

## Visitors in the past

Gary Macy | Jul. 6, 2009



St. Clare of Assisi, who lived in the 13th century, is depicted in a stained-glass window inside the Church of San Damiano near Assisi, Italy. (CNS/Georgia Bulletin/Michael Alexander)

*Editor's note: The Vatican last January announced it had begun an apostolic visitation, or comprehensive study of U.S. women religious. The decree indicated the visitation was being undertaken to examine the quality of life of women religious. In February came news of a second Vatican women's religious study, this of its umbrella leadership group, the Leadership of Conference of Women Religious. The studies have brought praise and have touched off considerable anxiety within the ranks of women religious.*

The present Vatican investigations of U.S. communities of religious women would have astounded religious women of earlier centuries. For at least 1,200 years of Christian history, religious women would not have looked to the Vatican for oversight of their life. That prerogative belonged either to the abbess of a religious community or perhaps to the local bishop. Furthermore, bishops and religious were considered self-governing within their own communities or dioceses. Rome may have been recognized as the sole patriarch of the Western church but this did not imply that other bishops would welcome or even tolerate Rome's interference in their affairs.

Early abbesses were powerful and acted independently not only of the papacy, but also of the local bishop. In fact, the most impressive example is the powerful Cistercian abbess of Las Huelgas near Burgos in Spain who wore her miter and carried her crosier until she was finally forbidden to do so in 1873. The abbess had the power to appoint parish priests for the countryside subject to the convent of Las Huelgas, some 64 villages. No bishop or delegate from the Holy See could perform a visitation of the churches or altars or curates or clerics or benefices under the care of the abbess. The abbess of Las Huelgas was even able to convene synods in her diocese and to make synodal constitutions and laws for both her religious and lay subjects.

The abbesses of Las Huelgas were not alone in claiming independence from local or even patriarchal oversight. In 428, the newly appointed Nestorius, patriarch of Constantinople, refused to administer the sacraments when he found the virgin Pulcheria seated among the clergy around the altar. This had been the custom under the previous patriarch and harsh words were exchanged between the virgin and the patriarch. Pulcheria, however, was not only a consecrated virgin, but also de facto empress. Nestorius soon found himself in exile.

Only in the 13th century did the popes assert the right of visitation of religious orders. Chapter 12 of the Fourth Lateran Council of 1215 ordered that "religious and prudent persons should be appointed who, in our name, shall visit every abbey in the province, not only of monks but also of nuns." The canon assumes, however, that the visitor will either be the local bishop or a neighboring abbot or abbess.

This law was repeated by the Council of Vienne (1311-13) and the Council of Trent (1543-63). This did not mean that women always followed papal directives. Clare of Assisi rejected again and again rules imposed upon her order by the pope. Clare insisted that the nuns be allowed to visit the Franciscan brothers and to live the strict life of poverty embraced by her and Francis. She finally prevailed when Pope Innocent IV confirmed her rule just two days before Clare's death in 1253.

Only with the promulgation of a new Code of Canon Law in 1917 is there an insistence on the pope's more direct oversight of religious orders. According to the commentary on the code by Benedictine Fr. Charles Augustine, "All religious are subject to the Roman pontiff as their highest superior and must obey him also by virtue of the vow of obedience ... And this obedience must be offered to any and every legally elected pope no matter what his personal qualities might be." However, even Augustine adds, "In virtue of the vow of obedience, religious are bound to obey the pope only as far as their rule and constitutions demand, and no farther." As in the past, the code envisioned the bishop or religious superior as the ordinary visitor, but notes that "there may be extraordinary visitors and visitations for certain causes ... Hence surprise visitations are possible." Here the direct oversight of the papacy of each and every religious order is made clear for the first time in Christian history.

The 1983 Code of Canon Law, while certainly not denying papal oversight, assumes that the ordinary visitor of a religious order is the superior of the institute in question. A diocesan bishop has a limited responsibility in this regard and no mention is made of papal oversight. Interestingly, the commentary on the new code by Rosemary Smith notes that "one limitation on such legitimate questioning [by a visitor] would be prohibition of superiors from inducing from any member a manifestation of conscience." According to Smith, "Such a manifestation of conscience includes disclosure of all matters of the interior life, both graced and sinful." The distinction is important since it preserves freedom of conscience in the visitation process.

The direct supervision of the papacy of religious orders, then, first obliquely claimed in the 13th century, in fact seems a product of the late 19th and early 20th centuries. Before that time, women religious not only disagreed with the papacy, but also prevailed in those disagreements. Independence and respectful disagreement would appear to be the more ancient tradition of religious women in Christian history.

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