

**WORKING PAPER
ON THE REVISION OF C.67**

(Working paper requested of the Law Commission by the Central Commission – Roscrea 2016, votes 14-15, p. 16)

**PART I
Historical Overview of C. 67**

In order to place this question within the context of its recent history, it seems good to reproduce here the historical introduction to the 2011 working paper on the same topic, and then to provide an update on developments since 2011.

The General Chapter of 1953 wrote a first statute on the foundation, the transfer and the suppression of a monastery of monks of our Order:

Statutum Iuridicum erectionis, translationis et suppressionis monasterii virorum Ordinis Cisterciensium S.O. (C.G. of 1953, Acts, Annex III, pp.39-42).

The following Chapter published a similar statute for nuns (C.G. of 1954, Acts, Annex IV, pp. 24-26). These two Statutes do no more essentially that group together various decisions made by the General Chapters since 1982, the Constitutions of 1895 and of 1926 do not treat explicitly that question, referring simply to the Common Law and the tradition of the Order. Here is what the Statute of 1953 says concerning the suppression of house of monks. That of 1954, about the suppression of a house of nun, indicates simply, on this point, that which had been for the monks:

27. The suppression of a house of the Order, whether it be *sui iuris* or not, will not be done without serious reasons.

28. The suppression of a *sui iuris* monastery will be done in the following manner:

- 1) The decision will not be made without the deliberative votes of the conventual chapter and of the General Chapter, the Ordinary of the place having been consulted and the thing having been perfectly explained before the two councils. In addition, the General Chapter will not act without the Father Immediate having given his advice in writing.
- 2) The affair having thus been treated prudently, the request will be transmitted to the Holy See.
- 3) The religious of the suppressed house rejoin the Mother House and are thus *ipso facto* stabilized there. As for the temporal goods, they normally go to the Mother House. If the suppressed house has no Mother House, the General Chapter takes care of all.

29. The suppression of a monastery that is not yet *sui iuris* is done as follows:

- 1) The suppression will not be done unless the following conditions are achieved: the Ordinary of the place will be consulted; the Abbot will consult the members of the foundation which, according to the norms of the Constitutions have the right to vote; he will consult his own counsel by communicating to it the result of the consultation of the members of the foundation; he will take a deliberative vote of the conventual chapter after having explained perfectly to it the situation; he will propose the affair to the deliberation of the General Chapter with the written opinion of the Father Immediate.
- 2) If the indult of the Holy See approving the foundation has already been obtained, the request will be transmitted to the Holy See.

3)The religious of the suppressed house will return to the Founding House, to whom will go as well the temporal goods.

The *Statutes of Foundations* of 1974 do not include any section on the suppression of a community, nor that of 1987, often amended since then.

The various projects of Constitutions elaborated from 1967 on do not treat this question, nor the texts of the Constitutions votes by the monks of Holyoke in 1984 and by the nuns of El Escorial in 1985. On the basis of suggestions made by various Regional Conferences, the Law Commission, at its reunion of Campeneac, in June 1987, proposed the text of a new Constitution on the suppression of a house, which served as a base for the study of that question at the MGM of 1987 and led to the writing of the actual Constitution 67. A Statute (67.2.A) was added to the General Chapters of 2002, concerning the rights of stability of the members of a dissolved house.

C. 67 The suppression of a monastery

1

When, following many particular and enduring circumstances, there is no more reasonable hope for the growth of a monastery, it should be carefully examined whether it should be closed. Only the General Chapter can, at a voice of two-thirds, decree the suppression of an autonomous monastery. However, to this end, it must also have a majority of two-thirds of the voices of the conventual chapter. A written report and the agreement of the Father Immediate are equally required; the local bishop must be consulted as well.

2

When the General Chapter decides on the suppression of a monastery, it names a special commission of at least five people to watch over the process of suppression. Care will be taken, with a very particular pastoral vigilance, of the monks of the suppressed house, above all in that which concerns their right to a stability in a community of the Order. Attention must be given to the rights and obligations of all the concerned persons and communities, as well as the founders and benefactors. In the liquidation of the property, the civil law of the area is to be observed.

ST 67.2.A

The stability of the members of a dissolved community is normally made in the Mother House, and, in this case, the conventual chapter of that house does not make a vote to accept them. (Ch. GI 2002, vote 94).

The legislation of the Constitutions of nuns is the same as that of the Constitutions of monks, except that the dissolution must be decided by the Holy See and that the vote of the General Chapter is then necessary so that the petition of this may be presented to the Holy See.

The 2010 Central Commissions made the following request in Vote 59: *We wish to put the study of C. 67 on the program of the next MGM.* At the Central Commissions' request a working paper was drawn up by the Law Commission for the 2011 MGM, where the matter was treated by extraordinary procedure in separate commissions of abbots and abbesses. Among the commissions of abbots, several expressed dissatisfaction with the current legislation and

suggested various revisions to C. 67, notably regarding the requirement of a 2/3 vote on the part the community. One commission of abbots suggested a statute that gives criteria for when it is time to consider closing a house. One commission of abbots suggested that the General Chapter appoint a special commission to determine whether a given house should be closed. As for the commissions of abbesses, one commission found the current C. 67 unclear, whereas all the others found the current legislation satisfactory. In summary, nine of the fifteen commissions were in agreement with the conclusion of the Law Commission's working paper: "If all the concerned persons – General Chapter, Father Immediate, Visitor and, obviously the local community with its superior – are conscious of their responsibilities, we do not much see what there would be to add to the Constitution such as it is found to be in our Constitutions." The 2011 MGM, without arriving at any specific conclusions, took the following votes (76 and 77):

- *WE ENTRUST TO THE REGIONS TO STUDY C.67 "ON THE SUPPRESSION OF A MONASTERY" IN THE LIGHT OF THE WORK DONE BY THE COMMISSIONS OF THE GENERAL CHAPTER 2011.*

- *WE DESIRE THAT THE WORK DONE BY THE COMMISSIONS OF THE GENERAL CHAPTER 2011 ON C.67 "ON THE SUPPRESSION OF A MONASTERY" BE REVIEWED AT THE GENERAL CHAPTER OF 2014 IN VIEW OF POSSIBLE LEGISLATION.*

The 2013 Central Commissions requested in vote 78: *We wish to consider a revision of C. 67 in so far as it concerns the necessity of obtaining a 2/3 majority vote of the conventual chapter in order to proceed to the suppression of the monastery.* The same Central Commissions also suggested the formulation of a statute on declining communities. At the 2014 Chapter, however, there was insufficient time to treat both questions separately. The commissions of the Chapter presented short reports, mixing the two topics. These commissions showed more interest in the topic of the autonomy of declining communities than in the specific question of the 2/3 vote of the conventual chapter required by Cst 67. Towards the end of the Chapter the following requests were made in votes 59 and 60:

- *WE DESIRE TO CREATE A COMMISSION TO GATHER ALL THE MATERIAL ON DECLINING COMMUNITIES AND CST 67 THAT EMERGED DURING THIS GENERAL CHAPTER AS WELL AS CORRESPONDING MATERIAL FROM OTHERS MONASTIC ORDERS.*

- *WE WISH THAT THIS COMMISSION, BASED ON THE MATERIAL THEY HAVE GATHERED, OFFER SUGGESTIONS AND PROPOSALS TO THE REGIONS.*

The 2016 Central Commission requested in vote 14: *We wish to put on the agenda of the General Chapter of 2017 a revision of C. 67.* The Law Commission was requested to prepare the present working paper on this topic.

PART II

The Difficulties Encountered Regarding C. 67 and Its Implementation

1. It is often remarked that the current formulation of C. 67 does not provide enough clarity about who initiates the processes of the closure/suppression of a monastery.
2. Many find it unclear how the various elements of C. 67 are to be applied in practice.
3. The requirement of a 2/3 majority vote by the conventual chapter of the community in question greatly restricts the General Chapter's ability to proceed to suppression.

PART III

Suggestions toward a Revision of C. 67

A. Suggestions from Recent General Chapters and Regional Meetings

1. Various suggestions have been made regarding the placement of C. 67 within the Constitutions. No doubt a more satisfactory placement can be found, but at present it seems important first to work on the content of the Constitution and the Statutes related to it. Once the General Chapter arrives at a satisfactory revision of the text it can then deal with the question of where to place it in the Constitutions.
2. Within the framework of the general topic of fragile or declining communities, it has been suggested that a list of criteria be drawn up to determine when a given house requires special attention. Dom Bernardo Olivera's conference at the 2002 MGM is often cited as a starting point.
3. It has been pointed out that some religious orders reduce the rank of monasteries that no longer meet the requirements of their given status. For example, an abbey with declining membership becomes a priory, a priory becomes a dependent priory, and so forth. The application of such a system in our Order does not seem possible, since simple priories, priories, and abbeys are all by definition autonomous houses.
4. A related approach would be to withdraw the autonomy of a community in view of closing it in the near future. In this case, our legislation would need to provide the possibility of a new kind of dependent house. Some houses closed in recent years became annex houses for a time. However, according to our current legislation the General Chapter must first suppress the house, and then, if the motherhouse wishes, it may allow the suppressed house to continue as an annex house. An alternative approach would be for the General Chapter to limit the exercise of certain aspects of a community's autonomy.

5. One of most frequently mentioned dissatisfactions with C. 67 is the question of who initiates the processes that leads to the closure of a house. In principle, according to our current legislation, only the General Chapter can take this initiative. One proposal is for the General Chapter to appoint a special commission to determine whether a house should be closed. Another proposal is that the Father Immediate take the initiative by informing the General Chapter of the state of a community and requesting that the process of closure begin. Other proposals suggest the involvement of Regions or Commissions of Aid in initiating the process.
6. The requirement of a 2/3 vote by the conventual chapter of the community has frequently been called into question. Some suggest reducing the requirement to an absolute majority vote. Others propose that the community be consulted without requiring a vote.

B. Proposal of the Law Commission

1. Given the seriousness and complexity of the question, it does not seem realistic to arrive at a reformulation of C. 67 that would take into account all these suggestions and the various situations currently arising within the life of the Order. A more realistic possibility would be to reduce C. 67 to the essentials, and then refer to a separate *Statute on the Suppression of a Monastery*. A Statute of this kind could integrate recent work toward pastoral guidelines for helping increasingly fragile communities. Such a Statute would also give the General Chapter greater flexibility in adjusting its legislation in this area to actual practice, as has been the case with other documents like the *Statute on Foundations* and the *Ratio institutionis*.

2. **C. 67** could be reduced to the following:

Cst 67 Suppression of a Monastery

1/for the monks:

When due to particular and long-standing circumstances a monastery no longer offers any basis for hope of growth, careful consideration should be given to whether it is to be closed. Only the General Chapter, by a two-thirds majority can decide on the suppression of an autonomous monastery.

1/for the nuns:

When due to particular and long-standing circumstances a monastery no longer offers any basis for hope of growth, careful consideration should be given to whether it is to be closed. Only the General Chapter, by a two-thirds majority, can petition the Holy See to suppress an autonomous monastery.

2/for both monks and nuns:

The process of suppression of a monastery is described in a special *Statute on Suppression of a Monastery* approved by the General Chapter.

3. A proposed **STATUTE ON THE SUPPRESSION OF A MONASTERY** could contain the following elements:

INTRODUCTION:

When due to particular and long-standing circumstances a monastery no longer offers any basis for hope of growth, careful consideration should be given to whether it should be closed (from C. 67.1)

I. PROCESS

Stage 1: Initial awareness of serious fragility.

Some communities arrive at this awareness on their own. Others need the help of the Father Immediate, the Region, or the General Chapter.

- Some basic criteria of evaluation and discernment could be based on *Vultum Dei Quaerere* (Art. 8 §1): a certain, even minimal, number of monks or nuns, provided that the majority are not elderly; the vitality needed to live the monastic life; a real capacity to provide for formation and governance; dignity and quality of liturgical, fraternal, and spiritual life; sign value and participation in the life of the local church; self-sufficiency and a suitably appointed monastery building. These criteria ought to be considered comprehensively and in an overall perspective.
- At the same time, other factors like the quality of community life can be more important for discernment than objective criteria.

Stage 2: Attempts to re-vivify the community (on its own initiative or with outside help):

- Adaptations of buildings, liturgy, work, economy, etc., to the size and capabilities of the community.
- Changes of key personnel or perhaps help in personnel from other communities.
- Work to promote better communication in the community or to promote reconciliation among its members.
- Creation of a special commission (e.g., Commission for the Future).
- Other forms of help from the Region.

Stage 3: Continuing decline:

- The Father Immediate and perhaps a special commission continue to accompany the community.
- The Region continues to show special solicitude for the house in question.
- Consideration of alternative plans:
 - Merger with another community or group of communities?
 - Collaboration with another Religious Order?
- During this and the following stage it is particularly important to assure that adequate health care is provided for the community.

Stage 4: Toward closure:

- Longer or shorter period of stagnation during which the community is perhaps in a state of denial.
- The community is clearly unable to receive and form novices. (In some cases the right to receive novices is suspended by the General Chapter.)
- Need for intervention on the part of the Father Immediate (perhaps with help of a special commission or the Region).
- Concrete discernment and planning toward closing the monastery:
 - About the future of the members of the community: Staying together? Relocating? Dispersing?
 - About the property and goods of the monastery.

II. SUPPRESSION

The Father Immediate, with the agreement of the community and in consultation with the Region and the bishop of the place, proposes to the General Chapter that it suppress the monastery. An ad hoc commission is formed at the Chapter to study the proposal and to give its conclusions. For the monks, only the General Chapter by a two-thirds majority vote can decide on the suppression of an autonomous monastery. For the nuns, only the General Chapter by a two-thirds majority can petition the Holy See to suppress an autonomous monastery.

(The requirement of a vote by the conventual chapter has been a major point of discussion. If such a requirement is maintained it would be placed here, along with the majority required, i.e. 2/3 or absolute majority.)

In the case of a community whose condition is extreme but whose members do not agree that the Father Immediate should propose its suppression, the Father Immediate can bring the matter to the attention of the General Chapter, which will decide how to proceed.

III. AFTER THE SUPPRESSION

Here the second part of Constitution 67 could be adopted (perhaps with modifications):

When the General Chapter decides on the suppression of a monastery it names a special commission composed of at least five persons to supervise the process of suppression. Great pastoral care is to be given to the monks or nuns of the suppressed house, especially regarding their right to stability in another community of the Order. Attention is to be paid to the rights and obligations of all persons and communities involved and to the rights of founders and donors. The civil law of the place will be observed with regard to the disposal of property.

The stability of members of a suppressed community is normally made to the mother house and in this case, the conventual chapter of this house does not need to vote to accept it.

