

THE ROLES OF THE RELIGIOUS INSTITUTE AND THE DIOCESAN BISHOP WHEN THE INSTITUTE IS FACING THE REALITY OF DECLINE

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This article was delivered as a presentation at the 2018 annual convention of the Canon Law Society of America (CLSA). It is reprinted here with the permission of the CLSA.

Context

The highpoint of the number of religious in the United States was in 1965 when there were reported to be 179,954 women religious, 22,707 men religious, and 12,271 brothers. Since 1966, due to a variety of circumstances, the number of religious in the United States has declined steadily along with a number of institutes merging and/or internally collapsing their provinces primarily due the decline in their demographics. As of 2017 in the United

States, it is reported that the number of women religious is 45,605, of men religious 11,424, and of brothers 4,007.²

The Vatican Congregation for Institutes of Consecrated Life and Societies of Apostolic Life (CICLSAL) has expressed its concern for this historic phenomenon in the United States. For example, at the time of bringing to a close the Apostolic Visitation of United States Congregations of Women Religious, Cardinal João Braz de Aviz, prefect of CICLSAL, stated both his support and

¹ The word “institute” is used in this text as the umbrella term for the various types of institutes of consecrated life and societies of apostolic life described in canon law.

² Center for Applied Research in the Apostolate at Georgetown University, August 2, 2018 at <https://cara.georgetown.edu/services/religious-institutes/>; accessed November 4, 2018. A 2014 CARA study pointed out the mistaken common claim that more traditional communities of women religious—for example, those whose members wear the full habit—are growing while other types of institutes not with the habit are declining. In fact, the research points out the more liberal, socially active communities of sisters are drawing about the same number of new entrants as the more conservative, tradition-minded communities. But because there are far more of the former types of institutes, the false perspective is created that the latter types of institutes are receiving more of the new members. (See Erick Berrelleza, Mary L. Gautier, and Mark M. Gray, *Population Trends Among Religious Institutes of Women* [Washington, DC: Center for Applied Research in the Apostolate, 2014] 20–21.)

concern for women religious in United States as follows:

. . . [W]e wished to gain deeper knowledge of the contributions of the women religious to the Church and society as well as those difficulties which threaten the quality of their religious life and, in some cases, the very existence of the institutes.³

In addition, the verbal expression of concerns about the decline in the demographics of institutes and accompanying difficulties has been shared during informal contacts with CICLSAL officials in the past two years. For example, there is concern about the future of the sponsored works of women religious as the institutes have fewer members able to serve in governing roles over the works. This same concern is raising the question for CICLSAL on whether to grant approval to an institute's petition to have a ministerial juridic person (MJP) established to sustain its apostolic works when it is no longer able to govern them. The dilemma is whether CICLSAL has the competency to approve a MJP for the apostolic works of an institute if no religious are going to be in the governing role of the MJP in the near future.

³ João Braz de Aviz, Statement at the Press Conference for the Presentation of the Final Report on the Apostolic Visitation of Institutes of Women Religious in the United States of America, Holy See Press Office (December 16, 2014) at <http://press.vatican.va/content/salastampa/it/bollettino/pubblico/2014/12/16/0962/02072.html>; accessed November 4, 2018.

⁴ The NRRO was established originally by a combined endeavor of the United States Conference of Catholic Bishops and the two conferences of religious. Now there are two conferences and one council approved by the Vatican to which most United States institutes of consecrated life and societies of apostolic life belong: Conference of Major Superiors of Men (CMSM), which is the only canonically recognized umbrella group for US priests and brothers; Leadership Conference of Women

Religious (LCWR), which represents about 1,350 women's institutes; and Council of Major Superiors of Women Religious (CMSWR), which represents 120 women's communities.

Within the United States the on-going drop in the number of religious with its financial implications was recognized over thirty years ago, resulting in the establishment of the National Religious Retirement Office (NRRO) in 1987.⁴ From its beginning, the NRRO has continued to provide careful reporting of the number of religious within the United States and to raise funds to support institutes in providing for their aging members. Its annual national collection since 1989 has borne much fruit in assisting institutes in the work of providing for the long-term care of their members since such a large percentage of their members are aging and experiencing significant changes in their health. This annual collection continues to provide financial aid to a large percentage of United States institutes who have and continue to depend upon the NRRO's annual grant to address the serious financial situations facing them.⁵

Despite the success of the work of the NRRO in efforts to address the financial situations, the reality of a large number, if not perhaps the majority, of US institutes is one of decline.⁶ Their decline is one that financial aid cannot fix since it is due to

Religious (LCWR), which represents about 1,350 women's institutes; and Council of Major Superiors of Women Religious (CMSWR), which represents 120 women's communities.

⁵The NRRO website (<http://www.usccb.org/about/national-religious-retirement-office/index.cfm>) provides detailed information on what is brought in by its annual collection and how it is distributed. In particular, the report provides a breakdown on the use of the financial aid that it provides and the number of US institutes that are beneficiaries each fiscal year.

⁶ At the same time that this steady shift in demographics is occurring in the United States, the same decline in the number of religious has been and continues to occur in Europe and beyond. While there is no one reporting source for the number of religious in other countries, there is information

decades of years of receiving only few or even no new members, coupled with their aging membership. The lack of new members is unexplainable in light of the extensive and consistent attention given to vocation and formation programs over the years. While some institutes are blessed with one or more persons entering, most years the majority of institutes do not receive any new members. This rate of new membership, even for those blessed to receive one or more a year, cannot off-set the large number of members who entered fifty plus years ago and are now moving into their later years.



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Of U.S. institutes participating in the NRRO annual grant application process, the most recent statistical report indicates that in 2017, 68% have a median age over 70 in a total of 547 institutes.⁷ This is in contrast to NRRO's statistics for 1985 when 93% of institutes had a median age below 70. The reality of these demographics, which are true with a large number of US institutes, demands making plans for the future, both in the immediate future (1–2 chapter cycles) and the near future (2–4 chapter cycles). Even the question of how long can and should an institute, in justice and in respect for what it can humanly provide, continue to

about the decline in Europe from (1) the report of the Conference for Major Superiors in The Netherlands (published in the Resource Center for Religious Institutes Bulletin, Spring 2012, No. 11) on the significant loss in numbers in The Netherlands, and (2) anecdotes about the decline in France and Germany, the latter two countries being the source of a large number of women and men religious

admit new persons has to be examined and honestly answered.

In the context of the reality of decline that a large number of institutes—both in the United States and beyond—are facing, an examination of the canonical issues involved is warranted. In particular, this examination looks at the role and responsibilities of an institute in planning for its future as it may be coming to completion. At the same time, the reality of decline facing institutes impacts the Church, in particular the local Church. The question often arises whether the diocesan bishop has a role and responsibilities in his relationship with an institute that is facing decline in his diocese. The role and responsibilities of both the institute and the diocesan bishop have to be examined given the type of institute and what ecclesiastical authority approved its establishment.

In an effort to see if a possible shift is occurring that would shed fresh light on the role and responsibilities of an institute and of the diocesan bishop when the former is facing a reality of decline due to its demographics, this examination will be conducted through the lens of three Vatican documents issued since 2016:

- (1) Apostolic constitution *Vultum Dei quaerere* (“Seek the Face of God”), issued by Pope Francis on June 29, 2016
- (2) Instruction on Women’s Contemplative Life, *Cor orans* (“Praying Hearts”), issued by the

foundations both historically and in the past three centuries.

⁷ See National Religious Retirement Office, Statistical Report—August 2018 at <http://www.usccb.org/about/national-religious-retirement-office/upload/Statistical-Report.pdf>; accessed November 4, 2018.

Congregation for Institutes of
Consecrated Life and Societies of
Apostolic Life on April 1, 2018

- (3) Instruction on the *Ordo virginum*
(*Ecclesiae Sponsae Imago*), issued
by the Congregation for Institutes of
Consecrated Life and Societies of
Apostolic Life on June 8, 2018

The decision to use this lens is to see, if in the most recent Vatican documents on consecrated life, there are shifts in who has the responsibilities for identifying and handling decline within an institute.

However, it is necessary to say from the outset that these three documents are addressed solely to two particular forms of consecrated life: the contemplative religious life⁸ and consecrated virgins. Both of these forms of religious life, while long existing in the Church, are not the forms of religious life the majority of institutes live. Nevertheless, there are parallels that can be drawn and possible insights to be gained about the roles of any form of institute and of the diocesan bishop may have in addressing an institute's future when it is facing a reality of decline.

I. Code of Canon Law

Before examining these three documents, consider what the 1983 Code of Canon Law states about the role and responsibilities of any institute to provide for itself and whether a diocesan bishop has a role and responsibilities for an institute based in his diocese.

⁸ In this text, "monastery" is the term used for those groups who are living the contemplative religious life as prescribed in the canons, meaning institutes living a cloistered life as stated in their constitutions with the prescribed accompanying structures for observing the cloister.

⁹ *Codex Iuris Canonici auctoritate Ioannis Pauli PP. II promulgatus* (Vatican City: Libreria Editrice Vaticana, 1983) c. 576.

Role and Responsibilities of an Institute When Facing Decline

By its very nature, established with the approbation of an ecclesiastical authority, an institute has its own proper law and identity according to its founding charism and purpose.⁹ Because consecrated life is understood as belonging to the heart of the Church, all is to be done to sustain an institute's well-being and to preserve its patrimony.¹⁰ At the core, sustainability is spoken of in the canons as the obligation for an institute to preserve faithfully its nature, spirit, and character.¹¹

An institute itself and through the office of the general superior as well as the actions of the general chapter has the role and bears the responsibilities for sustaining its way of life as described in its approved proper law.¹² With the approval of its proper law,¹³ an institute is given autonomy for governing its internal life¹⁴ and exercising the apostolate.¹⁵ The diocesan bishop, in his role in the diocese, has the responsibility to see that the institute's autonomy is preserved.¹⁶

Going even further, the canons state that it is the role and responsibility of an institute to provide its members with what they need to live their vocations as fully as possible.¹⁷ The scope of this particular duty never shifts from an institute itself unless it petitions the competent ecclesiastical authority that it is not able to meet this obligation. Such a petition may result in a suspension of an institute's governance, either temporarily or

¹⁰ 1983 *CIC* c. 574 §1.

¹¹ 1983 *CIC* c. 578.

¹² 1983 *CIC* c. 587 §1.

¹³ 1983 *CIC* c. 587 §2.

¹⁴ 1983 *CIC* c. 586 §1.

¹⁵ 1983 *CIC* c. 677 §1.


¹⁶ 1983 *CIC* c. 586 §2.

¹⁷ 1983 *CIC* c. 670.

permanently, depending on the cause and extent of the problem. Having received the petition for this assistance, the competent ecclesiastical authority has to determine what and how to best provide for an institute's members and mission.¹⁸

Role and Responsibilities of the Diocesan Bishop When an Institute Is Facing Decline

The diocesan bishop, for his part, has the role and responsibility for the pastoral functions of the local Church within his diocese. The only limit on the scope of his functions is if something has been restricted to another entity by an act of the Supreme Pontiff.¹⁹ This is where the role and responsibilities of the diocesan bishop and of an institute may well overlap, since the latter, by its very nature, is one of those entities to whom the exercise of a particular pastoral function has been given.²⁰



CANON LAW, ...URGES THE DIOCESAN BISHOP
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Canon law, aware of this pastoral overlap, urges the diocesan bishop and an institute to work together in consultation in works of the apostolate.²¹ The consultation that is urged is not defined in the canons but is spoken of in more detail in the document *Mutuae relationes*.²² Difficulties in the collaboration can often emerge when faced with the pressure of a particular situation,

e.g., when an institute is no longer able to govern one of its works but wants the work to retain its Catholic identity. In this situation, there can be the two-fold question of whether the diocese can (1) take on the governance of the work but (2) allow the charism of the institute to continue to be part of that work.

In addition to collaborating with the diocesan bishop, an institute is urged to cooperate with other institutes of religious and clergy ministering in the diocese. This cooperation is to be viewed as beneficial and encouraged by the diocesan bishop, always honoring and sustaining each institute's unique spirit and charism. In the case when a particular apostolic work belongs to the diocese, it is invaluable to create a document that both parties sign stating the scope of the role and responsibilities particular to each. Hopefully, such a document will help bring clarity to the pastoral overlap between the institute and the diocesan bishop.²³

Diocesan Bishop's Role Varies Depending on the Type of Institute Involved

A major distinction in the norms among institutes is whether an institute is of pontifical or diocesan right. A pontifical institute is accountable to the authority of CICLSAL, and a diocesan institute is accountable to the authority of the diocesan bishop.²⁴ Even with this distinction, the different types of institutes recognized by the Church are encouraged to have the same foundational focus described in the opening

provide a more current description of the distinctive mission of institutes in relation to the diocesan bishop and the local Church. As of the writing of this text, no revised version has been published.

¹⁸ 1983 *CIC* c. 584.

¹⁹ 1983 *CIC* c. 381 §1.

²⁰ 1983 *CIC* c. 678 §2.

²¹ 1983 *CIC* c. 678 §3.

²² Congregations for Religious and Secular Institutes and for Bishops, norms *Mutuae relationes*, May 14, 1978: AAS 70 (1978) 473–506. On January 3, 2014, Pope Francis ordered an updating of these directives to

²² 1983 *CIC* c. 680.

²³ 1983 *CIC* c. 681 §2.

²⁴ For pontifical institutes, see c. 593; for diocesan institutes, see c. 594.

canons on consecrated life.²⁵ Then each institute's proper law gives its unique expression of the consecrated life. However, it remains the sole responsibility of the ecclesiastical authority that approved an institute to grant permissions to make any changes in the first book of its proper law, called the constitutions.²⁶ As a result, there can be different interpretations of what is expected or permitted when requests for changes are made.

Another distinction in the norms is if an institute is one of contemplative religious life. This particular form of institute is referred to in the canons by the term monastery or the sub-category of autonomous monastery.²⁷ The current reality for many monasteries is that they are facing serious decline in their membership, both in numbers and in the reduced capacity of the members due to their advanced age.

For this form of institute, there are specifics in the canons about their relationship with the diocesan bishop that do not apply to the other forms of institutes. Several specific norms are laid out to balance the monastery's independence with the pastoral oversight and care the diocesan bishop or the superior of an institute of men should difficulties emerge for its members.²⁸ In addition, there are specific canonical norms on an annual financial accounting to the diocesan bishop by the monastery²⁹ and the

responsibility to conduct a periodic visitation by the diocesan bishop.³⁰

II. Changes in the Canons and Norms for Contemplative Religious Institutes Facing Decline

Publication of New Norms

Continuing in the spirit and call of Vatican Council II to consecrated religious to renew their way of life, while being faithful to their nature, purpose, and charism, Pope Francis used his apostolic constitution *Vultum Dei quarere*³¹ to address contemplative religious institutes about this current reality of decline that many of them are facing.³² The document is intended to fill the gap that has happened by an unintentional neglect of the contemplative religious life in the Church's documents.³³ This new papal document grounds its entire exploration in the recognition of the immense change that has occurred in the Church and world in the more than fifty years since the Vatican Council II. Because of all this change, there is

the need to engage in dialogue with contemporary society, safeguarding however 'the foundational values of contemplative life', whose characteristics – silence, listening,

²⁵ 1983 *CIC* c. 577.

²⁶ For pontifical institutes see c. 583; for diocesan institutes see c. 595 §1.

²⁷ 1983 *CIC* c. 615.

²⁸ 1983 *CIC* cc. 614 and 667 §4.

²⁹ 1983 *CIC* c. 637.

³⁰ 1983 *CIC* c. 628 §2.

³¹ Francis, apostolic constitution *Vultum Dei quarere*, June 29, 2016: AAS 108 (2016) 835–861. In no. 7 a listing of the significant Vatican documents published since Vatican Council II that address contemplative religious life is provided. All of them

recognized the significant role contemplative religious life has as well as named appropriate areas of renewal that were or continue to be needed.

³² See *Vultum Dei quarere*, no. 8; AAS 108 (2016) 841.

³³ Holy See Press Office, news release "*Vultum Dei quarere*: a post-Conciliar Apostolic Constitution," July 22, 2016, at <http://press.vatican.va/content/salastampa/en/bollettino/pubblico/2016/07/22/160722c.html>; accessed November 4, 2018.

stability – can and must challenge the contemporary mindset.³⁴

Part of this dialogue has to be what needs to happen when a monastery is facing the reality of decline and whether it can continue to have juridical autonomy over its matters. The juridical autonomy of the monastery, given to it at the time of its establishment and part of its very nature,

needs to be matched by a genuine autonomy of life... [which] entails a certain, even minimal, number of sisters, provided that the majority are not elderly, the vitality needed to practice and spread the charism, a real capacity to provide for formation and governance, dignity and quality of liturgical, fraternal and spiritual life, sign value and participation in life of the local Church, self-sufficiency and a suitably appointed monastery building.³⁵

A monastery is always responsible to see that “these criteria [listed above] ought to be considered comprehensively and in an overall perspective.”³⁶

Currently, far too many monasteries are facing the reality of a reduced number of

members with the capacity to sustain the essential parts of the contemplative way of life as listed. This means that a monastery’s members have the collective responsibilities to acknowledge their demographics, now or in the near future, and to implement plans to address the lack of membership and capacity to live the life as prescribed. If not able to correct the decline, the monastery’s leadership is to notify CICALSAL that the members are no longer able to live a “genuine autonomy of life”³⁷ as called for in their constitutions.

It is then the duty of CICALSAL to study a monastery’s situation and determine if an *ad hoc* commission is necessary to determine its revitalization or closure. If such a commission is set up by CICALSAL, the diocesan bishop where the monastery is located is to be appointed a member.³⁸ Whatever is determined concerning the future of a monastery, it is clear that “in every case, the ultimate decision always rests with the Congregation for Institutes of Consecrated Life and Societies of Apostolic Life.”³⁹

³⁴ Holy See Press Office, “Summary of the Apostolic Constitution *Vultum Dei quaerere*,” July 22, 2016, at <http://press.vatican.va/content/salastampa/en/bollettino/pubblico/2016/07/22/160722b.html>; accessed November 4, 2018.

³⁵ *Vultum Dei quaerere*, art. 8 §1; AAS 108 (2016) 859. The English translation is taken from http://w2.vatican.va/content/dam/francesco/pdf/apost_constitutions/documents/papa-francesco_costituzione-ap_20160629_vultum-dei-quaerere_en.pdf; accessed November 4, 2018. All subsequent English translations of this document will be taken from this source unless otherwise indicated.

³⁶ *Ibid.*


³⁷ The concept “genuine autonomy of life” is central to the role and responsibilities an institute has for examining and addressing its reality, especially when

facing decline. The document provides measurable ways for determining the quality of life with an institute.

³⁸ *Vultum Dei quaerere*, art. 8 §2; AAS 108 (2016) 859. The only mention made of the diocesan bishop’s role and/or responsibilities is that he is to be appointed to the *ad hoc* commission by CICALSAL should one be needed to study what is best for addressing the situation of a monastery that is facing decline. While his special role of vigilance for an autonomous monastery as established by canon 615 continues, it does not give him the authority to assume the decision-making role about whether a monastery does or does not have a “genuine autonomy of life.”

³⁹ *Vultum Dei quaerere*, art. 8 §3; AAS 108 (2016) 859.

Going a step further, all monasteries are now directed to become part of a federation.⁴⁰



MEMBERSHIP IN A FEDERATION IS INTENDED TO PROVIDE INDIVIDUAL MONASTERIES ADDITIONAL ASSISTANCE IN SUSTAINING THE FULL SCOPE OF WHAT IS ESSENTIAL FOR LIVING A “GENUINE AUTONOMY OF LIFE” ACCORDING TO THEIR CONSTITUTIONS.

Membership in a federation is intended to provide individual monasteries additional assistance in sustaining the full scope of what is essential for living a “genuine autonomy of life” according to their constitutions. In particular, the federation is to provide assistance in developing appropriate formation programs and training individuals to be the formators for its member monasteries. It is foreseen that the president of the federation would have the responsibility of identifying when a monastery might be moving into a state of decline due to the collective incapacity among its members. Having identified this reality in a given monastery, the federation’s president, if authorized by CICLSAL to do so, could make use of an exchange of either nuns or physical goods from another monastery to see if such an exchange could help build it up and reverse its decline.⁴¹

This new norm of prescribing membership in a federation is not intended to reduce a monastery’s juridical autonomy and thus its responsibility for sustaining the members’

way of life. Rather, the requirement should give each individual monastery a relationship that will prove invaluable for its long-term sustainability. To offer the greatest range of choice to a monastery as it discerns which federation will be best for it to join, federation membership is no longer to be based solely on geographical location but more on affinity in spirituality and/or tradition.⁴² If a monastery comes to the carefully discerned decision that it cannot join any federation that currently exists, it can petition CICLSAL, who is solely competent to decide what is best in the situation, to be dispensed from the norm.⁴³

As directed by the apostolic constitution *Vultum Dei quaerere*, CICLSAL issued its Instruction on Women’s Contemplative Life *Cor orans* to clarify the provisions of the law, developing and determining the procedures for its execution . . . provid[ing] precise guidelines regarding all the practical, administrative, legal and spiritual aspects pertaining to the founding and running of Monasteries for contemplative nuns . . . includ[ing] detailed specifications regarding the autonomy of monasteries, the foundation and the erection of the monasteries themselves, their transferal and eventual suppression, the need for ecclesial vigilance over the monasteries, relations with the bishop of the diocese in question, rules and regulations regarding “the separation of the nuns from the outside world,” means of communication, the various forms of cloister including “papal enclosure” and formation.⁴⁴

⁴⁰ *Vultum Dei quaerere*, art. 9 §1; AAS 108 (2016) 859.

⁴¹ *Vultum Dei quaerere*, art. 9 §3; AAS 108 (2016) 860.


⁴² *Vultum Dei quaerere*, art. 9 §2; AAS 108 (2016) 860. In article 9 §4 other forms of associations, especially for monasteries of nuns with corresponding orders of men, confederations, and

commissions, whether juridical or not, are encouraged. The only requirement is that the statutes of these structures are to be approved by CICLSAL.

⁴³ *Vultum Dei quaerere*, art. 9 §1; AAS 108 (2016) 859.

⁴⁴ Linda Bordoni, “Cor Orans’: Instructions for the Contemplative Life of Women,” May 15, 2018, Vatican

The internal autonomy and possibility for some external exemptions, as described in the Code of Canon Law and in *Vultum Dei quaerere*, are specified in the norms of *Cor orans*. However, the norms in *Cor orans* point out that a monastery is able only to enjoy “juridical autonomy under the law” if it has the “requisites for real autonomy of life.”⁴⁵ It is critical to absorb that the right and responsibility for a monastery to say it has “juridical autonomy” does not mean that it has this status just because historically it was established with such autonomy by a decree of the competent ecclesiastical authority. Rather a monastery’s juridical autonomy must continue to presuppose a real autonomy of life, that is, the ability to manage the life of the monastery in all its dimensions (vocational, formative, governmental, relational, liturgical, economic . . .). In this case, an autonomous monastery is alive and vital [24].⁴⁶



TO SPEAK OF “A REAL AUTONOMY OF LIFE” AS BEING ESSENTIAL FOR EXISTING AND EXERCISING THE ROLE AND SCOPE OF RESPONSIBILITIES THAT ARE PART OF A MONASTERY’S NATURE AND PURPOSE PUTS FULL ATTENTION ON WHAT IS AT THE HEART OF THE CONSECRATED LIFE..

To speak of “a real autonomy of life” as being essential for existing and exercising the role and scope of responsibilities that are part of a monastery’s nature and purpose puts full attention on what is at the heart of the consecrated life. Even when just one

News, at <https://www.vaticannews.va/en/vatican-city/news/2018-05/cor-orans-contemplative-life-women-instructions.html>; accessed November 4, 2018.

⁴⁵ Congregation for Institutes of Consecrated Life and Societies of Apostolic Life, instruction *Cor orans*, April 1, 2018, no. 6. The English translation can be found at

aspect of the “real autonomy of life” begins to be reduced so is the quality of the members’ individual and collective lives. From the beginning, to seek and receive approbation by the Holy See as a monastery all of these requirements of “a real autonomy of life” must be evident with assurance that they will continue:

- a) A community that has given good testimony of fraternal life in common with *the necessary vitality in living and transmitting the charism* [31], composed of at least eight nuns of solemn vows, *as long as most are not of advanced age* [32].
 - b) Besides the number, special skills are required of some nuns of the community who must be able to assume: as Superior, the service of authority; as formator, the initial formation of candidates; as financial administrator, the administration of the goods of the monastery.
 - c) Rooms adapted to the lifestyle of the community, to ensure that the nuns can regularly lead the contemplative life according to the nature and spirit of their Institute.
 - d) Economic conditions that guarantee the community itself can provide for the needs of daily life.
- These criteria must be considered in their entirety and from an overall perspective [33].⁴⁷

The role of a diocesan bishop with the responsibility of special vigilance for an autonomous monastery continues and is accented. His role is carried out through these concrete practices. The bishop:

http://www.vatican.va/roman_curia/congregations/ccsrlife/documents/rc_con_ccsrlife_doc_20180401_cor-orans_en.html; accessed November 4, 2018.

⁴⁶ *Cor orans*, no. 18. The numbers in brackets refer to internal citations in *Cor orans* that cite sections in *Vultum Dei quaerere*.

⁴⁷ *Cor orans*, no. 39.

- a) presides over the conventual Chapter that elects the Major Superior [51];
- b) carries out the regular visit of the monastery, also with regard to internal discipline [52], taking into account the provisions of this Instruction;
- c) examines, as the Local Ordinary, the annual report of the financial administration of the monastery [53];
- d) in derogation from can. 638, §4 CJC, gives as Local Ordinary, his written consent for particular administrative acts, if established by its proper law [54];
- e) confirms the indult of definitive departure from the monastery, granted to a temporary professed member by the Major Superior with the consent of her Council [55];
- f) issues the decree of dismissal of a nun, even of temporary vows [56].⁴⁸

While totally respecting internal autonomy and even any possible external exemptions, all female monasteries are subject to the diocesan Bishop who exercises pastoral care in these particular situations:

- a) the community of the female monastery is subject to the power of the Bishop [59], to whom it must devote respect and reverence in what concerns the public exercise of divine worship, the care of souls, [60] and the forms of apostolate corresponding to their character [61];
- b) the diocesan Bishop [62], on the occasion of the pastoral visit or other paternal visits and even in case of necessity, can provide appropriate solutions himself [63] when he finds that there are abuses and after appeals made to the Major Superior have had no effect;
- c) the diocesan Bishop intervenes in the erection of the monastery by giving written consent before the approval of the Apostolic See is requested [64];

⁴⁸ *Cor orans*, no. 81.

⁴⁹ *Cor orans*, no. 83.

- d) the diocesan Bishop intervenes, as Local Ordinary, in the appointment of the chaplain [65] and, always as Local Ordinary, in the approval of ordinary confessors [66]. Everything must take place “*considering the specificity of the proper charism and the needs of fraternal life in community*” [67];
- e) the diocesan Bishop intervenes in the suppression of the monastery by expressing his opinion [68];”
- f) the exclaustated nun refers to the diocesan Bishop, as the Local Ordinary, and to her Superiors, remaining under their dependence and care [69];
- g) the diocesan Bishop has the faculty, for a just cause, of entering the cloister and allowing other people to enter, with the consent of the Major Superior [70].⁴⁹


These listings on the parameters of the pastoral care and the duty of special vigilance a diocesan bishop has for a monastery within his diocese provide more specifics on his responsibilities. Having special vigilance is recognized as a significant role with a range of



HAVING SPECIAL VIGILANCE IS RECOGNIZED AS A SIGNIFICANT ROLE WITH A RANGE OF ACCOMPANYING RESPONSIBILITIES INTENDED TO PROVIDE PASTORAL SUPPORT FOR SUSTAINING AN INSTITUTE.

accompanying responsibilities intended to provide pastoral support for sustaining an institute.⁵⁰ However, a diocesan bishop’s response ordinarily never allows him to replace the juridical autonomy of the monastery. Instead, some of the existing canonical norms are derogated, giving the major superior of a monastery the authority to carry out specific actions that previously

⁵⁰ *Cor orans*, no. 85.



THE SPECIAL VIGILANCE THAT A DIOCESAN BISHOP HAS FOR A MONASTERY MAY ONLY PICK UP THE INDICATORS OF DECLINE IF THE PRESCRIBED VISITATION CYCLE IS OBSERVED AND THE VISITATION IS CONDUCTED WITH ATTENTION AND HONESTY BY ALL INVOLVED.

needed the approval of a diocesan bishop who had special vigilance over the monastery. The major superior of a monastery now possess the following competencies:

174. In derogation from the provision of can. 667, §4 CJC, the diocesan Bishop, as well as the religious Ordinary, does not intervene in granting dispensation from the cloister [109].

175. In derogation of the provisions of can. 667, §4 CJC, the dispensation from the cloister rests solely with the Major Superior who, in the event that such dispensation exceeds fifteen days, can grant it only after having obtained the consent of her Council [110].

176. The limitation in the Instruction *Verbi Sponsa* [111] has been repealed; for just cause the Major Superior, according to the norm of can. 665, § 1 CJC, with the consent of her Council, may authorize the absence from the monastery of a nun with solemn vows for not more than a year, after hearing the diocesan Bishop or the competent religious Ordinary.

177. In derogation of can. 686, §2 CJC, the Major Superior, with the consent of her Council, can grant the indult of

exclaustration to a nun professed with solemn vows, for not more than a year, after the consent of the Ordinary of the place where the nun will have to live, and after having heard the opinion of the diocesan Bishop or of the competent religious Ordinary [112].

178. In derogation of can. 686, §2 CJC, an extension of the indult of exclaustration can be granted by the Federal President with the consent of her Council, for a nun professed with solemn vows of a monastery of the Federation for a period of no more than two years [113].⁵¹

Responsibility for Handling a Situation of Decline in a Monastery

We turn now to the situation of a monastery facing the reality of decline primarily due to the reduced number and health of its members. Such a reality of decline means some part or a part of a monastery's "real autonomy of life" is/are not as prescribed by its proper law. Should the members collectively continue in this pattern of not being able to maintain all the essentials of its prescribed way of life, an evaluation of whether their monastery's juridical autonomy can and should be allowed to exist must be conducted.⁵²

In many cases, unfortunately, a monastery's members will either not acknowledge the decline and/or know what to do to address it, let alone have the capacity to correct it.

The special vigilance that a diocesan bishop has for a monastery may only pick up the indicators of decline if the prescribed visitation cycle is observed and the visitation

⁵¹ *Cor orans*, nos. 174-178. After an institute has joined a federation, additional derogations will occur in canons 628 §2, 638 §4, and 667 §4, modifying or shifting some of the authority attached to a diocesan

bishop's duty of special vigilance to the president of the federation.

⁵² *Cor orans*, no. 43.

is conducted with attention and honesty by all involved. The episcopal visitor needs to have skills to identify the signs of decline and be proactive in reporting them to the appropriate authority.

Recognition of the variation in the quality of episcopal visitations and conscious of the benefit for more ecclesiastical oversight of monasteries facing decline, CICLSAL has taken significant steps. First, it has directed that all monasteries are to join a federation approved by CICLSAL within the next twelve months,⁵³ giving the idea introduced in *Vultum Dei quaerere* a precise implementation date.⁵⁴ For many, many monasteries of contemplative religious life this is a requirement that they have never had and leaves them wondering where and how they are to identify a federation appropriate for their way of life to join.

Second, once a monastery belongs to a federation, it becomes the responsibility of the federation president to determine whether a monastery is continuing to meet the requirements of juridical autonomy.⁵⁵ While the assignment of this responsibility to the federation president could be seen as overstepping the diocesan bishop's role of

⁵³ *Cor orans*, no. 88: "The Holy See has the exclusive competence to erect, suspend, unite, and suppress the Federations [73] of monasteries of nuns." It would seem the approval of the statutes of any new federations is restricted only to CICLSAL to ensure the desired end of an enhanced oversight of the individual member monasteries will be set up and observed.

⁵⁴ *Vultum Dei quaerere*, art. 9 §1; AAS 108 (2016) 859; and *Cor orans*, no. 93. The norm goes on to allow for petitioning to be dispensed from to this requirement if CICLSAL grants it: "A monastery, for special reasons that are objective and motivated, with the vote of the conventual Chapter can ask the Holy See to be exempted from this obligation. The granting of such dispensation is reserved to the Holy See. A monastery, for objective and motivated reasons, with the vote of the conventual Chapter can

special vigilance, it is not intended to do this. Rather, it should put a person who is living the contemplative life in the responsible role of ensuring the quality of life within a monastery instead of a bishop who is most often not a member of an institute himself.

Third, should a federation president determine that a member monastery lacks genuine autonomy of life, notification of this decline is to be given to CICLSAL, which must decide whether to establish an *ad hoc* commission.⁵⁶ Such notification by the federation president is required when "the number of professed members of solemn vows reaches five," since the said monastery loses the right to elect its superior.⁵⁷ The purpose of the *ad hoc* commission's work is to weigh the collective capacity of the members for maintaining a "real autonomy of life" as stated in the monastery's proper law in order to continue to have "juridical autonomy." The use of such an *ad hoc* commission for evaluating the extent of the decline in a monastery is a new process being prescribed in the law, although historically there are examples of similar structures having been used in individual situations involving monasteries

ask the Holy See to no longer belong to a Federation. The Holy See must make an appropriate discernment before granting the exit from a Federation." However, such a dispensation will leave a monastery autonomous and without the oversight as well as the pastoral supports that CICLSAL has identified as invaluable for possibly sustaining a "genuine autonomy of life."

⁵⁵ *Cor orans*, no. 43.

⁵⁶ *Ibid.* This is a direct reference to article 36 in *Vultum Dei quaerere*.

⁵⁷ *Cor orans*, no. 45. Note that the number of five does not say what the collective capacity—physically and mentally—of these members might be. Nor does it say what happens if there are a few more than five members in solemn vows but a number of them may be highly limited physically and/or mentally.

as well as other forms of institutes as needed.

Should an *ad hoc* commission be established, in practice, this means the governance of the monastery is suspended and an administrator superior to conduct the governance of the monastery is appointed by CICLSAL. The administrator superior will remain in office until the issues of decline are evaluated and a determination of the future of the monastery is reached.⁵⁸

The process of evaluating the extent and causes of a monastery's decline is the work of the *ad hoc* commission. Throughout the process there is an effort to see if a monastery's autonomy of life is "only an asserted autonomy, but in reality, very precarious or, in fact, non-existent."⁵⁹ It is hoped that this commission in collaboration with the administrator superior may bring a monastery enough support to renew itself. The role of the diocesan bishop, besides being appointed a member of the *ad hoc* commission, is to provide his opinion on a recommendation for suppression of a monastery should this be proposed.

The end result of the commission's process is to determine if the inability to manage the life of the autonomous monastery in all its dimensions is only temporary or is irreversible, helping the community . . . to

overcome difficulties or to put in place what is necessary to bring about the suppression of this monastery.⁶⁰

After receiving the *ad hoc* commission's recommendations, CICLSAL makes the final decision concerning the future of the monastery.⁶¹

Distinction between the Diocesan Bishop's Role with Consecrated Virgins and Institutes

It is important to keep clear, when considering the role and responsibilities of any form of institute facing a reality of decline, the situation is distinct from that of consecrated virgins living in a diocese.⁶² An institute has juridical autonomy and a proper law that provide it an ecclesiastical identity and authority distinct from the diocese bishop. In contrast the *Ordo virginum* (Order of Consecrated Virgins) has neither of these.

The *Ordo virginum* is a particular way of consecration that has an identifiable canonical structure with a long history of being recognized as a legitimate form of religious life.⁶³ It is viewed as a type of consecration in total collaboration with and embedded in the life of the local Church.⁶⁴ The Church has given the diocesan bishop an extensive, on-going role with

⁵⁸ Ibid.

⁵⁹ *Cor orans*, no. 54.

⁶⁰ *Cor orans*, no. 55.

⁶¹ *Cor orans*, no. 71.

⁶² 1983 *CIC* c. 604 §1.

⁶³ Congregation for Institutes of Consecrated Life and Societies of Apostolic Life, instruction *Ecclesiae Sponsae Imago*, June 8, 2018, no. 6 points out: "The Church re-introduced this form of consecrated life in 1970. Nevertheless, there is historical evidence of its existence and importance from the earliest days of the Church. In recent years interest in this form has increased with CICLSAL hosting international

meetings for consecrated virgins on three occasions in 1995, 2008, and 2016. As a result of this increased interest there have been requests from many places for more guidance in applying the norms indicated in canon 604 and stated in the 1970 document." The English translation, which will henceforth be referred to as *Ordo virginum*, can be found at http://www.vatican.va/roman_curia/congregations/ccsclife/documents/rc_con_ccsclife_doc_20180608_istruzione-ecclesiesponsaeimago_en.html; accessed November 4, 2018.

⁶⁴ *Ordo virginum*, no. 6.

accompanying responsibilities if he admits an individual into this particular expression of consecrated life.

In contrast to other forms of consecrated life, the diocesan bishop is named as the sole competent ecclesiastical authority for preserving and ensuring the prescribed essentials of the *Ordo virginum*. He is to oversee admission to, pastoral care for, and departure from this vowed commitment.⁶⁵ The scope of his role and responsibilities are extensive and to be carried out with diligent attention, with the full authority for implementing both the norms and the extensive expectations for the formation period laid out in the *Ordo Virginum*.⁶⁶ This is distinctly different from the other forms of consecrated life in which CICLSAL retains authority, the extent depending on the particular form and whether they are pontifical or diocesan right institutes.

There is even the recognition that a diocesan bishop may choose to establish a canonical foundation with an accompanying civil recognition should he identify that such structures would provide necessary support to consecrated virgins in his local Church.⁶⁷ Also, consecrated virgins can freely choose to form an association that they ask the diocesan bishop to recognize canonically.⁶⁸ However, the establishment of an association or canonical foundation is completely optional, leaving the individual consecrated virgin free to choose to join or not. This is in contrast to the directive CICLSAL has issued that all institutes living contemplative religious life are to join a federation within the next twelve months to ensure both oversight and pastoral assistance in sustaining their individual monasteries.

⁶⁵ *Ordo virginum*, nos. 47–48 and 50. In addition to these three sections, the role of the diocesan bishop is discussed in many sections throughout this document.

III. Findings and Applications to Any Type of Institute Facing a Reality of Decline

First, on the role of an institute's juridical autonomy, which includes responsibilities for addressing its reality of decline, there is a shift in the recent papal and CICLSAL documents that have been examined in this paper on either the restriction and/or loss of an institute's juridical autonomy. For now this shift has been applied only to institutes living the contemplative religious life. Nevertheless, the question arises whether in the future, either in the Vatican's practice or its documents, this same approach that a monastery's juridical autonomy is not automatically permanent may be applied to additional forms of institutes as the number of institutes facing decline continues to increase.

1. In the Code of Canon Law a reasonable amount of content is given about how an institute has the autonomy for handling both its internal way of life and exercising its public mission. An institute's autonomy arises from its decree of establishment given by a competent ecclesiastical authority and is expressed in the text of its approved constitutions. An institute retains its autonomy throughout its existence unless it is temporarily or permanently restricted or removed by the competent ecclesiastical authority. The act of restricting or removing an institute's autonomy has to be based on a verifiable, serious loss of ability within the collective membership to live the essentials of its way of life. This loss is determined after sufficient time and examination to show if an institute is capable or not of once again living its way of life in a reasonable

⁶⁶ *Ordo virginum*, nos. 74–103.

⁶⁷ *Ordo virginum*, no. 64.

⁶⁸ *Ordo virginum*, no. 65.

manner as described in its proper law. While the canons express these directives, they are lean on how to measure and verify the status of the quality of life within an institute.

2. In the two documents issued since 2016 on institutes living the contemplative religious life, the term “juridical autonomy” is used to describe the type of autonomy given to a monastery at the time of its establishment and expressed in its approved constitutions. A criterion stating the requirements necessary to be established with “juridical autonomy” is listed. All the criteria and requirements given are, in part, measurable and are to continue for a monastery to claim to have “juridical autonomy.”

The list of requirements presented by CICALSAL is the means for determining to what extent the current members have the collective capacity to live a quality of life that witnesses to and allows them to have a “genuine autonomy of life.”

Using the list of requirements for receiving and continuing to exercise “juridical autonomy” as a guide, any institute needs to pay attention to what is happening with the collective capacity of its members. The mandate given to a monastery is to have a quality of life created by its members collectively that gives expression to the specific practices and obligations named in its proper law. Clearly, the shift here is that “juridical autonomy” is not presumed to be a permanent right of an institute. Instead, it can only be claimed when the current membership sufficiently lives what is expected of them as stated in the constitutions. If and when a sufficient

expression of these essential practices drops, the right of an institute to have “juridical autonomy” can be lost.

Second, on the role and responsibility of the diocesan bishop, there is a much more limited shift in the recent papal and CICALSAL documents that were examined. While there is only a minor shift, again the question may arise whether a similar shift might be applied in the future to the role and responsibilities belonging to institutes of diocesan right in relation to their diocesan bishops, especially in light of the scope of decline which is unfolding.⁶⁹

1. In the Code of Canon Law, the authority of the diocesan bishop for the pastoral, sacramental, and catechetical works of the local Church is stated. An institute is always to be in collaboration with the diocesan bishop’s efforts. For a contemplative religious institute, he is to respect its autonomy while exercising the responsibilities that flow from being given the role of special vigilance over it. This requires a delicate balance of observing an institute’s juridical autonomy of life while being a careful observer of what is happening, as well as providing appropriate pastoral support and/or care. Again, while the canons express that the diocesan bishop has a role and responsibilities for a contemplative religious institute in his diocese, the texts are lean on how to exercise them respectfully.


⁶⁹ For institutes of pontifical right, no matter what type of institute it is, canon law and proper law of those institutes state that the diocesan bishop has no role and responsibilities for them when they are facing decline. On the other hand, no intermediary

structure currently has been put into places, such as the requirement to belong to a federation approved by CICALSAL, to provide pastoral assistance and oversight when the reality of decline occurs in a pontifical institute.

2. In the two documents on monasteries issued since 2016 many of the responsibilities of the diocesan bishop for a contemplative religious institute in his diocese cited in the canons are continued. At the same time the major superior of an institute is given some increased authority to act autonomously from the diocesan bishop. In addition, with each monastery being directed to join a federation, the significance of episcopal visitation may end up falling out or certainly being downplayed in importance with the introduction of the visitation the federation president is to make to each member institute.


The sole role of the diocesan bishop when a monastery is facing decline is said to serve on an ad hoc commission should there be sufficient decline to warrant CICALSAL setting one up to examine its future.

An additional shift in role and responsibilities of the diocesan bishop follows from both the major superior's expanded authority for some matters



THE SOLE ROLE OF THE DIOCESAN BISHOP WHEN A MONASTERY IS FACING DECLINE IS SAID TO SERVE ON AN AD HOC COMMISSION SHOULD THERE BE SUFFICIENT DECLINE TO WARRANT CICALSAL SETTING ONE UP TO EXAMINE ITS FUTURE.

previously restricted to the approval of the bishop as well as the introduction of the scope of authority the federation president has for member monasteries. While he still has a role of pastoral support and the duty of special vigilance, the shift makes it clear that the diocesan bishop does not have the responsibility to step in and/or to take control of a monastery facing decline. Rather, this role and the accompanying



THE RECENT DOCUMENTS FROM POPE FRANCIS AND CICALSAL INDICATE CONCERNS FOR THE DECLINE MANY INSTITUTES ARE CURRENTLY EXPERIENCING.

responsibilities lie first with a monastery itself, then with the president of its federation, and finally with CICALSAL.

Third, on the application of the shifts to all types of institutes of consecrated life, there is a delicate balance that is called for as a reality of decline is occurring in a large percentage of institutes in the United States, no matter what type they are canonically. The decline is primarily connected to the demographics of institutes experiencing the impact of the significant drop in professing new members while their current members continue to age and experience health issues. It is the declining collective capacity in their members, not their desire and clarity about how to live their way of life, that is causing institutes to face the realities of decline. Drawing from the two shifts identified from this examination, possible applications to other types of institutes emerge.

1. The Code of Canon Law is helpful in stating who has the role and responsibilities for sustaining the life and mission of an institute. An institute's proper law along with its administrative policies and civil corporation are to provide for the sustainability of both. The canons also state the scope of the diocesan bishop's authority for the life of the local Church along with his role and limited responsibilities he has for any type of institute that may be based and/or ministering in his diocese. The long history of institutes and diocesan bishops interacting in a variety of ways provides perspective and information on the complexity of the relationship between them. Both, in one way, are collaborating in the public life of the Church. But, in another

way, each has its own canonical identity and authority that potentially and easily can overlap.

An institute remains always accountable to the ecclesiastical authority who first established it. It is in this area that much of the overlap and tension can occur in a diocese, especially for a diocesan institute that remains ultimately accountable to the diocesan bishop. This means that confusion could easily occur about what role and responsibilities for an institute based in his diocese the diocesan bishop may have should the institute come into a reality of decline. Even should a diocesan institute be facing decline, great care must be taken to separate out that the diocesan bishop has no obligation to provide for it financially or right to assume the authority that belongs to the institute's major superior and chapter. His role is one of providing pastoral outreach and asking the institute to provide timely, thorough accounting of its matters. Throughout, the autonomy of an institute is to remain intact unless there is sufficient, verifiable evidence that the institute lacks the capacity to exercise governance and management effectively and efficiently. Then the norms for conducting an intervention into the inner life of an institute must be followed carefully and respectfully.

2. The recent documents from Pope Francis and CICALSAL indicate concerns for the decline many institutes are currently experiencing. The concerns especially bring out that providing increased pastoral care and professional assistance to individual institutes are needed. The hope is both would be able to strengthen and possibly stop the decline of some institutes. The weakness in this perspective is that the decline facing most institutes at this time is not due to a lack of an intermediary structure for oversight and/or pastoral care. The

decline is due primarily to the lack of a sufficient number of new members, even in some institutes with more identifiable ways of religious life. The attraction of enough new members does not increase despite intentional efforts in vocation ministries and in developing thorough formation programs. Rather, the inability to attract new members seems linked to the times in which institutes are living.

3. Still, there is much wisdom to be gained by recognizing the significant impact healthy pastoral outreach by the diocesan bishop and others could have in institutes, usually bearing much fruit for those living the consecrated life. In this time of the steady decline in institutes from the various forms of religious life due to the increasing drop in demographics and the growing incapacity of members, there needs to be no judging or trying to take control by ecclesiastical authorities except in the case of a harmful situation or when requested by an institute to do so. The canons and these recent documents strongly state this position.

Instead there is an urging to continue to encourage, cooperate, and respect the stage of their life journeys in which many institutes find themselves. The situation of decline currently facing many, many institutes calls for generous acceptance and sincere pastoral support on the part of diocesan bishops. There are intense efforts on the part of most institutes to take the appropriate steps, based on professional advice, to provide for the works of their apostolate, the long-term care of their members, and their corporate matters. With these items taken care of, then, these institutes will be freer to continue to provide canonical leadership and pastoral support to their members for as long as they have the capacity. For many institutes, this latter

capacity will probably exist at best for only a few more chapter cycles at the most. This is why there is pressure to move with intention and focus to put all in place both financially and administratively in the immediate and near future.

V. In Closing

The role and responsibilities for planning and implementing what the future calls for in the face of decline belong to an institute. This means in practice that ecclesiastical authorities, whether the diocesan bishop or

CICLSAL, need to try not to disrupt an institute in exercising its duties of sustaining the life and mission of its members.

However, pastoral outreach and appropriately presented inquiries to an institute are invaluable and part of the complex relationships between institutes and diocesan bishops. The more the relationship can be built on mutual trust and respect, the more likely an institute faced with decline will be spiritually strengthened for this stage of its life journey and choose to engage with the competent ecclesiastical authority as needed.