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**THE CANONICAL DEVELOPMENT
OF THE INSTITUTE OF THE BLESSED VIRGIN MARY**

by
Mary Wright, IBVM

A dissertation submitted to the Faculty of
Canon Law, Saint Paul University, Ottawa,
Canada, in partial fulfilment of the
requirements for the degree of Doctor of
Canon Law.



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ISBN 0-315-83853-1

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ACKNOWLEDGEMENTS

I wish to thank the members of the Australian province of the Institute of the Blessed Virgin Mary who made it possible for me to undertake this study. I am very grateful to them and to my family for their constant support. I am also indebted to many people in Canada for practical assistance and encouragement, the Sisters of St. Joseph of Pembroke who gave me a home in Ottawa, Sr. Margaret O'Keefe, IBVM, Sr. Helen Delaney, RSM, and my colleagues in the doctoral program.

This study would not have been possible without help from Institute communities in several countries. I gratefully acknowledge the contribution made by many archivists and historians past and present, particularly Ss. Immolata Wetter, Gregory Kirkus, Ignatius Corless, Henriette Peters, Mary Blake and Esther Haney.

Cardinal Jean Jérôme Hamer, prefect of the Congregation for Institutes of Consecrated Life and Societies of Apostolic Life, Cardinal Jozef Tomko, prefect of the Congregation for the Evangelization of Peoples and Rev. Leonard Boyle, OP, prefect of the Biblioteca Apostolica Vaticana kindly permitted me access to their archives.

I was very fortunate to study under the direction of Professor Francis G. Morrissey, OMI, and I thank him most sincerely for his guidance and encouragement. Professor W. Woestmann, OMI, generously gave me the benefit of his computer expertise. A partial bursary was provided by Saint Paul University. I am also very grateful to Rev. Jean Thorn, Dean of the Faculty of Canon Law, other members of the Canon Law faculty and the Saint Paul University Library staff for their availability and assistance.

ABBREVIATIONS

AAS	Acta Apostolicae Sedis
ACIVC	Archives of CIVCSVA
AIF	Archives IBVM Fermoy
AIM	Archives IBVM Manchester
AIN	Archives IBVM Navan
AINy	Archives IBMV Nymphenburg
AIR	Archives IBVM Rathfarnham
AIRome	Archives IBVM Rome
AISIA	Archives IBMV St. Albans
AISIP	Archives IBMV St. Pölten
AIT	Archives IBVM Toronto
AIY	Archives IBMV York
APropF	Archives of C. de Propaganda Fide
ARSI	Archivum Romanum Societatis Iesu
ASS	Acta Sanctae Sedis
Bib. Casan.	Biblioteca Casanatense, Rome
CIC/1917	Code of Canon Law, 1917
CIC/1983	Code of Canon Law, 1983
CIVCSVA	C. pro Institutis Vitae Consecratae et Societatibus Vitae Apostolicae
CRIS	C. de Religiosis et Institutis Saecularibus
IBMV	Institutum Beatae Mariae Virginis
IBVM	Institute of the Blessed Virgin Mary
SCdR	S. C. de Religiosis
SCRIS	S. C. de Religiosis et Institutis Saecularibus
S.C. EE & RR	S. C. Episcoporum et Regularium

INTRODUCTION

Recent developments in the theology and law of religious life have placed emphasis on the organic nature of a religious institute. With a specific character imparted to it from its foundation, each institute acquires a unique identity as it develops in the context of social, political, religious and ecclesiological influences. The Second Vatican Council in its call to renewal drew attention to the historical sources of every religious community:

It is to the church's great advantage that each religious foundation has its particular spirit and function. Each must, therefore, reverence and embrace the genius and directives of its founder, its authentic traditions, the whole heritage, indeed, of the religious body.¹

This insight, incorporated into the 1983 *Code of Canon Law*², became a central principle of the new law for all institutes of consecrated life. The Council statement is specifically reiterated in c. 578:

The whole patrimony of an institute must be faithfully preserved by all. This patrimony is comprised of the intentions of the founders, of all that the competent ecclesiastical authority has approved concerning the nature, purpose, spirit and character of the institute, and of its sound traditions.³

This canon is cross-referenced in three other canons referring to religious institutes: c. 586, on the rightful autonomy of life and especially of governance recognized for each institute; c. 587 § 1, which concerns the role and content of the constitutions of an institute; and c. 631 § 1, regarding the functions of the general chapter.

Thus the concept of heritage is a canonical reality of vital importance in determining the fundamental nature, government, life and work of every institute, and its future direction. The first step, therefore, is to explore the origins and history of each community.

¹ *Perfectae caritatis*, 2b, in N. TANNER, ed., *Decrees of the Ecumenical Councils*, London, Sheed and Ward; and Washington, DC, Georgetown University Press, 1990, p. 940.

² See *Codex iuris canonici, auctoritate Joannis Pauli PP. II promulgatus*, Typis Polyglottis Vaticanis, 1983, xxx, 317p., English translation: *The Code of Canon Law in English Translation*, prepared by The Canon Law Society of Great Britain and Ireland in association with The Canon Law Society of Australia and New Zealand and the Canadian Canon Law Society, London, Collins, 1983, (= *CIC/1983*).

³ *CIC/1983*, c. 578.

Although the canonical aspect of such a history is only one facet of a more complex reality, it is nevertheless important for the Institute's understanding not only of its constitutional texts, but also of its ecclesial dimension, its relationship with the hierarchy and its contribution to the salvific mission of the Church.

This study investigates the heritage of one particular religious institute, the Institute of the Blessed Virgin Mary, which originated in Flanders in 1609.⁴ The founder, Mary Ward (1585-1645), challenged the seventeenth-century Church with her plan for a women's apostolic religious institute on the model of the Society of Jesus. This plan was rejected and her first Institute suppressed. Despite the apparent failure of her efforts, the Institute she founded now exists world-wide, in three independent institutes of pontifical right.

Many contemporary studies have concentrated on the personality, spirituality and originality of Mary Ward.⁵ Her leadership and its consequences for the religious institute she founded are an important focus of these studies. Recently Pope John Paul II included Mary Ward among those "many 'perfect' women who, despite persecution, difficulties and discrimination, have shared in the Church's mission."⁶ Her vision of what women could do in the Church is reflected in a certain sense in all modern apostolic communities of women. It seems reasonable to ask what happened to Mary Ward's initial vision within the Institute which claims her as founder.

The Institute is known to canonists as the subject of an important Apostolic Constitution, *Quamvis iusto* (1749), which concerned the jurisdiction of bishops and the

⁴ In non-English-speaking countries, the Institute is often known by the Latin title, *Institutum Beatae Mariae Virginis*, or IBMV. In this work, however, the acronym for the English title, IBVM, will be used except where the Latin form occurs within a bibliographical reference.

⁵ See, among others, *Mary Ward: Journey into Freedom: Essays in Honour of the Fourth Centenary of her Birth*, vol. 53 of *The Way Supplement*, 1985.

⁶ JOHN PAUL II, Encyclical, *Mulieris dignitatem*, August 15, 1988, Ottawa, Canadian Conference of Catholic Bishops, 1988, p. 103: "It suffices to mention: Monica, the mother of Augustine, Macrina, Olga of Kiev, Matilda of Tuscany, Hedwig of Silesia, Jadwiga of Cracow, Elizabeth of Thuringia, Birgitta of Sweden, Joan of Arc, Rose of Lima, Elizabeth Ann Seton and Mary Ward."

powers of superiors general in women's congregations. But very little has been published on other aspects of its early history, or on the subsequent development of the Institute which gave rise to the tripartite division of the present day.

The purpose of this dissertation is to explore the evolution of the various branches of the Institute, their government structures and constitutions. Of particular interest is the relative importance of the founding charism, ecclesiastical legislation and other influences in this evolution.

The scope of this subject prevented a detailed analysis of any one specific area. The aim was rather to see all the component parts in the context of the whole, to show the developmental progression of various institutions and texts and their interconnections. For this reason, the dissertation was organized on a chronological basis. This approach also helped to illustrate the various influences, social, political and ecclesiastical, which have played their part in this progression. The Institute's own archives and also the archives of the relevant Congregations of the Holy See provided most of the source material for the research.

The first chapter summarises Mary Ward's life and the canonical problems which confronted her. This forms a background to the central focus of this study, which is the development of the Institute after the suppression of 1631. A brief description of some texts of the Society of Jesus also provides a basis for many of the issues which are explored in more detail in later chapters.

From the beginning the Institute was known as the "English Ladies". Its establishment with diocesan approval, and the controversies which arose in connection with the central government of the Institute are discussed in the second chapter. Of major importance is the background of the dispute which led to the publication of *Quamvis iusto*, and the content of the Constitution.

The consequences of *Quamvis iusto*, the impact of the Enlightenment and the French Revolution, and the increased missionary activity of the Church radically changed the shape of the Institute in the nineteenth century. During this time the question of the identity and unity of the Institute began to receive close attention. The third chapter covers the period from the publication of *Quamvis iusto* in 1749 to the pontifical approbation of the Institute in 1877.

The most recent era in the evolution of the Institute forms the subject of the fourth chapter. This development took place within the context of new canonical requirements, especially with respect to the nature and content of constitutional texts. Interest in the unity of the Institute and in its founding charism were factors in this evolution. But political pressures and changing theological perspectives also played a significant part. The present status of the Institute is examined in the context of these influences throughout the twentieth century.

CHAPTER ONE

THE ORIGINS OF THE INSTITUTE OF THE BLESSED VIRGIN MARY

The Institute of the Blessed Virgin Mary recognizes its origins in the religious community founded by Mary Ward at the beginning of the seventeenth century. This chapter reviews the establishment of this community on the model of the Society of Jesus, its struggle for approval and its suppression. The relevant documents of the Society and the Institute are briefly discussed and the canonical issues which were raised by Mary Ward's initiative are examined in their historical context.

I. HISTORICAL AND CANONICAL CONTEXT

As early as 1545, an attempt was made in Rome to form a women's congregation in connection with the Society of Jesus and under obedience to Ignatius of Loyola. This short-lived enterprise was the initiative of Isabelle Rozer, a native of Barcelona, who obtained the necessary permission of Pope Paul III. But only two years later, finding this new responsibility too onerous, Ignatius opted out of the arrangement and ever afterwards refused to allow the Society to undertake the regular care of any female congregation.¹

During the Counter-Reformation, many different groups of women responded to the needs of the Church by active work in the community. The Ursulines, founded in 1535 by St. Angela Merici, distinguished themselves by their work in hospitals and in catechetics, particularly in association with St. Charles Borromeo in Milan after the Council of Trent. The Visitation nuns of St. Francis de Sales and St. Jeanne de Chantal also tried (1610) to

¹ See H. RAHNER, ed., *Saint Ignatius Loyola: Letters to Women*, New York, Herder and Herder, 1960, pp. 251-295; and IGNATIUS OF LOYOLA, *The Constitutions of the Society of Jesus*, translated, with an introduction and a commentary by G. E. Ganss, St. Louis, The Institute of Jesuit Sources, 1970, (henceforth referred to as GANSS), p. 263, n. 5, and Cons. [588]: "[...] still less ought they to take charge of religious women or any other women whatever to be their confessors regularly or to direct them."

establish a new form of religious life among the needy outside the cloister walls.² The spectacular success of the Society of Jesus in school-teaching, spiritual direction and in missionary work, naturally led many women's groups coming into being towards the end of the sixteenth century and the beginning of the seventeenth, to adopt the methods and the spirituality of the Society of Jesus.³

In Flanders at this time, several small, local communities of women conducted girls' schools under the supervision and protection of the local bishop. Although they had no formal connections with the Society of Jesus, many of these used some elements of the Jesuit rule and so were popularly known as "Jesuitesses".⁴ In England, between 1605 and 1614, a Spanish noblewoman, Luisa de Caravajal, formed a community under a modified Jesuit rule. She worked actively for the restoration of the faith among the people of London, with the encouragement of the Society of Jesus and of Pope Paul V.⁵

The activities of these communities exposed a tension between the canonical regulations of the Church and its need to reform and to reinvigorate the faith of its people. In attempting to abolish the scandals which were rife at the time of the Reformation, the Council of Trent reinforced the unconditional imposition of cloister on all convents. Pope Boniface VIII had developed these canonical regulations concerning women's religious

² For a discussion of the efforts of early groups to avoid the restrictions of the cloister, see J. CAIN, *The Influence of the Cloister on the Apostolate of Congregations of Religious Women*, Rome, Pontificia Universitas Lateranensis, 1965, pp. 5-37.

³ See M. CHALENDARD, *La promotion de la femme à l'apostolat, 1540-1650*, Paris, Éditions Alsatia, 1950, 207p.

⁴ See J. GRISAR, "Jesuitinnen: Ein Beitrag zur Geschichte des weiblichen Ordenswesens von 1550-1650", in *Reformata Reformanda*, Erwin Iserloh and Konrad Repgen, ed., zweiter Teil, Münster, Aschendorff, 1965, pp. 70-113; P. GUILDAY, *The English Catholic Refugees on the Continent 1558-1795; vol. 1: The English Colleges and Convents in the Catholic Low Countries, 1588-1795*, London, Longmans, Green, 1914, pp. 197-199; and L. PASTOR, *The History of the Popes from the Close of the Middle Ages: Drawn from the Secret Archives of the Vatican and Other Original Sources*, trans. E. Graf, London, Kegan Paul, Trench, Trübner, 1938, vol. 29, p. 26. See also P. ANNAERT, "Entre 'jesuitesses' et ursulines. Les jésuites et les religieuses enseignantes à l'aube du XVIIe siècle", in *Vie consacrée*, 62 (1990), pp. 256-265.

⁵ See J. GRISAR, *Die ersten Anklagen in Rom gegen das Institut Maria Wards (1622)*, Rome, Pontificia Università Gregoriana, 1959, p. 110, n. 61.

communities in the Constitution, *Periculoso*.⁶ They were upheld by the Council of Trent (Session XXV) and later strengthened by Pope Pius V in the Constitution, *Circa pastoralis*, of May 25, 1556.⁷ These regulations required all groups of women religious living in community to take solemn vows and to be bound to strict enclosure. In a further decree, *Decoris*, in 1570, the same pope defined those situations in which cloister could be abandoned, namely in cases of fire, leprosy or an epidemic.⁸ This legislation prevented local bishops from permitting a relaxation of cloister for apostolic purposes. Women religious were not permitted to engage in any outside apostolic or charitable works. In conformity with the prevailing cultural expectations of catholic Europe at that time, the Council Fathers could envision no external role for women in the active work of the Church.

II. MARY WARD (1585-1645)⁹

When Mary Ward was born in Yorkshire in 1585, the situation for catholics in England was extremely precarious. The Acts of Supremacy and Uniformity of 1559 and subsequent anti-catholic legislation, the activities of the Jesuits, who began their mission in England in 1580, and the defeat of the Armada in 1588 were among the reasons for an increased harassment of catholics. Harsh penalties were imposed on catholics for leaving the country, for sending children to school in Europe and for harbouring priests.¹⁰

⁶ See BONIFACE VIII, Constitution, *Periculoso*, 1298, in A. FRIEDBERG, ed., *Corpus iuris canonici*, Lipsiae, Tauchnitz, 1881, vol. 2, cc. 1053-1054, under the title *De statu regularium*, III, 16, in VI^o.

⁷ See "Council of Trent - 1545-1563: Session XXV, Decree on regulars and nuns", in N. TANNER, ed., *Decrees of the Ecumenical Councils*, vol. 2, London, Sheed and Ward; and Washington, DC, Georgetown University Press, 1990, pp. 776-784; and PIUS V, Constitution, *Circa pastoralis*, May 29, 1566, in *Magnum bullarium Romanum: bullarum, privilegiorum ac diplomatum Romanorum Pontificum amplissima collectio*, tomus quartus, pars secunda, Graz, Akademische Druck-u. Verlagsanstalt, 1965, pp. 292-294.

⁸ See PIUS V, Decree, *Decoris*, January 24, 1570, in *Magnum bullarium Romanum*, tomus quartus, pars tertia, pp. 96-97. See also G. LESAGE, *L'accession des congrégations à l'état religieux canonique*, Ottawa, Éditions de l'Université d'Ottawa, 1952, pp. 93-97.

⁹ This account of Mary Ward's life relies on the English biography, M. C. E. CHAMBERS, *The Life of Mary Ward (1585-1645)*, ed. H. Coleridge, 2 vols., London, Burns and Oates, 1882-1885, (= CHAMBERS), except where otherwise indicated.

¹⁰ See P. GUILDAY, *English Catholic Refugees*, pp. 1-4.

Mary's family were staunch catholics, landowners wealthy enough to evade the full rigours of the law and to provide a safe-house for priests and a meeting-place for local catholics. Yorkshire was sufficiently far away from London to avoid constant scrutiny, although Mary's grandmother, Ursula Wright, spent fourteen years in prison for her faith. Yorkshire was also a hotbed of catholic intrigue and some of Mary's uncles were involved in the Gunpowder Plot of November, 1605.¹¹

During her childhood, Mary lived for many years with her grandmother and with a family of relatives, the Babthorpes, when her parents moved further north to escape detection. She received a good literary education, and her religious training was augmented by the monastic routine of the Babthorpe household. She would have known many priests, including some Jesuits, who were given shelter by the family.

Her father wanted her to marry into one of the prominent catholic families of the north of England, seeing this as a way of strengthening the catholic cause. However, by the age of fifteen, Mary realised that she had a religious vocation. This created peculiar difficulties, because there had been no convents in England since the dissolution of the monasteries in 1559.¹² To enter religion then, she was obliged to go to one of the catholic regions of Europe. Mary knew very little about the religious life and did not have any idea which order she should join, so she decided to choose the most austere one she could find and dedicate her life to contemplation and mortification.

Because her father was opposed to this decision, she was obliged to wait until she reached her twenty-first birthday before she could leave her home and country. In May, 1606 she left England for St. Omer, a small city in the Spanish Netherlands not far from

¹¹ See H. PETERS, *Mary Ward: Ihre Persönlichkeit und ihr Institut*, Innsbruck-Wien, Tyrolia, 1991, pp. 45-46.

¹² See P. GUILDAY, *English Catholic Refugees*, pp. 4-5.

Calais. St. Omer was a strong catholic centre where the English Jesuits conducted a well-known boys' school.¹³

Mary carried letters of introduction to the Jesuit Fr. William Flacke from her confessor in England, Fr. Richard Holtby, SJ. However, on going to the Jesuit house, she was met by Fr. George Keynes, SJ, who immediately arranged for her to go to the Convent of Poor Clares (Colettines) in the town. He said that arrangements had already been made to accept her as a lay-sister because there was no room in the convent for any more choir-sisters.¹⁴

Mary was accepted immediately into the Colettine community. She was led to believe, incorrectly, that both sections of the community followed the strict rule which Francis had written for Clare. Her natural aversion to the hasty advice she had received was very strong, but she persuaded herself that

the rules being the same, and the place proposed to me only more abject and contemptible, the repugnance and aversion which I felt could spring from nothing but pride.¹⁵

Mary remained in that situation for one year, during which time her duties were to go out begging in the streets of the city to obtain the necessities of life for the community. She was deprived of access to an English-speaking confessor. The only person to recognise her difficulty was the Franciscan visitor, who recommended that she should reconsider her

¹³ In some early texts this city is referred to as St. Omers. It was in the Spanish Netherlands at this time, but became part of France in 1677. See H. CHADWICK, *St. Omers to Stonyhurst: A History of Two Centuries*, London, Burns and Oates, 1962, x, 413p., for the history of the Jesuit school. See APPENDIX A, p. 180, for the location of St. Omer and many other places mentioned in the text.

¹⁴ There were two convents of Poor Clares in the town. The Colettines followed what was considered to be the original rule of the Order, the most severe Rule of St. Clare. They lived mainly on alms collected in the city by the lay-sisters, who followed the Rule of the Third Order of St. Francis. The others, called Urbanists, lived by the Rule of St. Clare as modified by Pope Urban IV in 1262, which allowed them to own property. See CHAMBERS, vol. I, pp. 115-116; H. ASCHMANN, "Poor Clares", in *New Catholic Encyclopedia*, vol. 11, New York, McGraw-Hill, 1967, pp. 566-568; and E. GILLIAT-SMITH, *Saint Clare of Assisi: Her Life and Legislation*, London, Dent, 1914, xiii, 305p.

¹⁵ Mary WARD, *Italian Autobiography*, 1629, AINy, quoted in CHAMBERS, vol. I, pp. 117-118.

position.¹⁶ It was then that she formed the idea of starting a convent of Poor Clares for English women, to provide an opportunity for her countrywomen to enter the order without the difficulties which she had encountered. After testing this idea for some months, she finally left the French convent to start her new venture.

There were many obstacles to be overcome in establishing the new foundation. Since there was no room for another convent in St. Omer itself, it was built in the nearby town of Gravelines.¹⁷ A temporary house in St. Omer was obtained for the interim to accommodate the prospective postulants, including Mary, together with some English members of the existing Poor Clare convent which Mary had just left. They began at once to live according to the most exact observance of the original rule of St. Clare. With the approval of the bishop, she obtained the services of the English Jesuits as confessors and spiritual directors.¹⁸ At first George Keynes was appointed as Mary's confessor, but shortly afterwards the provincial of the English Mission assigned Roger Lee, SJ to this duty. The incipient community began by making the Spiritual Exercises for a month under his direction. Roger Lee was to remain Mary's advisor until his death in 1615.

Mary settled very happily and peacefully into the cloistered life and continued in this way for about five months. Then, one morning while she was sitting at work with the other nuns,

there happened to me a thing of such a nature that I know not, and never did know, how to explain. It appeared wholly Divine, and came with such force that it annihilated and reduced me to nothing; [...] to see intellectually

¹⁶ Fr. Andrew Soto, a Recollect of the Franciscan province of the Conception, Commissary General of the province of Flanders. See CHAMBERS, vol. I, p. 139.

¹⁷ Fr. Giles Schondonch, the Rector of the English College, Bishop Jacques Blaes of St. Omer and Bishop Charles Maes of Ypres gave advice and assistance. Because she also needed the approval of the heads of State and local authorities, Mary lived in Brussels for about six months while she negotiated at the court of the Infanta Isabella and Archduke Albert. Albert's sister was a Poor Clare nun in Madrid. See CHAMBERS, vol. I, pp. 152-162.

¹⁸ Mary wanted the new convent be placed under the direction of the bishop rather than the Belgian Franciscans, in view of her recent language difficulties. This request was vehemently opposed by the Franciscans, but Bishop Blaes, although he was a Franciscan, supported it. See CHAMBERS, vol. I, p. 159.

what was done and what was to be fulfilled in me, I willing or not willing, was all that remained to me. The suffering was great, because the violence was so far beyond my powers, and the consolation was greater to see that God willed to make use of me in what pleased Him best. Here it was shown to me that I was not to be of the Order of St. Clare; some other thing I was to do, what or of what nature I did not see, nor could I guess, only that it was to be a good thing, and what God willed.¹⁹

Not unnaturally, both her confessor and superior were unwilling to countenance this experience, so she spent several months testing her inclinations. Just before her clothing ceremony, she left the convent once again.²⁰

Mary immediately went back to London, where she started working among the people, encouraging them in the practice of the faith and preparing them for the sacraments. She made arrangements for priests to visit homes where catholics were gathered and visited those who were in prison for the faith, often travelling about in disguise among both rich and poor.

Having twice left the convent, she was treated with ridicule by many people. Her own uncertainty about God's will for her was also a real difficulty. In fact, before leaving St. Omer, in obedience to her confessor, she made a vow to enter the Teresians (Carmelites) if he should command it.²¹

¹⁹ Letter from Mary Ward to Nuncio Antonius Albergati, May/June, 1621, quoted in CHAMBERS, vol. I, p. 180. For the complete text, see J. LEITNER, *Geschichte der Englischen Fräulein und ihrer Institute seit ihrer Gründung bis auf unserer Zeit*, Regensburg, Georg Joseph Manz, 1869, (= LEITNER), pp. 735-744; and *Yours Ever Marie Ward*, [Loreto Source Book], AIR, pp. 34-37. (The spelling in the English texts of this period has been modernised).

²⁰ Mary was always regarded as the founder of that convent, which flourished at Gravelines and at three subsequent filiations in France. At the time of the French revolution the surviving nuns fled to England where they established Clare Abbey at Darlington. An early filiation in Athlone, Ireland, suffered many difficulties but finally resulted in the foundation of several houses of Poor Clares in that country. See P. GUILDAY, *English Catholic Refugees*, pp. 297-301; and CHAMBERS, vol. I, pp. 198-199. W. HUNNYBUN, *The Poor Clares of Gravelines*, vol. 14 of *Miscellanea IX*, London, Catholic Record Society, 1914, pp. 25-173, contains a very inaccurate account of Mary Ward's part in this foundation.

²¹ See letter from Mary Ward to Nuncio Antonio Albergati, May/June 1621, quoted in CHAMBERS, vol. I, p. 195: "This they committed me unto, and though I found no particular vocation to that Order, yet hoping God would not leave me, nor forbear to dispose me to His best will, for leaving myself for Him, I did as they advised me, which caused me great trouble afterward many ways, though all turned to my best in the end."

But during this time of apostolic activity in London, a second important spiritual experience convinced her that God wanted her to wait for further direction. Instead of the Teresians her future lay in something quite different:

[...] it was shown to me with clearness and inexpressible certainty that I was not to be of the Order of St. Teresa, but that some other thing was determined for me, without all comparison more to the glory of God than my entrance into that holy religion would be. I did not see what the assured good thing would be, but the glory of God which was to come through it, showed itself inexplicably and so abundantly as to fill my soul.²²

From her writings it is clear that this experience was of the utmost significance for the future direction of her life, although she still remained in a situation of real insecurity. Her months in London must have convinced her of the need for, and the effectiveness of active involvement in the struggle for the faith in England. She returned to St. Omer towards the end of 1609 accompanied by several friends, all proposing to live and work together for this cause.²³ She was then twenty-four years old.

In the household which they set up in the Grosse Rue in St. Omer, they lived in community according to a conventual routine, but without cloister. They accepted English girls as boarders in their school, conducted a free day school for local children and engaged in charitable works in the town. Some members of the group continued working undercover in England. These activities appear to have met with immediate success.

No records are available to reveal the process of deliberation and planning for this undertaking, nor is there any account of a formal foundational experience or ceremony to mark the beginning of their enterprise.²⁴ Whether Mary alone in her contemplative

²² Mary WARD, *Italian Autobiography*, 1629, AINy, quoted in CHAMBERS, vol. I, p. 227.

²³ The date is uncertain and may have been early in 1610. These companions were Winefrid Wigmore, Jane (or Joanna) Browne, Catharine Smith, Suzanna Rookwood and Mary Poyntz. No record has been found to support the statement, in CHAMBERS, vol. I, p. 252: "Besides Mary's five associates, each of them was accompanied by some companion or attendant of humbler degree, sent by their parents to convoy them and assist them in their needs, who remained afterwards, joining them in their devout life, each according to her state." Mary Poyntz is traditionally included in the group of founders, but she may have been still a child, who accompanied the founding group to St. Omer as a pupil.

²⁴ See I. WETTER, "The Founding Experience of the Institute", typescript, Rome, 1985, 17p.,

convent in St. Omer had discerned the need and devised the response in all its details, or whether the plans were worked out with her friends in England is not clear. It seems, nevertheless, that once settled in St. Omer, they put into place a program of life and work which in essence became a model for their future foundations. Although a progressive development away from monasticism is apparent in her different written plans, in practice Mary's aims and means appear to have been clearly established from the beginning. She wanted to form a religious community of women dedicated to educational and missionary work for the restoration of the Church in England.

The most difficult question for Mary was the ecclesiastical status of the community. Considerable pressure was brought to bear on the group to adopt the rule of some order and so to become religious, with all the consequences that that status implied:

Great instance was made by divers spiritual and learned men that we would take upon us some rule already confirmed. Several rules were procured by our friends both from Italy and France, and we earnestly urged to make choice of some of them. They seemed not that which God would have done, and the refusal of them caused much persecutions, and the more because I denied all, and could not say what in particular I desired or found myself called to.²⁵

The dilemma resulted from the Tridentine regulations which required that all religious communities of women must take solemn vows and be subject to enclosure.²⁶ The work Mary and her companions were doing depended on their freedom to work outside

AIStA.

²⁵ Letter from Mary Ward to Nuncio Antonio Albergati, May/June, 1621, quoted in CHAMBERS, vol. I, pp. 277-278.

²⁶ See "Council of Trent - 1545-1563: Session XXV, Decree on regulars and nuns, Chapter 5," in N. TANNER, ed., *Decrees of the Ecumenical Councils*, vol. 2, pp. 777-778.

the cloister, which none of the proposed rules allowed.²⁷ After two years of searching and waiting, her enlightenment came:

About this time in the year 1611, I fell sick in great extremity; being somewhat recovered (by a Vow made to send in pilgrimage to our Blessed Lady of Sichem), being alone, in some extraordinary repose of mind, I heard distinctly, not by sound of voice, but intellectually understood these words, Take the same of the Society. So understood as that we were to take the same both in matter, and manner that only excepted which God by diversity of sex has prohibited. These few words gave so great measure of light, in that particular Institute, comfort and strength, and changed so the whole soul, as that impossible for me to doubt but, that they came from him, whose words are works.

My Confessor resisted, all the Society opposed; diverse Institutes were drawn by several persons, some of which were approved and greatly commended by the last Bishop Blasius of St. Omers, our so great friend, and some other divines. These were offered us and as it were pressed upon us; there was no remedy, but refuse them, which caused infinite troubles.²⁸

This was Mary's description of her most critical discernment and its consequences. The decision to take the Jesuit rule dominated her life story and was central to the history of the Institute she founded.

Although at first they opposed her, both Bishop Blaes and Fr. Lee came to support her efforts to adopt the Jesuit *Constitutions*.²⁹ The first written plan of the Institute, *Schola Beatae Mariae* was drawn up around 1612.³⁰

²⁷ Among the solutions proposed by Mary's friends and advisers, Chambers speculates that she would have considered the Ursulines, the Order of Notre Dame in Lorraine and the Company of Our Lady of Madame Lestonac, all of which had adopted, or were soon to adopt enclosure. She would also have known of the older community of the Torre dei Specchi in Rome, founded by Frances of Rome, which had neither cloister nor vows. Perhaps the most important part of the apostolate of the community, to work *sub rosa* among the Catholics in England, would not have been permitted by any of the rules available to Mary at this time. See CHAMBERS, vol. I, p. 295; A. MONTONATI, *Così ricca, così povera: Francesca Romana, un segno dei tempi*, Roma, Monastero Oblate di S. Francesca Romana, 1983, 94p. and G. LESAGE, *L'accession des congrégations à l'état religieux canonique*, pp. 124-135.

²⁸ Letter from Mary Ward to Nuncio Antonio Albergati, May/June, 1621, in *Yours Ever Marie Ward*, [Loreto Source Book], AIR, p. 36.

²⁹ See pastoral letter from Bishop J. Blaes, March 19, 1615, *Angl. Hist.* 31, II, pp. 659-664, ARSJ, quoted in CHAMBERS, vol. I, p. 296.

³⁰ See *Schola Beatae Mariae*, 1612, ARSJ, Fondo Jesuitico, n. 1435, facsimile 1, document 3, English translation AIT.

It would have been possible for Mary to continue in a limited way under episcopal approval, but her missionary aims extended beyond the bounds of one diocese. In order to fulfil these aims she required papal approval for the new community.³¹ For this purpose, the second plan of the Institute, entitled *Ratio Instituti*, was drawn up in 1615.³² With Bishop Blaes' recommendation it was submitted to the Holy See. In response, the Congregation of the Council of Trent commended the community and commissioned Bishop Blaes to take special care of it. The Congregation promised a further review at a later date.³³ As a result of this temporary and conditional approval, the community grew rapidly. Soon (1617) a house was opened in Liège with the consent of Ferdinand, the prince-bishop of that territory.³⁴ The members also worked in London, where they were obliged to move from one rented house to another to avoid detection. These houses also gave temporary accommodation to prospective entrants and students en route to the St. Omer school. During 1620 and 1621 houses were opened in Trier and Cologne.

The rapid growth of the Institute brought with it serious difficulties. Its unorthodox activities stimulated much criticism from outside the community. Financial difficulties were also experienced.³⁵ Within the house at Liège some members wanted to reject the

³¹ See "Fourth Lateran Council - 1215, canon 13", in N. TANNER, ed., *Decrees of the Ecumenical Councils*, vol. 1, p. 242. See also H. SCHROEDER, *Disciplinary Decrees of the General Councils: Text, Translation and Commentary*, St. Louis, Herder, 1937, p. 255: "With the issuance of this decree the express or formal approbation of a new order by the proper ecclesiastical authority was made a necessity. [...] Up to this time formal approbation was not required, but it was enough not to have been repudiated by ecclesiastical authority."

³² See *Ratio Instituti*, 1615, in "Memorial of Mary Ward and the English Virgins to Paul V, 1616", ms, Archivum Romanum Societatis Jesu, *Anglia Hist.*, 1590-1615; English translation in CHAMBERS, vol. 1, pp. 375-385.

³³ See letter from Cardinal Orazio Lancellotti to Bishop J. Blaes, April 10, 1616, Archivio della S. Congregazione del Concilio, Rome, Liber X Literarum, f. 169r, v. English translation in CHAMBERS, vol. 1, pp. 385-386, from the Latin copy in AINy.

³⁴ Older texts refer to both "Liège" and "Lüttich", (in German, Lüttich). The latter French version was officially adopted in 1948. When the house at Liège opened, many members from St. Omer were transferred there. In 1618 a second house in the city was bought for use as a novitiate. See CHAMBERS, vol. 1, pp. 390-402.

³⁵ See J. GRISAR, "Ein schwieriger Rechtsfall zwischen den Englischen Fräulein und den englischen Jesuiten in Lüttich, 1618-1630", in *Archivum historicum Societatis Iesu*, 29 (1960), pp. 246-304.

Ignatian model of life to return to a more conventional monastic rule. It became necessary to obtain the formal approval of the Holy See in order to counteract these problems.

When Roger Lee died, in 1615, John Gerard, SJ, became Mary's confessor.³⁶ It was under his direction that the third plan of the Institute, sometimes known as *Institutum I*, was written.³⁷ This document is almost completely the text of the Jesuit *Formula Instituti* with a small number of alterations and additions.

In October, 1621, Mary left Brussels to walk the fifteen hundred miles to Rome. At the end of that year she presented her memorial to Pope Gregory XV. She was favorably received, but the Congregation of Bishops and Regulars opposed her petition chiefly because of the absence of strict cloister in her schema. Mary then obtained permission to open a house in Rome, in order to demonstrate to the Roman authorities at first hand the way of life of her Institute. Later a house was also opened in Naples.

For ten years the negotiations continued. The newly formed Congregation for the Propagation of the Faith, also conventionally known as *Propaganda*, became involved, since England was at that time under its jurisdiction.³⁸ Mary's proposal encountered fierce opposition from the English secular clergy who were vehemently opposed to the Jesuits. They suspected in Mary Ward's activities a covert Jesuit plot.³⁹ She was also kept at a

³⁶ See J. GERARD, *The Autobiography of a Hunted Priest*, translated from the Latin by Philip Caraman, with an introduction by Graham Greene, Garden City, N.Y., Image, [1955], 318p.; and J. MORRIS, *The Life of Father John Gerard of the Society of Jesus*, 3d. ed., London, Burns and Oates, 1881, pp. 490-493, 505-506.

³⁷ See *Institutum I*, 1621, (The Third Plan of the Institute), ms, Vatican Library, Fondo Capponi 47, ff. 57v-62r; English translation in *Constitutions of the Institute of the Blessed Virgin Mary, Rome, IBVM, (Loreto)*, 1985. (= 1985 *Loreto Constitutions*), pp. 9-16.

³⁸ See GREGORY XV, Bull, *Inscrutabili*, June 22, 1622, in *Magnum bullarium Romanum*, tomus quintus, pars quinta, pp. 26-28; and P. GUILDAY, "The Sacred Congregation de Propaganda Fide (1622-1922)", in *Catholic Historical Review*, 6 (1920-1921), pp. 478-494.

³⁹ See "Memorial from the superior of the clergy and his assistants, against the Jesuitesses, 1622", in M. TIERNEY, ed., *Dodd's Church History of England*, with an introduction by A. F. Allison and a biographical index by R. E. Scantlebury, Farnborough, Gregg, 1971, vol. 4, n. XLV, pp. cccxvii-cccxx. This document, called "Harrison's Memorial", was sent to the Holy See in 1622 by a group of ten English

distance by the Jesuits who were forbidden any formal connections with women's religious communities.⁴⁰ Bishop Blaes had died and she had no influential advocate in Rome willing to support her cause. She did however establish a personal rapport with both Pope Gregory XV and later Pope Urban VIII.⁴¹

On July 23, 1624, Propaganda, on the basis of the English accusations, issued an edict requiring the "Jesuitesses" to adopt enclosure.⁴² At the same time, the matter remained also in the hands of the Congregation for Bishops and Regulars. When Mary appealed to the new Pope Urban VIII, he set up a particular congregation of four cardinals to examine her case. On April 11, 1625, the Congregation for Bishops and Regulars issued a decree closing the Italian houses of the Institute because the members would not accept enclosure.⁴³ As a result both the schools and houses in Naples and Perugia were closed, and the school but not the house in Rome.

In 1626, convinced that her presence in Rome was for the time being pointless, Mary left for England. Stopping en route in Munich, she obtained an interview with the Elector, Duke Maximilian. This association was immediately fruitful. Mary gained a powerful supporter and in a short space of time she opened houses and schools in Munich, Vienna and Pressburg.⁴⁴

secular clergy. Its charges appear to have been referred to by Pope Urban VIII in his bull suppressing the Institute. For a full exposition of this topic, see J. GRISAR, *Die ersten Anklagen*.

⁴⁰ Generals Claudio Aquaviva (1581-1615) and Muzio Vitelleschi (1615-1645) both warned their subjects against supporting the "Jesuitesses". See J. GRISAR, *Maria Wards Institut vor römischen Kongregationen (1616-1630)*, Roma, Pontificia Università Gregoriana, 1966, pp. 62-72; and H. PETERS, *Mary Ward: Ihre Persönlichkeit und ihr Institut*, pp. 463-467, 514-515.

⁴¹ Pope Gregory XV died on July 8, 1623.

⁴² See J. GRISAR, *Maria Wards Institut*, p. 267 and n. 83.

⁴³ See J. GRISAR, *Maria Wards Institut*, p. 176 and n. 17; and H. PETERS, *Mary Ward: Ihre Persönlichkeit und ihr Institut*, p. 625.

⁴⁴ Pressburg is now called Bratislava.

In 1628, during Mary's absence from Rome, Propaganda issued instructions for the suppression of the Institute's houses.⁴⁵ These instructions were not sent to Mary herself, but to the papal nuncios of the countries concerned, who largely ignored them despite the efforts of the first secretary of Propaganda, Francisco Ingoli, to enforce them. In Flanders, after much insistent prompting from Rome, the authorities suppressed some houses of pious lay women, who were also known locally as Jesuitesses, mistaking them for members of the Institute.⁴⁶

Mary Ward returned to Rome in 1629, to present a memorial of her life's work to Pope Urban VIII. He allowed her to appear personally before a small commission of cardinals appointed to investigate her case.⁴⁷ The Pope also continued to pay an annual pension for the support of her house in Rome. But despite this personal kindness, neither the Pope himself, to whom Mary spoke on her return to Rome in 1629, nor the nuncio in Vienna revealed the suppression to her. Confident that the matter was still under discussion, Mary wrote to Liège urging the sisters to ignore what she regarded as unauthorized attempts to close the house.⁴⁸ She also sent Winefrid Wigmore as her official visitor to the communities at Trier, Cologne and Liège.⁴⁹

Mary's letter came into the hands of the Inquisition and after some delay an official investigation of the house at Liège was initiated. This was never concluded because of

⁴⁵ See PROPAGANDA, decree, July 7, 1628, APropF, Acta, vol. 6, ff. 85v-87v, n. 5-6. in M. TIERNEY, ed., *Dodd's Church History of England*, vol. 4, n. XLVI, pp. cccxxi-cccxxii; and in J. GRISAR, *Maria Wards Institut*, pp. 760-763.

⁴⁶ See "Mandement de l'archevêque de Malines, Jacques Boonon, supprimant le couvent des Jésuitesses de Bruxelles", May 10, 1629, in L. van MEERBEECK, ed., *Correspondance du nonce Fabio de Lagonissa, archevêque de Conza (1627-1634)*, Bruxelles, Institut historique belge de Rome, 1966, pp. 504-505.

⁴⁷ See L. HICKS, "Mary Ward's Great Enterprise", in *The Month*, 153 (1929), p. 45; and J. GRISAR, *Maria Wards Institut*, pp. 576-581.

⁴⁸ For a discussion of the complex matter of this letter, see J. GRISAR, *Maria Wards Institut*, pp. 609-635; and L. HICKS, "Mary Ward's Great Enterprise", in *The Month*, 153 (1929), pp. 225-228.

⁴⁹ See J. GRISAR, *Maria Wards Institut*, pp. 683-699; and H. PETERS, *Mary Ward: Ihre Persönlichkeit und ihr Institut*, pp. 818-831.

contact with the plague. An incomplete report was, however, sent to Rome. Some weeks later the nuncio at Cologne, Bishop Pier Luigi Carafa, who had jurisdiction over Liège, advised the authorities in Rome to imprison the founder and suppress her Institute.⁵⁰

Finally, since the local secular authorities had ignored the decree of Propaganda, Pope Urban VIII issued a bull of suppression, *Pastoralis Romani Pontificis*, dated January 13, 1631.⁵¹ By order of the Holy Office, Mary Ward was imprisoned in the Anger Convent of the Poor Clares in Munich, on February 7, 1631. On the same day, Winefrid Wigmore was also imprisoned at Liège. Mary's friends in Munich appealed to the Pope, who immediately ordered her release. She had been in prison for about eight weeks. She went to Rome where the Pope received her, placed her under the protection of his sister-in-law and allowed her to gather her companions together in Rome.

Despite this personal protection of the Pope, the suppression of the Institute's houses remained in force and was thoroughly carried out. For some years, Mary remained in Rome with a small group, while in Munich some members of the community continued living in the Paradeiserhaus under the protection of the local authorities. In 1637, in failing health, Mary returned to England with some companions. They lived in London and continued their apostolate in a private way until civil disturbances under Cromwell drove the community back to Yorkshire, where Mary died in 1645.⁵²

⁵⁰ Three Bishops Carafa (or Caraffa) were involved in this story: Carlo, Bishop of Aversa, Nuncio at Vienna, Pier Luigi, Bishop of Tricarico, Nuncio at Cologne and Dezio, Cardinal Archbishop of Naples. A fourth, Vincenzo, was the Jesuit Provincial in Naples. See C. EUBEL et al., *Hierarchia catholica medii et recentioris aevi; sive, Summorum Pontificum, S.R.E. cardinalium ecclesiarum antistitum series. E documentis tabularii praesertim Vaticani collecta, digesta, edita*, vol. 4, Patavii, Typis librariae "Il Messaggero di S. Antonio," 1913-1978, pp. 106, 343, 254.

⁵¹ See URBAN VIII, Bull, *Pastoralis Romani Pontificis*, January 13, 1631, in L. CHERUBINI, ed., *Magnum bullarium Romanum a beato Leone magno usque ad S.D.N. Benedict. XIV*, editio novissima, Luxemburgi, Gosse, 1742, tomus quartus, additio n. cx, pp. 180-182; English translation AIT. An appended note gives the date of publication as May 21, 1631. See APPENDIX B, pp. 181-182 for the full English text.

⁵² See I. WETTER, "The Last Period of Mary Ward's Life: Address to the Irish General Chapter, July 12, 1983"; Appended document 7, in "Minutes of the Irish General Chapter, 1983", AISTA.

III. CHOICE OF CONSTITUTIONS

A. *Jesuit texts*

Since the Ignatian *Constitutions* and other Jesuit writings played such a central role in the origins and future development of the Institute, some description and explanation of them is appropriate before discussing their influence on the Institute.

The meanings of the terms "rule" and "constitution" changed as religious life developed over the centuries. The early monasteries were regulated by a collection of statutes which came to be called a "Rule". By the end of the middle ages, four of these rules (those of Sts. Basil, Augustine, Benedict and Francis) were recognized as normative. The Fourth Lateran Council required new foundations to base their way of life on one of these.⁵³ Later additions to these rules were collected as "constitutions". When communities with simple vows began to appear in the sixteenth century, their statutes were called "constitutions" and these were often approved by the Holy See. Later additions and minutiae to the approved constitutions were then called "rules", reversing the earlier, monastic meanings of these terms.⁵⁴

1. *Formula Instituti*⁵⁵

When Ignatius and his companions met together in Rome in 1539 to deliberate about their way of life, they drew up a document called the *The Formula of the Institute*, in which they outlined their plan for a new sort of religious institute orientated towards the

⁵³ See "Fourth Lateran Council - 1215, canon 13", in N. TANNER, ed., *Decrees of the Ecumenical Councils*, vol. 1, p. 242: "Ne nimia religionum diversitas gravem in ecclesia Dei confusionem inducat, firmiter prohibemus, ne quis de caetero novam religionem inveniat, sed quicumque voluerit ad religionem converti, unam de approbatis assumat. Similiter qui voluerit religiosam domum fundare de novo, regulam et institutionem accipiat de religionibus approbatis."

⁵⁴ For a discussion of the development of these terms, see GANSS, pp. 40-47, 356-357.

⁵⁵ See A. de ALDAMA, *The Formula of the Institute: Notes for a Commentary*, translated by I. Echániz, St. Louis, The Institute of Jesuit Sources, 1990, x, 107p.

apostolate.⁵⁶ In the society, this *Formula* took the place of the "Rule" in the monastic orders.

The text of the *Formula* was divided into five chapters, containing the aim of the Society and its means, the role of the superior general, the vow of obedience to the Pope and to the superior, the practice of poverty, exclusion from choir, the fundamentals of community life and the requirement of long preparation. The main non-traditional elements in the document were freedom from office in choir, non-obligatory penances, the fourth vow to the Pope and stipulations concerning poverty.⁵⁷ But its originality depended not so much on the individual details as on the overall intent of the *Formula*. It was the first "rule" in which the total orientation of the way of life was towards the apostolic aims of the Order.⁵⁸ Ignatius presented this document to Pope Paul III in 1539. It caused considerable controversy, since so many of its elements were contrary to the existing legislation.⁵⁹ Moreover, since the decrees of the Fourth Lateran Council, Church policy had opposed the formation of new religious communities.⁶⁰

The first bull of approbation, *Regimini militantis Ecclesiae*, was issued in 1540.⁶¹ Then the final, modified text of the *Formula*, incorporated in the Bull *Exposcit debitum*,

⁵⁶ See "Deliberatio primorum patrum", in IGNATIUS OF LOYOLA, *Constitutiones Societatis Jesu*, ed. A. Codina, in *Monumenta Ignatiana*, series III, vol. 63 of *Monumenta historica Societatis Jesu*, Roma, 1934, pp. 1-14.

⁵⁷ The Society of Jesus was not the first of the Clerks Regular. This distinction belongs to the Theatines founded in 1524. Many of the Jesuit features, such as the absence of obligatory penances, office in choir and a distinctive habit were shared by these new groups. See I. CREUSEN, "De iuridica status religiosi evolutione brevis synopsis historica", in *Periodica*, 31 (1942), pp. 226-227.

⁵⁸ See P. de CHASTONAY, *L'esprit des constitutions*, (troisième partie du livre: *Les constitutions de l'ordre des jésuites. Leur genèse, leur contenu, leur esprit*, Paris, Aubier Éditions Montaigne, 1941, 254p.), Roma, Centrum Ignatianum Spiritualitatis, Subsidia 3, 1973, p. 29.

⁵⁹ Among other things, the *Formula* included the first example of simple vows in a juridic religious order. G. LESAGE, *L'accession des congrégations à l'état religieux canonique*, p. 91.

⁶⁰ See GANSS, p. 49 and A. de ALDAMA, *The Formula of the Institute: Notes for a Commentary*, pp. 30-31.

⁶¹ See PAUL III, Bull, *Regimini militantis Ecclesiae*, September 27, 1540, in *Monumenta historica Societatis Jesu*, vol. 63, pp. 24-32.

giving full formal approval to the Society of Jesus, was issued by Pope Julius III on July 21, 1550.⁶²

2. The Jesuit Constitutions

After the first approval of the *Formula* in 1540, Ignatius began working on the constitutions of the Society. He continued to work on the text until he died, in 1556. After his death the society decided not to make any further alterations. The document was published in Latin in 1558 and 1559.⁶³ Papal approval of the *Constitutions* was less formal than that of the *Formula Instituti*, since it was the latter document whose approval was definitive for the Society.⁶⁴

The structure of the *Constitutions* followed a chronological rather than thematic order. In the "Preamble" to the *Constitutions*, Ignatius explained his rationale:

In the order of our intention, the consideration which comes first and has more weight is that about the body of the Society taken as a whole; for its union, good government, and preservation in well-being for greater divine glory are what is chiefly sought. Nevertheless, this body is composed of its members; and in the order of execution, that which takes place first is what

⁶² See JULIUS III, Bull, *Exposcit debitum*, July 21, 1550, in *Monumenta historica Societatis Jesu*, vol. 63, pp. 373-383. The original text of the *Formula* underwent a complete revision before reaching its final form in the bull of Julius III. For the English translation of this last text, see GANSS, pp. 63-73. See also T. CLANCY, *An Introduction to Jesuit Life: The Constitutions and History Through 435 Years*, St. Louis, The Institute of Jesuit Sources, 1976, pp. 45-59; and A. de ALDAMA et al., *The Formula of the Institute*, Rome, Centrum Ignatianum Spiritualitatis, 1982, pp. 14-29.

⁶³ Four documents, namely the *General Examen*, the *Declarations* (or authoritative explanations) on the *Examen*, the *Constitutions* and the *Declarations on the Constitutions* were published together under the collective title of *Constitutions*. In the second edition of the Latin version in 1570, the *Declarations* were inserted in their appropriate places in the texts of the *Examen* and *Constitutions*. The Fourth General Congregation of the Society in 1581 prepared a new Latin text, which, since that date, has been the official Latin edition. The Spanish version, first published in 1606, is the definitive source for interpretation of the document. See IGNATIUS OF LOYOLA, *Constitutiones Societatis Jesu*, ed. A. Codina, in *Monumenta Ignatiana*, series III, vols. 63-65 of *Monumenta historica Societatis Jesu*, Roma, 1934-1938. The first complete English version ever published was that of GANSS, in 1970. (In this study, the *Constitutions* as a whole are referred to as the *Ignatian Constitutions*, whereas the GANSS translation is used in specific references). See also GANSS, pp. 53-54; and T. CLANCY, *An Introduction to Jesuit Life*, pp. 61-64. The present system of numbering each paragraph consecutively, using square brackets, was adopted in 1949. See GANSS, p. 39.

⁶⁴ See GANSS, pp. 55-56. Pope Paul IV in 1557 and 1558, the Council of Trent in 1563 and Pope Gregory XIII in 1583 and 1584 either implicitly or explicitly approved the text of the *Constitutions*.

pertains to the individual members, in the sequence of admitting them, fostering their progress, and distributing them in the vineyard of the Lord.⁶⁵

The first section is the General Examen, which is not strictly a part of the *Constitutions* proper. It contains eight chapters, consisting of information and questions to be proposed to prospective candidates and to the scholastics as they progress in their formation.

The *Constitutions* proper consist of the Preamble and ten following sections:

- I. The admission to probation;
- II. The dismissal of those who were admitted but did not prove themselves fit;
- III. The preservation and progress of those who are in probation;
- IV. The instruction of those who are retained in the Society, in learning, and in other means of helping their fellowmen;
- V. Admission or incorporation into the Society;
- VI. The personal life of those already admitted or incorporated into the Society;
- VII. The distribution of the incorporated members in Christ's vineyard and their relations with their fellowmen;
- VIII. Helps toward uniting the distant members with their head and among themselves;
- IX. The Society's head, and the government descending from him;
- X. How the whole body of the Society can be preserved and developed in its well-being.

The *Constitutions* of the Society incorporated the psychology and spirituality of Ignatius' Spiritual Exercises.⁶⁶ Both works are designed to produce people who could renew the Church from within. In the strictly centralized and disciplined group the members were trained in spiritual discernment and personal responsibility. The society itself was organized in order to be able to respond flexibly to the needs of individuals and to the challenges of the apostolate.⁶⁷ As a whole, the Society was structured very differently from the monastic or mendicant models, although Ignatius studied and borrowed from these

⁶⁵ GANSS, p. 120, Cons. [135].

⁶⁶ See IGNATIUS OF LOYOLA, *Exercitia spiritualia Sancti Ignatii et eorum directoria*, ed. A. Codina, *Monumenta Ignatiana*, series II, vol. 57 in *Monumenta historica Societatis Jesu*, Madrid, 1919, pp. 221-563. See also J. VEALE, "How the Constitutions Work", in *The Way Supplement*, 61 (1988), p. 6.

⁶⁷ See D. KNOWLES, *From Pachomius to Ignatius: A Study in the Constitutional History of the Religious Orders*, Oxford, Clarendon Press, 1966, p. 68.

traditions.⁶⁸ David Knowles, in his analysis of the relationship of the Society of Jesus to the older orders, sees it as the outcome of a long development of religious life in the direction of external apostolic activity:

It is at once the end of a process of logical development from the monastic rules and the end of a flight from the monastic conception of the religious life. It is indeed both in character and purpose a new creation.⁶⁹

3. Summary of the Rules

One of the early criticisms of Ignatius' *Constitutions* concerned their length. The text had 827 paragraphs. In addition, the document was carefully guarded in the early days and its dissemination among the general public was discouraged. In the text of the "Declarations on the General Examen", Ignatius himself wrote:

It will not be necessary for the novices to see all the Constitutions, but only a set of excerpts from them, in which they learn what they must observe [...].⁷⁰

As a result, a *Summary of the Constitutions* was published in 1560. It contained extracts from the *Constitutions*, with an emphasis on Part III, the section which deals with novitiate formation. To this were added various rules of offices, the *Common Rules* and rules for behaviour, such as the *Rules of Modesty*.⁷¹ A compilation of legislation called the *Epitome* was also published.⁷² These texts were used in the education of the younger

⁶⁸ Even Ignatius' famous concept of "blind obedience" is borrowed from Francis of Assisi. See D. KNOWLES, *From Pachomius to Ignatius*, pp. 82, 90-91.

⁶⁹ D. KNOWLES, *From Pachomius to Ignatius*, p. 67.

⁷⁰ GANSS, p. 85, Cons. [20].

⁷¹ For the 1560 edition of the *Summary*, see D. ZAPICO, ed., *Regulae Societatis Iesu (1540-1566)*, *Monumenta Ignatiana*, series III, vol. 4; vol. 71 of *Monumenta historica Societatis Iesu*, Romae, Institutum Historicum Societatis Iesu, 1948, pp. 545-555. For the 1590 edition of the *Summary* published by Mercurian, the *Common Rules* and other rules, see SOCIETY OF JESUS, *Regulae Societatis Iesu*, vol. 2 of *Institutum Societatis Iesu*, Avenione, F. Seguin, 1927, viii, 424p. See also A. de ALDAMA, "The Origin, Purpose and Nature of the 'Summary of the Constitutions'", in *Commentary on the New "Summary" of the Constitutions*, Rome, Centrum Ignatianum Spiritualitatis, 1978, pp. 9-29; T. CLANCY, *An Introduction to Jesuit Life*, p. 64 and n. 46; and J. de GUIBERT, *The Jesuits, Their Spiritual Doctrine and Practice: A Historical Study*, trans. W. Young, ed. G. Ganss, St. Louis, The Institute of Jesuit Sources, 1972, p. 141, n. 46.

⁷² See J. de GUIBERT, *The Jesuits, Their Spiritual Doctrine and Practice*, pp. 473-474, n. 32.

members, and until very recent times relatively few Jesuits were familiar with the *Constitutions* as a whole.

B. *Mary Ward's three plans*

1. *Schola Beatae Mariae*

The first exposition of Mary Ward's plan for the Institute is found in a document entitled *Schola Beatae Mariae*. This schema may have been prepared for presentation to Bishop Blaes of St. Omer in order to obtain his approval for the new foundation. Immolata Wetter concluded that it was written before May 1612, with the assistance of Roger Lee, but its origins are unknown.⁷³

In general, this plan can be seen as a bridge between the cloistered life Mary experienced in the Poor Clares and the active apostolic life she was to develop.

The document, in fifty-seven paragraphs, gave the aims of the new enterprise and specified the means for their achievement. The opening statement explained the motivation of the community:

Since the very distressed condition of England, our native land, is greatly in need of spiritual workers; just as the priests both religious and secular exercise an increasing apostolate in this harvest, so it seems right that, according to their condition, women also should and can provide something more than ordinary in face of this common spiritual need.

And since many women outside of England serve God most devoutly in monastic communities [...] so we also feel that God (as we trust) is inspiring us with the pious desire that we also should embrace the religious life and yet that we should strive according to our littleness to render to the neighbour the services of Christian charity which cannot be discharged in the monastic life.

Accordingly we have in mind the mixed life, such a life as we learn Christ Our Lord and Master taught his chosen ones [...] so that in this way we may more easily educate maidens and girls of tender years in piety, in the Christian virtues and liberal arts so that they may be able thereafter to

⁷³ See I. WETTER, "Fourth Letter of Instruction", in *The Heart and Mind of Mary Ward*, Wheathampstead, Clarke, 1985, p. 86.

undertake more fruitfully the secular and domestic life or the religious and monastic life according to the vocation of each.⁷⁴

The aim of the Institute was to strive both for one's own salvation through renunciation of the world, and for the salvation of others through Christian education. The many monastic features included the election of the superior, prescribed fasts and penances, maintenance of a mitigated form of cloister, solemn vows and subjection to the authority of the local bishop. There was also a concentration on specifics and the details of the daily routine.

Other elements, however, reflected the emergence of a radically new structure. These elements included a longer novitiate of two years, the provision for dependent houses under a central authority, recitation of office in private, special insistence on the Jesuits as confessors and a provision forbidding any control by a male religious order. In her determination to adopt the religious life as such, Mary Ward differed from other prominent founders who would have preferred to remain outside the formal structures of religious life.⁷⁵

This document was written barely two years after Mary left the Poor Clare convent. Even in such early days, the outlines of her new model were clear: an active apostolic life, chiefly in education, with several houses under the centralized control of the superioress, based on the Ignatian principles of religious life.

⁷⁴ *Schola Beatae Mariae*, 1612, ARSJ, Fondo Jesuitico, n. 1435, facsimile 1, document 3, English translation AIT, paragraphs 1-3.

⁷⁵ See L. JARRELL, *The Development of Legal Structures for Women Religious Between 1500 and 1900: A Study of Selected Institutes of Religious Life for Women*, Washington, DC, The Catholic University of America, 1984, pp. 51-52, 89-91, 168, 191-193; and J. CAIN, *The Influence of the Cloister on the Apostolate of Congregations of Religious Women*, pp. 5-37.

2. The Second Plan: *Ratio Instituti*⁷⁶

Only a few years after its foundation, Mary asked for papal approval for her Institute. This was essential for her vision of a missionary apostolate, spreading from Flanders not only to England, but wherever the need might arise, even among the "infidels". The need for approval was also necessary to counteract opposition to her Institute. The accusations of her opponents, particularly among some of the English clergy, were having a deleterious effect on prospective vocations to her group. Careful parents were wary of allowing their daughters to give their lives to an enterprise surrounded by scandal and lacking the support and authorization of the Church.⁷⁷

At about this time, Bishop Blaes sought the advice of several well-known theologians concerning the necessity of obtaining papal approval for the Institute.⁷⁸ Francisco Suarez, SJ, in his letter of June 5, 1615, held that the community, although praiseworthy for the exemplary life and good intentions of its members, had no legal standing. It could not be exempted from the general legislation concerning enclosure and the ban against women participating in the apostolic work of the Church.⁷⁹ He maintained that papal approval was necessary for its stability and in order to legitimise the authority of its superiors, since the bishop had no competence in this matter.

Another view was taken by Leonhard Lessius, SJ.⁸⁰ He argued that the Institute had a right to existence, with episcopal permission, as a dedicated community of pious

⁷⁶ See *Ratio Instituti*, 1615, in "Memorial of Mary Ward and the English Virgins to Paul V, 1616", *Anglia Hist., 1590-1615*, ARSJ, English translation in CHAMBERS, vol. I, pp. 375-385.

⁷⁷ See *Ratio Instituti*, in CHAMBERS, vol. I, p. 384: "Everywhere indeed we find persons anxious to embrace our Institute, were but the state of life declared to be approved by the Apostolic Sec."

⁷⁸ See J. GRISAR, "Das Urteil des Lessius, Suarez und anderer über den neuen Ordentyp der Mary Ward", in *Gregorianum*, 38 (1957), pp. 658-712. See also P. GUILDAY, *English Catholic Refugees*, p. 186; and L. HICKS, "Mary Ward's Great Enterprise", in *The Month*, 151 (1928), pp. 142-144.

⁷⁹ See ARSJ, Opp. NN. 136, ff. 31-36.

⁸⁰ See ARSJ, *Anglia Hist.* II, vol. 31, parte II, pp. 687-691; and LEITNER, pp. 774-777.

women with simple vows, with all the privileges of religious, but not subject to the decrees of the Councils of Lateran IV and Lyons II. Bishop Blaes had taken this view in his approval of the Institute.

The second plan, *Ratio Instituti*, was drawn up late in 1615 as a formal proposition to be presented to the Holy See. It commenced in the same way as the earlier *Schola Beatae Mariae*, locating the inspiration for the enterprise in the dire situation of the church in England. The first three paragraphs of the two documents were very similar. The remainder of the later document was quite different in content and language. The apostolate was broadened to include not only the education of girls but

any other means that are congruous to the times, or in which it is judged that we can by our labours promote the greater glory of God and, in any place, further the propagation of our Holy Mother, the Catholic Church.⁸¹

This plan included freedom from the jurisdiction of a local or religious ordinary, with subjection to the Pope alone. It omitted the ambivalent enclosure described in *Schola Beatae Mariae* and typical characteristics of monastic life, such as the habit and imposed external penances and austerities.⁸² The "Congregation", like the Society, was to have the power of dismissing both novices and the professed.⁸³

The plan included the Ignatian structure of the four degrees of the Society and a novitiate of two years for all. The chief superior had power to admit candidates and to distribute offices, including the superiors of houses and higher superiors. Only the novitiates and houses of studies had fixed incomes. It briefly described the three vows of religion, and a fourth vow to preserve the independence of the Institute from ecclesiastical interference.

⁸¹ *Ratio Instituti*, para. 6, in CHAMBERS, vol. I, p. 377.

⁸² See *Ratio Instituti*, para. 9, in CHAMBERS, vol. I, p. 377: "The style of dress should, for the most part, be conformed to that generally worn by virtuous ladies in those countries or provinces where ours happen to live or reside."

⁸³ See *Ratio Instituti*, para. 12, p. 377; and GANSS, pp. 141-151, Cons. [204-242].

A prominent English catholic layman, Mr. Thomas Sackville, presented the document in Rome in January, 1616, together with commendatory letters from Bishop Blaes. It is unlikely that Pope Paul V saw the petition, which was passed on to the Congregation of the Cardinals of the Council of Trent.⁸⁴ A guarded reply from Cardinal Orazio Lancellotti to Bishop Blaes gave hope to the Institute that confirmation would be forthcoming:

[...] when His Holiness referred their petition to the Sacred Congregation of Cardinals, interpreters of the Council of Trent, the most illustrious Fathers, considering their request most just, have commanded letters to be addressed, which We do, to your Greatness that you would be pleased to undertake the chief care and protection of the same Virgins, and to aid them when it shall be needful, no otherwise than as his pastoral solicitude now long promises, that they may be the more inflamed to religion and produce daily more abundant fruits of their labours by Divine help. And if, as we trust, it shall so happen, then the Apostolic Sec will also deliberate about confirming their Institute.⁸⁵

This letter provided a valuable but limited authorization for the continuation of her community. The cardinals, however, also indicated their unwillingness to consider Mary Ward's proposal further until the group became "more inflamed to religion". This could perhaps be construed to mean that they must conform to canonical requirements before such approval would be granted.

3. The contract⁸⁶

A civil contract was drawn up about this time, to ensure some legal security for the Institute and its members. In this contract the member bound herself to the observation of obedience to the superiors in the service of the "company", and to remain in it "until God grant the confirmation of our Institute, that I may renew my religious vows therein." The

⁸⁴ See J. GRISAR, *Maria Wards Institut*, p. 25.

⁸⁵ Letter from Cardinal O. Lancellotti to Bishop J. Blaes, April 10, 1616, in CHAMBERS, vol. I, pp. 385-386.

⁸⁶ The document was probably drawn up in 1616, after *Ratio Instituti* had been presented to Rome. Mary Ward knew that new members and new sources of finance would be difficult to obtain without approbation. The contract was a temporary effort to give more stability to the group. Two copies exist, one in Latin in the Vatican Library, and one in English in Westminster Archives. See I. WETTER, "The Contract", [n.d.], 8p., AISLA.

contract obliged the member to remain "as long as the Chief Superior should think it needful to keep me, and not dismiss me, according to the tenor of the vows."

Four reasons for this obligation were given in the document: in recompense for her acceptance and education in the novitiate and otherwise; in view of the ministries carried out by the "company"; to avoid discouragement of others; and to prevent anything which might decrease "our hopes and helps towards confirmation" as a religious order by the Apostolic See.

The contract was made between the individual member, on the one hand, and the superior of the house and "the rest of the whole company" on the other. It was signed by the member, the local superior and three other members of that house.

4. The Third Plan: *Institutum I*

Shortly after *Ratio Instituti* was presented, both Fr. Lee (1615) and Bishop Blaes (1618) died. John Gerard, SJ, became Mary's spiritual director. Fr. Lee's caution and diplomacy were replaced by Fr. Gerard's courage and enthusiasm.⁸⁷ Under his direction, Mary's initial inspiration to "take the same of the Society" came to fruition when she chose to use the Jesuit *Formula Instituti*, with a few alterations, as the charter for her community.⁸⁸

Mary personally presented this new document to Pope Gregory XV in 1621.⁸⁹ The

⁸⁷ See J. GRISAR, *Die ersten Anklagen*, pp. 142-143, for a comment on the personality of John Gerard and his influence on the Institute.

⁸⁸ See *Institutum I*, (The Third Plan of the Institute), 1621, Vatican Library, Fondo Capponi 47, ff. 56v-62r. English translation in 1985 *Loreto Constitutions*, pp. 9-16. Mary Ward presented a second version of this document to Pope Urban VIII in 1624. See *Institutum II*, Vatican Library, Fondo Capponi 47, ff. 52r-54v. This version lacks several Ignatian features, such as the fourth vow, the four grades, solemn vows, and regulations about property. Schools were given a more prominent place in the apostolate of the Institute. See "Sketch of the History of the Constitutions", typescript, [n.d.], 5p., AISa.

⁸⁹ See CHAMBERS, vol. I, pp. 478-479. Pope Paul V died on January 28, 1621, before Mary reached Rome. He was known to be favorable to new foundations, and had already, through Cardinal Lancellotti, given hope of confirmation to the community. His death dealt a severe blow to the hopes of

text was almost entirely that of the Jesuit *Formula* with some significant changes to the description of the various forms of the apostolate. The aim in both documents was

to strive especially for the defence and propagation of the faith and for the progress of souls in Christian life and doctrine.⁹⁰

In the Ignatian document, the means towards that end were briefly described as

public preaching, lectures, and any other ministration whatsoever of the word of God, and further by means of the Spiritual Exercises, the education of children and unlettered persons in Christianity, and the spiritual consolation of Christ's faithful through hearing confessions and administering the other sacraments. Moreover, this Society should show itself no less useful in reconciling the estranged, in holily assisting and serving those who are found in prisons or hospitals, and indeed in performing any other works of charity, according to what will seem expedient for the glory of God and the common good.⁹¹

Mary Ward altered and expanded these means to adapt them for women religious:

*[...] helping people to be brought back from heresy and evil living to faith and goodness and to a special kind of obedience to the Holy See; gathering them together and preparing their hearts for public sermons, lectures, and any other ministration whatever of the Word of God, including the Spiritual Exercises; instructing girls and unlettered people in christian principles, by teaching catechism and the reverent use of sacred things and by giving them that education in schools and communities which will seem most suitable for the common good of the Church and their own particular good whether they choose to spend their lives in the world or in the religious state; bringing these people to the spiritual consolation of Christ's faithful and disposing them for Confession and the other Sacraments; arranging for Preachers and Spiritual Fathers to be sent to the country and to the more neglected places; seeking out women of dissolute lives and preparing them to receive grace through the Sacraments; so that Doctors, Preachers and Apostolic men of the Church of God may have more leisure to attend to matters of greater and more universal concern.*⁹²

Another insertion emphasised Mary's insistence on the sole authority of the Holy See over her Institute.⁹³

the Institute.

⁹⁰ GANSS, Cons. [3], p. 56; and *Institutum I*, 1621, in 1985 *Loreto Constitutions*, p. 9.

⁹¹ See GANSS, Cons. [3], pp. 66-67.

⁹² *Institutum I*, 1621, in 1985 *Loreto Constitutions*, pp. 9-10. The insertions and alterations made by Mary Ward in the text of the *Formula* have been italicized here for purposes of clarity.

⁹³ She also added a small phrase to the passage on the fourth vow, *ibid.*, p. 12: "to go without subterfuge or excuse, as far as in us lies and prudent charity judge to be expedient for our purpose, to whatever provinces they may choose to send us."

Except for word changes to allow for the sex difference, these were the only alterations to the fundamental document of the Society of Jesus which Mary Ward presented in her petition to Pope Gregory XV in 1621.

This outline of apostolic activity was clear, precise, flexible and quite revolutionary for the time. Mary's early perception of the necessity of a sound catholic education for women in the Church's fight against heresy was here given prominence as the chief means towards the end of "the defence and propagation of the faith". Many of the insertions into the Ignatian text also showed an experienced grasp and vision of what it was possible for women to achieve in relation to the ministry of priests at that period. In fact, Mary and her companions had fulfilled this program of activities almost to the letter, both in England and after coming to St. Omer.

In comparison with *Ratio Instituti* of five years earlier, there was now no mention of enclosure. Its absence was also implied in the various apostolates which were enumerated. There was no longer a vow to safeguard the independence of the Institute. Personal sanctification was not included in the aims of the Institute. The office of superior general and regulations regarding poverty were explained in detail. Mary Ward's very literal adoption of the Jesuit rule is illustrated in her retention of almost all the characteristics of the Society of Jesus, even including the name.⁹⁴

In summary, Mary Ward presented to the Holy See a plan for an independent order for women, following the Jesuit rule, placed at the service of the Pope through a special vow of obedience, ready to perform any work he might require, including the possibility of being sent to foreign lands; undertaking all forms of apostolate through which women might work for the defence and propagation of the faith. All members owed obedience to the superior general. The congregation was not subject to the local authority of the bishop, but

⁹⁴ Mary Ward's insistence on adopting the whole of the Ignatian model, without making any exception, even of the name itself, was understandably a significant cause of much resistance and opposition to her plans.

immediately subject to the jurisdiction of the Pope. There was careful education and testing of candidates. No houses except houses of formation had possessions or fixed revenues. The sisters led an ordinary manner of life, conforming to the customs of the place they lived in, with their order of life geared to the apostolate.

Mary Ward presented this plan to the Holy See knowing the impossibility of her petition being granted. Because she was following her spiritual inspirations and her insights drawn from experience of the needs of the Church, and perhaps because it was contrary to her personality, she felt unable to compromise. Her forthright approach and personal qualities were effective in gaining the careful attention of the two Popes and various committees of cardinals for several years, despite the weight of canonical legislation, historical precedent and political pressure against her plan.

IV. THE SUPPRESSION OF THE INSTITUTE

A. *Accusations against the Institute*

The accusations which were levelled at the Institute almost from the beginning of its existence fell into three groups. Firstly there were the charges that their way of life was contrary to canon law, in particular to the regulations of the Council of Trent and subsequent decrees. Secondly, the Institute was regarded as a creation and a tool of the Society of Jesus and part of a Jesuit plot against the secular clergy of England. Thirdly, accusations of immoral and improper conduct, usually in very general and unsubstantiated form, were included among the first two types of charges.⁹⁵

Josef Grisar studied this aspect of the history of the Institute in minute detail. He concluded that of all the early (circa 1622) accusations against them

⁹⁵ See J. GRISAR, *Die ersten Anklagen*, p. 14, (translation by M. Campion Davenport): "The English Ladies are accused of not keeping enclosure, of going about too freely, of aspiring to apostolic work even among heretics, of filching vocations from existing English convents in Belgium, and finally of being closely connected with the Jesuits and protected by them."

only one substantial accusation remains (if indeed one may call it an accusation at all), i.e. that they had struck out a new way which did not altogether correspond with traditional legislation. Everything beyond this is either completely untrue, purely suppositious or grossly exaggerated.⁹⁶

Of the reasons for the accusations, however, Grisar concluded:

In the main, however, that which set people most against the new Institute was its relations with the Society of Jesus.⁹⁷

For many years, relationships between the Society of Jesus and the English secular clergy were characterised by mistrust and animosity. This had been brought about by a number of disputes in England, including the interpretations of the various oaths of allegiance, and particularly the question of the restoration of the English hierarchy, which the Jesuits were opposing.⁹⁸

In 1622, through their representative in Rome, the English clergy presented documents to the Holy See containing serious allegations of misconduct against members of the Institute.⁹⁹ This was shortly after Mary Ward presented her proposal to the Pope. The matter was soon taken over by the newly-formed Congregation of Propaganda Fide, whose first secretary, Francesco Ingoli, was to play a very significant part in the destruction of the Institute. Historians of this period regard the accusations contained in these documents as key factors in the eventual suppression of the Institute.¹⁰⁰

⁹⁶ J. GRISAR, *Die ersten Anklagen*, pp. 194-195: "[...] so bleibt nur eine einzige begründete Anklage übrig - wenn man überhaupt ihren Inhalt mit dem Wort Anklage bezeichnen kann - nämlich die, daß sie einen neuen, dem Herkommen und der Gesetzgebung nicht in allem entsprechenden Weg eingeschlagen haben. Alles andere ist entweder völlig falsch oder nur vermutet oder maßlos übertrieben." English translation by M. C. Davenport.

⁹⁷ J. GRISAR, *Die ersten Anklagen*, p. 28: "Was schließlich die Gegner am meisten gegen das neue Institut einnahm, was dessen Verhältnis zur Gesellschaft Jesu." Translation by M. C. Davenport.

⁹⁸ See P. GUILDAY, *English Catholic Refugees*, pp. 114-120, J. GRISAR, *Die ersten Anklagen*, pp. 6-8; and L. PASTOR, *The History of the Popes*, vol. 29, p. 27.

⁹⁹ See "Memorial of the English Clergy to the Holy See", [1621], (Harrison's Memorial), Vatican Archives, Fondo Capponi 47, ff. 68r-72v, English translation in CHAMBERS, vol. II, pp. 183-187; and the documents of W. Harrison, R. Sherwood, O.P. [1622] and M. Kellison, October 26, 1622, in J. GRISAR, *Die ersten Anklagen*, pp. 199-222.

¹⁰⁰ See J. GRISAR, *Die ersten Anklagen*, p. 193; and L. HICKS, "Mary Ward's Great Enterprise", in *The Month*, 151 (1928), p. 326: "This hostility of the English clergy proved fatal to the Institute: it tended to make the Jesuit superiors regard it with increased reserve so as to avoid all possible occasion of offence;

Later reports of criticisms arising in various places where the Institute had houses added little to the basic charges contained in these earlier documents. Towards the end of the decade, a Brussels physician, Andreas de Trevigi, spent a great deal of time and money investigating the existence and behaviour of communities of "Jesuitesses" and reporting their misdeeds to Rome. Many communities of different spiritual families, if they used Jesuit confessors, were gathered into his indiscriminating net and all their failings attributed to the Institute of Mary Ward.¹⁰¹ Complaints and slanderous reports also came from some disgruntled members of the community at Liège, who wanted a more monastic style of life.¹⁰²

B. *Response to the accusations*

After her initial visit to the Pope at the end of 1621, Mary made few formal attempts to defend herself or the Institute against the charges of its opponents. In July 1622, she wrote to the fifth session of the Congregation, insisting that the rule of Torre di Specchi, which the Congregation wanted her to adopt, was not at all the way of life she was proposing for her Institute.¹⁰³ In her interview with Urban VIII shortly after his election, she complained of prejudice against her cause on the part of some of the cardinals of the Congregation, but did not apparently deal with specifics.¹⁰⁴ There is no record of her

and was in itself one of the chief causes that brought about its eventual, though temporary, suppression."

¹⁰¹ See L. HICKS, "Mary Ward's Great Enterprise", in *The Month*, 153 (1929), p. 43; and P. GUILDAY, *English Catholic Refugees*, pp. 207-208.

¹⁰² In 1628, Bishop Wilhelm Rink of Basel tried to transfer a large congregation of Ursulines into the Institute. He wanted them to be accepted as fully professed members of the Institute without any preparation or formation. Mary refused, and the Bishop, highly offended, attempted unsuccessfully to influence the Elector against her. See CHAMBERS, vol. II, p. 265; and J. GRISAR, *Maria Wards Institut*, pp. 282-285.

¹⁰³ See petition from Mary Ward to the fifth session of the Congregation, July 1, 1622, AINy, in CHAMBERS, vol. II, p. 63.

¹⁰⁴ See letter from Mary Ward to Winefrid Wigmore, CHAMBERS, vol. II, p. 136: "I requested that if he would commit it to Cardinals to be discoursed of, that it might be to some few, not such a number as before, etc., declaring withal that several of those who had this business in treaty before, were very adverse, had misunderstood the nature of that Institute, and having delivered their opinion thereabout accordingly would never after seem to be removed."

being given, or asking for the opportunity to defend her Institute against the specific charges brought against it by its detractors, until after the edict of suppression had been issued.¹⁰⁵

In March, 1629, in a detailed memorial to the Pope and the Congregation of cardinals, Mary described the slanders to which the members had been subjected and complained of the hardships being caused by the suppression of the houses.¹⁰⁶ She asked for a re-examination of the case. On November 28, 1630, she sent a memorial to Pope Urban VIII through Cardinal Scipione Borghese, in which she recounted the history of her religious vocation, but did not mention any of the problems at issue.¹⁰⁷

C. *The Propaganda edict*

More authoritative criticisms came, at a later date, from Cardinal Melchior Klesl in Vienna. He objected to the fact that Mary Ward had made her foundation in Vienna (1627) at the invitation of the Emperor, without first making arrangements with him. The Emperor Ferdinand II, who was the brother-in-law of Maximilian of Bavaria, invited Mary to make a foundation under imperial patronage in Vienna.¹⁰⁸ Mary went there in the summer of 1627. With the enthusiastic assistance of the Emperor, the schools soon opened and became an immediate success. At the end of the same year, Cardinal Péter Pázmány, Archbishop of Gran and Metropolitan of Hungary invited her to come to Pressburg. Then Count Adolph Althan, a Bohemian nobleman at the Austrian court, invited her to make a foundation in Prague.

¹⁰⁵ In contrast, Ignatius had demanded a formal trial when faced with defamatory criticisms. See J. BRODERICK, *The Origin of the Jesuits*, London, Longmans, Green, 1940, p. 65.

¹⁰⁶ See letter from Mary Ward to Pope Urban VIII, Vatican Archives, Misc. Arm. III, vol. 37, ff. 213r-215r, reproduced in J. GRISAR, *Maria Wards Institut*, pp. 763-770. See also *ibid.*, pp. 439-444; and L. HICKS, "Mary Ward's Great Enterprise", in *The Month*, 153 (1929), p. 45.

¹⁰⁷ See letter from Mary Ward to Pope Urban VIII, November 28, 1630, AINy, in CHAMBERS, vol. II, pp. 330-331. See also J. GRISAR, *Maria Wards Institut*, pp. 737, 739-743.

¹⁰⁸ See CHAMBERS, vol. II, pp. 240-264; and J. GRISAR, *Maria Wards Institut*, pp. 273-350.

Whereas the Pressburg venture became quickly established, Cardinal Ernst Harrach, Archbishop of Prague, strongly opposed the establishment of the Institute in his archdiocese. He communicated his objections to Cardinal Klesl. Chambers maintains that his information about the Institute was obtained from her accusers in England. As a result, Klesl became anxious about the Institute's house in Vienna and wrote to Rome several times complaining about it.¹⁰⁹

In July, the Pope presided over a congregation of Propaganda which confirmed the decision taken in April. This decree was issued on July 7, 1628.¹¹⁰ It commanded that the members were to be regarded as secular women; they could not wear a religious habit, or have their own church or chapel in which Mass was celebrated; they could not benefit from pious legacies; they could not use bells or have their own community cemetery; priests were forbidden to celebrate Mass in their houses.

This was not a very stringent document. Community life, the vows, the role of the superiors, religious exercises and the schools were not mentioned. Merely the external signs and privileges of religious orders as such were denied them, so that their way of life in its essentials remained untouched. In status they reverted to the situation prior to the approbation they had first received from Bishop Blaes.

¹⁰⁹ Klesl wrote to Rome in February and again in March, 1628, complaining that the Institute had opened a school without his consent, but with the support of the secular authorities. On the back of the second letter, Ingoli wrote, "Jesuitissarum institutum examinandum ut prohibeatur." On April 13 the congregation of four cardinals agreed to prevent further growth of the Institute, in anticipation of its eventual suppression. Klesl wrote again from Vienna on April 29. Soon afterwards the two papal nuncios to the imperial court, Carlo Carafa and Giovanni Pallotto, also wrote reports of the problems the Institute was creating in Prague. See J. GRISAR, *Maria Wards Institut*, pp. 309-318, 329; and L. HICKS, "Mary Ward's Great Enterprise", in *The Month*, 152 (1928), p. 232-233.

¹¹⁰ See PROPAGANDA, decree, July 7, 1628, APropF, Acta, vol. 6, ff. 85v-87v, n. 5-6, reproduced in J. GRISAR, *Maria Wards Institut*, pp. 760-763, and in M. TIERNEY, ed., *Dodd's Church History of England*, vol. 4, appendix XLVI, pp. cccxxi-cccxxii.

1. Enforcement of the edict

Secretary Ingoli wrote numerous letters to the nuncios of the places where Institute houses had been founded, with little success. The nuncios were reluctant to act against the wishes of the local bishops and of the secular authorities who supported the Institute. The papal states needed the military support of Emperor Ferdinand II and his brother-in-law Maximilian, Elector of Bavaria. There were also strong protests and representations from the local people and from authorities in independent cities.

2. The letter to Liège

The incident which precipitated stronger action against the Institute concerned a letter which Mary wrote to the community at Liège. The edict of Propaganda was read to the community there on April 30, 1630, two years after it was originally issued. On April 6, 1630, Mary Ward sent a circular letter to the various houses, claiming that attempts to suppress them were unauthorised. She urged them to disregard any orders issued concerning the decree. A copy of this letter came into the hands of the nuncio of Cologne, Bishop Pier Luigi Carafa, who sent it to Ingoli. It was then handed to the Holy Office.¹¹¹

Both Hicks and Grisar discuss this issue at length.¹¹² They conclude that Mary did not know about the edict, which was sent only to the nuncios. She had been kept in ignorance of it even though she had spoken to the Pope and to Nuncio Giovanni Battista Pallotto in Vienna after the edict was issued. Her instructions to her sisters to resist any unauthorized attempts to suppress the houses were understandable in these circumstances, but the letter was seen in its worst light in Rome and was probably the immediate cause of the bull of suppression of 1631.

¹¹¹ See text of the letter from Mary Ward, April 6, 1630, APropF, SOCG, vol. 98, ff. 240r,v, 241v, in J. GRISAR, *Maria Wards Institut*, pp. 612-615, in both Latin and German.

¹¹² See L. HICKS, "Mary Ward's Great Enterprise", in *The Month*, 153 (1929), pp. 225-228; and J. GRISAR, *Maria Wards Institut*, pp. 609-635.

Mary also sent Winefrid Wignmore to visit the houses in Trier, Cologne and Liège. Although few details are clear, Winefrid's encouragement of these communities was regarded in Rome as further disobedience. An episcopal visitation to the house at Liège resulted in Carafa recommending the suppression of the Institute and the imprisonment of its foundress.¹¹³

D. *The bull of suppression*

Ten difficult years after Mary Ward presented her plan for approval, Pope Urban VIII issued the bull *Pastoralis Romani Pontificis*, in 1631.¹¹⁴ This document condemned her community's way of life as a danger to their own souls and a source of scandal to others:

[...] they wander about freely not restricted by the laws of enclosure, under the guise of helping souls and very many other works in no wise suited to the weakness of their sex and powers or to womanly modesty, especially virginal purity - works, which men experienced in the knowledge of Sacred Scripture and of tested integrity of life in the conduct of such affairs undertake with difficulty and not without grave caution.¹¹⁵

The bull quoted the requirements of the earlier councils that all new congregations must receive papal approval. But it did not refer to Mary's long negotiations with Rome, nor attempt any analysis of her petition. It also ignored the early episcopal approval which the community had received. Most of the document concerned itself with the suppression of the Institute.

We decree and declare [...] that the pretended Congregation of women or virgins called Jesuitesses and their Sect and state was and is from its very beginning null and void. [...] Those called Visitators, Rectresses and

¹¹³ See letter from Bishop Pier Luigi Carafa to F. Ingoli, September 27, 1630, in J. GRISAR, *Maria Ward's Institut*, pp. 782-785. See also *ibid.*, pp. 716-718; and L. HICKS, "Mary Ward's Great Enterprise", in *The Month*, 153 (1929), p. 229.

¹¹⁴ See URBAN VIII, Bull, *Pastoralis Romani Pontificis*, January 13, 1631, in L. CHERUBINI, ed., *Magnum bullarium Romanum*, vol. 4, pp. 180-182.

¹¹⁵ URBAN VIII, *Pastoralis Romani Pontificis*, §2: "[...] clausuraeque legibus non adstrictae pro libitu divagari, ac specie salutis animarum promovendae, aliaque opera permulta sexus, et ingenii imbecillitati et modestae muliebri, ac virginali praesertim pudori minime convenientia, et quae viri sacrarum litterarum scientia, rerum usu, vitaeque innocentia spectatissimi, difficile admodum, et nonnisi magna circumspectione adhibita aggrediuntur, attentare et exercere consuevissent."

Mother General and any other such Officials of this Congregation or sect, whatever their titles be, are and will be deprived of their offices and duties [...] and we absolve and totally free all and each of these women or virgins who might think themselves obliged to the obedience of a vow or any other bond [...] from this and from any bond or promise, even if it is valid and sworn.¹¹⁶

In contrast to the relatively mild prohibitions in the edict of Propaganda, the stipulations in the bull affected the essence of the Institute. All members were released from their vows and forbidden to reside in the houses of the Institute, the superiors removed from their offices and all were deprived of any privileges belonging to the religious state. They were free to marry, enter other orders or live under vows in the world subject to the authority of the local bishop.

In Flanders the bull was put into effect with severity. The property of the community was confiscated, even that which had been purchased with dowries. The sisters were turned penniless into the street, without even the means to return home to their families.

In Munich the bull was promulgated in August, 1631, while the Elector Maximilian was absent on military business. The invasion by the Swedes in 1632 intervened to distract the authorities from the affairs of the Institute. As a result the sisters were able to continue living in the Paradeiserhaus, in dire poverty, but at least with a roof over their heads. This house, which had been lent to the community by the Elector Maximilian, became a refuge for other Institute members whose houses had been suppressed. Most of the members, however, left the Institute at that time.

¹¹⁶ URBAN VIII, *Pastoralis Romani Pontificis* §4: "[...] praetensam Congregationem mulierum, seu virginum Jesuitissarum nuncupatarum, illarumque sectam, et statum ab ortu sui primordio nullos, et invalidos [...] decernimus, et declaramus. [...] Insuper assertas Visitatrices, Rectrices et Praepositam generalem, ac alias qualcunque Congregationis, et sectae huiusmodi officiales quocunque nomine appellatas officiis et muneribus suis de facto usurpatis omnino privatas esse, et fore [...] easque omnes et singulas mulieres seu virgines, quae voti seu cuiuscunque alterius vinculi, promissionis, [...] ad aliquam obedientiam se obligatas putarent, ab ea, et quocunque vinculo et promissione huiusmodi, etiam rata et iurata absolvimus, et totaliter liberamus."

Mary Ward went to Rome after the suppression, where she obtained personal exoneration from the Pope from the charges of disobedience and heresy which had been levelled against her. She and a few companions lived in community in Rome under the Pope's protection. Some years later she went with a small group to England, where they continued their apostolic activities, wearing secular dress and taking private vows.

V. THE CANONICAL ISSUES

During the first half of the seventeenth century there were many attempts to establish apostolic communities of religious women. Mary Ward's activities achieved perhaps the most notoriety for reasons closely associated with her own convictions. Firstly, she had an absolute reverence for the authority of the papacy, which was probably characteristic of English Catholicism at the time. She also appeared to have no hesitation in personally approaching the Pope, which certainly was not the usual practice.

Secondly, she had an unwavering confidence in the authenticity of her vocational experience. This was so strong that she was unable to compromise, even to the point where she accepted suppression of the whole Institute rather than modify her plans. Where most other foundresses were induced to submit to enclosure, she refused and accepted the consequences, rather than be untrue to her calling.

The canonical problems raised by Mary Ward's activities came to prominence very soon after the foundation of the Institute. Separated from the historical and political complexities, the most important factors at issue from the beginning were:

- a) the status of a community with simple vows
- b) the question of enclosure
- c) local episcopal approval
- d) central government
- e) the necessity for papal approval

A. *The status of a community with simple vows*

After the Council of Trent, many communities with simple vows lived and worked as religious, with the approval of the local bishops, and often with most of the privileges then accorded to communities with solemn vows. This ambiguity persisted, and the numbers of such communities increased, because of the valuable work these women were contributing to the local Church.¹¹⁷ C. Orth discusses the power of the bishops to approve these communities as a prescriptive right arising from custom.¹¹⁸ The existence of this right was disputed, but the fact remains that such a power was often exercised.

The problem for Mary Ward's Institute arose because she wanted to extend her activities beyond the boundaries of individual dioceses. In particular, in view of the difficulties existing in England regarding the episcopacy, she felt the need for independence from the local bishop and a central organization for her community. Political relationships between Spain and England also meant that her community in Spanish Flanders needed the protection of Rome. But her request for papal approbation was blocked by the obstacle of the tridentine regulations. All the political opponents she encountered were able to use these regulations against her.

B. *The question of enclosure*

The most prominent issue was that of enclosure, since it was this policy which restricted the apostolic activities of women's communities to the largest extent. Although some convents of the time conducted schools, these were very limited in their scope. The students virtually became enclosed religious for the duration of their education. But Mary

¹¹⁷ See F. CALLAHAN, *The Centralization of Government in Pontifical Institutes of Women with Simple Vows*, Romae, Pontificia Universitas Gregoriana, 1948, pp. 12-15, for a discussion of the tolerance extended by the Holy See towards institutes with simple vows.

¹¹⁸ See C. ORTH, *The Approbation of Religious Institutes*, Washington, DC, Catholic University of America, 1931, pp. 58-62; and L. HICKS, "Mary Ward's Great Enterprise", in *The Month*, 151 (1928), p. 144.

Ward did not intend to restrict her activities to the classroom. Her aim was to found a missionary institute, whose members travelled the countryside, working and living among the people. This external activity was prominent among the accusations of her opponents, and enclosure was the one element which Rome insisted upon as a precondition for approbation.

C. *Local episcopal approval*

The first approval of the Institute was obtained from the competent bishop, Bishop J. Blaes of St. Omer, probably on the basis of the document *Schola Beatae Mariae*.¹¹⁹ Following this, in 1616, in response to the presentation of *Ratio Instituti*, the Congregation of the Council of Trent accorded a sort of temporary recognition to the developing Institute, under the protection of the bishop.¹²⁰ After Mary Ward herself went to Rome in 1621 to present her final plan to Pope Gregory XV, the matter was passed on to the Congregation of Bishops and Regulars where it lingered for years without a final decision. It also came into consideration by the Congregation of Propaganda Fide. In the meantime, various bishops and secular rulers gave their support and protection to the Institute, in St. Omer, Liège, Cologne, Trier, Naples, Rome, Perugia and Munich. It was only when, on the insistence of the emperor, Mary started a foundation in Vienna in 1627, without the approval of the cardinal, that any ecclesiastical superior added a voice to the protests in Rome against the Institute.¹²¹

¹¹⁹ This approval is shown in Bishop J. Blaes's letters defending the Institute: open letter, March 19, 1615, ARSJ, *Hist. Angl.* 31, II, ARSJ, pp. 659-664, in J. GRISAR, *Die ersten Anklagen*, pp. 223-233; undated letter to Bishop Antonius Albergati, Vatican Library, Fondo Capponi, n. 47, ff. 76-78; letter to Ferdinand, prince-bishop of Liège, February 2, 1617, in CHAMBERS, vol. I, p. 501, and in LEITNER, p. 748; pastoral letter, February 10, 1617, in CHAMBERS, vol. I, pp. 502-503, and in LEITNER, pp. 746-747.

¹²⁰ See letter from Cardinal O. Lancellotti to Bishop J. Blaes, April 10, 1616, in CHAMBERS, vol. I, pp. 385-386. See also J. GRISAR, *Die ersten Anklagen*, pp. 76-77; and L. PASTOR, *History of the Popes*, vol. 29, p. 28.

¹²¹ The bishop of Perugia, Napoleone Comitoli, welcomed Mary Ward to his city, but his successor, Cardinal Cosimo de Torres, was influenced against her by the agent of the English clergy in Rome, Thomas Rant. Largely as a result of Rant's efforts, the school in Rome, and the houses in Naples and

D. *Central government*

During Mary Ward's lifetime the issue of central governance was less prominent as a source of discord than it was to become in the future. All her foundations enjoyed the approval of the local authorities, who recognized her personal authority. Perhaps the short time between the foundation of her houses and their suppression forestalled any major challenges by local bishops to her authority over communities in their dioceses.

Cardinal Klesl's objections to her foundation in Vienna were related more to the relative authority of the emperor, the archbishop and Rome, than to Mary's control over her houses. Nevertheless, his objections may have raised the issue to prominence in Rome. The bull of suppression specifically mentioned the title of "Mother General", when it abolished all offices in the Institute.

E. *Papal approbation*

For effective central government, each Institute house needed exemption from the comprehensive jurisdiction of the local ordinary. This required papal approbation. Thus the two issues of central governance and apostolic approbation were inseparable. The authors agree, however, that canonical considerations in this case were a mere pretext for the political interests of the English secular clergy and the secretary of the Congregation of Propaganda Fide.

CONCLUSION

This chapter has outlined Mary Ward's aims and the difficulties she faced when she sought approval for her Institute. Her foundation and its suppression brought into prominence the contrast between the traditional style of religious life for women and a model based on apostolic service. This model adopted many of the elements of the Society

Perugia were closed (1625-1626). See J. GRISAR, *Maria Wards Institut*, pp. 200-225.

of Jesus, including educational and missionary activity, a centralized independent government directly under papal jurisdiction, and freedom from local episcopal authority.

The suppression of this Institute prevented the members from continuing their apostolic life in an approved religious order. But many of the Institute's aims and traditions were preserved in the lay community of former members who remained together in Munich. As a result of this continuity, the same canonical issues would continue to effect the development of this new community.

CHAPTER II

THE ESTABLISHMENT OF THE INSTITUTE: 1645 TO 1749

After the suppression of the "Jesuitesses" and even after Mary Ward's death, some of her companions stayed together to continue their apostolic works as lay people. Within a few decades their community had expanded into a well-established religious institute. The development of this Institute of English Ladies, and canonical efforts to define it more clearly, form the subject of this chapter.¹

I. THE SURVIVAL OF THE COMMUNITY

No record exists of the number of English Ladies who stayed together following the suppression. Perhaps twenty might have persevered from a group of over two hundred members.² But even during the most difficult days, young people continued to join the community. Some former members, dispersed at the time of the suppression, may have returned later.

The only house to survive the suppression was the Paradeiserhaus in Munich. But Mary Ward made three other foundations afterwards. After her return to Rome in 1632, some members of the group continued to live there, although not as religious.³ Then, when Mary went to England in 1639, she started a house and school in London. A few members remained there when the rest of the community and the pupils moved to Hewarth, in

¹ It should be noted that from the outbreak of the Thirty Years' War in 1618 until about 1750, Europe was almost constantly at war. The cities and states along the central corridors of the Rhine and the Danube, and on the routes from Italy into Austria and Germany, were pillaged, ruined by debt and depopulated by famine, disease and emigration. In the territories which were prince-bishoprics of the Holy Roman Empire, the Church was similarly affected. Many parishes were vacant, the clergy were demoralised and the dioceses were virtually bankrupt. It was in this context that the events recounted in this chapter took place. See H. RAAB, "Reconstruction and Constitution of the Church of the Empire", in H. JEDIN and J. DOLAN, ed., *History of the Church*, London, Burns & Oates, 1981, vol. 6, pp. 135-140.

² See P. GUILDAY, *English Catholic Refugees*, p. 209.

³ A small group remained in Rome until the end of the century. See CHAMBERS, vol. II, p. 519.

Yorkshire in 1642.⁴ In 1650, perhaps for reasons of safety, the superior, Mary Poyntz moved the entire establishment to Paris. Many future members of the Institute were educated in this Paris house which also remained open until the end of the century.

A. *The Paradeiserhaus, Munich*⁵

At the time of the suppression, the authorities in Munich took no action to close the Paradeiserhaus, perhaps because they were preoccupied with the invasion of the Swedish army. Many of the English members living there had no means of returning to their families and no other place to go. The bull, which forbade them to live together as religious, was promulgated in Munich, but not enforced. Since the group took care to live as lay women, their living arrangements had in fact become a private matter. The elector allowed them to stay in the house, although he withdrew his financial support for some years after the suppression.

Conditions in Munich were extremely difficult in the years during and immediately after the Swedish invasion. The community had no income. Starvation and disease ravaged the population. By 1635, however, when some order had been restored, the elector gave permission for a day-school to open in the Paradeiserhaus.⁶ At about the same time the

⁴ See CHAMBERS, vol. II, pp. 478, 515. On the survival of the London house, see [H. HAIGH], *St. Mary's Convent, Micklegate Bar York, 1686-1887*, (= *Annals of the Bar Convent*), edited by H. Coleridge, London, Burns & Oates, 1887, pp. 5-6.

⁵ This building was named "Paradeiserhaus" after a previous owner, Christoph Paradeiser, Graf von Neuhaus. Elector Maximilian I lent the house to Mary Ward and her companions when they arrived in Munich in 1627. It was finally given to the community in 1691 by Elector Max Emanuel. In 1808 the government, under Elector Max Joseph, appropriated the property, and used it as a government building and later as police headquarters. The building was destroyed by bombs in World War II. See T. WINKLER, *Maria Ward und das Institut der Englischen Fräulein in Bayern, von der Gründung des Hauses in München bis zur Säkularisation desselben, 1626-1810; Ein Beitrag zur Geschichte der Mädchenbildung des 17. und 18. Jahrhunderts*, (= *Das Institut in Bayern*), München, Carl Aug. Seyfried, 1926, pp. 14, 21-25; and CHAMBERS, vol. II, p. 221, n. 3.

⁶ See CHAMBERS, vol. II, pp. 423, 440-441.

community in Munich also began caring for orphans, a work which was to become a permanent part of its apostolate.⁷

B. *Governance in the community*

The bull of suppression had abolished all offices in the Institute, including that of the superior general. But Mary remained the guide and leader of the group. The term "chief superior" is used to describe this position, and to differentiate it from the canonical position of superior general in a religious community.

In the course of the next fifty years each chief superior nominated her successor, until 1697 when the first election for the position took place. Following the Jesuit model, all these were life appointments. The early superiors of the Institute were: Barbara Babthorpe. (1645-1653);⁸ Mary Poyntz. (1653-1667);⁹ and Catharine Dawson, (1667-1697).¹⁰ Barbara and Catharine governed the Institute from Rome, while Mary Poyntz lived in Bavaria during her term of office.

⁷ See *ibid.* pp. 526-527.

⁸ Barbara Babthorpe was not one of the original members of the group at St. Omer. She joined the community very soon afterwards, in 1609, at the age of seventeen years. She lived in Rome as chief superior until her death in 1653, and was buried there in the church of the English College. The exact date of her death is disputed. See CHAMBERS, vol. I, pp. 255-259, and vol. II, pp. 495, 518-519.

⁹ Mary Poyntz was first cousin to Winefrid Wigmore. Both were original companions of Mary Ward in St. Omer in 1609. According to CHAMBERS, vol. I, pp. 238, Mary Poyntz was then about sixteen years old. But I. Wetter believes that she was ten years younger, as her tombstone in Augsburg stated. This means that she would have accompanied Mary Ward to St. Omer as a pupil at the age of five. See I. WETTER, "Maria Pointz: Gründerin des Instituts der Englischen Fräulein in Augsburg", in *Dreihundert Jahre: Institut der allerseligsten Jungfrau Maria, Augsburg: 1662-1962*, Augsburg, IBMV, 1962, p. 66. She lived in Munich and Augsburg as chief superior, and was buried in the cathedral of Augsburg. See CHAMBERS, vol. II, pp. 518-523.

¹⁰ Catharine Dawson died in Rome in 1697 and was also buried in the English College. This is the last evidence of the existence of the Institute house in Rome. It must have closed shortly afterwards. See CHAMBERS, vol. II, pp. 525, 533-534.

C. *The Augsburg foundation*

Mary Poyntz made many significant contributions to the history of the Institute. She was the author of the first biography of Mary Ward, known as the "Briefe Relation", which is believed to have been written in Paris about the year 1650.¹¹ She was with Mary Ward when she died, and, as the superior of the Hewar'h community, was responsible for the move to Paris. In 1653 Barbara Babthorpe called her to Rome and nominated her next chief superior.

In 1662 Mary Poyntz decided to expand the work of the community. On her own initiative as a lay person, she opened a house and school in the imperial city of Augsburg.¹² This was the first new foundation undertaken by the community since the death of Mary Ward. At that time, opportunities for education for girls in this city were almost non-existent. Private tutors offered individual instruction, and some convents took in small numbers of pupils, but for the majority of the townspeople there was no reliable education available for their daughters. The free schools conducted by the English Ladies were welcomed warmly.¹³

¹¹ See M. POYNTZ, *A Briefe Relation of the Holy Life and Happy Death of Our Dearest Mother of Blessed Memory, Mrs. Mary Ward*, c. 1650, ms copy, 108p., A1StA. This is the earliest ms extant. Winefrid Wigmore has been traditionally accepted as joint author, but this is disputed. See J. GRISAR, *Maria Wards Institut*, p. 29, n. 1. A French translation and an Italian version which differs from the English text were written shortly afterwards; see *Brève relation de la sainte vie et mort de nôtre chère mère Mademoiselle Marie de Ward*, ms copy, [n.d.], 112p., A1Y; and *Breve relatione della santa vita e felice morte della Signora Donna Maria della Guardia nostra Signora e Madre*, Bibl. Casan. ms. 2425, ff. 265-310.

¹² See CHAMBERS, vol. II, pp. 521-525; and I. WETTER, "Maria Pointz: Gründerin des Instituts der Englischen Fräulein in Augsburg", in *Dreihundert Jahre: Institut der allerseligsten Jungfrau Maria, Augsburg: 1662-1962*, p. 75. The reasons which prompted this first foundation are not known. This foundation and all the ones that followed consisted of elementary schools for the poor, and boarding and day schools for the middle and upper classes. Students ranged in age from about six years to seventeen years. See T. WINKLER, *Das Institut in Bayern*, for an extensive treatment of the educational activities of the Institute in Bavaria.

¹³ The success of the schools brought opposition from some protestants and from private teachers, whose business declined sharply. Eventually the Emperor Leopold intervened with the civil authorities on behalf of the superior, Elizabeth Rantienne. As a result, on February 7, 1690, the citizens association gave the English Ladies citizenship and tax-free status. This privilege had been given to the Institute in Munich as early as 1627. See G. von PECHMANN, *Geschichte des Englischen Institutes Beatae Mariae Virginis in Bayern*, München, IBMV, 1907, p. 96; and E. BLUME, "The English Institute of the Blessed

The foundation in Augsburg gave new life to the community. Although the Munich house was well-established, its development had been slow, perhaps because its reputation had suffered from the suppression.¹⁴ In any case, after the opening of the house in Augsburg, new members joined in numbers large enough to enable further foundations, not only in neighbouring cities but also in England.

D. *London and Yorkshire*

After the move from Yorkshire to Paris in 1650, it is not clear whether any members of the community continued to live in England. A small house in London may have survived after Mary Ward's death.¹⁵

In 1669, during the government of Catharine Dawson, Frances Bedingfield arrived from Paris with a few companions to make a foundation in Yorkshire at the invitation of Sir Thomas Gascoigne and other prominent Catholics.¹⁶ But when the assistance which they had been promised failed to materialise, they went to London. First they settled in St. Martin's Lane. Some time later Queen Catharine of Braganza, consort of Charles II, gave them a property in Hammersmith where they could be relatively free from observation.¹⁷

Virgin Mary, from its Foundation to its Secularization, 1626-1809", in *Niagara Rainbow*, 15 (1908), p. 13.

¹⁴ See I. WETTER, "Maria Pointz: Gründerin des Instituts der Englischen Fräulein in Augsburg", in *Dreihundert Jahre: Institut der allerseligsten Jungfrau Maria, Augsburg: 1662-1962*, Augsburg: ISMV, 1962, p. 75.

¹⁵ See E. BLUME, "The English Institute", in *Niagara Rainbow*, 15 (1908), p. 59; CHAMBERS vol. II, pp. 515-517; and *Annals of the Bar Convent*, pp. 59-61, and pp. 5-6: "It is known, however, that the community there formed, continued to flourish until the year 1689, when sharing the troubles of its Royal benefactors, James II. and his Queen, and deprived of a home by revolutionary fury, it was unable longer to maintain a separate existence, and joined the community at Hammersmith."

¹⁶ Frances Bedingfield entered the Institute in Munich in 1630, at the age of fourteen, and professed her vows in 1633 in the basilica of Santa Maria Maggiore in Rome. She is believed to be the only one of Mary Ward's companions to live to see the approbation of the Rules in 1703. She died on May 4, 1704. See *Annals of the Bar Convent*, pp. 46-63, 78-105; and J. GRISAR, *Maria Ward's Institut*, p. 716, n. 55.

¹⁷ Hammersmith at that time was a small village about four miles from London. Mary Portington and her community remained in St. Martin's Lane, but the house closed within a few years. See *Annals of the Bar Convent*, pp. 92-95. Queen Mary Beatrice gave another house, in Whitefriars Street, to the Institute, where the community in Paris transferred at some time after 1683. When King James left England in 1688, and the political tide turned once again against the Catholics, the house was taken over

Life was not easy for catholics in England at that time. Many of the early members were imprisoned, some several times, during the anti-catholic disturbances of those years.¹⁸ The Hammersmith house was raided during the Titus Oates affair in 1680. Nevertheless, the school flourished and new members entered despite the difficulties.¹⁹

In the north, the catholics were again urging Frances Bedingfield to found a school for girls. For this purpose Sir Thomas Gascoigne bought a large house called Dolebank, near Ripley.²⁰ He also settled an income on the community for use both at Hammersmith and in Yorkshire.²¹ In 1677 a number of the English Ladies came from Germany to open the house at Dolebank. The first superior was Catherine Lascelles, née Thwing, a widow and niece of Sir Thomas.²²

by protestants. Some members of the community went to Hammersmith, and the rest returned to Paris. See E. BLUME, "The English Institute", in *Niagara Rainbow*, 15 (1908) p. 59; and M. LEYS, *Catholics in England 1559-1829; A Social History*, London, Longmans, 1961, p. 108.

¹⁸ See BENEDICTINE NUNS OF DUNKIRK, "Some Notes on Hammersmith", Written by a Member of the Benedictine Community Who Lived in the Hammersmith Convent from 8/5/1795 for 75 Years", typescript, [n.d.], 3p., AISTa; and *Annals of the Bar Convent*, pp. 72-73, 82. See also M. LEYS, *Catholics in England*, pp. 96-113; and CHAMBERS, vol. II, pp. 513-518.

¹⁹ Between 1669 and 1715, fourteen new members were received. An incomplete list of pupils from the school's first century of existence indicates that about two thousand students were educated there. See *Annals of the Bar Convent*, pp. 140-141.

²⁰ Because the community had no legal rights in England, property was held in the name of the superior, and passed on by will to her successor. See *Annals of the Bar Convent*, pp. 78-80, for Frances Bedingfield's will, in which she leaves the York house to her niece Dorothy Bedingfield, alias Paston, who succeeded her as superior there, and the Hammersmith house to Cecily Cornwallis.

²¹ See *Annals of the Bar Convent*, pp. 23-34, for an account of Sir Thomas Gascoigne's trial in January, 1679, (or 1680, since p. 21 gives the date of his arrest as July 7, 1679). He and his friends were accused, among other things, of founding a "nunnery at Dolebank near Ripley, in hopes that their design of killing the King should take effect, which nunnery was accordingly established about Michaelmas 1677", p. 23. Sir Thomas was acquitted of all the charges.

²² The house where Mary had died, in Hewarth, Yorkshire, was also purchased by Sir Thomas Gascoigne. He gave it to his niece, Helena Thwing, (sister of Catherine Lascelles) who had entered the Institute in Munich. In about 1677 a community moved into this house and Helena was appointed the superior. This property was lost a few years later as a result of a legal dispute. See *Annals of the Bar Convent*, pp. 18-9, 30-31, 69.

Sir Thomas Gascoigne then gave Frances Bedingfield the funds to buy another house, at the Micklegate Bar, York.²³ The community at Dolebank transferred there when the Bar convent opened in 1686.²⁴

It is believed that the houses of the English Ladies in York and Hammersmith were the only convents existing in England for more than a century, until French religious seeking refuge from the revolutionaries began to reach England in 1792.²⁵

II. ECCLESIASTICAL RECOGNITION

Despite the legislation forbidding the practice, local bishops continued to foster new religious institutes. The Popes were also aware of the existence of such communities, and could be said to have tolerated them.²⁶ By the middle of the eighteenth century episcopal approval of congregations with simple vows was generally acknowledged to be a right obtained by custom.²⁷ The practice, which had been common for centuries, was supported by many respected canonists.²⁸

²³ See CHAMBERS, vol. II, p. 514 and *Annals of the Bar Convent*, p. 77.

²⁴ The community first moved temporarily to a site at Castlegate, York, then, finally, to Micklegate Bar. See M. PHILIP, *Three Centuries of Apostolic Work*, London, Catholic Truth Society, 1939, pp. 11-12.

²⁵ See B. WHELAN, *The Early Vicars Apostolic of England, 1685-1750*, London, Burns & Oates, 1954, p. 133 and n. 1; and H. DESMOND, "Religious Life in England and Wales: Historical Background", in *Supplement to Doctrine and Life*, 22 (1983), p. 195.

²⁶ See A. LARRAONA, "Commentarium in partem secundam libri II codicis, quae est : De religiosis", in *Commentarium pro religiosis*, 1 (1920), p. 47.

²⁷ See C. ORTH, *The Approbation of Religious Institutes*, pp. 58-63.

²⁸ Francis de Sales regarded the practice of episcopal approval as legitimate, although he was eventually forced to apply for papal approbation and thus accept cloister for his congregation of the Visitation; see D. BOUX, *Tractatus de iure regularium*, vol. 1, pp. 117-118; J. CAIN, *The Influence of the Cloister on the Apostolate of Congregations of Religious Women*, pp. 21-26; and B. FARRELL, *The Rights and Duties of the Local Ordinary Regarding Congregations of Women Religious of Pontifical Approval*, Washington, DC, The Catholic University of America, 1941, pp. 19, 22-25.

A. *Episcopal approval*

Mary Poyntz arrived in Augsburg in July, 1662. Four years later, on June 24, 1666, she obtained informal approval for the foundation from the newly-appointed Prince-Bishop Johann Christoph von Freiberg.²⁹ After careful observation of the community and its works, he issued a decree of support and recognition in 1680.³⁰

In this decree, the bishop endowed the English Ladies with a regular income from some pious foundations at his disposal. This disposition was dependent on several conditions.

The first of these related to the nature of the funds which were to be applied to them, which had been donated for the support of true religious communities. Therefore the bishop decreed that the English Ladies, in order to accept such support, must accept the formal status of religious. To achieve this status, all the members were required to take the vow of chastity, which would be received by the superioress.³¹ Up to this point, the members of the Institute, because they were not religious, took private vows only.

Secondly, the previous practices regarding poverty and other matters were to continue. In this brief statement, the bishop confirmed the general way of life of the Institute, which followed in large part the *Constitutions* of St. Ignatius.

Thirdly, all members could be transferred to other houses, but the bishop had to be notified prior to any such change. This important provision acknowledged the absence of

²⁹ Sigmund Franz, Archduke of Austria, and non-resident bishop of Augsburg at the time of her arrival, died in 1665. See C. EUBEL et al., *Hierarchia catholica*, vol. 4, p. 101.

³⁰ See "Stiftsbrief des Hochwürdigsten Fürstbischofs Johann Christoph von Augsburg", April 24, 1680, in LEITNER, pp. 842-844.

³¹ The German language distinguishes between male and female superiors. Here the distinction is important, since it differentiates the female superior of the community from the bishop, the ecclesiastical superior.

cloister in the Institute, as well as the power of the chief superior to make decisions concerning the various houses of the Institute.

The fourth condition concerned the entrance of members of the nobility into the community. Other stipulations related to the boarding school and its management.

Finally, the community was given a further financial provision for the upkeep of the chapel and for the support of two chaplains who were to provide daily Mass there.

The most significant element in this decree was the recognition of the religious status of the community. Its implications were far-reaching. Prospective entrants to the community were encouraged by the security of the bishop's approval. The schools also benefitted from the official ecclesiastical recognition.

The financial provisions reflected an aspect of the Jesuit way of proceeding which was to prove a constant burden to the community. The *Formula instituti* stated:

All these works should be carried out altogether free of charge and without accepting any salary for the labor expended in all the aforementioned activities.³²

Like the Jesuit schools, Mary Ward's schools did not charge for tuition. The communities attempted to survive on the members' dowries and the boarding fees of the resident students. Since these sources of funds were usually inadequate, endowments from wealthy patrons were their only reliable sources of financial security.³³

³² GANSS, p. 67.

³³ The English Ladies must have regarded such donated endowments as alms, rather than as fixed revenues. Ignatius forbade the acceptance of fixed revenues, and required all except students to subsist on alms. His prescriptions on poverty were designed to counteract the serious abuses of his time, but they created difficulties as historical conditions changed. See GANSS, p. 79, n. 15.

The approval of the bishop of Augsburg was followed very shortly by a similar recognition from the bishop of Freising, who was the ecclesiastical superior of the Paradeiserhaus community.³⁴

In his decree, Bishop Albrecht Sigismund referred to the Augsburg decision. He granted formal religious status to the community, and gave the English Ladies in Munich the same favours and privileges as had been given to them in Augsburg. The Freising document praised the virtues and good example of the members and the great good they were doing for the education of girls, but it did not specify any details of community life or work, nor any financial provisions.

This difference reflected the situation of the Munich community, which had received support and financial assistance from the electoral family since the foundation of the house in 1627.

In the same year, 1680, the archbishop of Salzburg, Maximilian von Kuenburg, also gave his approval to the community, when the superior at Munich began negotiations to establish a house at Burghausen, in his archdiocese.³⁵ In his decree he referred to the recent actions of the other bishops, and to the good reputation of the English Ladies in their dioceses. He granted the community his protection and formally decreed their official status as religious. The Burghausen house opened in 1683.³⁶

³⁴ See ALBRECHT SIGMUND, decree, August 12, 1680, in LEITNER, pp. 855-856. At that time the diocese of Freising included the city of Munich.

³⁵ See "Guttheißung des Fürst-Erzbischofs von Salzburg zur Stiftung des Institutshauses in Burghausen", August 21, 1680, in LEITNER, pp. 844-845. See also T. WINKLER, *Das Institut in Bayern*, pp. 30-31. In the 1707 *Constitutions*, and some other authors the date of this approval is given as 1683.

³⁶ See CHAMBERS, vol. II, pp. 529-530 for the problems of the community at Burghausen in building a chapel and in getting permission to reserve the Blessed Sacrament there.

Having existed as a secular association for forty-nine years since the suppression, "three of the most eminent prelates of Germany" had finally given their ecclesiastical approval to the community.³⁷

The other houses of the Institute in Rome, Paris, Hammersmith and York, were not in a position to ask for a similar approbation. The Roman house was very small. There would have been no question of applying for official papal approbation for it. There are few records of the Paris house at this time. Some evidence shows that it may have been regarded as a temporary establishment, where the education of English girls could be safely continued until anti-catholic sentiment in England died down.

The situation of the English houses was very different. Since the political climate was still precarious for catholics, the two communities could not openly declare their true nature to the public.³⁸ In addition, the apostolic vicariate was vacant from 1655 to 1685, so that episcopal approval of the English houses in 1680 was out of the question in any case.³⁹

A few years later both Bishop James Smith, vicar apostolic for the Northern Districts, and Bishop John Leyburne, vicar apostolic for London, gave their warmhearted support to the Institute. Bishop Leyburne, in a testimonial to the Apostolic See in 1699 concerning the English Ladies, wrote:

There are two such families or communities in England: one is established in the city of York, the other in the neighbourhood of London almost under my own eyes. I am able therefore to bear witness, as I now do, not from the testimony of others only, but of my own knowledge, to the virtuous lives of these ladies, and to their assiduity in the instruction of youth. Moreover, this Institute, by the authority and with the consent of the

³⁷ Ibid. p. 524. The word "Germany" refers more accurately to German-speaking territories in this context. Salzburg at that time was a independent principality of the Holy Roman Empire, governed by the Prince-Bishop. The other two dioceses were in Bavaria.

³⁸ See M. LEYS, *Catholics in England*, pp. 98-108.

³⁹ See W. BRADY, *The Episcopal Succession in England, Scotland and Ireland, A.D. 1400-1875*, [Westmead, England], Gregg, 1971, vol. 3, pp. 104-139.

Ordinaries, has now for many years been admitted and established, not in England alone, but in other countries.⁴⁰

This letter implies an episcopal approval in England similar to that expressly given to the German communities.

Bishop James Smith wrote to Frances Bedingfield on May 30, 1693:

You have already my word for what assistance and countenance I am able to give, not only in the affair of your settlement, but also in all things else belonging to the business of your Institute. By character I am and by solicitude I will be a father to all your concerns.⁴¹

B. *Petitions for papal approbation*

Following the granting of local episcopal approval in 1680, Catharine Dawson began working to obtain papal approval for the Institute and its constitutions. In 1693, she presented a petition to the Apostolic See, which was supported by the bishops of the relevant dioceses and the secular authorities.⁴² The cardinals who studied the matter

⁴⁰ Letter from John Leyburne, bishop of Adrumetum, vicar apostolic for the London District, to Pope Innocent XII, October 16, 1699, in LEITNER, pp. 784-785; English translation in *Annals of the Bar Convent*, pp. 106-108. Bishop Leyburne was appointed vicar apostolic for all England by Pope Innocent XI on August 6, 1685. On January 12, 1688, four vicariates were erected in England, and on January 30, three additional vicars apostolic were appointed. Dr. Leyburne was appointed to the London District, and Bishop James Smith to the Northern District, which included the county of Yorkshire. See W. BRADY, *The Episcopal Succession*, vol. 3, pp. 140-149.

⁴¹ *Annals of the Bar Convent*, p. 99. This letter, dated May 30, 1693, is problematical, since there is a reference in it to Bishop Bonaventure Giffard's care of the Hammersmith house. Bishop Giffard did not transfer to London until 1703, by which time Frances Bedingfield had returned to Munich.

Both Leyburne and Giffard are spelled in various ways by different authors. In this study the spelling in W. BRADY, *The Episcopal Succession*, vol. 3, pp. 140-161, is followed.

⁴² See C. DAWSON, petition for the approbation of the Institute, July 27, 1693, Bibl. Casan. ms. 2426, f. 346, and AIY, B1 4b. The Nymphenburg Archives contain copies of letters from Elector Josef Clemens, bishop of Freising, Bishop Sigmund of Augsburg (in LEITNER, pp. 779-782) and Elector Maximilian Emanuel of Bavaria, supporting this petition.

recommended acceptance.⁴³ Pope Innocent XII, however, refused to ratify their decision.

His reasons were reported to be

that a new rule, if it is to be adopted, must be of St. Augustine or St. Clare or some other order approved by the Holy See; that if it was chosen from the Rule of the Society of Jesus or from its founder S. Ignatius, then it would not be confirmed, because that was reprobated once for all by Pope Urban VIII by Apostolic Letters printed in a Bull; because it involves profession of the three vows with the power to move from one place to another according to the order of the superiors, but nuns must be more enclosed within the cloister.⁴⁴

Catharine Dawson died in 1697. Her successor, Anna Barbara Babthorpe, organised a new petition which she submitted in 1699, again without success. Rome advised that there was no possibility of approval.⁴⁵ In the following year, Pope Innocent XII died and Clement XI succeeded to the papacy.⁴⁶

C. *Confirmation of the Rule, 1703*

After so much discouragement, the chief superior abandoned her efforts to obtain approval of the Institute and the constitutions. Instead she arranged for a new, short text

⁴³ See CONGREGATION FOR THE INTERPRETATION OF THE COUNCIL OF TRENT, *Votum*, February 13, 1694, copy in AI Rome: "S. Congr. Emorum SRE Cardinalium Concilii Tridentini Interpretum, attente relatione et voto Emm. D. Cardinalis Coleredi ab eadem S. Congre. pro revisione deputati, censuit, si S.mo Do. Nostro placuerit, praefatas Regulas et respective statuta per suas Litteras Apostolicas in forma Brevis confirmari posse. [Signed]: G. Card. Marescottus, Propraef., R. Palavicinus, Secretarius."

⁴⁴ Bibl. Casan. ms. 2426, ff. 347-349, contains a series of letters dated 1693 and 1694 showing the progress of the negotiations. Abate Scarlatti, the Roman agent of the Bavarian Elector, wrote to Munich on January 16, 1694, Bibl. Casan. ms. 2426, f. 347: "[...] la Costituzione della quali non saranno mai approvate com' elle sono."

⁴⁵ Letter from Abate Melchior to Sebastian Grueber, March 20, 1694, Bibl. Casan. ms. 2426, f. 348. See also CHAMBERS, vol. II, p. 533.

⁴⁶ See unsigned documents discussing the problem of approbation of the Institute constitutions, one dated November 11, 1698, AINy, 1/45b: "La difficoltà è insuperabile"; the other circa 1700, pp. 31-38, Italian ms., AI Rome.

⁴⁶ As Cardinal Giovanni Francesco Albani, Clement XI had been a member of the Congregation which had examined the earlier petitions for the approbation of the Institute and the constitutions. See letter from Abate Scarlatti to S. Grueber, March 20, 1694, in Bibl. Casan. ms. 2426, f. 348; and *Annals of the Bar Convent*, pp. 108-109.

of rules to be drawn up, which the elector of Bavaria presented in a formal petition to the Apostolic See in 1701.⁴⁷

These *Rules* consisted of a short preface followed by eighty-one rules divided into ten sections concerning the end of the Rule, purity of conscience, virtues, devotion, the vows in general, poverty, chastity, obedience, union and charity, modesty, the care of the body and finally, the observance of the Rules.

Most of the material was adapted from various Jesuit writings, chiefly the "Rules of Modesty" and that part of the Ignatian *Constitutions* concerning the novices which had been incorporated into the *Summary*.⁴⁸ But in the selection and re-arrangement of the extracts, the significance of each statement was often altered. The fundamental Ignatian elements of mission and apostolate were almost completely absent, so that the *Rules*, like the *Summary* on which they were based, did not reflect the central dynamic of the *Formula* and the *Constitutions*. Neither did they express the "discreta caritas",⁴⁹ the sense of personal discernment, nor the flexible adaptation to the circumstances of persons, places and times,⁵⁰ which animated the *Constitutions*. In essence this selection was an amalgam of

⁴⁷ See letter from Maximilian Emanuel, Duke of Bavaria, to Pope Clement XI, concerning the confirmation of the Institute, Munich, December 9, 1701, in LEITNER pp. 785-786; English translation in *Letters Apostolic by which Clement PP. XI., June 13th, 1703, Approved and Confirmed the Rules; Decree of His Holiness [Pius] PP. IX., February 15th, 1877, Approving and Confirming the Institute of the Blessed Virgin Mary, with Appendix and Notes*, Leeds, IBVM, [1877], pp. 49-50.

⁴⁸ See the analysis of the sources of the 1703 *Rules* by B. BARRY, in *Yours Ever Marie Ward*, [Loreto Source Book], pp. 45-47. The 1703 *Rules* are referred to in English as "The Eighty-One Rules". They were usually published together with St. Ignatius' "Epistle of Obedience", for the use of all the members. See, for example, *Rules*, IBVM, Dublin, 1914, 82p. See also IGNATIUS OF LOYOLA, Letter to Portugal, March 26, 1553, n. 3304, in *Epistolae et instructiones*, ed. M. Lecina et al., in *Monumenta Ignatiana*, series I; vol. 4, pp. 669-681; in *Monumenta historica Societatis Jesu*, Madrid, Typis Lopez del Horno, 1906.

⁴⁹ See GANSS [582]: "It is assumed that they will be men who are spiritual and sufficiently advanced to run in the path of Christ our Lord to the extent that their bodily strength and the exterior occupations undertaken through charity and obedience allow. Therefore, in what pertains to prayer, meditation, and study and also [...] austerities and penances, it does not seem expedient to give them any other rule than that which discreet charity dictates to them [...]." See also [209, 237, 269, 727, 722, 735].

⁵⁰ See, for example, GANSS, [64]: "These experiences may be advanced, postponed, adapted, and in some case where the superior approves, replaced by others, according to the persons, times, places, and

spiritual ideals and pious and practical exhortations which had been divorced from their original context and so had lost their meaning in relation to the whole.⁵¹

On the question of government the *Rules* were either silent or ambiguous. The respective duties of the bishop, the chief superior and the local superior were not clearly defined. Many aspects of government were not mentioned at all. There was no provision for the central government of different houses. Only one paragraph gave any indication that the Institute in question consisted of more than one house.⁵²

Despite, or perhaps because of their limitations, the *Rules* were approved, by Clement XI, on 13 July, 1703.⁵³ The Institute had finally gained at least some form of papal recognition. From this point the community was able to develop and expand with more confidence and security in its own identity. It even adopted a name, "The Institute of Mary" which began to be used officially, although the informal title, "English Ladies" persisted in popular use.⁵⁴ Overtly "religious" practices, such as the habit and religious names, were introduced in all the houses except those in England.

their contingencies."

⁵¹ See J. VEALE, "How the Constitutions Work", in *The Way Supplement*, 61 (1988), p. 9.

⁵² See Rule 62: "For the greater union of those that live in our communities, and the better helping the inhabitants of the place, every one must learn the language of the country she lives in, unless it happen that the native tongue be more convenient." See also P. WESEMANN, *Die Anfänge des Amtes der Generaloberin: Dargestellt an der verfassungsrechtlichen Entwicklung des Instituts der Englischen Fräulein bis zur Konstitution Papst Benedikts XIV. "Quamvis iusto" vom 30.4.1749*, München, Karl Zink Verlag, 1954, p. 164.

⁵³ See CLEMENT XI, Brief "Inscrutabili", June 13, 1703, substantially reproduced in *Analecta juris pontificii*, 26 (1886-1887), cc. 42-50. English translation in *Rules of the Institute of the Blessed Virgin Mary*, Dublin, Coyne, 1832, pp. 1-34, and in *Letters Apostolic*, pp. 9-45. See APPENDIX C, p. 183 for the English text of the brief.

⁵⁴ See "Notes on the Name of the Institute", typescript, [n.d.], 2p., AY 1/12b,c. The 1707 *Constitutions* and the formula of the vows in 1714 used the title: "Institute of Mary". Fr. John Morris believed that this name was changed to "Institute of the Blessed Virgin Mary" after 1749 to disclaim any suspicion that the Institute was called after Mary Ward. See also CHAMBERS vol. II, p. 541. Up to recent times the German-speaking members used the title: "Institute of St. Mary".

In his approval of these *Rules*, Clement XI attempted to differentiate between the status of the Institute and the traditional *status religiosus* of the religious orders. Rule 23 begins with the words:

Although our Rule is not adequate to the creation of a religious *status* or order, yet all should keep with especial care the three customary vows of poverty, obedience and chastity.⁵⁵

At the end of the brief which included the text of the *Rules* themselves, Pope Clement XI added:

It is not, however, our intention by these presents, in any thing, to give our approbation to the *conservatorium*.⁵⁶

The word *conservatorium* originally meant a school or orphanage for children, under the direction of lay women. Since these women lived in community, without cloister, in order to do their charitable work, *conservatorium* had come to designate an apostolic community living under simple vows, as opposed to the word *religio*.⁵⁷ In the text of the *Rules*, where the word "Institute" had appeared, the Pope had changed this to *Conservatorium*, thereby underlining the apostolic, non-enclosed nature of the community.⁵⁸ He also insisted on adding the excluding clause as a precautionary measure in view of the novelty of the situation in canonical legislation. It was added to subsequent decrees of papal approval of constitutions of religious congregations up to the beginning of the nineteenth century.⁵⁹

⁵⁵ *Letters Apostolic*, p. 21: "Licet Regulae nostrae non tendant ad statum sive ordinem religiosum, tria tamen vota emitti solita, videlicet, paupertatis, obedientiae et castitatis." See also *ibid.*, p. 58, n. 7. The first phrase of this Rule was omitted from the texts published after 1877, when the Institute was confirmed.

⁵⁶ *Letters Apostolic*, p. 45: "Caeterum non intendimus per praesentes, ipsum Conservatorium in aliquo approbare." See also *ibid.*, p. 67, n. 11.

⁵⁷ See C. ORTH, *The Approbation of Religious Institutes*, pp. 57-58; and D. BOUIX, *Tractatus de iure regularium*, vol. 1, p. 329.

⁵⁸ See P. WESEMANN, *Die Anfänge des Amtes der Generaloberin*, p. 27.

⁵⁹ See A. LARRAONA, "Commentarium in partem secundam libri II codicis, quae est: De religiosis", in *Commentarium pro religiosis*, 1 (1920), pp. 47-50. A. Larraona implies, p. 48, n. 9, that the clause excluding approbation was used for the first time in the bull "Inscrutabili".

This exclusion meant that the *Rules* of the Institute were approved, but not the community which lived by these *Rules*. As a consequence, the status of the individual members of the Institute was not at all clear. They professed the three perpetual simple vows, which were accepted by a lawful superior, and their *Rules* and hence their way of life had received papal approval. The traditional view was that they were not religious, because their vows were simple, not solemn, and because their Institute had not been erected as an order by the Pope. But after Pope Gregory XIII had approved the simple vows taken by the scholastics in the Jesuit order,⁶⁰ some canonists held that solemn vows were not essential to the religious state.⁶¹

The approbation of the *Rules* led some to assert that the suppression of 1631 had been abrogated by the long toleration of the Institute. They argued that the continued papal support of the house in Rome, and the approval of the *Rules* were equivalent to the revocation of the bull of suppression.⁶² But others considered that the specific exclusion of the *conservatorium* from the approval meant that the suppression had not been revoked.⁶³

⁶⁰ See GREGORY XIII, Brief, *Ascendente Domino*, 25 May, 1584, in *Bullarum diplomatum et privilegiorum sanctorum Romanorum pontificum, Taurinensis editio* (cure Tomassetti). *Locupletior acta collectione novissima plurium brevium, epistolarum, decretorum actorumque S. Sedis a Leone Magno usque ad praesens [i.e. 1740]*, Augustae Taurinorum, ed. S. Franco et H. Dalinazzo, 1857-1872, vol. 8, pp. 457-465; and GANSS, p. 65, n. 6.

⁶¹ F. Schmalzgrüber discussed this problem at length in *Ius ecclesiasticum universum brevi methodo ad discentium utilitatem explicatum, seu Lucubrationes canonicae in quinque libros Decretalium Gregorii IX. Pontificis Maximi*, Romae, ex typographia Rev. Cam. Apostolicae, 1843-1845, vol. 7, t. 3, pars 3, de regularibus, nn. 13-18. See also D. BOUX, *Tractatus de jure regularium*, vol. 1, pp. 116-122; and the commentary by J. MORRIS in *Letters Apostolic*, pp. 58-64.

⁶² This was the view of Cardinal Leandro Colloredo during the discussions on the approbation of the Institute in the Congregation, as reported by J. M. Costante, (sometimes Costante) in his letter to Bishop B. Giffard, May 17, 1712, AIR, A8; see also P. WESEMANN, *Die Anfänge des Amtes der Generaloberin*, p. 32.

⁶³ See letter from Bishop B. Giffard to J. M. Costante, October 13, 1711, in *Analecta juris pontificii*, 26 (1886-1887), c. 57: "Certainly on no occasion that I know of, has it been revoked, or abrogated, and when His Holiness granted approbation of the rules, he plainly declared that he was not confirming the Institute."

Although there was not as yet any canonical definition which applied to persons with simple vows living in common, or to the institutes in which they lived, this brief of Clement XI was a significant step in the development of such a definition. It was the first example of papal approval of a way of life and apostolate for a religious community of women with simple vows.

From the point of view of the juridic status of feminine congregations with simple vows, these constitutions of Clement XI are the most important documents of pontifical law of the period under discussion. They provide the first example of an approbation granted by the Holy See to a congregation with simple vows, with hierarchical organisation, dedicated to external works of charity and resembling as closely as possible, except for cloister and solemn profession, the monastic orders. The principal innovation of these clementine constitutions is precisely this extension, to societies externally similar to orders, of the freedom given by Saint Pius V to societies with a merely secular appearance. Moreover, *Inscrutabili* and *Emanavit nuper* determine that, like purely secular institutes, congregations with simple vows are subject to the jurisdiction of the ordinaries, and are not juridically religious but simply ecclesiastical persons.⁶⁴

In reality these 1703 *Rules* had little value in defining the practical aspects of the life of the community. But the document was very important to the Institute as a symbol and confirmation of its Ignatian heritage and as a tangible sign of papal approval. In the future, it would also become significant as a bond of unity between the different houses.

D. *Episcopal jurisdiction*

After the confirmation of the *Rules*, because of their limitations there was a legal vacuum regarding the juridical structure and status of the Institute and its relationship to the local bishop.

Difficulties first became evident at Hammersmith, where Cecily Cornwallis succeeded Frances Bedingfield as superior in 1672.⁶⁵ Without the support of advisors who

⁶⁴ G. LESAGE, *L'accession des congrégations à l'état religieux canonique*, pp. 159-160, my translation.

⁶⁵ See an account of the history of the Hammersmith house in *Annals of the Bar Convent*, pp. 142-148.

were knowledgeable in the affairs of the community⁶⁶, and apparently deprived of communication with other houses of the English Ladies, Mrs Cornwallis began to have doubts about the legitimacy of the Institute, in view of the bull of suppression. In 1703, she invited the new vicar apostolic of the London district, Bishop Bonaventure Giffard, to take charge of the community.⁶⁷ He officially withdrew the house at Hammersmith from the jurisdiction of the chief superior in Munich and established himself as its immediate superior.⁶⁸

Very soon afterwards, the news of the approbation of the *Rules* reached London. Mrs Cornwallis then tried to extract her community from the control of Bishop Giffard, but neither he nor the other members of the community would agree. Bishop Giffard took the view that the 1703 *Rules* did not authorise a central authority in the Institute. In 1712, he petitioned the Apostolic See for the separation of the Hammersmith community from the Institute in Bavaria:

Although the aforesaid ladies observe in England the same Rules as your Holiness has been pleased to approve, by Letters Apostolic of 13th June, 1703, for the ladies following the same manner of life in the Dominions of the Duke of Bavaria, yet it would scarcely be expedient under the special circumstances of this country, as well as for other reasons, that the English community should be aggregated to those abroad. Indeed, it seems not to have entered into your Holiness's intentions to have erected a general Congregation of the above ladies, and hence that the confirmation and approbation of the Rules was intended for each separate Community of these ladies, in whatsoever country they happen to be. Wherefore, the above-named Petitioner humbly prays that your Holiness may be pleased to extend specially to the English Community the same favour: that is to say,

⁶⁶ The first chaplain of the house was a Jesuit, Jeremiah Prassid, but all subsequent chaplains were Carmelites or secular priests who would not have been familiar with the Ignatian spirit of the Institute. See *Annals of the Bar Convent*, pp. 139-140.

⁶⁷ Dr. John Leyburne, vicar apostolic of the London District, died on June 9, 1702. Bishop Bonaventure Giffard was then transferred from the Midland district to London. He was forced to conceal his whereabouts, and often seems to have made his home in the chaplain's house in Hammersmith convent. He spent the last nine months of his life as an invalid in this house, and died there at the age of ninety-two. See W. BRADY, *The Episcopal Succession*, vol. 3, pp. 149-159; and B. WHELAN, *The Early Vicars Apostolic*, pp. 133-135.

⁶⁸ See B. GIFFARD, Decree, September, 1703, establishing the community at Hammersmith as "his own Congregation", AIY, 2A, 39. (There is some ambiguity about the year, which is given in another place in the decree as 1707).

that they may follow the Rule confirmed and approved by your Holiness; and if it seem good, that they be not aggregated or subject to any Community outside the kingdom of England.⁶⁹

A note appended to this petition states that the Congregation of the Council gave its assent, but that their reply to Bishop Giffard was never dispatched.⁷⁰

A visitor, Mary Cramlington, arrived from Munich in 1714 and attempted, unsuccessfully, to rectify the situation.⁷¹ In 1715 Cecily Cornwallis resigned as superior of Hammersmith and formally transferred to the community at York.⁷²

After her departure the house failed to thrive. The numbers in the community, which had reached fourteen in 1703, had dropped to nine by 1715. After 1758 there were only two or three members. The school was closed in 1781 or 1782. In 1795 the house was given to some exiled Benedictine nuns from Dunkirk on condition that they care for the three remaining members of the Institute community.⁷³ In the folklore of the Institute the fate of this house was considered to be an inevitable consequence of its defection.

⁶⁹ See B. GIFFARD, petition to Clement XI, 1712, in *Letters Apostolic*, pp. 51-52.

⁷⁰ See *Mayer's Roman Agency*, vol. 1, p. 613, Westminster Archdiocesan Archives.

⁷¹ See O. BYRNE, "The History of the Bar Convent, York", typescript, [n.d.], AIY, p. 3.

⁷² See BENEDICTINE NUNS, "Some Notes on Hammersmith", AJSIA: "From 1669-1795 when we took over, the community had 6 Superiors. The 2nd Superior, Cecily Cornwallis left, and went to York because she 'could not endure [sic] the rest to cast off Bishop Gifford [sic] and put themselves under the J—s (Jesuits).' During her time the nuns wrote a long letter to the Superior at Rome as they were much worried by Mrs Cornwallis, and could not quite understand their own position. What they could not quite understand was:- If Mary Ward had been condemned (sic) by a bull of Urban, and yet the same pope had not only tolerated the Institute, but allowed it full liberty to continue in Rome, just exactly where did they stand???"

⁷³ In 1794, some English Augustinian nuns from St. Monica in Louvain were given the use of the convent, on condition they cared for the remaining three Institute members. The Augustinians stayed only ten months. The house was then offered to the Benedictines from Dunkirk, in 1795. They re-opened the school, and remained until 1865, when they moved to Teignmouth. The last member of the original Institute community died in Hammersmith in 1822. See *Annals of the Bar Convent*, p. 147; BENEDICTINE NUNS, "Some Notes on Hammersmith", AJSIA; and letters from L. Toole to O. Haigh, January 19, 20, 1876, AIY. See also CHAMBERS, vol. II, p. 518.

E. *Emanavit nuper, 1706*

Following the confirmation of the *Rules* in 1703, the bishop of Freising, Johann Franz Ecker, also raised the question of the religious status of the community in Munich. He announced a canonical visitation of the Munich houses. The chief superior objected, since she believed that the Institute was under the protection of the bishop, but not subject to his jurisdiction.⁷⁴ The bishop then sent a petition to the Pope in 1704, requesting the resolution of certain *dubia*:

Firstly, whether the English Ladies, living in community under certain rules approved by the Apostolic See, should be called true religious? And whether the houses in which they lived are to be considered likewise religious houses? Secondly, whether the said Ladies were immediately subject to the jurisdiction and correction of the Ordinary?⁷⁵

The bishop had also posed a third question, whether he had the authority to introduce enclosure in the strict sense, like that of enclosed nuns, or whether he could insist on them retiring into the enclosure if he considered it necessary for their own well-being, or that of the Church. This question was not addressed by the Congregation or by the Pope.⁷⁶

The first two *dubia* were resolved in a decision by the Congregation for Bishops and Regulars, confirmed by Pope Clement XI in the brief *Emanavit nuper*, on March 5, 1706.⁷⁷ This stated that the Institute was not a religious institute, although its houses were religious houses, and that the community was subject to the jurisdiction of the local ordinary.

⁷⁴ See P. WESEMANN, *Die Anfänge des Amtes der Generaloberin*, p. 28.

⁷⁵ J. F. ECKER, Bishop of Freising, Petition to the Congregation of Bishops and Regulars, October 27, 1704, ACIVC, M10/4.

⁷⁶ See P. WESEMANN, *Die Anfänge des Amtes der Generaloberin*, p. 29.

⁷⁷ See CLEMENT XI, Brief, "Emanavit nuper", March 5, 1706, in LEITNER, p. 790; AINy 4/14 and ACIVC M10/4, where the text of the reply from the S.C. EE & RR is dated January 15, 1706. The full text of the brief in *Analecta juris pontificii*, 26 (1886-1887), cc. 51-52, gives the date of the papal confirmation, that is March 5, 1706.

This solution to the problem of the Institute's official status could be described as an example of canonical expedience, whereby the Institute was given the benefits of two incompatible states, without the disadvantages of either. It enabled the houses of the Institute to retain the privileges proper to religious houses, such as chaplains, chapels, daily Mass and the right to accept endowments, but the members were not bound by the restrictions which then applied to religious women's institutes, that they take solemn vows and accept enclosure.

The reply to the second *dubium* was less clearly defined. The Institute was already living under the jurisdiction of the ordinary, but also under the acknowledged control of the chief superior, as the Augsburg decree of 1680 had made clear. The 1706 reply definitely excluded any question of canonical exemption as far as the Institute was concerned. But it did not clarify the balance between the rights of the chief superior and the jurisdictional power of the ordinary. Neither the *Rules* nor the brief provided any guidelines for this complex relationship between the two authorities.

F. *The Constitutions*

Before the suppression, the Institute based its way of life on the plan, adapted from the Jesuit *Formula*, which Mary Ward had submitted to the Apostolic See in 1621. It is clear that she also used some version of the Ignatian *Constitutions*, but no details of this document are known.⁷⁸

⁷⁸ See I. WETTER, "Mary Ward's Institute and the Constitutions of St. Ignatius", n. 3 in *Letters of Instruction*, IBVM, Rome, 1970-1982, typescript ms., p. 5: "For a considerable time after the issue of the Bull [...] Mary's companions did not dare to mention their Constitutions anywhere. Though the book had guided them all, it would not have been put into the hands of any but completely trustworthy members. [...] When the Nuncio of Cologne held an official interrogation at Liège in September 1630, he asked Mary Wivel what constituted the essence of the Institute. She replied that it was the vows and the Constitutions, which, however, she had never seen." See also J. GRISAR, *Maria Wards Institut*, p. 790 and Bibl. Casan., ms. 2425, f. 328.

After her death, the community continued to use these *Constitutions* as their rule of life, although the utmost discretion was used to ensure that secrecy was preserved.⁷⁹ After obtaining episcopal approval in 1680, such secrecy was no longer considered necessary. The *Constitutions*, somewhat revised, were submitted to the Apostolic See in 1693 and again in 1699. It seems that, in these revisions, attempts were made to remove contentious elements which might prove an obstacle to approbation.⁸⁰ No copies of these early texts have been found. The oldest extant version is dated 1707.⁸¹

In comparison with the Ignatian text, the 1707 *Constitutions* were somewhat shorter, since some sections and phrases were omitted. Changes were made to several parts and new material was added. An obvious and necessary difference is seen in the first paragraph of the General Examen. Where the Ignatian text had a brief history of the papal approval of the Society of Jesus,⁸² the Institute text had a longer history of Mary Ward's foundation and its suppression, the revival of the community, episcopal approval and the papal confirmation of the *Rules*.⁸³

⁷⁹ See I. WETTER, "Mary Ward's Institute and the Constitutions of St. Ignatius", p. 5: "The history of the Institute in the latter half of the 17th century and in the 18th shows quite clearly that they found their guiding principle in the *Constitutions* of St. Ignatius."

⁸⁰ Even the 1693 version of the *Constitutions* seems to have lacked clear provisions for government and jurisdiction, as was noted by Abate Scarlatti, in a letter to Munich, February 20, 1694, Bibl. Casan. ms. 2426, f. 348: "[...] quia in porrectis Regulis non exprimitur sub cuius jurisdictione sint mansurae Moniales, neque regimen earum luculenter exploratum est. Ego supposui jurisdictionem Episcopi tamquam loci Ordinarii, et quoad regimen sub superiorissa."

⁸¹ See *Constitutiones Instituti nostri cum declarationibus*, [circa 1707], Staatsbibliothek München, Status Bavarici, Cod. Germ. Mon. 5408 (= 1707 *Constitutions*). English translation, 1969, by E. MacDonald et al., AIR O/10.

⁸² See GANSS, Cons. {1}, pp. 75-76.

⁸³ The delicate question of the relationship between the suppressed Institute and its successor is described thus: "Deo etenim permittente ab Urbano Octavo P. M. Institutum istud per datam Bullam suspensum, nec tamen dissolutum est; sed palmae instar effloruit, post annos tandem quinquaginta, fructu ingenti, ex hoc vivendi genere, redundante in sexum praesertim faemineum."

Matters concerning the priesthood, the apostolic and sacramental activities of priests, education specific to priests, regulations about benefices, Mass stipends and ecclesiastical dignities were omitted.⁸⁴

There were difficulties, however, in devising a structure for women parallel to that of the different grades in the Society. Ignatius had organized the members of the Society into four grades: the professed, the coadjutors both spiritual and temporal, the scholastics and finally those "who are received indeterminately for whichever grade they will in time be found fit."⁸⁵

The Jesuit division was established "in view of the end which the Society pursues." The first grade, the professed, must "possess sufficient learning" and "be tested at length in their life and habits" and be ordained before they take their solemn vows, including the vow of obedience to the Pope. The spiritual coadjutors were priests with less education, who did not take solemn vows, or the fourth vow of obedience to the Pope. The lay coadjutors were brothers with simple vows. They worked in the house or the garden, but did not teach.⁸⁶

But in the Institute, the three grades were based not only on the apostolic capacities of the members but also on their family's status.⁸⁷ Members of the nobility belonged to the first grade and were called "Fräulein". They alone were eligible for the higher offices in the Institute. Those of the middle class belonged to the second grade and were called "Jungfrauen", or "Lehrerinnen". The members of the third grade, called "Schwestern", were equivalent in status to the Jesuit lay brothers.⁸⁸

⁸⁴ For example, Ch. 5 of the *General Examen*, on the education of priests, is omitted.

⁸⁵ GANSS, Cons. [15], p. 83. See also GANSS, Cons. [10], and n. 20, pp. 81-82.

⁸⁶ See GANSS, Cons. [10-14], pp. 81-83.

⁸⁷ See 1707 *Constitutions, General Examen*, Ch. 1, Cons. 5, p. 2.

⁸⁸ In more recent times the social distinction was erased, and the "Jungfrauen" became "Fräulein" after final profession. In England, the first grade did not exist. The grade of "Schwestern" was

The curious element in this arrangement was the division between the first and second grades in the Institute on the basis of the class divisions in Bavarian society. It seems that the Institute attempted to imitate the Jesuit structure in a non-clerical context without an understanding of Ignatius' purpose.⁸⁹

Many of the above adaptations of the Ignatian text were in keeping with the exceptions for the female sex which Mary Ward had accepted in her plan for the Institute. But the limitations to the apostolate in the 1707 text go far beyond what the earlier plan described. It seems that a virtual enclosure was adopted by the community. This denied the members access to almost any apostolic activity other than school-teaching. In the General Examen of the Institute *Constitutions*, the Ignatian constitution [80] has been altered to read:

After they have entered the Institute, they should not go anywhere outside the house except to a church, by order of the Superior, or to our gardens or farms near the town.⁹⁰

This limitation affected both the essence and the spirit of the *Constitutions*. Ignatius had designed a company whose members were at the disposal of the Pope and the superior general, to be sent on missions anywhere in the world, to do any sort of apostolic work demanded by the circumstances. All the practices of the Society were directed to this end, including manifestation of conscience, obedience and authority, the fourth vow of obedience to the Pope, the novitiate experiences and the extensive educational process.

discontinued in the North American branch in 1937, in the Roman branch in 1953, and in the Irish branch after the Second Vatican Council. See SCRIS, Rescripts, December 15, 1953, Prot. n. 10592, ACIVC M10/3; and August 17, 1966, Prot. n. 10681/66, ACIVC M10/8. The early Institute members in England were not publicly recognised as religious, and they used the title "Mrs" until the middle of the nineteenth century. Afterwards the title "Mother" was given to finally-professed members. Even in Ireland, religious names were not always used, as the letters of Frances Teresa Ball show. See P. WESEMANN, *Die Anfänge des Amtes der Generaloberin*, pp. 99-100.

⁸⁹ GANSS, pp. 81-82, n. 20, suggests that the original purpose was also misunderstood in the Society itself.

⁹⁰ 1707 *Constitutions*, General Examen, Ch. 4, Cons. 12, p. 9.

The Institute *Constitutions* retained many references to the members being sent to different parts of the world. But the emphasis was on the school apostolate, with only a minor reference to apostolic work beyond the school, such as instruction in Christian Doctrine, the practice of pious conversation and corporal works of mercy.⁹¹ The extensive treatment of the missionary activity of the Society was mostly absent from the Institute *Constitutions*, affecting in particular Part VII on the "distribution of the incorporated members in Christ's vineyard and their relations there with their fellowmen."⁹² The vow of obedience to the Pope was omitted, as were most references to the sort of roving missionary work Mary Ward and her companions had done in England on the pattern of the Jesuits.⁹³

The omissions from Part IV included the directives about universities (Chapters 11-15) and the method of educating the scholastics (Chapters 3-6). Only a small part of this curriculum was specific to the priesthood, so it is not clear why the whole section was omitted. Perhaps this reflected the attitude that systematic higher education was unsuitable for women.⁹⁴ The Institute *Constitutions* as a result had no provisions for the education of the members themselves.

⁹¹ See 1707 *Constitutions*, Part VII, Ch. 2, Cons. 5-7, p. 66.

⁹² See GANSS, [603]-[654], pp. 267-284.

⁹³ For instance, Cons. [603], GANSS, pp. 267-268, the first constitution in Part VII, describes the four ways by which the members are distributed: by a mission from the Pope; or by the superiors of the Society; "or they themselves may choose where and in what work they will labor, when they have been commissioned to travel to any place where they judge that greater service of God and the good of souls will follow; or they may carry on their labor, not by travelling but by residing steadily and continually in certain places where much fruit of glory and service to God is expected." This entire section was omitted from the Institute *Constitutions*.

⁹⁴ Despite these limitations, the Institute schools taught an academic syllabus, including Latin, German, French, English and Italian. Frances Bedingfield, we know, had studied Greek, Hebrew and astronomy. See CHAMBERS, vol. II, p. 531; E. BLUME, "The English Institute", in *Niagara Rainbow*, 15 (1908), p. 61; and T. WINKLER, *Das Institut in Bayern*, pp. 56-57.

In Part VIII of the Institute *Constitutions*, much of the detail of the General Congregation was altered and abbreviated.⁹⁵ Superiors were convoked for the General Congregation, but postal votes from the superiors of the distant houses were accepted in the election of the superior general, when the possibility of travel was limited. No large or extended convocation of members was provided for the discussion of other matters. This sort of consultation was to be done in writing.

With these exceptions, there were few significant changes to the Ignatian text. Most of the paragraphs in the General Examen and in Parts I, II, III, V, VI, IX and X were retained unchanged or slightly abbreviated. About two thirds of the Institute document is a repetition of the Ignatian *Constitutions*.

The end result was a document which was unmistakeably Ignatian in language, content and spirit. The distinguishing marks of the Society of Jesus were quite clear: its spirituality, flexibility, formation (in general), obedience (except in relation to the fourth vow), poverty, apostolic emphasis, the role of the superior, central organisation and procedures for communication.

It is hardly surprising, in view of the previous suppression of the "Jesuitesses", that Pope Innocent XII refused to confirm these *Constitutions* for the Institute. The Institute was left with only the *Rules* as its officially approved guide. Privately, the superiors continued to use a modified version of the *Constitutions* in all matters where the *Rules* did not provide.

It is interesting to note that the text of the 1703 *Rules* begins with the heading:

Summarium Regularum, quae in Conservatorio Virginum Anglicanarum, sub correctione et approbatione Sanctae Sedis Apostolicae, observandae sunt.⁹⁶

⁹⁵ In the *Ignatian Constitutions* the word "Congregation" was used to denote the decision-making body which was equivalent to the general chapter in monastic Orders.

⁹⁶ *Letters Apostolic*, p. 11: "Summary of Rules, which, under the correction and approbation of the

The word *Summarium* is obviously taken from the Jesuit text which was used as a source for the *Rules*. It can only refer to another larger text of which it is a summary. In this context it implies that the Institute had a larger body of rules, from which these "Eighty-One Rules" were derived. This was in fact the case. So even though the larger text, the *Constitutions*, were not themselves approved, the wording of this heading could be seen to give them a kind of implicit recognition.

G. Other developments

In the early years of the century, the Institute grew steadily, as new foundations were requested by neighbouring towns and cities. The last two foundations of the early era of the Institute were at Mindelheim, in the diocese of Augsburg, in 1701,⁹⁷ and at St. Pölten, which was then in the diocese of Passau, in Austria, in 1706.⁹⁸

Bamberg (1717) was founded from Augsburg; Altötting (1721) from Munich; Krems (1722) from St. Pölten; Meran (1724) in the Tyrol, from Augsburg; Fulda (1733) in Hessen, from Munich; Brixen (1739), or Bressanone, in the Tyrol from Augsburg; Prague (1747) from St. Pölten; Aschaffenburg (1748) from Munich, and Frankfurt (1749) from Fulda.⁹⁹

Holy Apostolic See, are to be observed in the Institute of the English Virgins."

⁹⁷ See T. WINKLER, *Das Institut in Bayern*, pp. 33-36.

⁹⁸ The bishop of Passau, Cardinal Johann Philipp Graf von Lamberg, requested the foundation in 1705. On July 1, 1706, Kaiser Josef I gave his permission. Eight sisters from different houses in Bavaria formed the founding community. The superior, Maria Anna von Kriechbaum, came from Augsburg. See T. WINKLER, *Das Institut in Bayern*, p. 36; and *Das Institut Beatae Mariae Virginis der Englischen Fräulein in St. Pölten: Festschrift zur Feier des 200jährigen Bestehens*, St. Pölten, IBMV, 1905. (= *St. Pölten Festschrift*), pp. 2-3. The name of St. Pölten derives from St. Hippolytus. The Latin form is used in church documents. Pope Pius VI erected the diocese of St. Pölten in 1785. See C. EUBEL et al., *Hierarchia catholica*, vol. 6, p. 237.

⁹⁹ A proposed foundation in Ingolstadt came to nothing because of financial difficulties. The Bamberg foundation was approved by Lothar II Franz von Schönborn, prince-bishop of Würzburg and bishop of Bamberg, on condition that the house was subject to him, that annual accounts must be presented to him, that the number of six members must not be increased without his permission and that the city would not be asked to give financial help. See ACTVC M10/1; "Institute of the Blessed Virgin Mary", in *Niagara Rainbow*, 8 (1901), pp. 147-148, and 9 (1902), pp. 125, 209-210; and T. WINKLER, *Das Institut in Bayern*, pp. 26-43.

Most of these foundations had their own novitiates and operated with a considerable amount of autonomy. Financial difficulties were commonly experienced, especially at the beginning, since most received little assistance from the founding house. But the schools thrived and became famous for the standard of their education. In general, there appear to have been few problems in relation to the jurisdiction of the local bishops.

In 1717, Corbelius Khamm, a Benedictine monk from the Abbey of St. Ulrich in Augsburg, published a fulsome work of praise of the virtues of Mary Ward and the history of the Institute.¹⁰⁰

III. THE JURISDICTION OF THE CHIEF SUPERIOR¹⁰¹

Since the death of Mary Ward, all chief superiors had been nominated by their predecessors. But when Catherine Dawson died in 1697, her successor was elected, not appointed. Mary Anna Barbara Babthorpe, grand-niece of Barbara, became the fifth chief superior of the Institute.¹⁰²

Her sister Agnes succeeded her as chief superior in 1711. Because of the absence of legislation in the approved *Rules* concerning the role of this chief superior, problems arose and questions began to be asked about it. Bishop Giffard in London was the first to raise objections.¹⁰³

¹⁰⁰ See C. KHAMM, *Relatio de origine et propagatione instituti, Mariae nuncupati, virginum anglarum seu anglicanarum, atque adversus infensum earum scriptorem, justa defensione, ex prodromo partis III. regularis hierarchiae Augustanae*, Augustae Vindelicorum. Typis Joannis Michaelis Labhart, 1717, AIR 0/2, and AJY. Other lives of Mary Ward were written by V. PAGETTI, in Rome, 1662; Dominicus BISSEL, in Augsburg, 1674; Tobias LOHNER, SJ, in Munich, 1689; Marcus FRIDL, in Augsburg, 1732; and Joannes von UNTERBERG, in Augsburg, 1735; see Bib. Casan. ms. 2426; and J. GRISAR, "Die beiden ältesten Leben Maria Wards, der Gründerin der Englischen Fräulein", in *Historisches Jahrbuch*, 70 (1951), pp. 154-189.

¹⁰¹ This subject has been treated in depth by P. WESEMANN, *Die Anfänge des Amtes der Generaloberin*.

¹⁰² See CHAMBERS, vol. II, p. 534.

¹⁰³ See letters from J. M. Constante to Bishop B. Giffard, October 9, 1711, ms copy, AIR A8; from Bishop B. Giffard to J. M. Constante, October 13, 1711, and from J. M. Constante to Bishop B. Giffard,

A. *A separate Austrian Superior General*

A more significant rift occurred in Austria some years later. The community at St. Pölten was founded at the invitation of the Emperor, who insisted that all religious foundations in Austria be independent of any authority outside his jurisdiction. The superior, Maria Anna von Kriechbaum, agreed to this condition, apparently without the knowledge of the chief superior in Munich.¹⁰⁴

Every three years the community members of St. Pölten, with its filial house at Krems, met to confirm the superior in office. The question of their dependence on the Munich superior always caused dissension on these occasions.¹⁰⁵ To avoid this friction, in 1730 the bishop's consistory decreed a life appointment for the superior. But the community remained divided on the issue of the unity of the Institute and the validity of the vows accepted by the Austrian superior.

When the founding superior of the St. Pölten community died in 1739, the communities of St. Pölten and Krems met to elect their nominee for the position. In normal circumstances, in the custom of the Institute, this name would have been submitted

May 17, 1712, in *Analecta juris pontificii*, 26 (1886-1887), cc. 56-58. In his letter Bishop Giffard denied the right of the Institute to have a superior general, since such a role was not mentioned in the 1703 *Rules*. J. M. Constante, in his letter of October 9, 1711, maintained that, in electing a supreme superioress, "they attempt nothing in this our Institute against the authority of Bishops and only design the office of a supreme superioress as a means to spread with more ease through several parts of the world the fruit arising from the instruction of youth." Neither did the *Rules* "forbid the government of this Institute by a person who is called supreme Superioress, not general, who remains everywhere subject to the jurisdiction of the respective ordinaries."

¹⁰⁴ See P. WESEMANN, *Die Anfänge des Amtes der Generaloberin*, pp. 33-35; and *St. Pölten Festschrift*, pp. 12-13.

¹⁰⁵ Because hostilities had broken out between the Austro-Hungarian empire and the duchy of Bavaria, the Institute houses in Austria found themselves politically isolated from Munich. During the war of the Austrian Succession, German and French, as well as Austrian troops frequently occupied the city of St. Pölten. The Institute house was protected from looting and destruction by the presence in the community of German and French-speaking members. The school was often turned into a hospital for the care of wounded and sick soldiers during this time. See *St. Pölten Festschrift*, pp. 13-18.

to the chief superior for confirmation.¹⁰⁶ But the bishop declared that the new superior was to be independent of the chief superior in Munich.¹⁰⁷

The community at Krems protested vociferously. They insisted that they had made their vows in the hands of the Munich superior and that they owed their obedience to her.¹⁰⁸ They all refused to attend the election, so that instead of twenty-nine voters, only the eighteen members of the St. Pölten community were present. Caroline von Asseburg was declared elected with sixteen votes. A delegation of four members from Krems set out for Vienna,¹⁰⁹ hoping to have the election declared invalid. But their protest was rejected and they were accused of a serious violation of their obligation of cloister, since they had neither the bishop's nor the St. Pölten superior's permission for the journey.

As a result, two members from Krems announced that they intended to leave the community. They demanded their dowries back, so that they could enter the Institute in Munich. When six more members declared their intention of doing likewise, the St. Pölten superior appealed to the Pope. She asked for confirmation of the independence of the Austrian houses under the superior of St. Pölten. The petition also asked that the vows which the members had made in the past, or would make in future, be declared valid and that the regulations about cloister be confirmed.

¹⁰⁶ See *Annals of the Bar Convent*, p. 236, concerning the election of Catharine Rouby. The proper procedures for electing the superior are given in a letter from Ernestine Gräfin von Schaffmann, superior general, to Mrs Rouby, circa 1795, pp. 250-251: "You will now make the election among yourselves, in which all, excepting the novices [and lay sisters] have a vote, for the new Superior; then the ancients will inform the General Superior if the most proper person has been elected; then she will confirm her, as was done on the last occasion. The deceased Mother General added that every three years you will continue, as heretofore, to ask of the Chief Superior the reconfirmation of your Superior in her office for three years. This must be done to conform to the spirit of our Institute; it is observed in all our Houses."

¹⁰⁷ See A. MENEGOZZI, "A Historical Survey of the Institute with all its Houses", ms, May 1919, Prot. n. 848/11, ACTVC M10/5.

¹⁰⁸ See P. WESEMANN, *Die Anfänge des Amtes der Generaloberin*, pp. 34, 180.

¹⁰⁹ Some sources say they went to Augsburg. See *St. Pölten Festschrift*, p. 12.

The petition of the St. Pölten superior was supported by the Empress and the apostolic nuncio to the imperial court.¹¹⁰ Pope Benedict XIV responded with the rescript, *Exponi nobis* on May 25, 1742.¹¹¹

B. *Exponi nobis*, 1742

The rescript *Exponi nobis* was addressed to the prince-bishop of Passau, Cardinal Joseph von Lamberg. It was a private response to a request to solve a local problem of jurisdiction, but its implications were far-reaching.

The document began with the history of the foundation of "*le dame inglese*" in Munich, the confirmation of their *Rules* by Clement XI and the foundation of the two Austrian houses. Then there was a brief account of the current dispute and protest by the Krems community. The solution to the difficulty was simply stated:

The convent at Krems and others to be founded and erected in Austria in the future under these Rules, which were confirmed and approved by [our] predecessor Clement, must be subject to the superior of the convent of St. Pölten, without any dependence on the Superior General in Bavaria.¹¹²

The decisions about cloister and the validity of the vows were remitted to the discretion of the bishop.

The rescript referred to the Institute houses as *conservatoria*, the members as *religiosae*, and the chief superior in Munich as *Superiorissa tanquam Generalis* or simply *Superiorissa Generalis*. The Institute was not named, except for the Italian phrase above, but defined as all those houses which follow the *Rules* approved by Clement XI. The right

¹¹⁰ In 1740, Empress Maria Teresa came to power in Austria. She was an ardent supporter of the St. Pölten community and its independence. See letter from Caroline von Assebourg to Pope Benedict XIV, July 12, 1741, and a report of the case by the vicar general of Passau, Bishop Ernesto von Attems, October 14, 1741, ACIVC M10/4.

¹¹¹ See BENEDICT XIV, Rescript "*Exponi nobis*", May 25, 1742, ms. Latin copy, AJNy 3/16.

¹¹² "*Exponi nobis*": "[...] mandamus [...] Conservatorium Cremsense piam fundatum quam alia in posteram in Austria fundata et erigenda sub eisdem regulis a Clemente Praedecessore praedicto approbatis et confirmatis Superiorissa Conservatorii Sancti Hippolythi absque ulla dependentia a Superiorissa Generali Bavario subiici debere."

of jurisdiction of the Munich superior over all the houses of the Institute in Bavaria was presupposed.¹¹³ The rescript gave the same right of jurisdiction to the newly appointed superior of the house at St. Pölten.

Two cautions were included. The first concerned the jurisdiction of the ordinary:

This reservation always applies, that such convents under a single superior remain subject to the protection, direction and every sort of jurisdiction of the bishop of Passau at the time.¹¹⁴

The second, the same exclusion clause which had been added to the 1703 approbation of the *Rules*, specifically excluded any approbation of the Institute itself:

We do not intend in any way to approve the above-mentioned conservatorium or its institute or denomination.¹¹⁵

In short, this decision legitimated the central government of the Institute, thus filling a vacuum in the legislation of Clement XI. Without elaborating the details, or giving any canonical context or explanation, it acknowledged the position of the superior general in a community of women with simple vows. The jurisdiction of the diocesan bishop was restated, but without any clarification of the respective powers of the bishop and the superior general. For the first time the members of the Institute were officially called "religious".

The Munich chief superior had not been consulted in this decision, perhaps because her authority was not recognized in law, perhaps because the Austrian authorities presented the question as a dispute between the two houses in the diocese of Passau. It must have

¹¹³ Ibid.: "[...] omnia Conservatoria huiusmodi sub una Superiorissa tanquam Generali immediate subiecta exstiterunt."

¹¹⁴ Ibid.: "Semper tamen hac reservatione adiecta, ut conservatoria huiusmodi sub una duntaxat superiorissa protectioni, directioni, et omnimodo jurisdictioni tunc, et pro tempore existentis Episcopi Passaviensis subiecta remanerent."

¹¹⁵ Ibid.: "Caeterum per praesentes non intendimus supradictum Conservatorium, illiusque institutum seu denominationem in aliquo approbare."

seemed a bitter blow to her at the time, although later events would show this to be not entirely the case.¹¹⁶

Perhaps because of the private nature of this document, or the political conditions under which it was issued, its implications were not publicly commented upon. Very soon afterwards, events in Bavaria gave rise to more important developments.

C. *The Mindelheim controversy*

As the Austrian dispute was being settled by the establishment of two independent branches of the Institute, a bigger storm was brewing in Augsburg.

This public dispute was also caused by an election, this time for the successor to Bavarian chief superior Magdalena von Schnegg.¹¹⁷ When she died at the end of 1742, the local superior of the Augsburg house, Mary Ann Chester, became the vicar. It was her duty to arrange the election. The new Bishop Joseph von Hessen-Darmstadt of Augsburg forbade the delegates from his diocese to travel to Munich for this election. The Institute compromised by holding the election in Augsburg. When the founding superior of Meran, Francesca von Hauserin, was elected chief superior, the bishop forbade his subjects to acknowledge her. He apparently favoured the Augsburg superior for the position, so that he could bring the houses in his diocese completely under his control. Most of the Augsburg members and their superior, Mary Anne Chester, submitted to the bishop, but in Mindelheim, the community and their local superior Anna Claudia Bernhausen, refused. The bishop imposed an interdict, which deprived the community of the Mass and the reservation of the Eucharist in their convent chapel.¹¹⁸

¹¹⁶ See P. WESEMANN, *Die Anfänge des Amtes der Generaloberin*, p. 36.

¹¹⁷ The elected superiors following Anna Barbara Babthorpe, (died 1711) were her sister Agnes Babthorpe (died 1720), and Magdalena von Schnegg (died 1742). The election which followed Magdalena's death was the immediate cause of the Mindelheim dispute. See CHAMBERS, II, pp. 546-549.

¹¹⁸ See JOSEPH, Landgraf von HESSEN, bishop of Augsburg, decree, June 9, 1745, in Bibl. Casan. ms. 2425, f. 13; and January 5, 1746, in *Analecta juris pontificii*, 26 (1886-1887), cc. 54-55.

The Mindelheim community, with the support of the ruling house of Wittlesbach, appealed to Rome. Claudia Bernhausen's petition asked for the lifting of the interdict.¹¹⁹ The bishop countered with extensive arguments and evidence from the Institute records of the past fifty years.¹²⁰ He challenged the right of the Institute to be governed by a superior general since this was not authorised by the *Rules* approved by Clement XI. He accused the Institute of being identical to the "Jesuitesses" founded by Mary Ward and suppressed by Urban VIII. And he charged that the Institute was following the *Constitutions* of the Jesuits which had been forbidden them by the bull of suppression. Pope Benedict XIV appointed a special congregation of cardinals to rule on the dispute.

At a meeting on July 21, 1748, this congregation formulated its decisions in a series of eight decrees.¹²¹ Pope Benedict XIV then intervened personally to write the Apostolic Constitution, *Quamvis iusto*, which incorporated these decrees into a major statement on the position of the Institute, its superior general, its rules and vows.¹²²

¹¹⁹ See the "Mandatum" of Anna Claudia Bernhausen, January 9, 1746, and the "Instrumentum appellationis" of the bishop of Augsburg, January 12, 1746, in ACIVC M10/4. These documents, and all the acts of the case are found in *Actorum in causa Virginum Anglicanarum, pars I, II*, Bibl. Casan., Roma, mss. 2425, 2426. Some of these documents are also in the ACIVC M10, and in AINy. The bishop of Augsburg published his defense in the case in a series of printed books, in which are reproduced several documents from the Institute house in Augsburg. All the originals, including the Institute documents, remained in the Diocesan Archives in Augsburg, which were destroyed by fire in February, 1944.

¹²⁰ A certain Canon Bassi, of Augsburg, had been asked by the community in 1744 to prepare another petition for the papal approbation of the Institute. For this purpose he was given access to the Augsburg Institute archives. When he found the 1707 *Constitutions* and documents and correspondence dating back to the early days of the Institute, he used these to support the bishop's challenge to the legitimacy of the Institute's governance. See P. WESEMANN, *Die Anfänge des Amtes der Generaloberin*, pp. 41-43, 45, n. 136.

¹²¹ See S.C. EE & RR, Decree, July 21, 1748, ACIVC M10/4. See also P. WESEMANN, *Die Anfänge des Amtes der Generaloberin*, pp. 61-65. The findings of the commission were published in A. BIZZARRI, ed., *Collectanea in usum secretariae Sacrae Congregationis episcoporum et regularium*, Romae, ex Tipographia Rev. Camerae Apostolicae, 1863, pp. 410-411.

¹²² See BENEDICT XIV, Apostolic Constitution, *Quamvis iusto*, April 30, 1749, in *Magnum bullarium Romanum, bullarum, privilegiorum ac diplomatum Romanorum Pontificum amplissima collectio: Benedicti Papae XIV bullarium*, vol. III, Akademische Druck-u. Verlagsanstalt, 1966, pp. 54-68, and in *Codicis iuris canonici fontes*, vol. 2, ed. P. Gasparri, Romae, Typis Polyglottis Vaticanis, 1928, n. 398, pp. 222-237. An English abstract of the document was published in W. HUTCH, *Mrs. Ball: Foundress of the Institute of the Blessed Virgin Mary in Ireland and the British Colonies, (there called Sisters of Loretto): A Biography*, Dublin, Duffy, 1879, appendix IV, pp. 548-560. For the full English text, see APPENDIX D, pp. 184-194.

D. *Quamvis iusto*, 1749

1. The contents of the Constitution

The text, which is very long, begins with a review of the background of the case and the establishment of the commission of cardinals. It then gives a brief history of Mary Ward's Institute from 1621 to 1631, the suppression, Mary's later negotiations with Urban VIII and the approbation of the *Rules* in 1703. Some of the historical details appear to rely on documents in the files of the various Roman Congregations which were sent to Rome by the opponents of the Institute. Many of the facts and presumptions in this section were inaccurate or false.¹²³

The Pope then took up the question of the suppression. He repudiated the opinion that the decision of Urban VIII had ever been abrogated, either specifically or by tolerance.¹²⁴ He denied that the approval of the *Rules* by Clement XI abrogated the bull of suppression, since for validity any abrogation must be expressly and precisely stated. And he emphatically asserted that Clement XI was aware of the suppression and had no intention of abrogating it.

The practice of approving the rules but not the Institute itself was explained as a general practice of the Apostolic See when dealing with non-enclosed communities.

In §§ 8-24, the decrees of the congregation of cardinals were presented, as follows:

Decree 1: the Constitution of Urban VIII remains in force and has never been abrogated.

Decree 2: the Institute of English Ladies is not the Institute of Jesuitesses.

Decree 3: the Institute of English Ladies is bound to observe only the *Rules* approved by Clement XI.

¹²³ See L. HICKS, "Mary Ward's Great Enterprise", in *The Month*, 151 (1928), pp. 138-139.

¹²⁴ See F. SCHMALZGRÜBER, *Consilia seu responsa iuris a Francisco Schmalzgrüber. Ad propositas ex utroque jure quaestiones privatorum commodi, nunc post mortem ad instantes plurimorum preces publicae utilitati*, a. Dilingae, Typis Bencardianis, 1740, vol. 1, pp. 618-619.

Decree 4: the Institute of English Ladies must not recognise Mary Ward as their foundress. Nor may they imitate her or publicly venerate her as though she were a canonised saint.

Decree 5: the English Ladies are not true religious. Their vows are simple. The approbation of the rules, or the taking of the three vows does not make them religious in the strict sense.

Decree 6: the English Ladies are subject to the ordinary jurisdiction of the bishops of the dioceses in which they are located. These ordinaries are authorised to appoint spiritual directors and confessors for them from either the secular or religious clergy.

Decree 7: there is to be no change regarding the Superior General. She is authorised to make visitation, to supervise the education of the children, and to transfer members from one house to another, all with due subordination to the authority of the local ordinary.

The superior can be delegated by the bishop to receive the vows of the members, since this is an act of jurisdiction, not orders, and so can be delegated to a woman.¹²⁵

Decree 8: what was done to the English Ladies in Mindelheim is to be revoked, once the obligations of these decrees have been observed. They are to have Mass in their Church and the Blessed Sacrament is to be reserved there.

In elaborating on these decrees, Pope Benedict XIV achieved three objectives. Firstly, he established the legitimacy of the community by insisting on the discontinuity between them and the suppressed "Jesuitesses". Secondly, the constitution tacitly accepted a religious way of life without enclosure. And thirdly, the role of the superior general over houses in many dioceses was acknowledged and defined in relation to the jurisdiction of the local bishops.

2. The origins of the Institute

Since the bull of Urban VIII had not been revoked, Mary Ward's original community could not be permitted to revive. In the view of the Church, the community whose *Rules* had been approved by Clement XI was not, and could not be, continuous with the community suppressed by Urban VIII.

The historical evidence given in the document to support this assertion is not convincing. The "certain women or virgins, who assumed the name of Jesuitesses", who

¹²⁵ *Quamvis iusto*, § 18: "Cum enim agatur de actu non Ordinis, sed Jurisdictionis, mulier quoque potest ad illum delegari."

carried out "many works, which are not in the least suitable to the natural weakness, womanly modesty and especially virginal decency of their sex", spoken of in the bull of suppression, were in fact identical to the "young English catholic noblewomen" of the decree of approbation of the *Rules* of Clement XI. Mary Ward, Winefrid Wigmore, Catherine Smith and Jane Browne could be regarded as founding members of both communities. Others, including Mary Poyntz, Barbara Babthorpe and even Frances Bedingfield, who joined the institute in 1630, belonged to both groups.¹²⁶

But canonically the two communities could be considered to be quite distinct. In 1617 they had been approved as religious by Bishop Blaise of St. Omer.¹²⁷ After the suppression, they lived as lay people, taking private vows and avoiding any public signs specific to true religious. It was only in 1680, fifty years after the suppression, that the new community obtained episcopal recognition.

The Bishop of Augsburg presented the *Constitutions* of the community in his deposition as proof that the English Ladies were indeed the suppressed Institute of "Jesuitesses". He prepared a document comparing the text of these *Constitutions* with the Ignatian *Constitutions*, showing the close parallels in wording which existed between them.¹²⁸ In response to this accusation, the Pope insisted that the community follow only the *Rules* approved by Clement XI, but upheld their right to apply for approval of other constitutions in the future.

The ban on acknowledging Mary Ward as founder may also have been intended to stress the discontinuity between the two communities. But this ban was given additional

¹²⁶ Jane (or Joanna) Browne died in Munich shortly after the suppression. The precise date of her death is not known. The other member of the original founding group in St. Omer, Susanna Rookwood, died on May 25, 1624, while superior of the house at Naples. See CHAMBERS, vol. II, pp. 120-122, 325, 424-425.

¹²⁷ See CHAMBERS, vol. I, pp. 502-503.

¹²⁸ See *Constitutiones Instituti V. Anglicarum et earum declarationes cum constitutionibus Societatis Iesu et earum declarationibus ex adverso positis collatae*, [circa 1745], in Bibl. Casan. ms. 2426, ff. 38-149.

emphasis because the Bishop of Augsburg had presented evidence that the community had revered her as a saint. The biographies, by Fridl and Khamm in particular, set out to exalt her virtues. Texts of litanies and hymns in her honour were included in the Augsburg accusations.¹²⁹ It so happened that Benedict XIV had a particular interest in the process of canonization. In responding to these accusations, he referred to his own legislation which required the judgement of the Apostolic See before anyone was honoured in this way.¹³⁰ Perhaps as a result, the document is somewhat harsh concerning Mary Ward's reputation and her apparent faults in opposing the suppression.¹³¹

3. A congregation with simple vows

Secondly, the Pope gave the English Ladies the freedom from enclosure necessary to carry out their apostolic works. In order to do this, he reiterated the legislation of Clement XI in *Emanavit nuper* of 1706. He insisted that it was their simple vows which distinguished the apostolic community of the English Ladies from monastic nuns who were religious in the proper sense. This distinction set them outside the regulations concerning *moniales* established by the general councils and the Constitution *Circa pastoralis* of Pius V.

¹²⁹ See *Acta in Causa Virginum Anglicanarum*, in Bibl. Casan., ms. 2426, ff. 200-204, 248-262; the "Litanies communes", in *Analecta iuris pontificii*, 26 (1886-1887), cc. 55-56; M. FRIDL, *Englische Tugend-Schul Mariae unter denen von Ihro Pabstlichen Heiligkeit Clemente XI. gutgeheißnen und bestätigten Reglen deß von der Hochgebohrnen Frauen, Frauen Maria Ward, als Stifterin aufgerichteten Edlen Instituts Mariae, insgemein unter dem Namen der Englischen Fräulein*, Augsburg, Martin Happach, 1732, 2 vols., AISTA; and C. KHAMM, *Relatio de origine et propagatione Instituti*, 1717.

¹³⁰ See BENEDICT XIV, *Prosperi Cardinalis de Lambertinis opus de servorum Dei beatificatione et beatorum canonizatione*, (1st ed. Bologna 1734-1738), vols. 1-7 in *Opera omnia*, Prati, in typographia Aldina, 1839-1847, 18 vols. See also R. HAYNES, *Philosopher King: The Humanist Pope Benedict XIV*, London, Weidenfeld and Nicolson, 1970, pp. 78-150.

¹³¹ See *Quamvis iusto*, § 11: "[...] magna potius dicenda sit Urbani Pontificis clementia erga ipsam fuisse, dum eam errantem, et Apostolicis iussionibus oblucantem benignitate potius obstringere, quam poenis ipsi debitis ad legum praescriptum plectere voluit."

4. Governance in the Institute

Thirdly, the Pope confronted the question of governance. Up to this time, all religious communities of women had been subject to the jurisdiction of the local ordinary or to a male religious superior. All such houses of religious were independent of one another. In contrast, Mary Ward had requested a form of central government for her Institute based on the Jesuit model. The English Ladies had retained a vestige of this type of organisation, maintaining a bond of unity between the houses through the person of the chief superior.

The brief *Inscrutabili* of Clement XI had referred to the superior of the community, which title was understood by Benedict XIV in *Quamvis iusto*, § 14, to indicate the local bishop. The brief *Emanavit nuper* determined that the houses of the Institute were subject to the jurisdiction of the Ordinary. But in establishing the position of Austrian superior-general, Pope Benedict XIV had already confirmed the legitimacy of central government in the Institute, without defining its limits. In *Quamvis iusto* he addressed this question in detail.¹³²

Firstly he acknowledged the unity of the houses under either the Munich or the Austrian superior general. Then, in commenting on the seventh decree, he defined the authority of this office, which was restricted to visitation, supervision of the educational works of the community and transfer of members from one house to another, all with due regard to the authority of the local ordinaries.¹³³ After her visitation, the superior general must give a report to the bishop. He could also delegate to the superior general the authority to admit members to profession since, as the Pope explained, this is not an

¹³² See *Quamvis iusto*, §§ 15-20.

¹³³ See *Quamvis iusto*, §§ 21, 22. This model of central authority was derived from the 1717 *Constitutions* of the community of "Maestre Pie", which was an educational institute without vows; see M. HEIMBUCHER, *Die Orden und Kongregationen der katholischen Kirche*, dritte, größtenteils neubearbeitete Auflage, Paderborn, F. Schöningh, 1933-1934, vol. 2, p. 500; and P. WESEMANN, *Die Anfänge des Amtes der Generaloberin*, pp. 202-206.

exercise of the power of orders, but of the power of jurisdiction and thus could be delegated to a woman.¹³⁴

This delineation of the respective powers of the superior general and the local ordinary was to prove the outstanding contribution of this document to the development of religious law and religious life in the next two centuries. Although it stopped short of giving approbation to the Institute, and despite its emphasis on the exclusion clause, the document was seen as giving tacit approbation to apostolic congregations with simple vows. Its influence went far beyond the Institute itself, to affect the numerous foundations of apostolic religious women which began in the late eighteenth and nineteenth centuries.¹³⁵ According to C. Orth:

Though directed to one particular institute this constitution was to be the form for all similar cases of religious congregations in their relations to the local Ordinary. Through this constitution religious congregations may be considered as having been granted legitimate and juridical existence. Thus the foundations were laid for their great future evolution and the first scheme or plan of the constitutions of religious congregations of women was enunciated.¹³⁶

Quamvis iusto was in fact the only general legislation concerning the structure of apostolic religious women's communities between *Circa pastoralis* in 1566 and *Conditae a*

¹³⁴ *Quamvis iusto*, §18: "Cum enim agatur de actu non Ordinis, sed Iurisdictionis, mulier quoque potest ad illum delegari." See P. WESEMANN, *Die Anfänge des Amtes der Generaloberin*, pp. 191-196.

¹³⁵ Most commentators on the development of religious law refer to *Quamvis iusto* in this context. See, *inter alia*, R. LEMOINE, *Le droit des religieux du Concile de Trente aux instituts séculiers*, Bruges, Desclée de Brouwer, 1956, pp. 257, 267-270; F. CALLAHAN, *The Centralization of Government in Pontifical Institutes of Women with Simple Vows*, pp. 31-33 and J. CAIN, *The Influence of the Cloister on the Apostolate of Congregations of Religious Women*, p. 49.

¹³⁶ C. ORTH, *The Approbation of Religious Institutes*, pp. 54-55.

Christo in 1900.¹³⁷ It is also cited by P. Gasparri as a source of twelve canons on various subjects in the 1917 *Code of Canon Law*.¹³⁸

Finally, the document vindicated the position of the Mindelheim community. The bishop's interdict was lifted, while the community could continue to acknowledge the chief superior as their source of unity. But the document did not grant to the Institute the degree of juridical autonomy which was later to become a feature of centralized religious congregations of women. The authority of the superior general according to *Quamvis iusto* was always subject to the jurisdiction of the local bishop. Nevertheless, the moral authority of her position had been officially established and acknowledged, and the bond of unity between the many houses of the Institute strengthened.

CONCLUSION

In 1631, the English Ladies were a scattered group of impoverished women, publicly disgraced by the Church. Within fifty years they had become an established apostolic institute. Several factors were involved in their survival. Firstly, they had a strong personal loyalty to one another and to Mary Ward and a persistent belief in their calling. Secondly, the chaotic political situation in Munich at the time allowed them to remain in the Paradeiserhaus in Munich and to reopen the school there. The support of the ruling Wittelsbach family in Bavaria provided them with a means of subsistence, a home and the public support necessary for their works to prosper. The success of the Augsburg

¹³⁷ See T. SCHAEFER, *De religiosis ad normam codicis iuris canonici*, 4th edition, Roma, Typis Polyglottis Vaticanis, 1947, p. 26: "Pro evolutione iuris Institutorum mulierum const. *Quamvis iusto*, 30 aprilis 1749, Benedicti XIV fundamentalis fuit quasi milliarium signat lapidem, et cardo posterioris evolutionis, quin etiam primum iuridicum schema constitutionis Congregationum mulierum haberi potest." See also D. BOUIX, *Tractatus de jure regularium*, vol. 1, pp. 224-232; and F. CALLAHAN, *The Centralization of Government in Pontifical Institutes of Women with Simple Vows*, pp. 31-32.

¹³⁸ See *Codicis iuris canonici fontes*, ed. J. Serédi, vol. 9, p. 155, n. 398; and *Codex iuris canonici, Pii X Pontificis Maximi iussu digestus, Benedicti Papae XV auctoritate promulgatus: praefatione, fontium annotatione et indice analytico-alphabetico ab P. Gasparri auctus*, Romae, Typis Polyglottis Vaticanis, 1933, cc. 336 § 2; 488; 520 § 1; 521 § 1, 3; 524 § 1; 525; 1256; 1265 § 1, 2; 1274 § 1; 1277 § 1; 1557 § 3; 1999 § 1.

foundation gave the Institute the impetus for its later expansion. Finally, local church and civil authorities recognized the value of the educational works of the community. Over the course of the century covered in this chapter, the Institute, despite its division into two distinct branches, grew into an effective educational organization of fifteen large houses, with boarding and day schools attached, spreading from Yorkshire to Prague.¹³⁹

The survival of the group gave rise to important canonical developments for the whole Church. Mary Ward's attempts to obtain approval for her plans had failed partly because the legislation of the time was not flexible enough to provide for a new model of religious life for women. When the English Ladies appealed to Rome in 1693, the same problems arose. Eventually Pope Clement XI did approve their *Rules*, and his brief, *Inscrutabili*, provided a framework for the canonical recognition of apostolic women religious. It also gave the English Ladies a basis for their future development as a world-wide organization.

The relationship between bishops and the Institute proved difficult to define. Problems were experienced in many dioceses. Only the Hammersmith house suffered irreparably. The disputes in Freising and St. Pölten helped in the evolution of a new role for the superior general of the community.

But it was Benedict XIV who confirmed and defined the basic elements of the central governmental structure of the Institute. His legislation was a landmark in canonical history, since it was the point of reference for all subsequent legislation for apostolic religious women until the beginning of the twentieth century.

The Institute at the time of *Quamvis iusto* was certainly very different from Mary Ward's ideal. In order to survive, the English Ladies had learned to adapt their aspirations to the ecclesiastical and cultural restrictions of the times. Each house was under the

¹³⁹ Munich, Augsburg, Burghausen, [Hammersmith], York, Mindelheim, St. Pölten, Bamberg, Altötting, Krems, Meran, Fulda, Brixen, Prague, and Aschaffenburg.

jurisdiction of the local bishop. The work of the community was almost exclusively confined to the education of young girls, within the school setting. The lifestyle was very monastic. There was little flexibility to respond to changing needs. The most striking contrast was the absence of apostolic work with adults, especially among families. The freedom to move among the people where they lived, in the cities or the countryside, in their homes and in prisons, which was so characteristic of Mary Ward, was almost entirely absent from their way of life.

Nevertheless, many aspects of her original plan were retained, if only in a limited form. The Institute continued to resist the ultimate restriction of the strict cloister, and to hold on to the Ignatian tradition which gave them their unity and identity.

On the negative side, they had achieved ecclesiastical recognition at the cost of their links with Mary Ward. This loss was to have unhappy consequences in the future. The prohibition against acknowledging her as the founder was taken so seriously in some houses that books, letters and other vital historical documents were burned in a panic of misplaced obedience. The traditions and history of the Institute were passed on by many in a clandestine fashion, but the pall of ecclesiastical disapproval continued to burden the community.

CHAPTER THREE

THE EXPANSION OF THE INSTITUTE: 1749-1877

The political situation in Europe in the second half of the eighteenth century was unstable and often turbulent. Both Austria and Bavaria were involved in the war of the Austrian succession (1740-1748) and in the Seven Years' War (1756-1763). Despite this sometimes hostile environment, new houses were established during this time.

The French Revolution introduced an even more chaotic period in European political and religious life. Not only did the Napoleonic wars affect the everyday life of the schools and communities, but the Institute was also affected by political disruption and religious persecution.¹ The new policies of the Enlightenment, as applied to the provision of education in Bavaria, threatened the existence of many of the houses.

These political events forced divisions and changes in some communities of the Institute. In England, for instance, the influence of French catholic refugees helped to accelerate the emancipation of the Church. But refugee priests preached a different spirit of religious life to the York community. This had long-term consequences for the Institute in England and Ireland, where the major canonical developments in the Institute in this period took place.

I. THE INSTITUTE IN CONTINENTAL EUROPE

A. *Developments in the 18th century*

After *Quamvis iusto*, the Institute in continental Europe grew slowly but steadily until the end of the century.² The dual allegiance of the communities to their local bishops

¹ See R. AUBERT et al., *The Church Between Revolution and Restoration*, vol. 7 of H. JEDIN and J. DOLAN, ed., *History of the Church*, translated by P. Becker, London, Burns & Oates, 1981, xx, 426p.

² After 1749, houses were established in Mainz (1752) and Frankfurt (1752) from Fulda, Günzburg (1758) from Augsburg, Oppenheim (1759-1811) and Pest (1770) from St. Pölten. In Altötting the

and to the superiors general caused few serious problems, although the jurisdiction of the superior general was only nominal in some dioceses. The Constitution *Quamvis iusto* was not promulgated everywhere and no major changes occurred in the way of life of most communities. None broke away from the unity of the Institute. Only the superior general had access to the 1707 *Constitutions*, which, prior to 1749 were kept in all the houses for the use of the superiors.³

In Austria, the religious reforms initiated by Maria Theresa and Joseph II did not threaten the existence of the St. Pölten houses, which enjoyed the special protection of the court. But the Austrian government would not tolerate foreign interference in the affairs of religious communities. Even papal authority was severely limited. This increased the isolation of St. Pölten from the rest of the Institute.⁴

In 1773 Pope Clement XIV suppressed the Society of Jesus.⁵ The Institute thus lost its traditional source of chaplains and spiritual directors. It also found itself in the situation

community there established a house for an orphanage (1786). See ACIVC, M10/1, M10/4, M10/5, and AIY 1/16g (i). At Rovereto in the Tyrol, a Carmelite convent and its community, were transferred to the Institute in 1783 by order of the Emperor Joseph II. The house remained under the supervision of the prince bishop of Trento, and was not dependent on any other Institute house. As a result, the members followed a mixture of Institute and Carmelite rules and customs. See letter from M. Barbara Gottlieb to SCJeR, October 31, 1922, Prot. n.6309/22, ACIVC, M10/5; and "Regolamenti canonici sull'Istituto della B. Maria Vergine (detto delle Dame Inglesi)", file 848/11, ACIVC M10/5. See also LEITNER, p. xxxix. All the houses continued their educational works, with boarding schools for the nobility, day schools for the middle class children and free schools for the poor.

³ See I. WETTER, "Mary Ward's Institute and the Constitutions of St. Ignatius", n. 3 in *Letters of Instruction*, p. 6; and E. MacDONALD, "A Short Summary of the History of the Constitutions of the IBVM", Dublin, IBVM, 1970, p. 5.

⁴ See "Rechtsverhältnisse der Englischen Fräulein in Österreich: Beilage zu XVIII", 11p., AIStP, 65. The superior of the St. Pölten community from 1748 to 1784 was Katharina Gräfin von St. Julien, who had been a childhood friend and later lady-in-waiting to the Archduchess Maria Theresa. See also "Institute of the Blessed Virgin Mary", in *Niagara Rainbow*, 8 (1901), p. 147; E. BLUME, "The English Institute", in *Niagara Rainbow*, 16 (1909), p. 13; and C. HAYES, *A Political and Cultural History of Modern Europe*, New York, MacMillan, 1932, vol. 1, pp. 350-351.

⁵ See CLEMENT XIV, Brief "Dominus ac redemptor noster", July 21, 1773, in *Magnum bullarium Romanum continuatio*, Graz, Akademische Druck-u. Verlagsanstalt, 1963-1964, tomus quartus, pp. 607-618; and L. von PASTOR, *The History of the Popes*, vol. 38, pp. 286-289.

where the official church not only condemned its own founder, Mary Ward, but also disapproved of the Society which nurtured its spirituality and tradition of government.

B. *Secularization in Germany*

1. *Suppression of houses in Bavaria*

At the beginning of the nineteenth century, liberal reforms based on the theories of the Enlightenment came into vogue in the various German states.⁶ As in France, governments took the control of education away from the church. The suppression of religious houses, which began with the closure of contemplative communities in 1802, affected the Paradeiserhaus in Munich in 1809.⁷ The State had already taken over the Institute's orphanage in Munich in 1808.⁸ Altötting was also closed in 1809.⁹

In Augsburg, in keeping with the tradition of political independence in the city, the local authorities protected the house from suppression. Mindelheim closed in October 1809, and its community transferred to Augsburg.¹⁰

⁶ See J. WALSH, "Religion: Church and State in Europe and the Americas", chapter 6 in G. POTTER et al., ed., *The New Cambridge Modern History*, vol. 9, Cambridge, Cambridge University Press, 1969, pp. 154-155.

⁷ See T. WINKLER, *Das Institut in Bayern*, pp. 132-152, for a detailed account of the government education policies which led to the closure of the house. The building itself was appropriated by the government and even the bodies buried in the vault in the chapel had to be removed. See also LEITNER, p. 263 and n. 1.

⁸ See E. BLUME, "The English Institute", in *Niagara Rainbow*, 15 (1908), p. 224.

⁹ The Altötting community then moved to Burghausen. In 1816, thirty-two members of the combined community moved back to Altötting when Burghausen was closed. But many of them were old or sick. No new members had been received for thirteen years. In 1825 they were given permission to accept new members. Finally, in 1826, the King of Bavaria signed a decree allowing the re-establishment of the Institute in Burghausen. See T. WINKLER, *Das Institut in Bayern*, pp. 153-165.

¹⁰ See T. WINKLER, *Das Institut in Bayern*, pp. 165-167.

2. The formation of the Mainz generalate

The government in Mainz permitted the convent to continue in operation. Although the members were forbidden to wear the habit and could not accept novices, they could still keep their educational works. But the authorities insisted that Mainz separate from the jurisdiction of Bavaria.¹¹ Thus external political forces once again fractured the unity of the Institute. From this time, the superior of Mainz governed the Institute houses in the Rhineland and Hesse.¹²

C. *Re-establishment of the Bavarian generalate*

As peace returned to Europe, the suppression of the Bavarian houses was gradually lifted. Fortunately the preservation of the Augsburg community enabled it to send young members to the other communities where few able-bodied members remained to staff the schools. In 1824 the authorities permitted the community at Altötting to accept novices. The house at Mindelheim re-opened in 1832.¹³

In 1835 the government in Munich asked the Augsburg superior to send a community to staff a school at Nymphenburg, just outside Munich.¹⁴ This school, housed

¹¹ Mainz, founded in 1752, opened its own novitiate in 1781. See "Geschichtlich-juristischer Bericht - Mainz", ACIVC, M10/1; and *Das Institut St. Mariae der Englischen Fräulein: Zum Gedächtnis der 300jährigen Wirksamkeit der Englischen Fräulein in Deutschland und des 175jährigen Bestehens des Generalmutterhauses in Mainz: 1627-1927, 1752-1927*, Mainz, IBMV, pp.21-23. Napoleon personally gave the permission for the preservation of the Mainz convent by decree on May 3, 1807, signing the document on a drumhead on the battlefield. See also ACIVC, M10/4; and LEITNER, pp. 457-483. Mainz was known as Mayence in French, and in Latin, Moguntina.

¹² Fulda, however, was an independent foundation from the suppression of the Munich house until 1876. It was forced to close, briefly, during the *Kulturkampf*, from 1876 to 1888, during which time most of its members transferred temporarily to the Institute in Hungary. On their return, the depleted community joined the Mainz generalate. See *Das Institut St. Mariae der Englischen Fräulein: Zum Gedächtnis der 300jährigen Wirksamkeit*, pp. 68-76.

¹³ See T. WINKLER, *Das Institut in Bayern*, pp. 159-165.

¹⁴ See LEITNER, pp. 408-414.

in a wing of the Royal Palace, had been operated by a Congregation of Notre Dame¹⁵, and then by lay teachers during the suppression of the religious orders. Some of these women later joined the Institute in Nymphenburg.

Since 1809 the Institute in Bavaria had been without a superior general, although the Institute itself had survived through the preservation of the Augsburg and Altötting communities. In 1840 the Apostolic See appointed the superior at Nymphenburg, Katharina di Graccho, as superior general over all the houses in Bavaria.¹⁶ The following year, Pope Gregory XVI, in his decree *Cum ex frugifera* limited the powers of this superior general.¹⁷ She could not move members from one house to another without the approval of the bishops and the local superiors. Nor could she interfere in the financial affairs of the branch houses.¹⁸

D. *Developments in Austria*

In 1799 Russian troops occupied the city of St. Pölten. In 1805 and 1809 soldiers of the French army were quartered in the convent buildings.¹⁹ During these military invasions the community endured extremely difficult conditions. Nevertheless, political events in Austria during the Napoleonic era did not lead to the suppression of the convent schools as occurred in France and Germany at that time. Later in the century, St. Pölten made foundations in Hungary, at Erlau (or Eger) (1852), at Veszprem (1860) and at Eperjes (or Prešov) (1882).

¹⁵ See P. PETSCHAUER, *The Education of Women in Eighteenth Century Germany: New Directions from the German Female Perspective: Bending the Ivy*, New York, Edwin Mellen, 1989, p. 162.

¹⁶ See S.C. EE & RR, decree, January 20, 1840, ACIVC, M10/2.

¹⁷ See GREGORY XVI, decree, "Cum ex frugifera", April 23, 1841, ACIVC, M10/3. See also *Annals IBVM Navan*, p. 9.

¹⁸ In 1862 the Nymphenburg superior general petitioned the Holy See for the removal of these limitations. No response was found in the archives. See petition from E. di Graccho, May 3, 1862, ACIVC, M10/3, Prot. n. 22230/5; and "Konstitutionen 1857-67", ms, 3.v.62 AINy.

¹⁹ See E. BLUME, "The English Institute", in *Niagara Rainbow*, 16 (1909), p. 72.

The houses in the Tyrol suffered a great deal during the Napoleonic wars. The area, which had been attached to Bavaria, was annexed to Austria in 1813. As a consequence, the Austrian Emperor Francis I issued a decree on May 31, 1816, transferring the three houses of Meran, Brixen and Rovereto to the St. Pölten generalate.²⁰ Frequent political realignments of this region with the neighbouring powers of Italy, Austria and Bavaria continued throughout the nineteenth century.

E. *The Institute in Italy*²¹

In 1831 an English school owned and run by Marie Hadfield Cosway in Lodi, in the north of Italy, became a filiation of the Austrian Institute.²² From Lodi, the house at Vicenza was founded in 1837 in a former convent of disalced Carmelites.²³ In 1848, the German members were forced to withdraw from Lodi and Vicenza but the Italian members of the community continued operating the schools. The political situation in Italy caused Lodi (1859) and Vicenza (1866) to separate from St. Pölten. From this time until 1910, these Italian houses formed two separate, self-governing branches of the Institute. At that

²⁰ This decree was issued on June 20, 1816. See "Rechtsverhältnisse der Englischen Fräulein in Österreich: Beilage zu XVIII", p. 3, AlStP. The houses in Brixen and Merano, founded from Augsburg, had been subject to Munich, while the house named S. Croce in Rovereto was independent from its foundation in 1783 up to 1816. See "Regolamenti canonici sull'Istituto della B. Maria Vergine (detto delle Dame Inglesi)", file 848/11, ACIVC M10/5; and *Deutsche Illustrierte Rundschau: Sonderheft zum 300jährigen Bestehen des Institutes BMV der Englischen Fräulein*, München, Hanns Eder Verlag, 5/6 (1927), p. 243-247.

²¹ For the history of the Italian houses during this period see *Annals of the Bar Convent*, pp. 324-329; and *Deutsche Illustrierte Rundschau*, 5/6 (1927), pp. 243-244, 247-249.

²² Madame Cosway administered the school with the assistance of the Austrian imperial government. When she reached old age she asked that the school be transferred into the charge of "les Dames Anglaises". St. Pölten sent some sisters to establish the community. Then Madame Cosway contacted the house at York, asking for some members and for the rules, since she wanted to form a truly English house of the Institute. York was not ready to send sisters, but gave the rules to the Lodi community. See letter from Madame Cosway to York, March 22, 1834, AIY 1/16g. See also file 4, ACIVC M10/5; E. BLUME, "The English Institute", in *Niagara Rainbow*, 16 (1909), p. 72; *Annals of the Bar Convent*, pp. 324-329; and LEITNER, p. xli. The dates differ somewhat in these sources.

²³ A second house in Rovereto was founded from Lodi in 1859, see AIY 1/16g. Merate, Lecco and Biella (1872) were later filiations of Lodi. A foundation at Crema (1871) was transferred to Merate in 1889. See report of the history of the St. Pölten province in ACIVC M10/1 and M10/5; and letter from M. Josephine Castiglione to York, November 9, 1886, AIY 1A/16h.

time all religious communities in Italy were suppressed in theory, although this suppression was not always enforced. From 1866 until 1901 the Institute members were forbidden to wear the religious habit, but the authorities tolerated their educational activities.

F. *19th century constitutions*

The changed political conditions in Europe after the French Revolution, together with missionary expansion in the United States and elsewhere, led to a reversal in attitude on the part of the Apostolic See towards congregations with simple vows. From 1816, apostolic institutes of women were approved without reservation. Decrees of approbation no longer included the phrase "*citra tamen approbationem conservatorii*." Communities received pontifical approval only after living for some years under episcopal authority. With one exception, no institutes with solemn vows received approval after 1787.²⁴

The extraordinary growth in the numbers of apostolic religious institutes led to an interest in their governance, and hence in their constitutions:

More and more [Rome] concerned herself with the internal organization of such communities, seeing to it that only such statutes or constitutions were adopted as would further the particular end of the institutes and bring about wholesome government and management of affairs. Much prominence was given to the constitutions, the particular laws of the congregation, so that their approval was looked upon as something greater than the approval of the institute. The complete approbation was only then acquired when these constitutions were stamped with the definite and final approbation of Rome.²⁵

²⁴ The *Sorores Minimae Charitatis Virginis Perdolentis* were approved with solemn vows by Pope Gregory XVI in 1848. See E. GAMBARI, "De votis simplicibus religionis in Societate Jesu eorumque momento in evolutione iuris religiosorum", in *Ephemerides iuris canonici*, 3 (1947), pp. 118-120. See also A. BIZZARRI, ed., *Collectanea*, pp. 861-866 for a listing of approved institutes; and C. ORTH, *The Approbation of Religious Institutes*, pp. 64-68.

²⁵ C. ORTH, *The Approbation of Religious Institutes*, p. 66.

1. Bavarian constitutions

As the Institute re-established itself after the disruptions of the suppression and the Napoleonic wars, work began again for the approval of the constitutions. The archives of Nymphenburg contain manuscript texts of constitutional revisions from the years 1853 and 1857, which the superior general of Nymphenburg submitted for approval to the Holy See, but without success.²⁶ The text was basically that of the ancient constitutions, believed to have been handed down from Mary Ward.²⁷ By this time it had been greatly altered and simplified after the publication of *Quamvis iusto* and in several attempts to have it approved.²⁸

Elise di Graccho,²⁹ who succeeded her sister Katharina as superior general in 1857, worked extensively with the local superiors on the revision of the constitutions.³⁰ The Nymphenburg archives contain files of correspondence between the superiors and bishops,

²⁶ See petitions from K. di Graccho, August 27, 1853 (no Prot. n.) and December 8, 1857, Prot. n. 14297/4, in ACIVC M10/3. On July 14, 1857, C. Capelli, a consultor of the S. C. for Bishops and Regulars, wrote to her, ACIVC M10/2: "Nihil esse innovandum. Questo medesimo risultato ebbero altre istanze umiliate in seguito nel 1862, 1871, 1877 mai perdendosi di coraggio!"

²⁷ See *Satzungen des Englischen Institutes und deren Erklärung, aus den alten Satzungen mit einigen Weglassungen, in Jahre 1863 den versammelten Oberinnen vorgelegt*, ms, IBMV, Nymphenburg, 1863, 179p. AINy.

²⁸ See I. WETTER, "Mary Ward's Institute and the Constitutions of St. Ignatius", no. 3 in *Letters of Instruction*, p. 10.

²⁹ Katharina di Graccho, superior general of Nymphenburg died on February 14, 1857. She was succeeded by her sister Elise, the Augsburg superior, who had been appointed coadjutor by Pius IX. See *Annals IBVM Navan*, p. 118.

³⁰ The bishop of Augsburg, Pankratius Dinkel, objected to this effort to approve the constitutions, which, he believed, were the same as those which had been rejected in *Quamvis iusto*. He had not been consulted about this new process and felt his rights were being overlooked. See I. WETTER, "Mary Ward's Institute and the Constitutions of St. Ignatius", no. 3 in *Letters of Instruction*, p. 10.

and many manuscript drafts of constitutions from her term of office.³¹ She presented a formal request for the approval of constitutions to the Apostolic See in 1862.³²

By 1864 the Institute in the diocese of Passau, including the communities in Altötting and Burghausen, had grown very numerous.³³ In that year the bishop of Passau, Heinrich von Hofstätter, unsuccessfully petitioned the Holy See for a separate generalate of the Institute in his diocese.³⁴

2. Mainz constitutions

Up till this time, all the superiors general of the Institute had been elected, or appointed, for life. The praxis of the Apostolic See was changing, and from 1858 a limited term of office for all superiors was encouraged.³⁵

Because of the circumstances in which Mainz was separated from the Institute in Bavaria, there was some doubt whether the Mainz superior was defined as a superior general. In 1854 the community in Mainz asked for a clarification about her term of office.

³¹ See files in AINy entitled: "Briefe zu den Vorarbeiten der Konstitutionen 1866-1870", "Übersichtliche Darstellung des Wesens des Zwecks und den Verfassung des Institutes, 1870"; "Aus den alten Satzungen mit einigen ...Weglassungen - im Jahre 1863 den versammelten Oberinen vorgelegt, IBMV, Augsburg, 1866"; "Konstitutionen des Englischen Institutes Sancta Maria, aus verschiedenen approbierten Konstitutionen zusammengestellt, Augsburg, 1864, 1865"; and draft petition to the Apostolic See for the approbation of the constitutions, May 3, 1862. See also ACIVC, M10/4 for testimonials from German bishops supporting the approbation of the constitutions, dating from 1868.

See also letter from Fr. John Morris to York, during his visit to Nymphenburg, October 29, 1889, AIY 1/9d, 15. Fr. Morris wrote: "As to their own Constitutions, they have put into my hands, what they prepared in 1863 and modified in 1870. They were sent to Rome in 1863 but nothing has been heard of them. In 1870 the Council was sitting, and on their proposing to send their Cns for approval, they were told to wait till the Council reached that subject - and they are waiting still."

³² See letter from E. di Graccho to S. C. Bishops and Regulars, May 3, 1862, Prot. n. 22230/5, ACIVC M10/3. This letter is interesting since in it she expressly states that the Constitutions are Ignatian, and she includes the houses of all the branches in her description of the Institute.

³³ See LEITNER, pp. 424-437, 845-850.

³⁴ See documentation in Diocesan Archives, Passau.

³⁵ See a brief history of this development in A. LARRAONA, "De iure quo Congregatio nostra regitur", in *Commentarium pro religiosis*, 6 (1925), pp. 345-346, n. 65.

The reply determined that the present superior could remain in office for the duration of the present bishop's government.³⁶

In 1865 Bishop Wilhelm Emmanuel von Ketteler approved the Mainz constitutions, which were published the following year.³⁷ These constitutions consisted of regulations covering reception, profession, dismissal, election and visitation, rules for offices and for the schools. The provision in the constitutions concerning the term of the superior general read:

She is elected for six years, in conformity with a new ecclesiastical decision, but at the term of her six years of office, she may be re-elected, provided she is judged by the majority of the sisters to possess the necessary qualifications for governing; in this case she is elected for life.³⁸

This conformed to the recently introduced praxis of the S. Congregation for Religious, and recognised the status of the Mainz superior as that of a superior general.³⁹

³⁶ See S.C. EE & RR, rescript to the vicar capitular at Mainz, concerning the term of office of the Superior General, circa 1866, Prot. n. 13240/11, ACIVC, M10/3: "Actualis Superiorissa Virginum Anglicarum domus Moguntinae in suo munere pergit, usque ad novi Ep. electionem." Bishop W. von Ketteler died in 1877.

³⁷ See *The Rules and Constitutions of the English Ladies of the Institute of Mary in Mayence, with the Approbation of the Bishop*, IBMV, Mainz, 1866, 63p, AIY and in ACIVC, M10/1. Between 1856 and 1871 the Mainz community made twelve foundations. See *Das Institut St. Mariae der Englischen Fräulein: Festschrift zum Gedächtnis der 300jährigen Wirksamkeit der Englischen Fräulein in Deutschland und des 175jährigen Bestehens des Generalmutterhauses in Mainz: 1627-1927, 1752-1927*, Mainz, IBMV, p. 28.

³⁸ *The Rules and Constitutions of the English Ladies of the Institute of Mary in Mayence*, p. 10, AIY.

³⁹ See "Animadversionum Bizzarriana, I: Monacen. et Frisingen., 1858", in A. BIZZARRI, ed., *Collectanea*, p. 831: "The superior general and her four assistants are chosen by the general chapter, and remain for six years, after which the superior general alone can be confirmed for life." See also T. BOWE, *Religious Superiores: A Historical Synopsis and a Commentary*, Washington, DC, Catholic University of America, 1946, pp. 16-20; and T. SCHAEFER, *De Religiosis ad normam codicis iuris canonici*, pp. 220-221.

After 1864 the superiors at York were appointed for a six year term of office. A re-election required permission from the Apostolic See. See PROPAGANDA, Rescript, January 31, 1864, published in *Letters Apostolic*, pp. 65-66.

3. Austrian constitutions

The St. Pölten generalate also began working on constitutional revision. The archives at St. Pölten contain contemporary correspondence with Nymphenburg and York on the matter, together with manuscript copies of the 1707 *Constitutions*, constitutional texts from York and various collections of rules of offices, customs and prayers.⁴⁰

II. THE INSTITUTE IN ENGLAND

A. *The isolation of the community*

During the eighteenth century in England, repressive laws against catholics remained on the statute books but were not harshly enforced. The community in York survived in this less hostile climate, but did not grow. For most of its first one hundred years the convent numbered only about ten members and a school of about forty students. It was never strong enough in this period to found any filial houses.⁴¹

When some of the penal laws⁴² in England were repealed in 1788, it became possible to acknowledge in public the existence of the Bar Convent. Its carefully concealed chapel received a public licence. The sisters wore the religious habit for the first time in 1790. But this had a negative effect on their apostolate, since it served to isolate them from their neighbours.⁴³ At the same time many French émigré priests, particularly Carmelites and Benedictines, were arriving in York. One was given lodging in the Bar Convent for some time. They preached a more monastic style of life to the community.⁴⁴ They also

⁴⁰ See file 60, AISTP.

⁴¹ See G. KIRKUS, "History of the Bar Convent", in *Vox Benedictina*, 6 (1989), p. 297.

⁴² See P. GLAZEBOOK, "Penal Laws", in *New Catholic Encyclopedia*, vol. 11, New York, McGraw-Hill, 1967, pp. 62-65.

⁴³ See *Annals of the Bar Convent*, p. 238.

⁴⁴ See *Annals of the Bar Convent*, p. 282: "In the annual retreat of Rev. Mother Coyney's election year, the nuns assumed religious names, a practice unknown until that time in the Institute [...]. They likewise began to keep enclosure in so far as to confine themselves to the house and grounds. The long-

taught an exaggerated interpretation of *Quamvis iusto* and encouraged the community to obliterate all memory of Mary Ward from their lives. In 1800 the first non-Jesuit chaplain was appointed.⁴⁵

In 1810 M. Elizabeth Coyney became superior. Letters to Munich asking for confirmation of her appointment were unanswered.⁴⁶ Soon she realized that all contact with the superior general in Munich had been lost. The Napoleonic wars in Europe made any attempt to clarify the situation impossible. Without support for the Institute traditions at home and with no contacts abroad, M. Elizabeth Coyney asked the bishop to accept full jurisdiction over the community.

In the IBVM York archives is a draft of a petition to the Holy See from the Bar Convent, asking for the severance of their connection to Munich. This draft also requested

that instead of the liberty we now enjoy of going out of our house we may be permitted to take the vow of enclosure [...] to have our house erected into a Religious Community, and our Vows which hitherto have only been simple, to be declared solemn. We cannot obtain that favour except we take the vow of enclosure. Our motive in desiring that our Vows should be declared *solemn* is to give more stability to our state and prevent the temptation of leaving our House to go to another where Solemn vows are taken.

If any other establishment was made afterwards in England or elsewhere upon the model of ours, the Superioress of our house shall never claim any jurisdiction over it: and the members of such a new establishment will be subject to the immediate and exclusive authority of the Ordinary as we wish ourselves to be to that of our Right Rev. Bishop.⁴⁷

The petition which was actually sent contained no mention of enclosure or solemn vows. It mentioned only the problem of maintaining contact with Munich and asked

standing custom of visiting the sick poor was consequently relinquished. Visits to friends in the city, which had been made solely to conceal the religious character of the sisterhood, had been discontinued at an earlier date."

⁴⁵ This chaplain was Anthony Plunkett, OP. See *Annals of the Bar Convent*, p. 259.

⁴⁶ See *Annals of the Bar Convent*, p. 287-288.

⁴⁷ Draft petition, circa 1816, signed by M. Austin Chalmers, AIY 3c/1.

that your Holiness will graciously deign to substitute, for the above-mentioned Superioress at Munich, the Bishop, Vicar Apostolic for the time being, of the Northern District of England, under whose jurisdiction they are at present residing.⁴⁸

In 1816 the requested rescript from the Holy See severed the links between York and the Institute in Bavaria. It placed the community under obedience to the vicar apostolic of the Northern District, Bishop William Gibson.⁴⁹

After the restoration of peace at the congress of Vienna in 1815, the community at York commissioned a priest to make enquiries about the Institute. He went to Munich disguised as a pedlar and eventually found a member of the Institute to whom he gave a message from the Bar Convent.

The reply, which reached York in 1817, confirmed the suppression of the Munich mother-house and the death of the superior general, Ernestine Gräfin von Schaffmann, on October 15, 1811. It also mentioned that the houses in Augsburg and Altötting, as well as those in Austria, were still flourishing and able to receive new members.⁵⁰ But the separation of York was already accomplished, and Mrs. Coyney appears to have made no attempt to contact these communities.

On November 21, 1818, the first episcopal visitation of the York convent took place. On that occasion the community renewed their vows, inserting the name of the bishop in the vow formula in place of the superior general.⁵¹

⁴⁸ *Letters Apostolic*, p. 52.

⁴⁹ See PROPAGANDA, Rescript, June 30, 1816 reprinted both in *Letters Apostolic*, pp. 51-53, and in *Rules of the Institute of the Blessed Virgin Mary*, Dublin, Coyne, 1832, (= 1832 *Irish Constitutions*), pp. 36-37. See also *Annals of the Bar Convent*, p. 289.

⁵⁰ See letter from Françoise Gräfin von Kosteletzky to the superior at York, April 16, 1817, AIY, 1/16c, quoted in *Annals of the Bar Convent*, pp. 289-291. See also E. MacDONALD, "The Constitutions of the IBVM", paper presented to the General Chapter, June 1971, in *Down the Arches of the Years*, Rathfarnham, IBVM, [n.d.], p. 3.

⁵¹ See O. BYRNE, "The History of the Bar Convent, York", p. 8; and *Annals of the Bar Convent*, p. 291.

B. *The Gilbert Constitutions of York*

Mrs. Coyney arranged for a priest to write new constitutions for the community.⁵² Nicholas Gilbert, a French refugee who was extraordinary confessor to the convent, produced a text which was adopted in September 1816.⁵³

The content, language, style and thematic arrangement of topics in the *Gilbert Constitutions* showed no trace of the Ignatian text they superseded. The document was dominated by the central role of the Bishop:

Besides his episcopal jurisdiction, the Bishop has power to exercise over us the whole of that authority which the Superioress at Munich, previous to our separation from her, enjoyed as general Superioress of the Institute.⁵⁴

The first exhortation in the Briggs text, four pages long, tells the history of episcopal supervision of women religious, in the tone of the following extract:

After the example of St. Paul, the Ambroses, the Austins, the Chrysostoms, the saintly Prelates of the Anglo Saxon Church, and, in more modern times, the illustrious Bishop of Geneva, with a Bossuet, a Fenelon, a St. Liguorio, and many others, were never prevented by the arduous and multiplied duties of Episcopacy, from assiduously watching over the

⁵² See E. MacDONALD, "A Short Summary of the History of the Constitutions of the IBVM", p. 6.

⁵³ See *Constitutions and Customs of the Institute of the B. V. Mary at St. Mary's Convent, Micklegate Bar, York, revised and approved by the Superior thereof, the Right Rev. John Briggs D.D. Bishop of Trachis and Vicar Apostolic of the District of York*, ms. 171p., AIY (= *Gilbert Constitutions*). This copy was signed by Bishop J. Briggs on April 19, 1857, but the manuscript must have been written between 1840, when the vicariate apostolic of York was established, and 1850, when Bishop Briggs became the Bishop of Beverley at the restoration of the hierarchy.

Another untitled manuscript in the Archives IBVM York is very similar in content to the above and may be an earlier version. The arrangement of the material is slightly different. The section on "The Authority of the Bishop" is at the end of the document, rather than at the beginning, as in the Briggs version.

Apparently all copies of the earlier 1707 Institute *Constitutions* in York were destroyed. See ms notes on the history of the York constitutions, AIY 1/12g; and E. MacDONALD, "The Constitutions of the IBVM", p. 4.

⁵⁴ *Gilbert Constitutions*, p. 4.

Communities entrusted to them, making it their delight to stimulate them to the perfection of their holy state.⁵⁵

This general emphasis is also illustrated, for example, by the following:

Therefore to cut off all occasions of sin, scruple, and uneasiness in this regard, we refer the whole of our temporal concerns to the discretion and prudence of our bishop.⁵⁶

The text referred to the legislation of Benedict XIV, which placed all the superior's actions under the jurisdiction of the local ordinary. But in the case of York, the bishop actually replaced the superior general, and thus all internal autonomy in the house was lost. Whereas the Munich superior general had governed at a distance, and therefore exercised an almost token authority, the bishop and his successors were near at hand and showed a keen interest in the affairs of the Institute.

The exhortations with which the constitutions were interspersed enjoined exact observance of the "Holy Rule", regular discipline and the pursuit of perfection. In contrast to the Ignatian constitutions, public recitation of the office, certain devotions, spiritual practices and mortifications were mandatory. The enclosure was defined in detail and the sisters required the prior written consent of the bishop to leave the property.

C. *York under episcopal control*

Bishop Thomas Smith (1807-1831) took his duties in the Bar Convent very seriously.⁵⁷ He legislated all the details of the sisters' lives, and insisted on a strict enclosure which reduced their contacts with the outside world.

⁵⁵ Ibid., p. 7.

⁵⁶ Ibid., p. 6.

⁵⁷ Bishop Thomas Smith was appointed coadjutor to the vicariate in 1807, when Bishop William Gibson was already aged and infirm. Bishop Gibson lingered on until his death at age 84 in 1821. Paralyzed and senile, he refused to give the coadjutor the necessary faculties to carry out his duties. Perhaps this is why Bishop Smith expended his energies on the affairs of the convent. See W. BRADY, *The Episcopal Succession*, vol. 3, pp. 268-278.

M. Elizabeth Coyney died in 1826, and her successor, M. Austin Chalmers died only four years later. In 1828 the convent chapel was closed to the public to increase attendance at a new church in the city. This cut the sisters off even more from their neighbours and the everyday life of the people.

M. Agnes Dunn was appointed superior in 1830. The morale of the community was very low, perhaps due in large part to "a procession of neurotic chaplains [who] undermined the confidence and traditions of community and Superiors alike."⁵⁸ Bishop John Briggs even specified bizarre alterations to the buildings to separate the community more completely from the schoolchildren.⁵⁹ M. Agnes Dunn began to worry about the relationship between the community and the bishop and the broken links with the Institute.

In 1838 M. Agnes Dunn visited the Institute communities in Rathfarnham and in Navan, Ireland. The next year she went to Germany in an attempt to resolve her questions.⁶⁰ She returned convinced that the community had moved in the wrong direction. She resigned her office and went to live in Hammersmith, where the last Institute member had died in 1822.⁶¹

In the Archives of the convent at York is a letter from the dean of Munich⁶² to the bishop of York, dating from the time of this visit. It explained the relationship between the bishop and the superior in the Institute as it existed in Munich, which reflected the

⁵⁸ O. BYRNE, "The History of the Bar Convent, York", p. 7.

⁵⁹ See O. BYRNE, "The History of the Bar Convent, York", p. 8. Bishop Briggs (1836-1860) was appointed coadjutor in 1833, to succeed Bishop Thomas Peswick. See W. BRADY, *The Episcopal Succession*, vol. 3, p. 280.

⁶⁰ See letter from M. Teresa Ball to York, February, 1849, AIY 2/C1/15; and *Annals IBVM Navan*, p. 8, AIN.

⁶¹ Mrs Dunn died at Hammersmith in 1849. See letter from M. T. Ball to M. Angela Browne in York, February 5, 1849, AIY 2/C1/15; and H. HAIGH, *Recollections: The Union-Before and After*, AIY, vol. 33.

⁶² Munich had become the cathedral city of the diocese in place of the smaller city of Freising in 1818. See C. EUBEL et al., *Hierarchia catholica*, vol. 7, p. 268.

regulations of *Quamvis iusto*. It was moderate in the extent of episcopal involvement it described:

The Superioress exercises freely the competent authority respecting the discipline and single offices of the Virgins, and the Bishop does not in general interfere with domestic affairs, except when he is called for or appealed to.⁶³

This letter indicates that M. Agnes Dunn's scruples had served a useful purpose. Communication between Munich and York, based on a consciousness of a common heritage, had begun again.

The next superior, M. Angela Browne, "who combined an untroubled conscience with limitless energy"⁶⁴ gave the convent its religious name: St. Mary's Convent. At the time this was perceived to add religious respectability to the school and the community, but the house continued to be known as "The Bar Convent".⁶⁵

III. ESTABLISHMENT IN IRELAND 1821⁶⁶

At the beginning of the nineteenth century, the Catholic Church in Britain and Ireland was emerging from centuries of repression. Archbishop D. Murray, of Dublin, anxious to revivify the religious spirit of the people in his diocese, asked the Bar Convent to open a school for girls in Dublin.⁶⁷ The superior, M. Elizabeth Coyney, believed that the foundation of filial houses was against the spirit of *Quamvis iusto*.⁶⁸ But she offered

⁶³ Letter from G. Oetl, dean of Munich to Bishop J. Briggs of York, June 26, 1840, AIY 1/6, c, f.

⁶⁴ O. BYRNE, "The History of the Bar Convent, York", p. 9. After the resignation of M. Agnes, the bishop "dispensing with the customary election, appointed as Superior M. M. Angela Browne," H. HAIGH, *Recollections: The Union - Before and After*, ms, AIY.

⁶⁵ See *Annals of the Bar Convent*, p. 352.

⁶⁶ The details of the foundation of the Institute in Ireland are taken from [E. MacDONALD], *Joyful Mother of Children: Mother Frances Mary Teresa Ball*, Dublin, M. H. Gill, 1961, viii, 347p., (= *Joyful Mother of Children*), except where indicated.

⁶⁷ Archbishop Daniel Murray was consecrated archbishop of Hierapolis and appointed coadjutor in the archdiocese of Dublin, on November 30, 1809. He succeeded Archbishop John Troy in 1823 and died in 1852. See C. EUBEL et al., *Hierarchia catholica*, vol. 7, p. 180-181.

⁶⁸ See *Annals of the Bar Convent*, pp. 283-284 and *Joyful Mother of Children*, p. 59.

what help she could. She accepted two women into the York novitiate to be trained as founders of new communities. The first was Mary Aikenhead, who entered the York novitiate with her companion Alicia Walsh, in June 1812. In August 1815 they established the Irish Sisters of Charity in Dublin.⁶⁹ The second was Frances Ball, who brought the Institute to Ireland.⁷⁰

A. *Foundation under episcopal jurisdiction*

When Mrs. Coyney refused to send members of her community, Archbishop Murray proposed that Frances Ball, a former student at York,⁷¹ be accepted to found the Institute in Ireland. In reply, Mrs. Coyney wrote:

I have consulted our bishop on the subject of your Lordship's letter, and he agrees to our receiving Miss Ball as a member of our holy Institute, with a view to our training her to be the foundress of a house of the same Order in Dublin. In the event of such a project being realised, and that she be allowed sufficient time for the great undertaking, which could not be under five years at least, as we cannot hold out a possibility that we can contribute to such an establishment either by sending a colony from this house, or by pecuniary resources; this work must rest solely on Miss Ball and her friends, whose decision we gladly await.⁷²

⁶⁹ See M. DONOVAN, *Apostolate of Love: Mary Aikenhead (1787-1858), Foundress of the Irish Sisters of Charity*, Melbourne, Polding, 1979, xiv, 313p.; and H. COLERIDGE, "Two Irish Foundresses", in *The Month and Catholic Review*, 37 (1879), pp. 48-58.

⁷⁰ A third prospective founder was Rosita Mazzoni, who joined the York novitiate in 1815 at the request of Bishop Alexander Cameron, vicar apostolic of the Lowland district of Scotland. Bishop Cameron initially asked Mrs Coyney to send some sisters from York, but had to be satisfied with her agreement to prepare Rosita to found a branch of the Institute in Scotland. Unfortunately Rosita died in 1816 from typhoid fever and the project came to nothing. See *Annals of the Bar Convent*, p. 286-287, 291.

⁷¹ Frances Ball was born in 1795, the fifth and last child of silk manufacturer and merchant John Ball and his wife Mabel. Their second child, Anna Maria, later Mrs John O'Brien, assisted Mary Aikenhead in founding the Irish Sisters of Charity. See many references in M. DONOVAN, *Apostolate of Love*, and *Joyful Mother of Children*, pp. 42-46. Frances was educated in the Bar Convent at York and later lived with her mother in Dublin. She knew Archbishop Murray, and confided to him that she had a religious vocation.

⁷² Letter from Mrs E. Coyney to Archbishop D. Murray, 1814, in *Joyful Mother of Children*, p. 60.

Frances Ball entered the Institute in York on June 11, 1814. She received the habit on September 8 of that year and was perpetually professed on September 9, 1816.⁷³ In 1819 two other Irish women, Anne Therry and Eleanor Arthur, were received at York for the new foundation.

Whereas the expansion of the Institute in continental Europe in the nineteenth century took place within the jurisdiction of the superiors general in Bavaria, Austria and Mainz, the Irish foundations began on a very different basis. Because this foundation originated from York, under the conditions stipulated by Mrs. Coyney, the Irish Institute was juridically independent, both from the rest of the Institute and from the York diocesan bishop.

Before Frances Ball returned to Ireland, Archbishop John Troy of Dublin obtained a rescript from Rome which put the new foundation, like York, under diocesan control.⁷⁴

1. Rathfarnham

Frances Ball and her companions sailed for Ireland in August 1821. On May 5, 1822, the first Institute school in Ireland opened in rented premises at Harold's Cross, Dublin. They moved to Rathfarnham⁷⁵ on November 4, 1822, where the boarding school continued and expanded. At first the house was named Loretto House, then later, Loretto

⁷³ The practice of making temporary vows had not been introduced at that time.

⁷⁴ See PROPAGANDA, Rescript, August 5, 1821, published in the 1832 *Irish Constitutions*, pp. 38-40. The same rescript allowed the first eight members to be professed after only one year's novitiate. It also gave limited permission for these eight members, where necessary, to be appointed superior before they had been five years professed. A later rescript required the permission from the Holy See for a Rathfarnham member to transfer to another congregation. See PROPAGANDA, Rescript, June 30, 1836, 2/2/A3 AIR.

⁷⁵ In May, 1821, Archbishop Murray bought Rathfarnham House, five miles south of Dublin, for the proposed community.

Abbey.⁷⁶ The free school, which provided elementary education for the local children, opened on May 6, 1823.

2. First Irish constitutions

When Frances Ball made her novitiate, the Bar Convent was changing to the monastic model of religious life favoured by the bishop and the spiritual directors of the convent. The *Gilbert Constitutions* were adopted in 1816. But the constitutions which Frances took back with her to Ireland in 1821 were the earlier ones based on the 1707 Ignatian text, which were still used in the rest of the Institute houses. She has left no explanation for this decision.⁷⁷

These constitutions were approved by the archbishop of Dublin and printed in 1832.⁷⁸ The published text included the 1703 *Rules*, the constitutions in nine parts and rules for the various offices. The constitutions are clearly a translation of the 1707 Latin text, with some minor alterations.⁷⁹ All superiors received a copy of these *Constitutions*, which they passed on to their successors in the office. The mission superiors also carried a copy with them, so that all the communities founded from Rathfarnham were guided by them.⁸⁰

⁷⁶ This name was used for almost all subsequent foundations. Towards the end of the century the spelling was gradually changed to Loreto, except in the Institute in North America, where the old spelling had been registered under civil law. See "Act to incorporate the Sisters of our Lady of Loreto, in the Diocese of Toronto, May 27, 1857", in CANADA (Province), *Statutes of the Province of Canada*, Toronto, Government of the Province of Canada, 1857, pp. 844-846.

⁷⁷ See I. WETTER, "Mary Ward's Institute and the Constitutions of St. Ignatius", no. 3 in *Letters of Instruction*, p. 9; and E. MacDONALD, "A Short Summary of the History of the Constitutions of the IBVM", pp. 6-7.

⁷⁸ See *Rules of the Institute of the Blessed Virgin Mary*, Dublin, Coyne, 1832, xi, 403p.

⁷⁹ In the 1832 *Irish Constitutions* the three grades of membership described in the 1707 text were reduced to two. The *Gilbert Constitutions* of York, p. 3, also stipulated two grades of membership. It seems probable that this change had been introduced in York even before 1816, since the three grade structure was not relevant to the Institute in England.

⁸⁰ See E. MacDONALD, "The Constitutions of the IBVM", in *Down the Arches of the Years*, 1971, p. 5.

These constitutions preserved in the Institute in Ireland the Ignatian style of religious life. However their inadequacies in the area of government soon became apparent. The text did not refer to the relationship between the superior of the community and the diocesan bishop. Nor did it provide for the relationship between the mother house and branch houses. These omissions began to cause difficulties as soon as the first Institute foundation was made outside the Dublin archdiocese, at Navan, in the diocese of Meath.

3. The Navan foundation

By 1833 the house at Rathfarnham was too small for the community.⁸¹ At the request of Dr. Eugene O'Reilly, parish priest of Navan and vicar general of the diocese of Meath, M. Teresa Ball established her first filiation at Navan, on July 20, 1833.⁸² The day-school opened on August 5, "the first in Ireland conducted by religious."⁸³ The boarding school began on September 1, 1834. M. Xaveria McCarthy was the first superior, followed shortly by M. Frances Murphy, both of whom resigned the office after a short time. M. Agatha Daniel was the next appointee, but she too resigned. In 1836 Bishop John Cantwell appointed M. Paul Finn as superior.⁸⁴

⁸¹ In 1833 there were fourteen professed teaching sisters, seven lay sisters and ten novices. See *Joyful Mother of Children*, p. 144.

⁸² See the ms agreement between Frances Ball and Dr. E. O'Reilly concerning the foundation at Navan, 20 July, 1833, AIN. M. Teresa Ball often used her Christian name in official documents and even in private correspondence.

⁸³ From the memoirs of M. Xaveria McCarthy, first superior of St. Anne's Convent, Navan, quoted in *Joyful Mother of Children*, p. 150.

⁸⁴ See *Annals IBVM Navan*, pp. 7-8: "On the arrival of Mrs Murphy and Mrs Finn the former was appointed by Mrs Ball Superioress, but being unassisted by Mrs Ball in any way she insisted on resigning her office and induced the Bishop of this Diocese to permit her to put in her place Mrs Catherine Daniel who finding her youth and health disqualified her for the task also in union with Mrs M. Murphy appealed to the Bishop who nominated Mrs Marianna Finn Superioress on the 6th Dec 1836 and the year following confirmed her appointment for life, as has hitherto been customary for a chief superioress in this Institute."

Problems and misunderstandings disrupted relationships between the new house and Rathfarnham from the beginning. The lack of mutual agreement about financial provision for the house appeared to be the main cause of the difficulties.⁸⁵

By 1836, the house at Navan had separated from the jurisdiction of Rathfarnham to become an independent foundation, although it retained its identity as an independent community of the Institute of the Blessed Virgin Mary.

These two characteristics of Navan, its independence and its Institute identity, provided a new source of energy in the development of the Institute as a whole. Probably as a result of its isolation from Rathfarnham, Navan looked to Germany for its Institute connections. M. Paul Finn went to Munich and Augsburg as early as 1846 to learn more about Institute traditions and customs.⁸⁶ This link between the communities in Ireland and Germany led, indirectly, to the establishment of the Nymphenburg Generalate in England, and thus was a significant factor in the restoration of Mary Ward as recognized founder of the Institute.

a. Navan branch houses

The growth of the community in Navan made possible several new foundations. The first was a missionary venture to Dacca, which was at that time part of East India, in 1847.⁸⁷ A seaside convent at Balbriggan, in the Archdiocese of Dublin was opened in

⁸⁵ See *Annals IBVM Navan*, p. 6: "For about five years the community were very much distressed in their circumstances, the house they left giving them very little assistance."

⁸⁶ See *Annals IBVM Navan*, p. 10. M. Paul Finn was one of the many converts who made an important contribution to the Institute. Others included M. Ignatius Barratt and M. Catherine Chambers in Ascot, M. (Susan) Stanislaus Murphy in Gibraltar, M. Gonzaga Joynt in India and Fr. John Morris, SJ.

⁸⁷ Several parties of missionaries were sent from Navan to this mission which was under the jurisdiction of Bishop Thomas Oliffe, the coadjutor vicar apostolic of Bengal. When the house closed because of war in 1858, the community joined the Rathfarnham community in Calcutta. See *Annals IBVM Navan*, pp. 83, 127; and [C. PAYNE], *First the Blade: History of the IBVM (Loreto) in India 1841-1962*, Calcutta, Mukhopadhyay, 1968, p. 52.

April 1857.⁸⁸ Navan also made foundations in England at Kidderminster⁸⁹ (1858-1868) and Leek⁹⁰ (1860) in the Birmingham diocese. Leith⁹¹ (1863-1870) in Scotland, and Mullingar (1881), near Navan. Kidderminster and Leith both failed for lack of money. In 1877 the Navan community sent a mission to Pretoria, South Africa at the request of Bishop Charles Jolivet, OMI. The bishop's sister, M. Margaret Mary Jolivet, was the first superior of the foundation.⁹²

b. Navan constitutions

In 1850, the Navan community published its own constitutions.⁹³ Based on the Rathfarnham text, they were adapted to provide for the jurisdiction of the local bishop, with very little change in other elements.

⁸⁸ See C. TURNBULL and S. KAY, *Loreto in South Africa, 1878-1978*, IBVM, Navan, [1978], p. 9.

⁸⁹ The community at Kidderminster moved to Stourbridge on January 25, 1867, then to Rathfarnham on January 4, 1869. See *Annals* IBVM Leek, AIM.

⁹⁰ See *Annals* IBVM Navan, p. 146. M. Paul Finn resigned office on November 14, 1863 and died at Leek on March 22, 1865. See *Annals* IBVM Leek.

⁹¹ Leith was founded from Navan on July 24, 1863, but closed for want of funds after the founding pastor, J. Noble, OMI was accidentally drowned in 1866. The superior, M. Austin Tallon joined another religious institute. All other members of the community were accepted by Rathfarnham, as was the community from Kidderminster. Apparently it was the custom at Navan not to accept missionaries back into the community there. See *Annals* IBVM Navan, pp. 167-168.

⁹² Bishop Charles Jolivet OMI was vicar apostolic of Natal and the Transvaal. M. Margaret Mary Jolivet died suddenly of typhoid after only three years in South Africa, on January 15, 1879, at the age of thirty-four. See C. TURNBULL and S. KAY, *Loreto in South Africa*, pp. 9-10; and *Magnificat: A Panorama of the Institute of the Blessed Virgin Mary (Loreto) 1821-1971*, Dublin, IBVM, [1971], pp. 122-124.

⁹³ See *Constitutions of the Institute of the Blessed Virgin Mary Established at Navan, East Meath, Ireland*, ms, with a signed attestation of approval by C. J. Aubert, OMI, Liverpool, April 25, 1850, 47p., AIR W12. See also a letter [probably 1868] from the superior of Leek [M. Teresa Casey] to the superior of Rathfarnham [M. Scholastica Somers] AIR 2/25/8: "I take the liberty of writing to you, (as to the mother of my beloved sister M. Antonia,) to ask if it be possible, to purchase a book of the Constitutions from you? We have had the first visitation from our bishop Dr. Ullathorne the 5th of this month, and he was surprised to find we had no constitutions nor any form or customs, for Election of a Superioress, which he says should take place every third year. He says also, that the "Holy See" would not permit any order, without such, and told me to see about some constitutions of our Institute. Dear Revd. Mother, you alone to whom I can apply. I suppose you are aware, that we have no communication with Navan, since some time before our lamented and beloved Revd Mother Finn's death, RIP. Indeed dear Revd Mother, we are left poor simple orphans trusting to Divine Providence for guidance in every way, and living in the hope that we will be one day united and under your protecting care."

4. The English foundations

In 1844, Petronilla Barratt, a convert from Belfast, was appointed as an English teacher in the convent in Augsburg.⁹⁴ She entered the novitiate there the following year as S. Ignatius. In 1847 she met M. Paul Finn, who was visiting Augsburg. They became friends and in 1852 M. Ignatius was given permission to transfer to the Navan community. Five years later she was appointed superior of the new Navan filiation, at Balbriggan, in the archdiocese of Dublin.⁹⁵

When this convent was transferred to the jurisdiction of Rathfarnham by the archbishop of Dublin in 1861, M. Ignatius objected strongly. In protest she returned to Nymphenburg, since that was where she owed her allegiance by profession, taking with her a novice, S. Joseph Edwards and two candidates. Within a month the superior general in Munich sent her to England, to open a school in Gloucester at the request of the bishop of Clifton, William Clifford.⁹⁶

When M. Ignatius Barratt died in 1869, M. Joseph Edwards succeeded her as superior. She moved the community from Gloucester to London.⁹⁷ In 1885 she opened a house at Ascot which became the mother house of the community.

As a result of these initiatives, the houses of the Institute in the south of England belonged to the Nymphenburg generalate, while the York house continued to be subject to the local bishop. York made some attempts in the latter part of the century to establish

⁹⁴ Petronilla Barratt [or Barrett] was born in Belfast on April 1, 1812, was received into the Catholic church in Suffolk in 1841, entered the Institute in Augsburg in 1843, was professed in October 13, 1846 and came to Navan in June 1852. She was appointed mistress of schools in Balbriggan when it opened in 1857, and shortly afterwards was appointed superior. In 1862 she left Balbriggan for Germany. She died in Gloucester in 1869. See P. HARDMAN, *Some Daughters of Mary Ward*, typescript, [n.d.], AIY, pp. 13-34.

⁹⁵ See *Annals IBVM Navan*, p. 99; and G. von PECHMANN, *Geschichte des Englischen Institutes*, pp. 437-438.

⁹⁶ See *Annals IBVM Navan*, pp. 23-24.

⁹⁷ First they moved to Haverstock Hill and then, in 1875, to England's Lane.

new foundations, but a house in Scarborough (1859-1862)⁹⁸ did not thrive. Finally, a successful foundation was made in Cambridge in 1898.⁹⁹

5. Expansion in Ireland

Before her death in 1861, M. Teresa Ball established convents in the archdiocese of Dublin, at Rathfarnham (1822); Harcourt St. (1833-1841) which was later transferred to 53 St. Stephen's Green (1841); North Great George's St. (1836) previously at Great Denmark St. (1836); Bullock Castle (1841-1843) which transferred to Dalkey (1843); Baymount Castle (1847-1861) which transferred to Balbriggan in 1861;¹⁰⁰ and Bray (1850).¹⁰¹

M. Teresa Ball also founded houses in other Irish dioceses, beginning with Navan, Co. Meath, (1833); Gorey, Co. Wexford, (1843); Lough Cooter, Gort, Co. Galway, (1852-1854);¹⁰² Fermoy, Co. Cork, (1853);¹⁰³ Letterkenny, Co. Donegal (1854); Borris-in-Ossory, Co. Kilkenny (1859-1868) later transferred to the city of Kilkenny (1868);¹⁰⁴ Killarney, Co. Kerry (1860); and Omagh, Co. Tyrone (1855).¹⁰⁵

⁹⁸ See letter from M. Teresa Ball to M. Austin Hearne, June 8, 1859, 2/2/23a/4 AIR: "At length, after 200 years, our sisters at York are going to found at Scarborough, a sea port, in Yorkshire. I believe my niece, Mary Ball, will be sent."

⁹⁹ See G. KIRKUS, "The History of the Bar Convent", p. 9.

¹⁰⁰ See *Joyful Mother of Children*, pp. 225, 254-257. Baymount Castle convent was burned down on Ascension Thursday, May 25, 1854, when M. Alphonsa Ellis was superior. A year later it reopened. The school and community transferred to Balbriggan in 1861.

¹⁰¹ See *Joyful Mother of Children*, p. 232.

¹⁰² See *Joyful Mother of Children*, p. 248, for an account of the foundation of Lough Cooter Castle, Gort, Co. Galway, May 1852. The big farms on the property proved difficult to lease, and for financial reasons the convent closed in 1854.

¹⁰³ See *Annals IBVM Fermoy*, AIF; and *Joyful Mother of Children*, p. 250. M. Eucharist Dease was the founding superior. This convent and its branch houses remained independent of Rathfarnham.

¹⁰⁴ See *Joyful Mother of Children*, pp. 265-266.

¹⁰⁵ Omagh was founded by M. Felicitas Murray, niece of the archbishop. Like Fermoy, Omagh remained independent of Rathfarnham. See *Annals IBVM Omagh*, AIY.

6. Mission foundations

In 1841, the vicar apostolic of Bengal, Bishop Patrick Carew, asked M. Teresa Ball to make a foundation in Calcutta. M. Delphina Harte was nominated superior of the mission. The community of seven sisters and six postulants reached Calcutta on December 30, 1841. Following the pattern established in Ireland, the community soon opened a boarding school, a day school and a free school. They also conducted a large orphanage which was a new undertaking demanded by local circumstances. From the mother-house in Calcutta, foundations were made at Entally, Morapai, Simla and Shillong, Lucknow, Asansol and Ranchi.¹⁰⁶

In 1845 M. Teresa Ball accepted requests to establish mission houses in Gibraltar and Mauritius.¹⁰⁷ In 1851, at the request of the parish priest, Canon L. Toole, a foundation was made in Manchester, England.¹⁰⁸ The community was harassed by anti-catholic agitators when "No popery" riots broke out after the re-establishment of the catholic hierarchy in 1850.¹⁰⁹ Together with the poverty of the house and the general difficulties of establishing a new foundation, this was too much for the superior, M. Anne Hickey, who

¹⁰⁶ See [C. PAYNE], *First the Blade: History of the IBVM (Loreto) in India 1841-1962*, Calcutta, Mukhopadhyay, 1968, vii, 333p.; and *Joyful Mother of Children*, pp. 190-199.

¹⁰⁷ See *Joyful Mother of Children*, pp. 209-213; and *Memoirs of Mother M. J. Stanislaus Murphy*, typescript, [n.d.], 345p., AI Rome (Loreto).

¹⁰⁸ The house opened on October 3, 1851. Canon Toole was a widowed merchant tailor before his ordination at the age of 33. He was parish priest of St. Wilfrid's from 1847 to his death in 1892. See letters from F. Ball to Canon L. Toole of Manchester, September 19 and 23, 1851, AISTa; and *Annals IBVM Manchester*, AIM.

¹⁰⁹ Pope Pius IX restored the catholic hierarchy in England by Apostolic Letter, *Universalis Ecclesiae*, on September 29, 1850. See PIUS IX, *Pii IX Pontificis Maximi acta*, pars prima, ex Typographia Bonarum Artium, 1854-1878, vol. 1, pp. 235-246; English translation in W. BRADY, *The Episcopal Succession*, vol. 3, pp. 348-368.

deserted her post and went back to Ireland in 1856.¹¹⁰ Her replacement, M. Alphonsa Ellis, remained in charge of Manchester for the next fifty years.¹¹¹

Also in 1851 an Irish school teacher in Cadiz, Spain, asked the Loreto sisters to take charge of her school. With the permission of Bishop Dominico de Silos Moreno of Cadiz the foundation was made, but in 1856 political events in Spain forced the sisters to return to Ireland.¹¹²

B. *Constitutional developments in Ireland*

1. Union of the Irish houses

The relationship between the mother-house at Rathfarnham and the Irish filiations was not clarified when these foundations were established. The houses in the archdiocese of Dublin were under the same ecclesiastical authority as Rathfarnham, but each foundation in another diocese was, strictly speaking, independent of the mother house. At least in the beginning this independence was rarely enforced. M. Teresa Ball transferred sisters to and from houses outside the Dublin archdiocese. Some houses had their own novitiates, while others sent their novices to Rathfarnham.¹¹³ Financial misunderstandings sometimes

¹¹⁰ See *Annals IBVM Manchester*, AIM; and letter from M. Teresa Ball to M. Austin Hearne, June 20, 1856, AIR 2/2/23A/1. M. Anne Hickey left Manchester on March 4, 1856. Her desertion, which contravened all the prevailing norms of obedience and cloister, caused a sensation. But M. Teresa Ball treated her magnanimously. She later sent M. Anne as founding superior of Killarney in 1860. When, in 1860, there was trouble between the Bishop of Gibraltar, Dr. Scandella and some members of the community there, M. Teresa Ball appointed M. Anne Hickey as the superior of the Gibraltar mission. She died there three years later, in 1863. See also *Joyful Mother of Children*, pp. 257-258, 279, 288.

¹¹¹ In the custom of the time, M. Alphonsa had been appointed for life. But in 1886, she resigned her office. An election was called as a result of which M. Alphonsa was unanimously returned to the position of superior. Similar elections were called every six years until 1904, when the election was postponed because M. Alphonsa was terminally ill. She died on March 23, 1905. See *Annals IBVM Manchester*.

¹¹² See letter from M. C. O'Reilly in Cadiz to M. Teresa Ball, August 29, 1855, 2/2/C45 AIR. See also *Joyful Mother of Children*, p. 237-238. In 1887 a new foundation was made near Seville.

¹¹³ See letters from M. Teresa Ball to M. Austin Hearne in Mauritius, May 2, 1857, 2/2/23A/6 AIR: "We are training two novices for Omagh," and August 28, 1860, 2/2/23A/5 AIR: "We have four novices for Letterkenny."

created difficulties between the local bishop and Rathfarnham, neither of whom seemed to expect to support each new foundation. Navan, Omagh and Fermoy were cut off from Rathfarnham by their local bishops. These houses then proceeded to make filiations of their own.

Navan was the only branch to publish its own constitutions. In Omagh and Fermoy the Rathfarnham constitutions were used, with the necessary adaptations to provide for local episcopal jurisdiction written by hand into the Rathfarnham text.

2. "The Green Schism"¹¹⁴

M. Justina D'Arcy was appointed superior of St. Stephen's Green convent in 1846. When her term of office was completed, she applied to Archbishop Paul Cullen and was given permission to separate from Rathfarnham.¹¹⁵ This happened without the knowledge of M. Teresa Ball. The Green, as the house was called, began its own novitiate and cut off all communication with Rathfarnham.¹¹⁶ When challenged, Archbishop Cullen revoked his permission, but did not take active means to remedy the situation.

When she heard that events at the Green had encouraged a similar schism in Guelph, Canada, M. Teresa sent a deputation to Rome. Pope Pius IX spoke encouragingly to M. Conception Lopez and her companion, but the visit produced no immediate practical result.

In arguing for the unity of the houses under the jurisdiction of the superior at Rathfarnham, M. Teresa quoted *Quamvis iusto*, which gave the superior general authority

¹¹⁴ See E. MacDONALD, "The Green Schism", ms, 1977, AIR, 20p.

¹¹⁵ See *Joyful Mother of Children*, pp. 268-274. Archbishop Paul Cullen succeeded Archbishop Murray on May 3, 1852 and was appointed cardinal on June 22, 1866. See C. EUBEL et al., *Hierarchia catholica*, vol. 8, p. 252. The inference that Archbishop Cullen gave his consent can be drawn from comments in the correspondence of the time. See E. MacDONALD, "The Green Schism", p. 3.

¹¹⁶ During this time, the community at the Green established connections with Navan, see *Annals IBVM Navan*, p. 109.

over all the communities with the right of visitation.¹¹⁷ But the lack of provision for the government of the Institute, both in the 1703 *Rules* and in the rescript of 1821 which established the Irish Institute, made it difficult to solve the problem decisively. Not only questions about the jurisdiction of the superior, but about the ownership and right of alienation of the Green property were also involved. In offering advice to M. Teresa Ball, Canon L. Toole from Manchester wrote:

[T]he result of my investigations is to convince me that some formal, regular and canonical recognition of [the Institute's] present state, on the part of the Holy See, is very requisite. [...] It is the want of this which leaves the case of Stephen's Green so long unsettled. You have not any particular law to refer to, to decide the case by. It cannot be settled whether each house is to be *independent*, subject only to the Ordinary, or each to be subject to the General Superior.¹¹⁸

In the same letter Canon Toole suggested that she ask her confessor, Rev. T. Burke, OP. to assist her in drafting constitutions, since he was a capable canonist familiar with religious law and, moreover, was not dependent on the archbishop for promotion.

3. The Dublin decree of union

Archbishop Cullen seemed very unwilling to act decisively during this dispute. Eventually, however, he began to work towards a juridical solution to the problem. He established contact with Bishop J. Briggs in York, and discussed with him the relationship which should exist between the bishop and the Institute superior.¹¹⁹ In 1860, M. Teresa Ball described his plans for the Institute in his diocese:

The Archbishop wishes all novices to be trained in one novitiate; all houses founded by the Superioress at Lorcto, Rathfarnham, to be under the Chief Superioress; the local Superiors to be selected by her, with the

¹¹⁷ See letter from M. Teresa Ball to M. Teresa Dease, August 9, 1858, quoted in E. MacDONALD, "The Green Schism", pp. 5-6.

¹¹⁸ Letter from Canon L. Toole to M. Teresa Ball, [n.d.], AIR, quoted in E. MacDONALD, "The Green Schism", pp. 14-15.

¹¹⁹ See a document containing twelve points regulating the respective powers of the bishop and the Institute superior, signed by Archbishop Paul Cullen of Dublin and Bishop John Briggs of Beverley, November 29, 1857, AIN. In this document, the role of the bishop is more moderate and less intrusive than that described in the York constitutions of the same period.

approbation of the Ordinary; the houses to be under the dominion of the Chief Superioress.¹²⁰

In 1861 the Archbishop obtained a rescript from Propaganda, which decreed that all the Dublin houses were to be subject to the superior general at Rathfarnham.¹²¹ This decision affected two houses in particular. The Green community immediately reunited with Rathfarnham. Although some difficulties remained for a time, harmonious relationships were eventually re-established.¹²²

The second house was affected in a different way. Although Navan was in the diocese of Meath, its branch house at Balbriggan was in the Dublin archdiocese. The decree of union meant that this house would have to be transferred from the jurisdiction of Navan to that of Rathfarnham. When the decree was made known, most of the Balbriggan community returned to Navan. But the superior, M. Ignatius Barratt returned to Germany with three young companions. The community from Baymount Castle then transferred to Balbriggan, which from that time was under the jurisdiction of Rathfarnham.

In the same rescript which united the Dublin houses, provision was made to allow any of the Loreto foundations in other Irish dioceses to affiliate with Rathfarnham, subject to the approval of the local bishop. Many of these houses had in fact retained their links with the mother-house, and gradually the formalities were completed.¹²³ Only the

¹²⁰ Letter from M. Teresa Ball to M. Austin Hearne, August 28, 1860, quoted in *Joyful Mother of Children*, pp. 211-212.

¹²¹ See PROPAGANDA. Rescript for the formation of the Rathfarnham generalate, September 26, 1861, including the petition from Archbishop Paul Cullen, printed English copy in ACIVC M10/6; and in Latin in *The Rules and Constitutions of the Congregation of Nuns of the Institute of the Blessed Virgin Mary Founded in Dublin*, Dublin, IBVM, 1861, (= *Cullen Constitutions*), pp. 105-108.

¹²² M. Justina D'Arcy accepted the jurisdiction of the Rathfarnham superior and remained in the Institute. She died in Loreto Convent, Dalkey, on December 9, 1885. See E. MacDONALD, "The Green Schism", p. 19.

¹²³ Few records of these transactions are available, but the practical evidence of the union was clear. See letters from Bishop T. Furlong of the diocese of Ferns June 5, 1867, concerning the union of Gorey and Wexford with Rathfarnham, 2/2/25/9 AIR; and from M. Warren, Bishop of Ferns, [Gorey] to Rathfarnham, March 28, 1878, permitting the amalgamation of Enniscorthy with Rathfarnham, on

foundations in Navan, Fermoy and Omagh, with their branch houses, remained independent after 1861.

4. The *Cullen Constitutions* of 1861

With the encouragement of the archbishop, M. Teresa Ball began drafting new constitutions, which would provide for the expanded Institute by legislating for the relationship between the different houses and Rathfarnham.

These constitutions were prepared with the assistance of Thomas Burke, OP, and approved by Archbishop Paul Cullen on December 26, 1861.¹²⁴ M. Teresa Ball had died on May 19, 1861, before the work was completed.

In 1861 Propaganda approved the constitutions *in viam experimenti* for six years.¹²⁵ This was, in a certain sense, an auspicious event, being the first ever papal approbation of Institute constitutions. But these constitutions bore almost no resemblance to the Institute constitutions which had been refused approbation so often during the past two hundred and fifty years.

The text was not an adaptation of the 1707 *Constitutions*, but a concise collection of practical norms for the administration of the community and the regulation of the life of the members. It was divided into two sections. The first contained regulations on the novitiate, the vows, communal prayer, retreats, the schools, visitors, letters, etc., and such aspects of daily life as silence, mortification, recreation and the habit. The second section

condition that a boarding-school was not opened there, 2/2/C2/30 AIR.

¹²⁴ See P. CULLEN, Decree of approval of the 1861 *Cullen Constitutions*, December 26, 1861, in *The Rules and Constitutions of the Congregation of Nuns of the Institute of the Blessed Virgin Mary Founded in Dublin*, (= 1877 *Irish Constitutions*), Dublin, IBVM, 1877, pp. 86-87.

¹²⁵ See PROPAGANDA, Rescripts approving the Rathfarnham *Cullen Constitutions* for six years, September 26, 1861, in *the Cullen Constitutions*, 1861, pp. 107-108; and for 10 years, May 10, 1867, Prop. Acta, vol 232, f. 222; and 2/2/A8/8 AIR. The *Cullen Constitutions* were definitively confirmed by the Holy See in 1877. See PROPAGANDA, Rescript, July 26, 1877, ACIVC, M10/7; Prop. Acta 245, f. 121; and Prop. Decreti 1877 vol. 373, ff. 353v, 354; published in the 1877 *Irish Constitutions*, pp. 88-89.

dealt with government, the bishop and the chief superior, and rules for the various offices in the house.

The provisions for government in the text were based on the regulations of *Quamvis iusto*:

The houses of our congregation are under the jurisdiction of the Archbishop of Dublin, and of the other most reverend prelates in whose dioceses we have houses united to us. Each house owes and professes to the ordinary canonical obedience in all things. We are, moreover, united under the care and jurisdiction of one General Superioress, whose power and rights are defined and limited in the Bull of Benedict XIV, and the rescript of our Holy Father Pius IX. Each branch house is governed by a local Superioress.¹²⁶

The text also provided a fixed term of office for the superior general, and for the representation of all the houses at elective chapters:

The Chief Superior is elected every six years, at the end of which time she cannot be re-appointed by the Ordinary, but must either be re-elected, or yield her office to the person chosen by the general chapter to succeed her. Each house of the Congregation has two votes in the election of [the] Chief Superior.¹²⁷

One of the two vocals from each house was the local superior, the other was elected by the community. The outgoing superior general and her assistant were *ex officio* members of the chapter.

The authority of the superior general was spelled out according to *Quamvis iusto*:

The chief Superior has power to remove sisters from one house to another, to appoint, and if necessary, to depose local Superiors, to admit novices to profession or reject them, to accept foundations, to authorize or prohibit expenses for building or the like.¹²⁸

For such decisions the superior needed the consent of her council of four appointed consultants. In these matters the role of the diocesan bishop was not mentioned.

¹²⁶ Cullen Constitutions, p. 58, n. 28.

¹²⁷ Ibid., pp. 59-60, n. 31.

¹²⁸ Ibid., p. 59, n. 30.

Rules for enclosure and regulations about a chapter of faults were included in the text. Apart from these two elements the constitutions were relatively free from monastic influences.

In the introduction to these *Cullen Constitutions* is a short historical sketch similar to that in the 1703 *Rules*, which starts with the foundation of the house in Munich by "pious English ladies". The brief of Clement XI is given in full. At its conclusion the historical sketch continues as follows:

This Bull [of Clement XI] was issued to Mother Mary Anne Barbara Bapthorp [sic], a woman of great holiness and zeal, who may thus be regarded as the foundress of the Institute of the Blessed Virgin Mary.¹²⁹

This, and other attempts to adopt a founder in place of Mary Ward, were to cause much controversy at a later date.

IV. ESTABLISHMENT IN CANADA 1847¹³⁰

A. *Foundation under episcopal jurisdiction*

1. Toronto

In 1845 Bishop Michael Power of Toronto invited M. Teresa Ball to make a foundation in his diocese. But because Rathfarnham sent missions to Gibraltar and Mauritius that same year, it was not possible to start this new mission until 1847.¹³¹ The Loretto community was the first religious foundation in Toronto.¹³²

¹²⁹ Ibid., p. 24.

¹³⁰ This section relies on K. McGOVERN, *Something More Than Ordinary: The Early History of Mary Ward's Institute in North America*, Richmond Hill, Ontario, The I Team Publishers, 1989, xiii, 202p., except where otherwise indicated.

¹³¹ See letter from Michael Power, Bishop of Toronto, to M. Teresa Ball, June 25, 1847, AIT.

¹³² The North American Loretto community is often confused with the Sisters of Loretto at the Foot of the Cross, founded in Kentucky in 1812 by Fr. Charles Nerinckx. The latter was the first indigenous foundation in the United States of America. See A. MINOGUE, *Loretto, Annals of the Century*, New York, America Press, 1912, xii, 252p.; and J. LEXAU, ed., *Convent Life: Roman Catholic Religious Orders for Women in North America, With a Listing of All Orders on the North American Continent*, New York, Guild Press, 1964, p. 311.

The city was in the grip of an epidemic when the first five sisters arrived in Toronto on September 16, 1847. Bishop Power himself died of typhus on October 1 and no successor was appointed for three years. Despite severe problems, the boarding school opened on September 29 and the free school began the following year. The diocese was not able to give financial support after essential furnishings had been provided. The community did not even have enough money to provide adequate clothing and heating for the winters.

Bishop Power's successor, Armand de Charbonnel, arrived in Toronto in September, 1850. In November of that year, he wrote to Archbishop Daniel Murray in Dublin:

I come to interest Your Grace on behalf of the Ladies of Loretto whom I have the happiness of having in Toronto. Your Lordship is aware that the zealous Bishop Power, their founder in this episcopal city, died with the ship fever a few days after their arrival. Since, these good ladies have suffered more than I can say. Deprived of a bishop, of a house, and of many other things during three years, I am amazed at their having got through the numberless difficulties they contend with.... Still the members of the house are too few; the Reverend Mother Superior is very delicate; Sister Gertrude keeps her bed, one has died; in fact they are overwhelmed...

.Most Rev. Lord, I earnestly beg Your Grace the favour of obtaining from the mother house of the venerable Sisters whatever you can on their behalf. They are children of Ireland and a glory to their country; they were your special daughters before they became mine; they have suffered heroically; they are sinking under the hardships of their situation...¹³³

By 1851 three of the five pioneers had died.¹³⁴ When he realised that the superior's illness was fatal, the bishop temporarily nominated one of the two remaining members of the original mission, M. Teresa Dease, as superior. He asked M. Teresa Ball in Rathfarnham to make a permanent appointment. On March 19, 1851 he received a reply

¹³³ Letter from Bishop A. de Charbonnel to Archbishop D. Murray, November, 1850, in Archives of the Archdiocese of Toronto, quoted in K. McGOVERN, *Something More Than Ordinary*, pp. 103-104.

¹³⁴ S. Bonaventura Phelan died of tuberculosis in 1849, S. Gertrude Flemming of gangrene caused by frostbite in 1850. The superior, M. Ignatia Hutchinson also died of "consumption", on March 9, 1851. All three were buried in the crypt of St. Michael's cathedral. M. Ignatia's sister, S. Valentina Hutchinson, lost heart after her sister's death and returned to Ireland in April, 1851. M. Teresa Dease was the fifth member of the first group. Meanwhile, two more missionaries had arrived from Ireland and two Canadian women had entered the community. S. Valentina Hutchinson was sent back to Canada by M. Teresa Ball, but M. Teresa Dease refused to accept her and she returned a second time to Ireland.

from M. Teresa Ball approving of his choice. M. Teresa Dease made her promises as superior on the same day in the hands of the vicar general Rémi-Joseph Tellier, SJ.

There was some confusion about the appointment. The bishop's note to the community on March 19 implied that the members of the community had asked him to appoint M. Teresa Dease as superior and that he was complying with their wish. He apparently did not mention to them that he had asked for, and obtained the approval of M. Teresa Ball.¹³⁵ So a month later, on April 20, 1851, M. Teresa Dease wrote to M. Teresa Ball:

The Bishop has deferred the permanent appointment of a Superior for this house till he shall hear from you, and learn the usages observed in such cases, as he wishes to adhere strictly to rule and custom. I think it would be well to postpone the appointment until you could send someone capable of filling the station of Superior creditably to the glory of God, and may that not be (through the Divine Mercy) very long. For it is an office I am incapable of discharging suitably which I beg you to take into consideration [...].

I do not understand clearly whether we still have the happiness of being under your jurisdiction. Are we completely subject to the Ordinary? His Lordship's desire is that we should be united to the Mother House and dependent on it.¹³⁶

Before this letter reached Ireland, M. Teresa Dease received an answer in a letter from Rathfarnham dated April 26, 1851, insisting that the appointment stand. Her question about jurisdiction apparently remained unanswered.

In Ireland, the practice of enclosure had been brought from York, where the sisters did not leave the convent property, except in extraordinary circumstance.¹³⁷ But in

¹³⁵ See letter from Bishop A. de Charbonnel to the Loretto community, March 19, 1851, in K. McGOVERN, *Something More Than Ordinary*, p. 109: "I am happy to know by what I have read and heard, that I can with propriety confer on your beloved Sister Teresa Dease the title of Reverend Mother. She did not claim it any more than she wished for the authority, which Providence has entrusted to her devotedness, but you yourselves, true daughters of obedience, have called upon your Bishop in order to have at your head one with the sweet name of Mother, and to give your obedience something filial."

¹³⁶ K. McGOVERN, *Something More Than Ordinary*, pp. 109-110.

¹³⁷ See *Gilbert Constitutions*, pp. 57-61.

Canada the free schools were not on the same premises as the convent, so that the sisters had to walk to and from the school each day. This worried M. Teresa Dease:

His Lordship has in view the establishment of district schools which we are to conduct [...]. Those who attend them must go out daily [...] and I beg to be informed if this is in accordance with the spirit of our Institute.¹³⁸

M. Teresa Ball replied that she had received a letter from York, stating that the sisters there were about to begin teaching in new schools in the city, at some distance from the convent. The sisters would walk each way, unless it was raining, in which case they would take a cab. She instructed M. Teresa Dease to imitate their example.¹³⁹ This response demonstrated M. Teresa Ball's sense of unity with the Institute in York, and the care she took to preserve this unity through the maintenance of common customs.

2. Toronto branch houses

From the time of M. Teresa Dease's appointment the circumstances of the community improved steadily. Three more members from Ireland arrived in September 1851, as the boarding school reopened. The convent moved to new and more adequate accommodation,¹⁴⁰ pupils filled the schools and many new Canadian members were received. Foundations were established in Brantford (1853-1859), London (1855-1856),

¹³⁸ Letter from M. Teresa Dease to M. Teresa Ball, March 17, 1851, quoted in K. McGOVERN, *Something More Than Ordinary*, p. 107.

¹³⁹ See letter of M. Teresa Ball to M. Teresa Dease, April 26, 1851, quoted in K. McGOVERN, *Something More Than Ordinary*, p. 110. A manuscript copy of the *Gilbert Constitutions*, AIY, dated 1857, contains the following appended note, p. 171: "Note to Constitution on Enclosure. When St. George's Schools were opened the Bishop of Beverly [sic] wished the community to conduct those schools, so long as it could be done without prejudice to the Convent-Schools, or without interfering with objects that might seem to have a prior, or a stronger claim."

¹⁴⁰ The first residence was at 45 Duke St. (later called Adelaide St.). In 1849 they moved to the corner of Wellington and Simcoe Streets. In 1852 Bishop de Charbonnel gave them a building next to St. Mary's Church on Bathurst Street. In 1861 they moved to Bond Street and in 1867 to larger premises at 403 Wellington, which was the first property owned by the community in Toronto. In 1928 the mother-house moved to its present position on Mason Boulevard, Armour Heights, in the north of the city.

Guelph (1856)¹⁴¹, Belleville (1857-1865) and (1876-1889), Niagara Falls (1861), Hamilton (1865), Lindsay (1874-1890), Stratford (1878), and Joliet, Illinois, USA (1880).¹⁴²

M. Teresa Dease remained as superior in Toronto until her death on July 1, 1889. As a result of her long and fruitful leadership she was regarded as the founder of the Institute in North America, even though, like M. Paul Finn in Navan and M. Alphonsa Ellis in Manchester, she was not the first superior of the foundation.

3. "The Guelph Schism"

The house in Guelph began in June, 1856. Soon afterwards the community became independent of Toronto, at the instigation of the superior, M. Berchmans Lalor. In this move for independence she was following the lead of M. Justina D'Arcy in St. Stephen's Green, Dublin. Much to the distress of both M. Teresa Dease and M. Teresa Ball, Bishop J. Farrell of Hamilton and Bishop A. de Charbonnel of Toronto gave the necessary permissions. The two chief superiors corresponded with and consoled each other during these divisive events.¹⁴³

The Canadian problem was resolved with relative expedition. After only a few months of the new arrangement, Bishop J. Farrell wrote to M. Teresa Dease asking that Guelph be reunited with Toronto, whereupon peace and unity were restored.¹⁴⁴

¹⁴¹ The dioceses of London and Hamilton were formed in 1856. As a result of a dispute with the parish priest, Thaddeas Kirwan, Bishop de Charbonnel asked the Loretto community to move out of London before the new diocese was established. He then recommended them to the new bishop of Hamilton, John Farrell, who welcomed the London community to Guelph.

¹⁴² As can be seen from the dates, many of these early foundations closed after a few years. The community in Brantford moved to London in 1855 and the house in Brantford closed a few years later. The London community then moved to Guelph in 1856 at the wish of Bishop de Charbonnel. The records do not provide reasons for the closure of the schools at Brantford and Lindsay and the two closures at Belleville. See K. McGOVERN, *Something More Than Ordinary*, pp. 121-170.

¹⁴³ See their correspondence in the IBVM archives of Toronto and Rathfarnham.

¹⁴⁴ M. Berchmans Lalor was subsequently sent back to Rathfarnham, with the consent of M. Teresa Ball. She died in the Institute in her golden jubilee year, 1900. See *Joyful Mother of Children*, pp. 270-274; E. MacDONALD, "The Green Schism", p. 20; and letters from M. Teresa Ball to M. Alphonsa Ellis, June

Following this difficulty, Archbishop Lynch drew up a list of regulations establishing Toronto as the mother-house and novitiate, providing for a provincial fund, forming a council to advise the superior, and requiring a regular meeting of all the local superiors. According to the minutes of the first such meeting, in September, 1862:

The following Rules were unanimously adopted:

- 1st To have one province, one Superior Provincial, with full authority over each house. No house can secede without the approbation of the Provincial Council, no matter by whom solicited, except by the order of our Holy Father the Pope.
- 2nd To have one Novitiate in the Mother House.
- 3rd The provincial Council to consist of the Superiors of each house, the assistant of the Mother house and Mistress of Novices.
- 4th A provincial fund to be formed of the surplus funds of the Mission houses.¹⁴⁵

In this the bishop was following the model recently established at Rathfarnham, but his authorization for legislating for houses outside his own diocese is not clear. M. Teresa Dease apparently made separate arrangements with each bishop about her jurisdiction over the mission houses.¹⁴⁶ Records of council meetings have not been preserved and it is doubtful if any formal meetings beyond the first one were held.¹⁴⁷

B. *Toronto constitutions*

The Loretto foundation in Toronto originally used the *Irish Constitutions* which M. Teresa Ball published in 1832.¹⁴⁸ After 1861 the community adopted the *Cullen Constitutions*.

17 and August 5, 1860, 2/2/C1/14 AIR.

¹⁴⁵ Minutes of September 24, 1862, ms. AIT.

¹⁴⁶ See letter from Bishop J. Farrell of Hamilton to M. Teresa Dease, June 2, 1865, quoted in K. McGOVERN, *Something More Than Ordinary*, p. 154.

¹⁴⁷ See K. McGOVERN, *Something More Than Ordinary*, p. 187: "Neither in the world outside nor inside houses of religious were the Victorian years a time of delegated authority. Unless in a dire necessity, the person who held authority carried all responsibility and was practically absolute. For the most part this appears to have been the style of administration Mother Teresa followed."

¹⁴⁸ See E. MacDONALD, "A Short Summary of the History of the Constitutions of the IBVM", p. 7.

V. APPROBATION OF THE INSTITUTE 1877

After 1840, the Institute in Bavaria grew rapidly.¹⁴⁹ By 1877 sixty-four communities throughout Bavaria were subject to Nymphenburg, with a foundation in Bucharest, Rumania, two houses in England and five mission houses in India.¹⁵⁰ Each of the large early foundations had its own novitiate, and governed a cluster of branch houses. By this time the house in Mainz had founded twelve filial houses, of which five survived the *Kulturkampf* of 1875.¹⁵¹ St. Pölten governed eleven houses in Austria and Hungary.¹⁵² In Italy, despite the continuing overt repression of religious communities, Lodi and Vicenza survived.¹⁵³ The Toronto community was thriving and the Irish branch was also growing, in both numbers and prominence, at home and abroad.¹⁵⁴

The lack of official pontifical approval from the Apostolic See had always been a serious problem for the Institute. Throughout its history, superiors had made many efforts to gain pontifical recognition, without success. As the Institute expanded into new dioceses in different countries, the need for approval was even more keenly felt. The pontifical

¹⁴⁹ See the relevant civil decrees concerning the IBVM in Bavaria, in LEITNER, p. 852-854; and short histories of the various houses in *Deutsche Illustrierte Rundschau*, 5/6 (1927), pp. 155-223.

¹⁵⁰ The foundation in Bucharest was made from Nymphenburg on November 11, 1852, at the request of the bishop of Bucharest, Michael de Parsi. The first missionaries to India left Burghausen in 1852 at the invitation of Bishop Ignatius Hartmann, OFM Cap. Their first permanent mission, in Patna, was established by sisters from Burghausen, Aschaffenburg and Nymphenburg in 1855. See *Deutsche Illustrierte Rundschau*, 5/6 (1927), pp. 253-258.

¹⁵¹ See *Das Institut St. Mariae der Englischen Fräulein: Zum Gedächtnis der 300jährigen Wirksamkeit*, pp. 28, 37-106. Mainz was not formally established as a generalate until 1903. See A. MENEGOZZI, "A Historical Survey of the Institute with all its Houses", ms. [no day given], May 1919, Prot. n. 848/11, ACIVC M10/5.

¹⁵² See *Annals of the Bar Convent*, p. 372.

¹⁵³ See E. BLUME, "The English Institute", in *Niagara Rainbow*, 16 (1909), pp. 72-73.

¹⁵⁴ In 1877, the Toronto houses numbered eight. By that date, Rathfarnham had founded sixteen houses in Ireland. Overseas, two English houses, nine in India, one in Australia, two in Mauritius and one in South Africa owed their existence, directly or indirectly, to Rathfarnham. See *Annals of the Bar Convent*, p. 419.

approbation of so many more recent apostolic foundations in the nineteenth century accentuated this perceived indignity.¹⁵⁵

A. *Increased communication between the branches*

After the separation of York from Munich, the Bar convent made no formal attempts to rebuild connections with any other branches of the Institute until M. Agnes Dunn visited Navan in 1838 and the Bavarian houses in 1840. But from this period, communication between members from different houses became more common.

M. Paul Finn from Navan was a pioneer traveller to Institute houses. In several overseas trips, beginning in 1839, she visited the communities in York, Manchester and Bavaria. In York, M. Juliana (Anne) Martin, who became superior in 1862,¹⁵⁶ corresponded with the Irish foundation in Manchester as well as with the generalates in Germany, Austria and Ireland.¹⁵⁷ The superior general at Nymphenburg established contacts with the Irish Institute in India.¹⁵⁸ After the death of M. Teresa Ball, when general chapters were held in Rathfarnham, delegates from the mission houses often visited York and Manchester en route.

B. *The decree of approbation*

John Morris, SJ, an English canonist, the postulator for the canonization of the English martyrs, contacted the Bar Convent in 1866 for information about the Babthorpe

¹⁵⁵ See C. ORTH. *The Approbation of Religious Institutes*, pp. 64-66.

¹⁵⁶ M. Juliana Martin always signed her baptismal name, Anne Martin.

¹⁵⁷ See her correspondence, AIY. On January 1, 1867, York received its first letter from Nymphenburg. See O. BYRNE, "The History of the Bar Convent, York", p. 10.

¹⁵⁸ See an extract from the *Bengal Herald*, April 20, (no year, but must be before 1857), included in *Annals IBVM Navan*, p. 1: "M. Catherine di Cracchi [sic], Chief Superioress of the IBVM writes to 'The Lady Superioress of the Loretto House of Calcutta'...We have heard of you from Mother Paula Finn the Superioress of Navan, in Ireland; and we know that we ought to be so much the more suited in heart and mind, as you are the issue of the House of York and the House of York of that of Munich and Bavaria. [...] We would be delighted to be able to keep up a correspondence with you."

family.¹⁵⁹ He soon became very interested in the canonical affairs of the community. Over the course of many years he often stayed in the chaplain's house.

As a canonist, Fr. Morris studied the documentary history of the Institute and enthusiastically encouraged the community to present their request for approbation once more. In 1876, the superior at York asked him to prepare a petition for the papal approbation of the Institute.¹⁶⁰

In keeping with current canonical practice, York asked all the communities of the Institute to obtain testimonial letters from their bishops in support of the petition.¹⁶¹ But only the vicar apostolic of Patna, in India, Bishop Paul Tosi, and the local bishop of Beverley, Robert Cornthwaite, responded to this request.¹⁶² In September, 1876, the York community forwarded this petition to Pope Pius IX.¹⁶³

¹⁵⁹ See letter from J. Morris to York, July 18, 1866, 6G3 AIY.

¹⁶⁰ See letter from John Morris to Bishop R. Cornthwaite of Beverley, June 18, 1876, suggesting application for approbation and offering to draft it, AIY, 3d/3 and 6G3, 7.

¹⁶¹ See A. BIZZARRI, ed., "Methodus quae a Sacra Congregatione Episcoporum et Regularium servatur in approbandis novis institutis votorum simplicium", in *Collectanea*, p. 828. See also letters from M. (Juliana) Anne Martin of York, to Rathfarnham, concerning the petition for approval of the Institute, July 26, 187[6]; and August 23, 1876, in 2/2/25A/24, 25, AIR.

¹⁶² One can only speculate on the reasons for the lack of response on the part of all the other bishops. There was, of course, a great deal of political unrest and religious oppression as a result of the *Kulturkampf* in Germany. Some of the German houses had been suppressed, and there was fear that communications with Rome could be misinterpreted by government officials. See "Geschichtlich-juristischer Bericht - Mainz, ACUVC M10/1; and letters from M. Josepha Moufang in Mainz to York, July 31, 1876, and from John Morris to St. Pölten, [undated, before 1877], 6L3, 6L23 AIY. The Irish houses and their bishops were not willing to support a request coming from England. See letter from M. Conception Lopez to York, October 1, 1876, 3d/7 AIY.

¹⁶³ See petition for approbation from the York community, and the letter of recommendation from Bishop R. Cornthwaite of Beverley, September 8, 1876, 3d/9 AIY, published in *Letters Apostolic*, pp. 67-73.

To everyone's surprise, the approbation was granted almost immediately by a decree of Propaganda, on February 15, 1877.¹⁶⁴ The bishop of Beverley published the decree in the York convent chapel on March 19, 1877.

There was general rejoicing throughout the Institute.¹⁶⁵ M. Scholastica Somers in Rathfarnham wrote:

Thank God your good bishop has obtained this great blessing for you and through you for us all; it is a new link to unite us in grateful love to York to which we owe our existence and so many blessings.¹⁶⁶

C. *Interpretation of the decree of approbation*

The euphoria over the approbation of the Institute was dampened when the papal nuncio in Munich, Archbishop Angelo Bianchi, raised the question: did this approbation apply to all the houses of the Institute?¹⁶⁷ From the initial reaction to the decree it was clear that all the Institute houses, everywhere, claimed the approbation for themselves. Unquestionably, the source of this certainty was their adherence to the 1703 *Rules* which

¹⁶⁴ See PROPAGANDA, Decree, February 15, 1877, Prop. Acta, vol. 245, f. 32-37; and 3d/12 AIY, published in *Letters Apostolic*, pp. vii-viii, and in *Annals of the Bar Convent*, p. 371. See APPENDIX E, p. 195 for the English text of the decree. See also letter from M. Anne Martin in York to Rathfarnham, March 22, 1877, 2/2/C2/17a AIR, announcing the result of the York petition: "[T]o our surprise and great joy, His Holiness has not asked for any other testimonials, than those which were sent by the Bishops of Beverley and Patna." After the approbation, Rathfarnham requested permission to delete from the 1703 *Rules* the two phrases which referred to the non-approval of the Institute. See Acta, 1877, f. 32-37; and Acta vol. 245, f. 121, APropF.

¹⁶⁵ See general letter from M. Anne Martin at York to the various superiors, announcing the confirmation and apostolic approbation of the Institute, March 22, 1877 and April 13, 1877, 2/2/C2/17, 20 AIR; and letters of congratulation from various communities and individuals, 3d AIY.

¹⁶⁶ Letter from M. Scholastica Somers, in Rathfarnham to York re approbation, March 24, 1877, AIY 3d/27.

¹⁶⁷ See letter from M. Marie Paur, Nymphenburg, to York, May 3, 1877, AIY 3d/40.

remained the symbol of their common identity.¹⁶⁸ It was by these *Rules* that the Institute was identified in the decree.¹⁶⁹

The nuncio assumed that the approval applied only to the Institute houses in countries subject to Propaganda.¹⁷⁰ Official enquiries to the Apostolic See received no reply.¹⁷¹ The question was not resolved until 1912, when Propaganda confirmed that the original decision encompassed the entire Institute.¹⁷²

¹⁶⁸ The variety of names for the different branches added to the ambiguity of their interrelationships. See letter from M. Ignatius of York to an unnamed superior, [M. Antonia Casey], March 17, 1886, 2/23/18 AIY: "We find 'Institute of Mary' is the old name and as such recommended strongly to us. What a pity it seems that we cannot be known by the same name everywhere. In under how many names we appear in the Directory for this year!" The name was discussed at the union congress in Rome in 1900. See "Minutes of the Congress in Rome, October, 1900", AIT: "It was generally allowed that the earliest name was Institute of Mary, which appears in the earliest formula of the vows, and in an old German print of Mary Ward in which she is styled Foundress of the Institute of Mary. It was also allowed that Institute of the Blessed Virgin Mary was adopted later, lest Institute of Mary should be taken to signify Institute of Mary Ward." At one time, J. Morris suggested that the name derived from the church of St. Mary Major in Rome, where the early members made their vows. See letter from J. Morris to York, August 31, 1879, 1/9d AIY.

¹⁶⁹ See PROPAGANDA, Decree, February 15, 1877: "Whereas the Religious of the Congregation of the Blessed Virgin Mary, otherwise called the English Virgins, have petitioned the Holy Father [...] to confirm the Institute which they profess, the Rule of which has been already approved by Clement XI [...]."

¹⁷⁰ See letter from superior general Marie Paur at Nymphenburg, to York, May 3, 1877, AIY, 3d/40. John Morris pointed out the absurdity that, according to this interpretation, Rome approved the English house at Haverstock Hill but not its mother-house in Germany. See letter from John Morris to York, May 19, 1877, AIY 3d/41. He adds: "Lastly, the Pope has approved the Institute, the Rules of which were approved by Clement XI. Beyond all doubt, the Reverend Mother General of Nymphenburg belongs to *that* Institute, and until something to the contrary comes from the Pope himself, may fairly look on *her* Institute as approved."

¹⁷¹ See letters from Marie Paur, superior general in Nymphenburg to York, May 3, 1877, AIY 3d/40; and from Josephine Castiglione, superior general in St. Pölten to SCdR, November 10, 1899, ACIVC M10/3; and two requests for clarification from Bishop Domenico Gelmini of Lodi, June 22, 1877, to SCdR, passed on to Propaganda, August 25, 1877, Prot. n. 11576/1, ACIVC M10/3; and December 4, 1899, [no Prot. n.], ACIVC M10/5.

¹⁷² See petition from Isabella Wild, superior general in Nymphenburg, to SCdR, April 15, 1912, Prot. n. 2443/12; and PROPAGANDA, decree, May 15, 1912, ACIVC M10/3: "[...]ut de Apostolica Auctoritate declarare dignaretur totum Sororum Institutum fuisse, eo decreto adprobatum."

CONCLUSION

Between 1749 and 1877 the Institute grew into a world-wide organization of several thousand members.¹⁷³ It suffered and survived the political turmoil of the period, and shared in the revival and expansion of religious institutes which followed the French Revolution.

The difficulties in York led to the development of a separate and vigorous branch in Ireland. Rathfarnham inherited from York an ambiguous Institute identity, since it also perpetuated some of the different traditions which had been introduced into York. While organizational development in Rathfarnham tended towards increased unity and the development of the role of the superior general, strong local interests often pressured for separation. The tension between these two forces is in evidence throughout this period in most of the Irish foundations.

Mainly as a result of external political circumstances, by the end of this period the Institute was not a unified juridical entity. It consisted of several large units governed by superiors general in Nymphenburg, Mainz, St. Pölten and Rathfarnham, together with some smaller groups or individual houses. Most notable among these independent houses was York, but some houses in Italy and Germany had separated from the larger groups for political reasons. Houses in three Irish dioceses were also independent.

The jurisdiction of the superior general had been assured by *Quamvis iusto*. In practice, however, most houses depended more on the support of their local bishops than on their links with the Institute in other dioceses. This situation gradually changed as the Institute expanded from Germany to Rumania, India and England, and from Ireland to India, Gibraltar, Mauritius, Canada, England, South Africa and Australia. As these missions

¹⁷³ Exact figures are not available. The total number of members thirty years later, in 1907, is stated to be just over five thousand, in all the generalates. See G. von PECHMANN, *Geschichte des Englischen Institutes*, p. 544.

grew, it became necessary to define their legal relationships with the mother-houses through revised constitutions.

The growth of the Institute also gave rise to further efforts to achieve its pontifical approbation. This goal was particularly important in view of the difficulties of the past, the suppression and the condemnation of the founder which was perpetuated by *Quamvis iusto*. The achievement of approbation in 1877 brought to an end a long struggle for official approval.

CHAPTER FOUR

THE IDENTITY OF THE INSTITUTE: 1877-1987

At the time of its approbation in 1877, the Institute consisted of several independent groups, the largest of which were the Nymphenburg (Bavaria), Mainz, St. Pölten and Rathfarnham (Ireland) generalates. The Irish foundations of Navan, Omagh and Fermoy were autonomous diocesan institutes. The Irish foundations overseas, including Toronto, although technically independent, had retained informal links with Rathfarnham. For political reasons, some houses in Germany and Italy were temporarily self-governing, while the house at York had been under the jurisdiction of the local bishop for over sixty years. Of all these communities, only Rathfarnham possessed constitutions which had received papal approval.

As a result of its expansion, the Institute had outgrown its organizational structures. The constitutions did not provide adequately for the government of distant houses in foreign cultures, or for the participation of these houses in the central government. The revision of constitutions also became obligatory to incorporate changes in canon law. Thus constitutional development became a major task of the Institute throughout the twentieth century. This process brought into focus some central issues:

1. the intentions of Mary Ward for the Institute and the place of the Ignatian constitutions in its law;
2. the ideal of union and appropriate government structures to express this union;
3. external pressures from church authorities and civil governments.

In this chapter, the development of the Institute is discussed in the context of the changes in the canon law for religious which took place in the late nineteenth and in the twentieth centuries.

I. TOWARDS THE END OF THE XIXth CENTURY

A. *Restitution of Mary Ward*

1. Recognition of Mary Ward as founder

One of the most significant events for the Institute in the nineteenth century was the publication of Catherine Chambers' biography of Mary Ward.¹

Following the prohibition in *Quamvis iusto*, Mary Ward's memory had been forced underground and many valuable historical records were destroyed.² But by the middle of the century, signs of a reviving interest appeared.³ M. Joseph Hogan, the founder of the Loreto mission in Darjeeling,⁴ wrote in 1877:

[When] we are asked who was the first lady who suggested the "wise" movement, we reply in Germany - Mrs Babthorpe, in England Mrs Beddingfield [sic] but my heart whispers poor persecuted, maligned Mrs Ward was the foundress - the original spirit that or who placed the foundation stone and gave a spring or motion to *all other* congregations.⁵

At about this time, a work by a German canonist, B. Schels, received considerable prominence in England. In his book Schels discussed *Quamvis iusto*, and condemned efforts

¹ See M. C. E. CHAMBERS, *The Life of Mary Ward (1585-1645)*, ed. H. Coleridge, London, Burns & Oates, 1882-1885, 2 vols. Catherine Chambers (1821-1886) was a member of an Anglican religious community before her conversion to Catholicism at the age of fifty-five. She entered the Institute in 1878 and died just after the publication of the second volume of the biography. See obituary, AIN; and P. HARDMAN, *Some Daughters of Mary Ward*, typescript, [n.d.], AIY, pp. 57-70.

² See letter from M. Teresa Ball to York, January 9, 1849, AIY 2/C1/13: "I never was informed of the merits of Mary Ward. M. Babthorp [sic], I was told, procured the confirmation of our holy rule." John Morris, visiting Germany, wrote to York, AIY 1/9d/18, November 9, 1889: "A trunk full of Mary Ward's letters and papers was burnt here in 1868! Orders to do so were given to a Novice, who knew English enough to see what was being done and to feel sure that it would be deeply regretted afterwards."

³ Canon L. Toole, in Manchester, who was an enthusiastic supporter of the Institute, did some research himself in Germany. See letter from L. Toole to O. Haigh, January 19, 1876, AIY: "I believe [Mary Ward] to have been one of the greatest women that England has produced but maligned and persecuted. [...] I have often thought of writing her life but have been deterred by an unwillingness and fear to renew the knowledge of the ill treatment which she received from quarters where it would be the least expected."

⁴ See [C. PAYNE], *First the Blade*, pp. 101-126.

⁵ See letter from M. Joseph Hogan to York, May 27, 1877, AIY 2/C3/8.

to reestablish Mary Ward as the founder of the Institute.⁶ This prompted measures in her defence. The Ascot community finally began a thorough investigation of the historical sources.⁷ The two volumes of Chambers' biography were published in 1882 and 1885. Its outstanding historical scholarship brought Mary Ward into public view for the first time since 1749.⁸

As a result of this interest, efforts soon began to restore Mary Ward's position as founder of the Institute. Bishop Cuthbert Hedley, OSB, of Newport and Menevia opened formal proceedings in Rome in 1891.⁹ His petition was supported by about fifty bishops, but the authorities in Rome refused to consider it.¹⁰

⁶ See B. SCHELS, *Die neuen religiösen Frauengenossenschaften nach ihren rechtlichen Verhältnissen dargestellt*, Schaffhausen, Hurterschen, 1857, pp. 79-148.

⁷ With the encouragement of John Morris, SJ, and the prominent Jesuit author, H. Coleridge, M. Catherine Chambers and her superior, M. Joseph Edwards, travelled extensively in Europe collecting material. See "Correspondence of Mother Edwards with Father John Morris, SJ, 1872-1879. Bound and donated to Rev. Mother Teresa Blagden, St. Mary's Convent, South Ascot, 14 Oct., 1910, by J. H. Pollen, SJ"; and Chambers' notebooks, AIY.

⁸ Many scholars joined in the research after the publication of Chambers. Peter Guilday was an American historian who worked with the sources in the archives of Propaganda. Ludwig von Pastor was Austrian ambassador to the Vatican. He researched the Vatican archives. See P. GUILDAY, *English Catholic Refugees*, 1914; and L. von PASTOR, *The History of the Popes*, 1929-1953, 40 vols. See also L. HICKS, "Mary Ward's Great Enterprise", in *The Month*, 151 (1928), pp. 137-146, 317-326; 152 (1928), pp. 40-52, 231-238; 153 (1929), pp. 40-48, 223-236.

⁹ See letters from M. Ignatius of York to Leek, January 22, 1891; and May 8, 1891, copy, AIR 2/2/C3/23, 24; and circular letter from M. Francis Pope in York, August 7, 1908, relating the history of previous petitions, AISTP 64.

¹⁰ John Morris wrote a short life of Mary Ward, which was translated into Italian for presentation with the petition. See J. MORRIS, *Mary Ward*, ms autograph, [n.d.], AIY, 74p. In 1893, the year of his death, he wrote to York from Farm St., April 18, 1893, AIY 6G17: "All hope for Mary Ward is gone, for the Holy Office absolutely refuses to allow her case to be re-discussed. The Roman lawyer whom M. M. Edwards engaged, gave notice that he was going to write a paper, and he was ordered to do nothing of the sort. When I heard this I saw that the Sacred Congregation had made up its mind not to entertain the petition. It seems to me that now the less said about it, the better. God's will be done." See also T. CORBISHLEY, *Mary Ward in the 20th Century: The Life of Reverend Mother M. Cecilia Marshall, IBVM*, London, St. George's Press, 1969, p. 92.

In 1908 Bishop Hedley prepared a new petition, which was presented to Pius X by Cardinal Merry del Val and Dom Aidan Gasquet on April 6, 1909.¹¹ This time the petition received immediate papal consent.¹²

2. The cause for Mary Ward's canonization

The English, Irish and Scots bishops presented to the Apostolic See in April, 1913 the first petition for the canonization of Mary Ward. Permission was obtained to introduce the cause, but the outbreak of war prevented further action at that time. After a further petition to Pope Pius XI, signed by all the bishops of England in 1922, the enquiry process opened in Middlesborough (Yorkshire), in 1929.¹³ Very soon permission was obtained to pursue the case simultaneously in Munich, where most of the evidence was available. Pope Pius XI removed the early lives of Mary Ward from the index in 1928.¹⁴ At this time, Josef Grisar, SJ, began working on the necessary historical research. The case is still proceeding.¹⁵

¹¹ Dom Aidan Gasquet, a historian and authority on English monasticism, was elected president of the English Benedictine Congregation in 1900. He was later prefect of the Vatican archives and librarian of the Holy Roman Church. He introduced a short life of Mary Ward, which was compiled by members of the Institute at Ascot. See *Life of Mary Ward, Foundress of the Institute of the BVM Compiled from Various Sources with an Introduction by the Rt. Rev. Abbot Gasquet, OSB*, London, Burns & Oates, [1909], xxv, 140p. See also T. CORBISHLEY, *Mary Ward in the 20th Century*, pp. 91-95.

¹² See "Petition to be presented to the Holy Father by the bishop of Newport and Menevia on behalf of the Institute of Mary", AIR A23; SCdeR rescript, April 6, 1909, Prot. n. 1606/09, ACIVC M10/2; and letter from A. Gasquet in Rome to M. Loyola in York, April 22, 1909, AIY. See APPENDIX F, pp. 196-197 for the English text of the rescript.

¹³ See diary of M. Salome Oates, AIY MW 2/1; and "Mary Ward's cause", typescript, [n.d.], 1p., AISIA.

¹⁴ This was communicated privately to Fr. J. Grisar from the Holy Office.

¹⁵ See documentation: Litterae postulatrici Episcoporum Angliae et Abbatorum OSB ad S. Sanctita Pium X, 1913; Facultas S. C. Rituum ad aperiendum Proc. informativum, April 20, 1913; Litt. post. Episc. Angliae ad S. S. Pium XI, 1922; Processus informativus Medioburgensis, October 11, 1929; Instructio S. C. Rituum ad Michaelen Card. Faulhaber per instituendum Process. informativum Monacensis, May 7, 1930; Proc. inf. Monacensis, July 7, 1930 - March 17, 1932; Studium P. Josephi Grisar in Archivo Inquisitionis, 1930; Nihil obstat S. Officii, January 24, 1932; Aperitio Processus Monacensis in Palatio S. C. Rituum, April 1, 1932; Nihil obstat pro scriptis servae Dei, April 12, 1932; Aperitio Processus Medioburgensis in Palatio S. C. Rituum, January 3, 1933; Petitiones Praesulum Angliae et Ordinum Religiosorum Religiosarumque et multorum laicorum Angliae, 1935; AIRome.

B. *Constitutional revision before 1900*

1. Rathfarnham

After 1881, the Irish branch needed to adapt their constitutions to the requirements of the mission houses. The *Cullen Constitutions* did not provide adequately for the responsibilities of the mission superiors, nor for the mission representation and voting rights at general chapters.¹⁶ But the question of union with the other branches had come under consideration by this time, and the projected revision of the Irish constitutions was delayed.¹⁷

2. York

John Morris, SJ, began working on a revision of the York constitutions in 1877.¹⁸ His aim was to establish York as the mother-house of an English generalate of the Institute, although the York community still consisted of only one house.¹⁹ He also hoped to produce a text which would in time be accepted by all the branches. Although he was aware of the Ignatian influence in the 1707 *Constitutions* of the Institute, he preferred a text which

¹⁶ See letters from M. Gonzaga Barry, November 20, 1912, Prot. n. 47/13; and from M. Gonzaga Joynt, provincial superior of India, November 11, 1912, to SCdR, ACIVC M10/7.

¹⁷ See E. MacDONALD, "The Constitutions of the IBVM", p. 6.

¹⁸ On April 9, 1877, he wrote to York: "I have taken your constitutions in hand without delay." See AIY, 3d/44. He had visited Germany, where he studied all the old manuscript constitutions. He had also published a collection of Institute documents with a new translation of the 1703 *Rules*, in *Letters Apostolic by which Clement PP. XI., June 13th, 1703, Approved and Confirmed the Rules; Decree of His Holiness [Pius] PP. IX., February 15th, 1877, Approving and Confirming the Institute of the Blessed Virgin Mary, with Appendix and Notes*, Leeds, IBVM, [1877], 75p.

¹⁹ See letter from Bishop Robert Cornthwaite of Leeds to Cardinal Giovanni Simeoni, prefect of Propaganda, March 11, 1886, AIR 2/2/C3/17: "Let me add that though there is at present but one House, that of York, the Constitutions are intended for others, for as a matter of fact the land and house for a first filiation are actually bought, and will be made as soon as everything is agreed upon. Besides this there are already in England several houses of this Institute, which may in time seek aggregation to the most ancient of them all."

would be assured of approval in Rome, and which would provide a sound organizational basis for Institute governance.²⁰

Eventually York chose to adopt the *Cullen Constitutions*. This text recommended itself as the only Institute constitutions with papal approval. It also provided for a superior general with jurisdiction over several houses.²¹ In 1888 these new York constitutions received approval from Propaganda for three years.²²

3. St. Pölten

The St. Pölten constitutional revision began in earnest in 1881, when Johann Heller, SJ, was asked to undertake the work.²³ In 1890 the branches of Bavaria and Mainz joined in the process.²⁴ The resulting text was in large part based on the *Ignatian Constitutions*. But it also included current canonical requirements and prescriptions about minor offices.

²⁰ At first the *Gilbert Constitutions* were revised, with the inclusion of provisions for branch houses. See ms, AISTA: *The Constitutions of the Congregation of Nuns of the Institute of Mary Established in York*, [n.d.], 88p. This undated text, based on the *Gilbert Constitutions*, with numerous alterations and deletions, refers (p. 62) to Pope Leo XIII, who was elected in 1878. Bishop Cornthwaite was not satisfied with the adequacy of this text. See ms history of the York constitutions, AIY 1/12g; and letter from John Morris to York, June 17, 1877, AIY 3d/42.

²¹ York made minor modifications to the Rathfarnham text and added some spiritual exhortations. The changes included more precise financial regulations concerning the novices, and provision for an elected general council with only a consultative role, following the Jesuit model. See letter from M. Ignatius of Jesus, York, [to Leek], March 17, 1886, AISTA.

²² See PROPAGANDA, Decree, APropF, Acta (Leeds) 1888, f. 573, October 20, 1888. This approval was renewed for ten years in 1894. See PROPAGANDA, Decree, Prot. n. 9035, August 21, 1894. This York version of the Irish constitutions was not published by the York community. (On December 3, 1878 when the diocese of Beverley was divided, the city of York became part of the diocese of Leeds. See APropF Acta, vol. 246, f. 336).

²³ Many versions of this text (= *Heller Constitutions*) were produced, with approval first being obtained by St. Pölten in 1903. See "Istituto della B.V. Maria, detto delle Dame Inglesi, Ramo Austro-Ungarico", file 868/11, ACIVC M10/5, p. 2: "[...] la Provvidenza lo mandò nella persona del Padre Giovanni Heller, S.J. Dal 1881 in poi, [...] si ritirava nella Casa dei Gigli per occuparsi di questo importante lavoro che solo vent'anni di poi sarebbe stato compiuto." See also letter from Josephine Castiglione, superior general in St. Pölten, to York, September 13, 1885, AIY 6L 26; and constitutional material and drafts, AISTP, files 63-65. See also J. Heller's obituary, AISTA, 65.

²⁴ See letter from the superior general in Mainz to York, December 2, 1890, AIY 6L23.

As a result it was very long and cumbersome. The text was first presented to the Apostolic See in 1899 by both Nymphenburg and St. Pölten.²⁵

C. *Movements towards union*

The number of religious congregations in Europe increased significantly throughout the nineteenth century. To control this expansion, Pope Leo XIII encouraged existing communities to form interdiocesan and international unions.²⁶ At the same time, the Sacred Congregation for Bishops and Regulars tightened its requirements for the pontifical approval of new communities.²⁷

In the Institute, each branch was juridically independent. Political pressures had increased their isolation, but the ideal of a single government persisted despite the lack of external bonds.²⁸ Interest in union within the Institute, arising from a study of the

²⁵ See letter from Cardinal A. Steinhuber to S.C. EE et RR, to Rome, June 5, 1899, Prot. n. 5254/13, ACIVC M10/5; and petition for approbation to S.C. EE et RR, November 10, 1899, ACIVC M10/3. Some early versions of these constitutions dated 1899, 1901 and 1902 are found in ACIVC M10/1. See also ACIVC M10/4 for letters of recommendation, circa 1899, from the archbishop of Prague, the bishops of Aschaffenburg, Brixen, Bucharest, Budapest, Eystett, Fulda, Kosice, Mainz, Regensburg, St. Pölten, Szombathely and Trento, the apostolic vicar of Patna and the apostolic nuncios in Vienna and Munich. In his letter, 28 May, 1899, ACIVC M10/4, Bishop Paul Haffner of Mainz mentioned that the Mainz branch included houses in Bensheim, Bingen, Darmstadt, Viernheim, Worms, and "in recent years" Fulda and Wiesbaden.

²⁶ See, *inter alia* LEO XIII, brief, July 12, 1893, in *ASS* 26 (1893-1894), pp. 371-374, (the Benedictine union); Apostolic Constitution, "Felicitate quadam", 4 October, 1897, in *ASS* 30 (1897-1898), pp. 225-232, (union of the Order of Friars Minor); Decree, September 17, 1898, in *ASS* 31 (1898-1899), pp. 495-496, (union of Praemonstratensian monks). See also P. MAROTO, "De unione plurium monasteriorum muliebrium in religiosam congregationem sub communi regimine", in *Commentarium pro religiosis*, 3 (1922), pp. 305-317; J.-L. BEAUMIER, *L'Union romaine des Ursulines d'après les documents pontificaux*, Trois-Rivières, 1951, pp. 1-25; and M. V. BOSCHET, *Les origines de l'Union romaine jusqu'à sa fondation, 1900*, Rome, OSU, 1951, pp. 400-536.

²⁷ See F. CALLAHAN, *The Centralization of Government in Pontifical Institutes of Women with Simple Vows*, p. 43.

²⁸ In 1891, M. Teresa Colahan wrote from South Africa to York, June 11, 1891, 2/C6/2 AIY: "That we have been so long separated is no proof that we ought to remain so. It is, I fancy, an abnormal state that having the same origin, the same Rules, the same End, we should be independent one from the other."

constitutions, its history and traditions, was also supported by the policies of the Apostolic Sec.

1. *Union of the Irish missions*

By 1880, the Irish Institute had missions in India (1841), Mauritius (1845), Gibraltar (1845), North America (1847)²⁹, Manchester (1851) and Australia (1875). While M. Teresa Ball lived, she had maintained the unity of the Institute by her personal communication with the different superiors.³⁰ But after her death, problems of jurisdiction arose in almost all these missions. For the first time elective chapters took place, and the question of the representation of the mission houses at these chapters needed to be addressed.³¹ Of all the mission houses, only Manchester was represented in the elective chapters which were held between the death of M. Teresa Ball and 1880.³²

In June, 1881, a rescript from Propaganda permitted the mission houses to affiliate with Rathfarnham, at the discretion of the local bishops.³³ In the following years, all the mission foundations except Toronto became juridically subject to Rathfarnham.³⁴

²⁹ The first Institute house in the United States of America was founded in Joliet, Illinois, in 1880. See K. McGOVERN, *Something More Than Ordinary*, p. 179.

³⁰ See correspondence between M. Teresa Ball and M. Teresa Dease in Toronto, M. Delphine Harte in India and M. Austin Hearne in Mauritius, AIR. Apparently many letters of M. Teresa Ball were lost after they were given to Canon William Hutch in Fermoy, when he wrote his biography of M. Teresa. See *Joyful Mother of Children*, p. 70.

³¹ The first general chapter at Rathfarnham, in 1862, elected M. Scholastica Somers as superior general. Cardinal Paul Cullen had appointed her to the office of vicar general after the death of M. Teresa Ball. From 1862 to 1919, elections were held every six years, or after the death of the incumbent. See *Annals IBVM Rathfarnham*, AIR.

³² Manchester attended the 1862, 1868 and 1874 chapters, but was not invited to the 1880 chapter.

³³ See IBVM, Rathfarnham, petition to Rome, December 1880, [incomplete latin copy], AIR A11; and PROPAGANDA, rescript, June 12, 1881, [no Prot. n.], [copy of Italian original, with attestation concerning the status of the Indian houses, signed by M. Corcoran and council, October 5, 1894], AIR A14.

³⁴ Not all the documentation is extant. India joined Rathfarnham in June, 1881. In 1894, the Indian provincial, M. Gonzaga Joynt, obtained a formal statement that the affiliation with Rathfarnham had taken place, since the original rescript could not be found. See PROPAGANDA, rescript, June 12, 1881, ms copy, with the attestation by the superior general and council, October 5, 1894, AIR A14. See

Technically the mission houses had the same status as the Irish houses, with the right to send two delegates to the election of the superior general.³⁵ But in reality only the superior of the mission and a delegate attended the general chapter. The other branch houses sent postal votes. During this period, in all cases except that of Australia, relationships between Rathfarnham and the mission houses, and often their ecclesiastical superiors, were at times very strained.

In September 1880, the sisters in Darjeeling and Lucknow asked to join Rathfarnham. In November, 1880, with the approval and assistance of Archbishop Paul Goethals of Calcutta, the sisters in Bengal also voted to affiliate with Rathfarnham.³⁶ Some years later the status of the Loreto community in India as a province of the Irish generalate was confirmed by Propaganda.³⁷

G. CANILLA, rescript for Gibraltar, October 16, 1881, AIR 1/1/RSA1. Australia became a province in 1894. See M. OLIVER [O'DOHERTY], *Love is a Light Burden: The Life of Mother Mary Gonzaga Barry*, London, Burns Oates, 1950, p. 131. The more recent foundation in Spain (1889), became a province in 1900. See *Memoirs of Mother M. J. Stanislaus Murphy*, typescript ms, Casa Loreto, Rome, [n.d.], p. 200. The two houses of the Navan foundation in the Transvaal joined Rathfarnham in 1903. See PROPAGANDA, Decree, September 1, 1903, AIR 1/1/RSA3; and SCdeR, rescript for Manchester, August 9, 1910, Prot. n. 2959/10, AIR 1/1/RSA9.

³⁵ See 1877 *Irish Constitutions*, Cons. 31; and letter from M. Gonzaga Joynt to Archbishop W. Walsh of Dublin, September 6, 1906, AIR 2/2/C5/45.

³⁶ The Loreto houses in Darjeeling and Lucknow in the vicariate apostolic of Patna requested amalgamation with Rathfarnham, September 11, 1880, AIR 2/2/C5/2. See letter from Archbishop P. Goethals to M. Delphina Hart concerning the union of the Bengal Loreto convents, namely Calcutta, Entally, Hazaribagh and Asansole, with Rathfarnham, November, [no day], 1880, typescript copy, AIR 2/2/C5/3.

³⁷ In 1887, the hierarchy was established in India. Most of the Loreto convents then belonged to the Calcutta archdiocese. But Lucknow and Simla were under the jurisdiction of the Capuchin Bishop F. Pesci of Allahabad, who would not permit the houses to be subject to the Loreto superior in Calcutta. Full union was achieved in 1902. See letter from M. Stanislaus Hart to York, December 8, 1890, AIR 2/2/C3/10. See also [C. PAYNE], *First the Blade*, pp. 125, 157, 205.

³⁷ In 1900, Archbishop Goethals would not allow the Indian delegates to attend the general chapter. Archbishop Goethals died the following year (July 4, 1901). In 1905, M. Gonzaga Joynt asked the Apostolic See to clarify the status of the Indian province. See M. G. Joynt, petition to the Apostolic See, April 6, 1905, AIR 1/1/RSA/5. In 1907, Propaganda issued a decree giving the Indian province the same voting rights as the other provinces. See PROPAGANDA, Decree, April 20, 1907, n. 75381, AIR 1/1/RSA5/2.

M. Austin Hearne, the founding superior of the small community in Mauritius, corresponded frequently with M. Teresa Ball. But after M. Teresa's death in 1861, the Mauritius community was virtually cut off from Rathfarnham. After prolonged negotiations, Mauritius made a formal request to join Rathfarnham. The union was effected in June, 1908. The mission was then placed under the care of the Indian provincial until such time as it could be erected as a province.³⁸

The Gibraltar mission began in 1845. Links with Rathfarnham were broken in 1860, when the superior became involved in a dispute over finances with the vicar apostolic, Bishop J. Scandella. The bishop died on August 27, 1880, and a week later Gibraltar reunited with Rathfarnham.³⁹ Since that time, Gibraltar has been part of the Irish province.

Manchester sent delegates to the first three general chapters after the death of M. Teresa Ball. But in 1880 communications with Rathfarnham ceased.⁴⁰ It was not until 1910 that Manchester, with its branch house at Bowdon,⁴¹ was reunited with

³⁸ A visitation was carried out in 1907 by M. Borgia Irwin in response to a request from Mauritius. At that time the mission consisted of forty-six sisters in four houses. See ACIVC M10/6; and A. DUPONT and A. O'DONOGHUE, "History of Mauritius, 1831-1970", typescript, [1970], 110p., AIR.

³⁹ Bishop Scandella excommunicated the superior and four other members, who remained in Gibraltar, supporting themselves by operating a school. Rathfarnham sent a superior and three other sisters to replace them in 1861. The bishop deposed the superior, appointed M. Stanislaus (Susan) Murphy to the office, opened a novitiate and forbade the community any private communication with Rathfarnham. The deposed superior was Anne Hickey, the founder of the Manchester house. She died of cancer shortly afterwards. M. (Susan) Stanislaus Murphy was re-appointed superior by Rathfarnham. In 1886 after an official visitation from Rathfarnham, M. Stanislaus was transferred to Calcutta. Her namesake, M. (Jane) Stanislaus Murphy, replaced her in October, 1887. Shortly after her appointment, M. (Jane) Stanislaus began negotiations for founding the Institute in Spain. See correspondence, AIR 2/2/C4/49; and *Memoirs of Mother M. J. Stanislaus Murphy*, AIRome (Loreto), pp. 64-68.

⁴⁰ Manchester was not invited to participate in the 1880 chapter, and its letter of protest received no acknowledgement. This state of non-communication lasted until M. Michael Corcoran visited the community in November, 1889. Although the visit was friendly, she failed to heal the breach. See letter from M. Alphonsa Ellis to M. M. Corcoran, January 7, 1890, AIR 2/2/C3/1; and *Annals IBVM Manchester*, AIM.

⁴¹ The school at Bowdon (Altrincham, Cheshire), was founded in 1907 by a French refugee nun, Mlle Louard. In 1909, when Mlle Louard left the district, the parish priest, Canon Welsh, invited the Manchester community to take over the school. See "A Glorious Mission", typescript, [n.d.], p. 5, AISIA.

Rathfarnham.⁴² The Navan foundation in Leek joined Manchester, and hence Rathfarnham, the following year.⁴³

2. *A separate North American generalate*

Given the choice between affiliating with Rathfarnham or becoming a separate generalate in 1881, the Institute in North America chose independence. The archives of the Institute contain no direct explanation for this decision. Letters between Toronto and Rathfarnham hint at some reasons: the differences in the cultures of the two countries required decisions contrary to the practices in Ireland; more and more the sisters in Canada and the USA were asked to teach in schools at distances from the convent, and to teach boys in some of the schools, both of which practices were not usual in Ireland; the recent extension into the United States seemed to demand a more accessible local authority.⁴⁴

Although M. Teresa Dease preferred to remain united with Rathfarnham, the Irish superior general of the time, M. Scholastica Somers, apparently did not agree with her.

During the life of our dear Mother Scholastica, I proposed that we should be as entirely dependent on Rathfarnham as any other of the mission houses; but Rev. Mother did not think it expedient then. We go out very much more than you do; but the circumstances in many cases, seem to necessitate it. In our separate schools we teach boys for some years past.⁴⁵

⁴² The superior of Manchester, M. [Margaret] Alphonsa Ellis remained in office for over fifty years, until her death in 1905. She was succeeded by her cousin, Mary Ellis, who had the same name in religion. During this second M. Alphonsa's last illness, in 1910, her community made urgent appeals to M. Michael Corcoran to accept Manchester back under the jurisdiction of Rathfarnham. M. Alphonsa II died on April 13, and in June, M. Michael Corcoran visited the house to bring about the reunion. See *Annals IBVM Manchester*, AIM; letters from M. Agatha Younger in Manchester to M. Michael Corcoran, March 30, 1910, and April 3, 1910, AIR 2/2/C3/2, 3; and SCdeR, Decree, June 18, 1910, Prot. n. 1824/10, AIR 2/2/C3/8.

⁴³ At Leek, the founding superior, M. Baptist Haslam, had requested union with Manchester before her death in 1904. See "A Glorious Mission", p 5, AISTa; letter from Rathfarnham to Bishop Edward Ilsley of Birmingham, January 23, 1911, AIR 1/1/RSA/13; and SCdeR, rescript, Prot. n. 823/11, March 28, 1911, AIM.

⁴⁴ See *Annals IBVM Toronto*, June 6, 1881, AIT: "[This decree] will give greater security to missions in the various Dioceses of Canada and in the States." No record of council meetings on this topic has been found. See K. McGOVERN, *Something More Than Ordinary*, pp. 183-185.

⁴⁵ Letter from M. Teresa Dease to M. Michael Corcoran, Easter Sunday, [April 21], 1889, quoted

It may have been this attitude from Rathfarnham which gave rise to a discussion of the possibility of filiating with Fermoy. Toronto had links with the independent house in Fermoy, because its founding superior was M. Eucharia Dease, the sister of the Toronto superior.⁴⁶

The archbishop of Toronto made his views quite clear. In a letter from Rome, where the Vatican Council was in session, Fr. Jean Jamot of Toronto wrote to M. Teresa Dease:

I have a special message from His Grace, the Archbishop of Toronto, to transmit to you. He says that it is His [sic] wish and the wish of Bishop Farrell of Hamilton that all the houses of Toronto and Hamilton should be under your immediate direction; that it would be too difficult to put them under direction of any Superioress in Ireland, Rathfarnham, Fermoy or any other. The distance is too great. He wishes that in your arrangements you should not lose sight of that proviso.⁴⁷

At the request of Archbishop John Lynch of Toronto, Propaganda granted Toronto the status of a generalate on April 25, 1881. The jurisdiction of the new superior general extended to all the houses founded from Toronto.⁴⁸

3. *The union meeting, 1900*

The question of union had been in the air from the middle of the century. M. Delphina Harte, from India, spoke to Cardinal Paul Cullen in 1870 about a world-wide union of all the Institute branches. The cardinal was definitely not in favour of the idea.⁴⁹

in K. McGOVERN, *Something More Than Ordinary*, p. 184.

⁴⁶ See *Annals IBVM Fermoy*, AIF. Another sister, Miss Brigid Dease, was co-founder and a major benefactor of the Fermoy community. M. Eucharia Dease died in May, 1878.

⁴⁷ Letter from Jean Jamot to M. Teresa Dease, 1870, quoted in K. McGOVERN, *Something More Than Ordinary*, p. 185. Jean Jamot was later the first bishop of Peterborough, Ontario. See C. EUBEL, et al., *Hierarchia catholica*, vol. 8, p. 448.

⁴⁸ See PROPAGANDA, Decree, April 25, 1881, vol. 377 (1881), p. 227, APropF, copy in AIR A13; and letter from Bishop J. Lynch of Toronto to M. Teresa Dease, May 24, 1881, AIT.

⁴⁹ See letter from Cardinal Paul Cullen to M. Scholastica Somers, October 16, 1870, AIR 2/2/25A/12: "She was telling me that she was endeavouring to unite the German, Irish and all other branches of your institution into one body - I replied rather roughly - we will have nothing to do with you - your reason for seeking union now is because the Irish branch is going on so well. We will not run the risk of making

This opposition from members of the Irish hierarchy persisted and increased in intensity.⁵⁰ German political pressures were also exerted against the unity of the Institute. Nevertheless, as the results of historical research became known, and as constitutional revision was undertaken throughout the Institute, the possibility of union continued to be raised in all quarters.

a. The St. Pölten declaration

In 1890, a document later called the "St. Pölten Declaration" was distributed to all the relevant superiors.⁵¹ It discussed the importance to the Institute of the 1707 *Constitutions*, with the modifications required by the Apostolic See. It stressed the necessity of holding on to the true aims and to the original spirit of the Institute, while rejecting customs foreign to this spirit.

In the same year, York sent a questionnaire to all the major superiors of the Institute.⁵² It briefly outlined a structure in six points, including a generalate in Rome, with separate provinces retaining a certain degree of autonomy. It also proposed asking for the help of the cardinal protector of the St. Pölten branch, to coordinate future union negotiations between the different branches and with the Apostolic See.⁵³

changes but we are determined to let very well remain as it is."

⁵⁰ See D. MILLER, *Church, State and Nation in Ireland, 1898-1921*, [Dublin], University of Pittsburg Press, [1973], x, 579p., for a discussion of the involvement of the Irish clergy in the nationalist movement in Ireland during this period.

⁵¹ See ms translation of the declaration; and letter from M. Ignatius in York to M. Michael Corcoran in Rathfarnham, February 3, 1890, A15 AIR: "I am sending you the Declaration of St. Pölten's [sic] which seems intended to smoothe the way for their *Constitutions in the Austrian Houses*. It evidently would never do for Rome. I make no comment upon it as we shall be glad to hear first your opinion on its various points."

⁵² See duplicate copy, [no date], A1StA.

⁵³ When St. Pölten requested a cardinal protector in 1888, Cardinal Serafino Vannutelli was appointed. See SECRETARIAT OF STATE, Decree, Prot. n. 74014, February 13, 1888. In 1895, the Nymphenburg branch obtained Cardinal Andreas Steinhuber as their protector. The St. Pölten branch was transferred to his care in 1897. See C. EUBEL, *et al*, *Hierarchia catholica*, vol. 8, pp. 33, 37. Cardinal Steinhuber was also appointed Protector of the Rathfarnham branch of the Institute on November 11, 1900, see SECRETARIAT OF STATE, Decree, Prot. n. 59633, AIR A20. He was followed by Cardinal

The responses to this questionnaire were summarised and circularised. Most of the replies were favourable and enthusiastic.⁵⁴ By the end of 1890, M. Ignatius was discussing a date when all the members would vote on the union proposals.⁵⁵

The 1890 declaration proposed that each group would have separate constitutions. This idea not surprisingly met with a general negative reaction. The question of common constitutions then became a major issue in the debate about union. These early discussions came to a halt in 1891, when the superior general at Rathfarnham expressed the unwillingness of the Irish branch to relinquish its present constitutions.⁵⁶

But the question continued to receive enthusiastic support from Cardinal A. Steinhuber in Rome, and from many of the superiors and their canonical advisors.⁵⁷

Rafael Merry del Val in October 30, 1907, SECRETARIAT OF STATE, Decree, Prot. n. 26454, AIY, 1/7c. After the latter's death in 1930, Cardinal Eugenio Pacelli was appointed protector of the German-speaking branches, while Cardinal Alexis Lépicier, OSM, was appointed for Rathfarnham. See ACIVC M10/6.

⁵⁴ See AIR 2/2/C3/16. Replies are dated from July 16 to September 19, [1890].

⁵⁵ See letter from M. Ignatius in York to "Rev. Mother", October 31, 1890, AIR 2/2/C3/20.

⁵⁶ See letters from M. Ignatius in York to the superior at Leek, January 22, 1891, AIR 2/2/C3/23; and May 8, 1891, AIR 2/2/C3/24: "The question of Union seems to be at a standstill for the present. The Genrl. Supr at Nymphenburg, writing on Dec. 29th. of last year, expressed the hope that the New Year may afford us the opportunity of making arrangements for the furtherance of a Union between us all, notwithstanding the many difficulties in the way. But on Jan. 15, the Gen. Supr. at Rathfarnham wrote that she did not think the plans for a general union would ever come to anything. The different branches have been so long separated, that there are immense difficulties in the way of a union, and she does not see that it would do much good. The Irish nuns would not like their Constitutions to be changed, and if there ever is a Union, she thinks it will be no more than a nominal one."

⁵⁷ See M. OLIVER [O'DOHERTY], *Love is a Light Burden*, pp. 164-173; and T. CORBISHLEY, *Mary Ward in the 20th Century*, p. 88: "M. Magdalen [M. Magdalen Grémion, superior of the Roman house at Via Nazionale] called on Cardinal Steinhuber and found him very much displeased with a letter he had received from Mother Joseph [Edwards], in which she had said that she would accept no Constitutions until Mary Ward was restored to her position as Foundress."

b. Preparations for the Congress

In 1900, on her way to Ireland for the general chapter, M. Gonzaga Barry, the Australian superior, visited the Institute houses in Rome⁵⁸, Nymphenburg, Augsburg and York. She distributed a document to all the superiors, giving the reasons for union within the Institute and outlining its advantages and disadvantages. While in Rome she discussed her plans with church authorities, and made practical arrangements for a congress to be held there later in the year.⁵⁹

The union document proposed a meeting in Rome to discuss the acceptance of common constitutions. It named five cardinals who supported the idea of such a conference. There was to be no question of a forced union, or of a forced mixing of nationalities within the various provinces.⁶⁰

A shorter circular, of four points, was sent to the bishops. It mentioned the support given by prominent prelates to the scheme and the benefits of stability which would follow.⁶¹ The Archbishop of Dublin objected strongly to the proposal:

I view the whole project of the Union with such misgivings that I could not conscientiously take the responsibility of personally furthering it in any way. Hence, for instance, I could not take it upon myself to give any permission to any of the sisters to go to Rome for the purpose of attending

⁵⁸ In 1897, M. Joseph Edwards from Ascot visited Rome, where she was invited to open a free school for girls, with instruction in English and other languages. Its purpose was to counteract the proselytising activities of American Methodist schools then active in the city. Pope Leo XIII gave his encouragement and financial support and the superior general agreed to the foundation. The house opened on the Via Nazionale on September 22, 1897, financed and staffed from both England and Bavaria. See G. von PECHMANN, *Geschichte des Englischen Institutes*, pp. 494-500; and T. CORBISHLEY, *Mary Ward in the 20th Century*, pp. 86-88.

⁵⁹ Among her extensive correspondence of 1900, see letters from M. Gonzaga Barry to M. Joseph Edwards in Ascot, feast of SS. Peter and Paul, [June 29], 1900, and feast of St. Bernard [August 20, 1900], AIB; and to St. Pölten, June 10, 1900, AISiP. See also letter from M. Loyola of York to the superior of Leck, July 6, 1900, AIR 2/3/C3/21.

⁶⁰ See circular letter from M. Gonzaga Barry, July 26, 1900, AIR A18. In Ireland, each choir sister five years professed or more was asked to sign a statement of agreement or disagreement to the proposed union. See statement AIR 2/2/C3/24a; and Irish circular letter, [1900], AIN.

⁶¹ See the copy of this circular, dated 1900, in circular letter from Rathfarnham, [1910], AIR 2/1/A18.

a "Congress". [...] Whoever the sisters have to blame, if they are ultimately involved in arrangements distasteful to them they certainly will not have to blame me.⁶²

Despite the archbishop's opposition, M. Michael Corcoran and her vicar did attend the conference.⁶³

c. "Summary of the Institute"

At Rathfarnham in August, 1900, representatives of the English-speaking houses met to prepare for the union congress. They drew up a list of points which all agreed must form the basis of any future union.⁶⁴ The group hoped to present this document to the Apostolic See, for implementation *ad experimentum* while further details of the union were negotiated. Significant points in this "Summary" were as follows:

1. Each branch or mission would form a financially independent province;
2. Eight provinces to be formed, four German/Italian, four English-speaking;⁶⁵
3. A member could be transferred outside her province only with her consent and that of the relevant major superiors;
4. The introduction of six years of temporary profession for all sisters;⁶⁶
5. The superior general to be elected for ten years;
6. The general chapter to consist of the superior general and council, the provincial superiors, and two vocals representing each province. These vocals to be elected by all the sisters in perpetual profession;
7. The final point concerned the powers and duties of the Cardinal Protector.

⁶² Letter from Archbishop W. Walsh [undated], ms copy, AIR 2/2/C3/25. See also letter from M. Gabriel of Youghal, to Navan, September 10, 1900, AIN.

⁶³ M. Tischmann, who represented St. Pölten at the Rome meeting, wrote, October 8, 1900, AISTP: "The Irish houses make much opposition, supported by their bishops, and the poor general superior sits there like a sacrificial lamb, a picture of misery." Her companion was M. [Laura] Teresa Ball, niece of the Irish founder. M. Teresa later became an ardent opponent of union.

⁶⁴ See "Summary of the Institute: The Institute of Mary, commonly called the English Virgins", typescript, 19p., AISTA. England, Ireland, Spain, North America, S. Africa and Australia were represented at the Rathfarnham meeting. See letter from M. Loyola Giles of York to Leek, January 23, 1901, AISTA.

⁶⁵ The Continental provinces: Bavaria, Austria, Prussia, Italy; the English-speaking provinces: England, Ireland (with Spain and India), America and Australia (with South Africa). Mauritius was not mentioned.

⁶⁶ See PROPAGANDA, Decree, October 23, 1873, giving the York lay sisters a six year period of temporary profession, in *Letters Apostolic*, pp. 64-65; and see "Summary of the Institute: The Institute of Mary, commonly called the English Virgins", AISTA, p. 5.

d. The union congress, 1900

The conference took place at the Palazzo Ricci in Rome, 2-17 October, 1900. Its purpose was chiefly to discuss a common constitutional text, which would complement and complete the 1703 Rules. All branches of the Institute were invited to send representatives. Those present were from Bavaria, Austria, Mainz, Lodi and Vicenza in Italy, England, Ireland, Australia⁶⁷, Spain⁶⁸ and North America.⁶⁹ Not represented were the independent Irish branches of Navan, Omagh and Fermoy.⁷⁰

Several days of discussion followed, with votes cast on the various points in the "Summary".⁷¹ After this, the congress began to consider the text of the *Heller Constitutions*.⁷² Although there was accord on the fundamentals, the task of negotiating

⁶⁷ M. Gonzaga Barry, founding provincial of Australia, who had been the chief motivating force behind the meeting, was elected chairperson.

⁶⁸ The superiors of Australia and Spain attended as representatives of missions which, although united to Rathfarnham, considered themselves to be in a certain sense, branches of the Institute in their own right. The representation from Australia and Spain increased the votes of the English-speaking houses, which were outnumbered, 47 to 108, by the German-speaking houses. See letter from M. Michael Corcoran to the Irish houses, August 24, 1900, AIR 2/2/C3/25. Dr Goethals had not permitted the Indian representatives to attend the Irish chapter or the congress. See letter from M. Gonzaga Joynt to Archbishop W. Walsh of Dublin, September 6, 1906, AIR 2/2/CS/45; and letter from M. Ignatius in York to Leek, September 19, 1900, AIR 2/2/C3/22: "The Superior of India is unable to come through ill-health."

⁶⁹ See list of participants and order of the day, ms, October 1900, AISTA. The superiors general from Nymphenburg and Mainz sent representatives, but did not attend personally, due to age and infirmity.

⁷⁰ M. Borgia in Fermoy wrote to Navan, September 2, 1900, AIN: "I wonder what these dear sisters want wandering about the world and intruding such things into holy Ireland." Other letters in AIN show that the superiors of Omagh, Fermoy and Navan shared together their mutual disapproval of, and anxiety about the suggestion of union.

⁷¹ At the first meeting on Wednesday, October 3, the congress voted on the name of the Institute, the result being 15 to 4 in favour of the longer title, "Institute of the Blessed Virgin Mary" rather than "Institute of Mary." It was acknowledged that the shorter title was the earlier one, but it gave rise to a suspicion of reference to Mary Ward. In later sessions the congress voted for a six year term for the superior general. The longest discussion concerned the powers of the provincial, and the necessity of the consent of her council for various acts. See "Minutes of the Congress in Rome, October 1900", ms, 31p, AISTA; and correspondence of M. Gonzaga Barry, 2/5 AIR.

⁷² Much of the voting on the long and detailed Heller text concerned the transfer of material to the rule books of the various offices, such as the handbooks of the superiors or novice mistresses. This was not favoured by the St. Pölten representatives, see letter from M. Tischmann to St. Pölten, October 16,

a reconciliation of different customs and expectations was longer and more demanding than had been foreseen.⁷³

Suddenly, on October 19, the conference received an instruction "from above" to disband.⁷⁴ The source of this command may have been the Bavarian government, which refused to allow the Bavarian Institute to be subject to any foreign superior.⁷⁵ In any case, the cause was political rather than ecclesiastical, since Pope Leo XIII and many prominent prelates supported the project. The participants must have been sworn to secrecy, because none of the letters and journals of the time mentions the reason for the sudden closure.

1900, AISTP: "Our conferences become daily more difficult because of the length of the constitutions, and the great difference of views between the Irish and the German members. [...] If all the deletions and changes wanted by the English-speaking branch were to be made in the constitutions, Fr. Heller would have to set to work again and it would take another 18 years to finish it." See also "Minutes of the Congress in Rome, October 1900", ms, AISTA.

⁷³ See circular letter from Rathfarnham, undated [circa 1910], AIR 2/1/A18: "The greatest unanimity marked the meetings in Rome. The Chief Superiors showed a desire to lay down their offices and have one General Superior as of old. The Union was to be on broad lines, no essential change was to be made, and the autonomy, dress and customs of the various Branches were to remain unaltered. Matters were progressing most favourably when it was notified to the Mothers that, for the present, the Meetings were to be discontinued - political reasons were probably responsible for the order. Before leaving Rome, twelve Nuns of the IBVM had the honour of being admitted, on the 2nd Nov. 1900, to an audience with the late Holy Father Pope Leo XIII who said: 'Je suis charmé que vous avez correspondu à mon désir que vous soyez unies.'" Unsigned typescript notes entitled "Roman Congress, 1900", AIT, give a less harmonious picture of the proceedings, revealing considerable differences in outlook between the German, Austrian and Irish participants. As the meeting extended well beyond its anticipated ending, heat and exhaustion also began to take its toll of some of the participants. See "Gedenkbuch II, 1900", ms, AISTP; and correspondence of M. Tischmann in Rome to St. Pölten, October 1900, AISTP.

⁷⁴ See M. E. O'SULLIVAN, "Travel Diary", ms, 1900, AIT.

⁷⁵ The order came via the Secretary of State, Cardinal Mariano Rampolla. See "The Roman Congress, 1900", typescript, [n.d.], p.6, AIT. As early as 1890, M. Elise Blume of Nymphenburg wrote to York, November 4, 1890, AIY 6B4/2, that she was aware of problems with the Bavarian Royal Government, concerning the proposed union. See notes in AIB, 18, 16; and letters from M. Gonzaga Barry to M. Aloysius, October 26, 1900, AIB 20; from M. Michael Corcoran to M. Gonzaga Barry, July 23, 1901, AIB 21; from M. Loyola Giles [to Leek], May 6, 1908, AISTA; from M. Antonietta Menegozzi in Vicenza, to SCdeR, May 1919, ACIVC M10/5: "Non se ne fece chiara parola, ma si capi che un comando doveva essere giunto da un'Autorità di Bavaria, e probabilmente dall'Arcivescovo di Monaco... La casa generaliza della Bavaria, essendo stata dal 1835 sotto l'immediata protezione della casa reale, il compiacimento di questa sarebbe mancato senz'altro."

II. XX CENTURY MOVEMENTS BEFORE VATICAN II

A. *New legislation*

1. *Conditae a Christo* and the *Normae*

Over the course of the nineteenth century, the Sacred Congregation for Bishops and Regulars developed a set of requirements and procedures for the erection, approbation and government of institutes with simple vows.⁷⁶ These requirements became law when Pope Leo XIII promulgated the Constitution *Conditae a Christo* in 1900.⁷⁷

This constitution was the first universal legislation on the government of religious institutes with simple vows. It established a basic distinction between institutes of pontifical right and those of diocesan right. It also defined the respective powers of the Apostolic See, the local bishop and the religious superior in these two models. It also established the principle of internal autonomy in government and discipline in these institutes, and recognized the jurisdiction of the superior general over several houses.

Following the promulgation of *Conditae*, the Sacred Congregation for Bishops and Regulars issued *Normae* which set out the requirements for the approbation of new institutes with simple vows.⁷⁸ These norms were intended to guide institutes when drawing up new constitutions. They did not have the force of law, although they were often slavishly

⁷⁶ See A. BIZZARRI, ed., *Collectanea*, 1863. S. C. de Propaganda Fide adopted a similar set of procedures, see A. ZITELLI, *Apparatus iuris ecclesiastici iuxta recentissimas SS. Urbis Congregationum resolutiones in usum episcoporum et sacerdotum, praesertim apostolico munere fulgentium*, 2nd ed., Rome, ex Typis Soc. Edit. Rom., 1888, pp. 329-256.

⁷⁷ See LEO XIII, Apostolic Constitution, *Conditae a Christo*, December 8, 1900, in *Leonis XIII Pontificis Maximi acta*, Romae, ex Typographia Vaticana, 1881-1905, vol. 20 (1901), pp. 317-327, and English translation in I. LANSLOTS, *Handbook of Canon Law for Congregations of Women Under Simple Vows*, New York, F. Pustet, 1910, appendix A, pp. 246-258. See also M. PIAT, "Commentaire de la bulle *Conditae* de Léon XIII, sur les instituts à vœux simples", in *Nouvelle revue théologique*, 33 (1901), pp. 453-470, 565-573.

⁷⁸ See S.C. EE & RR, *Normae secundum quas Sacra Congregatio Episcoporum et Regularium procedere solet in approbandis novis institutis votorum simplicium*, Romae, Typis S.C. de Propaganda Fide, 1901, 59p. (= *Normae*).

incorporated verbatim into constitutional texts. Among other things, the *Normae* specified that non-juridic material had no place in constitutional texts.⁷⁹ This had the unfortunate effect of removing from the constitutions the distinctive character and spiritual motivation of the different institutes. Many constitutions thus became merely compilations of the universal law.

2. 1917 *Code of Canon Law* and subsequent *Normae*

The *Code of Canon Law*, promulgated in 1917, included many of the prescriptions of *Conditae a Christo* and the *Normae*.⁸⁰ It treated institutes with simple vows and solemn vows together, under the title *De religiosis*. Following the code, all institutes were required to revise their constitutions to incorporate its provisions.⁸¹ These requirements were published in another edition of *Normae* in 1922.⁸²

B. Ireland after the 1900 union congress

In 1904, on her way home from a visitation in India and Australia, M. Michael Corcoran discussed the question of unification with the authorities in Rome. On her return to Ireland, she distributed copies of the adapted *Heller Constitutions* for consideration by the sisters.

After meeting M. Michael Corcoran in Rome, Cardinal Andreas Steinhuber wrote a general letter to the Irish branches, which caused no small storm when it was reported to the Irish clergy:

⁷⁹ See *Normae*, 1901, nn. 26, 27, 33.

⁸⁰ See *Codex iuris canonici, Pii X Pontificis Maximi iussu digestus, Benedicti Papae XV auctoritate promulgatus*, Romae, Typis Polyglottis Vaticanis, 1917, xlv, 852p., (= *CIC/1917*). This code was promulgated on May 25, 1917 and came into force on May 19, 1918.

⁸¹ See *CIC/1917*, c. 489, which abrogated provisions in particular law which were contrary to the Code; and SCdER, Decrees of June 26, 1918, *AAS* 10 (1918), p. 290; March 31, 1919, *AAS*, 11 (1919), pp. 239-240; and October 26, 1921, *AAS*, 13 (1921), pp. 538-539.

⁸² See SCdER, *Normae secundum quas Sacra Congregatio de Religiosis in novis religiosis congregationibus approbandis procedere solet*, Romae, Typis Polyglottis Vaticanis, 1922, 16p.

To my greatest joy I learnt that nearly all the Sisters including those in the houses that stand alone and are independent (whose Protector I am as well as of the rest) have an earnest desire for the Union of all the branches of the Institute: and consequently for the acceptance of common Constitutions, those, namely, that were approved last year by the Holy See.

That I might promote this Union, I thought it necessary to ascertain whether the Holy Father, Pius X was favourably inclined towards it, as was his glorious predecessor Pope Leo XIII. On the 28th April, therefore, I touched upon the subject in my audience with him. I found that His Holiness was well informed about the Institute; he knows it from Vicenza, and expressed himself most kindly in speaking of it. Scarcely had I mentioned the question of Union, not keeping back the fact, that some though few Sisters, hesitated in the matter, when the Holy Father interrupted me, saying very warmly, - I must even say enthusiastically, "Scriva loro (that is the Sisters) e dica che io le aiuterò con tutto il cuore, ed in tutti i modi a far quest'unione; io sono favorevolissimo."⁸³

To make matters worse, the letter also instructed the sisters not to discuss these matters with outsiders. Archbishop W. Walsh of Dublin was outraged.⁸⁴ M. Michael Corcoran was obliged to qualify Cardinal Steinhuber's enthusiasm:

I hope you were not distressed by my letter of yesterday. Since I sent it I received from Rome the explanation following: "The letter has no official character whatever. It is a private communication to the communities to show the advantages of a general union, and the most favourable dispositions of his Holiness towards it. The Bishops may certainly be told of the letter as a thing of great interest for the Institute, and therefore of interest to their bishops."⁸⁵

Archbishop Walsh regarded M. Michael as responsible for stirring up controversy by supporting the proposal for new constitutions and for the union. He held a visitation of the Institute in 1905, and the following year, at the end of M. Michael's term of office, refused to allow the general chapter to meet. On August 3, 1906, he deposed M. Michael

⁸³ "Write to them and say that I will help with all my heart and in every way to bring about this union. I am very much in favour of it." See copy of letter from Cardinal A. Steinhuber in Rome, to the Irish sisters, May 4, 1904, 2/4/10/13 AIR. The Cardinal instructed that the letter be read publicly in every house of the Irish and Toronto branches. See also his covering letter, May 2, 1904, AIN.

⁸⁴ See letter from Archbishop W. Walsh to M. Austin, February 24, 1905, AISTa: "Do you fully understand that any impression which may have been made upon your mind, as to there being, on the part of the Holy Father, a wish to influence the Sisters in any way in reference to the making of changes in the existing Constitutions, or in reference to the adoption of any scheme of Union, is altogether erroneous?"

⁸⁵ See M. Michael Corcoran, general letter, June 11, 1904, AIN.

and appointed M. Dolores Ryan as interim superior general of the Irish branch.⁸⁶ When the general chapter was eventually held, in 1907, M. Michael was re-elected for her fourth term.⁸⁷

Although the opposition to union in the Institute in Ireland itself halted any further concrete steps towards its achievement, the question of union continued to be discussed in the Irish mission houses and in York.⁸⁸ Many believed that the *Heller Constitutions* would be the bond to keep the branches close together. To that end, and because of its Ignatian character, this text was adopted by the North American branch in 1908.⁸⁹ But when Nymphenburg submitted a different, shorter text for approval in 1910, hopes for union based on a common constitutional text were temporarily quenched.

1. Irish constitutions 1913

The number of houses and members in the Irish provinces of the Institute increased steadily. Even by 1888, the numbers of the mission houses had rivalled those of Ireland. When the chapter of 1900 re-elected M. Michael Corcoran for a third term, she reputedly had stronger support abroad than at home. As a result, some members in Ireland, fearing a loss of local control over the Institute, made efforts to reduce the voting strength of the overseas houses.⁹⁰

⁸⁶ See letter from M. Aquinas in Rathfarnham to M. Assumpta in Manchester, August 3, 1906, AISLA.

⁸⁷ The election took place on July 31, 1907. See AIB 18.

⁸⁸ In 1910, Australia made a formal request for another union meeting in Rome. Cardinal Merry del Val considered it premature. See letter from M. Gonzaga Barry to Cardinal Merry del Val, February 24, 1910; and his reply, July 23, 1910, ACIVC M10/5.

⁸⁹ See PROPAGANDA, Decree, January 18, 1908, Prot. n. 78564, in *Constitutions of the Institute of the Blessed Virgin Mary Commonly Called English Virgins*, Toronto, IBVM, 1908, pp. 334-335. See also "Roman Congress, 1900", typescript, p. 6, AIT. Australia also made a formal application, without success, for the approbation of their amended *Heller Constitutions* in 1908. See petition, April 8, 1908, Prot. n. 1974/17, ACIVCA M10/5.

⁹⁰ See file 1/18 AIR including correspondence between Fr. David Flemming, OFM and members of the IBVM community in Bray, Ireland. David Flemming was a consultant for the Sacred Congregation for Religious. He died during a visit to London, November 11, 1915. See also a letter from M. Assumpta

After the 1900 union meeting, M. Gonzaga Barry in Australia prepared an adaptation of the *Heller Constitutions*, in the hope that this text would become the basis of a union of the English-speaking branches of the Institute.⁹¹ When this hope began to fade, as North America chose the St. Pölten version of the *Heller Constitutions*, and York rejoined Nymphenburg, the text was prepared simply for use by the Irish generalate.⁹²

The alternative text, supported by the opposing faction in Ireland, was the existing *Cullen Constitutions*, amended to conform to the *Normae*. There was so much discord that the matter was not included in the agenda at the 1907 general chapter. The chapter did nevertheless vote on certain norms regulating the government of the provinces.⁹³

As the controversy continued to divide the Irish community, the Sacred Congregation for Religious issued special instructions for the 1913 chapter.⁹⁴ The document first addressed the question of union:

Whenever a number of religious communities have the same origin, object, and manner of life, it is the earnest desire of the Holy See that they

in Manchester to Cardinal Merry del Val in Rome, October 6, 1912, AISTa, asking for just provision for the provinces in the new constitutions.

⁹¹ See letter from M. Gonzaga Barry to Cardinal Merry del Val, February 24, 1910, ACIVC M10/5: "The Constitutions compiled here in Ballarat in 1908 were as Your Eminence knows framed on Father Heller's - therefore on our Mother Mary Ward's. A Jesuit Father directed us in the whole matter and saw that the *Normae* regulations were complied with. [...] These constitutions would, I believe, be acceptable to all disposed to join in an English-speaking Union if they were taken on trial for a certain number of years." See also letter from M. Loyola in York to Manchester, May 6, 1908, AISTa: "She begs us to petition without delay for the Australian Cns if we like them and thus prevent Card. Cullen's which are now before Propaganda from being approved *for us*. These Cns are in no way an interpretation of our Rule and are inadequate in many respects, notably in their provision for Colonial needs."

⁹² See "A short notice of the History of the Institute of the BVM (the Irish Branch of Which is Popularly Known as Loretto) from the Approbation of the Rules in 1803 [sic] to the present time", typescript, Sp. [circa 1907]; circular letter from Rathfarnham, [circa 1910], AIR 2/1/A18; and letter from M. Loyola in York, May 6, 1908, AISTa.

⁹³ See correspondence, ACIVC M10/1. M. Michael Corcoran later regretted not submitting the constitutional question to the 1907 chapter. See her letter to Cardinal Merry del Val, February 24, 1912, ACIVC M10/7; and "Minutes of the General Chapter, Rathfarnham, 1907", AIR.

⁹⁴ See "Instructions of the S. Congregation *De Religiosis* in reference (1) to the Sisters to be called to the coming Chapter at Rathfarnham, and (2) to the Constitutions of the Institute", printed for distribution, AIR A32, [undated], Prot. n. 47/13, ACIVC M10/7; and accompanying letter from Archbishop William Walsh to the superior general M. Michael Corcoran, January 29, 1913, in AIR A31.

should form a united body. Such a union, however, is never effected by the Holy See except on the requisition of a very great majority of the members.⁹⁵

These instructions directed that all sisters living outside Ireland, with the right to attend the chapter, must be summoned to it.⁹⁶ The chapter was instructed also to submit new constitutions for approval, or adapt their present constitutions in conformity with the current legislation of the Apostolic See.⁹⁷

In the end, the 1913 chapter decisively chose the "Australian" text over the *Cullen Constitutions*.⁹⁸ These 1913 *Irish Constitutions* were dry and canonical in tone, in accord with the 1901 *Normae*. Omitted altogether was a section on the apostolic end of the Institute, equivalent to Part VIII, which is the central core of the *Ignatian Constitutions*. The new constitutions were approved on December 29, 1913.⁹⁹ Two days later, to put an end to the long dispute, Archbishop Walsh forbade the sisters any communication with Rome on the subject of the constitutions, under pain of censure and dismissal.¹⁰⁰

⁹⁵ "Instructions of the S. Congregation *De Religiosis* in reference (1) to the Sisters to be called to the coming Chapter at Rathfarnham, and (2) to the Constitutions of the Institute", [January 29, 1913], AIR A32.

⁹⁶ See SCdeR, rescript, Prot. n. 2691/13, May 17, 1913, extending voting rights to the superiors of all new mission houses, and giving the right of participation in the general chapter to the superior of the Mauritius head house, AIR P1/B1/RSA/19a. The Sacred Congregation for Religious was established in 1908, to take over the care of religious institutes from the Sacred Congregation for Bishops and Regulars. See PIUS X, Apostolic Constitution, *Sapienti consilio*, June 29, 1908, in *AAS* 1 (1909), pp. 7-19.

⁹⁷ The instruction referred to "The Institute of Our Lady of Loreto". M. Michael Corcoran responded immediately to SCdeR, February 10, 1913, ACIVC M10/6, insisting that the correct name was "Institute of the Blessed Virgin Mary."

⁹⁸ See correspondence files, ACIVC, M10/1 and M10/6; "Minutes of the 1913 General Chapter, July 25, 1913", AIR; and *Constitutions of the Institute of the Blessed Virgin Mary for the Houses Dependent on the General Mother-House, Rathfarnham, Co. Dublin, Ireland*, Dublin, Browne and Nolan, 1914, xii, 144p., (= 1913 *Irish Constitutions*).

⁹⁹ See SCdeR, Decree, December 29, 1913, [no Prot. n.], AIR 1/1/RSA/26, and ACIVC M10/7.

¹⁰⁰ See letter of Archbishop W. Walsh to M. Michael Corcoran, December 31, 1913, AIR 2/1/A 33.

2. Formation of Irish provinces

Following the 1913 general chapter, five provinces were erected, namely Ireland, India, Australia, Spain and England. Gibraltar was included as part of the Irish province. Mauritius and South Africa became vice-provinces under the jurisdiction of India.¹⁰¹ This was hardly an efficient solution, and in 1917, Mauritius became a full province.¹⁰² In 1930, South Africa was erected as a province, to which the East African houses were added some months later.¹⁰³ On November 7, 1968, two provinces, South Africa and Kenya, were formed from the original South African province.¹⁰⁴

3. Constitutional revisions

The Irish generalate revised the 1913 *Constitutions* in 1928 to conform with the 1917 Code of Canon Law.¹⁰⁵ In 1935, when the German-speaking branches presented their constitutions for approval, some efforts were still being made in Rome to encourage Ireland to adopt the *testo unico*, but without success.¹⁰⁶ The revised Irish text received final approval in 1937.¹⁰⁷ Attempts to distance Rathfarnham from the other Institute branches,

¹⁰¹ See ACIVC M10/6. For South Africa, see SCdeR, rescript, November 8, 1913, Prot. n. 5282/13, AIR 1/1/RSA/25 and ACIVC M10/6.

¹⁰² See SCdeR, Decree, March 14, 1917, Prot. n. 818/17, ACIVC M10/6.

¹⁰³ See SCdeR, rescripts, both numbered 6710/30, October 28, 29, 1930, AIR 1/1/RSB/10.

¹⁰⁴ See SCRIS, rescript, November 7, 1968, Prot. n. 2193/68, AIR 1/1/RSD6. The IBVM foundation in Kenya (1921) was requested by Bishop F. Neville, vicar apostolic of Zanzibar. The superior general, M. Raphael Deasy, sent members from the Indian and Australian provinces. See 2/5/D4 AIR.

¹⁰⁵ In the 1931 chapter, the generalate was permitted to elect five general councillors, instead of the previous four. This was reversed at the next chapter in 1936. See report of the Rathfarnham general chapter, January 8-26, 1936, ACIVC M10/1.

¹⁰⁶ See letters from A. Fidecicchi in Rome to M. Aquinas Cullinan, vicar-general in Rathfarnham, April 15, and June 15, 1935, AIR 2/1/A40, 39. In her address to the general chapter, 1936, the new superior general, M. Gertrude Kennedy said: "[She] had been told that it would be unwise for the members of the Irish branch of the IBVM to identify themselves in any way with the German branch, as it might lead to the union of the whole Institute, to which an immense majority of the Irish branch were strongly opposed. Requests for union had been sent to the S.C. for Religious from various houses." See "Minutes of the General Chapter, Rathfarnham, 1936", ACIVC M10/1.

¹⁰⁷ See SCdeR, Decree, March 2, 1937, Prot. n. 7492/36, reproduced in *Constitutions of the Institute*

and to substitute Frances Ball as founder of the Irish Institute in place of Mary Ward, continued for several years, and caused serious discord between Ireland and the Australian province.¹⁰⁸

C. *The establishment of the Roman union*

1. *The Heller Constitutions*

Despite the failure of the 1900 congress, some English-speaking members wanted to persevere in the process of union, by continuing to work on a common constitutional text.¹⁰⁹ M. Loyola Giles of York was deputed to revise and shorten the *Heller Constitutions* to this end.¹¹⁰

St. Pölten, Mainz and Lodi also amended the 1899 Heller text to conform with the requirements of *Conditae a Christo* and the *Normae* of 1901. This text received Apostolic approval on June 15, 1903.¹¹¹ This was, in fact, the first papal approval of Institute constitutions in the German-speaking branches.

of the Blessed Virgin Mary for the Houses Dependent on the General Mother-House, Rathfarnham, Dublin, Dublin, IBVM, 1938, p. 103.

¹⁰⁸ See letter from Cardinal Merry del Val to some Australian sisters, February 9, 1930 in AIB: "Several years ago the Holy See recognized Mary Ward to be the Foundress of the Institute of the BVM, nor does the Holy See recognize any other or approve the foolish efforts to invent a different Foundress. This is public and nobody can question it." In the 1920s and 1930s in Australia there was talk of becoming independent of Ireland, or joining another branch of the Institute. See letter from the Rathfarnham general council to the sisters in Australia, December 4, 1929, AIB.

¹⁰⁹ See letter from ten superiors of the English-speaking branches and missions to Cardinal A. Steinhuber in Rome, [1901], AIB; and letter from M. Loyola Giles in York, [to Leek], July 27, 1901, AISIA.

¹¹⁰ See *Constitutions de l'Institut de la Bienheureuse Vierge Marie, appelé ordinairement (Les Dames Anglaises)* [sic], IBVM, York, [1901], 171p. This work was completed in April, 1901 and published in French. See circular letter from M. Loyola Giles in York, [circa Easter, 1901], AISIP; and her letters to Leek, January 23, 1901, and April 8, 1901, AISIA.

¹¹¹ See *Constitutiones Instituti B. Mariae Virginis vulgo Virginum Anglicanarum nuncupatum*, St. Pölten, IBMV, 1903, vi, 209p.; and *Constitutiones Instituti B. Mariae Virginis vulgo Virginum Anglicanarum nuncupatum*, Mainz, IBMV, 1904, vi, 260p.; and S.C. EE & RR, Decree, July 10, 1903, ACIVC M10/5, approving the constitutions for "ramos Austro-Hungaricum, Moguntino et Laudensi".

2. Nymphenburg constitutional revision

Initially, the Bavarian generalate worked with St. Pölten to prepare a new constitutional text. But after 1900, the Bavarian generalate rejected the Heller text, partly because of its length. It decided to produce its own version of the constitutions, which was approved in 1910.¹¹²

The 1910 *Nymphenburg Constitutions* followed the format of the *Heller Constitutions*. The text, however, was much shorter, omitting the details of the daily routine and rules of offices and much of the Ignatian text which the *Heller Constitutions* had retained. Like the 1913 *Irish Constitutions*, which were based on a similar format, it was written in a more terse, canonical style, and included many of the provisions of the 1901 *Normae*.¹¹³

In both texts, the powers of the local bishop were defined in terms of the provisions of *Conditae a Christo*. In contrast to the *Ignatian Constitutions*, these texts restricted the apostolate of the Institute to school teaching and retreats for women. There was also a section on the establishment of houses in the foreign missions.

Originally the Institute superiors general were elected for life by the superiors of the houses. Various nineteenth century constitutions provided for a six-year term for the superior general with either unlimited renewals, or a single renewal for life.¹¹⁴ In the 1903 *Heller Constitutions*, Cons. 548, the superior general was still elected for life. Nymphenburg chose a six year term with two possible renewals, the second renewal subject to the approval

¹¹² See *Constitutiones Instituti B. Mariae Virginis vulgo Virginum Anglicanarum nuncupatum*, IBMV, Nymphenburg, 1910, vi, 213p., (= 1910 *Nymphenburg Constitutions*); and SCdeR, Decree, March 21, 1910, AINy, reproduced in *Die Konstitutionen des Institutes Beatae Mariae Virginis (Englische Fräulein)*, Rome, IBMV, 1929, p. 165.

¹¹³ The Nymphenburg text provided for the system of regional mother-houses with their dependent houses which existed in the Bavarian Institute. In the St. Pölten branch at that time, all houses were directly dependent on the superior general.

¹¹⁴ See *Annals of the Bar Convent*, pp. 248-251; 1832 *Irish Constitutions*, pp. 163-164; and 1877 *Irish Constitutions*, Cons. 31.

of the Holy Sec.¹¹⁵ In the 1913 *Irish Constitutions*, Cons. 188, the term of the superior general was twelve years, with one possible renewal, subject to the approval of the Holy Sec.

a. York rejoins Munich

The convent at York, the third oldest still existing in the Institute after Augsburg and Burghausen, was intimately associated with Mary Ward and her birthplace. In view of the movement towards Institute union, the proximity of the English houses of the Nymphenburg branch and the failure of attempts to form an English-speaking union, York rejoined the Bavarian generalate in 1911, after a separation of one hundred years.¹¹⁶

b. The *Einheitstext*

Following the 1917 Code of Canon Law, Nymphenburg revised the 1910 *Constitutions* with a view to their adoption throughout the Institute. A draft text was submitted to a preliminary meeting of the Nymphenburg, St. Pölten and Mainz superiors general in June, 1923. After further revision, the three branches accepted the working draft at a formal meeting in October, 1923.¹¹⁷

During the following years the three branches worked to refine the draft constitutions. The superiors general formally accepted the text on March 17, 1927. At the same time, they agreed to defer the juridic union of their branches in the hope of a

¹¹⁵ See 1910 *Nymphenburg Constitutions*, Cons. 254.

¹¹⁶ See SCdR, Rescript, June 21, 1911, Prot. n. 2984/11, 3C/40 AIY. See also letter from M. Loyola Giles of York to M. Gonzaga Barry, February 9, 1911, 1/7c AIY: "So here, dear Mother, is the end of the long journey for us. [...] The house is perfectly united on the question and in thankfulness and joy."

¹¹⁷ The revision and acceptance of the "Einheitstext", or "testa unica" was promoted by Cardinal protector Rafael Merry del Val. See letters from Barbara Gottlieb, superior general of St. Pölten, November 27, 1923, to Isabella Wild, superior general of Nymphenburg, AIStP 65, and October 7, 1924; to SCdR, ACIVC M10/4; and from Isabella Wild to SCdR, November 10, 1923, ACIVC M10/3, and November 25, 1925, ACIVC M10/7.

complete union of all the branches at a later date.¹¹⁸ The constitutions were approved by the Apostolic See in 1928.¹¹⁹

This text was very similar to the 1910 *Nymphenburg Constitutions*, with the inclusion of a considerable amount of material from the 1917 Code of Canon Law.¹²⁰ It also contained references to Mary Ward as founder of the Institute, and some of her words.¹²¹

Toronto, which already used the *Heller Constitutions*, followed the development of the *Einheitstext*, but chose to initiate its own revision process.¹²² Ireland emphatically rejected any suggestion of involvement in a common constitutional text or in union.¹²³

¹¹⁸ See "Entwicklung der Konstitutionen", typescript, [n.d.], 1p., AISTP. There was much discussion about a full union, including Nymphenburg, St. Pölten, Mainz, Toronto and even Ireland, but nothing further was actually accomplished at that time because of the severe political and financial problems throughout Europe.

¹¹⁹ See SCdER, Decree, Prot. n. 1169/23, June 12, 1928, AIY; and 3454/35, May 21, 1935, ACIVC M10/7, reproduced in *Die Konstitutionen des Institutes Beatae Mariae Virginis (Englische Fräulein)*, Rome, IBMV, 1935, (= 1935 *Einheitstext*), p. 186. Editorial and minor changes were made in the text between 1928 and 1935, when definitive approval was obtained. Some of these changes were included with a view to future union. The regulations about provinces were omitted from the text for St. Pölten and Mainz. See letter from M. Paula Rang in Mainz to St. Pölten, February 20, 1935; and "Zusammenstellung der Abweichungen, die bei unseren Konstitutionen zu ergänzen sind", IBMV, St. Pölten, 20p., AISTP 65.

¹²⁰ As in the Irish branch, the term of the superior general was twelve years with one renewal. See *ibid.*, Cons. 262.

¹²¹ See 1935 *Einheitstext*, Conss. 3, 190.

¹²² See letter from M. Pulcheria Farrelly, superior general of Toronto, to SCdER, November 15, 1926, ACIVC M10/7: "En vue des bouleversements que nous voyons dans plusieurs communautés à cause des différences d'opinion, nous avons décidé de ne pas adopter la Code Unifiée des Constitutions de l'Institut de la BVM qu'on nous a envoyées pour notre considération."

¹²³ See letter from M. Raphael Deasy to SCdER, May 1926, Prot. n. 6570/23, ACIVC M10/7: "During a period of thirteen years, from 1900 to 1913, the subject of change in our Constitutions was freely discussed by our sisters. These were years of strife, disunion and painful unrest in our Loreto Institute. The cause of the disturbance and mutual distrust which existed during these trying years was the fear, general among our Sisters, that the Constitutions were been [sic] changed with a view to ultimate union with the Institute of the Blessed Virgin Mary as established in Germany. [...] We have no wish to be amalgamated with, or to become in any way a branch of the Institute of the Blessed Virgin Mary. It is our ardent wish to keep our Institute of the Blessed Virgin Mary of Loreto entirely separate."

In response, Cardinal Merry del Val wrote a long letter to Cardinal Camillo Laurenti, prefect of the Sacred Congregation for Religious, July 2, 1926, Prot. n. 6570/23, ACIVC M10/7, arguing the case that the Irish generalate had always considered itself, and been considered in Rome, as part of the Institute founded by Mary Ward, and known as the "English Ladies". He recognized that the sisters were under

During the 1913 Rathfarnham general chapter, "the fear, expressed by some, of alienating the sympathy of Irish Bishops and Priests, and perhaps losing their support", was put on record as the first reason against pursuing union.¹²⁴

c. 1929 Roman generalate

Up to this time the houses of the Bavarian Institute were locally affiliated to the mother-houses from which they were founded.¹²⁵ The *Einheitstext* provided for the formal establishment of provinces based on this original structure. This plan was introduced at the 1923 general chapter and implemented in 1929.¹²⁶ The 1929 chapter of the Nymphenburg generalate also made the important decision to move the generalate headquarters to Rome.¹²⁷

3. Roman union 1953

In their post-World War II chapters, the generalates of Rome, St. Pölten and Mainz all strongly supported the proposal of union. The reasons given followed those expressed

pressure "not to show a sentiment that could be interpreted unfavourably as antipatriotic" (non oserebbero manifestare un sentimento che potrebbe essere interpretato sfavorevolmente come antipatriottico).

¹²⁴ See "Minutes of 1913 Rathfarnham General Chapter, 25 July, 1913", ACIVC M10/6; and letter from M. Raphael Deasy to M. Loyola in York, February 8, 1923, AIY 1/7i: "Even a different interpretation of a phrase is capable of dividing our unfortunate country into bitterly hostile parties, and we rely on your sisterly kindness not to expect us to do anything that would bring into our lives the additional difficulties of internal dissension." The political problems referred to here by M. Raphael are discussed in detail in D. MILLER, *Church, State and Nation in Ireland, 1898-1921*.

¹²⁵ See 1910 *Nymphenburg Constitutions*, Cons. 301: "The superior of a mother-house rules her house and its filiations in the name of the General Superior." These branch houses were not filiations in the technical sense, since they were each governed by a local superior with full authority over the house and its members. See Cons. 310-319.

¹²⁶ See "Report of the General Chapter, Nymphenburg 1923", AIY, 6B/23, ACIVC M10/8. The Bavarian provinces were based on the early German mother-houses at Nymphenburg, Passau, Augsburg and Aschaffenburg. York joined Ascot to form a new English province in 1929. See AIY, 6B5/24. Italy, Roumania, India, Brazil, Chile and later Spain and Korea also became provinces.

¹²⁷ See petition from Isabella Wild, February 24, 1929; and SCdeR, Rescript, January 22, 1930, Prot. n. 1214/29, ACIVC M10/3. There was some mention at this time of the Irish branch also establishing its generalate in Rome. See letter from Cardinal R. Merry del Val to Cardinal A. Lépiciér, March 6, 1929, ACIVC M10/3.

in 1900, that it was the will of Mary Ward, and had been encouraged by recent popes. It was also expected to further the cause of Mary Ward's canonisation.¹²⁸ A formal petition for union was submitted to the Apostolic See on March 27, 1948.¹²⁹

In 1950, the Roman branch invited all the branches to a meeting. Only Mainz and St. Pölten accepted. After more negotiations, a meeting in January, 1952, established a commission of nine members to study the question and to draw up the procedures and agenda for the union chapter.¹³⁰

The extraordinary general chapter was held in Rome in September, 1953, under the presidency of Ulrich Beste, OSB.¹³¹ There was no election. Nominations were submitted to the Sacred Congregation for Religious for all positions.¹³²

The union, formally established on December 4, 1953, brought the three generalates of Rome, St. Pölten and Mainz together in one united institute, with its generalate house

¹²⁸ These post-war chapters were held in Rome, 1947, Mainz, 1951 and St. Pölten, 1951. See minutes of these chapters in ACIVC M10/1.

¹²⁹ See petition signed by Augusta von Kettenburg from Rome, Gabriele Neuner from St. Pölten and Edelburga Solzbacher from Mainz, March 27, 1948, ACIVC M10/6.

¹³⁰ See circular letter from the three superiors general, January 10, 1952, AJSStP 62-65; and file 117, AJSStP.

¹³¹ See "Acts of Chapter, September 13-28, 1953, Via Nomentana", ACIVC M10/2. Each branch was represented at the elective chapter by the superior general, four councillors and two delegates. At the chapter of affairs, in addition to the superiors general with their councillors, the procurators general, the provincial superiors of the four largest Bavarian provinces and three delegates from each participating branch attended.

¹³² Each capitular was asked to put forward three names for each of the offices. See SCdeR, Decree, September 8, 1953, Prot. n. 5713/53, in ACIVC M10/8. See also Roman generalate circular letter, 1953, AIY 6B8/1: "On account of the unique character of the extraordinary General Chapter, [...] the SCdeR reserved to itself the right to nominate the members of the first General Council." As a result of this process, M. Edelburga Solzbacher from Mainz was appointed superior general. The term of office was twelve years, with one possible renewal (Cons. 262). The assistants were MM. Agatha Bruckner (Nymphenburg), Maria Wotypka (St. Pölten), Rosaria Cappelli (Italy) and Michael Baines (England). See SCdeR, Decree, September 15, 1953, Prot. n. 5713/53, ACIVC M10/8. The previous superior general in Rome, M. Augusta von Kettenburg, declined any office and returned to her previous mission in Brazil. M. Edelburga died in office on May 19, 1975, after 14 years as superior general of Mainz and 22 years as superior general of the united Roman generalate.

in Rome.¹³³ No major constitutional decisions were necessary, since the three branches had shared a common text since 1928.¹³⁴ Without any changes in existing boundaries, the Mainz branch and the St. Pölten branch with its Tyrol province, joined the union on the same basis as the existing provinces of the Nymphenburg generalate.¹³⁵

4. Use of the Roman text in North America

The North American generalate took close interest in the constitutional discussions between the various branches of the Institute. They supported a world wide union of the Institute, but not any plan which would place them under the jurisdiction of Rathfarnham.¹³⁶ In 1908, in the interests of union, North America adopted the *Heller Constitutions*, then in use in St. Pölten, Mainz and Lodi.¹³⁷

After the promulgation of the Code of Canon Law in 1917, the North American generalate began a new series of constitutional discussions. The general chapter in 1920 also considered the question of union.¹³⁸ The main elements of the proposal included a generalate in Rome, a general council consisting of representatives from all the branches and common constitutions.

¹³³ See SCdeR, Rescript, December 4, 1953, Prot. n. 10.591/53, ACIVC M10/3. In the text, the title of the Institute did not include the words "Englischen Fräulein".

¹³⁴ This chapter abolished the two grades of membership, made some modifications to the habit and simplified the rite of perpetual profession. See SCdeR, Rescripts, March 10, 1954, Prot. n. 10591/53, May 13, 1958, and December 5, 1959, ACIVC M10/3. In the two years following the union, each of the new provinces drew up its own customs book, but a new prayer manual was common to the entire institute. The breviary replaced the Office of Our Lady. See letter from M. Pauline Parker to M. Colombière in Australia, November 9, 1953, AIB.

¹³⁵ By this time, the houses in Czechoslovakia, Hungary and Rumania had been suppressed by communist regimes, and the members were not able to take an active part in the affairs of the Institute.

¹³⁶ See "Roman Congress 1900", p. 6, AIT.

¹³⁷ See *Constitutions of the Institute of the Blessed Virgin Mary Commonly Called English Virgins, translated from an exact copy of an approved text deposited in the archives of the Institute at St. Pölten, the manuscript of which is kept in the archives of the Sacred Congregation of Bishops and Regulars, in Rome*, [Toronto, IBVM, 1908], 341p., AIT; and PROPAGANDA, Decree, January 18, 1908, Prot. n. 7864, in the above *Constitutions*, pp. 334-335.

¹³⁸ See "Minutes of the General Chapter, 1920", AIT.

But instead of joining the German-speaking generalates in their acceptance of the *Einheitstext*, the North American branch commissioned T. Slater, SJ, in Liverpool, England, to update the Heller text. This work was completed in 1925, and submitted to the Apostolic Sec. No reply was ever received.¹³⁹

In the 1930s the North American branch once again showed interest in the Roman constitutions.¹⁴⁰ Finally the generalate received permission to adopt the Roman text, which was approved for them in 1940.¹⁴¹

D. *Structural changes*

1. St. Pölten generalate

The demise of the Austro-Hungarian empire after the First World War created difficulties for the different nationalities of the St. Pölten branch of the Institute. Political pressures forced the houses outside Austria, in Czechoslovakia, Hungary and Italy, to ask for more independence.¹⁴²

The houses in Czechoslovakia became a province of the St. Pölten branch in 1921.¹⁴³ But shortly afterwards, to avoid political problems arising from its affiliation with

¹³⁹ See draft Slater texts, vi (f), and vi (g); letters from T. Slater to Toronto, April-July, 1925; and explanatory notes, AIT.

¹⁴⁰ See letter from M. St. Teresa Finnegan, superior general of Toronto, to St. Pölten, May 9, 1937, AIStP.

¹⁴¹ See SCdeR, Decree, March 18, 1940, Prot. n. 654-38 T.60, AIT, and *Constitutions of the Institute of the Blessed Virgin Mary (Commonly Called the English Virgins) Toronto*, Toronto, IBVM, 1942, viii, 202p. The Toronto version was identical to the Roman text except that provisions for lay sisters and provinces were omitted.

¹⁴² Up to 1907, every house in the St. Pölten branch conducted its own novitiate. In that year, the Institute petitioned for three novitiates, at St. Pölten, Budapest and Brixen. But in the Tyrol, the house at Brixen was German-speaking. The two Italian-speaking houses of Meran and Rovereto requested their own novitiate at Rovereto. See letter from M. Josephine Castiglione to SCdeR, [April 5, 1907], Prot. n. 7579/16; SCdeR, Rescript, June 4, 1921, Prot. n. 2807/21, permitting the erection of novitiates in Brixen and in Zara, in Dalmatia; and report from St. Pölten to SCdeR, January 31, 1911; ACIVC M10/5.

¹⁴³ See SCdeR, Rescript, December 5, 1921, Prot. n. 2806/21, ACIVC M10/5; and circular letter from M. Barbara Gottlieb, January 9, 1922, AIStP 65.

Austria, the province became autonomous, directly subject to the Apostolic See.¹⁴⁴ The house at Prešov (formerly Eperjés) in Slovakia also experienced many changes in jurisdiction during the following years.¹⁴⁵ The five Hungarian houses in the St. Pölten generalate formed a province in 1934.¹⁴⁶

After the Second World War, the Institute in Roumania, Hungary and Czechoslovakia was no longer able to function on a public basis. Some of the Roumanian sisters went to Brazil and some to the United States of America.¹⁴⁷

As a result of political difficulties, the houses in Northern Italy and the Tyrol became separated from the rest of the Institute during the nineteenth century.¹⁴⁸ In 1925, these houses united to form the Italian province of the St. Pölten branch.¹⁴⁹

¹⁴⁴ See SCdeR, Rescripts, March 9, 1922, Prot. n. 2806/21, March 22, 1922, Prot. n. 5929/21, and March 16, 1924, Prot. n. 1169/23, ACIVC M10/5. The Institute authorities requested either autonomy or affiliation with a branch of the Institute in a politically "neutral" country, such as Ireland or Canada. Cardinal Merry del Val advised against a connection with Ireland because of Rathfarnham's opposition to Institute union. He was also afraid that the increasing nationalism in the Institute would also hinder the movement towards unity. See his letter to Cardinal T. Valfre di Bonzo, November 5, 1921, ACIVC M10/5. After the war, the Czechoslovakian provincial was given the powers of a superior general, *ad nutum*, over all the houses in the province. See SCdeR, Rescript, November 8, 1949, Prot. n. 10359/49, ACIVC M10/6.

¹⁴⁵ In 1922 Prešov joined the Czech province. See SCdeR, Rescript, May 12, 1922, ACIVC M10/5. Later that year, a Slovak novitiate at Prešov was erected. See SCdeR, Rescript, November 17, 1922, Prot. n. 6302/22, ACIVC M10/5. In 1928, the house became completely independent, under episcopal jurisdiction. In 1940, Prešov with its two filiations transferred to the Roman branch. See SCdeR, Decree, October 23, 1940, Prot. n. 6373/40, ACIVC M10/7.

¹⁴⁶ See petition to SCdeR, June 15, 1934, Prot. n. 4298/31, ACIVC M10/5.

¹⁴⁷ See Roman generalate circular letters, 1948 and 1951, AIY 6B7/2, 6B7/9.

¹⁴⁸ Vicenza, and Lodi with its filiations, had existed as independent branches of the Institute since 1859 and 1866 respectively. Nevertheless the communities remained in contact with St. Pölten. See "Istituto della B. V. Maria, detto delle Dame Inglesi, Ramo Austro-Ungarico", typescript, 4p., Prot. n. 848/11, [February 16, 1912], ACIVC M10/5.

¹⁴⁹ The process of reunion of these houses with St. Pölten and Nymphenburg began in 1912. See extensive files in ACIVC M10/3, 5; and letter from SCdeR to Cardinal Merry del Val, May 29, 1925, Prot. n. 1169, ACIVC M10/5. The Lodi house closed in 1948, and Biella in 1949. See Roman generalate circular letter, September 25, 1948, AIY 6B7/2 and ACIVC M10/4.

2. Mission foundations

The German-speaking branches founded several missions in the twentieth century.¹⁵⁰ The Roman generalate established missions in Chile (1934), Brazil (1935), Spain (1938) and Argentina (1939).¹⁵¹ The Mainz generalate founded the Rhodesian mission after the close of World War II.¹⁵² The Korean mission began in 1964 from Nymphenburg.

3. Foundation of indigenous congregations

In India, the Rathfarnham community founded a diocesan congregation for Indian religious, the Daughters of St. Anne, in 1897. This community began in Ranchi and spread to several Indian dioceses. In South Africa in 1949, in the diocese of Lydenburg-Witbank, the Irish Institute also founded a diocesan community for African sisters, the Daughters of the Immaculate Heart of Mary. Both communities conduct schools and are involved in health and pastoral apostolates.¹⁵³

4. Reunion of Omagh, Navan and Fermoy

The three independent diocesan communities in Ireland had always used the Rathfarnham constitutions and their revisions, with appropriate adaptations as approved by

¹⁵⁰ After an interval of nearly three hundred years, the Institute also returned to Vienna, when the St. Pölten generalate established a house in the city in 1919. The house established by Mary Ward in 1627, opposite the church of St. Mary on the Strand, was suppressed in 1631. The next foundation in Vienna was at Josefstadterstraße 39, on July 13, 1919. See AIT, E1/4.

¹⁵¹ A foundation in the USA in 1949 at Little Rock, Arkansas was unsuccessful. It closed in 1969.

¹⁵² The foundation was made in Southern Rhodesia with the help of some English members on February 25, 1951. See *Zweihundert Jahre Institut Beatae Mariae Virginis der Englischen Fräulein in Mainz, 1752-1952*, Mainz, IBMV, 1952, p. 38.

¹⁵³ See "Daughters of the Immaculate Heart of Mary", 38 (1974), p. 251; and "Daughters of St. Anne", 39 (1975), p. 276, in J. ROMMERSKIRCHEN, et al., ed., *Bibliografia missionaria*, Roma, Pontificia Università Urbaniana, 1935-; "The Congregation of the Daughters of St. Anne", typescript, [1928], 4p., AIR; *Loreto's Native Missions in India*, Enniscorthy, IBVM, 1932, 71p.; and "Loreto in South Africa", typescript, 1977, AIR, p. 13.

the local bishops.¹⁵⁴ While asserting their independence from Rathfarnham, they valued their links with the wider Institute and communicated with each other about Institute matters.¹⁵⁵ Eventually, because of the advantages of belonging to a larger organization, all these groups joined the Rathfarnham generalate.

The amalgamation¹⁵⁶ of Omagh and its branch house at Coleraine, both in the diocese of Derry, took place in 1934.¹⁵⁷

In Navan, in the diocese of Meath, negotiations towards reunion with Rathfarnham began in 1966.¹⁵⁸ The process of discernment and voting was completed in 1969, and the three houses in Navan and Mullingar joined the Irish generalate. The Navan mission in Arizona followed one year later.¹⁵⁹

¹⁵⁴ See amended copies of *Irish Constitutions* of 1928 and 1938, AIF. These amendments provided that the supreme authority in the Fermoy community was the "Mother Superior of the principal house and her council." (Cons. 202). "All perpetually professed choir sisters of the Institute have an active voice in the election of the Mother Superior of the principal house." (Cons. 203). Local superiors, in the Rathfarnham text, became "superiors of branch houses" in the amended text. The local bishop became the immediate external authority over the community, in place of the Sacred Congregation for Religious in the Rathfarnham *Constitutions*. See also letter from the superior at Navan to SCdR, October 3, 1919, AIN: "Our rules and constitutions are those of Rathfarnham - with this exception - as this Institute is independent, there is no Mother General."

¹⁵⁵ See correspondence, AIN, AIF.

¹⁵⁶ The word "amalgamation" is consistently used in all the documentation concerning these "fusions" (CIC/1983, canon 582), or "extinctive unions" (CIC/1917, canon 1422) of small diocesan institutes with Rathfarnham.

¹⁵⁷ See SCdR, Rescript, Prot. n. 751/34, April 25, 1934, AIR 1/1/RSB/22. No written records of the decision process can be found. The question was put to the elective chapter of 1934. It was carried with a very small majority of the votes. One of the main reasons for the amalgamation was a shortage of vocations. Information from S. Frances Carthy, Rathfarnham.

¹⁵⁸ In 1950, Bishop John Kyne of Meath submitted his own adaption of the Rathfarnham text to Rome, using the word "Congregation" instead of "Institute" in the title. See *Constitutions of the Sisters of the Congregation of the Blessed Virgin Mary in the Diocese of Meath, under Diocesan Direction*, Navan, IBVM, 1951, 89p. This change caused consternation among the sisters, who saw it as an attempt to change their identity as a branch of the world wide Institute. The bishop argued that "congregation" was the correct appellation used by the Apostolic See for institutes with simple vows. The superior, M. Kieran Duigenan, wrote to the Institute superiors general in Rome, Rathfarnham and Toronto to enquire if they had been notified of this practice. All replied in the negative. See correspondence (1957-1960), AIN. Bishop Kyne died in 1966.

¹⁵⁹ See letters of M. Kieran and Bishop John McCormack, 1969, AIN; and SCRIS, Decree,

Formal cooperation between Fermoy and Rathfarnham began when Fermoy sent their novices to the Rathfarnham novitiate in 1969. Amalgamation discussions began in 1984 and an extensive discernment process continued from 1985 to 1987. The final decision to join Rathfarnham was taken on June 20, 1987.¹⁶⁰ The house at Fermoy, in the diocese of Cloyne, with its branch houses at Youghal and Clonmel and its two mission houses in Louisiana, USA,¹⁶¹ joined the Irish province of the Institute on December 20, 1987.¹⁶² With this event, the era of the independent houses of the Institute closed.¹⁶³

III. VATICAN II AND THE POST-CONCILIAR PERIOD

A. *The revised legislation*

1. The law governing religious institutes

The Second Vatican Council (1962-1965) introduced extensive reforms in religious life and initiated a process of profound renewal in all religious institutes.¹⁶⁴ These reforms were later incorporated into the 1983 *Code of Canon Law*.

September 6, 1969, Prot. n. 4032/69, AIR 1/1/RSE/10. The sisters attached to the mission in Arizona, founded in 1954, were asked to choose an alliance with either Toronto or Rathfarnham. They chose to join Rathfarnham. In 1973 Arizona became a region of the Irish generalate.

¹⁶⁰ See *Annals IBVM Fermoy*, AIF.

¹⁶¹ The New Orleans mission began on August 31, 1967. See *Annals IBVM Fermoy*, AIF.

¹⁶² See statement of assent from the superior general and council, October 2, 1987; and CRIS, Decree, November 6, 1987, Prot. n. M10/c-1/87, AIR. Fermoy was founded in 1853, Youghal in 1862 and Clonmel, in the diocese of Waterford, in 1881. See *Annals IBVM Fermoy*, AIF.

¹⁶³ See APPENDIX G, p. 198 for the distribution of provinces, regions and missions in the three branches of the Institute.

¹⁶⁴ See CONCILIUM VATICANUM II, *Acta synodalia sacrosancti Concilii oecumenici Vaticani secundi, cura et studio archivi Concilii oecumenici Vaticani II*, in Civitate Vaticana, Typis Polyglottis Vaticanis, 1970-1983, 29 vols.; and A. FLANNERY, ed., *Vatican Collection: vol.1: Vatican II, The Conciliar and Post Conciliar Documents*, new revised edition, Grand Rapids, Michigan, Eerdmans, 1984, xxiv, 1062p.; vol. 2: *Vatican II, More Post Conciliar Documents*, Northport, New York, Costello, 1982, xxi, 920p. (= FLANNERY). For the criteria for renewal of religious life, see *Ecclesiae sanctae*, II, 15-19, in FLANNERY, vol. 1. pp. 627-628.

For the purposes of this study, the significant elements of the Council reforms included:

1. a return to the charism of the founder, and the importance of the heritage of the institute;¹⁶⁵
2. respect for the autonomy of life and governance of each institute;¹⁶⁶
3. the essentially apostolic nature of apostolic institutes.¹⁶⁷

These principles confirmed the validity of the Institute's long struggle to hold true to its heritage as an apostolic, autonomous, non-cloistered religious institute of women. In responding to the challenge of the Council, the Institute members were able, for the first time, to claim in full the intentions of Mary Ward for her foundation: to carry out every sort of missionary activity, for the "defence and propagation of the faith", within the framework of the *Ignatian Constitutions*.

2. Jesuit General Congregations 31 and 32

The Society of Jesus held its thirty-first general congregation in 1965-1966.¹⁶⁸ It was after this congregation that vernacular translations of the *Ignatian Constitutions* first became available to the general public.¹⁶⁹ The thirty-second general congregation of the Society was held in 1974-1975. Renewal in the Society led to a new understanding of and approach to the *Exercises of St. Ignatius*, the *Constitutions* and other Ignatian writings.¹⁷⁰

¹⁶⁵ See *Perfectae caritatis*, 2c, in FLANNERY, vol. 1, p. 612.

¹⁶⁶ See *Christus Dominus* 35, 3-4, in FLANNERY, vol. 1, p. 585; and *Mutuae relationes* 9c, d, 28, 52 in FLANNERY, vol. 2, pp. 216, 228, 238.

¹⁶⁷ See *Perfectae caritatis* 8, in FLANNERY, vol. 1, pp. 615-616.

¹⁶⁸ The thirty-first congregation was an elective congregation, at which Fr. Pedro Arrupe became the superior general. Because it coincided with the last sessions of the Council, it also began the process of renewal, which continued in the subsequent congregation. See SOCIETY OF JESUS, *Documents of the 31st and 32nd General Congregations of the Society of Jesus, An English Translation of the Official Latin Texts of the General Congregations and of the Accompanying Papal Documents*, St. Louis, Institute of Jesuit Sources, 1977, x, 598p.

¹⁶⁹ See, *inter alia*, IGNATIUS OF LOYOLA, *The Constitutions of the Society of Jesus*, translated with an introduction and a commentary by G. E. Ganss, St. Louis, Institute of Jesuit Sources, 1970, xii, 420p.

¹⁷⁰ The *Ignatian Constitutions* are a heritage text. No changes have been made to them since the

These writings and the documents of the general congregations were widely used as sources for renewal in the Institute.

B. *New constitutions*

Following the Council, all religious institutes were required to begin a process of renewal by means of a special general chapter and revision of their constitutions.¹⁷¹ The work done for the cause of Mary Ward's canonization provided essential source material for renewal in the Institute. The different Institute branches exchanged information and took a close interest in developments in the Society of Jesus. There was also some talk of union, but no formal action was taken on this subject.¹⁷²

death of Ignatius. The Society of Jesus updates itself chiefly through the decrees of the general congregations and the writings of the superiors general. See "The Preservation and Renewal of the Institute", in SOCIETY OF JESUS, *Documents of the 31st and 32nd General Congregations of the Society of Jesus*, pp. 83-87. See also the following publications of P. ARRUPE: "Our Way of Proceeding", in *SJ Documentation*, 42 (1979), pp. 1-30; *Challenge to Religious Life Today*, vol. 1 of *Selected Letters and Addresses*, ed. J. Aixala, St. Louis, The Institute of Jesuit Sources, 1979, xi, 297p; *Justice with Faith Today*, 1980, 320p; and *Jesuit Apostolates Today*, 1981, xvi, 363p; these last two publications form vols. 2 and 3 of *An Anthology of Letters and Addresses*, ed. J. Aixala, Anand, India, Gujarat Sahitya Prakash, and St. Louis, The Institute of Jesuit Sources.

¹⁷¹ See *Ecclesiae sanctae* II, nos. 1-19, in FLANNERY, vol. 1, pp. 624-628; and M. DORTEL-CLAUDOT, "The Task of Revising the Constitutions of the Institutes of Consecrated Life, as Called for by Vatican II", in R. LATOURELLE, ed., *Vatican II: Assessment and Perspectives: Twenty-Five Years After (1962-1987)*, New York, Paulist Press, 1989, vol. 3, pp. 90-130.

¹⁷² At the Rathfarnham general chapter in 1960, M. Brigid Jones of Australia presented a paper urging the full union of the Institute, AIB. After the Council, a proposal for a federation of all the branches of the institute was presented by the English province. See G. Brennan, "Federation", typescript, [n.d.], 3p., AISTA. But even collaboration between the branches on constitutional revision was viewed tentatively by the Irish Generalate. See letters from Pauline Dunne in Rathfarnham, to Navan, September 27, 1967; and October 4, 1966, AIN: "I agree with you that the revision of the Rules given to the Institute by Mary Ward should be the work of the Institute as a whole, but I am in the dark as to how this could be done."

1. Rome 1979

The special general chapter of the Roman branch met in 1968.¹⁷³ Instead of preparing new constitutions, the chapter decided to follow the intention of Mary Ward, and to adapt the *Ignatian Constitutions*, using the 1707 Institute text as a guide. A commission prepared a draft text for presentation to a meeting of all the provincial superiors in June 1970.¹⁷⁴ In September 1972, a further meeting of the provincial superiors and commissioners accepted these modified *Ignatian Constitutions*, as the "essence of the Constitutions of our Institute."¹⁷⁵

Three additional documents contained the modern elements necessary to complement the Ignatian/IBVM *Constitutions*: the *Orientations for Religious Life in the IBMV*, *Juridical Norms* and *Particular Decrees*.¹⁷⁶

After acceptance by the 1977 general chapter, in 1978 the Apostolic See approved the adapted Ignatian/IBVM *Constitutions*, with the *Orientations* and *Juridical Norms* as the constitutions of the Roman branch of the Institute.¹⁷⁷

¹⁷³ See *Erklärungen und Dekrete der außerordentlichen Generalkongregation Englbürg/Passau, August 1968 - Rom, Dezember 1968*, Rome, IBMV, 1968, 106p.

¹⁷⁴ After translating the 1707 Latin text into German, this commission met in August 1969 in Egger, and December 1969/January 1970, in Rome, to select those elements of the Jesuit text which met both Mary Ward's ideals and the needs of the modern Institute. The commission was assisted by J. Beyer, SJ. See introduction to the 1970 translation of the 1707 *Constitutions*, N4 AIR: *Selections from the Constitutions of the Society of Jesus: Draft Selection 1970, Containing Introduction and Concordance of IBVM and SJ Constitutions*, IBMV, Rome, xiv, 85p., N4 AIR.

¹⁷⁵ See circular letter from M. Edelburger Solzbacher in Passau, September 8, 1972, AIB.

¹⁷⁶ The 1935 *Einheitstext* was also used as a source book for the "Gründkonstitutionen". See *Decrees of the General Congregation 1977, Institutum Beatae Mariae Virginis: Orientations for Religious Life in the IBVM, Juridical Norms, Particular Decrees*, Rome, IBMV, 1979, 160p.; and *Constitutions*, IBVM, Rome, 1979, 265p. (= 1979 *Rome Constitutions*).

¹⁷⁷ See SCRIS, Decree, December 22, 1978, Prot. n. M.10-1/77, in 1979 *Rome Constitutions*, pp. 7-8.

2. Ireland 1985

In response to the requirements of the Council, the Irish generalate published two texts of interim constitutions. The first was produced after the elective chapter of 1968.¹⁷⁸ The extraordinary chapter of 1971 then issued constitutions which remained in force until 1985.¹⁷⁹

Preparations for the 1980 general chapter concentrated on a definitive revision of the 1971 *Irish Constitutions*. For this purpose, all communities studied this text together with the *Ignatian Constitutions*. Their reflections were synthesized by a central commission. The major superiors and the general council met in Rome in September, 1979 in order to complete the planning of the program leading up to the 1980 chapter.¹⁸⁰ At this meeting the group decided to change direction, and to take the *Ignatian Constitutions* as Mary Ward had wanted to, rather than to revise the 1971 text.¹⁸¹

To accomplish this new task, the general council requested and received an extension of time, to 1983. This enabled the local communities and subsequently the elective chapter of 1980 to take a formal decision on the question of the *Ignatian Constitutions*.¹⁸² The

¹⁷⁸ See *Response in Love: Acts of Special General Chapter, Institute of the Blessed Virgin Mary, held at Loreto Abbey, Rathfarnham, Dublin, July 4th to August 26th, 1968*, Dublin, IBVM, 1968, 110p. At the 1968 special general chapter of the Irish generalate, the superior general, M. Pauline Dunne, submitted her resignation after twenty years in office. This chapter thus became an elective one, although it was called to implement the conciliar renewal. The new superior general was M. Agnes Walsh.

¹⁷⁹ See *Constitutions of the IBVM, (Dublin)*, Dublin, IBVM, 1971, 117p., (= 1971 *Irish Constitutions*).

¹⁸⁰ The Irish branch transferred its generalate house to Rome in 1976, in accord with a decision of the general chapter of 1974. See petition of November 2, 1974, AIR 1/1/RSE/7; and "Acts of Chapter, 1974", AIR.

¹⁸¹ See circular letter from Agnes Walsh to the Irish branch of the Institute, October 15, 1979, AIR.

¹⁸² M. Agnes Walsh was first elected in 1968 for a twelve year term, after consultation with the Apostolic See, in accordance with the norm in the existing constitutions. See ACIVC M10/8, Prot. n. 8283/68. In the 1971 *Constitutions*, Cons. 137, the term of office changed to six years, with two possible renewals. M. Agnes was re-elected in 1974 for a six year term. Immediately prior to the 1980 chapter, the general council was advised by the S. C. for Religious and Secular Institutes that M. Agnes was not eligible for re-election. The chapter subsequently postulated M. Agnes' re-election. M. Agnes died during this term of office on January 7, 1986. See documentation, AIR 1/9/GC4; SCdeR, letter re postulation, March 9, 1920, in *AIS*, 12 (1920), pp. 365-367, and translation in T. BOUSCAREN and J. O'CONNOR,

final text of the 1985 *Loreto Constitutions* included modern norms which were inserted at the end of each section of the adapted Ignatian text.¹⁸³

The Roman generalate adaptation of the text differed in several points from that of the Irish generalate one. The task of removing those elements which were inappropriate for women has never been simple. The earliest extant text to attempt this, the 1707 *Constitutions*, omitted much more material than would be necessary in more recent times. Modern historical and exegetical studies have revealed nuances and complexities at different levels within the text itself.¹⁸⁴ Some elements are excluded by canon law, such as those which apply specifically to the ordained priesthood, but it is not always clear what those elements are. The organic unity of the whole must also be considered in any alteration of the text. Furthermore, the decision to alter or remove a certain passage is necessarily subjective and culturally conditioned.

Some issues such as poverty, the choice of ministries, the fourth vow of obedience to the Pope and manifestation of conscience created difficulties in adaptation,¹⁸⁵ just as they were the focus of intense discussion within the Society itself.¹⁸⁶ The implications of the various editorial decisions will only become evident in lived experience. The original

The Canon Law Digest for Religious, vol. 1: 1917-1963, Milwaukee, Bruce, 1964, pp. 216-218. See also A. LARRAONA, "Government of Religious Women", Address to the International Congress of Mothers General in Rome, September, 1952, *ibid.*, pp. 206-215.

¹⁸³ These constitutions were accepted by an extraordinary general chapter in 1983 and approved by the Apostolic See in 1985. See CRIS, Decree, July 31, 1985, Prot. n. c-1/83, p. 3 of the 1985 *Loreto Constitutions*.

¹⁸⁴ See J. VEALE, "How the Constitutions Work", in *The Way Supplement*, 61 (1988), pp. 3-20.

¹⁸⁵ Compare, for example, paragraphs 5 and 6, p. 19, of the General Examen in 1985 *Loreto Constitutions*; paragraph 3, p. 47 in 1979 *Rome Constitutions*; and GANSS, [4, 5, 6, 7], pp. 78-80.

¹⁸⁶ See the "Selection of topics 'to be treated first'", in *Documents of the 31st and 32nd General Congregations of the Society of Jesus*, p. 354. The six topics selected were: "the criteria of our apostolic service today; the 'mission' of the Society as drawn from its apostolic character and purpose; poverty, in its more institutional or juridical aspects; the promotion of justice as a criterion of our life and apostolate; the fourth vow and its relation to the Church and to the hierarchy; formed members of the Society."

Ignatian text remains as one criterion against which the authenticity of the adaptation can be judged.

3. North America 1986

The process of postconciliar revision of the constitutions of the North American branch began at the special general chapter of July 1967. In contrast to the other branches, the North American Institute chose not to adopt the Ignatian constitutional text, but to write a new document, which acknowledged the *Ignatian Constitutions* as a source of Institute spirituality.¹⁸⁷

Appointed committees produced various interim documents over the course of several chapters.¹⁸⁸ A final draft was submitted to the Congregation for Religious and Secular Institutes in 1986.¹⁸⁹

This was, in fact, the first constitutional text which the North American Institute had developed independently.¹⁹⁰ One significant difference between this modern document and those of the other two branches concerned the provisions for regional and local superiors. The document provided for elected regional superiors, governing with delegated

¹⁸⁷ See *Constitutions of the Institute of the Blessed Virgin Mary in North America*, Toronto, IBVM, 1986 (= 1986 *Toronto Constitutions*), Cons. 5: "Our life [...] is rooted in the spirituality and Constitutions of St. Ignatius which inspired our foundress."

¹⁸⁸ Since 1973, the term of office of the superior general, which determined the frequency of elective chapters, was changed between four and six years several times. The 1967 Chapter of Renewal, which took place in three biennial sessions, through 1971, was followed by chapters in 1973, 1977, 1981 and 1984. See *Position Papers and Experimental Ordinances, Session I, General Chapter, 1967*, (Blue Book), 1967, p. 42; General Council Minutes, October 6, 1968; *The Interim Guide for Consecrated Life in the Institute of the Blessed Virgin Mary*, 1969, (Brown Book); "Recommendations and Experimental Ordinances, General Chapter, August 14-18, 1973"; committee report circular from C. Sroll, October 19, 1981; and F. BOYLE, "Report to the General Chapter, December 1986: Part A: The Chapter Decrees of 1981", p. 8, AIT.

¹⁸⁹ A draft was submitted to CRIS for comment in 1983. After further revision, the final text was approved on May 18, 1986. See CRIS, Decree, May 18, 1986, Prot. n. T/60 -1/84, in 1986 *Toronto Constitutions*, [p. 1].

¹⁹⁰ Previously the Toronto branch had adopted without alteration the 1861 *Cullen Constitutions*, the 1877 *Irish Constitutions*, the 1903 *Heller Constitutions*, [Toronto 1908], and the 1937 *Einheitstext*, [Toronto 1942].

authority.¹⁹¹ Local communities choose to have either an elected or an appointed superior, or a consensus government under the jurisdiction of the regional superior.¹⁹²

IV. CONCLUSION

Constitutional revision has been a major preoccupation of the Institute in the most recent era. These revisions reflected developments both in the Church's understanding of religious life and in the Institute's own self-understanding. Shortly after the approbation of the Institute in 1877, the Church organized and codified a considerable body of legislation concerning apostolic religious life. This pre-Vatican II legislation encouraged both unity and uniformity among religious communities. Canonical developments of the Institute over this period reflected these two tendencies.

Perhaps even more than in the past, political conflicts dominated the European scene in the twentieth century. Again, as in the past, these conflicts were largely responsible for divisions and disunity within the Institute. Despite this, progress towards unity continued and to a large extent succeeded.

The Second Vatican Council encouraged a movement away from juridicism and uniformity, towards a renewal in religious institutes based on an understanding of their scriptural and historic roots. In the Institute of the Blessed Virgin Mary, this led to a deeper knowledge and appreciation of Ignatian spirituality and the heritage of Mary Ward. Returning to the intention of the founder, the Institute was challenged to implement her vision of an Ignatian Institute for women in the context of the present time.

¹⁹¹ In the past the North American Institute had no intermediate government structures. In 1969 a regional board was established with jurisdiction over the houses of the generalate in the United States. In 1977 a similar board was established for the Canadian houses. Regional superiors and councils replaced Italian boards in 1982. See 1986 *Toronto Constitutions*, Cons. 107.

¹⁹² See 1986 *Toronto Constitutions*, Cons. 109.

GENERAL CONCLUSION

The new *Code of Canon Law*, following the Second Vatican Council, supports the right of each religious institute to its own identity, heritage and autonomy of life. This examination of the development of the Institute of the Blessed Virgin Mary has shown the complexity of these realities, as the Institute adapted and changed in response to political, social and ecclesiological forces.

This is to date the only study to bring together and analyse the various factors responsible for the present position of the Institute. Firstly it has investigated the evolution of the different branches and independent houses and explored the political and ecclesiastical pressures involved in these developments. •

Secondly, it has examined the government structures of the Institute in their relationship to the legislation of the Church, and as they were implemented in different places and times. Thirdly, all the constitutional texts have been located and examined in the context of the government and traditions of the Institute.

The peculiar circumstances of its early history, especially the suppression of 1631, left the surviving Institute in an ambiguous position with respect to its ecclesiastical status. This problem was resolved to a certain extent by the support of many local bishops, and by the decisions of Popes Clement XI and Benedict XIV in the eighteenth century. Nevertheless the Institute existed for almost three hundred years without pontifical approval, and with a discredited founder.

During this time, while its work of education continued, the Institute houses relied on the support of diocesan and secular authorities. All houses were under the jurisdiction of the diocesan bishop, while the powers of the superiors general were narrowly circumscribed. Most bishops in fact respected the traditions of the community as well as the minimal jurisdiction of the superior general over the houses in their dioceses. The

Institute never abandoned the concept of centralized self-government: even if its exercise was often almost nominal, and when political circumstances forced the creation of different branches. But it was only towards the end of the nineteenth century that superiors general began to exercise real authority over distant houses.

The restriction of enclosure was not imposed on the early Institute by diocesan authorities. Many post-Tridentine communities of women existed without strict cloister, under episcopal jurisdiction. The Institute, however, was designed to spread over many dioceses under the jurisdiction of a superior general, and for this pontifical approval was almost a necessity. Enclosure was demanded as a condition of this approval. But it was the government of the Institute, rather than the issue of enclosure, which was the crucial factor in the identity of the community.

Mary Ward chose a centralized government structure precisely in order that her Institute would be flexible in response to apostolic needs, and missionary in character. For most of its early years, the central authority had little power to implement such apostolic goals. In contrast, the Institute closely identified itself with large educational institutions. Perhaps the sheer struggle for survival in difficult political and religious circumstances erased for a long time any possibility of such missionary activity as Mary Ward had envisioned.

Some bishops intervened intrusively into the internal government of certain houses, often with the compliance of the local community. In the case of the Bar Convent at York, changes to the fundamental identity of the Institute affected not only that one house, but also the Irish and North American generalates which grew from it. The foreign elements which were incorporated into the tradition led to further divisions and differences between houses and branches. Thus some of the difficulties which arose in the twentieth century concerning the identity and unity of the Institute can be attributed, in part at least, to the circumstances at York.

Despite many refusals of approval, it is interesting to note the tenacity with which the Institute clung to its traditional constitutional texts. Although no earlier document has been found, the 1707 *Constitutions*, adapted from the *Constitutions* of St. Ignatius, were regarded at that time as a heritage from Mary Ward. A similar document was presented as evidence against the Institute in the dispute of 1742-1749. One hundred years later texts prepared at Nymphenburg for submission to the Holy See followed the same Ignatian format. The *Heller Constitutions* of 1903 were also Ignatian in content and style. Finally, the 1707 text was an important source document for the preparation of the most recent constitutions in all three branches.

The two traditional texts, the 1703 *Rules* and the 1707 *Constitutions* were, however, seriously inadequate. Neither they, nor even the very different 1861 *Cullen Constitutions* in Ireland provided an adequate structure of delegated powers and financial provisions at regional and local levels. It is clear that the Institute has suffered from the lack of efficient, practical structures of government beyond the level of a single house. As a result, the unity of the Institute, even within individual branches, had little support from constitutional provisions until the present century.

In more recent years the development of the Institute paralleled that of most other active apostolic communities, especially in the many constitutional revisions which followed the publication of *Conditae a Christo* in 1900. The uniformity expected of constitutions during this period is evident in all the contemporary Institute texts. These constitutions ceased to incorporate the spirit of an individual institute, and were often simply compilations of canon law. The 1703 *Rule* approved by Clement XI remained the one tangible factor which identified the Institute, united it and linked it to its past. The document itself was hardly adequate for such a burden. In fact it must be assumed that custom and oral tradition nourished the self-identity of the Institute for many centuries. In this context, the publication (1882-1885) of C. Chambers' biography of Mary Ward was an

important achievement. Through this work the Institute came into possession of its past in a much more concrete way than had previously been possible.

Over many years external pressures had divided the Institute into several independent branches. The counter-movement towards unity gathered its strength from a variety of sources. In the first place, increased ease of travel and communications in the nineteenth century fostered more interaction between different groups and nationalities. During the same period, the initiation of short terms of office for superiors general led to more frequent chapters, and hence visits between the different branches and even different houses. Secondly, the Institute grew in size and confidence, and invested time and resources in researching its identity and origins. Its new self-assurance both led to and flowed from the successful request for pontifical approval in 1877. Interest in the unity of the Institute was a natural consequence of this movement.

The issue of unity set in opposition the local, diocesan and national identity of each independent unit against the international and missionary elements of Mary Ward's foundation. Unity was clearly according to the wishes of the founder and of Popes Leo XIII and Pius X. Increased size and a united voice were seen to bring certain advantages. On the other hand, each independent branch or house depended on the support of local bishops and the local people. Where regional interests, cultural, political and ecclesiastical, opposed the tendency to union, the more theoretical considerations supporting union were often not strong enough to overcome them.

The role of the cardinal protector is of importance in this context. For the first time, Institute superiors had a common advocate in the Apostolic See, independent of their local diocesan authorities. This gave them greater access to professional canonical advice and an international viewpoint, and provided a new channel of communication. The balance of ecclesiastical control over the Institute thus shifted from the level of the local diocese to that of the Apostolic See.

The unification of the Irish generalate was generally promoted by ecclesiastical authority. The then homogeneous Irish culture and common use of the English language in the constituent houses facilitated the process. The achievement of unity in the Roman generalate was much more complex, and would merit a detailed study. In this case, clearly the benefits of internationality outweighed strong local differences. Despite all the political difficulties and actual warfare which disrupted the process during the past century, the progress towards unity was steady and fruitful. The reasons why the North American Institute became independent are not fully documented in the available literature. This area requires further investigation.

Following the reforms of the Second Vatican Council religious institutes have entered a new phase, searching for both fidelity to their origins and contemporary relevance. The Institute has taken the first of these steps by implementing the original aspirations of its founder in its constitutional revision. The second step, the search for contemporary relevance, must be based on this foundation.

The findings of this study indicate many areas for more detailed investigation. The *Positio* for the cause of Mary Ward's canonization is in its final stages of preparation. When published, hitherto unavailable sources will provide a rich field for research. Among the many interesting areas to be explored is the history of the Roman house of the Institute. This existed until the end of the seventeenth century, but very little is known about it. Every major foundation, particularly the oldest existing houses of Augsburg, Burghausen and York, would merit a detailed canonical study.

All communities followed various books of customs and rules of offices. These texts were outside the scope of this study, but the role they played in preserving the spirit of the Institute would be worth investigation.

Although the Institute has never had any juridical connection with the Society of Jesus, its apostolic aims and spirituality have almost always been Ignatian. It has therefore

depended on the assistance of Jesuit chaplains, confessors and spiritual directors. But beyond the time of Mary Ward herself, little has been documented on the relationship between the Society and the Institute. The association of the Institute with other religious institutes of priests, including the Oblates of Mary Immaculate, is even less well known.

Some studies have compared the foundation of the Institute with that of other pioneer women's communities.¹ It would be of interest to explore this area further, and to extend it beyond the origins to the later development of each community.

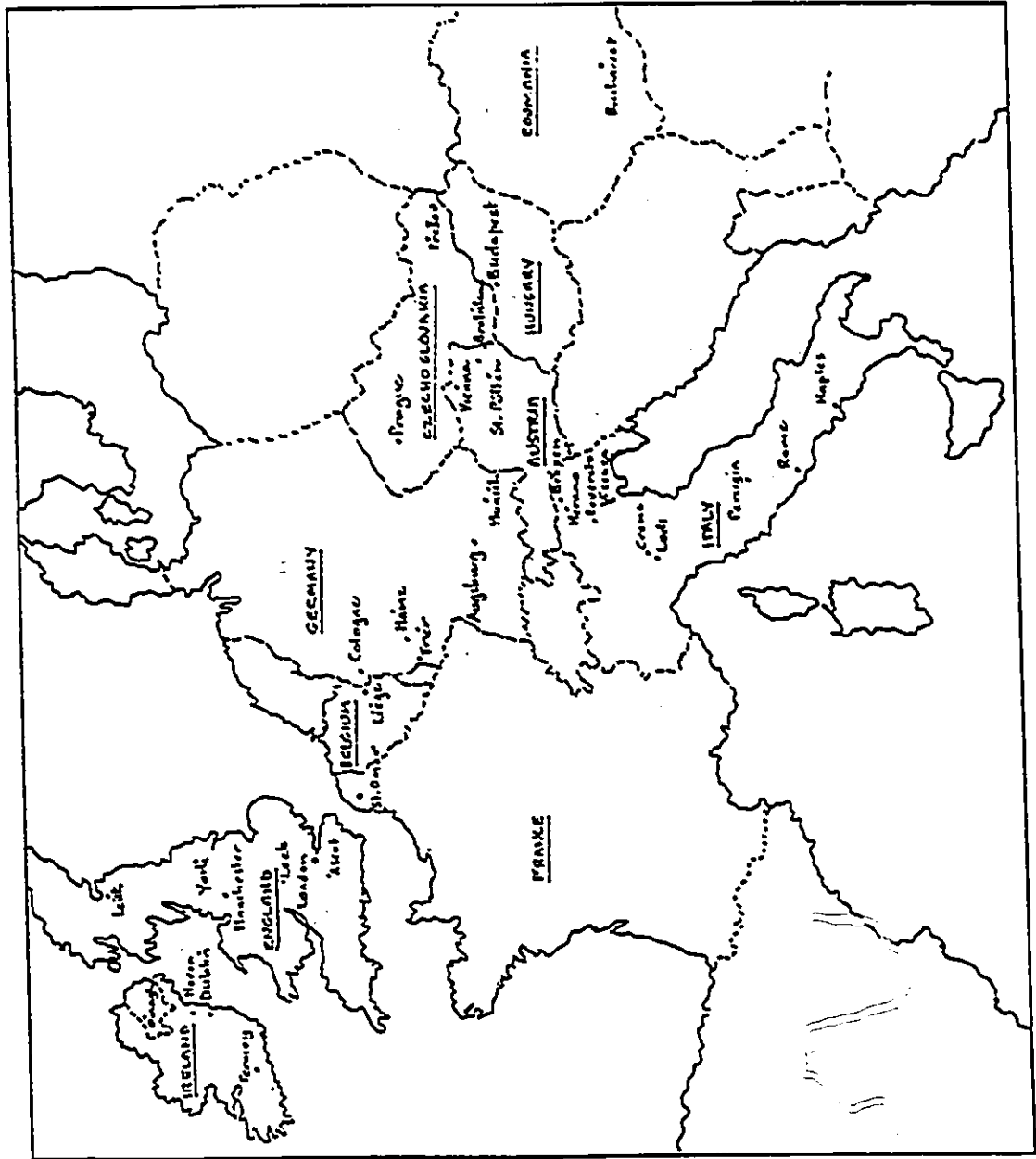
The Institute has struggled for centuries against canonical and social restrictions, to be able to use an adaptation of the Ignatian *Constitutions*. The full consequences of their implementation in the context of a women's community have yet to be realized. Mary Ward's own version of the Jesuit *Formula* is an imaginative attempt to adapt the Ignatian plan for the use of women in the culture of her age. In the present time, this issue has a very different context, and poses difficult challenges. This is a rich field for experimentation and study, not for the Institute alone, but in concert with all those communities who follow the Jesuit rule.²

Together with these contemporary concerns, the question of the world-wide union of the three branches of the Institute will continue to demand serious consideration. This present study should help to inform and contextualize discussions on this issue.

¹ See, *inter alia*, J. CAIN, *The Influence of the Cloister on the Apostolate of Congregations of Religious Women*, 1965; F. CALLAHAN, *The Centralization of Government in Pontifical Institutes of Women with Simple Vows*, 1948; L. JARRELL, *The Development of Legal Structures for Women Religious Between 1500 and 1900: A Study of Selected Institutes of Religious Life for Women*, 1984; and G. LESAGE, *L'accession des congrégations à l'état religieux canonique*, 1952.

² See M. MILLIGAN, "What is an 'Ignatian Congregation'?", in *The Way Supplement*, 70 (1991), pp. 40-50.

APPENDIX A: Map of Europe showing the location of some of the towns and cities mentioned in the text.



APPENDIX B

URBAN VIII, Bull, *Pastoralis Romani Pontificis*, January 13, 1631.¹

The pastoral solicitude of the Roman Pontiff, to whom the care of the vineyard of the Lord of Sabaoth is known to be entrusted by the ineffable providence of the Father on high, has as its particular aim that workers do not rashly and precipitately betake themselves to the field of the Lord, scatter what has been sown, root up what has been planted, introduce cockle and spread false weeds through it.

§ 1. Although it has been strictly forbidden by the orthodox decrees of the General Councils of the Lateran and of Lyons for anyone to presume to assume authority to found a new religious order or group of women, which was established by the salutary orders of John XXII and Clement V, Roman Pontiffs and men of happy and holy memory;

§ 2. Nevertheless as we have learned with grave trouble of mind, in some parts of Italy and beyond the Alps, certain women or virgins, having taken the title of Jesuitesses, have lived together for some years without any particular approval of the Apostolic See on the pretext of leading a customary religious life, have worn distinctive dress, have raised buildings as colleges, have created houses of probation and in these have appointed a superior and one with the title of superior general of their pretended Congregation, who is endowed with seemingly good faculties. In her hands they pronounce vows of poverty, chastity and obedience with the appearance of solemn vows. Free from the laws of enclosure, they wander about at will, and under the guise of promoting the salvation of souls, have been accustomed to attempt and to employ themselves at many other works which are most unsuited to their weak sex and character, to female modesty and particularly to maidenly reserve - works which men of eminence in the science of sacred letters, of experience of affairs and of innocence of life undertake with much difficulty and only with great caution.

§ 3. Anxious to root out speedily the brambles growing up in the field of the Church militant, and in view of the grave dangers already described and the scandals arising from them, we gave orders to our venerable brother Aloysius, Bishop of Tricary and nuncio of the Apostolic See in Lower Germany, to try to recall these women or virgins, who had already been seriously warned by us, from a rash undertaking to saner counsels. Because these, in truth, neglecting the fear of God and respect for us and the Apostolic See, have not only arrogantly and obstinately disobeyed our paternal and salutary warnings to the grave disadvantage of their own souls and the disgust of all good people, but they are not ashamed, even daily, to attempt similar things and to utter many things contrary to sound teaching;

§ 4. We have decreed that such great temerity must be repressed by sharper censure and that the poisonous growths in the church of God must be torn up from the roots lest they spread themselves further. And therefore, after mature consideration with our venerable brothers, cardinals of the Holy Roman Church, specially deputed by the same See as general Inquisitors against heretical depravity, with their unanimous advice and consent and following the decrees of the aforementioned Councils and in the footsteps of our predecessors, we decree and declare with Apostolic authority and by the contents of this document, that the pretended Congregation of women or virgins called Jesuitesses and their sect and state was and is from its very beginning null and void and of no authority or importance. And because indeed they have made progress, with the same authority we

¹ URBAN VIII, Bull, *Pastoralis Romani Pontificis*, January 13, 1631, in L. CHERUBINI, ed., *Magnum bullarium Romanum a beato Leone magno usque ad S.D.N. Benedict. XIV, editio novissima*, Luxemburg, Gosse, 1742, vol. 4., n. cx, pp. 180-182. English translation, *Yours Ever Marie Ward* (Loreto Source Book), pp. 38-42.

totally and completely suppress and extinguish them, subject them to perpetual abolition and remove them entirely from the Holy Church of God. We destroy and annul them, and we wish and command all the Christian faithful to regard and repute them as suppressed, extinct, rooted out, destroyed and abolished. And we do not wish such women and virgins to be bound or obliged in any way to the observance of the aforementioned vows. Furthermore, we likewise decree and declare that those called visitators, rectresses and mother general and any other such officials of this Congregation or sect, whatever their titles be, are and will be deprived of their offices and duties, which are in fact usurped, and we deprive and remove them utterly from the same offices and duties in so far as is necessary. We absolve and totally free all and each of these women or virgins who might think themselves obliged to the obedience of a vow or any other bond, promise or on the pretext of any other reason whatsoever, from this and from any bond and promise, even if it is valid and sworn.

§ 5. In virtue of holy obedience and under penalty of major excommunication to be incurred *ipso facto* and from which they can be absolved, except at the point of death, only by Ourselves or the reigning Roman Pontiff, we order and command the women or virgins and their so-called superiors, as previously designated or by any other name, to dwell separately and apart outside the colleges or houses where they have hitherto lived; not to come together at the same time to consult about or to treat of any spiritual or temporal matter or to deal with it in any way; to lay aside at once the habit which they have put on and which they display, and not to wear it further; above all, not to admit to it or receive other women or virgins, nor give any of them advice, help or favour, directly or indirectly or in any other way, in regard to these matters; not to act as religious or members of a pretended Congregation or sect of this kind.

We also declare that the women and virgins are completely free and released from the obligation of their vows since, although in fact they pronounced vows (and this is public knowledge), they did so in such a state of mind that they would not have done so in a situation which has been condemned by the Apostolic See - inasmuch as a tacit condition of their vows was not fulfilled. Those, however, who intended to take vows unconditionally, since their vows are simple, will be able to live honourably in the world, but apart from the rest of this condemned state and pretended Congregation or sect, and abstaining from everything forbidden above, under obedience to the Ordinary, with the use but not the ownership of property. We compassionately grant them permission to dispose of their property in life and in death for pious purposes only and to dispose also of what comes to them from someone who had died intestate in favour of those who would have succeeded them if they had not taken a vow of poverty. And if it should happen that any of the aforementioned women or virgins wish to transfer to the married state, we permit them to contract matrimony provided the other conditions are fulfilled, and we impart to them the Apostolic blessing together with, in so far as is necessary, the relaxation of all vows, as they are called, which they have in fact pronounced. Since, indeed, according to the Apostle, those who marry do well but those who do not marry do better, we advise the same women and virgins by the mercy of Christ, and we carefully exhort them with all the love of paternal charity in the Lord that, being mindful of the desire by which they showed they were led to live a regular life, they should take on themselves the yoke of the Lord and, denying themselves and worldly yearnings, enter as soon as possible some order of nuns which has been approved by the same Holy See; and in it let them vow their vows to the God of Jacob with faithful and holy promises, and let them give edification with innocent hands and pure hearts in the assiduous performance of spiritual works, showing themselves to be the more illustrious portion of the flock of Christ and, about to meet the heavenly Spouse, let them prudently make ready their lamps, inflamed with the fire of divine love. (§§ 6-10 contain the usual formulae).

Given at St. Peter's, Rome, January 13, 1631, in the eighth year of our pontificate.

APPENDIX C

CLEMENT XI, Brief, *Inscrutabili*, June 13, 1703.¹

From the moment of our elevation to the summit of the pastoral office, in the inscrutable designs of Divine Providence, and through no merit of ours, we have never failed, when such petitions have reached us, to confirm with our Apostolic sanction, the Rules of religious Institutes of what kind soever, provided that they were characterized by prudence and foresight, thereby imparting to them that efficacy and stability which alone can secure their permanence.

Now it has lately been brought to our knowledge, by our beloved son, the most noble Maximilian Emanuel, Elector of the Holy Roman Empire, that certain catholic ladies, noble English women, exiles from their country, whence they have been banished in hatred of the catholic faith, which is there suffering persecution, having met with not only a cordial reception from Maximilian of happy memory, grandfather to the aforesaid Maximilian Emanuel, also in his day Duke of Bavaria, and Prince Elector of the Holy Roman Empire, but also with kind and generous help in their need, have taken a house or conservatorium in his dominions;

That as time went on, they have been joined by other ladies, as is the case up to this day;

That they have always lived in common, and continue so to live under the authority of the Ordinary, for the sanctification of their souls, professing chastity, poverty and obedience;

That, as an exercise of charity towards their neighbour, they devote themselves to the training, instruction and education of young girls;

And that with a view to the regularity and tranquillity of their house or conservatorium, they have framed for themselves certain rules of life, to the following effect:-

[The 1703 Rules follow.]

But whereas the said Maximilian Emanuel, Duke and Elector, as he stated in his above-mentioned petition, out of regard for the said Conservatorium and for its inmates, desires, in accordance with his grandfather's wishes, that the said Rules should have the sanction of our Apostolic confirmation, that so they may endure the longer and be the more faithfully observed, we therefore, highly commending in the Lord, the piety of the said Maximilian Emanuel, Duke and Elector, [...] by the advice of our venerable brothers, the Cardinals of the Holy Roman Church, our Council for the interpretation of the Council of Trent; in view also of the report and opinion of our beloved son Leander Colloredi, Cardinal of the said Holy Roman Church, deputed by the Congregation of Cardinals for the revision of this affair, by the tenor of these presents, confirm and approve the Rules above inserted. [...]

It is not, however, our intention in anything in these present letters, to give our approbation to the Conservatorium.

Given at Rome, at St. Mary Major's, under the ring of the Fisherman, this thirteenth day of June, 1703, the third year of our pontificate.

¹ *Letters Apostolic by which Clement PP. XI., June 13th, 1703, Approved and Confirmed the Rules; Decree of His Holiness PP. IX., (sic) February 15th, 1877, Approving and Confirming the Institute of the Blessed Virgin Mary, with Appendix and Notes, Leeds, IBVM, [1877], AIY, pp. 9-11, 42-45.*

APPENDIX D

BENEDICT XIV, Apostolic Constitution, *Quamvis iusto*, April 30, 1749.¹

Although by the just judgement of God we have no leisure to breathe under the difficult and weighty concerns which pour in upon us from all sides and almost overpower us, still, trusting to the divine assistance we are determined not to be disheartened. And since by the special favour of Providence, we enjoy perfect health of body and vigour and soundness of mind in the advanced stage of life to which we have attained, we are resolved to spare no pains which may be usefully employed in governing the Holy Church which has been intrusted to our care. Therefore whenever any disputes arise which seem to require the decision of the Apostolic See and we have reason to think that our endeavour recorded by the advice of our able Counsellors will lead to a just and equitable conclusion, we make it our constant practice to withdraw them from every lower judicial court to submit them to our own tribunal and conclude them by a final and definitive sentence.

§ 1. This practice was employed when a dispute arose recently between the Episcopal Court of Augsburg on one side and on the other, two Communities of persons called English Ladies, at Augsburg and at Mindelheim, a town situated in the diocese of Augsburg. The Episcopal Court had enjoined these two houses to acknowledge the jurisdiction of the Bishop and to pay him due obedience, which he said they unduly paid to a certain pretended superior general residing at Munich. The house at Augsburg readily complied with this summons, whilst the house of Mindelheim, remaining refractory, drew upon itself some acts of authority issued by the Episcopal Court. We perceived that this dispute also gave rise to some other questions about the institute of the Jesuitesses, which was said to be the same as the institute of the said English Ladies, and about the person and merits of the late Mary Ward Foundress of the Jesuitesses. We were also convinced that many things were related and boldly asserted by some writers about the said institute and its foundress, which do not in the least agree with the authentic deeds and written records which are to be found in the archives of the respective Congregations of the Holy Office and Propaganda Fide.

We therefore ordered the whole matter to be laid before ourselves. And to have it maturely discussed, we appointed a special Congregation consisting of the Cardinals Gentile, Portocarrero, Cavalchini, Besozzi, the Archbishop of Damascus, Secretary to the Congregation for the affairs and consultations of Bishops and Regulars, whom we also named secretary to this special Congregation, and Clement Argenvillers Auditor of the Rota. They all assembled in our presence on July 21, 1748, and after weighing each point with the most mature deliberation, they unanimously agreed upon the necessity of enacting and publishing some decrees and rescripts which shall be mentioned later. At that time we approved and confirmed these decrees, and now by the present Constitutions we once more ratify them, that being strengthened by a more express declaration of the Apostolic authority they may ever remain in full force and vigour.

§ 2. But because it would be difficult and almost impossible to discover the motives upon which the justice of these decrees is founded without the previous knowledge of some particular facts which are intimately connected with the point in question, it appeared necessary to extract them in due form out of the above-mentioned archives and to insert them in this place. They are as follows:

- i. In 1609, Mary Ward with good motives, as it may be believed, opened a house

¹ BENEDICT XIV, Apostolic Constitution, *Quamvis iusto*, April 30, 1749, in *Magnum bullarium Romanum, bullarum, privilegiorum ac diplomatum Romanorum Pontificum amplissima collectio: Benedicti Papae XIV bullarium*, Akademische Druck-u. Verlagsanstalt, 1966, vol. 3, pp. 54-68. English translation from a manuscript in AIY.

at St. Omers, where persons of her own sex might live together under certain regulations. Having made similar establishments in other places of the Netherlands, at Liège, Trèves and Cologne, she came to Rome in 1621 under the pontificate of Gregory XV, to petition the Holy See for the confirmation of her new institute.

ii. In 1624, the agent of the English Clergy appeared before the Congregation of Propaganda Fide, and greatly complained that the way of life which the women of this Institute pursued would very much obstruct the success of the mission. Whereupon a commission was given to Cardinal Millini to examine the Institute.

iii. In 1628 Cardinal Clesselius, Bishop of Vienna informed the said Congregation that a house of these women had been opened at Vienna without his consent and wished to know what line of conduct he should observe in their regard. Upon this the members of the Congregation held an assembly in the presence of Urban VIII, and made a decree which was sanctioned by the Sovereign Pontiff, ordering all the nuncios residing in different countries to proceed immediately to the total extinction of the Institute, and the suppression of the houses which followed it. And as these women boasted that they were under the direction of priests of the Society of Jesus, the then General of the Society was charged to forbid his subjects to meddle in the direction of any houses of women whatever, as being evidently contrary to the Institute of the Society. For when their founder St. Ignatius came to Rome to solicit the confirmation of his Institute and was there informed that a pious lady called Elizabeth Rosella was come to Rome, to obtain leave for herself and other pious women to live together according to the rules of his Institute he begged and obtained of the Pope both for himself and for all the Society of the Priests instituted by him, to be forever freed from the charge and direction of women living together in religious houses.

iv. The next year the nuncios in their respective districts carried out the orders of the Pope and had actually suppressed the houses of St. Omers, Liège and Cologne. While the nuncio at Cologne was attempting to suppress the house of Trèves, a woman called Cambian alleged that she was appointed visitor of the Institute. Showing letters-patent from her pretended chief superior, Mary Ward, she strenuously and obstinately opposed the efforts of the nuncio. Mary Ward was then at Rome, and as soon as she became acquainted with the import of the Pope's orders, she devised every means to hinder the execution of them. In a circular letter directed to each house, she admonished her followers wherever they might be not to comply. To prevent greater scandals the nuncio judged it prudent to delay the pursuit of the business for the present.

v. He sent an account of the whole transaction to Rome, where Cardinal Clesselius daily became more pressing with the Pope, to know his intentions about the house which had been opened at Vienna. It was discovered that several houses of this Institute had been opened in a clandestine manner at Bologna, Fossombrone and Rome itself, and these were immediately suppressed. In these circumstances Urban thought proper to refer the whole affair to the Congregation of the Holy Office.

vi. Finally the Congregation decided that it was highly expedient and proper that the decrees which had been issued for the suppression of the Institute should be supported by the authority of an Apostolic Constitution. Accordingly the same Pope Urban VIII, on January 13, 1631 published a Bull, *Pastoralis Romani Pontificis*, by which he forever abolished the pretended congregation of women, called Jesuitesses, deprived the pretended chief superior, the visitor, the heads of the respective houses and all other officers of the Congregation of the offices and employments which they had illegally assumed.

Under pain of major excommunication and other penalties he strictly forbade all the members of this pretended Congregation to live together in common in the future, to look upon themselves as religious or members of the self-created Congregation, or above all to dare to receive other women or young ladies into the society of this condemned Institute. He declared that all those who had made vows in this suppressed Congregation under the persuasion that it was lawfully established, were freed and discharged from the obligation of such vows. Finally he ordered Mary Ward (who during these transactions had retired into the Netherlands) and Cambian to be arrested.

v. In consequence of this order they were both apprehended and were decently conducted to Rome. There they were treated with leniency and kept in free custody at the

expense of the Apostolic See, having the whole city for their prison, but with this proviso that they should not live together. But when it appeared that Mary Ward had quickly recalled the seditious circular letters by other letters, and that the conduct of Cambian was the effect of female levity and vivacity rather than of deliberate malice, they were allowed to live together, but their behaviour was closely inspected. After some time Mary Ward fell sick and, with the consent of the Congregation of Cardinals, was removed to Viterbo to try the hot baths of that place. These proving unsuccessful, in 1637 she was finally allowed to return to Liège with her companion, having found the air of that place beneficial to her constitution.

vii. Still the Apostolic See did not abandon its determination to suppress and abolish all the houses or communities of the Jesuitesses. This is clear from later orders issued by the Congregation of the Holy Office, and particularly those which in 1640 were addressed to the Pope's Nuncio residing at Cologne, so that from that time no mention was ever made of their Institute. It was under the pontificate of Pope Innocent XII that several ecclesiastical and secular princes of Germany earnestly besought His Holiness to confirm the Institute of persons called English Virgins who were said to have many establishments in England and in the Netherlands. The Pope referred the discussion of this affair to the Congregation of Cardinals appointed to interpret the decisions of the Council of Trent. They commissioned Cardinal Colloredo to revise and examine the constitutions which had been laid before them. After a mature deliberation upon the whole business, they concluded by approving the Rules of the said Virgins and this approbation was confirmed by a Bull of Clement XI, *Inscrutabili*, on June 13, 1703.

§ 3. When Mary Ward was allowed to return to the Netherlands, without further permission she went over to England. Some years later it is said, other houses of Jesuitesses were erected. In view of this, and because Clement XI had by his Bull approved of the Constitutions of the so called English Virgins, two religious men, Corbinian Khamm and Francis Schmalzgrueber, (the former in *Hierarchia Augustana in prodromo partis tertiæ regularis relatione VI*, p. 506 ff, the latter in his *Consilio LVI*, vol. 1), inferred that the Institute of the Jesuitesses had been restored and the Constitution of Urban abrogated. But this is evidently false. For the kind and indulgent manner in which Mary Ward was treated by the Pope, both during her detention at Rome, and when for the sake of her health she was permitted to return to a more wholesome climate, ought not to be employed to the prejudice of the Apostolic See, or alleged as a proof of her innocence. She escaped more serious punishments and censures only because she proved that she had quickly recalled the contumacious and seditious letters which she had written. Since she was allowed to return solely on account of her health after she had long been detained in the city which was assigned her for her prison, it certainly cannot be said that she was found innocent and released as a result. If some new houses of Jesuitesses were opened after the Constitution of Urban this does not prove the abrogation of the Constitution itself, but only that these persons continued to be rebellious, contumacious and disobedient to the Apostolic Decrees.

Such was the judgement which John XXII (in his *Extravag., Sancta Romana, De religiosis dom., etc.*) passed upon some Beguards and Beguines. After the condemnation of their sect, they had received at the hands of some ecclesiastical prelates the habit of these suppressed Institutes. Some of them, he says, profess that they have received their habit and plan of life from some bishops and their superiors or other ecclesiastical prelates. But this they were not authorized to do as it was contrary to the ordinance of a General Council. We could say the same thing of the houses of the Jesuitesses, if any such have been opened since the Constitution of Urban, that is that it was done unlawfully and invalidly contrary to the ordinance of an Apostolic Constitution. Such was also the opinion of all our predecessors since Urban VIII, for as soon as they heard of any of these houses of Jesuitesses after the said Constitution, they immediately ordered them to be suppressed and abolished.

§ 4. With regard to the Bull of Pope Clement XI approving of the Rule of the English Virgins, it is necessary to observe that Maximilian Emmanuel Duke of the two Bavarias, Prince and Elector of the Roman Empire, informed the Pope about some English catholic ladies of noble extraction. They had been driven from their own country out of

hatred towards the catholic religion, and had sought refuge in his dominions, where they were kindly received by his grandfather. With the assistance of liberal benefactions from pious persons, they purchased a house in which they lived together. Afterwards they were joined by other young ladies, who embraced the same line of life, and besides other practices of piety, they devoted themselves to the instruction and education of young persons of their own sex. They had prescribed to themselves certain rules of a pious life which they greatly wished to have supported by the authority of the Apostolic See. The prince joined his wish with theirs, and humbly besought His Holiness to lend a favourable ear to their petition. All these particulars are mentioned more fully in Clement's Bull. The Congregation of Cardinals appointed to interpret the decisions of the Council of Trent having examined these rules with mature deliberation, according to their commission, approved of them, and made a favourable report of them to the Pope. Whereupon His Holiness made no difficulty in confirming them by his Bull.

§ 5. In this Bull no mention is made of Jesuitesses. Urban in his Constitution speaks of certain women or virgins who had assumed the name of Jesuitesses, but the subjects of Clement's Bull are called noble catholic English ladies. Besides Urban speaks of women who performed very many functions ill-becoming the natural weakness of their sex, modesty and particularly the bashfulness of maidens, with other things which are mentioned more circumstantially in the memorial which was presented by the agent of the English clergy to the Congregation of Propaganda Fide. This memorial said that they vilified and disgraced our holy religion in the eyes of heretics. On the contrary, Clement in his Bull speaks of noble English ladies who were banished and driven out of their own country through hatred to the catholic religion which was exposed to heavy persecution there. To this may be added that in Clement's Bull not the least mention is made of Urban's Constitution. It is an invariable practice of the Apostolic See, whenever the Pope decides upon any point which had been the subject of any decrees of his predecessors, to make special mention of them. Neither does the Bull of Clement derogate in the least from the Constitution of Urban because this could not be effected by any general clauses. To invalidate it an express and special derogation was necessary. Lastly the Bull concludes with this salutary clause: "Yet we do not mean by the present Bull to approve of the conservatory." This clause is always used in the approbation or confirmation of the rules of any conservatory or monastery of women who do not live according to the enclosure prescribed by the decretal of Boniface VIII, by the decrees of the Council of Trent, and by the Constitution of St. Pius V which begins with the words *Circa Pastoralis*.

§ 6. The great Clement XI was a man of the most profound knowledge and singularly conversant in every business which falls under the cognizance of the Apostolic See. (In this matter we can and do freely testify, since we ourselves were appointed many years ago to such duties and fulfilled these same offices and ministries). It is neither true nor probable that he could intend to recall or restore the Institute of the Jesuitesses when he approved the rules of a single community, formed by some young English ladies who had been forced into exile for their faith. He could not but know that the Jesuitesses had been suppressed and abolished by Urban VIII with the advice of the two Congregations of the Holy Office and Propaganda Fide, as contrary to the decrees of the Councils of Lateran and Lyons, and for other very weighty reasons mentioned in his Constitution.

§ 7. In the Council of Vienne under Clement V a society of women called Beguines was condemned and suppressed chiefly on account of the corruption of their morals (in *Clementin., ad nostram, tit. De haereticis*). But when John XXII was informed that some of them were untainted with the crimes of their companions and led a virtuous life, he declared (*Extravag. comm., cap. Ratio recta, De relig. domib.*) that they were not included in the Bull of Suppression issued by Clement his predecessor. Now Clement XI, when he approved the rules of the English Virgins, did not make even the most distant allusion to the Jesuitesses and the Constitution of Urban. This is a further proof that he had no intention of recalling the said Constitution, or even of modifying or limiting it in any point.

§ 8. Hence, in the Congregation which was held in our presence on July 21, it was decreed:

-First, that the Constitution of Urban VIII imparting the suppression of

the Jesuitesses still remains in full force and vigour, that it never was repealed in any single point, and that there are no grounds for alleging the toleration by any of our predecessors of anything contrary to this Constitution.

-Second, that the Institute of the English Virgins is not the Institute of the Jesuitesses.

-Third, that the English Virgins rejecting all other Constitutions or regulations are only bound to observe those Constitutions which were confirmed by Clement XI. Still if they thought it advisable to issue others, they might have recourse to the Apostolic See for their confirmation.

To these three decrees we then gave our verbal approbation and by this Constitution we approve and renew them again. We order all the faithful to pay due obedience to the Constitution of Urban, enacting and renewing each and all the penalties inflicted by the tenor of the said Constitution against all those who shall dare to violate it. We moreover decree and ordain that the Bull of Clement XI shall have its full and entire effect, that it be understood and interpreted according to the genuine meaning of its words and in accordance with this present declaration: We expressly forbid anyone, under such penalties as are inflicted upon the transgressors of the Apostolic Decrees, to presume to maintain that the suppressed Institute of the Jesuitesses was restored or re-established by the said Clement, even though it might appear that the English Virgins, rejecting whatever was condemned and reprobated by Urban in the suppression of the Jesuitesses, still perform some practices of piety which were observed by the Jesuitesses themselves, and thus their Institute may bear some resemblance to the suppressed Institute.

§ 9. In a closely related matter it is sufficient to note the example of the Alms Collectors, who were also called *Questuarii*. These were first restrained by the censure of the two General Councils of Lateran and Vienne because of many deplorable abuses. In exercising their duty of charitable giving they brought scandal to the Universal Church of God, as is seen in the Constitutions of our predecessors Innocent III (*in cap. Cum ex eo, De poenit. et remiss.*) and Clement V (*Clementin. abusioibus*). They were finally radically abolished by the General Council of Trent (Sess. 21, cap. 9, *De reform.*) where it is decreed: "In every place of the christian religion their name and their entire practice are abolished, neither are they to be admitted to the exercise of any other office, notwithstanding any contrary privileges or customs, even if immemorial."

§ 10. Nevertheless, after the Council of Trent, and ever since, even in our own times, many have been permitted to collect alms for monasteries, hospitals and other pious places, as had been done formerly by those who had been suppressed by the above canonical sanctions. But nobody is heard to say that these more recent alms collectors, who did not participate in the excesses of the former ones, were professing to be the same Institute as that which was abolished a long time ago by the authorities. On the other hand, an entirely different series of completely new laws was drawn up by Pope Urban VIII when he ordered that every one who collects alms for monasteries, holy places or hospitals must observe some prudent rules. Among these rules is that which states that these alms collectors are not the true *Quaestores*, whose name has been denounced by the Council of Trent. This is extensively treated in Urban's Decree of July 12, 1644, which was solemnly published and reported in *lib. XVII Decretorum Congregationis Concilii Tridentini*, p. 350 ff.

§ 11. In the course of the present dispute it was noticed and clearly demonstrated that the English Virgins, perhaps through ignorance, were accustomed to acknowledge Mary Ward as the foundress of their Institute, to celebrate the anniversary of her death with some public festive rites, to sing hymns in her honour, to invoke her by a particular collect and litany, and in short to give her both in speaking and writing the title of "blessed". Hence in the particular Congregation it was decreed:

-Fourth, that the English Virgins may not in any way acknowledge Mary Ward for their mother or foundress. It is even less lawful for them or any other persons to call upon her as a saint in heaven, to pay her any public worship, or to perform any other act by which her asserted or supposed sanctity may seem to be approved and attested.

We ratified this decree at that time, and we now confirm it by the authority of the present

Constitution. It is easy to understand such acts of veneration shown towards this woman. For whilst we piously believe, unless some proof be brought to the contrary, that Mary Ward made atonement for her crimes and died in the peace of the Lord, it is obvious that these marks of veneration bestowed upon her memory tend only to insinuate that she was exposed to unmerited persecutions during her life and was finally declared free from every fault imputed to her. Whereas considering the whole of her conduct, we have reason to admire the leniency of Urban in her regard, who sought to recall her from her errors and her obstinate opposition to the Apostolic Decrees by acts of clemency, rather than by suffering the law to take its course and inflicting upon her the punishments which she had deservedly incurred.

§ 12. But even if her life had been spent in innocence, and had been constantly distinguished by the most brilliant virtues, even if it was proved that after her death miracles had been wrought through her invocation, still it would not be lawful to pay her any public worship without the previous consent and approbation either of ourselves or of the reigning Roman Pontiff, according to the general and well-known law of Alexander III (*in cap. Audivimus, De reliq. et venerat. sanctor.*)

Now it is well known that even those acts which are exercised in private are equivalent to public worship, if they be acts prescribed by the Church to show solemn veneration to the blessed or the saints. The acts mentioned above must be included in this category. Neither is it lawful to give the title of blessed to those who have not received the honours of beatification from the Apostolic See, particularly if this appellation refers more to a person than to behaviour and opinions. This was expressly declared by Urban VIII in a decree which prescribes the affirmations to be made in the beginning of the work by those who write the lives of the servants of God. In short it is expressly forbidden, on the anniversary day of the death of any servant of God who has not been noted among the blessed, to pronounce his panegyric or to celebrate the mass of the most Holy Trinity, or of all the saints instead of saying the usual prayers for the repose of his soul. All these practices visibly tend to introduce, to maintain, and to increase the worship of the servants of God without the concurrence of the Apostolic See. This matter we treated at full length in our work *De servorum Dei beatific. et beatorum canoniz.* (*lib. II, cap. 7, num. 3 et seqq., cap. 13, num. 4, iuxta editionem Patavinam*). Therefore, in ratifying and confirming this Decree we exhort and admonish all the bishops, who may know that such things are practised in their respective dioceses, to put a stop to the transgression of these salutary laws by such penalties as the Apostolic Constitutions enjoin and which we mention in this work (*lib. II, cap. 16*).

§ 13. We have thus shown that the Constitution of Urban by which he forever abolished the Institute of the Jesuitesses still remains in full force. We have also proved that the Bull of Clement XI for the approbation of the rules of the said house of English Ladies has not the least connection with the Institute of the Jesuitesses. The houses of these Virgins are tolerated although not approved by the Apostolic See, since they are distinct from and totally independent of the condemned Institute of Jesuitesses. We have received no complaint against their behaviour, but on the contrary have heard great commendations of their zeal and labour in the education of young persons of their own sex. Therefore in order to terminate the dispute which arose between the Episcopal Court of Augsburg and the house of the Virgins at Mindelheim in the same diocese, the appointed Congregation of Cardinals judged it necessary to determine whether these Virgins were to be considered as true Religious, and the vows which they make were to be called solemn or simple, and whether they were to be subjected to the ordinary jurisdiction of the bishops in whose dioceses their houses are established. After mature deliberation, they concluded:

-Fifth, that the English Ladies are not true religious, that the promises which they make are simple vows; and that an exact copy of these vows, and of the words in which they are expressed are to be sent to Rome;

-Sixth, that the English Virgins and their houses are subject to the ordinary jurisdiction of the bishops in whose dioceses they are situated; that it belongs to the respective bishops to assign them, either from the regular, or secular clergy, such spiritual directors and confessors as to them shall seem fit.

These decisions we approved of at that time, and we now corroborate and confirm them by this present Constitution with all the plenitude of our Apostolic authority. For if according to the canons (*in cap. I, De religios. domibus, in VI^o*), the essence of a true religious state requires that the Religion or Order be confirmed in such a state by the ratification of the Apostolic See. Something more is required than a simple approbation and confirmation granted by the Apostolic See to the rules which a Society of men or women may have prescribed to themselves. The vows of poverty, chastity and obedience made by the English Virgins according to the rules approved by Clement XI cannot be said to be associated with an express or tacit profession in any order approved and confirmed by the Holy See as a true religious order. It is clear that the status of the English Virgins is not that of a true religious order and that the vows which they make are to be considered not solemn, but simple vows, according to the rule laid down in the Decretal of Boniface VIII (under the title *De voto et voti redempt. in sexto*).

§ 14. A few observations arising from the nature of the question and of the facts now under consideration will help to place the whole in a clearer light. In 1706 the Congregation of Cardinals for the affairs and consultations of Regulars and Bishops decided that these English Ladies were not to be ranked amongst true religious. This decision was given in a case then pending between a community of these English Ladies at Munich, and the Bishop of Freising, their local Ordinary. It was approved and confirmed by Clement XI in the Brief, *Emanavit*, March 5, 1706. That their vows are simple not solemn vows may be gathered from the very words of their Constitutions which Clement approved in their favour. They say: "Although our Rules do not constitute a Religious State or Order still let all and every one make it their peculiar duty to observe the three vows of poverty, obedience and chastity, as a bright wall to secure our mode of life. And let nothing be admitted that can either weaken or overturn it."

In short, in this decision given in the case of the Bishop of Freising, and ratified by the authority of the Apostolic See, it was decreed that the English Virgins are immediately subject to the ordinary jurisdiction and control of bishops. In their Rules which are supported by a similar approbation it is expressly said, "that if it can be conveniently done superiors shall appoint two confessors for each community." But by superiors are to be understood only the respective local ordinaries to whose jurisdiction it has been already shown that they are immediately subject. All these considerations concur in showing the justice of the sixth Decree mentioned above in relation to the appointment of confessors and spiritual directors. And we are perfectly satisfied that, in the execution of this part of the Decree, the bishops and local ordinaries will pay due attention to our Apostolic Letter, *Pastoralis curae*, August 5, 1748. In this Letter we laid down many rules to guide them in the nomination of both ordinary and extraordinary confessors both for nuns and other women or virgins living in pious houses or communities. We earnestly exhort them to use very great willingness and kindness towards those who for just reasons apply to them for extraordinary confessors.

§ 15. Besides the two houses of the English Virgins in Augsburg and Mindelheim which gave rise to the dispute, in Germany there is also the one in Munich which has been mentioned, as well as an establishment at St. Pölten, and another at Krems, both in the Diocese of Passau, and perhaps others in other places. Each house is governed by its respective local superior, and also acknowledges another chief superior, who is also called general, because her authority extends to all the houses. But there is, however, more than one chief superior. For, not long ago, in the Congregation of Cardinals for the affairs of Bishops and Regulars, there was a dispute concerning the house at Krems in Austria, and other houses which in the process of time might be erected in other parts of the same province under the Rules sanctioned by Clement XI. It was asked whether these houses were to be subject to the chief superior residing at St. Pölten, or to another chief superior residing at Munich in Bavaria. The Congregation decided in favour of the superior at St. Pölten. We sanctioned and confirmed this decision by the Brief, *Exponi nobis*, May 25, 1742, to be executed by Cardinal de Lamberg, Bishop of Passau.

The two houses of Augsburg and Mindelheim obey the chief superior of Munich. Hence, a few years back, when all Bavaria was overrun by foreign troops, and the time had

come for choosing a new chief superior, the Bishop of Augsburg, in his pastoral solicitude and foresight, forbade the local superior of the house of Augsburg to undertake a painful and dangerous journey in order to assist at the election, which was usually done at Munich. He ordered the election itself to be held at Augsburg, according to a new plan he had wisely drawn up for that one time. This is to be seen in the Bishop's mandate, June 6, 1745.

§ 16. This question of a chief superior gave rise to another dispute between the Bishop's court of Augsburg and the community of Mindelheim. For the English Virgins settled in this house, arrogating to themselves a sort of exemption, and wishing to withdraw themselves from the jurisdiction of the Bishop's court, alleged among other pleas a vow of obedience which they had made to their chief superior. The matter was submitted to the discussion of the above-mentioned Congregation, which decided:

-Seventh, that no innovation be made with regard to the chief superior, that her authority be limited to the visitation of the respective communities, the supervision of the mode of education of their scholars, and the transfer of members from one house to another. In all these matters attention must be paid to the subordination due to the local ordinaries, as will be more fully explained by his Holiness in a Constitution to be published in due time and place.

We then approved this decision verbally and we now confirm and ratify it by this present Constitution, according to the meaning to be explained below.

§ 17. We have nothing to do with the pretended General of the Jesuitesses whose office was long ago abolished by the Constitution of Urban VIII, when the Institute itself and all its pretended offices was abolished. But the question is about one or several general superiors, invested with a sovereign authority for the direction and government of several houses of English Ladies situated in different places, with the consent of the bishops in whose respective dioceses these houses are established. We are not speaking of a general superior who enjoys full jurisdiction over her subjects whilst she herself is not subject to the jurisdiction of the ordinary. Such is said to be the chief superior of the Order of Fontivault, about whom Joannes de la Mainferme wrote his large *Apologia* in two volumes (ed. Lutetiae Parisiorum, 1684), much of which is found in *Historia ordinum monasticorum, religiosorum et militarium* (ibid. impressa 1721, tom. 6, cap. 2). Such also is the Abbess of Burgos in Spain, who holds an annual chapter in Burgos and exercises her jurisdiction over several monasteries in the Kingdom of Leon and Castile (in *Annalibus Cisterciensibus*, tom. 1, pag. 225, et apud Thomassinum, *De vet. et nov. Ecclesiae discipl. part. 1, lib. 3, cap. 68, num. 12*). But we are speaking of a general superior whose authority is confined to matters of little moment, who cannot exercise the smallest power without the consent of the bishops in whose dioceses the houses of her institute are established. All of these houses are, and ought to be, subject to the ordinary jurisdiction of their respective bishops.

§ 18. Hence this general superior cannot admit any person to a profession of the vows, or receive any such profession, unless she obtain from the Bishop necessary power for this purpose either for each individual case or for all cases in general. For according to a rule of canon law, in monasteries and houses which are immediately subject to the bishop, professions must be made in the hands of the bishop himself, or that person whom he has made his delegate on this occasion. As this is not an act of order but of jurisdiction, a woman can be delegated for it. These rules have been received without contradiction by all writers of ecclesiastical law, for example, ex cap. Consuluit, sub tit. Qui clerici vel voventes, where Pope Alexander III writes: "Neither in the hands of any bishop, abbot, abbess nor on any altar was she professed, nor did she promise obedience." This enumeration has been made of those who should receive the professions of the persons who are their respective subjects.

§ 19. The general superior may visit the houses of the Institute to see if the constitutions and regular discipline are being exactly observed, and to inspect the mode of education of the young pensioners and the efforts that are being made to advance them in knowledge and piety. And indeed, these visits may be made without any danger, and perhaps more appropriately by prudent women than by men. Through them the ecclesiastical superior, that is the bishop or the local ordinary, might be able to learn much indeed for the good government of the diocese. An account of these visits must be laid

before the ecclesiastical superior, that from her report he may take such measures in his pastoral care as he shall judge best in the Lord.

The general superior may change any teachers and virgins under her charge from one house to another, if they will be more suitably employed in one place than another, and as she prudently judges more useful work will be done. She will, however, first ask and obtain the permission and authority of the ordinary or ordinaries in their respective dioceses for these occasional translations.

§ 20. The limited authority of the general superior is always to be exercised under the dependence of the ordinary authority of bishops. We have grounds to hope, without the abolition of this office (which the Congregation has judged neither necessary nor useful to do) very great advantage and usefulness will arise from the houses of these religious and from their Institute in general, although tolerated and not solemnly approved by the Holy See. Nor is there reason to fear any breach in canonical subordination from the oath of obedience taken by these religious, or in future by the permission of the bishops as was said above, to be taken to their general superior. These vows can by no means diminish the episcopal authority, to which they must always be obedient. This obedience has regularly been the foundation of every decision in all prior decrees. For in every oath the right of a superior is always understood to be excepted as Pope Innocent III expressly declared in his Decretal (*cap. Obedientes, De iureiurando*).

§ 21. For a further confirmation of this truth, passing over more remote instances, we will return to what takes place under our own eyes, and shall specify the example of certain Congregations of women distinguished by the appellation of "Magistrae piaë" or of "Magistrae sanctae". The whole occupation of the Institute is the education of young ladies. It began a few years ago in the diocese of Mount Falisco, while Cardinal Marcus Antonius Barbadicus governed it. In a short time it spread to various places and some of their houses were even founded in Rome. But when certain disputes arose with regard to government, the Institute was divided into two Societies of different names, but both promoted the same pious work.

§ 22. Each of these establishments has its own spiritual director whose province it is to attend exclusively to the care of souls. Every three years, assembled in the province of their own spiritual director, each society chooses its own general superior and other officers called consultresses, to which general superior all of the same Institute are subject and obedient in the direction of the schools. It belongs to her to go through and examine all the schools of her Institute although situated out of the town and even in the neighbouring dioceses. Now since these Institutes are peaceably conducted by similar general superiors without any detriment to the jurisdiction of the Ordinaries, and without any complaint from them, we have a right to expect the same from the Institute of English Virgins. We also expect that with the office of general superior remaining in full force, it will prove of great advantage in the education of young ladies, and of no little use even to the bishops in the government of their respective dioceses.

§ 23. We have a just confidence in the Lord of eventual success in this undertaking, and nothing will contribute more to it than the cooperation of our venerable brothers and prelates of the churches in whose dioceses houses of this Institute are now, or shall in future be erected. We most earnestly request they will grant their favour and protection to these pious virgins in their praiseworthy efforts as they cultivate a part of the Lord's vineyard. They should instruct them that they are not the same Institute as the reprobated society of Jesuitesses. Nor is it to be permitted to venerate with public cult anyone who has not been included among the blessed or the saints by the Apostolic See. Nor is anything to be narrated concerning the actions of the servants of God, especially as told by historians who are preoccupied with holy affection, before they are examined by the Apostolic See and a decision is made concerning their certain truth. These convents are indeed tolerated by the Apostolic See, but the Institute itself has not been approved nor confirmed, in accord with the sacred canons and the general Constitution of St. Pius V, whereby a house of religious women is not established by Apostolic confirmation unless they are bound by the laws of perfect enclosure. Finally, let them explain to these Virgins that the Rules approved for them by Clement are to be their norm of action. If they prudently consider that other rules

should be added for the perfection of their Institute, these must be subjected to the judgement of the same Apostolic See to obtain their legitimate approbation.

The English Virgins will easily acquire both pontifical benevolence and the good will of the ordinary superiors if they recognise these superiors as their proper, true and legitimate superiors. They must also be convinced, concerning the oath of obedience which they take to their proper superior general, that nothing can diminish the right of the ordinary, which always, as we said earlier, in every promise, must be understood as an exception to that oath. Casting aside all doubt, they will take care to show due reverence to the diocesan bishop and subjection to his office.

§ 24. Since this agreement of mind and heart between the local bishops and the community of English Virgins is to be encouraged, the Congregation in our presence has decreed in the matter of the Mindelheim convent:

-Lastly, that when the obligation contained in this decree is carried out, what was done to the English Virgins in the city of Mindelheim is to be entirely revoked. Mass is to be celebrated in their church, as it was before, and the Sacrament of the Most Holy Eucharist is to be reserved there. For this reservation, His Holiness, to whom this is reserved, gives the appropriate faculties to the Bishop of Augsburg.

This decree, which was approved by us *viva voce*, we now gladly confirm, because we understand that the Virgins of the convent have now shown due obedience, and that the holy and beloved Bishop of Augsburg has now also yielded to them. In their church both the Mass is celebrated as before and the Most Holy Sacrament of the Eucharist is reserved. The right of conceding other such favours belongs to us and to the Apostolic See personally, which was approved as related in the above decree. Canonical discipline teaches that the Holy Eucharist cannot be reserved in churches which are not parochial without the support of an Apostolic Indult, or immemorial custom which leads to the presumption of such an indult. This was extensively shown in the *Commentaria ad Romanorum Pontificum constitutiones* of Cardinal Vincent Petra (especially in *Const. I Urbani IV, sect. unic., num. 29 et seqq., tom. 3*). Therefore it belongs to the bishop to give permission to expose the Blessed Sacrament for the public veneration of the faithful, when there seems to be a just reason for the common good, as is to be seen in our *Institutione pastorali* (in *ed. italica, tom. 2, num. 10, in latina vero num. 30*).

To the English Virgins of the convent of Mindelheim, as the due reward of their obedience shown to their ordinary superior, as was proper, and having persevered in this obedience, by Apostolic authority, we hereby concede and grant that the Holy Sacrament of the Eucharist may be reserved and kept in the church of their convent, without prejudice to the rights of the parish church.

[Next follow (§§25-26) certain clauses for the strengthening and confirming all that has been said above, with everything that had been previously settled by either Urban or Clement and that the present letters are to be in full force and to have their complete effect for all future time and that all both men and women whom they may in any way concern, are henceforth inviolably to observe them....And if anyone, however great may be his or their dignity and authority shall presume either knowingly or otherwise to form a different judgment and to attack these our decisions, we hereby decree that all such proceedings shall be void and of no effect.]

§ 27. Hence we enjoin all our venerable brethren and beloved sons, Nuncios, Patriarchs, Primates, Archbishops, Bishops, and other local Ordinaries, as soon as these letters reach them and if they may be in any way concerned in this matter, to give them publication, with those of our Predecessors Urban and Clement and to see them exactly observed in every part. We moreover enjoin them to silence all and every rebellious gainsayer refusing to obey them, by censures, ecclesiastical penalties and every other remedy in their power. [... §28]

§ 29. That this Constitution and everything contained in it may come to the knowledge of all and that no one may pretend ignorance in the case, we will and command that they be publicly read and affixed by our couriers on the doors of the Lateran Church and of the Basilica of the Prince of the Apostles, and of the Apostolic Chancery, the general

curia in Monte Citatorio and in the Campo di Fiori in the city, as is customary. Every one whom they may concern shall be bound by them as much as if they had been intimated to each one of them nominally and personally. Every copy written or even printed, signed in the handwriting of any of our notary publics, and sealed with the seal of any person of ecclesiastical dignity, is to be received both in and out of court with the authority of the original, whenever or wherever produced.

Let no one then infringe, or by any rash attempt presume to act contrary to these our decisions and ordinations. But should anyone attempt this, let him know that he will incur thereby the indignation of the Almighty God, and of the blessed apostles Peter and Paul.

Given at Rome, at St. Mary Major's, April 30, 1749, in the ninth year of our Pontificate.

Signed: D. Card. Passioneus.

APPENDIX E

SACRED CONGREGATION OF PROPAGANDA FIDE, Decree of approbation and confirmation of the Institute of the Blessed Virgin Mary, February 15, 1877.¹

Whereas the Religious of the Congregation of the Blessed Virgin Mary, otherwise called the English Virgins, have petitioned the Holy Father Pius IX, by divine providence Pope, that he would, by his Apostolic authority, graciously deign to approve and to confirm the Institute which they profess, the Rule of which has been already approved by Clement XI of pious memory, by Letters Apostolic in form of Brief in the year 1703;

And whereas the right reverend fathers, their lordships the Bishop of Beverley and the Bishop of Rodiopolis, Vicar Apostolic of Patna in the East Indies, have most earnestly supported the prayer of the petitioners, and have most highly commended the Institute and its work;

Wherefore, His Holiness, on the advice of their Eminences the Cardinals of the S. Congregation of Propaganda Fide, who on January 29, 1877, maturely weighed the petition of the Sisters of the Blessed Virgin Mary, on the report of the undersigned pro-Secretary of the said S. Congregation, on February 4 of the same year, graciously approved and confirmed the said Institute, and ordered this present decree to be expedited.

Given at Rome, at the office of the S. Congregation of Propaganda Fide, February 15, 1877.

[Signed]

A. Cardinal Franchi, Pref.
J. B. Agnozzi, Secret.

¹ *Letters Apostolic by which Clement PP. XI., June 13th, 1703, Approved and Confirmed the Rules; Decree of His Holiness PP. IX., (sic) February 15th, 1877, Approving and Confirming the Institute of the Blessed Virgin Mary, with Appendix and Notes, Leeds, IBVM, [1877], AIY, pp. vii-viii.*

APPENDIX F

SACRED CONGREGATION FOR RELIGIOUS, Rescript, April 20, 1909.¹

Most Holy Father,

The Sisters of the Institute of the Most Blessed Virgin Mary, commonly called "the English Virgins", most humbly submit the following:

The religious Congregation known by the name of the Institute of the B. V. Mary has now more than 5250 sisters; it has houses in all parts of the world, given to various works of religion, but especially to the christian education of youth, having more than 62,000 girls under its charge.

From 1748 unto the present time it has not been permitted to this Institute to claim anyone as its foundress; of which singular and deplorable state of things, the following is a brief history:

About the year 1609 a certain English woman named Mary Ward established an institute of women, which having rapidly increased was, for good and sufficient reasons suppressed by Urban VIII in the Bull "Pastoralis Romani Pontificis", dated January 13, 1631.

However, a short time afterwards, this same Mary Ward gathered together many of her companions in the city of Rome itself. These, with the knowledge and indeed by the aid of the same Pope Urban, carefully avoiding all things that were prohibited, and having changed their manner of life, formed a new religious congregation.

By which thing indeed, it was by no means intended to revive the Institute suppressed by Urban VIII, as is clear, but that this Congregation of English Virgins should be regarded as truly a new Congregation, entirely different from that former Institute once and forever suppressed. The rules of this new Institute were approved by a brief of Pope Clement XI in 1703.

However in 1748 Pope Benedict XIV settled certain difficulties which had arisen between the Bishop of Augsburg and the sisters of this Institute, by means of his Bull "Quamvis justo", dated 21 July 1748 [sic]. In the said Bull, the pontiff amongst other matters approved of a decree of a special committee of the Sacred Congregation of Bishops and Regulars which met June 21, 1748. The tenor of this decree was that the English Virgins could not regard Mary Ward as their Mother or Foundress as they had been wont to do until that time.

Which prohibition judged necessary from motives of prudence at that time, was manifestly not of such a nature, that it should be regarded as stating an historical fact. The point at issue was to defend the Institute from the assertion of Bishop of Augsburg, who claimed that the Institute was that which had been suppressed by Urban VIII, and had therefore no right to exist.

But since this motive of prudence no longer exists, the above mentioned sisters most humbly request that the faculty may be once more granted to their Institute, of calling Mary Ward their Foundress, she having been regarded as such from the time of her death until the prohibition of 1748, more especially as this title can be shown to correspond to historical fact.

In the present petition there is no question of abrogating or in any way changing the decree of Benedict XIV in the Bull "Quamvis justo", still less of obtaining any declaration concerning the life of character of Mary Ward. Moreover the petition which is requested of calling Mary Ward, the foundress does not in any way affect the fact that her first Institute was absolutely and irrevocably suppressed by Urban VIII in 1631.

And may God etc.

¹ Prot. n. 1606/09, M10/2, ACIVC. English translation AIT.

In an audience given to the undersigned Cardinal Prefect of the Sacred Congregation of the Affairs of Religious Societies, on April 6, 1909, His Holiness graciously declared:

Since it is historically certain that the Institute of the Blessed Virgin Mary, commonly called the English Virgins, after its first institution had been legitimately suppressed by Urban VIII, shortly afterwards, being reformed with the approval of the same Pontiff had as its foundress Mary Ward;

And since it is equally certain that Benedict XIV from motives of prudence only, and indeed because of his special benevolence towards the said Virgins, in his wisdom not desiring that they should be any longer mistakenly regarded as members of the first Institute, commanded that they should not call Mary Ward their Foundress;

Having had the opinion of the Most Rev. D. Aidan Gasquet OSB, President of the English Benedictine Congregation, as also that of the Most Eminent and Most Reverend Cardinal Protector of the Institute of the Blessed Virgin Mary, all the circumstances of the times being in every respect changed;

It is declared that there is nothing henceforward to prevent the Institute of the Blessed Virgin Mary, commonly called the English Virgins, which has so excellently deserved of the Christian Commonwealth, from acknowledging Mary Ward, even publicly, as its foundress, due regard being had to the Decrees of the Holy See. Anything to the contrary notwithstanding.

Rome. April 20, 1909. [Signed] J. C. Card. Vives, Pref.

APPENDIX G

The distribution of provinces, regions and missions of the Institute of the Blessed Virgin Mary, 1987.

Roman Generalate¹

Generalate: Rome

Provinces:

München-Nymphenburg
Schwaben
Ostbayern
Oberfrankenland
Unterfrankenland
Rheinland
Austria
Südtirol
Italy
England
Spain
India
Brasil
Chile
Korea
Argentina (Region)
Zimbabwe (Mission)

Irish Generalate

Generalate: Rome

Provinces:

Ireland
India
Mauritius
England
Australia
South Africa
Spain
Kenya
Arizona USA (Region)
Peru (Mission)
Louisiana USA (Mission)

North American Generalate

Generalate: Toronto

Regions:

Canada
USA
St. Vincent and the Grenadines
WI. (Mission)

¹ In Hungary, Czechoslovakia and Roumania, membership of religious Institutes was still forbidden by law in 1987.

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BIOGRAPHICAL NOTE

Mary Elizabeth Wright, IBVM, was born on March 28, 1945, in Melbourne, Australia. She received her formal education at Genazzano Convent, Kew, and Mandeville Hall, Toorak, Victoria. After entering the Institute of the Blessed Virgin Mary in 1965, she studied Science at Melbourne University, and Education at Monash University.

During her teaching career she was Principal of Loreto Abbey, Mary's Mount, Ballarat, Victoria (1977-1980) and Loreto Convent, Kirribilli, New South Wales (1981-1985).

Her academic qualifications include Master of Science (Melbourne University, 1972), Diploma of Education (Monash University, 1973), Bachelor of Divinity (Melbourne College of Divinity, 1984), Licentiate in Canon Law (Saint Paul University, 1989) and Master of Canon Law (University of Ottawa, 1989).