



Religious Law and Consultation Newsletter

Upcoming Programs:

[Canon Law 101](#)

Series: February 2017
On-Demand or on USB

[Covenant Project](#)

April 2017

[Role of Leadership](#)

May 2017

[Forming a Ministerial PJP](#)

August 2017

[Legacy Trusts](#)

November 2017

Tuesdays at 2pm ET

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Canon Law Myths

Myths about future planning:

Myth: If we make the wrong choice about the future of our congregation, we face extinction.

Many congregations face critical choices about the future when their congregations are getting older and smaller. However, it can be paralyzing to think that any one choice could undermine a congregation or its future. The concept of extinction comes from biology. A species faces extinction when there is a disconnect between the species and its environment. Conservationists know that there are many factors that influence the viability of a species. The same can be said for congregations. Their viability is influenced both positively and negatively by choices they make and by their environment: church and society. No one choice can cause the congregation to die. At the same time, congregations are well-advised to seek understanding of their options, to seek wise counsel and the help of professionals, and to pray and discern their best course together. There is almost no wrong decision, but there are better and worse decisions. The cumulative effect of these decisions and of the external influences will shape the future of a congregation in God's grace.

Myth: A congregation that diminishes and ceases to exist has failed its mission. Congregations are gifts of the Spirit to the Church and to the Brothers and Sisters who live in them; they belong to the life and holiness of the Church. There are many factors that influence the founding and growth, life and decline of a Congregation. The death of an individual life is not a failure of that life. The closing of a parish is not a judgment on the whole life of that parish. The prioress of a monastery that closed told me that she was at peace that the monastery had completed its mission on earth and the few elderly sisters would soon rejoin their sisters in heaven. The peaceful smile on her face told of fulfillment, not failure.

Myth: Our congregation is getting smaller, if we don't merge now, we'll have to do it later.

There are many options for congregations that are getting smaller. Some choose to merge; others are choosing to retain their identity and seek the support they need to live their call. It is critical that a congregation identify its needs and address those needs. Merging does not necessarily address a congregation's needs, and it comes with its own costs. If a congregation chooses not to merge now, it may take up the issue at a later time in its history, then it will be a very different question, and a very different congregation that responds. We don't cross the same river twice.

Myth: Our congregation is getting smaller, if we don't do something now, the bishop can suppress the congregation and take our property.

I have worked with a few congregations and monasteries with less than five elderly

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brothers or sisters. In these cases, the remaining brothers or sisters should make provision for their future as well as they can. They will probably have to seek leadership from outside their congregation. They will work with the bishop or with Rome to ensure that this is done with respect for the congregation, its legacy and each of its members. Generally bishops and Rome are very respectful of the wishes of the congregation. In the few cases where the congregation has not made provision for itself and its leadership, the Bishop or Rome may step in. Sometimes this is done with great pastoral sensitivity, other times, there is less deference to the elderly brothers or sisters.

Congregations are well advised to seek an understanding of their options, to seek wise counsel and the help of professionals, and to pray and discern their best course together.

Myths about Admission and Formation

Myth: A minimum of one year of pre-candidacy/inquiry/postulancy is required before entering novitiate.

The code of canon law does not have any requirement for a period of time before novitiate. However, it does require that those entering the novitiate be 'suitably prepared'. A pre-novitiate period may be helpful in meeting these requirements. In some institutes, the constitutions require a period of formation in the institute prior to novitiate. If so, the constitutions and its requirements must be followed.

Myth: Converts have to wait a period of years before entering religious life.

There is no current requirement in the code of canon law for a period of waiting before a convert to Catholicism may enter a religious institute. The code of canon law requires that those entering the novitiate be 'suitably prepared'. It is up to the judgment of the major superior admitting a person to novitiate whether a new convert is suitably prepared.

Myth: Novitiate must be two years: the canonical year and the apostolic year.

Only one year of novitiate is required in the code of canon law. A second year is allowed. Many institutes' constitutions permit or require a second year of novitiate. In this case the constitutions must be followed, unless a dispensation is obtained.

Myth: A person who has been married doesn't need an annulment to enter a religious community if it wasn't a Catholic Marriage.

Marriage is an impediment to a public perpetual vow of chastity. If a person has been married, even civilly, and their spouse is still alive, their situation should be investigated to ensure that they are free to enter religious life. The best way to ensure the investigation is done well is to seek an annulment of the marriage. Diocesan tribunals are competent to carry out the required investigation, as well as to make an official pronouncement on the validity of the marriage. Dispensation from the impediment of marriage is less common, but may be an option if an annulment is not possible.

Other Myths

Myth: If a community calls it an experiment, they don't have to follow their constitutions.

The constitutions are the fundamental code for an institute, making provision for all the essential aspects of the institute. Constitutions are approved by the Bishop or by Rome. Institutes have secondary law and policies that make more detailed provision for the life of the institute. This secondary law and the policies can be adjusted as needed by the institute in response to current needs and changing times. However, the fundamental code of the constitution should be more stable. If a permanent change is needed, it should be approved by the bishop or by Rome, whoever approved the constitutions in the first place. If a temporary change is needed, perhaps the constitutions give the congregational leadership the power to dispense. If not, a dispensation should be sought from the Bishop or from Rome. This helps to ensure that the fundamental nature of the institute remains and that the rights of all are protected.

Myth: Sisters and Brothers give all money from their salary to the community, but they can pocket anything else: extra jobs, bonuses, gifts.

Canon 668.3 states that "whatever a religious acquires by personal labor, or on behalf of the institute, belongs to the institute." Thus everything that comes by way of salary, extra jobs or bonuses would belong to the institute. Most communities have policies on gifts providing whether members can keep certain gifts from family and friends and monetary gifts.

Many thanks for all those who added "myths" to my collection, there are many others that I could not respond to in this short article. I plan to include a "Canonical Myth-busters" section in my upcoming newsletters. Feel free to send me myths you have heard or wondered about.

If you would like to enhance your canon law background, consider registering for the 9-hour online [Introduction to Canon Law: www.ahereford.org/canonlaw101](http://www.ahereford.org/canonlaw101). The series is released over a 4 week period. All sessions are available on-demand, so participants can view sessions any time during the 4 week series and for two additional weeks. The series is also available on USB.

[Register for this newsletter: http://eepurl.com/ga8d](http://eepurl.com/ga8d)

Recorded Webcasts: Not available for a webcast? You can register to view it On-Demand or on CD-ROM, go to www.ahereford.org/registration.

Please let me know if I can be of assistance to you or your organization.

Sincerely,

Amy Hereford