

Canon Law Implications

Vultum Dei quaerere & Cor orans

Slide 1

After the papal audience this morning with the spiritual and charismatic words of Pope Francis, we are now entering in another reality- the reality of Canon Law and its implications on our life as Religious in general and Benedictine Women in particular.

Slide 2

But even in this we can feel encouraged or maybe consoled by Pope Francis who reminds us – and I think especially of the Canon Lawyers as I am – not to feel bound exclusively to the letter of the law, because “law alone doesn’t save. Law saves when it leads you to the source of salvation”.

Slide 3

Why this topic at the Symposium 2018?

Four years ago, at the Symposium 2014 we have been talking about a questionnaire of the Congregation for Consecrated life. This Questionnaire had been send out to “all communities of cloistered Nuns” and had as the key issues: autonomy, formation and enclosure.

I remember quite well, the lively discussions we had about this in the auditorium and the hallways of Sant’Anselmo.

It was said, that a revision of *Sponsa Christi* and an update / replacement of *Verbi Sponsa* will come out soon.

So in 2016 the Apostolic Constitution *Vultum Dei quaerere* was issued by Pope Francis and in the wake of this came recently the Instruction of the Congregation for consecrated life *Cor orans*.

Slide 4

In the next hour we want

- to present a canonical and Benedictine view on the recent legislation in general and
- to give an orientation of *Cor orans* and highlight some points of it
and last but not least we will
- have a look at the impact that it has on us as Benedictine women in general and in particular

Slide 5

First we will have a look at *Vultum Dei quaerere*:

It is an Apostolic Constitution – which means that it is legislation from Pope Francis;

The Constitution itself tells us that

- it is given, because the former legislation, and that means the AC *Sponsa Christi* from 1950 is out of date;
- it wants to take in account the journey taken by the Church in recent decades in the light of the teachings of the Second Vatican Council & a changed social and cultural situation

- to maintain and reinforce the fundamental values of contemplative life e.g. silence, attentive listening, the call to an interior life, stability
- to fill holes / *lacune legis* in the following fields: formation, autonomy / federations, enclosure

Slide 6

The addressees of VDQ are the Congregation of consecrated life and the „individual cloistered monasteries of nuns, whether wholly contemplative or not, and whether part of a federation or not“ (Art. 2 § 1 VDQ) ≈ moniales – in short and from the Benedictine point of view: all of us, who are listed in the Catalogus as *moniales*.

It contains an Invitation to reflection and discernment on twelve aspects of consecrated life in general and the monastic tradition in particular:

¹**formation**, ²prayer, ³the word of God, ⁴the sacraments of the Eucharist and Reconciliation, ⁵fraternal life in community, ⁶**autonomy**, ⁷**federations**, ⁸the **cloister**, ⁹work, ¹⁰silence, ¹¹the communications media and ¹²asceticism

And in the first part it does this in a pastoral and in a good sense challenging way.

In the second part it gives already some regulations and mandates the congregation of consecrated life of issue an Instruction on the key issues: formation, autonomy, federation and enclosure

Slide 7

Let's have a break: this drawing wants to give you an idea of our way of monastic life; we see Nuns and Sisters praying, we see them in habit or civil clothes, we see them in different cultural backgrounds, we see them doing labour work or computer work, we see them sharing with each other and people from outside...

Without any claim to be thorough or to match all aspects of monastic life, we all can recognize points of the reality of our life in this.

If we speak of monastic life, something like this comes in our mind

Slide 8

But – if the Church, especially the magisterium speaks of monastic life or better of female monastic life, it has another reality in its mind:

If we look at Sponsa Christi 1950:

§ 1 The particular form of monastic religious life that *moniales* must faithfully live under strict regular discipline, and to which they are destined by the Church, is the canonical contemplative life.

§ 2 **The name canonical contemplative life does not mean the internal and theological life ... but the external profession of a religious discipline** which, both for the cloister, exercises of piety, prayer and mortification and the work ... is so ordered to interior contemplation that all life and all action can easily and must be effectively imbued with the desire for it.

The council Vatican II spoke in PC 7 of the Communities which are entirely dedicated to contemplation, and in PC 9 about the monastic life; and we know, that amongst the Benedictine women there are communities which recognize themselves under PC 7 and other under PC 9. All the monks will recognize themselves under PC 9.

But Vdq repeats the equalization of monastic and contemplative for women when it says:

“5. The contemplative monastic life, made up mainly of women, is rooted in the silence of the cloister; it produces a rich harvest of grace and mercy. Women’s contemplative life has always represented in the Church, and for the Church, her praying heart, a storehouse of grace and apostolic fruitfulness, and a visible witness to the mystery and rich variety of holiness.

At this point it is not the time to discuss this – it is only to recognize, that it is, as it is and that we have to repeat again and again our Benedictine Tradition that monastic life is not to be equalized in a juridical way with contemplative life.

Slide 9

But now we start to speak about *Cor orans*

First: have a look at the table of Contents:

Introduction

General Norms (1-14)

Chapter one: **The autonomous monastery** (15-85)

Chapter two: **The Federation of Monasteries** (86-155)

Chapter Three: **separation from the world** (156-218)

Chapter four: **Formation** (219-289)

Final dispositions

Conclusion

As you see, you find the four already mentioned key issues back. And it is a rather large document....

Slide 10

Cor orans is an Instruction: an Instruction clarifies and elaborates the prescripts of the law; and/ or determines the methods to be observed in fulfilling them (can. 34 § 1 CJC); it does not derogate (that means it makes no exemption) from the laws (can. 34 § 2 CJC);

Nevertheless we find some passages which are not in accordance with Canon Law– they are listed on the slide; it was necessary to get a specific approbation from Pope Francis for this – that means, that they are now bounding.

I will not name them now, but it should be noticed, that all these changes strengthen the authority of the Abbesses/Prioress and reduce the authority of the diocesan bishop.

Slide 11

I would like now to start with Chapter three and four: Separation from the world and Formation.

Slide 12

If we have a look at the table of contents of Chapter three we find after an introducing part something about the means of communication and then more about enclosure.

About the means of communication one could read a lot in the news and social media, but in fact the four numbers are only speaking about discernment and prudence in using it.

Let's have a closer look at enclosure:

Slide 13

Left side: If we look in the code of Canon law, canon 667 shows us the previous regulation:

We have in § 1 the "common enclosure" for every religious house, § 2 speaks of a stricter discipline of enclosure for monasteries ordered to contemplative life and § 3 and 4 are dealing with enclosure of nuns:

§ 3 distinguishes papal and constitutional enclosure, and § 4 regulates a special competence of the diocesan bishop regarding the enclosure of Nuns

If you look now on the right side, you see that Vdq and *Cor orans* know three different forms of enclosure for nuns:

1. **papal enclosure** = norms given by the Holy See; external works of apostolate are excluded (CO 183)
2. **constitutional enclosure** = defined in the Constitutions or another code of the proper law; some activity for the benefit of the people are associated to the contemplative life (CO 204)
3. **monastic enclosure** = more rigorous than the common enclosure; beside the primary function of divine worship some wider forms of reception and hospitality (CO 210); to be defined in Constitutions or another Code of the proper law (CO 211)

I still think that we have to thank the invention of the term of monastic enclosure to Hildegarde Sutto. But now it is for the first time that it is mentioned as a legitimate form of enclosure and especially for us as Benedictines in a legislative text.

4

Of course, we could go much more in depth with this all, but I will just underline the important points:

Slide 14

What has changed for us/ for some of us in regard to enclosure?

1. A discernment process about our form of enclosure is possible and necessary:

VDQ Art. 10 §1: Each monastery, following serious discernment and respecting its proper tradition and the demands of its constitutions, is to ask the Holy See what form of cloister it wishes to embrace, whenever a different form of cloister from the present one is called for.

NB: if you are happy with your form, nothing has to change; you need not ask the Holy See.

2. We see an extension of the authority of the Abbess/Prioress:

- She can give the Exclaustration for one year (CO 177); (and as we see later: the prolongation is up to the President of the Federation);
- She can give a Dispense from the enclosure (CO 175);
- And she can allow the Absence from the monastery (CO 176)

That means: the Exclaustration has not to go immediately via Rome; and concerning the Dispense we see a restriction of the authority of the diocesan bishop.

Slide 15

Chapter four: Formation

Have a look at the table contents:

Slide 16

First again some general observations:

Cor orans...

- ... emphasizes the value and importance of the ongoing formation
- ... asks for discernment in general and in particular; e.g. related to candidates from other countries:
 - 255. The establishment of international and multicultural monastic communities manifests the universality of a charism; therefore the reception of vocations coming from other Countries must be the object of adequate discernment.
 - 256. One of the reception criteria is given by the prospect of spreading monastic life tomorrow in particular churches where this form of following Christ is not present
 - 257. The recruitment of candidates from other countries solely for the sake of ensuring the survival of a monastery is to be absolutely avoided [VDQ art. 3 § 6].
- ... gives responsibilities / tasks to the Federation:

President (CO 117-120)
common initial formation (CO 141h)
federal formator (CO 148)

And last point: the congregation says that new Guidelines on Formation will come out soon.

Slide 17

But second we have to look at the new regulations regarding the steps and the time of initial formation:

Cor orans states

- an obligatory **Aspirancy**: min. 12 months; max. 2 years
- a **Postulancy of at least** 12 months; max. 2 years; the Code of Canon Law did not know this: it speaks in \neq can 597 § 2 CIC about a „suitable preparation“;
- the **Novitiate lasts in any case** 2 years – this also more than the Code foresees: \neq can. 648 § 1 CIC: min. 12 months, § 3: max. 2 years;
- And about the **Juniorate** CO 287 says: „Temporary profession is emitted for three years and renewed annually up to the completion of five years, until a minimum of nine years of initial formation is completed.“

So if we count all together: 1 A + 1 P + 2 N + 5 J = min. 9 years of initial formation

So we have to realize, that this is a particular legislation regarding the nuns – no other one has it;

The Benedictine monks do not have it, the Benedictine sisters do not have it; all other religious people do not have it.

I know there is much more to say about this question, but I will leave it with this at the moment.

I invite you, to take a moment of reflecting and sharing about the two subjects of enclosure and formation at your tables, therefore we prepared two questions:

Slide 18

- *Questions will be given for table discussion/work – they are not formulated at this moment.*

Slide 19

Now we start with the next subjects: Autonomy, Federations and Congregations

Slide 20

This graph shows the structure of the Benedictine Confederation:

On the left side you see the Congregations of monks and on the right side the CIB and the women monasteries;

At the basis of all there is the autonomous monastery, with Abbot/Abbess/Prioress and chapter;

The monks are united in 19 Congregations with an Abbot President and a General Chapter; then we have the level of the Confederation with the Abbot Primate, the Congress of Abbots and so on.

On the side of the Benedictine women we have autonomous monasteries of nuns “isolated”, we have monasteries of Nuns, incorporated or affiliated in a Congregation of monks, and we have Congregations/Federations of Sisters, Congregations and Federations of nuns.

6

Slide 21

As I said, at the basis of all there is the autonomous monastery – what is this?

From a juridical point of view we can point out the following items:

- community
- abbess/prioress = major superior can. 620 CIC
- chapter = all members with final profession
- council
- novitiate
- independent economy
- house with oratory

Vultum Dei quaerere has brought an important change, when it states in Article 8:

Juridical autonomy needs to be matched by a genuine autonomy of life

And it goes further in identifying requirements for this genuine autonomy of life:

These are:

- minimum number of Sisters
- not overaged
- vitality to practice and spread out the charism

- capacity for formation & governance (leadership)
- dignity & quality of liturgical, fraternal, spiritual life
- sign value & participation in the local church
- self-sufficiency
- suitable monastery

Slide 22

Cor orans takes this in account when is defines in number 6 an autonomous monastery as follows:

“Monastery sui juris refers to the religious house of a female monastic community that, having the requisites for real autonomy of life, was legitimately erected by the Holy See and enjoys juridical autonomy under the law”

And it unfolds this in number CO 15, 16, and 18.

We will first look at the table of contents of Chapter 1 and you see the different issues regulated by *Cor orans*.

I will speak only about a few things:

Slide 23

Again first of all some General Observations:

We see in *Cor orans* the confirmation of the juridical autonomy and the demand of a real autonomy of life;

And we get some means to prevent difficult situations or to help in difficult situations: these are:

- the President of the Federation gets responsibility to inform the Holy See when a monastery lacks the autonomy of life
[in brackets: here we see already the importance of the Federation – but we will talk about this later]
- We have the **Loss of the right to elect an Abbess/Prioress** if the number of solemn professed nuns reaches 5, and further we have the
- **Ad hoc commission** (VDQ Art. 8 § 2; CO 43; 56; 69) and
- **Affiliation**

The last two we will see now look at closer:

Slide 24

What or who is the Ad hoc Commission?

An Ad hoc commission is composed of the Ordinary (that is the Bishop or the male religious superior), the President of the Federation, the Federal Assistant (*Assistens religiosus*) and the Abbess/Prioress of the monastery and is set up by the Holy See;

It can be set up when the real autonomy of life of a monastery is threatened or lacking

Cor orans speaks in three paragraphs of this commission:

CO 43: President of the Federation and her responsibility to inform the Holy See – this is in view of the setting up of this commission

CO 56: in the process of deliberation/preparation in view of an affiliation

CO 69: in the process of preparation/implementation of suppression.

In these cases, the Ad hoc commission has a certain part.

Slide 25

If we look now at the affiliation: What is an Affiliation?

Cor orans says in general: “55 Affiliation is configured as a juridical support that must assess whether the inability to manage the life of the autonomous monastery in all its dimensions is only temporary or is irreversible, helping the community of the affiliated monastery to overcome difficulties or to put in place what is necessary to bring about the suppression of this monastery”.

What it is in particular? It is the suspension of the status of autonomous monastery and at the same time the monastery becomes a dependent house of another monastery or the Federation.

By whom? It is always the Holy See who decides over an affiliation

The aim of an affiliation is to stabilize a monastery or in a positive manner to prepare the way for suppression. So in a certain sense we can say that a monastery, a community wins some time to deal with a difficult situation.

And in fact it means, that the Abbess/Prioress of the affiliating monastery/President of the Federation = major Superior of the affiliated monastery; this affiliated monastery has no own chapter, no Council anymore.

Slide 26

Now we take another step, when we are talking about the new regulations of *Vultum Dei quaerere* towards the autonomous monasteries:

Article 9 §1 says: Initially, **all monasteries are to be part of a federation.**

[If, for some special reason, a monastery cannot join a federation, after the vote of the chapter, permission to allow the monastery to remain outside a federation is to be sought from the Holy See, which is competent to study and decide the question.]

Exceptions are possible, but difficult.

Slide 27

Cor orans has taken this seriously and confirms the obligation to enter in a Federation and it is quite obvious, that for both of the two documents to be part of a Federation is the favourite way.

But there are other possibilities:

Cor orans knows also:

- **Association of female monasteries**
- **Conference of monasteries**
- **Association with (incorporation in) a male institute**
- **autonomous monastic congregation of women**

The time, *Cor orans* gives us to act on the new regulations is one year.

Slide 28

Let's have a closer look to these different structures:

name	what	who	aim
FEDERATION (CO 7)	structure of communion	autonomous monasteries of the same institute	overcome isolation; promote regular observance & contemplative life
ASSOCIATION (CO 8)	structure of communion	autonomous monasteries of the same institute	collaboration
CONFERENCE (CO 9)	structure of communion	autonomous monasteries belonging to diverse institutes in one region	promoting contemplative life; favoring collaboration
MONASTIC CONGREGATION (CO 12)	structure of government	autonomous monasteries of the same institute	President = major superior General chapter = supreme authority
associated with a male institute	structure of government according to cann. 614 + 615 CIC	autonomous monasteries of the same institute ♀♂	major superior of the male institute = major superior of the female monastery, called religious ordinary CO 81, 2

9

Comments:

1. If you look at the first three – they are called structures of communion; it is not clear, what in reality will be the difference between a Federation or an Association – the Future will teach us; I heard a statement from Archbishop Carballo, the Secretary of the Congregation for Religious, that this is a sign, that they are not expecting everyone to comply to just one model;
2. Regarding the conference of monasteries it is not sure, if this really serves as a fulfilment of the prescription of joining a Federation – I've heard a statement from somebody that it will not – but I'm not so sure about.
3. The last two structures are named as "structures of government", that means, that the President (female or male) acts as a major superior according can. 620(2 phrase) towards the member monasteries.

For us in the Benedictine world the most important possibilities are: Federation, the Monastic Congregation and the Association with a male institute

Slide 29

So, if we look again at the graph of the Benedictine Confederation, we easily recognize that we as Benedictine women have them all.

Slide 30

What does it mean, when we speak about "structure of communion" versus "structure of government": to state it quite simple: the difference lies in the prescription about, who has the right and duty to visitate? Or in other words: who is appointed by the Church to oversee?

If we look at a Federation according to *Cor orans*: it is the bishop with the President of the Federation as Coadjutor – this is an invention of the Instruction;

If we look at a female monastic Congregation: It is the (female) President of the Congregation

If we look at a monastery, associated with a male congregation: it is the president of the male congregation.

Slide 31

With this slide we make a comparison between a Federation and a monastic congregation:

A Federation is a structure of Communion.

A Congregation is a structure of government.

A federation is composed out of autonomous monasteries according to can. 615 CIC.

A Congregation is composed out of autonomous monasteries according to can. 613 CIC; ≠ can. 615 CIC.

In a Federation the President is not major superior.

In a Congregation the President is major superior can. 620 2nd phrases CIC.

In a Federation the council of the Federation is not the council of the superior according to can. 627 CIC.

In a Congregation the council is the council of the superior according to can. 627 CIC.

In a Federation the assembly of the Federation is a sign of unity and charity; it is not the supreme authority; it does not represent the entire institute.

In a Congregation the General Chapter is the supreme authority; it does represent the entire institute.

In a Federation there is a federal Assistant (assistens religiosus).

In a Congregation there is no assistant religious.

Slide 33

We will look at this in a different way:

As we have already heard, a Federation and a monastic Congregation have quite a similar structure:

Both have as basis the autonomous monastery. Both have an Assembly, which in a Congregation is a General Chapter, both have a council, with different functions, both have a President, with a different authority; there are some other offices: financial Administrator, secretary, Formator; there is one thing a Federation has, which a Congregation does not have: the assistens religiosus

Slide 34

This slide shows only the table of contents of chapter two of *Cor orans* and you see, that it deals with the different functions in a Federation; the structure or better the working of a Federation as *Cor orans* present them, is for a good part really new.

Slide 35

I will only take a close look at the President and her authority – because this is quite different from the authority of a President of a Federation before *Cor orans*; – and again I will do this in comparison with the President of a monastic congregation:

First have a look at the President of the Federation on the left side – I will only name the bold text:

- **≠ major superior; acts on the strength of what CO attributes to her (CO 110)**
- **Covisitor of the Bishop during regular visitation; writes report (CO 111; 115)**
- **Visitor in extraordinary visitation (CO 113)**
- **Supervision / care for formation at all levels (CO 117-120)**
- **reports to the Holy See, if a monastery does no longer posses a real autonomy of life (CO 120)**
- **always part of the ad hoc commission (CO 43; 45; 56; 69);**
- **Election for 6 years (CO 110)**
- Federal Assembly: convening and presiding (CO 118)
- Informs the Holy See about problems in connection with the transfer of a nun (CO 122)

In a monastic Congregation this is different:

As we have already seen, she is a **major superior**;

- **acts according to the general law and what the Constitutions assign to her**
- **Visitor (CIC 628 § 1; CO 75 (1))**
- **presides the election of the abbesses in the individual monasteries**
- **elected for the time set out in the Constitutions**
- accepts the resignation of an abbess
- General Chapter: convening and presiding

Slide 35

Up to now I have tried to give an orientation on *Cor orans* and to highlight some points of it;

With my last three slides I will focus on the impact this has on us as Benedictine women for the future:

So again look at the right side of this graph – the juridical situation of the Benedictine Women:

Slide 36

If we look in the Catalogus OSB we find:

37 Federation/Congregations of Sisters (*sorores*)

5 Congregations of Nuns (*moniales*)

20 Federations of Nuns (*moniales*)

72 monasteries of *moniales*, which are incorporated (43?) or affiliated (29?) to a Monks Congregation and

64 *Monasteria extra Instituta et singularia*: 6 *sorores*, 58 *moniales*

Slide 37

What are the consequences of *Cor orans* for the different groups of monasteries?

37 Federation/Congregations of Sister (*Sorores*) – these are for the moment beyond our interest, for them nothing happens; but I will not forget to mention, that some of them have the structure of a monastic congregation

5 Congregations of Nuns *Moniales* – they are OK – there will be some changes about the formation

20 Federations of Nuns – *Moniales* – they will have to undergo a modification of their present statutes; and in addition I know, that some of them are changing into a monastic congregation

72 monasteries of *moniales*, which are incorporated (43?) or affiliated (29?) to a Monks Congregation – it depends: the incorporated monasteries are in general OK; the monasteries that are only affiliated have to act

64 *Monasteria extra Instituta et singularia*: 6 *sorores*, 58 *moniales* – in this group the monasteries of *moniales* all have to act, that means: to join an existing Federation or to join an existing Congregation or to join a monks congregation or to build something new together with others.

Slide 38

So, on the right side of this graph there will be lot of movement ... and in about one, two, three ... let's say five years it will look different: there won't be any isolated monasteries anymore, the structure of the *Moniales* and *Sorores* will be more similar ...

I have more than a feeling, that this will have an impact on the CIB and on the Benedictine Confederation as a whole

Slide 39

We all will listen anew what Benedict meant, when he prayed at the end of Chapter 72 of his rule that Christ may bring us all together to life everlasting. (RB 72, 12)

Thank your for your attention.