

*Seminar*  
**Cor Orans: Implementing New Papal Norms for Nuns**  
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## Introduction

If there is a community of contemplative nuns in your diocese, or you provide canonical counsel for such a community, or you simply know a few nuns, you are aware that the instruction *Cor Orans* is a force to be reckoned with.<sup>1</sup> *Cor Orans* was issued by the Congregation for Institutes of Consecrated Life and Societies of Apostolic Life (CICLSAL) on April 1, 2018, and, since then, monasteries of nuns have been hard at work, first trying to understand its intricacies and then trying to implement it. You could say that *Cor Orans* is to monasteries of nuns what *Mitis Iudex* has been to tribunals. But before I delve into the instruction, I will review the steps along the yellow brick road that got us to the land of *Cor Orans*.<sup>2</sup>

Not much had changed in church law regarding contemplative monasteries of nuns from the Middle Ages up until 1950 when Pope Pius XII issued his apostolic constitution *Sponsa Christi*. Pius recognized that, for too many monasteries, centuries of increasingly strict papal enclosure had resulted in an unhealthy isolation and near destitution.<sup>3</sup> In *Sponsa Christi*, he provided for two levels of papal enclosure: major papal enclosure for nuns wholly engaged in the contemplative life and minor papal enclosure for nuns who needed to acquire revenue by engaging at least minimally in works external to the monastery.<sup>4</sup> Pius also “highly recommended” that monasteries of nuns form or join federations, but he did not require them to do so.<sup>5</sup>

Vatican II conciliar and postconciliar documents that addressed women’s contemplative life focused primarily on enclosure. Major and minor papal enclosure were replaced by papal and constitutional enclosure.<sup>6</sup> The Sacred Congregation for Religious and for Secular Institutes issued the first postconciliar revision of papal enclosure in its 1969 instruction *Venite seorsum*.<sup>7</sup> The 1983 Code of Canon Law contains a few canons specific to nuns, including canon 667 §§3-4 on cloister.<sup>8</sup> However, the life of contemplative nuns had not been addressed in a comprehensive way after *Sponsa Christi* until sixty-six years later—five decades after the close of Vatican II—when, in 2016, Pope Francis issued a new apostolic constitution on women’s contemplative life *Vultum Dei quaerere*, which contains new papal legislation for nuns.<sup>9</sup> *Cor Orans* is the implementing instruction for *Vultum Dei quaerere*.

The new norms for nuns are in continuity with the evolution begun in *Sponsa Christi*, but also emerge from more recent realities. There are about 4,000 monasteries of contemplative nuns around the world, with a total membership (in 2014) of about 39,000, with 23,000 of those in Europe.<sup>10</sup> In a ten-year period beginning in the mid-

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<sup>1</sup> Congregation for Institutes of Consecrated Life and Societies of Apostolic Life [hereafter CICLSAL], instr. *Cor Orans*, April 1, 2018 (Vatican: Libreria Editrice Vaticana, 2018). Available at [http://www.vatican.va/roman\\_curia/congregations/ccsclife/documents/rc\\_con\\_ccsclife\\_doc\\_20180401\\_cor-orans\\_en.html](http://www.vatican.va/roman_curia/congregations/ccsclife/documents/rc_con_ccsclife_doc_20180401_cor-orans_en.html) [accessed 19 Jan. 2020].

<sup>2</sup> For a more in-depth review of the lead-up to *Vultum Dei quaerere* and thus *Cor Orans*, see Nancy Bauer, “*Vultum Dei Quaerere*: New Norms for Nuns,” *The Jurist* 76 (2016) 379-414.

<sup>3</sup> Pope Pius XII, const. ap *Sponsa Christi*, November 21, 1950, *AAS* 43 (1950) 10-11. English translation in *CLD* 3, 227-228.

<sup>4</sup> *SpC*, *AAS* 43 (1951) 12-13. *CLD* 3, 229-230.

<sup>5</sup> *SpC* Art. VII §2. 2°, *AAS* 43 (1951) 18: “Monasteriorum Foederationes quamvis regula generali non praecipiantur, tamen a Sede Apostolica valde commendantur.” *CLD* 3, 237.

<sup>6</sup> Second Vatican Council, decree *Perfectae caritatis* 16, October 28, 1967, *AAS* 58 (1966) 710. English translation in *Vatican Council II: Constitutions, Decrees, Declarations*, ed. Austin Flannery (Northport, NY: Costello Publishing Company, 1996) 397.

<sup>7</sup> Sacred Congregation for Religious and for Secular Institutes, instruction *Venite seorsum*, *AAS* 61 (1969) 674-690.

<sup>8</sup> *Codex Iuris Canonici auctoritate Ioannis Pauli PP. II promulgatus* (Vatican City: Libreria Editrice Vaticana, 1983). English translation of canons of this code are from *Code of Canon Law, Latin-English Edition: New English Translation* (Washington, DC: CLSA, 2001). Canon 667 requires cloister for all religious institutes, whether female or male, but prescribes various levels of enclosure for various kinds of institutes. Canon 667 §3 prescribes papal enclosure for monasteries of nuns that are ordered entirely to contemplation and constitutional enclosure for other monasteries of nuns. Other canons specific to nuns (*moniales*) are cc. 609 §2, 614, 616 §4, 630 §3, and 686 §2. Canon 686 §2 on exclaustation of nuns is derogated by *Cor Orans*.

<sup>9</sup> Pope Francis, apostolic constitution *Vultum Dei Quaerere*, June 29, 2016 (Vatican: Libreria Editrice Vaticana, 2016). Also accessible at [http://w2.vatican.va/content/dam/francesco/pdf/apost\\_constitutions/documents/papa-francesco\\_costituzione-ap\\_20160629\\_vultum-dei-quaerere\\_en.pdf](http://w2.vatican.va/content/dam/francesco/pdf/apost_constitutions/documents/papa-francesco_costituzione-ap_20160629_vultum-dei-quaerere_en.pdf).

<sup>10</sup> Carol Glatz, “Pope issues rules to help contemplative women be beacons for world,” Catholic News Service, July 22, 2016. Accessed at <https://cnstopstories.com/2016/07/22/pope-issues-rules-to-help-contemplative-women-be-beacons-for-world/>.

1990s, there was a decline of about 10,000 nuns.<sup>11</sup> Some monasteries that have been in continuous existence for centuries now have only a few members, as few as three or four.

Several other developments provide the immediate impetus for provisions that appear in *Vultum Dei quaerere* and *Cor Orans*. At the conclusion of the 1994 Synod of Bishops on consecrated life, synod members, in their final dispositions, called for equality between contemplative women and contemplative men; specifically, they recommended that nuns have the same freedom and flexibility regarding cloister that monks have always had.<sup>12</sup> The subsequent 1999 instruction *Verbi Sponsa* maintains papal enclosure for contemplative women, but inches closer to equality by giving major superiors of nuns greater authority in granting short absences from cloister.<sup>13</sup> In November 2008, CICLSAL, in its plenary assembly, focused on “The Monastic Life and Its Meaning in the Church and in the World Today,” with particular emphasis on female monasticism.<sup>14</sup> Speakers addressed issues and challenges in women’s contemplative life, including the decline in vocations and the progressive aging of nuns in Europe and North America, with the consequent lack of nuns qualified to serve as superiors and formators, financial difficulties, and impoverished liturgical prayer.

In 2014, CICLSAL sent a letter and questionnaire to monasteries of nuns around the world asking for comments on the topics of autonomy, formation, and the evangelical meaning of the wholly contemplative life in the Church.<sup>15</sup> In February 2016, the Year of Consecrated Life closed with a theological symposium which included sessions on women’s contemplative life.<sup>16</sup> Speakers addressed the distinction between the juridical autonomy of monasteries and “real autonomy of life,” the tendency of monasteries to recruit candidates from distant countries to avoid suppression, and the growing trend of monasteries resorting to postulation or appointing administrators because of a lack of members capable of being superiors. There was also a recommendation that all monasteries of nuns be required to join a federation.

In light of these developments, Pope Francis issued *Vultum Dei quaerere* in which he identifies twelve “matters calling for discernment and renewed norms”: formation, prayer, the Word of God, the sacraments of Eucharist and Reconciliation, community life, autonomy, federations, cloister, work, silence, communications media, and asceticism.<sup>17</sup> In the concluding section, he issues new papal law regarding these twelve matters. For example, he requires every monastery of nuns to belong to a federation,<sup>18</sup> extends the duration of initial formation,<sup>19</sup> and invites each community to choose the form of cloister it wishes to observe.<sup>20</sup>

The implementing instruction *Cor Orans* does not address every one of the twelve matters identified by Pope Francis. Following a brief introduction and “General Norms,” *Cor Orans* addresses five of those matters—autonomy; federation; separation from the world, which includes both social communications and cloister; and formation. The instruction ends with final dispositions and a conclusion. The conclusion lists canons of the code that are derogated by the new norms and one article of *Verbi Sponsa* that is abrogated. *Cor Orans* was approved *in forma specifica* by Pope Francis.<sup>21</sup>

## Introduction and General Norms

The introduction to *Cor Orans* recognizes the gift of women’s contemplative life within the Church. Praying heart, guardian of gratuity, wealth of apostolic fruitfulness and of a mysterious and multiform holiness is the feminine contemplative life in the Church. The contemplative life of nuns, rooted in the silence of the cloister, from its beginnings through a mysterious apostolic fruitfulness enriches the Church of Christ with fruits of grace and mercy.<sup>22</sup>

<sup>11</sup> Ibid.

<sup>12</sup> Johnson Michael Kallidukil, *The Canonical Significance of the Synod of Bishops of 1994 on Consecrated Life from the Lineamenta to the Vita consecrata* (Frankfurt am Main: P. Lang, 2003) 256.

<sup>13</sup> CICLSAL, instruction *Verbi sponsa* norm 17, May 13, 1999, in *CLD* 14, 579.

<sup>14</sup> Vatican Information Service, “Monasteries: Oases of Ascetic Life,” in *Vatican Information Service Bulletin*, November 20, 2008, accessed at <http://visnews-en.blogspot.com/2008/11/monasteries-oases-of-ascetic-life.html>.

<sup>15</sup> CICLSAL, letter to “Dear Reverend Mothers and Sisters,” April 29, 2014, Prot. 28513/2014.

<sup>16</sup> The presentations of the symposium can be accessed at <https://www.vitanostra-nuovaciteaux.it/o-pepe-le-federazioni-dei-monasteri/>.

<sup>17</sup> *VDq* 12.

<sup>18</sup> *VDq* Art. 9 §1.

<sup>19</sup> *VDq* 15.

<sup>20</sup> *VDq* Art. 10 §1.

<sup>21</sup> *CO* Conclusion.

<sup>22</sup> *CO* Introduction.

The introduction recalls that Pope Pius XII, in *Sponsa Christi*, recognized the autonomy of monasteries of nuns, advocated federations to overcome isolation and facilitate collaboration, and accommodated cloister to newer times.<sup>23</sup> Finally, the introduction notes that Pope Francis mandated the instruction to help monasteries of the Latin rite apply *Vultum Dei quaerere*.<sup>24</sup>

The General Norms (CO 1-14) provide important definitions of terms as they will be used in the instruction. The first four general norms answer the question: “Who is a nun?” Canonically, there has always been a distinction between nuns and sisters, although what constitutes the distinction has changed from time to time. In the 1917 Code of Canon Law, nuns (*moniales*) were defined as women religious in solemn vows and sisters (*sorores*) as women religious in simple vows.<sup>25</sup> The 1983 code, in the section on religious, does not distinguish between solemn and simple vows. Rather, all religious profess the evangelical counsels of poverty, chastity, and obedience by public vow.<sup>26</sup> The term “*sorores*” does not appear in these canons. Instead, the inclusive term “*sodales*” or “members” is used to refer to all religious, male and female.<sup>27</sup> Although a few canons, such as canon 667 §§3-4, refer explicitly to “*moniales*,” the 1983 code does not define the term. In *Cor Orans*, a nun is defined as a woman religious who leads a wholly contemplative life, more specifically, a “canonical contemplative life,” which is “the external profession of religious discipline that, whether through the exercises of piety, prayer, and mortification, or through the occupations which the nuns must attend to, is so ordered to interior contemplation that their whole life and all actions can easily and must efficaciously be imbued by the desire for it.”<sup>28</sup> The term “nun” does not exclude engagement in works external to the cloister.<sup>29</sup> For example, some monasteries operate schools or retreat centers, but the primary occupation and preoccupation of the members is interior contemplation.

Because *Vultum Dei quaerere* requires all monasteries to be federated unless dispensed by the Holy See, the definitions of a federation and equivalent entities are important for interpreting the instruction. Three kinds of affiliation among monasteries are identified as “structures of communion.” They are federations, associations, and conferences. A federation of monasteries is “a structure of communion among some autonomous monasteries of the same Institute erected by the Holy See that approves the Statutes, so that in sharing the same charism, the federated monasteries overcome isolation and promote regular observance and contemplative life.”<sup>30</sup> An association of monasteries is “a structure of communion between several autonomous monasteries of the same Institute erected by the Holy See so that, in sharing the same charism, the associated monasteries collaborate among themselves according to the Statutes approved by the Holy See.”<sup>31</sup> A conference of monasteries is “a structure of communion among autonomous monasteries belonging to diverse Institutes and present in the same region, erected by the Holy See that approves the Statutes, with the aim of promoting contemplative life and of favoring collaboration among the monasteries in particular geographic or linguistic contexts.”<sup>32</sup> It is hard to detect anything significant that distinguishes a federation from an association. Both are composed of monasteries of the same institute, while a conference is composed of monasteries of different institutes or perhaps monasteries that are truly one of a kind. What is important to note is that whatever *Cor Orans* says about a federation applies equally to an association and a conference and the requirement to belong to a federation is fulfilled by membership in any one of these three structures of communion.<sup>33</sup> In other words, what is prescribed in *Cor Orans* regarding the structure of a federation and the role of the federal president and other officers also applies to an association and conference.

The General Norms also mention a monastic congregation, which is a “structure of governance,” rather than a “structure of communion.”<sup>34</sup> This indicates that the president of a monastic congregation, who is a major superior, has a greater level of jurisdiction in relation to the member monasteries than presidents of structures of communion, who are not major superiors. It is clear from the context that *Cor Orans* is referring here to a

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<sup>23</sup> Ibid.

<sup>24</sup> Ibid.

<sup>25</sup> *Codex Iuris Canonici Pii X Pontificis Maximi iussu digestus Benedicti Papae XV auctoritate promulgatus* (Rome: Typis Polyglottis Vaticanis, 1917) c. 488, 7°.

<sup>26</sup> 1983 *CIC*, c. 607 §2.

<sup>27</sup> See, for example, canons 607 §2, 610, 619, 622, 623, etc.

<sup>28</sup> CO 4.

<sup>29</sup> CO 2.

<sup>30</sup> CO 7.

<sup>31</sup> CO 8.

<sup>32</sup> CO 9.

<sup>33</sup> CO 13.

<sup>34</sup> CO 12.

congregation of women's monasteries. Membership in such a congregation fulfills the requirement of federating and whatever pertains to a federation in *Cor Orans* pertains to a monastic congregation, with the necessary adaptations.<sup>35</sup>

### Chapter 1. The Autonomous Monastery (CO 15-85)

The first chapter of *Cor Orans* identifies the juridical elements of an autonomous monastery, the distinction between juridical autonomy and real autonomy of life, how a new monastery is established, options for a monastery that is struggling to maintain real autonomy, ecclesial vigilance of a monastery, and the relationship between a monastery of nuns and the diocesan bishop.

The chapter begins by defining a monastery *sui iuris* as “a religious house which enjoys legal autonomy: its Superior is a Major Superior, its community is permanently established for the number and quality of the members; by law it is the place of the novitiate and of formation, is considered a public juridical person, and its assets are ecclesiastical goods.”<sup>36</sup> In other words, a monastery that enjoys legal or juridical autonomy elects its own superior who is, in law, a major superior; she has all the authority she needs to direct the members in the pursuit of their vocation according to the proper law and charism of the monastery. By contrast, *Cor Orans* will later say explicitly that the federal president is not a major superior.<sup>37</sup> A monastery with legal autonomy also enjoys a sense of stability or permanence. The members can reasonably expect to live out their vocations in *that* monastery until death. Some even profess a vow of stability.<sup>38</sup> However, permanence or stability does not mean that a monastery cannot lose its legal autonomy—a situation addressed further along in chapter 1.

An autonomous monastery has its own novitiate and formation. The superior of the monastery has the right to admit new members and to see that they are formed in the ways of the monastery, that is, in the living tradition of the community. Candidates cannot be imposed on the monastery by any external authority and, as long as they are qualified by universal and proper law, external authority is not qualified to prevent admission of specific candidates. An autonomous monastery is a public juridic person which acquires, possesses, administers, and disposes of its own temporal goods. The temporal goods belong to the monastery itself, even if the monastery is federated. Finally, legal autonomy means the community has internal autonomy; it has its own way of life in accord with its charism. Like all religious institutes, monasteries of contemplative nuns enjoy a “just autonomy of life, especially of governance.”<sup>39</sup>

Pope Francis, in *Vultum Dei quaerere*, recognizes the importance of autonomy for monasteries of contemplative nuns: “Autonomy favors the stability of life and internal unity of each community, ensuring the best conditions for contemplation.”<sup>40</sup> Likewise, *Cor Orans* affirms that autonomy promotes stability of life and internal unity and it preserves the character and identity of a monastery.<sup>41</sup> It provides the “best conditions for the life of the nuns according to the spirit and character of the institute to which they belong.”<sup>42</sup>

However, autonomy is not absolute. It means that there will be no unnecessary intervention in the life of the community but, like all religious institutes, monasteries of nuns are subject to ecclesiastical authority. Furthermore, *Vultum Dei quaerere* and *Cor Orans* distinguish between juridical or legal autonomy and real or authentic autonomy of life.<sup>43</sup> In order to acquire juridical autonomy, a new foundation must demonstrate that it has achieved real autonomy which is “the ability to manage the life of the monastery in all its dimensions.”<sup>44</sup> These dimensions are vocational, formational, governmental, relational, liturgical, financial, etc.<sup>45</sup> In other words, the monastery must be vital and viable which means it has sufficient vocations and potential vocations, members capable of leadership, a family spirit, the ability to carry out liturgical functions in a solemn and dignified manner,

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<sup>35</sup> CO 14.

<sup>36</sup> CO 15.

<sup>37</sup> CO 110.

<sup>38</sup> Religious who observe the Rule of Benedict, such as Benedictines and Cistercians, profess stability, fidelity to the monastic way of life, and obedience. See Benedict of Nursia, *Regula Sancti Benedicti* 58.17, in *RB 1980: The Rule of St. Benedict in Latin and English*, ed. Timothy Fry et al. (Collegeville, MN: Liturgical Press, 1981) 269.

<sup>39</sup> 1983 *CIC*, c. 586 §1: “Singulis institutis iusta autonomia vitae, praesertim regiminis.”

<sup>40</sup> *VDq* 28.

<sup>41</sup> CO 16.

<sup>42</sup> CO 17.

<sup>43</sup> See, for example, *VDq* Art. 8 §1: “Juridical autonomy needs to be matched by a genuine autonomy of life.”

<sup>44</sup> CO 18.

<sup>45</sup> *Ibid.*

financial stability, and a proper physical plant.<sup>46</sup> *Cor Orans* will also say that a monastery *sui iuris* must maintain real autonomy in order to retain its legal autonomy.<sup>47</sup>

A new foundation, or dependent house, can be initiated by an existing autonomous monastery or by a federation.<sup>48</sup> When a monastery or federation considers the possibility of initiating a foundation, it must proceed prudently, choosing a location where there is a potential for vocations, financial stability, sacramental life, and separation from the world.<sup>49</sup> In the beginning, the founding monastery or federation must send a minimum of five nuns, at least three of them in perpetual vows.<sup>50</sup> Establishing a dependent house also requires the prior written consent of the diocesan bishop where the house will be located and authorization of the Holy See.<sup>51</sup> Other requirements are prescribed in *Cor Orans*.<sup>52</sup>

In order for the foundation to obtain legal autonomy, it must have grown in membership and stability. Specifically, there must be eight nuns in perpetual profession, as long as most of them are not elderly.<sup>53</sup> Among those eight or more nuns, there must be members capable of serving as superior, formator, and financial administrator.<sup>54</sup> The community must have achieved financial independence and vital community life and it must have suitable facilities.<sup>55</sup> These criteria should be accomplished within fifteen years or the Holy See will assess whether there is a “well-founded hope” that the dependent house will acquire “real autonomy.”<sup>56</sup> If not, it will be suppressed.<sup>57</sup>

In order for a monastery *sui iuris* to retain legal autonomy, it must maintain real autonomy. If the number of members in perpetual profession declines to five, the monastery loses its right to elect its own superior and an “administrator superior” is appointed.<sup>58</sup> The Holy See, having been informed of the situation by the federal president, establishes an *ad hoc* commission to assess the monastery’s viability.<sup>59</sup> *Cor Orans* provides three options when a monastery’s real autonomy is deemed precarious or non-existent: 1) affiliation; 2) transfer; and 3) suppression. With affiliation or entrustment, the monastery’s juridical autonomy is suspended and it becomes dependent on another monastery or on the federation itself.<sup>60</sup> The major superior of the affiliating monastery or the federal president becomes the major superior of the affiliated monastery, while the affiliated monastery has a local superior.<sup>61</sup> The affiliated monastery may accept candidates, but they have their novitiate and formation in the affiliating monastery.<sup>62</sup> During the period of affiliation, the struggling monastery is assessed as to whether its apparent lack of viability is only temporary and reversible, or whether it is irreversible.<sup>63</sup> If it proves to be irreversible, the monastery is suppressed.<sup>64</sup>

In the case of transfer, a monastery retains its juridical autonomy and its own major superior and membership, but it changes its geographic location.<sup>65</sup> In some cases, a new location may provide the opportunity to regain authentic autonomy of life. In other cases, a monastic community may transfer with the intention of “coming to completion” in a place that is more conducive to a declining and aging membership.<sup>66</sup>

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<sup>46</sup> *VDq* Art. 8 §1.

<sup>47</sup> *CO* 43.

<sup>48</sup> *CO* 20.

<sup>49</sup> *CO* 24-28.

<sup>50</sup> *CO* 29.

<sup>51</sup> *Ibid.*

<sup>52</sup> *CO* 20-38.

<sup>53</sup> *CO* 39 a.

<sup>54</sup> *CO* 39 b.

<sup>55</sup> *CO* 39 c-d.

<sup>56</sup> *CO* 38.

<sup>57</sup> *Ibid.*

<sup>58</sup> *CO* 45.

<sup>59</sup> *Ibid.*

<sup>60</sup> *CO* 57.

<sup>61</sup> *CO* 58-59.

<sup>62</sup> *CO* 60-61.

<sup>63</sup> *CO* 55.

<sup>64</sup> *Ibid.*

<sup>65</sup> *CO* 65.

<sup>66</sup> For example, in February 2018, the members of a Franciscan Poor Clare community, most of whom were elderly, moved from their monastery in Bloomington, Minnesota, in the Archdiocese of St. Paul-Minneapolis, to a wing of the motherhouse of the Sisters of St. Francis in Rochester, Minnesota, in the Diocese of Winona-Rochester. The Poor Clares maintain their own way of life but join the Franciscan Sisters for daily Eucharist. Matthew Davis, “Bloomington Poor Clares moving to Rochester after 63

In some cases, when a monastery has lost real autonomy, the Holy See will establish an *ad hoc* commission to determine whether suppression is warranted. The commission will consider the following criteria: the number of nuns and their ages and capacity for governance and formation, a lack of candidates for a number of years, and a lack of vitality in living and transmitting the charism in dynamic fidelity.<sup>67</sup> A specific number of nuns is not identified, nor is the number of years during which there have been no candidates. All of these criteria must be considered together. In some circumstances, a relatively small membership can sustain authentic autonomy of life.

The final sections of chapter 1 of *Cor Orans* address ecclesial vigilance of monasteries and the relationship between monasteries and diocesan bishops. Ecclesial vigilance is described as “the service of supervision.”<sup>68</sup> Each female monastery is entrusted to the vigilance of a single ecclesial authority.<sup>69</sup> In the case of a female monastic congregation, the “congregated monasteries” are under the vigilance of the president whose scope of supervision is defined in the constitutions.<sup>70</sup> Female monasteries that are juridically associated with the male branch of the same institute, or “juridically associated monasteries,” are under the vigilance of the religious ordinary whose scope of supervision is also defined in the constitutions.<sup>71</sup> Monasteries *sui iuris* as they are described in canon 615 are entrusted to the vigilance of the diocesan bishop.<sup>72</sup> His functions in relation to the entrusted monastery are given in the Code of Canon Law and repeated in *Cor Orans*. Specifically, he presides at the election of the major superior; conducts regular visitations; examines the annual financial report; in derogation of c. 638.4, gives his written consent for particular administrative acts, *if established by its proper law*; confirms an indult of departure of a member in temporary profession; and issues a decree of dismissal.<sup>73</sup>

However, all monasteries, including those that are congregated and juridically associated, are subject to the diocesan bishop in some matters. An exhaustive list of these matters is given in *Cor Orans*. They include 1) the public exercise of divine worship, care of souls, and the apostolate; 2) the bishop’s ability to provide solutions when he discovers abuses in monastic life that the major superior fails to address; 3) the requirement of the bishop’s written consent to establish a monastery in his diocese; 4) the bishop appoints a chaplain and approves ordinary confessors; 5) the bishop expresses his opinion regarding the possible suppression of a monastery; 6) the bishop has the care of an exclaustated nun residing in the diocese; and 7) he has faculty of entering the cloister and allowing others to enter, with the consent of the major superior.<sup>74</sup> These are the “only possible forms of intervention by the Diocesan Bishop” to safeguard the rights and duties of the president of a congregation or the religious Ordinary of associated monasteries.<sup>75</sup>

## Chapter 2: The Federation of Monasteries (CO 86-155)

The chapter on autonomy is followed immediately by a chapter on the federation of monasteries. Autonomy and federation are two sides of the same coin. Even as Pope Francis advocates autonomy as the best condition for contemplation, he says autonomy “ought not to mean independence or isolation”<sup>76</sup> and he legislates that every monastery of nuns must be federated, unless dispensed from this obligation by the Holy See.<sup>77</sup> Note that the requirement to be federated is fulfilled by membership in a federation, association, or conference and what is said about a federation in *Cor Orans* applies equally to associations and conferences.

Federations are erected, suspended, united, and suppressed by the Holy See and are of pontifical right.<sup>78</sup> They are public juridic persons capable of acquiring, possessing, managing and alienating temporal goods.<sup>79</sup> The

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years in archdiocese,” *The Catholic Spirit*, December 1, 2017. Accessed at <http://thecatholicspirit.com/news/local-news/bloomington-poor-clares-moving-rochester-63-years-archdiocese/>.

<sup>67</sup> CO 70.

<sup>68</sup> CO 75.

<sup>69</sup> CO 76.

<sup>70</sup> CO 75.1.

<sup>71</sup> CO 75.2.

<sup>72</sup> CO 75.3. According to canon 615, the diocesan bishop has special vigilance of “an autonomous monastery which does not have another major superior besides its own moderator and is not associated to another institute of religious in such a way that the superior of the latter possesses true power over such a monastery as determined by the constitutions.”

<sup>73</sup> CO 81 a-f.

<sup>74</sup> CO 83 a-g.

<sup>75</sup> CO 84.

<sup>76</sup> VDq 28.

<sup>77</sup> VDq Art. 9 §.

<sup>78</sup> CO 88, 90.

<sup>79</sup> CO 97.

temporal goods of a federation are separate from those of each member monastery. A federation does not own or control in any way the temporal goods of the individual monasteries.

About half of the world's monasteries of nuns were already federated before promulgation of *Vultum Dei quaerere*, which means that about half were not.<sup>80</sup> Since *Cor Orans* was issued, a number of monasteries have requested dispensation from the obligation of federating and a dispensation has been granted in certain circumstances. Monasteries of nuns that belong to a monastic congregation that includes male and female monasteries have been dispensed, but only on condition that essential requirements of *Cor Orans* be incorporated into the constitutions. The Order of Cistercians of the Strict Observance (Trappistines and Trappists) petitioned CICLSAL for an exemption of the order's nuns from the obligation of federating. The exemption was granted because of the unique "legal link" of the female monasteries with the order as a whole.<sup>81</sup> Specifically, "the Abbots and Abbesses form a single chapter . . . the Abbesses are members of the General Assembly with an active vote in the election of the Abbot General and an active and passive vote in the election of the members of the General Council."<sup>82</sup> The Benedictine Congregation of Solesmes also requested an exemption for its female member monasteries. The response from CICLSAL noted: "In principle, it seems possible and even justified that monasteries belonging to a monastic congregation are dispensed from the obligation of Federation required by the Apostolic Constitution to the extent that this congregation is actually an organ of communion and government and that its constitutions incorporate the new provisions."<sup>83</sup> The dicastery added that exemption depends on incorporation of the new norms regarded as "essential" into the constitutions of the monastic congregation, including the new norms on papal enclosure, the development of the responsibility of the nuns and the new faculties granted to major superiors, the participation of a nun as co-visitor, the provisions on initial and permanent formation, and the support and communion among monasteries.<sup>84</sup> The Order of Cistercians (O.Cist.) received a similar response to its request for dispensation.<sup>85</sup> Specifically, the dicastery noted that the new norms of *Vultum Dei quaerere* and *Cor Orans* must be incorporated into the proper law of the order, the constitutions of the congregations, and the statutes of foundations, especially the new norms regarding papal enclosure, the criteria of vital autonomy for foundations, the development of responsibility of nuns and the new faculties granted to major superiors, the inclusion of a nun as co-visitor for canonical visitations, the prescriptions on initial and ongoing formation, and the support and communion among monasteries.<sup>86</sup> On the other hand, there have been reports that some stand-alone monasteries, that is, monasteries that are not affiliated with any others, have requested dispensations from the obligation of federating and they have been denied. Other monasteries that had not been federated are seeking to join existing structures of communion or are initiating new federations, associations, or conferences.

According to *Cor Orans*, the officers of a federation include a president and four councilors, elected for six-year terms by the federal assembly, which is comparable to the general chapter of other religious institutes.<sup>87</sup> Each federation also has a financial administrator elected by the federal assembly, a federal secretary selected by the president, and a federal formator, appointed by the president with the consent of the federal council.<sup>88</sup> One of the functions of the federation is to assist the member monasteries with formation, especially with formation of formators and of those who will serve as superiors in the member monasteries.<sup>89</sup>

An "ordinary federal assembly" is held every six years at which the president and councilors are elected and the major business of the federation is addressed.<sup>90</sup> The "intermediate federal assembly" is convened every three

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<sup>80</sup> At the May 15, 2018, press conference introducing *Cor Orans*, Cistercian Father Sebastiano Paciolla, undersecretary of the Congregation for Institutes of Consecrated Life and Societies of Apostolic Life, said that, despite Pius XII's recommendation, almost half of women's monasteries of nuns had not yet joined a federation. See, Carol Glatz, "Vatican issues new rules for communities of contemplative nuns," Catholic News Service, May 15, 2018.

<sup>81</sup> CICLSAL, Letter to Abbot General, April 1, 2019, Prot. N. C. 79<sup>-1</sup>, available at <https://www.ocso.org/2019/04/17/civcsval/> [accessed 19 Jan. 2020].

<sup>82</sup> *Ibid.*

<sup>83</sup> CICLSAL, Letter from José Rodríguez Carballo, O.F.M., to Révérend Père, March 5, 2019, Prot. n. 385/2019.

<sup>84</sup> *Ibid.*

<sup>85</sup> CICLSAL, Letter from João Braz Card. de Aviz to Révérend Père, May 3, 2019, Prot. n. C 109/2019.

<sup>86</sup> *Ibid.*

<sup>87</sup> CO 110, 123.

<sup>88</sup> CO 142 (financial administrator), 144 (federal secretary), 148 (federal formator).

<sup>89</sup> CO 118-119.

<sup>90</sup> CO 135, 141 a-j.

years to assess progress on whatever was decided in the ordinary assembly.<sup>91</sup> An “extraordinary federal assembly” is called when there is a need.<sup>92</sup>

*Cor Orans* assigns significant functions to the federal president, even though she is not a major superior. For example, she serves as “co-visitor” in the canonical visitation of each member monastery, accompanying the regular visitor, who is the diocesan bishop for “entrusted” monasteries and the religious ordinary for “juridically associated monasteries.”<sup>93</sup> The federal president also visits a monastery when a need arises.<sup>94</sup> *Cor Orans* does not specify what kind of “need” would warrant this kind of visit, but it could be a financial difficulty or another crisis such that a monastery would benefit from the intervention or input of the president. The federal president can also visit on an informal basis, but only when agreed on by the superior of the monastery.<sup>95</sup> In the canonical visitation, the president exercises vigilance in relation to specific matters, such as how the community is observing the twelve items specified by Pope Francis in *Vultum Dei quaerere*, initial and ongoing formation, and the viability of the monastery.<sup>96</sup> She submits a report to CICLSAL after each canonical visitation.<sup>97</sup>

Each federation has a “religious assistant” who is a priest appointed by CICLSAL.<sup>98</sup> The federation, through the president, has the opportunity to recommend the names of three priests to serve in this capacity.<sup>99</sup> The religious assistant represents the Holy See to the federation, not to the individual monasteries.<sup>100</sup> He is not a major superior; his role is to assist the president and council, especially regarding formation at the federal level and financial matters.<sup>101</sup> The religious assistant submits to the Holy See a brief annual report on the progress of the federation.<sup>102</sup>

### Chapter 3: Separation from the World (CO 156-218)

In chapter 3 on “Separation from the World,” *Cor Orans* addresses social communications and cloister. Some degree or form of separation from the world is characteristic of all religious institutes<sup>103</sup>; all institutes have some form of cloister<sup>104</sup>; and all are called to “discretion” in the use of social communications.<sup>105</sup> Regarding the use of the various forms of social communications within monasteries of nuns, *Cor Orans* calls for sobriety and discretion, but it is for the conventual chapter of each monastery to establish guidelines suitable to their own way life.<sup>106</sup>

The instruction introduces significant changes regarding cloister. Since *Sponsa Christi* in 1950, there have been two levels of cloister available for nuns: at first, major and minor; since Vatican II, papal and constitutional. *Cor Orans* provides a third option called “monastic cloister.” Papal enclosure is for those who lead a wholly contemplative life; it excludes the possibility of engagement in the external apostolate and usually nuns under papal enclosure do not participate in diocesan or other church events outside the cloister.<sup>107</sup> The major superior can permit a nun to leave the cloister for ordinary situations, such as, for health care, participation in initial and ongoing formation meetings organized by the federation or by another monastery, the exercise of civil rights, and to provide for other needs of the monastery which cannot be provided for in another way.<sup>108</sup> Constitutional cloister, as the name implies, is cloister defined in the constitutions of the monastery and is for nuns who are dedicated to the contemplative life but who also engage in some work of the apostolate or charity that draws them out of the cloister proper.<sup>109</sup> Monastic enclosure is a form of constitutional enclosure, but allows for greater engagement in hospitality,

<sup>91</sup> CO 136.

<sup>92</sup> CO 137.

<sup>93</sup> CO 111.

<sup>94</sup> CO 113.

<sup>95</sup> CO 114.

<sup>96</sup> CO 116-117.

<sup>97</sup> CO 115.

<sup>98</sup> CO 150.

<sup>99</sup> CO 154.

<sup>100</sup> CO 149.

<sup>101</sup> CO 151.

<sup>102</sup> CO 155.

<sup>103</sup> 1983 *CIC*, c. 607 §3.

<sup>104</sup> 1983 *CIC*, c. 667.

<sup>105</sup> 1983 *CIC*, c. 666.

<sup>106</sup> CO 170.

<sup>107</sup> CO 184, 188 a-c.

<sup>108</sup> CO 200.

<sup>109</sup> CO 205.



that is, in receiving guests into the monastery.<sup>110</sup> According to *Vultum Dei quaerere*, each monastery is to discern the form of cloister it wishes to embrace.<sup>111</sup> Note that it is for the nuns themselves to choose one of the three forms of cloister and for the Holy See to approve the choice. It is not for the diocesan bishop or regular superior to impose a form of enclosure on a monastery. The nuns' choice should be based on the charism and tradition of the monastery, but also on reality, that is, on the real ability to observe the kind of cloister selected, especially if the choice is papal enclosure which requires specific architectural accommodations.

While some monasteries will remain under papal enclosure, with *Cor Orans*, Pope Francis derogates from canon 667 §4 and abrogates *Verbi Sponsa* n. 17.2.<sup>112</sup> The major superiors of all monasteries of nuns, including those under papal enclosure, can now grant dispensations from cloister on their own, with no permission needed from a diocesan bishop or religious ordinary.<sup>113</sup> If it is an absence of more than fifteen days, the major superior needs the consent of her council.<sup>114</sup> For a longer absence, up to one year, she needs the consent of her council and she must hear, that is, consult, the diocesan bishop or religious ordinary, but she does not need the consent of the bishop or ordinary.<sup>115</sup> Also, in derogation from canon 686 §2, the major superior, with consent of her council, can grant exclaustation for up to one year after hearing the diocesan bishop or religious ordinary.<sup>116</sup> The federal president, having obtained the consent of the federal council and the opinion of the diocesan bishop or religious ordinary, can extend the exclaustation for another two years.<sup>117</sup>

#### Chapter 4: Formation (CO 219-289)

The final chapter of the instruction addresses formation, both initial and ongoing. Formation in contemplative life, as in all forms of religious life, consists above all in identifying with Christ, which means formation lasts a lifetime.<sup>118</sup> It is a continual process of growth and conversion that involves the whole person and includes development of the human, Christian, and monastic dimensions of the candidates and nuns, radically living the Gospel, “so that one’s life becomes a prophecy.”<sup>119</sup>

One of the most controversial provisions of *Vultum Dei quaerere* is the new requirement regarding the duration of initial formation for nuns: a minimum of nine years and a maximum of twelve.<sup>120</sup> Nine years is longer than the minimum duration of initial formation prescribed for validity by the Code of Canon Law and twelve years exceeds the maximum permitted by the code.<sup>121</sup> Therefore, the length of formation for nuns is now longer than for all other religious, whether women or men. The required stages also differ. According to the code, life in the institute begins with the novitiate, which is followed by a period of temporary profession.<sup>122</sup> While canon 597 §2 calls for “suitable preparation” before admittance into an institute, the code does not require any particular form or duration of preparation. It is for each institute to prescribe how candidates are prepared for the novitiate. *Cor Orans*, on the other hand, identifies four stages of initial formation and a minimum and maximum length for each. The first stage, the aspirancy, is a period of mutual discernment on the part of the inquirer and the community and a time of

<sup>110</sup> CO 210.

<sup>111</sup> *VDq* Art. 10 §1.

<sup>112</sup> CO 174, 176. According to canon 667 §4, the diocesan bishop has the faculty of permitting nuns to leave the enclosure for a truly necessary period of time. *Verbum sponsa* n. 17.2 says: “For other just and grave reasons the Superior, with the consent of her Council or the conventual Chapter, and in accordance with the norms contained in the Constitutions, can authorize a departure for whatever time is needed, not however beyond one week. If the stay outside the monastery has to be further extended, up to three months, the Superior will seek the authorization of the Diocesan Bishop, or the regular Superior if there is one. Should the absence exceed three months, other than in cases of health care, permission must be obtained from the Holy See.”

<sup>113</sup> CO 174.

<sup>114</sup> CO 175.

<sup>115</sup> CO 176.

<sup>116</sup> CO 177. According to canon 686 §2, only the Holy See can grant an indult of exclaustation for nuns.

<sup>117</sup> CO 178-179.

<sup>118</sup> CO 222.

<sup>119</sup> CO 224.

<sup>120</sup> *VDq* 15.

<sup>121</sup> The 1983 Code of Canon Law requires, for validity, a minimum of twelve months in the novitiate (c. 648 §1), with some exceptions that could lessen that period to eleven months (c. 649), and a maximum of thirty months (cc. 648 §3, 653 §2). The minimum period in first profession is three years (c. 655), with the possibility of shortening that by up to three months (c. 657 §3), and the maximum is nine years (657 §2). Thus, a religious could make perpetual profession less than four years after becoming a novice and cannot remain in initial formation longer than eleven years and six months.

<sup>122</sup> 1983 *CIC*, c. 646.

getting to know each other.<sup>123</sup> This stage involves “a series of contacts and times of community experience, even prolonged.”<sup>124</sup> The minimum period of the aspirancy is twelve months and the maximum is two years.<sup>125</sup> The postulancy, which also must be a minimum of twelve months and a maximum of two years, is when the candidate begins to live in the monastery and is gradually introduced to the way of life.<sup>126</sup> The next stage, the novitiate, has a duration of two years.<sup>127</sup> Temporary profession is made initially for three years and then renewed annually so that at least five years and no more than nine years are completed before perpetual profession.<sup>128</sup>

Nuns in the United States and Europe have commented that the required duration of initial formation is excessive. There is, of course, the possibility of requesting a dispensation for individual candidates. Meanwhile, some monastic leaders have written to the Holy See asking for greater flexibility regarding the length of formation, especially the requirement of five years in temporary profession. The abbot primate of the Benedictine Confederation, in a letter to the CICLSAL prefect, pointed out the diversity of candidates as a reason for flexibility. He noted that women in Europe and the Americas usually enter at a more mature age and many of them have had positions of responsibility, whereas in Africa and Asia, women enter very young.<sup>129</sup> The abbots and priors of the Salzburg Abbots Conference sent a letter to Pope Francis, noting that the nine-year period of formation “is a great hardship for candidates who have often already reached the age of 30 in our countries, as the final decision is only made at an advanced age.”<sup>130</sup>

### Concluding thoughts

Pope Francis’ apostolic constitution *Vultum Dei quaerere* and its implementing instruction, *Cor Orans*, require significant changes on the part of monasteries of nuns. The obligation to be federated, the broadened scope of the role of a federal president in relation to member monasteries, and the lengthened duration of initial formation have garnered the most attention. The final provision of *Vultum Dei quaerere* is that monasteries revise their constitutions once they have adapted to the new papal legislation.<sup>131</sup> Our sisters in contemplative religious life will be engaged in implementing the new papal legislation for some years ahead.

It should also be noted that, with the provisions of *Cor Orans*, the Congregation for Institutes of Consecrated Life and Societies of Apostolic Life commits itself to greater engagement with monasteries of nuns, including by establishing *ad hoc* commissions when the real autonomy of life of monasteries becomes fragile or non-existent and by appointing religious assistants to federations. According to the “Final Dispositions” of *Cor Orans*, CICLSAL will assign monasteries to existing structures of communion if they have not become federated within one year of publication of the instruction. That deadline has passed and there are still unfederated monasteries. Pope Francis’ new legislation for nuns will be effective only if CICLSAL is able to do its part in the implementation.

A final thought: canonists who are called upon to assist monasteries of nuns as they implement *Cor Orans* will want to be mindful of the purpose of the new norms, which is to help “contemplative women attain the goal of their specific vocation,” which is to seek the face of God.<sup>132</sup>

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<sup>123</sup> CO 262, 264, 265, 266.

<sup>124</sup> CO 262.

<sup>125</sup> CO 268.

<sup>126</sup> CO 275-276.

<sup>127</sup> CO 279.

<sup>128</sup> CO 287.

<sup>129</sup> Right Rev. Gregory J. Polan, O.S.B., letter to His Eminence Cardinal João Braz de Aviz, October 16, 2018.

<sup>130</sup> Salzburger Äbtekonferenz, letter to “Heiliger Vater,” undated. The letter notes that the abbots and priors of the conference unanimously approved the letter on April 26, 2019. It is signed by more than thirty abbots and priors.

<sup>131</sup> *VDq* art. 14 §2.

<sup>132</sup> *VDq* 12; *CO* introduction.