

---

Fall 1984

## The Superior General of the Congregation of the Mission and the Daughters of Charity

Miguel P. Flores C.M.

Follow this and additional works at: <https://via.library.depaul.edu/vhj>

---

### Recommended Citation

Flores, Miguel P. C.M. (1984) "The Superior General of the Congregation of the Mission and the Daughters of Charity," *Vincentian Heritage Journal*: Vol. 5 : Iss. 2 , Article 1.

Available at: <https://via.library.depaul.edu/vhj/vol5/iss2/1>

This Article is brought to you for free and open access by the Vincentian Journals and Publications at Via Sapientiae. It has been accepted for inclusion in Vincentian Heritage Journal by an authorized editor of Via Sapientiae. For more information, please contact [digitalservices@depaul.edu](mailto:digitalservices@depaul.edu).

# The Superior General of the Congregation of Mission and of the Daughters of Charity

*Miguel Perez Flores, C.M.*

*Translated by Francis Germovnik, C.M.\**

In this work I intend to study the figure of the Superior General of the Congregation of the Mission from the historico-juridical perspective. I exclude from my purpose the whole range of spiritual, apostolic, and juridical relationships, nor the fact that one and the same person is Communities. The Congregation of the Mission and the Daughters of Charity were, and continue to be, fully autonomous and independent from each other in their government. Neither the spiritual, apostolic, and juridical relationships, nor the fact that one and the same person is the Superior General of both Communities, nor the offices of the Director General and the Provincial Directors which are being discharged by the Priests of the Mission, have affected this autonomy and independence from the juridical point of view.

## **Origin of the Authority of the Superior General of the Congregation of the Mission over the Company of the Daughters of Charity**

When, in 1633, the Daughters of Charity gathered to live in community under the direction of St. Louise de Marillac, the fact involved no juridical formality. St. Vincent

---

\*Fr. Francis Germovnik, C.M. has a degree in Canon Law from the Angelicum, Rome, and he taught Canon Law, Theology, and modern and classical languages. He has been librarian at St. Mary's Seminary, Perryville, MO and De Andreis Seminary, Lemont, IL. He has recently joined the library staff of St. Thomas Seminary, Denver, CO as librarian for the Vincentian collection.

de Paul obtained an oral consent from the Archbishop of Paris. It was a question of, as we would say today, an experiment. This was successful, and its positive results gradually brought with them a suitable juridical expression. On November 20, 1646, thirteen years after the beginning of the experiment, the Coadjutor Archbishop of Paris, Jean-François-Paul de Gondi, signed the decree of approval of the Company of the Daughters of Charity, approving at the same time the annexed Statutes.<sup>1</sup>

There are mainly three aspects we wish to study: 1) The juridical nature of the Company emerging from the Archbishop's approval; 2) The authority granted to St. Vincent; 3) The reactions stirred up in the Company by the Archbishop's approval.

#### *Juridical Nature of the Company*

The Daughters of Charity were approved as a Confraternity:<sup>2</sup> "Hereby we have erected and erect the association of the said young women and widows in this diocese into a special confraternity under the title of the Servants of the Poor of Christian Charity."<sup>3</sup>

In presenting the Archbishop's approval to the Sisters, St. Vincent himself pointed out that it meant a new confraternity "distinct from the Ladies," which does not suppose a breaking away from them as far as service to the poor is concerned, "but it does make you different in your

---

<sup>1</sup>St. Vincent's petition to the Archbishop is found in Pierre Coste, *Saint Vincent de Paul, Correspondance, Entretiens, Documents* (14 vols., Paris: Lecoffre, 1920), Vol. II, p. 547.

<sup>2</sup>The term Confraternity is very elastic. Even pontifical documents are not very precise; they use without distinction: *sodalitium, sodalitas, confraternitas, pia unio*, etc. In general, the question is of an association of the faithful joining together with the recognition or approval of the competent ecclesiastical authority with the intention of achieving a pious or charitable purpose. The approval of ecclesiastical authority supposed the existence of some Regulations or Statutes. From the contents of these one can know not only what purpose the association is trying to achieve but also its way of government, its spirit, etc.

<sup>3</sup>Coste, *op. cit.*, Vol. XIII, p. 558.

way of living, so that the confraternity you were forming with the Ladies is for you no longer anything more than the law of Moses in comparison with the law of Jesus Christ.”<sup>4</sup> It ought to be pointed out, so far as our purpose is concerned, that not only a new confraternity was created, above all, a confraternity with a new way of living. This way of living will demand a new way of government and direction of the new confraternity. In fact, what had been approved was not a confraternity of the traditional type, but a confraternity with its own peculiarities as to purpose and way of living; it means, as a matter of fact, the approval of an apostolic community of women in the juridical form of confraternity. Of course, no mention of this is made in the decree. Some allusion to it, although veiled, is found in the considerations, but the same is sufficiently clear from the contents of the Statutes.<sup>5</sup> We can ask ourselves why St. Vincent chose the juridical form of confraternity. Having dismissed the idea of founding a religious community — St. Vincent never liked that because it would mean “good-bye to the poor” — the Founder had only two choices: to ask for approval of the Daughters of Charity as a Community of women dedicated to the apostolate, or to erect a new Confraternity.

The first possibility was an idea that was then gaining ground, but there were serious difficulties resulting from the canon law of that time. There was a danger that sooner or later they would end up as a religious community. The experience of the Visitandines was all too well known.<sup>6</sup>

---

<sup>4</sup>*Ibid.*, Vol. IX, p. 322.

<sup>5</sup>*Ibid.*, Vol. XIII, p. 558; pp. 563ff.

<sup>6</sup>R. Lemoine, *Le droit des religieux du Concile de Trente aux Instituts seculiers* (Bruges: Desclée de Brouwer, 1957). The author discusses in detail the juridical fortunes of the Ursulines of St. Angela Merici (1530); the Visitandines of St. Francis de Sales (1610); the Daughters of the Holy Cross of Madame Villeneuve (1618), the latter suppressed in 1630, undoubtedly because they were a rather bold idea. Mary Ward was denounced to the Holy Office and condemned until St. Pius X and Pius XII solemnly rehabilitated her. For the difficulties experienced by St. Vincent so that the Congregation of the Mission might be approved see Pierre Coste,

Perhaps the difficulties he experienced in Rome while seeking the approval of the Pope for the Congregation of the Mission also dissuaded him from this choice, although, as a matter of fact, it was most suitable for what he had in mind for the Daughters of Charity. On the other hand, the confraternity had its advantages and disadvantages. If the juridical frame was sufficiently flexible and known, did not raise suspicion, did not involve the danger of being converted into a religious community, it was, nevertheless, a little narrow, was reduced to diocesan and parochial bounds, and necessarily dependent on the bishop. As it was, St. Vincent decided for a confraternity, but it must be said, as we have just pointed out, that its contents go much further than that. It seems that for St. Vincent the approval of the Company as a confraternity was only the starting point; he would continue the initial experience and see how far he could go without risking too much. It is easy to see how St. Vincent made every effort to avoid a double pitfall: that the Daughters of Charity not become or be considered as religious and, what is also important, that the narrow juridical limits implied by a confraternity should not stifle the universal vocation of the Daughters of Charity nor be an obstacle to the strongly centralized government intended to give consistency and strength to the young community and to its apostolate. The Archbishop's approval gave only juridical expression to an experience of thirteen years, gave it a juridical personality in the Church and marked a new stage in the evolution and development of an idea which had all the guarantees that it was willed by God.

Another detail must be pointed out: the extension of the Daughters of Charity into other dioceses. New foundations of houses and works occurred as a projection of

---

*Monsieur Vincent* (3 vols., Paris: Desclée de Brouwer, 1934), Vol. I, p. 184; also, A. Coppo, "Le due suppliche del 1628 per l'erezione dell'istituto in Congregazione di diritto pontificio non accolte della S. Congregazione" in *Annali della Missione* (1973), 37-73.

the one confraternity juridically approved in the diocese of Paris. In Paris was the only official center, there were the Superiors. We have no proof that the foundation of Richelieu in 1638 or that of Angers in 1639 supposed an erection of a confraternity on the part of the respective bishops. The latter were only glad to accept the services of the Sisters, without claiming any other rights. Why did St. Vincent act as he did? A rigorous jurist can only be surprised at this way of proceeding. With good reason it has been written: "The canonist who stopped at the external juridical aspect and tried to define the Daughters of Charity only from the texts of episcopal decrees would never discover all their originality."<sup>7</sup>

#### *Authority Granted to St. Vincent*

The decree of 1646 of the Archbishop stated that the Daughters of Charity would "always be under the authority and dependence of the Archbishop and his successors," but it entrusted the direction and government to St. Vincent, as long as God gave him life. In the Statutes it was said also that "the Superioress will have the whole direction of the said confraternity together with the said ecclesiastic."<sup>8</sup> So we have the authority of the Archbishop and his successors; the authority delegated to St. Vincent as long as he lived, but not communicated in this decree to his successors, the future

---

<sup>7</sup>R. Meyer and L. Huerga, *Una institución singular: el Superior general de la Congregación de la Misión y de las Hijas de la Caridad* (Salamanca: CEME, 1974), p. 41. This work is the thesis defended by Fr. R. Meyer, C.M. in order to obtain the doctorate in canon law at the Angelicum in Rome, now the University of St. Thomas. With the author's permission, Fr. L. Huerga, C.M. reworked and adapted it for prospective general readers. It is, undoubtedly, the most complete study published so far about this topic. At the end he added some appendices of interest for the Spanish reader because it touched upon the schism that took place in Spain between 1816-1818. The second appendix referred more directly to the theme of this work. It has the title "Resumen histórico de las funciones del Superior General de la CM sobre a Compañía de las Hijas de la Caridad." The work was presented to the General Assembly of the Sisters in 1974. It was published with the permission of the Superioress General of the Daughters of Charity.

<sup>8</sup>Coste, *op. cit.*, Vol. XIII, p. 560.

Superiors General of the Congregation of the Mission; and the authority of the Superioress which she had to exercise together with the delegated ecclesiastic, in this case, with St. Vincent and in the future with the ecclesiastic nominated by the Archbishop.

At first sight, everything seems to fit into the ordinary framework of the government of any confraternity. The question is to know exactly what authority is really hidden behind this common stereotyped formula. St. Vincent never was the Superior of the confraternities which he had founded, with the exception of Hôtel-Dieu, founded in 1634, in which he actually retained authority along with the superioress and a council, both elected by its members. But his relation to the Confraternity of Hôtel-Dieu and to that of the Daughters of Charity was quite different from the rest of the confraternities. The latter had their regulations, their government, the ecclesiastic who assisted them, etc. approved by the bishop. St. Vincent was concerned only with their foundation, as he was permitted by the Bull *Salvatoris Nostri*, and with encouraging them spiritually and apostolically. But with regard to the Daughters of Charity he acted not only as spiritual and apostolic animator but as a true superior, as one who had indisputable authority. The way of living of the young community, its purpose, the collective and communitarian responsibilities which would arise, the relations of the Sisters among themselves and with the rest of the group, the rights and duties towards those who claimed to be, or were accepted as, superiors, demanded a way of action which necessarily supposed a recognized authority. St. Louise herself would not take a step of any importance without asking the opinion of St. Vincent or informing him after something was done.

What is the juridical title, if there is one, by which St. Vincent was considered a real Superior of the Confraternity of the Daughters of Charity? We must not forget that we are speaking of the Daughters of Charity during their

experimental period between 1633 and 1646. The first answer is that no juridical title was necessary. For him the oral approval granted to him by the Archbishop to go on with the experiment sufficed. He found himself in the particular situation of every Founder when, faithful to the spirit, they initiated a work. In these moments they were not led by law but by inspiration. If any juridical foundation is to be found, it will not be derived from positive canon law but from the fundamental right of every person and every Christian to form an association for some licit purpose. From this right there will arise the authority needed by the group. There will arise the so-called domestic (or dominative) power sufficient for the group to function and achieve its purposes. Accordingly, in this stage of life of the Community of the Daughters of Charity, St. Vincent had his authority by, at least, the tacit consent which the Sisters gave him as their Superior. Here is the place to remember what he said to the Sisters sent in 1638 to Angers: "They will obey their Superiors of this city of Paris in everything that concerns internal discipline and behavior." And in the conference of June 1642, he said to the Sisters: "You must obey your Director. And since God has given me in some way your direction, although I am unworthy of it, you are obliged to accept my orders."<sup>9</sup>

Once again, under a common and ordinary juridical formulation there is contained a new form of government. We witness the beginning of the authority of the Superior General of the Congregation of the Mission over the Company of the Daughters of Charity, although clearer details are still necessary. We will see this in discussing the contents of the second approval of the Archbishop in 1655.

*Internal reactions before the Archbishop's approval*

St. Vincent was satisfied. He obtained what he had asked for, no more, no less, as we can see from the document

---

<sup>9</sup>*Ibid.*, Vol. IX, p. 67; Vol. XIII, p. 541.



of petition drafted by St. Vincent himself.<sup>10</sup> The one who reacted as not completely satisfied was St. Louise. Less preoccupied with canonical forms, she saw certain dangers for the future of the Company in as much as the decree of the Archbishop clearly stated the dependence of the Company on the Archbishop's authority. Her reaction came immediately after she obtained knowledge of the decree. St. Vincent let her know it at once, but not so the Sisters. To the latter it was made known only in May 1646.<sup>11</sup>

In a letter dated in all probability in November 1646, St. Louise wrote to Saint Vincent:

Will these so absolute terms concerning the *dependence on the Bishop* not be able to do us harm in the future, since they give him the freedom to separate us from the direction of the Superior General of the Mission? Father, would it not be necessary that your charity should be given to us as a permanent director from the very beginning of our foundation? In the name of God, Father, do not permit that anything should happen which could one day make it possible that the Company be separated from the direction which God has given it. Be sure that at once it would no longer be what it is and the poor sick would no longer be taken care of; I believe that this is the will of God. . . ."

One year after the signing of the decree, in November 1647, the Foundress returned to the same issue: "It seems to me that God has given peace and simplicity to my soul during the meditation I made concerning the necessity that the Company remain always and in succession under the direction Providence has given it both in spiritual and temporal things, and I seemed to realize that his glory would be served better if the Company failed altogether than if it should be under another direction, since I am convinced that this would go against the will of God."<sup>12</sup> The concern of St. Louise is undeniable.

---

<sup>10</sup>*Ibid.*, Vol. II, p. 547. <sup>5</sup>

<sup>11</sup>*Ibid.*, Vol. III, pp. 121-122; Vol. IX, p. 324.

<sup>12</sup>*Ibid.*, Vol. III, pp. 121-122, pp. 254-255; Vol. IV, pp. 220-221.

### **The Superiors General, Successors of St. Vincent, obtain the authority over the Daughters of Charity**

Before studying the contents of the second archiepiscopal approval of the Company of the Daughters of Charity, it seems appropriate to study two events which, in some way, introduced the principal question of the second approval, namely, the granting to the Superiors General of the Mission the direction and government of the Daughters of Charity. These events are: 1) The petition of Queen Anne of Austria to Pope Urban VIII, and 2) the loss of the documents necessary for the Parlement<sup>13</sup> to ratify the royal approval and the acceptance by the State of the approval of the Archbishop.

#### *The Petition of Queen Anne of Austria*

In 1647, the Queen of France, Anne of Austria, sent a petition to Pope Urban VIII asking him to deign to nominate as perpetual directors of the Confraternity or Society of the servants of the poor of Christian Charity the Superior General of the Congregation of the Mission and his successors. The document raises several questions for the historians. Is it authentic? Who gave the initiative? What was the role of St. Louise in it? Was St. Vincent aware of the document? Definitive answers have not been given. It seems that the document is authentic and that St. Louise had a part in it. What appears less probable is that St. Vincent knew of it. It does not agree with his way of acting. He would never surprise with something like that the Archbishop to whom he owed so much. He knew that it was not easy to obtain from Rome what was being asked, although, in principle, the Pope could grant it. But, is it not possible that St. Vincent was already convinced that the direction and government of the young Community should pass to his successors? The

---

<sup>13</sup>Parlement refers to the French judicial system. It registered or gave sanction to the King's edicts, ordinances, and declarations, and supervised their implementation.

idea was gradually maturing in him. Perhaps the insistence of St. Louise made him overcome his perplexities.

We do not know whether the petition reached Rome. In fact, we know of no answer. The petition remains as a probable historical fact. However, it helped to give more prominence to the question of government and direction of the Sisters in relation to the Superiors General of the Mission. It clarified the motive: if the Company of the Daughters of Charity should depend on the bishop, this could cause problems, especially since the question is of a non-religious community with universal vocation and therefore a community to extend throughout the world.<sup>14</sup>

✓ *Loss of the documents for the ratification and approval by the Parlement*

According to the established practice of that time concerning relations between Church and State, ecclesiastical documents were valid only if they were approved by the King and ratified by the Parlement. The royal letters, as it seems, were prepared by the end of 1646. The ratification by the Parlement was more difficult and therefore required more time. Something unexpected happened. The Procurator in charge of carrying out the affair died, and so did his secretary; the documents got lost and, in spite of a search for them, they could not be found. How is it possible that all the documents got lost? The official explanation was that they were misplaced. Someone suspected St. Louise because of her interest in the affair. It does not seem probable that St. Louise took advantage of those events and of her friendships to make the documents disappear in such a way that they could not be found. The only thing we know is that St. Louise took the occasion to insist once more on her proposition. For St. Vincent, perhaps, this was another reason to change his mind and to

---

<sup>14</sup>Coste, *op. cit.*, Vol. XIII, p. 566; see also the same author's *Monsieur Vincent*, Vol. I, pp. 411ff.

accept the wishes of the Foundress. We know that everything had to begin all over: the petition to the Archbishop, new approval, new letters of the King, in order that everything could be ratified by the Parlement.

The Archbishop did not grant the supreme jurisdiction over the Daughters of Charity either to himself or to his successors. Rather, the second approval makes it clear that the Superiors General of the Mission would have responsibility for the direction and government of the Daughters of Charity, but it does not solve the question of the double government. According to contemporary law, the Archbishop could not grant more as long as the Daughters of Charity were a confraternity.<sup>15</sup> This problem would continue until the pontifical approval of 1668 and even afterwards, as we will see.

#### *The Second Approval of the Archbishop of 1655*

Limiting ourselves to the question of our interest, we see that the second approval of the Company of the Daughters of Charity, given likewise by Jean-François-Paul de Gondi, then titular of the See of Paris and Cardinal de Retz, as well as his approval of the annexed Statutes, offer a special novelty: they granted that the government and the direction of the Daughters of Charity be entrusted to St. Vincent and also to his successors, the future Superiors General of the Mission. Consequently, where as the first approval simply had spoken of an ecclesiastic, the second approval spoke of the Superior, referring to the Superior General of the Mission or his delegate.

The reactions to the second approval were favorable on the part of the Founders, but not so on the part of some Sisters who did not like the term "confraternity." It is possible that the communal and apostolic experience, as they lived it, did not agree too well with the idea they had about

---

<sup>15</sup>Clement VIII, Const. *Quaecumque* (Dec. 7, 1604) in *Codicis Iuris Canonici Fontes* (Rome: Vatican, 1926), I, n. 192, p. 366.

the existing pious confraternities. Their repugnance was reasonable, although St. Louise called them "delicate spirits;" time would prove them right. Nevertheless, if the Founders were anxious to retain the term of "confraternity," one has to recall that in this way they hoped to save the "secularity" of the Daughters of Charity, because, as St. Vincent said: "If you should be given some other name, like Congregation, some day in the future there would be people who would try to change your house into a cloister and make you religious . . . . Say that this name of confraternity or association was given to you so that you would be firm in persevering in the original spirit which God has given you since the beginning."<sup>16</sup> Fr. René Alméras and Sister Maturine Guérin, the third Superioress General, were of the same opinion. The Constitutions of the Daughters of Charity of 1954 and 1983 mention only the Archbishop's approval of 1655. As it is, the letter only repeated and completed that of 1646.<sup>17</sup>

So far we have studied the historico-juridical questions which refer to the authority of the Superior General of the Congregation of the Mission over the Company of the Daughters of Charity, according to the Archbishop's approvals of 1646 and 1655.

Summing up, we can state:

1. The Company of the Daughters of Charity was approved as a Confraternity.
2. The Archbishop of Paris reserved for himself and his successors supreme authority over the Daughters of Charity.
3. St. Vincent and his successors, Superiors General of the Mission, held the government and direction of the Daughters of Charity together with the Superioress General.

---

<sup>16</sup>Coste, *op. cit.*, Vol. V, pp. 405-406; Vol. VII, p. 440; Vol. X, p. 102.

<sup>17</sup>Constitutions of the Daughters of Charity, 1954, p. 1; and 1980, C. 1-2.

## **Historical Development of the authority of the Superior General of the Congregation of the Mission over the Daughters of Charity**

The period of this third part is a long one: it extends from 1668, the date when the Company of the Daughters of Charity was approved by Cardinal Vendôme, Legate *a latere* of Pope Clement IX, to 1800.

### *Pontifical Approval*

#### **1. The initiative of Fr. Alméras and Sister Maturine Guérin**

Toward the end of his life. St. Vincent wished to initiate the process for the Roman approval of the Company of the Daughters of Charity. We know that he sent some documents to Fr. Edmond Jolly who was at that time Superior of the house of the Congregation of the Mission in Rome. We know no more of St. Vincent's initiative.<sup>18</sup> Fr. Alméras and Sister Maturine Guérin, third Superioress General of the Daughters of Charity, took up the aspiration of the Founder. Probably the ongoing extension of the Company into various dioceses was raising fear that it would continue to be considered as a Confraternity. It could give many bishops, jealous of their rights, the reason to interfere with the life of the Community. Canon Law was on their side. There was, in addition, another more important problem: was there any assurance that the new Archbishop of Paris would not take the government and direction of the Daughters of Charity from the Superior General of the Mission and his successors? In any case, it was better to make it certain. For this purpose there was nothing better than pontifical approval to render null and void any arbitrary action of some future archbishop. Aware as they were of the coming of Cardinal Vendôme as the Pope's Legate *a latere*,

---

<sup>18</sup>Coste, *op. cit.*, Vol. VIII, p. 138.

they decided to have recourse to him in order to obtain the pontifical approval they desired.<sup>19</sup>

## 2. Canonical legislation and the attitude of the Holy See toward the non-religious communities of women.

Before studying the pontifical approval of the Daughters of Charity, it seems good to have some idea, however slight, of the legislation of that time concerning the communities of non-religious women and the attitude of the Roman Curia. On one hand, the Holy See wished to remain faithful to the dispositions of St. Pius V set forth in the Constitution *Circa Pastoralis* of June 29, 1566.<sup>20</sup> In it the austere Pope did not admit the existence of such communities. Those that existed had either to make solemn vows and enter the cloister or cease to exist. He did not admit an intermediate state between the religious and the secular: "aut murus aut maritus" (either the wall or the husband). The rigor was extreme and hence the weakness of the pontifical dispositions. On the other hand, the Holy See was tolerant of the bishops who for pastoral reasons approved communities of women with simple vows. Such was the case of St. Charles Borromeo who, in 1572, in the same year Gregory XIII renewed the dispositions of St. Pius V, founded the Ursulines of St. Angela Merici as a congregation with simple vows. This is an example of tolerance of the Apostolic Legates and, consequently, of the Roman Pontiffs themselves: fidelity and rigor on the one side, and tolerance on the other. As a matter of fact, the intermediate state,

---

<sup>19</sup>Cardinal Louis de Vendôme, titular of the Santa Maria del Portico, was sent as Legate *a latere* by Pope Clement IX to France in order to act, in the name of the Pope, as godfather to the prince. At the same time the Pope gave him extensive faculties to solve several disciplinary questions within religious orders. Cf. Meyer-Huerga, *op. cit.*, p. 119, n. 2.

<sup>20</sup>*Bullarium . . . taurinensis editio*, Vol. VII, pp. 447ff; *Fontes*, v. 1, p. 201, n. 112.

which St. Pius V did not like, was gradually developing.<sup>21</sup> At the time of Fr. Alméras, the climate was more favorable than in the years when St. Vincent asked the first archiepiscopal approval. The risks now were not so great. The Company was able to show a remarkable history. Yet there could be no doubt about what they were asking for: they did not wish to be religious, nothing was mentioned about vows, the latter being reduced to a merely internal practice of the Company. The Cardinal himself said that the question was one of a community of women who have to continue wearing their secular dress.

### 3. The petition of the Superioress and Sisters.

After giving a brief history of the Company, the Superioress General and the Sisters asked the Cardinal Legate:

- 1— That the “Little Congregation” be approved and confirmed along with the regulations and statutes.
- 2— That the government and direction continue to be in the hands of St. Vincent’s successors.
- 3— That it be in the power [of the successors of St. Vincent] to add to the regulations and statutes such articles as they deem necessary.<sup>22</sup>

There is no explicit request that the Confraternity become a Congregation or Community; however, the term Confraternity had been omitted in the petition.

### 4. The Cardinal’s reply.

On June 6, 1668, Cardinal Vendôme signed the

---

<sup>21</sup>Lemoine, *op. cit.*, pp. 36-41; see the same author’s *Histoire du droit et des Institutions de l’Eglise en Occident*, t. XV, V. II: *L’époque moderne (1563-1789)* (Paris: Cujas, 1976), p. 163, p. 309.

<sup>22</sup>*Collection des pieces authentiques relatives à la Communauté*, Vol. 1, p. 37, n. 4. I used the summary found in the Curia of the Congregation of the Mission in Rome: *Communauté des Filles de la Charité, Documents*, 1, p. 10, n. 4. It is a manuscript. In the introduction it is said that the summary is taken directly from authentic sources.



pontifical approval: "We approve and confirm by the apostolic authority with which we are vested the aforesaid Community or Congregation, its institutes and constitutions both those of Father Vincent, its Founder, and those that have been given and approved by the said Cardinal de Retz and Archbishop. . . ."<sup>23</sup>

The analysis of this document shows that, in fact, the Company of the Daughters of Charity ceased to be a Confraternity and became a Community or Congregation of women dedicated to the service of the poor sick "without, for this reason, putting away their secular dress." Thus the Company transcended the juridical bounds of confraternities and entered the bounds of communities of women without public vows, that is, "secular" communities. They fell under pontifical law, depending on the Pope and no longer on the Bishop.

The Cardinal also approved the rules and statutes. If it is clear that he approved the statutes and the regulations which follow the archiepiscopal approval, it is not so clear what he approved and confirmed when he referred to what had been given by St. Vincent. To what rules and constitutions of St. Vincent did the papal approval extend? It is not easy to point it out concretely. It is also curious that, in 1883, Fr. Antoine Fiat in his letter addressed to Pope Leo XIII told him that the Statutes of the Daughters of Charity had never been submitted to pontifical approval, and that the Sacred Congregation of Bishops and Regulars in its answer to Fr. Fiat's letter affirmed that the Daughters of Charity did not have Constitutions approved by the Holy See.<sup>24</sup> The different statements that have been expressed to explain the apparent opposition between the document and the assertions of

---

<sup>23</sup>P. Nieto, *Historia de las Hijas de la Caridad, desde sus orígenes hasta e siglo XX* (Madrid, 1932), Vol. 2, pp. 397 ff. The text which I have used is in Latin and in Spanish.

<sup>24</sup>*Genèse de la Compagnie* (Paris, 1968, pp. 70-71).

Fr. Fiat and the Sacred Congregation of Bishops and Regulars can in no way invalidate what is said in the pontifical approval, although it is not easy to point out everything that has been approved by it.

**5. What the document of the Cardinal Legate fails to mention.**

Two requests of the Superioress General were not answered in the document: that the government and direction of the Daughters of Charity should be the responsibility of St. Vincent's successors, and that the latter may add to the existing statutes what they deem necessary. This silence raised new questions:

a) Why was nothing said? There are two hypothetical answers. The first is not to enter rough territory, but let the things go as they were going so far. Otherwise, a conflict with episcopal authority might come afterward. So, the "Roman" answer was silence. The other hypothesis is that it was not necessary to say anything in the document because it was said in the Statutes and the latter were a part of the approval. As a matter of fact, this second hypothesis prevailed. From this time on, the Superiors General of the Mission were considered as having authority over the Company, an authority sanctioned by papal intervention through the Legate. Fundamentally, what the Legate approved and confirmed was the reality which the Community was already living. Formulas sometimes throw us off the track because of their ambiguity and vagueness.

b) Will the Superior be able to add anything to the approved Statutes? Again, nothing was said, although here it was easier to think that such authority was supposed, provided it was not contrary to what had been established by the Pope. We will see also how quickly new elements were added to the Statutes approved by the Archbishop of Paris.

**6. Effects of pontifical approval.**

The results were satisfactory. The approval in itself had

a considerable juridical value. The Company now had the apostolic firmness with everything that the latter supposes both juridically and theologically. It does not seem that the Superiors General were very worried because there was no explicit mention of the authority of the Superior General of the Mission over the Company, nor were they concerned with what he could add to the approved Statutes when he deemed it necessary. In fact, Fr. Alméras, at the request of Sister Maturine Guérin, completed the draft of the Common Rules, which were published in 1672.<sup>25</sup> Likewise, Fr. Alméras initiated the definitive draft of the Statutes, which were published by Fr. Jean Bonnet in 1718.<sup>26</sup> If we compare the Statutes of 1655 with those of 1718, we become aware that the question is of a new and profound *re-elaboration*. At first sight they are not very similar, although a more profound analysis shows that they contain what had been established in 1655. New elements have been added, others were put in the Common Rules. The result is that in these Statutes are concentrated the norms referring to the government of the Company, elections, admission to the Community, vows, responsibilities of the offices, all of

---

<sup>25</sup>According to Fr. Nieto, it is probable that the Common Rules were completed in 1668. As a matter of fact, they were not published until 1672.

<sup>26</sup>As a final clarification, I copy the note which Fr. Bonnet placed at the end of the Statutes: "We, those who leave signatures below, Superior, officials . . . declare and certify that the general statutes of our Company previously written contain faithfully the order and conduct that has pleased God to establish through our venerable Founder, M. Vincent de Paul, . . . and through our worthy Mother and Founder, Louise de Marillac . . . that our Founders gave them to us written in *shortened form, have been explained and edited a bit more fully at our insistence*, by the care of Our Most Honored Father and Superior, Fr. Alméras, before his death and after being attentively re-examined by M. Jolly, his successor, . . . so that the future Sisters might be more fully instructed by this means about all the things that have been holly set up for the good order of the Company and to try to maintain always in force as very important for the maintenance of the primitive spirit. And to prevent any danger of change that may hover over the future. . . we have requested from Fr. Bonnet, our Most Honored Father and Superior, to sign them with his own hand and to seal them with his seal, as has been done. We also have signed them and sealed them with our ordinary seal . . . Paris, March 11, 1718. The signatures follow."

which happened once the nature of the Company had been determined.<sup>27</sup> From them it is quite clear that the Company is governed by the Superioress General with the Superior General of the Mission, without the intervention of any other authority. Thus the juridical text is fixed in thirty-five articles for everything regarding the transmission and functioning of the authority.

The question that arises is this: on what juridical title did the Superiors General base themselves for making this very profound and broad re-elaboration? The only possible reply is that the Superiors General were convinced that they had such authority and that this authority was based on the pontifical approval given by the Cardinal Legate.

#### *Superiors General of the Eighteenth Century*

Historians and jurists of the Company agree that during the whole of this century the authority of the Superior General over the Daughters of Charity was not discussed. It was a period of expansion of the Company and of apostolic and spiritual consolidation. This was the principal task to which the Superiors General dedicated their attention.

During the Generalate of Fr. Nicolas Pierron (1698-1703), Fr. Henin, Director General of the Sisters, with the approval of Fr. Pierron, published instructions about the vows. It was not a juridical document properly speaking, but a catechism for instructing the Sisters in the obligation they took upon themselves by making vows. The influence of this brief catechism was very great. New editions followed one after another in the course of the years, gradually increasing in content. In connection with obedience it stated that one of the Superiors whom they had to obey was the Superior General as the one who had the whole authority in the Company: "I vow to God poverty, chastity and obedience

---

<sup>27</sup>Cf. *Statutes*, no. 1 in *Documents*, I, p. 89.

the Superior General of the Congregation of the Mission  
 . . . .<sup>28</sup>

From 1711 to 1736, Fr. Bonnet directed and governed the Company. He has been considered as one of its legislators. In fact, in his time the particular law of the Daughters of Charity showed a great development. Not only the Statutes, which we have already discussed, have to be mentioned, but Fr. Bonnet was the one who established the Provinces of France, organized regular canonical visitations and sexennial Assemblies, and formulated the regulations of the Superioress General, Director General, the Econome, Dispenser, and Secretary. The norms regarding the administration of goods are also extensive.<sup>29</sup>

In the sphere of universal law nothing special happened regarding non-religious communities of women, except the Constitution *Quam iusto* of Benedict XIV of May 27, 1749. In it the Pope tried to do justice to the person and the idea of Mary Ward, but, according to canonists, at the same time traced the first juridical scheme from the non-religious communities of women. This in no way affected the Daughters of Charity. Moreover, his dispositions did not sanction what the Daughters of Charity were already living.<sup>30</sup>

### **Dispute over the authority of the Superior General over the Daughters of Charity in the Nineteenth Century**

During the French Revolution the Superior General, Felix Cayla de la Garde, had to leave France and after various adventures he settled down in Rome where he again took up

---

<sup>28</sup>*Instruction sur les vœux que les Filles de la Charité font après cinq ans d'épreuve en leur Communauté*, treating the formula of the vows and obedience. I used a photocopy of the original.

<sup>29</sup>*Genèse de la Compagnie*, pp. 36-39.

<sup>30</sup>Lemoine, *op. cit.*, p. 41 and p. 370; A. Gambari, "Institutorum saecularium et congregationum relig. evolutio comparata," in *Commentarium pro religiosis* (1950), 231ff.; Meyer-Huerga, *op. cit.* p. 131.

the direction of both Communities. He died in Rome, February 12, 1800.<sup>31</sup> The nineteenth century was the period when the most objections were raised against the authority of the Superior General over the Company of the Daughters of Charity, but at the same time this authority was reinforced.

*Period of the Vicars General of the Congregation of the Mission*

After the death of Fr. Cayla, the Congregation of the Mission was governed by Vicars General until the appointment of Fr. Pierre-Joseph Dewailly by Pope Leo XII in 1827. The first Vicar General was Fr. François-Florentin Brunet, who in a Circular Letter to the Sisters announced that he had been designated by Fr. Cayla and approved by the Pope to take the direction and government of the Daughters of Charity.<sup>32</sup> At that time, the Congregation of the Mission experienced internal problems which brought forth two Vicars General: one in Paris, and one in Rome. The Vicar in Paris was charged with the direction of the Daughters of Charity. Except for the group in Poland and the house in Spain, the majority of the Daughters of Charity resided in France. The French Vicars General, Frs. Brunet, Claude-Joseph Placiard, Dominique Hanon, Charles Verbert, and Charles Boujard, kept the government and the direction of the Sisters and Pope Pius VII recognized it.<sup>33</sup> They acted in the midst of extreme difficulties with absolute conviction

---

<sup>31</sup>Stafford Poole, *A History of the Congregation of the Mission, 1625-1843*, pp. 347ff. For the history of the Congregation of the Mission during this period the following may also be consulted: J. W. Carven, *Napoleon and the Lazarists* (The Hague: Martinus Nijhoff, 1974), pp. 125ff.; G. Perboyre, "La Congrégation de la Mission pendant la Révolution et sous l'administration des Vicaires généraux (1788-1827)" in *Annales de la Congrégation de la Mission*, Vol. 72 (1907); Vol. 73 (1908); Vol. 76 (1911); Vol. 77 (1912); and Vol. 78 (1913).

<sup>32</sup>*Circulaire des Supérieurs généraux* (Paris, 1854), Vol. II, p. 79.

<sup>33</sup>*Acta apostolica in favorem Congregationis Missionis* (Paris: Chamenot, 1876). Briefs of Pius VII, pp. 175, 186, 187, 188.

that they had the authority. On the other hand, there was not much opposition either inside or outside except during the term of Fr. Hanon, as we shall see.

### 1. Schism among the French Sisters

After all Communities had been suppressed in France on April 6, 1792, the Daughters of Charity were re-established practically on December 12, 1800, although the definitive decree of the Emperor was not given until November 8, 1809. The Congregation of the Mission was re-established on September 3, 1805. It was suppressed again on September 26, 1809. Even during the Generalate of Sister Antoinette Deleau some Sisters preferred to depend on the Archbishop of Paris, but nothing special happened during the lifetime of Sister Deleau. On Pentecost Sunday, 1804, Sister Déchaux was elected, and it was during her term as Superioress General that problems arose:

— On February 18, 1809, the Emperor issued a decree that all the congregations of women working in hospitals must adjust their Statutes to the general principles set forth in the decree. One of the general principles was that “the French government and the Gallican Church do not recognize any inferior authority independent of the bishops.”

— On March 24, the Sisters sent to the Ministry of Cult the Statutes of the Company, but the ones sent were those we know as the Statutes of Fr. Bonnet, that is, the Statutes of 1718. They were not accepted since they did not correspond to the general principles set forth in the imperial decree.

— On May 13, the Ministry was still waiting for the Statutes. Since they were not sent, it suspended the election of the new Superioress General. Since the election was not held, the office was taken up “ad interim” by Sister Beaudoin.

— On May 15, she presented the Statutes, but the Minister of Cult was not satisfied. He called Fr. Hanon and

showed him the King's Letters Patent of 1657 which showed that it was the Archbishop of Paris who delegated the power to St. Vincent and his successors. On May 17 it was forbidden, as a measure of precaution, to make vows, and the vows that were made were under the jurisdiction of the Archbishop. All this was done by the Minister of Cult. In exchange the Minister offered that Fr. Hanon be the delegate of the Archbishop of Paris, as laid down in the Statutes. After some hesitation he accepted. The Vicars of the diocese sent him the delegation on May 26.

— On May 29, Fr. Hanon wrote to Cardinal Fesch, accepting the delegation, but on the same day he wrote to the Episcopal Vicars saying that the delegation was only for the spiritual matters. He continued to be the Superior in all other matters. The Vicars extensively refuted the letter of Fr. Hanon.

— On June 10, the Superioress General asked that the Seminary Sisters be allowed to make vows since they had finished the time of trial.

— On June 13, the Minister answered by reducing the Superioress General to the office of Sister Servant. The Assistant took up the office of the Superioress until another one would be elected. In the meantime, the Minister discovered a copy of the Statutes of 1655 and showed it to the Emperor. In them there was talk of direction and government by the successors of St. Vincent, although granted by the Archbishop of Paris.

— On October 7, the Minister of Cult informed the Vicars of Paris and the Superioress of the Sisters (*ad interim*) that the Congregation of the Mission had been suppressed and that Fr. Hanon no longer had any authority over the Sisters. Moreover, Napoleon's mother, Madame Mère Letizia, would be their Protectress.

— On October 10, Fr. Hanon gave up the direction of the Sisters. He was first exiled, then imprisoned in Fenestrelle (Italy). From prison he encouraged the Sisters



who had left the Community or were expelled. He asked them never to leave the poor, but to help them in the hospitals as servants out of their personal initiative.<sup>34</sup>

— On November 8 the new Statutes were approved according to Napoleon's wishes. In these Statutes the authority of the Archbishop was confirmed and nothing was said about the Superiors of the Mission. Papal approval was not mentioned at all.

— On November 30 the new Statutes were sent to the Sisters along with a circular letter of the Episcopal Vicars. The latter sought to justify what had been done and added that the Statutes were in conformity with the wishes of St. Vincent.

— On December 10 a new Superioress General was elected according to the new Statutes, Sister Mousteyro (elsewhere her name is written as Moustirot).

— On January 4, 1810 Sister Mousteyro proposed a formula for making vows. In this formula the imperial Statutes were not mentioned.

— On January 30 the Episcopal Vicars gave her the formula they themselves had thought out. In this formula the Statutes approved by Napoleon were mentioned.

— On February 1 Sister Mousteyro wrote to the Episcopal Vicars informing them of her displeasure for what they did.

— On February 14 the Episcopal Vicars refuted the statements of Sister Mousteyro. On the same day, although bearing the date of February 15, Sister Mousteyro sent a Circular Letter to the Sisters saying that the formula was imposed upon her. She left them the freedom to do what they thought best, but she made it very clear that she did not accept such a formula for making vows. The Vicars reacted strongly against this Circular of the Superioress General.

— On April 3 Sister Mousteyro resigned from the office

---

<sup>34</sup>Taken from a note in Meyer-Huerga, *op. cit.*, p. 155, n. 6.

of the Superioress General. Her conscience did not allow her to continue. In the minutes of this act the Episcopal Vicars rejected some of the statements of the Sister: that she had been forced while, in fact, they had only given her good advice; on the other hand, they said that the new Statutes agreed with the "primitive" ones of the Company.

During this whole affair, Fr. Viguier, C.M., Director of the Sisters, was present. Fr. Viguier signed the acts of resignation and likewise signed the replies of the Vicars. Fr. Jean-Baptiste Etienne would qualify Fr. Viguier's way of acting as unfortunate in contrast to that of Fr. Hanon.<sup>35</sup> What took place afterwards, until 1814, was directed by the wishes of the Emperor, his Minister of Cult, the episcopal Vicars [Cardinal Fesch, Napoleon's uncle never became Archbishop of Paris], and the Sisters who accepted the new Statutes.<sup>36</sup>

The fall of the Empire and the release from prison of Fr. Hanon allowed him to do everything possible to heal the wounds. On January 1, 1815, he wrote a beautiful Circular Letter to prepare the Sisters to accept everything that had to be decided in order to end the schism. He spoke to them of peace, of how matters were going in Rome, of the plan to establish the Sisters in Ireland.<sup>37</sup> He repeated what he had said in another Circular Letter the previous June 25: "Forget

---

<sup>35</sup>J-B Etienne, *Notices sur le rétablissement de la C.M. après la Revolution de 1789* (Paris, 1870). Fr. Viguier was a missionary in Constantinople. Upon his return to France he wrote a Turkish grammar. "He had to expiate his culpable weakness with a feeling of rejection . . . which he was treated with by the majority of the Daughters of Charity." After the re-establishment of the Company he retired to a house of the Daughters of Charity in the parish of St. Sulpice. He died in 1821.

<sup>36</sup>I have collected all this data from a report of the Archdiocese of Paris entitled: *Des Soeurs de la Charité en 1809 et 1810*. The tendency of the report is to justify the attitude of the Episcopal Vicars, but I think that the data is objective.

<sup>37</sup>Interesting is the stipulation made by the Pope granting the establishment of the Daughters of Charity in Ireland after the petition of Msgr. Murray, Coadjutor Archbishop of Dublin: "Without prejudice to the rights which in each case belong to the Priests of the said Congregation [of the Mission]. Cf. *Circulaires des Supérieurs généraux*, Vol. II, p. 85.

everything past, keep absolute silence on what had happened, the same justice, the same respect, the same affection, the same kindness for all the Sisters without exception, whatever their former behavior might have been, their opinions and the way of expressing them.’<sup>38</sup>

In his Circular Letter of February 15 Fr. Hanon sent to the Sisters the Papal document nominating Msgr. D’Astros as Apostolic Visitor. The document stipulated:

- 1— That a General Assembly be held after a proper preparation.
- 2— That in it a new Superioress General be elected according to the Constitutions.
- 3— That all the rights of Fr. Hanon be fully respected; that he perform during the Assembly all the functions assigned to him by the Statutes: preside, propose the names of two Sisters for the Superioress General, receive the votes assisted by a Priest of the Mission, proclaim the one elected, confirm her, and sign the acts (art. 19-24 of the Statutes).<sup>39</sup>

Msgr. D’Astros informed the Sisters of his commission in a Circular Letter of February 20. In it he said that the Superiors General of the Mission would be again their proper Superiors.

With the intervention of the Pope by means of his Apostolic Visitor the schism was overcome. To the following Superiors belonged the difficult task of emphasizing the unity that had been lost in the Community. Fr. Hanon moved along this line in his Circular Letter of September 16, 1815.<sup>40</sup>

## 2. Schism among the Spanish Sisters

The Daughters of Charity came to Barcelona on May

---

<sup>38</sup>*Circulaires des Supérieurs*, Vol. II, pp. 83ff.

<sup>39</sup>*Ibid.*, Vol. II, pp. 90-92.

<sup>40</sup>*Ibid.*, Vol. II, p. 93.

26, 1790. From Barcelona they spread to various parts of Spain. The first house established in Madrid was "La Inclusa," founded September 3, 1800. The "Royal Novitiate" was inaugurated March 3, 1803. These two houses, La Inclusa and the Royal Novitiate, play a leading role in the events. The rest of the houses of the Sisters would naturally echo what happened there.

The causes of schism among the Spanish Sisters, according to the documents we possess, were: the excessive intervention of seculars in the foundation and the life of the Sisters, especially of some ladies of the Court who were members of the Association of the Ladies of Honor and Merit, especially the Ladies of Charity of Paris; the contractual bases which allowed their intervention — the Superiors were certainly opposed to them, but finally gave in; the spiritual direction given by priests who, although good and pious, did not know the spirit of the Daughters of Charity; the geographical distance of the Priests of the Mission who tried to serve the Sisters but were not always able to; the effort of the Ladies of Honor and Merit to reduce the intervention of the Missionaries strictly to the spiritual, leaving the Sisters too alone in the presence of the dominating spirit of the Ladies; finally, as an additional reason may be mentioned the personal ambition of the first Directress of the Novitiate who strove to become independent of the Missionaries because of the problem she encountered in her first appointment in the house of Reus and because she was spiritually more attuned to the direction of a secular priest with rigoristic ideas.<sup>41</sup> The combination of all these causes created a profound division. On the one side

---

<sup>41</sup>P. Vargas, *Historia de las Hijas de la Caridad en España*. This work has not been published. There are some twelve volumes, some handwritten and others typed. It is kept in the archives of the Vincentian Provincial House, Madrid. It is a well documented work. I used it for my study of this part. Cf. also, Nieto, *op. cit.*; L. Daydi, *La Bienaventura Luisa de Marillac y las Hijas de la Caridad* (Madrid, 1920), appendices; N. Mas, *Origen de las Hijas de la Caridad en España in Anales de la Congregacion de la Mission* (Spanish) (1977-1978).

there were the Ladies of Honor and Merit with the secular priest confessors of the Sisters and some Sisters of the Royal Novitiate; on the other, the Priests of the Mission and some Sisters, mainly from La Inclusa. Ecclesiastical authorities and the King also intervened as arbiters in this conflict.

In order to understand better the course of the events we must distinguish two periods: the first period from 1804 to 1814 in which the separatist Sisters placed themselves under the jurisdiction of Cardinal de Borbón, Archbishop of Toledo, and the period from 1814 to 1818 during which the Superior of the separatist group was the Patriarch of the Indies, Msgr. Francisco Antonio Cebrián.

#### 1804-1814

The first thing the Cardinal of Toledo did was to order a canonical visitation of the Sisters, with the consent of the King; nothing was done without the King's order. The result of the visitation was as follows:

— There were contradictions among the various articles of the contract agreed upon. In order to eliminate these contradictions it would be best for the whole affair to be submitted to the jurisdiction of the Cardinal Archbishop of Toledo: works and persons, Sisters, Priests of the Mission, and diocesan priests.

— That Fr. Murillo, C.M. and the secular priest D. Thomás Alfageme be separated from the Sisters as the main causes of division among them.

— The need of drafting new Constitutions because the ones drafted and formulated by Fr. Alméras were not suitable for the government of these Communities. Thus the Sisters would not need the Priests of the Mission. Secular priests would be enough, like the Franciscan and Dominican Sisters did not need either Franciscans or Dominicans.

A decision was made to draft the Constitutions. A commission was appointed consisting only of secular priests, although they were to hear, if thought appropriate, the

Superioress of the Sisters and the President of the Ladies of Honor and Merit, Marquesa de Trullás, the great schemer in the whole affair. The drafters were faced with the question whether the Constitutions would be obligatory for all the Daughters of Charity in Spain or only for those in Madrid. They consulted the bishops of the diocese where there were Sisters. Their replies differ: one said that he was not very well acquainted with the matter and accepted what the Cardinal would do. Others also accepted what His Eminence would do, but they made some observations. The Bishop of Lérida, undoubtedly advised by the *Missionaries*, declared his opposition, alleging all the documents known till that time: the approval of the Archbishop of Paris and of Cardinal Vendôme, as well as the positive results of the direction by the *Missionaries*.

The President of the Ladies of Honor and Merit, Duchess de Osuna, was also consulted — the Marquesa de Trullás had fallen into disgrace with the King and had been exiled from the Court. The Duchess de Osuna was opposed to drafting new Constitutions. The Commission continued its work but the political events of the War of Independence did not allow much progress.

#### 1814-1818

The division among the Sisters continued, and so did the intrigues and efforts of both sides to achieve each its own objectives. It happened that some of the Sisters asked for the renewal of vows from the Archbishop, and the others from the Superiors of the Congregation of the Mission. The situation was becoming more and more unbearable.

Cardinal de Borbón, Archbishop of Toledo, was obliged to leave Madrid and return to his See on account of his support for Napoleon. With the consent of the King, the dissident Sisters chose the Patriarch of the Indies, Msgr. Francisco Antonio Cebrián. He urged the King to turn to the Pope in order to solve the question. In fact, Pope Pius VII

issued the Bull *Misericordiae studium* by which he completed the division between the Daughters of Charity, entrusting the separatist group to the jurisdiction of the Patriarch of the Indies. The Bull was dated March 26, 1816. It decided:

- 1— That the Sisters would no longer depend on the Superiors of the Mission, but that they should recognize the authority of the Patriarch and his successors.
- 2— That only one novitiate should be erected in Spain for the Daughters of Charity and that the Sisters coming from this novitiate should found future houses of the Daughters of Charity in Spain.
- 3— That the Sisters who still accepted the authority of the Vicar General of the Congregation of the Mission might, within a year, renounce it and subject themselves to the jurisdiction of the Patriarch of the Indies.
- 4— That he approved the appended Constitutions.

Obviously, unlike the French schism, which was never sanctioned by the Pope, the schism in Spain was ratified by the Bull *Misericordiae studium*.<sup>42</sup>

In 1816, the new wife of King Ferdinand VII, Isabel de Braganza, came into contact with the Daughters of Charity of La Inclusa, that is, the Daughters who continued in their fidelity to the Superiors of the Congregation of the Mission. She recognized the situation, the division sanctioned by the Pope after the petition of her husband the King. The Sisters, the Council of Ladies, and the Vicar General of the Congregation of the Mission in Spain<sup>43</sup> believed that they

---

<sup>42</sup>The text of this Bull can be seen in Meyer-Huerga, *op. cit.*, p. 213 and in the *Bullarium romanum* (1846), among the acts of Pius VII of 1817. I do not enter into details of the Constitutions. It made them truly religious, with the proper rite for taking the habit and the profession of vows. The mind of St. Vincent about the Daughters of Charity was completely falsified.

<sup>43</sup>The title of Vicar General was due to the circumstances of the Congregation of the Mission in France and in Spain, especially political. It was

could have recourse to the favors of the Queen in order to remedy the regrettable division. They went into action and asked the Queen to be their "Superioress General."<sup>44</sup> The Queen accepted, and when she found the opportunity she asked her royal husband to have recourse to the Pope that he might retract what had been laid down in the Bull *Misericordiae studium*. So it was done and on June 22, 1816, Pius VII, with the Brief *Postquam Superiori*, restored the unity of the Daughters of Charity in Spain. The title of the Pontifical Brief was: *Exemption of the Daughters of Charity from the Patriarch of the Indies, who remain subject to the jurisdiction of the secular Priests of the Mission of St. Vincent de Paul in Madrid*. In the text it was said: "With the fullness of our apostolic authority we exempt and free all and each one of the Daughters of Charity, their society and the houses in Spain from all jurisdiction of the patriarch of the Indies and from any other authority, and, freed and exempted from any jurisdiction, we subject them to the full jurisdiction and obedience, superiority and dependence of the current Vicar General of the secular Priests of the Mission of St. Vincent de Paul, entirely and forever."<sup>45</sup>

From the juridical point of view, this was the first time that the term jurisdiction was used, leaving aside the much more vague expression "direction and government." Therefore, it has a special value for qualifying the will of the Roman Pontiff regarding this question of the authority of the

---

granted by the Nuncio Gravina and confirmed by Fr. Sicardi, Vicar General of the Congregation of the Mission in Rome. Cf. B. Paradela, *Resumen histórico de la C.M. en España* (Madrid, 1923), p. 243. Until 1956 Spanish Visitors were at the same time Directors of the Daughters of Charity.

<sup>44</sup>We cannot say that it was a mere honorary title of high protection. As a matter of fact, she chose her "substitute" from among those presented by the Vicar General of the Congregation of the Mission. She also appointed a Superioress. Why so? There is nothing strange in this, keeping in mind the notion of royal power at that time.

<sup>45</sup>Meyer-Huerta, *op. cit.*, p. 258. It gives the text of the Papal Brief in Latin and Spanish. The Spanish translation is somewhat free.



Superior General over the Company of the Daughters of Charity. The Brief *Postquam Superiori* did not explicitly nullify the Constitutions approved in the Bull *Misericordiae studium*. For this reason, on November 30, 1818, Pius VII issued another Brief, *Quae nobis*, in which he repealed the new Constitutions and ordered that the Rules given by St. Vincent de Paul be observed and that nothing should be changed in the government of the Daughters of Charity in Spain.<sup>46</sup>

#### *Claims of the Bishops over the Daughters of Charity*

Following an anonymous study, entitled: *Note relative à la juridiction des Evêques sur les Filles de la Charité, 1880*, we can distinguish:

- 1— Claims regarding jurisdiction in general.
- 2— Claims regarding the appointment of confessors.
- 3— Claims regarding the property and houses of the Community.

#### **1. Claims of the Bishops regarding jurisdiction in general.**

To the pontifical dispositions which recognized the authority of the Superior General of the Congregation of the Mission over the Company of the Daughters of Charity which we already know we can add those given by Popes Leo XII and Gregory XVI.<sup>47</sup> In spite of all these declarations of the Roman Pontiffs, various claims of the bishops came up.

In 1836, Fr. Guerini, Procurator General of the Congregation of the Mission, presented, in the name of the Superior General, a memorandum in which he explained the juridical situation of the Daughters of Charity. The purpose of his paper was to acquaint the Congregation of the Bishops

---

<sup>46</sup>*Ibid.*, p. 360.

<sup>47</sup>*Acta apostolica in favorem C.M. (AACM)*, p. 191; *Circulaires*, Vol. III, p. 35 and 569.

and Regulars with the thinking of the Superior General of the Congregation of the Mission regarding this matter so that they might recall it when solving the cases which, undoubtedly, would be presented, or had been presented already. In fact, Fr. Guerini began with the words: "Since some questions already communicated to the Procurator General of the Congregation of the Mission are to be discussed before the Sacred Congregation of the Bishops and Regulars, he believes it to be his duty to propose to the Superiors some clarifications regarding the question they are going to discuss." He set forth four questions, which he then reduced to one: "The four propositions, in the whole context, can be reduced to only one, formulated as follow: *Whether and in what way the Institute of the Daughters of Charity of St. Vincent de Paul is subject to the jurisdiction of the Bishops?*" There was no official answer to these questions, but it seems that the information had salutary effects on the questions presented to the Roman Congregation.<sup>48</sup> Shortly before the beginning of the First Vatican Council (1869-1870), Archbishop Manning of Westminster asked the Pope that the Daughters of Charity be considered as religious. During the Council some of the bishops proposed that the Daughters of Charity be withdrawn from the authority of the Superior General and be subject to the bishops. The proposal was not studied.<sup>49</sup> Informed of these plans, Fr. Etienne sent to the Fathers of the Council a memorial regarding the Daughters of Charity in which he thoroughly explained and defended the autonomy of the Company regarding the bishops and the evils which would follow if they were subjected to them. In an appendix he explained the vows of the Daughters of Charity and their

---

<sup>48</sup>V. Czaplá, *De iurisdictione ad excipiendas confessiones Puellarum Caritatis S. Vincentii a Paulo* (Rome, 1957), p. 83.

<sup>49</sup>The proposition was worded as follows: "An seiungendae sint Puellae Caritatis a potestate Superioris generalis C.M. et ad episcopalem iurisdictionem reducendae."

nature. In his argumentation Fr. Etienne used the pontifical documents we already know.<sup>50</sup>

These claims of the bishops demonstrate that not everything was clear. If some of the propositions supposed the existence of the authority of the Superior General of the Mission over the Company of the Daughters of Charity, it seems that they considered it without solid foundation. Hence they asked that it be withdrawn and substituted by the authority of the bishops. On the other hand, two issues arise: even supposing the authority of the Superior General over the Daughters of Charity, there is still the question of its extent which, in the last analysis, raises the question of the exemption of the Daughters of Charity. If the first one is clear in the pontifical documents, the second, and even less its consequence, namely, the exemption of the Daughters of Charity, is not so clear. It was to take quite a few years to resolve this question definitively.

## 2. **Claims regarding the appointment of confessors for the Daughters of Charity.**

This question is as old as the Company of the Daughters of Charity. Cases were repeated in every period since their foundation. The question has been studied in detail.<sup>51</sup> In order to put an end to so many claims, Fr. Fiat turned to Pope Leo XIII, in 1882, to clarify the relations between the authority of the bishops and the Daughters of Charity. Fr. Fiat began as follows: "Some local Ordinaries, misled by inexact information, think that the authority over the houses of the Daughters of Charity which rightly belongs to the Superior General belongs to them and try to interfere with their internal government, or make visitations either themselves or through delegates, appoint for them diocesan

---

<sup>50</sup>*Memoire relatif aux Filles de la Charité.*

<sup>51</sup>J. Fernández, *De confessariis Filiarum Caritatis* (Madrid: Studium, 1957); Cf. also, Czapla, *op. cit.*

superiors, appoint ordinary and extraordinary confessors either from the secular or regular clergy . . .” Fr. Fiat simply asked that nothing be changed: “That the Holy Father may again declare that there is no place for changing anything in the government of this pious Society which existed from the beginning and is still in force.” The Congregation of Bishops and Regulars replied on July 8, 1882: “Nothing is to be changed in the government of the Daughters of Charity which, according to pontifical indults, belongs to the Superior of the Mission.”<sup>52</sup>

### 3. Claims of Bishops concerning the property, houses, etc. of the Daughters of Charity.

The petition of Fr. Fiat and the reply of the Sacred Congregation of Bishops and Regulars included these aspects as well. But we know that in the time of Fr. Etienne some bishops presented their claims. Such is the case of Bishop Alemany of San Francisco who, in 1874, went to Rome in order to be assured of his right. The Roman reply was that bishops should leave the Daughters of Charity alone. Pius IX recognized that they are not religious and therefore are not bound by the prescriptions of religious.<sup>53</sup> The same reply was given to the Bishop of Chile who wanted to demand the canonical examination from an aspirant to the Daughters of Charity. The Visitor (Director) yielded, but Fr. Etienne was strongly opposed: “We must obey the bishops, but not beyond their rights against the rights of the Superior General and the autonomy of the Company.”<sup>54</sup>

The cases we have quoted are not the only ones; they

---

<sup>52</sup>*Genese de la Compagnie (1633-1968)*, pp. 69-72; *Collectio privilegiorum et indulgentiarum quae Sancta Sedes Congregationi Missionis benigne concessit* (Paris: 1900), pp. 46-61. The petition of Fr. Fiat and the Roman reply were published in 1933 by the Spanish Bishops under the title: *Situación canónica de las Hijas de la Caridad de S. Vicente de Paul* (Madrid, 1933).

<sup>53</sup>Note relative, p. 12; *Documents concernants*, p. 43.

<sup>54</sup>Note relative, p. 11; Meyer-Huerta, *op. cit.*, p. 175.

simply demonstrate the problem regarding jurisdiction in general, and, in particular, regarding the confessors, the property, and other aspects of the life of the Daughters of Charity. If the problems diminished with the Roman interventions and the authors in Canon Law became aware of the peculiar situation of the Daughters of Charity and their relation to the Superior General of the Congregation of the Mission, it must be said that the problem was not wholly resolved. Always the former situation was restored: *nothing is to be changed*, as Pope Leo XIII said, or, "They are not religious," as Pope Pius IX said. It was a peculiar situation which logically gave rise to doubts. In 1890, Pope Leo XIII promulgated the decree *Quemadmodum* (December 17, 1890). In this decree the Pope ruled that the freedom of persons must be respected regarding confession, spiritual direction and communion, and maintained the teaching concerning confessors as laid down in the Council of Trent (Sess. 25, c. 10, de regul.) and the dispositions of Pope Benedict XIV in the Constitution *Pastoralis curae* (August 5, 1748). Fr. Fiat hastened to ask the Sacred Congregation of Bishops and Regulars whether the decree also included the Daughters of Charity. The reply given by Cardinal Verga, Prefect of the same Congregation, was that it does include them, however, "keeping in mind their institution, the declarations and privileges, especially of Pius VII and Leo XII, confirmed by Leo XIII on June 25, 1882." The publication and vigilance concerning the decree was entrusted to the Superior General of the Congregation of the Mission, either in person or through the Visitors, except in case of apostolic delegation given to the local Ordinaries in case of negligence on the part of the Superiors of the Congregation of the Mission.<sup>55</sup>

The nineteenth century was an interesting one: the

£

---

<sup>55</sup>*Enchiridion de Statibus perfectionis* (Romae, 1949), p. 227; *Circulaires aux Filles de la Charité*, 24.4. 1891.

French and Spanish schisms, the claims of the Bishops, the reaction of the Superiors General, and the interventions of the Holy See had demonstrated on the one hand the weak points of the question of jurisdiction of the Superior General, but on the other hand had strengthened the practice and, above all, created an environment and improved the field so that the question could be juridically and definitively fixed and clarified in the twentieth century.

**The authority of the Superior General of the Mission over the Daughters of Charity is definitively established and juridically clarified.**

In the twentieth century the question was resolved definitively in all its aspects in accord with the traditional practice and the dispositions of the Holy See. The time of juridical maturity had come. The moment was favored by the development of canon law regarding communities of women, the development of the particular law of the Company, and, above all, by the promulgation of the Code of Canon Law.

*The Code of 1917*

Among the novelties raised by the Code of 1917 was Title XVII in which norms were given for Communities of Common Life without vows. This title had been given to Communities which, while imitating the way of life of religious, were not religious because they did not make either solemn or simple vows. The Daughters of Charity were included in the legislative framework. It was the first time they entered into the common norms. Title XVII afforded a certain flexibility, but there is no doubt that it intended, at least in certain aspects, to make Communities of Common Life without vows the same as religious communities. Later legislation would only intensify this tendency.

Fr. François Verdier, the Superior General, hastened to communicate to the Daughters that the Code did not make

them religious, although it included them in the second part of Book II which dealt with religious. The Code, Fr. Verdier continued, respected the Constitutions because, thank God and the wisdom of the Founder, they were not contrary to its dispositions. Customs were likewise preserved; the privileges, however, were subject to new decisions of the Holy See. The letter of the Superior General also spoke of other matters: vows, canonical visitations, appointment of Directors, the rights of the bishops in case of negligence on the part of Superiors and their rights to visit churches, chapels, everything belonging to worship, legacies and foundations. He told them that "the Superior of the Company will continue to be, as from the beginning, the Superior of the Congregation of the Mission."<sup>56</sup> This was recognized in canon 500, § 3. The Secretariate of the Sacred Congregation for Religious, in a communication dated October 17, 1946, reiterated and confirmed that the authority of the Superior General over the Daughters of Charity continued to be valid.

#### *The Constitutions of 1954*

After the publication of the Code of 1917, the Sacred Congregation for Religious ordered that Constitutions of Communities be adjusted to the norms of the Code.<sup>57</sup> Within the Double Family of St. Vincent this task proceeded slowly. On May 4, 1950 the first draft for the Daughters of Charity seemed to be complete and was transmitted to the Community and the Sacred Congregation for Religious for evaluation and corrections. Further revisions were made. In January 1953, Fr. William Slattery, the Superior General, while congratulating Cardinal Valerio Valeri for his nomination as Prefect of the Congregation for Religious, asked him for his interest in the Constitutions of the

---

<sup>56</sup>*Genèse de la Compagnie*, pp. 78-81.

<sup>57</sup>AAS, (1918), 290.

Daughters of Charity. On June 1, 1954, Cardinal Valeri signed the decree of approval of the Constitutions of the Company.

Obviously, there were difficulties in achieving the definitive text of the Constitutions, but this is not the place to study the whole process of its formulation or to evaluate the whole text. Nevertheless, following the theme with which we are concerned, we have to say that there was no difficulty with regard to the authority of the Superior General. Art. 105 stated: "The direction of the Company of the Daughters of Charity belongs to the Superior General of the Congregation of the Mission, to whom all Daughters of Charity owe obedience by reason of their vow." It continued: "The aforesaid Superior General has over them a double power: dominative power and jurisdiction, according to the norms of Canon Law and the Constitutions."

This latter part resolved the problem about the nature of the power of the Superior General over the Daughters of Charity. It stated clearly that he enjoyed the power of jurisdiction as well as dominative power. It was the first time that the language was juridically clear under this aspect. Other articles of the Constitutions collected the most important faculties which the Superior General enjoyed in the government of the Company of the Daughters of Charity.<sup>58</sup>

#### *Revision of the Constitutions after Vatican II*

The decree *Perfectae Caritatis* ordered the revision of the constitutions of religious and other legal or customary bodies. By means of his *Motu Proprio Ecclesiae Sanctae* of August 6, 1966, Paul VI gave the norms for implementing the revision.

Within the Company of the Daughters of Charity assemblies were devised to discuss and decide matters

---

<sup>58</sup>*Constitutions of 1954*, arts. 111, 113, 114, 119, 141, 169, 174. Cf. also, F. Contassot, *Commentaire des Const. des Filles de la Charité de S. Vincent de Paul*, 1958.



concerning the life and work of the Community. The General Assemblies of 1968-69 and 1974 formulated some provisionary and experimental Constitutions; the Assembly of 1979-1980 established the definitive text, which was submitted to the Holy See and approved, on February 2, 1983, by Msgr. Meyer, Secretary of the Sacred Congregation for Religious and Secular Institutes.

These approved Constitutions give the final statement on the position of the Superior General.<sup>59</sup> "The Superior General of the Congregation of the Mission is also the Superior General of the Company of the Daughters of Charity. This is the disposition since the beginning and expressly asked for by St. Louise who saw in it the most adequate means to preserve the identity and vitality of the Vincentian spirit in all circumstances of time and place." (C. 1. 14.) She willed the Company to be subject to the authority of the Superior General of the Congregation of the Mission, the successor of St. Vincent. "The Daughters of Charity see and accept in the Superior General the representative of God helping them to maintain their own spirit and to fulfill their mission in the Church." (C. 2. 27)

Therefore, the Superior General has over the Daughters of Charity dominative power and jurisdiction. With the consent of the Superioress General and her council he determines the date and place for General Assemblies, over which he is to preside. When necessary, he is to supervise the election of a Superioress General. He also must preside over General Councils, either personally, or through the Director

---

<sup>59</sup>I do not have sufficient data to know how the Assemblies studied and debated this topic. From the summary of the postulata sent to the General Assembly of 1979-1980 it can be gathered that the majority of the Provinces did not wish substantial changes. Some asked that in some way some participation should be given to the Sisters in the election of the Superior General. Fewer desired that some faculties should be transferred from the Superior General to the Superioress General. I believe that only one Province asked that a study should be conducted on what would happen if the Superior General should not have either dominative power or jurisdiction over the Company of the Daughters of Charity.

General of the Daughters of Charity, or, in the absence of both, through a specified delegate. This representation is required for the validity of the Council meetings. After consultation on the appropriate level, the Superior General appoints the necessary Vincentian Directors of the Daughters and Visitatrices of the various Provinces of the Company, and he confirms those appointed to various offices with the Company. Moreover, the Superior General is also the competent authority in everything concerning vows: admission to vows, renewal of same, or dispensation from them.

These and other areas of the Constitutions codify the position of the Superior General relative to the life of the Company of the Daughters of Charity. Finally, it must be said that the elements of the governance of the Daughters of Charity which history has proved to be original and good, the shared complementary authority between the Superior General of the Congregation of the Mission and the Superioress General of the Daughters of Charity, has benefitted both the Double Family and the Universal Church.



*Let us adore and love always the ways of Divine Providence, the sole and unfailing assurance of the Daughters of Charity.*

St. Louise de Marillac

*Since the Company is the work of the Holy Spirit, it is necessary that it be animated by Him and that each member be filled with Him. For this, all must strive. Let us endeavor to live according to that Spirit and to act according to His operations in order to deserve the grace of His blessing upon our employments; otherwise, we deceive the world.*

St. Vincent de Paul

*Oh, my dear Sisters, how good it is to entrust all one's affairs to Divine Providence! It is one means of possessing peace of heart.*

St. Louise de Marillac



*I cannot express to you my joy at the disposition God gives you to make your oblation in the Company without any reservation, with indifference for all the countries of the world, and with total submission to holy obedience which is the Will of God made known to you through your Superiors.*

St. Vincent de Paul

*A weather vane is not less subject to air currents than the mind of man to exterior agitations which draw him now to one thing, again to another. God permits this to test the good and to make them cleave more strongly to Ēim. Blessed are those who submit to his guidance, trusting His goodness and remaining peaceful amid these storms!*

St. Vincent de Paul.