

ACCOMPANYING INSTITUTES OF CONSECRATED LIFE IN DECLINE AND DYING

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*"To every thing there is a season,
a time for every purpose under heaven.
A time to be born and a time to die."
(Ecclesiastes, 3,1-2).*

Preliminary Observations

As mentioned at the beginning, this second part of my talk will touch upon issues dealing with the stage of decline of ICL (Institutes of Consecrated Life), related to ageing and the reduction in numbers of members up to extinction, with reference to the provisions of the Code regarding some particular cases such as mergers, unions and suppressions. I will also address the practice of the dicastery, also to help bishops, in tackling situations of insecurity and incapability of institutes no longer capable of exercising autonomy of life, especially of governance seen in can. 586 §1. These situations are being seen, in an ever-increasing way, especially in Europe, USA and Canada.

It is not new to say, in these countries, that many ICL and SAL (Societies of Apostolic Life) are deeply affected by problems caused by the scarcity of, or even a prolonged lack, of vocations. And so it happens evermore frequently, that within institutes already reduced in number and with a majority of aged members, whether these institutes are of pontifical or diocesan right, there is a lack of vitality in community life, coupled with spiritual damage to people and to fraternal life.

Increasingly, we find it difficult to appoint suitable people for various roles, particularly those of governance. Consequently, there is a stagnation of ideas with little interest in updating pastoral and professional methods. And, as a phenomenon that has been increasing in recent years, especially in the women's institutes, one searches for a way forward by introducing people from other continents and cultures, in a way that is rushed and with neither genuine discernment nor proper formation.

In addition, an understanding of the autonomy of each institute which, if not wrong is at least exaggerated, makes the intervention of the competent authority even more difficult: the Apostolic See for ICL and SAL of pontifical right (can. 593) and diocesan bishops for ICL and SAL of diocesan right (can. 594).

In the first case the Apostolic See does not always have the appropriate tools or opportunities to understand the actual situations of the ICL and SAL that rely on it, apart from monitoring statistical data, for no other reason than these are not always up to date, data that institutes are urged to send to the Statistical Office of the Secretary of State and the regular reports on the status and life of institutes, mentioned in can. 592 that the ICL and SAL are

obliged to send to the dicastery. In this regard, again as part of the special care that the diocesan bishop must have for all consecrated people in his diocese, the news that comes from dioceses, along with the request for an intervention of the Apostolic See if the situation is particularly serious and urgent, are of fundamental importance.

In the second case, when it comes to ICL and SAL of diocesan right, it is not always easy for the diocesan bishop of the principal seat to take effective action for the good of the members of the institute, although it is up to him to "deal with more important matters that affect the whole institute when they exceed the scope of internal authority "(can. 595 § 1).

One final introductory observation. In the previous talk it was insisted upon that each institute is a gift of the Lord to His Church. Its existence, as indeed its approval, is an ecclesial event. Similarly, the situation of decline and institutional fragility that an institution experiences is an ecclesial event.

Like any living reality, an institute has its moments of stagnation, renewal of energy, gradual decline and reduction, until its own disappearance. And this is also an ecclesial event. Besides, the origin is as much a part of an institute's life as the end. In fact, as Sacred Scripture recalls, "there is a time to be born and a time to die" (Ecclesiastes 3.2)

1. The indications of Vatican Council II

Such concerns had already found legitimate expression - perhaps slightly drastic but certainly not unjustified - in the Second Vatican Council. Hence they were in fact outlined in the Council's Decree *Perfectae Caritatis* (October 28, 1965), dedicated to the renewal of religious life: " There may be communities and monasteries which the Holy See, after consulting the interested local Ordinaries, will judge as not possessing reasonable hope for further development. These should be forbidden to receive novices in the future. If it is possible, these should be combined with other more flourishing communities and monasteries whose aim and spirit is similar. (PC 21). "Independent institutes and monasteries should, when opportune and the Holy See permits, form federations if they can be considered as belonging to the same religious family. Others who have practically identical constitutions and rules and a common spirit should unite, particularly when they have too few members. Finally, those who share the same or a very similar active apostolate should become associated, one to the other."(PC 22).

More than a plan that needs to succeed within tight deadlines, it dealt rather with a perspective with which to read and channel future choices.

In the following year, the Supreme Pontiff Paul VI, in his *motu proprio Ecclesiae Sanctae* (August 6, 1966), with which the norms of application of the conciliar decrees were given, took up the material once again in a more subdued manner (cf. II, n. 39-40). The document did not forget to give some practical advice on the criteria to have at hand in the event of suppression.

1. The grouping of Institutes in the Code of Canon Law

In the light of these conciliar indications, and gathering together the experience of recent decades, the current Code of Canon Law has reorganised the matter relating to the theme of the grouping of Institutes. The Code indeed speaks of:

- A) Groups of Institutes that less binding legally, such as
 - a. associations (can. 580)
 - b. federations (can. 582)
 - c. confederations (can. 582)

- B) Groups of Institutes that are more legally binding, such as
 - a. mergers (can. 582)
 - b. unions (can. 582)

For the purposes of this present talk, and given the time available, let us now briefly recall the content of some of these cases.

a. **Merger (can. 582):** It is the path normally followed when dealing with institutes in fragile situations. It occurs when an institute (A), generally of small size, joins another institute (B) that is larger, so that the first is incorporated into the second. The merger is a very delicate act for both the institutes concerned; it is particularly strong for the institute making the request. In fact, by merging, the requesting institute, as a legal entity, disappears, dissolving to form an integral part of the receiving institute: it loses its name and its constitutions, assuming those of the other institute, and its members become members for all intents and purposes, of the latter. This does not mean that the houses of the small institute will also disappear; in fact, they go to another institute, with all their temporal goods. The process for the merger involves a suitable preparation from the following points of view: 1) spiritual; 2) psychological and 3) legal (cf. ES II, 39).

b. **Union (can. 582):** It is a form of grouping less traumatic than that of fusion, but one that requires more time. Union refers to a new institute founded by mutual agreement between 2, 3, 4 or more institutes of different sizes. Institutes merge into each other, dying as such, but giving birth to a larger ICL: every institute that generated it will consider it as an extension of itself. The Council has recommended the union or merger when the institutes have almost identical constitutions and practices and are animated by the same spirit, especially if they are too small "(PC 22). There are, in fact, Congregations that historically come from the same founder and share a single spiritual patrimony. Initially, before talking about the formation of a single institute, almost always the institutes involved give birth to a federation (cfr. C. 582) to study the charism together, to grow in mutual relationship and also to promote joint projects in the fields of formation and the apostolate. This experience favors the subsequent process of spiritual, psychological and legal preparation that must precede the union, according to what is again indicated in the document *Ecclesiae Sanctae II*, 39. The procedure is similar to that of the merger, a new name will be chosen and new constitutions will be drawn up.

The motivations that drive an institute to seek a merger with a larger institute, generally with an international character, or that lead an institute to join another are many and varied. Without going into a detailed examination on the subject, one can give a short list grouping the main reasons that emerge from an examination of applications for fusion submitted in recent years to the CICLASAL dicastery, stating that the list is not exhaustive and that for many institutes the reasons are to be read together with this:

- **numeric reason:** a decline of vocations, the aging of members and the inability to take care of their own spiritual and material needs;
- **apostolic reason:** a desire to continue serving the Church through the merger, seen as an occasion of profound interior renewal, a charge of dynamic energy and hope, allowing younger members an apostolic dimension to their lives and the possibility of taking works forward;
- **spiritual reason:** the desire for the institute's charism not to be lost, in the knowledge that the merger, seen as a service to the charism of the Institute, is an Easter journey of death and resurrection;
- **historical reason:** it is the case of institutes which have a common historical background and share the same founder, and that have been separated by historical circumstances;
- **ecclesial reason:** the merger can also be wanted in obedience to Perfectae Caritatis 22, which calls for institutes having nearly the same constitutions, customs and spirit, to group together and unite. Here we can also include motivations relating to the fact that the merger ensures the preservation of assets in favor of the Church and its mission, thus avoiding their dispersal.

Mergers and unions are decided solely by the Apostolic See even if the institutes are of diocesan right.

Wanting to ensure a certain gradualness, both in cases of mergers and of unions, some provisional clauses can be allowed for, "in order to allow members of the institute that has ceased to exist to adapt to the new situation, during the first years, which are naturally approved by the Apostolic See. These may concern the government, the works, such as keeping a house for a certain period; or they may concern people, such as the inability to move a person from a house of their previous institute without their explicit consent, and that for a given period."¹

Suppression (Can. 584): Suppression is the act that marks the end of a religious institute, and is directly and necessarily opposed to the erection that brings it to birth. Suppression belongs only to the Apostolic See, even if the

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V. DE PAOLIS, *La vita consacrata nella Chiesa*, Venezia 2010, 162-163; see also V. BERTOLONE, ««Legal aspects and attentions in the charismatic experiences of aggregations, associations, mergers and unions of institutes of consecrated life», », in *Sequela Christi* (2006/2) ...

institute is of diocesan right. The end of an institute, its disappearance, is a reality that relates to the whole Church; therefore it deserves to be a matter reserved to the Apostolic See. For the same reasons, it is the exclusive competence of the Apostolic See to suppress the only house of an institute (cf. can. 616, § 2), since this act is tantamount to the suppression of the institute. Reasons for suppression:

- 1) "the small number of religious relative to the years of existence, the lack of candidates for several years, the advanced age of most of the members" (ES II, 41). As indicated in the document, suppression remains the last option. Indeed, we may say that such a possible act has never been implemented. Generally, in practice, and as far as is possible, mergers or extinctive unions with another institute happen or alternative solutions are adopted as we will see later.
- 2) reasons linked to serious disciplinary problems: doctrinal deviations, serious situations of a moral character, danger to the good of people and of the Church, etc .;
- 3) for natural extinction with the death of the last member. In this regard that for an extinct Institute to call itself suppressed, a formal act of suppression of the juridical person (cf. can. 120 § 1) by the Apostolic See is needed.

2. A very delicate and complex issue

Certainly the code implemented formally, as a principle, the directions given by the Council. The actual usefulness that can be achieved by resorting to different possibilities - suppression, merger, union and so on, provided by the current canonical legislation, depends on what use they are put to depending on the concrete circumstances. We are not dealing, therefore, with preconceived solutions that automatically produce the same results in all cases in which they are applied.

It should also be said that, when such paths are not prepared for in time, they are a source of pain and discomfort. Who works in this field and has to deal with the reality of institutes that now lack the vigor needed to hope for a future recovery, palpably sees the difficulty members have to enter a path of verification of the present and of correct choice-making for the future.

Hence the importance on the part of authority to enable timely dialogue that helps the Institute, with a healthy realism and a spirit of faith, to face the challenges that the situation of ageing and decline entails. Urging the institute to make a careful and wise reading of the situation is part of the special care expected of bishops and their collaborators, even if the institute is of pontifical right. Rather than being seen as the beginning of a journey, the union or amalgamation of institutes should be understood as the final outcome of a trajectory already undertaken, thought through and prepared in an attitude strengthened to seek "and to develop a dynamic fidelity to their mission, adapting forms, if need be, to new situations and different needs, in complete openness to God's inspiration and to the Church's discernment "(VC 37). Just taking care of these formative and spiritual aspects, it is possible to choose

consciously and freely in situations that may otherwise appear inevitable and therefore suffered passively.

Having said this, not infrequently, these are the same institutes that avoid any attempt made to help them think about their own future. In many cases, especially at the diocesan level, the repeated interventions and care of the competent authority are interpreted solely as interference in the life of the institute and an attack on their just autonomy often understood and lived as a real independence.

In some areas, then, especially in the European and North American context, where a higher number of both diocesan and pontifical institutes are concentrated, the situation of insecurity and reduction is so endemic that they are no longer really able to accept a merger. However, in most instances, institutes simply choose to continue as they are, awaiting the end. It is not unusual for institutes, in a last general chapter of sorts, to prepare a kind of spiritual testament, entrusting to the laity not only the works, but also the management of their own lives and needs, as well as their patrimony.

3. Possible paths and solutions

What can you do when faced with such situations that are on the increase? What paths can be activated? What solutions, compatible with canonical legislation, can be put in place in order to assist in a proper and dignified way these institutes heading towards extinction? How can one help institutes - especially in contexts of strong opposition to the hierarchy or conversely, excessive interference on the part of the latter – to move away from the misunderstandings about autonomy of life, conceived and lived as independence or as a form of defence? How can one prevent people who have lived a life in community and in a religious climate of prayer, from ending up isolated in nursing homes for the elderly, where the fulfillment of their spiritual needs is in no way assured? How can one protect a patrimony of goods and works from the risk of being dispersed?

Those who hold responsibility in the Church cannot avoid these questions. These require appropriate responses, which are somewhat similar or different depending on whether one is dealing with an ICL and SAL of pontifical or diocesan right. Obviously there are no standardised solutions, but they will vary according to the needs and situations of institutes.

Starting with the case of a pontifical institute reduced to very few members or to a single house that no longer has the necessary strength to lead a regular life or to keep its administration going. In this situation the competence to intervene and to take the necessary canonical measures belongs to the Apostolic See. The most appropriate and effective way to proceed is to nominate a pontifical commissioner. Typically, the choice falls on the diocesan bishop who personally, if he is free, or through his vicar or another appropriate person, assumes the leadership of the institute, providing for all the spiritual and practical needs that the surviving members have. In such a case, the bishop-commissioner acts as the supreme moderator with the power of

government that universal and the proper law of the institute attribute to the superior general and given by the provisions of the decree of appointment. As an institute of pontifical right, in all matters covered by universal law and by the constitutions, especially regarding the extraordinary administration of assets, the commissioner is obliged to consult the Apostolic See. Periodically the pontifical commissioner will write to the dicastery about how the situation is progressing.

There may be cases in which the institute does not see the need for or manifests opposition to such accompaniment. In these situations, which we ask to be reported to this dicastery, after an apostolic visitation has been carried out by a competent and trusted person, or by the diocesan bishop himself, that person will take care to make the subsequent decision.

In other circumstances, to foster an appropriate accompaniment of life and to meet the needs of members or to promote journeys to mergers and unions, the dicastery appoints a major superior or provincial of another institute as the commissioner. He or she would normally be called the "union head".

This also happens in ICL or SAL of diocesan right, when it is no longer able to ensure the spiritual and material needs of its members, its government, the management of its works or the administration of its property. In reality, when there is no longer a member suitable to hold the office of general moderator, the bishop of the principle base, having consulted the other bishops - in the event that the institute has also spread to other dioceses - and having previously consulted with members of the institute, will proceed to the appointment of a commissioner or a diocesan delegate (cf. can. 594 § 1).

The diocesan commissioner governs the institute with those faculties that universal law and the constitutions give the general moderator and as defined in the decree of appointment. In particular, it is the commissioner's duty to provide for the spiritual and material needs of members, to preserve the patrimony of the institute, mentioned in canon 578 and to protect the assets. The commissioner must keep members informed about the institute's progress and listen to their views on the most important topics. In some cases, for example where the surviving members of different institutes live in separate parts of a large religious building, enjoying shared services and support, there could be a single commissioner or delegate for more institutes.

The commissioner can be a religious (male or female) or a diocesan priest, but not the bishop himself, with a good knowledge of religious life and of the institute, as well as proven administrative skills. For women's institutes it is best to appoint a female religious. It is not permitted to appoint a lay person as the commissioner. The commissioner is appointed for a specified period of time. With the consent of the diocesan bishop, the commissioner may have the help of one or more competent and experienced people for any economic or administrative issues. In exceptional cases and where no other solution is possible, a lay person may be appointed as bursar or, better still, as administrator.

When the last member of an institute has died and, hence, the institute has become extinct, one follows the norms of can.584 and 616 § 2.

In each situation, regardless of the choice made, there are three basic attitudes, which must be taken into account by those responsible for accompanying and bringing to completion the paths undertaken: 1) that everything is done in charity; 2) that acquired rights and the personal freedom of members are respected; 3) that all the time necessary is taken for the plans to be brought to a good end.²

² V. DE PAOLIS, *La vita consacrata nella Chiesa*, cit., 163.