

10.6. THE EXPANSION OF THE ORDER: FOUNDATIONS

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10.6.1. In Light of the Evolution of the Statute on Foundations

THE SUCCESSIVE VERSIONS OF THE STATUTE

The Constitutions of 1894 and 1924 include few elements about the manner of making a foundation and about the process to be followed in reaching the stage of autonomy. The General Chapters, especially after 1925, took a certain number of measures in response to particular situations.⁵²

It was in 1953 that the General Chapter, in response to the new situation created by the post-war foundations in America and the new surge of foundations in Africa, drew up a first *Statute on Foundations* for the monks' communities (*Acts*, pp. 39–42). A Statute for the foundations of nuns was approved the following year (*Acts*, pp. 24–26). Curiously these two Statutes were written in Latin, whereas the 1953 Chapter approved documents of a similar kind, including the Statute on the Liturgy Commission, written in French.

The surge of foundations in the following years meant that the General Chapters had to make numerous changes to this legislation. The particular situation of several new foundations led the Order to write up a “Statute on Distant Foundations” approved *ad experimentum* in 1967 (*Acts*, pp. 170–71) and revised in 1969 (*Acts*, pp. 326–27). It was intended above all to address the problems these foundations encountered in the process of attaining the rank of an autonomous house. It also spoke about “simplified foundations” (See *Acts* of 1965, pp. 105–6 and of 1967, pp. 146–47), although no special statute was written for them. But the approval of these simplified foundations was left strictly to the General Chapter.

The need was soon felt to extend to all foundations the special norms drawn un in 1967 for “distant foundations.” Moreover, the notion of “distant foundation” was in itself problematic. Distant from what? The 1974 General Chapter of Abbots approved—*ad experimentum*, obviously—a new Statute that eliminated the juridical distinction between ordinary foundations and so-called distant foundations, and

⁵² This evolution has been studied by Colette Friedlander, in her study *Décentralisation et identité cistercienne 1946–1985*, (Paris: Cerf, 1988), esp. pp. 146–59 and 456–68.

granted all foundations the possibility of an intermediary “semi-autonomy” stage, even though this notion too was extremely problematic.

At their 1975 Chapter, the Abbesses, using the monks’ Statute, but modifying it on some points, voted in their own Statute (*Minutes*, pp.25–28), which led the Abbots to approve a new *Statute on Foundations* (*Minutes*, pp. 42–44) in 1977, rather than confirm the one they had approved *ad experimentum* in 1974. The difficult point remained the notion of “semi-autonomy.”

Because of a certain number of changes made in the legislation during the writing the Constitutions, a new Statute had to be drawn up. It was presented and voted on quickly at the end of the 1987 General Chapter, without giving the capitulants time to examine it well (*Minutes*, pp. 307–10). It was now a single Statute for the monks and the nuns. The text was presented in three languages (English, French, and Spanish), but with a number of differences—in some cases more than just a matter of nuance—between the three versions, and none of the three was indicated as the original text. This is why the Permanent Council, in 1996, was led to present a harmonized version of these three texts for the approval of the General Chapters (*Minutes*, p. 43).

Various modifications of the Statute were voted on at the 2002 and 2005 MGMS. They had to do mostly with determining the moment Father Immediate’s approval is needed for a foundation of nuns, and with the right of vote about professions when a house is not yet autonomous.

THE INSOLUBLE PROBLEM OF SEMI-AUTONOMY

At the beginning of the Order, when a foundation was being made, the abbot was chosen and blessed before leaving the founding house. He then left with a dozen companions (often more), and the foundation was, from the first day, an abbey. When, toward the middle of the twentieth century, there were more and more “distant” foundations, i.e. foundations in a country or continent far from the founding house, and thus in a different culture, it became difficult to send a large contingent of founders. It was also thought that the presence of numerous founders might make the integration of local vocations and the process of inculturation more difficult. It could therefore take a number of years to reach autonomy, which required the presence of twelve solemn professed.

The 1967 General Chapter thus invented the notion of “semi-autonomy,” a rather shaky term from a juridical point of view. In reality, the semi-autonomous priory was a *sui juris* house, whose members had stability there and elected their own superior, who was a major superior and a member by right of the General Chapter. The motherhouse’s obligations toward this autonomous priory, however,

were similar to its obligations regarding a foundation. Moreover, in the 1967 version—corrected on this point in 1969—the abbot of the founding house was designated as “founding abbot” and not as “Father Immediate.” At the same time, the 1967 and 1969 General Chapters granted to non-autonomous foundations rights that normally belonged to the founding house, especially with regard to voting for the admission of novices to profession.

The new *Statute on Foundations*, approved *ad experimentum* by the 1974 Chapter of abbots, upheld the notion of semi-autonomy, and reduced to six—and no longer twelve—the number of monks required for a house to be raised to this rank. In the Statute that they wrote during their 1975 Chapter, the abbesses kept the essential characteristics given to this new type of house, but withheld the title “semi-autonomous,” which led the 1977 Chapter of abbots to reconsider the question.

This notion of “semi-autonomy” was a juridical anomaly. Already the Law Commission of 1976 (see Report, p.16) noted that such a house was generally not conceived of as being “totally autonomous” in the Order, whereas, from the canonical point of view, it was just as autonomous as an autonomous priory or an abbey. Dom Vincent Hermans therefore drew up a new version of the Statute for the following Chapter of abbots, eliminating the convoluted notion of semi-autonomy. But the majority of Capitulants, indifferent about juridical fine points and wanting to give these young communities the right to receive help from the founding house, voted to reintroduce this notion into the Statute, and the abbesses did the same the following year (1978).

In the Constitutions voted on by the monks at Holyoke in 1984 and in those voted on by the nuns at El Escorial in 1985, the expression “semi-autonomous priory” was replaced by “simple priory” (to distinguish it from a “major priory”). But the juridical reality remained the same. When the text of our Constitutions was presented to the Holy See, one of the remarks made by the Congregation of Religious was that we needed to drop this distinction between two categories of priories, since both expressions indicate a *sui juris*, and thus fully autonomous, house. We insisted on keeping this distinction in Statute 5.A.c of our Constitutions (approved in 1990) with a footnote (the only footnote in the entire Constitutions) saying that it was “according to the proper law of the Order,” a law going back to 1967. As a result of which, still today, in the mind of many members of the Order, including some Fathers Immediate, the “simple priory” is not completely autonomous!

In the masculine branch of the Order, when a foundation attains autonomy, it becomes the daughter house of its founding house. In the feminine branch, a special problem is posed by the fact that, when a foundation attains autonomy,

it loses all juridical links with the founding house, whereas the latter has special obligations toward the foundation until it acquires the status of major priory or abbey. This problem led several Regions and the Central Commissions at Cardena (2007) to request a study of the possibility of maintaining a juridical relationship in these cases. It is difficult to conceive what this relationship might be, unless we opt to move toward a system of filiation in the feminine branch like that of the masculine branch.

At the same time, the requirements for approving a foundation are becoming less stringent, and are sometimes interpreted quite broadly, so that certain foundations remain in this status for many years. As a result, local vocations make their profession—including solemn profession—for the motherhouse, which might be a place they have never visited on another continent. At recent General Chapters solutions were sought, and sometimes the decisions of the two Chapters have converged regarding canonical votes for admission to profession. The suggestion has been made not to accept candidates for solemn profession as long as a community is not *sui juris*. Some answer that this measure would be unjust to candidates who sometimes have nine years of temporary vows and would like to make a life commitment. Others say that it is not just to allow them to commit themselves for life when the house where they live does not yet have a juridical existence or a certain future, and when they have no intention of going to live in the founding house with another language, another culture, and on another continent.

The evolution of the Statute on Foundations is an example of legislation that has constantly evolved in order to respond to the new demands of life. It also shows the danger of introducing new juridical categories that have not been well thought out, thus creating unsolvable juridical and human problems later on. The Order will doubtless need to rethink this whole question in the years to come, not only in light of the history of the past fifty years, but also in light of the entire tradition of the Order from the twelfth century until today.

10.6.2. The Order's Foundations Since the Time of the Second World War

OVERALL VIEW

A quick look at the list of monasteries of the Order, according to their foundation date, at the end of the *Elenchus Monasteriorum*, shows that the last sixty-five years of the Order have been very fertile as far as foundations go. Among the present monasteries of monks, 56 already existed before the Second World War, and 15 of those were founded after 1892. Of the 26 monasteries of nuns at the same time, 13