



National Library
of Canada

Acquisitions and
Bibliographic Services Branch

395 Wellington Street
Ottawa, Ontario
K1A 0N4

Bibliothèque nationale
du Canada

Direction des acquisitions et
des services bibliographiques

395, rue Wellington
Ottawa (Ontario)
K1A 0N4

Your file / Votre référence

Our file / Notre référence

NOTICE

The quality of this microform is heavily dependent upon the quality of the original thesis submitted for microfilming. Every effort has been made to ensure the highest quality of reproduction possible.

If pages are missing, contact the university which granted the degree.

Some pages may have indistinct print especially if the original pages were typed with a poor typewriter ribbon or if the university sent us an inferior photocopy.

Reproduction in full or in part of this microform is governed by the Canadian Copyright Act, R.S.C. 1970, c. C-30, and subsequent amendments.

AVIS

La qualité de cette microforme dépend grandement de la qualité de la thèse soumise au microfilmage. Nous avons tout fait pour assurer une qualité supérieure de reproduction.

S'il manque des pages, veuillez communiquer avec l'université qui a conféré le grade.

La qualité d'impression de certaines pages peut laisser à désirer, surtout si les pages originales ont été dactylographiées à l'aide d'un ruban usé ou si l'université nous a fait parvenir une photocopie de qualité inférieure.

La reproduction, même partielle, de cette microforme est soumise à la Loi canadienne sur le droit d'auteur, SRC 1970, c. C-30, et ses amendements subséquents.

**CONTEMPORARY LAY ASSOCIATE PROGRAMS IN CANADA:
ORIGINS, CANONICAL CONSIDERATIONS AND PRACTICAL ASPECTS**

by
Susan WIKHEEM, S.N.J.M.

A dissertation submitted to the Faculty of Canon Law,
Saint Paul University, Ottawa, Canada, in partial
fulfillment of the requirements for the degree of
Doctor of Canon Law



Ottawa, Canada
Saint Paul University
1995



National Library
of Canada

Acquisitions and
Bibliographic Services Branch

395 Wellington Street
Ottawa, Ontario
K1A 0N4

Bibliothèque nationale
du Canada

Direction des acquisitions et
des services bibliographiques

395, rue Wellington
Ottawa (Ontario)
K1A 0N4

Your file *Votre référence*

Our file *Notre référence*

The author has granted an irrevocable non-exclusive licence allowing the National Library of Canada to reproduce, loan, distribute or sell copies of his/her thesis by any means and in any form or format, making this thesis available to interested persons.

L'auteur a accordé une licence irrévocable et non exclusive permettant à la Bibliothèque nationale du Canada de reproduire, prêter, distribuer ou vendre des copies de sa thèse de quelque manière et sous quelque forme que ce soit pour mettre des exemplaires de cette thèse à la disposition des personnes intéressées.

The author retains ownership of the copyright in his/her thesis. Neither the thesis nor substantial extracts from it may be printed or otherwise reproduced without his/her permission.

L'auteur conserve la propriété du droit d'auteur qui protège sa thèse. Ni la thèse ni des extraits substantiels de celle-ci ne doivent être imprimés ou autrement reproduits sans son autorisation.

ISBN 0-612-11612-3

Canada



UNIVERSITÉ D'OTTAWA
UNIVERSITY OF OTTAWA

ABSTRACT

One positive outcome of the post-Vatican II renewal is the movement among laity and religious towards greater collaboration. Collaboration, in some instances, has led to a desire for formal association. In the last fifteen to twenty years many religious institutes and societies of apostolic life have responded by establishing associate programmes which offer selected laypersons a structured participation in their spirit, mission and community life.

Lay association with religious institutes is not a new development but rather “a tradition revived.” The newness of the current movement is found in its variety of forms which do not fit into any of the established canonical categories. The contemporary situation, therefore, raises new canonical questions and presents new practical challenges. This dissertation considers these canonical and practical issues related to contemporary associate programmes. There are two components to the methodology used: an analysis of canonical norms to determine their direct or analogous application to the functioning of these programmes; and an examination of selected Canadian associate programme guidelines to establish and assess current practice.

Chapter one places lay association in its historical and legal contexts and explores the framework for contemporary programmes. Chapter two examines current universal and proper legislation related to lay association. Chapter three explores canonical issues related to contemporary lay associate programmes including membership requirements, the relationship between institutes/societies and their associates, and the participation of associates in the life of the sponsoring institutes/societies. Finally, chapter four considers some practical aspects related to contemporary associate programmes including organization, content, statutes and policies, agreements, rights and obligations.

The study clarifies the canonical status of individual associates and groups of associates and offers suggestions for the functioning of programmes. It concludes with an evaluation of the existing situation and explores future directions.

TABLE OF CONTENTS

Acknowledgements	5
Abbreviations	6
Introduction	8
Chapter One: Associates Prior to the 1983 Code of Canon Law	14
A. Early Forms of Individual Association	14
1. Lay Servants	16
2. Guests	19
3. Participants in Monastic Life	20
a. Pious Women	20
b. Confrères	21
c. Oblates	22
(1) Child Oblates	23
(2) Adult Oblates	24
B. Third Orders and Other Associations	31
1. Historical Context of Third Orders	32
2. Origins of the Third Order	34
a. The Franciscan Influence	34
b. The "Order of Penance" and the "Third Order"	37
c. The First Rule of the Third Order	38
3. Jurisdiction and Division of the Third Order	41
4. Evolution of the Third Order	44
a. Expansion	44
b. Emergence of The Third Order Regular	45
c. Developments in The Third Order Secular	46
5. Other Associations Affiliated with Religious Institutes	48
C. Associates in the 1917 Code of Canon Law	50
1. Nature of a Third Order	51
2. Establishment and Suppression	53
a. Establishment of a Third Order	53
b. Establishment of Associations of Tertiaries	55
c. Suppression	56
3. Membership	57
a. Qualities and Conditions for Membership	57
b. Departure	59

TABLE OF CONTENTS

2

4. Rights and Obligations of Members	59
5. Government	60
6. Relationship to Ecclesiastical Authority	61
D. Vatican II Insights	62
1. Renewed Ecclesiology	63
2. Revalorization of the Laity	65
3. Renewal in Religious Life	67
4. The Right of Association	70
Conclusion	71
Chapter Two: Contemporary Universal and Proper Legislation Relating to Associates	75
A. Associations of Associates in the 1983 Code	76
1. General Treatment of Associations in the 1983 Code	77
2. Public Associations of Associates	78
3. Private Associations of Associates	81
4. Non-Canonical Associations of Associates	83
5. Competent Authority for Associations of Associates	84
B. The Canons and their Application	88
1. Canon 303 — Nature of Associations of Associates	89
a. Formulation of Canon 303	89
b. Commentary on Canon 303	93
2. Canon 311 — Participation in Apostolate	96
a. Formulation of Canon 311	97
b. Commentary on Canon 311	99
3. Canon 677 §2 — Sharing the Spirit	100
a. Formulation of Canon 677 §2	101
b. Commentary on Canon 677 §2	103
C. Subsequent Roman Documents Relating to Associates	104
1. <i>Christifideles laici</i>	105
a. Background and Context	105
b. Norms Concerning Associations	107
2. <i>Potissimum institutione</i>	112
a. Background and Context	112
b. Norms Concerning Membership of Religious in Associations	114
D. Application of Legislation in Proper Law	116
1. Associates in Proper Law	117
2. Commentary	127
Conclusion	128

Chapter Three: Canonical Issues Relating to Associates	133
A. The Associate	135
1. Qualities for Associateship	136
a. Canonical Norms	136
b. Program Norms for Individual Associates	139
2. Conditions for Admission	145
a. Canonical Norms	145
b. Program Norms for Individual Associates	146
3. Departure from the Program	149
a. Canonical Norms	150
b. Program Norms for Individual Associates	150
B. Relationship with the Institute/Society	154
1. Membership and Bonds	155
a. Canonical Norms	155
b. Extending Membership	159
c. Program Norms for Individual Associates	162
2. Sharing in Mission or Sharing in Spirit	165
a. Associates Who Share in the Mission	165
b. Associates Who Share in the Spirit	169
C. Participation in the Life of the Institute/Society	175
1. Limitations to Participation	175
2. Participation at the Local Level	182
3. Participation at the Provincial and General Levels	187
Conclusion	190
Chapter Four: Practical Aspects of Associate Programs	193
A. Overview of Associate Programs	193
1. Establishment of Programs	193
a. Examples of Establishment Procedures	194
(1) Sisters of the Holy Names of Jesus and Mary	194
(2) Congrégation de Notre Dame	196
b. Commentary and Suggestions	198
2. Content of Programs	201
a. Contents of Programs for Sharing in Spirit	202
(1) Sisters of the Holy Names of Jesus and Mary	202
(2) Sisters of St. Joseph of Toronto	203
(3) Commentary and Suggestions	204
b. Content of Programs for Sharing in Mission	206
(1) The Society of Jesus	206
(2) Commentary and Suggestions	207

3.	Organization and Administration of Programs	208
a.	Organization of Programs for Sharing in Spirit	208
	(1) Sisters of the Holy Names of Jesus and Mary	208
	(2) Sisters of St. Martha	209
	(3) Commentary and Suggestions	210
b.	Organization of Programs for Sharing in Mission	212
	(1) Scarboro Foreign Mission Society	212
	(2) Commentary and Suggestions	213
B.	Statutes and Policies	214
1.	Statutes	215
a.	Statutes in General	215
b.	Description and Evaluation of Statutes	217
	(1) Sisters of the Holy Names of Jesus and Mary	217
	(2) Missionaries of Africa	219
2.	Policies	222
a.	Examples of Policies	222
	(1) The Society of Jesus	222
	(2) Scarboro Foreign Mission Society	224
b.	Commentary and Suggestions	226
C.	Agreements and Contracts	228
1.	Agreements With Associates Who Share in Spirit	230
2.	Agreements With Associates Who Share in Mission and/or Community	233
	a. Scarboro Foreign Mission Society	233
	b. The Society of Jesus	236
D.	Rights and Responsibilities	238
a.	Rights and Responsibilities Within Associate Programs	238
b.	Examples of Rights and Responsibilities in Associate Programs	241
	Conclusion	243
	General Summary and Conclusion	247
	Appendix A	258
	Appendix B	262
	Appendix C	263
	Appendix D	264
	Bibliography	265
	Biographical Note	295

ACKNOWLEDGEMENTS

The preparation of this dissertation has involved the assistance of many people. I wish to express my thanks to the superiors, associate directors, and archivists of the religious institutes and societies of apostolic life who made available the documentation on their programs and who granted interviews. This research project would have been impossible without their cooperation and encouragement.

I am very grateful to Professor William H. Woestman, OMI, director of this dissertation, for his availability, encouragement, guidance, and computer expertise. I am also grateful to Professor Michael O'Reilly, OMI, for reading the dissertation and offering valuable suggestions; to Professor Francis Morrissey, OMI, for sharing his insights into associate programs; and to Sister Carol Marie Peloquin, SNJM, for proofreading and refining the text. I wish to acknowledge the support and assistance of Professor Jean Thorn, Dean of the Faculty of Canon Law, and other members of the Faculty.

I am pleased to thank the members of the Manitoba Province of the Sisters of the Holy Names of Jesus and Mary, especially the former and present administrators, who provided the time and resources for me to undertake this study.

Finally, I am grateful to my mother and my friends for their constant support, encouragement, and practical assistance.

ABBREVIATIONS

AA	<i>Apostolicam actuositatem</i>
AAS	<i>Acta Apostolica Sedis</i>
AG	<i>Ad gentes</i>
ASS	<i>Acta Sanctae Sedis</i>
<i>Bullarium Romanum</i>	<i>Bullarium diplomatum et privilegiorum sanctorum Romanorum pontificum, Taurinensis editio (cure Tomassetti), Locupletior acta collectione novissima piurium brevium, epistolarum, decretum actorumque S. Sedis a Leone Magno usque ad praesens [i.e. 1740]</i>
c./cc.	canon/canons
CD	<i>Christus dominus</i>
CIC/17	<i>Codex iuris canonici, 1917</i>
CIC/83	<i>Codex iuris canonici, 1983</i>
CL	<i>Christifideles laici</i>
ES II	<i>Ecclesiae sanctae II</i>
FLANNERY I	<i>Vatican II, The Conciliar and Post Conciliar Documents</i>
FLANNERY II	<i>Vatican II, More Post Conciliar Documents</i>
GS	<i>Gaudium et spes</i>
LG	<i>Lumen gentium</i>
MANSI	<i>Sacrorum conciliorum nova et amplissima collectio</i>
PB	<i>Pastor bonus</i>
PC	<i>Perfectae caritatis</i>
PI	<i>Potissimum institutione</i>
POTTHAST	<i>Regesta Pontificum Romanorum</i>
RB	Rule of St. Benedict

<i>Relatio</i>	<i>Relatio complectens syntheses animadversionum ab em. mis atque exc. mis Patribus Commissionis ad novissimum schema Codicis iuris canonici exhibitarum, cum responsionibus a secretaria et consultoribus datis</i>
<i>SCRIS</i>	Sacred Congregation for Religious and Secular Institutes
1977 Schema	<i>Schema canonum libri II: De populo Dei Schema canonum de institutis vitae consecratae per professionem consiliorum evangelicorum</i>
1980 Schema	<i>Codex iuris canonici: schema patribus commissionis reservatum</i>
1982 Schema	<i>Codex iuris canonici: Schema novissimum iuxta placita patrum Commissionis emendatum atque Summo Pontifici praesentatum</i>

INTRODUCTION

In the thirty years since the closing of the Second Vatican Council, the Church has undergone profound changes. Of the many significant developments and horizon shifts that have occurred, three in particular have implications for this study. The first notable development has been a renewed image of the Church as the people of God, the community of the baptized in which all are called to holiness and all are coresponsible for mission. No longer are these pursuits dominated by the privileged few. A second equally dramatic development has been a new appreciation of the lay vocation which, in turn, has translated into a more prominent role for the laity and increased lay activity in all spheres of ecclesial life. The effects of this new-found energy are evident in the proliferation of lay groups and ecclesial movements. The third significant development, the renewal of religious life, has altered forever the functioning of institutes and the lives of their members. Many of the changes in religious life, brought about by religious themselves, were welcome: spiritual renewal, recovery of charism, updated structures, refocused apostolic activity. Others were unplanned and unwanted: departure of members, decline in vocations, and aging populations.

The convergence of these developments has produced at least one positive outcome — the movement towards greater collaboration between laity and religious. More specifically, in the last fifteen to twenty years, lay people and religious have demonstrated an interest in formal association. Laity seeking

spiritual nourishment, supportive faith community, and opportunities for apostolic service have turned to religious institutes for leadership, and accompaniment. Many institutes have responded by establishing programs which offer selected lay persons a structured participation in their spirit, mission, and community life. These lay participants are referred to variously as affiliates, co-members, lay missionaries, volunteers, companions, and, most commonly, associates, the term which will be used throughout this dissertation.

Programs for associates fall into two broad categories. The first, and largest category of programs, focuses primarily on lay associates sharing in the spirit of the sponsoring institute. Initial and continuing formation educate participants in the history, spirit and mission of the institute, and the life of the founder. Associates formally commit themselves to appropriate the institute's spirit and values and to incorporate these in their everyday activities. Emphasis is placed on the bonding between individual associates and their sponsors. Associate relationship is fostered by personal contact and inclusion of associates in activities such as retreats, workshops, and apostolic projects.

The second category of programs focuses primarily on associates sharing in the mission of the sponsor. These programs are conducted mostly, but not exclusively, by missionary institutes and societies of apostolic life.¹ Following a period of formation, associates formally commit themselves, for a determined length of time, to service in an apostolate belonging to or related to the

¹This study includes associates of religious institutes and of societies of apostolic life. Societies of apostolic life resemble religious institutes in that their members pursue an apostolic purpose and live a life in common according to their particular constitution. Members do not take religious vows, although in some societies they may embrace the evangelical counsels by a defined bond. This study does not include associate membership issues of secular institutes.

sponsor. Frequently, associates who share mission also live with incorporated members and participate fully in the life of the local community.

Overall, associate programs have successfully provided their participants with opportunities for spiritual growth and apostolic service. Sponsors have benefited as well. Through their associates, institutes and societies have extended their influence and responded to increased apostolic demands despite declining membership. No doubt this advantage to the sponsors influenced and accelerated the establishment of the programs.

Lay association with religious institutes is not a recent development. The newness of the current movement is found in its variety of forms which do not fit into any of the established canonical categories. The contemporary situation, therefore, raises new canonical questions and presents new practical challenges. The canonical questions pertain to the selection and admission of associates, their relationship to their sponsors, and their participation in the internal life of the institutes and societies. Of particular concern are styles of bonding which tend to blur the distinction between lay associates and members. It is not uncommon in some circles to hear terms such as "alternative membership," "non-vowed members" and "degrees of membership" used in reference to associates.² Terminology such as this has implications for the identity of sponsoring institutes and societies, for it challenges the very meaning of incorporation in a religious institute and/or society of apostolic life. Among the practical issues are those concerning establishment of programs,

²Sometimes the choice of name for lay participants provides a clue to the program orientation. An example is found in the distinction one writer makes between "associates" and "co-members." The former are *associated with* the institute while the latter, it is claimed, have actual *membership in* it (see K. SCHWARZ, "Alternative Membership in Religious Congregations," in *Review for Religious*, 50[1991], p. 561).

choice of content, selection of structures, formulation of norms and policies, articulation of mutual rights and responsibilities, and preparation of agreements.

The purpose of this dissertation is to consider these canonical and practical issues related to contemporary associate programs. There are two components to the methodology used: an analysis of canonical norms to determine their direct or analogous application to the functioning of these programs; and an examination of selected Canadian associate program guidelines to establish and assess current practices. The general conclusion evaluates the existing situation and explores future directions. It is hoped that this study will clarify the canonical status of individual associates and groups of associates and that it will provide helpful suggestions for the functioning of programs. It is a canonical study written with non-canonist associate directors in mind since they are apt to be the ones with the greatest interest in the subject. It is meant to complement studies in other disciplines such as that of sociologist Rosemary Jeffries.³

It is important from the onset to dispel the notion that lay association with religious is a relatively recent phenomenon. On the contrary, it is "a tradition revived."⁴ This study begins, therefore, by placing lay association in its historical and legal contexts. The narrative in chapter one traces antecedent forms of lay association from their origins in western monasticism through their mendicant revitalization to their eventual institutionalization as third orders. An explanation is then given of the 1917 Code of Canon Law's treatment of third

³See R. JEFFRIES, *Commitment in Religious Life in the Post-Vatican II Era: A Study of Association Membership Programs*, Ann Arbor, Mich., 1991, 248 p.

⁴M.L. MONETTE, *Kindred Spirits: The Bonding of Laity and Religious*, Kansas City, Sheed and Ward, 1987, p.49.

orders secular to show how the Church regulated associations whose members participate in the spirit of a religious order. Finally, this chapter presents a review of significant Vatican II teaching, illustrating its implications for contemporary lay association and setting its more immediate context.

Chapter two provides an analysis of present universal law, found in the 1983 Code of Canon Law and subsequent Roman documents, to show how the Church currently regulates associates and associations of associates. As part of its new approach to associations of the Christian faithful, the 1983 Code reduced the treatment of third order associations to one descriptive canon, c. 303. Particular attention is paid to this canon and to canons 311 and 677 §2 which place obligations on institutes with associations attached to them. The last section of the chapter presents the proper law of selected religious institutes and societies of apostolic life to determine how they have provided for associates. It reveals that sponsoring institutes and societies have not established associations for their associates but have chosen to affiliate individuals.

The remaining chapters discuss contemporary programs for individual associates. Chapters three and four respectively address the canonical and practical issues related to the functioning of these programs. Key aspects of individual lay association are examined in the light of the Code of Canon Law and current practice. Examples from selected programs are presented liberally to illustrate points. These are commented upon and general suggestions offered.

Affiliation of associates as individuals or in groups to grant them participation in the spirit and mission of an institute or society does not exhaust

the ways in which laity and religious formally relate. Historically, sodalities and confraternities have also played a key role in lay/religious collaboration, and no doubt they will continue to do so. These, however, are beyond the scope of this study and will not be treated other than to acknowledge their existence in the historical narrative in chapter one. Moreover, secular third orders also continue to function, many with renewed energy. These, too, are beyond the immediate scope of this dissertation and are examined briefly for historical and comparative purposes only.

CHAPTER ONE

ASSOCIATES PRIOR TO THE 1983 CODE OF CANON LAW

Lay association with religious institutes is not a new phenomenon. It is as old as religious life itself and is an easily verifiable fact in the history of the Church and of religious orders.¹ The purpose of this chapter is to examine the origins and development of the lay associate movement. Parts one and two respectively will present historical surveys of early forms of individual lay affiliation and of third orders and other associations. Part three will examine the treatment of associates and associations of associates in the 1917 Code of Canon Law. The last part will consider insights from the Second Vatican Council which have contributed to the current renewed interest in lay association.

A. Early Forms of Individual Association

It is an illusion to believe that medieval monasteries were remote enclosures and that the religious within them were isolated from the rest of the world. In reality the world was constantly knocking at the cloister door. From the earliest period of western monasticism there is evidence of seculars seeking and being granted a share in the benefits of monastic life, both spiritual and material.

At the outset, and indeed for the first six hundred years of its existence, lay association was not a fixed institution with a universally applicable rule. On the contrary, it developed and operated essentially as a local custom. There

¹See U. BERLIÈRE, "Les oblats de Saint Benoît au Moyen Âge," in *Le messager des fidèles*, 3(1886-1887), p. 56.

were two primary reasons for this. First, lay association developed gradually in response to the changing needs of the monasteries and of the general population. Isolated cases became more widespread until, with time, lay association became common practice. Second, the nature of monastic organization did not lend itself to the institutionalization and universalization of lay associates. Benedict did not set out to found a centralized "order." He established a monastery and gave it a rule which was subsequently adopted by other monasteries until it became the preponderant rule in the West.² Though it followed the Rule of St. Benedict, every monastery was independent and consequently developed its own statutes and its own customs and rules for affiliating the host of lay persons who sought society with it. Not until the reforms of the 11th century and the advent of religious "orders" did lay association make the transition from local custom to institution.

The variety of forms of individual lay affiliation is proof of the vitality of the relationship between religious and laity and of the creative response by monasteries to their own changing conditions and to those of society. A disadvantage to this uninstitutionalized, flexible approach is the lack of clearly defined, easily distinguishable categories of associates. To say that there is a great confusion of terms used to describe the various forms of affiliation is not to overstate the fact. More often than not, the same reality bore different names in different places. Conversely, the same name was used to describe different realities. Furthermore, the realities themselves changed over time. This lack of precision in terminology creates an obstacle to a clear understanding of lay affiliation with religious orders in the early stages of its development.

²See M. B. PENNINGTON, "The Evolution of Monastic Law," in *Studia canonica*, 8(1974), p. 351.

The purpose of this part is to present an overview of the early forms of individual lay affiliation that existed from time to time in the Middle Ages. Some difficulties with terminology are noted. The presentation is based primarily on the research of Berlière, Deroux, and Marchal.³ General categories of lay associates are treated under the following headings: lay servants, guests, and participants in monastic life.

1. Lay Servants

The founding principle of Benedictine monasticism was withdrawal from the world to a monastery where religious could divide their time between spiritual exercises and manual labour. Monasteries were intended to be self-sufficient. With few exceptions the monks were laymen, and all participated equally in the life of the community. In other words, all were choir monks, and all did their share of manual labour.

Three factors impacted upon monasticism to change this ideal, namely, the clericalization and intellectualization of monasteries and the elaboration of the liturgy. Due to these developments ordained monks spent more time away from manual labour. While the monks were evidencing a lack of time for and interest in manual labour, the monasteries themselves were expanding and needed even more labourers to maintain them. This situation inevitably led to the admission of lay people into the monastery to perform the manual tasks abandoned by the monks.

³See U. BERLIÈRE, "Les oblats," pp. 55-61, 107-111, 156-160, 209-220, 249-255; U. BERLIÈRE, *La familia dans les monastères bénédictins du Moyen Âge*, Bruxelles, M. Lamertin, 1931, 123 p.; M.-P. DEROUX, *Les origines de l'oblature bénédictine: étude historique*, Vienne, Abbaye Saint-Martin de Ligugé, 1927, 130 p.; J. MARCHAL, *Le "droit d'oblat": essai sur une variété de pensionnés monastiques*, Ligugé, Vienne, Abbaye Saint-Martin, 1955, xii, 291 p.

Lay servants are mentioned in the 7th century Rules of St. Isidore and of St. Fructuosus.⁴ The latter, the *Regula communis*,⁵ attempted to introduce into monastic life a new form of incorporation involving entire families, without making them part of the community as such. Chapter 6 provided for the situation in which "someone comes with his wife and small children...." They were to "be received under the power of the abbot, who shall explain to them what rules they must observe." The fact that entire families were admitted was a compelling reason to make provision for such matters as the authority of the abbot, disposal of personal property, remuneration, and the manner of conduct in the cloister.⁶

The Synod of Aix-la-Chapelle in 817 tried to curtail the practice of admitting laity into the cloister by legislating that only those who intended to become monks could be received into a monastery.⁷ That the custom continued

⁴See BERLIÈRE, "Les oblats," p. 59; DEROUX, *Les origines*, p. 80; Deroux cites the Rule of Fructuosus as the first document that definitively establishes lay people in the interior of the monastery and provides rules for their admission and conduct.

⁵This second rule attributed to Fructuosus was not a true rule but a compendium of decisions by some monasteries of the confederation regarding concrete problems. One of those problems was that of the monastic family. "... tale Regola intende organizzare una forma nuova d'incorporazione di famiglie complete alla vita monastica, senza fare parte propriamente della comunità. Possono entrare come tali nel monastero, per abitarvi, i coniugi separatamente e i figli con l'uno o con l'altro di esse, secondo il sesso e l'età, senza distruggere il legame familiare; la loro disponibilità è caratterizzata dall'obbedienza assoluta all'abate, dalla povertà in forma di rinuncia totale ai propri beni particolari in cambio del vitto e alloggio in monastero, nonché del vincolo diretto e indipendente di coniugi e figli all'abate" (M.C. DÍAZ Y DÍAZ, art. "Fruttuoso," in G. ROCCA, ed., *Dizionario degli istituti di perfezione*, Roma, Edizioni Paoline, 1977, vol. 4, col. 984-985).

⁶J. MIGNE, ed., *Patrologiae cursus complectus*, Series latina, vol. 87, Parisiis, Montrouge, col. 1115-1116 (English translation in *Iberian Fathers*, vol. 2, trans. by C.W. Barlow, The Fathers of the Church Series, R.J. DEFERRARI, et. al., eds., Washington, The Catholic University of America Press, 1969, pp. 185-186).

⁷See Synod of Aix-la-Chapelle, canon 42, in J.D. MANSI, ed., *Sacrorum conciliorum nova et amplissima collectio* (=MANSI), vol. 17B, Parisiis, H. Welter, 1903, col. 585.

is proof that this canon was not generally received. In addition, the Synod determined that lay servants were to have a separate refectory but were still to have the same spiritual reading during meals as the monks.⁸

Lay servants were generally referred to by the generic term *famuli*, members of the monastic household, with subtle distinctions made between the various classes and ranks. *Famuli* may have lived at the monastery or remained at home with their families. But the term was not used consistently. At St. Gall the term *famuli* referred to a category of servants who maintained and had free access to the regular places such as the cloister. They wore habits and lived within the monastery precincts as a kind of religious community.⁹

The 9th century statutes of Corbie list two categories of servants: *matricularii* and *praebendarii*. The *matricularii* worked within the cloister and wore a kind of religious habit. Their names were entered on the monastery roll (*matricula*), therefore, they were considered definitively attached to the monastery and could not be dismissed as could simple servants. They were organized into a kind of pious community with their own living quarters. The *praebendarii* were those who worked outside the monastery and received their support from it. In other monasteries this term was applied not only to lay servants but also to other categories of persons who were regularly provided for by the monastery, whether or not they resided within its walls or served its interests.

⁸See Synod of Aix-la-Chapelle, canon XXVIII, in MANSI, vol. 17B, col. 583.

⁹See DEROUX, *Les origines*, pp. 73-74.

2. Guests

Generally referred to by the term *hospites*, this category was comprised of lodgers admitted into the monastery either on a temporary or permanent basis. Some came for medical care, and others simply chose to retire there. Among the guests were retired servants and military personnel who were placed in the monastery by grateful kings and princes as a reward for loyal service,¹⁰ somewhat akin to a pension benefit. If they could, they performed light tasks in the monastery and may have been called *monachi laici* because of their resemblance to persons in that category. Sometimes they were referred to as oblates since, in a manner of speaking, they had been "offered." The privilege of imposing these lodgers on a monastery was extended by kings to include other categories of persons to whom the king owed an obligation, a reward, or an act of charity. In France this customary law became known as the *droit d'oblat*. Popes were wont to use monasteries in this fashion as well.

Sometimes monasteries were used as a sort of prison where there could be found dethroned kings, queens, imprisoned members of royal families, and rebels, as well as clerics and laity sentenced to ecclesiastical penalties. These involuntary lodgers placed a heavy burden on the monastery, especially when they were accompanied by a whole retinue.¹¹

While these people were usually called *hospites*, if they gave all or part of their possessions to the abbey and promised obedience to the abbot, they could be called *oblati* or *donati*. And because they were provided for by the

¹⁰See MARCHAL, *Le "droit d'oblat,"* p. 15.

¹¹See *ibid.*, p. 22.

monastery, in some places they were included among the *praebendarii* or *provendarii*.

3. Participants in Monastic Life

The religious state, with its expressed goal of striving for perfection, was perceived to be the embodiment of the Christian life. Consequently, for persons unable to assume the rigors of monastic life, affiliation presented an effective means of sharing in its spiritual benefits. A veritable host of lay people sought society with monasteries to participate in the prayers and good works of the monks, in other words, to share in the spirit and mission of monastic life. These associates will be discussed under the following headings: pious women, *confrères*, and oblates.

a. Pious Women

Monastery cartularies record many instances of pious women living in association with an abbey in order to derive spiritual and material benefits. These women, too, went by many names: *Deo sacratae*, *Deo devotae*, *Deo dicatae*, *conversae*. For the most part they embraced a kind of religious life by taking a vow of virginity, wearing a habit, and performing charitable deeds. Though not canonically religious, they were considered to be consecrated persons. Some remained with their families while others lived alone, but often in the shadow of a monastery. Still others lived in a common residence called a *reclitorium* or *clusa*.¹²

Spiritual benefits included participation in the liturgical life of the monastery and, sometimes, spiritual direction by the abbot. On the material

¹²See BERLIÈRE, "Les oblats," pp. 109-110.

side, association with a monastery often included security for the future against poverty and abandonment. The monastery, in turn, gained devoted persons to whom it could entrust the care of sacristies and vestments.¹³

b. *Confrères*

Clerics, religious, and lay persons who entered into formal union with a monastery for the purpose of participating in the prayers and good works of the monks were called *fratres conscripti*. Their names were entered in the monastery's *Liber Vitae* or Confraternity Book which was used in liturgical services.

Confraternity was essentially a prayer association. The *confratres* were assured of remembrance in the prayers of the monastic community during their lifetime and of special suffrages upon their death.¹⁴ Other privileges frequently included the right to receive the habit on one's deathbed and the right to be buried in the monastery cemetery. Those who had the privilege of receiving the

¹³See U. BERLIÈRE, *L'ordre monastique des origines au XI^e siècle*, Lille, Desclée, 1924, p. 115.

¹⁴See the introduction to the *Liber Vitae* of Newminster which captures the essence of this form of association: "Here follows in due order the names of the brethren and monks (of the monastery of Newminster), and of our confratres, and benefactors, living and dead, by whose alms, through the bounty of Christ, this family is day by day supported; that by this written remembrance on earth they may be inscribed on the page of the heavenly record. And let there be entered here the names of all who commend themselves to the prayers and fraternity of this community, so that a commemoration of them may be made daily in the holy solemnities of the Mass, and in our psalmody, and their names presented daily before the holy altar, at the morning and the principal mass by the sub-deacon, and be recited by him as far as time permits in the sight of the Most High. And that, after the offering of the oblation, they may be humbly commended to Almighty God, by the placing (of this book) upon the holy altar, during the Canon, on the right hand of the cardinal, who is celebrating the mass. In order that, as commemoration is made of them on earth, so in the life beyond, by the mercy of Him who alone knows how all there are or are to be, the glory of those of greater merit may be augmented, and the cause of those of lesser desert may be helped. Rejoice therefore and be glad, for your names are written in heaven" (S. MALLET, "Some Ancient Benedictine Confraternity Books," in *Downside Review*, 3[1885-1886], pp. 4-5).

habit on their deathbed were called variously *fratres ad succurrendum*, *monachus ad succurrendum*, *conversi in extremis*, *conversi ad succurrendum*. This custom was considered more than a mere pious practice. By being clothed in the monastic habit, in a solemn rite equivalent to profession, the person expressed a desire for *conversio*. Consequently, if he recovered, he was expected to confirm his profession and join the ranks of the monks. The strictness of this requirement was mitigated somewhat in the 13th century with the option given to join the new lay brothers or the oblates instead.¹⁵

Lay confraternity was often accompanied by a donation of property to the monastery, for if *confratres* were to share in the merits of the almsgiving undertaken by the monks it was deemed fitting that "they should add to the fund of wealth from which good deeds were done."¹⁶ *Confratres* might be associated generally with the good works performed by the monks or special acts might be assigned to an individual *confrater*.

Admission to confraternity was either by an act of the chapter, as at Cluny, or by the granting of a letter of fraternity as at Durham. Confraternity could be sought and obtained from more than one monastery. In the case of confraternity with Cluny it included all its dependencies as well.

c. Oblates

As the name suggests, oblates were those persons who were offered or who offered themselves to a monastery. The former were the child oblates and

¹⁵See DEROUX, *Les origines*, pp. 90-94; J. BONDUELLE, art. "Convers," in *Dictionnaire de droit canonique*, vol. 4, R. NAZ, ed., Paris, Letouzey et Ané, 1949, col. 565.

¹⁶H.E.J. COWDREY, "Unions and Confraternity with Cluny," in *Journal of Ecclesiastical History*, 16(1965), p. 160.

the latter were the adult oblates. For the purposes of this dissertation it is the adult oblates who are of interest. However, adult oblation was a later development that had its roots in the more ancient custom of child oblation. Therefore, a brief discussion of the earlier form is helpful by way of introduction. Adult oblation, in turn, will be discussed under the following headings: classes, institutionalization, legislation, modern developments.

(1) Child Oblates

Patristic writings clearly indicate that child oblation was practiced in monasteries of men and women from the earliest period and was provided for in monastic rules both in the East and in the West.¹⁷ The 6th century Rule of St. Benedict which, with few exceptions, supplanted all other rules in the West, provided two equally definitive methods of entry into monastic life, *sc̄ amn* profession and oblation. Members of the nobility could irrevocably offer their child to a monastery where he was received as a true monk.¹⁸ Since oblation was equivalent to solemn profession, the young monk assumed all the obligations of monastic life including stability and the vows. "The only difference between profession and oblation [was] that the written document [was] drawn up and signed by the parents in the case of oblation."¹⁹

The rite of oblation was solemn and public. During Mass the parents made a formal request of the abbot. At the offertory the charter of oblation and the hands of the child were wrapped in the altar cloth as a sign both of the

¹⁷See DEROUX, *Les origines*, pp. 8-16.

¹⁸See RB 59.

¹⁹T. FRY, ed., *RB 1980: The Rule of St. Benedict in Latin and English with Notes*, Collegeville, Minn., The Liturgical Press, 1981, p. 270.

offering to God and of God's acceptance. In the presence of witnesses the parents disinherited their child so that in later years he might not be tempted by material possessions to renounce the religious state.

What was essential was the freedom of the parents who offered. The idea of a religious vocation, the age of the child, or his liberty was not taken into account. As early as the 6th century the freedom and will of the child became a contentious issue, and from that period on various councils attempted to resolve it, although unsuccessfully.²⁰ While the practice of child oblation declined in the 11th century, it did not disappear completely until the Council of Trent fixed the age for profession at sixteen.²¹

(2) Adult Oblates

Child oblation was the precursor of adult oblation but, whereas the former had been standardized by the RB, the latter was left to the initiative of each monastery with the consequence that its forms were legion. Nonetheless, the essence of adult oblation and the common element in all its manifestations was the free offering of one's person to the monastery to gain some degree of participation in the life of the monks. In this manner, without becoming religious, lay people, men, women, married, and single, as well as secular clerics were aggregated definitively to a religious order.

²⁰See DEROUX, *Les origines*, pp. 22-28 for a discussion of councils and capitularies from the 6th to the 9th centuries dealing with the freedom and consent of the oblate.

²¹See Council of Trent, Session XXV, Chapter XV, MANSI, 33, col. 177.

(a) **Classes of Oblates**

Berlière classified adult oblates into four distinct groups.²² The following is a brief description of each group.

The first group comprised those who voluntarily offered themselves to the monastery, pledged themselves to serve its interests, and promised obedience to the abbot. A donation of property frequently accompanied the oblation. These individuals appeared in monastery records under a variety of names, the most common of which were: *oblatis*, *offerti*, *donati*, *condonati*, *commissi*, *devoti*, *monachi laici*, *fratres laici*. Where they joined the ranks of the guests they may also have been called *hospites*. In some abbeys, when the oblation was made in view of a *conversio*, they were called *conversi*.²³

The greater number lived at the monastery or nearby and wore a distinctive habit. Some, however, continued to reside at home, and others wore secular clothes. Their promise of obedience to the abbot was essential and perpetual. This made it necessary for the oblate to obtain the permission of the superior before disposing of goods by will and gave the superior the right to place the oblate in a residence and an occupation.²⁴

Oblation was the object of a solemn act with a charter and a ritual similar to those used for child oblation but with more emphasis placed on the freedom

²²See BERLIÈRE, "Les oblats," p. 159.

²³This use of the term *conversi* should not be confused with its original use to designate those who entered the monastery as adults and became monks by profession (as opposed to oblation) and its use in the 12th century to designate lay brothers who were true religious but not monks. See the discussion in J. BONDUELLE, art. "Convers," in *Dictionnaire de droit canonique*, vol. 4, R. NAZ, ed., Paris, Letouzey et Ané, 1949, especially col. 563, 565.

²⁴See BERLIÈRE, "Les oblats," pp. 211-213.

of the person being offered. There was no set formula and the terms of agreement varied. According to Berlière the profession of oblates often resembled that of monks except that the Church did not accept it as solemn profession.²⁵

Evidence of this form of oblation appears in monastery records in the 8th century, and by the 11th and 12th centuries it had become the most popular form of oblation. Evidence also indicates that it was just as popular among women as men, and that it occurred in monasteries of nuns as well, where oblation was made in the hands of the abbess. The reasons for this popularity were twofold: on the part of the oblates there was the desire for evangelical perfection and participation in the spiritual benefits of the monastic life, and on the part of the monks there was the desire to safeguard monastic discipline by ridding the cloister of mercenary servants and replacing them with quasi-religious persons.²⁶

The second group of adult oblates comprised those who voluntarily subjected themselves and their goods to the monastery. They retained the possession and the use of their property but assumed the obligation of paying an annual rent to the monastery. This oblation bonded the individual and his descendants to the service of the monastery. The ritual for this form of oblation borrowed heavily from feudal rites but with strong religious overtones as the following example from an early 13th century charter shows:

Let it be known to all that the parents of Adélaïde, entirely free and noble, and never having been tied to any man by bonds of service, offer themselves to God, to the holy Cross and to Saint Pancrace whose relics

²⁵See *ibid.*, p. 212.

²⁶See *ibid.*, p. 159.

rest in this monastery consecrated to the honor of the holy apostles Peter and Paul and of the martyr Saint Coloman, under the Abbot Conrad and his successor Dom Réginald (1204-1212) to pay an annual rent of five deniers to this monastery; on the condition of finding among the above mentioned saints a house of refuge, provided that they are never reduced to servants.²⁷

Originating in the 8th century, this form of oblation also reached its peak of popularity in the 11th and 12th centuries. Berlière cites piety and the economic misery of the times as the principal motivations. The advantages gained by these oblates were significant: a benevolent feudal master, retention of personal freedom, participation in certain monastic exemptions, and material benefits such as work, a home and access to food and clothing at reasonable prices.²⁸ Free persons, serfs, and secular clergy secured their future with this form of affiliation.

A third category of adult oblates was composed of those who received support for life in return for giving their goods to the monastery. They were not bound to any service and enjoyed the right to participate in the religious life of the monastic community. Some oblates lived at the monastery while others remained in their own homes. Those who lived at home may have reserved the right to live at the monastery at a time of their choosing. These oblates, too, went by various titles, *donati*, *dati*, *condonati oblatores*, *redditti*, *hospites*, to mention the most common. It is these individuals who most resembled the *praebendarii* and, therefore, on occasion shared the name.

²⁷As quoted in BERLIÈRE, "Les oblats," p. 250. (My translation)

²⁸See BERLIÈRE, *La familia dans les monastères bénédictine du Moyen Âge*, pp. 114-116.

In the fourth category there were those who, having donated their goods to the monastery, received them back as a benefice with full use. This form of oblation was sometimes made to secure burial in the monastery.

(b) From Local Custom to Institution

In the wake of the cluniac reforms, Abbot William of Hirschau institutionalized adult oblation by giving those associates who lived a semi-religious lifestyle a rule, a habit, and a common life. Called *fratres barbati* or *conversi laici* — to distinguish them from the *conversi* who were illiterate but true monks — these men undertook, for the most part, the management of the external affairs of the monastery.

From this period on, there seems to have been even greater confusion over the use of the terms *conversi* and *oblati*. Sometimes they were used almost synonymously and other times they were used to distinguish between those who took religious vows, whether solemn or simple (*conversi*), and those who did not take vows (*oblati*). At other times, the terms were used to distinguish between those who made solemn profession (*conversi*) and those who did not (*oblati*). One reason for this confusion is that both institutions were in a state of evolution. At least two historians concluded that at the end of the 11th century there was no essential difference between the two classes.²⁹ The newer 12th century orders, Cistercians, Carthusians, Camaldolese, Vallombrosians, made a clearer distinction. By the middle of the century the Church recognized the *conversi* as lay brothers, true religious but not monks.³⁰

²⁹See DEROUX, *Les origines*, p. 117; BONDUELLE, "Convers," cols. 564-565.

³⁰See BONDUELLE, "Convers," col. 566.

The *oblato*, on the other hand, continued to belong to the lay state and generally assumed fewer obligations.

(c) Legislation Concerning Oblates

With such a variety of modes of affiliation and names to describe them, it is difficult to state unequivocally who the true oblates really were. According to Berlière they were the individuals in his first category.³¹ The Fourth Lateran Council in 1215 granted some exemptions to oblates, who had previously been recognized as ecclesiastical persons,³² and at the same time provided a kind of definition that encompassed more individuals than those included in Berlière's first category. Oblates were "both those who, having lived in the world, gave themselves to their order and accepted its habit, and those who gave their possessions to the order, retaining for their own maintenance during their life only the usufruct..."³³ The Third Lateran Council in 1179 had already determined that oblates who gave their goods to a monastery were under the jurisdiction of the abbot while those who kept their property were under the jurisdiction of the bishop.³⁴ Other exemptions were granted by the Council of Trent to "those persons [...] who are engaged in actual service" of monasteries and "who reside within their enclosures or houses and live under obedience to

³¹See BERLIÈRE, "Les oblats," p. 160.

³²See C. 9 in VI(V7); C.2 *de decimis*, in Clem III.

³³Fourth Lateran Council, can. 57, MANSI, 22, col. 1043, 1046 (English translation in *Disciplinary Decrees of the General Councils*, text, translation and commentary by H.J. SCHROEDER, St. Louis, Herder, 1937, p. 284).

³⁴See Third Lateran Council, can. 9, MANSI, 22, col. 223.

them..."³⁵ Two Councils of Rouen legislated that oblates who lived in a religious house were to wear a habit.³⁶ This was reaffirmed by the Council of Bayeux.³⁷

In 1628 the Benedictine Order published new rules for oblates. Among the prescriptions were: applicants must be twenty years of age;³⁸ there must be a probation period of three months after which time the candidate could be invested with the scapular; after an additional year the novice could make an act of oblation; the act was to be written, signed at the altar and deposited in the monastery archives.³⁹

By the mid-17th century the essential elements of the oblate condition had been clearly set out in various decrees of the Sacred Congregation for the Council. These were: the irrevocable donation of self, of property, and of usufruct; the wearing of a distinctive habit; residence within the cloister.⁴⁰ When these elements were accompanied by profession (albeit simple) of the three evangelical counsels and stability it cannot be denied that these oblates led a regular life although they were not canonically religious but retained their lay status. Proof of the lay status is the fact that ordination of an oblate

³⁵Council of Trent, Session XXIV, Chapter XI, MANSI, 33, col. 161 (English translation in SCHROEDER, *Canons and Decrees of the Council of Trent*, pp. 199-200).

³⁶See Rouen, 1231 A.D., can. 19, MANSI, 13, col. 216; Rouen, 1235 A.D., can. 51, MANSI, 13, col. 380.

³⁷See Bayeux, 1300 A.D., can. 52, MANSI, 25, col. 69.

³⁸The prohibition of receiving as an oblate one who was not yet twenty years of age was subsequently decreed in 1675 by the Congregation for Bishops and Regulars and confirmed by Clement X (see "Les oblats dans les ordres religieux," in *Analecta juris pontificii*, 8(1866), col. 2196).

³⁹See G.J. REINMANN, *The Third Order Secular of St. Francis*, Canon Law Studies, no. 50, Washington, The Catholic University of America, 1928, pp. 12-13.

⁴⁰See "Les oblats dans les ordres religieux," col. 2192.

required a dimissorial letter and a title from the bishop of the oblate's diocese of origin.⁴¹

(d) Modern Developments

The institution of oblation declined along with that of monasticism during the 15th to 18th centuries. With the suppression of the monasteries in the wake of the French Revolution, it disappeared almost completely. It was the Benedictines of Solesmes who led the revival in the middle 19th century. New statutes for the Secular Oblates of St. Benedict were approved in 1871 by the Sacred Congregation for Bishops and Regulars. In 1895 a decree from the Sacred Congregation for Indulgences declared that Secular Oblates of St. Benedict were equivalent to the secular tertiaries of other orders.⁴² Leo XIII confirmed this three years later and at the same time attached additional indulgences.⁴³ The statutes were revised in 1904, and again in 1927, following the promulgation of the Code of Canon Law.

B. Third Orders and Other Associations

In the high Middle Ages monasticism reached its peak of wealth and secular power, but at the same time it lost its popular appeal and influence among the common people. It was a model of religious life and a spirituality

⁴¹See *ibid.*, col. 2208.

⁴²SACRED CONGREGATION FOR INDULGENCES, Decree, 15 January 1895, in *ASS*, 27(1894-1895), pp. 440-441.

⁴³See Apostolic Letter, *Quum Nobis*, 17 June 1898, in *Leonis XIII Pontificis Maximi: Acta*, vol. 18, Romae, Ex Typographia Vaticana, 1899, pp. 65-71.

that "no longer responded to the needs and aspirations of the times."⁴⁴ Concurrently, a renewed spiritual fervour was groping to find expression in new ways. Among the spiritual forces to emerge was a new model of religious life which was better suited to the times, the mendicants. And, alongside the friars, there developed a new form of lay association with religious — the third order. This part will present an historical overview of third orders from the canonical perspective with emphasis on the foundational period. It will conclude with a brief account of the almost simultaneous development of other kinds of associations, still connected to religious institutes, but having decidedly different orientations.

1. Historical Context of Third Orders

The appearance of the friars, with their remarkable success at recruiting disciples, must be seen within its historical context. The latter part of the 12th century was simultaneously an "age of doubt, disbelief and open heresy,"⁴⁵ and an age of tremendous spiritual vitality in which religious reform movements proliferated.

The need for reform in the Church was undeniable. Corruption within Church institutions and among the hierarchy coupled with the apparent indifference of secular clergy, many of whom were ill prepared for their profession, led to widespread dissatisfaction among the common people and not infrequently to total abandonment of the institutional Church. Wealth was perceived to be the root of the problems besieging the Church. Monasticism,

⁴⁴E.S. DAVISON, *Forerunners of St. Francis*, G.R.B. RICHARDS, ed., London, J. Cape, 1928, p. 170.

⁴⁵*Ibid.*, p. 168.

the dominant form of religious life, was particularly susceptible to criticism, for it was conspicuously wealthy and remote. Earlier efforts to reform monasticism by a more rigorous interpretation of the RB were seen to be no more than "tinkering with the Benedictine rule"⁴⁶ and, in any event, monastic reforms did not "greatly influence the religious experience of the laity"⁴⁷ or resolve the problems with the secular clergy.

If wealth was the problem "then poverty seemed to be a remedy, if not indeed, the remedy."⁴⁸ It is not surprising, then, that emerging reform movements advocated a return to the ideal of primitive apostolic life in which radical evangelical poverty was integral. Nor is it surprising, in view of the general lack of confidence in the institutional Church and its ministers, that these movements had a primarily lay character, at least in their inception, with the result that they were organized independently of existing religious structures.⁴⁹

Groups varied in their interpretations of the apostolic life. However, whether doctrinally orthodox or heretical, all the discordant groups were suspect because their very existence implied a criticism of the institutional Church. Despite a papal policy of denunciation and suppression, the reform movements attracted much popular attention and continued to increase in numbers and influence among the common people.

⁴⁶L.K. LITTLE, *Liberty, Charity, Fraternity: Lay Religious Confraternities at Bergamo in the Age of the Commune*, Northampton, Mass., Smith College, 1988, p. 35.

⁴⁷S. TORVEND, "Lay Spirituality in Medieval Christianity," in *Spirituality Today*, 35(1983), p. 123.

⁴⁸DAVISON, *Forerunners*, p. 283.

⁴⁹See *ibid.*, p. 169; TORVEND, "Lay Spirituality in Medieval Christianity," p. 123.

It was Innocent III who reversed the policy of his predecessors Alexander III and Lucius III. "[He] took upon himself the arduous task of turning this enthusiasm for primitive Christianity and evangelical poverty into a means of strengthening the Church..."⁵⁰ Through conciliation he hoped to reconcile with the Church those poverty movements which were the least objectionable. To the more tolerable groups Innocent granted formal recognition and an approved rule — an astute move that concurrently placed marginal groups securely under ecclesiastical control and isolated the intolerable groups, the heretics. Because of this reversal in official Church policy, the friars and their lay associates gained approbation.

2. Origins of the Third Order

Francis of Assisi is generally credited with founding the first third order. Upon closer scrutiny, however, it can be concluded that the term "founder" is somewhat misleading in this context. Nonetheless, it is clear that Francis infused new life into an existing grassroots penitential movement, and under his influence this movement eventually coalesced into a formal association which became known as a third order.

a. The Franciscan Influence

Following his personal conversion in 1206, Francis of Assisi took up the life of an itinerant preacher exhorting his listeners to conversion, penance, and a life of evangelical poverty. Soon a small group of lay penitents gathered around him forming the nucleus of what was to become not only a new religious order but a new image of religious life. In 1210 Francis and his eleven

⁵⁰DAVISON, *Forerunners*, p. 174.

companions sought and received oral approval from Innocent III for their form of life and their rule composed by Francis.

The Franciscan movement enjoyed remarkable success attracting a steady stream of recruits who were moved by the example of the friars and inspired by their call to all men and women to live the Gospel radically. But Francis understood that not all of his followers were in a position to renounce the world completely in order to live in the manner of the friars, for many had commitments that could not or should not be abandoned. Nonetheless, these people manifested a desire to live a life of Christian perfection and penance and Francis "promised to provide something for them."⁵¹

It has been suggested that as early as 1209 or 1210 Francis composed a brief rule of life for these people, though no copy of such a rule has been found.⁵² What has been preserved and is recognized as authentic is the "Letter to All the Faithful." In this letter, addressed to "All Christians, religious, clerics, layfolk, men and women; to everyone in the whole world,"⁵³ Francis prescribed general principles for living the Christian life in its fullness. It is not a rule in the juridic sense, but rather an exhortation to prayer, penance, confession of sins, practice of the virtues, and reception of the Eucharist. No reference is made to any association with other penitents or with the friars, so it can be concluded that it was a program of life intended for individuals. It has been proposed that

⁵¹O. ENGLEBERT, *Saint Francis of Assisi: A Biography*, trans. by E.M. Cooper, 2nd English ed., Chicago, Franciscan Herald Press, 1965, p. 258.

⁵²See M. HABIG, ed., *St. Francis of Assisi: Writings and Early Biographies*, English Omnibus of the Sources for the Life of St. Francis, trans. by R. Brown, et. al., Chicago, Franciscan Herald Press, 1973, p. 167; A. MASSERON and M. HABIG, *The Franciscans: St. Francis of Assisi and His Three Orders*, Chicago, Franciscan Herald Press, 1959, p. 405.

⁵³English translation in HABIG, *St. Francis of Assisi*, pp. 93-99.

this document contained the ideas that Francis expressed in the first brief rule which he gave to his lay followers,⁵⁴ that is, if he did in fact give one. It has also been suggested by those who date the letter around 1214, that this document in turn formed the basis for the Rule for the Brothers and Sisters of Penance written in 1221. Others place its composition closer to the end of Francis' life, between 1224 and 1226; in which case it would echo the rule of 1221.⁵⁵

It is traditionally held that, with the approval of the 1221 Rule for the Brothers and Sisters of Penance, the first third order was canonically established. Authorship of the rule remains a matter for discussion. There are those who believe it was a collaborative effort by Francis and Cardinal Hugolino, cardinal protector of the Friars Minor and later Gregory IX, and those who attribute its composition solely to one or to the other. Known as the *Memoriale*, the rule was approved *viva voce* by Honorius III in the same year. The bull *Significatum est Nobis*,⁵⁶ written in support of the Penitents, is cited as confirmation of papal approval although explicit approval came only with the promulgation of the second rule in 1289.⁵⁷

⁵⁴See MASSERON and HABIG, *The Franciscans*, p. 404.

⁵⁵See HABIG, *St. Francis of Assisi*, pp. 167, 91-92.

⁵⁶See A. POTTHAST, ed., *Regesta Pontificum Romanorum* (=POTTHAST), Berlin, Rudolph de Decker, 1874, no. 6736.

⁵⁷See NICHOLAS IV, *Supra montem*, August 17, 1289, in *Bullarium diplomatum et privilegiorum sanctorum Romanorum pontificum, Taurinensis editio* (cure Tomassetti), *Locupletior acta collectione novissima plurium brevium, epistolarum, decretum actorumque S. Sedis a Leone Magno usque ad praesens* [i.e. 1740] (=Bullarium Romanum), vol. 4, Augustae Taurinorum, S. Franco et H. Dalmazzo, 1859, pp. 90-94.

b. The "Order of Penance" and the "Third Order"

The new association bore the official title "The Brothers and Sisters of Penance," but it came to be known more commonly as the "Third Order." Neither term was coined for the occasion. Both names had a history that predated Francis.

In the bull *Supra montem*, promulgating the revised Rule for the Brothers and Sisters of Penance in 1289, Nicholas IV, the first Franciscan pope, credited Francis with being the founder of the order of penance. In fact, this institution was juridically recognized in the Church as early as the 4th century. It declined in the carolingian period but enjoyed a revival in the 13th century, although with a different shading, by enthusiasts who voluntarily undertook a life of conversion and asceticism. Francis then did not found or create the state. It already existed, and Francis himself and his companions embraced it taking the name "Penitents of Assisi"⁵⁸ before the establishment of the Franciscan Order. Therefore, Francis' achievement is better described as that of taking a spiritual movement that was part and parcel of the spirit of the times and giving it new energy, a Franciscan spirit, and a particular form.⁵⁹

Although the term "third order" was not applied to the Brothers and Sisters of Penance at this point, it was a contemporary term used by another reform poverty movement, the *Humiliati*. Given papal approval by Innocent III

⁵⁸See L. IRIARTE, *Franciscan History: The Three Orders of St. Francis of Assisi*, trans. by P. Ross, with an appendix, "The Historical Context of the Franciscan Movement," by L. C. LANDINI, Chicago, Franciscan Herald Press, 1982, p. 477.

⁵⁹For a history of the Order of Penance see: J.A. FAVAZZA, *The Order of Penitents: Historical Roots and Pastoral Future*, Collegeville, Minn., The Liturgical Press, 1988, xxxvi, 303 p.; G. MEERSSEMAN, *Dossier de l'ordre de la pénitence au XIII^e siècle*, Fribourg, Suisse, Editions Universitaires, 1961, pp. 2-38.

in 1201, the *Humiliati* were divided into three groups called orders; the first order was composed of clerics, the second order was composed of celibates living a common life in religious communities, and the third order was composed of tertiaries, lay members, married and single, living at home with their families.⁶⁰ No doubt it was this kind of model that Thomas of Celano, the earliest biographer of St. Francis, had in mind when he wrote (c. 1229) of the threefold army of Francis, a reference to the Friars, the Clarisses, and the Penitents.⁶¹ Gregory IX was the first to use the title "Third Order of St. Francis" in reference to the Brothers and Sisters of Penance in the bull *Cum delecti filii fratres Tertii Ordinis sancti Francisci* of 4 June 1230.⁶² Initially the term was applied broadly in reference to branches of a spiritual family. Nonetheless, others objected to the use of the term because it implied a juridic dependence on the first order which was not the case in the foundation period.⁶³

c. The First Rule of the Third Order

The original 1221 rule is no longer extant, but its contents have survived in four later versions (c. 1228) and from these the original has been extrapolated. It is a legislative text containing precise norms concerning such matters as the wearing of the habit, general conduct in daily life, fast and abstinence, obligatory prayers, reception of holy communion, attendance at

⁶⁰By the Bull *Quemadmodum sollicitus*, February 7, 1571, Pius V suppressed the male branch of the *Humiliati*. A remnant of the female branch continues to exist in Italy. See A. MENS, "Humiliés," in *Dictionnaire de spiritualité*, vol. 7, col. 1132; B. BOLTON, "Innocent III's Treatment of the *Humiliati*," in *Popular Belief and Practice*, Studies in Church History, vol. 8, G.J. CUMING and D. BAKER, eds., Cambridge, England, University Press, 1972, p. 74.

⁶¹See THOMAS OF CELANO, *The First Life of St. Francis*, No. 37, English translation in HABIG, *St. Francis of Assisi*, p. 260.

⁶²See POTTHAST, no. 8565.

⁶³See MEERSSEMAN, *Dossier*, p. 10.

monthly meetings, admission and separation of members, acts of charity and suffrages for members, paying tithes and debts, making wills, fraternity officers, and restrictions concerning taking oaths and bearing arms.

Membership in the Order was effected by public profession made after a year of probation. The promise, put in writing and witnessed, bound the tertiary for life. Recalcitrant members could be dismissed, but otherwise no one was permitted to leave the Order unless it was to enter a religious order. Only the pope could grant dispensations from profession.⁶⁴ The simple grey habit, worn as a visible sign of their commitment, set the tertiaries apart from ordinary people.

Because the rule did not provide a formula for profession or set out its essential elements, the precise nature of tertiary profession is unclear. Inevitably controversy arose regarding the matter. With the following questions Bonduelle focuses precisely on the various points at issue. According to the *Memoriale*, tertiaries made profession by means of a promise, but did it have the force of a simple vow as some suggested? Profession was made publicly in a liturgical ceremony and received in the name of the Church. Was it then a public vow? If it is true that tertiaries were obliged to the observance of the counsels, did the promise tacitly include profession of the three evangelical counsels? Tertiaries publicly professed their intention to lead a life different from that of the ordinary Christian, but did this profession create a "state of life"? Bonduelle

⁶⁴See J. BONDUELLE, "Les Tiers-Ordres séculiers," in *La Vie Spirituelle*, Supplément, 4(1950), p. 436.

concludes that more historical data is needed before definitive answers can be given.⁶⁵

On other matters the rule is more precise. Clearly the rule was intended not for individuals but for members of an association and that these members were to foster a relationship with one another by attendance at regular meetings, by special acts of charity towards sick or less fortunate members, and by assurances of suffrages for deceased members. It is also clear that the association was to be organized and self-governed by legitimately elected officers subject only to the visitor, as specified in the rule, and to the general vigilance of the bishop.

The rule also regulates to a considerable extent the individual member's relationship to civil society, clearly treating the penitents as ecclesiastical persons. While members were required to pay debts and taxes, they were removed from the jurisdiction of the civil courts and subjected to ecclesiastical authority. All were to make their last will after profession, effectively preventing intestate successions. They were to avoid taking oaths unless specified by papal indult, thereby exempting penitents from holding public offices that required oath taking. Male members were further exempted from military service so as to be able to spend their time doing penance and pursuing Christian perfection.

The privileges granted to penitents; immunity from lay jurisdiction, and exemptions from military service, oath taking, and public service, along with subsequent exemption from interdict were not readily acknowledged by civil

⁶⁵See *ibid.* pp. 436-445.

and religious authorities and were therefore the source of conflict. Consequently, from the outset, papal bulls were issued to reaffirm the exempt status of the penitents and to urge recognition and compliance.⁶⁶

3. Jurisdiction and Division of the Third Order

Although the rule of 1221 gave better cohesion to the penitential movement, it was silent on two key matters; the manner in which new fraternities of penitents converted by the Friars Minor were to be established and the role of the Friars Minor vis à vis the fraternities.

Many existing penitential fraternities adopted the Rule of the Brothers and Sisters of Penance. However, it is not clear how new fraternities came into existence in the early years. No documentation exists that suggests that Francis or the Friars Minor were directly involved in the establishment of fraternities in the canonical sense.⁶⁷ It would appear that this was a matter for episcopal concern and action since these lay penitents remained under the jurisdiction of the local bishops as did most other penitents.

The second lacuna in the rule of 1221 concerns the connection between the Brothers and Sisters of Penance and the Friars Minor. Direction of the fraternities was not entrusted to the Franciscans. There was provision for a visitor but no further specification regarding the manner of designation. This lack of precision resulted in idiosyncratic involvement by the Friars Minor and gave rise to questions of jurisdiction in the early years of the development of the third order. Gregory IX attempted to resolve the issue by directing all

⁶⁶For examples of such bulls see MEERSSEMAN, *Dossier*, pp. 41-80.

⁶⁷See MEERSSEMAN, *Dossier*, p. 6.

bishops in Italy to visit and protect fraternities of penitents.⁶⁸ On the other hand, fraternities often chose to place themselves under the general direction of a local group of friars, be they the Friars Minor or the Friars Preachers who had received definitive papal approval in 1216. It was a responsibility that the friars assumed reluctantly, if at all, preferring to leave disputes to the bishops.⁶⁹ Innocent IV tried to change this in 1247, perhaps in reaction to pressure from bishops, by entrusting the visitation of all fraternities in Italy to the Friars Minor.⁷⁰ This requirement was subsequently revoked by Alexander IV.⁷¹

In 1275 penitents who associated themselves with the Friars Preachers separated from the Brothers and Sisters of Penance and exchanged their grey habit for a black one. In 1285 Munio of Zamora, master general of the Dominicans, published a rule for the penitents connected to the Friars Preachers. The Rule for the Brothers and Sisters of Penance of Blessed Dominic was based on the *Memoriale* but with notable changes: a Dominican flavour was added, apostolic works were replaced by spiritual works of mercy, and the fraternities were completely subjected to the clerical branch of the Friars Preachers for spiritual direction and governance. Fraternities that adopted the Rule of Munio lost a great deal of independence and took a giant step in the direction of becoming devotional societies. The rule and the name were

⁶⁸See *Ut cum maiori*, 21 November, 1234, POTTHAST, no. 9768.

⁶⁹See T.J. JOHNSTON, "Franciscan and Dominican Influences on the Medieval Order of Penance: Origins of the Dominican Laity," in *Spirituality Today*, 37(1985), pp. 112-113.

⁷⁰See *Vota devotorum Ecclesiae*, 13 June 1247, POTTHAST, no. 12570.

⁷¹See *Cum illorum*, 20 January 1258, POTTHAST, no. 17158; *Detestanda humani*, 6 June 1258, POTTHAST, no. 17297; *Nimis patenter*, 15 July 1260, POTTHAST, no. 17926.

submitted to the Roman Curia and in the bull *Congruum estimantes*,⁷² issued January 28, 1286, Honorius IV acknowledged the new association as a legitimate branch of the order of penance by granting its members immunity from interdict. However, it was not until 1405 that the Rule for the Third Order of St. Dominic was solemnly approved by Innocent VII.⁷³

With the Bull *Supra montem*, August 18, 1289, Nicholas IV, the first Franciscan pope, approved Friar Caro's revised rule for the Franciscan fraternities. The Rule of Nicholas IV required that the visitors be clerics but only counselled that they be chosen from among the Friars Minor. It was left to Martin V to clarify the role of the Friars Minor with the bull *Licet inter cetera*⁷⁴ in 1428 ordering the Friars Minor and the Conventuals to take responsibility for tertiary fraternities living under the Franciscan rule.

Thus, by the end of the 13th century the "Order of Penance" had been divided and entrusted to the two first orders. The Rule of Nicholas IV remained in force for the Franciscan Third Order until the third Rule was promulgated by Leo XIII in 1883. The Rule of Munio was the operative rule for the Dominican Third Order until it was revised in 1923 following the promulgation of the Code of Canon Law. United in the redaction of their rules, the Third Order of St. Francis and the Third Order of St. Dominic were the prototypes of other third orders.⁷⁵

⁷²See POTTHAST, no. 22358.

⁷³See *Sedis Apostolicae*, 26 June 1405, in *Bullarium Romanum*, vol. 4, pp. 636-642.

⁷⁴See L. WADDING, *Annales Minorum seu trium ordinum a S. Francisco institutorum*, 3rd ed., vol. 10, Ad Claras Aquas (Quaracchi), Prope Florentiam, 1932, pp. 487-488.

⁷⁵See BONDUELLE, "Les Tiers-Ordre séculiers," p. 431.

4. Evolution of the Third Order

Three aspects in the evolution of the third order will be included in this section: the founding of other third orders, the founding of the Third Order Regular, and recent developments in the third order secular.

a. Expansion

As successive mendicant orders were given approbation, they were also granted the privilege of attaching to themselves a third order. Orders that subsequently received this apostolic privilege were: Augustinians, Servites, Carmelites,⁷⁶ Minims, Mercedarians, and Trinitarians. Although it was older than the other religious orders and had received lay associates since the 12th century, one non-mendicant order, the Premonstratensians, was granted the privilege but not until 1686.⁷⁷ Where there was a division in the first order, the privilege was extended to all branches. As previously noted, in 1895 the Congregation for Indulgences confirmed that the Secular Oblates of St. Benedict had the canonical status of a third order.⁷⁸ One congregation, the Marists, received the privilege in 1850.⁷⁹

⁷⁶Commenting on the privilege given to the Carmelites, Joachim Smet writes: "The granting of such approval does not seem to have corresponded to an actual need, but simply formed part of the package of privileges which was the *Mare magnum*" (J. SMET, *The Carmelites: A History of the Brothers of Our Lady of Mount Carmel*, vol. 3, Part 2, Darien, Ill., Carmelite Spiritual Center, 1975, p. 536).

⁷⁷See J. DE LONGNY, *À l'ombre des grands ordres: histoire, spiritualité, constitution des huit principaux tiers-ordres*, Paris, Desclée de Brouwer, 1937, p. 14.

⁷⁸See above p. 20.

⁷⁹Because the Marists are not an "Order" some canonists held that their lay association could not be a true third order (see discussion on p. 42). Other canonists list the Third Order of Mary among the approved third orders (see S. HARTDGEN, art. "Third Orders," in *New Catholic Encyclopedia*, New York, McGraw-Hill, 1967, vol. 14, p. 96). See also the discussion in P. ALLARD, *Le canon 578 et son application à la Société de Marie: le patrimoine de l'Institut*, Ottawa, Université Saint-Paul, 1990, pp. 128-130.

b. Emergence of The Third Order Regular

The first rule for tertiaries was explicitly written for those who lived in their own homes, penitents unable to leave all to embrace the religious life because of indissoluble ties to the world. However, there gradually developed in the 14th century a tendency among some tertiaries to forego marriage and to live a common life under semi-monastic conditions. Many of the fraternities which did so were those whose members were engaged in common works of charity such as hospitals or orphanages. It was only a matter of time before these communities adopted more of the practices of the regular life and substituted vows for promises. "This made such groups religious in nature if not in law."⁸⁰ By the 15th century, ecclesiastical authorities both initiated and approved steps to amalgamate the independent tertiary communities into a regular order. The Pope declared that vows taken by tertiaries living in community were equivalent to solemn vows.⁸¹ Finally, in 1521, Leo X gave the Third Order Regular solemn approval and a definitive rule.⁸² It was basically the tertiary rule approved by Nicholas IV with revisions to include solemn profession of the three evangelical counsels and cloister.

With the establishment of the Third Order Regular a clearer distinction was made between "secular" tertiaries who lived in their own homes and "regular" tertiaries who lived in convents. Regarding the latter, further distinctions were made between those who led a more contemplative life and

⁸⁰J.A. IHNATOWICZ, *Consecrated Life Among the Laity: A Theological Study of a Vocation in the Church*, Romae, Pontificia Studiorum Universitas a S. Thomas Aq. in Urbe, 1984, p. 191.

⁸¹See J.R.H. MOORMAN, *A History of the Franciscan Order, from its Origins to the Year 1517*, Oxford, Clarendon Press, 1968, pp. 562-564.

⁸²See *Inter caetera*, January 20, 1521, in WADDING, *Annales Minorum*, vol. 16, pp. 147-150.

those who pursued apostolic activity. Only those whose vows were considered solemn, and who observed strict cloister in the case of women, were canonically religious. The movement towards regularization freed the secular tertiaries from the general trend towards greater discipline that had been gaining momentum within the third order as a whole. With this freedom came the liberty to claim and promote the secular character of the branch now designated as the third order "secular." The substitution of the scapular for the habit in 1508 was the first step in that direction.

c. Developments in The Third Order Secular

In the 16th century, following the Reformation, the third order secular enjoyed uneven success. It declined in Italy but flourished in other parts of Europe and the new world. In the following century the third order secular regained general popularity, but by the mid-1800's it faced the greatest challenge to its survival. Along with religious orders, the third order secular was first oppressed, then suppressed in the wake of the French Revolution. In spite of these reverses, it continued to exist in secret and survived to enjoy a general revival in the mid-19th century particularly under Leo XIII, who was himself a Franciscan tertiary and the second in a long line of tertiary popes. However, under Leo XIII who prohibited collective social action by tertiaries⁸³ and who revised the Franciscan rule mitigating its rigors,⁸⁴ and Pius X who emphasized that the end of the third order was the personal sanctification of its members,⁸⁵

⁸³See Encyclical, *Auspicato*, 17 September 1882, in *Leonis XIII Pontificis Maximi Acta*, vol. 3(1982-1983), pp. 142-156.

⁸⁴See *Misericors Dei Filius*, 30 May 1883, in *ASS*, 15(1898), pp. 513-520.

⁸⁵See *Tertium Franciscalium Ordinem*, 8 September 1912, in *AAS*, 4(1912), p. 585.

the third order secular completed its transformation into a devotional association.

Following the promulgation of the 1917 Code of Canon Law that dealt with third orders secular under the broader rubric of Associations of the Christian faithful, the various third orders revised their constitutions. The process has been taken up again since Vatican II and the revision of the Code.⁸⁶ This time, the revisions reflect an awareness by religious and tertiaries of the dignity of the laity and their role in the Church, as articulated in the documents of Vatican II.

One can already detect in the change of names from Third Order Franciscan to Secular Franciscans and from Third Order Dominicans to Dominican Laity a new self-consciousness that manifests itself in other ways as well. For example, one Franciscan tertiary, commenting on the 1978 Pauline Rule, highlights three concerns of Secular Franciscans: rediscovering their identity in the Franciscan charism, "extricating themselves from the model of religious life," and working towards self-government.⁸⁷ The identical concerns are echoed by Dominican Laity.⁸⁸

⁸⁶Third orders have revised their rules or constitutions as follows: Augustinians 1980; Carmelites 1921 and 1977; Dominicans 1923 and 1987; Franciscans 1924 and 1978; Servites 1925, 1966 and 1982; Trinitarians 1990.

⁸⁷D.M.F. KAMINSKY, "Secular Franciscans: Bearers of Peace, Messengers of Joy," in *Spirituality Today*, 37(1985), pp. 127-128.

⁸⁸See V. GILBRETH, "Can Dominicans Really Be Lay People?" in *Spirituality Today*, 37(1985) pp. 140-149; R.A. LEWIS, "Toward Making the Dominican Family a Reality," in *Spirituality Today*, 37(1985), pp. 150-159.

5. Other Associations Affiliated with Religious Institutes

The focus thus far has been on the origins and evolution of third orders because of their significance for this dissertation. However, it must be noted that they were not the sole model of formal association that developed between religious and laity.

Until the 10th century individual lay persons entered into confraternity with a monastery by establishing a formal prayer relationship with it. At that time the confraternity movement entered a new phase. Records show that pious associations of lay people attached themselves to monastery churches. This is not surprising given the penchant for association that existed in society generally and the spiritual attraction that the monasteries still held. Initially a variety of terms was used to designate these associations.⁸⁹ In English they became known generally as sodalities and confraternities. The primary purpose of these early prayer confraternities was to assure members not only of the monks' prayers but also of each others' prayers during life and particularly after death. Benefits frequently included specified funeral rites, numerous prayers and masses, and burial at the monastery.⁹⁰

Later, the Franciscans and Dominicans also founded confraternities that served a variety of religious and charitable purposes:

As the Benedictines of earlier times, the Franciscans and Dominicans united their benefactors into confraternities under the protection of the patron saints of their churches and convents. In fact, many of the old confraternities dedicated to the Blessed Virgin Mary date back to this period. The purpose of these confraternities was to foster devotion to the Blessed Virgin Mary and the saints by the arrangement of solemn

⁸⁹See H. DURAND, art. "Confrérie," in *Dictionnaire de droit canonique*, col. 128-131.

⁹⁰See U. BERLIÈRE, "Confréries bénédictines au Moyen Âge," in *Revue liturgique et monastique*, 12(1927), pp. 135-145.

prayer services and processions on major feast days. [...] Among the particular works of charity undertaken by these confraternities were: the relief of the poor by alms, service to the sick by founding and staffing of hospitals, the visiting of and administering to those in prison, the soliciting of alms for the building and repair of churches, the providing of dowries for young nubile women, and the caring of orphans and widows.⁹¹

In turn, other mendicant orders established confraternities to propagate devotions proper to the order.⁹²

Some apostolic orders, founded in the wake of the Reformation, also established associations. These served as effective instruments for channelling religious fervour and fostering traditional Catholic devotions to God, the Blessed Virgin and the saints.⁹³ Eventually, other associations were founded to provide opportunities for lay participation in the apostolic activities of the religious institute.⁹⁴

⁹¹E.W. QUINN, *Archconfraternities, Archsodalities and Primary Unions with a supplement on the Archconfraternity of Christian Mothers*, Canon Law Studies, no. 421, Washington, The Catholic University of America, 1962, pp. 12-13.

⁹²For example the Carmelites established the Confraternity of the Blessed Virgin Mary of Mount Carmel, the Trinitarians founded the Confraternity of the Holy Trinity, and the Servites, the Confraternity of the Seven Sorrows of the Blessed Virgin Mary (S. DE ANGELIS, *De fidelium associationibus tractus ratione et usu digestus*, vol. 2, Neapoli, M. D'Auria, 1959, pp. 6-9, 150-155).

⁹³For example the Sodality of Our Lady founded by the Jesuits was canonically erected by Gregory XIII in 1584 by the Bull *Omnipotentis Dei*. Since 1968 the association has been called Christian Life Communities (CLC). Its new statutes were approved by the Pontifical Council for the Laity on December 3, 1990.

⁹⁴For example, in 1876, by the Brief *Cum sicuti*, Pius IX approved the Pious Union of Salesian Cooperators. Its founder, John Bosco, described the purpose of the association in the first rule: "... this Association is considered by the Holy Father as a Third Order with this difference that in the older Third Orders, Christian Perfection was proposed in the exercise of piety. This has for its principal end an active life in the exercise of charity toward one's neighbour and especially towards youth who are in moral danger." (ASSOCIATION OF SALESIAN COOPERATORS, *Salesian Cooperators: Regulations of Apostolic Life*, Dublin, National Council of the Salesian Cooperators, 1987, p. 90). Another example is that of the Missionary Association of Mary Immaculate founded by the Oblates of Mary Immaculate to participate in the missionary work of the Congregation by means of prayer, promotion and financial support (see J. PIETSCH, "Quelques notes sur l'histoire de l'Association de Marie Immaculée," in *Vie oblat*, 8(1940), pp.

These associations offer further proof of the dynamic relationship that has existed between religious and laity and of the creative means that have been employed to bring about collaboration. However, since contemporary associates are more closely related to the members of third orders in their striving to participate in the spirit of some religious institute, we will remain focused on third orders in the next part.

C. Associates in the 1917 Code of Canon Law

The 1917 Code of Canon Law⁹⁵ provided general norms for lay affiliation with religious institutes. These norms were located in Book II, Persons, Part III, The Laity, Titles XVIII and XIX, "Associations of the Faithful in General" and "Associations of the Faithful in Particular." This part will examine these latter two titles for an understanding of the juridical position of associates according to the 1917 Code.

From the outset, the Code distinguished between three kinds of associations based on their respective ends. Associations which encouraged members to lead a more perfect Christian life were called third orders; those which undertook works of piety or charity were called pious unions; those which promoted public worship were called confraternities.⁹⁶ As has been seen, associations in this latter category were frequently affiliated with religious

371-384).

⁹⁵*Codex iuris canonici Pii X Pontificis Maximi iussu digestus, Benedicti Papae XV auctoritate promulgatus* (=CIC/17), Romae, Typis Polyglottis Vaticanis, 1917, xliv, 852 p. All references in this chapter are to the canons of the 1917 Code. Hereafter canons will be styled c. for "canon" and cc. for "canons" followed by the canon number[s]. The text of the canons on Associations of the Christian Faithful that are cited in footnotes are reproduced in Appendix A.

⁹⁶See cc. 685 and 700.

institutes. However, it is the first category of associations, the third orders, which is in a fuller sense the precursor of the form of association that has emerged in recent years. It is to the third orders that our attention must now be turned. Norms presented in the 1917 Code relating to third orders will be discussed under the following topics: nature, establishment and suppression, membership and dismissal, rights and obligations, government, and relationship to ecclesiastical authority.

1. Nature of a Third Order

While canons 685 and 700 gave a general notion of third orders, canon 702 §1 presented a more comprehensive description:

Secular tertiaries are those who, in the world, under the guidance of some religious order and according to its spirit, strive to progress toward Christian perfection, in a manner consistent with the secular life, according to rules which have been approved for them by the Holy See.⁹⁷

Two basic explanations have been proposed for the use of the term "third" order. One is that the institution was founded chronologically after the "first" and "second" orders, hence the term "third."⁹⁸ A second explanation is that the term originated with a similarly structured group, the *Humilati*.⁹⁹ De Coronata, commenting on the appropriateness of the term "order," stated that third orders are true "orders" in that a) they imitate religious orders having an approved rule, a novitiate, profession, and a habit; b) they constitute a stable form of life; c) they are born of a particular religious order and share its

⁹⁷C. 702 §1 (English trans. in T.L. BOUSCAREN and A.C. ELLIS, *Canon Law: A Text and Commentary*, 3rd. rev. ed., Milwaukee, Bruce Publishing Co., 1957, p. 358).

⁹⁸See REINMANN, *The Third Order Secular of St. Francis*, p. 27.

⁹⁹See discussion above, p. 38. See also B. COLLIN, *Traité canonique du Tiers-Ordre*, Paris, Éditions Franciscaines, 1942, p. 13.

spirit; and d) they are dependent upon the religious orders for their "organic life."¹⁰⁰ Other commentators presented similar explanations.¹⁰¹

The Code used the terms "third order secular" and "secular tertiaries" to distinguish the institution and its members from third orders regular in which members make profession of the three evangelical counsels and are canonically religious. By comparison, tertiaries do not take the vows of religion and therefore do not change their secular status.

The third order was dependant upon the first order to imbue it with its spirit, to offer ongoing spiritual guidance and to provide external government. By specifying religious "order," the canon seemed to preclude the possibility of congregations of simple vows establishing third orders. De Angelis commented that when a congregation was granted an apostolic privilege to establish an association comparable to a third order that association could not licitly be called a third order because, according to canon 702 §1, congregations did not possess the faculty to establish one.¹⁰²

The primary purpose of third orders was the personal sanctification of the members. While acts of charity integral to the Christian life were encouraged and expected of tertiaries, a third order *per se* was not to engage in social or

¹⁰⁰See M. DE CORONATA, *Le Tiers-Ordre franciscain: législation canonique*, trans. by A. De Molières, Turin, Marietti, 1936, pp. 11-12.

¹⁰¹See BOUSCAREN, *Canon Law*, p. 358; ABBO, *The Sacred Canons*, p. 705; P. STEIN, *Le Tiers Ordre de Saint François: étude canonique*, trans. by A. Ingels, Malines, Imprimerie S. François, 1925, p. 10; A. VERMEERSCH, *Epitome iuris canonici: cum commentariis*, 8th ed., vol. 1, Paris, Desclée de Bouwer, 1963, p. 694.

¹⁰²See DE ANGELIS, *De fidelium associationibus tractus ratione et usu digestus*, vol. 1, p. 41.

political action.¹⁰³ The spiritual dimension clearly was to take precedence over the apostolic one.

All associations were to have their statutes examined and approved by ecclesiastical authority. Any modifications and corrections were also subject to approval by the same authority.¹⁰⁴ In the case of a third order, the Holy See reserved to itself the right to approve the rule and any amendments to it.

2. Establishment and Suppression

A third order as a whole was considered to be an association of the faithful, but it could also be subdivided into associations of tertiaries called sodalities. The Code provided norms for the establishment of third orders and third order sodalities, but it was less clear on the manner by which each could be suppressed.

a. Establishment of a Third Order

Canon 684 mentioned two categories of associations, those erected and those recommended. The distinction was based on the mode of establishment. Those founded by the private initiative of lay people and under their direction, and praised or recommended by ecclesiastical authority, were called lay associations. Lay associations were subject to the general vigilance of the bishop with respect to matters of faith and morals, as were all the faithful in

¹⁰³See PIUS X, *Tertium Franciscanum Ordinem*, 8 September 1912, in *AAS*, 4(1912), pp. 582-586.

¹⁰⁴See c. 689 §§ 1, 2.

general, but otherwise, they were regulated by their own statutes.¹⁰⁵ Associations established by the Church were called ecclesiastical associations. Establishment could take one of two forms — erection or approval. Both required a positive act by competent ecclesiastical authority. The significant difference was that erection conferred moral personality whereas mere approbation did not. For an association to be constituted in the Church it had to be an ecclesiastical association. It is for this reason that some canonists referred to ecclesiastical associations as *de jure* associations and to lay associations as *de facto*. Ecclesiastical associations were regulated by canon law as well as by their statutes. The authority competent to establish ecclesiastical associations was the Holy See, the local ordinary, or a religious institute with an apostolic privilege.¹⁰⁶

In the case of a third order, according to canon 702 §1, the order itself and its rule required approval by the Holy See. Without this approval or apostolic privilege, no religious order could attach to itself a third order.¹⁰⁷ Therefore, a third order as a whole was an ecclesiastical association of the faithful and consequently was regulated by competent authority according to the norm of law. Since the canon mentioned approval and not erection, the order was not constituted as a moral person. Once a religious institute had been

¹⁰⁵The right of the laity to establish and direct associations independent of the hierarchy was confirmed by the Sacred Congregation of the Council in the Resolution *Corrienten.*, November 13, 1920. The decree was issued in response to a question from the Bishop of Corrientes, Argentina concerning the extent of his authority over the Society of St. Vincent de Paul. (Resolution *Corrienten.*, in *AAS* 13[1921], pp. 135-144; English translation in *Canon Law Digest*, vol. 1, pp. 714-715).

¹⁰⁶See c. 686 §§ 1,2.

¹⁰⁷See c. 703 §1.

granted permission to establish a third order, the religious superior was authorized to receive individual tertiaries as members.¹⁰⁸

b. Establishment of Associations of Tertiaries

The Code also provided for a third order to be subdivided into smaller groups or associations of tertiaries called sodalities.¹⁰⁹ A sodality was generally understood to be a legitimately erected association, organically constituted and possessing moral personality.¹¹⁰ Organic constitution meant an association was endowed with juridic personality and an internal, hierarchical structure.

The competent authority to erect a sodality was the religious superior of the first order as determined by the first order's constitutions. This was ordinary power that could be delegated even outside the institute to bishops and secular clergy. Erection was to be effected by formal written decree.¹¹¹ For validity, the superior required the consent of the local ordinary, unless, by exception, the contrary was explicitly stated in the privilege. A second exception occurred when permission was granted to a religious order to erect a house of the order in a diocese bringing with it the permission to establish a "non-organic" association particular to the order in the religious house itself or in the adjoining

¹⁰⁸See c. 703 §2.

¹⁰⁹See c. 702 §2.

¹¹⁰De Coronata differed from this generally held view of the nature of a sodality. He agreed that a sodality had to be erected and possessed juridic personality. However he held that it was possible for a sodality to be either organic or inorganic. These latter he called "simple" sodalities. The basis of his distinction was the list of rights of an erected association in c. 671 §1. When an erected association exercised all these rights it was organic and when it was deficient in some aspects it was simple. This distinction becomes important as it relates to the consent necessary for erection of an organic association (see DE CORONATA, *Le Tiers-Ordre franciscain*, pp. 45-106).

¹¹¹See c. 687.

church.¹¹² Therefore, the erection of a third order sodality, a separate moral person, required the consent of the local ordinary.

As a consequence of its being established as a juridic person, any temporal goods acquired by a third order sodality were regarded as ecclesiastical goods and therefore, their administration was regulated by the canons on temporal goods. More specifically, a third order sodality could accept donations but required the consent of the local ordinary to seek alms. It was further required to give a yearly financial account to the local ordinary specifying any alms and offerings received and their disposition.¹¹³

c. Suppression

A third order sodality was a juridic person; therefore by nature it was perpetual and ceased to exist only by suppression by legitimate ecclesiastical authority or by extinction after a one hundred year period of inactivity. If he had established it or had given his consent for its establishment, the local ordinary could suppress a third order sodality. The Holy See alone could suppress an association that it had erected.¹¹⁴

The canon spoke only of erected associations and the roles of the Holy See and the local ordinary in suppression. It did not address the issue of suppression of merely approved associations, such as a third order, or of the religious superior's authority to suppress an erected or approved association such as a third order sodality. Abbo suggests that a merely approved

¹¹²See c. 686 §3. De Coronata held that this exception applied also to the establishment of "simple" third order sodalities. However, he seemed to be alone in this interpretation.

¹¹³See c. 691 §§ 1-3, 5.

¹¹⁴See c. 699 §§ 1, 2.

association could be suppressed by the mutual agreement of all the members.¹¹⁵ His interpretation has never been tested with respect to third orders. Bouscaren held that the religious superior had the power to suppress based on the general principle that an association could be suppressed by its establishing authority.¹¹⁶ Reinmann concurred.¹¹⁷ According to this interpretation, a superior could suppress a third order sodality erected by the order and within the superior's jurisdiction.

3. Membership

The Code established specific requirements for membership in a third order based on personal qualities of candidates and procedures to be followed for licit and valid reception. It also set out conditions for lawful departure.

a. Qualities and Conditions for Membership

The Code excluded from valid reception in all ecclesiastical associations, including third orders, non-Catholics, members of condemned societies, those under notorious censure, and public sinners.¹¹⁸ It also prohibited reception in a third order those who had taken vows, either temporary or perpetual, in a religious institute. The prohibition no longer applied when a person was freed from the vows through the lapse of time or through dispensation. In either case the third order membership revived.¹¹⁹ Finally, unless an apostolic indult provided otherwise, membership in one third order precluded enrollment in

¹¹⁵See ABBO, *The Sacred Canons*, p. 701.

¹¹⁶See BOUSCAREN, *Canon Law*, p. 354.

¹¹⁷See REINMANN, *The Third Order Secular of St. Francis*, p. 119.

¹¹⁸See c. 693 §1.

¹¹⁹See c. 704 §§1, 2.

another. It was possible, however, for a just cause, to transfer from one sodality to another sodality of the same order or to transfer to a different third order altogether.¹²⁰ For transfer to a different third order it was widely held that a new novitiate and new profession should be required. No restriction was placed on membership of secular clergy or of women.

Stated positively, membership in a third order was open to lay Catholics and secular clergy who were in good standing with the Church and who were not already members of a third order. Besides these universal law requirements, the statutes of a third order could establish other eligibility requirements for membership, for example a minimum age or the husband's permission for a woman candidate. Membership in a third order sodality was not necessary for membership in the third order although it was the general practice.

Conditions for membership in a third order, according to universal law, were a) that the persons be present if they were being enrolled in a sodality; b) that the persons be received with their knowledge and consent;¹²¹ c) that their names be entered in the roll book of the order (and this for validity in a sodality); d) and that the persons be received according to the order's statutes.¹²² The order's statutes could specify other conditions and solemnities to be observed such as valid novitiate and public profession. The religious superior of the first order, as specified in the first order's constitutions, was the competent authority to receive members into the third order. Since this was ordinary power it could be delegated.

¹²⁰See c. 705.

¹²¹See c. 693 §3.

¹²²See c. 694 §§1, 2.

b. Departure

Membership in a third order was a "state of life;"¹²³ consequently, profession was perpetual. One remained a tertiary for life unless one was dismissed or departed lawfully with the superior's consent. Unilateral renunciation of one's condition was not possible.¹²⁴ No member could be dismissed from the third order without a just cause and according to the order's statutes. Those who fell into one of the categories mentioned in canon 693 §3 after reception could be expelled, but only after previous warning. The local ordinary¹²⁵ and the religious superior had the right to dismiss.¹²⁶ The dismissed person had the right of recourse to the ordinary, which for a tertiary was the major superior of the religious order. Commentators did not agree on whether it was possible to be dismissed from a sodality and remain a member of the third order.¹²⁷

4. Rights and Obligations of Members

To enjoy the rights, privileges, indulgences, and other spiritual benefits of third order membership, a person must have been received into the order validly and not subsequently have been dismissed.¹²⁸ Tertiaries were permitted,

¹²³See REINMANN, *The Third Order Secular of St. Francis*, p. 81.

¹²⁴See STEIN, *Le Tiers Ordre de Saint Françoise*, p. 31.

¹²⁵According to De Coronata the local ordinary had the power to dismiss a tertiary from a sodality because the sodality was dependent upon him in its foundation and also in part in its life and in its suppression. However, the local ordinary did not have the same authority over isolated tertiaries. (See DE CORONATA, *Le Tiers-Ordre franciscain*, p. 176, note 2).

¹²⁶C. 696 §§1-3.

¹²⁷See DE CORONATA, *Le Tiers-Ordre franciscain*, p. 180; REINMANN, *The Third Order Secular of St. Francis*, p. 129.

¹²⁸See c. 692.

as a body, to attend public processions, funerals, and other ecclesiastical functions, and were expected to wear their insignia and march under their own cross or banner.¹²⁹ This was a right, not an obligation, that belonged to tertiaries as a group and not to individuals. In the order of precedence¹³⁰ among lay associations the third orders held first place.¹³¹

Additional rights and obligations were determined by the rule, particular law, and Roman documents. Privileges and spiritual benefits were of two kinds: those granted directly to the third order and those communicated to it through association with the first order.¹³² Some of these privileges and spiritual benefits were granted to the third order as a whole while others were granted to a sodality. The obligations of the rule did not bind under pain of sin.

5. Government

Like all associations, third orders were to have approved statutes which determined, among other things, rules for convoking meetings, for promulgating particular norms, for the election of administrators of temporal goods and other officers deemed necessary. The norms of the canons on elections were to be followed as well as the statutes not in conflict with the common law.¹³³

¹²⁹See c. 706.

¹³⁰"Precedence" is the orderly ranking of ecclesiastical persons and entities. It had practical application almost exclusively in processions

¹³¹See c. 701 §1.

¹³²For a thorough discussion of privileges acquired through communication see R.A. MATULENAS, *Communication — A Source of Privileges: A Historical Synopsis and Commentary*, Canon Law Studies, no. 183, Washington, The Catholic University of America, 1943, ix, 225 p.

¹³³See c. 697 §§1, 2.

By definition, a third order was an association placed under the direction of a first order. Thus, superiors of the first order exercised some jurisdiction over the third order. The only specifications in the Code were those already noted, that the religious superior enrolled members and erected sodalities. For a complete understanding of the full extent of the jurisdiction enjoyed by the religious order, the rule and other documents of particular law must be examined.

6. Relationship to Ecclesiastical Authority

The Holy See authorized the religious order to establish a third order and then approved the rule and subsequent amendments to it. The competent dicastery for third orders was the Congregation for Religious.¹³⁴

Some specific rights and duties of the local ordinary have been noted: prior consent for the erection of sodalities, vigilance over the use of donations and alms received, the right to expel members, and the right to suppress sodalities. The local ordinary also regulated the tertiaries' wearing of the habit at public sacred functions¹³⁵ and the order of precedence according to the norm of law.¹³⁶ He enjoyed the right of visitation with respect to external discipline,¹³⁷

¹³⁴C. 251 §1: "Congregatio negotiis religiosorum sodalium praeposita ea sibi exclusive vindicat quae respiciunt regimen, disciplinam, studia, bona et privilegia religiosorum sodalium utriusque sexus tum sollemnibus tum simplicibus votis adstrictorum, eorumque qui, quamvis sine votis, in communi tamen vitam agunt more religiosorum, itemque tertiorum Ordinum saecularium, incolumi iure Congregationis de Prop. Fide."

¹³⁵See c. 703 §3.

¹³⁶Rules of precedence were stated in CIC/17, cc. 106 and 701. The particular role of the local ordinary was as follows: c. 106 §6: "Loci Ordinarii est in sua dioecesi statuere praecedentias inter suos subditos, ratione habita principiorum iuris communis, legitimarum dioecesis consuetudinum et munerum ipsis commissorum;[...]"

¹³⁷See c. 690 §§1, 2.

liturgical functions and ceremonies, and the condition of oratories and chapels, unless these latter belonged to exempt religious.¹³⁸ Finally, the local ordinary had some rights with respect to the appointment of the moderator and chaplain. Unless specified otherwise by an apostolic privilege, the local ordinary appointed the moderator and the chaplain for third order sodalities erected either by himself or by the Holy See, and for those sodalities established by religious outside their houses or churches. Furthermore, for sodalities established by religious within their own houses or churches, his consent was required for the appointment of a secular cleric to the office of moderator or chaplain.¹³⁹

D. Vatican II Insights

The preceding parts of this chapter afford a look back at the historical and legal traditions of lay association. This last part will present insights from the Second Vatican Council that have paved the way for a resurgence of interest in lay association with religious institutes.¹⁴⁰ Stated briefly these insights are: a new understanding of the Church as the people of God, a revalorization of the laity, a call to renewal in religious life, and a recognition of the right of association. Each of these has had an impact on the thinking of religious and laity and has produced a new understanding, a new spirit out of

¹³⁸See ABBO, *The Sacred Canons*, p. 694.

¹³⁹See c. 698 §1.

¹⁴⁰See survey results for Canada in CANADIAN RELIGIOUS CONFERENCE, RESEARCH DEPT., *Associate Members to Religious Congregations in Canada*, 2nd ed., Ottawa, Ont., Canadian Religious Conference, 1989, p. 6; see survey results for the United States in R. JEFFRIES, *Commitment in Religious Life in the Post-Vatican II Era: A Study of Association Membership Programs*, Ann Arbor, Mich., University Microfilms International, 1991, p. 77.

which to operate. This new spirit, in turn, continues to give shape and meaning to lay/religious affiliation today.

1. Renewed Ecclesiology

The greatest contribution of the Council was to deepen the theological understanding of the nature of the Church. Whereas the Church had been portrayed in the past primarily as a visible society, hierarchically ordered and "perfect,"¹⁴¹ the dominant images of Church presented in conciliar documents are those of people of God and of *communio*:

Hence, the universal Church is seen to be "a people brought into unity from the unity of the Father, the Son and the Holy Spirit."¹⁴²

For theirs is a community composed of men, of men who, united in Christ and guided by the Holy Spirit, press onwards towards the kingdom of the Father and are bearers of a message of salvation intended for all men.¹⁴³

Chapter II of *Lumen gentium* develops the notion of the people of God, "its most central and constantly used name for the Church."¹⁴⁴ While the

¹⁴¹By the term "perfect society" is meant that, as a sovereign society, the Church inherently has all the powers it needs to order its life and attain its goal.

¹⁴²SECOND VATICAN COUNCIL, Dogmatic Constitution on the Church, *Lumen gentium* (=LG), 21 November 1964, no. 4, in AAS, 57(1965), p. 7 (English translation in FLANNERY I, p. 352).

¹⁴³SECOND VATICAN COUNCIL, Pastoral Constitution on the Church in the Modern World, *Gaudium et spes* (=GS), 7 December, 1965, no. 1, in AAS, 58(1966), p. 1026 (English translation in FLANNERY I, p. 903). See also LG, no. 9; GS, no. 32; SECOND VATICAN COUNCIL, Decree on the Apostolate of Lay People, *Apostolicam actuositatem* (=AA), 18 November 1965, no. 18, in AAS, 58(1966), pp. 852-853 (English translation in FLANNERY I, pp. 766-798); SECOND VATICAN COUNCIL, Decree on the Church's Missionary Activity, *Ad gentes* (=AG), 7 December 1965, no. 2, in AAS, 58(1966), p. 948 (English translation in FLANNERY I, pp. 813-862).

¹⁴⁴A. HASTINGS, *A Concise Guide to the Documents of the Second Vatican Council*, vol. 1, London, Darton Longman & Todd, 1968, p. 69.

traditional image is not abandoned,¹⁴⁵ there has been a decided horizon shift, for now the emphasis is placed on a relational model of Church rather than on an institutional one. In the institutional model the Church had been identified primarily with the hierarchical minority. At best, it was viewed as an organization to which one belonged. In contrast, the Council presents a vision in which the Church is the assembly of the faithful, the people who believe in Jesus, the *christifideles* who are in relationship to God and to each other. In other terms, "what constitutes the church is that each member is conscious of being in relationship with the others, living through them and for them. No one is there just as themselves; no one believes just as themselves."¹⁴⁶ Therefore, *communio* among the people of God has emerged as a constitutive element of the Church. And, since the Church is essentially a communion, all ecclesial life is associative.¹⁴⁷

The Church is also missionary. Through baptism one is simultaneously "incorporated into Christ," "placed in the People of God," and granted a "share in the priestly, prophetic, and kingly office of Christ" with the right and duty of participating in the mission Christ confided to his whole Church.¹⁴⁸ The radical equality that exists among all members is rooted in this common commitment in baptism and precedes any subsequent distinctions based on function within the community. It is not just the hierarchy who are the custodians of the

¹⁴⁵LG, no. 18 affirms the teaching of Vatican I on the nature of the church and chapter III of the document is devoted to the hierarchical dimension of the church.

¹⁴⁶P. NEUNER, "The Church as *Koinonia*: A Central Theme of Vatican II," in *The Way*, 30(1990), p. 177-178.

¹⁴⁷See J. BEYER, "Vita associativa e coresponsibilità ecclesiale," in *Vita consacrata*, 26(1990), p. 923.

¹⁴⁸LG, no. 31.

Church's mission and its principal actors. All are called by the Lord Himself to mission,¹⁴⁹ and all are gifted for the task of building up the Church.¹⁵⁰ Furthermore, all are called to the "perfection of love." This is not reserved to those in a particular state of life, nor is anyone exempt from the requirement since the Christian vocation is a vocation to holiness.¹⁵¹

The implications of this ecclesiology are profound, for the shift in emphasis calls for a reassessment of the relationships among the faithful and different modes of operation. It is a vision of Church that requires mutuality, solidarity, dialogue, and cooperation. Laity and religious who enter into association do so with a determination to support one another in the pursuit of holiness and in the spreading of the reign of God and also to give visible expression to a new vision of Church. In a 1989 national survey of associates and religious in the United States the second and third most popular reasons given for religious conducting associate programs were, respectively, collaboration with the laity and Vatican II's universal call to holiness.¹⁵²

2. Revalorization of the Laity

In the institutional model of the Church, the hierarchical minority seemed to constitute the more active element. Clerics sanctified, taught, and ruled. The laity, on the other hand, constituted the passive element, the recipients of the ministrations of their pastors. Vatican II altered the pattern by enhancing the lay state in two ways. First, as has been noted above, the vision of Church that

¹⁴⁹See *LG*, no. 33; *AA*, no. 25.

¹⁵⁰See *LG*, no. 12; *AA*, no. 3.

¹⁵¹See *LG*, no. 40.

¹⁵²See JEFFRIES, *Commitment in Religious Life in the Post-Vatican II Era*, p. 97.

was presented grounds the Christian vocation in baptism. By virtue of their common commitment in baptism, there is a radical equality among all the members of the people of God more fundamental and prior to any distinctions based on function or state of life.¹⁵³ Rooted in baptism also is the common call to participate in mission¹⁵⁴ and to strive for holiness.¹⁵⁵

Second, the Council gave the laity a prominent place in its teachings. Chapter IV of *Lumen gentium* "has a special importance in that it is the first specific statement by an ecumenical council on the role of laity in the Church."¹⁵⁶ It reiterates the rights and responsibilities arising from baptism and applies them specifically to the lay faithful. The decree *Apostolicam actuositatem* develops more fully the laity's participation in the mission of the Church, placing emphasis on the fact that the laity receive from the Lord Himself the right and duty to participate in the apostolate, both internal and external.¹⁵⁷ This represents a departure from the former teaching that presented apostolic action by lay persons as a participation in the apostolate of the hierarchy requiring a concession from the latter.

Revalorization of the laity has had an impact on lay/religious relations. Eager to take up the challenge, laity look for spiritual and educational programs, support from a faith community, and opportunities to participate in the

¹⁵³See *LG*, no. 32.

¹⁵⁴See *LG*, no. 31; *AA*, nos. 2, 3, 25.

¹⁵⁵See *LG*, no. 40.

¹⁵⁶L. RYAN, "The Laity," in *The Church: A Theological and Pastoral Commentary on the Constitution on the Church*, K. McNAMARA, ed., Dublin, Veritas Publications, 1983, p. 235.

¹⁵⁷See *AA*, nos. 2, 3.

apostolate. Where these needs are not met by the local Church, religious congregations often fill the gap. Many institutes have assumed the role of "enabler," sharing with the laity their many resources of religious life as well as providing them with opportunities for ministry. The Jeffries national survey reports that spiritual enrichment has been "the most or second most important reason people join associate programs."¹⁵⁸

Admittedly, the steady numerical decline of religious has accelerated the pace of lay/religious collaboration and has made it necessary where lay people have been entrusted with more responsibility for congregation sponsored apostolic works. In fact, some maintain that religious have had no other option but to collaborate, and only after the fact are they articulating these underlying theological motivations. In the words of one author, collaboration is a "historical necessity" brought about by the "implacable demographic situation of religious institutes" and "has been confirmed by a doctrinal rediscovery of the true place of the lay person in the Church."¹⁵⁹

3. Renewal in Religious Life

Perfectae caritatis called for the up-to-date renewal of religious life, a process to be accomplished through the dual tasks of returning to the sources and adapting them to the changing conditions of the times.¹⁶⁰ Among the

¹⁵⁸JEFFRIES, *Commitment in Religious Life in the Post-Vatican II Era*, p. 93.

¹⁵⁹J. AUBRY, "'Mutuae Relationes' between Apostolic Women Religious and the Laity," in *UISG Bulletin*, 81(1989), p. 4.

¹⁶⁰See *Decree on the Up-To-Date Renewal of Religious Life, Perfectae caritatis (=PC)*, 28 October 1965, no. 2, in *AAS*, 58(1966), p. 703 (English translation in *FLANNERY I*, pp. 611-623).

changes brought about by this renewal, three can be singled out as having significantly influenced the course of lay/religious association.

First, to adapt to the needs of the contemporary apostolate, apostolic institutes have shed the quasi-monastic structures and practices that had been a legislated part of religious life. The accompanying renewal of spirituality, nourished by the Council's teaching in *Gaudium et spes*,¹⁶¹ has led religious to view the world as a locus of the sacred. Religious have sought new ways to insert themselves into the world and to be available to God's people. Consequently, religious simultaneously have emerged from the cloister and have opened the convent doors to seculars, inviting them in to share their lives. Not surprisingly, there has developed a trend within institutes to formalize the relationship with those persons with whom they experience a particular affinity.

Second, religious were urged to renew in light of the spirit and aims of their founders.¹⁶² The exercise involved recovering and discovering the founding charism and incarnating it in the contemporary setting. For many institutes this has been a grace-filled occasion calling for a celebration of charism, and making it, along with their founder, known to the broader ecclesial community. Efforts have been taken to ensure that corporately sponsored apostolic works are imbued with the charism and that co-workers are educated to it. In the process, religious are identifying lay persons in whom the institute's charism is operative which leads, in turn, to the desire to form deeper bonds with these people. Many religious institutes cite as a prime motivating factor for the establishment

¹⁶¹For a more complete discussion of this point see S. SCHNEIDERS, *New Wineskins: Re-imagining Religious Life Today*, New York, Paulist Press, 1986, pp. 25-27.

¹⁶²See PC, no. 2b.

of their associate program the desire to propagate their charism and to bond with those lay people who share it.¹⁶³ In the Jeffries survey "attracted to the charism" was the second most popular reason given for people joining associate programs.¹⁶⁴ Similarly, "desire to 'share the charism'" was checked by 95 percent of the religious as the most popular reason why institutes conduct associate programs.¹⁶⁵

Third, *Perfectae caritatis* reminds religious that their special consecration is rooted in their prior baptismal commitment and is its fuller expression.¹⁶⁶ Along with this new appreciation of baptismal commitment, religious have gained an awareness of their connection, at the most fundamental level, with the lay faithful, their brothers and sisters in Christ. This, in turn, has brought about a desire for collaboration and mutual support in living out the common commitment.¹⁶⁷ For some religious this has been accompanied by a desire to eliminate distinctions based on status such as the distinction between religious

¹⁶³For example a brochure of the Sisters of St. Joseph of Hamilton states: "...the CSJ Companion Program is seen as an extension of the mission and charism of the Sisters of St. Joseph of Hamilton." The School Sisters of Notre Dame Canadian Province brochure states: "Associate membership is a way for interested persons to enter into a special relationship with the professed members of the Congregation of the School Sisters of Notre Dame and to respond to a call to share in the spirituality of Blessed Mary Theresa Gerhardinger, the foundress of the congregation. Associate members and sisters together continue Christ's mission, respond to the changing needs of the church and strive to live out the charism, values and ideals of Blessed Theresa...."

¹⁶⁴See JEFFRIES, *Commitment in Religious Life in the Post-Vatican II Era*, p. 93.

¹⁶⁵See *ibid.*, 97.

¹⁶⁶See *PC*, no. 5.

¹⁶⁷For example, The Sisters of the Holy Names of Jesus and Mary Associate Program Guidelines states the first aim of the program is "to support members in living their baptismal call." A brochure from La Congrégation des Soeurs de Notre-Dame du St-Rosaire de Rimouski begins a definition of associates as follows: "L'associé-e est une personne qui, désireuse d'approfondir sa vocation baptismale...."

and laity. One consequence is that some associate programs have tended to blur the boundaries between professed members and associates.¹⁶⁸

4. The Right of Association

Of lesser importance to the development of lay/religious association, but still worthy of mention, are the Council's pronouncements concerning associations of the faithful. Of the thirty-eight times that the council documents mention associations of the faithful, twenty-two are found in the decree on the Apostolate of the Laity.¹⁶⁹ There is little doubt that the Council Fathers supported the establishment of associations, particularly by the laity and particularly for apostolic purposes.

Paramount among the statements on associations is that of the laity's right to found, govern, and join associations.¹⁷⁰ This right is recognized as a natural human right requiring no concession on the part of church authorities for its free exercise. The only condition cited by the Council is that "the necessary link with ecclesiastical authority" be kept intact. According to

¹⁶⁸While the focus has been on the positive impact on religious life of the universal call to holiness and the reinforced role of the laity, the conclusions of the Religious Life Futures Project suggest that these have also had a negative impact on the self-understanding of religious. The resulting ambivalence concerning the state of religious life and lack of role clarity may also be determining factors in the lack of boundary maintenance, albeit unconscious (see D. NYGREN, and M. UKERITIS, "The Religious Life Futures Project: Executive Summary," in *Review for Religious*, 52[1993], pp. 43-45, 47-48).

¹⁶⁹See J.R. AMOS, *Associations of the Christian Faithful in the 1983 Code of Canon Law: A Canonical Analysis and Evaluation*, Canon Law Studies, no. 516, Washington, The Catholic University of America, 1986, p. 122.

¹⁷⁰See AA, no. 19.

Klostermann, this means that the right may be restricted by ecclesiastical authority where the common good is at stake.¹⁷¹

In another key statement the Council displays its support for the founding of associations for a variety of purposes. Bishops are instructed:

Those associations also should be inaugurated or encouraged which have, either directly or indirectly, a supernatural object such as the attainment of a more perfect life, the preaching of the gospel of Christ to all men, the promotion of Christian doctrine or of public worship, the pursuit of social aims, or the practice of works of piety or charity.¹⁷²

While it is evident that the Church has officially endorsed the founding of associations by its members this does not appear to be a motivating factor in the establishment of associate programs. Contemporary forms have eschewed the association model. Nonetheless, the general recognition of the value of collective and collaborative action within the ecclesial context and the faithful's inherent right to exercise initiative in this regard lends encouragement in principle to associational activity among religious and laity.

Conclusion

This chapter reviewed the evolution of lay association from local custom to recognized canonical institution. From this brief historical survey, it is possible to draw some conclusions. First, it is evident that lay association was a vital, dynamic element of monastic life mutually benefiting the associates and

¹⁷¹See F. KLOSTERMANN, "Decree on the Apostolate of the Laity," in H. VORGRIMLER, ed., *Commentary on the Documents of Vatican II*, vol. 3, Montreal, Palm Publishers, 1968, p. 351.

¹⁷²SECOND VATICAN COUNCIL, Decree on the Pastoral Office of Bishops in the Church, *Christus Dominus* (=CD), 28 October 1965, no. 17, in *AAS*, 58(1966), p. 682 (English translation in *FLANNERY I*, p. 574).

the religious institutes. By the 12th century, from the ranks of lay associates, evolved a new class of religious, distinct from choir monks and nuns, and dedicated to manual labour. These lay brothers and lay sisters were part and parcel of many religious institutes until Vatican II urged the abolition of distinctions other than those arising from orders.¹⁷³

Second, the same spiritual movement gave birth to the mendicant orders and their third orders. Third orders, therefore, can confidently claim that they share in the founding charisms. While the mendicants did not invent the order of penance or the third order, they gave it a new direction and a particular organization making it possible for the laity to lead a "religious" life in the world.

Third, while the friars were initially reluctant to assume responsibility for their lay followers, when they were obliged to do so, their control became nearly complete. Generally speaking, during the past seven centuries, the organization and management of third orders has been dominated by the hierarchy and religious while the tertiaries assumed a passive role in the direction of their associations. Under the guidance of the hierarchy and religious directors, third orders secular became devotional societies with emphasis on the personal sanctification of members. Additionally, third orders secular have struggled under the weight of the religious life model. The establishment of the Third Order Regular removed some pressure from the "secular" branch but true "secularization" is a mid-20th century development.

¹⁷³See *PC*, no. 15.

From the foregoing it is evident that a constant challenge has been the clarification of the distinction between religious and lay associates with the attendant task of assigning to each category its respective rights and obligations. With the establishment of third orders the problem appeared to have been resolved, at least for a time. The 1917 Code of Canon Law recognized and further standardized this form of association in the canons on associations of the faithful. By the acts of approval and erection, the Church publicly claimed third orders as her own.

Universal and particular law clearly reflected the position that third orders were quasi-religious institutions resembling religious institutes and that their members were viewed as quasi-religious. The stated primary goal of the third order was similar to that of religious life — the personal sanctification of the members. The vocabulary found in particular law was borrowed from religious life (order, habit, novitiate, profession), as were the structures and operating procedures. Stated briefly, a tertiary was a religious in the world.¹⁷⁴ In the words of Benedict XV:

[...]Francis, in the impossibility of opening the cloister to all whom the desire of being formed in his school drew to him, resolved to procure, even for souls living in the whirlpool of the world, the means to tend towards Christian perfection. He founded, then, an Order properly called Tertiaries, differing from the other two orders in that it would not bear the bond of the religious vows, but would be characterized by the same simplicity of life and the same spirit of penance. Thus the project which no founder of a regular Order had yet imagined, to cause the religious

¹⁷⁴A 19th century spiritual book written for tertiaries states that tertiaries must "keep before them the ideal of the religious life as it is lived in the cloister; they must make it their own as much as it is compatible with the discretion necessary in all things" (P. BAPTIST, *The Spirit of the Third Order of St. Francis*, trans. by a tertiary of St. Francis, London, The Catholic Truth Society, 1899, p. 79).

life to be practiced by all, Francis first conceived the idea of and the grace of God gave him to realize it with the greatest success.¹⁷⁵

Following Vatican Council II, there has been a resurgence of interest in lay association with religious institutes. As with the friars and their tertiaries, the movement has occurred simultaneously with a radical renewal in religious life. This time it is sustained and nourished by a renewed ecclesiology and a new theology of the laity. While some third orders report that their membership is increasing,¹⁷⁶ religious institutes that have recently embarked on an associate program have not chosen the third order model. There exists instead a variety of modes of bonding that do not fit readily into the old canonical categories. The next chapter will undertake an analysis of contemporary universal and proper law to determine how current legislation treats lay associates and associations of associates.

¹⁷⁵BENEDICT XV, Encyclical on the Third Order of St. Francis, *Sacra propediem*, 6 January 1921, in *AAS*, 13(1921), p. 34 (English translation in C. CARLEN, *The Papal Encyclicals: 1903-1939*, vol. 4, Wilmington, N.C., McGrath Publishing, 1981, p 208).

¹⁷⁶The number of Lay Carmelite communities in the United States and Canada has increased from 68 in 1976 to 214 in 1992. In Canada alone the increase was from 2 to 16. See THE ORDER OF CARMEL, "Our Lay Carmelites...An Update and Perspective," Presentation to Provincial Council, Province of Most Pure Heart of Mary, Aylesford Center, Darien, Ill., 15 August, 1992, photocopy, 32 p.

CHAPTER TWO

CONTEMPORARY UNIVERSAL AND PROPER LEGISLATION RELATING TO ASSOCIATES

The Second Vatican Council's fresh look at Church, the laity, and religious life produced, in turn, a renewed interest in and experimentation with different forms of lay affiliation. For many religious institutes and societies of apostolic life, this period of interest and experimentation coincided with the revision of proper law mandated by the Council. As a result, some institutes and societies treated lay association at their chapters and in their revised constitutions and rules. Simultaneously, the Code of Canon Law was revised to incorporate conciliar teachings and to renew institutions. Because of these developments, there exists a new body of legislation relating to associates.

Chapter two will examine present legislation relating to lay associates. The current universal law is found in the 1983 Code of Canon Law¹ and subsequent Roman documents. These will be dealt with in the first three parts of the chapter. The fourth part will examine examples of proper law concerning lay associates found in constitutions, rules, and chapter-decisions of selected religious institutes and societies of apostolic life, and will show the distinction between individual associates and those grouped into separate associations.

¹See *Codex iuris canonici auctoritate Ioannis Pauli PP. II promulgatus* (=CIC/83), Typis Polyglottis Vaticanis, 1983, xxx, 317 p. (English translation: *The Code of Canon Law*, Latin-English ed., translation prepared under the auspices of The Canon Law Society of America, Washington, D.C., Canon Law Society of America, 1983, xlii, 668 p.). All references in this chapter are to the canons of the 1983 Code unless otherwise noted. Hereafter canons will be styled c. for "canon" and cc. for "canons" followed by the canon number[s].

A. Associations of Associates in the 1983 Code

The new Code of Canon Law, effective November 27, 1983, is intended to complement the documents of Vatican II, by translating the Council's teaching into canonical language.² As expected then, many canons echo the conciliar teaching examined in the previous chapter.³ Among these, c. 215 restates the fundamental, human right enunciated in *Apostolicam actuositatem*: "The Christian faithful are at liberty to found and to govern associations for charitable and religious purposes or for the promotion of the Christian vocation in the world; they are free to hold meetings to pursue these purposes in common." This is the first time this right has been expressly stated in a text of canon law although it has been exercised by the faithful from the earliest days of the Church⁴ and has been acknowledged previously by ecclesiastical authority.⁵

However, the right of association is not an absolute right. From time to time the Church establishes norms to regulate its exercise within the ecclesial

²See JOHN PAUL II, Apostolic Constitution, *Sacrae disciplinae leges*, 25 January 1983, in AAS, 75(1983), p. xi (English translation in *The Code of Canon Law*, Latin-English ed., translation prepared under the auspices of The Canon Law Society of America, Washington, D.C., Canon Law Society of America, 1983, p. xiv).

³For example: one is incorporated into the people of God through baptism with the right and duty to participate in the threefold mission of Christ (c. 204 §1); in virtue of their common baptism there exists a true equality among all the Christian faithful (c. 208); all are called to holiness (c. 210) and all are called to participate in mission (cc. 211, 216, 225).

⁴See E.W. QUINN, *Archconfraternities, Archsodalities, and Primary Unions with a Supplement on the Archconfraternity of Christian Mothers*, Canon Law Studies, no. 421, Washington, The Catholic University of America, 1962, pp. 5-18; AMOS, *Associations of the Christian Faithful in the 1983 Code of Canon Law*, pp. 6-22.

⁵See A. DEL PORTILLO, *Faithful and Laity in the Church: The Bases of their Legal Status*, trans. by L. Hickey, Shannon, Ire., Ecclesia Press, 1972, p. 67; AMOS, *Associations of the Christian Faithful in the 1983 Code of Canon Law*, pp. 90-91.

communion. Like its predecessor, the new Code of Canon Law legislates for lay association with religious institutes primarily, but not exclusively, within the context of associations of the Christian faithful. Part one will examine how the 1983 Code of Canon Law treats associations of associates. It will present a brief overview of the revised system for canonical establishment and classification of associations of the Christian faithful and will show how this new system applies to associations of associates.⁶

1. General Treatment of Associations in the 1983 Code of Canon Law

Because the canons on associations were completely reworked, the treatment of associations of associates is substantially different from that presented in the old Code. The canons on associations are found in Book II, The People of God, Part I, The Christian Faithful, Title V, "Associations of the Christian Faithful." As in the 1917 Code, chapter one sets out the norms common to all associations. However, what follows in the other three chapters is a radical departure from the corresponding sections on specific norms found in the former Code.

Early in the revision process the decision was taken to abandon the 1917 Code's system of classifying associations according to ends.⁷ Instead, two new generic categories were adopted based on the degree of hierarchical

⁶This is not intended to be an indepth canonical analysis of the canons on associations as this has been done by others. For example see AMOS, *Associations of the Christian Faithful in the 1983 Code of Canon Law*, xi, 424 p.; A. JACOBS, "Les associations de fidèles dans l'Église," in *Studia canonica*, 22(1988), pp. 359-379; L. MARTÍNEZ SISTACH, *Las asociaciones de fieles*, Barcelona, Facultad de teología de Cataluña, 1986, 151 p.; id., "Asociaciones públicas y privados de los laicos," in *Ius canonicum*, 51(1986), pp. 139-183; R. PAGÉ, "Associations of the Faithful in the Church," in *The Jurist*, 47(1987), pp. 165-203.

⁷The decision was made in October 1967 at session 2 of the *coetus* "De Laicis" (see *Communicationes*, 17(1985), pp. 228-230).

involvement in their inception. The category with the highest degree of involvement, public associations, comprises those associations erected by competent ecclesiastical authority. The category with the least involvement, private associations, consists of associations brought into being by the private agreement of the members and recognized subsequently by competent ecclesiastical authority. Thus, in the promulgated text, chapter one sets out the norms common to all associations and chapters two, three, and four deal respectively with public associations, private associations, and special norms for associations of the laity. Henceforth, all associations of associates that wish to be canonically established must fit into these new categories and conform to their respective norms.

2. Public Associations of Associates

An association of associates may seek canonical status or establishment in the Church by erection as a public association of the Christian faithful. For an association to be designated a public association, it must be erected by competent authority after its statutes have been approved.⁸ The competent authority is the Holy See for international associations, the episcopal conference for national associations, and the diocesan bishop for diocesan associations.⁹ It is not obvious from reading the canons which of these levels, or combination of levels, holds competency for associations of associates. This point will be

⁸C. 301 §3: "Associations of the Christian faithful which are erected by competent ecclesiastical authority are called public associations."

C. 314: "The statutes of any public association as well as their revision or change require the approval of the ecclesiastical authority which is competent to erect the association in accord with the norm of c. 312, §1."

⁹See c. 312 §1.

taken up later in a separate discussion. "By the very operation of the law"¹⁰ a public association is constituted as a juridic person and receives a mission to act in the name of the Church.¹¹

The benefit of being designated a public association is not insignificant. The association is given the highest degree of Church endorsement. The Church claims it as its own and publicly identifies itself with the activities of the association. The association may even be established to teach Christian doctrine in the name of the Church, to promote public worship, or to pursue other ends that are by their nature reserved to ecclesiastical authority.¹²

Public associations are regulated by the canons on common norms for associations, canons on public associations, and, if they are lay associations, by the special norms for lay associations. Since public associations are also public juridic persons, they are subject as well to the norms on juridic persons

¹⁰F.G. MORRISEY, "The Right of Association as a Basic Right of the Faithful," in W. AYMANS, K.T. GERINGER, and H. SCHMITZ, eds., *The Associational Element in the Church: Proceedings of the VIth International Congress of Canon Law, Munich, September 14-19, 1987*, St. Ottilien, EOS Verlag Erzabtei, 1989, p 14.

¹¹C. 313: "A public association as well as a confederation of public associations is constituted a juridic person by the decree by which it is erected by competent ecclesiastical authority in accord with the norm of c. 312; it also thereby receives a mission to pursue the ends which it proposes for itself in the name of the Church, to the extent that such a mission is required."

For one interpretation of the meaning of the phrase "in the name of the Church" see P. GIULIANI, *La distinzione fra associazioni pubbliche e associazioni private dei fedeli nel nuovo codice de diritto canonico*, Roma, Pontificia Università Lateranense, 1986, pp. 181-185. He concludes: "*Pubblico* equivale invece a *gerarchico*: le associazioni pubbliche realizzano fini istituzionali o gerarchici; fanno parte dell'organizzazione ufficiale della Chiesa o organizzazio. . . ecclesiastica; possono di conseguenza agire in nome della Gerarchia."

¹²C. 301 §1: "Competent ecclesiastical authority alone has the right to erect associations of the Christian faithful which set out to teach Christian doctrine in the name of the Church or to promote public worship or which aim at other ends whose pursuit by their nature is reserved to the same ecclesiastical authority."

and to those on temporal goods as theirs are ecclesiastical goods.¹³ Because the identification with the Church is of such a high degree, the law requires that all public associations be held accountable to Church authority and that Church authority exercise vigilance and control over their organization and activities.

A public association ceases to exist by an act of suppression by the competent authority that erected it. The diocesan bishop can also suppress associations erected by religious institutes that required his consent for erection in the diocese.¹⁴ An example would be third order fraternities erected in the diocese by religious outside their own houses or churches.¹⁵

Though not expressly stated, the Code implies that there is yet another way to constitute public associations in the Church — by apostolic privilege. Three canons among those on associations refer to the case in which the reserved right to erect a specific association has been granted by the apostolic see to "others" or to a religious institute.¹⁶ Therefore, it can be concluded that the new law continues to recognize this institution. Furthermore, the 1983 Code has left intact privileges previously granted by the Holy See unless

¹³See c. 1257 §1.

¹⁴C. 320 §1: "Associations erected by the Holy See can be suppressed only by the Holy See."

§2. "Associations erected by a conference of bishops can be suppressed by the same conference for grave reasons; associations erected by a diocesan bishop can be suppressed by him, and also associations erected through an apostolic indult by members of religious institutes with the consent of the diocesan bishop."

¹⁵C. 312 §2: "The written consent of the diocesan bishop is required for the valid erection of an association or a branch of an association in a diocese, even if this is done in virtue of an apostolic privilege; however, the consent given by a diocesan bishop for the erection of a house of a religious institute also allows for the erection in the same house or church attached to it, of an association proper to the institute."

¹⁶These are cc. 312 §1 3°, 317 §2, 328.

expressly revoked.¹⁷ Thus, it can also be concluded that those who received a privilege to erect associations of associates under the old law continue to enjoy the favour under the new law. As noted in the previous chapter, under the old law only nine religious orders and one religious congregation received an apostolic privilege to establish a third order.

3. Private Associations of Associates

The second means of obtaining canonical status for an association of associates is by official recognition as a private association of the Christian faithful. The term "private" is used in the strict sense as a designation for a particular canonical category.¹⁸ An association is recognized as a private association by competent authority once its statutes have been reviewed.¹⁹ The competent authority is the same as that for a public association: the Holy See, the episcopal conference, the diocesan bishop.²⁰ Once the designation "private" has been conferred upon an association, it is subject to the canons on common

¹⁷C. 78 §1: "A privilege is presumed to be perpetual unless the contrary is proved."

C. 4: "Acquired rights as well as privileges granted up to this time by the Apostolic See to physical and juridic persons remain unimpaired provided they are presently in use and have not been revoked, unless they are expressly revoked by the canons in this code."

¹⁸The use of the term "private" in c. 299 §1, 2 is confusing. Some canonists apply the term broadly to encompass all associations constituted by the private agreement of its members. That is to both canonically recognized and unrecognized associations. Others use "private" in a strict sense to designate only those associations that have been constituted in the Church by means of official recognition. Associations that have not gained such recognition are then called by other terms such as "*de facto*," "non-canonical," "unrecognized." This dissertation uses the term "private" in the strict sense.

¹⁹C. 299 §3: "No private association of the Christian faithful is recognized unless its statutes are reviewed by competent authority."

²⁰See c. 322 §1. The canon refers to the authorities in c. 312 including those with an apostolic privilege. Amos believes that this extension of power to those with an apostolic privilege to review the statutes and establish private associations and to erect them into juridic persons was not intended but is a result of the imprecise formulation of c. 312 (see AMOS, *Associations of the Christian Faithful in the 1983 Code of Canon Law*, p. 200-203, especially note 146).

norms, the canons on private associations, and, if it is a lay association, to the special norms on lay associations.

A private association may take the added measure of acquiring juridic personality by means of a formal decree from the same competent authority, according to c. 312, after its statutes have been approved.²¹ This action legally constitutes the association as a corporate body in the Church. As a consequence, the association becomes the subject of rights and obligations and is regulated also by norms on juridic persons²² and certain norms on temporal goods.²³ It remains, however, a private association.

Official recognition does not create an association. A private association is brought into existence and sustained by the common accord of its members without any intervention by the hierarchy. Recognition, a juridical act by competent ecclesiastical authority, acknowledges the existence of a previously established association and constitutes it within the Church. Assurance of a degree of official ecclesial endorsement for its program is an obvious benefit to the association. For a private association that acquires juridic personality additional benefits are the right to own and administer temporal goods as a

²¹C. 322 §1: "A private association of the Christian faithful can acquire juridic personality by means of a formal decree of the competent ecclesiastical authority mentioned in c. 312."

§2. "No private association of the Christian faithful can acquire juridic personality unless its statutes have been approved by the ecclesiastical authority mentioned in c. 312, §1; however, the approval of the statutes does not change the private nature of the association."

²²These norms are found in the canons on juridic persons, cc. 113-123.

²³C. 1257 §2: "The temporal goods of a private juridic person are regulated by their own statutes, but not by the following canons unless express provision is made to the contrary." For example, express provision is made in cc. 1265, 1267, and 1269.

corporate body²⁴ and the right to vindicate its rights within the Church as a corporate body.²⁵

A private association ceases to exist according to the provisions of its statutes. In addition, a private association may be suppressed by the authority that recognized it in the event that the association causes serious harm to ecclesiastical doctrine, or discipline or is a source of scandal.²⁶

4. Non-Canonical Associations of Associates

No association of associates is obliged to seek canonical status. Canon 299 §1 reiterates the right enjoyed by all the Christian faithful to establish associations by means of a private agreement made among themselves.²⁷ An association established in this fashion is a *de facto* association with no standing in the law and with no juridical ties to the Church or any ecclesial body. In other words, it is non-canonical. Even when a *de facto* association is praised or

²⁴C. 1255: "The Universal Church and the Apostolic See, the particular churches as well as any other juridic persons, whether public or private, are capable of acquiring, retaining, administering and alienating temporal goods in accord with the norm of law."

²⁵For a discussion on this point, see: J. LLOBELL, "Associazioni non riconosciute e funzione giudiziaria," in *Monitor ecclesiasticus*, 113(1988), pp. 375-384; R. NAVARRO-VALLS, "Las asociaciones sin personalidas en derecho canonico," in W. AYMANS, K.T. GERINGER, and H. SCHMITZ, eds., *The Associational Element in the Church: Proceedings of the VIth International Congress of Canon Law, Munich, September 14-19, 1987*, St. Ottilien, EOS Verlag Erzabtei, 1989, pp. 547-556; see also the response of the Pontifical Council for the Interpretation of Legislative Texts in *AAS*, 80(1989), p. 1818.

²⁶C. 326 §1: "A private association of the Christian faithful ceases to exist in accord with the norm of its statutes; it can also be suppressed by competent authority if its activity causes serious harm to ecclesiastical doctrine or discipline or is a scandal to the faithful."

²⁷C. 299 §1: "The Christian faithful are free, by means of a private agreement made among themselves, to establish associations to attain the aims mentioned in c. 298 §1, with due regard for the prescriptions of c. 301, §1, §2."

recommended by ecclesiastical authority its status in law is unchanged.²⁸ It remains private in nature despite having received a degree of encouragement and a "pastoral," "unofficial" recognition. Two restrictions are placed upon the exercise of the right of association. The first, incorporated within the canon, prohibits the founding of private associations for purposes that are reserved to the Church.²⁹ The second concerns the use of the name "Catholic" in the title which requires the consent of competent ecclesiastical authority.³⁰ A *de facto* association ceases to exist by the common agreement of its members.

5. Competent Authority for Associations of Associates

The 1917 Code clearly established competency for third orders. Whereas other associations of the faithful were assigned to the Congregation for the Council,³¹ the Congregation for Religious was given exclusive competence over third orders,³² the "emulators of religious."³³ Through this dicastery the Holy See approved the Rule³⁴ and accomplished other tasks related to third orders.

²⁸C. 299 §2: "Such associations are called private associations even though they are praised or recommended by ecclesiastical authority."

²⁹C. 301 §1: "Competent ecclesiastical authority alone has the right to erect associations of the Christian faithful which set out to teach Christian doctrine in the name of the Church or to promote public worship or which aim at other ends whose pursuit by their nature is reserved to the same ecclesiastical authority."

³⁰C. 300: "No association shall assume the name 'Catholic' without the consent of competent ecclesiastical authority, in accord with the norm of c. 312."

c. 216: "... no undertaking shall assume the name Catholic unless the consent of competent ecclesiastical authority is given."

³¹See CIC/17, c. 250 §2.

³²See CIC/17, c. 251 §1.

³³J. HOURLIER, *L'âge classique, 1140-1378: les religieux*, Histoire du droit et des institutions de l'Eglise, vol. 10, Paris, Editions Cujas, 1971, pp. 252-269.

³⁴See CIC/17, c. 702 §1.

The authority competent to establish a third order was the superior of the religious institute having received an apostolic privilege to do so.³⁵ Because the 1983 Code does not deal specifically with third orders, other than to mention them,³⁶ or with the internal organization of the Roman Curia, these norms are not repeated.

The new Code sets out the general principle for competency in c. 312 §1: competent authority is the Holy See for international associations, the episcopal conference for national associations, and the diocesan bishop for diocesan associations. This applies equally to recognition of private associations and erection of public ones. But what of an association of associates that is by definition "under the higher direction"³⁷ of some religious institute? Does the general rule cited in c. 312 §1 apply, or does the Holy See consider this type of association to be in a special category because of an "intrinsic bond" with some religious institute?³⁸ The answer is found in the Apostolic Constitution *Pastor bonus*,³⁹ the special law governing the Roman Curia, the instrument through which the Holy See conducts the business of the universal Church.⁴⁰

³⁵See CIC/17, c. 703 §1, §2.

³⁶See c. 303.

³⁷See c. 303.

³⁸See D.M. HUOT, "Associations of the Faithful and Their Dependence with Regard to the Sacred Congregation for Religious and for Secular Institutes and the Pontifical Council for the Laity," in *Consecrated Life*, pp. 106, 210-211. The author examines associations that depend upon religious institutes and makes a distinction between those that do not have an intrinsic bond with the institutes and those that do have an intrinsic bond. In the latter category he includes associations of associates without vows such as third orders.

³⁹JOHN PAUL II, Apostolic Constitution on the Roman Curia, *Pastor bonus* (=PB), 28 June 1988, in *AAS*, 80(1988), pp. 841-912.

⁴⁰See cc. 360, 361.

The dicastery competent to erect, approve, and suppress institutes and societies is the Congregation for Institutes of Consecrated Life and Societies of Apostolic Life.⁴¹ *Pastor bonus*, article 111, extends its competence to include secular third orders and associations of the faithful which are in the preparatory stage of becoming institutes of consecrated life or societies of apostolic life.⁴² Significantly, unlike other articles dealing with competency,⁴³ there is no stated requirement that the third order possess an international character. The only requirement is that it be a third order. If "third order" is interpreted in the strict sense, applying solely to the traditional third orders, then there is a lacuna in the law with respect to associations considered to be comparable to third orders but which bear other names. Where there is no law, c. 19 provides instructions for filling the gap.⁴⁴ In this particular situation, the praxis of the Roman Curia fills the lacuna. It has been the custom of the Holy See to regulate associations judged to be "similar to" or "in the manner of" third orders through the Congregation for Religious and its successors.⁴⁵ If, on the other hand, the

⁴¹See *PB*, no. 106.

⁴²"Ipsius competentia amplectitur quoque Tertios Ordines necnon consociationes fidelium, quae eo animo eriguntur ut, praevia praeparatione, Instituta vita consecrata vel Societates vitae apostolicae aliquando evadant" (*PB*, no. 111).

⁴³Article 134 assigns primary competence for lay associations to the Pontifical Council for the Laity. The Council erects and recognizes international associations and approves and reviews their statutes. The Congregation on Divine Worship and the Discipline of the Sacraments is competent, according to article 65, for international associations that promote liturgy, music, or sacred art.

⁴⁴C. 19: "Unless it is a penal matter, if an express prescription of universal or particular law or a custom is lacking in some particular matter, the case is to be decided in light of laws passed in similar circumstances, the general principles of law observed with canonical equity, the jurisprudence and praxis of the Roman Curia, and the common and constant opinion of learned persons."

⁴⁵For example on May 9, 1986, the revised rule of the Association of "Salesian Cooperators," a public association of the faithful "in the manner of a third order," was approved by the Congregation for Religious and Secular Institutes (see the Decree of SCRIS in *Salesian*

term "third order" is interpreted in the broad sense, in the light of c. 303,⁴⁶ then the category comprises all those associations which fit the description regardless of their name. What is not clear are the criteria used to determine which associations do, in fact, fit the description.⁴⁷

Regardless whether a strict or broad interpretation is given to the term "third order," it seems that the Holy See continues to view third orders and comparable associations as "extensions"⁴⁸ of the religious institutes whose spirit they share. Therefore, the competent authority for canonical establishment of associations of associates, whatever their name and scope, is the Holy See through the Congregation for Institutes of Consecrated Life and Societies of Apostolic Life. Since the same authority is responsible for both kinds of canonical establishment,⁴⁹ the Holy See reviews statutes, and

Cooperators: Regulations of Apostolic Life, p. 13). In addition, in 1991, the SCRIS Office for the Approval of Institutes reported having approved the statutes of eight lay associations joined to Religious Institutes (see *Informationes SCRIS*, 17[1991]2, p. 161). Evidently SCRIS judged that these associations have an intrinsic bond with their sponsoring institutes and therefore fell within the jurisdiction of that dicastery. Similar approvals are reported in *L'Attività della Santa Sede*, pubblicazione non ufficiale, Città del Vaticano, Libreria Editrice Vaticana, 1988, p. 1282; 1989, p. 1185; 1990, p. 1173; 1992, p. 1078; 1993, p. 1234.

⁴⁶See c. 303: "Associations whose members lead an apostolic life and strive for Christian perfection while living in the world and who share the spirit of some religious institute under the higher direction of that same institute are called third orders or some other appropriate name."

⁴⁷For example, despite its affiliation with the religious institute whose name it bears, it seems that the association of Lay Claretains is considered not to be comparable to a third order. In 1988 the Lay Claretains received approval from the Pontifical Council for the Laity as a private association of the Christian faithful (see R. BALLAN, "The First Evangelization: Collaboration Between Religious and the Laity," in *Springtime for the Gospel*, Vatican City, Pontifical Council for the Laity, Documentation Service No. 26, 1993, p. 87).

⁴⁸HUOT, "Associations of the Faithful," p. 109.

⁴⁹See cc. 312 and 322.

recognizes private associations of associates, and also approves statutes, and erects public associations of associates.⁵⁰

The competent authority with regard to the apostolic works of associations of associates is the Pontifical Council for the Laity.⁵¹ This should be interpreted in the light of the preceding article which describes the general scope of the Council's mandate. The Council is responsible for encouraging and supporting laity in their participation in the life and mission of the Church, especially with respect to their duty to imbue the temporal order with the spirit of the gospel. It is further charged with fostering cooperation in apostolic activity and attending to international meetings and other initiatives related to apostolate.⁵²

B. The Canons and their Application

In this section three key canons related to associations of associates will be examined in more detail: c. 303 which describes third order kinds of associations; and cc. 311 and 677 §2 which place obligations on those

⁵⁰Not only does article 111 not specify the scope of the association, it does not make a distinction between associations affiliated with pontifical right institutes and those affiliated with diocesan right institutes. Without such a distinction one can posit that article 111 applies to all third order kinds of associations regardless of the "right" of the sponsoring institute. However, it seems incongruous for the diocesan bishop to be the competent authority for an institute and the Holy See to be the competent authority for its association. The ambiguity of the situation leads to the conclusion that no consideration was given to the particular situation of a diocesan institute wishing to establish a third order kind of association. Time and additional experience with the new law may shed light on the matter.

⁵¹"Concilium ea omnia inter ambitum propriae competentiae agit, quae ad consociationes laicales christifidelium spectant; eas vero, quae internationalem indolem habent, erigit earumque statuta approbat vel recognoscit, salve competencia Secretariae Status; quoad Tertios Ordines saeculares ea tantum curat, quae ad eorum apostolicam operositatem pertinent" (*PB* 134).

⁵²See *PB*, no. 133.

religious institutes that have associations connected to them. In each case the formulation of the text will be studied followed by an examination of the key elements of the promulgated canon.

1. Canon 303 — Nature of Associations of Associates

Had the system of broad classification adopted by the drafters of the new law been strictly followed, the terms "third order," "confraternity," and "pious union" would have been eliminated entirely from the 1983 Code. In fact, the latter two terms did not find their way into the text. However, the term "third order" does appear in c. 303 along with a description of this species of association. This canon is key to the purposes of this dissertation and will be considered in some detail at this time.

The source for this canon is c. 702 §1 of the 1917 Code, which presented a description of third orders. The new formulation retains the basic idea of a third order; an association, directed by a religious institute, in which the members share in the spirit of that institute. On the surface this canon appears to restate the former norm, but this is not the case. Full understanding can be gained only through examining its evolution during the drafting period of the new Code.

a. Formulation of Canon 303

As noted above the decision was taken to adopt a new method of classifying associations into two broad categories, public and private associations, with no further specification or subdivision. Nonetheless, the question of including particular kinds of associations and providing specific norms pertaining to them continued to surface. At the 4th session of the *coetus De Laicis*, with the issue before them again, the consultors confirmed their

initial decision not to specify offering the rationale that their task was to prepare general law and typifying is not the function of law.⁵³

The 1977 Schema was faithful to the decision to use only the two broad classes. No reference was made to specific kinds of associations and no version of c. 303 appeared. However, during the revision process of the 1977 Schema, at the 2nd session in November 1979, the issue was raised again. The request to include a canon on third orders came from two sources; an episcopal conference and a third order, neither of which was identified. Both sources proposed a canon.⁵⁴ The consultors preferred the wording of the canon submitted by the episcopal conference:

Associations called third orders are erected by apostolic privilege and, while in the world, under the direction of some institute of consecrated life, participate in the same charism, lead an apostolic life and strive toward Christian perfection according to the same spirituality.⁵⁵

Minutes of the meeting indicate that there was some objection to the use of the phrases "by apostolic privilege" and "under the direction." The latter posed a problem because, as one consultor explained, it did not express the current reality of a third order relationship to a religious institute — that reality

⁵³See *Communicationes*, 18(1986), pp. 309-310.

⁵⁴The canon submitted by the third order is as follows: "Christifideles sive clerici sive laici, qui secundum determinatam spiritualitatem vivere exoptant, iure gaudent sese consociandi ita ut communicent cum sodalibus Instituti vitae consecratae qui eandem spiritualitatem habent, ad normam statutorum quae ipsi sunt propria et ab auctoritate legitime approbata sunt" (*Communicationes* 12[1980], pp. 96-97).

⁵⁵"Tertii Ordines dicuntur consociationes vi privilegii apostolici erectae, quae in saeculo sub moderamine alicuius Instituti vitae consecratae, eiusdem charismatis participes, vitam apostolicam ducunt et ad perfectionem christianam secundum eiusdem spiritualitatem contendunt" (*Communicationes*, 12[1980], p. 97). (My translation)

being a union with a definite autonomy.⁵⁶ Unfortunately, no further details of the discussion are recorded in the published minutes. Therefore, one can only surmise the reasons why the consultants chose to retain the phrase "under the direction" but to drop the words "erected by apostolic privilege." In the end the following wording was accepted by all and appeared in the 1980 Schema as canon 677:

Associations called third orders are those in which the members, while in the world, participate in the charism of some religious institute, under the higher direction of that institute, and lead an apostolic life and tend towards Christian perfection.⁵⁷

Canon 677 was placed in the section on common norms. No reference was made to a Rule approved by competent authority which was a constitutive element in the 1917 description. And, whereas c. 702 §1 spoke of sharing the spirit, the 1980 text used the term "charism."

The *Relatio*⁵⁸ records three points of discussion on this canon. First, the appropriateness of the name "third order" was questioned because, as one member pointed out, it did not apply to all associations of this kind. This may have been a reference to the existence of associations such as the Salesian

⁵⁶"Si dubita però sulle espressioni 'vi privilegii apostolici' e 'sub moderamine' perché oggi si ha piuttosto una unione con una certa autonomia" (*Communicationes*, 12[1980], p. 97).

⁵⁷"Tertii Ordines dicuntur consociationes quarum sodales, in saeculo, charisma alicuius Instituti religiosi participant, sub superiore eiusdem Instituti moderamine, vitam apostolicam ducunt et ad perfectionem christianam contendunt" (PONTIFICIA COMMISSIO CODICI IURIS CANONICI AUTHENTICE RECOGNOSCENDO, *Codex iuris canonici: schema patribus commissionis reservatum*, [=1980 Schema], In Civitate Vaticana, Libreria Editrice Vaticana, 1980, p. 163). (My translation)

⁵⁸In July 1981 the Pontifical Commission for the Revision of the Code of Canon Law published a report of the discussion of Commission members on the 1980 Schema. The full title of the report is *Relatio complectens synthesim animadversionum ab em.mis atque exc.mis Patribus Commissionis ad novissimum schema codicis iuris canonici exhibitarum, cum responsibus a secretaria et consultoribus datis (=Relatio)*.

Cooperators, a public association "after the manner of a third order,"⁵⁹ or to the fact that, during their post-Vatican II renewal, traditional third orders adopted new names.⁶⁰ The response was that the name "third order" should be retained because it was not the name that was important but the reality.⁶¹ In the next draft a qualifier was added to clarify this point. This was a recognition and acceptance by the Commission members that associations exist that fit the description of the canon but which do not bear the designation "third order." Clearly, the drafters were moving towards broadening the concept of a "third order."

The second point of discussion centered on a suggestion to add a sentence comparing third orders to associations mentioned in an earlier canon in the same schema. The relator, in giving a negative response to the suggestion, stated that the purpose of c. 677 was to deal with a general concept of this kind of association so as not to lose the notion of a third order.⁶²

The third comment was that the phrase "under the higher direction of the same Institute" did not adequately describe the relationship between the first

⁵⁹See chapter 1, note 94.

⁶⁰ For example, with the approval of their new Rule in 1978 by Paul VI, the Third Order of St. Francis became the Secular Franciscan Order.

⁶¹"1. Sunt Tertii Ordines qui non amplius adhibent huiusmodi nomen. R. Maneat textus uti iacet, quia non est quaestio de nomine sed de re" (*Relatio*, c. 677).

⁶²"Admitti nequit aequiparatio proposita, quia agitur de alia re, nempe de associationibus in genere sumptis: secus evanescit sensus Tertii Ordinis" (*Relatio*, c. 677).

and third orders. The response to this criticism was that it was for the statutes to describe the relationship in the concrete.⁶³

With only one change, the addition of the qualifying phrase "or some other appropriate name," c. 677 became c. 303 in the 1982 draft of the Code that was sent to Pope John Paul II for approval.⁶⁴ A small group of experts made the final revisions. One change was made to c. 303. The word *charism* was removed not only from this canon but from the entire Code.⁶⁵ In c. 303 it was replaced by "spirit." Thus, the promulgated canon reads:

Associations whose members lead an apostolic life and strive for Christian perfection while living in the world and who share the spirit of some religious institute under the higher direction of that same institute are called third orders or some other appropriate name.⁶⁶

b. Commentary on Canon 303

The new canon contains changes, additions and omissions that make it significantly different from CIC/17, c. 702 §1. The first change concerns not merely the name that can be given to the association but also, and more

⁶³3. Expressio 'sub superiore eiusdem Instituti Moderamine' non videtur recta, quia ex. gr. Tertius Ordo franciscanus fundatus est 'sub directione spirituali' Fratrum Minorum. R. Forma concreta dependentiae in statutis definienda est" (*Relatio*, c. 677).

⁶⁴C. 303: "Consociationes, quarum sodales, in saeculo charisma alicuius instituti religiosi participantes, sub altiore eiusdem instituti moderamine, vitam apostolicam ducunt et ad perfectionem christianam contendunt, tertii ordines dicuntur aliove congruenti nomine vocantur" (PONTIFICIA COMMISSIO CODICI IURIS CANONICI AUTHENTICE RECOGNOSCENDO, *Codex iuris canonici: schema novissimum iuxta placita patrum Commissionis emendatum atque Summo Pontifici prassentatum* [= 1982 Schema], In Civitate Vaticana, Typis Polyglottis Vaticanis, 1982, p. 52).

⁶⁵For a more complete discussion of the notion of "charism" in the 1983 Code see J. KALLUMKAL, *The Patrimony of an Institute According to the Code of Canon Law*, Roma, Pontificia Università Lateranense, 1989, pp. 42-54.

⁶⁶C. 303: "Consociationes, quarum sodales, in saeculo spiritum alicuius instituti religiosi participantes, sub altiore eiusdem instituti moderamine, vitam apostolicam ducunt et ad perfectionem christianam contendunt, tertii ordines dicuntur aliove congruenti nomine vocantur."

significantly, the scope of the canon. In the 1917 Code, c. 702, and the other four canons in the section on Third Orders Secular, clearly referred to those associations, and only to those associations, that conformed to the narrow canonical category. That is, to third orders in the strict sense. On the other hand, the stated purpose of c. 303 is to keep alive the basic idea of third order kinds of associations. It is intended to deal with associations that fit the general description whatever their name. Hence the broad wording "are called third orders, or some other appropriate name." In other words, the canon addresses third orders in the broad sense. Its application, therefore, should not be restricted solely to the traditional third orders.

A second change involves the institutes that have the capacity to establish such an association. Canon 702 restricted the capacity to religious "orders." There was divided opinion among canonists on whether a congregation could be granted an apostolic privilege and, if so, was the association technically a "third order?"⁶⁷ Again, the new law employs a much broader wording referring to religious institutes, a term which includes both orders and congregations.

An interesting addition was made to the stated end of these associations. Canon 303 speaks about associations that have a twofold purpose; to lead an apostolic life and to strive for Christian perfection. The latter had been the distinguishing feature of third order kinds of associations. That is, until this time, their primary purpose had been to encourage and to assist members to live the Christian life to the fullest. Inclusion of apostolate as an end with equal importance is an innovation. Henceforth, associates who participate in the spirit

⁶⁷See discussion in chapter 1, pp. 44, 52.

of some institute will also be expected to share in the apostolic dimension of that spirit.

Canon 303 omitted phrases found in c. 702. The old norm mentioned the secular character of tertiary life three different ways; they were "secular" tertiaries who lived "in the world" "in a manner consistent with secular life." Canon 303 mentions the secularity of members of third order kinds of associations only once, stating that the members pursue the ends of the association "while living in the world." This is a phrase commonly used and understood to mean secular life as opposed to religious life. Given that the weight of the religious life model does not bear so heavily upon associates as it did in former times, this single statement appears sufficient to distinguish lay associates from religious members of the institute.

The second omission is more significant. An essential element of a third order, according to c. 702, was the approval of the Rule by the Apostolic See. This element no longer appears in the description of this kind of association. Therefore, it is no longer a constitutive element. Review or approval of statutes by the Holy See is necessary only if the association of associates seeks canonical status.

Members of these associations "share the spirit of some religious institute." According to c. 578, which is an analysis of the "charism," of institutes,⁶⁸ the "spirit" is a component of the patrimony of an institute.⁶⁹ The

⁶⁸See J. BEYER, *Le droit de la vie consacrée*, vol. 1, Paris, Tardy, 1988, p. 59.

⁶⁹See *ibid.*, p. 59.

spirit has been described as some characteristic aspect of the charism.⁷⁰ It is more than "spirituality."⁷¹ "It is something that "permeates the life and action of the members of an institute."⁷² It is the dynamic element that determines the way in which a charism is lived.

In summary, a religious institute can establish an association in which the members commit themselves to lead an apostolic life and to strive for Christian perfection. This association, though distinct from the religious institute, is directed by the institute, according to statutes, and is animated by the same spirit. The association may be called a third order or another appropriate name, and its canonical status is determined by the degree of hierarchical involvement in its establishment.

2. Canon 311 — Participation in Apostolate

A second canon in the section on Associations of the Christian Faithful deals with associations that are in some way united to institutes of consecrated life. Addressed to the members of the institutes who preside over or assist such associations, it is an exhortation to see to it that these associations participate in apostolic activities in the diocese and that they do so in cooperation with other associations and under the direction of the local ordinary.

⁷⁰See T. VANZETTO, "Commento a un canone: L'irradiarsi di un carisma oltre l'Instituto di vita consacrata (c. 303)," in *Quaderni di diritto ecclesiale*, 3(1990), p. 387.

⁷¹See BEYER, *Le droit de la vie consacrée*, p. 61; KALLUMKAL, *The Patrimony of an Institute*, p. 174.

⁷²KALLUMKAL, *The Patrimony of an Institute*, p. 172.

a. **Formulation of Canon 311**

In the first draft of the canons in 1968, c. 16 §2 addressed those who form or participate in associations exhorting them to see to it that their associations cooperate with others, especially those in the same territory, in various Christian undertakings.⁷³ Essentially, it was a call to apostolate and to cooperation in apostolate.

Two changes were made in the second draft of the canon. First, paragraph two was addressed to "those who preside over associations, even those erected by apostolic privilege." The latter phrase made it clear that the norm applied to all associations. None were exempt. Discussion and addition of this phrase seemed to inspire the second change; the addition of a third paragraph addressed specifically to "religious who preside over associations erected by apostolic privilege." This paragraph repeated the substance of the previous paragraph but also included a third element, cooperation under the direction of the diocesan bishop. Because of these changes, one canon contained two parallel paragraphs. Obviously, the consultors considered the matter sufficiently important to single out religious in order to remind them of their duty in this regard. The canon was placed in the section on Special Norms for Lay Associations.⁷⁴

In the following draft no changes were made to the content or wording of either paragraph. However, the third paragraph directed to religious was made a separate canon and placed in the section on norms common to all

⁷³See *Communicationes*, 18(1986), p. 246, c. 16 §2.

⁷⁴See *Communicationes*, 18(1986), p. 317, c. 17.

associations.⁷⁵ This eventually became c. 311 in the 1983 Code.⁷⁶ Its placement there suggested that the norm applied to all associations presided over by religious. However the wording of this early version clearly referred to "erected" associations; that is, to those which the new Code calls public associations. Prior to the publication of the 1977 Schema, the word "religious" was replaced by "Members of Institutes of consecrated life," a broader term that includes both religious and secular institutes. In the 1977 Schema the canon appeared as follows:

Members of Institutes of consecrated life who preside over associations erected by apostolic privilege should see to it that these associations provide assistance to the existing apostolic works in the diocese, cooperating especially, under the direction of the diocesan Bishop, with those associations which are meant to do apostolic work in the diocese.⁷⁷

Canon 311 underwent further revision in 1979. Two changes broadened the application of the norm. First, the words "erected by apostolic privilege" were replaced by "united in some way to their institute." Therefore, it was no longer limited to public associations established with authorization from the Apostolic See. Second, it was directed not only to those who preside but also

⁷⁵See *Communicationes*, 18(1986) p. 357, c. 12; p. 359, c. 17.

⁷⁶In the revisions to the 1977 Schema the first paragraph was suppressed. With some changes in wording but no substantial change in content, paragraph two became c. 328 in the 1983 Code.

⁷⁷C. 51: "Sodales Institutorum vitae consecratae qui consociationibus vi privilegi apostolici erectis praesunt, curet ut eadem consociationes operibus apostolatus in dioecesi existentibus adiutorium praebeant, cooperantes praesertim, sub directione Episcopi dioecesani, cum consociationibus quae ad apostolatam in dioecesi exercendum ordinatur" (PONTIFICIA COMMISSIO CODICI IURIS CANONICI AUTHENTICE RECOGNOSCENDO, *Schema canonum libri II: De populo Dei*, Romae, Typis Polyglottis Vaticanis, 1977, p. 35; English translation in *Draft of the Canons of Book Two: The People of God*, translated under the auspices of the Canon Law Society of America by a translation team under the direction of W. Schumacher, Rome, Vatican Polyglot Press, 1977, vii, p. 38).

to those who "assist" these associations.⁷⁸ One last change was made in the 1982 Schema when "diocesan Bishop" was replaced with "local ordinary."⁷⁹

The final version in the 1983 Code is as follows:

Members of Institutes of consecrated life who preside over or assist associations in some way united to their institute should see to it that these associations provide assistance to the works of the apostolate in a diocese, especially cooperating, under the direction of the local ordinary, with associations which are ordered to the exercise of the apostolate in the diocese.⁸⁰

b. Commentary on Canon 311

The canon is first a reminder that "Associations are not ends in themselves; they are meant to be of service to the Church's mission to the world."⁸¹ They must be outward turning. In other words, associations in the Church must have as their ultimate purpose the building up of the Church and of the Kingdom.⁸² Consequently they have an inherent responsibility to "give assistance to the works of the apostolate" in the dioceses in which they exist.

In addition the canon urges collaboration among associations for the good of the apostolate in the diocese. Good pastoral planning favors concerted action and avoidance of duplication of some services to the detriment of others.

⁷⁸See *Communicationes*, 12(1980), p. 104, c. 51.

⁷⁹See 1982 Schema, c. 311.

⁸⁰C. 311: "Sodales institutorum vitae consecratae qui consociationibus suo instituto aliquo modo unitis praesunt aut assistunt, curet ut eadem consociationes operibus apostolatus in dioecesi existentibus adiutorium praebeant, cooperantes praesertim, sub directione Ordinarii loci, cum consociationibus quae ad apostolatam in dioecesi exercendum ordinantur."

⁸¹AA, no. 19.

⁸²See c. 298.

Furthermore, harmony among workers in the vineyard is a sign of communion and unity in the Church.⁸³

Finally, the canon is a reminder that all apostolic activity is to be carried out under the direction of the local ordinary. It is a repetition of the norm found in c. 305 §2 that states "diocesan associations and also other associations to the extent that they work in the diocese are subject to the vigilance of the local ordinary." The responsibility for fostering and coordinating the apostolate within a diocese is the duty of the diocesan bishop.⁸⁴

The canon is concerned with associations that are in some way united to institutes of consecrated life. It therefore applies to third order kinds of associations described in c. 303 and serves to reinforce one purpose for membership in these associations — leading an apostolic life. However, c. 311 is not directed to the association itself. It is addressed to the members of religious and secular institutes who preside over these associations. Thus the obligation is upon them to see to it that their associations participate in the apostolate, and cooperate with other associations under the direction of the local ordinary.

3. Canon 677 §2 — Sharing the Spirit

The third canon that deals with lay association with religious is c. 677 §2. This canon is located in Book II, Part III, Section I, Title II, Chapter IV, "The Apostolate of Institutes." It is an exhortation to those religious institutes that

⁸³See AA, no. 18.

⁸⁴See c. 394 §1.

have associations related to them to ensure that these associations are imbued with the genuine spirit of their religious family.

a. Formulation of Canon 677 §2

The original plan for the revision of canons on institutes of consecrated life arranged the norms in two parts. Part I contained general norms and Part II contained canons pertaining to each of the specific kinds of religious institutes. Thus, in the 1977 Schema, Part II, Title I included canons directly related to monastic, canonical, conventual, and apostolic institutes.

Under Title I, Article 2, Conventual Institutes, there were two canons. The first presented a general description of this kind of institute.⁸⁵ The second canon was as follows:

§1. Let these institutes assist with special care those institutes which are associated with them, so that the latter may be imbued with the authentic spirit of their family.

§2. Through the exercise of their particular apostolate the members should spread the spirit of the institute among the Christian faithful, especially by means of their associations.⁸⁶

The reason for this second canon was that many conventual institutes, especially mendicant orders, had other institutes, religious or secular, or lay associations connected to them by moral or juridic bonds. This canon was a

⁸⁵Relator Mark SAID explained that this category did not coincide perfectly with the mendicant orders but that the latter were preeminent among the institutes included (see *Communicationes* 7[1975], p. 74).

⁸⁶*Schema canonum de institutis vitae consecratae per professionem consiliorum evangelicorum*, Romae, Typis Polyglottis Vaticanis, 1977, c. 115 (English translation in *Schema of Canons on Institutes of Life Consecrated by Profession of the Evangelical Counsels: Draft*, Washington, D.C., Publications Office, United States Catholic Conference, 1977, c. 115).

c. 115 §1: "Speciali cura adiuvent Instituta sibi consociata ut genuino spiritu suae familiae imbuantur."

§2: "Per proprium apostolatum sodales spiritum Instituti inter christifideles diffundunt praesertim per suas associationes."

reminder of the special obligation incumbent upon the founding institutes of these spiritual families to see to it that other members were imbued with the originating spirit.⁸⁷ Jean Beyer, a member of the *coetus*, explained that spiritual care for second and third orders and associations is a ministry proper to conventuals.⁸⁸

For a variety of reasons, the typology contained in Part II was abandoned prior to the release of the 1980 Schema.⁸⁹ As for c. 115, it underwent considerable revision. Paragraph one was changed somewhat and then suppressed. The wording of paragraph two was revised, but the substance remained essentially the same. This paragraph was retained because the consultants did not want to lose the idea of the spirit of an institute or the importance of its diffusion among the Christian faithful. However, it was acknowledged that this norm should not be imposed upon all institutes. It was decided to make this paragraph the second paragraph of another canon which dealt with retaining works proper to the institute.⁹⁰ Thus in the 1980 Schema it appeared in the section on the apostolate of institutes as follows:

§2: Moreover, if they have associations of the Christian faithful related to them, institutes are to assist them with special care so that they are imbued with the genuine spirit of their family.⁹¹

⁸⁷See *Communicationes* 7(1975), p. 74.

⁸⁸See J. BEYER, *Vers un nouveau droit des instituts de vie consacrée: commentaire du projet et premières observations*, traduit en français par M.-J. Lucas, Paris, Éditions Saint-Paul, 1978, p. 204.

⁸⁹For discussion regarding the typology see *Communicationes*, 11(1979), pp. 343-344 and 13(1981), pp. 403-404.

⁹⁰See *Communicationes*, 13(1981), pp. 196-197.

⁹¹1980 Schema, c. 603 §2: "Instituta autem speciali cura adiuvent, si quas habeant associationes christifidelium sibi coniunctas ut genuino spiritu suae familiae imbuantur." (My translation)

Wording of the Latin text was subsequently rearranged, but no further substantive changes were made to what was to become canon 677 §2 of the promulgated Code.⁹² The English translation of the text remains the same as that of the 1980 version.

b. Commentary on Canon 677 §2

Even before the typology was abandoned in 1980 this norm was separated from the canons related to conventual institutes and placed in the section that deals with the apostolate of religious institutes. Therefore, it is not directed to a particular species of institute but applies to any and all religious institutes that have associations of the Christian faithful related to them. The norm is not an exhortation to found such associations. Rather, where such associations exist, it urges religious institutes, as part of their proper apostolate, to care for and to assist them. This point is supported and emphasized by the first paragraph of the canon which urges institutes to retain works proper to the institute.⁹³ In this context paragraph two is a specification. One of the works proper to an institute with related associations is to assist and care for them by transmitting the family spirit.

Whereas c. 311 is addressed to members of institutes of consecrated life, and specifically to those members who preside over or assist the associations, c. 677 §2 is addressed solely to religious institutes and to each

⁹²C. 677 §2: "Instituta autem, si quas habeant associationes christifidelium sibi coniunctas, speciali cura adiuvent, ut genuino spiritu suae familiae imbuantur."

⁹³C. 677 §1: "Superiors and members are faithfully to retain the mission and works proper to the institute; nevertheless they are to accommodate these prudently to the needs of times and places, including the use of new and appropriate means."

institute as a whole. Given the history of the canon and its place in the Code, it is understandable that it is directed specifically to religious.

The canon concerns associations of the Christian faithful related to religious institutes. Since there is no specification of the kind of association, one can conclude that the canon is intended for all types of associations related to a religious institute. Obviously, associations that share the spirit of some religious institute as described in c. 303, would be foremost among those to whom this norm applies.

Finally, the canon speaks very generally of related associations. The nature of the relationship is not specified.⁹⁴ Discussions during the drafting period included references to both moral and juridic bonds. What was meant by a moral bond is not clear. Presumably, it means those bonds between an association and a religious institute that should not, in conscience, be broken. This is still very vague. Certainly, an institute would be morally bound to any association that it founds.

C. Subsequent Roman Documents Relating to Associates

Since the promulgation of the Code of Canon Law, two documents have been issued that contain additional directives concerning associations in the Church. These are the 1988 post-synodal apostolic exhortation *Christifideles*

⁹⁴One commentator makes a distinction between associations which "depend" upon a religious institute and those which belong to an institute. Third orders fall into the latter category (see HUOT, "Associations of the Faithful," p. 210).

laici,⁹⁵ and the instruction on formation in religious institutes, *Potissimum institutione*.⁹⁶ This part will consider the relevant articles in each document and their pertinence to associates.

1. *Christifideles laici*

a. Background and Context

The theme of the 1987 Synod of Bishops was "The Vocation and Mission of the Laity in the Church and in the World 20 Years after the Second Vatican Council." At the conclusion of the Synod delegates presented to the Pope propositions representing the results of their deliberations. These formed the basis of John Paul II's 1988 apostolic exhortation *Christifideles laici*.

An apostolic exhortation is not a legislative text but a teaching document.⁹⁷ *Christifideles laici* puts forth the Church's teaching on the vocation and mission of the laity. Notwithstanding its basically exhortative nature, the document contains material pertaining to associations that has juridical implications. It is found in article 30, "Criteria of Ecclesiality for Lay Groups."

Before examining article 30 it would be helpful to place it in context. *Christifideles laici* presents the vocation and mission of the laity in the Church

⁹⁵JOHN PAUL II, Apostolic Exhortation on the Vocation and Mission of the Lay Faithful in the Church and in the World, *Christifideles laici* (=CL), 30 December 1988, in AAS, 81(1989), pp. 393-521 (English translation in *Origins*, 18(1989), pp. 561, 563-595).

⁹⁶CONGREGATION FOR INSTITUTES OF CONSECRATED LIFE AND SOCIETIES OF APOSTOLIC LIFE, Instruction, Directives on Formation in Religious Institutes, *Potissimum institutioni* (=PI), 2 February 1990, in AAS, 82(1990), pp. 470-532 (English translation in *Consecrated Life*, 15(1990), Supplement, ix, 66 p).

⁹⁷See F.G. MORRISSEY, *Papal and Curial Pronouncements: Their Canonical Significance in Light of the 1983 Code of Canon Law*, Ottawa, Faculty of Canon Law, Saint Paul University, 1992, pp.13-14.

within the framework of the Second Vatican Council's teaching on the mystery of the Church as communion. The document recalls Paul VI's explanation of the conciliar understanding of communion:

Communion speaks of a double, life-giving participation: the incorporation of Christians into the life of Christ and the communication of that life of charity to the entire body of the faithful in this world and in the next, union with Christ and in Christ, and unity among Christians in the church.⁹⁸

This communion, which is characterized by diversity and complementarity, is a gift of the Holy Spirit to be received gratefully and lived responsibly.⁹⁹ It is within the framework of living responsibly the mystery of the Church as communion that the participation of the laity in groups is elaborated upon in articles 29 and 30.

Article 29 notes the "particular variety and vitality"¹⁰⁰ of lay associations in the post-Vatican II era. This is viewed as a positive development, a sign of "the richness and versatility of resources that the Holy Spirit nourishes in the ecclesial community."¹⁰¹ Though there exists a great diversity among the groups they are united in the common purpose of participation in the Church's mission and are by that "a sign of communion and of unity of the church of Christ."¹⁰²

⁹⁸*CL*, no. 19. "E comunione dei santi vuol dire una duplice partecipazione vitale: la incorporazione dei cristiani nella vita di Cristo, e la circolazione della medesima carità in tutta la compagine dei fedeli, in questo mondo e nell'altro. Unione a Cristo ed in Cristo; e unione fra i cristiani, nella Chiesa" (PAUL VI, Wednesday General Audience, June 8, 1966 in *L'Attività della Santa Sede*, pubblicazione non ufficiale, Città del Vaticano, Tipographia poliglotta vaticana, 1966, p. 367).

⁹⁹See *CL*, no. 20.

¹⁰⁰*CL*, no. 29.

¹⁰¹*CL*, no. 29.

¹⁰²*CL*, no. 29; *AA*, no. 18.

It follows then that the freedom of lay people in the Church to associate, a right that the Synod reaffirmed, is "always and only to be exercised in church communion."¹⁰³ To achieve this, the relationship between lay groups and the Church needs to be ordered and an effort made to integrate groups into the life of the Church. Hence the usefulness of objective criteria to evaluate and recognize lay associations in the Church. The foregoing is stated succinctly in the first paragraph of article 30:

It is always from the perspective of the church's communion and mission, and not in opposition to the freedom to associate, that one understands the necessity of having clear and definitive criteria for discerning and recognizing such lay groups, also called "criteria for ecclesiality."¹⁰⁴

b. Norms Concerning Associations

Five basic criteria of "ecclesiality" are proposed in article 30. These are five principles which may be used prior to recognition to judge whether a given group is in harmony with the Church. At the Synod the preferred denomination for these groups was "movements," but a variety of terms was used including "association."¹⁰⁵ In the context of the exhortation the term "association" is used in the generic sense to describe a group of lay faithful that is exercising

¹⁰³CL, no. 29.

¹⁰⁴CL, no. 30.

¹⁰⁵For an analysis of the terms used at the Synod to designate associations see J. BOGARIN DÍAZ, "Los movimientos eclesiales en la VII Asamblea General Ordinaria del Sínodo de Obispos," in *Revista española de derecho canónico*, 47(1990), pp. 91-96.

Agostino Favale explains the distinction between movements and associations. Movements characteristically have their source in a charism and are led by charismatic leaders. Movements are dynamic, creative, prophetic and flexible and allow participation without requiring formal membership. Associations, on the other hand, are characterized by statutes and organic structures (see A. FAVALE, "Una nuova stagione aggregativa dei fedeli laici nella chiesa," in *Laici per una nuova evangelizzazione: Studi sull'esortazione apostolica 'Christifideles laici' di Giovanni Paolo II*, pp. 136-137).

its natural right to associate as recognized in c. 215 and not in the strictly canonical sense of private or public association.¹⁰⁶

The first criterion is that the association "be more of an instrument leading to holiness in the Church through fostering and promoting 'a more intimate unity between the everyday life of its members and their faith.'" All Christians are called to holiness. Given the secular character of the lay faithful, their vocation to holiness implies finding and fulfilling God's will in the midst of their daily activities. This can be accomplished only with a genuine unity of life, by bringing faith to bear on ordinary daily activity.¹⁰⁷ An association that promotes and fosters this in its members bears one of the marks of ecclesiality.

A second criterion is that the association "be a forum where the faith is proclaimed as well as taught in its total content." "[The] church begins her work of evangelization by evangelizing herself."¹⁰⁸ An ecclesial association is an instrument of self-evangelization. It is a privileged place for providing adequate formation for lay people so that they can know and live their proper vocation.¹⁰⁹ Thus, the whole of the Catholic faith as proposed by the magisterium must be presented to them.

¹⁰⁶See R. PAGÉ, "Note sur les 'critères d'ecclésialité' pour les associations de laïcs," in *Studia canonica*, 24(1990), pp. 457-458.

¹⁰⁷See *CL*, no. 17; see also SYNOD OF BISHOPS, GENERAL ASSEMBLY, 7th, "The Synod Propositions," in *Origins*, 17(1988), p. 501, Proposition no. 5.

¹⁰⁸PAUL VI, Apostolic Exhortation on Evangelization in the Modern World, *Evangelii nuntiandi*, 8 December 1975, in *AAS*, 68(1976), p. 13, no. 15 (English translation in *FLANNERY II*, p. 716).

¹⁰⁹See "The Synod Propositions," Proposition no. 41.

A third criterion is "communion with the Pope and bishops." That is, there must be a bond with the Pope and bishops who are the "visible source and foundation of unity"¹¹⁰ of the whole Church and within the particular churches. An ecclesial association gives concrete expression to this bond by doctrinal orthodoxy and a spirit of cooperation in the apostolate. Therefore, communion is both a sign and source of unity of faith.

A fourth criterion of the ecclesiality of groups is "a missionary zeal which will increase their effectiveness as participants in a re-evangelization." This zeal is displayed in a willingness to embrace and to participate in the Church's apostolic goals. "Associations are not ends in themselves."¹¹¹ Like the Church herself, ecclesial groups are outward turning. They insert themselves into the life of the missionary Church and identify with her aims.¹¹²

The fifth criterion is to "become fruitful outlets for participation in solidarity in bringing about conditions that are more just and loving within society." There must be a commitment to a presence in society in such a way that promotes the dignity of the human person. Ecclesial groups demonstrate that they have taken to heart the call and challenge to participate in the Church's mission of service to the person and society¹¹³ as described in Part III of *Christifideles laici*.

¹¹⁰LG, no. 23.

¹¹¹AA, no. 19.

¹¹²See AA, no. 19.

¹¹³See CL, no. 36.

How does one recognize when these criteria have been met? What concrete evidence confirms that indeed an association satisfies the requirements for ecclesiality, that it is consonant with the Church? Article 30 suggests that ecclesiality is manifested in the fruits of the association's organizational life and its works. These are objective, externally verifiable conditions that bear witness to the fact that a given group thinks and acts with the Church. The following examples of observable results are presented:

- the renewed appreciation for prayer, contemplation, liturgical and sacramental life;
- the reawakening of vocations to Christian marriage, the ministerial priesthood and the consecrated life;
- a readiness to participate in programs and church activities at the local, national and international levels;
- a commitment to catechesis and a capacity for teaching and forming Christians;
- a desire to be present as Christians in various settings of social life and the creation and awakening of charitable, cultural and spiritual works;
- the spirit of detachment and evangelical poverty leading to a greater generosity in charity to all;
- conversion to the Christian life or the return to church communion of those baptized members who have fallen away from the faith.

The list is not intended to be exhaustive, and other fruits may be present depending upon the nature of the association.

Article 30 speaks of "recognizing" lay groups. To "recognize" an association, in the strictly juridical sense of the word, is to grant it a "minimal level of endorsement"¹¹⁴ by the Church, a "modified acceptance and approval

¹¹⁴E. KNEAL, "Associations of the Christian Faithful," in J. CORIDEN, T. GREEN, D. HEINTSCHEL, eds., *The Code of Canon Law: A Text and Commentary (= American Commentary)*, New York, Paulist Press, 1985, p. 245.

of the condition in which the body presents itself."¹¹⁵ According to c. 299 §3, a condition for recognition is a review of the statutes by competent authority. Associations that gain canonical recognition enjoy the status of "private" association in the Church, and, consequently, are governed by the relevant canons on Associations of the Christian Faithful.

According to one canonical commentator, the term "recognition" in article 30 is not used in the strictly juridical sense as just described.¹¹⁶ He gives two reasons to support his position. First, *Christifideles laici* is not a legal text, and the recognition that is referred to is not in view of granting canonical status. Second, in the following article where canonical recognition is intended, the document uses the phrase "official recognition and explicit approval from competent church authority."¹¹⁷ He concludes that it is a nonofficial, pastoral recognition which is conferred. While it falls short of full canonical recognition, pastoral recognition is not insignificant, for it grants to an association a degree of Church encouragement and approval without creating any legal ties or conferring canonical status.

Whichever type of recognition a group seeks, canonical or pastoral, competent authority will need to assess the group's ecclesiality. That is, authority will need to discern whether the group exhibits traits characteristic of the Church in its internal life, and in the quality of its presence within the

¹¹⁵Ibid., p. 245.

¹¹⁶See R. PAGÉ, "Note sur les 'critères d'ecclésialité' pour les associations de laïcs," p. 459.

¹¹⁷CL, no. 31.

Church community and society.¹¹⁸ The criteria serve as a focus for the discernment which is a separate and prior action to that of granting recognition. It is a preliminary step that is implied or presumed in the act of granting recognition. For this reason the criteria, though not presented as legally binding norms, have, in fact, juridical implications.

Although not developed with third order kinds of associations in mind, there is nothing inherent to the criteria that precludes their use by any authority responsible for discernment and recognition or erection of associations of associates. Moreover, the criteria, along with the list of observable fruits, can serve as a valuable tool for program development and self-evaluation by associates and their sponsoring institutes and societies. This could be one means of measuring whether sufficient opportunity is provided for associates to experience concretely the ecclesial dimension of their commitment.

2. *Potissimum institutione*

a. Background and Context

On February 2, 1990, the Congregation for Institutes of Consecrated Life and Societies of Apostolic Life issued the instruction, Directives on Formation in Religious Institutes, *Potissimum institutione*. The document is the result of study and drafting which began in the years following Vatican II and is the first such instruction produced by the Congregation.¹¹⁹ It is addressed to major

¹¹⁸See J. BEYER, "Le droit des religieux et la vie associative dans l'Église," in W. AYMANS, K.T. GERINGER, and H. SCHMITZ, eds., *The Associational Element in the Church: Proceedings of the VIth International Congress of Canon Law, Munich, September 14-19, 1987*, St. Ottilien, EOS Verlag Erzabtei, 1989, p. 683.

¹¹⁹See J. HAMER, "Presentation of the Document by Cardinal Hamer," in *Consecrated Life*, 15(1990), pp. xi-xii.

superiors of religious institutes and to those responsible for formation within the institutes. Among the reasons given for the document is stated the following:

[...] men and women religious have the right to know the position of the Holy See on the present problems of formation and the solution it suggests for solving them. The document has been enriched by the many experiences which have been made since the Second Vatican Council, and it treats questions frequently raised by major superiors.¹²⁰

One issue raised toward the end of the document, and for which the Holy See poses a solution, is membership in ecclesial movements of candidates for religious life and professed religious.

The 1917 Code expressly excluded religious from membership in a third order. This was because a third order was more than an association to which one belonged. To be a member of a third order was a calling, a personal vocation. Furthermore, the nature of a tertiary vocation bore a striking resemblance to that of a religious vocation. Both tertiaries and religious committed themselves to strive toward Christian perfection according to a particular rule of life under the authority of superiors. The significant difference lay in the fact that secular tertiaries pursued their vocation while living "in the world" whereas religious "left the world" to strive for perfection more efficaciously. It was deemed illogical for a religious with this higher calling to belong to a third order.

The prohibition has not been repeated in the 1983 Code. The law does not explicitly excluded religious from membership in a third order or comparable association. Only two limitations are placed on the right of religious to join

¹²⁰*PI*, no. 4.

associations: the norms of their proper law and the consent of their superior.¹²¹ However, *Potissimum institutione* contains guidelines for membership of religious in certain kinds of associations that have implications for associations of associates.

b. Norms Concerning Membership of Religious in Associations

Articles 92 and 93 examine the relationship between religious and ecclesial movements. Third order kinds of associations are not the main focus of the discussion because they are not categorized as ecclesial movements.¹²² Moreover, the document explicitly states that it is referring to new movements "that are more independent of the structures and style of the religious life than in the past." Nonetheless, article 93 states important principles concerning membership of religious in such movements that can be applied to membership in third orders.

First, charism provides a religious institute with its identity. It creates, in and among the members, an internal cohesiveness and unity of life by providing a common focus for the following of Christ.

An institute [...] has an internal cohesiveness which it receives from its nature, its end, its spirit, its character and its traditions. This whole patrimony is the axis around which both the identity and unity of the institute itself and the unity of life of each of its members are maintained.

Second, religious cannot simultaneously commit themselves to be formed in the charism of their own institute, with its particular spirituality and apostolic

¹²¹C. 307 §3: "Members of religious institutes can enroll in associations in accord with their own law with the consent of their superior."

¹²²See J. BEYER, "I movimenti nuovi nella Chiesa," in *Vita consacrata*, 27(1991), pp. 61-63.

thrust, and to adhere to another ecclesial movement with its own program of life.

Candidates for religious life who have come from one or other of these ecclesial movements place themselves freely under the authority of the superiors and formators legitimately commissioned for their formation. Therefore they cannot simultaneously be dependent upon someone apart from the institute to which they now pertain although they belonged to this movement before their entrance. This is a matter of the unity of the religious institute and the unity of life of its novices.

Third, there can be only one program of life for a religious and even the appearance of divided loyalties is to be avoided.

These exigencies remain after the religious profession, so as to avoid the appearances of divided loyalties either on the level of the personal spiritual life of the religious or on the level of their mission.

What is the binding force of these directives? The document is an instruction and not a legislative text. The purpose of an instruction is to "clarify the prescriptions of laws and elaborate on and determine an approach to be followed in implementing them."¹²³ In this case, the directives complement the existing laws on formation in religious life. They are meant to assist those responsible for formation and ongoing formation implement the law. They are administrative regulations that allow for some leeway in their application.¹²⁴

The principles enunciated in *Potissimum institutione* should guide religious and superiors, whose consent is required, when decisions are being made concerning membership in third orders and comparable associations. The basis of third order kinds of associations is participation in the spirit of a religious institute under the direction of that institute. It is a way of focusing

¹²³C. 34.

¹²⁴See MORRISEY, *Papal and Curial Pronouncements*, p. 29.

discipleship — a school of life. Furthermore, the very nature of these associations is to enable lay persons to live according to a particular charism. Therefore the program must necessarily be lay oriented, concerned with meeting the needs of and assisting laity. Consequently, though it is not expressly forbidden by law, it would be incongruous for a religious, called to observe faithfully a particular charism as a religious, to be a member of an association of associates. This is a legitimate restriction on the right of association.¹²⁵

D. Application of Legislation in Proper Law

This part will examine the proper law of selected religious institutes and societies of apostolic life to determine how each has provided for lay association. Proper law includes the fundamental code or constitutions, a companion secondary code called rules, directory, modalities, or another appropriate name, and other supplementary codes containing norms, statutes, procedures, and acts of chapter. Constitutions require the approval of competent ecclesiastical authority, either that of the Holy See or of the diocesan bishop, and can be changed only with its consent. The norms contained in other complementary codes can be established and revised by each institute's/society's competent authority, either by individual persons or

¹²⁵There is support for this interpretation in D'Angelo's commentary on c. 307 §3 in which he explains the importance of proper law as the depository of the patrimony of the institute and the reference point for decisions concerning membership. Given the nature and role of proper law, he concludes that proper law can, and in particular cases must, limit the exercise of the right of association or circumscribe it to determined associations (L. D'ANGELO, "La partecipazione dei religiosi ai movimenti ecclesiali," in *Commentarium pro religiosis et missionariis*, 71[1990], pp. 85-86). On the other hand Costa Gomes concludes that, contrary to the 1917 Code, religious have the right to become true members of associations that share the same charism (see M.S. da COSTA GOMES, *O direito de associação na vida religiosa*, excerpt from doctoral dissertation, Roma, Pontificia Università Lateranense, 1989, p. 222).

established bodies.¹²⁶ Though not a requirement or a preference, constitutions are often accompanied under the same cover by the complementary secondary code.¹²⁷ This section will examine the norms related to the acceptance of associates which are contained in constitutions, in rules or their equivalent, and in chapter decisions. In each section a brief profile of the institute/society will be provided,¹²⁸ the legislative instrument will be identified, and the content of the norm will be presented. Finally, some observations will be made and trends noted.

1. Associates in Proper Law

a. Sisters of Charity of Montreal

The Institute of the Sisters of Charity of Montreal, the "Grey Nuns," was founded in Montreal in 1737. It is a religious institute of pontifical right with 917 members in total, 825 of whom are in Canada. Through a variety of works of charity the members "make known the compassionate love of the Father for all."¹²⁹ Article 6 of the revised constitutions, approved in 1982, state, under the title "The Institute: nature, membership, purpose in the Church:"

¹²⁶See c. 587 §§1-4.

¹²⁷Only the fundamental code requires approval from competent authority. However, when institutes and societies submitted their revised constitutions for approval, the Holy See requested that they be accompanied by the supplementary codes so that those examining the text could get a more complete picture.

¹²⁸All historical information is from M. THÉRIAULT, *The Institutes of Consecrated Life in Canada from the Beginning of New France Up to the Present: Historical Notes and References*, Ottawa, National Library of Canada, 1980, 295 p. Population data is from two sources. Total population is taken from the *Annuario Pontificio per l'anno 1994*, Roma, Libreria Editrice Vaticana, 1994, 2364 p. Canadian population is from CANADIAN RELIGIOUS CONFERENCE, *Statistics of the Institutes of Consecrated Life and of the Societies of Apostolic Life of Canada as of January 1st 1993*, Ottawa, Canadian Religious Conference, 1993, 130 p.

¹²⁹SISTERS OF CHARITY OF MONTREAL, *Constitutions and Statutes: The Institute of the Sisters of Charity of Montreal "Grey Nuns,"* Montreal, General Chapter 1981, 1982, no. 3.

Following the example of their foundress, the sisters welcome lay persons as associates. Without being regular members of the Institute, these associates share in the spirituality of the Grey Nuns, in their concern for the poor and in their charitable works.¹³⁰

b. Clerics of St. Viator

The Clerics of St. Viator is a clerical religious congregation of pontifical right founded in France in 1831. At the invitation of Bishop Bourget, it was established in Canada in 1847. Its 922 members, 486 in Canada, are committed to Christian education and worship.¹³¹ The revised constitutions were approved in 1983. Under the title "Associate Members," article 5 of the constitutions states:

Our Congregation accepts as associate members those who desire to share in our mission, our spiritual life, and our community life. This is in accord with an idea dear to our Founder. These associate members are not bound by the public vows proper to our Congregation. They make their commitment in conformity with our General and Particular Regulations.¹³²

The General regulations are contained in the second book, Rules, article 6. The norm states that the decision to establish an associate program is the responsibility of each province and missionary region. It then determines the purpose of the program, eligibility requirements, the nature of the bond between the congregation and its associates, the length of the commitment, and the areas in which particular regulations must be developed.¹³³

¹³⁰SISTERS OF CHARITY OF MONTREAL, *Constitutions and Statutes*, no. 6

¹³¹See CLERCS DE SAINT-VIATEUR, *Constitution et règlements généraux de la Congrégation des Clercs de Saint-Viateur*, Rome, Clercs de Saint-Viateur, 1983, Constitution no. 2.

¹³²CLERCS DE SAINT-VIATEUR, *Constitution et règlements généraux*, constitution no. 5 (English translation in CONGREGATION DES CLERCS DE SAINT-VIATEUR, *Associates Members with the Clerics of Saint Viator in the Province of Montreal*, Montreal, Province of Montreal, 1992, p. 2).

¹³³See CLERCS DE SAINT-VIATEUR, *Constitution et règlements généraux*, rule no. 6.

c. Sisters of St. Joseph of Toronto

The Sisters of St. Joseph were established in Toronto in 1851 as a mission of the Sisters of St. Joseph of Carondelet, who, in turn, trace their roots back to Le Puy, France. In 1860, the community gained its independence from the St. Louis based group. Today the congregation is a religious institute of pontifical right with 310 members — 304 of whom are in Canada — who live their vocation to communion by serving God's people through education, healing and pastoral ministry.¹³⁴ The revised Constitutions and Directory were approved in 1984. Under the rubric "Mission and Ministry" constitution 71 sets out the mission of the Sisters. The complementary norm, Directory no. 71.1, states:

In the early period of the congregation, there existed along with the sisters, lay affiliates: women who had a stable spiritual bond with the congregation. We seek to support, through a formally recognized partnership, men and women who, desiring to live out their fidelity to Jesus Christ through prayer, shared faith and service, request to be associated with our congregation in its mission of unity and reconciliation.¹³⁵

d. Missionary Oblates of the Sacred Heart and of Mary Immaculate

The Congregation of Missionary Oblates of the Sacred Heart and of Mary Immaculate was founded in St. Boniface, Manitoba in 1904. It is a pontifical religious institute with 150 members, all of whom are in Canada. Sharing in Christ's mission, the Sisters dedicate themselves to the proclamation of the Good News by education, especially of the poor.¹³⁶ In 1983 the revised

¹³⁴See SISTERS OF ST. JOSEPH OF TORONTO, *Constitutions and Directory*, Toronto, Sisters of St. Joseph of Toronto, 1984, nos. 71-73.

¹³⁵*Ibid.*, no. 71.1.

¹³⁶See MISSIONARY OBLATES OF THE SACRED HEART AND OF MARY IMMACULATE, *Constitutions and Modalities of the Congregation of the Missionary Oblates of the Sacred Heart and of Mary Immaculate*, Saint Boniface, The Missionary Oblates of the Sacred Heart and of Mary

Constitutions and Modalities received definitive approval. Under the rubric "Community Life" article 44 summons members to build an evangelizing community and reminds them of their obligation to live a common life. The complementary norm, Modality 19, states:

Open to the action of the Holy Spirit, the Congregation welcomes as Associates lay persons who feel called to share our spirituality, our community life and our apostolate. Grateful for this mutual favour, our communities collaborate in welcoming, encouraging and sharing with the Associates, according to the directives of the General Administration.

The Associates are not members of the Institute. Their status is based on a bona fide agreement between them and the Congregation. Although they have neither vows nor any particular kind of legal membership in the Institute, they share in its spirituality and collaborate in its apostolic mission.¹³⁷

e. Oblates of Mary Immaculate

The Missionary Oblates of Mary Immaculate were founded in France in 1816. At the request of Bishop Bourget, the Congregation sent members to Canada in 1841. It is a clerical, pontifical, religious institute with 5273 members, 1077 in Canada, committed to "evangelizing the poor."¹³⁸ Its revised Constitutions and Rules were approved in 1982. Associates are provided for in Part One: The Oblate Charism, Section Three: The Apostolic Community. The constitutions treat various aspects of community such as interdependence, sharing, prayer, hospitality, care and concern. Among the rules which follow is R27 which states:

In various places people feel called to participate directly in the Oblate mission, ministry and community. The terms of their association can be

Immaculate, 1983, Constitution no. 1.

¹³⁷Ibid., Modality no. 19.

¹³⁸MISSIONARY OBLATES OF MARY IMMACULATE, *Constitutions and Rules of the Congregation of the Missionary Oblates of Mary Immaculate*, Rome, Oblates of Mary Immaculate, 1982, Constitution no. 1.

drawn up at the provincial level, in agreement with the General Administration.¹³⁹

Further consideration was given to lay associates at the general chapter of 1992. In the Acts of Chapter, in a section entitled "New Forms of Association with the Laity," the institute reaffirms its desire to share its charism, life, and mission with the laity, encourages initiatives directed towards association with the laity, and offers guidelines to help promote association.¹⁴⁰

f. Congregation of the Holy Spirit

In 1848 the Congregation of the Holy Ghost (est. 1703) and the Society of the Immaculate Heart of Mary (est. 1841) merged to form the Congregation of the Holy Spirit. The older congregation had been in Canada since 1732. Today, the institute is a clerical, pontifical, religious institute with 3280 members, 102 in Canada, committed to "the evangelization of the poor."¹⁴¹ The revised constitutions were approved in 1987. Associates are treated in three articles. Under the rubric "solidarity in Mission," constitution no. 24 calls members to witness, by living together in community, "to a kingdom of justice and peace." The subsidiary rules mention characteristics of community, simplicity of lifestyle, and complementarity, and provide for the acceptance of associates:

In some places those who are working with us wish to be associated with us. We welcome them with joy, inviting them to share our spirituality and our apostolic life. The conditions of their acceptance and

¹³⁹Ibid., Rule no. 27.

¹⁴⁰See MISSIONARY OBLATES OF MARY IMMACULATE, *Witnessing as Apostolic Community: Acts of the 32nd General Chapter*, 1992, no. 44, p. 35.

¹⁴¹CONGREGATION OF THE HOLY SPIRIT, *Spiritian Rule of Life*, Rome, Congregation of the Holy Spirit, 1987, no. 4.

their work are decided at the level of each circumscription. In every case there is a written agreement.¹⁴²

The second article is located in the section on formation. Article 135 provides for a common period of formation for ordained and non-ordained members. Following this, rule 135.1 states: "The Congregation also offers a formation to its associates."¹⁴³

The third article is located in the section concerning the competency of councils. Rule 247.1.19 requires the deliberative vote of the council of the circumscription for the signing of a contract with an associate.¹⁴⁴

g. Sisters of Providence

The Congregation of the Sisters of Providence was founded in Quebec in 1844. It is a pontifical, religious institute with 1657 members in total and 1193 in Canada. Called to manifest the Providence of God and of Our Mother of Sorrows, the members commit themselves to the spiritual and corporal works of mercy.¹⁴⁵ The revised Constitutions and Rules were approved in 1985. However, the decision to accept associates antedates these codes and is not repeated in them. The acts of the 1982 chapter record the following decision:

Whereas: in the history of the Community of the Sisters of Providence there have always been lay persons associated with the Community who were inspired by our charism, namely love of the poor;

Whereas: these lay persons have collaborated in our apostolic activities serving our SP mission throughout our works;

¹⁴²Ibid., no. 24.3.

¹⁴³Ibid., no. 135.1.

¹⁴⁴See *ibid.*, no. 247.1.19.

¹⁴⁵SISTERS OF PROVIDENCE, *Constitutions and Rules: Sisters of Providence*, Montreal, Sisters of Providence, 1985, no. 2.

Whereas: presently there are yet lay persons who, within the scope of their possibilities, wish to be associated with our Providence mission;

Whereas: the experience of associates within our Community since 1970 has proven worthwhile;

Be it resolved:

1. that our Community accept persons as LAY ASSOCIATE MEMBERS;
2. that the general goals of this association be:
 - to encourage the members within the scope of their possibilities, to share the charism, mission, and spirituality of the Community of the Sisters of Providence;
 - to allow persons who feel called to proclaim the mystery of God's Providence and the compassion of Our Mother of Sorrows to be associated with the Community while they continue to carry out their profession or work, and remain true to their state of life;
3. that the specific goals of this association be:
 - to serve the poor in the spirit of the Providence charism and mission;
 - to share on a moral, intellectual and spiritual level;
 - to learn from the poor how they more satisfactorily can be served.
4. that the provincial Councils, who so wish, foster the promoting of LAY ASSOCIATE MEMBERS and set policies for their association according to the culture, the mentality and the particular situations prevalent in their own province;
5. that persons admitted as lay associates not be bound by legal agreement nor be considered a responsibility to the Community in any way.¹⁴⁶

The General Chapter of 1987 changed the name to Providence Associates and mandated a review of the guidelines at the 1992 Chapter.¹⁴⁷ This was done with the result that minor modifications were made to the general and specific objectives. Main components for the initial and ongoing

¹⁴⁶SISTERS OF PROVIDENCE, *Circulars of the Superior General*, vol. XVI, Montreal, Providence Motherhouse, 1982, pp. 20-21.

¹⁴⁷See SISTERS OF PROVIDENCE, *Circulars of the Superior General*, vol. XVII, Montreal, Providence Motherhouse, 1987, pp. 221-222.

formation programs were developed and added. The Acts of Chapter note that, as of September 1991, there were 450 Providence Associates.¹⁴⁸

h. Sisters of Charity at Ottawa

The Congregation of Sisters of Charity at Ottawa was founded in Ottawa in 1845 as a mission of the Grey Nuns of Montreal. In 1847 the mission was separated from the Montreal based institute, and in 1889 it received definitive approval from the Holy See as a congregation. Today it is a religious institute of pontifical right with 1000 members, 731 in Canada, dedicated to extending the charism of compassion "through the service of the poor and the teaching of faith."¹⁴⁹ The congregation claims a tradition, dating back to its foundation period, of being assisted in its work by lay persons, working either as individuals or in organized groups. It was the decision of the 1986 General Chapter to revive the tradition. The Acts of Chapter report:

1. The community apostolic surge in our main spheres of activity is manifested vividly in our Congregation; but our charism of compassion could allow other Christians to better live their baptismal commitment.
2. An actual reality holds our attention:
 - a) many lay persons help us in our education apostolate and care of the sick, in the care of the elderly and the service to the needy.
 - b) Vatican II, through its Decree on the Apostolate of Lay People, encourages the participation of lay people in the works of religious Congregations. (A.A. 4)
 - c) The desire to share our compassion charism and the riches of our spirituality is often found in those persons who collaborate with us.

¹⁴⁸See SISTERS OF PROVIDENCE, *Circulars of the Superior General*, vol. XVII, Montreal, Providence Motherhouse, 1992, pp. 246-249.

¹⁴⁹SISTERS OF CHARITY AT OTTAWA, *Rule of Life of the Sisters of Charity at Ottawa*, Ottawa, Sisters of Charity at Ottawa, 1980, no. 2.

3. Some Provincial Congresses have mentioned such a movement of collaboration and have expressed the wish to set up a group of Associates in our Congregation. This project would:

- a) give the lay people a means of deepening the spiritual dimension of their life and offer them the opportunity to commit themselves to the Church through various works of mercy;
- b) allow us to share the spiritual and apostolic values of Associate members;
- c) help us to acknowledge the efforts and collaboration of the lay people;
- d) insure more solidarity between the laity and the Congregation;
- e) to make known Mother Bruyère and to communicate her spirit.

PROPOSITION

In view of widening our apostolate, in fidelity to the Church which encourages the collaboration of religious and lay persons, that be accepted the principle of setting up a group of Associates made up of men and women who seriously endeavour to share our spirituality and our apostolic works.

APPLICATION

That a special mandate be entrusted to the General Administration to proceed, at the proper time, to the formation of a group of Associates.¹⁵⁰

i. The Society of Missionaries of Africa

The Society of Missionaries of Africa, the White Fathers, is a society of apostolic life founded in 1868 by the Archbishop of Algiers. In 1879 it was erected as a clerical, pontifical society, and in 1900 it was established in Canada. Today its 2458 members, 179 in Canada, are committed to proclaiming the Gospel to the peoples of the African world.¹⁵¹ The revised Constitutions and Rules were definitively approved in 1988. Lay association is

¹⁵⁰SISTERS OF CHARITY AT OTTAWA, *1986 Capitular Acts*, Ottawa, Sisters of Charity at Ottawa, 1986, pp. 25-26.

¹⁵¹See SOCIETY OF MISSIONARIES OF AFRICA, *Constitutions and Laws*, Rome, Society of Missionaries of Africa, no. 1.

treated in chapter III, The Missionary Commitment, in constitution no. 58 and rule no. 59 which are entitled "Association in the Society." They state:

58. Certain forms of association with the Society may be envisaged according to the Society's own law.

59.1 A priest or layman who wishes to commit himself to the service of the Mission may be linked to the society as an Associate.

59.2 The Associate binds himself to take part in the life and missionary apostolate of the Society according to its spirit and laws for a fixed period, which can be renewed.

59.3 It is up to the Superior of the Circumscription of origin:
— to formulate the terms of the commitment and contract of association together with the candidate;
— to present the candidate for association to the Superior General, after a deliberative vote of his Council.

59.4 It is up to the Superior General, after a deliberative vote of his Council, to admit a candidate to the apostolic commitment and to sign the contract of association. The Superior General can habitually delegate the Superior of the Circumscription of origin to sign the contract in his name.

59.5 The rights and duties of Associates are defined in the "Statutes of Association." There, among other things, the norms for their formation, their commitment and their material condition are specified.¹⁵²

Elsewhere there is provision for the superior of the circumscription to terminate the contract of association before its normal expiry for serious and urgent reasons.¹⁵³ The Statutes of Association do not form part of the Constitutions and Rules but are attached as Appendix II.

¹⁵²ibid., nos. 58, 59.

¹⁵³See ibid., no. 276.5.

2. Commentary

As a result of the foregoing survey of proper legislation concerning lay associates some general observations can be made. First, lay association enjoys the support of a wide variety of sponsoring organizations: religious institutes and societies of apostolic life, congregations of women and of men, lay and clerical, small (150 members) and large (5000+ members), province based and international. If there is a characteristic that can be said to be "typical" of these institutes/societies, it is their apostolic orientation. Moreover, there appears to be a consensus on the motives for offering associate programs: a return to tradition; an appropriation of conciliar teaching; a desire to promote collaboration; and a desire to share charism and mission.

It is not obvious why one legislative instrument was chosen over another. Including lay association in the constitutions implies that it is a stable institution basic to the institute's/society's identity and purpose. This may indeed be what the Grey Nuns and Clerics of St. Viator intended since both declared lay association to be a part of their founder's vision. However, such a claim is not unique to these two institutes. Placing lay association in the second book indicates that it is an important application of a norm(s) in the fundamental code but one which may change with time and circumstance.¹⁵⁴ Institutes selecting this route are equally divided among those which consider association to be an application of the norms on mission and those which see it in connection with community. No attempt was made to trace the evolution of the norms cited above but such an exercise would probably shed light on these matters. When associates are provided for in books one or two of proper law, the treatment is

¹⁵⁴CERLETTY, M. "Some Practical Helps for the Development of Constitutions," in *Studia canonica*, 14(1980), pp. 157-159.

generally restricted to a single article stating the principle that the institute accepts associates. Details are appropriately entrusted to other codes.

A common understanding of associates, which fulfills the description in c. 303, emerges: associates are lay people who wish to deepen their Christian (baptismal) commitment and to share in the charism, spirituality, and mission of some religious institute or society of apostolic life. They are distinct from incorporated members. All references in the cited proper law are to associates as individuals. No mention is made of structured associations, and no statutes were submitted for canonical review or approval.

Conclusion

Inclusion of c. 303 in the Code is a clear sign that the Church values third order kinds of associations and is intent on preserving a description of this mode of lay association with religious. Though the content parallels that of c. 702 §1 in the 1917 Code, significant modifications have been introduced. As a result, the new law is open to both orders and congregations establishing an association that fits the general description of the canon. A religious institute that establishes such an association can choose to call it a third order or can select another appropriate name.¹⁶⁵ Similarly, the members of the association can be designated tertiaries, associates, affiliates, auxiliaries, companions, cooperators, Secular Franciscans, Lay Carmelites, or any other appropriate name.

¹⁶⁵Marcuzzi comes to a different conclusion: "...gli Ordini potranno avere i loro caratteristici Terzi Ordini secolari; e gli altri Istituti religiosi potranno costituire associazioni di fedeli, simili ai Terzi Ordini, e chiamarli con nomi diversi, adatti ai molteplici tipi di Istituto" (P.G. MARCUZZI, "Le associazioni dei fedeli nel nuovo codice de diritto canonico," in *Apollinaris*, 56[1983], p. 462).

The purpose of third orders and comparable associations has been extended to include apostolate. This flows naturally from a renewed understanding of Church as mission and the right and obligation of all the baptized to participate in this mission. In other words, the Christian faithful are baptized into a missionary and ministerial community. Apostolate is part and parcel of the Christian vocation; therefore, those who strive to live the Christian life to the fullest must necessarily participate in apostolate. Furthermore, religious life is a gift for the building up of the Church and the Kingdom.¹⁵⁶ Consequently, apostolate is constitutive of religious life, and all religious institutes are bound to exercise their apostolate.¹⁵⁷ It follows then, that associates who participate in the spirit of some institute would also share in the apostolic dimension of that spirit. In addition, c. 311 makes it incumbent upon the institute to see to it that its association participates in apostolate.

Under the old Code, third orders were ecclesiastical associations because both the order and its rule were approved by competent ecclesiastical authority. According to the new system of classification these associations must be considered public. For the future, however, an approved rule is no longer a constitutive element of associations described in c. 303, nor is there the requirement of an apostolic privilege. Therefore, there is nothing in the text of c. 303 that predetermines the canonical status of these associations.

Neither does the place of the canon, in the section on common norms, predetermine the status of these associations. Since the canons do not deal

¹⁵⁶See *LG*, nos. 44-45; *PC*, nos. 1, 5.

¹⁵⁷See cc. 673-683.

with non-canonical associations,¹⁵⁸ it can be concluded that c. 303 refers to canonically established associations. Their particular status is determined by the same general principles as other associations. Except for associations established for the ends reserved to the Church in c. 301, the purpose of an association is not the determining factor. Rather it is the degree of hierarchical involvement in its establishment. That is, if an association of associates seeks the canonical status of a public association it must be erected by competent authority and submit statutes for approval to that same authority. If, instead, an association of associates wishes to be recognized as a private association it need only submit statutes for review to the competent authority.¹⁵⁹ No matter the status sought, the competent authority for this category of association is the Congregation for Institutes of Consecrated Life and Societies of Apostolic Life as determined by *Pastor bonus*. Before granting any canonical status, the Congregation can use the "Criteria for Ecclesiality" proposed in *Christifideles laici* to evaluate the association.

On the other hand, the Code does not oblige the associations described in c. 303, or any other association, to seek canonical status.¹⁶⁰ If canonical recognition is not sought and statutes are not submitted for review or approval,

¹⁵⁸See AMOS, *Associations of the Christian Faithful in the 1983 Code of Canon Law*, p. 182.

¹⁵⁹Amos presents a different interpretation. Because c. 303 describes associations that are under the higher direction of some religious institute he maintains that they cannot be private associations since "Private associations by definition are autonomous." He concludes, therefore, that associations described in c. 303 are public associations and that the canon should be placed in the section on public associations rather than in general norms (see *ibid.*, pp. 179, 403).

¹⁶⁰See R. PAGÉ, "Associations of the Faithful in the Church," in *The Jurist*, 47(1987), p. 169.

then the association remains a "*de facto*" association¹⁶¹ with the consequence that it is not constituted within the Church and is not canonically tied to the religious institute. Nonetheless, there exists a moral bond between the institute and its association because of their union in the spirit of the institute.

It is clear from c. 677 §2, that the assistance and special care which a religious institute gives to its associations is considered to be part of the institute's apostolic duty. Apostolic action according to c. 675 §3 is action mandated by the Church, exercised in the name of the Church, and carried out in communion with the Church.¹⁶² It is an ecclesial action. To say that caring for its associations of the Christian faithful and imbuing them with the family spirit is an apostolate is to say that it is a task confided to an institute by the Church, exercised in its name and carried out in communion with it. How this is to be done should be specified in proper law. Significantly, the norm is addressed to the institute as a whole, making it clear that the transmission of a religious institute's spirit to its proper associations is a corporate responsibility though the task itself may be confided to certain members.

But the former Code contained other norms particular to third orders that have no parallel in the new Code. Omitted in the new law are norms regarding the need for apostolic privilege, subdivision of the association, approval of the Rules by the Apostolic See, wearing of the habit, participation in church functions, membership by religious, and multiple memberships. Since the 1917

¹⁶¹See c. 299 §1.

¹⁶²C. 675 §3: "Apostolic action, to be exercised in the name and by the mandate of the Church, is to be carried out in its communion."

Code has been abrogated¹⁶³ and the contents of these norms have not been incorporated into the new law, it can be concluded that the old norms are repealed. Like all other associations, the universal law for associations of associates described in c. 303 is contained in cc. 298-329 of the 1983 Code. On the other hand, privileges granted under the old law and not expressly revoked continue to be recognized. Whether the Apostolic See will extend privileges to others under the new law remains to be seen.

Of the eight religious institutes and one society of apostolic life whose proper law was cited in this chapter, none has sought canonical recognition for an association of associates. What was included and approved in the constitutions, rules, and chapter decisions was the intent to establish a special relationship with certain lay people by sharing the spirit and mission of the institute or society. No juridical ties were created between the sponsoring institute or society and a recognized or erected organization of associates. This being the case, the status of the individual associate becomes a question. The next chapter will examine the canonical status of individual associates and their relationship to the institutes or societies to which they are affiliated.

¹⁶³See c. 6 §1, 1°.

CHAPTER THREE

CANONICAL ISSUES RELATING TO ASSOCIATES

The proper law of each institute and society examined in the previous chapter provides for the acceptance of individual lay associates, but nowhere is there reference to established associations of associates. If these institutes and societies gather and organize their associates as a body, these are non-canonical groupings without juridical ties to the sponsoring organizations and, therefore, not subject to the canons on associations. This approach to contemporary lay association is not unique to the institutes and societies cited as examples. With only one exception,¹ institutes and societies furnishing information for this study have chosen to receive associates as individuals and to focus on the direct relationship between associates and themselves. Autonomous associations *per se* do not exist, and in cases where associates meet as a group the structure is either loose or incomplete.²

¹The Lay Claretians is a private association of the Christian faithful.

²Some institutes call their group of associates an "association" which, in the broad sense, it is since it fits one of the definitions given in *Black's Law Dictionary* — collection of people joined for a common purpose. It is doubtful, however, that these kind of groups possess all the elements to merit the name "association" in the strict sense. They are not the "unincorporated societies" also described in *Black's Law Dictionary*. Moreover, though the Code does not define associations, the contemporary groups do not meet canonical requirements set out in c. 304. According to c. 304, associations should have their own government and a method for determining policy. Groups of associates lack this independence, relying instead on the sponsoring institutes to perform these functions (see "Association," in H.C.BLACK, *Black's Law Dictionary*, 5th ed., St. Paul, Min., West Publishing Co., 1979; see also c. 304). A Concrete example is ASMIC (Associé-e-s aux Soeurs Missionnaires de l'Immaculée-Conception) in which "Les membres forment un groupe autonome et sont rattachés spirituellement à la famille M.I.C." ASMIC has its own governing body, the "Conseil d'administration," composed of two religious appointed by the institute and three associates elected annually. The statutes state that the *conseil d'administration* directs the association but what is lacking in its role is the authority to establish policy. It appears that this function is reserved to the religious institute. If this is the case then this association is missing an element that is essential to its autonomy.

This chapter will consider canonical issues relating to contemporary associate programs to clarify the status of individual associates. Part one will discuss the associate; qualities and conditions for admission, and reasons and procedure for departure. Part two will analyze the associate's relationship to the institute. The last part will explore limitations to and possibilities for the associate's participation in the life of the institute. Topics will be discussed in light of the 1983 Code. Examples of existing norms for individual associates are taken from program guidelines³ supplied by a sampling of institutes and societies that conduct individual associate programs in Canada.⁴

³The term "program guidelines" or simply "guidelines" will be used in the generic sense to refer to any document that sets out norms for the regulation of individual association. Without exception, sponsoring organizations included in this study have developed some written guidelines to regulate the structure and functioning of their programs. However, several problems were encountered in working with the material provided. First, few institutes and societies have one single document that includes all the norms for their program. More often a variety of documents exist — brochures, booklets for associates, mutual agreements, guidelines for personnel — all of which contain policy. Some institutes that have accepted associates for several years are now making an attempt to compile norms and forms into one main document called statutes, or manual, or handbook, or directory. Those that are in the initial stages of a program have relatively few norms. Second, rarely are documents dated and sometimes titles and pagination are lacking. Third, interviews with some associate directors confirm that unwritten, but nonetheless operative, policies and assumptions co-exist with written norms. Fourth, all programs are evolving and so, therefore, are the policies governing them. Some institutes stated specifically that the material they provided was currently undergoing revision. All of these factors confirm that contemporary associate programs are a prime example of law following life.

Because there is such a variety of source materials, even within a single program, and because individual documents are often unpublished and lacking the precise information needed for complete footnote entries, specific documents will not be identified. Instead, only the names of the institutes and societies supplying the documentation will be provided.

⁴Information was sought from fifty sources. A list of thirty-seven institutes and two societies whose material was used in the preparation of this paper is included in the bibliography. Five others replied that they did not have associates and six did not respond.

A. The Associate

Not every person who has contact or collaborates with an institute or society is called an associate. An associate is one whose relationship is formal and relatively stable. Therefore, the term "associate" is used in this dissertation to designate a person who, according to established norms, enters into a formal⁵ relationship with a religious institute or society of apostolic life for the purpose of sharing in its spirit⁶ and its mission. Because the relationship is formal, there is a beginning, and there could be an end. Both must be clearly identified. It is paramount, therefore, to establish both criteria and procedures for admission and departure in order to ascertain who has been received as an associate and who has discontinued formal association.

This section will examine requirements for individual associates in order to determine who is eligible to be an associate, how one becomes an associate, and how one ceases to be an associate. In each subsection, relevant canons will be examined to understand what the universal law prescribes for duly constituted associations. These norms will then be used as a starting point and a reference point for a discussion of norms for individual associates in contemporary programs. The purpose of the discussion is to identify the general contents that should be included in norms concerning associateship. Examples

⁵For example the C.N.D. associate is identified as "a person who [...] chooses to participate in the spiritual and apostolic mission of the Church according to the spirit of Marguerite Bourgeoys *through a formal commitment* to the Congrégation de Notre Dame;" In a similar manner the Sisters of the Holy Names define associate membership as "*a formally recognized affiliation*"; and the Soeurs de Notre-Dame du St-Rosaire de Rimouski state "l'associé-e est une personne qui [...] *s'engage officiellement*;" (emphasis is mine).

⁶Though the term "charism" is not found in the Code, institutes use it liberally, and often synonymously or in juxtaposition with "spirit." Therefore, in the next two chapters these terms will be used correspondingly.

of existing norms will be provided and some main trends noted for the purpose of clarification and illustration. Generally, the norms cited are examples of clearly stated, well formulated guidelines which can serve as models. Finally, comments will be made to highlight certain discrepancies and omissions in existing program guidelines and to offer suggestions.

1. Qualities for Associateship

Qualities for associateship are the personal characteristics and conditions required of applicants to associate programs. They form the answer to the question, "Who is eligible to be an associate?"

a. Canonical Norms

Each association's statutes must define the specific requirements for membership.⁷ The Code provides only general rules regarding eligibility and ineligibility for membership in constituted associations of the Christian faithful.

Canon 307,⁸ in the chapter on general norms, determines who is eligible. Paragraph two states that the same person can be enrolled in more than one association.⁹ No limitations are placed on the number or kinds of associations

⁷See c. 304.

⁸See *Codex iuris canonici auctoritate Ioannis Pauli PP. II promulgatus* (=CIC/83), Typis Polyglottis Vaticanis, 1983, xxx, 317 p. (English translation: *The Code of Canon Law*, Latin-English ed., translation prepared under the auspices of The Canon Law Society of America, Washington, D.C., Canon Law Society of America, 1983, xlii, 668 p.). All references in this chapter are to the canons of the 1983 Code unless otherwise noted. Hereafter canons will be styled c. for "canon" and cc. for "canons" followed by the canon number[s].

⁹The first draft included the qualifier "with due regard for the prescription of c. 705," (CIC/17), which preserved the prohibition of simultaneous membership in more than one third order (see *Communicationes*, 18[1986], p. 219). The drafters dropped the qualifier in the second version offering no reason in the published minutes of that session (see *Communicationes*, 18[1986], pp. 289-290) or subsequent ones.

which one may join. Paragraph three states that members of religious institutes¹⁰ may also join associations, in accord with the proper law of their institute and with the consent of their superior.¹¹ It appears, therefore, that there is no express prohibition against a person's holding multiple associate memberships or against religious and members of societies of apostolic life becoming associates of another institute or society.

Canon 316 determines which Catholics are ineligible for membership in public associations. Catholics who have publicly rejected the Catholic faith, have abandoned ecclesiastical communion, or have been excommunicated are excluded from valid reception in public associations.¹² Since a public association receives, coincidentally with its erection, a canonical mission to pursue its goals

¹⁰No mention is made of members of societies of apostolic life but the norm can be applied analogously since societies are similar to religious institutes (c. 731 §1) and their members are also subject to constitutions (c. 739) and superiors (c. 738 §1).

¹¹This paragraph was originally a separate canon with a detailed formulation that revealed the mind of the legislator. It stated that with due regard for the prescription of c. 704 (CIC/17), religious could join associations except those whose statutes or activities, in the judgment of the superior, could not be reconciled with the observance of their rule and constitutions or the fulfilment of the tasks assigned to them by the superior (see *Communicationes*, 18[1986], p. 225, c. 14). The reference to c. 704 preserved the ineligibility of religious for membership in a third order. Eventually, the reference to c. 704 was omitted and the other conditions reworked so that the essential meaning remained intact but the wording was more succinct.

¹²C. 316 §1: "One who has publicly rejected the Catholic faith or abandoned ecclesiastical communion or been punished with an imposed or declared excommunication cannot be validly received into public associations."

Applying the norm in the concrete may pose some problems. Pagé points out the difficulty of verifying when a person has rejected the Catholic faith or abandoned communion (see PAGÉ, "Associations of the Faithful in the Church," p. 186); Kneal advocates a strict interpretation concerning both the gravity of the offense and its public nature (see KNEAL, "Associations of the Christian Faithful," p. 251); Martínez Sistach disagrees with Kneal favouring a broader interpretation (see MARTÍNEZ SISTACH, *Las asociaciones de fieles*, p. 66); Piñero Carrion states that public abandonment of the faith is less than heresy and apostasy but more than occult abandonment and more than non practice. Abandonment of communion is less than schism and distinct from leaving by a formal act (see J.M. PIÑERO CARRION, *La ley de la Iglesia: Instituciones canónicas*, vol. 1, Madrid, Sociedad de Educación Atenas, 1985, p. 402).

in the name of the Church,¹³ the Church legitimately restricts membership in these associations to Catholics who have fulfilled their obligation to maintain communion with the Church.¹⁴ There is no parallel norm for private associations. If a private association wishes to regulate the catholicity of its members, it must do so by statute.

Unlike its counterpart in the former Code,¹⁵ c. 316 does not mention non-Catholics.¹⁶ Membership of non-baptized persons in associations of the Christian faithful was not even contemplated because of their inherent ineligibility.¹⁷ Regarding baptized non-Catholics, the canon prohibiting their membership in public associations was removed prior to promulgation.¹⁸

¹³See c. 313.

¹⁴See c. 209 §1.

¹⁵See CIC/17, c. 693 §1.

¹⁶Early versions of the canons on associations did give consideration to the question of their eligibility for membership. The first draft of canon 307 in general norms contained a paragraph stating that *baptized* non-Catholics *could* be members of canonical associations under certain conditions (emphasis is mine) (see *Communicationes*, 18[1986], p. 219).

¹⁷In the discussions of c. 307 the consultors decided to drop the adjective "baptized" because it was redundant given the title of this section of the Code, "Associations of the Christian Faithful." They reasoned that the norm must be limited to baptized persons for to do otherwise is impossible and incongruous ("Est Exc.mus Consultor qui animadvertit congruum non esse possibilitas dandi proprium nomen his associationibus limitetur ad personas non catholicas baptizatas. Aptius ergo diceretur: 'personae non catholicae' vel simpliciter 'non catholici;'" *Communicationes* 18[1986], p. 219). Therefore, in subsequent discussions and in the canon, they used the term "non-Catholic" synonymously with "baptized non-Catholic." Evidently the consultors considered prior membership in the Christian faithful to be an implied condition for membership in an association constituted in the Church. Cf. also MARTÍNEZ SISTACH, *Las asociaciones de fieles*, p. 32: "Por su misma naturaleza, las asociaciones para poder existir precisan de miembros que son las personas físicas."

¹⁸In the 1980 Schema the fourth paragraph of c. 307 was reworked to state unequivocally that non-Catholics *could not* belong to public associations. Neither could they be admitted into private associations unless the Ordinary judged that their membership would not harm the activity of the association or cause scandal (see 1980 Schema, c. 681 §4; emphasis is mine). The paragraph was included in the 1982 Schema presented to Pope John Paul II but was

Omission of the prohibition can mean either that the legislator does not wish to exclude baptized non-Catholics or that he accepts the consultors' explanation that, in the Code, the term "Christian faithful" is to be understood in the more restricted sense as applying only to Catholics.¹⁹

b. Program Norms for Individual Associates

(1) Content and Trends

It is expected that institutes and societies conducting programs for individual associates will be selective, establishing norms which determine who is eligible to apply for associateship. Well formulated norms, which treat the matter in a separate article in program guidelines, are restricted to personal qualities and conditions, and relate directly to the institute's/society's description of associates and to the nature of the obligations which the associate is expected to assume. The norms may address such personal

dropped in the promulgated Code (see 1982 Schema, c. 307 §4).

¹⁹See *Communicationes*, 14(1982), p. 157. See also c. 1 which states "The canons of this Code affect only the Latin Church." Canonists generally agree that it is inappropriate to include baptized non-Catholics as full members in public associations that act in "the name of the Church." instead, they advocate some form of limited participation. They are more willing to concede full membership to baptized non-Catholics in private associations although one can detect a cautious approach in Chiappetta's suggestion that the suppressed fourth paragraph of c. 307 serve as a model for a norm in particular law. Martínez Sistach maintains that, even in private associations, membership should be restricted to Catholics: "No obstante, la misma denominación y naturaleza de estas asociaciones de fieles determina que los miembros de las mismas han de tener la condición de fieles católicos tal como viene establecido en los cánn. 204 y 205. Se trata, pues, des bautizados que se encuentran en plena comunión con la Iglesia Católica" (MARTÍNEZ SISTACH, *Las asociaciones de fieles*, p. 104). Cf. no. 31 assigned to the Pontifical Councils for Promoting Christian Unity and for the Laity, the task of determining criteria for the approval of ecumenical associations in which the majority of members are Catholic. To date the task has not been completed. For further discussion see L. CHIAPPETTA, *Il Codice di Diritto Canonico: Commento giuridico-pastorale*, vol. 1, Napoli, Edizioni Denoniane, 1988, pp. 396-397; MARTÍNEZ SISTACH, *Las asociaciones de fieles*, pp. 67, 104; PIÑERO CARRION, *La ley de la Iglesia*, vol.1, p. 403; G. GHIRLANDA, "Les formes de consécration à la lumière du nouveau Code," in *Documents Épiscopat: Bulletin du secrétariat de la Conférence des évêques de France*, no. 3, février 1990, p. 9.

qualities and conditions as religious affiliation, motivation, character, age, sex, physical and emotional health, marital status, financial status, education and skills, and other relevant traits.

For example, the School Sisters of Notre Dame state that association is "essentially spiritual" having as its goal "growth in the mutual sharing of faith, hope, love, lived experiences and gifts in ministry." Consequently, the only criterion for associates is that they are "catholic men and women, married, single or ordained, who desire to share the congregation's spirit and mission within their own lifestyles." Qualities such as age, sex, marital status, financial situation, and educational background have no bearing on the associate's ability to fulfil his/her obligations.

Most associate programs emphasize sharing the "spirit" of the institute. The following list of criteria for associate membership with the Sisters of St. Martha is typical of these programs:

- Catholic men and women, laity and clergy are eligible for membership.
- A potential candidate is one who
 - has reached eighteen years of age
 - is trying to live a life of faith
 - desires to be:
 - more aware of God in her/his life
 - more identified with the Church
 - identified with the Sisters of St. Martha.

When the program emphasis is on sharing the "mission" of the institute or society, the demands of the apostolate and expectations regarding common life will be the prime determiners of qualifications. Sponsoring institutes and societies will need to assess carefully each applicant's maturity, flexibility, dependability, transferable work skills, interpersonal relationship skills, ability to manage stress, and availability for service and community living. Therefore, criteria such as character, education and skills, physical and emotional health,

sex, marital and financial status will be important factors. It is wise to require candidates to provide supporting documentation such as reference letters, personal and professional, a doctor's certificate, academic transcripts, and employment history.²⁰

One such program is conducted by the Missionaries of Africa. An associate "binds himself to take part in the life and missionary apostolate of the Society according to its spirit and laws for a fixed period, which can be renewed."²¹ Following a year of formation in missiology, the associate is sent to an African mission for three years where he lives and works in a community of the Society. Common life is part and parcel of the associate commitment and includes attendance at mass and recitation of the divine office. Therefore, statutes require that the associate be Catholic. It is further required, because he is joining a celibate male community, that the associate be a priest or a celibate layman who binds himself to celibacy for the time of his commitment.²² Although there is no written policy, the practice of the Society is to accept laymen between the ages of 20-40 and priests between the ages of 30-45 in the expectation that they will be old enough to have acquired sufficient maturity and will be young enough to adapt to common life.²³

²⁰Sponsoring institutes/societies must be mindful that "No one is permitted [...] to violate the right of another person to protect his or her own privacy" (c. 220). Therefore requirements that are unnecessarily intrusive are to be avoided and documentation received must be treated as confidential information.

²¹SOCIETY OF MISSIONARIES OF AFRICA, *Constitutions and Laws*, no. 59.2.

²²See *ibid.*, Appendix II, "Statutes of Association," pp. 184.

²³M. BEAUDRY, superior of the Formation Center, interview by writer, March 2, 1992, Ottawa.

Concerning religious affiliation, every institute and society must answer the question "Should an associate be Catholic or, at least, Christian?" No program researched actively invites the participation of non-Christians.²⁴ All limit associateship to the Christian faithful. Some state the requirement outright,²⁵ while others imply it in the description of the associate.²⁶ Still others restrict participation to Catholics.²⁷

Many program guidelines state, in some way, that associates are "lay" persons or secular priests, implying the ineligibility of religious and members of societies. Only one congregation invites religious to become associate members.²⁸ One other institute seems to leave the door open to religious by describing associates as men and women of "all conditions."²⁹ The open-endedness may not be intentional, but it illustrates the ambiguity created by a lack of precise formulation.

²⁴The Manitoba Province of the Sisters of Charity of Montreal (Grey Nuns) reports having one non-Christian associate even though their literature leads one to believe the program is restricted to Christians. The reason given for this exception is that non-Christians can also share in the institute's charism to witness to God's compassionate love (Interview with Sister Rolande Lagasse, March 31, 1994).

²⁵The Jesuit Volunteer program "asks that candidates be men and women who seek to live and work and pray as Christians."

²⁶"Providence associates are women and men, single or married, who experience a call to deepen their *baptismal* promise for *gospel* living by sharing in the charism, spirituality and mission of the Sisters of Providence of St. Vincent de Paul without vowed membership in the Congregation" (emphasis is mine).

²⁷"The Lay Spiritan form of membership is open to all Catholics..."

²⁸"... we extend an invitation to Christian women and men of all walks of life - over 21 years of age, married, single, divorced, widowed, clergy, *religious*... to become Associate Members with us" (Sisters of Charity of St. Louis) (emphasis is mine).

²⁹"Membres: Des chrétiens, hommes et femmes, de toutes nationalités et de *toutes conditions*" (Missionnaires de l'Immaculée Conception) (emphasis is mine).

(2) Commentary

No doubt those responsible for setting the policy concerning religious affiliation have reflected on the basis for associate relationship. Religious institutes and societies of apostolic life are faith communities within which members nourish their faith and experience the first fruits of the Kingdom. Apostolic activity proceeds from this faith experience and, in turn, is animated by it. The charism, spirit, spirituality, and mission that institutes and societies wish to share with associates cannot be dissociated from their Gospel and ecclesial roots and context. It is desirable, then, that associates be Christians who are predisposed to enter into the fullness of the faith experience that is the source of the life and activity of the institute or society to which they are affiliated.

Nowhere in the documentation examined is there any evidence of regulations concerning religious requirements for Catholics resembling those in c. 316. Nor is there an indication of any distinction being made between Catholic and non-Catholic associates. Where non-Catholics are received, they are in a very small minority and are granted full participation. It seems that, at least for the present, these are not problem areas, and consequently sponsoring organizations have not found it necessary to formulate policies.

However, when baptized non-Catholics are accepted as associates, it is necessary to respect and maintain their confessional identity.³⁰ Institutes and societies must deal sensitively with the practical implications of accepting non-Catholics. For example, participation of associates in the life of the community often involves sharing liturgical celebrations, religious and community feasts,

³⁰See GHIRLANDA, "Les formes de consécration," p. 9.

and prayers and devotions that have a Catholic flavour. These occasions may, in fact, be at the heart of the sharing that takes place between associates and community members. The challenge for institutes and societies is to reconcile respect and maintenance of varying confessional identities with the twofold desire to preserve the integrity of the community's liturgical and prayer life, and to transmit to associates traditional celebrations and practices.

Program guidelines do not refer, either directly or indirectly, to multiple memberships or to membership by religious³¹ which probably means that these are not issues.³² Decisions about these matters should be made in light of the nature of associate commitment and the kinds of obligations associates are expected to assume. One congregation expresses the nature of the commitment as follows:

Associates are called to live in the spirit of Blessed Marie Rose Durocher and according to the charism of the Sisters of the Holy Names of Jesus and Mary. This association facilitates sharing of prayer, ministry and lived experience that mutually enriches and supports Associates and Sisters.³³

The inherent character of the commitment precludes multiple associate memberships. Associates bind themselves to live according to a particular spirit and charism. Commitment to a charism provides an orientation and focus for the associate's life and actions. Clearly, a person can make only one such commitment. Therefore, if a person is already an associate of one institute or

³¹With the exception of the one example previously cited.

³²It could also mean that when the question arises, one of the unwritten policies or assumptions is invoked. One former general councillor reported having received an application for associateship from a member of a third order. Though the institute has no written policy the application was considered inappropriate and consequently was rejected (Interview with Sister Eileen McIlwaine, C.N.D., February 27, 1994).

³³Sisters of the Holy Names of Jesus and Mary.

society he/she should be considered ineligible for association with another. Similarly, religious and members of societies of apostolic life, in virtue of their prior commitment to their own charisms, must also be deemed ineligible to be associates of another institute or society.³⁴ Moreover, it is essentially impossible for a person to be a member and, at the same time, be an associate of their own institute or society. The categories are mutually exclusive.

2. Conditions for Admission

Conditions for admission are the procedures and formalities required for the reception of associates. They are the answer to the question "How does a person become an associate?" Reception is the precise moment when a person formalizes his/her relationship with an institute or society and becomes an associate. Procedures and formalities are important because they determine the elements necessary for the act of reception. When there are no established procedures, or when proper procedures are not followed, there is a risk of not knowing who is an associate.

a. Canonical Norms

To enjoy the benefits of membership in an association, a person must be validly received.³⁵ Universal law does not determine the specific steps to be taken for the admission of members into private or public associations. The Code stipulates only that associations are required to have statutes³⁶ in which procedures for valid reception are to be elaborated.³⁷

³⁴See the discussion in chapter 2, pp. 114.

³⁵See c. 306.

³⁶See c. 304.

³⁷See cc. 307 §1, 308.

b. Program Norms for Individual Associates**(1) Content and Trends**

Program guidelines should include, in a discrete unit, procedures for accepting associates. These procedural norms should set out the formalities and steps towards becoming an associate and establish the competency of persons. Although formulations will vary, there are four main steps towards becoming an associate common to most programs.³⁸

The first step is application and acceptance. Institutes/societies may decide either to restrict applicants to those persons who are *invited* to apply or are *recommended* for entrance into the program by incorporated members or to receive applications at large. The former method guarantees that the prospective associate knows the community and is known by it. If the latter method is used a more thorough screening process to verify qualifications is advised. Application formalities may include completion of an application form, submission of letters of recommendation and other documentation, and a personal interview. Interested persons may be invited to an orientation meeting before submitting entrance applications. Guidelines indicate that those competent to accept candidates into the program are most often the superior, the associate director, or the associate committee.³⁹

³⁸For an example of one complete policy, with all steps included, see Appendix B.

³⁹An example of a clearly stated, comprehensive norm is found in the Handbook of the Ursuline Associates of the Ursulines of Prelate:

Invitation: Any Ursuline Sister and/or Ursuline Associate may invite a person to become an Associate after discernment with the Associate co-ordinators. A suggested process of acquainting a prospective member with the Associateship is:

- a) extending a verbal invitation to "come and see";
- b) providing a period of time for interaction with the Sisters and Associates;
- c) offering the brochure on Associateship;

The second step is formation/orientation. Every institute and society requires a period of formation or orientation to prepare candidates for associateship.⁴⁰ The length, format, and content will be dictated primarily by the nature of the obligations which the associate will assume and therefore will vary from one program to another. For example, at one end of the spectrum is one institute's orientation which consists in the candidate's establishing and maintaining contact with an individual member of the congregation, a local community, or ministerial group for at least one year before formalization.⁴¹ At the other end is a more rigorous norm of a missionary society requiring three years of formation, mostly overseas.⁴² More commonly, program guidelines provide for candidates to receive approximately one year of formation in which, along with other candidates, they attend sessions on the founder, the charism,

d) providing the *Form Expressing Interest* (the pink slip) to the prospective candidate when he/she indicates a personal desire to become an Associate.

Interview-Application: When the *Form Expressing Interest* (the pink slip) is received, an interview is set up between the Associate Director (or her delegate) and the candidate. If the candidate is judged to have the right intention and a free desire to be associated with the Ursulines, he/she

a) is presented with an *application form*;

b) is asked to write a personal letter to the Associate Director stating his/her reasons for wishing to become an Associate (which the Associate Director directs to the General Superior);

c) may be asked to provide one or two references if the person is not well known in the community.

Acceptance: When the dossier is completed, the Director gives it to the General Superior for examination. If the General Superior wishes, she may interview the person herself. If she is satisfied that the candidate has the right motivation and desire, especially after hearing the oral report of the interviewer, she formally sends him/her a letter of acceptance into the Associateship program.

⁴⁰The purposes for orientation of associates are analogous to those for the novitiate. Orientation provides candidates with an opportunity to experience associateship, to be educated to the institute's/society's spirit and mission, to discern their call (cf. c. 646).

⁴¹Institute of the Blessed Virgin Mary (Loretto).

⁴²Scarboro Foreign Mission Society.

the history of the community, its spirituality, its mission, and the nature of associate commitment.⁴³

The third step is admission. Not everyone who has followed the program to this point is suited to become an associate. Many programs provide for a period of discernment followed by a formal request for admission by the candidate. What is required are those deliberate decisions by the candidate to request admission and by the institute or society to accept the request. Most often, guidelines designate one of the superiors as the person competent to admit candidates to reception after consultation with those responsible for the program.⁴⁴

The fourth and final step is reception. The formalities may be as simple as signing a contract,⁴⁵ but more often reception is ritualized, taking place

⁴³The following example from the Manual of the Associates of the Grey Sisters of the Immaculate Conception is typical of many programs:

Since the Associate Program is based upon a formal commitment, an extensive Orientation Period is required of anyone desiring to become an Associate, in order to understand the focus of the commitment.

The Orientation is usually conducted by a group of Associates and sisters. Over a period of time the life of Marguerite d'Youville is studied and her spirituality is explained. The potential Associate is introduced to the history of the Grey Sisters of the Immaculate Conception and to their mission. The candidate begins to share prayer with a group of sisters in a local community. The mutual responsibilities involved in the Agreement are studied, the candidate is invited to make application to become an Associate, and is encouraged to prayerfully reflect on what her/his commitment would mean.

⁴⁴This step is stated concisely in The Associate Program Manual of the Sisters of Charity at Ottawa:

Admission: After completion of the Preparation/Orientation Program, the potential candidate makes a formal application to become an Associate.

Recommendation of the Committee: The Committee reviews the application and makes a recommendation for acceptance or non-acceptance of the candidate.

Acceptance: The Provincial Superior in Council makes the final decision on the application.

⁴⁵Missionaries of Africa and the Sisters of St. Martha, Antogonish.

within the context of the liturgy or other appropriate ceremony. The person competent to receive the promise or commitment is usually the superior but on occasion one finds the function being carried out by the associate director.⁴⁶

(2) Commentary

Procedures and formalities are conditioned largely by geography. When an institute is concentrated in a given area, it is possible to involve superiors, directors, and committees and to arrange personal interviews and gatherings for formation sessions and reception ceremonies. The Sisters of St. Joseph of Toronto, for example, are able to hold a semi-public commitment ceremony "in the context of church and community" at the motherhouse with the general superior presiding. On the other hand, when members of an institute are scattered and only a small group is available to candidates in any one locale, the procedures tend to be simpler and less formal.⁴⁷

3. Departure from the Program

Equally important as deciding when and how formal associate relationship begins, is deciding when and how it ends. Failure to do so leads to uncertainty about who continues or should continue to be an associate.

⁴⁶A clear, concise example is again taken from The Associate Program Manual of the Sisters of Charity at Ottawa:

On the set date and time, and during an official ceremony, the candidate is welcomed and introduced to the Assembly. The candidate commits her/himself for one (1) year, according to the approved procedure.

This commitment is accepted by the Provincial Superior or her delegate and is renewed annually.

In the presence of witnesses, the Associate and the Provincial Superior sign the Mutual Agreement between the Sisters of Charity at Ottawa and the Associate.

⁴⁷For example, associates in one province of the *Congrégation de Notre Dame* are received in the local hospitality community to which they are attached. Depending upon availability, commitments are received by the director, the local leader, or a member of the associate committee.

a. Canonical Norms

The Code provides norms for only one method of discontinuing membership in an association — dismissal. It states that members of associations cannot be dismissed except for a just cause and in accord with the laws and statutes of the association.⁴⁸ The Code does not elaborate on what constitutes a "just cause," nor does it determine a process for dismissal. It is left to each association to set out in its statutes and laws the reasons for which a member may be terminated and the steps to be taken. The one exception to this general rule is c. 316 §2 which states that a member of a public association who publicly rejects the faith, or abandons ecclesiastical communion, or is excommunicated is to be dismissed. A recalcitrant member has the right to be warned prior to the commencement of dismissal procedures as well as the right of recourse to competent ecclesiastical authority.⁴⁹

b. Program Norms for Individual Associates

(1) Content and Trends

It would be short-sighted for institutes and societies not to acknowledge that people and situations change. Therefore, associate programs need to provide mechanisms for ending the formal relationship. There are two methods for discontinuing associateship: non-renewal of commitment and termination of the mutual agreement or contract for a just cause.

⁴⁸See c. 308.

⁴⁹C. 316 §2: "Those legitimately enrolled who fall into the situations mentioned in §1, are, after a warning, to be dismissed from the association, observing the association's statutes and reserving the right of recourse to the ecclesiastical authority mentioned in can. 312, §1."

Guidelines from most of the institutes and societies state that the initial associate commitment is for a determined period, usually one year.⁵⁰ When the time lapses the associate may depart the program or may renew his/her commitment.⁵¹ Since the commitment is mutual, one expects to find a procedure for notification by each party of the intention to renew or not to renew. Though not technically dismissal, a just cause should be required for an institute/society to exercise its option not to renew. The just cause can be the associate's failure to fulfill obligations. In this situation, the procedure should incorporate open dialogue in which each party has the opportunity to state his/her case. This essentially constitutes the "warning" and the "appeal." On the other hand, when a civilly binding contract has been used, with the option for renewal, a more formal procedure using written documentation is advised.

A second method of departure from the program is by termination of the agreement by either of the parties before its expiry. Termination may be mutually agreed upon or unilaterally initiated by one or other of the parties. Unilateral termination by the sponsoring body is tantamount to dismissal though the term is never used in program documents. In this situation, one would

⁵⁰Two societies and one institute require three year commitments: Missionaries of Africa, Scarboro Foreign Mission Society, the Congregation of the Holy Ghost (Spiritans).

⁵¹Some congregations allow associates to renew for a longer time. After three years, associates of the Sisters of the Holy Names have the option to renew for one, three or five years. Guidelines of the Clerics of Saint Viator state that after three years the associate "may request to commit himself/herself perpetually." Only one handbook states that associate commitment is "generally regarded as permanent." An annual renewal ceremony is held but as a pious practice "to help keep the spirit of commitment alive" (Ursulines of Prelate). Guidelines from three other institutes do not specify a time nor provide a renewal procedure so it can be assumed that associates of these institutes make a permanent commitment as well (Missionary Oblates of the Sacred Heart and of Mary Immaculate, Congregation of Our Lady of the Missions, Soeurs de Notre-Dame du St-Rosaire).

expect that the reason for termination is serious⁵² and that a suitable procedure, including dialogue and/or written documentation, is used.

Not all institutes and societies provide for termination, which is not surprising, given that the term of the agreement is usually only one year. However, the majority do. The most common formulation is a general statement similar to the following one taken from the Mutual Agreement between the Sisters of Charity at Ottawa and their associates:

The Mutual Agreement can be terminated at any time by the Sisters of Charity at Ottawa or by the Associate, upon written notice of intent to do so to the other party, and all the obligations under the provisions of the Associate Program and the Mutual Agreement shall be terminated forthwith.

Some formulations, though rare, offer alternatives for voluntary withdrawal and/or attempt to include reasons for unilateral action by the institute.⁵³ An associate of the Ursulines of Prelate makes a perpetual commitment but may terminate his/her association unilaterally in one of two ways: 1) "informing the Associate Director of his/her intention to withdraw"; 2) a lack of participation in meetings, if the associate is in an area where they are held, for one year which is interpreted as voluntary withdrawal from

⁵²The Scarboro Lay Mission Office Service Team may initiate termination of the agreement with associates if:

- a. the lay missionary is persistent in not adhering to legitimate authority in the Society as represented by the LMO Service team;
- b. the lay missionary leaves his/her mission assignment without the authorization;
- c. the lay missionary breaks any commitment made in this agreement;
- d. the lay missionary chooses to do work not authorized by the LMO Service Team.

The LMO agrees to furnish return passage to Canada within a reasonable period. No procedures are supplied.

⁵³The Spiritans require an associate who marries to take a year leave of absence after which time the couple may make joint application for membership. "If both are unwilling or unable then the Lay Spiritan must leave" (Congregation of the Holy Spirit).

membership. The congregation retains the right to terminate unilaterally the membership of an associate "for a just cause, at the discretion of the General Superior." The "just cause" is not defined nor are procedures provided. The commitment of an associate of the Clerics of St. Viator ends by the associate's written request to be dispensed or "if the conditions are no longer met by the Associate Member." No further explanation is offered.

(2) Commentary

Few program guidelines elaborate criteria and procedures for renewal as carefully as they do those for initial admission to the program.⁵⁴ In fact, in many documents, specific criteria and formalities are nonexistent. Program guidelines either imply or state that the associate may decide to renew or not his/her commitment and that the institute or society may decide to accept or not the renewal. However, no mechanisms are in place to assist the parties in making their decisions or in conveying them to each other nor are formalities for renewal determined. Because of this lacuna, the practice of annual or regular renewal can create ambiguous situations that may cause embarrassment to the parties. An associate may choose to "drop out" rather than take the initiative to inform the institute or society that he/she does not wish to renew. Equally problematic is the institute's task of deciding, without established criteria, what to do with inactive, or worse, problem associates. The institute or society may reluctantly accept the renewal of an associate rather than confront the person and risk giving offence. It also happens that associates who intend to renew are

⁵⁴An exception is the thorough treatment of these matters in the Manual for the CSJ Associate Program. Articles 4 and 5 on Criteria and Procedure for Renewal are reproduced in Appendix C.

unable to be present at the renewal ceremony. When no alternative method for renewal is provided, the status of the person is ambiguous.

When no procedures or formalities are determined or when formalities are not observed, sponsoring organizations are left with the difficult task of distinguishing between those who renewed and retain associate status and those who did not renew and consequently relinquished formal association. The problems arising from a lack of clearly defined criteria, procedures, and formalities for renewal are exacerbated when associates are at a geographical distance with little or no direct contact with the institute or society.⁵⁵

The omission from program guidelines of criteria and procedures for termination can lead to two conclusions. On the one hand, it can mean that conduct by associates that gives rise to grounds for dismissal is not a problem, and consequently institutes and societies have not found it necessary to develop norms to deal with it. On the other hand, it could also mean that the widespread practice of annual or regular renewal of commitment, which may be preceded by an evaluation, provides a sufficient safety-valve making dismissal unnecessary.

B. Relationship with the Institute/Society

This second part will present an analysis of the individual associate's relationship to the institute or society. Section one will examine the nature of associate "membership" and bonds. Section two will consider two different emphases in associate relationship — sharing in mission and sharing in spirit.

⁵⁵Because of aging populations and declining numbers, institutes are withdrawing members from some areas leaving associates with no direct contact with the sponsoring organization.

1. Membership and Bonds

The purpose of this section is to clarify the canonical relationship between the associate and the sponsoring institute or society. The norms of the Code will be examined first to show why an associate is not an incorporated member of the institute or society and second to understand the nature of the bond that exists between the parties. Then program guidelines will be studied to see how institutes and societies describe the status of their associates and to comment upon the adequacy of these descriptions.

a. Canonical Norms

The Code of Canon Law is clear about who is eligible for membership in a religious institute or a society of apostolic life. Requirements for entrance into the formation program of an institute or society⁵⁶ state that a candidate must be Catholic, possess the right intention, and be free from the impediments enumerated in c. 643.⁵⁷ In addition, a candidate must have "health, suitable character and sufficient qualities of maturity to embrace the particular life of the institute."⁵⁸ Proper law can include other qualities.⁵⁹

Additional conditions are required for valid admission to profession in a religious institute. These are: required age, completion of a valid novitiate, freedom of the parties, and reception by competent authority. For perpetual

⁵⁶General requirements for admission into an institute of consecrated life are described in c. 597. In virtue of c. 732, the same requirements apply to societies of apostolic life.

⁵⁷The impediments are: insufficient age, existing marriage bond, force and fear or fraud, concealing prior incorporation in another institute.

⁵⁸C. 642.

⁵⁹See c. 643 §2.

profession it is further required that there be temporary profession for at least three years.⁶⁰

The procedure for incorporation into a religious institute is equally clear. By profession of the three evangelical counsels one is incorporated into a religious institute, with the rights and duties defined by law.⁶¹ Profession is by public vow.⁶² That is, the vow is accepted by a legitimate superior in the name of the Church. Only those who meet eligibility requirements and who make religious profession acquire a new canonical status and become members of a religious institute with the rights and obligations determined by law. Canons 662-672 define the rights and obligations common to all religious. Proper law may include others specific to an institute.

Universal law does not specify the procedure for becoming a member of a society of apostolic life.⁶³ Instead the Code requires that the proper law of each society include norms for incorporation.⁶⁴ Therefore, only those who are eligible and who have been incorporated by a sacred bond in accord with the society's law are members of a society of apostolic life. Their rights and obligations are determined in the society's constitutions.⁶⁵

⁶⁰See cc. 656, 658.

⁶¹See c. 654.

⁶²See cc. 1191 §1, 1192 §1.

⁶³According to c. 735 conditions for admission are to be determined in proper law. However, societies are also bound to the conditions for admission in c. 597 and to the conditions in 642-645.

⁶⁴See c. 735.

⁶⁵See c. 737.

Eligibility requirements for admission into an associate program and conditions and procedures for reception as an associate are different from those for candidates for membership in an institute or a society. Furthermore, associate commitment is not equivalent in content, in form, or in effect to religious profession or the oath taken in a society. For these reasons, associates are not incorporated members of the institute or society to which they are affiliated. They neither enjoy the rights, nor are they bound to the obligations of members.⁶⁶ Because of this, some authors caution against using any form of the word "member"⁶⁷ to describe associates since this may create expectations of associates having the rights and obligations of members such as participation in the internal life of the congregation.⁶⁸

Though not incorporated members, associates have a special relationship or bond with the sponsoring institute or society. According to Gambari, "This bonding is best expressed by the word 'affiliation'" which "is an expression of ecclesial communion," "a familial relationship."⁶⁹ The nature of the bond is spiritual and theological corresponding to the notion of "a special vocation in

⁶⁶For a more complete discussion see E. GAMBARI, "Affiliation of the Laity to Religious Institutes: A Canonist's Analysis," in *CMSM Forum*, 17(Winter 1990), pp. 17-27; D.F. O'CONNOR, "What Does a Religious Institute Owe Its Members?" in D.F. O'CONNOR, *Witness and Service: Questions About Religious Life Today*, New York, Paulist Press, 1990, pp. 48-59; id., "Lay Associate Programs: Some Canonical and Practical Considerations," in O'CONNOR, *Witness and Service*, pp. 116-128.

⁶⁷These include such terms as "associate member," "co-member," "extended member."

⁶⁸See D. GOTTEMOELLER, "Looking at Associate Membership Today," in *Review for Religious*, 50(1991), p. 396; O'CONNOR, "Lay Associate Programs," p. 122; J. BONFILS, *Les sociétés de la vie apostolique: Identité et législation*, Paris, Les Éditions du Cerf, 1990, p. 71.

⁶⁹GAMBARI, "Affiliation of the Laity to Religious Institutes," p. 18.

the Church." This vocation is a personal call to order one's life according to the spirit of an institute.⁷⁰

Gambari proceeds to explain how laity can be affiliated either in associations, as described in c. 303, or as individuals. The relationship of individual associates to their sponsoring institute or society is analogous to that of laity affiliated with secular institutes as provided for in c. 725.⁷¹ Since the canonical approbation of secular institutes, their associates have been considered "members in the broad sense."⁷² These affiliates are part of the family with rights and obligations determined by proper law. Any secular institute that wishes to have affiliates must specify this in its constitutions which are approved by competent Church authority.⁷³ Gambari considers all forms of affiliation established without inclusion in constitutions and, therefore, without reference to the Holy See, the competent authority for the approval of

⁷⁰Ibid., pp. 18-19.

⁷¹ C. 725: "The institute can associate to itself, by some bond determined in the constitutions, other members of the Christian Faithful who strive toward evangelical perfection according to the spirit of the institute and share its mission."

According to Gambari, in virtue of cc. 17 and 19, c. 725 can be, and is, applied analogously to religious institutes (see *ibid.* p. 20).

⁷²"Members in the strict sense" are the incorporated members who profess the three evangelical counsels. See SACRED CONGREGATION FOR RELIGIOUS AND SECULAR INSTITUTES, Instruction on Secular Institutes, *Cum Sanctissimus*, 19 March 1948, no. 7a, in *AAS*, 40(1948), p. 295 (English translation in *Canon Law Digest*, vol. 3, p. 155); SACRED CONGREGATION FOR RELIGIOUS AND SECULAR INSTITUTES, "Les personnes mariées et les Instituts Séculiers," in *Informationes SCRIS*, 2(1976), pp. 49-57 (English translation in *Consecrated Life*, 2(1978), pp. 43-52); *Communicationes* 13(1981), p. 372. For a synthesis of the legislation concerning degrees of membership in secular institutes see V.L. BARTOLAC, *The Practice of the Evangelical Counsels in Secular Institutes*, Canon Law Studies, no. 531, Washington, The Catholic University of America, 1989, pp. 257-260.

⁷³See c. 587 § 1,2.

constitutions for pontifical institutes and societies and forms of affiliation,⁷⁴ *de facto* or experimental.⁷⁵

b. Extending Membership

Experiments aimed at a more complete integration of associates into an institute or society by conferring a "degree of membership" upon them are constrained by canonical boundaries as the following example illustrates.⁷⁶

The Scarboro Foreign Mission Society is a clerical, pontifical society of apostolic life. In 1964 the Society accepted its first lay missionary. His request for membership in the Society initiated the preliminary discussions on lay association at the first renewal chapter in 1968. After considerable study, the 5th General Chapter held in 1974 recommended that the Society "begin to accept single male candidates who have the qualities to serve mission in a truly relevant form within the norms of Society purpose, without imposing upon them the prerequisite demand that they have the intention of proceeding on for ordination."⁷⁷ These candidates would be considered temporary members of the Society. Others who were not eligible for temporary membership, such as married persons and women, could be associates.⁷⁸ There followed several years of ongoing investigation, dialogue, and experimentation to devise a

⁷⁴See *PB*, no. 105.

⁷⁵GAMBARI, "Affiliation of the Laity to a Religious Institute," p. 25.

⁷⁶For a brief report on the Maryknoll experience, see T. ROBERTS, "Maryknoll Laity Form Own Group," in *National Catholic Reporter*, August 12, 1994, p. 5.

⁷⁷SCARBORO FOREIGN MISSION SOCIETY, *Lay Mission Handbook*, Scarborough, Ontario, Privately printed, Section III, p. 1.

⁷⁸See *ibid.*, Section III, p. 1.

suitable formal structure for the integration of lay members and associates into the Society.

The Acts of the 7th General Chapter held in 1982 formed the basis for the Society's revised constitutions and directory. Included in the new legislation was an extensive treatment of associate membership. A rationale was created, and norms for lay and clerical association were formulated. Associate membership was broadened to include males, females, married, single.⁷⁹ However, when the documents were submitted for approval to the Congregation for the Evangelization of Nations, the Congregation insisted on revisions to the norms on associates. The required revisions were stated generally:

The relationship between members of full right in the Society, and those who are associate members is to be clarified. It will be necessary to make a clear distinction between those two types of members, and to keep in mind that the constitutions regard only members of full right. Consequently, associate members cannot have active and passive voice in the internal affairs of the Society. Moreover, what concerns these associates should be transferred to an apposite "Statute" or "Rule," in which the rights and duties of such persons are clearly laid down, even though they can be further concretized in the contracts which the Society enters into with each of the associate members.⁸⁰

And specifically:

The formulae used in determining the rights and duties of associate members in regard to the internal life of the Society are too vague.

Since such members are not internal members of the Society or members of full right, everything concerning them should be transferred to an apposite "Statute" or "Rule."⁸¹

⁷⁹See SCARBORO FOREIGN MISSION SOCIETY, *Legislation, Scarboro Foreign Mission Society*, Scarborough, Ontario, Scarboro Foreign Mission Society, 1984, p. 26.

⁸⁰SACRA CONGREGATIO PRO GENTIUM EVANGELIZATIONE SEU DE PROPAGANDA FIDE, Response, July 27, 1983, prot. n. 1111/83, in *Legislation, Scarboro Foreign Mission Society*, pp. 103-104.

⁸¹*Ibid.*, p. 105.

And with respect to associate chapter delegates:

This is not admissible. The Chapter can eventually authorize the presence of one of them as an observer.⁸²

In a subsequent communication from the Congregation, one additional change in the phrase "other forms of membership" was requested.⁸³ The Society substituted the more acceptable expression "other forms of missionary life" and, with all the requested revisions made, received definitive approval for the constitutions and the directory in 1984.

The approved norm concerning acceptance of associates is located in chapter 3 entitled "Membership":

Const. 28 Other forms of missionary life in line with the aims, apostolate and works of the Society may be envisaged according to the particular norms of the Society.

Recruitment of lay associates is treated in chapter 4, "Formation and Education":

Dir. 47 Besides recruitment of candidates for the Priesthood in the Society (Const. 24), consideration should be given to candidates for other forms of missionary life in association with the Society (Const. 28).

Their participation at general chapter is treated in chapter 6, "Government":

Dir. 106 Where the numbers warrant, the General Council may provide for other forms of missionary life in association with the Society (Const. 28) and for candidates who are not yet temporary members to be represented by an expert (or experts).⁸⁴

⁸²Ibid., p. 105.

⁸³SACRA CONGREGATIO PRO GENTIUM EVANGELIZATIONE SEU DE PROPAGANDA FIDE, Response, July 30, 1984, prot. n. 3413/84, in *Legislation, Scarborough Foreign Mission Society*, p. 113.

⁸⁴Ibid., nos. 28, 47, 106.

All other norms concerning associates were placed in separate statutes at the end of chapter 3 on membership. The numbering of the norms, 28.1 to 28.13, clearly shows that, while they do not form a part of the constitutions and directory, they supplement constitution no. 28.

In the decade since the approval of its new *Legislation*, the Society has continued to seek ways to "foster participation and integration of its associates in the life and work of the Society as well as in decision-making, as far as possible."⁸⁵ The 1992 General Chapter, still unable to reach consensus on a model for association, reaffirmed the Society's desire "to be in mission with fidelity in a structured way" and mandated the new Council to establish a mixed committee to continue exploring the issue.⁸⁶ In 1993, on the recommendation of the committee, a semi-autonomous organization called the Lay Mission Office was created to oversee and administer the lay missionary program.

c. Program Norms for Individual Associates

(1) Content and Trends

It is essential for institutes and societies to clarify, for themselves and for their associates, the nature of their relationship. When the mutual agreement is signed, both parties must understand the terms and the implications of the commitment. Program guidelines can use a variety of methods, or combination of methods, to describe associate status and the nature of the bond. One such

⁸⁵SCARBORO FOREIGN MISSION SOCIETY, *Acts of the VII General Chapter*, Scarborough, Ontario, Scarboro Foreign Mission Society, 1987, p. 20.

⁸⁶See SCARBORO FOREIGN MISSION SOCIETY, *Acts of the IX General Chapter of the Scarboro Foreign Mission Society*, Scarborough, Ontario, The Scarboro Foreign Mission Society, 1992, pp. 3-4.

possibility is to include it in the institute's or society's rules, as the Missionary Oblate Sisters have done:

The Associates are not members of the institute. Their status is based on a bona fide agreement between them and the Congregation. Although they have neither vows nor any particular kind of legal membership in the institute, they share in its spirituality and collaborate in its apostolic mission.⁸⁷

Another popular method is to include a statement regarding canonical status in the general description of the associate. For example the Handbook of Associate Members of the Sisters of Charity of Montreal reads:

Associates are persons (lay or clerical) in communion with the Church, who commit themselves formally through their own state of life, to share the spirituality and the ministry of the Sisters of Charity of Montreal "Grey Nuns," without however, becoming members of the Congregation.

A third method treats the matter in more detail in a separate section called "associate status" or "canonical status" or another comparable title. The Sisters of Charity of Montreal elaborate on their initial statement on the status of associates under the heading "Statute." Essentially, the article states that the parties have no legal or financial obligations toward each other. Associates are not agents of the congregation, and no compensation will be paid to associates or their dependents for any reasons. When an associate lives in community, separate financial arrangements are required.⁸⁸ The Sisters of Sion, on the other hand, have summed up the situation in one short sentence: "The status of Associate precludes financial, legal and canonical bonds."

⁸⁷MISSIONARY OBLATES OF THE SACRED HEART AND OF MARY IMMACULATE, *Constitutions and Modalities*, Modality no. 19, p. 18.

⁸⁸The article is reproduced in its entirety in Appendix D.

A fourth method is to include a clause concerning associate status in the mutual agreement that is signed by the parties at the time of commitment. For example, the Agreement of Commitment with the Sisters of Providence of St. Vincent de Paul states:

I understand that the Church Law governing Religious does not apply to me and that this Agreement does not include any legal or financial obligations on either side.

(2) Commentary

Evidently, institutes and societies understand, at least in theory, that there is a distinction between fully incorporated members and associates. Moreover, they are endeavouring to convey this understanding to all parties. Most program guidelines include a statement that attempts to say that the associate is not an incorporated member and therefore does not have the same rights as members.

Guidelines also describe positively the relationship between the institute/society and its associates. Associates share the spirit and mission of their sponsor and have the rights and obligations proper to them. What is often missing is a complementary section setting out the rights and obligations. Rights and obligations concretize what it means to be an associate; therefore, they must be articulated. Without such articulation there is a danger that associates and sponsoring organizations will operate out of assumptions which may not be the same for both parties. This, in turn, may lead to misunderstandings about the relationship. Moreover, obligations inevitably translate into criteria for evaluation when it comes time for renewal of commitment. Injustice is done to associates who do not know what is expected of them or the basis for their evaluation.

2. Sharing in Mission or Sharing in Spirit

The title of this section is not intended to suggest that the categories are mutually exclusive, for this is clearly not the case. Canon 303 describes associates as those who "lead an apostolic life" *and* "who share the spirit of some religious institute." Both elements are constitutive of associateship. Moreover, they are inseparable. Associates who participate in the mission of an institute are expected to do so according to the mind of the institute, that is, in a manner consonant with its spirit. Similarly, it is intended that associates who immerse themselves in the spirit of an institute will appropriate its apostolic values and bring them to bear on daily activities. It is more a question of program focus and primary objective. This section will examine the two approaches to associate relationship; sharing in mission and sharing in spirit. Each section will present a general description of programs with a particular emphasis, give examples from existing programs, and conclude with observations and comments.

a. Associates Who Share in the Mission

Associate programs that emphasize sharing in mission are characterized by full participation of associates in the apostolic works of the institute or society. This participation is seen to be integral, and not incidental, to the programs.

Only a few institutes and societies conduct programs designed to give lay people the opportunity to work full-time in the apostolate of the sponsoring organization alongside incorporated members.⁸⁹ Most of these programs are for

⁸⁹Of the thirty-nine institutes/societies responding, seven offer programs in which full-time apostolic service is an essential component. These are: Missionaries of Africa, Scarborough Foreign Missions, Missionaries of the Immaculate Conception, Spiritans, Faithful Companions of Jesus,

lay missionaries who are sent to developing countries, while only two programs incorporate direct apostolic service in Canada. Participants in these programs generally live in community with incorporated members while devoting themselves to the apostolate of the institute or society. Structured formation programs vary greatly in length ranging from a three year intensive live-in experience to several weeks, or to several weekends. For lay missionaries the focus of initial formation is on the preparation of candidates for service. The spirit of the institute or society is picked up by osmosis, as members and associates live and work together.

Undoubtedly sharing in mission offers associates a relatively complete integration into the life of the institute or society, at least at the local level. This has serious implications for screening of candidates and for their preparation for common life and work assignments. In particular the orientation period should provide occasions to clarify expectations regarding goals, lifestyle, prayer and worship, rights and obligations and levels of participation in the life of the community.⁹⁰ To avoid future misunderstandings these expectations should be

Jesuits, Christian Brothers. Not all sponsoring institutes consider their lay missionaries to be "associates." In fact, only the societies of apostolic life use the term "associates" for the lay missionaries attached to them. Three religious institutes indicated, in passing, that they conducted lay missionary programs but chose to provide little additional information about them. One institute stated that it had decided to develop a lay missionary program *instead* of implementing a formal associate program. The two other institutes had associate programs *in addition* to their lay missionary programs. This distinction between the two types of programs leads to the conclusion that, at least for the institutes involved, lay missionaries or volunteers for mission are not necessarily equated with "associates." The reasons why the institutes make the distinction are not obvious but evidently they understand associate relationship to be something different. Possibly they restrict the definition of associates to the second category - those who share in the spirit of the institute.

⁹⁰There are two excellent articles that address the issues of clarifying expectations and adapting common life to accommodate lay associates while protecting the lifestyles of the members: See L. BLAIR, "Enlarging the Family: Jesuit-Lay Relations," in *The Way Supplement*, 65(1989), pp. 131-143; O'CONNOR, "Lay Associate Programs," especially pp. 122-126."

documented and either incorporated into or appended to the agreement signed by the parties at the time of engagement.

Commitment to service is for a determined length of time, usually short-term but renewable. Sponsoring organizations that make a substantial investment in the training of lay missionaries typically ask for a longer commitment of three years, also renewable. The essential terms of the agreement between the parties are set out in a contract which is signed at the time of commitment. These terms may be elaborated upon and supplemented by other policy statements or statutes. Usually the sponsoring organization provides all the financing for training, transportation, room and board, insurance, and pocket money; but some programs require the associate to share the cost. Participants are known by a variety of names such as co-workers, co-operators, lay missionaries, volunteers, companions, associates.

Though it is not unique to them, the emphasis on sharing in mission is most developed in societies of apostolic life, due likely to the fact that societies base their identity upon their apostolic purpose.⁹¹ This connection between the apostolic nature of the sponsoring societies and their desire to include lay people in mission becomes clear upon examination of the proper law and associate program guidelines of the Scarborough Mission Society.

⁹¹See c. 731 §1; For further discussion on the nature of societies of apostolic life see the following: S. HOLLAND, "Societies of Apostolic Life," in *American Commentary*, p. 535; SYNOD OF BISHOPS, COUNCIL OF THE GENERAL SECRETARIAT, *Instrumentum laboris* for the Ninth Ordinary General Assembly of the Synod of Bishops, "The Consecrated Life and its Role in the Church and in the World, in *Origins*, 24(1994), no. 36; F. MASCARENHAS, *The Identity of Societies of Apostolic Life: An Analysis of c. 731*, Romae, Pontificia Universitas Urbaniana, 1990, especially pp. 25-26; "... the Church being missionary by her nature, the SAL also try to live in a very close manner this essence of the Church. Thus this very important element of the Church becomes the reason of being of the SAL."

Members of the Scarborough Foreign Mission Society "dedicate their lives to the mission of the Church."⁹² The purpose of the Society is twofold: "to respond to Christ's command to be His witnesses," and "to prepare others to share in that response."⁹³ It is not surprising, therefore, to find that the Society recruits⁹⁴ and welcomes "other forms of missionary life."⁹⁵ Only those who feel called to mission, and whose call comes from their faith-commitment are accepted into the program.⁹⁶ Candidates follow a four-month formation program in Canada. At the end of the period they enter into a two and a half year contract with the Society. The contract determines the rights and obligations of the parties in matters such as the authority of the Society and its rules, financial arrangements, pension and benefits, marriage considerations, authorized leaves and termination.⁹⁷ At this stage they are called lay missionaries and are sent on mission to continue their formation and take up their duties. The contract may be renewed for periods of three years.

An example of a program that enables participants to engage full-time in direct apostolate in Canada is Jesuit Volunteers - Canada⁹⁸ established by the Upper Canada Province in 1980. Its focus is on apostolic service in community

⁹²See SCARBORO FOREIGN MISSION SOCIETY, Constitutions, no. 3.

⁹³See *ibid.*, Constitutions, no. 5.

⁹⁴See *ibid.*, Directory, no. 47.

⁹⁵See *ibid.*, Constitutions, no. 28. The phrase "other forms of missionary life" refers to associate members.

⁹⁶*Acts of the First Chapter of Affairs of the Scarborough Foreign Mission Society, Recruitment/Formation, Statutes, 1 and 2, p. 5.*

⁹⁷See SCARBORO FOREIGN MISSION SOCIETY, Statutes for Lay Associates, no. 28.5

⁹⁸(= JVC). Formerly the Jesuit Companion Programme. The name was changed in December 1993.

for the Church in Canada. JVC is open to "men and women who seek to live and work and pray as Christians." Candidates are given an initial three week orientation session on the components of the program; community, ministry, and spirituality. The commitment is for one year, renewable, during which time the volunteer lives and/or works with Jesuits, and receives on-going formation in Ignatian spirituality. The program covers all expenses including pocket money and medical needs.

Sharing in mission requires a significant commitment of time, energy, and money by both the associate and the sponsoring organization. It is available, therefore, only to those organizations and lay people who desire and are in a position to make such a commitment. On the other hand, the commitment is intended to be for a limited number of years after which the formal associate relationship ends. This is a drawback for those lay people who feel called to be missionaries and who seek to make a long term, perhaps lifetime commitment to mission. Not surprisingly, only a few institutes and societies conduct programs with this emphasis, and the number of participants at any given time is relatively small.⁹⁹

b. Associates Who Share in the Spirit

Associate programs that emphasize sharing in the spirit are conducted by religious institutes. Common to all these programs is the focus on lay people putting on the mind and heart of the institute, adopting "its manner of seeing

⁹⁹Since Scarboro began its program in 1975 there have been a total of forty-three lay missionaries who have served in eleven countries. In April 1992 the total number of lay missionaries was fifteen (see D. GILLIS, "Scarboro's Lay Missioners," in *Scarboro Missions*, 73[April 1992], p. 8). In the Fall of 1994 the number of lay missioners had dropped to seven but there were six in formation, ten other applicants, and over 300 requests for information (see LAY MISSION OFFICE, "Signs of Hope," in *Scarboro Missions*, 75[October 1994], p. 20).

and acting,"¹⁰⁰ while maintaining their respective life situations. Initial and continuing formation activities are directed towards deepening the baptismal commitment of associates, introducing them to the history and traditions of the institute, educating them to the charism, spirituality, and mission of the institute, helping them appropriate and integrate in their daily lives the values inherent in the charism, spirituality and mission, and fostering the bond between associates and the religious congregation. After completing the formation program, associates make a commitment, usually for a fixed period that is renewable. In essence, the commitment is a promise to order one's life according to the spirit and mission of the institute. Institutes also make a commitment to share their life and mission in a special manner with their associates.

The emphasis on sharing in the spirit comes across clearly in program guidelines. The purpose of the associate program of the Grey Sisters of the Immaculate Conception "is to provide, for those who so desire, an opportunity to share in the spirituality and mission of the Grey Sisters." Its primary focus "is to deepen the faith life of the members through a sharing of the spirituality of the Grey Sisters." This is accomplished through evenings of prayer, retreats, and workshops and through a study of the life of Saint Marguerite d'Youville. Once a month associates are encouraged to meet with the sisters of a local community "to deepen a life of prayer and the bonds of friendship." The Institute reports that over one hundred men and women, Catholic and non-Catholic, "have chosen to answer their Baptismal Call and Vocation, to carry

¹⁰⁰SYNOD OF BISHOPS, COUNCIL OF THE GENERAL SECRETARIAT, *Instrumentum laboris* for the Ninth Ordinary General Assembly of the Synod of Bishops, "The Consecrated Life and its Role in the Church and in the World," in *Origins*, 22(1992), no. 98.

the charism of Saint Marguerite and the Grey Sisters into their marketplace, in the daily living out of their Gospel values."

A second example that clearly shows the spiritual emphasis of the program is from the Religious Hospitallers of Saint Joseph. The overall goal of the program is "to provide other adults with the possibility of sharing in the spirituality, charism, and mission of the Congregation." Its specific objectives are:

1. To offer the associate member the possibility of deepening his/her baptismal commitment according to the spirit of the freedom of the children of God.
2. To help the person to live the spirituality and the charism of the Congregation in a spirit of faith.
3. To invite the associates to share in the mission of the Religious Hospitallers of Saint Joseph, in the Church.

Topics covered in the formation sessions include: "our life as baptized persons, our history, our spirituality, charism and mission."

Virtually every program examined is conducted by an "apostolic" institute for whom apostolic action is part of identity;¹⁰¹ therefore, active sharing in mission is not overlooked. However, it is realized indirectly, more as a consequence of sharing in spirit. The general expectation is that associates, having understood and appropriated the charism and mission, will incorporate the apostolic spirit of the institute into their daily activities and local Church involvements. While some may collaborate directly in the institute's apostolic works, either as volunteers or as paid employees, this is incidental to their status as associates. Examples from program guidelines of the same institutes

¹⁰¹See c. 675 §1: "In institutes dedicated to the works of the apostolate, apostolic action pertains to their very nature. Hence, the whole life of members is to be imbued with an apostolic spirit, indeed, the whole apostolic action is to be informed by a religious spirit."

illustrate the invitation extended to associates to participate in mission primarily by being leaven in their respective milieux:

The call to serve the needy of our world is a multi-faceted one for the Grey Sisters and for the Associates. The contribution of service which the Associate makes is to bring a more Christ-centered dimension to daily activities.

The Associate is encouraged to take part in projects mutually agreed upon by the Associates and/or sisters. These projects may already be in existence or may be new ones proposed by the sisters or Associates.

And:

1. The associate shares in the mission of the R.H.S.J. by living the values of the charism in his/her own milieu, in accordance with the commitment they have made.
2. The associate may volunteer his/her services in the works of the Congregation, or in other similar works.

Similarly, there is an inherent communitarian dimension to participating in the spirit of an institute. Integral to every program are the regular opportunities for religious and associates to gather to share faith, prayer, values, goals, friendship, and hospitality. The communitarian aspect is prominent in one program goal which states "This Association is a community experience of Marthas and Associates..." Most often community is lived out and fostered by direct contact at meetings, celebrations, retreats, workshops, and by written communications. However, some programs extend the communitarian component to include the possibility of associates living in a house of the institute.¹⁰² Even for these institutes, sharing common life is not

¹⁰²Program guidelines from the following institutes expressly provide for live-in situations: Grey Sisters of the Immaculate Conception, Missionary Oblates of the Sacred Heart and of Mary Immaculate, Oblates of Mary Immaculate (Manitoba Province), Sisters of Providence of St. Vincent de Paul, Sisters of St. Benedict (Winnipeg), Sisters of Charity of Montreal.

the essence of associatèship but one of the forms it may take in favorable circumstances.¹⁰³

Institutes have recognized that even within the same program there can be a variety of ways of participating in the spirit depending upon the particular needs or situation of individual associates. Consequently, some programs explicitly provide for different expressions of the associate relationship. For example, associates of the Sisters of Providence of St. Vincent de Paul can make commitment in one of four ways:

Prayer Support with and for the Congregation and the Providence Associates with a living out of the charism in one's own particular lifestyle.

Prayer Support with and for the Congregation and the Providence Associates with a living out of the charism in one's own particular lifestyle, and *attendance at monthly meeting*.

Prayer Support with and for the Congregation and the Providence Associates with a living out of the charism in one's own particular lifestyle, attendance at monthly meetings, and *involvement in direct ministry with the Sisters of Providence as a collaborator in mission*.

Prayer Support with and for the Congregation and the Providence Associates with a living out of the charism in one's own particular lifestyle, attendance at monthly meetings, and *living in community with the Sisters of Providence*.

Similarly, there are two levels of associate membership with the Sisters of St. Joseph of Pembroke; "Those who are actively involved in the extension of the Congregation's mission," and "Those whose activity is prayer support." The Congrègation de Notre Dame has the most flexible approach, allowing each

¹⁰³One exception to this generalization is the associate program conducted by the Sisters of St. Benedict in Winnipeg. "Lay associates live in community at the monastery, in a mission house, or near enough to a community of Benedictine sisters to allow consistent participation in meals, prayer and Eucharist with members of the core community. Either living with or being in close proximity is the aspect that makes this form of membership different from the Benedictine Oblates who also are affiliated with the Benedictine community but continue in their own state of life" (Sisters of St. Benedict).

associate to determine his/her response in an individually prepared program that considers prayer life, sacramental and ecclesial life and apostolic life. Though other programs do not expressly provide for different forms of associating, there is evidence that at the level of practice accommodations are made in individual cases. Willingness on the part of religious institutes to adapt by allowing degrees of integration and involvement makes programs that emphasize sharing in spirit accessible to a broad spectrum of laity attracted to the institutes.

Typically associates commit themselves for one year at a time. Commitment can be renewed indefinitely so long as it is agreed upon by both parties. Therefore, unlike programs that emphasize sharing in mission, those that focus on sharing in the spirit can lead to long term integration of individual associates into the life of the institute. No doubt the accessibility and flexibility of programs with this focus contribute to their appeal with the result that they are the most popular with both the religious institutes¹⁰⁴ and laity.¹⁰⁵ The existence and popularity of these programs are confirmation indeed, that charisms are gifts to the Church and that they have the power to animate the lives not only of the religious who claim them, but also the lives of other members of the Christian faithful.

¹⁰⁴Thirty-five of the thirty-nine programs researched can be placed in this category.

¹⁰⁵The Congrégation de Notre Dame, for example, reports having 529 associates in Canada in 1993.

C. Participation in the Life of the Institute/Society

One of the distinguishing features of the contemporary associate movement is that individual associates are in relationship not only with the particular charism to which they are attracted but also with the institute or society whose spirit and mission they share. Programs tend to place a high value on direct contact between associates and members. One way in which direct contact is achieved is by having incorporated members act as program directors, official contacts/sponsors, and resource people and by having other members regularly attend gatherings of associates. Beyond this, however, associates are being invited to share the life of the members by participating in the inner workings of the community at the various levels. Therefore, a pressing question for sponsoring organizations is, "What degree of participation can associates have in the internal life of the community?" This is frequently the flashpoint for any dissension that arises among members concerning their associate programs. The purpose of this section is twofold: first, to identify existing canonical limitations to participation and second, to examine the ways in which individual associates can participate in the life of an institute/society at the various levels.

1. Limitations to Participation

It has been previously established that legal membership in a religious institute begins with profession and in a society of apostolic life with commitment through an oath or other bond. In either case the individual freely assumes obligations and in return is granted certain rights, known as "vested"

or "acquired" rights.¹⁰⁶ The rights and obligations specific to religious have been the subject of commentaries and articles by noted canonists, and there is no intention here to restate their content.¹⁰⁷ Instead the discussion will be limited to those rights for which extension to non-member associates has been questioned or proposed in recent literature¹⁰⁸ or in program documentation.

One activity of an institute/society not open to participation by non-members is governance.¹⁰⁹ Religious institutes and societies of apostolic life are collegial¹¹⁰ juridic persons,¹¹¹ which is to say they are the Church's equivalent of "corporations" in which the members have the right to participate in decisions that determine their functioning. The specific way in which members participate in governance is determined by universal law¹¹² and the proper law of each institute/society. Activities that involve acts of governance are reserved

¹⁰⁶"Vested" or "acquired" rights are obtained by someone fulfilling the requirements determined in law for their possession. Possession is retained as long as the requirements continue to be met. Profession is the legal requirement for possessing the rights specific to religious (c. 654) and to members of societies (c. 737).

¹⁰⁷See for example J. BEYER, *Le droit de la vie consacrée*, vol. 2, Paris, Tardy, 1988, pp. 131-157; S. EUART, "Religious Institutes and the Juridical Relationship of the Members to the Institute," in *The Jurist*, 51(1991), pp. 103-118; E. McDONOUGH, "Participation in Governance," in *Review for Religious*, 50(1991), pp. 775-780; id., "The Protection of Rights in Religious Institutes," in *The Jurist*, 46(1986), pp. 164-204; O'CONNOR, "The Rights of Religious: What Does a Religious Institute Owe Its Members?" pp. 48-59; id., "Obligations and Rights," in *A Handbook on Canons 573-746*, J. HITE, S. HOLLAND, D. WARD, eds., Collegeville, Minn., The Liturgical Press, 1985, pp.169-196.

¹⁰⁷Cf. especially GOTTEMOELLER, "Looking at Associate Membership Today."

¹⁰⁶See McDONOUGH, "Participation in Governance," pp. 775-780.

¹¹⁰See c. 115 §§1, 2.

¹¹¹See cc. 634, 741 §1.

¹¹²See for example cc. 119, 127, 625 §3, 627, 631-633.

exclusively to members and are to be conducted according to previously established and approved procedures.¹¹³ To do otherwise is contrary to the law:

In relation to religious institutes, all of this simply means that the juridic right of participation in governance — the right to decide how the institute will function within specified legal boundaries — belongs to those who are technically members of the religious institute as such. It is an acquired or vested right of institute members alone, and membership in a religious institute, with possession of the rights and obligations thereof, is limited to those who have validly made profession in the institute according to the norms of the Code and the particular institute's constitutions (c. 654)... It should be clear, then, that the extension of the rights of members — such as their acquired juridic right of participation in governance — to those who are not per se members of a religious institute is illegal.¹¹⁴

To understand the concrete implications of restricting participation in governance to members, it is necessary to examine the universal law for the governance of institutes as found in canons 617-640. These canons present the general norms related to the various components of government common to all religious institutes. Included in this section are norms for superiors, councillors, chapters, and treasurers — all of which are considered part of the government of an institute and its functioning.¹¹⁵ Superiors of institutes at all levels possess ordinary, proper power of governance over members as defined in universal and proper law.¹¹⁶ Proper law may provide for someone to assist the superior, or to replace the superior when he/she is unable to perform duties of office. The designated person also exercises ordinary power of governance over members

¹¹³The fundamental norms concerning governance are to be included in constitutions which require approval of competent ecclesiastical authority and can be changed only with the consent of the same authority (see c. 587 §1, 2).

¹¹⁴McDONOUGH, "Participation in Governance," p. 776.

¹¹⁵Canons 617-633 concerning superiors, councillors and chapters apply equally to societies of apostolic life (see c. 734) as does c. 636 which deals with the designation of treasurers (see c. 741).

¹¹⁶See c. 596 §1, 3 and c. 131 §1, 2.

but in the name of the superior, which is to say vicariously.¹¹⁷ All superiors are to have a council whose advice or consent must be sought as determined by law.¹¹⁸ As a deliberative body, the council has considerable power in that it can "veto" a proposed act of the superior. Chapters are collegial bodies that also enjoy power of governance as defined in universal law and constitutions.¹¹⁹ While in session the general chapter is the supreme authority in the institute.¹²⁰ Councils and chapters are vehicles for the participation of members in the affairs of the institute/society.¹²¹ Administration of the temporal goods of an institute, which are ecclesiastical goods,¹²² is also an aspect of governance. The persons charged with this task are the treasurers.¹²³

These offices and structures pertain directly to the canonical system of governance of an institute/society. To varying degrees each has the authority

¹¹⁷See c. 131 §2 and c. 620.

¹¹⁸See c. 627.

¹¹⁹See c. 596 §1.

¹²⁰See c. 631. In a private response to one institute the Congregation for Religious explained the nature of the general chapter: "The chapter is empowered by the Church through the approval of the constitutions to exercise authority in an extraordinary manner; therefore, it has the right and duty, among other things, to make 'laws' and to give binding norms. This deliberative faculty distinguishes the chapter from any other type of assembly, general meeting, or the like" (Rescript, S.C. Rel. et S.I., 8 November, 1980, Prot N. 31844/80 in *Canon Law Digest*, vol. 10, p. 104).

¹²¹Participation of members in organs of government has been one of the guiding principles of renewal in religious institutes. *Perfectae caritatis*, no. 14 articulated the basic principle that councils and chapters should express, "each one at its own level the involvement and concern of all the *members* of the community for the good of the whole." *Ecclesiae sanctae* II, no. 18 explained further that "this will be the case, especially, if the *members* have a real and effective part in the choice of chapter and council officials" (emphasis is mine). The principle has found its way into universal law in c. 633 §1.

¹²²See c. 1257 §1.

¹²³See c. 636.

"to direct and control"¹²⁴ the activity of members and the institute. Therefore, associates, in virtue of the fact that they are not legal members, are ineligible to hold any of these offices. They cannot be superior, vicar, councillor, capitular,¹²⁵ or treasurer.¹²⁶ The level of governance¹²⁷ is immaterial as is the

¹²⁴To govern, according to Black's Law Dictionary, is "to direct or control the actions or conduct of..." ("Govern" in *Black's Law Dictionary*, p. 625).

¹²⁵In its replies to one religious institute *SCRIS* clarified the authority of General Chapters and their composition: 1. "[...]delegates make up the normal compositions of chapters in Institutes of active life;" 2. "The Chapter is empowered by the Church through the approval of the constitutions to exercise authority in an extraordinary manner; therefore, it has the right and duty, among other things, to make 'laws' and to give binding norms. This deliberative faculty distinguishes the chapter from any other type of assembly, general meeting, or the like;" 3. Those only may participate as active members in the General Chapter who are designated as such by the constitutions which have been approved by the Holy See. However, the Chapter may vote to open some sessions to observers from the community-at-large. It may even vote to permit such observers voice in certain questions, but not vote in the Chapter" (SACRED CONGREGATION FOR RELIGIOUS AND SECULAR INSTITUTES, *Rescripts*, 26 March, 1980, 8 November, 1980, in *Canon Law Digest*, vol. 10, pp. 102-105). Only reluctantly, and with conditions, has *SCRIS* permitted passive voice in the election of capitulars to temporarily professed (see SACRED CONGREGATION FOR RELIGIOUS AND SECULAR INSTITUTES, "May the Temporarily Professed Be Granted Active and Passive Voice in the Election of Delegates to the General Chapter and May They Be Appointed Local Superiors?" in *Informationes SCRIS*, 1(1976), pp. 71-73). On the same topic see also *Canon Law Digest*, vol. 7, p. 526-527; vol. 8, pp. 335-339, 341, 367-369.

¹²⁶Although it is a question being raised by religious institutes experiencing a shortage of qualified personnel, most commentaries on c. 636 do not address the issue of whether a non-member can hold the office of treasurer. Two canonists who have pronounced themselves are of the opinion that the office is reserved to members. See J. KHOURY, *Vie consacrée: Essai de commentaire des canons 573-709*, Rome, n.p., 1984, p. 166; D. O'CONNOR, "Canons 607; 623; 625; 654: Associate Members Holding Office," in *Roman Replies and CLSA Advisory Opinions 1993*, K. W. VANN and J.I. DONLON, eds., Washington, The Canon Law Society of America, 1993, p. 51.

¹²⁷The superior of a small local community may not have a formally constituted council. Instead all the members perform this function, holding "house" meetings to make decisions together. If this local council is a deliberative and consultative body according to proper law then live-in associates may not participate in those kind of decisions. Similarly some institutes, such as those in the monastic tradition, have a local chapter which has considerable authority. When the community members are convened as capitulars then live-in associates cannot participate. Depending on the norm of proper law associates may be present as "observers" on these occasions and may even be permitted to participate in preliminary discussions.

particular title given to the position¹²⁸ and the method of designation.¹²⁹ Therefore, when designation is by election, associates are not eligible to be elected, which is to say they lack passive voice.

Universal law requires the supreme moderator to be designated by canonical election.¹³⁰ Proper law may provide for the election of other superiors¹³¹ and other office holders.¹³² Proper law usually provides for members to be involved, by consultation or by voting, in the selection of those who will assume office. Direct involvement in the selection process is a means of participating in governance. Associates, therefore, are ineligible for this type of participation. In other words, they lack active voice and cannot vote in canonical elections. The participation of ineligible voters in canonical elections is not only contrary to law, it renders the elections invalid.¹³³ In the case where the procedure for canonical designation is appointment preceded by consultation, it is only the legal members who have a right to be heard.

Religious institutes and societies of apostolic life also govern themselves through proper use of their temporal goods.¹³⁴ Therefore, the right to participate

¹²⁸Superiors may be given other titles such as president, coordinator, director. Councillors may be called "leadership team." Treasurers may also be known as bursars, economes, finance officers.

¹²⁹For example election, appointment, discernment.

¹³⁰ See c. 625 §1.

¹³¹ See c. 625 §3.

¹³²See for example c. 631 §2 (general chapter delegates), c. 632 (other chapters and similar gatherings), c. 636 (treasurers).

¹³³See c. 169.

¹³⁴See M.M. MODDE, "Religious Houses and Governance," in *A Handbook on Canons 573-746*, J. HITE, S. HOLLAND, D. WARD, eds., Collegeville, Minn., The Liturgical Press, 1985, p. 73.

in financial decision-making is also reserved to members. This is entirely appropriate since associates do not have the same financial investment in the institute/society or the long-term financial responsibilities for its maintenance as do members. This does not preclude associates' being asked to assume advisory positions.

The proper law of institutes and societies may provide for the existence of other offices and organs for participation. If these touch on any aspect of governance of members or the institute, participation must be restricted to those who legally belong to the institute or society. For example, universal law states that the director of novices is responsible for "the governance of novices,"¹³⁵ consequently he/she "is to be a member of the institute."¹³⁶ When necessary, the director may be given assistants, but these, too, must be "members who have been carefully prepared."¹³⁷ The Code does not extend these norms to societies of apostolic life but requires each society's proper law to provide for the formation of new members. However, if the director of formation is essentially the direct superior of candidates with the responsibility of governing at the local level along with assistants, then the same principle applies.

Besides the right of governance, religious and members of societies possess other vested rights. Among those for religious are: the right to the following of Christ as proposed in the gospel and constitutions; the right to the sources and practices that nourish the spiritual life; the right to live the common

¹³⁵C. 650 §2.

¹³⁶C. 651 §1.

¹³⁷See c. 651 §3.

life; the right to avoid anything harmful to one's vocation and consecrated chastity; the right to privacy; the right to wear the habit of the institute; the right to receive from the institute all that is necessary to fulfill one's vocation; the right to remain a member unless lawfully separated.¹³⁸ Though acquisition of these rights is not inherent to associateship, a degree of sharing in them can be arranged by mutual agreement of the parties. Institutes and societies that wish to extend some of these benefits to non-member associates should proceed with caution and in a way that does not infringe upon the vested rights of members. This point will be taken up again in the following sections that explore aspects of the internal life of the community in which associates can participate.

2. Participation at the Local Level

Religious life is lived at the local level, "in a particular house, with specific women or men members."¹³⁹ While not unimportant, juridic matters are not usually front and center at this level. Therefore, the degree to which an associate participates in the inner life of the community at the local level is determined not so much by canonical considerations, but by program organization.

The norm is for associates to live at home and to continue their secular occupations. One type of program regularly gathers associates, usually once a month, for on-going formation and education, prayer and faith-sharing, and socializing. These associates are not formally attached to a local community;

¹³⁸See cc. 662-667, 669, 670, 684-704.

¹³⁹D.F. O'CONNOR, "Why Does the Church Treat Religious the Way It Does," in D.F. O'CONNOR, *Witness and Service: Questions About Religious Life Today*, New York, Paulist Press, 1990, p. 7.

therefore, their participation in the life of members at the local level is minimal. It may consist solely in being invited by their sponsors or personal friends to join a local group on a particular occasion to share a meal, prayer, community celebration, or some similar activity. Undoubtedly this contact helps to build and foster bonds between the associate and members, but it is not the focus of the relationship.

Another form of program organization requires associates to have contact with or become attached to a local community. It is at this level that the associate relationship is experienced and fostered. In this situation, the local welcoming community is the primary or sole direct link between associates and the institute. Contact with the broader community, on the provincial and/or general level, is infrequent or possibly non-existent.

Regardless of the program format, there are numerous activities of a local religious community in which associates can participate. These include:

Activities that foster spiritual and personal growth: prayer, faith sharing, celebration of the sacraments such as reconciliation and Eucharist, retreats, sharing quiet time and space, sharing resources such as books and tapes, fasting and almsgiving.

Activities that foster community: meals in common, community feasts and celebrations, celebrations for birthdays, anniversaries, holidays, opportunities for sharing values, hopes, struggles, social events.

Activities that promote the mission: sharing resource materials, developing a "house" outreach project, enlisting associates in an existing

project, study sessions on Church and congregational documents, study sessions on current social and justice issues.

Program guidelines tend to treat the matter of participation at the local level in general terms using broad statements to express the desire to share life with associates. A case in point is the program of the Grey Sisters of the Immaculate Conception which states:

The Associate is expected to meet with the sisters of the local community to which she/he is attached at least once a month to avail herself/himself of the opportunity to deepen a life of prayer and the bonds of friendship with the sisters and other Associates.

Beyond this general statement of principle the guidelines offer no list of suggested or "approved" activities for associates to participate in at the local level. Instead, a second principle is established: the program is intended to be flexible to meet the "differing needs of the persons involved." Implementation is left to the ingenuity of the participants at the local level. The sole recommendation is that each year the local community and the associates evaluate their shared experience. This system works if the local community is committed and willing to assume its responsibility. When this does not happen and there are no other mechanisms in place to bring about participation, the associate relationship is left in suspension.

Associates who live in a house of the institute/society are in a different situation because they "do become 'members,' to a certain extent."¹⁴⁰ Besides participating in the activities listed above, a live-in associate will have legitimate expectations of being involved in decisions that make life in common harmonious but which do not touch on juridic matters. It is entirely appropriate

¹⁴⁰O'CONNOR, "Lay Associate Programs," p. 126.

for associates to participate in decisions concerning the organization of life together; meals, celebrations, prayer/worship, leisure, community meetings, hospitality, outreach projects. They can be called upon to take their turn exercising leadership in these activities, such as preparing and leading prayer or chairing community meetings. Likewise, there is no reason why they cannot be involved in decisions regarding the organization and use of physical space and equipment, and the general operation and maintenance of the household. Associates should also be expected to do their share of the mundane tasks associated with common life — cooking, grocery shopping, cleaning, etc.

It is impossible to list all of the aspects of local community life open to participation by an associate who shares community. However, it is desirable that some matters be anticipated and clarified before they become contentious issues and a source of resentment on both sides. For example, will the associate be invited or expected to attend any or all local community meetings and with what degree of participation? What is the authority of the local superior? Most issues, however, are related to finances. The religious members of the local community are obliged to remit all their earnings to the institute and in return receive the resources necessary to fulfill their vocation.¹⁴¹ It is essential to establish, as part of the mutual agreement, the level of contribution the associate is expected to make to the common fund and the benefits to which this entitles the associate to receive in return. Financial benefits may include pocket money, use of a community car, travel expenses, clothing allowance, access to the summer cottage, an annual vacation, an annual

¹⁴¹The proper law of societies of apostolic life determines these matters. Individual members may be capable of acquiring and administering their own property but what is acquired for the society belongs to the society (see c. 741 §2).

retreat, a sabbatical after several years of service, sessions for on-going professional and/or spiritual formation, medical care, dental care, and pension. These are the concrete matters that determine the degree to which an associate is, in a practical sense, a "member" of the local community.

Admitting a non-member into a local community to share the life of members as fully as possible will inevitably change the dynamics of the group. First and foremost, therefore, if it is to have a chance of succeeding, sharing common life should be attempted only with the unanimous consent of the members who will live it. Second, integration of associates must be planned with those who will be involved — members and associates. Third, the terms of the agreement should be committed to writing. Fourth, integration of associates must be realised with sensitivity to the rights of members and with care to preserving the values inherent in the common life of apostolic religious. On this latter point David O'Connor's article is particularly insightful. In it he states that the purpose of life in common is to foster the vocation of members by assisting them to fulfill the obligations they assumed at profession. Members have a right to live a fraternal life in common¹⁴² without "unnecessary and unjustifiable threats to it..."¹⁴³ More specifically, O'Connor explains that community life together helps protect the celibate lifestyle of members.¹⁴⁴ He reasons that because members have the obligation to live a lifestyle consonant with a celibate commitment then "there is a corresponding right on their part to have

¹⁴²See cc. 602, 665, 731 §, 732.

¹⁴³O'CONNOR, "Lay Associate Programs," p. 123.

¹⁴⁴See *ibid.*, p. 122.

an appropriate form of common life available to them..."¹⁴⁵ Adjustments made to accommodate associates must not jeopardize the lifestyle appropriate to a celibate commitment.

3. Participation at the Provincial and General Levels

At the provincial and general levels, one is more likely to encounter activities that touch on the juridical aspects of religious life, namely, structures and governance. Nonetheless, there are many other aspects of the life of an institute in which associates can participate. Practically all of those listed above as fostering spiritual and personal growth, community life and mission at the local level can be transposed to the provincial and/or general levels. Hence, associates can freely participate in the community's sacred activities and sacred times, social gatherings and celebrations, and apostolic activities.

Associate programs may provide opportunities for associates to join in organizational kinds of activities such as committee work. The most obvious committee to include associates is the associate committee itself. It seems that, at minimum, associates should have some say in the operation of a program designed for them. Institutes usually have other committees that would benefit from associate membership: standing committees such as the justice committee, the communications or newsletter committee, the spiritual life committee, etc.; and ad hoc committees such as those that plan celebrations, conferences, and study sessions.

Grey areas exist nonetheless. In these days of participatory government it is not always clear when an activity is directly related to juridical matters. For

¹⁴⁵Ibid., pp. 123-124.

example, while associates cannot be delegates, it seems that a degree of participation in activities related to chapter can occur. Without hesitation associates can be asked to lend their prayerful support to the selection of delegates and to the work of the capitulars. In a chapter of affairs, depending upon the nature of the topics to be considered, associates may participate in preparatory reflection and study sessions. Furthermore, there is no reason why they cannot be invited to attend chapter sessions as observers and be permitted to speak on some issues. However, the practice of including associates on chapter preparation committees is questionable. A potential danger in all of this is that a degree of participation can raise expectations among associates (and members) for even greater involvement in decision-making. When expectations are not met, individuals can be frustrated or made to feel like second class citizens.

Apart from chapter, which is clearly a juridical structure, institutes hold various other kinds of assemblies in order to conduct business. The question of the participation of associates in these activities is not primarily a legal one. Rather, it is a case of determining whether there are some issues that should be reserved to members only. Some subjects may be considered "family" or confidential matters in which case the participation of others in discussions is inappropriate. Examples are the internal workings and dynamics of community life and financial planning and decision-making. Other issues, such as religious consecration and the vows, do not pertain to associates and therefore are irrelevant to them.

Another grey area is that of inclusion of associates on provincial and congregational mailing lists. Institutes circulate to their members a variety of

written communications each with its own purpose: to keep members informed about community affairs; to deepen understanding of the charism and mission; to foster the community bond among members; to conduct business; to promote theological reflection on issues related to the Church and to religious life, etc. It is common practice to include associates on the mailing list for congregational and provincial newsletters. However, this should not mean that they are *ipso facto* included on all mailing lists. Again determinations need to be made about appropriateness, confidentiality, and relevance of topics.¹⁴⁶

Many program guidelines do not address the issue of participation at provincial and general levels at all. Those that do tend to treat the matter generally. For instance the manual of the Religious Hospitallers of St. Joseph states that "Occasionally the associate may be invited to participate in certain community activities." Also "During the year meetings will be organized in which both sisters and associates would participate (courses, conferences, prayers, social gatherings, etc.)." This kind of general treatment allows the institute to decide, on each separate occasion, whether to include or not its associates.

¹⁴⁶For example, associates of the Ursulines of Prelate receive the Associate Newsletter and "any congregational letters the General Superior decides may be of benefit to him/her, e.g., letter regarding St. Angela."

Conclusion

This chapter examined important canonical issues relating to contemporary programs for individual associates. These issues are: the selection and admission of associates, the relationship between associates and their sponsors, and the participation of associates in the internal life of the institutes and societies. Individual association, which is the norm in contemporary programs, is not regulated by the canons on "Associations of the Christian Faithful." Nonetheless, though not legally bound to do so, institutes and societies can choose to be guided by the canons on associations when formulating program guidelines and policies such as eligibility for associateship, and procedures for reception and departure. For this reason, the examination of specific aspects of contemporary programs was undertaken in the light of the Code of Canon Law as well as current practice. If, in the future, sponsors seek canonical status for an association, the canonical norms will apply directly.

Associates are lay persons who share the spirit and mission of a religious institute or a society of apostolic life in a formal, structured manner. Sponsoring institutes and societies, in varying degrees, are selective when it comes to recruiting and admitting associates. In other words, participation in associate programs is not open, but restricted to those who meet established criteria for eligibility, who complete the orientation period, and who are formally received by the institute/society. Similarly, continued participation in most programs is subject to periodic review and formal renewal.

It is essential for institutes and societies conducting programs to be clear about the canonical relationship between themselves and their associates. Religious institutes and societies of apostolic life are ecclesial institutions

approved by the Church and regulated by both the Code of Canon Law and proper law. The Code contains binding norms concerning eligibility and procedures for membership, formation of members, rights and duties of members, and governance of institutes and societies. Moreover, complementary norms must be included in the proper law of each institute and society. At present, the universal law and the praxis of the Holy See do not admit degrees of membership in religious institute or in societies of apostolic life. Only full membership is recognized. It is the membership issue that is the main factor determining decisions regarding the rights and obligations of associates and their participation in the internal life of the institute or society. Associates may not participate in activities that touch on juridic matters at any level. Their participation in other aspects of the life of the members can be permitted where it is appropriate and respectful of the rights of members.

Though an associate is not an incorporated member of the sponsoring institute or society, he/she is part of a family whose members are united in a common spirit and mission. While both spirit and mission are integral and inseparable aspects of associateship, individual programs tend to emphasize one or the other. Programs which focus on sharing in the spirit include initial and continuing formation in the history, spirit and mission of the institute, and the life of the founder. Associates are expected to appropriate the institute's spirit and values and to incorporate these in their everyday activities. The relationship between individual associates and their sponsor is fostered by personal contact and inclusion of associates in congregational activities such as retreats, spiritual development sessions, workshops, and apostolic activities. Programs which focus primarily on sharing in the mission provide opportunities for lay associates to commit themselves, full-time, to apostolic service alongside incorporated

members. This form of bonding offers associates a relatively complete integration into the life of the local community for a fixed time.

The program focus — sharing in spirit or mission — is the principal determiner of norms regulating selection of associates, their formation, and other practical matters. The practical aspects of individual associate programs will be examined in the next chapter.

CHAPTER FOUR

PRACTICAL ASPECTS OF ASSOCIATE PROGRAMS

The newness of the contemporary associate movement lies in its varied modalities for which there are no real precedents or guidelines. Institutes and societies sponsoring programs have eschewed traditional canonical models. Instead, the new styles of bonding which have emerged predictably call for creative approaches to practical matters. This chapter will explore practical issues involved in conducting associate programs. Its purpose is threefold: to identify some of the principal issues; to illustrate the ways in which institutes and societies with existing associate programs have dealt with these issues; and to offer an assessment of these current practices.

A. Overview of Associate Programs

This first part will present an overview of associate programs by considering three fundamental, practical issues related to them: the procedures and authority to establish programs; the content or substance of programs; and the organization and structuring of programs. For each topic, examples from existing programs will be provided, a general evaluation will be given and suggestions will be made. The associate program of the Sisters of the Holy Names of Jesus and Mary will be cited in each section in order to give the reader a complete picture of one program. Other examples will be given for comparison.

1. Establishment of Programs

Devising an establishment procedure is one of the first practical issues encountered by institutes and societies initiating an associate program. This

section will present a description of the steps taken by two religious institutes to develop their associate programs, followed by some general comments about the process.

a. Examples of Establishment Procedures

(1) Sisters of the Holy Names of Jesus and Mary

The Congregation of the Sisters of the Holy Names of Jesus and Mary is an international religious institute of pontifical right with 2182 members organized in provinces, a vice-province, and a mission sector. The congregation's interest in and experimentation with new forms of membership began in the early 1970s. As a result of several recommendations sent to the 1976 General Chapter by provinces, the delegates mandated the Consultant for Research and Planning to undertake further research and to present the results to the General Executive Board for implementation.¹ The following year the research was presented to the G.E.B. which subsequently accepted a proposal to "initiate on an experimental basis a form of associate membership in the Congregation for provinces that wish to implement." Associate membership was defined as "a formally recognized form of relationship without public vows offered to persons called to share in the spirit and charism of the Congregation." Simultaneously norms and directives for implementation were adopted.² At this time some provinces began organizing and accepting associates.

¹The General Executive Board (=G.E.B.) existed from 1972 until 1981. It was an executive body, composed of major superiors and general level personnel, established to advise the general superior and council and to make policy decisions in determined areas.

²Minutes of the General Executive Board Meeting, July 11, 1977, pp. 32-34, General Archives, Sisters of the Holy Names of Jesus and Mary.

The three-year period of experimentation begun in 1977 was extended in 1980 until the next general chapter.³ In its turn, the 27th General Chapter held in 1981 decided "that this type of membership be continued in our Congregation and be evaluated by the members of the General Chapter of 1986."⁴ In the interim, provincial associate directors met regularly and, with the approval of the general administration, modified the norms and directives to accommodate the needs of a program in evolution. The definition of associate membership, along with the norms and directives, was compiled in a directory. Since the program was still in the experimental stage, nothing concerning associates was included in the revised constitutions and rules which received approval in 1985. The following year, at the 28th General Chapter, the delegates "formally approved Associate Membership as a form of belonging to the SNJM Congregation."⁵

In 1989 the "SNJM Associate Program Guidelines" were drawn up by the province directors and subsequently approved by the general administration. Associate membership is defined as "a formally recognized affiliation, without canonical vows, offered to women and men called to share the spirit, mission and charism of the community." The guidelines provide criteria for membership, terms of agreement, and roles and responsibilities. Provinces are responsible for

³Minutes of the Meeting of the General Council With the Provincial Superiors and the Specialists, November 17-22, 1980, Addenda-Document 4, General Archives, Sisters of the Holy Names of Jesus and Mary.

⁴CONGREGATION OF THE SISTERS OF THE HOLY NAMES OF JESUS AND MARY, *Acts of the 27th General Chapter of the Sisters of the Holy Names of Jesus and Mary*, Longueuil, Quebec, Sisters of the Holy Names of Jesus and Mary, 1982, p. 7.

⁵CONGREGATION OF THE SISTERS OF THE HOLY NAMES OF JESUS AND MARY, *Community of Disciples in Tomorrow's World: Acts of the 28th General Chapter*, Longueuil, Quebec, Sisters of the Holy Names of Jesus and Mary, 1986, p. 15.

developing norms regarding structure of the program, procedure for admission, duration and content of orientation, ongoing formation, commitment and evaluation.⁶ In September, 1994, the congregation reported having 429 associates.

(2) **Congrégation de Notre Dame**

Established in Montreal in 1658, the Congrégation de Notre Dame was the first religious community of women founded in North America. It is an international institute of pontifical right with 2082 members organized in provinces and regions.

The 90th General Chapter held in 1978 mandated the general council to study associate relationship and to initiate a period of experimentation.⁷ The results of the study were presented to the major superiors at their General Conference in June, 1980, at which time the decision was taken to initiate, for a three-year experimentation period, a project of associate relationship.⁸ In the interests of maintaining unity, norms were set out defining associate status, determining mutual rights and obligations and establishing some basic structures and procedures. Associate was defined as "a type of relationship, formally established, which offers single and married women the possibility of

⁶CONGREGATION OF THE SISTERS OF THE HOLY NAMES OF JESUS AND MARY, *SNJM Associate Program Guidelines*, October, 1989, photocopy, 10 p.

⁷CONGRÉGATION DE NOTRE DAME, *Minutes of the 90th General Chapter*, Montreal, Archives of the Congrégation de Notre Dame, 1978, p. 12.

⁸See Circular No. 34 from Louise F. COTÉ, Superior General.

living a deeper Christian Life while maintaining their present state of life in the world."⁹

The general administration reported on the experiment to the second session of the 91st General Chapter in 1984. The chapter formally approved associate relationship¹⁰ and included an article, rule 41, at the end of the chapter on "Missioned for the Gospel" in the revised proper law. Rule 41 states:

Firmly believing that the apostolic spirituality of our saintly Foundress can nourish the life and action in the Church of many baptized persons, we welcome as associates of our religious family persons who desire to deepen their Christian commitment in the spirit of the Gospel and according to the spirituality of St. Marguerite Bourgeoys. However, these Associates of the Congrégation de Notre-Dame do not bind themselves by vow and are not members of the Institute. They are received according to the norms established by the Congregation.¹¹

The constitutions and rules received definitive approval on March 25, 1984. The following year revised norms were issued. The definition of associates was broadened to include "single and married women as well as married couples."¹²

The "Directory of Associate Relationship" in the Congrégation de Notre Dame was developed in 1988 and revised in 1991. The directory includes norms and guidelines for structures and samples of forms to be used for application, mutual agreement, and evaluation. Again the definition of

⁹CONGRÉGATION DE NOTRE DAME, "Associate Relationship in the Congregation of Notre Dame, Experimental Project," November 1980, p. 1.

¹⁰CONGRÉGATION DE NOTRE DAME, Minutes of the 91st General Chapter, Montreal, Archives of the Congrégation de Notre Dame, 1984, pp. 9-10.

¹¹CONGRÉGATION DE NOTRE DAME, *Constitutions and Rules: The Sisters of the Congrégation de Notre Dame of Montreal*, Montreal, The Congrégation de Notre Dame, 1984, no. 41.

¹²CONGRÉGATION DE NOTRE DAME, "Associate Relationship in the Congregation of Notre Dame," May 1985, p. 1.

associates was broadened to encompass "a person who, while maintaining his/her lifestyle, chooses to participate in the spiritual and apostolic mission of the Church according to the spirit of Marguerite Bourgeoys, through a formal commitment to the Congrégation de Notre Dame."¹³ In the fall of 1993 the institute had 556 associates.

b. Commentary and Suggestions

There is an obvious similarity in the establishment procedures used by the two institutes. Moreover, the various stages are readily discernible: grassroots suggestion, study and recommendations, draft guidelines, experimentation and evaluation, definitive approval, revision and completion of norms. This way of proceeding, typical of other groups as well, has three positive features to recommend it.

First, the process was initiated by grassroots interest. Grassroots interest in an associate program is essential.¹⁴ Members must be interested in welcoming selected lay people and sharing the spirit and mission of their institute with them in a structured way.¹⁵ For their part, lay people, in whom

¹³CONGRÉGATION DE NOTRE DAME, *Directory of Associate Relationship in the Congrégation de Notre Dame*, Privately printed, 1991, p. 6.

¹⁴It is essential because of the style of associate participation in the charism. Associates are not set up as a parallel, and more or less independent group of lay people with the same charism. Rather, they are invited to participate directly in the life of the institute alongside the members.

¹⁵Members demonstrate interest in associates in a variety of ways: by submitting recommendations to chapter (provincial or general); by suggesting the topic for discussion at a community assembly; by raising the issue directly with leadership; by actively seeking opportunities to collaborate with laity, etc.

the charism is already operative,¹⁶ must be interested in forging closer bonds with the institute.¹⁷

Second, general chapters of both institutes wisely mandated further study before initiating an experimental phase. The scope of the study is not clear in the documentation. For other institutes contemplating starting a program it is recommended that this study phase include two components: first, research into their own internal needs, interests, and available resources to identify the parameters within which a particular associate program must function; and second, research into existing programs to learn from the trials and errors of others and to glean ideas from working models.¹⁸

Third, both institutes prudently initiated a fixed period of experimentation in which only basic, flexible, tentative guidelines were laid down. This trial period provided the institutes with the time and opportunity to: a) identify the

¹⁶It is readily acknowledged that a charism is a *gift of the Spirit* for the building up of the Church. It is not the exclusive possession of the institute that claims it nor is it within the power of the institute to "gift" others with it. Thus, the most a religious institute can do is educate to its charism. That is, the institute can explain it to others in the hope that the message will touch their hearts and resonate with their own experience of the Spirit working in their lives. The task of those recruiting associates is to identify those lay people in whom the charism resonates and to invite them to enter the program. The purpose of the associate program, therefore, is to help lay people live the charism more consciously in structured collaboration with others.

¹⁷There is a good chance that if members have indicated an interest in starting an associate program it is because they have already identified interested, qualified lay people. The associate program will formalize and structure the relationship.

¹⁸This should not be difficult since the 1989 CRC survey received 115 affirmative responses from congregations in Canada to the question "Do you have a programme for associate members?" The survey results along with descriptions of associate programs already in existence were published. While this information is somewhat dated now, it is still a good starting point. (See CANADIAN RELIGIOUS CONFERENCE, RESEARCH DEPT., *Associate Members to Religious Congregations in Canada*, 2nd ed., Ottawa, Ont., Canadian Religious Conference, 1989, p. 6).

various components of a suitable, structured program; b) begin formulating norms to regulate these aspects; and c) determine which decisions are better left to the provincial level and which to the local level. In other words, there was a gradual development of definitive norms by those who were directly involved in the implementation of the program. Consequently, the norms were shaped by experience and, therefore, are likely to be realistic and complete.

On the other hand, it is not evident in either example cited above if or at what stage the general membership was consulted. There are compelling reasons for including general consultation in an establishment process. First, consultation provides members with information about the research and its results. Second, it gives members an opportunity to make helpful suggestions. Third, it enables leadership to solicit support for the process and for an associate program. Fourth, it allows leadership to assess the level of interest and energy among members.¹⁹ Ultimately, the success of an associate program will depend upon the cooperation of the members who expect to be heard in matters concerning the good of the institute.²⁰

The above examples are not the procedures for the establishment of a distinct canonical entity. Rather, the purpose of the exercise, undertaken by the private initiative of each institute, was to organize more effectively one of its

¹⁹Conducting an associate program takes the time and energy of the members involved; therefore, it requires a high degree of commitment. If interest is high but energy and commitment are low, then this needs to be acknowledged and other means taken to collaborate with the laity.

²⁰Consultation is a firmly established canonical principle with a long history. "That which touches all ought to be approved by all." ("Quod omnes tangit debet ab omnibus approbari," *De regulis iuris*, Reg. 29 in VI^o; see also c. 119 §3). This principle is reinforced in c. 618 which enjoins superiors to listen willingly to their subjects and to "foster their working together for the good of the institute and of the Church."

activities — diffusion of its spirit to selected lay people. To date, neither institute has sought recognition from ecclesiastical authority for its program. Nonetheless, this is still an option. Should either institute decide to request juridical status for an association of associates the competent authority is the Holy See through the Congregation for Institutes of Consecrated Life and Societies of Apostolic Life.²¹ The request may be for recognition as a private association, with or without juridic personality, or for erection as a public association.²² Suitable statutes must accompany the request.

2. Content of Programs

Content refers to the substance of a program, the sum of its activities and requirements. Appropriate and effective content is directed towards achieving the stated purposes or goals of an associate program. Common to all programs is the general goal of enabling laity to participate in the spirit and mission of the institute or society. Over and above this, individual programs may have other goals which give them a certain focus and direction. In this section the content of three programs will be examined and then commented upon in light of their stated purposes. Programs typically have two distinct phases; the formation program for candidates and the ongoing program for associates, both of which will be considered in the following descriptions.

²¹See the discussion in chapter two, p. 86ff.

²²Though the Canadian episcopal conference is not the competent authority for these kinds of associations, nevertheless, one can gain insight and guidance from the CCCB guidelines which suggest the following steps toward juridical status for national associations: First stage — 5 years as a *de facto* association; Second stage — 5 years with pastoral recognition; Third stage — 5 years as a private association; Final stage — Definitive situation (remain private or become a public association). (See CANADIAN CONFERENCE OF CATHOLIC BISHOPS, *Recognition of National Catholic Associations*, Ottawa, Canadian Conference of Catholic Bishops, 1993, pp. 43-45.)

a. **Contents of Programs for Sharing in Spirit**

(1) **Sisters of the Holy Names of Jesus and Mary**

The "SNJM Associate Program Guidelines" states the threefold purpose of the program: supporting associates in living their baptismal call, offering them identification with the Sisters in spirit and ministry, and fostering collaboration. The Manitoba province groups candidates for the orientation program. From November through June there are sessions in which presentations are given on the following topics: history of the congregation and of the Manitoba province; life and work of Mother Marie Rose and the community charism; spirituality of the Sisters of the Holy Names; constitutions and acts of chapter; vocation and mission of laity in the Church; and commitment. These evening sessions also incorporate prayer and socializing. A retreat in September and a reception ceremony in October conclude the orientation program. During the formation period, candidates are invited to community celebrations at the provincial level.

The ongoing program for associates is planned and implemented each year by a committee "taking in consideration the needs of the associates, the events happening in society, in the Church and in the Congregation."²³ The program includes a retreat day, a ceremony for renewal of commitment and celebration of the Feast of Blessed Marie Rose Durocher, and regular meetings of associates and sisters²⁴ throughout the year. Topics selected for recent meetings include solidarity with the poor, Ignatian spirituality, the mystics,

²³CONGREGATION OF THE SISTERS OF THE HOLY NAMES OF JESUS AND MARY, *Province Norms: SNJM Associate Program*, Manitoba Province, 1991, p. 4.

²⁴This includes the sisters who are responsible for the program, those who have sponsored associates, and any others who are interested.

women in the Church, women in society, liberation theology, statements of the foundress. Frequently, topics repeat those of the formation program — aspects of congregational history, the life of the foundress, and acts of chapter. Regular monthly meetings are occasionally replaced by attendance at theological talks sponsored by the local university. Besides these activities organized specifically for them, each year associates are invited to attend certain community celebrations such as the jubilee, and to participate in the annual "Summer Days" community assembly. As part of their covenant, associates agree to engage in some form of ministry, according to individual ability.

(2) Sisters of St. Joseph of Toronto

The goals of the program of the Sisters of St. Joseph of Toronto are: sharing their specific mission of unity and reconciliation; embracing the congregation's goal of total double union;²⁵ working towards this goal; deepening the spirit of community; and serving others. Potential candidates are required to follow an orientation program before being admitted as candidates. The content of the program includes attendance at one or more associate meetings, explanations of the associate program and admission requirements, an overview of the CSJ history, spirit and charism, and an introduction to the prayer of the Church.

When appropriate, candidates are grouped for formation sessions; otherwise the group coordinator is responsible for seeing to it that individual candidates receive proper formation. Topics of learning or instruction include

²⁵The goal of the congregation is "to bring about the total double union of themselves and others with God, union of others among themselves, all in Jesus and in God, the Father" (SISTERS OF ST. JOSEPH OF TORONTO, *Manual for the CSJ Associate Program*, Toronto, Sisters of St. Joseph of Toronto, 1994, p. 1).

the history of the congregation, the spirituality of the congregation, the mission and ministry of the congregation, the prayer of the Church, and directives for associates.

The ongoing program for associates is intended to be a program of prayer, reflection, and faith-sharing. Requirements include: daily morning and evening prayer of the Church and time for personal prayer; frequent celebration of the eucharistic liturgy; and monthly meetings in small groups for celebration, prayer, and reflection. As well, there are the following annual gatherings: an assembly day on a topic of concern to associates or the congregation; a weekend retreat and a day of recollection prior to renewal; a social function for family and sisters; and informal gatherings of two or three groups. Meetings, assemblies, and retreat programs incorporate elements of the program which the program manual identifies as governance and administration, call/vocation, history of the congregation, association with the congregation, charism, consensus statement, spirituality, prayer, life in mission: ministry in the Church today, community and "Maxims of Perfection for All Who Aspire to Lofty Virtue."²⁶ Associates are invited to certain congregational events, are included on certain mailing lists, and are given the opportunity to share in certain apostolic works.

(3) Commentary and Suggestions

Each institute provides a program in which the content is appropriately centered upon the essential aspects of associateship. The formation program educates candidates in the history and patrimony of the institute, prepares candidates for commitment, and gives candidates an experience of

²⁶Ibid., pp. 2, 16-18.

associateship. The associate program continues in the same vein deepening the associates' understanding of each institute's spirit and mission, facilitating and supporting them in their commitment to live according to its spirit and mission and fostering the bond between associates and the institute.

As expected then, both phases include an educational component in which candidates and associates learn about the organization, its *raison d'être*, the values and ideals that inspire the lives of its members. Other activities, such as discussion and reflection on incorporating the spirit and mission in home, work, and social settings, are directed towards making and sustaining a commitment. Finally, there is contact with members enabling candidates and associates to "catch" the spirit and experience bondedness with a ministerial faith community.²⁷

Significantly, the content of both institutes' programs situates associateship within the broader ecclesial context of baptismal commitment and the vocation and mission of the laity in the Church. Associates reflect on these prior calls and are challenged to growth and fidelity in their commitment to them. In addition, associates are expected to participate in ministry, an acknowledgement that the exercise of a charism is not to be directed "merely toward self-development."²⁸ By their nature all charisms, individual and

²⁷Other institutes and societies may not be able to gather candidates and associates for formal presentations in which case the content of the program does not change but other means must be employed. Education may be given through directed study and reflection on specific topics related to the founder, the charism, the institute and commitment. The relationship with the institute may be cultivated through interaction with a local community. Commitment may be fostered through opportunities to share prayer, experiences and values with members of the welcoming community.

²⁸L. CADA, et al., *Shaping the Coming Age of Religious Life*, 2nd ed., Whitinsville, MA, Affirmation Books, 1985, p. 167.

institutional, are given for the building up of the kingdom; consequently, they are to be placed at the service of the Church.²⁹ Developing the ecclesial and ministerial dimensions of an associate program is a safeguard against individuals or the group becoming too inward turning.³⁰

b. Content of Programs for Sharing in Mission

(1) The Society of Jesus

The goals and values of the Jesuit Volunteers-Canada program are "simple, communal living, social justice, and deepening spirituality."³¹ These three elements, community, ministry, and spirituality, constitute the components of both the formation program and the ongoing program.

Candidates meet in late summer for a three week orientation program that varies slightly from year to year. Last year, the session began with a five-day canoe trip, an activity directed towards community-building. The next segment consisted of presentations by resource people; Jesuits, lay persons, and former volunteers, on various topics related to community and ministry. Candidates then participated in a five-day directed Ignatian retreat. The orientation program concluded with a missioning ceremony for new volunteers and for those renewing their commitment.

Each year the program director assigns the volunteers to an apostolate, suited to their interests and skills, and to a local community. It is expected that ongoing reflection on community living continues throughout the year within the

²⁹See *ibid.*, pp. 166-167.

³⁰On this point the criteria for ecclesiality and observable effects can serve as useful guides for program development and evaluation. See above chapter 2, p. 108.

³¹JESUIT VOLUNTEERS-CANADA, *Jesuit Volunteers-Canada*, Guelph, Ont., p. 7.

local Jesuit community. If volunteers live in an independent volunteer community, a support person or team is assigned to the group to assist with the reflection. To foster continued spiritual growth each volunteer is provided with a spiritual director with whom he/she meets regularly. Twice during the year, during advent and lent, volunteers gather for a weekend retreat. This time is given to prayer, reflection, and community-building. The volunteer program concludes at the end of the year of commitment with a three-day reorientation session designed to bring closure to the experience and to assist the volunteer make the transition to ordinary life while continuing to live the JV-C values.

(2) Commentary and Suggestions

The stated purpose of the volunteer program is to provide participants with the opportunity to "integrate their *Christian faith with community life and apostolic service*, drawing on the spiritual tradition of St. Ignatius."³² This is an ambitious undertaking for a relatively short program; therefore, it requires well-focused program content. The orientation program is essentially an immersion course which emphasizes preparing participants to learn from experience. Preparation for community living is given by creating an experience of community which includes programmed time for reflection on the experience. Similarly, participants are given a taste of Ignatian spirituality. Training for ministry consists in exposure to the experience of others — Jesuits in work/placement apostolates and former volunteers.

Throughout the year the content remains essentially the same except for a greater emphasis on apostolate. The energy of the volunteer is directed towards living and reflecting on community, service in a justice-related

³²JESUIT VOLUNTEERS-CANADA, *Jesuit Volunteers-Canada*, 1994, p. 2. (emphasis mine)

apostolate, spiritual development, and reflection. Therefore, it can be concluded that the content of both the formation program and the ongoing program is appropriate, sufficiently focused on the essential elements and does indeed promote the goals of the program.

3. Organization and Administration of Programs

Institutes and societies do not need a formal associate program in order to share their spirit and mission with like-minded, committed lay people. This can be accomplished informally, in a variety of ways, through the efforts of individuals and/or groups of members. The value of a formal congregational or provincial associate program is that it is structured to be pro-active, bringing about and facilitating the desired sharing. Concretely, it puts personnel in place and assigns responsibility to them for carrying out specific aspects of the program.

a. Organization of Programs for Sharing in Spirit

(1) Sisters of the Holy Names of Jesus and Mary

Guidelines for the associate program of The Sisters of the Holy Names of Jesus and Mary determine that, in each province, a provincial administrator, superior or councillor, is to be responsible for the associate program. Her specific tasks include the selection of an associate director, acceptance of associates, and approval of the budget. A provincial associate director is responsible for program implementation and evaluation, preparation of the budget, record keeping, preparation of an annual report, and attendance at congregational meetings of associate directors. Missing from the norms is a

description of the roles and responsibilities of the superior general and her council.³³

These congregational norms have been supplemented by province norms. In Manitoba there are two groups of associates, one for francophones and one for anglophones. Associates in both groups "meet on a regular basis with other associates and the extended community." The provincial norms specify that the provincial superior in council may name to a three-year term either one bilingual director or two directors, one francophone and one anglophone. Each director works with a committee which includes one other sister named by the provincial superior and two associates elected for a three-year term by their group and approved by the provincial. The committees' major functions are to screen applicants and to plan and implement the orientation program and ongoing program for associates. The provincial councillor responsible for the associate program is the liaison between the provincial administration and the directors and their respective committees.

(2) Sisters of St. Martha

The associate program of the Sisters of St. Martha, Antigonish, is under the leadership of the director of associates who is appointed to a five-year term by the general superior in council. This director is accountable to the general superior through a liaison councillor. Her major responsibilities include: being the formal link between associates and the congregation; providing ongoing education of the congregation; developing and supporting coordinators; and facilitating the associate committee.

³³In fact, the general superior and council approved the general guidelines and one councillor has associates as a portfolio. There is no central associate committee but the councillor calls meetings of province associate directors as needed.

Associate groups are formed at the local level. These groups consist in a welcoming community of Marthas and its associates. The initiative for forming the group and for conducting the program rests with the local Martha community. The sisters at the local level decide to start a new associate group, recruit and form candidates, recommend candidates for admission to commitment, organize and conduct monthly meetings for prayer, business, education, and socializing. For each group, the general superior in council names a Martha associate coordinator who is accountable to the Martha associate director. Her major responsibility is to implement the program at the local level.

The guidelines also provide for a Martha associate committee to assist the general superior and council. The committee acts as a consultative body to the director of associates and makes recommendations to the general administration. The norms do not specify the membership of the committee.³⁴

(3) Commentary and Suggestions

Clearly, the organizational structures examined above are not those of distinct, autonomous entities. On the contrary, in both examples, the structure of the program is tied to that of the sponsoring institute. This is a pattern of organizational structure common to many associate programs. There is a tendency to have in place, at every level of government within the sponsoring organization, a person or group of persons responsible for associates. Therefore, the first factor influencing program structure is the structure of the

³⁴SISTERS OF ST. MARTHA, *Associate Program*, Antigonish, N.S., Sisters of St. Martha, 1983-1994.

institute — whether it is a single unit or subdivided into smaller units such as provinces.

A second factor influencing the organization of associate programs is the geographical location of local communities. Institutes that have a concentration of members and several local communities in an area may choose to have their associates meet as separate groups for activities. Since these associates are not formally attached to a local community there is no need to provide structure at the local level. Gathering associates eliminates duplication, requires the time and energy of fewer members to run the program and makes the best use of resource people. A disadvantage to this model is that fewer members have a stake in the functioning of the program which can result in a lack of widespread commitment to it.

When there is only one house of the institute and only a few associates in any given area, of necessity, associates become attached to a local community. Here there is no question of pooling congregational resources. All members of the local community are called upon to give time and energy, though not necessarily equal, to establishing and maintaining associate relationship. Because this format fosters commitment to the associate program among incorporated members, it may be the organization of choice for some institutes.

There is little doubt that the Holy Names and Martha associate programs are "under the higher direction"³⁵ of their respective religious institutes. An examination of the structures of other programs reveals the existence of similar

³⁵See c. 303.

organizational patterns. Authorities within the institute make all of the major decisions, establish norms, and either approve or formulate policy. Religious assume most of the leadership positions³⁶ as well as the responsibility for the delivery of the programs. Associates have little input into the functioning of their program except, perhaps, where they may be given some representation on a committee whose role is limited to planning activities for associates and/or selecting discussion topics for meetings.

b. Organization of Programs for Sharing in Mission

There is great divergence in the structural models used by the various institutes and societies which sponsor programs for sharing in mission. Unlike the examples cited above, there is no organizational pattern that can be said to be "typical" of these programs. What follows, therefore, is a description of one, unique model of organization and administration used by the Scarboro Foreign Mission Society.

(1) Scarboro Foreign Mission Society

In 1993 the Society established the Lay Mission Office (=LMO), a distinct, semi-autonomous unit which is considered to be part of the Scarboro Family and which is accountable to the Society and its government. All lay missionaries are attached to the LMO. Administered by a "service team" of two lay missionaries elected by the lay missionaries, the LMO has a broad mandate to implement existing policy, to recruit, form, and place lay missionaries, and to organize new mission placements.

³⁶Only the Grey Nuns of Montreal guidelines explicitly state that the provincial director of the associate program "may be an Associate or a Grey Nun."

The Lay Mission Office relates to the Society in several ways. It collaborates with the general council to promote mission opportunities with permanent SFM members. The LMO has the right to participate in council discussions related to lay missionary issues. Moreover, one member of the service team is a representative on Cabinet, an advisory body constituted in accord with the Society's constitutions. The Society provides a budget for the operation of the LMO and, for its part, the LMO submits a financial report and participates in the Society's fund-raising activities. The sole reference to any direction by the Society is the statement "The general Council continues to serve in its role of overall leadership in the Society."

(2) Commentary and Suggestions

It seems as though the long, and at times painful, struggle to find a model for integrating laity into the Society, on a more or less equal footing with permanent, clerical members has been set aside in favour of a separate structure for lay missionaries. The document which elaborates this new structure likens the LMO to a "quasi-region" of the Society in that it has defined autonomy to determine policy and practices and it possesses authority over lay missionaries for the length of their commitment.³⁷ Implementation of the new model has effectively given lay missionaries more responsibility for their own program and a greater participation in decisions affecting them. Moreover, it has lessened the tension arising from encounters with the canonical constraints

³⁷A region, according to the Society's constitutions, is a legitimately established part of the Society which possesses juridic personality and which is governed by a major superior elected by the region's members. Regional superiors are consulted regarding the placement of personnel, distribution of funds and signing of contracts. They report to the superior general on financial and other matters concerning their regions (see SCARBORO FOREIGN MISSION SOCIETY, *Legislation*, nos. 177-187).

related to membership. Overall, therefore, creation of the office has proven to be a positive development.

However, some aspects of the functioning of the LMO require clarification. First, the role and authority of the general council is ambiguous, and would benefit from further elaboration. Second, the relationship to Cabinet needs clarification and reformulation. The Cabinet is an "integral part of Society government" made up of "those *members* officially designated by the Superior General."³⁸ The phrase "representation on Cabinet" implies membership on Cabinet by non-members of the Society which contravenes the constitutions. It would be more accurate to say that the LMO has a right of representation to Cabinet whenever LMO issues are involved. This latter formulation parallels the statement concerning participation in council discussions.

B. Statutes and Policies

Another practical issue confronting institutes and societies with associate programs is their regulation. To accomplish this task sponsoring organizations make use of two vehicles, statutes and policies. Statutes establish relatively stable principles governing the operation of the program. A policy formulates, within the parameters set by the statutes, a general plan of action concerning a particular aspect of the functioning of the program. It complements and completes the statutes. This section will examine the statutes and policies established by selected institutes and societies to regulate their associate programs.

³⁸Ibid., constitution no. 158.

1. Statutes

a. Statutes in General

Some general comments are in order before examining individual program statutes. Statutes are authoritative, internal rules established to give structure and direction to aggregates or collectives of persons or of things. When statutes are issued in virtue of legislative power, they are true laws and consequently are regulated by the canons on laws.³⁹ Thus, statutes issued by chapters of clerical pontifical religious institutes and clerical pontifical societies of apostolic are laws in the strict sense. However, it is not necessary for statutes to be enacted by legislative authority. When they emanate from another authoritative source they qualify as binding norms. Generally statutes are not laws but internal, binding norms which regulate the life and activity of an entity.⁴⁰

The Code requires certain ecclesial entities, including associations,⁴¹ to have statutes. It has been previously established that contemporary associate programs do not qualify for the name "association" in the strict sense. Nonetheless, the purpose of formal associate programs is to provide institutes/societies with a comprehensive, structured, focused way to share their spirit and mission with lay people. It is appropriate, therefore, that statutes be used as instruments to create order in the programs and to give direction to

³⁹See c. 94 §1: "Statutes in the proper sense are ordinances which are established in aggregates of persons or of things according to the norm of law and by which their purpose, constitution, government and operation are defined."

§3: "Those prescriptions of statutes which were issued and promulgated in virtue of legislative power are governed by the prescriptions of the canons on laws."

⁴⁰See CHIAPPETTA, *Il Codice di Diritto Canonico*, vol. 1, p. 111.

⁴¹See c. 304.

the parties. From an examination of the canons which specify the contents of statutes⁴² and based on the analysis of programs in earlier sections of this dissertation, it is possible to suggest a checklist of elements that one would expect to find in statutes for contemporary associates programs:⁴³

The Associate Program:

definition of an associate
goals of the program
heritage of the institute/society - charism, spirituality, mission

Membership and Formation:

criteria for membership - personal qualities and conditions
procedure for admission of candidates
orientation and formation
procedure for reception of associates
nature and length of the commitment
procedure for renewal of commitment

Rights and Obligations:

of the associate
of the institute/society.

Relationship with the Institute/Society:

canonical status of the associate
styles of association - sharing in spirit, mission, community life, degrees of commitment and involvement

Organization and Administration:

personnel - qualifications and selection
roles and duties

⁴²See cc. 94, 304, 451, 505, 587. According to these canons statutes should determine the purpose, constitution, government, operation, conditions for membership, policy making, officers, meetings, discipline of members, incorporation of members and establishment and modification of statutes. Francis Morrisey has suggested a comprehensive list of elements that should be included in statutes of associations of the Christian faithful. He groups the elements under five main headings: The Association Itself, Spirituality, Membership, Government, Statutes (see F.G. MORRISEY, "The Right of Association as a Basic Right of the Faithful," in W. AYMANS, K.T. GERINGER, and H. SCHMITZ, eds., *The Associational Element in the Church: Proceedings of the VIth International Congress of Canon Law, Munich, September 14-19, 1987*, St. Ottilien, EOS Verlag Erzabtei, 1989, pp. 15-16).

⁴³Generally statutes for associate programs should not be encumbered with excessive detail. A supplementary program directory can be developed containing details regarding such matter as: the content and presentation of the program, both the formation phase and the ongoing association phase; samples of forms, the contract and other documents; formulas for initial commitment and renewal of commitment; sample commitment and renewal ceremonies; evaluation procedures and forms; other policies; special prayers and feast days.

Departure from the Program:

- expiry of commitment
- termination by mutual agreement
- unilateral termination (conditions and procedure)

This checklist will be used as a framework for the following examination of statutes from two kinds of programs, one with a focus on sharing in spirit and the other with a focus on sharing in mission. The intent is to describe the content and evaluate its adequacy.

b. Description and Evaluation of Statutes**(1) Sisters of the Holy Names of Jesus and Mary**

The Congregation of the Sisters of the Holy Names of Jesus and Mary is a lay, religious institute. The congregational guidelines for association were drafted by the provincial associate directors and approved by the superior general in council. Though the term "statutes" was not attached to them, these guidelines fulfil the description of c. 94 §1 and qualify as binding norms.

The "SNJM Associate Program Guidelines" are prefaced by articles from the congregation's constitutions concerning the foundress, the charism, and the mission. Information about the program and its history of establishment is covered in a general introduction and the first article. Membership in the congregation includes canonically vowed and associate members. Associate membership is a formally recognized affiliation of men and women called to share the spirit, mission, and charism of the institute. The program has three purposes: to support associates to live their baptismal call; to offer closer identification between associates and sisters; to foster collaboration.

The next four articles contain the norms for membership and formation. Basic criteria for candidacy, that is entrance to the program, include an invitation to membership, Roman Catholicism, sufficient health, suitable character, and motivation. Criteria for membership or admission to associateship are: the desire to share in the Church's mission of education through the spirit and charism of the congregation; the desire to live SNJM spirituality; acceptance of terms of the mutual agreement; acceptance by the provincial superior or her delegate. The article concerning formation requires each province to design a program which includes the history of the congregation, the life of the foundress, spirituality, charism, and mission, mutual support in prayer, vocation and mission of the laity, opportunities to bond with the community and encouragement to participate in its apostolic works. The last article on membership states that there is to be a written agreement between the congregation and the associate stating the relationship and including the rights and obligations of each party. The latter entails sharing prayer, mission, and hospitality, attendance at meetings and regular evaluation. The agreement precludes legal bonds and financial obligations.

Article six provides for the organization and administration of the program. In each province there is to be a provincial administrator responsible for the associate program and an associate director responsible to the provincial administrator for implementing the program.

The last article concerns supplementary province norms. Each province is to develop norms for the structure of the program, procedures for admission, initial and ongoing formation, terms and length of commitment, evaluation and renewal of commitment.

In general, the content of the statutes covers most of the items in the checklist above. One section, however, is missing altogether — departure from the program. It is not treated in these general guidelines, nor is it assigned to provincial norms. One other section, organization and structure, is incomplete in that it does not provide for the administration of the associate program at the congregational level. Greater clarity would have been achieved in the sections on the criteria for candidacy and for membership if they had discriminated between personal qualities and procedures.

One article requires reformulation. As it stands the opening statement implies full membership in the institute for associates: "Membership in the Congregation of the Sisters of the Holy Names of Jesus and Mary includes canonically vowed and Associate members." It is incorrect and misleading because full incorporation, i.e., membership, with its attendant rights and obligations, is neither possible nor is it intended. The discrepancy becomes apparent upon examination of another norm in the same document stating that associate membership "Precludes any canonical bond, i.e., the right to vote in decision-making of the Congregation, and all legal or financial obligations."

(2) Missionaries of Africa

The Society of Missionaries of Africa is a clerical, pontifical society of apostolic life. Its revised Constitutions and Laws, including appendices, were drafted by the General Chapter then duly promulgated in 1988 by the Superior General. An introductory note to the text explains that Appendix II, the Statutes of Association,⁴⁴ "does not form a part of the Constitutions and Laws strictly

⁴⁴See SOCIETY OF MISSIONARIES OF AFRICA, *Constitutions and Laws*, Appendix II, pp. 184, 186.

speaking."⁴⁵ However, they still meet the requirements of c. 94 §3; therefore, they qualify as law in the strict sense.

The statutes begin with a description of an associate that also includes some basic criteria. An associate is a priest or celibate Catholic layman, temporarily committed to live and work in mission according to the spirit of the Missionaries of Africa.

Article two touches on matters related to the reception of members, formation, and relationship with the society. Associates make a three-year commitment. An associate receives at least six months of formation after which time, upon presentation by the superior of the circumscription, he is admitted by the superior general with the consent of council. The superior general, or delegated superior of the circumscription, signs a three-year, renewable contract with the associate. The associate may be invited to take part in the local house council but without the right to vote. For matters of common life and apostolic work he depends upon the authorities within the Society.

The next three articles deal with the obligations of the parties. The associate agrees to remain celibate for the duration of his commitment. Failure to comply is cause for dismissal. Concerning finances, the associate retains the right to own, acquire, and use personal property. Whatever he acquires through his labour belongs to the Society. For its part, the Society furnishes suitable preparation (spiritual, missionary discernment, community), support in health and sickness, a monthly allowance, and an insurance policy.

⁴⁵Ibid., p. 10.

The last two articles, six and seven, deal respectively with termination and renewal of the agreement. Either party may unilaterally end the contract prior to its expiry. Dismissal by the major superior requires a serious and urgent cause and a deliberative vote of his council. The associate has the right to appeal to the superior general. The associate may terminate the contract with three months notice. Upon expiry, the contract may be renewed with explicit permission of the superior general. The associate has no claim to remuneration.

The statutes are rather brief; therefore, it is not surprising that some items from the checklist are not included. The only information provided about the associate program is the definition of an associate. Regarding membership and formation, the statutes are short on criteria and procedures for admission. Nowhere is the canonical status of associates stated although it can be argued that the contents imply that they are in a different category than incorporated members. Noticeably absent is a separate structure for the program. On the contrary, the administration and delivery of the program is carried out by authorities and personnel within the Society. Individual associates are expected to relate to superiors and formation directors in much the same way as novices and incorporated members.

On the other hand, the statutes offer clear direction in several key areas. In addition to defining an associate, they determine the conditions and procedure for reception, the term and formalities for commitment, the procedures for renewal and termination of the contract. Rights and obligations receive the most thorough treatment. However, greater clarity would have been achieved if the statutes had used a format that identified the various matters being addressed and treated them in separate articles.

2. Policies

Statutes are not intended to include all details of every aspect of the program, nor can they be expected to anticipate the various practical issues that will arise in the implementation of the program. Therefore, from time to time, established norms will need to be supplemented by policies that complete them and/or address ambiguities in the functioning of the program or the relationship between the parties. In this section the content of selected policies will be presented. Since there are no external norms against which to measure the effectiveness of these policies their adequacy can be determined only by those involved in the respective programs. However, comments will be made on the appropriateness of the subject matter and the procedures used to formulate the policy.

a. Examples of Policies

The institutes and societies that have identifiable, written policies to address specific issues are those in which associates share in mission and/or share in community. Examples of policies and procedures from two such programs will be examined.

(1) The Society of Jesus

The Jesuit Volunteers-Canada, until recently called the Jesuit Companion Programme, has been in existence since 1980. Participants make a one-year, renewable commitment to live and/or work with members of the Society promoting justice and peace. The JV-C program is administered by a director, a Jesuit appointed to a five-year term by the provincial superior, and a lay office administrator. The director selects and works with a board of consultants, which currently consists of three Jesuits, one sister, and three lay people. When the

director perceives a need for a particular policy he formulates it in consultation with the volunteers, and then presents it to the consultants for advice. What follows is a synthesis of recently formulated policy in three areas: finances, medical care, and use of cars.

Financial Policy: Generally all expenses are covered by the program including room and board, a stipend of \$40 per week, transportation to and from retreats, and medical expenses. The volunteer pays for transportation to the program and transportation home if he/she leaves the program before his/her commitment ends. Volunteers are discouraged from seeking funds from other sources unless it is for the support of the JV-C community. Volunteers with student loans must make arrangements for payments to be made on their behalf.

Medical Coverage: Canadian volunteers are required to arrange for coverage by their provincial health agency. In case of an accident or an illness, JV-C pays for treatment not covered by the provincial plan. Foreign volunteers may be asked to contribute to a private health plan.

Car Policy: JV-C does not provide cars for work placement. A car may be available in the home or work community; in which case insurance is covered by the respective community. Volunteers are responsible for transferring their drivers' licences if necessary. JV-C promotes use of public transportation, bicycles and walking. Volunteers are discouraged from bringing their own cars unless authorized by the director and unless these cars are made available to the community. Volunteers who own cars are responsible for their upkeep. It is recommended that prior arrangements be made for expenses such as licence and insurance payments.

Two other areas have been identified for future policy development: student loans and celibate lifestyle. While participating in the program, volunteers must continue to make payments on student loans. The director and board of consultants are attempting to make arrangements with the government for the deferral of these payments. Expectations regarding a celibate lifestyle

are addressed during the orientation session. Presently, problems that develop in this area are dealt with on an individual basis and by the director who now believes that the issue has arisen often enough to warrant a policy.

(2) Scarborough Foreign Mission Society

The Society accepted its first lay missionary in 1964. Since then the Society has moved from accepting only single male candidates to accepting males and females, married and single.⁴⁶ This has necessitated the formulation of a marriage policy covering both the formation and commitment periods.⁴⁷ With the approval of the Society's administration, the policy was formulated by the director of the lay mission office and Society members, in consultation with the lay missionaries. It is a detailed policy, including both rationale and policy statements. The following synthesis reveals the complexity of the matter.

Marriage of a Lay Candidate During Formation in Canada: To discern freely their vocation, candidates must be free of commitments to other particular persons. A candidate who decides to marry must leave the program.

Acceptance of a Married Couple into the Program: If only one partner discerns the call to be a lay missionary, the couple is not accepted into the program. Ordinarily both parties must be Catholic. Those who have had a recent major change in their status (ie., marriage, divorce, annulment, conversion to Catholicism) are required to wait two years before applying. It is preferable that the couple has no family or that there are only one or two preschool children. Not accepted into the program are couples with children older than nine years

⁴⁶See the discussion above in chapter three, p. 159.

⁴⁷This policy was formulated prior to the reorganization of the program in 1993. At that time, during the three years of formation candidates were called lay missionaries. For the first year candidates remained in Canada while the remaining formation took place overseas. Upon completion of the formation period they may have been offered associate status. Associates signed a contract for three-years, renewable. For an explanation of the current system refer to chapter three, p. 168.

and single parents with dependent children. The decision to begin a family during the formation period may be made by the couple.

Marriage of a Lay Missioner Overseas: The primary commitment of a candidate at this time is adaptation and integration into the mission situation. A candidate who decides to marry during this two-year period terminates his/her commitment with the Society. It is recommended that a lay missioner who decides to marry return to Canada first to assess the situation.

Marriage of a Lay Associate to a Canadian: Lay associates may choose to marry and remain associates. Prior consultation with the SFM regional representative is required. Ordinarily, an extended period in Canada, beyond holiday time, will be arranged according to the "Authorized Leave Policy." If the spouse of the lay associate does not want to go overseas, a position in Canada will be given to the lay associate. If no position is available the contract will be terminated. Spouses who are willing to go overseas will be given mission preparation in Canada and a foreign language course overseas. The spouse is not required to become a lay missioner but is expected to be supportive of the associate's commitment. Alternatively, a lay associate may leave Scarborough with the understanding that the couple may apply for admission in the future.

Marriage of a Lay Associate to a Person from Another Culture Overseas: The General Council, in consultation with the associate, will decide whether the associate should spend a time at home to evaluate his/her situation. The principles set out in the above section concerning marriage to a Canadian apply in this situation as well. SFM and the prospective spouses must come to an understanding about what it means to be married to an associate. Associates planning to remain overseas to marry after termination of their commitment are asked to return home first.

In addition to the marriage policy, Scarborough has established written policies for mission placement, pension and benefits, wills, leave of absence, and compassionate leave. Consideration is currently being given to a policy for due process to resolve conflicts.

b. Commentary and Suggestions

It is understandable that the content of policies, those in existence and those identified for future formulation, relates to personnel issues. With respect to work arrangements, the relationship between a sponsoring organization and its lay associates who share in its mission is somewhat analogous to an employer/employee arrangement.⁴⁸ Concerns center on deployment, compensation, and working conditions. Over and above these aspects are issues related to sharing community life. Policies in this area are directed towards the clarification of expectations regarding lifestyle.

Neither the Jesuit nor the Scarboro program has an established procedure for policy formulation. In practice, policy is developed gradually, as needed, by those who are directly involved in the implementation of the program. One can discern a pattern in the steps that have been taken to date. As issues arise, those responsible for the program deal with the matter and the person(s) concerned on an ad hoc, individual basis. With the recurrence of a problem, it is up to the director to decide whether there is a need to approach the matter in a more structured way. He then takes the initiative to formulate a policy with input from participants. What happens next is somewhat unclear. There appears to be no rules concerning review or approval of the policy by the authorities of the sponsoring organizations. Neither the JV-C nor the Scarboro Lay Missioners is a separate canonical or civil entity. On the contrary, both consider themselves to be a part of their sponsoring organizations. Therefore, in practice, policy is formulated in consultation with or with the approval of competent authority. And because the working relations are good, this informal system has

⁴⁸This analogy breaks down in cases where the associate is actually "employed" by a third party such as a parish or social service center.

functioned adequately to date. Nonetheless, a clearer understanding between the authorities of the sponsoring organizations and the program directors on this point would deter misunderstandings.

Because institutes with programs focusing on sharing in spirit have a less complicated relationship with their associates, they are not confronted with complex personnel issues. Still, one would expect that, from time to time, institutes conducting such programs would also need to develop policy to clarify aspects of their functioning. However, separate policy statements are not readily identifiable in the documentation supplied by the institutes. One reason for this may be that program guidelines are characteristically flexible, and subject to frequent review and adaptation. It appears as though policy decisions have been incorporated, on an ongoing basis, into the text of the manual/directory/guidelines. No discrimination is made between a general norm and subsequent policy for its implementation. For example, guidelines may state that an evaluation is required prior to renewal of commitment and then set out detailed procedures for the evaluation.

Structures for these kinds of programs are generally not clear on how policy is formulated or by whom. On the surface it appears that most directors and committees are charged with conducting the program according to established norms, with no mandate for modifying norms or creating policy.⁴⁹ For those institutes lacking a procedure, the situation might be resolved by assigning policy formulation and recommendation to a central committee mandated to monitor and evaluate the program and review its norms. The policy

⁴⁹By exception, the role of one director in policy formulation is implied in her job description which includes the duty to meet regularly with a member of the council "to clarify parameters within which the program will operate" (Sisters of St. Joseph of Toronto).

recommendation could then be submitted to competent authority, i.e., superior and council or chapter, for ratification.

Though more complete program guidelines are being elaborated, lacunae remain that would benefit from policy development. One area of growing concern which many institutes will need to address is the question of participation of associates in community assemblies, especially chapters. Another issue that will require attention in the near future is expectations of associates who are at a distance from the community, either because the associates have moved or because the community has moved.

C. Agreements and Contracts

Commitment alters an associate's relationship with the sponsoring institute or society. With commitment the relationship becomes a formal one in which each party agrees to assume certain obligations towards the other. In order to avoid potentially damaging misunderstandings, it is common for institutes and societies to have a document which sets out the terms of the relationship. The document is signed by the parties as evidence of their willingness to be bound by the agreement. In civil law terminology the agreement constitutes a "private law" regulating the matters contained therein.⁵⁰ Such an instrument may be called by the broad, generic term "agreement," though institutes/societies frequently choose other names such as covenant, commitment,⁵¹ mutual agreement, or contract.

⁵⁰A document of this type, which defines a relationship, is juridic by nature and should not be confused with a formula for commitment that may also be put in writing and signed.

⁵¹When names such as "covenant" and "commitment" are used it may be because the document contains the formula for commitment as well as the more juridic elements.

Contracts are agreements in which the obligations may be enforced in civil court. For this to happen, in addition to the other legal requirements,⁵² there must be an exchange, or promise of exchange, of something of value such as money, goods, or services. The thing that is exchanged is called a consideration. If there is no consideration then the contract is not enforceable. Normally a moral obligation is not a sufficient consideration.⁵³ Moreover, it is essential that "the parties shall have intended that their agreement shall have legal consequences and be legally enforceable."⁵⁴ The Code has not created its own system for canonical contracts. Instead, it has canonized the secular law on contracts that exists in each territory. Whatever the civil law requires for validity and enforceability is also required by canon law, and whatever effects the contract produces in civil law are recognized in canon law as well. Institutes and societies that intend to enter into a civilly binding contract with their associates should obtain legal counsel to ensure that all the elements required for enforceability are heeded.

Among other things, an agreement serves to specify the nature and goals of the arrangement and clarifies the respective obligations. The specific content will depend upon the needs of the particular associate program which, in turn, are influenced primarily by its focus, either sharing in spirit or sharing in mission.

⁵²Other legal requirements include a serious offer and acceptance, agreement on the essential matters contained in the contract, legal capacity to contract, genuine consent and legally enforceable rights and obligations.

⁵³See ANON., "Contracts," in *La Salle Law Library*, vol. 1, Chicago, La Salle Extension University, 1965, pp. 1-58; "Contract," in R.S. VASAN, ed., *The Canadian Law Dictionary*, Don Mills, Ont., Law and Business Publications (Canada) Inc., 1980, pp. 91-92; J.A. ABBO and J.D. HANNAN, *The Sacred Canons*, pp. 732-735.

⁵⁴"Contract," in *The Canadian Law Dictionary*, p. 91.

1. Agreements With Associates Who Share in Spirit

Since the relationship between institutes and their associates who share in spirit is of a spiritual nature and relatively uncomplicated, there is no need to design an elaborate agreement and certainly no reason to expect civil enforceability. Many associate programs use a standardized form for the agreement. Others permit associates to create their own and may or may not specify the elements to be included. It is sufficient that the content adequately sets out the spiritual nature of the relationship, the purpose for establishing the relationship, the attendant mutual obligations and expectations. The following example illustrates the point:

**The Sharing of Faith: An Agreement Between
The Sisters of St. Martha and Associate Member**

I, _____, having completed one year of the preparatory program of Associate Membership with the Congregation of the Sisters of St. Martha, hereby associate with the Sisters of St. Martha.

We, the Sisters of St. Martha, agree to this association.

Both parties agree the purpose of this association shall include:

- (a) the deepening of the baptismal commitment of each person through prayer, reflection and action;
- (b) the sharing, each with the other, of talents, resources, and common activities.

The parties agree that this agreement excludes:

- either legal or financial obligation on either side
- any canonical bond implying the right to vote

The parties further agree that this agreement will be reviewed annually. Either party may end this agreement at either time.

Dated at _____ this _____ day of _____ A.D., 19 _____

Witness _____ Associate Member _____

Sisters of St. Martha

Per: Coordinator _____

Per: Director _____

The Congrégation de Notre Dame uses two kinds of agreements with its associates. The first is a standardized form which resembles the previous example. Despite the fact that it bears the title "Mutual Agreement," it is a series of declarations by the associate. With the first declaration the associate states his/her willingness to enter into associate relationship with the Congregation for a fixed number of years, either one or three. With the next three declarations the associate states his/her understanding regarding the purpose and nature of the relationship. The relationship entitles the associate to participate in the spirit and mission of the Church according to the spirit of Marguerite Bourgeoys and the terms of the agreement. The relationship does not create legal ties and obligations, canonical or civil, and does not include community living. Renewal of the agreement depends upon an evaluation. The document is dated and signed by the associate, the coordinator and the contact sister. Essentially, with this document, the lay person states his/her intention to become an associate and, with the execution of the document, the Congrégation agrees to accept the person. Beyond this, no commitments are made, and no obligations are assumed.

Since the associate relationship is experienced primarily within a hospitality community, it is at this level that specific mutual obligations are delineated and commitments are made. Under the guidance of the contact sister, a second mutual agreement is developed by the associate and the sisters of the hospitality community. It begins with the sisters' stating their agreement to provide opportunities for the associate to deepen his/her baptismal call by sharing their apostolic spirituality. In the blank section which follows the sisters specify the means they will take to provide occasions for sharing. The associate then declares his/her agreement to make use of the opportunities provided and,

in the allocated space, specifies the means he/she will take to respond and share. In this manner, this supplementary agreement reinforces the spiritual nature of the relationship and requires the parties to enumerate the mutual obligations. Surprisingly, no signatures are required, but this may simply be an oversight.

Taken together, these two agreements include all of the elements necessary for this type of arrangement. The first document uses juridic language to define the relationship and to set clear limitations. The second, a more inspirational document, allows the relationship to be concretized and adapted to the needs and circumstances of the associate and the sisters. It is not clear, however, why two documents are used when all the elements can be incorporated into a single agreement.

Over and above stating positively what the relationship includes, these examples of agreements also say what it does not include. No doubt the institutes want to protect themselves from future misunderstandings. Certainly, these statements need to be made somewhere, and many institutes choose to incorporate them into an agreement. One wonders, however, whether agreements are the best vehicle to foster harmonious relations between the sponsors and their associates who share in the spirit. Frequently, the documents consist, for the most part, in a series of disclaimers by the institute, the most important of which is that no civil or canonical bonds are created by the agreement. Since the institute does not intend to assume legal obligations, and since there is no consideration involved, these agreements are probably not enforceable in civil courts.

A more positive approach might be to give associates a manual that explains, among other things, the spiritual nature of the relationship, the canonical status of the associate, and the rights and obligations of the parties. The commitment formula could then include a statement that the associate commits him/herself according to the manual of the associate program.

2. Agreements With Associates Who Share in Mission and/or Community

Where the relationship is more complex, it is to be expected that the terms of agreement will be more elaborate and the formalities more stringent. Associates who share in mission are not strictly volunteers since they exchange their services for material compensation as well as for non-material benefits. Unquestionably the relationship is not merely spiritual. The respective obligations assumed are onerous, the liability is real on both sides and the consideration substantial; therefore, legal counsel should be sought with a view to establishing a civilly binding contract. Agreements for associates who share in mission will need to determine such matters as financial arrangements, medical coverage, insurance, leaves, transportation, lines of authority, termination, other obligations and benefits. Two examples of agreements will be presented below followed by general comments concerning adequacy of content.

a. Scarborough Foreign Mission Society

Since their reorganization in August 1993, Scarborough Lay Missioners operate as a semi-autonomous organization accountable to the Society. The recently drafted contracts state that the agreement is between the Scarborough Lay Missioners,⁵⁵ acting on behalf of the Scarborough Foreign Mission Society, and the

⁵⁵Frequently referred to in documents as the Lay Mission Office (=LMO).

individual lay missionary. Article one establishes the obligations of the lay missionary to cooperate with the lay missionaries community and the Society, to carry out assigned work and to respect all those in authority. Article two sets out the obligations of Scarboro Lay Missioners and the Society. Both promise to support the individual missionary spiritually, morally, and materially. Specifically, the LMO assumes responsibility for covering certain travel expenses and for providing a monthly personal allowance.

Article three enumerates the benefits due to the lay missionary, most of which are concerned with health care. The LMO assumes responsibility for all medical, hospital, surgical, optical and dental care. Comprehensive and general liability and accidental death insurance are also provided for the lay missionary overseas. There is also provision for the recall of a lay missionary for health reasons, travel expenses for medical treatment, and temporary work assignment in Canada. Other benefits include a readjustment allowance upon termination of the contract and a vested, non-contributory pension plan after five years, but which is retroactive to the first overseas period.

Article five, entitled "Marriage Considerations," refers to the "Marriage Policy for Lay Missioners" as the document containing the pertinent terms of agreement. Article six provides for authorized leave for compassionate reasons, for health reasons, or for the purpose of caring for family members. In each case the terms of the leave are described, but the last clause allows for other terms to be agreed upon by the missionary and the LMO.

Article six deals with the important matter of the termination of the agreement. Three methods for termination are included. The agreement may be terminated by mutual agreement. The lay missionary may terminate unilaterally

in which case the LMO supplies travel expenses home if the missionary returns within three months. The LMO may recall a missionary and terminate the agreement if the missionary is persistently disobedient, abandons a mission assignment, breaches any part of the agreement, or accepts unauthorized work.

The last article, article seven, contains miscellaneous provisions. Before going overseas the lay missionary is required to make a will and inform the Secretary General of its location. In the event of unresolved conflict between the missionary and LMO the Society's due process is to be used. The procedure for evaluation at the end of the first overseas term is determined. A re-entry program is required of all missionaries completing their first term. The agreement normally terminates by expiry. Renewal is not a right and is dependent upon a satisfactory evaluation and acceptance. Finally, the last clause states that the document contains all the terms of agreement. The document must be dated and signed by the lay missionary, approved by one member of the LMO service team, and witnessed by two members of the Scarborough Foreign Mission Society.

The contract is comprehensive, covering all the areas of agreement between the parties in clear, simple language. All appears to be in order as far as the matters to be included, but the agreement raises some questions nevertheless. The contract was drafted internally by the LMO service team and members of the Society with input from lay missionaries. No external legal counsel was sought regarding the required formalities for validity in civil law and the enforceability of the terms. Consequently, there is no assurance that the agreement is binding civilly. And since canon law adopts the secular law on contracts, there is no assurance that the contract is binding canonically. Moreover, there is ambivalence, at least on the part of the service team,

concerning the intent to have a contract with legal consequences and enforceability. This lack of clarity, in itself, is sufficient to cast doubt on the validity of the agreement and is all the more reason to obtain counsel.

b. The Society of Jesus

The JV-C program has a standard format for its agreement with volunteers, but in each case it is tailored to fit the particular situation. Volunteers may live in a Jesuit community or in an independent volunteer community. They may or may not work in a Jesuit apostolate. The agreement, therefore, is among several parties - the Jesuit Volunteers-Canada program, the welcoming Jesuit community (if applicable), the work placement/apostolate, and the Jesuit volunteer. Accordingly, the agreement is divided into four main sections, one for each of the four parties, with each section describing the respective financial and non-financial obligations.

The welcoming community provides room and board. Non-financial obligations include welcoming and orienting the volunteer, freeing him/her to attend the advent and lenten retreats for volunteers, providing regular reflection and a year end evaluation. The superior is responsible for assuring that the volunteer receives regular spiritual direction. If the volunteer lives in an independent volunteer community, the JV-C administrative staff assumes these obligations.

The Work placement/apostolate is responsible for providing a weekly stipend of \$40.00 and contributing towards transportation costs to and from retreats. JV-C considers this the optimum situation, but both of these terms are subject to negotiation between the work-placement and the JV-C administration. On the non-financial side, the work-placement is responsible for

providing challenging, integral work, a written job description, adequate supervision, and support. The volunteer is to be freed from excessive evening and weekend work and from work during the retreat periods. Moreover, the volunteer should be allowed time to promote the JV-C program.

The volunteer is obliged to live a simple lifestyle within the budget of the community to which he/she is assigned. The section on the volunteer's financial obligations is basically a repeat of the financial policy summarized above. Non-financial obligations are: commitment for one year, full participation in community and the apostolate, avoidance of conduct harmful to the community or the apostolate, participation in orientation and renewal sessions, and promotion of the JV-C program. Vacations and leaves are to be worked out with the respective authorities. No pets are allowed.

The Jesuit Volunteers-Canada program accepts financial obligations as stated in the financial policy. Non-financial obligations relate to placement, support, and evaluation. The program is responsible for placement of volunteers, including preparation of the communities, work-placements, and final screening of applicants. Ongoing support involves weekend retreats, summer orientation, visits, and interviews. The annual evaluation of placements includes input from all parties.

The standardized contract adequately includes all of the areas requiring the agreement of the parties and all of the obligations assumed. Specifically, it sets out financial arrangements, health and insurance coverage, transportation, lines of authority, responsibilities related to apostolate, community living, spiritual development, vacation, and leaves. However, what was said above concerning civil validity of the Scarboro agreement must be reiterated here.

Assuring validity in the civil forum does not lessen the value of the service given by the volunteer or reduce the relationship to merely one of employer/employee. It simply guarantees that, should a problem arise, the mutual obligations that were agreed upon will be recognized also in the civil law which provides a remedy.

D. Rights and Responsibilities

a. Rights and Responsibilities Within Associate Programs

Rights and responsibilities are the benefits and the cost of both membership and sponsorship. They are important because they are the factors that concretize and give direction to the associate relationship. Generally, rights and responsibilities are formulated by the sponsoring institute or society as part of the initial plan for the program. Associates are granted particular privileges and certain expectations are enjoined upon them. In turn, the institutes and societies reserve certain rights to themselves and assume specific obligations.

Only the additional responsibilities that accompany participation in the program and the privileges that can be claimed as a result of participation should be included in a list of specific rights and obligations of associates. It is not the function of such a list to recognize the rights and duties the associate has in virtue of some other title, e.g., as a member of the Christian faithful or as a lay person.⁵⁶ Similarly, the rights and responsibilities of the congregation

⁵⁶For example, the responsibility to remain faithful to one's lifestyle is not an obligation derived from associateness and the right to share in the mission of the Church is not a concession of the sponsoring institute.

or society should be concrete, verifiable, and pertain specifically to the sponsorship of an associate program.⁵⁷

Associates cannot be expected to fulfill duties and to take advantage of privileges that are not known to them. Therefore, it is paramount that associates be informed about their rights and responsibilities. It is not sufficient for institutes/societies merely to include a catalogue in the guidelines or manual that is available only to program directors and other selected personnel. Some sponsoring organizations deal with the matter by distributing the manual, or an abridged version of it including mutual rights and obligations, to all associates. Others choose to incorporate mutual rights and obligations into the agreement, ensuring that the associate receives a copy. Still others use a combination of these methods. However, there is evidence that a number of institutes have not made a conscious effort to articulate mutual rights and responsibilities and to communicate them to associates.⁵⁸

There are compelling reasons for sponsoring institutes and societies to enunciate explicitly all obligations. First, it informs potential associates of the cost of membership. Second, because fulfilling obligations necessitates

⁵⁷For instance, while witnessing to the charism is most certainly a right and duty of religious, it does not derive from the associate relationship and places no new burden on the institute or its members. It is not necessary, therefore, to include it on the list.

⁵⁸For the most part, associates are not given a handbook detailing the requirements of association. Manuals, where they exist, seem to be written for the institute and those responsible for implementing the program. Of these, only one states that each associate receives a copy. Some associates may be told verbally about their rights and obligations since a few manuals state that, during formation, the expectations of associates are explained. Rights and obligations can also be incorporated into the mutual agreements. Most often the agreements with associates who share in spirit do not cover all the mutual rights and obligations. On the other hand, contracts for associates who share in mission tend to be more complete. From the foregoing it can be concluded that some, perhaps many, associates are not informed about the mutual rights and responsibilities of the parties to association.

investment of self, imposing expectations fosters dedication and commitment to the program. Correlatively, when expectations are few, little time and energy are expended maintaining associate membership. Obviously a balance must be struck. While they are dedicated individuals, associates are not members, and associateship is not the focal point of their lives. They have other primary commitments. Therefore, the obligations must be sufficiently demanding to encourage commitment, while not being so onerous as to discourage membership.⁵⁹

There is a third reason for articulating expectations. Many programs state, or imply, that renewal of commitment is dependent upon a positive evaluation. There is a risk that, unless expectations are articulated, there will be no common understanding of the requirements for associateship, and there will be no objective standard against which to measure the associate's participation, cooperation, and fidelity to his/her commitment. Therefore, it is incumbent upon the sponsoring institute/society not only to formulate clearly the obligations and expectations but also to communicate them to their associates.

⁵⁹In her research on commitment and associate membership programs, Rosemary Jeffries applies Kanter's mechanisms of commitment to religious and to associate commitment. One mechanism is "investment of self" by which the donation of time, and energy (as well as personal property in the case of religious), links the individual to a group. Jeffries finds that associate programs have not clearly delineated expectations for the persons associating. The situation is further clouded when a single program provides multiple forms of affiliation. Expectations vary, still all are called associates. She comments: "Without a clearer sense of the expectations for association or, to use Kanter's term, the sacrifice needed to reinforce commitment, will the associates be committed to the group? Kanter's notion of commitment would suggest that a lack of clear expectations for association will weaken the commitment of associates to these evolving organizations" (JEFFRIES, p. 55. See also pp. 39-42, 52-63).

Obligations figure prominently in the canonical tradition, but not to the detriment of rights, as David O'Connor explains:

[...] the canonical tradition, coming out of its Roman law heritage, is to place emphasis on the obligation of someone to perform or omit certain acts which, in turn, give rise to a corresponding right on the part of others to have such obligations met. Thus, a locus of incumbent obligations is identified and procedures fixed requiring their fulfilment. Obligations are considered more fundamental than rights.⁶⁰

In other words, obligations are an important source of rights in the canonical system. In return for their voluntary investment of time and energy, associates are granted certain rights and privileges that are unavailable to others who are not associates. The fact that certain benefits accrue only to associates makes participation meaningful.

b. Examples of Rights and Responsibilities in Associate Programs

The emphasis on obligations is evident in the manual for the associate program of the Sisters of Charity at Ottawa in the section "Mutual Responsibilities." The responsibilities of the congregation create matching responsibilities for the associate. Since there is no corresponding section on mutual rights, one must extrapolate them from the obligations.⁶¹ The formulation implies that associates have the duty to exercise certain rights. This becomes clear upon examination of the content of the mutual responsibilities and the juxtaposition of the text. The obligations of the respective parties appear side by side in the manual.

⁶⁰D. O'CONNOR, "The Rights of Religious: What Does an Institute Owe Its Members?" in O'CONNOR, *Witness and Service*, p. 50.

⁶¹The following section called "Mutual Benefits" is not really an enumeration of concrete rights but a listing of the advantages to be gained by both parties through their association. For example, one benefit mentioned is "mutual support to live out Christian values in our world."

Congregation	Associate
1. hold regular meetings for prayer, faith sharing and spiritual enrichment	1. attend the regular meetings
2. hold an annual meeting for associates; convoke a general assembly every six years with representation of associates from all countries	2. attend the annual meetings
3. acquaint associates with the patrimony of the institute; explain the associate manual	3. familiarize themselves with the spirit and spirituality of the foundress by reading and studying her life
4. identify projects inspired by the spirit, in which associates could participate	4. give time and talents to projects inspired by the foundress's spirit
5. approve and evaluate projects	5. propose apostolic projects
6. invite associates to community prayer, events and gatherings	6. avail themselves of opportunities for prayer and bonding with the sisters
7. pray for associates	7. pray for the congregation

The manual for associates of the Sisters of Providence of St. Vincent de Paul gives equal attention to both rights and responsibilities. The congregation reserves the right to discern membership, to ensure commitment to the charism, to determine the participation of associates in the life of the community, to determine the orientation process and to evaluate the process, program, and membership, to cancel an agreement, and to protect privacy and confidentiality. The congregation assumes the following responsibilities: to witness to the charism; to provide ongoing leadership for the program; to involve the total congregation, and provide opportunities for associates to know the congregation and its patrimony; to provide channels for prayer and support; to pray for associates; to maintain confidentiality.

Providence associates have the right to dialogue about the associate process, to respond individually to the charism and mission, to share in the orientation and the evaluation processes, to protect privacy and confidentiality,

and to renew, revise, or cancel the agreement. Their responsibilities are: to be faithful to their present lifestyle; to witness to the charism, to pray for the congregation, to strengthen the relationship with the congregation; to attend meetings and the orientation; to share the mission through ministry, to be open to personal growth, to share desires, goals, objectives, and expectations as an associate.

Both the Sisters of Charity and the Sisters of Providence have clearly articulated mutual rights and obligations which are directly related to participation in and direction of their respective associate programs. The individual items on the list are appropriate for programs which emphasize sharing in the spirit and serve to circumscribe and define the relationship between the associate and the institute. Moreover, the specific rights and obligations are generally concrete and verifiable although there is room for improvement in this area.⁶² Finally, both programs include the list of mutual rights and responsibilities in a manual which is distributed to all associates thus assuring that participants are aware of the benefits available to them and the responsibilities they assumed with commitment.

Conclusion

This chapter has explored practical issues related to the functioning of contemporary associate programs in order to identify these issues, and to illustrate and assess the ways in which sponsoring institutes and societies are dealing with them. Issues discussed were procedures for establishment,

⁶²Responsibilities of Providence associates such as "to be faithful to their present lifestyle" and "to strengthen the relationship with the congregation" could be more specific.

content, structures, statutes, policies, rights and responsibilities, and formal agreements.

Existing programs have evolved gradually during the last fifteen to twenty years. The establishment procedures examined in this chapter are typical of the procedures used by other sponsors. They indicate that it was grassroots interest which first lead to experimentation with association and then to formal approval of the programs by chapters. It is not clear, however, how widespread the initial interest was or whether an attempt was even made to establish the level of support for lay association among the membership as a whole. It appears that leadership took the decision, independently of the members, to participate in the experimental phase. As a result, at least some provinces accepted associates before members were fully aware of the project or its implications. One suspects that this happened in other institutes as well which may account for the lack of general support and even outright resistance to associate programs among some members.

The evolutionary process continues in the present, for giving direction and shape to the associate relationship is ongoing. The trend in recent years is for sponsors to formulate more complete guidelines and statutes and to compile these in a single document called handbook, manual, or directory. When necessary, these norms are supplemented with operating policies. Sponsors which conduct programs for sharing in the mission are leading the way in policy formulation.

It is common practice for sponsors to set out the terms of their agreement with their associates in a document which is signed by both parties. Institutes with associates who share in spirit use written agreements to state

the mutual rights and responsibilities and to disclaim any legal or financial obligations. It is questionable whether a formal agreement is the most appropriate instrument to accomplish these purposes since no legal bond is intended. A more suitable means, and one which is less intimidating, is to include rights and responsibilities in the associate manual. If these are well formulated, they should be sufficient to define the relationship and to make disclaimers unnecessary. This is an aspect of associate programs in need of attention.

Agreements with associates who share in mission are understandably more elaborate due to the complexity of the relationship. Though the two contracts examined appear on the surface to be adequate, they were formulated by the sponsors without any reference to civil law or canon law requirements. Of particular concern are situations where the contract is entered into in one jurisdiction but the terms are fulfilled in another. Without the assurance that all necessary conditions have been met, it is not certain whether the terms are enforceable in a court of law. Both parties to the agreement, therefore, have been placed at risk. Sponsors need to be convinced first, that civil enforceability is desirable and second, that legal counsel is essential.

The chapter's overview reveals that conducting associate programs has been a major undertaking of the respective religious institutes and societies of apostolic life during the past fifteen to twenty years. Sponsoring institutes and societies initiate the programs, determine their content, establish norms, formulate operating policies, admit new members, give initial and ongoing formation, coordinate and exercise leadership, and provide opportunities and resources for associates to share in their life and mission. Numerous dedicated

individuals have spent a great deal of time and energy to establish and maintain these programs. Since most of the practical aspects enumerated above have to be dealt with on an ongoing basis, conducting associate programs will continue to require a significant investment of resources on the part of sponsors. Therefore, one can conclude that, in their current format, associate programs are highly dependent upon the sponsoring institutes and societies for their functioning.

This situation raises some questions concerning the long-term viability of these programs. Religious institutes and societies of apostolic life in Canada are experiencing constraints due to aging populations and declining numbers.⁶³ Not surprisingly, some sponsors are finding that fewer members are able to become involved in the programs or to assume leadership roles within them. It seems that the personnel crisis will only increase with time. This leads to a second conclusion that the present level of direct involvement in the functioning of associate programs by sponsors is unsustainable. Associate programs are fast approaching a critical juncture. Sponsors must either give more responsibility to associates for the functioning of programs or risk their stagnation and eventual decline along with the decline of the institutes and societies.

⁶³The latest demographical statistics for religious in Canada - priests, brothers and sisters - reveal that 65% are age 65 years and older, 21.6% are between the ages of 55 and 64, 10.5% are between the ages of 45 and 54, and only 2.9% are younger than 45. Only 33% are engaged in external ministry. The other 67% are in internal ministry or are retired (see CANADIAN RELIGIOUS CONFERENCE, *Statistics of the Institutes of Consecrated Life and of the Societies of Apostolic Life of Canada as of January 1st 1993*, Ottawa, Canadian Religious Conference, 1993, pp. 51, 53).

GENERAL SUMMARY AND CONCLUSION

The general purpose of this dissertation has been to examine the context and the canonical and practical issues related to contemporary lay associate programs in Canada. Chapter one reviewed the historical and legal backgrounds and explored the present framework. It demonstrated that lay association with religious institutes evolved from isolated cases to ecclesial institution. The praxis of the Church, from the 12th century on, had been to reserve to the Holy See the right to grant permission (apostolic privilege) to a religious order to establish an association of associates, called a third order, and to approve the rule and subsequent amendments to it. The 1917 Pio-Benedictine Code canonized this practice and further legislated for associations of associates in sections on Associations of the Christian Faithful in General and Third Orders in particular. The Holy See regulated and exercised vigilance over tertiaries and third orders through the Congregation for Religious. The last section of chapter one illustrated how the Second Vatican Council's teaching set the present context for contemporary programs by preparing the way for renewed interest in lay association and by influencing its form.

Chapter two examined current universal and proper legislation related to lay association. This examination revealed that the 1983 Code of Canon Law, while taking a new approach to associations of the Christian faithful, preserves the notion of third order kinds of associations in c. 303. Elsewhere, c. 677 §2 reminds institutes of their apostolic duty to imbue their associations with the

family spirit. It concluded that the Church places a high value on this kind of relationship between religious and laity. During the renewal period mandated by Vatican II, many religious institutes and societies of apostolic life enthusiastically embraced the concept of lay association and provided, in their revised proper law, for the actual acceptance of individual lay associates. An examination of selected proper law revealed that institutes and societies are not seeking approval for associations.

Chapter three explored canonical issues related to contemporary, lay associate programs. These issues included membership requirements, the relationship between institutes/societies and their associates, and the participation of associates in the life of the sponsoring institutes/societies. Canonical norms were presented as reference points for an examination of present trends in Canadian associate program guidelines. It concluded that, since associates are not incorporated members, their participation in the internal life of sponsoring organizations is limited to those non-juridical activities judged appropriate and relevant. The kinds of activities, and those degrees of participation are determined primarily by the program focus — sharing in spirit or sharing in mission.

Finally, chapter four considered some practical aspects related to contemporary associate programs; namely, establishment procedures, organization and functioning, content of programs, statutes and policies, agreements and contracts, and rights and obligations. It was observed that from their inception the programs have required a major commitment of time and energy on the part of some members within the sponsoring institutes and societies. This time-investment has produced positive results in that the

programs have been popular and have acquired a certain stability and standardization. It is doubtful, however, that this high level of direct involvement can continue, given the diminishing resources of these institutes and societies.

Evaluation of the Present Situation

There is a rich variety of existing associate programs. Their popularity is attested to by the large percentage of institutes and societies conducting such programs and by the sheer numbers of lay participants. There is no doubt that, for the sponsoring institutes and societies, these programs are useful vehicles for diffusing their spirit and for collaborating with laity in mission. For the lay participants, these programs provide attractive opportunities for spiritual enrichment and for participation in apostolic activities. The success of these programs has not gone unnoticed by the Church, for they achieved recognition and encouragement in the working paper for the 1994 Synod on Consecrated Life in the Church and in the World:

A special form of apostolic participation in this period of the church's history is expressed in sharing with the laity one's manner of seeing and acting, [...]

In recent years many communities have developed a network of associates or friends - priests and laity - who share their spirituality and cooperate in their mission. This is a growing situation which is still in search of proper forms but which can allow communities of consecrated persons a better expression of their life in the church and their specific apostolate.

These new forms can play an important role in supporting persons engaged in a spiritual search who want to commit themselves to the church in a specific field. These forms offer the possibility to create places for sharing, for faith and for support in a common mission lived in diverse forms but realized in the same spirit. It is important not to limit these new experiences but to leave new paths open for exploration.¹

¹SYNOD OF BISHOPS, COUNCIL OF THE GENERAL SECRETARIAT, *Instrumentum laboris* for the Ninth Ordinary General Assembly of the Synod of Bishops, "The Consecrated Life and its Role in the Church and in the World," in *Origins*, 24(1994), no. 98; see also no. 80.

Contemporary association is characterized by the fact that individual associates are in relationship with the sponsoring institutes and societies whose charisms they share. It is this aspect that essentially distinguishes contemporary forms of association from traditional third orders which are established as associations distinct from the institutes. Associates, on the other hand, are encouraged to feel a sense of "belonging" to the institute/society. Personal contact with members and participation in the internal life and activities of the institutes and societies are integral elements of these programs. This distinguishing feature is doubtless one of the reasons for their attractiveness. It is also the most controversial aspect.

A growing issue for some sponsors — and one which has the potential to polarize members — is the degree of involvement of associates in activities that some members believe should be reserved to members. This situation suggests that, despite statements made in program guidelines, there is a wide variety of understandings of associateship. Further clarification is obviously needed, not only to satisfy canonical requirements, but also to ensure harmony within the sponsoring institutes and societies. The issue is crucial because it goes beyond the immediate concern of associate relationship, challenging the very meaning of incorporated membership in religious institutes and in societies of apostolic life and the corresponding exercise of rights and obligations. This controversy, too, has not escaped the notice of the Church. While endorsing associate programs, the same Synod document cautions against jeopardizing the identity of the institutes that conduct the programs.²

²See *ibid.*, no. 32. Loss of identity is a legitimate concern. Sociologist Patricia Wittberg points out that blurring boundaries has implications for recruitment of new members: "... the blurring of organizational boundaries and solidarity with out-groups make the advantages of belonging less obvious to potential members. According to Kanter, not one of the communal

Attempts to integrate lay associates into the sponsoring religious institutes and societies of apostolic life are constrained by the requirements for the canonical categories to which they belong. The established models are limited with no room for degrees of membership or classes of membership (except for those based on orders). It is unlikely that these models will change, given the firm affirmation of their essential elements in recent official Church documents.³ Experiments at integration are further constrained by the resistance of incorporated members whose vested rights must be respected.⁴

Contemporary associate programs resemble the earlier uninstitutionalized, flexible forms of individual association examined in chapter one. In the initial stages of their development, sponsors were reluctant to establish too many structures and operating policies. Instead, they left room for the programs to evolve according to demonstrated needs and the promptings of the Spirit. In more recent years, the trend has been towards giving more definite shape and direction to associate relationship. However, striking a balance between the

religious groups in her study that began to ignore membership recruitment and boundary maintenance survived beyond a generation (Kanter 1972)" (P. WITTEBERG, *Outward Orientation in Declining Organizations: Reflections on the LCWR Documents*, in N. FOLEY, [ed.], *Claiming Our Truth: Reflections on Identity by United States Women Religious*, Washington, Leadership Conference of Women Religious, 1988, p. 93).

³SYNOD OF BISHOPS, COUNCIL OF THE GENERAL SECRETARIAT, *Lineamenta* for the Ninth Ordinary General Assembly of the Synod of Bishops, "The Consecrated Life and its Role in the Church and in the World," in *Origins*, 22(1992), pp. 433, 435-454, especially nos. 5-24; id., *Instrumentum laboris* for the Ninth Ordinary General Assembly of the Synod of Bishops, "The Consecrated Life and its Role in the Church and in the World," in *Origins*, 24(1994), pp. 97, 99-138, especially nos. 30-36; SACRED CONGREGATION FOR RELIGIOUS AND SECULAR INSTITUTES, *Essential Elements in the Church's Teaching on Religious Life As Applied to Institutes Dedicated to Works of the Apostolate*, 31 May 1983, in *Origins* 13(1983), pp. 133-142, especially nos. 13-53.

⁴Included in this study were two programs that experimented with integration. Recently both programs shifted focus to allow the associates to function more independently. Tension has been lessened as a result.

need for greater structure and more clearly articulated guidelines and policies, and the desire to preserve the flexibility of programs continues to challenge associate directors.

Associate groups have not been established as autonomous or semi-autonomous organizations. Essentially, the programs are outreach activities or ministries of the sponsoring institutes and societies. The programs *belong* to the sponsors who conduct them *for* their associates. It is a system in which decision-making and leadership rest with the sponsors while their associates, especially in programs that focus on sharing in spirit, are the more passive element. To date, the system has worked because sponsors have been able to commit personnel to the activity. This may not be the case for long. Presently, some institutes are experiencing difficulty finding members to take responsibility for the programs. The danger is that, as the energies of the sponsors diminish, the programs themselves may lose their vigour. There is evidence that some programs may already have reached their peak and are in a maintenance mode with respect to recruitment and program development. Other programs retain their drawing power.⁵

Future Directions

Given their declining numbers, aging populations, and shortage of vocations, in all likelihood, it is just a matter of time before many of the institutes and societies will disappear. Since contemporary programs emphasize the relationship between the associate and the sponsor, one wonders about the fate of these programs when there is no longer an institute or society with

⁵For example, the Scarboro Lay Mission Office reported 300 inquiries in 1994. See chapter three, note 99.

which to relate. A foreshadowing of the future can be detected in situations where associates no longer have direct contact with the sponsors because one or other has moved. Though not impossible, it is more challenging to maintain and foster associate relationship from a distance. This aspect will soon require attention.

In the short term, institutes and societies will have to do something about their personnel shortages. The structures and functioning of programs will require adjustments to shift some of the burden of administration and program delivery from the sponsors to the associates themselves. This will entail preparing associates to take more responsibility for their own programs. In the absence of incorporated members, not only will associates be expected to assume leadership positions but also, and more importantly, they will have to be the carriers and translators of the charism, as well as the mentors and guides to new members. In other words, what is required is for associates to "live [the] charism in the first person, sharing the gift of the Spirit in full co-responsibility."⁶ And, if participation in spirit and mission is to remain a collaborative venture, greater emphasis will need to be placed on bonding between associates and their belonging to a group of associates.

The presence of associates will not save "dying" institutes from their fate. In the long term, if institutes and societies want their spirit and mission to "survive" them in their associates, then, in addition to the shifts suggested above, other structural changes must occur. Essentially these programs must be transformed into self-governing associations. Existing guidelines will require

⁶B. SECONDIN, "Orizzonti del charisma di un istituto: La 'nuova' partecipazione dei laici," in *Informationes SCRIS*, 17(1991) p. 90 (English translation in *Consecrated Life*, 17(1992), p. 84).

modification and completion to resemble statutes for autonomous associations with formal leadership and appropriate structures. Moreover, there must be a complementary shift in program emphasis from one of relationship to a sponsor to one of commitment to a charism, similar to third orders. This may not be possible without destroying the foundation on which the programs have been built. Indeed, the very term "associate" announces its relational nature. Furthermore, it is uncertain whether the original charisms have sufficient relevance and drawing power to outlive their institutionalized forms and whether they can effectively shed their "religious" trappings to develop a "secular" character.⁷ Sponsors and participants may decide, instead, to stay the course, enjoy the benefits for as long as the relationship lasts, and accept whatever the future holds.

Some proponents of associate programs see in them the seeds of a new form of religious life. However, if the past instructs us, then those intent on pioneering a new expression of dedicated life and service in the Church would do well to look beyond the present models. Historically, new images of religious life⁸ and new forms of commitment⁹ developed outside existing canonical forms and not by their renewal. Canon 605¹⁰ anticipates that new forms of

⁷See BALLAN, "The First Evangelization: Collaboration Between Religious and the Laity," p. 94.

⁸Monasticism, mendicants, apostolic orders, congregations. The evolution of religious life is recounted in CADA, L, et al., *Shaping the Coming Age of Religious Life*, 2nd ed., Whitinsville, MA, Affirmation Books, 1985, pp. 11-50.

⁹Societies of apostolic life and secular institutes.

¹⁰See c. 605: "Approving new forms of consecrated life is reserved to the Apostolic See alone. Diocesan bishops, however, should strive to discern new gifts of consecrated life granted to the Church by the Holy Spirit and they should aid their promoters so that they can express their proposals as well as possible and protect them with suitable statutes, utilizing especially the general norms contained in this section."

consecrated life, which do not fit into the categories of religious or secular institutes, will appear. The Synod's working paper confirms that this is, in fact, occurring:

Today new forms of the consecrated life are being founded, forms which cannot be reduced to pre-existing forms. In addition to the profession of the consecrated life through the evangelical counsels, they ordinarily have some added characteristic such as the mixed nature of the group made up of both men and women; renewed forms of participation in the administration of the common life; flexible structures; and more dynamic organizational features in view of their mission.¹¹

Another possibility, also raised in the document, is a recognized, stable form of consecrated life according to the evangelical counsels for married people.¹²

Some advocates of a new model of religious life may be seeking a broader vision in a form which could include a varied membership such as vowed and non-vowed, men and women, married and single, families. Perhaps, in time, some of the many new movements active in the Church today will give birth to mixed societies that may become institutionalized and recognized in their own canonical category. At present, the only existing canonical categories are consecrated life and associations of the Christian faithful. Significantly, this subject, too, appeared in the working paper for the 1994 Synod which describes the complexity of these movements and the difficulty involved in categorizing them:

The problem arises concerning those groups which, although having a great variety of expressions, are marked by a lack of uniformity in their composition such as: groups of men and women; groups where some members profess the evangelical counsels, even perpetually, while others do not; groups in which some live in apostolic communities, others in communities of a monastic type and still others who live alone

¹¹*Instrumentum laboris* for the Ninth Ordinary General Assembly of the Synod of Bishops, "The Consecrated Life and its Role in the Church and in the World," no. 13.

¹²See *idid.*, no. 38.

in a form of consecration in the world; and groups where some are admitted to sacred orders. In some of these groups there are also families, some of whom live together while others do not. They all depend on a single president or moderator, although as a whole the entity is expressed in various branches with different persons in authority. As to the style of evangelical life, they are often characterized by strong austerity, intense prayer, the restoration of sound forms of traditional devotion, the participation of all in domestic and manual labour, simple relationships and a limited number of members. The apostolate of such groups is for the most part the following: a missionary outreach to those who are "separated" and those who have never received the Gospel; involvement in the "new evangelization"; ecumenical openness; closeness to the poor and marginalized of every kind; and active involvement in parish structures.

Although expressed in a variety of ways, the inspiration which unites them requires a unity which is not only spiritual but structural as well. Therefore it would be a restriction of their nature and charismatic newness if canonical approval as separate entities would be given to the various branches or sectors in accordance with previously sanctioned juridical forms. It would be like dismembering a body. Thus the question must be clarified as to whether these groups want to be recognized as a new form of the consecrated life or as associations of the faithful with the character of an ecclesial movement.¹³

At the conclusion of the Synod, the delegates presented to Pope John Paul II propositions representing the results of their deliberations, including recommendations. Those eager to learn the outcome of the discussions on new forms of evangelical life will have to wait until the Pope issues a post-synodal apostolic exhortation on consecrated life which can be expected to incorporate many, if not all of the propositions.

These varied possibilities certainly suggest areas for additional theological and canonical research. But regardless whether associate programs foreshadow a new model of religious life, as centers of spiritual and apostolic energy, they are a success story in their own right. It remains for the sponsoring institutes

¹³ibid., no. 37.

and societies to continue to shape them and clarify their situation so that they can realize their full potential within the ecclesial community.

APPENDIX A

Canons on Associations of the Christian Faithful from the 1917 Code that are cited in chapter 1.

C. 685: Associationes distinctae a religionibus vel societatibus de quibus in can. 487-681, ab Ecclesia constitui possunt vel ad perfectiorem vitam christianam inter socios promovendam, vel ad aliqua pietatis aut caritatis opera exercenda, vel denique ad incrementum publici cultus.

C. 686 §1: Nulla in Ecclesia recognoscitur associatio quae a legitima auctoritate ecclesiastica erecta vel saltem approbata non fuerit.

§2: Associationes erigere vel approbare pertinet, praeter Romanum Pontificem, ad loci Ordinarium, exceptis illis quarum instituendarum ius, apostolico ex privilegio, aliis reservatum est.

§3: Licet privilegium concessum probetur, semper tamen, nisi aliud in ipso privilegio cautum sit, requiritur ad validitatem erectionis consensus Ordinarii loci scripto datus; consensus tamen ab Ordinario praestitus pro erectione domus religiosae valet etiam pro erigenda in eadem domo vel ecclesia ei adnexa associatione, quae non sit constituta ad modum organici corporis et illius religionis sit propria.

C. 687: Ad normam can. 100, tunc tantum fidelium associationes iuridicam in Ecclesia personam acquirunt, cum a legitimo Superiore ecclesiastico formale obtinuerunt erectionis decretum.

C. 689 §1: Quaelibet associatio sua statuta habeat, a Sede Apostolica vel ab Ordinario loci examinata et approbata.

§2: Statuta quae non sint confirmata a Sede Apostolica, moderationi et correctioni Ordinarii loci semper subiecta manent.

C. 690 §1: Omnes associationes, etiam ab Apostolica Sede erectae, nisi speciale obstet privilegium, iurisdictioni subsunt et vigilantiae Ordinarii loci, qui ad normas sacrorum canonum eas invisendi ius habet et munus.

§2: Associationes tamen, quae vi privilegii apostolici a religiosis exemptis in suis ecclesiis institutae sunt, Ordinariis locorum fas non est visitare quod attinet ad ea quae internam disciplinam seu spiritualem associationis directionem spectant.

C. 691 §1: Associatio legitime erecta, nisi aliud expresse cautum sit, bona temporalia possidere et administrare potest sub auctoritate Ordinarii loci, cui rationem administrationis saltem quotannis reddere debet, ad normam can. 1525, minime vero parochi, licet in eius territorio erecta sit, nisi aliud Ordinarius ipse statuerit.

§2: Potest, ad normam statutorum, oblationes recipere, et receptas erogare ad pios ipsius associationis usus, salva semper offerentium voluntate.

§3: Nulli associationi eleemosynas colligere licet, nisi id aut statuta permittant, aut necessitas postulet, et loci Ordinarii consensus accedat ac servetur forma ab eodem praescripta.

§5: Oblationum quoque ac eleemosynarum fidelis erogationis rationem associatio reddat Ordinario loci.

C. 692: Ad fruendum associationis iuribus, privilegiis, indulgentiis, aliisque gratiis spiritualibus, necesse est et sufficit ut quis in eam valide receptus sit, secundum propria associationis statuta et ab ea legitime non expulsus.

C. 693 §1: A catholici et damnatae sectae adscripti aut censura notorie irretiti et in genere publici peccatores valide recipi nequeunt.

§3: Absentes ne adscribantur associationibus ad modum organici corporis constitutis; praesentes autem, non nisi scientes ac volentes adscribi possunt.

C. 694 §1: Receptio fiat ad normam iuris ac statutorum uniuscuiusque associationis.

§2: Ut autem de receptione constet, inscriptio in albo associationis fieri omnino debet; imo haec inscriptio, si associatio in personam moralem erecta fuerit, est ad validitatem necessaria.

C. 696 §1: Nemo, legitime adscriptus, ab associatione dimittatur, nisi iusta de causa ad normam statutorum.

§2: Qui in casum inciderint, de quo in can. 693 §1, expungantur, praemissa monitione, servatis propriis statutis et salvo iure recursus ad Ordinarium.

§3: Etiam si in statutis nihil expresse caveatur, etiam loci Ordinarius quod ad omnes associationes, et Superior religiosus quod ad associationes ex apostolico indulto a religiosis erectas attinet, possunt

C. 697 §1: Associationes legitime erectae ius habent, ad normam statutorum et sacrorum canonum, celebrandi comitia, edendi peculiare normas quae ipsum sodalium respiciant, eligendi administratores bonorum, officiales et ministros, firmo praescripto can. 715.

§2: In iis quae convocationem ad comitia et electiones respiciunt, serventur ius commune, quod prostat in can. 161-182 et statuta iuri communi non contraria.

C. 698 §1: Nisi privilegium apostolicum aliud expresse caveat, nominatio moderatoris et cappellani pertinet ad loci Ordinarium in associationibus ab ipso vel ab Apostolica Sede erectis aut approbatis, et in associationibus a religiosis

vi apostolici privilegii erectis extra proprias ecclesias; in associationibus vero erectis a religiosis in propriis ecclesiis requiritur tantum Ordinarii loci consensus, si a Superiore moderator et cappellanus e clero saeculari eligantur.

C. 699 §1: Ob graves causas et salvo iure recursus ad Apostolicam Sedem, potest loci Ordinarius suppressere non solum associationem a se vel a decessoribus suis erectam, sed etiam associationem ex apostolico indulto a religiosis erectam de consensu Ordinarii loci.

§2: Associationes vero ab ipsa Apostolica Sede erectae non nisi ab eadem suppressi possunt.

C. 700: Triplex distinguitur in Ecclesia associationum species: tertii Ordines saeculares, confraternitates, piaae uniones.

C. 701 §1: Inter pias laicorum associationes, ordo praecedentiae est qui sequitur, firmo praescripto can. 106, 5, 6:

1. Tertii Ordines;
2. Archconfraternitates;
3. Confraternitates;
4. Piae uniones primariae;
5. Aliae piae uniones.

C. 702 §1: Tertiarum saeculares sunt qui in saeculo, sub moderatione alicuius Ordinis, secundum eiusdem spiritum, ad christianam perfectionem contendere nituntur, modo saeculari vitae consentaneo, secundum regulas ab Apostolica Sede pro ipsis approbatas.

§2: Si tertius saecularis Ordo in plures associationes dividatur, harum quaelibet legitime constituta dicitur *sodalitas tertiariorum*.

C. 703 §1: Firmo privilegio nonnullis Ordinibus concesso, nulla religio potest tertium Ordinem sibi adiungere.

§2: Dato etiam apostolico privilegio, Superiores religiosi possunt quidem personas particulares tertio Ordini adscribere, sed nequeunt sodalitem tertiariorum valide erigere sine consensu Ordinarii loci, ad normam can. 686, §3.

§3: Nec sodalitatibus a se erectis possunt concedere usum particularium vestium, in publicis sacris functionibus deferendarum, sine speciali eiusdem Ordinarii licentia.

C. 704 §1: Qui vota nuncupavit vel in perpetuum vel ad tempus in aliqua religione, nequit simul ad ullum tertium Ordinem pertinere, etsi eidem antea fuerit adscriptus.

§2: Si solutus a votis ad saeculum redierit, antiqua adscriptio reviviscit.

C. 705: Nulla tertiariorum sodalitas, sine apostolico indulto, adscribere potest sodales alius tertii Ordinis in eodem remanentes; singulis tamen sodalibus licet iusta de causa transire sive ab alio ad alium tertium Ordinem, sive ab alia ad aliam sodalitem eiusdem tertii Ordinis.

C. 706: Publicis processionibus, funeribus aliisque ecclesiasticis functionibus tertiarum possunt, sed non tenentur, collegialiter interesse; at si intersint, cum suis insignibus sub cruce propria incedant necesse est.

APPENDIX B

CONDITIONS FOR RECEPTION

The School Sisters of Notre Dame, Canadian Province.

1. Initial Contact

Inquiry about associate membership may be made to any SSND or associate member who will arrange to provide the necessary information.

2. Application

(a) Those interested fill out an application form and with it submit two letters of recommendation; one being from a member of the clergy, a spiritual director or an associate; the other, from an SSND. This information is sent to the associate directress.

(b) A member of the associate team, or contact sister in distant places, interviews the applicant. Requests to proceed to membership are approved by the associate team. After approval a SSND community and contact sister are agreed upon to companion the prospective member.

3. Orientation Period

The orientation period will last for one year. The means and place of orientation may vary with each person. The goal of this preparation is an understanding of the spirit and mission of the congregation. Sessions include topics on the life of Blessed Mary Theresa, the history of the congregation and its Canadian province, the spirituality, mission and charism of SSND.

4. Commitment

When the potential associate, contact sister and the associate team agree that the applicant proceed to membership as an associate of the congregation, the associate directress asks the provincial council's consideration and decision. After acceptance by the council, the prospective associate, along with the contact sister, prepares for his/her commitment to live out the charism of SSND for one year.

This commitment is made public in a community celebration. It is evaluated and renewed annually and may be terminated by either the associate or the associate team when it is no longer mutually life giving.

APPENDIX C**CRITERIA AND PROCEDURES TO RENEW COMMITMENT**

From the Manual for the CSJ Associate Program of the Sisters of St. Joseph of Toronto.

4. Criteria to Renew Commitment

1. To renew one's commitment an associate must have:
 - demonstrated fidelity to the program by daily prayer, attendance at monthly meetings and annual gatherings.
 - demonstrated to the group co-ordinator evidence of a deepening relationship to Jesus Christ through fidelity to prayer and outreach to others in the family, parish, community and/or workplace.
 - taken some responsibility for activities of the associate program as far as personal gifts, time and family obligations permit.

5. Procedure for Renewal

1. The associate indicates to the group co-ordinator a desire to renew commitment. It is incumbent upon the co-ordinator to determine the suitability of an associate to continue in the program (i.e., that the person meets the stated criteria).
2. The group co-ordinator provides the opportunity and a deadline for associates to make their request. This should be done verbally to allow for a dialogue but, where distance or other circumstances require it, a written request, together with adequate documentation, is permitted.
3. The group co-ordinator communicates to the director of associates the names of those who are recommended for renewal of commitment. The director, in turn, forwards the recommendations to the general superior.
4. A retreat of at least one day will precede the renewal of commitment.
5. Renewal of commitment ordinarily takes place during the Eucharistic celebration at the time of a Commitment Ceremony.
6. Where an associate has been unable to attend the annual commitment ceremony, the group co-ordinator is responsible for arranging the renewal as soon as possible. This may take place at the annual retreat or at a local group meeting in the presence of the director of associates or her delegate acting on behalf of the congregation.

APPENDIX D**RELATIONSHIP OF ASSOCIATE TO THE INSTITUTE**

From the Manual for the Sisters of Charity at Ottawa Associate Program.

Status of the Associate

An associate is a person affiliated to the Sisters of Charity at Ottawa without membership in the Congregation.

- a) He/she participates in the mission of the Congregation by his/her prayers, suffering and apostolic ministry according to his/her aptitudes, interest and training. This concrete participation can be exercised in his/her own social environment.
- b) His/her bond or ties with the Congregation are of a spiritual nature and in no way affects his/her civil status; he/she is autonomous and independent on the financial, legal, and professional levels. Therefore,
 - he/she continues in his/her profession or work
 - he/she attends to his/her own personal needs
 - he/she assumes his/her own financial legal obligations
- c) He/she makes a formal commitment to share in the spirituality and ministry of the Sisters of Charity at Ottawa without pronouncing any vows. He/she is not an agent nor a representative of the Congregation.
- d) In the accomplishment of his/her apostolic ministry, the Associate is free from all legal or financial obligations toward the Congregation. In the same way, the Congregation has no legal or financial obligations toward the Associate and is not responsible for any actions or statements of the Associate.
- e) The Sisters of Charity at Ottawa shall be under no legal or moral obligation to compensate an Associate and/or his/her dependents or heirs for services rendered or for injuries, sickness or death incurred while acting as an Associate.

BIBLIOGRAPHY

I. PRIMARY SOURCES

A. General Documentation

Acta Apostolicae Sedis: Commentarium officiale, Romae, 1909-1928, in Civitate Vaticana, 1929- , Typis Polyglottis Vaticanis.

Acta Sanctae Sedis, Romae, Typis Polyglottis Vaticanis, 1865-1909, 41 vols.

Annuario Pontificio per l'anno 1994, Roma, Libreria Editrice Vaticana, 1994, 2364 p.

BENEDICT XV, Encyclical on the Third Order of St. Francis, *Sacra propediem*, 6 January 1921, in *AAS*, 13(1921), pp. 33-41 (English translation in C. CARLEN, ed., *The Papal Encyclicals: 1903-1939*, vol. 4, Wilmington, N.C., McGrath Publishing, 1981, pp. 207-211).

Bullarium diplomatum et privilegiorum sanctorum Romanorum pontificum, Taurinensis editio (cure Tomassetti), Locupletior acta collectione novissima plurium brevium, epistolarum, decretum actorumque S. Sedis a Leone Magno usque ad praesens, [i.e. 1740], Augustae Taurinorum, S. Franco et H. Dalmazzo, 1857-1872, 24 vols.

Canon Law Digest: Officially Published Documents Affecting the Code of Canon Law, Milwaukee, Bruce Publishing Co., 1934-1969, vols. 1-6; Chicago, Canon Law Digest-Chicago Province SJ, 1975-1986, vols. 7-10; Washington, The Canon Law Society of America, 1991, vol. 11.

Codex iuris canonici auctoritate Ioannis Pauli PP. II promulgatus, Typis Polyglottis Vaticanis, 1983, xxx, 317 p., (English translation: *The Code of Canon Law*, Latin-English ed., translation prepared under the auspices of The Canon Law Society of America, Washington, D.C., Canon Law Society of America, 1983, xlii, 668 p.).

Codex iuris canonici auctoritate Ioannis Pauli PP. II promulgatus, fontium annotatione et indice analytico-alphabetico actus, Città del Vaticano, Libreria editrice Vaticana, 1989, xxxii, 669 p.

Codex iuris canonici Pii X Pontificis Maximi iussu digestus, Benedicti Papae XV auctoritate promulgatus, Romae, Typis Polyglottis Vaticanis, 1917, xlv, 852 p.

Communicationes, Romae, vols. 1-15, [Pontificia Commissio Codici Iuris Canonici Recognosendo; vols. 16-20, Pontificia Commissio Codici Iuris Canonici Authentice Interpretando; vol. 21- , Pontificium Consilium de Legum Textibus Interpretandis], 1969-

CONGREGATION FOR INSTITUTES OF CONSECRATED LIFE AND SOCIETIES OF APOSTOLIC LIFE, Instruction, Directives on Formation in Religious Institutes, *Potissimum institutioni*, 2 February 1990, in *AAS* 82(1990), pp. 470-532 (English translation in *Consecrated Life*, 15(1990), Supplement, ix, 66 p.).

Consecrated Life, approved English edition of *Informationes SCRIS*, [the information bulletin of the Congregation for Religious and Secular Institutes], Boston, The Institute on Religious Life, Daughters of St. Paul, 1977- .

Corpus iuris canonici, A. RICHTER and A. FRIEDBERG, eds., edition 2a, Lipsiae, Ex Officina B. Tauchnitz, 1879-1881, 2 vols.

FLANNERY, A. P., ed., *Vatican Collection* vol. 1: *Vatican II, The Conciliar and Post Conciliar Documents*, Collegeville, MN, The Liturgical Press, 1975, v, 1062 p.; vol. 2: *Vatican II, More Post Conciliar Documents*, Collegeville, Minn., The Liturgical Press, 1982, v, 920 p.

FRIEDBERG, A.L., ed., *Corpus Iuris Canonici*, Lipsiae, Tacuchnitz, 1879-1881, 2 vols.

Informationes SCRIS, [Bolletino d'informazione, direzione, redazione e amministrazione: Sacra Congregazione per i Religiosi e gli Istituti Secolari], Città del Vaticano, 1975- .

JOHN PAUL II, Apostolic Constitution, *Sacrae disciplinae leges*, 25 January 1983, in *AAS*, 75(1983), pp. vii-xiv (English translation in J. CORIDEN, T. GREEN, D. HEINTSCHEL, eds., *The Code of Canon Law: A Text and Commentary*, New York, Paulist Press, 1985, pp. xxiv-xxvi).

JOHN PAUL II, Apostolic Constitution on the Roman Curia, *Pastor bonus*, 28 June 1988 in *AAS*, 80(1988), pp. 841-912.

———, Apostolic Exhortation on the Vocation and Mission of the Lay Faithful in the Church and in the World, *Christifideles laici*, 30 December 1988, in *AAS*, 81(1989), pp. 393-521 (English translation in *Origins*, 18(1989), pp. 561, 563-595).

L'Attività della Santa Sede, pubblicazione non ufficiale, Città del Vaticano, Tipographia poliglotta vaticana, [1941-].

LEO XIII, Apostolic Letter, *Quum Nobis*, 17 June 1898, in *Leonis XIII Pontificis Maximi: Acta*, vol. 18, Romae, Ex Typographia Vaticana, 1899, pp. 65-71.

———, Constitution, *Misericors Dei Filius*, 30 May 1883, in *ASS*, 15(1898), pp. 513-520.

———, Encyclical, *Auspicato*, September 17, 1882, in *Leonis XIII Pontificis Maximi: Acta*, vol. 3, Romae, Ex Typographia Vaticana, 1884, pp. 142-156.

MANSI, J.D., ed., *Sacrorum conciliorum nova et amplissima collectio*, Parisiis, H. Welter, 1901-1927, 53 vols.

MIGNE, J., ed., *Patrologiae cursus complectus*, Series latina, Parisiis, Montrouge, 1844-1855, vol. 87.

PAUL VI, Apostolic Exhortation on Evangelization in the Modern World, *Evangelica nuntiandi*, 8 December 1975, in *AAS*, 68(1976), pp.1-96 (English translation in FLANNERY II, pp. 711-761).

———, Norms for Implementing the Decree: On the Up-To-Date Renewal of Religious Life, *Ecclesiae sanctae II*, 6 August 1966, in *AAS*, 58(1966), pp. 775-782 (English translation in FLANNERY I, pp. 624-633).

PIUS X, Epistle, *Tertium Franciscalium Ordinem*, 8 September 1912, in *AAS*, 4(1912), pp. 582-586.

PONTIFICAL COUNCIL FOR THE LAITY, *Catholic International Organizations Defined*, 3 December 1971, in *AAS*, 63(1971), pp. 948-956 (English translation in *Canon Law Digest*, vol. 7, pp. 569-578).

PONTIFICIA COMMISSIO CODICI IURIS CANONICI AUTHENTICE RECOGNOSCENDO, *Codex iuris canonici: Schema novissimum iuxta placita patrum Commissionis emendatum atque Summo Pontifici praesentatum*, In Civitate Vaticana, Typis Polyglottis Vaticanis, 1982, xviii, 308 p.

———, *Codex iuris canonici: Schema patribus commissionis reservatum*, In Civitate Vaticana, Libreria Editrice Vaticana, 1980, xxiii, 382 p.

———, *Relatio complectens synthesim animadversionum ab em.mis atque exc.mis Patribus Commissionis ad novissimum schema Codicis iuris canonici exhibitarum, cum responsionibus a secretaria et consultoribus datis*, Città del Vaticano, Typis Polyglottis Vaticanis, 1981, 358 p.

———, *Schema canonum de institutis vitae consecratae per professionem consiliorum evangelicorum*, Romae, Typis Polyglottis Vaticanis, 1977, xii, 36 p., (English translation in *Schema of Canons on Institutes of Life Consecrated by Profession of the Evangelical Counsels: Draft*, Washington, D.C., Publications Office, United States Catholic Conference, 1977, xxv, 73 p).

———, *Schema canonum libri II: De populo Dei*, Romae, Typis Polyglottis Vaticanis, 1977, 158 p., (English translation in *Draft of the Canons of Book Two: The People of God*, translated under the auspices of the Canon Law Society of America by a translation team under the direction of W. Schumacher, Rome, Vatican Polyglot Press, 1977, vii, 147 p).

POTTHAST, A., ed., *Regesta Pontificum Romanorum*, Berlin, Rudolph de Decker, 1874-1875, 2 vols.

SACRED CONGREGATION FOR RELIGIOUS AND SECULAR INSTITUTES, Essential Elements in the Church's Teaching on Religious Life As Applied to Institutes Dedicated to Works of the Apostolate, 31 May 1983, in *Origins* 13(1983), pp. 133-142.

———, Instruction on Secular Institutes, *Cum Sanctissimus*, 19 March 1948, in *AAS*, 40(1948), pp. 293-297 (English translation in *Canon Law Digest*, vol. 3, pp. 151-157).

———, "May the Temporarily Professed Be Granted Active and Passive Voice in the Election of Delegates to the General Chapter and May They Be Appointed Local Superiors?" in *Informationes SCRIS*, 1(1976), pp. 71 - 73.

- SACRED CONGREGATION FOR RELIGIOUS AND SECULAR INSTITUTES, "Les personnes mariées et les Instituts Séculiers," in *Informationes SCRIS*, 2(1976), pp. 49-57 (English translation in *Consecrated Life*, 2[1978], pp. 43-52).
- , "Secular Institutes," 6 January 1984, in *Informationes SCRIS*, 10(1984), pp. 77-103.
- SCHROEDER, H.J., *Disciplinary Decrees of the General Councils*, text, translation and commentary by H.J. Schroeder, St. Louis, Herder, 1937, viii, 669 p.
- SECOND VATICAN COUNCIL, Decree on the Apostolate of Lay People, *Apostolicam actuositatem*, 18 November 1965, in *AAS*, 58(1966), pp. 837-864 (English translation in FLANNERY I, pp. 766-798).
- , Decree on the Church's Missionary Activity, *Ad gentes*, 7 December 1965, in *AAS*, 58(1966), pp. 947-990 (English translation in FLANNERY I, pp. 813-862).
- , Decree on the Pastoral Office of Bishops in the Church, *Christus Dominus*, 28 October 1965, in *AAS*, 58(1966), pp. 673-701 (English translation in FLANNERY I, pp. 564-610).
- , Decree on the Up-To-Date Renewal of Religious Life, *Perfectae caritatis*, 28 October 1965, in *AAS*, 58(1966), pp. 702-712 (English translation in FLANNERY I, pp. 611-623).
- , Dogmatic Constitution on the Church, *Lumen gentium*, 21 November 1964, in *AAS*, 57(1965), pp. 5-75 (English translation in FLANNERY I, pp. 350-426).
- , Pastoral Constitution on the Church in the Modern World, *Gaudium et spes*, 7 December 1965, in *AAS*, 58(1966), pp. 1025-1120 (English translation in FLANNERY I, pp. 903-1014).
- SYNOD OF BISHOPS, GENERAL ASSEMBLY, 7th, "The Synod Propositions," in *Origins*, 17(1988), pp. 499-509.
- SYNOD OF BISHOPS, COUNCIL OF THE GENERAL SECRETARIAT, *Lineamenta* for the Ninth Ordinary General Assembly of the Synod of Bishops, "The Consecrated Life and its Role in the Church and in the World," in *Origins*, 22(1992), pp. 433, 435-454.

SYNOD OF BISHOPS, COUNCIL OF THE GENERAL SECRETARIAT, *Instrumentum laboris* for the Ninth Ordinary General Assembly of the Synod of Bishops, "The Consecrated Life and its Role in the Church and in the World," in *Origins*, 24(1994), pp. 97, 99-138.

WADDING, L., *Annales Minorum seu trium ordinum a S. Francisco institutorum*, 3rd ed., vol. 10, Ad Claras Aquas (Quaracchi), Prope Florentiam, 1932, vi, 701 p.

B. Documentation of Religious Institutes and Societies of Apostolic Life

1. Constitutions and Rules

CLERCS DE SAINT-VIATEUR, *Constitution et règlements généraux de la Congrégation des Clercs de Saint-Viateur*, Rome, Clercs de Saint-Viateur, 1983, xv, 161 p.

CONGRÉGATION DE NOTRE-DAME, *Constitutions and Rules: The Sisters of the Congrégation de Notre-Dame of Montreal*, Montreal, The Congrégation de Notre-Dame, 1984, 172 p.

CONGREGATION OF THE HOLY SPIRIT, *Spiritual Rule of Life*, Rome, Congregation of the Holy Spirit, 1987, 172 p.

MISSIONARY OBLATES OF MARY IMMACULATE, *Constitutions and Rules of the Congregation of the Missionary Oblates of Mary Immaculate*, Rome, Oblates of Mary Immaculate, 1982, 181 p.

MISSIONARY OBLATES OF THE SACRED HEART AND OF MARY IMMACULATE, *Constitutions and Modalities of the Congregation of the Missionary Oblates of the Sacred Heart and of Mary Immaculate*, Saint Boniface, The Missionary Oblates of the Sacred Heart and of Mary Immaculate, 1983, 66 p.

SCARBORO FOREIGN MISSION SOCIETY, *Legislation, Scarboro Foreign Mission Society*, Scarborough, Ontario, Scarboro Foreign Mission Society, 1984, i, 119 p.

SISTERS OF CHARITY OF MONTREAL, *Constitutions and Statutes: The Institute of the Sisters of Charity of Montreal "Grey Nuns,"* Montreal, General Chapter 1981, 1982, 113 p.

SISTERS OF CHARITY AT OTTAWA, *Rule of Life of the Sisters of Charity at Ottawa*, Ottawa, Motherhouse, 1980, 248 p.

SISTERS OF PROVIDENCE, *Constitutions and Rules: Sisters of Providence*, Montreal, Sisters of Providence, 1985, v, 102 p.

SISTERS OF ST. JOSEPH OF TORONTO, *Constitutions and Directory*, Toronto, Sisters of St. Joseph of Toronto, 1984, 74 p.

SOCIETY OF MISSIONARIES OF AFRICA, *Constitutions and Laws*, Rome, Society of Missionaries of Africa, 1988, 218 p.

2. Program Guidelines and Other Documentation

Religious institutes and societies of apostolic life provided a variety of documents pertaining to their associate programs. This source material included brochures, handbooks, booklets, sample forms and contracts, newsletters, reception ceremonies, directories for personnel, survey results, evaluations, handouts, congregational publications, official chapter minutes and resolutions, and internal studies and reports. Because individual documents are often unpublished and lacking the precise information needed for a complete bibliographic entry, specific documents will not be identified. Only the names of the institutes and societies supplying the documentation will be provided. (Refer to chapter 3, footnote 3). The material is available only from the respective institutes and societies. Most often it was supplied by a particular unit or province but in some instances it came from the general level.

Documentation from the following religious institutes and societies of apostolic life was used in the preparation of this dissertation.

Religious Institutes of Women:

Congrégation de Notre-Dame
 Congregation of Our Lady of the Missions
 Congregation of Our Lady Of Sion
 Daughters of Jesus
 Faithful Companions Jesus
 Grey Sisters of the Immaculate Conception
 Institute of the Blessed Virgin Mary (Loretto)
 Missionnaires de l'Immaculée Conception
 Missionnaires Oblates du Sacré-Cœur et de Marie Immaculée
 Religious Hospitallers of St. Joseph

School Sisters of Notre Dame
 Sisters of Charity of Montréal (Grey Nuns)
 Sisters of Charity at Ottawa
 Sisters of Charity of Saint-Louis
 Sisters of Mercy, Newfoundland
 Sisters of Providence
 Sisters of Providence of Saint Vincent de Paul
 Sisters of Saint Anne
 Sisters of St. Benedict, Manitoba
 Sisters of Saint Joseph of Hamilton
 Sisters of Saint Joseph of Pembroke
 Sisters of Saint Joseph of Peterborough
 Sisters of Saint Joseph of Toronto
 Sisters of St. Martha, Antigonish, N.S.
 Sisters of the Holy Names of Jesus and Mary
 Soeurs de l'Assomption de la Sainte Vierge
 Soeurs de Notre-Dame du Saint-Rosaire de Rimouski
 Ursuline Sisters of Prelate

Religious Institutes and Societies of Apostolic Life of Men:**

Clercs de St-Viateur
 Congregation of Christian Brothers
 Congregation of the Holy Ghost (Spiritans)
 Congregation of the Holy Redeemer (Redemptorists)
 Missionnaires Fils du Coeur Immaculé de la Bienheureuse Vierge Marie
 (Claretians)
 Montfortains
 Oblates of Mary Immaculate
 Salesians of Don Bosco
 Scarboro Foreign Mission Society**
 Society of Jesus
 Society of Missionaries of Africa**

II. SECONDARY SOURCES

A. Books

ABBO, J.A., and J.D. HANNAN, *The Sacred Canons: A Concise Presentation of the Current Disciplinary Norms of the Church*, St. Louis, MO, Herder, 1952, 2 vols.

- ALLAIRE, G., and J.-P. ROSSI, *Des laïcs dans l'église: La Fraternité séculière de Saint-François*, Paris, Fayard, 1987, 253 p.
- ALLARD, P., *Le canon 578 et son application à la Société de Marie: Le patrimoine de l'Institut*, Ottawa, Université Saint-Paul, 1990, iii, 292 p.
- AMOS, J.R., *Associations of the Christian Faithful in the 1983 Code of Canon Law: A Canonical Analysis and Evaluation*, Canon Law Studies, no. 516, Washington, The Catholic University of America, 1986, xi, 424 p.
- ANDRÉS, D.-J., *El derecho de los religiosos: Comentario al Código*, 2nd. ed., Madrid, Publicaciones claretianas y commentarium pro religiosis, 1984, 737 p.
- ARRIBAS, A.S., ed., *The Laity and the Religious: Toward the Church of the Future*, Quezon City, Philippines, Claretian Publications, 1988, v, 163 p.
- AUGUSTINE, C., *A Commentary on the New Code of Canon Law*, vol. 3, 4th rev. ed., Saint Louis, Herder, 1931, vii, 541 p.
- BAPTIST, P., *The Spirit of the Third Order of St. Francis*, trans. by a tertiary of St. Francis, London, Catholic Truth Society, 1899, 252 p.
- BARTOLAC, V.L., *The Practice of the Evangelical Counsels in Secular Institutes*, Canon Law Studies, no. 531, Washington, The Catholic University of America, 1989, vii, 363 p.
- BERLIÈRE, U., *La familia dans les monastères bénédictins du Moyen Âge*, Bruxelles, M. Lamertine, 1931, 123 p.
- , *L'ordre monastique des origines au XII^e siècle*, Lille, Desclée, 1924, xii, 310 p.
- BEYER, J., *Le droit de la vie consacrée*, Paris, Tardy, 1988, 2 vols.
- , *Vers un nouveau droit des instituts de vie consacrée: Commentaire du projet et premières observations*, trans. by M.-J. Lucas, Paris, Éditions Saint-Paul, 1978, 352 p.
- BONFILS, J., *Les sociétés de la vie apostolique: Identité et législation*, Paris, Les Éditions du Cerf, 1990, 209 p.

- BONNET, P.A., and G. GHIRLANDA, *De Christifidelibus: De eorum iuribus, de laicis, de consociationibus: Adnotationes in Codicem*, Romae, Pontificia Universitas Gregoriana, 1983, 134 p.
- BOUSCAREN, T.L., and A.C. ELLIS, *Canon Law: A Text and Commentary*, 3rd rev. ed., Milwaukee, Bruce Publishing Co., 1957, xviii, 980 p.
- BLACK, H.C., *Black's Law Dictionary*, 5th ed., Saint Paul, MN., West Publishing Co., 1979, 1511 p.
- BROCKHAUS, T.A., *Religious Who Are Known as Conversi: An Historical Synopsis and Commentary*, Canon Law Studies, no. 225, Washington, The Catholic University of America, 1946, ix, 127 p.
- CADA, L, et al., *Shaping the Coming Age of Religious Life*, 2nd ed., Whitinsville, MA, Affirmation Books, 1985, 196 p.
- CALABRESE, A., *Gli istituti religiosi: Lineamenti di diritto canonico*, Roma, Fonti Vive, 1986, 415 p.
- CANADIAN CONFERENCE OF CATHOLIC BISHOPS, *Recognition of National Catholic Associations*, Ottawa, Canadian Conference of Catholic Bishops, 1993, 48 p.
- CANADIAN RELIGIOUS CONFERENCE, *Statistics of the Institutes of Consecrated Life and of the Societies of Apostolic Life of Canada as of January 1st 1993*, Ottawa, Canadian Religious Conference, 1993, 130 p.
- CANADIAN RELIGIOUS CONFERENCE, RESEARCH DEPT., *Associate Members to Religious Congregations in Canada*, 2nd ed., Ottawa, Canadian Religious Conference, 1989, 110 p.
- CARLEN, C., ed., *The Papal Encyclicals: 1903-1939*, vol. 4, Wilmington, N.C., McGrath Publishing, 1981, 378 p.
- CHANTRAINE, G., *L'expérience synodale: L'exemple de 1987*, Paris, Éditions Lethielleux, 1988, 175 p.
- CHIAPPETTA, L., *Il Codice di Diritto Canonico: Commento giuridico-pastorale*, vol. 1, Napoli, Edizioni Denoniane, 1988, v, 910 p.
- COLLIN, B., *Traité canonique du Tiers-Ordre*, Paris, Éditions Franciscaines, 1942, 75 p.

- CORIDEN, J., T. GREEN, D. HEINTSCHEL, eds., *The Code of Canon Law: A Text and Commentary*, New York, Paulist Press, 1985, xv, 1152 p.
- CORRAL SALVADOR, C.M., and J.M. URTEAGA EMBIL, *Diccionario de derecho canónico*, Madrid, Universidad Pontificia Comillas, Technos, 1989, 693 p.
- COUGHLAN, P., *La vigne et les sarments: Le temps du laïcat*, Paris, Le Sarment, Fayard, 1990, 327 p.
- DA COSTA GOMES, M.A., *O direito de associação na vida religiosa*, excerpt from doctoral dissertation, Roma, Pontificia Università Lateranense, 1989, xiii, 256 p.
- DALY, R.J., ed., *Religious Life in the U.S. Church: The New Dialogue*, New York, Paulist Press, 1984, xiii, 345 p.
- DAVISON, E.S., *Forerunners of St. Francis*, G.R.B. RICHARDS, ed., London, J. Cape, 1928, xvi, 425 p.
- DE ANGELIS, S., *De fidelium associationibus tractus ratione et usu digestus*, Neapoli, M. D'Auria, 1959, 2 vols.
- DE CORONATA, M., *Le Tiers-Ordre franciscain: Législation canonique*, trans. by A. De Molières, Turin, Marietti, 1936, vii, 484 p.
- DEFERRARI, R.J., et. al., eds., *Iberian Fathers*, vol. 2, trans. by C.W. Barlow, The Fathers of the Church Series, Washington, The Catholic University of America Press, 1969, 250 p.
- DEGANO, J., *A Call to Ministry: Reflections on Lay Volunteer Ministries*, Washington, International Liaison, Inc., 1981, 72 p.
- DE LONGNY, J., *À l'ombre des grands ordres: Histoire, spiritualité, constitution des huit principaux tiers-ordres*, Paris, Desclée de Brouwer, 1937, 376 p.
- DEL PORTILLO, A., *Faithful and Laity in the Church: The Bases of Their Legal Status*, trans. by L. Hickey, Shannon, Ire., Ecclesia Press, 1972, 200 p.
- DEROUX, M.-P., *Les origines de l'oblature bénédictine: Étude historique*, Vienne, Abbaye Saint-Martin de Ligugé, 1927, 130 p.

- DÍAZ DÍAZ, A., *Derecho fundamental de asociación en la Iglesia*, Pamplona, Ediciones Universidad de Navarra, S.A., 1972, 275 p.
- DONOVAN, M.A., *Sisterhood as Power: The Past and Passion of Ecclesial Women*, New York, Crossroad Publishing Co., 1989, 136 p.
- ENGLEBERT, O., *Saint Francis of Assisi: A Biography*, trans. by E.M. Cooper, 2nd English ed., Chicago, Franciscan Herald Press, 1965, xii, 616 p.
- FAVAZZA, J.A., *The Order of Penitents: Historical Roots and Pastoral Future*, Collegeville, Minn., The Liturgical Press, 1988, xxxvi, 303 p.
- FÉDÉRATION DES FRATERNITIÉS DU TIERS-ORDRE SECULIER DE S. FRANÇOIS DE L'EST DU CANADA, *Le Tiers-Ordre: École de spiritualité pour tous*, Montréal, Commissariat Provincial du Tiers-Ordre, 1962, 155 p.
- FELICIANI, G., *Il popolo di Dio*, Bologna, Società editrice il Mulino, 1991, 184 p.
- FERNANDES, A.J., *The Secular Franciscan Order in the Light of the Code of Canon Law of 1983*, excerpts from doctoral dissertation, Romae, Pontificia Studiorum Universitas a S. Thoma Aq. in Urbe, 1988, xxxvii, 61 p.
- FOLEY, P., *Three Dimensional Living: A Study of Third Orders Secular*, Milwaukee, Spiritual Life Press, 1962, xi, 99 p.
- FRY, T., ed., *RB 1980: The Rule of St. Benedict in Latin and English with Notes*, Collegeville, Minn., The Liturgical Press, 1981, xxxvi, 627 p.
- GAMBARI, E., *Religious Life: According to Vatican II and the New Code of Canon Law*, trans. by the Daughters of St. Paul, Boston, St. Paul Editions, 1986, 668 p.
- GIBSON, S.G., "*Called by the Lord*": *The Theme of Vocation in Lumen gentium*, Romae, Pontificia Studiorum Universitas a S. Thoma Aq. in Urbe, 1990, xi, 218 p.
- GIULIANI, P., *La distinzione fra associazioni pubbliche e associazioni private dei fedeli nel nuovo codice di diritto canonico*, Roma, Pontificia Università Lateranense, 1986, xxii, 231 p.
- GUILMARD, J., *Les oblats séculiers dans la famille de Saint Benoît*, Solesmes, 1975, 132 p.

- HABIG, M., ed., *St. Francis of Assisi: Writings and Early Biographies*, English Omnibus of the Sources for the Life of St. Francis, trans. by R. Brown et al., Chicago, Franciscan Herald Press, 1973, xx, 1808 p.
- HASTINGS, A., *A Concise Guide to the Documents of the Second Vatican Council*, London, Darton Longman and Todd, 1968, 2 vols.
- HINNEBUSCH, W.A., *The History of the Dominican Order*, vol. 1, New York, Alba House, 1966 - , 439 p.
- HITE, J., S. HOLLAND, and D. WARD, *A Handbook on Canons 573-746*, Collegeville, Minn., The Liturgical Press, 1985, 400 p.
- HOURLIER, J., *L'âge classique, 1140-1378: Les religieux*, Histoire du droit et des institutions de l'Église, vol. 10, Paris, Editions Cujas, 1971, 567 p.
- IHNATOWICZ, J.A., *Consecrated Life Among the Laity: A Theological Study of a Vocation in the Church*, Romae, Pontificia Studiorum Universitas a S. Thomas Aq. in Urbe, 1984, xvi, 442 p.
- IRIARTE, L., *Franciscan History: The Three Orders of St. Francis of Assisi*, trans. by P. Ross, with an appendix, "The Historical Context of the Franciscan Movement" by L. C. LANDINI, Chicago, Franciscan Herald Press, 1982, xxxvii, 603 p.
- JEFFRIES, R., *Commitment in Religious Life in the Post-Vatican II Era: A Study of Association Membership Programs*, Ann Arbor, Mich., 1991, 248 p.
- KALLUMKAL, J., *The Patrimony of an Institute According to the Code of Canon Law*, Roma, Pontificia Università Lateranense, 1989, ix, 208 p.
- KHOURY, J., *Vie consacrée: Essai de commentaire des canons 573-709*, Rome, n.p., 1984, 332 p.
- KLOPPENBURG, B., *The Ecclesiology of Vatican II*, trans. by M.J. O'Connell, Chicago, Franciscan Herald Press, 1974, xv, 373 p.
- KNOWLES, D., *From Pachomius to Ignatius: A Study in the Constitutional History in the Religious Orders*, Oxford, Clarendon Press, 1966, 98 p.
- LECLERCO, J., F. VANDENBROUCKE, and L. BOUYER, *The Spirituality of the Middle Ages*, trans. by the Benedictines of Holme Garden Abbey, Carlisle, London, Burns & Oates, 1968, x, 602 p.

- LITTLE, L.K., *Liberty, Charity, Fraternity: Lay Religious Confraternities at Bergamo in the Age of the Commune*, Northampton, Mass., Smith College, 1988, 226 p.
- , *Religious Poverty and the Profit Economy in Medieval Europe*, Ithaca, N.Y., Cornell University Press, 1978, xi, 267 p.
- LOMBARDÍA, P. and J.I. ARRIETA, eds., *Código de Derecho Canonico*, edición anotada, Pamplona, Ediciones Universidad de Navarra, 1983, 1149 p.
- LONGHITANO, A., et al., *Il Fedele cristiano: La condizione giuridica dei battezzati*, Bologna, Edizioni Dehoniane Bologna, 1989, 266 p.
- MACNEIL, R.J., *The Inter-Relations Between Lay Associate Missionaries and 1. The Scarborough Foreign Mission Society, and 2. Its Members*, unpublished master's seminar paper, Faculty of Canon Law, St. Paul University, Ottawa, 1993, 41 p.
- MARCHAL, J., *Le "droit d'oblat": Essai sur une variété de pensionnés monastiques*, Ligugé, Vienne, Abbaye Saint-Martin, 1955, xii, 291 p.
- MARTÍNEZ SISTACH, L., *Las asociaciones de fieles*, Barcelona, Facultad de teología de Cataluña, 1986, 151 p.
- , *El derecho de asociación en la Iglesia*, Barcelona, Facultad de teología de Barcelona, 1973, 319 p.
- MASCARENHAS, F., *The Identity of Societies of Apostolic Life: An Analysis of c. 731*, Romae, Pontificia Universitas Urbaniana, 1990, 98 p.
- MASSERON, A. and M. HABIG, *The Franciscans: St. Francis of Assisi and His Three Orders*, Chicago, Franciscan Herald Press, 1959, xxi, 518 p.
- MATULENAS, R.A., *Communication — A Source of Privileges: A Historical Synopsis and Commentary*, Canon Law Studies, no. 183, Washington, The Catholic University of America, 1943, ix, 225 p.
- MCNAMARA, K., *The Church: A Theological and Pastoral Commentary on the Constitution on the Church*, Dublin, Veritas Publications, 1983, 437 p.
- MEERSSEMAN, G., *Dossier de l'ordre de la pénitence au XIII^e siècle*, Fribourg, Suisse, Editions Universitaires, 1961, xvi, 346 p.

- MERKLE, J.A., *Committed by Choice: Religious Life Today*, Collegeville, Minn., The Liturgical Press, 1992, 158 p.
- MONETTE, M.L., *Kindred Spirits: The Bonding of Laity and Religious*, Kansas City, Sheed and Ward, 1987, xi, 86 p.
- MOORMAN, J.R.H., *A History of the Franciscan Order, from its Origins to the Year 1517*, Oxford, Clarendon Press, 1968, xii, 641 p.
- MORRISEY, F.G., *Papal and Curial Pronouncements: Their Canonical Significance in Light of the 1983 Code of Canon Law*, Ottawa, Faculty of Canon Law, Saint Paul University, 1992, 46 p.
- MUBILIGI, F., *Aspects de la problématique actuelle du laïc: L'impact du renouveau ecclésiologique du Concile Vatican II sur la détermination du statut juridique des laïcs*, Romae, Pontificia Universitas Urbaniana, 1983, vi, 295 p.
- NAZ, R., ed., *Traité de droit canonique*, vol. 1, Paris, Letouzey et Ané, 1947-1949, 780 p.
- NGUGEN DAN, P., *The Spiritual Patrimony of an Institute of Consecrated Life*, Rome, Pontificia Universitas Urbaniana, 1989, xvii, 207 p.
- O'CONNOR, D.F., *Witness and Service: Questions About Religious Life Today*, New York, Paulist Press, 1990, iii, 195 p.
- O'MURCHU, D., *Religious Life: A Prophetic Vision*, Notre Dame, Indiana, Ave Maria Press, 1991, 259 p.
- PÉANO, P., *Histoire du Tiers-Ordre*, Paris, Editions Franciscaines, 1943, 128 p.
- PIÑERO CARRION, J.M., *La ley de la Iglesia: Instituciones canónicas*, vol. 1, Madrid, Sociedad de Educacion Atenas, 1985, 685 p.
- QUINN, E.W., *Archconfraternities, Archsodalities, and Primary Unions with a Supplement on the Archconfraternity of Christian Mothers*, Canon Law Studies, no. 421, Washington, The Catholic University of America, 1962, xi, 146 p.
- RAUSCH, T.P., *Radical Christian Communities*, Collegeville, Minn., The Liturgical Press, 1990, 216 p.

- REINMANN, G.J., *The Third Order Secular of St. Francis*, Canon Law Studies, no. 50, Washington, The Catholic University of America, 1928, 200 p.
- RISTUCCIA, B.J., *Quasi-Religious Societies: An Historical Synopsis and a Commentary*, Canon Law Studies, no. 261, Washington, The Catholic University of America, 1949, 318 p.
- SCHNEIDERS, S., *New Wineskins: Re-imagining Religious Life Today*, New York, Paulist Press, 1986, v, 309 p.
- SCHUSTER, I., *Saint Benedict and His Times*, trans. by G.J. Roettger, St. Louis, Herder Book Co., 1951, ix, 396 p.
- SMET, J., *The Carmelites: A History of the Brothers of Our Lady of Mount Carmel*, vol. 3, Part 2, Darien, Ill., Carmelite Spiritual Center, 1975, 419, 852 p.
- SOUTHERN, R.W., *Western Society and the Church in the Middle Ages*, Baltimore, Penguin Books Inc., 1970, 376 p.
- STEIN, M.B., *Canonical Analysis of the 1978 Rule of the Secular Franciscan Order*, unpublished master's seminar paper, Faculty of Canon Law, St. Paul University, Ottawa, 1988, 119 p.
- STEIN, P., *Le Tiers-Ordre de Saint François: étude canonique*, trans. by P.A. Ingles, Malines, Imprimerie S. François, 1925, 69 p.
- THÉRIAULT, M., *The Institutes of Consecrated Life in Canada from the Beginning of New France Up to the Present: Historical Notes and References*, Ottawa, National Library of Canada, 1980, 295 p.
- THILS, G., *Les laïcs dans le nouveau code de droit canonique et au IIe Concile du Vatican*, Louvain-la-Neuve, Publications de la Faculté de théologie, 1983, 83 p.
- VERMEERSCH, A., *Epitome iuris canonici: Cum commentariis*, 8th ed., vol. 1, Paris, Desclée de Brouwer, 1963, xvi, 736 p.
- VAN CORSTANJE, A., *The Third Order for Our Times*, Chicago, Franciscan Herald Press, 1974, ix, 127 p.
- VASAN, R.S., ed., *The Canadian Law Dictionary*, Don Mills, Ont., Law and Business Publications (Canada) Inc., 1980, 647 p.

VORGRIMLER, H., ed., *Commentary on the Documents of Vatican II*, Montreal, Palm Publishers, 1967-1969, 5 vols.

WALSH, D.A., *The New Law on Secular Institutes: A Historical Synopsis and a Commentary*, Canon Law Studies, no. 347, Washington, The Catholic University of America, 1953, xiii, 145 p.

WITTEBERG, P., *Creating a Future for Religious Life: A Sociological Perspective*, New York, Paulist Press, 1991, vi, 185 p.

WOYWOOD, S., *A Practical Commentary on the Code of Canon Law*, 2nd rev. ed., New York, J.F. Wagner, 1926, 2 vols.

B. Articles

ALVAREZ, F., "Testimonianze di mutue relazioni tra religiosi e laici," in *Vita consacrata*, 24(1988), pp. 498-501.

AMOS, J.R., "A Legal History of Associations of the Christian Faithful," in *Studia canonica*, 21(1987), pp. 271-297.

———, "Associations of the Christian Faithful: History, Analysis, and Evaluation in the 1983 Code of Canon Law," in *Canon Law Society of America Proceedings of the Fiftieth Annual Convention*, Baltimore October 10-13, 1988, Washington, The Canon Law Society of America, 1989, pp. 129-138.

ANDRÉS, D.J., "Algunos otros temas," in *Commentarium pro religiosiis et missionariis*, 71(1990), pp. 503-532.

AUBRY, J., "'Mutuae Relationes' between Apostolic Women Religious and the Laity," in *UISG Bulletin*, 81(1989), pp. 3-24.

BALLAN, R., "The First Evangelization: Collaboration Between Religious and the Laity," in *Springtime for the Gospel*, Vatican City, Pontifical Council for the Laity, Documentation Service No. 26, 1993, pp. 84-102.

BARIL, G., "L'appel et la mission des laïcs-associés dans l'Église et dans le monde," in *L'Église canadienne*, 27(1994), pp. 114-115.

BECK, E., "Confraters and Oblates, Past and Present," in *The Dublin Review*, 192(1933), pp. 53-69.

- BERLIÈRE, U., "Les confraternités monastiques au Moyen Âge," in *Revue liturgique et monastique*, 11(1926), pp. 134-142.
- , "Confréries bénédictines au Moyen Âge," in *Revue liturgique et monastique*, 12(1927), pp. 135-145.
- , "Les oblats de Saint Benoît au Moyen Âge," in *Le messager des fidèles*, 3(1886-1887), pp. 55-61, 107-111, 156-160, 209-220, 249-255.
- BESSE, J.-M., "Du droit d'oblat dans les anciens monastères français," in *Revue Mabillon*, 3(1907-1908), pp. 1-21, 116-133.
- BEYER, J.B., "Le droit des religieux et la vie associative dans l'Église," in W. AYMANS, K.T. GERINGER, and H. SCHMITZ, eds., *The Associational Element in the Church: Proceedings of the VIth International Congress of Canon Law, Munich, September 14-19, 1987*, St. Ottilien, EOS Verlag Erzabtei, 1989, pp. 677-700.
- , "La vie consacrée: Perspectives d'avenir," in M. THÉRIAULT and J. THORN, eds., *Unico Ecclesiae servitio: Canonical Studies Presented to Germain Lesage, O.M.I., on the Occasion of his 75th Birthday and of the 50th Anniversary of his Presbyteral Ordination*, Ottawa, Faculty of Canon Law, Saint Paul University, 1991, pp. 241-266.
- , "I movimenti nuovi nella Chiesa," in *Vita consacrata*, 27(1991), pp. 61-77.
- , "Vita associativa e coresponsabilità ecclesiale," in *Vita consacrata*, 26(1990), pp. 921-941.
- BINGEMER, E., and M.C., "CLC: Lay People Called to Holiness in an Ignatian Style," in *The Way Supplement*, 71(1991), pp. 33-39.
- BLAIR, L., "Enlarging the Family: Jesuit-Lay Relations," in *The Way Supplement*, 65(1989), pp. 131-143.
- BLAKLEY, A.F., "Decree on the Apostolate of Lay People: *Apostolicam actuositatem*, 18 November, 1965," in *Vatican II and its Documents: An American Reappraisal*, T.E. O'CONNEL, ed., Wilmington, Del., M. Glazier, 1986, pp. 141-157.
- BOAGA, E., "La vita religiosa e i laici," in *Vita consacrata*, 24(1988), pp. 483-497.

- BOGARIN DÍAZ, J., "Los movimientos eclesiales en la VII Asamblea General Ordinaria del Sínodo de Obispos," in *Revista española de derecho canónico*, 47(1990), pp. 69-139.
- BOLTON, B., "Innocent III's Treatment of the *Humiliati*," in *Popular Belief and Practice, Studies in Church History*, vol. 8, G.J. CUMING and D. BAKER, eds., Cambridge, England, University Press, 1972, pp. 73-82.
- BONDUELLE, J., art. "Convers," in *Dictionnaire de droit canonique*, vol. 4, R. NAZ, ed., Paris, Letouzey et Ané, 1949, col. 562-588.
- BONDUELLE, J., "Les Tiers-Ordres séculiers," in *La Vie Spirituelle Supplément*, 4(1950), pp. 423-457.
- BRENNAN, M., "Being Fully in the World," in *The Way Supplement*, 56(1986), pp. 54-63.
- , "Commentary on the Decree on the Appropriate Renewal of the Religious Life, *Perfectae caritatis*," in *The Church Renewed: The Documents of Vatican II Reconsidered*, G.P. SCHNER, ed., Lanham, MD, University Press of America, 1986, pp. 63-72.
- BUSSET, C., and G. VIGNOLA, "Le laïcat missionnaire," in *L'Église canadienne*, 26(1993)2, pp. 49-53.
- CABRA, P.G., "Religiosos y laicos para la evangelización," in *Vida religiosa*, 71(1991), pp. 234-241.
- CAMPO DEL POZO, F., "Confradías y asociaciones religiosas en el Derecho actual," in *Estudio agustiniano*, 26(1991), pp.103-130.
- CARDMAN, F., "'The Church Would Look Foolish Without Them': Women and Laity Since Vatican II," in *Vatican II: Open Questions and New Horizons*, G.M. FAGIN, ed., Wilmington, Delaware, M. Glazier, 1984, pp. 105-133.
- CERLETTY, M. "Some Practical Helps for the Development of Constitutions," in *Studia canonica*, 14(1980), pp. 157-159.
- CONSTABLE, G., "'Famuli' and 'Conversi' at Cluny", in *Revue bénédictine*, 3(1973), pp. 326-350.
- "Contracts," in *La Salle Law Library*, vol. 1, Chicago, La Salle Extension University, 1965, pp. 1-58.

- COWDREY, H.E.J., "Unions and Confraternity with Cluny," in *Journal of Ecclesiastical History*, 16(1965), pp. 152-162.
- CURRY, G., "New Wine-New Wineskins: Laity and Religious in Partnership," in *Scarboro Missions*, 72(July-August 1991), pp. 8-11.
- D'ANGELO, L., "La partecipazione dei religiosi ai movimenti ecclesiali," in *Commentarium pro religiosis et missionariis*, 71(1990), pp. 67-117.
- DELLA FERA, M., "Is Susan the Future of Religious Life?" in *Sisters Today*, 65(1993), pp. 374-376.
- DÍAZ Y DÍAZ, M.C., art. "Fruttuoso," in G. ROCCA, ed., *Dizionario degli istituti di perfezione*, Roma, Edizioni Paoline, 1977, vol. 4, col. 983-985.
- DORTEL-CLAUDOT, M., "Religieux et laïcs associés pour l'Évangile: Points de repère historico-canoniques," in *Vie consacrée* 59(1987), pp. 225-243.
- , "Les communautés nouvelles," in *Documents Épiscopat: Bulletin du secrétariat de la Conférence des évêques de France*, n. 5, avril 1981, pp. 1-15.
- DOYLE, M., "'Don't Forget the Candles': A Study of the Lay Spiritan Experience in Canada," unpublished doctoral dissertation, Graduate Theological Foundation, Donaldson, Indiana, 1994, ii, 110 p.
- DUBOIS, J., and J-P MÜLLER, art. "Oblato," in G. ROCCA, ed., *Dizionario degli istituti di perfezione*, Roma, Edizioni Paoline, 1980, vol. 6, col. 654-667.
- DUHR, J., art. "La confrérie dans la vie de l'Eglise," in *Revue d'histoire ecclésiastique*, 35(1939), pp. 437-478.
- DURAND, H., "Confrérie," in *Dictionnaire de droit canonique*, vol. 4, R. NAZ, ed., Paris, Letouzey et Ané, 1935-1965, col. 128-176.
- EGAN, K.J., "The Call of the Laity to a Spirituality of Discipleship," in *The Jurist*, 47(1987), pp. 71-85.
- EUART, S., "Religious Institutes and the Juridical Relationship of the Members to the Institute," in *The Jurist*, 51(1991), pp. 103-118.

- FAHEY, M.A., "Ecclesial Community as Communion," in *The Church as Communion*, J.H. PROVOST, ed., Washington, The Canon Law Society of America, 1984, pp. 4-23.
- FAGAN, S., "Marists and Laity," in *Religious Life Review*, 26(1987), pp. 96-103.
- FAVALE, A., "Una nuova stagione aggregativa dei fedeli laici nella chiesa," in *Laici per una nuova evangelizzazione: Studi sull'esortazione apostolica 'Christifideles laici' di Giovanni Paolo II*, Vatican City, Pontifical Council for the Laity, 1989-1990, pp. 134-156.
- FIDELIBUS, M., "Laïcat et vie religieuse-apostolique des oblats," in *Vie Oblate Life*, 48(1989), pp. 253-273.
- FINN, T.J., "An Old Entity — A New Name: Societies of Apostolic Life," in *Studia canonica*, 20(1986), pp. 439-456.
- FOURNIER, N., "Des membres 'associés' dans les congrégations religieuses: Un espoir ou un rêve utopique?" in *La Vie des communautés religieuses*, 46(1988), pp. 178-187.
- GALANTE, J., "Consecrated Life: New Forms and New Institutes," in *Canon Law Society of America, Proceedings of the Forty-Eighth Annual Convention*, Denver, October 13-16, 1986, Washington, The Canon Law Society of America, 1987, pp. 118-125.
- GAMBARI, E., "Affiliation of the Laity to Religious Institutes: A Canonist's Analysis," in *CMSM Forum*, 17(Winter 1990), pp. 17-27.
- GARCÍA Y GARCÍA, A., "El asociacionismo en la historia de la Iglesia y en el ordenamiento canónico," in *Asociaciones canónicas de fieles*, Simposio celebrando en Salamanca (28 al 31 octubre 1986), organizado por la Facultad de Derecho Canónico, Salamanca, Universidad Pontificia de Salamanca, 1987, pp. 21-41.
- GHIRLANDA, G., "Les formes de consécration à la lumière du nouveau Code," in *Documents Épiscopat: Bulletin du secrétariat de la Conférence des évêques de France*, n. 3, février 1990, pp. 1-11.
- GHIRLANDA, G., "Movements within the Ecclesial Community and their Rightful Autonomy," in *Christifideles laici: Comments and Reflections*, 32-33(1989-90), pp. 46-71.

- GILBRETH, V., "Can Dominicans Really Be Lay People?" in *Spirituality Today*, 37(1985), pp. 140-149.
- GILLIS, D., "Scarboro's Lay Missioners," in *Scarboro Missions*, 73(April 1992), pp. 8-11.
- GIRARDI, G.O., "I Laici nella Chiesa in rapporto con la vita consacrata," in *Vita consacrata*, 24(1988), pp. 633-651, 719-739.
- GORSKI, I., "Commentary on the Decree on the Apostolate of the Laity *Apostolicam actuositatem*," in *The Church Renewed: The Documents of Vatican II Reconsidered*, G.P. SCHNER, ed., Lanham, MD, University Press of America, 1986, pp. 73-79.
- GOTTEMOELLER, D., "Looking at Associate Membership Today," in *Review for Religious*, 50(1991), pp. 390-397.
- GRINDEL, J., and S. PETERS, "Religious-Life Issues in a Time of Transition," in *Review for Religious*, 51(1992), pp. 267-275.
- GUERÍN, J.O., "Las características jurídicas de los estatutos según el c. 94," in *The Associational Element in the Church: Proceedings of the VIth International Congress of Canon Law, Munich, September 14-19, 1987*, St. Cttilien, EOS Verlag Erzabtei, 1989, pp. 313-319.
- GUTIÉRREZ, J.L., "Associations of Christ's Faithful," in *Code of Canon Law Annotated*, Latin-English edition of the Code of Canon Law and English language translation of the 5th Spanish-language edition of the commentary prepared under the responsibility of the Instituto Martín de Azpilcueta, E. CAPARROS, M. THÉRIAULT, and J. THORN, eds., Montreal, Wilson & Lafleur Limitée, 1993, pp. 245-262.
- HARTDEGEN, S., art. "Third Orders," in *New Catholic Encyclopedia*, New York, McGraw-Hill, 1967, vol. 14, pp. 93-96.
- HILL, R.A. and L. JARRELL, "Canons 631-633: Allowing Associate Members to Vote at a General Assembly," in *Roman Replies and CLSA Advisory Opinions 1990*, W. SCHUMACHER and L. JARRELL, eds., Washington, The Canon Law Society of America, 1990, pp. 86-88.

- HOLLAND, S., "Canon 631: Participation of Non-Delegates in the General Chapter," in *Roman Replies and CLSA Advisory Opinions 1988*, W. SCHUMACHER and J. CUNEO, eds., Washington, The Canon Law Society of America, 1988, pp. 73-75.
- HOURLIER, J., art. "Famiglia," in G. ROCCA, ed., *Dizionario degli istituti di perfezione*, Roma, Edizioni Paoline, 1976, vol. 3, col. 1390-1397.
- HUOT, D.M., "Associations of the Faithful and Their Dependence with Regard to the Sacred Congregation for Religious and Secular Institutes and the Pontifical Council for the Laity," in *Consecrated Life*, 10(1986), pp. 101-116, 205-224.
- HYNOS, D.M., "Associate Membership in Religious Institutes," in *Bulletin on Issues of Religious Law*, 6(1990)1, pp. 1-9.
- JACOBS, A., "Les associations de fidèles dans l'Église," in *Studia canonica*, 22(1988), pp. 359-379.
- JASINSKI, R.M., and P.C. FOLEY, "The Associate Movement in Religious Life," in *Review for Religious*, 49(1990), pp. 353-357.
- JASINSKI, R.M., "Envisioning Associate Identity," in *Review for Religious*, 51(1992), pp. 575-580.
- JEFFRIES, R., "Results of the Survey on Associate Membership in Religious Life," in *Horizon*, 16(Winter 1991)2, pp. 63-76.
- JOHNSON, T.J., "Franciscan and Dominican Influences On The Medieval Order of Penance: Origins of the Dominican Laity," in *Spirituality Today*, 37(1985), pp. 108-119.
- JURADO, M.R., "Consecrated Life and the Charisms of the Founders," in *Vatican II: Assessment and Perspectives Twenty-Five Years After*, vol. III, R. LATOURELLE, ed., New York, Paulist Press, 1989, pp. 3-26.
- KAMINSKY, D.M., "Secular Franciscans: Bearers of Peace, Messengers of Joy," in *Spirituality Today*, 37(1985), pp. 120-129.
- KLOSTERMANN, F., "Decree on the Apostolate of the Laity," in *Commentary on the Documents of Vatican II*, vol. 3, H. VORGRIMMER, ed., Montreal, Palm Publishers, 1968, pp. 273-404.

- KNEAL, E., "Associations of the Christian Faithful," in *The Code of Canon Law: A Text and Commentary*, J. CORIDEN, T. GREEN, D. HEINTSCHEL, eds., New York, Paulist Press, 1985, pp. 243-257.
- KOMONCHAK, J.A., "Clergy, Laity and the Church's Mission in the World," in *Official Ministry in a New Age*, J. PROVOST, ed., Washington, Canon Law Society of America, Catholic University of America, 1981, pp. 168-193.
- KOURY, G.-M., art. "Oblature," in *Dictionnaire de spiritualité*, vol. 11, Paris, Beauchesne, 1982, col. 566-571.
- LALONDE, A., "Lay Associates: A New Phenomenon," in *OMI Documentation*, 177(1990), pp. 1-22.
- , "New Associations and the General Government of the Congregation," in *Vie Oblate Life*, 52(1993), pp. 163-176.
- LANDINI, L.C., "The Historical Context of the Franciscan Movement," in L. IRIARTE, *Franciscan History: The Three Orders of St. Francis of Assisi*, trans. by P. Ross, Chicago, Franciscan Herald Press, 1982, pp. 557-582.
- LAY MISSION OFFICE, "Signs of Hope," in *Scarboro Missions*, 75(October 1994), p. 20.
- LECLERCQ, H., art. "Oblat," in *Dictionnaire d'archéologie chrétienne et de liturgie*, vol. 12(2), H. LECLERCQ and F. CABROL, eds., Paris, Letouzey et Ané, 1936, col. 1857-1877.
- LESNE, E., "La matricule des pauvres à l'époque carolingienne," in *Revue Mabillon*, 24(1935), pp. 105-123.
- LEWIS, R.A., "Toward Making the Dominican Family a Reality," in *Spirituality Today*, 37(1985), pp. 150-159.
- LLOBELL, J., "Associazioni non riconosciute e funzione giudiziaria," in *Monitor ecclesiasticus*, 113(1988), pp. 375-384.
- LOZANO, J.M., "Trends in Religious Life Today," in *Review for Religious*, 42(1983), pp. 481-505.
- MCCARTHY, T., "Go, Therefore, Without Roman Collar or Vow," in *National Catholic Reporter*, December 4, 1992, pp. 6-7.

- MCDONOUGH, E., "Participation in Governance", in *Review for Religious*, 50(1991), pp. 775-780.
- , "The Past is Prologue: Quid Agis?" in *Review for Religious*, 51(1992), pp. 78-97.
- , "The Protection of Rights in Religious Institutes," in *The Jurist*, 46(1986), pp. 164-204.
- , "Understanding 'Obligations and Rights' in Church Law," in *Review for Religious*, 49(1990), pp. 779-784.
- MACKENNA, C.J.E., "La costituzione delle associazioni dei fedeli in diritto canonico," in W. AYMANS, K.T. GERINGER, and H. SCHMITZ, eds., *The Associational Element in the Church: Proceedings of the VIth International Congress of Canon Law, Munich, September 14-19, 1987*, St. Ottilien, EOS Verlag Erzabtei, 1989, pp. 479-488.
- MCNICHOLAS, P., "The Services of Lay Associates," in *Review for Religious*, 51(1992), pp. 823-829.
- MALLET, S., "Some Ancient Benedictine Confraternity Books," in *Downside Review*, 3(1885-1886), pp. 2-14.
- MARCUZZI, P.G., "Le associazioni dei fedeli nel nuovo Codice di Diritto Canonico," in *Apollinaris*, 56(1983), pp. 454-464.
- MARFÁ, L.N., "El fundamento y contenido del derecho de asociación en la Iglesia," in W. AYMANS, K.T. GERINGER, and H. SCHMITZ, eds., *The Associational Element in the Church: Proceedings of the VIth International Congress of Canon Law, Munich, September 14-19, 1987*, St. Ottilien, EOS Verlag Erzabtei, 1989, pp. 51-60.
- MARTÍNEZ SISTACH, L. "Asociaciones públicas y privados de los laicos," in *Ius canonicum*, 51(1986), pp. 139-183.
- MASCARENHAS, F., "Societies of Apostolic Life: Their Identity and Their Statistics with Regard to the Consecration," in *Commentarium pro religiosis et missionariis*, 71(1990), pp. 3-65.
- MENS, A., art. "Humiliés," in *Dictionnaire de spiritualité*, vol. 7(1), Paris, Beauchesne, 1969, col. 1129-1136.

- MORRISEY, F.G., "The Right of Association as a Basic Right of the Faithful," in W. AYMANS, K.T. GERINGER, and H. SCHMITZ, eds., *The Associational Element in the Church: Proceedings of the VIth International Congress of Canon Law, Munich, September 14-19, 1987*, St. Ottilien, EOS Verlag Erzabtei, 1989, pp. 7-24.
- , "Statuts juridiques des personnes dans le Code et communication du magistère," in *L'Année canonique*, 31(1988), pp. 131-145.
- MUELLER, J.J., "Collaboration in Institutional Ministry," in *Human Development*, 9(Fall 1988)3, pp. 31-36.
- MURPHY, S., "Bonding Within the Church Today," in *Human Development*, 9(Winter 1988)4, pp. 25-32.
- NAVARRO-VALLS, R., "Las asociaciones sin personalidad en derecho canónico," in W. AYMANS, K.T. GERINGER, and H. SCHMITZ, eds., *The Associational Element in the Church: Proceedings of the VIth International Congress of Canon Law, Munich, September 14-19, 1987*, St. Ottilien, EOS Verlag Erzabtei, 1989, pp. 547-556.
- NEUNER, P., "The Church as Koinonia: A Central Theme of Vatican II," in *The Way*, 30(1990), pp. 176-187.
- NICHOLS, V. "How Religious Institutes and Laity Relate," in *Origins*, 24(1994), pp. 351-352.
- NYGREN, D., and M. UKERITIS, "The Religious Life Futures Project: Executive Summary," in *Review for Religious*, 52(1993), pp. 6-55.
- "Les oblats dans les ordres religieux," in *Analecta juris pontificii*, 8(1866), col. 2191-2235.
- O'CONNOR, D., "Canons 607; 623; 625; 654: Associate Members Holding Office," in *Roman Replies and CLSA Advisory Opinions 1993*, K. W. VANN and J.I. DONLON, eds., Washington, The Canon Law Society of America, 1993, pp. 51-52.
- O'MARA, P.F., "Advice to Superiors in Early Tertiary Communities: 'De Sex Alis Seraphim,'" in *Franciscan Studies*, 48(1988), pp. 81-105.
- O'MURCHU, D., "Refounding Religious Life," in *Religious Life Review*, 28(1989), pp. 231-240.

- O'REILLY, M. "The Proper Law of Institutes of Consecrated Life and of Societies of Apostolic Life," in M. THÉRIAULT and J. THORN, eds., *Unico Ecclesiae servitio: Canonical Studies Presented to Germain Lesage. O.M.I., on the Occasion of his 75th Birthday and of the 50th Anniversary of his Presbyteral Ordination*, Ottawa, Faculty of Canon Law, Saint Paul University, 1991, pp. 286-303.
- OSIEK, C., "Decree on the Up-To-Date Renewal of Religious Life: Perfectae caritatis, 28 October, 1965," in *Vatican II and its Documents: An American Reappraisal*, T.E. O'CONNEL, ed., Wilmington, Del., M. Glazier, 1986, pp. 79-89.
- OVERMAN, C., "The Need for Religious Institutes to Develop a Strong Outreach of Lay Associates," in *Sisters Today*, 57(1985-1986), pp. 345-349.
- PAGÉ, R., "Les associations de fidèles: reconnaissance et érection," in *Studia canonica*, 19(1985), pp. 327-338.
- , "Associations of the Faithful in the Church," in *The Jurist*, 47(1987), pp. 165-203.
- , "Note sur les 'critères d'ecclésialité' pour les associations de laïcs," in *Studia canonica*, 24(1990), pp. 455-463.
- PENNINGTON, M.B., "The Evolution of Monastic Law," in *Studia canonica*, 8(1974), pp. 349-362.
- PIETSCH, J., "Quelques notes sur l'histoire de l'Association de Marie Immaculée," in *Vie oblat*, 8(1940), pp. 371-384
- PIGNATELLI, F., "Lay Associate Membership," in *Review for Religious*, 48(1989), pp. 934-936.
- PIÑERO CARRION, M., "El fenómeno asociativo actual en la Iglesia: Movimientos eclesiales atípicos o canónicamente no sistematizados," in *Asociaciones canonicas de fieles, Simposio celebrando en Salamanca (28 al 31 octubre 1986)*; organizado por la Facultad de Derecho Canónico, Salamanca, Universidad Pontificia de Salamanca, 1987, pp. 43-64.
- PREW-WINTERS, A., "Who Is A Lay Person?" in *The Jurist*, 47(1987), pp. 51-70.
- RADDING, M.F., "The Jesuit Volunteer Corps: Building Bridges to the Poor," in *America*, 150(1984), pp. 399-401.

- REDMANN, E., "Canons 311 and 677, §2: Associate Membership within an Institute of Consecrated Life," in *Roman Replies and CLSA Advisory Opinions 1992*, pp. 69-70.
- ROBERTS, T., "Maryknoll Laity Form Own Group," in *National Catholic Reporter*, August 12, 1994, p. 5.
- RYAN, L., "The Laity," in *The Church: A Theological and Pastoral Commentary on the Constitution on the Church*, K. McNAMARA, ed., Dublin, Veritas Publications, 1983, pp. 235-264.
- SCHULZ, W., "La posizione giuridica della Associazione e la loro funzione della Chiesa," in *Apollinaris*, 59(1986), pp. 115-130.
- SCHWARZ, K., "Alternative Membership in Religious Congregations," in *Review for Religious*, 50(1991), pp. 559-563.
- SCOLA, A., "Associations and Movements in the Communion and the Mission of the Church," in *Laity Today*, vol. 32-33, *Christifideles laici: Comments and Reflections*, The Pontifical Council for the Laity, Vatican City, Vatican Press, 1989-1990, pp. 37-45.
- SCULLY, M.L., "On Associate and Lay Membership," in *Review for Religious*, 49(1990), pp. 296-301.
- SECONDIN, B., "Orizzonti del charisma di un istituto: La 'nuova' partecipazione dei laici," in *Informationes SCRIS*, 17(1991) pp. 89-103 (English translation in *Consecrated Life*, 17[1992], pp. 83-97).
- SHERMAN, S.M., "New Forms of Membership," in *Proceedings of the National Conference of Vicars for Religious*, Pittsburgh, Chancery, Diocese of Pittsburgh, 1984, pp. 20-29.
- SMITH, D., "Oblates in Western Monasticism," in *Monastic Studies*, 13(1982), pp. 47-72.
- SMITH, I.G., art. "Oblati," in *A Dictionary of Christian Antiquities*, vol. 2, Toronto, Willing & Williamson, 1880, pp. 1418-1419.
- SOMMARUGA, G., "Consacrati e associati," in *Vita consacrata*, 26(1990), pp. 942-949.

- STEVENS, M., "The Shifting Order of Religious Life in Our Church," in *Review for Religious*, 48(1989), pp. 515-529.
- SYMONDS, M., "The History and Development of Associate Membership in Religious Institutes," unpublished master's seminar paper, Faculty of Canon Law, St. Paul University, Ottawa, 1988, 66 p.
- TACHY, A., "Des confréries," in *Revue des sciences ecclésiastiques*, 61(1890), pp. 249-266, 288-315, 415-447.
- TORVEND, S., "Lay Spirituality in Medieval Christianity," in *Spirituality Today*, 35(1983), pp. 117-126.
- VANZETTO, T., "Commento a un canone: L'irradiarsi di un carisma oltre l'Instituto di vita consacrata (c. 303)," in *Quaderni di diritto ecclesiale*, 3(1990), pp. 384-393.
- VIDULICH, D., and A. JONES, "Orders Send Out New, Lay Blossoms on Old Shoots," in *National Catholic Reporter*, February 21, 1992, pp. 25-26.
- VILLA ROBLEDA, M.J., "Caracterizacion de las asociaciones por razón de sus fines," in W. AYMANS, K.T. GERINGER, and H. SCHMITZ, eds., *The Associational Element in the Church: Proceedings of the VIth International Congress of Canon Law, Munich, September 14-19, 1987*, St. Ottilien, EOS Verlag Erzabtei, 1989, pp. 499-506.
- WEBER, R.K., "A History and Theology of Sharing Responsibility for the Church," in *Spirituality Today*, 37(1985), pp. 100-107.
- WILSON, G.B., "Collaborating with the Laity," in *Human Development*, 11(1990)3, pp. 36-39.
- WITTBERG, P., "Transformations in Religious Commitment," in *Review for Religious*, 44(1985), pp. 161-170.
- , "Outward Orientation in Declining Organizations," in N. FOLEY, ed., *Claiming Our Truth: Reflections on Identity by United States Women Religious*, Washington, Leadership Conference of Women Religious, 1988, pp. 39-106.
- ZAGO, M., "Un charisme pour l'église: Charisme oblat et laïcs," in *Vie Oblate Life*, 48(1989), pp. 39-46.

ZAGO, M., "Oblates and Laity can Cooperate in the Light of the Charism," in *Vie Oblate Life*, 54(1995), pp. 1-16.

ZUBERT, B.V., "Consociationes spiritum instituti religiosi participantem," in W. AYMANS, K.T. GERINGER, and H. SCHMITZ, eds., *The Associational Element in the Church: Proceedings of the VIth International Congress of Canon Law, Munich, September 14-19, 1987*, St. Ottilien, EOS Verlag Erzabtei, 1989, pp. 733-743.

BIOGRAPHICAL NOTE

Susan Wikeem, S.N.J.M., was born in Winnipeg, Manitoba on April 8, 1945. She received her secondary education at St. Mary's Academy, Winnipeg. She entered the Sisters of the Holy Names of Jesus and Mary in 1963 and made perpetual profession in 1970.

After studies in education, Susan taught in private and parochial schools in Winnipeg. She was Principal of St. Ignatius School (1971-1973) and St. Mary's Academy (1976-1985 and 1990-1991). She is presently Director of St. Mary's Academy and serves in the tribunal for the Archdiocese of Winnipeg.

Her academic qualifications include: Certificate in Education (University of Manitoba, 1968); Bachelor of Arts (St. Paul's College, Winnipeg, 1974); Licentiate in Canon Law (Saint Paul University, Ottawa, 1987) and Master of Canon Law (University of Ottawa, 1987); Master of Arts (Providence College, R.I., 1990).