



# Religious Law and Consultation Newsletter

Upcoming Webcasts:

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## Rights and Obligations of Leadership

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### Rights and Obligations of Leadership

May 15, 2012

The rights and obligations of leadership in a religious institute are many and varied. There are many types of leadership in an institute, and there are various areas of leadership and forms of leadership. This newsletter will begin an exploration of these areas. My webcast in May 2012 will examine the rights and obligations in greater depth, particularly in the area of canon law.

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### Social Media, Religious and the Law

August 21, 2012

## Types of Leadership

In a religious institute, there are two basic types of leadership, personal and collective. Each time I begin working with another religious institute, I am reminded of the many and various ways in which institutes use both personal and collective leadership and work out a balance between the two. This is expressed both in the proper law of the institute, and in the practice of the institute over time and the particular nuances of a given administration.

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### New Member Issues

November 20, 2012

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### Advanced Taxation of Religious

February 19, 2013

**Personal** leadership is that of individuals referred to in the Code as the supreme moderator and the major superior. In particular institutes, this may be the superior general, the provincial, the prior/ess, the abbot/ess, the president, the minister, etc. Particular types of leadership are more suited to the care of an individual. For example, the care of members or acting as the representative of the institute with Church or with civil officials.

All on Tuesdays at 2pm ET

**Collective** leadership is exercised by a group. This may be the Chapter at the congregational or province level. This body is the supreme authority of the institute or province and it considers weightier matters including, fostering the spirit and charism of the institute, ensuring its ongoing renewal, electing leadership and setting policy. Collective leadership is also exercised by the council acting collegially to give advice, explore topics of concern, share expertise and collaborate the tasks of leadership. The role and expectations of collaborative leadership vary significantly from one institute to another. In addition, the balance between Personal leadership and Collective leadership as described here varies from one institute to another.

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## Areas of Leadership

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It is possible to think of the various areas of leadership, both personal and collective, under three broad headings: Vision, Members and Governance.

**Vision** is the area of leadership in which the identity and “patrimony” of the institute are maintained and fostered. Patrimony in this context refers to “intentions of the founders” and “the nature, purpose, spirit and character of

the institute, and its sound traditions.” (Canon 578) This is the heart of the matter, even if many of the day to day tasks of leaders seem much more mundane. This vision is found in the foundational stories and documents of the institute, but it is also found in the hearts and lives of each of the members. It is the role of leadership to foster growth in this vision and to explore the call of God in this time and this place and to fan into flame the gift of God. (2 Tim 1:6)

**Members** is another area of leadership where leaders are called to exercise pastoral care for the members and to ensure that each member has what he or she needs to grow in his or her vocation. There are particular roles to play when someone is first entering into the life of the community and moving through the formation program. There are times in a person's life when there are particular needs or obligations that require the attention of leadership. There are of course times when members are under stress or are a source of stress in the institute; this requires particular care, wisdom and courage to seek the good of the member, the common good of the institute and that of the wider community. Finally, when members leave through death or departure, leaders have an important role to play.

**Governance** is the final area of leadership where leaders ensure the ongoing corporate life of the institute. Members need housing, support, health-care, etc. Ministries must be organized, managed, fostered and overseen. Meetings must be organized, scheduled, attended and recorded. Finances and properties must be attended to. The institute has obligations to fulfill and relationships to maintain with church and civil officials, with various communities and constituencies. Leaders attend to these matters personally, through delegation to other members, and/or with the help of employees or professional advisors.

## **Forms of Leadership**

In addition to the types and areas of leadership, there are three forms of leadership in a religious institute: Spiritual, Canonical and Civil.

**Spiritual** or social-spiritual leadership is the primary form of leadership where the leader seeks to call forth the best in members and works for consensus and shared vision and purpose in living religious life. While this is important in every phase of the life of an institute, it is particularly critical in a time like today when institutes are facing major change because of internal and external challenges. Each congregational or province chapter should seek to provide this form of leadership for the institute; Personal leadership is also important here, particularly with respect to working with individual members.

**Canonical** leadership flows from spiritual leadership. The religious institute is primarily a group of people who come together around a particular experience of God, community and mission. If the group wishes to have long term sustainability, it requires some organization and structure to facilitate its ongoing life and mission. Canon Law, the Constitutions, Rule and other proper law provide the outlines of this structure. These sources describe how

canonical leadership is carried out in a particular institute and describe the obligations of the institute and its leadership in the areas of vision, members and governance. The religious community is not primarily a canonical entity – but once it is approved, it does function in the canonical world. In many ways, the canonical structures provide the container within which the religious life and mission are lived.

**Civil** leadership then flows from spiritual and canonical leadership. The civil structures, rights and obligations of the institute and its members are placed at the service of the ongoing life and mission of the institute. Since we, as individuals and as groups, live and work in civil society, we too must 'render to Caesar what is Caesar's'. We obey traffic laws, form corporations, comply with regulations, pay taxes, or meet the requirements for exemptions, etc. There are myriad technical responsibilities attendant to living and working for the Gospel in a particular time and place. It devolves to leadership in the community to ensure that these responsibilities are met in an appropriate manner. There are times when leaders or members must balance civil responsibilities with other responsibilities and the consequences of various courses of action. But these requirements cannot simply be ignored with impunity. One can think of everything from civil disobedience to failure to comply with mandatory reporting laws.

Each of these types, areas and forms of leadership has rights and obligations. One of the challenges of leadership is knowing and meeting all of the responsibilities and being able to balance the various interests that bear on any given situation or decision.

May's webcast will explore the rights and obligations within this framework, focusing on those relating to canonical leadership. There is still time to register for the April 15 session of the Online Symposium on Consecrated Life.

I am always happy to work with you or your community, or to present materials on various topics as you face the challenges of an uncertain and changing future.

Sincerely,

*Amy Hereford*