

The Apostolic Visitation of Women Religious in the United States

A Canonical Reflection

By

The Resource Center for Religious Institutes

History¹

The development of apostolic visitations over the centuries intersects with “the evolution and exercise of papal primacy, the development and mutations of the Roman Curia, the nature and authority of papal legates, the canonical institute of visitation, the quinquennial report, the *ad limina* visit, the nature and role of synods and councils, the development of canonical penal procedure and the underdevelopment of canonical administrative procedure.”² To be added to this list is the development of papal exemptions of religious institutes from episcopal authority.

The institute of visitation has a long history within the Church. In the New Testament, St. Paul sends Timothy and Titus to Ephesus and Crete “to preach the gospel and to teach sound doctrine, to correct errors, to reprove improper conduct and generally to build up the community. These letters became the model for the practice of pastoral visitations by bishops during the patristic period.”³

Visitations were originally the responsibility of the diocesan bishop to visit pastorally churches and monasteries. If there were abuses, these were generally addressed within the context of a synod or council. By the end of the 11th century, the Gregorian reform used apostolic visitations as an instrument of reform by the Bishop of Rome.

With the development of the Roman Curia in the 15th century, apostolic visitations came within the competence of the respective Roman dicasteries. These were generally paternal in nature rather than juridical⁴. The style of the visitation was to gather information and submit a private report to the dicastery that had initiated the visitation. The dicastery then would use the information to make decisions regarding the matters that prompted the visitation. Since the visitation was for the purpose of promoting the common good in seeking information about difficulties and abuses, the information was to be secret in order to prevent scandal.⁵

The practice of visitations developed early in religious life with the establishment of cenobitic communities of monastics. In the 4th century Pachomius regularly visited his various monasteries to maintain observance and to promote charity. In the 9th century, Benedict of Aniane established a regular visitation system of monasteries within the Roman Empire to ensure observance. The Cluniac and Cistercian reforms also used visitations as a method of ensuring discipline and the proper observance. The Fourth Lateran Council (1215) mandated a system of visitations for all orders. The visitation system within religious life developed not so much as pastoral visitations – as were the

early episcopal visitation – but rather as part of a reform movement to ensure observances of the rules and customs of religious life.

Apostolic Visitation Today

Since the 16th century Council of Trent, which established the system of permanent papal legates,⁶ an apostolic visitation has not been a method to maintain *communio* between the Pope and other ecclesiastical bodies. *Communio* is maintained through a number of other methods or canonical institutes such as: a permanent representative to a country, reports from episcopal conferences and religious institutes, personal visits of diocesan bishops and leaders of religious institutes to the Apostolic See, and, more recently, the visit of the Pope to various countries and religious institutes.

Today an apostolic visitation is used by the Pope or a Roman dicastery as an administrative tool to gather information in order to remedy a situation that is problematic. In recent years, there are many examples of apostolic visitations. In 1983, there was an apostolic visitation of the Archdiocese of Seattle and its Archbishop, Raymond Hunthausen. In the late 1980's there was an apostolic visitation of the Priestly Society of St. Pius X prior to an agreement for the acceptance back into the Roman Church of the Society. In 2006 there was an apostolic visitation to seek information on the pastoral care of Syro-Malabar Christians living in India and outside of their proper territory. In the United States, an apostolic visitation of seminaries was initiated in 2002 because of concerns related to sexuality although the final purpose of the visitation had a much broader focus. In addition, there have been apostolic visitations of individual religious institutes concerning such matters as relationship with the Apostolic See, division of an institute, and internal conflicts.

Today, as in previous eras, there are no general norms governing procedures or limitation of the scope of such a visitation or on the conduct of it by the apostolic visitor. Each visitation is governed by the letter of appointment of the visitor. At times the letter is clear on the subject matter of the visitation. On the other hand, the letter can be vague and not necessarily state the full motives behind the visitation. An *instrumentum laboris* is often drawn up on how to carry out the visitation, e.g. the nature and subject matter of the inquiry. The information is usually submitted in secret. Normally there is no knowledge by the subject(s) of the visitation what actually is stated in the report and whether or not the remedies or decisions of the dicastery are based on the report.

It should be observed that in the canonical sense an apostolic visitation is not merely a “friendly visit.”⁷ While it may be framed within the context of a pastoral or paternal visit, and thus not penal or judicial in nature, it is being conducted because of a perceived need to correct or amend. Often an apostolic visitation may be initiated because a dicastery, having received complaints, desires to investigate and, if necessary, remedy the situation.

Present practice of apostolic visitations generally lacks transparency. This factor alone is a stumbling block to knowing whether or not problems existed. It also prevents the

subject(s) of the visitation from ascertaining whether decrees proposed to remedy the situation are based on the information contained in the secret report or on factors. Because of the lack of transparency and norms, a visitation could be a way of solving an existing problem agreed upon by all parties, or it could be a *pro-forma* procedure for the issuance of some decrees already decided upon prior to the visitation. It could be that there are mixed motives for a visitation and subsequent decrees, including unarticulated motives.

The Apostolic Visitation of Women Religious in the United States

No *instrumentum laboris* have been published to give indications of the nature of visitation and the topics to be addressed. Therefore, it is necessary to study the decree and other documentation from the Congregation for Institutes of Consecrated Life and Societies of Apostolic Life and from the Apostolic Visitor to gain an understanding of the nature and underlying purpose of the apostolic visitation of women religious.

The decree appointing Mother Mary Clare Millea, A.S.C.J. was issued by Cardinal Franc Rode, Prefect of the Congregation for Institutes of Consecrated Life and Societies of Apostolic Life, on December 22, 2008, although not made known publicly until January 30, 2009.

The key phrases of the decree seem to be:

1. “Apostolic Visitor *ad inquirendum et referendum*”
2. “In order to look into the quality of the life of women religious in the United States.”

The apostolic visitor is appointed *ad inquirendum et referendum* that is for the purpose of inquiry and report. The role of the visitor is to make a report to Cardinal Rode concerning the quality of the life of women religious in the United States.

The apparent issues concerning the quality of the life of women religious are not specified. Other documents provide some insight into the issues. In his January 29, 2009 letter to the president of the Leadership Conference of Women Religious (LCWR), Cardinal Rode states that it is his sincere hope that the “Visitation will result in a restored vitality and stability of religious communities.” The Cardinal states a presumption about apostolic institutes: religious institutes, or at least some, are not viable or stable. The purpose of the visitation does not seem to be to inquire whether this is true or not, but rather to remedy the already presumed non-viability and instability of apostolic institutes of women.

Under “Frequently Asked Questions” on the official visitation website⁸ it states that the visitation was prompted by the decrease in membership and changes in apostolic works because of societal changes. This seems to suggest that the issues of viability and

stability are issues of numbers and the type of ministries in which women religious engage within American society.

This leads back to the purpose of the visitation, namely the quality of life of women religious. Is it the quality of life that causes the decrease in numbers and the changes in ministries? It would seem much more complex than this. Following the logic – which is not always clear and consistent in the documents – it seems that the declining numbers are the outward manifestation of a problem. The problem is a result of the quality of life lived by women religious. This quality of life is influenced, seemingly in the negative, by the societal changes in American culture that have become manifested in the ministries of women religious.

It should be noted that the “restored vitality and stability” does not refer to all religious institutes. As noted in the “Frequently Asked Questions,” there are newer institutes with increasing numbers. It seems that the composite secret report that is to be submitted to Cardinal Rode is to make comparisons between these two categories of institutes.

It is true that in statements made and posted on the website positive aspects of the apostolic visitation are suggested. In her January 30, 2009 press statement, Sister Eva-Maria Ackerman states: “In doing so, we hope to discover and share the vibrancy and purpose that continue to accomplish so much, as well as to understand the obstacles and challenges that inhibit these individuals and institutions, thus limiting their growth and/or re-directing their resources and outreach.” Again, on the official website, it states that the approach will be in part to “learn more about the varied and unique ways in which women religious contribute to the welfare of the Church and society...”⁹ However, as stated in the historical portion of this paper, visitations are usually undertaken because of some special concern that needs to be corrected. If the visitation were only for a understanding of women religious today, it would seem that it would be done in collaboration with women religious similar to the collaboration that was part of the seminary visitation or by a study commission as was done in 1980.

Canonical Considerations

The apostolic visitation is an act of governance of the Congregation for Institutes of Religious Life and Societies of Apostolic Life.¹⁰ The procedures and results of the visitation are administrative acts and are subject to the norms of law governing administrative acts. In particular this means that the procedures and results can neither violate the rights of persons and institutes nor canonical procedures and requirements. Furthermore, if a person or institute feels aggrieved by an administrative act of the visitation or by subsequent administrative decrees, the person or institute can seek redress through the canonical procedures of administrative recourse, including recourse to the Supreme Tribunal of the Apostolic Signatura.¹¹

Recently administrative recourse and recourse to the Apostolic Signatura have been used more and more by persons and entities that have been aggrieved within the Church. Administrative recourse requires the party issuing the decree to reconsider the action.

Recourse also has the ultimate effect of involving persons outside of the immediate controversy in seeking a resolution of the issues.

While canon law has always recognized rights of persons and entities, the present Code of Canon Law states many of these rights in specific norms. Four of these rights have particular importance during and after the visitation.

First, no one can be required to manifest her conscience that is to violate her own privacy.¹² She cannot be required to respond to a question or inquiry that would result in revealing something personal. For example, a person would not have to respond to questions such as: do you regularly receive the sacrament of penance; do you have a personal, unauthorized bank account; have you ever violated the vow of celibacy. Questions like these should not arise within the context of the visitation, but if they did, a person has the right not to answer.

Leadership also must respect information given by members that involves a manifestation of conscience. Questions that require a response that reveals matters given within the context of a manifestation of conscience must be carefully answered and, at times, not answered at all. The identity of persons must be respected and protected. Questions about individual members or groups of members regarding Church doctrine or the sexual preference of persons could violate manifestation of conscience depending upon how leadership obtained the information.

Second, an important canonical right is not to have one's good reputation harmed illegitimately.¹³ In responding to questions, even general questions that may imply something negative about a person or a group of persons, leadership must ensure that they are not harming the good reputation of the persons. Such questions may arise particularly in visits to houses of initial formation. As an example, if there are only one or two persons in initial formation and questions are posed concerning the profile of their psychological health, the response, if given, must not stigmatize or characterize them so as to harm their good reputation.

Third, persons have the right to make known their opinions to the "pastors of the Church" and to "the rest of the Christian faithful."¹⁴ This right is nuanced by the phrase "without prejudice to the integrity of faith and morals, with reverence toward their pastors, and attentive to common advantage and the dignity of persons." Nevertheless, it is clear that silencing cannot be a tool of the visitation. Leadership and members can make known their opinions on the visitation. This includes providing to others information about a meeting or questionnaire within the context of an opinion. .

Fourth, no one can impose a penalty except according to the norms of law. Since the visitation is an administrative act, penalties are beyond the competency of the visitation. If, as a result of the visitation, the Congregation for Institutes of Consecrated Life and Societies of Apostolic takes punitive action against an institute, this must be done according to the norms of penal law. Any recourse against a punitive action suspends the action during the recourse.

Comparisons

The recently completed apostolic visitation of seminaries does not provide a good comparison with the apostolic visitation of women religious. It was initiated in cooperation with the bishops and religious superiors of the United States and with other dicasteries. The list of visitators was drawn up by various Roman dicasteries along with the United States Conference of Catholic Bishops (USCCB) and the Conference of Major Superiors of Men (CMSM). Prior to the final report, the USCCB and CMSM were given an opportunity to make comments. Finally, the visitation report itself was pastoral and reflective rather than disciplinary. At present, there are no indications to suggest that the apostolic visitation of women will be conducted in a similar fashion.

The present apostolic visitation of women religious does contain a comparison within it: namely that of the newer institutes and the older institutes. The comparison is expressed in terms of vocations. The newer institutes have increasing numbers while the older institutes having decreasing numbers. This seems to imply something about the quality of life and ministry between the two.

There are a number of things that can be said about this comparison:

First, it is true that some new institutes have increasing numbers. But there are many new religious communities which have been established as associations of the faithful that have never attracted sufficient numbers to qualify as a religious institute.

Second, there are far fewer newer institutes with new vocations than older institutes. Thus for the older institutes the number of new vocations are spread over more than 350 institutes. A comparison would have to be an overall comparison between the two categories: that is, the total number of those in initial formation in the new institutes compared with the total number of those in initial formation in the older institutes.

Third, the profile of women attracted to newer institutes and to older institutes is very important. Numbers alone do not reveal that there is or is not vitality or stability. The profiles of new members from both groups should be studied and compared for psychological characteristics, educational backgrounds, ministerial interests, theological and spiritual backgrounds, and religious practices. The admission tools and formation practices should be examined and compared. Finally, the number of persons who enter initial formation compared with the number who make final profession and subsequently remain beyond ten years also should be studied and compared.

Fourth, the history of women religious, particularly those involved in apostolic ministries, must be understood so that any comparison between the newer and the older institutes can be contextualized within the broader history of religious life. It may be discovered that the “older” institutes are really a newer form of consecrated life since they are being transformed into a new paradigm of apostolic life.

Two Additional Considerations

In the documentation from Cardinal Rode, two other aspects of the visitation deserve attention. First, there will be specific reports on each institute that is chosen for an on-site visitation. The individual reports could merely be for comparison or they may be for the purpose of determining whether or not corrective measures are needed within individual institutes. Such corrective measures, while given to specific individual institutes, certainly will have effects on all institutes. If an *instrumentum laboris* is eventually prepared, it will be important to study its contents prior to an on-site visit since the responses given to the areas outlined in the *instrumentum laboris* will be the basis for the individual confidential reports.

The second aspect that is mentioned only in the decree of December 22, 2008 is that diocesan bishops will be consulted. The positive comments and support of diocesan bishops will be very important in helping to determine the contents of the final report and any outcome from the report. Leaderships should be in dialogue with their bishops.

Conclusions

It is important that the leadership of women's religious institutes be prepared for all aspects of the visitation. They should be prepared to respond to the vocation issues, the cultural changes of American society, the ministries of women religious (especially the changes since the Second Vatican Council), the quality of life including lifestyle changes, and the meaning of consecrated life and its various expressions in the modern world and various cultures.

Leadership and members should also reflect on the history of the life of women religious particularly regarding two points. First, since the early Church there have been continuing paradigm shifts within the broad category of both women and men religious.¹⁵ Second, the governance of the Church has not always responded positively to the paradigm shifts.¹⁶ At times, the changes were accepted within the category of religious; at times new categories were created; and at times, women moved forward outside the established categories and official structures of the Church.¹⁷

An apostolic visitation is more than a "friendly visit"¹⁸ Preparation by those being visited is of utmost importance. For the apostolic visitation of women, part of the preparation should be study and reflection on the reference documents provided on the official website of the visitation. The study and reflection should consider the teachings and principles of the documents as applied to the present United States culture including both the life of women within the culture and the diversity within the culture. Responses should be prepared that articulate the study and reflection.

Finally, what should be foremost in the minds of all is the nature of apostolic religious life as service, not only within the Church, but also as service to all God's creation. Apostolic religious women and men have often lived on the cusp of the future, ever

responding to the new challenges and cultural changes, often ahead of the Church leadership in leading the way into the new reality.¹⁹

Feast of Saint Frances of Rome
9 March 2009

¹ An excellent study of the institute of visitations is John P. Beal, “The Apostolic Visitation of a Diocese: a Canonico-Historical Investigation,” *The Jurist* 49 (1989) 2, pp. 347-398.

² Michael D. Place, “Apostolic Visitation and Limitation on the Power of the Diocesan Bishop: A Report on the Work of the Committee,” *Canon Law Society of America Proceedings of the Fifty-First Annual Convention*, 1989, pp. 102-103.

³ “Guide for Visitation,” American Cassinese Congregation of Benedictine Monasteries, www.osb.org/amcass/.

⁴ Place, p. 104.

⁵ Place, p. 104.

⁶ A legate is a Roman law term for ambassador or envoy.

⁷ Beal, p. 347.

⁸ www.apostolicvisitation.org.

⁹ In 1980, the Congregation established a commission rather than an apostolic visitation to study the life of women religious in the United States. Archbishop Quinn of San Francisco chaired the commission and submitted a report to the Congregation. The Congregation never released the report or took any further actions based on the report.

¹⁰ Pastor Bonus, Apostolic Constitution on the Roman Curia, June 28, 1988, Art 107.

¹¹ Canons 1732 – 1739 and Pastor Bonus, Art. 123.

¹² Code of Canon Law, canon 220.

¹³ Code of Canon Law, canon 220.

¹⁴ Code of Canon Law, canon 212.3.

¹⁵ This paper was completed on the Feast of Saint Frances of Rome whose life, services to the poor of Rome, and the religious community of women she founded did not fit into the categories of women religious of the 15th century.

¹⁶ In his encyclical, *Deus Caritas Est* (2005), Pope Benedict XVI stated in paragraph 27 the following regarding the Churches response to social conditions in the 19th century: “It must be admitted that the Church’s leadership was slow to realize that the issue of the just structuring of society needed to be approached in a new way. There were some pioneers, such as Bishop Ketteler of Mainz (+1877), and concrete needs were met by a growing number of groups, associations, leagues, federations and, in particular, by new religious orders founded in the nineteenth century to combat poverty, disease and the need for better education.”

¹⁷ The Code of Canon Law now has three categories under the general heading of “religious”: religious institutes, secular institutes and societies of apostolic life. Canon 605 envisions that there may be new forms of consecrated life.

¹⁸ Beal, p. 347.

¹⁹ *Deus Caritas Est*, number 27.