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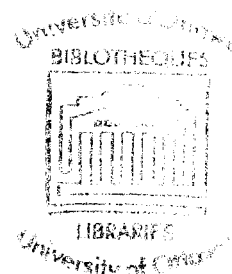
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**CONGREGATION OF THE SISTERS OF MERCY (IRELAND)
ANALYSIS OF THE GOVERNANCE STRUCTURES**

by
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Saint Paul University, Ottawa, Canada, in partial
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ABSTRACT

This dissertation analyses the evolution of the governance structures of the Congregation of the Sisters of Mercy (Ireland), since its foundation by Catherine McAuley in Dublin, Ireland, in 1831.

The topic is subdivided into four questions:

1. What form of governance did the Congregation of the Sisters of Mercy inherit from its historical roots?
2. What factors prompted the change of governance that had begun to take place in some Irish dioceses as early as 1860?
3. What considerations motivated the eventual move towards a centralised form of government in 1994?
4. What are the implications of this development?

We have attempted to answer these questions in four organically related chapters by, first of all, tracing the growth and expansion of the Congregation in its historical and social context, and then examining the various changes that were implemented in its governance structures between 1841 and 1994, in response to ecclesiastical legislation.

Chapter I situates the foundation of the Congregation of the Sisters of Mercy in nineteenth century Ireland as we look at the political, economic, and ecclesiastical contexts. Chapter II examines the ecclesiastical legislation that pertained especially to apostolic religious congregations of women in the twentieth century. In Chapter III we trace the restructuring of the governance structures of the Congregation in response to the Second Vatican Council's mandate for adaptation and renewal. Chapter IV examines the structure of the new congregational government that came into being in July 1994.

Finally, a number of conclusions to be drawn from unification are proposed. These concern structures, internationality, inculturation, collaboration in ministry, and new forms of membership.

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ABBREVIATIONS

AAS	<i>Acta Apostolicae Sedis</i>
ASS	<i>Acta Sanctae Sedis</i>
c.	Canon
cc.	Canons
CCC	<i>Catechism of the Catholic Church</i> , Libreria editrice Vaticana, Città del Vaticano, 1992. Translation for Ireland, Dublin, Veritas, 1994, xix-691 p.
CCEO	<i>Codex canonum Ecclesiarum orientalium auctoritate Joannis Pauli PP. II promulgatus</i> , Typis polyglottis Vaticanis, 1990, xxxiv-381 p.
CIC 1917	<i>Codex iuris canonici</i> 1917
CIC 1983	<i>Codex iuris canonici</i> 1983
CICLSAL	Congregation for Institutes of Consecrated Life and Societies of Apostolic Life
CLD	Canon Law Digest
CLSA	Canon Law Society of America
CLSGB&I	Canon Law Society of Great Britain and Ireland
ES	<i>Ecclesiae Sanctae</i>
LG	<i>Lumen Gentium</i>
PC	<i>Perfectae caritatis</i>
VC	<i>Vita consecrata</i>
MCA-D	Mercy Congregational Archives, Dublin

INTRODUCTION

In the history of the Church, religious men and women have often been at the cutting edge, opening up new horizons, challenging the established order as they responded to unmet needs in the context of their times. Like Abraham they heard God's call: "Leave your country, your kindred and your father's house for a country which I shall show you."¹ Always too hearing the same assurance: "I shall bless you and make your name famous; you are to be a blessing!"² Their response, born out of profound religious experiences, combined with their insight into the needs of their times, resulted in the foundation of religious congregations that radically expressed God's love for his people and were counter-cultural and revolutionary in their time.

With the founding of the Ursulines in Brescia, Northern Italy, in 1535, religious life began to adopt a distinctly apostolic form, a radical departure from the monastic mode of life. In the seventeenth century, the founder of the Daughters of Charity, Saint Vincent de Paul, focused on the need for apostolic freedom and ensured that the congregation he had founded avoided the cloistral restrictions that would threaten the viability of its ministry to the poor. In the

¹ Gen. 12:1.

² Gen. 12:2.

nineteenth century and subsequently, apostolic religious life gained a new visibility in congregations devoted to education and health care.

Nineteenth century Ireland, which is the historical context for the foundation of the Congregation of the Sisters of Mercy, was a country where basic needs were neglected by governments that were oftentimes more concerned about consolidating their political power bases than about providing education and adequate health care. In this society there emerged a number of distinguished reformers and philanthropists, women and men, who, motivated by the desire to educate and heal, were destined to found religious congregations that would grow and expand at an astonishing speed in the course of that century and well into the twentieth century.

Catherine McAuley, the foundress of the Sisters of Mercy, was one of these reformers. Assisted by a group of wealthy, likeminded women, she set about providing basic education for poor children and visiting the sick in their homes and in the city hospitals. She had no intention of founding a religious congregation. However, the expectations of Dublin society which by now had become accustomed to established religious congregations, found something odd about a group of women dressed like religious, living in a building that looked like a convent, and going about the city visiting the sick in their homes and in the hospitals.

In order to quell the disquiet and the criticism which her good work generated, Archbishop Daniel Murray who supported Catherine in her work, and

whom she had always consulted at every stage of the project, had no option but to present her with a choice: either to found a religious congregation or discard the trappings of such. Sometimes it is said that she was “forced” to found a religious institute. The records would seem to suggest that such an interpretation does her a disservice and undermines her personal moral agency. She was faced with a choice and she prudently considered her position, evaluated the advantages and disadvantages, and only then made her decision in the best interests of the project she had initiated, and the group of co-workers for whom she had become increasingly responsible.

This study concerns itself with the governance structures of the Congregation of the Sisters of Mercy that Catherine McAuley founded in 1831. A number of questions arise as we endeavour to examine the evolution of these structures from the congregation’s foundation and its subsequent rapid expansion throughout the world in a relatively short period of time. The question we have to address is the canonical status of the Congregation and on Catherine’s understanding of the significance of that status for the members and for the bishops in whose dioceses they worked.

For our purposes, this question can be subdivided as follows:

1. What form of governance did the Mercy Congregation inherit from its historical roots?
2. What factors prompted the change of governance which had begun to take place in some dioceses as early as 1860?

3. What considerations motivated the eventual move towards a centralised form of government?

4. What are the implications of this development for the new Congregation?

We shall attempt to answer these questions in four organically related chapters by, first of all, tracing the development of the Congregation in its historical and social context, and then examining the various changes that were implemented in its governance structures in response to ecclesiastical legislation.

The first chapter will situate the foundation of the Sisters of Mercy in nineteenth century Ireland as we look at the political and economic context and identify the unmet needs of that society. The position of the Catholic Church is also important here. This was a Church struggling to reorganise itself following the restrictive penal legislation of the seventeenth and eighteenth centuries, and it was also becoming, in the wake of the First Vatican Council and the dogma of Papal Infallibility in 1870, a highly centralised Church, with great control vested in the diocesan bishops and indeed in parish priests, control that would be further strengthened by the 1917 Code of Canon Law.

This period was also marked by a significant development in the emergence of apostolic religious congregations, all endeavouring to receive approbation at a time when ecclesiastical legislation favoured one type of religious congregation only: those with solemn vows and observing enclosure. Their sometimes uneasy relationship with ecclesiastical authorities is important for the purposes of this study. The canonical establishment of the Sisters of

Mercy, the composition of the Rule and its approval by the Holy See on 5 July 1841, will be examined. We shall also examine the particular type of governance structure that the foundress seemingly favoured.

The second chapter will, first of all, examine the ecclesiastical legislation of the twentieth century that pertained especially to apostolic religious congregations, from the Apostolic Constitution *Conditae a Christo* of Pope Leo XIII in 1900 to the promulgation of the revised Code of Canon Law in 1983. Part also of this legislation was the clarification in 1926 of the juridical status of the Mercy Congregation, something that had always been somewhat unclear and misunderstood. Finally, we shall study the centralising trends that emerged in the congregation in response to this legislation, especially in the United States and Australia, and less significantly in Ireland.

In the third chapter we shall study the evolution of the new governance structure which began in Ireland with diocesan amalgamations between 1963 and 1975, then an experimental period with two national associations: Mercy Association (1973) and Mercy Ireland (1985). Neither association was deemed sufficiently cohesive to represent all the Sisters of Mercy in Ireland at a time of increasing change and emerging needs in society. The decision to work towards the establishment of a national union of all the diocesan congregations together with members missioned overseas and an independent congregation in South Africa will occupy the second half of this chapter.

The fourth chapter will examine the structure of the new congregational government, the primary focus of unity in the congregation, and how it saw its role in the new set-up. Keeping in mind that the Congregation is only eight years in existence, we must understand that this was, of necessity, a period of trial and error for all concerned, leadership and membership. We shall also look at the establishment of provinces, regions, and mission areas and the evaluation of these by the second congregational General Chapter (2000). Then we shall study the various congregational policies, directives, and guidelines that were drawn up in the areas of ministry and formation.

This study will build on two important works relevant to the subject matter, one dealing with the Mercy Congregation in the United States of America and the second with the Mercy Congregation in Australia. However, as we have indicated, this study will focus on the development of the Congregation in Ireland, which, in spite of many similarities, is quite different from that in the United States or Australia.

In her study, *The Institute of the Sisters of Mercy of the Americas: the Canonical Development of the Proposed Governance Model*,³ Catherine Darcy traces the ten-year process which led to the canonical establishment in 1991 of the Institute of the Sisters of Mercy of the Americas. She also examines the

³ C. DARCY, *The Institute of the Sisters of Mercy of the Americas: The Canonical Development of the Proposed Governance Model*, New York, University Press of America, 1993, xix, 261 p.

various efforts that had been made over the years to establish a more unified form of governance for the congregation in the United States.

Helen Delaney's thesis, *The Evolution of Governance Structures of the Sisters of Mercy of Australia (1846-1990)*,⁴ is similar in its intent to that of Catherine Darcy's. However, Delaney examines the governance structures of the Mercy Congregation in Australia, a particular cultural and ecclesiastical milieu, very different from that of the United States. She shows how the various independent groups of Mercy Sisters began a process of consolidation in the early twentieth century, which resulted in the formation of the Australian Union of the Sisters of Our Lady of Mercy (1953) and the Australian Federation of the Religious Sisters of Mercy (1957). In 1981 these two groups united as the Institute of the Sisters of Mercy of Australia. Both studies show how the canonical legislation governing congregations of religious with simple vows has evolved over the years.

Since this study is concerned with unions and federations of religious congregations, the work of Melanie Bair: *Fusion and Union of Institutes of Consecrated Life in Light of the Code of Canon Law*,⁵ will also be referred to. Bair examines the laws of the Latin Church relative to the unification of religious

⁴ H. DELANEY, *The Evolution of Governance Structure of the Sisters of Mercy of Australia (1846-1990)*, JCD diss., Ottawa, Saint Paul University, Faculty of Canon Law [pro manuscripto], 1991, xix, 246 p.

⁵ M.J BAIR, *Fusion and Union of Institutes of Consecrated Life in Light of the Code of Canon Law*, JCD diss., Ottawa, Saint Paul University, Faculty of Canon Law [pro manuscripto], 1993, xvii, 363 p.

institutes. She clarifies the specific terminology used in relation to unification: fusion, union, federation, and confederation. Through a survey conducted in religious institutes in North America, Australia, and Europe, she gained some valuable insights into the reasons for unions and fusions, the procedures followed, and the extent to which unification had occurred in these countries. Her work provides an overview of a very important reality that is becoming more relevant as many religious congregations confront the possibility of extinction due to declining numbers. She also shows how congregations like the Sisters of Mercy, who had previously operated as independent groups, responded to the call of the Second Vatican Council by revising their governance structures and rewriting or adapting their constitutions.

It is hoped that this study will assist leadership and membership towards a deeper understanding and acceptance of the present governance structures of the Congregation of the Sisters of Mercy (Ireland). It may also be of assistance to other congregations contemplating some form of restructuring.

CHAPTER I

FOUNDATION OF THE SISTERS OF MERCY

“The Catholic Church was not an imposed yet assimilated hierarchy from beyond, as the Manchus were in China or the Moguls in India. It was indigenous; its norms, its disorders, its failings were well and truly authentically Irish.”¹ When Kevin Myers wrote these words, he may not have quite realised how important a truth he was stating. It is indeed true that the Catholic Church in Ireland has come from the people; its priests and bishops from the earliest times were and have since been Irish. The religious congregations that sprang up in the nineteenth century and which were to have such an influence on Irish life up to recent times could all legitimately claim that their origins came about as a Christian and caring response to the appalling conditions in which the majority of Irish people lived.²

Like so many other religious congregations, the Sisters of Mercy emerged as a response to a particular social need at a critical time in Ireland’s history. In order to understand the context in which this congregation was founded, it is

¹ K. MYERS, “An Irishman’s Diary”, *The Irish Times*, 13 August 1999, p.12.

² Writing in *The Irish Times*, Louis Power, a commentator on religious affairs, explains how he considers the founders and foundresses of religious congregations made the “Catholic Church truly Irish”. See L. POWER, “Order Founders Made Catholic Church Truly Irish,” in *The Irish Times*, 4 September, 1999, p.13.

necessary to look back briefly to what must be one of the most intriguing periods in Irish history at the end of the eighteenth and beginning of the nineteenth centuries, particularly the period from 1781 to 1841, which spans the lifetime of Catherine McAuley, the foundress of the Sisters of Mercy.³

1.1 – Historical Background

1.1.1 – Political situation

Two nations existed in eighteenth century Ireland.⁴ The Protestant nation comprised the upper stratum of Irish society; these were the landlords, clergy

³ Several historians have provided us with comprehensive accounts of this period in Irish history. The third revised edition of Edmund Curtis' *A History of Ireland*, particularly pp 290-369, places the Irish situation against the backdrop of English and French politics. See E. CURTIS, *A History of Ireland*, London, Methuen, 1937, xi, 434p. See also S.J. CONNOLLY, *Priests and People in Pre-Famine Ireland: 1780-1845*, New York, Gill and MacMillan, 1982, 338p.

In his five volume work, *A History of Ireland in the Eighteenth Century*, William E. Lecky gives a detailed account of the political, social, economic, and ecclesiastical situation in Ireland during the period we are concerned with here. Volume 1 of this work is indispensable for an understanding of this period. See W.E. LECKY, *A History of Ireland in the Eighteenth Century*, new ed., London, Longmans, Green & Co., 1896-1898, 5v. For a general, but clear and readable exposition of the evolution of modern Ireland over three and a half centuries, see R.F. FOSTER, *Modern Ireland, 1600-1972*, London, The Penguin Press, 1988, xiii, 688p.

There are other commentators also who are worth consulting, especially D. KEENAN, *The Catholic Church in Nineteenth Century Ireland: A Sociological Study*, Dublin, Gill and MacMillan, 1983, 285p. See also T. BARTLETT, *The Fall and Rise of the Irish Nation: The Catholic Question, 1690-1830*, Dublin, Gill and MacMillan, 1992, xi, 430p.

⁴ This "two nations" concept is very complex and has been debated, discussed, and written about by several historians. The key to understanding it is religious difference coinciding with a political fault-line. The point we are making is that in the eighteenth century Ireland Catholicism was an alien religion and still considered by some to be a politically subversive force. The Protestant Ascendancy had originated in Ireland in the sixteenth century with the establishment of colonies, more popularly known as plantations. The best land was now in the hands of Protestant settlers from England and Scotland. Some Catholic gentry survived by having close Protestant friends nominally assume possession of their land. In 1537 the Act of Supremacy was passed, by which the King of England was declared supreme head of the Church of Ireland. All office-holders in Church and State were to acknowledge him as such. This act

and officials who ruled the country. Beneath this upper stratum were the Irish Catholics, who comprised the vast majority of society, 80% or so. Abjectly poor, these were outcasts and outsiders in their own country.⁵

In order to control the large Catholic nation, weaken their power, and if possible, destroy their faith in Catholicism, the English government passed a series of laws, commonly known as the Penal Laws, in the early decades of the eighteenth century.⁶ These laws encompassed every aspect of life, including religious practices, intermarriage, offices and employment, clergy and

completely rejected papal authority. The Oath of Supremacy was both a religious and a political act: it acknowledged the King as Head of the Church and it was a test of loyalty to the State.

By the end of the eighteenth century, it had become obvious to the British Government that their Catholic subjects in Ireland were determined to hold on to their Catholic religion. Accordingly, in 1795 Saint Patrick's College, Maynooth, a seminary for the education of young aspirants to the priesthood, was established by an Act of Parliament. This was the lesser of two considerable evils, the other being the prospect of having Irish Catholic clergy trained on the continent where they might have picked up revolutionary ideas. Finally, in 1869, an act was passed in the British parliament (Act of Disestablishment) by which the Church of Ireland was disestablished and put on a footing with other churches. This was part of the undoing of the unjust subjection of Ireland from Queen Elizabeth I onwards. See CURTIS, pp. 221-374. For a recent discussion on the topic of "nation" see proceedings of a symposium held in Paris, 1988, in *L'année canonique*, 37(1995). See for example, A. ROSS, "Esquisse d'une typologie des différentes conceptions de la nation à travers l'espace et le temps", in *ibid.*, pp. 125-128. See also A. LEBEAUPIN, "La notion de nation selon la «conception» contemporaine du Saint-Siege", in *ibid.*, pp. 145-152. See also P. SHELDRAKE, *Spirituality and History: Questions of Interpretation and Method*, Maryknoll, New York, Orbis Books, 1998, especially pp. 17-112 and 115-140.

⁵ See *ibid.*, pp. 221-274. See also LECKY, v. 1, pp.1-215.

⁶ The "Penal Laws" is the name given to the collection of laws passed by the Protestant Parliament of Ireland, which regulated the status of Roman Catholics throughout most of the eighteenth century. Their official designation was "Laws in Ireland for the Suppression of Popery". These laws are crucial to understanding the history of this period as well as to understanding the sectarian conflicts that still plague Northern Ireland. For a brief but extremely influential survey of these laws, see M. WALL, *The Penal Laws, 1691-1760*, Dundalk, Dundalgan Press, 1967, 68p.

schoolmasters, education, elections and voting rights, criminal law, and, of course, land rights.⁷

From the beginning of the English Reformation, laws establishing a particular religion and punishing those who did not conform were passed in England and in Ireland. In addition to laws against Catholics, there were statutes relating to Jews, Protestant Dissenters (non-Anglicans), and Quakers.⁸ The undeclared purpose of the Irish Penal Laws, like that of the apartheid laws of recent South African history, was to disenfranchise the majority of Irish people from all power, both political and economic.⁹ Unlike apartheid, however, the Irish Penal Laws were aimed at the adherents of a particular religion.

Another distinguishing feature of these laws was that, unlike almost all the great persecutions of history, they were directed against a majority of the nation and were intended to demoralise as well as degrade.¹⁰ The ideal was, in the

⁷ The full text of the various Penal Laws can be found in the National Library of Ireland, Dublin, in the collection, G. GRIERSON, *The Statutes at Large Passed in the Parliaments held in Ireland*, Dublin, 1786-1801, vs. iii-vii. Abridged versions are available in many libraries and can also be accessed on the Internet. See PENAL LAW WEBSITE, "Laws in Ireland for the Suppression of Popery, commonly known as The Penal Laws", <<http://www.law.umn.edu/irishlaw/intro.html>> (1 October, 2001).

⁸ For further information about these laws and for an evaluation of their effect on the Irish people, see LECKY, v. 1, pp.136-192.

⁹ M. Wall points out that "since landed property was the basis of political power in the eighteenth century, the Government was most anxious to bring about the conformity of the few remaining Catholic landowners." Most historians agree that in this policy the movement was successful. See WALL, p.10.

¹⁰ Almost all the great persecutions of history, whether those of the early Christians, of Catholics and Protestants on the continent of Europe, or of Catholics in England after the Revolution, were directed against minorities. See LECKY, v. 1, pp.145-169.

words of one historian, to effect “a national change of religion against the wishes of the overwhelming mass of the people.”¹¹ Writing in the 1950s, another historian would state that the penal code had to be viewed primarily as “one of the most persistent legislative efforts ever undertaken to change a people.”¹² A Catholic could avoid the oppressive effects of these laws by converting at least nominally, although there was always the danger of betrayal. Regardless of what historians may say about the actual enforcement of these laws, by systematically segregating the oppressed and the oppressor on the basis of religion, clearly the Penal Laws had a profound effect, not only on the eighteenth century, but also on the subsequent history of Ireland.¹³ In the long term they failed because their very ruthlessness evoked, as we shall see, the political, cultural, and spiritual resilience which enabled Irish Catholics to survive.¹⁴

¹¹ Quoted in BARTLETT, p.19.

¹² Ibid., p.10.

¹³ For a full and obviously well-researched discussion of the “the Catholic question as a political issue in Ireland and in Anglo-Irish relations”, see BARTLETT, especially pp. 45-65 and 268-342. See also T. INGLIS, *Moral Monopoly: The Catholic Church in Modern Irish Society*, Dublin, Gill and MacMillan, 1987, 251p. Chapter five of Inglis’ book, pp. 97-129, is particularly interesting; J. BRADY, “A Little Known Source of Irish Ecclesiastical History”, in *The Irish Ecclesiastical Record*, 58(1941), pp. 208-215, is another useful resource.

¹⁴ See J. KELLY, “The Impact of the Penal Laws”, in J. KELLY and D. KEOGH, *History of the Catholic Diocese of Dublin (=History of the Catholic Diocese of Dublin)*, Four Courts Press, 2000, pp. 144-174. Kelly writes of the impact the Penal Laws on the archdiocese of Dublin. He makes the point that there are “two dominant historiographical views of the penal laws – the Catholic and secular interpretations ... “ and both are in need of modification. The Catholic view presents the laws as “a draconian and systematic initiative to undermine the Church, and maintains that they failed in this object because of the zealous attachment of the population to their religion and the determination of their priests and bishops both to withstand persecution and to endure privation in the name of their faith.” On the other hand, the depiction of the laws as “an ad hoc political response to Protestant fears and the claim that their anti-Catholicism is overstated is also open to objection, because it does not fully acknowledge their anti-Catholic intent or the extent and duration of their impact.” See p. 174.

Legislative independence came to Ireland in 1782, but the legislators, intent on maintaining their own ascendancy, resisted the concession of further relief to the huge Catholic majority.¹⁵ Their ultimate goal was a legislative union of the English and Irish Parliaments; this was deemed to be “the only viable long-term solution to the most pressing problem in Anglo-Irish relations – the Catholic question.”¹⁶ Thanks to pressure from the then Prime Minister, William Pitt, who feared having a dangerously discontented Ireland on his flank in the approaching war with the French Republic, Catholics in 1793 were given the parliamentary franchise. Although they were not yet allowed to enter Parliament themselves, they were permitted, however, to become magistrates, barristers, and officers in the army and navy.¹⁷

After much opposition from both the Irish and the English Parliaments, the proposed Union was legislated into effect in 1801.¹⁸ Following this, Ireland was part of the United Kingdom of Great Britain and Ireland. The union of the two Parliaments transferred the power of legislation from Dublin to Westminster. As a result, Emancipation, which would have allowed Catholics to sit in Parliament and which had been virtually guaranteed at the time of the Union, was dropped until 1829, when Daniel O’Connell, living up to his name and reputation as the

¹⁵ See CURTIS, pp. 309-316.

¹⁶ BARTLETT, pp. 244-267.

¹⁷ See *ibid.*, pp.121-145. See also T.P. POWER and K. WHELAN, eds., *Endurance and Emergence: Catholics in Ireland in the Eighteenth Century*, Dublin, Irish Academic Press, 1990, pp.1-19.

¹⁸ See CURTIS, pp. 345-352. See also BARTLETT, pp. 228-267; LECKY, v. 5, pp. 120-443.

Liberator, achieved Catholic Emancipation for Ireland, thus enabling him to be the first Irish Catholic to take his place in the House of Commons in England.¹⁹

1.1.2 – Economic situation

As a result of the stimulus given to trade at this time, a significant Catholic merchant class began to emerge in Dublin, Cork, Limerick, and Galway.²⁰ In 1796, Dublin was a city of striking contrasts. On the one hand, there were signs of prosperity evidenced by the architecturally splendid buildings and glittering social life. On the other hand, there was poverty, hunger, and deprivation of every sort. Similarly with rural Ireland, here again there is even more poverty and misery.

The onset of the Industrial Revolution had, one suspects, little impact on a mainly rural Ireland.²¹ It would probably be true to say that eighteenth century

¹⁹ Catholic Emancipation was the freedom from discrimination on religious and civil grounds granted to Roman Catholics in Ireland and England, through a series of laws, in the late eighteenth and early nineteenth centuries. After the Reformation, the Catholics of both countries had been harassed by numerous restrictions. For an account of the Irish struggle for Catholic Emancipation and O'Connell's part in it, see J.A. REYNOLDS, *The Catholic Emancipation Crisis in Ireland, 1823-1829*, New Haven, Yale University Press, 1954, x, 204 p. See also BARTLETT, pp. 327-342.

²⁰ See LECKY, v. 2, pp. 430-450. See also POWER and WHELAN, pp. 85-100.

²¹ The Industrial Revolution was the term given to the process of change from an agrarian and handcraft economy to one dominated by industry and machine manufacture, which began in England in 1760. Although the term was first used by French writers, it was popularised by the English economic historian, Arnold Toynbee, to describe England's economic development from 1760 to 1840. See P. MATHIAS, "The Industrial Revolution", in *Chamber's Encyclopaedia*, new revised edition, London, International Learning Systems Corporation, 1973, v. 7, pp. 539-542. See also POWER and WHELAN, pp. 21-56; J. CANAVAN, "Economic and Social Effects on Ireland of the Napoleonic Wars", in *The Irish Ecclesiastical Record*, 7(1916), pp. 417-440. Canavan contends that, as a result of the Napoleonic Wars, England had achieved control of the seas and had also secured a monopoly of manufactures and industries. Ireland, however, remained an

Ireland was characterised by Georgian Dublin and the ascendancy at the peak of its power on the one hand, and the vast Catholic majority excluded from power, religious freedom, adequate education, health care, and social services on the other.²² With all this there is a dramatic increase in the population of Ireland.²³

1.1.3 – Education

In the second half of the eighteenth century, an improvement in the political fortune of Catholics was mirrored by some – but only some – lessening of official opposition to the Catholic Church. Saint Patrick's College, Maynooth, a Roman Catholic seminary, was established in 1795 by an Act of Parliament, ensuring from then on that Irish students were no longer forced to travel abroad to Rome, Spain, Portugal and France for their seminary training.²⁴ The so-called

agricultural country. This dependence on the land would have its own disastrous consequences in the nineteenth century when famine and national bankruptcy would reduce the country to ruin.

²² See R. BURKE SAVAGE, *Catherine McAuley: The First Sister of Mercy* (=BURKE SAVAGE, *Catherine McAuley: The First Sister of Mercy*), Dublin, M.H. Gill and Son, 1949, pp. 267-270.

²³ It is the task of the historian and the sociologist to explain the dramatic increase that occurred in the population of Ireland from the end of the eighteenth century until the Famine of the mid-nineteenth century. Suffice it to say that since land was the only source of wealth and the sole means of subsistence, competition for it was keener and prices were prohibitively high.

²⁴ The establishment of Saint Patrick's College, coinciding as it did with the seizure and subsequent closure by the French authorities of Catholic colleges in France and elsewhere, was a major concession. The fact that it was endowed from State funds was a further boon to a country struggling to recover from centuries of oppression. It is well to remember, however, that this grant of State aid came with a price. In accepting the offer of State provision, the Irish Bishops admitted the right of the government in return "to confirm the papal election of bishops and the appointment of parish priests." See CURTIS, pp. 336 and 349. See also D.A. KERR, *Peel, Priests and Politics: Sir Robert Peel's Administration and the Roman Catholic Church in Ireland, 1841-1846*, Oxford, Clarendon Press, 1990, pp. 224-289; BARTLETT, pp.191-192 and 208-209; FOSTER, p. 211. E. Dowling, in an article in *The Irish Ecclesiastical Record*, situates the establishment of Irish seminaries in the context of the political situation of the eighteenth century. See E. DOWLING, "Irish Seminaries in the Eighteenth Century", in *The Irish Ecclesiastical Record*, 58(1941), pp. 424-442. See also LECKY, v. 2, pp. 512-513.

“Charter Schools”, funded by the Protestant Irish Parliament and by private donations, had been introduced in 1733.²⁵ The Catholic bishops and indeed the majority of Irish Catholics did not support these schools, since the education provided in them was according to Protestant principles and was perceived to be aimed at proselytising Catholic children.²⁶

It would not be an exaggeration to say that a central aspect of the demoralising process was the effort to ensure that Irish Catholics were prevented from acquiring formal education at any level. William Lecky states that the legislation on Catholic education “amounted simply to universal, unqualified, and unlimited proscription.”²⁷ As a result, the vast majority of Irish Catholics were either illiterate or left to avail themselves of the services offered by the “hedge-school” teachers, who would dominate the field of Irish education until the establishment of the National School system in the 1830s.²⁸

²⁵ These schools were intended, in the words of their programme, “to rescue the souls of thousands of poor children from the dangers of Popish superstition and idolatry, and their bodies from the miseries of idleness and beggary.” They offered to take children between the ages of six and ten, to feed and clothe them, and give them a free general education as well as an industrial training that would qualify them for employment. The indispensable condition was that they should be educated as Protestants. See LECKY, v. 1, pp. 233-238.

²⁶ See CURTIS, p. 299. See also INGLIS, pp.100-103; LECKY, v. 1, 232-238.

²⁷ A Catholic was excluded from attendance at University. It was a criminal offence to establish a school, to act as a private tutor, or to send children abroad to be educated. The practice of secretly sending children to France and other European countries to be educated was common, at least among wealthier Catholics, especially during the seventeenth and early eighteenth centuries. See LECKY, v. 1, pp. 148-150.

²⁸ “Hedge-School” was the name given to a “school” secretly organised by an untrained but otherwise self-taught individual. There were no school buildings, just makeshift shelters where a curriculum, based mainly on the Greek and Latin classics, was offered. See LECKY, v. 2, pp. 511-514. See also INGLIS, pp. 100-103.

When it became obvious that the Charter School system had failed, it was decided that education should be provided through state-subsidised Protestant schools, which would eradicate “the pernicious doctrines of treason and rebellion” which were being disseminated by the hedge-school teachers.²⁹ The object was to “standardise, regulate and supervise the morality and discipline” of Irish children.³⁰ In 1812, the Kildare Place Schools³¹ were initiated. With their standardised buildings, classrooms, equipment, and a uniform curriculum, they aimed at eliminating the “hedge-schools”. This system failed also, because its “religious and moral instruction was not compatible with the principles and discipline of the Catholic Church.”³²

Having recognised that the Kildare Place Schools were unacceptable to the Roman Catholic Church, the State proposed in 1831 a non-denominational system which provided religious instruction once or twice a week, either before or after ordinary school hours.³³ It is interesting to note here that in 1826 the bishops of Ireland accepted the proposed National School System in principle,

²⁹ See INGLIS, pp. 102-103.

³⁰ See *ibid.*, p. 103.

³¹ The Kildare Place Society (so-called because its meetings were held in Kildare Street in Dublin) was founded by the Government in 1811 to promote “mixed” schools in which poor Catholics and Protestants would be educated together. In theory only the general principles of Christianity were to be taught. However, it soon became obvious to people like Daniel O’Connell, who initially served as a Board member, that they were “an instrument of proselytism.” See REYNOLDS, pp. 68-70.

³² See M. O’RIORDAN, *Catholicity and Progress in Ireland*, fourth ed., London, Kegan Paul, Trench, Trübner & Co., 1906, pp. 433-439. See also INGLIS, pp. 122-123.

³³ See CURTIS, p. 362. For an assessment of the various systems of education which had been introduced into Ireland in the eighteenth century, see O’RIORDAN, pp. 420-506.

but they issued a unanimous statement which insisted on certain conditions. "in order to secure sufficient protection to the religion of the Roman Catholic Children ... we deem it necessary that the master of each school, in which the majority of pupils profess the Roman Catholic faith, be a Roman Catholic."³⁴ The bishops also insisted that the teachers who taught Roman Catholic children should be trained and supervised by people of the same faith. What is significant about this is that it comes at a time when Catholic Emancipation has not yet been achieved and when the Catholic Church was in the first stages of a phenomenal development which would continue into the next century.

1.1.4 – The Catholic Church

If the Catholic Church in Ireland seemed to have been on the verge of extinction in 1700, by 1900 it had begun to function openly and publicly.³⁵ Towards the end of the eighteenth century, a revival of religion took place, which continued to gather momentum throughout the century, a sort of "devotional revolution" that was part of a general renewal that swept across Catholic Europe at this time. This revival was symbolised by an increase in the number of clergy, the building of numerous churches, the establishment of new religious congregations, and the foundation of new seminaries to train priests for mission

³⁴ See INGLIS, pp. 122-124. See also CONNOLLY, pp. 86-87. Desmond Keenan also discusses the Catholic Church's role in education. See KEENAN, pp. 173-178. A detailed exposé of the National School System of education and the divisions it caused amongst the Irish bishops can be found in P.C. BARRY, "The Holy See and the Irish National Schools", in *The Irish Ecclesiastical Record*, 92(1959), pp. 90-105.

³⁵ See KEENAN, pp. 115-129.

work in the United States of America and elsewhere.³⁶ The growth in the number of religious congregations of women was remarkable. The Poor Clare, Dominican, and Carmelite Orders, which had survived the Reformation in Ireland, received a new lease of life and, in the nineteenth century, developed their active sides and became involved in the establishment of schools and colleges.³⁷ These Orders will be followed, as we shall see, by several native Irish foundations of men and women.

This period was also significant for the Church, since the first Plenary Synod of the Irish hierarchy after the repeal of the Penal Laws was held in 1850 at Thurles, County Tipperary. This assembly evoked considerable public interest, since a central issue that it had to address was that of education in general with particular reference to university education. It was well known that there was disunity among the bishops and also among Irish priests and laity on the question of the provision of university education for Irish Catholics.³⁸ The

³⁶ See E. LARKIN, *The Historical Dimensions of Irish Catholicism*, with a new introduction, New York, Arno Press, 1976, especially pp. 625-652 and 852-1276. This author provides a detailed account of the development of the Catholic Church in Ireland during this period in another book, *The Consolidation of the Roman Catholic Church in Ireland, 1860-1870*, Chapel Hill, University of North Carolina Press, 1987, xxi, 714p. See also KEENAN, pp. 148-160. For a more recent point of view on this development, particularly with regard to the foundation of new religious congregations, see M. PECKHAM MAGRAY, *The Transforming Power of the Nuns: Women, Religion, and Cultural Change in Ireland, 1750-1900*, New York, Oxford University Press, 1998, pp. 3-13.

³⁷ See PECKHAM MAGRAY, pp. 146-148. See also S. ENRIGHT, "Women and Catholic Life in Dublin, 1766-1852," in *History of the Catholic Diocese of Dublin*, pp. 272-277.

³⁸ In 1845, in response to the demand for university education, the "Queen's colleges" were established in Dublin, Galway, and Cork. Because they were undenominational, they were denounced by the Irish bishops who, in 1854 attempted with the aid of John Henry Newman (later Cardinal Newman), to found a Catholic university in Ireland. This attempt was a failure. See

primary purpose of the Synod, therefore, was to formulate a uniform policy on the question of university education for Irish Catholics and to end the disunity that had divided the hierarchy on this matter. In addition, the Synod enacted several other pieces of legislation and the body of laws that it produced laid the foundation for the statutes of all subsequent national synods and councils.³⁹

1.1.5 – Religious Congregations

From the dismal economic, social, and political climate which had pervaded the country for so long, there emerged a remarkable number of people, most of them born in the second half of the eighteenth century, who, quite independently of one another, were to make a significant impact on Irish life at the end of that century and throughout most of the following.

1.1.5.1 – Nano Nagle and the Sisters of the Presentation of the Blessed Virgin Mary

The earliest of these, Honoria (Nano) Nagle, was born in 1718 in County Cork. Her family had been dispossessed of their lands and suffered as a result. Educated in France and aware from an early age of the oppression, poverty, and

Curtis, pp.366 and 374. See also E. LARKIN, *The Making of the Roman Catholic Church in Ireland, 1850-1860*, Chapel Hill, The University of North Carolina Press, 1980, pp. 27-57.

³⁹ The relevant decrees, “*De Collegiis Reginae*” and “*De Scholis Nationalibus*” can be found in *Decreta Synodi Plenariae Thurlesianae, Episcoporum Hiberniae, habitae anno 1850*, Dublin, J.M. O’Toole and Son, 1873, pp. 32-37. These decrees are followed by a brief exhortation concerning the desirability of unity among the hierarchy: “*De Dissentionibus Inter Viros Ecclesiasticos Evitandis*”, p. 37. For an interesting discussion of this topic, see J. AHERN, “The Plenary Synod of Thurles”, in *The Irish Ecclesiastical Record*, 75(1951), pp. 385-403.

ignorance which were the lot of the majority of people, Nano resolved to do something about it. In 1751/2, she began by teaching small groups of young girls and within a short time had enrolled over two hundred pupils. She used her inheritance to expand her apostolate and within a few years she had established five girls' and two boys' schools. Nano Nagle's aim was to educate young children in the principles of Christian beliefs and to minister to the sick and the aged in homes and hospitals.⁴⁰

At the insistence of Francis Moylan, bishop of Cork, Nagle invited the Ursuline Sisters, who had been founded in Brescia, Italy, in 1535, to establish a foundation in Cork and to take over management of the schools she had initiated.⁴¹ Since the Ursulines' rule of enclosure prevented them from doing this, Nano Nagle, supported by the same bishop, established her own congregation in 1775. It was called the Sisters of Charitable Instruction of the Sacred Heart of Jesus. This society became known, in 1791, as the Society of The Presentation

⁴⁰ For an account of Nano Nagle's life and work, see T.W. WALSH, *Nano Nagle and the Presentation Sisters*, Dublin, M.H. Gill & Son, 1959, xxv, 427p. This work also provides an account of the composition and motivating spirit of the Presentation Rule and Constitutions. See also R. BURKE SAVAGE, *A Valiant Dublin Woman: The Story of George's Hill (1766-1940)* (=BURKE SAVAGE, *A Valiant Dublin Woman*), Dublin, M.H. Gill & Son, 1940, 312 p.

⁴¹ In 1612, the Ursulines were obliged to take solemn vows, give up their work in the schools, and observe enclosure. For an account of the development of this congregation from their foundation in 1535 without any formal or canonical status except for a Rule of life which the members followed, see P. RANFT, *Women and the Religious Life in Pre-Modern Europe*, New York, NY, St. Martin's Press, 1996, pp. 101-106.

of the Blessed Virgin Mary and the members devoted themselves exclusively to the “education of poor children and the visitation of the sick poor.”⁴²

Nano Nagle’s collaborator in this work was Teresa Mulally, who with Nagle’s encouragement, established schools, an orphanage, and a convent in Dublin, notably one at George’s Hill, an address which was to have particular significance for the future foundress of the Sisters of Mercy. Differences of opinion between Mulally and Nagle centred around the conflicting needs of school and religious life. Mulally objected to the demanding lifestyle prescribed in the Constitutions of the Presentation Sisters, on the grounds that some of the observances interfered with the efficient running of the schools. Nagle and others defended the way of life prescribed in the constitutions and supported the exact observance of the rules. The Rule was modelled on that of the Ursulines which in turn was based on that of Saint Augustine and was designed for religious who took solemn vows and observed enclosure.

Indeed, in 1806, the Presentation Sisters chose to take solemn vows and adopt enclosure, believing that this would establish the congregation on a more solid footing.⁴³ Despite the considerable modification to Nano Nagle’s original

⁴² See WALSH, pp. 94-159. See also C. CLEAR, *Nuns in Nineteenth Century Ireland*, Washington, DC, The Catholic University of America Press, 1988, xix, 214p.

⁴³ The bishop of Cork, Francis Moylan, who had guided Nano Nagle in the writing of the Presentation Rule, had wanted the Sisters to take solemn vows but without the imposition of enclosure. Pope Boniface VIII’s decree, *Periculoso*, in 1298, was the first papal legislation to require strict enclosure for nuns of every order throughout the Latin Church. The Council of Trent, 1545-1563, renewed the legislation of Boniface VIII and added sanctions for its violation. See COUNCIL OF TRENT, Session XXV, 3-4 December, 1563, “Decree on Regulars and Nuns,” Chapter V, in N.P. TANNER, ed., *Decrees of the Ecumenical Councils*, v. 2, London, Sheed &

plan, the Presentation Congregation still maintained its commitment to the education of the poor.⁴⁴

1.1.5.2 – Edmund Ignatius Rice and the Irish Christian Brothers

Edmund Ignatius Rice, a successful businessman, had been married and widowed. Aware, like Nano Nagle, of the poverty and lack of educational facilities for the poor, Rice together with a few friends set up a simple school for the education of young boys in the city of Waterford, where he worked. This marked the beginning of the Presentation Brothers, whose constitution was modelled on that of the Presentation Sisters. Some years later, this constitution was altered to resemble that of the De La Salle Congregation. This change brought about a split in the congregation. Rice and a majority of the congregation changed their name to become the Irish Christian Brothers; the remainder continued as Presentation Brothers and developed as a separate entity.

Edmund Rice is credited as founder of both congregations and, at the time of his death in 1844, the Irish Christian Brothers had established twenty two

Ward; Washington, DC, Georgetown University Press, 1990, pp. 777-778. For an interesting discussion of the decree, *Periculoso*, and its implications for religious congregations of women, see E.M. MAKOWSKI, *Canon Law and Cloistered Women: Periculoso and its commentators, 1298-1545*, Washington, DC, The Catholic University of America Press, 1997, vii, 149p. For a discussion of the reasons why the Presentation Sisters opted for solemn vows and enclosure, see M.R. CONSEDINE, *Listening Journey: A Study of the Spirit and Ideals of Nano Nagle and the Presentation Sisters*, Victoria, Congregation of the Blessed Virgin Mary, 1983, xii, 447p.

⁴⁴ See BURKE SAVAGE, *A Valiant Dublin Woman*. See also ENRIGHT, "Women and Catholic Life in Dublin, 1766-1852", in *History of the Catholic Diocese of Dublin*, pp. 269-272; CLEAR, pp. 49-50.

schools in every major city and town in Ireland and were receiving requests from bishops throughout the world who wanted branches of the congregation established in their dioceses. By 1963, the Irish Christian Brothers numbered 3800 teaching brothers in Ireland, Great Britain, Australia, West Indies, Canada, the United States of America, Africa, India, and Gibraltar.⁴⁵ On 6 April 1995, Edmund Ignatius Rice was beatified by Pope John Paul II.⁴⁶

1.1.5.3 – Mary Aikenhead and the Irish Sisters of Charity

Born in 1782, Mary Aikenhead, a member of a wealthy Protestant family in County Cork, was attracted to the Catholic Church from an early age. Probably through the example and influence of the woman who nursed her during her mother's illness, she became a Catholic in 1803.⁴⁷ Keenly aware, like Nano Nagle and Edmund Ignatius Rice, of the destitution around her, Aikenhead resolved to devote her life to the relief of this poverty. With the encouragement of Daniel Murray, then coadjutor bishop in Dublin, Mary Aikenhead established

⁴⁵ There is a large amount of information available on Edmund Ignatius Rice and the congregation that he founded. The contribution of the Irish Christian Brothers to education both in Ireland and overseas is well documented as is the part they played in the development of Irish nationalism. See B.M. COLDREY, *Faith and Fatherland: The Christian Brothers and the Development of Irish Nationalism, 1838-1921*, Dublin, Gill and MacMillan, 1988, 338 p., especially pp. 13-47 and 153-207.

⁴⁶ See CONGREGATIO DE CAUSIS SANCTORUM, *Decretum Super Miraculo, Beatificationis et Canonizationis Ven. Servi Dei Edmundi Ignatii Rice, Fundatoris Congregationis Fratrum Christianorum et Congregationis Fratrum a Praesentatione (1762-1844)*, Rome, Congregatio de Causis Sanctorum, 6 April 1995, in AAS, 87(1995), pp. 1120-1122.

⁴⁷ See M.M. DONOVAN, *Apostolate of Love: Mary Aikenhead, 1787-1858, Foundress of the Irish Sisters of Charity*, Melbourne, Polding Press, 1979, xiv, 313p. and C. CLEAR, pp. 50-57 and passim.

the Irish Sisters of Charity in 1815.⁴⁸ This congregation concentrated its efforts on establishing free schools, orphanages, nursing homes, and, in 1835 with extraordinary foresight and courage, founded Saint Vincent's Hospital, the first Catholic hospital in Dublin. When Mary Aikenhead died in 1858, the Sisters of Charity had been established in Ireland, Great Britain, Africa, and Australia.

Archbishop Murray, still keenly aware of the deficiencies in the Irish education system, especially for the daughters of better-off Catholic families, invited the Institute of the Blessed Virgin Mary at the Bar Convent in York, to found a branch of the Institute in Ireland.⁴⁹ The English Sisters declined this invitation. However, Murray encouraged Frances Ball, a wealthy, young society lady, to return to the Convent at York, where she had been educated, have her novitiate training there, and then return to Dublin to establish a branch of the

⁴⁸ See PECKHAM MAGRAY, pp. 18-20 and 29-31. See also ENRIGHT, "Women and Catholic Life in Dublin, 1766-1852", in *History of the Catholic Diocese of Dublin*, pp. 279-284. The role played by Archbishop Daniel Murray in the foundation of the Irish Sisters of Charity and of other religious congregations has been well documented. See also W. MEAGHER, *Notices on the Life and Character of His Grace Most Rev. Daniel Murray, Late Archbishop of Dublin*, Dublin, Gerald Bellew, 1853, pp. 57-58; M. RONAN, "Archbishop Murray (1768-1852)", in *The Irish Ecclesiastical Record*, 77(1952), pp. 241-249. A more recent assessment of Murray's episcopacy can be found in D. KERR, "Dublin's Forgotten Archbishop: Daniel Murray, 1768-1852", in *History of the Catholic Diocese of Dublin*, pp. 247-267.

⁴⁹ The Institute of the Blessed Virgin Mary, modelled on the Society of Jesus, was established in 1603 by Mary Ward, but was not approved as a *bona fide* religious congregation until 1749. Ward had rejected the law of enclosure and local episcopal supervision in favour of a centralised form of government similar to that of the Jesuits. This was perceived as an open challenge to the prevailing legislation and so the Institute was suppressed by Pope Urban VIII in 1631. Pope Benedict XIV approved the Institute in 1749. For an account of the life of the foundress, see M.C.E. CHAMBERS, *The Life of Mary Ward, 1585-1645*, ed., H. Coleridge, London, Burns & Oates, 1882-1885, 2 v.

Institute. In 1821, the Loreto Sisters as the Institute of the Blessed Virgin Mary came to be known in Ireland, were established in Dublin.⁵⁰

1.2 – Catherine McAuley and the Sisters of Mercy

1.2.1 – Catherine: the influences that shaped her life

Like her pioneering contemporaries, Catherine McAuley was destined to found a religious congregation that responded to the needs of an Irish Church that was beginning to re-organise itself after the harsh laws of the seventeenth and early eighteenth centuries, and that would develop and expand throughout the world into the twenty first century. On 9 April 1990, Catherine was declared Venerable by Pope John Paul II.⁵¹

The daughter of James McGauley (sic) and Elinor Conway, Catherine was born into wealth and privilege in Dublin on 29 September, 1778. She had one sister Mary, born in 1781 and a brother James, born in 1783. Among the many influences that shaped Catherine's life that of her father is undoubtedly the greatest. One of her earliest biographers writes that "from childhood Catherine had not received any religious instruction, but the veneration in which she held

⁵⁰ See H.J. COLERIDGE, *The Life of Mother Frances Mary Teresa Ball: Foundress in Ireland of the Institute of the Blessed Virgin Mary*, Dublin, M.H. Gill & Son, 1881, xx, 368p. See also ENRIGHT, "Women and Catholic Life in Dublin, 1766-1852", in *History of the Catholic Diocese of Dublin*, pp. 284-286. For an account of Archbishop Murray's involvement in the establishment of the Institute in Ireland, see RONAN, pp. 244-245.

⁵¹ CONGREGATIO DE CAUSIS SANCTORUM, *Decretum, Canonizationis Servae Dei Catharinae McAuley, Fundatricis Congregationis Sororum a Misericordia (1778-1841)*, Rome, *Congregatio de Causis Sanctorum*, 9 April, 1990, in AAS, 92(1990), pp. 1004-1010.

her father inspired her to love the faith he was proud to profess.”⁵² A wealthy man, he was also a devout, socially-conscious Catholic. This is evidenced in his practical concern for the poor, especially for children, and in his instruction of these children in the rudiments of the Catholic religion. His wife, much less religiously motivated than her husband, tolerated rather than approved her husband’s philanthropic activities.⁵³ It would be true, therefore, to say that Catherine deepened her sense of moral responsibility from the inspiring example of her father.

On the death of their parents, Catherine and her siblings came under the influence of relatives and guardians who were indifferent or hostile to Catholicism. A woman of strong will, she clung tenaciously to the Church into

⁵² M.T.A. CARROLL, *The Life of Catherine McAuley: Foundress and First Superior of the Institute of the Religious Sisters of Mercy* (=CARROLL, *The Life of Catherine McAuley*), New York, D. & J. Sadlier, 1887, p. 67. James McGauley spelt his name with a “G”, but after his death, his wife dropped this practice and used “McAuley”, the form which Catherine always used. For an account of Catherine’s childhood and family background, see R. BURKE SAVAGE, *Catherine McAuley: The First Sister of Mercy*, pp. 5-41.

See also *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, 2 v. This provides detailed information on Catherine’s life. This valuable work was compiled by Sister Angela (Evelyn) Bolster, RSM, Vice-Postulator for the Cause of Catherine McAuley.

⁵³ There is nothing to suggest that Elinor Conway completely neglected her children’s upbringing. Although there is no available record of Catherine McAuley’s baptism, it is assumed that she had been baptised and there is evidence to suggest that she received her first Holy Communion and the Sacrament of Confirmation between the years 1793 and 1796 from Reverend Daniel Murray, who was then an assistant parish priest at Saint Paul’s Church, Arran Quay, Dublin. This is the Daniel Murray, who as archbishop of Dublin, will become the staunch ally and collaborator of Catherine McAuley. See M.A. BOLSTER, *Catherine McAuley: Venerable for Mercy* (=Catherine McAuley: *Venerable for Mercy*), Dublin, Dominican Publications, 1990, pp. 3-16 and *Positio*, v. 1, p.12.

which she had been baptised.⁵⁴ Her brother and sister both espoused the Protestant religion of their relatives and became separated from their older sister. Fortunately for her, she became acquainted with William and Catherine Callaghan, a wealthy childless couple, recently returned from India, who invited her to live permanently with them as their adopted daughter. William Callaghan was a non-practising Anglican; his wife a Quaker. Although they disapproved of Catholicism and discouraged Catherine's efforts to practise her religion, nevertheless, with their Quaker sense of "practical concern for anyone in need", they gave her freedom to continue to perform the charitable works she had begun to practise in her parents' home.⁵⁵ Interestingly, and most likely through the influence of their adopted daughter, both Callaghans became Catholics

⁵⁴ Catherine made the acquaintance of two priests, Fathers Andrew Lubé and Thomas Betah, both of whom became her spiritual advisers. See M.B. DEGNAN, *Mercy Unto Thousands*, Dublin, Browne & Nolan, 1958, pp. 23-26 and 43-46. See also M.V. HAR[T]NETT, *The Life of Reverend Mother Catherine McAuley, Foundress of the Order of Mercy*, Dublin, John F. Fowler, 1864, 321p. We should point out here that the surname of the above-cited biographer is "Harnett", not "Hartnett". For this correction we are grateful to Mary C. Sullivan, RSM and Magdalena Frisby, RSM. See M.C. SULLIVAN, *Catherine McAuley and the Tradition of Mercy*, Dublin, Four Courts Press, 1995, note 1, Chapter V, p. 366. We shall use "Harnett" in this study.

See also CARROLL, *The Life of Catherine McAuley*. A timely contribution to the biographical data has been a recent publication by Sister Bonaventure Brennan on Mary Anne Doyle, Catherine McAuley's co-foundress, as it were, of the Congregation. See B. BRENNAN, *It Commenced with Two: The Story of Mary Anne Doyle, First Companion of Catherine McAuley, (=It Commenced with Two)*, Northern Province, Sisters of Mercy, 2001, 375 p.

⁵⁵ See M.C. BOURKE, *A Woman Sings of Mercy: Reflections on the Life and Spirit of Mother Catherine McAuley, Foundress of the Sisters of Mercy*, Sydney, Australia, E.J. Dwyer, 1987, pp. 25-28. See also M.J. REGAN and 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.

before they died and William Callaghan bequeathed his entire fortune to Catherine.⁵⁶

Although the peculiar circumstances of her life had cut Catherine off from a large circle of Catholic friends, she had, however, made the acquaintance of a few influential Dublin priests, who would become her chief advisors in the project she planned to initiate. Chief among these were the aforementioned Daniel Murray, and Michael Blake, later bishop of Dromore. Then there was Father Edward Armstrong, who would be a trusted guide and advisor.⁵⁷

1.2.2 – Catherine's initial project

Although she followed in the footsteps of women like Nano Nagle, Teresa Mulally, and Mary Aikenhead as far as educational and humanitarian work was concerned, unlike them Catherine McAuley had no intention of founding a religious congregation. She simply wished that like-minded women from the Catholic middle and upper classes in Dublin would join her in her work for the poor and underprivileged.⁵⁸ Her objectives were clear. With William Callaghan's

⁵⁶ See CARROLL, *The Life of Catherine McAuley*, pp. 64-110. See also BOLSTER, *Catherine McAuley: Venerable for Mercy*, pp.13-15; H.J. COLERIDGE, "The First Sister of Mercy", in *The Month*, 9(1866), pp. 114-115.

⁵⁷ See MEAGHER, *Notices of the Life of His Grace, Most Rev. Daniel Murray, Late Archbishop of Dublin*, Dublin, Gerald Bellew, 1853, 203p. See also RONAN, pp. 241-249; KERR, "Dublin's Forgotten Archbishop: Daniel Murray, 1768-1852," in *History of the Catholic Diocese of Dublin*, pp. 247-267. For information on Fathers Blake and Armstrong, see CARROLL, *The Life of Catherine McAuley*, pp. 124-135 and 148-161.

⁵⁸ See CARROLL, *The Life of Catherine McAuley*, pp.131 and 136. See also C.E. WHEELER, *Catherine: A Reflection on Values from the Mercy Tradition*, Baltimore, MD, Mercy

entire fortune at her disposal, she decided to use this substantial inheritance to establish an institution where she might provide a safe refuge for destitute women, feed those who were hungry, and instruct poor children.⁵⁹ It is important to remember that Catholic Emancipation had not yet provided Catholic schools and Catholics were still suspicious of the existing Protestant ones.⁶⁰

Catherine held discussions with Archbishop Murray and Fathers Armstrong and Blake about the feasibility of her project and, in 1824, with their approval and encouragement, chose a site for her projected establishment on Lower Baggot Street in Dublin, a site surrounded in 1824 by fashionable residences owned mainly by Protestants.⁶¹ With the aid of architects, she commissioned a substantial building, standing solidly on the corner of Lower Baggot Street and Herbert Street. It was designed to accommodate three or four classrooms, a large room which would be suitable as an oratory, large

High School, 1995, pp. 5-6; ENRIGHT, "Women and Catholic Life in Dublin, 1766-1852", in *History of the Catholic Diocese of Dublin*, p. 286.

⁵⁹ William Callaghan had died in 1822, leaving Catherine the sole heiress of his property, including his residence, Coolock House together with its furniture, several thousand pounds in the Bank of Ireland, and some life insurance policies; all this with no conditions attached as to how it might be disposed of. See CARROLL, *The Life of Catherine McAuley*, p. 111. See also WHEELER, p. 5.

⁶⁰ The Kildare Place Society was still the only provider of education for Irish children and this was in non-denominational schools. See H. MINNS, "Catherine McAuley and the Education of Irish Roman Catholic Children in the Mid-Nineteenth Century", in M. HILTON and P. HIRSCH, *Practical Visionaries: Women, Education and Social Progress (=Practical Visionaries) 1790-1930*, London, Longman, 2000, pp. 54-55.

⁶¹ Daniel Murray had become archbishop of Dublin on 11 May, 1823. Apparently, the tendency had been to build Catholic institutions for the relief of the poor in alleys or the back streets of cities. Catherine deliberately chose this location on the advice of Fathers Blake and Armstrong, so that the wealthy neighbours would be disposed to generosity, when they saw the establishment thriving. See CARROLL, *The Life of Catherine McAuley*, pp.125-126. See also BURKE SAVAGE, *Catherine McAuley: The first Sister of Mercy*, pp. 49-50.

dormitories, and some small rooms for herself and her helpers.⁶² Early in July, 1824, Father Blake blessed the foundation stone and just as work on the new building commenced, he was appointed to oversee the restoration of the Irish College in Rome, which had been suppressed during the French occupation of the city. Before he left Dublin, he entrusted the direction of Catherine McAuley's project to Father Edward Armstrong, the administrator at Saint Andrew's parish.⁶³

While the construction was in progress, Catherine continued her charitable work for the poor and the religious instruction of young children. She also honed her professional skills by acquainting herself with the teaching methods used in the Kildare Place Society Schools, to which she gained ready access because of her Protestant connections. She also visited France in 1825 to study Catholic approaches to education in that country.⁶⁴

⁶² See CARROLL, *The Life of Catherine McAuley*, pp. 127-129 and BURKE SAVAGE, *Catherine McAuley: The First Sister of Mercy*, p. 50.

⁶³ See BURKE SAVAGE, *Catherine McAuley: The First Sister of Mercy*, pp. 42-44. See also M.B. DEGNAN, *Mercy Unto Thousands*, Dublin, Browne & Nolan, 1958, pp. 43-44; M.C. SULLIVAN, pp. 10-11.

⁶⁴ See BOLSTER, *Catherine McAuley: Venerable for Mercy*, pp. 21-24. See also BOLSTER, *Catherine McAuley in her own Words*, Dublin, Diocesan Office for Causes, 1978, p. 25; DEGNAN, p. 45; H.M. BURNS, "Some Lasting Efforts: Mercy Tradition and Secondary Education", quoted in WHEELER, p. 7; M.A. DOYLE, "Notes on the Life of Catherine McAuley by one of the First Sisters of Mercy", in SULLIVAN, p. 45; BURKE SAVAGE, *Catherine McAuley: The First Sister of Mercy*, pp. 53-57.

1.2.3 – The House of Mercy

According to the original agreement, the building was to be completed by 25 March, 1826. However, this deadline was extended until September 1827.⁶⁵ In the meantime, a small number of young women, attracted to the work Catherine McAuley was doing, joined her.⁶⁶ The building was officially opened on the Feast of Our Lady of Mercy, 24 September 1827 and work began immediately, with the admission of several children.⁶⁷

At this time, Catherine McAuley, because of family constraints, did not reside at Baggot Street. She commuted regularly between Coolock House, which she was preparing to sell, and the new building on Baggot Street. Day-to-day administration of the new project was mainly in the hands of her associates.⁶⁸ In May 1828, Catherine moved permanently to Baggot Street. With the encouragement of Archbishop Murray, the activities of the House of Mercy as it was now popularly known, began to expand to include visitation of sick Catholics in the Protestant-run hospitals of the city. One year after it had opened, on 24 September 1828, the archbishop assented to Catherine's request

⁶⁵ See BURKE SAVAGE, *Catherine McAuley: The First Sister of Mercy*, p. 50.

⁶⁶ One of these was Anna Maria, later Sister Mary Anne Doyle, Catherine's first associate, who selected 24 September 1827 as the day on which she would officially join her. One of the earliest manuscripts, of which Mary Anne Doyle is probably the principal source, since it contains detailed information about the years 1823-1832, states that "Miss Doyle...remarked that she should be particularly rejoiced to begin her labours on that day as it was dedicated to our Lady of Mercy, suggesting at the same time that House of Mercy would be a good name for the institution..." See Mary Ann (Anna Maria) Doyle, 1809? (sic) -1866, "Notes on the Life of Catherine McAuley by one of the first Sisters of Mercy", in SULLIVAN, p. 48.

⁶⁷ See DEGNAN, pp. 59-60.

⁶⁸ See *ibid.*, p. 60.

that the group become an institute known as “The Institute of Our Blessed Lady of Mercy.”⁶⁹

1.2.4 – Opposition to Catherine’s project

Since “organised lay-effort” among women was almost unknown in the nineteenth century, this informal community in the House of Mercy inevitably attracted attention and opposition.⁷⁰ The lifestyle of the group began to show signs of conventual living as was evidenced by the austere uniform dress worn by the women. They called one another “sister” and their daily routine was centred around a life of prayer and religious observance. The house in which they lived had all the appearances of a convent.⁷¹ In June 1829, the chapel was dedicated by Archbishop Murray, who recommended that it be opened to the public and that the money from the Sunday collections be used to support the women and children who came to the house.⁷² Since Catherine McAuley was now living there on a permanent basis, she was regarded as a “kind of superior.”

⁶⁹ Hereafter referred to as The House of Mercy. See CARROLL, *The Life of Catherine McAuley*, p. 148.

⁷⁰ See BURKE SAVAGE, *Catherine McAuley: The First Sister of Mercy*, pp. 58-60. See also, in *Practical Visionaries*, pp. 55-56. See also CARROLL, *The Life of Catherine McAuley*, p. 155.

⁷¹ See HARNETT, p. 54 and BURKE SAVAGE, *Catherine McAuley: The First Sister of Mercy*, pp. 83-86.

⁷² SULLIVAN, p. 12.

Unwittingly, the group had begun to assume “the guise of a religious community.”⁷³

In spite of the denial that the House of Mercy was a convent, disapproval and criticism continued to plague the new institute and its members. It seems that this disapproval came from two sources: supporters of the recently founded Irish Sisters of Charity and from some of the Dublin clergy. Both groups mistakenly believed that the Sisters of Charity would lose members to Catherine McAuley and her associates and that their work would suffer as a result.⁷⁴ They were concerned that the new group, which had already assumed some of the features of religious life, would undermine what Mary Aikenhead and her congregation were trying to achieve. The opposition of the clergy singled out the unorthodox character of the institute: a group of Catholic women living in community without canonical status and with freedom to come and leave as they pleased.⁷⁵ There was no denying, however, that good work was being done by this volunteer group of women.

Ultimately, the opposition which Catherine McAuley encountered proved to be the deciding factor in determining the future direction of the Institute she

⁷³ COLERIDGE, p. 117. See also DEGNAN, p. 94.

⁷⁴ See HARNETT, pp. 54-55. See also CARROLL, *The Life of Catherine McAuley*, p. 148.

⁷⁵ See DEGNAN, pp. 100-101. See also BURKE SAVAGE, *Catherine McAuley: The First Sister of Mercy*, pp. 91-105; BOURKE, p. 7.

had established.⁷⁶ It had become evident that some decision had to be made. Catherine consulted Archbishop Murray who suggested that she either establish a religious congregation with canonical status or resume a definitely secular way of life.⁷⁷ The idea of a religious congregation was uncongenial to a woman who "... 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."⁷⁸

⁷⁶ We have noted that neither Catherine nor her associates had any intention of founding a religious congregation. Apart from a certain prejudice against religious life, which she had inherited from her family background, Catherine's main objection was that all religious women at that time took vows of enclosure and she saw that this would impinge on the active apostolate she had envisaged. Her new type of ministry required freedom from cloister. See M.A. DOYLE, "Notes on the Life of Mother Catherine McAuley by one of the first Sisters of Mercy", in SULLIVAN, pp. 51-52. See also PECKHAM MAGRAY, pp. 21-23.

⁷⁷ Obviously influenced by the criticism which was widespread in the city, Archbishop Murray had no option except to suggest to Catherine that she and her associates "should appear either as religious or as seculars." See CARROLL, *The Life of Catherine McAuley*, p. 159. See also BURKE SAVAGE, *Catherine McAuley: The First Sister of Mercy*, pp. 106-107; HARNETT, p. 59; COLERIDGE, p. 118.

⁷⁸ M.C. MOORE, "The Letters of Mary Clare Moore, Bermondsey, London, to Mary Clare Augustine Moore, Baggot Street, Dublin, August 23, 1844-August 26, 1845," in SULLIVAN, p. 102.

Early in 1830, Catherine McAuley had written to Cardinal Cappellari, Prefect of the Congregation for the Propagation of the Faith, requesting the approval and *beneplicitum* of the Holy See for her work in the House of Mercy, Baggot Street. In her letter she describes the apostolate in which she is engaged. See CATHERINE MCAULEY to Cardinal O.M. Cappellari, early 1830, Archives of the Congregation for the Propagation of the Faith/Congregation for the Evangelisation of Peoples (=APF), Udienze di Nostro Signore, vol. 75, an.1830, ff. 645r – 467r, RSM-UW/H102, English translation in M.A. BOLSTER, *The Correspondence of Catherine McAuley, 1827-1841 (=Correspondence)*, Cork, Congregation of the Sisters of Mercy of Cork and Ross, 1989, pp. 2-3.

1.2.5 – Decision time for Catherine

According to various accounts, Archbishop Murray was no more anxious than Catherine was to establish another religious congregation in his diocese, but he had no other option but to ask her to regularise the anomalous situation she and her group were in. It had become clear to him that Catherine's blend of charitable and educative work, and the devout community life she wanted her group of lay women to lead, was best anchored in a religious congregation with regular canonical status. During a visit to the House of Mercy, at the height of the controversy, he is reported to have said to her in "freezing tones": "Really, Miss McAuley, I had no idea that a new Congregation would start up in this manner."⁷⁹

Against her earlier judgement, Catherine McAuley and her associates decided to transform the secular community of the House of Mercy into a

⁷⁹ CARROLL, *The Life of Catherine McAuley*, p. 157. See also M.V. HARNETT, "Memoirs of the Life of Revd. Mother Catherine McAuley Foundress of the Order of Our Lady of Mercy," in SULLIVAN, p.167; DEGNAN, p. 102.

In response to Catherine McAuley's letter for approval of her project, Cardinal Cappellari requested Archbishop Murray's opinion. Murray's response confirms his ambivalence about the group and their request. "... it is my opinion it cannot be called religious," he wrote "since the women who live there, however pious, neither belong to a legitimately established congregation; nor do they live according to an approved rule; nor do they take vows; nor indeed can I rightly understand why Miss McAuley is designated Sister..." He continues: "... these women, in spite of the good works to which they are dedicated, are not organised according to the norms of Religious Life and I do not presume to ask favours for them which are seen to apply to a Religious Congregation." The archbishop did, in fact, receive a favourable response in the form of a Rescript of Indulgences for Catherine McAuley and her associates, dated 23 May 1830, signed by Castrucci Castracane. See DANIEL MURRAY, Letter to Cardinal O.M. Cappellari, 17 April 1830, APF, Udienze di Nostro Signore, vol. 75, an. 1830, ff. 645r-467r; English translation in *Correspondence*, pp. 4-6 and C. CASTRACANE, Rescript to Archbishop Murray, 23 May 1830, in Dublin Diocesan Archives, English translation in *Correspondence*, p. 6.

religious congregation.⁸⁰ The idealism of her associates and the wish of the Church articulated through Archbishop Murray were strong deciding factors in this decision. The archbishop's assurance that as religious they could continue to pursue their external apostolate convinced Catherine that only this would ensure the survival of her work beyond Dublin and beyond her own lifetime.

1.3 – Canonical Establishment Of The Sisters Of Mercy

1.3.1 – Reluctant foundress

Chapter 13 of the Fourth Lateran Council in 1215 ruled that no new religious orders were to be founded. An individual could enter one of the already approved orders. It also ruled that in order to be formally erected, a group must adopt one of the four ecclesiastically approved Rules, namely, those of Benedict, Augustine, Basil, or Francis.⁸¹ The Second Council of Lyons in 1274, reaffirmed the legislation of the Fourth Lateran Council. It forbade anyone to found a new order or form of religious life. It also suppressed all forms of religious life and all the mendicant orders founded after the Fourth Lateran Council, which had not

⁸⁰ HARNETT points out that religious life “was the means of securing to them permanent successors for their holy mission.” See HARNETT, pp. 59-60. See also MINNS, in *Practical Visionaries*, p. 56.

⁸¹ “Ne nimia religionum diversitas gravem in ecclesia Dei confusionem inducat, firmiter prohibemus, ne quis de caetero (sic) novam religionem inveniatur, 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.” See *Concilium Lateranense IV, Caput XIII, De novis religionibus prohibitis*, in G.D. MANSI, ed., *Sacrorum conciliorum nova et amplissima Collectio ... Parisiis*, H. Welter, 1901-1927, v. 23, pp. 1002-1003. English trans. in N.P. TANNER, ed., *Decrees of the Ecumenical Councils*, London, Sheed & Ward, Washington, DC, Georgetown University Press, 1990, v. 1, p. 242.

merited approval of the Holy See.⁸² This legislation applied to institutes of solemn vows since they were the type of institute that existed at the time of these councils. Institutes of women of simple vows and without enclosure began to emerge only in the Church in the fourteenth century. It is also important to remember here that in 1298, Pope Boniface VIII, by the decree, "*Periculoso*," had imposed papal cloister on all women in institutes of solemn vows.⁸³ The Council of Trent reiterated this legislation and made it obligatory.⁸⁴

Shortly after this, Pope Pius V issued his constitution, *Circa Pastoralis*, with the purpose of enforcing the law of Trent and also extending it to include a prohibition on reception of new candidates, if the law was not observed.⁸⁵ In the same century, Pope Gregory XIII (1572) and the Sacred Congregation of Bishops and Regulars (1592), reiterated the law of Pope Pius V. Not only did this legislation force some existing institutes of women of simple vows to

⁸² "... repetita constitutione districtius inhihentes, ne aliquis de cetero novum ordinem aut religionem inveniat vel habitum novae religionis assumat, cunctas affatim religiones et ordines mendicantes post dictum concilium adinventos, qui nullam confirmationem sedis apostolicae meruerunt, perpetuae prohibitioni subicimus et quatenus processerant, revocamus." See *Concilium Lugdunense* II, Caput 23, *De religiosis domibus, ut episcopo sint subiectae*, in MANSI, v. 24, pp. 96-97. English trans. in TANNER, v. 1, pp. 326-327.

⁸³ BONIFACE VIII, Constitution, *Periculoso*, 1298, in A. FRIEDBERG, ed., *Corpus iuris canonici*, Lipsiae, Tauchnitz, 1881, v. 2, cc.1053-1054, under the title *De statu regularium*, III, 16.

⁸⁴ COUNCIL OF TRENT, Session XXV, 3-4 December 1563, *Decree on Regulars and Nuns*, in N. TANNER, ed., *Decrees of the Ecumenical Councils*, v. 1, London, Sheed and Ward; Washington, DC, Georgetown University Press, 1990, pp. 777-778.

⁸⁵ PIUS V, Constitution, *Circa Pastoralis*, 29 May, 1566, in *Magnum bullarium Romanum: bullarum, privilegiorum ac diplomatum Romanorum Pontificum amplissima collectio, tomus quartus, pars secunda*, Graz, Akademische Druck- und Verlagsanstalt, 1965, pp. 292-294.

disband, but it also made the foundation of such institutes in the future extremely difficult if not impossible.⁸⁶

This legislation was never uniformly observed as we can see from some well-known examples. The Ursulines were obliged in 1612 to take solemn vows, give up their work in schools, and adopt enclosure. Similarly with the Sisters of the Visitation, founded by Saint Francis de Sales in 1610.⁸⁷ Because their particular apostolate did not fit in with the canonical requirements at the time of their foundation, the Daughters of Charity founded by Saint Vincent de Paul in 1633, chose not to take public vows, write constitutions, or adopt any special habit. In 1655, they received episcopal approval from the Archbishop of Paris and papal approval in 1688. In canon law, the Daughters of Charity are recognised as a Society of Apostolic Life.⁸⁸ The Institute of the Blessed Virgin Mary was not approved as an unenclosed religious congregation until 1749, when Pope Benedict XIV issued his Apostolic constitution *Quamvis iusto*.⁸⁹ In a

⁸⁶ See C.R. ORTH, *The Approbation of Religious Institutes*, JCD diss., Washington, DC, Catholic University of America, 1931, pp. 27-68. See also 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, pp. 7-33.

⁸⁷ See CALLAHAN, pp. 8-9. See also PECKHAM MAGRAY, pp. 6-9.

⁸⁸ See CALLAHAN, pp. 8-9.

⁸⁹ BENEDICT XIV, Apostolic Constitution, *Quamvis iusto*, April 30, 1749, in *Magnum bullarium Romanum, bullarum, privilegiorum ac diplomatum Romanorum Pontificum amplissima collectio: Benedicti Papae XIV bullarium*, Akademische Druck- und Verlagsanstalt, 1966, v. 3, pp. 54-68.

sense this constitution ended the era of “enforced enclosure” and set a precedent for the approval of active congregations of women religious.⁹⁰

When Catherine McAuley opted in favour of establishing a religious congregation, there were very few active congregations of women in Ireland. The Dominicans, Carmelites, Poor Clares, Ursulines, and Presentation Sisters all took solemn vows and observed enclosure. Only the recently founded Loreto Sisters and the Irish Sisters of Charity were active congregations.⁹¹ She would, therefore, have had at least a general awareness of the ecclesiastical regulations governing these congregations. She would also have been aware that women were not considered to be true religious unless they took solemn vows, observed papal enclosure, and had a monastic form of government. Consequently, it is likely that she was faced with a dilemma, whether to request solemn vows and a monastic form of government so that her associates would become true religious or ask to take simple vows so that they would have greater flexibility and adaptability in the apostolate she had initiated.⁹²

1.3.2 – Choice of Rule

Catherine McAuley and her associates studied the Rules of the Carmelite, Poor Clare, and Presentation congregations, all three of which took solemn vows

⁹⁰ See PECKHAM MAGRAY, pp. 8-9

⁹¹ See CLEAR, pp. 48-53.

⁹² See ENRIGHT, “Women and Catholic Life in Dublin, 1766-1852,” in *History of the Catholic Diocese of Dublin*, pp. 288-289.

and observed enclosure.⁹³ There is evidence that the Rules of the Irish Sisters of Charity and of the Loreto Sisters were not available to them.⁹⁴ Catherine declined an offer of Third-Order affiliation to the Poor Clares and the Carmelites, "... not conceiving that their rules were adapted to the purposes of the institution ..."⁹⁵ Interestingly, the Rule Catherine preferred "enforced a vow of enclosure which was yet more incompatible with her designs."⁹⁶ Perhaps this choice can be accounted for by the fact that she wished her Sisters to be real religious. Whatever the deciding factor may have been, the "Augustinian Rule of the Presentation" (hereafter: Presentation Rule) was "unanimously preferred" because it "seemed more adapted to the purposes of the institution, in which opinion the Archbishop as well as the vicar general coincided."⁹⁷ Permission was obtained by Archbishop Murray from the superiors of the Presentation Convent, George's Hill, for Catherine McAuley and two companions to begin their novitiate training there on 8 September 1830.⁹⁸

⁹³ See BURKE SAVAGE, *Catherine McAuley: The First Sister of Mercy*, pp. 107-108. See also BOLSTER, *Catherine McAuley in Her Own Words*, p. 37.

⁹⁴ See M.A. DOYLE, "Notes on the Life of Mother Catherine McAuley by one of the first Sisters of Mercy," in SULLIVAN, p. 52. See also BOLSTER, *Catherine McAuley in her own Words*, p. 37.

⁹⁵ BOLSTER, *Catherine McAuley in her own Words*, p. 55. See also CARROLL, *The Life of Catherine McAuley*, pp. 159-160.

⁹⁶ See CARROLL, *The Life of Catherine McAuley*, p. 55.

⁹⁷ *Ibid.*, p. 52

⁹⁸ She was accompanied by Anna Maria Doyle and Elizabeth Harley. For an account of their experience of novitiate see CARROLL, *The Life of Catherine McAuley*, pp. 162-169. See also BURKE SAVAGE, pp. 110-113.

When the group were due to be professed, they were faced with a painful but authentic dilemma. Since profession of vows is made according to the Rule and Constitutions of a particular Congregation, the Presentation nuns wondered if they could admit to Profession, according to their rule, three women who did not have a Congregation of their own, no approved rule, and who did not intend to observe enclosure.⁹⁹ The dilemma was resolved when Archbishop Murray proposed a form of simple perpetual vows and on 12 December 1831, Catherine and her two companions took their vows “according to the form of the Presentation Institute ... but with a clause that the Rule was subject to whatever alteration should be deemed necessary for the due performance of the duties of the new Institute of Our Lady of Mercy.”¹⁰⁰ The Congregation of the Sisters of Mercy assumed canonical status on that day. On the following day Archbishop Murray appointed Catherine superior for life.¹⁰¹

Archbishop Murray had made two very significant changes in the Presentation vow formula for the benefit of Catherine McAuley and her companions. The fourth vow was originated when the Archbishop listed the works that had been inaugurated already by Catherine McAuley as a lay woman,

⁹⁹ See BURKE SAVAGE, *Catherine McAuley: The First Sister of Mercy*, pp. 124-126.

¹⁰⁰ Ibid., p. 126. The “clause” referred to here is “...subject to such alterations as shall be approved by the Archbishop...” The original copy of this Act of Profession is in the Profession Register, Presentation Convent, George’s Hill, Dublin. It is quoted in BURKE SAVAGE, p. 421. See also M.M. LAPPETITO, *Our Life Together in Mercy: Toward an Apostolic Spirituality*, Rochester, NY, The Federation of the Sisters of Mercy of the Americas, 1980, pp. 2-4.

¹⁰¹ See CARROLL, *The Life of Catherine McAuley*, p. 175. See also BURKE SAVAGE, *Catherine McAuley: The First Sister of Mercy*, p. 134.

thereby preserving her original intention, and differentiating the Sisters of Mercy from the Presentation nuns.¹⁰²

The archbishop's wisdom is evident again when he inserts the clause "... subject to such alterations as shall be approved by the Archbishop..." This is particularly significant because Catherine McAuley had just begun the process of transition for herself and her associates from being a lay association of charitable women to a religious congregation. This insertion allows for flexibility as the new congregation defines its goals in the light of the apostolic vision of the foundress and the needs of the Irish Church.¹⁰³

Catherine and her community had as yet no distinctive Rule and Constitutions and she realised that the Presentation Rule would have to be modified considerably to suit the particular requirements of her new congregation. Archbishop Murray appointed a diocesan priest, Myles Gaffney, to assist her in this important task. In the meantime, he suggested that the new congregation should follow the chapter on "Union and Charity" of the Presentation Rule.¹⁰⁴

¹⁰² These works as expressed in the vow formula are: "... the Visitation of the Sick Poor, and charitable instruction of poor females." The Presentation nuns, because of their vow of enclosure, could no longer perform these works.

¹⁰³ See LAPPETITO, p. 4. See also BOLSTER, *Catherine McAuley in her own Words*, pp. 30-40.

¹⁰⁴ See CARROLL, *The Life of Catherine McAuley*, p. 178. See also BURKE SAVAGE, *Catherine McAuley: The First Sister of Mercy*, pp. 133-134 and 262-263; DEGNAN, p. 151.

1.3.3 – Composition and approval of rule

Mary C. Sullivan identifies “five stages in the history of the original Rule and Constitutions of the Sisters of Mercy.”¹⁰⁵ The preliminary stage involved the drafting of two chapters: “Of the Visitation of the Sick” and “Of the Admission of Distressed Women.” These two chapters incorporating the distinctive works of the Sisters of Mercy, were composed before Catherine revised the Presentation Rule to suit her purposes.¹⁰⁶ Archbishop Murray approved these two chapters and in December 1833, together with the Presentation Rule, altered as Catherine considered necessary, they were submitted to the Holy See with a formal petition for their approval.¹⁰⁷

¹⁰⁵ Based on her examination of primary documents, letters, and biographies, Mary C. Sullivan traces and critically evaluates the evolution of the Rule and Constitutions of the Sisters of Mercy through five stages of its composition: Catherine McAuley's own revision of the Presentation Rule; Archbishop Murray's pencilled revision of Catherine's manuscript; Mary Clare Moore's fair copy incorporating the archbishop's corrections, revision of the chapter sequence, and the addition of one chapter; the Italian translation which was the official form of the Rule approved by the Congregation for the Propagation of the Faith and confirmed by Pope Gregory XVI; and the earliest published English translations of the Italian text, those published in Birmingham in 1844, London, 1856, and Dublin, 1863. See SULLIVAN, pp. 259-262.

¹⁰⁶ The edition of the Presentation Rule which Catherine McAuley used was most likely the approved English translation of the Italian version which had been confirmed by Pope Pius VII in 1805. See *Rules and Constitutions of the Institute of the Religious Sisterhood of the Presentation of the Ever Blessed Virgin Mary ... for the Charitable Instruction of Poor Girls*, Cork, James Haly, 1809, 75 p. See also SULLIVAN, pp. 260 and 391.

¹⁰⁷ Some discrepancies exist among biographers about the exact date of Catherine's submission of these chapters and of the archbishop's approval. The recent research of Mary C. Sullivan suggests early 1833 as the most likely date. See SULLIVAN, pp. 260-261 and 391. See also CARROLL, *The Life of Catherine McAuley*, pp. 239 and 242; DEGNAN, p. 163. There is no doubt about the date of the presentation of the formal petition for approval to the Holy See. See Catherine McAuley to Pope Gregory XVI, 8 December 1833, APF, Scrittura originali riferite nelle Congregazione Generali (=SOCCG), 1835, v. 950, f.183rv; English translation in *Correspondence*, pp. 11-12.

On 24 March 1835, Cardinal James Philip Frasoni, with the authority of the Congregation for the Propagation of the Faith and in the name of Pope Gregory XVI, notified Archbishop Murray that formal approval had been given for the establishment of the new Institute, as defined by these two chapters and by the Presentation Rule.¹⁰⁸ He also authorised the archbishop to “prescribe for the Society of Mercy over and above the Rules and Constitutions of the Presentation Institute such observances as he thought fit, in view of the special object of the Congregation.” However, “the Holy Father did not think it opportune to permit the Sisters to take solemn vows.”¹⁰⁹

While she awaited approbation for the first draft of the Rule, Catherine McAuley continued her adaptation of the Presentation Rule. Even before she received his approbation, she had submitted to Archbishop Murray her

¹⁰⁸ This was the *Decretum Laudis* which signified approval and praise. “... 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.” See J. PH. FRANSONI, Letter to D. Murray, 24 March 1835, APF, SOCG, vol. 950, f. 190v. See Appendix I. See also CARROLL, *The Life of Catherine McAuley*, p. 242; SULLIVAN, p. 261; BURKE SAVAGE, *Catherine McAuley: The First Sister of Mercy*, p. 263. For an analysis of this *Decretum*, see J.F. GALLEN, Letter to R. Burke Savage, 12 July 1950; copy of letter in MICA-D. For the distinction between *litterae laudatoriae* and *decretum laudis*, see A. BIZZARRI, ed., *Collectanea in usum secretariae Sacrae Congregationis Episcoporum et Regularium*, Romae, Typographia Polyglotta, 1865, pp. 772-773. See also CONGREGATIO EPISCOPORUM ET REGULARIUM, *Normae secundum quas S. Congr. Episcoporum et Regularium procedere solet in approbandis novis Institutis votorum simplicium*, Romae, 28 June 1901, in ASS, 33(1901), pp. 341-347. [Typis S. C. de Propaganda Fide, 1901], § 1., nn. 1-7; P.T. SCHAEFER, ed., *De Religiosis ad normam iuris canonici*, editio quarta aucta et emendata, Città del Vaticano, Typis Polyglottis Vaticanis, 1947, pp. 122-123 and footnote 63.

¹⁰⁹ “Tantummodo illud assentiri non opportunum in praesentiarum esse censuit ut piae feminae quae in illam Societatem cooptantur vota solemnia faciant... Amplitudinis Tuae iudicio praeter illas regulas, ac constitutiones, ea praescribantur societate Misericordiae servanda, quae considerato societatis objecto, et piis operibus quibus operam dare debet statuenda esse existimabis.” See CARDINAL J. PH. FRANSONI, Letter to D. Murray, supra. See also BURKE SAVAGE, *Catherine McAuley: The First Sister of Mercy*, p. 263.

manuscript of a Rule and Constitutions appropriate to the Sisters of Mercy.¹¹⁰ The archbishop returned the manuscript in which he had pencilled some revisions.¹¹¹ When he was satisfied that the document had been faithfully corrected, he returned it with his approval on 23 January 1837.¹¹²

The Rule now had to undergo a period of trial before it could be submitted to the Holy See for confirmation.¹¹³ The expansion of the Congregation would be a test of its practicability. At the request of bishops or priests, foundations were made in several dioceses outside Dublin, with the approval of Archbishop Murray.¹¹⁴ This rapid expansion seems to suggest that Catherine McAuley had

¹¹⁰ Strictly speaking, the First Part of Catherine McAuley's document is the "Rule"; the Second Part is the "Constitutions". Neither she nor Archbishop Murray indicated such a distinction. See SULLIVAN, p. 392.

¹¹¹ The adaptations Catherine made reveal her apostolic vision for the new congregation. They also indicate that she was more interested in the spiritual than in the legal prescriptions of the Rule. She gives precedence to the active apostolate, particularly visitation of the sick, education, and the protection of distressed women; and she does not exclude other services. For Chapter nineteen, the final chapter of the First Part of her manuscript, it is interesting that Catherine retains the chapter on "Enclosure" from chapter six of the Presentation Rule, with only minor changes. She changes the name of the Institute and inserts as a "first" reason for legitimately passing beyond "the limits of the enclosure" the need "to comply with the duties of their Institute." Archbishop Murray, without comment, pencilled out the entire chapter. For a detailed study of some of the more significant additions, deletions, and changes Catherine made in her revision of the Presentation Rule, see SULLIVAN, pp. 262-266.

¹¹² He wrote: "We approve of these Rules and Constitutions compiled for the Religious Congregation of the Sisters of Mercy ... +Murray, Abp., Etc., Dublin." This copy was sealed with the archbishop's seal and dated 23 January 1837. This manuscript is preserved in the Archives, Mercy International Centre, Dublin (=MICA-D). See SULLIVAN, pp. 261-262.

¹¹³ In response to an enquiry concerning the Rule from one of her sisters, Catherine McAuley writes: "... we did not ask a confirmation of it from the Holy See until we reduced it to practice." See C. MCAULEY Letter to Sister M. Angela Dunne, 20 January 1841, in *Correspondence*, p. 193.

¹¹⁴ Catherine herself established two convents in Dublin, one at Kingstown (now Dunlaoghaire) in 1835 and one in Booterstown in 1838. These two convents were branch houses of Baggot Street. 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,

developed a model of religious life “that enabled women to respond to a range of evangelical and social needs” and that suited the needs of the Irish Church.¹¹⁵

In October 1839, Catherine McAuley felt that the time had come to make a formal request for final approval and papal confirmation of the Rule and Constitutions of the Sisters of Mercy. This formal request included Catherine’s own petition, the complete text of the Rule and Constitutions, a petition for its approval endorsed by the superiors of the growing network of convents she had established, and commendatory letters from the bishops in whose dioceses these convents were situated.¹¹⁶

The first step towards confirmation of the Rule is the positive report of Reverend Paul Gavino Secchi-Murro, consultor to the Congregation for the Propagation of the Faith, presented to the Congregation on 3 March 1840. In his report he recommends a number of changes and additions. His conclusion was that there was “nothing worthy of censure” in the Rules of the new Congregation and that they deserved to be approved.¹¹⁷ On 20 July 1840, the members of the

1869, Part I, “Branch Houses,” pp. 103-105. Between 1836 and 1839, there were six convents established in Irish dioceses outside Dublin and one in England, namely, Bermondsey (1839). The Irish establishments were: Tullamore (1836), Charleville (1836), Carlow (1837), Cork (1837), Limerick (1838), Naas (1839). All of these Convents were functioning autonomously under the supervision of the foundress.

¹¹⁵ See ENRIGHT, “Women and Catholic Life in Dublin, 1766-1852”, in *History of the Catholic Diocese of Dublin*, p. 288.

¹¹⁶ C. MCAULEY Letter to Pope Gregory XVI, undated, before 18 November 1839, APF, SOCG, v. 957, f. 321, in *Correspondence*, pp. 102-103.

¹¹⁷ Secchi-Murro states that the Rule and Constitutions of the Sisters of Mercy are “worthy of all praise and deserve for that reason the highest approbation of the Sacred Congregation.” He keeps a clear distinction between the Rule and the Constitutions and

Congregation for the Propagation of the Faith, in accordance with the recommendation of the Consultor, voted in favour of approval of the Rule and Constitutions of the Sisters of Mercy.¹¹⁸

Frustrated by the long delay in receiving official confirmation from the Holy See, Catherine McAuley wrote to Cardinal Frasoni, Prefect of the Congregation for the Propagation of the Faith, appealing for final confirmation. She pointed out the advantage to the new Congregation of having full approbation, in view of the fact that there were invitations from “ecclesiastical authorities” to establish more convents in Ireland and in England. She also referred to the increase in numbers of members.¹¹⁹ Finally, one year after they had been approved by the Congregation for the Propagation of the Faith, Pope Gregory XVI confirmed the

suggests that “by means of a few additions...these Constitutions would be satisfactory, just as the Rules are most perfect.” For instance, he commends the practice of having the “Houses of the new Institute ... under the authority and jurisdiction of the bishop of the diocese, which is both more in conformity with the old and more common discipline of the Church, and is also more convenient to the nature of these Institutes ...” He recommends that the Constitutions contain “detailed methods and positive prescriptions for the observance of the Rule.” He suggests also that there should be clearer expression of the teaching methods used in the schools; that the two-year period of novitiate formation should not be curtailed; and that there should be some regulation governing the admission of seculars into the Convent. He states that simple, not solemn vows, are to be professed by the Sisters of this congregation, since they are not bound to perpetual enclosure. Finally, he refers to “inexactitudes even of expression” which he discovered in the Italian translation of the text and recommends that they “should be corrected.” Copies of the Latin original of Secchi-Murro’s report from the Archives of Propaganda Fide and from the Dublin Diocesan Archives are preserved in the archives of the Mercy International Centre, Dublin (=MICA-D). The English translation was prepared by John MacErlean SJ and is also in MICA-D. See also DEGNAN, pp. 277-279; *Positio*, v.1, pp. 190-294.

¹¹⁸ For a detailed account of this process and of the changes made to Catherine McAuley’s English text of the Rule when it was translated into Italian, see SULLIVAN, pp. 273-276 and 278-282.

¹¹⁹ C. MCAULEY Letter to Cardinal J. Ph. Frasoni re Confirmation of the Rule of the Sisters of Mercy, 14 October 1840, APF, SC Irlanda, 27, f. 340rv; English translation in *Correspondence*, p. 153. See also SULLIVAN, pp. 275-276.

Rule and Constitutions on 6 June 1841.¹²⁰ This news, together with ten copies of the Rule and Constitutions of the Congregation of the Sisters of Mercy, was communicated to Archbishop Murray by Cardinal Fansonì at the end of July 1841. He asked the archbishop to “take care that the Superior of the House of the above-mentioned Congregation which has been erected in your diocese gets one copy of the Rule and Constitutions.”¹²¹ It is not known when Catherine McAuley actually received her copy, but she was certainly aware from rumours that the confirmation had been granted.¹²² Before she died on 11 November 1841, she had the satisfaction of knowing that the Sisters of Mercy were now firmly established and ecclesiastically approved.

¹²⁰ Papal confirmation of the Rule and Constitutions of the Sisters of Mercy in Decree of the Congregation of Propaganda Fide, *Cum pientissimarum mulierum*, 5 July 1841, APF, SC Irlanda, 27, f. 489r; English translation in *Correspondence*, p. 236.

¹²¹ CARDINAL J. PH. FRANSONI, Letter to D. Murray, 31 July 1841, APF, Lettere e decreti della Sacra Congregazione e Biglietti di Monsignor Segretario, v. 323/324, f. 817; English translation in BURKE SAVAGE, *Catherine McAuley: First Sister of Mercy*, p. 417 and in *Positio*, v. 1, p. 294. Latin original in Dublin Diocesan Archives. The printed and bound copy of the Rule sent to the archbishop is the Italian translation of the English version that Catherine had submitted for approval. It was printed in Rome after Pope Gregory XVI had given his approval on 6 June 1841 and after the decree of confirmation had been promulgated on 5 July 1841. This is the first “ecclesiastically approved and confirmed Rule and Constitutions of the Sisters of Mercy, founded in Dublin, Ireland in 1831.” A copy of this text, *La Regola e Le Costituzioni delle Religiose nominate Sorelle della Misericordia*, is preserved in the Mercy International Centre Archives, Dublin. See SULLIVAN, pp. 276 and 393. For a detailed examination of the origin and development of the Rule of the Sisters of Mercy, see J. MACERLEAN, handwritten notes, 1832-1863, in MICA-D.

¹²² In a letter to Sister Francis Warde some time around 16 August 1841, Catherine refers to confirmation of the Rule and Constitutions: “I was aware the confirmation of the Rule was granted but I have not received it yet.” C. MCAULEY Letter to Francis Warde, c. 16 August 1841, in *Correspondence*, p. 253. See also SULLIVAN, pp. 276-277.

1.3.4 – Juridical status of the Congregation

As early as 1830, we have seen that Catherine McAuley had requested from the Holy See a rescript of indulgences in recognition of the voluntary work she and her associates were doing in the House of Mercy. She pointed out in her letter to the Prefect of the Congregation of the Propagation of the Faith that despite the good work they were doing they did not feel “happy or content” since they did not have “the Approbation and Beneplacitum of the Holy Apostolic See.”¹²³ Having first consulted Archbishop Murray, the Holy See granted the requested favour to Catherine and her associates.¹²⁴ This gave no canonical status to the group; it was merely a favour in recognition of the good work being done.

The first step towards canonical recognition was Archbishop Murray’s approval of Catherine’s decision to establish a religious congregation with its own Rule and Constitutions. Despite the legislation which reserved the right of approving the foundation of religious institutes to the Holy See, it is clear that bishops still had the power of approving new institutes in their dioceses.¹²⁵ In

¹²³ C. McAULEY Letter to Cardinal O.M. Cappellari, early 1830, APF, Udienze, v.s75, f.645rv; English translation in *Correspondence*, pp. 2-3.

¹²⁴ The Rescript of Indulgences (*Beneplacitum*), signed by Castrucius Castracane, was sent to Archbishop Murray. English translation in *Correspondence*, p. 6.

¹²⁵ There is evidence to suggest that bishops regained the right of legitimately approving the foundation of institutes of women with simple vows, probably in 1616. A decree from the Congregation of Bishops and Regulars, 20 December 1616, states: “Non obstante prohibitione Pii V, communitates tertiariae absque votis solemnibus et absque clausura ubique pergebant existere, atque novae communitates erectae fuerunt sub tutela episcoporum. S. Sedes, quin formaliter eas approbaret, sinebat ut sub iurisdictione Ordinariorum subsisterent.” See W.A. STANTON, *De Societatibus Sive Virorum Sive Mulierum in Communi Viventium Sine Votis*, editio

addition it was not the practice of the Holy See to approve new institutes unless they had already been in existence for some time with the approval of the local Ordinaries.¹²⁶ It is also probable that the enforcement of the constitution, *Circa Pastoralis* of Pope Pius V, was left to diocesan bishops who continued to approve new congregations.¹²⁷

The second stage was reached when Catherine McAuley received from the Holy See, through Archbishop Murray, the Decree of Approval for her congregation and for two chapters of her proposed Rule. The final stage would not come until the new Rule had been completed, amended and approved by the Archbishop.¹²⁸ Having been tested by practice, the Rule had then to be submitted to the Holy See for papal confirmation. This confirmation was granted by Pope Gregory XVI in July 1841. We can, therefore, identify three steps in the process: the first is episcopal approval for the establishment of a new religious congregation; next there is papal approval of the newly established institute as defined in the initial chapters of the Rule, and finally approval of the Rule and

altera, Halifax, Apud Custodiam Librariam Maioris Seminarii a Sanctissimo Corde B.V.M., 1936, 175 p.

¹²⁶ "... Statuta nempe est praxis, ut neque approbatio neque etiam laus alicui novae congregationi a Sede Apostolica impertiatur, nisi congregatio haec iam ab aliquanto tempore existat, et temporis de eiusdem utilitate et sufficienter prospera conditione constet." See M.D. BOUX, *Tractatus de iure Regularium ubi et de religiosis familiis, quae vota solemnia, vel etiam simplicia perpetua non habent, editio secunda*, Parisiis, R. Ruffet, 1867, v. 1, pp. 212-213.

¹²⁷ See PIUS V, Constitution, *Circa pastoralis*, 29 May, 1566, pp. 292-294. Although this constitution was addressed specifically to institutes of Tertiaries, its norms were applied to all institutes of women with simple vows. However, institutes of Tertiaries continued to exist without solemn vows and enclosure. See CALLAHAN, p. 12.

¹²⁸ This approval was granted by Archbishop Murray on 23 January 1837.

Constitutions of the Congregation of the Sisters of Mercy. With this final approval, the Sisters of Mercy became a congregation of pontifical right.¹²⁹

1.3.5 – Governance structure

The models of governance familiar to Catherine McAuley were, as we have said, the monastic form practised by the Poor Clares, Dominicans, Carmelites, and Presentation nuns. Under the monastic form each monastery or convent is independent. This is appropriate for religious who take solemn vows and observe enclosure. In the centralised form of government all convents and members are under the authority of one superior general.

Catherine's choice of the Rule of a monastic congregation, that of the Presentation nuns, seems to suggest that she wished her sisters to take solemn vows, observe some form of enclosure, and yet be active in the public apostolate she had initiated. The documents from the Holy See approving her foundation and confirming the Rule and Constitutions, and the votum of the Consultor for the Congregation for the Propagation of the Faith also suggest this. She does not seem to have considered the disadvantages or the consequences of a monastic form of government for her congregation.

¹²⁹ It is well to remember that the Mercy Congregation was founded and its Rule and Constitutions approved at a time when the juridical nature of diocesan and pontifical congregations was not clearly defined or, at least, not as clearly defined as it has been in later years. Consequently, Catherine McAuley may have concerned herself more with the spiritual and active rather than the juridical aspects of her congregation.

Catherine seemed to prefer the older monastic form, so each house of the Sisters of Mercy was completely autonomous.¹³⁰ She was not a mother general, so when new foundations were made, she chose to “create local foundresses rather than superiors of branch-houses dependent on Baggot Street [...]. She did not want the limitations of one locality to hamper the work of another area.”¹³¹ The autonomy of the local community and its close relationship with the diocesan bishop was central to the Presentation form of government. Catherine McAuley maintained this structure, because she valued the flexibility and adaptability it offered. She also considered that this structure facilitated speedy decision-making at local level in response to urgent needs. “Every place”, she wrote, “has its own particular ideas and feelings which must be yielded to when possible.”¹³²

It is difficult to describe precisely the relationship between Catherine McAuley and her foundations. In some instances, she seemed to function in the manner of a superior general. The numerous letters that were exchanged between her and the superiors of new houses indicate that she was consulted on all important matters. She also interested herself in every event of any importance in those houses.¹³³ This undefined system of government may have worked well in relatively small Irish dioceses but it would prove inappropriate, as

¹³⁰ See BURKE SAVAGE, *Catherine McAuley: The First Sister of Mercy*, p. 261.

¹³¹ Quoted in WHEELER, p. 6.

¹³² C. McAULEY, Letter to Francis Warde, in *Correspondence*, p. 74.

¹³³ See *Correspondence*, passim.

we shall see, when the Congregation spread to Newfoundland, Australia, and the United States of America.

Clearly Catherine also valued a “family spirit” as an important characteristic of her congregation. She disliked “any element of outside interference apart from legitimate ecclesiastical authority.”¹³⁴ For its part ecclesiastical authority favoured a system of government which gave bishops “undisputed control” over religious congregations in their dioceses. Benefactors too preferred to contribute their money or property to a congregation in their own town.¹³⁵ All these factors determined Catherine’s choice of government.

Despite the fact that the Sisters of Mercy were an institute of pontifical right since the decree of approval and confirmation was promulgated in July 1841, they continued to operate as if they were a diocesan congregation. The Rule stated clearly that “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.”¹³⁶ One entire chapter is devoted to the duties

¹³⁴ See BURKE SAVAGE, *Catherine McAuley: The First Sister of Mercy*, p. 261. See also CARROLL, *The Life of Catherine McAuley*, pp. 355-356.

¹³⁵ See BURKE SAVAGE, *Catherine McAuley: The First Sister of Mercy*, pp. 260-262.

¹³⁶ This is taken from Chapter 1, “Of the Superior and the Visitation of the Convent”, Part II, of Catherine McAuley’s manuscript of the original Rule after Archbishop Murray had revised it. It had been copied directly from the Presentation Rule at the archbishop’s request. For a commentary on it, see SULLIVAN, pp. 317-318.

of the Bishop towards the Sisters. This is reiterated and reinforced in a Guide to accompany the Rule. It states that “a superior general or general noviceship is not possible for us; nor can our communities be placed under any authority which is independent of the respective bishops in whose dioceses they are [...]. Our bishop is the guardian of our Rule.”¹³⁷

The form of government Catherine chose for her congregation emphasised autonomy and close collaboration with the diocesan bishop. This form of government remained in operation, with few exceptions, until well into the twentieth century when the Holy See clarified the juridical nature of the Congregation of the Sisters of Mercy and episcopal councils and synods called for steps to be taken to redress its anomalous situation.¹³⁸

1.3.6 – Growth of the Congregation

It has been argued that no centralised institute of women spread as rapidly or as widely throughout the English-speaking world as the Sisters of Mercy.¹³⁹ Some attribute this expansion to the form of government then in operation.¹⁴⁰ Whatever the reasons may have been, from 1835 until her death,

¹³⁷ *Guide for the Religious Called Sisters of Mercy*, Parts I & II, London, Robson & Son, 1866, p. 1.

¹³⁸ This will be discussed in Chapter II.

¹³⁹ See E.A. RYAN, “The Sisters of Mercy: An Important Chapter,” in *Theological Studies*, 18(1957), p. 261.

¹⁴⁰ See BURKE SAVAGE, *Catherine McAuley: The First Sister of Mercy*, p. 261. J.F. Gallen challenged Burke Savage’s assumption, reminding him that some of the largest institutes of men in the Church, including the Jesuits, are all centralised. Similarly the Daughters of Charity, a

Catherine McAuley was personally involved in the expansion of the Mercy Congregation. Like all the major events of her life she had not planned or anticipated this development. During her lifetime twelve foundations had been made in Ireland and two in England. An invitation had been received to establish a foundation in Nova Scotia and Catherine had expressed a willingness to “devote her remaining years to that mission.”¹⁴¹ While preparing for a foundation in Birmingham in 1840, Catherine McAuley agreed to begin planning for the first foundation in North America. One year after her death in 1841 this foundation was established in Newfoundland.¹⁴²

Even before the end of the nineteenth century the global dimension of the Congregation was assured. Within fifteen years of Catherine McAuley’s death, the Congregation had spread to the United States of America, Australia, Scotland, New Zealand, and South America. By 1891, it had extended to Central America, Africa, and the West Indies. A foundation had been made in South

society of apostolic Life, the largest institute of women religious, have always had centralised government. Gallen suggests that Burke Savage should have considered other possible natural and personal reasons for the expansion of the Congregation, for instance, the initiative and courage of Catherine McAuley and of the first superiors she appointed. He also suggests that another explanation for this expansion could be found principally in the United States where one-half the total number of Sisters of Mercy is located and where the Institute was established only two years after the death of the foundress. See J.F. GALLEN, Letter to R. Burke Savage, copy of letter in MICA-D.

¹⁴¹ Reverend Richard Baptist O’Brien had been appointed to Halifax to set up a college for boys. He expressed a wish to have Sisters of Mercy in Nova Scotia. Catherine McAuley was willing to establish a foundation there and indicated a willingness to go herself. See R.B. O’BRIEN, “Introduction,” in CARROLL, *The Life of Catherine McAuley*, pp. 32 and 446-447. See M.W. HOGAN, *Pathways of Mercy in Newfoundland, 1842-1984*, St. John’s, Newfoundland, Harry Cuff Publications, 1986, xiv, 450p. See also BURKE SAVAGE, *Catherine McAuley: The First Sister of Mercy*, pp. 253-255; DEGNAN, p. 277.

Africa in 1897, one in the East Indies in 1946, another in India in 1953, and one in the Philippines in 1954. There was a foundation in Peru and one in Iceland in 1975.¹⁴³ A group of Irish and English sisters had also worked with Florence Nightingale in the Crimean War.¹⁴⁴ During the American Civil War, Sisters of Mercy were to the forefront in caring for the wounded in military hospitals or on hospital ships.¹⁴⁵ In 1881, only forty years after Catherine McAuley's death, there were 168 Mercy convents in twenty six Irish dioceses. By the end of the nineteenth century, the Sisters of Mercy were probably the largest group of religious women in the English-speaking world.¹⁴⁶

¹⁴² See BURKE SAVAGE, *Catherine McAuley: The First Sister of Mercy*, p. 394. See also HARNETT, p. 161; DEGNAN, pp. 295-296.

¹⁴³ See CARROLL, *The Life of Catherine McAuley*, pp. 503-508. See also M.A. CARROLL, *Leaves from the Annals of the Sisters of Mercy* (=CARROLL, *Leaves from the Annals*), New York, The Catholic Publication Society Company, v. 1, Ireland, 1881; v. II, England, Scotland, Australia and New Zealand, New York, P. O'Shea, 1883; v. III, Newfoundland and the United States, New York, The Catholic Publication Society Company, 1889; v. IV, South America, Central America and the United States, 1895, New York, P.O'Shea, 1895. See also BURKE SAVAGE, *Catherine McAuley: The First Sister of Mercy*, pp. 408-410.

¹⁴⁴ For an interesting account of the Mercy Sisters' involvement in the Crimea, see M.C. SULLIVAN, *The Friendship of Florence Nightingale and Mary Clare Moore*, Philadelphia, University of Pennsylvania Press, 1999, 226 p. See also M.A. BOLSTER, *The Sisters of Mercy in the Crimean War*, Cork, Mercier Press, 1964, 338 p.; BURKE SAVAGE, *Catherine McAuley: The First Sister of Mercy*, pp. 401-404.

¹⁴⁵ See M.E. HERRON, *Sisters of Mercy in the United States, 1843-1928*, New York, MacMillan, 1929, xvii, 434 p. See also M.P. OAKES, *Angels of Mercy: An Eyewitness Account of Civil War and Yellow Fever*, Jackson, Mississippi, Cathedral Foundation Press, 2001, 112 p.

¹⁴⁶ See RYAN, pp. 262-263.

Conclusion

The historical circumstances which placed Catherine McAuley in an anti-Catholic environment for the greater part of her life had important formative influences on her, both positively and negatively. She emerged from these years as a peace-maker and an ecumenist at a time when it was fashionable to be intolerant. She also inherited certain prejudices against religious life from her environment. Consequently, she was reluctant to establish a religious congregation. Her original idea was to form a group of committed lay women who would assist her in charitable works for the poor.¹⁴⁷

However, the succession of events which began with the building of the House of Mercy on Baggot Street to Archbishop Murray's ultimatum, pointed, in the opinion of everyone except Catherine, to one outcome only. She had practically founded a religious Congregation before she even considered a juridical structure. It was only when Archbishop Murray indicated his unease with the idea of a secular religious-type community that Catherine opted in favour of an approved religious congregation.¹⁴⁸ This, she believed, would be "the means of securing to them permanent successors for their holy mission."¹⁴⁹

¹⁴⁷ The history of the early period of Catherine's life, her experience of genuine Christian charity in the person of her father and religious intolerance on the part of other relatives and guardians has been well documented by the early biographers. See CARROLL, HARNETT, and BURKE SAVAGE.

¹⁴⁸ See G. NEDUNGATT, "Typology of Founders", in *Commentarium pro Religiosis et Missionariis*, 79(1998), pp. 95-119.

¹⁴⁹ See HARNETT, p. 53.

The charism¹⁵⁰ of Catherine McAuley which consisted in identifying a real need of her times in a particular city and responding to it through the group of women who joined her in The House of Mercy,¹⁵¹ and who eventually became the nucleus of a new religious congregation, determined the choice of ministries and the structure that would facilitate the implementation of these ministries. Although a pontifical Congregation by virtue of its approval by the Holy See, each new foundation was autonomous and independent of the founding house. It operated under the authority of the diocesan bishop who, in most instances, had invited the Sisters to establish a foundation in his diocese.

¹⁵⁰ For an interesting discussion on the subject of "charism", its scriptural origin in the New Testament, its development in the Church, and its application to religious institutes and their founders, see J.M. LOZANO, *Foundresses, Founders, and Their Religious Families* (= *Foundresses, Founders, and their Religious Families*), English trans. J. DARIES, Chicago, Claret Centre for Resources in Spirituality, 1983, xv, 105 p. See also J.M. LOZANO, *Discipleship: Towards an Understanding of Religious Life*, English trans., B. WILCZYNSKI, Chicago, Claret Centre for Resources in Spirituality, 1983, x, 375 p. Chapter IV of this book, "The Charisms of Religious Life", pp. 115-142, is particularly informative.

For a different but equally interesting discussion on the subject, see M.S. THOMPSON, "Charism or Deep Story? Towards Understanding Better the 19th Century Origins of American Women's Congregations", in *Review for Religious*, 58(1999), pp. 230-250. Thompson concludes that, based on her research, the notion of "deep story" rather than "charism" would be more helpful to religious as they cope with the shifting fortunes of their Institutes. Her conclusions coincide with those of Bernard J. Lee who considers that the whole notion of "the recovery of charism" is futile, since charism is something that cannot be possessed, controlled, or transmitted. See B.J. LEE, "A Socio-Historical Theology of Charism", in *Review for Religious*, 48(1989), pp. 124-135. More recently, Sandra Schneiders seems to be in agreement with Lee and Thompson in her discussion of the subject. See S.M. SCHNEIDERS, *Finding the Treasure: Locating Catholic Religious Life in a New Ecclesial and Cultural Context*, New York/Mahwah, N.J., Paulist Press, 2000, pp. 282-357.

¹⁵¹ The House of Mercy was the house Catherine McAuley opened on Baggot Street in Dublin on 24 September 1828, to accommodate herself and her associates as they embarked on their ministry of education and care of homeless young women. Long before the idea of a religious congregation was mooted, Archbishop D. Murray had given Catherine permission to call the House "The Institute of Our Blessed Lady of Mercy".

As we noted already, this particular type of structure allowed for great adaptability, rapid expansion, and close identification with the local Church. Responsibility was placed within the local community, but the foundress maintained, through constant contact, a bond of unity among all the units. By combining local autonomy with mobility rather than with stability, Catherine McAuley introduced the Congregation to the apostolic needs of contemporary society. Her flexibility of vision and performance was geared towards addressing needs rather than maintaining a central machinery of government.

Whether the particular governance structure she chose was instrumental in the phenomenal growth of the congregation even in her own lifetime is debatable. What is significant is that Catherine McAuley had developed a model of religious life that appealed to numerous women and that enabled them to respond to a wide range of “evangelical and social needs.”¹⁵² She was, in the words of one writer, “a practical visionary” who was courageous enough and able to “translate religious and compassionate fervour into action, and to give other people a belief in their own abilities.”¹⁵³

At a time when new congregations of women were departing from the established model of solemn vows and enclosure, Catherine chose, albeit reluctantly, simple vows and no enclosure.¹⁵⁴ This ensured that her congregation

¹⁵² ENRIGHT, in *History of the Catholic Diocese of Dublin*, p. 288.

¹⁵³ MINNS, in *Practical Visionaries*, p. 63.

¹⁵⁴ See CALLAHAN, pp. 18-24 and 56-66.

would be free to continue the flexible apostolate that she had initiated. It was flexible in the sense that it was dictated by the needs of whichever diocese the Sisters found themselves in. Theirs was a form of religious life that combined religious experience with insight into the needs of their time and bore fruit in foundations that made an indispensable contribution to the Irish Church and to Irish society. In the second chapter we shall see how this congregation responded to evolving ecclesiastical legislation on religious life, especially in the area of governance, from the beginning of the twentieth century.

CHAPTER II

CENTRALISING TRENDS IN THE CONGREGATION

Catherine McAuley seemed, as we have seen, to favour an autonomous form of government in the houses she established. She followed no particular administrative plan; charity and expediency dictated her method of operation. In her lifetime, the new congregation had begun to expand rapidly even beyond Ireland. This expansion continued with even greater momentum after her death in 1841 and through the first half of the twentieth century, until the congregation was firmly established in the United States of America, Newfoundland, Australia, New Zealand, Great Britain, South Africa and the Philippines.

In this chapter we shall note briefly the distribution of Sisters of Mercy in the world at the present time and the major ways in which they collaborate, principally through the Mercy International Association and meetings of the International Leadership Teams. Then, we shall examine the ecclesiastical legislation pertaining to religious congregations and how this influenced the Sisters of Mercy. Finally, beginning with the United States of America, we shall examine the most significant efforts made by the Sisters of Mercy towards centralisation, in response to initiatives taken by individual Mercy superiors, diocesan bishops, synods of bishops or by the Holy See.

2.1 – Sisters of Mercy today: towards “Mercy International Association”

Today, there are some 11,176 Sisters of Mercy ministering in education, health care, and other apostolates throughout the world. The Institute of the Sisters of Mercy of the Americas includes about 5,300 Sisters and 2,200 lay Associates in the United States, and in several countries beyond the United States. The Sisters in these countries are members of one of the twenty-five regional communities based in the United States, but they also have their own leadership teams and regional associations.¹

The next largest group is the Congregation of the Sisters of Mercy (Ireland) with 2,769 Sisters in the four Irish Provinces, Provinces in South Africa, Kenya, and the United States; regions in Zambia, Nigeria, Peru; and a mission area in British Colombia. The Institute of the Sisters of Mercy of Australia (=ISMA) and the Federation of the Sisters of Mercy of New Zealand account for some 2,160 Sisters, while Great Britain, Newfoundland, and the Philippines account for a further 947 Sisters.²

¹ These countries include the following: Argentina, Belize, Chile, Guam, Guatemala, Guyana, Honduras, Jamaica, Panama, Peru, and the Philippines.

² In addition to the groups mentioned above, we can also mention two other congregations of Mercy Sisters. The Religious Sisters of Mercy of Alma, Michigan, were originally members of the Sisters of Mercy of the Union in the United States. In September 1973, ten members of the Union terminated their membership and founded the Congregation of the Religious Sisters of Alma, which was later approved as a Pontifical Institute. They minister in Education and Health Care. See R. WERTZ, *Our Beloved Union: A History of the Sisters of Mercy of the Union*, Westminster, Maryland, Christian Classics, 1989, pp. 284-292.

The second congregation is that of the Diocesan Sisters of Mercy of Portland, Maine. Unwilling to become members of the proposed new Institute of the Sisters of Mercy of the Americas, a group of twelve Sisters were approved as a diocesan congregation in July 1991.

Despite the diversity of governance structures: - unions, institutes, federations, and independent congregations - there are several major areas on which the Sisters of Mercy collaborate within the Mercy International Association (=MIA). Founded in 1994, the Association is a legal corporation in Ireland, consisting of the nine unions, institutes, federations, and congregations of the Sisters of Mercy throughout the world.³ Its original Identity Statement described it as “an organisation founded to stimulate and inspire Sisters of Mercy, their associates and colleagues in ministry:

to continue the work of Catherine McAuley in ways that are both creative and appropriate to the needs of the world;

to foster unity of mind and heart among Sisters of Mercy worldwide and to increase awareness and experience of their global interdependence;

to encourage and facilitate the flourishing of the Mercy charism within the various cultures of the world.⁴

Initially, the renovation and development of Catherine McAuley's original *House of Mercy* on Baggot Street in Dublin into what is now known as Mercy International Centre was the first priority of the Association. Officially opened in July 1994, the Centre is a visible symbol of international Mercy cooperation. It is

See C. DARCY, *The Institute of the Sisters of Mercy of the Americas: The Canonical Development of the Proposed Governance Model*, New York, University Press of America, 1993, pp. 248-251.

³ The Mercy International Association includes the leadership of the Congregation of the Sisters of Mercy (Ireland), Institute of the Sisters of Mercy of the Americas, Federation of Sisters of Mercy of Aotearoa/New Zealand (=ANZ), Institute of the Sisters of Mercy of Australia, Institute of Our Lady of Mercy (Great Britain), Federation of the Sisters of Mercy (Great Britain), Sisters of Mercy of the Union (Great Britain), Sisters of Mercy of Newfoundland, and Religious Sisters of Mercy, the Philippines. See *Mercy World: The Mercy International Association Newsletter* (=Mercy World), 1(February 2000), 8 p.

⁴ *Mercy World*, 2(February 2001), p. 8.

a project sponsored by MIA and as such does not have canonical status.⁵ In addition to being a place of “pilgrimage” and a meeting place for Sisters of Mercy, it also hosts many international meetings including those of MIA and of Mercy leadership teams from around the world.

In recent years there has been a marked shift in the focus of the Association from a concentration on the life and growth of Mercy International Centre to other global concerns and projects. At present there are four major projects being sponsored by MIA: Mercy International Justice Network (=MIJN), Mercy Global Concerns (=MGC), the Mercy International Association Communications Group (=MIACOM), and the Mercy International Centre (=MIC). All of these projects involve Sisters from Mercy congregations throughout the world.⁶

At their annual meeting in Rome in May 2001, MIA members adopted a new Identity Statement in which they formalised their commitment to deepening international relationships among Sisters of Mercy worldwide:

Mercy International Association is an organisation of the leaders of Mercy Congregations, Institutes and Federations throughout the world, founded to serve the Sisters of Mercy, their associates and colleagues in ministry. Members of the Association

⁵M. CHIN, <mchin@sistersofmercy.org> “Mercy International Centre,” 26 October 2001, personal message, (28 October 2001).

⁶ For information about the activities engaged in by these four groups, see *Mercy World*, 1(November 2000), pp. 1-5.

share the passion of their foundress, Catherine McAuley, to bring mercy to people who are poor, sick and uneducated.⁷

The creation of the Mercy International Association has provided a forum for the most extensive collaboration on an international level that the Sisters of Mercy have ever experienced. The tone of the new Identity Statement seems to put the need for even greater unity and collaboration into sharper focus.

The Congregation has indeed come a long way in achieving a level of union and collaboration that could not have been envisaged in the late nineteenth or even in the early twentieth century, when the Holy See repeatedly called on religious congregations to review their Rules and Constitutions and bring them into conformity with Church teaching.

2.2 – Ecclesiastical legislation of the twentieth century: impetus towards centralised government

2.2.1 – Pope Leo XIII, Apostolic Constitution *Conditae a Christo*

The first piece of ecclesiastical legislation which we refer to here is that contained in the Apostolic Constitution of Pope Leo XIII, *Conditae a Christo*.⁸ This Constitution clearly defined the distinction between the two types of

⁷ *Mercy World*, 2(July 2001), p 2.

⁸ LEO XIII, Apostolic Constitution, *Conditae a Christo*, 8 December 1900, in *Acta Sanctae Sedis*, (=ASS), 33(1900), pp. 341-347. English trans. in G. COURTOIS, ed., *The States of Perfection: Documents from Leo XIII to Pius XII*, trans. J.A. O'FLYNN, Dublin, M.H. Gill, pp. 5-13. This Constitution has been described as the "Magna Charta" of religious congregations and it was inserted almost entirely into the 1917 Code of Canon Law. See J. CREUSEN, *De iuridica status religiosi evolutione, synopsis historica*, Romae, apud Aedes Pontificiae Universitatis Gregorianae, 1948, p. 40.

congregations of simple vows, those of diocesan and those of pontifical approval. It regulated and restricted within certain limits the authority of diocesan bishops in regard to these congregations.⁹ It also stated that “the authority of the Superiors of these congregations and of the Bishops [was to] be concordant and unanimous” and, to achieve that spirit, it was necessary that each “should know and respect in their integrity the rights of others.”¹⁰

Shortly after the promulgation of this Apostolic Constitution, the Congregation of Bishops and Regulars issued the *Normae secundum quas S. Congr. Episcoporum et Regularium procedere solet in approbandis novis institutis votorum simplicium*.¹¹ While *Conditae a Christo* confined itself to clarifying the mutual rights and obligations of bishops and superiors, the *Normae*, which did not have the force of law, were more in the nature of a directory which provided a blueprint of desirable practice in congregations of simple vows. They described the process by which those congregations acquire approval of both their institute and constitutions, the legal principles that should be incorporated

⁹ “Qua igitur ratione summis societatum harum Praesidibus in Episcoporum iura et potestatem nefas est invadere; eadem Episcopi prohibentur ne quid sibi de Praesidum ipsorum auctoritate arrogent.” See *Conditae a Christo*, p. 342.

¹⁰ “Concordem atque unanimem Praesidum Congregationum atque Episcoporum auctoritatem esse oportet, at ideo necesse est alteros alterorum iura pernoscere atque integra custodire.” *ibid.*, p. 342.

¹¹ SACRA CONGREGATIO EPISCOPORUM ET REGULARIUM, *Normae secundum quas S. Congr. Episcoporum et Regularium procedere solet in approbandis novis institutis votorum simplicium*, Romae, 28 June 1901, in ASS, 33(1900), pp. 341-347. [Typis S.C. de Propaganda Fide, 1901, 59 p.].

into the constitutions, and the levels of authority within the congregation.¹² The *Normae* made it clear that, in an institute of pontifical right, the supreme authority within the Institute was vested in the general chapter and the superior general.¹³ Accordingly, the authority to govern an Institute belonged not to the bishop, but to the validly elected officials of the congregation.

Conditae a Christo and the subsequent *Normae* had revised and codified the various pieces of legislation which had shaped religious congregations during the nineteenth century in order to provide a set of basic principles which would eliminate undesirable conflicts between the congregations and ecclesiastical authorities. It took some time for this new legislation to make an impact on some religious congregations.¹⁴

¹² The *Normae* consist of two parts, each divided into a number of sections or chapters. The first part deals with the approbation of Congregations and their Constitutions; what should be included in those Constitutions and what excluded, pp. 3-12. The second part includes norms concerning every aspect of the life of a Congregation, pp. 13-55.

¹³ "Suprema auctoritas in toto Instituto modo ordinario exercetur a moderatrice generali cum suo consilio, et modo extraordinario a capitulo generali." See *Normae*, p. 35.

¹⁴ See A. BIZZARRI, ed., *Collectanea in usum secretariae Sacrae Congregationis Episcoporum et Regularium*, Romae, Typographia polyglotta, 1865, x, 881p. The *Methodus* of Bizzarri was the forerunner of *Conditae a Christo* and the *Normae* in the sense that it had developed a set of procedures based on successive apostolic constitutions and the decrees of the Council of Trent, which regulated the approbation of religious congregations during the nineteenth century. See also F.J. CALLAHAN, *The Centralisation of Government in Pontifical Institutes of Simple Vows (From their Beginnings till the Legislation of Leo XIII)*, Romae, Pontificia Universitas Gregoriana, 1948, 112 p., especially pp. 44-47.

Because of misconceptions on the part of the Sisters of Mercy and some bishops concerning the canonical status of the former, misunderstandings inevitably arose in several dioceses. There were no clear demarcation lines to indicate the limits of the bishops' authority over the Sisters in their dioceses, nor did the Sisters understand to what extent they were obliged to comply with every demand made by individual bishops. The new legislation would seek to clarify the rights and obligations of both parties.

2.2.2 – Irish Diocesan Synods and Councils

A plenary synod of the bishops of Ireland held in Maynooth in 1900 expressed the wish that all the houses of nuns or sisters, such as the Sisters of Mercy and the Presentation Nuns, would unite at either diocesan or provincial level, under the authority of one superior general.¹⁵ In 1907 and 1908, provincial synods of the Archdioceses of Armagh and Tuam established that within one year from the promulgation of their decrees the Sisters of Mercy and the Presentation Sisters should be united, with the approval of the Holy See, at either diocesan or provincial level.¹⁶ Then, in 1927 a plenary council of the bishops of Ireland reiterated the wish that had been expressed by the Plenary Synod of Maynooth in 1900 and by the subsequent diocesan synods.¹⁷ These councils and synods asked religious to implement the teachings of the Apostolic

¹⁵ See *Acta et decreta Synodi plenariae episcoporum Hiberniae habitae apud Maynutiam, An. MDCCCC*, Dublin, Browne & Nolan, 1906, p. 116. Art. 365 reads: "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."

¹⁶ See *Acta et Decreta Synodi Provincialis Armacanae habitae apud Armacham, An. MDCCCXCVIII*, Dublin, Browne & Nolan, 1911, Chapter XXIII, *De Monialibus*, p. 32. Art. 92 reads: "Secundum commendationem Synodi Maynutianae, n. 365, statuimus ut intra annum a promulgatione horum Decretorum, omnes domus cuiusvis Sororum seu Monialium Congregationis, sicut Sororum de Misericordia, in singulis dioecesibus Provinciae Armacanae separatim nunc existentes, sub unica ejusdem Congregationis Superiorissa, si non in Provincia in unaquaque Dioecesi, cum permissione S. Sedis uniantur." See also *Acta et Decreta Concilii provincialis Tuamensis habiti anno 1907*, Dublin, Browne & Nolan, 1908, Decree 165, p. 36.

¹⁷ See *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, 1927, Titulus XV, *De Monialibus et Sororibus*, pp. 81-82. Art. 194 of this decree reads: "Nostrum facimus et renovamus optatum in priore Synodo Maynutiana expressum ut domus omnes sororum eiusdem Congregationis, sicut sororum Misericordiae et Praesentationis, in singulis dioecesibus separatim nunc existentes, sub unica superiorissa in unaquaque dioecesi vel provincia uniantur."

Constitution, *Conditae a Christo*, the subsequent *Normae* and, of course, the 1917 Code of Canon Law.

2.2.3 – The 1917 Code of Canon Law

A number of significant events occurred in the first quarter of the twentieth century, which may have revived the movement towards unification in religious congregations. First, there was the promulgation of the Code of Canon Law on 27 May 1917.¹⁸ This was a welcome development, since it was the first time that the Church had promulgated a systematic presentation of its legislation. This new Code incorporated the best canonical principles of the *Corpus Iuris Canonici*, the decrees of the Council of Trent, the various papal constitutions, and the decisions of Roman Congregations.

Following the promulgation of the new Code, the Holy See decreed on 26 June 1918 that the Rules and Constitutions of all religious congregations should be revised and brought into conformity with the new legislation.¹⁹ In March 1921, the Congregation for Religious issued the *Normae secundum quas Sacra Congregatio de Religiosis in novis religiosis congregationibus approbandis procedere solet*, a briefer revised version of the *Normae* of 1901. These new

¹⁸ See *Codex iuris canonici, Pii X Pontificis Maximi iussu digestus, Benedicti Papae XV auctoritate promulgatus*, Romae, Typis Polyglottis Vaticanis, 1917 (=CIC 1917), xlvii, 777 p.

¹⁹ See SACRA CONGREGATIO DE RELIGIOSIS, *De Regulis et Constitutionibus Religiosorum ad Normam Canonis 489 Codicis Iuris Canonici Reformandis*, Romae, 26 June 1918, in AAS, 10(1918), p. 290. See also J. SABOURIN, *The Amalgamation: A History of the Union of the Religious Sisters of Mercy of the United States of America*, Saint Meinrad, Indiana, Abbey Press, 1976, xii, 330 p.

Normae, in conformity with the 1917 Code of Canon Law, basically repeated the stages in the approval of new religious congregations and their constitutions.²⁰

2.2.4 – Clarification of juridical status of the Sisters of Mercy

In November 1925, the Congregation for Religious issued the *Declaratio circa Naturam Iuridicam Congregationis Sororum a Misericordia (Sisters of Mercy)*.²¹ The Declaration takes the form of a response to two queries concerning the juridical nature of the congregation. The first question asked whether the Congregation should be regarded as pontifical or diocesan, given the fact that the individual houses were under the respective jurisdiction and authority of the local bishop. The second question was whether the various houses of the Congregation, which had united with the authority of the Holy See under a central government, were pontifical. The response to the first query was

²⁰ The *Normae* of 1901 were a very detailed presentation of the legal principles pertaining to Congregations of simple vows. The *Normae* of 1921 were, as the opening sentence of article 1 states, "nihil aliud est quam sectio prior Normarum pro approbandis religiosis Institutis votorum simplicium, quae auctoritate Sacrae Congregationis EE. et RR., anno 1901, in lucem prodierunt, novo tamen Codici universali iuris canonici accommodata. Secunda enim sectio Normarum, post Codicis promulgationem, iam non videtur necessaria, ..." See SACRA CONGREGATIO DE RELIGIOSIS, *Normae secundum quas Sacra Congregatio de Religiosis in novis religiosis congregationibus approbandis procedere solet*, 6 March 1921, in AAS, 13(1921), pp. 312-319. [Romae, Typis Polyglottis Vaticanis, 1922, 16 p.].

²¹ SACRA CONGREGATIO DE RELIGIOSIS, *Declaratio Circa Naturam Iuridicam Congregationis Sororum a Misericordia*, Romae, 1925, in AAS, 16(1925), p. 14. [Also in *The Irish Ecclesiastical Record*, 28(1926), p. 538]. See Appendix III.

that the Congregation is pontifical and not diocesan; a similar affirmative response was given to the second one.²²

Commenting on the Declaration in *The Irish Ecclesiastical Record*, J. Kinane explains why confusion had arisen concerning the juridical status of the Sisters of Mercy, since it should have been evident to anyone who examined the decree of Pope Gregory XVI granting approval to the Congregation in 1841, that this was a pontifical congregation.²³ Kinane believes that the doubts which occasioned the queries sent to the Congregation for Religious arose from the statement in the Mercy Rule and Constitutions which said: "This Religious Congregation shall always be subject to the authority and jurisdiction of the

²² I. "An Congregatio Sororum a Misericordia, vulgo Sisters of Mercy, quae, iuxta earum Constitutiones, adprobatae sub die 6 junii 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 dioecesani. 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 (sic) Sanctae Sedis, sub uno gubernio centrali coaluerint.

Porro 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*.

Declaratio, p. 14. See also P. MAROTO, "Sacra Congregatio de Religiosis Declaratio circa Naturam Iuridicam Congregationis Sororum a Misericordia (Sisters of Mercy)," in *Commentarium pro Religiosis et Missionariis*, 7(1926), pp. 83-92.

²³ See J. KINANE, "Declaration Regarding the Juridical Nature of the Congregation of the Sisters of Mercy", in *The Irish Ecclesiastical Record*, 28(1926), pp. 418-420.

Diocesan Bishop, and the Sisters shall respect and obey him as their principal Superior after the Holy See.”²⁴

He explained that the Rule and Constitutions were drafted at a time when the juridical nature of pontifical and diocesan Congregations was less clearly defined than it was in the twentieth century.²⁵ He also explained that some of the powers attributed to the bishop in the early Rule and Constitutions were still retained in the Constitutions revised by the Holy See after the promulgation of the Code. In connection with episcopal visitation, for instance, it is stated: “Before closing the visitation, he shall examine the account books signed by the Mother Superior and the Bursar”, whereas the general principle, in accordance with CIC 1917, c. 618 § 2, is that a bishop is not allowed to interfere in the economic administration of a pontifical Institute.²⁶ For this reason, the Holy See, since it approved the revision of those Constitutions, “must be regarded as derogating from the Code in this and in any other place in which similar opposition may exist.”²⁷

²⁴ *The Rule and Constitutions of the Religious called Sisters of Mercy*, Dublin, Browne & Nolan, 1841, Part II, Chapter 1, art. 113, p. 68 (=1841 *Rule and Constitutions*).

²⁵ See KINANE, pp. 419-420.

²⁶ CIC 1917, c. 618 § 2. “In religionibus tamen iuris pontificii Ordinario loci non licet: 1.º Constitutiones ullatenus immutare aut de re oeconomica cognoscere, salvo praescripto can. 533-535. English trans. in *Codex iuris canonici, Canonical Legislation Concerning Religious*, Authorised English translation, Città del Vaticano, Libreria Editrice Vaticana, 1949, p.13. See also *The Rule and Constitutions of the Religious called Sisters of Mercy*, Dublin, Browne & Nolan, 1926, p. 71; KINANE, p. 420.

²⁷ KINANE, p. 420.

2.2.5 – The role of Pope Pius XII

In Europe in the early 1950s there was a marked decline in the number of vocations to religious life, especially among women.²⁸ Concerned about this situation, Pope Pius XII, on numerous occasions in letters, discourses, and addresses to various congresses, encouraged religious to renew and update their way of life, including their governance structures, while at the same time safeguarding their original spirit. He encouraged mutual relations and greater cooperation, including closer juridical union, among religious congregations, especially those with similar backgrounds.²⁹

Consequently, several federations of monasteries, some proposed and commended by Pope Pius XII himself, occurred in France during his reign. Of these, the federation of the Canonesses Regular Hospitallers of the Mercy of Jesus of the order of Saint Augustine was notable since its federation was proposed by the Canonesses in 1937 and commended by Pius XII in 1939.³⁰

²⁸ See J. GALLEN, "Renovation and Adaptation", in *Review for Religious*, 14(1955), pp. 293-318, for a summary of the principal themes of Pope Pius XII's contributions on religious life and the need for renewal and adaptation to meet the changed conditions of the time.

²⁹ See, for instance, the following: Pius XII, *Allocution, Annus sacer* (to the participants of the first International Congress of Religious), 8 December 1950, in AAS, 43(1951), pp. 26-36; "Allocution to the Superiors General of Female Institutes and Congregations", 15 September 1952, in AAS, 44(1952), pp. 823-826; especially p. 824; English translation in *Review for Religious*, 11(1952), pp. 305-308; Allocution, *Sous la maternelle* (to the members of the second general congress of the states of perfection), 9 December 1957, in AAS, 50(1958), pp. 34-43; Allocution, *Haud mediocri* (to the superiors general of religious Orders and Congregations of men), 11 February 1958, in AAS, 50(1958), pp. 153-161; Homily, *Exsultent hodie*, 18 September 1947, in AAS, 39 (1947), pp. 452-456.

³⁰ Pius XII, "Le benemerenze di un'eletta famiglia religiosa", Capitolo Generale delle Canonichesse Regolari di S. Agostino della Unione Romana, July 21, 1939, in *Discorsi e radiomessaggi di Sua Santità Pio XII*, Città del Vaticano, Tipografia Poliglotta Vaticana, 1955-1959, v. 1, pp. 278-279.

The Congregation for Religious gave official approval to this Federation in September 1946, the same year in which it approved the Federation of the monasteries of Our Lady of Charity.³¹

In November 1950, the Holy Father issued the Apostolic Constitution, *Sponsa Christi*, which specifically addressed issues faced by contemplative women religious.³² He encouraged federations and confederations of autonomous *sui iuris* monasteries in order to prevent difficulties that could arise because of complete separation, and also to ensure regular observance and the growth of contemplative life. Although this constitution had no direct relevance for active congregations like the Sisters of Mercy, its significance as an indication of the mind of the Holy See would have given a certain impetus to their efforts towards unification.

In 1950, at the request of Pope Pius XII, the First International Congress of Religious was held in Rome.³³ Here the Pope emphasised the need for

³¹ See M BAIR, *Fusion and Union of Institutes of Consecrated Life in Light of the Code of Canon Law* JCD diss., Ottawa, Saint Paul University, Faculty of Canon Law [pro manuscripto], 1993, pp. 96-98.

³² 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. English trans. in T. BOUSCAREN, *Canon Law Digest: Officially published Documents affecting the Code of Canon Law (=CLD)*, Milwaukee, Bruce Publishing Company, [c1934-], v. 3, (1942-1953), pp. 221-239. See also Sacra Congregatio de Religiosis, Instruction *Inter praeclara*, 23 November 1950, in AAS, 43(1951), Part II, pp. 41-44. English trans. in *CLD*, v. 3, pp. 244-247. Art. VII, § 2, 1°, of the Instruction referred to the possibility of the federation of monasteries as follows: "Monasteriorum Foederationes quamvis regula generali non praecipiantur, tamen a Sede Apostolica valde commendantur ... " See also A.M. LARRAONA, *La nuova disciplina canonica sulle monache; la costituzione apostolica "Sponsa Christi" et la istruzione "Inter praeclara"*, Roma, Desclée, 1952, pp. 166-168.

³³ See *Acta et documenta Congressus generalis de statibus perfectionis*, Roma, 1950, Libreria Internazionale Pia Società San Paolo, [1952-1953], 4 v.

renewal and adaptation, "striving by every means that the holy laws of one's institute will not appear as a collection of exterior and useless regulations, whose letter, in the absence of the spirit, kills ..."³⁴ This congress was 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 changing circumstances."³⁵ The Pope returned again to the themes of renewal and cooperation in his 1952 address to the first international meeting of the superiors general of Institutes of religious women.³⁶ The teachings and exhortations of Pope Pius XII paved the way for the more radical and comprehensive renewal of religious life that would be a major theme of the Second Vatican Council.

2.2.6 – The Second Vatican Council

The Second Vatican Council called for the "up-to-date renewal of the religious life" which includes "a constant return to the sources of the whole of the Christian life and to the primitive inspiration of the institutes, and their adaptation

³⁴ "... omni ope atque opera eniti, ut sacrae Instituti sui leges non acervus externarum aut inutilium regularum appareant, quarum littera, deficiente spiritu, occidit ... " See PIUS XII, Letter to Cardinal Clemente Micara on *Adaptation of Religious to Contemporary Conditions*, 12 November 1950, in AAS, 43(1951), pp. 24-26. English trans. in COURTOIS, p. 142.

³⁵ 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, v. 1, p. 178.

³⁶ PIUS XII, "Address to the Superiors General", in *Acta et documenta congressus internationalis superiorissarum generalium*, Romae, Editiones Paulinae, 1952, pp. 332-334. See also PIUS XII, *Apostolic Exhortation to the First International Congress of Teaching Sisters*, 13 September 1951, in AAS, 43(1951), pp. 738-744. English trans. in COURTOIS, *The States of Perfection*, pp. 194-202.

to the changed conditions of our time.”³⁷ The Dogmatic Constitution on the Church, *Lumen gentium* (21 November 1964),³⁸ and the Decree on the up-to-date Renewal of Religious Life, *Perfectae caritatis* (28 October 1965) provided a theological and spiritual basis for this renewal and adaptation. The Council instructed the “competent authorities” and especially the “general chapters” of religious institutes to “establish the norms for appropriate renewal and to legislate for it, and also to provide for sufficient prudent experimentation.”³⁹

2.2.6.1 – *Perfectae caritatis*

Article 2 of *Perfectae caritatis* sets down five principles to guide the work of renewal, which can be summarised as follows:

1. The “supreme rule” for all religious institutes is the following of Christ;
2. The spirit and aims of each founder as well as each institute’s sound traditions should be faithfully accepted and retained;
3. All institutes should share in the life of the Church by participating in its initiatives and undertakings;

³⁷ VATICAN II, *Perfectae caritatis, Decree on the Up-to-date Renewal of Religious Life* (=PC), 28 October, 1965, in AAS, 58(1966); pp. 702-712. English trans. in A.P. FLANNERY, gen. ed., (=FLANNERY), *Vatican Council II: The Conciliar and Post Conciliar Documents*, Northport, New York, Costello Publishing Co., 1987, v. 1, pp. 612-623, especially n. 2, p. 612.

³⁸ VATICAN II, *Lumen gentium, Dogmatic Constitution on the Church* (=LG), 21 November 1964, in AAS, 57(1965), pp. 5-75; English translation in FLANNERY, v. 1, pp. 350-440. Chapter V, “The Call to Holiness” and Chapter VI, “Religious”, of this Constitution are particularly important for our purposes.

³⁹ PC, n. 4, in FLANNERY, v. 1, pp. 613-614.

4. Members of religious institutes should have a proper understanding of people, the conditions of the times, and the needs of the Church;

5. Adaptation must be animated by spiritual renewal.⁴⁰

Article 3 provides criteria for the renewal of the manner of life, of prayer, of work, and of the mode of government. Constitutions, directories, books of customs, of prayers, and of ceremonies were to be properly revised and brought into conformity with conciliar documents. Article 4 states that “effective renewal and right adaptation” cannot be achieved without the cooperation of all the members of an institute, the competent authorities, and the approval of the local ordinaries and of the Holy See when the law requires this.⁴¹

Since this dissertation is concerned with the unification of autonomous diocesan groups of Sisters of Mercy, it is important to note what *Perfectae caritatis* and some of the other conciliar documents have to say about this subject. Articles 21 and 22 deal with the amalgamation and union of institutes and monasteries. Article 21 recommends that institutes and monasteries which have no reasonable hope of further development should accept no more novices and unite rather with more flourishing institutes or monasteries who have a similar spirit and aims. Article 22 suggests that institutes and independent monasteries that belong to the same religious family should, as opportunity offers and with the approval of the Holy See, form federations. If they cannot do this, it

⁴⁰ Ibid., n. 2, in FLANNERY, v. 1, pp. 612-613.

⁴¹ See *ibid.*, nn. 3-4, v. 1, pp. 613-614.

is recommended that they should form unions, if their constitutions and customs are almost identical, if they have the same spirit, and their numbers are declining. The third possibility is that these institutes and monasteries should form associations if they have the same or similar active apostolates. These three forms of unification – federation, union and association – require prior approval of the Holy See.⁴²

2.2.6.2 – *Ecclesiae sanctae*

The Council's directives for the implementation of the Decree, *Perfectae caritatis*, were formalised and promulgated by Pope Paul VI in his *Motu proprio Ecclesiae Sanctae II*, 6 August 1966.⁴³ Articles 1-19 of the *Motu proprio* develop articles 1-4 of *Perfectae caritatis*, indicating who is responsible for renewal, how constitutions are to be revised, and what criteria should be observed in the process of renewal and adaptation. Articles 20-38 deal with the formation of religious, their prayer and community life, the vows, and enclosure. Then, articles 39-41 provide criteria and procedures for the unification and suppression of institutes.

Any type of union between religious institutes requires “adequate preparation, spiritual, psychological, juridical, according to the mind of the Decree

⁴² See *ibid.*, nn. 21-22, in FLANNERY, v. 1, p. 622.

⁴³ PAUL VI, Apostolic Letter, *Motu proprio Ecclesiae Sanctae II, Norms for Implementing the Decree: On the Up-to-date Renewal of Religious Life (=ES II)*, 6 August 1966, in AAS, 58(1966), pp. 775-787; English trans. in FLANNERY, v. 1, pp. 624-633.

Perfectae caritatis.⁴⁴ The proposed union should also be guided by the good of the Church, the particular character of each institute, and freedom of choice must be left to each individual religious.⁴⁵ *Ecclesiae sanctae* then recommends certain criteria for the guidance of institutes contemplating such a union: the number of members remains small, candidates have not been forthcoming for a long time past, and most members are advanced in years.⁴⁶ The principles set forth in this *Motu proprio* will guide large congregations, like the Sisters of Mercy, as they prepare to revise their Constitutions and bring their government structures into conformity with the wishes of the Church expressed in *Lumen gentium* and *Perfectae caritatis*.

2.2.6.3 – *Ad instituenda experimenta*

Two other documents of particular interest to religious institutes in the work of renewal and adaptation are worthy of mention here. The first of these was the Decree *Ad instituenda experimenta*, 4 June 1970, issued by the Congregation for Religious and Secular Institutes.⁴⁷ This decree granted “some faculties” to religious institutes who frequently requested dispensations from the common law as they prepared to institute experiments in accordance with the

⁴⁴ *ES*, II, n. 39, in FLANNERY, v. 1, p. 632.

⁴⁵ *Ibid.*, n. 40.

⁴⁶ *Ibid.*, n. 41.

⁴⁷ SACRA CONGREGATIO PRO RELIGIOSIS ET INSTITUTIS SAECULARIBUS, Decree, *Ad instituenda experimenta*, 4 June 1970, in AAS, 62(1970), pp. 549-550. English trans. in CLD, v. 7, pp. 80-81.

motu proprio, Ecclesiae sanctae. These faculties would suspend or change some canons of the 1917 Code of Canon Law and would remain valid until the revised Code took effect.⁴⁸

2.2.6.4 – *Mutuae relationes*

The second document was *Mutuae relationes*, Directives for Mutual Relations Between Bishops and Religious in the Church. This was a joint document issued by the Congregation for Religious and Secular Institutes and the Congregation for Bishops on 14 May 1978.⁴⁹ It had been prepared in collaboration with the Congregation for the Oriental Churches and the Congregation for the Evangelization of Peoples (*Propaganda Fide*). The main theme of the document is the desirability of mutual understanding, dialogue, and collaboration between bishops and religious in the overall renewal of the local and universal Church. This document would have particular relevance for a religious institute like the Sisters of Mercy that, although pontifical since its approval by the Holy See in 1841, had nevertheless operated as a diocesan institute.

⁴⁸ See *ES*, II, nn. 3 and 6, in FLANNERY, p. 625. For a study of the history and procedures of the renewal process in religious institutes see M. DORTEL-CLAUDOT, "The Task of Revising the Constitutions of the Institutes of Consecrated Life as Called for by Vatican II", trans. L. WEARNE, in R. LATOURELLE, ed., *Vatican II: Assessments and Perspectives: Twenty-Five Years After (1962-1987)*, New York, Mahwah, NJ, Paulist Press, v. 3, pp. 90-130.

⁴⁹ SACRED CONGREGATION FOR RELIGIOUS AND SECULAR INSTITUTES, SACRED CONGREGATION FOR BISHOPS, *Notae directivae: Pro mutuis relationibus inter episcopos in Ecclesia, Mutuae relationes (=MR)*, 23 April 1978, in *AAS*, 70(1978), pp. 473-506. English translation in FLANNERY, *Vatican Council II: More Post Conciliar Documents*, v. 2, pp. 209-243. [Also in *CLD*, v. 9, pp. 296-340].

2.2.7 – The 1983 Code of Canon Law

The promulgation of a new Code of Canon Law in 1983 was another important milestone in the development of ecclesiastical legislation.⁵⁰ Until now there had been no specific universal legislation governing unification of religious institutes. The 1917 Code of Canon Law had no canon explicitly addressing this question. Religious institutes relied on the available jurisprudence, parallel legislation, and the practice of the Roman Curia to guide them in the formation of unions or federations. Now, canon 582 of the 1983 Code provides a broad general principle for mergers and unions, confederations and federations of religious institutes.⁵¹ The administrative details of the process must still be worked out by the institutes in question with the assistance of the Congregation for Institutes of Consecrated Life and Societies of Apostolic Life (=CICLSAL). The revised Code of Canon Law together with the conciliar documents *Perfectae caritatis*, *Lumen gentium*, and related post conciliar documents would provide religious institutes with the impetus and the clear juridical guidelines for the implementation of the Church's call for renewal and adaptation.

⁵⁰ See *Codex iuris canonici, auctoritate Joannis Pauli PP. II promulgatus, fontium annotatione et indice analytico-alphabetico auctus*, Città del Vaticano, Libreria editrice Vaticana, 1989 (=CIC 1983), xxxii, 669p. English translation, *The Code of Canon Law* (=The Code of Canon Law), New Revised English Translation, prepared by THE CANON LAW SOCIETY OF GREAT BRITAIN AND IRELAND in association with THE CANON LAW SOCIETY OF AUSTRALIA AND NEW ZEALAND AND THE CANADIAN CANON LAW SOCIETY, London, Harper Collins, 1997, xvi, 509p. The English translation used in this dissertation will be that of the *Code of Canon Law* unless otherwise indicated.

⁵¹ CIC 1983, c. 582: "Fusiones et uniones institutorum vitae consecratae uni Sedi Apostolicae reservantur; eidem quoque reservantur confoederationes et foederationes."

Throughout the century, the Sisters of Mercy responded to each level of legislation with varying degrees of enthusiasm. There seemed to be a growing awareness, at least on the part of some Mercy superiors and diocesan bishops, that change was needed and that a centralised form of government would be more effective for the Congregation from the point of view of common Constitutions, formation, and ministry. By the end of the Second Vatican Council, the Sisters of Mercy would be taking the recent apostolic constitutions seriously as they endeavoured to bring the congregation and their Rule and Constitutions into conformity with the teaching of the Church, while preserving the original intention of the foundress.

2.3 – Initial response of the Sisters of Mercy

2.3.1 – Early initiatives in the United States of America

As early as 1861, a close associate of Catherine McAuley, Sister Frances Warde, who had founded ten autonomous convents with several branch houses in the United States of America, was expressing concern for the welfare of these foundations. Frances Warde's vision expressed in the annals of the Motherhouse of the Sisters of Mercy in Philadelphia, would seem to indicate that she was convinced that some form of unification would provide stability to those houses and "contribute to peace and prosperity in the order."⁵² Her proposal that

⁵² In September 1861, Sister Francis Warde visited all the houses of the Sisters of Mercy in Pennsylvania in order to enlist their support on the subject of unification that she had proposed

“... the Order would be benefited by having one General Superior and that all the young religious should be trained in one novitiate” was evidently unacceptable to many of the Sisters of Mercy and to some of the bishops and priests in that region.⁵³ There was at least one reason for the reluctance to accept a central form of government and that was the conviction both among the Sisters and among members of the hierarchy that the Sisters of Mercy were a diocesan Institute.

Nevertheless, isolated and sometimes successful efforts, to establish a central government structure that would “improve undesirable situations and reinforce unity among the American houses” continued to be made by individual superiors, usually with the support and encouragement of some influential bishops and priests.⁵⁴ There is evidence that at least sixteen unions occurred between 1881 and 1928. Some of these took place with the intervention of the Mercy superiors; others occurred through the creation of new dioceses and with the encouragement of individual bishops.⁵⁵

These efforts kept the concept of centralisation alive until Cardinal N. Ledochowski, Prefect of the Congregation for the Propagation of the Faith, in

to “all the Superiors of the different Houses of the Order throughout America.” See SABOURIN, pp. 3-12.

⁵³ Entries in the early annals of the Philadelphia Motherhouse of the Sisters of Mercy, dated September 16th 1861, quoted in SABOURIN, pp. 3-5. For a comprehensive account of all the unions and efforts towards union in the United States, see DARCY, pp. 71-96.

⁵⁴ See SABOURIN, pp. 12-16.

⁵⁵ See DARCY, p. 74.

1902, authorised Archbishop Sebastian Martinelli, apostolic pro-delegate of the United States to “investigate and correct the ‘independent’ status of the Sisters of Mercy.” The reason the Cardinal Prefect gave for this investigation was that the Sisters of Mercy in various dioceses in the United States had been “detached from their Institute in Dublin, and without the intervention of the Holy See have founded houses that are independent from the motherhouse of Europe, retaining, nevertheless, the Constitutions already approved by the Holy See.” Since the position of those Sisters was, therefore, deemed not to be “in conformity with the canonical legislation”, the apostolic pro-delegate was given the “necessary and opportune faculties so that the status of the Sisters of Mercy and of other Institutes who find themselves in a similar condition may be regulated in accordance with the ecclesiastical laws.”⁵⁶

2.3.2 – Ambiguity about the juridical status of the Sisters of Mercy

Somehow, in the midst of an hitherto unclear juridical situation, the Sisters of Mercy had lost sight of, if ever they had fully understood, what their precise canonical relationship should have been with their ecclesiastical superiors and the same seems to have been true of many of those ecclesiastical superiors. We can argue that advantages were accruing to both sides by maintaining the *status quo* as it was expressed in the Rule and Constitutions of the Congregation.

⁵⁶ N. LEDOCHOWSKI, Letter to S. Martinelli, Prot. no. 47785, 20 January 1902, Archives of the Sisters of Mercy of the Union (=ASMU). See also SABOURIN, pp. 17-18.

Catherine McAuley's Rule had thus placed the houses of her Congregation in a vulnerable position with regard to episcopal power.

The Holy See, therefore, had taken steps, through Archbishop Martinelli, the apostolic pro-delegate in the United States, to encourage the Sisters of Mercy and similar Institutes to review their Rules and Constitutions and their governance structures in order to bring them into conformity with the new legislation as outlined in the Apostolic Constitution *Conditae a Christo* and the *Normae*. The insistence with which the apostolic pro-delegate repeatedly requested both the Sisters of Mercy and the hierarchy of the United States to address this question is proof of the concern of the Holy See that all religious congregations and the Sisters of Mercy in particular should conform to the new ecclesiastical legislation.⁵⁷

Before he could accomplish any positive outcome in this regard, in 1902 Archbishop Martinelli was succeeded as pro-delegate by Archbishop Diomedede Falconio, who demonstrated the same zeal for reform of the Mercy congregation as his predecessor had. His first task was to examine the Rule and Constitutions, and the Book of Customs, where such existed, of the Sisters of Mercy.⁵⁸ Meeting with opposition from some Mercy superiors, the Delegate reminded them that "the Institute of the Sisters of Mercy, having Constitutions

⁵⁷ See S. MARTINELLI, Circular letter to United States Hierarchy, Prot. No. 1919, March 3, 1902, ASMU. See also SABOURIN, pp. 18-19.

⁵⁸ See SABOURIN, pp. 20-26.

approved by the Holy See, cannot be considered as a diocesan institute strictly as such, hence its dependency from the ordinary of the Diocese is regulated in accordance with Constitution *Conditae a Christo* lately issued by the Holy See.”⁵⁹ He also reminded them that their Constitutions, which had been written at a time when there was no definite canonical legislation in regard to Institutes of simple vows, would have to be revised in accordance with the most recent legislation.

Despite the pro-delegate’s persistent efforts to impress on the Mercy Superiors and the hierarchy the urgency of the task of unification, there resulted only isolated instances of such unification.⁶⁰ Nevertheless, the concept was alive and somewhat active, but the will to effect it on a general scale was less evident.

2.3.3 – Revision of Rules and Constitutions

To what extent the 1917 Code of Canon Law influenced the thinking of local bishops and the Mercy Superiors is not clear. What is clear is that, by 1925, the American Sisters of Mercy were, in the words of one writer, “far down the road of individualism” in the sense that the majority of the motherhouses in the country were interpreting arbitrarily whatever version of the Rule and Constitutions they had adopted, while others had undertaken the necessary

⁵⁹ In a letter dated 11 March 1905, Archbishop Falconio responded to the concerns expressed by Mother Mary Sebastian Gillespie of Pittsburg on the proposed centralisation of government of the Sisters of Mercy, pointing out the necessity for same. See SABOURIN, pp. 24-25.

⁶⁰ See D. FALCONIO, letter to United States Hierarchy, Prot. no. 8330, February 13, 1905, ASMU. For an account of these unions see SABOURIN, pp. 17-34.

revisions and received approval from the Holy See.⁶¹ However, as more individual Mercy groups began to request approval from the Holy See for their revised Rules and Constitutions, the Congregation for Religious, in order to expedite the task and minimise delays, undertook its own revision of the 1841 Rule and Constitutions, bringing them into conformity with the new 1917 Code of Canon Law, and authorising Louis C. Nolan, C.P., to oversee their distribution to the Sisters of Mercy throughout the world.⁶²

Since there was no centralised form of government with a Superior General, Father Nolan was faced with a dilemma as to whom he should entrust the publication and distribution of the newly revised Rules and Constitutions. He decided that the Mother Superior of the principal house of the Sisters of Mercy in the Archdiocese of Dublin, since it was in that diocese the congregation was founded, should have this task.⁶³ The Dublin Superior did not agree to have the new edition printed and distributed as requested until Father Nolan had assured her that the revised Rules and Constitutions were “nothing more than the old edition brought into harmony with the New Code of Canon Law (as decreed by

⁶¹ The reluctance, or at least the slowness, of the Sisters of Mercy to make any changes seems to have been dictated by an almost fanatical fidelity to the wishes of the Foundress for the new congregation as expressed in the original Rule and Constitutions (1841). This was even more true, as we shall see, of the Irish Sisters of Mercy. See SABOURIN, p. 44.

⁶² It was probably frustration with the unwillingness of the Mercy Sisters to make a concerted effort to comply with its request to revise their Rules and Constitutions that forced the Holy See to undertake the revision itself. See SABOURIN, pp. 44-45.

⁶³ Father Nolan forwarded the revised copies to the Mother Superior of the Sisters of Mercy in the Archdiocese of Dublin, asking her to have them published and distributed to the “entire Institute”. L.C. NOLAN, Letter to Rev. Mother Superioress, Sisters of Mercy, Carysfort

the Sacred Congregation for Religious in 1918); and so it contains nothing but what you are already obliged to since the Code of Canon Law came into force.”⁶⁴ He also assured her that they allowed scope for modifications dictated by time and place.⁶⁵ It is clear from the language and tone of the communications exchanged between the two parties that the Irish Sisters of Mercy were not enthusiastic about any change unless it came from the bishops; it is equally clear that the Holy See was not to be deflected from its commitment to reform the Congregation.⁶⁶

2.3.4 – Sisters of Mercy of the Union 1929

It is likely that the ongoing efforts made by individual superiors and bishops, together with the continuous encouragement of the Holy See and the recent definitive clarification of the juridical status of the Congregation, gave a

Park, Blackrock, Dublin, 15 January, 1926, Archives of the Mercy International Centre, Dublin (=MICA-D). See also SABOURIN, pp. 46-49.

⁶⁴ Ibid. See also SABOURIN, pp. 48-49.

⁶⁵ The Dublin Superior had expressed respectful concern that the Irish Sisters had not been consulted about the revision of the Rules and Constitutions. Father Nolan assured her that, since nothing new had been added to the Rule and Constitutions beyond what the new Code of Canon Law required, there was no need to consult the Sisters. The Constitutions which the Dublin Sisters of Mercy eventually had printed and circulated were *The Rule and Constitutions of the Religious Called Sisters of Mercy* (=1926 Dublin Constitutions), Dublin, Browne & Nolan, 1926, 98 p. See SABOURIN, pp. 47-48.

⁶⁶ The Superior's concerns were: “our desire to keep up the traditions of our Foundress” and loyalty to the bishops of Ireland who “have 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.” M. MULHERN Letter to L. Nolan, 25 January 1926, in MICA-D. The determination of the Holy See to progress the work of reform is evidenced in L. Nolan's response to M. Mulhern, 5 February 1926, in MICA-D. See also SABOURIN, pp. 47-48.

fresh impetus to the Sisters of Mercy as they endeavoured to bring their governance structures into conformity with the new Code of Canon Law and their revised Rule and Constitutions. With the benefit of experience and the necessary canonical principles now available to them, the Sisters no longer lacked trustworthy guidelines to take the restructuring of the Congregation a step further as the Holy See had requested repeatedly since 1902.

Since there was no universal legislation on unions and federations, the canons in the 1917 Code's section on union of benefices supplied the necessary canonical principles governing unions of juridic persons, such as a religious institute.⁶⁷ Canons 1419 and 1420 dealt with the union of benefices in such a

⁶⁷ CIC /1917, c. 1419: "Unio beneficiorum est:

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

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

3° Minus principalis, seu per subjectionem vel accessionem, cum beneficia remanent, sed unum aut plura alii tanquam accessorium principali subiiciuntur."

c.1420 § 1: "In unione extinctiva, beneficium quod emergit aut remanet, omnia iura et onera extinctorum competunt, et, si inter se componi nequeant, meliora ac favorabiliora.

§ 2: In aequae 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 onere 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.

way that they anticipated future distinctions made in religious law between “union”, “federation”, and “fusion”.⁶⁸

The amalgamation of congregations has been characterised as the extinctive union of one congregation into another and this description seems to correspond with the second type of extinctive union mentioned in c. 1419. 1^o.⁶⁹ In this case the Holy See suppresses one congregation, extinguishing its collegial moral personality, while at the same time uniting its members, houses, and temporal goods to another congregation.⁷⁰ Canon 1422, which reserves extinctive unions and suppression of benefices to the Holy See, since these are juridical acts, is also applicable to amalgamation of religious Institutes.⁷¹

CIC 1917 also provides certain criteria, which must be observed in the preparation for union. For instance, Canon 1423 § 1 states that necessity or the greater good of the Church is a fundamental requirement; in other words, there

⁶⁸ See H. JOULIA, *Union, fusion, fédération, association d'instituts religieux*, Paris, Comité permanent des religieux de France, Comité canonique, 1973, pp. 4-27. See also M. DORTEL-CLAUDOT, *Union, fusion, fédération d'instituts religieux: Nouveau directoire pratique*, Paris, Comité canonique des religieux, 1988, 48 p.

⁶⁹ See A. BOCQUET, “De l'union extinctive d'une congrégation religieuse à une autre”, in *L'Année canonique*, 4(1956), p. 11. See also C. DARCY, pp. 81-86. For a comprehensive study of unions and fusions of religious congregations, see M. BAIR, pp. 269-286.

⁷⁰ See DARCY, p. 84.

⁷¹ c. 1422. – “Unio extinctiva beneficiorum, eorum suppressio, aut dismembratio quae detractis bonis beneficialibus fiat quin novum erigatur beneficium ... uni Sedi Apostolicae reservantur.”

See also CIC 1917, c. 493, which reserves to the Holy See the right to suppress an Institute.

must be a just cause.⁷² Specific reasons for union could include the following: the welfare of souls, inadequate human or financial resources, more effective coordination of services, expenses, and time. Another important canonical principle, which applies to the union of benefices and by analogy to the union of religious congregations, is consultation with the interested parties by the competent authority, whether that be the Holy See or the local Ordinary.⁷³

In 1929, guided by the relevant legislation and after lengthy discussions and generally thorough preparation, thirty-nine out of some sixty autonomous houses amalgamated to form one religious institute, then known as “The Religious Sisters of Mercy of the Union in the United States”, with one superior general.⁷⁴ Between 1929 and 1987, ten additional independent Mercy congregations joined this institute.⁷⁵ The governance structure now in operation demonstrated a high degree of centralisation as expressed in the Constitutions: “The Institute although divided into provinces, is under the entire and immediate authority of the Mother General”, and again “The Mother General, with consent of

⁷² CIC 1917, c. 1423 § 1. “Ordinarii locorum, non autem Vicarius Capitularis, nec Vicarius Generalis sine mandato speciali, possunt, ob Ecclesiae necessitatem vel magnam et evidentem utilitatem ... unire ...”

⁷³ CIC 1917, cc. 1424, 1427 § 1, and 1428.

⁷⁴ For a full account of the 1929 amalgamation, see J. SABOURIN, See also SCR, Decree, *Perplures communitates*, March 1, 1929, Prot. no. 684/29, ASMU.

This congregation’s title underwent a number of changes. In the initial constitutions they are called “Religious Sisters of Mercy for the Union in the United States”. The 1941 and 1955 constitutions has the congregation’s title as the “Institute of the Religious Sisters of Mercy of the Union in the United States of America.” Later again, the title became the “Sisters of Mercy of the Union”. See DARCY, pp. 86-87.

⁷⁵ See SABOURIN, pp. 6-49.

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 advised them.”⁷⁶

2.3.5 – The Mother McAuley Conference

Further developments began to take place between 1955 and 1965 in the form of discussions among the non-amalgamated Mercy congregations about the possibility of forming “a flexible association.” Union, amalgamation or federation were not envisaged in these discussions.⁷⁷ However, they did result in the establishment of “The Mother McAuley Conference”, an association which promoted the canonization cause of Catherine McAuley as well as “her ideals by means of unified thinking and mutual exchange of ideas and interests.”⁷⁸ The Conference gradually extended to include representatives from the Sisters of Mercy of the Union, thus ensuring increased dialogue and subsequent collaboration among all the Sisters of Mercy in the United States. Out of those concerted efforts to find common ground on important issues of mutual interest, the Federation of the Sisters of Mercy will emerge.

⁷⁶ *Constitution of the Institute of the Religious Sisters of Mercy of the Union in the United States of America*, Washington, D.C., Sisters of Mercy, 1941, Part II, Chapter 6, no. 272, p. 102; *ibid.*, Part II, Chapter 2, no. 245, p. 92. See also DARCY, p. 101.

⁷⁷ See DARCY, p. 130.

⁷⁸ A. ROTH, *The McAuley Conference 1955-1965*, Potomac, Maryland, Federation of the Sisters of Mercy of the Americas, 1978, p. 2. See also DARCY, p. 131.

2.3.6 – Federation of the Sisters of Mercy of the Americas

The Federation of the Sisters of Mercy of the Americas was canonically approved and established by a decree of the Holy See, on May 11, 1968.⁷⁹ It consisted of nineteen congregations, one of which was the Sisters of Mercy of the Union, with each congregation retaining its own autonomy.⁸⁰ While one of the initial functions of the Federation was to serve as a channel of communication to the member congregations, over the years it expanded its functions to include coordination of projects of common interest, namely, formation, mission, and revision of constitutions.

Through the work of the Federation and of the Union, cooperation and interaction among the various Mercy congregations had increased throughout the United States. This resulted in considerable duplication of services and increasingly the existing congregational structures seemed inadequate to accommodate the growing unity among the Sisters of Mercy. Already, it had become compellingly obvious that “centralised government is a practical necessity in active Institutes” from the point of view of a unified direction in the apostolate, the transfer of Sisters from house to house, even from province to province according to the needs of the apostolate, a wider choice of competent

⁷⁹ See SCRIS, Decree, Prot. no. 5733/67, May 11, 1968, Archives of the Federation of the Sisters of Mercy of the Americas (=AFSMA).

⁸⁰ The Statutes of the Federation describe its administrative structure. See *Statutes of the Federation of the Sisters of Mercy of the Americas* (=Federation Statutes), art. VI, pp. 4-8.

superiors and formation personnel, and a better religious and secular formation of novices.⁸¹

This piecemeal implementation of its legislation was not the ideal that the Holy See had envisaged and encouraged, nevertheless it was a major step which would eventually culminate, as we shall see, in the formation of The Institute of the Sisters of Mercy of the Americas in 1991.⁸²

2.3.7 – Institute of the Sisters of Mercy of the Americas

The next phase in the further development of the governance structures of the Sisters of Mercy began at a conference of 1,800 sisters in Pittsburgh in 1981, the 150th anniversary of the foundation of the Congregation in Ireland. Copies of “core constitutions” which the Federation communities had developed collaboratively during the previous year, were distributed. From the discussions that ensued it was evident that, despite their structural disparities, there was already a high degree of unity among the Sisters and this articulated itself in a commitment by the governing board of the Federation to develop “a new model

⁸¹ See J.F. GALLEN, *Brief History of the Development of Religious Life and of Government among Religious with Special Reference to the Sisters of Mercy: Notes Prepared for a Course in Canon Law to Sisters of Mercy*, Woodstock College, Maryland, mimeographed, 1950, p. 3. Copy in MICA-D.

⁸² For a detailed examination of all the unions which took place in the United States and especially of the preparation for the 1991 union, see C. DARCY, pp. 71-137 and 138-252.

of relationship for the Sisters of Mercy of the Americas, and the necessary governmental structures to implement it.”⁸³

Planning for the new Institute began immediately with the appointment of the Mercy Futures Task Force whose mandate was to formulate a governance model and develop “processes that provide the opportunity for dialogue, input-feedback, and education on the proposed model.”⁸⁴ Planning took the form of meetings, consultations, professional advice in the areas of “finance, canon law, membership trends, and the psychology of change.”⁸⁵

The proposed governance model that emerged was subjected to rigorous evaluation, and modifications were made in response to suggestions submitted by the membership. On the recommendation of the Congregation for Religious and Secular Institutes (=CRIS) in 1984, a referendum of all the members, and a chapter vote were planned. Encouraged by the positive response from the membership, a formal petition for approval of the project was submitted to CRIS in January 1987.

An important aspect had yet to be addressed before formal approval to continue with the Mercy Futures Project was granted by CRIS. At its request, the views of the bishops in whose dioceses the sisters were located were sought

⁸³ D. GOTTEMOELLER AND L. DUGAS BURKE, “The Next Right Steps on the Pathways Toward the Future”, in *LCWR Occasional Papers*, Summer 1997, p. 22. See also DARCY, pp. 144-148.

⁸⁴ GOTTEMOELLER and DUGAS BURKE, p. 22. See also DARCY, pp. 145-253.

⁸⁵ GOTTEMOELLER and DUGAS BURKE, pp. 22-23.

and, in March 1988, permission to move ahead with the process was granted. The first referendum of all the sisters yielded a “yes” result. The seventeen congregations then held chapters to decide whether or not they would petition to be one of the congregations forming the new Institute. All of them voted affirmatively. The final step for the membership was the second referendum held after the chapter and of the 7,400 sisters eligible to vote, 97.9% voted in favour of joining the new Institute.⁸⁶

While the majority of the membership had elected to join the new Institute, provision had to be made, bearing in mind their acquired rights, for those Sisters who were not willing to accept membership.⁸⁷ The alternatives available to them were explained and clarified in the light of the prevailing canonical legislation.⁸⁸ Initially, there were three alternatives available: transfer to another religious congregation, exclaustation granted by the Superior General for a period of up

⁸⁶ See *ibid.*, p. 23.

⁸⁷ See DARCY, p. 244.

⁸⁸ In his practical guide on fusions, unions, and federations of religious institutes, M. Dortel-Claudot limits the alternatives to two possibilities, namely, transfer to another religious institute or dispensation from vows, the latter of which he appears to discourage strongly. See M. DORTEL-CLAUDOT, *Union – fusion – fédération d’instituts religieux: Nouveau directoire pratique*, Paris, Comité Canonique des Religieux, 1988, 48 p. Dortel-Claudot writes: “Aux religieux de l’INSTITUT A refusant de faire partie de l’INSTITUT B, deux issues seulement sont offertes: ou entrer dans un autre Institut, ou, à l’extrême rigueur, retourner dans le monde. Il est absolument exclu qu’ils puissent prétendre continuer d’appartenir à l’INSTITUT A qui n’a plus d’existence juridique.” See p. 22. See also DARCY, pp. 245-248.

to three years, and definitive separation. The establishment of a new religious institute by a group of Sisters did not seem to be a realistic option at this stage.⁸⁹

In October 1991, twelve members of the Sisters of Mercy of Portland, Maine, chose not to become members of the proposed new Institute of the Sisters of Mercy of the Americas. In agreement with Bishop Joseph Gerry of Portland they chose instead to establish a new diocesan Institute provided that the Holy See approved this somewhat extraordinary venture.⁹⁰ Having satisfied itself that the necessary juridical procedures had been followed, the Holy See granted a *nihil obstat* to Bishop Gerry to erect the new Institute.⁹¹ In a decree dated 18 June 1991 and effective on 20 July 1991, he established the Diocesan

⁸⁹ First of all, a diocesan bishop would have to be willing to approve the establishment of such an institute in his diocese. Secondly, the Holy See would be reluctant to grant permission for this unless it had been assured that the verifiable constitutive elements of a religious institute were present and could be sustained, and that the group of Sisters founding the institute had sufficient resources for their sustenance. The Second Vatican Council's decree on the renewal of religious life warns against the imprudent recognition of new institutes. See SECOND VATICAN COUNCIL, Decree of the Up-To-Date Renewal of Religious Life, *Perfectae caritatis*, no. 19, in FLANNERY, v. 1, pp. 621-622.

⁹⁰ CIC 1983, c. 579: "Episcopi dioecesani, in suo quisque territorio, instituta vitae consecratae formali decreto erigere possunt, dummodo Sedes Apostolica consulta fuerit." This canon derives almost directly from CIC 1917, c. 492 § 1. The diocesan bishop is also aided by the guidelines in *MR*, n. 51, in FLANNERY, v. 2, p. 237.

⁹¹ See J. HAMER (Prefect of CICLSAL), Letter to J. Gerry (Bishop of Portland), Prot. no. DD. 2251-1/91, 31 May 1991, in Archives of the Diocese of Portland (=ADP) and in DARCY, Appendix IV-I. Cardinal Hamer pointed out in his letter that the Sisters would live according to the Constitutions which had been previously approved by the Holy See and now approved by Bishop Gerry with the necessary adjustments for a diocesan congregation. He also stated that, until such time as the new diocesan Institute had established its own internal governance structures, it would not be free to accept perpetually professed sisters in a process of transfer.

Sisters of Mercy of Portland. He also approved their Constitutions and announced the convocation of a Chapter.⁹²

The stage was now set for presentation of the formal petition to the Congregation for Institutes of Consecrated Life and Societies of Apostolic Life. On 8 June 1991, the Holy See issued the decree granting permission for the establishment of the new Institute of the Sisters of Mercy of the Americas.⁹³ This decree came into effect on 20 July 1991, the Foundation Day of the new Institute and the beginning of the first Institute Chapter.⁹⁴

What this union essentially achieved was a tangible expression of the vision of union and charity that Catherine McAuley had bequeathed to the Congregation, in a new structure which represented all the Sisters of Mercy in the United States and which would make them more apostolically effective in the future.

The movement towards unification in the United States also coincided, as we shall see, with similar significant developments in Mercy Congregations in Australia and Newfoundland, and less ambitious but positive efforts in England and Ireland.

⁹² J GERRY (Bishop of Portland), Decree of Establishment, 18 June 1991, in ADP and in DARCY, Appendix IV-J.

⁹³ CICLSAL, Decree, Prot. no. B 220-1/86, June 8, 1991, Archives of the Institute of the Sisters of Mercy of the Americas (=AISMA). See also DARCY, p. 251.

2.4 – Centralising trends in Australia and New Zealand

In many ways the movement towards amalgamation of independent houses in Australia followed much the same pattern as that of the Sisters of Mercy in the United States. The impetus came from diocesan bishops who wanted Catholic schools in their dioceses staffed by educated religious women.⁹⁵ So concerned were these bishops that the religious would have a sound novitiate formation and professional training that they proposed the establishment of central novitiates for the Sisters of Mercy and the Presentation Sisters.⁹⁶ Their hope was that the Holy See and the Sisters of Mercy would agree to their proposal to initiate diocesan amalgamations.⁹⁷ The Holy See, however, did not

⁹⁴ The first General Chapter of the Institute of the Sisters of Mercy of the Americas was convoked on June 15, 1990 and scheduled to commence work on 20 July 1991 in Buffalo, New York.

⁹⁵ An excellent account of the foundation of the Sisters of Mercy in Australia can be found in M.T.A. CARROLL, *Leaves from the Annals of the Sisters of Mercy*, New York, Catholic Publishing Company, England and the Colonies, v. 2, pp. 513-567. See also 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*, PhD thesis, Armidale University of New England, 1986, xix, 379 p; see especially pp. 44-50.

⁹⁶ The inadequacy of novitiate training was a matter of concern to a number of Australian bishops and they expressed this concern in letters to one another and also to some Mercy superiors. See, for instance, Bishop 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. Bishop Duhig writes: "... I heartily wish that our nuns were better trained in their various novitiates. They need a thorough grounding in their Religious Life and Rule." Bishop T. Carr of Melbourne suggested that individual communities in his diocese should consider union so that they would be in a strong position to provide a better spiritual and professional training for their novices. See T. CARR to the superiors of the independent Mercy houses in the archdiocese of Melbourne, 27 February 1907, Archives of the Sisters of Mercy, Melbourne (=RSM-M). See also SABOURIN, pp. 6-27 for a comparison with the issues in the United States that prompted the Holy See to be more assertive in its request for a change in governance structures of the Sisters of Mercy there.

⁹⁷ At their Provincial Synod in 1912 the bishops proposed that "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

approve of imposed amalgamations, but suggested that the bishops encourage the various communities to consider union instead.⁹⁸

Similar to the United States, amalgamations took place at diocesan and sometimes at interdiocesan levels over the years from 1905 until 1932.⁹⁹ Once again, the revision of the Rules and Constitutions became imperative to accommodate the new form of governance and to “bring some uniformity to the many communities of Sisters of Mercy in Australia and New Zealand.”¹⁰⁰ The Apostolic Delegate, Archbishop Bartolomeo Cattaneo, wrote to the Archbishop of Perth in 1921 concerning the proposed amalgamation of the Sisters of Mercy in that diocese:

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

praesentiarum diversis superiorissis subsunt, quatenus Episcopus talem unionem pro bono religionis opportunam duxerit. Huiusmodi congregationes sunt e.g. Sorores a Misericordia et Sorores a Praesentatione B.V.M.” See PROPAGANDA, *Commissione per la revisione dei Sinodi Provinciali, Vota sopra il terzo Sinodo Provinciale Australiano*, p. 4, Archives of Propaganda Fide (=APF), Nuova serie, v. 512(1912), f. 560 v.

⁹⁸ See H. DELANEY, *The Evolution of Governance Structures of the Sisters of Mercy of Australia, 1846-1990*, JCD diss., Ottawa, Saint Paul University, Faculty of Canon Law, [pro manuscripto], 1991, xix, 246p.

⁹⁹ See *ibid.*, pp. 66-77.

¹⁰⁰ *Ibid.*, p. 78.

suggestion to all the various autonomous branches of the Sisters of Mercy throughout Australasia.¹⁰¹

The Apostolic Delegate then wrote to each autonomous congregation of the Sisters of Mercy in Australia and New Zealand, reminding them that their Rule and Constitutions must be revised in accordance with the requirements of the new Code of Canon Law and the subsequent decrees.¹⁰² He also suggested that all the congregations should adopt the same constitutions, drawn up either by themselves or by the Congregation for Religious. A Declaration from the Congregation 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.¹⁰³

As in the United States and in Ireland, revision of the 1841 Rule and Constitutions would prove to be contentious in Australia and New Zealand also,

¹⁰¹ B. CATTANEO to P. Clune, 21 April 1921, Archives of the Sisters of Mercy, Perth (= RSM.Pe.).

¹⁰² SACRA CONGREGATIO DE RELIGIOSIS, *De Regulis et Constitutionibus Religiosorum ad Normam Canonis 489 Codicis Iuris Canonici Reformandis*, 26 June 1918, in AAS, 10(1918), p. 290. Also SACRA CONGREGATIO DE RELIGIOSIS, *De Quibusdam Libris ad Instituta Religiosarum Iuris Pontificii Pertinentibus, Revisioni et Correctioni S. Congregationis Subiiciendis*, 31 March 1919, in AAS, 11(1919), pp. 239-240. By these decrees all congregations of pontifical right were directed to revise their constitutions, customs books and prayer manuals and submit them to the Holy See for approval.

¹⁰³ "Ne autem discrepantiae oriantur in textu constitutionum identico, quibus diversae domus aut monasteria sui iuris eiusdem Ordinis aut Instituti utuntur, statuit Sacra Congregatio pro talibus constitutionibus unicum emendationum textum ab omnibus et singulis domibus esse acceptandum, vel cura ipsarum domorum propositum, vel cura huius Sacrae Congregationis exaratum." See SACRA CONGREGATIO DE RELIGIOSIS, *Declaratio circa Religionum Constitutiones Codici Conformatas, S. Congregationi pro Revisione Subiiciendas, ex Decreto 26 Junii 1918*, 26 October 1921, in AAS, 13(1921), p. 539. English trans. in *Canon Law Digest for Religious*, Milwaukee, Bruce Publishing Company, 1964, pp. 179-180.

irrespective of which authority proposed the revision. While the Victoria Constitutions which the Apostolic Delegate had recommended for adoption conformed to the new canonical legislation, they departed significantly from the 1841 Constitutions in the area of governance. Supreme authority in the congregation would no longer be vested in the diocesan bishop; it would now be “exercised in an ordinary way by the Mother General with her Council, and in an extraordinary way by the General Chapter.”¹⁰⁴ The role of the local superior was given much greater importance. Appointed by the mother general and her council, she would exercise “the authority the Constitutions give her, and not merely as the agent or delegate of the Mother General.”¹⁰⁵

The response to the Apostolic Delegate’s call for revision indicated that the majority of the Mercy communities in Australia were not in favour of his suggestion. They would prefer a revision of the 1841 Constitutions to comply with the Code of Canon Law, after a meeting of all the superiors and elected delegates had first considered what changes were necessary. They also recommended that revised constitutions be given a trial period of seven years before being finally adopted.¹⁰⁶

¹⁰⁴ 1918 Melbourne *Constitutions*, art. 144, p. 31. See also DELANEY, pp. 78-83.

¹⁰⁵ 1918 Melbourne *Constitutions*, art. 221, p. 42. Up to this time, the role of the local superior was defined in the customs book compiled for the Sisters of Mercy in Dublin. It read “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.” See *Dublin Customs, 1869*, Part I, “Branch Houses”, art. 2, p. 103.

¹⁰⁶ See DELANEY, pp. 82-83.

The matter of the Rule and Constitutions was eventually settled when, as mentioned above, the Holy See undertook the revision on its own initiative and requested the Sisters of Mercy in Dublin to have them published and distributed to every Mercy convent in the world.¹⁰⁷ Even this did not prove to be an entirely satisfactory solution for the many Mercy communities who were opposed to any change in governance that involved a departure from the 1841 Rule and Constitutions.¹⁰⁸

2.4.1 – Union and Federation

In response to Pope Pius XII's call for greater cooperation, including closer juridical union, especially among religious congregations of similar backgrounds, delegates from the seventeen Mercy congregations in Australia met to discuss ways and means of establishing closer links among the various components of the congregation in Australia.¹⁰⁹ All the groups favoured moving in the direction of a unifying structure. Eight of the groups opted for a union model of governance,¹¹⁰ the other nine chose a federation model.¹¹¹ The

¹⁰⁷ See *ibid.*, pp. 85-86.

¹⁰⁸ See *ibid.*, pp. 100-105.

¹⁰⁹ For an account of the establishment of the Union and the Federation, see M.G. ALLEN, *The Labourers' Friends: Sisters of Mercy in Victoria and Tasmania*, Melbourne, Hargreen Publishing Company in conjunction with Sisters of Mercy Melbourne Congregation, 1989, pp. 223-224. See also DELANEY, pp. 106-123.

¹¹⁰ "Petition to the Holy See for Australian Union of the Sisters of Mercy", see GENERALATE, AUSTRALIAN UNION SISTERS OF MERCY, HISTORY IN THE MAKING, 1970, v. 1, pp. 23-24. See also INSTITUTE OF THE RELIGIOUS SISTERS OF MERCY OF THE UNION IN THE UNITED STATES

Australian Union of the Sisters of Our Lady of Mercy was officially erected in 1954 and the first chapter elected the superior general and four councillors.¹¹²

The Congregation for Religious directed that the constitutions of the USA Union should be adapted to suit the Australian situation until such time as new constitutions were developed. In 1955, the Holy See erected the Australian Federation of the Religious Sisters of Mercy.¹¹³ The Federation was governed by a President and a federation council. The Holy See approved the constitutions and the statutes of the Federation in 1957, initially for five years and then definitively in 1962. Although both groups – Union and Federation - were working towards the same ends, they operated independently of each other. Rev. J. Hogan, SJ, a canon lawyer, who was personally involved with both groups, believed that the only difference between them lay in their designated titles.¹¹⁴

OF AMERICA, *Constitutions of the Institute of the Religious Sisters of Mercy of the Union in the United States of America*, Washington, DC, 1941, 152 p. The Australian superiors general studied these constitutions with a view to adapting them to suit Australian conditions.

¹¹¹ "Petition to the Holy See for a Federation of the Sisters of Mercy in Australia", Archives of the Institute of the Sisters of Mercy of Australia (=AISMA).

¹¹² SCRel., Decree, Prot. No. 6990/54. M. 92, *Cum domus plurimae*, 26 July 1954, in DELANEY, Appendix VII, p. 209.

¹¹³ SCRel., Decree, Prot.No. 015556/55, *Sacra Congregatio negotiis*, 21 November 1955, in DELANEY, Appendix VIII, p. 210.

¹¹⁴ See ALLEN, p. 223.

2.4.2 – Conference of Sisters of Mercy of Australia

By 1967, it was clear that both the Union and Federation models of governance had outlived their usefulness and something more centralised on a national level was needed. Here again the similarities with developments in the United States are striking. The Mother McAuley Conference was established in the United States in 1954 to promote the canonization cause of Catherine McAuley as well as her ideals by means of meetings, conferences, and discussions.¹¹⁵ The Australian equivalent took the form of a new organisation, the Conference of Sisters of Mercy of Australia, approved by the Holy See in September 1967.¹¹⁶ The Australian Conference differed from the United States Conference in that it had a wider brief. It had been established to “further national unity and, eventually, to form a single structure of governance.”¹¹⁷

2.4.3 – Institute of the Sisters of Mercy of Australia

Just as the Union, Federation, and Mother McAuley Conference of the Sisters of Mercy in the United States of America developed into the Institute of the Sisters of Mercy of the Americas, so too will the Union, Federation, and National Conference of Sisters of Mercy of Australia pave the way for the establishment of the Institute of the Sisters of Mercy of Australia (=ISMA) in

¹¹⁵ For an account of the McAuley Conference, see DARCY, pp. 130-131.

¹¹⁶ For a detailed study of the development of the Conference, its Articles of Agreement, and subsequent approval by the Holy See, see DELANEY, pp. 138-156. For a brief account, see ALLEN, p. 224.

¹¹⁷ DELANEY, p. 139.

December 1981.¹¹⁸ Like the Institute in the United States which involved a ten-year period of preparation, the formation of ISMA also took several years during which “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” were discussed and refined.¹¹⁹

The first National Chapter of ISMA issued revised constitutions, and a booklet of Acts and Proceedings that provides detailed guidelines on the apostolate of the Sisters of Mercy in Australia.¹²⁰ The governance structure of ISMA is the National Executive Council (=NEC), consisting of the national president, four councillors, one of whom is vice-president and another the secretary. It implements “policies formulated by the national chapter and tasks committed to it by the national chapter or arising out of deliberations in the Plenary Council.”¹²¹

The National Plenary Council (=NPC) consists of the NEC and the major superiors of the congregation. Its specific role is to promote “the unity of the Institute and extend the capacity of the NEC for leadership by involving it and the major superiors of the congregation in a process of mutual consultation, joint

¹¹⁸ SACRA CONGREGATIO PRO RELIGIOSIS ET INSTITUTIS SAECULARIBUS, *Decretum*, Prot. n. B. 180 -1/80, in DELANEY, Appendix x, p 212. See *ibid.*, pp. 152-156.

¹¹⁹ See DELANEY, p. 152. See also ALLEN, pp. 224-225.

¹²⁰ See DELANEY, pp. 155-158. See also ALLEN, p. 225.

¹²¹ ISMA *Constitutions and Directory*, art. J6.322, p. 48 and art. J6.328, p. 51. See also DELANEY, pp. 158-159.

discernment and decision making.”¹²² The Institute Leadership Conference of the Institute of the Sisters of Mercy of the Americas, consisting of the president and council and the major superiors of the twenty-five regional communities, resembles the Australian structure in its definition and functions.¹²³

On the international scene, ISMA attracted the interest of Sisters of Mercy from New Zealand, Papua New Guinea, the Philippines, the United States, and Ireland. The Sisters of Mercy of Papua New Guinea are committed to becoming an autonomous congregation of the Institute, while Sisters from the Federation of Sisters of Mercy in New Zealand have also expressed an interest in membership of ISMA. This expressed interest constituted a movement towards the formation of a Pacific Conference of the Sisters of Mercy on an international basis.¹²⁴ ISMA is also a member of the nine founding congregations of the Mercy International Association.¹²⁵

¹²² ISMA *Constitutions and Directory*, art. J6.331 and art. J6.334, pp. 52-53. See also DELANEY, p. 159.

¹²³ See DELANEY, p. 177. See also DARCY, pp.138-150.

¹²⁴ See ALLEN, p. 225.

¹²⁵ See *Mercy World*, 1(February 2000), 8 p.

2.4.4 – Federation of the Sisters of Mercy of Aotearoa/New Zealand (ANZ)

Like their Australian neighbours, the Sisters of Mercy of New Zealand were founded from dioceses in Ireland in the late nineteenth century.¹²⁶ The four regional groupings of the New Zealand Sisters of Mercy include: Auckland/Samoa, Wellington, Christchurch/Tonga, and Dunedin.

Following a common constitution, these Sisters form a federation within which each regional group retains autonomy in government and administration.¹²⁷ They do not have a central novitiate and, although not members, they link with ISMA for conferences and other projects. As members of Mercy Pacific, a network that connects New Zealand, Tonga, Samoa, Papua New Guinea, Guam, the Philippines, and Australia, the Sisters have an opportunity for pursuing common goals around Justice, Sharing of Resources, and Culture. The New Zealand Federation is also a member of MIA.¹²⁸

Many of the New Zealand Sisters of Mercy were of direct Irish descent and have now retired from active ministry. As a result of Chapter decisions, these Sisters have been given the option of returning to Ireland and the majority

¹²⁶ For an account of the foundation of the Sisters of Mercy in New Zealand, see M.T.A. CARROLL, *Leaves from the Annals of the Sisters of Mercy: England and the Colonies*, v. II, pp. 609-642.

¹²⁷ A.BROWNE, <mercyanz@somauck.org.nz> *ANZ Federation*, August 21, 2001, personal message, (1 September 2001).

¹²⁸ See *ibid.* See also SISTERS OF MERCY OF AOTEAROA NEW ZEALAND, *Federation History*, <<http://www.mercyworld.org/nz/federation/index.html>> (16 August 2001). pp. 2-3.

of those who have taken this option are now in the process of transferring to the Congregation of the Sisters of Mercy (Ireland).

2.4.5 – Sisters of Mercy of Papua New Guinea

The situation of the Papua New Guinea Sisters of Mercy is somewhat unusual in that they are not yet an autonomous congregation, since the Holy See requires that there be forty professed Sisters before it gives its approval. At present they number twenty two indigenous Papua New Guinean Sisters and ten expatriate Sisters, all members of Australian congregations. To validate their position in canon law, one of the Australian congregations, Brisbane, provides legal authorisation for the group whenever this is required.¹²⁹

The Sisters take their vows "... according to the Constitutions of the Institute of the Sisters of Mercy of Australia within the Brisbane Congregation and the Sisters of Mercy of Papua New Guinea ... " This is a rather clumsy formula, but it does make their situation legal and possible. In practice, the leadership team of the Brisbane Congregation approves decisions made by the leadership Team of the Sisters of Mercy of Papua New Guinea, when this is required. There are, therefore, very close links with ISMA, although the Papua New

¹²⁹ See SISTERS OF MERCY OF PAPUA NEW GUINEA, *Interim Statutes*, 1988, 15 p. The preamble states: "this text constitutes Statutes for the Sisters of Mercy of Papua New Guinea until such time as an autonomous congregation is established," *Interim Statutes*, p. 2. It is also stated that they are to be read "in conjunction with the Constitutions of the Institute of the Sisters of Mercy of Australia and the Code of Canon Law. They derive their authority for the Sisters of Mercy of Papua New Guinea from approval given by the National Chapter of ISMA," p. 14.

Guinea Sisters are not a member *per se* and will not be until such time as they have autonomous status.¹³⁰

2.5 – Unions in Newfoundland, Great Britain, and Ireland

2.5.1 – Sisters of Mercy of Newfoundland

In response to a request from Bishop Michael Fleming in 1840, the Sisters of Mercy came to Newfoundland from Ireland in 1842, the year after the death of the foundress, and established themselves as an autonomous congregation.¹³¹ On 14 August 1916, nine independent houses in three dioceses united to form one congregation with one superior general.¹³² Speaking on the occasion of the erection of the new institute, Archbishop Edward Patrick Roche said: "Instead of a sentimental union between each independent house of each of these congregations we will have real communion of heart and real unity of endeavor."¹³³

¹³⁰ H. O'BRIEN, <sompng@online.net.pg> "Governance Structures," 21 January 2002, personal message, (22 January 2002).

¹³¹ See M.T.A. CARROLL, *Leaves from the Annals of the Sisters of Mercy: Newfoundland and the United States*, v. 3, pp. 15-42. See also M.W. HOGAN, *Pathways of Mercy in Newfoundland 1842-1984*, St. John's Newfoundland, Harry Cuff Publications Ltd., 1986, xiv, 450p; THE SISTERS OF MERCY OF NEWFOUNDLAND, "A Short History", 14 August, 1990, <http://www.sistersofmercynf.org/who_we_are/> (20 August 2001.), 4 p.

¹³² See HOGAN, pp. 342-428.

¹³³ See 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 also HOGAN, pp. 342-345 and 426-428. See also SABOURIN, pp. 30-31.

This amalgamation seems to have been initiated and effected by Archbishop Roche with the consent of the Sisters. At the same time, he also negotiated the amalgamation of the Presentation communities in Newfoundland. As a founding member of the Mercy International Association, the Sisters of Mercy of Newfoundland are actively involved in the management of the Mercy International Centre and in the Mercy International Justice Network¹³⁴

2.5.2 – Sisters of Mercy of Great Britain

2.5.2.1 – Call for central government

As early as 1888 a strong call for central government had gone to the superiors of all the Mercy convents in England from Mother Stanislaus Ward of Shrewsbury. She appealed to the superiors to “consider the advantages to be derived from the union of effort, which must result, if the combined strength of the religious element in our convents is to be utilized to its fullest extent.”¹³⁵ One reason for union Mother Stanislaus emphasised was the necessity of “one well-managed novitiate to secure sound uniform training for those who aspire to become Sisters of Mercy.”¹³⁶

¹³⁴ See C. FITZPATRICK, “Mercy International Association Focuses Mission at Annual Meeting”, in *Mercy World*, 1(November 2000), pp. 1-2.

¹³⁵ M.S. WARD, Letter to the Mercy Superiors, 11 August 1888, Archives, Convent of Our Lady of Mercy, Handsworth, England, quoted in SABOURIN, pp. 12-14.

¹³⁶ See SABOURIN, pp. 12-14.

To strengthen her appeal, she cited the opinions of a number of bishops, including Cardinal Henry Edward Manning of Westminster, all of whom were strongly in favour of a centralised form of government for the Sisters of Mercy in England and Scotland.¹³⁷ Before the Second World War, ecclesiastical authority had also initiated a movement for the union of all the houses of the Sisters of Mercy in that country. This plan, however, was suspended by the war.¹³⁸

There is a striking similarity between the aspirations for the Congregation of some of the late nineteenth and early twentieth century superiors and of some diocesan bishops, whether in England or the United States of America. Despite, or perhaps because of, their loyalty to the spirit of the foundress, they seem to have sensed the value inherent in a form of government that would provide a uniform novitiate formation and “consolidate the congregation in order to efficiently carry on and perpetuate the various works of Mercy.”¹³⁹

2.5.2.2 – Sisters of Mercy of the Union of Great Britain

In England as in every country where the Sisters of Mercy had been established, neither the Sisters nor the diocesan bishops seem to have been fully aware that the congregation founded by Catherine McAuley was of pontifical

¹³⁷ Ibid.

¹³⁸ See GALLEN, p. 10.

¹³⁹ M.S. WARD, Letter to the Mercy Superiors.

right. The tradition of autonomous diocesan communities, with a motherhouse, a novitiate, and some branch houses was firmly established.

The first steps towards union were taken by the Sisters in the Archdiocese of Westminster, when they united in February 1922 to form the Westminster Amalgamation.¹⁴⁰ The unawareness of the Sisters of Mercy of their canonical status is evident again when, in 1925, the Sisters of the Westminster Archdiocese petitioned the Holy See for recognition as a "Congregation under Pontifical jurisdiction". The rescript from the Holy See acceding to their request indicates that there had never been any doubt about the canonical status of the Congregation.¹⁴¹

In 1932, another amalgamation took the step towards union further ahead. This time the majority of the convents in the Archdiocese of Birmingham amalgamated to form the Birmingham amalgamation.¹⁴² Between 1932 and 1958, when all the Mercy convents in Scotland joined the Westminster amalgamation, more communities throughout Great Britain had joined one or other of the diocesan amalgamations.

¹⁴⁰ See SISTERS OF MERCY, *Trees of Mercy: Sisters of Mercy of Great Britain from 1839 (= Trees of Mercy)*, Essex, Sisters of Mercy, 1993, p. 8. See also I. KING, *Sisters of Mercy of Great Britain, 1839-1978: Brief Historical Sketches*, Glasgow, Sisters of Mercy, 1978, p. 10.

¹⁴¹ "Concerning the foregoing Rules, they were placed under the Sacred Congregation for the affairs of Religious by His Eminence the Cardinal Prefect, in an audience granted on 26 July, 1927. His Holiness graciously granted and approved that the Congregation of the Sisters of Mercy should be recognised under Pontifical jurisdiction and also that a Copy of the approved Constitution, bearing his signature [Pope Pius XI] should be reserved in the archives of the Sacred Congregation." See KING, p. 11.

Realising that there were many advantages to be gained from union, such as pooling of resources, mutual support, a common novitiate, and sharing of personnel, Mercy leadership decided that the only feasible and practical solution now was to work towards union. The union of the Westminster and Birmingham congregations was ratified by the Congregation for Religious and Secular Institutes in December 1975.¹⁴³ The new Congregation was called “The Sisters of Mercy of the Union of Great Britain.”

2.5.2.3 – Federation of the Sisters of Mercy in Great Britain

The remaining autonomous groups that chose not to become members of the Union took a much more gradual process to come to the formation of a Federation. In 1969, twenty five out of twenty six congregations formed the Federation of the Sisters of Mercy in Great Britain. This Federation did not have legislative authority, but it did give the major superiors and their assistants an opportunity to get to know each other and to initiate shared projects like a central novitiate. It also gave the individual communities a chance to exchange ideas and their hopes and dreams for the future.¹⁴⁴

¹⁴² See *Trees of Mercy*, p. 8. See also KING, pp. 18-22.

¹⁴³ See SACRED CONGREGATION FOR RELIGIOUS AND SECULAR INSTITUTES, Decree, Prot. No. V.88-1/75, 8 December, 1975. See also KING, pp. 20-22; *Trees of Mercy*, p. 9.

¹⁴⁴ See *Trees of Mercy*, p. 9. See also KING, pp. 20-21.

2.5.2.4 – Institute of Our Lady of Mercy

The Institute came into existence in 1983 when sixteen of the federated Congregations relinquished their autonomy and formed the Institute of Our Lady of Mercy. The Institute was formally recognised and erected as a “Religious Institute of Pontifical Right” on 21 November 1983. Before the formal decree of approval for the Constitutions was received, two more congregations from the federation, with the approval of the Holy See, joined the Institute in 1984 and 1986, thus leaving six congregations in the Federation. No other congregation from the federation applied for membership until 1999, when the Newcastle congregation became a member.¹⁴⁵ The Institute has sixty-eight houses in England and Wales, four in Kenya, two in Peru, and one in Italy.

The governance structure in the Institute has undergone some changes, dictated mainly by human and professional factors. After the formation of the Institute in 1983, the governance structure was composed of the superior general and council and the superiors of the local communities. Consultations with the members revealed that the move from small autonomous houses to such a large body was too drastic and so three provinces were established during 1985 and 1986.¹⁴⁶

¹⁴⁵ See *Trees of Mercy*, p. 9. See also N. CULLEN, *Brief History of the Institute of Our Lady of Mercy – May 1999*, personal letter, 22 July 2001, 2 p.

¹⁴⁶ See CULLEN. p. 2.

Another change took place as a result of a 1993 Chapter decision, when it was felt that the Institute was “over-administered”, thus depriving the apostolate of much-needed personnel for the various apostolates. The decision taken now was to “gradually disband the Provincial Structures” and return to the earlier structure of a central leadership team and local communities.¹⁴⁷

While union, federation, and institute operate out of different governance structures, nevertheless there is increasing collaboration and cooperation on a number of levels: ministry, community, archives, health care, and formation.¹⁴⁸ The Joint Mercy Commission, consisting of members from the union, federation and institute, meets regularly to discuss and plan events and projects of interest to all three.¹⁴⁹ While there are ongoing discussions about joint Constitutions and possible future union at national level, no formal approaches have yet been made to the Holy See.

2.5.3 – Movement towards union in Ireland

In compliance with the wishes expressed by the Irish bishops in the synods and councils we referred to earlier, some tentative steps towards union were taken by the Sisters of Mercy and there is also evidence that in some

¹⁴⁷ See *ibid.*, p. 2. See also *Constitutions of the Institute of Our Lady of Mercy*, Chapter VII, “Government”, pp. 19-27.

¹⁴⁸ See INSTITUTE FEDERATION UNION LEADERSHIP TEAMS, *Minutes of Meeting*, 20 November 2000, pp. 4-5.

¹⁴⁹ See JOINT MERCY COMMISSION, *Minutes of Joint Mercy Commission Meeting*, Yeadon, 1 July 2001, 3 p.

dioceses, when given the opportunity by their diocesan bishops to vote on the matter, some sisters voted somewhat unanimously against the idea.¹⁵⁰ Seemingly happy with the provisions of the approved Rule and Constitutions of 1841 or still unaware of the canonical status of their congregation, the Irish Sisters of Mercy did not concern themselves with introducing any changes into their governance structures or revising the Rule and Constitutions in any significant way. Thus, there was no change other than one diocesan amalgamation in 1871, one in 1915, one in 1916, and one in 1920.¹⁵¹ The most notable of these were the amalgamations of Elphin and Cloyne. Until 1994, therefore, there would be nothing other than diocesan amalgamations.

2.5.4 – Sisters of Mercy of the diocese of Elphin

It is clear from the correspondence of Mother Joseph Jones pertaining to the amalgamation of the convents of Mercy in this diocese that the initial idea came from some superiors and unspecified “others” from as early as 1859 and

¹⁵⁰ The Archbishop of Tuam, Thomas Gilmartin, wrote to each of the five mother superiors in his diocese, asking them to hold a chapter and take an “absolutely free and secret vote on two questions”: 1) “Are you in favour of a common novitiate for all the Sisters of Mercy of this diocese?” and 2) “Are you in favour of amalgamation of all the Sisters of Mercy of this diocese under one mother general and her council?” The Sisters voted against both proposals and continued to operate as five separate units, each with its own novitiate. See T. GILMARTIN, Letters, 10 August 1926 and 12 August 1926, Archives of the Sisters of Mercy, Western Province, Ireland, (=AWP).

¹⁵¹ These were the dioceses of Elphin, 1871; Cloyne, 1915; Kilmore, 1916; and Ardagh, 1920. For a brief account of these amalgamations, see “Misericordia, Suore della, Sisters of Mercy”, in *Dizionario degli istituti di perfezioni*, diretto da G. PELLICCIA [1962-1968] e da G. ROCCA [1969-], Roma, Edizioni Paoline, 1974 -, v. 8, pp. 1387-1392.

1860.¹⁵² The correspondence speaks of a “generally felt necessity of some united action and legislation, for the establishment of a central authority to secure uniformity of customs, and unanimity of views” among the Sisters of Mercy in the diocese.¹⁵³ It also specified the “better training of novices” as well as “other matters of vital importance which were a source of deep concern and serious perplexity to many.”¹⁵⁴

With the aid and encouragement of her brother, a Jesuit priest, of her sister, the superior general of the Irish Sisters of Charity, Mother Joseph prepared a submission on the matter, offering three points for consideration:

1. The necessity of a central form of government under one Superior General over all our houses;
2. Central and uniform training for novices and lay sisters, suitable to the work before each class (sic);
3. Some reform to prevent serious abuses and disorders about the election of superiors, as also uniformity of customs regarding exterior practices and dealings with externs.¹⁵⁵

Understandably, Mother Joseph’s advisers considered the first point impracticable since their Rule and Constitutions placed all Sisters of Mercy under the authority of the diocesan bishop. However, they advised her that amalgamation could be carried out in individual dioceses and that the other

¹⁵² M.J. JONES, *Notes Relating to the Amalgamation of our Diocesan Congregation as Effected in the year 1871*, ms., n.d., p. 1, in AWP. See also SABOURIN, p. 12.

¹⁵³ JONES, p. 1.

¹⁵⁴ *Ibid.*, pp. 1-2.

¹⁵⁵ *Ibid.*, pp. 3-4.

points at issue, namely 2 and 3 above, could be dealt with at chapter with the approval of the diocesan bishop.¹⁵⁶

The bishop of Elphin, Dr. Laurence Gillooly, received the proposals for change seriously, but “seemed cautious and wary about the undertaking, which was already looked upon by some as an unwelcome innovation.”¹⁵⁷ Although the bishop did admit the necessity of change, it was not until circumstances compelled him to act that he moved to carry out the programme. On 1 January 1871, with the approval of the Holy See, the four independent Convents of Mercy in the diocese of Elphin amalgamated to become one diocesan congregation under the authority of a superior general.

With the Rule and Constitutions of the Irish Sisters of Charity as a guide, the original Book of Customs was revised to accommodate the new form of governance and to provide guidelines for a central novitiate and for the spiritual formation of the novices.¹⁵⁸ The role of the superior general and of the local superiors is outlined in detail as well as that of the diocesan bishop whose “express approval” was still required for “all modifications of Rule or Customs, and in all other matters of importance whether spiritual or temporal.”¹⁵⁹

¹⁵⁶ Ibid., p. 3.

¹⁵⁷ Ibid., p. 3.

¹⁵⁸ Ibid., pp. 2-8.

¹⁵⁹ Ibid., p. 2.

Some reports on this amalgamation convey the impression that there was an “all but unanimous desire” on the part of the Sisters in Sligo, Roscommon, Athlone, and Elphin to unite under a central form of government. Other reports gleaned from senior Sisters indicate that communities in Athlone, Roscommon, and Elphin “were strongly opposed to amalgamation and very reluctant to come in with Sligo.” It is also recorded that some sisters who were unwilling to become members of the new congregation joined the Limerick Sisters of Mercy.¹⁶⁰

2.5.5 – Sisters of Mercy of the diocese of Cloyne

It appears that the bishop of Cloyne diocese, Robert Browne, had long contemplated the idea of establishing a central novitiate for the Sisters of Mercy in his diocese. According to the records, the bishop “believed and desired that in a central novitiate – where the same spiritual training, the same duties and the same daily usages, when shared in by many are bound to produce more stimulating, more lasting and more far-reaching effects than when shared in by few ... ”¹⁶¹

In response to Bishop Browne’s request for permission to establish a central novitiate, the Holy See decreed that “the Convents of Our Lady of Mercy within the limits of the Diocese of Cloyne be amalgamated under the government

¹⁶⁰ See *Amalgamation 1871*, undated and unsigned report, in AWP. No reasons are given for the opposition of some Sisters to the new form of government; we can only speculate.

¹⁶¹ See *Report on the Amalgamation of the Mercy Convents in the diocese of Cloyne* (= *Report on the Amalgamation*), unsigned and undated, 33 p., in Archives of the Sisters of Mercy, Southern Province (=ASP).

of a Superior General.” The amalgamation came into effect on 31 October 1916.¹⁶² It would seem that the Rules and Constitutions had also been revised in conformity with the prevailing legislation and to accommodate the new governance structure, and were officially approved by the Holy See in 1925, after nine years experimentation.¹⁶³

An interesting feature of this amalgamation is that the initiative and the execution of it seem to have come entirely from the diocesan bishop and it is evident from the letters exchanged between Dr. Browne and the superiors that he continued to maintain a decisive role in the internal ordering of the respective houses and had a special concern for the novitiate.¹⁶⁴

After the amalgamation, the appointment of local superiors by the superior general, although in accord with accepted practice in centralised congregations, was an entirely new departure for the Sisters of Mercy in Cloyne, and one that did not meet with general approval. Dr. Browne, “wisely or unwisely”, as the records state, settled the question by making an arrangement similar in many respects to that which prevailed prior to the amalgamation. Each sister would now nominate the person she believed to be best suited for the position of local superior. These nominations would assist the superior general in the making of

¹⁶² See *ibid.*, p. 4. See also SABOURIN, p. 30.

¹⁶³ See *Report on the Amalgamation*, p. 4.

¹⁶⁴ See *ibid.*, pp. 28-32.

appointments.¹⁶⁵ There is no evidence of serious opposition to the amalgamation from any of the communities involved other than a fear of “being changed from one convent to another.”¹⁶⁶

Conclusion

In this chapter we have examined the various steps taken by the Sisters of Mercy to bring their governance structures into conformity with ecclesiastical legislation and with the juridical status of the Congregation. One fact that emerges from this examination is that the Congregation moved very slowly and even reluctantly towards a revision of its Rule and Constitutions and a reform of the structures that had become inadequate to accommodate the rapid expansion of the Congregation throughout the world.

This rapid expansion, and the variety of cultures that the Sisters encountered and for which they were generally inadequately prepared highlighted the necessity for a centralised form of government under the authority of a superior general. There were several reasons in favour of this form of government, chief among them being: the unity of the Institute; unity of direction; a common Rule and Constitutions; a central novitiate; the prevention and removal of abuses in religious discipline; the transfer of members from one place to another according to the needs of the apostolate, prudent regulation of new

¹⁶⁵ *Ibid.*, p. 30.

¹⁶⁶ *Ibid.*, p. 1.

foundations.¹⁶⁷ Experience had shown that, in congregations that had centralised government, there was less likely to be problems in these areas.¹⁶⁸

Since there still was much ambiguity about the juridical status of the Mercy Congregation and what that meant in terms of government, it was perhaps understandable that there would be different interpretations of the original Rule and Constitutions from country to country. P. Maroto, in his commentary on the declaration of the Holy See that the Sisters of Mercy were a pontifical congregation, stated that "... the Holy See did not have the firm practice of instituting a mother general until after the middle of the nineteenth century, and that institutes approved before that time had various forms of government."¹⁶⁹

The problems that emerged in the United States because of the absence of a centralised form of governance were obvious as early as 1870 and were brought to the attention of at least one Mercy superior, who did attempt to alert other superiors and enlist their assistance in addressing these problems; her

¹⁶⁷ See GALLEN, p. 6. See also SABOURIN, pp. 6-12.

¹⁶⁸ See A. LUCIDI, *De visitatione sacrorum liminum; instructio S.C. Concilii edita iussu S.M. Benedicti XIII, exposita et illustrata et quam humillime dedicata S.M. Pio IX, Pont., O.M. per Angelum Lucidi, ed. 3a, ab innumeris mendis purgata et pluribus additionibus aucta per P. Josephum Schneider, S.I., Romae, Ex Typographia Polyglotta S.C. de Prop. Fide, 1883, v. 2, art. 359, p. 296. Lucidi writes: "Tandem experientia, vitae magistra, docuit, in iis Institutis, quibus huiusmodi supremae Antistitae ministerium invecum est, rectissimo ordine magna cum utilitate cuncta facile procedere; quapropter ex iis normam sumere licebit, ut quod probum, rectum, ac salubriter experimento compertum est, plenis ulnis excipiatur; quod vero incommodum, perniciosum et inutile perspectum fuerit, resecetur et abiiciatur."*

¹⁶⁹ P. MAROTO, "Declaratio Circa Naturam Iuridicam Congregationis Sororum a Misericordia", in *Commentarium pro religiosis et missionariis*, 7(1926), art. VI, p. 89. See also GALLEN, p. 7.

efforts met with little success.¹⁷⁰ It was really not until the Holy See took the initiative that any meaningful efforts were made by the Sisters of Mercy and the diocesan bishops to recognise the juridical status of the Congregation and take the essential steps to conform to that status.

Similar problems, generally related to the form of governance, are recorded in the history of the Australian Sisters of Mercy. Here again change was slow in coming and frequently resisted. In Ireland where the congregation was founded, there was an even slower and more tentative movement towards centralisation of government. Fidelity to the spirit of Catherine McAuley was very deep and the Rule she had compiled for the new Congregation was "sacred", so change was not contemplated willingly.

Since there was a branch of the congregation in practically every diocese in Ireland, the diocesan bishops seemed reluctant to introduce any change; in fact, one writer states that in the second half of the nineteenth century, some bishops began to exert even greater control over all the convents in their

¹⁷⁰ Rev. Michael O'Connor, Bishop of Pittsburgh, had translated the original Rule and Constitutions of the Sisters of Mercy into Italian, when he was a member of the staff of the American College in Rome. Impressed by the spirit and intention of Catherine McAuley as it was expressed in this Rule, he invited the Irish Sisters of Mercy to establish a convent in Pittsburgh in 1843. Concerned about the "cultural and religious variances of discipline" and "the exclusive quality of the Houses of Mercy" which had arisen in the United States, he brought his concerns to Mother Teresa Maher of Cincinnati, asking her to enlist the cooperation of other Mercy superiors in an effort to rectify those undesirable situations. It is clear, however, that the large, well-established communities were reluctant to concern themselves about the problems of the smaller groups and so nothing was done. Consequently, it took several years for any real progress to be made toward unification. See SABOURIN, pp. 8-12. See also DARCY, pp. 71-88.

dioceses.¹⁷¹ It was not until the Plenary Synod of 1900 and the Plenary Council of 1927 that the bishops expressed the desire that independent houses of the Sisters of Mercy and the Presentation Sisters should unite under one Superior General in each diocese or ecclesiastical province.¹⁷² Even then, there was no evidence of any great enthusiasm for change except in the instances we have dealt with in this chapter.

If there is an understandable reason for this unwillingness to change, it may be that up to this time Ireland had only three active religious congregations of women, the Sisters of Charity and the Loreto Sisters, both of whom had centralised government, and now the Sisters of Mercy, operating as independent diocesan communities. The other religious congregations in the country, the Carmelites, Dominicans, Poor Clares, and Presentation Sisters were all solemn vows and papal enclosure institutes, so the experience of centralised government would have been very unfamiliar as yet to ecclesiastical authorities and to a new religious congregation like the Sisters of Mercy. It is also likely that the real difficulty for the diocesan bishops was their fear that the authority of a mother general would conflict with their own jurisdiction. As we have already seen, therefore, even diocesan amalgamations were few in Ireland until after the Second Vatican Council.

¹⁷¹ See M. PECKHAM MAGRAY, *The Transforming Power of the Nuns: Women, Religion, and Cultural Change in Ireland, 1750-1900*, New York, Oxford University Press, 1998, pp. 120-122.

In the third chapter we shall examine the procedures followed by the Irish Sisters of Mercy as they addressed the revision of their Rule and Constitutions and the establishment of a new governance structure that would unite the Congregation in one institute, the Congregation of the Sisters of Mercy (Ireland) under the authority of a Congregational Leader and council.

¹⁷² *Acta et Decreta Synodi Plenariae Episcoporum Hiberniae*, art. 365, p. 116 and *Acta et Decreta Concilii Plenarii Episcoporum Hiberniae*, art. 194, pp. 81-82.

CHAPTER III

CONGREGATION OF THE SISTERS OF MERCY (IRELAND)

In Chapter I we described the historical background and the canonical establishment of the Sisters of Mercy in Ireland and the approval of their Rule and Constitutions in 1841. We examined the subsequent expansion of the Congregation during the lifetime of the foundress, Catherine McAuley, up until her death in 1841. Chapter II dealt with the present diffusion of the Sisters of Mercy throughout the world and the levels of collaboration that exist among the various institutes. We discussed the ecclesiastical legislation that, at various times in the twentieth century, motivated a number of independent diocesan groups in Ireland, the United States of America, Australia, New Zealand, Newfoundland, and Great Britain to form unions or federations with centralised government.

We have noted that, prior to 1920, the Sisters of Mercy in four Irish dioceses had established centralised government structures. In 1954, the Sisters of Mercy in the Archdiocese of Dublin, with the encouragement of their Archbishop, John Charles McQuaid, changed their government structures. With these exceptions, the Sisters of Mercy in every other diocese in Ireland continued to operate as independent autonomous units, despite the fact that a Plenary

Synod of the Irish Bishops in 1900, Provincial Synods in 1907 and 1908, a Plenary Council in 1927 and subsequent Diocesan Synods, all proposed that the houses of a Congregation of Sisters or Nuns such as the Sisters of Mercy or the Presentation Nuns should be united at either diocesan or provincial level.

It was not until the promulgation of the Constitutions and Decrees of the Second Vatican Council that the Sisters of Mercy began to take seriously the need for renewal and adaptation. As they studied the Council Documents, especially *Lumen gentium*,¹ *Gaudium et spes*,² and *Perfectae caritatis*,³ they came to the realisation that implementation of the documents would be difficult, if not impossible for them. In their present form of government, they had not the means with which to initiate changes in compliance with the directives of *Perfectae caritatis* and, later, *Ecclesiae sanctae*.⁴ The first prerequisite,

¹ See *Lumen gentium*, Dogmatic Constitution on the Church (=LG), 21 November 1964, in AAS, 57(1965), pp. 5-75; English trans. in A.P. FLANNERY (=FLANNERY), gen. ed., *Vatican Council II: The Conciliar and Post Conciliar Documents*, Northport, New York, Costello Publishing Co., 1987, v. 1, pp. 350-440.

² See *Gaudium et spes*, Pastoral Constitution on the Church in the Modern World (=GS), 7 December 1965, in AAS, 58(1966), pp. 1044-1045, English trans. in FLANNERY, v. 1, pp. 903-1014.

³ See *Perfectae caritatis*, Decree on the Up-to-date Renewal of Religious Life (=PC), 28 October 1965, in AAS, 58(1966), pp. 702-712; English trans. in FLANNERY, v. 1, pp. 612-623.

⁴ The form of government operated by the Sisters of Mercy did not allow for a general chapter as advocated by *Ecclesiae Sanctae* II for the implementation of the conciliar directives on renewal and adaptation. See POPE PAUL VI, *Motu proprio Ecclesiae sanctae*, Norms for Implementing the Decree: On the Up-to-date Renewal of Religious Life (=ES II), 6 August 1966, in AAS, 58(1966), pp. 775-787. English trans. in FLANNERY, v. 1, pp. 624-633. Article 3 of the *Motu proprio* recommended that a general chapter be held for the purpose of putting renewal and adaptation into effect. Article 4 emphasised the necessity of consulting all the members prior to this chapter either at the level of conventual or provincial chapters, through commissions or by some other means. Article 6 then stated that this general chapter has the right to alter, temporarily, by way of experiment, certain prescriptions of the Rules and Constitutions, always safeguarding the purpose, nature, and character of the institute.

therefore, was the establishment of the only structure in which change could validly take place, that is, a general chapter. The Sisters were now faced with a decision: whether to embark on the work of renewal and adaptation as advocated by the Second Vatican Council or continue to operate with outmoded governance structures and a Rule and Constitutions that needed serious and meaningful revision.

This present chapter will study the circumstances that led to the decision in the late 1960s and the early 1970s to unite autonomous communities within dioceses into one institute under the authority of a superior general, and to revise the Rule and Constitutions accordingly. After that, we shall describe the canonical process that was followed by the Sisters of Mercy in the eventual unification of the Irish diocesan congregations together with a congregation in South Africa, as well as communities of Sisters missioned from Irish dioceses to the United States of America, Kenya, Zambia, Peru, and British Columbia, Canada. Then, we shall look at the preparation for the formal erection of the new congregation and the first congregational chapter.

3.1 – Diocesan amalgamations

3.1.1 – Proposed revision of Rule and Constitutions

In September 1968, in response to the instructions of their bishops, and following the mandate of *Perfectae caritatis* that "... constitutions, directories,

books of customs, of prayers, of ceremonies and such like should be properly revised, obsolete prescriptions being suppressed, and should be brought into line with conciliar documents”,⁵ the Sisters of Mercy commenced work on the revision of their Rule and Constitutions. Within the present structures, which did not allow for a superior general and a general chapter, there was no way that meaningful revision could take place.

Accordingly, the Sisters established federation councils that would work towards the formation of diocesan federations as a necessary step towards diocesan amalgamation. Federation is sometimes a preliminary step towards a closer association among groups. It is attractive to groups who do not want to lose their autonomy in a centralised structure; it involves very little risk, and can be easily dissolved.⁶ This was the case with the Mercy Congregation in Australia where Federation and a previous Union would lead to the establishment of the Conference of the Sisters of Mercy of Australia (1967) and eventually to the formation of the Institute of the Sisters of Mercy of Australia (1981).

The Irish Sisters, however, soon realised that in order to have a federation juridically established, it would be necessary to receive approval from the Holy

⁵ PC, n. 3, in FLANNERY, v. 1, p. 613.

⁶ For a definition of “federation”, see H. JOULIA, *Union, fusion, fédération, association d’instituts religieux*, Paris, Comité permanent des religieux de France, Comité canonique, 1973, 62 p. 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.” See also M. DORTEL-CLAUDOT, *Union-fusion-fédération d’instituts religieux: Nouveau directoire pratique*, Paris, Comité des Religieux, 1988, 48 p.

See for federation statutes and, since amalgamation at a future date would also require approval, they decided to abandon the idea of federation. However, they retained the federation councils to coordinate the preparatory work towards diocesan amalgamation.⁷

3.1.2 – Preparation for diocesan amalgamations

Five dioceses in Ireland had already amalgamated their several convents to form diocesan unions. Most of the remaining dioceses now commenced preparations to form similar unions. The federation councils organised and directed the preparation process with the advantage of precise guidelines from the Holy See to assist them. *Perfectae caritatis*, *Ecclesiae sanctae*, and *Evangelica testificatio*⁸ emphasised the fundamental requirements for the revision of Constitutions and mode of government, while preserving the Institute's patrimony.⁹

⁷ See *PC*, n. 22, in FLANNERY, v. 1, p. 622. See also SISTERS OF MERCY, *Minutes of Federation Council Meetings*, in Mercy Congregational Archives, Dublin (MCA-D). At this early stage in the process of renewal and adaptation, "amalgamation" was the term used to describe the unification of several independent houses in a diocese.

⁸ See *PC*, nn. 2-4, in FLANNERY, v. 1, pp. 612-613; *ES II*, nn. 1-19, in *ibid.*, pp. 624-628; *ET*, nn. 5-6, in *ibid.*, pp. 682-683; nn. 11-12, pp. 685-686; 51, p. 703.

⁹ CIC 1983, c. 578, presents the elements of spiritual patrimony (or charism as it is more popularly known): the mind of the founder, her dispositions concerning the nature, purpose, spirit, and character of the institute, and its sound traditions. This is an elusive concept to define, but its fundamental importance in the life and mission of a religious institute is well emphasised in conciliar and post conciliar documents. See *LG*, n. 45, in FLANNERY, v. 1, pp. 405-406; *PC*, n. 2b, in *ibid.*, p. 612; *ES II*, n. 16 § 3, in *ibid.*, p. 627. See also CONGREGATION FOR RELIGIOUS AND SECULAR INSTITUTES AND CONGREGATION FOR BISHOPS, *Mutuae relationes*, Directives for Mutual Relations between Bishops and Religious in the Church (=MR), 14 May 1978, in *AAS* 70(1978), pp. 473-506. English trans. in A. FLANNERY, gen. ed., *Vatican Council II: More Post Conciliar*

The Code of Canon Law was still in process of revision and so the federation councils and their canonical and theological advisors had to work with the 1917 Code, the relevant conciliar documents, and the recommendations of the then Congregation for Religious and Secular Institutes. By 1977 a draft of the Canonical Legislation for Institutes of Consecrated Life was available.¹⁰

The norms of *Ecclesiae sanctae* regarding unification and suppression of institutes were carefully implemented. These required that

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*. For this, it is often desirable that the institutes should have the help of some assistant approved by the competent authority.¹¹

In the spirit of these norms, there was “ample and free consultation of all the subjects.”¹² The “freedom of choice”¹³ of each individual was respected. Through meetings at local community level, conferences at regional level, Sisters were afforded opportunities to express their doubts, fears, and questions about

Documents (=FLANNERY, *More Post Conciliar Documents*), Northport, NY, Costello Publishing Company, 1982, nn. 13a and 34, v. 2, pp. 218-219 and 231.

MR, nn. 13a and 34 in *ibid.*, v. 2, pp. 218-219 and p. 231.

¹⁰ See PONTIFICIA COMMISSIO CODICI IURIS CANONICI RECOGNOSCENDO, *Schema canonum de institutis vitae consecratae per professionem consiliorum evangelicorum*, Romae, Typis Polyglottis, Vaticanis, 1977, xiii, 36 p. English trans. in PONTIFICIA COMMISSIO CODICI IURIS CANONICI RECOGNOSCENDO, *Schema of Canons on Institutes of Life Consecrated by Profession of the Evangelical Counsels: Draft*, Washington, DC, Publications Office, U.S. Catholic Conference, 1977, xxv, 73p.

¹¹ *ES II*, n. 39, in FLANNERY, v. 1, p. 632. See also *PC*, nn. 2-4, in *ibid.*, pp. 612-613.

¹² *ES II*, n. 4, in *ibid.*, p. 625.

¹³ *ES II*, n. 40-41, in *ibid.*, p. 632.

the proposed amalgamations. Every effort was made to allay the inevitable fears expressed by individuals and communities. Since they had functioned very successfully in small autonomous groups, many Sisters were fearful lest they lose their identity in a new type of government structure that would hinder rather than facilitate the characteristic Mercy ministries.

3.1.3 – Arguments against amalgamation

One cogent argument put forward in favour of maintaining the present structure was that it enabled the Sisters to combine “the facility of making on-the-spot decisions with the strength that comes from membership of a group which is not just local but which aims at apostolic ministry within the framework of the wider church.”¹⁴ Interestingly, Archbishop (later Cardinal) Cahal B. Daly said that Catherine McAuley showed a deep concern for “the reality of the local Church ... long before the theology of the local Church was developed ... in *Lumen gentium*.”¹⁵ However, the experience of Mercy groups in the United States of America, New Zealand, and Australia suggested that forming federations or unions, either in dioceses or across diocesan boundaries, enabled the Sisters to deploy their resources more effectively, to provide more efficient novitiate formation and professional training, and, at the same time, experience greater mutual support.

¹⁴ M.A. BOLSTER, *Catherine McAuley: Venerable for Mercy*, Dublin, Dominican Publications, 1990, p. 38.

¹⁵ Quoted in *ibid.*, p. 38.

Another argument suggested that changing the present system of government would be unfaithful to the charism of the foundress, especially to her spirit of union and charity.¹⁶ While much attention has been given to this aspect of her charism, it is more likely that the union Catherine McAuley had in mind pertained less to government structures than to union of hearts and minds within the Congregation. It is important to remember that, although Pope Paul VI insisted on fidelity to the charism of each institute, he insisted equally on adaptation of charisms to the “changing circumstances of place and time” without losing “a certain constancy of orientation.”¹⁷

Another factor also contributed to reluctance on the part of the Sisters in some Irish dioceses to work towards diocesan amalgamations. From the outset a number of diocesan bishops strongly disapproved of any mention of what was then termed “amalgamation.” They wanted local communities to retain their roots and their local influence.¹⁸

¹⁶ In this context, reference to “union and charity” can be traced to the foundation of the Mercy Congregation in 1831. Having made her religious profession as a Sister of Mercy according to the Rule of the Presentation Order, Catherine McAuley chose this Rule as the one most suited, with appropriate alterations, to the Congregation she had just established. In response to her query as to what Rule the new Congregation would follow pending the composition of their own Rule, Archbishop Daniel Murray suggested that the chapter on “Union and Charity” in the Rule of the Presentation Nuns would be sufficient. Subsequently, this chapter was incorporated almost unchanged into Catherine’s draft of the new Mercy Rule. See M.C. SULLIVAN, *Catherine McAuley and the Tradition of Mercy*, Dublin, Four Courts Press, 1995, pp. 259-290.

¹⁷ PAUL VI, Apostolic Exhortation *Evangelica testificatio* on the Renewal of the Religious Life According to the Teaching of the Second Vatican Council (=ET), 29 June 1971, in AAS, 63(1971), pp. 497-526; English trans. in FLANNERY, n. 12, v. 1, p. 686.

¹⁸ Some diocesan bishops and many Sisters still chose to believe that the congregation was diocesan.

3.1.4 – Preparation for amalgamation continues

Despite those instances of opposition, most diocesan groups continued to strengthen bonds among their independent communities, to organise conferences and seminars on renewal and ongoing formation, to revise community structures and customs, and to discard those that were considered obsolete. In addition to the theological and canonical preparation, the Sisters heard superiors general from various diocesan unions speak of the advantages and the disadvantages of union. Ongoing work by some diocesan groups towards National Mercy Constitutions convinced others that their continuing autonomous situation would make it virtually impossible for them to participate in a revision of the chapter on “Government in the Congregation”, if they remained as they were.

3.1.5 – Diocesan amalgamations 1963-1975

Between 1963 and 1975 unions were formed and approved by the Holy See in most Irish dioceses and, by 1985, diocesan unions had replaced autonomously governed communities with new centralised forms of government in all dioceses. With the promulgation of the Decrees of Union by the diocesan bishops, new religious congregations of pontifical right came into being.¹⁹ The formation of these unions in Ireland coincided with the formation of similar unions

¹⁹ CONGREGATION FOR RELIGIOUS, Decree, Prot. n. T. 125-1/71, 21 January 1971: “[...] Eidem praesenti Decreto facultatem tribuit deveniendi ad praefatam unionem extinctivam et ex dictis Familiis religiosis novem Congregationem [...]” This is from the Decree of Union for the Sisters of Mercy of the Archdiocese of Tuam.

and federations in Australia, the United States of America, New Zealand, and Great Britain.

Administratively, this new juridical status meant a centralised government with a superior general, a council, and local superiors in each diocese. It meant central novitiates (still at diocesan level) and, therefore, a more thorough and effective formation of novices.²⁰ Individually, amalgamation meant that each sister had to change her concept of “our community” since she now belonged to the larger community of a diocese. Those unions, undertaken in order to comply with the wishes of the Church, meant a sense of growth that opened the door to a new willingness in the Congregation to investigate the possibility of working towards an even larger and more meaningful type of union.

3.2 – The Mercy Association 1973

3.2.1 – Structure and aims of the Association

While the formation of diocesan unions was a significant advancement on the preceding situation, it was not entirely satisfactory from the point of view of any meaningful progress on the revision of the Rule and Constitutions.²¹ Consequently, the Mercy Association was established in April 1973 to coordinate

²⁰ In the archdiocese of Tuam, for instance, there had been five motherhouses, each with its own novitiate and cluster of filial or branch houses. Other dioceses would have had somewhat similar situations.

and further the work of renewal. It had a flexible structure and a simple constitution that would be open to revision. In addition to the twelve sisters who had been elected to form a steering committee, membership was open to all Sisters.

The purpose of the Association was to heighten awareness of the common origin and shared identity of the Sisters of Mercy, and to foster communication, collaboration, and friendship among the numerous Mercy communities in the country.²² Several suggestions were submitted as a plan of action for the steering committee. The most important of these was a recommendation that the Rule and Constitutions be revised to incorporate the vision and structures that emanated from the renewal and adaptation challenges of the Second Vatican Council, especially of *Perfectae caritatis*.²³ Since the revision had now taken on a national character, it would be given greater impetus. Other suggestions included an in-depth study of the spirit and charism of the foundress, this in keeping with the mind of the Second Vatican Council

²¹ Some congregations had revised the section on government in the Rule and Constitutions to accommodate their new government structures. They were, however, willing to become involved in a revision that would produce National Constitutions.

²² Twenty six diocesan congregations and, therefore, twenty six superiors general together with their councils, was a far cry from the sort of union that a Congregation of pontifical right should have enjoyed. There was still scope for cooperation and collaboration at national level even before the Congregation considered establishing links with other Mercy congregations throughout the world.

²³ See *PC*, n. 3, in *FLANNERY*, v. 1, p. 613.

which “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.”²⁴

3.2.2 – Projects initiated by the Association

A commission was formed to work on formation, an aspect of religious life that had received strong emphasis, particularly in *Renovationis causam*.²⁵ The bi-centenary of the birth of Catherine McAuley was organised and celebrated in 1978.²⁶ In 1981, the first ever International Mercy Meeting, Trócaire 1981,²⁷ was held in Dublin, an event that brought together Mercy Sisters from all over the world and, in its own way, kept the concept of unity alive among them.

In 1975, Archbishop Dermot Ryan of Dublin initiated the cause of Catherine McAuley when he appointed Sister Angela Bolster to prepare the *Positio* for the canonization process.²⁸ This long and arduous process had a happy outcome when, on 9 April 1990, a solemn decree of Pope John Paul II

²⁴ *ET*, n. 11, in FLANNERY, v. 1, p. 685.

²⁵ SACRA CONGREGATIO PRO RELIGIOSIS ET INSTITUTIS SAECULARIBUS, *Instructio de accommodata renovatione institutionis ad vitam religiosam ducendam, Renovationis causam* (= RC), 6 January 1969, in AAS, 61(1969), pp. 103-120. English trans. in FLANNERY, v. 1, pp. 634-655.

²⁶ See M.A. BOLSTER, *Catherine McAuley 1778-1978: Bi-Centenary Souvenir Book*, Dublin, Irish Messenger Publications, 1978, 39 p.

²⁷ Trócaire = Gaelic for “Mercy.” See A. HANNON AND H. O’DONOGHUE, eds., *Newsletter and Proceedings of Trócaire 1981: First International Gathering of Sisters of Mercy*, 31 p.

²⁸ For a brief history of the Cause of Catherine McAuley, see M.A. BOLSTER, *Catherine McAuley: Venerable for Mercy*, Dublin, Dominican Publications, 1990, pp. 118-122. See also BOLSTER, *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*, Protocol Number 1296, Rome, Congregation for the Causes of Saints, 1985, 2 v.

declared Catherine McAuley “Venerable”, the first significant step on the road to canonization.²⁹

3.2.3 – Similarities with other Mercy Associations

The similarities between the Mercy Association in Ireland (1973), the Mother McAuley conference in the United States of America (1954), and the Conference of Sisters of Mercy of Australia, approved by the Holy See in 1967 are striking. The Mother McAuley Conference and the Mercy Association had a similar purpose in that they both promoted the canonization cause as well as the ideals of Catherine McAuley. The Australian equivalent had a broader mandate since it had been established to “further national unity and, eventually, to form a single structure of governance.” All three were implicitly promoting greater union and solidarity among Sisters of Mercy at both national and international levels.

3.2.4 – Preparation for National Constitutions

The revision of the Rule and Constitutions was the principal task entrusted to the Mercy Association. Since this was the first major revision since 1926, when the Rule and Constitutions were brought into conformity with the 1917 Code of Canon Law,³⁰ the present revision continued over a period of almost

²⁹ CONGREGATIO DE CAUSIS SANCTORUM, *Decretum, Canonizationis Servae Dei Catharinae McAuley, Fundatricis Congregationis Sororum a Misericordia (1778-1841)*, Rome, Congregatio de Causis Sanctorum, 9 April, 1990, in AAS, 92(1990), pp. 1004-1010.

³⁰ The first revision was requested by the Holy See in June 1918 following the promulgation of the 1917 Code of Canon Law. See SACRA CONGREGATIO DE RELIGIOSIS, *De*

twelve years and coincided with the preparation of the 1983 Code of Canon Law. Initially, only the *schemata* of the new canons were available to the Revision Committee. However, before the final drafts were prepared, the new Code had been promulgated, and so the revision of the Constitutions can be discussed in the light of CIC 1983, as final approval was not given until 1985.

When the revision process began, the fundamental Code of the Congregation was *The Rule and Constitutions of the Religious Called Sisters of Mercy*. It was in two parts and contained thirty two chapters, the first twenty two of which constituted the Rule properly so called; these dealt with the spiritual and juridical elements.

The second part could be described as constitutions, containing "detailed methods and positive prescriptions for the observance of the Rule." One chapter was devoted to the role of the diocesan bishop as the Congregation's "principal

Regulis et Constitutionibus religiosorum ad Normam Canonis 489 Codicis Iuris Canonici Reformandis, 26 June 1918, in AAS, 10(1918), p. 290. CIC 1917, c. 489 stated: "Regulae et particulares constitutiones singularum religionum, canonibus huius Codicis non contrariae, vim suam servant; quae vero eisdem opponuntur, abrogatae sunt." See also SACRA CONGREGATIO DE RELIGIOSIS, *De Quibus Libris ad Instituta Religiosarum Iuris Pontificii Pertinentibus, Revisioni et Correctioni S. Congregationis Subiiciendis*, 29 March 1919, in AAS, 11(1919), pp. 230-240; SACRA CONGREGATIO DE RELIGIOSIS, *Declaratio Circa Religionum Constitutiones Codici Conformatas, S. Congregationi Pro Revisione Subiiciendas, ex Decreto 26 June 1918*, 26 October 1921, in AAS, 13(1921), pp. 538-539; English trans. in *Canon Law Digest for Religious*, Milwaukee, Bruce Publishing Company, 1964, pp 179-180.

The modifications inserted in the Rule and Constitutions of the Sisters of Mercy to bring them into conformity with the 1917 Code of Canon Law, were approved by a decree of the Congregation of Religious on 18 February 1926. Apart from some editorial and organisational changes, the revised Rule and Constitutions retained the same chapter order as the 1841 Rule. When the Sisters of Mercy of the Archdiocese of Dublin amalgamated all the houses in the Archdiocese in 1953, the 1926 Rule underwent some changes to accommodate the new structure. The revised edition was called *The Rule and Constitutions of the Congregation of the Sisters of Mercy, Dublin*, (=1953 *Dublin Constitutions*), Dublin, M.H. Gill & Son, 1954, 102 p.

superior after the Holy See” and his responsibility of visitation and oversight. The remaining chapters dealt with the election of the mother superior and the offices of assistant, bursar, and novice mistress. There were chapters on capitular assemblies³¹, lay sisters³², and foundations.³³

3.2.5 – Guides and Books of Customs

In addition to the fundamental code, there were a number of Guides and books of customs compiled and published in the late nineteenth century for the

³¹ See *ibid.*, pp. 90-92. The Capitular Assembly was a meeting of all the Sisters who had a vote, to consider admissions to the Novitiate or to temporary and perpetual profession, and to give their opinion on matters of importance to the Congregation, whenever the Superior required it.

³² There are references to lay sisters in the records from abbeys and monasteries of the Middle Ages when it was customary for wealthy women who entered religious life to bring their servants or ladies-in-waiting with them, or, if they were very young, their nurses. In nineteenth century Ireland, the resurgence of religious life for women brought lay sisters into prominence again and they became a visible structure in religious communities. Generally, these women were inadequately educated and entered religious life without a dowry. They formed a class distinct from the other sisters, who were designated officially as “choir sisters”, since historically in their monastic heritage, their main concern was the chanting of the divine Office, the official prayer of the Church. The lay sisters were responsible for the domestic work: cooking, laundry, general cleaning, and care of the sick. They had neither active nor passive voice in the community. This two-tiered system continued in Ireland long after it had been abolished in Australia and North America. In 1965, *Perfectae caritatis*, n. 15, stated: “Unless circumstances do really suggest otherwise, it should be the aim to arrive at but one category of sisters in women’s institutes.” Finally, and in keeping with the renewal efforts that followed the Second Vatican Council, this system came to an end in Ireland. How or why the chapter on Lay Sisters was inserted into the 1841 Rule and Constitutions of the Sisters of Mercy is not clear. There was no reference to Lay Sisters in the Rule of the Presentation Order on which Catherine McAuley based the Mercy Rule. Neither was there such a chapter in Catherine’s original manuscript of her Rule. There was no indication either that Archbishop Murray requested such an inclusion. See *PC*, n. 15, in FLANNERY, v. 1, p. 620. See also SULLIVAN, pp. 90-91 and 271; M. MACCARTAIN, “Catholic Sisterhoods in 20th-Century Ireland”, in *Religious Life Review*, 39(2000), pp. 19-31. More research remains to be done on this issue.

³³ 1926 *Constitutions*, p. 95. Foundations were discouraged unless there was sufficient revenue for their support and they had been approved by the diocesan bishop.

use of the various Mercy congregations.³⁴ It may be opportune to mention here the circumstances in which two of these Guides were compiled, since they give us some understanding of the control exercised by some diocesan bishops over the Sisters of Mercy in their dioceses, due perhaps to the fact that they were unaware of the true juridical status of the Congregation.

In 1846, Sister Cecilia Marmion, the superior who had succeeded Catherine McAuley in the Mercy Convent in Baggot Street (the Founding House of the Congregation), invited all the Mercy superiors to a “General Chapter meeting”

in order to decide on the accepted meaning of several difficult expressions of the Constitutions and to declare by a public decision what have been from the beginning the genuine and approved customs, duties, and functions of this Congregation to the end that they may continue unaltered and remain for future times the laws by which this Order is to be directed.³⁵

It seems that there was some concern over “many points of discipline” and deviations from the spirit of the Foundress and a strong desire for “an entire uniformity on our observances and customs.” There was also concern that, in the absence of a guide, superiors were “referring to Bishops and priests for the explanation of our Rule and Constitutions of which they (the bishops) are

³⁴ See *Customs, Observances and Devotional Practices of the Religious Called Sisters of Mercy*, Dublin, John Mullany, 1886, 148 p. See also *Guide for the Religious Called Sisters of Mercy*, Part III, London, St. Anne's Press, 1888, 495 p.

³⁵ C. MARMION, Letter to M.A. Doyle, 28 July 1846, quoted in B. BRENNAN, *It Commenced with Two: The Story of Mary Anne Doyle, First Companion of Catherine McAuley*, Northern Province, *Congregation of the Sisters of Mercy*, 2001, pp. 172-173.

frequently quite ignorant.”³⁶ It was not until 1869 that the Dublin Sisters issued a guide for their houses in the Archdiocese.³⁷

A similar meeting to “regularise customs”³⁸ was organised in Limerick in 1864. Several communities recognised the necessity, while the Congregation was still comparatively new, of “preserving uniformity in the Houses of the Order, no matter how far asunder.”³⁹ In a letter dated 22 February 1864, Sister M. C. McNamara, wrote to the Superiors of all the Mercy Convents in Ireland, England, and Scotland, inviting them to attend a meeting in Limerick, starting 8 March. For this meeting, Mother Francis Bridgeman had prepared an “Exposition ... in which our Holy Rule is practically defined and detailed.”⁴⁰

³⁶ Ibid., pp. 176-177.

³⁷ *The Customs and Minor Regulations of the Religious Called Sisters of Mercy in the Parent House, Baggot Street and its Branch Houses*, Dublin, M.J. O’Toole & Son, 1869, 138 p.

³⁸ See BRENNAN, pp 248-249. See also SISTERS OF MERCY, *The Annals (=Limerick Annals)*, Saint Mary’s, Limerick, pp. 26-30.

³⁹ *Limerick Annals*, pp. 26-27. There were “rumblings” about “uniformity of customs” and “the necessity of a Superior General” for the Mercy congregation coming from other quarters also at this time. Sister Catherine Locke wrote from Dundee, Scotland, to the Superior at Baggot Street, with, for the times, a somewhat radical suggestion: “We had one of the Jesuit Fathers from Edinburgh for our retreat ... [He] desires me to represent the necessity of a Superior General for the houses of our Order, as, from his experience among them he thinks, if some uniformity of customs is not established or some restraint on the new introductions of young superiors, the whole Order must be dissolved. It could not continue as it is ... If this is not practicable, could there be a meeting of the Superiors every year.” When there was no reply to this letter, Sister Catherine wrote again, clarifying her previous request: “The Jesuit Fathers in Ireland wish that something could be done for the preservation of our Institute, and for the establishment of uniformity in our houses.” Whether the meeting convened in Limerick in 1864 was a response to this request is a moot point. However, the letter does indicate that, as early as 1860, there was concern about the juridical status of the Congregation. See SISTER CATHERINE LOCKE, Letter to Reverend Mother (sic), Baggot Street, January 1862, in BRENNAN, pp. 246-248.

⁴⁰ Sister M.C. McNamara, Letter to Mercy Superiors, 22 February 1864, in *Limerick Annals*.

Forty eight superiors declined the invitation to attend the meeting. Their reasons varied from ill health to refusal by diocesan bishops to grant permission to attend,⁴¹ and what could be described as indignation on the part of some Superiors that anyone would wish to change or “define” the Rule and Constitutions compiled by Catherine McAuley.⁴² From the Limerick Annals of 1864, we learn that eighteen superiors, including two from England, attended the meeting. The end result was that a guide or directory was compiled and approved by the Sisters present, and published in 1866.⁴³

3.2.6 – Revision of the Rule and Constitutions

While the Sisters who attempted to compile guide books in 1846 and 1864 relied on their own instincts, since there is no evidence of canonical consultations, revision of the 1926 Rule and Constitutions now took place with the benefit of the criteria for renewal and adaptation provided by *Ecclesiae sanctae, Perfectae caritatis*, and the juridical principles of the 1983 Code of

⁴¹ See *ibid.* The letters exchanged between Sister M.C. McNamara and the various superiors indicate that the majority of the Superiors would do nothing without first consulting their diocesan Bishop.

⁴² Sister Mary of Mercy, the superior of the Convent in Baggot Street, the Founding House of the Congregation, made it very clear that she would not “cooperate in this ‘General Meeting’”, since she had “a holy horror of a ‘Meeting of Women’ and nothing short of a command from our good Archbishop could make me submit my judgement on this matter.” She also felt confident that “our Holy Rule in its wisdom does not bind us to a similarity of practices.” See Sister MARY OF MERCY, Baggot Street, Dublin, Letter to Sister M.C. McNamara, Limerick, 19 February, 1864, Archives, Saint Mary’s Limerick.

⁴³ See *Guide for the Religious Called Sisters of Mercy*, Parts I and II, London, Robson & Son, 1866, 432 p. An Introduction to this Guide states: “This is a book of customs compiled after a meeting of superiors of independent communities in Ireland held in Limerick in 1864. The purpose of the meeting was to preserve uniformity of customs in the traditional sense, as explained and practised by the Foundress.”

Canon Law. It also took place in the context of new government structures in the Congregation.⁴⁴

Ecclesiae Sanctae points out that a general chapter “has the right to alter, temporarily, certain prescriptions of the constitutions ... by way of experiment, provided that the purpose, nature and character of the institute are safeguarded.”⁴⁵ It outlines the essential elements that Constitutions should contain:

(a) the evangelical and theological principles concerning religious life and its incorporation in the Church, and an apt and accurate formulation in which “the spirit and aims of the founder should be clearly recognized and faithfully preserved, as indeed should each institute’s sound traditions, for all these constitute the patrimony of an institute” (*Perfectae caritatis*, no. 2b).

(b) the juridical norms necessary to define the character, aims and means employed by the institute. Such rules must not be multiplied unduly, but should always be clearly formulated.⁴⁶

It also recommended that a combination of both spiritual and juridical elements should underpin the principal codes of religious institutes.⁴⁷ “Anything which is now out of date, or anything which may change with the conditions of time, or which is of purely local application” was to be excluded from the basic

⁴⁴ The autonomous houses of the Sisters of Mercy in all Irish dioceses had now united at diocesan level, with centralised government. They were entitled, therefore, to hold general chapters.

⁴⁵ See *ES II*, n. 6, in *FLANNERY*, v. 1, p. 625.

⁴⁶ See *ibid.*, nn. 12-15, pp. 626-627.

⁴⁷ See *ibid.*, n. 13, p. 627.

text.⁴⁸ It concluded with the practical recommendation that norms which regulate “present-day life” should be included “in separate books, such as directories, books of customs or similar documents, whatever be their name.”⁴⁹

The prescriptions of canons 578 and 587 of the 1983 Code of Canon Law were carefully implemented in the revision process. The elements specified in Canon 578 as essential for the basic code or constitutions were incorporated in the text:

The mind of the founders and their dispositions concerning the nature, purpose, spirit and character of the institute which have been approved by the competent ecclesiastical authority, together with its sound traditions, all of which comprise the patrimony of the institute itself, are to be faithfully observed by all.⁵⁰

Article 3 of the first chapter articulates the purpose and character of the Congregation:

Mercy, the source of forgiveness, of healing and restoration, emerging as a preferential love for the poor, is the characteristic spirit of our Congregation. Mercy is the call, the charism and heritage which forms and reforms our lives. It enables us, through the power of the Spirit and in the name of the Church, to reach out with courage and compassion to Christ’s suffering members, and to witness to the constancy of God’s loving kindness in every age.⁵¹

⁴⁸ See *ibid.*, n. 14, p. 627.

⁴⁹ See *ibid.*

⁵⁰ CIC 1983, c. 578, English trans., *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, 1997, xvi, 509 p.

⁵¹ *Constitutions of the Sisters of Mercy of Ireland (=1985 Constitutions)*, Approved by the Congregation for Religious and Secular Institutes, 12 December 1985, Dublin, Mercy Ireland, 1986, n. 3.

The basic spirituality of the Congregation is identified. It is an apostolic spirituality rooted in Scripture and in the liturgical and sacramental life of the Church.⁵² The term “patrimony” of canon 578 is implied in the frequent use of the term “charism” throughout the Constitutions.

Canon 587 § 1 states that the Constitutions must contain, in addition to the requirements of canon 578, “basic norms about the governance of the institute, the discipline of the members, and the proper object of the sacred bonds.”⁵³ A major change in the Mercy Constitutions concerned governance. Instead of saying that the Sisters are subject to “the authority and jurisdiction of the bishops of the diocese ... as their principal Superior after the Holy See”, the revised Constitutions now state: “The Sisters of Mercy of Ireland are a number of independent religious congregations of pontifical right ... We obey the Holy Father as our ultimate superior ... We cooperate with the local bishops and are subject to them in matters concerning public worship and apostolate, with due regard to the special character and mission of our Congregation.”⁵⁴ This is the first time that the true juridical nature of the Congregation was recognised.

⁵² See *ibid.*, nn. 14-24 and 42.

⁵³ CIC 1983, c. 587 § 1.

⁵⁴ 1985 *Constitutions*, nn. 6 and 77.

3.2.7 – Approval of National Constitutions 12 December 1985

As the process progressed through several drafts over several years, unnecessary details were omitted and the essential spiritual and juridical elements were incorporated in a clear and succinct style. The revised text, now designated “Constitutions of the Sisters of Mercy of Ireland”, together with a constitutional-appendix formed the primary code of the proper law of the Congregation.⁵⁵ Each diocesan congregation enacted its own constitutional-appendix and statutes, with appropriate variations according to the circumstances of each group.

On the anniversary of the foundation of the Congregation, 12 December 1985, the Congregation for Religious and Secular Institutes approved the “‘Constitutions of the Sisters of Mercy of Ireland’ as amended according to the observations of this congregation.”⁵⁶ All the diocesan congregations formally received the new national Constitutions in April 1986. There was now a core constitution for the congregation that would facilitate future renewal and adaptation.

3.2.8 – Sisters of Mercy of South Africa adopt 1985 Constitutions

An autonomous congregation of Sisters of Mercy that had been established in South Africa in 1897 by a group of Sisters from Strabane in

⁵⁵ See 1985 *Constitutions*, n. 112.

⁵⁶ Decree, Prot. n. A 127-1/82, Rome, 12 December 1985, in Mercy Congregational Archives, Dublin (=MCA-D).

Northern Ireland, had participated in the revision of the Constitutions.⁵⁷ At their chapter in December 1986, this group voted in favour of requesting permission from the Mercy Ireland Association to adopt the new Constitutions.⁵⁸ They also requested formal approval from the Congregation for Religious and Secular Institutes (=CRIS).⁵⁹ On 31 May 1987, CRIS formally approved "the whole completed text as the constitutions of the Sisters of Mercy of Johannesburg, South Africa."⁶⁰ This included a constitutional-appendix that they had drawn up to suit their circumstances. The involvement of this congregation with the Irish Sisters of Mercy at such a fundamental level prepared the way for an even closer involvement, as we shall see later in this chapter.

3.3 – Mercy Ireland 1985

3.3.1 – Nature and purpose

Once the National Constitutions had been approved and presented, one could almost say that the Mercy Association had outlived its usefulness.

⁵⁷ The archives of the Sisters of Mercy, Southern Africa, show that in 1897, five Sisters from Strabane in Northern Ireland established an autonomous congregation in Mafeking, in response to the invitation of the Vicar Apostolic, Rev. Anthony Gaughran, OMI. They maintained close links with the Sisters of Mercy in Ireland, particularly with developments in the Congregation after the Second Vatican Council. SISTER M. ST. JOHN ENRIGHT, Letter to Sister M. Regina Kelly, President, Mercy Ireland, 27 February 1987, in MCA-D.

⁵⁸ See Sister M. ST. JOHN ENRIGHT, Letter to Sister M. Regina Kelly, 27 February 1987.

⁵⁹ See Sister M. ST. JOHN ENRIGHT, Letter to His Eminence Jerome Cardinal Hamer, OP, Prefect of the Congregation for Religious and Secular Institutes, 7 May 1987, in MCA-D.

⁶⁰ CONGREGATIO PRO RELIGIOSIS ET INSTITUTIBUS SAECULARIBUS, Decree, Prot. n. T 56-1/87, 31 May 1987, in MCA-D.

However, because the possibility of closer cooperation and collaboration between diocesan congregations was now being envisaged, there was need for a policy-making body with executive power. Individual diocesan congregations had been asking the Association for guidance in the formulation of internal policies. The existing constitutions of the Mercy Association did not give its steering committee authority to act as a voice for Mercy Sisters or to make worthwhile decisions that would assist individual congregations and present a more unified approach. Reactions from Superiors General and from the Sisters of Mercy in Ireland, through regional meetings and discussions, overwhelmingly favoured a revision of the constitutions of the Association.

After much discussion and revision of its constitutions, the Mercy Association, in June 1985, evolved into a policy-making body under a new title, **Mercy Ireland**. It had a three-tier structure: the National Executive consisting of the president, vice-president, and secretary, elected from the membership, and two part-time members from each of the four archdiocesan regions;⁶¹ a plenary body comprised the twenty six superiors general and the national executive; the National Assembly included all of the above as well as two elected delegates from each of the twenty six diocesan congregations.⁶²

⁶¹ The archdioceses of Armagh, Dublin, Tuam, and Cashel.

⁶² MERCY IRELAND, *Constitutions*, June 1985, in MCA-D. The role of each body - the National Executive, the National Assembly - and the plenary body was described in the Constitutions. The role of the National Assembly was prophetic and inspirational in nature; it decided on policies and gave a "corporate response" on important issues. The National Executive was to be "a voice for Mercy Sisters"; it organised conferences and programmes, and promoted the policies of the National Assembly. The plenary body was to be involved in

The National Executive, whose role it was “to call [the Congregation] to a wider vision of Mercy” and “to promote the policies of the National Assembly”, was given a two-fold mandate:

1. To explore the possibility of [Mercy Ireland] becoming an Institute with canonical status and legislative authority, through the national chapter, the President being a major superior, the autonomy of each congregation remaining. The result of this exploration to be submitted for approval within five years.

2. To explore significant issues affecting Irish society, e.g., the homeless, youth, women, laity; that documentation and information be collected and initiatives for corporate action to be taken.⁶³

Initially, the second part of this mandate was the more accessible and, for some reasons, the more urgent. Article 20 of *Perfectae caritatis* recommended that “Institutes should faithfully maintain and accomplish the tasks that are theirs ... they should adapt their ministry to the needs of time and place” and reject those “which nowadays are less suited to the spirit and native genius of their institute.”⁶⁴

3.3.2 – Evaluation of ministries

Mercy Ireland established national commissions and working parties in the areas of education, health care, and justice. Their task was to review the Congregation’s traditional ministries and to determine whether emerging issues

“discernment at national level”, raise issues requiring attention, and do further study on the Mercy charism.

⁶³ MERCY IRELAND, *Minutes of Meeting*, December 1984, in MCA-D.

⁶⁴ PC, n. 20, in FLANNERY, v. 1, p. 622.

in the areas of justice and social work were in keeping with the purpose and character of the Congregation.⁶⁵ Education and visitation of the sick were enshrined in the Constitutions, but there was now a recommendation to work “for social justice and well-being, seeking to bring rich and poor together in mutual love and service.”⁶⁶ Justice and health care commissions, therefore, aimed at heightening awareness in the area of social justice, and strove to influence public opinion and government policy in favour of the poor and the marginalised.⁶⁷

Important canonical principles guided this evaluation of ministries. Canon 675,⁶⁸ taking its wording almost verbatim from *Perfectae caritatis*, articles 8 and 20 and drawing also on *Ecclesiae sanctae*, deals exclusively with “Institutes dedicated to works of the apostolate.” It makes three important doctrinal statements that clearly inculcate the necessity of ecclesial communion, collaboration with ecclesiastical authority and, by implication, approval of the appropriate superior, in the matter of the apostolate:

⁶⁵ “Mercy ... emerging as a preferential love of the poor, is the characteristic spirit of the Congregation.” The nature of the Congregation is described thus: It is “a religious congregation dedicated to apostolic works.” See 1985 *Constitutions*, nn. 3 and 11.

⁶⁶ 1985 *Constitutions*, n. 43.

⁶⁷ Mercy Ireland in conjunction with the Conference of Major Religious Superiors (CMRS) issued pre-budget statements advocating the allocation of extra funds for education, the social services, and health care, and a commitment from the Government to eradicate poverty in Ireland. CMRS had been established in 1958 with two sections, one for women religious and one for men, linked by a common secretariat. In 1983, it became a united Conference with a jointly elected President and Vice-President. On 21 March 1994, Cardinal Eduardo Martínez Somalo, in the name of CICALSAL, approved the change of name from CMRS to the Conference of Religious of Ireland (CORI).

⁶⁸ CIC 1983, c. 675 § 1.

1. apostolic activity is not some kind of optional extra but is an integral part of the life of these institutes (§ 1);
2. a close union with God is to be the source of all apostolic activity; the deepening of that union is to be a primary result of that same activity (§ 2);
3. apostolic activity by religious can never take place in isolation from the Church: it is always to be exercised 'in the name of the Church and by its command', whether the mandate is specific i.e. a particular work entrusted by a Bishop, or general i.e. the approval of an institute dedicated to a particular work (§ 3).⁶⁹

The Mercy congregation's tradition of working in "close identification with the local church"⁷⁰ was kept in mind as *Mutuae relationes* stressed the need for constant dialogue, active co-operation, and a spirit of mutual trust between bishops and religious.⁷¹ The mandate was clear: if new ministries were to be valid, they were to be in keeping with the intentions of the foundress, approved by the appropriate superior, and exercised in union with the Church and by its mandate.

⁶⁹ G. SHEEHY et al., *The Canon Law: Letter & Spirit*, (=The Canon Law: Letter & Spirit), Dublin, Veritas, 1995, pp. 376-377. See also J. HITE, et al., eds., *A Handbook of Canons 573-746*, Collegeville, Minnesota, The Liturgical Press, pp. 201-203.

⁷⁰ 1985 *Constitutions*, n. 6. In n. 44, the Constitutions speak of the congregation's "special tradition of working in the local church" and of collaborating "with the bishop, clergy and laity of the diocese and with other religious institutes."

⁷¹ *MR*, nn. 20-21 and 44-50 in *FLANNERY*, v. 2, pp. 223-224 and 234-237.

For an exposition of the relationship that could exist between the hierarchy and religious, given a proper understanding of their respective roles in the Church, see also L. ÓRSY, "Hierarchy and Religious: Responsibilities, Rights and Duties", in *CLSA Proceedings*, 39(1977), pp. 19-29; [Also in *The Way Supplement*, 33(1978), pp. 115-125]; Vatican Council II, Decree on the Pastoral Office of Bishops in the Church, *Christus dominus* (=CD), 28 October 1965, in *AAS*, 58(1966). English trans. in *FLANNERY*, v. 1, pp. 564-590, especially n. 35, pp. 584-586.

Having completed its review of the ministries of the congregation and issued some guidelines and practical suggestions, Mercy Ireland now turned its attention to the first part of its mandate, namely, the possibility of its becoming an institute with canonical status and legislative authority. Before we examine the steps taken to address this mandate, which will eventually involve exploring the possibility of a canonical union of all the independent congregations, we shall look at the canonical implications of such a union.

3.3.3 – Fusions and unions of religious institutes

Perfectae caritatis 21-22⁷² and *Ecclesiae sanctae*, 39-41⁷³ are the sources of canon 582 of the 1983 Code of Canon Law which deals with fusions, unions, federations, and confederations of religious institutes.⁷⁴ Since the canon does not define these types of union, but does state that they are reserved to the Holy See, we must look elsewhere for definitions.⁷⁵ The Code Commission had

⁷² *Perfectae caritatis* recommends that institutes and monasteries that have no reasonable hope of further development should amalgamate with institutes and monasteries that are thriving and whose spirit is similar to their own.

⁷³ *Ecclesiae sanctae* emphasises the necessity of adequate preparation for the union and suppression of an institute or monastery. It also requires that the good of the Church, the character of the particular institute, and the freedom of choice of each individual member must be respected. Then it gives the criteria to be applied in each case.

⁷⁴ CIC 1983, c. 582.

⁷⁵ H. Joulia defines these terms and explains the juridic formalities involved in each of them. See H. JOULIA, *Union, fusion, federation, association d'instituts religieux*, Paris, Comité permanent des religieux de France, Comité canonique, 1973, 32 p. For more recent definitions of these terms as well as the canonical procedures involved see also M. Dortel-Claudot, *Union-Fusion-Fédération d'Instituts Religieux: Nouveau directoire pratique*, Paris, Comité des Religieux, 1988, 48 p.; J.P. BEAL, J.A. CORIDEN and T.J.GREEN, *New Commentary on the Code of Canon Law (=New American Commentary)*, commissioned by the CANON LAW SOCIETY OF AMERICA, New York, N.Y., Mahwah, N.J., Paulist Press, 2000, pp. 750-751; *A Handbook on Canons 573-746*,

discussed the possibility of including a juridical definition of these terms in the canons on structures of religious institutes. However, the final decision was that, since several institutes were engaged in different types of unions and fusions, it was more appropriate simply to provide a generic formula. Thus canon 582 combines the two paragraphs of the proposed canon 9 of the 1977 Schema.⁷⁶

CIC 1983, c. 121 speaks of the union of two or more public juridical persons into one new one, for example, the union of two or more religious institutes or provinces of an institute.⁷⁷ In a union, the former juridical persons are suppressed, and all their patrimonial goods and rights as well as their liabilities, are acquired by the new juridical person. The intentions of the founders and benefactors and any acquired rights must be safeguarded.⁷⁸

When a union has been established, as in the case of a number of autonomous congregations, its provinces and houses also become juridic persons:

Since they are by virtue of the law juridical persons, institutes, provinces and houses have the capacity to acquire,

pp. 39-40; C.M. HARMER, "Merging Congregations", in *Human Development*, 22(Fall 2001), pp. 17-21; R.A. HILL, "Combining Religious Institutes", in *Review for Religious*, 47(1988), pp. 141-144; M. BAIR, *Fusion and Union of Institutes of Consecrated Life in Light of the Code of Canon Law*, JCD diss., Ottawa, Saint Paul University, Faculty of Canon Law [pro manuscripto], 1993, xvii, 363 p.

⁷⁶ See *Communicationes*, 11(1979), pp. 48-49.

⁷⁷ CIC 1983, c. 121. See also *New American Commentary*, pp. 167-169.

⁷⁸ CIC 1983, cc. 122 and 123 also apply here. See also *New American Commentary*, pp. 169-172; G. SHEEHY, et al., *The Canon Law: Letter & Spirit*, pp. 70-71.

possess, administer and alienate temporal goods, unless this capacity is excluded or limited in the constitutions.⁷⁹

Since this study is concerned with a union of several independent congregations, acknowledging the same foundress, having the same charism, and involved in the same type of ministries, we shall focus on the term “union” and the elements involved in its preparation and execution. For our purposes, therefore, a union refers to the situation where several independent congregations having the same foundress, identical Constitutions, and similar active apostolates come together and form an entirely new entity, with adapted Constitutions and Statutes to accommodate its new juridical status.⁸⁰ The joining members lose their former canonical identities and become part of the new institute as equals.⁸¹ In the light of these principles, we shall study the process followed in the unification of twenty six independent congregations of the Sisters of Mercy in Ireland.

⁷⁹ CIC 1983, c. 634 § 1.

⁸⁰ See *PC*, nn. 21-22, in *FLANNERY*, v. 1, p. 622.

⁸¹ See *JOULIA*, pp. 21-27. He defines “union”: “Le groupement de deux ou plusieurs instituts qui “juridiquement” vont tous disparaître en même temps pour donner naissance à une nouvelle congrégation”, p. 21. *DORTEL-CLAUDOT* gives a somewhat similar definition of the concept: “... 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, dans lequel chaque Institut reconnaît comme un prolongement de soi-même”, p. 29. Both writers describe the preliminary stages which include a spiritual and psychological preparation. The canonical procedure is also explained as well as the requirements on the part of each of the participating institutes; the declaration of intent on the part of each individual member, and the revision or adaptation of the Constitutions and Statutes.

3.3.4 – Exploring the possibility of Union

The National Executive of Mercy Ireland initiated a process of communal discernment and extensive consultation in order to ascertain the thinking of the congregation in light of the proposed new ventures at national level. They visited each diocesan congregation, outlining the structure of Mercy Ireland⁸² and informing the Sisters of developments in Mercy congregations outside Ireland. Significant amongst these were the Institute of the Sisters of Mercy of Australia⁸³ and the proposed American Institute.⁸⁴

Since many of the diocesan unions in Ireland had been only recently approved, there was an understandable reluctance on the part of many Sisters to contemplate yet another change. There was also a sense that the Congregation, especially **Mercy Ireland**, was moving too fast and that more time was needed to adjust to the new structures at diocesan level thus creating a firm basis for future re-organisation.⁸⁵ Reasons for further change, therefore, had to be tactfully presented and explained. Six important reasons emerged:

1. To be more effective for mission.

⁸² Mercy Ireland, as it was then constituted, would be little more than an advisory and co-ordinating body for the autonomous Congregations.

⁸³ In December 1984, Sister Elizabeth Devine, a Mercy Sister from Australia, met with the Mercy Ireland Assembly and explained their new form of government: Institute of the Sisters of Mercy of Australia. See MERCY IRELAND, *Minutes of Meeting*, December 1984. See also DELANEY, *The Evolution of Governance Structures of the Sisters of Mercy of Australia 1846-1990*, pp. 148-175. See also *Acts and proceedings of the First National Chapter of the Institute of the Sisters of Mercy of Australia*, (=ISMA), 1981, p. 213.

⁸⁴ See DARCY, pp. 139-252.

⁸⁵ See MERCY IRELAND, *Report of Consultations*, in MCA-D.

2. To be a voice for justice issues.
3. To develop our common identity and a greater unity as Mercy Sisters according to the mind and vision of Catherine McAuley.
4. To develop a unified approach to Formation and to give hope and greater opportunity to young Sisters.
5. To better facilitate our Sisters overseas in their Mission of Mercy.
6. To eliminate the present duplication of personnel, facilities, and resources.⁸⁶

Provision of adequate information about all the possible government options was also vitally important at this stage in the process.

After several meetings and much discussion, the hopes and fears, doubts and expectations of the congregation were collated and made available to every Sister for further reflection and discussion.⁸⁷ Through this reflective process, the feeling began to grow that, in a country the size of Ireland, a more cohesive governance structure was both possible and desirable. It was also becoming clear that there were three models of government to choose from: Mercy Ireland model, Australian Federation model, and the proposed Institute model in the United States of America. Exploration and development of one of these models would be the most urgent task facing Mercy Ireland. However, more time was needed for reflection and information sessions before concrete action could be taken.

⁸⁶ MERCY IRELAND, *Reasons for Change of Government Structures*, in MCA-D.

⁸⁷ MERCY IRELAND, Document: *Hopes and Fears*, in MCA-D.

3.3.5 – Three-stage process for testing of preferences 1987-1988

The National Executive of Mercy Ireland designed a three-stage process to help Sisters to do further study and reflection on the proposed models, and to discern which would best suit the Irish Mercy Congregation and its mission. At local community level first, and then at regional level, the three proposed models were discussed. Sisters reflected on the present situation of the Congregation and expressed their hopes and fears for the future.⁸⁸

To assist the reflection, Sister Dorothy Campion, the President of the Institute of the Sisters of Mercy Australia, presented a brief history of the Mercy Congregation in Australia, outlined the various steps taken in order to arrive at the present governance structure, and gave a comprehensive explanation of how that structure operated.⁸⁹ Sister Mary Trainor, a member of the Mercy Futures Task Force⁹⁰ from the United States of America, outlined the proposed new model of governance for the Institute of the Sisters of Mercy of the Americas. Sisters of the Presentation order who, until 1976, had operated a governance

⁸⁸ MERCY IRELAND, Document: *Three-Stage Process for Testing of Preferences*, in MCA-D.

⁸⁹ See INSTITUTE OF THE SISTERS OF MERCY OF AUSTRALIA, *Constitutions and Directory*, Sydney, 1987, pp. 45-54. See also DELANEY, pp. 157-175.

⁹⁰ In 1981, the Mercy Futures Task Force was appointed to explore the possibility of taking the Federation model of governance a step further. One of their initial tasks was to study the governance model adopted by the Institute of the Sisters of Mercy of Australia. They also set certain objectives: to create a viable government model for the Federation; to design and conduct a Federation-wide educational and motivational programme to prepare Sisters for the implementation of proposed changes; to implement a new central government structure. See DARCY, pp. 144-252.

structure somewhat similar to that of the Mercy Sisters, presented the advantages and disadvantages of Union as they had experienced it.⁹¹

The third stage of the process took place at local community level. The task now was to reflect on and discuss the collated “risks and benefits” from stage two of the process. The encouraging outcome of these deliberations was that there was a palpable desire for some form of Union in the Mercy Congregation in Ireland, but much remained to be done before concrete decisions could be made. In order to understand the sincerely held concerns of many Sisters about the proposed change, we shall look briefly at the risks and the benefits of each of these models under two headings: the structure of the model in question and its consequences for Mercy Mission in the Church.⁹²

3.3.6 – Perceived risks and benefits of the proposed governance models

3.3.6.1 – Mercy Ireland Model

It was generally accepted that, structure-wise, Mercy Ireland lacked cohesiveness. The composition of its National Assembly made it unwieldy; some asked whether it made sense to have twenty six independent congregations in a

⁹¹ In 1976, 17 groups of Presentation Sisters: 13 centralised groups and four autonomous houses in Ireland, Great Britain, India, Pakistan, and the United States of America, formed the Union of the Sisters of the Presentation of the Blessed Virgin Mary. Since then a number of other groups that had remained outside the original group have joined the Union.

⁹² The structure of each of these models had been presented to the Sisters at local and regional meetings. See MERCY IRELAND, Document: *Mercy Options for the Future: Risks and Benefits of each of the three Models of Government*, in MCA-D.

country the size of Ireland. Because it lacked real authority, its power to effect change depended totally on the goodwill of individual congregations. Its main attraction for many was that it did not interfere with diocesan autonomy or with individual Sisters. It also forged links among congregations and created a support system for superiors.⁹³

With regard to mission in the Church, Mercy Ireland lacked the stable structure that would convert vision into action, with the result that needs could be left unanswered.⁹⁴ Because it lacked canonical status, it could not speak with a sufficiently authoritative, corporate voice for the Mercy Congregation. On the credit side, however, it broadened horizons and facilitated the pooling of ideas and resources. It was a voice for the congregation in educational and social issues.⁹⁵

⁹³ One of its stated roles was that it would be “a support system especially for Major Superiors and others in leadership positions.” Another of its tasks was “the formulation of policies/guidelines which may assist Major Superiors.” See MERCY IRELAND, *Constitutions*, in MCA-D.

⁹⁴ Mercy Ireland could formulate policies, but the implementation of those policies depended on the goodwill of the various Congregations.

⁹⁵ Policies on education and health care were developed. Education conferences were organised and a solid base was being put in place for future consolidation. More importantly, the concept of union was kept alive.

3.3.6.2 – Australian Federation Model

In opting for a federation similar to the Australian model,⁹⁶ Sisters considered that such a canonical federation would offer little improvement on Mercy Ireland. The lack of cohesion at national level would continue to limit effectiveness. The tension between the National Chapter and the congregational chapters could lead to disunity and frustration and thus be counterproductive. There could be a canonical difficulty with regard to who accepts vows in a new federation.⁹⁷

On the other hand, such a federation would provide canonical status, giving the president the right to represent all Irish Mercy Sisters. Through the national chapter, national policies could be drawn up and implemented; the sharing of resources and personnel would be facilitated; and unity and solidarity would grow. The congregation would have a stronger national identity and the autonomy and unity achieved would be in keeping with the spirit of Catherine McAuley.⁹⁸

However, it was feared that, within a federation, Mercy mission would be adversely affected. Sisters were concerned that local needs might not receive

⁹⁶ See DELANEY, pp. 118-123. See also AUSTRALIAN FEDERATION OF THE RELIGIOUS SISTERS OF MERCY, *Constitutions of the Member Congregations of the Australian Federation of the Religious Sisters of Mercy*, Brisbane, Sisters of Mercy, 1962, 153 p.

⁹⁷ The Constitutions would have to specify whether it was the Federation President or the superiors of the autonomous groups who would accept vows in the Federation.

⁹⁸ The principle of local autonomy was a very important consideration for many Irish communities, since that was a characteristic of the Congregation since its foundation.

adequate attention and that there could be a disjointed, piecemeal response to mission, with no guarantee of continuity or commitment to projects. Some feared that traditional apostolates might lose their status and personnel, that involvement with the local Church might be diminished. On the positive side, there would be a broader vision of Mercy Mission in the Church, and the possibility of inter-congregational apostolates. National projects would be prioritised and facilitated, and the sharing of personnel and resources would enable the congregation to meet new mission needs.⁹⁹

3.3.6.3 – American Union Model

Despite some reservations, the American Union Model was favoured by the majority of the Sisters. From the point of view of structure, individual diocesan congregations would lose both their autonomy and canonical status as independent juridical persons.¹⁰⁰ Sisters feared that there would be a risk of over-concentration of energies on structure and administration. Communication would be difficult because of the transition from small diocesan units to larger units. There could be a strain on personnel and resources at the local level.

⁹⁹ One of the principal functions of the Federation Council was to promote mutual co-operation on joint projects through the exchange of information and ideas. Because of the Mercy tradition of working closely with the local Church, there was a concern that this would be neglected in favour of "national projects."

¹⁰⁰ See CIC 1983, cc. 120-123 on the union of public juridical persons, and c. 582 on the formation of unions of institutes of consecrated life. Since a union would have implications for the disposition of assets, there was considerable fear that communities would be obliged to relinquish some of their patrimonial rights. Centralisation, as yet, was not an attractive option.

To offset these fears there would be a strong leadership, cohesion, and influence. The new congregation, working through a national president, would have canonical status and legislative authority. A common formation policy would emerge. National policies on education and health care would be developed. Personnel and finance could be conserved at the administrative level. Leadership roles would be more clearly defined, while local autonomy would be maintained, subject to congregational chapter directives. This would allow for the benefits of cohesiveness and unity while preserving maximum decentralisation of government.

Overall, the optimistic view was that Sisters would have a clearer sense of their Mercy identity. They would be in a stronger position to respond to changing needs at home and abroad. Greater unity would give hope and inspiration, stronger leadership, and a sense of involvement in the universal Church. The new congregation, built on the American union model, would have greater apostolic effectiveness, relevance, and authority.

3.3.7 – Preliminary indications: Spring-Autumn 1988

In order to determine the level of support for this desire for Union, three options were proposed first to the Mercy Ireland Assembly, and then to all the members, in October 1987:

1. That we continue as autonomous independent congregations with the Mercy Ireland Executive acting as a co-ordinating body.

2. That we form a canonical Federation (similar to the Australian model).

3. That we unite in one single congregation (similar to the proposed American Institute).¹⁰¹

61.7% of the membership¹⁰² and 75% of the Mercy Ireland Assembly indicated their preference for the proposed American Union model.¹⁰³ It is important to remember that this result was merely an indication of the present feeling about possible forms of restructuring for the congregation, but it was an important and encouraging indication.

Further reflection and discussion on the result of the first indication paved the way for a second consultation. Each Sister was once again given the opportunity of responding to the results of the first indication by answering the following question:

Taking the first indication into consideration, are you in favour of exploring some form of Union appropriate to Ireland and to our Sisters working abroad?

This time 90.7% of the membership, which included Sisters working in North and South America, Africa, and England, voted in favour of exploring a union model of governance appropriate to Ireland and to affiliated communities

¹⁰¹ MERCY IRELAND: Document: *Mercy Options for the Future*, in MCA-D.

¹⁰² For a detailed breakdown of this result, see MERCY IRELAND, *Mercy Future: Indication of Preferences Regarding the Three Options* (Incorporating figures from Sisters working abroad), Spring 1988, in MCA-D.

¹⁰³ See MERCY IRELAND, *Minutes and Reports*, 1987, in MCA-D.

overseas.¹⁰⁴ Every effort had been made to encourage full involvement of the membership, while respecting each individual's "freedom of choice."¹⁰⁵ The result pointed in a definite direction that would require further exploration and ongoing involvement of all the members of the Congregation.

3.3.8 – Response to Indications: 1989

In studying these indications, the Mercy Ireland Plenary Body¹⁰⁶ realised that they had to take into consideration the reality behind the figures. There was still a disparity between head and heart regarding union, and on-going effort was required to harmonise these disparities. A significant number of Sisters favoured regional amalgamations rather than a national union and there were also some who wished to retain the present diocesan structure.¹⁰⁷ In the light of diminishing numbers, however, it seemed pointless to waste time and energy establishing regional structures, since further re-organisation would be inevitable in a short time. While taking account of the fears and reservations expressed, the Plenary

¹⁰⁴ See MERCY IRELAND, *Mercy Future: Second Indication*, Autumn 1988, in MCA-D.

¹⁰⁵ "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." See *ES*, nn. 39-40, in *FLANNERY*, v. 1, p. 632. See MERCY IRELAND, *Comments/Reactions of Plenary Body to Results of Second Indication*, in MCA-D.

¹⁰⁶ See MERCY IRELAND, *Comments/Reactions of Plenary Body to Results of Second Indication*, in MCA-D.

¹⁰⁷ See MERCY IRELAND, *The Alternatives Specified by Those Who Indicated "NO"*, in MCA-D.

Body were determined to honour the hopes and desires of the majority who were looking for some kind of structure that would enable Formation and Mission.

3.3.9 – Vision Statements of Mercy Life and Mission in one United Congregation

The momentum towards union was kept alive by inviting the Sisters to write their vision of Mercy life and Mission as they envisaged it in one united group: Congregation of the Sisters of Mercy of Ireland.¹⁰⁸ The vision statements were collated, discussed, and presented to the National Executive who drew up two models of Union for the consideration of the National Assembly. Those models formed the basis of a further consultative exercise at local and regional levels. Further discussion and amendments resulted in a final draft and a fresh proposal was formulated and presented to the Sisters:

Do you consider 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?

Ninety percent of the Sisters voted in favour of this proposal. With this clear support for union, there came a shift of emphasis and a concentration of energies on a process that would lead to achievement of this goal. The mandate to approach the Holy See was clear. At the same time it was recognised that

¹⁰⁸ MERCY IRELAND, *Vision Statements of Mercy Life and Mission in one United Congregation*, in MCA-D.

due regard must be paid to the legitimate concerns of Sisters who remained undecided or unclear about this step.¹⁰⁹

3.4 – Formal preparation for Union

3.4.1 – Presentation of Proposed Government Structure to the Holy See

In December 1990, the president of Mercy Ireland, Sister Regina Kelly, presented the “Proposed Government Structure for the Congregation of the Sisters of Mercy of Ireland”¹¹⁰ to the Congregation for Institutes of Consecrated Life and Societies of Apostolic Life together with a request to hold the first vote with regard to the proposed Union. Consultation with Sister Sharon Holland indicated that CICALSAL was happy with the process used so far and felt that there had been full involvement of all the Sisters. Sister Sharon stressed that, at this stage, the wording of the voting formula was very important and “should be

¹⁰⁹ At this stage, there was no specific provision made for those Sisters who opposed the proposed new structure. The alternatives available to them will be discussed after the Congregational Chapters.

¹¹⁰ See MERCY IRELAND, *Proposed Government Structure for the Congregation of the Sisters of Mercy of Ireland*, December 1990, 9 p., in MCA-D. This is a nine-page Document with a Preamble that states the Congregation’s reason for requesting approval for a new government structure: “Our desire to respond to the increase and unprecedented diversity of emerging needs, at a time of decline in religious vocations, calls for a new government structure. A single congregation of Mercy Sisters, whose style of government respects the principles of subsidiarity and shared responsibility at every level, would call and challenge us to new depths of discernment and, in many cases, to new forms of collaborative ministry.” The proposed name of the Congregation and its composition are indicated. Three levels of government and their functions are described: local, provincial/regional, and congregational. The Congregational and provincial chapters are defined and their functions specified. There is a definition of the Plenary Conference, its functions, and frequency of meetings. The congregational leader and team, together with the provincial leaders, would constitute the Plenary Conference; they would meet at least twice a year. Their function would be to foster unity among the provinces, to encourage

free of all ambiguity.” An agreed procedure for this final phase of the preparation was approved:

1. Each Sister votes on the acceptability of her Congregation joining the Union.
2. Each Diocesan Chapter votes on the acceptability of the Congregation joining the Union.
3. Each Sister indicates her willingness/unwillingness to become a member of the new Congregation.¹¹¹

Since this vote would be taken by the members of all the congregations of the Sisters of Mercy in Ireland and by members missioned to North and South America, Nigeria, Zambia, Ethiopia, Zimbabwe, and dioceses in England, it is appropriate, at this stage, to introduce another Congregation, that of the Sisters of Mercy of South Africa who, in due course, entered the process.

We have noted already that this Congregation formally adopted the Constitutions of the Sisters of Mercy of Ireland in 1987 and had maintained close links with Mercy Ireland, attending Assembly Meetings as observers. They considered that it would be in their best interest to be more closely united with a larger Mercy Congregation. Aware of “the steady movement ... towards greater unity on the part of Sisters of Mercy in other continents”, their 1986 Chapter had formally recommended:

inter-provincial collaboration, and to discuss and reflect on matters concerning the internal and external life of the congregation.

¹¹¹ This was a three-stage process involving every member of the Congregation.

1. That the Mother General and Council keep themselves fully informed on developments with regard to any movements towards federation of Sisters of Mercy.
2. That the implications of joining such a federation be thoroughly examined.¹¹²

Since the Chapter they had studied the history of the Institute of the Sisters of Mercy of Australia and the proposed Institute of the Sisters of Mercy of the Americas. The question facing them was whether they should remain an autonomous group in South Africa, or become an integral part of the movement towards union which was in progress in Ireland. On 23 September 1990, the South African Congregation voted in favour of investigating the possibility of forming closer links¹¹³ with the Sisters of Mercy in Ireland, who were then engaged in discerning about a possible national union. In May 1991, having completed the preliminary discernment, all the Sisters of the South African Congregation voted in favour of the proposal:

that we make application to Mercy Ireland and to Rome to follow the stages of discernment as outlined for the Irish Sisters by the Congregation for Institutes of Consecrated Life and for Societies of Apostolic Life.

Sister St. John requested that the Sisters of Mercy of South Africa be permitted, subject to the approval of CICALSAL, to “enter upon further and final stages of the discernment process”,¹¹⁴ with a view to becoming a province of the proposed Irish Mercy Union. In June 1991, she wrote to Sister Sharon Holland of

¹¹² Sister ST. JOHN ENRIGHT, Letter to Sister Regina Kelly, 18 October 1990, in MCA-D.

¹¹³ See *ibid.*

¹¹⁴ Sister ST. JOHN ENRIGHT, Letter to Sister Regina Kelly, 30 May 1991, in MCA-D.

the Congregation for Institutes of Consecrated Life and Societies of Apostolic Life, informing her of the progress they had already made towards establishing closer links with the Irish Mercy Sisters and requesting that she (Sister Sharon) present their case to CICLSAL for approval.¹¹⁵ In June 1991, a meeting of the Plenary Body of Mercy Ireland welcomed the request of the South African Sisters and invited them to “enter with us upon the further and final stages of our discernment process.”¹¹⁶ A favourable response was also received from CICLSAL.

Prior to holding a chapter on the desirability of the Congregation becoming a member of the proposed union, and since the congregation numbered fifty five professed Sisters and three novices, Sister St. John petitioned CICLSAL to “grant an indult permitting us to hold an open extraordinary chapter with full voting rights for all the professed members of the congregation present.”¹¹⁷ In their response to this request, the Congregation for Institutes of Consecrated Life and Societies of Apostolic Life stated:

In view of the purpose of this Chapter, and of your Congregation’s size and geography, with this letter we grant permission for all of the professed members of the Congregation to be voting members of the special Chapter envisioned for the Fall of 1991. This is granted only for this time.¹¹⁸

¹¹⁵ Sister ST. JOHN ENRIGHT, Letter to Sister Sharon Holland, 5 June 1991, in MCA-D.

¹¹⁶ Sister REGINA KELLY, Letter to Sister St. John Enright, 12 June, 1991, in MCA-D.

¹¹⁷ Sister St John Enright, Letter to Sister Sharon Holland, 30 August 1991, in MCA-D.

¹¹⁸ CONGREGATIO PRO INSTITUTIS VITAE CONSECRATAE ET SOCIETATIBUS VITAE APOSTOLICAE, Letter to Sister St John Enright, 3 September 1991, Prot. n. 87748/91, in MCA-D.

From September 1991, the Sisters of Mercy of South Africa entered fully, together with the Irish Sisters of Mercy, into the process of discernment and preparation for Union.

3.4.2 – Consultation with the Diocesan Bishops

The Sisters of Mercy have had a long tradition of service in the local Church and, as the 1985 Constitutions state: “In our various apostolates we collaborate with the bishop, clergy and laity of the diocese and with other religious institutes.”¹¹⁹ In the spirit of CIC 1983, canon 678 § 1, which describes the mutual obligations of religious and bishops “in those matters which involve the care of souls ... and other works of the apostolate”,¹²⁰ and in compliance with the wishes of CICLSAL,¹²¹ Sister Regina Kelly wrote to all the diocesan bishops informing them of the process being followed by the Congregation as it prepared

¹¹⁹ 1985 *Constitutions*, n. 44.

¹²⁰ CIC 1983, c. 678 § 1. Writing on “Bishops and the Apostolates of Religious”, James Conn makes the point that c. 678 “provides the central focus for the relationship between the apostolate of religious institutes and the bishop of the diocese in which they serve.” In the context of the diversity of apostolates increasingly engaged in by religious who have relinquished traditional works like teaching and health care, and the often fraught relationships that exist between diocesan bishops and religious, Conn provides a clear exposition of the canonical factors that, properly understood, would ensure more harmonious relationships between both parties. See J.J. CONN, “Bishops and the Apostolates of Religious”, in *Proceedings of the Sixty-third Annual Convention of the Canon Law Society of America*, 63(2001), pp. 49-83. See also J. GRAHAM, “The Relationship Between Religious Institutes and the Diocese”, in *Proceedings of the Sixtieth Annual Convention of the Canon Law Society of America*, 60(1998), pp. 82-90.

¹²¹ CONGREGATIO PRO INSTITUTIS VITAE CONSECRATAE ET SOCIETATIBUS VITAE APOSTOLICAE, CARDINAL EDUARDO MARTÍNEZ SOMALO, Letter to Sister Regina Kelly, Rome, 29 May 1992, Prot. n. A 127-1/89. Cardinal Somalo stated: “We are sure that this programme will also show due sensitivity ... to the concerns of the Bishops and people of the local Churches who so value the presence and services of the Sisters of Mercy, and are anxious not to lose them.”

to adopt a new government structure.¹²² Generally speaking, the bishops were supportive. Some, like many of the Sisters, were concerned that in the new structure local apostolates would be neglected in favour of national projects.

3.4.3 – First Individual Vote: April–May 1991

The first step in the final phase of preparation was an individual vote to be taken between April and May 1991. The voting formula was drafted according to recommendations approved by Sister Sharon Holland and Monsignor Joseph Galante of CICALSAL. The Preamble to this vote stated:

This is a vote in preparation for the Congregational Chapter of the Sisters of Mercy of X. This Chapter will deliberate as to whether X Congregation should become part of a single Congregation of the Sisters of Mercy of Ireland, if and when this Congregation is approved by the Holy See. If this takes place, the Sisters of Mercy of X will no longer exist as a separate Congregation.

The voting formula was:

Are you willing that the Congregation of the Sisters of Mercy of X become part of the new Congregation of the Sisters of Mercy of Ireland?

Since the results of this vote would be a guideline for the forthcoming Chapters, Sister Sharon Holland advised that, when publishing results, the number of abstentions as well as of “NO” votes should be indicated. Of the Sisters eligible to vote, 82.7% voted in favour of her congregation joining the new

¹²² SISTER REGINA KELLY, Letter to [Bishops], 29 November 1990.

congregation. In September 1991, 94.3% of the Sisters of Mercy in South Africa, who were now participating in the final stages of the process, voted “YES.”

A number of diocesan congregations asked if they could repeat the first vote, since they had not given a clear result. Five dioceses had recorded results ranging from 40.9% to 61.1%.¹²³ Sister Sharon Holland advised that a second vote was not permissible as it could be interpreted as being taken under pressure. She advised these congregations to do much more discernment in light of the general result. This discernment was to be carefully recorded as part of that particular congregation’s documentation to be sent to the Holy See at the conclusion of the process.

3.4.4 – Chapter Vote: June–November 1991

In December 1990, during a consultation with Sister Sharon Holland, a question was raised about the possibility of holding open Chapters. Article 84 of the 1985 *Constitutions* state:

The general chapter is composed of ex-officio and elected members. The superior general and councillors are ex-officio members. The number of elected members shall be determined in the statutes and shall outnumber the ex-officio members.

A two-third majority vote in chapter and the permission of the Holy See is required to change these statutes.¹²⁴ The Holy See, Sister Sharon explained,

¹²³ These were the dioceses of Cloyne (40.9%), Galway (49.1%), Cork & Ross (51.5%), Derry (53.5%), and Killaloe (61.1%).

¹²⁴ See 1985 *Constitutions*, nn. 84 and 112.

may give permission for an open Chapter to congregations of fewer than 100 members.¹²⁵ However, she was “of the opinion that, if this had not been the practice in the [Mercy] Congregation up until now, the Holy See would hesitate to give the permission for this particular vote, lest it be taken that the vote for or against Union is not as important as other decisions.”

The Diocesan Chapters took place in accordance with an agreed format, in the context of prayerful reflection on the proposed union, the process to date, and on two questions:

1. What are the implications for our Congregation of saying “YES” to Union?
2. What are the implications for our Congregation of saying “NO” to Union?

The Chapter delegates considered that a “NO” vote would be “psychologically demoralising”, that Irish Mercy Congregations would become even more insular and consequently less effective in ministry, that Sisters would become disillusioned and either leave or transfer to other Congregations. Voting “YES” would ensure strong central leadership, with a high value placed on “subsidiarity, participation, co-responsibility, communal discernment, accountability, and communication.”¹²⁶ The Congregation’s potential for service to the poor and marginalised would be maximised. Convinced that this was the

¹²⁵ It did this, by way of exception, in the case of the Sisters of Mercy of South Africa, whose congregation numbered 55.

¹²⁶ See *Proposed Government Structure for the Congregation of the Sisters of Mercy of Ireland*, December 1990, p.1. See also MERCY IRELAND, *Congregational Chapters*: June–November 1991, in MCA-D.

best option for the Congregation, the delegates proceeded to vote on the question:

Do you wish that the Congregation of the Sisters of Mercy of X petition the Holy See to be permitted to become part of the new Congregation of the Sisters of Mercy of Ireland?

In this instance, a two third majority of affirmative votes was required and an abstention was counted as a “NO” vote. The results varied from as low as 75.6% in one diocese to 100% in four dioceses. 95.4% of the Irish delegates voted “YES.” At their Chapter on 6 October 1991, 93.3% of the South African congregation voted “YES.”¹²⁷ This positive result was motivation enough to move to the next step, but more information about the implications of not accepting membership in the new Congregation was being requested.

3.4.5 – Alternatives available to those opposed to Union

Before the final stage of the process, the individual declaration by each Sister of her intention to accept or not accept membership of the new Congregation, the available alternatives of not accepting membership were explained. In the light of canons 654¹²⁸ and 670¹²⁹ of CIC 1983, members of religious congregations are, by their religious profession “incorporated into the

¹²⁷ MERCY IRELAND, *Mercy Union: Result of Chapter Vote, December 1991*. See Appendix IV. See also SISTERS OF MERCY, South Africa, *Chapter Vote, 6 October 1991*, in SISTER ST. JOHN ENRIGHT, Letter to Sister Regina Kelly, 5 December 1991.

¹²⁸ CIC 1983, c. 654.

¹²⁹ CIC 1983, c. 670.

institute with the rights and duties defined by law” (c. 654), and “The institute must supply the members with everything that, in accordance with the constitutions, is necessary to fulfil the purpose of their vocation” (c. 670). Members, therefore, have acquired the right to live their entire lives and be supported in the institutes where they had made their profession. They could not be forced to accept membership in a new institute, regardless of the majority support for this.¹³⁰

The only options available, it seemed, were: to transfer¹³¹ to another congregation, definitive separation,¹³² or exclaustation, granted by the Superior General for a period up to three years.¹³³ The starkness of these alternatives

¹³⁰ Up to this point, the vast majority of the Sisters were in favour of the proposed Union. There is no evidence that those who opposed it did any more than air their objections and raise questions at local and regional meetings.

¹³¹ CIC 1983, canons 684 and 685 determine the procedure to be followed in the case of transfers. See also S. HOLLAND, “Separation of Members from the Institute”, in J. HITE et al., *A Handbook on Canons 573-746*, pp. 221-230; S. HOLLAND, in *New American Commentary*, pp. 851-853; E. McDONOUGH, “Transfer”, in *Review for Religious*, 61(2002), pp. 97-103; E. McDONOUGH, “Voluntary Departure”, in *Review for Religious*, 61(2002), pp. 313-319.

¹³² M. Dortel-Claudot offers two alternatives: to transfer to another Congregation or request a dispensation. See M. DORTEL-CLAUDOT, *Union-Fusion-Fédération d’Instituts Religieux: Nouveau Directoire Pratique*, Paris, Comité des Religieux, 1988, p. 22. CIC 1983, cc. 691 states that a perpetually professed religious is not to request an indult of departure “except for the gravest of reasons considered before the Lord.” Whether a conscientious objection to a new government structure would be regarded as “a grave reason” for leaving a Congregation is debatable. Canon 670 requires an institute to provide its members with everything necessary for the fulfillment of their vocation, but does this include retaining unchanged structures that have served the Congregation well in another time, but are no longer appropriate? See also E. McDONOUGH, “Separation of Members from the Institute”, in *A Handbook on Canons 573-746*, pp. 245-252.

¹³³ CIC 1983, cc. 686-687 provide the canonical principles to be observed in granting exclaustation as well as the juridic status of a religious who is on exclaustation. See S. HOLLAND, “Separation of Members from the Institute”, in *New American Commentary*, pp. 854-858; 1974; S. HOLLAND, in *A Handbook on Canons 573-746*, pp. 231-237; E. McDONOUGH, “Exclaustation: Further Considerations”, in *Review for Religious*, 61(2002), pp. 203-210.

caused some reaction at meetings and conferences, but did not materialise into anything more significant than discussion. Questions were raised, however, about the status of a group who declined membership of the new institute after the Congregational Chapters had voted in its favour. The canonical opinion was that the establishment of a new religious institute was an extraordinary alternative. However, the Sisters were reminded that the Holy See was reluctant to approve a new institute unless there was evidence that a new charism had emerged.¹³⁴

3.4.6 – Declaration of Intent: July – December 1991

This was a crucial moment for the Congregation, when each individual Sister had to make a decision in the light of the result of the First Vote in April–May 1991 and of the Chapter vote in June–November 1991. Preparation for this vote had been generally thorough and conducted in the spirit of the conciliar and canonical legislation.

The voting formula had been approved by CICALSAL and asked:

Given the result of the Chapter Vote of the Sisters of Mercy of X Congregation, are you willing to become a member of the new Congregation of the Sisters of Mercy of Ireland?

¹³⁴ See *PC*, n. 19, in *FLANNERY*, v. 1, pp. 621-622. The Decree makes it clear that new religious institutes are not encouraged by the Church. See also *MR*, n. 51, in *ibid.*, v. 2, pp. 237-238. This Directive reiterates the teaching of *Perfectae caritatis*. In May 1990, a group of Sisters in Portland who had not accepted membership of the new Institute of the Sisters of Mercy of the Americas had, with the approval of the diocesan Bishop of Portland, Maine, and of the Holy See, become the Diocesan Sisters of Mercy of Portland.

This time, an 80% majority of affirmative responses was required and an abstention was counted as a “NO” vote. CICLSAL requested that Sisters who were senile or incapable of voting not be counted in the voting, but must be accounted for. Of the Sisters eligible to vote, 94.1% voted “YES.” 96.3% of the South African Sisters voted to become members of the new congregation.¹³⁵

From January to March 1991, Sisters missioned from Irish dioceses to North and Latin America, Kenya, Zambia, Nigeria, Zimbabwe, and Ethiopia had held preliminary meetings with representatives from Mercy Ireland in Nairobi and Florida. These also voted to become members of the new Congregation. In England, a number of Sisters working in the Dioceses of Westminster and Leeds voted to remain affiliated to their dioceses of origin in Ireland.¹³⁶ This marked the conclusion of a six and a half year discernment process and the beginning of the formal preparation for Union and for the First Congregational Chapter.

3.5 – Preparation for Union and First Congregational Chapter

3.5.1 – Transition Co-Ordinating Committee

The National Assembly now considered that, with a different and more specific task ahead, a new interim structure different from Mercy Ireland was

¹³⁵ See MERCY IRELAND, *Mercy Union: Result of Declaration of Intent*, July-December 1991, in MCA-D. See Appendix V.

¹³⁶ The Sisters working in these two dioceses had never become members of any of the English Mercy congregations. They were there at the invitation of either the Bishop of the

desirable. It was envisaged that, under the direction of Mercy Ireland, the Transition Co-ordinating Committee (=TCC) would co-ordinate and facilitate the activities of the various commissions and working parties preparing for the establishment of the new Congregation and the First Congregational Chapter. There were four Sisters on this committee and their mandate was clear and brief: "co-ordinate every facet of Chapter preparation."¹³⁷ This included putting structures in place to ensure all Sisters participated in the process, communicating with the superiors general as well as with the Plenary Body, which would be retained, and linking with Sisters in the various mission areas. One member would be appointed as Mercy Ireland representative to the Holy See.¹³⁸

The "Revitalisation of Life and Mission" was considered to be the "core element of preparation for Union."¹³⁹ Having maintained a strong diocesan base since its foundation, the Congregation was being challenged now to transcend traditional boundaries so that it "may become inter-congregational and trans-congregational in vision, in aspiration, and in reality."¹⁴⁰ TCC organised inter-

diocese or of a parish priest in one of the parishes of the particular diocese. They were involved mainly in teaching and pastoral ministry.

¹³⁷ MERCY IRELAND, *National Assembly: 7-9 February 1992*, pp. 10-14.

¹³⁸ Sister Bonaventure Brennan would succeed Sister Regina Kelly as Mercy Ireland representative to the Holy See.

¹³⁹ MERCY IRELAND, *National Assembly: 7-9 February 1992*, p. 19, in MCA-D.

¹⁴⁰ *Ibid.*

diocesan conferences and informal meetings to provide opportunities for dialogue and exchange of ideas.

3.5.2 – Petition to form one Congregation of the Sisters of Mercy of Ireland

In January 1992, the results of the voting process were forwarded to the Holy See from Mercy Ireland, together with the relevant documentation, including a petition from each of the diocesan groups who were to become part of the new congregation.¹⁴¹ The Sisters of Mercy of South Africa, who had followed the same process as the Irish congregations also submitted their petition.

3.5.3 – Proposed Union approved by the Holy See

In May 1992, the Congregation for Institutes of Consecrated Life and Societies of Apostolic Life informed Sister Regina Kelly, President of Mercy Ireland, that it had given approval to the proposed union of the twenty seven petitioning congregations, and the Decree formally erecting the new Congregation would be issued before the First General Chapter.¹⁴² In the meantime, the individual Congregations would continue their ordinary governance “under their respective Superiors General and Councils until the

¹⁴¹ MERCY IRELAND, SISTER REGINA KELLY, Letter to Archbishop F.J. Errázuriz Ossa, 3 January 1992.

¹⁴² CONGREGATIO PRO INSTITUTIS VITAE CONSECRATAE ET SOCIETATIBUS VITAE APOSTOLICAE, CARDINAL EDUARDO MARTÍNEZ SOMALO, Letter to Sister Regina Kelly, 29 May 1992, Prot. n. A 127-1/89, 3 p.

formal establishment of the new Congregation.”¹⁴³ The plan presented for the composition of the Chapter was also approved and the Congregation authorised Mercy Ireland to direct the preparation through the TCC, as provided for by the National Assembly of February 1992.¹⁴⁴

3.5.4 – Some concerns of CICLSAL

While CICLSAL applauded the programme of Revitalisation of Life and Mission, it also expressed the hope that “this programme will also show due sensitivity, not only to members for whom this transition is particularly difficult, but also to the concerns of the Bishops and people of the local Churches who so value the presence and services of the Sisters of Mercy, and are anxious not to lose them.”¹⁴⁵

While CICLSAL was satisfied that the information it had received from the superiors general indicated “continuing attention toward those Sisters who were not yet ready to make a clear statement of their intent with regard to the new institute”; nevertheless, they expressed the hope that the respective superiors would “continue their dialogue with all those who are uncertain.”¹⁴⁶ CICLSAL

¹⁴³ Ibid., p. 1.

¹⁴⁴ MERCY IRELAND, *National Assembly: 7-9 February 1992*, pp. 9-14.

¹⁴⁵ CONGREGATIO PRO INSTITUTIS VITAE CONSECRATAE ET SOCIETATIBUS VITAE APOSTOLICAE, CARDINAL EDUARDO MARTÍNEZ SOMALO, Letter to Sister Regina Kelly, 29 May 1992, Prot. n. A 127-1/89, p. 2.

¹⁴⁶ Ibid., p. 2. About 160 Sisters had not then indicated their intention to become members of the new Congregation. Apparently, that number decreased and our understanding is that no Sister asked to avail of the alternatives available. However, some Sisters have since left,

also clarified the situation of a Sister who had not signed a declaration of intent to remain in the new institute. At the time of its formal erection, she would “become a member according to her actual status in vows (temporary, perpetual, on exclaustation or in transfer process).”¹⁴⁷

A second letter from CICALSAL in September 1992 reiterated the concern expressed in the June letter. It encouraged “the continued contact of superiors with those individuals who have not yet decided”, although that number was quite small.¹⁴⁸ They stated again that, even if a Sister had not signed a declaration of intent, she would become a member of the new Institute with the same membership status as she had in her original Institute.

3.6 – Preparation for Founding Event and Congregational Chapter

3.6.1 – Adaptation of 1985 Constitutions

An important part of the preparation required adaptation of the 1985 *Constitutions* to reflect the new structures of government and a re-focussed vision for the future. The task of the Constitutions Committee, with the

and some are still leaving, on the grounds that they never made a commitment to the new Congregation.

¹⁴⁷ Ibid.

¹⁴⁸ CONGREGATIO PRO INSTITUTIS VITAE CONSECRATAE ET SOCIETATIBUS VITAE APOSTOLICAE, CARDINAL EDUARDO MARTÍNEZ SOMALO, Letter to Sister Bonaventure Brennan, 28 September 1992, Prot. n. A 127-1/89, in MCA-D.

assistance of Sister Mercedes Grogan, and the advice of CICLSAL,¹⁴⁹ was to rewrite chapter four, on government,¹⁵⁰ and to make adjustments to chapters one, two, and three in order to align them with chapter four,¹⁵¹ and to compile Congregational Statutes.

Work on this adaptation involved a process of consultation with all the members of the Congregation in Ireland and overseas and also with other pre-chapter commissions.¹⁵² There was input also from civil lawyers regarding how to provide for the alienation of land and other property in the new Constitutions.¹⁵³ Because the Irish groups had already amalgamated their individual institutes into diocesan congregations, their “goods both mobile and immobile and other rights and obligations” had been put in the name of each diocesan congregation. Consequently, the task of centralising assets was relatively simple, when it came to establishing provinces.

¹⁴⁹ CONGREGATIO PRO INSTITUTIS VITAE CONSECRATAE ET SOCIETATIBUS VITAE APOSTOLICAE, ARCHBISHOP F.J. ERRÁZURIZ OSSA, Letter to Sister Bonaventure Brennan, 24 November 1993, Prot. n. A 127-1/89, in MCA-D. Archbishop Errázuriz Ossa recommends that, if the Constitutions provide for the election of Provincial Superiors and Councils, then the Congregational Chapter will need to make an interim provision for provincial government, until such time as the new provinces came into existence with the election of the Provincials and Councils.

¹⁵⁰ In the 1985 *Constitutions*, the chapter on government is entitled “United for Mercy”, pp. 32-41. The title remained unchanged in the adaptation process.

¹⁵¹ Chapter 1: “Called to Mercy” deals with the spirit, charism, and structure of the Congregation; Chapter 2: “Sent in Mercy” is mainly theological in content, dealing with prayer, the vows, and community life; Chapter 3: “Formed in Mercy” deals with initial and life-long formation.

¹⁵² CONSTITUTIONS COMMITTEE, *Minutes of Meeting*, 27 March 1993. See also SISTER PEGGY COLLINS, Letters to [Sisters], 26 April, 30 April, 22 November, 1993, in MCA-D.

¹⁵³ ARTHUR O’HAGAN SOLICITORS, Letter to Sister Bonaventure Brennan, 19 January 1994, Dublin, Ref. 504/BHG/35, 3 p, in MCA-D.

A preliminary Draft of the revised Constitutions, submitted to CICLSAL in November 1993, evoked some general and practical observations, especially in the areas of congregational and local leadership. There was concern, for instance, that “much of the substance of the role of superior general” seemed to have been omitted and “the role of local superior and its spiritual dimensions had all been removed from the text.” Suggestions were offered as to how these omissions might be amended.¹⁵⁴

In April 1994, a second Draft Constitutions of the Congregation of the Sisters of Mercy and Draft Congregational Statutes were submitted to Sister Sharon Holland for her observations.¹⁵⁵ Several comments on the proposed revisions, again in the area of leadership, were offered. The emphasis on the principle and value of shared responsibility in the draft text seemed, in the opinion of CICLSAL, “almost to negate the expressed principle of personal authority” and suggested “purely ‘collegial’ local government (i.e. without personal authority”).¹⁵⁶ CICLSAL suggested that it would be better to say “the local community participates in leadership”, that is, by taking part in discussions and the decision-making process, and the superior makes the decision in this

¹⁵⁴ CONGREGATIO PRO INSTITUTIS VITAE CONSECRATAE ET SOCIETATIBUS VITAE APOSTOLICAE, JESÚS TORRES, C.M.F., *General and Particular Observations*, 21 January 1994, Prot. N. B 72-1/93, 4 p., in MCA-D.

¹⁵⁵ SISTER PEGGY COLLINS, Letter to Sister Sharon Holland, 26 April 1994, in MCA-D.

¹⁵⁶ CONGREGAZIONE PER GLI ISTITUTI DI VITA CONSACRATA E LE SOCIETÀ DI VITA APOSTOLICA, *Observations on the Proposed Revisions in the Constitutions of the Congregation of the Sisters of Mercy*, Rome, 29 March 1995, Prot. n. A 127-1/95, 3 p., in MCA-D.

spirit. The amended Constitutions were approved by the Congregational General Chapter in July 1994 and then submitted to CICLSAL for its formal approval.

3.6.2 – Options for Interim Provincial Structure

The Constitutions Committee drew up options for interim provincial structures pending the erection of provinces and the holding of provincial Chapters: the Congregational Chapter could direct that the congregational leader and her council appoint a provincial leader and council for the duration of the interim only, or a province task group/committee could be appointed by the congregational leader and council, again for the duration of the interim only.¹⁵⁷ This proposal would be ratified by the Congregational General Chapter.

3.6.3 – Formation of provinces

Working on suggestions submitted by the various congregations, the Structures Committee Core Group provided criteria for formation of provinces as well as maps suggesting possibilities.¹⁵⁸ They reminded the Sisters that “Our vision is of one Mercy Congregation, united for Mission” and that their

¹⁵⁷ CONSTITUTIONS COMMITTEE, “Interim Governance of Provinces”, 21 January 1994, in MCA-D.

¹⁵⁸ STRUCTURES COMMITTEE CORE GROUP, SISTER MARGARET MCCONALOGUE, Letter to [the Sisters], June 1993, in MCA-D. This letter provided an explanation of the accompanying maps and offered suggestions for further discussion, bearing in mind the criteria provided.

discussions now, as they considered the criteria, should keep in mind that these structures are a means to more effective ministry in one united Congregation.¹⁵⁹

These criteria were as comprehensive as possible, given the diversity within the Congregation. A number of factors were singled out for special consideration in the proposed discussions: the facilitation of mission, ensuring a minimum of groupings, transcending existing archdiocesan, political, and cultural boundaries, and ensuring urban and rural mix.¹⁶⁰

Various possibilities were suggested: for instance, two provinces in Ireland, corresponding to the northern half of the country and the southern half, with 1767 Sisters in one and 1949 in the other; the eastern half and the western half of the country, with basically the same number in each province. Clearly, two provinces was not a sensible possibility, regardless of how their boundaries were determined. A three-province structure was also unacceptable since the numbers were again very large.¹⁶¹ Some combination of a four-province structure emerged as the most popular, with still large numbers in each,

¹⁵⁹ STRUCTURES COMMITTEE CORE GROUP, Preamble, *Formation of Provinces*, June 1993, p. 1, in MCA-D.

¹⁶⁰ STRUCTURES COMMITTEE CORE GROUP, *Criteria for Groupings within One Congregation*, June 1993, p. 2, in MCA-D.

¹⁶¹ Each province in this scenario would have over 1,000 Sisters.

depending on the geographical boundaries.¹⁶² There was one suggestion for a five-province structure.

In January 1994, the Structures Committee Core Group submitted individual congregational responses and recommendations to the TCC for further discussion and approval before presentation to Chapter delegates. Using these proposals as a guideline, the Congregational Chapter would determine the boundaries of provinces, and formally approve them.¹⁶³

3.6.4 – Final preparations

In addition to the Constitutions and Structures Committees, several other commissions, representative of every diocesan congregation and ministry, had been in place since 1992, their objective being to re-awaken a spirit of enthusiasm for the new Institute.¹⁶⁴ The bonding and revitalising committee had organised trans-diocesan conferences and informal meetings to enable Sisters to get to know one another. Formation, stewardship, education, health care, and mercy and justice committees linked with the constitutions committee to enable the revision of sections pertaining to ministries. Other groups organised the

¹⁶² There were two possibilities presented here. In the first, there would be 993, 964, 934, and 825 Sisters in each province and the second would have 999, 950, 916, and 851.

¹⁶³ See 1985 *Constitutions*, n. 107.

¹⁶⁴ While there was general enthusiasm for the new Institute, there was a need for Sisters to get to know one another. Being diocesan for so long had almost “ghettoised” many Sisters.

practical preparations for the Founding Event¹⁶⁵ and the Congregational Chapter. The process of election of Chapter delegates had been completed before January 1994.

3.6.5 – The Decree of Establishment

The Holy See issued the decree authorising the establishment of the Congregation of the Sisters of Mercy on 10 June 1994. In a letter accompanying this decree, CICALSAL appointed Sister Bonaventure Brennan, the representative of the TCC to the Congregation, to promulgate the decree formally on 14 July 1994. The letter pointed out that there were two provisions regarding the retiring superiors general: between the Founding Event and the Congregational Chapter, the respective superiors remained competent “should there be any particular canonical need for an individual member.” Following the election of the new Congregation’s General Administration, the previous superiors “remained competent only for those matters in which civil law may require their action as legal representatives.”¹⁶⁶ CICALSAL also expressed the hope that canonical assistance would continue to be available during the Chapter.¹⁶⁷

¹⁶⁵ The Founding Event was the formal ritualisation of the approval by the Holy See of the union of the twenty seven (26 Irish and one South African) congregations.

¹⁶⁶ CONGREGATIO PRO INSTITUTIS VITAE CONSECRATAE ET SOCIETATIBUS VITAE APOSTOLICAE, JESÚS TORRES, C.M.F., Letter to Sister Bonaventure Brennan, 10 June 1994, Prot. n. A 127-1/89, in MCA-D.

¹⁶⁷ See *ibid.* CICALSAL hoped that Sister Mercedes Grogan, who had been the canonical adviser during the preparatory period, would still be available during the Chapter. They also recommended another canonist, Father Richard Yeo, O.S.B., from the Congregation, who might be available if the need arose.

3.6.6 – The Founding Event 14 July 1994

On 14 July 1994, a single Congregation of the Sisters of Mercy of Ireland came into being, with the promulgation of the Decree confirming the erection of the new institute.¹⁶⁸ The decree stated that all members of their respective congregations had been consulted and that the majority had responded affirmatively. It stated that CICLSAL had granted permission for the new institute, having carefully considered the petitions of the twenty seven autonomous congregations,¹⁶⁹ and having heard the diocesan bishops. The decree also stated that “the Sisters who form part of the Congregation of the Sisters of Mercy remain in the same condition of religious profession in which they are now.” It confirmed that the superiors general remain canonical representatives for their respective members until the election of the superior general of the new Congregation and they were also “recognised as remaining the legal representatives of their respective units as may be required by applicable canon and civil law for effecting the union.”¹⁷⁰ The final provision of the decree was “that all goods, movable and immovable, pertain to the Congregation of the Sisters of Mercy and its respective parts ... and that special

¹⁶⁸ CONGREGATIO PRO INSTITUTIS VITAE CONSECRATAE ET SOCIETATIBUS VITAE APOSTOLICAE, Decree, Prot. n. A 127-1/89, 10 June 1994, in MCA-D. See Appendix VI.

¹⁶⁹ See *ibid.* These Congregations were: Sisters of Mercy of Achonry, Ardagh and Clonmacnois, Armagh, Cashel and Emly, Clogher, Clonfert, Cloyne, Cork and Ross, Derry, Down and Connor, Dromore, Dublin, Elphin, Ferns, Galway, Johannesburg, Kerry, Kildare and Leighlin, Killala, Killaloe, Kilmore, Limerick, Meath, Ossory, Raphoe, Tuam, and Waterford and Lismore. See *ibid.*

¹⁷⁰ *Ibid.* This implies that temporal goods remained the property of the respective original diocesan Congregations.

funds or pious bequests, if there be any, must be used for the purposes intended by the donor or testator.”¹⁷¹

Conclusion

A number of factors explain why it took more than 150 years for the Sisters of Mercy in Ireland to come to the realisation that the governance structures of the Congregation were no longer adequate for the renewal and adaptation of religious life that was called for by the Second Vatican Council. Since its foundation in 1841, there was a conviction in some circles that this was a diocesan Congregation. Catherine McAuley’s emphasis on serving the needs of the local Church suggested this. She established foundations where needs were greatest and where the support of the diocesan bishop, clergy, and frequently lay benefactors, was forthcoming. New foundations, therefore, were secure in the confidence that the local bishop supported their efforts and frequently helped them financially.

The diocesan bishops were happy with this arrangement. The Rule and Constitutions gave them right of visitation and oversight of the diocesan congregation. In the area of ministries, they laid down the terms. There were no directives coming from a superior general located in Rome or Dublin, who did not

¹⁷¹ Respect for the will of the donor is a fundamental principle in universal law. CIC 1983, c 121 stipulates that, when a new juridic person is formed from the union of two or more aggregates of persons or things, the intentions of founders and donors must be faithfully implemented in the use of goods and the fulfillment of obligations transferred to the new juridic person.

understand the needs of the local church in the west of Ireland, for example. If the Congregation had been one of diocesan right, then the bishops were within their rights in exercising authority. But the Congregation was pontifical and had been so since the approval of its Constitutions in 1841. Even clarification of its juridical status in November 1925 did not dispel this mistaken conviction.

Social factors also played a part in influencing how the Congregation functioned. In the nineteenth century, poor transport and means of communication forced foundations to become autonomous. During her lifetime, Catherine McAuley kept in touch with the new foundations through letters and personal visits. In many ways she acted as a superior general. After her death in 1841, the letters and the visitation ceased and those foundations became independent congregations. New foundations were being made, not just from Baggot Street, the original house, but from many other houses throughout the country. The new foundations, in their turn, became independent congregations.

The initial steps towards re-structuring of the Mercy Congregation in Ireland commenced effectively in 1968 with the realisation that a meaningful response to the Second Vatican Council's call for renewal and adaptation of religious life would be impossible in the government structures then in operation. Revision of the Rule and Constitutions could not be carried out without a General Chapter and this was not provided for in the original Rule.

Between 1963 and 1975, with the approval of the Holy See, the Sisters of Mercy in all the Irish dioceses amalgamated their independent houses into

diocesan-based Congregations. This was an improvement on the situation that had prevailed since 1841. However, it merely formalised a different type of diocesan independence. By degrees, however, it became evident that there was a tangible desire for union developing in the congregation and this set the tone for further exploration. The process of discernment and exploration that ensued was not a painless one. Although the vast majority were in favour of one single congregation, there were many who feared this change or were negative about it. It was important to afford opportunities for their points of view to be heard and recorded.

In this chapter we have studied the evolution of twenty six independent congregations in Ireland and one in South Africa, fragmented because of historical and social circumstances as well as juridical misunderstandings, into one single Congregation of some 3,200 members, ministering in the spirit of Catherine McAuley in approximately twelve countries throughout the world. In the fourth chapter we shall look at the considerations and implications of this union for the Congregation of the Sisters of Mercy (Ireland).

CHAPTER IV

CONSIDERATIONS AND IMPLICATIONS OF UNION

In Chapter III we have seen how, after approximately eight years of preparation, which included many meetings, seminars, much dialogue and soul-searching, both at diocesan and regional levels, a single Congregation of the Sisters of Mercy (Ireland) was erected on 14 July 1994. Fundamentally, this re-organisation of the Congregation was in response to the Second Vatican Council's call for "the up-to-date renewal of the religious life", which included an examination of the mode of government of religious institutes, and revision of Constitutions and Directories. The entire process was motivated by "the good of the Church", while at the same time keeping in mind "the particular character" of the Congregation, and "the freedom of choice left to each individual religious."

The preparation and procedures employed were in accordance with the mind of the Church as expressed in *Ecclesiae sanctae*, II, no. 39, which states:

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*.¹

¹ PAUL VI, *Motu proprio Ecclesiae sanctae (=ES)*, 6 August 1966, in AAS, 58(1966), pp. 775-787; English trans. in A.P. FLANNERY (=FLANNERY), gen. ed., *Vatican Council II: The Conciliar and Post Conciliar Documents*, Northport, New York, Costello Publishing Co., 1987, n. 39, v. 1, p. 632.

Every effort was made to ensure that all the members were fully informed of the reasons for the proposed change. Maximum involvement in the process, to the extent that this was possible, was encouraged. As the process advanced, the task became so much easier when each Diocesan Chapter and then each individual member made a clear choice to become members of the new Congregation, thus indicating their conviction that, in their present structure, they were not cohesive enough to respond to the increase and unprecedented diversity of emerging needs at a time of decline in religious vocations. The one viable option was the creation of a single congregation of Mercy Sisters with a style of government which respected the principles of subsidiarity and collegiality at every level and challenged the members to new depths of discernment, decision-making, and, hopefully, to new forms of collaborative ministry. The efforts of the Mercy Congregation to establish a type of government appropriate to needs were in keeping with the intentions of the Foundress within the context of her life and times.²

While all this sounds very idealistic and positive, it is well to remember that the coming together of hitherto autonomous groups can be an emotionally-charged experience for each of the groups relinquishing its previous autonomy. We have seen that there was nostalgia for the old and familiar structures; there was uncertainty surrounding the process and the decision-making, there were

² See C. BOURKE, *A Woman Sings of Mercy*, Sydney, Australia, E.J. Dwyer, 1987, x, 102 p. Bourke writes: "Catherine (McAuley) understood clearly and practised the concept of collegiality and subsidiarity and she recognised the importance of open consultation with all the community when significant decisions were to be made", p. 64.

conflicting expectations about the value of the proposed change; and there was fear of the necessary adjustments the new institute would require.³ The “security” of diocesan identity had to yield to a new identity on a wider stage. Consequently, the Sisters of Mercy in each diocese have had to transcend, in new provincial structures, their diocesan boundaries and adopt a new concept and reality of “community”.

Union, therefore, had implications for many aspects of the life of the Congregation, most notably in the areas of government, ministry, formation, congregational policies and directives, review of constitutions, statutes and structures. In this chapter, beginning with the first Congregational General Chapter, we shall examine these aspects and attempt to evaluate to what extent the Sisters were successful in achieving the cohesion and unified approach that were envisaged at the outset.

4.1 – Congregational Government: Primary focus of unity

4.1.1 – The General Chapter in Canon Law and in the Mercy Constitutions

Canon 631 § 1 of the Code of Canon Law describes the nature and functions of the general chapter:

³ See H. AMOS & H.M. BURNS, “Restructuring the Sisters of Mercy”, in *Human Development*, 12(Summer 1991), pp. 16-20. In July 1991, after about ten years’ preparatory work, the Institute of the Sisters of Mercy of the Americas was established at about the same time as their Irish counterparts were in the process of voting on a proposed new government structure for Ireland. In this article, Amos and Burns described briefly the historical background of the new

The general chapter which possesses supreme authority in an institute according to the constitutions, is to be composed in such a way that, representing the whole institute, it becomes a true sign of its unity in charity. Its principal functions are to protect the patrimony of the institute mentioned in Can. 578, to foster appropriate renewal in accordance with that patrimony, to elect the supreme Moderator, to deal with more important matters, and to issue norms which all are bound to obey.⁴

Canon 578, based on *Perfectae caritatis*, article 2(b),⁵ describes the spiritual patrimony of a religious institute as an intrinsic element of religious life, incorporating the mind and intention of the founder, as well as the nature, purpose, spirit, and character of the particular institute, and its sound traditions. While the Code of Canon Law does not use the term “charism”, it is clear from a number of canons that “patrimony” and “charism” have the same meaning.⁶

In accordance with these norms, the nature and functions of the general chapter are enshrined in the Mercy Constitutions:⁷ “a special instrument of unity

Institute and the multi-faceted experience of its implementation. The Irish Sisters could identify with almost everything recorded in the American experience.

⁴ *Codex iuris canonici, auctoritate Joannis Pauli PP. II promulgatus* (=CIC 1983), Città del Vaticano, Libreria editrice Vaticana, 1989, xxxii, 669 p. English trans: *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, 1997, xvi, 509 p. See c. 631 § 1. See also J.P. BEAL, J.A. CORIDEN and T.J. GREEN, *New Commentary on the Code of Canon Law* (=New American Commentary), commissioned by the CANON LAW SOCIETY OF AMERICA, New York, N.Y., Mahwah, N.J., Paulist Press, 2000, pp. 794-796; J. HITE et al., *A Handbook on Canons 573-746* (=A Handbook on Canons 573-746), Collegeville, Minnesota, The Liturgical Press, 1985, pp. 80-92.

⁵ See *Perfectae caritatis*, Decree on the Up-to-date Renewal of Religious Life (=PC), 28 October 1965, in AAS, 58(1966), pp. 702-712; English trans. in FLANNERY, v. 1, p. 612.

⁶ CIC cc. 572 § 2, 575, and 577.

⁷ See CONGREGATION OF THE SISTERS OF MERCY, *Constitutions of the Congregation of the Sisters of Mercy*, adaptation of the 1985 *Constitutions* by the General Chapter of the Congregation of the Sisters of Mercy, August 1994, (=1994 *Constitutions*), approved by the

and renewal and an important means of fostering our mercy charism.”⁸ The original Mercy Rule did not use the term “charism”. In the revised version, however, numerous references to what has come to be called “the mercy charism” abound. Mercy is described as “the characteristic spirit of the congregation ... the call, the charism and heritage which forms and reforms our lives.” Expressions such as “mercy way of life”, “charism of Mercy”, “mercy vision”, “fidelity to the legacy of Catherine McAuley”, recur in the text. Appropriately, then, the General Chapter is charged with fostering and promoting fidelity to the charism.⁹

The Chapter elects the congregational leader and council, draws up the congregational statutes, establishes provinces and regions and provides for participative structures that will enable the superiors to collaborate on matters of

Congregation for Institutes of Consecrated Life and Societies of Apostolic Life, 16 April 1995, nn. 104-107.

⁸ Ibid., n. 104.

⁹ PAUL VI, Apostolic Exhortation *Evangelica testificatio* on the Renewal of the Religious Life According to the Teaching of the Second Vatican Council (=ET), 29 June 1971, in AAS, 63(1971), pp. 497-526; in FLANNERY, n. 32, v. 1, pp. 680-706. In n. 11 of this Apostolic Exhortation, Paul VI urges religious to be faithful to the spirit of their founders, to their intentions, and to the charism of the religious life. See also JOHN PAUL II, Post-Synodal Apostolic Exhortation *Vita consecrata* (=Vita Consecrata), 25 March 1996, in AAS, 88(1996), pp. 377-486; English translation: *The Consecrated Life and its Mission in the Church and in the World*, London, Catholic Truth Society, 1996, 208 p. In nn. 19, 36, 37, and 53 of the Exhortation, John Paul II refers to “the charisms proper to the various Institutes”; he urges ‘fidelity to the founding charism and subsequent spiritual heritage of each Institute’; he urges Institutes to return to the Rule and Constitutions where they will find “a map for the whole journey of discipleship, in accordance with a specific charism confirmed by the Church”, and he speaks of “the respect and esteem for the uniqueness of their different charisms” which should imbue the members of religious institutes.

congregational interest.¹⁰ The Chapter also approves the manner of financing and administering congregational funds.

4.1.2 – First Congregational General Chapter July 1994

Since this was the First Congregational General Chapter of the newly established institute, working out the logistics of representation from countries far afield had not been simple. The 1985 *Constitutions* provided for the superior general and council to be ex-officio members.¹¹ Sister Mercedes Grogan, the canonist appointed to assist in the process, advised on the canonical aspects of eligibility for election to Chapter, especially with reference to Sisters in temporary profession. By definition, those Sisters are legally on a limited commitment, however perpetual or permanent their intention may be, and are therefore circumscribed by the appropriate canonical norms.¹²

There were three delegates from each of the Congregations, one additional one from every Congregation of over 150 members, and one delegate

¹⁰ See *ibid.*, n. 107.

¹¹ See 1985 *Constitutions*, n. 84. A question was raised about the necessity of having any ex-officio delegates at this Chapter. Reverend Fintan Sheeran, SSSC, chapter facilitator, explained that, until the Union was declared, the congregations existed. The Superiors General as elected representatives of these congregations were legally obliged to be present at the First Congregational Chapter.

¹² A Sister is free to leave at the end of temporary profession (c. 688); an indult to leave is granted by the superior general and council, not by the Holy See; a Sister can be excluded from making perpetual profession for “just reasons” (c. 689) and may be dismissed for “less grave reasons” than a perpetually professed member (c. 696); other conditions are laid down in cc. 655 and 658. See MERCY IRELAND, *Consultation re Eligibility for Election to Chapter*, in MCA.D.

from each of the African and South American countries.¹³ Adequate representation from the African congregations was important since these Sisters pointed out that “countries are at different levels of development”, so communication among them was almost impossible in some situations.¹⁴ The major items on the agenda for the chapter were: the election of the Congregational Leader and team; approval of Constitutions and Statutes; formation of provinces and regions; interim structures for the governance of the new provinces and regions; structures for the administration of the Congregation’s finances and property; arrangements regarding initial formation.

4.1.3 – Constitutions and Congregational Statutes

The draft Constitutions, incorporating a new chapter on government and other adaptations to accommodate the new structures, together with the draft Statutes, were discussed and approved in chapter for submission to the Holy See for formal approval. While CICLSAL does not approve Statutes, they nevertheless returned the texts with some helpful recommendations and final observations.¹⁵ The Constitutions were formally approved on 16 April 1995 under the title “Constitutions of the Congregation of the Sisters of Mercy.”¹⁶

¹³ MERCY IRELAND, *National Assembly: 7-9 February 1992*, 21 p., in MCA-D. This meeting finalised the composition of the First Congregational Chapter, its approximate date, duration, and agenda.

¹⁴ See *ibid.*, p. 17.

¹⁵ CONGREGAZIONE PER GLI ISTITUTI DI VITA CONSACRATA E LE SOCIETÀ DI VITA APOSTOLICA, JESÚS TORRES, C.M.F., Letter to Sister Peggy Collins, 29 March 1995, Prot. n. A 127-1/95, in

4.1.4 – Congregational Leadership Team: Structure

The Congregational Leadership Team (=CLT) consists of the Congregational Leader and four team members, one of whom is the assistant leader. As specified in the Constitutions, “the congregational leader, together with her team, constitutes the primary focus of unity and leadership within the congregation.”¹⁷ They are elected for a term of six years and may be re-elected for one consecutive term. The role of the congregational leader, as described in the universal¹⁸ and proper law, is both inspirational and practical. She is “to inspire and animate for mission, to promote union and charity [and] animate the congregation as a whole.”¹⁹ As administrator, she must “promote the implementation of chapter decisions, and give practical interpretation to the constitutions.” She and her team must also “facilitate inter-provincial

MCA-D. Referring to n. 106.4 of the Congregational Statutes, the letter pointed out that “non delegate” observers at Chapters are normally present for the affairs of the Chapter, but not for the election process and that the chapter delegates may call for a “closed” session if they consider this is necessary. CICALSAL also suggested some clarification with regard to the norm on “inter-provincial transfers” in the Constitutions.

¹⁶ See CONGREGATIO PRO INSTITUTIS VITAE CONSECRATAE ET SOCIETATIBUS VITAE APOSTOLICAE, 16 April 1995, Prot. n. 127-1/95. See also *Constitutions of the Congregation of the Sisters of Mercy*, Adaptation of the 1985 Constitutions by the General Chapter of the Congregation of the Sisters of Mercy, August 1994 (=1994 *Constitutions*); approved by the CICALSAL, 16 April 1995, 41 p.

¹⁷ 1994 *Constitutions*, n. 108. See M. JOYCE et al., eds., *Procedural Handbook for Institutes of Consecrated Life and Societies of Apostolic Life* (=Procedural Handbook), Washington, D.C., Canon Law Society of America, 2001, pp. 1-31.

¹⁸ CIC, cc. 617-630.

¹⁹ See 1994 *Constitutions*, nn. 112-113. See also CIC 1983, cc. 618-619; *New American Commentary*, pp. 780-782; *A Handbook on Canons* 573-746, pp. 75-76.

collaboration” and they have “final responsibility for congregational assets and the approval of provincial budgets.”²⁰

4.1.5 – The Plenary Conference

An important feature of Congregational Government is the Plenary Conference. The congregational leader and her team together with the provincial leadership teams constitute the Plenary Conference. Its purpose is “to foster unity within the congregation, to promote inter-provincial collaboration and to engage in long-term planning for the congregation as a whole.”²¹ Since this was a time of transition, a time that was mingled with pain and regret for the past as well as hope and enthusiasm for the future, the Plenary Conference had an important role to play in convincing the members of the value inherent in creating a more relevant government structure for the congregation.

While it was experienced as an integral part of the leadership structure and an excellent forum for discussing congregational and leadership issues, the Plenary Conference was found to be “too unwieldy for decision-making.”²² The Congregational Statutes requirement that it meets “at least once a year” was found to be too frequent, given the existence of other means of communication. Accordingly, on the recommendation of the outgoing leadership team, this statute

²⁰ 1994 *Constitutions*, n. 113.

²¹ *ibid.* n. 116.

²² *Central Leadership Team Report 1994-2000 (=CLT Report)*, p. 69.

was revised by Gathering²³ 2000 and now reads “the plenary conference decides the frequency and venues of its meetings.”²⁴

4.1.6 – Challenges encountered by Congregational Leadership

Beyond the broad guidelines provided in canon law, the Constitutions and the Congregational Statutes, the role of congregational leadership was vague and “completely uncharted.”²⁵ This, together with the size of the new congregation, created administrative burdens for both congregational and provincial leadership that had not been envisaged. The Congregational Statutes required, for instance, that “the congregational leader, or her delegate, make a formal visitation of the provinces and regions at least every three years.” Given the fact that the provincial and regional leaders also carried out visitation, it became obvious that visitation “at least every three years” was too frequent.²⁶ Accordingly, this statute was revised by Gathering 2000. It now requires “formal visitation of the provinces and regions at least once during her (Congregational Leader) term of office.”²⁷

²³ The term “Gathering” was used instead of “Chapter” on this occasion.

²⁴ See *Congregational Statutes: Revisions from Gathering 2000*, n. 116.1.

²⁵ See *CLT Report*, p. 67. For a comprehensive discussion of authority in apostolic religious congregations of women, see M. LINSOTT, “The Service of Religious Authority: Reflections on Government in the Revision of Constitutions”, in *Review for Religious*, 42(1983), pp. 197-217.

²⁶ When the CLT presented their report for Gathering 2000, the number of Sisters in the Congregation was 3,216.

²⁷ See *Congregational Statutes: Revisions from Gathering 2000*, n. 112.1.

The experience of the first CLT (1994-2000) was that the role is “fraught with anomalies”²⁸. Canon 622 states:

The supreme Moderator has authority over all provinces, houses and members of the institute, to be exercised in accordance with the institute’s own law. Other Superiors have authority within the limits of their office.²⁹

This canon confirms the personal authority of the congregational leader for the entire institute and for fostering co-operation among all the parts of the institute.³⁰ This is embodied in the Constitutions.³¹ Reconciling the theoretical and practical aspects of this principle seems to have constituted a “recurring dilemma”³² for the new Leadership.

The CLT also felt that number 92 of the Constitutions, dealing with the role of the provincial leader, and number 112 dealing with the role of the congregational leader, gave “some confused messages about authority boundaries in the congregation.”³³ This caused certain misunderstandings,

²⁸ *CLT Report*, p. 69.

²⁹ CIC 1983, c. 622.

³⁰ See *A Handbook on Canons 573-746*, p. 78. See also *New American Commentary*, pp. 783-784.

³¹ See *1994 Constitutions*, nn. 108-113.

³² *CLT Report*, p. 69.

³³ *Ibid.*, p. 68. See also *1994 Constitutions*, nn. 92 and 112.

especially when issues affecting the entire congregation³⁴ took precedence over normal provincial and inter-provincial business.

Canon 617 provides that superiors “fulfil their office and exercise their authority in accordance with the norms of the universal law and of their own law.”³⁵ The Code of Canon Law and subsequent formal documents of the Holy See constitute the universal law. The proper law of an institute includes the constitutions, congregational statutes, directories, chapter acts, and policies. In order to avoid misunderstandings or unrealistic expectations, it is recommended that the responsibilities of each level of government be clearly defined in a directory or a handbook. Procedures and policies dealing with the administration of the congregation should also be in place.³⁶ Provisions like these will ensure the smooth and efficient running of an institute and the avoidance of unnecessary misunderstandings.

³⁴ It would appear from the *CLT Report* that misunderstandings stemmed from the absence of clear demarcation lines between the different levels of authority, especially at congregational and provincial leadership levels.

During this period also, 1994-2000, congregational leadership and provincial leadership in Ireland devoted much time and energy to dealing with allegations of neglect and abuse made by former residents of Child Care Institutions administered by the Sisters of Mercy. In an effort to deal justly with these allegations, independent research was commissioned into the facilities for which the Congregation was responsible.

³⁵ CIC 1983, c. 617. See also *A Handbook on Canons 573-746*, p. 74.

³⁶ See F.G. MORRISEY, “The Relationships Between Superiors in a Religious Institute”, in *Consecrated Life*, 23(2001), pp. 133-147. See also *Fraternal Life in Community*, n. 50; C.M. HARMER, “Governance in Religious Congregations”, in *Human Development*, 13(Winter 1992), pp. 34-38 and 16(Spring 1995), pp. 25-28.

Exercising overall responsibility for the whole congregation in accordance with universal and proper law, while at the same time respecting provincial, regional, local, and individual responsibility presented a major challenge. The CLT discovered that in practice “the responsibility is very devolved to the point almost of disempowerment.”³⁷ The question raised at the end of their first term of office was: “How can we ensure that there is effective leadership in a Congregation as big as ours?”³⁸

4.2 – Establishment of Provinces, Regions, and Mission Areas

With the aid of the preparatory work already completed, the Chapter agreed on the formation of provinces, regions, and mission areas.³⁹ Four Provinces were established in Ireland,⁴⁰ one in South Africa, and one in the United States of America. In addition to these six provinces and one vice-province in Kenya, there were four regions and one mission area.⁴¹ Interim

³⁷ *CLT Report*, p. 69.

³⁸ *Ibid.*

³⁹ CONGREGATION OF THE SISTERS OF MERCY, *Minutes: First Congregational Chapter (= Minutes: First Congregational Chapter)*, 15 July-13 August 1994.

⁴⁰ The numbers in each of the Irish provinces were very large. In the South Central Province there were 974 Sisters; 966 in the Western Province; 932 in the Southern Province; and 743 in the Northern Province. See Appendix VIII.

⁴¹ The largest province overseas was the United States Province with about 200 Sisters; then South Africa with 55 Sisters. Zambia and Nigeria became regions of the Northern Province. In Peru there was one region dependent on the Southern Province and a mission area attached to the Western Province. The twenty Sisters in British Colombia, Canada, became a region affiliated to the Southern Province.

structures were put in place for the governance of the new provinces and regions until such time as the provincial chapters were held in July 1995.

4.2.1 – Provincial Government

The experience of congregational leadership was that the large numbers in the four Irish Provinces presented major management and administrative tasks for Provincial Leadership Teams (=PLT).⁴² They also believed that, because of the close proximity of the Provinces in Ireland to one another, a more unified approach, especially on issues of a public nature would have been desirable and feasible. They proposed, therefore, “that the Gathering endorse the development of intermediary structures at provincial level so that responsibility is more widely shared and leadership teams more free for the tasks of leadership.”⁴³ They also proposed “that the Gathering approve the setting up of formal structures of inter-provincial collaboration.”⁴⁴

4.2.2 – Vice-Provinces

The concept of vice-province originated during the preparation for the first Congregational Chapter. It is defined in the 1994 Constitutions as “a major unit of the congregation, but dependent on a province, having within itself the

⁴² CENTRAL LEADERSHIP TEAM, *Structures and Roles (Structures and Roles)*, in *Review of Constitutions, Statutes and Structures*, p. 2.

⁴³ *Ibid.*, p. 2.

⁴⁴ *Ibid.*, p. 2.

personnel and resources which partially support its life, mission and new membership.”⁴⁵ The Constitutions also state that “all provisions relating to province apply to vice-province except where otherwise indicated.”⁴⁶ Canon Law does not speak of vice-province, but it does speak of “a part equivalent to a province.”⁴⁷ Since in the Congregation, a vice-province is “dependent on a province”, it cannot be accorded the same status as a province. If its precise juridic status is unclear, misunderstandings may easily arise.

In their experience of the concept and reality of the vice-province, the CLT explained that actually working out a strategy in accordance with the Constitutions presented certain difficulties and misunderstandings. It would seem that these centred around the lack of a clear understanding by all concerned of the appropriate degree of autonomy of a vice-province, its relationship to the province to which it was attached, and its relationship to the CLT.⁴⁸ In July 2000, the one vice-province of the Congregation, that in Kenya, requested and was granted provincial status to enable it “to take further responsibility for itself and to move forward towards self-sustainability.”⁴⁹

⁴⁵ 1994 *Constitutions*, n. 88.

⁴⁶ *Ibid.*, nn. 88-96.

⁴⁷ CIC 1983, c. 622. See also *A Handbook on Canons 573-746*, p. 78.

⁴⁸ See *Structures and Roles*, p. 2.

⁴⁹ *Minutes of Gathering 2000*, p. 22.

4.2.3 – Regions

In the 1994 Constitutions, a region is defined as “a dependent unit of the congregation, attached to a province or to congregational leadership.”⁵⁰ The regions enjoyed a large degree of self-determination since, in accordance with the Constitutions, they had an assembly which elected a leadership team and formulated policies for the region. They were also assured of representation at Provincial and Congregational Chapters and at the Plenary Conference. However, visitation of small regions by Congregational, Provincial, and Regional Leaders was considered excessive.⁵¹ In the experience of the CLT, more clarification of the precise relationship of the Region to the Province is essential.

4.2.4 – Mission Areas

Mission areas, on the other hand, are not mentioned in the Constitutions and it does not seem that any specific provisions are made for them. Because the numbers are generally small, these groups are not guaranteed representation at Congregational or Provincial Chapters.⁵² Consequently, they felt somewhat isolated. After six years experience as a region, with diminishing numbers, and having discussed the matter with the Southern Province to which they are affiliated, British Columbia requested permission to revert to mission area

⁵⁰ See 1994 *Constitutions*, nn. 97-103.

⁵¹ See *Structures and Roles*, p. 2.

⁵² See *ibid.*, p. 3.

status.⁵³ This leaves one other mission area in Peru, which is attached to the Western Province, Ireland. The future of mission areas is uncertain, since the number of Sisters ministering there is generally small and they tend to return to their home provinces in Ireland to retire, as is the case in British Columbia.

Based on their experience of having worked with these structures over a six year period, the CLT recommended "that the Gathering mandate the incoming Congregational Leadership Team to initiate a discernment process in the vice-province, the regions and the mission areas with a view to evaluating how well these structures are serving the unity and the mission of the Congregation and to make the appropriate adjustments."⁵⁴

4.2.5 – Intermediary Structures

Following the Plenary Conference in 1999, the CLT appointed a Congregational Working Party to study the intermediary structures that were already operating in some provinces since 1995 and to prepare a Position Paper for Gathering 2000; these include dúiche (area) co-ordinators who have an intermediary role between the local community and the PLT. There are ministry desks in education and justice as well as various commissions that deal with other areas of congregational life and ministry.

⁵³ See *Minutes of Gathering 2000*, p. 22.

⁵⁴ See *Structures and Roles*, p. 3. See also *CLT Report*, pp. 67-69 and 74.

Highly developed in business management, the theory and concept of intermediary structures is relatively new as such in religious congregations, although institutes have been decentralised for centuries. The purpose of these structures as expressed in the paper submitted by the working party is:

to facilitate the work of an organisation through a thoughtful sharing of tasks and the roles and responsibility for the completion of those tasks. Such structures must have clear accountability links with the Provincial Leadership Team. The development of intermediary structures demands that each system be related to the nature of the task; for example, is the task developmental, administrative, supportive?⁵⁵

CIC 1983, c. 633 § 1 allows for structures comparable to those described above:

Participatory and consultative bodies are faithfully to carry out the task entrusted to them, in accordance with the universal law and the institute's own law. In their own way they are to express the care and participation of all the members for the good of the whole institute or community.

Implicit in paragraph two of this canon, however, is a caution against over-structuring:

In establishing and utilising these means of participation and consultation, a wise discernment is to be observed, and the way in which they operate is to be in conformity with the character and purpose of the institute.⁵⁶

⁵⁵ CONGREGATIONAL WORKING PARTY, *Intermediary Structures (=Intermediary Structures)*, in *Review of Constitutions, Statutes and Structures*, p. 4.

⁵⁶ CIC 1983, c. 633. See also *A Handbook on Canons 573-746*, pp. 94-95; *New American Commentary*, p. 797.

Neither the Constitutions nor the Statutes of the Mercy Congregation provide for such structures. The working party, however, made a strong case in their *Position Paper* for the development of this concept, while emphasising the importance of clearly defining the role of the provincial leadership team and that of the members involved in the intermediary structures. They also stressed the need to decide at the outset what authority those groups or individuals would have in the exercise of their mandate and what precisely they would be free to do without consulting provincial leadership.⁵⁷

4.2.6 – Formal Structures of Inter-Provincial Collaboration

A *Position Paper* prepared by the CLT proposed the establishment of formal structures of inter-provincial collaboration, with specified delegated authority, in areas like trusteeship of institutions, litigation and related issues; initial formation, policy and practice; finance, corporate action for justice, and morale of members.⁵⁸ Respecting the appropriate autonomy of provinces, clearly defining roles, and specifying delegated authority, would be important considerations in the planning and establishment of such structures. Having discussed the proposal and clarified the issues involved, Gathering 2000 formally

⁵⁷ See *Intermediary Structures*, p. 4.

⁵⁸ See *Structures and Roles* pp. 1-2.

endorsed “the setting up, continuation and expansion of formal structures of inter-provincial collaboration.”⁵⁹

4.3 – Congregational Policies and Directives Pertaining to Ministry

4.3.1 – Mission Directives

Bearing in mind that the primary reason for restructuring the congregation was “to be more effective for mission” and that their mandate is “to inspire and animate for mission”,⁶⁰ the new leadership team’s first task was to articulate this goal in the form of mission directives that would embody the principal ministries of the Congregation.⁶¹ We have noted that those ministries had undergone a thorough revision by Mercy Ireland in the light of the 1983 Code of Canon Law, conciliar teaching, and the charism of the foundress. With the benefit of this revision, CLT approved mission directives that focused on six areas: women, family, the poor and marginalised, justice, life-giving communities, and integrated spirituality.⁶² It was envisaged that these directives would provide a basis for ministry plans in the provinces, regions, and mission areas where the Sisters of Mercy worked.

⁵⁹ *Minutes of Gathering 2000*, p. 24.

⁶⁰ See *1994 Constitutions*, nn. 108 and 112.

⁶¹ See Appendix IX.

⁶² See *CLT Report*, pp. 17-26. See also CONGREGATIONAL CHAPTER 1994, *Mission Directives*.

It is beyond the scope of this paper to analyse or evaluate the many plans that emerged from this core document. One province, for instance, commissioned a study on local needs in the areas of justice and spirituality, with particular reference to “the needs of women, families, people living in financial poverty and people experiencing marginalisation.”⁶³ It was designed to determine specific ways in which one province could help address local and regional needs in the area of justice and spirituality in an appropriate and effective manner. It also provided a guide for the evaluation of traditional ministries and the reassignment of available personnel and financial resources to new initiatives.

However, the report highlighted the fact that there were very few Sisters available for retraining in new initiatives.⁶⁴ It also raised questions about initiating new projects except in collaboration with other agencies.⁶⁵ Canon 680 provides an important principle in this regard. Its source is *Christus Dominus*, the Decree on the Pastoral Office of Bishops in the Church, n. 35.5.⁶⁶ The canon urges

⁶³ See S. AIREY, *Challenging Voices: Pathways to Change: A Study of Justice and Spirituality*, Ballinasloe, Ireland, Sisters of Mercy Western Province, 1999, p. 5. See also SISTERS OF MERCY, *Western Province Plan*, First Provincial Chapter, 1995, 4 p.

⁶⁴ See SISTERS OF MERCY WESTERN PROVINCE, *We Set Out on a Journey: Chapter Report 2001*, p. 49.

⁶⁵ See AIREY, pp. 3-23. As the Introduction states, this report can be used by many Church and non-Church organisations, groups and individuals, who are interested in addressing endemic societal problems in Ireland. See also *Procedural Handbook*, pp. 167-194.

⁶⁶ Vatican Council II, *Christus Dominus* (=CD), 28 October 1965, in AAS, 58(1966), pp. 671-701. English trans.: *Decree on the Pastoral Office of Bishops in the Church*, in FLANNERY, v. 1, pp. 564-590. See especially n. 35.5, pp. 585-586. The decree urges cooperation and collaboration among the religious institutes themselves and between them and the diocesan clergy, as well as the closest possible coordination of all apostolic works and activities. It also

“organised cooperation” among “different institutes and between them and the secular clergy” as well as “a coordination of all apostolic works, with due respect for the character and purpose of each institute and the laws of its foundation.”⁶⁷ The message was clear: what individual diocesan congregations once did on their own, they should do now in collaboration with others.

4.3.2 – Evaluation of Mission Directives

At the end of their six-year term of office, the leadership team’s evaluation revealed certain inadequacies in the mission directives. In the first instance, it was clear that the six directives were too broad in their scope and were interconnected in the sense that five areas could be addressed from the perspective of any one area. It was also obvious that there were too many directives, which could potentially cause further fragmentation and dissipation of energy, instead of the desired unified approach. Finally, and probably the most telling factor: it was unrealistic to expect newly established provinces and regions to engage in dialogue and planning on practical issues given the variety of cultures and situations in which they function. It had become obvious that one or

recommends meetings and consultations between bishops and religious superiors concerning apostolic activities being undertaken by religious.

⁶⁷ CIC 1983, c. 680. See also cc. 578 and 586; *A Handbook on Canons 573-746*, pp. 210-211; *Vita consecrata*, n. 50.

two directives would have been sufficient and the recommendation to Gathering 2000 was “to sharpen the focus ... and strategise from that perspective.”⁶⁸

4.3.3 – Mercy Philosophy of Education

Catherine McAuley’s original Rule, written in 1841, committed her congregation to “the careful instruction of women.” The 1994 Constitutions state that, in fidelity to her charism, Sisters of Mercy continue to “engage in Christian education contributing to the full personal development and formation of Christ in others, especially in the most deprived.”⁶⁹

The first Congregational Chapter in 1994 recommended “that the Central Leadership Team approve of the setting up of an Inter-Provincial Education Committee to promote a Mercy Trusteeship in education in the context of our Mission directives and the changing face of education.”⁷⁰ While the CLT welcomed this proposal, they suggested that the establishment of specific ministry commissions should be done at provincial level. Accordingly, a policy document, *Mercy Philosophy of Education*,⁷¹ was developed by the Mercy Education Development Group in Ireland.

⁶⁸ CLT Report, p. 26.

⁶⁹ 1994 Constitutions, n. 43.

⁷⁰ Ibid., p. 31.

⁷¹ CONGREGATION OF THE SISTERS OF MERCY (IRELAND), *Mercy Philosophy of Education: A Statement of Education Philosophy for use in Mercy Schools*, 9 p.

Inspired by the vision of Catherine McAuley, this policy accords well with the principles set out in the *Declaration on Christian Education, Gravissimum educationis*⁷² and in the canons on Catholic education in the Code of Canon Law. The Declaration states frequently that parents are the primary and principal educators of their children to the extent that “it is almost impossible to provide an adequate substitute.”⁷³ Canon 796 with its source in nn. 5 and 7 of the Declaration, sets out the same principle:

§ 1: Among the means of advancing education, Christ’s faithful are to consider schools as of great importance, since they are the principal means of helping parents to fulfil their role in education.

§ 2: There must be the closest cooperation between parents and the teachers to whom they entrust their children to be educated. In fulfilling their task, teachers are to collaborate closely with the parents and willingly listen to them; associations and meetings of parents are to be set up and held in high esteem.⁷⁴

Both the Declaration and the canon regard education as a partnership in which the school aids the parents in fulfilling what is their primary responsibility. Collaboration, therefore, between parents, teachers, students, and school management is essential for the creation of a learning and teaching environment conducive to the formation of right attitudes and values. The Mercy Philosophy of Education embodies these principles.

⁷² VATICAN COUNCIL II, *Gravissimum educationis* (=GE), 28 October 1965, in AAS 58(1966), pp. 728-739. English trans.: *Declaration on Christian Education*, in FLANNERY, v. 1, pp. 725-737.

⁷³ See GE, nn. 5, 6, and 7, pp. 730-732.

⁷⁴ CIC 1983, c. 796.

4.3.4 – Congregational Guidelines on Child Protection Issues

Based on *Child Sexual Abuse: Framework for a Church Response*,⁷⁵ the Congregational Guidelines were compiled in order to provide a code of good practice for the members of the Mercy Congregation and their employees in schools and child-care institutions. They are also to be interpreted in the light of *Children First: National Guidelines for the Protection and Welfare of Children*.⁷⁶ The Guidelines first provide the principles underlying the steps to be taken in the case of an allegation of child abuse against a member of the Congregation. Detailed recommendations then follow about how to proceed in accordance with canon and Irish civil law.

When a complaint or allegation is made, the provincial follows the procedures laid down in the Guidelines. In the spirit of canon 1717⁷⁷ she “convenes an independent advisory body as promptly as possible for the purpose of [a] preliminary enquiry into the allegation.”⁷⁸ If there is serious reason for suspecting that there is truth in the allegation, the civil authorities are to be informed. In the case of the Republic of Ireland, the relevant civil authorities are

⁷⁵ IRISH CATHOLIC BISHOPS’ ADVISORY COMMITTEE ON CHILD SEXUAL ABUSE BY PRIESTS AND RELIGIOUS, *Child Sexual Abuse: Framework for a Church Response*, Dublin, Veritas, 1996.

⁷⁶ DEPARTMENT OF HEALTH AND CHILDREN (Ireland), *Children First: National Guidelines for the Protection and Welfare of Children*, Dublin, Stationery Office, 1999.

⁷⁷ CIC 1983, c. 1717. The canon cannot be applied directly since the superior is not an ordinary.

⁷⁸ CONGREGATION OF THE SISTERS OF MERCY, *Congregational Guidelines on Child Protection Issues*, Draft, April 2000, p. 5. The provincial must have access to an Advisory Body which consists of a clinical psychologist, a counsellor, canon and civil lawyers. A member of the Congregation may not be a member of the Advisory Group.

the Police and the Health Board of the particular province. In Northern Ireland, where the Congregation has one province, different civil legislation prevails.⁷⁹ Here the Sisters must familiarise themselves with and follow the inter-agency procedures that operate in their own particular area. The Guidelines also outline briefly the Child Protection policies that operate in Zambia, Kenya, Nigeria, South Africa, the United States of America, and Canada, where there are provinces, regions, and mission areas of the Congregation.⁸⁰

4.3.5 – Ministry of Spirituality: Principles of Good Practice

The purpose of guidelines for the ministry of spirituality is to enhance the quality of this ministry by providing the basic principles of good practice not only for the Sisters of Mercy, but also for others whom they train to minister in the areas of spiritual direction, guided prayer, and retreat giving. The guidelines outline the three areas of responsibility involved in these ministries: responsibilities to self, responsibilities to persons to whom Sisters minister, and

⁷⁹ See *ibid.*, p. 7. All agencies in Northern Ireland are obligated to an inter-disciplinary and inter-agency practice in the prevention and detection of child abuse and the management of child protection.

⁸⁰ See *ibid.*, pp. 7-8.

responsibilities to the wider community.⁸¹ They must, of course, be studied in conjunction with other guidelines for ethical conduct in this ministry.⁸²

4.3.6 – Guidelines for Sisters Working outside their Country of Origin

The guidelines for Sisters working outside their country of origin provide the essential procedures to be followed when Sisters wish to work for some time in a province or a region outside their home country.⁸³ The Sister in question makes her interest known to her own provincial, who takes up the matter with the provincial of the province in which the Sister wishes to work. The Guidelines recommend that “the philosophy, policy and criteria of the particular area”⁸⁴ be discussed with the Sister before she makes a final decision. While they do not say this explicitly, it is presumed that the requirements of c. 790 regarding all missionaries are taken into consideration. The canon states:

§1 In mission territories it is the responsibility of the diocesan bishop:

1° to promote, regulate and coordinate both new initiatives and established works concerning missionary activity;

⁸¹ CONGREGATION OF THE SISTERS OF MERCY, *Ministry of Spirituality: Principles of Good Practice*, Dublin, Sisters of Mercy, 2000, 12 p.

⁸² See J.K. VINICKY, “A Code of Ethics for Spiritual Directors”, in *Human Development*, 14(1993), pp. 20-24. See also J. GIALLANZA, “A Code of Ethics for Spiritual Directors”, in *Human Development*, 15(1994), pp. 34-37.

⁸³ CONGREGATION OF THE SISTERS OF MERCY, *Guidelines for Sisters Working Outside Country of Origin*, November 2000, 8p.

⁸⁴ See *ibid.*, p. 4.

2° to ensure that there are proper agreements with the Moderators of those institutes which dedicate themselves to missionary activities, and that relationships with them are for the good of the mission.

§2 The provisions made by the diocesan Bishop in accordance with §1 n.1 are binding on all missionaries, including religious and their helpers residing in his territory.⁸⁵

The basic preparation and training for mission are outlined and personal issues relating to health insurance, vacation, funeral wishes, and return are also dealt with. It is recommended that all Sisters going on mission to developing countries avail of co-financing and training courses provided by the Agency for Personnel Services Overseas (=APSO).⁸⁶ This Agency supports the work of Irish and international non governmental organisations (NGOs) including the Irish Missionary Union (IMU),⁸⁷ who are enabling communities in developing countries to work towards self-reliance and sustainability.

⁸⁵ CIC 1983, c. 790. See also VATICAN II, *Decree On The Church's Missionary Activity Ad Gentes Divinitus* (=AG), 7 December 1965, in AAS, 58(1966), pp. 947-990. English trans. in FLANNERY, v. 1, pp. 813-856. Chapter IV, V, and VI of the Decree are especially relevant. See also PAUL VI, *Norms for Implementing the Decree on the Church's Missionary Activity Ecclesiae Sanctae III* (=ES), 6 August 1966, in AAS, 58(1966), pp. 757-787. English trans. in FLANNERY, v. 1, pp. 857-862.

⁸⁶ Established in 1974, APSO is grant-aided by the Irish Government. Its mission is to contribute to sustainable improvement in the living conditions of poor communities in developing countries. Support for long-term development work is its principal activity and it also co-finances and trains members of Irish and international NGOs (these latter must have a registered presence in Ireland - the Irish Missionary Union, for instance) for short-term emergency assignments.

⁸⁷ Sponsored by Pontifical Mission Societies, the Irish Missionary Union (IMU) was founded in Ireland in 1970 to promote cooperation between missionary, mission-sending, and mission-aid organisations. The IMU represents 75 member organisations. Its principal objectives are to give support and solidarity to missionaries, religious and lay, at home and abroad; to promote ecumenical dialogue and collaboration; to facilitate study and research on justice and development issues. In pursuit of these objectives, the members of the IMU have focused on two areas: the reduction of poverty and the empowerment of people. See *IMU Report*, September/November 2002, 8p.

At the end of one year, both provincials and the Sister evaluate the experience and, if the Sister so wishes, and everything else is in order, the congregational transfer procedures are put in place.⁸⁸ The Guidelines are designed to provide for a smooth transition for the Sister involved.

4.4 – Policies Relating to Formation and Other Issues

4.4.1 – Congregational Formation Guidelines

One of the reasons for a change of government structure was, we recall, “to develop a unified approach to formation and give hope and greater opportunity to young sisters.” This has important implications in the context of declining vocations in Ireland and North America, increasing numbers in Africa and South America, as well as different perceptions of religious life.⁸⁹ The 1994 Constitutions provide general norms for both initial and ongoing formation.⁹⁰ The challenge facing the new Congregational Leadership was to devise a Congregational Policy providing for the type of initial formation that is envisaged in conciliar teaching, the Code of Canon Law, and in subsequent formation Directives of the Holy See.

⁸⁸ CONGREGATION OF THE SISTERS OF MERCY, *Inter-Provincial Transfer Policy*, 4 p. See also 1994 *Constitutions*, nn. 92 and 112.

⁸⁹ See *Procedural Handbook*, pp. 63-94.

⁹⁰ See 1994 *Constitutions*, nn. 49-72: initial formation and nn. 73-75: ongoing formation.

Long before the Second Vatican Council, the Church's concern for the formation of religious was expressed in decrees, apostolic constitutions, and letters of the Congregation for Religious.⁹¹ The Second Vatican Council provided doctrinal principles and general norms for formation in chapter VI of the Dogmatic Constitution *Lumen gentium*,⁹² and the Decree *Perfectae caritatis*⁹³ states that the renewal of religious institutes depends largely on the integrated formation of the members.

In *Evangelica testificatio*⁹⁴, Pope Paul VI reminds religious of the necessity of spiritual formation whatever the charism or its manner of expression. The 1983 Code of Canon Law provides precise norms for both initial and continuing formation.⁹⁵ In the post-synodal apostolic exhortation *Vita consecrata*,⁹⁶ Pope John Paul II speaks frequently of the importance of religious formation. In 1983, the Congregation for Religious and Secular Institutes issued a set of principles

⁹¹ See CONGREGATION FOR RELIGIOUS, Decree *Quo efficacius*, 24 June 1944, in AAS, 36(1944), p. 213. See also Apostolic Constitution *Sedes sapientiae*, 31 May 1956, in AAS, 48(1956), pp. 354-365 as well as the general statutes accompanying this constitution.

⁹² See *Lumen gentium*, Dogmatic Constitution on the Church (=LG), 21 November 1964, in AAS, 57(1965), pp. 5-75; English trans. in FLANNERY, nn. 43-47, v. 1, pp. 402-407.

⁹³ See *Perfectae caritatis*, Decree on the Up-to-date Renewal of Religious Life (=PC), 28 October 1965, in AAS, 58(1966), pp. 702-712; English trans. in FLANNERY, n. 18, v. 1, p. 621.

⁹⁴ PAUL VI, *Evangelica testificatio* (=ET), 29 June 1971, in AAS 63(1971), pp. 497-526. English trans. in FLANNERY, v. 1, pp. 680-706.

⁹⁵ CIC 1983, cc. 651-652; 659-661.

⁹⁶ See *Vita consecrata*, nn. 65-71.

and fundamental norms on formation,⁹⁷ which incorporated the Church's teaching on religious life as it is expressed in the conciliar documents, especially *Lumen gentium*, *Perfectae caritatis*, *Ad gentes*, and in *Mutuae relationes*, the directives published by the Congregation for Religious and the Congregation for Bishops in 1978.

More recently, in 1990, the Congregation for Institutes of Consecrated Life and Societies of Apostolic Life issued directives on formation in response to requests for guidelines from major superiors of religious institutes and formation personnel.⁹⁸ The later Instruction, *Fraternal Life in Community*, issued in 1994 by CICLSAL, states: "permanent formation is considered by all who are responsible for religious institutes as of vital importance for the future."⁹⁹

In 1999, CICLSAL again issued two significant instructions. *Verbi sponsa*, addressed to congregations of the contemplative life, while dealing mainly with the meaning and value of enclosure as well as norms for papal

⁹⁷ CONGREGATION FOR RELIGIOUS AND SECULAR INSTITUTES, *Essential Elements in the Church's Teaching on Religious Life as Applied to Institutes Dedicated to Works of the Apostolate (=Essential Elements)*, in *L'Osservatore romano*, weekly edition in English, 18 July 1983, pp. 3-38; [also in *Origins*, 13(1983-1984), pp. 133-142]. Although comparable to an Instruction, this document is not an Instruction in the strict sense of that word. See F.G. MORRISEY, *Papal and Curial Pronouncements: Their Canonical Significance in Light of the 1983 Code of Canon Law*, Ottawa, Faculty of Canon Law, Saint Paul University, 1992, p. 29.

⁹⁸ CONGREGATIO PRO INSTITUTIS VITAE CONSECRATAE ET SOCIETATIBUS VITAE APOSTOLICAE, *Normae Directivae de Institutione in Religiosis Institutis, Potissimum Institutioni (=PI)*, 2 February 1990, in *AAS*, 82(1990), pp. 470-532. [*Directives on Formation in Religious Institutes*, in *Origins*, 19(1989-1990), pp. 677-699].

⁹⁹ CONGREGATION FOR INSTITUTES OF CONSECRATED LIFE AND SOCIETIES OF APOSTOLIC LIFE, *Fraternal Life in Community*, Vatican translation, Sherbrooke, QC, Éditions Paulines, 1994, nn. 43-45.

enclosure, also devotes a section to formation.¹⁰⁰ The instruction, *Inter-Institute Collaboration for Formation*,¹⁰¹ offers fundamental principles and practical directives for those congregations whose members, by choice or necessity, avail of formation in inter-institute centres. While it does not disapprove of inter-institute formation as such, CICLSAL sounds a cautionary note as it refers to an address that Pope John Paul II gave to women religious and later quoted in an address to Brazilian bishops. He said:

Taking into consideration that initial and continuing formation in regard to one's own charism is the responsibility of the institute, *inter-congregational formation* cannot entirely fulfill the task of the continuing formation of the members. This formation must be imbued, under many aspects, with the characteristics proper to the *charism* of each institute. In fact, fidelity to one's own charism needs to be deepened through an ever-increasing knowledge of the history of the institute, of its particular mission and the spirit of the founder, at the same time making the corresponding effort to incarnate it in one's own personal and community life (cf. *Guidelines for formation in religious institutes*, 2 February 1990, nn. 68 and 69). Therefore, inter-congregational formation should be complementary and at the service of each institute, but it does not serve as a substitute or to smooth over the distinct charisms.¹⁰²

¹⁰⁰ CONGREGATION FOR INSTITUTES OF CONSECRATED LIFE AND SOCIETIES OF APOSTOLIC LIFE, Instruction *Verbi sponsa*, 13 May 1999, English trans. in *Origins*, 29(1999-2000), nn. 22-24, pp. 155-164.

¹⁰¹ Congregation for Institutes of Consecrated Life and Societies of Apostolic Life, Instruction *Inter-Institute Collaboration for Formation*, 8 December 1998, <http://www.vatican.va/roman_curia/rc_con_ccsclife_doc-08121998_inter-formation_en.htm>, (23 March 2001), 27 p.

¹⁰² JOHN PAUL II, Address to Women Religious in Florianópolis, 18 October 1991, in *L'Osservatore romano* (English version), no. 43, 28 October 1991, p. 14. Focusing on the consecrated life, the Pope quoted from this address when he spoke to Brazilian bishops on their *ad limina* visit to Rome, 11 July 1995. See *L'Osservatore romano* (English version), no. 29, 19 July 1995, pp. 4-5.

But the Pope does not rule out the possibility of collaboration among religious institutes with regard to formation. In *Vita consecrata*, he encourages superiors, men and women, "working in harmony with the bishops ... to make use of the accomplishments of the best members of each Institute and to offer services which not only help to overcome eventual limits but which create a valid style of formation in consecrated life."¹⁰³

The instruction, however, cautions that when the Code of Canon Law speaks of formation in the strict sense, it refers only to the formation of religious in the context of their own institutes.¹⁰⁴ It is clear that CICLSAL wants to emphasise the obligation of each institute to provide for the formation of its members unless necessity dictates otherwise:

The first responsibility for the formation of religious belongs by law to each institute; it is the major superiors of the institutes, with the help of qualified assistants, who must attend to this important mission. Each institute, moreover, should, according to the law, establish its own programme (*ratio*) of formation. Still, necessity has led some institutes on every continent, to place their means of formation (personnel and institutions) in common, in order to collaborate in such an important work, which they could no longer accomplish by themselves.¹⁰⁵

¹⁰³ *Vita consecrata*, n. 53.

¹⁰⁴ CIC 1983, cc. 646-653 for the formation of novices; cc. 659-660 for the formation of the temporarily professed; c. 661 for continuing formation.

¹⁰⁵ *PI*, n. 98. See also CIC 1983, cc. 587 § 1, 646, and 659; J. HITE, "The Inter-Community Novitiate", in P.J. COGAN, ed., *Selected Issues in Religious Law*, Washington, DC, Canon Law Society of America, 1997, pp. 154-159.

Inspired by these principles and directives, and in fidelity to the 1994 Constitutions and Chapter reports, Congregational Formation Guidelines¹⁰⁶ were drawn up. They are based on a formation statement submitted to Chapter 1994, a proposal from the 1996 Plenary Conference, and a formation document that issued from a Pan-African Formation meeting held in Soweto, South Africa, in 1997.¹⁰⁷ They provide a framework within which formation in the Congregation is developed and they highlight issues that are of particular relevance to formation in a multicultural context.

On the practical side, work progressed towards the establishment of novitiates in Ireland and in Africa. In 2002, a continental novitiate for Africa, located in Nakuru, Kenya, was approved and the formation team has been appointed.¹⁰⁸ Although an inter-congregational formation house had been envisaged for Ireland, financial and personnel constraints caused this project to be deferred.¹⁰⁹ In South America, there is a central novitiate for Mercy Sisters already in operation in Lima, Peru. Some of the Sisters availing of this novitiate

¹⁰⁶ CONGREGATION OF THE SISTERS OF MERCY, *Congregational Formation Guidelines (=Formation Guidelines)*, undated, 12 p.

¹⁰⁷ CONGREGATION OF THE SISTERS OF MERCY (IRELAND), *Some Suggestions/Practical Implications*, Pan-African Formation Meeting, Soweto, South Africa, 23-28 April 1997.

¹⁰⁸ The formation team consists of two Irish Sisters, one from the Northern and one from the Southern Province and two African Sisters, one from the South African and one from the Kenyan Province. See *Procedural Handbook*, pp. 95-110.

¹⁰⁹ See *CLT Report*, pp. 43-45. See also CONGREGATION OF THE SISTERS OF MERCY: *Minutes of Gathering 2000*, pp. 12-14.

are members of the Institute of the Sisters of Mercy of the Americas, others belong to the Newfoundland congregation.

The guidelines also recognise that formation does not end with perpetual profession. Canon 661 sees it as a life-long project:

Religious are to be diligent in continuing their spiritual, doctrinal and practical formation throughout their lives. Superiors are to ensure that they have the assistance and the time to do this.¹¹⁰

This canon reiterates *Perfectae caritatis*, n. 18, which exhorts religious to “endeavour assiduously to perfect this spiritual, doctrinal, and technical culture”, throughout their lives.¹¹¹ Both canon 661 and *Perfectae caritatis* insist that superiors have a responsibility to provide the opportunities and the means for sisters to avail of ongoing formation. The Mercy Constitutions state that “the superior general bears special responsibility for growth and renewal in the congregation.”¹¹² This must be given priority in this time of transition, to enable the members to face a new era as one group, and be re-energised through the struggle and joy inherent in creating a more relevant government structure for the congregation.

¹¹⁰ CIC 1983, c. 661.

¹¹¹ See *PC*, n. 18, in FLANNERY, v. 1, p. 621.

¹¹² 1994 *Constitutions*, n. 74.

Since these Guidelines were formulated, an instruction¹¹³ has been issued by CICLSAL, dealing primarily with what it considers to be the most important challenge confronting religious congregations: the need for “a renewed commitment to the spiritual life”¹¹⁴ by means of ongoing formation. It emphasises the responsibility of superiors, men and women, to promote a high quality community life, to look beyond the works of their institutes, and to provide a formation which is suitable to the challenges in society. This instruction reiterates much of what has been said already regarding formation in *Vita Consecrata*, in previous instructions and directives, and in *Novo Millennio Ineunte*¹¹⁵ to which it frequently refers.

4.4.2 – Inter-Provincial Transfer Policy

The Code of Canon Law,¹¹⁶ the Constitutions, and the Congregational Statutes provide for the transfer of members from one religious institute to another or to a society of apostolic life or a secular institute.¹¹⁷ They do not

¹¹³ CONGREGATION FOR INSTITUTES OF CONSECRATED LIFE AND SOCIETIES OF APOSTOLIC LIFE, *Starting Afresh from Christ: A Renewed Commitment to Consecrated Life in the Third Millennium*, 19 May 2002, in *Origins*, 32(2002), pp. 129, 131-148.

¹¹⁴ *Ibid.*, n. 4.

¹¹⁵ JOHN PAUL II, Apostolic Letter *Novo Millennio Ineunte*, 6 January 2001. English trans: *At the Beginning of the New Millennium*, London, Catholic Truth Society, 2001, 56 p. [Also in *Origins*, 29(1999-2000), pp. 155-164].

¹¹⁶ CIC 1983, cc. 684-685, 730, 744. See also *A Handbook on Canons 573-746*, pp. 222-230.

¹¹⁷ See 1994 *Constitutions*, n. 123 and *Congregational Statutes*, n. 123.1. For more information on this issue, see E. McDONOUGH, “Transfer”, in *Review for Religious*, 61(2002), pp. 97-103. See also *Procedural Handbook*, pp. 135-137.

provide norms for inter-provincial transfer. The Constitutions merely state that the provincial authorises and the congregational leader confirms such transfers.¹¹⁸ An Appendix, added to the Congregational Statutes in 2000, states that the provincial leadership requires the consent of central leadership in the case of transfer of members from one province to another.¹¹⁹

The Inter-Provincial Transfer Policy¹²⁰ distinguishes between a permanent transfer and a loan. The former may be motivated by any one of a number of reasons from health to family reasons or for full-time or part-time ministry, or to retire, and is generally permanent. A loan, on the other hand, is temporary and cannot be for longer than two years.¹²¹ In this instance, a member may wish to serve on a temporary basis in another province or she may be asked to serve in a specific ministry. She must be aware that she remains a member of her own province, although she participates fully in the life of the receiving province and is accountable to the provincial of that province. She does not, however, participate in decision-making proper to the province. The key difference between a loan and a transfer is that the member who is on loan “retains her

¹¹⁸ See 1994 *Constitutions*, nn. 92 and 112.

¹¹⁹ See *Congregational Statutes*, Appendix III, n. 1.

¹²⁰ CONGREGATION OF THE SISTERS OF MERCY, *Inter-Provincial Transfer Policy (=Transfer Policy)*, 4 p.

¹²¹ See *Transfer Policy*, p. 3.

voting rights in her sending province and has no voting rights in the receiving province.”¹²²

The policy outlines the specific legal requirements for a transfer. These include formal application by the member to her own provincial, at least one year in advance of the proposed transfer; communication between the provincials of the sending and receiving provinces, and the sharing of appropriate information.¹²³ It recommends that provision be made for the integration of the new member into the receiving province, especially if the culture is new to her and she is discerning a new ministry for which retraining is required.

Financial arrangements and medical coverage are important considerations also. Health insurance in an Irish province is different from that in the province in the United States or in either of the two African provinces. The policy also provides a sample inter-provincial transfer agreement, which must be signed by the member who is transferring, both provincials, and the congregational leader. The final transfer form is not signed until the member who is transferring has lived for one year in her new province. This policy is particularly relevant for Ireland since we understand that 60% of the membership of the province in the United States intends to return to Ireland to retire.¹²⁴

¹²² Ibid., p. 3.

¹²³ See *ibid.*, p. 2.

¹²⁴ See *Minutes of Gathering 2000*, p. 14.

4.4.3 – A Process of Mediation: A Proposed Structure

The Church's concern as expressed in the Code of Canon Law is "to promote the gospel value of reconciliation between aggrieved parties."¹²⁵ Canon 1446 encourages a peaceful solution to contentious problems among the Christian faithful. This is repeated in more specific form in other canons in Book VII of the Code. For our purposes, canons 1713-1716 are pertinent. They provide norms for alternative solutions to disputes by means of agreement, reconciliation, or arbitration.¹²⁶

The *Mercy Constitutions* state: "Where necessary a process of mediation shall assist in the resolution of conflict."¹²⁷ The idea for such a process originating in this norm in the Constitutions, was suggested at the Congregational Chapter in 1994, and at the 1999 Plenary Conference. The *Congregational Evaluation 1998-1999*¹²⁸ also highlighted the need for a structure within which conflicts could be amicably resolved. The recommendation was that there be one mediation service for the entire congregation, initiated by the CLT.

¹²⁵ CIC 1983, c. 1733. See also *New American Commentary*, pp. 1826-1828; Mt 5:23-24.

¹²⁶ See *New American Commentary*, pp. 1804-1805.

¹²⁷ 1994 *Constitutions*, n. 128.

¹²⁸ IRISH MARKETING SURVEYS, *Sisters of Mercy Congregational Evaluation, 1998-1999*. This evaluation took the form of detailed questionnaires on the following: ministry, prayer and spirituality, community and personal life, justice, leadership, religious life, formation, and the future. It also included personal interviews with a number of Sisters selected at random by the project director. The main purpose of this evaluation was to strengthen a sense of unity in each province, region, and mission area, and in the Congregation as a whole, in order to create the possibility for communal reflection and dialogue.

A draft of a mediation process was prepared by a working party of Sisters, appointed from each of the seven provinces, some of whom were already involved in mediation work. It is still in draft form pending review by the membership. Its purpose is to promote a spirit of union and charity and to provide an instrument whereby conflicts may be peacefully resolved.¹²⁹

The document describes the composition of the panel of mediators, their training, competence, and term of office. Issues of confidentiality¹³⁰ relating to mediation proceedings and the keeping of records are provided for. The mediation process at provincial level is outlined. It consists of three stages: conciliation, mediation proper, and arbitration. There is also provision for a mediation process at congregational level.¹³¹

4.4.4 – Keeping of Personal Records: Policy and Practice

The principles provided in canons 486-491 for the safe keeping of parochial and diocesan records can be applied also to the keeping of records in a

¹²⁹ CONGREGATION OF THE SISTERS OF MERCY, *A Process of Mediation: A Proposed Structure*, July/August 2000, 9 p.

¹³⁰ CIC 1983, c. 220. This canon recognises and protects two rights: the right of an individual to his or her reputation and the right to protect one's privacy. The proposed Mediation Process assures the members that every effort will be made to protect the privacy of the parties seeking mediation.

¹³¹ *Ibid.* pp. 4-8. For a clear outline of the principles involved in establishing a Due Process Board in a religious congregation, see T.G. SULLIVAN, "Due Process within Religious Institutes", in *Bulletin on Issues of Religious Law*, 16(Winter 1999-2000), pp. 1-8. The same principles apply in the case of a mediation process.

religious congregation.¹³² Keeping in mind the right of each individual to enjoy a good reputation and to protect his or her privacy as well as the duty of administrators to keep documents and records in a safe and secure place, the Congregation of the Sisters of Mercy developed a policy outlining the basic principles and practice of keeping records in the congregation.

An important factor is that, as a general norm, members are made aware of the information concerning them that is held on file and who has access to it. In normal circumstances, access to her personal file is granted to an individual except in the case of “the sensitive nature of the material” or “in the interest of third parties to whom there are references in a file.”¹³³

The policy classifies the records relating to members that are kept, by what means, and where. All legal documents and signed records relating to exclaustation and departure are retained in the provincial and central offices. Ministry records and records of potentially valuable communication with members are also retained. Since all those records are part of the historical, cultural, and social history of the congregation, there is a serious responsibility on administrators to ensure that they are faithfully preserved.

¹³² CIC 1983, cc. 486-491. See also *New American Commentary*, pp. 639-645.

¹³³ CONGREGATION OF THE SISTERS OF MERCY, *Keeping of Personal Records: Policy and Practice*, 2000, p. 2.

4.4.5 – Congregational Archival Policy

Several canons of the Code of Canon Law¹³⁴ provide norms for the conservation and management of archival material pertaining to the pastoral and cultural life of the Church. In the Apostolic Constitution *Pastor bonus*, John Paul II states:

Art. 101 § 1: Outstanding among valuable historical objects are all documents and instruments referring and testifying to pastoral life and care, as well as to the rights and obligations of dioceses, parishes, churches, and other juridical persons in the Church.

§ 2: This historical patrimony is to be kept in archives or also in libraries and everywhere entrusted to competent curators lest testimonies of this kind be lost.¹³⁵

In February 1997, the Pontifical Commission for the Cultural Heritage of the Church issued a circular letter entitled *The Pastoral Function of Church Archives*.¹³⁶ It emphasises the cultural and pastoral significance of the archival collections of the Catholic Church and it includes with these the archives of monasteries, of religious congregations, other institutions of consecrated life, and of societies of apostolic life.¹³⁷

¹³⁴ CIC 1983, cc. 173 § 4; 428 § 2; 482 § 1 486-491; 535 § 4; 895; 1053; 1082; 1121 § 3; 113; 1208; 1283; 1284 § 2, 9°; 1306 § 2; 1339 § 3; 1719.

¹³⁵ JOHN PAUL II, Apostolic Constitution, *Pastor bonus*, 28 June 1988, in AAS, 80(1998), pp. 841-924. English trans. in E. CAPARROS, M. THÉRIAULT AND J. THORN, eds., *Code of Canon Law Annotated*. Latin-English edition of the commentary prepared under the responsibility of the Instituto Martín de Azpilcueta, Montreal, Wilson and Lafleur Limitée, 1993, n. 101, p. 1231.

¹³⁶ THE PONTIFICAL COMMISSION FOR THE CULTURAL HERITAGE OF THE CHURCH, Circular Letter, *The Pastoral Function of Church Archives*, 2 February 1997, Vatican City, 39 p.

¹³⁷ *Ibid.*, pp. 9-10.

This letter provides “some general guidelines for the formulation of a specific plan of action aimed at the conservation and promotion of the archival heritage of the particular churches with respect to their diverse situations.”¹³⁸ It emphasises the unique nature of church documents, hence their value for historical research. The letter recommends that there be adequate and secure storage space for documents and papers as well as clear procedures for the guidance of researchers.

The Mercy Congregational Archival Policy recognises the value of conserving manuscripts of letters, legal documents, rare books, artefacts, and other archival material associated with the foundation of the congregation. Its Mission Statement expresses the purpose of the congregational archives: “... to identify, collect, preserve and make available to users archives of enduring value generated by the congregation.”¹³⁹ Since 1994, all Irish archival material relating to the Congregation of the Sisters of Mercy has been located in the Mercy Congregational Archives in Dublin. The provincial archives in Ireland hold all records under thirty years. The United States, South African, and Kenyan provinces are responsible for housing their archival material, records, and artefacts. In keeping with standard archival practice, the policy outlines the

¹³⁸ Ibid., p. 15.

¹³⁹ CONGREGATION OF THE SISTERS OF MERCY, *Congregational Archival Policy*, p. 3.

management and access policies that are in place for the benefit of researchers.¹⁴⁰

4.4.6 – Review of Constitutions, Statutes and Structures

A Constitution Review Committee¹⁴¹ presented a number of proposals to the Congregational Gathering 2000 concerning certain articles in the *Constitutions and Congregational Statutes*. It must be borne in mind that canon 587 § 2 provides that, since the Constitutions have been approved by the competent ecclesiastical authority, namely the Holy See, they can be changed only with the consent of that authority.¹⁴² The *Mercy Constitutions* echo that principle: “a two-third majority vote in chapter and the permission of the Holy See is required to change them [Constitutions].”¹⁴³ Canon 587 § 2 provides that statutes and other norms and directories, which have been established by the competent authority of the institute, may be “conveniently reviewed and adapted according to the needs of time and place.”¹⁴⁴ Such adaptation or change is also

¹⁴⁰ See *ibid.*, pp. 1-2.

¹⁴¹ See CONSTITUTIONAL REVIEW COMMITTEE, *Review of Constitutions, Statutes and Structures*, Draft June 2000, 4 p.

¹⁴² CIC 1983, c. 587 § 2.

¹⁴³ 1994 *Constitutions*, n. 112.

¹⁴⁴ CIC 1983, c. 587 § 2.

provided for in the Constitutions: "the statutes or secondary code may be changed by an absolute vote of chapter."¹⁴⁵

The first proposal was that the name of the congregation be changed from The Congregation of the Sisters of Mercy, as it is in the *Constitutions*, to The Congregation of the Sisters of Mercy Ireland.¹⁴⁶ This proposal was discussed but there was "no change decided."¹⁴⁷ Another proposal was that the length of terms of office of leadership in the Congregation be raised for discussion. A possible alternative to the present system of six years was suggested: "Four year term with the possibility of re-election."¹⁴⁸ No change was agreed on.

Article 120 of the *Constitutions* was the subject of another proposal for discussion. This article states:

The ultimate responsibility for the administration of the temporal goods of the congregation is reserved to the congregational leader and her team, acting in accordance with universal law, these constitutions and civil law. All who are appointed to administer these goods in congregational, provincial, regional and local units do so under the direction of the competent authority.

This is in keeping with the provisions of canons 635 and 1273 of the Code of Canon Law. The temporal goods of a public juridical person are ecclesiastical

¹⁴⁵ 1994 *Constitutions*, n. 112.

¹⁴⁶ See *ibid.*, n. 6.

¹⁴⁷ *Minutes of Gathering 2000*, p. 24.

¹⁴⁸ *Review of Constitutions, Statutes and Structures*, p. 1.

goods subject to the norms of Church law.¹⁴⁹ The Constitutional Review Committee proposed that this article be discussed in order to clarify the precise meaning of the statement “the ultimate responsibility for the administration of the temporal goods of the congregation is reserved to the Congregational Leader and her team.”¹⁵⁰

A similar proposal for the same reason concerned acquisition and alienation of property,¹⁵¹ and the amount of money that can be spent by the competent authority before permission must be requested from the next level of authority. Article 120 of the Constitutions states:

In matters of alienation or other transactions which could endanger patrimony the written permission of the competent leader, with the consent of her team, is required for validity.

Canon 638 § 1 provides that

it is for an institute’s own law, within the limits of the universal law, to define the acts which exceed the purpose and the manner of ordinary administration, and to establish what is needed for the validity of an act of extraordinary administration.

It was agreed that discussions would continue with the CLT and the PLTs on the question of the meaning of “ultimate responsibility” and on a ceiling figure

¹⁴⁹ CIC 1983, c. 1257 § 1. See also J. FOX, “Introductory Thoughts about Public Juridic Persons and their Civilly Incorporated Apostolates”, in *Angelicum*, 76(1999), pp. 583-613.

¹⁵⁰ *Review of Constitutions, Statutes and Structures*, p. 1.

¹⁵¹ From July 1994, the beneficial owner of all the land owned by the diocesan congregations in Ireland was the Congregation of the Sisters of Mercy. The civil lawyers recommended that a consent procedure with regard to alienation be added to the section on administration of temporal goods in what was then draft Constitutions. See A. O’HAGAN, Letter to Sister Bonaventure Brennan, 19 January 1994, 3 p.

above which the PLTs require approval from the CLT for expenditure and acquisition.¹⁵² It would seem that a handbook or directory on the administration of the temporal goods of the institute would define the boundaries and clarify the procedures to be followed by each level of authority within the limits of its competency as provided by canon 634 § 1.¹⁵³

We have noted already in the section on Congregational Government that changes were made regarding the frequency of formal visitation by the Congregational Leader or her delegate, and also of the holding of the Plenary Conference. Two other suggestions concerned the congregational secretary and the congregational treasurer. The Statutes state that neither the secretary nor the treasurer may be a member of the Congregational Leadership Team.¹⁵⁴ The proposal was that the line “she is not a member of the Leadership Team” be deleted. No change was agreed.

One other proposal concerned the role of treasurer. Article 115.2 of the *Congregational Statutes* states: “In liaison with provincial/regional treasurers she shall keep an account of all property and finances of the Congregation and the lists of trustees.” The review committee suggested that, because of the size of the Congregation and the large number of trustees, this article be discussed and amended to read “In liaison with provincial/regional treasurers she shall keep an

¹⁵² *Procedural Handbook*, pp. 201-208.

¹⁵³ *Ibid.*, pp. 195-208.

¹⁵⁴ *Congregational Statutes*, nn. 114.1 and 115.1.

account of all property and finances of the Congregation and shall have access to the lists of trustees.”¹⁵⁵ This change was agreed.

An Appendix was added to the *Congregational Statutes* listing the matters on which provincial leadership requires the consent of congregational leadership. These include the inter-provincial transfer of members, establishment or change of location of a novitiate, extraordinary expenditure or alienation, serious issues which will impact the whole congregation. After six years experience of working with the structures set in place in 1994, the number of changes were few but necessary for clarification.

Conclusion

The Congregation of the Sisters of Mercy (Ireland) came into existence in July 1994 with much rejoicing and celebration. Three years previously, in 1991, the Institute of the Sisters of Mercy of the Americas had been established. In 1981, the Institute of the Sisters of Mercy of Australia had come into being. The Irish Sisters had the advantage of having the experience of these two congregations to guide them in their deliberations. Their achievement probably inspired the Irish Sisters to persevere with their project of restructuring, despite understandable reservations and fears.

¹⁵⁵ *Congregational Statutes: Revisions from Gathering 2000*, n. 115.2.

The eventual clear choice of the congregation to unite gave rise to an attitude of renewed energy and optimism. The Congregational General Chapter set the tone and direction, as it were, for the new congregation and its first Leadership Team. It put structures in place that would facilitate the transition from autonomous units to one large congregation, sharing a common history and tradition.

Nevertheless, eight years is a short span in the history of a religious congregation. For the Sisters of Mercy these have been years of trial and error as both leadership and membership struggled to adapt to new governance structures, and cope with inevitable misunderstandings in the interpretation and application of Constitutions and Statutes.

Another factor that marked those first years was adapting to the international character of the new congregation. The initiative towards union had begun with the Irish diocesan congregations, some of whom had members missioned overseas. Then, an independent congregation in South Africa voted to become a member of the proposed union. At the time of the establishment of the new congregation, there were communities in eleven countries and members who were of North American, Peruvian, South African, Kenyan, and English origin. The dominant culture is Irish and this presents a particular challenge for integration and inculturation.

This international dimension, fully embraced, means that “the members in all parts of the whole are aware of what is going on in the different countries in

which there are members and are actively concerned.”¹⁵⁶ In other words, being international cannot be mere tokenism; it has implications for organisation, leadership, formation of planning groups, composition of general chapters, diversities of language and culture. Even more importantly “the primacy of the founding group should eventually cease to be obvious in the membership of the general administration, the publications of the congregation, and the formation programs.”¹⁵⁷

Implicit in all the restructuring was a radical commitment to “the nature, purpose, spirit and character of the institute.”¹⁵⁸ Fidelity to the charism of the Foundress has wide-ranging implications for the Congregation. J.M. Tillard writes:

The religious charism, whether founding charism or founder’s charism, is contagious. It traverses the centuries. It crosses oceans. It bears fruit in situations which would have been unthinkable when it first appeared.¹⁵⁹

But this charism is “not for storing”.¹⁶⁰ It must be “ceaselessly re-accepted, re-read, given flesh once more in the Church and the world”,¹⁶¹

¹⁵⁶ C. HARMER, “Internationality: Intentional or Accidental”, in *Review for Religious*, 52(1992), p. 116. See also J. MALONE, “Internationality: At What Price?”, in *Review for Religious*, 51(1992), pp. 109-117.

¹⁵⁷ HARMER, p. 116.

¹⁵⁸ CIC 1983, c. 578.

¹⁵⁹ J.M. TILLARD, “Founder’s Charism or Founding Charism”, in *Religious Life Review*, 22(1983), p. 321.

¹⁶⁰ W. HOGAN, “Charisms are not for Storing”, in *Religious Life Review*, 23(1984), p. 253.

¹⁶¹ TILLARD, p. 321.

otherwise the impetus for action will diminish in vigour. *Mutuae relationes* describes the “charism of the Founders” as

an experience of the spirit transmitted to their followers to be lived by them, to be preserved, deepened and constantly developed in harmony with the Body of Christ continually in a process of growth. It is for this reason that the distinctive character of the various Religious Institutes is preserved and fostered by the Church.¹⁶²

The Post-Synodal Apostolic Exhortation *Vita consecrata* emphasises that fidelity to the founder’s charism is crucial to the identity and mission of each institute of consecrated life:¹⁶³

In the first place, there is the need for *fidelity to the founding charism* and subsequent spiritual heritage of each Institute. It is precisely in this fidelity to the inspiration of the founders and foundresses, an inspiration which is itself a gift of the Holy Spirit, that the essential elements of the consecrated life can be more readily discerned and more fervently put into practice.¹⁶⁴

For the Sisters of Mercy, charism implies much more than mere adherence to a particular style of life and apostolate; it implies fidelity to the charism of Catherine McAuley and to the tradition of mercy she bequeathed to

¹⁶² CONGREGATION FOR RELIGIOUS AND SECULAR INSTITUTES AND CONGREGATION FOR BISHOPS, *Mutuae Relationes*, Directives for Mutual Relations between Bishops and Religious in the Church (=MR), 14 May 1978, in AAS, 70(1978), pp. 473-506, English trans. in FLANNERY, v. 2, n. 11, p. 217.

¹⁶³ P.M. CONNER, “*Vita consecrata*: An Ultimate Theology of the Consecrated Life”, in *Angelicum*, 76(1999), pp. 245-273, especially pp. 258-260.

¹⁶⁴ *Vita consecrata*, n. 36

the Congregation. This charism is central to the future of the congregation and must be constantly rethought in light of the demands of the third millennium.¹⁶⁵

Aware that the task now is how to inculturate the Mercy charism into twenty first century society through structures and programmes that are appropriate and respectful of cultural differences, a recent conference of the Mercy International Association Leadership Teams took “The Inculturation of Mercy in the New Millennium” as its theme. It is not just a question of inculturation of the Gospel that is involved in these discussions, it is a question of the inculturation of the consecrated life with its particular charism, lifestyle, apostolate, spirituality, and its administration. It also implies a profound change of attitudes for an international congregation.

The Sisters of Mercy have come to a creative moment in the history of the congregation. The prophet Isaiah reminds us that there is

no need to remember past events, no need to think about what was done before. Look, I am doing something new, now it emerges; can you not see it?¹⁶⁶

Vita consecrata in turn invites us to look to the future:

You have not only a glorious history to remember and to recount, but also a *great history* still to be accomplished. Look to

¹⁶⁵ See C.E. BURKE, “Religious Life; Its Implications for Today”, in *The Australasian Catholic Record*, 79(2002), pp. 57-63.

¹⁶⁶ ISAIAH 43:18-19.

the future, where the Spirit is sending you in order to do even greater things.¹⁶⁷

One congregation, united in its convictions and “one in love, one in heart and one in mind”,¹⁶⁸ empowered by the solidarity and communion that unification has brought, could be a vibrant force for Mercy and a powerful agent for change and transformation in a divided world.

¹⁶⁷ *Vita consecrata*, n. 110.

¹⁶⁸ Phil. 2:1-2.

GENERAL CONCLUSIONS

We have concluded this study of the progressive unification of the Congregation of the Sisters of Mercy (Ireland), a congregation of over three thousand members. The *Central Leadership Team Report 1994-2000* made a number of proposals and the Congregational General Chapter (2000) raised a number of themes or issues that suggest some practical conclusions as to how some further restructuring, especially in the case of the four Provinces in Ireland, might make the congregation more effective for mission. We shall, therefore, make some tentative suggestions in the following areas: re-organisation of provincial structures in Ireland, internationality, inculturation, collaboration in ministry, new forms of membership, with particular reference to lay associates.

Review of Congregational Structures: Provinces in Ireland

The Report of the Congregational Leadership Team (1994-2000) stated that

the amalgamation of '94 created a very complex and extensive organisation. The size of the congregation and the structures that we have in place made communication and the effective implementation of ideas and projects more cumbersome than we would have anticipated prior to 1994. It also meant that huge administrative burdens fall to provincial leadership.¹

¹ CONGREGATION OF THE SISTERS OF MERCY, *Central Leadership Team Report 1994-2000* (=CLT Report), p. 68.

It was suggested, therefore, that the incoming Central Leadership Team initiate a process of discernment in the provinces, vice-province, regions, and mission areas with a view to evaluating how well these structures are serving the unity and the mission of the Congregation. The new leadership was also mandated to make the appropriate adjustments in this regard.

In light of this recommendation, it seems to us that the first area that could benefit from re-organisation would be the four Provinces in Ireland. With an average of 700 members in each and despite the fact that there are intermediary structures in place to facilitate communication and assist the implementation of provincial policies, nevertheless, the workload of provincial leadership seems to have increased, thus making meaningful visitation by them difficult.

Canons 581 of the Code of Canon Law provides that the proper law of an institute regulates its own internal restructuring:

It is for the competent authority of the institute to divide the institute into parts, by whatever name these may be called, to establish new parts, or to unite or otherwise modify those in existence, in accordance with the constitutions.

The competent authority, whether it be the General Chapter or the congregational leader with the consent of her council, must be stated in the Constitutions. Canon 585 provides that “the competent authority of an institute can suppress parts of the same institute.” The canon does not require that the competent authority be stated in the Constitutions. Nevertheless, the proper law must decide who that competent authority is.

Suppression of provinces is not the issue here, but rather a possible realignment according to agreed upon and approved criteria.² Particular attention was paid to the formation of the four Irish provinces with a view to avoid having provinces in parts of dioceses, and at the same time ensuring that existing cultural, political, and archdiocesan boundaries were transcended. It was also important to get away from the diocesan mentality and encourage a new vision of what it meant to be one Congregation. Perhaps now, after eight years experience of the present structures, a fresh look at the situation could envisage a restructuring along demographic and ministry lines.

The fact that the importance of visitation both for leadership and members is highlighted by having basic norms provided for it in the Code of Canon Law and in the Congregation's own proper law, this is further reason for ensuring that the structures in place help rather than hinder this service.³

c. 628 § 1: Superiors who are designated for this office by the institute's own law are at stated time to visit the houses and the

² For a detailed study of the restructuring of Provinces in a religious institute, see W. BROWN, *The Unification of Provinces in a Religious Institute with Particular Reference to the Situation of the Missionary Oblates of Mary Immaculate in the United States*, JCD diss., Ottawa, Saint Paul University, Faculty of Canon Law, [pro manuscripto], 2001, xiv, 346 p. See also G.A. ARBUCKLE, "Merging Provinces", in *Review for Religious*, 53(1994), pp. 352-363.

³ See S.L. HOLLAND, "Visitation in Religious Institutes: A Service of Communion", in *CLSA Proceedings*, 61(1999), pp. 161-177. Holland suggests that visitation by Congregational Leadership is important for members since it gives them contact with the larger reality of their congregation and also enhances a personal sense of belonging and being valued. It enables Leadership to work at building relationships and understanding better the particular problems that members may be encountering in their ministries or community life. The article also deals with canonical visitation of certain religious – diocesan congregations and autonomous monasteries – as well as pastoral visitation by diocesan bishops (c. 396) of the diocese where there are diocesan ministries entrusted to religious (c. 683).

members entrusted to them, in accordance with the norms of the same law.

c. 628 § 3: The members are to act trustingly with the visitor and are bound to reply to his lawful questions truthfully in charity. It is not lawful for anyone in any way to divert members from this obligation or otherwise to hinder the scope of the visitation.

Since visitation is deemed so important, it would seem that it should not be hindered or curtailed because of the size of provinces or other units of the Congregation.

Internationality

While the Congregation welcomes the growing awareness of what it means to be international and continues to deepen its understanding of issues involving globalisation, inculturation,⁴ and cultural differences, nevertheless there is a recognition of the limitations and shortcomings in attitudes towards peoples from different backgrounds, cultures, race, and religion and a recognition that our idea of internationality is totally inadequate. It is clear that there is a need for an “intentional internationality”⁵ and for “the meeting of cultures or interculturality.”⁶ This has implications for administration, ministry, formation, spirituality, and community living.

⁴ Inculturation is a theological term taken from two words, enculturation and incarnation. Enculturation is the taking on of a culture. Incarnation is a theological term used to express God's becoming man, Jesus taking on a human nature, a particular human culture

⁵ C.M. HARMER, “Internationality: Intentional or Accidental”, in *Review for Religious*, 52(1993), pp. 111-118.

The Congregation is already living internationally in various ways: through meetings of the International Leadership Teams; meetings of the Mercy International Association; and sharing of members to serve on commissions sponsored by the Association. As ministry, sign, and symbol, the Mercy International Centre in Dublin has made the Congregation a truly international one as it continues to be a meeting place for Sisters of Mercy, their associates, and friends from all over the world.

However, the rich potential of internationality has not yet been fully tapped. Deeper awareness of this dimension would, we suggest, lead members to be more adaptable and open to learning about other cultures, while not discarding the values inherent in their own culture. The exchange of personnel, even on a temporary basis, to serve the Mercy mission in Africa, and in North and South America, could be considered.

The consequences for the Congregation of a dearth of vocations in Ireland and North America and their increase in Africa and South America must be addressed. To become Sisters of Mercy at the service of the entire Congregation, the Church, and the world, members must get away from the mentality of "my province", "my region", "my mission area." This understanding and acceptance of what it means to be international can be achieved only at the level of initial and ongoing formation.

⁶ J. RATZINGER, "Christ, Faith and the Challenge of Cultures", FABC Paper No. 78, Part I, 3-5 March 1993, Hong Kong, <<http://www.ucanews.com/html/fabc-papers/fabc-78-ratzinger.htm>>

Inculturation of Mercy

Increasingly, “inculturation” is emerging as a theme at the chapters of religious congregations. As Irish Mercy Sisters now minister in cultures that are alien to their own, in Africa⁷ and South America, it is imperative that the Congregation address the study of these cultures.⁸ The challenge is to discern and assume the authentic values in these cultures and still preserve the valid, timeless values both of the founding charism and of the traditional culture.⁹

The Post-Synodal Apostolic Exhortation *Vita consecrata*, n. 80 states that

a genuine inculturation will help consecrated persons to live the radical nature of the Gospel according to the charism of their

(24 May 2002), p. 4.

⁷ Inculturation has been and continues to be a priority for the Church in Africa because, as Pope John Paul II has pointed out in *Ecclesia in Africa*, n. 78, “the Special Assembly for Africa of the Synod of Bishops considered inculturation a priority and an urgent task in the life of Africa’s particular Churches.” See JOHN PAUL II, Post-Synodal Apostolic Exhortation *Ecclesia in Africa*, 14 September 1995, in AAS, 88(1996), pp. 5-82. English trans., Ottawa, Canadian Conference of Catholic Bishops, 1995, pp. 84-85. For Christianity to become a way of life in Africa, inculturation, especially liturgical inculturation, is not an option, it is imperative. See P.C. CHIBUKO, “A Practical Approach to Liturgical Inculturation”, in *African Ecclesial Review*, (AFER), 43(2001), pp. 2-27. See also M.G. NWAGWU, “A Canonical Perspective of Liturgical Inculturation in Africa, in *ibid.*, pp. 56-65; P.N. WACHEGE, “Inculturation and Salvation Within the African Context”, in *ibid.*, pp. 28-39; F. NWAIGBO, “Understanding Inculturation in the Light of the Resurrection”, in *ibid.*, pp. 41-55; A.J. CHUPUNGO, “Inculturation and *Liturgiam Authenticam*”, in *Celebrate*, 41(May-June 2002), pp. 28-32.

⁸ For a clear presentation of the concept and practical implications of inculturation, see A. SHORTER, *Toward a Theology of Inculturation*, Maryknoll, New York, Orbis Books, 1988, xii, 291 pp.

⁹ For further discussion of the implications of inculturation for evangelisation, see J. RATZINGER, especially pp. 2-5. Although the Irish Mercy Sisters do not have members working in Asia, nevertheless some of the writings on inculturation in that area are relevant. See J.M. PRIOR, “Inculturation of Worship and Spirituality: A View from Indonesia”, <<http://www.sedos.org/english/mansford.htm>> (23 May 2002), 4 p. See also S. BEVANS, “Twenty-Five Years of Inculturation in Asia: The Federation of Asian Bishops’ Conferences, 1970-1995,” <<http://www.ucanews.com/html/fabc-papers/fabc-78-bevans.htm>> (24 May 2002), 14 p.;

Institute and the character of the people with whom they come into contact. This fruitful relationship can give rise to ways of life and pastoral approaches which can bring enrichment to the whole Institute, provided that they are consistent with the founding charism and with the unifying action of the Holy Spirit.¹⁰

It is clear from the *Instrumentum laboris* for the 1994 Synod of Bishops and from *Vita consecrata* that inculturation involves the whole of the consecrated life: its charism, apostolate, formation, spiritual life, and administration. It is equally clear that inculturation is not merely a question of adapting certain customs and traditions, but of a profound transformation of attitudes and lifestyles. N. 32 (c) of the *Instrumentum* makes this point:

Another fundamental problem today is inculturation, which is linked to the contemporary state of affairs in the church and to the increasingly significant presence in younger churches of indigenous peoples in the consecrated life ... In fact, while there was a time when the essential values and a way of life were spread by the First World, in these days the work of giving flesh to these ideals is being assumed by the new vocations of the younger churches who are seeking to incarnate and transmit their values. Dialogue and the mutual exchange of gifts internal to the catholicity of the church are necessary so that in communion and unity their genuine richness might be seen by all. In this way, the diverse charisms can be rooted in various geographic and cultural situations, in the hope of a new flourishing of values and forms in the consecrated life.¹¹

In his encyclical letter, *Redemptoris missio*, Pope John Paul II describes the process of inculturation as “a profound and all-embracing one, which involves

¹⁰ JOHN PAUL II, Post-Synodal Apostolic Exhortation *Vita consecrata* (= *Vita consecrata*), 25 March 1996, in *AAS*, 88(1996), pp. 377-486; English trans., *The Consecrated Life and Its Mission in the Church and the World*, London, Catholic Truth Society, 1996, n. 80, p. 147.

¹¹ *Instrumentum laboris* for the 1994 Synod of Bishops, *Lineamenta*: “The Consecrated Life and Its Role in the Church and in the World,” in *Origins*, 22(1992-1993), n. 32 (c), p. 446.

the Christian message and also the Church's reflection and practice."¹² The Pope also states that inculturation needs to be guided and encouraged, but not forced, and it must always be in conformity with the Gospel and in communion with the universal Church.¹³

Even in Ireland where it was founded in the nineteenth century, the Mercy Congregation must take seriously the work of re-inculturating itself, because culture is dynamic, always evolving, and changing rapidly. This task must take cognizance of the centrality of the founding charism for the future of the Congregation. This will demand serious and extensive study of the charism of Catherine McAuley and its role in the founding, the governance structure, and the future development of the Congregation. It could be said that the charism holds the seeds for the future.

Collaboration in Ministry

Three concerns motivated Catherine McAuley: concern for the poor and marginalised; concern for women, especially women of inadequate means; and concern for the sick and dying. She saw education, both contemporary schooling and education in the faith, as the best means of empowering future generations of children and women. In her original Rule, she wrote:

¹² JOHN PAUL II, Encyclical Letter *Redemptoris missio*, 7 December 1990, in AAS, 83(1991), pp. 249-340. English trans., Sherbrooke (Québec), Éditions Paulines, 1991, n. 52.

¹³ See *ibid.* n. 54.

The Sisters shall be convinced that no work of charity can be more productive of good to society, or more conducive to the happiness of the Poor, than the careful instruction of women; because, whatever be the station they are destined to fill, their example and their advice will always have great influence; and wherever a religious woman presides, peace and good order are generally to be found.

Acquainted with illness and death from an early age, she saw visitation of the sick and dying in their homes and in the hospitals as a priority for her infant Congregation. In her approach to this work, she was innovative, collaborative, and professional.

It is the collaborative approach that concerns us here. Catherine did not function solely as an individual; she invited and inspired others to join her in her work. When she was asked to describe the foundation of the Congregation, she spoke of it in terms of a collaborative effort: "It [the Congregation] commenced with two, Sister Doyle and I [...] In a year-and-a-half we were joined so fast that it became a matter of general wonder."¹⁴ Because she always considered that her work was part of the Church's ministry, she consulted and collaborated with the diocesan bishop and priests at every stage of its development.

Because of declining numbers and the lack of vocations, especially in Ireland and the United States, the Mercy Congregation can no longer do alone what it once did in schools, hospitals, and colleges. The message is clear: first, there is an urgent need for a new emphasis on inter-provincial collaboration in so

¹⁴ M.C. MCAULEY, Letter to Sister Elizabeth Moore, Limerick, 13 January 1839, in M.A. BOLSTER, ed., *The Correspondence of Catherine McAuley, 1827-1841*, Cork, Congregation of the Sisters of Mercy of the Diocese of Cork and Ross, 1989, pp. 83-85.

far as this is feasible, then among religious congregations, and among religious congregations and other Church agencies. It has emerged from a recent survey of apostolic religious life in Ireland¹⁵ that the principal hope for religious congregations includes

remaining faithful to the charism in vibrant and creative ways, renewing the passion for religious life, greater collaboration with like-minded individuals and groups, an increase in vocations, providing real support for each other, and having the courage to find new forms of religious life.¹⁶

The basic requirement for meaningful collaboration is that religious congregations have a profound understanding and trust of one another, faith in the guidance of the Holy Spirit, an understanding of the Church's mission and of the role of religious life within that mission, and faith in the willingness of institutes and individuals to respond to the challenge.¹⁷ Such collaboration among religious institutes should increase rather than diminish the rich variety of apostolic responses to needs. For the Mercy Congregation, the potential for collaboration is real and the goal of extending it further between the

¹⁵ M.J. BREEN, ed., *A Fire in the Forest: Religious Life in Ireland*, Dublin, Veritas, 2001, 119 p. This book contains a series of reflections on a survey of religious life in Ireland, commissioned by the Conference of Religious Ireland (CORI), and carried out in 1999 by John Weafer, a Social and Religious Researcher with Weafer & Associates Research and Consulting Ltd. These reflections are a stimulus to the debate on the future of religious life in Ireland in the face of declining numbers. They raise questions about where the greatest needs are and how they can be best addressed by religious with the resources available. One thing is clearly discernible in the responses to the survey itself and in the reflections: collaboration is not an option, it is essential.

¹⁶ See BREEN, p. 53.

¹⁷ See BREEN, *passim*. See also S. EUART, "Transition Time Towards 21st Century", in *Origins*, 23(1993-1994), pp. 770-776. Euart focuses on collaboration as it affects the relationship between religious and the wider church, and between bishops and religious in particular, pp. 774-775.

Congregation and diocesan bishops, between the Congregation and other religious institutes and Church agencies is a challenge worth the struggle.¹⁸ It is also desirable that, in a spirit of ecclesial unity, this collaboration have an ecumenical dimension.

New Forms of Membership

Conscious that it is God who calls, and that it is the authentic living of Mercy life that attracts, we invite and welcome new members, and new forms of membership suited to our time and culture.¹⁹

The new form of membership that concerns us here is associate membership, without canonical status. It is reported that today there are about 25,000 lay associates, men and women, in the United States of America. The Carmelite orders, it is said, have more lay associates than priests and nuns. Associate membership of religious congregations and orders is not a new concept. Since the twelfth century, Third Orders²⁰ have provided a unique opportunity for lay-religious cooperation and continue to be a feature of Franciscan, Dominican, and Carmelite orders.

Associate membership of religious congregations falls within the ambit of canon 677 § 2 of the Code of Canon Law.

¹⁸ See EUART, p. 775

¹⁹ CONGREGATION OF THE SISTERS OF MERCY, *Themes for Exploration from Gathering 2000*. See also M. CASEY, *Breaking From the Bud: New Forms of Consecrated Life*, Sydney, Australia, Sisters of Saint Joseph, 2001, xvii, 301 p.

²⁰ CIC 1917, c. 702; CIC 1983, c. 303.

Institutes which have associations of Christ's faithful joined to them are to have a special care that these associations are imbued with the genuine spirit of their family.²¹

It is clear from this canon that the law is concerned that associates are formed in the spirituality proper to the institute without sacrificing the identity of the institute.

The Mercy Congregational General Chapter (1994) mandated leadership at all levels to "take the necessary action regarding Mercy Associates in the life of the Congregation." Since the 1999 Plenary Conference, each province develops its own Mercy Associate programme. Some provinces have well developed programmes, others are at the beginning stages. In the South African province, Mercy Associates are a group of lay people, men and women, who assist the Mercy Sisters in their ministry and who pledge to live and spread the "Gospel of Mercy."²²

The principal reason why many lay people join associate programmes is to seek help and support to deepen their spiritual life.²³ Some associates support a religious congregation through study of the congregation's charism and

²¹ For a commentary on this canon, see J.P. BEAL, J.A. CORIDEN and T.J. GREEN, *New Commentary on the Code of Canon Law* (=New American Commentary), commissioned by the Canon Law Society of America, New York, N.Y., Mahwah, N.J., Paulist Press, 2000, p. 845. See also J. HITE, et al., *A Handbook on Canons 573-746* (=A Handbook on Canons 573-746), Collegetown, Minnesota, The Liturgical Press, 1985, p. 205.

²² See *CLT Report*, p. 33.

²³ See D.M. HYNOS, "Associate Membership in Religious Institutes", in P.J. COGAN, ed., *SELECTED ISSUES IN RELIGIOUS LAW*, Washington, DC, Canon Law Society of America, 1997, pp. 77-84. See also R. McDERMOTT, "Associates and Associations Joined to Religious Institutes", in *CLSA Proceedings*, 60(1998), pp. 132-149.

practice of its particular spirituality. Others express their commitment by working with the religious congregation in one of its ministries.²⁴ Mercy associates in the Irish Provinces tend to “commit themselves to prayer and to finding an expression of Mercy in the spirit of Catherine McAuley in their daily lives.”²⁵

It is clear that the Sisters of Mercy must live their consecrated life now not just by cooperating and collaborating with lay people in particular ministries but by sharing with those persons who wish to participate in the charism and spirituality of the Congregation. This participation will ensure that the fundamental values of the charism and the spirituality of Catherine McAuley will be transmitted in lay terms and made meaningful in the lives of men and women today.

Although associate programmes are still in the developmental stages, there are some basic guidelines and directions available. *Vita consecrata* n. 56 recommends

²⁴ For more information on lay associates and their relationship to religious institutes, see S. WIKEEM, *Contemporary Lay Associate Programs in Canada*, JCD diss., Ottawa, Saint Paul University, Faculty of Canon Law [pro manuscripto], 1995, especially pp. 75-132 and 133-192. See also D.F. O'CONNOR, *Witness and Service: Questions about Religious Life Today*, New York, Mahwah, N.J., Paulist Press, 1990, pp. 116-128.

Since lay associate membership of religious institutes is becoming increasingly popular, some canonical questions have begun to arise in this regard. See, for instance, E. REDMAN, “Associate Membership Within an Institute of Consecrated Life”, in P.J. COGAN, ed., *CLSA Advisory Opinions 1984-1993*, p. 87; R.A. HILL, “Allowing Associate Members to Vote at a General Assembly”, in *ibid.*, pp. 173-174; L.M. JARRELL, Another Opinion on the same topic, in *ibid.*, pp. 174-175; P.L. GOLDEN, “Associates of Religious Institutes”, in F.S. PEDONE and J.I. DONLON, eds., *Roman Replies and CLSA Advisory Opinions 2000*, Washington, DC, Canon Law Society of America, 2000, pp. 87-88.

²⁵ *CLT Report*, p. 33.

proper formation so that, besides being competent, volunteers always have supernaturally motivated intentions and, in their projects, a strong sense of community and of the Church.

Novo millennio ineunte makes a similar recommendation when it encourages the promotion of forms of association, whether of the more traditional kind or the newer ecclesial movements:

Obviously, associations and movements need to work in full harmony within both the universal Church and the particular Churches, and in obedience to the authoritative directives of the Pastors.²⁶

A strong emphasis is clearly being placed on the formation of associates and their integration of the charism of the particular religious congregation in their personal lives. The positive benefits of sharing this charism for the congregation, the Church, and the laity are emphasised again in *Vita consecrata* n. 55:

These new experiences of communion and cooperation should be encouraged for various reasons. They can in fact give rise to the spread of a fruitful spirituality beyond the confines of the Institute, which will then be in a position to ensure the continuity in the Church of the services typical of the Institute. Another positive consequence will be to facilitate more intense cooperation between consecrated persons and the laity in view of the Institute's mission. Moved by the examples of holiness of the consecrated members, lay men and women will experience at first hand the spirit of the evangelical counsels, and will thus be encouraged to lived and bear witness to the spirit of the Beatitudes, in order to transform the world according to God's design.²⁷

²⁶ See JOHN PAUL II, Apostolic Letter, *Novo Millennio Ineunte*, 6 January 2001, English translation: *At the Beginning of the New Millennium*, London, Catholic Truth Society, 2001, n. 46, pp. 42-43.

²⁷ *Vita consecrata*, n. 55.

Conclusion

We have attempted, in this study, to examine and interpret the former governance structures of the Congregation of the Sisters of Mercy (Ireland) in light of the prevailing ecclesiastical legislation, to examine and evaluate the present, and indicate some future directions.²⁸ The old maps and charts that guided the Congregation in the past no longer represent the cultural and ecclesial context in which we now live. What Catherine McAuley did in her lifetime cannot be imitated uncritically in the twenty-first century, because “the context of our decisions and our actions is not the same. But we can discern patterns or paradigms that may be life-giving for [the Congregation] in our own time.”²⁹

With Mercy World, the newsletter of the Mercy International Association available to every member of the Congregation, Mercy world news received online each week, and regular meetings of the Mercy International Association

²⁸ For a brief account of recent mergers and unions of religious congregations and orders, see J. SCHWEICKERT, *Standing at the Crossroads: Religious Orders and Reconfiguration*, Chicago, Ill, Convergence, 2002, xiv, 110 p. Schweickert recounts the experiences of six religious congregations, including the Institute of the Sisters of Mercy of the Americas, who confronted the challenge posed by diminishing numbers, lack of vocations, or other factors, and united, merged, or otherwise re-organised their governance structures. The advice of those congregations to others who may be considering reconfiguration, is: know precisely the reasons; involve the entire membership; consider what is in the best interests of the congregation; engage competent resource persons; and, if the majority of the members are in favour, proceed with the exploratory process. See pp. 105-106.

²⁹ See P. SMITH, “‘Why Do You Seek the Living among the Dead?’ (Luke 24:5): Reflections on Women, Education, and the Church”, unpublished paper, Twenty Fifth Anniversary Lecture, Mercy High School, Baltimore, MD, 1986, p. 1, quoted in C.E. WHEELER, “Catherine: A Reflection on Values from the Mercy Tradition”, Mercy High School, Baltimore, MD, 1995, 14 p. See also R. SMITH, “Looking to the Future: Alternatives to Consider”, in *Bulletin on Issues of Religious Law*, Fall 2000, pp. 1-8.

and Leadership Teams, there are convincing indications that the benefits and potential of unification have given the Congregation a fresh impetus to maintain a forward progress.

It must be acknowledged, however, that restructuring long-established forms of government to serve the mission of a religious institute is not a painless process, but once achieved with the support and maximum participation of the members, it is clearly the best possible option. Having come thus far and with encouraging signs of further steps being taken towards union in Great Britain and New Zealand, perhaps the next realistic step for the Sisters of Mercy is to concretise their internationality in one juridically established congregation. It is hoped that this study may help leadership and membership to envisage possibilities for an even more comprehensive union.

APPENDICES

**APPENDIX I: Lettera di Propaganda a Monsig. Archiv. di Dublino
contenente la risoluzione della S. C. del 1835.**

**Ad Illustrissimum, et Reverendissimum Dominum Danielem Murray
Archiepiscopum Dublini.**

Dublinum die 24 Martii 1835

Quantopere S. Congregationi, et Sanctissimo 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 iudicio praeter illas regulas, ac constitutiones, ea praescribantur societate Misericordiae servanda, quae considerato societatis objecto, et piis operibus quibus operam dare debet statuenda esse existimabis.

Jacobus Philippus Card. Fransonius, Praefectus

Angelus Majus, Secretarius

APF, SOCG, 1835, vol. 950, f.190v

APPENDIX II: Papal Confirmation of Rule and Constitutions of Sisters of Mercy.

S. CONGREGATIONIS 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 Catharinae 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 Eminentissimo et Reverendissimo D. Paulo S.R.E. Cardinali Polidoro, perpendens quanta sit utilitas profecta jam, et in posterum jure expectanda et 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 Sanctissimo Domino Nostro ut Regulas et Constitutiones Societatis ipsius ea ratione redactae, 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 Sanctissimo Domino Nostro, Gregorio, P.P. XVI, relatam ab R.P.D. Ignatio Cadolinio, Archiepiscopo Edesseno S. Congregationis Secretario, eadem Sanctitas Sua in Audentia diei 6 Junii 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, *Praefectus*

Ignatius, Archiepiscopus Edessenus, *Secretarius*

APF, S. C. Irlanda, vol. 27, f. 498r.

APPENDIX III: Declaration Concerning the Juridical 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 Junii 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 dioecesani.

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 Sanctissimo Domino Nostro Pio divina Providentia Papae XI, in audientia habita ab Emo 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 IV: Result of Chapter Vote on Union June-November 1991

NAME OF CONGREGATION	NUMBER OF DELEGATES	NUMBER OF "YES" VOTES	NUMBER OF "NO" VOTES	RESULT % IN FAVOUR
ACHONRY	30	30	-	100
ARDAGH & CLONMAC.	42	40	2	95.2
ARMAGH	23	20	3	86.9
CASHEL & EMLY	35	33	2	94.3
CLOGHER	33	32	1	96.9
CLONFERT	30	27	3	90
CLOYNE	30	29	1	96.6
CORK & ROSS	49	47	2	95.6
DERRY	41	31	10	75.6
DOWN & CONNOR	35	32	3	91.4
DROMORE	75	72	3	96
DUBLIN	40	39	1	97.5
ELPHIN	50	49	1	98
FERNS	21	21	-	100
GALWAY	30	27	3	90
KERRY	30	29	1	96.6
KILDARE & LEIGHLIN	33	32	1	96.9
KILLALA	19	18	1	94.7
KILLALOE	40	39	1	97.5
KILMORE	45	45	-	100
LIMERICK	40	36	4	90
MEATH	30	27	3	90
OSSORY	24	23	1	95.8
RAPHOE	22	22	-	100
SOUTH AFRICA	45	42	3	93.3
TUAM	48	45	3	93.7
WATERFORD & L.	41	39	2	95.1

APPENDIX V: Result of Individual Declaration of Intent July-December 1991

NAME OF CONGREGATION	NUMBER OF SISTERS WHO VOTED "YES"	NUMBER OF SISTERS WHO VOTED "NO"	NUMBER OF SISTERS INCAPABLE OF VOTING	TOTAL NUMBER OF SRS IN CONGREGATION	PERCENTAGE WHO VOTED "YES"
ACHONRY	64	1	—	65	98.5
ARDAGH & CLON.	218	7	2	227	96.8
ARMAGH	69	16	4	89	81.0
CASHEL AND EMLY	173	2	2	177	98.8
CLOGHER	85	—	2	87	100.
CLONFERT	93	7	2	102	93.0
CLOYNE	157	5	4	166	96.9%
CORK AND ROSS	260	36	6	302	87.9
DERRY	76	19	4	99	80.0
DOWN AND CONNOR	70	2	1	73	97.2
DROMORE	75	—	3	78	100.
DUBLIN	328	19	3	350	93.7
ELPHIN	190	2	4	196	99.0

NAME OF CONGREGATION	NUMBER OF SISTERS WHO VOTED "YES"	NUMBER OF SISTERS WHO VOTED "NO"	NUMBER OF SISTERS INCAPABLE OF VOTING	TOTAL NUMBER OF SRS IN CONGREGATION	PERCENTAGE WHO VOTED "YES"
FERNS	59	—	—	59	100.
GALWAY	108	8	2	118	93.1
KERRY	160	3	7	170	98.2
KILDARE AND LEIGHLIN	97	—	2	99	100.
KILLALA	66	—	1	67	100
KILLALOE	236	2	6	244	99.1
KILMORE	45	—	—	45	100.
LIMERICK	182	1	1	184	99.4
MEATH	246	2	3	251	99.2
OSSORY	78	—	2	80	100.
RAPHOE	63	—	3	66	100
SOUTH AFRICA	53	—	2	55	100.
TUAM	248	7	3	258	96
WATERFORD & LISMORE	195	21	2	218	90.2

NOTE: Abstentions are counted as 'NO' votes.

APPENDIX VI: Decree Confirming Erection of the new Institute**Congregatio pro Institutis Vitae Consecratae et Societatibus Vitae
Apostolicae****Prot. n. A 127-1/89**

Having consulted all the members of their respective Congregations and having received a majority of affirmative votes, the Superiors of the twenty-seven autonomous Congregations of Pontifical Right of Sisters of Mercy of Achonry, Ardagh and Clonmacnois, Armagh, Cashel and Emly, Clogher, Clonfert, Cloyne, Cork and Ross, Derry, Down and Connor, Dromore, Dublin, Elphin, Ferns, Galway, Johannesburg, Kerry, Kildare and Leighlin, Killala, Killaloe, Kilmore, Limerick, Meath, Ossory, Raphoe, Tuam, and Waterford and Lismore, have petitioned the Holy See to form a single Institute, the Congregation of the Sisters of Mercy.

This Congregation for Institutes of Consecrated Life and Societies of Apostolic Life has carefully considered these requests to form a single Institute, and having heard the respective Diocesan Bishops, by this Decree grants the permission for the above-mentioned Institute, effective upon the formal promulgation of this Decree on July 14, 1994.

All of the Sisters who form part of the Congregation of the Sisters of Mercy remain in the same condition of religious profession in which they are now.

In the spirit of their foundress, Catherine McAuley, may all members of the Congregation of the Sisters of Mercy continue to respond to the call of mercy, the charism and heritage which forms and reforms their lives; which enables them through the power of the Spirit and in the name of the Church to reach out with courage and compassion to Christ's suffering members, and to witness to the constancy of God's loving kindness in every age (cfr. Constitutions n. 3).

All things to the contrary notwithstanding.

Given at Rome, June 10, 1994, Feast of the Sacred Heart.

Eduardo Card. Martínez Somalo, Prefect.

P. Jesús Torres, C.M.F., Undersecretary.

APPENDIX VII: Papal Approval of Revised Constitutions 1995**Congregatio pro Institutis Vitae Consecratae et Societatibus Vitae
Apostolicae****Prot. n. 127-1/95**

This Congregation for Institutes of Consecrated Life and Societies of Apostolic Life, by virtue of its authority to erect, guide and promote institutes of consecrated life, after careful consideration of the constitutions presented by the Congregation of the Sisters of Mercy, according to the request of the Superior General and her Council, herewith approves, within the limits of Canon Law, the text adapted to the needs of the newly erected Institute. May the generous living of these constitutions encourage all the Sisters of the Institute to an ever deeper commitment to their consecrated life in accordance with the spirit of Ven. Catherine McAuley and under the constant protection of Our Lady of Mercy.

Given at Rome, April 16, 1995, Feast of the Resurrection.

Eduardo Card. Martínez Somalo, Prefect

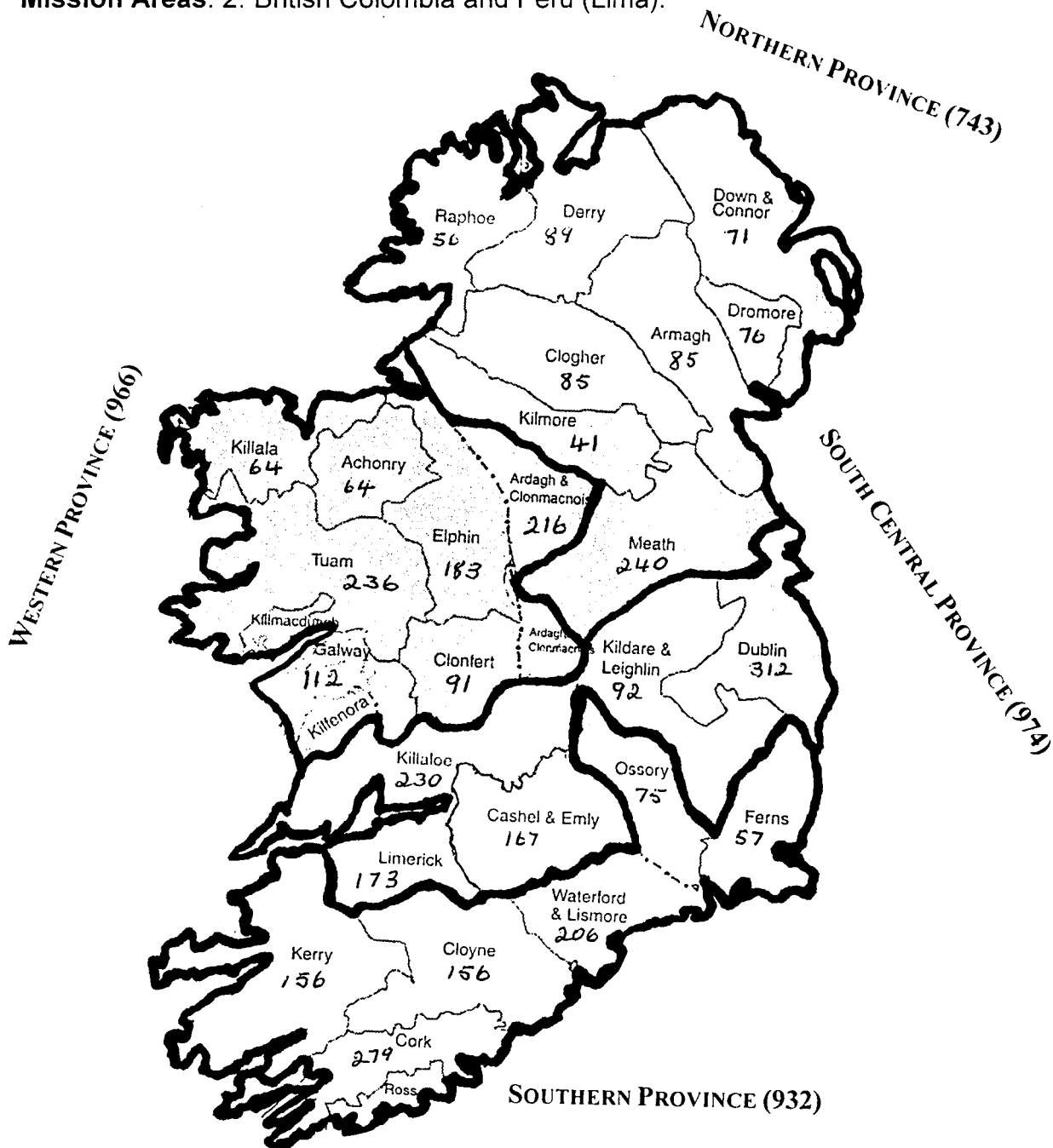
Francisco Javier Errázuriz Ossa, Secretary

APPENDIX VIII: Provinces/Regions/Mission Areas of the Congregation

Provinces: 7: Northern, South Central, Southern, and Western in Ireland; South Africa, Kenya, and the USA.

Regions: 3: Zambia, Nigeria, Peru (Trujillo).

Mission Areas: 2: British Columbia and Peru (Lima).



* NUMBERS IN 1994

APPENDIX IX: Mission Directives

Out of the vibrant waters of our time the pain of humanity calls us to be bridge builders in a broken world and so in a spirit of collaboration ...

We commit ourselves to promote the dignity of women, enabling the oppressed to become agents of their own liberation.

We commit ourselves to the upbuilding of the family, conscious of its many and diverse forms, and to promoting the wellbeing of children.

We commit ourselves to being radically and unequivocally on the side of those who are poor and marginalised and we dedicate our resources to this end.

We commit ourselves to corporate and individual action for justice at all levels. We commit ourselves to challenge unjust systems and structures.

We commit ourselves to continually search out and create together new ways of being life-giving Mercy communities in mission.

We commit ourselves to develop, nurture and live out of an integrated spirituality which finds its roots in the realities of our lives, the good news of the gospel and the compassion born out of our Mercy mission. We will respond to the hunger for God and for meaning in our world especially in the lives of those alienated from the institutional church.

Congregational Chapter 1994

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- Dublin Diocesan Archives holds all the documents of the Holy See which concern the Congregation of the Sisters of Mercy in the archdiocese of Dublin. Photocopies of these documents are housed in the Mercy International Archive/Heritage Centre, Dublin.
- The Mercy Congregational Archives, located in the Catherine McAuley Centre, Dublin, houses all the material dating from the foundation of the Congregation. It also includes all Irish Mercy documents from convents that have been closed, all other documents over thirty years old, and photocopies of documents relating to the Mercy Congregation in South Africa, Kenya, and the United States of America.
- The Mercy International Archive/Heritage Centre, Baggot Street, Dublin, houses material related to the foundation of the Congregation and to its expansion overseas. This includes letters of the Foundress and letters to and from Archbishop Daniel Murray. It also holds the handwritten notes of Rev. John McErlean, S.J., on the original versions of the Rule, dated 1833-1863.
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BIOGRAPHICAL NOTE

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