Blog



Sr. Hedwig Muse, a member of the Little Sisters of Mary Immaculate of Gulu in Uganda and a civil lawyer who works for the Association of Sisters of Kenya, speaks against a proposed finance bill to the Kenyan government parliamentary committee in an undated photo. (Courtesy of Hedwig Muse)



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Sisters are lawyers? That was the question I heard one day speaking to someone about the variety of sisters' ministries. I wonder how many other people would also be surprised.

Yes, sisters are both civil and canon lawyers, not only in the United States but in countries all over the world. I never realized how many there are until recently when I began researching their presence.

I personally became aware of this ministry for sisters in the late 1980s when I was in congregational leadership. Two of our sisters were invited by bishops from different dioceses in South Dakota to study canon law for tribunal work. I was thrilled, thinking how advantageous it would be to have female lawyers working along with priests. It would also be a bonus to have someone with these skills for internal congregational issues rather than searching for outside assistance.

Both sisters studied canon law in Ottawa, Canada. One noted that six in her group were middle-aged women, a small part of a large group of young priests. In her group, the sisters represented a variety of Western countries. Their presence was beginning a new movement of women's leadership in the church.

To be qualified for canon law practice, candidates must have a doctorate in church law, and once qualified they may function as judges, advocates and defenders, often in marriage cases. Judges make final decisions about cases, advocates provide advice, gather evidence and prepare documents and testimony for the tribunal, and defenders uphold the validity of marriage, allegedly null, arguing for the binding force of the marriage sacrament. Along with marriage issues, canon lawyers address other issues that involve church law.

It was interesting to learn how canon law trials differ from civil ones. Canon law trials are largely document-based, with little direct interaction between sides. Proceedings are usually closed to the public. This is in contrast to public civil law proceedings.

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My understanding is that in the beginning of this movement, most sisters were hired to work with annulment issues, but gradually their work expanded. Sisters now work with varieties of religious congregational issues or those of individual sisters. An example might be those seeking departure from their congregations or dealing with experiences of abuse. Lawyers work with land issues facing religious congregations involving conflict with dioceses. This may happen in emerging economy countries where seeking property deeds for land they have occupied for years, the sisters suddenly discover that land given them by a founding bishop belongs legally to the diocese, allowing the land to be taken from them without recourse. United States sisters and those of other countries are also involved in issues over land and institutional ministries.

The first time I met an African sister lawyer was in 2013, when Sr. Romina Nyemera, a sister of Our Lady of Good Counsel of Mbarara, Uganda, and I worked together for the Confederation of Conferences of Major Superiors of Africa and Madagascar (COMSAM). It was not long however, before other sisters in Africa took up similar ministries. Now, there are many canon and civil lawyers among them.

I understood the reason sisters became canon lawyers, being church oriented, but wondered why some would choose to be civil lawyers. One sister told me that while working in parish ministry, she discovered families, particularly the most marginalized, had little understanding that they had rights and no access to legal assistance. She spoke with her superiors about this and they agreed to send her for legal education. Along with capacity to assist families in need, the sister found that the training provided new knowledge. It also honed her thinking skills and strengthened her self-confidence and courage to stand up for the rights of others, as well as her own.

What uniqueness do sister lawyers, canonical or civil, bring to church and society? They provide a feminine viewpoint and presence. Women facing divorce or annulments may find a sister easier to speak with than priests. Sisters discerning vocation issues may find it easier to speak to a sister who understands canonical law

processes of exclaustration (time away from convent life to discern whether to stay or leave) and departure. Land and property issues of women's congregations may be more easily discussed with sister lawyers when such issues relate to diocesan clerical structures. Abuse cases, whether external or internal to a congregation, are another topic, as are canonical issues around opening new ministries. One sister told me of wanting to open a ministry to women in prison. Some want to start sister law firms. It is exciting to learn about such potential initiatives.

Another surprise for me was learning that community sisters are often mystified by the choice of one of their own to engage in law practice. Some congregational leaders also question its value, unable to recognize the gift their sisters as canon or civil lawyers could bring to their congregations. An example of this might be assigning a sister with a law degree as a secretary rather than supporting her in her educational expertise. Clericalism, however, could also be at play because for many years it was assumed that only priests could be canon lawyers. This bias, along with gender bias, a belief that women are not capable in this field, impedes trust in the work of sisters. It is easy for women to internalize the church clerical system as the norm, not crediting that women could easily hold these leadership positions.

One of my friends, a canon lawyer, noted that when she was hired as tribunal leader in the 1990s, women's church leadership was increasing, especially in rural areas. Sisters were being appointed as leaders of parishes, and other diocesan positions. The trend these days for women's church leadership seems to be diminishing in some parts of the world, even though the Vatican is setting a different path by appointing sisters into dicastery leadership. We can only hope that the current synodal movement will increase recognition of women's leadership abilities.

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Thinking it important to bring visibility to this role of sisters in the church, and learning about challenges they face within their communities and outside, I decided to open a WhatsApp group for sister lawyers in Africa, both canonical and civil, to find support and share issues with each other. (Others are welcome to join; I was limited in contacts with other continents.)

One hope is that this group will foster mutual encouragement and new ideas to begin initiatives such as opening sister-led law practices. Such offices have been

particularly valuable in addressing immigration issues worldwide.

A few years ago, our two Presentation Sister canon lawyers agreed to become lobbyists in our South Dakota state legislature to influence legislators to think about Catholic social teaching as part of policy decision-making. Although a novelty in the beginning, they quickly became influential voices on important matters that affect those made poor in our state.

I am confident that sisters worldwide will find many avenues to use these legal skills, and I look forward to hearing their stories.