PARTITION AND AMALGAMATION AMONG WOMEN'S RELIGIOUS INSTITUTES IN AUSTRALIA, 1838-1917

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A number of women's institutes in Australia provide illustrating examples of the nineteenth century evolution – often with accompanying conflict – in the canonical approach to, and methodology for, recognition and approval of new such institutes.[1] The first to come to Australia was that of the Irish Sisters of Charity founded in Dublin in 1815 by Mary Aikenhead with the episcopal approbation and active support of Archbishop Murray. They arrived in Australia in 1838 as a centralised congregation with simple vows approved in Rome in 1833. It is of relevance here that religious institutes at this time in both Ireland and Australia received papal approbation through the Sacred Congregation of Propaganda Fide, not the more usual route of the S.C. of Bishops and Regulars.[2]

The approval of these Sisters of Charity at Roman level, while refused solemn-vow status as *moniales*, or nuns, and with a centralised form of government, was a recent development in Roman policy, though foreshadowed in the document, *Quamvis iusto*, of Pope Benedict XIV. This was issued in 1749 as a specific reply to a community of Mary Ward's institute and was occasioned by its dispute with the Bishop of Augsburg.[3] The dilemma that Mary Ward

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[1] This century-long process is traced in detail by Francis J. Callahan, *The centralization of Government in Pontifical Institutes of Women with Simple Vows* (Rome: Pontifical Gregorian University, 1948).

[2] The Sacred Congregation of Propaganda Fide was established in 1622 to deal with the affairs of countries where the rulers were no longer Catholic and of overseas countries regarded as foreign mission territory. It became a very powerful agent of Roman policy. In 1908, with the creation of the Sacred Congregation for Religious, its jurisdiction became more limited, especially with regard to religious institutes.

[3] On the origin and later difficulties of this institute, see Mary Wright, *Mary Ward's Institute: The Struggle for Identity* (Sydney: Crossing Press, 1997). This book is based closely on her 1991 doctoral

(1585-1645) faced was essentially located in her quest for full canonical recognition as religious (*moniales*) while retaining a centralised form of government for her institute, which she sought to base on the model of the then recently founded Jesuits. This proved incompatible with the traditionally held and also recently re-affirmed nature of female religious life as legislated at the Council of Trent and reiterated by Pius V in his 1566 constitution *Circa pastoralis* on enclosure for nuns. Each community of nuns was autonomous under its ecclesiastical superior; enclosure did not permit travel between branch houses. *Quamvis iusto* allowed a measure of centralisation, while in no way according full religious status. The nineteenth century was to see the gradual resolution of this dilemma as simple-vows came to be canonically recognised at papal level.

Historically, in the wake of the 1215 Fourth Lateran Council, only those with solemn vows came to be recognised as religious; henceforth, solemn vows - that is, public vows legally upheld - established the religious state, just as a solemn public vow had come legally to establish the married state.[4] To women with solemn vows there became attached, with the 1298 papal decree, *Periculoso*, of Boniface VIII, the inviolable requirement of enclosure. This legislation, foreshadowed in practice from the earliest monastic communities and already prescribed in earlier thirteenth century cloister stipulations for the Cistercian nuns and Poor Clares, was restated at the Council of Trent.[5] Hence, while orders of men were centralising from the high Middle Ages, the obligation of enclosure meant for nuns the retention of autonomous communities, as nuns could leave their enclosure only under specific extraordinary circumstances, such as fire or plague (or, for an abbess, to render feudal homage and fealty for the monastic lands for which she was

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thesis in Canon Law at Saint Paul University, Ottawa, titled 'The Canonical Development of the Institute of the Blessed Virgin Mary'.

[4] On the historical and canonical evolution of public approbation of religious institutes, see Clement R. Orth, *The Approbation of Religious Institutes* (Washington DC: Catholic University of America, 1931). This thesis remains a respected authority; see, e.g., Donatus A. Ogun, *Foundation and Erection of an Institute of Consecrated Life* (Rome: Pontifical Gregorian University, 2001). This doctoral study in Canon Law, undertaken under the direction of the noted canonist Gianfranco Ghirlanda, traces, like Orth, the history of approbation from the patristic era onward. Ogun frequently quotes and endorses Orth's work.

[5] On the history of enclosure (or cloister), see James Cain, *The Influence of Cloister on the Apostolate of Congregations of Religious Women* (Rome: Pontifical Lateran University, 1965). See also Elizabeth Makowski, *Canon Law and Cloistered Women: Periculoso and its Commentators, 1298-1545* (Washington DC: Catholic University of America Press, 1997).

responsible).[6] Each community was directly subject to an ecclesiastical superior – either episcopal or regular, or his appointed delegate – this forming its part in the chain of ecclesial authorisation dating from patristic times for those women recognised as religiously dedicated.[7] From the Council of Chalcedon in 451, the approbation of the local bishop was required for the legal establishment of a monastery; hence, the bishop or his delegate was automatically ecclesiastical superior.[8] From Lateran IV, papal approbation was required and, as we have seen, the pronouncing of public, that is in the legal terms of the time, solemn vows. The communities of nuns attached to the new mendicant orders – Franciscans, Dominicans and others – were usually subject to higher superiors in these orders as their ecclesiastical superiors.

Simple vows of religion, on the other hand, were considered private, of non-legal status, even when taken by long-standing communities.[9] Just as enclosure for women drew its practical model from the normal living circumstances of the high-born women who, in the Middle Ages, formed the choir members of monastic houses, medieval and later women with simple vows – usually of humbler status, but were also of the new, enterprising bourgeoisie – observed the social protocols binding women of their class; these allowed a greater relative freedom of both movement and employment.[10] While not recognised canonically as religious, these women lived religiously motivated celibate lives, either singly or in communities, and were a spreading phenomenon in thirteenth and fourteenth century western Europe.[11]

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[6] Ibid., pp.133-6.

[7] See, e.g., references in *The Rule of St Augustine*, translated by Raymond Canning (London: Darton, Longman & Todd [1984] 1996), pp. 32, 81.

[8] Orth, p.11; Ogun, pp.14-15.

[9] Michel Dortel-Claudot, 'De evolutione status canonici institutorum religiosorum a votis simplicibus a saeculo XVI usque ad novum Codicem', *Periodoca de Re Morali, Canonica, Liturgica*, Vol.74, 1985 (Rome), pp.439-58. Prior to certain monastic communities, in their particular feudal circumstances, beginning by the twelfth century the practice of solemn public vows, the vows or other forms of stated obligation of religious communities were 'in house', hence private or simple in the terminology of the time. Solemn religious vows were comparable to solemn feudal oaths, by which the oath-taker was legally bound. These distinctions are related to the development, from the eleventh century, in the range and formulation of both canon and civil law.

[10] Aristocratic women lived, for the most part, in castles and other domains protected by walls and moats; restricted by social givens, they were not seen in common thoroughfares. Choir nuns were so-called, in distinction from the mostly non-literate lay sisters, because they recited the Divine Office.

[11] They were known by various names, e.g., Beguines in the Low Countries, Bizzocche or Mantellate in Italy, Beatas in Spain; many did not formally take vows. This movement was augmented by many tertiary individuals and communities attached to the mendicant orders founded at this time.

With the general emergence of new religious emphases and initiatives which marked the Reformation era and in a now changing social context, many of these groups dating from medieval times diminished or disappeared, but similarly inspired communities were to reappear in the Counter-Reformation period. These relied for their corporate recognition on the approbation of local bishops, who as the authorising agents could also dispense from their simple vows.[12] In the course of the eighteenth century, many of these communities sought and received commendation from Rome because of their apostolic work, but were specifically debarred from approbation as religious institutes since their work precluded acceptance of the restrictions of enclosure. The first canonical recognition, beyond a valued commendation, accorded to such a simple-vow institute was given in 1816 to the Sisters of Charity of Jesus and Mary in Ghent;[13] however, it still did not fully confer the legally and socially understood status enjoyed by solemn vows.

These newly emerging groups were uncloistered and hence relatively free to adopt the form of organisation best suited to their apostolic works. Some spread as independent communities, some in a centralised network. Their basic charter of establishment, as seen, rested with the local bishop. If a centralised group spread to another diocese, it either became an independent entity centralised there or preserved its original network and centre of operation through agreement between the bishop where the mother house was located and the bishop or bishops into whose territory it was proposed to extend the network. It became a general understanding that the bishop of the mother house remained the ecclesiastical superior, if accepted by the other bishops concerned.[14] Following the first Roman approbations of simple-vow institutes in the earlier nineteenth century, many of those previously established sought such endorsement while, in the course of the century, hundreds of new such institutes were founded, especially by women.

Following the cataclysm of the French Revolution – and, in particular its abolition of the legally binding nature of solemn vows [15] - these understandings

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[12] Among the best known of these are the Daughters of Charity of St Vincent de Paul, founded in France in 1633, but there were many others.

[13] Callahan, p.44.

[14]Ibid., p.48.

[15] From the early Councils of the Church, canonical legislation with public effects was upheld in civil law, e.g., in the Codex of Civil Law of the Emperor Justinian which became the basis of the development of civil law in western Europe. (Orth, p.16; Ogun, p.20) Thus a person with a solemn vow of chastity could not legally marry; a solemn vow of poverty, upheld in a civil court, prevented

were to undergo a radical shift in the course of the coming century. New policies, evolving in Rome, took time and experience to shape and, meanwhile, the old understandings died hard, both on the part of individual bishops – not always kept abreast of canonical developments - and of institutes themselves. From this time on also, Rome became increasingly reluctant to grant solemn-vow status to any new institute,[16] as modern nations, not only France and the non-Catholic governments of Europe but the newly founded United States of America, accorded no endorsement to canonical legislation. As we have seen, female religious life was introduced in Australia in 1838, when these newly developing ideas were taking definitive shape.

Hence it was that the recently approved Irish Sisters of Charity came to Sydney as a simple-vow, centralised institute whose mother house was in Dublin and whose ecclesiastical superior was Dublin's Archbishop Daniel Murray. Bishop John Bede Polding, the Vicar Apostolic in Sydney, was an English Benedictine with the dream of an abbey-diocese for the vast, undeveloped, remote from Europe and problem-rent area for which he was responsible.[17] He felt that these Sisters, as a canonically non-exempt, simple-vow institute, should be under his own authority as ecclesiastical superior.[18] In 1842, on a visit to Rome, he obtained the formal establishment of the Catholic hierarchy in Australia and his own recognition as Archbishop of Sydney with two newly created suffragan sees. At the same time, he also secured a papal brief for the detachment of the Charity Sisters in his diocese from their Irish mother house. This step was not revealed to them until 1847 when a conflict led to the departure of three of the original Sisters for Hobart, where they were

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legal ownership. Because simple vows had no legal status, marriage and independent acquiring of property were considered illicit if a dispensation had not been obtained, but not legally invalid. Those with simple vows retained ownership of inherited or previously held property.

[16] Orth, p.66.

[17] It will be remembered that the first British settlement made in Australia (1788) had for its main, though not sole, purpose a destination for transported convicts no longer able to be sent to the American colonies which had recently broken away from British rule.

[18] The idea of exemption from episcopal jurisdiction goes back to the 7th century, from which time some monasteries, either because of a dispute with their local bishop or for greater standing, sought reliance on direct papal jurisdiction. This was accorded by Rome to the new centralised mendicant orders of the 13th century which in their preaching ministry would necessarily cross diocesan boundaries and was effected by the appointment for each of a Cardinal Protector whose status exceeded that of a local bishop. (Joseph D. O'Brien, *The Exemption of Religious in Church Law* (Milwaukee: The Bruce Publishing Co., 1943); also David Kay, 'The Historical Origins of Canon 591 of the Code of Canon Law', *Studia Canonica: Canadian Canon Law Review,* Vol.25/2, 1991, pp.451-64. Both these studies derive from canon law theses undertaken at the Gregorian University, Rome.

welcomed and, in the tenor of the 1842 brief, formed a further independent Charity congregation.[19]

In 1846, a community of the Sisters of Mercy, founded in Dublin in 1831 by Catherine McAuley, came to Perth on Australia's western coast. They had received definitive Roman approbation as a simple-vow, non-cloistered, decentralised institute in 1841. Catherine McAuley based her constitutions on those of the earlier founded Presentation order and seems to have favoured the decentralisation of the older model as anchoring each community in the local scene, with both its needs and opportunities.[20] Each house was autonomous under the diocesan bishop as ecclesiastical superior in the centuries-old pattern. Such independent Mercy foundations, multi-purpose in their ministries, were especially sought in pioneering Australian circumstances as settlements spread and new dioceses were demarcated. Further early foundations were made in Melbourne in 1857, in Geelong and Goulburn in 1859, and in Brisbane in 1861, to be followed by many others, mainly from Ireland but also several from England and one from Argentina. From these, as they became established in Australia, numerous other independent foundations were made.

Polding had brought English Benedictine nuns to Sydney in 1848: these maintained their traditional Benedictine way of life, principally contemplative and liturgically oriented, but allowing of a cloister school on the medieval precedent.[21] Some adaptation had, however, occurred which came with them to Australia. In England, where they had fled from the French Revolution, they were unable, in view of earlier English anti-monastic legislation, to erect grilles or display other outward indications of traditional monastic life.[22] This

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[19] On these early difficulties of the Charity Sisters in Sydney, see Margaret M.K. O'Sullivan, *'A Cause of Trouble'? Irish Nuns and English Clerics* (Sydney: Crossing Press, 1995). This book is based on O'Sullivan's doctoral thesis, 'Some Implications of the 1846, 1847 and 1859 Conflicts between the Sisters of Charity and the Sydney Catholic Hierarchy', University of Sydney, 1993.

[20] On the canonical evolution of the Mercy institute, see Helen Delaney's two theses at St Paul University, Ottawa: 'The Canonical Status of the Sisters of Mercy 1831-1841', Master's in Canon Law, 1988; "The Evolution of Governance Structures of the Sisters of Mercy in Australia 1846-1990', doctorate in Canon Law, 1991.

[21] The establishment of solemn-vow institutes in Australia seems to have occasioned no concern in Rome, contrary to the experience in the United States. (See Orth, pp.64-5) While allowing a few exceptions, Rome decreed in 1864 that henceforth the vows of women religious in the United States were to be simple. See also Mary Ewans, *The Role of the Nun in Nineteenth Century America* (New York: Arno Press, 1978), pp.202-3. A reason here, in addition to the obvious local need for active ministries, appears to have been the new phenomenon of the complete separation of church and state in the USA, where solemn vows would not be publicly upheld.

[22] On this Benedictine foundation, see Hildegard Mary Ryan, *'Quaerere ad Deum:* An Examination of the Function of both Monastic Enclosure and Papal Enclosure in the Life of one Benedictine

adaptation also held for solemn-vow religious arriving later from Ireland, for whom it came to facilitate a readier entry into extending their teaching apostolate in Australia.

Presentation nuns, founded in Cork in 1775 by Nano Nagle, came to Tasmania in 1866. Though founded as a simple-vow group on the authorisation of the Bishop of Cork, they sought and later obtained approbation as solemn-vow religious in a papal brief of 1805, the aim of the Sisters themselves being full canonical recognition in a country still religiously disturbed.[23] They hence came as enclosed teaching religious in the pattern established in the early years of the Counter-Reformation   with institutes such as the Company of Mary Our Lady, founded by Jeanne de Lestonnac in France in 1606, and the Paris Ursulines established in 1610. Each new foundation was necessarily autonomous and subject to its ecclesiastical superior. The Presentation arrival in Australia was followed in 1867 by that of the Irish Dominican nuns who, through several adaptations already made in Ireland, came as similarly enclosed teaching religious to Maitland, a developing provincial town of New South Wales.[24] Ursulines, whose community in Duderstadt was an offshoot of the original Paris foundation, had fled to England from Germany as refugees during Bismarck's Kulturkampf; in 1882, a group of them made a foundation in Armidale in northern New South Wales.[25] Brigidines, founded in Ireland by Bishop Delany in 1807, came to Coonamble in inland New South Wales in 1883; though their constitutions had not received definitive approbation in Rome, they followed the solemn-vow Presentation precedent with its enclosure and independent houses.[26] Also in 1883, a community of Irish Poor Clares came

Community in Australia based on the historical understanding of enclosure for nuns in the Catholic Church', M. Theol. (Hons.), Sydney College of Divinity, 2001.

[23] This despite Orth's claim (p.66) that the final approbation of a solemn-vow institute was in 1787. This disparity may be due to the fact that the Presentations received approbation through the S. Congregation of Propaganda, not the more usual S.C. of Bishops and Regulars. See also T.J. Walsh, *Nano Nagle and the Presentation Sisters* (Dublin: Gill and Son, 1959), pp.177-80. Despite granting the brief, Rome indicated its reluctance to accord solemn vows. The full name of the institute was the Presentation of the Blessed Virgin Mary.

[24] I have traced the evolution of this Second Order foundation of Dominican nuns in Ireland and their later history in Australia in *Ancient Traditions New World: Dominican Sisters of Eastern Australia 1867-1958* (Sydney: St Pauls Publications, 2009), based on an earlier monograph.

[25] See Pauline [Mary] Kneipp, *This Land of Promise: The Ursuline Order in Australia 1882-1982* (Armidale: University of New England, 1982).

[26] See M.R. MacGinley, *A Dynamic of Hope: Institutes of Women Religious in Australia* (Sydney: Crossing Press, 2nd ed., 2002), pp.213-4, 243-5. On subsequent Brigidine foundations in Victoria, see Morna Sturrock, *Women of Strength Women of Gentleness: Brigidine Sisters – Victorian Province* (Melbourne: David Lovell Publishing, 1995) This is based on her 1994 Master's thesis through the Melbourne College of Divinity.

to Sydney; like the Dominicans, they had made adaptations in Ireland and, though traditionally with a strict enclosure, came as teachers.[27]

The organisational structures of each of these institutes mentioned in the previous paragraph were to be basically challenged in Australia as the nineteenth century developed and the early twentieth followed.

Into this variegated scene there had by now come another initiative: the founding of the Australian Sisters of St Joseph in the remote little town of Penola in South Australia in 1866. The founders were the charismatic English-born (though of Irish parentage) Father Julian Tenison Woods and Melbourne-born Mary MacKillop (now beatified) whose parents had come from the Scottish Highlands.[28] In his vast inland parish, Julian Woods was soon aware of the need for Catholic schooling in isolated settlements. Since the South Australian government, well in advance of the other colonies, had withdrawn aid from denominational schools (essentially lay-staffed),[29] he thought of a solution in the form of mobile teaching Sisters. These, he saw, would need to go out in very small groups – twos and threes – prepared to live under spartan conditions and to gather the small numbers of local children in often roughly improvised classrooms. Woods had seen a model for his rurally-based Sisterhood in the short interval in which he had been a Marist candidate in France where he had noticed the unenclosed Sisters of St Joseph founded around 1650 in Le Puy by the Jesuit Jean-Pierre Médaille and who were initially to form cells of three to minister in the French countryside. Mary MacKillop, at the time a young governess for her uncle's family in the Penola district, readily entered into these plans as a realisation of her own vocational search. From a tiny beginning in Penola, the Sisters spread to Adelaide and were soon staffing schools across the diocese. Bishop Sheil of Adelaide gave his approbation to their rule of life drawn up by Julian Woods. The rule, with some ambiguities,

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[27] See M.R. MacGinley, *A Lamp Lit …: History of the Poor Clares Waverley Australia 1883-2004* (Sydney: St Pauls Publications, 2005).

[28] The Josephite story is traced in detail in Paul Gardiner's *Mary of the Cross MacKillop: Positio super Virtutibus*, 2 vols (Rome: Congregation for the Causes of Saints, 1989), also in his published adaptation, *An Extraordinary Australian: Mary MacKillop* (Sydney: E.J. Dwyer, 1993). See also Marie T. Foale, *The Josephite Story. The Sisters of St Joseph: their foundation and early history 1866-1893* (Sydney: St Joseph's Generalate, 1989), based on a doctoral thesis at the University of Adelaide.

[29] There were no religious Sisters in South Australia at this time; the Jesuits were responsible for some parish schools. Lay-staffed denominational schools were common until the general withdrawal of public aid.

provided for a simple-vow unenclosed Sisterhood centralised at least within the one diocese.

Bishop James Quinn of Brisbane, who met Julian Woods in Melbourne in 1869, soon saw the potential in this adaptable institute to meet needs in his own diocese – at the time the whole colony of Queensland. He quickly arranged with Fr Woods and Bishop Sheil for a community of Josephite Sisters to come to Brisbane, which they did before the end of that year, led by Mary MacKillop herself. Over the next seven years, the Sisterhood, with its growing number of entrants, spread to thirteen widely scattered centres in Queensland, going as far north as Townsville. In 1872, in their next move from the Adelaide diocese, the Josephite Sisters came to the Bathurst diocese – where they also spread - invited by Bishop Matthew Quinn, James' brother, appointed first bishop of the newly demarcated diocese in 1865. However, difficulties with the Quinn bishops soon surfaced: Mary, familiar with South Australian conditions, would not accept the public funding which James Quinn had painstakingly negotiated with the Queensland government; she did not wish to teach instrumental music which the bishops considered an essential part of education, especially liturgically; in the Josephite commitment to serve only the poorer classes in primary schools, they were unwilling to undertake more advanced education of girls in the more developing centres.

James Quinn had already effected a significant change for the Mercy community which he had brought with him on his arrival as the first bishop of the diocese in 1861.[30] In 1863, these Sisters made a foundation in the well established town of Ipswich, inland from Brisbane. Contrary to the Mercy constitutions and their standard practice in Ireland and England, where they had spread widely by this time, Quinn, seemingly with the full acquiescence of Mother Vincent Whitty, the founding superioress, directed that the Ipswich convent was to be a branch house of the Brisbane foundation. The Mercy Sisters, who spread quite rapidly in his diocese, henceforth extended their work as a centralised institute with each community dependent on the Brisbane mother house.

I have been unable to find a specific canonical validation for this, but the practice of such diocesan centralisation for the Sisters of Mercy was to develop

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[30] See Mary Xaverius [Frances] O'Donoghue, *Mother Vincent Whitty: Woman and Educator in a Masculine Society* (Melbourne: Melbourne University Press, 1972), based on a M.Ed. thesis at the University of Queensland.

generally in Australian and New Zealand dioceses. It was certainly a common sense evolution in sparsely settled areas and had already occurred in the United States where the first Mercy foundation was made in 1843. It seems that Propaganda Fide, under whose jurisdiction these regions of overseas European expansion then came, was readily moving by the mid-nineteenth century to support such centralisation of hitherto decentralised institutes. Also, during the pontificate of Gregory XVI and his appointment in 1844 of Archbishop Andrea Bizzarri as Secretary of the S. Congregation of Bishops and Regulars, a more uniform approach was developed for the approbation of new simple-vow institutes. Where previously such approbation was accorded on an individual basis to institutes with varying types of organisation, a uniform model was now proposed based on current needs for mobility and the best deployment of personnel and material resources. It was also a clearly needed response to the escalating numbers of newly founded institutes seeking approbation.[31] By at least the 1850s, the S.C. of Bishops and Regulars was moving, under the forward-looking Bizzarri, towards centralisation under the one administration as a requirement for all new simple-vow institutes. A uniform organisational model was drawn up by Bizzarri in his *Methodus* which from then on supplied the template for Roman approbation.[32]

With these developments and his own interpretation of the Josephite constitutions, James Quinn, who had earlier spent twelve years in Rome, soon resolved to detach the Queensland Josephite Sisters from their Adelaide mother house and to form them into a separate congregation in his own diocese. We have seen above his practical reasons for this, but he also had canonical arguments: the writ of the Bishop of Adelaide, he considered – the sole authoritative basis so far for the institute's existence – did not necessarily hold in his diocese; the Sisters furthermore were non-exempt in the historical sense and were hence dependent on the local bishop, an argument used by Archbishop Polding in his dispute with the Irish Christian Brothers whom he invited to Sydney in 1842 and who subsequently left Australia.[33]

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[31] For example, some 400 new institutes of women were founded in France between 1800 and 1880.

[32] *Methodus quae a Sacra Congregatione Episcoporum et Regularium servatur in approbandis novis institutis votorum simplicium*, ab A. Bizzarri, Archiepiscopo Philippen. This is included in *Collectanea in usum Secretariae S.C. Ep. et Reg.*, Romae, 1885, though evolved well before. (Callahan, pp.44-6) Gregory XVI, formerly Prefect of the S.C. of Propaganda, actively promoted the overseas extension of missionary institutes, including those of women.

[33] Mary Shanahan, *Out of Time, Out of Place: Henry Gregory and the Benedictine Order in Colonial Australia* (Canberra: Australia National University, 1970), p. 85, based on her doctoral thesis. Re this

It became clear to Julian Woods and to Mary herself that their only recourse in the struggle to keep their institute intact was appeal to Rome for approbation at pontifical level. In Rome, Mary's plea for complete centralisation, in accord with Bizzarri's *Methodus*, was readily agreed to, though much re-writing of the constitutions was required. The institute, however, was highly commended, but the crucial *Decretum Laudis*, the Decree of Praise raising the institute to pontifical level, was deferred in view of further lived experience of the re-formulated constitutions.[34] In accordance also with evolving Roman policy, the Sisterhood was given a Cardinal Protector, whose position superseded that of local ecclesiastical superior, a role and term now to be deleted from newly composed constitutions. This step was taken in view of the many disputes which had arisen between the new non-exempt congregations and local bishops in the absence of a definitive clarification of boundaries. What now resulted in Roman policy was a partial exemption from the jurisdiction of the diocesan bishop; while the source of authority for all ministerial activity in his diocese, he now lost any power to intervene in the internal affairs of papally approved institutes.[35] At the same time, the right of the bishop to found diocesan institutes, for which he remained the ecclesiastical authority, was recognised.

Meanwhile, the Quinn bishops urged their own reasons strongly with Propaganda. The upshot was that the Sisters in their respective dioceses were given the option of returning to the Adelaide mother house or remaining to form, under the bishop, a separate diocesan congregation. The Josephite Sisters in Queensland all opted to remain under the Adelaide mother house, making a final withdrawal from the diocese in 1880. (Soon after, several returning Josephites, under Bishop Quinn, formed communities in Bundaberg and Bowen; with Quinn's death in 1881, these were, after some time, to prove ephemeral.) In Bathurst, however, Matthew Quinn, on a visit to Ireland in 1874,

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dispute, Polding wrote to Propaganda: 'I will never sanction an unwarranted assumption of exemption from the authority which God has appointed to rule in His Church'. The Christian Brothers were later to spread widely in Australia, beginning from Melbourne.

[34] In the *Methodus*, there were now four steps in obtaining final Roman approbation: 1) a decree approving the scope and purpose of the institute; 2) a decree of Praise, the vital *Decretum Laudis*; 3) a decree of approval of the institute; 4) a decree of approval of the constitutions. (Callahan, p.46) The latter two monitored the continuing viability of the institute, allowing for adaptations and further development.

[35] Orth, p.97. It was only in Leo XIII's constitution, *Conditae a Christo*, issued in 1900, that the scope of the bishop's authority re simple-vow institutes was clearly delineated. This document also recognised those with simple vows as canonically religious. Leo's enactments as well as the developed policies of the S.C. of Bishops and Regulars (replaced in 1908 by the S.C. of Religious) were incorporated in the 1917 Code of Canon Law.

had personally recruited a group of postulants for the Josephites in his diocese; as the other Sisters withdrew, two opted to remain, one as novice mistress for these girls. In 1876, this community formed the basis of the viable separate congregation of Josephites in the Bathurst diocese. In time, this congregation made further durable diocesan foundations in New Zealand and in the Australian dioceses of Goulburn, Maitland and Hobart. Several other small groups of diocesan Josephites were formed, both in Western Australia and Victoria; these either faded out or were incorporated in later amalgamations.

In Australia, various Presentation and Dominican foundations had been made in different parts of the country. For the Presentations, independent foundations had been made from Ireland in Tasmania (1866, initially at Richmond, then transferred to Hobart), Melbourne (1873), Wagga Wagga in New South Wales (1874), Lismore, also in New South Wales (1886), and Geraldton in Western Australia (1891). From these a number of other independent foundations were made. In the centralising pattern pioneered in Australia with Mercy communities, the Presentations, urged by local bishops and despite their solemn-vow status, also established dependent branch houses. Following the initial Dominican foundation in Maitland in 1867, a further independent foundation from Dublin was made in Adelaide in 1868 and another of Dublin origin but coming from New Zealand was made in Western Australia in 1899. These too established networks of branch houses.

By the final decades of the nineteenth century, a further development became apparent: amalgamations among already established autonomous houses and even among congregations. An interesting case is provided by the Brigidines whose first foundation in Australia had been made in the Maitland diocese in 1883. This community made a further independent foundation at Cooma in the Sydney archdiocese in 1887, while four additional independent foundations were made from Ireland in Victorian dioceses over the years 1886 to 1888. Although the Brigidine institute had received Roman commendations in 1845 and 1858 – the first step in Bizzarri's evolving Methodus – it had never received the crucial second step, the *Decretum Laudis*, which gave pontifical status and guaranteed against diocesan intervention. By the 1880s, the need for such definitive approbation was apparent; also by this time, full centralisation was required in Rome for approbation of new constitutions. Negotiation over these issues led to the full amalgamation of the four independent Brigidine houses in Ireland in 1889 under Tullow as mother house. The congregation,

now clearly of simple-vow status, received the long-desired papal approbation in 1892. The following year the six hitherto autonomous Australian houses came into this amalgamation as an Australian province (to divide later into two separate provinces of New South Wales and Victoria).

In 1875, the Loreto Sisters – the Irish branch of Mary Ward's Institute of the Blessed Virgin Mary – made a foundation in Ballarat in Victoria. Though a centralised institute, it was accepted that this faraway Australian foundation would operate independently of the Dublin mother house. Several branch houses had been opened in Victoria when the Australian foundress, Mother Gonzaga Barry, on a visit to Ireland in 1887 secured the amalgamation of her communities with the Dublin mother house. In 1890, Cardinal Moran, who had spent long years in Rome and was aware of developments there, secured the amalgamation of the two independent Charity congregations in Australia, separated since 1847. Probably because of longer years of separate development and the factor of distance, there was no move to amalgamate with the original founding house in Dublin from which Australia's first religious Sisters had come in 1838.

The early years of the twentieth century saw amalgamations among the widespread Mercy and Presentation institutes, a move by this date actively promoted by the Australian hierarchy. The federation of the Australian colonies to form the Commonwealth of Australia I 1901 gave a greater sense of national cohesion; at the same time, religious congregations, in response to urgent requests from bishops, were expanding their networks more extensively throughout the country. In particular, a matter of immediate concern were the moves across the former colonies to promote higher educational standards in both government and private schools, leading the bishops to realise the need for centralised training collages for religious teachers and a more efficient deployment of congregational resources. At their Third Plenary Council, held in 1905, the bishops petitioned Rome for permission to amalgamate, within their dioceses, independent houses following the same rule. In this regard, they mentioned specifically the Mercy and Presentation institutes. In its response, given in 1906, the Holy See advised that the bishops were not to impose

amalgamation 'as an obligation, but to advise and induce the Sisters to accept it'.[36]

Some of the resulting amalgamations of now established congregations as well as longstanding independent houses were made across diocesan boundaries, as in the major Mercy and Presentation amalgamations in Victoria in 1907 and 1908 respectively. In other cases, it was amalgamation within the one diocese. Houses which declined to join initially often did later, a process extending well into the mid-twentieth century. There were also congregations and houses which resisted amalgamation and cases where no amalgamation was proposed. The picture is diverse and was beset with conflicting interests. In the upshot, for the Mercy and Presentation Sisters, for example, there remained by 1945 seventeen independent congregations of the former and seven of the latter; earlier in the century, these figures had become, at a maximum for each, fifty-one and fifteen respectively.

The scene, however, was still variegated: the newly formed congregations resulting from amalgamations were required to adapt their constitutions to reflect their new centralised situation in accordance with the *Normae* issued in 1901 by the S.C. of Bishops and Regulars.[37] Those congregations which had not so far been involved in an amalgamation continued to operate on the constitutions which they had initially brought to Australia. For Dominicans, Presentations and Mercies, these made no provision for branch houses or local superiors. Though by the earlier decades of the twentieth century all, in practice, had formed centralised congregations, their mode of operation was to regard their branch houses as extensions of the one central mother house community, an arrangement which in itself was a *de facto* kind of amalgamation. This situation, constitutionally, grew increasingly anomalous and was rectified only later in the century.

Another issue looming by this time and tied in with the monastic revival from the mid-nineteenth century was the canonical situation of solemn-vow institutes which – as in Australia for Dominicans and Presentations – were now

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[36] MacGinley, *A Dynamic of Hope*, p.234. This book traces in some detail the amalgamations of the various religious institutes mentioned in this paper.

[37] *Normae secundum quas S. Congregatio Episcoporum et Regularium procedure solet in approbandis novis Institutis votorum simplicium.* This subsumed the guidelines of Bizzarri's *Methodus* and outlined in detail the desired mode of operation of a modern active religious institute. In particular, the superior-general, aided by her council, had a wide-ranging autonomy within the institute and was responsible directly to Rome. The essential provisions of the *Normae* were incorporated into the 1917 Code of Canon Law.

actively involved in networks of schools as well as the necessary travelling among their branch houses.[38] Several bishops in Australia with Presentation houses in their dioceses felt that they should be free of their retained degree of strict enclosure, which the nuns for the most part felt they could not disregard. In particular, these bishops wanted the nuns to be more available for further active ministries, such as parish visitation, and had already sought reassurance in Rome that the Presentation vows should be simple before Cardinal Logue in Ireland obtained formal confirmation of this in 1910.[39] This removed the Presentations from the long- enduring negotiations over solemn vows and papal enclosure which were to involve the Dominicans in Australia from the early 1890s and both the Benedictines and Poor Clares later. Each of the latter by 1917, had still only the one autonomous house, preserving at least this feature of the solemn-vow women's monastery. Cardinal Moran secured from Pius X in 1903 an Apostolic Brief reaffirming clearly the Second Order historical claim of these Dominican nuns both in Ireland and in the foundations they had made overseas. Nevertheless, they were to continue the active works they had undertaken and their vows were now to be unambiguously simple. For the Ursulines who, despite requests from bishops, opened no branch houses until 1917, there was the formation in Rome of the Roman Union, which was urged so strongly by Leo XIII and which they were invited to join. This they eventually did in 1945.

Our period, however, closes in 1917 with the completion of the new Code of Canon Law which, while recognising them both as canonically religious, clearly demarcated the distinction between institutes of solemn vows and those of simple vows. (This was to be reviewed again and further mitigated in the 1983 Revised Code of Canon Law.) Each of the case studies outlined above serves to illustrate the centrality of the Roman factor in the evolution of women's religious institutes over the period taken. This was notably in the form of a developing body of canonical enactments and their subsequent legislation in the 1917 Code, with which existing institutes, whether of solemn or simple vows,

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[38] Described as the neo-monastic movement, the medieval orders, which had suffered diminution from the mid-18th century, now under inspired reformers sought in their ancient origins a new clarity of purpose, a new relevance for the age and new energy in a return to primal sources. In his 1869 constitution *Apostolicae sedis*, Pius IX reaffirmed the historic understanding of enclosure; this was to be re-stated in the 1917 Code.

[39] Walsh, p.180; M.R. MacGinley, *Roads to Sion: Presentation Sisters in Australia 1866-1980* (Brisbane: Boolarong Publications, 1983), pp. 199, 263-5.

were then instructed, in articulation of their essential inspiration, to come into conformity.[40]

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[40] This was required in the 1918 decree of the S.C. of Religious, *Ad normam Canonis*. (Orth, p.139)