

FATHER IAN WATERS 2023, Canonist What Superiors are Supposed to Be

The translation that Fr. Ian Waters uses is the nicest.

Blue: Collins, Canadian Conference of Bishops, p. 112 ff.

Black: Austin Flannery OP, Laurence Collins OP. *Light for My Path*, pp.617 ff.

Can. 617:

Superiors are to fulfil their office and exercise their authority in accordance with the norms of the universal law and of their own law.

Can. 618:

The authority which Superiors receive from God through the ministry of the Church is to be exercised by them in a spirit of service. In fulfilling their office they are to be docile to the will of God, and are to govern those subject to them as children of God. By their reverence for the human person, they are to promote voluntary obedience. They are to listen willingly to their subjects and foster their cooperation for the good of the institute and the Church, without prejudice however to their authority to decide and to command what is to be done.

Can. 618:

Superiors should exercise power in a spirit of service, should be docile to God's will, governing their subjects as God's sons/daughters. They should encourage a spirit of free obedience and co-operation and should listen. They should not however relinquish their own decision making.

Supplementary Documentation

Decree on Religious Life: Superiors will have to render an account of the souls committed to their care. They should be docile to God's will performing the task laid upon them and should exercise their authority in a spirit of service to the sisters/brothers, thus giving expression to God's love for them.

They should govern their subjects in the realisation that they are sons/daughters of God and with respect for them as human persons, fostering in them a spirit of voluntary subjection....They should train their subjects to cooperate with them by applying themselves to their ordinary duties and to new undertakings with an active and responsible obedience. Superiors ought therefore to listen to their subjects willingly and ought to promote cooperation with them for the good of the institute and of the Church, retaining however their own authority to decide and to prescribe what is to be done (14)

Exhortation on Religious Life. Exercising authority in the midst of your sisters/brothers means therefore being their servants, in accordance with the example of him who gave "his life for a ransom for many" (Matt 20:28). (24)

Consequently, authority and obedience are exercised in the service of the common good as two complementary aspects of the same participation in Christ's offering. For those in authority, it is a matter of serving in their brothers/sisters the design of the Father's love, while in accepting their directives the religious follow our Master's example and cooperate in the work of salvation. Thus, far from being in opposition to one another, authority and individual liberty go together in the fulfilment of God's will, which is sought in dialogue between the superior and his/her brother/sister, in personal situations, or through a general agreement in what concerns the whole community. (25)

Can. 619:

Superiors are to devote themselves to their office with diligence. Together with the members entrusted to them, they are to strive to build in Christ a fraternal community, in which God is sought and loved above all. They are therefore frequently to nourish their members with the food of God's word and lead them to the celebration of the liturgy. They are to be an example to the members in cultivating virtue and in observing the laws and traditions proper to the institute. They are to give the members opportune assistance in their personal needs. They are to be solicitous in caring for and visiting the sick; they are to chide the restless, console the fainthearted and be patient with all.

Can. 619:

Superiors should take their job seriously, endeavouring to build a community in which God is especially sought and loved, nourishing them frequently with God's word, and seeing to the celebration of the sacred liturgy. They should give an example of virtue and observance of laws and traditions. They should see to personal needs and should look after the sick, should correct, console, be patient.

Supplementary Documentation

Exhortation on Religious Life: It is the duty of everyone, but especially of superiors and those who exercise responsibility among their brothers or sisters, to awaken in the community the certainties of faith which must be their guide. (25) Does not the heart often let itself cling to what is passing? Many of you will in fact be obliged to lead your lives, at least in part, in a world which tends to exile men and women from themselves and to compromise both their spiritual unity and their union with God. You must therefore learn to find God even under those conditions of life which are marked by an increasingly accelerated rhythm and by noise and the attraction of the ephemeral. (33) Everyone can see how much the fraternal setting of an ordered existence with freely undertaken discipline of life helps you to attain union with God. This discipline is increasingly necessary for anyone who "returns to the heart" (Isaiah 46:8) in the biblical sense of the term, something deeper than our feelings, ideas and wishes, something imbued with the idea of the infinite, the absolute, or eternal destiny. (34).

FATHER IAN WATERS, Canonist

The Superior has the last word and she decides what the last word is.

She is to listen to each of her Council Sisters. She can then go away, think and pray about it. But the last word is hers.

Pope Francis has asked for Synodality. He wants to hear what everyone is thinking. But he has the last word on it.

Directors are a Civil Law Entity. The vote in that should come out as the one decision.

In making a **Canonical Law Decision**, the Superior by herself, or the Superior after the consent or advice of her councillors in certain things—in those instances where those decisions are required.

The Civil Law Directors should act as a corporate, i.e., act corporately. In the civil law it should be what has been decided by the corporate body.

The Civil Law decision should be a reflection of what you have decided in Canon Law.

Can. 127: How Superiors are to act when they need consent (in order to perform a legal act)

§1 When the law prescribes that, in order to perform a juridical act, a Superior requires the consent or the advice of some college or group or persons, the college or group must be convened in accordance with can. 166, unless, if there is question of seeking advice only, particular or proper law provides otherwise. For the validity of the act, it is required that the consent be obtained of an absolute majority of those present, or that the advice of all be sought.

§2 When the law prescribes that, in order to perform a juridical act, a Superior requires the consent or advice of certain persons as individuals:

1° if consent is required, the Superior's act is invalid if the Superior does not seek the consent of those persons, or acts against the vote of all or of any of them.

2° if advice is required, the Superior's act is invalid if the Superior does not hear those persons. The Superior is not in any way bound to accept their vote, even if it is unanimous; nevertheless, without what is, in his or her judgement, an overriding reason, the Superior is not to act against their vote, especially if it is a unanimous one.

§3 All whose consent or advice is required are obliged to give their opinions sincerely. If the seriousness of the matter requires it, they are obliged carefully to maintain secrecy, and the Superior can insist on this obligation.

Council Meeting:

Advice of each Council Nun must be sought. The Superior is not in any way bound to follow the Council, but it is very unwise to go against the unanimous vote, except in the case of an over-riding reason (as below).

The Superior must listen to each Council Nun.

Ultimately, the decision is the Superiors.

An over-riding reason would be, e.g., the finances don't allow it, or there is some psychological reason why you could not ask that to be carried out.

See 'Title II: Custom' (page 5) Canons 23–28:

Respect what has been the custom, e.g., see Canon 27: Custom is the best interpreter of laws.

Stable Patrimony:

Stable Patrimony is this monastery. The rental houses are not.

Filial houses are stable patrimony.

Stable Patrimony covers anything to do with our ministry – people coming here for prayer, etc.

10 Prescott Avenue and 456 The Esplanade could be one property with public lane going through.

We don't need special 'permission' to dispose of other properties, e.g., rental or those which are not part of stable patrimony – they are not connected with our apostolate.

Stable Patrimony Register: We should enter into it what is stable and what is not.

Donations, etc. contribute to our apostolate. (Our Sunday Mass collections are only about \$120, which doesn't even cover the priest's stipend or flowers. Actually Mass collections would usually be given to the Parish Priest of Kew, but in recent years they have said we can keep it.)

COMMENTARY WHAT SUPERIORS ARE MEANT TO BE

I refer to Document 3 What Superiors are meant to be

In 2023 this paper, [REDACTED] was left on my bed, in my 'private' room. There was no preamble or discussion. I understand each member of the [REDACTED] community received a copy. [REDACTED]

Authority and Control

I believed that the prioress was given authority by God. That belief and trust determined my surrender and obedience to her. In reality, prioress was given her authority by election. Initially only a few people were able to vote. The limited franchise promoted cohesion. In the last election, all nuns at [REDACTED] were able to vote for the first time because of the small numbers (say 15). Again, everyone was expected to vote to maintain established leadership. The systemic failure is caused by the absolute trust in the past, the disengagement with the present and the belief in the divine grace of the office of prioress.

When I visited other Carmelite monasteries which were part of the disalced global community, I experienced that they were human, humble, kind and grounded in their relationships. The relationships were both within their community and with other Carmelite communities governed from Rome.

The description of the prioress in this document is idealistic and not as I experienced. The Prioress made no effort to respect me as an individual or to foster my maturity and growth. Decisions were all her way. Everyone served the Prioress and all her guests. The community attended to her needs as her 'subjects' as God's daughters. We referred to her as 'Mother' and everyone else as obedient 'subject daughters/children'.

I was not respected. I was ordered to obey and to conform. The prioresses conveyed their self-serving interpretation of what God's unconditional love was for me. One judged me mad but did not offer counselling: another that I had a bad, evil spirit but did not offer me exorcism but public shame, humiliation and exclusion. The Prioress in 2024 demanded that I rewrite my request to leave and ask for 3 years off.

Where are the checks and balances in this flawed governance? How do they address the reality of a community living in a pressure cooker environment with vows of obedience to a Prioress and a God, both with supreme authority? Not one prioress, nor me as a superior in [REDACTED] (2009-2019), had the professional or divine competencies to manage a community by anything other than coercion within a fantasy world of aspiration, ritual, repression and supernatural connection.

The final fear of the prioress, 'Giving account for their souls' to God in an afterlife is fantasy. Giving account and respect to the individual person on earth and to State Laws and regulations with proper governance, care and transparency is reality and accountability for a prioress.

Directors

I was appointed a director in 2009 without my knowledge and written consent to ensure the compliance of an organisation with over \$100 Million in assets.

[REDACTED] the prioress has the last word. Decisions reflected canon law processes so that there was no dissent. The directors were not entitled to discharge their responsibility as independent adults.