



National Library
of Canada

Acquisitions and
Bibliographic Services Branch

395 Wellington Street
Ottawa, Ontario
K1A 0N4

Bibliothèque nationale
du Canada

Direction des acquisitions et
des services bibliographiques

395, rue Wellington
Ottawa (Ontario)
K1A 0N4

Your file - Votre référence

Our file - Notre référence

NOTICE

The quality of this microform is heavily dependent upon the quality of the original thesis submitted for microfilming. Every effort has been made to ensure the highest quality of reproduction possible.

If pages are missing, contact the university which granted the degree.

Some pages may have indistinct print especially if the original pages were typed with a poor typewriter ribbon or if the university sent us an inferior photocopy.

Reproduction in full or in part of this microform is governed by the Canadian Copyright Act, R.S.C. 1970, c. C-30, and subsequent amendments.

AVIS

La qualité de cette microforme dépend grandement de la qualité de la thèse soumise au microfilmage. Nous avons tout fait pour assurer une qualité supérieure de reproduction.

S'il manque des pages, veuillez communiquer avec l'université qui a conféré le grade.

La qualité d'impression de certaines pages peut laisser à désirer, surtout si les pages originales ont été dactylographiées à l'aide d'un ruban usé ou si l'université nous a fait parvenir une photocopie de qualité inférieure.

La reproduction, même partielle, de cette microforme est soumise à la Loi canadienne sur le droit d'auteur, SRC 1970, c. C-30, et ses amendements subséquents.

**THE EVOLUTION OF GOVERNANCE STRUCTURES
OF THE SISTERS OF MERCY OF AUSTRALIA
1846 – 1990**

by
Helen Mary DELANEY

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



Helen Mary Delaney, Ottawa, Canada, 1991



National Library
of Canada

Acquisitions and
Bibliographic Services Branch

395 Wellington Street
Ottawa, Ontario
K1A 0N4

Bibliothèque nationale
du Canada

Direction des acquisitions et
des services bibliographiques

395, rue Wellington
Ottawa (Ontario)
K1A 0N4

Your file / Votre référence

Our file / Notre référence

The author has granted an irrevocable non-exclusive licence allowing the National Library of Canada to reproduce, loan, distribute or sell copies of his/her thesis by any means and in any form or format, making this thesis available to interested persons.

L'auteur a accordé une licence irrévocable et non exclusive permettant à la Bibliothèque nationale du Canada de reproduire, prêter, distribuer ou vendre des copies de sa thèse de quelque manière et sous quelque forme que ce soit pour mettre des exemplaires de cette thèse à la disposition des personnes intéressées.

The author retains ownership of the copyright in his/her thesis. Neither the thesis nor substantial extracts from it may be printed or otherwise reproduced without his/her permission.

L'auteur conserve la propriété du droit d'auteur qui protège sa thèse. Ni la thèse ni des extraits substantiels de celle-ci ne doivent être imprimés ou autrement reproduits sans son autorisation.

ISBN 0-315-80045-3

Canada



UNIVERSITÉ D'OTTAWA
UNIVERSITY OF OTTAWA

TABLE OF CONTENTS

TABLE OF CONTENTS	ii
ACKNOWLEDGEMENTS	vi
ABBREVIATIONS	viii
INTRODUCTION	xi
CHAPTER ONE: THE FOUNDATION OF THE SISTERS OF MERCY	1
I. GENERAL BACKGROUND	3
A. <i>Ireland in the nineteenth century</i>	3
1. The political, economic and social context	4
2. The position of the Catholic Church	6
B. <i>Catherine McAuley and her mission</i>	10
1. Early life	11
2. Original project	15
II. THE FOUNDATION OF THE SISTERS OF MERCY	19
A. <i>The canonical establishment</i>	19
1. The choice of rule	19
2. Initial approbation	21
3. Final approbation	23
B. <i>The form of government proposed by Catherine McAuley</i>	25
1. Structure	26
2. Catherine McAuley's mode of operation	31
3. Growth of the Sisters of Mercy	34
CONCLUSION	36
CHAPTER TWO: THE ESTABLISHMENT OF THE SISTERS OF MERCY IN AUSTRALIA	39
I. GENERAL BACKGROUND	40
A. <i>The early settlement of Australia</i>	40

TABLE OF CONTENTS

iii

1. Discovery and colonisation	40
2. The development of the Catholic Church	42
B. <i>The Sisters of Mercy</i>	45
1. Foundations from Ireland	45
2. Other foundations from overseas	53
3. Australian foundations	56
4. General features	58
II. THE PERIOD OF CONSOLIDATION	62
A. <i>The general movement towards consolidation</i>	62
1. Ireland	62
2. North America	63
3. England	65
4. New Zealand	65
B. <i>The move towards consolidation in Australia</i>	66
1. Unchanged structures	68
2. Reunions	71
3. Amalgamations	72
C. <i>The question of common constitutions</i>	77
1. The proposal of the apostolic delegate	78
2. The juridic status of the Sisters of Mercy	83
3. The revision of the original constitutions	85
4. The response to the apostolic delegate	86
CONCLUSION	92
CHAPTER THREE: THE MOVEMENT TOWARDS UNITY	94
I. GENERAL BACKGROUND	95
A. <i>Canonical legislation</i>	95
B. <i>Interventions of the Holy See</i>	97
C. <i>The constitutions of the Australian Sisters of Mercy</i>	100
II. THE FIRST PHASE (1950-1962)	105
A. <i>Organisational consolidation (1954-1962)</i>	106
1. The formation of the Congregation of the Australian Union of the Sisters of Our Lady of Mercy	106
2. The formation of the Australian Federation of the Religious Sisters of Mercy	108
3. Factors influencing the eventual choice	110
B. <i>Government structures</i>	117
1. Union	117
2. Federation	121

TABLE OF CONTENTS

iv

3. Comparison of government structures 123

III. THE SECOND PHASE (1963-1977) 128

A. Application of Vatican II principles 128

 1. General teachings on religious life 129

 2. The impact of Vatican II on the Sisters of Mercy 132

 3. The movement towards common constitutions 134

B. The Conference of Sisters of Mercy of Australia 136

 1. Formation 136

 2. Purpose and structure 138

 3. Constitutions 140

 4. The general attitude towards national unity 142

 5. Revised statutes and by-laws 143

CONCLUSION 145

CHAPTER FOUR: THE INSTITUTE OF THE SISTERS OF MERCY OF AUSTRALIA 147

I. ESTABLISHMENT 148

A. General background 148

 1. The evolution from existing structures 148

 2. Approval and inauguration 149

B. Some aspects of the process 152

 1. Hopes and fears 152

 2. Method of consultation 154

 3. Canonical issues 155

II. THE PRESENT GOVERNANCE STRUCTURE 156

A. National government 156

 1. The ISMA Constitutions and Directory 157

 2. The national chapter 157

 3. The National President 158

 4. The National Executive Council 160

 5. The National Plenary Council 161

B. Congregational level 163

 1. Canonical status of congregations 163

 2. Relationships between ISMA and the congregations 164

 3. Relationships between congregations 166

C. Juridic category 167

 1. Resemblance to standard models 167

 2. Unique features 170

D. Comparison with other Mercy structures 171

TABLE OF CONTENTS

v

1. Institute of the Sisters of Mercy of the Americas	172
2. Mercy Ireland	175
3. Similarities and differences	177
III. DEVELOPMENTS TESTING THE STRUCTURE	178
A. Internal	179
1. Papua New Guinea	180
2. Mission projects	185
3. Problems facing modern religious life	186
B. External	187
1. The Sisters of Mercy in the South Pacific	187
2. Baggot Street Project	189
CONCLUSION	190
GENERAL CONCLUSION	192
APPENDICES	
<i>I: Catherine McAuley's Act of Profession</i>	202
<i>II: 1835 Decree</i>	203
<i>III: 1841 Decree</i>	204
<i>IV: Permanent Foundations made from Overseas (1846-1898)</i>	205
<i>V: Australian Foundations (1857-1907)</i>	206
<i>VI: Declaration concerning the Juridic Nature of the Sisters of Mercy</i>	208
<i>VII: 1954 Decree of Union</i>	209
<i>VIII: 1955 Decree of Federation</i>	210
<i>IX: Voting for Union/Federation/Status Quo</i>	211
<i>X: 1981 Decree establishing ISMA</i>	212
<i>XI: Location of the Motherhouses of the Member Congregations of ISMA</i>	213
SELECT BIBLIOGRAPHY	214
BIOGRAPHICAL NOTE	247

ACKNOWLEDGEMENTS

I wish to thank most sincerely Sisters Gabrielle Jennings, RSM, and Jan Geason, RSM, the past and present superiors of the Melbourne Congregation of the Institute of the Sisters of Mercy of Australia, for the opportunity to undertake doctoral studies and for their constant reassurance and support.

To the director of the dissertation, Reverend Francis Morrissey, OMI, for his encouragement, interest and generous, unobtrusive and expert guidance, I am extremely indebted and most grateful.

In the writing of this dissertation, I have derived considerable benefit from the interest, encyclopedic knowledge, wisdom and ready availability of Reverend Michael O'Reilly, OMI, and I thank him most sincerely. My gratitude is also extended to the Dean of the Faculty of Canon Law, Reverend Jean Thorn, for his continued interest, to the professors, especially Professor Michel Thériault for his advice on general methodology and Reverend William Woestman, OMI, for valued assistance, and to the staff of the library of Saint Paul University

To my mother, family, friends, and religious community, who provided support and encouragement from afar, I am most grateful. In particular, I thank Most Reverend J. P. O'Connell, DD, DCL, (Melbourne), for his constant reassurance and constructive advice, and Sister Frances Baker, RSM, for her invaluable practical assistance which she provided

ACKNOWLEDGEMENTS

vii

in her capacity as a contact person in Australia. In the same context, I acknowledge gratefully the expertise of Ms Paula Scifo for her transcription of many dictaphone tapes.

Finally, I thank all those who have contributed in any way to this work, especially Sister Mary Wright, IBVM, and those Sisters of Mercy who have offered advice and made suggestions – Cathy Darcy (New Jersey), Olive Flanagan (Elphin), Maureen Lawlor (Newfoundland), Judith Leydon (Auckland), and Margaret MacDonald (Wellington) – and my companions in the doctoral programme.

ABBREVIATIONS

<i>AAS</i>	<i>Acta Apostolica Sedis</i>
ACAP	Archives of the Catholic Archdiocese of Perth
ACICL	Archives of the Congregation for Institutes of Consecrated Life and Societies of Apostolic Life
AISMA	Archives of the Institute of the Sisters of Mercy of Australia
APF	Archives of the Sacred Congregation for the Propagation of the Faith/Congregation for the Evangelisation of Peoples
<i>ASS</i>	<i>Acta Sanctae Sedis</i>
c./cc.	canon/canons
<i>CIC/1917</i>	<i>Codex iuris canonici, Pii X Pontificis Maximi, iussu digestus, Benedicti Papae XV auctoritate promulgatus</i>
<i>CIC/1983</i>	<i>Codex iuris canonici auctoritate Ioannis Pauli PP. II promulgatus</i>
CICL	Congregation for Institutes of Consecrated Life and Societies of Apostolic Life
<i>Correspondence</i>	McAULEY, C., <i>The Correspondence of Catherine McAuley 1827-1841</i> , ed. M.A. BOLSTER, Cork, Congregation of the Sisters of Mercy of the Diocese of Cork and Ross, 1989, xxviii-268p.
<i>DD</i>	Diaries of Mother Evangelist Doogan
<i>ES</i>	<i>Ecclesiae sanctae</i>
Federation	Australian Federation of the Religious Sisters of Mercy
ISMA	Institute of the Sisters of Mercy of Australia
<i>LG</i>	<i>Lumen gentium</i>
<i>PC</i>	<i>Perfectae caritatis</i>
<i>Positio</i>	<i>Documentary Study for the Canonization Process of the Servant of God, Catherine McAuley, Founder of the Congregation of the Sisters of Mercy, 1778-1841: Positio super virtutibus</i>

ABBREVIATIONS

ix

Propaganda	Sacred Congregation for the Propagation of the Faith/Congregation for the Evangelisation of Peoples
Prot. No.	Protocol Number
NEC	National Executive Council of the Institute of the Sisters of Mercy of Australia
NPC	National Plenary Council of the Institute of the Sisters of Mercy of Australia
RSM	Religious Sisters of Mercy
RSM-A	Archives of the Sisters of Mercy of Adelaide
RSM-B	Archives of the Sisters of Mercy of Bathurst
RSM-BE	Archives of the Sisters of Mercy of Ballarat East
RSM-Br	Archives of the Sisters of Mercy of Brisbane
RSM-C	Archives of the Sisters of Mercy of Cairns
RSM-G	Archives of the Sisters of Mercy of Goulburn
RSM-FW	Archives of the Federation of the Sisters of Mercy of the Americas, Washington
RSM-Gr	Archives of the Sisters of Mercy of Grafton
RSM-Gu	Archives of the Sisters of Mercy of Gunnedah
RSM-M	Archives of the Sisters of Mercy of Melbourne
RSM-NS	Archives of the Sisters of Mercy of North Sydney
RSM-P	Archives of the Sisters of Mercy of Parramatta
RSM-Pe	Archives of the Sisters of Mercy of Perth
RSM-R	Archives of the Sisters of Mercy of Rockhampton
RSM-S	Archives of the Sisters of Mercy of Singleton
RSM-UW	Archives of the Sisters of Mercy of the Union in the United States of America, Washington

ABBREVIATIONS

x

RSM-WF	Archives of the Sisters of Mercy of Wilcannia-Forbes
SCRel.	Sacred Congregation for Religious
SCEp. et Reg.	Sacred Congregation for Bishops and Regulars
SCRIS	Sacred Congregation/Congregation for Religious and Secular Institutes
SOCG	Scritture Originali riferite nelle Congregazione Generali
Union	Congregation of the Australian Union of the Sisters of Our Lady of Mercy
USA Union	Union of the Religious Sisters of Mercy of the United States of America

INTRODUCTION

Life consecrated through the profession of the evangelical counsels, "though it does not belong to the hierarchical structure of the church, belongs unquestionably to its life and holiness."¹ Moreover, the Church has consistently insisted on the right to regulate its various expressions, a right which is stated in contemporary terms in the 1983 Code of Canon Law:

It is the prerogative of the competent authority in the church to interpret the evangelical counsels, to legislate for their practice and, by canonical approval, to constitute the stable forms of living which arise from them. The same authority has the responsibility to do what is in its power to ensure that institutes grow and flourish according to the spirit of their founders and to their sound traditions.²

¹ "Status ergo, qui professione consiliorum evangelicorum constituitur, licet ad Ecclesiae structuram hierarchicam non spectet, ad eius tamen vitam et sanctitatem inconcusse pertinet." SECOND VATICAN COUNCIL, Dogmatic Constitution on the CHURCH, *Lumen gentium*, 21 November 1964, no. 44 (=LG followed by the paragraph number), in *Acta Apostolicae Sedis: commentarium officiale* (=AAS), Romae, Typis polyglottis Vaticanis, 57 (1965), p. 51. English translation from N. P. TANNER, ed., *Decrees of the Ecumenical Councils*, (=TANNER, volume and page number), London, Sheed & Ward; Washington, DC, Georgetown University Press, vol. 2, p. 886. See also *Codex iuris canonici auctoritate Ioannis Pauli PP. II promulgatus* (=CIC/1983), Libreria editrice Vaticana, 1983, canon 574 § 1 (hereafter all references to canons will be styled c. for "canon" and cc. for "canons" followed by the canon number[s]). English translation: *The Code of Canon Law*, 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, xv-319p.

² CIC/1983, c. 576: "Competentis Ecclesiae auctoritatis est consilia evangelica interpretari, eorundem praxim legibus moderari atque stabiles inde vivendi formas canonica approbatione constituere itemque, pro parte sua, curare ut instituta secundum spiritum fundatorum et sanas traditiones crescant et floreat."

A related canon refers to this right again when it treats of the heritage of a religious institute:

The whole patrimony of an institute must be faithfully preserved by all. This patrimony is composed of the intentions of the founder, 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

Consequently, a substantial body of law concerning religious institutes has developed.

This law comes from several sources, the most obvious of which is the general universal law of the Church. Sometimes, however, the laws of particular churches may also affect the development of religious institutes, and their own proper law shapes, directs and fosters the unique contribution they make to the life of the Church.⁴

Religious life has not remained static. Adaptations and new forms have emerged in response to changing circumstances as well as to contemporary or cultural needs, and the development of any religious institute is the result of complex interaction of a number of factors. The Sisters of Mercy, the subject of this study, and an example of one such comparatively recent form of religious life, have undergone various changes in their particular life-style and mission.

³ *CIC/1983*, c. 578: "Fundatorum mens atque proposita a competenti auctoritate ecclesiastica sancita circa naturam, finem, spiritum et indolem instituti, necnon eius sanae traditiones, quae omnia patrimonium eiusdem instituti constituunt, ab omnibus fideliter servanda sunt." A detailed treatment of this canon may be found in P. NGUYEN DAN, *The Spiritual Patrimony of an Institute of Consecrated Life*, Romae, Pontificia Universitas Urbaniana, 1989, xvii-207p. See also J. KALLUMKAL, "The Patrimony of an Institute", in *Commentarium pro religiosis et missionariis*, 7 (1989), pp. 263-303.

⁴ The law of religious institutes is found in constitutions approved by the Holy See and in other sources such as customaries and directories. See *CIC/1983*, c. 587, especially § 1.

The contribution of the founder who occupies a special place in the life of any religious institute is particularly important. According to his or her aims and spirit,⁵ a new institute of consecrated life is fashioned "to seek the perfection of charity in the service of God's Kingdom, for the honour of God, the building up of the Church and the salvation of the world."⁶ Two associated canons emphasise the importance of nurturing the spirit of the founder for the continued growth of an institute, and both refer to a second factor, the sound traditions which have developed during its existence.⁷ These traditions have often arisen through the needs of the apostolate which in turn are influenced by the history and culture of the place in which the institute finds itself.

Catherine McAuley founded the Sisters of Mercy in Dublin in 1831 and they spread rapidly throughout most of the English-speaking world.⁸ In 1846, a small group of Sisters of Mercy came to Australia. They were the forerunners of similar groups who, during the

⁵ The teachings of the Second Vatican Council encouraged religious institutes to examine anew the contribution of their founders. Although neither the council documents nor *CIC/1983* used the term "charism", other documents from the Holy See did, and its meaning often included the concept of "the spirit of the founder", which, since the Council, has been explored in great detail. For the purposes of this study, a useful overview may be found in M. R. JURADO, "Consecrated Life and the Charisms of the Founders", in *Vatican II: Assessment and Perspectives: Twenty-Five Years After (1962-1987)*, ed. R. LATOURELLE, New York, Paulist Press, 1989, vol. 3, pp. 3-26.

⁶ *CIC/1983*, c. 573 § 1: "... in Eius honorem atque Ecclesiae aedificationem mundique salutem novo et peculiari titulo dediti, caritatis perfectionem in servitio Regni Dei consequantur ..."

⁷ Cf. *CIC/1983*, cc. 576 and 578.

⁸ The Sisters of Mercy are the largest religious institute founded by an English-speaking Catholic. See E. A. RYAN, "The Sisters of Mercy: An Important Chapter in Church History", in *Theological Studies*, 18 (1957), pp. 254-270.

next fifty years, established many independent foundations. It seems that one important factor contributing to this expansion was their structure of government which was based on the monastic pattern of autonomous houses observing common constitutions and acknowledging the same founder.

Early in the twentieth century, for various reasons, many of these Australian foundations began a process of consolidation which led to the formation of the seventeen autonomous congregations which now constitute the Institute of the Sisters of Mercy of Australia.⁹

Through a chronologically organised plan, this dissertation examines the changes in the structures of governance of an apostolic religious community in a particular cultural and ecclesiastical milieu.¹⁰ Emphasis is placed on the manner whereby the original independent houses developed into centralised congregations which then became either provinces in a union or congregations in a federation, and eventually member congregations of a national institute. A recurring theme of this analysis is an assessment of the evidence for the claim made in the present constitutions that "the tradition of our Institute is to combine decentralisation in government with a deep and personal concern for unity of spirit."¹¹

⁹ Hereafter referred to when appropriate by the acronym "ISMA".

¹⁰ One of the difficulties experienced during this investigation was the need not to over-emphasise the historical aspects of the topic at the expense of the canonical study. However, Canon 17 states that "Leges ecclesiasticae intelligendae sunt secundum propriam verborum significationem in textu et contextu consideratam; ...", and in this topic, the context is definitely historical, and to a certain extent, geographical.

¹¹ INSTITUTE OF THE SISTERS OF MERCY OF AUSTRALIA, *Constitutions and Directory* (=ISMA *Constitutions and Directory*), Sydney, 1987, para. 6.03, p. 25.

Several reasons influenced the choice of topic. Obviously, the personal interest and involvement of the writer, an Australian Sister of Mercy, was a significant motivating factor. Another reason is related to the growing awareness of the importance of studying the contribution the Sisters of Mercy have made to the development of the Catholic Church in Australia.

It is almost a truism to say that religious life is now in a period of transition. While this study seeks to document one aspect of a way of life which seems to be disappearing, it also recognises that a new expression is taking shape. This is building on the past and cannot afford to ignore the lessons to be learned there, even from such seemingly uninspiring material as structures of governance. So, although the topic treats of one rather specialised part of the total life of a religious institute, it reflects and illustrates the importance of choosing and continually evaluating structures designed to facilitate the role of the institute in the mission of the Church.

In addition, the changes the Australian Sisters of Mercy experienced in their government structure provide a good example of the evolution of canonical legislation governing religious with simple vows over the past one hundred and fifty years. Although the original structure was based on that of an earlier type of religious life, in some ways, the changes which followed were typical of the pattern of growth of similar groups.

Some individual Australian congregations have been the subject of studies, but the writer is aware of only one significant work dealing with the Sisters of Mercy on the national

level. This study has been of great assistance, as also has been the advice and suggestions of the author, Sister Valda M. Ward, RSM, to whom the writer expresses her gratitude.¹²

The dissertation relies heavily on unpublished archival material. With the permission of Cardinal Josef Tomko, prefect of the Congregation for the Evangelisation of Peoples,¹³ the writer carried out research in the archives of this congregation which had jurisdiction over the Sisters of Mercy in Australia until 1908. After that date, the Sacred Congregation for Religious handled their affairs,¹⁴ and, with the permission of Cardinal Jérôme Hamer, OP, prefect of the Congregation for Institutes of Consecrated Life and Societies of Apostolic Life,¹⁵ the writer had access to its archives and acknowledges with gratitude the assistance received from Father C. Gorricho, CMF, and Sister Basilisa Ulesi, ACI.

¹² V. M. WARD, "The Relationship between Selected Organisational Characteristics and the Process of Change leading to a New Structure of Governance for the Sisters of Mercy (Australia) in 1981: A Case Study" (= "A New Structure of Governance"), PhD thesis, Armidale, University of New England, 1986, xiv-379p. The Sisters of Mercy have generally used the designation "RSM" (Religious Sisters of Mercy) since the 1950s. In the interests of consistency, and given the preponderance of material by and about Sisters of Mercy, this abbreviation is used only when convenient or if its absence might cause confusion. When referring to other religious, the applicable abbreviation is used only in the first citation.

¹³ Prior to 1967, this congregation was known as the Sacred Congregation for the Propagation of the Faith, and it will be referred to in this study as "Propaganda". In other cases, where official titles have changed, as for example, the various names given to the Roman dicastery responsible for religious institutes, or there has been an inconsistency in their use, the title as it was at the time, or as it was written in the particular reference, is used.

¹⁴ See PIUS X, Apostolic Constitution *Sapienti consilio*, 29 June 1908, in *AAS*, 1 (1909), pp. 11-12, establishing the Sacred Congregation for Religious (=SCRel.).

¹⁵ Hereafter referred to whenever appropriate as "CICL".

Generous access to the archives of the Sisters of Mercy of the Union in Washington, DC, overcame any problems regarding documentation relating to the early canonical development of the Sisters of Mercy; these archives were also a valuable source for current material on the formation of the Institute of the Sisters of Mercy of the Americas. The writer is especially grateful to the superior general, Sister Helen Amos, RSM, and the archivist, Mrs Mollie McMahon, for their assistance. The archives of the Sisters of Mercy of Newfoundland provided additional material, and for access to them, gratitude is extended to the superior general, Sister Marion Collins, RSM, and the archivist, Sister Marie Michael Power, RSM.

The archives of ISMA and its member congregations provided the bulk of the material used in the preparation of this dissertation. The writer was fortunate to have had the opportunity to visit all of these archives.¹⁶ For their generous co-operation and invaluable assistance, sincere gratitude is expressed to the ISMA National President, Sister Kath Burke, RSM, and archivist, Sister Mary Ryan, RSM, and the congregational superiors, archivists and other contact persons of the member congregations. The writer is reasonably confident that she has examined the most important source material although some confirmatory and supplementary material might be found in diocesan archives. The archives

¹⁶ Certain problems were experienced in utilising the documentation of much of this archival material. For instance, the methods of classification varied widely. In this study, most archival references cite only the principal source. As well, much of the material was in the form of letters. For their citation, after the first full reference is made, a shortened form of the writer's name is used where it is available and its use is clear. In such stylistic matters as abbreviations, the use of capital letters and punctuation, where appropriate, the recommendations contained in the official Australian style manual are used. See COMMONWEALTH OF AUSTRALIA, *Style Manual for Authors, Editors and Printers*, 4th ed., Canberra, Australian Government Printing Service, 1988, xi-409p.

of the Catholic Archdiocese of Perth, the location of the first Australian foundation of the Sisters of Mercy, were examined from this perspective, and the writer is grateful for the assistance of the archdiocesan archivist, Sister Mary Raphael Coady, RSM.

During the period of research preparatory to the study, the writer spoke to Sisters of Mercy who were active participants in the more recent events examined and is particularly indebted to Sisters Dorothy Campion, Gabrielle Jennings, and Fabian O'Connell (RIP) for their advice and constructive suggestions. Many people were able to offer fascinating insights and viewpoints, but, in some cases these have not been incorporated into the text, partly because a few areas are still sensitive and partly because they are not relevant to a strictly canonical investigation.

The dissertation consists of four chapters. Chapter one provides background material on the general context within which the Sisters of Mercy were founded in Ireland and on the life, aspirations and motivation of their founder, Catherine McAuley, the type of governance structure she chose and how she operated within it.

Chapter two deals with the establishment of the Sisters of Mercy in Australia. During this period, the Holy See developed the law for apostolic communities of this type. Pope Leo XIII recognised their status which was systematically dealt with in the 1917 Code of Canon Law.¹⁷ As well, in 1925, the Holy See clarified the juridic nature of the various communities of Sisters of Mercy, a matter which had been the subject of some controversy and considerable confusion.

¹⁷ *Codex iuris canonici, Pii X Pontificis Maximi, iussu digestus, Benedicti Papae XV auctoritate promulgatus (=CIC/1917), Romae, Typis polyglottis Vaticanis, 1917, xlvii-1200p.*

The movement towards an even closer structural unity began in the 1950s, and is the subject of chapter three. Communities were in various states of readiness to consider the practical implications of this, and as a result, they formed two juridically distinct bodies — a union and a federation. Chapter three examines these developments and a further move which resulted in the formation of a coordinating structure at the national level.

The continuation of this trend resulted in the formation of a new body, the Institute of the Sisters of Mercy of Australia. In chapter four, the structure, operation and challenges facing it are examined.

This study is an attempt to provide the canonical background for, and an examination of the present situation regarding the structures of governance of an apostolic religious community in a particular cultural and ecclesiastical milieu, and from it, a number of conclusions may be drawn. The canonical analysis of the early development of the Australian Sisters of Mercy not only may assist them to understand the present situation, but may also indicate future directions. In a broader context, the lessons to be learned from this process may be applicable to other religious institutes facing issues of restructuring and internal reorganisation.

CHAPTER ONE

THE FOUNDATION OF THE SISTERS OF MERCY

One of the basic principles guiding the renewal of religious life so strongly promoted by the teachings of the Second Vatican Council was the necessity to study the spirit and aims of the founder in order to re-interpret them according to modern conditions.¹ Pope Paul VI, for example, stated that "the Council rightly insists on the obligation of religious to be faithful to the spirit of their founders, to their evangelical intentions, and to the example of their sanctity."² Consequently, an examination of the spirit and aims of the founder and the development of the traditions of the institute provides the necessary background for a study of the Australian Sisters of Mercy.³

¹ See SECOND VATICAN COUNCIL, Decree on the Up-to-Date Renewal of Religious Life, *Perfectae caritatis* (=PC and paragraph number), 28 October 1965, in *AAS*, 58 (1966), pp. 702-712. See also J. C. FUTRELL, "Discovering the Founder's Charism", in *The Way Supplement*, 14 (1971), pp. 62-70; F. E. GEORGE, "Founding 'Founderology'", in *Review for Religious*, 36 (1977), pp. 40-48; B. OLIVIER, "Il carisma della vita consacrata nel Concilio e nei documenti post-conciliari", in *Vita consacrata*, 17 (1981), pp. 323-340; and J. R. M. TILLARD, "Founder's Charism or Founding Charism?", in *Religious Life Review*, 22 (1983), pp. 313-325.

² "Concilium non aliter religiosis utriusque sexus officium iure merito inculcat fideliter servandi spiritum eorum Conditorum horumque proposita evangelica et exempla sanctitatis ...". PAUL VI, Apostolic Exhortation, *Evangelica testificatio*, 29 June 1971, in *AAS* 63 (1971), p. 503; English translation in A. P. FLANNERY, ed., *Vatican Council II: The Conciliar and Post Conciliar Documents* (=Flannery, and page number), Grand Rapids, W. B. Eerdmans Publ. Co., 1975, p. 685.

³ Several canons refer to the traditions of the institute. See for example, *CIC/1983*, cc. 574, 576 and 578.

Catherine McAuley founded the Sisters of Mercy in Ireland during a period of political, economic and social ferment. It was also a time during which many congregations of religious women with simple vows were being established.⁴ As they were an example of this new expression of religious life, special emphasis is placed on their canonical development, particularly in reference to provisions for governance.

This chapter focuses on the manner in which Catherine McAuley's experiences of life and her perceptions of the needs of her time influenced and directed her as she founded a new religious family. The relevant ecclesiastical authorities, especially Archbishop Daniel Murray of Dublin,⁵ co-operated with her and offered guidance and eventual approbation at the highest level in accordance with their traditional role.⁶

⁴ For studies of the development of congregations of women religious with simple vows, see G. LESAGE, *L'accession des congrégations à l'état religieux canonique*, Ottawa, Éditions de l'Université d'Ottawa, 1952, 240p.; C. R. ORTH, *The Approbation of Religious Institutes*, Canon Law Studies No. 71, Washington, DC, Catholic University of America, 1931, v-171p.; and F. J. CALLAHAN, *The Centralization of Government in Pontifical Institutes of Women with Simple Vows (From their beginnings till the legislation of Leo XIII)*, Romae, Pontificia Universitas Gregoriana, 1948, 112p.

⁵ Daniel Murray studied for the priesthood at the Irish College in Salamanca and was ordained in 1792. After some years in several parishes in and near Dublin, he was consecrated titular bishop of Hierapolis and appointed coadjutor to Archbishop John Troy, OP, of Dublin, whom he succeeded in 1832. He died in 1852. See M. RONAN, "Archbishop Murray (1768-1852)", in *The Irish Ecclesiastical Review*, 77 (1952), pp. 241-249, for further details of his life.

⁶ The Second Vatican Council described their role in contemporary terms. See LG 43, in TANNER, 2, p. 884. See also CIC/1983, c. 576.

I. GENERAL BACKGROUND

A. Ireland in the nineteenth century

In the nineteenth century, Ireland was emerging from a long period of political oppression, religious persecution and economic exploitation. Although poverty, ignorance and disease were prevalent, Irish Catholics were beginning to experience some relief from the devastating consequences of the Penal Code which had been introduced in the early eighteenth century.

This legislation was designed to restrict social, political and economic power to a small privileged group, mainly of English descent, who belonged to the Church of Ireland. While some of the provisions affected dissenters, most were intended for Catholics and were designed to prevent them from acquiring political power. Catholic ownership of land, the key to this, was made virtually impossible. In addition, Catholics were excluded from government positions and all professions except medicine; opportunities in the business and commercial world were severely restricted; they could not attend or keep schools or send their children abroad to be educated; and far-reaching laws were introduced which, if enforced with full rigour, would have destroyed the organisation of the Catholic Church and made it impossible for people to practise their religion.⁷

⁷ For brief accounts of the main provisions of this legislation and its effects, see M. WALL, *The Penal Laws, 1691-1760*, Dundalk, Dublin Historical Association, 1967, 68p.; and J. BRADY & P. J. CORISH, *The Church under the Penal Code*, in P. J. CORISH, gen. ed., *A History of Irish Catholicism*, Dublin, Gill & Macmillan, 1967-1972, vol. 4, part 2, 88p.

1. The political, economic and social context

By the second half of the eighteenth century, some alleviation of the laws and toleration of Catholics had begun, mainly because the British government had modified its attitude towards Catholics, chiefly for reasons of political expedience.⁸

Fears of possible Jacobite uprisings were over — the Irish in fact had not joined in any of them — and the Catholic Church no longer supported the claims of the Stuarts to the throne. As well, by the Treaty of Paris (1763), England acquired Catholic subjects in Canada and the West Indies and guaranteed to respect their religious liberty. Also, the need to maintain a large army led to the recruitment of Catholics to junior ranks. Legislation between 1772 and 1793 removed many restrictive clauses regarding land ownership, education and the position and status of the clergy.

However, many discriminatory clauses still existed, and, although often ignored, the threat of their possible reactivation caused constant insecurity and tension. This was a major factor in the uprising of 1798 which convinced the British Government and the ruling Protestant group that closer ties with Britain were necessary to keep the balance of power. Consequently, despite some Protestant opposition, but with support from many Catholics, who were promised relief, the Act of Union between Great Britain and Ireland came into force in January 1801. Its great weakness and the focus of opposition for all sectors of the

⁸ See E. M. JOHNSON, *Ireland in the Eighteenth Century*, in J. LYDON & M. MacCURTAIN, *The Gill History of Ireland*, Dublin, Gill & Macmillan, 1972-1975, vol. 8, pp. 17-52 and 164-195.

population was the failure to grant Catholic emancipation which in fact was not achieved until 1829.⁹

While the political fortunes of Ireland during the period under consideration appeared to be improving, the economic situation remained extremely precarious. Ireland was a rural and agricultural society but several factors threatened to undermine its stability. The most significant was the rapid population increase.¹⁰ Problems associated with this, and the inadequate land holdings of most farmers, led to an excessive dependence on potatoes as the staple food. They were cheap, nutritious, easy to grow, and yielded high returns from a small acreage. But they could not be stored, were susceptible to a number of diseases and could not be easily and cheaply replaced, as several local crop failures prior to 1845 had demonstrated. Between then and 1851, there were widespread crop failures and hundreds of thousands died of hunger and associated diseases or were forced to emigrate. By 1851, the population had declined by 20% and the economic life of the country had changed irrevocably.¹¹

⁹ For an account of events leading up to the granting of Catholic emancipation, see G. Ó TUATHAIGH, *Ireland before the Famine, 1798-1848*, in J. LYDON & M. MacCURTAIN, *The Gill History of Ireland*, Dublin, Gill & Macmillan, 1972-1975, vol. 9, pp. 29-79.

¹⁰ Between 1785 and 1835 the population doubled, and, was more than eight million by 1841. Most people depended on the land for a living and there was very little industry. See S. J. CONNOLLY, *Priests and People in Pre-Famine Ireland, 1780-1845*, Dublin, Gill & Macmillan, 1982, p. 21.

¹¹ For detailed treatment of this period, see C. WOODHAM-SMITH, *The Great Hunger: Ireland 1845-49*, London, Hamish Hamilton, 1962, xii-510pp.; and R. D. EDWARDS & T. D. WILLIAMS, eds, *The Great Famine: Studies in Irish History, 1845-52*, Dublin, Browne & Nolan, 1956, xvi-517pp.

While it was generally estimated that the Irish agricultural class as a group was one of the poorest in Western Europe, there was a wide variation in both wealth and social status in rural society. The poorest and most disadvantaged were the landless agricultural labourers but many tenant farmers were relatively prosperous and secure. After the passage of the Relief Acts between 1778 and 1793, wealthy Catholics began to purchase land and to enter into the landed gentry class, and in the larger towns, an affluent merchant middle class developed. Many of these wealthy merchants supported religious and charitable works, especially the education of the poor.¹²

2. The position of the Catholic Church

The restrictions in the Penal Code against the Catholic Church were difficult to enforce and, in many areas, the will, as well as the resources to do so, were lacking. As a result, from the middle of the century, the Catholic Church functioned openly with the tacit approval, and at times, the active co-operation of the government.

However, the continual repression and harassment had some undesirable consequences for Church life and practice, so, when conditions improved, it entered a period of reform and growth. A passage in the 1837 Catholic Directory described this development as follows:

Catholicity pure and undefiled is every day advancing in Ireland. Although the people are still persecuted and impoverished by men who give them nothing in return, yet ...",

¹² For statistical information on the social structure of rural Ireland, see S. J. CONNOLLY, *Priests and People*, pp. 17 and 270-280. See also P. J. CORISH, *The Irish Catholic Experience: A Historical Survey*, Dublin, Gill & Macmillan, 1985, p. 152; and C. CLEAR, *Nuns in Nineteenth Century Ireland*, Dublin, Gill & Macmillan, 1988, pp. 86-99.

and then followed a list of changes and achievements – new churches; the founding of convents and monasteries; the spread of education; learned and pious bishops and clergy; and more devout and observant people.¹³ One omission in this contemporary record was an account of the development of charitable institutions and hospitals. These had commenced about the same time, usually under the auspices of one of the newly-founded congregations of religious women.

At the beginning of the nineteenth century, the number of women religious in the country was very small. It has been estimated that there were about 120 nuns in 1800. These belonged mainly to enclosed contemplative orders such as Poor Clares, Carmelites and Dominicans but, because of the exigencies of the time, they all engaged, as far as they were able, in some form of the educational apostolate. Their way of life, in particular the rule of enclosure to which they were obliged, made it very difficult for them to address the needs

¹³ Quoted in D. J. KEENAN, *The Catholic Church in Nineteenth Century Ireland: A Sociological Study*, Dublin, Gill & Macmillan, 1983, p. 114. There were some weaknesses in the general organisational structures, a certain relaxation of ecclesiastical discipline, internal conflict and a number of less-than-admirable bishops and clergy. See S. J. CONNOLLY, *Priests and People*, p. 58-73. For a short account of some of the problems reforming bishops faced with recalcitrant clergy, see E. LARKIN, "Church and State in Ireland in the Nineteenth Century", in *Church History*, 31 (1962), pp. 294-306. See also J. H. WHYTE, "The Appointment of Catholic Bishops in Nineteenth Century Ireland", in *The Catholic Historical Review*, 48 (1962-1963), pp. 19-25, for an analysis of the quality of some of the bishops in the first half of the nineteenth century. Reform-minded bishops such as Bishop James Doyle of Kildare and Leighlin (1819-1834), Archbishops John Troy (1786-1823) and Daniel Murray (1823-1852) of Dublin and Archbishop, later Cardinal, Paul Cullen of Armagh (1850-1852) and Dublin (1852-1878), gradually effected changes in their own dioceses. In 1850, the bishops gathered for the Plenary Synod of Thurles, the first national synod to be held in Ireland since the reformation, and an important means by which ecclesiastical discipline was improved, uniformity of religious practice was encouraged, abuses were corrected and growth in the Faith was nurtured. See *Synodus plenaria episcoporum Hiberniae apud Thurles, anno 1850*, in *Acta et decreta sacrorum conciliorum recentiorum: Collectio Lacensis*, auctoribus presbyteris S.J. e domo B. V. M. sine labe Conceptae ad Lacum, Friburgi Brisgoviae, Herder, 1875, vol. 3, pp. 768-803.

in an appropriate and adequate manner.¹⁴ This was a compelling factor leading to the foundation of several important congregations of religious women.

The first of these was the Sisters of Charitable Instruction of the Sacred Heart of Jesus, later known as the Presentation Sisters, which Nano Nagle founded in Cork in 1775.¹⁵ A few years later, they established a convent at George's Hill in Dublin. Shortly afterwards, the sisters themselves altered Nano Nagle's original plan when they requested solemn vows and enclosure.¹⁶

When he was still the coadjutor archbishop of Dublin, Daniel Murray was closely involved in the foundation of the next two congregations. He sent Mary Aikenhead, a wealthy convert, to York to be trained in the religious life at the Micklegate Bar Convent which belonged to the Institute of the Blessed Virgin Mary founded by Mary Ward in 1609.

¹⁴ See P. J. CORISH, *The Irish Catholic Experience*, p. 203. See also H. W. CONCANNON, *Irish Nuns in Penal Days*, Covent Garden, Sands & Co., 1831, pp. 27-90, for short histories of these communities.

¹⁵ See T. W. WALSH, *Nano Nagle and the Presentation Sisters*, Dublin, M. H. Gill, pp. 94-159.

¹⁶ Originally, Bishop Francis Moylan of Cork, under whose guidance the Presentation rule was developed in 1793, had wanted the sisters to take solemn vows but not be obliged to observe the laws of enclosure. The time was not propitious for this, and in 1805, the sisters requested and were granted permission from the Holy See to "be freely admitted to the Solemn Profession of Religious Vows with the addition of a fourth, namely, that of educating and instructing young girls, especially the poor, ... [and] to observe the laws of enclosure." Quoted in T. J. WALSH, *Nano Nagle and the Presentation Sisters*, pp. 179-180. See also M. R. CONSEDINE, *Listening Journey: A Study of the Spirit and Ideals of Nano Nagle and the Presentation Sisters*, Elsternwick, Port Phillip Press, 1983, pp. 191-208, for a discussion of the reasons for the adoption of solemn vows and enclosure.

On her return, she established the Sisters of Charity,¹⁷ who were canonically erected in 1816. Their rule and constitutions were based on the Jesuit constitutions, and they were the first congregation of uncloistered women in Ireland.¹⁸

These constitutions were also the basis for the rule of the Institute of the Blessed Virgin Mary which Archbishop Murray was instrumental in bringing to Ireland. He wished the Sisters of Charity to work with the poor but did not want to neglect the education of the daughters of the wealthier Catholics. To cater for them, he arranged for Frances Ball, the daughter of a wealthy Dublin merchant, to return to the Micklegate Bar Convent, where she had been educated, to be trained in the religious life. In 1822 she established the Irish branch of Mary Ward's Institute, often known as the Loreto Sisters.¹⁹ Finally, and almost by default, he was closely involved in the foundation of the Sisters of Mercy.

¹⁷ See M. M. DONOVAN, *Apostolate of Love: Mary Aikenhead: 1787-1858*, Melbourne, Polding Press, 1979, pp. 13-33.

¹⁸ Strictly speaking, the term "rule" should be reserved for the rules of the approved orders according the Fourth Lateran Council (1215), c. 13: "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." TANNER, 1, p. 242. This instruction was repeated and strengthened by c. 23 of the Second Council of Lyons (1274). *Ibid.*, p. 326. However, several mendicant orders which had been founded during this period, such as the Franciscan, Dominican, Augustinian and Carmelite friars, were exempted from this prohibition. See C. R. ORTH, *The Approbation of Religious Institutes*, pp. 27-38; and B. J. FARRELL, *The Rights and Duties of the Local Ordinary Regarding Congregations of Women Religious of Pontifical Approval*, Canon Law Studies No. 128, Washington, DC, Catholic University of America, 1941, pp. 18-25. For a succinct explanation of the changing meanings of terms such as "rule", "rules", and "constitutions", see IGNACIO DE LOYOLA, *The Constitutions of the Society of Jesus*, translated, with an Introduction and Commentary, by G. E. GANSS, St. Louis, Institute of Jesuit Sources, 1970, pp. 39-43.

¹⁹ See [E. MacDONALD], *Joyful Mother of Children: Mother Mary Frances Teresa Ball*, Dublin, M. H. Gill & Son, pp. 52-85.

By 1851, there were over one thousand religious women in Ireland, almost all directly engaged in education, the care of the sick and various forms of relief of the poor; fifty years later, there were more than eight thousand, a high proportion of whom were Sisters of Mercy. One interesting feature of these new congregations was their rapid dispersion and missionary activity. In the early years of their existence and while numbers were still small, they travelled to many distant lands. Presentation Sisters were in Newfoundland by 1833 and India by 1842; Loreto Sisters went to India in 1841 and Mauritius and Gibraltar in 1845; Sisters of Charity went to Australia in 1838; and Sisters of Mercy to England in 1839, Newfoundland in 1842, and the United States in 1843.²⁰

B. Catherine McAuley and her mission

Catherine McAuley,

an unintentional foundress whose vision had become global, whose actions were motivated by the Gospel, and whose creed of service was spelled out in her simple formula that 'the poor need help today not next week'²¹

was born on 29 September 1778,²² and died on 11 November 1841 at the first Convent of Mercy in Baggot Street, Dublin.²³

²⁰ See D. J. KEENAN, *The Catholic Church in Nineteenth Century Ireland*, p. 147.

²¹ M. A. BOLSTER, *Catherine McAuley in Her Own Words*, Dublin, Diocesan Office for Causes, 1976, p. 11.

²² See *Documentary Study for the Canonization Process of the Servant of God, Catherine McAuley, Founder of the Congregation of the Sisters of Mercy, 1778-1841: Positio super virtutibus*, (=Positio), Rome, 1985, vol. 1, pp. xci-xciii, for an examination of the conflicting information regarding Catherine McAuley's date of birth. This detailed and invaluable work was compiled by Sister M. Angela (Evelyn) Bolster, RSM, Vice-Postulator for the Cause of Catherine McAuley.

²³ Hereafter referred to when appropriate as 'Baggot Street'.

1. Early life

Her father, James McGauley [*sic*],²⁴ a devout Catholic, was a prosperous self-made man, and her mother, Elinor Conway, whilst charming and refined, was much less religious than her husband, and not in favour of his involvement in charitable works amongst the Dublin poor. They had three children, Catherine, Mary and James.

James McGauley died in 1783 and from then on, the affluent and secure family circumstances deteriorated. Elinor McAuley was not a good financial manager and gradually frittered away her husband's substantial fortune. In addition, she gradually gave up the practice of her religion and became careless about her children's religious formation.²⁵ She died in 1798, and the children, left homeless and almost penniless, were separated.

Mary and James went to live with distant Protestant relatives of their mother and adopted their religion. Catherine went to her maternal uncle's home, but, shortly after, his gambling habits reduced the family to destitution, and to ease the burden, Catherine joined her brother and sister. The head of the family, William Armstrong, was a staunch, very anti-Catholic Protestant. Although she was welcomed and well looked after, Catherine was

²⁴ James McGauley used this form of spelling his surname; his daughter always used the form "McAuley" which was adopted by her mother after his death. For further details on Catherine McAuley's family background and early life, see *Positio*, vol. 1, pp. 8-16. See also R. BURKE SAVAGE, *Catherine McAuley*, Dublin, M. H. Gill & Son, 1950, chaps 1 and 2, pp. 5-41. Although published in 1950, this book is still the most readily available standard source.

²⁵ Elinor McAuley did not entirely neglect her children's religious upbringing. According to tradition, some time between 1793 and 1796, Catherine received her first communion from Father Daniel Murray (at that time an assistant priest at St. Paul's Church, Arran Quay) and was confirmed by Archbishop John Troy in 1796. See *Positio*, vol. 1, p. 12. No record of Catherine McAuley's baptism has been found.

subjected to intense pressure to repudiate her religion which was constantly attacked and ridiculed. She practised her religion with great difficulty and "clung to the very name of Catholic with a strange tenacity, though, circumstanced as she was, it may be regarded as little short of miraculous that any Catholic feeling remained in her."²⁶

During this time, Catherine made the acquaintance of the Callaghans, a wealthy childless couple.²⁷ William was a non-practising Anglican and Catherine a Quaker. In 1803, they invited her to live with them permanently on their estate outside Dublin, which she did for almost twenty years, virtually as an adopted daughter. The Callaghans also disapproved of Catholicism — Mrs Callaghan considered it to be "a vulgar sect"²⁸ — but supported Catherine in her charitable activities which included catechetical instruction of both the domestic staff and local children and assistance to the poor of the area. After their initial opposition waned, she was able to practise her religion, and before they died, both Callaghans became Catholics. Mr Callaghan left his considerable fortune to Catherine, "convinced that she would turn it to good account."²⁹

²⁶ M. T. A. CARROLL, *Life of Catherine McAuley*, St. Louis, Vincentian Press, 1887, p. 67. This biography was first published in 1866 and reprinted with minor alterations.

²⁷ See *Cork Ms. 1*, p. 4-9, for details of her life with the Callaghans. This manuscript was compiled by Sister Mary Teresa Wildridge of Cork, ca 1847; Archives of the Sisters of Mercy of the Union of the United States of America, Series H 101.4 (=RSM-UW/H101.4). The title used to describe this institute formed in 1929 by the union of several communities in the United States of America changed slightly so whichever title was used at a particular time is used in this study. For an evaluation of the various manuscript lives of Catherine McAuley written by early Sisters of Mercy, see *Positio*, vol. 1, pp. lxxxiv-xcviii, and vol. 2, pp. 216-217.

²⁸ See M. T. A. CARROLL, *Life of Catherine McAuley*, p. 99.

²⁹ See *Bermondsey or London Ms.* (=London Ms.), p. 2. This manuscript was compiled by Sister Mary Clare Moore, the founder of the Bermondsey community, but the original

Several of the influences of her youth which helped mould her ideas on religious life and the apostolate may be traced in Catherine McAuley's attitudes and later writings.³⁰

The earliest lasting influence was undoubtedly the memory of her father's example and early biographers often referred to this.³¹ His legacy "was a combination of steadfast faith, integrity of character, determination, courage, practical charity, love for the Church and sensitivity to the needs of the poor."³²

During this period, Catherine McAuley's spiritual life deepened and was nourished in silence and prayer.³³ To counteract William Armstrong's efforts to convert her to

was destroyed during World War II, RSM-UW/H101.4. For the relevant extracts from William Callaghan's will, see *Positio*, vol. 1, pp. 32-33.

³⁰ One area which needs to be explored is the extent to which contact with the Society of Friends through Mrs Callaghan may have influenced her attitudes, particularly towards the role of women, service to the poor and authority and decision making. See M. C. BOURKE, *A Women Sings of Mercy: Reflections on the Life and Spirit of Mother Catherine McAuley, Foundress of the Sisters of Mercy*, Sydney, E. J. Dwyer, 1987, pp. 25-28, and M. J. REGAN & I. KIESS, *Tender Courage: A Reflection on the Life and Spirit of Catherine McAuley, First Sister of Mercy*, Chicago, Franciscan Herald Press, 1988, pp. 15-19. See also J. PUNSHON, *Encounter with Silence: Reflections from the Quaker Tradition*, Richmond, Friends United Press, 1987, 131p., and D. E. TRUEBLOOD, *The People called Quakers*, New York, Harper & Row, 1966, pp. 285-287.

³¹ "The veneration in which she held her father excited her to love the faith he gloried in professing." M. T. A. CARROLL, *Life of Catherine McAuley*, p. 67. "She was old enough to remember how on Sundays and festivals he was wont to collect around him the poor boys and girls of his neighbourhood for the purpose of instructing them in his own homely and impressive manner in the great truths and duties of religion. ... Catherine was the only one of the three children that was of an age to appreciate her loss, and in after life she always cherished the most grateful recollection of his Christian worth and the most hallowed veneration for his memory." *Cork Ms. 1*, p. 1.

³² *Positio*, vol. 1, p. 12.

³³ For a detailed account of Catherine McAuley's spiritual development, see *ibid.*, pp. 775-840.

Protestantism, she studied and grew to love Scripture and read appropriate Catholic apologetic literature supplied by several friendly and extremely supportive priests, many of whom were to play a significant role in her later work. The most influential and helpful of these were Fathers Andrew Lubé (her first confessor); Thomas Betagh (a former Jesuit and an able theologian, who helped her to withstand arguments in favour of Protestantism); Michael Blake (the future bishop of Dromore); Joseph Nugent (who baptised William Callaghan and acted as Catherine's legal advisor until his early death in 1825); Edward Armstrong (who encouraged Catherine to go ahead with the Baggot Street project); Francis L'Estrange OCD (later provincial of the Discalced Carmelites who acted as Catherine's agent in Rome in 1830); and Daniel Murray (the future archbishop of Dublin).³⁴

Ironically, in years to come, she was to demonstrate that she had unconsciously imbibed some Protestant prejudices regarding religious life and several of its practices. As one of the early accounts of her life apologetically recounted:

Although our dear Reverend Mother was gifted with much piety, and was always a most zealous Catholic, she had imbibed certain Protestant prejudices, which she retained for a very long period. She did not like the idea of Religious Vows and disapproved of conventual observances, etc., having constantly heard them ridiculed and misrepresented by Protestants.³⁵

While she lived with the Callaghans and had the time and means to devote to the poor, she learned much about the harsh realities of life and the unremitting struggle of those whom society ignored or exploited. As well, she acquired the understanding and

³⁴ See M. B. DEGNAN, *Mercy unto Thousands*, Dublin, Browne & Nolan, 1958, pp. 23-26 and 43-46, and *Positio*, vol. 1, pp. 40-42, 53-54, and vol. 2, pp. 193-201, for biographical details on the lives of these priests.

³⁵ *London Ms.*, p. 3.

practical experience needed to assist them with compassion and a realisation of their innate dignity and personal worth. Her writings are full of examples of her essentially pragmatic but understanding approach, for example,

There are things which the poor prize more highly than gold, though they cost the donor nothing. Among these are the kind word, the gentle compassionate look, and the patient hearing of their sorrows."³⁶

2. Original project

By the terms of William Callaghan's will, Catherine became both wealthy and independent and by this time, "she was convinced Almighty God required her to make some lasting efforts for the relief of the suffering and the instruction of the ignorant."³⁷ For some time, she continued to live in the former Callaghan home but soon realised that to be truly effective in her work with and for the poor, she needed a larger and more central base. So, after consulting her clerical advisors,³⁸ she purchased land in the then-fashionable area of Dublin and built a large centre in which to carry out her project described in a letter to one of her friends and supporters as follows:

With full approbation of His Grace the Archbishop, the institution in Baggot Street is to go according to the original intention. Ladies who prefer a conventual life, and are prevented from embracing it from the nature of property or connections, may retire to this house. It is expected a gratuity will be given and an annual pension paid sufficient to meet the expenses a lady must incur. The objects which the charity at present embraces are the daily education of hundreds of poor female children and

³⁶ Quoted in SISTERS OF MERCY, ST. LOUIS, eds, *Familiar Instructions of Rev. Mother McAuley*, rev. ed., St. Louis, Vincentian Press, 1927, p. 138.

³⁷ *London Ms.*, p. 3.

³⁸ The advisors she consulted included Fathers M. Blake and E. Armstrong and Archbishop D. Murray. See *Positio*, vol. 1, p. 40.

the instruction of young women who sleep in the house. Objects in view: superintendence of young women employed in the house, instructing and assisting the sick poor, as may hereafter be approved.³⁹

A small group of like-minded women had become interested in assisting her. Two of them (Catherine at that time being prevented by family obligations) took up residence there, and on 24 September 1827, the feast of Our Lady of Mercy, the work began officially.⁴⁰ Eight months later, Catherine McAuley moved permanently to Baggot Street, and gradually the small group, besides teaching and supervising activities in the House of Mercy, as it was now called, began to visit sick and dying Catholics in the Protestant-run hospitals. Archbishop Murray encouraged and supported her and on 24 September 1828 gave permission for the enterprise to be known as the Institute of Our Lady of Mercy.

The group also began to live a more conventual life style. They adopted a uniform and conservative dress; followed a common timetable; took part in communal devotions; and in general lived the life of religious without taking vows and with the freedom to come and go as they wished.⁴¹ Needless to say, such a development did not go unnoticed. As

³⁹ Catherine McAuley to Father Francis L'Estrange, OCD, 10 September 1828, in M. A. BOLSTER, ed., *The Correspondence of Catherine McAuley, 1827-1841* (=Correspondence.), Cork, Congregation of the Sisters of Mercy of Cork and Ross, 1989, p. 2.

⁴⁰ See *Derry (L) Ms.*, p. 3. Although the author is unknown, this manuscript owes much to the knowledge of Sister Mary Anne Doyle. Internal evidence suggests that it was written before 1 May 1847. Mary Anne Doyle was Catherine McAuley's first associate, and is generally credited with the suggestion that the new venture be named the House of Mercy, RSM-UW/H101.4. For an explanation of the significance of the title "Our Lady of Mercy", and the connection with the congregation founded by Saint Peter Nolasco under that title, see M. B. BAUMAN, *A Way of Mercy: Catherine McAuley's Contribution to Nursing*, New York, Vantage Press, 1958, pp. 38-44.

⁴¹ See R. BURKE SAVAGE, *Catherine McAuley*, pp. 83-86.

well as attracting praise, it aroused opposition, initially from Catherine's relations and neighbours, then from some clergy.

There were two main areas of criticism. The first arose from a misguided loyalty to, and enthusiasm for, the work of the Sisters of Charity. Both Catherine McAuley and Mary Aikenhead were well aware that there was more than enough work for both groups among the poor of Dublin. A few years later, Mary Aikenhead wrote:

Yesterday four were professed at the House of Mercy. Let us take care of every illusion of false zeal or of false love of our own Institute. Both are intended for the same end of promoting the glory of our Heavenly Father and the good of the poor ...,⁴²

but not all her supporters, including some priests, were as farsighted or magnanimous. Canon Matthew Kelly from the parish in which the House of Mercy was situated, who was one of Catherine's most trenchant critics, articulated the second area of criticism.

This gentleman had no great idea that the unlearned sex could do anything but mischief by trying to assist the Clergy, while he was prejudiced against the Foundress, whom he considered as 'parve nuc' [sic].⁴³

Initially, Archbishop Murray's attitude towards a group which seemed to be religious in all but name was ambivalent but eventually he was forced to intervene.⁴⁴ Having with

⁴² M. Aikenhead to Mother Mary De Chantal, 25 January 1833, in [M. C. SALINAVE], *The Letters of Mary Aikenhead*, Dublin, M. H. Gill & Son, 1914, p. 19.

⁴³ *Dublin Ms.*, p. 18. Sister Mary Clare Augustine Moore, sister of the author of the *London Ms.*, compiled this manuscript sometime after 1844, RSM-UW/H101.4.

⁴⁴ Archbishop Murray rather equivocal attitude persisted for some time. In 1830, when asked by the Holy See to give his opinion on the worthiness of the group operating under Catherine McAuley's leadership, his response was decidedly lukewarm. See D. Murray to Cardinal Maurus Cappellari, 17 April 1830; Archives of the Sacred Congregation for the Propagation of the Faith/Congregation for the Evangelisation of Peoples (=APF), Udienze di Nostro Signore, vol. 75, an. 1830, ff. 645^r - 467^r, RSM-UW/H102, English translation in *Correspondence*, pp. 4-6. Ireland at that time was under the jurisdiction of this

difficulty been instrumental in the founding of the Sisters of Charity and introducing the Institute of the Blessed Virgin Mary into the diocese, he had no plans to establish another religious congregation there.⁴⁵ Early accounts give his somewhat acid comment: "Really, Miss McAuley, I had no idea that a new Congregation would start up in this manner."⁴⁶ Neither of course did Miss McAuley.

The choice the Archbishop gave her was simple, drastic, and, for the time and place, the only one possible: the group was either to conduct the works as a canonically established religious community or to revert to a purely secular charitable organisation. Despite her initial personal misgivings, one of which was the fear that as religious the scope of their work might be restricted, after discussion with her associates and spiritual advisors, and, by then, well aware that she had the support of the Archbishop, Catherine found that "Almighty God, who disposes all things sweetly, brought her by degrees to see the necessity of regular discipline and the advantages of the religious state."⁴⁷

Congregation, which also had competence for religious congregations founded there. See C. R. ORTH, *The Approbation of Religious Institutes*, pp. 95-102.

⁴⁵ See *Positio*, vol. i, pp. 83-89.

⁴⁶ M. T. A. CARROLL, *Life of Catherine McAuley*, p. 157.

⁴⁷ *Ibid.*

II. THE FOUNDATION OF THE SISTERS OF MERCY

A. *The canonical establishment*

1. The choice of rule

Acting upon the archbishop's advice, Catherine McAuley and her assistants examined as many of the rules and constitutions of the different religious houses as were procurable. Neither the constitutions of the recently established Sisters of Charity nor the Loreto Sisters, both of which were based on the Jesuit rule, were available.⁴⁸

The Carmelite Fathers, who had been steadfast supporters and benefactors of the fledgling group, suggested that it become a Carmelite third order regular. Despite the closeness of the association, this offer was not accepted, Catherine's reasons apparently being that

some of the observances appeared ridiculous and then came the weighty consideration of subjecting her Community to the Fathers, who must change their Superiors so often, in which she foresaw great inconvenience.⁴⁹

A similar offer from the Poor Clare nuns was not taken up as it was thought that the strong emphasis on the contemplative aspect of their rule might hinder the works of the new group as it seemed to be developing. An early account described how the choice was made:

These Rules she carefully revised and read aloud to those who were to form her community, when the Rule of the Presentation Order was unanimously preferred The Augustinian Rule of the Presentation,

⁴⁸ See *Derry (L) Ms.*, p. 7. However, there is evidence to suggest that one of Catherine McAuley's companions was able to study the constitutions of the Sisters of Charity. See *Dublin Ms.*, p. 11.

⁴⁹ *Dublin Ms.*, p. 11.

however, seemed more adapted to the purposes of the institution, in which opinion the Archbishop as well as the Vicar General coincided ...⁵⁰

Archbishop Murray arranged for Catherine McAuley and two companions to be trained by the Presentation Sisters at George's Hill, Dublin, and shortened this period as much as was permissible by current canon law to three months' postulancy and one year's novitiate. On 12 December 1831, Catherine and her three companions were professed according to a form of simple perpetual vows proposed by the archbishop who made two significant alterations to the Presentation vow formula for the Sisters of Mercy: he listed the works of mercy – "the visitation of the sick poor and charitable instruction of poor females" which were later incorporated into the act of profession as a fourth vow (the service of the poor, sick and ignorant); and he added the phrase "subject to such alterations as shall be approved by the Archbishop of Dublin". Both these additions added flexibility to the apostolate of the Sisters of Mercy⁵¹ The following day, he appointed Catherine superior of the new congregation for six years, and subsequently for life.

When asked what rule the sisters were to follow, he directed them to the chapter "On Union and Charity" in the Presentation rule. The archbishop then appointed a diocesan priest, Miles Gaffney, to assist Catherine McAuley in the drafting of the Mercy constitutions and approved the first two chapters, "On the Visitation of the Sick" and "On the Admission of Distressed Women", in 1833.⁵²

⁵⁰ *Derry (L) Ms.*, p. 7.

⁵¹ See Appendix I, p. 202, for a copy of the actual formula used. See also *Positio*, vol. 1, p. 125.

⁵² See R. BURKE SAVAGE, *Catherine McAuley*, p. 263.

2. Initial approbation

Earlier, in 1830, Catherine McAuley had petitioned Pius VIII for a sign of approval for her associates.⁵³ As she explained in her letter, one of her concerns was the ambiguous status of those who lived and worked at the House of Mercy:

They [her associates] do not feel happy and content seeing they have not got the one thing most necessary, namely the Approbation and *Beneplacitum* of the Holy Apostolic See, in consequence of which, many devout persons who would be inclined to embrace an institute so laudable do not join it; and some who have already joined it live constantly in the greatest perturbation and doubt.⁵⁴

The Pope responded by sending a rescript of indulgences.⁵⁵

But opposition to Catherine McAuley and her sisters re-surfaced. Criticisms such as "there was not a stroke of the pen from Rome in favour of the Sisters of Mercy" were

⁵³ The pontificate of Pope Pius VIII (Cardinal Franciscus Xaverius Castiglione) was very short. Elected on 31 March, 1829, he died on 30 November 1830. His successor, Pope Gregory XVI (Cardinal Maurus Cappellari) was elected on 2 February 1831. As the Prefect of Propaganda (1826-1831), he was involved in the early stages of the formation of the Sisters of Mercy.

⁵⁴ C. McAuley to M. Cappellari, 27 March 1830, APF, Udienze di Nostro Signore, vol. 75, an. 1830, f. 645^v, RSM-UW/H102, English translation in *Correspondence*, pp. 2-3. It appears that questions of stability and ecclesiastical status may have encouraged Catherine McAuley to some form of papal approval. These factors were influential in the gradual change of attitude and practice of the Holy See regarding papal approbation of religious institutes of women with simple vows. See C. R. ORTH, *The Approbation of Religious Institutes*, pp. 39-68; and B. J. FARRELL, *The Rights and Duties of the Local Ordinary Regarding Congregations of Women Religious of Pontifical Approval*, pp. 30-42.

⁵⁵ See Archbishop Castrucci Castracane to D. Murray, 23 May 1830; English translation in *Correspondence*, p. 6.

destabilising and somewhat demoralising.⁵⁶ They also gave added impetus to moves towards requesting papal approval of the Institute.

In late 1833, Catherine McAuley sent to Rome the two chapters of the constitutions previously approved by the archbishop, a copy of her profession formula and a formal petition for the confirmation of the Sisters of Mercy. In this petition, she explained how the sisters were professed according to the rules and constitutions of the Presentation Order with such changes as were to be approved by the Archbishop and she requested that the extra chapters be confirmed and that the sisters "be placed on the same footing with the religious of that Order."⁵⁷ Archbishop Murray gave his unqualified support to this request.

He wrote:

There are at present in that House [of Mercy] twenty-three truly devout ladies. ... They devote themselves assiduously and with great fruit for souls to the pious works which are set down in the petition, and I consider them entirely worthy of receiving from our Most Holy Lord those signs of benevolence which may seem suitable for firmly establishing the good work thus begun for promoting the glory of God.⁵⁸

In March 1835, Pope Gregory XVI approved the establishment of the society and gave it his blessing. Archbishop Murray was authorised to make whatever changes he

⁵⁶ One biographer suggested that these comments were probably inspired by the news of the confirmation of the Rule and Constitutions of the Sisters of Charity in August 1833. See R. BURKE SAVAGE, *Catherine McAuley* p. 171.

⁵⁷ C. McAuley to Pope Gregory XVI, 8 December 1833; APF, *Scritture originali riferite nelle Congregazione Generali (=SOCG)*, 1835, vol. 950, f. 183rv, RSM-UW/H102, English translation in *Correspondence*, pp. 11-12.

⁵⁸ D. Murray to Cardinal Carlo Maria Pedicini, 21 June 1834; APF, SOCG, 1835, vol. 950, ff. 189^r - 190^r, RSM-UW/H102, English translation in *Correspondence*, pp. 13-14. The positive and encouraging tone of this letter is quite a contrast to the archbishop's earlier letter of 17 April 1830. See p. 17.

thought necessary for it to operate as desired but the request to have solemn vows was considered to be not opportune.⁵⁹ Catherine McAuley continued her modification of the Presentation rule and submitted it to the archbishop who made several changes before approving it on 23 January 1837.⁶⁰

3. Final approbation

The rule then underwent a period of trial.⁶¹ The request for final approval took the form of a petition to the Holy See signed by Catherine McAuley and the superiors of the

⁵⁹ "Tantummodo illud assentiri non opportunum in praesentiarum esse censuit ut piaefeminae quae in illam societatem cooptantur vota solemnia faciant ...". Cardinal Giacomo Fransoni to D. Murray, 24 March 1835, APF, SOCG, 1840, f. 190^v, RSM-UW/H102. For a copy of this letter, see Appendix II, p. 203.

⁶⁰ Catherine McAuley wrote the first draft herself. According to A. M. Bolster, this was not a final product and dealt only with those parts of the Presentation Rule she wished to include in an amended form in the Mercy Rule. Archbishop Murray agreed in the main with these altered chapters. The most significant change he made was to delete any reference to enclosure. For the remainder of the Rule he advised adherence to the already approved document. See *In the Beginning*, facsimile of the first draft of the Rule of the Sisters of Mercy handwritten by Catherine McAuley in 1835 and amended by Archbishop Daniel Murray, Burlingame, Sisters of Mercy, 1967, [n.p.] (=1835 *Original Draft*). The second draft incorporated his suggestions, the chapter order was rearranged and some omitted sections of the Presentation Rule were added. Reverend Redmond O'Hanlon, OCD, provided the required translations for Propaganda. The consultor appointed to examine the document, the Right Reverend Paolo Gavino Secchi-Murro, Procurator to the Servite Order, found some inaccuracies which he considered to be mistranslations in the Italian version. Catherine McAuley was aware of these mistakes and took steps to have them rectified. See C. McAuley to Mother Frances Warde, 12 October 1841, *Correspondence*, p. 266. No copies of the Latin version appear to be extant.

⁶¹ As Catherine McAuley explained to one of her associates: "We did not ask for confirmation of it from the Holy See until we reduced it to practice." C. McAuley to Sister M. Angela Dunne, 20 January 1841; *Correspondence*, p. 193.

autonomous houses, accompanied by letters of support from several bishops.⁶² She later described her part as follows:

I did exactly what was marked out for me: A Petition from the "Mother House," a Memorial from the A[rchbishop] of Dublin praying confirmation of the Rule, to which his approbation is attached, and letters of recommendation from the Bishops in whose Dioceses branches of the Order were established. This has been most fully executed: the letters were as favourable as they could be.⁶³

By August 1840 rumours were circulating that the rule and constitutions had been confirmed, but this did not take place until June 1841.⁶⁴ Archbishop Murray was formally notified two months later.⁶⁵

⁶² C. McAuley to Pope Gregory XVI, undated, before 18 November 1839; APF, SOCG, vol. 957, f. 321; *ibid.*, pp. 102-103.

⁶³ C. McAuley to F. Warde, 30 January 1840; *ibid.*, p. 117.

⁶⁴ "I am not surprised at what you say as to the confirmation of our Rule, though we have been led to expect it all the past month; but these matters seldom go on so rapidly at the Holy See." C. McAuley to F. Warde, 5 August 1840. By the following January, she could write: "I spoke with Dr. Cullen, President of the Irish College at Rome, when in Dublin last summer. He said it was certainly granted, but that they were slow in issuing final documents." C. McAuley to A. Dunne, 20 January 1841. Six months later, matters had progressed further. "Sister M. Francis [Warde] wrote to me to say Dr. Cullen had communicated to Mr. Maher that the Rule was confirmed" C. McAuley to Sister M. Aloysius Scott, 31 July 1841; *ibid.*, pp. 147, 193 and 248.

⁶⁵ See PROPAGANDA, Decree, *Cum pientissimam mulierum*, 5 July 1841, in Appendix III, p. 204. See also G. Frasoni to D. Murray, 31 July 1841, APF, Lettere e decreti della Sacra Congregazione e Biglietti di Monsignor Segretario, vol. 323/324, f. 817, translation in *Positio*, vol. 1, p. 294. For a detailed examination of the origins of the Mercy Rule, see *ibid.*, pp. 190-265.

B. The form of government proposed by Catherine McAuley

When Catherine McAuley began drafting the rules and constitutions for the Sisters of Mercy, she used the Presentation Rules and Constitutions as her basic text.⁶⁶ This document consisted of two parts: the first dealt with such matters as the object of the congregation, apostolate, vows, spiritual life, admission of candidates, enclosure, various virtues and practices and regulations regarding life in common; the second was more directly concerned with the government of the congregation, and had chapters on the role of the bishop, the election and role of the superior, the duties of the assistants, the types of registers to be kept and new foundations.

⁶⁶ The first Presentation Sisters were professed in 1777. Before her death in 1784, their founder, Nano Nagle, had examined several French rules, but none had been selected. Bishop Francis Moylan of Cork then drew up rules and constitutions as similar as possible to those used by the Ursulines who had come to Cork in 1771, largely because of Nano Nagle's insistence and financial support. These Ursulines had come from the 1608 Ursuline foundation in Paris. The rule they followed was an amalgam of the original primitive rule of Saint Angela Merici and the Augustinian Canonesses of the Abbey of Saint Stephen at Soissons. The Presentation rules and constitutions received final approval in 1805. See *SISTERS OF THE PRESENTATION OF THE BLESSED VIRGIN MARY, Rules and Constitutions of the Institute of the Religious Sisterhood of the Presentation of the Blessed Virgin Mary, established in the City of Cork for the Charitable Instruction of Poor Girls* (=Presentation Rules and Constitutions, 1805), Dublin, M. H. Gill & Son, 1881, 75p. This is a reprint of the Rule as approved in 1805; cf. Archives of the Sisters of Mercy of Adelaide (=RSM-A). See also T. J. WALSH, *Nano Nagle and the Presentation Sisters*, pp. 58-89, 100-109, 132-139 and 160-181, and M. R. CONSEDINE, *Listening Journey*, pp. 171-208, for a discussion on the origin of the Presentation Rules and Constitutions.

1. Structure

In her draft rule, Catherine McAuley retained the twofold division, but with some modifications and a rearrangement of the position of several chapters.⁶⁷ She carefully edited the original text according to her own vision and to reflect the specific character of the new congregation. For example, in the sections on the apostolate, she often substituted "the poor" when "children" were mentioned; she deleted references to the detailed horarium and the prohibitions against the education of those who were not poor and the acceptance of some form of payment; she included a description of the works of the Sisters of Mercy; and she emphasised the importance of the education of women, "since whatever the station they are destined to fill, their example and advice will always influence, and where ever a religious woman presides, peace and good order are generally to be found."⁶⁸

⁶⁷ See *1835 Original Draft*. For a detailed comparative analysis of the two rules, see *Positio*, vol. 1, pp. 190-219. See also L. JARRELL, *The Development of Legal Structures for Women Religious between 1500 and 1900: A Study of Selected Institutes of Religious Life for Women*, Canon Law Studies No. 513, Washington, DC, Catholic University of America, 1984, pp. 195-208, especially pp. 204-206. Jarrell's analysis is based on the 1843 edition of the Rule which is identical to *The Rule and Constitutions of the Religious called Sisters of Mercy (in Italian and English) (=1863 Rule and Constitutions)*, Dublin, James Duffy, 1863, 62p.

⁶⁸ *1835 Original Draft*, chap. 2, art. 5, [p. 3]. For a detailed study of this document, see M. C. SULLIVAN, "A Critical Edition of the Original Rule of the Sisters of Mercy as written by Catherine McAuley (1778-1841) and corrected by Daniel Murray (1778-1852)", unpublished paper, Rochester, Sisters of Mercy, 1989, 43p.

The first part of her draft included most of the chapters found in the Presentation Rule, the most notable omission being the chapter on enclosure; added were the two chapters she had written earlier.⁶⁹

In the second part, Catherine McAuley retained in a modified form the government structure found in the Presentation Rule and Constitutions. The diocesan bishop occupied a very significant position and his role was not unlike that of a superior general; the next level of government was that of the chapter of all professed members who met to elect officials, to assess prospective members and to advise; and then, the superior, assisted by a council of three advisors, governed the house. In some areas, the superior had special responsibility, as did her advisors, but there was also a comprehensive system of supervision and appropriate checks and balances.

The extremely significant chapter "Of the Superior and the Visitation of the Convent" was retained at the beginning of the second part. It commenced as follows:

This Religious Congregation of The Sisters of Mercy shall be always subject to the authority and jurisdiction of The Diocesan Bishop and The Sisters shall respect and obey Him as their First Superior after The Holy See. ... Nothing of importance relating to the House or community shall be undertaken, without the consent of the Bishop.⁷⁰

⁶⁹ 1835 Original Draft, chaps 2 and 3: "Of the Visitation of the Sick" and "Of the Admission of Distressed Women", [pp. 3-8].

⁷⁰ 1835 Original Draft, [p. 43]. Cf. *Presentation Rules and Constitutions, 1805, Second Part*, chap. 1, pp. 39-41. In later editions, there were editorial changes to this section. See *1863 Rule and Constitutions, Second Part*, chap. 1, arts 1 and 2, pp. 39-40. The consultor commented favourably on the role given to the bishop: "Ed è, come io credo, a osservarsi con piacere come recedendo dal costume ormai introdotto nelle nuove istituzioni religiose di donne, di stabilire, cioè una *casa madre*, di eleggere una *Superiora generale*, di fondare in somma uno stato *quasi monarchico* a somiglianza degli Ordini Regolari di uomini, si dichiara invece che le Case del novello istituto delle Sorelle della misericordia saranno

In the remaining section, the other obligations of the diocesan bishop (or his delegate) were enumerated: to see to the regulation and good order of the community; to advise the mother superior in all important affairs; to preside at reception and profession ceremonies; to authorise admissions and dismissals; to sign acts of profession and the annual accounts of the monastery (this term was used in the Mercy constitutions only); and to undertake the canonical visitation.⁷¹

Other duties were listed in succeeding sections. The diocesan bishop had an important role in the choice of the superior: he authorised the re-election of a superior who had already completed a three year term of office; accepted the resignation of an outgoing superior and presided at the election of her successor whom he confirmed in office; and he had the right of appointment after an inconclusive election or if there were less than seven professed sisters in the community. In the latter case, where it was laid down that he was to consult the senior sister in the community before making an appointment, he also had the right to appoint the other officials (assistant, bursar and novice mistress).⁷² In addition,

rispettivamente sotto l'autorità e giurisdizione del Vescovo Diocesano; locchè siccome è più conforme all'antica e più comune disciplina della Chiesa, così è ancora più conveniente alla natura di coteste istituzioni, e più espediente a conservare il buon ordine, e a mantenere in esse la regolar disciplina." APF, SOCG, 1840, vol. 957, f. 310^r RSM-UW/H102. This section owed much to constitutions developed for the Sisters of Charitable Instruction of the Holy Child Jesus in the seventeenth century, and later used in part as a basis for the *Presentation Rules and Constitutions, 1805*. See R. LEMOINE, *Le droit des religieux du Concile de Trente aux instituts séculiers*, [Bruges], Desclée de Brouwer, [1956], pp. 229-237 and 365-368; and F. J. CALLAHAN, *The Centralization of Government in Pontifical Institutes of Women with Simple Vows (From their beginnings till the legislation of Leo XIII)*, pp. 21-24.

⁷¹ 1863 *Rule and Constitutions*, Second Part, chap. 1, arts 3-6, pp. 40-42.

⁷² *Ibid.*, chap. 2, arts 2,3,7,8 and 11, pp. 42-46.

the bishop was to examine novices before profession,⁷³ and approve new foundations after he was satisfied they would have enough income to be properly supported.⁷⁴

The superior had the right to propose the names of the other officials (collectively known as the "discreets")⁷⁵ to the chapter for election.⁷⁶ This group then appointed the sisters to the other offices from which they could be removed by the superior only after she had taken its advice.⁷⁷ The superior's duties were listed in detail. She was to lead by example and ensure that the the rule and constitutions were followed. It was her responsibility to see that the sisters were gainfully employed and provided with all necessities, and she was obliged to keep absolute confidentiality with regard to any manifestation of the interior life of the sisters. She presided at all community exercises, met with the discreets each month regarding the spiritual and temporal welfare and the financial

⁷³ Ibid., chap. 3, art. 9, p. 47.

⁷⁴ Ibid., chap. 10, art. 1, p. 57.

⁷⁵ The term "discreets", which was found in the Presentations Rule also, was one of the terms used to refer to the members of the superior's council. It appears to have come from the Franciscan tradition. Other terms used to describe these officials included "assistants", "consultors", and "councillors". See F. J. CALLAHAN, *The Centralization of Government in Pontifical Institutes of Women with Simple Vows (From their beginnings till the legislation of Leo XIII)*, p. 74.

⁷⁶ "The Mother Superior shall be elected from those who have a voice in Chapter; distinguished for her virtue, prudence, and discretion. She shall be at least thirty years of age, and five years of Profession (except in Monasteries newly founded), and must have the greater part of the votes for the validity of her election." Ibid., Second Part, chap. 2, art. 1, p. 42. In her initial draft, Catherine McAuley omitted this article which Archbishop Murray subsequently included. Cf. *Presentation Rules and Constitutions, 1805*, Second Part, chap. 2, art. 1, p. 41, and chap 3, arts 1-9, pp. 45-47.

⁷⁷ *1863 Rule and Constitutions*, chap. 2, art. 10, p. 45.

affairs of the community, conducted the monthly chapter of faults, and signed all official documents, for example, acts of profession or accounts.

Finally, it was her responsibility to convene capitular assemblies to discuss matters of importance to the community whenever she considered it expedient; to preside at the chapters held every six months to consider the progress of the postulants and novices, and chapters convened to admit postulants and novices to reception or profession.⁷⁸

Each of the discreetts had a particular function in the community. When the superior was absent, the assistant was to preside in the choir and at all community exercises and was also to see to the needs of the sisters and inform the superior of them. The bursar was in charge of the household affairs and the financial accounts. As the title implied, the mistress of novices, the third-ranking discreet, was responsible for the formation of the novices.⁷⁹ Collectively, they acted as an advisory council for the superior, who was required to consult them on all "serious and important affairs". They had the right to propose "what seems to them most expedient for the good of the Community and the Congregation" and to approve (in conjunction with the bishop) the adequacy of support for new foundations.⁸⁰

All professed sisters were members of the chapter, whose most important function was the election of the superior. Capitular assemblies were convened by the superior for two main reasons: to consider the progress of the postulants and novices and vote on their

⁷⁸ Ibid., chap. 8, art. 1, p. 54.

⁷⁹ Cf. *Presentation Rules and Constitutions, 1805*, Second Part, chaps 4-7, pp. 47-52. See *1863 Rule and Constitutions*, Second Part, chaps 4-6, pp. 48-53.

⁸⁰ Ibid., chap. 7, art. 1, p. 54 and chap. 10, art. 1, p. 57.

admission to reception or profession; and to give an opinion on any matter of importance to the community.⁸¹

2. Catherine McAuley's mode of operation

Catherine McAuley established several independent foundations before Archbishop Murray approved the Rule and Constitutions in 1837, and all of them except Birmingham were made before the Holy See gave its final approval in 1841. An examination of her mode of operation during the early years of the institute reveals much about the spirit behind the formal legislation.

Catherine McAuley wished that each foundation might develop a family spirit which would be a characteristic of the whole group so her choice of a type of government which emphasised autonomy at the local level was consonant with her views on the best way to operate. She did not appear to be in favour of excessive organisation or what could be construed as outside interference, and once was reputed to have said: "Be careful never to make too many laws, for if you draw the string too tight it will break."⁸² In her opinion, those on the local scene were the best judges of what should be done and she considered that "every place has its own particular ideas and feelings which must be yielded to when possible."⁸³

⁸¹ Cf. *Presentation Rules and Constitutions, 1805*, Second Part, chap. 8, pp. 53-54, and *1863 Rules and Constitutions*, Second Part, chap. 2, arts 1-11, pp. 42-46.

⁸² C. McAuley, quoted in *London Ms.*, p. 13.

⁸³ C. McAuley to F. Warde, 17 November 1838; *Correspondence*, p. 74.

For much the same reason, Catherine McAuley was anxious to promote the growth of local foundations, encouraging postulants to enter in their home town if possible. In this same letter, written in Limerick where she was setting up a foundation, she wrote about a local girl who had just entered the novitiate: "Her ardent zeal for Limerick made her uneasy and restless elsewhere, and her being on the spot with good connections and interest promoted the object very much."⁸⁴ On another occasion, she advised someone who had intended going to Baggot Street to enter her local community, saying that she "liked to place local sisters at the new foundation, so that people might not feel that all the nuns were strangers."⁸⁵

And yet, on occasions, she acted in much the same manner as the superior of a centralised congregation. Obviously, she did not possess any canonical authority to do this, but her position and the high regard and affection in which she was held gave great weight to her advice.

In fact, occasionally she gave quite explicit directives to superiors of autonomous houses. After giving her suggestions of what should be done about an unsuitable postulant to one superior, she wrote: "I request you will do this exactly."⁸⁶ To another superior, her advice was equally forceful: "Sr. E[lizabeth Moore] says you are about to send two Srs. to

⁸⁴ Ibid., p. 74.

⁸⁵ Reported in M. T. A. CARROLL, *Leaves from the Annals of the Sisters of Mercy*, New York, Catholic Publication Co., 1883, vol. 2, p. 454.

⁸⁶ C. McAuley to A. Dunne, 20 December 1837. *Correspondence*, p. 46.

learn the education system. Indeed she speaks as if you were to be one. Surely not!"⁸⁷ She chose those who were to begin new foundations,⁸⁸ and gave advice on matters connected with foundations from autonomous houses. However, at the same time, she encouraged superiors to make their own decisions wherever possible.⁸⁹

At all times, she was careful to respect the position of the local bishop and his authority over the communities in his diocese and she frequently reminded superiors that they were subject to him, as, for example, "Let us not forget that you and the community are subject to Doctor Crotty."⁹⁰ Even though she did not always agree with the attitudes of some bishops — for example, the insistence of Bishop John Murphy of Cork on an adequate dowry for prospective postulants — she did not interfere.⁹¹ Perhaps her attitude

⁸⁷ C. McAuley to A. Doyle (Tullamore), 20 August 1840; *ibid.*, p. 148.

⁸⁸ See C. McAuley to F. Warde, 15 December 1840, regarding the foundation from Carlow to Wexford; *ibid.*, p. 175. For the Bermondsey foundation, Catherine McAuley decided that it would be better for the English postulants to make their novitiate in Cork rather than at Baggot Street because they could experience the needs of a new foundation and get to know the superior who was to accompany them back to England. In addition, it was more secluded than Baggot Street, and so less distracting. At her request, Bishop John Murphy released the Cork superior for a year to commence the foundation. Catherine McAuley appointed the acting superior, whom the bishop then confirmed in office, and led the original party to Bermondsey, remaining there for some time as was her custom when making foundations from Baggot Street. See *Positio*, vol. 1, pp. 406, 455-456, and 494-498.

⁸⁹ "I leave you free to do what you think best." C. McAuley to Sister M. Teresa White, 12 October 1838. *Correspondence*, p. 67.

⁹⁰ C. McAuley to A. Dunne, 20 December 1837. *Ibid.*, p. 137. Bartholomew Crotty was the Bishop of Cloyne.

⁹¹ See C. McAuley to Sister Mary de Pazzi Delany, 3 October 1837. *Ibid.*, p. 33. See also R. BURKE SAVAGE, *Catherine McAuley*, p. 220.

may be summed up in the words she wrote to Bishop Thomas Walsh regarding the proposed foundation in Birmingham:

I ... would feel great happiness in co-operating to the full extent of my power in the accomplishment of your desire. ... Whatever you think best suited to the views and inclinations of those who are disposed to promote the object shall be met in every possible way.⁹²

3. Growth of the Sisters of Mercy

During Catherine McAuley's lifetime, fourteen Convents of Mercy, including two in England, were established,⁹³ and plans were well on the way for the first foundation in North America before her death.⁹⁴ Catherine McAuley was closely involved in planning for all of these.

⁹² C. McAuley to Bishop Thomas Walsh, Vicar Apostolic of the Midland District, 4 February 1840; *Correspondence*, p. 120.

⁹³ Convents established in the Archdiocese of Dublin were Baggot Street (1831), Kingstown, now Dún Laoghaire, (1835) and Booterstown (1838). The two later convents were established as branch houses of Baggot Street and were governed by supplementary regulations. See *The Customs and Minor Regulations of the Religious called Sisters of Mercy, in the Parent House, Baggot-Street, and Its Branch Houses*, Dublin, J. M. O'Toole & Son, 1869, Part I, "Branch Houses", pp. 103-105. Convents were established in other dioceses in the towns of Tullamore (1836), Charleville, now Rath Luirc, (1836), Carlow (1837), Cork (1837), Limerick (1838), Naas from Carlow (1839), Galway (1840), Wexford from Carlow (1840) and Birr (1840). Bermondsey (1839) and Birmingham (1841) were the two English foundations.

⁹⁴ In June 1839, prior to his departure to Nova Scotia, Father Richard B. O'Brien had suggested that the Sisters of Mercy consider making a foundation there. See M. T. A. CARROLL, *Life of Catherine McAuley*, pp. 32-33 and 446; *Positio*, vol. 1, pp. 453 and R. BURIE SAVAGE, *Catherine McAuley*, pp. 253-255. Catherine McAuley herself volunteered to go but nothing came of it. St. John's, Newfoundland, was the first North American foundation. "We expect St. John's will come about May or June ...". C. McAuley to Sister M. Vincent Hartnett, 8 November 1840. In fact, the sisters did not arrive in St. John's until June 1842. See M. W. HOGAN, *Pathways of Mercy: History of the Foundation of the Sisters of Mercy in Newfoundland, 1842-1984*, St. John's, Harry Cuff Publ., 1986, pp. xi-xiii, 20-22.

Apart from the first foundation made in Kingstown (Dún Laoghaire),⁹⁵ they all began in a similar manner. The initial request usually came from a parish priest or a bishop: requests from the parish priests led to foundations in Tullamore, Charleville and Galway; requests by bishops led to foundations in Carlow, Cork and Limerick. Convents were established outside the Dublin archdiocese with the approval of Archbishop Murray and the blessing of the bishop of the diocese, who, within a few days of the arrival of the sisters, confirmed in office the superior whom Catherine McAuley had selected earlier.⁹⁶

Often, the venture was to be financed by legacies or the bequests of wealthy benefactors. In Tullamore and Charleville, although the amounts were insufficient, Catherine McAuley decided to go ahead with the foundation in view of the needs of the area; in Carlow and Booterstown, substantial legacies left for the relief of the poor were used to establish Convents of Mercy; in Birmingham, a wealthy Catholic donated land and built and furnished the convent. Sometimes, this financial support did not quite materialise as promised, and misunderstandings and some hardship resulted.

⁹⁵ This foundation was originally intended as a convalescent home for the Baggot Street community but the sisters soon opened a poor school and began visitation of the sick. The foundation was beset with problems from its beginning and the sisters withdrew in 1838 for some years because of financial difficulties and a lack of support from the parish priest. For details, see *Dublin Ms.*, pp. 20-21.

⁹⁶ She usually appointed a professed sister and a novice or postulant to the new community. In many instances, one or two sisters from Baggot Street were appointed on a temporary basis until the new foundation became established. Applicants were admitted almost immediately. One of the first public official functions was either a reception or a profession ceremony and often those involved were local girls, many of whom had been waiting until a Convent of Mercy had been established in their area. See *Dublin Ms.*, p. 23.

Catherine McAuley died in 1841 at the age of sixty-three.⁹⁷ In the twenty-five years after her death, the Sisters of Mercy opened over two hundred convents in Ireland, England, Newfoundland, Scotland, the United States of America, Australia, New Zealand and Argentina, and had nursed on the battle-fields of the Crimean War and the American Civil War.⁹⁸

CONCLUSION

The foundation of the Sisters of Mercy occurred during a period characterised by great expansion in the number of women's congregations with simple vows, a phenomenon with which the laws of the Church had not kept pace. In many ways, they were a transitional group. Their governance structure was firmly embedded in the monastic tradition, yet their uncloistered state and approach to the apostolate were very similar to the many new congregations being founded during the period, many of whom had a centralised form of government.⁹⁹

⁹⁷ On 9 April 1990, in the presence of Pope John Paul II, the decree concerning the heroic virtues of the Servant of God, Catherine McAuley, was promulgated. See CONGREGATION FOR THE CAUSES OF SAINTS, Decree, *Canonizationis Servae Dei Catharinae McAuley, Fundatricis Congregationis Sororum a Misericordia (1778-1841)*, AAS, 82 (1990), pp. 1004-1010.

⁹⁸ Data from M. T. A. CARROLL, *Life of Catherine McAuley*, pp. 503-508. See also M. J. GATELY, *The Sisters of Mercy: Historical Sketches, 1831-1931*, New York, The Macmillan Company, 1931, xix-503p.

⁹⁹ For a study of the movement towards centralised government in women's congregations with simple vows, see F. J. CALLAHAN, *The Centralization of Government in Pontifical Institutes of Women with Simple Vows (From their beginnings till the legislation of Leo XIII)*, especially pp. 18-24 and 56-66.

Catherine McAuley was reputed once to have said: "I never wanted to be a nun. I only wanted to serve the poor, because that seemed to be what God was asking of me."¹⁰⁰ In order to do that, and to regularise the ambiguous status of the philanthropic group she began, she founded a new religious institute. The same desire influenced her choice of the Presentation Rule and Constitutions as they "seemed more adapted to the purposes of the institution."¹⁰¹

The system of government which Catherine McAuley chose, where each foundation was separate, although the continued presence of dependent branch houses was not precluded, gave much authority to local bishops, who were not slow in requesting foundations for their dioceses.¹⁰²

The localised nature of each foundation was an inducement to benefactors who wanted to help alleviate poverty in their own areas, a motive which also appealed to prospective applicants who did not hesitate to join newly-established foundations in their home towns.

This decentralised system, coupled with a wide-ranging apostolate,¹⁰³ and relative

¹⁰⁰ Quoted in M. C. BOURKE, *A Woman Sings of Mercy*, p. 19.

¹⁰¹ *Derry (L) Ms.*, p. 7.

¹⁰² Bishop John Murphy of Cork, writing a letter of commendation to Pope Gregory XVI, requesting him to grant approval to the Rule and Constitutions of the Sisters of Mercy, stated that "this Institute ... is so completely suitable to the present state of things here." J. Murphy to Pope Gregory XVI, 18 November 1839, APF, SOCG, vol. 957, f. 281, RSM-UW/H102.

¹⁰³ If and when the need arose, visitation of the sick and the poor, hostels for girls (known as Houses of Mercy), visitation of workhouses and gaols, schools for the poor and

freedom of action, were important factors in the rapid spread of the Sisters of Mercy. Another most important factor was the leadership demonstrated by so many of the early founders. Their initiative and readiness to take risks and venture into unknown and often dangerous situations for the sake of those in need were qualities which Catherine McAuley possessed and developed in her followers.

During the fifty years after Catherine McAuley's death, Sisters of Mercy went to most countries where there were Irish immigrants, or, probably more relevantly, Irish bishops; but by the turn of the century, this foundation period was almost over and pressure to unite independent houses within dioceses was developing, particularly in countries such as the United States and Australia.

fee-paying schools for middle class girls (pension schools) were all undertaken. For example, in Cork, the Presentation Sisters ran a school for the poor. Their Rule prevented them from establishing pension schools for the middle class, so the Sisters of Mercy began one. In Birr, their main work was visitation of those who had been led into schism by one of the curates. See R. BURKE SAVAGE, *Catherine McAuley*, pp. 330-343, for details of this incident. At a meeting of many superiors of Irish houses in 1864, the following statement was adopted: "The objects of the Institute are of vast extent; they embrace the endless miseries which poverty, sickness, ignorance, and sin entail on the poor of Christ." *SISTERS OF MERCY, Abridgement of a Guide for the Religious called Sisters of Mercy*, London, Robson & Son, 1866, p. 2.

CHAPTER TWO

THE ESTABLISHMENT OF THE SISTERS OF MERCY IN AUSTRALIA

The Sisters of Mercy came to Australia fifty-eight years after the arrival of the first reluctant European settlers. By the time of Federation,¹ they had founded many autonomous houses which, during the next forty years, developed into seventeen recognised communities.²

Throughout this period, the Australian Sisters of Mercy were developing their particular identity. While each community had its own characteristics, they were all strongly attached to the ideals of Catherine McAuley and determined to retain and adapt them to their particular situations. At the same time, the "sound traditions" of the institute, an important component of its patrimony,³ were being established, refined and clarified.

This chapter traces the establishment of the Sisters of Mercy in Australia and analyses some of the major factors which influenced them, in particular, the canonical legislation of the period, the needs of the local church, episcopal policy and legislation, and the influence of the apostolic delegate of the time.

¹ On 1 January 1901, the Commonwealth of Australia was formed from six former colonies (New South Wales, Victoria, Queensland, Western Australia, South Australia and Tasmania) which united into a federation of sovereign states.

² In canonical terms, these seventeen communities were of two kinds: autonomous houses, often numerically large, with many branch houses; and congregations governed by a superior general. In this study, the term "community" is used to refer to both groups.

³ See *CIC/1983*, cc. 576 and 578.

I. GENERAL BACKGROUND

A. The early settlement of Australia

1. Discovery and colonisation

When Captain Arthur Phillip, RN, and the motley group which comprised the First Fleet disembarked in Sydney Cove on 26 January 1788, they were entering a land which had been the subject of mystery and legend for centuries. Greek, Roman and medieval cartographers had marked *Terra australis incognita* on maps of the world but it was not until the eighteenth century that some countries began to show serious interest in the area.

For thousands of years, the only inhabitants of this arid land with its distinctive flora and fauna were small groups of nomadic aborigines who had migrated from the Malay Archipelago via a then-existing land bridge. However, from the fifteenth century on, Chinese, Portuguese, Spanish, Dutch, French and British explorers, adventurers, traders and pirates sighted or briefly landed on its apparently inhospitable shores. In 1605, sailing under the flag of Spain, Fernández de Quirós arrived at the island of Espiritu Santo (now known as Vanuatu) in the New Hebrides, and thinking that he had discovered the mysterious continent, named it *Austrailia del Espiritu Santo*. Then in 1642, during an expedition organised by the Dutch East India Company, Abel Tasman discovered Van Dieman's Land and two years later, explored the northern coast of the land mass known then as New Holland. Between 1688 and 1700, William Dampier, an English pirate, sailed along the

western coast. His report on the possible value of the country was very negative so interest waned for some decades.⁴

However, in 1768, the British government commissioned Lieutenant James Cook, RN, to lead an expedition to the south seas. Part of his orders required him to search for the southern continent. The main reasons for this assignment seemed to be:

The hope either that the Dutch had been wrong in their descriptions of New Holland, or the unknown *terra australis* would be discovered, or that Van Dieman's Land might be exploited.⁵

In May 1770, he landed on the east coast of Australia and took possession of the territory which he named New South Wales.

Within a few years, the British government began to consider the possibility of establishing a penal settlement there, and in 1786, selected Botany Bay for this purpose.⁶ The following year, the First Fleet, which consisted of eight prison ships and three store ships and carried about one thousand people, including over seven hundred convicts, soldiers to guard them, and one stowaway, sailed from Portsmouth Harbour and arrived in Botany Bay eight months later. The colony was eventually established with great difficulty

⁴ For an account of Australia's history before 1788, see C. M. H. CLARK, *A History of Australia*, vol. 1, *From the Earliest Times to the Age of Macquarie*, Carlton, Melbourne University Press, 1962, pp. 3-56.

⁵ *Ibid.*, p. 43. See also G. BLAINEY, *The Tyranny of Distance: How Distance shaped Australia's History*, Melbourne, Sun Books, 1966, pp. 7-15.

⁶ After transportation to the American colonies had ceased in 1776, the British government incarcerated convicts in prison hulks. This measure soon proved to be unsuitable so transportation to some other remote place was considered. For reasons why New South Wales was chosen, see C. M. H. CLARK, *A History of Australia*, vol. 1, pp. 59-72; and G. BLAINEY, *The Tyranny of Distance*, pp. 15-37.

in Sydney Cove, and, from "this Noah's Ark of small time criminality", the country developed.⁷

2. The development of the Catholic Church

Many of the convicts in the First Fleet were Catholics and succeeding convict ships also carried large complements of Catholics. The British Government had made little provision for the religious welfare of the convicts and none for the Catholics who were mainly of Irish origin. For almost thirty years, they were forced to attend the services of the Church of England, although there was a brief respite at one stage. Three priests were among the Irish transported after the 1798 rebellion. One of them, James Dixon, exercised his ministry for a short period but after an abortive uprising in which many Irish convicts took part, the colonial government withdrew the privilege in 1804.⁸

The first reference to the unknown southern land in Propaganda records appeared in 1630 but the information was vague and little was done about it.⁹ Eventually, in 1818,

⁷ R. HUGHES, *The Fatal Shore: The Epic of Australia's Founding*, New York, Alfred A. Knopf, 1987, p. 74. Between 1788 and 1868, the British government transported approximately 162,000 convicts to Australia. The arrival of free settlers proceeded slowly until the government began to subsidise fares but escalated after the discovery of gold in 1851. See also G. BLAINEY, *The Tyranny of Distance*, pp. 148-172.

⁸ See P. O'FARRELL, *The Catholic Church and Community: An Australian History*, rev. ed., Kensington, New South Wales University Press, 1985, pp. 1-39. See also J. WALDERSEE, *Catholic Society in New South Wales, 1788-1860*, Sydney, Sydney University Press, 1974, pp. 1-70.

⁹ For a study of the material in Propaganda archives regarding the early ecclesiastical history of *Terra australis incognita*, see R. M. WILTGEN, *The Founding of the Roman Catholic Church in Oceania, 1825-1850*, Canberra, Australian National University Press, 1979, pp. 164-182.

Propaganda appointed an English Benedictine named Edmund Slater the Vicar Apostolic of the Cape of Good Hope with jurisdiction over Madagascar and Mauritius, and shortly after, added the two small penal colonies of New Holland and Van Dieman's Land.¹⁰

Bishop Slater's successor, William Morris, appointed William Ullathorne, another English Benedictine, as his resident vicar general in Sydney. As a result of Ullathorne's recommendations, Pope Gregory XVI created the vicariate apostolic of New Holland and Van Dieman's Land in 1834, and named John Bede Polding, a Benedictine monk from Downside, the Vicar Apostolic.¹¹ The needs of the rapidly growing church were great, so in 1842, acceding to Polding's petition, Rome established the hierarchy, appointing Polding the Archbishop of Sydney and erecting two suffragan dioceses, Hobart Town and Adelaide.¹²

After the cessation of transportation and during the gold rushes, the population increased rapidly. Many of the colonists were Catholics and were predominately of Irish origin. They were mostly unskilled urban labourers, although there were also many farmers, and were often discriminated against in employment and education and suspected of

¹⁰ See F. O'DONOGHUE, "Australia's Connection with Mauritius", in *The Australasian Catholic Record*, 53 (1976), pp. 70-80. In 1819, Slater issued faculties to two priests, Phillip Connolly and John Joseph Therry, both of whom worked in very difficult conditions for many years in New South Wales and Van Dieman's Land (re-named Tasmania in 1856).

¹¹ See F. O'DONOGHUE, *The Bishop of Botany Bay: The Life of John Bede Polding, Australia's First Catholic Archbishop*, Sydney, Angus & Robertson, 1982, pp. 17-23, for an account of events leading up to Polding's appointment.

¹² See R. M. WILTGEN, *The Founding of the Roman Catholic Church in Oceania*, pp. 347-357. See also F. O'DONOGHUE, *The Bishop of Botany Bay*, pp. 59-66.

disloyalty towards the British government.¹³ To cater for their spiritual needs, many priests came from countries such as Ireland, England, Italy and France, built churches and staffed parishes. Religious congregations arrived, the first being the Irish Sisters of Charity who arrived in 1838 and worked with female convicts, visited gaols, gave religious instruction and conducted schools and hospitals. The Sisters of the Good Samaritan, founded in Sydney in 1857, were the first Australian congregation.¹⁴ Women religious opened hospitals, refuges and orphanages, and staffed the fast-developing Catholic school system when the various

¹³ For a contemporary account of the situation and the place of the Irish in the Australian Catholic Church, see M. PHELAN, "The Irish Abroad: The Church in Australia", in *The Irish Ecclesiastical Record*, 14 (1893), pp. 33-45, 498-511, and 673-689. See also P. O'FARRELL, *The Catholic Church and Community*, pp. 82-88; and F. MECHAM, "The Contribution of the Clergy to the Spirituality of the Australian Church", in *The Australasian Catholic Record*, 55 (1978), pp. 43-55. A more recent study of this topic is found in P. O'FARRELL, *The Irish in Australia*, Kensington, New South Wales University Press, 1987, 335p.

¹⁴ See M. R. MacGINLEY, *Women Religious in Australia: Choice at a Crossroads*, Sydney, Institute of Religious Studies, 1989, p. 11. The second Australian congregation began in 1867 when the first Sisters of St. Joseph were professed in Adelaide. See M. M. DONOVAN, *Apostolate of Love*, pp. 113-138; I. LUSTRISSIMI, art., "Buon Samaritano, Suore del, Sisters of the Good Samaritan", in G. PELLICCIA (1962-1968) e G. ROCCA, (1969 -), eds, *Dizionario degli istituti di perfezione*, Roma, Edizione Paoline, 1974 -, vol. 2, cols 1675-1677; and O. THORPE, *Mary McKillop: Mother Mary of the Cross, Foundress of the Sisters of St. Joseph of the Sacred Heart*, London, Burns & Oates, 1957, pp. 33-66.

colonial governments gradually withdrew financial support.¹⁵ By 1901, more than 20% of the population of nearly two and a half million were Catholics.

B. The Sisters of Mercy

Between 1846 and 1898, various groups of Sisters of Mercy, mainly from Ireland, had made eighteen permanent foundations.¹⁶ These, in turn, established other independent foundations.

1. Foundations from Ireland

Twelve foundations, including four originating from Baggot Street, were from Ireland. In many ways, these four — Perth, Geelong, Brisbane and Warrnambool — were typical of all the Irish ventures.

The first foundation originated from a request from Bishop John Brady, the first bishop of Perth, the main town of the poor, isolated and struggling Swan River Colony on

¹⁵ Bishops went on recruiting trips to Ireland and many congregations responded with alacrity to pleas such as the following made by a parish priest in Melbourne: "From the ends of the earth I write to you for help. An Education Bill has recently been passed by our local Legislature which is diametrically opposed to our interests ...". Father J. F. Corbett to the Superior of the Presentation Convent, Limerick, 28 January 1873, quoted in K. DUNLOP KANE, *Adventure in Faith: The Presentation Sisters in Victoria*, Melbourne, Congregation of the Presentation of the Blessed Virgin Mary, Victoria, 1974, p. 4. See P. O'FARRELL, *The Catholic Church*, pp. 138-191. See also M. R. MacGINLEY, *Women Religious in Australia*, pp. 3-12; and P. FITZ-WALTER, "Commitment to Education: Its influence on the Life-styles of Religious Women in Australia ... From 1840's to 1910", in *The Australasian Catholic Record*, 54 (1977), pp. 346-359.

¹⁶ See Appendix IV, p. 205, for information regarding these foundations.

the west coast.¹⁷ He visited Baggot Street in 1845 and convinced the community of the needs of his diocese so the superior agreed to send a group, led by Mother Ursula Frayne.¹⁸ The sisters were guaranteed financial support and freedom to observe their rules and constitutions, and after a voyage of almost four months, arrived in Perth in January 1846.¹⁹

These first Sisters of Mercy in Australia had to cope with many difficulties, the most serious being the relationships with Bishop Brady and his successor, Bishop José Serra, OSB.²⁰ One of the areas of dispute was the degree to which the bishops felt they had the right to manage the community. In a letter to the superior of Baggot Street which gave details of the problems they were having with Bishop Brady, Ursula Frayne wrote:

¹⁷ The Swan River colony was established in 1829. Few of the one thousand colonists were Catholics, but, acting on Brady's somewhat exaggerated assessments, in 1845, Propaganda established the diocese and appointed him as its bishop. Polding had not been consulted, and when he learned of this, was concerned as he considered Brady was not suitable for the position. Subsequent events proved Polding right. See D. F. BOURKE, *The History of the Catholic Church in Western Australia*, [Perth], Archdiocese of Perth, [1979], pp. 1-23, for an account of the early history of the Church in Western Australia.

¹⁸ Ursula Frayne, professed at Baggot Street in 1837, was one of three sisters who went to Newfoundland in 1842. For unspecified reasons, she and Sister Mary Rose Lynch returned to Baggot Street in 1843. Bishop Brady confirmed her appointment as superior before the group embarked for Perth. Mary Rose Lynch later went on the Geelong foundation, but after a few years, returned to Ireland and subsequently left the congregation. The motherhouse of this foundation is often referred to as "Victoria Square"; another independent foundation was made later in Victoria Park, a Perth suburb, and is referred to by this name.

¹⁹ See M. F. GOULD, "Sketches of the Mission of Western Australia commenced January, 1846", Ms., p. 4; Archives of the Sisters of Mercy of Perth (=RSM-Pe). Sister Mary Frances Gould came to Perth as a novice in 1848. She spent some time in Melbourne and Bathurst as well.

²⁰ See D. F. BOURKE, *The History of the Catholic Church in Western Australia*, pp. 26-51.

Again I must do his Lordship justice. He has not required us to do anything *directly* contrary to our Rule, but in many cases he would wish us to adopt his explanation of it. Besides, he says the copy we have is incorrect or at least it was written for St. Catherine's [the Baggot Street convent]; he dwells particularly upon the chapter relating to his duty as our first Superior after the Holy See by which we are bound to obey him without hesitation.²¹

Another problem arose because the bishop was their only confessor.²² This matter was also to cause difficulty to other pioneer Sisters of Mercy who probably on occasions agreed with the comment made at the time that "God is our only protection in Australia and He only knows what we may yet be subjected to."²³

Bishop Serra's time as leader of the Catholic Church in Perth was also difficult for the Sisters of Mercy. Eventually, relationships between the Sisters of Mercy and the bishop became so bad that when Serra forbade priests to administer the sacraments to them because of their alleged disobedience to his orders regarding the school curriculum and the convent timetable, Ursula Frayne had recourse to Cardinal Giacomo Fransoni, Prefect of Propaganda. Although the sisters had advice and support from Archbishop Polding, matters

²¹ U. Frayne to Mother Cecilia Marmion, November 1846. G. BYRNE, ed, *Valiant Women: Letters from the Foundation Sisters of Mercy in Western Australia, 1845-1849*, Melbourne, Polding Press, 1981, p. 51. In another letter, the comment was made that: "The Reverend Mothers on such missions as this, and under such Bishops, are only Mother Superiors in name, an empty title with all the crosses prerequisite of the office and none of authority." Mother Mary Anne Xavier Dillon to C. Marmion, 24 April 1849. *Ibid.*, p. 130.

²² Ursula Frayne alluded to this in an early letter: "You will remember that he is our spiritual and temporal guardian as well as Confessor; in fact every, even the least circumstance, he brings under his inspection and direction; all this I submit to, but as well as being unpleasant it has many inconveniences." U. Frayne to C. Marmion, November 1846. *Ibid.*, p. 46.

²³ A. Dillon to C. Marmion, 24 April 1849. *Ibid.*, p. 130.

had gone too far. Ursula Frayne resigned as superior in June 1856 and the following year, with two companions, went to Melbourne.²⁴

The Perth foundation experienced difficulties which were not uncommon in later foundations. They fell under three headings. The first was finance, in particular, the problem of inadequate financial support.²⁵ The second arose from differing interpretations of the role of the bishop.²⁶ The line between authority and jurisdiction, on one hand, and undue interference, hopefully safeguarded against by formal agreement, on the other, was extremely fine. When forceful or insecure personalities tried to walk it, conflicts were almost inevitable. The third area of difficulty lay in the nature of the missions themselves. Often they were extremely isolated, communication was difficult, and missionaries had to be mutually dependent and supportive. If there were problems, such as unsympathetic parish priests or bishops, the unavailability of independent confessors, or friction or injustice within the community, often it was not possible to do anything about them.

The convent Ursula Frayne had founded in Fitzroy was well established by the time Bishop James Alipius Goold completed negotiations for a community of Sisters of Mercy

²⁴ See M. G. ALLEN, *The Labourers' Friends: Sisters of Mercy in Victoria and Tasmania*, Melbourne, Sisters of Mercy Property Association, 1989, pp. 18-21, for an account of relationships with Serra between 1850 and 1856. See also D. F. BOURKE, *The History of the Catholic Church in Western Australia*, pp. 52-66, for details of Serra's administration.

²⁵ The financial support of new foundations was catered for in the Rule and Constitutions but it seemed that it was often ignored or treated in a cursory or overly-optimistic manner. See *1863 Rule and Constitutions*, Second Part, chap. 10, art. 1, p. 57.

²⁶ See *ibid.*, chap. 1, art. 1, p. 39.

for Geelong, a thriving port in his diocese.²⁷ This second Baggot Street foundation, led by Mother Mary Xavier Maguire, who had just completed a three-year term of office as superior there, soon became self-supporting as well.²⁸

Xavier Maguire was the first of many founders in Australia who had previously held positions of responsibility in their own communities. The choice of such superiors seemed logical: their positions had given them some experience of authority and organisation. But, human nature being what it is, perhaps they were not well suited to return to the ranks of the community, nor might they have been comfortable subjects for incoming superiors. The challenge of a new beginning may have been met with relief on more than one occasion by both those who went and those who stayed!

The third foundation from the original motherhouse was made in the new diocese of Brisbane.²⁹ The bishop, James Quinn, knew the Baggot Street community well.³⁰ He

²⁷ The convent was established in Fitzroy, a suburb of Melbourne, in March 1857. The gold rushes of the early fifties had resulted in a great population increase in the colony of Victoria, so the diocese, which had been erected in 1847, was under great pressure to supply the needs of the rapidly increasing Catholic population. See D. F. BOURKE, *A History of the Catholic Church in Victoria*, Melbourne, Catholic Bishops of Victoria, 1988, pp. 24-46.

²⁸ See J. A. GOOLD, *The Diaries of Archbishop Goold*, ed. F. D. MINOGUE, Melbourne, Graphic Books, 1979, pp. 68-69; and X. Maguire to P. Cullen, 13 July 1859, Archives of the Sisters of Mercy of Melbourne (=RSM-M). Some financial difficulties occurred, but eventually, the community became self-supporting and began to increase as local girls joined it, even though Xavier Maguire initially categorised them as "wild and unmannerly Australians". X. Maguire to Mother Mary of Mercy Norris, 19 April 1860, RSM-M. See also M. G. ALLEN, *The Labourers' Friends*, pp. 70-81.

²⁹ Originally a convict settlement known as Moreton Bay, Brisbane was opened up to free settlers in 1842. The diocese was formed in 1859 and covered a huge area of north-eastern Australia. Many of the early settlers were Irish, and in the first ten years of his administration, Bishop Quinn laid the foundations of a strong and vibrant church. See A.

was determined to have the superior, Mother Vincent Whitty, as the leader of a group of Sisters of Mercy to accompany him to Brisbane. By the time he was ready to go, Vincent Whitty was no longer the superior but was the novice mistress. The community, by a vote in chapter, refused permission for her to go. Undaunted, Quinn persisted and succeeded by requesting Archbishop Cullen to overturn the chapter decision, a victory both the bishop and Vincent Whitty probably regretted in later years.³¹

The small group of Sisters of Mercy arrived in May 1861 and began their extensive educational apostolate almost immediately. Distance was an enormous problem and was a key factor in an important decision made regarding future foundations. As Mother Vincent wrote back to Baggot Street: "The Bishop intends that all the Convents should be united as branch houses and, considering the wants of the mission, I am sure that is the best."³²

Again, there were problems, and the difficult relationship between the Sisters of Mercy and Bishop James Quinn has been the subject of detailed study.³³ Most problems

McLAY, *James Quinn: First Catholic Bishop of Brisbane*, rev. ed., Toowoomba, Church Archivists' Society, 1989, pp. 41-47.

³⁰ He had been their chaplain and was involved in planning for the group who went to the Crimea in 1854 and for the establishment of the Mater Misericordiae Hospital in Dublin. *Ibid.*, pp. 16-17.

³¹ See M. X. O'DONOGHUE, (Frances), *Mother Vincent Whitty: Woman and Educator in a Masculine Society*, Carlton, Melbourne University Press, 1972, p. 28.

³² V. Whitty to M. Norris, 17 June 1863, quoted in M. X. O'DONOGHUE, *Beyond Our Dreams: A Century of the Works of Mercy in Queensland*, Brisbane, Jacaranda Press, 1961, p. 31.

³³ See A. McLAY, *James Quinn*, pp. 53-62 and 81-86; M. X. O'DONOGHUE, *Beyond Our Dreams*, pp. 28-37; and *Vincent Whitty*, pp. 83-131.

arose because of the tensions between Quinn's perception of his authority as bishop and the apparent freedom from this authority inherent in some aspects of the Rule and Constitutions of the Sisters of Mercy, but, despite these difficulties, the community grew steadily.³⁴

The Warrnambool foundation made in 1872 is usually listed as a foundation from Baggot Street, but the link is tenuous.³⁵ Mother Philomene Maguire, a sister of Mother Xavier Maguire, who had been professed at Baggot Street, led this foundation. Between 1854 and 1871 she had been in charge of three short-lived foundations.³⁶ The difficulty of settling back in Baggot Street, plus the Geelong connection, encouraged the group to try

³⁴ He was determined to act as the superior of the community, a position to which he had some right, and was the community's sole confessor. In 1865, he removed Vincent Whitty from her position as superior and appointed Mother Benedict McDermott, more or less as a figurehead. Those who protested were deprived of a voice in chapter. In time his attitude to Vincent Whitty mellowed -- in 1871 he sent her to Ireland to recruit sisters, but as his reputation had preceded him, she had difficulty attracting volunteers, and in 1872, he appointed her mother assistant, and later novice mistress. See *1863 Rule and Constitutions*, Second Part, chap. 1, arts 1-6, pp. 39-42; and M. X. O'DONOGHUE, *Vincent Whitty*, pp. 90-96 and 103-111.

³⁵ See M. I. O'SULLIVAN, *The Wheel of Time*, Melbourne, Sisters of Mercy, 1954, p. 149, and M. G. ALLEN, *The Labourers' Friends*, p. 99.

³⁶ In 1854, she established a foundation in Belfast but financial difficulties caused the community to disperse. In 1862, she led a small group from Belfast to Worcester, but, because of anti-Catholic opposition and poverty, in 1869, the sisters returned to Ireland and settled in Ballyjamesduff. For unknown reasons, the Poor Clare Sisters replaced the community of six by 1872. They returned to Baggot Street and, with the addition of a novice and a postulant, left from there for Australia, arriving in Warrnambool in May 1872. See Sister Mary Ursula to Sister Mary Ignatius O'Sullivan, 12 May 1948, RSM-M; and A. H. LEADEN, "The Sisters of Mercy in Kilmore, 1868-1968", reprinted from *Breifne*, 3 (1969), pp. 4-9. Details of the foundation are found in M. I. O'SULLIVAN, *The Wheel of Time*, pp. 147-159, and M. G. ALLEN, *The Labourers' Friends*, pp. 99-104.

again in Australia, and Bishop Goold was happy to have them establish a foundation in the strongly Irish settlement.

The previous history of this group which eventually settled permanently in Warrnambool (although some were later involved in other foundations) showed a certain restlessness which, although not a serious problem in Australia with its smaller and more sparsely settled Catholic population, did cause difficulties in the United States.³⁷ This problem may have been exacerbated by the directive which required professed sisters to relinquish their right to be re-admitted to their original communities, except under rather stringent re-entry provisions, a procedure hardly calculated to encourage members of unsuccessful foundations to return to the house of their profession, but rather more likely to persuade them to try again elsewhere.³⁸

Between 1859 and 1898, nine other permanent foundations were made from other Convents of Mercy in Ireland. While each had its own pattern of development, in general

³⁷ M. H. MULDRY, *Abounding in Mercy: Mother Austin Carroll*, New Orleans, Habersham, 1988, pp. 118, 163, 253, 370, and 408, gives details of some "wandering" Sisters of Mercy and transitory foundations. As early as 1870 in the United States, the problem was acknowledged and was one of the factors used to encourage some form of consolidation of independent motherhouses. This is discussed at length in J. SABOURIN, *The Amalgamation*, Saint Meinrad, Abbey Press, 1976, pp. 6-49.

³⁸ SISTERS OF MERCY, DUBLIN, *The Customs and Minor Regulations of the Religious called Sisters of Mercy in the Parent House, Baggot Street, and Its Branch Houses (=Dublin Customs, 1869)*, Dublin, J. M. O'Toole & Son, 1869, Part II, "Foundations", pp. 135-137. Art. 3 stated: "Every Professed Sister who leaves the Community to go on a Foundation, or to join another House of the Congregation, shall sign a legal paper, duly drawn up, that she goes of her own free will, that she is satisfied with the arrangement that has been made with the Archbishop's sanction, that she has no further claim on this Community for past services, or money given in the way of annuity or otherwise, and that she renounces all claims to be re-admitted to this community." Arts 4-6 detailed the lengthy procedure to be followed if she applied to rejoin the community, a request not always granted.

they all faced much the same situations and developed in a similar manner to the Baggot Street foundations as described.³⁹

2. Other foundations from overseas

English convents made two Australian foundations. Sisters from Liverpool settled in Sydney in 1865,⁴⁰ and at the invitation of Bishop Eleazar Torreggiani, OFM Cap, who had been appointed second Bishop of Armidale in 1879, the second English foundation came from Bermondsey in 1884 to the northern New South Wales town of Grafton.⁴¹

Two foundations came from places where communities were having difficulty. Political trouble in Buenos Aires led to the departure of the Sisters of Mercy and their settlement in Adelaide in 1880.⁴² The coming in 1891 of Sisters of Mercy to Mansfield, a

³⁹ Goulburn (Westport 1859), Bathurst (Charleville 1866), Yass (Rochfortbridge 1875), Singleton (Ennis 1875); Bendigo (Swinford 1876), Parramatta (Callan 1888), Cooktown (Dungarvan 1888), Yarrowonga (Wexford 1890), and Victoria Park (Derry 1898).

⁴⁰ The group was originally intended for Bathurst, but the first bishop of the new diocese, Matthew Quinn, brother of James, had made his own arrangements regarding a foundation of Sisters of Mercy so Archbishop Polding invited them to stay in Sydney. See M. Quinn to J. B. Polding, 25 July 1865 and 27 November 1865; and to Mother Ligouri Gibson, superior of the Convent of Mercy, Liverpool, 30 July 1865; Archives of the Sisters of Mercy of Bathurst (=RSM-B)/302.01. See also M. B. RANKIN, *A History of Monte Sant'Angelo College, North Sydney*, Sydney, Sisters of Mercy of Monte Sant'Angelo Congregation, 1975, chaps 2 and 3 (no page numbers), for a brief account of the early days of this foundation.

⁴¹ Torreggiani had known the Sisters of Mercy from his time as superior of a Capuchin monastery near one of the Bermondsey branch houses. See M. C. FLAHERTY & M. C. JONES, *As Gentle Rain*, Sydney, Halstead Press, 1960, pp. 44-73, for an account of the early years of the foundation.

⁴² See J. M. USSHER, *The Irish Sisters of Mercy in Argentina from 1856 to 1947*, Buenos Aires, Southern Cross Press, 1947, pp. 5-12. While the question of their possible withdrawal was being discussed, Bishop Christopher Reynolds of Adelaide offered the community of

small town in a remote and mountainous area of Victoria, resulted from a fortuitous meeting between Archbishop Thomas Carr of Melbourne and two Sisters of Mercy who were returning to Ireland from a troubled foundation in New Zealand.⁴³

Three other foundations, only one of which lasted for any length of time, were somewhat unusual. The first Sisters of Mercy in Bathurst actually came in mid-1864. Once news came about Bishop Matthew Quinn's plans to have another community, they dispersed before the community arrived.⁴⁴ The second such foundation was made at Benalla, a Victorian inland town. At the request of the parish priest, two professed sisters and a novice from Swinford arrived there in 1888 but left two years later.⁴⁵

twenty-four, many of whom had been born in Argentina, a place in his diocese. The Archbishop of Buenos Aires was opposed to their departure, so "they applied to the Holy See, and with the intervention of Mgr. Patrick F. Moran, Bishop of Ossory, afterwards Cardinal Archbishop of Sydney, obtained permission to close the convent in Buenos Aires." Ibid., p. 13. See M. M. PRESS, *From Our Broken Toil: South Australian Catholics 1836-1906*, Adelaide, Archdiocese of Adelaide, 1986, pp. 204-218 *passim*, for a brief account of the early history of this foundation.

⁴³ Archbishop Carr met Sisters M. Alacoque and Agnes Ryan (also blood sisters) at the Good Shepherd convent in Melbourne prior to their return to their original convent in Carrick-on-Suir from the 1890 foundation in Gore in the diocese of Dunedin, New Zealand. See "Annals", Archives of the Sisters of Mercy of Singleton (=RSM-S). With the temporary assistance of two sisters returning to Wexford, the foundation was made. Reinforcements soon came from Carrick-on-Suir and the foundation prospered. See M. G. ALLEN, *The Labourers' Friends*, pp. 147-157.

⁴⁴ See M. RYAN, "So We weren't the First Bathurst Mercies!!!", Ms., n.d., pp. 1-3. See also M. Quinn to J. B. Polding, 12 October 1868; and to Bishop Alexander Goss of Liverpool, 3 May 1870, RSM-B/302.01.

⁴⁵ Just why the Irish sisters and their postulant from Bendigo left is unknown. See M. G. ALLEN, *The Labourers' Friends*, pp. 121-124.

The most permanent of this group of foundations was the one established in 1885 at Emmaville, at that time a thriving tin and arsenic mining town in northern New South Wales. The founder, Mother Vincent Mulhall, had a rather unusual past, most details of which were unknown to the thirteen sisters who subsequently joined this community which established convents lasting until the 1960s.⁴⁶

⁴⁶ Sister Mary Vincent Mulhall entered the Convent of Mercy, Tullamore in 1866. Apparently seriously ill, she was professed on her deathbed in the presence of the Reverend Joseph Higgins, an event which elicited the following comment recorded in the convent annals: "It was a thing we ought never to have encouraged nor shall we ever do it again." A later entry in the same annals noted that she showed "signs of discontent and an inordinate desire to go to the foreign missions", this attitude being characterised as "rather the result of a chimera than holy zeal." In 1880, Mother Brigid Conlan of Brisbane, who was visiting Ireland in search of sisters to return with her to Brisbane, refused to accept her, and the following year, it seems that she was either dispensed from her vows or dismissed, and her dowry returned to her. She then spent some time in the United States of America, where she was joined by a postulant. Eventually, they arrived in Sydney where Father Higgins, now an auxiliary bishop to Cardinal Patrick Moran (and later to be the second bishop of Rockhampton and the third bishop of Ballarat) clothed her companion (later to succeed her as superior in Emmaville) in the religious habit. Somehow they made their way to the struggling vicariate centred in Cooktown in the far north of Queensland just prior to the arrival of the Augustinians to whom it had been entrusted. The new vicar apostolic, Reverend John Hutchinson, OSA, was unimpressed by her credentials and, in 1884, wrote to his superior general: "A strolling nun came here a few months ago on speculation. She was not invited by anyone. ... I find her totally unfit to have charge of our schools, and have given her a month's notice to clear out." Back in Sydney, she accepted an invitation from Bishop Torreggiani, OSFC, of Armidale to settle in Emmaville. See M. A. ENDICOTT, *The Augustinians in Far North Queensland, 1883-1941*, Brookvale, Augustinian Historical Commission, 1988, pp. 25-26; the account by Sister Mary Francesca Foley from Emmaville, "Foundation and Establishment of the Convent of Mercy at Emmaville", Ms., [circa 1950]; and later correspondence in the Archives of the Sisters of Mercy of Gunnedah (=RSM-Gu).

3. Australian foundations

In a few years, the newly established convents were making foundations which, in their turn, often became independent.⁴⁷ In some cases, the new foundation was independent from the beginning. The usual reasons for this were distance or the establishment of a foundation in another diocese.⁴⁸ The long distance between houses in a particular diocese was also a factor, particularly when it appeared that branch houses could be self-supporting.⁴⁹

⁴⁷ See Appendix V, p. 206, for information on the Australian foundations. The first of this second generation of foundations was made in Fitzroy in 1857. See p. 48.

⁴⁸ For example, Melbourne was over four thousand kilometres from Perth and at that time could only be reached by sea. It took Ursula Frayne and her companions seven weeks to get there. In 1889 when Singleton sent a foundation to the inland mining town of Broken Hill in the new diocese (1887) of Wilcannia, the six sisters had to travel for over a week via Melbourne and Adelaide. See SISTERS OF MERCY, WILCANNIA-FORBES, "Brief History of the Province", Ms., 1965, p. 2, Archives of the Sisters of Mercy of Wilcannia-Forbes (=RSM-WF). The foundations made in Tasmania — Latrobe from Bendigo in 1892 and Deloraine from Goulburn in 1895 — were always independent.

⁴⁹ Ballarat remained a branch house of Warrnambool for only four years and soon became larger and more flourishing than its motherhouse. In 1892, three years after its establishment, Kyneton separated from Geelong. See M. G. ALLEN, *The Labourers' Friends*, p. 92. In 1900, unusual circumstances caused the establishment of a short-lived independent house. In 1896, Yass sent five sisters to establish a branch house at Wyalong. During an epidemic of typhoid in 1899-1900, Bishop John Gallagher suggested that this convent become an independent house, at least until conditions improved. In mid-1902, the convent reverted to its original status as a branch house of Yass. See "Annals of the Sisters of Mercy of Goulburn", Ms., p. 222, Archives of the Sisters of Mercy of Goulburn (=RSM-G). Townsville had been founded from Rockhampton in 1878 and remained a branch house until 1901. The Townsville diocese was not formed until 1930 but distance was a major factor in the decision to separate much earlier.

As dioceses were formed, branch houses established from outside the new dioceses became independent motherhouses.⁵⁰ Sometimes, the policy of individual bishops dictated the formation (or otherwise)⁵¹ of independent houses within their dioceses. This was the reason for the creation of five such communities in the diocese of Perth from the Victoria Square motherhouse,⁵² and the separation of Cowper from Grafton in 1892.⁵³ Occasionally, it seemed that the sisters themselves initiated moves to separate although records generally do not indicate the reasons for this.⁵⁴

⁵⁰ Rockhampton, established as a branch of Brisbane in 1873, became an independent motherhouse with its own branch houses when the diocese of Rockhampton was created in 1882. The same thing occurred with the Singleton foundation at Gunnedah in 1879 when a re-arrangement of diocesan boundaries in 1887 included it in the diocese of Lismore.

⁵¹ As mentioned earlier (see p. 50), in Queensland, Bishop James Quinn decided that distance was a major factor in retaining a centralised system.

⁵² "[Bishop Matthew] Gibney disliked the idea of convents being dependent upon a distant motherhouse and consequently during his reign, a policy of independent foundations was adopted. Mother Benedict, the superior, acquiesced to the bishop's wishes in the regard." M. AUSTIN, "A History of the Convent of Mercy, Victoria Square (1900-1960)", Ms., 1962, p. 4, RSM-Pe. West Perth, Bunbury and the three small houses of Guildford, York and Toodyay were all made independent by 1900. Bishop Gibney's letter to the superior of Perth regarding these last three read: "Please inform the Community that I have decided to form foundations of your good Order at York, Guildford and Newcastle. The ballot is to be submitted to me directly. The Superiors will be chosen as prescribed by Rule. Should any one of these fail to secure a Community, the Sisters will have to withdraw." M. Gibney to B. Murphy, 12 August 1900, RSM-Pe. The Chapter Book recorded that these three places were declared independent foundations on 15 August 1900.

⁵³ "In June 1892 Bishop Doyle precipitated yet another change. His Lordship visited St. Mary's. Grafton, and expressed his desire that the Cowper Convent should be made independent. The separation from the Mother House came into effect on 18th July." The bishop's request was based on the fact that the Cowper convent was self-supporting and flourishing. M. R. FLAHERTY & M. C. JONES, *As Gentle Rain*, pp. 93 and 172.

⁵⁴ "It was at this time that a decision was made by the nuns in Casino [founded from Grafton in 1887] to break away from Grafton and become an independent unit. This, of course, was done with the full approval of the Bishop. There were numerous reasons for the move." One reason then given was the great difficulty incurred because of the distance and

4. General features

All these foundations used the Rule and Constitutions approved for Baggot Street in 1841. Many of them brought with them hand-written copies, not only of the Rule and Constitutions, but also of customs books, retreat notes, instructions for postulants and novices, and letters from Catherine McAuley. They came at the request of, or with approval from, the bishop, often the first one appointed to a new diocese.⁵⁵

At that time, clear legislation regarding the authority to erect houses of institutes of simple vows did not exist. The right of the bishop to erect houses of institutes of solemn vows had been the source of some controversy particularly since the Council of Trent, but canonical opinion held that any laws enacted did not refer to institutes of simple vows, and all that was needed was the authorisation of the bishop.⁵⁶ Pope Leo XIII formalised this requirement in his Apostolic Constitution, *Conditae a Christo*,⁵⁷ and the accompanying

the inconvenience of travel between the two convents. Ibid., p. 93.

⁵⁵ e. g. Bathurst, Brisbane, Cooktown (vicariate apostolic), Perth and Sandhurst (Bendigo). Many Australian bishops appointed in the latter half of the nineteenth century were Irish and, in some cases, foundations were invited to Australia because of connections with these bishops. Good examples of this are found in the histories of the Bathurst and Parramatta foundations. See the account from the "Annals of the Convent of Mercy, Charleville", RSM-B/301.3; and M. S. McGRATH, *These Women? Women Religious in the History of Australia: The Sisters of Mercy, Parramatta, 1888-1988*, Kensington, New South Wales University Press, [1989], pp. 11-22, 36-44.

⁵⁶ For a general treatment of this topic, see B. J. FLANAGAN, *The Canonical Erection of Religious Houses*, Canon Law Studies No. 179, Washington, DC, Catholic University of America, 1943, x-147p.

⁵⁷ "Domus nulla novarum sodalitatium iusto iure fundabitur, nisi annuente probante Episcopo." LEO XIII, Apostolic Constitution, *Conditae a Christo*, 8 December 1900 (= *Conditae a Christo*), in *Acta Sanctae Sedis* (=ASS), 33 (1900-1901), p. 342.

norms added the proviso that, in places subject to Propaganda, its consent was necessary.⁵⁸ The majority of independent houses founded in Australia were in existence before these provisions came into force.⁵⁹

The spread of the Sisters of Mercy in the country was so rapid that, by the time of the Third Australian Plenary Council in 1905, there were approximately fifty independent motherhouses in the country, ranging greatly in size, and nearly all having dependent branch houses.⁶⁰ Often, several motherhouses could be found in the one diocese.⁶¹

The decentralised form of government with the important role accorded to the diocesan bishop found favour with the bishops as they considered it best suited to Australian conditions. Most bishops vehemently opposed the centralised structure which Mother Mary of the Cross MacKillop, founder of the Sisters of St. Joseph of the Sacred

⁵⁸ "Ut autem domus erigi possit in locis missionum, obtineri debet praevia venia Sacrae Congregationis de Propaganda Fide." See SACRA CONGREGATIO EPISCOPORUM ET REGULARIUM (=SCEp. et Reg.), *Normae secundum quas S. Congr. Episcoporum et Regularium procedere solet in approbandis novis institutis votorum simplicium*, 28 June 1901, (=1901 Normae), Romae, Typis S. C. de Propaganda Fide, 1901, art. 306, p. 53.

⁵⁹ Those established after the promulgation of the 1901 Normae included Casterton, Shepparton and Balranald. Cf. PROPAGANDA, Letter, *Facultas condendi nova monasteria, sine Romani Pontificis venia, denegatur Episcopis*, 7 December 1901, in ASS, 34 (1901-1902), p. 639. Filial houses were not included in this legislation.

⁶⁰ See Appendix V, p. 206, for further information.

⁶¹ In Melbourne, there were five: Fitzroy, Geelong, Kyneton, Mansfield, and Lilydale; in Ballarat, four: Warrnambool, Ballarat, Colac, and Casterton; in Bathurst, four: Bathurst, Forbes, Dubbo and Mudgee; and in Perth, eight: Perth, Guildford, York, Toodyay, West Perth, Bunbury, Victoria Park and Coolgardie.

Heart, insisted upon, and which was being developed for the Patrician Brothers.⁶² The matter was discussed during the Plenary Council held in 1885, and the bishops passed a decree which read in part:

As regards the Congregation called 'The Sisters of St. Joseph of the Sacred Heart', the bishops think it opportune that the Convents or religious houses should be subject like those of the Sisters of Mercy, to the Ordinaries of the diocese in which they exist.⁶³

In addition, as the Sisters of Mercy did not have the restrictions of enclosure which affected the development of the Presentation Sisters in Australia, bishops were interested in obtaining foundations for their dioceses.⁶⁴ Living and working conditions in many of these

⁶² The Patrician Brothers were founded by Bishop Daniel Delany in 1808 in the diocese of Kildare and Leighlin and, although they retained a diocesan structure of government, they spread to other Irish dioceses, India and New South Wales. Early in the 1880s, they began to move towards a centralised form of government. The Irish bishops supported this move; the Australians did not. See M. PURCELL, "Bishop Murray and the Patrician Brothers", in *The Journal of Religious History*, 8 (1974-1975), pp. 75-89.

⁶³ English translation from O. THORPE, *Mary MacKillop*, p. 229. The complete text from the third private session held on 20 November 1885 read: "In praecedenti Congregatione lecta fuerent schemata De viris Religiosis et De Monialibus, sed ad praesentem Congregationem remissa fuit discussio praesertim quoad Regulas Sororum Sancti Joseph et Fratrum Sancti Patritii, utrum scilicet expediat has Congregationes per varias Dioeceses Australiae dispersas uni generali Superiori subesse vel potius in singulis Dioecesibus auctoritati Ordinariae obedire. Prolata autem a singulis Patribus sententia et tota materia plene discussa, tandem quatuordecim vota contra tria resolutum fuit supplicandum esse SSmo Domino ut Congregatio Sororum Sancti Joseph auctoritati Ordinariae in singulis Dioecesibus subsit ad instar Congregationis Sororum Misericordiae. Pari modo decisum est in Regulis Fratrum S. Patritii nihil innovandum esse prouti nunc, siquidem Domus Fratrum in Singulis Dioecesibus Ordinario subsunt." *Acta et decreta Concilii plenarii Australasiae, habiti apud Sydney, A. D. 1885, a Sancta Sede recognita*, Sydney, F. Cunninghame & Co., 1887, p. xxvi. However, Propaganda refused to approve this, and in 1888, Leo XIII canonically erected the congregation with its centralised form of government left intact. See O. THORPE, *Mary MacKillop*, pp. 228-236.

⁶⁴ See M. R. MacGINLEY, *Roads to Zion: Presentation Sisters in Australia, 1866-1980*, Brisbane, Sisters of the Presentation of the Blessed Virgin Mary, 1980, pp. 262-306.

dioceses were often difficult, and yet, with some adaptation,⁶⁵ the sisters were soon highly involved in education, particularly at the parochial school level, in social welfare and health care.

⁶⁵ In a copy of the *Dublin Customs, 1869* from the Cooktown foundation the following is appended: "Climate and circumstances necessitated us to modify the customs of the parent house Circumstances also prevent us from being able to carry out in full the customs of the parent house. Omissions to the same are marked in this book. They shall be carried out when circumstances and opportunity enable us to do so." This explanation was counter-signed by Bishop John Hutchinson, OSA, and dated 14 January 1895, Archives of the Sisters of Mercy of Cairns (=RSM-C). See also P. FITZ-WALTER, "Commitment to Education: Its Influence on the Life-styles of Religious Women in Australia ... From 1840's to 1910," in *The Australasian Catholic Record*, 54 (1977), pp. 351-355.

II. THE PERIOD OF CONSOLIDATION

A. *The general movement towards consolidation*

By the end of the nineteenth century, the period of rapid growth of the Sisters of Mercy had ceased and the movement towards the consolidation of independent houses had begun in several countries.⁶⁶

1. Ireland

The first amalgamation in Ireland occurred in the Diocese of Elphin when four independent houses united in 1871 as "it seemed that amalgamation was vital to their continued existence."⁶⁷ Although the matter was discussed by the Irish bishops several

⁶⁶ There was no consistent canonical term used to describe the process whereby two or more independent houses following the same constitutions and acknowledging the same founder united to form a new entity. Among Sisters of Mercy, especially in Australia, the term "amalgamation" was widely used until the 1950s to describe such events. According to current canonical terminology, the formation of most of the congregations came about by a series of fusions and unions. In this chapter, the term "amalgamation", which was used at the time, covers both concepts. A fusion is defined as the absorption of one group (usually the smaller or less flourishing group) into another, with the consequent loss of the former's canonical identity; in a union, all groups lose their previous canonical identity and unite to form a new public juridic person. Cf. *CIC/1983*, cc. 116, 120-123 and 582: "Fusiones et uniones institutorum vitae consecratae uni Sedi Apostolicae reservantur; eidem quoque reservantur confoederationes et foederationes." Cf. H. JOULIA, *Union, fusion, fédération, association d'instituts religieux*, [Paris], Comité permanent des religieux de France, [1973], 32p, which used the terminology *CIC/1983* adopted later. In 1988, this study was up-dated. See M. DORTEL-CLAUDOT, *Union, fusion, fédération d'instituts religieux*, Paris, Comité canonique des religieux, 1988, 48p.

⁶⁷ Sister M. Bonaventure Kelly to J. Sabourin, 12 August 1970, quoted in J. SABOURIN, *The Amalgamation*, p. 12. See also M. J. JONES, "Notes on our original Organization as established in January 1871, on the union of all the Convents of Mercy into one Diocesan Congregation", Ms., n.d., p. 1, Archives of the Sisters of Mercy of Elphin.

times, movement was very slow, and it was not until 1985 that the union of communities on the diocesan level was complete.⁶⁸

2. North America

From 1842 on, the Sisters of Mercy spread rapidly in North America. In Newfoundland, nine independent houses in the three dioceses united in 1916. According to Archbishop Edward Roche, "One of the main factors in determining the Bishops to lend their support was the necessity of a central training place for the novices ...".⁶⁹

In the United States of America, Mother Frances Warde, one of Catherine McAuley's closest associates, was considering some form of centralisation as early as 1861,

⁶⁸ The Irish bishops, at the Plenary Synod of Maynooth in 1906, discussed the possibility of uniting separate motherhouses of congregations such as the Sisters of Mercy and the Presentation Sisters into diocesan or provincial groups. See *Acta et decreta Synodi plenariae episcoporum Hiberniae habitae apud Maynutiam, An. MDCCCC*, Dublin, Browne & Nolan, 1906, p. 34. Decree 365 read: "Optandum est ut domus omnes cuiusvis Sororum seu Monialium Congregationis, sicut Sororum de Misericordia et Monialium Praesentationis, in singulis dioecesibus separatim nunc existentes, sub unica eiusdem Congregationis Superiorissa in unaquaque dioecesi vel provincia uniantur." Similar decrees were passed at the Provincial Synods of Tuam (1907) and Armagh (1908), and the matter was discussed again at the 1927 Plenary Synod of Maynooth. See *Acta et decreta Concilii provincialis Tuamensis habiti anno 1907*, Dublin, Browne & Nolan, 1908, Decree 165, p. 36; *Acta et decreta Synodi provincialis Armacanae habitae apud Armacham, an. MDCCCXVIII*, Dublin, Browne & Nolan, 1911, Decree 92, p. 32; and *Acta et decreta Concilii plenarii episcoporum Hiberniae quod habitum est apud Maynutiam die 2 Augusti et diebus sequentibus usque ad diem Augusti 1927*, Dublin, Browne & Nolan, 1929, Decree 194, p. 81. See also information from Sister Regina Kelly, RSM, President, Mercy Ireland, 21 February 1990.

⁶⁹ E. ROCHE, "Address on the Occasion of the Execution of the Decree of the Sacred Congregation for Religious, August 14, 1916", Archives of the Sisters of Mercy of Newfoundland. See M. W. HOGAN, *Pathways of Mercy*, pp. 342-345 and 426-428.

but the matter lapsed.⁷⁰ The rapid expansion of the Sisters of Mercy had caused some problems. In 1870, Father Michael O'Connor, SJ, expressed his concern and proposed some remedies, although he was rather pessimistic about the outcome. He wrote to one superior:

Leave it to the Roman authorities to devise and apply a remedy. The divergence of views in the various communities is already great enough to make an agreement upon any plan out of the question ...⁷¹

Between 1871 and 1875, Mother Mary Magdalene de Pazzi Bentley of St. Louis, Missouri, also considered the matter of some form of general government quite seriously, and between 1902 and 1905, Propaganda concerned itself with the status of the Sisters of Mercy.⁷² Although no plan for any form of extensive amalgamation developed, several communities of varying sizes were involved in local amalgamations during the next twenty years.⁷³ However, by 1929, the concept was more acceptable and thirty-nine communities formed the Union of the Religious Sisters of Mercy of the United States of America.⁷⁴

⁷⁰ See J. SABOURIN, *The Amalgamation*, pp. 3-5, and K. HEALY, *Frances Warde: American Founder of the Sisters of Mercy*, New York, Seabury Press, 1973, pp. 287-292.

⁷¹ M. O'Connor to Mother Teresa Maher of Cincinnati, December 1870, quoted in J. SABOURIN, *The Amalgamation*, pp. 8-9.

⁷² The reasons put forward were concerned with divergence of rule and customs, canonical irregularities particularly regarding the formation or dismissal of sisters, inadequate professional training and, in a few areas, apparently uncontrolled or unplanned expansion. See, for example, Archbishop Diomedo Falconio, apostolic delegate, to Cardinal James Gibbons, Archbishop of Baltimore, 13 February 1905, RSM-UW/H230.2.

⁷³ See J. SABOURIN, *The Amalgamation*, pp. 10-49.

⁷⁴ See SCRel., Decree, Protocol Number (=Prot. No.) 684/29, *Per plures communitates*, 1 March 1929, establishing the Union of the Religious Sisters of Mercy of the United States of America (=USA Union), RSM-UW/H230.2. Several other independent communities joined this union in later years and many others remained independent. See J. SABOURIN, *The Amalgamation*, p. 266.

3. England

In England, the subject was raised in 1888 because of the necessity "to consolidate the congregation in order to efficiently carry on and perpetuate the various works of Mercy."⁷⁵ Nothing eventuated although some amalgamations took place in later years and a federation of most communities occurred in 1969.⁷⁶

4. New Zealand

The first Sisters of Mercy came to New Zealand in 1850. Between then and 1897 various groups made nine independent foundations. In the next thirty years, through a series of amalgamations, four separate congregations, one in each of the then-existing dioceses, were formed.⁷⁷

⁷⁵ Mother Stanislaus Ward of Shrewsbury to the superiors of the English motherhouses, 11 August 1888, RSM-UW/H107.1.

⁷⁶ See G. ROCCA, art., "Misericordia, Suore della, Sisters of Mercy", in G. PELLICCIA & G. ROCCA, eds, *Dizionario degli istituti de perfezione*, vol. 5, col. 1381. For a concise history of two of these amalgamations and their subsequent union (1976), see M. I. KING, ed., *Sisters of Mercy of Great Britain, 1839-1978: Brief Historical Sketches*, Glasgow, Sisters of Mercy, 1978, 200p.

⁷⁷ See *Constitutions of the Federation of the Sisters of Mercy of New Zealand*, Wellington, Sisters of Mercy, [1985], p. vi.

B. *The move towards consolidation in Australia*

By the time of the establishment of the last independent foundation in Australia,⁷⁸ a similar trend was beginning. The impetus came from outside the communities and was due mainly to events over which those communities had little control. As one writer said:

Initial steps toward amalgamation in the larger congregations of religious women were made in response to episcopal advice, on episcopal initiative and for practical purposes.⁷⁹

The determination of the Australian bishops to establish Catholic schools despite the lack of government support was the major reason for the arrival of so many religious congregations during the latter half of the nineteenth century.⁸⁰ And it was matters related to education, including the quality of training provided in novitiates, which were to provide the main thrust towards the consolidation of independent houses in Australia.⁸¹

⁷⁸ Balranald, founded from Deniliquin in 1894, became independent in 1907.

⁷⁹ M. KAVANAGH, "Catholic Education in Victoria, 1872-1947", in CATHOLIC EDUCATION OFFICE OF VICTORIA, *Yesterday, Today and Tomorrow: Catholic Education in Victoria*, Melbourne, Catholic Education Office of Victoria, 1985, p. 29. This assessment referred to events in Victoria, but is just as valid regarding amalgamations in some other states. See also V. M. WARD, "A New Structure of Governance", pp. 44-50.

⁸⁰ The struggle to provide Catholic education was to have an profound influence on the course of Australian Catholic history and scarcely any aspect of life was unaffected. For a detailed study, see R. FOGARTY, *Catholic Education in Australia, 1806-1950*, Carlton, Melbourne University Press, 1959, 2 vols. For particulars regarding the religious congregations introduced into Australia principally to staff schools, see M. R. MacGINLEY, *Women Religious in Australia*, pp. 9-12.

⁸¹ See for example, the comment of Bishop James Duhig of Rockhampton: "... I heartily wish that our nuns were better trained in their various novitiates. They need a thorough grounding in their Religious Rule and Life." J. Duhig to Archbishop Michael Kelly of Sydney, June 1905, quoted in T. P. BOLAND, *James Duhig*, St. Lucia, University of Queensland Press, 1986, p. 98. The adequacy of novitiate training was also a concern of Archbishop Thomas Carr of Melbourne when he was suggesting that individual communities

Education was an important topic on the agenda of the Third Plenary Council held in 1905. More specifically, the bishops grappled with the necessity to comply with recent state regulations regarding education, in particular, teacher training for religious. To help solve this problem, they advocated the establishment of central novitiates, especially for the two important teaching communities, the Sisters of Mercy and the Presentation Sisters. They drafted a decree whereby they hoped to initiate diocesan amalgamations in these communities.⁸² However, the Holy See did not accept it and suggested that the bishops, instead of trying to impose amalgamation, were to encourage the communities to consider

in his diocese consider union. See T. Carr to the superiors of the independent houses in the archdiocese of Melbourne, 27 February 1907, RSM-M. However, the concerns of the Holy See regarding the Sisters of Mercy in the United States did not appear to be as much of an issue in Australia, and, while there was evidence of some canonical irregularities, they seemed to occur to a lesser degree. See J. SABOURIN, *The Amalgamation*, pp. 6-27.

⁸² The bishops' proposed Decree 38, which was placed in the section dealing with education, read: "Cum perspicuum sit novitiatum communem multum profuturum esse institutioni tum religiosae tum pedagogicae monialium, Patres huius Plenarii Concilii S. Sedem supplicandam censent ut approbet unionem sub unica moderatrice omnium conventuum congregationis eiusdem in qualibet dioecesi qui in praesentiarum diversis superiorissis subsunt, quatenus Episcopus talem unionem pro bono religionis opportunam duxerit. Huius modi congregationes sunt e. g. Sorores a Misericordia et Sorores a Praesentatione B. V. M." See PROPAGANDA, *Commissione per la revisione dei Sinodi Provinciali, Voto sopra il terzo Sinodo Provinciale Australiano*, p. 4; APF, Nuova serie, vol. 512 (1912), f. 560^v.

the possibility.⁸³ A second decree, which was accepted, put the responsibility for teacher training at the provincial or diocesan level.⁸⁴

Not all groups were structurally affected. The communities which formed during the forty years after Federation may be classified into three categories according to their mode of formation: those which remained relatively unchanged; those formed as a result of reunions of original branch houses which had become independent; and those formed as a result of one or more amalgamations of foundations with different origins.⁸⁵

1. Unchanged structures

Three New South Wales communities, North Sydney, Parramatta and Singleton, did not change their basic structures of governance. The first two which were based in Sydney, confined their apostolate to the rapidly growing city and surrounding districts. As a result,

⁸³ The reply to the bishops recommended: "De diversis communitatibus Sororum ejusdem Instituti in unica moderatrice in unaquaque dioecesi redigendis, opportunum hoc esse S. Congregatio iudicavit; attamen, monet, Episcopos hoc imponere non posse; prudenter tantum idem suadere et insinuare studeant." Letter to the Australian bishops from Propaganda, 27 October 1906, in *Acta et decreta Concilii plenarii Australiensis III, habiti apud Sydney A. D. 1905, a Sancta Sede recognita*, Sydney, William Brooks, 1907, p. vi.

⁸⁴ Decree 340 stated: "Cum experientia constituisse videatur unicum normale studium pro aspirantibus ad vitam religiosarum docentium erigi non posse, et tamen aliquid ejusmodi generis omnino optandum sit, suadendum putamus Metropolitanis et suis respective Suffraganeis ut per collegium vel provinciale vel dioecesanum institutionem hujusmodi aspirantium comparent." *Ibid.*, p. 113.

⁸⁵ These categories have no juridical significance and have been used for convenience only.

branch houses were never very far from their motherhouses, so the effects of distance, so important in other foundations, were negligible.⁸⁶

The Singleton foundation in the Maitland diocese was perhaps one of the most prolific with regard to other foundations. Apart from Gunnedah, which became independent in 1887 as a result of a change of diocesan boundaries, all the independent houses founded from Singleton were outside the diocese, and the other houses established from the Singleton motherhouse remained branch houses.

The Queensland foundations, once established, remained centralised, with one motherhouse and many branch houses.⁸⁷ Apparently the distant Rockhampton branch house made several requests to become independent, but it was not until the diocese was created that this occurred.⁸⁸ Townsville, which had been founded from Rockhampton in 1878, remained a branch house until 1901. Although the diocese of Townsville was not created until 1930, distance was a major factor in the decision to separate much earlier as

⁸⁶ See "A History of the Monte Sant'Angelo Congregation", Ms., n. d., p. 5, Archives of the Sisters of Mercy of North Sydney (=RSM-NS), and M. S. McGRATH, *These Women?*, pp. 25-112.

⁸⁷ See M. X. O'DONOGHUE, *Beyond Our Dreams*, p. 31. Even so, because of the great distances involved, both the Rockhampton and Townsville were permitted to hold local chapters to admit sisters to reception and profession. *Ibid.*, p. 283.

⁸⁸ "Dr. Quinn would not entertain the proposition made to him to have a separate foundation. He held firm to the centralisation of all the branches of All Hallows [the Brisbane motherhouse]." From Mother Brigid Conlan's notes, quoted in M. ROLF, "A Quantity of Extra Luggage: Sisters of Mercy", Ms., 1987, p. 8, Archives of the Sisters of Mercy of Rockhampton (=RSM-R).

hundreds of miles separated the two convents.⁸⁹ The Sisters of Mercy of Cooktown did not found any branch houses which became independent as both the number of sisters and the Catholic population remained relatively small.⁹⁰

Two other foundations, Ballarat East and West Perth, remained unchanged because they successfully resisted pressure to unite. Ballarat East, led by Mother Xavier Flood, were convinced that the system of government developed by Catherine McAuley was still the best for them, and that the necessity to upgrade teacher qualifications being insisted upon by the Victorian government could be achieved by less drastic measures than the amalgamation of independent foundations in the state.⁹¹ Written records are unavailable, but an oral tradition relates that Mother Berchmans Dean, the superior of the flourishing West Perth community, was aware that the group could not be forced to amalgamate against the wishes

⁸⁹ See M. X. O'DONOGHUE, *Beyond Our Dreams*, p. 31. However, when the diocese of Toowoomba was erected in 1929, mainly from Brisbane territory, no separation took place. See Archbishop Bartolomeo Cattaneo to Mother Alban Salmon, 31 July 1925, Archives of the Sisters of Mercy of Brisbane (=RSM-Br).

⁹⁰ The Sisters of Mercy founded in Cooktown moved their motherhouse to Herberton in 1920, and from then on, were known by this title. In 1978, the administrative centre of the congregation was moved to Cairns and that designation was used when the congregation joined ISMA. See "Annals of the Convent of Our Lady of Mercy, Cooktown", RSM-C.

⁹¹ Mother Xavier Flood had been the novice in the 1872 foundation to Warrnambool and went on the 1881 foundation to Ballarat. See M. P. WELSH, "Mantle of Mercy: Convent of Mercy, Ballarat East, 1881-1981", Ms., n. d., pp. 26-35, for details of this foundation. The 1905 Education Act for the Registration of Teachers and Schools with the Council of Public Instruction stated that after 1910, all teachers in non-government schools, after having successfully completed an approved training course, would have to be registered. As almost all teachers in Catholic schools were religious sisters, to do this would place a great burden on individual congregations. See D. F. BOURKE, *A History of the Catholic Church in Victoria*, Melbourne, Catholic Bishops of Victoria, 1988, pp. 201-204. See also D. BREBNER, "The Provincial Amalgamation of the Sisters of Mercy in Victoria and Tasmania", Ms., [circa 1970], pp. 17-19; and M. E. HARTIGAN, "The Amalgamation Contested", Ms., [circa 1977], pp. 1-3.

of the sisters. The community remained firm in its intention to remain independent although this caused difficulties.⁹²

2. Reunions

Three congregations owed their present form to reunions with branch houses which had separated. The Grafton foundations (Cowper and Casino) operated as separate entities for a short period and rejoined Grafton in 1908 and that same year, three of the four houses which had separated from Bathurst in 1890 (Mudgee, Forbes and Dubbo) were reunited to their original motherhouse.⁹³

The Adelaide congregation was the last to be formed.⁹⁴ In 1907, the Mount Gambier foundation rejected a proposal to re-unite with Adelaide, "The Sisters deeming it more prudent to wait until they really know what it means for the Order and how it works in other places". In 1925, they also rejected a suggestion to consider a possible amalgamation with Melbourne. However, in 1940, Archbishop Matthew Beovich strongly

⁹² From an interview with Sister Mary Mechtilde Cullen, RSM, of the West Perth congregation, 25 July 1989.

⁹³ See M. R. FLAHERTY & M. C. JONES, *As Gentle Rain*, pp. 100-102, and PROPAGANDA, Decree, Prot. No. 81278, 22 April 1908, RSM-B/202.06.

⁹⁴ In 1884, difficulties over financial support from Adelaide and distance led Bishop Reynolds to make Mount Gambier a separate foundation. See a copy of his decree dated 9 March 1884 and reproduced in See SISTERS OF MERCY, ADELAIDE, *The Sisters of Mercy in the South East, 1880-1980: A Local History of the Sisters of Mercy in the South East of South Australia*, Millicent, Adelaide, 1980, p. 24.

urged reunion as it "would help to remedy two weaknesses, i.e., the Novitiate and the training school in the S. East districts", and it occurred the following year.⁹⁵

3. Amalgamations

Six amalgamations took place during the period under consideration. The first occurred in Tasmania. There were two independent communities in Tasmania, Latrobe (founded from Bendigo in 1892) and Deloraine (founded from Goulburn in 1895) with its branch house in Burnie. By 1902, there were only two sisters left at Latrobe. Bishop Patrick Delany of Hobart gave them the option of returning to their convent of origin or uniting with Deloraine and they chose the latter.⁹⁶ The second amalgamation was that of the Emmaville community with Gunnedah in 1919.

On Bishop [Patrick] O'Connor's appointment to Armidale, he saw the difficulty of two communities of Sisters of Mercy in the diocese. So in 1919, he approached Reverend Mother Gonzaga at Gunnedah about the small community at Emmaville, with the wish that both communities should unite The amalgamation was completed August 15, 1919.⁹⁷

⁹⁵ See *ibid.*, pp. 24-27; M. Beovich, "Report of Visitation of the Convents of the Sisters of Mercy at Mount Gambier, Naracoorte and Millicent, 22 November 1940"; and J. PANICO, Decree of Amalgamation, 16 May 1941, RSM-A. [Because of the problem of communication with the Holy See during the Second World War, the apostolic delegate, Archbishop John Panico, was given plenipotentiary power to handle all matters associated with religious. While in Australia, Archbishop Panico often used the English form of his Christian name.]

⁹⁶ See P. Delany to the Communities of the Sisters of Mercy of Deloraine and Latrobe, 4 January 1904, RSM-M. No formal decree of amalgamation was found. See also 10 August 1908 entry in the diary of Mother Evangelist Doogan (=DD), the first superior general of the amalgamated houses in Victoria.

⁹⁷ Anonymous account, RSM-Gu. No official documentation of this amalgamation was found.

The other four were really series of amalgamations (or more correctly, unions and fusions) of independent motherhouses and their attendant branch houses, usually taking place over several years, complex in nature and often traumatic for those involved, which resulted in the formation of four congregations, some of whom crossed diocesan boundaries.

The amalgamation of several independent houses from dioceses in Victoria and Tasmania,⁹⁸ was quite complicated, covering as it did three states and six dioceses. It was also probably the most influential. The original plan was to establish one community in each of three dioceses within the ecclesiastical province of Melbourne, but Archbishop Thomas Carr of Melbourne and two of his suffragans, Bishops Joseph Higgins of Ballarat and Stephen Reville, OSA, of Sandhurst, quickly saw the advantages of a provincial amalgamation which occurred in 1907.⁹⁹ Between then and 1936, several independent houses joined this congregation: the Tasmanian convents (1908); Casterton (1914); Mildura and Wentworth; and finally Colac (1936).¹⁰⁰

⁹⁸ The congregation formed by these amalgamations was referred to by several titles. Other than times when a particular title is necessary, it will be referred to as the "Melbourne congregation".

⁹⁹ See SISTERS OF MERCY, *The Amalgamation of the Various Houses of the Sisters of Mercy in the Archdiocese of Melbourne: Report on the Proceedings of the Conference held in St. Patrick's Cathedral, May 9 and 10 1907*, Melbourne, Advocate Press, 1907, pp. 12-13, and 17-21. The meeting regarding a Ballarat amalgamation did not reach any firm decision, but by 1 October 1907, the Bendigo amalgamation was complete. See *Amalgamation of the Sisters of Mercy in the Diocese of Ballarat: Report of the Conference held at St. Patrick's Hall, Ballarat, July 19th and 20th 1907*, Ballarat, J. Fraser, pp. 3-9; and *Supplement to the Rules and Constitutions of the Sisters of Mercy for the Government of the Amalgamated Houses in the Diocese of Sandhurst*, Melbourne, Advocate Press, 1907, p. 7. Copies from RSM-M.

¹⁰⁰ The three Tasmanian houses joined the Melbourne Congregation in January 1908. See PROPAGANDA, Decree, Prot. No. 79993, 23 January 1908, RSM-M. See also entries in *DD* for the relevant period. These communities were part of the Archdiocese of Hobart, which was directly subject to the Holy See, except for certain matters for which it was

The process of the amalgamation of the three independent foundations, Goulburn, Yass and Albury, in the diocese of Goulburn, began shortly after the Victorian amalgamation. In August 1907, Bishop John Gallagher called a conference to discuss the possibility of amalgamation which he considered would contribute greatly to the maintenance of high standards in the parochial schools.¹⁰¹ The nine representatives decided that same day to amalgamate but the three original independent houses kept much of their original authority. Sisters could not be transferred against their will from one of these houses to another; branch houses remained attached to their house of origin; and the

associated with the Melbourne province. Cf. *CIC/1917*, c. 285. Considerable controversy surrounded the events before and after Casterton joined this amalgamation. See correspondence from Mother Mary of the Sacred Heart Kelly of Casterton, T. Carr, J. Higgins and E. Doogan to the SCRel., 15 August - 2 December 1914, Archives of the Congregation for Institutes of Consecrated Life and Societies of Apostolic Life (=ACICL), File No. M 92, and *DD*, entries from 15 August 1915 to 13 October 1916. See also M. E. HARTIGAN, "The Amalgamation Contested", pp. 19-62. Three convents in New South Wales, Deniliquin, Balranald and Wentworth with its branch house of Mildura in Victoria, wished to join this amalgamation and Bishop John Dunne of Wilcannia was agreeable to this. His successor, William Hayden, was not because these convents (except Mildura) were in a different ecclesiastical province. However, he permitted Mildura to do so in 1919, and the small Wentworth Community to do likewise in 1921. See SCRel., Decree, Prot. No. 4085/22, 9 September 1923; and "Minutes of the Council Meetings of the Sisters of Mercy of the Melbourne Congregation", entries from 15 June 1915 to 1 September 1925, RSM-M. Colac remained independent for many years. In 1936, Bishop Daniel Foley of Ballarat directed that the community either rejoin Ballarat or amalgamate with Melbourne. They chose the latter. See entries in *DD* from 7 November 1917 to 14 July 1936.

¹⁰¹ At the Golden Jubilee celebration of one of the communities in 1908, he said: "I feel I know the winding of the three great rivers of the Riverina -- the Lachlan in the north, the Murrumbidgee in the centre and the Murray in the south. They flowed their separate ways and did their work nobly and well. But who could deny the fact that when these streams found a common channel, they all three flowed on with increasing vigour, fertilising the land as they flowed. So it appears to me is the amalgamation of the three head houses of Goulburn, Yass and Albury." See "Annals of the Convent of Mercy, Goulburn", RSM-G.

custom developed of sending novices after profession back to the areas from which they came.¹⁰²

The formation of the Perth congregation occurred in two stages. The first involved the reunion of three small houses, York and Toodyay (Newcastle) in 1911, and Guildford (Midland Junction) a year later, with the original motherhouse at Victoria Square. It was described as follows:

By the unanimous suffrages of the community of the Sisters of Mercy, Victoria Square, on the one hand, and of the communities of York and Newcastle [Toodyay] on the other, it was decided to amalgamate with the Parent House at Victoria Square. I hereby ratify this voluntary agreement and amalgamation, especially as I [Bishop-elect Patrick Clune] have learned that the separation in both cases was not brought about by the free [emphasis in original] consent of the Sisters of Victoria Square Convent.¹⁰³

The second stage began in 1920 when Archbishop Patrick Clune, CSsR, petitioned the Pope regarding further amalgamations and received the following reply:

His Holiness ... directed that those communities should be asked to amalgamate and to form one central novitiate. But if any house should reject this amalgamation, it is decreed, that in the future in that house no postulant should be accepted as a novice and that no other religious profession should take place there. But as this regulation of His Holiness the Pope may perhaps cause difficulties to you in its execution, the Sovereign Pontiff has

¹⁰² Following approval from Rome, the bishop appointed a superior general to hold office until the first general chapter. The first council meeting was held in December 1907 and the first general chapter in April 1908. See SISTERS OF MERCY, GOULBURN, *The Amalgamation of the Various Houses of the Sisters of Mercy in the Diocese of Goulburn: Report of the Proceedings of the Conference held in the Convent of Mercy, Goulburn, on the 9th and 10th of August, 1907*, Goulburn, Sisters of Mercy, 1908, pp. 1-39, RSM-G. See also entries in *DD*, 14 August 1907 and 15 April 1919; and later observations on this amalgamation (p. 125).

¹⁰³ "Register of Elections and Admission to Reception and Profession, Convent of Our Lady of Mercy, Holy Cross, 27 January 1911", RSM-Pe.

kindly laid down that the carrying out of the whole matter should be referred to the Apostolic Delegate.¹⁰⁴

In 1934, despite opposition, Archbishop Clune amalgamated the Victoria Park community with the Victoria Square community. This foundation came from Derry in 1898. A tradition holds that an appeal against the archbishop's action was made to the Holy See. That there was justification for such an appeal was acknowledged, but, by the time a decision was made, the amalgamation had occurred and Archbishop Clune had died (1935), so the matter was allowed to lapse.¹⁰⁵ In 1936, Bunbury and its five branch houses joined Victoria Square, again not without opposition.¹⁰⁶

The pressure on West Perth and Coolgardie to amalgamate with the rest of the Sisters of Mercy in the state was very great as Archbishop Clune was determined to unite the various independent houses, and with his coadjutor, Archbishop Redmond Prendiville, worked very hard to accomplish this. However, despite for a time being forbidden to accept postulants, the West Perth sisters remained separate, and became more and more

¹⁰⁴ Cardinal Camillo Laurenti to P. Clune, 28 July 1920, Prot. No. 2485/20, and B. Cattaneo to P. Clune, 21 April 1921, Archives of the Archdiocese of Perth (=ACAP)/17/354/1.

¹⁰⁵ From an interview on 24 July 1989 with Sister Mary Raphael Coady, RSM, who was a novice at Victoria Park at the time of the amalgamation.

¹⁰⁶ See Mother Brigid McDonald, first Superior General, to Archbishop Redmond Prendiville, 3 January 1936, ACAP/C17/6.71. Archbishop Clune had first mentioned amalgamation to the community in 1921. See "Minute Book, Convent of Mercy, Bunbury", RSM-Pe. By the time of the amalgamation, there were forty-four professed sisters in the Bunbury community.

determined to remain so. Coolgardie, also forbidden to take postulants and hold professions, capitulated in 1938.¹⁰⁷

The Wilcannia-Forbes congregation was formed over a period of forty years. By 1907, there were five independent motherhouses in the diocese.¹⁰⁸ Wilcannia and Bourke amalgamated in 1923 and established a motherhouse in Parkes.¹⁰⁹ In 1932, Bishop Thomas Fox organised the amalgamation of Parkes with the remaining independent houses.¹¹⁰

C. The question of common constitutions

As changes began to occur in the composition of many of these communities, revision of rules and constitutions became necessary, and it was in this area that the influence of successive apostolic delegates began to be felt. The first, Archbishop

¹⁰⁷ The population of Coolgardie, where rich gold deposits had been found in 1892, increased in the early nineteenth century. At Bishop Gibney's invitation, Sisters of Mercy from Adelaide came to Coolgardie in 1898, and between 1903 and 1926, established four branch houses in nearby mining towns. By the time of the amalgamation, there were twenty-four professed sisters in the community. See D. F. BOURKE, *The History of the Catholic Church in Western Australia*, pp. 129-133; Monsignor Augusto Fidecicchi to R. Prendiville, 2 September 1936; and R. Prendiville to Mother Magdalen of Kalgoorlie, 30 July 1938. ACAP/C17/6.71 and C17/6.97.

¹⁰⁸ The first independent foundation was Cobar (1884) with one branch house, Bourke. In 1892 Cobar became the branch house of Bourke. The others were Deniliquin (1887), Broken Hill (1889), Wilcannia (1890), and Balranald (1907).

¹⁰⁹ Despite pressure from Bishop Hayden, the Broken Hill community declined to join this amalgamation at this time. See Mother Mary Gertrude to Mother Clare Murphy of Adelaide, 16 December 1926, RSM-A.

¹¹⁰ See Sister M. Joan Brennan to Father William Keane, SJ, 29 May 1950, and SISTERS OF MERCY, WILCANNIA-FORBES, "A Brief History of the Province", pp. 1-15, RSM-WF.

Bonaventura Cerretti, was appointed in April 1914.¹¹¹ He was replaced in 1917 by Archbishop Bartolomeo Cattaneo who began to take a more active role in Australian affairs, and attempted to bring some uniformity to the many communities of Sisters of Mercy in Australia and New Zealand by suggesting the adoption of common rules and constitutions.

1. The proposal of the apostolic delegate

The first reference to Archbishop Cattaneo's intentions occurred in 1921 in a letter to Archbishop Clune regarding the proposed amalgamation of the Sisters of Mercy in the Archdiocese of Perth.

I would suggest that you ask the Superior of the Sisters of Mercy of Victoria (Ascot Vale) for some copies of their Constitutions which have been recently approved by Rome *ad septennium*, and are the *ultimum verbum* on the matter. No substantial changes could be approved by the S. Congregation, as the origin of all the Sisters of Mercy throughout Australasia is the same. The Sisters should adopt these Constitutions "ad septennium", during which time it can be seen if any modification should be proposed to the S. Congregation for approval. This is the easiest and quickest way to bring the various Communities of Sisters of Mercy into line with the Code of Canon Law. It is my intention to make the same suggestion to all the various autonomous branches of the Sisters of Mercy throughout Australasia.¹¹²

¹¹¹ The Australian bishops were not enthusiastic about the establishment of an Apostolic Delegation. One assessment stated that: "Far from being a sign of good relations this appointment was an assertion of Roman determination to ensure that the Australian bishops conformed to Roman decisions and policies. The bishops received it with a suspicion befitting what they saw as an invasion of their independence". P. O'FARRELL, *The Catholic Church and Community*, p. 363. See also T. P. BOLAND, *James Duhig*, pp. 210-211 and 284-296, for accounts of the uneasy relationships of some bishops with the early apostolic delegates.

¹¹² B. Cattaneo to P. Clune, 21 April 1921, RSM-Pe.

Then, in July 1925, he wrote to each autonomous community of Sisters of Mercy in Australia and New Zealand. He reminded them that their constitutions had to be brought into conformity with the new Code of Canon Law and proposed that, as all the communities acknowledged the same founder, they should all adopt the same constitutions.¹¹³ A later communication stated:

Lest there be differences in the text of the same constitutions as used in the various independent houses or monasteries of the same Order or Institute, the Sacred Congregation orders that for such constitutions a single text of the amendments be accepted by all the houses, the text to be drawn up either by the houses themselves or by this Sacred Congregation.¹¹⁴

Referring to the recent approval of constitutions for the Sisters of Mercy of the Melbourne congregation,¹¹⁵ he suggested that:

¹¹³ The SCRcl. had directed that all congregations of pontifical law were to revise their constitutions, customs books and prayer manuals and submit them for approval or inspection. See SCRcl., Decrees of 26 June 1918, in *AAS*, 10 (1918), p. 290, and 31 March 1919, in *AAS*, 11 (1919), pp. 239-240.

¹¹⁴ SCRcl., Declaration, 26 October 1921, in *AAS*, 13 (1921), pp. 538-539, English translation in *Canon Law Digest for Religious*, Milwaukee, Bruce Publ. Co., 1964, pp. 179-180.

¹¹⁵ At the time of the formation of the Melbourne congregation, Archbishop Carr made interim arrangements regarding governance. These were subsequently approved by the other Victorian bishops and the Holy See. See Cardinal Giromolo Gotti to T. Carr, 11 July 1907, in *Supplement to the Constitutions of the Sisters of Mercy for the Government of the Amalgamated Houses in the Archdiocese of Melbourne*, p. 6, RSM-M, and D. BREBNER, "The Provincial Amalgamation of the Sisters of Mercy in Victoria and Tasmania", pp. 15-22. At the end of 1913, the second general chapter accepted draft constitutions, written mainly by Father John Ryan, SJ. He was the superior of the Australian Jesuits for several years and an advisor to several bishops and religious congregations in their dioceses who were in the process of amalgamating. SCRcl. approved these constitutions, with the proviso that there be a seven-year experimental period before final approval. See SCRcl., Decree of approval, 15 August 1918, in *SISTERS OF MERCY OF MELBOURNE, Constitutions of the Sisters of Mercy of the Amalgamated Houses of Victoria and Tasmania, Australia (ad experimentum)*, (=1918 Melbourne Constitutions), Melbourne, Sisters of Mercy, 1919, p. 3.

As no substantial difference could be expected to be introduced and approved for any branch of sisters originating from the same Foundress and having the same spirit, the best and most expeditious solution would be to adopt the said Constitutions of the Sisters of Mercy of Victoria for all the Sisters of Mercy in Australia and New Zealand.¹¹⁶

He directed each community to study these constitutions, suggest modifications and send a report to the bishop for transmission to him before the end of the following month.

The constitutions he was promoting were a radical departure from the *1841 Constitutions* but were consonant with the policy of the Holy See at the time and very juridical in expression.¹¹⁷ The Melbourne congregation itself was not really satisfied with these constitutions until further changes were made,¹¹⁸ and they were not approved definitively until January 1932. The delay was caused by the apostolic delegate who, still hopeful that the other communities would accept these constitutions, had not forwarded them to Rome. Mother Evangelist appealed to Cardinal Cerretti, the former apostolic

¹¹⁶ B. Cattaneo to the Mother Superior of the Sisters of Mercy of Mount Gambier, 16 July 1925, RSM-A.

¹¹⁷ A notation on the official copy of these constitutions stated that they were "among the first constitutions of the kind that have been confirmed since the promulgation of the new code of canon law." ACICL, File M. 92. They included almost unchanged large sections of recent legislation such as the *1901 Normae, CIC/1917*, and later norms issued by SCRel., *Normae secundum quas S. Congregatio de Religiosis in novis religiosis congregationibus approbandis procedere solet*, 6 March 1921 (=1921 *Normae*), Romae, Typis polyglottis Vaticanis, 1922, 16p. The chapter order was completely rearranged; far more detail was included in almost every area; and several sections were added, e. g. on the religious habit and precedence.

¹¹⁸ The superior general wrote: "Now, please God, we can have a more suitable edition, with the omitted Chapters of the original Rule bound with them. The Sac. Cong., Rome, considered that several chapters of our Rule did not lend themselves to be stated as laws — for example, those on "Charity", "Perfection of Our Ordinary Actions" — hence they were not inserted in the Approved Rule. We can however, have them bound together with the Rule, as a Guide and Directory." E. Dooghy to C. Murphy, 30 July 1925, RSM-A.

delegate who was at that time the Cardinal Protector of the Melbourne congregation, who succeeded in finalising the matter.¹¹⁹

These constitutions contained major departures from the *1841 Constitutions* in the area of governance. The detailed outline of the pre-eminent role and authority of the diocesan bishop was greatly reduced and supreme authority in the institute was "exercised in an ordinary way by the Mother General with her Council, and in an extraordinary way by the General Chapter."¹²⁰ Instead of a council of three discreet, there were four general councillors, a secretary and an econome (bursar), all elected by the general chapter.¹²¹ The role of the local superior, who was appointed by the mother general and her Council, was given greater importance: she now ruled in each house "with the authority the Constitutions give her, and not merely as the agent or delegate of the Mother

¹¹⁹ See SCRel., Decree, 19 January 1932, in *SISTERS OF MERCY OF MELBOURNE, Rules and Constitutions of the Religious Sisters of Mercy of Victoria and Tasmania, Australia*, Melbourne, Pelligrini, 1932, p. 107. See also entries in *DD* from 28 September 1928 to 14 February 1933.

¹²⁰ *1918 Melbourne Constitutions*, art. 144, p. 31.

¹²¹ Their duties were carefully defined. *Ibid.*, arts 174-181, p. 34; and arts 200-219, pp. 37-41.

General.¹²² She was assisted by two councillors appointed by the mother general, the first of whom was the local assistant, and the second, the economer.¹²³

The capitular assemblies, as previously understood, ceased to exist and the only time the community met as a formal group (the term "chapter" was not used) was to elect a delegate to the General Chapter. In virtue of their office, local superiors were *ex officio* members of the General Chapter. Other arrangements were made for smaller houses.¹²⁴

As the replies to the apostolic delegate's request came in, it was clear that most communities were not in favour of his suggestion. They preferred to retain the *1841 Constitutions* and revise them to comply with the new Code, suggested that a meeting of all superiors and elected delegates be called to consider the necessary changes, and recommended that revised constitutions be given a trial period of seven years before being finally adopted.¹²⁵ Even a tentative acceptance by the Ballarat East community was

¹²² *Ibid.*, art. 221, p. 42. Formerly, the role of the sister in charge of a branch house was dealt with in the customs book which stated that "The Mother Superior governs Branch Houses through the Sisters she appoints to the charge of them, and whose duty it is to carry out strictly her directions: no arrangements can be altered — no new works undertaken — nothing purchased without special leave." *Dublin Customs, 1869*, Part I, "Branch Houses", art. 2, p. 103.

¹²³ *1918 Melbourne Constitutions*, arts 221-223, p. 42, 226-229, p. 43, and 238-240. pp. 44-45. This structure paralleled that of the Mother Superior and her council of discreet in *1841 Constitutions*, but provision was also made for small branch houses. See art. 224, p. 42.

¹²⁴ *Ibid.*, arts 151-153, p. 30.

¹²⁵ See for example letters to B. Cattaneo from the Sisters of Mercy, Mt. Gambier, 25 August 1925 and Adelaide, 25 August 1925, RSM-A; Grafton, 25 August 1925, Archives of the Sisters of Mercy of Grafton (=RSM-Gr); and Brisbane, 29 August 1925, RSM-Br.

hedged by qualifications regarding the structure of government.¹²⁶ Shortly after, two events directly relevant to all Sisters of Mercy occurred and effected the outcome of the apostolic delegate's proposal. One clarified the status of the Sisters of Mercy and the second involved a revision of the *1841 Constitutions*.

2. The juridic status of the Sisters of Mercy

The first of these events was the publication by the Sacred Congregation of Religious on 24 November 1925 of a declaration stating that the congregation of the Sisters of Mercy, whether organised in separate houses or united under central government, was to be regarded as an institute of pontifical right.¹²⁷ Just what instigated this reply at this time was not known but it clarified a situation which had been quite doubtful.¹²⁸

¹²⁶ "We are of the opinion that the observance of the new Constitutions is practical in our case except for some slight modification in the form of our government." The modifications suggested were, in fact, major, and involved basically the retention of the existing system of government. See Mother Alphonsus Donnellan to B. Cattaneo, 26 August 1925, Archives of the Sisters of Mercy of Ballarat East (=RSM-BE).

¹²⁷ SCRel., "Declaratio circa naturam iuridicam Congregationis Sororum a Misericordia (Sisters of Mercy), 24 November 1925, in *AAS*, 18 (1926), p. 14. See Appendix VI, p. 208. Translation in *Canon Law Digest for Religious*, pp. 142-143. For discussions on the significance of this declaration, see J. KINANE, "Declaration regarding the Juridical Nature of the Congregation of Sisters of Mercy", in *The Irish Ecclesiastical Record*, 28 (1926), pp. 418-420; P. MAROTO, "Annotationes", in *Commentarium pro religiosus*, 7 (1926), pp. 84-92; J. J. NEVIN, "Effect of Recent Decree for the Sisters of Mercy", in *The Australasian Catholic Record*, 3 (1926), pp. 244-249; and [A. VEERMEESCH], "Annotationes", in *Periodica de re morali, canonica, liturgica*, 15 (1926), pp. 52-53. See also W. CONWAY, "Quinquennial and Annual Reports for Convents of Mercy", in *The Irish Ecclesiastical Record*, 78 (1952), pp. 298-300.

¹²⁸ Apparently, widespread confusion regarding the juridical status of the Sisters of Mercy was causing some concern. It was stated in an Australian commentary that: "The Apostolic Delegate, when forwarding to Rome eight years ago, the statistics of the religious communities that work so zealously in the cause of religion in Australasia, requested the Holy See to give a definite decision on this particular point." J. J. NEVIN, "Important

Many considered that the Sisters of Mercy were a diocesan congregation.¹²⁹ Much of the problem lay in the fact that the constitutions of the Sisters of Mercy had been approved prior to any clear legislation for the approbation of institutes of simple vows and the establishment of the formal distinction between diocesan and pontifical institutes.¹³⁰ However, the Holy See appeared to have considered that the Sisters of Mercy were a

Decision regarding Status of Sisters of Mercy," *The Australasian Catholic Record*, 3 (1926), p. 153. Another opinion states that it followed a request by the Irish bishops who were looking at the Rules and Constitutions of the Sisters of Mercy (conversation with Fr M. O'Reilly, OMI, 8 September 1990). Possibly the requirement to revise constitutions to conform to *CIC/1917* also had some effect.

¹²⁹ See for example [H. J. COLERIDGE], "The First Sister of Mercy," in *The Month*, 9 (1866), pp. 111-127. In the USA, correspondence regarding a proposed amalgamation in 1905 also provided evidence of this attitude but the response of the apostolic delegate was unequivocal. To the American bishops he stated: "As the Constitutions of the Sisters of Mercy have been approved by the Holy See, this Institute cannot be considered as a diocesan one." D. Falconio to the hierarchy of the United States, 13 February 1905, quoted in J. SABOURIN, *The Amalgamation*, p. 21. In reply to a letter expressing concern regarding the implications of a proposed amalgamation, he wrote: "I wish to remind you that the Institute of the Sisters of Mercy, having Constitutions approved by the Holy See, cannot be considered as a diocesan institute strictly as such ...". D. Falconio to Mother Sebastian Gillespie of Pittsburgh, 11 March 1905, *ibid.*, p. 25. Sabourin also commented that the belief that the Sisters of Mercy were a diocesan institute was consistently noted in correspondence of the period. See *ibid.*, p. 274.

¹³⁰ The Mercy Rule and Constitution were confirmed by Propaganda in 1841. It was not until the 1860s that a standard procedure developed. See SCEp. et Reg., *Collectanea in usum Secretariae Sacrae Congregationis Episcoporum et Regularium*, ed. A. BIZZARI, Romae, ex Tipographia Rev. Camera Apostolicae, 1863, xxvi-942p. Many of these provisions were included in *Conditae a Christo* and the accompanying norms. Pius X was responsible for further clarification in his *Motu proprio, Dei providentis*, 26 July 1906, in *ASS*, 39 (1906), pp. 344-346. *CIC/1917* and the *1921 Normae* completed the legislation for this period. For a detailed study of the evolution of the procedure leading to the approbation of religious institutes, see C. R. ORTH, *The Approbation of Religious Institutes*, particularly pp. 5-102.

pontifical congregation and the response in 1925 was designed to settle the matter conclusively.¹³¹

3. The revision of the original constitutions

The second event affecting all Sisters of Mercy was the revision of the 1841 *Constitutions* which the Sacred Congregation of Religious undertook on its own initiative and then asked the superior of the Sisters of Mercy of Dublin to disseminate.¹³² After receiving some clarification, she did so.¹³³

¹³¹ For example, in 1909, the SCRel. gave the bishops of the ecclesiastical province of Cashel the faculty to advise the Sisters of Mercy in the province of their obligation to have a six-year period of temporary vows before final profession despite the fact that, being a pontifical congregation, they were not bound by the legislation of the 1907 Provincial Council of Cashel (a similar provision was made for the Presentation Sisters). See *Acta et decreta Synodi Provincialis Cassiliensis habitae anno MDCCCXVII*, Dublin, Browne & Nolan, 1909, pp. 7-8. However, sometimes the matter did not seem to be so obvious. In Australia on occasions, the wording of some decrees was ambiguous. The official English translation of the decree uniting the various houses in Bathurst read: "Like all the members of the same Institution throughout Australia, the Sisters of Mercy of the diocese of Bathurst have been joined together in such a way as to form one single Diocesan Society. This said Society must be subject to the guidance and authority of His Lordship the Bishop." PROPAGANDA, Decree, Prot. No. 81278, 22 April 1908, RSM-B/202.06.

¹³² Sabourin suggested a possible reason for this revision, but she did not identify her source: "Gradually Rome was being inundated with requests by the Sisters of Mercy for diversified revisions of the same rule and constitutions. To obstruct this undesirable influx of documents, the Sacred Congregation for Religious appraised the 1841 rule and constitutions against the 1918 code and produced a limited revision ...". J. SABOURIN, *The Amalgamation*, p. 45. See also SCRel., Declaration, 26 October 1921, *AAS*, 13 (1921), p. 538, and Father Louis Nolan, OP, consultant to SCRel., to Mother Malachy Mulhern, 15 January 1926, RSM-A.

¹³³ She agreed to the request but pointed out: "We should, however, like to inform the Sacred Congregation that a Committee of the Bishops of Ireland has been for some time considering our Constitutions, with a view to bringing them strictly into conformity with Canon Law, and suggesting such modifications as are required by the lapse of time. We are confident that when the Constitutions are in the hands of the Institute, in case it were found that any modifications were desirable to meet the varied conditions in this country, the fact

Apart from some editorial and organisational changes, the revised constitutions retained the order of chapters of the *1841 Constitutions* but expanded the text to include relevant material from the 1917 Code of Canon Law.¹³⁴ Just who was bound by this revision was not clear. According to Father Nolan, it applied to all Sisters of Mercy, but not everyone agreed with this interpretation.¹³⁵

4. The response to the apostolic delegate

The apostolic delegate took these two events into consideration in his second letter to all Mercy superiors. Noting that several communities had expressed a preference for

that we were not consulted about the new Constitutions will not prevent the Sacred Congregation from considering favourably such modifications." M. Mulhern to L. Nolan, 25 January 1926. The reply to this read: "The new edition of your Constitutions is nothing more than the old edition brought into harmony with the New Code of Canon Law (as decreed by the Sacred Congregation of Religious in 1918); and so it contains nothing but what you are already obliged to since the Code of Canon Law came into force. This edition then is common to and of obligation on all those who have been up to now subject to the old Constitutions. Therefore, there was no need to consult the Sisters regarding matter contained in this new edition." L. Nolan to M. Mulhern, 5 February 1926, RSM-A. The constitutions which the Dublin Sisters of Mercy duly circulated were *The Rule and Constitutions of The Religious called Sisters of Mercy (=1926 Dublin Constitutions)*, Dublin, Browne & Nolan, [1926], 98p.

¹³⁴ Areas in which changes were made or additional canonical material was added are listed as follows: *1926 Dublin Constitutions*, arts 31, 33-38, 40-41, 44-63, 65, 67-71, 78, 100, 106, 125, 134, 139-140, and 154, pp. 44-82 *passim*.

¹³⁵ The future superior general of the USA Union wrote: "Monsignor Bernardini is my authority for the statement that the Irish Rule is not official. Reverend Mother Mary Evangelist of Australia also says, 'The Apostolic Delegate informed us that the Rule was for Baggot Street only.' This is in the letter she wrote to me and which you saw in Cincinnati." Mother Carmelita Hartman of Baltimore to Mother Bernardine Clancy of Milwaukee, 21 November 1927, quoted in J. SABOURIN, *The Amalgamation*, pp. 65. See also "Report of a Meeting of Superiors, Mt. Saint Agnes, Mt. Washington, Md., June 10, 1928", pp. 5 and 15, RSM-UW/H230.2.

adopting the *1926 Dublin Constitutions* and that he had postponed any further action until they were available, he commented:

An accurate perusal of them, however, has now convinced me that in some important points these Constitutions would not suit our Communities in these countries; e. g. the white apron for lay sisters, the strict prohibition to take boarders etc.

At the conclusion of this letter, he wrote:

I hereby formally ask you to adopt the said Constitutions of the Amalgamated Sisters of Mercy of Victoria and Tasmania. I would be very obliged to you for a line of acknowledgement.¹³⁶

It would not be an exaggeration to say that the apostolic delegate's request caused general consternation and letters were sent by superiors throughout the country, to New Zealand, Ireland, and eventually to Rome. Many superiors were of the opinion that the adoption of these constitutions meant diocesan amalgamation was inevitable and they were equally determined to resist both moves.¹³⁷ Several communities wrote to the Sacred

¹³⁶ See, for example, B. Cattaneo to Mother Agnes Wells of Mt. Gambier, 5 January 1926, RSM-A.

¹³⁷ As evidenced in the following comments made in letters to Mother Clare Murphy: "We cannot be made to have amalgamation unless we wish it." Sister M. Claver of North Sydney, 19 January 1926; "It is hard to say whether the circular is an order in a polite form or a mere request. It certainly sounds like the latter." Mother Alban Salmon of Brisbane, 28 January 1926; "We have the opinion of more than one good authority that we cannot be forced to adopt a 'foreign rule' if we 'hold firm'." Mother Ita of Hokitika, 6 February 1926; "I wonder how the Apos. Delegate is taking all these rebuffs! He ought to find some more honourable employment than to be harrying to death a body of harmless women! Yet, he is getting a 'Roland for his Oliver', surely!" Mother Gertrude of Broken Hill, 16 June 1927. RSM-A.

Congregation for Religious or to Father Nolan.¹³⁸ Others sent negative responses to the apostolic delegate. The reply from Ballarat East was typical of these:

As we do not regard your request as an obedience, we most humbly hope you will consider our reasons for wishing to remain under the newly revised and approved Constitutions of the Sisters of Mercy founded by Catherine McAuley. ... We do not feel justified in adopting that which is opposed to our convictions.¹³⁹

Many replies answered the objections regarding the wearing of a white apron as a formal part of the habit by the lay sisters,¹⁴⁰ and the prohibition against having boarders,¹⁴¹

¹³⁸ Father Nolan was able to allay fears that the various communities would be forced to comply with the apostolic delegate's request against their will. See for example, his comments: "You are perfectly free to appeal to the Holy See if you feel convinced that what the A. D. demands is detrimental to the peace and welfare of your community. No doubt the A. D. has the best of intentions in your regard; but in such cases good intentions are not enough" and "You will be pleased to learn that the S. Congregation of Religious has, I understand, asked the A. D. not to interfere with the Constitutions of the Sisters of Mercy approved for you last year. In this matter the Sisters must not be coerced." L. Nolan to Mother Ita of Hokitika, 6 April and 6 October 1927, RSM-A.

¹³⁹ A. Donnellan to B. Cattaneo, 14 December 1927, RSM-BE. A selection of these replies from various superiors has been preserved in RSM-A, e. g. North Sydney, 18 January 1927; Rockhampton, 24 January 1927 (from Bishop Joseph Sniel); Brisbane, 26 January 1927; Adelaide and Parramatta, 27 January 1927; Mt. Gambier, 30 January 1927; West Perth, 19 March 1927; Perth, (no date). No examples of replies agreeing to the apostolic delegate's request seem to have been kept, although there is a reference to an affirmative answer by the Bathurst Sisters of Mercy in much later correspondence. See Father Jeremiah Hogan, SJ, to Mother Paul O'Connell, 8 March 1950, RSM-B/801.01.

¹⁴⁰ "A modification of the Constitutions for the dispensing of the white apron was granted to us by Your Excellency in a letter dated 21st July 1924." A. Donnellan to B. Cattaneo, 14 December 1926, RSM-BE. Many other communities had requested and were granted this modification, the apostolic delegate of the period noting: "Le stesse richieste [as received from the apostolic delegate in Washington for communities of Sisters of Mercy in U. S. A.], più insistenti a più spesse, ricevo dalle Converse di quasi tutte le Comunità delle Suore della Misericordia dell'Australia e della Nuova Zelanda. L'agitazione non è di oggi; ed in qualche Diocesi fu così viva, che il Vescovo, non saprei con quale autorità, appagò i voti delle Converse, ed ora queste, a differenza di tante altre consorelle, hanno depositato il "white apron". Come è ben nota a V.E., lo spirito pubblico in Australia è profondamente democratico; più assai che negli Stati Uniti di America. L'uso quindi del grembiale bianco, tanto dalle Suore quanto dai fedeli in generale, è riguardato come una

which the apostolic delegate felt made the *1926 Dublin Constitutions* unsuitable for Australian Sisters of Mercy.

A major objection to the acceptance of these constitutions was that they were such a fundamental departure from the original rule and constitutions. Some even argued that a new institute had been erected,¹⁴² and other communities took steps to ensure that they would be able to keep the *1841 Constitutions*. For example, the Adelaide community petitioned the Sacred Congregation for Religious for

the privilege of using the original Rules and Constitutions of Our Holy Foundress Mother Catherine McAuley approved by the Sacred Congregation on June 16th 1841 with the modifications in accordance with the Code of Canon Law approved by the Sacred Congregation of Religious on February 18th 1926.¹⁴³

The apostolic delegate was convinced of the importance of persuading the various independent communities to accept common rules and constitutions but it has not been conclusively established whether he was acting on instructions or on his own initiative.¹⁴⁴

distinzione di classe. Persone ragguardevoli ed anche di una certa cultura, mi hanno scritto protestando contro tale distinzione nelle Comunità Religiose." B. Cerretti to D. Falconio, 22 June 1916, ACICL, File M. 92.

¹⁴¹ See C. Murphy to B. Cattaneo, 27 January 1927, RSM-A.

¹⁴² See J. Shiel to B. Cattaneo, 24 June 1927, and letters from the superiors of Perth (no date), Parramatta, 27 January 1927, and West Perth, 19 March 1927, RSM-A.

¹⁴³ C. Murphy to C. Laurenti, 30 May 1927, RSM-A.

¹⁴⁴ See comments by Father Nolan to Mother Benedict, 11 February 1927, RSM-A; and Bishop John Norton of Bathurst to J. Hogan, 31 March 1951, RSM-B/202.07. See also entries in *DD* for 10 March and 14 October 1927, RSM-M.

Few Australian communities of Sisters of Mercy adopted these constitutions although they were widely disseminated outside Australia and New Zealand. Requests for copies of them came from Cincinnati, New York, Washington, San Francisco and Baltimore in the USA, Mafeking in South Africa, Baggot Street, Westport and Dungarvan in Ireland, and Newcastle-on-Tyne in England.¹⁴⁵ Records are not clear, but it seems that, after the apostolic delegate's request in 1926, Bathurst formally adopted them.¹⁴⁶ When the independent houses in Wilcannia-Forbes amalgamated, they requested permission from the apostolic delegate to adopt the constitutions approved for the Goulburn amalgamation, parts of which were derived from the original supplementary rules for governance for the Melbourne congregation.¹⁴⁷ After the amalgamation of the Adelaide and Mt. Gambier Sisters of Mercy, they requested permission to adopt the *1918 Melbourne Constitutions* until the end of the Second World War, after which they were to submit their own constitutions to the Holy See for approval.¹⁴⁸

¹⁴⁵ See entries in *DD* from 8 January 1923 to 20 June 1929. They did have some influence in the USA. "As the Sacred Congregation for Religious Affairs directed that the Constitutions for the Amalgamated Houses of the Sisters of Mercy in the Archdiocese of Melbourne, Australia, be used as a model and basis for the new Constitutions of the United States in San Francisco, etc., called for by the new Code of Canon Law, I think it would be well for us to do the same. Part Second, beginning page 45, is certainly splendid and in many things would suit a larger generalate." C. Hartman to B. Clancy, [n. d., possibly late May 1928], concerning possible sources for constitutions for the proposed union in USA, quoted in J. SABOURIN, *The Amalgamation*, p. 130. See also *Constitutions of the Sisters of Mercy of the United Houses of the Dioceses of San Francisco, Monterey and Los Angeles, and Tucson*, San Francisco, Gilmartin, 1923, p. 3.

¹⁴⁶ With one important and troublesome exception noted in the next chapter.

¹⁴⁷ See "Historical Survey of Amalgamation of Sisters of Mercy in the Diocese of Wilcannia-Forbes, Australia", Ms., 1949, p. 2, RSM-WF.

¹⁴⁸ See J. PANICO, Decree of Amalgamation, 16 May 1941, RSM-A.

The apostolic delegate was confronted by formidable and determined opponents, who were in close communication with each other, and who, in some instances, had at least the tacit support of their bishops and access to competent advisors.¹⁴⁹ He was singularly unsuccessful in persuading communities to adopt common constitutions. In addition, his insistence left an unfortunate legacy. As one superior wrote to him:

They [the council and senior members of the community] respectfully submit to Your Excellency the fact that your decision has caused very considerable unhappiness and unrest among the members of our Community.¹⁵⁰

An examination of correspondence at the time and later shows that, as a result of this experience, some congregations became very nervous and defensive about any reference to common constitutions or suggestions of any form of amalgamation, and there seems little doubt that the apostolic delegate's ill-timed, insensitive and badly-received action not only delayed a re-opening of the question for many years, but also affected the ability of the members of some congregations even then to consider the matter in a calm and rational manner.

¹⁴⁹ For example, the Sisters of Mercy in the New Zealand diocese of Christchurch, who reacted strongly against the apostolic delegate's requests, wrote to Father Nolan for advice, and then sent his letters to other superiors. See Mother Ita of Hokitika to C. Murphy, 30 May 1927. See also the following comment: "The revised Rule and Constitutions are the ones to be observed by the Srs of Mercy. The Authorities in Rome cannot understand how anyone could attempt to change them. Dr Duhig Archbishop of Brisbane settled the whole thing when in Rome. He said there were piles of complaints from all parts in the S. C. of Religious." C. Murphy to A. Wells, 8 January 1928, RSM-A.

¹⁵⁰ B. Murphy to B. Cattaneo, [n. d.]; similar sentiments were expressed by the superior of West Perth on 19 March 1927, RSM-A. A later assessment noted that "Dr. Cattaneo pursued the matter of the adoption of the Melbourne Constitutions over several years, so that the word assumed an unpleasant flavour." M. X. O'DONOGHUE, *Beyond Our Dreams*, p. 287.

CONCLUSION

The Sisters of Mercy were well adapted to the needs of the developing Australian Church. Many bishops preferred their form of government and their flexibility regarding the apostolate made them most acceptable. Consequently, the proliferation of independent houses of Sisters of Mercy which had occurred in the first years of their establishment followed a pattern similar to that of other countries.

For several reasons, the trend amongst Sisters of Mercy in many countries was towards the consolidation of independent houses into larger units. However in Australia, external pressures, especially those arising from the needs of the education apostolate, strongly influenced this process. Forty years after Federation, there were seventeen communities of Sisters of Mercy, ranging in size from less than one hundred to almost seven hundred members.

With some notable exceptions, in the early years of the century there appeared to be little opposition to the pressure various bishops exerted on some independent foundations to amalgamate. However, as time went on, communities began to resist pressure to change what they firmly believed was an integral part of the spirit and heritage of Catherine McAuley. During the period covered by this chapter, the main elements influencing the evolution of the governance structure of the Australian Sisters of Mercy begin to emerge.

The congregation celebrated the centenary of its foundation in 1931. The legacy of Catherine McAuley had been passed on and developed with success in the Australian

context, and although there were no juridic ties between the communities, frequent contact of an unofficial kind provided support and guidance on various occasions. The attachment to a pattern of government which stressed local autonomy while encouraging the retention of the original spirit of the congregation deepened, irrespective of how the actual governance structure developed. In fact, apart from the Melbourne congregation, the other communities were concentrated almost exclusively within one diocese, a factor which tended to reinforce their local character.

Considerable development in Church law regarding religious women with simple vows occurred after 1900. In addition, the uncertainty regarding the canonical status of the Sisters of Mercy was settled by the Holy See in 1925. While these events were important in the canonical development of the Australian Sisters of Mercy, they were also strongly influenced by the pattern of settlement of the Catholic population and the needs of the apostolate. On several occasions as well, the legislation of local church councils, or the influence or policies of individual bishops, had major consequences.

The canonical evolution of the Sisters of Mercy during their first hundred years in Australia was a good example of the development of canon law for religious women with simple vows, and they were equally to be involved in and influenced by further developments characteristic of the second half of the twentieth century.

CHAPTER THREE

THE MOVEMENT TOWARDS UNITY

The movement for the renewal and adaptation of religious life, which owed much to Pope Pius XII and received a vital boost as a result of the Second Vatican Council, involved a comprehensive scrutiny of all aspects of religious life, including governance, the focus of this study. But even earlier, Pope Leo XIII had initiated developments in this area, and although it was not treated specifically in the 1917 Code of Canon Law, over the intervening years the Holy See had developed a method of operation to handle the changes which followed.

Religious life in Australia was affected by these events, and from the 1950s on, the seventeen communities of Sisters of Mercy gradually moved from being autonomous entities to membership in a national body, a development which is the subject of this chapter. This movement occurred in two phases. The first began in the 1950s and concluded just prior to the Second Vatican Council. It resulted in the formation of two canonical structures, a union and a federation. Hardly had this been achieved when, inspired by the teachings on religious life emanating from the Second Vatican Council and by practical circumstances, the second phase, the movement to a unified structure, commenced.

Throughout these changes, and within whatever structure eventuated, the Sisters of Mercy endeavoured to remain faithful to the traditions of governance which they considered to be integral elements of their heritage from Catherine McAuley. At the same time, they

tried to re-interpret these traditions according to the ideals put before them, especially in the teachings of the Second Vatican Council, and the needs of the Australian church.

I. GENERAL BACKGROUND

The movement towards the updating of religious life developed not so much because of changes in religious law as such but rather as a consequence of the encouragement and leadership of Pope Pius XII (1939-1958), who was anxious "that as far as possible the new fashions of our time and the spiritual destitution of our age will be met."¹

A. Canonical legislation

The 1917 Code of Canon Law did not contain legislation relating directly to the union or federation of religious institutes, although the canons on the establishment and suppression of religious congregations, provinces and houses provided guidelines. Canon 492 § 1 stated that only diocesan bishops had the power to establish diocesan congregations after consultation with the Holy See, which alone was able to grant pontifical approval.²

¹ Pius XII to Cardinal Clemente Micara, 12 November 1950, in *Acta et documenta congressus generalis de statibus perfectionis, Roma, 1950*, Roma, Liberia Internazionale Pia Società San Paolo, [1952-1953], vol. 1, p. 72, English translation from G. COURTOIS, ed., *The States of Perfection according to the Church*, trans. J. A. O'FLYNN, Dublin, M. H. Gill & Son, 1961, p. 142.

² *CIC/1917*, c. 492 § 1: "Episcopi, non autem Vicarius Capitularis vel Vicarius Generalis, condere possunt Congregationes religiosas; sed eas ne condant neve condi sinant, inconsulta Sede Apostolica; quod si agatur de tertiariis in communi viventibus, requiritur praeterea ut a supremo Moderatore primi Ordinis suae religioni aggregentur." This canon was derived from earlier legislation such as *Conditae a Christo* and *Dei Providentis*, and was made more explicit by later legislation contained in the *1921 Normae* and SCRel., Decree, *Circa congregationes religiosas*, 30 November 1922, AAS, 14 (1922), pp. 644-646. See T. SCHAEFER, *De religiosis ad normam codicis iuris canonici*, ed. 4a. aucta et emendata, [Città del Vaticano], Typis polyglottis Vaticanis, 1947, pp. 110-131. For a study of the historical

Once the congregation was established, only the Holy See had the authority to suppress it, either directly or indirectly. The latter occurred for instance when a union was formed.³ Although there was no universal legislation on unions and federations, the canons dealing with the union of benefices and the consequent juridic effects were analogous.⁴ In fact, cc.

development and a canonical commentary, see S. QUINN, *Relation of the Local Ordinary to Religious of Diocesan Approval*, Washington, DC, Catholic University of America, Canon Law Studies No. 283, 1949, pp. 55-61, B. J. FARRELL, *The Rights and Duties of the Local Ordinary regarding Congregations of Women Religious of Pontifical Approval*, pp. 54-75, and C. R. ORTH, *The Approbation of Religious Institutes*, pp. 131-157.

³ *CIC/1917*, c. 102 § 1: "Persona moralis, natura sua, perpetua est; exstinguitur tamen si a legitima auctoritate supprimatur, vel si per centum annorum spatium esse desierit"; and c. 493: "Quaelibet religio etiam iuris dioecesani tantum, semel legitime condita, etiamsi unica domo constet, supprimi nequit nisi a Sancta Sede, cui etiam reservatur de bonis in casu statuere, semper tamen salva offerentium voluntate." See T. SCHAEFER, *De religiosis*, pp. 131-132; M. A. CORONATA, *Institutiones iuris canonici ad usum utriusque cleri et scholarum*, Taurini, Marietti, 1933-1939, vol. 1, p. 628; and A. M. LARRAONA, "Titulus IX: De erectione et suppressione religionis, provinciae, domus", in *Commentarium pro religiosis*, 5 (1924), pp. 258-261.

⁴ *CIC/1917*, c. 1419: "Unio beneficiorum est:

1° *Exstinctiva*, cum aut ex suppressis duobus vel pluribus beneficiis novum atque unicum beneficium efficitur, aut unum vel plura ita alii uniuntur ut esse desinant;

2° *Aeque principalis*, cum unita beneficia remanent prout sunt, neque alterum alteri subiicitur;

3° *Minus principalis*, seu per *subiectionem* vel *accessionem*, cum beneficia remanent, sed unum aut plura alii tanquam accessorium principali subiiciuntur" and c. 1420 § 1: "In unione exstinctiva, beneficio quod emergit aut remanet, omnia iura et onera exstinctorum competunt, et, si inter se componi nequeant, meliora ac favorabiliora.

§ 2: In aeque principali, quodlibet beneficium conservat suam naturam, iura et onera, sed, vi peractae unionis, uni eidemque clerico unitorum beneficiorum tituli conferri debent.

§ 3: In minus principali, beneficium accessorium sequitur principale, ita ut clericus, qui principale obtinet, eo ipso et accessorium consequatur atque utriusque onera implere debeat." See also T. M. MUNDY, *The Union of Parishes*, Canon Law Studies No. 204, Washington, DC, Catholic University of America, 1945, pp. 42-70.

1419 and 1420 dealt with the union of benefices in such a way that they foreshadowed later distinctions made in religious law between "union", "federation" and "fusion".⁵

B. *Interventions of the Holy See*

In its dealings with various orders and congregations, the Holy See developed a mode of operation to manage the phenomenon of unions and federations. During the pontificate of Leo XIII (1878-1903), the association of several orders or congregations with common founders, constitutions and spirit occurred. One of the most important and influential of these was the Ursuline Roman Union established in 1900.⁶ Under later popes,

⁵ See H. JOULIA, *Union, fusion, fédération, association d'instituts religieux*, pp. 4-27. For definitions of "union" and "fusion" given by Joulia, see Chapter Two, p. 62. He defines "federation" as "un groupement de deux ou plusieurs instituts donnant naissance à un nouvel organisme qui tout en respectant l'autonomie juridique de chacun des instituts membres établit entre eux des liens privilégiés." Joulia's definitions of these terms are used throughout this study. See also M. DORTEL-CLAUDOT, *Union, fusion, fédération d'instituts religieux: Nouveau directoire pratique, 1988*, 48pp.

⁶ See for example, LEO XIII, Brief, *Summum semper*, in *ASS* 26 (1893-94), 12 July 1893, pp. 371-374 [Benedictines]; Apostolic Constitution, *Felicitate quadam*, 4 October 1897, in *ASS* 30 (1897-98), pp. 225-232 [Franciscans]; Apostolic Letter, *De Ordine Cisterciensium Reformatorem seu strictioris Observantiae*, 30 July 1902, in *ASS* 35 (1902-1903), pp. 385-388 [Cistercians of the Strict Observance]; PIUS X, Motu proprio, *Quo ceterae Ursularum familiae*, 8 May 1905, in *ASS* 37 (1904-05), pp. 679-681 [Ursulines]; SCEp. et Reg., Decree, *De unione trium Observantiarum Cisterciensium Trappistarum*, 8 December 1892, in *ASS*, 26 (1893-94), pp. 166-168 [Trappists]; Decree, *Inaestimabilis unitatis vinculo*, 16 September 1894, in *ASS* 26 (1893-94), pp. 743-746 [Benedictines]; and *Decretum unionis monachorum Praemonstratensium*, 17 September 1898, in *ASS* 31 (1898-99), pp. 495-496 [Premonstratensians]. See also R. AUBERT et al, *The Church in the Industrial Age*, trans M. RESCH, in H. JEDIN., gen. ed., & J. DOLAN, trans. ed., *History of the Church*, translation of *Handbuch der Kirchengeschichte*, London, Burns & Oates, 1981, vol. 9, pp. 270-283.; A. DI VINCENZO, *Lex Propria confederationis congregationum monasticarum ordinis sancti Benedicti: commentarium, historica, fontes*, [Genuae, Abbas S. Andreae de Sexto-Genuae, 1955], pp. 9-29; J-L. BEAUMIER, *L'Union romaine des Ursulines d'après les documents pontificaux*, Trois Rivières, [n.p.], 1951, pp. 1-25; and M. V. BOSCHET, *Les origines de l'Union romaine jusqu'à sa fondation, 1900*, Rome, Maison générale de l'U. R., 1951, pp. 400-536.

several other unions took place, including those in which independent houses were united to form congregations with simple vows.⁷

However, it was Pope Pius XII who gave the required impetus to this trend.⁸ When speaking to a group of Benedictines 1947, he put forward the possibility of some form of union of congregations with similar backgrounds,⁹ and in November 1950, he issued the Apostolic Constitution, *Sponsa Christi*, which dealt with the renewal of contemplative life for women.¹⁰ One of several matters considered was the advantages of federation for independent monasteries. While this document had no direct relevance to active congregations as such, the significance of its suggestions was not lost on them, and it gave a strong indication of the attitude of the Holy See.

⁷ For documentation regarding some of these unions, see P. MAROTO, "De unione plurium Monasteriorum muliebrum in Religiosam Congregationem sub communi regimine", in *Commentarium pro religiosis*, 3 (1922), pp. 305-317. See also SCRel., Decree, Prot. No. 684/29, *Perplures Communitates*, 1 March 1929: RSM-UW/H230.2.

⁸ See G. ADRIÁNYI et al., *The Church in the Modern Age*, trans A. BIGGS, in H. JEDIN, gen. ed., & J. DOLAN, trans ed., *History of the Church*, vol. 10, pp. 361-364; and D. M. HUOT, "Summus Pontifex Pius XII et accommodata renovatio in statibus perfectionis", in *Apollinaris*, 32 (1959), pp. 360-368. See also articles such as J. CREUSEN, "L'Adaptation", in *Revue des communautés religieuses*, 18 (1946), pp. 97-108.

⁹ See PIUS XII, Homily, *Exsultent hodie*, 17 September 1947, *AAS*, 39 (1947), pp. 452-456.

¹⁰ PIUS XII, Apostolic Constitution, *Sponsa Christi*, 21 November 1950, in *AAS*, 43 (1951), pp. 5-24, especially p. 13 and arts VI and VII, pp. 17-19. See also SCRel., Instruction *Inter praeclara*, 23 November 1950, Part II, arts VII-XXV, *ibid.*, pp. 41-44. The possibility of the federation of monasteries was referred to in part as follows: "Monasteriorum Foederationes quamvis regula generali non praecipiantur, tamen a Sede Apostolica valde commendantur ...", art. VII, § 2, 1°, *ibid.*, p. 18. See also G. M. DE ANTONANA, "Federazioni di monasteri", in A. M. LARRAONA, ed., *La nuova disciplina canonica sulle monache; la costituzione apostolica "Sponsa Christi" et la istruzione "Inter praeclara"*, Roma, Desclée, 1952, pp. 166-168, where mention is made of the movement towards federation of several active congregations.

Also in 1950, the First International Congress of Religious was held in Rome.¹¹ A year later, the Pope stressed the necessity of renewal and returned to this theme in 1952 during his address to the first international meeting of the superiors general of institutes of religious women.¹² It was at this meeting that serious consideration was given to the ways in which communities with similar interests could form closer links with each other.¹³ However, as one of the speakers later noted when discussing the possible fusion (*unio*

¹¹ See *Acta et documenta Congressus generalis de statibus perfectionis, Roma, 1950*, Roma, Libreria Internazionale Pia Società San Paolo, [1952-1953], 4 vols. This congress was subsequently described as "the first step of a quiet and spontaneous movement toward considering the needs and problems of the religious life in the light of modern circumstances." See A. M. LARRAONA, "Closing Address", in *Religious Community Life in the United States: Proceedings of the Sisters' Section of the First National Congress of Religious of the United States*, [New York], Paulist Press, 1952, vol. 1, p. 178.

¹² See PIUS XII, *Apostolic Exhortation to the First International Congress of Teaching Sisters*, 13 September 1951, in *AAS*, 43 (1951), pp. 738-744; English translation in G. COURTOIS, *The States of Perfection*, pp. 194-202, and "Address to the Superiors General", in *Acta et documenta congressus internationalis superiorissarum generalium*, Romae, Editiones Paulinae, 1952, pp. 332-334. Few Australian superiors general were present at this second meeting as invitations arrived too late for most to be able to go to Rome. But two Mercy superiors general managed to get there — Mothers Paul O'Connell of Bathurst and Joan Brennan of Wilcannia-Forbes.

¹³ See G. B. SCAPINELLI DI LEGUINO, "Movimento d'unione e di federazione di religiose nel mondo: direttive della Santa Chiesa", *ibid.*, pp. 141-167.

extinctiva) of congregations, the Holy See was careful not to put pressure on individual congregations to consider changes in their status.¹⁴

C. *The constitutions of the Australian Sisters of Mercy*

Prior to these events, and following the apostolic delegate's unsuccessful attempt to impose common constitutions on them, the Australian Sisters of Mercy were free to develop their own constitutions which they did during a period of numerical growth and apostolic expansion. The constitutions they used were basically of two kinds. By 1954, ten communities were using the *1926 Dublin Constitutions*,¹⁵ while the other seven had constitutions which catered for a generalate form of government.¹⁶

In general, those groups which had not been affected by amalgamations, were either very localised or small, or had a strong tradition of not forming independent foundations, retained the *1926 Dublin Constitutions*. The apostolic delegate had pointed out that these constitutions were not entirely satisfactory for Australian conditions, and much correspondence occurred between superiors, the apostolic delegate and the Holy See

¹⁴ "L'on comprend sans peine la discrétion du Saint-Siège en la matière. Le respect des droits acquis et la crainte de troubler, parfois pour longtemps, la vie de certaines communautés justifient parfaitement cette circonspection. D'autre part, la pratique de la S. Congrégation des Religieux montre qu'elle saisit nettement l'opportunité, pour ne pas dire la nécessité, de certaines fusions." E. BERGH, "Fusion de congrégations", in *Revue des communautés religieuses*, 27 (1955), p. 164.

¹⁵ Ballarat, Brisbane, Cairns, Grafton, Gunnedah, North Sydney, Parramatta, Rockhampton, Townsville and West Perth.

¹⁶ Adelaide, Bathurst, Goulburn, Melbourne, Perth, Singleton and Wilcannia-Forbes.

regarding necessary adaptations in such matters as the status of lay sisters or the boarding schools' apostolate.

Of more relevance were the strictures inherent in a system of government not well suited to the vast distances in Australia, nor the size of some of the groups. The 1926 *Dublin Constitutions* were expressly designed for one independent house organised on a monastic pattern. For example, although they had existed almost from the beginning of the congregation, provision for branch houses and details of their operation, were found only in the customs.¹⁷ Also, it was almost impossible in a large and widely dispersed community such as Brisbane for the chapter to function as defined: chapters regarding receptions and professions were too difficult to organise; and elections were time-consuming ordeals.¹⁸

¹⁷ Cf. *CIC/1917*, c. 497 § 3; SCRel., Response, "Dubium de superioribus domorum filialium", 1 February 1924, in *AAS*. 16 (1924), pp. 95-96; English translation in *Canon Law Digest for Religious*, vol. 1, pp. 218-219. See also the discussion in B. J. FLANAGAN, *The Canonical Erection of Religious Houses*, pp. 30-32 and 96-107.

¹⁸ Even in Bishop James Quinn's time, because of the great distances, the Rockhampton and Townsville branch houses were permitted to hold their own chapters for admission to reception and profession. See M. X. O'DONOGHUE, *Beyond Our Dreams*, p. 283. Brisbane adopted this practice, citing as an authority an act of chapter of the Dublin community in 1903 subsequently incorporated in its customs. The reason given for this change was the problem of distance but the validity of the practice was later queried. See correspondence between Mother Damian Duncombe, Archbishop Romolo Carboni and Father Arcadio Larraona, 14 August to 17 September 1958, RSM-Br. Difficulties regarding the election process were such that for the 1954 Chapter, the SCRel. advised the community to adopt a provisional delegate system and then to revise the constitutions to incorporate this permanently. See Monsignor Emanuele Clarizio, Chargé d'Affaires of the Apostolic Delegation to Mother Norbert O'Regan of Brisbane, 12 September and 21 November 1953, and D. Duncombe to the community, 20 March 1967, RSM-Br.

In the 1950s, moves were made in some communities to change to a generalate form of government. This occurred in the Singleton in 1952,¹⁹ but in some other communities, although the matter was discussed, no changes were made.²⁰ The majority of congregations with this form of government revised their constitutions during this period.

A revision of the Bathurst constitutions became necessary in the early 1950s when irregularities were discovered in the election process. In 1923, Bishop Michael O'Farrell, CM, requested the resignation of the superior general and her council. He then convoked a general chapter. In the process, he changed the election method, reverting to the practice of direct voting by all those eligible to vote. At the Chapter,

His Lordship, Bishop O'Farrell presided, the Chapter being composed of all professed sisters of final vows, 92. The purpose was the election of a Mother General, her four assistants, an economer general and her secretary. At the first vote, Sister Mary Imelda was elected by 50 of the 92. The Bishop vetoed the election. In the next vote, Sister Mary Celestine, who during the first vote, received 33 votes, was now elected by 64 votes.²¹

The Bathurst Sisters of Mercy continued to use this method of election until 1951.²²

¹⁹ See Bishop Edmund Gleeson, CSsR, of Maitland to the Sisters of Mercy of Singleton, 2 February and 20 March 1951, RSM-S; and *Rule and Constitutions of the Religious called Sisters of Mercy*, Sydney, St. Vincent's Boys' Home, 1951, 122p.

²⁰ See M. X. O'DONOGHUE, *Beyond Our Dreams*, p. 288; "Results of Referendum on a Change of Government, December 1947", RSM-Br; and extracts from "Chapter Book, Convent of Mercy, Grafton", 7 October 1940 to 20 July 1941, RSM-Gr.

²¹ From "Minutes of the Chapter of the Sisters of Mercy held at St. Mary's Convent, Bathurst, January 4, 1923", RSM-B/101.01.

²² See P. O'Connell to J. Hogan, 18 May 1950, RSM-B/202.07. Apropos of the election method, the bishop had written: "His excellency [Archbishop Cattaneo] approves of the method of election." M. O'Farrell to Mother Josephine McMahon, 12 December 1926, RSM-B/202.07. A later apostolic delegate stated: "Dr O'Farrell had no authority to make any change whatever." J. Panico to P. O'Connell, 21 September 1945, RSM-B/202.06. In another interpretation, the bishop at the time this matter was causing concern wrote to the

In Adelaide, correspondence between the superior general, the apostolic delegate and the Holy See regarding suitable constitutions had gone on from 1946 until 1951. Then the newly elected superior general wrote to the apostolic delegate:

I myself am not in favour of the Victorian Constitutions, and it is my opinion that if the matter were again put before the Sisters, their considered verdict would probably be that a revision of the old Constitutions be made.

One of the main objections stated was to the sections dealing with lay sisters.²³ The Holy See approved the constitutions in 1953.²⁴

In the Goulburn congregation, the governance section based on the Melbourne model was used almost unchanged from 1908 until constitutions based on the *1926 Dublin Constitutions* but providing for a generalate were approved in 1930.²⁵ The Perth

canonist dealing with the problem: "The method of election (individual votes) which we have been following was by the express direction of Archbishop Cattaneo, who was so prominent in the affairs of the Sisters of Mercy Archbishop Panico did not agree with this, but I was not aware of his opinion in time for the former election. Now it is clear that the present Apostolic Delegate should decide for us as he will be in a position to know from his record if Bishop O'Farrell obtained from the Holy See any special privileges in the matter from his friend Archbishop Cattaneo." J. Norton to J. Hogan, 31 March 1950, RSM-B/202.07.

²³ Mother Dolores Barry to Archbishop Paul [sic] Marella, 9 March 1951; and A. Larraona to M. Beovich, 5 September 1951, RSM-A. The revision was based on the constitutions of the Sisters of Mercy of Perth, Broken Hill and the USA Union (no mention was made of the *Melbourne Constitutions*). See correspondence between D. Barry and P. Marella from 31 January 1952 to 29 April 1953, and E. Clarizio, 11 July to 20 July 1953, RSM-A. [While in Australia, Archbishop Marella often used the anglicised version of his Christian name.]

²⁴ See SCRel., Decree, Prot. No. 3538/47 A. 88, 25 March 1953, RSM-A.

²⁵ The superior general proposed a revision of these constitutions in 1950, but postponed the project because of an imminent change of leadership. See W. Keane to Mother Columbière McKillop, 2 October 1950, RSM-G.

constitutions which the Holy See approved in 1949 had a similar basis.²⁶ The Wilcannia-Forbes congregation adopted the Goulburn constitutions in 1938, but, as these were not entirely satisfactory, the Holy See approved a revision in 1950. One of the requests granted was approval for postal voting for the election of delegates to the general chapter because of great distances between houses in the diocese.²⁷

A examination of the constitutions the Australian Sisters of Mercy developed during this period reveals a complex pattern of borrowing, not only from each other, but also from constitutions developed for the USA Union and another revision of the Dublin text.²⁸ Most constitutions were very alike, differing mainly in the governance section. This area had been the major source of disagreement, principally because the generalate structure had departed so much from the structure based on independent autonomous houses which Catherine McAuley had developed and which had been approved in the *1841 Constitutions*.

After the promulgation of the *1901 Normae* and the 1917 Code of Canon Law, some congregations of Australian Sisters of Mercy, in common with many other religious congregations, found that their constitutions, because of the necessity to conform with current requirements, lost much of their spirit and originality. Attachment to the *1841 Constitutions* was deep, again principally because of the close connection with Catherine

²⁶ See *Constitutions of the Sisters of Mercy, Perth (Amalg.)*, Perth, 1950, pp. 109-114.

²⁷ See *Constitutions of the Congregation of the Sisters of Our Lady of Mercy of Wilcannia-Forbes*, Sydney, 1950, pp. 154-160.

²⁸ *The Rule and Constitutions of the Congregation of the Sisters of Mercy, Dublin (=1953 Dublin Constitutions)*, Dublin, M. H. Gill & Son, 1954, 102p.

McAuley, so it was fortunate that all groups still retained substantial portions of them, either incorporated in the text or as part of an attached directory.

II. THE FIRST PHASE (1950-1962)

The recommendations regarding the renewal of religious life were to have an influence on the Sisters of Mercy in Australia in a variety of ways. In particular, they acted as a catalyst for the further development of the structures of governance within individual congregations and in their relationships with each other.²⁹

The first national meeting of the Sisters of Mercy in Australia was called in response to a letter from the sisters in Dublin regarding suggestions for modification of the religious habit, one of the matters Pius XII had urged congregations to consider.³⁰ Thirty-seven sisters from fifteen congregations were present at this meeting held in Sydney on 6 December 1952.³¹

In his opening address, the apostolic delegate, Archbishop Paolo Marella, brought up the subject of some form of union. His remarks showed he was aware of the negative

²⁹ See G. JENNINGS & J. C. O'TOOLE, *For the Sake of the Mission*, Melbourne, Mercy Publications, 1979, pp. 3.14-3.30.

³⁰ See Mother Madeleine Sophie of Dublin to Mother Patricia O'Neill of Melbourne, 20 October 1952, RSM-M.

³¹ The congregations represented were: Adelaide, Ballarat East, Bathurst, Brisbane, Goulburn, Grafton, Gunnedah, Herberton [Cairns], Melbourne, Perth, Singleton, Townsville, and Wilcannia-Forbes. West Perth and Rockhampton were not represented. See "Minutes of the Meeting of the Superioresses of Australian Sisters of Mercy", Archives of the Institute of the Sisters of Mercy of Australia (=AISMA)/U101/1. Both for this meeting and the one held the following year, because of unfamiliarity with the number and location of the various communities, some superiors did not receive invitations to attend.

attitudes of many towards the idea of amalgamation and he was careful to indicate that no pressure would be applied by either himself or anyone else. He concluded his address as follows:

This is a topic which should form the object of your private conversations and correspondence. I mention it because it is true today as always that "union makes strength", and to let you know that if, and when, some of you, in whatever part of Australia, really and spontaneously thought that the time had come, the necessity had arisen, to implement a 'union', you are perfectly free to discuss such a procedure with the Ecclesiastical Authorities. And as far as I am concerned, I would be only too glad to help you in any way I could. I know you will receive these remarks in the spirit in which they are uttered.³²

The subject was discussed briefly and placed on the agenda for a meeting the following year.

A. Organisational consolidation (1954-1962)

1. The formation of the Congregation of the Australian Union of the Sisters of Our Lady of Mercy

Representatives from fifteen congregations attended the second meeting held in Melbourne on 9 September 1953, and discussed the topic of union.³³ Several representatives presented papers, including Mother Bonaventure Healey of Ballarat who suggested a form of federation; Mother Paul O'Connell of Bathurst who advocated the advantages of union; and Father Henry Jordan, MSC, DCL, the canonical adviser to the

³² P. MARELLA, "Address of the Apostolic Delegate", *ibid.*, p. 10. Archbishop Marella was the apostolic delegate in Australia from 1948 to 1953 and had been on the staff of the delegation in the USA during the time of the formation of the USA Union.

³³ Brisbane, Herberton [Cairns] and West Perth were not represented, and representatives from Auckland attended.

group, who described the situation as he saw it and suggested means of fostering union in the future.³⁴

After much deliberation, representatives from eight communities signed a petition which commenced:

Humbly prostrate before the feet of Your Holiness, we, the undersigned Superiors of the following self-governing groups of the Religious Congregation of the Sisters of Mercy, viz., Adelaide, Armidale, Bathurst, Canberra/Goulburn and Wagga, Melbourne, Sandhurst and Hobart, Maitland, Perth, and Wilcannia-Forbes, most earnestly beg that Your Holiness would graciously permit these self-governing groups to form one organic Union, divided into Provinces, under one Major Superior, with one common Constitution according to the exemplar appended to the petition.³⁵

The reasons given for this request included: the elimination of differences by the adoption of a common constitutions; the completion of the trend towards union in Australia; the improvement of formation programmes; and a desire to follow the wishes of the Holy See.

Archbishop Daniel Mannix of Melbourne forwarded the petition to the Holy See in December 1953.³⁶ In July 1954, the Sacred Congregation for Religious erected the

³⁴ See GENERALATE, AUSTRALIAN UNION SISTERS OF MERCY, *History in the Making* (=History in the Making), 1970, vol. 1, pp. 2-22, for copies of these papers.

³⁵ "Petition to the Holy See for Australian Union of the Sisters of Mercy", *ibid.*, pp. 23-24. See also INSTITUTE OF THE RELIGIOUS SISTERS OF MERCY OF THE UNION IN THE UNITED STATES OF AMERICA, *Constitutions of the Institute of the Religious Sisters of Mercy of the Union in the United States of America*, (=1941 Washington Constitutions), Washington, DC, 1941, 152p., which the superiors general examined with a view to adapting them to suit Australian conditions.

³⁶ A covering letter drafted by Father Jordan accompanied this petition. See D. Mannix to the Cardinal Prefect of the Congregation for the Propagation of the Faith [Cardinal Pietro Fumasoni Biondi], [undated, probably about November 1953]. See *History in the Making*, pp. 26-29.

Congregation of the Australian Union of the Sisters of Our Lady of Mercy,³⁷ and directed that, until constitutions were developed, the constitutions of the USA Union, appropriately modified, were to be used. The first chapter, under the presidency of Father William Keane, SJ,³⁸ was held at the Apostolic Delegation from 30 August to 2 September, the agenda being basically set by the requirements of the *Decree of Union, 1954*. The chapter elected the superior general, Mother Patricia O'Neill, and four general councillors, set up commissions to prepare constitutions and customs and chose Canberra to be the site of the Union motherhouse. The Holy See approved the constitutions in November 1959.³⁹

2. The formation of the Australian Federation of the Religious Sisters of Mercy

Nine superiors did not sign the petition for "organic union": three were absent from the Melbourne meeting; others were not prepared to make such a decision without further consultation with their communities and bishops; some were not particularly interested in either union or federation; and a few were deeply suspicious of the whole process.

³⁷ Hereafter referred to as "the Union". See SCRel., Decree, Prot. No. 6990/54. M. 92, *Cum domus plurimae* (=Decree of Union, 1954), 26 July 1954, in Appendix VII, p. 209.

³⁸ At the request of the apostolic delegate, in April 1954 SCRel. appointed Father Keane to assist in the formation of the Union. See R. Carboni to R. Prendiville, 25 April, 1954, ACAP/H20/43.2. See also W. KEANE, "Diary, 3 March-12 September 1954", AISMA/U203.22. In the *Decree of Union, 1954*, he was given full authority to establish the Union.

³⁹ See "Minutes of the First General Chapter of Australian Union of the Sisters of Mercy", AISMA/U101; and *Constitutions of the Congregation of the Australian Union of the Sisters of Our Lady of Mercy* (=Union Constitutions), Canberra, Sisters of Mercy, 1960, v-137p.

Mother Bonaventure Healey of Ballarat was in favour of a looser union and suggested that the nine congregations examine what she termed a "federated union". Writing to Mother Andrew Lynch of Parramatta, whom she considered the best person to spearhead a counter-movement, she suggested that the latter

consider asking His Eminence [Cardinal Norman Gilroy] for permission to inaugurate a union of those Sisters of Mercy in Australia and, possibly New Zealand, who believe that they should be united, but not in the way proposed by the Melbourne Union.⁴⁰

In April and May 1954, the superiors interested in forming a federated union met several times. As all present were using the *1926 Dublin Constitutions*, they decided to retain these constitutions until the expected revision could be adapted to Australian conditions. With the assistance of Bishop James Carroll, auxiliary to Cardinal Gilroy, in August 1955 they drew up a petition on behalf of nine congregations which requested

permission of the Holy See to form the "FEDERATION OF THE SISTERS OF MERCY" which shall be governed by a Federation Council under the presidency of a Mother President, in accordance with the Articles of Federation appended hereto; and in which Member Congregations shall preserve autonomy and shall share common Rule and Constitutions.⁴¹

The reasons given for this request were: to foster and develop the family spirit between distinct congregations which bore the same name and carried on the work of their common founder; and at the same time, as autonomous congregations, to develop their apostolates independently according to the needs of each local area.

⁴⁰ B. Healey to A. Lynch, 7 March 1954, RSM-BE.

⁴¹ "Petition to the Holy See for a Federation of the Sisters of Mercy in Australia", AISMA/F202.3.

In November 1955, the Holy See erected the Australian Federation of the Religious Sisters of Mercy,⁴² and directed that until common constitutions were approved, the member congregations were to use the Brisbane constitutions.⁴³ The Holy See approved both the constitutions and the statutes of the Federation, initially for five years and definitively in 1962. At the first meeting held in January 1957, the Federation Council elected Mother Damian Duncombe of Brisbane as the first president, made necessary financial arrangements, and set up commissions to study the constitutions and customs and to prepare a ceremonial and a manual of community prayers and devotions.⁴⁴

3. Factors influencing the eventual choice

Apart from the well-known attitude of the Holy See towards renewal and adaptation, other factors endemic to Australia were significant in the movement towards a closer relationship between the various congregations of Sisters of Mercy and the eventual choice each congregation made between union and federation.

⁴² Hereafter referred to as "the Federation". See SCRel., Decree, Prot. No. 01556/55, *Sacra Congregatio negotiis*, 21 November 1955, in Appendix VIII, p. 210.

⁴³ At the time, the Brisbane congregation was in the midst of developing constitutions based on the *1953 Dublin Constitutions* to provide for a generalate form of government. See page 101.

⁴⁴ See Cardinal Valerio Valeri to R. Carboni, 4 July 1956, AISMA/F202.1, and R. Carboni to Mother Peter Breen of Herberston, 27 July 1956, RSM-C. See also "Minutes of the First Federation Council Meeting, 19-22 January 1957", AISMA/F204.2. For definitive approval, see SCRel., Decree, Prot. No. 9504/59 -- B. 180, *Sanctissimus Dominus Noster*, 26 March 1962, in *Constitutions of the Member Congregations of the Australian Federation of the Religious Sisters of Mercy (=Federation Constitutions)*, Brisbane, Sisters of Mercy, 1962, pp. 152-154.

A study of the period summarised perceptions regarding the reasons why one form of governance was chosen in preference to the other. It states:

In general, the Sisters [who had been members of Mercy congregations at the time] believed that little consultation with members of the various groups took place; that decisions were made by Major Superiors; that information about Union and Federation was not widely disseminated among the Sisters before decisions were made; that lack of contact and also communication were closely related to geographic distance and lack of mobility; that the particular background of a group, its ideas about authority, and what was seen by the Major Superiors as best for the group at the time, were key factors in the decision to join either the Union or the Federation; and that the influence of local Bishops for or against a particular form of governance was keenly felt by the Sisters.⁴⁵

A combination of many of these factors may help to explain the almost complete unanimity in most congregations. The results of a vote on the issue which the apostolic delegate requested also demonstrated this.⁴⁶ No provision was made for those individual sisters who did not wish to become part of either the Union or the Federation.⁴⁷

⁴⁵ V. M. WARD, "A New Structure of Governance", p. 281.

⁴⁶ The apostolic delegate directed that the sisters in each community were to declare their preference for either union, or federation, or the status quo. See, for example, R. Carboni to D. Barry, 27 March 1954, RSM-A. In one community, despite figures showing a clear majority voting for Federation, some felt that insufficient information and time had been given and it was recommended that a second vote be taken after more information was made available. A similar result was obtained. In fact, the apostolic delegate later informed the superiors of the communities who had signed the petition to form a union that "it is not necessary, nor would it be advisable to reopen the subject or to put the matter to the Sisters a second time." R. Carboni to Mother Majella Gillespie of Goulburn, 9 April 1954, AISMA/U203.2. However, by then, at least three of this group had organised a vote. See Appendix IX, p. 211, for the results of this vote.

⁴⁷ Occasional entries in the minutes of the Union council meetings indicated that in the early years a few individual sisters applied to join the Union, but records indicate that only one transfer actually took place. Although it was not entirely clear from the context whether these applications were motivated by a desire to become part of the Union structure or were made for personal reasons, it seems that the latter reason was the most likely. See "Australian Union: Minutes of Council Meetings", vol. 1, entries from January 1955 to February 1960. No evidence was found in these minutes of applications to join Federation

Many of the major superiors were quite clear on what they wanted. The two superiors who had attended the 1952 meeting in Rome were convinced that a form of union was in keeping with the wish of the Holy Father and well suited to Australian conditions, and recent contact with the USA Union had familiarised others with the general concept.⁴⁸ Still others, in particular, Mother Bonaventure Healey, were convinced that the principle of local autonomy, a characteristic of the Sisters of Mercy since the time of Catherine McAuley, should not be discarded.⁴⁹ This, plus the fear that communities unwilling to join the Union would in some way be forced to do so, provided the initial stimulus to form an acceptable alternative before it was too late.⁵⁰ As preliminary discussions took place, other advantages in federation became more obvious and attractive, particularly to communities which had not decided one way or another.

congregations but these may have been noted only in the records of individual Federation congregations which were not studied in detail. The writer is not aware of any such transfers.

⁴⁸ See for example Mother Bernardine Purcell, superior general of the USA Union, to D. Barry, 18 April and 7 November 1951, RSM-A.

⁴⁹ Mother Bonaventure Healey initially considered joining the Union, provided that, as a necessary condition, "the Ballarat group of Sisters of Mercy constitute an independent Province" and that certain amendments to the *1941 Washington Constitutions* designed to limit the power of the superior general be made. See B. Healey to P. O'Neill, 7 October 1953, RSM-A.

⁵⁰ "I am giving you our ideas on a form of government that would, we think, establish a Union among us without at the same time destroying the machinery set up by our Holy Mother Foundress. ... It is difficult to understand why so tremendous a step [petition to establish a union] was taken with so little deliberation. It almost looks as if the promoters were afraid of something. Whatever it is, we believe that the facts should be placed before the Cardinal and the Apostolic Delegate before efforts are made to press us all into the Melbourne Union. This is vital at the moment, more vital perhaps, than we know." B. Healey to Mother Wilfred O'Regan, 26 February 1954, RSM-NS.

In some cases, the fear of small independent houses being either absorbed or controlled by larger congregations occupying much the same territory was another potent factor, especially as unhappy memories of earlier attempts to force amalgamation still rankled.⁵¹ Many of the inland New South Wales communities were hoping for extra assistance to cope with problems exacerbated by isolation and harsh conditions, while some Queensland communities were not ready or not interested at first.⁵²

All the communities constituting the Union except Gunnedah were already familiar with a generalate form of government and all except Singleton had experienced amalgamations. In contrast, the federation was formed from autonomous houses, many of which had several branch houses, all with the original governance structure, and none, with the exception of Grafton, with prior experience of amalgamation. The correspondence of the time revealed that a degree of tension and suspicion was engendered during this period. This attitude was not helped by what may be described as agitated conjecture concerning the presumed attitudes of several key figures or the covert meaning behind certain events. However, both the superior general of the Union and the president of the Federation were too level-headed and pragmatic to encourage excessive partisanship, although many in each

⁵¹ "We repeat again that we ardently desire a Union, under a Mother General but not one with the autocratic powers of the Washington Rule, Const. 245, who could remove Novitiates at will, interchange subjects from Province to Province etc., which would turn the Union into an Amalgamation." B. Healey to W. O'Regan, 26 February 1954, RSM-NS.

⁵² For example, Brisbane was in the process of adopting a generalate structure of governance and felt that too much change was undesirable. See D. Duncombe to D. Barry, 29 April, 1954, RSM-A.

group were convinced its structure was the best and were unimpressed with the alternative.⁵³

Some bishops would have no doubt shared the sentiments which Archbishop Robert Spence, OP, had expressed thirty years earlier: "I cannot give any advice in this matter as afterwards my advice might be construed as some sort of coercion."⁵⁴ Other bishops remained neutral or openly or tacitly encouraged or opposed the proposed decisions of the congregations present in their dioceses,⁵⁵ and many provided advice and assistance.⁵⁶

⁵³ "A so-called Federation has just been formed; it seems to be the loosest of bonds, just a 'staying as we are', one superior said; she also declared that it was a half-way house to Union." Mother Calasactius Cunningham, a Union general councillor, to Mother Maurice Tobin, superior general of the USA Union, 22 February 1955, AISMA/U202. "It is a much watered down version of the original union and could not remain in that state very long. It is decidedly not an amalgamation nor a federation either. I could not imagine anyone is happy about it." B. Healey to A. Lynch, 18 March 1955, Archives of the Sisters of Mercy of Parramatta (=RSM-P).

⁵⁴ R. Spence to C. Murphy, 28 July 1925, about the apostolic delegate's request for all Sisters of Mercy to adopt the same constitutions, RSM-A.

⁵⁵ For example, "I have talked the matter over with His Grace [Archbishop Matthew Beovich], and he leaves the decision entirely in our own hands." D. Barry to R. Carboni, 20 April 1954, RSM-A. The strongest objections came from Bishop Thomas Cahill of Cairns who appeared to have had an over-developed sense of his position as "principal superior after the Holy See". Correspondence indicated some of the problems of the Herberton sisters. "[Herberton] are anxious for Union and are trying to surmount difficulties." Sister M. Annina Kelly of Melbourne to N. O'Regan of Brisbane, 19 October 1953, RSM-Br. "It was not their fault that they did not attend the meetings." P. O'Neill to D. Barry, 26 October 1953, explaining the absence of the sisters from the first two meetings of the independent communities, RSM-A. "We sincerely sympathise with you in your struggles and, though we were surprised at the speed with which your Lordship had moved, we were not surprised at the stand he was taking. From our little experience with him, I marvel how you can face up to him with opposing ideas." B. Healey to Mother Enda Mansfield, 22 November 1954, RSM-C. At first, Bishop Cahill was opposed to union, but then, realising that some form was inevitable, put forward suggestions for the proposed federation. These strongly upheld the autonomy of the individual congregations. Some of his suggestions had already been made, some were adapted, and others were not accepted. See T. Cahill [from 1967 to 1978, Archbishop of Canberra-Goulburn, the headquarters of the Union] to B.

Others were content to make their opinions known in a general way or adopted a "wait-and-see" attitude.⁵⁷ Usually, the wish of the diocesan bishop, if ascertained, was an extremely important factor to be considered, one way or the other.⁵⁸

The two apostolic delegates of the time played key roles during the formation of both organisations. Archbishop Marella initiated the discussion in 1952. Early in 1954 Archbishop Romolo Carboni replaced him.⁵⁹ Considered by some to be in favour of union, he was regarded with a certain amount of uneasiness by those who were not.⁶⁰ This

Healey, 5 April 1954, RSM-R.

⁵⁶ e. g. Archbishop Mannix sponsored the petition to form the Union and Bishop Carroll played a vital role in the formation of the Federation.

⁵⁷ "The Archbishops would like to see unanimity in Queensland, but ... there is no question of compulsion." D. Duncombe to the community, Holy Saturday [17 April] 1954, RSM-Br. "The bishop [Hugh E. Ryan] has not given his approval yet. He has not yet said 'No', but is thinking about it." Mother Agnes of Townsville to B. Healey, 12 November 1954, RSM-BE.

⁵⁸ "The trouble with some communities who did not join the Union is, I fear, dear Mother, opposition on the part of the ruler of the diocese ...". C. Cunningham to M. Tobin, 5 November 1954. In one case, apparently the bishop's attitude was counter-productive: "Several Sisters from one group said that their Major Superior refused to join the Union because the local Bishop was in favour of their joining. They perceived the situation as a case of opposition to what the Bishop wanted rather than opposition to the Union as such." V. M. WARD, "A New Structure of Governance", p. 290.

⁵⁹ Archbishop Carboni has been described as an energetic promoter of the renewal programme for religious life requested by Pope Pius XII. In particular, "he specifically devoted himself to promoting the unions and federations of independent religious congregations stemming from the one founder or one house of origin." During his time in Australia (1953-1959), apart from his connection with the Sisters of Mercy, he was involved with similar movements in Dominican, Presentation and Josephite congregations. See M. R. MacGINLEY, *Women Religious in Australia*, pp. 29-30.

⁶⁰ For some, this attitude took a long time to disappear as the following comment testified: "Except for those who have been in the firing line to stave off Amalgamation, it is difficult to realise just what a safeguard Federation is to the original spirit of Mother

assessment was not helped by his apparently peremptory and unsuccessful attempt to amalgamate the Parramatta and North Sydney communities in March 1954. He closed this incident with these words:

Since it is the wish of your Sisters that there be no amalgamation they shall be left in peace to continue as they are. ... My intention has always been the intention of the Holy See, namely, to assist those Sisters who desire a Union or a Confederation to attain their desired end, and to leave those Sisters who do not share their views to continue in peace just as they have always been.⁶¹

A few days later, he sent a letter designed to dispel apprehension to bishops and major superiors. He assured them that

nothing, absolutely nothing, will be done (nor should it be done) against the will of any community whatsoever. On the other hand, everything will be done to see that the desires of each Community are realized.

But he also made the point that

if nobody should try to enforce a Union, neither should anyone try to impede a Union of those Sisters desirous of being united. Just as everybody

McAuley. Thank God we have gone so far on the road before a new Apostolic Delegate arrives." B. Healey to Mother Canice Leahy of Herberton, 4 October 1959, RSM-BE. Archbishop Carboni was appointed Apostolic Nuncio to Peru in September 1959; his successor was Archbishop Maximilian de Fürstenburg.

⁶¹ R. Carboni to W. O'Regan, 23 March 1954, RSM-NS. Because of some unfortunate misunderstandings early in their history, these two communities had developed quite separately. See M. S. McGRATH, *These Women?*, pp. 29-31. Acting on Bishop Carroll's advice, both superiors put the matter before Cardinal Gilroy. "His Excellency, Archbishop Carboni, called us to the Apostolic Delegation last Thursday. During the interview, he strongly urged that, in the interests of Catholic education, we should amalgamate with the Sisters of Mercy, Monte Sant'Angelo, North Sydney, to form one group as speedily as possible. ... He wished this to be a preliminary step towards our joining a greater Union." A. Lynch to N. Gilroy, 1 March 1954, RSM-NS. "The Cardinal expressed deep surprise that such a momentous step should have been taken by Archbishop Carboni without his knowledge. He enquired if the Archbishop had produced a rescript from Rome authorising him to act. M. M. Andrew replied in the negative. The Cardinal expressed the view that he could not understand why two large flourishing communities as Parramatta and North Sydney should have to amalgamate. The Cardinal promised to take the matter up with the Delegate." M. A. LYNCH, *Resumé of Events leading to Federation*, Ms., n.d., p. 3, RSM-P.

likes his or her own will to be respected, so should he or she respect the will of others.⁶²

Archbishop Carboni was present at the first chapter of the Union and the inaugural meeting of the Federation, where, after commenting on the reasons for the encouragement given by the Holy See towards such movements and reviewing the events leading up to the establishment of these two bodies, he declared: "All await the day when all the Sisters of Mercy in Australia, New Zealand and Oceania will be in everything one big united family."⁶³

B. *Government structures*

Some of the differences in the content and approach to the structures of governance the Union and the Federation developed may be seen in a brief consideration of three features of each: their constitutions; the relationships of the units (province or congregation) to the central body (Union generalate or Federation council); and the development of their customs.

1. Union

In his address to the superiors in September 1954, Father Jordan mentioned that the *1941 Washington Constitutions* were suitable for the use of the proposed Union because they were

⁶² See for example, R. Carboni to R. Prendiville, 27 March 1954; copy from ACAP.

⁶³ R. CARBONI, "Address", in "Minutes of the First Meeting of the Australian Federation of the Sisters of Mercy, Ballarat, 19 January 1957", p. 3, AISMA/U805.1.

remarkable for one thing not mentioned in any other Revised Rule recorded in this paper, viz. it makes provision for *division of the Congregation into self-governing provinces united under one superioress general* [emphasis in original].⁶⁴

After a short examination, they were accepted as a suitable basis for the constitutions of the new Union. However, in the petition to use these constitutions, the request was made

that where the Holy See has already permitted certain advantageous changes for the Sisters of Mercy in Australia or New Zealand *vg.* concerning the habit, the dowry, the elimination of difference between lay and choir Religious, the recitation of the office of the Blessed Virgin, such practices be allowed to continue even though not contained in the Washington Rule or Constitutions of July 2, 1940.⁶⁵

⁶⁴ H. JORDAN, "Address to the Sisters of Mercy on Union in the Congregation", in *History in the Making*, vol. 1, p. 16. Note also the comment: "The question of provincials is what decided us in favour of the Washington Rule." P. O'Neill to Mother Carmel Bourke of Adelaide, 5 October 1953, RSM-A.

⁶⁵ *Petition to use ad experimentum the Constitutions of the Sisters of Mercy of Washington, U. S. A.*, AISMA/U801.1. The *Decree of Union* directed that the 1941 Washington Constitutions were to be used "with those changes which are recommended by the Sacred Congregation, the Delegate [Father W. Keane, SJ], or the General Chapter" until the new constitutions were approved."

With the assistance of Fathers Jordan and Keane, and the latter's replacement, Father Jeremiah Hogan, SJ,⁶⁶ the constitutions commission prepared the final draft which was approved without alteration in November 1959.⁶⁷

In the section on governance, most of the modifications in the constitutions were concerned with "Safeguarding the Rights of the Mothers Provincial".⁶⁸ Their term of office was six years, not three as in the *1941 Washington Constitutions*,⁶⁹ and they retained much authority. This was carefully safeguarded, even in relatively minor matters.⁷⁰

⁶⁶ Reverend Jeremiah Hogan, SJ, was closely involved in the affairs of the Sisters of Mercy for decades and was of great assistance and influence during the years leading up to the formation of the Institute of the Sisters of Mercy of Australia. His canonical expertise was widely recognised. He became the canonical advisor to the Union in 1955 and was the canonical advisor at the first meeting of the Federation council. From that time on, he attended almost all important meetings of the Sisters of Mercy, including innumerable provincial and general chapters. He was one of the main canonical advisors during the period leading to the formation of the Institute of the Sisters of Mercy of Australia and was vitally interested in its development. He died in 1986. [Biographical details from Father W. Dennett, SJ, archivist for the Australian province of the Society of Jesus.]

⁶⁷ See "Minutes of the First General Chapter of the Australian Union of Sisters of Mercy", p. 10, AISMA/U101.1. See also SCRel., Decree, Prot. No. 6990/54. M. 92, 21 November 1959, reproduced in CONGREGATION OF THE AUSTRALIAN UNION OF THE SISTERS OF OUR LADY OF MERCY, *Constitutions of "The Congregation of the Australian Union of the Sisters of Our Lady of Mercy" (=Union Constitutions)*, Campbell, Canberra City, 1960, pp. 131-134.

⁶⁸ Heading on a list of suggestions from the Singleton congregation, RSM-S.

⁶⁹ See *1941 Washington Constitutions*, art. 291, p. 108.

⁷⁰ For example, in matters in which the councillors general had a decisive suffrage, the *1941 Washington Constitutions* listed the admission of novices to first profession; cf. art. 254 (d), p. 94. This function was retained at provincial level in the *Union Constitutions*, art. 99, p. 29. Also, the *1941 Washington Constitutions* stated: "The Mother General shall communicate to the whole Institute those acts and ordinances of the General Chapter which the Capitulars themselves have determined to publish." The corresponding article in the *Union Constitutions* began: "The Mother General, by means of the Provincials, shall communicate to the whole Congregation ...", *Union Constitutions*, art. 295, p. 87.

Many objections were raised concerning Article 245 of the *1941 Washington Constitutions* which read:

The Mother General, with the consent of her Council and in special cases, can reserve to herself or to her Council any faculty which belongs to the Mother Provincial or the Provincial Council, after having previously so advised them.⁷¹

This was deleted at the chapter. Difficulty was also experienced with Article 243:

Though the Mother General has the power to transfer the Sisters from one house to another or from one province to another, nevertheless she should use this authority only for just reasons and, in the latter case, after having consulted the interested Mothers Provincial,⁷²

which became:

The Mother General may not move a Sister from one province to another without coming to an agreement with the interested Mothers Provincial and the Sister concerned, and this should be done only rarely, prudently and cautiously.⁷³

During a meeting in January 1957 of the provincial superiors and their councils called to consider the final draft of the constitutions, the decision was taken to model the customs book and directory on the USA Union version, but "to adapt them to modern conventual life and the climate of the country" and to prepare them in two parts, the first for general application, and the second specific to each province.⁷⁴

⁷¹ *1941 Washington Constitutions*, art. 245, p. 92.

⁷² *Ibid.*, art. 243, p. 91.

⁷³ *Union Constitutions*, art. 300, p. 88.

⁷⁴ See INSTITUTE OF THE RELIGIOUS SISTERS OF MERCY OF THE UNION IN THE UNITED STATES OF AMERICA, *Customs and Guide of the Institute of the Religious Sisters of Mercy of the Union in the United States of America*, Washington, DC, 1957, v-339p. See also *History in the Making*, vol. 2, p. 4; "Minutes of the General Council Meetings", vol. 1, entries for May and June 1957, AISMA/U201; and CONGREGATION

2. Federation

Apart from the absence of any reference to provincial government, by design, the Federation constitutions closely resembled the Union Constitutions. One of the advising canonists later wrote:

Both groups, i. e. Union and Federation, revised their Constitutions. I personally had a hand in both. We worked to make them as similar as possible. Of course, the parts on Government had to differ according to the different structures. But the other parts, spirit of institute, virtues, spiritual exercises and devotions, etc., were very similar, and this can be seen in the two sets of Constitutions ...".⁷⁵

These constitutions received approbation in the same decree in which the Federation was definitively approved.⁷⁶ They retained a chapter on dowries,⁷⁷ and added a chapter on local government, a structure new to Federation congregations, but defined in almost the same terms as in the *Union Constitutions*.⁷⁸

OF THE AUSTRALIAN UNION OF THE SISTERS OF OUR LADY OF MERCY,
"Revised Customs of the Australian Union of Sisters of Mercy, 1964", Ms., 31p.

⁷⁵ J. Hogan to J. C. O'Toole, [no date, after 15 May 1979], quoted in G. JENNINGS & J. C. O'TOOLE, *For the Sake of the Mission*, p. 3.28.

⁷⁶ See AUSTRALIAN FEDERATION OF THE RELIGIOUS SISTERS OF MERCY, *Constitutions of the Member Congregations of the Australian Federation of the Religious Sisters of Mercy (=Federation Constitutions)*, Brisbane, 1962, pp. 152-154.

⁷⁷ *Federation Constitutions*, arts 23-26, pp. 11-12. This chapter, although present in the *1941 Washington Constitutions*, was not included in the *Union Constitutions*.

⁷⁸ See *Federation Constitutions*, arts 310-333, pp. 121-126. Cf. *Union Constitutions*, arts 370-386, pp. 109-113. See also "Minutes of the First Federation Council Meeting" and "Recommendations for Guidance of Local Superiors", AISMA/F204.2.

Accompanying statutes governed the relationship between the Federation congregations.⁷⁹ According to these, the Federation council, which consisted of two representatives from each congregation – the superior general and the first councillor – was to meet biennially. The president, who was to be a superior general at the time of her election, had a term of six years and was eligible for re-election once. The principal functions of the Federation council were: to promote mutual co-operation and assistance; to establish uniformity in the observance of the constitutions, the ceremonial and customs, having due regard for local conditions;⁸⁰ and to decide on financial contributions for general expenses. The *Federation Statutes* laid down precise conditions for the validity of the decisions of the council, which were to remain in force until the next meeting at which they were to be reviewed, and then either ratified, modified or rescinded.⁸¹ At the first Federation council meeting, the superiors general decided that

each Congregation, in the interval before the common Custom Book is completed, should, unless the Constitutions prescribe otherwise, retain its

⁷⁹ AUSTRALIAN FEDERATION OF THE RELIGIOUS SISTERS OF MERCY, *Statutes of the Member Congregations of the Australian Federation of the Religious Sisters of Mercy (=Federation Statutes)*, Brisbane, Sisters of Mercy, 1962, 8p.

⁸⁰ To ensure that uniformity in these three areas be fostered, the *Federation Constitutions*, art. 261, p. 101, stated: "Proposals submitted to the General Chapter relative to the alterations in the Constitutions, Ceremonial, or Customs may be discussed and recommended in the General Chapter. Decisions on such matters are, with the approval of the Holy See, the responsibility of the Federation Council (Vide Articles of Federation 15(c), (d), (e))."

⁸¹ All members of the council were to be convoked by the president according to the statutes; at least two thirds of the congregations were to be represented; voting on each motion was to be separate, secret and written; and each decision was to be carried by a two-thirds majority of those present. *Ibid.*, art. 6, p. 2.

own existing customs. Where these are lacking, the customs of Washington are to be used.⁸²

The final version was completed by 1962 and a Federation council decree stated that:

The Federation Council of the Australian Federation of the Religious Sisters of Mercy in virtue of the powers delegated to it by the member Congregations, hereby decrees that the customs and directions contained in the CUSTOMS AND GUIDE shall be observed by the Religious Sisters of Mercy of the Federation in Australia.⁸³

3. Comparison of government structures

In differing ways, the solid traditions of local autonomy and decentralisation of government allied with a strong sense of shared identity continued in the Union and the Federation, although, at first, a fear that this would not be so was a strong motivation for the movement towards Federation.

Although they were similar in composition and style, the two petitions to the Holy See reflected the differences.⁸⁴ Both saw the particular structure chosen as a means of promoting harmony and co-operation amongst members of the same religious family, of reducing the differences between congregations by establishing uniformity of constitutions and customs, and of providing an opportunity to improve spiritual and professional training

⁸² "Minutes of First Federation Council Meeting", p. 6, AISMA/F204.2/2.

⁸³ AUSTRALIAN FEDERATION OF THE RELIGIOUS SISTERS OF MERCY, *Customs and Guide of the Member Congregations of the Australian Federation of the Religious Sisters of Mercy*, Brisbane, 1962, p. ii.

⁸⁴ "We are enclosing the draft of the petition you asked for. Enclosed is a copy of the Melbourne petition. You will note the similarity in wording. This was done deliberately as His Lordship [Bishop Carroll] said that, as the Melbourne one would be drawn up on correct lines, we could do no better than to follow its plan as closely as possible." B. Healey to A. Lynch, 11 May 1955, RSM-P.

programmes. They emphasised the desires of the sisters to become members of each new structure, the Federation because it "accords well with the original plan of Mother Catherine McAuley, Foundress of their Institute", and the Union because it continued a tradition familiar to many Australian Sisters of Mercy and it would be "pleasing to the Holy See."⁸⁵ They differed in the choice of the model each group envisaged as the most appropriate one to achieve their stated aims.

The Union government structure followed the typical centralised model common to many religious congregations. But, as already noted, much was left at the provincial level, and there was never any real possibility that provincials would be appointed,⁸⁶ or the boundaries of the original congregations would be changed despite overlap in some areas and disparity in the sizes of congregations.⁸⁷ Most Union provinces remained centred in

⁸⁵ See "Petition to the Holy See for Union of the Sisters of Mercy in Australia and New Zealand, December 8, 1953", and "Petition to the Holy See for a Federation of the Sisters of Mercy in Australia, August 15, 1955", AISMA/U203.2 and F203.2.

⁸⁶ The *Decree of Union 1954* provided for the appointment of a provincial by the superior general and her council if a replacement had to be found because of elections in the first general chapter of the Union. As a result of this, Mother Philippa Brazil was appointed the first provincial of the Melbourne province, filling the vacancy caused by the election of Mother Patricia O'Neill as superior general. The revised USA Union constitutions had made provision for the appointment of provincial officials by stating: "The Mother Provincial, the four Councillors Provincial, the Secretary Provincial, and the procurator Provincial are appointed by the Mother General with the consent of her Council." See INSTITUTE OF THE RELIGIOUS SISTERS OF MERCY OF THE UNION IN THE UNITED STATES OF AMERICA, *Constitutions of the Institute of the Religious Sisters of Mercy of the Union of the United States of America*, Washington, DC, Sisters of Mercy, 1955, art. 274, p. 103. Although the Australian Union was aware of this change, they did not adopt it.

⁸⁷ Regarding the erection of provinces, SCRel. directed "that the respective boundaries be accurately studied, and be then proposed by the Chapter to this Sacred Congregation, in order that it may thus more adequately provide for the erection of Provinces or vice-Provinces. In the meantime, the different Congregations belonging to the Union, can well

a particular diocese, and even in those provinces formed from amalgamations of independent houses forty years earlier, local loyalties were still strong, and often at least tacitly satisfied.⁸⁸

In some instances, the Union superior general had what might be described as "a primacy of honour". Her role in the admission of postulants to the novitiate or novices to first profession was an example of this.⁸⁹ The president of the Federation functioned mainly as a contact person, convoking and presiding over the biennial or special council

be considered as quasi-Provinces." A. Larraona to R. Carboni, 26 July 1954, AISMA/U203.2. In any discussion prior to the establishment of the Union, the opinion was that the various congregations already possessed all the requirements to be automatically given provincial status. See for example, H. Jordan to M. Gillespie of Goulburn, 20 August 1954, RSM-A. The chapter addressed the question of overlapping boundaries in the Bathurst, Wilcannia-Forbes and Adelaide provinces and suggested that "Interested Provincials confer, form Committee, study matter at leisure. Territorial boundaries are secondary consideration to happiness of Sisters concerned; report to Rome that Committee has been set up to study boundaries, etc. No obligation to change boundaries at present." "Minutes of the First General Chapter of the Australian Union of the Sisters of Mercy", p. 5, AISMA/U101/1. No boundary alterations were made.

⁸⁸ See G. JENNINGS & J. C. O'TOOLE, *For the Sake of the Mission*, pp. 1.23-1.25, for examples in the Melbourne congregation. See also the observations by Father Keane on the Goulburn amalgamation: "You say you have been told you are not really amalgamated. Beyond all question, you are canonically amalgamated, but whether you are practically effectively amalgamated, that is another matter." W. Keane to C. McKillop, 28 October 1950, RSM-G.

⁸⁹ "The right of admitting to the novitiate belongs to the Mother Provincial, who shall take the decisive vote of her Council, the opinion of the Mistress of Novices being first obtained. The Mother Provincial shall inform the Mother General of admission to the novitiate." *Union Constitutions*, art. 64, p. 20; and "The Mother General shall be notified of admission to first profession", *ibid.*, art. 99, p. 29. According to the *1941 Washington Constitutions*, the admission of novices to first profession was reserved to the superior general with the deliberative vote of her council. See *1941 Washington Constitutions*, art. 254 (d), p. 94.

meetings and preparing the agenda and reports on financial matters and council activities.⁹⁰

Proceedings reserved specifically to the deliberative vote of the Union general council included the dismissal of a temporary professed sister, the judgement of the incorrigibility of a finally professed sister with a view to her dismissal, various provincial matters such as the approval of provincial elections and the acts of provincial chapters, and several matters connected with property and finance.⁹¹

In a few matters, the Union provincial had more authority than the Federation general. The *Union Constitutions* stated that the right of admitting and dismissing postulants belonged to the Mother Provincial alone; in the corresponding *Federation Constitutions*, the superior general was required to consult her council.⁹² The Union provincial (and her council) had the same authority as the Federation general (and her council) in many matters concerned with the novitiate, such as the prolongation of the times of postulancy and novitiate, or the dismissal of novices.⁹³

The *Federation Statutes* were designed to safeguard and foster the traditions of autonomy and unity of spirit. Generally, each Federation congregation was based in a

⁹⁰ See *Federation Statutes*, pp. 5 and 6.

⁹¹ See *Union Constitutions*, art. 315, pp. 91-94.

⁹² See *Union Constitutions*, arts 48, p. 17, and 54, p. 18, and *Federation Constitution*, arts 27, p. 12, and 31, p. 13.

⁹³ Cf. *Union Constitutions*, arts 49, 71, 85 and 86, pp. 17, 24, and 26, and *Federation Constitutions*, arts 28, 41, 51 and 54, pp. 12, 17, 21 and 22.

particular diocese and local loyalty was very strong. Although the relationship of the Federation congregations with each other was less juridical in nature than that which existed between the generalate and the provinces of the Union, nevertheless, the desire to achieve the goals expressed in the *Federation Statutes* exerted a strong influence and a certain centralising effect.

In contrast to the Union, for example, the Federation congregations produced a common customs book, directory and ceremonial manual. The Federation council also discussed important matters which might have implications outside the individual congregation such as the question of regional government in the Brisbane congregation. The Fourth Biennial Meeting in 1965 decided

that the Sisters of Mercy of All Hallows, Brisbane may institute a form of regional government in which the Mother General will, in accordance with the norms of Canon Law, give to certain specified Regional Superiors a certain delegated authority over specified areas.⁹⁴

The discussion regarding possible changes to the habit worn by the Federation sisters highlighted some of the strains inherent in what was basically a consensus mode of operation.⁹⁵

⁹⁴ "Decisions of the Fourth Biennial Meeting", No. 4. p. 1. See also Nos 5 and 6, *ibid*.

⁹⁵ See "Minutes of Third Biennial Federation Council Meeting, Herberton 23-25 May 1963"; "Minutes of Fourth Biennial Federation Council Meeting, 10-17 January 1965", AISMA/F204.2/3; and D. Duncombe to B. Healey, 3 September 1963; B. Healey to D. Duncombe, 1 August 1964 and to Mother Philip Shinc, 20 August 1964, RSM-BE.

During this period, two distinct patterns of thought, and eventually, two canonically different systems of government evolved.⁹⁶ Nevertheless, an examination of the formation, structure and operation of the Union and the Federation reveals that Catherine McAuley's original concerns for flexibility, local initiative and local autonomy were still important and relevant to Australian Sisters of Mercy. This was best expressed in an often repeated and widely accepted assessment made some years later

that the matter of local autonomy was not put in jeopardy either in the Union or the Federation by virtue of the fact that the Union elected women of retiring age as General Superior and Council, while Sisters elected as President and Executive of the Federation were fully occupied as Superior Generals in their own group.⁹⁷

III. THE SECOND PHASE (1963-1977)

A. Application of Vatican II principles

Shortly after the beginning of his pontificate (1958-1963), Pope John XXIII convoked the Second Vatican Council, which began in 1962 and ended in 1965 during the

⁹⁶ When asked about the reasons for the choices of government made at the time, one of the key figures later commented: "You can see from the history that the Sisters were divided. Actually we now know by experience, there is not so great a difference in daily life. Any reply I might give would be pure conjecture. To add to the difficulty, many confessed later that they had no clear idea on the two words, Federation and Union!!" J. Hogan to J. C. O'Toole, [no date, after 15 May 1979], quoted in G. JENNINGS & J. C. O'TOOLE, *For the Sake of the Mission*, p. 3.24.

⁹⁷ M. E. HARTIGAN, "Address", in "Minutes of the Meeting of the National Council of the Conference of the Sisters of Mercy of Australia, Gunnedah, 23-28 March 1979", quoted in V. M. WARD, "A New Structure of Governance", p. 54. See also G. JENNINGS & J. C. O'TOOLE, *For the Sake of the Mission*, p. 1.46. Mother Patricia O'Neill was seventy-six when she began her twelve-year term as superior general of the Union; Mother Damian Duncombe, who also had a twelve-year term as president of the Federation, was the superior general of the largest congregation (more than seven hundred members) spread over much of Queensland.

pontificate of Pope Paul VI (1963-1978). The teachings of this council, the first to deal extensively with the role of consecrated life in the Church since the Council of Trent, had a profound effect on religious life. Every aspect of it was studied and a extensive renewal program initiated, one which was, in many cases, to alter significantly the structure, daily life, ministry and government of apostolic religious congregations such as the Australian Sisters of Mercy.

1. General teachings on religious life

Although consecrated life was mentioned in most conciliar documents, five in particular provided valuable insights into religious life.⁹⁸ The Dogmatic Constitution on the Church, *Lumen gentium*, considered the place and role of all forms of consecrated life within the structure of the Church and four later decrees expanded the teachings contained in this central constitution.⁹⁹ The decree on the pastoral office of bishops, *Christus Dominus*, examined the relationships of religious with bishops, specially with regard to the apostolate; the decree on the Church's missionary activity, *Ad gentes*, dealt with the

⁹⁸ See, for example, J. BEYER, "Life consecrated by the Evangelical Counsels: Conciliar Teaching and Later Developments", in R. LATOURELLE, ed., *Vatican II: Assessment and Perspectives: Twenty-Five Years After (1962-1987)*, vol. 3., pp. 64-75.

⁹⁹ See *LG*, nos 43-47 in particular. For an examination of the discussions on the place of consecrated life in the Church, see M. J. SCHOENMAECKERS, *Genèse du chapitre VI "De religiosis" de la constitution dogmatique sur l'Église "Lumen gentium"*, Rome, Gregorian University Press, 1983, pp. 59-271, and P. MOLINARI & P. GUMPEL, *Il capitolo VI "De religiosis" della costituzione dogmatica sulla chiesa*, Milano, Ancora, 1985, pp. 87-221.

contribution of religious in this area; and the decree on the ministry and life of priests, *Presbyterorum ordinis*, emphasised the importance of the evangelical counsels.¹⁰⁰

Finally, the decree, *Perfectae caritatis*,¹⁰¹ was devoted to the renewal of religious life, a renewal which was to be based on

the constant return to the sources of christian life in general, and the original genius of religious foundations in particular; together with the modifications of such foundations to accommodate new circumstances.¹⁰²

Perfectae caritatis emphasised that the gospel was the supreme rule of life, but the spirit and aims of the founder and the traditions of the institute were to be accepted and retained. The decree declared that institutes were to examine their mode of government according to these criteria. Constitutions and other documents proper to the institute were to be examined, and the decree urged institutes to involve and consult members as much as possible, although the competent authorities, especially the general chapter, retained the responsibility for establishing norms for renewal, legislation, experimentation and for obtaining the approval of other authorities where required.¹⁰³

¹⁰⁰ See VATICAN COUNCIL II, Decree *Christus Dominus*, 28 October 1965, nos. 34 and 35, in *AAS* 58 (1966), pp. 690-691; *Ad gentes*, 7 December 1965, nos. 18, 26 and 40, *ibid.*, pp. 968-988 *passim*; and *Presbyterorum ordinis*, 7 December 1965, *ibid.*, nos. 15-19, pp. 1014-1020.

¹⁰¹ VATICAN COUNCIL II, Decree on the Sensitive Renewal of Religious Life, *Perfectae caritatis* (=PC, and paragraph number), 28 October 1965, in *AAS*, 58 (1966), pp. 702-712.

¹⁰² PC 2, TANNER, 2, p. 540.

¹⁰³ PC 2-4, *ibid.*, pp. 612-614.

in the period after the Council, the Holy See issued several documents to assist in the implementation of matters raised in *Perfectae caritatis*.¹⁰⁴ The most relevant for the purposes of this study was the document *Ecclesiae sanctae*, which contained norms for the implementation of several decrees including *Perfectae caritatis*.¹⁰⁵

Prior to the Council, many bishops were concerned about matters relating to structures of governance so these were part of the agenda for renewal.¹⁰⁶ *Perfectae caritatis* dealt with this area by encouraging the association of related institutes in the following terms:

Institutes and independent monasteries should, as opportunity offers and with the approval of the Holy See, form federations, if they belong in some measure, to the same religious family. Failing this, they should form unions, if they have almost identical constitutions and customs, have the same spirit, and especially if they are few in numbers. Or they should form associations if they have the same or similar active apostolates.¹⁰⁷

Ecclesiae sanctae contained corresponding norms,¹⁰⁸ and both documents addressed the sensitive topic of what should happen to obviously moribund institutes and monasteries,

¹⁰⁴ See, for example, SCRIS, Instructions, *Renovationis causam*, 6 January 1969, in *AAS* 61 (1969), pp. 103-120; and *Venite seorsum*, 15 August 1969, *ibid.*, pp. 674-690; PAUL VI, Apostolic Exhortation, *Evangelica testificatio*, *ibid.*, 63 (1971), pp. 497-526; and SACRED CONGREGATION FOR BISHOPS and SCRIS, *Notae directivae, Mutuae relationes*, in *ibid.*, 70 (1978), pp. 473-506.

¹⁰⁵ PAUL VI, Motu proprio, *Ecclesiae sanctae* (=ES), in *AAS* 58 (1966), pp. 727-787. The norms for PC are found in ES II, nos. 1-44, pp. 775-782. See FLANNERY, pp. 624-633.

¹⁰⁶ See *Acta et documenta Concilio Oecumenico Vaticano II apparando, Series I: anteparaeparatoria*, Typis polyglottis Vaticanis, 1960-1961, vol. 2, parts I-VII, *passim*. These references are summarised in M. J. SCHOENMAECKERS, *Genèse du chapitre VI "De religiosis" de la constitution dogmatique sur l'Église "Lumen gentium"*, pp. 37-41.

¹⁰⁷ PC 22, in TANNER, 2, p. 946.

¹⁰⁸ ES II, 39 and 40, FLANNERY, p. 632.

suggesting that "if possible, they are to be amalgamated with more flourishing institutes or monasteries whose aims and spirit differ little from their own."¹⁰⁹

2. The impact of Vatican II on the Sisters of Mercy

These developments significantly affected Australian religious institutes, including the Sisters of Mercy.¹¹⁰ They developed programmes of renewal, held special general chapters, and gave serious consideration to the principles of subsidiarity and delegation of authority.¹¹¹

A study of relevant Union and Federation documentation during the years immediately after the Council leaves the impression that the Union Generalate was endeavouring to divest itself of as much authority as it could while the Federation council was endeavouring to conserve the mainly moral authority it possessed.

In the Union, many matters were returned to provincial level. This was especially evident by the time of the 1972 General Chapter when such concerns as the length of the term of office of the provincial superior and her council, choice of constitutions, colour of

¹⁰⁹ PC 21, TANNER, 2, p. 945.

¹¹⁰ See C. LEAVEY, *National Statistical Survey of Religious Personnel: Australia 1976*, Sydney, Conference of the Major Superiors of Religious Women, 1977, pp. 21-92.

¹¹¹ ES II, 3, 4 and 18, Flannery, pp. 624 and 628. See also T. J. CONNOLLY, "Renewal and Adaptation in Religious Life — The Special Chapter", in *The Australasian Catholic Record*, 44 (1967), pp. 144-151, 235-244, 325-336, and G. LESAGE, "Le principe de subsidiarité et l'état religieux", in *Studia Canonica*, 2 (1968), pp. 117-122.

the habit and the methods of choosing delegates to the recently formed consultative body of the Union were to be settled at provincial chapters.¹¹²

By the time of the Fifth Biennial Meeting of the Federation council in 1967, discussions were taking place regarding "the extent to which individual congregations could experiment without fear of drifting apart and so endangering the principle of the Federation."¹¹³ While individual general chapters were encouraged to experiment in certain specified areas, before definitive decisions were implemented, they had to obtain the consent of the Federation council. Through the discussions at such meetings, Federation congregations adopted common policies on several matters such as the choice of constitutions and the religious habit.¹¹⁴

¹¹² See *ES* II, 6 and 7, FLANNERY, p. 625, and *Acts and Proceedings of the 1972 General Chapter of the Australian Union*, AISMA/U101/2. The Consultative Body established by this chapter consisted initially of the provincials accompanied by one councillor each plus a representative from the Papua New Guinea mission of the Union (See p. 180 for further information on this venture). Its function was one of mutual consultation and it met annually with the superior general and her council. See *ibid.*, No. 14 (a), p. 31 and "Report on the First Meeting of the Consultative Body, May 18-25", AISMA/U205. The 1978 Chapter restricted membership to the eight provincials and the Papua New Guinea Mission superior. See *Acts and Proceedings of the General Chapter, 1978*, p. 8, AISMA/U101/2.

¹¹³ "Minutes of the Fifth Biennial Meeting of the Australian Federation of Sisters of Mercy held in Castle Hill, 20-28 May 1967", p. 2, AISMA/F204.2/3.

¹¹⁴ See for example, "Report of the Proceedings of the Fifth Biennial Meeting of the Council of the Australian Federation of Sisters of Mercy. 29 May 1967", AISMA/F204.2/3.

3. The movement towards common constitutions

At the time of the formation of the Union in 1954, Mother Damian Duncombe initiated an unsuccessful attempt to consider the possibility of common constitutions, but as nothing eventuated, the matter was not considered again for several years.¹¹⁵

Then, mindful of the directives of *Perfectae caritatis*,¹¹⁶ the 1966 Union General Chapter set up a commission consisting of one member from each province to examine the constitutions in preparation for the extraordinary general chapter.¹¹⁷ The Federation

¹¹⁵ She suggested that "although some Communities may have decided upon a Strict Union and others upon a Federated Union, some effort be made to come together to try to evolve a Common Constitution that would form a basis for future meetings to try to preserve unity of spirit and uniformity of rule and custom." D. Duncombe to D. Barry, 29 April 1954. Some months later, she broached the subject with the superior general of the Union. Referring to a recent meeting with the apostolic delegate, she wrote that he had told her that "some years ago, Archbishop Panico had received an instruction from the Holy See to the effect that in congregations such as ours — he thought the Sisters of Mercy were mentioned by name — if the Sisters did not all agree to unite, they should at least adopt a Common Constitution. The Delegate said that steps had been taken at that time by the Presentation Sisters." D. Duncombe to P. O'Neill, 2 November 1954, RSM-Br. Cf. K. DUNLOP KANE, *Adventure in Faith*, pp. 212-216. However, there was some opposition from at least one superior general who wrote: "With regard to discussing your Rule with the Sisters in the Australian Union, we believe there is nothing to gain by such a discussion ... we think it would help to solve a big problem if the Sisters of the Australian Union saw fit to use your Rule, with a section added to suit their particular type of government." B. Healey to D. Duncombe, 27 December 1954, RSM-Br. Also, the Union superior general and council felt that it did "not appear feasible at this time", although they were not opposed to the possibility. See "Minutes of the General Council Meetings of the Australian Union of the Sisters of Mercy, 6 December 1954", AISMA/U201/1.

¹¹⁶ PC 3-4, TANNER, 2, pp. 940-941; and ES II, 6-14, FLANNERY, pp. 625-627. Much was written about this aspect of renewal. A useful synthesis and bibliography may be found in 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*, vol. 3, pp. 90-130.

¹¹⁷ See ES II, 3, FLANNERY, p. 625, and "Minutes of the General Chapter of the Australian Union of the Sisters of Mercy, Canberra, 16-22 August 1966", AISMA/U102.1/2.

established a similar committee. As a result of discussions between Mother Marie Therese Moore, the newly-elected Union superior general, and Mother Damian Duncombe, the president of the Federation, members of the Federation committee were invited to the first meeting of the Union committee in January 1967 and from then on worked as a combined committee with the president of the Federation and the superior general of the Union as *ex-officio* members.¹¹⁸

In August 1969, the committee presented interim constitutions, which they subsequently adopted, to the Union and Federation.¹¹⁹ So, more than forty years after the apostolic delegate's futile attempt to persuade all the Sisters of Mercy in Australia to adopt common constitutions, they did so, at least for a time.

¹¹⁸ "We of the Federation had thought of ourselves as observers really, but somehow, without its being formally said, the meeting took the colour of that of a Joint Committee, and it eventually became such." "Report of Commission for Link between Union and Federation of Australian Sisters of Mercy", p. 5. See also *History in the Making*, vol. 3, pp. 19-22. Fathers Jeremiah Hogan, SJ, and Thomas J. Connelly, DCL, provided canonical advice.

¹¹⁹ CONFERENCE OF THE SISTERS OF MERCY OF AUSTRALIA, *An Interim and Holding Presentation of the Image of the Post-Conciliar Sister of Mercy*, Canberra, 1969, 53p. At the Union Chapter held the same month, this draft was adopted by the provinces as an interim constitution on an experimental basis. It was also presented to the chapters of the Federation congregations (these congregations had synchronised the terms of office of superiors general and councillors, and except for one occasion, the pattern lasted for the duration of the Federation) and at a subsequent Federation council meeting, the following motion was unanimously accepted: "In the interests of unity of all the Sisters of Mercy in Australia, the Federation Council, having taken into consideration all the Acts of the Special General Chapters, and having compared their comments with the Interim Constitutions of the Sisters of Mercy, Canberra, has resolved, as far as possible, to follow the text to be found in that draft." See "Report of the Sixth Biennial Meeting of the Australian Federation of the Sisters of Mercy, 27 June 1969", p. 5, AISMA/F204.2/1.

B. *The Conference of Sisters of Mercy of Australia*

The question of common constitutions was only one of several matters to engage the attention of the Australian Sisters of Mercy after Vatican II. They were particularly conscious of the recommendations regarding the formation of closer links between institutes belonging to the same religious family, or having the same spirit or similar constitutions and customs.¹²⁰

1. Formation

The news of the formation of the Federation of the Sisters of Mercy of the Americas stimulated interest in Australia, initially in the idea of a world-wide federation of Sisters of Mercy, and then, more pragmatically, in the formation of a national federation.¹²¹

The Federation council held a special meeting to discuss this possibility. As the president explained,

The need for this Special Meeting arises from the promulgation of the Decree on Adaptation and Renewal of the Religious Life (Art. 22), and

¹²⁰ See PC 22, TANNER, 2, p. 946.

¹²¹ In 1955, the autonomous Mercy congregations in the USA formed the Mother McAuley Conference of Sisters of Mercy, a regular gathering designed to facilitate the mutual exchange of ideas and interests. Representatives from the USA Union began to attend in 1958. Ten years later, a federation of all North American congregations, including the USA Union and St. John's, Newfoundland, was established. See SCRel., Decree, Prot. No. 5733/67, 11 May 1968, Archives of the Sisters of Mercy of Newfoundland. See also M. A. ROTH, *The McAuley Conference: 1955-65*, Potomac, Federation of the Sisters of Mercy of the Americas, 1978, pp. 1-23; M. KENNEDY, *Federation of the Sisters of Mercy of the Americas, 1966-1980*, Brooklyn, Federation of the Sisters of Mercy of the Americas, 1981, pp. 1-26; and Mother Columbanus of Dublin to B. Healey, feast of St Ailbe [12 September] 1965 and Mother Thomas Aquinas Carroll of Pittsburgh to D. Duncombe, 1 November 1965, AISMA/U405.

the fact that the Australian Union of the Sisters of Mercy will be holding their General Chapter at the end of August 1966. Fr. Hogan, S. J., has suggested that a proposal should be formulated to be put to them before then about an Australian Federation.¹²²

The 1966 Union Chapter unanimously approved a motion calling for closer co-operation with the Federation, but wished to preserve the autonomy of the Union, and was not in favour of becoming a member congregation of the Federation as had happened to the USA Union in the American Federation. Consequently, both groups decided that the only form of union possible was that of an association. They had already formed commissions to explore the creation of links between them, and at a combined meeting held in September 1966, formulated a proposal to form an association known as the National Conference of the Sisters of Mercy of Australia.¹²³

¹²² D. Duncombe to the Federation superiors general, 22 November 1965. See also J. Hogan to D. Duncombe, 15 November 1965: "Minutes of the Special Meeting of the Federation Council, Parramatta, 22-25 May 1966"; and D. Duncombe to P. O'Neill, 13 August 1966. This letter, outlining a rationale and possible procedure to be followed, was subsequently incorporated into "Acts and Proceedings of the General Chapter of the Australian Union of the Sisters of Mercy, 16-22 August, 1966", AISMA/U102.1/2.

¹²³ Hereafter referred to as "the Conference". The Federation commission was formed at the special meeting held 22 May 1966; the corresponding Union body on 17 August during the General Chapter. For a discussion of the growing desire of Sisters of Mercy for a closer unity than the existing structures appeared to provide, see V. M. WARD, "A New Structure of Governance", pp. 283-293. See also *History in the Making*, vol. 3, pp. 13-18, and "Acts and Proceedings of the General Chapter of the Australian Union of the Sisters of Mercy, 16-22 August, 1966", AISMA/U102.1/2. It is not clear from the available documentation if the term "association" was deliberately chosen in the sense of its use in *PC 22* ["aut associationes, si iisdem vel similibus operibus externis incumbunt." TANNER, 2, p. 946], or because it avoided problems with terminology. Commentators do not expand on the description given in the council text and the Australian structure certainly had much broader aims. See for example H. JOULIA, *Union, fusion, fédération, association d'instituts religieux*, pp. 28-29.

Matters proceeded quickly. Having been advised by Dr Connelly that the two commissions had the necessary authority to proceed to the establishment of the Conference, Mother Damian Duncombe became the interim chairman, and the members of the commissions, the interim executive council. Further meetings worked out details and finalised draft constitutions which were circulated to all congregations and provinces. The inaugural meeting, which was attended by the major superiors of the Union and Federation, took place in September 1967 and was mainly concerned with the actual establishment of the Conference and initial planning. The Sacred Congregation of Religious approved both the Conference and its articles of agreement (with some modifications) the same year.¹²⁴

2. Purpose and structure

The preamble of the *Articles of Agreement* stated that the Sisters of Mercy, desirous of fulfilling the wishes of the Church as expressed in Vatican Council II, have decided to establish an organization to be a co-ordinating link between the Australian Union and Australian Federation of Sisters of Mercy of Australia.¹²⁵

¹²⁴ Initially, the statutes had stated that all "perpetually professed Sisters of the associate Congregations are members of the Conference but have neither active or passive voice." However, this was disallowed by SCRel., "since in an Association such as this Conference, it is the Congregations, as such, that are members." See letter, Prot. No. 28158/67, from Cardinal Ildebrando Antoniutti to the Mother President of the National Conference of the Sisters of Mercy, Australia, 19 December 1967. See also the "Articles of Agreement of the National Conference of Sisters of Mercy (Australia)" (= *Articles of Agreement*); "Minutes of the First Meeting of the Advisory Board of the National Conference of the Sisters of Mercy, Australia, 27-29 September, 1967", AISMA/C202; and *History in the Making*, vol. 3, p. 14. At times, variations in the title of this association occurred. In this paper, the version used in the particular reference will be used.

¹²⁵ Some of the other objectives included: to make better use of the talents and expertise of the sisters and to increase unity in the apostolic work of the Institute; and to co-operate in planning for the continuing spiritual, intellectual, professional and apostolic growth of all Australian Sisters of Mercy. Immediate objectives were designed to implement the directives

The general objectives were designed to promote co-operation and communication in order that the unity and stability of the Institute and the original spirit of Catherine McAuley be preserved.

All congregations of Sisters of Mercy were members. The administrative structure consisted of an advisory board composed of the superior general and the provincials of the Union and the president and the other superiors general of the Federation, each accompanied by one councillor; and an executive council made up of the superior general and three other representatives of the Union (either general councillors or provincials) appointed by the superior general and her council, and the president of the Federation and three superiors general (appointed by the Federation council).

Care was taken to make it clear that the Union and Federation were still autonomous bodies.¹²⁶ The Conference, which was a separate entity established to further national unity and, eventually, to form a single structure of governance, did not replace them, and in many ways, resembled the conferences of major superiors suggested by *Perfectae caritatis*. It enjoyed widespread popular support and the general attitude to it was well expressed in this representative comment:

of *Perfectae caritatis*, particularly with regard to constitutions, customs, prayer, formation and the religious habit. See NATIONAL CONFERENCE OF THE SISTERS OF MERCY (AUSTRALIA), *Articles of Agreement*, pp. 1-2.

¹²⁶ In the draft *Articles of Agreement* presented to the First Meeting of the Advisory Board in September 1967, the point was made that the new organisation was "a permanent association between the two moral entities of the Union and Federation. It does not require an elective head." See *History in the Making*, vol. 3, p. 16. The chairmanship in fact alternated between the president of the Federation and the superior general of the Union.

The establishment of the Conference in 1967 brought big changes in the way we thought about ourselves. We began to experience the reality of our 'oneness' with so many other Sisters of Mercy as we were encouraged by our leaders to attend Conference meetings on various matters and to take an interest in society beyond our local area.¹²⁷

3. Constitutions

At the third advisory board meeting of the Conference in September 1969, the members decided to appoint two sisters, one each from the Union and the Federation, to produce a final draft of the constitutions, a task which was completed in 1972.¹²⁸

After the Union general chapter that same year, Union provinces were given the choice of continuing to use the interim constitutions adopted in 1969 or using the 1972 Draft Constitutions until the Holy See approved a definitive text. Four provinces chose the former and four the latter. The Federation council opted for the draft constitutions.¹²⁹

However, when the results of the evaluation of the draft constitutions were studied,

¹²⁷ Quoted in V. M. WARD, "A New Structure of Governance", p. 294.

¹²⁸ See Mother Marie Therese Moore to the Sisters of Mercy of Australia, 17 April 1970, AISMA/C804. The two sisters chosen were Sister Mary Thecla Day (Melbourne) and Sister Jean-Marie Mahoney (Brisbane). See also CONFERENCE OF THE SISTERS OF MERCY OF AUSTRALIA, *Draft Constitutions*, 1972, 72p.

¹²⁹ The various Federation chapters ratified this decision in 1974. A problem arose within the Federation, most of whose congregations did not hold a general chapter until 1974, so the request was made to SCRIS "that the member Congregations of the Australian Federation of Sisters of Mercy be permitted to use this new Draft 1972 until their next General Chapters if they so desire." See correspondence between Mother Philomena Ryman, president of the Federation and Father Bernard Ransing, CSC, of SCRIS, 5 April to 6 June 1972, AISMA/F804.2.

the general consensus of opinion, strongly supported by the majority of Sisters, [was] given to the request that the 1972 Draft be rejected as a whole, and a new form of Constitutions be produced."¹³⁰

So, in 1976, the advisory board authorised the executive council to appoint an author for this task. The necessity of the Union to have definitive constitutions by 1978 and the Federation by 1980 intensified the need to complete the work on the constitutions.¹³¹

¹³⁰ NATIONAL CONFERENCE OF SISTERS OF MERCY OF AUSTRALIA, "Preliminary Report on the Study of the Proposed Draft 1972 of Constitutions" in M. C. Bourke to all Mercy Major Superiors, 11 September 1975, AISMA/C804.

¹³¹ See "Minutes of the Seventh Meeting of the National Conference of the Sisters of Mercy of Australia, Wahroonga, 1-4 April 1976", AISMA/C201.2. The Conference chose Sister Anne McLay of Brisbane for this task. However, both the Union and the Federation had to request further extensions, particularly in view of the imminent formation of the Institute of the Sisters of Mercy of Australia. Prior to the 1978 Union chapter, the superior general requested an extension of time. Permission was given by SCRIS until 1981 "in view of the desire of all Sisters of Mercy in Australia to produce a common Constitution for the members of the Federation and the Union." Archbishop Augustine Mayer, OSB, to M. J. Carr, 25 April 1978; *Acts and Proceedings of the 1978 General Chapter of the Australian Union of Sisters of Mercy*, p. 24, AISMA/U101. In 1980, both groups successfully petitioned for a further extension so the period was extended until 1983. See Sister Dorothy Campion, superior general of the Union and president of the Conference, to A. McLay, 10 October 1980, AISMA/U804/3.

4. The general attitude towards national unity

In 1975, sisters of both groups were surveyed on their attitude to national unity.¹³²

The results of this survey indicated

that an overwhelming majority of Sisters desire unity: they see the value of experiencing and witnessing to our oneness as followers of Catherine McAuley. Some Sisters, however, express the need to examine more fully what would be involved in forming one association for all Sisters of Mercy in Australia.¹³³

That same year, four superiors general met with Father Bernard Ransing, CSC, of the Sacred Congregation for Religious and Secular Institutes.¹³⁴ They later reported:

Regarding the possibility of the National Conference eventually replacing the Federation and the Union, Father foresaw no problem for the Federation, but thought the Sacred Congregation would be opposed to the Provinces of the Union becoming separate congregations again. Father

¹³² In 1972, the Union superior general had written to the president of the Federation of the desire of the sisters for both groups to work in closer collaboration. See M. J. Carr to P. Ryman, 28 August 1972, AISMA/U202.1. After the 1975 Federation Council Biennial Meeting, a letter was sent to the Union regarding discussions on closer ties. It read in part: "The matter of closer collaboration of Union and Federation groups was received with very warm interest and there seemed to be a unanimous and very genuine desire for closer co-operation. In order to help the delegates of the Federation we have decided to make a survey of the thinking of the sisters by a questionnaire which has been drawn up to be sent out without delay." P. Ryman to M. J. Carr, 21 May 1975, AISMA/F202.1. A similar questionnaire was then sent to the Union sisters. See M. J. Carr to sisters in the Union, 11 June 1975, AISMA/U202.1.

¹³³ For the Federation, "The percentage of the total membership of each congregation in favour of establishing an Australian Conference was uniformly high — the range was between 86% and 100% over the nine congregations concerned." Within the Union, the range was between 67% and 100%. The reactions to the proposed structure and accompanying statutes reflected the previous experiences of the respondents. For the Federation, comments "stressed the importance placed on autonomous development of member groups", while Union comments "expressed a wish not to lose the advantages that have accrued from their association in the Union." See "Results of Survey of Opinion", quoted in M. J. Carr to all Sisters of Mercy in Australia, 20 August 1975, AISMA/C202.

¹³⁴ Hereafter referred to as "SCRIS".

understood our desire for unity and invited us to continue corresponding with him on the matter.¹³⁵

5. Revised statutes and by-laws

"In an effort to achieve greater unity, more effective co-operation and stronger identity among all Sisters of Mercy in Australia", the Conference revised its statutes and by-laws in 1975.¹³⁶

In this revision, the National Council, composed of provincial and general superiors, elected the executive council, including the president, and this elected body appointed a full-time executive director. One of the superiors general participating in this revision considered that these changes in the Conference were very significant in the movement towards unity because

from this election came the first group of Sisters to be seen as Australian Conference Sisters of Mercy, rather than Union or Federation. ... Each of these events placed before all Sisters the potential of the Conference as a mechanism for a future formal structure of governance.¹³⁷

¹³⁵ "Report to Members of the National Conference of the Sisters of Mercy, 19 November 1975", AISMA/C202.1. The superiors general were: Sisters Lucia Brown (Grafton); Maria Joseph Carr (Union); Catherine Courtney (Brisbane); and Patricia Kerin (North Sydney).

¹³⁶ "Revised Statutes of the Conference of the Sisters of Mercy of Australia", p. 1. These revised statutes and by-laws were accepted in April 1976. See also "Minutes of the Seventh Meeting of the National Conference of the Sisters of Mercy of Australia, Wahroonga, 1-4 April 1976", p. 3; ISMA/C201.2.

¹³⁷ V. M. WARD, "A New Structure of Governance", p. 296-297. Sister Valda M. Ward, superior general of Ballarat East, became president of the Federation in 1975, and in the following year, became the first elected president of the Conference.

The first main task of the newly elected executive council was to prepare for an inaugural gathering of Sisters of Mercy which was held from 28 August to 3 September 1977 and was attended by two hundred delegates from all Mercy congregations, and six hundred other participants, mainly Sisters of Mercy. This assembly had a strong and positive effect on the desire for national unity, and Sister Valda Ward considered that:

In terms of 'critical events' in the process of change leading to the new structure of governance, the researcher identified the National Mercy Assembly held in 1977 as the single most significant event. The Assembly served as a reference point, a watershed in time, around which could be described the many changes which have taken place since then in the Mercy Order. The changing attitudes of the Sisters, towards their own group and each other and the relationship between individual groups and the national body, could all be discussed in terms of the Sisters' experiences, insights, and decisions at the Assembly. At this point, a strong groundswell of opinion from the Sisters revealed the need to hasten the formulation of a proposal for a new structure of governance for the Mercy Order in Australia.¹³⁸

During this time, an analysis of the status and function of the Conference considered that it represented "a process rather than an administrative structure ... a tentative and provisional entity which is a step towards a fuller national collaboration."¹³⁹ This assessment was echoed by the working party. Their report judged that the Conference, whose authority was dependent on the authority of the respective superiors general, was not an appropriate structure for national leadership or the planning and co-ordination of

¹³⁸ V. M. WARD, "A New Structure of Governance", p. 300.

¹³⁹ T. J. Connelly, "Present Status of Conference, Federation and Union", paper prepared for the "Fifth Annual Meeting of the Union Consultative Body, 2 September 1977", pp. 3-4, and later distributed to all provinces and congregations, AISMA/U205.

projects involving members of different provinces and congregations. So, further efforts would have to be made to develop an appropriate structure.¹⁴⁰

CONCLUSION

The movement towards unity of government among the Australia congregations of Sisters of Mercy began in the same way as the movement towards consolidation into congregations in the first half of the twentieth century, that is, largely as a result of outside pressure. In this case, the Sisters of Mercy were affected by the attitude of the Holy See, initially as expressed by Pope Pius XII, and later in the teachings of the Second Vatican Council. In particular, during the time of the formation of the Union and the Federation, the efforts of the apostolic delegates of the time cannot be discounted. It appeared that acceptance of, or opposition to their influence, whether actual or presumed, was an important factor in the ultimate choice of a governance structure.

Attachment to the ideal of Catherine McAuley regarding the concept of unity in diversity, particularly as applied to government structures, was strong. Even though two quite different juridical structures developed, an examination of their expression and mode of operation revealed that attachment was present in both entities. It was also a powerful force in the years after the establishment of the Union and Federation and was strengthened during the years of renewal which the Second Vatican Council initiated.

¹⁴⁰ See "Report of Working Party, National Executive Council Meeting, 14-15 April 1978", AISMA/C201.1.

One other important consequence of this renewal was the recognition of a new or, at least, a newly acknowledged factor, the attitudes and expectations of the individual members. In the last few years before the formation of ISMA, the clearly expressed desire of the majority for unity acted as a powerful incentive which enabled the process to move fairly quickly to a conclusion which was at the same time the beginning of a new era.

CHAPTER FOUR

THE INSTITUTE OF THE SISTERS OF MERCY OF AUSTRALIA

In 1976, in the conclusion of a comprehensive survey of Australian religious, Sister Carmel Leavey, OP, wrote:

It has been suggested that the centralising tendencies in Australian Society as a whole have operated from the beginning – no doubt, accelerated by sparseness of population and the efforts to overcome the isolation imposed by distances. The State still remains a dominant governmental and social concept in Australia dating from the separate experience and struggle for survival in the independent colonies which, with more or less enthusiasm, entered the Federation in 1901.

Many congregations still think and plan within the bounds of a state framework despite the centralising moves referred to above. While this has made for efficiency in assessment of needs and deploying of resources, it would seem that the time has come for the Australian Church as a whole, and its important segment – the womens' religious congregations – to take stock within a national context. Future pastoral effectiveness will depend on it.¹

As the previous chapter indicated, by the time this survey was completed, the Australian Sisters of Mercy were involved in a process leading to the formation of a structure of government "within a national context."

This chapter examines that structure, placing emphasis on its evolution, constitutive elements and canonical nature. The relationships between the various components and some of the developments testing the model's manner of operation will be examined as well, and comparable movements in two other countries will be mentioned briefly.

¹ CONFERENCE OF THE MAJOR SUPERIORS OF AUSTRALIA, *National Statistical Survey of Religious Personnel: Australia - 1976, Draft Report*, p. 87c.

I. ESTABLISHMENT

A. General background

The present governance structure evolved from modifications made to the Conference structure which the Union and Federation developed in 1967 and revised in 1975 when it became apparent that it neither catered adequately for perceived needs nor reflected the strong desire of the majority of Australian Sisters of Mercy for closer unity.

1. The evolution from existing structures

In 1977, the National Executive of the Conference established a working party whose task was

to explore ways of making the governing and administrative structure of the Conference of the Sisters of Mercy of Australia such that it would possess adequate authority, representation and executive power in the event of the Conference becoming the sole body of Sisters of Mercy in Australia.²

The working party proposed a model outlining a organisational structure in which the

Union and Federation, as such, be replaced by the Australian Congregation of Sisters of Mercy, comprising autonomous regional units, unified by a national chapter and National Executive Council.³

² See "Decisions of the Tenth Biennial Meeting of the Federation Council, 27 August 1977"; "Report of the Fifth Annual Meeting of the Union Consultative Body, 5-6 September 1977"; and V. M. Ward to the Sisters of Mercy, 1 October 1977, AISMA/F204.2/4, U205 and C202.

³ See "Proposed Model of National Body representative of Australian Sisters of Mercy, July 1978", Ms., p. 1, AISMA/C8U5.

After extensive consultation and further canonical advice, and following a procedure suggested by the 1978 Union chapter,⁴ delegates to a special national meeting accepted a revised model with a proposed structure which

recognises the particular charism of the Institute which has traditionally combined de-centralisation in government with concern for unity. The structures of Union and Federation have strengthened Mercy identity and fostered mutual co-operation, but the exercise of authority within these centralised structures has been such that local autonomy has remained a characteristic of each group.⁵

2. Approval and inauguration

Early in 1980, Sister Valda Ward, the president of the Conference (who was also president of the Federation), Sister Dorothy Campion, the superior general of the Union, and Dr T. Connolly and Father J. Esler, SM, two of their canonical advisors,⁶ presented the revised document to the Sacred Congregation for Religious and Secular Institutes. Officials there suggested additional modifications, one being a change of name. Prior to these meetings, it was known as "The Australian Congregation of Sisters of Mercy"; it now became "The Institute of the Sisters of Mercy of Australia". Other changes clarified the

⁴ See AUSTRALIAN UNION OF SISTERS OF MERCY, *Acts and Proceedings of the General Chapter, 1978*, pp. 4-5.

⁵ AUSTRALIAN CONGREGATION OF SISTERS OF MERCY, *Constitution on Governance 1979, accepted at the Special National Meeting on Conference Structures, Gunnedah, New South Wales, March 25-28, 1979. Amended and ratified at the Second Session in Ryde, New South Wales, October 26-31, 1979 (=1979 Constitution on Governance)*, p. 1. The delegates to this meeting were the major superiors of the Union and the Federation, one elected representative from each congregation or province and representatives from Papua New Guinea.

⁶ The other canonical advisors were Fathers J. Hogan, SJ, and C. Nagle, OFM.

status of the member congregations, the function and authority of the national chapter, and the position and duties of the National President.⁷

Finally, the Sacred Congregation for Religious and Secular Institutes considered the document presented "a good basis on which to ask for the formal ratification of the 'Institute of the Sisters of Mercy of Australia' by the Sisters at present belonging to the Federation and the Union",⁸ and asked the congregations and provinces to vote, either in a chapter or by some other acceptable method such as a referendum, on the following propositions:

1. That the members of the [Congregation of the Australian Federation of Sisters of Mercy/Province of the Australian Union of the Sisters of Mercy] accept the Constitution on Governance and the By-Laws as amended and ratified at the Special National Meeting on Conference Structures, in Ryde, New South Wales, (26-31 October 1979) and further amended following presentation to the Sacred Congregation for Religious and Secular Institutes in January 1980.

2. That the members of the [Congregation of the Australian Federation of Sisters of Mercy/Province of the Australian Union of the Sisters of Mercy] formally approve the establishment of the "Institute of the Sisters of Mercy of Australia" to unite the existing Provinces of the Australian Union and the existing Congregations of the Australian Federation of Sisters of Mercy in accordance with the aforesaid amended Constitution on Governance.

⁷ See CONFERENCE OF SISTERS OF MERCY OF AUSTRALIA. "Report on Meetings with Sacred Congregation for Religious and Secular Institutes regarding Constitution on Governance and By-Laws, Rome, Italy, January 17-February 1, 1980", AISMA/C805.

⁸ See A. Mayer to D. Campion and V. M. Ward, 31 January 1980; AISMA/U807.

A necessary prerequisite for approval was the stipulation that at least a two-thirds majority was obtained. This condition was easily met.⁹

In June 1981, the Holy See,

having carefully considered the matter and being informed of the favorable opinion of the Local Ordinaries of Canberra and Goulburn, Adelaide, Brisbane, Cairns, Toowoomba, Townsville, Melbourne, Ballarat, Perth, Sydney, Armidale, Maitland, Wagga, Wilcannia-Forbes, and Wewak, by this decree approves the afore-mentioned Constitution on Governance and erects the Institute of the Sisters of Mercy of Australia with the consequent establishment of the existing Provinces of the Union as Congregations of Pontifical Right.¹⁰

At the inaugural chapter in December 1981, the first formal acts were the promulgation of the decree of establishment of the Institute and the signing of the document of dissolution of the Union and the Federation; then the election of the office bearers of the new institute took place. Sister Dorothy Campion (Singleton), the last superior general of the Union was

⁹ See D. Campion and V. M. Ward to A. Mayer, 31 January and 23 February 1981 respectively, AISMA/C805. All the Federation congregations (9) and half (4) of the Union provinces held chapters. Twelve chapters voted unanimously to accept both propositions; the other chapter of 21 delegates recorded 1 negative vote and 1 abstention on both propositions. Four Union provinces had special consultations and the combined total vote for Proposition 1 was: Affirmative 964; negative 4; abstentions 24; and for Proposition 2: Affirmative 961; negative 8; abstentions 23. Two provinces indicated that abstentions were a result of age and/or infirmity. See "Document of Authentication of Chapter" or "Document of Authentication of Formal Consultation" attached to the letters referred to above.

¹⁰ See A. Mayer to V. M. Ward and D. Campion, 20 June 1981; SCRIS, Decree, Prot. No. B. 180 - 1/80, 20 June 1981; and A. Mayer to the Apostolic Pro-Nuncio, Archbishop Luigi Barbarito, the executor of this decree, 20 June 1981, AISMA/U807. For a copy of this decree, see Appendix X, p. 212.

elected the first National President; her two councillors were Sisters Margaret McGovern (North Sydney) and Pauline Smith (Parramatta).¹¹

B. Some aspects of the process

The formation of ISMA took several years and involved the refinement of ideas about, and attitudes to, the existing structures of governance. Three aspects are singled out for further study — the hopes and fears of the Australian Sisters of Mercy, the procedure used to consult them, and some of the canonical issues involved in the establishment of a new entity.

1. Hopes and fears

As indicated earlier, a strong and growing desire for unity existed at the "grass-roots" level. At their annual meeting in 1975, the members of the Conference articulated the principal hopes for and fears about the new venture.¹² The concept of real unity was a major theme of the hopes expressed. The participants saw this as a witness to the Church in general, a concept which fulfilled the desires of many sisters, and a method of deepening common understanding of the Mercy charism. Many sisters saw the new structure as an effective way to increase and enliven corporate strength and effectiveness by such means as

¹¹ See *Acts and Proceedings of the First National Chapter of the Institute of the Sisters of Mercy of Australia, 1981 (=ISMA First National Chapter, 1981: Acts and Proceedings)*, pp. 8-9. For a map showing the location of the motherhouse of each member congregation of ISMA, see Appendix XI, p. 213.

¹² See "Minutes of the Sixth Meeting of the National Conference of the Sisters of Mercy of Australia, 29 September - 3 October 1975", AISMA/C201.2.

sharing resources and personnel, carrying out common projects, streamlining administration and speaking with a single and strong voice on matters of common concern.

Many of the fears were related to the possible loss of the benefits achieved by membership in either the Federation or the Union, and the fear of a diminution of the special spirit and character of each congregation or province. Some felt that a lessening of local autonomy and flexibility might result, and the size of the new organisation caused concern among some who were worried that these factors might cause such problems as over-centralisation, lack of effectiveness, depersonalisation, and the loosening of bonds already created. This last point appeared to be of particular concern to the smaller congregations, which might be most affected by the loss of the advantages they had experienced in the previous structures, and might be either overshadowed by the larger congregations or left to rely too much on their own limited resources.

The responses of individuals, communities and larger groups in general echoed these sentiments and they may best be summed up in the following comment:

The main thrust of the discussions regarding the Sisters of Mercy in Australia from the point of view of structures seems to reflect a desire to keep the particular advantages of both the Federation and Union structures. It would seem that there is a desire for something stronger than the Federation but not quite so strong as the Union. From this it would seem to follow that each of the two major groups may be called upon to yield to some degree some of the things that may seem very important. On the extent to which this can be done will depend the success of the discussions held so far. We have no doubt that the genuine desire of the Mercy sisters to come closer together will enable us to overcome our own special wishes.¹³

¹³ "Response from the Perth Province to the Proposed Model of the National Body", [no date, possibly October 1978], p. 1, AISMA/U805.2.

2. Method of consultation

From 1975 to 1980, as a preparation for the change of structure, extensive consultation occurred at all levels in accordance with the directives of *Ecclesiae Sanctae*.¹⁴ The positive attitude towards national unity which the results of the 1975 questionnaires revealed and which the experience of the 1977 National Assembly reinforced provided a mandate to proceed. When models of governance were developed, further national consultations occurred and suggestions arising from them were incorporated wherever appropriate in the later drafts.¹⁵ Finally, when the model had been fully developed and approved in principle by the Holy See, all the members were formally consulted.

Interestingly enough, no provision was made for those who objected in conscience to the change.¹⁶ In fact, if there were any in this category, they did not make their attitude

¹⁴ "The project for a union between institutes — whatever its nature may be — supposes an adequate preparation, spiritual, psychological, juridical, according to the mind of the Decree *Perfectae Caritatis*. ... In such cases and circumstances, the good of the Church must be kept in view, as also the particular character of each institute and the freedom of choice left to each individual religious." *ES* II, 39-40, FLANNERY, p. 632. Cf. *CIC/1983*, c. 119, 3°. [Although this structure was developed and approved while *CIC/1917* was still in force, it was influenced by the changes to this code introduced after the Second Vatican Council and the preparatory work being done on *CIC/1983*. In this study, the structure is discussed in the light of the canons of *CIC/1983* as final approval of the constitutions was received in 1987 and the statutes of each congregation were approved during 1989.]

¹⁵ See "Results of Survey of Opinion on the Provisional Basic Statutes for the Sisters of Mercy of Australia", in "Minutes of the Seventh Meeting of the National Conference of the Sisters of Mercy of Australia, 1-4 April 1976", AISMA/C201.2. See also communications from various individuals, small groups, communities, provinces and congregations regarding the proposed model to Sister Patricia Kerin, convenor of the Working Committee, 10 July - 12 November 1978, AISMA/C805.

¹⁶ Cf. the different approach taken by the Holy See during the process leading to the formation of the Institute of the Sisters of Mercy of the Americas. See V. Fagiolo to Sister Rita Powell, President of the Federation of the Sisters of Mercy of the Americas, 1 March

known. This does not mean that there was not opposition to the new structure; indeed there was. However, once those who objected made their concerns known to the committee working on the development of the model, they apparently did not take the matter up with any higher authority in a formal way, and many who had reservations were prepared to accept the changes in the light of the benefits which so many others believed would accrue.¹⁷

3. Canonical issues

The canonical implications of the dissolution of the former structures within individual congregations and provinces were minimal. As both the Union and the Federation were dissolved at the beginning of the first national chapter, the Conference, which was dependent on them, ceased to exist.¹⁸ Because the congregations of ISMA, either already existing (Federation), or newly-returned to congregational status (Union provinces), were congregations of pontifical right with separate pre-existing civil identities, many of the issues usually involved in the establishment of a new body such as the disposition of property and assets, formation of provinces, establishment of mother houses or novitiates, problems of the provision for the respect of the intention of donors or changes

1988, p. 2; and CICL, Decree, Prot. No. B 220-1/86, 18 January 1990, Archives of the Federation of the Sisters of Mercy of the Americas(=RSM-FW).

¹⁷ See for example, communications to P. Kerin regarding objections to the proposed model, 16 October-12 November 1978, AISMA/C202. See also voting statistics quoted on p. 151.

¹⁸ See *ISMA First National Chapter, 1981: Acts and Proceedings*, pp. 8-9.

of boundaries were absent.¹⁹ The Union provincials received all the powers and authority granted by general law to superiors general and together with the former Federation superiors general (and both their councils) were confirmed in office until the next chapters of their congregations.

II. THE PRESENT GOVERNANCE STRUCTURE

In the chapter of the ISMA constitutions entitled "Our Unifying Leadership", the basis for the present governance structure is described. It begins: "The tradition of our Institute is to combine decentralisation in government with a deep and personal concern for unity of spirit."²⁰ Three areas which reflect this tradition are then considered: an administration which places decision-making at the appropriate level; an understanding of the importance of shared responsibility as an important element of obedience; and a system of relationships between congregational and national units designed so that local areas are served while at the same time corporate resources are made available to the wider community.²¹

A. *National government*

"Authority at the national level resides in the National Chapter, President, Executive and Plenary Councils, as described in the Constitutions ...".²²

¹⁹ Cf. *CIC/1983*, cc. 120-123.

²⁰ *ISMA Constitutions and Directory*, para. 6.03, p. 25.

²¹ See *ibid.*, paras 6.03-6.04, pp. 25-26.

²² *Ibid.*, art. 6.10, p. 27.

1. The ISMA Constitutions and Directory

By the time of the formation of ISMA, draft constitutions were almost ready to be submitted to the congregations for formal acceptance,²³ subject to the approval of the Holy See, which requested some alterations, mainly for purposes of clarification.²⁴ In addition, the Holy See listed the principal areas for which individual congregations were to make provision in their statutes before presenting them for approval.²⁵ The Holy See approved the *ISMA Constitutions and Directory* in 1987.²⁶

2. The national chapter

The National Chapter, when in session, and within the area of its competence, is the highest and most authoritative organ of governance in the Institute and the chief means whereby the Mercy charism may be safeguarded.²⁷

²³ See A. McLAY, "Report to the National Executive Council Meeting, 8-10 July 1979", SCRIS, "Some Preliminary Observations on the Text of Constitutions for the Institute of the Sisters of Mercy of Australia, March 1980", *ISMA First National Chapter, 1981: Acts and Proceedings*, p. 34. AISMA/C804, and ISMA, *Constitutions and Directory (1982) Draft*, 92p.

²⁴ See SCRIS, "Some Observations made by the Congresso acting on the Approval of Constitutions with regard to the Text presented by the Institute of the Sisters of Mercy of Australia, 3 February 1987", AISMA/C804, "Minutes of the National Plenary Council Meeting, 13-20 October 1985", p. 2; and "Minutes of the National Plenary Council Meeting, 7 May 1987", pp. 1-2, AISMA/C201.2.

²⁵ Each congregation prepared its own statutes. These statutes were sent to the Holy See for approval under the auspices of ISMA. See "Minutes of the National Plenary Council Meeting, May 7-8, 1987", p. 2; "Minutes of the National Plenary Council Meeting, 13 January, 1988", p. 4; and "Minutes of the National Plenary Council Meeting, 27-28 May, 1983", p. 4, AISMA/C201.2.

²⁶ See SCRIS, Decree, Prot. No. B 180 - 1/80, 24 September 1987, in *ISMA Constitutions and Directory*, p. i.

²⁷ *ISMA Constitutions and Directory*, art. J6.311, p. 47. Cf. *CIC/1983*, c. 631 § 1.

Its specific role is to preserve the patrimony of the institute, which it does by safeguarding the constitutions, exercising authority in policy-making and statutory matters at the national level, developing and reviewing national policies, electing national leaders, and making appropriate financial arrangements.²⁸ In addition, it has a special role to play in relation to the Sisters of Mercy in Papua New Guinea.²⁹

The major superior of each congregation, the National President and her council and the national superior of the Sisters of Mercy of Papua New Guinea are *ex-officio* members and each congregation elects two delegates in a manner determined by its own chapter.³⁰

3. The National President

During the discussions regarding the structure of governance for ISMA, much time was spent on the definition of the role and authority of the National President.³¹ The constitutions state:

The National President serves the Institute as animator and spiritual leader. Her authority is seen as a service exercised within the whole Institute.

²⁸ In the financial area, the task of the national chapter is to "examine and approve fiscal policy for the Institute and approve per capita contributions." *Ibid.*, art. J6.313 (e), p. 48.

²⁹ See *ibid.*, art. J6.314, p. 48. See p. 180 for further information on Papua New Guinea.

³⁰ See *ibid.*, art. D6.31, p. 67.

³¹ See for example, CONFERENCE OF THE SISTERS OF MERCY OF AUSTRALIA, "Minutes of the National Council Meeting, Gunnedah, March 1979", AISMA/C805.2; and Sister Gabrielle Jennings, provincial superior of Melbourne, to P. Kerin, 6 September 1979, AISMA/C201.

The National President is a major Superior, with authority as defined in the constitutions.³²

In some ways, her position resembles that of a president of a federation.³³ However, depending on the policies and decisions of the national chapter and the National Plenary Council, it has great possibilities for further development and extension.

In her study of the interaction between selected organisational characteristics and the process of change which led to the formation of ISMA, Valda Ward discussed the concept of "servant leadership" as perceived by Australian Sisters of Mercy. She considered it to have special relevance to and influence on the governance structure, particularly in relation to the exercise of authority and the leadership function of the National President.³⁴

As described in the remainder of the article quoted above, her role, which is difficult to categorise, encompasses three main areas, and she has very little personal authority as generally understood.³⁵ She is described as the source, sign and promoter of unity in the

³² *ISMA Constitutions and Directory*, art. J6.326, p. 50. Cf. *CIC/1983*, cc. 596 §§ 1 and 3, and 617-620.

³³ Cf. the role of the superior general as described in *Constitutions de la fédération des monastères des Chanoinesses régulières hospitalières de la Miséricorde de Jésus de l'Ordre de Saint-Augustin au Canada*, Québec, 1971, pp. 169-171. Cf. also the description of the role of the abbot primate or the superior of a monastic congregation in *CIC/1983*, c. 620 and *CIC/1917*, c. 501 § 3.

³⁴ See V. M. WARD, "A New Structure of Governance", pp. 89-97 and 233-239. See also *CIC/1983*, c. 618 which begins: "The authority which Superiors receive from God through the ministry of the Church is to be exercised by them in a spirit of service."

³⁵ In 1972, SCRIS gave a negative answer to the question: "An, contra can. 516, regimen collegiale ordinarium et exclusivum admitti fas sit, sive pro toto Instituto religioso, sive pro provincia sive pro singularis domibus, ita ut Superior, si habentur, sit merus executor." The

Institute; the chief executive officer implementing policies and decisions of the national chapter and convening and presiding at various meetings including the national chapter and other national meetings; and, in carefully defined situations, the person to act in emergencies, action which could include intervention in the internal affairs of one or more congregations.³⁶

4. The National Executive Council

The National Executive Council³⁷ consists of the National President and no more than four councillors, one of whom is the vice-president and another the secretary. As its title implies, it carries out "policies formulated by the national chapter and tasks committed to it by the national chapter or arising out of deliberations in the Plenary Council."³⁸

reason for this reply stated: "Ad mentem Concilii Oecumenici Vaticani II (Decr. *Perfectae caritatis*, 14) et Adhortationis Pontificiae *Evangelica testificatio*, n. 25, (A. A. S. 68 (1971), p. 510) ratione habita legitimarum consultationum necnon limitum a iure sive communi sive particulari receptorum, Superiores auctoritate frui debent personali." English translation in *Canon Law Digest for Religious*, p. 485. *CIC/1983*, in cc. 617 and 618, uphold the principle of the personal authority of superiors which however is circumscribed by succeeding canons. Cf. cc. 620-624. See E. McDONOUGH, "Religious Superiors and Government", in *The Way Supplement*, 50 (1984), pp. 61-70.

³⁶ *ISMA Constitutions and Directory*, art. J6.326, Nos. (i)-(x), pp. 50-51.

³⁷ Hereafter referred to as the "NEC".

³⁸ *ISMA Constitutions and Directory*, art. J6.322, p. 48. See also art. J6.328, p. 51.

5. The National Plenary Council

The National Plenary Council,³⁹ which meets at least annually, consists of the NEC and the major superiors of the congregations. Its role is to promote

the unity of the Institute and extend the capacity of the National Executive Council for leadership by involving it and the major Superiors of the Congregations in a process of mutual consultation, joint discernment and decision making.⁴⁰

It may be described as a sounding board, a national policy-making body, and a guardian of the unity of spirit of the Institute. Its functions are twofold: it acts as an enabler of both the NEC and the individual congregational superior so that unity of spirit, vision, and national planning is developed and coordinated; and it assists in the transmission of these concepts to the local area to be implemented according to its needs and by the people of the place.

The composition of the NPC is a possible source of difficulty for the operation of ISMA as it is made up of groups with potentially conflicting loyalties. The members of the NEC are concerned with the national scene; in contrast, the other members, the major superiors, have a primary responsibility to their own congregations and local churches, and these two areas may not always coincide. As well, it tends to function by consensus, and while this is a suitable mode of operation at this level, it can be also slow and unwieldy. As the first National President succinctly noted:

Together we can dream big dreams ... but the practical considerations are never far away. Where these are in question, e. g., the use and availability of resources, congregational superiors must weigh national against congregational interests and, when they conflict, ask again the

³⁹ Hereafter referred to as the "NPC".

⁴⁰ *ISMA Constitutions and Directory*, art. J6.331, p. 52. See also art. J6.334, pp. 52-53.

fundamental question which we have never really solved: when a choice is to be made, which takes precedence — the local or the national interest?⁴¹

One response to this was given in 1986 when the National Secretary was elected the superior of her congregation. According to the *ISMA Constitutions and Directory* at the time, the NPC was responsible for filling a vacancy on the NEC by making an appointment from among the substitute councillors elected at the national chapter. In this situation, two were already congregational superiors, so the third was appointed. The second national chapter considered this problem and

directed that the National Plenary Council develop by June 30, 1988, a process for the election of replacement councillors in the event of any vacancy occurring on the National Executive Council.⁴²

Whatever the background to this event may have been, the subsequent solution indicated that congregational needs were still the pre-eminent consideration, although the election of a congregational superior to the position of National President in 1988 modified this response somewhat.⁴³

⁴¹ D. CAMPION, "President's Report", *ISMA Second National Chapter, 1987-1988. Reports and Legalities*, p. 5.

⁴² *ISMA Second National Chapter, 1988: Acts and Proceedings*, p. 14. See also *ISMA Constitutions and Directory*, art. D6. 322, p. 70; and "Minutes of the National Plenary Council Meeting, 27-28 May, 1988", pp. 7-8, recording the approval of an alternative procedure.

⁴³ Sister Kath Burke was the Brisbane congregational superior prior to her election; a congregational chapter elected her replacement.

B. Congregational level

1. Canonical status of congregations

Despite doubts on the part of some canonical advisors as to its likelihood, there appeared to be no problem with the Holy See concerning the return of the provinces of the Union to their original status as independent congregations (Federation congregations had of course always retained this status).⁴⁴

The constitutions of each congregation in ISMA consist of the *ISMA Constitutions and Directory* and,

for their completion, these constitutions require the addition of congregational norms, as indicated, in relation to matters that belong to the stable and essential elements of religious life. When approved by the Holy See, these norms have the same binding force as the constitutions.⁴⁵

These norms provide further details on such matters as the obligations of the vow of poverty, suppression of a religious house of the congregation, community life, the religious habit, relationships between the institute and the individual congregation, congregational governance, and membership in the community.⁴⁶

⁴⁴ See for example, a summary of consultations with various SCRIS officials and consultants in A. McLAY, "Report to the National Executive Council, July 1979", pp. 1-4, AISMA/C201.1.

⁴⁵ *ISMA Constitutions and Directory*, art. J8.12, p. 62. See also arts J8.13-J8.17, p. 62. CICL approved the norms for each of the seventeen congregations during 1989. See, for example, CICL, Decree, Prot. No. 80897/89, 21 May 1989, approving the statutes of the Melbourne congregation. Congregations gave different titles to these norms, e. g. "constitutional supplement" or "statutes". See the relevant entries in the bibliography. Cf. also *CIC/1983*, cc. 583 and 587 §§ 1-3.

⁴⁶ *ISMA Constitutions and Directory*, arts J3.21-J7.33, pp. 38-61 *passim*.

In the section dealing with congregational governance, each congregation was to develop its own norms in areas such as: the composition and frequency of chapters; the qualifications for and term of office of the major superior and local superiors; and the composition, term of office and operation of the councils of both major and local superiors.⁴⁷

Authority is clearly defined. "Within each congregation authority is vested in its chapter and its major Superior assisted by her council, governing in accordance with the common constitutions and the particular law of the congregation."⁴⁸ Particular emphasis is given to the obligation of the major superior and her council to

administer the policy and executive decisions of their chapter, thus safeguarding the tradition of the Sisters of Mercy, which emphasises the importance of autonomy at the local and congregational levels.⁴⁹

In addition, the major superior has responsibilities as a member of the NPC.⁵⁰

2. Relationships between ISMA and the congregations

Apart from the relationships between the individual congregations and ISMA as described, the *ISMA Constitutions and Directory* legislate for three important possibilities.

The first of these relates to the admission of new units to ISMA. According to the *ISMA Constitutions and Directory*, "Admission of new units to the Institute shall be the

⁴⁷ Ibid., art. J6.24, p. 46.

⁴⁸ Ibid., art. J6.21, p. 45.

⁴⁹ Ibid., art. J6.23(b), p. 46.

⁵⁰ See *ibid.*, arts J6.33-34, pp. 52-53.

prerogative of the Holy See, the consent of the national chapter having first been obtained."⁵¹ The second gives the procedure to be followed by a congregation wishing to separate from ISMA.⁵²

The constitutions cater for a third possibility which is described as follows:

For a serious reason any congregation may request the National President or her delegate to assume the powers proper to the congregational superior, either in a particular situation or for a determined period of time. The request is made through the congregational superior, according to congregational norms.⁵³

The norms developed to handle this situation vary from congregation to congregation. A small number require only a consultative or a deliberative vote by the congregational councillors; others add some form of consultation of the members, including a formal vote with a two-thirds majority; the largest number, however, include provisions involving the

⁵¹ Ibid., art. J6.11, p. 45. See also *CIC/1983*, c. 582.

⁵² In this case, the superior of the seceding congregation is obliged to obtain the consent of her council and the consent, by a two-thirds majority vote, of the members of the congregation, before presenting the request to the National President, who presents the petition to the Holy See together with the recommendations of the NEC. Ibid., art. J6.12, p. 45.

⁵³ Ibid., art. J6. 13, p. 45. C. 582 is cited as a reference for this article, probably because this request could serve as a preliminary move and possible method of procedure if two or more congregations wished to unite. Another possibility, mentioned in a commentary, circulated probably in April/May 1979, referred to a project which belonged specifically to one congregation which that congregation could no longer maintain. However, this document was careful to emphasise that "the principle is simple: any regional unit would be free to request assistance from the national body in matters pertaining only to itself, but such assistance could never be imposed by the national body without such a request." See "Commentary on 'Proposed Model of the Australian Congregation of Sisters of Mercy'", p. 4.

consent of a chapter already in session or the calling of a special chapter.⁵⁴ Some congregations do not appear to have norms in this area as yet and only one congregation addresses the situation of the possible incapacity of the congregational superior.⁵⁵

3. Relationships between congregations

Congregations interact at the national level through the membership of their major superiors in the NPC. Apart from this mode of operating which was an extension and formalisation of the relationships developed during the period of the Conference, the principal legislation in this area concerns transfers within the Institute. The novitiate in one congregation is valid in another and transfers, either temporary, as in an exchange of personnel for a period, or on a permanent basis, for reasons such as apostolate or health, are arranged between the respective major superiors.⁵⁶

⁵⁴ The following article is typical: "This request shall be made by the Congregational Chapter, if in session; by a special Congregational Chapter, if the Congregational Superior and Council deem it necessary; or by the Congregational Superior and Council, after formal consultation with the whole Congregation." *SISTERS OF MERCY, SINGLETON, Congregational Statutes, Directory and Acts of Chapter (1987 Draft)*, art. 6.101, p. 13.

⁵⁵ "The request is made by the Congregational Superior after consultation with the Council except in the case where the Congregational Superior is impeded from exercising her office because of serious illness or other serious cause. In this case the request must be approved by the majority vote of the Council." *MELBOURNE CONGREGATION, Statutes*, art. 6.826, p. 14.

⁵⁶ See *ISMA Constitutions and Directory*, art. J7.291, p. 59; and *CIC/1983*, cc. 684-685. Prior to the formation of the Institute, permanent transfers of sisters were covered by the norms of law applicable to transfers between different congregations, although the Union had provision for the transfer, either permanent or temporary, of sisters between provinces, and the Federation provided for temporary transfers in its statutes. See *CIC/1917*, cc. 632-636; *Union Constitutions*, arts 45, p. 16, and 300, p. 88; *Federation Constitutions*, art. 21, p. 10; and *Federation Statutes*, art. 15 (b), p. 6.

C. Juridic category

In a letter to the president of ISMA regarding the constitutions, the secretary of SCRIS noted that "the members of the *congresso* were very aware of the special nature of the Institute and of the unique situation reflected in its structure."⁵⁷ This "special nature" is difficult to define as the ISMA structure does not fit into the canonical models as generally understood. In fact, it is easier to say what it is not rather than what it is.

1. Resemblance to standard models

The two governance structures from which ISMA's structure evolved corresponded to the standard definitions of "union" and "federation".⁵⁸ But, as already noted, in practice, the mode of operation within these structures was very similar, particularly after the establishment of the Conference and in the years immediately prior to the formation of ISMA.

⁵⁷ V. Fagiolo to D. Campion, 10 February 1987, AISMA/C804. See also the claim that the government structure developed for the Institute "is a unique mode of governance" in *ISMA Constitutions and Directory*, p. 3.

⁵⁸ See H. JOULIA, *Union, fusion, fédération, association d'instituts religieux*, pp. 4-6 and 21-22; and M. DORTEL-CLAUDOT, *Union, fusion, fédération d'instituts religieux: Nouveau directoire pratique 1988*, pp. 29-30 and 43-48.

ISMA is, by virtue of the law, a juridic person.⁵⁹ Its structure is not that of a union because the individual units which retained or regained their autonomy are pontifical congregations in their own right and were not absorbed into a new juridic entity.⁶⁰

The National President, although she is a major superior, does not function as a superior general in the usual sense of the term. Her authority over individual congregations is limited and her responsibility "is exercised not directly in regard to local communities and individual sisters in each Congregation, but through the major Superior and council."⁶¹ The reason behind this way of exercising authority and responsibility is "so that the common good of the whole Institute may be fostered, and the welfare of local communities and individual sisters thereby promoted."⁶² It is the major superior of each congregation who "has all the powers and authority granted by general law to Superiors General."⁶³

⁵⁹ See *ISMA Constitutions and Directory*, art. J2.30, p. 38, and *CIC/1983*, cc. 116 and 634.

⁶⁰ See *ISMA Constitutions and Directory*, arts J1.20 and 1.30, p. 37, and J2.30, p. 38. A union occurs when "deux ou plusieurs Instituts de vie consacrée se rapprochent et s'unissent, se fondent les uns dans les autres, donc disparaissent en tant que tels, MAIS POUR DONNER NAISSANCE À UN INSTITUT PLUS VASTE [emphasis in original], dans lequel chaque Institut reconnaît comme un prolongement de soi-même." M. DORTEL-CLAUDOT, *Union, fusion, fédération d'instituts religieux*, p. 29.

⁶¹ *ISMA Constitutions and Directory*, art. J6.325, p. 50; and *CIC/1983*, cc. 620 and 622. Cf. "La Supérieure Générale de la Fédération n'a pas ordinairement d'autorité directe sur les personnes de la Fédération et ne peut leur imposer de commandement en vertu du vœu d'obéissance qui lie les religieuses uniquement à leurs Supérieures respectives." *Constitutions de la fédération des monastères des Chanoinesses régulières hospitalières de la Miséricorde de Jésus de l'Ordre de Saint-Augustin au Canada*, art. 376, p. 170.

⁶² *ISMA Constitutions and Directory*, art. J6.325, p. 50.

⁶³ *Ibid.*, art. J6.23 (a), p. 45. See also *CIC/1983*, cc. 618, 620 and 622.

Nor does ISMA fit comfortably into the federation model previously in operation. One of the main principles in a federation is that of the autonomy of the constituent congregations. This autonomy can result in quite basic differences between member congregations in a federation.⁶⁴ While such differences were minimal among the Federation congregations in Australia, the central body possessed almost no authority and the president, who was one of the major superiors, had no additional authority.⁶⁵

Both the National Chapter and the NPC are influential and authoritative bodies, and while their immediate focus is at the national level, their decisions have consequences at the congregational and local levels. Also, the National President and NEC possess considerable moral authority, a difficult concept to define in canonical terms, and even more difficult to exercise at the practical level. In addition, the National President has the authority to take decisions as laid down by the national chapter, to respond to emergencies and to intervene, if requested, in the internal affairs of congregations.⁶⁶

In summary then, the governance structure of the Institute has

neither the centralising element involved in Union government (which has, in historical fact, been much stronger in theory than in practice) nor the absolute autonomy of member groups which underlines Federation theory

⁶⁴ According to Dortel-Claudot, congregations in a federation may retain "leur nom, leurs constitutions, leur statut de droit pontifical ou diocésain, leur gouvernement, leurs maisons, leur vie propre. Ils sont libres de conserver leurs noviciats et maisons de formation, d'adhérer ou non aux décisions du Conseil fédéral." M. DORTEL-CLAUDOT, *Union, fusion, fédération d'instituts religieux*, p. 45.

⁶⁵ See *Federation Statutes*, pp. 1-6.

⁶⁶ See in particular, *ISMA Constitutions and Directory*, arts J6.326 (v)-(x), pp. 50-51.

(but which, in historical fact, has always been tempered by a willingness to accept as binding upon all the decisions made by the Federation Council).⁶⁷

2. Unique features

The structure of ISMA resembles a federation, but with greater emphasis than usual being placed on the role of central (but not centralising) bodies such as the national chapter and the NPC.⁶⁸ Direct personal authority over the members of each congregation remains with the congregational superiors who act in their own right without the necessity of authorisation from the national body. While local autonomy is assured, it is also measured against criteria established at the national level by the national chapter or the NPC.

In her report for the second national chapter, the out-going president of ISMA pointed out some of the difficulties inherent in the structure.

⁶⁷ CONFERENCE OF THE AUSTRALIAN SISTERS OF MERCY, "Commentary on 'Proposed Model of the Australian Congregation of Sisters of Mercy'", p. 3.

⁶⁸ In their report of their meetings in Rome with various officials of SCRIS, the two Sisters of Mercy in charge of negotiations made an interesting observation: "We found the archbishop [Augustine Mayer, OSB] warm and welcoming and completely sympathetic to our request. From his Benedictine background and experience, he readily understood the unique features of the model and the difficulty of creating a balance between preserving the autonomy of the units and achieving the unification of the whole." See "Report on Meeting with Sacred Congregation for Religious and Secular Institutes regarding Constitution on Governance and By-Laws, Rome, January 17 - February 1, 1980", p. 2. Prior to his appointment as secretary to SCRIS in 1972, Archbishop Mayer was the Abbot President of the Benedictine Congregation of Bavaria. Another allusion to the "Benedictine experience" was made in a different context in 1983. As part of a study of the three models proposed by the Mercy Futures Task Force of the Federation of the Sisters of Mercy of the Americas, three canonists were asked to respond to various questions. One wrote: "The structure of Model Three [the model most resembling the Australian structure] seems similar to that of independent monasteries that belong to a Congregation or have an Abbot General. I see no reason why this model would not be approved, even though it may be somewhat new in the history of religious women who are not nuns." Father Alan McCoy, OFM, to Sister Doris Gottemoeller, 27 May 1983, RSM-FW.

No one denies the difficulty of working with the ambiguities of the Institute model. It takes time to learn about collegiality in practice and to harmonise the two potentially contradictory values of national co-operation and local autonomy.⁶⁹

Yet, the national governance structures play a vital role over and above the individual congregation level by preserving, enhancing and developing the charism of the Sisters of Mercy 'as described in the constitutions and developed in general policy made by the national chapter. This is done, not only by collaborative effort, but on occasions by challenging congregations via their major superiors to be faithful to that charism.⁷⁰ The ISMA structure has streamlined many operations which were previously cumbersome or duplicated,⁷¹ and the coordinating functions performed by the Union, Federation and Conference have been centred in one body, which acts as a visible sign of unity.

D. Comparison with other Mercy structures

Sisters of Mercy in other countries have also begun to develop national governance structures. The two countries in which this process is most advanced are the USA of America and Ireland. Both are developing structures which differ from those of ISMA.

⁶⁹ D. CAMPION, "President's Report", in *ISMA Second National Chapter, 1988: Reports and Legalities*, p. 5.

⁷⁰ See *ISMA Constitutions and Directory*, art. J6.30, pp. 46-54, *passim*.

⁷¹ For example, the few matters left to be referred to the Union superior general and council, such as indults of secularisation or exclaustation, or matters concerned with temporal goods or the dismissal of a perpetually professed member, were returned to the individual congregational level.

1. Institute of the Sisters of Mercy of the Americas

The movement to form a unified structure in the USA arose from similar concerns to those which activated the Australian process. In April 1980, the Governing Board of the Federation of the Sisters of Mercy of the Americas "indicated that it favored the formation of a Task Force to address the problem of [the] structural inadequacy of the Federation."⁷²

The mandate given to this body was "to develop, through a process of education and consultation, a new model of relationship for the Sisters of Mercy of the Americas, and the necessary governmental structures to implement it."⁷³ By June 1983, the Federation was in a position to "affirm the movement towards structural change leading to an institute government."⁷⁴

The task force developed three models for consideration. The first was basically a strengthened federation; the second resembled the traditional union structure; and the third

⁷² "Minutes of the Fifteenth Annual Business Meeting of the Federation of the Sisters of Mercy of the Americas, April 11 and 13, 1980" (=Federation 15th Annual Meeting, April 1980), p. 11, RSM-FW.

⁷³ "Federation 16th Annual Meeting, June 1981", p. 6, and attachments titled "Recommendations for Federation Task Force", and "Exploration of Alternative Structures", RSM-FW.

⁷⁴ "Federation 18th Annual Meeting, June 1983", p. 17, RSM-FW.

incorporated many of the features of the Australian model.⁷⁵ An analysis of the responses to these models indicated that

no clear preference for one model over the other could be determined. The weight given to different reasons yielded insight into common values but no clear resolution of which model best embodied those values.⁷⁶

Subsequent study indicated that the leadership groups, which were significantly involved in the formulation of these models, were in a much greater state of readiness to move in a new direction than the general membership, so new strategies had to be adopted.

After further study of the Australian and union models, the Mercy Futures Task Force recommended that the latter be chosen. As a result of a detailed process of consultation,⁷⁷ further refinements of this model occurred and in October 1988, the president of the Federation forwarded to the Holy See from eighteen member congregations "their individual requests for the formation of a new institute."⁷⁸ On 8 June 1991, the Congregation for Institutes of Consecrated Life and Societies of Apostolic Life formally

⁷⁵ See FEDERATION OF THE SISTERS OF MERCY OF THE AMERICAS, "Mercy Futures Consultation, May 1983"; and M. TRAINER, "Report on the Futures Consultation, May 1983", Ms., 21 August 1983, 23p.

⁷⁶ See M. TRAINER, "A Participative Approach to Corporate Restructuring in the World of Religious Women" ("Corporate Restructuring"), paper delivered to the Conference on Coalitions, Boston University, May 1988, p. 46.

⁷⁷ See "Federation 18th Annual Meeting, June 1983", pp. 10 and 17-25; "Federation 19th Annual Meeting, June 1984", pp. 3-10c and 17-17h; "Minutes of the Twentieth Annual Governing Board Meeting, January 1985", pp. 6-12; "Federation 20th Annual Meeting, June 1985", pp. 24-34, RSM-FW; and M. TRAINER, "Corporate Restructuring", pp. 53-63.

⁷⁸ Sister Betty Smith to J. Hamer, 7 October 1988, RSM-FW. The Sisters of Mercy of Newfoundland had previously decided that it "was neither feasible nor reasonable ... to become members of a governance structure with the Sisters of Mercy of the United States." P. MAHER, "Presentation", p. 4, Federation 24th Annual Meeting, June 1989, RSM-FW.

established the new institute.⁷⁹ It is an institute of pontifical right "comprised of the former provinces of the Sisters of Mercy of the Union and the other member congregations of the Federation of the Sisters of Mercy of the Americas."⁸⁰ Each of these twenty-five units is canonically equivalent to a province.

An analysis of the reasons why the Sisters of Mercy chose different governance structures in Australia and the USA is beyond the scope of this study, but a few observations may be made. One factor to be considered is that the USA Union has had a longer history and was far more unified and centralised in its operations than the relatively short-lived Australian equivalent. As well, the latter was composed of units which, for the most part, had developed as independent congregations for decades. So their responses were quite similar to those of the independent Federation congregations.⁸¹ This was not the case in the USA. An examination of the responses to the various consultations carried out by the Mercy Futures Task Force reveals that there were often significant differences between the replies of the provinces when compared with those of the independent congregations, particularly on issues of centralisation, the role of the major superior and the loss of pontifical status.⁸²

⁷⁹ See J. Hamer to Sister Helen Amos, 18 January 1990, Prot. No. B 220-1/86, RSM-FW, and CICL, Decree, Prot. No. B. 220-1/86, 8 June 1991.

⁸⁰ "Proposed Governance Structure for the Institute of the Sisters of Mercy of the Americas", p. 1, RSM-FW.

⁸¹ See M. J. Carr to the Sisters of Mercy of Australia, 20 August 1975; and CONFERENCE OF THE SISTERS OF MERCY OF AUSTRALIA, "Survey of Opinion of the Provisional Basic Statutes", AISMA/C202.

⁸² See M. TRAINER, "Corporate Restructuring", p. 67.

Also, the American Sisters of Mercy, particularly at the leadership level, appeared to be far more comfortable with the concept of a central authority which was rather more avoided than seriously considered during the period prior to the formation of the Institute of the Sisters of Mercy of Australia. So, this became a determining factor in their final choice.⁸³ Conversely, the emphasis on local autonomy as an essential value to be preserved was stronger among Australian responses and was an influential factor in the shaping of that final structure.⁸⁴

2. Mercy Ireland

The situation in Ireland was quite different from that in Australia and the USA. Little change in the structure established by Catherine McAuley had occurred before 1970, and in many instances, several independent communities, usually with branch houses and novitiates, could be found in the same diocese. However, by 1985, these had been formed into twenty-six independent congregations, basically one for each diocese, with common core constitutions and individual constitutional appendices.⁸⁵

⁸³ See "Federation 18th Annual Meeting, June 1983", pp. 17-17h; MERCY FUTURES TASK FORCE, "Fall 1984 Consultation", RSM-FW; and M. TRAINER, "Corporate Restructuring", pp. 63-68.

⁸⁴ See "Minutes of the Meeting of the National Council of the Conference of the Sisters of Mercy of Australia, Gunnedah, 23-28 March 1979", AISMA/C805.2, "Survey of Opinion of the Provisional Basic Statutes", AISMA/C202, V. M. WARD, "A New Structure of Governance", pp. 235-239 and 261-269; and *ISMA Constitutions and Directory*, p. 3.

⁸⁵ See information supplied by Sister Regina Kelly, President of Mercy Ireland, 21 February 1990; and MERCY IRELAND, *Constitutions of the Sisters of Mercy of Ireland*, Dublin, 1985, 43p.

In the same year, a central coordinating body, known as Mercy Ireland, was established. Part of the mandate given to the full-time executive was "to explore the possibility of becoming an Institute with canonical status and legislative authority through a National Chapter, the President being a major Superior, the autonomy of each congregation remaining."⁸⁶ Again, similar reasons to those put forward in Australia and the USA were present.

The structures chosen by these two countries were examined, and by 1988, a large majority of the members were in favour of the further exploration of a union model.⁸⁷ In late 1990, after further consultations and consequent modifications, the Mercy Ireland Assembly accepted a proposal

that the period of exploration should now end and that we make a formal petition to the Congregation for Institutes of Consecrated Life and Societies of Apostolic Life to be allowed to take the first vote with regard to forming a Union.⁸⁸

⁸⁶ MERCY IRELAND, "Presentation of the Mercy Ireland Project to the Congregation for Institutes of Consecrated Life and Societies of Apostolic Life, November 1990."

⁸⁷ One aspect of this process which was given greater prominence in Ireland was the necessity to devise more appropriate structures to facilitate the mission of sisters working overseas (in USA, Kenya, Nigeria, Zambia, South Africa, Peru, Brazil and Canada). Consequently, although the proposed structure follows the standard model of one congregation with several provinces, it includes a section on government at the regional level. "A region is composed of a group of local communities forming a dependent unit of organisation. Each region in the Congregation is attached to either the Congregational Leadership or to one or other of the provinces." MERCY IRELAND, "Proposed Government Structure for the Congregation of the Sisters of Mercy of Ireland", p. 11.

⁸⁸ Ibid. The Assembly consists of the superiors general, the executive and two elected delegates from each of the twenty-six congregations. The voting on this proposal was: in favour 90; against 3.

3. Similarities and differences

The Sisters of Mercy in Ireland, the Americas and Australia come from different historical, cultural and ecclesiastical traditions, yet, as a study of their current constitutions demonstrates, they share to a high degree a common charism and vision of the role of the Sister of Mercy in modern life.

The American and Irish Sisters of Mercy are in the process of becoming unions; the Australians have a different structure. Consequently, the major difference between the first two and the third lies in the placement of authority, with both the former being single congregations with several provinces, and the latter an organisation consisting of separate congregations. While there are certain differences in the structural expression of the common charism of Sisters of Mercy, there are some similarities. For example, all three bodies provide for a formal structure for middle level collaboration which involves the central group and the leaders of the individual units, although the importance, authority and basic functions vary.

In ISMA, the NPC is a key element in the overall governance structure. The definition and functions of the American equivalent, known as the Institute Leadership Conference (president and council and major superiors of the regional units) resemble those found in the Australian structure.⁸⁹ However, in Ireland, the corresponding structure, the

⁸⁹ See "Proposed Governance Structure for the Institute of the Sisters of Mercy of the Americas", art. C. 2. a., p. 2.

Plenary Conference (Congregational leader and team and provincial leaders), seems to be less significant, at least as presently described.⁹⁰

In summary then, the following assessment by a Sister of Mercy who is a sociologist (*vis-à-vis* Australia and the USA, but also applicable to Ireland) has relevance:

The structures each Institute has chosen served our purpose which is one and the same. The longer I was with the Australians the more I sensed that the way they've chosen fits in with their own cultural and historical evolution. And I have no doubts that they and we will converge at some future moment, both having something to contribute to the new shape of the world-wide Institute of Mercy based on our fidelity to live out the charism — Catherine's legacy of union and charity in our unique cultural contexts.⁹¹

III. DEVELOPMENTS TESTING THE STRUCTURE

ISMA has been in existence for ten years. During that period, some issues which were important elements in the original movement for its creation have been addressed; others continue to be of significance; and new ones are developing. These issues are found both within ISMA and external to it, and their resolution will be important in determining its future direction.

⁹⁰ "Proposed Government Structure for the Congregation of the Sisters of Mercy of Ireland", p. 17.

⁹¹ M. TRAINER, "A Report on the Second Chapter of the Institute of the Sisters of Mercy of Australia", Ms., 1988, p. 13.

A. Internal

One of the most important issues confronting ISMA is its relationship to the Sisters of Mercy in Papua New Guinea as that group moves towards the formation of an autonomous congregation. As the involvement of the Australian Sisters of Mercy there pre-dates by many years the formation of ISMA, and as it is also a prototype of later developments, it will be treated separately.

In later years, requests for Sisters of Mercy to work in areas outside the traditional region of any one congregation have become more common. At the same time, the ability of individual congregations to respond to these requests has diminished, although they may be able to take part in co-operative ventures. The coordination of such common projects is an important part of the role of the NEC.⁹²

Finally, in common with the majority of apostolic religious congregations in developed countries, the ISMA congregations are faced with the consequences of declining numbers and changing attitudes to religious life.

⁹² See *ISMA Constitutions and Directory*, art. J6.328, (iv), p. 51.

1. Papua New Guinea

The Sisters of Mercy were invited to Papua New Guinea in 1955,⁹³ and from then on, the Union and Federation congregations established missions in several areas.⁹⁴ Ordinarily, each congregation or province was responsible for its own personnel and appointed local superiors who were directly accountable to their superior general or provincial.⁹⁵ While this system was at times cumbersome, it was not until 1977 that inadequacies became apparent. In that year, responding to a crisis caused by the unexpected withdrawal of another congregation, the Conference acceded to a request from the Bishop of Aitape for Sisters of Mercy to staff a health care facility and established the first inter-congregational/provincial task force.

There were no governance structures in place to cater appropriately for this situation, and at the same time, a desire for some form of national unity was growing amongst the expatriate sisters. At a national meeting held in Wewak in 1980, the Sisters of

⁹³ At that time, Australia jointly administered Papua, an external territory acquired in 1906, and the United Nations trust territory of New Guinea. Papua New Guinea became self-governing in 1973 and fully independent in 1975. The Congregation for Evangelisation of Peoples is responsible for the Church there and the hierarchy was established in 1966.

⁹⁴ See GENERALATE, AUSTRALIAN UNION OF THE SISTERS OF MERCY, *History in the Making*, Part II, pp. 42-46, and SISTERS OF MERCY OF PAPUA NEW GUINEA, "Task Force Report, Mercy Assembly, Goroka, 1-6 July 1990" (= "PNG Task Force Report, 1990"), p. 1. Over 150 Australian Sisters of Mercy from all seventeen congregations have served in Papua New Guinea. The number present at any one time is usually between forty and fifty.

⁹⁵ In 1968, the Brisbane congregation, which had introduced regional superiors into its structure of government, appointed a regional superior for the Papua New Guinea communities and in addition, had a delegate of the superior general resident in Papua New Guinea.

Mercy in Papua New Guinea recommended that steps be taken to promote and co-ordinate the movement towards unity in conjunction with the about-to-be formed Australian body. In another significant move, they decided to accept local applicants into a formation program, on the understanding that eventually they would become part of an autonomous congregation linked to ISMA.⁹⁶ The first national chapter of ISMA approved proposals submitted by the sisters in Papua New Guinea and established there the basic structures for a congregation whose members retained active and passive voice in their own congregations but which was governed through delegated authority.⁹⁷

The first Papua New Guinea sister was professed in 1984,⁹⁸ and, following recommendations from the 1984 General Assembly, the NPC streamlined the governance structure.⁹⁹ Three years later, the Papua New Guinea Sisters of Mercy decided to move

⁹⁶ See "PNG Task Force Report, 1990", p. 1.

⁹⁷ "The national chapter approves structures of government for the Sisters of Mercy in Papua New Guinea. The national superior of the Sisters of Mercy of Papua New Guinea exercises authority delegated by the major Superiors of the Congregations of the Institute of the Sisters of Mercy of Australia." *ISMA Constitutions and Directory*, art. J6.314, p. 48. The chapter established four regions, each with an "authorising superior" who was a major superior appointed by the congregational superiors of the sisters working in Papua New Guinea. These superiors then appointed the national superior after she had been nominated by an election by the sisters in Papua New Guinea. This superior, who was a delegate of the authorising superiors, had the authority to ratify the elections of the regional superiors, was "deemed a Major Superior", and was an *ex-officio* member of the national chapter. The authorising superiors also gave the Brisbane congregation responsibility for formation. See *ISMA First National Chapter, 1981: Acts and Proceedings*, pp. 20-22.

⁹⁸ In 1989, there were eight temporarily professed national Sisters of Mercy and one finally professed; four postulants were received into the novitiate in January 1990.

⁹⁹ The regions were abolished; councillors and their substitutes were elected by the Papua New Guinea sisters; and the Brisbane congregation accepted responsibility for those areas where the group lacked legal and canonical status. See "Minutes of the National Plenary Council Meeting, 20 October 1984", and "PNG Task Force Report, 1990", p. 3.

towards the formation of an autonomous congregation. The next ISMA chapter ratified this decision, approved interim statutes and established a task force whose mandate was "to assist the National Superior and Council in developing procedures necessary for the establishment of an autonomous congregation."¹⁰⁰

Once the basic outline of the government structure had been established, the NPC, in conjunction with the national superior and the superior of the authorising congregation, and in response to submissions from the Papua New Guinea National Assembly,¹⁰¹ clarified several issues, especially those relating to the role of the authorising congregation and to formation. One important canonical issue addressed was connected to the ownership of property. Although civil incorporation was easily obtained, the lack of juridic status meant that civil and canonical ownership would be different. To overcome this problem, the ISMA chapter added two articles relating to incorporation and canonical status to the *PNG Interim Statutes, 1988*.¹⁰²

Two issues needed to be addressed as the formation of an autonomous congregation was being planned. The first concerned the differing status of national and expatriate sisters

¹⁰⁰ See *ISMA Second National Chapter 1988: Acts and Proceedings*, p. 19; SISTERS OF MERCY OF PAPUA NEW GUINEA, *Interim Statutes, 1988* (= *PNG Interim Statutes, 1988*), 16p., and "PNG Task Force Report, 1990", pp. 2-6.

¹⁰¹ The National Assembly of Sisters of Mercy of Papua New Guinea resembles a chapter of affairs and is held at least once during the term of office of the national superior. See *PNG Interim Statutes, 1988*, art. 2.1, p. 3.

¹⁰² These additions read: "The Trustees of the Sisters of Mercy of PNG are the National Superior and Council for the time being", and "The superior of the authorising congregation has the authority to constitute the Sisters of Mercy of PNG as a juridic person." See *ISMA Second National Chapter, 1988: Proceedings and Papers*, ISMAC/M12/3. Cf. also *CIC/1983*, cc. 116-117 and 608-610.

in relation to membership and voting rights. At present (1991), all Sisters of Mercy resident in the country belong to the Sisters of Mercy of Papua New Guinea and all finally professed sisters have full voting rights in the national assemblies. The national sisters who have formal membership in the authorising congregation (Brisbane) "do not exercise active and passive voice in [it] as the intention of their vows is to membership of the Papua New Guinea Congregation", whereas the expatriate sisters retain voting rights in their congregations.¹⁰³ The *PNG Interim Statutes, 1988* noted however that

these decisions need to be kept under review in order to ensure that the national Papua New Guinean Sisters are given maximum opportunity to determine their own future. Voting rights will be redefined when an autonomous congregation is established.¹⁰⁴

When this occurs, the national sisters will have the same status as members of other Mercy congregations. The task force recommended that the expatriate sisters who choose to belong to the congregation be seconded from their congregations and be given active and passive voice in the new congregation while retaining passive voice in their original congregations.¹⁰⁵

¹⁰³ *PNG Interim Statutes, 1988*, arts 1.00-3.00, p. 3, and 5.00, p. 5.

¹⁰⁴ *PNG Interim Statutes, 1988*, art. 3.3, p. 1.

¹⁰⁵ See D. F. JORDAN, "ISMA/Papua New Guinea Task Force — Interim Report", p. 2. The issue of the status of the expatriate sisters is yet to be settled. According to a report given to the NPC in July 1990, "The expatriate members of this core group [the PNG Mercy congregation] would have to be willing to make a commitment to the group for an extended period, seceding from their Australian congregations (and thereby foregoing active and passive voice there) to become members of the PNG Congregation." "Minutes of the Twentieth National Plenary Council Meeting, 8-9 July 1990" ("20th NPC Meeting, July 1990"), p. 1.

The second issue concerned the relationship of the proposed congregation to ISMA. This was and still is a sensitive matter, connected as it is to the history and experience of Papua New Guinea and its relationship to its former "colonial master" with which it still has close ties, and upon which it still depends very much. As the Australian government still does for the country, ISMA would need to provide financial and other forms of assistance to the emerging congregation, particularly in the light of the unsettled political situation. In addition, although the Papua New Guinea congregation would be autonomous, individual Australian congregations would probably need to retain certain responsibilities for their seconded members in such areas as health care, sabbatical leave, renewal periods and retirement care.¹⁰⁶

The process involved in the creation, in a very different country, of an autonomous congregation which both by desire and necessity will have a close relationship to, and certain dependency upon the sponsoring body, has been a challenge to the adequacies of the structures of ISMA. As this process continues, it will in turn affect the operation of ISMA and lead to a further reassessment of its aims and structures which should be designed to "promote unity of life and mission amidst a creative pluriformity ...".¹⁰⁷

¹⁰⁶ Ibid., pp. 3-4.

¹⁰⁷ *ISMA Constitutions and Directory*, para. 6.05. p. 26.

2. Mission projects

The first ISMA chapter approved procedures for handling requests for inter-congregational apostolic missions and the criteria to be used in their selection.¹⁰⁸ Four projects (including Papua New Guinea, discussed in the preceding section) operate under the aegis of ISMA. The others are: the mission to the aboriginal people, centred in Balgo, Western Australia; the Mercy Refugee Service working in conjunction with the Jesuit Refugee Service in South East Asia; and the missions in Pakistan.¹⁰⁹ The first two operate under the sponsorship of the NEC,¹¹⁰ and the third has the Melbourne congregation as its authorising congregation.¹¹¹

¹⁰⁸ After the NEC has received a request, its task is to gather and disseminate relevant information to the NPC which decides whether to accept or refuse it. If the request is accepted, the NPC chooses the most suitable method of authorisation: either one congregation is responsible for finance, personnel and promoting the project; or the NPC looks after finance and personnel and the NEC promotes the project; or the NPC provides the finance and personnel and the authorising congregation promotes the project. See *ISMA First National Chapter, 1981: Acts and Proceedings*, pp. 22-24, 31-32 and 35.

¹⁰⁹ Although the Australian Sisters of Mercy are not generally considered to be a missionary institute, in 1988, 72 of the 294 Australian sisters working in overseas missions were Sisters of Mercy. See D. CAMPION, "President's Report", *ISMA Second National Chapter, 1988: Reports and Legalities*, p. 8.

¹¹⁰ For the Mercy Refugee Service, the NPC appointed a coordinator. See "15th NPC Meeting, October 1985". For the work with the aboriginal people, volunteers agree to be seconded to ISMA and their major superiors delegate the requisite authority to the NEC.

¹¹¹ See, for example, the "Agreement between the diocese of Rawalpindi for the Parish of Peshawar and the Institute of the Sisters of Mercy of Australia, Melbourne Congregation, acting on behalf of the Institute of the Sisters of Mercy of Australia, 6 June 1986."

The procedure for the selection and authorisation of such ventures has been in effect since 1981. However, the technicalities of their actual administration have tested ISMA structures and the topic is a frequent item on the agenda of NPC Meetings.¹¹²

3. Problems facing modern religious life

The Australian Sisters of Mercy are declining in numbers. In 1966, there were 4,170 Sisters of Mercy in Australia; ten years later, there were 3,446 (approximately 28% of the women religious in Australia). During the same period, the numbers entering the Sisters of Mercy declined from eighty-nine to fourteen. Their median age is increasing and the number of vocations is very low.¹¹³ Individual congregations struggle to maintain apostolic commitments and venture into new ones with dwindling workforces. For some the question of possible extinction is becoming a reality.

Through ISMA, support and direction is able to be provided, specially for younger sisters who identify strongly with it. In recent years, the NPC has taken initiatives in a variety of matters — formation programmes, meetings of sisters in similar ministries, long-range planning in areas such as personnel, resources and financial management, placement

¹¹² See, for example, relevant sections in the minutes of the NPC meetings of 1988-1990.

¹¹³ See CONFERENCE OF THE SISTERS OF MERCY OF AUSTRALIA, "Sisters of Mercy — what the National Statistical Survey of Religious Personnel reveals", pp. 2-3, RSM-NS. By 1988, the median age of the various congregations ranged from fifty-five to sixty-nine. See *ISMA Second National Chapter 1988: Reports and Legalities, passim*.

of sisters, and the development of a Mercy Health Care Commission. Questions regarding the possible merging of congregations are also being discussed.¹¹⁴

B. External

Contacts between the Sisters of Mercy in various countries have always been informal, but in many ways, close. No serious consideration has been given to formalising these relationships, but a combination of circumstances has altered this situation slightly.

Mention has already been made of the contacts made between Australia, the USA and Ireland regarding possible national governance structures. In recent years, ISMA has been involved in two international issues, the outcomes of which may ultimately affect its own attitudes and structures. The first is concerned with relationships with other Sisters of Mercy in the South Pacific and the second with the first Convent of Mercy in Dublin. Both are relevant to all Australian Sisters of Mercy.

1. The Sisters of Mercy in the South Pacific

While contacts between the Australian and New Zealand Sisters of Mercy have been common, it was not until the 1988 ISMA National Chapter that the question of closer links was discussed. The New Zealand Sisters of Mercy presented a proposal "that ISMA agree

¹¹⁴ See, for example, "19th NPC Meeting, October 1989", p. 17, which recorded that "NPC members recognised the need to be more aware of the situation of each Congregation, and to support one another, particularly the younger members, as Mercies with a common vision, without losing the autonomy of each Congregation." At a later meeting, the question of whether structures could be established by ISMA to help congregations with diminishing numbers face the future was raised for later discussion. See "20th NPC Meeting, July 1990", p. 5.

to associate membership for the Federation of the Sisters of Mercy, New Zealand."¹¹⁵ Discussion centred around the meaning of associate membership and the importance of ensuring that any affiliation devised be one of equality and mutuality.¹¹⁶ Eventually, the chapter resolved to accept the proposal in principle and to authorise the NEC to develop the concept with the Federation of the Sisters of Mercy of New Zealand.

An associated proposal suggested "that these links be the first step in the formation of the Pacific Conference of the Sisters of Mercy" and

the Chapter empowered the National Plenary Council to ratify on behalf of ISMA the final arrangements between the Federation of the Sisters of Mercy of New Zealand and ISMA that will establish these links and the Pacific Conference.¹¹⁷

After the working party had examined these proposals, the New Zealand congregations decided that it would not be appropriate to become part of ISMA and the focus moved to the formation of links throughout the Pacific region. A joint ISMA/New Zealand Federation task force was established to prepare provisional statutes for this association. A USA observer later commented:

The Australians were uncomfortable with creating two classes of membership. Equality is a strong Australian ethos. The New Zealanders on the other hand were not ready for full membership. In an intuitive leap so characteristic of the Australians they proposed a new entity — The Pacific Mercy Conference — which linked the Federation of New Zealand and the

¹¹⁵ ISMA SECOND NATIONAL CHAPTER, 1988, "Proceedings and Papers", p. ISMAC/M11/1.

¹¹⁶ See *ISMA Constitutions and Directory*, art. J6.11, p. 45; and *CIC/1983*, c. 582. The term "units" was not defined, but in the context, could be used to encompass the New Zealand Federation as one group or each of its four congregations separately. No provision had been made for the type of membership requested by the New Zealand Federation.

¹¹⁷ See *ISMA 1988 National Chapter: Acts and Proceedings*, p. 22.

Institute of Australia in a relationship of mutual support and shared resource. It paved the way for others to join later on an equal footing, e. g., Papua New Guinea, Pakistan, Tonga, Samoa, and the Philippines. The structural complications of working all this out and the ambiguities it raises were in no way a deterrent to the leap!¹¹⁸

2. Baggot Street Project

The Sisters of Mercy held their first international meeting (*Trócaire*) in Dublin in 1981. No other formal contacts occurred until 1988 when the opportunity arose to examine the possibility of establishing a world-wide Mercy centre at Baggot Street. In order to examine the feasibility of this, Sisters of Mercy from several countries established an international steering committee and appointed a Sister of Mercy from Grafton, Australia, as the project director. One of the suggested purposes of this centre is "creatively [to] link all the various branches of Mercy worldwide, facilitating communication [among] the various parts and at the same time enabling the parts and the whole to become visible to each other."¹¹⁹

Both of these international developments raise the issue of the possibility of formalising the bonds which are developing between the different countries. The linking of the Sisters of Mercy in the South Pacific will involve ISMA in a much wider role, particularly in the area of the possible fostering and nurturing of indigenous Mercy congregations. As well, the successful development of the Baggot Street project will have

¹¹⁸ M. TRAINER, "A Report on the Second Chapter of the Institute of the Sisters of Mercy of Australia", p. 5. See also "20th NPC Meeting, July 1990", p. 2; and ISMA, "Mercy Pacific", in *ISMA News*, November/December 1990, pp. 4-5.

¹¹⁹ MERCY CENTRE, DUBLIN, STEERING COMMITTEE, "Minutes for the Meeting for the Corporate Discernment of Purpose, July 27-28, 1990", p. 4.

implications for ISMA if it is to be involved in an international management team which may buy or lease the property and develop it as an international Mercy centre.

If these projects are realised, no doubt the question of closer forms of international association will have to be addressed and this certainly will need to be harmonised with the strong attachment of the Australian Sisters of Mercy to the notions of autonomy and flexibility at the local level.

CONCLUSION

In one sense, the governance structure brought into being by the establishment of ISMA recognised and formalised what had already occurred. But it also continued the gradual evolution towards unity of structure which was based firmly on the desire for and great appreciation of unity amongst the majority of Australian Sisters of Mercy.

At the present time, ISMA is a unique form of governance amongst the major groups of Sisters of Mercy in the world. As the first venture into a form of national government, the structure, despite its ambiguities and inherent tensions, provided a model against which other Sisters of Mercy could evaluate their own governmental requirements and develop structures to fit their own situations.

Once established, ISMA, particularly at the national, and latterly, the international level, began to operate with its own dynamic. A study of the minutes of the NPC meetings shows that the internal affairs of congregations are almost never mentioned officially, although mutual support and co-operation among major superiors is an important feature of the group.

Instead, attention is focused on co-operative national ventures, many of which could not be sustained except at this level. One of the results of these undertakings is the surfacing of attitudes and situations which exert pressure on ISMA to continue to evaluate its operational efficiency, and which in turn, may lead to further modifications in its structure.

GENERAL CONCLUSION

This study commenced with a reference to the Church's right to "interpret the evangelical counsels, to legislate for their practice and, by canonical approval, to constitute the stable forms which arise from them." Associated with this right is "the responsibility to do what is in its power to ensure that institutes grow and flourish according to the spirit of their founders and to their sound traditions."¹ The laws which have developed in response to these two elements have been and are still applied to religious institutes which in themselves are also subject to other influences, some of which they control, and others which they do not.

This consideration was an important component in the process involved in examining the evolution of governance structures among the Australian Sisters of Mercy from the time of their arrival in the country to the present. From this study, certain general conclusions may be drawn which help interpret the past, evaluate the present and indicate future directions for one group of apostolic religious women living and working in a particular environment.

Their development has been conditioned in particular by the spirit of Catherine McAuley and the traditions of which to a great extent she was the source and inspiration. Catherine McAuley was a woman of great vision, leadership quality, practicality and compassion. She was successful in adapting her original plan to conform to the societal and

¹ *CIC/1983*, c. 576.

ecclesiastical mores of nineteenth century Ireland without compromising her aims or allowing the scope of her work to be limited.

However, she did not begin the institute with a pre-conceived plan for its government. There is little evidence available to determine how much value she attached to governance structures as an essential means to achieve her desire of service to the poor, but she certainly did not seem to place the same importance on a centralised governance model as Mary Ward who founded the Institute of the Blessed Virgin Mary in the early seventeenth century, or her Dublin contemporary, Mary Aikenhead, who founded the Irish Sisters of Charity, or Mother Mary of the Cross MacKillop who founded the Sisters of St. Joseph of the Sacred Heart in Australia in the 1960s. Arguments advanced to support the claim that she was strongly in favour of one form of government structure rather than another ignore her essentially pragmatic approach and her desire to be of assistance to the poor in whatever way was most useful. Also, her direct influence on the developing congregation, whilst great, was of relatively short duration, and it might be argued that her ideas on government structures had been neither completely formulated nor adequately tried and tested before her death.²

The constitutions she developed were derivative and not especially innovative. It was the Holy See, for example, which refused to allow the members of new institute to take solemn vows and Archbishop Murray who removed any reference to strict enclosure. What

² Commenting on Catherine McAuley's structure of governance, Mary Aikenhead, who had a struggle to retain the centralised system she had chosen, said: "Truly, it is much easier to leave every little community to itself, but time will tell whether the same effect in the Divine service and the good of our neighbour will result." R. BURKE SAVAGE, *Catherine McAuley*, p. 262.

was innovative was the combination of the principal elements of the newly-developing religious institutes with a traditional governance structure. So it consisted of autonomous houses whose members took simple vows, were not enclosed, observed common constitutions, and acknowledged the same founder. This combination was ideally suited to the needs of several countries in the nineteenth century.

In many ways, lived experience pre-dated formal structures and her institute was characterised by a flexible attitude to the apostolate, adaptability and the facility for rapid expansion. But even in the decade prior to her death, she must have been aware that the governance structure she adopted was one element which contributed to the spread of the Sisters of Mercy in and beyond Ireland.

The governance structure of the Sisters of Mercy was well suited to conditions in Australia. When changes took place in it, they developed as a result of the demands of the apostolate (principally the education apostolate) and were often accepted as a result of pressure from bishops. At the same time, an especially strong tradition of local autonomy was developing among the various communities. This arose partly as a consequence of the nature of the country and the developing church,³ and was reinforced by injudicious pressure from one of the early apostolic delegates.

Distance and isolation favoured small, close-knit and localised groups and, from the earliest times onwards, a strong attachment to local affiliations persisted. When this tradition was felt to be under threat, it was reinforced and crystallised as is shown by the

³ "Australians have always recognised that distance or isolation was one of the moulds which shaped their history, ..." G. BLAINEY, *The Tyranny of Distance*, p. viii.

confident but none-the-less negative responses to the apostolic delegate's request for the adoption of common constitutions. The objections to this request nearly always referred to the traditions of the institute.⁴

When the movement towards closer structural unity began in the 1950s, Australian communities were in various states of readiness to consider the practical implications, and had different understandings of the concept of local autonomy. As a result, they formed two juridically distinct bodies — a union and a federation. However, the tradition of local autonomy allied to unity of spirit still operated, either implicitly or explicitly, in both entities, and in a later coordinating structure, the Conference of the Sisters of Mercy of Australia, which came into being after the Second Vatican Council.

ISMA developed to cater to the overwhelming desire of the majority of the Australian Sisters of Mercy for a structural unity which would reflect their unity of spirit and would allow them to undertake the works of the apostolate in a better manner, particularly those works which required inter-congregational collaboration and support. At the same time it endeavoured to preserve the value of autonomy and flexibility at the local level.

The governance structure of ISMA incorporated the *de iure* and the *de facto* autonomy of the Federation and the Union and eliminated the unnecessary duplication of governance, especially in the Union structure. Its genesis was a strengthened Conference which absorbed the governing functions of both organisations and it was an imaginative and

⁴ For example: "[The Council and sisters] do not wish to depart from the Rules and Constitutions inherited from their Mother Foundress, Catherine McAuley, ... or adopt any change incompatible with the traditions of their Congregation." Mother Gabriel Phelan of Parramatta to B. Cattaneo, 27 January 1927, RSM-A.

courageous attempt to translate into juridic terms the deeply ingrained value the Australian Sisters of Mercy placed on the importance of preserving local autonomy while fostering unity of spirit and purpose. At the same time, bearing in mind the history and traditions of the congregations, it was a pragmatic and realistic statement of what was possible at the time.

Both these intentions were acknowledged by the majority of the sisters who accepted the proposed model as an appropriate beginning while at the same time recognising its inherent paradoxes. In this context, it is important to remember the comments of the outgoing National President at the beginning of the ISMA Second National Chapter:

ISMA was and is a combination of seventeen quite distinct groups, each with its own history and style of operation, its own size, shape, colour and texture. In addition, we came from two different traditions of inter-congregational relationships with 25 years of history behind them. It becomes evident that the structural unification established in December 1981 will have a long journey ahead of it before it achieves the unity which has been our dream.⁵

Examined in isolation, ISMA is seen as an expanded and slightly strengthened federation-like structure. As such, it is pertinent to question just how much, and in what areas it is an advance and improvement on previously existing bodies. There are ambiguities — the nature of the authority of the National President and her role and function *vis-à-vis* both the operations of the NPC and the individual congregations is an obvious one — but the concept is consistent with the enduring and strong tradition of the Australian Sisters of

⁵ D. CAMPION, "President's Report", in *ISMA Second National Chapter 1988: Reports and Legalities*, p. 2. In a later communication she observed "I think ISMA is a thing of promise -- difficult and even burdensome now, but having within it the seeds of some future Mercy cooperation that is still in the land of dreams." D. Campion, 3 March 1991.

Mercy "to combine decentralisation in government with a deep and personal concern for unity of spirit."⁶

Individual congregations have complete canonical autonomy, which could be either an advantage or a disadvantage depending on the needs of the congregation. The present ISMA structure has the capacity to be a credible and visible entity within and without the institute and facilitates communication at both the national and international level.

From the time of their arrival in Australia, the Sisters of Mercy have altered their governance structures to cater for changing needs, not only in the apostolate, but also in response to renewal movements encouraged by the Holy See. The three main stages of their canonical development – the foundation period from 1846 to approximately 1900; the period of consolidation completed prior to the Second Vatican Council; and the period of unification which began after the Council and in which the group still finds itself – were characterised by major structural changes in some or all of the groups. Particularly in the last period, if the structures seemed inappropriate for the needs, they were altered. There is little indication that this rather flexible attitude will change in the near future and the present structure has the inherent ability to develop if or when required.

But a detailed critique of the strengths and weaknesses of the present structure is of secondary importance. The fundamental consideration is the same as the one which challenged Catherine McAuley over one hundred and fifty years ago – how may the Sisters of Mercy best serve the poor because that seems to be what God is asking of them. The

⁶ *ISMA Constitutions and Directory*, para. 6.03, p. 25.

answer to that question, should, among other things, indicate if, why and when changes in government structure are necessary.

For the future then, once the needs have been identified, the adequacy or otherwise of the structures presently existing must be evaluated. The period before the ISMA third National Chapter would seem to be a logical time to undertake this review so that any recommendations which might be made could be discussed and implemented during and after the chapter.

In this process, the concept of local autonomy as it is understood in the Australian scene needs to be re-evaluated. It presently upholds the authority of the local major superior which has been constantly and at times jealously guarded, and which in many ways has been strengthened by ISMA. The independent houses which formed the Federation were highly centralised in structure with one superior and many branch houses, and despite initial difficulties in this area, those congregations with a generalate structure developed in a similar way, even though their local superiors had some authority in their own right according to the constitutions. But too-strong an emphasis on autonomy at this level may hinder development either in the areas served by local houses or, more relevantly for the purposes of this study, at the national level.

In such an evaluation, two areas need to be considered. The first relates to authority in the institute and the second to the efficiency of its operation. The role and authority of the National President and the NEC needs to be clarified and attention devoted to the mode of operation of the National Plenary Council. As ISMA moves towards its third National Chapter, this important body should face scrutiny and evaluation as well.

In terms of overall structure, ISMA simplified and streamlined earlier national structures, but did not address such matters at any other level. Given the changing circumstances of individual congregations, the time might be ripe for further simplifications. For example, at the moment, a high number of sisters are involved in congregational administration.⁷ Also, ISMA deals with the Holy See on behalf of the congregations in certain matters. Perhaps, consideration could be given to strengthening this role.

This study is a canonical overview of the evolution of governance structures and from it suggestions for further research not directly based on present government structures but important to their continued development may be made. One important area worth serious consideration is the concept of the patrimony of the institute. A recent article poses the question: "For what reasons should we know and study our patrimony?"⁸ and the answers the author proposes provide a rationale for a detailed examination of this topic as it relates to the Australian Sisters of Mercy.⁹

At a wider level, comparisons with other groups of Sisters of Mercy who share the same origins and inspiration and have developed in other countries would be of great value in elucidating the common identity of the international Mercy community as it prepares to establish a world centre in the first Convent of Mercy in Dublin.

⁷ The present structure of ISMA calls for seventeen congregational superiors, approximately sixty-eight congregational councillors, a national president and two national councillors for a total membership of approximately 2,500.

⁸ A. ALTERMATT, "The Cistercian Patrimony: Introduction to the Most Important Historical, Juridical and Spiritual Documents", in *Cistercian Studies*, 25 (1990), p. 290.

⁹ *Ibid.*, pp. 291-293.

An examination of the constitutional development of the Australian Sisters of Mercy as they moved from the *1841 Constitutions* written by Catherine McAuley to the present *ISMA Constitutions and Directory* is an associated and relevant topic. Again an international comparative study would be of value.

The Sisters of Mercy have made, and despite their share of the problems common to many religious institutes today, continue to make a great contribution to the Church in Australia. A closer examination of the structures they worked with to make that contribution would be appropriate. In particular, an examination of the canonical development of the Union and the Federation should be undertaken soon.

One area of canon law which needs further investigation is the relationship between canon law and culture. While recent authors do not refer specifically to religious life, the statement: "We must recognise that the interpretation of canon law always takes place within a culture and is affected by culture, because human beings cannot act apart from culture"¹⁰ could easily be applied to the interpretation, application and future development of religious law in a particular cultural context, and may go far in explaining the development of groups such as the Australian Sisters of Mercy.

Any study of the evolution of government structures relies heavily on official documents of a canonical nature. But by themselves, they are inadequate to explain that

¹⁰ J. M. HUELS, "Interpreting Canon Law in Diverse Cultures", in *The Jurist*, 47 (1987), p. 290. See also M. de MUELENAERE, "Cultural Adaptation and the Code of Canon Law", in *Studia Canonica*, 19 (1985), pp. 31-59.

evolution, and are best regarded as one expression of a deeper and far more complex reality of which canon law is one small but significant part.

APPENDIX I

Catherine McAuley's Act of Profession

In the name of Our Lord Jesus Christ and under the protection of His Blessed Mother, I, Catherine Elizabeth McAuley, called in Religion Sister Mary Catherine, do vow perpetual poverty, chastity and obedience, and to persevere until the end of my life in the Congregation of the Sisters of Mercy, established for the Visitation of the Sick Poor, and the charitable instruction of poor females, according to the Rules and Constitutions of the Presentation Order, subject to such alterations as shall be approved by the Archbishop, you, my Lord and most Reverend Father in God, Daniel Murray, Archbishop of this Diocese, and Rev. Mother Elizabeth Knowd, called in Religion Mary Francis de Sales, Superioress of this Convent of the Presentation in the year of Our Lord one thousand eight hundred and thirty one on this twelfth day of December.

(Signed) Catherine Elizabeth McAuley, called in Religion Mary Catherine.

Sister M. Clare Doyle, Assistant.

Sister M. Francis de Sales Knowd, Superioress.

From the Profession Register, Presentation Convent, George's Hill, quoted in R. BURKE SAVAGE, *Catherine McAuley*, p. 421.

APPENDIX II

1835 Decree

Lettera di Propaganda a Monsig. Archiv. di Dublino contenente la risoluzione della S. C. del 1835.

Ad Ill^mum, et R^mum Dominum Danielem Murray Archiepiscopum Dublini.

Dublinum die 24 Martii 1835.

Quantopere S. Congregationi, et SS^{mo} Domino Nostro probetur consilium a pientissima muliere Catherina Mac-Auley initum, societatem mulierum instituendi quae ab operibus, quibus intenta esse debet, misericordiae appellatur, A. T. intelliget ipsa per se, quin oporteat me illud verbis explicare: Praetereo enim quanta laude digna societas illa esse debeat, quae pauperibus praesertim juvandis, infirma valetudine laborantibus omni ratione erigendis, mulieribus in discrimine honestatis versantibus charitatis officio tuendis, labores curasque suas omnes convertat. Dicam tantum ex ejusmodi institutione summam utilitatem tum erga civilem societatem, tum erga Religionem esse profecturam. Laudavit igitur S. Congregatio amplissimis verbis memoratum religiosissimae mulieris consilium: Sanctitas Sua autem non modo societatis illius institutionem probavit, sed etiam paterna sua benevolentia, atque apostolica benedictione illam dignam vere esse declaravit. Tantummodo illud assentiri non opportunum in praesentiarum esse censuit ut piae feminae quae in illam societatem cooptantur vota solemnia faciant: Concessit tamen ut quoniam ea societas sequendas sibi proposuit regulas, et constitutiones Ordinis praesentationis B. M. Virginis a S. M. Pio PP. VII. probatas, Amplitudinis Tuae judicio praeter illas regulas, ac constitutiones, ea praescribantur societate Misericordiae servanda, quae considerato societatis objecto, et piis operibus quibus operam dare debet statuenda esse existimabis.

Precor Deum etc.

Jacobus Philippus Card. Fransonius [*sic*], Praefectus

Angelus Majus, Secretarius

APF, SOCG, 1835, vol. 950, f. 190^v; RSM-UW/H102

APPENDIX III

1841 Decree

S. Congregatione Generalis de Propaganda Fide habitae die 20 Julii, anno 1840.

Cum pientissimarum mulierum Societas quae Sororum Misericordiae dicitur, Dublini fuerit instituta *R. P. D. Daniele Murray* Archiepiscopo probante erecta, et religiosissimae praesertim feminae *Catherinae Mac-Auley* studio fundata, cumque Episcopi quamplures Societatis istius confirmationem ab Apostolica Sede postulaverint, S. Congregatio Generalis de Propaganda Fide habita die 20 Julii anno 1840, referente *Emo et Rmo D. Paolo S. R. E. Cardinali Polidoro*, perpendens quanta sit utilitas profecta jam, et in posterum jure expectanda ex ejusdem Societatis institutione, quae pauperibus praesertim juvandis, infirma valetudine laborantibus omni ratione erigendis, mulieribus in honestatis discrimine versantibus, charitatis, ac religionis officio tuendis sedulo dedita est; censuit ac decrevit supplicandum *SSmo Domino Nostro* ut Regulas, et Constitutiones Societatis ipsius ea ratione redactas, qua superius relatae sunt, praescribendo simul ut vota a Sororibus Societati addictis, quoad aliter a S. Sede statuatur, Simplicia esse debeant, confirmare dignaretur.

Hanc autem S. Congregationis sententiam *Smo Domino Nostro, Gregorio, P.P. XVI.*, relata ab *R. P. D. Ignatio Cadolinio*, Archiepiscopo Edesseno S. Congregationis Secretario, eadem Sanctitas Sua in audientia diei 6 Junii, anno 1841, in omnibus probavit, ac Regulas et Constitutiones de quibus agitur, ratione qua supra significatum est, benigne confirmavit.

Datum Romae, ex aedibus Sacrae Congregationis de Propaganda Fide die 5 mensis Julii, anno 1841.

J. Ph. Card. Fransonius, [sic] Praefectus

Ignatius, Archiepiscopus Edessenus, Secretarius

APF, S. C. Irlanda, vol. 27, f. 498^r; RSM-UW/H102

APPENDIX IV

Permanent Foundations made from Overseas (1846-1898)

- 1846 - Victoria Square, Perth (Dublin, Ireland)
- 1859 - Goulburn (Westport, Ireland)
- 1859 - Geelong (Dublin, Ireland)
- 1861 - Brisbane (Dublin, Ireland)
- 1865 - North Sydney (Liverpool, England)
- 1866 - Bathurst (Charleville, Ireland)
- 1872 - Warrnambool (Dublin, Ireland)
- 1875 - Yass (Rochfortbridge, Ireland)
- 1875 - Singleton (Ennis, Ireland)
- 1876 - Bendigo (Swinford, Ireland)
- 1880 - Adelaide (Buenos Aires, Argentina)
- 1884 - Grafton (Bermondsey, England)
- 1888 - Parramatta (Callan, Ireland)
- 1888 - Cooktown (Dungarvan, Ireland)
- 1890 - Yarrowonga (Wexford, Ireland)
- 1891 - Mansfield (Gore, New Zealand)
- 1898 - Victoria Park, Perth (Derry, Ireland)



APPENDIX V

Australian Foundations (1857-1907)

The house of origin and the date of establishment as a branch house if applicable are in brackets. Singleton made two foundations in New Zealand – Reefton in 1891 and South Dunedin in 1897. Although of dubious origin, the Emmaville foundation is included here; the short-lived foundations in Bathurst (1864), Benalla (1888-1890) and West Wyalong (1900?-1902) are not.

Western Australia

1896 - West Perth (Perth 1888)
1897 - Bunbury (Perth 1883)
1898 - Coolgardie (Adelaide)
1900 - Guildford (Perth 1855)
1900 - Toodyay (Perth 1884)
1900 - York (Perth 1872)

South Australia

1884 - Mount Gambier (Adelaide 1880)

Victoria

1857 - Melbourne (Perth)
1885 - Ballarat (Warrnambool 1881)
1889 - Colac (Ballarat 1888)
1892 - Kyneton (Geelong 1889)
1892 - Wodonga (Albury)
1900 - Tatura (Bendigo)
1901 - Lilydale (Mansfield 1896)
1902 - Shepparton (Bendigo)
1902 - Casterton (Yarrawonga)

Tasmania

1892 - Latrobe (Bendigo)
1895 - Deloraine (Albury)

Queensland

1882 - Rockhampton (Brisbane 1873)
1901 - Townsville (Rockhampton 1878)

New South Wales

1868 - Albury (Goulburn)
1885 - Emmaville (Cooktown?)
1887 - Gunnedah (Singleton 1879)
1887 - Deniliquin (Albury)
1889 - Broken Hill (Singleton)
1890 - Bourke (Bathurst)
1890 - Forbes (Bathurst 1881)
1890 - Mudgee (Bathurst 1875)
1890 - Dubbo (Bathurst 1880)
1890 - Wilcannia (Yass)
1891 - Casino (Grafton 1887)
1892 - Wentworth (Deniliquin)
1892 - Cowper (Grafton 1891)
1907 - Balranald (Deniliquin 1894)

APPENDIX VI

Declaration concerning the Juridic Nature of the Sisters of Mercy

Declaratio circa naturam iuridicam congregationis Sororum a Misericordia (Sisters of Mercy)

Sacrae Congregationi Religiosorum Sodalium negotiis praepositae sequentia dubia, pro opportuna solutione, subiecta fuere:

I. An Congregatio Sororum a Misericordia, vulgo *Sisters of Mercy*, quae, iuxta earum Constitutiones, adprobatas sub die 6 iunii 1841 a Gregorio XVI per tramitem Sacrae Congregationis de Propaganda Fide, singulas domos separatas habent sub respectiva Episcopi iurisdictione atque auctoritate, censenda sit religio iuris pontificii vel iuris tantum dioecesiani.

Et, quatenus affirmative ad primam partem et negative ad secundam:

II. An sint similiter iuris pontificii etiam plures illae Congregationes Sororum a Misericordia, quarum diversae domus variis in locis, cum approbatione Sanctae Sedis, sub uno gubernio centrali coaluerint.

Porro Sacra Congregatio, in congressu diei 7 novembris 1925, re mature perpensa, respondendum censuit prout respondet:

Ad I. *Affirmative* ad primam partem, *negative* ad secundam.

Ad II. *Affirmative*.

Facta autem de praemissis relatione Ss^{mo} Domino Nostro Pio divina Providentia Papae XI, in audientia habita ab E^{mo} Card. Praefecto huius Sacrae Congregationis, die 24 novembris 1925, Sanctitas Sua resolutionem eiusdem Sacrae Congregationis approbavit et confirmavit ac publici iuris fieri mandavit.

Datum Romae ex Secretaria Sacrae Congregationis de Religiosis, die, mense et anno ut supra.

C. CARD. LAURENTI, *Praefectus*.

Vincentius La Puma, *Secretarius*

AAS, 18 (1926), p. 14.

APPENDIX VII

1954 Decree of Union

SACRA CONGREGAZIONE
DEI RELIGIOSI

No. 10853/53.

DECRETUM

Cum domus plurimae Sororum a Misericordia in octo dioecesibus Australiae sitae, unanimi consensu, petierint ut sese coniungere possint ad efformandam unam eandemque Congregationem sub nomine UNIONIS AUSTRALIANAE SORORUM A MISERICORDIA, haec S. Congregatio religiosorum Sodalium negotiis praeposita, omnibus mature perpensis, praefatis precibus annuendum esse censuit, praesentisque Decreti tenore, petitam Unionem Australianam Sororum a Misericordia constituit approbatque, et eam ad alias eiusdem Instituti domus sibi in futurum aggregandas aptam esse declarat.

Ut autem in re tam magni momenti caute et ordinate procederetur, censuit eadem S.C. Rev. m. P. GULIELMUM KEANE, S.J., delegandum esse, et eiusdem praesentis Decreti tenore eum respice delegat, cum facultate ad praedictam Unionem personarum ac rerum deveniendi, ita ut talis Unio Australiana Sororum a Misericordia, Congregationem religiosam iuris Pontificii, ad normam iuris constituit, cum omnibus suis iuribus et bonis tam mobilibus quam immobilibus, salvis utique sacrorum canonum praescriptis, quoad bona specialia aut legata in favorem dioeceseos vel loci facta (can. 533, Par. 1, No. 1).

Singulae autem Sorores ad hanc Unionem transeuntes, in una eademque classe Sororum Instituti censeantur, nonobstante can. 558. Praeterea donec Constitutiones Unioni accommodatae ab hoc S. Dicastero approbatae nondum fuerint, in Unione observabuntur Constitutiones Congregationis Washingtonen. Sororum a Misericordia, his tantum mutatis, quae sive a S.C., sive a Delegato, sive a Capitulo generali indicentur. In singulis quidem Congregationibus Unioni aggregatis, habitus qui in usu est et formula professionis retineri possunt, donec aliter in novis Constitutionibus Unionis provideatur. Neque dos ulla exigetur a Postulantibus.

Rev. m. Delegati erit Capitulum generale quamprimum convocare, eique praesesse.

Capitulum illud constabit Superiorissis maioribus octo Congregationum Unioni adhaerentium, et earum Consiliaris. Ipe autem Delegatus Secretariam Capituli designabit. Superiorissa generalis Unionis a Capitulo eligatur sicut et eiusdem Consilium generale. Domus princeps a Capitulo determinata, S.C. approbationi proponatur. Capituli generalis erit praeterea Commissionem instituere quae prudentis consilii Delegati auxilio, novas Constitutiones praeparare et S.C. examini et auctoritati subicere curabit.

Ad Provincias vero erigendas quod attinet, videant prius attente Capitulares una cum Delegato, utrum singuli domorum coetus, Unioni adhaerentes ea omnia revera possideant quae ad Provinciam constituendam iure requiruntur: uti: copiam Sororum, spem vocationum, etc.

Interes, Congregationes Unioni adhaerentes sub immediata potestate sint Superiorissarum maiorum quae nunc sunt in munere, et si una ex eis substituenda veniat, ratione electionum in Capitulo, Superiorissa generalis cum suo Consilio providebit.

Demum Delegati erit omnes Capituli generalis electiones ac decisiones, aliasque ad totius Instituti bonum proposita, ad hanc S.C. sine mora transmittere, eiusque iudicio et approbationi subicere, addito si opus fuerit proprio voto.

Contrariis quibuslibet non obstantibus.

Datum Romae, die 28 Julii, A.D. 1954.

A. LARRAONA,

APPENDIX VIII

1955 Decree of Federation



SACRA CONGREGAZIONE
DEI RELIGIOSI

N° 01556/55.

D E C R E T U M

Sacra Congregatio negotiis religiosorum Sodalium praeposita, quo melius spirituali ac temporali bono provideatur novem earum Congregationum quae, inter se independentes, sub titulo v. d. "SISTERS OF MERCY" Unioni Australianae religiosarum eiusdem nominis non adhaeserunt, omnium ac singularum illarum consensu, novem has Congregationes autonomas, nempe North Sydney, Parramatta, Grafton; Brisbane, Rockhampton, Townsville, Herberton, Ballarat, West Perth in unam Foederationem, sub titulo "Foed. Austr. Religiosarum v. d. Sisters of Mercy", congregandas esse censuit.

Omnibus igitur mature perpensis, et audito voto Exc.Ordinariorum locorum, haec eadem S. C., praesentis Decreti tenore, Foederationem supradictam approbat et in personam moralem erigit, ad normam iuris canonici.

Novem autem Congregationes quae ad hanc Foederationem pertinent, easdem sequantur Constitutiones Sororum nempe v.d. Sisters of Mercy of Hallow, in Brisbane, earumque Foederatio Australiana, salvis iuris communis normis, Statutis peculiaribus ordinanda erit atque regenda.

Adnexa igitur Statuta, vi huius Decreti, ad quinquennium experimenti gratis approbantur, quo transacto, S. Congregationi iterum erunt subicienda pro eorum revisione et ulteriori confirmatione.

Praesentis vero negotii executio, curae Exc.mi Delegati Apostolici in Australia committitur, cum facultate alium sacerdotem delegandi. Executione autem facta, de omnibus accurate ad hanc S. Congregationem referat.

Contrariis quibuslibet non obstantibus.

Datum Romae, die 21 Novembris 1955.

Valerius Cantalero
Profutur
P. M. Lavanis

APPENDIX IX

Voting for Union/Federation/Status Quo

<i>Community</i>	<i>Union</i>	<i>Federation</i>	<i>Status Quo</i>
Adelaide *	108	1	3
Ballarat East	0	92	0
Brisbane **	14	622	25
Cairns	6	91	1
Grafton	3	102	3
Gunnedah *	84	4	15
Parramatta	0	173	15
North Sydney	16	206	6
Rockhampton	3	116	89
Townsville	32	82	4
West Perth	17	91	0
Wilcannia - Forbes *	143	0	3

Details of the results of this referendum were obtained from letters to the Apostolic Delegate or other Mercy major superiors, circulars to congregations, or the minutes of chapter or council meetings or congregational annals.

* These communities had decided to join the Union and were not required to vote.

** In Brisbane, the first ballot was inconclusive (Union - 44; Federation - 336; Status Quo - 274). A second ballot was held on 15 January 1955 and the results are listed above.

APPENDIX X



1981 Decree establishing ISMA

SACRA CONGREGATIO
PRO RELIGIOSIS
ET INSTITUTIS SAECULARIBUS

Prot. n. B. 180 - 1/80

DECREE

The President of the Australian Federation of Sisters of Mercy and the Superior General of the Australian Union of Sisters of Mercy, having ascertained the option of the members of the Federation and of the Union, and having received more than a two-thirds majority of affirmative votes, have petitioned the Holy See to unite the existing Congregations of the Australian Federation of Sisters of Mercy and the existing Provinces of the Australian Union of Sisters of Mercy into one body to be known as the "Institute of Sisters of Mercy of Australia" in accordance with the Constitution on Governance and the By-Laws as amended and ratified at the Special National Meeting on Conference Structures in October 1979, and further amended following presentation to the Sacred Congregation for Religious and for Secular Institutes in January 1980.

This Sacred Congregation for Religious and for Secular Institutes, having carefully considered the matter and being informed of the favorable opinion of the Local Ordinaries of Canberra and Goulburn, Adelaide, Brisbane, Cairns, Toowoomba, Townsville, Melbourne, Ballarat, Perth, Sydney, Armidale, Maitland, Wagga Wagga, Wilcannia-Forbes, and Wewak, by this decree approves the afore-mentioned Constitution on Governance and erects the Institute of Sisters of Mercy of Australia with the consequent establishment of the existing Provinces of the Union as Congregations of Pontifical Right. As a result of these steps, the dissolution of the Australian Federation of Sisters of Mercy and the Australian Union of Sisters of Mercy will take place at the time of the election of the National Executive Council of the new Institute in December 1981. The Apostolic Pro-Nuncio to Australia, or his delegate, is hereby authorized to execute this decree in the presence of the President and her Council of the Australian Federation of Sisters of Mercy and the Superior General and her Council of the Australian Union of Sisters of Mercy.

All things to the contrary notwithstanding.

Given at Rome on the 20 day of June, 1981.

+ *Augustine Roper*

Basil Hickey, ofnc.
Undersecretary

ku.

APPENDIX XI

Location of the Motherhouses of the Member Congregations of ISMA



SELECT BIBLIOGRAPHY

I. PRIMARY SOURCES

A. General

Acta Apostolicae Sedis: commentarium officiale, Romae, 1909-1928; Civitate Vaticana, Typis polyglottis Vaticanis, 1929 -.

Acta Sanctae Sedis, Romae, 1865-1909, 41 vols.

Acta et decreta Concilii plenarii Australasiae, habiti apud Sydney A. D. 1885, a Sancta Sede recognita, Sydney, F. Cunninghame, 1887, xl-184p.

Acta et decreta Concilii plenarii Australiensis III, habiti apud Sydney A. D. 1905, a Sancta Sede recognita, Sydney, W. Brooks, 1907, xlviii-179p.

Acta et decreta Concilii plenarii episcoporum Hiberniae quod habitum est apud Maynutiam die 2 augusti et diebus sequentibus usque ad diem 15 augusti 1927, Dublin, Browne & Nolan, 1929, xiv-226p.

Acta et decreta Concilii provincialis Tuamensis habiti anno 1907, Dublin, Browne & Nolan, 1908, iv-75p.

Acta et decreta sacrorum conciliorum recentiorum: Collectio Lacensis, auctoribus presbyteris S. J. e domo B. V. M. sine labe Conceptae ad Lacum, Friburgi Brisgoviae, Herder, 1870-1892, 7 vols.

Acta et decreta Synodi plenariae episcoporum Hiberniae habitae apud Maynutiam, an. MDCCCC, Dublin, Browne & Nolan, 1906, vi-250p.

Acta et decreta Synodi provincialis Armacanae habitae apud Armacham, an. MDCCCCVIII, Dublin, Browne & Nolan, 1911, 80p.

Acta et decreta Synodi provincialis Cassiliensis habitae anno MDCCCCVII, Dublin, Browne & Nolan, 1909, vi-92p.

Acta et documenta Concilio oecumenico Vaticano II apparando, series I: *Antepreparatoria*, Typis polyglottis Vaticanis, 1960-1961, 15 parts in 4 vols.

Acta et documenta Concilio oecumenico Vaticano II apparando, series II: *Fraepreparatoria*, Typis polyglottis Vaticanis, 1960-1969, 7 parts in 3 vols.

- Acta et documenta Concilio oecumenico Vaticano II apparando, series II: Praeparatoria, Typis polyglottis Vaticanis, 1960-1969, 7 parts in 3 vols.*
- Acta synodalia sacrosancti Concilii oecumenici Vaticani II, cura et studio archivi consilii oecumenici Vaticani II, Typis polyglottis Vaticanis, 1970-1986, 25 parts in 4 vols.*
- Annuario pontificio per l'anno [...], Roma, Tipographia polyglottis Vaticana, [etc.], 1716 - , interrupted between 1798-1817 & 1870-1872, title has varied since inception.*
- Appendix ad Acta et decreta Concilii plenarii episcoporum Hiberniae quod habitum est apud Maynutiam die 2 augusti et diebus sequentibus usque ad diem 15 augusti 1927, Dublin, Browne & Nolan, 1929, xviii-288p.*
- Appendix ad Acta et decreta Synodi plenariae episcoporum Hiberniae habitae apud Maynutiam, an. MDCCC, Dublin, Browne & Nolan, 1906, iv-417p.*
- AUGUSTINE, St, *The Rule of Saint Augustine: Masculine and Feminine Versions*, introduction and commentary by T. J. VAN BAVEL, translation by R. CANNING, London, Darton, Longmans & Todd, 1984, 120p.
- BENEDICT XIV, Constitution *Quamvis iusto*, April 30, 1749, in *Magnum Bullarium romanum: bullarum, privilegiorum ac diplomatum Romanorum Pontificum amplissima collectio; Benedicti Papae XIV bullarium tomus tertius*, Graz, Akademische Druck-u. Verlagsanstalt, 1966, pp. 54-68.
- Canon Law Digest for Religious*, Milwaukee, Bruce Publ. Co., 1964, ix-656p.
- Canon Law Digest: Officially published Documents affecting the Code of Canon Law*, Milwaukee, Bruce Publ. Co., 1934-1969, vols 1-6; Chicago, Canon Law Digest-Chicago Province SJ, 1975-1986, vols 7-10.
- Codex iuris canonici auctoritate Ioannis Pauli PP. II promulgatus*, Libreria editrice Vaticana, 1983, xxx-317p. English translation: *The Code of Canon Law*, 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, xv-319p.
- Codex iuris canonici, Pii X Pontificis Maximi, iussu digestus, Benedicti Papae XV auctoritate promulgatus*, Romae, Typis polyglottis Vaticanis, 1917, xlvii-1200p.
- COURTOIS, G., ed., *The States of Perfection: Documents from Leo XIII to Pius XII*, trans. J. A. O'FLYNN, Dublin, M. H. Gill, 1961, xv-400p.

- DI VINCENZO, A., *Lex Propria confoederationis congregationum monasticarum Ordinis sancti Benedicti: commentarium, historica, fontes*, [Genuae, Abbas S. Andreae de Sexto-Genuae, 1955], 332p.
- EUBEL, C., et al., eds, *Hierarchia catholica mediæ et recentioris aevi; sive, Summorum Pontificum, S. R. E. cardinalium, ecclesiarum antistitum series e documentis tabularii praesertim Vaticani collecta, digesta, edita*, Patavii, Il Messagero di S. Antonio, 1913 - , 8 vols to date.
- LA FÉDÉRATION DES AUGUSTINES DE LA MISÉRICORDE DE JÉSUS, *Constitutions de la fédération des monastères des Chanoinesses régulières hospitalières de la Miséricorde de Jésus de l'ordre de Saint-Augustin au Canada*, Québec, 1971, 214p.
- FLANNERY, A. P., ed., *Vatican Council II: The Conciliar and Post Conciliar Documents*, Grand Rapids, W. B. Eerdmans Publ. Co., 1975, xxiv-1062p.
- _____, *Vatican Council II: More Postconciliar Documents*, New York, Costello Publ. Co., 1982, xix-912p.
- FRIEDBERG, A., ed., *Corpus iuris canonici: editio Lipsiensis secunda post Aemilii Ludovici Richteri curas ad librorum manu scriptorum et editionis romanae fidem recognovit et adnotatione critica instruxit Aemilius Friedberg*, editio anastatice repetita Lipsiae, ex officina B. Tauchnitz, 1928, 2 vols.
- GASPARRI, P., ed., *Codicis iuris canonici fontes*, Romae, Typis polyglottis Vaticanis, 1926-1939, 9 vols, (vols 7-9 ed. I. SERÉDI).
- GOOLD, J. A., *The Diaries of Archbishop Goold*, ed. F. D. MINOGUE, Melbourne, Graphic Books, 1979, xix-236p.
- IGNACIO DE LOYOLA, *The Constitutions of the Society of Jesus*, translated with an introduction and commentary by G. E. GANSS, St. Louis, Institute of Jesuit Sources, 1970, xii-420p.
- PONTIFICIA COMMISSIO CODICI IURIS CANONICI RECOGNOSCENDO, *Codex iuris canonici: schema novissimum iuxta placita Patrum Commissionis emendatum atque Summo Pontifici praesentatum*, Typis polyglottis Vaticanis, 1982, xviii-308p.
- _____, *Codex iuris canonici: schema Patribus Commissionis reservatum*, Libreria editrice Vaticana, 1980, xxiii-382p.
- _____, *Relatio complectens synthesim animadversionum ab em.mis atque exc.mis Patribus Commissionis ad novissimum schema Codicis iuris canonici exhibitarum, cum*

responsionibus a Secretaria et consultoribus datis, Typis polyglottis Vaticanis, 1981, 358p.

_____, *Schema canonum de institutis vitae consecratae per professionem consiliorum evangelicorum (reservatum)*, Typis polyglottis Vaticanis, 1977, xii-36p.

Règles des moines: Pacôme, Augustin, Benoît, François d'Assise, Carmel, Paris, Éd. du Seuil, 1982, 186p.

SACRA CONGREGATIO DE RELIGIOSIS, *Normae secundum quas S. Congregatio de Religiosis in novis religiosis congregationibus approbandis procedere solet*, 6 March 1921, Romae, Typis polyglottis Vaticanis, 1922, 16p.

SACRA CONGREGATIO EPISCOPORUM ET REGULARIUM, *Collectanea in usum Secretariae Sacrae Congregationis Episcoporum et Regularium*, ed. A. BIZZARI, Romae, ex Tipographia Rev. Camera Apostolicae, 1863, xxvi-942.

_____, *Normae secundum quas S. Congr. Episcoporum et Regularium procedere solet in approbandis novis institutis votorum simplicium*, 28 June 1901, Romae, Typis S. C. de Propaganda Fide, 1901], 59p.

TANNER, N. P., ed., *Decrees of the Ecumenical Councils*, London, Sheed & Ward; Washington, DC, Georgetown University Press, 1990, 2 vols.

B. Pertaining to the Sisters of Mercy

1. General

BYRNE, G., ed., *Valiant Women: Letters from the Foundation Sisters of Mercy in Western Australia*, Melbourne, Polding Press, 1981, xvii-174p.

Documentary Study for the Canonisation Process of the Servant of God, Catherine McAuley, Founder of the Congregation of the Sisters of Mercy, 1778-1841: Positio Super Virtutibus, Rome, 1985, 2 vols.

In the Beginning, facsimile of the first draft of the Rule of the Sisters of Mercy handwritten by Catherine McAuley in 1835 and amended by Archbishop Daniel Murray, Burlingame, Sisters of Mercy, 1967, [n. p.].

McAULEY, C, *The Correspondence of Catherine McAuley, 1827-1841*, ed. M. A. BOLSTER, Cork, Congregation of the Sisters of Mercy of the Diocese of Cork and Ross, 1989, xxviii-268p.

- _____, *Cottage Controversy in Six Conversations*, New York, P. O'Shea, 1883, 96p.
- _____, *Spirit of the Institute*, Ms., (c. 1841), published by the Sisters of Mercy, Pittsburgh under the title of *The Bermondsey Manuscript*, Pittsburgh, (n. d.), 7p.
- "A National Loss: Death of Mrs. Catherine McAuley, Foundress of the Order of the Sisters of Mercy in Ireland," in *The Tablet*, 25 December 1841, p. 829.
- NEUMANN, M.I., ed., *Letters of Catherine McAuley, 1827-1841*, Baltimore, Helicon Press, 1969, xxvi-410p.
- SISTERS OF MERCY, ALBANY, eds, *Retreat Instructions of Mother Mary Catherine McAuley* (compiled from notes taken by Sister Mary Teresa Purcell in 1836), Westminster, New York, Newman Press, 1952, 243p.
- SISTERS OF MERCY, CARYSFORT PARK, *Thoughts from the Spiritual Conferences of Mother M. Catherine McAuley*, Dublin, M. H. Gill, 1946, 68p.
- SISTERS OF MERCY, ST. LOUIS, eds, *Familiar Instructions of Rev. Mother McAuley*, rev. ed., St. Louis, Vincentian Press, 1927, vii-183p.
- 2. Constitutions, rules, directories, customs, statutes*
- AUSTRALIAN FEDERATION OF THE RELIGIOUS SISTERS OF MERCY, *Constitutions of the Member Congregations of the Australian Federation of the Religious Sisters of Mercy*, Brisbane, 1962, 153p.
- _____, *Customs and Guide of the Member Congregations of the Australian Federation of the Religious Sisters of Mercy*, Brisbane, 1962, 283p.
- _____, *Statutes of the Member Congregations of the Australian Federation of the Religious Sisters of Mercy*, Brisbane, 1962, 8p.
- CONFERENCE OF THE SISTERS OF MERCY OF AUSTRALIA, *An Interim and Holding Representation of the Post-Conciliar Sister of Mercy*, Canberra, 1969, 53p.
- _____, *Interim Constitutions*, 1972, 78p.
- CONGREGATION OF THE AUSTRALIAN UNION OF THE SISTERS OF OUR LADY OF MERCY, *Constitutions of "The Congregation of the Australian Union of the Sisters of Our Lady of Mercy"*, Canberra, 1960, v-137p.
- _____, "Revised Customs of the Australian Union of the Sisters of Mercy", Ms., 1964, 31p.

FEDERATION OF THE SISTERS OF MERCY OF NEW ZEALAND, *Constitutions*, 1985, 34p.

_____, *Directory*, 1985, 18p.

_____, *Statutes of the Federation of the Sisters of Mercy of New Zealand*, 1968, 8p.

FEDERATION OF THE SISTERS OF MERCY OF THE AMERICAS, *Constitution and Bylaws*, Holyoke, MA, 1981, 7p.

INSTITUTE OF THE RELIGIOUS SISTERS OF MERCY OF THE UNION IN THE UNITED STATES OF AMERICA, "A Comparison of Four Related Religious Constitutions: Presentation Sisters, 1809; Ursuline Religious, 1812; Sisters of Mercy, 1863; Sisters of Mercy, 1955", Ms., Washington, DC, 1958, 60p.

_____, *Constitutions of the Institute of the Religious Sisters of Mercy of the Union in the United States of America*, Washington, DC, 1941, 152p.

_____, *Constitutions of the Institute of the Religious Sisters of Mercy of the Union in the United States of America*, Washington, DC, 1955, 168p.

_____, "Constitutions of the Religious Sisters of Mercy for the Union in the United States of America, Washington", Ms., 1931, 77p.

_____, *Constitutions of the Sisters of Mercy of the Union*, Silver Springs, 1986, 30p.

_____, *Customs and Guide of the Institute of the Religious Sisters of Mercy of the Union in the United States of America*, Washington, DC, 1957, v-339p.

_____, *Customs and Guide of the Religious Sisters of Mercy of the Union in the United States of America*, Washington, DC, 1945, 171p.

_____, *Mercy Covenant*, Bethesda, 1971, 71p.

INSTITUTE OF THE SISTERS OF MERCY OF AUSTRALIA, *Constitutions and Directory*, Sydney, 1987, iii-88p.

Each of the member congregations has its own statutes accompanying the constitutions listed above. Available statutes are listed alphabetically by congregation and according to the key word/s in the title:

Adelaide, *Constitutions*, 8p.

Ballarat East, *Statutes*, 24p.

Bathurst, *Statutes and Directory*, 10p.

Brisbane, *Statutes*, 34p.

- Cairns, *Constitutional Supplement*, 15p.
 Goulburn, *Congregational Constitutions and Directory*, 11p.
 Grafton, *Congregational Statutes*, 30p.
 Gunnsyah, *Congregational Statutes*, 9p.
 Melbourne, *Statutes*, 20p.
 North Sydney, *Congregational Constitutions and Directory*, 26p.
 Parramatta, *Constitutions*, 23p.
 Perth, *Statutes and Directory*, 14p.
 Rockhampton, *Constitutions*, 7p.
 Singleton, *Congregational Statutes, Directory and Acts of Chapter*, 17p.
 Townsville, *Statutes, Directives, Statement*, 26p.

INSTITUTE OF THE SISTERS OF MERCY OF THE AMERICAS, *Constitutions (Draft, 1990)*, 17p.

MERCY IRELAND, *Constitutions of the Sisters of Mercy of Ireland*, Dublin, 1986, 42p.

SISTERS OF MERCY, *Abridgement of Guide for the Religious Called Sisters of Mercy, Parts I and II*, London, Robson & Son, 1866, 161p.

_____, *The Customs and Minor Regulations of the Religious called Sisters of Mercy*, Dublin, J. M. O'Toole & Son, 1869, 138p.

_____, *Guide for the Religious Called Sisters of Mercy, Parts I and II*, London, Robson & Son, 1866, viii-294p.

_____, *Guide for the Religious called Sisters of Mercy, Part III*, London, St. Anne's Press, 1888, pp. 336-494.

SISTERS OF MERCY, BALTIMORE, *Rule and Constitutions of the Religious Sisters of Mercy of the Archdiocese of Baltimore, Maryland*, Baltimore, 1925, 141p.

SISTERS OF MERCY, BATHURST, *Constitutions of the Congregation of the Sisters of Our Lady of Mercy of Bathurst, Australia*, Bathurst, 1954, 69p.

_____, *Supplement to the Rules and Constitutions of the Sisters of Mercy for the Government of the Amalgamated Houses in the Diocese of Bathurst*, Bathurst, 1908, 26p.

SISTERS OF MERCY, BERMONDSEY, *Rule and Constitutions of the Religious Sisters of Our Blessed Lady of Mercy*, London, D. Lane, 1887, 78p.

SISTERS OF MERCY, CLOYNE, *Constitutions of the Congregation of the Sisters of Our Lady of Mercy in the Diocese of Cloyne*, Dublin, Browne & Nolan, 1925, xix-115p.

- SISTERS OF MERCY, DUBLIN, *The Customs and Minor Regulations of the Religious called Sisters of Mercy in the Parent House, Baggot Street, and its Branch Houses*, Dublin, J. M. O'Toole & Son, 1869, 138p.
- _____, *Customs, Observances and Devotional Practices of the Religious called Sisters of Mercy*, Dublin, John Mullany, 1886, 148p.
- _____, *The Rule and Constitutions of the Congregation of the Sisters of Mercy of Dublin*, Dublin, M. H. Gill, 1954, v-102p.
- _____, *The Rule and Constitutions of the Religious called Sisters of Mercy*, Dublin, Browne & Nolan, 1926, 98p.
- _____, *The Rule and Constitutions of The Religious called Sisters of Mercy (In Italian and English)*, Dublin, James Duffy, 1863, 62p.
- SISTERS OF MERCY, MELBOURNE, *Constitutions of the Sisters of Mercy of the Amalgamated Houses of Victoria and Tasmania, Australia (ad experimentum)*, Melbourne, 1919, 67p.
- _____, *Customs and Minor Regulations of the Sisters of Mercy of the Amalgamated Houses of Victoria and Tasmania, Australia*, Melbourne, 1920, 128p.
- _____, *Rules and Constitutions of the Religious Sisters of Mercy of Victoria and Tasmania, Australia*, Melbourne, Pelligrini, 1932, 148p.
- SISTERS OF MERCY, NEWFOUNDLAND, *Constitutions of the Congregation of the Sisters of Mercy of Newfoundland*, St. John's, 1983, 36p.
- _____, *Directives of the Congregation of the Sisters of Mercy of Newfoundland*, St. John's, 1983, 26p.
- SISTERS OF MERCY, NORTH SYDNEY, *Constitutions of the Congregation of the Sisters of Mercy*, North Sydney, 1956, 93p.
- _____, *The Rule and Constitutions of the Sisters of Mercy, Monte Sant'Angelo, North Sydney*, Sydney, 1938, 38p.
- SISTERS OF MERCY OF THE UNION OF GREAT BRITAIN, *Approved Constitutions of the Sisters of Mercy of the Union of Great Britain*, London, 1983, 44p.
- SISTERS OF MERCY, PAPUA NEW GUINEA, *Interim Statutes*, Port Moresby, 1988, 16p.
- SISTERS OF MERCY, PERTH, *Constitutions of the Sisters of Mercy, Perth (Amalg.)*, Perth, 1950, v-117p.

SISTERS OF MERCY, PHILADELPHIA, *Constitutions of the Congregation of the Religious Sisters of Mercy*, Philadelphia, 1952, 128p.

SISTERS OF MERCY, SAN FRANCISCO, *Constitution, Directory and Decrees for the Sisters of Mercy of the United Houses of the Dioceses of San Francisco, Monterey and Los Angeles, and Tucson*, San Francisco, Gilmartin, 1923, 138p.

SISTERS OF MERCY, SINGLETON, *The Rule and Constitutions of the Religious called Sisters of Mercy*, Sydney, 1951, 134p.

SISTERS OF MERCY, WILCANNIA-FORBES, *Constitutions of the Sisters of Our Lady of Mercy of Wilcannia-Forbes*, Sydney, 1950, 165p.

SISTERS OF THE PRESENTATION OF THE BLESSED VIRGIN MARY, *Rules and Constitutions of the Institute of the Religious Sisterhood of the Presentation of the Ever Blessed Virgin Mary established in the City of Cork for the Charitable Instruction of Poor Girls conformably to the Rules of Pope Pius VI of Happy Memory*, Dublin, M. H. Gill & Son, 1881, 75p.

C. Archival

1. Archives of the Holy See

- a. Archives of the Congregation for the Evangelisation of Peoples
- b. Archives of the Congregation for Institutes of Consecrated Life and Societies of Apostolic Life

2. Archives of the Catholic Archdiocese of Perth

3. Archives of the Sisters of Mercy

- a. Archives of the Institute of the Sisters of Mercy of Australia and of the member congregations, the Sisters of Mercy of:

Adelaide	Grafton	Rockhampton
Ballarat East	Gunnedah	Singleton
Bathurst	Melbourne	Townsville
Brisbane	North Sydney	West Perth
Cairns	Parramatta	Wilcannia-Forbes
Goulburn	Perth	

- a. Archives of the Federation of the Sisters of Mercy of the Americas
- b. Archives of the Sisters of Mercy of Elphin
- c. Archives of the Sisters of Mercy of Newfoundland
- d. Archives of the Sisters of Mercy of the Union in the United States of America

These archives contain: relevant decrees such as the erection of the congregation or changes in status; copies of current and former rules, constitutions, customs books and directories; the annals of foundations; official records such as chapter books, minutes of chapter meetings, acts of chapters, and registers of entrance and profession; correspondence to and from the Holy See, apostolic delegates, bishops, major superiors, other Mercy superiors, and bodies such as the conference of major superiors; publications of the sisters; newspaper cuttings; publications of the works of the congregation, e. g. college year books, annual reports, programmes and histories; miscellaneous manuscript and typescript material; and various memorabilia.

The method and degree of classification vary greatly.

II. LITERATURE

A. GENERAL

1. *Books and other major works*

Acta Congressus iuridici internationalis VII saeculo a Decretalibus Gregorii IX et XIV a Codice Iustiniano promulgatis, Romae, 12-17 Novembris 1934, Romae, Apud custodiam Libraria Pont. Instituti Utriusque Iuris, 1935-1937, 5 vols.

Acta et documenta Congressus generalis de statibus perfectionis, Roma, 1950, Roma, Libreria Internazionale Pia Società San Paolo, [1952-1953], 4 vols.

- Acta et documenta Congressus internationalis superiorissarum generalium, 1952, Roma, Editiones Paulinae, 1952, 352p.*
- ALLARD, P. *Le canon 578 et son application à la Société de Marie: Le patrimoine de l'institut*, Ottawa, Université Saint-Paul, 1989, 292p.
- ANDRÉS, D. J., *El derecho de los religiosos: Commentario al Código*, 2a ed., Madrid, Publicaciones Claretianas y Commentarium pro Religiosis, 1984, 737p.
- ARBUCKLE, G.A., *Out of Chaos: Refounding Religious Congregations*, New York, Paulist Press, 1988, 235p.
- ATKINSON, S., *Mary Aikenhead: Her Life, Her Work and Her Friends*, 3rd ed. (1st ed. 1879), Dublin, Browne & Nolan, 1911, xii-509p.
- AUGÉ, M., et al., *Carisme e istituzione. Lo Spirito interroga i religiosi*, Roma, Editrice Rogate, 1983, 223p.
- AYMANATHIL, J., *Personal Authority of the Religious Superior in the Legislation of the Church*, Rome, Salesian Pontifical University, 1989, 117p.
- BARNHISER, J. A., *A Study of the Authority Structures of Three Nineteenth-Century Apostolic Communities of Religious Women in the United States*, Canon Law Studies No. 487, Washington, DC, Catholic University of America, 1975, xi-240p.
- BATTANDIER, A., *Guide canonique pour les constitutions des soeurs à vœux simples*, Paris, V. Lecoffre, 1898, 266p.
- BEAUMIER, J. L., *L'Union romaine des Ursulines (d'après les documents pontificaux)*, Trois-Rivières, [n. p.], 1951, 100p.
- BEYER, J., *Le droit de la vie consacrée: Commentaire des canons 607-746*, Paris, Éditions Tardy, 1988, 2 vols.
- , *Vers un nouveau droit des instituts de vie consacrée: commentaire du projet et premières observations*, trans. M. J. LUCAS, Paris, Éditions Saint-Paul, 1978, 352p.
- BIRT, H. N., *Benedictine Pioneers in Australia*, London, Herbert & Daniel, 1911, 2 vols.
- BLAINEY, G., *The Tyranny of Distance: How Distance shaped Australia's History*, Melbourne, Sun Books, 1966, xi-365p.
- BOLAND, T. P., *James Duhig*, St. Lucia, University of Queensland Press, 1986, xv-435p.

- BOSCHET, M. V., *Les origines de l'Union romaine jusqu'à sa fondation, 1900*, Rome, Maison généralice de l'U. R. des Ursulines, 1951, 539p.
- BOUIX, M. D., *Tractus de jure regularium ibi et de religiosis familiis quae vota sollemnia, vel etiam simplicia perpetua non habent*, ed. 2a, Parisiis, R. Ruffet, 1867, 2 vols.
- BOURKE, D. F., *A History of the Catholic Church in Victoria*, Melbourne, Catholic Bishops of Victoria, 1988, 346p.
- , *The History of the Catholic Church in Western Australia, 1829-1979*, [Perth], Archdiocese of Perth, [1979], 278p.
- BOWE, T., *Religious Superioresses*, Canon Law Studies No. 228, Washington, DC, Catholic University of America, 1946, vii-206p.
- BYRNE, N. J., *Robert Dunne, Archbishop of Brisbane*, St. Lucia, University of Queensland Press, 1991, xviii-347p.
- CADA, L., et al., *Shaping the Coming Age of Religious Life*, New York, Seabury Press, 1979, vi-196p.
- CAIN, J. R., *The Influence of the Cloister on the Apostolate of Congregations of Religious Women*, Roma, Pontificia Lateranensis Universitas, 1965, xxiv-107p.
- CALLAHAN, F. J., *The Centralisation of Government in Pontifical Institutes of Women with Simple Vows (From their beginnings till legislation of Leo XIII)*, Romae, Pontificia Universitas Gregoriana, 1948, 112p.
- CANADIAN RELIGIOUS CONFERENCE, *The Spirit of the Founder and Our Religious Renewal*, Ottawa, Canadian Religious Conference, 1977, 424p.
- , & LEADERSHIP CONFERENCE OF WOMEN RELIGIOUS, *Widening the Dialogue: Reflections on Evangelica testificatio, Vita Evangelica Series, No. 6*, Ottawa, Canadian Religious Conference, 1974, 263p.
- CANON LAW SOCIETY OF AMERICA, *Discussions on the Motu Proprio, "Ecclesia sanctae": Norms for the Implementation of the Decree, "Praefectae sanctae"*, [St. Meinrad], Canon Law Society of America, 1967, 141p.
- CATHOLIC EDUCATION OFFICE OF VICTORIA, *Yesterday, Today and Tomorrow: Catholic Education in Victoria*, Melbourne, Catholic Education Office of Victoria, [1985], ix-318p.
- CHAMBERS, M. C., *The Life of Mary Ward (1585-1645)*, ed. H. J. COLERIDGE, London, Burns & Oates, 1882, 2 vols.

- CHARRY, J. de, *Histoire des constitutions de la Société du Sacré-Coeur*, Romae, Typis Pontificiae Universitatis Gregorianae, 1975-1979, 2 vols en 5.
- CLARK, C. M. H., *A History of Australia*, Carlton, Melbourne University Press, 1962 - 1987, 6 vols.
- CLEAR, C., *Nuns in Nineteenth Century Ireland*, Dublin, Gill & Macmillan: Washington, DC, Catholic University of America Press, 1988, xix-214p.
- CONCANNON, H. W., *Irish Nuns in Penal Days*, Covent Garden, Sands & Co., 1931, 124p.
- CONFERENCES OF THE MAJOR SUPERIORS OF AUSTRALIA, *National Statistical Survey of Religious Personnel: Australia - 1976*, Sydney, 1977, xi-181p.
- CONNOLLY, S. J., *Priests and People in Pre-Famine Ireland: 1780-1845*, Dublin, Gill & Macmillan, 1982, 338p.
- CONSEDINE, M. R., *Listening Journey: A Study of the Spirit and Ideals of Nano Nagle and the Presentation Sisters*, Elsternwick, Congregation of the Blessed Virgin Mary, Victoria, 1983, xii-447p.
- CORISH, P. J., gen. ed., *A History of Irish Catholicism*, Dublin, Gill & Macmillan, 1967-1972, 6 vols.
- _____, *The Irish Catholic Experience: A Historical Survey*, Dublin, Gill & Macmillan, 1985, ix-283p.
- CORONATA, M., *Institutiones iuris canonici ad usum utriusque cleri et scholarum*, Taurini, Marietti, 1933-1939, 5 vols.
- CRAISSON, X., *Des communautés religieuses à vœux simples: législation canonique et civile*, Paris, Librairie Poussielgue Frères, 1869, xvi-512p.
- CULLEN, J. H., *The Australian Daughters of Mary Aikenhead: A Century of Charity, 1838-1938*, Sydney, Pelligrini, 1938, 235p.
- DONOVAN, M. M., *Apostolate of Love: Mary Aikenhead 1787-1858: Foundress of the Irish Sisters of Charity*, Melbourne, Polding Press, 1979, xiv-313p.
- DORTEL-CLAUDOT, M., *Les structures de gouvernement et de participation des congrégations religieuses*, Paris, Centre Sèvres, 1984, 82p.
- DUNLOP KANE, K., *Adventure in Faith: The Presentation Sisters in Victoria*, Melbourne, Presentation Sisters, 1974, xxix-303p.

- EBSWORTH, W., *Pioneer Catholic Victoria*, Melbourne, Polding Press, 1973, ix-531p.
- EDWARDS, R. D., & T. D. WILLIAMS, eds, *The Great Famine: Studies in Irish History, 1845-1852*, Dublin, Browne & Nolan, 1956, xvi-517p.
- ENDICOTT, M. A., *The Augustinians in Far North Queensland, 1883-1941*, Brookvale, Augustinian Historical Commission, 1988, 237p.
- ENGLISH, R. A., "Explaining Reactions to Organisational Change: A Socio-historical Account of a Union of Religious/Monastic Communities in Australia and New Zealand and a Sociological Analysis of Members' Reactions to this Union", Clayton, Monash University, PhD thesis, 1982, xvi-379p.
- EWENS, M., *The Role of the Nun in Nineteenth Century America*, New York, Arno Press, 1978, 427p.
- FAGIOLO, V., *Decreto sul rinnovamento della vita religiosa Perfectae caritatis*, Monferrato, Edizioni Piemme, 1988, 147p.
- FAHEY, A., *Female Asceticism in the Catholic Church: A Case Study of Nuns in Nineteenth Century Ireland*, Urbana-Champaign, University of Illinois, PhD thesis, 1982, ix-182p.
- FARRELL, B. F., *The Rights and Duties of the Local Ordinary Regarding Congregations of Women Religious of Pontifical Approval*, Canon Law Studies No. 128, Washington, DC, Catholic University of America, 1941, iv-195p.
- FLANAGAN, B. J., *The Canonical Erection of Religious Houses*, Canon Law Studies No. 179, Washington, DC, Catholic University of America, 1943, x-147p.
- FOGARTY, R., *Catholic Education in Australia, 1806-1950*, Carlton, Melbourne University Press, 1959, 2 vols.
- GAMBARI, E., *Religious Life According to Vatican II and the New Code of Canon Law*, trans. Daughters of St. Paul, Boston, St. Paul's Editions, 1986, 668p.
- HITE, J., S. HOLLAND & D. WARD, eds, *A Handbook on Canons 573-746*, Collegeville, Liturgical Press, 1985, 400p.
- HOSTIE, R., *Vie et mort des ordres religieux: Approches psychosociologiques*, Paris, Desclée de Brouwer, 1972, 381p.
- HOWLEY, M. F., *Ecclesiastical History of Newfoundland*, Boston, Doyle & Whittle, 1888, 426p.
- HUBBARD, G., *Quaker by Convincement*, Harmondsworth, Penguin Books, 1976, 254p.

- HUGHES, R., *The Fatal Shore*, New York, Alfred A. Knopf, Inc., 1987, xvi-688p.
- IANNONE, F., *Il capitolo generale: saggio storico-giuridico*, Roma, Edizioni Dehoniane, 1988, 211p.
- JARRELL, L., *The Development of Legal Structures for Women Religious Between 1500 and 1900: A Study of Selected Institutes of Religious Life for Women*, Canon Law Studies No 513, Washington, DC, Catholic University of America, 1984, x-335p.
- JEDIN, H., gen. ed., & J. DOLAN, trans. ed., *History of the Church*, translation of *Handbuch der Kirchengeschichte*, London, Burns & Oates, 1981, 10 vols.
- KEENAN, D., *The Catholic Church in Nineteenth Century Ireland: A Sociological Study*, Dublin, Gill & Macmillan, 1983, 285p.
- KNOWLES, D., *From Pachomius to Ignatius: A Study of the Constitutional History of Religious Orders*, Oxford, Clarendon Press, 1966, 98p.
- LAHEY, J. F., *Faithful Fulfillment of the Pious Will: A Fundamental Principle of Church Law as found in the 1983 Code of Canon Law*, Canon Law Studies No. 521, Washington, DC, Catholic University of America, 1987, vi-193p.
- LANGLOIS, C., *Le catholicisme au féminin: les congrégations françaises à supérieure générale au XIX^e siècle*, Paris, Éditions du Cerf, 1984, 776p.
- LARRAONA, A. M., *La nuova disciplina canonica sulle monache: La costituzione apostolica "Sponsa Christi" e la istruzione "Inter praeclara"*, Roma, Desclée, 1952, vi-319p.
- LATOURELLE, R., ed., *Vatican II: Aspects and Perspectives: Twenty-Five Years After (1962-1987)*, New York, Paulist Press, 1988-1989, 3 vols.
- LEAVEY, M. C., *Reflections on a Survey: Australian Religious Personnel*, Sydney, Conference of Major Superiors, 1978, 135p.
- LEDÓCHOWSKA, T., *Angela Merici and the Company of St. Ursula*, trans. M. T. NEYLAN, Rome, Editrice Ancora, 1968, 2 vols.
- , *In Search of the Charism of the Institute*, trans. M. A. LAWRENCE & M. M. BELLASIS, Rome, Ursulines of the Roman Union, 1976, 98p.
- LEGRAIN, M., "Une union de congrégations au XIX^e Siècle: le Saint-Esprit et le Sacré-Coeur de Marie", Paris, Institut catholique de Paris, 1965, 241p.
- LEMOINE, E. R., *Le droit des religieux du Concile de Trente aux instituts séculiers*, Bruges, Desclée de Brouwer, [1956], 631p.

- LESAGE, G., *L'accession des congrégations à l'état religieux canonique*, Ottawa, Éditions de l'Université d'Ottawa, 1952, 240p.
- LEWIS, G., *Chapters in Religious Institutes*, Canon Law Studies No. 181, Washington, DC, Catholic University of America, 1943, xii-169p.
- LOZANO, J. M., *Foundresses, Founders and Their Religious Families*, translated from the Spanish by J. DARIES, Chicago, Claret Center for Resources in Spirituality, 1983, x-105p.
- LYDON, J. & M. MacCURTAIN, gen. eds, *The Gill History of Ireland*, Dublin, Gill & Macmillan, 1972-1975, 11 vols
- LYNE, D., *Mary McKillop: Spirituality and Charisms*, Sydney, St. Joseph's Generalate, 1982, 240p.
- [MacDONALD, E.], *Joyful Mother of Children: Mother Frances Mary Teresa Ball*, Dublin, M.H. Gill & Son, viii-347p.
- MacGINLEY, M. R., *Roads to Zion: Presentation Sisters in Australia, 1866-1980*, Clayfield, Sisters of the Presentation of the Blessed Virgin Mary, 1980, xviii-492p.
- MacPHERSON, I. M., "The Exercise of Authority in Apostolic Religious Institutes of Women According to the 1983 Revised Code of Canon Law", Ottawa, PhD dissertation, Saint Paul University, 1984, xi-276p.
- MacSUIBHNE, P., *Paul Cullen and His Contemporaries, 1820-1920*, Naas, Leister Leader, 1961-1977, 5 vols.
- MARTIN, D. W., *The Foundation of the Catholic Church in Queensland*, Toowoomba, Church Archivists' Society (Australia), 1988, xxiv-229p.
- McLAY, A., *James Quinn: First Catholic Bishop of Brisbane*, rev. ed., Toowoomba, Church Archivists' Society (Australia), 1989, xxx-270p.
- MEYNARD, A. M., *Réponses canoniques et pratiques sur le gouvernement et les principaux devoirs des religieuses à voeux simples*, Clermont-Ferrand, Librairie Catholique, 1879-1891, 2 vols, (vol. 2, 2e èd. et corr. 1891).
- MISNAR, B., *"Highly Respectable and Accomplished Ladies": Catholic Women Religious in America, 1790-1850*, New York/London, Garland Publ., 1988, xiv-312p.
- MODDE, M. M., *Canonical and Pastoral Aspects of Suppression and Unification of Communities of Women Religious in the United States of America*, Canon Law Studies No. 493, Washington, DC, Catholic University of America, 1976, iii-72p.

- MOLINARI, P., & P. GUMPEL, *Il capitolo VI "De Religiosis" della costituzione dogmatica sulla chiesa*, Milano, Editrice Ancora, 1985, 221p.
- MOLONY, J. W., *The Roman Mould of the Australian Catholic Church*, Carlton, Melbourne University Press, 1969, xiv-209p.
- MONTABELLO, E. de, *Expansion et décentralisation. Structures nouvelles établies dans les constitutions des instituts religieux féminins*, Rome, Gregorian University, 1986, 274p.
- MORAN, P. F., *History of the Catholic Church in Australasia*, Sydney, Oceanic Publishing Co., [1894], xix-1003p.
- MUNDY, T. M., *The Union of Parishes*, Canon Law Studies No. 204, Washington, DC, Catholic University of America, 1945, x-164p.
- MURTAGH, J. G., *"Terra Incognita", or The Convents of the United Kingdom*, London, Longmans, 1873, xi-753p.
- MURTAGH, J. G., *Australia: The Catholic Chapter*, rev. ed., Melbourne, Polding Press, 1969, xx-261p.
- NARDIN, G., *Il movimento d'unione tra i religiosi*, Roma, Commentarium pro religiosis, 1961, 399p.
- NEVILLE, G., "The Religious Superior's Council in the 1983 Code of Canon Law", PhD (Canon Law), Ottawa, Saint Paul University, 1988, xiv-248p.
- NGUYEN DAN, P., *The Spiritual Patrimony of an Institute of Consecrated Life*, Romae, Pontificia Universitas Urbaniana, 1989, xvii-207p.
- NWAGWU, M. G. A., *Autonomy and Dependence of Religious Institutes of Diocesan Law on the Local Ordinary: A Comparative Analysis of the Legislation concerning Them in the Codes of Canon Law of 1917 and 1983*, Frankfurt-Am-Main, Peter Lang, 1987, 260p.
- O'BRIEN, E. M., *The Dawn of Catholicism in Australia*, Sydney, Angus & Robertson, 1928, 2 vols.
- O'BRIEN, J., (pseud. P. J. HARTIGAN), *The Men of '38 and Other Pioneer Priests*, eds T. J. LINANE & F. A. MECHAM, Kilmore, Lowden Publ. Co., 1975, xv-247p.
- O'DONOGHUE, F., *The Bishop of Botany Bay: The Life of John Bede Polding, Australia's First Catholic Archbishop*, Sydney, Angus & Robertson, 1982, vii-193p.
- O'FARRELL, P., *The Catholic Church and Community: An Australian History*, rev. ed., Kensington, New South Wales University Press, xv-484p.

- _____, *The Irish in Australia*, Kensington, New South Wales University Press, 1986, 334p.
- ORTH, C. R., *The Approbation of Religious Institutes*, Washington DC, Catholic University of America, Studies in Canon Law, No. 71, 1931, v-171p.
- PARSONS, A., *Canonical Elections*, Washington DC, Catholic University of America, Studies in Canon Law, No. 118, 1939, xii-236p.
- PIKE, D., gen. ed., *Australian Dictionary of Biography*, Carlton, Melbourne University Press, 1966-1988, 11 vols.
- PINHEIRO, A., *Bishop-Religious Relationship in the Apostolic Activities of the Diocese according to the Code of Canon Law*, Roma, Pontificia Università Lateranense, 1986, 174p.
- PRESS, M. M., *From Our Broken Toil: South Australian Catholics, 1836-1906*, Adelaide, Archdiocese of Adelaide, 1986, 286p.
- Proceedings of the First Canadian Religious Congress: Sections II and IV: English-Speaking Men and Women*, Ottawa, Canadian Religious Conference, 1954, ix-487p.
- PUNSHON, J., *Encounter with Silence: Reflections from the Quaker Tradition*, Richmond, Friends United Press, 1987, 131p.
- QUINN, S., *Relation of the Local Ordinary to Religious of Diocesan Approval*, Canon Law Studies No. 283, Washington, DC, Catholic University of America, 1949, xii-154p.
- RAVASI, L. R., *De regulis et constitutionibus religiosorum*, Romae, Desclée, [1958], 262p.
- Religious Community Life in the United States: Proceedings of the Sisters' Section of the First National Congress of the United States*, New York, Paulist Press, 1952, vol. 1.
- ROGAN, E., *Irish Catechesis: A Juridico-Historical Study of the Five Plenary Synods, 1850-1956*, Romae, Pontificia Universitas Gregoriana, 1987, xx-494.
- _____, *Synods and Catechesis in Ireland, c. 445-1962: A Juridico-Historical Study of Irish Synodal Activity from the Early Days of Christianity in Ireland up to the Second Vatican Council, with Special Reference to Catechesis*, Romae, Pontificia Universitas Gregoriana, 1987, xx-159.
- [SALINAVE, M. C.], *Letters of Mary Aikenhead*, Dublin, M. H. Gill & Son, 1914, xiv-512p.
- SALVADO, R., *Mémoires historiques sur l'Australie*, traduit par l'Abbé FALUMAGNE, Paris, A. Pringuet, 1854, xii-443p.

- SCHAAF, V. T., *The Cloister*, Canon Law Studies No. 13, Washington, DC, Catholic University of America, 1921, x-185p.
- SCHAEFER, T., *De Religiosis ad normam codicis iuris canonici*, ed. 4a aucta et emendata, [Città del Vaticano], Typis polyglottis Vaticanis, 1947, lxiv-1214p.
- SCHOENMAECKERS, M. J., *Genèse du chapitre VI "De religiosis" de la constitution dogmatique sur l'Église "Lumen Gentium"*, Rome, Gregorian University Press, 1983, 329p.
- SHANAHAN, M., *Out of Time, Out of Place: Henry Gregory and the Benedictine Order in Colonial Australia*, Canberra, Australian National University Press, 1970, xv-187p.
- SOUTHERWOOD, W. T., *Planting A Faith in Tasmania: The Country Parishes*, privately published, n.d., 237p.
- STERNBECK, M., *The Catholic Church in Singleton*, Broadmeadow, Newey & Beath, 1982, 238p.
- SUTERA, J., *True Daughters: Monastic Identity and American Benedictine Women's History*, Atchison, Mount St Scholastica, 1987, ii-165p.
- SUTTOR, T. L., *Hierarchy and Democracy in Australia, 1788-1870: The Formation of Australian Catholicism*, Carlton, Melbourne University Press, 1965, xi-344p.
- THORPE, O., *Mary McKillop: The Life of Mother Mary of the Cross, Superior General of the Sisters of St. Joseph of the Sacred Heart*, London, Burns & Oates, 1957, x-327p.
- TILLARD, J. M. R., éd. et trad., *L'adaptation et la rénovation de la vie religieuse; décret Perfectae caritatis*, Paris, Éditions du Ccrf, 1968, 593p.
- _____, & Y. M. J. CONGAR, *Il rinnovamento della vita religiosa studi e commenti intorno al decreto, "Perfectae caritatis"*, Firenze, Vallecchi, 1968, 585p.
- TRUEBLOOD, D. E., *The People called Quakers*, New York, Harper & Row, 1966, xi-298.
- ULLATHORNE, W. B., *From Cabin Boy to Archbishop: The Autobiography of Archbishop Ullathorne*, London, Burns, Oates & Washbourne, 1941, xxvi-310.
- UNION OF SUPERIORS GENERAL, *Religious Life Twenty years After Vatican II: Evaluation and Prospective: Union of Superiors General Meeting, Villa Cavalletti, 28-31 May, 1986*, Rome, Union of Superiors General, 1986, 90p.
- VIENS, F., *Charismes et vie consacrée*, Roma, Typis Pontificiae Universitatis Gregorianae, 1983, xxvi-275p.

- WALDERSEE, J., *Catholic Society in New South Wales, 1788-1860*, Sydney University Press, 1974, xi-313p.
- WALL, M., *The Penal Laws, 1691-1760*, Dundalk, Dublin Historical Association, 1967, 68p.
- WALSH, T. J., *Nano Nagle and the Presentation Sisters*, Dublin, M. H. Gill & Son, 1959, xxv-427p.
- WILTGEN, R. M., *The Founding of the Roman Catholic Church in Oceania, 1825-1850*, Canberra, Australian National University Press, 1979, xxii-610p.
- WOODHAM-SMITH, C., *The Great Hunger: Ireland 1845-1849*, London, Hamish Hamilton, 1962, xii-510p.

2. Articles and short works

- ALTERMATT, A., "The Cistercian Patrimony: Introduction to the Most Important Historical, Juridical and Spiritual Documents", in *Cistercian Studies*, 25 (1990), pp. 287-331.
- AMOS, H., & BURNS, H. M., "Restructuring the Sisters of Mercy", in *Human Development*, 12.2 (1991), pp. 16-20.
- ANDRÉS, D. J., "La supresión de los institutos religiosos: Estudio canónico de los datos históricos mas relevantes", in *Commentarium pro Religiosis et Missionariis*, 67 (1986), pp. 3-54.
- ARBUCKLE, G. A., "General Government: Its Leadership Role Today", in *Review for Religious*, 43 (1984), pp. 820-841.
- BAIR, M., & J. HITE, "The Merger and Union of Religious Institutes", in *Bulletin on Issues of Religious Law*, 3 (1987), 7p.
- BARTUNEK, J. M., "Changing Interpretive Schemes and Organisational Restructuring: The Example of a Religious Order", in *Administrative Science Quarterly*, 29 (1984), pp. 344-372.
- BERGH, É, "Fusion de congrégations", in *Revue des communautés religieuses*, 27 (1955), pp. 164-170.
- _____, "Les unions d'instituts", in *Vie consacrée*, 40 (1968), pp. 269-282.

- BOCQUET, A., "De l'union extinctive d'une congrégation religieuse à une autre", in *L'Année canonique*, 4 (1956), pp. 9-20.
- BOLSTER, A. M. (E.), "The Last Will and Testament of Archbishop Daniel Murray of Dublin (d. 1852)", in *Collectanea Hibernica: Sources for Irish History*, gen. ed. B. MILLETT, 21-22 (1979-1980), pp. 149-159.
- CHICOINE, M. J., "Merger and Transfer in the Early History of the Religious of the Sacred Heart", in *Review for Religious*, 42 (1983), pp. 226-232.
- CONNELLY, T. J., "Renewal and Adaptation in Religious Life – The Special General Chapter", in *The Australian Catholic Record*, 44 (1967), pp. 144-151, 235-244, 325-336.
- CONRAT, M., "Droit universel et droit propre dans les Instituts de Vie Consacrée," in *L'Année canonique*, 28 (1984), pp. 91-100.
- COUESNONGLE, V. de, "Participation in Government: Experimentation", in *The Way Supplement*, 21 (1974), pp. 89-104.
- CREUSEN, J., "L'Adaptation", in *Revue des communautés religieuses*, 18 (1946), pp. 97-108.
- . "Autonomie et centralisation", in *Revue des communautés religieuses*, 10 (1934), pp. 123-138, 146-161.
- . *De iuridica status religiosi evolutione, synopsis historica*, Romae, Apud Aedes Pontificia Universitas Gregoriana, 1948, 46p.
- CREYTENS, R., "La riforma dei monasteri femminili dopo i Decreti Tridentini" in *Il concilio di Trento e la riforma tridentina. Atti dei convegni storico internazionale, Trento, 2-6 Settembre, 1963*, Roma, Herder, 1963, vol. 1, pp. 45-84.
- DELCHARD, A., "Le pouvoir dominatif dans les instituts religieux", in *Revue des communautés religieuses*, 24 (1952), pp. 158-175, and 25 (1953), pp. 11-19.
- DE MUELENAERE, M., "Cultural Adaptation and the Code of Canon Law", in *Studia Canonica*, 19 (1985), pp. 31-59.
- DORTEL-CLAUDOT, M., "De evolutione status canonici institutorum religiosorum a votis simplicibus a saeculo XVI usque ad novum codicem", in *Periodica de re morali, canonica, liturgica*, 74 (1985), pp. 439-458.
- . "Fusioni, Unioni e Federazioni degli istituti di vita consecrata", in *Vita consecrata*, 27 (1991), pp. 663-675.

- _____, *Union - Fusion - Fédération d'Instituts Religieux: Nouveau directoire pratique*, 1988, Paris, Comité canonique des religieux, 1988, 48p.
- DOYLE, T., "The Canonical Status of Religious", in *Angelicum*, 58 (1986), pp. 616-638.
- FITZ-WALTER, P., "Commitment to Education: Its Influence on the Life-styles of Religious Women in Australia ... from 1840's to 1910", in *The Australasian Catholic Record*, 54 (1977), pp. 346-359.
- FRISON, B., "The Challenge of Change: Renewal of Structures of Government in Religious Institutes", in *Studia Canonica*, 1 (1967), pp. 223-243.
- FUTRELL, J. C., "Discovering the Founder's Charism", in *The Way Supplement*, 14 (1971), pp. 62-70.
- GALLEN, J., "Amalgamation of Smaller Congregations into Larger Ones", in *Review for Religious*, 27 (1968), pp. 549-551.
- _____, "Differences in Law between Pontifical and Diocesan Lay Congregations", in *Review for Religious*, 27 (1968), pp. 289-307.
- GAMBARI, E., "Jurisprudencia S. C. de Religiosis in applicanda Constitutione Apostolica *Sponsa Christi*", in *Commentarium pro religiosis et missionariis*, 40 (1961), pp. 59-76.
- GANGOITI, B., "The Power of Major Superiors to dispense from Common Laws and from the Laws of Their Own Institute", in *Consecrated Life*, 15 (1990), pp. 85-99.
- GARRAD, K., "New Norcia and the Great Schism of Perth", in *The Journal of Religious History*, 8 (1974), pp. 49-74.
- GEORGE, F. E., "Founding 'Founderology'", in *Review for Religious*, 36 (1977), pp. 40-48.
- GHIRLANDA, G., "Religious Institutes and Diocesan Bishops", in *Consecrated Life*, 14 (1989), pp. 37-71.
- GIBLIN, C., "James Dixon and Jeremiah O'Flynn, Two Prefects Apostolic in Australia", in *Collectanea Hibernica: Sources for Irish History*, gen. ed. B. MILLETT, 25 (1983), pp. 63-85.
- GOTTEMOELLER, D., "Religious Government: A Reflection on Relationships", in *Review for Religious*, 34 (1975), pp. 370-379.
- GUTTIÉRREZ, A., "Conditio iuridica religiosorum non consentientium in unione duarum congregationum", in *Commentarium pro religiosis et missionariis*, 59 (1978), pp. 234-236.

- HESTON, E. L., "Some Aspects of Government in Religious Communities", in *The Jurist*, 10 (1950), pp. 35-51.
- HILL, R. A., "Combining Religious Institutes", in *Review for Religious*, 47 (1988), pp. 141-144.
- , "The Community and the Option of Non-Canonical Status", in *Review for Religious*, 41 (1982), pp. 542-550.
- HOLLAND, S., "Internal Governance in Consecrated Life", in *Proceedings of the Forty-Fifth Annual Convention*, Canon Law Society of America, 1983, pp. 37-48.
- HUELS, J. M., "Interpreting Canon Law in Diverse Cultures", in *The Jurist*, 47 (1987), pp. 249-293.
- HUOT, D. M., "Summus Pontifex Pius XII et accommodata renovatio in statibus perfectionis", in *Apollinaris*, 32 (1959), pp. 360-368.
- JODER, J. C., "Étude sur les communautés de femmes à vœux simples. Jurisprudence suivie par le Saint-Siège dans l'approbation de leurs constitutions", in *Le canoniste contemporain*, 13 (1890), pp. 112-120, 262-268.
- JOULIA, H., *Union, fusion, fédération, association d'instituts religieux*, Paris, Comité permanent des religieux de France, Comité canonique, [1973], 32p.
- KALLUMKAL, J., "The Patrimony of an Institute", in *Commentarium pro religiosis et missionariis*, 70 (1989), pp. 263-303.
- LARKIN, E., "Church and State in Ireland in the Nineteenth Century", in *Church History*, 31 (1962), pp. 294-306.
- , "The Devotional Revolution in Ireland, 1850-1875", in *The American Historical Review*, 77 (1972), pp. 625-652.
- LARRAONA, A. M., "Titulus IX: De erectione et suppressione religionis, provinciae, domus", in *Commentarium pro religiosis*, 5 (1924), pp. 256-269.
- LESAGE, G., "Le principe de subsidiarité et l'état religieux", in *Studia Canonica*, 2 (1968), pp. 99-123.
- LUSTRISSIMI, I., art., "Buon Samaritano, Suore del, Sisters of the Good Samaritan", in G. PELLICCIA (1962-1968) e G. ROCCA (1969 -), *Dizionario degli istituti di perfezione*, Roma, Edizione Paoline, 1974 - , vol. 1, cols 1675-1677.

- MacGINLEY, M. R., *Relationships between Religious Orders and the Hierarchy in Australia*, Sydney, Institute of Religious Studies, 1979, xxvi-43p.
- _____, "Women Religious in Australia: Choice at the Crossroads", Ms., Sydney, Institute of Religious Studies, 1989, 43p.
- McDONOUGH, E., "Canonical Considerations of Autonomy and Hierarchical Structure", in *Review for Religious*, 45 (1986), pp. 669-690.
- _____, "The Potestas of Canon 596", in *Antonianum*, 63 (1988), pp. 551-606.
- _____, "The Protection of Rights in Religious Institutes", in *The Jurist*, 46 (1986), pp. 164-204.
- _____, "Religious Superiors and Government", in *The Way Supplement*, 50 (1984), pp. 61-70.
- MAROTO, P., "De unione plurium Monasteriorum muliebrum in Religiosam Congregationem sub communi regimine", in *Commentarium pro religiosis*, 3 (1922), pp. 305-317.
- MECHAM, F., "The Contribution of the Clergy to the Spirituality of the Australian Church", in *The Australasian Catholic Record*, 55 (1978), pp. 43-55.
- MULKEARNS, R. A., "Councils and Synods in Australia", in *The Australasian Catholic Record*, 42 (1965), pp. 113-120.
- MURABITO, L., "Union of Institutes and Union of Monasteries in Decline", in *Consecrated Life*, 11 (1986), pp. 273-280.
- NOTH, M. T., "An Experience of Reunion: One Divided – Becomes One", in *Review for Religious*, 46 (1987), pp. 383-406.
- OCHOA, X., "De ratione generali accomodatae renovationis statuum perfectionis", in *Commentarium pro religiosis et missionariis*, 37 (1958), pp. 323-332, 382-388; 38 (1959), pp. 79-93, 191-204.
- _____, "Modus determinandi patrimonium constitutionale cuiusvis Instituti perfectionis proprium", in *Commentarium pro religiosis et missionariis*, 46 (1967), pp. 337-350; 47 (1968), pp. 97-111.
- O'CONNOR, J. I., "Dominative Power of Religious Superiors", in *The Jurist*, 21 (1961), pp. 1-26.
- O'DONOGHUE, M. X. (Frances), "Australia's Connection with Mauritius", in *The Australasian Catholic Record*, 53 (1976), pp. 70-80.

- O'HARA, E., "Guidelines and Instruments for Discerning the Viability of Religious Institutes", in *Proceedings of the Fifty-First Annual Convention*, Canon Law Society of America, 1989, pp. 48-64.
- , "Religious in Transition: Vicars as Enablers", transcript of talk given to the major superiors and councils of the Sisters of Mercy and the Presentation Sisters, Sydney, August, 1989, 17p.
- , "Religious Issues of Dissolutions, Mergers, Aggregation", in *Proceedings of the Forty-Ninth Annual Convention*, Canon Law Society of America, 1987, pp. 155-168.
- OLIVIER, B., "Il carisma della vita religiosa nel Concilio e nei documenti post-conciliari", in *Vita consacrata*, 17 (1981), pp. 323-340.
- ONSTENK, N., "De constitutione S. Pii V, Circa pastoralis, super clausura monialium et tertiariorum", in *Periodica de re morali, canonica, liturgica*, 39 (1950), pp. 213-230, 317-365; 40 (1951), pp. 210-255.
- O'REILLY, M., "The Renewal of the Church in Great Britain and Ireland after Emancipation", in J. METZLER, ed., *Sacrae Congregationis de Propaganda Fide memoria rerum, 1622-1972*, Rom, Herder, [1971-1976], vol. 3/2, pp. 192-250.
- PHELAN, M., "The Irish Abroad: The Church in Australia", in *The Irish Ecclesiastical Review*, 14 (1893), pp. 33-45, 498-511, 673-689.
- PIAT, M., "Commentaire de la bulle *Conditae* de Léon XIII sur les instituts à voeux simples", in *Nouvelle revue théologique*, 33 (1901), pp. 453-470, 565-573.
- PRESS, M. M., "Sisters of St. Joseph – Diocesan Variety", in *The Australasian Catholic Record*, 49 (1972), pp. 193-215.
- PURCELL, M., "Bishop Murray and the Patrician Brothers", in *The Journal of Religious History*, 8 (1974), pp. 75-89.
- REED, A. A., "Division of a Province of a Pontifical Institute", in *Review for Religious*, 25 (1966), pp. 269-287.
- RONAN, M., "Archbishop Murray (1768-1852)", in *The Irish Ecclesiastical Record*, 77 (1952), pp. 241-249.
- SANTOS, E. S., "The Diocesan and Pontifical Approval of an Institute of Consecrated Life", in *Consecrated Life*, 15 (1990), pp. 41-63.
- SCHWALEN, U., "Looking Back that Others May Look Forward", in *Review for Religious*, 49 (1990), pp. 553-566.

- SMITH, S. B., "Religious Communities: The Present Policy of the Holy See, particularly regarding Religious Communities having but Simple Vows", in *The American Catholic Quarterly Review*, 3 (1878), pp. 235-254.
- STEIGER, P., "De propagatione et diffusione vitae religiosae: Synopsis historica", in *Periodica de re morali, canonica, liturgica*, 13 (1925), pp. 29-180.
- TILLARD, J. M. R., "Founder's Charism or Founding Charism", in *Religious Life Review*, 22 (1983), pp. 313-325.
- UNION INTERNATIONALE DES SUPERIEURES GÉNÉRALES, "Les chapitres généraux aujourd'hui (Étude)", in *Bulletin UISG*, 59 (1982), pp. 32-55.
- URRU, A., "Principio di sussidiarietà dei religiosi nel nuovo codice di diritto canonico", in *Vita consacrata*, 19 (1983), pp. 501-511.
- VEILLEUX, A., "O. C. S. O. Decentralisation and the Search for Identity: 1946-1985 – A Review Essay", in *Cistercian Studies*, 25 (1990), pp. 151-155.
- WALSH, J. & L. HUGHES, "Draft of the New Law for Institutes of Consecrated Life, with Translation and Commentary", in *The Way Supplement*, 33 (1978), pp. 7-115.
- WHYTE, J. H., "The Appointment of Catholic Bishops in Nineteenth Century Ireland", in *The Catholic Historical Review*, 48 (April 1962-January 1963), pp. 12-32.
- WILLIAMSON, E., "The Notion of Charism in the Religious Life", in *Studia Canonica*, 19 (1985), pp. 99-114.
- WILTGEN, R. M., "Oceania, the Youngest Mission (1825-1922)", in J. METZLER, ed., *Sacrae Congregationis de Propaganda Fide memoria rerum, 1622-1972*, Rom, Herder, [1971-1976], vol. 3/1, pp. 575-602.

B. PERTAINING TO THE SISTERS OF MERCY

1. Books and other major works

- ALLEN, M. G., *The Labourers' Friends: Sisters of Mercy in Victoria and Tasmania*, Melbourne, Sisters of Mercy Property Association, 1939, xiv-242p.
- BARRY, K. M., *Catherine McAuley and the Sisters of Mercy: A Sketch*, Dublin, Fallon & Son, 1894, viii-108p.

- BAUMAN, M. B., *A Way of Mercy: Catherine McAuley's Contributions to Nursing*, New York, Vantage Press, 1958, 182p.
- BELLOC, B. R., *Heroic Nuns*, London, Duckworth, 1898, 199p.
- BOLSTER, M. A. [Evelyn], *Catherine McAuley in Her Own Words*, Wexford, John English & Co., 1978, 100p.
- _____, *Catherine McAuley: Venerable for Mercy*, Dublin, Dominican Publ., 1990, vii-128p.
- _____, *Mercy in Cork, 1837 - 1987: A Sesquicentennial Commemoration*, Cork, Tower Books, 1987, xv-112p.
- _____, *My Song is of Mercy and Justice: The Spirituality of Catherine McAuley*, Cork, Tower Books, 1984, 90p.
- _____, *The Sisters of Mercy in the Crimean War*, Cork, Mercier Press, 1964, xxiv-338p.
- BOURKE, M. C., *A Woman Sings of Mercy: Reflections on the Life and Spirit of Mother Catherine McAuley, Foundress of the Sisters of Mercy*, Sydney, E. J. Dwyer, 1987, x-102p.
- BURKE SAVAGE, R., *Catherine McAuley: The First Sister of Mercy*, Dublin, M. H. Gill & Son, 1950, xii-434p.
- CONFERENCE OF THE SISTERS OF MERCY OF AUSTRALIA, *Proceedings of the First National Assembly, 28 August - 3 September, 1977*, Melbourne, Northern Press, 1977, 107p.
- CARROLL, M. T. A. [Mary Teresa Austin], *Leaves from the Annals of the Sisters of Mercy*, New York, Catholic Publ. Co., vol. 1, *Ireland*, 1881, 1882, 1885; vol. 2, *England, Scotland, Australia and New Zealand*, 1883, 1885; vol. 3, *Newfoundland and the United States*, 1889; New York, P. O'Shea, vol 4, *South America, Central America and the United States*, 1895.
- _____, *The Life of Mother Catherine McAuley: Foundress and First Superior of the Institute of the Religious Sisters of Mercy*, New York, D. & J. Sadlier, 1887, 508p.
- DEGNAN, M. B., *Mercy unto Thousands*, Dublin, Browne & Nolan, 1958, xviii-394p.
- [DELANY, M. V.], *Gracious is the Time: Centenary of the Sisters of Mercy, Auckland, New Zealand, 1850-1950*, Auckland, 1952, 223p.
- EVANS, M. D., *From the Letter to the Spirit: A Study of the Charism of Mother Mary Catherine McAuley based on her Letters*, Burlingame, Sisters of Mercy, 1968, 101p.

- FLAHERTY, M. R. & M. C. JONES, *As Gentle Rain*, Sydney, Halstead Press, 1960, xv-255p.
- GATELY, M. J., *The Sisters of Mercy: Historical Sketches, 1831-1931*, New York, MacMillan Co., 1931, xix-503p.
- GENERALATE, AUSTRALIAN UNION OF THE SISTERS OF MERCY, *History in the Making*, Canberra, 1970-1972, 3 vols.
- GERTRUDE, M. M., *Life Story of a Valiant Woman*, Broken Hill, Sisters of Mercy, 1925, 110p.
- HARTIGAN, M. E., "The Amalgamation: Contested", Ms., [circa 1977], 68p.
- HARTNETT, M. V., *Life of Reverend Mother Catherine McAuley: Foundress of the Order of Mercy*, Dublin, John & Fowler, 1864, 321p.
- HEALY, K., *Frances Warde: American Founder of the Sisters of Mercy*, New York, Seabury Press, 1973, x-535p.
- HERRON, M. E., *The Sisters of Mercy in the United States, 1843-1928*, New York, MacMillan Co., 1929, xvii-434p.
- HOGAN, M. W., *Pathways of Mercy: History of the Foundation of the Sisters of Mercy in Newfoundland, 1842 - 1984*, St. John's, Harry Cuff Publ., 1986, xv-450p.
- INSTITUTE OF THE SISTERS OF MERCY OF AUSTRALIA, *An Organisational Culture Study*, Sydney Macquarie University, 1987, 173p.
- _____, *Proceedings and Papers of the First National Chapter of the Institute of the Sisters of Mercy of Australia held in Sydney, December 15-23, 1981*, Sydney, 1981. [ca 250p.].
- _____, *Proceedings and Papers of the Second National Chapter of the Institute of the Sisters of Mercy of Australia held in Sydney, December 27, 1987-January 4, 1988*, Sydney, 1988, [circa 280p.].
- _____, *The Wind blows at Will: Report to the National Plenary Council, 1983-1985*, Sydney, 1985, 143p.
- JENNINGS, G., & J. C. O'TOOLE, *For the Sake of the Mission*, Melbourne, Mercy Publications, 1979, vii-185p.
- KING, M. I., ed., *Sisters of Mercy of Great Britain, 1839-1978: Brief Historical Sketches*, Glasgow, Sisters of Mercy, 1978, 200p.

- LENNON, M. I., *Mother Catherine McAuley: A Great Social Worker*, St. Louis, Sisters of Mercy of the Union, 1954, 111p.
- McGRATH, M. S., *These Women? Women Religious in the History of Australia: The Sisters of Mercy of Parramatta, 1888-1988*, Kensington, New South Wales University Press, [1989], xiii-291p.
- McHALE, M. J., *On the Wing: The Story of the Pittsburgh Sisters of Mercy, 1843-1968*, New York, Seabury Press, 1980, ix-406p.
- MILEY, M. H., *The Ideals of Mother McAuley and Their Influence*, Sisters of Mercy of Providence, New York, P. J. Kenedy, 1931, 72p.
- MULDREY, M. H., *Abounding in Mercy: Mother Austin Carroll*, New Orleans, Habersham, 1988, xiv-452p.
- MURPHY, D., *Sketches of Irish Nunneries*, Dublin, James Duffy, 1865, iv-178p.
- NEVILLE, M. C., *The Quality of Mercy: The Story of the Sisters of Mercy in Central Queensland*, Brisbane, Catholic Leader Press, 1964, vi-178p.
- O'BRIEN, M. M., *Mother Mary Patricia O'Neill*, Melbourne, Sisters of Mercy of the Australian Union, 1976, 391p.
- O'DONOGHUE, M. X. [Frances], *Beyond Our Dreams: A Century of the Works of Mercy in Queensland*, Brisbane, Jacaranda Press, 1961, 245p.
- , *Mother Vincent Whitty: Woman and Educator in a Masculine Society*, Carlton, Melbourne University Press, 1972, xxiv-189p.
- O'SULLIVAN, M. I., *The Wheel of Time*, Melbourne, Sisters of Mercy, 1954, 382p.
- RANKIN, M. B., *The History of Monte Sant'Angelo College, North Sydney*, Sydney, Sisters of Mercy, 1975, n.p.
- REGAN, M. J., & I. KIESS, *Tender Courage: A Reflection on the Life and Spirit of Catherine McAuley, First Sister of Mercy*, Chicago, Franciscan Herald Press, 1988, ix-158p.
- SABOURIN, J., *The Amalgamation*, Saint Meinrad, Abbey Press, 1976, xii-330p.
- SHEED, F. J., ed., *The Irish Way*, London, Sheed & Ward, 1937, viii-343p.
- SHERIDAN, M. A., *"And Some fell on Good Ground": A History of the Sisters of Mercy of California and Arizona*, New York, Carlton Press, 1982, 329p.

SULLIVAN, M. .C., "A Contemporary Critique of the Christology of Catherine McAuley (1778-1841)", London, Master of Theology thesis, Heythrop College, University of London, 1988, 94p.

[TAYLOR, F.], *Religious Orders*, London, Burns & Lambert, 1862, xvi-349p.

TRAINER, M., "A Participative Approach to Corporate Restructuring in the World of Religious Women", paper delivered to the Conference on Coalitions, Boston University, May 1988, 83p.

WARD, V. M., "The Relationship between Selected Organisational Characteristics and the Process of Change leading to a New Structure of Governance for the Sisters of Mercy (Australia) in 1981: A Case Study", PhD thesis, Armidale, University of New England, 1986, xiv-379p.

WELSH, M. P., "Mantle of Mercy: Convent of Mercy, Ballarat East, 1881-1981", Ms., 179p.

WERNTZ, M. R., *Our Beloved Union: A History of the Sisters of Mercy of the Union*, Westminster, Christian Classics, 1989, xiv-424p.

2. Articles and short works

AUSTRALIAN UNION OF THE SISTERS OF OUR LADY OF MERCY, "Early History and Experience", Ms., 1968, 15p.

BOLSTER, M. A., "Catherine McAuley: Her Educational Thought and Its Influence on the Origin and Development of an Irish Training College", in *Two Centenary Lectures: Carysfort, 1877-1977*, Blackrock, Our Lady of Mercy College, 1981, pp. 1-19.

BOURKE, M. C., *Catherine McAuley and the First Sisters of Mercy: Their Perception of and Approach to the Service of the Poor*, Adelaide, Sisters of Mercy, 1987, 16p.

BREBNER, D., "The Provincial Amalgamation of the Sisters of Mercy in Victoria and Tasmania", Ms., [circa 1970], 37p.

CAMP, C., "Mother Benigna Desmond: A Biography and History of the Order of Sisters of Mercy of Townsville", Ms., n.d., 38p.

CARROLL, M. T. A. [Mary Teresa Austin], "Twenty-Four Years in Buenos Ayres [sic]", in *American Catholic Quarterly Review*, 13 (1888), pp. 478-492.

CARROLL, M. T. A. (Mary Thomas Aquinas), *The Spirit of Mother Catherine McAuley: Its Relevance to Contemporary Challenges*, Albany, Sisters of Mercy of Pittsburgh, 1966, 13p.

- CILENTO, R., "The Saga of the Sisters of Mercy in North Queensland", Ms., 1971, 11p.
- [COLERIDGE, H. J.], "The First Sister of Mercy", in *The Month*, 9 (1866), pp. 111-127.
- CONWAY, W., "Quinquennial and Annual Reports for Convents of Mercy", in *The Irish Ecclesiastical Record*, 78 (1952), pp. 298-300.
- FLANAGAN, U. G., "Catherine Elizabeth McAuley and Her Times", in *Supplement to "Doctrine and Life"*, 16 (1978), pp. 218-227.
- [GAFFNEY, M.], "The Order of Mercy and its Foundress", in *The Dublin Review*, 22 (1847), pp. 1-25.
- GAUDREY, M. A., *Mercy from Generation to Generation*, Melbourne, A.C.T.S. Publications, 1981, 30p.
- GEORGE, E., "The Sisters of Mercy and the Pension School Controversy", Ms., 1981, 19p.
- GOLDEN, E. M., "Catherine McAuley's Charism of Union: An Imperative", paper presented to the Fourth Annual Meeting of the Federation of the Sisters of Mercy of the Americas, Farmington Hills, April 1969, 21p.
- HEARN, M. A., *Journey through a Century: Mansfield, 1891-1991*, Melbourne, Sisters of Mercy, 1991, 44p.
- JENNINGS, G., "Reflections on the Administrative Changes of the Sisters of Mercy in England, Ireland and the United States of America", Ms., 1977, 36p.
- KENNEDY, M., *History of the Federation of the Sisters of Mercy of the Americas, (1966-1980)*, Brooklyn, Federation of the Sisters of Mercy of the Americas, 1981, 34p.
- KINANE, J., "Declaration regarding the Juridical Nature of the Sisters of Mercy", in *The Irish Ecclesiastical Record*, 28 (1926), pp. 418-420.
- LAPPETITO, M. M. (Joanne), *Our Life together in Mercy: Toward an Apostolic Spirituality*, Burlington, Mercy Press, 1980, iii-25.
- LEADEN, A. H., *The Sisters of Mercy in Kilmore (1868-1968)*, reprinted from *Breifne*, 3 (1969), pp. 1-23.
- MAROTO, P., "Circa naturam iuridicam Congregationis Sororum a Misericordia", in *Commentarium pro religiosis*, 7 (1926), pp. 83-92.
- McGUIRE, A. M., *Reseña Histórica de las Hermanas de la Misericordia en Argentina*, English trans. by M. E. ALLEN, Royal Oak, Lincoln Press, 1984, 29p.

- MEAGHER, M., *The Advent of the Sisters of Mercy, Bathurst, 1866*, Bathurst, McCarter & Quealy, 1931, 45p.
- NEVIN, J. J., "Effect of Recent Decree for the Sisters of Mercy", in *The Australasian Catholic Record*, 3 (1926), pp. 244-249.
- , "Important Decision regarding the Sisters of Mercy", in *The Australasian Catholic Record*, 3 (1926), pp. 153-154.
- POWERS, J. M., "Is Mother McAuley a Saint?", in *American Ecclesiastical Review*, 92 (1935), pp. 496-502.
- ROCCA, G., art., "Misericordia, Suore della, Sisters of Mercy", in G. PELLICCIA (1962-1968) e G. ROCCA (1969 -), *Dizionario degli istituti di perfezione*, Roma, Edizione Paoline, 1974 - , vol. 5, cols 1374-1402.
- ROTH, M. A., *The McAuley Conference, 1955 - 1965*, Maryland, Federation of the Sisters of Mercy of the Americas, 1978, 38p.
- ROULEAU, M. C., "Authority and Obedience: The Legacy of Catherine McAuley", Ms., Burlingame, Sisters of Mercy, 1980, 49p.
- RUFFING, J., "Mercy Futures: An Opportunity to Re-interpret the Mercy Charism in the Light of Feminist Spirituality", Ms., Burlingame, Sisters of Mercy, 1988, 13p.
- RYAN, E. A., "The Sisters of Mercy: An Important Chapter in Church History", in *Theological Studies*, 18 (1957), pp. 254-270.
- SHIELDS, M. A., "Aspects of the Charism of Mother McAuley", in *Looking forward to the New Constitutions, Proceedings of the Federation of the Sisters of Mercy of the Americas*, Belmont, 1967, 6p.
- SISTERS OF MERCY, ADELAIDE, *The Sisters of Mercy in the Southeast, 1880-1980: A Local History of the Sisters of Mercy in the South East of South Australia*, Millicent, Sisters of Mercy, 1980, 42p.
- SISTERS OF MERCY, BRISBANE, *A Historico-Juridical Report of the Institute of Our Lady of Mercy of All Hallows, Brisbane*, Brisbane, Sisters of Mercy, [c. 1958], 24p.
- SISTERS OF MERCY, MELBOURNE, *A Tribute to a Worthy Daughter of Mother McAuley*, Melbourne, Advocate Press, 1953, 15p.
- SISTERS OF MERCY OF THE UNION, WASHINGTON, "Brief History of the Development of Religious Life and of Government among Religious with Special Reference to the Sisters of Mercy" Ms., Silver Spring, Sisters of Mercy of the Union, 1950, 11p.

- _____, "Historical-Juridical Account of the Religious Sisters of Mercy of the Union in U.S.A.", Silver Springs, Sisters of Mercy of the Union, 1951, 47p.
- _____, History of the Australian Union of the Sisters of Mercy, August 1954, compiled from letters", Silver Springs, Sisters of Mercy of the Union, 1975, 17p.
- _____, *Mother Mary Carmelita Hartman, R.S.M. First Superior General of the Religious Sisters of Mercy of the Union in the United States of America*, Bethesda, Maryland, Sisters of Mercy, 1952, 30p.
- SULLIVAN, M. C., "Catherine McAuley's Spiritual Reading and Prayers", in *The Irish Theological Quarterly*, 58.2 (1991), pp. 124-146.
- _____, "Catherine McAuley's Theological and Literary Debt to Alonso Rodriguez: The 'Spirit of the Institute' Parallels", in *Recusant History*, 20 (1990), pp. 81-105.
- _____, "'Songs prepared for the Journey': The Readings, Writings and Prayers of Catherine McAuley", talk given to the Governing Board of the Federation of the Sisters of Mercy of the Americas, 24 June 1989, 30p.
- TOOMEY, C., "A Choice for Life", paper prepared for the Leadership Conference of Women Religious, [circa 1987], 9p.
- USSHER, J. M., *The Irish Sisters of Mercy in Argentina from 1856 to 1947*, Buenos Aires, Southern Cross Press, 1947, 31p.
- [VEERMEESECH. A.], "Annotationes", in *Periodica de re morali, canonica, liturgica*, 15 (1926), pp. 52-53.
- XIMENES, W., "Mother Catherine McAuley", in *The Australasian Catholic Record*, 36 (1959), pp. 340-342.

BIOGRAPHICAL NOTE

Helen Mary Delancy was born on 23 June 1939 in Melbourne, Victoria, Australia, and received most of her early education from the Sisters of Mercy in Mortlake and Warrnambool. She entered the Melbourne Congregation of the Institute of the Sisters of Mercy of Australia in 1957 and was professed in January 1960.

Her tertiary education was undertaken principally at Mercy Teachers' College (now a part of Australian Catholic University), the University of Melbourne and the University of New England. After a short period of teaching at primary and secondary level, she spent sixteen years as the principal in three of the secondary colleges owned by her congregation.

She obtained a Licentiate in Canon Law from Saint Paul University and a Master of Canon Law from the University of Ottawa in 1989 and commenced doctoral studies that same year.