



# AUSTRALIAN CATHOLIC BISHOPS CONFERENCE

## Bishops Commission for Canon Law

Bishop Brian Finnigan (Chairman)  
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### **GUIDELINES FOR ESTABLISHING A NEW RELIGIOUS INSTITUTE.**

#### **Church law**

- C. 576 It is the prerogative of the competent authority in the Church to interpret the evangelical counsels, to legislate for their practice and by canonical approval, to constitute the stable forms of living which arise from them. The same authority has the responsibility to do what is in its power to ensure that institutes grow and flourish according to the spirit of their founders and to their sound traditions.
- C. 579 Provided the Apostolic See has been consulted, diocesan Bishops can, by formal decree, establish institutes of consecrated life in their own territories.

#### **Practice of the Church**

Documents from the Congregation for Institutes of Consecrated Life and Societies of Apostolic Life 2007 (Procedure for Erecting a Religious Institute of Diocesan Right, Documents Required in View of Erecting a Religious Institute of Diocesan Right) provide guidance for the Diocesan Bishop. (This guidance is incorporated in this paper.)

#### **Principles**

##### *A new charism*

The charism, vision and purpose of the group should be different from that of any other institute present in the diocese (country).

It is grounded in the Gospel, its values and spirit, in all the teachings of the Church, including the teachings of the Councils.

It reflects a current understanding of the world and its needs, and has relevance for the particular church.

The group is able to identify and clearly articulate the charism and the spirituality and ministry that flow from it, as are the Diocesan Bishop and others with whom the group interacts.

##### *Governance*

The governance structures reflect the ecclesiology of *communio*, living out a belief in the equality and dignity of all the baptized, providing for the maximum participation of its members in decision-making and establishing processes for the gospel-based resolution of conflicts. The governance structures ensure communication with the Diocesan Bishop and those appointed by him to Diocesan Offices.

The governance structures, even in the fledgling stages, image the structures that are consistent with canon law.

##### *Spirituality*

The spirituality of members expresses the charism and is based on Gospel values, the teachings of the Second Vatican Council and sound theology.

### *Formation of Members*

The formation of members has a high priority which requires that ample time is provided to integrate the riches of the charism, the Gospel and the teachings of the Second Vatican Council.

### *Documents, practice and approach to ministry*

The documents, practice and approach to ministry indicate a healthy awareness of and sensitivity to inculturation. They reflect also an engagement with the church's call to ecumenism.

### *Communion with the diocesan bishop*

The group is inserted into the particular Church and is in communion with the Diocesan Bishop and the universal Church.

### *Theological and Juridical requirements*

The life and mission of the group accord with the theological, canonical and juridical requirements as set out in the canons relevant to associations of the faithful and the relevant general norms of canon law. The Diocesan Bishop has responsibility for the supervision of the group.

## **Stages of development**

The early informal stage of coming together and discerning the charism is a period of gradual growth. This is followed by three stages of development:

- Private Association of the Faithful
- Public Association of the Faithful
- Religious Institute

### *Private Association of the Faithful*

Initially, the members come together as a private association of the faithful and usually begin without formality. This stage is one of growth, of clarification of identity, of proof of stability and authenticity. It is a time to begin developing statutes. The discernment of the charism is on-going. The reviewing of the statutes by the Diocesan Bishop signifies the beginning of the formal recognition. There is not yet a spiritual patrimony. The founder is beginning to determine its elements, namely, its nature, end, spirit and character (see c.578).

This is followed by a stage of further growth and greater clarification of purpose and ministry in the Church. During this time, the members develop statutes. The group may become incorporated in accordance with civil law.

### *Public Association of the Faithful*

This is a stage of further growth and greater clarification of purpose and ministry in the Church. During this time, the members further develop their statutes that attempt to express their charism. Having met the requirements of canon law, the group may now aspire to become a Public Association of the Faithful.

After careful discernment and assessment by the Diocesan Bishop, the group requests him to establish a Public Association of the Faithful.

Once the Diocesan Bishop has erected the Public Association of the Faithful its members are permitted to live as if they were already religious, make private vows (i.e. not public and therefore not “religious vows”) pronounced according to the formula contained in the Statutes/Constitutions, wear a specified religious habit and have their own novitiate and proper government; they can also be received into other dioceses. Only a Diocesan Bishop (not an auxiliary bishop nor a diocesan administrator) may erect a Public Association of the Faithful in his Diocese.

### *Religious Institute*

In accord with the thinking of the Holy See, the Diocesan Bishop is advised not to commence the steps to erect a Religious Institute of Diocesan Right until the Public Association of the Faithful has lived the life as set out in the Constitutions for a prolonged period and has at least 40 professed members, the majority of whom have made perpetual commitment-

## **Steps in establishing a Public Association of the Faithful**

### *Experience and growth of the group*

During this ‘informal’ stage, the group of people will have lived a common life for a number of years and the number of members will have increased. During this time there should be no ceremonies or rituals that might suggest that the group is further advanced than they actually are. In this early stage, they are not religious and should not be considered as such.

### *Constitutions*

After careful discernment and examination of the Constitutions by a canonist, the Diocesan Bishop may approve the Constitutions. These Constitutions will legislate for the juridical structure the Association is intended to have when it is erected as a Religious Institute, following the norms of the Code of Canon Law regarding religious.

### *Decree of Erection of the Public Association of the Faithful*

The Diocesan Bishop will issue a Decree of Erection of the Association. This decree will include the phrase “In view of becoming a Religious Institute of Diocesan Right”. The Decree of Erection will clearly specify the charism, spirituality and works of the Association.

## **Steps in establishing a Religious Institute of Diocesan Right**

After a prolonged period of experimentation and when the Association has at least forty (40) members, the majority of whom have made perpetual commitment, they may seek to become a Religious Institute of Diocesan Right.

Before the Diocesan Bishop gives this approval, he must determine the wisdom of this step and he must consult the Holy See. This discernment may include consultation with Church officers and others with whom the members of the Association have ministered, and Bishops of dioceses where the Association has houses and ministry.

### *Consultation with the Holy See*

The Congregation for Institutes of Consecrated Life and Societies of Apostolic Life has listed the documentation required to be forwarded to it. (See attachment 1).

In addition to providing documentation about the proposed institute, the Bishop provides his opinion concerning:

- a) stability and usefulness of the Association;
- b) discipline of the members of the Association;
- c) initial and ongoing formation of members;
- d) liturgical and sacramental practices of the members;
- e) collaboration with the local Church and *sensus ecclesiae*;
- f) administration of goods;
- g) ability to ensure the responsible governance of the Religious Institute of Diocesan Right with members in various dioceses.

### **Important issues**

- The members, individually and as a group:
  - should have a strong sense of belonging to the local Church
  - recognize the authority of the Diocesan Bishop
  - be committed to cooperating with Diocesan authorities.
  - recognize that ecclesial communion requires them to be in communion with both the Bishop of Rome and the local Bishop.
- The practices and the way of life of the group should
  - ensure that the practice of the vow of poverty is balanced and healthy, avoiding extremism or focus on gain.
  - embody the generally accepted local customs of the church
  - be founded on genuine respect for the dignity of each person
  - promote a healthy lifestyle that positively condemns abuse
  - support healthy interactions with others outside the group
  - promote sound leadership that encourages the life and mission of all members
  - embrace the gifts, difficulties and hardships that a dedicated and rightful living of the vows and the virtue of charity call for in daily living.
- The spirituality of the group should
  - be founded on a sound tradition within the Church, not on visions or unusual revelations
  - be characterized by a unity and simplicity in devotion and practice
  - incorporate moderate penitential practice according to the mind of the church
  - safeguard the dignity of each person including the right to privacy and confidentiality.
- Members will choose to bind themselves by vows or promises that belong to the tradition of the church.
- The requests for approval should be marked by integrity, truthfulness and patience.

**CONGREGATION FOR INSTITUTES OF CONSECRATED LIFE  
AND SOCIETIES OF APOSTOLIC LIFE**

**DOCUMENTS REQUIRED IN VIEW OF ERECTING  
A RELIGIOUS INSTITUTE OF DIOCESAN RIGHT (can. 579)**

**1. A historical-juridical account of the religious Institute from its beginning**

The history of the Institute should include the following points:

- a) name and surname of the founder;
- b) purpose to which the association was erected;
- c) date and place of the initial foundation,
- d) name of the Bishop who authorized the beginning of the new foundation;
- e) number and names of the first members;
- f) Novitiate.
  1. erection, date and place of the first novitiate house;
  2. name of the Bishop who erected it;
  3. number of the first novices and date of admission to the novitiate;
  4. name of first Master of Novices and others responsible for the initial formation of the first members of the Association.
- g) dates of the General Chapters;
- h) who approved the first text of Constitutions and when was it approved;
- i) apostolic activities of the Association in its beginnings and at the present time;
- j) expansion of the Association into other Dioceses;
- k) particular spirituality of the Institute;
- l) if applicable, those preparing to receive Sacred Orders received their formation.

**2. Curriculum vitae of the founder and the first Superior General of the Institute.**

1. name and surname;
2. dates and places of birth, baptism and confirmation;
3. parents' names and surnames;
4. educational history (primary, secondary, higher education);
5. other important events.

**3. Curriculum vitae of the first Superior General of the Institute**

*in addition to information requested above*

1. dates of the entrance, temporary and perpetual professions in the Association;
2. date of the election as first Superior general and the period to which he was elected;
3. present status, if deceased, date of death.

**4. Up-to-date statistics of membership:**

- a) names and surnames of the perpetually and temporary professed members, novices and candidates;
- b) date of next professions;
- c) number of houses;
- d) names of the Dioceses where the members are living and working.

N.B To erect a diocesan religious Institute the number of members required is about 40 professed of the major part are in perpetual vows.

**5. Financial status:**

- a) the number of houses owned by the Institute;
- b) the sum of money (in USA dollars) invested;

c) any debts.

**6. Statements regarding the following points:**

- a) any facts of an extraordinary nature with reference to the founder, such as visions, etc.;
- b) whether in the Diocese where the Generalate is located, there exists already any other Institute of the same name and charism.

**7. Description and pictures of the religious habit of a novice and of a professed member.**

**8. Three copies of the Constitutions and the Directory**, revised with the help of a qualified canon lawyer, in accord with the Code of Canon Law.

**9. Testimonial letter from the diocesan Bishop of the Generalate of the Institute and from the other Bishops of those Dioceses in which the Institute is present.**

Such letters are to be sent directly to the Congregation for Institutes of Consecrated Life and Societies of Apostolic Life and should include the Bishop's opinion regarding:

- a) stability and usefulness of the Association;
- b) discipline of the members of the Association;
- c) initial and on-going formation of members;
- d) liturgical and Sacramental practices of the members;
- e) collaboration with the local church and *sensus ecclesiae*;
- f) administration of goods;
- g) ability to ensure the responsible governance of a religious Institute of diocesan right with members in various Dioceses;

If possible, please, forward to the Congregation for Institutes of Consecrated Life and Societies of Apostolic Life a deposit equivalent to 500 Euro to account for the expenses of the entire process.

Vatican, 2007.