

## 25 Q&A's

# COMMISSARY FOR RELIGIOUS INSTITUTES

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### 1. What is a Commissary?

A Commissary is a person appointed to act as the canonical superior of another institute.

### 2. Who appoints a Commissary?

Church authority, either the Holy See for pontifical institutes or the Diocesan Bishop for diocesan institutes, appoints a Commissary. This is sometimes referred to as a “Pontifical Commissary” or “Episcopal Commissary.”

### 3. Is a Commissary a new canonical figure?

Historically, a Commissary has been used in many different situations in which, for various reasons, the religious institute is unable to carry out the functions of its general government.

### 4. Under what circumstances is a Commissary being used today?

Today, it is used to assist an institute which is unable to elect a full general government (superior general and council) from its members, but which wants to continue living according to its own history, identity and legacy.

### 5. Who can be appointed a Commissary for a religious institute?

Generally a Commissary for a women's institute is a woman religious with a similar experience of living religious life. However, clerics can also be appointed to serve in this role. There have been some situations in which a Diocesan Bishop has served in this role. Currently a lay person cannot be appointed a Commissary for a religious institute.

### 6. Can the institute hire a Commissary without approval by the Holy See or Diocesan Bishop?

The institute may recommend a person to be appointed as Commissary; however, the appointment of the Commissary must come from competent church authority, the Holy See or the Diocesan Bishop.

### 7. Does the institute have any role in the selection of the Commissary?

The institute is encouraged to recommend a suitable person that is known to the institute as the candidate for appointment as Commissary for the institute.

### 8. How is the Commissary's appointment communicated?

The Commissary receives a letter of appointment from the Holy See or the Diocesan Bishop describing the role, the effective date of the appointment, and the extent of the authority attached to the office.

**9. Is the Diocesan Bishop required to consult the superior general or provincial of the sister to be appointed Commissary for a diocesan institute?**

Consultation by the Diocesan Bishop with the superior general or provincial of the sister to be appointed, though not required, is appropriate in the spirit of *Mutuae relationes*. It is also the responsibility of the sister being asked to serve as Commissary to consult her superior general or provincial prior to accepting the appointment.

**10. What is the scope of the Commissary's authority?**

As a rule, the Commissary is given the canonical authority of the superior general for governance of the institute according to universal law, the constitutions of the institute she is serving, and the letter of appointment. If the governance structures of the institute are too complicated or burdensome, dispensations from the Constitutions from Rome or from the Diocesan Bishop may be granted.

**11. May a Province petition for a Commissary?**

Currently most petitions for a Commissary come from a superior general for an institute. Generally, a superior general would provide for the canonical governance of a province when the province is unable to provide for its own governance. In cases where this is not possible, a superior general may petition the Diocesan Bishop (where the Province Motherhouse is located) or the Holy See for a commissary for a province. The petition should include approval from the superior general for the request as well as an indication that there is no institute-wide member available to serve in the role of provincial superior.

**12. Does the Commissary have to be in a leadership position in another religious institute?**

It is not necessary for a Commissary to be in a leadership position in another institute. Leadership experience is an advantage but not a requirement.

**13. Is the appointment for a term?**

Usually, there is not a specified term for the Commissary. The decree may indicate *ad nutum Sanctae Sedis* (at the pleasure of the Holy See). If the religious appointed is in leadership in her own institute, that term does not define her time as Commissary. It is the *person* who is appointed, not the one holding the office in another institute. The person who is appointed as Commissary remains in that role after completing her term of office in her own institute; the role does not pass to her successor in her own institute.

**14. Should the appointment be given in a decree or a letter?**

The appointment can be made either way by the Holy See or the Diocesan Bishop.

**15. What happens if the Commissary becomes unable or unwilling to continue?**

If the Commissary can no longer continue in this role, she can resign and offer to assist the community in seeking a new person to recommend for appointment as a Commissary.

**16. Does the Commissary need a 'council'?**

The Commissary, as with every major superior, must have and use a council (c. 627). If possible, all or at least some of the council members (sometimes called consultors) should be

members of the institute she is serving. She can, however, ask assistance from members of her own institute.

**17. How many councilors are needed?**

When the institute is small, a general council can be composed of three sisters in addition to the superior. In some cases, a council of two members has been permitted by the Holy See.

**18. What is the role of the councilor?**

The role of councilor is not necessarily a full-time role, but the councilors provide the “collective wisdom” needed for important decisions.

**19. Do the councilors need to be members of a religious institute?**

The councilors should also be religious. Different arrangements can be made for the work of the treasurer. Such arrangements may have been made before the request for a Commissary.

**20. Are the Councilors appointed or elected?**

In most circumstances the councilors will be appointed by the Commissary, following consultation with members of the institute she is assisting. If they are from her own institute, with the approval of their superior if she is not that superior.

**21. How does an institute prepare for a Commissary?**

A guided communal discernment among the members should precede a decision to seek or request a Commissary.

**22. What questions should members consider in discerning timeliness for a Commissary?**

Is there a need for a Commissary? Are there capable members in the institute for leadership positions but who may be reluctant to assume the responsibility? What important decisions have we made, or do we have yet to make regarding ministries, property, vocations, care of members, etc.? Should we address these issues before or after seeking help with governance?

**23. What qualities and experience should be look for in a person to recommend as a Commissary?**

The members might consider a person who would be familiar with the institute’s spirituality and mission, the institute’s local culture or missionary outreach.

**24. What factors should the institute consider regarding the readiness of the members for a Commissary?**

Is the institute able to accept a Commissary with councilors to assist her with their knowledge of the institute? Are the members ready and willing to accept a religious of another institute to govern the institute with the canonical authority of the superior general/president and to collaborate with her?

**25. What is the procedure for requesting a Commissary?**

The procedure for requesting a Commissary includes:

- In prayerful discernment assess the canonical governance needs of the institute

- Determine the appropriate canonical governance structure for the immediate future and assess the need for assistance.
- If the institute determines it needs assistance, look at the alternatives that fit the situation – e.g. additional council member(s), Commissary plus councilors.
- If the institute wishes to request a Commissary, the superior general/president prepares a petition to the Holy See, if a pontifical institute, or the Diocesan Bishop, if a diocesan institute.
- Identify, with the members of the institute, a person(s) familiar with the institute, its traditions and spirituality as well as its local circumstances
- Consult the person(s) identified as capable of fulfilling the canonical responsibilities of Commissary regarding her interest and availability.
- If a pontifical institute, consult the Diocesan Bishop of the diocese in which the Motherhouse/headquarters is located for a favorable *votum* to accompany the petition. (This may not be required but can be helpful to the process.)
- Identify any civil law implications for the institute resulting from the appointment of a Commissary.
- Prepare a petition to the Holy See or the Diocesan Bishop for suspension of the institute's ordinary governance structure and the appointment of a Commissary with authority for the canonical governance of the institute including a description of the situation, the reasons leading to the petition, and a recommendation for a person to be appointed to the role.

*Resource Center for Religious Institutes  
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