

Canon Law

Notes, Commentary, Discussion, Papers & Bibliography

Canonical Leadership and Collaborative Governance

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Scope of the Issue

- 75-90% of institutes/units will come to completion in the coming decades - 300-350 institutes

Historical Responses

- late 1900s - *Perfectae caritatis* ('65) #21 - "If it is possible, these should be combined with other more flourishing communities and monasteries whose scope and spirit are similar."
- early 2000s - Covenant permitted a smaller institute to collaborate with a larger one on needs, and ultimately on governance.
- Under these models, remaining institutes could have 5-10 institutes merging or affiliating
- Do these models allow for the flourishing of these remaining institutes? or the flourishing of religious life?

Indicia

- Motu Proprio *Ecclesiae sanctae* ('66) gave indicia of decline
 - the *small number* of religious in proportion to the age of the institute or the monastery,
 - the *lack of candidates* over a period of several years,
 - the *advanced age* of the majority of its members.

Collaborative Viability Study



Particular Challenges

- Providing *ongoing leadership* for the institute.
- Providing *care for aging members*, in addition to health-care, this includes pastoral care and support of the members, those facing the challenges of aging and those moving out of full-time ministry, as well as those still in active ministry.
- Providing leadership in the *sponsored ministries*.

Journey to Completion

- Orderly transition of ministries
- Ensure the suitable care of its last members,
- Passing on of the spiritual patrimony of the institute

- Settling its legacy, and disposition of any remaining temporal goods.

Sponsorship

- Traditional Sponsorship
 - *Missio* - ensuring the Mission and Catholic Identity
 - *Communio* - ensuring Communion with the Church
- Transferring Sponsorship
- Ministerial Public Juridic Person
- Acknowledged as Catholic (schools)

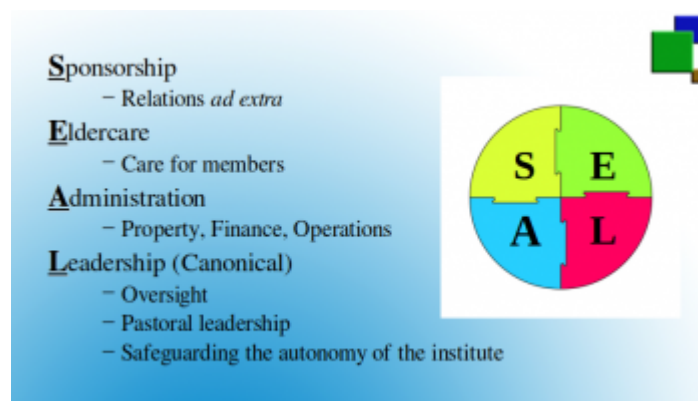
Eldercare

- Two issues
 - Funding
 - Trust for Eldercare
 - Legacy Planning
 - Care of Members
 - its oversight / management
 - pastoral care, family care
 - opportunities for collaboration

Administration

- Lay CFO and business office staff requires effective oversight.
- Canonical Leadership
 - Historically serves as Board of Directors,
 - Oversees the administration and
 - Is often extensively involved in administration.
- Effective oversight by canonical leadership is critical
 - Administration can be entrusted to laypersons
 - Laypersons can serve on the civil board of directors (with reserve powers to canonical leadership)
 - Begin to support canonical leadership with staff and committees
 - These persons will continue to support when canonical leadership transitions
- Establish a right-sized administrative support system.
 - Opportunities for collaboration with other institutes/units
 - This would support elected leadership and later forms of canonical leadership

Collaborative Model



- Transition Sponsorship

- Regional collaboration for support with Eldercare and Administration
 - Wisconsin Religious Collaborative
 - STL Collaborative Governance Project
- Potential collaboration in supporting canonical leadership
- Importance and urgency of establishing as need is growing - LCWR conversations

Leadership

- Canonical Leadership
- Canon 623 To be validly appointed or elected to the office of superior, members must have been perpetually or definitively professed for an appropriate period of time, to be determined by their own law or, for major Superiors, by the constitutions.
- The canonical norm is one leader and two councilors, who may act collaboratively.
- When no sister or brother is capable or available for this ministry
- Turn outside the community for a canonical leader
- Petition competent ecclesiastical authority (bishop / CICL)
 - Request appointment of commissary, canonical trustee, administrator superior - Rome has never preferred.
 - Competent - canonical, pastoral, administrative, financial, legal oversight
 - Disinterested - no financial or canonical interest, not a diocesan employee
 - Canon 318 §1: In special circumstances and where grave reasons require it, the ecclesiastical authority mentioned in can. 312 §1 can designate a trustee (*commissarium*) who is to direct the association for a time in its name.
 - Merge with another institute/unit - Institutes rarely prefer this choice, retain identity, charism to the end.
 - Requires about 18 months to implement once a path is chosen.
- Alternate path for units: suppress governance
 - Establish an alternate plan for governance
 - No 'province governance'
 - Former provinces - by another name for clarity
 - Governed by elected or appointed brothers/sisters
 - Value of elected or appointed councilors
 - Who may form an expanded congregational council

Options

- Merger -
 - Come together under one governance structure.
 - Pros: Decrease the number of elected leadership
 - Cons:
 - Increase complexity of the organization,
 - Cost of change,
 - Loss of identity of the original units.
- Covenant - One on one collaboration between a larger more stable community and a smaller more vulnerable one.
- Commissary - Canonical Leader is appointed from outside the community. Best when a community has settled its affairs and prepared sufficiently.
- Collaboration - Collaborating with other similarly situated communities in the four areas of SEAL.

	Merge	Covenant	Commissary	Collaboration
Sponsorship	XX	–	–	as needed
Eldercare	XX	XX	–	as needed

	Merge	Covenant	Commissary	Collaboration
Administration	XX	XX	–	as needed
Leadership	XX	as needed	XX	as needed

Provinces			
	Merge	Alternate Governance	Collaboration
Sponsorship	XX	as needed	as needed
Eldercare	XX	as needed	as needed
Administration	XX	as needed	as needed
Leadership	XX	XX	as needed

Take Aways

- Plan ahead
- Be realistic
- Collaborate
- You're not alone
- Be generous and trust

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