

Vincentian Family Associations: Juridical and Canonical Dimensions

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We are just about at the end of the Vincentian Formation Month for Assistants, Advisors and collaborators of the various Associations within the Vincentian Family. Besides the joy all you have gained and received here, you surely are feeling a little tired as well. I would like to be able to give you some relief, but, unfortunately, I have the task of providing you with an aspect, the juridical aspect to be exact, that is usually rather difficult to digest. I will do my best to deliver the subject, not in an amusing way, but at least in an acceptable way. I will limit myself to the most important elements.

I. Right of Association in the Church

1. The right of association is part of the rights of all the faithful. The explanation of this Code of Canon Law principle is quite clear in C. 215: “Christ’s faithful may freely establish and direct associations which serve charitable or pious purposes or which foster the Christian vocation in the world, and they may hold meetings to pursue these purposes by common effort.”

This is about a common right of all the faithful that is explicitly mentioned regarding the lay faithful in Canon 225, § 1, and again confirming this in the beginning explanation on Associations of Christ’s faithful in Canon 299, § 1.

It is important to remember that the right of association is in relation to the intended goal that must be an *ecclesial goal*, that is in conformity to the nature of the Church, as stated in Canon 298, § 1 which refers to fostering a more perfect life, promoting public worship or Christian teaching, other works of the apostolate, initiatives for evangelization, works of piety or charity, and those which animate the temporal order with the Christian spirit.

2. Various types of Associations according to ecclesial law

First and foremost, it is obvious that there are numerous *descriptions* of the associative characteristic. The Pastoral Letter of 22 May 1981 from the Italian Episcopal Conference (CEI) (therefore before the promulgation of Canon Law) on “Ecclesial Criteria of Groups, Movements and Associations of the Faithful within the Church” was already making reference to associations, movements, groups, societies and communities.¹ On the other hand, the Code always uses the

¹ Cf. Text in *Enchiridion CEI* 3/587-612. After the promulgation of the Code of Canon Law in 1983 and the Apostolic Exhortation “Christifideles Laici” of 30 December 1988, the Episcopal Commission for the

word “consociatio,” that is “associations,” with a description given in Canon 298, § 1: “In the Church there are associations which are distinct from institutes of consecrated life and societies of apostolic life. In these associations, Christ’s faithful, whether clerics or laity, or clerics and laity together, strive with a common effort to foster a more perfect life, or to promote public worship or Christian teaching. They may also devote themselves to other works of the apostolate, such as initiatives for evangelization, works of piety or charity, and those which animate the temporal order with the Christian spirit.”

2.2. Within this unique juridical term, that touches upon the full reality, there exists a *fundamental distinction between public and private associations*:

Public means “associations erected by ecclesiastical authority in order to attain the institutional goals of the Church, who are part of her hierarchical structure and act in the name of this same authority.”² Along with this definition is § 3 of Canon 301 that indicates the establishment of associations by the competent ecclesiastical authority (subjective criteria), and §§ 1 and 2 of the same canon that address a list of purposes for which such associations may be established (objective criteria).

By virtue of the decree of establishment, public associations are constituted as a juridical person (Canon 313).³ Obviously this is referring to the public juridical personality.

From all of this one could “assume that in reality the number of public associations would be minimal.”⁴ In reality the Code of 1983 limited the purposes of public associations “leaving them hardly any possibility for existence.”⁵

laity of CEI issued a new Pastoral Letter on 29 April 1993 on “Lay Associations in the Church” (in *Enchiridion CEI* 5/1544-1621).

² Giuliani Paolo, *La distinzione fra associazioni pubbliche e associazioni private dei fedeli nel nuovo Codice di Diritto Canonico*, Rome 1986, p.208; cf. also, p. 217. According to a commonly accepted interpretation the classic expression “agere nomine ecclesiae” must be read as “agere nomine auctoritatis ecclesiasticae.” The author adds two important considerations: the first is that “the term *public* signifies *hierarchy* because it makes reference to the public authority and its activity.” The second is that “the definition given to public associations implies the assertion of the true effect of the goal in their determination. The ecclesiastical authority, therefore, cannot establish associations with just any goal, but may only establish associations that, according to Canon 301, § 1, pursue, in its name, institutional goals, that is goals only within their competence.” But § 2 of Canon 301 seems to contradict this. That is why the author holds “the opportunity for the authority not to apply this paragraph such as it is, promoting instead instituting associations of the faithful with the same goal as private associations...” (p.208).

³ To learn more concerning juridical persons, their nature, constitution, rights and responsibilities, manner of acting, etc., cf. Canons 113, § 2, and 114 to 123.

⁴ Giuliani P., *op. cit.*, p. 210.

⁵ Giuliani P., *op. cit.*, p. 218. The author admits being unable to name any public association, therefore putting in doubt the term public for any association that claims itself as such in the decree of establishment.

Private means associations established by the individual initiative of the faithful (Canon 299, § 1) (subjective criteria) for purposes within their competence (objective criteria). They remain private even if they are praised, commended or recognized by ecclesiastical authority (Canon 299, §§ 2 and 3), and even if they have statutes approved by ecclesiastical authority and enjoy juridical personality (Canon 322). Private associations have a great deal of internal autonomy and always act under their own name while always remaining subject to the watchful eye of ecclesiastical authority.⁶

According to some authors, one can determine five authoritatively recognized levels of associations, only touching upon public associations of the Code in the last one:

- associations about which authority has not expressed judgment (“*implicite recognitae*”);
- associations praised or recommended (“*laudatae vel commendatae*”);
- associations expressly recognized (“*explicite agnitae*”);
- associations chosen and promulgated in a particular way (“*electae et particulari modo promotae*”);
- associations directly established by the hierarchy.⁷

2.3. How should associations erected under the previous legislation be considered? It is obvious that with the Code of 1983 associations of the faithful moved to a new system of regulation within the Church. That is why, in order to classify associations erected under the preceding legislation, one must apply the criteria relevant to the new legislation. It follows that “associations *erected (erectae)* by ecclesial authority up until 26 November 1983 are not automatically considered public, as such terminology was foreign to the Code of 1917. Since one must apply the criteria of the Code of 1983 to these associations, it follows that many *erected* associations — which for us is the majority — should be declared private by the competent ecclesial authority.”⁸

2.4. The private nature of a large number of associations should not be cause for admiration nor cause for concern. This is normal, a sign of the boldness of the faithful. It is an expression of lived subsidiarity. The categories “public” and “private” are not indicators of more or less importance or value. The fact that an association is private rather than public does not touch upon its being or

⁶ Cf. the specific definition of private association in Giuliani P., *op cit.*, p. 217. The 1993 CEI Pastoral Letter already cited distinguishes between private associations “*de facto*,” private associations recognized by authority, and public associations, while enumerating the conditions for their recognition. (*Enchiridion CEI* 5/1584-1591).

⁷ Coccopalmerio F., cited by Giuliani P., *op cit.*, p. 157. Within parentheses I have indicated terminology used by other authors (cf., pp. 206 – 207).

⁸ Giuliani P., *op cit.*, p. 217, note 2. To be honest, a statement from an ecclesial authority is not necessary. It suffices to correctly apply the criteria given in the Code.

belonging to the Church. It only serves to specify its identity, its state. Being “public” logically carries a more direct link to the hierarchy and stricter control on its part. In fact, a public association is erected by the hierarchy, enacts goals linked, by its nature, to the hierarchy and acts in its name.

2.5. It is important to note that an association can be: *common to all the faithful*, lay and clerical (this is the general case); *clerical*, if it is directed by clerics, implying the exercise of sacred orders and acknowledged as such by competent authority (Canon 302); or *lay only* (cf. Canons 327-329).⁹

2.6. The Code also recalls those “Associations whose members live in the world but share in the spirit of some religious institute, under the overall direction of the same institute, and who lead an apostolic life and strive for Christian perfection...” (Canon 303). This refers to what are called “third orders.”

2.7. And finally, it is well to note that only ecclesial authority may deem an association as *Catholic* (Canon 300).

3. Ecclesiastical Assistant. It is worth taking the time to say a few words outlining the method of choosing an Assistant and his/her role in the life of the association.

3.1. Methods of choosing vary according to the type of Association

- Within *public associations* it is the ecclesiastical authority itself that names the chaplain or the ecclesiastical assistant, after consulting, if opportune, those in charge of the association (Canon 317, § 1).
- Within *private associations*, the assistant is chosen by the association itself, but the choice must be confirmed by the local Ordinary (Canon 324, § 2).
- Within *associations erected by members of Religious Institutes by virtue of an apostolic privilege*: regarding associations erected outside of their own churches or houses, the norms for public associations apply; for associations erected within their own church or house, the nomination or confirmation of the assistant comes from the superior of the Institute according to their statutes (cf. canon 317, § 2).

3.2. Even the role of the assistant within the association can vary, as is expressed in the very terms used to designate this individual. The Code speaks

⁹ Perhaps another subdivision of associations may be introduced according as they place themselves at the level of the universal Church or particular Churches (international, national, diocesan, etc.). At any rate it is good to specify that the internationality of an association not be confused with its public character (cf. Giuliani P., *op cit.*, p. 216, note 1).

of a chaplain or an assistant. The previously mentioned CEI letter of 1981 refers to councillor, expert and assistant, adding that “this distinction undoubtedly indicates different levels of relationship between the ecclesial authority and the association (minimal in the case of a councillor, maximal in the case of an assistant) and at the same time corresponds to the diverse purpose and forms that the associations present...”¹⁰ The 1993 CEI letter refers only to “assistants or ecclesiastical consultants” (n. 47) and refers back to the document “Priests in Associations of the Faithful” by the Pontifical Council for the Laity, 4 August 1981.¹¹

Above and beyond the terms used, it can be said that the role of the assistant is not a role of directing but more a role of spiritual animation and an ecclesial link. We can use the expressions found in the Final Document of the October 2001 Meeting of the Association of the Miraculous Medal held in Rome: “1. The ministry of an adviser is to care for the spirit and the purposes of the Association, to promote formation, to encourage caring relationships, to maintain an attitude of listening, and to facilitate dialogue and discernment; 2. An authentic advisor of the groups serves as a companion both to the members and to the group, promoting growth, dynamism, and creativity; 3. The good adviser will always be a humble and simple servant.”¹²

II. Vincentian Associations

1. Association of the Miraculous Medal (AMM)

1.1 History

The first “Association of the Holy Medal of the Immaculate Conception” was founded in Paris and was approved for Paris by the Holy See in 1847. Worldwide recognition of the Association was received with the approbation of its purpose and Statutes on 8 July 1909 by Pope Pius X.¹³

The Association’s Statutes were modified in 1990 and then approved by the Congregation for Institutes of Consecrated Life and Societies of Apostolic Life by the decree of 8 September 1990.¹⁴ On 14 September of the same year, the Congregation for Divine Worship and Discipline of the Sacraments approved the new texts for the Blessing and Imposition of the Medal of the Blessed Virgin Mary Immaculate.¹⁵ The current Statutes were approved by the Congregation for

¹⁰ *Enchiridion CEI* 3/609, note 9.

¹¹ *Enchiridion Vaticanum* 7/1344-1383.

¹² *Vincentiana*, 2001, 477.

¹³ Cf. Shelby C., “The Association of the Miraculous Medal,” in *Vincentiana*, 1998, 312.

¹⁴ Cf. *Vincentiana*, 1991, 2-4.

¹⁵ Cf. *Vincentiana*, 1991, 5-13.

Institutes of Consecrated Life and Societies of Apostolic Life by decree of 19 February 1998.¹⁶

1.2. What type of association is it?

* It is an association of the faithful, whose *Statutes* were submitted to the supreme Authority of the Church, who examined them, approved them and also approved the ensuing modifications.¹⁷

* It is an association *recognized* by the universal Church with ramifications in various countries and dioceses.

*It is an association with a *spiritual purpose* of devotion to Mary, sanctification of its members and an apostolate of charity (Article 2).

* Its Director General is the Superior General of the Congregation of the Mission and the Company of the Daughters of Charity (Article 3, § 1), who has the responsibility of naming the Directors and National Presidents (Article 3, § 2).

* After all that has been said, it seems that we can conclude that, according to current Canon Law, it is a *private association*.¹⁸

2. International Association of Charities (AIC)

This is an international association with philanthropic, religious and educational goals, which groups together associations or federations of associations, of women or men and women, founded by St. Vincent de Paul or those that refer to his tradition.¹⁹ It is a member of the International Catholic

¹⁶ Cf. *Vincentiana*, 1998, 79-82.

¹⁷ The current Statutes were approved by the Congregation for Institutes of Consecrated Life and Societies of Apostolic Life. Why were they not approved by other organisms of the Apostolic See, for example, the Pontifical Council for the Laity? Probably because the Statutes concern an Association directly linked to two Societies of Apostolic Life (Congregation of the Mission and Company of the Daughters of Charity) and they are considered almost as coming forth from them.

¹⁸ The Statutes of the AMM in *Chile* (Art. 1) state that it is “a public Association within the Church approved by the Roman Pontiff on 8 July 1909.” Does public here mean that it was approved by the Roman Pontiff? Does pontifical approbation change the private juridical nature of an association? In some descriptive leaflets of the Association in *Spain*, it is referred to as “a public Church association to which all faithful Christians of whatever condition may belong”; it is also affirmed that it was “founded by Pius IX on 21 June 1847” (but limited to the CM Motherhouse in Paris); it is affirmed that “Pope St. Pius X, on 8 July 1909, erected the Association of the Immaculate Conception of the Holy Medal, with a definitive and universal character, for the entire Church.” The *Mexican* Statutes are limited to stating that it is “a Catholic Lay Association, born out of the apparitions of the Blessed Virgin to St. Catherine Labouré in 1830...; it was approved and recognized by the entire Church ... through the Brief *Dilectus Dei Filius* of Pius X on 8 July 1909” (Art. 1). But then it refers to the Brief of Pius X as the “Foundational Brief” (Art. 1.1).

If we want to keep to the Documents cited, what would the results be? That the Association of the Miraculous Medal came out of Paris through the private initiative of the Priests of the Mission and the Daughters of Charity, that it was recognized and approved at first for Paris by Pius IX, and then it was recognized and approved for the entire Church by St. Pius X. But it seems to me that one cannot say that it was founded or established by a Pope and refer to the Brief of St. Pius X as a “Foundational Brief.”

¹⁹ Thus states Article 1 of the Statutes. We find another reference to St. Vincent in Article 3 which, speaking of the purpose of the Association, says: “The AIC shall have as objective the advancement and development of the underprivileged, the combat against all material, physical, moral and spiritual forms

Organizations (O.I.C.). The current Statutes were approved by the Assembly of Delegates in 1985. We do not find any mention of an Assistant in them. However, he is spoken of in the Statutes or in other norms at national. Let us take the example of Italy. The “Statutes of the Vincentian Volunteers Groups”²⁰ are limited to saying that the Vincentian Volunteer “works in communion with Church pastors, recognizes the Superior General of the Congregation of the Mission as the Assistant General of the Association, the Priests of the Mission as animators of Vincentian spirituality and the Daughters of Charity as its historical and natural collaborators” (Art. 2). The “Internal Norms”²¹ instead often refer to the Spiritual Assistant. He, “associated with the Council on various levels” and “preferably a Missionary of St. Vincent,” has the spiritual animation of the Groups (Art. 15). On the National Level, the “Spiritual Assistant is a Missionary of St. Vincent chosen by the Superior General, in accord with the National President” (Art. 16).

On the ecclesial level, the AIC is considered a “private association.”²² In order to know more about its ecclesial profile, we would have to go back to the origins of the “Confraternities of Charity” founded by St. Vincent and tightly inserted into the ecclesial context through the parameters of the law at that time,²³ to all the tradition that links it in a special way to the apostolate of the Priests of the Mission and the Daughters of Charity, and to the episcopal and pontifical approbations.²⁴

3. International Association of Vincentian Marian Youth (JMV)

The current Statutes assert that the International Association of Vincentian Marian Youth is the new form of the Association of Children of Mary Immaculate which had its origin in the Apparitions of the Virgin Mary to St. Catherine Labouré in 1830 (Art. 1). This Association was approved by Pope

of poverty and suffering in any country whatsoever as well as in international life, without political or religious discrimination. AIC thus witnesses to the Charity of Christ in the tradition of St Vincent de Paul.”

²⁰ *Statuto dei Gruppi di Volontariato Vincenziano*, AIC Italy, approved by the National Council on 25 May 1995.

²¹ *Norme interne dei Gruppi di Volontariato Vincenziano*, AIC Italy, approved by the National Council on 4 October 1996, with some modifications on 15 May 2001.

²² Cf. Giuliani P., *op. cit.*, p. 209, note 324.

²³ Cf. Vernaschi A., “Una isituzione originale: le Figlie della Carità di S. Vincenzo de’ Paoli,” in *Annali della Missione*, 75 (1968), pp. 132, 185-190, where both the origins of the Confraternities of Charity and their insertion into the juridical models of the time are taken into consideration.

²⁴ The Archbishop of Paris had already given the Priests of the Mission “potestatem et facultatem... erigendi confraternitatem Charitatis in quibus locis utile videbitur, et erectas visitandi” (SV XIII, 217). The Bull “Salvatoris nostri” of 12 January 1633, by which Urban VIII approved the Congregation of the Mission, enumerates among its ministries the institution of the Confraternities of Charity in the different locations where the Missionaries preach the Missions: “In locis ubi catechismi et praedicationis munus exerceuerint, confraternitates quas vocant Charitatis, Ordinarii auctoritatae, institui procurent, ut pauperibus aegrotis subveniatur...” (SV XIII, 260-261).

Pius IX in the rescripts of 20 June 1847 and 19 July 1850, and then confirmed by other dispositions of the Holy See (Art. 2).

These same Statutes show the Association's special bond with the Congregation of the Mission and with the Company of the Daughters of Charity through the Superior General of both communities. To him falls its general direction (Art. 3), with the consequent powers concerning the nomination of a Vice-Director General and of a General Councillor, as well as the confirmation of nominations on the national level, etc.²⁵ The fundamental characteristics of the Association are shown by the terms ecclesial, lay, Marian and Vincentian (Art. 5).²⁶

The "Statutes of the Marian Association," approved for Italy on 25 January 1996 by Fr. Robert Maloney, Superior General of the Congregation of the Mission and the Daughters of Charity and Director General of the Marian Association (formerly "Children of Mary Immaculate"), state in Article 27: "Based on Canon Law, the Association is numbered among the public associations of the faithful (Canons 301 and 312)."²⁷

But is it truly a public association in the sense as discussed in section I. 2.2 above? The question must be asked. Personally, I am of the opposite opinion based on what was said in section I. 2.3.

4. Society of St. Vincent de Paul (SSVP)

Founded in Paris in 1833 by Frederick Ozanam and his companions as a "Conference of Charity," and immediately afterwards called "Conferences of St. Vincent de Paul," from 8 December 1835 the Conferences were named globally the "Society of St. Vincent de Paul." But the groups that make up the Society continue to call themselves "Conferences." The Society was recognized by the Holy See in the Papal Brief of Gregory XVI on 10 January 1845. The members take inspiration from the thoughts and actions of St. Vincent and personally commit themselves, in a spirit of justice and charity, in favor of those who suffer.

²⁵ Even the Statutes of the Italian "Marian Association" emphasize the bonds with the Daughters of Charity and the Priests of the Mission (Arts. 3-6, 15-16, 22, etc.).

²⁶ Cf. *Vincentiana*, 1999, 89-97. These are the same characteristics also found within the AMM as was brought out during the October 2001 Meeting in Rome.

²⁷ One understands this form of expression, given that Article 5 says that "On 20 June 1847, at the request of Fr. Aladel and Fr. Étienne, Pope Pius IX granted, by rescript, to the Priests of the Mission and the Daughters of Charity the canonical erection and the faculty to institute the Association in their own schools and works, under the title of the Most Holy Immaculate Virgin" and page 253 of the source from which this is taken is cited: *Acta Apostolica in gratiam Congregationis Missionis*, published in Paris in 1876. Nevertheless, when referring to "canonical establishment," we find ourselves in a different context than that of the Code of 1983.

The structure of the Society, inserted within the Church, makes provision for the frequent participation of a member of the clergy for all that concerns the spiritual and moral aspects of its life. This person is called a “Spiritual Councillor.” Methods of nomination may vary: the Spanish Statutes provide that the National Religious Councillor be named directly by the President of the Society (Art. 43). The Italian “Statutes of the Society of St. Vincent de Paul” state that among the various Councils (local, central, regional, and national), there must “be a priest with the responsibility of being the Spiritual Councillor” (Art. 21). Regarding his nomination, Article 41 provides that he be “chosen in a timely manner from among the secular or regular priests, in accord with the competent religious authority.”²⁸

According to the criteria indicated in sections I. 2.2 and 2.3, this is a private association of the faithful.

5. Vincentian Lay Missionaries (MISEVI)

The Decree of Approbation of 7 April 1999 expressly states that “the work called *Vincentian Lay Missionaries* (MISEVI) is an international public association of the faithful who desire to share the charism and spirituality of St. Vincent de Paul, founder of the Congregation of the Mission and the Daughters of Charity, adapting them to the state of life of the members of the said Association,” and Article 1.1 of the Statutes affirms that “the Association of Vincentian Lay Missionaries (MISEVI) is canonically erected as a Public Association of the Faithful having full autonomous juridical personality.”²⁹

This is the only case of a Vincentian Association wherein it is explicitly expressed that it is a *Public Association*. But ... is it truly a Public Association in the sense of the 1983 Canon Law? In spite of the explicit terms of the Decree, the question could be legitimate, based on all the considerations made in sections I. 2.2 and 2.3.

The characteristics of this Association clearly emerge from the Statutes that also indicate the relationship (juridical or not) with the Vincentian Family, in particular with the Congregation of the Mission and the Company of the Daughters of Charity through the Superior General of both Communities.³⁰

Appendix: Some notes on the statutes of our associations

²⁸ Cf., The notes and Statutes in *Vademecum del Vincenziano*, published in July 2000 by the Italian National Council of the Society of St. Vincent de Paul.

²⁹ Cf., “International Association of MISEVI” in *Vincentiana*, 1999, 150-159. Cf., the observation in footnote 17 of the present study: the same reasoning may also be applied to MISEVI.

³⁰ Cf. “International Statutes of the Vincentian Lay Missionaries (MISEVI),” Article 9 and numerous other references in various articles.

Before concluding, I would like to add some complementary general notes relating to the Statutes of our Associations.

1. Regarding the international associations, the Statutes of some of the Vincentian Associations (AMM, JMV, MISEVI) were presented by the Superior General of the Congregation of the Mission and the Company of the Daughters of Charity to the Apostolic See and were approved and confirmed by it. The Local or National Statutes are proposed to the Superior General and approved by him.

Other associations are in this more autonomous with respect to the Superior General of the Congregation of the Mission and the Company of the Daughters of Charity.

2. As I stated above, the approbation of the Statutes by the competent authority of the Church does not change the juridical nature of the Association, which remains private.

3. On the level of *content* and *style*, the Statutes must be a basic text and consequently brief, which are limited to outlining the fundamental and lasting elements: the purpose, the government (leadership), membership, and the rights and responsibilities of the members, etc. The rest, that is anything more detailed, more particular, more transitory, should be placed appropriately in another text, for example: the Rules, Directory, etc., unless it is necessary to add other elements to the Statutes because they are required by national legislation in order to obtain civil juridical recognition and consequently the juridical capacity to receive, possess and administer goods.

In this regard, we can see that some National Statutes appear too detailed while others are too basic.

Conclusion

The Statutes are a means and not an end: the law is necessary, to safeguard life, but the essential is life. The public or private categories could be useful in presenting the reality of the Association, but what counts is the ecclesial communion and apostolic fruitfulness that such a reality represents and promotes. With their character which is essentially ecclesial, missionary, Marian and Vincentian for the apostolate of evangelization and charity, Vincentian Associations have been and continue to be a means, ever so simple, but serious and effective, for personal sanctification and for the mission of the Church. That is why all of this is close to our hearts!

(Translation: TRANSLATION CENTER – DAUGHTERS OF CHARITY, Paris)