

Mothers Immediate

Working Paper

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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**

### **1.1 Brief historical outline**

As soon as our Order, responding to the directives of Vatican II, undertook to update its legislation, the relationship between the monasteries of monks and those of nuns became an important issue. Until then, the nuns were juridically dependent on a General Chapter composed only of abbots.

Even before the Council, Assemblies of Abbesses had been introduced. Our new Constitutions, approved in 1990, conceived of a single Order under the authority of two distinct but interdependent General Chapters. After having functioned for several years as two General Chapters united in a single Mixed General Meeting, in 2011 we obtained from the Holy See the right to have a single General Chapter.

This evolution required a rethinking of the nature and functioning of filiation, an essential structure of the Order since its beginnings, and particularly the function of the Father Immediate in relation to monasteries of nuns. Over the years, the possibility of "Mothers Immediate" has been raised more than once. The General Chapter of 2022 proposed this question to the Regions for reflection in view of the next General Chapter.

### **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 creates juridical links between houses of nuns
- It offers more equality in the structural relationships of monasteries 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
- 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 with monks 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 provides more equality in the structural relationships of monasteries 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 When there is a 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) *When a monastery that is sede vacante has daughter houses*

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) *Role of the Father Immediate at the moment of 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 the legislation of the monks and 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.

The Regions are invited to study this topic further.

### **3.2 Regular Visitation**

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

Our current legislation permits an abess to be a Visitor only in a community of nuns, not in a community of monks (she may be the assistant Visitor in a community of monks). 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 abess 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 abess, 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 (Vote 24 of the General Chapter of September 2022), 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 abess 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>1</sup> Nevertheless, ensuring that a community has a chaplain is an element of the

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<sup>1</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 abess 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.”



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 abess 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 abess 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 – i.e. a lay person can do it. So in communities of nuns who have a non-cleric Father Immediate, or a Mother Immediate, either the abess of the community 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, this does not affect 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 abess 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 the phrase could be suppressed.

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

The reference in the profession schedule of nuns to “in the presence of the Father Immediate” (C. 57 f) 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>2</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” (C. 73). 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.

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<sup>2</sup> The Abbot General acts as Father Immediate of Cîteaux (St. 82.2.E). The question can be asked: if a Councillor cannot act as Father / Mother Immediate due to a potential conflict of interest, does the same not apply to the Abbot General himself? Is it 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.

We conclude that someone from outside the Order should not be appointed as Father / Mother Immediate.<sup>3</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” 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)

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<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.

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. Specifying in our proper law that a member of the Abbot General's Council cannot simultaneously act as Father / Mother Immediate: see 4.1
9. Changing the word "discussion" in St. 73.B.m / 73.C f to "consent" or "approval": see 2.2

## **Conclusion**

There is no juridical reason why an abbess (or a non-cleric monk) cannot exercise the role of Father Immediate, either for a monastery of nuns or a monastery of monks. Some abbesses are already doing so on a temporary basis.

The Order must decide if it wishes to introduce the possibility of communities of nuns accepting "paternity" with abbesses exercising the role of "Mother Immediate" on a permanent basis and, if so, how to incorporate this into our structures. One possible way is outlined above.

We also need to consider (a) if we want to change to another terminology, and (b) the various related questions listed in 3.5 above.



# APPENDIX I

## ROLE AND RESPONSIBILITY OF A FATHER IMMEDIATE IN OUR CURRENT LEGISLATION

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

#### **Monks:**

- Traditionally filiation has its juridic form in the function of the Father Immediate. Paternity and filiation are expressed through mutual assistance and support. (C. 73m).
- When a foundation is raised to an autonomous monastery, the abbot of the founding house automatically becomes its Father Immediate. (St 73A m)

#### **Nuns:**

- Traditionally filiation has its juridic form in the relationship established between a community of nuns and the monastery of monks whose abbot becomes the Father Immediate of the nuns. Paternity and filiation are expressed through mutual assistance and support. (C 73f)
- When a foundation is raised to an autonomous monastery the abbot who assumed the paternity becomes its Father Immediate. (St 73.B f)
- Until autonomy, the Father Immediate of the founding house acts as the Father Immediate of a foundation of nuns. (St Foundations 7)
- The Father Immediate of the founding house is also the Father Immediate of the members of the foundation. However, in the case of a monastery of nuns he can delegate his powers to another superior of the Order, especially if it is foreseen that the foundation will have this other superior as Father Immediate at the moment of autonomy. He consults beforehand with the interested communities (St Foundations 13).
- It belongs to the General Chapter with the consent of the communities involved to approve the appointment of the Father Immediate of each monastery of nuns. (C 74.3 m)

### **Role of Father Immediate (of nuns) is defined by the General Chapter:**

- The duties and rights of the Father Immediate (of nuns) are given in the proper law of the nuns, subject to the consent of the General Chapter. (C 74.3 m)
- Changes in the rights and duties of the Father Immediate as defined in these Constitutions are subject to the consent of the General Chapter. (St 74.3.A f)

### **Role (job description) of 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. (C 74.1, m and f)

### **Regular Visitation**

- Monasteries are visited by the Father Immediate; he delegates this to another person at least once every six years, after the necessary consultations (C. 75.1 m [awaiting confirmation by the Holy See] and f; also Statute on Regular Visitation, n. 7 and 8)
- It belongs to the Father Immediate or to the Visitor of the founding house to extend the Visitation of the latter to the foundation. (Statute on Foundations 13)
- In an affiliated monastery, the regular Visitation is made by the same Visitor who makes the regular Visitation of the affiliating monastery. (*Ad experimentum* text on Affiliation 13)

### **When a visitation is delegated, the Father Immediate is to be kept informed of what happens**

- As far as possible he makes himself available for consultation and advice during the regular visitation when he has delegated his right of visitation. (C 74.3 f)
- A delegated visitor who perceives that the monastery is in a dangerous economic situation must inform the Father Immediate. (St 43.3.A, m and f; also Stat Temp Ad 30.g)
- A delegated visitor who judges that the community needs a change of superior must consult the Father Immediate before informing the superior. (Stat Reg Vis 21)
- If a delegated visitor in exceptional cases removes an officer, the Father Immediate is informed (Stat Reg Vis 23)
- If a delegated visitor leaves a Visitation open for a limited and definite period of time, the Father Immediate is consulted. (Stat Reg Vis 24)
- A delegated visitor is also to send a copy of the Visitation Card and of the report to the Abbot General to the Father Immediate (Stat Reg Vis 26; cf St 75.2.C m and f – slightly different version in the latter)

### **Change of superior in a daughter house**

- The Father Immediate is always consulted when an abbot/abbess offers their resignation (St 40B m and f; St 74.2.B)

### ***Sede vacante***

- for monks, the Father Immediate assumes responsibility for all things (C 39.1 m)
- for nuns, the prioress assumes the governance, but can take important decisions only in grave and urgent situations, when she is bound to listen to the conventual chapter and to the Father Immediate (C 39.1 f, also C 74.2)

## Abbatial election

- The Father Immediate ensures that a daughter house that is without an abbot elects a new superior within three months. (C 74.2; not stated explicitly for nuns but applies in fact)
- The Father Immediate presides at the abbatial election by right. (C 39.2 m and f; C 74.2 m and f)
- He (or his delegate) is to promote among the brothers/sisters a spirit of faith and discernment so that they may set a worthy steward (m) / administrator (f) over the household of God. (C. 39.2 m and f)
- If the welfare of the community requires it, the Father Immediate may postpone an election beyond three months and propose that the community pass to the regime of a superior *ad nutum* (St 39.2.B m and f). He names the superior *ad nutum* after following a specific process. (St 39.2.B m and f; C 74.2 m and f)
- In an exceptional situation, the Father Immediate can ask a superior *ad nutum* to delegate the exercise of his right of paternity. (St. 34.1.C monks, also St 74.2.A)
- If the regime of superior *ad nutum* lasts more than three years, the Father Immediate, having first consulted the community, submits the case to the General Chapter (St 39.2.B m and f)
- An abbot is elected by the conventual chapter, acting collegially with the superiors of the daughter-houses (C. 39.2 m only).
- Any brother who has made profession in the Order can be elected abbot, including the abbot of a daughter-house if this is necessary (St 39.3.B m only)

## Consent and Consultation

The Father Immediate must give his **consent**

- When a superior asks the Abbot General to oblige a brother / sister for the sake of peace to transfer temporarily to another monastery (St. 60.B m and f; St 74.1.A m and f)
- For a community to pass from the rank of Simple Priory to that of Major Priory or Abbey, or to pass from Major Priory to Abbey (Stat Foundations 18a)
- He has to **approve** the decision of the conventual chapter of the daughter house concerning which acts of administration require the advice or consent of the conventual chapter or the finance committee (St Temp Ad 27 d)

The Father Immediate is to be **consulted**:

- When a superior gives permission to a monk or nun for a prolonged absence [up to one year] (C. 13.3 m and f, *new texts awaiting approval of the Holy See*)
- When a superior asks the Abbot General to request the Holy See to impose excommunication on a monk or nun (C. 62.1.A m and f).
- When a community begins to think seriously about making a foundation (Stat Found 2)

- Before a foundation obtains autonomy [both the Father Immediate of the founding house and the new Father Immediate, when applicable]. (Stat Found 16)
- When an autonomous community transfers to another location. (Stat F 21a)
- When a community establishes an annex house. (Stat F 23)

### General Ongoing Care

- The Father Immediate concerns himself with the quality of the formation given in his daughter houses. (Ratio 66)
- In the course of the regular visitation the Father Immediate (or the designated visitor) examines how formation is being carried out and how the *Ratio Institutionis* is being implemented. (Ratio 66)
- The Father Immediate helps the abbot or abbess of a daughter house in seeking solutions to particular difficulties in formation (Ratio 66)
- If necessary, the Father Immediate refers formation difficulties in a daughter house to the Abbot General (Ratio 66)
- The Father Immediate, as part of his general role of vigilance, will see that the Statute on Temporal Administration is observed in his daughter houses (Stat Temp Admin 30.e, cf. C.74.1).
- The norms of the Statute on Temporal Administration are to be applied and practiced by each community in agreement with the Father Immediate and according to local culture, circumstances and traditions. (Stat Temp Admin 2)

He is the first instance of appeal and recourse:

- It belongs to the General Chapter to ensure that the members of the Order have the possibility of unimpeded recourse to the various instances of appeal as needed: that is to the Father Immediate, the Abbot General, the General Chapter or the Holy See (St 77.2.B, m and f)
- In the case of a negative judgment on a book presented for an *imprimi potest*, a monk or a nun can have recourse to the Father Immediate or the Abbot General. (Statute on Publications 9)

He is also a channel through which a brother can submit desires or suggestions to the General Chapter:

- Any brother can submit desires or suggestions to the General Chapter. This is done through his abbot or Father Immediate, through the regional conference or the regional delegate, or even directly through the Abbot General (ST 77.2.A monks, not in the nuns because it was not updated after the single chapter)



## **Foundations:**

As well as the consent and consultations mentioned above,

- the Father Immediate is to be kept abreast of the developments of a foundation of at all stages of the process (Stat Found 4)
- He is to receive a detailed report from the founding abbot/abbess when the situation is judged sufficiently mature to establish a foundation. (Stat Found 7)
- At autonomy of a foundation of nuns, the declaration of autonomy is to be read in his presence by the abbess of the founding house (Stat Found 17 a); likewise for reaching a higher rank (Stat Found 18b)
- He is to inform all the houses of the Order of the autonomy of a foundation and at the same time communicate the news of the election of the new superior. (Stat Found 17d)

## **Special Situation: Removal of an abbot from office, removal from office or suspension of exercise of office of an abbess**

For monks:

- If because of an infirmity or other reason (such as imprisonment, banishment or exile - cf. Can 412 CIC) it is impossible either physically or psychologically for an abbot to exercise his pastoral function, it is for the Father Immediate, having consulted experts and obtained the consent of the conventual chapter, to investigate and verify the matter. If the impossibility is evident he immediately informs the Abbot General, who with the consent of his council, can remove the abbot from office. (St 40.B bis m; cf St 37.C m and St 74.2.B m)

For nuns:

- If because of any infirmity, it is impossible either physically or psychologically for an abbess to exercise her pastoral function, it is for the Father Immediate, having consulted experts and obtained the consent of the conventual chapter, to investigate and verify the matter. If the impossibility is evident he immediately informs the Abbot General, who with the consent of his council, can remove the abbess from office.
- If the reason is different, such as imprisonment, banishment or exile (cf. Can 412 CIC), it is for the Father Immediate, with the consent of the conventual chapter, to ask the Abbot General to suspend, with the consent of his council, the abbess from the exercise of her office. The Father Immediate then appoints a superior ad nutum or asks the conventual chapter to choose a temporary superior. (St 40.B bis f; also St 37.C f and St 74.2.B f)

## **General Chapter**

The community writes its House Report for the General Chapter in consultation with the Father Immediate (*Study of the House Reports at the General Chapter*, A.1.1)

At the General Chapter, the Father Immediate must always be consulted by the President of the Commission studying the report of his daughter house. He has the duty to provide pertinent information and the right to be heard, which does not necessarily imply that he participates in the discussions (*Study of the House Reports at the General Chapter*, B.2.1.1, voted Sept 22)

When a Commission of the General Chapter judges that a community requires special pastoral attention, it will always discuss the matter with the superior concerned and will consult the Father Immediate. If there is need for a specific decision, the Commission first tries to reach an agreement with the local superior, the Father Immediate, and—when appropriate—the Abbot General. (*Study of the House Reports at the General Chapter*, B.2.2.3)

The following-up of the decisions taken by the General Chapter will normally be made by the Father Immediate. (*Study of the House Reports at the General Chapter*, B.2.3.3)

All the documents established by the Commissions of the Chapter will be presented to the persons who are concerned - Superior, Father Immediate - as well as to the Abbot General, before being presented in Plenary Session. (*Study of the House Reports at the General Chapter*, B.2.8)

### **Solemn professions**

The Father Immediate presides at the solemn professions of nuns (C. 74.3 f).

“in the presence of the Father Immediate” is mentioned in the formula of solemn profession of nuns (C. 57 nuns)

### **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 76.1 nuns

### **Fragile Communities**

A community in a situation of grave fragility deserves the special attention of the Father Immediate (67.1, both)

A fragile community should ask for and accept help from the Father Immediate, *inter alia* (SFR Comm 4)

In a situation of increasing fragility in his daughter house, the Father Immediate must have the courage to help the superior and the community to face this reality. The regular visitation is the most suitable instrument for this purpose (SFRC 5; S Reg V 15).

If the situation of fragility persists, the Father Immediate will bring the situation to the particular attention of the General Chapter. (SFR C 8)

“When after consulting the abbots of the region” (St 79.B monks) if the Father Immediate judges that the community can no longer form new aspirants, he requests the General Chapter to suspend its right to receive aspirants (ST 79B. ST FR C 8).

The Father Immediate is a member of the Commission for the Future established by the General Chapter under par. 9 of the ST Fr C.

In an especially grave situation, the General Chapter may suspend the exercise of autonomy of a community and authorize the Father Immediate to appoint a monastic commissary in accordance with par. 10 of the Statute on Fragile Communities (C 34bis); St Fr C 10

The monastic commissary reports regularly to the Father Immediate (ST Fr C 10).

In some exceptional or urgent cases, Father Immediate can be appointed as Monastic Commissary (St Fr C 10).

If the community whose exercise of autonomy is suspended has daughter houses, the Father Immediate, in consultation with the daughter houses, decides how the exercise of paternity will be carried out (St Fr C 14).

If the situation of the community improves, the Father Immediate can advise the General Chapter that the suspension of the exercise of autonomy can be lifted. The General Chapter enquires into the matter and judges... (St Frag C 15)

When the community has reached the awareness that it must be closed, the Father Immediate invites the conventual chapter to express its acceptance of this reality through a vote which requires an absolute majority. St Fr C Par 19

If a fragile community wishes to become affiliated to another community, the Father Immediate may request this special form of assistance (St Affil 2)

As long as a community is affiliated to another, the functions of Father Immediate of the affiliated house are assumed by the same person who is Father Immediate of the affiliating monastery (St Affil 13)

To consider the suppression of a monastery, the General Chapter requires a written report from the Father Immediate and the Monastic Commissary together with their opinions on the matter (Stat Frag Comm 20)

## **Cîteaux**

The Abbot General acts in every way as a Father Immediate to the Community of Cîteaux. (St 82.2.E monks)



## APPENDIX II: DELEGATION AND APPOINTMENT

Delegation of authority (any authority) may be considered, in non-juridic terms, as giving someone a loan of some or all of one's authority. A delegated Visitor, for example, receives a loan of the authority of the Father Immediate to make a regular visitation. Only someone who has authority in the first place can delegate it. I cannot give a loan of someone else's authority.

So,

- (a) If there is an actual Father Immediate who, for whatever reason, wishes another person to act in his place towards one of his daughter houses for a period of time, he delegates his authority to that person, and that person is a **Delegated Father Immediate**. The Report from the Commission on Fathers Immediate for the General Chapter of 2022, Part II suggests that in order to make clear that a delegated Father Immediate is not permanent, the term **delegate of the Father Immediate** be used [Minutes p. 456]. This may have a value, but the term "delegated Father Immediate" is not wrong. It indicates that the authority which is delegated includes *all* the responsibilities of the Father Immediate – the person is a not delegate of the Father Immediate for just one act (e.g. to preside at an abbatial election).
- (b) If there is no one who actually holds the authority of Father Immediate towards a particular community (e.g. because the monastery which has the paternity is itself under the regime of a monastic commissary who does not have responsibility for the daughter houses), then the General Chapter – or, between General Chapters, the Abbot General – nominates someone as **Acting (or Nominated) Father Immediate**.

The extent of the authority of a Delegated or Acting Father Immediate depends on the letter delegating or appointing them and whether any limitations are imposed or particular responsibilities excluded (e.g. responsibility for daughter houses). Often there are no restrictions.

Both delegated and acting Fathers Immediate exercise their role temporarily. It is not a permanent arrangement; it is not a change of filiation. The delegation or nomination ends at the time specified (e.g. a delegation may be "until the next General Chapter"), or when the person who made the delegation or nomination declares that it is ended (e.g. because circumstances have changed and a community which was unable for a time to exercise the paternity is now able to resume the exercise of paternity).

A distinction should be made (though sometimes is not made) between the delegation of authority of Father Immediate by one *person* to another person (which is what is usually required), and delegation of the responsibility of a *community* to another community. If one Father Immediate delegates his responsibility as Father Immediate to another person, the delegated Father Immediate is delegated in a personal capacity. He has the responsibility for the daughter-house, but his community does not. The delegation is given to him independently of his role as abbot of his own community. If he ceases to be abbot of his own community, he continues to be Delegated Father Immediate of the daughter house unless

otherwise specified. His responsibility as Delegated Father Immediate does not pass automatically to the new abbot who succeeds him; that would require a new delegation.

If a *community* delegates another community to exercise the paternity of a daughter house (which would require votes of both communities) then the delegation is not personal, and continues even when there is a new abbot in the delegated community.

