

Mothers Immediate

Working paper (revised)

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This paper is the response to Vote 22 of the General Chapter Part 2 of 2022 (Assisi, Sept 2022) which asked the Law Commission to prepare a Working Paper on the question of Mothers Immediate to be studied at the General Chapter of 2025.

**VOTE 22:** *WE ASK THE LAW COMMISSION TO PREPARE A WORKING PAPER ON THE QUESTION OF MOTHERS IMMEDIATE TO BE STUDIED AT THE GENERAL CHAPTER OF 2025.*

PLACET 141                      NON PLACET 2                      ABSTENTIO 4

#### **Proposition accepted**

All the references to Fathers Immediate which exist in our current proper law are listed in an Appendix to this paper (*Appendix I: Role and Responsibility of a Father Immediate in our Current Legislation*). For convenience, these references are grouped together under the headings Filiation; Role (job description) of the Father Immediate; Regular Visitation; Role of the Father Immediate when there is a

change of superior in a daughter house; Consent and Consultation; General Ongoing Care; Special Situations; Foundations; the General Chapter; Solemn Profession of nuns; Chaplain of nuns, Fragile communities; and the community of Cîteaux. You may find it helpful to refer to the appropriate section of the Appendix as you consider the various points.

## 1. INTRODUCTION

### ◦ 1. Brief historical outline: Armand

*Part of organic development...*

### 1.2 More recent developments

In recent years the theological understanding that authority derives from office, not from ordination, has been given legislative expression in various ways. One such expression is the rescript of Pope Francis of 18 May 2022, as a result of which non-clerics (brothers who are not ordained) can now be elected abbot in monasteries of monks. Another example is the appointment by the Holy See of women religious to carry out an Apostolic Visitation in a monastery of monks.

In the light of these developments, and on the recommendation of the commission which studied its house report, the General Chapter of Sept 2022 approved the appointment of an abbess as the delegate of the Father Immediate for a particular community of nuns until the General Chapter of 2025 (M. Anne-Emmanuelle of Blauvac, for the community of Fons Pacis; Vote 115).

Later in the same Chapter, an abbot whose community needed a Father Immediate, indicated that he was very willing to have an abbess to fulfil this role, and arrangements were put in place for that to happen (M. Joanna of Whitland for the community of Bolton). Other appointments of nuns followed, either during or soon after the Chapter. At the date of writing of this paper, there are five abbesses to whom the authority of Father Immediate has been granted either by delegation or by appointment: M. Brigitte of Tautra for Bethlehem, M. Pascale of Arnhem for Schiermonikoog, and M. Katharina of Nazareth for Aiguebelle, as well as the two already mentioned. Another is in the process of being appointed. (See Appendix II on delegation and appointment). Four of the six communities towards which these abbesses now exercise responsibility are communities of monks. The abbesses' exercise of responsibility is for a specific period; they are not permanent.

This paper, therefore, does not treat the question of

*whether* nuns can exercise the responsibilities of a Father Immediate, but considers (a) the possible introduction of “Mothers Immediate” on a permanent basis, and (b) the changes that we need to make in our proper law for nuns to exercise the responsibilities of a Father Immediate, given that this is already a reality, at least in temporary situations. We also keep in mind the possibility that a Father Immediate may now be a brother, not a priest.

## **2. THE POSSIBILITY OF PERMANENT “MOTHERS IMMEDIATE”**

### **2.1. “Mothers Immediate” for new (future) foundations**

#### ***Filiation; Paternity; the function of Father Immediate as the juridic “form” of filiation***

According to our Constitutions, “Cistercian communities are united by the bond of filiation” (C. 73, monks and nuns); and “Traditionally filiation has its juridic form in the function of the Father Immediate” (C. 73 monks) or “...in the relationship established between a community of nuns and the monastery of monks whose abbot becomes the Father Immediate of the nuns” (C. 73 nuns).

For the monks, “When a foundation is raised to an autonomous monastery, the abbot of the founding house automatically becomes its Father Immediate” (St 73.A, monks); for the nuns, “When a foundation is raised to an autonomous monastery the abbot who assumed the paternity becomes its Father Immediate” (St 73.B, nuns).

#### ***The role of the Father Immediate***

C 74.1 (m and f) outlines in general terms the role of the Father Immediate: “The Father Immediate is to watch over the progress of his daughter houses. While respecting the autonomy of the daughter house he is to help and support the abbot/abbess in the exercise of his/her pastoral charge and to foster concord in the community. If he notices there a violation of a precept of the Rule or of the Order, he is to try with humility and charity and having consulted the local abbot/abbess, to remedy the situation.”

This description can apply equally if the person exercising the role is a non-cleric.

#### ***The role of a community towards a daughter house***

Although C. 73 says, for both monks and nuns, that “Paternity and filiation are expressed through mutual assistance and support,” after the stage of simple priory (which continues to have the right to assistance from the founding house in both personnel and temporal goods, St. 5.A.b, monks and nuns) the community *as a whole* does not have any explicit obligations towards a daughter house. The obligations mentioned in our proper law are those of *the Father Immediate* towards his daughter house. The obligation of the community is to permit its abbot to carry out the duties of Father Immediate to the daughter house.

*NB:* Our legislation does not establish any financial obligation whatsoever of a Father Immediate or of his community towards a daughter house after it has attained a rank higher than simple priory (for monks), or at any time (for nuns).

The Constitution speaks of “mutual” assistance and support. The only instance in our law where the daughter house is implicitly required to assist and support the house of the Father Immediate (the “mother house”) is in the *Statute on Fragile Communities* which encourages a fragile community to seek help “within the filiation.” This implies an obligation of a daughter house to provide help to a fragile mother house if possible.

From these fundamental principles of filiation and paternity in the OCSO no juridical reason arises to prevent a change in the structure of filiation for nuns, making it the same as that of the monks, so that for future foundations the abbess of the founding house becomes the “Mother Immediate” of the daughter house when the foundation becomes autonomous (taking into account some required adaptations indicated in Section 3 below).

Points in favour of this change:

- - It increases the equality of nuns and monks in the Order
- - It allows abbesses to exercise more responsibility
- - It maintains juridical links between houses of nuns
- - It eases the burden on monks’ communities to provide care for daughter houses
- - Fears that this might lead to a split into two Orders are no longer justified, given that we now have one single General Chapter

Points against this change:

- - It is a significant change of a long-established way of doing things

- - It might lead to a diminishment for the nuns of the fruitful exchanges and interaction provided by the present system
- - Some regions or communities have already indicated that they do not desire “Mothers Immediate”
- - It might lead to more separation of the monks and nuns

## 2.2 “Mothers Immediate” for existing communities

### *Changes of filiation*

It is possible for a community to have a change of paternity / filiation, and in practice this is not infrequent. At the date of writing (Jan 2023), only 74 out of the 152 autonomous communities in the Order have the abbot of their founding house (monks) or original “mother house” (nuns) as their functioning Father Immediate. Another 43 communities have had a definitive change of filiation, while the remaining 35 communities have either a delegated or acting Father Immediate, have no functioning Father Immediate, or are currently outside the structures of the Order.

A change of filiation requires the **consent** of the conventual chapter of the communities involved (ST 37.B.d), and the **approval** of the General Chapter (St 79.A.e). If no agreement is reached between the communities, the decision rests with the General Chapter (ST 73.B, monks and nuns). *NB: The word “discussion” in the (English) text of St. 73.B m / 73.C f is not accurate and needs to be changed.*

In some cases, three conventual chapters must vote: the “daughter house” which is changing to a new filiation, the community which has exercised the paternity up to now, and the community which is accepting to exercise the paternity going forward. If the change is brought about because of e.g. the suppression of the community which has exercised the paternity, clearly no vote of that conventual chapter is required.

Can a community of nuns accept permanently the “paternity” of an existing community which needs or desires a change of filiation? There is no juridical reason to prevent a community of nuns from accepting the “paternity” of a community of nuns or of a community of monks (with the required consents mentioned above, and taking into account some required adaptations indicated in Section 3 below).

Points in favour of this change:

- - It increases the equality of nuns and monks in the Order
- - It allows abbesses to exercise more responsibility

- - It eases the burden on monks' communities to provide care for daughter houses
- - It gives communities of monks the possibility of benefiting from the richness of interaction with the female expression of the Cistercian charism

Points against this change:

- - It is a significant change of a long-established way of doing things
- - Some regions or communities have already indicated that they do not desire "Mothers Immediate"
- - It could be a burden for communities of nuns who accept "paternity" of one or more communities (absences of the abbess to make Visitations, etc)

### **3. CHANGES NEEDED IN OUR LEGISLATION**

For nuns, or non-cleric brothers, to exercise the role of Mother / Father Immediate, some changes in our current legislation are required or seem desirable.

#### **3.1 Change of Superior in a daughter house**

(a) *Sede vacante*:

For the monks, "The Father Immediate assumes responsibility for all things when a daughter-house is without an abbot" (C. 39.1 m). For the nuns: "When a monastery is without an abbess, the governance is assumed by the prioress. She, however is to make no change or to take any important decision except in a grave and urgent situation. In that case she is strictly bound to listen to the conventual chapter and, if possible, the Father Immediate."

In both cases it is a matter of someone who takes care of current matters, not a superior in the canonical sense. The community is truly *sede vacante*.

It is desirable that our legislation on this point be harmonised. We propose that the monks' Constitution 39.1 be adapted to conform to the nuns', so that the prior assumes the governance while a monastery of monks is *sede vacante*.

Points in favour of this change:

- - it harmonises our legislation
- - it indicates more clearly that the Father Immediate of monks

- is not a “canonical superior” during the *sede vacante* period
- - it gives the prior the same standing as a prioress (this is the only place in our Constitutions where the prioress is mentioned; the prior is currently not mentioned at all)

Points against this change:

- - it is not strictly necessary, the current legislation can work even if the community of monks *sede vacante* has an abbess “Mother Immediate”

(b)

Another point arises concerning the *sede vacante* period. It is not written in our legislation, but it is a custom that if the community which is *sede vacante* has daughter houses, the Father Immediate of the community which is *sede vacante* acts as Father Immediate to those daughter houses if need arises. We suggest that this be incorporated into our proper law, e.g. by adding a St. 39.1.A “When a community which is *sede vacante* has daughter houses, the Father/Mother Immediate of the community which is *sede vacante* acts as Father/Mother Immediate to those daughter houses when necessary.”

Points in favour of this change:

- - It incorporates into our legislation a longstanding custom in the Order
- - It makes clear to communities whose “mother house” is *sede vacante* whom they should look to if they need the service of a Father Immediate during that time
- - If we change the existing C.39.1 as suggested above (so that the prior, not the Father Immediate, assumes the governance *sede vacante*) it makes clearer the roles of both the prior and the Father Immediate

Points against this change

- - The situation described is rare, and it is not necessary to include this in our legislation
- - It is potentially confusing

(c) *Abbatial election*

The monks’ C. 39.2 permits superiors of daughter houses to vote in an abbatial election in the mother house. An abbot can vote in an abbatial election in the community of his Father Immediate. If an abbot has a nun as his “Father” Immediate, he will not have that

right, because the nuns' legislation does not permit superiors of daughter houses to vote in abbatial elections. Therefore, some abbots will have more rights than others. We need to standardize the situation.

The simplest way would be to suppress the phrase "acting collegially with the superiors of the daughter houses" so that the monks' C.39.2 reads "An abbot is elected by the conventual chapter. The Father Immediate, who presides at the election by right, or his delegate is to promote among the brothers a spirit of faith and discernment so that they may set a worthy steward over the household of God."

Points in favour of this change:

- - It means that some abbots do not have more rights than others.
- - It harmonizes our legislation.
- - It makes the monks equal to the nuns, who have never had the right to participate in a vote for the one who will be their Father Immediate
- - Many abbots in practice renounce their right to vote in the mother house; the law would reflect life
- - In small communities with a large number of daughter houses, the vote of those who are not members of the conventual chapter can be enough to determine the outcome of an election, which does not seem right

Points against this change:

- - It takes away a long-standing right of abbots, closely linked to the structure of filiation
- - Why should an abbot who exercises his right to vote in the mother house be deprived of this right because some other abbots choose to have a Mother Immediate rather than a Father Immediate?

#### *(d) Passive voice in abbatial election*

The monks' St 39.3.B provides that "Any brother who has made profession in the Order can be elected abbot, including the abbot of a daughter-house if this is necessary." This gives abbots of daughter houses passive voice in a situation where abbesses of daughter houses of nuns would not have that passive voice. An abbot can be elected in his mother-house (the house of his Father Immediate); if we choose to have similar structures of filiation for nuns, an abbess will not have that right in her mother house (the house of her Mother Immediate).



To give abbots and abbesses equal rights, we could either remove the right from the monks, or add it to the nuns.

Needs development

### **3.2 Regular Visitation**

#### *(a) Abbesses making a visitation in a monastery of monks*

Our current legislation does not permit an abbess to be the Visitor in a community of monks (she may be the assistant Visitor; she may also be the Visitor in a community of nuns) As noted above, this is an area where thinking and practice have changed. Those abbesses who already exercise the responsibility of a Father Immediate towards a community of monks have the right and the duty of carrying out the Regular Visitation in that community. This capacity of an abbess to carry out a visitation in a monastery of monks should be reflected in par. 8 of the *Statute on the Regular Visitation* concerning who can be a delegated visitor. The limiting of this to abbots for communities of monks is no longer justified.

Proposed change: Par. 8 of the Statute on the Regular Visitation should read: “The delegated Visitor (in any monastery, whether of monks or of nuns) may be the superior, monk or nun, of an autonomous monastery, or a retired abbot or abbess, a retired titular prior or prioress, or a (serving) Councillor, monk or nun, of the Abbot General.”

#### *(b) Harmonising C. 74.3*

The nuns’ C. 74.3 says that “As far as possible, [the Father Immediate] makes himself available for consultation and advice during the regular visitation when he has delegated his right of visitation”. Since delegation of visitation is now obligatory at least every six years in communities of monks, we recommend that this provision be incorporated also into the monks’ legislation.

### **3.3 Chaplain of Nuns**

“In accordance with the norms of cann. 567 and 630 CIC, the Father Immediate, having consulted the abbess and the nuns, should propose to the local Ordinary as chaplain and ordinary confessor, a monk of the Order who has the necessary liturgical and pastoral knowledge” (C 76.1 monks; cf C 76.1 nuns).

*(a) Providing a chaplain*

In our current legislation, it is not the responsibility of the Father Immediate to supply a chaplain from his own community, and the number of those who are able to do so is rapidly diminishing.<sup>111</sup> Nevertheless, ensuring that a community has a chaplain is an element of the pastoral care of the Father Immediate, and if he is not able to provide one from his own community, he still has the duty of trying to help the abbess to find one.

It is evident that if a community of nuns has a Mother Immediate, it is impossible for her community to supply a chaplain. But the duty of helping the abbess of the daughter house to find one would also be part of her pastoral care of the daughter house.

The *Statute on the Regular Visitation* par. 16 m. could be modified to read “the provision of a chaplain and his ministry, in monasteries of nuns.”

*(b) Proposing the chaplain to the local Ordinary*

Proposing a priest to the local Ordinary as chaplain is not a clerical duty. The Code of Canon Law (c. 567) provides that “the Superior of a house of a lay religious institute has the right to propose a particular priest to the local Ordinary as chaplain.” This can apply in communities of nuns who have a non-cleric Father Immediate, or a Mother Immediate - i.e. in those cases, either the abbess or the non-cleric Father Immediate or Mother Immediate can propose the chaplain, whichever seems most appropriate in the circumstances.

*(c) A Father Immediate who is not a cleric*

Priests of our communities have their own abbot as their Ordinary. If a non-cleric is elected abbot, then when the Holy See confirms his election it will have to be clarified whether he has the authority to issue dimissorial letters (“call a brother to priesthood”), suspend the faculties of a priest of his community, etc. This is what happens in some Benedictine monasteries which already have non-cleric elected priors, and in non-clerical male Institutes where there are a small number of ordained members. If the non-cleric superior does not have this authority, then another named person (e.g. another abbot of the Region who is a priest) will have to be nominated to act in these matters.

However, none of this affects a non-cleric being a Father Immediate, nor does it have implications for “Mothers Immediate” of communities of monks, since the Father Immediate does not act as Ordinary of priests of his daughter house. There is no requirement that a Father Immediate be a priest.

### **3.4 Solemn Profession of nuns**

Concerning solemn professions of nuns, the “presidency” by the Father Immediate to which the nuns’ C. 74.3 refers has no juridical consequences: it is the abbess who receives the profession of vows of a nun (cf. *Cistercian Ritual*). The Constitution could be adapted by adding “if he is a priest”, or it could be suppressed.

The reference in the profession schedule of nuns to “in the presence of the Father Immediate” could be made optional. In practice, it has to be adapted to circumstances (Fathers Immediate are not, in fact, always present at solemn professions of nuns).

## **4. SOME PARTICULAR QUESTIONS**

### **4.1 Could a member of the Abbot General’s Council be a Father Immediate / Mother Immediate?**

This question has come up in practice. At the juridical level, there seems to be no reason why not, on a temporary basis. However, there is a potential conflict of interest. Certain matters have to be voted on, or at least discussed, by the Abbot General’s Council, and a Council member whose daughter house is in question could not be expected to have the desired objectivity. It could make for difficulties in the relationship between the Abbot General and one of his Council members. It seems undesirable. A member of the Council may be able to help a community in some other way, but not as Father / Mother Immediate.<sup>[21]</sup>

We could incorporate into our proper law that a member of the Abbot General’s Council may not serve simultaneously as Father / Mother Immediate.

### **4.2 Could someone who is not a member of the Order be delegated or appointed as a Father / Mother Immediate?**

For example, could a Benedictine or O.Cist abbot or abbess be delegated or appointed?

This proposal seems contrary to the basic principle that “Cistercian communities are united by the bond of filiation”, which filiation “has its juridic form in the function of the Father Immediate”. An abbot or abbess from another Order could not be the uniting bond of an OCSO community to the OCSO as an Order. Also, someone from outside the Order could not be expected to have the Cistercian sensibility necessary for good oversight of the daughter houses.

And a Father / Mother Immediate from outside the Order would not be present at the General Chapter, where they play a very important role particularly for a community in difficulty.

We conclude that someone from outside the Order should not be appointed as Father / Mother Immediate. <sup>[31]</sup>

## 5. DECISIONS TO BE MADE

### 5.1 Terminology

It is evident from this paper that the gender-based terminology used in relation to filiation is awkward: “Father / Mother Immediate”, “paternity” being exercised by women. It might be helpful to decide on a new term which is non gender specific and which can apply to both monks and nuns.

The Regions are invited to propose a new possible terminology.

### 5.2 Permanent “Mothers Immediate”

The Order must decide if it wants to have the possibility of permanent Mothers Immediate, i.e. if communities of nuns can accept the “paternity” of daughter houses (see Section 2 above).

If so: how should this be phased in? One possible way is that

- - For **future** foundations: the abbess of the founding house becomes the “Mother Immediate” when the community becomes autonomous, so that the nuns will have the same filiation structure as the monks; and
- - that **existing foundations of nuns** (which are not yet autonomous) be allowed to choose at the moment of autonomy whether they want to have the abbess of the founding house as their “Mother Immediate”, or whether they wish to continue with the abbot who has been foreseen as Father Immediate; and
- - that for **communities which need to change filiation**, any community (nuns or monks) could ask any other community of the Order (nuns or monks) to accept the “paternity”.

### 5.3 Other changes

The various other points which have been raised in this paper need to be decided:

1. Adapting C. 39.1 of the monks to that of the nuns: see 3.1 (a) above
2. Adding a Statute 39.1.A about the responsibility of a Father Immediate towards daughter houses of a daughter house that is *sede vacante*: see 3.1 (b)
3. Adapting C. 39.2 of the monks concerning the right of superiors of daughter houses to vote in an abbatial election: see 3.1 (c)
4. Passive voice of abbots of daughter houses in an election: see 3.1 (d)
5. Accepting that abbesses may be the Visitor in a monastery of monks: see 3.2 (a)
6. Harmonizing C. 74.3 on the Father Immediate of monks making himself available for consultation and advice during a delegated Visitation in a daughter house: see 3.2 (b)
7. Adding a phrase to the paragraph on the chaplain in the *Statute on the Regular Visitation*: see 3.3 (a)
8. Adapting the wording of C.74.3 of the nuns: see 3.4
9. Specifying in our proper law that a member of the Abbot General's Council cannot simultaneously act as Father / Mother Immediate: see 4.1
10. Changing the word "discussion" in St. 73.B.m / 73.C f to "consent" or "approval": see 2.2

<sup>[11]</sup> A survey carried out at the end of January 2023 by means of two questions sent to all the superiors of houses of nuns of the Order gave the following information (62 superiors out of 69 replied):

Of those who replied, **55%** rely on diocesan priests or other religious exclusively for the celebration of Mass and the sacraments;

Only **29%** have an OCSO chaplain full-time or almost full-time.

The remaining **16%** have a combination of OCSO and other priests.

Eight communities (**13%** of those who answered) **do not have Mass every day**. One abbess noted that this can have a negative effect on vocations: if a candidate sees that daily Mass will not be available it makes her less likely to choose that community.

Several abbesses who have OCSO chaplains noted that "this one will

probably be our last one.”

Two communities of monks are still each able to supply two full-time chaplains.

<sup>[2]</sup> The Abbot General acts as Father Immediate of Cîteaux. The question can be asked: if a Councillor cannot act as Father / Mother Immediate due to a potential conflict of interest, surely the same applies to the Abbot General himself? It is opportune to raise the question of the Abbot General acting as Father Immediate of any community of the Order, and to suggest that someone else act as Father / Mother Immediate of Cîteaux? The question of juridical recourse for the community of Cîteaux which “is constituted by the abbots of the four most senior houses of the Order after Cîteaux: La Trappe, Westmalle, Melleray and Port-du-Salut” also needs to be revisited.

<sup>[3]</sup> In a specific situation someone from outside the Order could be appointed, with or without a title such as “Pastoral Assistant”, for a particular task defined in the letter of appointment (e.g. to prepare a community for an election). Such appointment would be made by the General Chapter after consultation with all concerned.

Someone from outside the Order can, in special circumstances, be appointed to make a Regular Visitation or to preside at an election. This appointment can be made by the Abbot General.