

Associations of the Faithful

Sacred Scripture provides a foundation for the natural right to associate:

Then God said: “Let Us make man in Our image, after Our likeness. Let them have dominion over the fish of the sea, the birds of the air, and the cattle, and over all the wild animals and all the creatures that crawl on the ground.” God created man in His image; in the divine image He created him; male and female He created them. God blessed them, saying: “Be fertile and multiply; fill the earth and subdue it. Have dominion over the fish of the sea, the birds of the air, and all the living things that move on the earth” (Gen. 1:26-28).

Recognizing the Divine Law, the Church identifies associations of the faithful as an important element of her life and structure. These associations are identified in Canon Law in the following manner:

In the Church there are associations distinct from institutes of consecrated life and societies of apostolic life, in which the Christian faithful, either clergy or laity or clergy and laity together, strive by common effort to promote a more perfect life or to foster public worship or Christian doctrine or to exercise other apostolic works, namely to engage in efforts of evangelization, to exercise works of piety or charity and to animate the temporal order with the Christian spirit.¹

God created man a social being. “This social life is not something added onto man...Through his dealings with others, through his reciprocal duties, and through fraternal dialogue he develops all his gifts and is able to rise to his destiny.”² Whether we believe in God or not, whether we like it or not, our very nature demands interdependence.

Because we are social creatures, Jesus established His Church as a society governed by the Pope and the Bishops in union with him. Canon 215 acknowledges our natural right to form associations “for charitable and religious purposes or for the promotion of the Christian vocation in the world.” This same canon acknowledges the right to freely hold meetings to pursue the purposes of the association. In recognition of our social nature, our Church established laws to govern groups associating together under a common purpose.

Given the comprehensive nature of the subject, it is impossible to provide a thorough review of all the canons pertaining to associations of the faithful. In an attempt to promote the healthy development of associations among the Christian faithful, I offer the basic canonical norms governing associations of the faithful. First, I will begin with a working definition. Following this, I will address the role of ecclesiastical authority over associations, the various types of associations of the faithful, their juridic status and the use of the term “Catholic.” In summary, I will apply these concepts to a paradigm of education.

¹ *Code of Canon Law: Latin-English Edition*, Canon Law Society of America, 1983, Canon 298§1. The norms concerning associations of the faithful for the Eastern Churches reflect the hierarchical structure of the East. *The Code of Canons of the Eastern Churches* and particular law of each Church *sui iuris* should be consulted.

² *Pastoral Constitution of the Church in the Modern World [Gaudium et Spes (GS)]*, no. 25.

Associations of the Faithful: A Working Definition

An aggregate of persons, with a common purpose congruent with the mission of the Church, who freely associate in such a manner that rights are exercised and obligations acquired without change to the status of each individual person who form the association.

An association of the faithful is an aggregate of persons, not of things. Christ's faithful possess the natural right and have the 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" (Canon 215). While the association may acquire property and enter into contracts in the pursuit of its purpose and fulfillment of apostolate, the association exists because of the people, not the goods it acquires.

By the very nature of an association, the members pursue a common purpose. In secular society, many associations exist which purpose may or may not have Christian orientation. In contrast, associations of the faithful, by nature, maintain a purpose congruent with the mission of the Church.

Ecclesiastical Authority and Associations of the Faithful

Because associations of the faithful must have a common purpose congruent with the mission of the Church, competent ecclesiastical authority has the obligation of vigilance over all in matters of faith, morals and ecclesiastical discipline. The purpose of this vigilance is to promote the common good, protect against the infringement of rights and duties and provide a venue of vindication when necessary (cf. Canon 223). This vigilance allows competent authority to visit the associations in accord with the norms of law and the statutes of the association (Canon 305§1). Regarding public associations, the authority that erected it has direct supervision over the association. Regarding private associations, ecclesiastical authority must respect their autonomy but has the obligation to "take care that their energies are not dissipated and that the exercise of their apostolate is ordered toward the common good (Canon 323§2)." He also has the right "to be watchful that the goods are used for the purposes of the association (Canon 325§1)."

Types of Associations

Two broad categories of associations exist within the Church: public and private. Further distinctions made in law are beyond the parameters of this article [cf. Clerical associations (Canons 302) and third orders (Canon 303)].

"Associations of the faithful which are erected by competent ecclesiastical authority are called public associations (Canon 301§3)." In the decree of erection, the competent authority must bestow public juridic personality on the association and grant it a mission by which it formally acts in the name of the Church (Canon 313). Only the Holy See, a conference of bishops or a diocesan bishop has the authority to erect a public association of the faithful (Canon 312). Before issuing a decree of erection, the competent authority must approve its statutes (Canon 314).

Only a public association can receive a mission to teach Christian doctrine in the name of the Church, promote public worship or pursue a purpose which by nature is reserved to ecclesiastical authority (Canon 301§1). As a public association, the members act in the name of the Church when fulfilling the purpose of the association. Because of its public nature, the authority who erected it has direct supervision over the association and specifically has the right to confirm the election of the moderator, install a moderator presented or name a moderator in accord with the approved statutes; name the chaplain or ecclesiastical assistant (Canon 317§1); designate a trustee to temporarily direct the association (Canon 318§1); remove the moderator for a just cause (Canon 318§2); direct and audit the

administration of goods and reception of offerings and alms (Canon 319); suppress the association or otherwise declare it extinct in accord with law (Canons 320, 120§1).

In contrast, private associations exist by private agreement, freely made among members of the Christian faithful, with the intent to attain the aims mentioned in canon 298§1 (Canon 299§1). By far, private associations of the faithful are the most flexible and less restrictive means for the Christian faithful to pursue a common purpose as a group. While ecclesiastical authority maintains a certain degree of vigilance over private associations as noted above, the guidance and direction of the association comes from the members in accord with its statutes (Canon 321). Any further influence and involvement by ecclesiastical authority depends on the level of recognition the association seeks. From least to most structured, private associations are categorized as *de facto*, recognized, praised or recommended and private with juridic personality. Unless a private association receives juridic personality from competent ecclesiastical authority, the association itself has no rights or obligations in law. However, its members may collectively assert their rights and obligations, even by proxy (Canon 310). This will be further discussed in the example below.

A *de facto* association of the faithful exists by common agreement among its members but has no recognition from Church authority. Because this type of association seeks no recognition from the Church, its statutes do not require review by ecclesiastical authority.

This lack of review of statutes allows great flexibility in development and discharge of the apostolate. It also encourages less structure, which may promote conflict, division and ultimately the demise of the association. The lack of review of statutes by competent authority encourages a perception of secrecy. For this reason, the law clearly states that “no private association of the Christian faithful in the Church is recognized unless its statutes are reviewed by competent authority (Canon 299).”

Due to the necessity of structure for a *de facto* association to survive and flourish, all members should have opportunity to participate in the writing of clear and concise statutes. The members should exercise cooperation, flexibility and most importantly sincerity of faith. Its moderator should possess strong administrative skills and a deep knowledge of the Catholic Church.

A *de facto* association that allows its statutes to be reviewed by competent ecclesiastical authority receives recognition as an association by that very fact (Canon 299§3). It is not necessary that the association receives approval of its statutes, nor that it even receives formal recognition. This presentation of statutes to the competent authority, usually the diocesan bishop, is simply a way of informing the bishop that an association exists with a specific purpose congruent with those mentioned in canon 298§1. Because the association allows its structure and objectives to be known to competent authority, this step of recognition encourages greater dialogue and cooperation between the members of the association and the formal structures of the Church. At the same time, the association enjoys the same autonomy a *de facto* association enjoys.³

An association that is praised or recommended by Church authority but does not possess juridic personality enjoys similar autonomy and flexibility. The main difference rests in the level of review by competent ecclesiastical authority. While the law does not explicitly state that the bishop must approve the statutes before praising or recommending the association, certainly no bishop will praise or recommend a group that he does not agree with. If the association wants his praise and recommendation, it will have to accept his critiques and suggestions.

³ Many canon lawyers legitimately hold the opinion that being “recognized” requires a formal statement from competent authority. They further argue that being recognized is part of being praised and recommended. Anyone seeking these levels of approval should accept the opinion held by the authority approached.

Finally, a private association can receive private juridic personality. This occurs only after the competent authority has reviewed and approved the statutes and issued a formal decree granting juridic personality (Canon 322). While this is the most structured of private associations, Canon 322 explicitly mentions that the approval of statutes by competent authority does not change its private nature. This clearly demonstrates the intent of the law to protect the autonomy of private associations and allow the Christian faithful to freely guide and direct them according to the prescripts of the statutes (cf. Canon 321). With juridic personality, the association itself has rights and obligations in law. When asserting or vindicating rights and obligations, entering into contracts or performing any public act in the Church, it is not necessary that its members act collectively. Rather, the association itself acts when represented by legitimate authority according to its statutes.

As autonomous of formal Church structures, all private associations freely select their own moderator and officials, freely administer the goods they possess and freely choose their own spiritual advisor, who must be confirmed by the local ordinary (Canons 324, 325).

Use of the Name “Catholic” in Title of Association

According to law, no apostolic endeavor or association shall bear the name “Catholic” without the express permission of competent ecclesiastical authority (Canons 216, 300, 803§3, 808). While this norm is not always known or followed, it is meant to protect the faithful against misrepresentation by groups that do not promote the true Faith. Any association bearing the term “Catholic” in its name should have proof of consent by competent ecclesiastical authority.

How does it all work?

As an example, let us consider the educational endeavors of parents to illustrate the usefulness of these norms. There are a growing number of parents who home school their children. Recognizing their primacy by natural obligation to educate their children, these parents choose to home school for a variety of reasons.

Many parents form or join home schooling associations. When an active association exists with the purpose of promoting and supporting the parents’ primary obligation to educate their children, home schooling endeavors seem to produce more fruit. Furthermore, they are better able to resolve conflicts, both internal and external. Without proper structure, both internal and external conflicts can cause the demise of an association.

Even though a home schooling association may be incorporated in secular law, unless the diocesan bishop reviews its statutes, it has no recognition in Canon Law. Unless the association has juridic personality, the association itself has no rights in law. That means when the parents want to respond to an issue within a canonical forum, they must do so collectively. This is done in one of two ways. Either all parents can represent themselves as a crowd--which may not be too effective—or each parent can sign a mandate granting authority to one or several persons to act on behalf of all.

To establish a viable association of the faithful, regardless of its focus, I offer three suggestions. First, draft a mission statement and rules of conduct (statutes) that govern the daily operation of the association. If civilly incorporated, many elements from the by-laws can be used. Secondly, mail your bishop a letter introducing the existence of the association and enclose a copy of the statutes for his review. It is not necessary that you ask for his approval. It is extremely helpful that he knows of the existence of the association and that you promote constructive dialogue. Finally, it is possible that the statutes of the association would include a proxy mandate granting the moderator, either alone or with other officers, the necessary authority to represent the members in an ecclesiastical forum. If this were

done, each member would have to sign a copy of the mandate so the one delegated could prove his delegation. These three steps would encourage a viable and unified association, encourage dialogue and trust with ecclesiastical authorities and provide great flexibility in the discharge of business, particularly when issues arise that require immediate attention.

In closing, I emphasize a self-evident truth often overlooked. Man is a social creature. As such, we are interdependent on others in our pursuit for heaven's glory. God created us male and female and ordered us to fill the earth and subdue it. We cannot subdue the earth alone. By divine institution of marriage we fill the earth and by the natural use of associations, freely formed and directed in Christian charity, we can subdue the earth, conquering all for Christ and His bride the Church. Christ Himself did not go it alone. He first chose to be a part of a family. He then chose twelve apostles to assist Him in His public ministry. In addition to the twelve, there were many others, even women, who followed Him and promoted His works. Prayerfully, let us follow His example.

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