

THE EPISCOPAL VICAR FOR RELIGIOUS

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THE RELATIONSHIP between bishops and religious within the local Church has been the subject of perennial study. Throughout history, efforts have been made to balance spheres of authority and co-ordinate apostolic activities. Among contemporary approaches toward more effective collaboration was the creation of the office of Episcopal Vicar for Religious.

The role of episcopal vicar, now in the canons, was first set forth by the Second Vatican Council in *Christus Dominus* (1965; n 27), and developed in *Ecclesiae sanctae I* (1966; n 14). Reference to an episcopal vicar for religious appeared first in the *Directorium de pastorali ministerio episcoporum*¹ (1973; n 119), and then later in *Mutuae relationes*² (1978; n 54). Simultaneously, experience with the new office was gathered through practices in the local Churches. The promulgation of the revised Code and the experience of a decade or more, make possible a new examination of the topic.

The canonical office of episcopal vicar

Among the canons which regulate the internal ordering of particular Churches (Book II, Part II, Title III), the law provides for the appointment of episcopal vicars 'as often as the correct governance of the diocese requires it' (c. 476).³ These persons possess the same ordinary power which universal law gives to the vicar general, but within specific limitations: a section of the diocese, a certain type of business, the faithful of a certain rite, or a certain group of persons.

In order to be appointed episcopal vicar, one must be a priest of at least thirty years of age, and must possess a doctorate or licentiate in canon law or theology, or be truly expert in these matters. This priest must also be recommended by the possession of sound doctrine, integrity, prudence and experience in handling matters (c. 478). He cannot be a canon penitentiary or a blood relative of the bishop up to the fourth degree. If the episcopal vicar is not an auxiliary bishop, his appointment — freely made by the diocesan bishop — must be for a time determined in the act of appointment (c. 477,1). The episcopal vicar who is not an auxiliary bishop can also be freely removed by the diocesan bishop.⁴

The power of the episcopal vicar — said to be that of the vicar general, but within his specific sphere of responsibility — is that

executive power which belongs to the diocesan bishop in law. That is, he has power for administrative acts, 'with the exception of those which the bishop has reserved to himself or which in law require the special mandate of the bishop' (c. 479,1).

An earlier canon from Book I of the Code clarifies when the law requires a special mandate:

Whatever things in the canons in the realm of executive power which are attributed by name to the diocesan bishop are understood to pertain only to the diocesan bishop and to others equivalent to him in c. 381,2, excluding the vicar general and the episcopal vicar unless they have received a special mandate (c. 134,3).

Thus when the term 'local ordinary' appears, no special mandate is needed. As will be seen, the canon places significant limitations on what an episcopal vicar for religious can do without special mandate.

Within his sphere of authority, the episcopal vicar possesses the habitual faculties granted to the bishop by the Apostolic See. He also possesses the power to execute rescripts, except in cases where other provisions have been made, or unless the diocesan bishop has been chosen to act because of personal qualifications (c. 479,3).

An episcopal vicar 'must report to the diocesan bishop on the principal matters which are to be treated and which have been treated and may never act contrary to his will and mind' (c. 480). In accord with the basic canonical description of the power of governance in the Church, this is then ordinary power, that is power attached to the office by the law itself rather than delegated power. Further, it is vicarious, rather than proper (c. 131,1.2).

Completing the figure of the office of episcopal vicar is the canon explaining when the vicar's power ceases. This is when the time of the mandate expires, when he resigns, when informed of removal from office by the diocesan bishop (observing canons 406-409 regarding coadjutors), and when the episcopal see is vacant. In cases where the episcopal vicar is not a bishop, his power is suspended with the suspension from office of the diocesan bishop (c. 481).

The relationship between bishops and religious

In view of this general description of the office of episcopal vicar, and recalling the provision of canon 134,3 on when a special mandate is required for the episcopal vicar to act, it is possible to study the role of episcopal vicar for religious. It is useful first to examine the role of the diocesan bishop with regard to religious in the local Church. *A manual for bishops*,⁵ prepared for the bishops of the United States, facilitates a review of those matters requiring or not requiring a mandate. In either instance, three broad types of activity

may be identified: (a) matters directly related to the life of the religious or the institute; (b) matters specially related to the apostolate; (c) matters specifically relating to clerics, as such.

In turning first to those matters in which an episcopal vicar for religious needs no special mandate (unless a particular matter has been reserved by the diocesan bishop), it is immediately evident that two profoundly significant canons are listed. Canon 586,2 calls upon local ordinaries to safeguard and protect that rightful autonomy of life of each institute which is described in the first article of the same canon. In a similar manner, canon 591 indirectly calls upon the same persons to respect the status of exempt institutes.

In more specific matters dealing directly with the life of religious, the canons provide for the episcopal vicar, without special mandate, to name chaplains for lay institutes after consultation with the superior (c. 567,1); to approve confessors for monasteries of nuns, houses of formation and large lay communities, after consultation with the community (c. 630,3); to receive the financial reports of monasteries, and to be informed of the financial reports of religious houses of diocesan right (c. 637); and to give written consent for alienation by autonomous monasteries and diocesan institutes (c. 638,4).

In matters which appear at least somewhat related to the apostolate, the canons provide for the vicar to grant authorization for a religious to publish in a journal which is wont to attack faith and morals (c. 831,1). He may also prescribe specific collections even in churches of religious (c. 1266), oversee the activity of a non-clerical religious serving as trustee for goods of the diocese (1302,3) and penalize religious in instances where they are subject to him (1320).

In matters dealing specifically with clerics, the canons cite the local ordinary as the one to be consulted before a secular cleric may be admitted to a religious novitiate (c. 644) and to issue testimonial letters for him (c. 645,2). Similarly, the episcopal vicar may give the necessary consent for an exclaustated cleric to live in the diocese (c. 686,1) and is to be pastorally attentive to such a cleric (c. 687).

All these canons, unless certain matters are reserved by the diocesan bishop, are open to direct action by the episcopal vicar for religious since they do not, in the text of the canon, refer specifically to the diocesan bishop and therefore do not require a special mandate (cf c. 134). It may be observed briefly that this places a very wide pastoral scope before the vicar and a rather limited sphere of specific responsibilities.

On the other hand, direct canonical references to the diocesan bishop in his role with regard to religious are numerous. As noted above, these matters require a special mandate for the episcopal

vicar to act. These too may be examined according to the general categories used above: (a) matters directly related to the life of religious or the institute; (b) matters specially related to the apostolate; (c) matters specifically relating to clerics.

The diocesan bishop may, by formal decree, erect a religious institute within the diocese (c. 579), following consultation with the Apostolic See. Such institutes, as long as they remain of diocesan right, are then under his special care (c. 594). A significant dimension of this care is the role of the diocesan bishop in the approval of constitutions and the confirmation of changes in them. He also deals 'with business of greater importance which affects the whole institute', and is 'beyond the power of its internal authority' (c. 595). These matters are overseen by the diocesan bishop of the principal seat of the institute, after consultation with the diocesan bishop of dioceses into which the institute may have spread (c. 595,1). It is also the diocesan bishop who can grant dispensations from the constitutions of a diocesan institute in particular cases (c. 595,2).

Canon 628,2.2° expresses the right and duty of the diocesan bishop to visit the individual houses of institutes of diocesan right situated in his territory. This is true even with regard to religious discipline. In other relationships with diocesan institutes, the canons call for the bishop of the principal seat to preside at the election of the supreme moderator (c. 625,2), to impose excommunication (c. 686,3), to confirm an indult of departure for a member in temporary vows (c. 688,2), to grant excommunication of more than three years for diocesan religious (c. 686,1), to grant an indult of departure to a perpetually professed member (c. 691,2) and to confirm a decree of dismissal (c. 700). In the latter instance, it is the diocesan bishop of the place to which the religious is assigned who acts.

The diocesan bishop also exercises a special role of vigilance with regard to the autonomous monasteries described in canon 615. He is to preside at the election of the superior (c. 625,2) and to make visitation (c. 628,2.1°). For a just cause the diocesan bishop may enter the cloister of monasteries of nuns within his diocese, and, with the consent of the superior, may permit others to enter and nuns to leave, according to cause and necessity (c. 667,4). It is also the diocesan bishop who confirms an indult of departure for a temporarily professed member (c. 688,2), and who makes a decision regarding the dismissal of a member on the basis of the acts of the case (c. 699,2).⁶

It must be noted that none of the above relationships of the diocesan bishop with religious pertain to institutes of pontifical right. The parallel canons refer either to the superiors of the institute or directly to the Apostolic See. The same is not true, however, in the

following canons which delineate the relationship between religious and diocesan bishops in the realm of the apostolate.⁷ As pastor of the particular Church, the bishop has a more prominent role regarding apostolic works, although the distinctive charisms of institutes must always be revered.

It belongs to the diocesan bishop to approve the establishment of a religious house in the diocese (c. 609,1), or of a monastery, with the permission of the Apostolic See (c. 609,2). Since the erection of such a house carries the right to exercise the works proper to the institute unless conditions have been attached to the consent (c. 611,2^o), it also belongs to the diocesan bishop to give consent if a house is to be converted to apostolic works different from those for which it was established (c. 612). He is to be consulted regarding the suppression of a house in the diocese (c. 616).

A much broader expression of the diocesan bishop's role in the apostolate is expressed in canon 678. Religious are subject to bishops 'in those matters which involve the care of souls, the public exercise of divine worship and other works of the apostolate' (c. 678,1). The bishop is also expected to encourage religious in their obligations to their own superiors and rule of life (c. 678,2). In a brief but significant third article, the same canon echoes *Mutuae relationes*' call for consultation between diocesan bishops and religious superiors 'in organizing the works of the apostolate of religious' (c. 678,3).

Where there is 'a most serious reason', the diocesan bishop may prohibit a religious from living in the diocese, provided the superior has been advised of the matter and has failed to act. In such an instance he must refer the matter to the Holy See immediately (c. 679).

In his role of co-ordinating apostolic works, the diocesan bishop is to foster co-operation between various institutes and between religious and the secular clergy (c. 680). Canon 681 acknowledges the authority of both the diocesan bishop and the religious superior where works have been entrusted to religious by the bishop. Written agreements are called for in these cases (c. 681,2).

Religious may be appointed to diocesan office by the diocesan bishop after presentation by, or with approval of, the religious superior (c. 682,1), and can be removed at the discretion of either authority, each having notified the other (c. 682,2). Canon 520 refers explicitly to the diocesan bishop entrusting a parish to a clerical religious institute or clerical society of apostolic life. Canon 683 sets forth the circumstances for pastoral visitation of churches, schools and other works of religion or charity entrusted to religious. This is made by the diocesan bishop in person or through another.

In related sections of the law it is noted that religious may be

'appropriately enlisted by the bishop to assist in proclaiming the gospel' (c. 758) and that the diocesan bishop has the role of giving consent for the establishment of schools by religious (c. 806,1). It is also the diocesan bishop who gives approval for religious to build a church, even if they already have permission to establish a new house (c. 1215,3). Finally, there is again a single matter directly related to religious clerics. It is the diocesan bishop who incardicates or experimentally receives a priest seeking an indult of departure from his religious institute (c. 693).

From just such a brief review of the canons in which a special mandate would be required for the episcopal vicar to act, a few observations can be made. First, the sphere relating directly to religious clerics is very limited. Secondly, matters which touch upon the internal life of religious institutes are limited to diocesan institutes and the autonomous monasteries of canon 615. Finally, the role of the diocesan bishop in co-ordinating the works of the apostolate is broad and extremely significant, touching in some way all religious within a diocese.

References to the episcopal vicar for religious

The document's final chapter entitled 'The importance of suitable co-ordination', reiterates the desired collaboration between bishops, as shepherds of the local Church, and religious as a part 'of the communion and of the evangelizing action' of the Church (n 52). This relationship is further illustrated with citations from *Ecclesiae sanctae. Mutuae relationes* then states:

It is advisable that the office of episcopal vicar for religious be set up in the diocese to render a service of collaboration, in this field, with the pastoral ministry of the bishop. This office, however, does not assume any role proper to the authority of superiors. It is up to each residential bishop to determine clearly the specific competencies of such an office, and after careful examination to entrust it to a competent person, well acquainted with the religious life, who knows how to appreciate it and desires to see it prosper (n 54).

While this document precedes the provisions now clearly made in the canons, it is of interest that the role is seen largely in that area of the diocesan bishop's role which deals with the apostolate or pastoral care within the local Church. The canons' clear requirement that the episcopal vicar be a priest is assumed in this earlier document. However, *Mutuae relationes* continues in a vein which is undoubtedly reflected in the contemporary structure of many diocesan offices of religious.

The same section of the document strongly recommends that 'the various categories of religious: namely priests, brothers and women

religious possessing the necessary qualities', have some part in the discharge of the office of the episcopal vicar. It is suggested that such persons might be 'consultors'. It is also put forth as desirable that the diocesan bishop 'prudently consult religious on the choice of the candidate' for this office. The task, which by nature belongs exclusively to the bishop, is again described as 'watching over religious life in the diocese and integrating it into its complex of pastoral activities'.

In the still earlier document, *Directorium de pastorali ministerio episcoporum*, the role of episcopal vicar appears in n 202, and the relationship between diocesan bishops and religious in n 207. An earlier section, however, speaks generally of the bishops' dealings with religious (n 118) and then specifically of 'the bishop and religious women' (n 119). The diocesan bishop is urged to bring diocesan and religious priests together frequently, toward a more deeply felt priestly fraternity (n 118f). It is in the special section on women religious that there is mention of the episcopal vicar. Noting the value of these religious to the diocese, the bishop is exhorted to provide them with the best confessors, spiritual directors and teachers of doctrine. The text then continues: 'with special care he chooses an episcopal vicar for religious women and, when there is need, "visitators" of their houses' (n 119). The bishop is reminded to favour legitimately approved associations of women religious, and to have particular attentiveness to contemplative nuns.

This earlier notion of an episcopal vicar for women religious was not carried into *Mutuae relationes* or the law, although this title does appear in some dioceses. The gradual evolution of expression in documents upon which the new law is based makes it understandable that there exist today varied figures of the episcopal vicar or other persons exercising some part of the task assigned to that office by law.

The Council itself spoke of episcopal vicars in *Christus Dominus* (1965). In this text, vicars might be appointed for specified parts of the diocese, for specific types of affairs or in regard to the faithful of particular rites (n 27). The reference to 'certain groups of persons' appeared later in *Ecclesiae sanctae* (1966), 1-14,2. As seen above, the new law combines these sets of terms in canon 476. In the almost twenty years since the Council provided for the office of episcopal vicar various developments have taken place. The examples which follow are drawn from experience in the United States.

Reflections on the office in United States experience

As early as 1967, persons holding the position of vicar for religious began to gather annually. These meetings gradually evolved into the organization now known as the National Conference of Vicars for

Religious. When the 1978 gathering of this body was held in Rome, Cardinal Eduardo Pironio, Prefect of the Sacred Congregation for Religious and Secular Institutes, spoke on the role of the vicar.⁸ 'Vicars', said the Cardinal, are 'those who make the pastoral heart of the bishop present to the consecrated life'. Their purpose is 'to animate and to promote the consecrated life in a joyous fidelity to Christ, to the Church, and to one's charism'.

The Cardinal also called upon vicars to have an awareness of and sensitivity to the consecrated life, sensing its originality, essence and actuality. They must, he noted, 'have a very clear understanding of just what the consecrated life is'.⁹ The qualities to be possessed by a vicar for religious, as described by the Cardinal, are demanding. This individual must be a person full of faith, wisdom and the Holy Spirit, having a great ecclesial and pastoral sense and a passionate love for the consecrated life. There must be a great sense of the local reality and also of loyalty and fidelity to the bishop, the religious and Christ. The vicar must have a great capacity to listen, a great sense of joy and of hope, and must infuse these in the consecrated persons he serves. Finally, in the Cardinal's description the vicar must be a person who is simple and poor, a person of prayer, and one who is truly a brother or sister to others.

Two years later, another meeting of the vicars' conference provided some concrete examples of the diverse ways in which a vicar's office might be staffed.¹⁰ Three rather distinct models from diverse sections of the United States illustrated possibilities.

In one archdiocese the structure provides for more than one vicar general, one of whom is vicar general for religious. The day to day work of an office for religious — apparently predominantly for women religious — is carried on by a woman religious whose title is associate to the vicar general for religious. In this position, she represents the vicar general for religious and serves as liaison with organizations involving religious at various levels. An extensive job description indicates that this associate to the vicar general for religious carries on many of the pastoral duties of an episcopal vicar for religious and does preparatory work for canonical processes. She is accountable to the vicar general for religious.

In another part of the country the diocesan office of vicar for religious is filled on a part-time basis by a diocesan priest who also has pastoral responsibility for a rather large parish located in a city at some distance from the diocesan seat. His job description includes being the liaison of the bishop with religious brothers and sisters in the diocese, and representing him at related meetings. This vicar works closely with the sisters' council of the diocese and is accountable to the diocesan bishop.

In still a third diocese there is an office for religious staffed by two

persons. Here there is a religious priest with the title of episcopal vicar and a sister who is executive secretary of the advisory council of women religious. As such, this sister has department head status in the diocese, and the religious office works in collaboration with the diocesan pastoral planning office. This religious office focuses on availability — providing pastoral presence to the religious of the diocese and remaining available to the bishop.

When the vicars' conference again held its annual meeting in Rome in 1981, a presentation on the american vicar illustrated the diversity of titles used for the office, as well as the variety of persons fulfilling its duties.¹¹ Titles included vicar for religious, associate vicar for religious, co-vicar for religious, assistant vicar for religious, delegate for religious, as well as episcopal vicar for religious. In some cases, it was specified if the office served women religious only or both men and women religious. Offices were staffed by bishops (7), brothers (3), women religious (77), religious priests (18) and diocesan priests (107).¹² In making observations, Robert C. Nash, a vicar from West Virginia, noted that the 1979 NCVR Directory indicated that diocesan priests in office are full-time in less than one-tenth of the cases, while half the sisters were full-time in the position. A significant trend toward a team structure was noted.

Having highlighted the diversity of titles, persons filling the office, and their varied professional backgrounds, Fr Nash returned to a common element. The role of vicar, he noted, as a 'common core in that the vicar's ministry is primarily ecclesial and pastoral'. In his ecclesial role, he spoke of the vicar providing an ecclesial presence to the religious of the diocese, being a collaborator, and working for harmony within ministry in the local Church as well as communion with the larger Church.

Pastorally, the vicar is attentive to the concerns and needs of religious; seeks to foster, encourage, and promote religious life, and strives to give a pastoral dimension to the more canonical dimensions of the role. Noting that the role of the vicar prior to Vatican II was largely concerned with the canonical dimensions of visitation, examinations of candidates and dispensations, Nash states that such roles, now minimized, must also be carried on pastorally.

The diversity reflected in the NCVR Directory continues in the current membership list of the National Conference. The 1983-84 list indicates membership by vicars from 103 of 175 United States dioceses and archdioceses of latin rite. This represents a total of 144 persons, including 11 religious priests, 58 diocesan priests, 74 religious sisters, and one religious brother.

This apparently wide departure from the canonical figure of episcopal vicar for religious has raised questions about current practice. Some ask if diocesan priests really ought to serve in this

position since they usually do not have immediate experience of the religious life. Others ask if a religious sister or brother may be allowed to serve in such an office, in view of the canonical requirement that an episcopal vicar be at least a priest, and often is an auxiliary bishop. Still others wonder if there is a mockery of the law when the title of the office is changed and a brother or sister is appointed. Finally, a question which cannot yet be fully answered is that of what functions or duties of the office can or cannot be delegated to a religious brother or sister serving in an office for religious.

Concluding observations

With regard to the first doubt raised above, it must be stated that many diocesan priests faithfully and fruitfully serve the religious of local Churches, whether as vicars or as special delegates of the diocesan bishop.¹³ There is of course no question about the canonical capacity of the secular clergy to receive appointment to this office. Such an appointment has the obvious advantage that a priest, possessing the ordinary vicarious power of the office, may do all that does not require a special mandate, and may be given a special mandate for other matters, as the diocesan bishop wishes. Further, in that large area of pastoral concern for collaboration in the apostolate, a priest of the local Church may be particularly well informed, and therefore able to assist effectively in implementing the bishop's role of co-ordinating apostolic efforts.

On the other hand it must be noted that there are disadvantages to this arrangement as well. In a very practical sense the shortage of clergy for parish ministry forces the question. As has been seen, diocesan priests serving as episcopal vicar for religious frequently do not have this as their primary or full-time ministry.

Secondly, there is the question of the secular priest's familiarity with, and understanding of, the religious life. Just as it is to be expected that religious reverence the diocesan clergy, it can also be assumed that priests have great respect for the religious life. Nevertheless, personal knowledge of religious life is extremely valuable in implementing broad canons, such as that on the protection of an institute's heritage (c. 587), and provides additional sensitivity to questions of separation from the institute.

It is clear then, that if the office of episcopal vicar for religious is to be formally established in the diocese, a priest must be appointed. Even this, however, remains open to diverse possibilities. The appointee may be either a diocesan or a religious priest, obviously he also may be an auxiliary bishop. In any of these cases the episcopal vicar may be assisted by others in his work, as was recommended by *Mutuae relationes*.

Turning to the second doubt raised, it is clear that a religious brother or sister cannot be appointed to the canonical office of episcopal vicar. Nevertheless a bishop may choose to establish a diocesan office for the service of religious, and staff it with one or more persons who do not hold the ordinary, vicarious power of the office. They would, nevertheless, at his special request and under his direction, perform many of the same services for religious. Such persons could be directly accountable to the diocesan bishop himself or to the vicar general.

As has been seen, where the office for religious in a diocese is entirely staffed by religious who are not priests different titles are often used. The third question above asked if this might not be a sort of mockery of the law — a changing of the name for technical compliance? Quite the contrary, such titles as delegate for religious, bishop's representative for religious, or executive secretary for sisters, seek precisely to describe what the actual role is. The use of different titles is a recognition that, for the good of the Church, the bishop has exercised his prerogative not to establish this canonical office.

Where the choice has been made to staff an office for religious without an episcopal vicar, or with a priest as episcopal vicar and a woman religious as his 'associate',¹⁴ a fourth question quickly arises: what can be delegated? It is perhaps useful first to recall that the majority of canons relating to religious and diocesan bishops require a special mandate even for the episcopal vicar. A close working relationship is expressed in the canonical principle that one with vicarious power is never to act contrary to the will and mind of the diocesan bishop. As was also noted the episcopal vicar reports to the bishop on the principal matters treated and to be treated (c. 480). Surely no less immediate supervision would exist where there is delegated, rather than ordinary power?

Canon 137 provides for the delegation of ordinary executive power for a single act or for all cases unless the law expressly provides otherwise. It is not possible here to analyze all of the above canons in this light. Interpretation of the new canon 129,2 will gradually shed further light on a contemporary understanding of what kind of jurisdiction can be exercised by lay persons. Nevertheless the new canons already give broad evidence of what is possible through important ecclesial offices newly opened to qualified laity.¹⁵

An examination of a few canons may help illustrate what is possible. From among the canons which do not require a special mandate for an episcopal vicar, those calling for the respect of an institute's rightful autonomy or its exempt status do not require specific administrative action although they will inform such actions. The same is true of the mere reception of financial data. These

matters could be an operational part of an office for religious without special delegation. Delegation for granting permission for alienation would appear to be a matter of prudential judgment on the part of the bishop as chief administrator of the ecclesiastical goods of the diocese.

The assignment or approval of priests as chaplains and confessors belongs to the local ordinary in that particular sphere of jurisdiction relating to the clergy, and could not be delegated to one who was not a cleric. Indeed, it might be reserved for better co-ordination of priestly duties. It is entirely possible, however, that someone else in an office for religious might prepare and conduct consultations in preparation for action by the bishop or the episcopal vicar.

From among the many canons which refer directly to the diocesan bishop, and so require a special mandate even for an episcopal vicar, a few examples suggest an approach to possible delegation. As was seen above, the diocesan bishop may erect a new institute after consultation with the Apostolic See. While it would hardly seem appropriate that he should not issue such a decree personally, in his own name, others may well have been involved for years in preparations toward that decree. The representative of the bishop — without any delegation to erect the institute — will have been in regular contact, providing consultation on constitutions and offering assistance and encouragement throughout the formative years of the institute. The diocesan bishop, having been kept abreast of the progress until all is at the point of readiness, personally requests the *nihil obstat* of the Apostolic See and issues the decree of erection.

A more frequent matter which sometimes arises as a question is whether the bishop may delegate a non-cleric to preside at elections in his place. The 1917 Code called for the local ordinary of the place where the election was held, or his delegate, to preside (CIC 506,4). This applied to all women's congregations, as well as monasteries of nuns (CIC 506,2). The revised canon does not refer to a delegate, but does not limit the bishop's power to delegate. The fact that, by law, the superiors of pontifical institutes of women, as well as of men, now preside in chapter without this particular intervention of ecclesiastical authority, makes clear that the role is not necessarily linked to holy orders. It would appear then, that the bishop could send a non-clerical representative to preside. Nevertheless, the value of the personal, pastoral presence of the bishop on such occasions could argue for not delegating the matter.

In the matter of extended exclaustation for diocesan religious, it is probable that this could be delegated, since lay superiors, as well as clerics, can grant the exclaustation initially. The intended reservation of the extension to an ecclesial authority outside the

congregation would still be preserved by this. Those matters pertaining to religious clerics as such would not be delegated.

The large body of canons which relate bishop and religious in the sphere of the apostolate will require collaboration and co-ordination more frequently than actual jurisdiction. Because of the close accountability of any representative for religious to the bishop, it seems that various figures, besides that of the canonical office of episcopal vicar, are feasible and perhaps in many cases desirable. The preceding highlights the importance of clarity in any such letter of appointment.

An office staffed by a religious sister can be highly effective in the large majority of dealings with religious. This is especially true where clerical religious relate to the diocese through the presbyteral council and priest personnel structures. Another consideration is the fact that religious whose institutes are most affected by diocesan authority — diocesan institutes and monasteries of canon 615 — are almost exclusively women. The accountability of such a representative may be directly to the diocesan bishop or to an auxiliary bishop who may be a vicar general, or actually have the title of episcopal vicar for religious. Once again it is imperative that the lines of authority be clear and that matters which are reserved or specially mandated be made clear.

In an era of growing collaboration in the Church, perhaps the ideal situation would be that of an office for religious staffed by a religious priest and a woman religious. Such an arrangement provides a broader outreach to religious of all types, models collaboration of men and women in the Church, and gives the bishop the widest possible opportunity for mandating others to act on his behalf.

An article in 1970¹⁶ on the episcopal vicar noted that more experience with the office was needed. The ensuing years have begun to provide experience of both the office and the episcopal option not to establish the office.

Perhaps it must still be said that more experience is needed now in the light of the new law. Nevertheless, whatever form of service to religious is established within a given diocese, it must take into account the new relationship between religious and the local Church. This is one in which religious enjoy greater internal autonomy and authority, and simultaneously one in which they are more deeply inserted into the local Church. The law has incorporated the insistent call of *Mutuae relationes* for more effective collaboration among all who participate in the apostolic mission of the Church. Offices for religious, in whatever form, can do much to foster that collaboration.

NOTES

- ¹ Sacred Congregation for Bishops, *Directory on the pastoral ministry of bishops* (31 May 1973). English ed., Canadian Catholic Conference, 1974.
- ² Sacred Congregation for Religious and Secular Institutes and Sacred Congregation for Bishops, *Directives for the mutual relations between bishops and religious in the church* (14 May 1978). USCC ed., 1978.
- ³ English citations of canons are taken from the latin-english edition of the Code published under the auspices of the Canon Law Society of America, 1983.
- ⁴ In both the appointment and removal of an episcopal vicar, specific reference is made to the observance of canon 406 regarding coadjutor bishops.
- ⁵ Green, Thomas J.: 'The Bishop in his relationship to religious', *A manual for bishops*, NCCB, 1983, pp 67-71.
- ⁶ While not pertaining directly to religious institutes, other responsibilities for consecrated life are given to the diocesan bishop by the new canons. He is authorized to approve the plan of life for a hermit and to receive his or her vows (c. 603,2) and he has the power to consecrate virgins according to the approved liturgical rite (c. 604,1). Finally, it is entrusted to diocesan bishops to 'strive to discern new gifts of consecrated life granted to the Church by the Holy Spirit' and to give assistance to their promoters (c. 605).
- ⁷ Canons only remotely related to the apostolate provide for the diocesan bishop to determine how religious representatives to diocesan synods (c. 463,1.9°) and diocesan pastoral councils (c. 512,1) will be chosen.
- ⁸ Cardinal Eduardo Pironio, Final Address, NCVR *Proceedings*, (1978).
- ⁹ It is noteworthy that Cardinal Pironio deliberately spoke in the broad terminology of consecrated life, and not exclusively of religious, since he was aware of the presence of secular institutes in the local Church as well. At the 1983 meeting of the vicars' conference a communication was read from a representative of the U.S. Conference of Secular Institutes, asking the vicars' conference to consider an adjustment in its name and scope, to parallel that of the Sacred Congregation in Rome. Although no decision was made at the time, it was apparent during the meeting that a large number of those present (a total of 77 from 48 dioceses) were aware of and worked with secular institutes in their local situation. 'Minutes of the national business meeting', NCVR *Proceedings* (1983), pp 76-77.
- ¹⁰ Organizing your office, NCVR *Proceedings* (1980), pp 37-50.
- ¹¹ Nash, Robert C.: 'The american vicar for religious today', NCVR *Proceedings* (1981), pp 24-31.
- ¹² The statistics quoted were taken from the NCVR Directory which was current at the time. It included 212 names from 131 dioceses and archdioceses.
- ¹³ In an extensive article on the topic, Verbrugge discusses among other things the difference between the episcopal vicar and the previous practice of persons delegated for roles such as 'visitor' to religious. Verbrugge, Albert E.: 'The figure of the episcopal vicar for religious', *Apollinaris*, 55 (1982), pp 55-133.
- ¹⁴ The title 'co-vicar' is, undoubtedly an effort to express equality between persons serving within an office for religious, particularly in view of today's sensitivities regarding the role of women in the Church. Canonically speaking, the term 'associate' would be more accurate.
- ¹⁵ Significant examples of this are the provision for properly qualified lay men or women to serve as promoter of justice, defender of the bond, or collegial judge in a Tribunal. Consistent with the role under discussion here, is the reservation of the office of judicial vicar to a priest.
- ¹⁶ Bassett, William W.: 'The office of episcopal vicar' *Jurist* 30 (1970), pp 285-313.