



Religious Law and Consultation

Newsletter

Upcoming Webcasts

Transitioning Leadership

June 20, 2017

Ministerial Public Juridic Persons

August 15, 2017

Legacy Trusts

November 21, 2017

Time:

Tuesdays, 2:00 pm ET, 11:00 am PT

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Transitioning Leadership

Religious life is at a time of transition. This notion reminds me of the opening lines of *A Tale of Two Cities*.

- It was the best of times, It was the worst of times....in short, the period was so far like the present period.

When is life not in a time of transition. Leadership teams come and go, ministries come and go, brothers and sisters enter, make profession, change ministries and residence, and eventually die. Yet this time of transition has some distinct features. We find ourselves re-examining leadership structures, asking if another structure might better serve the changing needs of our communities.

Regardless of the changing needs, there are some constants. 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 especially as we look to transitions.

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.

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.

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 on 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.

Areas of Leadership

It is possible to think of the various areas of leadership, both personal and collective, under four broad headings: Sponsorship, Eldercare, Administration and Canonical Leadership.

Sponsorship – refers to the responsibility that many institutes exercise over their ministries. They may have established schools, universities, health-care ministries and social services. These ministries are often separately incorporate while the institute continues to retain some level of responsibility and control for them. Many institutes see the need of entrusting these works to others to continue their service.

Elder-care – is the need to identify means of ensuring the ongoing care of sisters/brothers. In addition to providing a place to live and adequate care, the institute also ensures their ongoing personal and pastoral support and assists them as their needs change over time.

Administration – refers to the business office functions, financial and legal services. Sometimes these functions are carried out within the institute by brothers/sisters, with professional staff. In other case, leadership identifies providers and partners outside the institute.

Leadership – is the canonical oversight of each of these areas together with the pastoral care of the sisters/brothers and the shepherding of the continued life of the institute.

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.

Transitioning Leadership

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.

Between Terms: Leadership transitions between successive leadership teams as one completes its term and the next begins its term. The outgoing leadership assists the incoming leadership as it takes up its responsibilities.

Changing Structures: Often institutes are seeking to simplify leadership structures. This change often happens at the change of leadership terms, and presents its own challenges. The changed structures may require fewer in leadership to accomplish the same amount of work. If this is to be done, adequate administrative support and support from others in the institute is critical.

Outside Leadership: Leadership also transitions when an institute no longer has sufficient sisters/brothers to serve in congregational leadership. In this case, someone who is not a brother/sister of the institute is appointed to carry out many of the tasks of leadership. That person may be called a commissary or canonical trustee, and this may be part of a covenant. This transition is challenging because the trustee, though familiar with religious life, has not experienced life and leadership in the institute. The trustee must learn the culture and expectations of the particular institute at a time when that institute and its brothers/sisters are undergoing its own transition.

June's [webcast](#) will explore transitioning leadership, with a particular emphasis on institutes who are seeking outside leadership, and those individuals and communities who are serving in this capacity.

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

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Email newsletter on legal topics of interest to religious and nonprofit organizations.

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