

## *VULTUM DEI QUAERERE: JURIDICAL ASPECTS*

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Pope Francis promulgated the Apostolic Constitution *Vultum Dei Quaerere* (VDQ) on June 29, 2016 and it then was published on July 22, 2016.

The Constitution deals with women's contemplative life and is made up of two parts: the first has 37 paragraphs whereas the second has 14 regulatory articles.

My contribution will look at the 14 articles of regulations; however, we need to keep in mind what the same Constitution states in 14 § 1 as well as in can. 34 of the CCL, that an Instruction will be published, and this will see not only that the law is put into practice, but it will also clarify the dispositions of the same law by developing and determining how it should be carried out.

### *Premise*

The first two articles of the regulatory part of the Constitution contain some juridical premises which are fundamental for all the regulations that follow.

In fact, what the first article states, with reference to can. 20 of the CCL, and after a careful study of the preceding 37 paragraphs, is of fundamental importance. It establishes that the present Constitution derogates those parts of the Code of Canon Law that directly contradict any article of the present Constitution. In fact, in the CCL, some canons concerning religious Life have paragraphs, or parenthesis, which refer explicitly to cloistered nuns or to *sui iuris* monasteries. Therefore, only those parts are derogated, and only if they contradict what this Constitution establishes.

Similarly derogated are the regulations found in previous legislations based on the Apostolic Constitution *Sponsa Christi* of Pius XII (November 21, 1950) and on the Instructions of our Dicastery: *Inter preclara* (November 23, 1950) and *Verbi Sponsa* (May 13, 1999).

The second article affirms that the Constitution VDQ is addressed to the Congregation for the Institutes of Consecrated Life and Societies of Apostolic Life, as well as to the individual cloistered monasteries of nuns of all kinds. The Dicastery was entrusted with the task of regulating the modalities of how

the decisions of the Legislator in the Apostolic Constitution are to be carried out. Also, it is up to the Dicastery to approve the Constitutions or Rules of the individual Institutes (cfr VDQ Art. 14 § 2) after having verified that the revision of these are coherent to their own monastic tradition and the specificity of their charismatic family (cfr VDQ Art. 2 § 3).

The Legislator provides also that in certain cases, or for certain issues, the Congregation for the Institutes of Consecrated Life and Societies of Apostolic Life, before granting the above approvals, in its judgment and discretion, may consult the Congregation for the Oriental Churches or the Congregation for the Evangelization of Peoples (cfr VDQ Art. 2 § 3; cfr VDQ 8).

Although the Apostolic Constitution is addressed to the Congregation for the Institutes of Consecrated and Societies and Apostolic Life and the women's monasteries of any kind, the object is women's contemplative life. To this end, the Legislator deals with 12 themes whose contents are developed in 37 paragraphs, and this is referred to in Art. 2 § 2 of the regulatory part (cfr VDQ 12; 13-35; Art. 2 § 2).

To these juridical premises we need to add another of a theological-ecclesial kind which permeates and enlivens the entire Constitution. *Vultum Dei quaerere* is a further step in the direction of communion; in fact, the obligation that all monasteries must all be part of a Federation changes the perspective: the starting point is communion and only then come the particular realities. The Federations strengthen an essential dimension of the Church: that of communion. However, there is also a novelty regarding the autonomy of monasteries: these may have various expressions within the same Order. The equilibrium between these two dimensions seems to be the future perspective of monastic communities of all kinds. The challenge is still to have autonomy in communion and communion which respects autonomy.

It is true that we come from a past in which autonomy was always privileged; however, even Pius XII's *Sponsa Christi* made it clear, the way ahead was toward a communion system, and this was also required because of the changed historical conditions. If that was valid in those days, it is even more valid today, in an era of frenetic changes.

### ***Formation***

From Art. 3e onwards almost all issues are treated on two levels: one regarding the monastery and the other the Federation.

The basic theme of Art. 3 is that of formation; as from now, this is not the responsibility of the individual monastery alone, but also of the Federation. In fact, paragraphs 1, 5 and 6 refer to formation in the monastery, whereas paragraphs 2, 3 and 7 speak about the Federation's role in formation.

Paragraph 1 requires that the monastery provides the continuous formation. This entails a shared project of community life which spells out the goals to be reached, thus committing the individual members and the community to a precise journey. If the community is not formed, it becomes difficult, if not impossible, to welcome and form young women who ask to join the monastery. The attraction toward a well-formed community is fundamental for the vocational decision of a young woman who feels the call for contemplative life. Moreover, as Art. 7 § 2 recalls, the communitarian project may be fulfilled in the measure in which the human and spiritual gifts of each Sister are welcomed and encouraged in a community for the mutual enrichment and the progress of the fraternity.

Paragraph 5 deals with the initial formation of the candidates for contemplative life. The norm demands that the whole community pays attention to the spiritual and vocational discernment of the candidates.

Those who experience the Spirit know how to pick the actions and the manifestations of the Spirit in others. It also requires that the formation process be personalized and adequate: this must take into account the concrete person with her faith, age, motivations of her choice, the cultural level and her background.

Above all, the norm requires that ample time should be dedicated to the initial formation; the 9 years to which n. 15 of the Constitution refers is not stringent; the expression "as far as possible" does not indicate an obligation, but encourages the addition of two more years, with respect to the present legislation, to the formation process, which spans from the Pre-novitiate to the solemn profession.

Paragraph 6 prohibits the recruitment of candidates from other Countries with the only aim of safeguarding the survival of the monastery. This, however, does not mean that communities cannot be international and multi-cultural by welcoming and exchanging nuns from other monasteries, even for fixed periods, for diverse motives like formation, studies, rest, mutual help, and the staying at the Founder's places for a deeper knowledge of the charism.

Again, the foundation of new monasteries or the transfer of whole communities from one Country to another is not prohibited. The Instruction on the practical applications of the Constitution will surely give some criteria regarding this.

Art 3 § 2, 3 and 7 refer to the competences of the Federations concerning formation.

Paragraph 2 highlights how the Federation is duty bound to assure that the continuous formation is adequate; this means that the formation provided in the individual monasteries is not sufficient anymore and needs to be integrated. Therefore, the Federation must invigilate formation and promote all kinds of collaboration among the monasteries, as well as the use of digital communication, always with the necessary discretion compatible with contemplative life.

Paragraph 3 deals with the issue of the *formation of the formators*. The individual monastery, albeit not excluded from such a task, must recognize that the Federation has the right and the duty to do this. The sixty-year experience of the Federations' endeavor has shown that they manage to enhance all kinds of formation, even that of formators. It must be emphasized that even the choice of formators needs to be done jointly by the monastery and the Federation.

Paragraph 7 caters for the possibility to set up houses for the initial formation. The term 'initial formation' includes the entire period that goes from the pre-novitiate up to the solemn profession. The legislator, when referring to the involvement of 'various monasteries' in the choice of a common house for the initial formation, intends affirming that the monasteries must be of the same Order, whose charism is the object of formation itself. Obviously, the setting

up of common houses for the initial formation refers mainly to the Federations, seeing that, as we have already said, they collaborate with the individual monasteries for the nuns' formation. The norm, however, does not exclude other possibilities which might arise in special circumstances; in such cases our Dicastery will be asked to evaluate them. Lastly, the generic term 'house' should be understood as *a place of formation*; this means that the Federations must choose a suitable monastery for such a task, keeping in mind that the community of that monastery must be a 'formative' one.

Art. 3 § 4 allows the formators to go on specific courses about formation even outside their monastery, as long as this is not to the detriment of their form of life. In order to reconcile the need of formation of the formators and the demands of contemplative life, it is evident that the Federations will be very much involved and, in this sense, their role is fundamental. The practicalities of organizing and attending such specific courses for the formation of formators will also be dealt with in the forthcoming Instruction.

### *The communitarian project*

The Legislator has provided that every monastery should have a communitarian project and this must include the suitable means through which the ascetic commitment of monastic life is expressed, in such a way that it becomes more prophetic and credible (cfr. Art. 13). Therefore, even in the regulatory section of the Apostolic Constitution, these above-mentioned suitable means for an ascetic life are mentioned again.

Art. 4, in fact, reaffirms that prayer is central in contemplative life; prayer must be a lively encounter with the Lord and it reaffirms that He remains the center of the day and of all the activities of the monastery. In this article prayer is seen, above all, in its communitarian dimension; thus, every monastery must have a communitarian evaluation of the day's timetable and that of the liturgical celebrations. If a community becomes aware that prayer in common, for whatever reason, has ceased to be a lively encounter with the Lord, it must have the courage to renew it according to the reality of the present community. From this, one understands that prayer is one of the themes of the communitarian project which every monastery must do by way of verification so that the community becomes more lively and zealous. A

community which prays well is an attractive community! Moreover, the theme of prayer recalls the value of silence which favors the atmosphere of prayer and contemplation; thus, every monastery must establish appropriate moments of silence and Art. 12 of the Apostolic Constitution demands.

It is precisely because the Lord is at the center of the day of each member and of the community, that the relationship with the Word of God is fundamental. Therefore, Art. 5 § 1 speaks about the duty of each monastery to establish adequate times and modalities for the *Lectio Divina*, not only as a personal commitment but also as a communitarian one, because what one receives for the Holy Scriptures must be shared. The *Lectio Divina* may then become a remarkable contribution to the life of the Church if the monastery irradiates it on the other members of the People of God. Art. 5 § 2 entrusts to the responsibility of the monastic community the practical ways for such a sharing, provided that this is done while respecting the monastic and cloistered nature of the community itself.

Art. 6 § 1 provides another element which enriches the communitarian project. Underlining the Lord's centrality in the life of the individual nuns and in that of the entire community, it speaks about the Eucharistic piety which is expressed not only with a careful preparation and celebration of the Eucharist, but also with appropriate time periods dedicated to Eucharistic adoration. 'Appropriate' means proportional to the other moments of communitarian life. Normally, Holy Mass in monastery chapels is frequented also by lay persons; to these the possibility to participate in the Eucharistic adoration must also be given. The same article, at paragraph 2, which deals with the celebration of the Sacraments and spiritual direction in monasteries, recommends that the choice of priests for these offices needs to be done carefully. Besides prudence and competence, these priests, whether regular or secular, must be respectful of the charism of contemplative life, of the Order to which the community belongs and of the particular needs of a cloistered community.

*The service of authority*

According to can. 620 of the CCL, the Abbess or the Prioress of a *sui iuris* monastery is a Major Superior. Art. 7 § 1 of the Apostolic Constitution refers to the service of authority. In a monastery such a service is of capital importance. Therefore, those who are called to govern a community, besides seeing to their own specific formation, must have a spirit of fraternity and service. These characteristics need to be kept in mind when evaluating candidates during elective Chapters, otherwise there is the risk of having at the head of a community a person who does not promote a climate of joy, freedom and responsibility. This kind of climate is necessary not only to live a serene life in community, but also to promote personal and communitarian discernment; it is also useful for the enhancement of the necessary sincerity to communicate truthfully what one does, thinks and feels to the other Sisters and to other persons in general.

### ***Real autonomy of a monastery, affiliation, entrustment***

Art. 8 § 1 deals with a very delicate theme: that of real autonomy of a *sui iuris* monastery. The weakening or the disappearance of some elements which constitute the essence of a community put at risk even the juridical autonomy. This article establishes which are the elements that must exist so that a *sui iuris* monastery remains or is erected as such: a minimum number of Sisters, provided that the majority are not too old; the necessary vitality to live and irradiate the charism; a real capacity to provide formation and government; the dignity and quality of the liturgical, fraternal and spiritual life; the meaningfulness and insertion in the local Church; the possibility of self-sustainment; a monastery building in an adequate condition. These criteria need to be seen as a whole and as an overview. In this case too, we wait for the Instruction for further specifications.

The following paragraphs, 2 and 3 of Art. 8 establish that the ultimate decision regarding a monastery in difficulty whether to survive or not lies with the CICLSAL. In fact, whenever the requirements of real autonomy are not met, a monastery is to be accompanied either toward a revitalization or suppression by our Dicastery. In both cases the Dicastery may provide an intermediate stage: the affiliation to another monastery or the entrustment to the President of the Federation and her Council. In the case of affiliation, the Superior of the affiliating monastery becomes also the Major Superior of the

affiliated monastery. The latter will have its juridical autonomy suspended; the Major Superior will entrust it to a local superior and even the Chapters are suspended. The legal representation and administration pass into the hands of the new Major Superior. If, for some reason, affiliation is not possible, the Dicastery will entrust the monastery in difficulty directly to the President of the Federation and her Council.

The CICLSAL will then evaluate the convenience of forming an *ad hoc* commission to evaluate the decision that needs to be taken regarding a monastery which is not capable anymore of a real autonomy. Such a commission will be made up of the Ordinary, the Federal President, the Federal Assistant and the Abbess or Prioress of the monastery. Presently the Dicastery's praxis already provides that these subjects be asked for their opinion, and in the case of suppression even the diocesan Bishop is asked for his opinion (can. 616 § 1).

### *The Federations*

Regarding the Federations we need to note that they were introduced by Pius XII's Apostolic Constitution *Sponsa Christi*, and they were 'modeled' on the monastic Congregations already extant in the church, the majority of which were men's Congregations, although there were also a few of Benedictine nuns. These Congregations were, albeit partially, true and proper structures of government. To this end *Sponsa Christi* gave the newly-formed Federations the possibility to adopt these structures including "*those reasonable conditions and limitations of [the monasteries'] autonomy which seem necessary and very useful*" (cfr. *Sponsa Christi* Art VII § 5). What was not done at that time, it is being done now with the Constitution *Vultum Dei quaerere*

Art. 9 § 1 is an absolute novelty: it establishes that initially (for a start, at the beginning) all monasteries have to be part of a Federation. Then it states that if there are special reasons - therefore not common ones or problems which can be resolved with ordinary means - then, and only then, a monastery may ask the CICLSAL to leave the Federation. The CICLSAL, after a thought-out discernment, may refuse such a request to leave or, in certain circumstances, suggest moving and joining another Federation of the same Order.

The Federations, although belonging to the same Order, may be different from one another due to particular traditions or a divers spiritual sensitivity. Therefore, when discerning to join a Federation a monastery should not consider exclusively the geographic criterion. This paragraph is of interest primarily to those monasteries which are not yet part of a Federation; however they must be part of a Federation shortly, as soon as the Instruction, which will establish the times and modalities to become part of a Federation, is published. Above all, it is clear that those monasteries which are not yet part of a Federation may even constitute new Federations.

Art. 9 § 3 besides recalling the help that Federations give to the individual monasteries regarding formation and concrete needs, it asks again the CICLSAL to provide the modalities regulating this mutual help and also to establish the competences of the President and the Council of a Federation. Since the President has to demand a certain behavior and has also to guarantee some common phases of the nuns' formation, she is evidently a Major Superior; however, she does not have all the authority which the universal Law bestows upon Major Superiors (cfr. can. 620 CCL) but only those which the forthcoming Instruction will indicate.

In Art. 9 § 4 the Legislator, although not obliging the monasteries to be associated with the men's Order (as in can. 614 CCL), asks the Dicastery and the diocesan Bishops to facilitate this passage whenever monasteries desire to. The forthcoming Instruction will certainly clarify the modality of the invigilation on women's monasteries by the Ordinary and also by the diocesan Bishop as such.

Confederations, too, are to be favored. These result from the union of various Federations of the same Order and are erected by the Holy See (cfr. can 582 CCL) which also approves the Statutes. The nuns of the same Order may ask the Holy See to set up an International Commission and to approve its Statutes. This structure has the character of a study center where issues relevant to Consecrated and Contemplative Life are studied.

### *The Cloister*

Regarding the cloister, n. 31 of the Apostolic Constitution makes reference to can. 667. Therefore, besides the common cloister which applies to all religious

Institutes, "*there are another three which are characteristic of contemplative communities, namely papal, constitutional and monastic*". The threefold distinction of the cloister comes from the interpretation of can. 667 § 2 CCL; here it states that the subjects are the monasteries of contemplative life, which are different from those in the successive paragraph which refers to monasteries completely dedicated to contemplative life (also termed wholly contemplative); whereas the latter have a papal or constitutional cloister, the former observe "*a more rigorous discipline of cloister*" with respect to the common cloister of all religious Institutes. The Constitution calls this type of cloister "monastic", but in effect it is more "constitutional" because the way it is lived-out needs regulations.

Again, regarding the cloister, Art. 10 § 1 states that every monastery, after a serious discernment, may ask the Holy See to embrace a different kind of cloister from the one lived-out so far. It gives the possibility to ask for some attenuations of the law of the cloister, as long as such a request respects the tradition of the Order and its Constitutions; it would be a kind of private law for a particular monastery. Even on this issue we await for clarifications in the forthcoming Instruction.

### ***Work and the communion of goods***

Art. 11 deals with the issue of work as a duty and, as such, should be given its due importance in the project of community life already mentioned. Linked to the theme of work we find that of the finances of the monastery, which include the fruit of the nun's work as well as other income. The sources of income, besides assuring a dignified livelihood for the nuns, are also to be used to help the poor and the most needy monasteries. In the case of suppression, the properties of a monastery are handed over according to the relevant alienation or donation norms.

### ***Conclusion***

Contemplative Life has always remained alive in the church thanks to the constant presence of the Lord, even if eras of great vigor were followed by others of decadence. We hope that in our time Contemplative Life would know how to renew itself *with* and *within* the Church, who is offering it these

new norms so that it keeps on searching for the face of God without neglecting the suffering face of today's men and women!