in the next phase, now called “branding.” Mission statements, logos, insignia, slogans, web pages, and the like are all products of branding – religious institutes are now “selling” who they are or the ministry they exercise as a unique product identifiable by its particular brand.

One of the key attractions at the beginning of the bureaucratization of religious governance was the characteristic which separated the business from the household.¹⁰ We recall how the institutional ministries were often administered like a family business and in the 1960s and 1970s separation and autonomy were encouraged. On the contrary, part of the

⁷ Ibid., p. 647.

⁸ Ibid., p. 657.

⁹ Ibid.

¹⁰ See WEBER, p. 24.

problem with using business models for ordinary internal governance of religious institutes is the fiction that must be created. Members are not clients, members are not employees, and, canonically, not all members hold office or parallel status as in a member corporation. Those who do hold office are not management and their task is not limited to such tasks. Wittberg notes, “In many ways, the bureaucratic model is the least congruent with traditional religious commitment, even though a number of bureaucratic elements have existed in the Catholic Church perhaps longer than anywhere else.”¹¹ She continues,

Despite this incompatibility, some bureaucratization has always existed in religious communities, embedded as they are in the bureaucratized structure of the larger church. The number of bureaucratic elements began to increase, however, in the decades before Vatican II, and has progressed to such an extent that a wide variety of bureaucratic procedures are taken for granted today, both in running an order’s ministries and in the operation of the congregation itself.¹²

Yet Cada observes, “As one begins to read the literature on modern organizational and management theory, one is surprised to find that there is very little mention of religious communities as organizations in that literature. It is surprising because religious communities have been around for a long time and have endured longer than most other organizations.”¹³ He believes that this is evidence of a bias of rationality in organizational literature which is problematic for two reasons: 1) religious institutes are not considered in management and organizational theory and 2) modern theories of planning, organizing, and managing do not fit with the realities of religious community life.¹⁴ Hence, the problem emerges that many

¹¹ WITTEBERG, *Creating a Future for Religious Life*, p. 41. She cites Weber as referring to the Catholic Church as the oldest bureaucracy in western culture even though the model is at odds with the charismatic foundation of the Church and religious institutes. (See note 11, p. 165.)

¹² *Ibid.*, p. 43.

¹³ L. CADA et al., *Shaping the Coming Age of Religious Life*, 2nd ed., Whitinsville, MA, Affirmation Books, 1985, p. 115.

¹⁴ See *ibid.*, p. 116. The rationality referred to by Cada deals with the ratio of benefits to cost. The bias of rationality is, therefore, the case of governance models that are optimal for achieving goal or solving problems in the business community (the bias of the corporate world) which are not best suited for religious institutes

religious institutes look to such expertise for guidance, but are not considered in the theories that exist.

The efficiency of bureaucracy in large institutions cannot be denied – proper division of labour, elimination of redundancies, clarity of job descriptions and hiring practices to attract the most qualified. Because of this, once a bureaucratic form of organization has been adopted it may be changed or adapted, but it is never discarded. Wittberg remarks, “The challenge remains for religious orders to adopt sufficient bureaucratic procedures to profit from their benefits, without simultaneously experiencing their liabilities.”¹⁵ Before the benefits and evils of bureaucracy can be managed and controlled, they must be recognized and studied in the context of their application.

4.1.2 APPLICATION

Dubin explains that bureaucracy comes into being when “more people are subject to the direction of the leader than can fall within his personal span of control ... as an organization grows in size, it becomes imperative that some of the tasks of direction be delegated ... This is the first condition for the rise of a bureaucracy, the body of functionaries who play that administrative role.”¹⁶ The Dyers add, “Bureaucracy grows where there are tasks that require specialists, layers of administrators, and the carrying out of repetitive operations of service to large segments of the society.”¹⁷ Moreover, a society that

and those models that might be useful or appropriate for religious institutes will not necessarily increase the profit margins of a corporation.

¹⁵ WITTEBERG, *Creating a Future for Religious Life*, p. 59.

¹⁶ DUBIN, R., *Human Relations in Administration*, 2nd edition, Englewood Cliffs, NJ, Prentice-Hall Inc., 1961, p. 143.

¹⁷ F.C. DYER and J.M. DYER, *Bureaucracy vs. Creativity*, Business and Economics n. 9, Coral Gables, FL, University of Miami Press, 1965, p. 18.

reverences tradition and custom will encourage the growth of bureaucracy – whether it is religious, military, political, or philosophic traditions.

The first place that the bureaucracy of business entered into the realm of religious life was through the professionalization of the institutional ministries. With the encouragement of Pope Pius XII, members were professionally prepared for their ministerial positions. The Sister Formation Movement, National Catholic Education Association, and Catholic Hospital Association helped bring this about beginning in the 1950s. Wittberg explains, “This meant that a sister’s credentials and experience, and not merely the desire of her superior or the needs of the community, helped to determine her appointment to a particular position – an example of the application of bureaucratic standards of hiring and promotion.”¹⁸ Since the 1950s, this has only become more widespread. She continues, “The possession of accepted professional credentials, rather than non-bureaucratic criteria such as membership in the congregation itself, is now the most important prerequisite for many ministerial positions, jobs which had formerly been the exclusive preserve of the religious of the sponsoring order.”¹⁹

Prior to this exclusive professionalization, the mentoring system that was facilitated by membership in a religious institute, which provided exceptional opportunities especially to women, was maintained as long as possible.²⁰ More recently it has become a casualty to the bureaucratic trend. This trend is not merely tolerated but actually preferred. As such, the executive positions in many congregationally-owned universities and hospitals are presently occupied by lay men and women on the basis of their stronger professional qualifications.

¹⁸ WITTEBERG, *Creating a Future for Religious Life*, p. 43.

¹⁹ Ibid.

²⁰ According to Wittberg, “As recently as 1984, almost all of the female CEOs listed in the directory of the American College of Hospital Administrators were nuns.” (See WITTEBERG, *Creating a Future for Religious Life*, p. 58.)

Regarding the internal governance of religious institutes, Neal indicates that most congregations had a larger percentage of their active membership in internal administration in the 1980s (3.5%) than they had twenty years prior (2.2%), even though the overall number of members being served had decreased.²¹ Like the professionalization of ministerial administration, specialized skills became necessary for the various official internal positions. Formal job descriptions are written, processes are prescribed, handbooks are composed, and clerical work is multiplied. Many levels of office-holders have changed their titles to reflect the modern bureaucratic system; superiors general might be referred to as “presidents” and their council (proper or extended) might be called the “senate.” Canonically, the name does not change the obligations of office, but the attitudes and expectations of the functionality of the office are legitimately altered by the title it carries.

In addition, many institutes have adopted other bureaucratic features such as personnel departments, grievance, appeal and recourse procedures, as well as various other policies – some necessitated by outside requirements or influences such as sexual abuse policies. Not all are bad, some are very good and long overdue; this activity merely emphasizes the ongoing bureaucratic trend.

The increasing use and reliance on bureaucracy may be a response to the unpredictability of current and future conditions. The “grace of office” of years gone by was not always effective or efficient. It is much more secure to have a set procedure in place to deal with various events, both routine or ritualistic, and unforeseen crises. Such procedures are established with ample professional consultation to assure continuing resources and capacity for the unknown.

²¹ See NEAL, *Catholic Sisters in Transition*, p. 31.

The contrast to bureaucratic organization in religious institutes is the intentional community or the communitarian model. In this model, the good of the whole always supersedes that of the individual. Uniformity and tradition offered the stability of response that many now seek in bureaucracy. In both models the decision-making of the members is limited, but because of the processes often utilized in the bureaucratic form, members experience a great deal of personal autonomy. Wittberg asserts, “It is safe for the organization to allow this autonomy, however, because the organization’s programs constrict the members’ vision in such a way that it occurs to them to consider only certain alternatives. The most effective control is unobtrusive control.”²²

Because a bureaucratic organization is designed for a business environment, in theory, such an organization does not regulate the private lives of its members or their personal beliefs. Obviously, when utilized in the situation of a religious institute there has to be some concession to the communitarian model since one’s membership in an institute does not end with the work-day. At a minimum, there must also be unity and cohesion of life with regard to the mission of the institute, its charism, and the elements of the patrimony of the institute as described in *CIC* canon 578.

If bureaucracy excessively overrides the communal dynamic of religious life, the common values and beliefs will begin to erode. A bureaucratic-centered organization, as characterized by the Dyers, is one in which internal efficiency has become the main mission, losing sight of the mission for which it was created. It is one that is oriented toward maintaining routines for internal ease of functioning as opposed to responding to the needs of those outside the organization. A bureaucratic-centered organization, and the members

²² WITTEBERG, *Creating a Future for Religious Life*, p. 54.

who comprise it, are primarily stimulated to compliance with internal regulations, one where routines and assignments are inflexible because “it has always been done this way.”²³

4.1.3 CONSEQUENCES

As stated earlier, bureaucracy in itself is not bad and has many useful attributes. In fact, there can be a great deal of empowerment with the explicit rights and obligations inherent in clear job descriptions and structures. Members of religious institutes are not used to thinking of themselves as being in bureaucratic organizations, and are often unaware of the positive and negative implications. We will now address a few of the possible consequences of the bureaucratization of the internal governance of religious institutes.

Beginning with ministerial considerations, because of the professional preparation that members received, assignments could no longer be based merely on the need of the institute or particular institutions. Members became much more involved in discerning their apostolic direction, what areas they might like to study, and where they could put professional training to use – hopefully in line with the mission of the institute and at the service of the people of God. When the “will of God” is no longer the sole realm of the superior and when the empowerment of personal discernment comes into play, it becomes difficult to assure that the apostolic institutions of the institute have sister-administrators. The professionalization of the institutions may reduce the opportunities for members to maintain positions of authority, but in those institutions that would prefer to hire a sister-administrator, sisters may choose to minister elsewhere and the structures of the institute may not have any authoritative means to keep sisters in their own institutional ministries. Wittberg laments, “This delegation of authority and responsibility to individual members,

²³ See F.C. DYER and J.M. DYER, p. 10.

however, has made it extremely difficult for the orders' leadership to do any long-term strategic planning. They cannot be assured that any of the members will be willing actually to serve in the order's institutions, since they can no longer be required to do so."²⁴

For the most part, leaders of religious institutes approved of this evolution toward greater autonomy, personal discernment and therefore deeper personal commitment, but some are concerned that the pendulum has swung too far to the side of individualism.²⁵ The Nygren and Ukeritis FORUS study revealed that the ministerial professionalization of members has made it difficult for religious superiors to exercise the kind of authority over members that was assumed in the past, so now do not even try to do so.²⁶ The bureaucratization of ministries and the carry-over to the internal processes of governance have beneficial aspects, but must be carefully examined and intentionally implemented.

A secondary effect of members' holding professional positions is the availability, or lack of it, of these members for positions of leadership within the institute. Job constraints and contractual obligations will hamper members' abilities to respond to the needs of the institute for internal governance positions. Additionally, after having earned the necessary credentials and obtained a position through a competitive hiring process, members will not readily leave these positions for a number of years if there is no real hope of re-entering their field.²⁷ Other than the professional elements, Wittberg assesses how officials of internal governance are perceived by members and the implications of this when discerning one's personal and professional path: "The relative powerlessness of the orders' leaders within the

²⁴ WITTBURG, *From Piety to Professionalism*, p. 198.

²⁵ See *Ibid.*, p. 243.

²⁶ See D.J. NYGREN and M.D. UKERITIS, *The Future of Religious Orders in the United States: Transformation and Commitment*, Westport, CT, Praeger Publishers, 1993, pp. 39-59.

²⁷ The perception of "leaving ministry" for community service, and not seeing internal governance as in the service of the mission as much as institutional ministries or otherwise, also hinders such consideration.

order was often evident to the rest of the members. As a result, some of the younger sisters expressed a reluctance to move into such limited, frustrating, and ultimately powerless positions.”²⁸

In the exercise of authority within the bureaucratic models, superiors may not have any difficulty establishing and enforcing various policies for driving, finances, or retirement for example, since the necessity and efficiency of such policies have been accepted and proper administration of them is readily delegated to those in office. The spiritual and value-based roles of the superior will be more difficult to exercise. They do not easily fall into a bureaucracy and members exact it less from those in management. As commonality of beliefs and values among the members becomes more tenuous, the ideology of the community will necessarily be reinterpreted into more general terms which will be more readily assimilated into the mainstream culture.²⁹

One of the struggles of the bureaucratic expansion or growth of administration is that those charged with leading the group in fact become “further and further separated from the workers who produce the actual product of the organization, whether that product be cured hospital patients, eighth graders, or new cars,” according to Wittberg.³⁰ This being the case, free communication and the give-and-take of ideas is hindered. Kappel asserts that almost by definition, bureaucracy prevents communication. “Sure, there can be lots of pieces of paper with writing on them, but they and the talking all flow in one direction. Because the easy way, the bureaucratic way, is just to pass out the work – and a few yards of advice along

²⁸ WITTEBERG, *From Piety to Professionalism*, p. 245.

²⁹ See WITTEBERG, *Creating a Future for Religious Life*, p. 57.

³⁰ WITTEBERG, *Creating a Future for Religious Life*, p. 39.

with it.”³¹ This is not enough to inspire members toward a life of holiness, to foster a common mission, or build a familial community in Christ.³²

Few would consider North American religious institutes as having a problem of lack of communication. These religious institutes have embraced the collegial spirit, subsidiarity, collaboration, and consultation encouraged by the Second Vatican Council and subsequent documents. Communication is helpful and healthy for any organization, but “at some point,” according to the Dyers, “there might be the problem of an oversupply of information.”³³ Information is not communication and if the bureaucratic tendency is for the flow of information to travel in a single direction, we cannot say that the abundance of information produced in religious institutes absolves it from this pit-fall of bureaucracy.

The renewal within religious institutes profoundly affected the governance structures and role of the superiors. Some would consider that these changes were embarked upon with “little clarity about direction, goals, and strategies for change.”³⁴ The strategies, however, were well researched with relatively clear direction and goals.³⁵ The problem was that these strategies came from a world unfamiliar with the dynamics and communitarian ideology of religious life. The result, unfortunately, was a redefinition of authority that, for some, has led to paralysis and incapacity to act.³⁶

³¹ F.R. KAPPEL, *Business Purpose and Performance: Selections from Talks and Papers*, New York, Duell, Sloan and Pearce, 1964, p. 197.

³² See *CIC* canons 619-619, which, as we have previously observed, enumerate these very elements as the primary task of the superior.

³³ F.C. DYER and J.M. DYER, p. 94.

³⁴ M.M. MOREY and J.J. PIDERIT, *Catholic Higher Education, A Culture in Crisis*, New York, Oxford University Press, 2006, p. 265.

³⁵ During the enthusiasm of the renewal, very few if any foresaw the exodus and aging of North American religious. The directions and goals were for a future of growth based on the population of the time.

³⁶ See MOREY and PIDERIT, p. 266.

Again, the FORUS study offers insight: “Many leaders noted that, in attempting to focus the group on a collective action, responsibility to do so is thwarted because of the leader’s lack of authority to act. Thus, opportunities for impact are lost because the group lacks a process for decision making in such realms.”³⁷ Whether the paralysis is due to too much information and the need for consensus or managerial expectations with too much distance to effect real change, religious institutes are not exempt from the hazards of bureaucracy and may in fact be at a greater risk because of the inherent incompatibility of the models.

As stated earlier, once adopted, bureaucracy is never abandoned. Society will increasingly demand the administrative efficiency of the bureaucratic form, redefined and reimagined, but still bureaucracy. Its suitability to the governance of religious institutes must always be challenged and checked so that the benefits can be of service to the institute and not the institute at the service of the bureaucracy. Balance and careful communitarian ideology must remain in sight. Wittberg states:

Bureaucracy’s universalistic rules help check the potential for abuse of authority inherent in intentional communities. The bureaucratic division of labor, job descriptions and hiring on the basis of credentials help to eliminate duplication of effort and at least some of the likelihood that members will be saddled with jobs they are not able to handle. Intentional communities, on the other hand, are more capable of inspiring the level of dedication that seems congruent with the gospel message, something which the deliberately limited bureaucratic sphere does not appear capable of doing. And intentional communities are much more likely to support any counter-cultural witness which a community feels called to do; although this sort of witness is certainly possible in a bureaucracy, it is more difficult.³⁸

The call to live counter-culturally remains an aspect of religious life and a response to the gospel message. The functionality of the bureaucratic form can be used without adopting its mainstream values and would be an opportunity to bear witness to the gospel. Awareness of

³⁷ NYGREN, D.J. et al., “Religious-Leadership Competencies,” in *R/R*, 52 (1993), p. 415.

³⁸ WITTBURG, *Creating a Future for Religious Life*, p. 60.

the limitations and pit-falls of bureaucracy, as noted here, can assist members of religious institutes in the use of the tool of bureaucracy without becoming a bureaucratic-centered organization.

4.2 BUSINESS MODELS AS APPLIED TO GOVERNANCE OF RELIGIOUS INSTITUTES

Since *Conditæ a Christo*, the Church has been articulating the autonomy proper to religious institutes especially with regard to internal governance. This continues under the current law with very few canons defining required elements of the structures of governance and explicitly articulating the autonomy due to religious institutes. Members of the hierarchy are obliged to guard this autonomy, in accord with canon 586³⁹, which states:

§1, A just autonomy of life, especially of governance, is acknowledged for individual institutes, by which they possess their own discipline in the Church and are able to preserve their own patrimony intact, as mentioned in can. 578.

§2, It is for local ordinaries to preserve and safeguard this autonomy.

In other words, each institute enjoys a rightful autonomy of life, particularly with regard to governance through which it orders its life and ensures the proper discipline of its members. This canon (586), the first real structural reference,⁴⁰ must always be kept in mind when assessing the governance structure of a religious institute. The priority is for

³⁹ Abbass states that the same autonomy of *CIC* c. 586 §2, is implied by *CCEO* c. 418 §2: Under the designation “superior of monks and other religious” does not come either the local hierarch or the patriarch, with due regard for the canons that assign to the patriarch or local hierarch power over them. “[B]y the reference to the ‘superior’ of monks and other religious, [the Eastern Code] intends to exclude the authority of the local hierarch and the patriarch. However ... the law may subject religious, as the case may be, to the local bishop or the patriarch in matters even of internal governance.” (J. ABBASS, *The Consecrated Life: A Comparative Commentary of the Eastern and Latin Codes*, Ottawa, Faculty of Canon Law, Saint Paul University, 2008, p. 30.)

⁴⁰ The first thirteen canons for the section on consecrated life and the norms common to all institutes of consecrated life discuss the essentials of consecrated life: profession of the evangelical counsels and their meaning and gift in the Church (cc. 573 §1, 575-576); the freedom in assuming the state of life (c. 573 §2); the purpose and spirit of consecrated life (c. 577); the defining patrimony (c. 578); the manner of relationship with the Church as either pontifical or diocesan institutes (cc. 579, 589); and the competent authority to divide, fuse, aggregate, or suppress parts or the whole of these institutes (cc. 580-585).

autonomy. We note this as we begin to discuss particular models of governance and movements within religious institutes and their ordinary internal governance.

4.2.1 CANONICAL OBLIGATIONS

It is important to recall the elements required by canon law. The governance structure may be unique and creative, but there are certain points, discussed in chapters 1 and 2, that are necessary. While respecting structural autonomy, the Code merely offers an outline of elements, leaving the particulars to the proper law of the institute.⁴¹

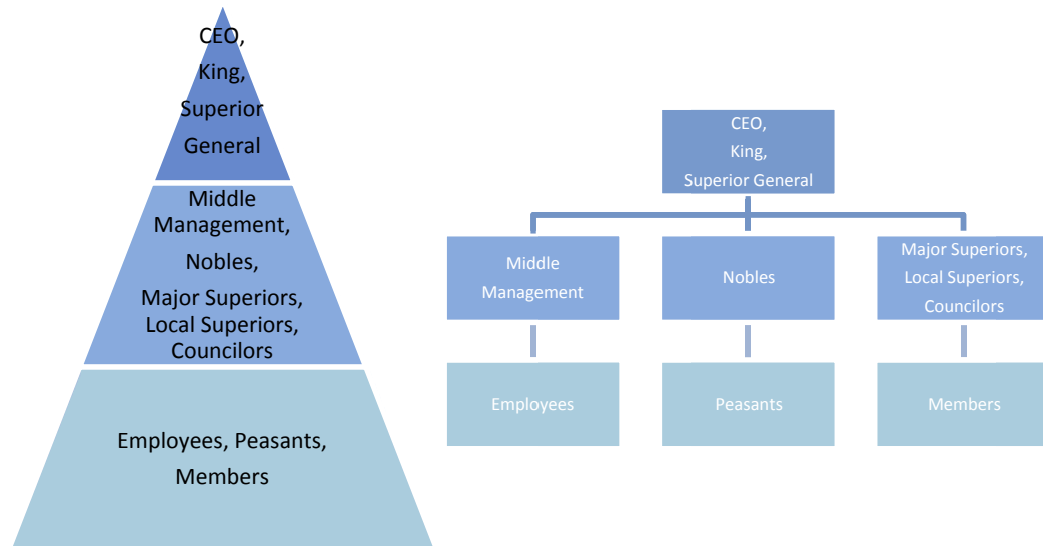
For our purposes, the important points to recall are 1) the existence of a superior – canonically elected in the case of a supreme moderator, all others being elected with confirmation of the competent major superior or appointed after communal consultation (cc. 625 §3 and 626) for a determined period of time (c. 624); 2) superiors exercise personal power, proper to their office (cc. 617-618), received from God through the ministry of the Church; 3) superiors must have and make use of their own council as defined in proper law and not contrary to universal law (c. 627).

4.2.2 THE HIERARCHICAL MODEL

Originally, “hierarchy” meant “rule by priests.” Since hierarchical churches such as the Roman Catholic and Eastern Orthodox churches had tables of organization that were “hierarchical” in the modern sense of the word, the term came to refer to similarly organized models in more general settings. Currently, a hierarchy is used to denote any body of individuals arranged or classified according to capacity, authority, position, or rank. Officers in government, for example, form a series of ranks increasing in degrees of power, and each

⁴¹ See Appendix C for a list of categories and canons that give general guidance to establishing structures within a religious institute.

rank is subject to the authority of the one on the next level above. In a majority of hierarchical arrangements, there are a larger number of people at the bottom than at the top. This being the case, the hierarchical model can be often illustrated by the pyramid, and some would even call it a “pyramid of power.” It is an organizational chart often found in businesses, schools, governments, the church, and even the family.



Because of a history where there might have been an abuse of power, the use of the term ‘hierarchy’ can bring with it many negative images and connotations. Some assumptions that come with the hierarchical model are: 1) There is a limited amount of power and therefore it needs to be concentrated into a small group to be effectively administered – an elitist model at its core; 2) the leaders believe they will use this limited power for the good of the whole in “trickle-down” fashion, only the leaders make the decisions and are truly responsible. “Middle management” has no real authority but exercises delegated authority over a certain portion of the whole; 3) there are layers of “insulation” between the leader and the members and there is an increase in disorder because of managerial attempts to control the members without direct contact or understanding of their context; 4) the members are responsible to the leaders but the leaders are not necessarily

accountable to the members; 5) any freedom the members have is granted by the leaders and can be taken away – they are not individual rights. With the pyramid, the movement is up; those at the bottom are presumably trying to move up; and those in positions of authority want to continue to “climb the corporate ladder,” because it is good at the top. Therefore, internal competition can emerge through a perceived limited room for advancement. Most commentaries evidence an almost visceral hatred for hierarchy in any form, not only from church entities and religious institutions, but from academic settings and business environments alike.

The presumption is that any structure that functions within the hierarchical church must be a form of hierarchy. Aversion to the experience of abuse of power as encountered by many women and religious in the Church led many religious institutes to move as far away as possible from the basic hierarchical model. This did not go unnoticed, nor was the motivation brought into question. In 1994, the Congregation for Institutes of Consecrated Life and Societies of Apostolic Life issued an instruction on fraternal life in which they acknowledged the abuses of the past that led to some reactive situations in which the parameters and intentions of the law may have been disregarded.

The desire for deeper communion among the members and an understandable reaction against structures felt as being too rigid and authoritarian have contributed to a lack of understanding of the full scope of the role of authority; indeed, some consider it to be altogether unnecessary to community life, and others have reduced it to the simple role of coordinating the initiatives of the members. As a result, a certain number of communities have been led to live with no one in charge while other communities make all decisions collegially. All of this brings with it the danger, not merely hypothetical, of a complete breakdown of community life; it tends to give priority to individual paths, and simultaneously to blur the function of authority – a function which is both necessary for the growth of fraternal life in community and for the spiritual journey of the consecrated person.⁴²

⁴² CONGREGATION FOR INSTITUTES OF CONSECRATED LIFE AND SOCIETIES OF APOSTOLIC LIFE, Instruction on Fraternal Life in Community *Congregavit nos*, 2 February 1994, no. 48, in *Enchiridion Vaticanum*, vol. 14, pp. 220-283, English translation in *Origins*, 23 (1993-1994), p. 704.

Gambari raises an important point about the evolution of the structures as they exist and are exercised: “A centralized and personal government has been prompted by apostolic efficiency. The capitular and collegial system, more frequent among monks, could sometimes hamper apostolic work.”⁴³ In some systems, the hierarchical model, or some adaptation of it, will be the most efficient and effective. This cannot be overlooked. A collegial system, while often idealized, could actually impede effective execution of the mission because of lengthy processes and consultations.

4.2.3 THE ORGANIC MODEL

The organic model, which has also been called the natural hierarchy, can best be expressed with the image of the circle because it symbolizes inclusivity, as opposed to the pyramid “which represents exclusivity.”⁴⁴ The circle becomes the antithesis of the pyramid, as this and the next two models are founded on the circular image. In the organic model, authority comes from the group, and the group has the power to create. The group chooses the leaders to take on certain functions on behalf of the group. The members are invited to identify leaders and call them forth for service for the whole. Fundamentally, in the organic model, authority is closely tied to service. Presumptions in this model are: 1) Responsibility is shared by all – an adult community model; 2) participation is an obligation, according to one’s ability, and certain responsibilities are delegated to leaders; 3) leaders are accountable for their exercise of delegated power and authority, and members are accountable for their exercise of participation; 4) interdependence is highly operative and all need to be aware of the effects of their decisions and actions upon the other members and the whole; 5)

⁴³ E. GAMBARI, *Religious Life According to Vatican II and the New Code of Canon Law*, English translation by THE DAUGHTERS OF ST. PAUL, Boston, MA, The Daughters of St. Paul, 1986, note 25, p. 494.

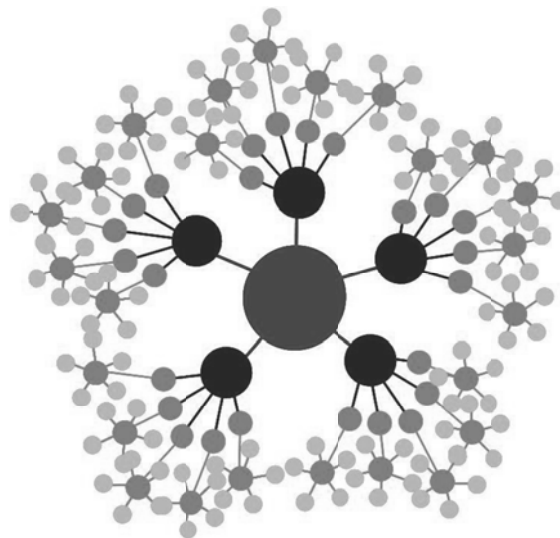
⁴⁴ C. M. HARMER, “Governance in Religious Congregations,” in *HD*, vol. 16, no. 1 (1995), p. 26.

individuals possess certain freedoms as rights that cannot be taken away, but can give up the exercise of those rights for the greater good.

The principal role of leaders is as conduits of information and resources. Leaders and members must learn how to operate with group intelligence instead of relying only upon leadership for functional decision-making, thereby enhancing cooperation. By encouraging everyone to participate, the theory guarantees that no rocks will be left unturned in the quest for the best solutions and most innovative ideas. Leaders are now in the middle instead of on top, as their roles have shifted to maintaining the gravitational pull that binds their organization. These leaders receive information from the edges of the organization, collate the ideas, and then allocate resources as coherently as possible. They stay focused on the big picture and are the core leaders and mentors, sharing their wisdom and knowledge, and most importantly, their generosity of time.

Next-level leaders are the mentors and guides for the representatives from the team clusters or local communities. These team leaders then sponsor the growth and development of their members, extending a culture of self-leadership. Continuous improvement and evolution is the domain of these self-managed teams at the edge of chaos. And the thread of leadership to the center supports frontline initiatives and enables flexible allocation of resources according to evolutionary demands. The fractal organization of the organic model provides a continuum for personal progress through various stages of responsibility in an atmosphere of cooperation and support for each individual's creative contributions.⁴⁵

⁴⁵ See <http://www.strategems.com/fractalorgcharts.htm>, viewed 14 September 2009.



One expression of this model is the “linking pin” concept. In this model, used in a religious institute, a member of a local group or community would be a representative to and a member of the next level – perhaps a regional council. Next, a member from each regional council might make up a provincial council. Finally, the general council would have members from each of the provincial councils. This approach “fosters an immediate advance in the area of knowledge. Information can flow in all directions through the various circles by means of the members who serve as the linking pins.”⁴⁶ In this model, there is no group of decision makers detached from the realities of life. Each of the members who serve as the linking pins has an additional function of accountability to the council in which they participate and the groups that they represent. The fundamental task of these individuals is to facilitate the work of all the members and all of the decision bodies. Sharing of resources becomes easier because the information at the primary level is shared and decisions are not made in isolation. Ideally, the basis for decision making “becomes the values and mission of the whole and the policies that are in place to facilitate both the achievement of those values

⁴⁶ HARMER, “Governance in Religious Congregations,” p. 27.

and the fulfillment of the mission.”⁴⁷ The organic model is not contrary to the general vision of governance by the Holy See, as long as the office of the superior and its primary functions are not lost.

The praiseworthy effort to find an exercise of authority and obedience which affirms, enlightens, brings together, integrates and reconciles, more closely inspired by the Gospel, is appreciated.⁴⁸

Community discernment is a rather useful process, even if not easy or automatic, for involving human competence, spiritual wisdom and personal detachment. Where it is practiced with faith and seriousness, it can provide superiors with optimal conditions for making necessary decisions in the best interests of fraternal life and of mission. . . . When a decision has been made in accordance with the procedures established by proper law, superiors need perseverance and strength to ensure that what has been decided not remain mere words on paper.⁴⁹

In its application to religious governance, this model provides some very positive elements. Given the expectation of mentoring by leaders, it encourages and empowers members to take both responsibility and initiative regarding their own life and the mission of the institute. Also, this mentorship facilitates an expanded pool of members prepared for and willing to assume roles within the governance structure. Some areas that need to be approached with caution would be to not get too bogged down with the process of consultation so as not to be able to function. Clarity of roles and responsibilities would be essential so that official office-holders can do the work for which they were appointed.

The “linking pin” expression of the organic model can be very effective in a smaller institute. Some issues might need clarification before implementing such a model. Is the “link-pin person” a representative of their group of origin – from a local group to a regional or provincial group? Theoretically, a person is a representative of their local group to the regional group, from their regional group to the provincial group, from their provincial

⁴⁷ Ibid., p. 28.

⁴⁸ *Starting Afresh From Christ*, n. 7.

⁴⁹ *FL*, n. 50.

group to the general group. When they are at these various groups, which group are they actually representing? In this model, can the general council or group truly have a picture of the whole institute, or is each member present merely seeking the authority and resources to do what needs to be done in their sector? Does the linking pin person have the authority to make decisions at the various levels? Or are others given the responsibilities of the “superior” at each level and the linking pin person is a representative of that body? These questions would need to be answered clearly before utilising such a model.

4.2.4 THE CIRCULAR MODEL – SHARED RESPONSIBILITY

This second circular model is based on the primal shape and notion that early cultures gathered in wisdom circles. It also follows the trend of moving away from hierarchy in organizations to an egalitarian approach with each person offering his/her gifts for the common good. In these circles, authority is shared and located around the rim; the center contains the collective wisdom of those gathered as well as the transcendent dimension of the Sacred. The whole is greater than the sum of its parts in this model and decisions are made based on consensus. The presumptions for this model are: 1) authority is shared “around the rim” and the collective wisdom is what is most valued; 2) decisions are made by consensus, if no consensus is reached, the issue is tabled for future consideration; 3) inclusivity is a priority and diversity is celebrated; 4) consultation of all is essential and various tasks are delegated.

The focus of this circular model is the manner in which the leadership team (officials of the governance structure), those around the circle, interact and interrelate. This model presumes, but does not explicitly express, the inclusive consultation of the body being governed. It strictly speaks of the dynamic among the office-holders.



The expression of this model in religious institutes would be a collegial team in which each member has a certain task with regard to the body being governed – i.e. one member of the team would be in charge of apostolates, another of community life, another of temporal goods, another of healthcare of members, and so on. A team can function with a spirit of collegiality, but again, the expectation is for the two elements – superior and council – to work together, yet with distinct roles. There is nothing that would prohibit councillors from being given the responsibilities for various aspects of the life of the institute, divided in the manner stated above. The need for someone to have a true picture of the whole of the institute, the life of the members, and the vision of the mission as lived out in the world and in the church is very much needed and cannot be neglected in the name of collegiality and consensus.

There are institutes where no one is formally named as “the superior.” To fulfill the law, the competent authority in the institute might write the name of one of the team members as being the superior, but among the team, it is not known who that person is. Some issues that might arise from this, other than the fact that the Holy See has made it

clear that there needs to be a designated superior, have to do with civil structures. Who is the legal representative of this civilly incorporated structure? Various team members can be the chair of boards for the corporations owned by the institute, but who is the official for the institute? Another issue would be that no one person has the whole picture of the state of the province or congregation and its members. If members have issues with their ministry they would report to the person in charge of apostolates, but this may also have implications for the community life situation, or vice versa. Who is to resolve the issue and the various subsequent issues that may arise? And finally, the right of privacy of the members must be a priority. The member has a right to deal with one person in confidence and not have personal issues brought to a committee. If no one person has the authority to resolve the issue, how can this right to privacy be honoured?⁵⁰ Also, if no one is established as “the leader,” one will emerge and it may not always be the person that will bring out the best in the group.

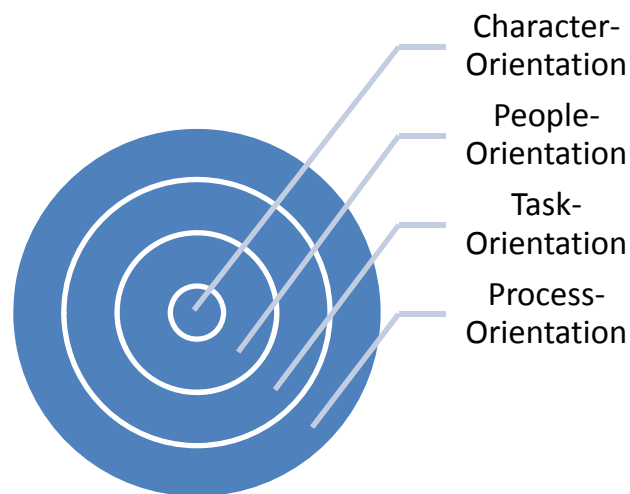
Another strong caution must be mentioned with regard to the use of consensus in both leadership circles and community functioning. Consensus is often confused with unanimity. To make a decision by consensus is to use a particular process that enables all to be supportive of the decision. Consensus does not mean a majority vote or have some mathematical proportion that is needed to say that consensus has been reached. If consensus is understood to mean unanimous acceptance, some issues will never be decided.

⁵⁰ Gambari agrees, “Discretion may require that the superior be in a position to make decisions by himself concerning persons. This is one of the reasons why a personal superior should not be replaced by a collegial form of government. Moreover, this would be contrary to the present Code.” (GAMBARI, note 24, p. 494.)

4.2.5 THE CONCENTRIC MODEL – SERVANT LEADERSHIP

Another circle-based model is a concentric model, which comes out of the “new” (in the last ten years) concept of “Servant Leadership.” The irony, of course, is the fact that this has been the model of Christian leadership since the gospels and example of Jesus.⁵¹ Instead of linear cause and effect models, this model is viewed as a series of concentric circles. The innermost circle is the individual leader, who first must master his/her own sense of self-awareness and discipline, hence giving her/him a “leader’s heart.” Concentric leadership contrasts a hierarchy again by flattening the pyramid. The leader remains the leader, those within the governance structure occupy their positions, but all become part of the structure in terms of equality that cannot theoretically exist within the separation imposed by traditional hierarchy.

Concentric leadership in principle and practice is designed to promote feelings of equality and togetherness, offering equality of recognition, with everyone being on the same



⁵¹ Avery Dulles expounds on “The Church as Servant” in the sixth chapter of his book: A. DULLES, *Models of the Church*, Expanded Edition, New York, Image Books, 1991, pp. 81-94.

plain, very much like the circular model. This model does not identify people on the basis of subordinates looking up and superiors looking down. Everyone looks at each other in terms of simple sideways or 'across the circle' eye movement. With everyone operating on the same level, communication should be enhanced. The concentric model is characterized by a network of relationships with shared information, shared mission, and continuous learning. The leader must cooperate, coordinate and partner with various members in the circle of relationships, then accomplish tasks and coordinate processes moving outward from these relationships.

The expanding concentric circles are centered on the character of the servant's heart. From this core, the development of servant leadership requires four orientations, which are represented by a sequential outward expansion of the circles. The four circles represent character, people, tasks, and process orientations, as well as the development, practice and influence of servant leadership. Because it is so dependent upon the person of the leader, the concentric model will not work well in distrustful situations. If leaders are on the same plain and operate at the same level as all within the organization, then trust has to be a quality in place. For this model to work, leaders must act and 'live' within a way that encourages trustful responses, and an appreciation by those within that the leader has a job to do.

Unlike the others, this model is about the disposition of the persons with authority. The first priority is for an enlightened and generous leader or team. Once the leader or team has identified and reconciled with their strengths and weaknesses, they can then use this knowledge to be in relationship and serve the group at its various levels (Character Orientation). The ripple of relationships moves from the centre outward: first, the leader with the members; then moving outward to co-operators and partners in life and ministry; and finally to the broader church and society (People Orientation). Any outcome or product

is based in these relationships. The final two orientations are objective based. The Task Orientation refers to the development phase, built on strong relationships with clear goals and common vision shared with members, co-operators, and partners. Built upon this, the Process Orientation brings the tasks to fruition through practice and effecting influence upon all involved persons (members, co-operators, partners, recipients of exercised ministry, and the extended community of church and society).

This model has been transformative in the business world, which most often functions with a hierarchical model, by redefining the relationships of corporate leaders with their employees, partners, collaborators, product recipients, and the community at large. Something so positive must be lauded. Since the church has always considered, if not practiced, authority as service, centering this model on the heart of a servant-leader seems redundant for religious life. It is already ideologically inherent in the functioning of religious institutes and their exercise of ministry, as they continue the mission of the gospel, the church, and their institute. The expression of the concentric model in servant leadership is a helpful reminder to those who lead within religious institutes since the relational dynamic is foundational to any and all of its structures. At the same time, the model does not provide enough framework to propose a functional structure for the exercise of governance. The disposition of the leader or team, that of the servant – which already exists at the core of religious life, presumes the stability of governance structure. Again, this model is most revolutionary when used within a traditional hierarchical structure in a business setting. While it provides a fine articulation and classification of “why we do what we do” in religious community and apostolic ministry, it does not offer a means of structuring governance and is therefore less helpful.

4.3 RECLAIMING THE OFFICE OF MAJOR SUPERIOR

Beyond changing the ordinary internal governance structures, the members and office-holders themselves must adapt their expectations of the duties and obligations of the major superior and her council in light of the changes in society, ministry, and internal demographics as well as the changing needs of the members and the call of the mission.

In this section we will address a number of elements that can help or hinder reclaiming the office of the major superior in a religious institute from over-bureaucratization, disproportionate management techniques, over-work, and exhaustion. We have looked at some pros and cons of a few structural models, but regardless of the structure, the offices are held by persons who attend to persons.

Authors have been writing on the qualities necessary for good leaders in religious institutes for generations; characterizations can be given and values revealed, but the asset of a particular quality is proportionate to the need it serves at any point in the history of an institute. Leadership is a quality that cannot be legislated. Structures are needed but we must allow room for individual leaders to bring their own strengths to the position – at the service of the institute and its members.

The role of the major superior, as it has been defined by the Church and elaborated upon over time, has changed very little, yet the ‘job’ has grown exponentially. What are the obligations that have arisen in the bureaucratic model? What can be delegated? What must be delegated so that the duties proper to the office, which cannot be performed by anyone else, are attended to with the fullness that this valuable ministry deserves? And finally, what are the implications and applications of reclaiming the office of the major superior?

4.3.1 SHIFTING EXPECTATIONS – CHOOSING THE STRUCTURE

4.3.1.1 Demographics

The current demographics of religious in North America are jarring.

	United States ⁵² 2009	2010	Canada ⁵³ 2008	2009	2010
Sisters	60,715	58,724	18,324	17,360	16,945
Brothers	4,905	4,737	1,485	1,459	1,511
Religious Priests	13,428	13,174	2,903	2,827	2,668

The Center for Applied Research in the Apostolate published a study in August of 2009.⁵⁴ The purpose of their study was to assess the trends and best practices for vocation ministry for religious life as a resource for the National Religious Vocations Conference in the United States. Useful for our purposes are the current age statistics of men and women religious in the United States. (These numbers can easily be considered as reflecting the Canadian situation as well.)

⁵² United States statistics from *The Official Catholic Directory*, New Providence, NJ, P.J. Kenedy & Sons, of the year cited.

⁵³ The Canadian statistics are according to the *Directory of the Canadian Conference of Catholic Bishops*, as compiled by M. BUNSON (ed.), in *Our Sunday Visitor's Catholic Almanac*, Huntington, IN, Our Sunday Visitor Inc., – 2008 Canadian statistics contained in the *2009 Edition*, pp. 447-448; 2009 statistics contained in the *2010 Edition*, pp. 447-448; 2010 statistics contained in the *2011 Edition*, pp. 447-448. (There is an inconsistency in the *2011 Edition* of the *Catholic Almanac*, citing the Canadian figures from the 2010 *Directory of the Canadian Conference of Catholic Bishops* “as of January 2009,” yet they vary from the previous year’s statistics indicating that they are indeed from January 2010. See p. 447 of the *2011 Edition*.)

⁵⁴ M.E. BENDYNA and M.L. GAUTIER, *Recent Vocations to Religious Life: A Report for the National Religious Vocation Conference*, Center for Applied Research in the Apostolate [CARA], Georgetown University, Washington, DC, 2009, p. 28. The responding entities in the CARA study account for 62,250 men and women religious, a number they attest is well over 80 percent of all women and men religious in the United States in 2009. To be precise, CARA attributes this number to *The Official Catholic Directory 2009* which gives the statistics: 13,428 religious priests; 4,905 brothers; 60,715 sisters = 79,048 in total – making the CARA statistics account for 79% of the US religious.

Age Distribution and Median Age for Members with Perpetual Vows

Percentage in each category:

	All	Men	Women
Under 40	1%	3%	1%
40-49	3	8	2
50-59	8	14	6
60-69	23	24	22
70-79	31	28	32
80-89	24	19	26
90 and over	10	4	11
Average Median Age ⁵⁵	69	65	70
Median Median Age	71	66	73
Modal Median Age	75	68	76

Overall, religious in North America are an aging population. Seventy-five percent of perpetually professed men and ninety-one percent of perpetually professed women are age 60 and over according to these 2009 US statistics. This comes together as seventy-eight percent of perpetually professed men and women religious were born in the 1920s, 1930s, or 1940s and, therefore, are in their 60s, 70s, and 80s in 2009. Among both [US] men and women religious, a majority of those under the age of 60 are in their 50s. Only 12 percent are younger than 60 while almost as many, 10 percent, are age 90 or older.

Given this current picture, it is clear that previous models, which effective for relatively large groups of young and active members, need to change. Thirty years ago a majority of the members were under 60, now they are well over 60. Although not the only influencing factor, the reality of aging religious must be acknowledged when assessing an

⁵⁵ The median number is that middle value which separates the greater and lesser halves of a data set, so the median age of a given community indicates that there is the same number of members above the median age as below the median age. The statistics here indicate three interpretations of the submitted median ages. The average median age is arrived at by taking all of the submitted median ages, adding them together and dividing by the number submitted. The median median age is that middle value of all of the submitted median ages – there are as many above as below. Finally, the mode is the most frequent number in the data set, so the modal median age is that age which occurred most often in the submitted median ages.

institute's current model and any alternative model that might be proposed. Some of the elements to be considered in a shift of models for internal governance are: 1) fewer members available for leadership; 2) the needs of the community as different from the needs of thirty years ago; 3) institutional concerns; 4) future considerations regarding membership, apostolate, stable patrimony; 5) and the desire and capacity of membership for participation. The primary question that needs to be asked before making any structural shift in governance has to do with the motivation: Is this change to be an adaptation of the current system in order to meet our capabilities and our needs better? Or is this change to be an innovation in order to do things differently for the sake of the members and the mission? Both are valid, but narrowing the question will help to focus the response.

4.3.1.2 The Leader

Much has been said as to the necessary and appropriate qualities of one who holds office in a religious institute at varying points in history. The characteristics of good leaders have been assessed by sociologists, historians, economists, as well as theologians and philosophers, to say the least. Our comments here will be general since whole books have been dedicated to the subject, but because so much has been written, the topic could not go unmentioned.

Generally speaking, there are three fundamental categories of leaders: 1) the charismatic leader who breaks all bonds and inspires the community to follow, deriving their leadership from their own personality. In religious life, the charismatic leaders are able to convey that their action is in response to a call and grace from God. Founders/foundresses of religious institutes, for example, are charismatic leaders. 2) The traditional leader who is obeyed because of status – familial or tribal, and for our purposes, perhaps titular; for the traditional leader, sometimes called “the ruler,” commands are expected to be obeyed and

the primary task is preservation of the institution through the necessary tasks of operation and maintenance. 3) Bureaucratic leaders can fall into two subcategories – maintainers or change-agents; the bureaucratic maintenance oriented leader bases their authority on the official rules and job descriptions attached to their position, doing merely what is asked of them, while the change-agent uses new forms and processes (bureaucratic in nature) to lead the community to a new affirmation of itself.⁵⁶

Many women religious were charismatic leaders, not all held official positions, but they were innovators and builders, those who could make something out of next to nothing. In so doing, they attracted others to follow them, to grow, build and expand some more. The culture in religious life was to develop and mentor strong leaders within the structure as well as “entrepreneurial cultural catalysts” which allowed the structure to move and adapt with the fluidity of new foundations. Yet Morey and Piderit assert that this has not been the case since the 1970s. Instead, religious have moved from leading through inspiration to maintaining the established organizations.⁵⁷

As exciting as a charismatic leader is, the nature of their authority is “anarchic and unstable” and should not last for too long of a period of time since, according to Wittberg, it is “incompatible with the requirements of any kind of social organization with prospects for long-term survival.”⁵⁸ Because of its all-consuming style, charismatic leadership inhibits the development of leadership skills in other community members and its instability renders it foreign to everyday routines. Charismatic leaders are like many creative people and will not feel limited by term limits or mandates, they are self-limiting. The Dyers elaborate:

⁵⁶ See WITTEBERG, *Pathways to Re-Creating Religious Communities*, p. 30.

⁵⁷ See MOREY and PIDERIT, p. 272.

⁵⁸ WITTEBERG, *Pathways to Re-Creating Religious Communities*, p. 188.

By their nature creative people do not organize to control and to repress others. They cannot, because as fast as they set something up, they turn around to look for something else. It would be interesting to see a completely adaptive and creative society in action. But as we look about ourselves today, or scan ahead into the next 100 years, we see the scales of power loaded on the side of the custodians, the traditionalists, and the bureaucrats. We do not see danger from too many creators or innovators.⁵⁹

As the work becomes more routine, the creative persons are replaced by the custodial⁶⁰ type of person, a traditional or bureaucratic type of leader. The charismatic persons were required to establish the organization; the custodial persons keep it going and have the characteristics which the organization now requires and rewards. Weber observes that because of the instability of charismatic authority, structure itself must become either traditionalized, rationalized (that which leads to bureaucracy), or a combination of the two.⁶¹ Once something is established, there tends to be the sense of success which carries the obligation to at least maintain what has been formed, and this requires a level of stability and continuity.

After a founding, charismatic leader, when the structures and processes which express the identity of a group or organization have been established, the next leader has a completely different task. Harvanek maintains, "The leader is now expected to preserve the community in its identity, to ensure that its laws are observed by its members, to foster its expansion and growth, and to work towards the fulfilment of its purposes. The leader now becomes a governor and ruler."⁶² Those who follow a founder are not expected to be agents

⁵⁹ F.C. DYER and J.M. DYER, p. 148.

⁶⁰ A custodial person would fall under the category of the traditional leader/ruler or a bureaucratic maintenance oriented leader, the difference being in the origin of his/her authority.

⁶¹ See *ibid.*, p. 32 and THOMPSON, *Bureaucracy and Church Reform*, p. 222.

⁶² HARVANEK, "The Expectations of Leadership," p. 26.

of change except insofar as changes need to be made to solve problems and to foster growth and expansion.

Writing in 1975, Harvanek recalls that the nature and character of leadership was seriously investigated in the business world.

The business community had engaged the services of behavioural scientists, psychologists and sociologists, in the hope of discovering the traits and qualities of leadership ... in particular, the role of the manager. ... Change is thus at the heart of the business process; and managers must be found who will be agents of change. The manager is not simply the one who ensures that all is in order and working properly; he must be creative and innovative, one who stimulates to greater achievement. As an agent of change he takes on some of the qualities of a leader.⁶³

Stagnation in any realm leads to extinction. Traditional and unchanging stability will yield obsolescence. With time, a change-agent will be sought to move the organization into a renewed existence. The double movement of change and continuity called for in *Perfectae caritatis*, 'adaptive renewal' (*renovatio accommodata*), called for such leadership with the task of refounding.⁶⁴ The challenge of this period was to transition from over-centralization to decentralized communication and delegation (subsidiarity). Historically, the hierarchic model of the Church fostered centralization "creating an impossible burden on those in authority," according to Pasquier.⁶⁵ During this transition, even amidst decentralization, the task of those in authority remained difficult. Pasquier suggests that the role of the transitional leader is mediation, prophecy, and organization. "To administer, to organize, is first a matter of

⁶³ Ibid., p. 22.

⁶⁴ Wittberg lists the qualities of a leader during a refounding period. There is no question that from this period, positions in internal governance of religious institutes became specialized, limiting who qualified for such service. "Such leaders must have an 'ability to listen,' a 'creative imagination,' and a 'passionate commitment to refounding.' They must be action-oriented, committed to hard work, have little need for affirmation, and great perseverance in spite of failures. They must be achievement-oriented and activists who plan ahead, and who are not afraid to use their power. Most importantly, they must be deeply spiritual and possess a mystical sense of God's support and presence." (WITTEBERG, *Pathways to Re-Creating Religious Communities*, p. 165.)

⁶⁵ J. PASQUIER, "The Psychology of Leadership," in *The Way*, 15 (1975), p. 42.

knowing how to delegate and how to trust other people in the making of their own decisions.”⁶⁶

If both the superior and community see the leader’s task as providing only mediation, prophecy, and organization then the result could be structural paralysis. In electing leaders, according to the FORUS survey, religious typically choose administrators, not leaders, for their communities. Such members are satisfied with mediation and organization, which is understandable since a prophetic character is not measurable.⁶⁷ These administrators lack a clear image of the identity and mission of their institute and emphasize maintenance concerns. Any expression of values is general and gives no practical direction for the future of the institute.

As we discussed earlier in this chapter, religious institutes are in a place to find balance between bureaucracy and communitarian organizational forms. The expectation to find this balance and live an expression of it falls to those elected or appointed to office. Fear of returning to an overly centralized style of the past and the paralysis of an overly bureaucratic system can lock an institute into settling for sufficient administration. Wittberg observes, “Congregations which refrain from addressing the ambiguous roles of the leadership may miss discovering creative and psychologically healthy new ways of filling them. ... As long as religious congregations combine elements of both bureaucracies and intentional communities, a certain amount of tension will exist in the contradictory

⁶⁶ Ibid.

⁶⁷ See P. WITTEBERG, *The Rise and Fall of Catholic Religious Orders: A Social Movement Perspective*, W. CLARK ROOF (ed.), Albany, State University of New York Press, 1994, p. 272 and D.J. NYGREN and M.D. UKERITIS, *The Future of Religious Orders in the United States*, pp. 47 and 56.

expectations which each of these models places on both the leadership and the average members.”⁶⁸

The models and modes of exercising leadership that we have discussed here have not even brushed the surface of the spiritual role of the religious major superior. As always, leadership is a quality not reserved to those who hold office. Spiritual leadership can be exercised by any member and is surely not the responsibility of only those in office (but, of course, is the particular duty of the superior according to c. 619). Pasquier sees the role of the spiritual leader as central to the life of the institute. To elect a spiritual leader to office expresses the priority of the life of the Spirit over structure, organization or efficiency. Perhaps the prophetic aspect of the earlier triad (of mediation, prophecy, and organization), the spiritual leader, like the Spirit itself, must be a source of unity, reconciliation, and healing.⁶⁹

Again, this must be part of a whole – that balance between the communitarian and bureaucratic existence, prophetic and announcing the kingdom while being efficient stewards of the communal resources. Much falls to those who hold office within the governance structure of a religious institute. The basic leadership styles belie the unique characteristics each person brings to the office they hold. The best leader for a religious institute is the one who has the right gifts for that particular time in history. In our Church we have a long line of charismatic and prophetic leaders, agents of change, who were supposed to be leaders of no consequence – Archbishop Óscar Romero and Pope John XXIII, just to name two. Do religious today want, need, leaders or is administration enough? Arbuckle answers for

⁶⁸ WITTEBERG, *Creating a Future for Religious Life*, p. 50.

⁶⁹ See PASQUIER, “The Psychology of Leadership,” pp. 44-45.

himself, “I am personally convinced that many religious today are yearning to be led and to be spiritually challenged. All we need is a little courage, humility and trust in God.”⁷⁰

4.3.1.3 Legislating a Structure

The structural model for governance in religious institutes is one that is codified. The structures of the past were solidly in place through the universal law and reiterated with many details in proper law. Such precision provided stability for the members and officials alike. After Vatican Council II, during the period of renewal there was a time of ‘lawlessness’ for experimentation so that true renewal might occur, liberated from the weight of a multitude of obligations accumulated over centuries. The era of experimentation and renewal was to be concluded with a revised law – both universal and proper. Hence, new structures for governance were written into the proper law of religious institutes, perhaps not as detailed as the previous law, but enough to tie the hands of both members and superiors alike if and when the usefulness of the new structure expired and no longer served the religious institute and its mission.

Job descriptions and enumeration of tasks do not belong in the proper law of the institute, because, as we have seen, the duties of a particular position evolve. Even preparing job descriptions in secondary documents for the major superior and councillors is unadvisable, as maintained by Wittberg, since it “might lead to the neglect of the less readily codifiable aspects of their roles. Or it might inhibit cooperation and information sharing.”⁷¹

The principles of subsidiarity and collegiality may be included in the primary or secondary documents as values which are fostered by those entrusted with the service of

⁷⁰ G.A. ARBUCKLE, *Out of Chaos: Refounding Religious Congregations*, New York, Paulist Press, 1988, p. 130.

⁷¹ WITTBURG, *Creating a Future for Religious Life*, p. 45.

authority, but the exact methodology should be left to amendable documents, again without unnecessary multiplication of laws (c. 587 §3). One cannot legislate the dynamic of community. At the same time, one cannot legislate for the relational dynamic of members of the administrative team. The minimum number of councillors, their qualifications and how they are elected or appointed to office belong in the proper law as well as the qualifications of the major superior and method of election/appointment.⁷²

Both the law and the members must allow for the individuality of each member who will be called upon to serve the mission of the institute through elected or appointed office. To try to legislate how a group [those who hold office] will interact will be futile and only frustrate those trying to serve. A framework in the law – that there is a major superior and council, and with regard to particular actions, when the superior needs the advice or the consent of that council – offers stability to the members and a newly elected administration. How they will exercise the duties of office must be left to the gifts and strengths of the individuals and the quality of their interaction and compatibility.

For those in office to be able to meet the needs of members, they need to know the expectations. This is the demanding piece of defining a structure, because it is not the structure at all that is being defined, it is the values and priorities of the members and what they need and desire from those who have the ministry of authority. Once a group can articulate these values and priorities in a climate of co-responsibility and be heard, then what the structure looks like does not matter nearly as much. Whatever the vision is for the inter-relationship between members and leaders, it must be arrived at by the whole group and the

⁷² The qualifications that are referred to here are: perpetual membership in the institute, so many years of profession, at least a certain age, not character attributes, although some might include some desired attributes such as: prayerful, love of the institute, or discreet. With regard to the method of election or appointment, the constitutions should merely identify which is to be used (election or appointment) and who the competent major superior is. The details of procedure should remain in handbooks or policy manuals which can be easily amended.

group, as a whole, must accept this vision. This of course will require a lengthy process to arrive at such clarity and maturity and to allow individuals to think through the matter themselves, but education for leadership requires not only the education of the leaders but the education of the whole group.⁷³

Through such action and commitment, the levelling out of leadership roles and dynamics of co-responsibility can be embraced while still fulfilling the underlying desire to be led. Harvanek puts such a relationship in ideal terms.

Mature persons will respond to leadership and authority as a principle of unity among equals. With ease and confidence in themselves, they accept the competences and roles of others in community as good order in a rational society with no implications of inferiority for anyone. Though fully capable of making their own decisions, they will as a matter of fact be more obedient and more faithful in following the leaders of the community than those who are not so able. Furthermore, they will accept the role of sharing in the leadership and participating in the common processes of the community with freedom and a sense of responsibility. In this, perhaps ideal, situation, fellowship and 'followship' are almost synonymous.⁷⁴

4.3.2 MAINTAINING CANONICAL RESPONSIBILITIES AND EFFECTIVE DELEGATION

Arbuckle lays the groundwork for this section. "As far as the major superior personally is concerned, I believe that he or she *must* be as free as possible from the practical demands or details of maintenance duties," and "There are structural changes to be made within existing apostolates in order to remove excessively burdensome administrative obligations from religious, thus freeing them for personal and apostolic creative action."⁷⁵ Major superiors as much as every member of an institute need to be free for personal and apostolic creative action for the good of the mission and those being served.

⁷³ See PASQUIER, "The Psychology of Leadership," pp. 41-42.

⁷⁴ HARVANEK, "The Expectations of Leadership," p. 32.

⁷⁵ ARBUCKLE, *Out of Chaos*, pp. 117 and 126.

The tasks of the major superior are many, but the obligations reserved to her are few yet essential. In essence, the office of the major superior is one of service to guard and promote the charism, mission, and members of the institute. As noted in the twelve documents discussed in the second chapter of this work, the tasks of the superior stem from the essential obligations of preserving the unity of the institute, fidelity to the charism, promotion of the mission for which the institute was founded, observance of the vows and constitutions, and assistance of members in their pursuit of holiness.

In the midst of safeguarding the patrimony (as defined in *CIC* canon 578), promoting the mission through the ends of the apostolate, and assisting the members wholeness, health, and holiness, the superior must also promote subsidiarity, mutual accountability, participation, and consultation. She must strive for a balance between subsidiarity and centralization, shared responsibility and the personal authority of her office. There is no question that such a ministry requires the full attention of the one mandated to this service as well as the contribution and collaboration of all involved in the life of the institute. Although the obligation to be faithful to the charism and pursue the mission, as well as mutually assist all members of the institute, apply to all the members, the superior has the explicit duty to make these her primary obligations from which all action and animation flow. Whatever the structure of governance, the superior needs to be free to be of service to the charism, mission, and members, inserted into the life of the local church. Those full-time in the ministry of authority have the privilege to hold these ideals always before their eyes and filter all decisions through renewed fidelity to and promotion of the mission for the good of the church and the people of God. The work of continuing the mission, of being faithful to the charism, of living the consecrated life with quality and meaning, of being mutually accountable and sharing responsibility belongs to every member in cooperation

with their superiors, according to their proper law, therefore preserving the unity of the institute.

As noted in the previous chapter, the obligations of the civil structures related to both the institute itself and its institutional apostolates can be overwhelming and require much time and energy of the major superior and her councillors. The administration of these non-profit corporations is a manner of promoting the mission of the institute and the apostolic ends proper to it, as well as protecting the stable patrimony of the institute. However, just as the Code requires a financial administrator distinct from the major superior to administer the goods of the institute under the direction of the respective superior (*CIC*, c. 636 §1), it also allows “other officials” to be designated for juridical acts of ordinary administration (*CIC*, c. 638 §2). Again noting the gravity of the obligations of the major superior with regard to the essence and purpose of the institute, the duties of corporate and institutional administration should be delegated to a qualified member of the institute or a trusted hired professional.⁷⁶

There are also some offices within the structure of the institute that have traditionally been held by members of the institute, but do not always (subject to definitions in proper law) need to be maintained by members. Many institutes have explored and actively have provincial or general treasurers and secretaries that are not members of the institute, but hired employees. The possibilities for this are fundamentally dependent upon the proper law of the institute – does it require that the treasurer or secretary be a member? – and the statutes of the corporation(s) [which can be amended] on which these officials may serve.

⁷⁶ The reluctance to hire a non-member for such a position in our current culture and climate, I believe, are: 1) cost – religious institutes have administered these duties with no salary, and to find a qualified professional to do the job well is an expense that has often not been anticipated and cannot be readily afforded; 2) trust – can an institute really trust a non-member to administer its institution well, and can they find someone who is trustworthy and will not endanger the patrimonial condition of the institution or the institute?

Some institutes have gone so far as to have those who are not members of the institute on a provincial council – either members of another institute or lay people associated with the institute. Close examination of canon 627⁷⁷ reveals that it is not prohibited by canon law. Whether it is advisable or not must be left for the institute to decide in the exercise and enjoyment of their autonomy of life and governance.

4.3.3 IMPLICATIONS AND APPLICATIONS

Today there are very few, if any, pure hierarchies still in use by religious institutes in North America. In line with the structures defined in canon law, as long as there is a designated superior (at the various levels) and an effective council, distinct but in concert with the superior, the “team” approach of leadership is not opposed to governance as envisioned by the Code and the Holy See. Since the Second Vatican Council religious have conscientiously applied the conciliar principles of collegiality, legitimate diversity, and subsidiarity. For them, the monarchical authority of the past has been replaced by genuine inclusivity and collaboration in governance. Religious have interpreted this principle of collegiality in a broad sense to be more than a sharing of opinions or consultation of the membership, but to be an effective sharing in the responsibilities of the decision-making process. This has stimulated a more positive sense among religious of personal responsibility for their own lives and a more profound dedication to the mission of the institute and therefore the church.

At the same time, strong criticisms have been levelled against this movement.

⁷⁷ Canon 627 §1, According to the norm of the constitutions, superiors are to have their own council, whose assistance they must use in carrying out their function.

§2, In addition to the cases prescribed in universal law, proper law is to determine the cases which require consent or counsel to act validly; such consent or counsel must be obtained according to the norm of c. 127.

[T]he new leadership team and collaborative model⁷⁸ approach of superiors and councils, coupled with the new participative and consensus model functioning of chapters, have in practice created increasingly bureaucratic business management systems primarily operated by middle level committees to replace the former governance structures in the majority of active religious institutes of women in North America. ... Tradition has been abandoned, and the past is perceived as oppressive. Institutes have become business corporations, and governance has become administration. Structures have become participative, and superiors are primarily managers. ... All members are becoming empowered for decision making, although not many members claim responsibility for any particular decision. Obedience is increasingly negotiable, and personal fulfillment dominates most choices. ... Everyone is now somehow accountable, but few (if any) religious are called to accountability by anyone for anything. Communication is the cardinal virtue, and everyone is progressing to self-actualization.⁷⁹

Such assessments urge the use of caution when incorporating business models into religious governance structures. Religious life is unique and its character must not be lost in the redefining of structures. Granfield exhorts, “‘The supreme rule’ of their [religious] life is the following of Christ as revealed in the Gospel. Religious life and structures are to be based on faith and enable religious to be witnesses of the mystery of the church. Government in religious communities is a ministry of service to be exercised in the spirit of the Gospel and with sensitivity to accountability and subsidiarity.”⁸⁰

Each community has its unique character and purpose, which benefits the life of the church. The adoption of particular forms of governance, therefore, should ideally be related to the spirit of the founder and structured to address contemporary challenges of the institute. The Congregation for Institutes of Consecrated Life and Societies of Apostolic Life affirms this.

Every community has a mission of its own to accomplish. Persons in authority thus serve a community which must accomplish a specific mission, received and defined by the institute and by its charism. Since there is a variety of missions [sic], there must also be a variety of kinds of communities and thus a variety of

⁷⁸ McDonough’s collaborative model refers to what we have called the circular model or shared responsibility.

⁷⁹ E. McDONOUGH, “Juridical Deconstruction of Religious Institutes,” p. 320, 330.

⁸⁰ P. GRANFIELD, “Changes in Religious Life: Freedom, Responsibility, Community,” in *America*, 151 (1984), p. 123. See also c. 662.

ways of exercising authority. It is for this reason that religious life has within it various ways of conceiving and exercising authority, defined by proper law. Authority is, evangelically, always service.⁸¹

As reiterated throughout this work, the autonomy of governance must be respected, preserved, and indeed encouraged. Fundamentally, whatever structures are in place, the character of the institute will be evident in the actual exercise of authority and power. Whether authority is granted through election by the members or appointment by a competent superior, how it is exercised depends largely upon the persons in office and the expectations, expressed and unexpressed, of the members and of the leader herself. Structures cannot legislate for the functioning of a team. They can provide a distribution of responsibilities, but they cannot impose a dynamic of people working together. Some individuals and some teams will be very inclusive, inspiring, and cohesive, while others will be less so, regardless of the governance model in place. The establishment and articulation of a basic governance structure is a means of expressing the expectations by the members as to their desire for how leadership is to function and how membership wishes to be regarded in the process, as well as an acknowledgement and response to the needs of the institute and the members in the current time (and hopefully considering projected needs of the future). Ultimately, reassessment of structures is an attempt to find that balance between aspirations and capacity without getting swallowed up or mired in the daily contingencies of governance.

Beyond changing the internal governance structures, some religious institutes are changing expectations in light of their current demographics. Some institutes or provinces will change their assessment of how many councillors they need on their leadership team. For some, this may require an act of the General Chapter, as the number is defined in their proper law. Seldom will the proper law specify that there are to be “at least three [or four or

⁸¹ *FL*, n. 49.

whatever number determined] *full-time* councillors.” Once this is realized, it often helps groups to re-think their expectations of the role of councillors and what is necessary for an effective leadership team. Before doing away with structures or creating new structures, the first step must be the evaluation of expectations.

Just as the Code leaves the composition of the council up to the institute and its proper law, the Code also leaves quite a bit of room for autonomy in the structural use of the council. The proper law could require that the council needs to give consent for some or every case where the universal law requires at least the advice of the council, therefore enhancing the “team” approach to governance. Also left to the discretion of the institute is the possibility of adding cases of collegial execution by the superior and council.⁸²

The needs of religious institutes vary one from the other, so the responses must be broad, creative, and innovative. Just as the structures of governance provided by the law leave tremendous room for autonomy, there is also room for innovation because no religious institute was founded to be efficient or self-perpetuate. Especially at the foundation of religious institutes, with the charismatic leader, efficiency was subordinated to the key values of the group – spiritual perfection, proclamation of the gospel, community in charity. Establishment (institutionalisation) comes with the need for stability and efficiency. Unfortunately, if an institute is unable to adapt or innovate, if ingrained patterns inhibit new insights and internal divisions impede the implementation of necessary changes, then the members of that institute have lost sight of their purpose in the haze of bureaucratic

⁸² There is only one instance (outside of a Chapter), c. 699 §1, where a collegial vote of the supreme Moderator and council is required, as well as a minimum number of councilors. Canons 694 §2 and 697, 3°, do not refer explicitly to collegial acts, but determines that action may be taken if “the major superior with his or her council” judges it necessary. Canon 691§1, requires the personal opinion of the supreme moderator “and the opinion of the council,” again, neither consent nor advice, but their opinion.

stagnation.⁸³ Some groups go so far as to choose death or stagnation rather than change structurally or personally.⁸⁴

4.4 SUMMARY

Just like canon law and the proper law of an institute, structures of ordinary governance within a religious institute are meant to free members, not bind them. Good, appropriate, and relevant structures can liberate members to be about the mission of their institute, to live in a manner inspired by their charism, and faithful to the call of the evangelical counsels. The structures of ordinary governance should be stable, rooted in the values, priorities, needs, and expectations of the members. The framework of the structure must also account for the essential ministry of those in authority – preserving the unity of the institute, fidelity to the charism, promotion of the mission, and care of the members – while facilitating healthy participation of all the members in decision-making and exercising subsidiarity yet preserving the personal authority of the superior for the good of the whole.⁸⁵

These dispositions can be expressed and animated in innumerable ways and no one model will work for every institute or even every province of an institute. In this way, the stability of general structures is most useful (and norms are not multiplied without necessity, see c. 587 §3). The values and priorities of the relationship between members and those

⁸³ This would be in reference to the negative definition of bureaucracy, “an ailment of organization, obstructing effective operation” (see above, p. 193).

⁸⁴ See WITTEBERG, *Creating a Future for Religious Life*, p. 52 and *idem*, *The Rise and Fall of Catholic Religious Orders*, p. 272.

⁸⁵ As noted earlier, the structural canonical points that must be preserved are: 1) the existence of a superior – canonically elected in the case of a supreme moderator, all others being elected with confirmation of the competent major superior or appointed after communal consultation (cc. 625 §3 and 626) for a determined period of time (c. 624); 2) superiors exercise personal power, proper to their office (cc. 617-618), received from God through the ministry of the Church; 3) superiors must have and make use of their own council as defined in proper law and not contrary to universal law (c. 627).

exercising the ministry of authority can be articulated in the general structural model. How this relationship and ministry will be exercised can be left to the gifts and strengths of the one(s) serving, with enough adaptability to meet the evolving needs of the time and circumstance of the institute.

Religious institutes in North America, for the most part, are bureaucratic. It is a fact. Bureaucracy is a particular and efficient form of organization. In an unhealthy expression of its exercise, bureaucracy can obstruct effective operation and inhibit liberty and individuality. However, at its best, bureaucracy facilitated the administration of large health care, social service, and educational institutions as well as the education, housing and feeding of thousands of sisters. Bureaucracy itself is not bad, but its application can be skewed or misplaced. The bureaucratic models often used in religious institutes today originate in modern organizational and management theory, uninformed by religious communities, and therefore often lacking in communitarian elements foundational in consecrated life.

Being aware of the pit-falls and abuses of bureaucracy, such as becoming a bureaucratic-centered organization in which internal efficiency becomes the main mission, losing sight of the mission for which the institute was established or the complete separation of administrators from members, can help keep them from encroaching on the efficient use of the bureaucratic tools. The challenge for religious today is to acknowledge the bureaucracy of our systems, glean that which is useful and fruitful for our life and mission, and bear witness to the gospel through a counter-cultural expression of a bureaucracy that is merely a means to a greater good and not an end in itself.

Between liberating structures of ordinary governance, fruitful bureaucracy, and effective delegation, the major superior can focus on the essentials of her role (charism, mission and members) for the good of and service to her institute, the church and the

people of God. In doing so, we can reclaim the ministry of authority from the paralysis of a managerial mire to the prophetic and pressing call that has been consistently articulated by the church to be a spiritual beacon and guardian of the particular gift of the Spirit entrusted to each institute and the church.

A number of elements need to be considered to assess adequately, first, the need for redefining the ordinary internal structures of a religious institute or, second, what model will best serve an institute's needs, to enable the mission and empower the members. The initial question that must be addressed at the beginning of any conversation regarding a change in structure: what is the motivation for change? Is this change to be an adaptation of the current model or system to better suit the needs or capacity of the institute? Is the adaptation a means of maintaining what is useful and fruitful, while discarding what is no longer beneficial? Will adaptation of current structures truly serve the mission, engage the members, and enliven the charism?

For some, adaptation will not be sufficient, complete innovation and restructuring is necessary. Clear responses to similar questions will strengthen the foundation of a new structure: Will the good of the members and institute benefit from a whole new system of structures? Is the need for a new structure due to limited needs and/or capacity? Will effective structures necessarily be discarded in a new model? How will this new model serve the mission, engage the members, and enliven the charism? What issues are anticipated to be solved by new internal structures of governance?

Why define structures at all, if no model is universally effective? Clear structures give order and stability to an institute, which, according to Gambari, "guarantee unity, harmony

and the effectiveness of living and working together.”⁸⁶ That same goal of stability is one reason that changes to an institute’s Constitutions require the action of a general chapter and the approval of the competent ecclesiastical authority.⁸⁷ The unity of an institute would be difficult to maintain if it lacked the stability of its structures.

In order for the structures of ordinary internal governance of a religious institute to be truly liberating, regardless of what model or combination of models is chosen, additional questions need to be answered through communal discernment and dialogue.⁸⁸ Some questions will be more important for some groups and less so for others. The effectiveness of a governance model is contingent upon its suitability for that group. In concert with the elements defined in canon law and the principles supported by the Gospel and the Church, unique and suitable structures can advance the mission of an institute, its charism, and the good of its members, all at the service of God and the Church.

⁸⁶ GAMBARI, p. 484.

⁸⁷ See cc. 576, 587 §2, 631 §1, and 119, 3°.

⁸⁸ See Appendix D.

CONCLUSION

Throughout this work a number of conclusions were reached. In the first chapter we were able to conclude that: a) The power of governance exists in the Church by divine law and the manner of its exercise is regulated by ecclesiastical law; b) The exercise of the power of governance is always in relation to a community; c) An act of the power of governance must be performed by one competent by law, office, or delegation for such an action, and on behalf of a public juridic person [or moral person of the divine law]; d) Specific juridic effects, recognized in law, are brought about when a juridic act is validly performed – making a binding decision or conferring or denying some right or favour; and e) Anyone can exercise executive power of governance who legitimately has this power by law or delegation. “Power” and “authority” were also distinguished in the following manner: authority is the execution of legitimate power; the power of office gives one the authority to act; authority has its source in the power of office, while the power of office is from God, through the ministry of the Church, and directed by the proper law of the institute.

Finally, in Chapter 1, it was established that governance is the concrete structure through which power is obtained and authority is exercised for the purpose of promoting and animating its mission in the Church for which an institute was founded. Institutes have a “true autonomy of life” especially with regard to the structures of ordinary governance (c. 586). As a result, the Code provides only broad norms, and the manner of their execution should be suited to the nature, purpose, spirit, character and sound traditions of the institute (cc. 578 and 587).

From our study of several ecclesial documents having to do with institutes of consecrated life in Chapter 2, a clear delineation of the essentials of the office of the major superior could be elicited. Firstly, the foundation of the office of superior, in general,

consists in the duties or rights fundamental to all members. While all in the institute share many of these responsibilities by virtue of membership, the superior, and all the more so the major superior, have a particular responsibility by virtue of the office. The governing function of superiors, the authority over the internal life of the institute is easily identified as belonging to the major superior. The service to be rendered is that of ordering the life of the community, of organizing the members of the institute, and of caring for and developing its particular mission, all the while fostering the exercise of subsidiarity. In a spirit of collaboration with the local bishop, the superior is to see that the institute be efficiently inserted into ecclesial activity and the life of the local church.

At the same time, there is nothing more pressing for the religious superior, no matter of supervision or administration that outweighs the priority of animating and inspiring fidelity to the charism and pursuit of the mission proper to the institute.¹ The primary role of the superior is to safeguard the patrimony of the institute and regulate well the processes that assist members in living out their vocation and accomplishing the apostolic ends of the institute. Ultimately, this is to foster the preservation of the unity of the institute, as they themselves are to be the sign of unity, and promotion of the ends for which it was founded. Not to be neglected is the ever-present challenge to balance the principles of personal authority, consultation, involvement of members, shared responsibility, and subsidiarity. A genuine balance of personal authority and shared responsibility makes possible the ideal of ordinary religious governance fulfilling its purpose.

Apostolic religious institutes have gone through major changes over the past one hundred years, as was evident in Chapter 3. Many events and movements, both within the Church and society influenced the evolution of religious life in the United States. The

¹ See *MR*, n. 14c.

transformation within religious life was also largely influenced by the adjustments in the apostolic endeavours of the religious institutes – their institutions and the necessary emergence of a professionalism to be on par with secular institutions. This professionalism facilitated a shift in the model of ordinary internal governance of religious institutes, how members relate to officials of the institute and how these officials relate to the members. Civil incorporation of apostolic institutions also had an impact on the evolution of the role of the major superior, beyond the professionalization of the exercise of the office. With incorporation, major superiors are now corporate members with all of the civil obligations therein; positions for which most are unprepared.

In Chapter 4, we were able to conclude that good, appropriate, and relevant structures of ordinary governance can liberate members to be about the mission of their institute, to live in a manner inspired by their charism, and faithful to the call of the evangelical counsels. Structures of ordinary governance should be stable, rooted in the values, priorities, needs, and expectations of the members. The framework of the structure must also account for the essential ministry of those in authority – preserving the unity of the institute, fidelity to the charism, promotion of the mission, and care of the members – while facilitating healthy participation of all the members in decision-making and exercising subsidiarity yet preserving the personal authority of the superior for the good of the whole.

No structure or management model will perfectly suit every religious institute and the principle of autonomy of governance expressed in the law (see c. 586) relieves institutes from any sense of obligation toward uniformity of ordinary governance structures. The selection of the proper structure to be most fruitful for a given institute needs to be done with a great deal of discernment, dialogue, and clarity of capacity and expectations. We offer a series of questions meant to assist members of an institute of consecrated life in creating or

adapting existing models to best suit their needs, abilities and expectations, as well as utilising the norms required by canon law and the principles valued by the Church. It is our conviction that reclaiming the office of the major superior and facilitating the exercise of the office as articulated through ecclesial documents and the current law of the Church, the prophetic and pressing call for the major superior to be a spiritual beacon and guardian of the particular gift of the Spirit entrusted to each institute, and therefore the Church, can yield nothing less than the good of the members of the institute, the Church, and the people of God.

APPENDIX A

SACRED CONGREGATION OF BISHOPS AND REGULARS, *Normæ secundum quas S. Congregatio Episcoporum et Regularium procedere solet in approbandis novis Institutis voturus simplicium*, 28 June 1901, in T. SCHAEFER, *De religiosis ad normam codicis iuris canonici*, 4th ed. aucta et emendata, Vatican City, Typis polyglottis Vaticanis, 1947, pp. 1102-1135.

n. 203: Suprema auctoritas in toto Instituto modo ordinario exercetur a moderatrice generali cum suo consilio, et modo extraordinario a capitulo generali.

n. 204: Regimen quod penes moderatores est, sive sodalitates universae, sive familiarum singularum, ad Constitutionum normam [*Conditæ*, Chapter II, n. 2], episcopi mutare vel temperare non possunt.

n. 252: Moderatrix generalis rite electa gubernat et administrat universum Institutum sibi concreditum iuxta normas Constitutionum. See also *Conditæ*, Chapter I, n. 9: Antistitæ, ex constitutionum iure, a Sororibus eligantur.

n. 254: Ius habet, ad normam Constitutionum, demandandi munera et procurationes, tum quae ad universam sodalitem pertinent, tum quae in domibus singulis exercentur (See *Conditæ*, Chapter 2, n. 1), proindeque sorores ex una in aliam domum mittendi.

n. 255: Moderatrix totum Institutum sive per se, sive per aliam sororem ad hoc delegatam singulis trienniis, vel etiam pluries, si opus fuerit, visitabit.

n. 263: Administrationi bonorum temporalium iuxta infra dicenda accurate invigilet, quin tamen in officia et munera sive oeconomae generalis, sive moderatricum domorum directe se ingerat.

n. 266: Etiam facultas super Constitutionibus generaliter dispensandi minime competit moderatrici generali; bene tamen illi conceditur auctoritas eximendi ab observatione alicuius praescriptionis Constitutionum particularis sorores ad tempus.

n. 271: Sorores moderatrici generali a consiliis in rebus maioris momenti suffragium decisivum habent. Huiusmodi negotia sunt praecipue sequentia:

1°, erectio novarum domorum;

2°, suppressio domorum existentium;

3°, erectio novorum novitiatuum, et translation existentium novitiatuum ex uno in alium locum;

4°, erectio novarum provinciarum;

5°, nominatio sororum pro maioribus quibusdam officiis, videlicet: moderatricum provincialium et sororum istis a consiliis, moderatricum localium, et magistrarum novitiarum;

6°, prorogatio officii moderatricis alicuius domus, si qua necessaria videretur ad breve tempus, elapso eius triennio;

7°, dimissio ab Instituto sive novitiate, sive sororis votis vel temporariis vel perpetuis ligatae;

- 8°, depositio alicuius sororis a consiliis, sive magistrate novitiarum, sive superiorissae, si ex gravi causa necessaria videretur;
- 9°, designatio visitatricis generalis quae non sit e numero consiliariarum, ad effectum visitandi universum Institutum (cf. n. 256);
- 10°, determinatio loci capituli generalis;
- 11°, mutatio sive translatio sedis moderatricis generalis et eius consilii;
- 12°, substitutio alterius sororis usque ad proximum capitulum in locum sororis a consiliis demortuae, sive depositae, sive perpetuo impeditae;
- 13°, pacta nomine Instituti facienda, et rationes iuxta infra dicenda redditae approbandae;
- 14°, debita contrahenda; 15°, rerum immobilium et mobilium pretiosarum alienatio et etiam oppignoratio.

n. 273: Si quando in huiusmodi negotiis excutiendis suffragia secreta sororum hinc inde aequalia penderent, suffragium moderatricis generalis praevaleret atque rem dirimeret. Secus vero in electionibus. Electiones nunquam fient nisi in consilio pleno; quod si quandoque una ex consiliariis partem habere non possit in aliqua electione instituenda, in eius locum vocetur moderatrix domus; et si adhuc altera desit, in eius locum una ex sororibus votorum perpetuorum domus a consiliaris eligatur.

n. 274: Expediit in constitutionibus statuere aliquot convocationes consilii in anni decursu regulariter habendas. Ceterum superiorissa consilium suum convocet quoties negotia Instituti id exigant.

n. 279: Munus sororum a consiliis est, moderatrici generali in regendo et administrando toto Instituto consilium et auxilium, prout requisitae ab ipsa fuerint, praestare, nec non suffragium decisivum ferre circa negotia recensita sub n. 271, eaque proponere, quae sibi e re Instituti esse videantur.

n. 312: Moderatrix uniuscuiusque domus illa auctoritate fruitur, quam Constitutiones illi attribuunt. Quare haud dicatur, eam solummodo moderatricem generalem repraesentare, vel illius auctoritatem pro hac domo mutuatam esse.

n. 313: Uniuscuiusque domus bona, sive immobilia sive mobilia, ab oeconomia secundum normas supra (nn. 291, 293, 294) traditas administrantur. –Moderatrix domus munere oeconomae ne fungatur.

n. 314: Moderatrix domus in regenda communitate sibi commissa iuvatur a duabus consiliariis quae a moderatrice generali (vel, ubi provinciae sunt, provinciali) nominantur.

n. 315: Alia munera et officia in domo, sororibus committuntur ab ipsa moderatrice domus cum suis consiliariis.

n. 316: Moderatrix domus in casibus particularibus sorores quasdam ab observantia alicuius articuli Constitutionum eximere potest.

APPENDIX B

KEY DATES

- 1950 (Nov. 26 – Dec. 8) First General Assembly of Religious held in Rome: Pope Pius XII calls for adaptation and renewal
- 1952 (Aug. 9-13) First U.S. Congress of Major Superiors held at Notre Dame, IN
(Sept. 11-13) First World Congress of Mothers General of Pontifical Right, Rome
National Catholic Education Association meeting in Kansas City, MO
- 1954 Establishment of the Sister Formation Conference (SFC)
- 1956 Establishment of the U.S. Conference of Major Superiors of Women (CMSW) and the Conference of Major Superiors of Men (CMSM)
- 1957 Second General Congress of the States of Perfection, Rome
- 1959 John XXIII announces the convening of an Ecumenical Council
- 1962 (Oct. 11) Opening of the Second Vatican Council
- 1964 (Nov. 21) Dogmatic Constitution on the Church *Lumen gentium*
- 1965 (Oct. 28) Decree on the Up-to-Date Renewal of Religious Life *Perfectae caritatis*
(Dec. 7) Pastoral Constitution on the Church in the Modern World *Gaudium et spes*
- 1966 High point of membership in U.S. religious institutes: 181,421 women; 45,300 men
- 1966-1968 “Sisters’ Survey” developed and disseminated by CMSW
- 1970 Highest number of departures from U.S. religious institutes in one year: 4,337 women
- 1971 CMSW changes its name to the Leadership Conference of Women Religious (LCWR)
- 1980 Follow-up to the 1967 “Sisters’ Survey”
- 1983 Revised Code of Canon Law
“Essential Elements” and U.S. bishops’ commission to study American religious
- 1992 Council of Major Superiors of Women Religious established by CICLSAL
- 1993 Future of Religious Orders in the United States report issued
- 1994 Synod of Bishops on Consecrated Life

APPENDIX C

The structures for Religious Institutes outlined in the 1983 Code of Canon Law are:

Constitutions and those things that are to be included in them	cc. 581,	596,	609 §1,	616,	625 §1,	631 §1,	648 §2,
	587,	598 §1,	614,	623,	625 §3,	631 §2,	662
	595,	601,	615,	624 §1,	627 §1,	634,	
An Institute's Proper Law and what is to be included in it	cc. 597,	624 §§2-3,	631 §§2-3,	641,	657 §2,	669 §1,	
	598 §2,	626,	632,	643 §2,	658,	684 §4	
	600,	627 §2,	633,	645 §3,	659 §2-3,		
	607 §2,	628 §1,	635 §2,	650 §1,	663 §3,		
	608,	629,	636,	653 §2,	667 §1,		
	622,	630 §2,	638,	655,	668 §§2-5,		
Chapters	cc. 596 §1; 631-633						
Superiors, their nature, designation, and those things to be carried out or seen to by them	cc. 592,	622-630,	644,	665,	679,	703	
	596,	636,	645,	668,	681,		
	608,	638,	647,	671,	682,		
	609,	639,	650,	672,	684,		
	616,	641,	653,	677,	686-691,		
	617-620,	642,	661,	678,	694-699,		
Councils and those things for which their advice, consent, or opinion must be sought	cc. 627,	647 §2,	684 §1,	689 §1,	694 §2,	703	
	638 §3,	656 3°,	686,	690,	697,		
	647 §1,	665 §1,	688 §2,	691 §1,	699,		
Financial Administrators	cc. 636, 638, and the obligations of Book V						
Director of Novices	cc. 651-652						
Provinces	c. 621						
Novitiates	c. 646-650						
Temporary Profession	cc.654-657						
Perpetual Profession	c. 658						

Public Vows [to observe the evangelical counsels]	cc. 598-601, 654
Religious Houses	cc. 665, 667; constituted, c. 608; established, cc. 609-611, 616

APPENDIX D

The questions which follow are merely guidelines for discerning what kind of governance model or hybrid of models may best serve an individual institute. They may assist members in finding the appropriate structures that will be most life-giving and fruitful for the members and the institute.

A. Values

- a. What values hold the highest regard and are essential to the expression of the charism, carrying out the mission, and the common life of the members?
- b. What is the order of priority of these values? When there is a conflict of values, which value is held as the greater good to be preserved and promoted?
- c. What are the genuine needs of the community members at this time?
- d. What are the current institutional concerns?
- e. What are the future considerations for the institute?
- f. Realistically, what is the capacity of the members for these future considerations?
How can new/adapted structures serve this outcome?

B. Flexibility – Governance structures need to be functional, and, therefore, require a certain amount of flexibility and adaptability to be truly effective.

- a. Are the existing or proposed structures excessively rigid or sufficiently flexible?
- b. Do they stimulate initiative or hinder it?

C. Primacy of Persons¹ and the Common Good

- a. Are these structures ordered for the good of persons individually and globally?
- b. Do they contribute to the development of each member of the institute?
- c. Do they enable the pursuit of the common good by each member?
- d. Do they encourage the promotion of the common good by those in authority?
- e. Can the needs of the institute be harmonized with appreciation and respect of individuals through these structures?

¹ Cf. c. 208. Gambari states, “The common good and the efficacious pursuit of the purpose of the institute, in virtue of communion through the same charism, are joined together with the personal good and the pursuit of the mission assigned to each one in the institute by God and the Church.” (GAMBARI, p. 485.)

- f. Do these structures foster sufficient participation, consultation, and dialogue in the decision-making process?
- g. Do they allow the superior the freedom to make necessary decisions?
- h. Do the structures allow the members to choose to take free and responsible action?
- i. Is there sufficient contact between those holding office and the members to facilitate interdependence and an appreciation for their complementary of roles?
- j. Do the structures foster subsidiarity and autonomy of action?
- k. Is a balance of self-sufficiency of the members and union with those in authority supported in this model?
- l. Does this structure foster trust among the members and in collaboration with those in authority?

D. Witness

- a. Do these structures cultivate a clear witness to evangelical values?
- b. Do these structures challenge, guide, support, and protect the responsible activity of each member?
- c. Do they encourage personal responsibility?
- d. Do they cultivate an individual, as well as communal, attentiveness to God?
- e. Do they promote the initiative and contribution of each member?
- f. Do they advance the mission of the institute and the Church?

BIBLIOGRAPHY

SOURCES

Acta Apostolicae Sedis: commentarium officiale, Rome, 1909-1928; in Civitate Vaticana, Typis polyglottis Vaticanis, 1929- .

Acta et Documenta Congressus Internationalis Superiorissarum Generalium, Rome, Editiones Paulinae, 1952.

Acta Sanctae Sedis, Rome, Typis polyglottis Vaticanis, 1865-1909, 41 vols.

BOUSCAREN, T., et al., *Canon Law: A Text and Commentary*, 4th rev. ed., Milwaukee, Bruce Publishing Co., 1966.

BOUSCAREN, T. and J. O'CONNOR, (eds.), *Canon Law Digest for Religious*, Milwaukee, Bruce Publishing Co., 1964.

BUNSON, M. (ed.), *Our Sunday Visitor's Catholic Almanac*, Huntington, IN, Our Sunday Visitor Inc., 2009- .

Canon Law Digest, vols. 1-6, Milwaukee, WI, and New York, Bruce Pub. Co., 1934-1969; vols. 7-10, Chicago, Canon Law Digest, 1975-1986; vols. 11- , Washington, DC, Canon Law Society of America, 1991- .

Codex canonum Ecclesiarum orientalium auctoritate Ioannis Pauli PP. II promulgatus, fontium annotatione auctus, Libreria editrice Vaticana, 1995, English translation *Code of Canons of the Eastern Churches: Latin-English Edition, New English Translation*, prepared under the auspices of the CANON LAW SOCIETY OF AMERICA, Washington, Canon Law Society of America, 2001.

Codex iuris canonici auctoritate Ioannis Pauli PP. II promulgatus, fontium annotatione et indice analytico-alphabetico auctus, Libreria editrice Vaticana, 1989, English translation *Code of Canon Law: Latin-English Edition, New English Translation*, prepared under the auspices of the CANON LAW SOCIETY OF AMERICA, Washington, Canon Law Society of America, 1999.

Codex iuris canonici Pii X Pontificis Maximi iussu digestus Benedicti Papae XV auctoritate promulgatus, Typis polyglottis Vaticanis, 1917, English translation E.N. PETERS (ed.), *The 1917 Pio-Benedictine Code of Canon Law*, San Francisco, Ignatius Press, 2001.

Codex iuris canonici: Canonical Legislation Concerning Religious, authorised English translation, Libreria editrice Vaticana, 1949.

CONFERENZA ITALIANA DEI SUPERIORI MAGGIORI, *La responsabilita del Superiore Maggiore e la CISM atti della XXVII Assemblea Generale CISM, Collovalenza 9-13 Novembre 1987*, Rome, Editrice Rogate, 1988.

Communicationes, Romae, vols. 1-15, Pontificia Commissio Codici Iuris Canonici Recognosendo; vols. 16-20, Pontificia Commissio Codici Iuris Canonici Authentice Interpretando; vol. 21- , Pontificium Consilium de Legum Textibus Interpretandis, 1969-

- CONGREGATION FOR BISHOPS and CONGREGATION FOR RELIGIOUS AND FOR SECULAR INSTITUTES, Directives for Mutual Relations Between Religious and Bishops *Mutuae relationes*, 14 May 1978, in *AAS*, 70 (1978), pp. 473-506, English translation in *FLANNERY2*, pp. 209-243.
- CONGREGATION FOR THE EVANGELIZATION OF PEOPLES, Faculties for Pontifical Institutes of Religious Women in Mission Territories, 7 September 1967, prot. no. 3830/67, in *CpR*, 49 (1968), pp. 263-265, English translation in *CLD*, 7, pp.72-74.
- CONGREGATION FOR INSTITUTES OF CONSECRATED LIFE AND SOCIETIES OF APOSTOLIC LIFE, Directives on Formation in Religious Institutes *Potissimum institutioni*, 2 February 1990, in *AAS* 82 (1990), pp. 472-532, English translation in *Origins*, 19 (1989-1990), pp. 677, 679-699.
- , Instruction on Consecrated Life in the Third Millennium *Starting Afresh From Christ*, 19 May 2002, Vatican City, Libreria editrice Vaticana, 2002, English translation in *Origins*, 32 (2002-2003), pp. 129, 131-148.
- , Instruction on Fraternal Life in Community *Congregavit nos*, 2 February 1994, in *Enchiridion Vaticanum*, vol. 14, pp. 220-283, English translation in *Origins*, 23 (1993-1994), pp. 693, 695-712.
- , Instruction on The Service of Authority and Obedience *Faciem tuam*, 11 May 2008, in *Sequela Christi*, 34 (2008), pp. 321-351, and *Origins*, 38 (2008-2009), pp. 65-83.
- , Confirmation of Provincial Superior Denied, in *RR* 2003, pp. 10-11.
- , Indult of Departure or Decree of Dismissal, in *RR* 2003, pp. 13-15.
- , Readmission to the Institute and the Time of Temporary Profession, in *RR* 2003, pp. 11-12.
- CONGREGATION FOR RELIGIOUS, *Acta et documenta Congressus generalis de statibus perfectionis, 1us, Romae, 1950*, Congressus et cursus specials, 4 v., Rome, Libreria Internazionale Pia Società San Paolo, [1952-1953].
- , Address [of the Prefect] to the International Union of Superioresses General: Purpose and Religious Renewal, 12 March 1967, in *UISG Bulletin*, 1 (1967), pp. 8-22.
- , Decree on Faculties of Superiors General of Pontifical Lay Religious Institutes *Religionum laicalium*, 31 May 1966, in *AAS*, 59 (1967), pp. 362-364, English translation in *CLD*, 6, pp. 153-159.
- CONGREGATION FOR RELIGIOUS AND FOR SECULAR INSTITUTES, Decree on the Form of Ordinary Government *Experimenta circa*, 2 February 1972, in *AAS*, 64 (1972), pp. 393-394, English translation in *CLD*, 7, pp. 484-485.

CONGREGATION FOR RELIGIOUS AND FOR SECULAR INSTITUTES, *Essential Elements in the Church's Teaching on Religious Life as Applied to Institutes Dedicated to Work of the Apostolate*, 31 May 1983, in *Origins*, 13 (1983-1984), pp. 133-142.

———, Instruction on the Renewal and Adaptation of Formation for Living the Religious Life *Renovationis causam*, 6 January 1969, in *AAS*, 61 (1969), pp. 103-120, English translation in *CLD*, 7, pp. 489-508.

———, “May the Temporarily Professed Be Granted Active and Passive Voice in the Election of Delegates to the General Chapter and May They Be Appointed Local Superiors?” in *Informationes SCRIS*, 1 (1976), pp. 71-73.

Consecrated Life, approved English edition of *Informationes SCRIS* [the *Information Bulletin of the Congregation of Religious and Secular Institutes*], Boston, The Institute on Religious Life, Daughters of Saint Paul, 1977- .

Enchiridion Vaticanum: Documenti ufficiali della Santa Sede, 5th ed., Bologna, Edizioni Dehoniane Bologna, 1999, vols. 1- .

GASPARRI, P. and J. SERÉDI (dir./eds.), *Codicis iuris canonici fontes*, 9 vols., Rome, Typis polyglottis Vaticanis, 1926-1939.

HUME, G.B., *Relatio ante disceptationem, 27 September 1994, Synodus Episcoporum IX coetus generalis ordinarius, De vita consecrata deque eius munere in Ecclesia et in mundo*, Vatican City, Libreria editrice Vaticana, 1994, English translation in *ORE*, 12 October 1994, pp. 9-13.

Informationes SCRIS, Bolletino d'informazione, direzione, redazione e amministrazione: Sacra Congregazione per i Religiosi e gli Istituti Secolari, Città del Vaticano, 1975-2005; continued as *Sequela Christi*, 2005- .

JOHN XXIII, Encyclical letter *Mater et magistra*, 15 May 1961, in *AAS*, 53 (1961), pp. 401-464, English translation in C. CARLEN (ed.), *The Papal Encyclicals, 1958-1981*, vol. 5, Wilmington, NC, McGrath Publishing Company, 1981, pp. 59-90.

———, Encyclical letter *Pacem in terris*, 11 April 1963, in *AAS*, 55 (1963), pp. 257-303, English translation in C. CARLEN (ed.), *The Papal Encyclicals, 1958-1981*, vol. 5, Wilmington, NC, McGrath Publishing Company, 1981, pp. 107-129.

JOHN PAUL II, Address concerning renewal and rebirth of the consecrated life, 13 June 1998, in *Origins*, 28 (1998-1999), pp. 169-171.

———, Allocution to Cardinals and Bishops of the Congregation for Religious and Secular Institutes, 7 March 1980, in *AAS*, 72 (1980), pp. 207-213, English translation in *CLD*, 9, pp. 439-445.

———, Apostolic Constitution on the Roman Curia *Pastor bonus*, 28 June 1988, in *AAS*, 80 (1988), pp. 841-930, English translation by M. THÉRIAULT et al, Ottawa, Faculty of Canon Law, St. Paul University, 2000.

- JOHN PAUL II, Apostolic Exhortation on the Vocation and Mission of the Lay Faithful in the Church and in the World *Christifideles laici*, 30 December 1988, in *AAS*, 81 (1989), pp. 393-521, English translation in *Origins*, 18 (1988-1989), pp. 561, 563-595.
- , Apostolic Exhortation *Redemptionis donum*, 25 March 1984, in *Enchiridion Vaticanum*, 9, pp. 721-758, English translation in *Origins*, 13 (1983-1984), pp. 721, 723-731.
- , Apostolic Letter *Novo millennio ineunte*, 6 January 2001, in *AAS*, 93 (2001), pp. 266-309, in English, Boston, St. Paul Books & Media, 2003.
- , Apostolic Letter Motu proprio *Ad tuendam fidem*, 28 May 1998, in *AAS*, 90 (1998), pp. 457-461, English translation in *Origins*, 28 (1998-1999), pp. 113-116.
- , Encyclical Letter *Sollicitudo rei socialis*, 30 December 1987, in *AAS*, 80 (1988), pp. 513-586, English translation in *Origins*, 17 (1987-1988), pp. 641, 643-660.
- , Letter to the Bishops of the United States, 3 April 1983, in *Origins*, 13 (1983-1984), pp. 129, 131-133.
- , Letter to Women, 29 June 1995, in *AAS*, 87 (1995), pp. 803-812.
- , Post-synodal Apostolic Exhortation on Consecrated Life *Vita consecrata*, 25 March 1996, in *AAS*, 88 (1996), pp. 378-486, English translation in *Origins*, 25 (1995-1996), pp. 681-719.
- , *Visible Signs of the Gospel: Messages of John Paul II on Consecrated Life*, compiled and indexed by the Daughters of St. Paul, Boston, MA, St. Paul Editions, 1980
- LEADERSHIP CONFERENCE OF WOMEN RELIGIOUS [United States], *Creating A Home: Benchmarks for Church Leadership for Women*, Silver Spring, MD, LCWR, 1996.
- LEO XIII, Apostolic Constitution, *Condite a Christo*, 8 December 1900, in *ASS*, 33 (1901), pp. 341-347, English translation in I. LANSLOTS, *Handbook of Canon Law for Women Under Simple Vows*, 9th ed. rev. and enl., New York, F. Pustet, 1920, Appendix A, pp. 246-258.
- , Encyclical Letter *Rerum novarum*, 15 May 1891, in *ASS*, 23 (1891), pp. 641-670, English translation in C. CARLEN (ed.), *The Papal Encyclicals, 1878-1903*, vol. 2, Wilmington, NC, McGrath Publishing Company, 1981, pp. 241-261.
- NOLAN, H.J. (ed.), *Pastoral Letters of the United States Catholic Bishops, 1792-1983*, 4 vol., Washington, DC, NCCB, United States Catholic Conference, 1984.
- OCHOA, X., *Index verborum cum documentis Concilii Vaticani II*, Rome, Commentarium pro Religiosis, 1967.
- , *Index verborum ac locutionum Codicis iuris canonici*, Rome, Commentarium pro Religiosis, 1983.

The Official Catholic Directory, New Providence, NJ, P.J. Kenedy & Sons, 2009- .

PAUL VI, Allocution to Certain Superiors General *Magno gaudio*, 23 May 1964, in *AAS*, 56 (1964), pp. 565-571, English translation in *CLD*, 6, pp. 425-433.

———, Allocution to the Members and Consultors of the Code Commission for the Revision of Canon Law, 20 November 1965, in *AAS*, 57 (1965), pp. 985-989, English translation in *CLD*, 6, pp. 141-145.

———, Apostolic Exhortation on the Renewal of the Religious Life *Evangelica testificatio*, 29 June 1971, in *AAS*, 63 (1971), pp. 497-526, English translation in *CLD*, 7, pp. 425-449.

———, Motu proprio *Ecclesiae Sanctae*, II. Norms for Implementing the Decree on the Adaptation and Renewal of Religious Life, 6 August 1966, in *AAS*, 58 (1966), pp. 775-782, English translation in *CLD*, 6, pp. 284-293.

PIUS XI, Encyclical on Christian Education *Divini Illius Magistri*, 31 December 1929, in *AAS*, 22 (1930), pp. 49-86, English translation, *Christian Education of Youth*, Washington, DC, National Catholic Welfare Conference, 1936, pp. 3-39.

PIUS XII, Address to the Superiors General of Religious Women, 15 September 1952, in *AAS*, 44 (1952), pp. 823-826.

———, Allocution to Superiors General of Religious Orders of Congregations of Men, 11 February 1958, in *AAS*, 50 (1958), pp. 153-161.

———, Apostolic Constitution *Provida Mater Ecclesia*, 2 February 1947, in *AAS*, 39 (1947), pp. 114-124, English translation in *CLD*, 3, pp. 135-146.

———, Apostolic Constitution *Sponsa Christi*, 21 November 1950, in *AAS*, 43 (1951), pp. 5-15, English translation in *CLD*, 3, pp. 221-232.

———, Motu proprio *Primo feliciter*, 12 March 1948, in *AAS*, 40 (1948), pp. 283-286, English translation in *CLD*, 3, pp. 147-151.

PONTIFICAL COMMISSION FOR THE AUTHENTIC INTERPRETATION OF THE CODE OF CANON LAW, reply concerning dominative power, 26 March 1952, in *AAS*, 44 (1952), p. 497, English translation in *CLD*, 3, p. 73.

———, reply concerning the vote of a superior with that of the council, in *AAS* 77 (1985), p. 771, English translation in RR 1986, p. 91.

PONTIFICAL COMMISSION FOR THE REVISION OF THE CODE OF CANON LAW, *Schema Canonum de institutis vitae consecratae per professionem consiliorum evangelicorum*, Rome, Typis polyglottis Vaticanis, 1977, English translation in PONTIFICAL COMMISSION FOR THE REVISION OF THE CODE OF CANON LAW, *Schema of Canons on Institutes of Life Consecrated by Profession of the Evangelical Counsels: Draft*, Washington, DC, Publications Office of the United States Catholic Conference, 1977.

- SACRED CONGREGATION OF BISHOPS AND REGULARS, *Norma secundum quas S. Congregatio Episcoporum et Regularium procedere solet in approbandis novis Institutis votorus simplicium*, 28 June 1901, in T. SCHAEFER, *De religiosis ad normam codicis iuris canonici*, 4th ed. aucta et emendata, Vatican City, Typis polyglottis Vaticanis, 1947, pp. 1102-1135.
- SCHROEDER, H., *Disciplinary Decrees of the General Councils: Text, Translation and Commentary*, St. Louis, Herder, 1937.
- , *The Canons and Decrees of the Council of Trent*, Rockford, IL, Tan Books and Publishers, Inc., 1978.
- SECOND VATICAN COUNCIL, Declaration on Christian Education *Gravissimum educationis*, 28 October 1965, in *AAS*, 58 (1966), pp. 728-739, English translation in FLANNERY1, pp. 575-591.
- , Decree on the Apostolate of Lay People *Apostolicam actuositatem*, 18 November 1965, in *AAS*, 58 (1966), pp. 837-864, English translation in FLANNERY1, pp. 403-442.
- , Decree on the Church's Missionary Activity *Ad gentes*, 7 December 1965, in *AAS*, 58 (1966), pp. 947-990, English translation in FLANNERY1, pp. 443-497.
- , Decree on the Ministry and Life of Priests *Presbyterorum ordinis*, 7 December 1965, in *AAS*, 58 (1966), pp. 991-1024, English translation in FLANNERY1, pp. 317-364.
- , Decree on the Pastoral Office of Bishops in the Church *Christus Dominus*, 28 October 1965, in *AAS*, 58 (1966), pp. 673-696, English translation in FLANNERY1, pp. 283-315.
- , Decree on the Up-to-Date Renewal of Religious Life *Perfectae caritatis*, 28 October 1965, in *AAS*, 58 (1966), pp. 702-712, English translation in FLANNERY1, pp. 385-401.
- , Dogmatic Constitution on the Church *Lumen gentium*, 21 November 1964, in *AAS*, 57 (1965), pp. 5-75, English translation in FLANNERY1, pp. 1-95.
- , Pastoral Constitution on the Church in the Modern World *Gaudium et spes*, 7 December 1965, in *AAS*, 58 (1966), pp. 1025-1115, English translation in FLANNERY1, pp. 163-282.
- SYNOD OF BISHOPS, Rescriptum ex audientia 30 November 1971, *Justice in the World*, in *AAS*, 63 (1971), pp. 923-942, English translation in *Origins*, 1 (1971-1972), pp. 383, 385-386, 393-397.
- TANNER, N.P. (ed.), *Decrees of the Ecumenical Councils*, 2 vol., London, Sheed & Ward; Washington, DC, Georgetown University Press, 1990.

BOOKS

- ABBASS, J., *The Consecrated Life: A Comparative Commentary of the Eastern and Latin Codes*, Ottawa, Faculty of Canon Law, Saint Paul University, 2008.
- ABBO, J.A. and J.D. HANNAN, *The Sacred Canons: A Concise Presentation of the Current Disciplinary Norms of the Church*, 2 vol., St. Louis, Herder, 1952.
- ALBERIONE, G. et al., *Religious Life in the Light of Vatican II*, compiled by the Daughters of Saint Paul, Boston, St. Paul Editions, 1967.
- ANDRÉS, D.J., *Il Diritto Dei Religiosi, Commento Esegético al Codice*, Seconda edizione italiana, Rome, Edurcla, 1996.
- , “Los superiores religiosos segun el Codigo: guia de subditos y de superiores,” Madrid, Publicaciones Claretianas, 1985.
- ARBUCKLE, G.A., *From Chaos to Mission: Refounding Religious Life Formation*, London, G. Chapman, 1996.
- , *Out of Chaos: Refounding Religious Congregations*, New York, Paulist Press, 1988.
- , *Strategies for Growth in Religious Life*, New York, Alba House, 1986.
- ARRIETA, J.I., *Governance Structures Within the Catholic Church*, Montréal, Wilson & Lafleur, 2000.
- AYMANATHIL, J., “Personal Authority of the Religious Superior in the Legislation of the Church: an Extract from the Doctoral Dissertation,” Rome, Salesian Pontifical University, 1989.
- BARNHISER, J.A., “A Study of the Authority Structures of Three Nineteenth Century Apostolic Communities of Religious Women in the United States,” *Canon Law Studies*, n. 487, Washington, DC, The Catholic University of America, 1975.
- BEAL, J.P., J.A. CORIDEN, and T.J. GREEN (eds.), *New Commentary on the Code of Canon Law*, commissioned by the CANON LAW SOCIETY OF AMERICA, New York/Mahwah, NJ, Paulist Press, 2000.
- BEYER, J., *Il diritto della vita consacrata*, Milan, Editrice Ancora, 1989.
- , *Le droit de la vie consacrée: Commentaire des canons 607-746*, 2 vol., Paris, Éditions Tardy, 1988.
- , *Vers un nouveau droit des instituts de vie consacrée: Commentaire du projet et premières observations*, Paris, Éditions Saint-Paul, 1978.

- BIANCHI, E.C. and R. RADFORD RUETHER, (eds.), *A Democratic Catholic Church: The Reconstruction of Roman Catholicism*, New York, Crossroad, 1992.
- BLACK, H., *Black's Law Dictionary*, 8th ed., St. Paul, MN, Thomson West Publishing Co., 2004.
- BLAND, J., *The Pastoral Vision of John Paul II*, The John Paul Synthesis, v. 3, Chicago, Franciscan Herald Press, 1982.
- BOFF, L., *EcclesioGenesis: Base Communities Reinvent the Church*, Maryknoll, NY, Orbis Books, 1986.
- BOWE, T.J., "Religious Superiores, A Historical Synopsis and a Commentary," Canon Law Studies n. 228, Washington, DC, The Catholic University of America, 1946.
- BRADY, M.L., "The Quinquennial Report of Religious Institutes to the Holy See," Canon Law Studies, n. 422, Washington, DC, The Catholic University of America, 1963.
- BROWN, W.A., "The Unification of Provinces in a Religious Institute with Particular Reference to the Situation of the Missionary Oblates of Mary Immaculate in the United States," JCD thesis, Ottawa, Faculty of Canon Law, Saint Paul University, 2001.
- CADA, L. et al., *Shaping the Coming Age of Religious Life*, 2nd ed., Whitinsville, MA, Affirmation Books, 1985.
- CALLAHAN, F.J., "The Centralisation of Government in Pontifical Institutes of Women with Simple Vows from Their Beginnings till the Legislation of Leo XIII," JCD thesis, Rome, Pontificia Universitas Gregoriana, 1948.
- CANON LAW SOCIETY OF AMERICA, *Discussions on the Motu proprio, "Ecclesiae sanctae II": Norms for the Implementation of the Decree "Perfectae caritatis"*, [St. Meinrad, IN], Canon Law Society of America, 1967.
- CAPARROS, E. et al. (eds.), *Code of Canon Law Annotated*, 2nd rev. ed., Montréal, Wilson & Lafleur Limitée, 2004.
- CHITTISTER, J., *Fire in These Ashes*, Kansas City, MO, Sheed & Ward, 1995.
- CLEARY, M., *Management Dilemmas in Catholic Human Service: Health Care, Welfare, and Education*, Lewiston, NY, The Edwin Mellen Press, 2007.
- COGAN, P.J. (ed.), *Selected Issues in Religious Law*, Washington, DC, CLSA, 1997.
- CONFERENZA ITALIANA DEI SUPERIORI MAGGIORI, *La responsabilità del Superiore Maggiore e la CISM atti della XXVII Assemblée Generale CISM, Colloquio 9-13 Novembre 1987*, Rome, Editrice Rogate, 1988.
- CONLAN, G., *Concordance of the Code of Canon Law* [1983], Victoria, Australia, Mazenod Press, 2002.

- CORIDEN, J.A., *Canon Law as Ministry: Freedom and Good Order for the Church*, New York/Mahwah, NJ, Paulist Press, 2000.
- CORIDEN, J.A., T.J. GREEN, and D.E. HEINTSCHEL (eds.), *The Code of Canon Law: A Text and Commentary*, New York/Mahwah, NJ, Paulist Press, 1985.
- COTTER, E.M., *The General Chapter in a Religious Institute with Particular Reference to IBVM, Loreto Branch*, Bern, Switzerland, Peter Lang, 2008.
- COUNCIL OF MAJOR SUPERIORS OF WOMEN RELIGIOUS, *The Foundations of Religious Life: Revisiting the Vision*, Notre Dame, IN, Ave Maria Press, 2009.
- COURIAUD, G., *Esprit et Structure des Constitutions Primitives des Soeurs de la Présentation de Marie, un retour aux sources*, Rome, n.p., 1981.
- DALY, R.J. et al. (eds.), *Religious Life in the U.S. Church: The New Dialogue*, New York, Paulist Press, 1984.
- DEPAOLIS, V., *La vita consacrata nella Chiesa*, Bologna, Edizioni Dehoniane, 1992.
- DINN, M.J. et al. (eds.), *Canonical Documentation on Consecrated Life 1963-1976*, Ottawa, Faculty of Canon Law, Saint Paul University, 1977.
- DONOVAN, M.A., *Sisterhood as Power: The Past and Passion of Ecclesial Women*, New York, Crossroad Publishing Co., 1989.
- DORTEL-CLAUDOT, M., *Obedience in Religious Life Today: Why? To Whom? How? A Study Based on 145 Newly-Revised Constitutions Approved by Vote in General Chapters from 1978-1984*, Ottawa, Canadian Religious Conference, 1986.
- DUBIN, R., *Human Relations in Administration*, 2nd edition, Englewood Cliffs, NJ, Prentice-Hall Inc., 1961.
- DYER, F.C. and J.M. DYER, *Bureaucracy vs. Creativity: The Dilemma of Modern Leadership*, Business and Economics, n. 9, Coral Gables, FL, University of Miami Press, 1965.
- ETZI, P., *Attività di governo e prassi della consultazione negli istituti di vita consecrata: una lettura dei canoni 627 e 127 del Codice di diritto canonico*, Rome, Pontificium Athenaeum Antonianum, 2001.
- FANFANI, L.G. and O'ROURKE, K.D., *Canon Law for Religious Women*, Dubuque, IA, The Priory Press, 1961.
- FLANNERY, A. (ed.), *Towards the 1994 Synod: The Views of Religious*, Dublin, Dominican Publications, 1993.
- , (gen. ed.), *Vatican Council II: The Basic Sixteen Documents*, vol. 1, completely revised translation in inclusive language, Northport, NY, Costello Publishing Company, 1996.

- FLANNERY, A. (ed.), *Vatican Council II: More Post Conciliar Documents*, vol. 2, new rev. ed., Northport, NY, Costello Publishing Co., 1998.
- FLANNERY, A. and L. COLLINS, *Light for My Path, The New Code of Canon Law for Religious*, Dublin, Dominican Publications, 1983.
- GALLIN, A., *American Catholic Higher Education: Essential Documents, 1967-1990*, Notre Dame, IN, University of Notre Dame Press, 1992.
- , *Negotiating Identity: Catholic Higher Education Since 1960*, Notre Dame, IN, University of Notre Dame Press, 2000.
- GALOT, J., *Inspiriter of the Community*, New York, Alba House, 1971.
- GAMBARI, E., *Religious Life According to Vatican II and the New Code of Canon Law*, English translation by THE DAUGHTERS OF ST. PAUL, Boston, MA, The Daughters of St. Paul, 1986.
- GONSORCIK, P.J., “The Canonical Status of Separately Incorporated Healthcare Apostolates in the United States; Current Status and Future Possibilities for the Public and Private Juridic Person,” JCD thesis, Ottawa, Faculty of Canon Law, Saint Paul University, 2001.
- GOTTEMOELLER, D., *Some Reflections on Vita Consecrata*, Silver Spring, MD, Leadership Conference of Women Religious, 1996.
- HARRINGTON, R.M., “The Applicability of the Principle of Subsidiarity According to the Code of Canon Law,” JCD thesis, Ottawa, Faculty of Canon Law, Saint Paul University, 1997.
- HIGGINS, M.W. and D.R. LETSON (eds.), *Women and the Church: A Sourcebook*, Toronto, Griffin House, 1986.
- HITE, J., S. HOLLAND, and D. WARD (eds.), *A Handbook on Canons 573-746*, Collegeville, MI, Liturgical Press, 1983.
- HOURLIER, J., *L'âge classique, 1140-1378: Les religieux*, Histoire du droit et des institutions de l'Église, vol. 10, Paris, Editions Cujas, 1971.
- JARRELL, L.M., “The Development of Legal Structures for Women Religious between 1500 and 1900: A Study of Selected Institutes of Religious Women,” Canon Law Studies, no. 513, Washington, DC, The Catholic University of America, 1985.
- JOYCE, M., et al. (eds.), *Procedural Handbook for Institutes of Consecrated Life and Societies of Apostolic Life*, Washington, DC, CLSA, 2001.
- KAITHARATH, A.L., “The Autonomy and Hierarchical Dependence of Religious Institutes According to the Code of Canon Law,” JCD thesis, Rome, Pontificia Universitas Urbaniana, 2002.

- KALLUMKAL, J., "The Patrimony of an Institute According to the Code of Canon Law," JCD thesis, Rome, Pontificia Università Lateranense, 1989.
- KAPPEL, F.R., *Business Purpose and Performance: Selections from Talks and Papers*, New York, Duell, Sloan and Pearce, 1964.
- KAYLIN, L., *For the Love of God: The Faith and Future of the American Nun*, New York, Perennial – an Imprint of Harper Collins Publishers, 2000.
- KELLY, G.A., *The Battle for the American Church*, Garden City, NY, Image Books, 1981.
- KENNEALLY, J.J., *The History of American Catholic Women*, New York, Crossroads, 1990.
- KENNELLY, K.M., *The Religious Formation Conference, 1954-2004*, Silver Spring, MD, Religious Formation Conference, 2009.
- KHOURY, J., *Vie consacrée: Essai de commentaire des canons 573-709*, Rome, n.p., 1984.
- KINDT, G., *De potestate dominativa in religione*, Bruges, Desclée de Brouwer, 1945.
- KNOWLES, D., *From Pachomius to Ignatius: A Study in the Constitutional History in the Religious Orders*, Oxford, Clarendon Press, 1966.
- KOCHUPURACKAL, J., "Religious Authority and Power in the Particular Law of the Little Flower Congregation," JCD thesis, Rome, Pontificium Institutum Orientale, 1994.
- KOLMER, E., *Religious Women in the United States: A Survey of the Influential Literature from 1950 to 1983*, Consecrated Life Studies, v. 4, Wilmington, DE, Michael Glazier, Inc., 1984.
- KOLUTHARA, V., "Rightful Autonomy of Religious Institutes in the Code of the Oriental Churches (CCEO) and in the Code of Canon Law," JCD thesis, Rome, Pontifical Oriental Institute, 1994.
- KUZIONA, J.M., "The Nature and Application of Juridic Acts According to c. 124 of the Code of Canon Law," JCD thesis, Ottawa, Faculty Canon Law, Saint Paul University, 1998.
- LAMB, M. and M. LEVERING (eds.), *Vatican II, Renewal within Tradition*, Oxford, Oxford University Press, 2008.
- LEDDY, M.J., *Reweaving Religious Life: Beyond the Liberal Model*, 2nd ed., Mystic, CT, Twenty-Third Publications, 1990.
- LEYS, A., *Ecclesiological Impacts of the Principle of Subsidiarity*, Kampen, Uitgeverij Kok, 1995.
- LIPMAN-BLUMEN, J., *The Connective Edge: Leading in an Interdependent World*, San Francisco, Jossey-Bass, 1996.

- LITTLE, L.K., *Liberty, Charity, Fraternity: Lay Religious Confraternities at Bergamo in the Age of the Commune*, Northampton, MA, Smith College, 1988.
- MACPHERSON, I.M., "The Exercise of Authority in Apostolic Religious Institutes of Women According to the 1983 Code of Canon Law," JCD thesis, Ottawa, Faculty of Canon Law, Saint Paul University, 1984.
- MAIDA, A.J. and N.P. CAFARDI, *Church Property, Church Finances, and Church-Related Corporations: A Canon Law Handbook*, St. Louis, MO, The Catholic Health Association of the United States, 1984.
- MARZOA, Á., J. MIRAS, and R. RODRÍGUEZ-OCAÑA (eds.), *Exegetical Commentary on the Code of Canon Law*, prepared under the responsibility of the MARTÍN DE AZPILCUETA INSTITUTE, English language ed., E. CAPARROS (ed.), Montréal, Canada, Wilson & Lafleur, 2004.
- MCDERMOTT, R., *The Consecrated Life: Cases, Commentary, Documents, Readings*, Alexandria, VA, CLSA, 2006.
- , "The Legal Condition of Women in the Church: Shifting Policies and Norms," *Canon Law Studies*, no. 499, Washington, DC, The Catholic University of America, 1979.
- MCGOLDRICK, D., *Fostering Development: Critique on Exercise of Religious Authority*, Pittsburgh, Duquesne University Press, 1965.
- MCGOLDRICK, D. And C.J. YUHAUS (eds.), *Facets of the Future: Religious Life USA*, Huntington, IN, Our Sunday Visitor, Inc., 1976.
- MCKENZIE, J., *Authority in the Church*, New York, Sheed & Ward, 1966.
- MCKINNEY, M., *Sharing Wisdom: A Process for Group Decision-Making*, Valencia, CA, Tabor Publishing Co., 1987.
- MCNAMARA, J.K., *Sisters in Arms: Catholic Nuns through Two Millennia*, Cambridge, MA, Harvard University Press, 1996.
- MERKLE, J.A., *Committed by Choice: Religious Life Today*, Collegeville, MN, The Liturgical Press, 1992.
- MEYERS, B., *Sisters for the 21st Century*, New York, Sheed and Ward, 1965.
- , *The Education of Sisters*, New York, Sheed and Ward, 1941.
- MOREY, M.M. and J.J. PIDERIT, *Catholic Higher Education, A Culture in Crisis*, New York, Oxford University Press, 2006.

- MORRISEY, F.G., *Papal and Curial Pronouncements: Their Canonical Significance in Light of the 1983 Code Canon Law*, 2nd ed. revised and updated by M. THÉRIAULT, Ottawa, Faculty of Canon Law, Saint Paul University, 2001.
- MUCKENHIRN, C.B. (ed.), *The New Nuns*, New York, The New American Library, 1967.
- MUNLEY, A. et al. (eds.), *Women and Jurisdiction, An Unfolding Reality: The LCWR Study of Selected Church Leadership Roles*, Silver Spring, MD, LCWR, 2001.
- NAGLE, J.H., *Participation*, Englewood Cliffs, NJ, Prentice-Hall, 1987.
- NEAL, M.A., *Catholic Sisters in Transition: From the 1960's to the 1980's*, Consecrated Life Studies, v. 2, Wilmington, DE, Michael Glazier, Inc., 1984.
- , *From Nuns to Sisters*, Mystic, CT, Twenty-Third Publications, 1990.
- NGUYEN DAN, P., “The Spiritual Patrimony of an Institute of Consecrated Life,” JCD thesis, Rome, Pontificia Universitas Urbaniana, 1989.
- NIELSEN, J., *The Myth of Leadership: Creating Leaderless Organizations*, Palo Alto, Davies-Black Publishing, 2004.
- NYGREN, D.J. and M.D. UKERITIS, *The Future of Religious Orders in the United States: Transformation and Commitment*, Westport, CT, Praeger Publishers, 1993.
- O’CONNOR, D.F., *Witness and Service: Questions About Religious Life Today*, New York, Paulist Press, 1990.
- OLECK, H.L., *Nonprofit Corporations, Organizations, and Associations*, 5th ed., Englewood Cliffs, NJ, Prentice Hall, 1988.
- O’MURCHU, D., *Consecrated Religious Life: The Changing Paradigms*, New York, Orbis Books, 2005.
- , *Reframing Religious Life: An Expanded Vision for the Future*, London, St. Pauls, 1998.
- , *Religious Life: A Prophetic Vision*, Notre Dame, IN, Ave Maria Press, 1991.
- PAPI, H., *Religious in Church Law: An Exposition of Canon Law Concerning Religious*, New York, P.J. Kenedy & Sons, 1924.
- PROVOST, J.H. and K. WALF (eds.), *The Taboo of Democracy Within the Church*, London, SCM Press, 1992.
- PUZON, B. (ed.), *Women Religious and the Intellectual Life: The North American Achievement*, San Francisco, International Scholars Publications, 1995.

- QUINN, R., *Building the Bridge as you Walk on It: A Guide for Leading Change*, San Francisco, Jossey-Bass, 2004.
- QUINONEZ, L.A. and M.D. TURNER, *The Transformation of American Catholic Sisters*, Philadelphia, Temple University Press, 1992.
- RENKEN, J.A., *Church Property : A Commentary on Canon Law Governing Temporal Goods in the United States and Canada*, Staten Island, NY, St. Pauls, 2009.
- RIVIER, M., *Dernières Instructions et Derniers Avis*, Avignon, Aubanel, 1838.
- , *Ecrits Spirituels*, Bourg-Saint-Andéol (Ardèche), Toulouse, imp. Fournié, [1965].
- , *Instructions Familières*, [Bourg-Saint-Andéol (Ardèche), n.p., 1827].
- SAMMON, S.D., *Religious Life in America: A New Day Dawning*, New York, St. Paul, Alba House, 2002.
- SCHAEFER, T., *De religiosis ad normam codicis iuris canonici*, 4th ed. expanded and corrected, Vatican City, Typis Polyglottis Vaticanis, 1947.
- SCHAUMBER, M.M., “The Evolution of the Power of the Lay Religious Superior in the Ecclesial Documents of the Twentieth Century,” JCD thesis, Rome, Pontifical University of Santa Croce, 2003.
- SCHILLEBEECKX, E., *Collaboration of Religious: Among Themselves, with the Episcopacy, and with Secular Priests*, Chicago, Franciscan Herald Press, 1965.
- SCHNEIDERS, S., *New Wineskins: Re-imagining Religious Life Today*, New York, Paulist Press, 1986.
- , *Religious Life in a New Millennium, v. 1: Finding the Treasure; Locating Catholic Religious Life in a New Ecclesial and Cultural Context*, Mahwah, NJ, Paulist Press, 2000.
- , *Religious Life in a New Millennium, v. 2: Selling All; Commitment, Consecrated Celibacy, and Community in Catholic Religious Life*, Mahwah, NJ, Paulist Press, 2001.
- SHEEHY, G., et al. (eds.), *The Canon Law. Letter & Spirit, A Practical Guide to the Code of Canon Law*, prepared by the CLSGBI in association with the CCLS, Collegeville, MN, The Liturgical Press, 1995.
- SMITH, R., W. BROWN and N. REYNOLDS (eds.), *Sponsorship in the United States Context: Theory and Praxis*, Alexandria, VA, CLSA, 2006.
- THOMPSON, K.A., *Bureaucracy and Church Reform: The organizational response of the Church of England to Social Change 1800-1965*, Oxford, Clarendon Press, 1970.

- TILLARD, J.M.R., *L'Adaptation et la rénovation de la vie religieuse*, Paris, Les Éditions du Cerf, 1968.
- , *A Gospel Path: The Religious Life*, translation of *Religieux: un chemin d'Évangile*, by O. PRENDERGAST, Brussels, Lumen Vitae, 1975.
- VORGRIMLER, H. (gen. ed.), *Commentary on the Documents of Vatican II*, 6 vol., Freiburg, Herder and Herder, 1967-1969.
- WEAVER, M.J., *New Catholic Women: A Contemporary Challenge to Traditional Religious Authority*, 2nd ed., Bloomington, IN, Indiana University Press, 1995.
- WEBER, M., *Max Weber on Capitalism, Bureaucracy and Religion: A Selection of Texts*, edited and in part newly translated by S. ANDRESKI, London, George Allen & Unwin, 1983.
- WHEATLEY, M.J., *Finding Our Way: Leadership for an Uncertain Time*, San Francisco, Berrett-Koehler Publishing, 2005.
- , *Leadership and the New Science: Learning about Organization from an Orderly Universe*, San Francisco, Berrett-Koehler Publishing, 1992.
- WITTEBERG, P., *Creating a Future for Religious Life: A Sociological Perspective*, New York, Paulist Press, 1991.
- , *From Piety to Professionalism – and Back? Transformations of Organized Religious Virtuosity*, New York, Lexington Books, 2006.
- , *Pathways to Re-Creating Religious Communities*, New York, Paulist Press, 1996.
- , *The Rise and Fall of Catholic Religious Orders: A Social Movement Perspective*, W. CLARK ROOF (ed.), Albany, State University of New York Press, 1994.
- WREN, J.T. (ed.), *The Leader's Companion: Insights on Leadership through the Ages*, New York, Free Press, 1995.
- WRIGHT, M.E., "The Canonical Development of the Institute of the Blessed Virgin Mary," JCD thesis, Ottawa, Faculty of Canon Law, Saint Paul University, 1991.
- YUHAUS, C.J. (ed.), *Religious Life: The Challenge for Tomorrow*, New York/Mahwah, NJ, Paulist Press, 1994.
- ZANE, G., "L'autorità fonte di comunione e di animazione nelle comunità di vita consacrata ; La partecipazione dei fratelli laici al governo negli istituti clericali di diritto pontificio," Extract from the JCD Dissertation, Rome, Pontificia Universitas Urbaniana, 1991.

ARTICLES

ABBASS, J., "Comparing the Consecrated Life in the Latin and Eastern Codes," in *Folia canonica*, 3 (2000), pp. 157-177.

———, "The Consecrated Life: 'donum caritatis' in the East and West," in *Congregazione per le Chiese Orientali: Ius Ecclesiarum – Vehiculum Caritatis*, Libreria editrice Vaticana, 2004, pp. 331-361.

———, "Departure from Religious Institutes in the Latin and Eastern Catholic Churches," in *StC*, 32 (1998), pp. 97-128.

———, "Monks and Other Religious as Well as Members of Other Institutes of Consecrated Life," in *A Guide to the Eastern Code: A Commentary on the Code of Canons of the Eastern Churches*, Kanonika, no. 10, Rome, Edizioni Orientalia Christiana, 2002, pp. 345-392.

ALVAREZ, J. and N. CONWAY, "Current Trends in Leadership Elections," in *HD*, vol. 6, no. 4 (1985), pp. 17-19.

———, "Decision-Making by Consensus," in *HD*, vol. 9, no. 2 (1988), pp. 41-46.

ANDRÉS, D.J., "Los Superiores religiosos de los Religiosos: (I) Estatuto común a todos los Superiores," in *CpR*, 78 (1997), pp. 95-165.

———, "Los Superiores religiosos de los Religiosos según el Código: (II) Estatuto específico de los supremos moderadores," in *CpR*, 78 (1997), pp. 351-360.

———, "Los Superiores religiosos de los Religiosos según el Código: (III) Estatuto específico de los superiores mayores," in *CpR*, 79 (1998), pp. 19-34.

———, "Los Superiores religiosos de los Religiosos según el Código: (IV) Estatuto específico de los superiores mayores ordinarios," in *CpR*, 79 (1998), pp. 159-191.

———, "Los Superiores religiosos de los Religiosos según el Código: (V) Estatuto específico de los Superiores locales," in *CpR*, 82 (2001), pp. 7-33.

———, "Los Superiores religiosos de los Religiosos según el Código: (VI) Estatuto específico de los Superiores Vicarios," in *CpR*, 82 (2001), pp. 247-257.

———, "Los Superiores religiosos de los Religiosos según el código de derecho canónico: (VII) Estatuto específico de los superiores visitadores," in *CpR*, 85 (2004), pp. 7-11.

———, "Los Superiores religiosos de los Religiosos según el código de derecho canónico: (VIII) Estatuto específico de los superiores colegiales o capitulares. A: El Capítulo General," in *CpR*, 85 (2004), pp. 13-26.

- ANDRÉS, D.J., “Los Superiores religiosos de los Religiosos según el código de derecho canónico: (IX) Estatuto específico de los superiores colegiales o capitulares. B: Los demás capítulos y asambleas semejantes al Capítulos General,” in *CpR*, 85 (2004), pp. 27-30.
- ARBUCKLE, G.A., “Participative Leadership for Refounding: Reflections,” in *R/R*, 50 (1991), pp. 357-367.
- , “Prophecy or Restorationism in Religious Life,” in *R/R*, 52 (1993), pp. 326-339.
- ARBUCKLE, G.A., “Suffocating Religious Life: A New Type Emerges,” in *The Way Supplement*, 65 (1989), pp. 26-39.
- AREITIO, M., “Aspectos Jurídicos de la Instrucción el Servicio de la Autoridad y la Obediencia,” in *Ius Canonicum*, 49, n. 98, (2009), pp. 653-673.
- AUBRY, J., “‘*Mutuae Relationes*’ between Apostolic Women Religious and the Laity,” in *UISG Bulletin*, 81 (1989), pp. 3-24.
- AYUBAN, E., “Duties and Rights of Provincial Superiors in Clerical Religious Institutes in the Light of the *Tria Munera* of the Church,” in *PCF*, 8 (2006), pp. 163-188.
- , “Non-Collegial Acts in Religious Institutes: A Study of Canons 127 and 665 §1,” in *PCF*, 7 (2005), pp. 91-112.
- BAUER, N., “Three Perspectives on Obedience: Benedict of Nursia, Ignatius of Loyola, and the 1983 Code of Canon Law,” in *J*, 65 (2005), pp. 55-97.
- BEAL, J.P., “The Exercise of the Power of Governance by Lay People: State of the Question,” in *J*, 55 (1995), pp. 1-92.
- , “The Exercise of Jurisdiction by Lay Religious,” in *Bulletin on Issues of Religious Law*, 13 (1997), pp. 1-6.
- , “Lay People and Church Governance: Oxymoron or Opportunity,” in *Together in God’s Service: Toward a Theology of Ecclesial Ministry*, Washington, DC, NCCB, 1998, pp. 103-129.
- BERNARDIN, J., “Authenticity and Diversity in Consecrated Life,” in *Origins*, 24 (1994-1995), pp. 308-312.
- BEYER, J., “Participation Structures,” in *The Way Supplement*, 21 (1974), pp. 70-88.
- BOREK, D., “La dimissione dei religiosi a norma del can. 694 del Codice del 1983: è una pena espiatoria ‘*latae sententiae*’?,” in *CpR*, 81 (2000), pp. 67-95.

- BRENNAN, M., "Commentary on the Decree on the Appropriate Renewal of the Religious Life, *Perfectae caritatis*," in G.P. SCHNER, ed., *The Church Renewed: The Documents of Vatican II Reconsidered*, Lanham, MD, University Press of America, 1986.
- BROWN, G., "Religious in Society, Speaking and Acting Together," in *Origins*, 24 (1994-1995), pp. 321-323.
- BURKHARD, J., "The Interpretation and Application of Subsidiarity in Ecclesiology: An Overview from the Theological and Canonical Literature," in *J*, 58 (1998), pp. 279-342.
- BUSCH, C.A., "Styles of Leadership," in *Sisters Today*, 55 (1983-1984), pp. 230-232.
- CABRA, P.G., "Autorità e governo," in *VC*, 36 (2000), pp. 69-74.
- CABRA, P.G., "Le service de l'autorité et l'obéissance: Présentation de l'Instruction *Faciem tuam*," in *Vie consacrées*, 80 (2008), pp. 163-171.
- CAMPBELL, P.E., "More on Charitable Trusts," in *The Legal Bulletin*, 68 (1997), pp. 17-24.
- CASTELLANO CERVERA, P.J., "*Lumen gentium* – *Perfectae caritatis* – *Vita consecrata*: unità dinamica e novità di tre testi magisteriali sulla vita consacrata," in *Informationes SCRIS*, vol. 22, no. 2 (1996), pp. 164-184, English translation "*Lumen gentium* – *Perfectae caritatis* – *Vita consecrata*: Dynamic Accord and Innovations in Three Texts of the Magisterium on Consecrated Life," in *Consecrated Life*, 22 (1999), pp. 161-184.
- CASTILLO LARA, R., "Algunas consideraciones sobre el nuevo derecho de los institutos de vida consagrada," in *Boletín UISG*, 63 (1983), pp. 6-15, English translation "Reflections on the New Code: Institutes of Consecrated Life," in *UISG Bulletin*, 63 (1983), pp. 5-14.
- CERULLO, D.M., "Who Do You Serve? Fiduciary Duties of Leadership Personnel in Their Canonical and Corporate Structures," in *The Legal Bulletin*, 79 (2005), pp. 21-30.
- CHABOT, R.H., "Re-examining Community Government," in *R/R*, 26 (1967), pp.261-281.
- CLANCY, T.H., "Three Problems Concerning Obedience," in *R/R*, 33 (1974), pp. 844-860.
- CORIDEN, J.A., "Lay Persons and the Power of Governance," in *J*, 59 (1999), pp.335-347.
- , "Necessary Canonical Reform: Urgent Issues for Action," in *Louvain Studies*, 26 (2001), pp. 147-165.
- COSTA, M., "Il governo del superiore e il suo consiglio. Dati canonici e rilettura spiritual," in *Per*, 93 (2004), pp. 189-221.
- COURSEY, R., "Problems in the Theology of Religious Authority," in *R/R*, 28 (1968), pp. 452-457.

- CUSACK, B.A., "Power of Governance: Theoretical and Practical Consideration," in *CLSAP*, 52 (1990), pp. 187-205.
- DANELLA, F.W., "Apostolic Religious Communities in America: Moving in the Right Direction," in *R/R*, 59 (2000), pp. 262-270.
- DOMINIC, P., "Authority: An Imitative Charism," in *R/R*, 53 (1994), pp. 703-710.
- DOWLING, R.M. and A. WIGLEY, "A Way to Update Governance," in *HD*, vol. 20, no. 4 (1999), pp. 38-41.
- DUBAY, T., "A Dialogue on Mediated Obedience," in *R/R*, 33 (1974), pp. 861-879.
- DUNN, T., "Circular Models of Leadership: Birthing a New Way of Being," in *HD*, vol. 27, no. 4 (2006), pp. 18-28.
- DURKIN, K., "A Vicar's View of U.S. Consecrated Life Now and Into the Future," in *Sisters Today*, 68 (1996), pp. 21-25.
- EICHTEN, B.M., "Membership and Leadership: An Organic Whole," in *R/R*, 61 (2002), pp. 191-201.
- , "Religious Life Governance: Personal and Organisational Experiences of Power," in *R/R*, 54 (1995), pp. 868-880.
- ESPOSITO, B., "Alcuni riflessioni sul Superiore Maggiore in quanto Ordinario e sulla valenza ecclesiologica e canonica della qualifica," in *Ang*, 78 (2001), pp. 669-731.
- , "La partecipazione del superiore religioso alle votazioni con il suo consiglio quando il diritto richiede il consenso: questione risolta," *Per*, 95 (2006), pp. 37-68.
- ETZI, P., "Il consiglio del Superiore religioso. Normativa e dibattiti (cann. 627 e 127)," in *VC*, 39 (2003), pp. 612-635.
- EUART, S., "A Canonical Analysis of Essential Elements in Light of the 1983 Code of Canon Law," in *J*, 45 (1985), pp. 438-501.
- , "Religious Institutes and the Juridical Relationship of the Members to the Institute," in *J*, 51 (1991), pp. 103-118.
- , "Structures for Participation in the Church," in *Origins*, 35 (2005-2006), pp. 17-25.
- FIAND, B., "Religious Life in Search of Its Soul: A Myth and a Message," in *Sisters Today*, 68 (1996), pp. 3-18.
- FRIES, A., "Transformative Leadership: Key to Viability," in *R/R*, 55 (1996), pp. 21-32.

- FROHLICH, M., "Toward a Theology of Religious Life, North American Women, and the Intellectual life," in B. PUZON (ed.), *Women Religious and the Intellectual Life: The North American Achievement*, San Francisco, International Scholars Publications, 1995, pp. 97-127.
- FUELLENBACH, J., "Religious Life in the Year 2000," in *UISG Bulletin*, 83 (1990), pp. 49-60.
- FUTRELL, J.C., "The Future of Authority in the Religious Community," in *R/R*, 57 (1998), pp. 622-627.
- GALANTE, J., "Consecrated Life: New Forms and New Institutes," in *CLSAP*, 48 (1986), pp. 118-125.
- GALLAGHER, M., "The Future of Small Religious Institutes: Merging and Other Issues," in *CLSAP*, 57 (1995), pp. 201-215.
- GALLEN, J.F., "Proper Juridical Articles of Constitutions," in *R/R*, 27 (1968), pp. 623-632.
- GARCÍA MARTÍN, J., "La potestad de los Superiores Religiosos de los Institutos Religiosos laicales de derecho pontificio," in *CpR*, 85 (2004), pp. 31-75.
- GARDIN, A., "Vita fraterna, nuova evangelizzazione," in *VC*, 36 (2000), pp. 191-197.
- GARVEY, H.M., "A Science for Leadership in Women's Congregations," in *HD*, vol. 17, no. 1 (1996), pp. 5-9.
- GEORGE, F., "Crises Are Calls to Convert," in *Origins*, 24 (1994-1995), pp. 328-334.
- GIALLANZA, J., "Start Afresh: Present in New Ways," in *R/R*, 62 (2003), pp. 131-143.
- GILL, J., "Educating for Leadership," in *HD*, vol. 4, no. 3 (1983), pp. 7-15.
- GOTTEMOELLER, D., "Apostolic Religious Life: Ecclesial Identity and Mission," in *Origins*, 24 (1994-1995), pp. 252-256.
- , "Befriending the Wind," in *R/R*, 53 (1994), pp. 806-819.
- , "Religious Government: A Reflection on Relationships," in *R/R*, 34 (1975), pp. 370-379.
- GRANFIELD, P., "Changes in Religious Life: Freedom, Responsibility and Community," in *America*, 151 (1984), pp. 120-123.
- GRAY, H., "Contemporary Religious Leadership," in *R/R*, 56 (1997), pp. 454-467.
- GRINDEL, J. and S. PETERS, "Religious-Life Issues in a Time of Transition," in *R/R*, 51 (1992), pp. 267-275.

- GUTIÉRREZ, A., "The New Code of Canon Law and the Internal Law of Institutes of Consecrated Life," in *Consecrated Life*, 9 (1984), pp. 81-97.
- HANEY, T.R., "Politicalizing the Reform of Religious," in *R/R*, 29 (1970), pp. 424-430.
- HANSMANN, H.B., "The Role of Nonprofit Enterprise," in *The Yale Law Journal*, 89 (1979-1980), pp. 835-901.
- HARMER, C.M., "Governance in Religious Congregations," in *HD*, vol. 13, no. 4 (1992), pp. 34-37.
- , "Governance in Religious Congregations," in *HD*, vol. 16, no. 1 (1995), pp. 25-28.
- HARVANEK, R., "The Expectations of Leadership," in *The Way*, 15 (1975), pp. 20-33.
- HENDRICKS, B., "Obedience to Mission," in *R/R*, 35 (1976), pp. 321-329.
- HEREFORD, A., "Civil Law Requirements for Corporation Documents of Religious Orders," in *The Legal Bulletin*, 78 (2004), pp. 11-20.
- HILL, R.A., "Authority and Obedience in Consecrated Life," in *CLSAP*, 45 (1983), pp. 221-229.
- , "Shared Responsibility and Subsidiarity: Nos. 18 and 19 of *Ecclesiae Sanctae*," in CANON LAW SOCIETY OF AMERICA, *Discussions on the Motu proprio, "Ecclesiae sanctae II": Norms for the Implementation of the Decree "Perfectae caritatis"*, [St. Meinrad], CLSA, 1967.
- HOGAN, W., "Canonical Room for Charisms," in *R/R*, 52 (1993), pp. 596-601.
- , "Missionary by Nature," in *R/R*, 53 (1994), pp. 397-401.
- HOLLAND, S., "A Spirit to Animate the Letter: *CCEO*, Title XII," in *J*, 56 (1996), pp. 288-306.
- , "Canonical Dismissal from Institutes of Consecrated Life and Societies of Apostolic Life," in *SCL*, 2 (2006), pp. 61-84.
- , "The Code and 'Essential Elements,'" in *J*, 44 (1984), pp. 304-338.
- , "Internal Governance in Consecrated Life," in *CLSAP*, 45 (1983), pp. 37-48.
- , "Religious and Bishops as Custodians of Communion," in *J*, 62 (2002), pp. 312-340.
- , "Religious Life," in *Chicago Studies*, 23 (1984), pp. 77-96.
- , "Sponsorship and the Vatican," in *Health Progress*, July-August (2001), pp. 32-37, 52.
- , "Visitation of Religious: Why and How?," in *SCL*, 1 (2005), pp. 475-484.

- HOLLAND, S., "What Religious Congregations Ask of Their Leadership Today," in *UISG Bulletin*, 105 (1997), pp. 4-13.
- HUELS, J.M., "Constitutive Law and Juridic Institutes," in *Ins Ecclesiae*, 16 (2004), pp. 711-739.
- , "The Power of Governance and its Exercise by Lay Persons: A Juridical Approach," in *StC*, 35 (2001), pp. 59-96.
- JARRELL, L.M., "Introduction to Canonical Principles: What Those in Religious Leadership Need to Know, Part I of III," in *The Legal Bulletin*, 80 (2005), pp. 29-36.
- , "Implications of Being Recognized by the Church Authority: What the Leadership of a Religious Institute Needs to Know, Part II of a Three-Part Series," in *The Legal Bulletin*, 81 (2006), pp. 29-39.
- , "The Legal and Historical Context of Religious Life for Women," in *J*, 45 (1985), pp. 419-437.
- JARRELL, L.M. and D.J. WARD, "From Words to Deeds: Inclusivity in Ministry," in *CLSAP*, 64 (2002), pp. 157-175.
- KEELER, W., "Voices of Religious: Themes of Pain, Tensions and Promise," in *Origins*, 24 (1994-1995), pp. 346-347.
- KENNEDY, F.A., "Religious Life, a Continuum," in *R/R*, 53 (1994), pp. 130-141.
- KOPP, M.A., "Bureaucratic Dysfunction in American Convents," in C.B. MUCKENHIRN (ed.), *The New Nuns*, New York, The New American Library, 1967, pp.184-200.
- LINSCOTT, M., "Leadership, Authority, and Religious Government," in *R/R*, 52 (1993), pp. 166-193.
- , "The Service of Religious Authority: Reflections on Government in the Revision of Constitutions," in *R/R*, 42 (1983), pp. 197-217.
- MACCA, V., "The New Code of Canon Law and the Internal Law of Institutes of Consecrated Life," in *Consecrated Life*, 9 (1984), pp. 72-80.
- MALONE, J., "The Church: Its Strengths and Its Questions," Presidential address to U.S. Bishops, 10 November 1986, in *Origins*, 16 (1986-1987), pp. 393, 395-398.
- MANGAN, C.M., "The Spirituality of CICLSAL's 'Starting Afresh'," in *R/R*, 62 (2003), pp. 17-26.
- MARKHAM, D.J., "Leadership for the Common Good," in *R/R*, 57 (1998), pp. 34-47.

- MARKHAM, D.J., "Making Friends with the Dragon: Women's Leadership in a Time of Transformation," in *HD*, vol. 12, no. 2 (1991), pp. 27-33.
- MCCONNELL, J.D., "Good Stewardship Is Management and Planning," in *R/R*, 29 (1970), pp. 646-657.
- MCDERMOTT, R., "*Apostolorum Successores* and the Episcopal Vicar for Consecrated Life," in *StC*, 39 (2005), pp. 243-273.
- , "Community life supports mission - reflections on *Vita Fraterna*," in *CpR*, 81 (2000), pp. 189-205.
- , "Consecrated Life and the *Novus habitus mentis*," in *J*, 56 (1996), pp. 267-287.
- , "Ecclesiastical Authority and Religious Autonomy: Canon 679 under Glass," in *StC*, 38 (2004), pp. 461-480.
- , "External and Internal Reconfiguration of Religious Institutes (Canons 582 and 581 CIC)," in *CpR*, 86 (2005), pp. 57-81.
- , "Governance in Religious Institutes: Structures of Participation and Representation Canons 631-633," in *J*, 69 (2009), pp. 442-471.
- , "The Ninth Ordinary Session of the Synod of Bishops: Four Moments and Six Canonical Issues," in *CpR*, 77 (1996), pp. 261-294.
- , "Two Approaches to Consecrated Life: The Code of Canons of the Eastern Churches and the Code of Canon Law," in *StC*, 29 (1995), pp. 193-239.
- , "*Vita consecrata*: A Vocation for the Third Millennium," in *R/R*, 55 (1996), pp. 454-461.
- MCDONOUGH, E., "Canonical Considerations of Autonomy and Hierarchical Structure," in *R/R*, 45 (1986), pp. 689-690.
- , "Charisms and Religious Life," in *R/R*, 52 (1993), pp. 646-659.
- , "Juridical Deconstruction of Religious Institutes," in *StC*, 26 (1992), pp. 307-341.
- , "Jurisdiction Exercised by Non-Ordained Members in Religious Institutes," in *CLSAP*, 58 (1996), pp. 292-307.
- , "Participation in Governance," in *R/R*, 50 (1991), pp. 775-780.
- , "Religious Superiors and Government," in *The Way Supplement*, 50 (1984), pp. 61-70.
- , "The *Potestas* of Religious Superiors: Background for Canon 596," in *R/R*, 54 (1995), pp. 934-940.

- MCDONOUGH, E., "The Sisters' Survey Revisited," *R/R*, 63 (2004), pp. 387-401.
- , "Understanding 'Obligations and Rights' in Church Law," in *R/R*, 49 (1990), pp. 823-829.
- MCKINNEY, M.B., "Discerning Community Leadership," in *R/R*, 58 (1999), pp. 424-428.
- MCMORROW, G.J., art. "Authority," in *New Catholic Encyclopedia*, 2nd ed., Washington, DC, Thompson/Gale, 2003, pp. 918-921.
- MENDONÇA, A., "Living Religious Life without Temporary Vows," in *SCL*, 2 (2006), pp. 399-402.
- METZNER, J., "Re-Finding," in *Sisters Today*, 68 (1996), pp. 19-20.
- MOODIE, M.R., "The Administrator and the Law: Authority and its Exercise in the Code," in *J*, 46 (1986), pp. 43-69.
- MORRISEY, F.G., "The Relationships between Superiors in a Religious Institute," in *Informationes SCRIS*, vol. 23, no. 1 (1997), pp. 125-139.
- , "The Restructuring of Provinces in a Religious Institute," in *J*, 62 (2002), pp. 114-130.
- , "The Spirit of the Proposed New Law for Institutes of Consecrated Life," in *StC*, 9 (1975), pp. 77-94.
- , "Toward Juridic Personality," in *Health Progress*, July-August (2001), pp. 27-31, 51.
- NAVA, P. L. and G. DAL PIAZ, "Il Superiore Maggiore e il suo Consiglio. Tra compiti tradizionali e nuove esigenze. In margine ad una recente indagine," in *V/C*, 42 (2006), pp. 6-31.
- NEAL, M.A., "Who They Are and What They Do: Current Forms of Religious Life in the U.S. Church," in R.J. DALY et al. (eds.), *Religious Life in the U.S. Church: The New Dialogue*, New York, Paulist Press, 1984, pp. 152-171.
- NEUMAN, M., "Pastoral Leadership beyond the Managerial," in *R/R*, 51 (1992), pp. 585-594.
- NORTON, M.P., "A New Form of Religious Community Government," in *R/R*, 28 (1969), pp. 907-909.
- NYGREN, D.J. and M.D. UKERITIS, "The Religious Life Future Project: Executive Summary," in *R/R*, 52 (1993), pp. 6-55.
- , "Research Executive Summary: Future of Religious Orders in the United States," in *Origins*, 22 (1992-1993), pp. 257, 259-272.

- NYGREN, D.J. and M.D. UKERTIIS, "Transforming Tradition: Shaping the Revision and Identity of Religious Life in the US," in USG, *International Conference on Consecrated Life Today: Charism in the Church for the World, 22-27 November 1993, Rome, Montréal, Éditions Paulines*, 1994, pp. 17-45.
- NYGREN, D.J. et al., "Religious-Leadership Competencies," in *R/R*, 52 (1993), pp. 390-417.
- O'CONNOR, J.I., "Dominative Power of Religious Superiors," in *J*, 21 (1961), pp. 1-26.
- , "Some Aspects of Religious Authority," in *R/R*, 20 (1961), pp. 180-195.
- O'DONOGHUE, A., "Consecrated Life in the United States Now and in the Future: A Vicar Listens and Responds," in *Sisters Today*, 68 (1996), pp. 29-33.
- O'MURCHU, D., "Refounding Religious Life," in *Religious Life Review*, 28 (1989), pp. 231-240.
- , "Whither Religious Life: Missing Dimensions of the FORUS Study," in *Sisters Today*, 66 (1994), pp. 354-358.
- O'REILLY, M., "The Proper Law of Institutes of Consecrated Life and of Societies of Apostolic Life," in M. THERIAULT and J. THORN (eds.), *Unico Ecclesiae servitio: Canonical Studies Presented to Germain Lesage, OMI, on the Occasion of his 75th Birthday and of the 50th Anniversary of his Presbyteral Ordination*, Ottawa, Faculty of Canon Law, Saint Paul University, 1991, pp. 286-303.
- ÖRSY, L., "Government in Religious Life," in *The Way Supplement*, 2 (1966), pp. 90-107.
- , "Reflections on Government," in *The Way Supplement*, 4 (1967), pp. 45-65.
- PAGÉ, R., "The Principle of Subsidiarity Revisited," in *CLSAP*, 64 (2002), pp. 191-208.
- PARSONS, F.L. AND T.C. DUNLEAVY, "Renewing Religious Power Structures," in C.B. MUCKENHIRN (ed.), *The New Nuns*, New York, The New American Library, 1967, pp. 133-141.
- PASQUIER, J., "The Psychology of Leadership," in *The Way*, 15 (1975), pp. 34-45.
- PENNINGTON, M.B., "Collegial Acts," in *StC*, 18 (1984), pp.483-486.
- PUZON, B., "On the Intellectual Life of Women Religious in Contemporary American Society: An Overview," in B. PUZON (ed.), *Women Religious and the Intellectual Life: The North American Achievement*, San Francisco, International Scholars Publications, 1995, pp. 1-8.
- QUINLIVAN, F., "Seeking an Apostolic Spirituality," in *HD*, vol. 11, no. 4 (1990), pp. 34-37.
- QUINN, J., "Mission and Consecration: No Necessary Contradiction," in *Origins*, 24 (1994-1995), pp. 328-331.

- QUINN, J., "A Summary Report of the Pontifical Commission on Religious Life in the United States," in *Origins*, 16 (1986-1987), pp. 467-470.
- RADOR, R., "LCWR: Modeling Effective Leadership in Times of Change," in *Sisters Today*, 72 (2000), pp. 341-348.
- REUTER, M.L., "Women in Leadership," in *Sisters Today*, 59 (1987), pp. 150-155.
- ROBIN, G., "Authority and Leadership," in *The Way Supplement*, 65 (1989), pp. 119-130.
- RODY, C., "Consecrated Life in the United States Now and in the Future," in *Sisters Today*, 68 (1996), pp. 34-38.
- ROVIRA, J., "Authority and Obedience in Religious Life: On the Instruction *Faciem Tuam*," in *UISG Bulletin*, 138 (2008), pp. 4-22.
- RUFFING, J.K., "Exercising Power and Discerning Spirits," in *R/R*, 60 (2001), pp. 454-465.
- , "Leadership a New Way: Women, Power, and Authority," in *R/R*, 53 (1994), pp. 326-339.
- RUFFING, J.K., "Leadership a New Way: If Christ Is Growing in Us," in *R/R*, 53 (1994), pp. 486-497.
- SASTRE SANTOS, E., "Cuestiones elementales previas al estudio histórico de la Vida Religiosa," in *CpR*, 85 (2004), pp. 137-152.
- SCHLARMAN, S., "Reflections on a Dialogue with Religious," in *Origins*, 16 (1986-1987), pp. 665, 667-670.
- SCHNEIDERS, S.M., "Congregational Leadership and Spirituality in the Postmodern Era," in *R/R*, 57 (1998), pp. 6-33.
- SCHUTH, K., "The Intellectual Life as a Value for Women Religious in the United States," in B. PUZON (ed.), *Women Religious and the Intellectual Life: The North American Achievement*, San Francisco, International Scholars Publications, 1995, pp. 9-27.
- SEXTON, W.P., "Collegiality and Subsidiarity: Theory, Application, and Evaluation," in *R/R*, 29 (1970), pp. 857-864.
- SHEERAN, F.D., "The Nonrational in Leadership Elections," in *HD*, vol. 11, no. 1 (1990), pp. 21-24.
- SIETMANN, K., "Assuring Consecrated Women's Roles in the Church," in *Origins*, 24 (1994-1995), pp. 348-349.
- SIMIEN, J.M., "Religious Life: Surviving the Transition," in *Sisters Today*, 68 (1996), pp. 62-63.

- SMITH, P., "Religious Law: Present Reality/Future Possibilities," in *CLSAP*, 65 (2003), pp. 191-212.
- SMITH, R., "Looking to the Future: Alternatives to Consider," in *Bulletin on Issues of Religious Law*, 18 (2000), pp. 1-18.
- STEVENS, M., "The Shifting Order of Religious Life in our Church," in *RfR*, 48 (1989), pp. 515-529.
- SUGAWARA, Y., "Il governo provinciale di un istituto religioso centralizzato," in *Per*, 94 (2005), pp. 211-242.
- TETLOW, J.A., "From Useful Instruments to Willing Agents: Transforming Leadership for the New Millennium," in *RfR*, 54 (1995), pp. 851-867.
- THÉRIAULT, M., "Leadership: What does it Mean?" in *UISG Bulletin*, 124 (2004), pp. 32-48.
- TIMLIN, J., "Devastating Years for Religious Life," in *Origins*, 24 (1994-1995), pp. 331-332.
- TURCOTTE, J-C., "A Profusion of New Religious Foundations," in *Origins*, 24 (1994-1995), pp. 356-357.
- UKERITIS, M.D., "Religious Life's Ongoing Renewal: Will Good Intentions Suffice," in *RfR*, 55 (1996), pp. 118-132.
- URRUTIA, F.J., "Administrative Power in the Church According to the *Code of Canon Law*," in *StC*, 20 (1986), pp. 253-273.
- , "Delegation of the Executive Power of Governance," in *StC*, 19 (1985), pp. 339-355.
- VALDRINI, P., "The Exercise of Power and the Principle of Submission," in *Concilium*, 197 (1988), pp. 94-101.
- WARD, J., "The Harvest of Renewal," in *Origins*, 24 (1994-1995), p. 336.
- WEISENBECK, M., "Emerging Expressions of Consecrated Life in the United States," in *CLSAP*, 58 (1996), pp. 368-390.
- WITTEBERG, P., "Transformations in Religious Commitment," in *RfR*, 44 (1985), pp. 161-170.
- WULF, F., "Decree on the Appropriate Renewal of the Religious Life," translated by R. WALLS, in H. VORGRIMLER (gen. ed.), *Commentary on the Documents of Vatican II*, vol. 2, Freiburg, Herder and Herder, 1967-1969, pp. 301-370.
- YUHAUS, C.J., "The 1994 Synod: Uniqueness and Challenge," in *RfR*, 54 (1995), pp. 833-850.

ZEIS, R., "The Jonah-Complex: Women and Fear of Responsibility," in *Sisters Today*, 55 (1983), pp. 136-144.

BIOGRAPHICAL NOTE

KELLY CONNORS was born in Providence, Rhode Island on 22 December 1969. She is a member of the Sisters of the Presentation of Mary, United States (Manchester) Province. Her university studies include a B.A. (1992) from Providence College, Providence, RI; M.T.S. (1999) from Weston Jesuit School of Theology, Cambridge, MA; M.C.L. (2007) from the University of Ottawa, Ottawa, ON; and a J.C.L. (2007) from Saint Paul University, Ottawa, ON.

Since her religious profession in 1995, Kelly has served at her institute's university, Rivier College, Nashua, NH, on the staff of the Department of Art and Music (1995-1998) and as an adjunct instructor for the Department of Religious Studies (2002-2004). She taught Theology at Trinity High School, Manchester, NH (1999-2003) and was a member of the staff of Our Lady of Hope House of Prayer, New Ipswich, NH (2004-2005). Kelly is currently the Delegate for Consecrated Life for the Archdiocese of Detroit (2011), a member of the faculty of The Cecilia Meighan, RSM Institute of Law and Religious Life at Misericordia University, Dallas, PA (2009), and a canonical consultant and presenter for her own institute as well as other institutes of consecrated life.