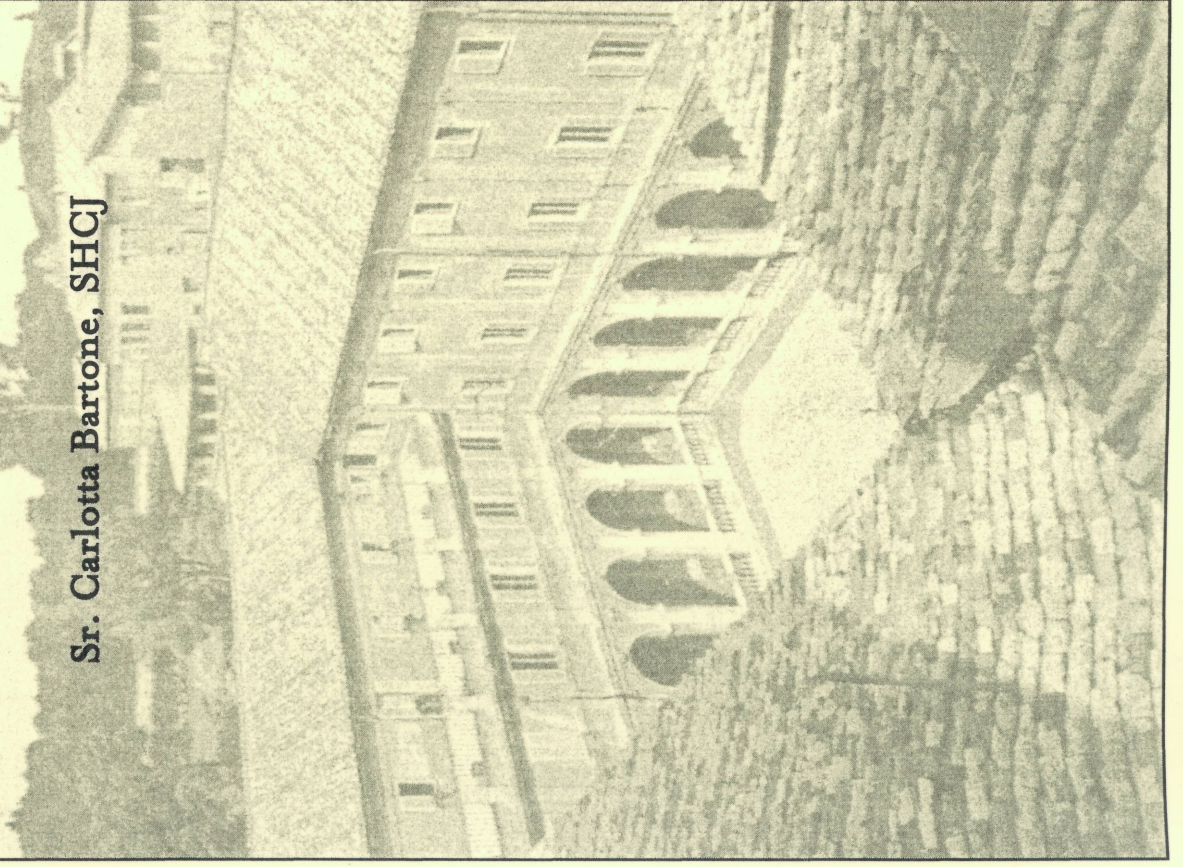


**History of the Constitutions of the  
Society of the Holy Child Jesus**

**Sr. Carlotta Bartone, SHCJ**



**History of the Constitutions of the  
Society of the Holy Child Jesus**

**Sr. Carlotta Bartone, SHCJ**

It is an axiom of Canon Law that a document, in order to be interpreted and implemented properly, must be examined not only as to its text, but even more importantly, in its context. The present study is an attempt to do this with regard to the history and development of church law as it impacted the SHCJ Constitutions. This is not a study of the spiritual and historical sources of the text, because Sister Caritas McCarthy, of happy memory, has done this in a masterful and thorough way in the fourth issue of Source. Further contributions along these lines were made by Sister Maureen Crook, (Sources #9 and #10), and Sister Mary Anthony Weinig, (Source #7). Rather, this study is an attempt to situate the development of our constitutions in the context of the evolution of the law for Religious of the Latin Church over the centuries.

In addition, to paraphrase Sister Mary Linscott in her monograph on the constitutional history of the Sisters of Notre Dame de Namur, This Excellent Heritage,

“The pace of life and the demands of mission...have not always given the time and opportunities necessary to explore the richness of the text approved (in 1983). The practices that made for familiarity with previous constitutions have gone, and there is no substitute that helps us interiorise the spiritual, juridical, and implicitly historical depth of the new document. Yet constitutions do not stand alone, nor are they a matter for purely individual interpretation. The revised text was not written in isolation. It comes from and continues a specific identity and history, and it can only be fully understood in terms of these. It also expresses a corporate life and commitment to which each [Sister of the Holy Child] commits herself, and through which she grows with others towards fullness of life in the good God.<sup>1</sup>

### **Where did it all begin?**

In the early centuries of the Church, during and after the times of



persecution, some men and women felt called to leave the world and go apart to dedicate themselves to prayer and penance in imitation of Christ. As time went on and these people began to attract disciples in ever increasing numbers, there grew up the tradition of living a communal life in a monastery. To bring order into such communal living, great founders like St. Benedict drew up rules and statutes, not only for better order but to help their subjects keep before their minds their purpose in leaving the world, to love God and follow him as closely as possible. Once in the monastery, monks and nuns were expected to remain there for life, and most took a vow of stability. However, for men it was generally acceptable to live both inside and outside of the cloister, while for women strict enclosure had become the custom.

As the Church itself grew and developed and Christianity became the state religion of the Roman Empire in the 4th century it organized rules and practices for its subjects by means of its ecumenical councils. Often councils were called in order to address disorders that had arisen, and in fact the first written ecumenical church ruling regarding religious cloister was given at the Council of Chalcedon in 451.<sup>2</sup> Some monks were leaving their monasteries and traveling about extensively for varying lengths of time, usually without informing either their religious superior or the local bishop. Monks sometimes acted completely independently of the bishop in erecting a monastery in a diocese. Chalcedon ruled that, for both monks and nuns:

1. no one could build a chapel or monastery without the consent of the bishop of the place where it was to be located;
2. all monks were to be subject to the bishop of the place in which the monastery was located;
3. monks were to remain within their monasteries and maintain their vow of stability.

The intent of these canons was to encourage the monks to live the monastic life sincerely, so that they would receive deserved respect from society and the Church. These rules, though addressed to monks, were meant for nuns as well. The council also asserted the bishops' authority over monks and religious since their permission was needed in order to found new houses. Prior to this time monks and religious had made their own regulations, and this movement of authority from the institute to an ecclesiastical authority was the beginning of a pattern. The question of whether episcopal authority was necessary and sufficient for starting a foundation remained an issue for centuries. That church leaders of the fifth century saw the need to regulate how monasteries came into existence reflected the importance already attached by the Church to religious life. These canons were explicitly reaffirmed by at least three future councils, while other councils during later centuries implicitly referred to them. As a result of Chalcedon, monasteries and those living within them were permanently brought within the general laws of the Church at the very core of their existence, that is, their right to start foundations. Shortly after this time St. Caesarius of Arles drew up the first rule for nuns living in community, though later regulations made for monks were also expected to be followed by nuns as well.

In the next seven hundred years monastic foundations greatly increased in number, and ecclesiastical authorities were troubled by a fear of too many new episcopally approved foundations. As monasteries branched out from the diocese where they were under the authority of the approving bishop, the potential for abuses grew.

At the same time, mendicant groups, which combined a non-cloistered life with religious dedication, became a growing movement in response to an ever stronger longing to reach personal spiritual perfection outside enclosure. The Church now felt a responsibility to ensure that these new foundations remained institutes where spiritual perfection could be sought. Thus the IV Lateran Council (1215) ruled that:

1. Everyone was forbidden in the future to found new



institutes without prior approval of the Roman Pontiff.

2. An individual could enter only an ecclesiastically approved religious institute.

3. In order to be formally established, a group must adopt one of the four ecclesiastically approved rules.

The four Rules were those of Benedict, Augustine, Basil, and Francis. This mandate forced new foundations to adapt their particular expression of religious life to an established mold. This was a loss for the Church as well as for the particular group.<sup>3</sup>

One of the requirements of each of these rules was a public profession of vows, which meant that the vows were received in the name of the Church by an ecclesiastical authority. Public, in canon law even today, means received in the name of the Church by an authority of the Church. This law, finally put into effect sixty years later at the II Council of Lyons, 1274, was interpreted as applying to all types of religious foundations, so that many requests to start a religious foundation were denied, including that of St. Dominic. Only after he adopted the Rule of Augustine was his foundation granted papal approbation.

The II Council of Lyons not only reaffirmed and enforced the legislation of IV Lateran Council but ordered that all institutes founded since 1215 without papal approbation be suppressed by denying them the right to take in new members and to accept alms for support. Even with this ruling there were exemptions, however, and the Franciscans, Carmelites, Dominicans, and Hermits of Saint Augustine were allowed to continue to receive alms. Exemptions were always available, thus recognizing the fact that there can be exceptions to most rules, given the right reasons.<sup>4</sup>

Another reason for the requirement that all religious publicly profess solemn vows of poverty, chastity and obedience was the fact that there

were many heretical groups beginning. The profession of vows in a papally approved institute ensured a greater degree of stability and official recognition, particularly as long-established institutes spread into many dioceses and were no longer under the authority of just one diocesan bishop.

As the papacy received an increasing number of petitions seeking approbation for new religious foundations, the question of what was required in order to be considered true religious was considered. Even though previous legislation had applied to both men and women, cloister, or enclosure, was never strictly enforced for men as it was for women. Thus women who were attracted by the mendicant lifestyle and spirit which was necessarily lived outside the cloister, turned to the third orders of lay people attached to most monasteries and were sometimes confused with women religious. Again, legislation was needed to define what were the required elements of religious life, especially for women. To address this question, Pope Boniface VIII issued the constitution Periculoso (1298) which stipulated that:

1. Strict enclosure was essential for women religious.
2. The abbess had the ultimate authority to decide when departure from the enclosure was permissible.
3. Only as many members as could be supported by the monastery's resources were permitted to enter.

This constitution also encouraged monks not to leave the monastery once they were professed, forbade begging by non-mendicants and women, and forbade those not professed to enter the monastery. As is often the case, the legislation was an attempt to address abuses that had arisen because of local customs. In fact, the stricter enforcement of enclosure contained in the constitution was already demanded in most religious rules in the thirteenth century. However, since abuses had continued in spite of the existing regulations, this papal ruling offered the advantage of uniform legislation with a system of severe penalties for violation of its precepts.

Thus by the end of the thirteenth century, the pattern for religious life for women was established, and became the norm of law. The elements of this life were:

1. Solemn vows, which required
2. Enclosure, in an institute that had
3. Papal approbation.

While these regulations seem to us overly restrictive, we must remember that they mirrored to some extent the social perspective of a woman's place in society at the time, and were often a response to perceived abuses. They were also meant to segregate women religious from the world, to give them more time for prayer, and to remove them from the distractions of the secular world.

Actually, in spite of these regulations, abuses continued as did the growth of lay associations that gave themselves to charitable works outside of religious life. In many cases, members of these groups adopted a simple dress and did many things in common. This, in turn, caused concern among members of the hierarchy, because they saw it as a degradation of practices common to religious.

The Council of Trent<sup>5</sup> reiterated the regulations of Periculosus, but questions remained as to whether strict enclosure and solemn vows were mandatory. Third order groups and lay associations had continued to spread and received recognition from civil authorities for their works, while ecclesiastical officials only tolerated them. Some bishops, however, recognizing the benefit of their services in their dioceses, encouraged groups of religiously dedicated women whether they claimed to be lay or religious. The question then arose as to were these groups not actually religious, since they often wore a distinct garb and lived a type of common life? If they were religious, did the bishops have the authority to recognize them?

Pope Pius V, in the constitution Circa Pastoralis (1566),<sup>6</sup> made it

very clear that all who claimed to be women religious were bound by the regulations already given, and that papal approval was reserved for those who took solemn vows and observed enclosure. Moreover, bishops could give approval only to those groups which were not living in common or wearing a distinctive garb. Many of these groups had requested permission of their bishops to adopt one of the four approved Rules for religious and to profess publicly vows which would be considered legally simple vows, since solemn vows could be professed only in papally approved institutes and required strict enclosure.

In spite of this, groups of women with simple vows continued and new groups began without the required papal approval even as Circa Pastoralis was being enforced.

Meanwhile, groups of religiously dedicated men were tolerated and even, in some cases, were granted papal approbation for their non-monastic forms of religious life. Pius V apparently intended to enforce this document for men as well in the future, and in fact tried to change the constitution of the Jesuits. Clement Orth, in his study, The Approbation of Religious Institutes, documents this as follows:

When St. Ignatius and his first companions formed the Society of Jesus with solemn vows they had as one of their chief aims the maintaining of their high standard of learning. It was thus their intention that only those would be admitted to membership who had proved themselves learned. There was to precede a long term or period of trial before one was eligible to solemn profession. It is easy to see that their number would have been very small, and so they accepted others as coadjutors. These took only simple vows and remained in these for many years. If a person was unsuited for the purpose of the Society, the general could dispense from the simple vows and dismiss him. Paul III and Julius III had approved this practice. Pius V, however, was not satisfied and



demand an explanation for these simple vows of the scholastics. For a time the Society's reason sufficed, but a new blow was struck by another decree which required solemn vows before ordination in any religious institute. The Jesuits complained and after much discussion the Pope heeded the complaint, though obliging them to support any priest dispensed from his simple vows.<sup>7</sup>

The Jesuits later obtained official recognition even though their Rule was not based on one of the four acceptable Rules. Pope Gregory XIII, in approving the Jesuit Rule in 1584, maintained that the requirement of solemn vows was merely an ecclesiastical regulation and, thus, one that could be changed. Since the Jesuits had been recognized by previous popes and councils, Gregory held that an examination of their lifestyle and commitment had demonstrated that, whether under simple vows or solemn vows, all the members were bound as intensely as members of other institutes. Therefore, they should be recognized as religious and be praised for their apostolate. This was the first time that individuals taking simple vows, as the Jesuits did after their noviceship, were considered as true religious as those taking solemn vows.

Of course, this was a male congregation in a patriarchal society, and, as one author noted, "There appears to be no explanation for this papal shift except that someone had the favorable attention of Gregory XIII."<sup>8</sup> In fact, not many years later many congregations of men with simple vows were publicly confirmed by Rome. Some of these did become Orders with solemn vows, but others retained their character as Congregations with simple vows and thus not subject to enclosure.<sup>9</sup>

Clearly women in simple vows could not gain such papal recognition except gradually, and after a long period of time. During the next two centuries, while there was no change in the official legislation, the burgeoning growth of new religious groups, especially of women,

taking simple or private vows developed. It was clear that the Popes and other ecclesiastical authorities were aware of and tolerated this practice, in spite of the fact that at times the faithful were scandalized that these groups of women were willing to continue to work without papal approval. Occasionally clerics and laity verbally attacked such groups, accusing them of not being true religious and true daughters of the Church. At the same time, the crying needs of the sixteenth and seventeenth centuries continued to inspire some women to risk such harassment and suffering in order to initiate non-cloistered religious institutes to respond to these needs. The Popes later got around the law by responding to particular groups in the form of granting privileges on an individual basis. Thus in 1667, in response to a group of women living in common without solemn vows and wearing the habit of Saint Dominic, Pope Clement IX granted the following privileges that were usually reserved for religious:

1. They could wear the habit;
2. They could continue to accept new members;
3. They could have their own church and have Mass celebrated there;
4. They could retain the Holy Eucharist and relics in their church.<sup>10</sup>

Though these privileges were granted to a particular group, it is clear from this that a certain degree of papal recognition for women's groups was beginning to appear. Pope Benedict XIV, in responding to another problem, gave tacit approval to a woman's institute of simple vows, and granted recognition to the autonomous authority of superiors in women's groups over certain matters of the institute, removing them from the authority of the bishop in these matters. In the constitution Quamvis iusto, (1749), he also encouraged these groups to seek papal approbation, and differentiated between institutes of solemn vows and institutes of simple vows. The stipulations of this document served as the basis of the norms governing institutes of simple vows until 1900. <sup>11</sup>



## Enter Cornelia

Soon after the Council of Trent the Popes established Congregations (or Dicasteries) to deal with the various aspects of Church Government. One of these was the Congregation for Bishops, and another was the Congregation for Religious. Within a few years, because of the close connection between the two, they were merged into the Congregation of Bishops and Religious, and remained thus until 1908, when they were once again separated.

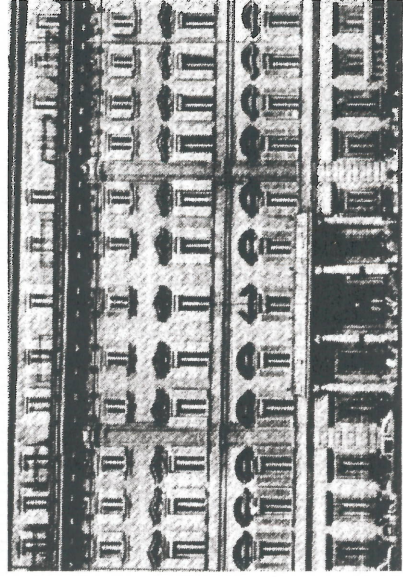
By the nineteenth century this Congregation was the usual vehicle through which the norms and guidelines for approbation were communicated to new groups. However, since England and the United States were considered mission areas, petitions for approbation from these areas were handled by the Congregation for the Propagation of the Faith, commonly known as Propaganda Fide. Thus when Cornelia went to England to found the Society, she dealt with this congregation in seeking approbation of the Rule.

## Pierce's Rule

Before leaving Rome in 1846, Cornelia and Pierce had worked together on the outline of a rule. Writing to Lord Shrewsbury in 1848, she says:

"Mr. Connelly seems to have forgotten that he assisted me with the Rule on the foundation I gave him and that at that moment, as well as this, I had no idea of accepting anything in the Rule but what passed through the inspection of my Director"  
(D 50:79-80)

This rule was far from complete and had never been put into practice when Pierce decided to take it to Rome and pose as the Founder of the Society. He omitted from this rule any reference to the Jesuits, and made some additions of his own. He obviously does not know the implications of some of his rules, and the whole document is not very well organized. He states that the rule is based on that of St. Augustine, with the annotations made by St. Francis de Sales having



*The residence of the Shrewsburys on the Corso in Rome*

equal authority to it. He notes that there will be three ranks of sisters, House sisters, School sisters, and Chapter sisters. He then notes that the noviceship will last two years, at the end of which time if the novice has proved satisfactory, she will be admitted to perpetual vows of poverty, chastity, and obedience. He says that at that time the Superior shall decide whether the sister shall be admitted as a House (lay) sister or as a School sister. If accepted as a School sister, the novice must do a third year of probation, the time and place of which the Superior will decide. At the end of that time, the sister will be accepted as a Chapter sister, but she must be at least thirty years of age. The very last stipulation of this rule states that only Chapter sisters will be permitted to make solemn vows.

Now, it is clear from this that Pierce had no idea of the fact that making solemn vows would have necessitated strict cloister, and could only be made in a papally approved congregation, and neither of these conditions existed. The Memorial of the Rev. Pierce Connelly to the S. Cong. de Propaganda Fide which accompanied this rule states that these constitutions were given to the Cardinal Prefect of Propaganda in 1846, and that Pierce had prepared them for a little congregation that God had inspired him to found with the aid of a holy person whom he knew very well and who was very docile to him. He goes on to describe the convent at Derby and the numbers of sisters and students, as well as the good works which are taking place there, and refers to the Society as "...this little Congregation which I (Pierce) have brought forth....".

A printed copy of this Rule is bound into the Archive Book of the Propaganda Fide<sup>12</sup> without a word of explanation, and caused much





*Pierce in 1836*

delay and confusion in attaining the approbation of the Constitutions, in spite of the fact that Cornelia wrote to Cardinal Fransoni to protest as soon as she learned of Pierce's action. She notes that her vows were made on the Rule which she had in her possession, which Rule had been approved (provisionally) by Fransoni and by Wiseman. Any change or addition was made by Pierce without her knowledge or consent. She adds that she has all the approval she needs for the present and prefers to practice the Rule under the Bishop, in order to experience the practice of it before seeking further action regarding it.

### **The Rule of 1850**

This was a revision of the original rule and drew much more heavily from the Jesuit Rule, the Visitation Rule, and the Sacred Heart Rule. The sisters are still to make simple, perpetual vows at the end of two years' noviceship, but now, like the Jesuits, they were to remain in them for ten years and then have a third year of probation, after which they were to make solemn vows, from which only the Pope could dispense them. Again, it is clear that neither Cornelia nor the bishops were aware of the implications of solemn vows, and what was good for the ganders (the Jesuits) was definitely not good for the geese (the sisters). As noted above, even if the Society were already papally approved, taking solemn vows would have required the sisters to be cloistered, while men's orders did not have so strict a stipulation.

Another practice that was apparently borrowed from the Jesuits was the term of office of the Superior General. In the original version, Cornelia had written that although for many reasons, e.g.,

experience, practice of government, knowledge of individuals, it would be better for the Superior General to be chosen for life,

“yet when we consider the weak points in the character of women generally, it is advised, as being more safe, that she should be elected for a definite time, and that this should be every six years.”

Where this phrase came from is not clear, as it certainly does not sound like Cornelia. In fact, the whole passage is then crossed out, and the Jesuit practice of naming the General for life is restored. A reason given for the restoration is,

“There is besides another great advantage that the Society, which is generally fully occupied in the duties of our vocation will suffer less fatigue and distraction caused by General Assemblies.”

This is the Rule approved by Bishop Wiseman, who at this time was the Vicar Apostolic for the District of London, which included Sussex. At the same time he approved the congregation. In light of his future attitude toward the Society, it is worth printing the entire text, a copy of which is in the Archives of Propaganda Fide.

Nicholas, by the grace of God and the Apostolic See...Vicar Apostolic of the District of London...

To all whom it concerns, everlasting health in the Lord.

Since for some time now, by the help of Divine grace, there has been founded in the town of St. Leonards in the County of Sussex, and more exactly in the place called “All Souls”, a holy house of religious women of the Congregation of the Most Holy Child or Infant Jesus, and this is largely due to the zealous endeavors of Mrs. Cornelia Connelly, and since funds were left

by the Reverend Mr. John Jones of happy memory, as well as a house, schools, and other things requisite for the decent maintenance of this same community; and since the said Mrs. Cornelia Connelly has most earnestly besought of us, on behalf of herself and her community that we would deign to confirm with our episcopal authority, this Congregation, the whole Institute and the aforesaid foundation, which by their geographical position come under our authority:

We, moved by her entreaties, after maturely weighing the whole matter, having examined and approved the Rules, and knowing also by experience that an Institute of this kind is of great value for the good of souls; as far as in us lies, until the whole matter can be referred to the more mature judgment of the Holy Apostolic See, by this document we approve in the Lord this same Congregation and Foundation, confirm them and declare them ratified; and as far as may be, we declare this house to be canonically erected.

In testimony of all this we have ordered that this document be issued signed with our own hand and guaranteed by our seal. Given in London on the first day of June in the year 1850.

### **Extenuating Historical and Church Circumstances**

#### **The Political Context of the Church in England and Wales**

In the years preceding Cornelia's arrival in England Catholics had begun to be able to practice their religion freely and openly. England and Wales, as mission territory, came under the aegis of the Congregation for the Propagation of the Faith, popularly known as Propaganda Fide. As such it had been divided into four districts under four vicars-apostolic who were bishops. Within a few years the needs of England for cheap labor and the terrible effects of the potato

blight brought an ever-swelling stream of Irishmen. In fact, by 1851, a few years after Cornelia went to England, no less than three percent of the population of England and Wales was born in Ireland, not counting the babies born to Irish parents in England. Even before this the rising numbers of Catholics by 1840 led to the four districts becoming eight, each with a bishop as vicar-apostolic.<sup>13</sup>

In London too, since the days of the penal laws, foreign chaplains served the ethnic groups of Catholics in Sardinian, Portuguese, German, Spanish, and Belgian chapels, as well as Italian and French.<sup>14</sup> In a monograph provided by Sister Helen Forshaw the work of Father Bosio and his fellow Italian priests among the Italian immigrants in England is documented. This monograph is referenced later in connection with Bishop Danell and the Rule he imposed on the Society.

Some of these foreign priests also ministered in English chapels, but not with great success, since the born Catholics of England distrusted the foreigners. At the same time the impetus of the Oxford Movement and the influence of people like Wiseman, who had been rector of the English college in Rome, and Lord Shrewsbury, who reportedly lived out of England for several months of every year to save money with which to build churches in the Roman style in England, brought the influence of the European Church, heavily Roman at this time, to England. The vicars-apostolic were not happy about the control exercised by Propaganda Fide, and they saw the restoration of the hierarchy in England as the way to gain more freedom from Rome.

After delaying for several years, Rome agreed to the restoration, and on September 29, 1850, established thirteen sees, and named Wiseman Cardinal of Westminster.<sup>15</sup> What Rome did not understand was the turmoil which existed in protestant England at the time. Nor did they reckon with the exuberance of Wiseman, who wrote in his pastoral announcing the hierarchy and his own elevation to Cardinal that the greatest of blessings had just been bestowed upon



England, whose church was

“restored to its orbit in the ecclesiastical firmament, from which its light had long vanished.”<sup>16</sup>

Understandably, this caused a storm of protest. There followed protests and burnings in effigy of the pope, Wiseman and other bishops, a few Catholic churches had their windows broken, and a few priests were pelted and hooted. Destructive as the protests were, they were not as bad as the riots against popery of former times, and after an attempt by Wiseman to explain, in a thirty-one page pamphlet, that the new hierarchy was exclusively directed to the better organization of his own church, the uproar eventually died down.<sup>17</sup>

**Connelly vs. Connelly, Wiseman and the St. Leonard's property dispute** It is in this climate that Pierce initiated his suit in the English courts. This is well and fully documented in A Woman Styled Bold and in the



during the years 1848-1858 **Nicolas Cardinal Wiseman**

continued to prevent the desired approbation of the Constitutions in Rome. Grant and Wiseman, in order to get Cornelia out of England in 1853, at the height of the scandal and property difficulties, suggested that she go to Rome to see to the approbation. Grant actually wrote to Barnabo, the secretary of Propaganda Fide, that

after she had worked on the constitutions she could perhaps be sent back to the United States since she was American, and could later found a House in America. In this same letter, Grant noted that this plan seemed to himself and Wiseman the least likely to excite the Protestants. Otherwise grave scandal may come to St. Leonard's. He refers also to the chaplain at St. Leonard's, since removed by the Cardinal, who gave scandal by his excesses. He feared that if Mrs. Connelly remained in England, though innocent, she might be subject to questions regarding the chaplain.<sup>18</sup>

Cornelia saw through this ruse, and said so to Grant, but realized that she had to go. Fortunately, Frasoni, the prefect of the Congregation, had her present her revised rule to the consultor appointed for this purpose, and then return to England. Unfortunately, the consultor was also given a copy of Pierce's Rule, with the unfavorable comments made on it earlier in Rome. This consultor is described in the Positio (p. 775) as "an old Carmelite with failing eyesight and lack of spiritual vision in regard to the new apostolic orders of women". It is not surprising that he did not understand the new apostolic congregations of women, since there was nothing yet in canon law with regard to these groups. He therefore listed objections to both texts indiscriminately, and in view of the scandal then in full bloom, he discouraged approbation because of possible problems from Pierce and because of the likelihood of greater scandal.<sup>19</sup>

### **Developments in Church Law**

During this same time, the recently appointed Secretary of the Sacred Congregation of Bishops and Regulars published a document which set up a process for institutes to follow when seeking approbation, whether they took solemn or simple vows. This document was occasioned by the fact that between 1814 and 1862, 124 societies of men and women sought papal approbation. Of these, only five female institutes of simple vows had received full approbation by 1850, while 74 new groups received approbation between 1862 and 1865. The Apostolic See reacted to this influx both by trying to establish more uniform norms with regard to what new groups must

have in their particular rules, while at the same time understanding that each new group should adjust the general norms to its given situation. The Sacred Congregation also established a process that congregations were to follow in gaining approbation.<sup>20</sup> This became known as Methodus, (1854) and included the following steps:

1. Letters of recommendation from the place where the institute was located were to be submitted;
2. Then the Bishop of the home diocese of the institute was to evaluate the truthfulness of the petition in reporting the end of the institute, its foundation, the number of houses, the membership, its means of support and its usefulness to the Church;
3. The Church could commend the institute for how well it had responded to the needs of its particular circumstances;
4. An official decree of praise was granted after the institute had spread and shown productivity;
5. A decree of approbation of the institute's constitution could be granted, once the document had been tested by time and presented no grave problems;
6. This approbation of the constitution could be granted only after a certain amount of time had passed;
7. Set formulae were to be used in the different decrees of commendation and approbation (one of the stated formulae named institutes of simple vows);
8. All petitions were to be reserved to the Roman

Pontiff instead of the Sacred Congregation for Bishops and Regulars.

When and how the Methodus became fully implemented is not clear, but this is just another indication of the uncertainty of the Roman authorities with regard to the new institutes and how to deal with them. These regulations came into play later, when the SHCJ Constitutions finally received approval.

Another development that took place around this time was the establishment of a second Sacred Congregation, On the Status of Regulars. This Congregation was created in 1857 by Pius IX and existed until it was replaced in the early twentieth century by the Sacred Congregation of Religious. Among the many regulations issued by this Congregation the following rulings implicitly recognized institutes that took simple vows: <sup>21</sup>

1. Requirements were defined for profession of simple vows, permanency in the institute after either simple or solemn profession, the jurisdiction to admit individuals to profession or to impose dismissal after profession, and the obligations which came with profession.
2. Solemn profession should be preceded by temporary vows.
3. An older age was preferred for solemn profession than for simple vows.
4. A non-consummated marriage was dissolved through solemn profession but not through simple vows.

All of the above rulings were issued between 1857 and 1861. How widely they were disseminated is not clear, and it does not seem likely that they came to the attention of the bishops with whom Cornelia





**Bishop Thomas Grant**

noted in his letter to Propaganda cited above, Grant did not give Cornelia the observations from the consultor. Five years later, possibly still uncertain that the Society would survive, he forbade the taking of perpetual vows, but permitted the sisters to say in the vow formula "and I promise to live and die" in the Society.

In 1861 Cornelia had the first part of the rule printed and given to each sister. The part of the rule concerning government was not thought necessary for all the sisters to have, since it was customary to give that part only to the superiors and those involved in government directly. Two years later, she wrote to Cardinal Barnabo for help in getting the rule approved. Possibly in response to this letter, she received a letter from Fransoni suggesting that she add to the rule the horarium, what dowry is required, how the sisters are occupied during the day, the formula of the vows, the ceremonial for reception and profession, etc., and he notes that these may be adapted from already approved rules of similar orders. (#611, Archives of Propaganda Fide)

Finally, in 1864, she received from Grant his own summary of the consultor's report. He gave no explanation, and Cornelia asked for none, but she replied that she was glad that he thought the time was

approaching to solicit the approval of the Holy See for the constitutions. Cornelia further amended the text by providing for a general chapter and tried to offset the perception that she had too much control by including a new rule for "an Admonitress", adapted from the Jesuit rule.

This new edition was translated into Italian, printed and bound and given to Bishop Roskell and Father Searle to take to Rome, where they were going in connection with the St. Leonard's property dispute. They delivered the copies to the Ven. English College, presumably to be forwarded to Propaganda, but when Cornelia arrived there five years later, she was given the still unopened parcel!

When Cornelia heard nothing from Propaganda between 1864 when the copies were sent to Rome and 1869, she realized that she would have to go again herself to see to the hoped-for approval. She had asked repeatedly for a general chapter, but Grant consistently refused this.

### **The 1869 Revision**

The new consultor appointed to oversee this revision was quite competent and favourably impressed by the copy of the constitutions that he had read before even meeting with Cornelia. Father Anselmo Knapen was a Dutch Franciscan who had held high office in his order, and would have been up on the latest rulings from the Congregations. Cornelia labored through the hot Roman summer to revise and reorganize the rule once again. This time Father Knapen tells Cornelia that the rules are perfect, and ready for approbation.

There is in the Archives of Propaganda, #672, a printed copy of over 30 pages of Knapen's Vote, in which he gives a summary of the history of the Institute, noting that Wiseman had approved both the Institute and the Rules in a decree dated June 1, 1850. He then goes through each of the rules previously submitted, the comments of the bishops and the consultors, including that of the consultor who thought it would not be opportune to approve the constitutions earlier because of the situation existing between the Foundress and



her husband. He notes that Mrs. Connelly was very grateful for his observations. After many meetings with him and much work on her part the constitutions were ready to be presented again to Propaganda. He concludes by noting that when approval was sought in 1848 and 1854, the Institute was young, and there was a real possibility that Mr. Connelly would cause problems. At present, (1869) the four bishops of Dioceses where there are houses of the Society have no further objections, but praise the Institute, the discipline, spirit, and the good that the sisters do. He therefore suggests that Cardinal Barnabo approve the Constitutions for 5 years, ad experimentum.

At this point Cornelia was advised to spend the winter in Hyeres in the south of France for the sake of her health. While there, she received from Propaganda the Rules and Constitutions in Italian, and was told to have them translated into English and have copies sent to all the houses. Only after the sisters have made any observations they might have, signed the copies and returned them are they to be submitted to Propaganda for approval. Counting on the loyalty and trust of the sisters, Cornelia does as she is told, and looks forward to receiving soon the long awaited approval. Unfortunately, not all the sisters are willing to sign and return their copies as requested.

### **The 1870 Rule and the Preston Cabal**

Even before Cornelia went to Rome she was aware of a group of sisters in Preston among whom she felt there was a spirit of disobedience. She had worked with two of these sisters on the rules in earlier times, but now felt that she could no longer rely on their loyalty. Anxious to secure the signatures of the sisters in order to forward the revised rules to Propaganda while there were still bishops attending the first Vatican Council present in Rome who would be favorable to the Society, Cornelia wrote a letter that was interpreted as putting moral pressure on the sisters to sign the revised rules. After several months these sisters did sign the rule but at the same time they wrote to Rome saying that they had signed under coercion, and asked that an Apostolic Visitor be sent to inquire into the state of

the Congregation. This letter was sent to Propaganda five days before Cornelia arrived in Preston for a visit. While she was with the sisters, no one told her what they had done, and when the signing was not spoken of she assumed that the sisters had been satisfied and were willing to go along with her wishes in having the revised rules signed and sent to Rome as soon as possible.<sup>22</sup>

Needless to say, the process of approbation was again stopped before Rome's approval could be given. Only through the admission of a young sister in Blackpool did Cornelia learn the truth. This sister had at first gone along with the deception, but then felt ashamed and wrote to Cornelia to tell her what she had done, and thus revealed the deceitful actions of the "Preston Cabal".

Meanwhile, Bishop Grant died at the end of May, 1870, Victor Emmanuel's troops occupied Rome by the end of September and the Pope became the prisoner of the Vatican. This brought Vatican I to an abrupt close, and back in England, James Danell was named Grant's successor.

There were two main objections to the revised Rule. The first stemmed from the fact that in 1859 Bishop Grant had told Cornelia to remove "perpetual" from the vow formula for the time being. But he told her also not to disturb the sisters by telling them that this reduced their vows to being annual, renewable each year but not valid perpetually. The "time being" stretched to over ten years, by which time it had become the usage in Rome to require a period of temporary vows followed by perpetual vows.

Actually the Jesuit practice of making perpetual vows at the end of two years of noviceship was somewhat of an anomaly in church practice, since only the Jesuits had such a long period of formation after the noviceship before being ordained, and being called to solemn profession. These solemn vows did not bring with them the obligation of enclosure, as they did with women's groups.

This was certainly not accepted for congregations of women, as



witness the fact that the constitutions of the Sisters of Mercy, approved in 1841, stipulated that after a six month postulancy, two-year novitiate and two years as a young professed, the sister, if approved, could make permanent vows, which were definitely simple vows, and not solemn vows.<sup>23</sup>

Unfortunately, in her haste to secure the signatures of the sisters, Cornelia did not take the time to explain the reasons behind these changes, and some of the sisters thought that since the vows were not perpetual, this gave Cornelia the power to dismiss sisters arbitrarily at any time when their vows were up for renewal.

The second objection was that Cornelia had never been canonically elected superior general. Again, the sisters did not know that she had asked Bishop Grant repeatedly to call a General Chapter so that proper elections could be held. As soon as Bishop Danell came to Saint Leonard's on his first visit Cornelia approached him and asked that he come for a profession and she asked him if he would be willing to take the signed constitutions to Rome for approval by the Sacred Congregation. However, by the time Bishop Danell came for the profession Cornelia knew the truth about the deception practiced by the sisters in Preston. Instead, Cornelia explained to the bishop that unless these constitutions were approved the Society was in danger of being dissolved. Since Danell had been a bishop for only a few months, he consulted Bishop Goss who was the bishop for the sisters in Preston and who, influenced by them, provided a portrait of Cornelia that was very slanted. Thus, Danell was reluctant to act without further advice and consultation.

After visitation first at Saint Leonard's then at Mayfield and Mark Cross, Danell agreed to hold a General Chapter. However, when Danell contradicted himself with regard to who were to go as delegates to the Chapter, the Chapter had to be put off repeatedly. Somehow Danell had come in contact with a Philip Bosio, O.S.M. and consulted him as his canonist. What Father Bosio's qualifications were are not clear.

In the monograph referred to previously there is a description of Father Bosio and his work with Italian immigrants in London. There is nothing about his canonical expertise nor is it clear where he studied or what qualifications he had for this position. In any case, Danell seems to have relied on him very heavily for advice about the Society and about holding the Chapter.

Actually, Cornelia was following Bosio's plan with regard to representation from the houses. However, Danell either did not realize that or changed his mind because at one point he suggested that she have only the superiors come for the Chapter. Understandably, when Cornelia sent out that notice there was an immediate outpouring of concern and a negative response. Again, the Chapter was put off and it was only after two more years had passed that Danell finally agreed on a date and gave Cornelia a revised process for representation which was much more equitable. He gave as the purpose for the Chapter the election of the Superior General and four Assistants, and deliberation on the form of the Rule.

The elections took place on the opening day of the Chapter and Cornelia in spite of the hopes of a few of the Sisters present was elected on the first ballot by fifteen votes out of nineteen and thus became the Society's constitutionally elected Superior General. She was then given four counselors and interestingly neither of the sisters from Preston were elected to the Council. At that point the Chapter turned to the business of the Rule. Much to the surprise of the members, the bishop presented to the sisters a totally new Rule that he and Father Bosio had written. He stated that it was a Rule which met all of the requirements of the Sacred Congregation and that in accepting it the sisters would be able to move on with their lives. He did expect them to go through the Rule and feel free to propose any amendments.

Though it was evident from the sisters' amendments and disagreement with many of the proposed rules that they were not in favor of it, Danell insisted that they accept it for a trial period of three years and then consider whether to ask for its approbation.



### **Bishop Danell's Rule**

The most outstanding feature of Bishop Danell's Rule was that he made himself the superior of the society! In the archives of Propaganda Fide there is a copy of this rule in which each time it states that the sisters owe respect and obedience to the bishop of the diocese as the bishop superior of the institute, this is crossed out. Substituted for it are the words "the Mother General owes particular respect and obedience to the bishop of the diocese where the motherhouse is located for the general governance of the institute."



*Bishop James Danell*

In other places Rome changes "the bishop of the motherhouse is the superior of the institute" to "the general governance is exercised by the Mother General under the dependence of the bishop of the motherhouse." And wherever the title Bishop Superior of the Institute appears "Superior of the Institute" is crossed out and "of the Motherhouse" is substituted. In case of the death of the Mother General the first assistant will govern and will consult the bishop with regard to her provisional governance. In this rule also the sisters make temporary vows for five years before making perpetual vows. This had become the accepted practice in Rome at this time, and continued until the Revisions of Vatican II.

Though the bishop was probably right in stating that the Rule proposed by himself met all the requirements of the Sacred Congregation, he failed to recognize that it did not contain any of the charism of Cornelia which was expressed in her preliminary statements in the original Rule. In fact, years before when both Cardinal Wiseman and Bishop Grant felt that the society would do better with a Rule that had already been approved by Rome, it was

Bishop Errington who was Cardinal Wiseman's Auxiliary Bishop who rightly pointed out that the spirit instilled by Cornelia, would be lost. In other words, he recognized clearly the charism that Cornelia expressed in the introductory paragraphs of the Rule and in other sections which would have been lost had Rome accepted the observations of both Cardinal Wiseman and Bishop Grant. The same was true with this present Rule of Bishop Danell. When the sisters sent their objections to Rome and Propaganda viewed the Rule, as noted above, many sections were not accepted or were changed. In spite of this, at the Second General Chapter which took place in 1877, Cornelia was again elected General with an even greater majority and, unfortunately, Bishop Danell again insisted that the sisters continue to use his Rule for the next three years. By 1879 Cornelia died and the approbation of the Rule was again delayed.

Ironically, in May of 1881 two years after Cornelia's death, Bishop Danell wrote to Rome to the Prefect of Propaganda Fide on another matter and then takes the opportunity to mention that though there had been some confusion and difficulty in establishing the Society, everything was now fine and the community gave him much edification and consolation. He could truly say that it is worthy of having its wishes granted. As noted, this letter is very ironic given the difficulties caused by the Rule that Bishop Danell had imposed.<sup>24</sup>

### **Approval at Last.**

It is only after this and after Pierce's death in 1883 that once more the consultor, Father Anselmo Knapen, in a letter of March 31, 1884 adverts to the fact that the sisters had let him know in 1877 that they were not happy with what had been imposed by Danell. He notes that they have been able to come to agreement with the bishop in revising the constitutions and as soon as he can he will review them again. In fact, in August of 1885, Knapen wrote to the Prefect of Propaganda Fide sending his observations and his positive wish that the constitutions be approved ad experimentum, and there follow several pages of observations.



Finally, in 1887, the Jesuit Cardinal Mazella, recognizing that the constitutions were not newly written but had actually been submitted before, asked Father Valerian Cardella, S.J. to work for the approbation of the constitutions of 1880. On the 7th of August 1887 this approbation was given at last. In the archives of the Sacred Congregation for Religious there is a copy of the letter in French sent by Father Cardella to the Superior General at that time, Mother Angelica Croft. Attached to it is a list of the members of the commission appointed to review the constitutions, for by this time Rome set up a commission to examine new constitutions that were being submitted for approval rather than submitting the constitutions to one consultant. For this reason it was a whole commission which reviewed the constitutions in the end.

In his letter Father Cardella points out that since the Society had been founded for a long time, instead of having two separate decrees, one for a temporary approval and then after several years of practice and any corrections that might have been made, a second decree of approval, Cardella asked instead that these two decrees be put into one. Thus the Society would not have to wait again for ten or at least seven years but, instead, for a period of five years only before receiving final approval. This favor was granted to Cardella, and the first approval was given in 1887 and then in 1893 the final approval was given.

Unfortunately, Father Cardella died in 1889 and did not see the end of his work. He mentioned in his letter to the Superior General that the sisters were free to make observations on the constitutions and any changes they might wish during these five years. He noted also that after all the time and trouble and care that had been put into them he thought they would have very little to change. He stated also that the rules were very beautifully written and the commission which approved them was unanimous in its praise for the way they were composed.

The members of the commission listed on the letter were first of all, Cardinal Mazella as President, the Archbishop of Colossi, a

Conventual Franciscan, as Vice President, the Secretary of the Congregation for Religious, the Abbott General of the Cistercians, Procurator General of the Cistercians, Procurator General of the Dominicans, the Procurator General of the Capuchins, the Procurator General of the Clerics Regular of the Mother of God, and finally, Father Valerian Cardella, S.J., who notes that he had no title of Procurator General or Provincial but only that of the Servant of the Society.<sup>25</sup>

With the final approbation of the constitutions then they were in place for over sixty years with only minor changes required by the 1917 Code of Canon Law. Only as a result of the changes initiated by the decrees of the Second Vatican Council were the constitutions revised substantially.

### **Conditae a Christo and official recognition by the Church 26**

It was only in 1900 with the constitution Conditae a Christo that Pope Leo XIII granted full recognition to institutes of simple vows. In its introduction, the constitution divided all institutes of simple vows into two types: diocesan and pontifical. It left the right of first approbation of an institute to the bishop, and only after receiving such approbation could an institute seek papal approbation. It confirmed the bishop's power to preside over elections, appoint confessors, examine members before final vows, conduct annual visitation of the houses of the institute, and care for it financially when necessary.

In terms of impact, Conditae a Christo was the formal, legal recognition of the non-cloistered, apostolic lifestyle for women religious. At the same time it affirmed the right of bishops to recognize institutes, but limited that right by placing conditions that were to be met before the bishop could grant approval. In order to insure that bishops would exercise with caution the right of approval to institutes of simple vows, the Sacred Congregation of Bishops and Regulars published a set of Norms. These norms were a type of "code" by which to guide the institutes seeking papal approbation, and though they did not have the binding force of law they were definitely meant as guidelines to be followed.

With regard to strict enclosure, the norms stated only that:

Institutes of simple vows have cloister, not indeed strict, but partial, having been determined in their own Constitutions which requires at least that in all houses some part (place) must be strictly reserved for the sisters themselves, in which no other is admitted.<sup>27</sup>

Though the papal perspective had expanded to see the model of simple vows and non-cloistered lifestyle as acceptable and of equal status to the monastic model for women religious, it did encourage them to use a centralized governmental model and to make use of those structures that had worked with previous religious groups, thus promoting a certain amount of uniformity.

### **The Code of Canon Law, 1917**

At Vatican I, the bishops had asked for a codification of canon law. Up to this time, the Church was governed by rules and regulations which were issued either by church councils or by Popes, and, later, by the various congregations established mostly after the Council of Trent. As a result, most of these rules were reactive, that is to say formulated in response to a perceived disorder. Over the centuries various canonists had attempted to collect these regulations, but never had there been an organized codification of all the laws that governed the universal church. When Vatican I was abruptly terminated by the historical circumstances of the time, this task was postponed indefinitely. Finally under Pius X it was taken in hand by Cardinal Gasparri, and after over ten years of intensive work, the first universal Code of Canon Law was promulgated in 1917. Given that most councilial regulations had been condemnatory in nature, using the Latin term *anathema sit* ("cursed be he who ...") to state their decisions and that the Code was seen as parallel to the civil code for the State, the language of the canons was strictly legal, and therefore somewhat dry and matter-of-fact.

Coming out of a view of the Church which still saw the Catholic world

as a pyramid, with the Pope at the apex, the cardinals on the next level, the bishops below them, the clergy and religious on the next lower level and the lay people on the bottom level, whose main means of participation in the church was to follow the orders of those in the levels above them, it is not surprising that the 1917 Code reflected this view. The second book of the Code relegates the laity to the Third Part - On laity, and allots to them 43 canons out of a total of 2414 in the entire Code! By contrast, there are 378 canons on clerics, and 194 on religious. Even the titles of the five books give an indication of the legalistic nature of the Code -

- Book I - General Norms
- Book II - On Persons
- Book III - On Things [including Sacraments (!)]
- Book IV - On Procedures
- Book V - On Delicts and Penalties

For instance, there are ten canons on enclosure in the section on religious. One treatise of cloister in general, two refer to cloister for male regulars or monks, four refer to cloister for nuns and these gave rise to several instructions on how they were to be implemented, with detailed directions, and the final three canons refer to Congregations of religious of simple vows. These stipulated that there should be a separate part of the building reserved for the religious into which persons of the opposite sex were not to be admitted without adequate cause and the permission of the superior. The Bishop could, in particular circumstances, enforce this cloister with censures. In addition, those who had care of the cloister should be vigilant lest outside visitors disturb discipline and bring about harm to the religious spirit by useless conversation. Finally, superiors were not to permit religious to spend time outside their own religious house except for a grave and just cause; for a period of more than six months the permission of the Apostolic See was required, except for purposes of study.[28] From this it may be seen that the 1917 Code, while admitting that members of Congregations were indeed religious, still took a very monastic approach to religious life in general.



Another indication of this was the failure, in the Code, to say anything regarding the apostolate of religious, with or without vows, clerical or lay. It was only in the aftermath of World War II, with the upheaval and deprivation it brought, especially in Europe, that it was brought to the attention of Pius XII that many monasteries were on the verge of extinction from hunger, misery, want and sometimes sheer isolation. Recognizing the growing needs of the Church Pius realized the necessity for combining the monastic life with some moderate apostolic work, even in purely contemplative orders. Meanwhile the active, or apostolic, congregations continued to run schools, staff hospitals and generally work to alleviate the needs of the poor and homeless, even though officially these works were not mentioned in Church law. This would happen only after Vatican II, in the new Code of Canon Law promulgated in 1983.

### **Vatican II and Lumen Gentium, the Constitution on the Church**

When Pope John XXIII startled the world by convoking an ecumenical council, he called at the same time for revision of the Code of Canon Law to bring the law in line with the teachings of the Council. He stipulated that he wanted no “anathemas” in this Council, but that it should have a different tone from past councils.

Because of advances in communications technology and means of transportation, the possibility of consulting bishops and experts the world over was greater than it had ever been. Accordingly, the ante-preparatory commission for the council was charged with canvassing bishops and prelates, the heads of all men’s religious orders and the faculties of Catholic universities to discover what they considered the more important problems facing the Church today and how they should be handled.<sup>29</sup> The schemas presented to the Council for discussion were based on the results of this consultation.

The first schema on the Church, though comprehensive in scope, had no clear, intrinsic structure, nor did it give evidence of a pastoral approach. The chapter on the “states of perfection” was drawn mainly from the teaching of Pius XII, in which religious life was seen precisely as a “state” leading to “perfection” which was envisioned to

be achieved through a life of commitment to the evangelic counsels.<sup>30</sup>

The Fathers of the Council faulted the general approach of the initial schema as well as the spirit of the text and requested, instead, a pastoral emphasis. They expressed the need for new perspectives, stressing the nature of the Church as a community rather than as a society. Indeed, the idea of communio, recaptured from the early centuries of the Church, became one of the most important themes to emerge from the deliberations of the council.<sup>31</sup>

It was recognised that the “people of God” includes bishops and laity, for all are bound in solidarity to the same work of salvation.<sup>32</sup> The various tasks and states of life can be understood only in the light of the essential mission of the universal Church, where all are called to work together by virtue of their belonging to the body of Christ, since “...all are fundamentally part of the ‘people of God’ by their baptism, before being part of any other rank.”<sup>33</sup>

This development led to a reassessment of the chapter on religious. When it was first presented it was given the title “The States of Evangelic Perfection to be acquired.” The “states” here referred to the different canonical forms of religious life, e.g., orders, secular institutes, societies of apostolic life. However, many Council fathers objected to the use of the term “states of perfection” as being too juridical, given the growing awareness of the need to stress a pastoral character in the Council’s directives. The first revision resulted in the awkward title “Of Those Who Bind Themselves (before the Church) to the Evangelical Counsels.” This revision was rejected by the Theological Commission before it could be presented on the floor of the Council, and a group of bishops and theologians on the commission were charged with revising the chapter once more. The commission had rejected the draft because it was too unrelated to the subject of the constitution, the mystery of the church.<sup>34</sup>

Attention was drawn to the way of holiness symbolized by the

evangelical counsels. They do not hold merely for men and women who make promises or public vows in approved institutes. According to the words of Christ the counsels are urged on all, and the Church excludes discrimination between a higher category composed of religious and the mass of the faithful who manage to be saved one way or another, by the help of an elementary form of morality offered to them at a lower cost. 35 Nor can we consider "secular" and "spiritual" things so divorced from and antagonistic to each other as has been done in the past.

"For salvation - the source and goal of human existence - is neither an individualistic thing nor a purely spiritual thing: it is the salvation of all that is created, for everything must attain perfection by sharing man's supernatural elevation in Christ. In the light of this fact, a good deal in the traditional conception of the religious life becomes dubious, and the secular status of the Christian assumes a different aspect."36

Christian vocations now seemed to have been placed on an equal footing, and the significance of religious life as a whole for the Church did not seem to emerge. Finally it was suggested that the chapter be divided into two, one on the general vocation to holiness and one on religious, because religious life is a state in the Church.

What eventually evolved were two separate chapters, chapter 5 - "The Call of the Whole Church to Holiness", and chapter 6 - "Religious". Holiness is equated in chapter 5 with that perfection urged by Christ on all His disciples: "You therefore are to be perfect, even as your heavenly Father is perfect. (Mt 5:48)" It is the perfection of charity to which all the faithful of Christ are called, and which leads to a more human way of life here on earth.37

This holiness is said to shine out in a particularly appropriate way in the practice of the evangelical counsels, either privately or in some

Church-approved situation or state.38 The Church has the duty of interpreting these evangelical counsels, of regulating their practice, and of establishing stable forms of living in accordance with them.39

As a free gift of God's grace, "...Christian holiness is not primarily - much less exclusively - moral perfection, heroic human virtue, but primarily and in the deepest sense the glory and the love of God given to the redeemed..."40 It is not a question here of perfection in the narrow sense often used before this time by writers on asceticism and spirituality, a perfection depending on the moral efforts of the person and all too familiar to religious whose formation took place before Vatican II. Yet the negative approach that sought to eliminate progressively anything that might distract from one's personal relationship to a suffering Christ who was "hurt" by infractions not only of moral precepts but of the legal prescriptions of religious rule was difficult to overcome.

By placing holiness in the broader context of a devotion to God that must be coupled with the service of neighbor, the Council pointed the direction that renewal of religious life must take,41 and prepared the way for the appropriate renewal of religious life, and, ultimately, for the revision of the Code of Canon Law.

### **The 1983 Code - Guiding Principles**

Even before the council ended, Paul VI established a commission of 70 consultors on April 17, 1964. After the council, episcopal conferences were asked to suggest other names for the commission. Eventually sixty-six members and one hundred and twenty-five consultors were appointed.42

In his address inaugurating the work of the code commission on November 21, 1965, Paul VI related the work of revision to the council. Speaking of the accelerated rate of changing conditions, he stressed the need not only to reform canon law but to accommodate it to a new way of thinking proper to Vatican II that would meet the



Constitutions. (These are referred to in the Code as "proper law".)

3. While the constitutive principles of consecrated life should be clearly indicated, there should be enough flexibility in disciplinary norms that they may be easily adapted to the diverse conditions and exigencies of the Church and of the institutes themselves.

4. The general principle of participation and representation in government written into universal law must be put into practice by chapters and councils. This should be done in the format most suitable to the character, purpose, mission and wholesome traditions of each institute.

A fifth principle, not stated separately but appended to this fourth, stipulated that any inequality of treatment between institutes of men and of women was to be avoided, unless it was necessitated by the nature of the matter or some peculiar situation.

In the light of these principles, then, it is not surprising that the ten canons on cloister in the 1917 Code were reduced to one canon in the 1983 Code. The three canons on cloister pertaining to active religious became only one of the four paragraphs of the canon in the New Code. This paragraph states simply that "In all houses cloister adapted to the character and mission of the institute is to be observed according to the determinations of proper law, with some part of the religious house always being reserved to the members alone." 45

Commentators on c. 667.1 note that enclosure is a very ancient tradition in the Church. It is seen today as a distancing from the world enabling the religious to focus more on the eschatological reality of his/her mission.<sup>46</sup> The call to contemplative prayer entails a withdrawal which must be adapted to the nature and mission of the institute. The distancing requires only that a part of the house be reserved exclusively for the use of the members.

needs of the people of God in a pastoral way.<sup>43</sup> This "new way of thinking" is what makes the 1983 Code so different from the 1917 Code.<sup>44</sup>

It was decided to treat consecrated life in Book II "The People of God". The precise placement of the canons on consecrated life in this book gave rise to much discussion. Lumen gentium 44 offered some guidance: "The state of life which is constituted by the profession of the evangelical counsels, while not entering into the hierarchical structure of the Church, belongs undeniably to her life and holiness." Accordingly, the canons governing institutes of consecrated life and Societies of Apostolic Life were placed in Part III of Book II, after those concerning the Christian Faithful (Part I) and those concerning the Hierarchical Constitution of the Church (Part II).

Four principles were elaborated by the religious life subcommission along with a number of secondary guidelines. These guidelines provide the context for the study of the new law and establish criteria for any eventual evaluation of the legislation. These principles may be summarized as follows:

1. Laws must flow from the following of Christ as the supreme norm of life for religious. Thus juridical norms, while avoiding excessive dryness and solicitude about externals, must assist the work of grace in souls dedicated to God so that they may attain the perfection of charity. At the same time, consecrated life must be seen as pertaining to the life and sanctity of the Church.

2. The common or universal law should decree only the more general principles which can easily be applied to each institute. This should foster in each institute a deep study of its own character, purpose and inspiration, and the place it occupies in the Church. It can then express these things in its own

Thus from a means of protecting the religious from physical danger and separating her from the world, enclosure is now seen as a means of protecting the right of religious to a certain amount of privacy and the concomitant obligation of the community to assure this right. While recognizing that religious must seek holiness in devotion to God practiced in service to others, Beyer asserts that to speak of a new type of religious life based on presence in the world would betray the very concept of religious life. For one cannot live a life consecrated by the evangelical counsels without recognizing the need for silence, solitude and a place apart from the world of one's work.<sup>47</sup>

With Vatican II religious life began to be seen in a broader context. All are called to holiness through the mediation of Christ, and this call includes all that is created. Thus "secular" and "spiritual" are seen as two sides of the same reality, and one does not exclude the other. In fact, the Council praised and encouraged religious who went beyond the walls of the enclosure to minister to others in schools, hospitals, the missions, etc., while remaining loyal to their consecration. The recognition of active religious did not derogate, however, from those who felt called to the strictly contemplative life.

### **SHCJ Documents and the New Code**

Even before work on the revision of the Code began religious orders and congregations were urged by the Decree Perfectae Caritatis (promulgated October 28, 1965) and the subsequent Norms for its implementation, Ecclesiae Sanctae. II (August 6, 1966) to revise their constitutions, directories, books of customs, etc. in order to bring them into line with conciliar documents. This was to be done with the cooperation of all the members of the institute. The general laws of every institute were to contain the evangelical and theological principles concerning religious life and its incorporation in the Church, as well as the spirit and aims of the founder which should be faithfully accepted and retained, as should each institute's sound traditions, for these constitute the patrimony of the institute. In addition, the laws should contain the juridical norms necessary to define the character, aims and means employed by the institute. The laws should be a combination of the spiritual and the juridical, so as

to ensure that the principal codes of each institute would have a solid foundation, a spirit which is authentic and a law which is alive. At the same time, the text should not be purely juridical or merely hortatory, and anything which is now out of date, which may change with the conditions of time or which is of purely local application should be excluded from the basic text. Such norms should be entered in separate books, such as directories, or as in the SHCJ, norms of implementation.

Accordingly the SHCJ leadership convoked special chapters in the late 1960s, and the 1970 and 1976 General Chapters drew up the interim documents after consulting all the sisters. These had the force of law until the new Constitutions were approved and promulgated in 1983, shortly before the new Code of Canon Law for the Latin Church was promulgated.

The New Code, called by some the last document of the Council, embodies in juridical terms the teachings of the Council. At the same time it incorporates the theological principles of the Council by interspersing doctrinal passages with the juridical statements. For instance, the first canon "On Religious" in the 1917 Code describes the religious state as:

"a stable manner of living in common, by which the faithful take up, besides common precepts, also the evangelical counsels of observing by vow obedience, chastity, and poverty, and it must be held in honor by all." (c.487, 1917 Code)

By contrast, the first canon on Religious institutes as such in the 1983 Code, c.607, states:

"Religious life, as a consecration of the whole person, manifests in the Church a wonderful marriage brought about by God, a sign of the future age. Thus religious bring to perfection their full gift as a sacrifice offered to God by which their whole



existence becomes a continuous worship of God in love.”

This clearly indicates the totally different approach and tone of the New Code which uses the title “Institutes of Consecrated Life and Societies of Apostolic Life”. By this the Church formally recognizes not only religious life properly so-called, including active and contemplative religious, but also Secular Institutes, whose members usually do not live in community but strive to be a leaven in the world. Also recognized as “Comparable to institutes of consecrated life are societies of apostolic life whose members without religious vows pursue the particular apostolic purpose of the society” and generally live in community and “strive for the perfection of charity through the observance of the constitutions.” (c.731)

In addition, the Church formally recognizes the eremitic life (c.603), and the order of consecrated virgins living in the world, (c.604) Recognizing that the Holy Spirit is ever active in the world, there is even a canon which urges bishops to “strive to discern new gifts of consecrated life” and to “aid their promoters so that they can express their proposals as well as possible and protect them with suitable statutes...” (c.605) Thus the New Code remains open to new developments in consecrated life, and for a change tries to anticipate such developments, rather than following, with years of delay, what may already be in practice among the People of God.

### **Conclusion**

From the foregoing it is clear that the SHCJ Constitutions, from their first version compiled by Cornelia and Pierce, mirrored the developments in Church legislation culminating in the 1983 Code of Canon Law.

As the Church grew its leaders sought to stabilize its development by setting boundaries and centralizing its government in imitation of the monarchical structure of civil society. Bishops held sway in their dioceses, and it was not until the 1983 Code that the role of the bishop vis-a-vis the internal workings of religious congregations was explicitly stated. There

was a beginning of clarification in the 1917 Code, where it was stated that the bishop, with regard to religious institutes of pontifical right, was not permitted to change their constitutions or to involve himself in the internal governance and discipline, except in those cases provided by law. The latter have to do mainly with questions of alienation of property and/or investment of funds. At the same time, however, the bishop retained the right to inquire as to whether discipline was in force according to the constitutions, whether anything contrary to faith or morals was taking place, the frequency of reception of sacraments, and any grave abuses that may have arisen. In other words, the bishop still actually had the right to interfere. (1917 Code c.618)

By contrast, c.586 of the 1983 Code states clearly that a just autonomy of life, especially of governance, is acknowledged for individual institutes, by which they provide their own discipline in the Church and are able to preserve their own patrimony intact. Local bishops have the duty to preserve and safeguard this autonomy.

Thus it may be seen that Cornelia was hampered on every side by the historical, cultural, and social circumstances of her time. The wonder is that she never lost faith that the rule would be restored, and that the Society continued to grow in spite of the obstacles placed in the way of final approbation.

As a result of Vatican II and the New Code, the Church has left the door open to new forms of consecrated life, so long as we keep in mind always the final words of the Code, “...the good of souls is the highest law of the Church”. (c.1752)

## Notes

1. This Excellent Heritage, Forward, p. IX
2. The Development of Legal Structures for Women Religious between 1500-1900; A study of Selected Institutes of Religious Life for Women, Lynn Jarrell, pp. 6-7
3. Ibid, pp. 8-9
4. Ibid, pp. 11-12
5. Ibid, p. 15
6. Ibid, p. 17
7. The Approbation of Religious Institutes, Rev. Clement Orth, P. 48-49
8. Jarrell, p. 23
9. Orth, p. 50
10. Jarrell, p. 25
11. Ibid, p. 29
12. There are copies of the rules in each of the Society Archives as well, at Casa Cornelia, Rome; European Province Archives, Mayfield (now in Oxford); American Province Archives, Rosemont.
13. The Victorian Church, Owen Chadwick, p. 275
14. Ibid, p. 275
15. Ibid, p. 278
16. Ibid, p. 291
17. Ibid, p. 298
18. Archives, Propaganda Fide, Scritte Riferite nei Congressi dal 1852-1854, Vol. 13, #721, dated September 16, 1853.
19. Archives, Propaganda Fide, #672.
20. Jarrell, p. 284
21. Ibid, p. 289
22. For a full account of the "Preston Cabal" see A Woman Styled Bold, Radegunde Flaxman, pp. 286-303
23. Jarrell, p. 200
24. Archives, Propaganda Fide, #453, May 30, 1881
25. The Archivist of the Congregation for Institutes of Consecrated Life and Societies of Apostolic Life (CICLSAL) was kind enough to give a copy of this letter to the present author.
26. Acta Sancta Sedis, 33 (Romae: Typographia Polyglotta 1900-1901)
27. Normae. Sectio Altera, Part One, Chapter Eight.
28. Code of Canon Law, 1917 cc 597-606
29. Gerard Philips, "Dogmatic Constitution on the Church, History of the Constitution", in Commentary on the Documents of Vatican II, ed. Herbert Vorgrimler I, (New York: Herder and Herder, 1967), 106.
30. Friedrich Wulf, "Introductory Remarks on Chapters V or VI", in Vorgrimler I, 255.



31. Jean Beyer, Du Concile au Code de Droit Canonique (Paris-Bourges. Editions Tardy, 1985) 33.

32. Philips, 119.

33. Olivier Rousseau, "La Constitution 'Lumen Gentium' dans le cadre des mouvements renovateurs de theologie et de pastorale des dernieres decades", in L'Eglise de Vatican II, ed. Guilhaume Barauna 2 (Paris: Les Editions du Cerf. 1967) 42

34. "It treated the religious state as a privileged state for chosen souls, thus encouraging the widespread, well-nigh indestructible idea that religious are a spiritual 'aristocracy', and obscuring the basic doctrine that all Christians are called to holiness. Hence the demand that this doctrine be made the theme of the chapter, and that the special charism of a religious vocation and the special ministry of the religious state in the Church, be set within this framework." Wulf, 256.

35. Philips, 123.

36. Wulf, 259.

37. The final text of the constitution stated: "In this way they can follow in His footsteps and mold their being to the glory of God and the service of their neighbor." Lumen gentium (LG) 40, in The Documents of Vatican II, ed. Walter M. Abbot (New York: Guild Press, 1966) 67. All subsequent English citations of Vatican II documents are from this edition, unless otherwise noted.

38. LG 39

39. LG 43

40. Wulf, 263

41. LG 46

42. Frank Morrissey, "The Revision of the Code of Canon Law, "Studia Canonica 12 (1978) 178

43. James A. Coriden et al, eds., The code of Canon Law: A Text and Commentary (New York/Mahwah: Paulist Press, 1985) 5

44. Jean Gaudemet, "Reflexions sur le Livre I 'De Normis Generalibus' du Code de Droit Canonique de 1983", Revue de Droit Canonique 34, (1984) 83

45. Code of Canon Law, 1983 C.667.1

46. Germain Lesage, Renouveau de la vie religieuse (Montreal/Paris: Editions Pauline/Mediaspaul, 1985) 185.

47. Jean Beyer, Le Droit de la vie consecree 2 (Paris: Editions Tardy, 1988) 143.

## **SELECT BIBLIOGRAPHY**

- Abbott, Walter, ed. Documents of Vatican II. New York: Guild Press, 1966.
- Barauna, Guilherme, ed. L'Eglise de Vatican II, 2 Paris: Les Editions du Cerf, 1967.
- Beyer, Jean, Du Concile au Code de Droit Canonique. Paris-Bourges: Editions Tardy. 1985.
- \_\_\_\_\_. Le Droit de la Vie Consacree, Paris: Editions Tardy, 1988.
- Blake, Ursula and Dawson, Annette, SHCJ. Positio: Documentary Study for the Canonization Process of the Servant of God Cornelia Connelly (nee Peacock) 1809-1879. 3 Vols.
- Chadwick, Owen - The Victorian Church; Part I London: Adam and Charles Black. 3rd Edition 1971.
- Codex Iuris Canonici. Pii X Pontificis Maximi iussu digestus. Benedicti Papae XV auctoritate promulgatus. Rome: Typis Polyglottis Vaticanis, 1917.
- Coriden, James A. et al, eds. The Code of Canon Law: A Text and Commentary. New York/Mahwah: Paulist Press, 1985.
- Flaxman, Radegunde, SHCJ. A Woman Styled Bold, London: Darton, Longman and Todd. 1991
- Gaudemet, Jean. "Reflexions sur le Livre I 'De Normis Generalibus' du Code de Droit Canonique de 1983." Revue de Droit Canonique 34 (1984) 81-117.
- Jarrell, Lynn, OSU - The Development of Legal Structures for Women Religious between 1500-1900: A Study of Selected Institutes of Religious Life for Women, Washington, D.C., Catholic University of America, 1984.
- Lesage, Germain. Renouveau de la vie religieuse. Montreal/Paris: Les Editions Paulines-Mediaspaul, 1985.
- Linscott, Sister Mary, SND - This Excellent Heritage, private circulation, 1993.
- Morrissey, Francis G. "The Revision of the Code of Canon Law". Studio Canonica 12 (1978) 177-198.
- Orth, Rev. Clement Raymond - The Approbation of Religious Institutes, Washington, D.C., Catholic University of America. 1931.
- SASTRE-SANTOS, CMF, EUTEMIO - El Ordenamiento de los Institutos de Votos Simples Segun las Normas de la Santa Seda (1854-1958) Roma-Madrid, Pontificia Universita Urbaniana, 1993.
- Schaefer, Timotheus, De Religiosis ad norman codicis Iuris Canonici 3rd ed. (Roma: N.p., 1940), pp. 1102-1135.
- Vorgrimler, Herbert, ed. Commentary on the Documents of Vatican II. New York: Herder and Herder, 1966.



### **Acknowledgements**

The author would like to acknowledge the assistance of the following:

Sister Sharon Holland, IHM, member of the Congregation for Institutes of Consecrated Life and Societies of Apostolic Life, and the canonical consultant for the SHCJ. Sister Sharon referred me to

Reverend Arturo Reynoso, Archivist for the Congregation, who was kind enough to give me a copy of the letter of Reverend Valerien Cardella, SJ, telling of the approval of our constitutions and giving the names of the consultants who were on the committee.

Reverend Luis Manuel Cuna Ramos, archivist of the Archives of Propaganda Fide, now housed in new quarters at the Urbanianum University in Rome.

Mr. Giovanni Fosci, assistant archivist, who brought me the volumes of original letters and documents pertaining to the Society.

Sister Helena Mayer, SHCJ, American Province Archivist, who gave me access to materials in our own Archives and provided me with use of a computer and workspace in the Archives.

Sister Helen Forshaw, SHCJ, European Province Archivist, who provided me with boxes of materials from the Archive room at Mayfield.

Sister Helen McDonald, SHCJ, who provided workspace and materials in the Archive room at Casa Cornelia before these materials were transferred to the European Archives at Oxford.

Finally, I am most grateful for the valuable suggestions and observations made by Sister Rose McDermott, SSJ, professor of Canon Law at the Catholic University of America, and Sisters Anne Murphy and Helena Mayer, SHCJ, who read parts of the manuscript before I submitted it for publication.

Special thanks go to Mrs. Winifred Cannon, my secretary at the Metropolitan Tribunal of the Archdiocese of Philadelphia, who typed, and re-typed, the manuscript several times.